

LOK SABHA DEBATES

(Fifth Session)



(Vol. XIX contains Nos. 11-20)

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA

Monday, 1st September, 1958.

The Lok Sabha met at eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Geneva Agreement

*750. { Shri Shree Narayan Das:
Shrimati Renu Chakravartty:
Sardar Iqbal Singh:

Will the Prime Minister be pleased to state:

(a) whether any fresh efforts have been made by the Co-Chairmen of Geneva Conference towards the full implementation of the Geneva Agreement; and

(b) if so, with what results?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) The Government of India are not aware of any specific efforts recently made by the Co-Chairmen of the Geneva Conference to expedite the full implementation of the Geneva Agreement.

(b) Does not arise.

Shri Shree Narayan Das: May I know whether any proposal is being considered by the Co-Chairmen of the Geneva Conference to convene another Geneva Conference with a view to give effect to the agreement that was reached earlier?

Shri Sadath Ali Khan: No, Sir.

Shri Shree Narayan Das: May I know whether there has been any change in the attitude taken up by the South Viet Nam Government with regard to its responsibility to give effect to the provisions of the agreement reached there?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not think there has been any major change, minor deviations and, sometimes, expression of opinion might take place.

Integrated Heavy Machine Building Plant

*751. { Shri Ram Krishan:
Sardar Iqbal Singh:
Shrimati Ila Palchoudhuri:
Dr. Ram Subhag Singh:
Shri Sanganna:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 169 on the 14th February, 1958 and state the progress made with regard to the setting up of an Integrated Heavy Machine Building Plant with the aid of the U.S.S.R.?

The Minister of Industry (Shri Manubhai Shah): The Memorandum of Instructions and the major part of the initial data required for the preparation of the detailed project report have been made available to Messrs. Technoexport of the U.S.S.R.

Shri Ram Krishan: May I know the name of the site chosen?

Shri Manubhai Shah: Near Hatia village in Ranchi.

Shri Ram Krishan: May I know the nature of aid to be given by U.S.S.R.?

Shri Manubhai Shah: The entire thing is being established by the Central Government.

Shri Ramanathan Chettiar: May I know what will be the cost of the scheme, and to what extent the U.S.S.R. Government is going to help us?

Shri Manubhai Shah: The present cost is expected to be Rs. 45 crores. Out of the 500 million rouble aid, about 150 million rouble aid will be utilised for importing machinery for this plant.

Shri Ranga: May I know in how many years it is expected to be completed?

Shri Manubhai Shah: About 4½ years, if everything goes according to schedule.

Shri Jaipal Singh: With a view to ensure harmonisation of relationship at Hatia and all round it, would the Minister see to it that for this new line that is being constructed—the permanent way—there is notification first and land acquisition next instead of the present process whereby lands are being taken away without acquisition and compensation? They are not objecting to it, but what is happening is that you are creating friction and tension.

Shri Manubhai Shah: All due process of law will be resorted to.

Shri Jalpal Singh: That is not being done now.

Forward Trading

752. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have studied the effects of bringing non-transferable specific delivery contracts under the regulatory provision of the Forward Contracts Regulation Act in Greater Bombay; and

(b) how far has this measure prevented the abuses in the Cotton Market?

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

(b) The misuse of non-transferable specific delivery contracts in cotton has been reduced in Greater Bombay to a great extent by effective prevention of transference of such contracts.

Shri V. P. Nayar: Could I have an idea of total volume of business transacted under this non-transferable specific delivery contracts in respect of cotton in Bombay?

Shri Kanungo: The by-laws controlling this type of transaction under the Act were finalised by the East India Cotton Association in July. Therefore, I have not got the figures in respect of transactions which have been allowed or disallowed.

Shri V. P. Nayar: My question was . . .

Mr. Speaker: He wants to know the total volume.

Shri V. P. Nayar: I want to have only a rough estimate. If we were to have some modification of the law, Government must certainly have an idea of the possibility of the quantum of mischief which is possible. I want to know whether Government have any idea of the total volume of contracts covered by this non-transferable specific delivery contracts.

Mr. Speaker: He wants to have an estimate.

Shri Kanungo: We cannot have an estimate, because it was prohibited by law till it was regulated under the by-law.

Shri V. P. Nayar: The answer given is that misuse is now being prevented by notification of the law. How does the hon. Minister say that?

Mr. Speaker: It was only in July that the bye-laws were finalised. The Minister is not able to give the figures, because these were finalised only a month ago.

Shri V. P. Nayar: How can we have some new laws without having a background as to what possibility of mischief is there?

Shri Kanungo: It is not a new law. The law is already there. It is only a question of application of the provisions of the bye-laws.

Shri V. P. Nayar: But he must have the background. . . .

Mr. Speaker: Order, order. Hon. Member will continue to be a Member of this House for four more years. Let him wait for sometime more.

Shri Heda: Sir, the exact amount of misuse or contracts taking place may not be known because they are not entered in the books. Even then, Government would have their own information to find out what approximately is the quantum of business that is taking place under this type of contract.

Shri Kanungo: The fact that misuse was done of this type of contract was brought to the notice of the Forward Market Commission; therefore, they asked it to be regulated by the East India Cotton Association. The volume of illegal transactions cannot be ascertained.

Shri V. P. Nayar: The hon. Minister says that he is not able to give the figures. Could I know from him what is the main *modus operandi* in this kind of misuse?

Shri Kanungo: Well, there are several. I would not like to disclose them here.

Delhi Race Course

*754. { **Shri Ram Krishan:**
Sardar Iqbal Singh:

Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No. 397 on the 22nd November, 1957 and state details of the proposal regarding using the land of the Delhi Race Course Club for some other public purposes?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): No proposal has yet been formulated.

Shri Ram Krishan: May I know by what time this matter will be finalised?

Shri Anil K. Chanda: According to present arrangements, the land leased out is to be resumed by Government after 30th June, 1959. There is a lot of time for us to finalise our plans.

Shri Ansar Harvani: May I know whether there is any proposal to provide alternative land to the Delhi Race Course Club?

Shri Anil K. Chanda: No, Sir.

Shri Ranga: May I know how much land is involved in this matter?

Shri Anil K. Chanda: About 85 acres

श्री भक्त दर्शन : क्या मैं जान सकता हूँ कि कितने कामों के लिये इस जमीन का उपयोग किया जाने वाला है ?

Shri Anil K. Chanda: No, we have not decided. I have already said that in my answer.

Zirconium Factory

*756. { **Shri V. P. Nayar:**
Shri Vasudevan Nair:

Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 1850 on the 25th April, 1958 and state—

(a) whether the Government of India have since taken any decision on the setting up of the proposed Zirconium factory;

(b) if so, its location;

(c) the total expenditure envisaged; and

(d) the employment potential of the Plant?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No decision has yet been

taken to set up a plant for producing Zirconium.

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

Shri V. P. Nayar: It appeared to us, from the annual report of the Atomic Energy Commission placed on the Table of the House, that Government had taken a decision to set up a zirconium factory, and I thought the Prime Minister's reply to the debate on Atomic Energy strengthened that conclusion. I want to know whether it is in contemplation

Shri Jawaharlal Nehru: The position is that while zirconium has certain very outstanding characteristics for use as a structural and canning material in nuclear reactors and, further, we have considerable supplies of zircon, from which zirconium is derived, in Travancore, this mineral, zircon, contains also another thing called hafnium which is a poison, and these two have to be separated. What is proposed at present is to put up a pilot plant to see how we can separate these and produce just a few tons. If that experiment is successful, then the next stage will be considered as to whether to put up a bigger plant or not.

Shri V. P. Nayar: May I know whether Government have decided about the location of the pilot plant?

Shri Jawaharlal Nehru: I do not know about any decision, but it is likely to be where the big atomic energy complex is—at Trombay—because the people are there who will run it.

Shri Ranga: I do not know whether I can find any description of these things in any dictionary. May we have some enlightenment about this particular material? Is it an element or is it a sort of ore? We do not know. Is it absolutely necessary that the pilot plant has got to be started only in the place where the material is to be found? Can it not be had at Trombay where we have the Atomic Energy Commission?

Shri Jawaharlal Nehru: Zircon is a mineral; from this zirconium is extracted. This mineral, zircon, also has hafnium in close association with it, and this hafnium, as I have said, may behave as a poisonous substance. One has to extract it. As I said, the most suitable place for the pilot plant is where other facilities are available—it is not a matter of availability of the mineral alone—is Trombay. All the facilities are really available in India mostly at Trombay.

Shri V. P. Nayar: I would just like to know whether one of the reasons for postponing the decision to set up a zirconium factory is the non-availability of foreign exchange.

Shri Jawaharlal Nehru: As I said, the factory cannot be put up till a pilot plant has functioned and given results. I have not heard of foreign exchange coming in the way of the pilot plant.

दिल्ली के तोंहाड़ गांव के लिये नया नक्शा

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*७५७. { श्री नवल प्रभाकर :
 { श्री भक्त दर्शन :

क्या पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि केन्द्रीय पुनर्वास मंत्रालय ने दिल्ली विकास प्राधिकार से प्रार्थना की है कि नये नक्शे के अनुसार तोंहाड़ को एक आदर्श गांव बना दिया जाये;

(ख) यदि हा, तो यह काम कब तक पूरा होने की आशा है और

(ग) उपरोक्त परियोजना पर कितना व्यय होगा ?

पुनर्वास उ शंख (श्री पू० शे० नास्कर) (क) जी हा ।

(ख) काम शुरू होने के बाद लगभग एक माल में खतम हो जावेगा ।

(ग) ७,११,४०० रुपये ।

श्री नवल प्रभाकर : डी० डी० ए० वालों का यह कहना है कि मिनिस्ट्री ने अभी यह जगह ट्रामफर नहीं की है, इसलिये उन

को काम करने में दिक्कत हो रही है ? मैं जानना चाहता हूँ क्या यह सही है ?

पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री (श्री मेहर चन्द खन्ना) : मेरे इत्मी में तो यह बात नहीं आई है। जब मैं रुपया भी देने को तैयार हूँ और जमीन भी, तो कोई विघ्न तो नहीं पड़ना चाहिये लेकिन अभी जो आर्नाबिल मेम्बर ने मवाल उठाया है मैं उस को देख लगा।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि ये जो प्लॉट तैयार होंगे ये रिफ्यूजीज को कितनी जगहों पर दिये जायेंगे ?

श्री मेहर चन्द खन्ना : यह निकामी जमीन है और इस के हम प्लॉट बनायेंगे और इस को डेवेलप करेंगे। अभी तो कुछ कहना मुश्किल है, लेकिन मेरा खयाल है कि उस के बाद मुमकिन है कि कम्पैन्सेशन स्कीम के नीचे जो रूल है उन के मुताबिक कार्रवाई की जाये।

श्री भक्त दर्शन : अभी माननीय मंत्री जी ने बतलाया कि काम शुरू होने के बाद लगभग एक साल में खत्म हो जायेगा। लेकिन मैं जानना चाहता हूँ कि यह काम शुरू कब होगा ?

श्री मेहर चन्द खन्ना : यह काम तो करेगी सी० पी० डब्ल्यू० डी० और नक्शा मजूर करेगी डी० डी० ए०। जहाँ तक मेरा ताल्लुक है जमीन भी हाजिर है और रुपया भी हाजिर है।

श्री नवल प्रभाकर : मैं समझता हूँ कि माननीय मंत्री जी की जानकारी अधूरी है। मिनिस्ट्री ने रुपया डी० डी० ए० को दे दिया है और यह काम डी० डी० ए० करेगा, सी० पी० डब्ल्यू० डी० नहीं करेगी।

श्री मेहर चन्द खन्ना : जहाँ तक मेरा खयाल है, मुमकिन है मेरी इन्फॉर्मेशन अधूरी हो, यह काम करने की एजेंसी

सी० पी० डब्ल्यू० डी० ही होगी। अगर कहे तो मैं इसकी दोबारा तशखीस कर सकता हूँ।

Service Records from Pakistan

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*759. { **Shri Subodh Hansda:**
Shri S. C. Samanta:

Will the **Prime Minister** be pleased to state:

(a) whether the service records of all Central Government employees who were serving in Pakistan before partition have been received by Government; and

(b) if not, the reasons therefor?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) No, Sir

(b) Under an agreement reached with the Government of Pakistan in July, 1955, lists showing particulars of all Central Government servants, whose service records were due from Pakistan, have been compiled and sent to Pakistan for collection of the records at their end. Similar lists have been received by us from Pakistan Government. Steps are now being taken by both the sides to collect the records with a view to exchange them *en bloc*.

Shri Subodh Hansda : May I know how many service records have been received by the Government up to date?

Shri Sadath Ali Khan : So far, particulars of 2,614 service records have been sent to the Government of Pakistan in three batches. The first batch was sent in March, 1956. The Government of Pakistan forwarded to us in the end of December, 1957, a list of 2,583 persons whose service records were said to be due from us.

Shri Subodh Hansda : May I know whether there is any objection from the Pakistan Government to give back the service records of the Central Government employees?

Shri Sadath Ali Khan: There is no objection, but delays occur.

Shri P. R. Patel: May I know whether there are Sind cases wherein employees have not received their pension since partition—those who have come from Karachi and stay in India?

Shri Sadath Ali Khan: In the absence of service records Government employees on our side are being accorded all the benefits due to them on production of acceptable collateral evidence regarding details of service prior to migration to India.

Shri P. R. Patel: May I know whether it is a fact that one Mr. Prabhat Shankar Ganpat Ram requested this Government to look into his pension claim and yet the case is pending?

Mr. Speaker: The hon. Member will give intimation to the hon. Minister. The hon. Minister cannot have at his fingers' ends information regarding individual cases.

Shri U. L. Patil: May I know whether the service records of persons serving in semi-Government bodies, namely, local bodies, district boards, etc., have also been called for?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am afraid I cannot answer that question straightway. I will have to enquire into it.

Mr. Speaker: I do not want ordinarily to allow any question relating to details of administration. We are not here to judge that and we do not have all the facts. I would suggest that to the hon. Members. At the same time, I would request hon. Ministers, whenever requests are made or information is sent, by any hon. Member regarding a particular hard case, to look into it and give replies to it.

Shri Jawaharlal Nehru: I should be very glad if the hon. Member will send us particulars of this case.

Mr. Speaker: Yes; both the hon. Members may do so.

श्री सदाथ अली खान : मैं यह जानना चाहता हूँ कि अभी तक कुल कितने सरकारी कर्मचारियों के सरविस्त रिटर्न पाकिस्तान में मौजूद हैं और यहाँ नहीं आ पाये हैं, और अगर वे नहीं आ पाये हैं तो उनके साथ पिछले रिटर्न के बिना किस तरह में न्याय किया जा रहा है ?

श्री जवाहरलाल नेहरू : अभी कहा गया कि अगर वह और कोई सबूत पेश करते हैं चाहे वह कागजी न हो और कोई सबूत हो, तो बिलफेन हम उसे मंजूर कर देने हैं और उसी के ऊपर देते हैं।

Under-developed Countries

"760. **Shri Harish Chandra Mathur:** Will the **Prime Minister** be pleased to state:

(a) whether U.N. Secretary General has proposed the setting up of a pool of expert administrators to serve in under-developed countries, and

(b) what is the nature of the scheme and the Government of India's reaction to it?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) The memorandum by the Secretary-General about his proposal for the setting up of an International administrative service is placed on the Table of the House [See Appendix III, annexure No. 110] The Government of India is, in principle, in favour of the setting up of this service on an experimental basis and on a modest scale.

Shri Harish Chandra Mathur: From the memorandum which has been placed on the Table of the House, it is seen that it was circulated by the Secretary-General in June, 1957. May I know what progress has been made since then?

Shri Sadath Ali Khan: The Secretary-General is to submit his first report to the Council at its 26th session in the summer of 1958. So, the matter is still there.

Shri Harish Chandra Mathur: This memorandum which is supplied to us says, "10th June, 1957". That is why I asked the question.

Mr. Speaker: We have no control over the Secretary-General.

Shri Harish Chandra Mathur: There is no question of control. I am asking whether any progress has been made since then. It is more than 15 months now. I have not been able to understand what it is.

Mr. Speaker: By the summer of 1958, the Secretary-General has promised to place the report. Is that so?

Shri Sadath Ali Khan: Yes.

Mr. Speaker: Summer is not yet over, I think.

Shri Hem Barua: May I know what are the under-developed countries that the Secretary-General of the U.N.O. had in mind when formulating such a proposal for an International Administrative Service, and what is the reaction of the under-developed countries to the proposal of the Secretary-General?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The whole subject is rather in a fluid state. Obviously, if the Service is formed, it can be an adequate Service only if it is spread out over various countries. If it is confined to a few countries, it will hardly be called international. I suppose many of the under-developed countries would not particularly favour that idea.

Shri Hem Barua: The answer of the under-developed countries?

Mr. Speaker: Details are not known until the report is given.

Shri Jawaharlal Nehru: I cannot answer on behalf of other countries as to what answer they have given.

Shri Sinhasan Singh: In view of the report made by Mr. Appleby who has observed that India is one of the best administered countries in the world, is

India also regarded as an under-developed country?

Shri Jawaharlal Nehru: I am sorry I could not grasp the question.

Mr. Speaker: The hon. Member wants to know if India is also one of the under-developed countries.

Shri Sinhasan Singh: It is written in Mr. Appleby's report that India is one of the 12 best administered countries. In view of this, is India considered as an under-developed country?

Shri Jawaharlal Nehru: The hon. Member is entering into the administrative region. As a matter of fact, India has supplied a fairly large number of experts, administrative, educational, scientific, irrigational, etc. to various countries in Asia and Africa. Nevertheless, "under-developed" is a comparative term; it is under-developed compared to the more developed countries.

Shri Kasliwal: May I know whether as a result of this, the Government of India will be called upon to make any additional contribution to the U.N.O.?

Shri Jawaharlal Nehru: Contribution?

Mr. Speaker: Contribution to the expenditure of the United Nations.

Shri Jawaharlal Nehru: That question would be an entirely separate question, which is not connected with this. If the United Nations expenditure goes up and up, as it tends to do, then the question arises as to who should pay for it; whether it should be shared by all or whether some country should pay a greater share than others. That question comes up independently; it has nothing to do with this.

Shri Harish Chandra Mathur: May I know whether it is the intention of this country to participate in this scheme because we need some administrative officers for this country or is it only to assist the international pool?

Shri Jawaharlal Nehru: We require no administrative officer from any other country. We hope very soon we will not require any considerable number of technical officers either. As a matter of fact, by and large, we have a fair supply of these people. Our difficulty sometimes arises because of the large demands made upon us to supply administrative officers to other countries. One country, Africa, asked us suddenly for 200 officers of various types. That is a burden. So far as I know, this scheme is in a fluid state and the idea is to develop an international service with an international outlook not confined to a nation, so that gradually, we may have a real international service.

Shri Harish Chandra Mathur: The hon. Prime Minister stated that this service is being constituted to develop an international outlook. But if we read through this memorandum, we find that it is not for that purpose. As a matter of fact, Indonesia made a request for the constitution of such a service. In the various reports of the U.N.O., it was mentioned that proper administrative services were not available in certain countries which stood in the way of the development of those countries. May I know if that is not the purpose?

Mr. Speaker: The hon. Minister says this is also a purpose. Both are purposes. There is no harm in that.

Shri Hem Barua: What is the reaction of the Government to the counter-proposal made by Mr. Lester Pearson as against the proposal made by the Secretary-General, about an international professional and technical service in place of an international administrative service?

Shri Jawaharlal Nehru: I am sorry I have no precise knowledge of that proposal and I cannot answer that question.

Shri Ranga: If and when this service comes to be constituted and when there are certain under-developed countries, are they to be sent there for a period of 20 or 30 years or only

for a period of three, four or five years?

Shri Jawaharlal Nehru: I do not know. May I say that while it is very desirable, I think, to have a person with an international service background to serve in other countries, rather than a national background, on the other hand, people accredited to the United Nations to do such functions have become so terribly expensive that it is difficult to have them.

Rayon Pulp Factory in Kerala

*762. **Shri Tridib Kumar Chaudhuri:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No 3439 on the 7th May, 1958 and state:

(a) whether it is a fact that M/s. Gwalior Rayon Silk Manufacturing (Weaving) Company Limited and the Government of Kerala have requested the Central Government to act as an arbitrator in case of any dispute, question or difference between them in connection with the proposed Wood Pulp (Rayon Grade) Factory at Nilambur/Beyapore, District Malabar (Kerala);

(b) if so, whether Government have agreed to their request; and

(c) whether a copy of the agreement between the Kerala State Government and the said party will be placed on the Table?

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

(c) A copy of the Agreement is laid on the Table of the House. [See Appendix III, annexure No. 111.]

Shri Tridib Kumar Chaudhuri: May I know if Government were associated at any stage with the negotiation between Messrs. Birla Brothers who control the Gwalior Company and the Kerala Government and if the Central Government have approved some part of the agreement?

Shri Manubhai Shah: This is a matter which is completely within the competence and jurisdiction of the Kerala Government.

Shri Tridib Kumar Chaudhuri: So far as the arbitration part was concerned, before giving the consent to act as arbitrator, did the Government of India approve of the terms of the agreement?

Shri Manubhai Shah: We were only asked to say whether we will be ready to arbitrate. To that extent, our consent was given.

Shri Tridib Kumar Chaudhuri: May I know whether the necessary permission under the Industries (Development and Regulation) Act has already been accorded to this company and the necessary foreign exchange has been provided for?

Shri Manubhai Shah: Yes, Sir. Under that Act, the proposal has been approved and a licence for Rs 25 crores for the foreign exchange part of the machinery has been already granted.

Shri Hem Barua: From the statement I find that bonus will not be related to the Company's profits, but will be related to and paid on efficiency and productivity and that too if the company considers it necessary. May I know why the Government has allowed such an agreement to be entered into which writes off all the progressive legislation so far passed in this House?

Shri Manubhai Shah: As I have already indicated, as far as the terms of the agreement and conditions are concerned, it is within the competence and jurisdiction of the State Government. But I may draw the attention of the hon. Member to the fact that under the free and democratic Constitution of India, every citizen has been accorded certain fundamental rights and the Central Government is charged under the Constitution with the duty of protecting the legitimate enjoyment of such rights, if there is any violation partially or wholly. If any such case

arises, it will be always up to the Central Government either to use its good offices or to exercise such powers as are vested in it by statutes and protect those rights.

Shri Tridib Kumar Chaudhuri: Did the Government ascertain the views of the Union Labour Ministry regarding the agreement, in view of the fact that a good part of the agreement is related to industrial relations and also find out to what extent they conflict with the existing labour policy of the Government of India?

Shri Manubhai Shah: I have already indicated it in my earlier answer. This is only another way of asking the same question. So far as the terms and conditions of the agreement are concerned, it is the exclusive concern of the Kerala Government and the party which has entered into the agreement.

Mr. Speaker: When the conflict arises, it will be settled either by the courts or somebody else.

Evacuee Property in Delhi

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*764. { **Shri Radha Raman:**
Shrimati Renu Chakravartty:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state

(a) whether Government are aware that most of the properties under the control of the Custodian in Delhi are in a poor condition and a number of houses collapse after rains;

(b) the number of such houses which collapsed during the heavy rains in Delhi in July, 1958;

(c) the number of persons who lost their lives on account of such collapses, and

(d) the steps taken by Government to improve the condition of the houses?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) to (d). A statement is

laid on the Table of the House. [See Appendix III, annexure No. 112.]

Shri Radha Raman: May I know whether the Government have prepared any estimate in respect of such houses which are in a dangerous condition and if so, what is that estimate?

Shri Mehr Chand Khanna: We have not prepared any estimate. But when this unfortunate tragedy occurred, the Prime Minister called a meeting of the various important interests represented in Delhi and two high-powered committees were set up, one under the Mayor and the other under the Minister of Works, Housing and Supply. These committees are looking into this question. Whenever a case of a dangerous house comes up, we have given a certain authority to the Corporation to have the house demolished or repaired.

श्री नवल प्रभाकर क्या मैं जान सकता हूँ कि डेवैक्वी प्रापर्टी के अन्दर जो मकान आते हैं, उन में से कितने मकान गिर गये हैं कितने मकान बाँतों का कार्पोरेशन की तरफ से नोटिस दिये गये हैं ?

श्री मेहर चन्द खन्ना जो स्टेटमेंट मैं ने यहाँ रखी है उस में जातिष्ठ है कि हमारे पास दिल्ली शहर में जो डेवैक्वी प्रापर्टी के मकान हैं उन की तादाद कोर्ट २४००० के करीब है और जब बहुत ब्राय्ज हुई थी या पानी पड़ा था तब ४१ के करीब मकान सीरियसली डेमेज हुए थे ।

श्री नवल प्रभाकर कितनों को नोटिस दिया गया है, यह भी मैं जानना चाहता था ?

श्री मेहर चन्द खन्ना यह मैं नहीं कह सकता कि कितनों को नोटिस दिया गया है । लेकिन हम ने यह इतिजाम कर लिया है कि जहाँ हमें यह पता लगे चाहे कारपोरेशन की तरफ से और चाहे किरायेदार की तरफ से कि मकान की हालत अच्छी नहीं है—बाड़ मकान तो मुगल वक्त के हैं,

मैंकड़ों बरस पहले बनाये गये थे—तो हम उसी वक्त एक्शन लेते हैं उस मकान को गिरवाने का ताकि जान व माल का नुकसान न हो ।

Dr. Sushila Nayar: There are many houses that are in a dangerous condition, but the residents find it difficult to get alternative accommodation, so that they are continuing to take the risk of living in those houses. Would the hon Minister give us some indication as to what arrangements there are for alternate accommodation?

Shri Mehr Chand Khanna: The provision of alternative accommodation does not arise here. All those evacuee houses which are available, I mean those that are vacant, we have intimated to the Corporation. We tell them "These are the houses available and such and such displaced persons are entitled to allotment." We have no objection to whatever houses being allotted to the evacuee.

Shri Prabhat Kar: May I know whether the attention of the hon Minister has been drawn to a report published in "The Statesman" about a house belonging to an evacuee which is under the custody of the Custodian of Evacuee Property? The facts of the case mentioned there show the utter callousness of the Custodian in the proper maintenance of the house.

Shri Mehr Chand Khanna: I think the hon. Member has not seen my reply to the question. I have given a very exhaustive statement making the position absolutely clear. There is no callousness on our part.

Shri Jadhav: May I know whether it is a fact that rent arrears come to about Rs. 50 lakhs now? If so, what steps are being taken to make recoveries?

Shri Mehr Chand Khanna: It is not easy to take steps. The moment we take some steps it is from the opposition that a question is put that we should not realise it.

Rehabilitation of Displaced Persons in Orissa

*765. **Shri Panigrahi:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state

(a) whether the displaced persons living in the camp at Charbatia have been rehabilitated in Orissa, and

(b) if so, the land made available to them for this purpose?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) and (b) 689 families consisting of 2,710 displaced persons of Charbatia Camp have so far been rehabilitated in Orissa on an area of about 3,500 acres.

Shri Panigrahi: May I know whether Government have formulated any scheme for providing technical training to the refugees near about Charbatia camp? If so what are the details of the scheme for the training of persons?

Shri P. S. Naskar: We have sanctioned one training scheme near about Charbatia camp. I have not got the details of the scheme with me here. It is for the training of young men on different technical and professional trades.

Shri Panigrahi: What is the money sanctioned for that?

Shri P. S. Naskar: I do not have the exact details.

Shri Tridib Kumar Chaudhuri: May I know the total population of Charbatia camp? Will all of them be rehabilitated in Orissa or outside Orissa also?

Shri P. S. Naskar: There are about 456 families living in the camp. Out of these 197 families are agriculturists and the rest are non-agriculturists. The agriculturists will be rehabilitated on land. As regards the non-agriculturists, several schemes are under consideration of the State Government.

Shri Panigrahi: May I know the total amount of land which the State Government has been willing to place

at the disposal of the Union Ministry of Rehabilitation for rehabilitation of displaced persons in Orissa?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): The area of land will be correlated to the number of families that we wish to rehabilitate. My hon friend has already replied that a number of families have already been settled on land. The number of families who are yet to be settled on land is about 197 or about 200. For them we need about 1,000 acres. Every effort is being made to locate that land.

Shri Panigrahi: My question was different.

Mr Speaker: The hon Member wants to know in advance how much land will be offered by the State. The hon Minister says that the question to what extent land has been made available will arise when the number of families to be rehabilitated has been decided.

Shri Panigrahi: A request was made at the Eastern Zonal Council meeting to the different State Governments by the Union Minister of Rehabilitation to express their opinion to what extent they can allow land for resettlement of refugees in different States. I would like to know what was the offer made by the State Government of Orissa.

Shri Mehr Chand Khanna: A big part of the offer made by them was the land for Dandakaranya.

Shri Dasaratha Deb: What is the amount of land that is being given to each family when it is resettled?

Shri Mehr Chand Khanna: Roughly 4.5 acres.

Belonia and Sabroom in Tripura

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

(a) the number of huts which collapsed during the gale on the 18th May, 1958 in the sub-divisions of Belonia and Sabroom in Tripura,

(b) whether the affected persons are mostly displaced persons and tribal people; and

(c) what financial aid has been given to the affected displaced persons?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) 3,924 huts.

(b) Out of the 2,438 families affected, 591, were displaced persons

(c) Immediate relief was provided to the displaced persons by giving them work on the development projects in the area. Proposals for the grant of further relief are under the consideration of the Tripura Administration

Shri Dasaratha Deb: May I know the amount that is given as relief for these families?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): The question of giving any cash does not arise at present. As my hon. colleague just now stated, we are giving them relief work. As far as the question of giving relief to individual persons is concerned, the matter is under the consideration of the Tripura Administration

Regional Museums

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*768. { **Shri Subodh Hansda:**
 Shri S. C. Samanta:

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

(a) whether it is a fact that three Regional Museums of Industries, Safety, Health and Welfare would be constructed at three different places,

(b) if so, whether the construction of the buildings for these museums has started; and

(c) the time by which the construction is likely to be completed?

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

(b) Not yet.

(c) By the end of 1960.

Shri Subodh Hansda: May I know where these museums will be constructed?

Shri Abid Ali: Calcutta, Kanpur and Coimbatore.

Shri Subodh Hansda: What is the amount set apart for recurring and non-recurring expenditure for each museum?

Shri Abid Ali: About Rs 30 lakhs non-recurring and about Rs 2 lakhs recurring.

Shri Tangamani: May I know when the museum that is going to be set up in Coimbatore will be completed?

Shri Abid Ali: By the end of 1960.

श्री भक्त दर्शन माननीय मंत्री जी ने बतलाया है कि ये तीनों अजायबघर, यानी म्यूजियम कानपुर, कलकत्ता और कोयम्बटूर इन तीनों स्थानों में स्थापित किये जा रहे हैं। पर तीनों नाम 'क' में प्रारम्भ होते हैं। मैं जानना चाहता हूँ कि और भी स्थानों के बारे में कोई निर्णय किया गया है या कि ये यही पर स्थापित किये जायेंगे ?

श्री आश्विध अली इन का मुख्य केन्द्र बम्बई में रहेगा। यह कानपुर, कोयम्बटूर और कलकत्ता में इसलिये रखे गये हैं कि कि मुल्क के सब हिस्सों में इन केन्द्रों की मार्फत काम किया जा सकेगा।

Naga Raid on Manipur

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*770. { **Shri Hem Barua:**
 Sardar Iqbal Singh:

Will the Prime Minister be pleased to state

(a) whether it is a fact that activities of hostile Nagas have been intensified in Pughoboto and Sataka ranges in the Sema area in Mokokchung sub-division as also in the adjoining State of Manipur;

(b) what steps the leaders of the Naga People's Convention are taking to win back the hostile Nagas from their violent activities; and

(c) the action taken by the Government in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) There have been no reports on intensification of hostile activities in Pughoboto and Sataka ranges. Neither there has been any appreciable increase in the activities of hostile Nagas in Manipur State.

(b) The Naga People's Convention leaders at the last Ungma meeting appointed a Liaison Committee consisting of representatives of various tribes to contact the underground leaders of their respective tribes and areas and to ascertain their views as well as to explain the policy of the Government. This Committee has been contacting underground leaders to find out an agreed solution to bring to an end the present trouble by peaceful means. They have also persuaded the underground people to give up violent activities and come overground to lead peaceful life by taking advantage of general amnesty offer and to enjoy the benefit of development schemes and other facilities granted by the Government.

(c) With the advent of the new Administration, the Civil Administration has been increasingly asserting its influence over the people by officers touring intensively and extensively, contacting the people and explaining the policy of the Government. Facilities are being provided for the proper rehabilitation of all those who agree to give up violence and co-operate with the Government in the development plans. Appropriate help is also being given in the form of food relief, supply of agricultural seeds and tools, expansion of educational and medical facilities. In areas which have been cleared of hostiles, tribal Councils have been formed and are taking over responsibility with the aid of the Administration.

Shri Hem Barua: From the statement it is seen that the leaders of the Naga People's Convention are contacting the underground leaders of the

Naga hostiles. It is also seen from the report that our officers are undertaking extensive and intensive tours in these areas. May I know whether these official tours and these leaders of the Naga People's Convention have been able to secure any information about the present and future plans and programmes of the Naga hostiles as also information relating to the whereabouts of their leader Phizo?

Shri Sadath Ali Khan: I cannot say all that. But, as a result of these tours, as the hon. Member will be aware, a large number of people have given up hostilities.

Shri Hem Barua: That is not my question. My question is this. From the statement it is seen that the leaders of the Naga People's Convention are contacting the underground leaders of Naga hostiles. It is also seen from the report that our officers are undertaking extensive and intensive tours in those areas. May I know whether the tours of these officers, as also the attempts on the part of the Naga leaders, have yielded any results as to the information about the future and present plans and programmes of the hostiles, as also information about the whereabouts of Phizo?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I shall endeavour to give a simple reply to a complicated question. I will take the last part first. So far as our information goes, Phizo resides at present in Dacca.

An Hon. Member: Dacca?

Shri Hem Barua: What about Phizo? Has he succeeded in setting up his Naga Independent Government in Dacca and how far has he been able to contact the foreign embassies there to take up the cause of the Naga Independent State, which is one of his main objectives in running to Dacca?

Shri Jawaharlal Nehru: There is no such thing as a Government established by Mr. Phizo, except on paper, which may issue circulars and those

circulars may even reach hon. Members here.

An Hon. Member: They have.

Shri Jawaharlal Nehru: As for his attempts to get in touch with foreign embassies, I have no doubt that he has made attempts but I do not think that he has met with much success. But sometimes it is possible that some countries may show him some favour. It would not be proper for me to mention names here, but so far as I know nothing has come of it. Mr. Phizo has relied very greatly on promises for the future, i.e., the United Nations will come in or somebody will come in. There is no chance whatever of this matter being brought up in the United Nations or anything happening there. That is the position as far as I know.

Dr. Ram Subhag Singh: May I know whether the agreement which was recently negotiated in Karachi regarding the exchange of prisoners will also be brought to apply on Mr. Phizo who is in Dacca?

Shri Jawaharlal Nehru: First of all, no agreement has thus far been made in Karachi. Talks are taking place in Karachi. We shall only know the decision after the talks are over. Secondly, that has absolutely nothing to do with the Nagas. In Karachi, probably the subject under discussion was the people taken in border raids—people this way or that way and not others.

Shri Hem Barua: May I know if our Government have advised our Deputy High Commissioner in Dacca to keep us informed from time to time about the progress that Mr. Phizo has made there towards the implementation of the scheme for an independent Naga Government?

Shri Jawaharlal Nehru: Naturally, we have many sources of information including the Deputy High Commissioner in Dacca. But principally there are many other sources and at other places too.

एस० एस० लाइट रेलवे

†७७२. श्री भक्त दर्शन : क्या अब और रोजगार मंत्री ७ मई, १९५८ के तारकित प्रश्न संख्या २०६१-क के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि एस० एस० लाइट रेलवे के कर्मचारियों का जो मामला न्यायनिर्णय के लिये भेजा गया था उस के मिलमिले में इस बीच क्या प्रगति हुई है ?

श्री और रोजगार तथा योजना मंत्री : क मन्-मिचिव (श्री ल० ना० मिश्र) : ट्रिब्यूनल ने अपना फैसला दे दिया है जो भारत के राजपत्र में प्रकाशित हो चुका है।

An Hon. Member: In English also.

Shri L. N. Mishra: The Tribunal has since given its award which has been published in the Gazette of India.

श्री भक्त दर्शन श्रीमन्. क्या शासन के ध्यान में यह बात आई है कि इन रेलवे के अन्तर्गत केवल यही एक झगडा नहीं है, बल्कि और भी झगडे समय समय पर होते रहते हैं ? क्या उन के बारे में भी शासन को सूचना है और उन के सम्बन्ध में क्या कदम उठाये गये हैं ?

श्री ल० ना० मिश्र : जो झगडे थे वे समाप्त हो चुके हैं और अब रेलवे शांतिपूर्वक चल रही है।

श्री भक्त दर्शन : क्या कोई ऐसी मशीनरी स्थापित की गई है कि इस रेलवे के कर्मचारियों के झगडे आर्बिट्रेशन तक भी न पहुँचने पायें और आपस में ही उन का तमफिया हो जाय ? इस सम्बन्ध में क्या कोई कदम उठाये गये हैं ?

श्री ल० ना० मिश्र : कर्मनिर्णयन मशीनरी तो है ही। कोई नई चीज नहीं बनाई गई है।

Shri Tangamani: Originally there were more than 300 employee retrenched and that matter was referred for adjudication. Again there was a strike in the loco and nearly 90

persons were retrenched. May I know, as a result of this adjudication and conciliation how many workers have been reinstated now?

Shri L. N. Mishra: The information is not correct. Only 49 persons were retrenched and employment was reduced by 209. At present as a result of this award, there are no people who have been retrenched.

Shri Tangamani: How many people are still outside? That is what I want to know.

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

Shri Tangamani: There was first an adjudication for retrenchment which is referred to in the main question. Subsequently, there was a dismissal which was also referred to early in the Session. May I know how many people among them are yet to be reinstated?

Shri L. N. Mishra: The question was referred to arbitration since the two parties agreed to get the matter disposed of through the arbitrator. **Shri M. C. Sharma**, Deputy Superintendent of Police, Sharanpur and that arbitrator gave his judgment which both the parties have accepted as a result of which, hon. Member will find out in the Gazette of India, no people have been retrenched and all have been employed.

Indian Students in Soviet Union

776. Shri Shree Narayan Das: Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 531 on the 27th February, 1958 and state:

(a) whether as a result of the offer received from the Soviet Union any number of students have been selected and sent for training in peaceful uses of Atomic Energy; and

(b) if so, the institutions where they are being trained or will be trained?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No.

(b) Does not arise.

Shri Shree Narayan Das: What happened to the proposal that was circulated to so many nations by the Soviet Government?

Shri Jawaharlal Nehru: The hon. Member wants to know as to what happened to the proposal in regard to India and in regard to other countries. I do not know about other countries, but the original proposal from the Soviet Union was for a course of training which was not quite specified as to what training, allowances, scholarships etc. were to be given. After much enquiry we found that the training was rather, what might be called, elementary and not the advanced training. That particular training was not required by us. We had provision for that here.

Further enquiries were made and the latest position has been that of the about five or six years' course the first year is spent more or less in learning the language there. It is not clear that this training is for the final training, i.e., post-graduate training. What we have been anxious to have was that So, we have been still corresponding about this.

I might mention here that apart from this particular scheme, there is another scheme. A junior research officer of the Trombay Atomic Energy Department has been in Moscow training in radiation damage and cobalt complexes etc. Another candidate is expected to take up another scholarship of the U.S.S.R. under this other scheme—physical chemistry.

Shri Ranga: Is it not a fact that apart from this we do send some of our highly trained technicians for advance training in Soviet Russia? We sent some from Bhilai, i.e., those who have been employed there.

Shri Jawaharlal Nehru: They are sent for a specific purpose—for the

plant which is being manufactured in the Soviet Union. They go there, they see the plant being made and they are trained in the use of that plant.

In this way people have been sent in large numbers to the Soviet Union for the Bhilai plant and to Germany for the Rourkela plant. Wherever the plant is made, people go.

Industrial Estate Bahadurgarh (Punjab)

*777. **Shri Ram Krishan:** Will the Minister of Commerce and Industry be pleased to state the progress made so far in the Industrial Estate at Bahadurgarh in the Punjab State?

The Minister of Industry (Shri Manubhai Shah): The State Government consider that the cost of water supply in the proposed small Industrial Estate at Bahadurgarh will be very high and are therefore re-examining the question in consultation with their Public Health Authorities.

Shri Ram Krishan: May I know by what time this matter will be decided finally?

Shri Manubhai Shah: The State Government, as I said, are examining this question and as soon as their examination is over and their recommendations are received, we shall give a decision on that.

