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LOK SABHA DEBATES



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LOK SABHA SECRETARIAT
NEW DELHI

62 n. P. (INLAND)

THREE SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

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LOK SABHA

Tuesday, 18th March, 1958.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Nangal Fertilizer-cum-Heavy Water Project

- +
- *1017. { Shri Rameshwar Tantia:
Shri Ram Krishan:
Shri D. C. Sharma:
Shrimati Ila Palchoudhuri:
Shri Raghunath Singh:
Shri Daljit Singh:
Sardar Iqbal Singh:
Shri Ajit Singh Sarhadi:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 134 on the 14th November, 1957 and state:

(a) the progress made so far in setting up of the Nangal Fertilizer-cum-Heavy Water Project; and

(b) whether the order for electrical equipment has been placed with an American firm?

The Minister of Industry (Shri Manubhai Shah): (a) A statement is laid on the Table of the Lok Sabha. [See Appendix V, annexure No. 62]

(b) No, Sir; the order has been placed on a British firm.

Shri Rameshwar Tantia: What will be the total cost of this project and may I know whether some other countries have also given tenders for this?

Shri Manubhai Shah: The total cost of the project including the colony etc ultimately is expected to be about Rs. 30 crores. Regarding the machinery, it will be about 50 to 60 per cent of the total cost. Orders are placed after calling global tenders, and scrutinising the competence of the parties and the prices which must be competitive.

Shri Subbiah Ambalam: May I know when this project will start production and what will be the capacity?

Shri Manubhai Shah: The capacity will be about 80,000 tons of nitrogen or about 2,30,000 tons of different compounds. It is likely to go into production in 1960.

Shri Rameshwar Tantia: What will be the mode of payment of this order?

Shri Manubhai Shah: There are different modes of payment for different firms, starting from 10 per cent of the order and no further payments to be made before July, 1960. If the hon. Member is interested, I will tell him more about the different orders.

Shri D. C. Sharma: May I know when the order for the heavy water plant will be placed and if global tenders have been invited for that?

Shri Manubhai Shah: Yes, Sir; global tenders have been invited. They are scrutinised and orders are about to be placed very shortly.

Mr. Speaker: Next question.

Shri Tangamani rose--

Mr. Speaker: Shri Tangamani is not one of the names here.

Shri Tangamani: There is another point I want to ask. I find that the factory site has also been acquired and tenders for the execution of the civil works inside the factory area have also been invited. May I know whether any of the tenders have been accepted and whether the work has started?

Shri Manubhai Shah: Yes, Sir; the civil construction work also is being taken in hand. The land has been acquired. If the hon. Member refers to the statement, all the details of the progress so far made have been given in the statement.

पूर्वी पाकिस्तान में रवीन्द्र नाथ ठाकुर की सम्पत्ति

*१०१६ { श्री भक्त दर्शन :
श्री स० च० सामन्त :

क्या प्रधान मंत्री १५ जुलाई, १९५७ के तारकित प्रश्न संख्या ४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि पूर्वी पाकिस्तान में कवि श्री रवीन्द्रनाथ ठाकुर की पैतृक सम्पत्ति को सुरक्षित रखने व उसका सदुपयोग करने के बारे में पाकिस्तान की सरकार से जो पत्र-व्यवहार चल रहा था, उसका क्या परिणाम निकला है?

कैबिनेट कार्य मंत्री के सहा-सचिव (श्री साधत अली खान) : नवम्बर, १९५७ में प्राप्त, पाकिस्तान सरकार के उत्तर में कहा गया था कि कवि (रवीन्द्रनाथ टैगोर) के पुत्र से पटिसार जागीर के कृषि धायकर की बकाया रकम वसूल करने के लिये जो प्रमाणक कार्रवाहियाँ (सर्टीफिकेट प्रोसीडिंग्स) शुरू की गई थीं, उन्हें उस समय तक के लिये रोक दिया गया है, जब तक यह निश्चय नहीं कर लिया जाता कि जागीर को ले लेने पर सरकार को मुआवजे की कितनी रकम भुगतानी होगी। पाकिस्तान सरकार ने वादा किया था कि शिलाइदह की 'कोठीवाड़ी' के बारे में फिर पत्र लिखेंगे, हम उंग पत्र की प्रतीक्षा में हैं।

बहरहाल, नवम्बर, १९५७ में पूर्वी पाकिस्तान सरकार द्वारा जारी किये गये एक वृत्तक (हैंड आउट) के अनुसार, कुश्तिया जिले में कवि रवीन्द्रनाथ के निवास 'शिलाइदह' की कोठीवाड़ी को जुलाई, १९५७ में एक सुरक्षित इमारत घोषित कर दिया गया है और पुरातत्व विभाग ने कवि के स्मारक के रूप में उसकी देख रेख का भार ले लिया है। वृत्तक में यह भी कहा गया था कि बकाया रकम वसूल करने की मारी प्रमाणक कार्रवाहियाँ रोक दी गई हैं और यह भी, कि घर का जो फर्नीचर कोठीवाड़ी के पूर्व मालिकों ने विभिन्न लोगों के हाथ बेच दिया था, उसमें से कुछ को पूर्व पाकिस्तान सरकार ने फिर हासिल कर लिया है और मकान में रखवा दिया है।

Shri Sadath Ali Khan: Shall I read out the answer in English?

Some Hon. Members: Yes.

Shri Sadath Ali Khan: The Government of Pakistan have, in their reply, received in November, 1957, stated that the certificate proceedings started for the realisation of arrears of agricultural income tax from the Poet's son, in respect of the Patisar Estate have been kept in abeyance pending determination of the amount of compensation payable on account of the acquisition of the estate and promised a further communication as regards the "Kuthibari" in Shilaidah, which is still awaited.

However, according to a handout issued by the Government of East Pakistan in November, 1957, "Shilaidah Kuthibari", the residence of the Poet in Kushtia district has been declared as a protected monument since July, 1957, and the Archaeological Department has taken it over for maintaining it as a memorial to the Poet. The handout also stated that all certificate proceedings for recovery of arrears have been suspended and that a part of the furniture of the house, which had been sold out to different persons

by the former proprietors of Kuthibari had since been recovered by the East Pakistan Government and kept in the house.

श्री भक्त वर्मान : पिछले दिनों अखबारों में यह समाचार निकला था कि श्री रवीन्द्रनाथ ठाकुर की जायदाद को किमी प्राइवेट व्यक्ति के हाथ नीलाम किया जा रहा है। मैं यह जानना चाहता हूँ कि इस में कहां तक सच्चाई है और क्या पाकिस्तान सरकार ने इस की रोक-थाम के लिये कोई कार्यवाही की है ?

श्री सादत अली खां : मैंने अभी अज्ञ किया है कि हेड आउट में बताया गया है कि यह शिलाईदह की कोर्टोयाड़ी, जो कि मायर का घर था, गवर्नमेंट के पास है और उन्होंने उस को एक कोमी मानुमेंट बताया है।

श्री भक्त वर्मान : पिछले दिनों प्रधानमंत्री जी ने इस मदन में यह बताया था कि ईस्ट पाकिस्तान के मुख्यमंत्री जब यहां आये थे, तो उन्होंने कहा था कि इस का उपयोग एक राष्ट्रीय संग्रहालय-नैशनल म्यूजियम-के रूप में किया जायेगा। मैं जानना चाहता हूँ कि क्या पाकिस्तान सरकार उसको एक राष्ट्रीय संग्रहालय बनाने का इरादा रखती है और क्या इस बारे में कोई तैयारियां की जा रही हैं ?

श्री सादत अली खां : उन्होंने इस को नैशनल मानुमेंट डिक्लेयर किया है, लेकिन वह इसे म्यूजियम बनायेंगे या क्या करेंगे, इस का हमें पता नहीं है।

श्री स० ब० साहस : कबीन्द्र रवीन्द्रनाथ ठाकुर की जायदाद सुरक्षित घोषित होने के पहले उस की देखभाल कौन करता था ?

Mr. Speaker: The hon. Member wants to know who was protecting all this before it was taken charge.

श्री सादत अली खां : हमें इतना मालूम है कि वह ईस्ट पाकिस्तान सरकार के पास नहीं थी। गवर्नमेंट के ले लेने से पहले वह शायद प्राइवेट लोगों के पास थी।

Shrimati Renu Chakravarty: In view of the steps taken by the East Pakistan Government for protecting Rabindra Nath Tagore's property in Shilaidah, may I know what steps Government are taking to protect the properties of the poet at Jorasanko, Calcutta, which are now being sold out in auction?

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): I have not got all the facts. But some of the properties are private properties, some are public and some are in the process of becoming more of public properties. Sometimes the ownership is divided up in various ways.

Shrimati Renu Chakravarty: Generally the houses belonging to very great Writers like Bunkim Chandra Chatterjee are joint property, but the Government has powers to acquire such properties which are of national importance. Has the Government taken steps to preserve the place where the great poet led his life?

Shri Jawaharlal Nehru: I cannot say. The West Bengal Government has, I believe, taken some steps in regard to some properties, whether in Calcutta or elsewhere I cannot say. But I shall enquire if the hon. Member wants.

Shrimati Renu Chakravarty: In view of the coming centenary celebrations of the great poet, may I know whether the Government will see that these places are acquired as national property and kept for the nation?

Shri Jawaharlal Nehru: I cannot say about these places which may include, I do not know, how many places and where. But I am prepared to enquire into this matter.

Shri B. S. Murthy: May I know whether the place in East Pakistan is open to the public?

Shri Jawaharlal Nehru: The hon. Member wants to know whether it is open to the public?

Shri B. S. Murthy: The hon. Parliamentary Secretary has said that the Government of Pakistan has taken it over and is preserving it as a monument. Therefore, I want to know whether it has been thrown open to the public.

Shri Sadath Ali Khan: It has been declared a national monument and the furniture has been restored. I am sure that a national monument will not be closed to the public. It is a public monument.

Cement Imports

*1020. **Shri Heda:** Will the Minister of Commerce and Industry be pleased to state:

(a) the import programme of cement during 1958; and

(b) the expected quantum of cement that would arrive in the first quarter of 1958?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A quantity of 42,000 tons was programmed for import during the year 1958. The entire quantity is expected to arrive during the first quarter. No fresh contracts for further quantities are being entered into.

Shri Heda: In view of the import of cement, there was equalisation of the price of cement. Since Government is not intending to import any further cement, may I know whether the idea about the equalisation of the price would not be continued?

Shri Manubhai Shah: It will not be quite correct to say that equalisation came as a result of the import programme. Equalisation was considered in the best interest of the industrial development and other developments in the country. It is true that a margin was kept in the equalisation for the

import of cement. As the House has been informed several times, we have already raised the excise duty on cement and taken away that margin which was normally kept for the imported cement.

Shri Heda: What is the expected production for the year 1958-59 and what is the expected consumption in our country?

Shri Manubhai Shah: We expect a production of about 7 million tons in the year 1958 and the demand is expected to be about 9.5 million tons.

Shri Ramanathan Chettiar: As the consumption of cement is going down since recently, what steps will the Government take to reduce the import of cement?

Shri Manubhai Shah: As I have already mentioned in answer to the question in the list, no import programme is now being pursued. It will not be correct to say that the offtake is going down. It was as a result of a lot of restriction and embargoes that we have placed, the demand has slightly gone down. Even now, we are not able to satisfy the people in regard to their requirements of cement.

Shri C. R. Pattabhi Raman: So far as the private consumer is concerned, the position seems to be rather difficult. May I know if the Government has got an inventory of the storage and distribution so that they can have a check on these things?

Shri Manubhai Shah: We have a very elaborate system of distribution. We have recently liberalised the allocation of cement. I can give an idea to the hon. Member. In period III, the allocation to the State was about 7.27 lakh tons; in period IV, it was raised to 7.91 lakh tons and in period I of 1958, the allocation was 8.66 lakh tons. It will show to the hon. Member that the consumer requirements are steadily being satisfied.

Shri Sthasana Singh: The hon. Minister has replied that our production would be about 7 million tons and our need will be about 9.5 million tons, and that the import is going to be stopped. May I know how this gap is going to be met?

Shri Manubhai Shah: We have got to manage with our internal resources in whatever way we can. We have got to tighten up and avoid wastage. Wherever it is not required, it must not be used. We should economise on those points.

Shri Heda: This requirement of 9.5 million tons is calculated as the real requirement without taking into consideration the present high cost of the cement. If the cost is taken into consideration how much less will it come to?

Shri Manubhai Shah: The requirements are really based on the demands placed on the Centre by the various State Governments and the various project authorities. They are screened by the screening committees of the different States. It has very little relation with the price of cement because this is what the projects will require, what the people require and what the different constructions will require.

Shri Thimmalah: May I know whether the Government has thought of any time by which we can become self-sufficient in the production of cement?

Shri Manubhai Shah: As the hon. Member is aware the Second Plan's target is 16 million tons and we hope to reach that target. We have got 10.5 million tons already provided for and about the rest 5.5 million tons, we are making every effort to see that the country gets the target fulfilled by the end of the Plan.

Film on Untouchability

*1921. **Shri D. C. Sharma:** Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Unstarred Question No.

1428 on the 10th December, 1957 and state the further progress made in regard to the discussions with some well known producers regarding the proposal for producing a full-length educative film on the removal of untouchability?

The Minister of Information and Broadcasting (Dr. Keskar): The matter has progressed further and we hope to be able to finalise a script soon.

Shri D. C. Sharma: May I know with what producers the Government has been carrying on the negotiations and with what producers has the Government arrived at some kind of an understanding?

Dr. Keskar: It is not possible for me to give the names of producers and the terms about which the Government is carrying on the discussions with them. We have not arrived at a final decision. It is not simply a question of producing a film on untouchability but it should be such that will evoke in those who see it a kind of disgust for untouchability and help in eradicating this evil. That is where we find it rather difficult to have a script which will fulfil all these requirements. But at the same time, we are thinking of having short films on various aspects of untouchability and this big feature film that is being planned is in addition to this.

Shri B. S. Murthy: May I know whether the script has been prepared and if so who prepared the script and whether it has been discussed by the people who are to undertake the production of the film?

Dr. Keskar: We have got scripts from three or four leading producers and we have discussed with them whether to have the script or to have any change in the script. It is also discussed in consultation with the Commissioner for Scheduled Castes and Tribes.

Shri B. S. Murthy: In which language has the script been prepared?

Dr. Keskar: I cannot say offhand. Two are in English, one in Hindi and one, I think, in Bengali also.

Shri M. R. Krishna: What attempts have been made to collect films produced already in various languages against the practice of untouchability?

Dr. Keskar: It is being planned to have regional films produced in all the languages on this subject.

Shri Ranga: Is the hon. Minister aware of the existence of a very popular film named *Malapilla* produced in Telugu which has been very popular for more than ten years or so?

Dr. Keskar: I take the information from the hon. Member.

Mr. Speaker: The hon. Members will pass on the suggestions as to what ought to be done. Next question.

Dindigul Lock Factory (Madras) and Surgical Instruments Factory (Bombay)

*1022. **Shri Harish Chandra Mathur:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Dindigul Lock Factory (Madras) and Surgical Instruments Factory (Bombay) have since been established and gone into production; and

(b) if so, what is the total outlay and expenditure on foreign experts?

The Minister of Industry (Shri Manubhai Shah): (a) A servicing-cum-training centre for the Lock Industry which has been set up at Dindigul by the Government of Madras, has commenced production in June, 1957; in regard to the Surgical Instruments Factory at Bombay, however, erection work is in progress and it is expected to start functioning partially from July, 1958.

(b) Expenditure incurred so far at the centre in Dindigul is Rs. 5.67 lakhs, in addition to a sum of Rs. 81,492 spent on the foreign expert. In the case of the Surgical Instruments Factory at Bombay an expenditure of Rs. 5.86 lakhs has been incurred including a sum of Rs. 3.55 lakhs on

machinery and other equipment; expenditure incurred on the foreign expert so far is Rs. 1.07 lakhs.

Shri Harish Chandra Mathur: May I know if it is the Government's conclusion that this project is satisfactory and successful and also if it is proposed to have some projects elsewhere?

Shri Manubhai Shah: If the Government was not convinced that these were useful and successful, we would not have gone for them. It is our intention to see that for different industries such production-cum-training-cum servicing centres are opened in different parts of the country.

Shri Harish Chandra Mathur: May I know what steps have been taken to pool the knowledge which these experts have given and whether it is related to local conditions or of a general nature and can be adopted all over the country?

Shri Manubhai Shah: These production-cum-training centres are of a general nature and their primary object is to train up young men in the country and for that purpose each centre will take up 30 persons from all over the country.

Shri Ramanathan Chettiar: May I know whether any financial assistance is being given to these two factories by the Centre?

Shri Manubhai Shah: I mentioned that in my answer. The financial help given by the Government of India is Rs. 5.67 lakhs for the Dindigul centre and Rs. 5.86 lakhs for the Bombay centre.

Shri Tangamani: The hon. Minister has stated that the Dindigul lock factory has started production from June 1957. May I know the number of workers employed and the rate at which the door locks are being manufactured? What is likely to be the total production during this year?

Shri Manubhai Shah: They have started regular production since the last four months and have produced locks worth about a lakh of rupees. They are training 30 boys.

Shri Tangamani: What is the number of locks produced each day and the number of workers employed?

Shri Manubhai Shah: We do not keep an enumeration of this: how many locks of each variety and so on. If the hon. Member wants the total production, locks worth a lakh of rupees had been produced. Thirty boys are trained and about 20 people have been engaged in different operations.

Shri Harish Chandra Mathur: What particular improvements have been effected in this particular training centre over the present practices adopted for the manufacture of locks in Aligarh?

Shri Manubhai Shah: In this particular thing seeing will be believing. At least in one particular lock-making centre that I have seen they have definitely improved on the normal technique of lock manufacture which was traditional in our country and brought about modern mechanism in these locks.

Technical Centres

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*1022. { **Shri Ajit Singh Sarhadi:**
 { **Shri Panigrahi:**

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 942 on the 10th December, 1957, and state:

(a) whether an agreement has since been reached with Japan for setting up technical training centres in India for small and medium scale industries; and

(b) if so, the location of these centres?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). No agreement has so far been concluded between the Government of India and

the Government of Japan for setting up technical training centres in India. The details of the proposal are still being worked out.

Shri Ajit Singh Sarhadi: May I know if there are prospects of such agreement being arrived at in the near future?

Shri Manubhai Shah: Yes, Sir. And currently one more project is also being considered.

Shri Ranga: May I know whether on two previous occasions Japanese experts were brought to this country and with their help efforts made to improve the technical side of our small-scale and cottage industries?

Shri Manubhai Shah: Actually, this project is far more than the combination of some Japanese experts. When the hon. the Prime Minister of Japan came here and met our Prime Minister, this matter was discussed and an offer was made by them. We were very happy to accept that. Recently when our Prime Minister went there it was mentioned, and the details have been worked out. And this will be a full-fledged centre for the development of small-scale industries on the Japanese technique and pattern.

Shri Achar: May I know how these centres are going to be selected, on what principle or basis?

Shri Manubhai Shah: This particular question does not relate to the centre. This particular thing relates to the Japanese institution which we are going to set up. There will be also other centres like production-cum-training centres in the States.

Shri Panigrahi: May I know what type of medium and small-scale industries will come under the purview of these technical centres and whether the Government of India has decided to set up two technical training centres in West Bengal?

Shri Manubhai Shah: The number of these industries may be as many as are visible all over the country,

but specially we give attention to the light engineering industry, some of the chemical industries and some of the consumer goods industries which can be produced very profitably on a small-scale basis, and we are taking up different training-cum-production centres which are indigenous to that area.

Bye-laws under the Mines Act, 1952

*1024. **Shri T. B. Vittal Rao:** Will the Minister of Labour and Employment be pleased to state:

(a) whether Bye-laws under the Mines Act, 1952 have since been framed by Singareni Collieries Co., Andhra Pradesh; and

(b) if not, the reasons for the delay and when the same are likely to be finalised?

The Deputy Minister of Labour (Shri Abid Ali): (a) It is presumed that the Hon'ble Member is referring to the Bye-laws for the use and maintenance of belt conveyors in No. 5 Incline, and precautions against coal dust to be observed in the Kothagudium mines, Singareni Colliery Co. If so, the reply is in the negative.

(b) The delay is due to a difference of opinion, between the Mines Inspectorate and the Colliery management. Steps are being taken to refer the matter to an independent authority as provided under section 61(3) of the Mines Act, 1952.

Shri T. B. Vittal Rao: According to the section, as stated by the Deputy Minister, this has to be referred to a Mining Board. But there is no Mining Board at these mines. Therefore, may I know when a Mining Board will be constituted there?

Shri Abid Ali: If there is no Mining Board, Government can refer it to an independent officer, and that will be done.

Shri T. B. Vittal Rao: May I know why a Mining Board has not been constituted at these mines?

Shri Abid Ali: Proposals have been invited from the Andhra Government, and on receipt of the same further action will be taken.

Shri T. B. Vittal Rao: May I know when this question will be referred to an independent officer, and who that officer will be?

Shri Abid Ali: It should not take long.

Closure of Tea Gardens in Assam

*1025. **Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that many tea gardens in Assam are faced with closure;

(b) if so, whether Government have assessed the number of workers who are likely to get unemployed consequent on closure of those Gardens; and

(c) whether Government will make any effort to save these Gardens from closing?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). The Government of Assam have reported that six gardens are faced with closure involving 1,598 workers.

(c) Details are being ascertained.

Dr. Ram Subhag Singh: May I know whether over and above these six gardens there are about a dozen tea gardens which have served notices of retrenchment on their workers and, if so, whether Government will take any action in that regard?

Shri Satish Chandra: Government have no information and have received no representations from the workers. The information that we have at present has been received from the Government of Assam.

Shri Rameshwar Tantis: May I know whether the Government is aware that the common type tea gardens in Assam and Bengal owned by British firms are being sold and they are shifting the capital to East African plantations and, if so, what steps we are taking to stop this flight of capital from the country?

Shri Satish Chandra: It is true that some of the foreign companies are selling their tea gardens in Assam and probably investing the money—we have no precise information—in East African where there are no duties at present and probably, plantations give more profits.

Shrimati Mafida Ahmed: In view of the fact that tea is the largest single earner of foreign exchange, may I know whether Government have taken any substantial step for promoting the stability of the tea industry?

Shri Satish Chandra: I may say here that the tea industry is well stabilised. It will be seen that out of a production of about 36 crore lbs. of tea in the State of Assam, the total production of the estates which are facing closure is not more than 2 lakh lbs.

Shri Tyagi: Have Government taken any concrete steps to supervise the efficient working of tea gardens in India?

Mr. Speaker: We are going away from one thing to another. This relates to the closure of six tea gardens. If the hon. Member thinks that it is not six but more, he may put a question.

Shri Tyagi: My question is whether Government have taken any concrete steps to control the efficient working of tea gardens because, after all, as the lady Member has said, it is one of the biggest foreign exchange earners.

Mr. Speaker: That may be all right. The hon. Member may reserve all these points for the general de-

bate or the particular debate on this matter.

Shri Bangshi Thakur: Are there tea gardens in Tripura which are faced with closure; if so which are those?

Shri Satish Chandra: We have no information.

Shri Hem Barua: In view of the fact that six tea gardens are threatened with closure and many more might be closed because of the acute competition from East African tea estates, may I know if Government proposes to find alternative employment for the workers that are going to be dislodged, or to settle them on agricultural land?

The Minister of Commerce and Industry (Shri Morarji Desai): That will be a question for the State Government.

Shrimati Renu Chakravarty: About the six gardens that have closed, may I know if Government has gone into the reasons as to why these gardens have closed and if Government has been convinced that there was no other possible way of keeping them open?

Shri Satish Chandra: Firstly, these have not been closed. According to what we have been informed, these gardens are facing closure. Some of them have served notices on their workers. They are small tea gardens. And it is mainly due to lack of finance, mismanagement in the past, and probably not planting fresh tea bushes in place of old and so on.

Shri Tyagi: What was the Government doing all the time?

Shri Morarji Desai: I do not understand. Government cannot take over the estates and manage them.

Shri Tyagi: Why can't the tea gardens be taken over?

Mr. Speaker: Why can't all agriculture be taken over?

Shri Tyagi: It is not an ordinary matter.

Mr. Speaker: These are all suggestions. Question Hour is only for eliciting information, not for making suggestions as to what the Government ought to do.

Shrimati Parvathi Krishnan: The hon. Minister has already referred to the fact that some of these gardens may be closing down because of neglect of the bushes. May I know whether Government has taken a decision on the recommendation of the Plantation Enquiry Committee regarding Replanting Fund and, if so, what the decision is?

Shri Satish Chandra: The Plantation Enquiry Committee's recommendations are under consideration. Government will have to take certain powers if they want to exercise more effective control over these gardens. The matter is under consideration.