Shri Ram Krishan: May I know if any alternative site has been chosen?

Shri Manubhai Shah: That also will depend upon the examination of the Bahadurgarh site. If it is found uneconomical they will select another site. The selection of all sites for industrial estates is a matter which is left to the State Governments.

श्री म० सा० द्विवेदी : इस इंडस्ट्रियल एस्टेट के लिये गवर्नमेंट आफ इंडिया ने कितनी सहायता मिलने की आशा है ?

श्री मनुभाई शाह : दूसरी पंच-वर्षीय योजना में इंडस्ट्रियल एस्टेट के प्रोग्राम के लिये पन्द्रह करोड़ रुपये ।

Non-Conventional Varieties of Timber

*778. **Shri V. P. Nayar:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the specific steps, if any, taken by Government of India in increasing the use of non-conventional varieties of timber for construction purposes in Government's constructions; and

(b) the results achieved in reducing the consumption of Teak, Sal and other varieties of conventional timber, in 1957-58?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Preliminary steps are being taken to procure sites at Bangalore, Bombay and Rajamundry for the establishment of seasoning plants which will facilitate the use of non-conventional varieties of timber. Action is also being taken to procure a seasoning-cum-preservation plant for the Hindustan Housing Factory, New Delhi

(b) Does not arise in view of the position explained in reply to part (a) of the Question.

Shri V. P. Nayar: Is it a fact that the Forest Research Institute at Dehra Dun had established by research several years ago that several varieties of non-conventional timber can be used economically and with advantage in the place of teak and sal in constructions?

Shri Anil K. Chanda: In fact, we are already using for the lower categories of construction non-conventional type of timber. But, they do not give good results unless they are properly seasoned. We are therefore starting a seasoning-cum-preservation plant in the Housing Factory in Delhi.

Shri V. P. Nayar: Are the Government aware that owing to the shortage in the supply of teak and also the excessive demand, prices have gone up very much? What are the steps which the Government propose to take in order to bring down the

cost of construction by resorting to other varieties which may not require seasoning?

Shri Anil K. Chanda: Price of seasoned teak is indeed high because of scarcity of supply from Burma. Therefore, I have enumerated in my answer that we are starting a seasoning plant in the Housing Factory in Delhi. I think it will go into operation in March 1959. There is a proposal for starting seasoning plants in Bangalore, Rajamundry and Bombay and sites are being selected.

Shri V. P. Nayar: Do the Government have any target for replacement of conventional varieties of timber by non-conventional treated timber in the course of this Plan or the next Plan?

Shri Anil K. Chanda: We will use the seasoned non-conventional timber to the maximum possible quantity as soon as our seasoning plant is ready. The Delhi plant will give us roughly 2 lakh cubic feet of timber.

सेठ गोविन्द दास : क्या सरकार इस बात को जानती है कि मध्यप्रदेश में बहुत से जंगल हैं और खासकर बस्तर और सरगुजा में इस तरह की लकड़ी है जिसकी कि अभी तक कोई जाच नहीं की गई है। ऐसी हालत में जब कि मध्य प्रदेश एक बहुत अधिक जंगलों वाला प्रान्त है तो क्या सरकार इस तरीके का कोई सीजनिंग प्लान्ट मध्य प्रदेश में भी डालने का विचार करेगी ?

Shri Anil K. Chanda: So far as the seasoning-cum-preservation plants are concerned, some foreign exchange is involved. There are areas in our country where possibly substitute timber could be available in good quantity. The difficulties of transportation are however to be considered. In Bastar, for instance, the difficulty of transportation is there. We are in communication with the various State Governments about the supply of usable timber.

सेठ गोविन्द दास : मैं एक बात पूछना चाहता था कि क्या मध्य प्रदेश, चूंकि वह इस देश का सबसे बड़ा जंगली प्रान्त है ऐसी हालत में क्या मध्यप्रदेश में जंगली प्रान्त भी कहा जा सकता है। इसका मतलब यह नहीं है कि वहां पर जंगली लोग रहते हैं। जंगली प्रान्त का मतलब यह भी है कि वहां पर बहुत से जंगल हैं। जो माननीय सदस्य हम रहे हैं अभी शायद उनका हिन्दी भाषा का ज्ञान काफ़ी गहरा नहीं है।

हां, तो मैं पूछ रहा था कि जहां पर इतने अधिक जंगल हैं और जो भी सीजनिंग प्लांट्स वहां पर डाले जा रहे हैं उनमें से किमी प्लांट को वहां पर हटाने का विचार किया जा सकता है ?

Shri Anil K. Chanda: I think it is a very nice suggestion. I would suggest that if the hon. Member may move the Madhya Pradesh Government itself to look into this matter.

श्री म० ला० द्विवेदी : मैं जानना चाहता था कि ग्रामान और निकोबार में जो सीजनिंग वुड प्लांट लगा हुआ है क्या उसका कुछ विस्तार किया जा रहा है ? हमारे ग्रामान और निकोबार में लकड़ी विलायत तक जाती है, मैं जानना चाहता हूं कि भारत सरकार उस लकड़ी के प्रयोग के लिये क्या उस प्लांट को बढ़ाने का विचार रखती है, बढ़ाया है या उसका उपयोग करने के लिये कोई एक योजना बनाई है ?

Shri Anil K. Chanda: The same difficulty of transportation arises.

Shri M. L. Dwivedi: When England is paying much more?

Shri Anil K. Chanda: England is a richer country and they can pay higher prices. We have to think about cheaper sources of the material.

If it is readily available as the hon. Member suggested in Madhya Pradesh.....

Shri M. L. Dwivedi: Is not the Government paying a higher price? Timber from Andamans will not be so high.

Shri Anil K. Chanda: For timber imported from?

Shri M. L. Dwivedi: Burma timber is dearer than Andamans.

Shri Anil K. Chanda: Burma timber is certainly the dearest. But we are also informed that Burma timber is the best for certain types of work like railway sleepers and so on. You cannot use any other timber but Burma teak.

Allotments to Displaced Persons

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*779. { **Shri Harish Chandra Mathur:**
Shri Damani:
Sardar Iqbal Singh:
Shri Ram Krishan:

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the result of the enquiries made into the complaints received regarding bogus or duplicate allotment of evacuee land to displaced persons in Punjab;

(b) the number of persons and the acreage of land involved; and

(c) the action taken against the persons who were responsible for such allotments?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) and (b). So far 16,620 complaints have been scrutinised. In about 3,500 cases bogus or duplicate allotments were detected as a result of which an area of 28,273 standard acres has been retrieved.

(c) 560 cases have been registered with the Police against the persons who have received allotments by fraudulent means or by tampering with the jamabandi record. Out of

these 125 cases have been disposed of and as a result thereof, 68 persons have so far been convicted and 435 cases are awaiting disposal.

Shri Harish Chandra Mathur: May I know what are the circumstances which are responsible for such a large-scale bogus allotment and how is it that the Government machinery entirely failed to detect this? What steps have been taken against the Government machinery?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): My hon. friend wants me to go back to the years 1947 and 1948. Fifty lakhs or 60 lakh acres of land only in the Punjab and P.E.P.S.U. were allotted under the quasi-permanent allotment scheme. It is a matter of regret that there have been cases of bogus allotment. Taking into consideration the lakhs of acres involved and about 4 or 5 lakh families involved, the cases are not such as should cause great alarm.

Shri Damani: May I know whether the Government is considering the appointment of a high-power committee to investigate and check such improper allotment of evacuee property among displaced persons?

Shri Mehr Chand Khanna: A number of cases came to our notice. We received complaints. The quasi-permanent allotment scheme, and now the allotment scheme on a permanent basis is being administered by the Punjab Government. We set up a special department in 1956. That is the department which has been looking into these cases, and we have been able to reclaim or at least get back 20,000 acres of land. Every possible action is being taken and I can assure the hon. Member and the House, if any case of bogus allotment or fraudulent allotment comes to our notice, I will see that proper action is taken.

Shri Harish Chandra Mathur: Do I understand that the Government is satisfied with the work of the Government machinery and at least there

was no collusion of the officers of the Government and no action is warranted?

Shri Mehr Chand Khanna: Two junior clerks were involved and they are being prosecuted. As far as satisfaction is concerned, I am fully satisfied with the great work and the efforts that are being put in by the Punjab Government in this matter.

Chemicals

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{ **Shri V. P. Nayar:**
*781. { **Shri T. B. Vittal Rao:**

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

(a) what are the current industrial uses of butanol, vinylacetate vinyl and poly-venyl-chloride and their annual demand; and

(b) what is the present position of indigenous manufacture thereof?

The Minister of Industry (Shri Manubhai Shah): (a) Butanol is used as a solvent generally in the form of its ester viz. butyl acetate. It is an important solvent for lacquers and also used in the manufacture of penicillin. Polyvinyl acetate in the form of its emulsion is used in the manufacture of adhesives, paints, textile finishing and for certain other coatings. Polyvinyl chloride is an important thermo-plastic resin capable of wide application in the plastic industry. Its principal uses are for sheetings, coated cloth, insulated covering for cables and wires and various other extruded and moulded articles including piping. The annual demand of P.V.C. Resins and Compositions is estimated to be of the order of 1200 tons.

(b) There is no manufacture as yet of Butanol but a scheme has been licensed and production may commence in early 1960. A scheme for the manufacture of P.V.C. composition with a capacity of 240 tons per month (2,880 tons per annum) has also been recently approved. For producing

P.V.C., the firm will start from Calcium Carbide and Acetylene and then go on to Vinyl Chloride Monomer. Another scheme for the manufacture of Polyvinyl Acetate, resins and emulsions with a capacity of 200 tons per annum has also been approved, but the terms of collaboration are under the consideration. Initially, the firm will import Vinyl Acetate Monomer and as and when the demand for Polyvinyl Acetate exceeds 200 tons per month i.e. 120 tons of Monomer per month, they expect to produce vinyl acetate from indigenously available Calcium Carbide and Acetic acid.

Shri V. P. Nayar: Could I know the annual requirement of foreign exchange for import according to the present position?

Shri Manubhai Shah: Rs. two crores and 74 lakhs for all raw materials, resins, powders and solvents.

Advisory Committee on Slum Clearance

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{ **Shri Panigrahi:**
*782. { **Sardar Iqbal Singh:**
{ **Shri Radha Raman:**
{ **Shri Tangamani:**
{ **Shri Hem Barua:**
{ **Shri Bibhuti Mishra:**

Will the Prime Minister be pleased to state:

(a) whether the Advisory Committee on Slum Clearance have submitted their report;

(b) if so, the main features of the report;

(c) whether Government have accepted these recommendations; and

(d) steps taken by Government to implement them?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) to (d). The Report is under the consideration of Government.

Shri Panigrahi: May I know whether, after receipt of the report, there have been any schemes on the part of the Government to revise the programme of slum clearance which is already in progress?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The report, I may remind the House, was placed on the Table of the House two days ago by my colleague the Minister of Law. This report has been considered and is being considered by the Planning Commission. It is not a question of revising any programme; but, may be making additions or variations here and there.

Shri Panigrahi: In the report it has been submitted that the work of slum clearance is not satisfactory. In view of this report, may I know whether there will be any special agency to take up the work of slum clearance so that it will be speeded up?

Mr. Speaker: The hon. Member wants to anticipate the decision of the Government. The Government is considering the report.

Shri Jawaharlal Nehru: May I also say that there is no question of special attention being given to this matter because the Government have considered this as of the most vital importance. The matter itself is so difficult. I do not know that there is any other subject on which more time and energy has been spent than let us say, slum clearance in Delhi. Very expert teams are sitting down for the planning of Delhi. It is not merely a question of cleaning up an area, but it is one of fitting it in many ways, taking people elsewhere, preparing a master plan, etc. Enormous amount of labour has been expended on it and is being expended on it. Other States are doing it also.

श्री नवल प्रभाकर: क्या मैं जान सकता हूँ कि दिल्ली में ऐसी कितनी गंदी बस्तियाँ हैं.....

Shri Tangamani: May I know

Mr. Speaker: What is the hurry? I have called Shri Naval Prabhakar. Shri Naval Prabhakar comes from Delhi, while Shri Tangamani comes from Cape Comorin.

Shri Tangamani: The report on slum clearance is for clearing all the urban areas. The main recommendations...

Mr. Speaker: I have always been giving opportunity to the hon. Member.

Shri Tangamani: It is not only for Delhi.....

Mr. Speaker: Let it be for Cape Comorin also.

Shri Tangamani: There is no question of Cape Comorin. It is for all the urban areas.

Mr. Speaker: I am really surprised that of all hon. Members in this House, Shri Tangamani should complain. I have been calling him almost on every question, whether he is responsible for the main question or not. Occasionally if I should turn to the right side, why should there be complaint? Now, Shri Naval Prabhakar.

श्री नवल प्रभाकर: क्या मैं जान सकता हूँ कि दिल्ली में कितनी गंदी बस्तियों का विकास किया गया है ?

श्री जवाहरलाल नेहरू: कितनी गंदी बस्तियों का विकास किया गया है, इसका तो मैं ठीक जवाब नहीं दे सकता। लेकिन बहुत सारी गंदी बस्तियों में, मैं उनकी गिनती नहीं बता सकता, काम हुआ है और उससे लाभ भी हुआ है। मवाल उरा पेबोदा है। अगर हाउस चाहे तो ज्यादा कह सकता हूँ लेकिन उसमें पैच में पड़ जायेंगे।

Shri Tangamani: In the report, the main recommendation is that slum clearance will have to be considered mainly in the sphere of development of urban areas. There is already a slum clearance scheme which has

been submitted by the various State Governments. May I know whether in the light of these recommendations, the State Governments will be asked to send separate proposals?

Shri Jawaharlal Nehru: I do not think there is any lack of proposals. It is a question of finding money and other ways to implement them.

WRITTEN ANSWERS TO QUESTIONS

Export of Iron Ore

*749. **Shri V. C. Shukla:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Italian Government purchase organisation has proposed a long term contract for the import of iron ore on the lines of the recent Indo-Japanese accord; and

(b) if so, what steps have been taken or are proposed to be taken in the direction of concluding such a deal?

The Minister of Commerce (Shri Kanungo): (a) A proposal to buy iron ore on long term basis from the West Coast has been received from Italy.

(b) The matter is still under examination in consultation with the Planning Commission and the Ministries concerned.

Import of Jute

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

(a) the programme for the import of jute during 1958-59; and

(b) the estimated amount of foreign exchange involved?

The Minister of Commerce (Shri Kanungo): (a) and (b). Imports will be allowed to the minimum extent required over and above the indigenous supplies. It will not be in the public interest to disclose the estimates of imports.

Nicotinic-Acid Hydrazide and Amino-Salicylic Acid

*755. **Shri T. B. Vittal Rao:** Will the Minister of Commerce and Industry be pleased to state the present position of the indigenous manufacture from primary raw materials if any, of (i) 150-nicotinic-acid-hydrazide and its derivatives (ii) para-amino-salicylic Acid?

The Minister of Industry (Shri Manubhai Shah): There are at present 7 firms who have been licensed under the Industries (Development and Regulation) Act, 1951 to manufacture 'Isonicotinic Acid Hydrazide' from primary raw materials. Their manufacturing capacity is 30.4 tons per annum. The actual production of this drug by 5 of these 7 firms during 1957 was about 16 tons. The other 2 firms have not yet started production.

Two firms have been licensed to manufacture derivatives from Isonicotinic Acid Hydrazide for a capacity of 16,560 lbs. per annum. Their actual production during 1957 was 5,441 lbs.

In regard to P.A.S. (Para-amino-salicylic Acid), there is only one firm producing this drug and another has been recently licensed. The actual production during 1957 was about 19 tons.

Jute Surplus

*758. **Shri Bameshwar Tantia:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1618 on the 11th April, 1958 and state:

(a) whether the enquiry into the jute surplus in Bihar has since been completed; and

(b) if so, the finding thereof?

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

(b) The main findings were as follows:

(1) The quantity of unsold jute in Bihar in the third week of May was estimated at about 2,00,000 bales.

(2) The new crop was expected to be good.

(3) Import of cuttings should be suspended temporarily in order to promote early disposal of the unsold jute in Bihar.

(4) While rail transport facilities are satisfactory, road facilities inside the jute growing areas in Bihar need improvement.

(5) Retting facilities are not adequate as a result of which the quality of the fibre suffered.

(6) It was not necessary to permit export of raw jute.

Purchases for State Governments

*761. Pandit D. N. Tiwary: Will the Minister of Works, Housing and

Supply be pleased to state:

(a) whether any commission is charged by D.G.S. and D.I.S.M. Washington and I.S.D. London when they make purchases for State Governments industrial undertakings or quasi-public bodies;

(b) if so, the extra rate charged; and

(c) the amount of purchases made on behalf of bodies mentioned in part

(a) above during the last three years?

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

(b) Department charges are leviable according to the following scale since 1-4-56:

	For purchase	For inspection	[For shipping
D.G.S. & D.	0.5	0.5%	..
I.S.D. London	0.5%	0.5%	0.5%
ISM Washington	1.0% including Shipping.	At actuals.	..

(c) :

(Value in lacs of rupees)

Years	State Govts.	Quasi Public Bodies
1955-56	21.20 54	1,85.39
1956-57	29.75 03	4,57.49
1957-58	25.44 55	3,17.63

Statistics of purchases made on behalf of 'State Governments Industrial Undertakings' are not maintained separately.

Cotton Textile Export Promotion Council

*766. Shri Vajpayee: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Cotton Textile Export Promotion Council has conducted any survey of the East African market for the Indian Cotton textiles recently; and

(b) if so, the result thereof?

The Minister of Commerce (Shri Kanungo): (a) No regular survey has been conducted.

(b) Does not arise.

Cottage Industries Emporium, New Delhi

*769. Shrimati Renu Chakravarty: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that water entered into the premises of the Cottage Industries Emporium, New Delhi causing damage to the material and stock;

(b) if so efforts made to save the material; and

(c) the financial loss due to flooding of the premises?

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

(b) The stocks were immediately removed to dry places and taken out

of the emporium when the rains stopped. Repairs to the damaged goods are in progress.

(c) The actual loss cannot be estimated till the repairs are over.

Activated Fullers Earth Factory

*771. **Shri Karni Singhji**: Will the Minister of Commerce and Industry be pleased to state whether there is a proposal to promote indigenous industry for the production of Activated Fullers Earth in the Bikaner District of Rajasthan?

The Minister of Industry (**Shri Manubhai Shah**): At present there is no scheme under the consideration of the Central Government but the Rajasthan Government are getting pilot plant experiments carried out at the Regional Research Laboratory, Hyderabad, for the activation of Fullers Earth from Mudh and Shri Kolayatji.

All India Radio, Cuttack

*773. **Shri B. C. Mullick**: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government are aware that the 20 KW. station of All India Radio at Fakirpara, Cuttack is not functioning properly; and

(b) if so, what steps are being taken to improve the performance of the transmitter of the 20 K.W. station?

The Minister of Information and Broadcasting (**Dr. Keskar**): (a) The breakdowns have been entirely due to the failure of power supply. The transmitter is otherwise functioning quite well.

(b) The question of power supply failure has already been taken up with the Electricity Department of the State of Orissa who have been asked to improve the supply position.

Export of Handicrafts

*774. **Shri Pangarkar**: Will the Minister of Commerce and Industry be pleased to state:

(a) the total value of handicrafts exported by the State Trading Cor-

poration of India (Private) Ltd. to the U.S.S.R. during 1958 so far; and

(b) the value of handicrafts proposed to be exported during 1959?

The Minister of Commerce (**Shri Kanungo**): (a) Rs 1,33,362.56 upto 31st July, 1958.

(b) Contracts for the year 1959 have not yet been finalized.

Paper and Paper Board

*775. **Shri Subbiah Ambalam**: Will the Minister of Commerce and Industry be pleased to state:

(a) the annual requirements of paper and paper-boards in India;

(b) to what extent we are producing them in our country; and

(c) the rated capacity of the two new paper mills proposed to be constructed?

The Minister of Industry (**Shri Manubhai Shah**): (a) About 290,000 tons.

(b) About 250,000 tons is expected to be produced during the current financial year (1958-59).

(c) It is not understood to which two paper mills the Member is referring. Licences have been granted to 22 new units for the manufacture of paper with a total annual capacity of 184,096 tons.

Pakistan Propaganda Against India

*780. **Shri D. C. Sharma**: Will the Prime Minister be pleased to refer to the reply given to the Starred Question No. 1321 on the 31st March, 1958 and state:

(a) whether the Government of India have received a reply from the Pakistan Government with regard to the protest lodged against the malicious propaganda indulged in by some newspapers in Pakistan against the High Commissioner of India in Pakistan; and

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

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) No, Sir.

(b) Does not arise.

Export of Jute Bags

***783. Shri Tridib Kumar Chaudhuri:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a contract has been signed between the State Trading Corporation of India and the National Agricultural Products Import and Export Corporation of the Democratic Republic of Vietnam under which Vietnam will purchase from India one million jute bags;

(b) the currency in which payments for this purchase of jute bags will be made by the Democratic Republic of Vietnam; and

(c) what is the method by which the contracted number of jute bags would be procured by the State Trading Corporation from the Indian market?

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

(b) In rupees.

(c) Through the lowest tenderer

Industrial Estate for Displaced Persons at Rudrapur (U.P.)

***784 { Shri Vajpayee:
Sardar Iqbal Singh:**

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether there is a proposal to set up an industrial estate at Rudrapur in Uttar Pradesh for rehabilitating displaced persons from East Pakistan;

(b) if so, the number of displaced families to be settled there; and

(c) the details of the industries proposed to be set up in the estate?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) to (c). There is a proposal to set up an Industrial Estate at Rudrapur, Uttar Pradesh, for rehabilitation of 500 urban families from East Pakistan. A scheme is being prepared by the State Government. It is not possible at this state to indicate precisely the details of the industries that will be started.

Houses for Sweepers of Calcutta Corporation

***785. Shrimati Renu Chakravarty:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No. 497 on the 31st July, 1957 and state whether the scheme submitted by the Calcutta Corporation for housing of sweepers etc. has since been sanctioned?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): It has not been possible to sanction the project formulated by the Calcutta Corporation for the rehousing of sweepers as the West Bengal Government have already committed their entire 2nd Plan allocation of Rs 2.80 crores for execution of other projects under Slum Clearance Scheme. It has also not been possible to make a separate allocation for Calcutta Corporation's project due to paucity of funds.

Vividh Bharati Programme of A.I.R.

***786. Shri Hem Barua:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether there is a proposal with Government for the expansion of the Vividh Bharati programme of the A.I.R.; and

(b) if so, what are the steps that Government have so far taken towards its expansion?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). In the beginning the duration of the Vividh Bharati programme was 5

hours on week days and 7½ hours on Sundays/holidays. The duration of the programme has been increased to 5½ hours on week days and 8 hours on Sundays/holidays. It is proposed to increase the duration of this programme further to 6½ hours on week days and 9½ hours on Sundays/holidays, from 3rd October, 1958.

It is our objective to expand the programme gradually for the whole day as and when money becomes available.

Import licences for photographic materials

*788 { Shri V. C. Shukla:
Shri Dinesh Singh:

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

(a) whether it is a fact that during the October, 1957-March 1958 period majority of the licences issued for the import of sensitised photographic materials were in favour of non-established importers of such materials;

(b) if so, how many of such licensees were connected with the photographic trade and what is the position of the amount of licences issued and actually utilised by them during the above period;

(c) whether it is a fact that at present there is a serious shortage of sensitised photographic materials in the country; and

(d) if so, the reason thereof?

The Minister of Commerce (Shri Kanungo): (a) to (d). During October 1957-March 1958 the licensing to established importers was of the order of Rs. 20 lakhs. After the announcement of the import policy for that period, complaints were received from the trade regarding shortages of photographic materials and it was decided to issue a licence for Rs. 6 lakhs to the State Trading Corporation for import against rupee account and also

to issue small value licences on an actual-user basis to printers, laboratories etc. Even though the number of licences issued in this manner are large, the total value of such licences is much less than half the value of licences issued to established importers. Information regarding the actual utilisation of the licences is not available.

2. There is still a shortage of photographic materials, but the gap between the demand and the imports cannot be bridged until the foreign exchange position improves. The reason for the shortage is obvious, namely restricted imports on account of difficult foreign exchange position.

Building Materials

*789. { Shri D. C. Sharma:
Pandit D. N. Tiwary:

Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No. 1778 on the 22nd April, 1958 and state the progress made with regard to the use of substitutes for steel and cement in the execution of building projects by the Central and State Governments?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): It is still too early to make an assessment. With a view, however, to promote the manufacture and use of lime a symposium on "Manufacture and use of Building Lime in India" was held at Rewa in March 1958. Copies of the proceedings of the Symposium have been placed in the Parliament Library.

Coal Gas Production Plant in Delhi

*790. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 285 on the 19th February, 1958 and state the progress made so far in regard to the setting up of a coal gas production plant in Delhi?

The Minister of Industry (Shri Mannubhai Shah): Further consideration of the scheme has been dropped by the Delhi Administration on account of its unsatisfactory economic features and local conditions such as long distances between houses in New Delhi and consequent higher cost of distribution.

Retrenchment of Journalists

*791. **Shri Vajpayee:** Will the Minister of Labour and Employment be pleased to state:

(a) the number of complaints, if any, received by the Central Government with regard to dismissal and retrenchment from the Working Journalists in the Union Territory of Delhi;

(b) the nature thereof; and

(c) the action taken in the matter?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). Only one complaint was received from the Indian Federation of Working Journalists regarding the termination of the services of the former Secretary-General of the Federation, by the employing Newspaper. It was referred to an Industrial Tribunal by the Delhi Administration.

Steel Processing Industry

*792. **Shri Hem Barua:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government propose to include the steel processing industry as part of the "core" of the Plan; and

(b) if so, what steps Government have so far taken to dovetail the progress of steel processing industry with the progress of steel producing units?

The Minister of Industry (Shri Mannubhai Shah): (a) No, Sir.

(b) Does not arise.

Films

1207. { **Shri Ram Krishan:**
Shri Vajpayee:

Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Unstarred Question No. 832 on the 4th March, 1958, and state the names of the ten feature films and one trailer which were refused certificates for public exhibition by the Board during 1957?

The Minister of Information and Broadcasting (Dr. B. V. Keskar): The names of Indian films which were refused certificates of public exhibition by the Central Board of Film Censors during 1957 are:—

1. Paying Guest (Hindi).
2. Neelmandi (Hindi).
3. Bombay Flight 417 (English).
4. Dushman (Hindi).
5. Beti (Hindi).
6. Pervin (Hindi).
7. Tum Sa Nahin Dekha (Hindi).
8. Bola Taisa Na Chale (Marathi).
9. Do Mastane (Hindi), and one Trailer of Fashion (Hindi).

After necessary excisions were carried out by the applicants, the revised versions of the films: Paying Guest, Neelmani, Dushman, Beti, Pervin, Tum Sa Nahin Dekha, Do Mastane, Fashion, and the trailer of Fashion were certified subsequently for public exhibition.

Jalefa Refugee Colonies

1208. **Shri Dasaratha Deb:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the total number of displaced persons in Jalefa Refugee Colonies, Tripura, who have not been paid the loan in full;

(b) the reasons for delay in payment of the loan; and

(c) what steps are being taken to expedite payment of these loans?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) 303 families.

(b) and (c). 190 families deserted the colonies after getting the first instalment of loan. The balance of the loan was, therefore, not paid to them. The remaining 113 families have been given all other loans except to cover reclamation cost which will be paid when they have reclaimed their area.

Industrial Undertakings

1209. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of industrial undertakings licensed under the Industries (Development and Regulation) Act, 1951, which have been established during 1958-59 so far; and

(b) the total number of industrial undertakings expanded during the same period?

	Rs.
1. Raw Jute	6,81,93,873
2. Jute Mill Machinery stores and spare parts	64,48,676
3. Electrical Machinery and spares	13,87,848
4. Capital Goods	90,30,866
5. Jute Batching Oil	1,48,83,333
TOTAL	9,99,44,596

The figures against Item No. 1 represent the value of the actual imports. For the other items the figures represent value of import licences issued during the year.

Cottage Industries

1211. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of cottage industries started by the Bombay State on co-operative basis during the first two years of the Second Five Year Plan; and

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). 32 industrial undertakings licensed under the Industries (Development and Regulation) Act, 1951, have been established during the period 1st January, 1958 to 15th August, 1958. During the same period 92 industrial undertakings were expanded.

Information in regard to industrial undertakings in the sugar, vanaspati and fuel industries is being collected and will be laid on the Table of the House in due course.

Jute Industry

1210. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state the value of the imported material required by the Jute Industry during 1957-58?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

	Rs.
(a) The value of imported material required by the Jute Industry during 1957-58:	
(b) the number of village oil crushing centres opened and their location?	

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) According to information received from the Coir Board, the All India Handicrafts Board, the Central Silk Board and the Khadi & Village Industries Commission, cottage industries started on cooperative basis are 21. These industries are:—

Coir, Khadi (on traditional charkha), Khadi (on the ambar charkha), Village Pottery, Village oil, Soap making, Village leather, Palmgur,

Pottery (Artistic), Leather (Artistic), Glass Toys, Cane and Bamboo, Dyeing and Printing, Embroidery, Manufacture of Zari thread, Weaving in traditional designs, Lacquer ware, Brassware, Himmru, Mushroom Work and Plaitan Gold thread and pillow work.

(b) A statement giving the information is laid on the Table of the House. [See Appendix III, annexure, No. 113.]

Opium-Eaters in N.E.F.A.

1212. **Shrimati Mafida Ahmed:** Will the Prime Minister be pleased to state:

(a) in which of the divisions of N.E.F.A. the taking of opium is much prevalent among the tribals;

(b) what are their numbers; and

(c) what measures are in hand to eradicate the opium habits among them?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) TIRAP, SIANG and LOHIT.

(b) The full statistics are not available, but a considerable section of the population in these Divisions is in the habit of taking opium. The number of persons to whom permits for purchase of opium were issued in

1957-58 was 394. A much larger number, however, is believed to be consuming opium grown by themselves.

(c) An intensive drive to dissuade people from cultivating and consuming opium has already been launched. Vigorous propaganda explaining the baneful effects of opium is being carried out among the population by Political, Education and Medical Officers and their staff. Issue of permits for the purchase of opium is restricted only to old addicts.

Expenditure on Handloom Industry in Rajasthan

1213. **Shri Onkar Lal:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount spent in Rajasthan for the development of handloom industry during 1958-59 so far; and

(b) the items on which the expenditure has been incurred?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) A sum of Rs. 9 lakhs has been allocated to Rajasthan for the development of Handloom Industry for 1958-59. Till the end of May the expenditure incurred by the State is reported as Rs. 23,353.

(b):

Serial No.	Grants	Expenditure
		Rs.
1	Organisational Expenditure	4,355
2	Sales Depots	8,086
3	Inspection and Stamping	8,406
4	Dye Houses	1,911
5	Central Depots	127
6	Mobile Vans	468
	TOTAL	23,353

Loans : Nil.

Second Five Year Plan

1214. Shri Onkar Lal: Will the Minister of Planning be pleased to state the projects which have been approved by the Planning Commission in Rajasthan State to increase the food output during the Second Five Year Plan?

The Deputy Minister of Planning (Shri S. N. Mishra): A statement is laid on the Table of the House. [See Appendix III, annexure No. 114.]

Bharat Sevak Samaj

1215. Shri Onkar Lal: Will the Minister of Planning be pleased to state the amount of financial aid given to Bharat Sevak Samaj in Rajasthan by the Government of India during 1957-58?

The Deputy Minister of Planning (Shri S. N. Mishra): The Planning

Commission did not give any direct financial aid to the Bharat Sevak Samaj in Rajasthan during 1957-58.

Tanneries for Hides and Skins

1216. Shri Abdnl Salam: Will the Minister of Commerce and Industry be pleased to lay a statement showing:

(a) the number of tanneries specialising in prime-tanned hides and skins in Tiruchirapalli District in Madras State, which have closed down in the last two years; and

(b) the number of skilled workers affected and the fall, if any, in the production and exports of East India Kips in the last two years?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). The information is as follows:

No. of tanneries closed down	No. of skilled workers affected	Fall in production and exports of East India Kips.
2	70	54,000 Nos.

Cottage Industries in Punjab

1217. Shri Ram Krishan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal to develop some cottage industries in backward area of Mohindergarh District of the Punjab State; and

(b) if so, the nature of cottage industries proposed to be developed?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) Khadi, the Village Oil Industry (two units consisting of ten ghans) and Soap making with non-edible oils (two B class units).

Companies

1218. Shri Ram Krishan: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Companies in which Seth Ram Krishan Dalmia has the controlling interest; and

(b) the estimated total turn over of the business of such companies in 1957-58?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) The exact number of companies in which Shri R. K. Dalmia has a controlling interest cannot be stated precisely, unless investigations under Section 247 of the Companies Act, 1956 are undertaken in an indeterminably large number of cases. However, in addition to the companies under investigation by the Special Commission of Inquiry, the following 10 companies are reputed to comprise what is popularly known as R. K. Dalmia group of concerns:

1. Bhagwati Glass Works Private Ltd.

2. Manav Sahyog Private Ltd.
3. Patiala Biscuit Manufacturers Private Ltd.
4. Dalmia Dadri Cement Ltd.
5. Govan Brothers Private Ltd.
6. Edward Keventer(s) Private Ltd.
7. Swadesh Nirman Private Ltd.
8. Matru-bhoomi Nirman Private Ltd.
9. Bharat Development Private Ltd.
10. Delhi Glass Works Private Ltd.

(b) The estimated turn over of business of these ten companies for 1957-58 is not available, as 9 of them being private companies are not required to file their profit and loss accounts with the Registrar of Joint Stock Companies, and the annual accounts of the public company for 1957-58 are also not available.

Sewing Machine Factories

- 1219 { Shri Ram Krishan:
Sardar Iqbal Singh:

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

- (a) the number of sewing machine making factories in Punjab;
- (b) the capacity of each factory; and
- (c) the total number of Sewing Machines produced during 1957-58?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):
(a) 58.

(b) A statement is laid on the Table of the House. [See Appendix III, annexure No. 115.]

(c) 55,758.

Bicycle Factories

1220. { Shri Ram Krishan:
Sardar Iqbal Singh:

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

(a) the number of bicycle factories in Punjab;

(b) the manufacturing capacity of each factory; and

(c) the number of bicycles produced during 1957-58?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

- | | |
|-------------------------|----|
| (a) Large scale sector. | 6 |
| Small scale sector. | 22 |

(b) Statements 'A' and 'B' giving information relating to the large scale sector and small scale sector respectively are laid on the Table of the House. [See Appendix III, annexure No. 118.]

- | | |
|------------------------|-------------------|
| (c) Large scale sector | 242,794 bicycles. |
| Small scale sector | 37,591 bicycles. |

Vigilance Staff

1221. Shri D. C. Sharma: Will the Minister of Rehabilitation and Minority Affairs be pleased to state the number of corruption cases detected by the vigilance staff against the personnel of the Rehabilitation Department in New Delhi and Delhi area during the year 1957-58?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): 20 cases involving 20 Government servants.

Handicrafts in Punjab

1222. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any handicrafts are being developed in the Punjab State under the guidance and patronage of the All India Handicrafts Board; and

(b) if so, how many persons have been employed and what is the average earning per head?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) Yes, Sir.

(b) Most of the State schemes being implemented for development of

handicrafts are either training schemes or servicing facility schemes which do not envisage direct employment of persons. No record is being kept by the State Government about the number of persons who set up their own production units after receiving training which could facilitate the determination of average earning per head. As regards work directly undertaken by the All India Handicrafts Board, 25 women have been trained in Raffia work. Those who have started working independently are earning a wage varying from Rs. 1|8/- to Rs. 2/- per day.

Production of Automobiles

1223. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state the measures taken so far to achieve self-sufficiency in the matter of production of automobiles in the country?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): To achieve self-sufficiency in the matter of production of automobiles, it is necessary to ensure adequate manufacturing capacity in the country in respect of the principal components in the major factories and also for sufficient volume of manufacture of ancillary items in other units. In respect of all these lines import of adequate capital equipment and CKD parts and components is called for. While, by and large, the major part of such capital equipment for the principal automobile manufacturers has already come in, in respect of the current programmes of passenger car and truck manufacture, Government have been doing their best to provide for the import of the balance of capital equipment on acceptable terms of payment, or through the Export-Import Bank loan. The same policy is adopted in respect of ancillary industries also. The programmes of indigenous manufacture in all these cases being progressive, there is also involved, in varying degrees, import of such components

from abroad as are not yet being made in the country. This involves question of foreign exchange in the present position. Here also, everything possible is being done to licence the requirements of imported components to the extent possible but due to present foreign exchange difficulties, the imports have to be on a restricted scale.

Industries in Delhi

1224. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) the names of new industries proposed to be set up in Delhi during the Second Five Year Plan;

(b) whether the Central Government have received any specific proposals from the Delhi Administration in this regard; and

(c) if so, the amount of money allocated therefor?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). A list of industries so far licensed under the Industries (Development and Regulation) Act in Delhi is laid on the Table of the House. [See Appendix III, annexure No 117.]

No specific proposals for the establishment of new industries have been received from the Delhi Administration.

(c) Does not arise in view of the answer to (a) and (b) above.

Closure of Trade with Western Tibet

1225. Shri D. C. Sharma: Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 1762 on the 22nd April, 1958 and state the decision taken on the representation submitted by a delegation of traders representing trans-Himalayan trade interests?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The various suggestions,

made in the Memorandum submitted by the traders representing trans-Himalayan trade interests are being examined. The matters raised are largely the concern of the border States who have been requested to consider the representation. A final decision is inevitably likely to take some time.

Export of Monkeys

1226. **Shri Damani:** Will the Minister of Commerce and Industry be pleased to state the effect the imposition of ban on the export of monkeys weighing less than 6 lbs had on India's Foreign Exchange earnings?

The Minister of Commerce and Industry (**Shri Lal Bahadur Shastri**): Since monkeys are not categorised by weight for purposes of our trade statistics, no precise information is available. But it appears that, in consequence of the ban, the total export slumped steeply, and the operators were known to be exploring the possibilities of tapping alternative sources of supply.

Safety Measures in Coal Mines

1227. { **Sardar Iqbal Singh:**
Shri Ram Krishan:
Shri Supakar:

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

(a) whether a conference to discuss safety measures in mines was held on the 4th August, 1958;

(b) if so, the venue of the Conference;

(c) the names of those who participated in it; and

(d) the steps proposed to be taken to enforce the decisions of the Conference?

The Deputy Minister of Labour (**Shri Abid Ali**): (a) Yes. It was held on the 5th and 6th August, 1958.

(b) Calcutta.

(c) The following participated in this Conference:—

Representatives of:—

Central Government and some State Governments;

Organisations of Employers, Technicians and Workers in the Mining Industry;

Some Members of Parliament;

Mining experts and actual workers in mines.

(d) The Conference has not reached at final decisions yet.

Labour Officers

1228. **Shri S. M. Banerjee:** Will the Minister of Labour and Employment be pleased to state:

(a) whether Labour Officers attached to various Central Government establishments have not yet been confirmed;

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

(c) whether steps have been taken to confirm them?

The Deputy Minister of Labour (**Shri Abid Ali**): (a) to (c). Nine Labour Officers attached to the various Central Government undertakings have already been confirmed. Proposal to confirm about fifty more Labour Officers is under consideration.

मैंगनीज की कच्ची धातु का निर्यात

१२२६. श्री डाक्टर : क्या वाणिज्य तथा उद्योग मंत्री २८ अप्रैल, १९५८ के अतारंकित प्रश्न संख्या २६२० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि मध्य प्रदेश के झाबुआ जिले की धांदला तहसील की खानों की मैंगनीज की कच्ची धातु किन किन देशों को निर्यात की जाती है ?

वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री) : निर्यात के झाकड़े तहसील और जिलावार नहीं रखे जाते ।

भारतीय जूतों का निर्यात

१२३०. श्री डामर : क्या बाणिज्य तथा उद्योग मंत्री २६ अप्रैल, १९५८ के अतिरिक्त प्रश्न संख्या २६७४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या प्रति वर्ष रूस से भारतीय जूतों की खरीद की कोई मांग आ रही है ; और

(ख) यदि हां, तो प्रति वर्ष रूस को कितने जूते निर्यात किये जाते हैं ?

बाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री) : (क) जी हां, १९५७ से मांग आ रही है ।

(ख) १९५७ ५,७६,६०० जोड़े

१९५८ २,४२,७५० जोड़े

(३० जून १९५८ तक)

गोम्रा के साथ व्यापार

१२३१. श्री डामर : क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि भारत सरकार द्वारा भारतीय वस्तुओं के गोम्रा को निर्यात पर प्रतिबन्ध लगाने और तत्पश्चात् प्रतिबन्ध ढीले करने से भारत को कितना लाभ या हानि हुई या होने की सम्भावना है ?

बाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री) : गोम्रा को होने वाले निर्यात के आकड़े व्यापारिक आंकड़ों में घलग से दर्ज नहीं किये जाते । इसलिये ठीक ठीक यह अनुमान लगा सकना सम्भव नहीं है कि गोम्रा से व्यापार करने पर प्रतिबन्ध लगाने से कितना लाभ या हानि हुई ।

चतुर्थ जेबी के सरकारी कर्मचारियों के लिये क्वार्टर

१२३२. { श्री नवल बर्ज़न :
श्री नवल प्रभाकर :

क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली व नई दिल्ली में चतुर्थ श्रेणी के सरकारी कर्मचारियों के लिये किन-किन इलाकों में क्वार्टर बने हुए हैं ;

(ख) प्रत्येक इलाके में कितने क्वार्टर हैं ; और

(ग) उन क्वार्टरों में बिजली, पानी, शौचालय व सफाई आदि की अविकतम सुविधाये देने के बारे में इस बीच क्या प्रगति हुई है ?

निर्माण, आवास और संभरण मंत्री (श्री क० च० रेड्डी) : (क) से (ग). सभा की मंजूर विवरण रख दिया गया है । [बैठिये परिशिष्ट ३, अनुबन्ध सख्या ११८] ।

Sewing Machines

1233. Sardar Iqbal Singh: Will the Minister of Commerce and Industry be pleased to state—

(a) the number of sewing machines manufactured in the country during 1958-59 so far; and

(b) the number of machines out of these sold in the country and the number exported?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Information is available only upto

June 1958. The figures for the period

April-June 1958 are as follows:

(a) No. of sewing machines manufactured :—

Large-Scale Sector	52,306
Small Scale Sector	6,405

(This figure is in respect of 27 units out of 36 units in the approved list of the Development Commissioner (Small Scale Industries). Production figures in respect of the remaining units are not available).

(b)	No. of sewing machines sold in the country	No. of sewing machines exported
Large Scale Sector	Figure not available.	2313
Small Scale Sector	6586	Nil.

Integration of Foreign and Information Service

1234. { Sardar Iqbal Singh;
Shri Harish Chandra Mathur:

Will the Prime Minister be pleased to state:

(a) whether there is any proposal for the integration of foreign service and information service under the External Affairs Ministry

(b) the reasons therefor; and

(c) the steps taken by Government in this regard so far?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) There is no proposal for the integration of the existing personnel of the External Publicity Organisation into the Indian Foreign Service. However, a proposal that future vacancies should be filled by I.F.S. Officers is under the consideration of the Ministry.

(b) Experience has shown that really first class men from the journalistic profession or the open market are not forthcoming and the Ministry has been advised to consider training their own officers. It is also considered that before dealing with external publicity an officer should also have had training and experience in political, commercial and economic affairs.

(c) The matter is still under the consideration of Government.

Rehabilitation of Displaced Persons from W. Pakistan

1235. Sardar Iqbal Singh: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of displaced persons from West Pakistan in Punjab; and

(b) whether all of them have been rehabilitated?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) 27,37,000

(b) In the view of the Ministry all those in need of rehabilitation assistance have been rehabilitated. Compensation has also been paid to a large number of displaced claimants in Punjab and with the payment of compensation to the remaining persons, the balance of the problem, if any, will also have been resolved.

Second Five Year Plan

1236. Sardar Iqbal Singh: Will the Minister of Planning be pleased to state:

(a) the number of major projects likely to be completed during 1958-59 under the Second Five Year Plan; and

(b) the total amount to be spent on each during the same period?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The following Statement gives the list

of major projects costing a crore of rupees or above likely to be completed

ed during 1958-59. Budget provision for 1958-59 is also shown.

Name of Project	1958-59 (Budget Estimates)	
	(Rs. lakhs)	
Power		
1. Maithon (60 MW) D.V.C. Project	}	825.00
2. Panchet Hills Project (40 MW) D.V.C.		
3. Poringalkuthu H.E. Project (32 MW) Kerala State	.	8.92
4. Korba Project Station (90 MW) Madhya Pradesh State	.	481.33
5. Periyar Hydro Scheme (105 MW) Madras State	.	73.54
6. Madras Thermal Plant Extension (30 MW) Madras	.	19.29
Industry		
1. Expansion of the Sindri Fertiliser Factory	.	199.00
2. Hindustan Cables (co-axial cable project)	.	30.00
3. Durgapur Coke-Oven Project of West Bengal	.	420.00
Railways		
<i>Line capacity work, doubling and conversions</i>		
1. Central Delhi Mathura (45 miles—B.G.)	.	50.00
2. Northern Kanpur-Allahabad (partial) (60 miles—B.G.)	.	90.00
3. Southern Vinnamangalam-Terrupattur (19.5 miles B.G.)	.	84.00
4. South-Eastern : Rourkela—Drug (282 miles—B.G.)	.	848.00
Other Line Capacity Works		
5. Eastern Howrah-Burdwan Main line (including Tarakeswar Branch) BG—66 miles	.	203.38
Major Ports		
1. Marine Oil Terminal at Bombay	}	900.00
2. Kandla Port Project—First stage (construction of 4 berths and Auxiliary equipment).		
3. Development of 'B' Berth King George's Dock into a general cargo berth and conversion of 'C' berth into an oil berth at Calcutta.		
4. Development of 'D' berth King George's Dock into a general cargo berth at Calcutta		
5. Suction dredger at Calcutta.		

Skilled Manpower

1237. Sardar Iqbal Singh: Will the Minister of Labour and Employment be pleased to state:

(a) whether a plan has been prepared to augment the supply of skilled manpower in this country;

(b) if so, the main features of this plan;

(c) whether the non-official institutions will also be associated in the execution of this plan; and

(d) if so, in what manner.

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes, there is a plan to augment the existing facilities for the training of craftsmen;

(b) The capacity for training is being increased by (1) 20,000 seats in Institutes and (2) 7,000 seats in industry.

(c) and (d). Yes; existing facilities in private institutes and in private industry are also improved and expanded for augmenting the supply of craftsmen.

Supply of Copper

1238. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Industries are facing any difficulties in getting the supply of copper; and

(b) if so, the steps taken by Government to ensure the proper and timely supply of copper to Industries?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):
(a) Yes, Sir.

(b) The supply and price of Copper have been controlled under the Non-Ferrous Metals Control Order dated April 2, 1958, which was issued under the provisions of the Essential Com-

modities Act, 1955. Under this Order, the Controller of Non-Ferrous Metals, appointed for this purpose, has been empowered to acquire all imported copper for equitable distribution among all actual users, big and small, on the basis of past consumption figures of the metal.

Cinematographic Film and Sound Recording Equipment

1239. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total footage and value of Cinematographic film (raw and exposed) imported during 1957-58; and

(b) the value of sound-recording and projection equipment imported during the same period?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):
(a) and (b). A statement showing quantity and value of Cinematographic films—raw and exposed—Cine Projecting apparatus and sound recording apparatus imported into India during 1957-58 is given below:—

Quantity as per unit
Value in '000' of Rs.

Unit

1957-58

Qty.

Val.

1. Cinematographic films not exposed.

(i) Standard 35 m.m. '000' L. ft.

2,10,310 15,999

(ii) Sub-standard 35 m.m. „

57,707 4,120

2. Cinematographic films exposed whether developed or not.

(i) Standard 35 m.m. '000' L. Ft.

15,422 4,399

(ii) Sub-standard 35 m.m. „

1,456 391

3. (i) Standard cine projecting apparatus below Qr. H. P.

Nos.

1,664 2,337

(ii) Sub-standard cine projecting apparatus below Qr. H. P.

Nos.

583 465

(iii) Parts of cine projecting apparatus

Val.

.. 3,043

4. (i) Sound recording apparatus below Qr. H. P.

Nos.

218 564

(ii) Parts of sound recording apparatus.

Val.

.. 496

Mal-practices by C.P.W.D.

1240. Pandit D. N. Tiwary: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the final result of the detailed investigations conducted on behalf of Special Police Establishment and A.G.C.R. regarding mal-practices by C.P.W.D. officials and contractors for 7 major works in Delhi and outside (as mentioned on page 16 of the Annual Report for 1957-58);

(b) the exact location of those works; and

(c) the nature of mal-practices indulged in?

The Minister for Works, Housing and Supply (Shri K. C. Reddy): (a) The results of the detailed investigations conducted revealed execution of works not conforming to Specifications as per agreements in 4 out of 7 cases. In 2 cases, it was not possible, owing to lapse of time, to determine exactly whether the work executed conformed to specifications. The final conclusions in the remaining case have not yet been arrived at and the matter is still under investigation.

(b) The works in question are situated in Guntakal and in and around Delhi.

(c) The nature of mal-practices generally, cover excessive quantity billed for than that was actually used and inferior quality of materials used in the works, thus not conforming to agreement specifications.

Company Law Administration

1241. Shri Damani: Will the Minister of Commerce and Industry be pleased to state:

(a) what special efforts are being made to keep the cost of the adminis-

tration of Company Act at the minimum level;

(b) whether a statement specifying the total amount of cost in the administration of the Companies Act during 1955-56, 1956-57, 1957-58 and 1958-59 (estimated) will be laid on the Table; and

(c) the income from the fees charged under the Company Law during the above four years?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) An Economy Board under the Secretary Scrutinises all proposals for expenditure including the filling up of vacant posts both for the Secretariat and the field offices. Although the organisation has to be adequately staffed for fulfilling the obligations cast on it under the Companies Act, only the minimum staff required for this purpose consistent with the work load has been sanctioned. One of the five offices of Regional Directors was abolished towards the end of 1956 and considerable savings were effected. For a small department charged with a new duty and responsibility cuts in establishment costs could not be very considerable; but contingent expenditure has been reduced to the minimum.

(b) and (c). A statement showing the total cost of administration of the Companies Act and total amount of fees realised thereunder during the years 1955-56, 1956-57, and 1957-58 as well as budget estimates of expenditure for 1958-59 is given below:—

Year	Budget Estimates	Actuals	Fees realised
1955-56	21,52,900	15,38,492	6,82,885
1956-57	27,90,500	27,81,143	10,50,360
1957-58	29,20,200	27,55,700	24,10,255
1958-59	29,97,000

Demolition of Government Quarters on Circular Road

1242 Shri Radha Raman: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that Government quarters and Bungalows on Circular Road opposite Asaf Ali Road are to be demolished and the land thus made available will be utilized for some purpose other than residential,

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

(c) what are the details of such a move and how long its implementation will take?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) There is no such proposal at present

(b) Does not arise

(c) Does not arise

Gramdan Movement in Orissa

1243 Shri Sanganna: Will the Minister of Planning be pleased to refer to the reply given to Unstarred Question No 3386 on the 7th May, 1958 and state whether report of the officer who was sent to Koraput (Orissa) to study the Gramdan Movement in that district will be laid on the Table?

The Deputy Minister of Planning (Shri S. N. Mishra): A copy of the report is laid on the Table of the Lok Sabha [See Appendix III, annexure No 110]

Restrictions on the Movements of Diplomats in China

1244 Shri Vajpayee: Will the Prime Minister be pleased to state

(a) whether it is a fact that the Government of People's Republic of China have imposed further restrictions on the movement of foreign diplomats in Peking;

(b) if so, the nature thereof; and

(c) whether the new restrictions apply to Indian diplomats as well?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The Government of the People's Republic of China have recently notified new regulations governing the tours in the country by members of the diplomatic missions accredited to China. The new regulations in fact seem to be somewhat less restrictive than the ones existing previously

(b) Does not arise

(c) Yes. They apply to all members of foreign Missions including that of India

Government Presses

1245. Shri Daljit Singh: Will the Minister of Works, Housing and Supply be pleased to state

(a) the total amount of work done by the Government Presses during 1957-58, and

(b) the amount of expenditure incurred by the Government Presses during the same period?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) The total work done by the Government of India Presses during 1957-58 was as under

(i) Composition and Printing—8,98,565 pages in Royal 8 vo-size involving 49,93,04,740 impressions, besides the requisite stitching and binding in various styles and other processes

(ii) 71,44,250 letter heads, and

(iii) 8,30,35,697 envelopes of various sizes

(b) Rs 2,89,23,225 including the cost of paper and binding materials. Overhead charges have been calculated on the basis of figures for 1956-57 as figures for 1957-58 have not yet been compiled.

Export of 'Annatto' (Japhra Seed)

1246. Shri Jagannatha Rao: Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of 'ANNATTO' (Japhra seed) exported in 1957;

(b) the foreign exchange earned therefrom;

(c) whether any attempts have been made by Government to intensify the cultivation of this seed and step up exports; and

(d) whether this seed has been tried as a vegetable dye in India?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) and (b). Exports of 'ANNATTO' (Japhra seed) are not recorded

separately in trade statistics and the information required is therefore not available.

(c) No, Sir.

(d) It is not used for dyeing textiles, but is used mainly for colouring edible materials like butter, ghee, margarine, cheese and chocolate.

Educated Unemployed

1247. Sardar Iqbal Singh: Will the Minister of Labour and Employment be pleased to state the number of educated unemployed in each state at present?

The Deputy Minister of Labour (Shri Abid Ali): The information is given below—

State/Union Territory

No. of educated applicants (matriculates and above) on the Live Registers of Employment Exchanges as on 30-6-1958.

(1)	(2)
Andhra Pradesh	28,792
Assam	2,167
Bihar	9,996
Bombay	51,725
Delhi	24,800
Himachal Pradesh	801
Kerala	37,439
Madhya Pradesh	8,131
Madras	28,862
Manipur	462
Mysore	15,154
Orissa	2,487
Pondicherry	344
Punjab	16,961
Rajasthan	10,141
Tripura	720
Uttar Pradesh	50,350
West Bengal	44,355
ALL INDIA TOTAL	3,33,687

Film 'Pardesi'

**1248. { Sardar Iqbal Singh;
 { Shri Shivananappa:**

Will the Prime Minister be pleased to state:

(a) whether some foreign Governments have banned the film 'Pardesi' in their countries; and

(b) if so, the name of such countries?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The film "Pardesi" has failed to pass the Censors in Singapore and Malaya. Information about other countries is being collected and will be placed on the Table of the House.

Rephrasing of State Plans

1240. Sardar Iqbal Singh: Will the Minister of Planning be pleased to state

(a) whether Planning Commission have informed State Governments regarding the rephrasing of State Plans and

(b) if so, rephrasing programme of each State Plan?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b) Soon after the meeting of the National Development Council on May 3 and 4, 1958, the decisions taken by the Council on this subject were conveyed to the State Governments. They were requested to prepare estimates of resources for the two years 1959—61. A programme of discussions with State Finance Minister and Planning Ministers has been arranged. When these discussions have been completed, the results of the reappraisal will be considered by the National Development Council and its decisions placed before the Parliament.

Slums Clearance

1250 { **Sardar Iqbal Singh**
Shri Supakar
Shri Sarju Pandey

Will the Minister of Works, Housing and Supply be pleased to state steps taken by Central Government to implement recommendations contained in the Report of the Selected Buildings Projects Team on Slum Clearance?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The recommendations contained in the Report of the Selected Buildings Projects Team on Slum Clearance are under the examination of the Government of India in consultation with the State Governments

Townships for Displaced Persons

***1251. {** **Sardar Iqbal Singh:**
Shri Bibhutl Mishra:

Will the Minister of Rehabilitation and Minority Affairs be pleased to state

(a) whether Government have considered the future management of displaced persons townships of Faridabad, Prem Nagar, Hastinapur and other such townships, and

(b) if so, the decision taken?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (b) A statement is laid on the Table of the Lok Sabha [See Appendix III, annexure No 120]

Language used in Correspondence with U.S.S.R. and China

1252 Shri Vajpayee: Will the Prime Minister be pleased to state

(a) the language used for correspondence with our country by the USSR, China, Hungary, Poland and Yugoslavia and

(b) the language used by India in reply to correspondence received from them?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The languages used by the foreign Governments in correspondence with our Missions abroad are as follows—

USSR	Russian
Peoples' Republic of China	Chinese
Hungary	Hungarian & English
Poland	Polish, sometimes with translations in French.
Yugoslavia	English or French

The diplomatic Missions of all these countries in India in correspondence with the Government of India use English, excepting that of the U.S.S.R. which uses Russian with an unofficial translation in English.

(b) Replies from the Government of India and Indian Missions abroad are sent in English. In some cases, our Missions send also unofficial translations in the national languages of the countries concerned.

Formal documents, like letters of accreditations etc., are sent in Hindi.

Dacoits in Pakistan Police Uniform

1253. **Shri Raghunath Singh:** Will the Prime Minister be pleased to state whether it is a fact that Rajasthan Armed Constabulary arrested five Pakistani dacoits who were in Pakistani Police uniform at Sharnpura of Ganganagar District on the 5th July, 1958 night?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): On the night of 7/8th July, 1958, five Pakistani armed dacoits crossed into Indian territory in District Ganganagar, Rajasthan. Four of them were arrested by the Rajasthan Armed Constabulary but one escaped.

Delhi Bhoodan Yagna Act

1254. **Shri Jadhav:** Will the Minister of Planning be pleased to state the amount of land donated in the Delhi Territory under the Delhi Bhoodan Yagna Act, 1955?

The Deputy Minister of Planning (Shri S. N. Mishra): According to the information furnished by the Akhil Bharat Sarva Seva Sangh, 396 acres had been received in Bhoodan in the Delhi area upto December 31, 1957. The Delhi Bhoodan Act came into force on May 1, 1958 and verification and confirmation of the bhoodan donations under the Act have yet to take place.

Green Tea

1255. **Shri Ghosal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether green tea is produced in India; and

(b) if so, where and what is the acreage?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) Yes, Sir.

(b) The acreage exclusively under green tea cannot be ascertained inasmuch as the same green leaf can be manufactured into either green tea or black tea by merely adopting a different process of manufacture. Kangra in Punjab and Mandi in Himachal Pradesh produce predominantly green tea. The acreage under tea in Kangra and Mandi on 31-3-1957 was 9,607 acres and 1,046 acres respectively.

Distribution of Raw Films

1256. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state.

(a) the number of full length films and features produced by the Films Division and private film producers in the last five years;

(b) the total length of raw films given to the private producers and the Films Division;

(c) whether any preferential treatment has been given to the Films Division in the allotment of raw films;

(d) whether this treatment has hit hard the private producers; and

(e) the reasons for this and the steps taken in the matter?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) Number of full length films and features produced by Films Division during the last five years was four. Precise information regarding the films produced by private film producers is not available. However, the-

number of films certified by the Central Board of Film Censors for public exhibition during the period 1953 to 1957 is 1,544.

(b) There was no distribution control on raw films prior to the 20th September, 1957. The total length of raw film distributed after that date up to 31-3-1958 is as follows:

Private Producers	53.45 m. Ft.
Film Division	0.7 m. Ft.

(c) to (e). Only some *ad hoc* releases of raw films were made to the Films Division to meet their immediate requirements in April 1958 and this did not affect the total number of productions by private film producers in the 7 months of current year when compared with that in the year 1957. The quota of raw films has also been raised from 40 per cent. to 60 per cent. General and Soft and the requirements of the Films Division are now largely being met from imports arranged by the State Trading Corporation.

राजस्थान सीमा पर लोगों की गिरफ्तारी

१२५७. श्री प० सा० बाबूबाल : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि १९५७-५८ में बिना पासपोर्ट राजस्थान सीमा को पार कर पाकिस्तान जाने और फिर वापिस आने वाले कितने लोगों को गिरफ्तार किया गया ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : राजस्थान सरकार से यह सूचना इकट्ठी की जा रही है। जब यह सूचना मिल जायेगी तो मेज पर रख दी जायेगी।

स्वारस्य

१२५८. श्री मोहन स्वल्प : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की

कृपा करेंगे कि गत तीन वर्षों में स्वारस्य की कितनी प्रतियाँ हुई ?

वाणिज्य तथा उद्योग मंत्री (श्री सात बहादुर शास्त्री) : पिछले तीन वर्षों में भारत में स्वारस्य का उत्पादन निम्नानुसार हुआ : —

वर्ष	परिमाण (टनों में)
१९५६ (जुलाई-दिसम्बर)	४०५६
१९५७	४०४५
१९५८ (जनवरी-जून)	३३७८ (अनुमानित)

काम दिलाऊ दफ्तर

१२५९. श्री मोहन स्वल्प : क्या श्री और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में कुल कितने काम दिलाऊ दफ्तर हैं ;

(ख) उन के संचालन पर भारत सरकार का प्रति वर्ष कितना व्यय करना पड़ा है ;

(ग) गत पांच वर्षों में इन काम दिलाऊ दफ्तरों ने कितने बेरोजगार लोगों को काम दिलाया ;

(घ) कितने श्रेणियों के लोगों को इन दफ्तरों से काम मिलता है ; और

(ङ) गत पांच वर्षों में कितने लोगों ने इन दफ्तरों में अपने नाम दर्ज कराये और इन दफ्तरों को कितनी नौकरियों की सूचना दी गई ?

श्री उद्योग मंत्री (श्री कान्ति लाल) : (क) २०२।

(क) वार्षिक औसत वर्ष १७.६६ लाख रुपये ।

(घ) १०,३२,२४० ।

(ब) लगभग एक हजार श्रेणी के सम्पीडित लोगों को नौकरी लाने में सहायता की गई । इन में औद्योगिक, पर्यवेक्षी (सुपर-वायजरी) कुशल, अर्धकुशल, अकुशल पढ़ाने और बलकों की नौकरी चाहने वाले भी शामिल हैं ।

(ङ) ६१,२६,६५६ लोगों ने नाम लिखाया ।

१५,८२,५८६ खाली जगहों का सूचना मिली ।

Indian High Commission at Dacca

1260. Sardar Iqbal Singh: Will the Prime Minister be pleased to state:

(a) whether the members of Indian High Commission at Dacca are shadowed by the Pakistan Security Police; and

(b) if so, whether Government of India has drawn the attention of the Government of Pakistan to this matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) A protest was lodged with the East Pakistan Government but they have denied that this was being done

Manufacture of Automobile Tyres

1261. Sardar Iqbal Singh: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1068 on the 10th March, 1958 and state the progress made so far in regard to each of the schemes licensed for the manufacture of Automobile tyres in India?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A statement is laid on the Table of the House. [See Appendix III, annexure No. 121].

Iron Ore Agreement with Japan

1262. { Shri Vaidya:
Shri Panigrahi:
Shri Asar:
Shri B. Das Gupta:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 243 on the 19th August, 1958 and lay a copy of the agreement reached between India and Japan on the price of iron ore?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The agreement reached contains the details of a business contract which are normally treated as confidential by all business organisations. I trust the Hon'ble Members will bear with me if I try to adopt this business practice in regard to the business contracts of the State Trading Corporation.

Treatment of T.B.-hit Miners

1263. Sardar Iqbal Singh: Will the Minister of Labour and Employment be pleased to state:

(a) whether Government have sponsored a scheme for domiciliary treatment to the coal mine workers suffering from T.B.; and

(b) if so, the details of this scheme?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). A scheme for domiciliary treatment to the coal mine workers suffering from T.B. in the coalfields of Bihar and Bengal, who do not get admission either in the T.B. Clinics of the Coal Mines Labour Welfare Fund or the various Sanatoria where beds have been reserved by the Fund, has been sanctioned on the 12th June, 1958 for a period of six months as an experimental measure. The number of patients to be brought under the scheme will for the present be limited to 300.

2. Under the scheme, the following payments will be made in respect of persons who are given domiciliary treatment:—

- (i) A grant-in-aid for special diet at rates up to a maximum of Rs 50 p.m. per coal mine worker suffering from TB in the said coalfields, and
- (ii) subsistence allowance to such workers up to a maximum limit of Rs 50 per patient per month where the patient happens to be the only earning member of the family

3 Payments of grant-in-aid and subsistence allowance will be made on the recommendations of a Committee consisting of the Coal Mine, Welfare Commissioner and the two Superintendents of Central Hospitals at Dhanbad and Asansol

Foreign Film Producers

1264 Sardar Iqbal Singh: Will the Minister of Information and Broadcasting be pleased to state:

(a) the names of the foreign producers who have been allowed to shoot their films in India during 1957-58 and 1958-59 so far, and

(b) the names of such films?

The Minister of Information and Broadcasting (Dr. Keshkar): (a) and (b) Since there is no control on the production of films in India, it is not possible to furnish precise information about the names of foreign producers who shot films in India during any particular period. The following film companies were, on requests received from them, granted facilities for shooting films —

Name of Company	Name of film
1957-58	
1 M/s. Meridian Productions, U.K.	Harry Black
2 M/s. Rink Organisations, U.K.	'Wind Cannot Ride'
3 M/s. Odyssey Production, U.S.A.	'Wild Life'
1958-59 (so far)	
1 M/s. Film Productions International, U.S.A.	Film on 'Mahatma Gandhi'

The grant of facilities involved no expenditure to Government

Staff of the Indian High Commission in London

1265. Shri Jadhav: Will the Prime Minister be pleased to state

(a) whether it is a fact that the India-based members of the staff in the Indian High Commission in London have complained of discrimination regarding service conditions,

(b) what are the scales of pay and rate of dearness allowance or other allowances in existence for India-based clerical staff and locally recruited clerical staff;

(c) whether it is a fact that the locally recruited staff especially the foreign nationals are retained in service while Indian nationals are transferred or retrenched as a measure of economy, and

(d) whether the locally recruited employees in the Indian Embassies abroad pay Income-Tax or similar taxes to the Governments of the respective countries?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No

(b) A statement is laid on the Table of the House [See Appendix III, annexure No 122]

(c) No. It is a fact that since the cost of a locally recruited member of the staff is less, it has been decided or proposed as an economy measure that certain posts hitherto held by India-based staff should hereafter be held by locally recruited staff. In such cases, however, the India-based staff concerned is transferred to other stations and the question of retrenchment does not arise.

(d) The desired information is being collected and will be placed on the Table of the House when received.

Handlooms

1266. Shri Sadhu Ram: Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of handlooms installed during the year 1957-58 State-wise; and

(b) the quantity of cloth produced by them?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) Information is not available.

(b) Does not arise.

Indian Trade Delegation

1267. Shri Sadhu Ram: Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of Indian Trade Delegations which visited foreign countries during the year 1957;

(b) the countries they visited;

(c) the outcome of their visit; and

(d) the expenditure incurred on these delegations?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) to (d). A statement giving the requisite information is laid on the Table of the House. [See Appendix III, annexure No. 123].

Sheet Glass

1268. Shri Subbiah Ambalam: Will the Minister of Commerce and Industry be pleased to state:

(a) the annual requirements of sheet glass in India;

(b) the names of glass industries manufacturing sheet glass, their installed capacity and the actual production; and

(c) how the cost of production of sheet glass compares with the imported sheet glass?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) The present demand of sheet glass in the country is about 60 million sq. feet.

(b) The names and installed capacities of various sheet glass manufacturing units are given in Statement 'A' laid on the Table of the House. [See Appendix III, annexure No. 124]. The production of sheet glass during 1957 was 54.21 million sq. ft. and during January-June, 1958, 36.21 million sq. ft.

(c) The comparison of fair ex-works price of indigenous sheet glass as estimated by the Tariff Commission in their Report (1957) on the Industry with the c.i.f. price of imported glass is given in the Statement 'B' laid on the Table of the House. [See Appendix III, annexure No. 124].

Trade with U.S.S.R.

1269. Shri Raghunath Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Indian markets are favourably impressed by the Soviet goods; and

(b) if so, what is the balance of trade during 1957-58?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) Government are not aware of any

particular complaint in respect of the goods imported from the Soviet Union.

(b) The trade position between India and the U.S.S.R. during 1957 and 1958 is as given below:

(Rupees in Lakhs)

	1957	1958
		(Jan.-May)
Imports	2,268	1206
Exports	1,753	765
Balance of trade	(—) 515	(—) 441

12 hrs.

MOTIONS FOR ADJOURNMENT

LAY-OFF OF WORKERS IN BURN & Co

Mr. Speaker: On the 28th August, 1958, Shrimati Renu Chakravartty and others gave notice of the following adjournment motion, decision on which was postponed for today:

“Serious situation arising out of 1135 skilled workers of premier engineering firm Messrs. Burn & Co., Howrah, being laid off resulting in creating a situation where priority orders in wagon building and steel fabrication for Plan core projects at Bhilai and Durgapur have been stopped and there is threatened en masse closure facing the Engineering Industry as a whole in and around Calcutta.”

That is the text of the adjournment motion. Does the Minister of Commerce and Industry propose to make a statement in this matter?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Yes.

As the hon. Members are well aware, due to serious foreign exchange difficulties, drastic reductions have had to be effected on imports even in respect of essential commodities resulting in shortages in supply within the country. The position in regard to the supply of steel during the current year has been particularly acute. The total availability during the current year will be of the order of about 2 million tons as against about 3 million tons during each of the preceding two years. On the other hand, the demand for steel from the engineering industries has been growing fast and could not have been met in full even if the supplies had been maintained at last year's level. The problem of steel, is therefore, one of demand far outstripping the available supply. All possible efforts are, however being made to make the most advantageous use of the available supplies, and towards this end, a number of steps have already been taken. Details of these are given in the statement which I am laying on the Table of the House. I would only add that arrangements are being made in co-ordination with the Ministries of Labour, Steel and Railways as well as the State Government of West Bengal to convene a tripartite meeting comprising representatives of labour, industry and the State and Central Governments to look into the question relating to the lay-off of labour and to consider how best this problem could be tackled. Further, Government also propose to constitute an inter-Ministerial Committee at Secretaries' level to plan out a long-term programme for the placement of such orders as are possible to fabricate within the country, for the core projects and also to plan the supplies of raw materials required for such orders. It is expected that this step which is being taken as a result of consideration over a period of time would lead to effective co-ordination,

so that difficulties as have arisen in this particular instance, do not recur.

I may also inform the House that the Labour Department of the West Bengal Government is currently looking into the case of Messrs. Burn & Co., and certain discussions with the representatives of the workers have already taken place. The final outcome of these negotiations is awaited. I will also read out the statement re: supply of steel to engineering industries:

"The general position in regard to the supply of steel to the engineering industries as a whole has already been mentioned to the House. The position of the wagon-building and structural units has, however, been less difficult than that of other steel using units, for the reason that most of the orders from the former class of units have a high priority. Even so, the position is not uniform in the matter of supply of steel as between the different wagon building and fabricating units. The main difficulty is not merely the general shortage of steel, but even more, a shortage in certain categories. In view of this position, meetings were held both by the Iron and Steel Controller in Calcutta and in the Ministry of Commerce and Industry in New Delhi with the representatives of the firms concerned, as well as the representatives from the concerned Ministries to see as to what extent the position could be remedied on an immediate basis. The position that has emerged from these discussions is somewhat like this. Excepting in the case of Burn & Co., Howrah, the other wagon building and structural companies in this region have enough stocks to carry them on till November. It is expected that orders placed by the Railway Board in Japan under the D.L.F. programme will begin flowing in towards the end of this year. The real difficulty is, therefore, between now and the end of the year.

As a result of the meetings held already, the Iron and Steel Controller is examining as to what extent the indigenous supply could be maximised to meet the requirements during the intervening period. One difficulty in this connection is that Tatas are the only indigenous producers supplying plates; their production of plate has been practically halved since April last on account of the re-vamping of the plate mill. The position was further aggravated by the recent strike in Tatas and the consequent loss of production. Even now, 50 per cent. of the plate supplies is being made available to wagon builders, and the Iron and Steel Controller is now trying to see if this proportion cannot be increased to the greatest extent possible even by diversion from other top priority users.

Two other lines of immediate assistance that are also being explored by the Iron and Steel Controller are, firstly, to obtain a very detailed inventory of the stocks of materials in all categories held by different firms, to see to what extent a re-distribution between them could bring about an improvement in their day-to-day working. Towards this end, meetings had already been convened with the representatives of all the firms concerned, and further action is being expedited. Secondly, it is also being examined as to what extent, certain categories of steel arriving from Russia and West Germany could be diverted to these units either for wagon building or other structural work.

The position, therefore, is that while we are admittedly faced with a very difficult situation on account of the acute shortage of steel, everything possible is being done to relieve the situation by such adjustments as are possible on the lines mentioned above."

[This statement was also laid on the Table].

Shri Prabhat Kar (Hooghly): May I say something on this adjournment motion?

Mr. Speaker: I am not going to allow a speech now.

Shri Prabhat Kar: It is only on a matter of clarification. The Minister has said that there will be a tripartite conference on this matter between the representatives of labour, industry, the West Bengal Government and the Central Government. He has also informed us that the Labour Department of West Bengal is looking into this matter. Will the Minister kindly ask the West Bengal Government to see that the cases of the 1135 odd workers may not be decided finally until this tripartite conference has finalised matters?

Shri Lal Bahadur Shastri: The West Bengal Government are fully seized of the matter. But if the hon. Member so desires, I have no objection to referring that particular point to the Labour Department of the West Bengal Government.

Mr. Speaker: In view of the statement of the hon. Minister, I do not think it is necessary to give consent to this adjournment motion.

ALLEGED BREAK-DOWN OF CONSTITUTIONAL MACHINERY IN PONDICHERRY

Mr. Speaker I have received notice of another adjournment motion from Shri V. P. Nayar, which reads as follows:

"The situation arising out of the failure of the Chief Commissioner of Pondicherry to accept the names submitted by the majority party in the Assembly for nomination as Councillors and the consequent break-down of the Constitutional machinery due to the manoeuvres of the Government of India and the Chief Commissioner."

I would urge all hon. Members not to use such language as 'manoeuvres' and the like.

Shri Tangamani (Madurai): There is also my adjournment motion, where the wording is different.

Mr. Speaker: All right. I am glad then. Nothing is gained by casting aspersions. If there is a serious default on the part of Government, certainly, I shall give consent, and they may have the adjournment motion discussed.

Shri V. P. Nayar (Quilon): May I explain? At that time, I could not get another word. It is open to you to correct the wording.

Mr. Speaker: Is it contended that hon. Members must take liberties to use their own words, and it is for me to go on correcting them from time to time? I am really surprised. Hon. Members must use such language as would be befitting and would show that we are conducting the proceedings in an orderly manner.

Has the Minister in charge to say something?

Shri Tangamani: May I make a submission?

Mr. Speaker: I shall read out his adjournment motion:

"Situation in Pondicherry following Chief Commissioner's refusal to accept majority group".

Accept majority group? Very well, whatever it might be, this is the adjournment motion.

Shri Tangamani: May I make a submission? The Pondicherry Council.....

Mr. Speaker: It is clear already. The notice of adjournment motion is there. I am only trying to ascertain facts from Government in order to enable me to decide whether it is urgent or is of recent occurrence. I am asking the Minister. If I have a doubt, I shall call the hon. Member.

Shri Tangamani: May I make a submission to show the urgency, because this Pondicherry Council was formed, and there was the majority party, and this breakdown has been continuing

for the last three months? On the 25th August, there was a meeting following the resignation of the chairman, and the meeting was specially convened for the election of the Chairman, and Mr. Dasamma was elected as the chairman, and afterwards, a group has been formed consisting of 22 out of 38, and Mr. Chandrasekhara Chettiar has submitted a panel of names for the Ministership there. Now, the situation has arisen actually following the Chief Commissioner, Shri Kripalani's refusing to accept this group on certain grounds. This group has already stated that it is for implementing the Second Five Year Plan, it is also for the extension of the Central laws to Pondicherry pending the *de jure* transfer, and also for urging the Government to expedite the *de jure* transfer.

There is a specific proposal which has been placed. The first indication was that this Council will be accepted. If this Council is not accepted, then what would happen is that because, unlike the Assemblies in other places, this Assembly meets only once or twice a month and that too, for a few hours, even the minimum control which this Council was having over the Administration of Pondicherry will come to a stop. That is the urgency.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am not aware of any constitutional machinery having broken down or there being any danger of its breaking down. The Council, to which reference has been made, acts in an advisory capacity to the Chief Commissioner in regard to subjects delegated to it by the Chief Commissioner. Naturally, we have preferred the Council to function for a variety of reasons. Sometimes it has not functioned in the past for sometime.

This Council came into existence by a French decree passed, I think, a few days before our independence. According to that, the Council is formed, of which three members at

least should be elected and three nominated. But as a matter of fact, our Chief Commissioner has normally asked them to suggest 6 names, that is, the full number, although he need not have done so. This is the broad background.

Certain rather odd things have happened recently, to which reference was made by the hon. Member. I think the Council consists of 39 members and it was divided up between two groups. Lately, a number of members of group one, which was in a big majority, left it and sort of hung in the air between the two groups—dissidents. So there were three groups, not one of the groups having a majority. I think the numbers were 16, 9 and 11—or something like that. (interruption). It was 16, 11, 11, but two of them have again shifted.

So the members of this Assembly in Pondicherry apparently for the sake of exercise go from one side to the other frequently, with the result that the poor Chief Commissioner does not quite know what the position is.

In fact, another odd thing happened here. A meeting was held for election of the President of the Assembly. I am not going into details, but the Chairman of that meeting, who is supposed to be the oldest member, for some reason which he thought adequate, adjourned the meeting for three or four days for further consideration. Having adjourned it, he and some others left the meeting. Thereafter, however, the meeting was continued by others and they elected a new President altogether, not a new Chairman. I cannot, for the moment, say whether they were right or wrong. Normally speaking, when a meeting is adjourned by the Chairman, it is adjourned. Whether he has done so rightly or wrongly—it may be challenged later—the remaining people cannot carry on. It is a matter of law in which we are consulting our legal officers about the situation that has

[Shri Jawaharlal Nehru]

arisen. I am not, for the moment, prepared to say what the correct position would be.

Then comes this question of Councillors. The old Councillors having resigned, a request was made by this dissident group plus another group that they should supply the names of the 6 Councillors. The Chief Commissioner enquired of them—naturally he wanted to know—whether this group was a cohesive group, whether it was a party or not, because he knew two parties and a third which had arisen, which had shifted about its allegiance this way and that. He wanted to be assured about its cohesiveness—was it a party with a majority or not? To that, all that they said was 'We have agreed to put forward these six names'. Further, as a matter of arrangement between them, the six names were really put forward by the 10 persons who were dissidents.

The Chief Commissioner thought it odd that 10 persons should choose six of themselves for the Council, presumably as a matter of bargain with the others. He said that he would like to think over this, about which is the majority and which is not. As a matter of fact, he referred the matter to us and we are taking legal advice in the matter as to what the proper procedure should be.

Apart from this, just at this period, in the last few days, there has been a change of the Chief Commissioner. The old Chief Commissioner has retired after his full term of service and the new man has just taken charge. Because of all this, matter was referred to us, and it is being considered.

There is no constitutional breakdown at all. When we have got legal advice, we shall take such steps as are within the Constitution and the law and are considered fit and proper.

Mr. Speaker: There is a provision here that the President can act only with the assistance of Ministers. Like-

wise, is there any provision there that the Chief Commissioner cannot carry on without the assistance of these Councillors?

Shri Jawaharlal Nehru: Their function is advisory. He has carried on in the past for months without them.

Mr. Speaker: Therefore, there is no breakdown. Law and order is being maintained.

Shri Jawaharlal Nehru: There is no question of breakdown.

Shri V. P. Nayar: The Prime Minister tells us that legal opinion is being taken. As far as I understand, the procedural matters are dealt with according to the French law. What is the purpose of the Government of India taking legal opinion? Is it going to be decided on the basis of Indian law or is it going to be decided on the applicability of French rules which are in force in respect procedural matters, as that will decide the issue.

I want also to know whether in such cases when the President had adjourned the meeting under the rules in force there, they could convene a meeting and have a valid election. All my efforts to the French rules in the Pondicherry administration in our Library have been in vain.

Shri Jawaharlal Nehru: Obviously, the legal opinion would be based on the laws which are being observed there, whatever they may be, French law plus others plus natural law, common law, practice and so on taken together.

Mr. Speaker: In view of the statement of the hon. Prime Minister, I do not think there is any urgency for this and I do not give my consent to this adjournment motion.

12.17 hrs.

PAPERS LAID ON THE TABLE

STATEMENT ON INDO-PAKISTAN CANAL
WATER DISPUTE.

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): I beg to lay on the Table a copy of the statement regarding latest developments on the Indo-Pakistan Canal Water Dispute. [Placed in Library. See No. LT-877/58.]

AMENDMENTS TO COTTON TEXTILES
(PRODUCTION BY HANDLOOM) CON-
TROL ORDER

The Minister of Commerce (Shri Kanungo): I beg to lay on the Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of each of the following Notifications making certain further amendments to the Cotton Textiles (Production by Handloom) Control Order, 1956:—

(i) S.O. No 1339 dated the 12th July 1958;

(ii) S.O. No. 1594 dated the 9th August 1958. [Placed in Library See No LT-876/58].

12.17½ hrs.

AMENDMENTS TO REGULATIONS
FOR ELECTIONS TO COMMITTEES

Sardar Hukam Singh (Bhatinda): I beg to lay on the Table a copy of each of the Amendments made by the Speaker to Regulations 2, 7, 13, 15, 19 and 21 of the Regulations for holding of elections to Committees by means of the single transferable vote

12.17½ hrs.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I lay on the Table the following two Bills passed by the Houses of Parliament during the current session and assented to by the President since a report was last

made to the House on the 11th August, 1958:—

1. The Appropriation (Railways)
No. 3 Bill, 1958.

2. The Ancient Monuments and
Archaeological Sites and Re-
mains Bill, 1958.

12.18 hrs.

DELHI RENT CONTROL BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move for leave to introduce a Bill to provide for the control of rent and eviction, and for the lease of vacant premises to Government in certain areas in the Union Territory of Delhi.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the control of rent and eviction, and for the lease of vacant premises to Government in certain areas in the Union Territory of Delhi"

The motion was adopted.

Pandit G. B. Pant: I introduce the Bill.

12.19 hrs.

ESTATE DUTY (AMENDMENT)
BILL—contd

Mr. Speaker: The House will now resume clause by clause consideration of the Estate Duty, (Amendment) Bill as reported by the Select Committee. Out of 5 hours allotted to this Bill, 50 minutes now remain. Clause 2 was adopted on the 30th August 1958. The House may now resume discussion of clause 3. Pandit Thakur Das Bhargava may kindly continue his speech on amendment No. 25 moved by him the other day. The balance of time is 50 minutes—say, one hour.

Shri Prabhat Kar (Hooghly): In view of the fact that so many clauses have to be taken up, may I suggest that the time may be extended?

Mr. Speaker: The original time allotted was 4 hours. We extended it to 5 hours.

Shri M. R. Masani (Ranchi-East): If I may make a submission, the time originally allotted was 3½ hours for general discussion and 1½ hours for the clause by clause stage. It is true that the general discussion went over the allotted time. But may I urge that the 1½ hours for clause by clause consideration might not be shortened, as otherwise it may not be adequate for the discussion?

Mr. Speaker: We will have half an hour more.

We have adopted a convention in this House that whenever the House does not sit on any day in the week, it sits on Saturday. Likewise, whenever we extend the time on any subject on any day, we will sit after 5 p.m. to that extent so that the extension of time will finish off there.

Shri Prabhat Kar: Today we have a half-hour discussion.

Mr. Speaker: We will sit for another half-hour. I would like to finish the work every day, whatever time may be allotted. In exceptional circumstances, it may go to some other day.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): It is not necessary that we sit after 5.30 today.

Mr. Speaker: If the Government is willing to allow this time to be taken up the next day, I have no objection. I wanted to aid Government.

Pandit Thakur Das Bhargava (Hissar): I had moved my amendment in relation to the conditions of

service etc. of the Appellate Controller. In the original Act, we had only controllers so far as Estate Duty was concerned. Now, we have got another officer, the Appellate Controller. What I submitted yesterday was that I congratulated the Government for appointing these Appellate Controllers just as there are Appellate Commissioners in Income-tax. I never submitted that the Appellate Controllers are not judicial officers. They are in the same sense judicial officers as the Appellate Commissioners. What I want to contend is that they may become much more judicial officers if the Board wishes that in addition to the provision that such Appellate Controllers shall not be subject to such orders, directions and instructions as will interfere with the exercise of their appellate functions. It further agrees that they should not be subject to itself in regard to conditions of service. Therefore, any reference by the hon. Finance Minister to administrative officer, in America and other countries becomes irrelevant, because we have already seen that this Department has appointed judicial officers. What I wanted to contend was that these judicial officers should not look to the Central Board of Revenue for promotion etc. They should not feel that if they accept too many appeals they may be transferred to a place where they may not have all the amenities of life or that their promotion might be stopped. I only submit that their conditions of service should be a bit different.

There is another argument. It is that in this cadre there may not be too many persons and therefore the chances of promotion will be very few. It is a moot question whether these Appellate Controllers should belong to the Finance Department. I would rather like that this cadre of officers should be subordinate to the High Court and their promotions etc., just like those of other judicial officers, may be subject to the jurisdiction of the High Court. That would take away this objection also.

This objection can be met in other ways also by Government. They may say that there are other ways open to the officers for promotion.

My only point is that the Appellate Controller is the first judicial officer. I may tell the hon. Minister that I am not complaining that these officers are not behaving rightly. They are behaving rightly but there will be much more confidence. In other countries the assessee goes to the Income-tax officers with the confidence that they will be treated according to law. We want that our assessee should also feel like that and they should also have the same confidence. For this purpose, this first judicial officer should not look up to the C.B.R. for promotion etc. That is a point which I submitted for consideration.

I should also like to refer to article 50 of the Constitution in which it is said that the Government should take steps for the separation of the judiciary from the executive. I may also refer to another provision, section 556 of the Code of Criminal Procedure which states that officers of a particular department cannot hear cases relating to crimes against that particular department because they are deemed to be interested in it. Since these officers remain officers of the income-tax department, they have to think that they must look up to the Board for promotion etc. They may be mistaken. It may be an unconscious bent of mind that if they behave in a particular way they cannot get promotion etc. But the fact is there. The hon. Finance Minister also thought that these officers do not think in that way and that they do not like that they should be subordinate to some other authority. I had many conversations with these officers and I must say that the officers would very much like to be subject to the High Court than to the C.B.R. for promotion etc. Therefore, no good reason has been

advanced by the hon. Minister for saying that this reform cannot be made.

I think the will to do is not there. If the will is there it can be done very easily and there will be no difficulty. As I submitted previously, an attempt was made but the department did not agree. I wish the hon. Minister would rise above the wishes of the department in this matter and give satisfaction to the general public. The department will become much more popular if they accept this reform.

So far as the High Courts and the Supreme Court are concerned, they are concerned only with questions of law, cropping up in these cases. But the Appellate Controller is the first judicial officer who deals with facts. Therefore, my submission is that, on these grounds, this amendment should be accepted.

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):

Sir, I am unable to accept this amendment since it was considered at great length in the Select Committee also. It is purely a revenue and administrative matter and not much of a judicial matter and we want to follow the general pattern of revenue administration. After all, as I said, we are likely to get about Rs. 2½ crores or so. While in the Income-tax Act, the Wealth Tax Act, the Expenditure Tax Act and in the Gift Tax Act we follow a particular pattern, it is not the intention of Government to follow another pattern in this Estate Duty. All the revenue Acts must follow the same pattern. Whatever obtains in Income-tax and other taxes must also obtain in Estate Duty.

There are about 2 or 3 officers going to be appointed as Appellate Controllers and there is again an appeal to the usual Tribunals. Therefore, at this stage, it is not desirable to keep these officers under the High Court or the Supreme Court. We do want them to be fair-minded and judicial-minded; but they must be under the C.B.R. The aggrieved party can always go to

[Dr. B. Gopala Reddi]

the Appellate Tribunals. We want the general pattern of income-tax to be the pattern here.

Pandit Thakur Das Bhargava: I do not want this in Estate Duty alone. I have been urging that in Income-tax and other taxes the pattern should be this and.....

Dr. B. Gopala Reddi: But income-tax is not now under consideration

Pandit Thakur Das Bhargava: It is only a pattern taken from the income-tax.....

Dr. B. Gopala Reddi: Let us follow the usual practice and let us think of amending all the other Acts later on. That is a different matter.

Mr. Speaker: Is it necessary to put the amendment to the vote of the House?

Some Hon. Members: The hon Member does not press it.

Mr. Speaker: Is the hon Member not pressing it?

Pandit Thakur Das Bhargava: I want that this might be put to the vote of the House.

Mr. Speaker: Then, I will put it to the vote of the House. The question is:

Page 2, line 35,—

add at the end—

"and the Appellate Controllers shall not be subject to the Board in the matter of their transfers, promotions and other conditions of service."

The motion was negatived.

Mr. Speaker: Now, the question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Speaker: I urge upon the Government party to have the whips here.

I am really surprised that there are a dozen whips and yet they leave the entire responsibility of making the motion, supporting the Bill and ultimately carrying it through also on the shoulders of the hon. Minister. The Secretaries and other persons belonging to the party must be able to assist the hon. Minister. There is no use leaving the hon. Minister alone. At least let me have more than one voice for 'Ayes'. In future, if I hear one 'Aye' alone, I will say the 'Noes' have it

(Amendment of section

9)

Shri L. Achaw Singh (Inner Manipur): Sir, I beg to move—

Page 2,—

after line 36, add—

'(a) in sub-section (1) for the words "two years" the words "five years" shall be substituted;'

The period of two years provided in the present Bill is absolutely inadequate. The Taxation Enquiry Commission has recommended that the original Act should be amended so that it can bring this into line with the law of other countries and I do not know why the Select Committee has rejected the proposal which was provided in the original Bill. I submit that the change will deprive the Government of a substantial amount of revenue. In England, the period of five years is provided for charitable gifts. I do not know why we should not profit by the experience of those who have found it to be effective. I would, therefore, request the Government to accept my amendment.

Mr. Speaker: The amendment is before the House.

Shri Prabhat Kar: Sir, I support this amendment. When the hon. Minister brought forward this Bill originally on the floor of the House he said that out of the experience of the last five years, he thought if

advisable to bring the amending Bill. So, Government gave proper thought while the amending Bill was brought forward before the House. At that time, when the Bill was brought up here, the Government thought that the period of two years should be changed to five years. But the Select Committee has amended this. I would like to know why the Government, which thought of five years originally, is now thinking in these terms.

Pandit Thakur Das Bhargava: I oppose this amendment. The effect of this amendment will be that the gifts which have already taken place more than two years ago, will be in jeopardy. If the five years' rule is adopted, it would mean that those gifts which would have become indefeasible will come into question again. The principle of retrospective legislation is so well-known in this House that I need not repeat it. In England, in 1910 an attempt was made for changing the period from one to three years. At that time transitional provisions were made that all those gifts which were established by the efflux of time were taken away from the purview of that amendment. Similarly, in 1946 when three years were changed to five years, at that time also, similar transitional provisions were accepted. Now, we have passed The Gift Act. What is the meaning of changing the period to five years? Ordinarily, when we enact, we do not give retrospective effect and it will be wrong to do so in this case. Only in certain kinds of legislation, retrospective effect is given. It is not this kind of legislation. In our taxation legislation, retrospective effect is not ordinarily given and so this amendment is not acceptable. All those expectations which have been raised in the minds of the people making gifts ought not to be disturbed and all these circumstances which they have contemplated in the course of their life should not in this way be disturbed to such an extent. Then, all those transactions would be in jeopardy. I, therefore, oppose this amendment.

Dr. B. Gopala Reddi: I am thankful to the Panditji for the elucidation he has given. The Select Committee went into the pros and cons of this amendment and suggested that the *status quo* might be maintained. That means two years. We need not also give retrospective effect as he has pointed out. Therefore, I am unable to accept the amendment.

Mr. Speaker: I shall put amendment No. 21 to the vote of the House. The question is:

Page 2,—

after line 36, add—

“(a) in sub-section (1) for the words “two years” the words “five years” shall be substituted;”

The motion was negatived.

Mr. Speaker: The question is:

“That Clause 4 stand part of the Bill”

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Speaker: The question is:

“That clauses 5 to 11 stand part of the Bill.”

The motion was adopted

Clauses 5 to 11 were added to the Bill

Clause 12.—(Amendment of section 33)

Mr. Speaker: Now, we shall take up clause 12. Let me dispose of the Government amendment first. The hon. Minister. The hon. Minister must have somebody to assist him also; there are so many young Ministers .. (Interruptions)

Dr. B. Gopala Reddi: Sir, I beg to move:

Page 4,—

(i) line 19, for “clause” where it occurs for the second time, substitute “clauses”; and

[Dr. B. Gopala Reddi]

(ii) after line 25, add—

"(m) property belonging to the deceased who was a member of armed forces of the Union and who was killed in action during operations against an enemy."

Mr. Speaker: This amendment is before the House and I will put it to the vote of the House.

Shri Karni Singhji (Bikaner): Sir, once this amendment is put to the vote, I will not be able to speak on my amendment.

Mr. Speaker: The hon. Member may move his amendment also.

Shri Karni Singhji: I do not wish to move my amendment but I would like to speak on it. I am very glad that the Government have accepted the substance of my amendment No. 9 which seeks exemption for the armed forces from the estate duty when killed in service. Ever since 1953, when I had the honour to serve on the Select Committee on Estate Duty Bill, I had been pursuing this particular point and in my minute of dissent which I appended to the 1953 Select Committee report, I had mentioned these two points. I am very glad that the Government and the House, in their collective wisdom, are accepting the main substance of my amendment. I do hope that at some later stage the House will reconsider the services of the police force who are killed in certain specified and difficult circumstances—for example fighting the dacoits; the armed constabulary which is policing the Indo-Pakistan borders who stand to lose their lives every day. This point, I hope, will be taken up at some later date.

In the light of the Government amendment which has been moved as a result of mine, which substantially accepts my stand, I most heartily agree not to move my amendment. I

am certain that this precious gesture of the Cabinet and the hon. Finance Minister and the House will be very greatly appreciated by all the armed forces of the Union.

Shri Prabhat Kar: In part (ii) of the amendment, the wording is: "killed in action during operations against an enemy". I do not know whether it sounds all right.

Mr. Speaker: Singular includes plural. "Operations against an enemy"—there may be only one enemy. Everybody knows when we are fighting somebody, it is the enemy. "Killed" means by the enemy. I do not know if a friend will kill him. It is the enemy who comes there in the battle. There are a number of enemies, but they do not come for the operation there. There may be enemies outside.

Shri Prabhat Kar: I think it would be better if we say "killed in action during operations".

Mr. Speaker: If a lion or tiger kills him?

Shri Prabhat Kar: It must be in operation.

Mr. Speaker: Suppose he goes out and a wolf eats him away.

Shri V. P. Nayar (Quilon): He must get the advantage in that case. If for an operation he goes into the jungle and is eaten by the man-eaters, I think he is equally entitled to the protection of the law.

Mr. Speaker: That is beyond the scope of the amendment.

The question is:

Page 4,—

(i) line 19, for "clause" where it occurs for the second time, substitute "clauses"; and

(ii) after line 25, add—

"(m) property belonging to the deceased who was a member of the armed forces of the Union and who was killed in action during operations against an enemy."

The motion was adopted.

Mr. Speaker: The other amendments are barred.

The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill

Clause 13.— (Substitution of new section for section 34)

Dr. B. Gopala Reddi: I beg to move:

Page 4, lines 31 and 32,—

for "(i), (j) and (l)" substitute "(i), (j), (l) and (m)".

Mr. Speaker: It is only a consequential amendment.

Shri Prabhat Kar: What is the aim, we should know.

Mr. Speaker: "(m)" has been added already.

Shri Jaganatha Rao (Koraput): "(m)" relates to the armed forces, the amendment just passed.

Shri Naushir Bharucha (East Khondesh): I want to move my amendments.

Mr. Speaker: I am coming to that.

The question is:

Page 4, lines 31 and 32,—

for "(i), (j) and (l)" substitute "(i), (j), (l) and (m)".

The motion was adopted.

Shri Naushir Bharucha: I beg to move:

(i) Page 4, omit lines 35 to 40.

(ii) Page 4, line 28,—

after "determining" insert "the rate of".

Amendment 12 is aimed at omitting lines 35 to 40, that is, clause (c) relating to joint Hindu family will be omitted. By amendment 36 I have said the words "the rate of" may be inserted after the word "determining".

I may say that so far as amendment 36 is concerned, I presume that it is the intention of the Government also that the aggregation is for purposes of calculating the rate of estate duty payable, or the slab in which, estate duty should be paid. There is no objection, therefore, I presume on the part of Government accepting this amendment which only clarifies the position. I may point out that the original section 34 in the Estate Duty Act has the wording "for determining the rate of estate duty". Therefore, I have simply put that amendment to clarify the position.

With regard to omitting lines 35 to 40, that relates to the joint family belonging to the Mitakshara and other schools of law. I need not expand on that. I feel that the Hindu joint family has not been given a square deal, and just because it happens to be an institution peculiar here, I do not see why it should be handicapped with a particular disadvantage.

Mr. Speaker: The amendments are before the House.

Pandit Thakur Das Bhargava: I had a similar amendment, amendment No. 1.

Mr. Speaker: It is the same as 12.

Pandit Thakur Das Bhargava: Yes. Therefore, I want to support this amendment.

So far as this amendment is concerned, we heard the hon. Minister's reaction. He was of opinion that as a matter of fact the Mitakshara families

[Pandit Thakur Das Bhargava]

are put to a great advantage if this amendment is not there. That was his reason.

So far as the question of rate is concerned, he was pleased to say this really relates to not aggregation but rates. I do not want to expatiate on it. I hope the amendment of my hon. friend Shri Bharucha will be accepted to make the whole thing clear, as fell from your lips also yesterday.

In regard to the amendment proposed, my humble submission is that the position has been rather misconceived. I do not think that so far as taxation or the rights of any person, any citizen of India are concerned, they are based on his belonging to a particular class, creed, religion, sect or caste. We read in the Constitution that all persons are to be treated as individuals. In the preamble of the Constitution we find the words "the dignity of the individual". We do not find the dignity of the family or the dignity of the caste or creed or anything. The words are "the dignity of the individual". I would very humbly plead with the hon. Minister that if his argument were accepted, it will lead to very great mischief in this land. If you were to tax certain castes or creeds or religions or because a person belongs to *Dayabhaga* or *Mitakshara* families, it would lead to such results that the Government itself would be ashamed of.

Shri V. P. Nayar: Why not *Aliyasantana* or *Marumakkattayam*?

Pandit Thakur Das Bhargava: My argument equally applies to all.

Look at the results. What would happen? Suppose a person has only property worth Rs. 5,000 and he happens to be a member of the joint Hindu family, would it be taxed or not?

Dr. B. Gopala Reddi: How many sons has he?

Pandit Thakur Das Bhargava: He has got nine sons.

Dr. B. Gopala Reddi: Then?

Pandit Thakur Das Bhargava: Then he will be taxed.

Dr. B. Gopala Reddi: He won't.

Pandit Thakur Das Bhargava: A person leaving only property worth Rs. 5,000 will be taxed, whereas according to what fell from my hon. friend, no person who has left property less than Rs. 50,000 should be taxed.

We know that under the Hindu law, persons belonging to the joint Hindu family belonging to Madras, Bombay and Madhya Pradesh have an absolute right to alienate their share in the undivided Hindu family. In the other States such a right does not exist. Suppose a person in any of these States alienates his entire property in the joint Hindu family, he leaves no property, yet the shares of all his lineal descendants, even of those who do not get any interest by birth, for instance the daughters, will all be aggregated. They will all be taxed. This is the anomalous position.

Mr. Speaker: Only the other day the hon. Minister seems to have said that it is calculated only for the purpose of determining the rate and not the estate to be taxed.

Pandit Thakur Das Bhargava: Supposing a person leaves no property or property worth only Rs. 1,000, what does the word 'rate' mean in his case? If all the property is aggregated and another Rs. 5 lakhs come in, the rate will be fixed on the total amount. The rate will not be on Rs. 1,000. The position will be that he leaves no property and yet he is taxed at the rate fixed on the basis of Rs 5 lakhs.

Mr. Speaker: If he leaves no property at all, where does the question of tax come in?

Pandit Thakur Das Bhargava: If he alienates the entire property and he has only the joint family status, then he leaves no property, only the lineal descendants possess properties as they have not alienated their share

of the property. In that contingency, that property must be aggregated and gathered together with the property left by the deceased.

Dr. B. Gopala Reddi: Are the sons partitioned from the father?

Pandit Thakur Das Bhargava: No; only the joint family property is there. If you speak of partition, you are entertaining a proposition which is unheard of. Separate property of no son can be taken. Here it is only the question of the joint family. It may happen that the deceased may have no property, no share so far as the joint family is concerned.

Dr. B. Gopala Reddi: And he is a parasite on the Hindu joint family having alienated all his property?

Pandit Thakur Das Bhargava: Supposing he has got only property worth Rs. 1000 and he has alienated all his property. Is that rare? Many fathers do this. They alienate their entire property—it is taken away in debt.

Mr. Speaker: Let us be clear about this position. We will assume that a person has no separate property, or having had separate property he has disposed of that property and he continues to be a member of a Hindu joint family along with his sons and others. The only question is, if he has lineal descendants—does it include female descendants also....

An Hon. Member: Yes.

Mr. Speaker: There is both male and female under the Succession Act. If he has lineal descendants, then his share alone, not those of his descendants, will be taxed, but the rate will be fixed on the aggregate of the entire property. Is that understood?

Dr. B. Gopala Reddi: Yes.

Mr. Speaker: Therefore, the shares of the lineal descendants will not be taxed. Only his share will be taxed, but the rate will be fixed taking

into consideration the entire joint family property including the shares of the lineal descendants also. Let us understand that before voting.

Dr. B. Gopala Reddi: When the taxable property is nil—of course, the rate will be fixed on the entire property—according to him, what is there to be taxed?

Mr. Speaker: Is a son's share in a joint family property taxable?

Dr. B. Gopala Reddi: He says that it has been disposed of.

Pandit Thakur Das Bhargava: Supposing it is Rs. 500, what difference does it make?

Mr. Speaker: What the hon. Member says is, if he has separate private property which he can dispose of and which he has disposed of, and he has only his share in the joint family, that remains along with the shares of his lineal descendants. It is clear that his share only—if he has four sons, he will have only one-fifth share—will be taxed. But the rate at which he will be taxed is not based on the value of his share only, the rate will be calculated based on the value of the entire joint family. His share and the shares of his lineal descendants will be aggregated for fixing the rate at which he will be taxed. Therefore, that is clear. What is the hon. Member's objection? It is not that I am asking him to vote for or against it, but I want to know what exactly is the position.

Pandit Thakur Das Bhargava: I will give all my objections. Firstly, Sir, aggregation can take place if there is a nucleus of property; otherwise there is no question of aggregation at all. This law does not provide that if a person leaves no property there will be no aggregation.

Mr. Speaker: There is the joint family property.

Pandit Thakur Das Bhargava: If he has alienated the whole of his share....

Mr. Speaker: Including his share in the joint family property?

Pandit Thakur Das Bhargava: Of course. According to law a person is capable of alienating his share in the entire joint family property.

Dr. B. Gopala Reddi: Then he will pay gift tax at that stage, and if there is no property that is passing on at his death there will be no tax at all.

Pandit Thakur Das Bhargava: I understand the hon. Minister to mean that if there is no nucleus of property there will not be any tax.

Mr. Speaker: What is there to be taxed? Estate duty is on whatever property is passed on including joint family property. If during his life time a person has sold everything including his share of the joint family property and he leaves nothing behind, then nothing is passed on.

Pandit Thakur Das Bhargava: Supposing he leaves Rs. 1000 worth of property and the aggregate property comes to Rs. 5 lakhs, what happens then?

Mr. Speaker: The sons will have to pay; whoever takes it.

Pandit Thakur Das Bhargava: That is actually my submission, that the sons cannot be made to pay.

Mr. Speaker: What I am saying is—the hon. Member does not put it that way—the difficulty may arise this way. Whoever receives the property of Rs. 1000 will have to pay Rs. 1500 by way of tax. We will assume that a person leaves only Rs. 1000 worth of property as his share in the joint family and the rest of the members of the joint family continue to possess their entire share. If the entire property of the joint family may aggregate to Rs. 5 lakhs, the rate of

tax payable will be fixed taking into consideration the entire property of Rs. 5 lakhs, which will be an enhanced rate—more than what it will be if the rate is fixed on the share of the deceased only—and in that case whoever receives this share of Rs. 1000 may have to pay Rs. 1000 more by way of tax.

Dr. B. Gopala Reddi: If he surrenders the entire property—that is another matter—the deceased man will be declared insolvent for this purpose.

Pandit Thakur Das Bhargava: Section 53 of this Act says that a person is only liable to the extent he receives property. What would happen is, according to section 53 no person will be able to pay.

Mr. Speaker: Those are extreme cases—Government will lose.

Pandit Thakur Das Bhargava: Then, what will be the rate in the case of other persons?

Mr. Speaker: I am not here to argue about the goodness or soundness of this position, but all that I am anxious is that before putting it to the vote of the House I must know what exactly I am putting before the House. Therefore, I want to make clear, both for myself and also the hon. Members here, as to what exactly Government proposes to do and what exactly the hon. Member's objection is. I do not either side with him or oppose him, it is open to him to take any view. The point is clear that to the extent of share that a person leaves, only to that extent the property will be liable for payment of estate duty. But the only difference is that the calculation of the rate of duty will not be confined to the property which passes on, but it will be calculated as though the entire property of the deceased and the joint family consisting of his lineal descendants is passing on his death. It is on that assumption that the rate will be fixed, but it will be levied only on the share which passes on.

Shri K. Periaswami Gounder (Karur): The maximum rate is only 40 per cent.; it will never go beyond 40 per cent.

Mr. Speaker: I am not talking about 40 or 50 per cent. If the rate was fixed only on the property left behind it would have been 5 per cent. or 10 per cent., but now it may reach even 40 per cent. Pandit Thakur Das Bhargava's complaint is that it may reach even 40 per cent. if other shares of the property are also tagged on to his share because of the fact that it continues to be a joint family property.

Pandit Thakur Das Bhargava: I will come to the third point. It is said: "interests in the joint family property of the lineal descendants". This word "interest" does include liability also. "Interest" does not mean positive interest only. If there is liability of lineal descendants, where will it go? The liability must also be shared. "Interest" means both positive as well as negative property, and also liabilities.

Mr. Speaker: "Interest" always means "minus debt".

Pandit Thakur Das Bhargava: Let us take another case. Supposing the whole family is insolvent and there is a decree of Rs. 3 lakhs against the father as well as the sons, and the father has got a good self-acquired property also, no tax will be payable at all because the interests of the lineal descendants will amount to five times the amount of debts on the father.

Dr. B. Gopala Reddi: No, Sir; self-acquired property of sons will be kept apart, it has nothing to do with joint family and his share in the joint family.

Pandit Thakur Das Bhargava: I take it, if a person has a decree against him to the tune of Rs. 3 lakhs and four sons, the only property

which will be available for imposition of estate duty will be one-fifth share of the property of the family, and if there is any separate self-acquired property it will be kept separate for all time and it will not be aggregated.

Dr. B. Gopala Reddi: Self-acquired property of sons will not be aggregated for ratable purposes.

Pandit Thakur Das Bhargava: I understand that so far as estate duty is concerned a person has to pay duty like this on his interest in the joint family property plus his separate property also. In that case his separate property will be there and his joint family property plus liabilities to the tune of Rs. 3 lakhs, in which his one-fifth share will be taken as well as four-fifth of his sons' liabilities will also be taken. His separate property will be taxed on the basis of the tax on the joint property of the deceased and his sons. I have given you an example in which all your estate duty will amount to zero.

13 hrs.

Mr. Speaker: It does not matter. The deceased is not going to take the property to heaven or hell.

Pandit Thakur Das Bhargava: Only the treasury will take it away.

Mr. Speaker: The treasury must get along for the benefit of the entire community.

Whatever share the deceased was possessed of that alone will be taxed but at a higher rate on the aggregate of all the other properties. But if the other fellows are also insolvent there is no higher rate. Cipher plus cipher continues to be cipher.

Pandit Thakur Das Bhargava: Now look at the discrimination. In regard to income tax you know that the exemption limit is Rs. 3,000. If a house consists of ten persons, including the earning member, that one

[Pandit Thakur Das Bhargava]

earning member of the joint Hindu family has to pay the income-tax on behalf of nine persons. This is the discrimination we have been complaining of.

Previously the limit in regard to the individual was Rs. 1 lakh. In regard to joint Hindu family the limit was Rs. 50,000. No person had to pay any tax, no member of a joint Hindu family had to pay any tax unless he had property worth Rs. 50,000 to pass on. Now the law is changed in favour of the rich and to the detriment of the poor. If a person has got any amount of property whatsoever, he is chargeable to estate duty. No person should be chargeable with any duty unless he has got property which will pass on his death to the tune of Rs. 50,000. Whereas so far as this unfortunate Mitakshara family is concerned, even if the property is Rs. 1,000 which will pass on death, he will be taxed.

Mr. Speaker: Where is it stated? Is there no limit?

Pandit Thakur Das Bhargava: Now the law has been changed very much to their detriment. Previously only a person of a joint Hindu family to whom property worth Rs. 50,000 or more passed on inheritance could be charged. Now any person who has any property could be charged

Mr. Speaker: I thought they wanted to make a distinction between separate property and joint Hindu family property. Originally Rs. 75,000 was the exemption given for separate property; Rs. 50,000 was the share of the property of a deceased member of the Joint Hindu family. It has been raised to Rs 1 lakh. Whatever exemption is given to the separate property is to that extent given to joint family property also. But the grade will be on the aggregate of the property.

Pandit Thakur Das Bhargava: Now there is absolutely no limit so far as

a member of a joint Hindu family is concerned. He may even die a pauper leaving Rs. 5 and yet he is liable.

Mr. Speaker: How?

Pandit Thakur Das Bhargava: Because the words are that the whole property shall be aggregated so as to form one estate and estate duty shall be levied thereon.

Mr. Speaker: I do not think the other clause is abrogated stating that Rs. 50,000 or Rs. 1 lakh will be exempted. That provision has not been abrogated by this amendment.

Pandit Thakur Das Bhargava: Let the hon. Minister make this statement.

Mr. Speaker: I understand the position to be like this. If there is taxable property which the deceased has left, tax on that property will not be calculated as if he left that property only but the ratable duty that will be charged on that property will be at the rate as if he left behind him not only that share but the share of all his lineal descendants also. But the matter of exemption and other things are not affected by this. If he is not liable to pay at all on account of the exemption, he will not be liable to pay. But if he is liable to pay over the exemption, it is not at the rate belonging to that particular portion, but the aggregate rate that will be charged. Am I right?

Shri B. Gopala Reddi: After aggregation if it exceeds Rs. 50,000 he will be taxed. Duty can never be higher than the amount. We proceed on that basis.

Mr. Speaker: Supposing the gentleman sells away his property without dividing it among his sons?

Dr. B. Gopala Reddi: That means he has no property at all.

Pandit Thakur Das Bhargava: It is necessary for the deceased to leave

property worth about Rs. 50,000 before his property can be taxed?

Dr. B. Gopala Reddi: If the property left is only Rs. 1,000 and the aggregate amount is Rs. 5 lakhs or Rs. 20 lakhs, anyhow the duty can never be higher than the amount of Rs. 1,000. That property alone can be taxed.

Pandit Thakur Das Bhargava: He is evading the question. Supposing a person leaves property worth Rs. 49,000 and the aggregate amount is Rs. 11,000 more.

Mr. Speaker: Then there is discrimination here. Exemption of Rs. 50,000 or Rs. 1 lakh would not apply to this case at all? If this share is less than Rs. 50,000 normally it would not be taxable. The others are frugal or careful. Simply because the third man is careless he leaves nothing. Why should the exemption go? What is the point in this?

Shri Jhunjhunwala (Bhagalpur): I shall illustrate this. The whole family has got property worth Rs. 1,35,000. There are three members. The father dies. Each man's share is Rs. 45,000. Will they be taxed on Rs. 45,000?

Dr. B. Gopala Reddi: Yes, they will be taxed.

Mr. Speaker: Then there is absolutely no exemption so far as joint Hindu family is concerned.

Dr. B. Gopala Reddi: When the aggregate amount is more than Rs. 50,000 it will attract the estate duty.

Mr. Speaker: Then the joint family is given a go-by.

Whereas in *dayabhaga* each man's property is his own, here each man's property is not his own. A man is entitled to his share. Though his share is only Rs. 50,000 if the aggregate Rs. 50,000, the whole property is taxed when it is passed on. What is the principle behind it?

Acharya Kripalani (Sitamarhi): Have they consulted the Law Minister? I do not think our friend is a lawyer; he may not be able to understand these complications.

Mr. Speaker: That does not require law. The only point is, he wants to know why.

Shri Prabhat Kar: What is the Government's intention?

Mr. Speaker: The Government's intention is, if one man dies, another man's property should be taken away, or, if a man dies . . .

Dr. B. Gopala Reddi: That branch alone is being taken. When he died, he was the owner of Rs. 1,35,000. He has two sons. We are taking that branch as a whole. He was the owner of Rs. 1,35,000. He has two other sons. Of course, for taxable purpose, only one-third of Rs. 1,35,000 is taken. For ratable purposes the rate will be that applicable to Rs. 1,35,000.

Mr. Speaker: Let us assume that the man leaves Rs. 50,000 as separate property. There is an exemption. So far as the father leaves a separate property of Rs. 50,000, you are not going to tax a pie upon that.

Dr. B. Gopala Reddi: His share in the joint family is aggregated.

Mr. Speaker: Leave alone his joint family property. That man's property passes to the sons however rich the sons may be and as there is the exemption, that Rs. 50,000 is not taxed. In a joint Hindu family, the sons are poor and the father and all the sons together, have Rs. 51,000, say. The moment the father dies, the entire share of the sons also is taxed.

Dr. B. Gopala Reddi: Self-acquired property of the son would not be aggregated. If he has the share of the joint Hindu family, . . .

Mr. Speaker: I am only using it as an analogy. If the share of the father, in a separate property, was Rs. 50,000

[Mr. Speaker]

or Rs. 60,000, to the extent of Rs. 50,000 there is the exemption, in the hands of the sons. They take the Rs. 50,000. If he dies only as a member of the joint Hindu family, that joint property, even though all of them are coming together, may be only Rs. 51,000 or Rs. 60,000, where the exemption is not given even for a pie. Even with this Rs. 10,000 which he leaves for four sons, the entire Rs. 10,000 is liable to come under the provision; even if no exemption is given, why do you make a difference between separate property and joint family property and his share in the joint family? Why is it augmented in the whole family?

Dr. B. Gopala Reddi: This is only for ratable purposes, but there, the entire property is taxed. Rs. 50,000 or Rs. 60,000 will be taxed, but here, the aggregation is only for ratable purposes.

Mr. Speaker: The exemption goes. His complaint is, there is no objection to the rate being increased, though even there, he does not agree to one point; but, all the same, it may be said that in the aggregate you are receiving it only from the share of the property, not exceeding that share. But why are you removing the exemption also so far as the share is concerned, and making a distinction between separate property and joint family property. If he left separate property to the extent of Rs. 50,000 it is exempt, but merely because this is a joint family property you are taxing it, though under other circumstances, if it had been separate property he is entitled to exemption. Not only that. He is asked to pay a higher rate also. That is a double inconvenience. He wants to know the reason or the principle behind it. The hon. Minister will explain later.

Pandit Thakur Das Bhargava: I was submitting that as a matter of fact so far as the property of the joint Hindu family is concerned there is absolutely no exemption at all, not a

single pie of the entire property should be taxed. That was the first point. Secondly, there is the point about the rate. My hon. friend says after all the rate is aggregated. May I remind him of the provisions of the Income-tax Act where also we have got a differential treatment. But then that differential treatment is not the same as here.

Yesterday, you, Sir, were pleased to suggest and pass a remark incidentally on the question of minor sons. You first put the question whether the minor sons' share is to be taken or whether it is the share of all the lineal descendants. That was a most pertinent question. A non-Hindu can come and say, or a man who belongs to the Dayabhaga system or a Mussalman or a Christian can come and say, "All right, here is the Hindu; he belongs to the Mitakshara family. You are taking his share of his property. But you are taking our entire property and it is taxed." This can be a possible objection, though, according to me, this is no objection, as I shall show later on, because, the community as such is not taxed; the classes are not taxed; the family is not taxed; only the individual is taxed. If I have got an advantage in the Hindu law, do they want to deprive me of it? A Mussalman can marry four wives. Can a Hindu do it?

Dr. B. Gopala Reddi: He could marry eight wives previously.

Pandit Thakur Das Bhargava: Today he can marry four wives, and can divorce a wife by simply saying *taluk*. So far as donations are concerned, he can make gifts also to an extent of one-third of the property. All these things do not apply to the Hindus. Why not they apply these laws equally? They do not apply these laws equally to the Mussalmans and others. What is the meaning of his saying that Dayabhaga is a different system and that therefore, they should bring the Mitakshara family into the lap of the

Dayabhaga system? I do not understand. I can tell the House that so far as the estate duty is concerned, there must be no such difference for the taxes, and as far as the Hindu joint families are concerned, as the number is large the deaths will be more frequent. You cannot compare them and say because the *Dayabhaga* family contributes to your coffers, that *Mitakshara* families also should contribute equally and in the same way and thus it must be equated in this way. This is not correct and that is not constitutional; you will thus be violating the Constitution. You are really going against the Constitution in bringing an argument of this sort which only baffles me and it cannot have any force.

You can kindly see what is given in the Income-tax Law, and the law relating thereto. The only question that came up in 1949 then was with regard to Rs. 3,500 or Rs. 5,000 in the joint Hindu families, and at that time, the question was solved in a different manner, in a manner which you were pleased to suggest. We provided that in regard to joint Hindu families, where there were two adult members, the limit was to be double the amount, and that if there was a minor son, he would not get the advantage. Even for this purpose, which according to me is thoroughly unconstitutional, they say that the right of minors is taken away. Even minors do not get anything. So far as the right of majors is concerned, it is unthinkable that their right can be taken away, by the estate duty even for the purpose of the rates.

I have given an example of the income-tax in regard to the joint Hindu families. I beg of the hon. Minister to go into the matter kindly. If a Hindu joint family member has got Rs. 4 lakhs worth of property and pays all the taxes, then, each member, if the family consists of four members, gets Rs. 1,000 a month, whereas in the case of a Mussalman family living jointly or a Parsee family or any other family, if they live together and make joint earnings, after paying all the taxes,

each member will get Rs. 4,000 a month. Will the hon. Minister bring his principle here and do justice to the *Mitakshara* family? Will he say that these people do not have Rs. 3,000 less? I submit that all these principles which have been relied upon by my hon. friend are too weak, to which any support could be given. My humble submission is, if you will tax in this manner, there will be nothing but confusion in this land. We only know of one principle: whatever passes on the death of a particular person, that would be the subject-matter of estate duty whether he is a Mussalman, Hindu or anybody else. That is the right principle. Otherwise, you will be offending against the principle of equality given under articles 14 and 15 of the Constitution.

I understand that 80 years ago, when the Englishmen were our masters here, they enacted this law in regard to the Hindu joint family, and they included it in the definition of person and hundreds of crores of rupees have been illegally exacted from them. Now, in the year 1958, the hon. Finance Minister wants that we, with open eyes, should recognise a distinction which does not exist in law and which is not just, and make a distinction between the *Mitakshara* families and the rest of the world—that if any person belonging to any other community has got a property of less than Rs. 50,000, on passing, no estate duty can be levied. And again, so far as these families are concerned, the poorer the family the greater is the tax.

Mr. Speaker: As soon as a son is born, the little child is made to take care of itself. In case the father should die, the child might get the property.

Pandit Thakur Das Bhargava: According to Hindu Law, a child, when he is introduced into this world, gets an independent right not through his father but from the right of the accident of birth.

Mr. Speaker: So, soon after the birth, if he divides himself from his son, then there is no aggregation.

Pandit Thakur Das Bhargava: The result will be, as in the Income-Tax

[Pandit Thakur Das Bhargava]

Act, the families will be broken. The direct result of this will be that it will act as a social monster and will break away every Hindu joint family. All Hindu families will think that as their sons are there, the greater the number of sons, the greater is the likelihood of the person being taxed.

My friend was elequent in telling us, "After all, what is Rs. 400....."

Mr. Speaker: The hon. Member has said enough and people have understood him. It is only a question of change of heart. I do not know how far the hon. Minister is going to change. What is the good of spending more time upon this? We have spent a lot of time.

Pandit Thakur Das Bhargava: I do not think the hon. Minister will change. He himself has said he is not giving any assurance.

Mr. Speaker: If the hon. Member has cleared his doubt from the Minister, he may resume his seat. What is the good of arguing?

Pandit Thakur Das Bhargava: At least I am arguing before my fellow Members. I am not leaving it here. It is a question of very great importance so far as the principle of taxation is concerned. Therefore, I am appealing to all my fellow Members that they should think twice before giving their vote.

13.22 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The hon. Minister was very eloquent yesterday in telling us that only Rs. 400 are taken and only once after death. And he is quite right. May I tell him, if in a small family, the father has left only Rs. 10,000 and there are five or six sons; what will happen to that family? It is not a question of Rs. 400 at all. It is a question of the so-called public servants going to the family and for years

harassing the family. I have known how for years they are harassing the family. For years they go on making inventories. The enemies send anonymous letters and they go on with their enquiry for years. May I humbly ask the hon. Finance Minister if he has experienced any case which has been decided in less than 1½ years?