Some Hon. Members rose—

Mr. Speaker: Hon. Members will come to the subject of Tea under Commerce or Agriculture.

Shrimati Parvathi Krishnan: I asked a question about the Replanting Fund. The Minister has not answered.

Mr. Speaker: So far as that is concerned, it is under consideration.

Hon. Members will have ample opportunity during the discussion on the Demands. We have got 94 hours. I will give a few more hours during the actual discussion.

Shri Tangamani: Sir, this was a specific case. We would like to have an assurance, a guarantee that the plantations may not be closed.

Mr. Speaker: This is not the period during which assurances can be given.

Employment Bureau in Delhi University

*1029. **Shri Ram Krishan:** Will the Minister of Labour and Employment be pleased to state:

(a) whether a decision to start an employment bureau at Delhi University has been taken;

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

(c) by what time a bureau will be established?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (**Shri L. N. Mishra**): (a) to (c). The question is under consideration.

Shri Ram Krishan: May I know by what time a final decision will be taken in this matter?

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

Mr. Speaker: Hon. Members are not attending to what is going on. They simply get up and ask what action has been taken.

Shri Raaga: May I know whether in the scheme that they have before them for consideration this employment bureau is to serve only the graduates of the Delhi University, or it is intended to serve all those graduates and other educated unemployed people in the whole Delhi City?

Shri L. N. Mishra: It is proposed to have one such bureau attached to each University.

Shri B. S. Murthy: May I know whether such employment bureaux will be established at all university centres?

Shri L. N. Mishra: We propose to establish such employment bureaux in all the universities.

Shri Thimmaiah: May I know what is the difference between the employment exchange and the proposed employment bureau?

Shri L. N. Mishra: This will be just like an employment exchange with the one difference that this bureau will be directly under the control of the University. It will have one advisory committee consisting of some people of universities and one professor acting as honorary secretary.

The Minister of Labour and Employment and Planning (Shri Nanda): I may further clarify, Sir, that these employment bureaux are not going to be independent. They will be integrated with the whole system of employment exchange; they will really serve as adjuncts of employment exchanges.

श्री भक्त दर्शन : मैं जानना चाहता हूँ कि यह जोोजगार का दफ्तर दिल्ली विश्व-विद्यालय में खोला जा रहा है उसका कुल खर्च विश्वविद्यालय वहन करेगा या मिनिस्ट्री की ओर से भी कुछ मदद दी जा रही है ?

श्री स० ना० बिभू : युनिवर्सिटी को कुछ पैसा नहीं देना है। कुल खर्च का ६० परसेन्ट तो भारत सरकार को देना है और ४० परसेन्ट प्रदेश सरकार को देना है युनिवर्सिटी को केवल ऐंकोमोडेशन और फर्निचर आदी ही देना है।

Slum Clearance Scheme

*1031. **Shri B. S. Murthy:** Will the Minister of Works, Housing and Supply be pleased to state the basis on which allocation of funds is made to various States under the slum clearance scheme?

The Minister of Works, Housing and Supply (Shri K. O. Reddy): Allocations of funds for the Second Plan period have been made tentatively on the basis of population of

the larger towns in the States. Budgetary provisions are, however, made keeping in view the total funds available during the year, the demands and programmes of the respective State Governments and their past performance in respect of the implementation of the scheme in the previous years.

Shri B. S. Murthy: May I know what steps are being taken to see that slum clearance work is also done in smaller towns? The work is now confined only to cities like Madras, Bombay or Calcutta. I want to know whether district headquarters are also being taken into account.

Shri K. C. Reddy: Yes, Sir. As the hon. Member has said, the present scheme is by and large confined only to cities with a population of about a lakh of people. As regards smaller towns that is a matter which has to be looked into. But, so far as villages are concerned the hon. Member may be aware that under the scheme operated by the Ministry of Home Affairs grants can be given to Harijans and others for the clearance of slums.

Shri B. S. Murthy: Does the hon. Minister mean to say that this scheme of slum clearance does not include rehabilitation of Harijans?

Mr. Speaker: It will cover areas wherever the Harijans are about a lakh in number. Hon. Members have heard the answer given. What is the meaning of putting the question again? The hon. Minister has said that this applies now only to those places or towns which have a population of a lakh of people, and so far as the Harijans are concerned the Home Ministry have got some funds and they are dealing with that question.

Shri B. S. Murthy: Sir, does he mean to say that the entire slum clearance work regarding Harijans is taken over by the Home Ministry and this Ministry has nothing to do with them?

Shri K. C. Reddy: I said that so far as the villages are concerned the Ministry of Home Affairs have a scheme for clearance of slums in villages. Slums are generally areas occupied by Harijans.

Shri Tangamani: In reply to the main question the hon. Minister stated that the allotment is made on the basis of amounts spent in previous years but we find—in many States, particularly Madras—that only allotments have been made for big cities like Madras. May I know whether the cities have spent money in the previous years and, whether allotments will be made to those cities having a population of more than one lakh?

Shri K. C. Reddy: Is the hon. Member referring to Assam?

Mr. Speaker: No, no; he is referring to Madras.

Shri Tangamani: There are places like Coimbatore, Madura and Tiruchirappalli.

Shri K. C. Reddy: I would like to inform the hon. Member that in the Madras State we have made the most satisfactory progress in respect of slum clearance scheme.

Shri Tangamani: It is only in Madras.

Shri K. C. Reddy: We have sanctioned about 12 slum clearance schemes in Madras so far. With regard to the particular places he has mentioned, I have not got the information readily available with me.

Shri Thimmaiah: May I know from the last year's figures how far these schemes have been implemented in different cities, particularly in Bangalore City?

Shri K. C. Reddy: The hon. Member wants information involving some details.

Mr. Speaker: Regarding one city.

Shri K. C. Reddy: I would like to inform the hon. Member that in reply to several questions we have placed all the statements on the Table of the House already. As regards Bangalore, about 8 slum clearance schemes have been sanctioned during this year and, I believe, they are in various stages of implementation.

Shri S. M. Banerjee: The Prime Minister when he visited Kanpur and saw the slums had said that the slums should be burnt. May I know what steps have been taken to burn those slums and to reconstruct those areas, and what amount has been sanctioned for that purpose?

Shri K. C. Reddy: With regard to Uttar Pradesh one slum clearance project in Kanpur has already been sanctioned and it is being implemented. We have not received any other scheme from the State Government so far as Kanpur is concerned. When any other scheme is received that will certainly be considered.

Shrimati Renu Chakravarty: May I know if any arrangements are ensured to see that the people who are displaced as a result of slum clearance are given alternative accommodation till the slums are reconstructed and proper houses are built?

Shri K. C. Reddy: That is one of the important aspects of slum clearance schemes; we always keep it in mind.

Shri Dasappa: May I know whether the Centre is taking any interest in the problem of preventing slums from growing? Can they let us know that as they clear slums the slums are not at the same time developing? Are they going to have certain measures well in advance to prevent slums from growing?

Shri K. C. Reddy: Yes, Sir. We keep that aspect also in mind. As the hon. Member is aware, recently the Government constituted an advisory committee to go into all aspects of

this problem on a comprehensive basis. We are awaiting the report of that committee. On receipt of that report we will chalk out the details of action.

Export of Fertilizers

*1032. **Shri Kalika Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether fertilizers are exported from India to foreign countries;

(b) whether Government have any proposal to stop the exports of fertilizers in view of the acute shortage of fertilizers in India; and

(c) what quantities of fertilizers the Government or the private traders have imported during the last three years?

The Minister of Commerce (Shri Kanungo): (a) and (b). Synthetic fertilizers are not allowed export. Small quantities of organic manures, which are surplus to internal requirements, are, however, allowed export from time to time.

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix V, annexure No. 63].

Shri Kalika Singh: May I know if the Government have formulated any export-import policy regarding fertilizers?

Shri Kanungo: Yes. The policy is there that until we get adequate internal supply of synthetic fertilizers there will be no export.

Shrimati Parvathi Krishnan: Some time ago there was an investigation near Tiruchirappalli wherein it was discovered that there were phosphatic nodules available. May I know whether Government have any proposal to set up a fertiliser factory there?

The Minister of Industry (Shri Manubhai Shah): The nodules in Tiruchirappalli are not found to be of

any economic workable nature. Therefore, no project is contemplated at that place.

Mr. Speaker: Hon. Members must ask questions on export.

Shri T. B. Vittal Rao: The hon. Minister has stated that some organic manures are being exported. May I know how this was found out? Has any survey been conducted to find out whether there is any surplus of organic manures?

Shri Kanungo: Organic manures like oil cakes and all that are allowed to be exported only when the State Governments find that there is surplus of them in their areas.

Shri Tangamani: In the statement we find that there is a quantity of fertilisers imported into this country. But the hon. Minister stated that the statement gives particulars about export to other countries also. May I know how much has been exported during this period?

Mr. Speaker: He says that the statement refers to imports and that the hon. Minister has also referred to exports.

The Minister of Commerce and Industry (Shri Morarji Desai): In part (c) of the question, the figures for imports have been asked for.

Shri Tangamani: Parts (a) and (b) deal with exports.

Shri Kanungo: There is no export.

Shri Morarji Desai: Part (c) of the question is: "What quantities of fertilizers the Government or the private traders have imported during the last three years?"

Mr. Speaker: Part (a) refers to exports.

Shri Morarji Desai: That is different.

Shri Tangamani: I want to know how much of the fertilisers have been exported.

Shri Kanungo: They have not asked for it.

Mr. Speaker: He wants to know whether fertilisers are exported to foreign countries.

Shri Kanungo: Not fertilisers, but organic fertilisers. I can give the figures of production for 1957. They are:

Groundnut oil cake	1,389 thousand tons
Linseed oil cake	203 "
Cotton seed oil cake	173 "
Coconut oil cake	84 "
Niger seed oil cake and cardised oil cake	10 "
Other oil cakes	904 "

Shri Goray: May I know whether Government are exporting these fertilisers?

Shri Kanungo: Yes; in areas where the State Governments find that the production is surplus.

Shri Ranga: Are we exporting bone-meal now and, if so, may I know whether there would be any increase in the export or not?

Shri Kanungo: I have not got the figures, but we are exporting a small quantity. It has not yet increased.

Match Industry

*1034. **Shri Tangamani:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether a deputation consisting of representatives of Match Industry in South India met the Minister in Delhi on the 11th February, 1958; and

(b) if so, the outcome of the talks?

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

(b) The main request was to afford finance and credit facilities, as the recent enhancement of excise duties had necessitated more investment on the part of small units. They were

advised to approach the different credit Institutions.

The second proposal was to permit Cooperative Marketing Association for B and C Class factories in the Madras State. As it was not possible to allocate any extra amount on this account, the Central Government have informed the Madras Government that if they desire to promote such a Cooperative Marketing Society they may do so from their own funds or within the ceiling already allocated to them for small scale industries.

The deputationists also desired to have alternate packings over and above 40's and 60's. Government have already taken action and approved 30's and 50's packings.

There were certain minor routine difficulties for which the deputation was advised to contact the local authorities.

Shri Tangamani: May I know whether the deputationists also raised the question of merger of sales-tax with the excise duty as in the case of sugar, textiles and tobacco, because of the different rates of sales-tax prevailing in the various States?

Shri Manubhai Shah: This deputation did not refer to that matter. But we got all these suggestions, several times, from different sources.

Shri Tangamani: May I know whether any such memorandum was received regarding the rebate of excise duty for the small-sized match factories—B, C and D?

Shri Manubhai Shah: They did raise the question. As I have mentioned to the House several times, the matter is always under consideration. So far, we think that with the concession given up-to-date, the production should continue to remain as it is or perhaps go up.

Shri Joachim Alva: Did this deputation consist of indigenous match manufacturers or also of foreign firms like the Western India Match Company?

Shri Manubhai Shah: This particular question refers to B and C Class factories, and therefore concerns only the small industrialists.

Shrimati Parvathi Krishnan: May I know whether these deputationists also discussed the question of crisis that is facing the factories which manufacture veneers and splits for the match industry?

Shri Manubhai Shah: All these problems have been discussed, as I mentioned in the statement. Actually speaking, we are going into every aspect of B and C class factories, and as I have already assured the House several times, the Government is always promoting the small-scale manufactures with a view to promote small industries in every case.

Shri B. S. Murthy: May I know whether the Government have studied the memorandum given by these deputationists with reference to the nightly closures of the match factories, B and C class factories, and in that case, may I know whether any help will be given to the industry?

Shri Manubhai Shah: There are so many assumptions in that question. When the question of closure comes, we will deeply go into the matter and we will try to give them as much help as we can.

Shri Tangamani: In reply to starred question No. 938 on the 13th March, 1958, the hon. Minister said that in the power sector, 14 million gross matches are being manufactured as against 11.2 million in the cottage sector. May I know whether this does not show a higher percentage compared to the figures of the previous year, and, if so, what steps do the Government propose to take to reduce the production in the power sector?

Shri Manubhai Shah: I have already referred to this question before. It is our intention to see that the small-scale production—production in the B, C and D class factories—goes up.

It is true that in the last few months there was some decline in the production of B, C and D class match factories as compared to the production in the previous year, and that is precisely why all these new packings and new reliefs are being considered.

Paper Mills, Kesinga (Orissa)

*1035. **Shri P. K. Deo:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 241 on the 22nd May, 1957 and state:

(a) whether the construction of a paper mill at Kesinga in Orissa has been completed;

(b) if not, the difficulties in the way of construction; and

(c) the steps taken in the matter?

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

(b) and (c). The firm was facing difficulties in getting foreign credit for the purchase of machinery according to deferred payment terms approved by Government. It is, however, understood that negotiations in this behalf are about to be finalised.

Shri P. K. Deo: In reply to a similar question on the 22nd May, 1957, the hon. Minister replied that the time-limit has been extended till September, 1957. May I know what effective steps have been taken by the firm to start the plant and, if not, are the Government considering the cancellation of the licence?

Shri Manubhai Shah: The major handicap, as I have already mentioned in the answer, is the availability of deferred payment credit. Otherwise, the party, in several discussions that I had with them and also at the discussions with the officers of the Ministry, have showed that they have been taking special steps. If the delay in implementation was due to something over and above the deferred payment agreement, then, we will

not hesitate to cancel any licence given under the Industries (Development and Regulation) Act.

Shri Panigrahi: May I know how many paper mills were sanctioned for Orissa during the second Five Year Plan and whether the starting of the Chowdwar paper mill has also been sanctioned?

Shri Manubhai Shah: There has not been any type of allotment given State-wise in these projects. It is for the private industries to come forward and start the industries. The House will be glad to know that 22 new paper factories have already been licensed which will more than cover the second Five Year Plan target for the country which is at 4.5 lakhs of tons. We have licensed a capacity of 6-lakh tons.

Rebate on Handloom Products

*1036. **Shri Nanjappa:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 163 on the 14th February, 1958 and state:

(a) whether the Government of Madras have requested the Central Government to restore the cut in the rebate of handloom products;

(b) if so, the action taken thereon; and

(c) the steps taken by Government by way of propaganda for sale of handloom products in foreign countries since December, 1957?

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

(b) The matter is under consideration.

(c) In addition to the steps taken earlier, new pamphlets and brochures have been sent for distribution in foreign countries since December 1957.

Shri Nanjappa: May I know whether the Madras Government has

requested this Government's support for setting up at State level, a Handloom Corporation?

Shri Kanungo: No, Sir. The Madras Government has not sent in any proposal like that.

Shri Ramanathan Chettiar: May I know whether the Central Government has received a resolution passed by the Madras State Co-operative Handloom Society, passed on the 31st January last, requesting the rebate to be increased to nine naye paise per yard?

Shri Kanungo: I am not aware of any resolution. It has not been communicated to me. I know that several of the co-operative societies have been asking for the continuance of the rebates.

Shrimati Parvathi Krishnan: May I know whether the Government have received a representation from the Madras Government regarding extension of the rebate to the weavers who are working under master-weavers?

Shri Kanungo: No, Sir. They have not sent any proposal like that.

The Minister of Commerce and Industry (Shri Morarji Desai): We have said that we would not give it to the private sector, that is, those who are not in the co-operative board.

Shri Tangamani: In addition to the representation made by the Government of Madras in November last, may I know whether they have made a representation after the last Assembly meeting there, about reconsidering the question of restoring the old rate of rebate and also to ascertain whether the Central Government were prepared to extend and support a proposal to set up a handloom corporation at State level which would promote the sale of handloom products both in the internal and external markets?

Shri Morarji Desai: I have received a letter from the Minister of Industries, Madras, and I have replied to it at great length, explaining to him how and why it cannot be done.

Shri Tyagi: What was the total amount of rebate given last year for the handloom products? And what is the volume of cuts effected this year?

Shri Kanungo: The rate has been cut down from 2½ annas to 1½ annas from 1st December. Exact figures about the rebate is not available just now.

British India Steam Navigation Company Ltd.

*1037. **Shrimati Benn Chakravartty:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the British India Steam Navigation Company Ltd. has bought up the share capital of its managing agency M/s. Mackinnon, Mackenzie and Company Private Ltd., Calcutta and has also decided to terminate the managing agency by September, 1958;

(b) whether the management and control is being transferred to Hongkong;

(c) whether it is a fact that Calcutta office will work with a skeleton staff; and

(d) how much staff will be affected?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The British India Steam Navigation Company Ltd. has purchased the entire share capital of Messrs. Mackinnon, Mackenzie and Company Private Limited. Government understand that Mackinnon Mackenzie are likely to cease to act as managing agents of the British India Steam Navigation by September, 1958.

(b) As far as Government are aware, the intention of the British India Steam Navigation seems to be to unify both its control and management in

London where its Headquarters are situated.

(c) and (d). Termination of the managing agency may involve some reduction of staff in the Calcutta office of Mackinnon Mackenzie, but Government have no information as to the extent of the possible reduction of staff, if any, on this account.

Shrimati Renu Chakravartty: May I know whether it is a fact that the provisions in the new Company law, relating to managing agencies, is one of the reasons why the British India Steam Navigation Company desires to transfer its main activities from Calcutta to foreign countries, to London or Hongkong and, if so, what steps Government are taking to see that the employees at least are not thrown out of employment?

Shri Satish Chandra: The Companies Act does not very much affect the British India Steam Navigation Company, because it is a British firm registered in the United Kingdom. The managing agents, Messrs. Mackinnon, Mackenzie and Company is a private limited company, though it is registered in India. So, the more restrictive clauses of the Companies Act do not affect this company. So, that could not be the reason for these transactions.

Shri Prabhat Kar: May I know whether the company has informed Government that in view of the restrictions imposed on British shipping, they are now transferring their head-office to London? May I also know the restrictions that have been imposed?

Shri Satish Chandra: For that information the hon. Member may put a question to the Minister of Transport. As far as this transaction is concerned, the main company which owns the ships is a British firm. Its managing agency was also held by the British people. Then they thought of amalgamating the two and controlling them under one head-office in London.

Shrimati Renu Chakravartty: In view of the fact that this managing agency firm in Calcutta, Mackinnon, Mackenzie and Company, was controlling the entire operations from the time the ship comes out of the port, till the time it is dismantled, may I know whether the experienced staff of this company will be taken over for our own shipping agencies, which are going to be expanded?

The Minister of Commerce and Industry (Shri Morarji Desai): No notice has been served on the staff. I do not know why there is anxiety that any staff is going out.

Shrimati Renu Chakravartty: This company is paying pension and retirement benefit from current revenues. In view of the fact that this company will be restricting its activities and in view also of the fact that the revenue authorities have stated that they will not allow this pension to be paid by the company out of the assessable profits, may I know whether the pension will not be paid henceforth?

Shri Morarji Desai: There is no information; and no reply can be given on a hypothetical case.

Shrimati Renu Chakravartty: It is not a hypothetical case.

Shri Morarji Desai: It is a hypothetical case.

Photographic Material

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*1038. { **Shri D. A. Katti:**
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Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have any scheme to manufacture the photographic sensitised materials;

(b) whether it is a fact that an inadequate quota of photographic sensitised materials has been given to the Mysore State;

(c) whether any memorandum adopted by the Mysore State Photographers Association, Bangalore, has been received by Government in this behalf; and

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

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

(b) Import quotas are not fixed State-wise, but import policy is framed in accordance with the requirements of the country as a whole.

(c) No representation was received by the Government. The State Trading Corporation office at Calcutta and Mysore State Government are, however reported to have received representations from this Association.

(d) On receipt of several such representations, the import policy for these goods was reviewed and supplementary licences are now being issued.

Shri D. A. Katti: May I know whether it is a fact that the due to want of photographic sensitised materials many studios are being closed down in Mysore State?

Shri Manubhai Shah: They are facing hardship. There is no doubt about that.

Shri Dasappa: May I know by what percentage the import of these materials has been cut down and to what extent it will affect the employment potential?

Shri Manubhai Shah: If I may say in a broad way—because the exact classification of the different sensitised materials is not separately kept—it can be said to be less than 40-50 per cent of the normal import. To that extent, the hardship is real. But, as far as the employment part is concerned, out of the 20,000 and odd people engaged in this with different studios, laboratories and establishments, I do not think any serious dislocation has so far taken place.

Headload Workers at Cochin Port

*1039. **Shri Kodiyam:** Will the Minister of Labour and Employment be pleased to state:

(a) whether Government are aware that the employers of headload work-

ers in the Cochin Port are not maintaining the muster rolls of workers as required by the Award of the Industrial Tribunal, Madurai;

(b) whether any representation from the workers has been received in this regard; and

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

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) and (b). Complaints have been received.

(c) On receipt of complaints "show cause" notices were issued to the Employers who have since undertaken to maintain the muster rolls. Reports have again come to the effect that the muster rolls are not maintained. The question of launching prosecution against the defaulters is under consideration.

Shri Kodliyan: May I know the number of employers who are now maintaining the muster rolls?

Shri L. N. Mishra: Most of them do not maintain the muster rolls. I cannot give the exact number.

Shri Tangamani: The Labour Ministry have circulated questionnaires to all the members to give them a list of those managements who have not implemented these awards. Here is a case where the award has not been implemented. May I know whether any prosecution has been launched against the employers?

Shri L. N. Mishra: Certainly, prosecution will be launched. We are issuing "show cause" notice. Then we will launch prosecution.

Tea Plantation Labour

*1040. Shri Daljit Singh: Will the Minister of Labour and Employment be pleased to state:

(a) whether recruitment of labour is going on in the Punjab State for employment in Assam tea gardens; and

(b) if so, the number of labourers recruited during 1967?

The Deputy Minister of Labour (Shri Abid Ali): (a) No recruitment has so far been made in the Punjab for employment in the tea gardens in Assam.

(b) Does not arise.

Shri T. B. Vittal Rao: The hon. Minister has stated that no recruitment has taken place in Punjab. As and when recruitment takes place, may I know whether there would be any legislation regulating the conditions of recruitment, because there is no such legislation now?

Shri Abid Ali: There is already legislation in existence.

Shri Panigrahi: May I know the names of the States from which tea garden labour is recruited?

Shri Abid Ali: Bihar, Orissa, Madhya Pradesh, Bombay, Uttar Pradesh and Andhra Pradesh.

Shri T. B. Vittal Rao: The legislation now in existence applies only to certain States like Orissa. Punjab is not covered by that.

Shri Abid Ali: Now the demand is decreasing considerably. Three years back the demand was 28,000. Then it came down to 12,000. Last year it was only 4,000.

Uranium Processing Plant

*1042. { Shri S. M. Banerjee:
Shrimati Ila Palchoudhuri:
Shri Raghunath Singh:
Shri Shivananjappa:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that a Uranium processing plant is to be set up in India;

(b) if so, its location;

(c) the approximate expenditure to be incurred thereon; and

(d) when the plant is likely to be in operation?

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

(b) Atomic Energy Establishment, Trombay.

(c) About 27 lakhs.

(d) By the end of 1958.

Bihar-Bakhtiarpur Light Railway

+
*1043. { Dr. Ram Subhag Singh:
Shri Raghunath Singh:
Shri Shree Narayan Das:

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

(a) whether it is a fact that the workers of the Bihar-Bhakhtiarpur Light Railway have gone on a strike;

(b) if so, the reasons thereof; and

(c) the action taken by Government in this regard?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra):

(a) Yes.

(b) It is reported that the workers of the Railway have not been paid their salaries from December 1957 and allowances from September 1957.

(c) This Railway is being managed by the District Board, Patna. The matter has been taken up with the Government of Bihar.

Dr. Ram Subhag Singh: In view of the fact that the salaries of the railway workers have not been paid for a long time and in view also of the fact that the railway is owned by the District Board, Patna, may I know whether the Government will see to it that the elections to all the district boards in Bihar are held during this year, so that they may start paying wages to their workers in time?