Even yesterday, a person was asking me whether the police can interfere making inventories and harassing him. I know of a case in which the bank was stopped from paying any money to a person and though he was owner of lakhs, he was unable to draw his money and he had to get some loan from his friends for defraying his expenses, because the bank was asked not to pay him any money. So, the question is not one of Rs. 400, but it is a question of vexation and harassment to the middle-class families if you place the limit too low. Otherwise, Rs. 400 is not much. I do not think on that point, people are afraid. People are afraid of the vexation and harassment that this will entail.

I can go on *ad infinitum* giving many examples. Even today, the department of the hon. Finance Minister even taxes labourers. It is idle for the Government of India to boast that they have fixed the limit at Rs. 3000 for income-tax and Rs. 50,000 for estate duty. As a matter of fact, in practice, even labourers who get Rs. 10 per month are asked to pay income-tax. Similarly, even people with Rs. 1000 will have to pay estate duty on their property. Let the world know how the Hindu joint families are treated here. I have said enough and I am not intrigued even by the statement of the hon. Finance Minister that he will not give any assurance. Even Mr. T. T. Krishnamachari spoke similarly and ended by giving an assurance. The hon. Finance Minister said I am repeating his own words—"I am not giving any assurance; but if there are difficulties, I will look into them."

Dr. B. Gopala Reddi: We will certainly look into individual cases.

Pandit Thakur Das Bhargava: This is an individual case. In the case of A you will charge only 4 per cent. but in the case of B 50 per cent. If that is not difficulty, I do not know what it is.

If the assurance is given or not, if he imposes something which is fundamentally constitutionally wrong, he shall have to change. This is a provision which is inequitable, unjust and it shall never be allowed to remain on the statute-book for a long time. This is most discriminatory. We know that under the Moghal rule, the Hindus were paying *Jesya*. But we never knew that this Government will tax the joint Hindu family like this. I know I am using strong words, but strong things require strong words. Therefore, I appeal to every Member of the House to think twice before he gives his vote in favour of this provision, because this cuts at the very root of the Constitution. It cuts at the root of not only the Hindu joint family, but of the very basis of justice.

Shri V. P. Nayar: This is the fourth time.

Pandit Thakur Das Bhargava: This injustice has been perpetrated four times. Therefore, it is all the more binding on him to consider it and it should not be done for the fifth time. I wish that the hon. Minister will be pleased to look at this matter from the angle I have explained and take away this provision.

Shri Mulchand Dube (Farrukhabad): Sub-clause (c) of clause 13 of this Bill runs counter to the entire scope and principle of the Estate Duty Act. Clause 13(c) says:

“(c) in the case of property so passing which consists of a coparcenary interest in the joint family property of a Hindu family governed by the *Mitakshara*, *Marumakkattayam* or *Aliyasantana* law,

also the interests in the joint family property of all the living descendants of the deceased member;”

This should be read along with sections 5, 6 and 7 of the Estate Duty Act. Section 5 reads as follows:

“In the case of every person dying after the commencement of this Act, there shall, save as hereinafter expressly provided, be levied and paid upon the principal value ascertained as hereinafter provided of all property, settled or not settled, including agricultural land situate in the States specified in the First Schedule to this Act, which passes on the death of such person, a duty called “estate duty” at the rates fixed in accordance with section 35.”

So, it is a duty which is put only on property which passes on the death of a person. It is not levied on any property which does not pass on the death of any persons.

Section 6 makes the matter still clear:

“Property which the deceased was at the time of his death competent to dispose of shall be deemed to pass on his death.”

In the case of a joint family governed by *Mitakshara*, the father has no power to transfer the property belonging to his sons. The sons acquire the interest in the property by birth. So, it cannot be said that the father had any disposing power over the property which belongs to his sons. It cannot be said that the property that passes on the death of the father is the property which belongs to the sons also. Therefore, my submission is that sub-clause (c) goes entirely counter to the entire scope and principle of the Estate Duty Act.

Section 7 reads as follows:

“Subject to the provisions of this section, property in which the deceased or any other person had an interest ceasing on the death of

[Shri Mulchand Dube]

the deceased shall be deemed to pass on the deceased's death to the extent to which a benefit accrues or arises by the cesser of such interest, including, in particular, a coparcenary interest in the joint family property of a Hindu family governed by the *Mitakshara*, *Marumakkattayam* or *Aiyasana* law."

This also makes it very clear that the duty should be levied only on property to the extent to which it enhances the shares of others. In the case of coparcenary property, it cannot be said what interest a person had at any particular time. It cannot be said whether the father at the time of his death possessed any particular interest or share in the joint family property. For that reason, it was made clear that when he died, for the purpose of estate duty, what will be considered will be the extent to which the interest of the other members of the family has been increased or enhanced by his death. So, it cannot be said that the shares of the sons could be included for the purpose of assessing the estate duty on the death of the father or any other member of the family.

So, I submit that the theory of aggregation propounded by the hon. Minister is not applicable to a joint family at all and it goes counter to the principle laid down by the Estate Duty Act itself. So long as you do not amend sections 5, 6 and 7 of the Estate Duty Act, clause 13, sub-clause (c) will be inconsistent and irreconcilable with sections 5, 6 and 7. Therefore, at the present moment, it will be *ultra vires* this Parliament even to pass sub-clause (c) of clause 13 of the amending Bill.

Shri Jagannatha Rao: As I understand the provisions, unless the interest of a member of a joint Hindu family who dies exceeds Rs. 50,000 in value, this Act cannot be applied.

Pandit Thakur Das Bhargava: Will the hon. Minister accept this?

Shri Jagannatha Rao: I am stating my reading of the provisions. This is my view. Merely because I am sitting with the hon. Minister it does not mean that I am giving the view of the hon. Minister. It is only when the value of the interest of the member of a joint Hindu family is Rs. 50,000 or more the question of aggregation comes in. In section 34, which is now sought to be amended by clause 13 of the amending Bill, the aggregation is being introduced, because the joint Hindu family is now broad-based. Now the female heirs have also got a share or interest in the property. That is how I understand the provisions of the Bill. I cannot for a moment think that it is the intention to bring in the property of a member of the Joint Hindu family which does not exceed Rs. 50,000 in value. It is not so. That discrimination could not have been contemplated at all. If that is so, in my humble opinion, it will violate article 14 of the Constitution. That is how I understand it. I support the principle of aggregation, as it is highly necessary.

Dr. B. Gopala Reddi: If four brothers are living together and the property of the joint Hindu family is worth Rs. 1,50,000 and if A, one of the brothers, dies, then there is no estate duty. If the property is worth Rs. 1,50,000 and the four brothers are living together, as each man's share is less than Rs. 50,000, it would not be taxed. But if, on the other hand, a brother dies and his estate is worth more than Rs. 50,000, say Rs. 1 lakh, and if he has got two sons, that is, in his own branch, then that property will be liable to estate duty. We are taking into account that branch also for the purpose of levying estate duty. Suppose a property is worth Rs. 4 lakhs and there are four brothers. The share of each Branch will come to Rs. 1 lakh. Then we will take Rs. 1 lakh for ratable purposes. On the other hand, if four brothers have got Rs. 1,50,000 and one of them dies, since each branch would be getting less than Rs. 50,000 we will not tax. But if the branch share is Rs. 1 lakh and the

brother has two sons, each getting Rs. 33,000 and odd, then for purposes of tax we take into account Rs. 1 lakh. That rate will be applied only on the property of Rs. 33,000. So, it is not correct to say that for a joint Hindu family there is no exemption at all. If the head of the branch dies and his branch's share of property is worth less than Rs. 50,000 there is no tax, even though the joint Hindu family property may be worth Rs. 1,50,000. So, in my humble opinion, even now the *Mitakshara* family stands in a better position than the *Dayabhaga* family. In spite of the hon. Member's argument, vehemence and all that, having considered the whole subject and having discussed the matter with our officers, I feel that even now the *Mitakshara* family stands in a favourable position when compared with the *Dayabhaga* family.

Pandit Thakur Das Bhargava: How did this issue arise? Why should you consider the interests of the *Dayabhaga* and *Mitakshara* families? Why should you bring in Hindu, Muslim, Parsee, Jain and all that? I do not see this argument at all.

Dr. B. Gopala Reddi: Whatever it is, as I said, it is not a fact that if a branch's property is worth less than Rs. 50,000 it will be taxed. It will be exempt. But if it is above Rs. 50,000 then for ratable purposes the son's share is also aggregated, because they have a beneficial interest in the deceased man's property. They are going to inherit that property. It is not as if they are not going to get a windfall out of the father's death. Apart from their own share, they are also getting the deceased man's share. They have beneficial interest.

Pandit Thakur Das Bhargava: Every son will get his father's property.

Dr. B. Gopala Reddi: So, when he is getting some property, let him pay the tax; not on his own share but on the share which he is going to inherit. After all it is an accident. The

father dies and then the son is going to get that share, in addition to his own share in the property. While doing that, let him pay on enhanced rate, an aggregate rate on the property which is passing to him on the father's death. I do not see any discrimination or unconstitutionality in this. If they are unconstitutional, they will be challenged elsewhere. Then we shall see. So far as I can see, there is nothing unconstitutional or improper about it. I think the *Mitakshara* family should also be prepared to bear a portion of this. I have nothing more to say. I am unable to accept the amendment.

Shri Mulchand Dube: The hon. Minister has not replied to my point about sections 5, 6 and 7. How can clause 13 be re-conciled with sections 5, 6 and 7?

Mr. Deputy-Speaker: He might be of the opinion that there is no conflict.

Shri Mulchand Dube: He does not say that.

Mr. Deputy-Speaker: No reconciliation is required.

Dr. B. Gopala Reddi: I am accepting Shri Bharucha's amendment, amendment No. 36.

Pandit Thakur Das Bhargava: May I know.....

Mr. Deputy-Speaker: Panditji has not succeeded so far.

Pandit Thakur Das Bhargava: I want a clarification. If he is not disposed to agree to my proposal, I cannot force it. He has said several times that exemption has been given, like others, to the joint Hindu family also, if it has got property worth less than Rs. 50,000.

Dr. B. Gopala Reddi: That is the property of the branch, that is to say, a member and his sons.

Pandit Thakur Das Bhargava: I do not follow.

Mr. Deputy-Speaker: He has tried to explain that if the joint Hindu family consists of four brothers and their sons and if the property of the joint family in aggregate amounts to Rs. 1,50,000 and if one of the brother dies, then none of them would be taxed and there would be no estate duty at all, because each of the four shares would become less than Rs. 50,000. Therefore, there will be no estate duty at all. But if it consists of Rs. 2 lakh or Rs. 4 lakh and each branch gets Rs. 1 lakh on the death of one—that is to say, that branch consists of one father and two sons and the father dies—then the property of Rs. 1 lakh would be taxed for the aggregate. His share would be taxed on the rate for Rs. 1 lakh. That is how I understand.

Pandit Thakur Das Bhargava: These two examples I have understood very well. I have given certain examples in which the father leaves less than Rs. 50,000, say, Rs. 5,000. What would happen to that case?

Shri Mulchand Dube: It will not be joint family property.

Pandit Thakur Das Bhargava: Let him not confuse the issue. The issue is this. If a person dies and if he has got property, which is to be inherited, to the tune of Rs. 50,000, will in such cases, the joint family property be taxed or not?

Dr. B. Gopala Reddi: The tax charged will not be more than the amount inherited. If there is no property, there is no tax.

Pandit Thakur Das Bhargava: I do not care for the rates. My point is that any member who has got property worth less than Rs. 50,000 should not be taxed. The question of rate is different. If you have a separate rate, I do not mind; let there be a different rate, as is provided in the Income-tax Act, even though it is against the fundamental principles of taxation. There must be some reason, some justification. There is absolutely no justification for this provision.

Mr. Deputy-Speaker: I am helpless if there is no justification. Now amendment No. 36 has been accepted by Government.

The question is:

Page 4, line 28,—

after "determining" insert "the rate of".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 4,—

omit lines 35 to 40.

Those in favour will say "Aye".

Some hon. Members: "Aye".

Mr. Deputy-Speaker: Those against will say "No".

Several hon. Members: "No".

Mr. Deputy-Speaker: The "Noes" have it.

Pandit Thakur Das Bhargava: There was no "Noes".

Mr. Deputy-Speaker: I heard "No". If the hon. Member wants a division, that is a different matter.

Pandit Thakur Das Bhargava: We want a division.

Mr. Deputy-Speaker: This being the lunch hour, we have to wait. So, is it the desire that there should be a division on that?

Pandit Thakur Das Bhargava: Certainly I want it.

Mr. Deputy-Speaker: Then I will hold it over.

The question is:

"That clauses 14 to 17 stand part of the Bill."

Shri Supakar (Sambalpur): Sir, I want to speak....

Mr. Deputy-Speaker:.....on where there is no amendment. I do not deny him his right to speak.

Shri Supakar: I meant clause 18.

Mr. Deputy-Speaker: We are coming to that.

The question is:

"That clauses 14 to 17 stand part of the Bill."

The motion was adopted.

Clauses 14 to 17 were added to the Bill.

Mr. Deputy-Speaker: Though I might be conscious that the voice that comes here has much support behind it, there ought to be voices. Just now it has been doubted that really noes have it. Unless there are voices, how I declare? In order to save time I might declare at one time, but that is not fair

Clause 18.—(Amendment of section 1, 50)

Mr. Deputy-Speaker: Are there any amendments?

Shri Naushir Bharucha: Amendment No. 13.

Shri Prabhat Kar: Amendment No 18.

Mr. Deputy-Speaker: Amendment No. 18 is out of order. Amendment No. 13 is also out of order. Amendment No. 32 is also out of order.

Shri Naushir Bharucha rose—

Mr. Deputy-Speaker: We will come to it. We will discuss it. Let me have others' amendments also. Is there any other amendment also? All the four amendments are out of order.

Shri Bharucha can say about his amendment now.

Shri Naushir Bharucha: Under the existing Act it is provided that.....

Mr. Deputy-Speaker: He is talking of amendment No. 32?

Shri Naushir Bharucha: No, about No. 13. It is not out of order, because here what is sought to be done is that under the existing Act where the Probate duty was paid the amount of probate duty paid was deducted from the amount of estate duty payable. Then the change made is that half of the probate duty only should be refunded. My amendment is that if the half amount is less than Rs. 2,000, then in that case upto Rs. 2,000 should be exempted. I am exempting it from the tax. I am not adding to it.

Mr. Deputy-Speaker: If the exemption could be made, then it would affect the amount taxable.

Shri Naushir Bharucha: But it will not come under the mischief of article 117 of the Constitution, if it reduces the amount.

Mr. Deputy-Speaker: What about article 274?

Shri Naushir Bharucha: No, it will not affect that. That comes in only when the estate duty divisible amongst the various States is varied.

Mr. Deputy-Speaker: Article 274 says:

"No Bill or amendment which imposes or varies any tax or duty in which States are interested..."

Now, States are interested in this Bill.

Shri V. P. Nayar: There may be an argument that exemption may be neither imposition nor variation. If a duty of 5 per cent. is altered into 4 per cent, then there is variation. But if there is no duty....

Mr. Deputy-Speaker: Exemption also reduces.

Shri V. P. Nayar: Then the statute should be clear.

Mr. Deputy-Speaker: "No Bill or amendment which imposes or varies any tax or duty in which States are interested"

Shri Naushir Bharucha: How are the States interested in this amendment?

Mr. Deputy-Speaker: All this money that is collected shall go to the States.

Shri Naushir Bharucha: If we see article 274....

Mr. Deputy-Speaker: Article 117(1).

Shri Naushir Bharucha: It reduces the amount, so it will not come under that.

Mr. Deputy-Speaker: Article 269 says that the taxes shall be levied and collected by the Government of India but shall be assigned to the States. Therefore, States are interested in article 269. There is no doubt about it.

Then article 274(1).

Shri V. P. Nayar: If a Bill which neither imposes nor varies cannot mean alteration at all. How can it mean? It is very clear that imposition does require permission. Variation also requires permission, but complete abolition does not. It is entirely a different thing from imposition or variation. Exemption is clearly outside the scope of the article. That is what I find on reading article 274.

Mr. Deputy-Speaker: What I could understand was that all this, variation, alterations, reductions, are included in the words used.

Shri V. P. Nayar: You may kindly read the article. We know what is imposition and what is variation. These are the only two acts in respect of which a taxation law ought to be supported by the States.

Mr. Deputy-Speaker: Some tax is being collected under the Estate Duty Bill. Now, it is desired that that amount should not be collected, but something less should be collected.

Shri V. P. Nayar: That is not the point.

Mr. Deputy-Speaker: When we exempt certain items, that would certainly vary the amount that has to be collected.

Shri V. P. Nayar: I put it in another way.

Mr. Deputy-Speaker: Shri Nayar is only taking up a particular item. Though the tax under that item is not being varied but is only being exempted, I am taking the tax as a whole under the estate duty and that amount that has to be collected under that Bill is being varied by the exemption of certain items. That is now I read it.

Shri V. P. Nayar: My interpretation was different. Article 274 lays down particularly in respect of two acts—one is imposition of a tax and the other is a variation of a tax and clearly, you will agree, exemption is neither imposition nor variation, in which case we have to construe it very strictly.

Mr. Deputy-Speaker: That is the most unfortunate part that I differ from him.

Shri V. P. Nayar: I cannot help.

Shri Supakar: Sir, I wish to draw the attention of the Government to certain anomalies which will arise out of this amendment. Section 50 of the original Act says:

"Where any fees have been paid under any law relating to court-fees in force in any State other than the State of Jammu and Kashmir for obtaining probate, letters of administration or a succession certificate in respect of any property on which estate duty is leviable under this Act, the amount of the estate duty payable shall be reduced by an amount which is equal to the court-fees so paid."

Now, the amendment is that it will be reduced by half, that is to say half of the court-fees get deducted. May I know in cases where the court-fee

payable is much higher than the estate duty what happens? Let us take a concrete case of a person who dies with an estate worth Rs. 60,000. We know that he will be liable to pay an estate duty of Rs. 400 only. But suppose for collecting that Rs. 60,000 he has to go to the court for obtaining a succession certificate. He has to pay a court-fee of Rs. 1,800.

Dr. B. Gopala Reddi: Then he does not pay any estate duty at all.

Shri Supakar: I wish to know whether Government will pay him this Rs. 500 that he incurred extra.

The next question is that it would have been better if the Government had taken into consideration an amendment which was sought to be moved by my hon. friend, Shri Jadhav, but which was unfortunately found to be out of order. It would be more equitable instead of giving a deduction of either full or half. It should have been taken into consideration that out of the total estate we deducted the amount of court-fees paid and on the balance we calculated the estate duty. That would have been most equitable and most proper.

Dr. B. Gopala Reddi: That would be disadvantageous to the party. That would be more advantageous to the Government but not to the party.

Shri Supakar: But that will be most equitable.

We find that practically although the Government has come with an amendment of reducing the exemption limit from Rs. 1 lakh to Rs. 50,000, if there are cases which to courts for probate or for succession certificates, I do not think that in cases even above the limit of Rs. 1 lakh where a certain amount of court-fee is paid the Government will be in a position to realise any estate duty specially because the court-fees are payable on the whole amount whereas estate duty is payable only after deduction of certain amounts under section 33

of the original Act which is further amended by this clause 12. I feel that this will create an anomaly. The Government with a sense of illusion are spreading their net wider, but probably the total yield of the tax may be lower than what they expect.

Dr. B. Gopala Reddi: After all, there is no amendment to this effect. But, he is giving us more money than we are asking for. That would be disadvantageous to the party.

Shri Supakar: You will get less than what you expect.

Dr. B. Gopala Reddi: It will be less than what we expect.

Mr. Deputy-Speaker: But more than what he wants.

Dr. B. Gopala Reddi: Previously the entire probate duty was deducted. Now, only a half of the probate duty is being deducted. The rest, if any, will be paid as estate duty. If there is nothing, he will not pay any estate duty.

Mr. Deputy-Speaker: The question is:

"That clause 18 stands part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill

Mr. Deputy-Speaker: The question is:

"That clauses 19 and 20 stand part of the Bill."

The motion was adopted.

Clauses 19 and 20 were added to the Bill.

Clause 21.—(Substitution of new sections for sections 56 to 65).

Shri Supakar: I beg to move:

Page 7,—

omit lines 11 to 19

Mr. Deputy-Speaker: Any other amendment to be moved? No. This amendment is before the House.

Shri Supakar: During the stage of general discussion, there was a heated discussion whether the exemption limit should be reduced from Rs. 1 lakh to Rs. 50,000 and it was very strenuously argued that if the exemption limit is reduced to Rs. 50,000 it will work a great deal of hardship to the middle class families because money value has undergone change. What would have been the reaction of this House if the exemption limit were reduced to Rs. 5,000? I think that would have been perhaps a very progressive standpoint and a very progressive amendment. I wanted to table an amendment to that effect. I resisted the temptation because the Bill, as it is, provides sufficient penalties and punishments for persons who leave an estate of Rs. 5,000 only. I will explain how. Let us take a poor postman or a postal clerk or a person who earns Rs. 100 a month and at the fag end of his life leaves in the postal savings bank an amount of Rs. 5,000 only. And, if I may quote Pandit Thakur Das Bhargava, he may also leave a family of ten sons. So, it comes to a share of Rs. 500 to each son.

Mr. Deputy-Speaker: He would not be doing any service to the country as it stands at this moment.

Shri Supakar: At the 1939 price level, may be, it comes to Rs. 125 only per head. But, what is the liability that he has to undergo? You know that the Government Savings Bank Act provides that where a man leaves a savings bank account for more than Rs. 5,000, the heirs have to obtain a succession certificate. A person who goes in for a succession certificate for a sum of Rs. 5,000 has to pay Rs. 150 as court fee. He has to engage a lawyer for getting a succession certificate and probably that may account for Rs. 200. That is not all. After having spent about Rs. 350 or 400 for getting a succession certificate for Rs. 5,000, the heirs of the poor man may have to go to the Controller for permit or permission of exemption.

What it will cost in terms of rupees and naya paise, it is difficult to imagine. Think of a person living in the distant mofussils. How big are the Controllers and where are their offices situated? If a man has to run to the office of the Controller twice or thrice for obtaining such a permission, think of the harassment and think of the expenses and think of the delay. Apart from the expenses and harassment, delay is the factor which should count in such cases. I am not speaking merely of the heirs of persons who die with a small amount of savings; but this may happen in so many other cases also. This clause was not in the original Act. This is an innovation. I find that the amount of harassment and the expenses that a person's heirs will have to undergo for obtaining the permission of the Controller for exemption, for facilitating the grant of a certificate will be several times that we could contemplate in imposing a high rate of estate duty on an amount of Rs. 5,000. It would have been better if, instead of inserting this clause, we had provided that all persons who leave an estate worth more than Rs. 5,000 should compulsorily pay an estate duty at such and such a percentage. That is why I move this amendment.

Pandit Thakur Das Bhargava: With your permission, I beg to move amendments numbers 26, 27,.....

Mr. Deputy-Speaker: I asked from the hon. Member. He did not mention. Yes.

Pandit Thakur Das Bhargava: I beg to move amendments 26, 27, 28, 29, 30 and 31 to clause 21.

(1) Page 9, line 13, omit "at any time"

(2) Page 9,—

(i) line 30, after "rupees" insert "not exceeding".

(ii) line 32, after "greater" insert—

"as he considers proper but the penalty shall not be excessive but reasonable according to the circumstances of each case".

(3) Page 9, line 35, for "equal to" substitute "not exceeding"

(4) Page 9, line 38, add at the end—

"but such penalty shall not be excessive but reasonable according to the circumstances of each case".

(5) Page 11,—

(i) lines 12 and 13, omit "which may include an order enhancing the estate duty or penalty"; and

(ii) omit lines 14 to 17.

(6) Page 12,—

(i) lines 3 and 4, omit "and any such orders may include an order enhancing the estate duty payable or penalty"; and

(ii) omit lines 5 to 8

In regard to these, my general argument is this. I am glad that the hon. Finance Minister has got a provision in this Bill, clause 73-A that places a limit, which is very good. Otherwise, the harassment would have continued till the life of the successors and perhaps till the lives of the grandsons also. I am very glad that he has put a limit of five years or three years in clause 73A. There, I find, the words are, "at any time, subject to the provisions of section 73A....". These words "at any time" become quite unnecessary because section 73A is mentional there

In the case of the rest of the amendments, my approach is this. When you prescribe a penalty against any person, you must give discretion to the officer concerned so that the penalty may be according to the enormity of the breach, according to the enormity of the crime or offence or fault. To impose a penalty which is, I should say fixed or rigid, is not fair. I have therefore sought to amend the provision by inserting the words 'not exceeding', and then again, "as he considers proper but the penalty shall

not be excessive but reasonable according to the circumstances of each case". Discretion must be given to meet all contingencies, and all kinds of breaches. If you do not give it, the Controller will say, here the penalty is prescribed, I have no option to decrease it. It will be therefore absolutely necessary, with a view to do full justice to persons, to give discretion to the officer concerned. At the same time, we have got a provision in the Criminal Procedure Code, with regard to fines, that the fine shall not be excessive. Though the discretion of giving a certain penalty is given, yet the law provides that the fine shall not be excessive, and it must be according to the circumstances of each case. Then again, it provides a remedy for doing justice to all sorts of persons in all sorts of circumstances. The absence of those words here makes it incumbent on the officer to give only one penalty; that is a very high attitude to take. I should, therefore, beg of the Minister to look at it from the standpoint of a person who has committed a fault, but who is penitent, and who does not want that he should repeat it; also, the fault may even be due to some inadvertence.

14 hrs.

Dr. B. Gopala Reddi: Suppose we say, 'not exceeding twice the amount'. Will that be all right?

Pandit Thakur Das Bhargava: I have said 'not exceeding' and also 'as he considers proper'.

Dr. B. Gopala Reddi: I am prepared to accept a limit not exceeding twice the amount involved.

Pandit Thakur Das Bhargava: I have kept that very limit, so that in all cases, the officer would be armed with the full powers; I do not want to take away all his powers. But he must be given the discretion to see that the penalty is according to the circumstances of each case, and the penalty

[Pandit Thakur Das Bhargava]

should not be excessive. This is the warning that I want to give, just as it has been given in the Criminal Procedure Code and in all other laws that we have, that a person who commits a fault should not be treated very harshly. I would beg of the Minister to kindly consider these amendments from this point of view.

The next point that I want to urge is included in amendments Nos. 30 and 31. Power has been given in this Bill to officers to even enhance the estate duty or the penalty in some cases. In criminal cases, for instance—and taxation affair is just like a quasi-criminal affair—in all cases of this nature, the rule is that when a person goes to a criminal court or a court of appeal, the court has not got the power to enhance his punishment; so far as the sessions judge is concerned, he cannot enhance. But, here, the appeals will be discouraged. Very many people who have got good cases may be afraid of going to the appellate court, because they may feel 'I have satisfied this one officer, but the higher officer who sits in appeal may take another view and may enhance the duty'. I would submit that if Government think that a person has been let off lightly, and they want to appeal, they may be given the right to appeal. I have no objection to that, because it is fair, and we do not want that our treasury should suffer; and the person who has to pay must pay rightly, and equitably. At the same time, it is no use dangling a sword over him.

I would, therefore, like that the power to enhance the duty may be taken away from these officers, so that anyone who wants to go in appeal may go with a full heart before the officer whenever he wants to seek justice, and not under the fear that though he goes to seek justice, it happens that दुखे होने गये थे, सुखे हो जाये। as the phrase goes. Therefore, I want

that these powers may be curtailed altogether.

Shri L. Achaw Singh: It appears to me that attempts are being made to make the penalty for evasion less and less and be more and more lenient. I find that in spite of the best efforts of Government to plug the loopholes in our tax system, they have not been able to cope with the problem of evasion in an effective way.

The other day, the Finance Minister said that our collection was not satisfactory, and there were benami holdings, and there were concealments in the form of gold and jewellery; and thus, large estates have escaped from estate duty. There are thus various devices and methods for avoiding this duty. We find that here also, very few cases of fraudulent evasion are brought before the courts for prosecution, because the tax evaders are given a big immunity from prosecution as well as from publicity, if they are ready to make a full disclosure and they are also ready to pay the modest penalty provided in our laws. I find, therefore, that Government have been very lenient and also very soft with regard to these tax evaders.

In America, for instance, I find that the tax evaders are brought before the courts, and they are made to pay heavy penalties, and when they are called before the courts, a lot of publicity takes place; and the trials also end in long terms of imprisonment. But in India we find that the cases detected are very few; out of ten cases of evasion, I think only one is being detected.

So, I would suggest that the penalty should be more; it should be ten times or twenty times. In the Income-tax Act, it is provided that it is only 150 per cent. In the Estate Duty Act, it is provided that it should be double, which means 200 per cent. This is not sufficient. The penalty should be a deterrent one, and it must be ten times or twenty times.

Dr. B. Gopala Reddi: I accept amendment No. 27(i) by Pandit Thakur Das Bhargava. But it has to be reworded like this.

In Page 9, lines 30, 31 and 32, for the words 'a sum of rupees one thousand or a sum equal to double the amount of such duty, whichever is greater' substitute the words 'a sum not exceeding twice the amount of such duty'.

I am accepting the amendment No. 27(i), and, of course, it is being redrafted in this manner. So, that meets to a large extent the point raised by the hon. Member. The assessing officers will have some discretion according to the offence committed and things like that. The penalty will be a sum not exceeding twice the amount of the duty. Thus, the officer will have a lot of discretion.

With regard to enhancement, I think that where it is an administrative matter, and it is not a criminal offence or a case before a magisterial court, the power to enhance must be there. Again, it follows also the general pattern which is there in the Income-tax Act, the Wealth Tax Act, the Expenditure Tax Act, and the Gift Tax Act. So, we are only trying to bring this on a par with the other Acts, and, therefore, the power of enhancement must also be vested in the officers. It is not a criminal court or a magisterial court here where it cannot be enhanced. In a revenue court or in an administrative matter like this, when it is discovered that the person has concealed something, the court or the officer concerned must have the right to enhance it without referring it back to the lower officer who decided differently.

As for Shri Supakar's point, there is no elaborate inquiry made at this stage. No elaborate inquiry is made when he asks for a succession certificate. What was the point raised by the hon. Member?

Shri Supakar: May I read out the clause?

"In all cases in which a grant of a succession certificate is applied for, a copy of the application shall be furnished by the applicant to the Controller and no order entitling the applicant to the grant of such a certificate shall be made upon his application until he has produced a certificate from the Controller under sub-section (2) of section 57 or section 67 that the estate duty payable in respect of the property mentioned in the application has been or will be paid, or that none is due, as the case may be."

My point is that unless he produces a certificate from the controller, he is not entitled to a succession certificate. So, this causes unnecessary harassment to the person with no corresponding benefit to Government. The only purpose for which this clause was added apparently was to check evasion, but that can be much more effectively done by the income-tax inspectors and the estate duty inspectors going round to the courts and finding out how many and what cases are pending and then setting up an inquiry. The present provision will not yield any income to Government but will subject the comparatively poorer persons to a lot of harassment.

Dr. B. Gopala Reddi: After all, no elaborate inquiry is made. We have issued instructions that it should be issued within a fortnight or so. If there are any cases of delay and things like that, it may be brought to the notice of the Board. We have already issued instructions that such certificates must be given within a fortnight, and as far as the Board is concerned, we have not received any complaints at all. We shall see that it is not delayed.

Shri Supakar: My question was whether something could not be done to avoid harassment in respect of the succession certificate.

Dr. B. Gopala Reddi: It is better if it is retained because even otherwise certain provident fund and other people also require these certificates.

Shri L. Achaw Singh rose—

Mr. Deputy-Speaker: He wants to make it more stringent.

Shri V. P. Nayar: He wants 10—20 times.

Mr. Deputy-Speaker: But that has not been accepted.

Now, I will put Government amendment No 38 incorporating amendments Nos. 27(i) and 28 of Pandit Thakur Das Bhargava.

The question is:

Page 9,—

“(i) lines 30 to 32, for “a sum of rupees one thousand or a sum equal to double the amount of such duty, whichever is greater” substitute “a sum not exceeding twice the amount of such duty”; and

“(ii) line 35 for “equal to double” substitute “not exceeding twice.”

The motion was adopted.

Mr. Deputy-Speaker: Which is the other amendment to be put?

Shri Supakar: Amendment No. 19 may be put separately at 2.30 p.m. for division.

Mr. Deputy-Speaker: Amendment No. 19 shall stand over. I shall now put all the other amendments to clause 21 to the vote of the House. The question is:

Page 9, line 3,—

omit “at any time”

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9,—

(i) line 30, after “rupees” insert “not exceeding”

(ii) line 32, after “greater” insert—
“as he considers proper but the penalty shall not be excessive but reasonable according to the circumstances of each case”

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9, line 35,—

for “equal to” substitute “not exceeding”

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9, line 38,—

add at the end—

“but such penalty shall not be excessive but reasonable according to the circumstances of each case.”

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11,—

(i) lines 12 and 13, omit “which may include an order enhancing the estate duty or penalty”; and

(ii) omit lines 14 to 17.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 12,—

(i) lines 3 and 4, omit “and any such orders may include an order enhancing the estate duty payable or penalty”; and

(ii) omit lines 5 to 8.

The motion was negatived.

Mr. Deputy-Speaker: There are no amendments to clauses 22 to 27. The question is:

"That clauses 22 to 27 stand part of the Bill".

The motion was adopted.

Clauses 22 to 27 were added to the Bill.

Clause 28— (Amendment of the Second Schedule)

Shri M. R. Masani: I move amendment No. 8 in List No. 1.....

Mr. Deputy-Speaker: I have declared it out of order. All amendments to clause 28 are out of order.

Shri M. R. Masani: I would like you to appreciate my point of view before you give your ruling. Article 274(1) of the Constitution makes it very clear that a Bill which imposes or varies any tax or duty requires the recommendation of the President. If you will look at amendment No. 8, it says that no duty will be payable on estates of which the principal value does not exceed Rs. 1,00,000. There is neither imposition nor variation; it is exactly a reaffirmation of the *status quo*, the tax or duty that is in effect today; under the Estate Duty Act of 1953, if you will turn to the Second Schedule, you will find in Part (2) 'On the first Rs. 1,00,000 of the principal value of the estate-Nil'. I am not, therefore, varying or imposing any tax. My amendment is the only one which does not seek to vary the tax or duty. I submit that it is perfectly in order and should be allowed to be discussed.

Mr. Deputy-Speaker: Has the hon. Minister anything to say on this?

Dr. B. Gopala Reddy: We leave it to you. The Select Committee have gone into this question and they think that it amounts to varying the duty.

Shri Nath Pai (Rajapur): The Chair wants his views not on the merit of the amendment, but on the point of order.

Mr. Deputy-Speaker: The hon. Member has referred to the provisions of the Act and said that he is not varying anything so far as the contents of the original Act are concerned. We have not to look into the contents of the original Act, but the Bill as it is introduced, because recommendation of the President has been obtained so far as the provisions in the Bill are concerned. Certain duties are proposed to be levied for which sanction has been obtained. He wants variation so far as those proposals are concerned, the proposals in the Bill, not in the Act. So far as that is concerned, his amendment would vary the tax that would be realised if these provisions are enforced. Now, if there is to be variation in the sanctioned proposals, that also requires the sanction of the President, and because he has not obtained that sanction it is out of order.

Shri M. R. Masani: I would only invite your attention to the language of the Constitution which says 'imposes or varies any tax or duty'. It does not say 'an amendment which seeks to vary a legislative measure or Bill'. The tax or duty today is the estate duty and the estate duty today is exactly what I want to survive in *status quo*.

Mr. Deputy-Speaker: Let me quote from an earlier Ruling on this point..

"When a Bill is introduced, it does not become an Act. Even at that stage, if it imposes taxation, it requires the recommendation of the President. The Bill was introduced originally. Subsequently, in a modified form as reported by the Select Committee it is asked to be taken into consideration. It will cause a lot of inconvenience. I agree, if something is done by the Select Committee and we have to get the President's recommendation for restoring it to its position in the original Bill. I agree that it is not necessary because it will lead to a lot of inconvenience.

[Mr. Deputy-Speaker]

You are not going behind the original proposals. So far as those items are concerned which were touched upon in the Select Committee and if we want to resume *status quo*, whatever might be their effect, I do not think that recommendation is necessary".

In this case the Select Committee had made certain variations, and amendments were moved to restore the original provision in the Bill as it was introduced. The question was whether that required fresh recommendation of the President or not. It was ruled then that this did not require any fresh recommendation because the attempt was to restore the provisions of the Bill in the form in which it was introduced. The provisions of the Bill as introduced are to be taken into consideration, not those of the original Act.

Shri M. R. Masani: In that case, I would like to oppose the passing of this clause of the Bill. The Minister the other day in replying to the debate on the earlier stage of the Bill with his usual charm and in a spirit of sweet reasonableness made out a very conciliatory and an ostensibly acceptable case. Now, he is trying to argue that the 4 per cent duty which is sought to be levied on estates just over Rs. 50,000 is not such a great hardship as many hon. Members had made out, that the amount would amount to only a very small thing and we should not work up any indignation on this issue. The hon. Minister knows perfectly well that this is not the only infliction on the members of the middle class on behalf of whom many of us spoke. We in this country have to consider the sum total of the various forms of taxation that are being levied on that class and many other economic burdens that are being cast on it. There is the cost of living which is the result of inflation born of our Second Five Year Plan. There are the excise duties that have been levied in the last two years; also there are

those various measures of direct taxation like income tax, expenditure tax, gift tax and now the Estate Duty Bill.

I am sure the Minister has heard of the last straw that broke the camel's back. The cumulative effect of all these burdens is that the middle class, which is the backbone of the community, is being pulverised and I think it is a political and economic disaster for which the Government and the country will some day have to pay a very big price.

I am very glad that since we took up this matter two days ago, a very great pillar of Government has come out with exactly the same sentiment to which I am giving expression—that is, no less a person than Dr. B. C. Roy, the Chief Minister of West Bengal. I shall quote a sentence from what he said, as was reported in the Press on August 31.

"I do feel that there is a great point in having the taxation policy of the Government of India revised because it has not given any incentive to capital formation."

Sir, this is a point that many of us made in this House. And I am very glad that a pillar of the ruling party, like Dr. Roy, has come down heavily on our side and against those who are piloting a Bill of this nature.

We ask why this Bill is being pursued. I am a little mystified. In the debate that took place in this House, the hon. Minister tried to make out that there were two points of view and that the House was rather divided. But, how was it divided?

I have taken the trouble to analyse the discussion that took place on this Bill and I find that out of 12 hon. Members who participated, 8 hon. Members very categorically condemned the move for reducing this limit from Rs. 1 lakh to Rs. 50,000. Of the remaining 4, there was one communist;

and, I do not know how much of the *bona fides* of that support is acceptable to the hon. Minister. But, there were 3 other hon. Members who supported the lowering of this limit. Why is the hon. Minister insisting on passing through this House a Bill that the House definitely does not want? If the hon. Minister is very sure of the support of the House....

Mr. Deputy-Speaker: But, if the voice of the communist Member suits the hon. Minister at a particular time..

Shri M. R. Masani: ..I am sure it is accepted. But, I am doubting whether he accepts the *bona fides* of that kind of support for this particular measure. The point is, does the hon. Minister want to see through this House a Bill which has been shown as not acceptable to the House to the extent that people have expressed themselves? The hon. Minister referred to the Select Committee. There were happy times.....

Mr. Deputy-Speaker: The hon. Member should confine himself to the clause and not refer to other things.

Shri M. R. Masani: This measure is an unpopular measure. The Members of Parliament have expressed themselves against it. Why is it that the Government thrusts this measure through an unwilling House? The real secret and the reason why this particular part of the measure is being pressed is, as made out by my hon. friend, Shri Khadilkar, that an issue of prestige is being made out of it. Evidently, Government feel that they would lose face if at this rather late stage they withdraw an essential part of the Bill.

The origin of the Bill is this. It was introduced on the 28th February by the predecessor of the present Finance Minister. If hon. Members will turn to the Bill as it was introduced and to the Statement of Objects and Reasons, perhaps they would appre-

ciate the reason why this reluctance is there to accept a very reasonable amendment, a very reasonable point of view pressed on the House, and that is that that Bill was signed by the then Finance Minister who also happens to be the Prime Minister. But the Prime Minister signed the Bill because it was a legacy from his predecessor who had just then resigned. It is thus the dead hand of the past.

I strongly oppose this disastrous change that is being made and I do hope that Government will not allow prestige considerations to come in their way. I think there will perhaps be State Governments which will have the realism and the magnanimity which this Government is incapable of showing at this stage.

Shri B. Gopala Reddi: I do not want to add anything more to what I have said on this point. This is the essence of the amending legislation. But for this point there was no need to amend the Estate Duty Act at all. We cannot give up the main principle. Since this has been considered *ad nauseum* and also considered by the Select Committee, I am unable to accept the principle underlying the objection raised by the hon. Member.

Mr. Deputy-Speaker: The question is:

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clauses 29, 30, and clause 1 and the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 29, 30, and clause 1 and the Enacting Formula and the Title were added to the Bill.

Mr. Deputy-Speaker: Two clauses had been held over. We may take them up now.

Shri V. P. Nayar: Sir, I am sorry to say that all our expectations—when we sent the Bill to a Select Committee—that it would emerge from the Select Committee as a better drafted Bill, have given us only disappointment. Sir, I want to use this particular occasion to reiterate the point which we made in 1953 and which we thought Government will consider. The hon. Minister, when replying to the debate, made an open admission that he was conscious of the fact that there was tax evasion in this country. I am quoting from his speech. He said that:

“Since 1953, many gifts have also been made and many trusts have also been created with a view to avoid the estate duty and things like that.”

It is exactly this point which we brought to the notice of the Government when we discussed the original Bill and, there, we said that if Government were serious in collecting the revenue which ought to be yielded from the estate duty, then they ought to have 5 years' retrospective effect. In fact, we made all possible attempts in the Select Committee to have it dated back to the first date of the declaration of intention to have estate duty. Failing that, we were prepared to accept a compromise and we thought that Government would bring in amending legislation. We wrote in our minutes of dissent very clearly that it was not going to make any mentionable contribution. In the introductory speech the Minister said that after all we know that it will make no mentionable contribution for the success of the Second Five Year Plan which was one of the most important considerations of the Bill. I want the Government to consider how far it has helped the Government's cause. They did not have the wisdom in those days to accept the very valuable suggestions which we threw out.

Then again a point was made by the champion of the middle classes, Shri Masani, about the lowest rate of duty. Last time I gave figures and I heard Pandit Thakur Das Bhargava interrupting us yesterday and saying

that the incidence of income-tax in this country is at the highest. He knows very well that it is a recurring tax while death duty is not a recurring tax. The hon. Minister says that while he is agreeable to place a lower limit he is not prepared to touch the higher slabs. I have no time to give details now.

Last time I gave details and showed how the rates of estate duty calculated in terms of money in the U.K. vary very much from what we have in India. If the hon. Minister has any doubt I would again give him one or two figures to give him an idea of how lenient we have been to the richer taxable sections. It has been very clearly brought out in a book. I find the hon. Minister has been well equipped in this. He has read all the speeches and he even repeated the very words with which the hon. Finance Minister introduced the Bill that it had a long chequered career. But, he does not seem to have taken account of the existing rates of duty in U.K. when he was fixing the different slabs. I have made some calculations and find that ours is very much less than the corresponding rates of duty prevailing in England for such estates. I shall only give one or two examples. Take an estate in India which is valued at Rs. 20 lakhs, for instance. According to the hon. Minister's schedule, which we are going to accept in a few minutes, the estate will be subject to a duty of Rs. 3.79 lakhs—19 per cent. of the entire value of the estate. I do not want to go into the calculations, now. I find a corresponding estate in U.K. will have to pay instead of 19 per cent, nothing less than 22 per cent. If you go to higher slabs, you will find, for instance, an estate worth 1½ crores of rupees in India will have to pay 35 per cent whereas an estate worth that much in U.K. will have to pay 80 per cent. The difference is there. Why is that they do not say about this. Is it equated in terms of what is obtaining in Australia, Canada, or Japan or U.K? Why is it that the

Government shows unwarranted sympathy to the people of the higher incomes?

We want more finances for the Second Plan. We may be prepared to agree that the lower limit may be raised a little bit but why is it that it is not possible for the Government to equate the rate of duty with what is obtaining in England in respect of the higher taxable sections? I have a feeling that these meagre provisions which were sought to be introduced in the original Bill have been whittled down in the Select Committee. This aspect of the problem was not at all considered by the Select Committee in the manner in which it deserves to be considered.

Division No. 3]

Chandramani Kalo, Shri
Dige, Shri
Mahanty, Shri

Arumugham, Shri R.S.
Balakrishnan, Shri
Barman, Shri
Bhupal, Shri P.L.
Basumatari, Shri
Bhakat Darshan, Shri
Bidari, Shri
Borooh, Shri P.C.
Brahm Perikash, Ch.
Chandra Shanker, Shri
Chaturvedi, Shri
Chettiar, Shri R. Ramanathan
Das, Shri N.T.
Des, Shri Shree Narayan
Deo, Shri Shanker
Dindod, Shri
Dube, Shri Mulchand
Elayaperumal, Shri
Gandhi, Shri Peroze
Gandhi, Shri M.M.
Ghoshal, Shri
Ghose, Shri N.R.
Gounder, Shri K. Periaswami
Harvani, Shri Anwar
Hansda, Shri Subodh
Heda, Shri
Jain, Shri M.C.
Jinachandran, Shri
Kadiwal, Shri
Kayal, Shri P.N.
Ke, Shri C.M.
Kureel, Shri B.N.

AYES

Matin, Qazi
Patel, Shri P. R.
Prodhan, Shri B. C.

NOES

Madhusudan Rao, Shri
Malviya, Shri Motilal
Mandal, Shri J
Mathur, Shri Harish Chandra
Mehta, Shrimati Krishna
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri M.P.
Misra, Shri R.D.
Misra Shri R.K.
Munisamy, Shri N.R.
Murtu, Shri Paika
Murti, Shri M.S.
Naidu, Shri Govindarajulu
Nayar, Shri V.P.
Nehru, Shrimati Uma
Neswai, Shri
Padam Dev, Shri
Panigrahi, Shri
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Patel, Shri N.N.
Patel, Shri Rajeshwar
Pillai, Shri Thanu
Prabhakar, Shri Naval
Raghubir Sahai, Shri
Raghubir Singh, Shri
Rajiah, Shri
Ram Krishan, Shri
Ramenanda Tirtha, Swami
Ramaswamy, Shri K.S.
Ramaswamy, Shri P.

Siva Raj, Shri
Sonule, Shri H. N.
Supakar, Shri

Rane, Shri
Ranga, Shri
Rao, Shri Jaganatha
Rao, Shri T.B. Vistal
Reddy, Shri Rami
Roy, Shri Bishwanath
Rungsung Suisa, Shri
Sadhu Ram, Shri
Sahu, Shri Bhagabat
Saigal, Sardar A.S.
Samantsinhar, Dr.
Satyabhama Devi, Shrimati
Satyanarayana, Shri
Selku, Shri
Shankaraiya, Shri
Siddanajappa, Shri
Singh, Shri M.N.
Sinha, Shri Satyendra Narayan
Sinhason Singh, Shri
Snatak, Shri Nardeo
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sumat Prasad, Shri
Tangamani, Shri
Tariq, Shri A.M.
Thimmaiah, Shri
Tula Ram, Shri
Umrao Singh, Shri
Vedakumari, Kumari M.
Venkatesubbaiah, Shri
Verma, Shri Ramji
Vyas, Shri Radhelal

Mr. Deputy-Speaker: He should conclude now.

Shri V. P. Nayar: As you insist, I shall resume my seat.

Mr. Deputy-Speaker: I am sorry; I have to insist. I shall now put the amendment of Shri Naushir Bharucha to the vote of the House.

Sardar A. S. Saigal (Janjgir): Shri Bharucha is not here

Mr. Deputy Speaker: It does not matter. I shall now put amendment No. 12 to the vote of the House. The question is:

Page 4,—

omit lines 35 to 40.

The Lok Sabha divided. Ayes 9; Noes 96.

[14.37 hrs.

The motion was negatived

Pandit Thakur Das Bhargava: I voting for ayes.

Ch. Ranbir Singh (Rohtak): I am voting for noes; I do not know how it has reflected. Neutral... (*Interruptions.*)

Mr. Deputy-Speaker: If he does not know how it is reflected there, he should not worry. Now, I shall put clause 13 as amended to the vote of the House. The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Mr. Deputy-Speaker: There is another amendment held over—No. 19. I shall put that to the vote of the House. The question is:

Page 7,—

"omit lines 11 to 19."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 21, as amended, stand part of the Bill"

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Shri B. Gopala Reddi: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14-38 hrs.

BANARAS HINDU UNIVERSITY (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now take up the Banaras Hindu University (Amendment) Bill, 1958 as reported by the Select Committee. Four hours have been allotted for all the stages of the Bill.

Shri Braj Raj Singh (Firozabad): Five hours.

Mr. Deputy-Speaker: One hour at the discretion of the Chair. Now, I would like to take the sense of the House as to how these four hours should be distributed among the various stages.

Shri Braj Raj Singh: Four hours for general discussion.

Mr. Deputy-Speaker: And nothing for the clauses? For the present, we have to divide the four hours we have got.

Shri Braj Raj Singh: 3½ hours and half an hour.

Mr. Deputy-Speaker: There ought to be some time for the clauses also. I think three hours may be allotted for the general discussion and one hour for clause-by-clause consideration and the third reading also.

The Minister of Education (Dr. K. L. Shrimani): Sir, I beg to move:

"That the Bill further to amend the Banaras Hindu University Act, 1915, as reported by the Select Committee, be taken into consideration."

Sir, in making this motion, I would not like to take the time of the House and go over all the arguments which I advanced in introducing this measure. The Select Committee has fully considered this Bill and has made two major changes in the Bill. One relates to statute 29 of the draft Bill with regard to the constitution of the Selection Committee. In the draft Bill it was stipulated that the Selection Committee should consist of such

persons as the Executive Council might appoint, and the procedure to be followed by the Selection Committee in making recommendations was to be determined by the Executive Committee, and if the Executive Committee was unable to accept any recommendations made by the Selection Committee, it should record its reasons and submit the case for the Visitor's final orders.

There was a great deal of discussion in the Select Committee, and ultimately it was decided that the composition of the Selection Committee should be specified, and the provision which has now been made is more or less on the same lines as those laid down prior to the promulgation of the Banaras Hindu University (Amendment) Ordinance 1958, except that there is no Visitor's nominee on the Selection Committee, and the Treasurer will not sit in the Selection Committee for the appointment of the Registrar.

The second important change which has been made by the Select Committee is with regard to the Screening Committee. There has been a great deal of controversy in the House and there was a controversy in the Select Committee also with regard to this provision, and ultimately the Select Committee decided that the Screening Committee was not a good name for a university body, and therefore it has been renamed as Reviewing Committee, and I have accepted this provision.

The re-draft of this clause brings in the Solicitor-General to the Government of India into the picture, and the clause as it stands now provides two opportunities of being heard—first by the Reviewing Committee and then by the Executive Committee. The Solicitor-General will satisfy himself that a *prima facie* case exists before the machinery of the Reviewing Committee is set in motion.

To my mind this provision provides a very valuable safeguard. I am most

anxious that there should be no harassment of any kind and that the ends of justice should be fully met. The members of the Executive Council who were holding teaching, administrative and other posts in the university on 14th June 1958 have also been brought within the scope of this clause, and it has been further provided that they cannot take part in the meetings of the Executive Council in which recommendations of the Reviewing Committee relating to them are considered. I would like to submit that as far as the Reviewing Committee is concerned, this provision is essential and indispensable if we want to meet the situation which has arisen in the university.

The reports of the ex-Vice-Chancellors are before us. The report of the Mudaliar Committee is before us, and for the last several years factionalism in the university has not allowed any Vice-Chancellor to function effectively. This situation has to be met if the university is to survive. If we are interested in the future of the university, I think we have to get rid of those undesirable elements in the university which are responsible for undermining the morale and the discipline in the university today.

When the Bill was referred to the Select Committee I had hoped that after the changes made in the original Bill there would be unanimity of opinion. I think it would be a good thing if this Parliament could set up a convention that as far as the universities are concerned, we should take a non-partisan view.

Shri Bhaj Raj Singh: The convention that you should not interfere.

Dr. K. L. Shrivast: I am coming to that. He will have plenty of opportunity to reply.

A university does not serve any one particular group or one particular party. It serves the whole society,

[Dr. K. L. Shrimali]

and, therefore, when we are discussing matters which relate to a university, it will be better if we can take a dispassionate and detached view and not treat them in a political spirit.

I am sorry to say that some of the hon. Members, while giving their Minutes of Dissent have subordinated the larger interests of the university to the narrow interests of the party. I will try to explain why I am saying this.

The Select Committee has added a new provision that when allegations of the nature referred to relate to a member of the Executive Council who was holding any teaching, administrative or other post in the University on the 14th June 1956, the Executive Council shall, without considering the allegation, refer the case of such person, together with the copy of the allegation, to the Solicitor-General to the Government of India. This provision brings the Vice-Chancellor, Pro Vice-Chancellor and the Treasurer within the ambit of the provision. Nobody is left out. Even after this provision, the hon. Members, in their Minutes of Dissent, have demanded that the present Vice-Chancellor should be removed.

What is the fault of the present Vice-Chancellor? You have appointed a Reviewing Committee. The Reviewing Committee is going into the case of all persons—not only teachers, but the present Vice-Chancellor, Pro Vice-Chancellor and the Treasurer. The Vice-Chancellor will not sit in the Executive Council when his case is being discussed. I am sorry to say that malicious propaganda has been carried on by interested persons, and some hon. Members are not even willing to give a fair trial to the Vice-Chancellor. They consider that the appointment of the Reviewing Committee is too severe a measure for the members of the staff who may have been possibly guilty of professional misconduct, and they would like the Vice-Chancellor to be relieved of his

responsibilities even when his case is being examined by the Solicitor-General or the Reviewing Committee. I ask the House: is this the way in which justice should be done? This raises a serious doubt in my mind as to whether they are really interested in the welfare of the university.

The only fault of the present Vice-Chancellor is that, in accordance with the decision of the former Executive Council where the representatives of the so-called group were also present, he was heard by the Mudaliar Committee. There was no lack of confidence in the present Vice-Chancellor till the publication of the Mudaliar Committee Report. Some of the misguided students and interested teachers have now made him the scapegoat and have turned against him all the fury which was actually intended against the Mudaliar Committee. What has he done to incur the wrath of the people? As far as I know, no charge has been levelled against him.

There has been a great deal of controversy about his appointment, and my Ministry has been accused of interfering with the administration of the university. Hon. Members have referred to the statement made by Dr. C. P. Ramaswamy Aiyar at a court meeting. When this statement came to the notice of my Ministry, one of our Deputy Secretaries, Dr. Lakhani, wrote to Dr. C. P. Ramaswamy Aiyar asking whether the statement was correctly reported. Sir, I am reading the letter which Dr. Aiyar wrote to the Ministry on 4th May, 1956, in reply to Dr. Lakhani's letter—long before Mudaliar Committee was appointed:

"I have just received your secret letter of 28th April and own to a feeling of surprise and indignation. The so-called report is inaccurate and mischievous and designed to denigrate the Ministry of Education.

There was a meeting of the Executive Council at which I

had to mention the fact that I had communicated to the President of India and to the Education Minister my resignation of the Vice-Chancellorship of the Banaras Hindu University. It is also true that Shri Humayun Kabir and Dr. Saiyidain had both spoken highly of Dr. V. S. Jha in response to my request for suggestion. It was understood and taken for granted that the Executive Council in whom lay the right of choosing a panel should be given some sort of guidance and advice by the Vice-Chancellor as on previous occasions. I relied on the opinions of my good friends Humayun Kabir and Saiyidain and told the Council in strict confidence that persons in whom I had full confidence had suggested Dr. Jha's name and that I was willing to sponsor his choice though I was not personally acquainted with him."

He further says—and that is the root of the whole trouble:—

"I know that there is active canvassing going in favour of Dr. R. S. Tripathi, the Principal of the Arts College, and against all other candidates including Dr. Jha. I have also made it plain that speaking personally and in view of the situation (political, party and personal) in the University, a Professor or Principal from the ranks of the University staff is in my opinion unsuitable whatever his academic attainments may be."

It is not a very happy statement about a University, but it is there. Then he says

"Evidently the news has leaked out from one of the members of the Executive Council and has been deliberately distributed and circulated with an ulterior purpose."

Sir, I ought to tell the House that this statement mentions many other things and the statement was signed. As far as the Ministry is concerned, when this matter was brought to the notice of the Ministry we wrote to Dr. Aiyar, and after he contradicted this statement we did not want to pursue this matter further. I would like to read another paragraph from this very statement which might interest the House. This paragraph has been omitted from the statement which was circulated to the Members—I mean the pamphlet which was circulated and which has been quoted here.

Shri Sinhasan Singh (Gorakhpur): Sir, it would be better if the whole speech of Dr. Aiyar in which he made that statement is placed before the House, instead of reading a letter dated 4th May. This letter was not given to the House when the Bill was originally before the House. Now that this matter has been brought up here, it would be in the interest of the House, I submit, if the very speech of Dr. Aiyar is placed before the House so that hon. Members will have a true picture of the position.

Shri Braj Raj Singh: When the Ministry was in possession of this letter, why did it not place it before the Select Committee which went into the matter very thoroughly?

Dr. K. L. Shrivastha: I will explain that also. This letter was marked 'secret', and I wanted to consult Dr. Aiyar before it could be placed before the House. I thought it would not be fair to Dr. Aiyar if we placed it before the House without consulting him. We, therefore, wrote to Dr. Aiyar. He wrote back and said that we should not only place it before Parliament, but we should give wide publicity as far as possible. It was only after the Select Committee had practically finished its work, it was only on the day of its last meeting or so that we had received the reply of Dr. Aiyar. I did not want to hide it from the Parliament, but from the

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point of view of propriety it was not proper that I should place it before the House earlier.

Shri Sinhasan Singh: The speech of Dr. Aiyar was referred to in the House earlier. Quotations were made from the pamphlet that was published. All relevant papers in the possession of the hon. Minister should have been placed before the Select Committee and also before the House. This letter was not even read out by the hon. Minister when he replied to the earlier debate, nor was this letter given to the Select Committee. This letter has come at the last stage. This letter is dated 4th May, 1956, much before the Mudaliar Committee came in or anything happened. It should have been placed before the Select Committee. What I submit is, the whole speech of Dr. Aiyar should be placed before the House.

Mr. Deputy-Speaker: The hon. Minister has given his explanation. Whether it is acceptable to the hon. Member or not, he has given whatever explanation he has got.

Dr. K. L. Shrimali: My hon. friend Shri Humayun Kabir is here. I asked him what happened when Dr. C. P. Ramaswamy Aiyar came. He told me that Dr. Aiyar came to seek advice. I think it was his right to seek advice from any person he liked.

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): I was not a member of the Ministry at that time.

Dr. K. L. Shrimali: Yes, he was not a member of the Ministry at that time—Shri Saiyidain was there. It was open to Dr. Aiyar to seek the advice of any person whether in the Government or outside, and it was also open to these officers or people outside the Ministry to give such advice as they liked. In fact, Shri Kabir told me that he had suggested along with the name of Dr. Jha one or two other names. Personally I

think there is nothing wrong in giving this kind of advice, and it is wrong to call it interference in the administration of the University.

I would, therefore, request the House to examine the full facts in proper perspective and not be carried away by false propaganda which is being carried on at the present moment by interested persons. If the hands of the Vice-Chancellor are not clean, the Solicitor-General and the Reviewing Committee will take cognizance of this fact and will report to the Executive Committee. Let us not be prejudiced against him on the basis of baseless rumours and vile propaganda.

I shall now come to some of the Notes of Dissent. The hon. Member Shri Vajpayee had suggested that some senior member of the Executive Council should become the Chairman of the Executive Council and Chairmanship of the Council should not *ipso facto* devolve on the Vice-Chancellor. I would like to submit that this is the most extraordinary suggestion which has been made by the hon. Member. In our country we have done enough to undermine the University authorities and if we accept this proposal the Vice-Chancellor will be reduced to a non-entity in the University. The office of the Vice-Chancellor should be considered as one of the highest offices in our country. As the chief executive head and the academic officer of the University, the Vice-Chancellor is the *ex-officio* Chairman of the Executive Council, the Standing Committee of the Academic Council and the Finance Committee. In the absence of the Chancellor and the Pro-Chancellor he also presides over the meetings of the Court. This practice is prevalent not only in our Universities but also in the Western Universities. The Vice-Chancellor has a highly strategic and even a very difficult position. He is to represent the University on numerous occasions, preside at all sorts of functions, make

speeches before all sort of assemblies, represent the University on various committees and commissions and generally maintain the public relation of the institution. He has budgetary problems to face and sometimes also expected to raise funds for the University. If you lower the position of the Vice-Chancellor as suggested by the hon. Member, would any person with self-respect take up this position of responsibility?

The hon. Member Shri Mahanty and some other Members have objected to the appointment of the Screening Committee—now called Reviewing Committee—and have suggested that this Committee will cast “a criminal court” like shadow over the University. The report of the Mudaliar Committee as well as the reports of ex-Vice-Chancellors have revealed how the intransigence of a small group has paralysed the academic life of the University and undermined the University authorities. Is it not our duty to set up a machinery which would examine the conduct of all those persons who by their professional misconduct have been responsible for the present state of affairs? Recently, there has been a court of enquiry to look into the conduct of some civil servants in the high positions. If this can be done in the case of officers of the Government of India, I do not see any reason why it should not be done in the case of those persons who have been entrusted with the most important task of guiding the young generation and who have failed to discharge their responsibilities and have thus betrayed the trust which was laid in them by the society.

15 hrs.

The members of the teaching staff will have full opportunity to present their case before this Reviewing Committee as well as the executive council and in this way the ends of social justice will be fully met. There should be no fear in the minds of these people who have been carrying

on their duties conscientiously and who are maintaining a high sense of professional integrity. The Reviewing Committee is concerned only with those persons whose continuance in office is likely to be detrimental to the interest of the university.

The hon. Member Shri Khadilkar and some other hon. Members have suggested that the court should have been kept in abeyance till a comprehensive legislation of a permanent nature is enacted. If the Government had taken this action, hon. Members would have criticised us for not taking a drastic action. The Government have not suspended any university bodies but have only changed their powers and functions. The court has been a centre of intrigue during the last several years and therefore it was considered desirable that it should no more continue as a supreme governing body but should perform other duties and exercise such powers as may be assigned to it by the Visitor under this Act. It still retains the power to elect the Chancellor, Pro-Chancellor and the Treasurer. Even for a temporary period, I should not like the university to become completely disassociated with the representatives of the departments, colleges, teachers and old students. The members of the court have been nominated and there is no risk of any factionism during this period.

The question has also been raised with regard to the provision of increasing the representation of the Members of Parliament. The situation is that at present there are four Members of Parliament in the executive council of the university, and these Members are *inter alia ex-officio* members of the court. In addition, there are three Members of Parliament among the Visitor's nominees on the court. In the draft Bill, there is provision for three representatives of Parliament. Thus, altogether, there are ten Members of Parliament on the court consisting of 53 persons including the Pro-Chancellor. In my opinion, this provides full representation to this august House and the

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other House. When this revised Bill comes before the House, the House can decide how many members of Parliament should be there on the court.

As regards regional representation, I have already given an assurance, and I would like to repeat it on the floor of the House that efforts will be made for the nomination of persons belonging to the regions which have not been represented so far, as soon as suitable opportunity arises.

I would like to take the time of the House in giving briefly a picture of the university as it exists at the present moment. The university is expected to be a self-governing community, but at present there is no law and order. A small number of students who, I have reason to believe, are inspired by political parties and interested teachers inside the university have taken law in their own hands.

Shri Braj Raj Singh: Can we have the political parties' names?

Shri Raghunath Singh (Varanasi): Socialist Party, P.S.P.

Dr. K. L. Shrimall: The hon Member knows better than myself. The effigies have been burnt. Threats of burning the Vice-Chancellor alive if he does not leave the university have been given. The residence of the Vice-Chancellor was surrounded for days together and now the house of the Pro-Vice-Chancellor who is an old man—I am told he is about 76, and I do not know the exact date of birth—is being surrounded by the students. Some students went to the Vice-Chancellor's residence, removed the name-plate and have declared that the Vice-Chancellor who had come to Delhi would not be permitted to go back to the university. Leaders of political parties have taken full advantage of the situation and are exploiting them for political ends without realising that these very methods would be used against them when they come into power.

Shri Braj Raj Singh: May I know the names of the leaders?

Mr. Deputy-Speaker: Not necessarily here.

Dr. K. L. Shrimall: They have addressed the meetings of the students and have asked them to carry on the agitation more vigorously and forcefully so that the Ordinance may be withdrawn and the Act may be thrown out.

On 14th August, the student leaders threatened the Vice-Chancellor that they would physically prevent him from hoisting the flag on the Independence Day. Hunger-strikes, torch-light processions, speeches full of threats, violence and intimidation, loudspeakers and demonstrations of nerve-rattling nature have become the normal feature of the university life. Do these incidents not indicate that the university has lost its academic character and has become an arena of political strife? If such happenings continue to recur in our university, is there not a danger that there will be a retreat of our civilisation and we shall return to a state of barbarism?

The students of Ayurvedic College are demanding the appointment of a person who is at present employed with the Himachal Pradesh administration. I made a personal request to the Health Minister to depute him but I have been informed that he is unwilling to accept the principalship of this college. What am I to do? How are we to meet such unreasonable demands of the students?

I would like to ask the House whether by encouraging such tendencies among students we are building up proper university traditions. For the maintenance of proper university traditions, two things are essential: the spirit of liberalism and respect for ordinary processes of law. They are the root and branch of university life. If we allow the students to develop false ideas of freedom and encourage them to defy the university authorities we cut at the roots of university

tradition. The Mudaliar Committee has made some references to some undesirable activities of some of the students. The Committee had no intention to bring slur on the whole student community of the university. Some painful incidents were brought to their notice by some responsible persons, and they have brought them to our notice not with a view to condemn the student community, but with a view to give them better guidance. The members of the committee are interested in the future of the young generation as much as we are, and they are anxious that the university students may set up high moral standards so that they may be worthy of our noble heritage and culture.

The report also contains some quotations from the memorandum submitted to the committee which contains the unfortunate references to eastern Uttar Pradesh. There is no intention on the part of the committee to condemn the whole of eastern Uttar Pradesh which is a part of our country—a vital and organic part. They only referred to a small group of people inside the university who have not maintained high professional conduct and have brought discredit to the university.

I would, therefore, request the House to consider this report and this Bill in their proper perspective. The university is suffering from a chronic disease, and let us not do anything by word or deed to aggravate its malady.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Banaras Hindu University Act, 1915, as reported by the Select Committee, be taken into consideration".

I have to point out that I have received about a dozen names of hon. Members. There might be others also.....

Shri Raghunath Singh: Yes; we are also here.

Mr. Deputy-Speaker:who had not sent their names but who may wish to speak. Altogether, we have got three hours, and there must be, on the whole, I think two dozen Members. Even with the additional hour promised by the Speaker added, we shall have four hours at the most. Half an hour has already been taken up. Therefore, I request the hon. Members to be very brief so that a large number of Members may be accommodated. Could we put a limit of about 15 minutes for each Member, in the normal course?

Several Hon. Members: Yes, yes.

Mr. Deputy-Speaker: That may be all right, because, at this stage, perhaps all the controversy that we had during the first stage may not be opened again. Now, we can confine ourselves to the alterations made or those that ought to have been made and have not been made.

Shri Braj Raj Singh: The hon. Minister has read a story, and we have got to refer to it.

Shri T. B. Vittal Rao (Khammam): Which he should not have normally done.

Mr. Deputy-Speaker: It is not necessary that whatever he has said should be again referred to. While dealing with the provisions of this Bill, hon. Members might make a passing reference to it, but that does not become an issue to be decided here by the Parliament. We have now the provision of the Bill and we have to look into them and see whether we can improve upon them.

Shri Braj Raj Singh: We agree that we have to concentrate on the provisions of the Bill, but the hon. Minister has not chosen to do it.

Mr. Deputy-Speaker: I hope the Members will not follow the same path.

Shri Mahanty (Dhenkanal): In view of the observations made by the hon. Minister in regard to our minutes of dissent, I request that such of us who have been named may be kindly provided an opportunity to reply.

Mr. Deputy-Speaker: Those who have an opportunity can speak on that also.

Shri Asoka Mehta (Muzaffarpur): Mr. Deputy-Speaker, Sir, the situation that has developed in the Banaras Hindu University and the problem that we are trying to resolve just now are of a nature where not only no partisan consideration can be shown, but no political attitude can be taken. We are concerned with the welfare and the development of a major institution of learning and I am sorry to find that not only there in the university, not only in the great State in which the university is situated, but even in this august House, tempers are rising and people are allowing themselves to get divided. I believe for a variety of reasons, above all because whatever steps were necessary and corrective need to be taken have been long delayed and this delay has resulted in the ossification of the differences and difficulties in that great institution of learning. It is not very easy to bring about a change.

If a change is to be brought about, the students as well as the teaching community there must realise that **this House is not going to permit this kind of thing to continue.** We are anxious that no injustice should be done. Injustice to an individual here and there to me is not as important as injustice to a great institution of learning and to tens of thousands of students whose very life we seem to be playing with today.

I would like to invite attention to a statement which was recently issued by a number of citizens of Banaras, which includes someone who is very dear to me; and, I am sure a large number of Members of this House

have the same deep respect and affection for him. I refer to my esteemed friend, Mr. Achyut Patwardhan, who was a student as well as a teacher of this university. He had a very distinguished career as a public man. He has withdrawn from public life and he is living a kind of dedicated life completely away from tensions and turmoils. He is not interested in politics, elections or anything of the kind. This is what he says:

"The situation in the Banaras Hindu University today and the manner in which the student demonstrators were conducting themselves at present will ultimately affect seriously their own larger interests. Any impartial observer of the university and a friend of the students cannot help feeling that the affairs of this institution have been far from satisfactory for the last several years that nothing less than a drastic change is called for. In so far as the Mudaliar Commission had also supported this finding, the signatories find themselves in substantial agreement with it, although they do not subscribe to every statement contained in the report. They are convinced that the Banaras Hindu University should be completely free from all influences of political parties; or, otherwise, the situation which is bad is likely to become worse. The signatories appeal, in conclusion, to those connected with the present situation in the university to stop all demonstrations and to free the university from the unhealthy atmosphere which it has been surcharged with in the last three or four weeks."

I did not speak on the previous occasion. I thought it my duty on this occasion to raise my humble voice in support of the appeal that Achyut Patwardhan has made. I would like to appeal to every section of this House to carry on this discussion in a manner whereby the situation will not only not get aggravated, but the

student community and the teaching fraternity there will realise that as far as this House is concerned, this matter is not going to be viewed in any partisan manner, in any regional manner, but this matter is going to be viewed in a manner whereby this great institution of learning can once again function in the manner in which everyone of us here wants it to function.

Having said that, I do not agree with the hon. Minister of Education. He seems to feel that there is a small group which is functioning in an intransigent manner. I do not know much about the university, but if it was merely a question of a small group functioning in an intransigent manner, your screening committee or the reviewing committee probably would pluck out those undesirable element out of the body politic of the university. But I have read very carefully the various papers that were laid before the Select Committee which the Select Committee, in their wisdom, have made them available to us. May I invite your attention to the letter which Dr. C. P. Ramaswami Aiyar wrote to the Visitor? I am reading from page 56, para 4:

"The background and personnel of the University, due to unchecked and untoward developments during several years are such that I have to devote eight or ten hours a day to routine, petty and often contentious work of a taxing character. Unfortunately, there is no one else who could adequately deal with the almost daily quarrels and intrigues amongst professors and their subordinate lecturers and tutorial and administrative staff. Furthermore, the University is divided into two (in fact three) irreconcilable parties or groups, partly political and partly personal in character, that seek, not only by open and unrestrained disputes among themselves, but also through engineering anonymous and other communications and by other

means, to acquire influence in the various academic bodies of the University, e.g. the Executive Council, the Standing Committee and the Academic Council. All but a few of the highest grade of Professors and Readers are engaged in this unceasing and ignoble conflict to the obvious detriment of their legitimate duties toward their students or in the direction of Research. Hardly any department in the University but has two groups which are constantly laying their respective complaints against each other. . ."

Mark the word, "all but a few".

I think whatever the disease, the disease is deep-seated and police action is not going to end it. I am afraid that, just as when the administration in a State breaks down, the Centre takes over the administration and you send a high-powered commissioner to be in charge of the State, that kind of approach is not going to work here. This university, if it is to be set right, will have to be tended very carefully. Under the Bill that has been brought before us, virtually the responsibility has been taken up by the Visitor. If he fails, I am afraid we shall never be able to cleanse any stables in any other university.

I would like to remind the hon. Minister and to my fellow Members of this House about the heavy responsibility that lies on our shoulders. It is not that the Banaras Hindu University is the only erring university. It is a great university and things have gone wrong there. Now, things may be wrong in many other universities also. We do not want to touch the other universities if we can help that. By setting things right in one university, we hope and trust that in other universities, people will realise that this august body is not going to keep quiet if anyone is going to play with the destinies of the future generations of our people. Therefore, things in this university will have to be

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handled in a manner whereby so far as the other universities are concerned, no police action and no Mudaliar Committees will be needed. If that is to be done, may I beg of the Education Minister not to show as if he would like to pick here for the Vice-Chancellor. I do not know the Vice-Chancellor. I have met him twice and that too very very casually. Perhaps he is a very fine person. I have nothing against him. But if we want to set things right, let it not be as if the Education Minister stands four square behind the Vice-Chancellor and the rest of the forces are going to wreck this action of the Education Ministry and sabotage the support that he is bound to gather. I think that is not a happy way of tackling the situation. I would appeal to the Vice-Chancellor—his hands may be very clean, his conscience may be very clear—but I would appeal to him to make it clear that he has no desire to remain. Let us make it possible for someone who would not be able to arouse this kind of antipathies and antagonisms to come in; a healing touch has to be applied; a Screening Committee has to be appointed; some people have to be removed. I do not know very much about it. But I want a different kind of approach, and an approach which is interested not so much in saying: this man is wrong, that man is undesirable, that man has to go; because it is not that that we want. That treatment would have been just and proper if there were only a few erring here and there and a vast majority of the teaching staff was behaving properly. But that does not seem to be the case, as Mr. C. P. Ramaswami Ayyar has stated. If that is so, a different approach is necessary. I am not concerned with amendments.

I am concerned with approach, because no matter what law you pass here, unless the right approach is provided, the laws are not going to bring about the changes that we desire there.

Secondly, I feel the students should be told that this House, and this House ultimately means the people of India, will not tolerate any kind of demonstrations and excesses in which they are indulging. I would appeal to the Education Minister, and better still to the Leader of the House, that he should invite a few Members of this House who command the confidence of this House and command, I hope, at least evoke a certain amount of allegiance of the student community there. Let that small group visit the University and convey to the Students our willingness to help them in every possible way. If more money is needed, we will give them; if more hostels have to be given, we shall be the first to look into that. But we shall not permit the kind of things that a small section of the students are indulging in. I would appeal to the other political parties that we should not trouble the waters in order to fish in them. There are enough troubles. In UP itself there are enough. There is so much of mal-administration, there is so much of opportunity for anyone, any opposition group that wants to build up a massive case against the administration. I say there is any amount of it there. Let us try to keep away from this problem. Let us try to contain it, contain it in a manner whereby we will not allow any political predilections to come into it. All that can be done provided the Minister himself approaches the problem in a manner whereby he will reduce, and not aggravate, the opposition that is there to some of the measures that he is supporting.

I do not know if I have been able to communicate my feelings to you. I have only one more point, and that is a very small point. Three Members of Parliament are to be there. It is suggested that the Speaker and the Chairman should nominate them. I do not agree. Seven of our distinguished colleagues have already been nominated by the Visitor or by the Education Ministry. Three of our colleagues, therefore, should be permitted to be

appointed by us. I have the greatest of respect for the power of discrimination and power of judgment of the Speaker. But knowing the importance of this, let us see with what wisdom, with what anxiety, with what sense of carefulness this House will elect persons on that body. Let not that right and that responsibility be taken away from our shoulders and put on the shoulders of the Speaker. I have the greatest respect for the Speaker. But here we are on trial, and I would like that we should be permitted, before the bar of history where we are on trial, to see whether we come out of it successfully.

Shri Prabhat Kar (Hooghly): Mr. Deputy-Speaker, I am sorry to find the way in which the hon. Education Minister has placed the facts before the House. I quite realise the responsibility of the House and of the Members speaking on this Bill. The effect of it will be great repercussions in our national institutions. Knowing full well the situation, I am sure no single Member will try to speak in a way which will act as a matchstick to the gun powder. But, of all persons, the Education Minister, I am sorry to find, unnecessarily created a hitch in this discussion on this Bill. He wanted the House to discuss this dispassionately and without any hitch. But I think his sling at the political parties was rather out of place. I am quite confident that all hon. Members, whether sitting on this side or that side of the House, are anxious that irrespective of whatever has happened in the past in the University, we should all pull our weight together to see that it functions well, at least from right now. That is why we wanted to discuss this matter dispassionately. But I am sorry that the Government spokesmen, instead of using words which are necessary for this particular moment, used words which will cause great harm.

During the course of his speech he made some reference to the political parties. Some hon. Members immediately stood up to say that they are

of the PSP, SP and communist party. I would only like to draw the attention of the House to the threat which was given by one of the members of the Congress party. I want the House to remember that. So, it is not a question of political parties. It is a question of individuals, how they look at things. Here we are not to discuss this matter from any party angle. No one would like it. At least I can say for our party that we will not do it.

Here we will confine our discussion only to the provisions of this Act, to the changes that have been brought out by the Select Committee, whether they are going to improve the matter at this particular moment, instead of indulging in acrimonious debate between party factions or trying to strengthen the hands of the persons who want to create trouble in the Banaras Hindu University. That is not our approach. I for one can say that I at least will not approach this discussion from that angle.

Even considering that the situation in the Banaras Hindu University is not what it should be, I have not been able to get from the Ministry really what was the necessity of promulgating the Ordinance, because from the 10th of May to 11th August he has not been able to give anything that has happened in the Banaras Hindu University which necessitated the promulgation of the Ordinance. He has referred to Sir C. P. Ramaswami Ayyar's letter; he has referred to Pandit Govind Malaviya's letter; he has referred to other things. But all these things refer to the incidents of the years 1951, 1952, 1953 and 1954. What was the necessity of promulgating an Ordinance? What happened between May 9th and August 11th which necessitated the Government promulgating the Ordinance? Up till now those facts have not been placed before the House. I want to say that by promulgating the Ordinance Government has already created a bad situation which could have been avoided. It was not necessary to

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promulgate the Ordinance. As was stated by Shri Asoka Mehta, it is not by police action that you can change the whole administration; it requires a change of heart; it requires a different approach. That approach has not been made by the Government. After promulgating the Ordinance, the court has already been nominated. I have nothing to say against the persons who have been nominated there. But what was the necessity of immediately nominating on the court, persons who have been elected from the representatives of the teachers. It has been admitted that there are factions. More than one—two or three groups—are there. Anyone of these persons might belong to one or the other group and naturally it will create a situation by which somebody will create the plea to again create an atmosphere which is not congenial. There was no necessity of immediately nominating the members of the Court, because the Court for all this time did not meet. The Court has now been reduced to an advisory body. According to the new Act, the Court is to advise the Visitor in respect of any matter which may be referred to it for advice and to advise any authority of the University in respect of any matter which may be referred to the Court by such authority. There is no function of the Court at present. There was no necessity of nominating the Court and nominating on the Court representatives from amongst teachers who have been charged of having formed into groups and who have been charged of having been for all these years source of all these troubles. There was no necessity, but yet the Government did it. The Government nominated certain persons. Quite naturally, it may be the feeling of others that the Government wanted to give strength to some of the groups and that one of the groups had the backing of the Government. Naturally, if the other groups today come forward to create agitation they have got at least a genuine plea—I would say, if not

a ground, a plea—to agitate over this matter. I would say that the Government should not have nominated the Court. There was no necessity of nominating the Court immediately because there is no function of the Court existing today.

It has been said that so far as the Vice-Chancellor is concerned, he is a very efficient man. We have got nothing to say against him. So far as he is concerned personally and his educational qualifications, we have got nothing to say. But today centring round him all these troubles are being created. So, it is necessary that in order to see that there is peace in the University, he may be requested to stand by in the interest of the University. I would wish that he may be requested to stand by even if an unreasonable demand is made. It is necessary that one person should stand by. The hon. Minister knows the feeling of the hon. Members of the Select Committee in this particular matter. I do not want to say any word about the Vice-Chancellor, but I want the Government to take note of the feeling of the people and it will be better and in the interest of the institution that the Government should make such a request to the Vice-Chancellor.