Shri L. N. Mishra: I do not know what election has to do with this strike.

Shri S. M. Banerjee: May I know whether Government propose to nationalise Bihar-Bhakhtiarpur Light Railway and thus end the labour trouble there?

Shri L. N. Mishra: This question is before the Railway Ministry and the State Government has taken it up with the Railway Ministry.

Mr. Speaker: The Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

इमारती सामान

*१०१८. श्री नवल प्रभाकर : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में इमारती सामान के मूल्यों में काफी वृद्धि हुई है; और

(ख) यदि हां, तो इसको रोकने के लिये सरकार क्या कदम उठा रही है ?

निर्माण, आवास और संभरण मंत्री (श्री क० ब० रेड्डी) : (क) और (ख) : हाल ही में ज़रूरी इमारती सामानों में से लोहा, सीमेंट, लकड़ी और ईंटों के दाम कुछ चढ़ गये हैं लेकिन इतना नहीं कि उन्हें बहुत ज्यादा कहा जा सके। लोहे और सीमेंट की दरों पर नियन्त्रण है और इन पर एकसाइज ड्यूटी (Excise Duty) की दर बढ़ने की वजह से ही इनके दाम चढ़ गये हैं। दिल्ली में इमारती लकड़ी नहीं पैदा होती। इसके पैदा करने और बेचने की जिम्मेदारी उन राज्य सरकारों पर है जहाँ लकड़ी पैदा होती है। दिल्ली डेवलपमेंट अथॉरिटी के [जो उस समय डी० डी० (पी०) ए० थी] हुकम से कुछ अटॉमिक बन्द हो जाने की वजह से ईंटों के दाम २० से २५ प्रतिशत बढ़ गये हैं। उम्मीद है कि नये अटॉमिक चलने पर हालात फिर साधारण हो जायगी।

Import Targets

*1026. Pandit D. N. Tiwary: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Planning Commission has fixed the targets of imports for each year of the Second Five Year Plan period;

(b) whether these targets are adhered to;

(c) whether the import target in 1956-57 increased by 45 p.c. and this year the increase is expected to be more than 50 p.c.; and

(d) if so, the reasons for the same?

The Minister of Commerce (Shri Kanungo): (a) No, Sir. No specific targets were fixed by the Planning Commission. They, however indicated rough estimates of imports for the plan period.

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

Coir Industry

*1027. Shri Y. P. Nayar: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 410 on the 22nd November, 1957 and state whether the investigation for reducing the time for retting of coconut husks for extraction of fibre required for consumption by the Coir Industry has since been completed?

The Minister of Industry (Shri Manubhai Shah): No, Sir. The investigation is still in its initial stages and will be taken up in details by the Coir Research Institute when fully established.

Industrial Estate, Jaipur

*1028. Shri Damani: Will the Minister of Commerce and Industry be pleased to state how far the work of the Industrial Estate at Jaipur (Rajasthan) has progressed?

The Minister of Industry (Shri Manubhai Shah): The construction work of 24 factory sheds and Administrative Block in the Industrial Estate

at Jaipur is in progress and is expected to be completed by June, 1958.

Central Committee of Employment Exchanges

*1030. Shri Jadhav: Will the Minister of Labour and Employment be pleased to state:

(a) whether there is a Central Committee of the Employment Exchanges;

(b) if so, the personnel of the Committee; and

(c) the date when the last meeting of the Committee was held?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

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

Development of Handicrafts in Andhra

*1032. Shri M. V. Krishna Rao: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have extended any help to Andhra Pradesh for the development of handicrafts in the Second Five Year Plan; and

(b) if so, how much money has so far been given?

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

(b) A sum of Rs. 1,81,325 as grant and Rs. 3,70,081 as loan have so far been sanctioned to the Government of Andhra Pradesh during the period of the Second Five Year Plan. In addition, an expenditure of Rs. 44,620, has been sanctioned for the Central schemes for the development of handicrafts in Andhra Pradesh.

Textile Mill, Kishangarh (Rajasthan)

*1041. { Shri A. K. Gopalan:
Shri Warior:

Will the Minister of Commerce and Industry be pleased to refer to the

reply given to Starred Question No. 577 on the 27th November, 1957 and state:

(a) whether the question of providing relief to the workers of textile mill at Kishangarh, Rajasthan, has since been decided in consultation with the Government of Rajasthan; and

(b) if so, the result thereof?

The Minister of Commerce (Shri Kanungo): (a) and (b). The subject matter falls within the sphere of the Rajasthan State Government. It is understood from that Government that the question of providing relief to Kishangarh Textile Mill workers has not been taken up so far, but the claims of bonus, retrenchment benefits have been referred to the Rajasthan Tribunal for adjudication. As regards the payment of arrears of wages, we understand that the State Government are taking necessary steps to effect the recovery of wages expeditiously.

रिक्शा चालक

*१०४४ { श्री भक्त वर्मा
श्री स० च० सावन्त :
श्री व० ला० द्विवेदी :

क्या अब और रोजगार मंत्री ६ सितम्बर, १९५६ के तारांकित प्रश्न संख्या १८१९ के उत्तर के सम्बन्ध में निम्नलिखित जानकारी देने वाला एक विवरण सभा पटल पर रखने की कृपा करेंगे :

(क) हाथ से खींचे जाने वाले तथा साइकिल रिक्शाओं पर लाइसेंस लगाने के सम्बन्ध में भारत सरकार ने राज्य-सरकारों को जो आदर्श नियमावली भेजी थी, उस पर उन्होंने क्या कार्यवाही की है ;

(ख) हाथ से खींचे जाने वाले तथा साइकिल रिक्शाओं के चलाने पर कितने स्थानों में प्रतिबन्ध लगा दिये गये हैं ;

(ग) उसके परिणामस्वरूप कितने व्यक्ति रोजगार हो गये हैं ; और

(घ) उन व्यक्तियों को अन्य स्वस्थ रोजगारों पर लगाने के लिये क्या कार्यवाही की जा रही है ?

अब उपमंत्री (श्री बाबू जी) :

(क) केन्द्रीय सरकार ने जो कानून का मसविदा राज्य सरकारों को भेजा है वे उस पर विचार कर रही हैं ।

(ख) से (घ) . केन्द्रीय सरकार ने राज्य सरकारों को सुझाव दे दिये हैं जिनका प्रमल उनके सुपुर्दे है । मांगी गई जानकारी मौजूद नहीं है ।

Jute Mills in West Bengal

*1045. Shri Rameshwar Tanti: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware of bad results of some of the jute mills in West Bengal; and

(b) if so, whether Government propose to set up an Enquiry Committee to investigate into the working of such jute mills?

The Minister of Commerce (Shri Kanungo): (a) and (b). It has come to the notice of Government that some of the Jute Mills have recently sustained losses; Government are looking into the matter.

Small Scale Industries Institute in Calcutta

Dr. Ram Subhag Singh:
*1046. { Shri Vajpayee:
Shri Siddananjappa:

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

(a) whether Government have prepared a scheme to set up a Small Scale Industries Development Institute in Calcutta;

(b) if so, the cost involved in setting up that Institute; and

(c) when that Institute is likely to be set up?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A proposal for the establishment of an Institute for the development of Small Scale Industries with technical assistance from the Government of Japan is under Government's consideration. No agreement in regard to this scheme has, however, yet been concluded with the Japanese Government.

Repatriation of Chinese Students from U.S.A.

*1047. { Shri Harish Chandra Mathur.
Shri Gajendra Prasad Sinha:

Will the Prime Minister be pleased to state:

(a) how many Chinese students wanting to leave for Chinese mainland from U.S.A. have been repatriated through the assistance of Indian Consulates in 1957; and

(b) whether any financial assistance was given to the students leaving U.S.A.?

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

(a) During 1957, 19 Chinese students and research workers with 23 members of their families, were repatriated from the U.S. with financial assistance from the Indian Embassy Washington.

(b) All the repatriates mentioned in the answer to part (a) of the question received financial assistance from the Embassy to the extent necessary for their repatriation. The Chinese Government have placed necessary funds at the disposal of the Indian Embassy, Washington for rendering assistance to Chinese nationals desiring to be repatriated from the U.S.A. who have difficulties in paying their return expenses.

State Housing Finance Corporations

*1048. **Shri Ram Krishan:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the scheme for setting up State Housing Finance Corporations has been finalised; and

(b) if so, the details thereof?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Not yet, Sir.

(b) Does not arise.

Indians in Burma

*1049. **Pandit D. N. Tiwary:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that a large number of applications filed by persons of Indian origin in Burma for "Naturalisation Certificates" are lying undisposed for the last several years;

(b) whether Government have any information about the number of such applications filed and the number of such applications disposed of within the last three years;

(c) whether Government have taken up the matter with the Burmese Government; and

(d) if so, with what result?

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

(a) and (b). According to the latest information available 335 persons of Indian origin in Burma had filed applications for Naturalisation upto the 6th March 1958. Out of this, 197 persons had been granted Naturalisation till that date.

(c) and (d). The Ambassador of India in Burma has had discussions with the authorities concerned in Burma who have assured him that steps are being taken to expedite disposal of these applications.

Property left by Hindus in East Pakistan

*1950. Shri Rameshwar Tanti: Will the Prime Minister be pleased to state the value of property left by Hindus in East Pakistan?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): The information is not available. Government have not made any assessment of the value of such property since the ownership of properties left behind by migrants continues to be vested in them in accordance with the Prime Ministers' Agreement of April, 1950.

Fertilizer Plants

*1951. { Dr. Ram Subhag Singh:
Shri Harish Chandra Mathur:

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

(a) whether there is any proposal for opening some fertilizer plants in the private sector; and

(b) if so, how many such plants are proposed to be set up and their location?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). There are already 14 factories producing phosphatic fertilizer and 2 factories producing synthetic nitrogenous fertilizers operating in the private sector in India. Presumably, the Hon'ble Members are referring to proposals for establishment of new nitrogenous fertilizer plants. So far, no concrete proposals in this regard have been received by Government from private parties. Such proposals, when received, will be considered by Government on merits, if the parties interested in this development are able to secure the foreign exchange requirements of such projects.

निर्माण कार्यों के लिये ठेके

१३८०. श्री म० सा० द्विवेदी : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५६-५७ में निर्माण, कार्यों के लिये किन किन व्यक्तियों और फर्मों को कितने कितने रुपये के ठेके दिये गये ;

(ख) ये ठेकेदार किस किस श्रेणी के हैं ;

(ग) काम को ठीक तौर पर तथा निश्चित अवधि के भीतर पूरा करने के लिये क्या उपाय किये गये ;

(घ) कितने ठेके अवधि के भीतर पूरे नहीं हुए ;

(ङ) उनके पूरे न होने के क्या कारण थे ; और

(च) उनके बारे में क्या कार्यवाही की गई ?

निर्माण, आवास और संभरण मंत्री (श्री क० ज० रंड़ी) : (क) से (च) . आवश्यक वृत्तान्त एकत्रित किया जा रहा है और सभा की मेज पर रख दिया जायेगा ।

रबड़ के जूते

१३८१. श्री म० सा० द्विवेदी : क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रबड़ के जूतों का निर्यात किया जाता है ;

(ख) यदि हां, तो किन किन देशों को ; और

(ग) रूस को जूते भेजने के करार के अनुसार क्या रबड़ के जूते भी भेजे जायेंगे ?

बाणिज्य तथा उद्योग मंत्री (श्री मोरारजी देसाई) : (क) जी, हां ।

(ख) अदन, अफगानिस्तान, बहरीन द्वीप समूह, बर्मा श्रीलंका, फिजी द्वीप समूह, जमैका, जोर्डन, कुवैत, लीबिया, मलाया, मॉरीशस, नेपाल, पानामा गणतंत्र, पोर्टोरिका, रोडेशिया (दक्षिणी) सऊदी अरब, सिंगापुर, सूडान, सुरीनाम, टांगानीका, बार्बेडोस, ट्रिनिदाद और टोबैगो, सं० रा० अमेरिका, बर्जिन द्वीप तथा जर्जीबार ।

(ग) जी, नहीं ।

कर्मचारी राज्य बीमा योजना

१३८२. श्री अ० सा० दिवेदी : क्या अन्न और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५६ में कर्मचारी राज्य बीमा योजना कहां कहां चालू की गई थी ;

(ख) उससे कितने कर्मचारियों को लाभ पहुंचा ; और

(ग) उपरोक्त योजना से राज्यवार कुल कितने कर्मचारी लाभ उठा रहे हैं ?

अन्न उपमंत्री (श्री आबुल अली) :

(क) आगरा, लखनऊ, महारनपुर, अकोला, हिंगनघाट, बुरहानपुर, बयलोन, अलप्पी भरनाकुलम, एलबाई, त्रिबुर, त्रिपुरा, मधुबाई, भम्बासमुद्रम, तृतीकारन, जयपुर, जोधपुर, बीकानेर, पाली-मारवाड़, भिलवाड़ा और लखेरी ।

(ख) १, ११, ०००

(ग) राज्य केन्द्रीय कर्मचारियों की क्षेत्र संख्या

बम्बई	५,०२,०००
उत्तर प्रदेश	१,०८,५००
पश्चिमी बंगाल	२,३०,०००
मद्रास	१,२४,०००

(ग) राज्य केन्द्रीय कर्मचारियों की क्षेत्र संख्या

मध्य-प्रदेश	५८,०००
पंजाब	३०,०००
केरल	३०,०००
आन्ध्र प्रदेश	२४,०००
राजस्थान	१६,५००
बिहार	१४,५००
दिल्ली	४०,०००

कुल ११,८०,५००

होटल जनपथ

१३८३. श्री अ० सा० दिवेदी : क्या निर्माण, आवास और संभरण मंत्री एक ऐसा विवरण सभा-घटल पर रखने की कृपा करेंगे जिसमें निम्नलिखित जानकारी दी हुई हो :

(क) होटल जनपथ का अब तक का कुल आय और व्यय कितना है ।

(ख) होटल के संरक्षण और इसकी मरम्मत पर प्रतिवर्ष कितना खर्च किया जाता है ;

(ग) विभिन्न श्रेणियों के कुल कितने कर्मचारी हैं ;

(घ) होटल में कितने व्यक्तियों के लिये ठहरने का प्रबन्ध है ;

(ङ) होटल में कुल स्थान में से खाली स्थान का क्या अनुपात है ;

(च) होटल में प्रतिमास ठहरने वालों की औसत संख्या क्या है ; और

(छ) भारत में जो यूनेस्को का सम्मेलन हुआ था उसमें सम्मिलित होने वाले कितने प्रतिनिधि इस होटल में ठहरे थे और होटल को इससे कितनी आय हुई ?

निर्माण, आवास और संभरण मंत्री
(बी क० च० रेड्डी) : (क) से (ख) .
एक विवरण सभा की मेज पर रख दिया
गया है। [हेलियम परिक्षिप्त, ५,
अनुबन्ध संख्या ६४]

आफनगंज मार्केट कलकत्ता

१३८४. बी न० सा० द्विबेदी : क्या
निर्माण, आवास और संभरण मंत्री २४
अगस्त १९५७ के अतारांकित प्रश्न संख्या ८६६
के उत्तर के सम्बन्ध में यह बताने की कृपा
करेंगे कि :

(क) आफनगंज मार्केट, खिदिरपुर,
कलकत्ता को राज्य सरकार को सौंपने के
सम्बन्ध में क्या प्रगति हुई है ;

(ख) इस मार्केट को राज्य सरकार को
सौंपने का क्या कारण है ?

निर्माण, आवास और संभरण मंत्री
(बी क० च० रेड्डी) : (क) बातचीत
अन्तिम अवस्था में पहुंच चुकी है और राज्य
सरकार के साथ सम्पत्ति के मूल्य के सम्बन्ध
में समझौता हो चुका है।

(ख) यह समझा गया है कि मार्केट
का प्रशासन करने के लिये राज्य सरकार
अधिक अच्छी स्थिति में है।

विज्ञान भवन

१३८५. बी स० सा० द्विबेदी : क्या
निर्माण, आवास और संभरण मंत्री यह बतावे
की कृपा करेंगे कि :

(क) विज्ञान भवन के संधारण और
मरम्मत पर अब तक कितना खर्च हुआ
है; और

(ख) इस भवन के निर्माण में कितने
मूल्य की विवेकों से आयात की हुई सामग्री
प्रयोग की गई है ?

निर्माण, आवास और संभरण मंत्री
(बी क० च० रेड्डी) : (क) दिसम्बर
१९५७ तक १४ महीनों में १,५२,६४२
रुपये जिसका व्योरा इस प्रकार है :—

(१) इमारत सम्बन्धी	३५,२६८
(२) बिजली सम्बन्धी	६३,७०७
(३) वातानुकूलन	१७,१६७
(४) उद्यान	६,८००
कुल	१,५२,६४२

(ख)

- (१) इटैलियन संगमरमर ४०,१०५
- (२) ध्वनि सम्बन्धी टाइलें १,२४,८१६
Acoustic tiles
- (३) सैनिटरी फिटिंग ५४,७५५
- (४) बिजली का सामान ७,२२,०००
- (५) वातानुकूलन का सामान ५,६४,८००

कुल १५,०६,४७६

सरकारी कर्मचारियों के लिये आवास-स्थान

१३८६. बी स० सा० द्विबेदी : क्या
निर्माण, आवास और संभरण मंत्री यह बताने
की कृपा करेंगे कि कलकत्ते में केन्द्रीय सरकार
के कर्मचारियों के लिये निवास-स्थान की
स्थिति में सुधार करने के लिये क्या कदम
उठाये जा रहे हैं ?

निर्माण, आवास और संभरण मंत्री
(बी क० च० रेड्डी) : २००० रुपये तक
मासिक वेतन पाने वाले पदाधिकारियों के
लिये विभिन्न श्रेणियों के ३३० फ्लैट बनाये
गये हैं। भाषा की जाती है कि अप्रैल १९५८
तक ६ फ्लैट और तैयार हो जायेंगे। इनके
प्रतिरिक्त १६५ फ्लैट और बनाने की मंजूरी
दे दी गई है और अभी निवृत्त हो जाते हैं

काम शुरू हो जायेगा। चतुर्थ खेती के कर्मचारियों के लिये १०१२ पारिवारिक क्वाटर बनाने की एक योजना पर भी सरकार विचार कर रही है।

अशोक होटल

{ १ व० ला० द्विचोबी :
१३८७. { श्री डालर :
 { श्री बलजीत सिंह :

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

(क) अशोक होटल में अब तक कितने व्यक्तियों के ठहरने के लिये प्रबन्ध हो चुका है ;

(ख) वर्ष १९५६ और १९५७ में बहा प्रीसत कितने व्यक्ति ठहरे ;

(ग) होटल का मासिक खर्च और आय कितनी है ; और

(घ) होटल की व्यवस्था आदि के लिये कितने कर्मचारी रखे गये हैं और उन्हें कितना वेतन तथा भत्ता दिया जाता है ?

निर्माण, आवास और सभरण मंत्री (श्री क० च० रेड्डी) : (क) ३० अक्तूबर १९५६ से लेकर (जिस दिन होटल पूरी तरह तैयार न होने पर भी चालू कर दिया गया था) २८ फरवरी, १९५८ तक होटल में ६०,०६४ मेहमान-रात्रियाँ बिताई गईं। (मेहमान-रात्रि का अर्थ है सब मेहमानों द्वारा होटल में बिताई गई रात्रि की संख्या)।

(ख) ३० अक्तूबर, १९५६ से ३१ दिसम्बर, १९५७ तक मेहमान-रात्रियों का प्रीसत ११०.४ प्रतिदिन था।

(ग) यह सूचना होटल के ३० सितम्बर, १९५७ को खत्म होने वाले साल के आडिटेड बैलेंस-शीट (audited balance-sheet) में दे दी जायेगी। कम्पनीज एक्ट १९५६ (Companies Act 1956) की धारा ६३६ (१) के अनुसार यह बैलेंस-शीट और वार्षिक

रिपोर्ट तैयार होने पर सभा की मेज पर रख दी जायेगी।

(घ) होटल के कर्मचारियों की संख्या आवश्यकतानुसार हर महीने बदलती रहती है। २८ फरवरी, १९५८ को होटल के कर्मचारियों की कुल संख्या ६२२ थी, और फरवरी १९५८ के लिये उन के वेतन और भत्ते की कुल रकम ६३,१२० रुपये थी।

कोयला खान भविष्य निधि योजना

१३८८. श्री म० ला० द्विचोबी : क्या अन्न और रोजगार मंत्री यह बताने की कृपा करेंगे कि कोयला खान भविष्य निधि योजना की कण्डिका ३१ और ३२ के अन्तर्गत कुल कितनी राशि खोष है और इसके क्या कारण हैं ?

अन्न उपमन्त्री (श्री आशिष अली) : कोयला खान भविष्य निधि योजना के पैरा (कण्डिका) ३१ और ३२ के मातेहत क्रमशः रु० १,४४२.७५ नये पैसे और रु० ५४,१८८.६३ नये पैसे की बसूली बाकी है, क्योंकि कोयला खान के मालिकों ने उन १ तरफ बकाया यह रकम निश्चित तारीख तक जमा नहीं कराई।

अन्न रोगियों के लिये बीमारी काल की नकद सुविधा

१३८९. श्री म० ला० द्विचोबी : क्या अन्न और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) १ जून, १९५६ से अन्न रोगियों के लिये बीमारी काल की नकद सुविधा किन विशेष अवस्थाओं में दी जा रही है ;

(ख) यह सुविधा अब तक कितने रोगियों को दी जा चुकी है ; और

(ग) इस पर कितना प्रतिरिक्त व्यय हुआ है ?

अथ उपमंत्री (श्री आशिष जाली) :

(क) कर्मचारी बीमा योजना के अनुसार बीमारी के समय बढ़ाई गई दरों से आर्थिक सुविधा नीचे लिखी शर्तों के अनुसार मिलती है :

(१) बीमा शुदा व्यक्ति के लिये यह जरूरी है कि वह क्षय रोग से पीड़ित घोषित होते समय लगातार दो साल से अधिक किसी ऐसे कारखाने में काम करता रहा हो इस योजना में आ गया है ।

(२) बीमा शुदा आदमी ने कर्मचारी बीमा योजना के अन्तर्गत मिलने वाली सारी सहायताएं प्राप्त कर ली हों ।

(३) सम्बन्धित नियम एवं विनियमों के अनुसार उसकी बीमारी क्षय रोग प्रमाणित हो गई हो ।

(४) यदि बीमा शुदा रोगी दुबारा ऐसी सुविधा प्राप्त करने का हकदार नहीं बन जाता तो यह सुविधा क्षय रोगी को बीमारी के समय केवल एक ही बार प्राप्त होती है । यह सुविधा स्वस्थ होने के प्रमाण-पत्र पाने की तिथि से लेकर २४ मास बाद फिर से क्षय रोग से बीमार पड़ने पर प्राप्त हो सकती है ।

(ख) ३१-१२-५७ तक ५,६७२ ।

(ग) ३१-१२-५७ तक ४,०३,८०४ रुपये ६३ नये पैसे बढ़ाई गई दरों से आर्थिक बीमारी सहायता के रूप में दिये गये हैं ।

कर्मचारी भविष्य निधि योजना

१३६०. श्री म० ला० द्विवेदी : क्या **अथ और रोजगार मंत्री** यह बताने की कृपा करेंगे कि :

(क) अब तक कितने उद्योग भविष्य निधि योजना के अन्तर्गत आ चुके हैं ; और

(ख) इन उद्योगों में काम करने वाले कर्मचारियों की कुल संख्या कितनी है ?

अथ उपमंत्री (श्री आशिष जाली) :

(क) ३१ :

(ख) लगभग २६ लाख ।

कर्मचारी भविष्य निधि योजना

१३६१. श्री म० ला० द्विवेदी : क्या **अथ और रोजगार मंत्री** यह बताने की कृपा करेंगे कि कर्मचारी भविष्य निधि योजना से गत ५ वर्षों में कितने औद्योगिक कर्मचारियों को सेवानिवृत्त होने पर १२ प्रसास्यिक मृत्यु की दशा में उनके आश्रितों को लाभ पहुंचा ?

अथ उपमंत्री (श्री आशिष जाली) : इस सम्बन्ध में वर्षानुसार संख्या नीचे लिख दी गई है :—

वर्ष	संख्या
(१) १-११-१९५२ से ३१-३-१९५३	४१
(२) १९५३-५४	१,६५०
(३) १९५४-५५	२,६१३
(४) १९५५-५६	३,८३६
(५) १९५६-५७	४,७६६
कुल	१२,६३६

सरेस का उत्पादन

१३६२. श्री म० ला० द्विवेदी : क्या **आणिष्य तथा उद्योग मंत्री** यह बताने की कृपा करेंगे कि :

(क) हृद्दियों से सरेस बनाने के सम्बन्ध में इस बीच क्या प्रगति हुई है ; और

(ख) इसकी किस्म सुधारने के लिये क्या किया गया है ?

आणिष्य तथा उद्योग मंत्री (श्री भोरारजी वेसाई) : (क) और (ख) सरकार ने इस तरह की सिर्फ एक योजना ही स्वीकार की थी लेकिन क्लोरीन न मिलने की वजह से इसमें कोई प्रगति नहीं हो पायी है ।

पाकिस्तानी नाविकों को इष्टांक

१९६३. श्री म० सा० द्विवेदी: क्या प्रधान मंत्री यह बताने को कृपा करेंगे कि :

(क) पाकिस्तानी नाविकों को इष्टांक देने के लिये क्या प्रबन्ध किया गया है;

(ख) १९५६-५७ में कितने पाकिस्तानी नाविक इष्टांक लेकर जीविकोपार्जन के लिये भारत आये; और

(ग) इस समय ऐसे पाकिस्तानी नाविकों की कुल संख्या कितनी है ?

प्रधान मंत्री तथा वंशेश्वर-कार्य और वित्त मंत्री (श्रीजवाहरलाल नेहरू) : (क) भारत-पाकिस्तान वीजा विनियमों के अन्तर्गत 'सीमेन' वीजा नाम के वीजा का एक विशेष वर्ग उन पाकिस्तानी नाविकों के लिये निर्धारित किया गया है जो विदेशों को जानेवाले व्यापारी जहाजों में नौकरी प्राप्त करने के लिये भारत आते हैं। पाकिस्तान में भारतीय हाई कमीशन और भारतीय डिप्टी हाई कमीशनों के वीजा अधिकारी इन वीजाओं को जारी करते हैं। कलकत्ता और बम्बई के शिपिंग मास्टर्स को भी 'सीमेन' वीजा जारी करने के अधिकार दे दिए गए हैं।

(ख) सूचना इष्टांक की जा रही है।

(ग) १५,६४८।

Import and Export Trade

1394. Shri Damani: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1011 on the 21st August, 1957 and state:

(a) how far the gap between import and export trade has been bridged after the restrictive Import Policy of July-September, 1957; and

(b) the present position of gap between import and export trade?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) and (b). A statement showing the month-wise imports, exports and balance of trade during January-October 1957 is placed on the Table of Lok Sabha [See Appendix V, annexure No. 85] It is too early to visualise the full effect of the restrictive import policy for the period July-September 1957, as importation takes place after a time lag of 6 to 18 months after the issue of a licence.

Import of Flex Shoe Thread

1395. Shri Vajpayee: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the import of flex shoe thread any raw flex fibre has been totally restricted; and

(b) if so, the efforts made to manufacture the flex shoe thread indigenously?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) The import of flex shoe thread is banned since October, 1957 but raw flex fibre is being allowed to be imported on an *ad hoc* basis.

(b) Flex shoe thread is being manufactured by a firm in West Bengal, which has been allowed to import raw flex.

Intrusion of Pakistanis

1396. { Shri Vajpayee:
Shri Raghunath Singh:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that in January, 1958 some Pakistani Nationals forcibly entered Indian territory at Mirapara in Cooch-Bihar district and drove away a large number of head of cattle;

(b) the details of the incident; and

(c) the action taken by Government in this regard?

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): (a) and (b). Yes, Sir. On the 19th January, 1958, about eight Pakistani nationals, with the active support of five Pakistani Policemen, trespassed into Indian territory in village Mirapara, P. B. Sitalkuchi, district Cooch Behar (West Bengal) and drove away to Pakistan 72 head of cattle, valued at about Rs. 2,500/-, belonging to Indian nationals.

(c) The Government of West Bengal have moved the Government of East Pakistan for early restoration of the cattle to the owners and for punishing the culprits. The Indian High Commission, Karachi, have also been asked to take up the matter with the Government of Pakistan.

Manufacture of Diesel Engines

1397. Shri Ram Krishan: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of diesel engines manufactured in India during 1957-58 so far; and

(b) the number of diesel engines imported during the same period, country-wise?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) About 17,930 diesel engines were manufactured during the period April, 1957 to January 1958. Figures for the months of February and March, 1958 are not available.

(b) Figures of import for the period April-September, 1957 only are available and these are given below:—

Name of the country	No. of engines
United Kingdom	3,367
Italy	1,375
Japan	163
West Germany	111
Denmark	32

Name of the country	No. of engines
U.S.A.	16
Czechoslovakia	12
Sweden	9
Others	53

(The above figures are approximate).

Figures for the months October, 1957 to March, 1958 have not yet been compiled.

Bicycle and Sewing-Machine Factories

1398. Shri Onkar Lal: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the industries like bicycle and sewing machines have been started in Rajasthan;

(b) if so, the places where these have been established;

(c) the estimated cost incurred on these industries;

(d) the financial aid given by the Central Government; and

(e) the actual output so far?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) Yes, Sir. 4 units in the bicycle industry and 3 in the sewing machine industry have been started in Rajasthan.

(b) At Jaipur.

(c) The approximate cost is as follows:—

	Block capital Rs.	Working capital Rs.
Bicycle Industry	60,000	50,000
Sewing Machine Industry	60,000	40,000
	120,000	90,000

(d) A block loan of Rs. 10 lakhs has been sanctioned to the Rajasthan Government in the current financial year for disbursement to private small scale industrial units under the State Aid to Industries Act. Details of

disbursement of this sum have not so far been received from the state Government and it cannot therefore be stated whether any amounts therefrom have been given to industrial units engaged in manufacture of bicycles and sewing machines.

(e) The actual output of bicycles upto 31st January 1958 was 3,797 Nos. Production of sewing machines has not yet commenced, as the schemes were approved only recently.

International Exhibitions and Fairs

1399. **Shri Kalika Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the names of international Exhibitions and Fairs in which India participated during 1957-58;

(b) the result thereof; and

(c) whether permanent arrangements have been made for exhibiting Indian Handloom Fabrics and fine embroidery work in the U. S. A. and Canada?

The Minister of Commerce and Industry (**Shri Morarji Desai**): (a) A statement is placed on the Table of the Lok Sabha. [See Appendix V, annexure No. 66.]

(b) It is impossible to assess the result accurately but it is expected that such participation will have a beneficial effect on the trade of the countries concerned.

(c) There is a "Trade Centre" at New York in which items of Indian Merchandise, including Handlooms fabrics and Embroidery work, are on display.

Faridabad Administration

1400. **Shri V. P. Nayar:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether there is any code of rules uniformly applicable to the Subordinate Service in the Faridabad Administration;

(b) whether it is a fact that a number of subordinate employees get the Central Government's scale of pay and the dearness allowance at the rates of the Punjab State Government; and

(c) if so, the reasons therefor?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (**Shri P. S. Naskar**): (a) to (c). The scales of pay and allowance applicable to of pay and yess of the Faridabad Development Board are generally based on the Punjab Government scales. In a few cases, where there are disparities due to ad hoc appointments having been made in the early stages of the Administration, the scales of pay are being gradually rationalized on this basis. In the case of the technical staff of the Power House, however, the rates of pay are on the basis of those applicable in the Delhi State Electricity Board, whose tariff has been adopted for the supply of electricity in the Faridabad Township.

Faridabad Administration

1401. **Shri V. P. Nayar:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that furniture hire charged for the officers of the Faridabad Administration is on lower tariffs than that of the subordinate staff;

(b) if so, the tariff charged; and

(c) the basis on which the tariff has been fixed?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (**Shri P. S. Naskar**): (a) Yes, in respect of certain articles only.

(b) A list is placed on the Table of the Lok Sabha. [See Appendix, V, annexure No. 67]

(c) The rates have been calculated keeping in view the principles contained in Government of India's deci-

sion No. 2 under Supplementary Rule 325 of the P. & T. Compilation of Fundamental Rules and Supplementary Rules. The matter is being examined with a view to remove the disparity.

Faridabad Administration

1402. **Shri V. P. Nayar:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether there is any Technical and Employment Officer in Faridabad Administration; and

(b) if so, the duties and responsibilities of the Officer?

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

(b) (i) Selection of displaced persons for sponsoring to various industries for employment.

(ii) Technical scrutiny of schemes received from industrialists for the setting up of industries in Faridabad with particular reference to the employment potential.

(iii) Residual work of the defunct Technical Institute and Diesel Engine Factory.

(iv) Administrative charge of the Power House, Faridabad.

Industrial Adviser in the Ministry of Rehabilitation

1403. **Shri V. P. Nayar:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether there is any Industrial Adviser, honorary or otherwise in the Ministry of Rehabilitation;

(b) if so, the emoluments or honorarium given; and

(c) his qualifications?

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

(b) Nominal salary of Re. 1/- p.m. conveyance allowance of Rs. 150/- p.m. and a rent-free unfurnished house.

(c) He was an industrialist of some standing in Lahore before Partition and during the War. He has served in various capacities in the Directorate General of Supplies and Disposals, including a term as Director General of Disposals. As Materials Economy Adviser in the Ministry of Industry and Supply he was in touch with various industries in the country. He was also the Chairman of the Iron and Steel (Minor) Panel set up by the Ministry of Industry and Supply and also of the Committee on Engineering Industries set up by the same Ministry. After his term in the Directorate General of Disposals, he was, for some time, Chairman of the Rehabilitation and Development Board in the Ministry of Rehabilitation. Prior to his present appointment, he was the General Manager of the Hindustan Machine Tools Factory Bangalore.

Tariff Commission

1404. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to lay on the Table a copy of the rules in force relating to the appointment and service of Members of the Tariff Commission and state the monthly emoluments of the members of the Commission?

The Minister of Commerce and Industry (Shri Morarji Desai): A copy of the Tariff Commission (Conditions of Service) Rules, 1952, and a statement showing the emoluments of the Members of the Tariff Commission are placed on the Table of the Lok Sabha. [See Appendix V, annexure No. 68.]

Coffee Board

1405. Shri V. P. Nayar: Will the Minister of Commerce and Industry be pleased to state:

(a) what is the substantive post in the Government of India of the Chairman of the Indian Coffee Board; and

(b) what, if any, is the special allowance or emoluments given to him for his post as Chairman?

The Minister of Commerce (Shri Morarji Desai): (a) The present chairman is a retired officer of the Indian Administrative Service borne on the Cadre of the Mysore State.

(b) He is drawing a fixed pay of Rs. 2500/- per mensem less the amount of pension.

Spinning Mill in Madhya Pradesh

1406. Shri Damani: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any decision has been taken to start a Spinning Mill in Madhya Pradesh;

(b) if so, where it will be located;

(c) what is the expected cost involved;

(d) whether it will be a State-owned project; and

(e) what is its production capacity and when it is expected to go into production?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) A licence under the Industries (Development and Regulation) Act, 1951 has been granted to Madhya Pradesh Government for setting up a Spinning Mill of 12,500 spindles.

(b) The State Government have announced that the mill would be located in Khargone District.

(c) The estimated cost is Rs. 52 lakhs.

(d) Yes, Sir.

(e) Production capacity would be about 10,000 bales of yarn per annum and the mill is expected to go into production by 1960.

Development of Industries in Orissa

1407. Shri Kumbhar: Will the Minister of Commerce and Industry be pleased to state:

(a) the amount allotted and given by the Central Government to the Orissa State for the development of different industries during the First Five Year Plan and the Second Plan period so far;

(b) the names of the industries and the places where they are located; and

(c) the amount spent thereon so far?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) The Central Government does not allot amounts to particular States for the development of Industries. The Central Government have given aid to States within the overall ceiling of the Plan. An amount of Rs. 62.82 lakhs was sanctioned in the form of grants and loans to the Orissa State during the First Five Year Plan and Rs. 125.54 lakhs during the first two years of the Second Five Year Plan.

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

Radio Sets

1408. { Shri S. C. Samanta:
Shri Bhakt Darshan:
Shri Subodh Hansda:
Shri Ram Krishan:

Will the Minister of Commerce and Industry be pleased to lay a statement showing:

(a) the installed capacity in the country for the production of radio receiving sets and components during 1957-58;

(b) the total number of radio sets produced during 1957-58 so far;

(c) the total number of radio sets or components for radio sets imported during the same period; and

(d) the share of indigenous capital engaged in this industry at present?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) The total installed capacity of radio receivers of the approved manufacturers is 243,600 Nos. per annum.

The annual installed capacity of radio components of the firms—excluding some of the radio manufacturers who manufacture radio components for their own use is indicated below:—

Name of components	Annual installed capacity	
1. Carbon resistances	3,000,000	Nos.
2. Radio Cabinets	18,000	"
3. Radio dials	60,000	"
4. Radio and I. F. Transformers	124,000	"
5. Radio Coils	5,000	Sets
6. Band Switches	1,000	Nos.
7. Midget Variable condensers	6,000	"
8. Misc. radio components	Worth Rs. 2 lakhs	

(b) The total number of radio sets produced by the approved manufacturers during April, 1957—January, 1958 is 164,455.

(c) Radio sets or components imported

Quantity imported during
April/September, 1957.

1. Complete automobile radio receivers	530	Nos.
2. Complete radio receiver sets domestic	19,846	"
3. Complete radio receiver sets not elsewhere specified	208	"
4. Radio receiving tube	1,068,789	"
5. Radio loudspeakers	109,805	"
6. Other parts of wireless receivers	—	

(d) The information is not available

N. E. F. A.

1409. { Shri Subodh Hansda:
Shri S. C. Samanta:

Will the Prime Minister be pleased to state:

(a) the number of tribal students of the North East Frontier Agency who are receiving scholarships in the Indian schools and colleges; and

(b) the amount earmarked for the year 1957-58 for such scholarships?

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru):

(a) In schools .. 643
In Colleges .. 18

(b) Rs. 64,000.

Documentary Films

1410. Shri Gajendra Prasad Sinha: Will the Minister of Information and Broadcasting be pleased to state whether two documentary films one on Venereal Disease and the other on

Family Planning have been shown recently in the cinema houses throughout the country?

The Minister of Information and Broadcasting (Dr. Keskar): Yes, Sir. The documentaries entitled "Victious Enemy" (Venereal Diseases) and "Family Planning" were released in the cinemes on the 15th November and the 20th December, 1957, respectively.

फाउन्टेन पेन की स्याही

१४११. श्री नवल प्रभाकर : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में फाउन्टेन पेन की स्याही बनाने के लिये विदेशियों ने कितने कारखाने लगाये हुए हैं ;

(ख) भारतीयों तथा विदेशियों के अलग-अलग कितने कारखाने हैं, और

(ग) विदेशों से प्रतिवर्ष कितनी स्याही का आयात किया जाता है ?

वाणिज्य तथा उद्योग मंत्री (श्री मोरारजी देसाई) : (क) और (ख) फाउन्टेन पेन की स्याही बनाने के देश में कितने कारखाने हैं, उनकी ठीक ठीक संख्या देना संभव नहीं है, क्योंकि बहुसंख्यक कारखाने छोटे पैमाने पर ही उत्पादन कर रहे हैं। जहां तक सरकार को पता है, व्यवस्थित रूप से उत्पादन करने वाले १४ कारखाने हैं और वे सब भारतीयों के हैं।

(ग) फाउन्टेन पेन की कितनी स्याही आयात की गयी, इसका परिणाम उपलब्ध नहीं है। १९५५-५६ के बाद से आयातित स्याही का मूल्य निम्नानुसार है ;

१९५५-५६	१,८२,००० रु०
१९५६-५७	६२,००० रु०
१९५७ (अप्रैल-अगस्त)	८३,००० रु०

उत्तर प्रदेश में लिपस्टिक का कारखाना

१४१२. { श्री भक्त वर्मान :
श्री स० च० सामन्त :

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उनका ध्यान उत्तर प्रदेश में एक लिपस्टिक का कारखाना खोलने के सम्बन्ध में केन्द्रीय गृह-कार्य मंत्री के कथित वक्तव्य की ओर दिलाया गया है ; और

(ख) यदि हां, तो इस विषय में क्या कदम उठाये गये हैं अथवा उठाने का विचार है ?

वाणिज्य तथा उद्योग मंत्री (श्री मोरारजी देसाई) : (क) और (ख) : जी, हां। शायद वह सिर्फ एक सुझाव ही था।

शिल्पिक प्रशिक्षण

१४१३. श्री मोहन स्वर्ण : क्या श्रम और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में सरकार द्वारा चलाये जाने वाली शिल्पिक स्तर तक शिल्पिक प्रशिक्षण देने वाली संस्थाओं और केन्द्रों तथा अन्य प्रशिक्षण केन्द्रों की संख्या कितनी है ;

(ख) गत पांच वर्षों में (राज्यवार) कितने व्यक्तियों को व्यावहारिक तथा शिल्पिक प्रशिक्षण दिया गया : और

(ग) क्या सरकार का और केन्द्र खोलने का विचार है ?

श्रम उप-मंत्री (श्री आबिद खली) : (क) श्रम एवं नियोजन मंत्रालय की शिल्पकारी प्रशिक्षण योजना और विस्थापितों के प्रशिक्षण की योजना के मातहत काम सिखाने के लिए प्रशिक्षण संस्थाओं केन्द्रों की संख्या ८७ है। अन्य प्रशिक्षण

केन्द्रों के सम्बन्ध में जानकारी प्राप्त नहीं है।

(ख) विवरण सभा पट्टल पर रख दिया गया है। [हेल्थी परिशिष्ट ५, अनु-बन्ध संख्या ६६]

(ग) जी हां। शिल्पकारी प्रशिक्षण की मौजदा सुविधाओं को बढ़ाया जा रहा है।

School Libraries in N.E.F.A.

1414. Shri D. C. Sharma: Will the Prime Minister be pleased to state:

(a) the total amount spent for purchase of books for the school libraries of N.E.F.A. during 1956-57 and 1957-58;

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

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

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

(e) if not, reasons therefor?

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): (a)

1956-57.	.. Rs. 2177/-
1957-58.	.. Rs. 2203/-

(b) There is no privately aided school in NEFA.

(c) 1956-57.	.. Rs. 1469/-
1957-58.	.. Rs. 208/-

(d) Yes.

(e) Does not arise.

Second Five Year Plan of Uttar Pradesh

1415. Shri Vajpayee: Will the Minister of Planning be pleased to state:

(a) the portion of the Second Five Year Plan in its application to Uttar Pradesh State which can be considered to have come within the description "the core of the Plan"; and

(b) the details thereof?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The following projects in Uttar Pradesh under Railways and Power fall within the "core of the Plan".

(1) Rihand Hydro Electric Project.

(2) The Programme of the Railways under the Second Five Year Plan of which the following works are situated wholly or partly in Uttar Pradesh includes:

(a) Doubling of Delhi-Agra, Allahabad-Kanpur, Kanpur-Lucknow and Moradabad-Saharanpur lines;

(b) Electrification of Gomoh-Moghalsarai Section; and

(c) Construction of Rebertsganj-Garhwa Road.

Rajendra Nagar Colony

1416. Shri Vajpayee: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether civic amenities have been provided in Rajendra Nagar Colony for displaced persons in Delhi; and

(b) if so, whether the maintenance of the services has been taken over by the New Delhi Municipal Committee?

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

(a) Yes, except to the following extent in New Rajendra Nagar:

(i) Levelling work in the 17-acre area is still to be completed;

(ii) storm-water drains and roads have not yet been constructed in the 50-acre area; and

(iii) in certain portions, the sewerage lines are not complete.

(b) All the completed services have been taken over by the New Delhi Municipal Committee.

Export of Indian Glass Products

1417. Shri Biswanath Roy: Will the Minister of Commerce and Industry be pleased to state whether there was any improvement in export of the Indian glass products of all kinds in 1957 in comparison with 1956?

The Minister of Commerce and Industry (Shri Morarji Desai): Yes, Sir.

ऊन का निर्यात

१४१८. { श्री रघु नाथ सिंह :
सरदार इफ्ताल सिंह :

क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत को विदेशों से कुल कितनी ऊन मंगवानी पड़ती है ;

(ख) वर्ष १९५७-५८ में अब तक भारत से कितनी ऊन विदेशों को भेजी गयी ; और

(ग) भारतीय ऊन के निर्यात को बढ़ाने के लिये क्या कदम उठाये गये हैं और

(घ) ऊन के निर्यात व्यापार की दृष्टि से भारत के व्यापार की क्या स्थिति है ?

बाणिज्य तथा उद्योग मंत्री (श्री मोरारजी देसाई) : (क) पिछले कुछ सालों के आयात के आधार पर अनुमान किया जाता है कि भारत को ३५ लाख पौण्ड ऊन आयात करने की आवश्यकता पड़ती है ।

(ख) अप्रैल से सितम्बर १९५७ तक लगभग २.२ करोड़ पौण्ड ऊन निर्यात

की गयी । बाद के महीनों के आंकड़े अभी उपलब्ध नहीं हैं ।

(ग) कोई खास कदम नहीं उठाये गये हैं ।

(घ) ऊन का निर्यात भारत के कुल निर्यात व्यापार का लगभग १.५ प्रतिशत है ।

Rehabilitation of Displaced Persons from East Pakistan

1419. Shri Raghunath Singh: Will the Minister of Rehabilitation and Minority Affairs be pleased to state the States in India which have offered agricultural lands for rehabilitation of displaced persons from East Pakistan?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): In addition to the Eastern States of West Bengal and Assam and the Union Territories of Manipur, Tripura and Andaman Islands, displaced persons from East Pakistan have been rehabilitated in 5 more States, namely Bihar, Orissa, U.P., Rajasthan and Madhya Pradesh on lands made available by them. The States of Bombay and Mysore have also offered some lands which are in the process of survey.

हिमाचल प्रदेश में लोक-कर्म विभाग के गोदाम

१५२०. श्री नेकराम नेगी : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को यह विदित है कि हिमाचल प्रदेश में लोक कर्म-विभाग के कई गोदामों में सीमेंट तथा गेहूं की हजारों बोरेयाँ बेकार पड़ी हैं ;

(ख) यदि हाँ, तो उनकी संख्या कितनी है ;

(घ) ये बोरियां कब से यहां पड़ी हैं ;

(घ) इन्हें प्रयोग में न लाने के क्या कारण हैं ; और

(ङ) सीमेंट और भनाज को इन बोरियों का उपयोग करने के लिये क्या कदम उठाये जा रहे हैं ?

निर्माण, आवास और संप्रभु मंत्री
(श्री क० च० रेड्डी) : (क) हां ।

(ख) (१) सीमेंट—५८,०००
बोरियां ।

(२) भनाज—१,१०० बोरियां ।

(ग) (१) सीमेंट :—

१,३७० बोरियां १९५४-५५ से ।

१,००० बोरियां १९५५-५६ से ।

३०० बोरियां मई १९५७ से ।

५५,३३० बोरियां पिछले दो महीनों से ।

(२) भनाज :—

६०० बोरियां पिछले नौ महीनों से ।

५०० बोरियां पिछले दो महीनों से ।

(ङ) (१) सीमेंट : मंमं : का अधिक भाग अर्थात् ५८,००० में से ५५,३३० बोरियां केवल दो महीने पहले प्राप्त की गई थीं और यह कहना ठीक नहीं है कि वे बहुत दिनों से बेकार पड़ी हैं । केवल २,३७० बोरियां दो साल से अधिक पहले जमा की गई थीं और भूमि न होने, भूमि लब्ध करने की कठिनाइयों, और कुछ हद तक उस क्षेत्र में निर्माण कार्य के लिये उपयुक्त ठेकेदारों के न मिलने के कारण काम में न लाई जा सकीं ।

(२) भनाज : यह विभागीय अधिकारियों को उस समय बांटने के लिये जमा किए जाते हैं जब भनाजों की कमी से उनका

बाजार भाव तेजी से बढ़ जाता है । पिछले ६ महीनों में आवश्यकता न पड़ने के कारण यह भनाज काम में नहीं लाया जा सका ।

(ङ) (१) सीमेंट : निर्माण कार्यों के लिये हिमाचल प्रदेश प्रशासन उपयुक्त भूमि लब्ध करने की कार्यवाही कर रहा है ।

(२) भनाज : विभिन्न स्थानों से जब मांग आयोगी तभी उन्हें काम में लाया जायेगा । प्रदेश में विभागीय अधिकारियों को बांटने के लिये भनाज जमा करना प्रशासन द्वारा एक पूर्वोपाय है जिस से आवश्यकता पड़ने पर आकस्मिक मांगों को पूरा किया जा सके ।

हिमाचल प्रदेश का औद्योगिक सर्वेक्षण

१४२१. श्री पद्म देव : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के किन-किन क्षेत्रों का औद्योगिक सर्वेक्षण पूरा हो चुका है और किन-किन क्षेत्रों में वह अभी किया जाना है ; और

(ख) सर्वेक्षण के परिणाम स्वरूप कौन सी योजनाएँ कार्यान्वित की गयी हैं ?