Then I feel that in the Act, even as it stands, there is a possibility of a misunderstanding amongst the persons connected with the Banaras Hindu University. As I said, there was no necessity of nominating persons. About the formation of the Court also, in the Fourteenth Statute of clause 7 we find that the Court shall consist of the following members, namely:—

- (a) the Chancellor, *ex-officio*,
- (b) the Pro-Chancellor, *ex-officio*,
- (c) the members of the Executive Council, *ex-officio*,
- (d) two persons from the Departments and Colleges of the

University, nominated by the Visitor,

- (e) two persons from among the teachers of this University other than Professors, nominated by the Visitor,
- (f) five persons from among the old students of the University, nominated by the Visitor, etc. etc.

Now, if we go through the letter of Sir C. P. Ramaswami Aiyar or the letter of Pandit Govind Malaviya, we will find that on the question of the activities of these groups who belonged to the teaching staff how they have been trying to discredit one or the other Vice-Chancellor. Now, to take some one of them in the Court and allow them to continue the intrigue, I do not find any rhyme or reason. It has been said that they are nominated and therefore there is no chance of any factionalism. Even if they are nominated they belonged previously to one or the other group. They will be representatives of one or the other group. If they have been a party to all these things before, simply because they are nominated by Government they will not have the same partisan attitude, I at least for one cannot believe. Rather, they will feel now that they have got the support of the Government and therefore if any one of them is so nominated, they will carry on the same intrigue as they were carrying on before.

Then comes the question of the Selection Committee. Most of the troubles had arisen out of the activities of the Selection Committee in appointing the teaching staff. There we wanted that in the Selection Committee there will be no member of the Executive Council, because the Executive Council will have an opportunity to sit over the decisions of the Selection Committee. After that if the Executive Council is unable to accept the recommendations made by the Committee, it shall record its reasons

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and submit the case to the Visitor for final orders. If the Selection Committee includes a member of the Selection Committee, he will, while selecting, discuss certain things and will again sit over the decisions of the Selection Committee in the Executive Council. Therefore we suggested that in the Selection Committee there should be no member of the Executive Council because the Executive Council will have an opportunity to sit over the suggestions made by the Selection Committee and if there is any difference, in that case this matter will be referred to the Visitor whose decision shall be the final thing.

Then the next thing I would say is that in the formation of the Court, we find that there will be three Members of Parliament, two to be nominated by the Speaker of the House of the People from among the members thereof and one to be nominated by the Chairman of the Council of States from among the members thereof. As has already been stated, I would suggest that Members should be elected and here also particularly in view of the fact that the state of emergency exists today which has necessitated the promulgation of the Ordinance, it is necessary that more representatives from the Parliament should be in the Court to guide the working of the institution. In that case I would suggest that because you agree to the existence of an emergency and because the House has agreed with the steps taken by the Government with the promulgation of the Ordinance there should be more representatives from the House and we would suggest that at least there should be 12 representatives—eight from the Lok Sabha and four from the Rajya Sabha—to be elected on the Court so that the House may have a proper control over the function of this University. I would also suggest that instead of having 29 members nominated by the Visitor, we should have 20 members and there should be at least one representative from the State Legislatures in this Court because this is an all-India body and

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there are charges—if not of provincialism, but some sort of charges—against some part of a State. At least because of the feeling and the sentiments of the people I would like that one representative from the State Legislatures should also be in the Court so that the all-India character of the University can be established in the Court itself.

Then I would say that when the Government came before the House they had completed everything. Every course which was necessary they took and wanted the House to give sanction to whatever they had done. This is not the way. There is a difference of opinion. It is not difference of opinion between the Opposition and the ruling Party. There is difference of opinion among the Members that belong to the ruling Party. It is a matter which needs considerable thought. The Government should not have come before the House having completed every step. The Government should have taken the House into confidence before acting on the provisions of this Bill. There I do not agree with the Government that it was necessary to nominate all the persons and to complete all the formalities that were required under the Ordinance.

Lastly, I am very glad that the Screening Committee has now been changed to Reviewing Committee and the procedure that has been adopted is also very good. The only thing we would say is that the Government should at least tone down so that there may not be fear in the minds of anybody and although there may be a Reviewing Committee it is not the intention of the Government that because there was something—some report by some Vice-Chancellor on the teaching staff—their cases will be considered and an attempt will be made to victimise them because they held one or the other view which may not be the one which the Government would like. That type of statement should come. I hope, while replying

to the debate, the hon. Education Minister will tone down his feelings, because, I am afraid, the way he spoke just now is not going to create a situation which will be helpful to the University and to the country. Rather it will aggravate it, which, at least this House does not want. Every one really is sorry, I would say, for the state of affairs that is going on in the Banaras Hindu University.

Swami Ramananda Tirtha (Aurangabad): Mr. Deputy-Speaker, I was not present when the discussion on the Committee's report took place in this House. I have gone through the Mudaliar Committee report and it has made me very sad because the academic atmosphere in this great University has been polluted and it has lost its glory and goodness. The disease seems to be too deep-rooted and therefore, the approach to solve this problem has to be also a well-considered one.

I entirely agree with my hon. friend Shri Asoka Mehta, and I do not also think that it is merely a clique or a small group that has vitiated the atmosphere in the University. Something more deep-rooted, something more objectionable, something more sinister has taken hold of the University. It is a mental disease: may be a disease coming out of a certain feeling of frustration or the instigation or the encouragement given by certain sections, I do not know. But the manner in which this malady is going to be removed has to be somewhat different.

I am connected with educational institutions for over 25 years, very intimately connected with the conduct of such institutions. Factions do arise. It is in the manner in which you deal with the staff and the students that the good or bad atmosphere in an educational institution can be maintained. If you allow freedom and at the same time create a sense of responsibility, the academic atmosphere

is maintained and the institution flourishes. If you suppress that freedom and handle the affairs, in an unrealistic manner, you spoil the whole thing.

I would just like to plead with the Education Minister and give him a very simple suggestion. I have no objection to the Screening committee or Reviewing committee or whatever he feels necessary. Let him have it. But, you will not be able to change the mind of the students by having recourse to these committees. I am quite clear about it. You will have to adopt a psychological approach. I have been looking to the atmosphere that is prevalent there. We are receiving representations even now. I do not know what has happened to this University: to the professors, to the students, to those who are instigating the entire personnel there. Why should these people carry on propaganda amongst Members of Parliament when this august body is giving its considered view to this problem? The remedy has to be drastic. At the same time, it must be a softening one. Therefore, I would more depend upon not an enactment of this type—it is necessary, let it go—but a loving approach made to the students so that they may realise their responsibility and create that kind of atmosphere which would ensure academic progress.

Something has been said about the Vice-Chancellor. I have tried to understand the proposition. Nothing can be said against any person. This House shall be the last to have to say anything about any person as such. But, I also feel that in the atmosphere as it prevails at the present moment, if the Vice-Chancellor can himself vacate the place, so much the better. Because, he will be helping to smoothen the affairs and he will not be in the picture to influence the various processes of action and punishment which will be taken by the Screening committee. Let there be not an iota of doubt that there will

be a suspicion about his own bona fides in the mind of anybody who is going to be punished or tried or whose case is going to be scrutinised by the Reviewing committee. That seems to be necessary. Of course, it is for him, and for the Education Minister to consider this suggestion.

It is good that this House has considered the problem in a non-partisan way. That is welcome. I think the student world of India has to be told very clearly and all the political parties, including the one to which I have the honour to belong, must make a solemn declaration that no student community in India will be exploited for political ends. Otherwise, no University will be able to retain its academic atmosphere. In my own institution, we have made it, not a written law, but a convention that no member of the staff will be even a primary member of any political party. He may hold any views. He is free to do that. He can give his own ideas to the students. Let the students be free. The House will be interested to know that though I belong to and I hold the Gandhian philosophy dear and I am trying to understand it and follow it as best as I can, there is no bar in my institution for the students and the staff to understand, learn and also assimilate other philosophies, marxism etc. In the part of the country in which I have the opportunity to serve the people, most of the leaders of all political parties have been given by my institution: Marxists, Communists, Royists, Gandhites. There is that free atmosphere. There is no suppression of any ideology. Having done that, we find that the students are disciplined, well-behaved and also well-meaning.

Sir, this is an interim measure, but the interim measure should be very short-lived and a well-thought out and a well-considered measure should follow. I hope this interim measure will serve the purpose for which it is being enacted and before the

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permanent measure comes, the academic atmosphere in the university shall have been reimbursed.

Lastly, I support wholeheartedly and fully the suggestion made by Shri Asoka Mehta that some Members of this august House should be persuaded to visit the university, and stay there as long as it is necessary and try to create a psychological change among the students and also amongst the staff. And then, if there are certain elements who are not amenable to reason, who are not amenable to patriotism and better sense, a punitive measure can be adopted.

I have nothing more to say. It is with great sadness that I am participating in this discussion. I have the honour to stay for some time in the year at Banaras in my institution there, and it would be indeed a happy moment for me and a joy for me to see that the Banaras Hindu University reverts to its original position.

Dr. Sushila Nayar (Jhansi): The Banaras Hindu University has been a symbol of something great, and something beautiful, and we have all looked at it from our early childhood with reverence and with love. Therefore, it is natural that everyone of us here should feel deeply perturbed and unhappy at the way in which things and events have been moving in that university for a pretty long time.

It has been stated here that the vice-chancellor should vacate or that the Minister should make it clear that he does not stand by the vice-chancellor. I very humbly disagree with either of these statements, for the simple reason that it is not the vice-chancellor A, B or C that one has to contend against, but this idea which has got round in the Banaras Hindu University that it is possible to bully out one vice-chancellor after another; if one remembers that in that university a man of the eminence of Acharya Narendra Dev could be made to shed

tears, one can very well imagine what the state of affairs there must be. It is very necessary, therefore, that it be made clear in unmistakable terms to all concerned that they will not be able to push out any vice-chancellor by following the methods and the tactics that they have been adopting.

I have nothing to say for or against the present vice-chancellor. I have met him a few times, and I think he is a very able man, and I do not think anybody here has expressed any opinion or made any statement contrary to this point of view. It has been stated that he is the centre of trouble. It is not this vice-chancellor that has been the centre of trouble, but many before him have been the centres of trouble. The reason is that for too long, things have been allowed to drift. It was with the hope that by talking to people, by trying to be nice to people, good sense will ultimately prevail, it was with this thought at the back of their minds that I presume one after the other, the authorities that were in charge did not take any drastic action and things were allowed to move from bad to worse. Ultimately, Government did wake up, and I am sorry that they took so long to wake up, but they did wake up, and they appointed a committee, and when the report of that committee was received, it revealed a state of things so terrible that immediately action was considered necessary.

It has been asked why the ordinance was promulgated. I ask why the ordinance was not promulgated years ago. The question is that if things had been bad for such a long time, why a proper enactment was not brought before Parliament earlier. The Minister has indicated in his remarks that the Government were really not aware that things were so bad, till this report came before them. Reports had been reaching them, and reports had been reaching the ears of all of us that the situation was

unhappy and things were bad, but that things had come to such a pass was realised only when the Mudaliar Committee's report came. And it was good that immediate action was taken, and this report was not allowed to thrust on the shelves of the Government offices as many other reports have had the fortune or the misfortune of doing.

Therefore, I am very glad that action has been taken at last, and as was stated earlier, a drastic remedy was necessary for this deep-seated malady, and this action of Government has provided that drastic remedy. There might be certain minor points in this Bill that might need change here and there. The Select Committee has done an excellent job, and at the end of prolonged sittings and strenuous labour, they have produced a report that is before us. I feel strongly that we should accept that report and we should impress upon the Education Minister that as early as possible a permanent measure be brought before this House. In that permanent measure, any other changes that may be necessary can be introduced.

It has been stated here that the students are misbehaving. I do not for one moment blame the students. Wherever any where students go wrong, or there is indiscipline, I think the blame for it has to be laid at the door of the teachers and not at the door of the students. It was also said that the hon. Minister while replying to the debate might have toned down his feelings in this matter. I do not see how any one can. He spoke with deep feelings and deep pain in his heart that the custodians of our children, the custodians of the future generations of India, should have so forgotten their duty, should have been so carried away by considerations of a very transient nature, that they have jeopardised the welfare and the future of these youngsters and led them into ways which are neither good for them, nor good for the University, nor good for the country as a whole.

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Sir, the University is a place of learning. Nobody should do anything to distract the attention of the boys and girls from the course of learning, so that they may prepare themselves for the responsibilities that are to fall upon their shoulders. What would any one say to those people, be they politicians, be they teachers, be they anybody, who would descend to the level of instigating the students into leading agitations, as is being done at Banaras, as has been done at Jaipur? And unless this evil is nipped in the bud, it is likely to go further. I most heartily welcome the suggestion that was made here a short while ago by an hon. Member that all political parties should take a solemn pledge that they will not use students for any political purposes, whether it be at the time of elections or whether it be at any other time like the occasion that arose at Jaipur or the occasion that is there at present at the Banaras Hindu University.

A healing touch is no doubt necessary. But how is that healing touch to be provided? A few Members of Parliament or few other well-wishers of the students can go and talk to the students for a short while. But the people who are to be constantly in touch with those students, the people who are to wield a permanent influence over them are the teachers under whom they spend a few years, and the most formative years of their lives. Therefore, it is very very necessary that those teachers be made to realise the folly of their ways; and those of them who are prepared to mend their ways, should certainly not be victimised, or humiliated in any way. But with regard to those who are not prepared to do that and who will continue in their undesirable ways, well, I am afraid it is necessary that action be taken against them and the atmosphere set right. I am glad, therefore, that the Reviewing Committee is provided, and this Reviewing Committee will do the needful.

[Dr. Sushila Nayar]

Now, the question is, should the Vice-Chancellor be there when the reviewing committee does its work? I think it is absolutely necessary that at the moment there should be no changes made as a result of this agitational approach. Ultimately, when the whole atmosphere is cleared, it may be time to make any necessary changes; and the Vice-Chancellor himself might be so tired and fagged out by the end of that time and so happy that things are at last restored to normal that a change, may be brought about, and probably that will be done. But, Sir, any change at this moment which gives any one the impression that it is possible for them to adopt an agitational approach and push out one Vice-Chancellor after another or make his life miserable will be a most unfortunate step, and nothing should be done to encourage such a feeling.

As for the Members of this House who are to serve on the Court, whether they should be nominated or elected is not a terribly important point from my point of view. In a way, I would welcome that we do not bring election in this question at all, for the simple reason that we want to keep this whole business of the University completely above election canvassing and anything of that kind.

Shri Asoka Mehta said we are on trial. By all means, we are on trial. But I do not think this is the appropriate time to test our soundness of thinking or otherwise. I think there are plenty of opportunities when we can put ourselves on trial, and we will be put on trial. But at this moment—the one prime concern is not to test the soundness or otherwise of any particular person or groups of persons or even this august House, but to find out some method by which the affairs at the Banaras Hindu University can be set right. And I feel, Sir, that can only be done if political considerations of all kinds, including elections of all kinds, at the moment

are kept aside and people who in the opinion of the Speaker and of the Chairman of Rajya Sabha—and in accordance with whatever other provisions have been made—will serve the purpose which they are intended to serve, should be put on that Court. However, if other people feel strongly that this is a matter for elections, I do not have any particular objection—although my preference is that the nomination that has been suggested should be stuck to.

With these words I whole heartedly support the measure that the hon. Minister has placed before this House

Shri Khadiolkar (Ahmednagar). Mr Deputy-Speaker, Sir, with your permission I would like to make a brief reference to the Enquiry Committee's Report. But before making any observation I would like to make one thing clear. And that is that whatever I say about the Report or the Bill is not intended in any way to encourage the students who unfortunately are now showing, I feel, a slightly mentally-deranged type of behaviour there, seeing from Press reports—I do not know exactly, what is going on there now.

But, as I said, I must briefly make a mention of the Report for one reason; because, the report is a sort of diagnosis, and a remedy is suggested for curing a chronic disease (An Hon Member. Cancer) of a malignant nature—I would put it that way.

Now, unfortunately, if we go through the document, one fails to understand how these people have approached the problem itself: because, the defect is in the whole approach. At the present moment, there are two types of approaches, as we see there. One is an ivory-tower academic approach, and the other is a bureaucratic approach. Unfortunately, this measure, to a large extent, from the Government side reflects a

bureaucratic approach. The members of the Committee, naturally, were overburdened with a great sense of responsibility. And before making any further observations, I must say that I know there were elderly statesmen like Dr. Subbaroyan or another lady Member whose zeal for social work is well known. With all this, the whole approach is wrong. Because, why was this chronic disease allowed to develop, and whose responsibility is it? There is factionalism, I know. The whole atmosphere is faction-ridden, and the academic life has been disturbed. In my opinion, it is not only a question of Banaras. It is a national waste. Because, there are people in this country who can hardly send their children to primary schools, leave aside colleges. We are trying to invest, as we say, in human beings, or that it is human capital that we are developing. And we say that we have not enough resources to develop this potential energy of our country, that is there in the coming generation. On the other hand, I find we are handing over Rs. 50 lakhs to this University and for the last five or six years matters have been going from bad to worse. While making a diagnosis, the Committee ought to have very frankly apportioned the blame. Why I say this is because I find some evidence in the Radhakrishnan Committee's Report. I would not read from that Report and tax the House. But on page 462 of the Report, there is a very significant observation. Even then the number had gone up. There was no hostel accommodation. Things were disturbing. The Committee has observed that all this is due mainly to the responsibility which the UP Government has failed to discharge or own. Therefore, the atmosphere is being poisoned due to overcrowding. That is one aspect.

Another aspect is this. After all when the Members of the Committee pass such a severe judgment on young students there, are they not their sons or grand-sons? Have they ever considered this aspect when they

passed judgment of a criminal character on these people? Was it not fair, was it not their duty, to have waited ten times before apportioning blame. These are the boys and they are behaving in a way not to our liking. There may be some instances of gross mis-behaviour. But I feel that the Education Ministry and the Secretary to that Ministry who has come out recently with a very fine book where he has considered the socio-psychological approach to education, have failed to take stock of the whole position and reform it before publishing the report in such a way 'that here is a disease; no doubt students are to blame'. But there are elders also who are equally responsible for the present state of affairs. Can you ever imagine that a University like Banaras is an isolated thing? It must be judged in a particular social milieu. It cannot be isolated. There is factionalism everywhere. I do not defend students there or teachers. I do not defend their conduct. I do not defend the growth of factionalism or certain teachers taking a partisan attitude. At the same time, if Government, who are supposed to tell them what are their responsibilities, fail to take note of the surrounding conditions, I am afraid the diagnosis is essentially vitiated. Therefore, as soon as the Report was published, they were bound to resent. Let us understand them. Let us take a little understanding approach. It is no use tarring the whole community in Banaras with the same brush; it is wrong.

With this Report in hand, Government ought to have thought, 'Here is a case. A Committee of experts have investigated, given us the full diagnosis, where they have failed to take note of the socio-pathological background of the whole situation and suggested certain remedies'. Government in their wisdom thought that Ordinance was the remedy and as soon as Parliament was in session they would come with a new measure.

[Shri Khadiġkar]

I do not, for a moment, want to be goody-goody; I do not want to encourage the students in this. But let us face the situation in a realistic way. And when I say 'in a realistic way', let us try to understand and feel, as the Select Committee at one time felt, that something is wrong and the approach is not correct. So it was suggested—if I mistake not—by our Chairman that some sort of a goodwill mission should go there and if it went there, it would definitely bring about a desired change in the atmosphere. An eminent Doctor was heading the Committee. When you approach a patient, unless you know the background, unless you know his living conditions, unless you know whether proper nursing is there, whether there is somebody to give a little attention to the patient and take care of the patient, you will not be able to give the proper treatment. If you forget these things and say: 'All right. Here is a remedy suggested. All right. Prescription. Have injunction' Ordinance and other things follow. This type of symptomatic treatment is not going to bring about the desired results.

Let me warn the Education Minister. Today we are in a fix. We cannot possibly say that would be against any sense of responsibility—that the behaviour of the students is such that we should defend it. It is indefensible. At the same time, what is the behaviour of the Education Ministry? They have got these two or three Universities under their direct control. What is their record? Let them for a moment think: when we are wasting Rs. 50 lakhs on one University, and if this is the atmosphere, in any other country, the first and foremost thing that would be done would be that the department the Ministry—not the individual—would have been put on prosecution—not the students.

I am sometimes puzzled what has happened to this country. There are men of public standing, eminent men with qualifications. They have not the moral courage, unfortunately, to

face facts and go to the students and tell them: 'My young friends, here you are going wrong way. You have got the best opportunity in your lives. Let us meet together'.

Is there a provision that the Vice-Chancellor occasionally summons the students and tries to understand them, their difficulties and other things? If that sort of understanding approach had been there, things would not have come to such a pass. While the farewell is there, there is fulsome praise for the students; at the same time, there is a secret report to the Government. This does not speak well of our public life; this does not speak well of men who are supposed to guide the destinies of the younger generation.

This is a sorry state of affairs. Therefore, I would humbly submit that while you have come with an emergency measure, do not go with the impression that now you have a weapon in hand to punish them. That sense of punitive punishment will not bring the desired results; only a sense that they must be approached in a tender manner, in a sensitive way so as to understand their mind, would bring about the desired results.

I submit that if Government are going to administer this measure in the spirit in which they have been acting so long and in a bureaucratic manner which reflects the whole psychology of the Government, they would fail to bring about the desired results. I would like to warn them here and now. I do not know the Vice-Chancellor. My hon friend, Shri Asoka Mehta, said just now that the whole atmosphere has to be changed. All right. There is a psychological reaction against the Vice-Chancellor. I am not concerned with this party or that. Why not remove him? This is a matter of treatment in a particular situation. It is not any way derogatory to the Vice-Chancellor because he has done something and he is not only responsible for all these things. I do not for a moment maintain that. But I would like to

tell Government the sooner the Vice-Chancellor is relieved of his duties, the better it would be in the interests of the University, the students as also the reputation of the Central Ministry of Education.

The second point is this. As I have said in my minute of dissent, in the present circumstances, in an emergency, keep it as an emergency measure. You cannot keep two things together, a sort of formal democratic body like the court round about and emergency measures. No, it is wrong. Therefore, it would have been proper to suspend the Court for the time being, keep it in abeyance. Even if a function-less appendage was found necessary, it is entirely wrong to give representation to students, teachers or departments because in the eyes of some sections they are naturally suspect.

And, thirdly—I will not take more than a couple of minutes, Sir...

Mr. Deputy-Speaker: Only one minute.

Shri Khadilkar: Thirdly, as I have said already, nominations have taken place and so we cannot possibly suggest alterations. But I do feel that this is not a salutary democratic principle that elected representatives are supposed to be nominated either by the Visitor or the Speaker. I have full faith in the fairness of our Speaker and of the Visitor. But you must lay down a certain tradition of democratic convention in our Parliamentary institutions. Therefore, I have suggested that it should be by election and the number should be increased.

With one word I will conclude. I have gone through the list of nominations. Excuse me for saying this of the academicians that are there. They have a certain amount of rigidity, a sort of aloofness, a certain amount of academic arrogance as I would characterise, it with this attitude therefore, they would fail to meet the

situation, with an understanding approach I may humbly submit again that if you are going to maintain the Court, have some people from here. Because when we are discussing such matters and when we are vesting powers, we must have the fullest support of the House.

Recently, at Naini Tal. to avoid labour strikes, certain conventions were established. I would go like that to have them for the universities. So far as the younger generation is concerned, so far as the student generation is concerned, we of all parties and sections of the House must reach an understanding and establish conventions so that in this human investment on the coming generations not a paise will be wasted and we shall avoid all conflict, all strife and all factionalism. Let us try to build up educational institutions that would live to the highest ideals we have had so far before us.

Shri Ranga (Tenali): Mr. Deputy-Speaker, Sir, one thing which seems to be harmless today is to criticise the Government because that will not upset the situation in Banaras. Possibly, it may please a few sections also which are so much agitated in Banaras and all around and also those who are interested in some of those friends. But, even then, I am not able to discover whether the Government is blame-worthy.

Time and again, in this House, so many of us have been complaining that the Government only appoints committees and then appoints some other committees to examine those reports and later on appoints a high-power committee of the Cabinet to examine that second report and thereafter, it delays taking any kind of action. And, it has been complained today also that for a large number of years Government has been sleeping. At long last, when Government awakens itself, and appoints a committee, possibly on the recommendation or on the suggestion of the present Vice-Chancellor, and

[Shri Ranga]

as soon as the report was received by Government it took courage in both hands and gives publicity to the report and effect to it in the form of this Ordinance, then, also we begin to criticise the Government. I do not find any kind of consistency. On the other hand, I do really feel that this Government and the present Minister deserve congratulations from this House and the other House also for the expeditious action they have taken.

An Hon Member The whole country (*Interruption*)

Shri Ranga: One hon friend says after 7 years The greatest tragedy that befell the Banaras Hindu University was the death of the revered national leader, Malaviyaji. But, how long could that grand old man go on living for the sake of the University? He lived to a ripe old age and he died nobly with all laurels. It is the duty of the rest of us to try and see that this University is properly looked after.

It has been said that for a number of years the University has been suffering from this malaise and so little has been done. That is exactly the reason why this Government has taken this drastic action and we should congratulate the Government.

My only difficulty is how to reconcile myself to this means of Ordinance. That is my real difficulty. I made enquiries and I was told that the report was not ready. The consideration of the report was not finished before the last session was over and soon after that they had to take action as the next session was so far away. In between, the opening dates for the University and the colleges were coming on. Therefore, some action had to be taken and the action was taken.

It does not matter if sometimes we have to make some sort of exception.

It is for the very same reason we have made provision in the Constitution giving power to Government to pass an Ordinance and then place it before the Houses. Then it is before the bar of this House. If we do not like that or their judgment in making the Ordinance, it is open to us to dismiss them. Therefore, I am not inclined to find fault with Government for the action it has taken.

Secondly, there is this question of the Vice-Chancellor and the staff. I cannot be a party to blaming the students alone, nor can I be a party to blaming anybody for the matter of that specifically, either the students or the staff or the Vice-Chancellor. The whole lot of them, unfortunately for themselves, have got into this terrible muddle. If this had been a temporary wrong one can understand, saying so and so is blameworthy. There is nothing special in this kind of malaise in the Banaras Hindu University. Every other University has been suffering from this kind of malaise either to a lesser or a greater degree. At some stage or other, in some manner or other, action has had to be taken and it has fallen to the lot of the Banaras Hindu University that it had to be taken in this way.

In one sense I am glad it could be taken in the case of this University because it would not be possible for anybody either in this country or outside to accuse our Government either of partiality, on religious, political or various other grounds. It is specially fitted for such treatment. It is a national University *par excellence*. My own nephew studied there; my niece studied there; in every one of the families of the South you will find one or other young man or woman who had had the privilege of studying in the Banaras Hindu University. For the last 35 years or more we have been claiming it as our real national University. Therefore, if any University can possibly stand this kind of operation, it is the Banaras

Hindu University alone that could have stood it and it is standing it. Therefore, I am glad that it has fallen to the lot of the Banaras Hindu University and not to a smaller or a weaker University to bear this kind of operation.

Next I am not anxious that any of the members of the staff should come to be punished. It would be a blot on the community, on the record of educational institutions in our country, that we would have to go and ask any one of the members of the staff of the Banaras Hindu University to leave that University in bad odour. Nor would I like that kind of suggestion that is being made by a good number of our hon. Members that the Vice-Chancellor should be sent away. It would not speak well of us. Therefore, I was not so very happy about this Revising Committee either. If any action were to be taken I would really like Government to accept the suggestion that these people be given a chance and let them behave themselves well to the satisfaction of the whole nation. If within the next one or two years their behaviour is quite satisfactory, we will retain them. Otherwise we would content ourselves with sending some of them. We will not send them but in the interest of the cause of education in this country, we will tell them, 'please offer your resignations'. If any assistance is to be given to them by Government in order to provide for them, we shall seek for them honourable places in other Universities, and Government would be willing to use their good offices with the other Universities to accommodate these people. That would have been the best possible solution but that could not be done. Therefore, the present solution that is offered here is really good. It gives every possible protection, double protection or even treble protection for these people. In spite of it, I would like the hon. Minister to appeal to the Prime Minister as well as to the President of our Republic not merely as a Minister but as the head of the university

administration from the side of the Government, as Minister of Education, to use their good offices with the staff as well as the Vice-Chancellor and suggest to them with all respect due to an educationist that they should think about it by themselves, about the resignations. How they do it, in what diplomatic manner they do it is another matter. Instead of that, having to ask these eminent deans of faculties, heads of departments and great professors and experienced lecturers to go before a reviewing committee and to let their fate be governed by the decisions of that committee would not be becoming of either our Ministry or of our Government or of anybody, even of the University. You will be setting up a bad precedent. Unfortunately, because we must have some kind of statutory provision, this is the best that could be thought of but over and above this, I would like the Visitor—I hope I may say something although it is the convention that we are not expected to say anything against him—in whose person we have an Indian who is respected and known for his saintliness, apart from all the other great qualities of his to send for these people and meet them directly and put it up to them. Let the Government strengthen the hands of the Visitor by offering to provide equally honourable place in other universities for such of the professors, readers, lecturers and others who would be good enough to offer their resignations from this university so that the word will go to all the educationists all over India that no educationist need have the fear of such things as dismissal from a great and eminent educational institution like this.

Having said this, I would have very much liked my hon. friend, the Minister of Education, to have agreed to incorporate a provision here, not immediately here and now but when the next appropriate stage comes, for the appointment of these various people in different categories on the court. Instead of nominating seven eminent Members of Parliament on

[Shri Ranga]

the responsibility of the Government alone, he should be willing to let Parliament itself elect those seven people also, in addition to the three who are proposed. I wish to congratulate him also on the readiness with which he has accepted the suggestion made by my hon. friend, Shri Asoka Mehta that even in regard to these three Members, if he so desires, he would be willing to let them be elected by the House. It would be in the fitness of things for our Speaker as well as the Chairman to let this thing be done by Parliament itself. When these people go to the Banaras Hindu University, all those who are interested in it would know that these ten gentlemen are coming there as the elected representatives of the sovereign Parliament in this country.

I wish to say a word in regard to the tragedy that has befallen us through the death of our great national leader and revered friend, Maulana Abul Kalam Azad. If only he had been alive today and if he had an opportunity of standing by my hon. friend, his hands would have been strengthened and our hands would have been strengthened and we would have had the confidence that the great institution that was founded by the other national leader, Pandit Madan Mohan Malaviya, is now being put again on an even keel by the equally eminent national leader, Maulana Abul Kalam Azad. But that harsh task has befallen on the young shoulders of my hon. friend and I wish to congratulate him for having had the courage to have done what he has done and also for having had the generosity in accepting the suggestions that were made in the Select Committee in regard to the reviewing committee and various other things.

In conclusion, I would like to make only a small suggestion. Let him not take this in such a personal manner and look at the Vice-Chancellor as a personal question. We all ought to be interested as much in the Vice-Chancellor as he is and we would all

like to maintain the prestige of the Vice-Chancellorship and also the present incumbent. Let not that Vice-Chancellor and let not this Minister have a feeling that anyone of us have any kind of a hard feeling about him. On the other hand, I do really think that the Vice-Chancellor deserves a word of support and praise that during his tenure somehow or the other he has been able to persuade the Government to exercise its power in order to take this power in such a way that this situation has come to pause. I wish to appeal to the students, professors, staff and the general public of Banaras by saying only this that Banaras is being looked upon by all of us as a holy place not only for the Hindus but for the educationists all over India. As an educationist, I wish to appeal to them to rise to the occasion and agree with us and sympathise with us in this very hard task that we have had to shoulder on this particular occasion and support and sustain us in our sincere and genuine effort by seeing that the Banaras Hindu University really comes back again into its own as it used to be in the days of Pandit Madan Mohan Malaviya.

Shri Siva Raj (Chingleput—Reserved—Sch. Castes): Sir, the Mudaliar Committee has made three points in the report. The first is that a university cannot be run in the manner it should be merely by Acts, Statutes, Ordinances and regulations. The real success of the university depends upon the personnel and professors and the teachers who have got to do every day their work in the university. That is one of the main points.

This idea of a university has been exemplified years ago in India. The creation of the Nalanda University and the world-wide reputation that it enjoyed were due to the fact that it had among its professors men of very high moral stature and culture. No education is worth the name unless it had a moral background and there were such people that carried on the

work of the Nalanda University which had attracted thousands of people from all over the East and probably from the West, making provision for more than 1,500 students in a cool and clear atmosphere, untarnished by political struggles and communal struggles and unaffected by professional jealousies. On the other hand, it was based on a moral background and conducted in a very cool and calm atmosphere. I personally think that it was due to the influence and thought that was prevailing at that period owing to the teachings of Lord Buddha. So far as that ideal is concerned, I wish we were able to realise and recapture those ideals for India once again so that we can get back the name that we earned in the old days.

But unfortunately, this University starts with the word 'Hindu.' The Banaras Hindu University seems to lay emphasis on the word 'Hindu' and it is a peculiar feature of U.P. which seems to supply the core of the Union Government that it has also got another communal university—the Aligarh Muslim University. One seems to be a reaction to the other. The moment people thought that it was a Hindu University, then all the affairs of the university had been made duly a matter for the Hindus, and more particularly a matter of the top class Hindus, who happen to be what we call the Brahmins, in this area. They claim all the monopoly of intelligence, all the monopoly of character and all the monopoly of knowledge. It is such people that have been in control of the affairs of the university, and what is its fate today? Its affairs are being bandied about in the streets of Banaras if not in the streets of Delhi.

Pandit Govind Malaviya (Sultanpur): May I say that if the hon. Member will look into the facts, he will find that that has never been so?

Shri Siva Raj: I do not belong fortunately to U.P. I come far down from the South. Otherwise, I would be caught in this mesh of passion. I am trying to speak and appeal to

members in a dispassionate manner and my hon. friend is drawing me into a controversy.

Secondly, the committee has come to the conclusion that it is an emergency, an emergency of a critical nature, that the canker has set in and is of a cancerous nature. What else would anybody who wants to rectify the disease do except adopt a surgical remedy which I believe the hon. Education Minister has done in this case? But my surprise is that it has not been done earlier. Somebody asked: "all these six years or seven years the Government was in the know of things, why did they not move"? I personally think there was a reason. Unfortunately this University is called the Banaras Hindu University, and the Education Ministry, unfortunately, was in the hands of a Muslim gentleman. If today there is so much agitation and pressure against a Hindu Minister, Dr. Shrimali, I am afraid the whole of U.P. would have risen in arms against the late Maulana Azad if he had taken strong action. That is my explanation. That is an unfortunate fact which one has to face in this country.

I did not have an opportunity to speak on the day when the motion was brought for referring the Bill to a Select Committee, but I think there was no cause for referring this Bill to the Select Committee at all, because this Bill is based on the Ordinance which is again based in its turn upon the report of the Mudaliar Committee. I do not know what pressure or pressure group operated upon the Education Minister to agree to refer the Bill to a Select Committee, and I hope the Select Committee, in introducing the two or three major changes, have not whittled down the force and the value of the original provisions of the Bill. I shall be satisfied if the Education Minister could tell me that these changes, the major changes as he called them, made by the Select Committee will not take away the effect and the real nature

[Shri Siva Raj]

of the original Bill, that is to take immediate action

I have listened very carefully to the very appealing speech of Shri Asoka Mehta and other hon Members. All that they do is to make an approach without action. There are occasions when one can make a friendly approach, there are occasions when one can make arrogant approach as somebody suggested, and there are other occasions when people make what I call an appeasement approach. Some of the speeches that were made here today seem to be of the last-mentioned character, and it is a policy of appeasement which some of our friends want to follow. I think it is very dangerous in matters educational, particularly in handling the younger generation. I personally think that the whole thing calls for action, and immediate action, and that is what was exactly done by the Education Minister and it is the first time I suppose that I join with my hon friend Shri Ranga—we are generally on opposite sides—in congratulating the Education Minister on taking very strong action.

One thing more I would request the Education Minister to bring forward this consolidated Bill as early as he can. That will be the real place where we can set right all the ills and the defects that have crept into the Banaras Hindu University.