वाणिज्य तथा उद्योग मंत्री (श्री मोरारजी बेसाई) : (क) (१) हिमाचल प्रदेश सरकार ने १९५५-५६ और १९५६-५७ में एक औद्योगिक सर्वेक्षण कराया था जो सभी जिलों में हुआ था । यह रिपोर्ट छपने के लिये तैयार थी जब कि मई १९५७ में प्राग लगने से जल गयी । सरकार इस रिपोर्ट को दुबारा बनवाने की कोशिश कर रही है ।

(२) रेशम उद्योग के विकास के लिए मंडी, चम्बा और सरगूर जिलों का सर्वेक्षण केन्द्रीय रेशम बोर्ड के प्राविधिक अप्रतारों ने किया था ।

(३) इस समय उत्तरी लघु उद्योग सेवाशाला का आर्थिक अन्वेषण दल कुनि-

दूर-बहुल प्रायोगिक क्षेत्र का सर्वेक्षण कर रहा है जिससे उसकी औद्योगिक संभावनाओं का अंदाज लगाया जा सके।

(ख) एक विवरण, जिसमें रेशम उद्योग की अब तक की मंजूर शुद्धा योजनाओं का व्यौरा दिया गया है, सभा पटल पर रख दिया गया है। [देखिये परिशिष्ट ५, अनुबन्ध संख्या ७०]

जम्मू के प्रजनक

१४२२. श्री प० सा० बाबुलाल : क्या पुनर्वास तथा अल्पसंख्यक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) जम्मू (काश्मीर) के पाकिस्तान अधिकृत प्रदेश में कितने मेव हरिजन भारत आये हैं ;

(ख) ये कहां-कहां बसाये गये हैं ; और

(ग) राजस्थान के अलवर जिले में कितने ऐसे मेव हैं जिन्हें सरकार ने अभी तक मकान और खेती करने के लिये भूमि नहीं दी है ?

पुनर्वास तथा अल्पसंख्यक कार्य मंत्री के सभा सचिव (श्री पी० एस० नलकर) :

(क) से (ग). शरणार्थियों के जातिवार आंकड़े नहीं रखे गये हैं। इस प्रकार की जानकारी एकत्रित करने में जितना समय लगेगा और मेहनत लगेगी, उसके बराबर प्राप्त होने वाला परिणाम नहीं होगा।

Employees' State Insurance Scheme

1423. Shri Daljit Singh: Will the Minister of Labour and Employment be pleased to lay a statement on the Table showing the amount contributed by the workers and employers separately unit-wise and industry-wise in the Punjab State since the Employees' State Insurance Scheme came into operation?

The Deputy Minister of Labour (Shri Abid Ali): The accounts of the Employees' State Insurance Corporation are compiled region-wise and not unit-wise or industry-wise. The workers and the employers in the Delhi Region as a whole (which comprised Delhi, Punjab, Rajasthan and former Madhya Bharat) contributed Rs. 1,39,84,844 and Rs. 87,32,365 respectively upto the 31st December, 1957.

PAPER LAID ON THE TABLE

NOTIFICATION ISSUED UNDER INDUSTRIES (DEVELOPMENT AND REGULATION) ACT

12 hrs.

The Minister of Industry (Shri Manubhai Shah): Sir, I beg to lay on the Table a copy of Notification No. S.O. 191-A-IDRA/15/1/58 dated the 12th March, 1958, under Sub-Section (2) of Section 18A of the Industries (Development and Regulation) Act, 1951. [Placed in Library. See No. LT-501/58].

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

EXPULSION OF AN INDIAN DIPLOMAT FROM A EUROPEAN HOTEL IN RHODESIA

Shri D. C. Sharma (Gurdaspur): Sir under Rule 197 of the Rules of Procedure and Conduct of Business in Lok Sabha, I beg to call the attention of the hon. Prime Minister to the following matter of urgent public importance and request that he may make a statement thereon:

Expulsion of an Indian Diplomat from a European Hotel in Rhodesia

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): On the 2nd March, 1958, Shri P. J. Rao, Press Attache of

the Indian Commission at Salisbury, with his wife, two children and a member of the staff of the Indian Commission went for a picnic near Mazoe dam, about 20 miles from Salisbury. They went to a nearby hotel at about 5 p.m. for tea. The African waiter in the hotel took the order and brought tea for the party. As the tea was being poured out, the Manager of the hotel walked up to Shri Rao's table and asked him to clear out. Shri Rao told the Manager that he was a diplomatic officer of the Indian Commission, but the Manager curtly asked him to leave stating that he did not want any Indian in the hotel and the right of admission was reserved. Shri Rao and party thereupon left the hotel.

On the 3rd March, i.e., the next day, our Assistant Commissioner in Salisbury lodged a protest in writing with the Government of the Federation of Rhodesia and Nyasaland asking for an apology from the Manager of the hotel and requesting the Government to take suitable action so that such incidents do not recur in future. The Government of the Federation of Rhodesia and Nyasaland have formally apologised to our Assistant Commissioner for the incident and stated that they had always done all in their power to prevent incidents of this nature and that the Immunities and Privileges Act was to be brought into force.

We also took up this matter with the U.K. Government through their High Commissioner in New Delhi. We have expressed to them our serious concern at the occurrence of frequent incidents of this type and told them that, in the climate prevailing in the Federation of Rhodesia and Nyasaland, we felt that no useful purpose was likely to be served by our continuing our representation there as our representatives continue to be subjected to discrimination on racial grounds in violation of all canons of civilized

conduct and of normal international practice in relation to diplomatic representatives.

BUSINESS ADVISORY COMMITTEE

TWENTY-FIRST REPORT

The Deputy Minister of Defence (Shri Raghuramaiah): With the permission of the Chair, on behalf of Shri Satya Narayan Sinha, I beg to move:

"That this House agrees with the Twenty-first Report of the Business Advisory Committee presented to the House on the 17th March, 1958."

Mr. Speaker: The question is:

"That this House agrees with the Twenty-first Report of the Business Advisory Committee presented to the House on the 17th March, 1958."

The motion was adopted.

RE. POINT OF INFORMATION

Mr. Speaker: The House will now resume General Discussion on the Budget.

Shrimati Renuka Ray (Malda): Sir, I want to say something by way of personal explanation.

Mr. Speaker: The hon. Member has just now sent me a letter. In all these things, I look into them and then communicate my decision. Therefore I will look into her letter also and if it is a matter of personal explanation, I will bring it up tomorrow.

GENERAL BUDGET, 1958-59—GENERAL DISCUSSION—contd.

Mr. Speaker: I now call upon the hon. Finance Minister.

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): Mr. Speaker, Sir, we have had a long debate on the Budget that I had the honour to present. In the course of this debate much has been said and a great many subjects have been touched upon—and the hon. Members were of course entitled to do so. But there is a tendency for the wood to be lost sight of perhaps in this way. It is not possible for me to go into every single matter that was referred to through I can assure the House that we shall endeavour to look into any complaint or any suggestion made.

Before I deal with a number of matters referred to, I should like to say that, I believe, I have profited by the discussion that has taken place here—profited not only by some of the bouquets given, but even more so by the criticism offered. Some speeches were not perhaps quite so inspiring as others. Some actually were on the point of being depressing. But, as a whole, a large number of hon. Members spoke, and I would with respect, the matter was dealt with at a fairly high level.

Now, it may perhaps be a fault on my part to try to look at these things in a larger context. I am always a little anxious that I should not lose perspective in looking at any major problem because so many big things are happening in this world today, which inevitably act and react on each other that I want to see this entire picture. There is the international picture, where the Sputniks, the Explorers and the Vanguard rush through the sky and I presage a new world to come where science and technology have developed tremendously. It is a fact to be remembered because it may well be that in the course of ten years or fifteen years or

thereabout an entirely new and different source of power may be available to mankind and all our calculations in our Second, Third or Fourth Five-Year Plans may be rather out of date unless we keep up to them. All our economic theories in fact may be out of date because economic theories depend on circumstances and facts. They are not something that comes out of the air. Therefore, without going into these matters, I would like just to remind this House of this background of the world today and to look at India in this background.

There is the other thing happening in the world. Here, not far from us, a neighbour and a friendly country, Indonesia, is facing a great deal of trouble. Naturally, our sympathies go out to the people of Indonesia. It is not for us to interfere in their internal affairs and we hope—and indeed are optimistic—that they will settle them. But here is an example of what is happening and what will happen in other countries. It is not right for me to go in for invidious comparisons with other countries, but I think every hon. Member of this House will agree that if any comparisons are made, we have done rather well. Indeed, we have done more than rather well and those, who criticise us so often in this House—sometimes justifiably, maybe—should remember this fact, because we function in a set of circumstances in the world. We do not function in mid-air. We function where conditions are limited by various factors.

In the course of the speeches made, there was that of the Leader of the Opposition, Shri S. A. Dange. If I may say so with all respect to him, he did less than justice to himself. The American Dollar exercises such a powerful fascination on him that he tries to interpret all events in terms of the influence of the American Dollar. The American Dollar is a very powerful thing in the World today. But, there are things in the world

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which often happen to be outside the influence of the American Dollar still or any money, pound or dollar or rouble, whatever it may be. To interpret anything in that rigid, strained way in which Shri S. A. Dange attempted to do is to give, I think, an entirely false picture of events.

Shrimati Renu Chakravartty (Basirhat): What is happening in Indonesia—the power of the dollar—does it not perturb us?

Shri Jawaharlal Nehru: I am not discussing Indonesia. I am discussing India. Shri S. A. Dange referred to the growing fascination in India for American dollars. That is why I referred to it. It is true, as every one knows, that we have received substantial help from the United States and we are grateful for it. But, I think everybody also knows, whether in India or the U.S.A., that we do not barter our soul or our policy for money and that the American Government itself would respect and honour us less if we did so.

Then, there were several speeches by leading Members of the Opposition and many Members sitting on my side of the House which I listened to with interest and sometimes with surprise. The hon. Lady Member sitting on my side of the House gave us a long list of our failings, of our lack of realism, of our complacency, of the faults in the Budget. Having given this long list, she finally said rather illogically, "I generally support the Budget." I would not particularly care to have support of this kind. I should like a little more logic, a little more reason, a little more thinking about these matters. It is easy for me, as for every Member of this House, to criticise the Budget and the economic conditions in India.

I ventured in my Budget statement to place what I said was a pedestrian viewpoint, facts prosaically placed. I did not, so far as I can remember, indulge in any heroic attitude. I did not try to exaggerate or underrate. I

see no reason why I should underrate. I placed certain facts before the House and indicated the broad policy that we were going to pursue, which was broadly speaking, a continuation of the policy laid down last year. Fresh proposals made, like the Gift tax or the amendment of the Estate Duty Act were really in continuation of that. I did not wish this House or the country to deal with anything but facts, realistic facts.

It is true that even when looking at facts, much depends on what one's own mood or outlook is. The same facts may produce a sense of optimism or pessimism. It depends on whether you are habitually a pessimist or an optimist, whether you have vitality in you and the desire and the faith to overcome difficulties or the reverse. Anyhow, we must base ourselves on facts. I ventured, therefore, deliberately and with set intention to give a bald and prosaic narrative which, unfortunately, was too prosaic for the hon. Lady Member, who did not like it at all.

Then, there was Shri Asoka Mehta who chided me for being weak-kneed and not strong enough to face the facts of life as they are today. I admit the soft impeachment. I should like him to be strong enough to face them. I am much older than he and naturally I may not keep up the vitality of youth. He is strong and young. I am very glad indeed that he takes up this attitude of strength, of faith in our people, in our Plan, in our destiny. I should tell him and this House presently if it needs telling what my own faith is in regard to these matters.

Then, there was the hon. Member Shri M. R. Masani. I find some difficulty in dealing with his remarks, because his advice to us and to the Government was to sound retreat and walk back. He gave certain figures about our resources. I think these figures were not at all correct. He gave a certain figure, Rs. 1100 crores

or thereabout, which he calculated as our resources for five years. As a matter of fact, we have nearly approached that in the first years of our Plan, and we are bound to go beyond that. I do know the exact figures.

The real difficulty that I have to face is that Shri M. R. Masani and others perhaps of his way of thinking approach this problem basically in a different way. If our premises differ, possibly if our objectives differ, then there is bound to be difference all along the line. I fear that both our premises and our objectives differ. What do we aim at in India? I fear Shri M. R. Masani aims at something with which I do not agree. I aim at something entirely different. The hon. Member Shri M. R. Masani in the course of one revolving mood has changed his opinions and shifted his approach to economic and other problems of India. From the stormy waters of socialism, he has found a safe haven in private enterprise.

Shri M. R. Masani (Ranchi): Mixed economy.

Shri Jawaharlal Nehru: It is open to him as it is open to anybody else to do so. But, the point is that our approach becomes different obviously and his criticism which may be completely justified if you accept that objective is not justified if you have another objective. So far as I am concerned, I do not pretend to be a great scholar. But, in the course of a large number of years, together with many comrades present here, we have endeavoured to serve India to the best of our ability and to think about the future, not only to be lost in the past. We have always envisaged a future which, broadly speaking, we call a socialistic future, a socialistic pattern of society. We have realised that there are conflicts in the present structure of society, conflicts all over the place. We have also believed in the solution of these conflicts by peaceful methods. That has been the inheritance which we have received in the past generation or two, and we

have tried to pursue that I do believe still in socialism by peaceful methods. I believe in democracy.

I cannot speak—of course, it will be wrong—for any single remedy to be applied to all the countries of the world. They are different. Who am I to tell any other country what it should do, and who is anybody else to tell me, anybody else outside India to tell me what I should do here, or we should do here? We accept advice, we do not thrust advice on others. We try to learn from others, but we do presume that we should decide for ourselves as to what we should do in our country, decide in this Parliament, our people should decide; and we have come to certain decisions about our objectives, about the pattern of society we are working for, about our plans and all that.

I think they are right decisions, broadly speaking. That does not mean that we will not adjust them to changing circumstances, here and there adapt them, but broadly they are right.

We have come to those decisions knowing full well that they involve hardships and carrying heavy burdens. It is not an easy task to pull a country like India, with its low standards, with its enormous population, with poverty always dragging us down, out of that mire and morass. It does not matter what concept of society or economics you may have; it is not an easy task whichever way you march, because the facts of life cannot be changed by calling something socialism or communism or capitalism or Gandhism. All these various methods may be more or less appropriate, that is a different matter.

So, we realised when we draw up the plan more than anything else that we were going to have a hard time. That time became harder because of circumstances. If you like because of our mistakes, if you like

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because we were caught napping in some matters like foreign exchange. I entirely admit that, but the main thing is that our difficulties arose for us because we tried to fulfil that Plan. Anything less than that Plan if we had undertaken, as Shri Masani suggests even now going back upon it, anything less than that Plan—I should like this House to realise this—would not have lessened our difficulties except perhaps in the immediate present. Tomorrow would have been harder, the day after tomorrow would have been worse still. There is no escape from it. We have to take that Plan or something like it, and by having a softer time today, you invite disaster tomorrow or the day after.

It may be that in a democratic system like ours, this might involve, as it often does, a defeat in an election here and there, because it makes it easy for an opposition to point out; "See the burdens you carry, more taxation, more this and more that, and this Government is bad", as indeed is pointed out here, because the best Budget of all would be: in every Budget less and less taxes, in every Budget more and more expenditure on good works; everybody is pleased, we march ahead smiling; but unfortunately, we have to convert this agricultural community in India with hundreds of years of poverty into a highly industrialised, progressive, dynamic society.

How can that be done? How can that be done without bearing this burden and facing it, facing the consequences, and if the people of India get frightened at it, they themselves will learn how to bear the burden, because whatever other failures I may have, I have never experienced a sense of failing in the Indian people. If we have carried on all these long years in India, in the ultimate analysis it is because of the Indian people and it was because of faith in the Indian people and their soundness and their strength and

their innate vitality even though they had been suppressed by hundreds of years of poverty and degradation. So that, let us realise that there is no escape from it.

Criticism of high taxes, criticism of this and that. What is the alternatives? And especially when we are asked: why don't you spend more on this, and spend more on that, I do not understand where the logic is in this kind of approach. I can understand, of course, that there should be economy, there should not be waste and all that, but there is no progress without heavy burdens being carried. It is no good any hon. Member telling me: "Oh, you must raise the exemption limit of income-tax". I am not agreeable, not all agreeable. I think it is right that exemption limit should be low, and if people do not like it, well, I am sorry, but I cannot sell my conscience. When I do believe in a thing, I should put it forward before the House. It is for this House to accept. It is a right thing if the exemption limit is low; in other countries which are much richer than India, the exemption limit is lower.

I know it hits the middle classes, I know it hits. Many of our indirect taxes hit others, and certainly we should try to equalise the burden so far as we can, but there is no getting away from the fact that we have got to be hit and we must be prepared to be hit, just as when in fighting for independence, we prepared for many things which could be unpleasant and we faced them.

There is one matter to which Acharya Kripalani referred. He referred to defence, and he said this Government does not follow Gandhiji. He was completely correct, that is to say, we do not deny Gandhiji, we endeavour perhaps sometimes to follow him, but it would be completely right to say that we are not following him. I do not know if any Government can follow Gandhiji in this imperfect world of ours. I do

not know if Acharya Kripalani himself can follow Gandhiji in this imperfect world.

Acharya Kripalani (Sitamarhi): I am afraid I have never used the words "not following Gandhiji". I have never used them in my whole speech. What I meant to say was: we do not follow even our own words which we speak so often.

Shri Jawaharlal Nehru: I am sorry if I quoted him wrongly, but this is the remark saw in the notes of his speech, but it does not matter. The words do not matter.

It is a perfectly clear thing, and it is a matter which troubles me very greatly that we cannot do many things that we have talked about and professed in earlier years apart from professing it here in this House

Let me give an example. On the day after independence which we had won by peaceful methods we were suddenly to be dragged into operations in Kashmir. It was a tremendous problem for me, a moral problem, apart from the physical difficulties. I did not know what to do, because the aggression from Pakistan in Kashmir, through Pakistan and by Pakistan, shocked me to the core, and I saw the whole of Kashmir being subjected to rapine and loot any may be generally going to chaos. On the other hand, was I going to ask the Government of India to take steps which might lead to military operations and war? It was something which revolted me, and in that state of mental difficulty and ferment, I went to Gandhiji because he was still with us then. I poured out my tortured mind to him, and he said: "You have to go to the help of the people of Kashmir, even with an army".

Now, I merely mention this not to take refuge in what Gandhiji said, because I do not think it is right for any of us to exploit his name, or take refuge in some phrase of his, because he spoke in a certain context of events. How are we to exploit that

today in a different context, or try to make petty politics out of a great man's saying? I entirely agree with Acharya Kripalani that we have no business to do it, and I wish that Gandhiji's name should be exploited by no man, by the Congress Party or any other.

Having said that, I hope that I will be permitted at least to think and dream of Gandhiji and try to gain some inspiration from that thought and vision from time to time.

I was referring to the international situation. The House knows about the talks that are going on about what is called a high level meeting and so on and so forth. The whole point is that there is a ferment, a tremendous ferment in the world, in the minds of men, a ferment which occurs in the days of great transition from one age to another. And there is no doubt that we are going through this tremendous transition which like many other transitions is being brought about by the tremendous advance in technology and science.

The other day, I ventured to read out here to this House a resolution on science passed by Government. There was nothing very novel or new about it, and yet it required saying and emphasising by Government and by this Parliament. We wanted the country to read it and to think about it, because unless we realise that, unless we understand that, we shall remain in the back-woods; it does not matter how you play about in your budgets, it does not matter what you do about your other things and your speeches and elections. All this is secondary and all this will do no good, if we do not realise these basic changes that are happening in the world. And if I may say so with all humility, one of the big things we have done since Independence in this country is the progress of science and technology in this country, which is a much bigger thing because without that all your second and third and fourth Five Year Plans would never see the light of day except on paper.

[Shri Jawaharlal Nehru]

I doubt if many hon. Members who are well-versed in economic theory or in other matters give so much thought to how much science and the changes in technology affect economic theory, how the very concept of socialism the result of scientific development and technology. So, we have to keep that in mind.

Now, Shri Asoka Mehta pleaded with us, or rather admonished us in many ways, and told us to be strong. I should like to tell him and this House that I have not the least doubt in my mind that success will come to this country in these Plans, in industrialisation, in higher standards. I have no doubt that the Second Plan will succeed. I have no doubt that industrialisation will come. I have no doubt that food production will go up much more than Shri Asoka Mehta has thought. It would go up, and I am prepared to take a bet with him that it would go up more than he has thought.

Shri Asoka Mehta (Muzaffarpur): What is the bet?

Shri Jawaharlal Nehru: I have no doubt about these matters, because I have no doubt in my fundamental faith in the Indian people.

Shri Asoka Mehta: Lack of organisation.

Shri Jawaharlal Nehru: The fact that Shri Asoka Mehta tells us not to be weak-kneed shows the doubts that he has in his mind, but I will tell him what I have doubts about and what worries me. It is not the economic position which worries me. India's economy is sound and let everyone know it in India and outside. And if India has taken or borrowed money she will pay it, maybe with an effort, but will pay it. There is no difficulty about all these matters, or perhaps, if I may say so, there are difficulties, but the difficulties will be overcome. So, I am not worried essentially about

economic matters, perhaps because I am not an economist like Shri Asoka Mehta, perhaps because I am rather a passing figure as a Finance Minister, but I shall say what I am worried about and what troubles me.

I see in the newspaper today headlines 'Refugee satyagrahis in Calcutta—Thousands arrested'. What for? One of their major demands is: 'We shall not be rehabilitated outside West Bengal'. I believe this procession was led by the leaders of the party which Acharya Kripalani and Shri Asoka Mehta represent in such a distinguished way here. (Interruption).

Shri Tangamanl (Madurai): Are to take it that the refugees have been properly resettled in Bengal?

Mr. Speaker: That is another matter.

Shrimati Renu Chakravartty (Barrhat): Even outside Bengal. What is the reply?

Mr. Speaker: He only refers to the leader.

Shri Jawaharlal Nehru: I am referring to my reactions. I said that I have no doubt about the economic future of India. I have no doubt that India is going to pass this poverty barrier, and in fact, she is passing it and will become an industrialised country with high standards and all that. I have doubts about other matters, as to the manner in which it will do it, and as to the result of it, not in regard to economic matters, but in regard to deeper matters of the spirit and soul and what they will be. I am worried about that much more than about economic matters, because we have set something in motion, forces in motion,—not we, I mean, but various things, in India have set various forces in motion—which will not stop

in spite even of Shri M. R. Masani or anybody else or the Forum of Free Enterprise or whatever it may be, because.....

Shri M. R. Masani: I fear your policy will stop the progress nothing else.

Shri Tyagi (Dehra Dun): That is immaterial.

Shri Jawaharlal Nehru: In this dynamic motion, it is quite possible that we—not only we, but any government—will make mistakes. It is quite possible that we will stumble occasionally. But the mistakes will be corrected, and if we stumble, we get up and walk again. The stumbling comes, because we want to run; certainly, it is a good thing to want to run and to stumble than to creep along slowly or to sit all the time, so that I have no particular fear in my mind about these economic matters, realising fully their important consequences and all that.

But I was referring to this news item in this morning's paper, and a particular item in their demand which was to give a guarantee that 'we will not be rehabilitated outside West Bengal'.

Shrimati Renu Chakravartty: Do you know what has happened to those who have been sent outside West Bengal? Have you ever looked into that? You have never been to that side. You have never been to Assam, to Orissa to Tripura. You have never been anywhere where these refugees live. And in spite of that, you say this. (*Interruptions.*)

Shri H. N. Mukerjee (Calcutta-Central): May I draw his attention to one thing to which the Minister of Rehabilitation has never been able to give a reply? And it is this. Have you provision here and now for anything like a sizable proportion of those refugees for whom you say there is no room in West Bengal? You have not got any provision. Now, what

are you going to do about it? It is a human problem, which you cannot wash away or dismiss by your kind of eloquence.

Shri Bishwanath Roy (Salempur): You can send them to U.P. We shall welcome them.

Shri Jawaharlal Nehru: May I say I am not..... (*Interruptions.*)

Mr. Speaker: We have heard repeatedly what attempts are being made, about Dandakaranya and other things. After all, hon. Members have said what they have had to say, and they had ample opportunities for that. The Prime Minister is trying to explain the various things. But why should they lose patience. If something which is not palatable to them is said? No, hon. Members will keep their soul in patience. (*Interruptions.*)

Shri Jawaharlal Nehru: May I continue? I am not discussing, naturally, the rehabilitation problem. I was mentioning and I would venture to mention again that a demand is made to give a guarantee to them—I am quoting—'not to be rehabilitated outside West Bengal'. I say it seems to me perfectly fantastic, for any political party, whether it is the Communist Party, whether it is the Praja Socialist Party or whether it is anybody else, to encourage people to make this demand, because making this demand simply means making it impossible to rehabilitate them.