श्रीमती उमा नेहरू (मीतापुर)

उपाध्यक्ष महोदय, बनारस हिन्दु यूनिवर्सिटी मेरे वास्ते कोई नई चीज नहीं है। हिन्दू यूनिवर्सिटी को भ्रम से मैं जानती हूँ और हिन्दू यूनिवर्सिटी की तरफ कुछ हमारा झुकाव भी है। आज हिन्दू यूनिवर्सिटी की जो हालत हमने देखी और एक भ्रम में हम सुनते हैं और देखते भी हैं और जो बाने हम सुनते हैं वे बहुत तकलीफदेह बाने हैं। लेकिन आज हमारी नीबट यह आई और बात इतनी बढ़ी कि हमारे सामने और सरकार क

सामने सिवाय आर्डिनेंस लगाने के और कोई मन्त्र इलाज नहीं बा। मेरी खुश की राय तो यह है कि कितनी भा मुवीशन बयों न पड़े, इसान को उसका सामना करना चाहिये लेकिन आर्डिनेंस नहीं लगाना चाहिये। आर्डिनेंस लगाना एक तकलीफदेह और कमजोरी की बात मालूम होती है। इसलिये आर्डिनेंस के तो मैं बहुत खिलाफ हूँ लेकिन हा यूनिवर्सिटी की जो हालत है मैं भी बराबर सुनती आती हूँ, वह वाकई में बहुत भयमांसनाक है। वाइस चांसलर की मैं पुरानी बातें नहीं कहूँगी क्योंकि वे सब बातें हाउस में कही जा चुकी हैं कि किस तरह से एक एक वाइस चांसलर वहाँ आये और निकले। उन सब में वाफिक हूँ और खामतीर में अमरनाथ झा के बारे में तो मैं बखूबी वाफिक हूँ। उन्होंने खुद मुझ में इस यूनिवर्सिटी के बारे में चर्चा की थी और इस यूनिवर्सिटी की हालत मुझे बताई थी और मैं समझती हूँ कि सब इसका जानत हैं, इसका और जिज्ञा करना बेकार है। लेकिन यह सब सामने आते हुए भी, इस यूनिवर्सिटी को देख कर और हमारा भारत में जितनी यूनिवर्सिटीज हैं उनकी हालत देख कर विद्यार्थियों की दशा देख कर, टीचर्स और प्राफेसर्स की एर्नडिस्मिलन देख कर इमान मोचने लगता है कि आखिर किया क्या जाय। एक दफा तो हम उसकी शुद्धि और दुरुस्ती करे ही। केवल हिन्दू यूनिवर्सिटी का जिक्र इस समय नहीं है। हमारे सामने मारी यूनिवर्सिटीज का सबान है। लखनऊ यूनिवर्सिटी में मैं खुद देखा है कि आये दिन जरा जरा भी बात पर लडक हडताल कर देते हैं। एक दफा तो लखनऊ यूनिवर्सिटी के लडकों न बसों को जलाना और सड़कों पर लगे बल्बों को नोडना शुरू कर दिया। मैं खुद उनके पास गई और उन से कहा कि देखो भाई अगर तुम्हें गवर्नमेंट में नाराजगी है और तुम्हें यह सरकार पसन्द नहीं है तो तुम लोग जा कर गवर्नमेंट में बातचीत करो लेकिन

यह जो तुम बनें और बल्ब जला और तोड़ रहे हो तो यह तो तुम अपना नुकसान कर रहे हो क्योंकि आखिर यह बनें और बल्ब तो तुम्हारे ही हैं। आज उनको इतना भी ज्ञान नहीं है कि इस तरह वे अपना ही नुकसान कर रहे हैं और वे ऐसा समझते हैं कि अगर उन्होंने एक बस जला दी तो गोया उन्होंने उत्तर प्रदेश के चीफ मिनिस्टर साहब की कोई खास बस जला दी। उनको यह ड्रम नहीं है और समझ नहीं है कि हर चीज जो यहां की है उसमें उतना ही उनका हक है जितना कि मिनिस्ट्री का है। उनका इस चीज का ज्ञान बराना और मिथाना हमारा फज है।

यहां इस अवसर पर जितन व्याख्यान हुए हैं उनमें सब में पहला जो श्री अशोक मेहता का व्याख्यान हुआ और जो बात उन्होंने कही वह बिल्कुल दुरस्त कही और मैं उन में बिल्कुल सहमत हूँ। हमारे शिक्षा मंत्री महादेव का यह सोचना है कि इस प्रश्न का वस हल किया जाय। हिन्दू यूनिवर्सिटी के बारे में जो जितन मैं बराबर सुनती आयी हूँ उसमें कोई शक नहीं है कि मुद्रानियंत्रण कमीटी की रिपोर्ट का पढ़न में इमान के रागट खंड हा जाने हैं। मैं समझ ही नहीं सकती थी कि इतनी नीचाई तक हमारी हालत हो गई है और जिन बातों और वाक्यांशों का उसमें जिक्र किया गया है अगर वे सब सही हैं तो इसमें कोई शक नहीं है कि उसकी पूर्ण तरह में शक्ति करनी है और ऐसा करने में कोई हज्र भी नहीं है क्योंकि इमान के बदन में अगर कोई फोड़ा फुसी भयवा नामूर हो जाता है तो उसका इलाज करने के लिये सख्त आपरेशन करना होता है। आपरेशन के अलावा और कोई दूसरा इलाज हो भी नहीं सकता है। मेरी राय में मिनिस्टर महोदय को बड़ गौर में इस पर विचार करना चाहिये।

सब में बड़ी बात जो मैं समझती हूँ वह यह है कि जितने भी पार्लियामेन्ट हैं जितने

भी कांग्रेस वाले हैं, जनसंघी हैं, पी० एम० पी० के हैं, मोक्षसिस्टम हैं, किमी भी पार्टी के हो, उनको मेरी राय में यूनिवर्सिटीज और विद्यापियों से दूर रहना चाहिये और हमारे विद्यापियों को हमारे बच्चों, और लड़कों की जिसका कि हम ने वहां पर शिक्षा प्राप्त करने के लिये भेजा है, सियामी पार्टी को उन बच्चों को उन की तालीम हासिल करने की राह में इधर उधर भटकाना और हटाना नहीं चाहिये और आज मुझ दुख के साथ कहना पड़ता है कि इस के कारण हमारे बच्चों की जिन्दगी बिल्कुल तबाह हो रही है। इस सम्बन्ध में यहां पर जितनी स्पीचेंज हुईं और जिन का मैंने सुना मैंने देखा कि श्री अशोक मेहता की एक स्पीच थी जिसमें उन्होंने इस मवाल का हल मुझाया और साथ ही बताया कि इस तरीके में अगर हम चले तो सारी यूनिवर्सिटीज का हम कवर कर सकते हैं उन के अलावा बाकी जा भी हमारे भाई बोल मैंने देखा कि किन्नरा की स्पीच में गुम्मा था और कितना की स्पीच में शान्ति भी थी लेकिन जितनी भी स्पीचेंज थी उनका बैकग्राउण्ड पार्लियामेंट था और जो कि बच्चों और स्टूडेंट्स के लिये एक नकमानदह चीज होती है। इसलिये मैं उनमें यह कहूंगी कि वे यूनिवर्सिटी स्टूडेंट्स में दूर रहें ता ज्यादा अच्छा हो।

बनारस यूनिवर्सिटी के वाइस चांसलर का जिक्र मैं यहां बराबर सुनती हूँ। मैं तो हैरान हूँ क्योंकि मैं समझती हूँ कि कोई भी वाइस चांसलर क्यों न हो हमें चाहिए कि वाइस चांसलर की जा पोजीशन है इज्जत है उसको हम कायम रखें। आज अगर हम वाइस चांसलर काट धमियांग बनाकर उसका जिक्र करेगा तो मेरी समझ में नहीं आता कि आप कायदे निजाम और डिमिशन को किस तरह में यूनिवर्सिटी में कायम रखें सकेगे।

इतना कह कर मैं मिनिस्टर साहब को मुबारकबाद कहती हूँ कि उन्होंने हिम्मत

[श्रीमती उमा नेहरू]

के साथ इस सवाल का सामना किया और हमारे सामने यह बिल रक्खा लेकिन मैं साथ ही जैसा श्री अशोक मेहता ने कहा उन से कहूँगी कि हमारा इलाज केवल नष्टर चलाने का ही नहीं होना चाहिये । हमारा फर्ज है कि हिन्दू यूनिवर्सिटी के एफेयर्स को ठीक करने के साथ साथ तमाम यूनिवर्सिटीज के हालात को ठीक करे । मैं यूनिवर्सिटीज स्टूडेंट्स में बराबर मिलती रहती हूँ और मैं उन के हालात से बखूबी वाकिफ हूँ । हम को अपने स्टूडेंट्स को ठीक तौर पर रखना है और उन को सही रास्ते से भटकने नहीं देना है । यूनिवर्सिटीज के तालिबान्स को तो हालत खराब ही है लेकिन हमारे स्कूलों में जो दस दस और बारह बारह वर्ष के बच्चे पढ़ रहे हैं वे पढाई की ओर ध्यान न दे कर बाहर मड़को पर गालिया देते हुए निकलते हैं और अगर यही एजुकेशन होनी है तो इस से तो ज्यादा अच्छा है कि कोई एजुकेशन न हो । आजकल जो एजुकेशन में गड़बड़ी चल रही है और जो खराब हालत है वह बहुत अफ़सानाव है और वह हमारे तालिबान्स के लिये और राष्ट्र के लिये घातक और नुकसानदेह है । कम और अधिक न कह कर मैं मंत्री महोदय से जो बिल रक्खा है उसको मपोर्ट करती हूँ ।

श्री रघुनाथ सिंह : उपाध्यक्ष महोदय, मेरा इस बनारस हिन्दू यूनिवर्सिटी में बहुत गहरा सम्बन्ध रहा है । मैं उसका शुरू से स्टूडेंट रहा हूँ । इसी यूनिवर्सिटी में मैंन जा किया और यही से एम० ए० किया । इस यूनिवर्सिटी के बड़े बड़े महानुभावों को देख चुका हूँ । बड़े बड़े वाइस चान्सेलर्स यहाँ आये । उनको भी मैं देख चुका हूँ । जब मैं उसका एक विद्यार्थी था तो उस वक़्त हम लोग एक गाना गाया करते थे—“सर्व विद्या की राजधानी” और आज जो गाना यहाँ पर हो रहा है उसके माने हैं “भवं पार्टीज की राजधानी” । बनारस हिन्दू यूनिवर्सिटी

सर्व विद्याओं की राजधानी थी । आज वह हिन्दू यूनिवर्सिटी पार्टीज की राजधानी हो गई है । पार्टीबंदी के दलदल में हम को हिन्दू यूनिवर्सिटी को उबारना है । अगर हम हिन्दू यूनिवर्सिटी को नहीं उबारेंगे तो इस हिन्दू यूनिवर्सिटी का नाश हो जायेगा । सरकार ने जो ऐक्शन लिया है उसके बावजूद हम उसको धन्यवाद देते हैं । श्री अशोक मेहता ने जो सुझाव रखे हैं वे सुझाव उत्तम हैं । उन सुझावों का इस हाउस के द्वारा समर्थन होना चाहिये ।

बहुत से लोगो ने आटोनमी के बारे में बहुत बातें कही हैं । इसमें आटोनमी का नाश नहीं होता । बल्कि आटोनमी इस सभा के हाथ में आती है । इस यूनिवर्सिटी का जितना खर्चा है उसमें सिर्फ २ लाख रुपये प्रान्तीय सरकार देनी है, बाकी साग रुपये सेंट्रल गवर्नमेंट के द्वारा दिया जाता है

श्री ब्रजराज सिंह : यह गलत है । २ करोड़ का खर्च है ।

श्री रघुनाथ सिंह : रिकॉर्ड मत ५७-५८ में ५५ लाख रुपया है । उसमें से २ लाख रुपया ५० पी० गवर्नमेंट देती है और ५३ लाख रुपया सेंट्रल देता है । नान रिकॉर्ड में ५० पी० का सिर्फ १ लाख रुपया है । आग़ा ख़ां स्टेटमेंट को देखें तो आपको सब बात मालूम हो जायेगी । उसमें यह सब कुछ छपा है । इस मुदालियर कमेटी रिपोर्ट के मिलसिले में ईस्टर्न ५० पी० का भी नाम लिया गया है । ईस्टर्न ५० पी० में हम लोग भी हैं । अगर ईस्टर्न ५० पी० का नाम न लिया जाता तो अच्छा होता ।

हिन्दू यूनिवर्सिटी सारे हिन्दुस्तान की मस्था है । देश में जितने सूबे हैं और जितने लोग हैं सब का इस में कटौव्यूशन है । इस यूनिवर्सिटी की स्थापना उन लोगो द्वारा हुई थी जिन्होंने कि कांग्रेस की स्थापना की थी जैसे स्वर्गीय श्रीमती बेसेट और के० टी० तैलंग (Tellaug) इत्यादि जिन महानु-

भाषों ने इस देश में राजनीतिक आन्दोलन की शुरुआत की, उन्होंने हिन्दू कालिज की स्थापना की। वह आज हिन्दू यूनीवर्सिटी के रूप में है।

जब हिन्दुस्तान में राजनीतिक आन्दोलन की बात चली तो हिन्दू यूनीवर्सिटी सब यूनीवर्सिटियों से आगे रही। वह के सबसे ज्यादा विद्यार्थी जेल गये। हिन्दू यूनीवर्सिटी ने अच्छे-अच्छे स्कालर उत्पन्न किये। उन्होंने देश का नाम उज्ज्वल किया। लेकिन आज आन्दोलन का समय नहीं है। आज विकास का समय है। उस वक़्त हमको हिन्दुस्तान की आजादी लेनी थी, लिहाजा विद्यार्थियों के सहयोग की जरूरत थी। हिन्दुस्तान आगे बढ़ सके अगर हिन्दुस्तान हमारा था तो उन विद्यार्थियों का भी था। वे आन्दोलन में आये। उन्होंने गोली खायी। सब कुछ किया। लेकिन आज आन्दोलन की जरूरत नहीं है। आज जरूरत यह है कि आजादी के बाद हिन्दुस्तान का विकास हो। आज भी अगर विद्यार्थी यही समझते हैं कि आन्दोलन ही हमारा एक मात्र साधन है तो यह चीज अनुचित है। आज तो हमें ऐसे विद्यार्थियों की आवश्यकता है जो रिसर्च में, ज्ञान में और विज्ञान में दूसरी यूनीवर्सिटियों के विद्यार्थियों से आगे हों। लेकिन हमें दुःख के साथ कहना पड़ता है कि जहाँ तक ज्ञान विज्ञान का सम्बन्ध है उसका स्तर हिन्दू विश्वविद्यालय में पिछले दस पन्द्रह वर्षों से बहुत कम है। इस बीच शायद ही हमने हिन्दू विश्वविद्यालय से ऐसा स्कालर पैदा किया हो जिसने नाम पैदा किया हो। जिससे हिन्दुस्तान की और हिन्दू विश्वविद्यालय की प्रतिष्ठा बढ़ी हो। किसी यूनीवर्सिटी की प्रतिष्ठा उसके ईंट पत्थर और इमारतों में नहीं है। यूनीवर्सिटी की प्रतिष्ठा तो इस में है कि उससे अच्छे-अच्छे विद्यार्थी निकले। लेकिन जब इस दृष्टि से देखते हैं तो दुःख के साथ कहना पड़ता है कि इस दिशा में हम असफल ही रहे हैं।

हिन्दू विश्वविद्यालय के लिये एक बिल आया है। इस प्रकार का बिल लाने के सिवा और कोई चारा नहीं रह गया था। यह फोड़ा तो मालवीय जी के समय से आरम्भ हुआ। बढ़ता गया। पकता गया—पकता गया। अगर इस समय इसका आपरेशन न किया जाता तो यह बढ़ कर नासूर हो जाता। वह सारी यूनीवर्सिटी को खा जाता। लिहाजा इस फोड़े का जो इतनी जल्दी आपरेशन हुआ यह अच्छा हुआ। अगर आपरेशन होने के बाद भी इसकी ठीक से दवा न की गयी तो सेप्टिक हो सकता है। इसलिए हमें इस फोड़े की रक्षा करनी है ताकि सेप्टिक न हो और हिन्दू यूनीवर्सिटी की उन्नति हो।

एक माननीय सदस्य : मालवीय जी ने उसकी कुछ दवा भी बतलायी थी ?

श्री रघुनाथ सिंह : जब मालवीय जी की घालोचना होने लगी और उन पर आरोप होने लगे तो उन्होंने वाइस चांसलरी को नमस्कार किया। यह काम राधाकृष्णन् जी के हाथ में दे दिया कि तुम चलाओ। अगर माननीय सदस्य यूनीवर्सिटी के बारे में सब कुछ जानना चाहते हैं तो हम सुना सकते हैं लेकिन अपनी कालिख को अपने ही मुँह पर पोतन से क्या पायदा। आज जो मुदालियर कमेटी की यह हिन्दू यूनीवर्सिटी के लिए रिपोर्ट आयी है वह हम सब लोगों के लिए कलक की बात है। इससे हिन्दू विश्वविद्यालय का जो गौरव था, उसका जो सम्मान था उसको धक्का लगा। उसमें कालिमा लग गयी। आज तो यह हाल है कि आप रेल में जाइयें, बस में जाइयें आप लोगों को यह कहते सुनेंगे कि यह बनारस हिन्दू यूनीवर्सिटी कैसी यूनीवर्सिटी है। लोग अपने बच्चों को इस यूनीवर्सिटी में पढ़ने भेजने के पहले सोचते हैं कि भेजें या न भेजें। पहले यह हाल था कि सारे देश के लोग यह माँचते थे कि हमारे विद्यार्थी

[श्री रघुनाथ सिंह]

अगर हिन्दू विश्वविद्यालय में जायेंगे तो अच्छी शिक्षा पायेंगे। विश्वविद्यालय का उच्च भावार्थ था। उसका उच्च उद्देश्य था। वहां से शिक्षा पाकर विद्यार्थी एक अच्छे नागरिक के रूप में देश के सामने आते थे। जिस समय मालवीय तथा श्री राधाकृष्णन् जी जैसे वाइस चांसलर थे उस समय इस विश्वविद्यालय से ऐसे विद्यार्थी उत्पन्न हुए जिन्होंने देश के वास्ते जान दी, गोली खायी। ऐसे स्टूडेंट हिन्दुस्तान में सबसे ज्यादा हिन्दू विश्वविद्यालय में ही थे।

उस विश्वविद्यालय के उपचार की बात हो रही है। इस सिलसिले में अशोक मेहता जी ने कहा है कि इसमें पार्लियामेंट के सदस्य नामिनेट होते हैं। उनका इलैक्शन होना चाहिए। मैं भी पार्लियामेंट से एक नामिनेट सदस्य हूं। लेकिन मैं समझता हूँ कि अगर नामिनेशन की जगह पर इलैक्शन हो तो अच्छा है। किसी के लिए पार्लियामेंट का सदस्य होने के बाद नामिनेट होकर जाना ठीक नहीं है। अगर इलैक्शन हो तो सभी लोगो को अवसर प्राप्त होता है। तीन चार सदस्य यहां से जाते हैं उनका नामिनेशन नहीं होना चाहिए। पार्लियामेंट के द्वारा उनका इलैक्शन होना चाहिए।

इसके बाद अब आप यूनीवर्सिटी की तालिका को देखें

उपाध्यक्ष महोदय : क्या माननीय सदस्य एक मिनट में खत्म कर देंगे ?

श्री रघुनाथ सिंह : जी नहीं, अभी मुझे समय लगेगा।

उपाध्यक्ष महोदय : तो कल जारी रखें।

17-51 hrs.

IMPORT LICENCES FOR NEWS-PRINT AND PRICES OF PAPER*

Mr. Deputy-Speaker: The House will now take up the half-an-hour discussion.

Shri V. P. Nayar (Quilon): I wish to raise only three points in today's discussion, viz., misuse of licences by importers of newsprint, lack of control over price of indigenous paper and lastly the need strictly to control imported newsprint and paper.

In answer to two of my questions on the 11th of this month, the hon. Minister did not reveal the exact state of affairs and I thought the answers were either incomplete or evasive. In one case, I was convinced that the answer was wrong. I asked a specific question about the profits of the industry and in fact, gave him the index of profit, as I know. But then he said in reply that it is not as if the entire industry has made the highest profit. I would like to take up this point first, because I have some figures

The hon. Minister seemed to be under the impression that paper was not an industry which had made the highest profit, while the figures collected from the Ministry of Finance and published in the *Eastern Economist* reveal an entirely different picture. The figures do not include the figures for 1956-57, but figures for 15 years from 1941 and I find that in the listed industries, namely, jute, cotton, iron and steel, tea, sugar, paper, gold and cement and all other industries, paper touched the highest index; it is about 747.8 with 1939 as 100. The general index for all industries is only 334.3. In the case of jute, it came only to 277.5, in iron and steel 307.9, in tea 183.1 and in gold 200.4. So, these

figures indicate that paper had touched the highest peak in the profits and the hon. Minister says it is not as if the industry as a whole has made the highest profit. I do not find any other industry in this list which has yielded a higher profit than the paper industry.

We consider the question of paper, we must understand that today India's per capita consumption of paper is about 1/300th of what is consumed in United States and about 1/4th of what is consumed in Egypt. Paper is required for a variety of purposes, for which we have no substitute. From children's books up to newspapers, for everything we require paper. In this context, it is very bad that Government leaves the entire price to the whims and caprices of the manufacturers. I find that some big firms have a sort of monopoly over this industry. When you go through the list of directors in the companies, you find inter-locking of directorship. There are the Bajorias, the Dalmias, the Birlas and then Karamchand Thapar. These are the four or five houses controlling the entire industry. In this context, the hon. Minister made the statement that the price of paper has not been increasing. Take, for example, newsprint. We know that apart from the windfall which generally the newspapers get by conversion to Naye Paise, for which I have the figures which I do not have the time to go into, apart from their increasing advertisement tariff, you find that the big group newspapers are in a position today, thanks to the policy of Government, to get import of newsprint and sell it in the market at fantastic rates. It is double the rate or more than double the rate at which they import. Looking at the latest import policy, which was current till yesterday, I find that established importers have no right, have no claim for importing anything and only actual users have been allowed to import in the last policy. I ask a question. If actual users alone have been permitted to import newsprint,

how is it that we find considerable quantity of newsprint in the black-market. Anybody can go to a shop and get any amount of newsprint they want. The only thing is that they do not issue a bill, and thereby defraud the Government in the matter of sales-tax and income-tax. I find that they ask fancy prices for newsprint. I understand from a knowledgeable person, whose name I shall not give, that in such cases newspapers, especially the bigger newspapers, make a saving of about 80 rolls of paper or more everyday, because the printing machinery today cannot consume the entire roll. I understand that in a paper of a width of 36" and usual diameter of the roll, two inches are left in every roll. So, when thousands of rolls are used everyday—I understand, some of these papers use even 1,500 rolls a day—a saving of two inches in every roll will be effected and it is calculated that every day a saving of 80 to 100 rolls are effected. I am told that it is this paper which goes to the blackmarket. I am not interested in knowing whether it is this paper that goes to the blackmarket or there is some other manipulation. But the fact remains that paper is available in the black-market and for newsprint one has to pay enormous prices.

So, I want the Government to consider whether it is not time to cry a halt to this and in order to prevent further loot they should impose stricter control on the use, especially the import, of newsprint. I do not for a moment say that newsprint should not be imported. In fact, I would welcome it if Government go ahead and arrange to import some further quantities on a barter basis.

Then, taking the case of our own indigenous paper, what is the position today? I find that a magazine which is published by Government, by the Central Social Welfare Board, has had to pay for paper for a particular issue—this is my information and I would like it to be contradicted—at

[Shri V. P. Nayar]

the rate of Rs. 1.25 when it ought to have cost them only Rs. 0.55. If Government cannot get their requirements of paper for their own use, what is the position of others.

When I look into the figures I find that even from 4-4-58, till 9-8-58 the index of prices of most of the varieties of paper has been showing a systematic increase. My source is the weekly index of wholesale prices published by Government. On 4-1-58 the increase stood at 108. On 17-5-58 it has risen to 110.2 in the case of printing paper of Swedish origin and in the case of white paper to 126.5 and in the case of packing paper to 126.5. The hon. Minister seems to think that the price of paper does not register any increase. So, I would submit that it is time that some stricter control is exercised.

When I look at the profits of the various concerns I find that excepting in the case of two or three, they have declared dividends up to the extent of 20 to 25 per cent. All these papers, as you know, are attached to certain business houses. The industry has no control over them. They are controlled by five or six business houses in the country.

About the third point, I would once again like to urge that Government should have a firm policy. Government must put their foot down on these paper magnates, because we have no substitute for paper, because our demands cannot be met from outside in the present context. So there must be a firm policy and the prices should necessarily be brought down. It is not very easy, as I know I have had some experience of the Paper Control Orders during the last war when there was a motto written in every office "Use less paper". From those days till now, prices of paper have been on the increase. It is very tragic that when we have increased production for paper as the hon. Minister is ready to contend, how is it that our prices also go up when it is a

vitaly required commodity in which we claim that there is a positive increase in production? It is understandable to some of us that in an article like paper so much of profiteering should be allowed and the companies should be allowed to walk away with such huge profits.

Shri T. B. Vittal Rao (Khammam): He will say that consumption has also increased.

Shri V. P. Nayar: Consumption has now increased but it is one-fourth of that of Egypt, let alone the United States of America. We want to carry forward our programme for literacy which without paper is impossible. We want to have more students in our schools which again without paper is impossible. We want good text-books to be printed and not in the way as it is done today, which, as you know, is impossible without better supply of paper.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri V. P. Nayar: If you go through the list of directors in the companies which own paper and also the managing agencies—I have a list, but as the bell has already rung I do not want to go into that—you will find that certain houses, as I told you before, are very much entrenched in the companies and unless Government come forward with a policy and see that no such profiteering is resorted to in the case of paper, I am sorry to say that the future will not be very bright. The industry is now clamouring through journals of the capitalist press for more prices. I cannot understand why they should do so. Government seems to be quite soft to them. In deciding the future of this industry, I would earnestly urge upon the hon. Minister—probably he knows the chemistry of paper manufacture—to consider whether it is not time to cry halt to this profiteering and ensure that this vitaly required commodity is made available to the people at fair prices.

Shri Tangamani (Madurai): Sir, the discussion is based upon two starred questions—Question Nos. 5 and 21—answered on the 11th August, 1958. The first question deals with newsprint and the second question deals with the ordinary paper. I would put those two questions on each of these.

Regarding the newsprint, what I would like to know is the import of newsprint to this country from the year 1954 to the year 1958. In reply to the supplementary question the hon. Minister then stated that there has been a cut of 15% for each of these newspaper owners and if that cut has been affecting the newspapers, I would also like to know whether the circulation of those newspapers has increased or decreased.

The second thing that I would like to know about newsprint is this. In reply to part (b) of the question it was stated that the Government has got a scheme for supplying newsprint to those smaller newspaper concerns whose consumption is ten tons for the licensing period. I would like to know when that scheme will be put into operation and whether Government will also consider cases of those newspapers where the consumption even though exceeded ten tons but they may be really small newspapers with a circulation of 5,000 or 6,000 and whether they will make it flexible to include those small newspapers also.

Now, coming to the second question re. indigenous paper which is supplied from *The Commerce* dated the 12th July, 1958, I find that the installed capacity for the year 1950 was 118,000 tons and the installed capacity in 1957 was 252,000 tons. In other words, it has more than doubled. By the year 1960-61 it is expected to reach 350,000 tons. Now, what I would like to know is that the two new paper mills which are going to be completed during the course of this year and also the expansion of the existing units when this is completed what will be the installed capacity and how much it will go up from 252,000 tons and how much do we expect to be produced during this year.

The second point that I would like to know is this. The Government purchases 30 to 40 per cent of the domestic production from out of these mills. I would like to know whether the Government fixes the price, and if so, what is the rate at which the Government purchases from these companies. I would also like to know, when this is sold in the open market also, whether the Government has got any machinery by which the price is fixed. Because, the reply to the original question No. 11 was exhaustive. They said, there has been a complaint from various people that the price has increased and owners wanted that to be increased by 3½ nP. per lb. and now for fixing fair price, matter is being referred to the Tariff Commission. That is not satisfactory. I would like to know, in view of the increasing rate of profit in this particular industry—Shri V. P. Nayar has pointed out that it is to the tune of nearly 7½ times the profit in 1939—what is the fair price that they are going to fix.

The second point which I would like to know is....

Mr. Deputy-Speaker: Has he continued the first so far?

Shri Tangamani: The first about the second question. I am putting two questions in each. This is the second question on the second point: whether the Government will consider the question of reducing the prices to those people who use this for selling books to school children and also notebooks to the school children—notebooks which are being used generally for school children, in High schools or even Colleges—whether the Government has got any such proposal. These are my two questions.

The Minister of Industry (Shri Manubhai Shah): Sir, I am grateful to the hon. Members for bringing up this subject which has been causing some anxiety to several hon. Members of the House during the current session and also during the previous session.

[Shri Manubhai Shah]

The article to which my hon. friend Shri V. P. Nayar has referred to has in some cases created a little misunderstanding. Statistics sometimes can be used, some graphs can also be used, if not properly understood in proper context, in a very wrong way. They can be the very devil's instruments if they are used in a wrong perspective. That is what has happened with respect to this particular article which otherwise was very well informed.

In 1939, I may submit for your consideration and for the consideration of the House that there were 21 paper companies manufacturing all varieties of paper including printing paper, newsprint, cardboards, hardboards and various other categories. In 1957, the companies rose to about 120 in number and their paid up capital also rose from Rs 2.43 crores in 1939 to about Rs. 18 crores in 1957. Therefore, instead of taking profitability per Rs 100/- of invested capital for taking into consideration the net return on the employed capital or what is called the net worth or the net fixed assets of a company, the particular index only showed the rise in profit to the paper industry between 1939 and 1957. Therefore, what normally should have been a very correct type of growth was shown in this particular article as excessive profit making in this particular industry.

If I may submit, I have before me a statement which shows the dividend as a percentage of the paid up capital and also another statement giving the returns on the employed capital to the paper industry. In 1950, the average dividend as percentage of paid up capital is 9.1 per cent in this particular industry. It has continuously remained at this level and touched the mark of about 10 to 11 right up to 1956 for which the latest balance sheets are available. I am merely giving these figures, because my hon. friend was mentioning that somewhere I stated that this industry has made the highest profit.

If he looks up my answer he will find that what I said was that a few units in this industry did make some good profits, but taking the industry as a whole, it will be totally incorrect to say that very high profits have been earned by this industry. As a matter of fact, some of the units have really suffered losses during the last three, four, or five or six years. As compared to jute industry where the average dividend has remained at 11.3, 10.1, 10.8, and 15.4, per cent, and to vegetable oils where the net return of dividend has been between 11 and 12.3, and to a third important industry in this country, namely cotton textiles, where the average dividend has swung between 8.7 and 10.2, it would be easily appreciated that...

Shri T. B. Vittal Rao: Nowhere near 15?

Shri Manubhai Shah: As a matter of fact, except in the case of iron and steel where it has touched up to 13.3, the dividend as percentage of paid-up capital has not really touched anywhere very high. It is only in to plantations and other plantations industries which are of minor nature that 15.4 has been touched during the year 1955 and some other years.

The reason why I am mentioning these is this. If it is looked at in the proper perspective, as a result of the growth of paidup capital on the one hand, and the production which went up from 39,000 tons in 1939 to about 2,10,000 tons in 1957 on the other hand, and also the number of units or companies that expanded, it would be very well realised by the House that there has been absolutely no extraordinary profits accruing to this particular group of industries.

It was also mentioned that the price index of indigenous paper of the manufacturing units has considerably gone up. I may draw the attention of hon. Members to the fact that when we take the indices of prices, 1952-53 being the base year with 100, we find that while the

index number of the wholesale price of all commodities in 1950 (taking 1952-53 as the base) was 109·8, the index for paper and newsprint in that year was 80·8. In 1952, it was 102·3 for the whole sale price of all commodities, against which the index for paper price at that time was 110·9. I am mentioning this particular year because the paper price was somewhat higher than the average wholesale index price of all the other commodities. Then again, in 1954, when the index number of wholesale prices for all commodities was 99·6, the index for paper price sagged to 83·8. During 1957, when the index number of wholesale prices was 108·7, the index for paper and newsprint was 105·8. That shows that it was three points less than the figure for the average prices of all commodities. In the middle of August, 1958, when the index number of wholesale prices was 115·7, that for paper prices also was 115·7. I am mentioning these things in order that there may not be any impression in the House, as the hon. Member Shri V. P. Nayar was pointing out, that paper prices somehow had rocketed high as compared to other prices.

As a matter of fact, I am glad to say that for about eight or ten years, paper prices were very much lower than the average prices for all other commodities.

Coming to the question of very high profits made by some units, I can assure the House and the hon. Member that I have looked into the profits made by about 28 paper companies, and I find that except in one company where because it is located right in the heart of the forest, where coal is locally available, where water is also available in plenty and at cheap rates and the machinery is most modern, and they have introduced Soda recovery and some chemical processes, they have been able to make in a few years a profit of about twenty to twenty-five per cent, the average profit of all the other units has been

rather on the low side. Therefore, it would not be right to say that in this particular industry, a large number of units have made excessive profits. As a matter of fact, as I said earlier, some of the units have really made losses, and, therefore, there is no reason to believe that the price of indigenous paper charged by the manufacturers is on an excessive scale or is one which requires any reduction.

Shri V. P. Nayar: May I interrupt for a moment? The Minister says that the average profit is low. But I have the latest figures from the balance-sheets. In the case of Orient Paper Mills, the paid-up capital was Rs. 2·76 crores, and the net profit for 1950-51 was Rs. 61 lakhs; in the case of Shri Gopals—that is the mill operated by Mr. Karamchand Thapar—the paid-up capital was Rs. 1·32 crores, while the net profit was Rs. 25 lakhs.

Sirpur Paper Mills run by Birlas—paid up capital Rs. 1·34 crores, net profit Rs. 22·72 lakhs. I think these are not small. I have a list of all the others run by Heilgers or Andrew Yule.

Shri Manubhai Shah: I have also all the figures and when I was mentioning about one unit, I had Orient Paper mills in mind, because that is one factory which is very well located. They have made a little more profit than others. It is only because it is so well situated. The factory has the latest plant. They have the chemical recovery plant for what is called 'soda recovery', and the best plant in the country. One swallow does not make a summer. Because a particular factory is very efficient and well located from the point of view of natural resources, that should not lead us to the conclusion that that criterion can be applicable to all the rest of the units. Neither the figures for Sirpur nor for Jagadhri nor for the Sri Gopal Mills would tend to show that the profits are at all excessive. It is true that as far as the Orient Paper Mills are concerned,

[Shri Manubhai Shah]

the profit is on the higher side, but that is because of the productivity and efficiency of that particular unit.

It will be good news to the House that when the entire industry came to the Government for a rise in prices from 80 nP. to 83.5 nP. per lb., that is a rise of 3.5 nP. per lb. this particular mill and another 3 mills wrote to us that since they were comfortably situated, they would forego any claim for a rise in price. It is only the rest of the units which are really losing a little today and working on uneconomic basis that came to Government for increase in price. The other day on the question of monopolies my hon. friend was generalising, taking a few cases here and there, over the whole field.

Shri V. P. Nayar: I never do that.

Shri Manubhai Shah: I would beg of him that here also it will not be correct to merely generalise on the basis of one or two factories.

Then I was coming to the very pertinent question raised by Shri Tangamani. Why is it that when the profits are good, the factories are coming for a price rise? As I said, the fuel costs have gone up; royalties in some cases are going up, various other costs have gone up. Therefore, the Government are going into this matter in detail. We have ourselves come to the conclusion that as far as most of the units are concerned, a price rise of 2—2½ nP. and even 3½ nP. per lb. was legitimate if we have to keep them working on an economic basis, and that too on the total base of 80 nP per lb. which is the average price of white printing paper. Even there, in order to be sure, we have referred the entire matter to the Tariff Commission and the Government decision on the price rise is only of an interim nature.

As the House is aware, in 1948, the Tariff Board had gone very minutely into the entire question of the price of paper. Again in 1952 and 1955,

the Government went into the price structure, and at no time was the price rise allowed more than according to the increase in excise duty or due to some incidental factors of cost in production.

The second point raised was about newsprint. It is true that there is an acute shortage of newsprint felt, as also of writing paper. As far as writing paper etc., as against the import of about 3 to 3.5 crores of rupees worth in normal times, we are today not in a position to allow white printing paper and other varieties of paper other than newsprint more than about Rs. 70—80 lakhs of rupees worth. Due to the foreign exchange stringency, it will not be possible—I hope the House will agree with me—to restore the entire cut either in the normal paper or in newsprint so as to make the market even. It is true that in some of the imported varieties, the price has definitely gone up. But as far as indigenous paper, which constitutes 90 per cent. of the bulk of the country's requirements, there has not been any substantial or even minor rise in price.

As regards newsprint, we had requested the Indian & Eastern Newspaper's Society to agree to a cut of about 15 per cent. Last time, they did agree and we carried out the cut. Some hon. Members have rightly asked why with a cut, the circulation has not gone down. As a matter of fact, according to the statistics with the Press Registrar, circulation has actually increased by about 8 per cent. on the average.

Shri Feroze Gandhi (Rai Bareilly): When I made the statement, I had taken only half a dozen of the leading papers and said it was about 15—20 per cent. The average is correct.

Shri Manubhai Shah: In some papers, there may be a little more; in some a little less. Therefore, the anomaly was clear. On the one hand, the Government enforced the cut of

15 per cent. On the other hand, the circulation has gone up. Why is this so? This is a natural question.

The reasons are two fold. One was that this cut of 15 per cent. was, really speaking, on the imported newsprint. We were importing newsprint worth about Rs. 6 crores, that is about 60 to 65 thousand tons and a 15 per cent cut was effected. That means bringing down the foreign exchange component to about Rs. 5 crores or Rs. 5.1 crores. Therefore, the quantity of imported newsprint did come down. But, we had not restricted the supply of the NEPA factory's newsprint to any of the newspapers. There was an allocation from that which went up to make up the cut of 15 per cent. to a great extent.

Then, there was another factor.

Shri Feroze Gandhi: But was not this NEPA producing this newsprint before?

Shri Manubhai Shah: Yes, it was. But the cut was only in the import quota and not in the supply which NEPA could make. It was over and above whatever the Press Registrar would have certified to a particular newspaper according to its circulation, page area etc.....

Shri Tangamani: Has the NEPA production increased?

Shri Manubhai Shah: It has also increased; I will come to that, if you will just allow me a little time. Therefore, the NEPA newsprint was over and above the import quota and much of the gap of the cut was made good by the NEPA production, which also, as the hon. Member suggested rightly, has gone up.

Then there was also another factor which contributed to this. Last time when we agreed and they also agreed to have a cut of 15 per cent. they made a request that they should be allowed to carry a stock of six months. We also acceded to that because the

newspaper industry is a very important industry in the country and it has got to have uninterrupted publication. Therefore, minor or major, every Press was allowed to have a stock of six months. Some of the newspapers instead of retaining this stock of six months intact have eaten into that stock and that has also been partly responsible for this increase in circulation.

We are during the current licensing period and also during the next licensing period going to make it clear to all the newspapers that it will not be permissible for them either to eat into the stock or to have no cut. We are also going to warn them that there was a sort of friendly understanding that there will be no utilisation from this six months' stock which was meant for them as a buffer stock to keep going and it would not be correct for them to utilise any part of it however small that might be. That explains, really speaking this extra over 8 per cent. increase in circulation.

Then, my hon. friend, Shri Tangamani, raised a question about the smaller newspapers below 10 tons also. I hope my hon. friend is aware....

Shri Nath Pal (Rajapur): It is 5 tons.

Shri Manubhai Shah: Even the smallest newspaper, whether it is below 10 tons or below 5 tons, is today given actual user's import licence. Therefore, the established importers have a grievance against Government that practically they have been cut out of the market. Every newspaper today, whether it is below or above 10 tons. (Interruption).

Mr. Deputy-Speaker: If the hon. Minister has a long statement to make I may say that half an hour is over.

Shri Manubhai Shah: I will explain that also in two minutes.

[Shri Manubhai Shah]

Therefore, Government has tried to treat all users, small, medium or large, alike. The new scheme which we are going to introduce is that the State Trading Corporation is going to import from some of the East European countries a certain amount of newsprint which will be directly allocated from the S.T.C. to the small printers so that even the little difficulty that these small licenses in the past had in getting through the established importers would be avoided. Therefore, I hope my hon. friends are satisfied that as far as the import policy and the distribution policy of the newsprint is concerned it is as satisfactory as could be.

There is some truth that in spite of these cuts and the shortage of printing paper and cheap paper like the paper which is used for exercise books and school text-books and various other types of printing there is what we may call some black-marketing in that variety of paper which comes into the market from the various newsprint paper houses and other printing houses.

We have tried to go carefully into the question and we have found that there is about 10 per cent. general wastage of every newsprint owner or printer. We would also examine whether this ten per cent. could be more profitably used by some way of integration with the actual requirement of stationers, booksellers, exercise and text book producers etc. and the newspaper itself which is in a position to sell. I learnt from many friends who are very knowledgeable in this direction that it is very difficult to really check as to what is the exact percentage of wastage or loss that every newspaper publisher suffers. In

what manner is it to be estimated and how to get it distributed to the manufacturing concerns is under study.

There is scarcity on the one hand and we are appealing to the goodwill of the big newspaper houses that they should come to the help of the community. It is ultimately the big houses which consume more than 60 or 70 per cent. of the newsprint in the country and they should exercise a greater check—as the community is entitled to expect from them—in distribution to the small manufacturers, small printers and others can get this from the newspapers at reasonable prices. It is these newspapers who are sentinels of democracy and social values which should rise to the occasion when there is difficulty and I do hope that they will take note of the Government's appeal in this direction and see to it that most of their waste is properly distributed at reasonable prices. Government also will try to further probe into the matter. They are small quantities but they are really irritating when things come to a market at higher prices. Then one naturally expects the Government of the day to step in. I can assure the House that we will make efforts to remedy this small lacuna as early as possible and to the extent possible. I hope that with the explanation that I have been able to offer, the hon. Members who have raised this debate will be satisfied. Government is fully aware of the situation and has tried to take as many steps as are practicable.

17.38 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday the 2nd September, 1958.

[Monday 1st September, 1958].

ORAL ANSWERS TO QUESTIONS

3837-77

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WRITTEN ANSWERS TO
QUESTIONS—*contd.*

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1268	Sheet Glass	3926
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MOTIONS FOR ADJOURNMENT:		3927-36
The Speaker withheld his consent to the moving of the following adjournment motions:		
(i)	Re : the lay-off of skilled workers of Messrs. Burn & Co., an engineering firm in Howrah, given notice of on 28-8-58 by Shrimati Renu Chakravarty and Sarvashri S.M. Banerjee, Tangamani and Prabhat Kar; and	
(ii)	Re : situation arising out of the non-acceptance by the Chief Commissioner, Pondicherry of names recommended by the majority group in Pondicherry Assembly for nomination as Councillors, given notice by Sarvashri V. P. Nayar and Tangamani	

COLUMNS

COLUMNS

PAPERS LAID ON THE TABLE. 3937

The following papers were laid on the Table .

- (1) A copy of the statement regarding latest developments on the Indo-Pakistan Canal Water Dispute
- (2) A copy of each of the following Notifications, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, making certain further amendments to the Cotton Textiles (Production by Handloom) Control Order, 1956
 - (i) S O No 1339 dated the 12th July, 1958
 - (ii) S O No 1594 dated the 9th August, 1958
- (3) A copy each of the Amendments made by the Speaker to Regulations 2, 7, 13, 15, 19 and 21 of the Regulations for holding of Elections to Committees by means of the single transferable vote
- (4) Copy of a statement regarding the supply position of steel to the wagon building and fabricating units in the country

PRESIDENT'S ASSENT TO BILLS

3937-8

Secretary laid on the Table the following Bills passed by the Houses of Parliament during the current Session and assented to by the President since the last report made to the House on the 11th August, 1958 —

- (i) The Appropriation (Railways) No 3 Bill, 1958
- (ii) The Ancient Monuments and Archaeological Sites and Remains Bill 1958

BILL INTRODUCED 3938

The Delhi Rent Control Bill, 1958

BILL PASSED 3938-4003

Clause by clause consideration of the Estate Duty (Amendment) Bill, 1958 as reported by the Select Committee continued. The Bill was, thereafter, passed as amended.

BILL UNDER CONSIDERATION 4004-63

The Minister of Education (Dr K L Shrivastha) moved that the Banaras Hindu University (Amendment) Bill, 1958, as reported by the Select Committee be taken into consideration. The discussion was not concluded.

HALF-AN-HOUR DISCUSSION 4064-87

Shri V P Nayar raised a half an hour discussion on points arising out of the answers given on the 11th August, 1958 to Starred Question Nos 5 and 21 regarding misuse of import licences for newsprint and prices of paper respectively. The Minister of Industries (Shri Manubhai Shah) replied to the debate.

AGENDA FOR TUESDAY, 2ND SEPTEMBER, 1958 -

Consideration and passing of the following Bills

- (i) The Banaras Hindu University (Amendment) Bill, 1958 as reported by the Select Committee,
- (ii) The Sea Customs (Amendment) Bill, 1958, and
- (iii) The Manipur and Imphal Repeal Bill 1958

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