Shrimati Renu Chakravartty: Why is it impossible?

Shri Jawaharlal Nehru: Because in West Bengal, we cannot go on rehabilitating people indefinitely. I really do not understand why the hon. lady Member opposite or any other hon. Member....

Shri Bimal Ghose (Barrackpore): That is not correct (*Interruptions.*)

Mr. Speaker: That is all right. Hon. Members will keep it to themselves (*Interruptions.*) Order, order.

[Mr. Speaker]

We are not discussing this particular matter. There can be difference of opinion.

Shri Bimal Ghose: It is not a question of difference of opinion....

Mr. Speaker: There is nothing which can be weighed in the scale pan here. Let hon. Members hear what the Prime Minister has to say.

Shri Bimal Ghose rose—

Mr. Speaker: The hon. Member will resume his seat. Hon. Members are not now exchanging views. The hon. Minister feels that they have been taking steps to organise and settle them in various parts of India. Some of them were sent to Andamans (*Interruptions*). Order, order. Some of them are going to be sent to Dandakaranya. Some others were sent to Orissa and they returned to West Bengal. All these years we have been hearing how those people who were sent to various other places have returned to West Bengal. That seems to be the general impression, that those people in West Bengal do not want to leave West Bengal (*Interruptions*). Hon. Members will have an opportunity when this matter comes up (*Interruptions*). Then shall I ask the hon. Minister to agree to whatever the Opposition says (*Interruptions*).

Shri Jawaharlal Nehru: I do submit that I should be allowed to continue. I do not give in to any hon. Member (*Interruptions*).

Shri Tangamani: It is on record that out of the 4 million refugees....

Mr. Speaker: I do not allow these interruptions. Let there be no interruptions. The hon. Minister may be allowed to proceed. Hon. Members will have other opportunities to speak about this in greater detail.

Shri Surendranath Dwivedy (Kendrapara): This is deliberate misrepresentation.

Shri Jawaharlal Nehru: There is another instance—for the information, education and behoof of hon. Members opposite. At Sealdah Station, unfortunately large number of refugees are there. We sympathise with the refugees that have come. May be they are right in thinking that enough is not being done for them. I am not arguing that point. But repeatedly, Sealdah Station has been cleared; refugees have been taken away. I think the last time it was completely cleared was in November last. Since November, relatively speaking, few refugees are coming from East Bengal. The rate, I believe, is between 400 and 500 a month.

Now, again there are 8000 or 9000 refugees there, at Sealdah Station. People went to inquire about them. They found that 56 per cent. of the people in Sealdah platform were not refugees of any kind at all.

Shrimati Renu Chakravartty: What are they? (*Interruptions*). Migration certificates are there.

Shri Jawaharlal Nehru: They had not come from East Pakistan. They were other people, no doubt, deserving people; but they were not refugees. The other people, 44 per cent., may have had a handful of refugees. Since November, very few of them had come. They were all non-refugees or others who had been settled in camps and came away, and they were incited by other people to do that in order to exercise pressure on Government....

An Hon. Member: Shame!

Shri Jawaharlal Nehru: This was made a political question (*Interruptions*).

Acharya Kripalani: May I suggest one thing? I would humbly request the Prime Minister to go and see how the refugees....

Shrimati Renu Chakravartty: No, no.

Acharya Kripalani: I would humbly request him to send some of his officers to find out how refugees are rehabilitated in Germany. Germany has a population of 40 million, and she has rehabilitated 10 million people. I would ask the Prime Minister to see what Germany has done in this respect.

Shri Tyagi: There all parties co-operated.

Acharya Kripalani: Here also we will all co-operate.

Shri Jawaharlal Nehru: The hon. Member has invited me to go to Germany.

Acharya Kripalani: I did not invite him to go. I have said that somebody should be sent to find out what has been done in Germany (*Interruptions*).

Shri Jawaharlal Nehru: I accept his word entirely, about the way this has been done in Germany. I have seen it too. Anyhow, I accept it. They have done it, of course. There are many things that can be done in Germany which we may not be competent to do. I am very sorry that I have entered into this debate in this way. I did not intend to. What I was venturing to say was this: it is not our economic situation that troubles me, that is at fault. Difficulties will come and we will overcome them. Fine speeches are delivered here about economic this step and economic that step, and much is done to disrupt the country in various ways....

An Hon. Member: Shame!

Shri Jawaharlal Nehru: ...whether it is on communal grounds, whether it is on caste grounds, whether it is on linguistic grounds or whether it is on provincial grounds. Those are the things that worry me—not economics. We will get over economics.

The hon. Member, **Shri Asoka Mehta**, said that today people talked

about the phrase—the laws of economic growth are different from the pedestrian law of economics. I entirely agree with him. The laws of economic growth, once they get moving, are different ones from the textbook economics and the rest. But I do not worry about that. But all these efforts to disrupt the unity of India are, I think, much more dangerous.....

An Hon. Member: Imaginary.

Acharya Kripalani: May I again suggest....

Mr. Speaker: I am not going to allow this interruption.

Acharya Kripalani: I only wanted to make a submission.

Mr. Speaker: Order, order.

Shri Surendranath Dwivedy: He has given way.

Mr. Speaker: The hon. Member is a senior Member of this House. He ought not to interrupt like this.

Acharya Kripalani: I only want to humbly submit....

Mr. Speaker: It disturbs the trend of thought of the whole House. Let us hear the hon. Finance Minister's speech as he progresses with it. Hon. Members will have an opportunity later on to speak with respect to other matters. There cannot be absolute concurrence with respect to any particular matter. There can be differences of opinion. They will kindly keep quiet and not disturb the hon. Finance Minister.

Acharya Kripalani: I want to submit....

Mr. Speaker: No, no. There is no question of personal explanation, except....

An Hon. Member: What is this?

Mr. Speaker: 'What is this?' I am enforcing the rule, and the rule is

[Mr. Speaker]

that unless any personal explanation directly is necessary, I will not give opportunity to any hon. Member here, however big he might be. Let the Prime Minister go on. (*Interruptions*). He must go on. He will go on.

Acharya Kripalani: I have a personal explanation to give.

Shri Surendranath Dwivedy: It is a parliamentary right.

Mr. Speaker: No right.

Acharya Kripalani: The Prime Minister has said that certain things are done in this country which are disrupting the country. May I humbly ask....

Mr. Speaker: The Prime Minister has not said that. There is no question of personal explanation. The Prime Minister did not say that he was responsible for all the disturbances in this country (*Interruptions*).

Shri Asoka Mehta: He has specifically referred to our Party (*Interruptions*).

Acharya Kripalani: I humbly submit that such forces are present in every Party. So far as caste is concerned, so far as provincialism is concerned, so far as the language question is concerned, we are all in the same boat. I submit that only to the Prime Minister.

Shri Tyagi: Agreed, for the sake of argument.

Shri Jawaharlal Nehru: May I assure the hon. Member, Acharya Kripalani, that I am in entire agreement with him on this point (*Interruptions*).

Acharya Kripalani: But the Speaker does not want me to speak!

Shri Jawaharlal Nehru: I just do not understand this. I did not say

that the hon. Member's Party was responsible for all the evils in India. I say, partly the Congress Party is responsible (*Laughter*). I know.

Shri Tyagi: No, no. The Congress Party is not responsible. (*Interruption*).

Shri Jawaharlal Nehru: Mr. Speaker, I am really sorry. Here I am, I hope, objectively, calmly and in a composed way trying to analyse the situation without casting reflection on any hon. Member here or elsewhere....

Acharya Kripalani: That is the right thing.

Shri Jawaharlal Nehru: But somehow some people's conscience pricks them and suddenly they get up; especially, Members of the Communist Opposition get very angry the moment I refer to rehabilitation, regardless of any facts or anything. I may be wrong or right. I did not interfere throughout the debate with any speech.

I repeat that what troubles me is this disruptive spirit. And, may I refer to a person whom, I am sure, the whole House respects very greatly, one of our senior most members in India, who has held the highest offices in the State, who has been a crusader for many good causes? Now, he is carrying on a cold war on the language issue in the south.

I am not for a moment discussing the language issue. But, I merely say how soon we forget the major issues before the country and, in our excitement or in our enthusiasm for something that we like, we entirely forget the larger picture of India, the unity of India, the growth of India and a hundred other things and do things which, undoubtedly, weaken India and make it more difficult for us to build up that strong, united India that we seek for.

Shri Goray (Poona): Is he not a Congressman?

Mr. Speaker: Does the hon. Member require this information from the hon. Finance Minister?

Shri Jawaharlal Nehru: Will hon. Members opposite, for a moment, imagine that people can talk in terms other than parties? I speak as the Prime Minister of India at the present moment; and I am not speaking for the moment on behalf of this party or that party. I speak as a non-party man in so far as I can—I have my innumerable failings—and in whatever I have said, I have not made distinction of parties. I only mentioned parties because in today's papers they led this so-called satyagraha.

Take this word 'satyagraha'. And, I invite the old colleagues of Gandhiji to see how this word 'satyagraha' has been murdered. Everything good, everything evil, everything bad, is called satyagraha. Every opposition is called satyagraha. It has really pained me, more than the actual murder of an individual, how the murder of this fine word, which was actually a symbol of inspiration, has taken place.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Sir, could I make a personal explanation? (*Interruption*) I only want a clarification. I am not trying to disrupt.

An Hon. Member: No argument.

Mr. Speaker: Order, order. If any hon. Member feels that he is responsible for what the hon. Minister has said, he may get up and give a personal explanation. Otherwise, he need not get up.

Shri Jaipal Singh: Then, there would be very serious misunderstanding....

Mr. Speaker: Of what the hon. Member has said, is it?

Shri Jaipal Singh: Of what the Prime Minister has said as Prime Minister. He has said something about Bengalis not wanting to go outside. If that be the case, let him de-disrupt Purnea and Manbhum and give them back to Bihar. (*Interruptions*)

Shri Jawaharlal Nehru: I do not understand. I do not wish to say anything more.

Mr. Speaker: It is not relevant.

Shri Jawaharlal Nehru: I said as the Prime Minister that the unity of India is important. And, I am not speaking—at least I am trying not to speak—as a Congressman, a partyman in regard to these facts, communalism, casteism, provincialism....

Mr. Speaker: Linguism.

Shri Jawaharlal Nehru: ...linguism. They are bad. I am saying for everybody—and I hope everybody agrees with me in what I say. Acharya Kripalani said that the Congress people are often guilty. I agree with him. I do not say that one party is guilty about that. (*Interruption*)

There is one thing, however, I should like to say. Acharya Kripalani suggested, as far as I remember, a unilateral action taken by India in regard to Defence. Now, I cannot tell him how much all my urges will pull me in that direction. And yet, I feel I am unable to take it, so also my Government, and I feel sure that if by any chance I recommended this to this House, this House would not take it.

In fact, on the one hand, we are constantly being told to strengthen our Army, Navy and Air Force in this House when Defence estimates come up or in any other matter. The burden of the song here in this House is, be strong, do not be weak. I confess that I am a little frightened at the emphasis laid by this House

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on being militarily strong. I do not like that. I understand it; but it frightens me, this mentality, military mentality which all of us have, including me, when problems face us; because, I do not think that any problem in the world is going to be solved by war or by arms. And yet, why is it that believing or thinking like that, still we keep up an Army and spend more and more money on it? Why is it so?

I am not going into that question now. But, I should remind Acharya Kripalani that it was about four years ago there was a conference, there was a seminar on—what was it?—Gandhian technique. There was an international seminar on Gandhian technique for the solution of internal and external conflicts. Acharya Kripalani and some others took the position there that there should be no armed resistance even to an aggressor. Now, it is a position which can be taken up. I am not denying that. The point is....

Acharya Kripalani: I do not remember any such resolution, Sir.

Mr. Speaker: The hon. Member can refer to it later on. (*Interruption*)

Shri Jawaharlal Nehru: I am told that in the course of argument, however, the Acharya admitted that on practical grounds this position could not be taken up. I entirely agree with him. But, I am merely pointing out the difficulties we have to face. It is a terrific problem. Nothing much has happened in this country.

Few things have really oppressed me so much as the fact that Pakistan which was part of our own country some time ago should harbour so much ill-will against us, should all the time speak of us as their enemy, and arm and generally threaten

us with holy war. We may be stronger than they, it is a different matter. But, what has hurt me is our incapacity, our inability to win the goodwill of Pakistan. I do not want to win or influence Pakistan by the strength of arms or by any threats. I do not wish to gain anything from Pakistan except their goodwill. But, it hurts me that I have failed—our Government has failed, that India has failed—to win the goodwill of Pakistan. Because, that is the only way that I wish to have Pakistan and deal with Pakistan. And, we propose to go on working to that end even though in Pakistan people might talk in a language about us, calling us their enemies and in a language which is not at all agreeable to us.

May I deal with a number of points that were raised in the course of the debate? So far as foreign exchange situation is concerned, I said something in my Budget speech. The present position is that, actually, in the week ending 14th March, there was an addition instead of a decline; there was actually an addition of Rs. 3·88 crores to the sterling balances. Now, lest this might make people imagine that a big turn has taken place, I want to appraise them that the last six months have been good months from the point of view of our exports. I mean the winter months are good and the summer months are bad. Therefore, if we have made so much progress in the last six months, it does not follow that we are going to keep it up during the next six months; and, we should be prepared for a withdrawal, though on a smaller scale, of course, in the course of the next 6 months too and that we shall have to be very careful about this foreign exchange situation and we are not likely to find much foreign exchange for anything new. Fortunately, we have received assistance and this bridges the existing gap and will

enable us to carry on with our various projects.

13 hrs.

Then, there is the question of deficit financing. Some hon. Members referred to this. We are very fully aware of this and certainly we do not wish to go beyond legitimate risks. The Plan provided for Rs. 1200 crores of deficit financing for the whole five-year period. This was an annual average of Rs. 240 crores. On the basis of the estimate for the next year, the total deficit financing in the first three years of the Plan would amount to Rs. 760 crores. This figure has been reached, because in the second year, this went up to Rs. 380 crores. We want to be very careful. My predecessor in the Finance Ministry told Parliament I think last year that we should not go beyond Rs. 900 crores. We cannot fix any rigid limit, but we have to be careful about it and keep in view the prevailing economic conditions all the time.

Then there is the question of the piling up of foreign debts. Most of these, the House knows, are for capital needs of development. The position after 1960-61 will be difficult for two or three years. But we shall be helped by the development schemes reducing the future imports in food, steel and oil. Even so we might have to convert short-term payments falling due into long-term arrangements. Such conversions are usual and though the position will be difficult, no alarmist view need be taken.

It has been pointed out that there has been a drop in small savings and we are asked why we have budgeted for a much larger figure. It is true that current year which is now ending has been exceedingly bad in this respect. But I think we have made a turn towards a better response already. In fact, the last month or two have been much more encouraging. In February, the collection was Rs. 7 crores.

Some hon. Members suggested that there should be a statutory limit for public borrowing. I do not see the need for this. Parliament has full control over borrowing and payment. To lay down any rigid statutory limit in an expanding economy may well prove to be harmful. We have always to remember that we are in an expanding economy in a dynamic situation and while, of course, Parliament must have full control of the situation, if you lay down exact figures, it will come in the way of that expansion.

Some hon. Members criticised the Finance Commission's recommendations that they are not equitable. As Government, we have to accept them even though we may not have agreed with everything they said. We treat it as an award.

There has been talk about the growth in expenditure. There has been undoubtedly growth in defence expenditure which is considered inescapable from the point of view of national security. There has been growth in civil expenditure. Civil expenditure is chiefly development expenditure. Between 1952-53 and 1958-59, i.e. six years, the expenditure on development and social services has risen from Rs. 6.3 crores to Rs. 188 crores. Payments to States have risen from Rs. 38 crores to Rs. 110 crores. Non-development expenditure has increased only very little. Arrangements are also being made in consultation with the Planning Commission to avoid delays in giving sanctioned amounts to the States and to secure even flow of assistance to the States.

There has been some criticism of public undertakings. I do not presume to say that every public undertaking is being run in the best possible way. But I do say that by and large our public undertakings are doing very well and are run efficiently. Their production is increasing. Of course, as is very well known, Sindhris are doing very well. The Hindustan Machine Tools which for

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the first two years did not do well is doing remarkably well. I could say that about many other undertakings also. Even in the defence industry, I believe they are going to increase the production in the ordnance factories very greatly for civil purposes. In fact, the difficulties have risen in the private sector. Their production has gone down. This is chiefly because of shortages of pig iron, steel and non-ferrous metals. Fortunately, most of the industries in the public sector depend chiefly on indigenous raw materials and this is one reason why it is doing well.

I hope in the course of two or three days to lay on the Table of the House the Planning Commission's examination of the foreign exchange situation during last year. It is a fairly detailed examination and I need not say much about it, because hon. Members can themselves consider it fully. In the main, the main conclusion that emerges is it was an attempt to carry out the Plan that caused this adverse turn. In addition, of course, there was the need for more foodgrains unanticipated and heavier expenditure in defence. Even the imports of the private sector were largely for developmental purposes of the Plan. Then, there were increases in prices and freight rates. It is true that we can be wise after the event and there were lapses in this matter; that is to say, we were not fully seized of what was happening. There was lack of co-ordination in this matter. Otherwise, we might have taken the steps which we took later earlier and I cannot blame anybody in particular. We have to blame ourselves and certainly I am prepared to take the blame.

We used to have a kind of foreign exchange budget some years ago. It is not quite clear to me how it lapsed. It lapsed about four or five years ago; I forget when, partly I suppose because we were actually gaining in foreign exchange and

there was a certain period of boom and a period of optimism—the first Five Year Plan succeeded and there was more production, more agricultural production—and so it lapsed. It was wrong that it lapsed, but there it was. Therefore, different Ministries went on budgeting things and nobody knew the entire picture for some time, neither the Planning Commission nor the Finance Ministry. Since the beginning of 1957, a strict budgeting of foreign exchange is now kept.

There is one matter to which I think some hon. Members referred, the population problem. We are entirely seized of this and I may tell them that during the first Five Year Plan, Rs. 65 lakhs were allocated for family planning—not much—and as a matter of fact less than that was spent, only about Rs. 15·8 lakhs. In the second Plan, Rs. 497 lakhs have been allotted—Rs. 400 lakhs to the Centre and Rs. 97 to the States. During the first Five Year Plan, 147 clinics—21 rural and 126 urban—were there. The target figure for clinics up to March, 1958 was 370 clinics. As a matter of fact, sanction has been issued for 488 clinics and 377 are already functioning.

There is the question of sterilisation in hospitals and private nursing homes. This is permitted, provided, of course, it is voluntary and with the consent of both husband and wife. The Governments of Madras and Uttar Pradesh have issued instructions to this effect. Family planning research centres have been established at regional training centres in different States and research is taking place in Bombay, Calcutta and Lucknow. I am afraid the progress is slow, but anyhow, it is progress and we hope that it will make some effect, though it naturally takes time.

It might interest hon. Members if I gave them the figures of esti-

mates of national income which have recently appeared and which will be published no doubt soon. I would give the figures at current prices and at 1948-49 prices. In 1952-53, at current prices, per capita national income was 266.4. At 1948-49 prices, it was 256.6. Perhaps it is a little confusing. I will only read the current prices which could be compared more easily. Or, if you want both I shall read both of them. In 1953-54, at current prices it was Rs. 280.7 and at 1948-49 prices it came to Rs. 268.7. Similarly the figures for 1954-55 were Rs. 254.2—a big drop—and Rs. 271. For 1955-56, they were Rs. 260.8 and Rs. 273.6 and for 1956-57 the preliminary estimates are Rs. 294.3 at current prices and Rs. 284.0 at 1948-49 prices.

I should like to inform the House of a decision arrived at by Government in regard to an enquiry in the LIC matter into the conduct of officials. In pursuance of the decision arrived at by Parliament, an enquiry is taking place. This is in accordance with the All India Services (Discipline and Appeal) Rules, 1955 which had been framed under the All India Services Act, 1951. The Lok Sabha decided that proceedings should be initiated on the basis of the findings of the Chagla Commission in respect of the three officers: Shri H. M. Patel, Shri G. R. Kamat and Shri L. S. Vaidyanathan. Under these rules, after the charges have been communicated and the officers have put in their written statements and stated, whether they desire to be heard in person and produce any defence, the enquiry is entrusted to an enquiry officer or a board of enquiry. Now, we are appointing a high level Board of Enquiry, the Chairman being Justice Vivian Bose, a Judge of the Supreme Court and the two other members being: Shri Sukumar Sen, Chief Election Commissioner and Shri W. R. S. Sathianathan, Chief Secretary to the Government of Madras. Under the rules, two senior officers have to be appointed, one of

whom should belong to the same service as the officer dealt with. Shri Vaidyanathan is not an officer of the Government and therefore, he does not come under these rules. It is obvious that we could not have separate enquiries. So, we are suggesting to the LIC that that enquiry should also be given to the same Commission. The enquiry against all the three officers is proposed to be held in camera. It is not usual for departmental proceedings under the relevant departmental rules to be held in public. The charges to be served on all the three officers are being framed in the Ministry of Finance in consultation with the Ministries of Home and Law.

In this connection, may I mention a matter? It is not normal—and the House knows it—for officers of the Government to be criticised and attacked in the course of speeches in Parliament because they are not supposed—they cannot obviously—to answer. It is really the Minister who is responsible and it is the Minister who must bear the brunt of any criticism and attack even though his officer has done so. I repeat it now because of this reason. Now that actually an enquiry is being held, it would be even more unbecoming for officers who are in a sense being tried for their conduct to be attacked in Parliament or elsewhere.

In the course of the discussion here on the Chagla Commission Report, unfortunately there were quite a number of attacks on these public servants and these officers, some of which, I consider, are rather deplorable. In particular, an hon. Member of this House, Shri Patnaik, referred to one such public servant and mentioned a number, a string, of cases in this connection. Now, I pointed out the impropriety of attacking the public servant in this way when he could not deal with that attack either here or elsewhere. So far as the cases mentioned by him are concerned, each one of them had been carefully consider-

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ed by the Public Accounts Committee and by the Government and after repeated consideration, enquiry, etc., on those cases, it was decided that those matters should be regarded as closed.

Shri U. C. Patnaik (Ganjam). The Public Accounts Committee had recommended that some of these things be enquired into at a high level.

Shri Jawaharlal Nehru: Government did enquire and came to that decision. As a matter of fact, so far as I can remember, even there no charge or no question of personal conduct arose. I regret, therefore, that this very wholesome rule about not criticising public servants in Parliament but criticising the Minister responsible certainly, was not observed. And it is not because a person can be tried for an offence. At this particular moment, it would not be fair for a background of prejudice to be created about past events when a particular matter is being enquired into.

Shri S. A. Dange (Bombay City—Central): Sir, may I enquire whether during the pendency of the enquiry, these officers will be in the same position and in charge of the same files?

Shri Jawaharlal Nehru: No, Sir. As a matter of fact, one of them Mr. H. M. Patel has been on leave for some time. I believe Mr. Kamat is going on leave or has gone on leave—I am not sure. Anyhow, he may not be functioning during the pendency of the enquiry. That applies, I understand, to Mr. Vaidyanathan also.

There are certain matters which I should like to refer to among the various criticism on taxation etc. I made it clear to the House that the basic structure of taxation which had been introduced last year was going to continue and I propose no change in it. In fact we have made it a little more integrated by proposing the Gift Tax and certain amendments in the Estate Duty Act. So, that remains. I propose to make no change in the income-Tax or like taxes.

But there are certain changes which I should like to suggest to the House. We realise that the situation in the textile industry is not a good one. Because of this there was a reduction of two annas in excise duty on medium cloth in December, 1957. Two annas per square yard was reduced to 1½ annas. This reduction had some effect of stimulating clearance on medium cloth. But even now, the overall position cannot still be said to be very satisfactory with accumulated stocks. Therefore, we propose to reduce the rates of duty on cloth textiles as follows:

- (1) The Existing duty on coarse dhoties and sarees is being reduced from 3.125 n.P. to 3 n.P. per square yard, and on coarse other sorts from 9.375 n.P. to 6 n.P. per square yard.
- (2) The medium category is being split up into two categories, namely (a) dhoties and sarees, and (b) other sorts. In the case of dhoties and sarees the existing duty of 9.375 n.P. is being reduced to 7 n.P. per square yard, and on medium other sort from 9.375 n.P. to 9 n.P. per square yard.
- (3) In the case of fine variety the existing duty of 18.75 n.P. is being reduced to 17 n.P. per square yard.
- (4) In the case of superfine the existing duty of 25 n.P. is being reduced to 22 n.P. per square yard.

These proposals will cost the Exchequer nearly Rs. 15 crores, but Rs. 9 crores of this sum has actually been taken into account in this budget figures that I proposed. The balance is Rs. 6 crores. I believe that it will not really be Rs. 6 crores; because of greater production and clearance that figure will be reduced. These reduc-

ed rates take effect from the 19th March, 1958, that is tomorrow.

Shrimati Renu Chakravartty: Are there any changes in the powerloom excise?

Shri Jawaharlal Nehru: Yes. As per notification issued, the compounded rates of duties in respect of powerlooms are also being suitably revised in conformity with the reduction in standard rates. The existing rates of additional excise duties are not changed.

Shri T. N. Singh (Chandauli): When duties are changed, usually they take effect immediately. May I know why there is this lapse of 24 hours in this case? There must be a forced holiday so that there is no sale today. Something like that is done. This lapse of time is not usually allowed.

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): This is a case of reduction.

Shri Tyagi: That is followed only when duties are enhanced.

Shri Jawaharlal Nehru: If it is possible this will be done. I am not quite sure about the mechanics of it.

Mr. Speaker: Whenever a taxation measure is brought here it is passed immediately, but if a notification is to be issued it will take some time. The hon. Prime Minister may consider it.

Shri Jawaharlal Nehru: Yes.

Shri Bimal Ghose: Here the duties are being reduced; so there is no question of any evasion.

Shri Jawaharlal Nehru: Now, Sir, there is another matter. Last year, in December 1956, an amendment was made to the Income Tax Act which required certain deposits to be made by companies with Government of surplus funds. The scheme came into

effect from the financial year 1957-58. So far as the accumulated profits and reserves were concerned no deposits were called for. In regard to current profits, however, a deposit of Rs. 50 per cent. of the amount of available surplus was required to be made for that year. The object of this scheme was to ensure that the surplus money of corporate enterprise arising mainly from the liberal depreciation allowances and development rebate was utilised for purposes conducive to industrial development of the country consistently with the objective of the Plan and was not frittered away in other cases. The experience of Government in the administration of the scheme during the last one year has been that in actual practice the bulk of the financial resources of the companies are, in fact, being utilised in approved directions. Further, in the Finance Bill of 1958—this year—which is at present before this House, a provision has been introduced for the regulation of development rebate allowance for its being utilised for the legitimate maintenance, development and expansion of the business, and to prevent it from being frittered away. As development rebate constitutes a major component of tax-free allowances granted to industry, this new provision will substantially serve the objective underlying the deposit scheme. The Government have, therefore, decided that for the financial year 1958-59 no deposits may be called for from the companies either in respect of accumulated profits and reserves or the current profits.

May I repeat that these deposits were, of course, not tax; they were on enforced loan on which Government paid an interest of, I think, 3½ per cent. As a matter of fact, the result of this has been that we realised Rs. 3.61 crores—a relatively small sum—and this involved an enormous amount of work—claims for exemption being examined, checked and so on. So, the burden of the Commissioner of Income Tax and the Board of Revenue increased, and the actual amount

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realised was small. Of course the amount realised was small—because of very liberal exemptions. That is true, otherwise it would have been large. But, if it had been strictly applied the burden would have been very heavy on industry and, therefore, it was rightly applied in a liberal way. Anyhow, now that the change has been made in this year's Finance Bill the necessity for this does not arise and, as I have said, no deposits will be called for from the companies this year. I might add, however, that for the present we are not taking any steps to remove this law from the statute-book. This is simply because this will require a new amending Bill. When the time comes for us to amend the Income Tax Act we will include this there.

One small matter, which is of interest to me at least and, maybe, to some others here, is that there has been some difficulty in the production of cheap books in India. Cheap books are printed on newsprint and not on normal good paper. All the foreign cheap books that come are printed on newsprint. While books come here duty free, newsprint has to pay duty, and rightly so. And, there is nothing left in the book trade. So our book trade had to print its so-called cheap books on more expensive paper, and it cannot easily compete with foreign cheap books from abroad. The question was that they are getting cheap newsprint. Now, it was suggested that the duty on newsprint should be removed. There is some difficulty about that, but we are examining this matter. We will find some way out of it. If necessary we may get some small special quantity of newsprint and even give some foreign exchange for the purpose, because we do wish to encourage the production of cheap books here.

Sir, I am very grateful to the House for the indulgence. I have spoken for a long time. I wish to repeat, Sir, what I said in the course of my speech

that, while we are fully conscious of the seriousness of the task, of the difficulties and all that, there is absolutely no sense or no feeling of pessimism or defeatism in my mind. If people call that complacency they are wrong; because we are not complacent, nobody can be complacent who has to face the difficulties and burdens of the day. But, it is one thing not to be complacent and yet be full of hope and strength. I have no doubt at all about the soundness of Indian economy, the soundness of the Indian people. These things are more important than any other arguments, and facts and figures we may raise. It is true that we have to function within certain limitations; we cannot escape that; they are inherent. I may quote from Shakespeare, used in a totally different connection:

"The will is infinite, and the execution confined; the desire is boundless, and the act is a slave to limit".

Shrimati Renuka Ray: Mr. Speaker, I would like to ask one question in regard to the Finance Commission's recommendations. The hon. Prime Minister has said today, and it was said more than categorically in the Deputy Finance Minister's speech yesterday, that the Central Government are accepting the recommendations of the Finance Commission as an award. The point that I raised was that they have not done so on one specific item, that is, the consolidation of the loans to the State Governments regarding interest and methods of repayment.

A few days ago, there was a paper placed on the Table of the House to say that those recommendations—clauses 156 and 157—have not been accepted. Therefore, I would like to know how that fits in with the fact that they have accepted them as an award. If it is accepted as an award by the Centre, then, of course, the State Government would also accept them.

Shri Jawaharlal Nehru: May I answer that question, Sir? Of course, strictly speaking, it is not an award, but even so, a great part of it, in the nature of a solid recommendation, has been treated by us as an award—nearly the whole of it.

In regard to loans, it is suggestion that they have made; even though they treated it somewhat differently, we had, in fact, accepted even that—a great part of it—as minor variations. I need not go into the reasons; why the minor variations do not fit in, and the difficulty arises.

PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) BILL

The Minister of Works, Housing and Supply (Shri K. C. Reddy): Sir, I beg to move:

"That this House concurs in the recommendation of Rajya Sabha that the House do join the Joint Committee of the Houses on the Public Premises (Eviction of Unauthorised Occupants) Bill, 1958, made in the motion adopted by Rajya Sabha at its sitting held on the 12th March, 1958 and communicated to this House on the 14th March, 1958 and resolves that the following Members of Lok Sabha be nominated to serve on the said Joint Committee:—

Shri N. B. Maiti, Shrimati Sucheta Kripalani, Shri Naval Prabhakar, Shri T. N. Vishwanatha Reddy, Shri Vutukuri Rami Reddy, Shrimati Mafida Ahmed, Shri Jhulan Sinha, Shri Bhola Raut, Shri Chhaganlal M. Kedaria, Sardar Amar Singh Saigal, Shri N. Sankarapandian, Shri M. K. Shivananjappa, Shri Ajit Singh Sarhadi, Shri Shobha Ram, Shri S. Ahmed Mehdi, Shri Kanha ya Lal Balmiki, Shri Sinhasan Singh, Shri Padam Dev, Shri Shivram Rango Rane, Shri Gaintamani Panigrahi, Shri P. K. Kodiyan, Shri Mohan Swarup, Shri

Braj Raj Singh, Shri Subiman Ghose, Shri Jaipal Singh, Shri Surendra Mahanty, Shri Atal Bihari Vajpayee, Shri B. N. Datar, Shri Anil K. Chanda and the Mover."

I do not propose to take much time of the House by way of commending this motion to the approval of the House. I would like, in the first place, to give the House an idea of the magnitude of the problem that we have got to face in this connection. So far as the public premises are concerned, they are defined in the Bill that is before the House. They include all central Government property, lands and buildings as also certain property and lands belonging to the local bodies in Delhi. Since 1947, there have been unauthorised occupations of the Government premises on a very large scale. For example, in New Delhi, the number of buildings in unauthorised occupation since 1947 has been of the order of 6,302. In Bombay, there were 25 unauthorised occupations and there were also 4,000 squatters in a plot of land at Kolaba.

13.35 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

In Calcutta, there have been unauthorised occupants of buildings in 32 cases. In the case of the Hirakud Dam project, there have been 34 unauthorised occupations. In the Ministry of Defence, there have been 1,833 cases of unauthorised occupation of lands. In Kandla, where the port is being constructed, the number of unauthorised encroachments is on a very constant increase. Recently, we have received information to the effect that in Delhi there have been more than 9,000 unauthorised constructions and that in these constructions there are about 50,000 squatters. I am giving these figures with a view to emphasise the magnitude of this problem. Apart from the unauthorised occupation of buildings, the question of rent collection and the assessment of damages also will have to be kept in

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mind. The amount of damages that have been assessed and recovered including rent has been of a very big size. For example, in New Delhi itself, so far as damages due to unauthorised occupation is concerned, the amount has been of the order of about Rs. 10,74,000. In the Ministry of Defence, in the case of unauthorised occupation of lands belonging to them, and the damages thereon, the amount has been of the order of Rs. 6,83,000.

So, this question of unauthorised occupation which has assumed such a large magnitude, has to be tackled with speed and vigour. The properties belonging to the Government of India as also to the Delhi Development Authority are intended for public purposes, and we have got a big development programme in the country at the present moment. We should, therefore, do nothing in order to impede or slacken the pace of development programme. We have got to have power to deal with those unauthorised occupations in a satisfactory manner.

It may be argued that we may have recourse to the ordinary law of the land in order to evict unauthorised occupation of persons from these premises. As the House is well aware, this ordinary process of law takes a long time and involves prolonged delay. There have been cases in which many years have been taken before it has been possible to evict unauthorised occupants from the premises.

So, it has become necessary, and it has been realised very sufficiently, that Government should be vested with some powers which would enable them to ensure the eviction of unauthorised occupants from the public premises. Realising this, Parliament from time to time has been pleased to invest the Government with certain special powers, and some speedy machinery has been created in order to enable the Government to evict

unauthorised persons from those premises.

I do not want to go into the history of this legislation. It has a very long past. Before 1947, Government were exercising certain powers in order to effect these evictions, etc., under the Defence of India Act. In 1947, an Act was passed, and in 1950 another Act was passed. There have been certain amendments to those Acts and the present Act which is holding the field. The Public Premises Eviction Act, 1950 has vested Government with certain powers and it is under this Act that Government have been taking prompt measures in order to evict the people from unauthorised occupation and also taking steps to collect rent and damages.

The need for coming forward with this Bill at the present moment has been explained sufficiently clearly in the Statement of Objects and Reasons, accompanying the Bill which was introduced in the Rajya Sabha the other day. I am quite sure that the hon. Members would have gone through the Statement of Objects and Reasons. During recent months certain High Courts of our country have pronounced certain judgments regarding the operation and provisions of the Public Premises Eviction Act. For example, the Calcutta High Court, in a recent judgment, has held the view that certain provisions of this Act infringe the provisions of the Constitution. The court has held that certain provisions offend against article 19(1) (f) of the Constitution which deals with the fundamental right of citizens to acquire, hold and dispose of property. The provisions under that article do not sufficiently protect the provisions of this Act. The Allahabad High Court has also held that the provisions of this Act offend against article 14 of the Constitution and make discrimination between citizens and citizens, distinction bet-

between unauthorised occupants of private premises and public premises. But the latest decision is that of the East Punjab High Court, which agrees with the judgment of the Calcutta High Court, saying that the provisions of this Act offend against article 19 (1) (f) of the Constitution; but they have disagreed with the judgment of the Allahabad High Court that the provisions of this Act are discriminatory.

It is in the light of these judgments that Government have had to consider what to do about the matter. If we are to go to the Supreme Court, as was suggested by some hon. Members in the Rajya Sabha, it would involve a good deal of time. So, finding that there is some substance and weight in the judgments of the High Courts delivered in recent months, Government came to the conclusion that the far better method would be to repeal the existing Act and go in for a new Bill which, while providing the speedy machinery for the purposes which have been mentioned already, at the same time, would not be inconsistent with the provisions of the Constitution. So, keeping these objectives in view, Government have come forward with this Bill, and this Bill has now been unanimously referred to a Joint Committee by the Rajya Sabha. They have recommended that this House should nominate 30 members of the Lok Sabha to serve on the Joint Committee and the Joint Committee should submit the report before the 22nd of April or so.

Now I would like to say one or two things briefly about some aspects of this Bill. This Bill, as I said, seeks to meet most of the objections that have been raised by the various High Courts in the course of their judgments. It was held, for example, that the appointment of the competent authority according to the existing Act was not quite satisfactory. So, we have in the Bill, that is now before the House, taken provision to appoint what we call "estate officers", at the same time making it quite clear that

these officers should be gazetted officers who, according to Government, are fit to exercise the powers vested in them.

What is more important, a definite procedure has been laid down as to how these estate officers will have to act in future, after the Bill becomes an Act. For example, when they propose to make an eviction order, they have to give notice to the persons concerned that they intend to make such an order, calling upon the person or persons concerned to show cause why such an order should not be issued. Provisions have been made for the due service of the notice also. Sufficient opportunity will be given to the person against whom the eviction order is proposed to be issued to have his say. He will have to be properly heard, and it will be only afterwards that the estate officer, after considering all the objections of the person concerned, issue the eviction order. After the issue of the notice, the person concerned has to be given sufficient time, within which he can prepare his case and submit it to the estate officer.

After the estate officer has given sufficient opportunity, and has heard the case of the person concerned, then he proceeds to make the eviction order. After the eviction order, another thirty days' time is given to the person to vacate the premises.

Then, what is still more important is this. Under the existing Act, there is only one appeal over the decision of the competent authority, and that appeal lies to the Central Government. And, if I may say so, rightly it has been stated that the Central Government, not being a judicial authority, would more often be inclined to uphold the decision of the estate officer, who is the competent officer. In such circumstances, the person would not get justice.

It is not as if the Central Government would always uphold the decision of the competent authority. But, since the jurisdiction is there, more

[Shri K. C. Reddy]

often than not the Central Government would uphold the decision of the lower authority. So, in order to obviate the difficulty and in order to give sufficient safeguards to the people concerned, provision has been made in the Bill that is now before the House for an appeal to a judicial officer. The person aggrieved may appeal within 15 days of the passing of the order to a judicial officer. And the judicial officer should be of the rank of not less than a district judge or a person who has had ten years of judicial experience.

Then the procedure has been laid down as to how the case is to be heard by the judicial officer. It is only after the judicial officer has heard the case and pronounced the judgment that the eviction order becomes final. In respect of assessment of rent, collection of rent and in respect of damages that have to be collected sufficient opportunity has been given to the aggrieved person to go to a judicial officer for redress.

It will be readily admitted that because of the changes that we have introduced, the present Bill is much more liberal than the 1950 Act. I have referred to some of the main provisions of the Bill. Then, it has been stated that the time for appeal should be extended, and should not be merely fifteen days. With regard to that, I would like to point out that if the judicial officer feels that, for good reasons, the appeal could not be filed within fifteen days, there is a provision in the Bill now before the House that the time could be extended by the judicial officer at his discretion. All these safeguards have been incorporated in the Bill that is now before the House. I would like to say that the Bill meets most of the objections that were raised by the various High Courts when they pronounced their recent judgments, holding the 1950 Act to be ultra vires the Constitution.

I would not like to take the time of the House in giving further details about the matter at this stage. I would only like to repeat once again that there is very great necessity for a Bill of this kind to be put on the statute book. If I may say so, the problem is *sui generis* in our country, and particularly in Delhi we have embarked upon a dynamic developmental activity. The housing accommodation problem in Delhi and other places like Bombay and Calcutta is none too rosy, and there has been constant influx of population into the cities. I would refer to Delhi in particular.

It is not as if the unauthorised occupants are only refugees, as may be the impression in the minds of some hon. Members. The unauthorised occupants are of various categories of people. For example, there are Government servants, retired Government servants, Government servants who have resigned or who have been dismissed or who infringe the provisions of the allotment rules; officers of various kinds come under this category. I asked for information about the unauthorised occupants in Delhi, and I was surprised to learn that out of about 290 and odd cases, only 11 cases were cases of refugees and the rest were, more or less, Government servants who have been unauthorisedly occupying these buildings for one reason or another. That is against the law. For example, the construction labour, which is coming in large numbers to Delhi because of the large-scale developmental and building activity that we have taken up, occupy sometimes premises, sometimes roads, sometimes pavements and sometimes even *pucca* buildings. They have put up structures in governmental land without any permission whatsoever. That has been going on even now.

Also, the employment potential in Delhi has increased considerably in recent years and people of all types come to Delhi in search of employment. People, who are already Government officers, send word to their

friends and relatives that they could come, stay here and look out for Government employment, which is on the increase. So, all these people come, stay for some time and then shift and in some cases some people have been in unauthorised occupation of buildings. There are these various categories.

Another difficulty is that we have put up a number of buildings for Government officers in the last few years. Unfortunately, during the last few years we have not taken equally good care of having put up buildings for the menial establishment, which inevitably come in the way of putting buildings for such officers and other Government officers. So, these menial service personnel have also contributed to it. By service personnel, I mean not Government servants but people who come as barbers, cobblers, washermen, sweepers and so on and so forth. They are all unauthorisedly occupying certain lands and premises and have put up unauthorised structures. We have got to face this problem. In this peculiar and extraordinary situation we want that the Government should be vested with power to deal with this problem quickly and satisfactorily.

As I have said earlier in the course of my speech, it would be futile if we were to depend on the ordinary law for this purpose. As I said, it takes inordinately long time and it would seriously affect public interests.

At this stage I would not like to say more about certain other aspects of the Bill. One important aspect, however, I would like to briefly mention. In the definition of "public premises", we have included premises belonging to the Delhi Development Authority and the Delhi Corporation. It is for a very good reason. We are not including in this Bill premises that may belong to other local bodies. We have made an exception in the case of Delhi because the case of Delhi is *sui generis*. In fact, the problems that we are facing in Delhi are of a nature

that are not perhaps faced with in any part of the country, say, in Calcutta. The population has gone up from five lakhs, I suppose, to nearly 20 to 25 lakhs and all kinds of problems—new bodies have been created as the Delhi Development Authority and the Delhi Corporation—have got to be faced. So, in their case also, as a special case, we have thought it fit to have the necessary powers to evict unauthorised occupants of premises belonging to these two local bodies only. All other cases of unauthorised occupation pertain to premises belonging to the Central Government.

With these brief remarks, I would like to commend the Motion for the acceptance of the House. There may be certain features of the Bill which may require being looked into. I do not deny that. Certain points have already been made in the Rajya Sabha and I am sure certain points will be made in the course of the debate in this House today. I submit that these matters could very well be looked into by the Joint Committee, which is now being constituted. The Joint Committee is a fairly big one—fifteen Members from the Rajya Sabha and thirty Members from the Lok Sabha. A big Joint Committee of 45 Members of Parliament will go into the detailed provisions of this Bill and I do not think there will be any one in the course of the debate today, who will take objection to the principles of this Bill. If we accept the principles of the Bill and the necessity of vesting Government with such powers—powers of the nature that I have indicated—then the details could certainly be discussed in the Joint Committee. After the report of the Joint Committee is available, we could give further thought to the consideration of the report of the Joint Committee.

Mr. Deputy-Speaker: Motion moved:

"That this House concurs in the recommendation of Rajya Sabha that the House do join the Joint Committee of the Houses on the

[Mr. Deputy-Speaker]

Public Premises (Eviction of Unauthorised Occupants) Bill, 1958, made in the motion adopted by Rajya Sabha at its sitting held on the 12th March, 1958 and communicated to this House on the 14th March, 1958 and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee:—

Shri N. B. Maiti, Shrimati Sucheta Kripalani, Shri Naval Prabhakar, Shri T. N. Viswanatha Reddy, Shri Vutukuru Rami Reddy, Shrimati Mafida Ahmed, Shri Jhulan Sinha, Shri Bhola Raut, Shri Chhaganlal M. Kedaria, Sardar Amar Singh Saigal, Shri M. Sankarapandian, Shri M. K. Shivananjappa, Shri Ajit Singh Sarhadi, Shri Shobha Ram, Shri S. Ahmad Mehdi, Shri Kanhaiya Lal Balmiki, Shri Sinhasan Singh, Shri Padam Dev, Shri Shivram Rango Rane, Shri Chintamani Panigrahi, Shri P. K. Kodiyan, Shri Mohan Swarup, Shri Braj Raj Singh, Shri Subiman Ghose, Shri Jaipal Singh, Shri Surendra Mahanty, Shri Atal Bihari Vajpayee, Shri B. N. Datar, Shri Anil K. Chanda and Shri K. C. Reddy."

Shri Tangamani (Madurai): Mr. Deputy-Speaker, Sir, I shall be very brief in my observations. I am grateful to the hon. Minister for giving certain instances of unauthorised occupation in Delhi itself. Before I go into this, the statement of objects and reasons of this Bill makes it clear that because three High Courts—the High Courts of Calcutta, Allahabad and Punjab—held that the Public Premises (Eviction) Act, 1950, is *ultra vires*, this new Act had to come. It will be a good thing if certain pronouncements are made by the various High Courts. It will be better to take it on appeal to the Supreme Court and after the Supreme Court's decision is known, if necessary, similar enactment could be brought here. So

I submit, there has been some haste in bringing this Bill itself. But, having said this, in view of the importance of this Bill, I am glad that this Bill is going before a Joint Committee.

Certain mischief is likely to be created, which is patent from the definition clause itself. "Public premises" means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government; and, in relation to the Union territory of Delhi, includes also any premises belonging to the Municipal Corporation of Delhi or any municipal committee or notified area committee; and any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said Authority. This definition is so comprehensive that it will include not only the Union territories, but those premises belonging to the Municipal Corporation also. Virtually, the whole of Delhi will come under this.

Of late so many people are now coming to Delhi, not as refugees, not as squatters, but these people who are doing very valuable work. I know there is a concentration of a large number of construction labour. When so much construction is going on, and the Government is not in a position to provide them with quarters, where are they to stay for being engaged in this construction work? So evicting these people under these new powers, which have been taken by the new Estate Officer, will certainly do great harm to these workers, who are doing a very constructive job. My submission and suggestion to the Joint Committee is that where we find a case of this so-called unauthorised occupation, where we find that these are manual labour or people who are doing some constructive work in the territory of Delhi, they should not be evicted unless some alternative arrangement is made for housing them.

I can mention in this connection in one of the States, particularly in

Madras State—Madurai, there are about five acres of land right in the middle of the city and now new hutments have come up. Because new hutments have come up, they call it Dhidirnagar, i.e., a small nagar which has sprung up all of a sudden. This sprang up in 1947. Most of the people there are either textile workers or transport workers or municipal workers. These workers were really doing a very useful job and when the question of eviction came, the Government of Madras sought the power to evict them. But then good sense prevailed over the authorities and an assurance was given that unless certain alternative site is found and some quarters are provided for these squatters, these people will not be evicted.

14 hrs.

To this day—more than ten years have elapsed—these people still continue to stay there. There is the additional advantage of these workers choosing a particular site. When they are building houses in a particular place they choose to stay in a nearby area. So it would be a hardship to provide them with houses at a place five or ten miles away from the place of their work. These are certain genuine hardships which will be experienced by these workers.

Formerly at least there was competent authority who had to go through a certain process of law. Here is an estate officer who is now clothed with wide powers. He will give notice. The hon. Minister himself knows that as soon as a notice comes, the ordinary worker may not know for what purpose that notice has been served. He will probably think that the notice has been served for evicting him. So he may not make the necessary representation. All these things like making representation and the right of appeal may be all right for people who are deliberately occupying premises or sites. Here are poor workers who occupy these sites so that they may be in the vicinity of their area of work. So the mischief done is likely to be great. That is why we

want some safety clause to be provided.

It is a good thing that there is a provision for appeal to a judicial officer. But during the period of appeal there must be a provision for staying the eviction. I do not find any provision to that effect in this Bill.

Shri K. C. Reddy: It is there.

Shri Tangamani: A case may arise where the appeal may be pending and the poor person will be evicted. Even after he wins the appeal, if you want him to go back to that site, he will not go back to that place.

Shri K. C. Reddy: I would refer the hon. Member to clause 9, sub-clause (3) which reads:

"Where an appeal is preferred from an order of the estate officer, the appellate officer may stay the enforcement of that order for such period and on such conditions as he deems fit."

Shri Tangamani: What I would like is that there are certain appeals in criminal cases where the appeal is preferred to the higher court. But the original court which convicted the person can as well grant bail. In the same way I would like the estate officer himself to give the stay order. Instead of his going to the appellate court and obtaining a stay from it, there should be a provision for getting a stay from the estate officer himself. So, although I am in general agreement with the purpose of this Bill, it contains potentialities of mischief.

I would be failing in my duty if I do not bring to the notice of the House that in West Bengal particularly there are large chunks of refugees in unauthorised occupation of public premises. We do not have so many refugees from West Bengal in Delhi, but there are refugees from East Pakistan occupying not only lands belonging to the State Government

[Shri Tangamani]

but also of the Central Government. In those cases greater caution is necessary to see that these refugees are resettled properly before they are evicted. It may be a case of a refugee occupying a particular place, and that place itself may be the probable place of resettling him. Instead of exploring that possibility, if he is evicted it will cause not only hardships, but bitterness in the minds of the people.

I am sure the Joint Committee will go into all these matters.

श्री अर्चित राज (पटियाला) : साहिबे सदर, मंत्री जी ने इस बिल के मुताल्लिक कहा है कि यह बिल्कुल मुनासिब बिल है। मेरा दिल भी करता है कि मैं भी यह कहूँ कि यह बिल्कुल मुनासिब बिल है। उन्होंने कहा कि जिन लोगों ने आकुपाई किया हुआ था, उनमें से ११ आदमी रेफ्यूजीज थे। उनके सामने जो फ़ैक्ट्स आये, वे वाकई ऐसे हैं, जिनसे उनके दिल में यह क्या पैदा हुआ कि रेफ्यूजीज को कोई दिक्कत नहीं हुई। मैं बाकी लोगों के बारे में कुछ नहीं कहता, लेकिन रेफ्यूजीज के मुताल्लिक अर्ज करना चाहता हूँ।

बदकिस्मती से आज रेफ्यूजीज का मामला लिये दस वर्ष हो गये हैं। शुरू में गवर्नमेंट आफ इंडिया ने रेफ्यूजीज के मामले को हल करने के लिये एक मशीनरी बनाई। उस वक्त कोई स्टेट की मिनिस्ट्री नहीं थी। कुछ देर तक उसने काम किया। यहां पर लाखों रेफ्यूजीज आये। बाद में दिल्ली स्टेट गवर्नमेंट बन गई और हमने कहा कि हम इस मसले को हल नहीं कर सके, अब इस मसले को स्टेट गवर्नमेंट हल करे। स्टेट गवर्नमेंट ने इस मसले को हल करने की बहुत कोशिश की। इसमें कोई शक नहीं कि यहां पर बहुत मकान बने। उन्होंने एक सैन्सेस ली कि यहां पर कितने रेफ्यूजी हैं और ३३ हजार की एक लिस्ट बनाई गई और उन लोगों के फोटो लिये गये, ताकि जो आदमी मुस्तहिक हों, उनको रिलीज

दिया जा सके। फिर स्टेट गवर्नमेंट टूट गई और फिर यह मामला सेंट्रल गवर्नमेंट के पास आ गया। २०, २३ हजार के करीब मकानों और दुकानों का इन्तजाम कर दिया गया, लेकिन १० हजार लोग ऐसे रह गये, जिनमें से ७ हजार लोगों को मकानों की जरूरत थी और ३ हजार को दुकानों की जरूरत थी। जब यह मामला सेंट्रल गवर्नमेंट के पास आया, तो उसने कहा कि अब हम और मकान नहीं बनायेंगे। अब हालत यह है कि वे तमाम लोग शहर के अन्दर पड़े हुए हैं और उनके लिये कोई मकान या दुकान नहीं है। यह जो बिल आ रहा है, वह बड़ा कामिप्रहेंसिव है। मैं समझता हूँ कि पहले भी इस मिनिस्ट्री का रबैया रेफ्यूजीज के साथ बड़ा हमदर्दानी रहा है। गाडगिल साहब का रबैया भी बड़ा हमदर्दानी रहा है। इसके साथ मेरा भी आउट ताल्लुक रहा है। उसके बाद भी आई जस्ट से, जब कोई मामला आता रहा है, आपने भी थोड़ा बहुत किया है। लेकिन मैं पूछता हूँ कि उन का क्या इन्तजाम किया गया है। अब आपने कहा है कि इस सिलसिले में कार्पोरेशन और दिल्ली डेवलपमेंट ऑथोरिटी में देखल दिया जा सकेगा। जब कार्पोरेशन का मामला यहां पर आया, तो यह सवाल उठा कि दिल्ली डेवलपमेंट ऑथोरिटी बने वा नहीं। इस हाउस में यह आवाज आई कि दिल्ली कार्पोरेशन डील करे, लेकिन मैंने सपोर्ट किया कि नहीं, दिल्ली कार्पोरेशन नहीं, दिल्ली डेवलपमेंट ऑथोरिटी करे, ताकि जिन हजारों आदमियों का कोई इन्तजाम नहीं हो सका है, उनका इन्तजाम किया जा सके। मैंने उस वक्त कहा कि मेहरबानी करके इनका इन्तजाम कर दीजिये, इसीलिये हम सपोर्ट करते हैं, शायद दिल्ली कार्पोरेशन उनका इन्तजाम न कर सके और दिल्ली डेवलपमेंट ऑथोरिटी कर सके। एक नई बात और आ गई और वह यह कि यह दिल्ली कार्पोरेशन और दिल्ली डेवलपमेंट ऑथोरिटी दोनों पर लागू होगा। मेरी समझ में यह बात नहीं आती कि जो इनका एरिजा

है, जहाँ जहाँ वे बैठे हैं, उनके मुताल्लिक आपने क्या इन्तजाम किया है। वे ज़मीन पर भी बैठे हैं, हट्स बना कर भी बैठे हैं। यह ठीक है कि नये आदमी भी आते रहते हैं। आज मैं उस मामले में नहीं पड़ना चाहता हूँ कि जो लोग दिल्ली में आते हैं, वे क्यों आते हैं। बेचारे रेप्यूजीज बनो; खा खा कर आते हैं। जिन लोगों को पंजाब में और हिन्दुस्तान में कहीं जगह नहीं मिली, वे यहाँ आते हैं। वे ऐसा रोटी के लिये करते हैं। वे ऐशो-इशरत नहीं करते हैं। वे महलों में नहीं बैठते हैं। वे रोटी के लिये कोशिश करते हैं। यह ठीक है कि जो लोग १९५७-५८ में आये, गवर्नमेंट उनकी जिम्मेदारी नहीं ले सकती है। आई कैन अंडरस्टैंड बेट। आखिर एक निमित्त होती है। लेकिन जो लोग १९५५ में आये, जिनके कार्ड बने, जिनके मुताल्लिक आप पास मुब्त है, जो दिल्ली में बैठे रहे और राह देखते रहे कि सेंट्रल गवर्नमेंट हमारा इन्तजाम करती है, स्टेट गवर्नमेंट हमारा इन्तजाम करती है, अब दिल्ली डेवेलपमेंट ऑथॉरिटी हमारा इन्तजाम करती है, उनकी जिम्मेदारी आपके ऊपर है। अब आप यह बिल ले आये हैं। यह ठीक है कि हार्ड कोर्टों ने फैसला दे दिया है—बम्बई हार्ड कोर्ट ने दिया है या पंजाब हार्ड कोर्ट ने दिया है, लेकिन मैं यह भ्रष्ट करना चाहता हूँ कि इस मामले को हल करने की जिम्मेदारी गवर्नमेंट की है। जो आदमी यहाँ पर बैठे रहे और इन्तजार करते रहे, उनका आप क्या इन्तजाम कर रहे हैं? क्या आपने उन लोगों के लिये किसी आल्टरनेटिव एका मोडेशन का इन्तजाम किया है? आपके पास सुबूत मौजूद है कि वे लोग कई सालों से वहाँ बैठे रहे हैं, लेकिन आपने उनके लिये कोई इन्तजाम नहीं किया है। आज उनकी हालत बदतर है। इस मुल्क में आये उनको आठ बस बरस हो गये हैं, लेकिन उनका कोई इन्तजाम नहीं किया गया है। आपने कहा है कि इसमें अपील का भी प्राविजन रखा गया है, लेकिन आपको मालूम हो कि

सैकड़ों, हजारों आदमी ऐसे भी हैं जो पैसा न होने की वजह से अपने कलेम फाइल नहीं कर सके। वे रोटी कमाने में रात दिन इतने मसरूफ़ रहे कि उनके पास बचत नहीं था। आप तो बाकायदा इनचार्ज हैं और बिल लाना और इन्तजाम करना आपका फ़र्ज है, लेकिन मैं यह भ्रष्ट करना चाहता हूँ कि आप उन लोगों की एक्चुअल डिफ़ीकल्टीज को देखिये और उनका कोई इन्तजाम कीजिये। जो लोग अब तक बैठे रहे हैं, आप उनका क्या इन्तजाम करेंगे। इसलिये मैं प्रार्थना करूँगा कि आप इसका कोई प्राविजन कीजिये। मैं अभी भाया हूँ। मुझे सिलेक्ट कमेटी के मेम्बरों की लिस्ट मालूम नहीं है, लेकिन मैं यह चाहता हूँ कि आप इस बात का इन्तजाम करें कि जो जेनुइन आदमी हैं, जो पाकिस्तान छोड़ कर इस मुल्क में आये हैं और यहाँ रह रहे हैं, उनको तकलीफ़ न हो। यह कहना तो बड़ा आसान है कि हमारे पास फंड्स नहीं हैं, इसलिये हम नये मकान नहीं बनायेंगे, लेकिन जिन लोगों की किस्मत की जिम्मेदारी आपने ली है, उनका क्या बनेगा? पहले उनका मामला सेंट्रल गवर्नमेंट के पास था, फिर वह दिल्ली गवर्नमेंट के पास चला गया, फिर सेंट्रल गवर्नमेंट के पास आगया और फिर दिल्ली डेवेलपमेंट ऑथॉरिटी के पास भेज दिया गया। उन लोगों के पास कुछ नहीं है। अगर उनके पास रुपये होते, तो वे अपना इन्तजाम कर लेते। मैं आपके सिम्पैटिक एटीच्यूड पर बैंक करता हूँ और उम्मीद करता हूँ कि आप ज़रूर उनका कुछ इन्तजाम करेंगे। जिनका कोई नहीं है, आप ही उनके बने। ईश्वर की कृपा से आपके जिम्मे यह ट्रस्ट लगा है। मैं इस वक्त और ज्यादा नहीं कहना चाहता हूँ। अगर सिलेक्ट कमेटी में मौका मिला, तो डिटेल में बात करेंगे। यह एक बड़ा भारी मसला है, जो कि आज तक अनसाल्व्ड रहा है।

Nobody has solved it. Nobody has taken the responsibility to solve it. Responsibility was taken, but it was not discharged either by the Central

[Shri Achint Ram]

Government—Rehabilitation department—or by the State Government. Nobody has discharged it. Those people are there, uncared for, not looked after. I do not know who on earth will look after them. Bills after Bills may come. But, who will look after them? This is my painful submission before you. I do not look at that from any other point of view. I speak only out of a sense of grief. There are thousands of people who are unlooked after. There is nobody to look after their interests. You may bring Bills after Bills. But, under these Bills, their hard sufferings must be looked after. That is my submission.

Shri Naushir Bharucha (East Khadesh): Mr. Deputy-Speaker, Sir, before I heard the hon. Member incharge of the Bill justifying this Bill, I was under the impression that this Bill was badly needed. After I heard him, I am beginning to wonder whether the comparatively small number of unauthorised occupations cannot be dealt with according to the ordinary law of the land. It is true that if unauthorised occupation increases to a scale where it becomes impossible to house essential personnel, it is necessary that some sort of a law should be there for evicting unauthorised occupants from public premises.

At the bottom, there is shortage of housing accommodation because this Government has not done anything sufficient to house even the population that is being born, let alone those who are already there. The previous Act of 1950 was held *ultra vires* on two grounds; (i) that it offended against the fundamental right to hold property and (ii) that it denied equal protection of law to the occupants who were dealt with under the 1950 Act.

I am afraid the present Bill is not going to solve that problem. It is no use the hon. Minister saying that the Allahabad judgment has been dissented from by the Punjab High Court. After all, this Act will also be enforced in Uttar Pradesh. So long as

it is enforced in the U.P., the judgment of the Allahabad High Court will hold good there because the judgment of the Punjab High Court is not binding on the Allahabad High Court. At least in one big State this new Act will continue to be *ultra vires*. Therefore, what is proposed to be done about it? I am afraid the question is not being tackled scientifically.

Mr. Deputy-Speaker: The hon. Minister said that the Government had taken care to meet this objection in the new Bill.

Shri Naushir Bharucha: As I understood him, he said that the objection relating to the holding of property, where it came into conflict with the article relating to the holding of property,—those things have been taken care of. He relies on the fact that the Punjab High Court did not accept the Allahabad judgment and therefore he thinks that the Allahabad High Court judgment is wrong. That is what I understood him to say.

Shri K. C. Reddy: May I intervene, Sir? As regards the judgment of the Allahabad High Court which holds that there is differentiation and so it offends against article 14 of the Constitution, Government are advised that there is an intelligible basis for such a differentiation and if the judgment of the Allahabad High Court went to the Supreme Court, our case is very strong. It is only in respect of the other aspect of the judgment that we have been advised that we have to go in for a new Bill. It is under these circumstances that we have not taken steps to meet the objections made in the judgment of the Allahabad High Court.

Shri Naushir Bharucha: I cannot understand this conflicting position. Then the hon. Minister must hold that the judgment of the Allahabad High Court is wrong and prefer an appeal and keep in force the Act of 1950. I

can understand that. But if he says that there has been differentiation, until the matter is taken to the Supreme Court on the point under article 14, the judgment of the Allahabad High Court is still there.

Mr. Deputy-Speaker: I agree with the observations of the hon. Member. When the hon. Minister says that in the opinion of the Government, the views held by the Allahabad High Court would not be sustained and the Government thinks otherwise, unless an appeal is preferred to the Supreme Court, that judgment would hold ground in that State at least. If that has not been taken care of in this Bill that is before the House, perhaps that particular provision so far as differentiation is concerned, would remain *ultra vires*. There would be difficulty again unless the Supreme Court holds otherwise as is the view of the Government.

Shri K. C. Reddy: Moreover, in the U.P. we have not much of a problem.

Shri Naushir Bharucha: We may not have a big problem in the U.P. The Bombay High Court may be inclined to agree with the Allahabad High Court. Any other State High Court may be inclined to agree with the Allahabad High Court. You may have to come with another Bill. That is a point for the Joint Committee to look into. I am coming to that in greater detail.

If we analyse the problem of unauthorised occupation, it really falls under these categories. People whose services have been terminated, continue to remain in the premises. They are in the nature of tenants holding over. People have sublet and they themselves have disappeared. There may be cases of leave and licence. In spite of revocation of leave and licence, people continue to stay there. There may be purely cases of trespass. All these require to be dealt with in a different way.

So far as the scheme of the 1950 Act was concerned, as the hon. Minister explained they appointed a competent authority that subsequently turned out to be not so very competent in the eyes of law. They left him all the power. He, at his sweet will, could dislodge any person. I do not know how the Bill of 1950 was passed and how the law officers of the Government advised the Government to formulate a Bill of that type. Virtually it meant, 'no vakil, no appeal, no dalil.' That was the type of Bill and it has rightly been held *ultra vires*.

Shri K. C. Reddy: Parliament in its wisdom passed it.

Shri Asoka Mehta (Muzaffarpur): No vakil, no appeal, no dalil.

Shri Naushir Bharucha: That means no arguments. The point now is, have we done anything better here? Simply labelling the competent authority as Estate Officer does not materially alter his position in the eyes of law. The hon. Minister has explained that the scheme of the Bill which really is, that public premises have been defined, unauthorised occupation has been defined, and there are Estate Officers. I do not know who are going to be the Estate Officers. Probably, in a State like Bombay, the Mamlatdars would be entrusted with the work of Estate Officers. A totally new procedure which virtually denies natural justice has been evolved and incorporated in this Bill. Exactly the same argument would be urged that you are denying the same procedural law for one set of unauthorised occupants which is given to another set of unauthorised occupants.

I will tell you what the difference is.

Firstly, if you examine the provisions of the Bill, there is no personal service of summons. Never heard of a thing like that. Straightaway something is stuck on your door, which leaves a lot of loopholes. Any man

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can come and say the summons was pasted on the door ten days back.

Shri S. M. Banerjee (Kanpur): Not only this, but also by drum beating which will be announced.

Shri Naushir Bharucha: Who knows about the drum beating? There is no meaning. He can say that battaki was sounded on a particular street. I cannot say it was not sounded. I cannot lead evidence on that point.

Therefore, firstly personal service of notice is not there. The new procedure says that without making any effort at personal service, straightaway paste it. I do not know how the hon. Minister can make a provision like this.

Secondly, after ten days are past, there is no provision for a written statement being put in, because grounds are specified in the notice or summons, and the evidence will not be indicated there. Therefore, what is the man to reply to?

Then again, the requirement is that reasonable opportunity is to be given to the man to be heard. Therefore, the provisions of the Civil Procedure Code will not apply except to the extent that it is made applicable for enforcement of summons, discovery of documents and things like that.

It is even doubtful if under the Bill, if it is passed into an Act, a lawyer for a defendant can, as of right, cross-examine. Even that is doubtful.

Therefore, a totally new procedure, presumably with the intention of compressing and expediting enquiries, has been evolved, and that new procedure basically differs from the Civil Procedure Code, and makes a material and discriminating difference between two sets of unauthorised occupants, and therefore, the Bill again attracts the mischief of article 14.

My submission is that this new procedure that has been evolved is not materially different from the one that was in the 1950 Act, and unless one says that the procedure has got to be the same as the Civil Procedure Code, the mischief of article 14 will be undoubtedly attracted. I have no doubt about it.

The second point is this, that if we examine the position, what actually happens is that after the service of the notice, a particular defendant comes up, and he has got to show cause. He may show cause, but he has no right to lead evidence unless the Estate Officer in his discretion says that he is permitted to lead evidence. 'Show cause' means, giving reasonable opportunity, to be heard that is, that if a statement is produced by the defendant, on that the Estate Officer may decide. I submit that apart from technical and constitutional requirements, it is unfair that such a procedure should be imposed.

I could have even reconciled myself to injustice being done to a few if the work can be expedited, but the fact is that this procedure does not expedite the whole thing. Let us see how it will happen.

After a man is ordered to be evicted, 30 days time is given, during which he can prefer an appeal, and the appeal is preferred to the District Judge. I do not know how the hon. Minister is going to expedite the work before the District Judge. My own experience is that at least in Bombay State appeals before a District Judge do not come up before two or three years. I cannot say what the position is in other States, but if after expediting the whole thing before the Estate Officer, one gets bogged down at the appellate stage, I ask the hon. Minister how he is going to justify this Bill.

Shri K. C. Reddy: What would the hon. Member suggest then?

Shri Naushir Bharucha: You are the Minister. You are paid for suggesting. I am here for criticising.

Shri K. C. Reddy: Any constructive suggestion?

Shri Naushir Bharucha: If you are prepared to exchange positions, I will say what should be done.

Shri Jaganatha Rao (Koraput): Constructive criticism is possible.

Shri Naushir Bharucha: I will come to the constructive criticism presently.

Therefore, again, the same trouble will be there. What is more, arrears are only Rs. 10 lakhs. I do not think it is such a big amount of arrears that it justifies a separate procedure for that.

In the matter of recovery of arrears, the procedure is much worse. It simply says that no order with regard to arrears shall be passed unless a notice has been issued and reasonable opportunity is being given. Therefore, again here a different procedure is being followed than would be followed normally. Therefore, the position will be that you run the risk of attracting the mischief of article 14 without ultimately expediting the cases.

What should be done? I am inclined to think that if the Government have a little bit of foresight, what they should do is: when premises are handed over, they should obtain an agreement in the sense that the premises are not let, rent is not charged, but the premises are given on leave and licence terms; that is to say, there is no tenancy interest passed on to the occupant, but only the right to use the premises is given. If a leave and licence agreement is taken, a clause may be inserted in that agreement to the effect that on the termination of the service, or whatever the purpose the premises are given for, if the man does not vacate after a particular period to be specified in the agreement, that man gives the necessary

authority to the Government to effect re-entry into the premises and remove the belongings for safe custody to another place. I think if a clause like this is inserted, and if a reasonable period is given after the termination of service, it will act as a very salutary check. Supposing we give everybody six months or three months, whichever is reasonable, after termination of service, then automatically Government effects entry into the premises after that period under the contract between the parties. Then there is no question of eviction or anything coming in. If such a procedure were adopted, the bulk of your difficulties will be removed.

With regard to those people who do not come under this category, but are nothing but pure trespassers, they should be straightaway handed over to the police to be dealt with.

When first housing accommodation was allotted to me as M.P. here, the old M.P. had gone away, and some unauthorised intruders occupied my flat. When I asked the Secretary to have them ejected, he said 15 days notice is necessary. I said: "Nothing of the kind. These are trespassers. You inform the police, or I will have them ejected through the police." I went there and asked them: "Will you go out tomorrow morning, or shall I call the police and ask for action to be taken against you?" They straightaway left.

Therefore, where there are pure trespassers, no formalities are necessary; hand them over straight to the police and the work can be done.

Then, there are genuine cases of tenants holding over who deserve sympathy. A man's service may have been terminated, and he may dispute the fact that it is legally terminated. Then the man cannot be shifted. He need not be considered as a trespasser or a tenant holding over. He must have reasonable chances to put in an appeal to see that his service is regarded as continuous.

[Shri Naushir Bharucha]

Barring these cases, I think, if you have some such procedure, that will shorten the whole thing. Otherwise, this Bill is not going to give the relief which the Government is expecting in the shape of quick decisions.

I think it is very necessary that a totally different angle must be brought to bear upon this problem which undoubtedly is one which worries the Government, and with the increasing shortage of accommodation, I am of opinion that this problem will increase rather than decrease in intensity.

One more constructive suggestion, if the Minister would care to listen to it. Ultimately it boils down to a question of how many Judges or Estate Officers you are going to appoint. If the District Judges are to have the same quantum of work plus this work, then it is bound to be delayed. Therefore, my concrete suggestion to the hon. Minister is that for the purposes of this Act he may appoint retired Judges or retired lawyers to act as appellate tribunals.

Mr. Deputy-Speaker: Does a lawyer ever retire?

Shri Naushir Bharucha: I know of some people who are actually retired lawyers, but you can find any number of retired Judges who can take up this work. I am inclined even to think that there may be some retired Judges who may even take up this work as honorary Judges, as we have honorary Magistrates in Bombay. If you create a new cadre of such persons and entrust the work to them, the normal burden of the law courts will be lessened, and this type of work will be expedited. It is necessary in all such cases as this to strike a judicious balance between expedition and seeing that no injustice is done to anybody.

I think that if these points which I have made are borne by the Minister in his mind, a way can be evolved

in the Joint Committee whereby we can side-track the possible attraction of the mischief of article 14 as well as attain the purpose that Government have in view.

Shri D. C. Sharma (Gurdaspur): I am afraid I do not agree with the objects of this Bill and I do not agree with the way in which it is sought to implement this Bill. Being a law-abiding citizen of India, I would not like any Minister to short-circuit the ordinary course of law, the ordinary process of law, unless that be necessitated by reason of the security of State or by reason of any defence needs of our country. Those reasons can be legitimate grounds for adopting a summary procedure. But I do not think that the occupation of public premises in an unauthorised manner by about ten thousand persons or more entitles anybody to put in cold storage any normal law of this country. I believe the Minister has given no reasons why we should depart from the ordinary course of law. I wish he had given some reasons.

Of course, he has given one reason, and that is that the developmental needs of our country require that we should have this kind of measure. I do not know what the developmental needs of this country are, for the purposes of this Bill. Of course, I have read the First Five Year Plan and the Second Five Year Plan, and I do get my education from this House as from outside. But on whom is the axe of this Bill going to fall?

My hon. friend Shri Achint Ram referred to the refugees. Of course, the Minister said that the number of refugees was not very large. I do not know, but I think the refugees are going to be affected by this. In spite of the fact that our refugees have been immensely helped and in spite of the fact that by far the largest number have been rehabilitated, there are

certain hard cases even now. I do not want that any Bill should be passed on the floor of this House...

Shri M. B. Thakore (Patna): On a point of order. There is no quorum in the House.

Mr. Deputy-Speaker: The bell is being rung.

Shri Naushir Bharucha: Voluntary eviction from the House.

Shri Tangamani: No such Bill was required for that eviction.

Shri S. V. Ramaswami (Salem): The lunch hour is just over.

Mr. Deputy-Speaker: Now, there is quorum. The hon. Member, Shri D. C. Sharma, may continue.

Shri D. C. Sharma: I was saying that this Bill was going to be hard upon the refugees, some of the refugees, who, in spite of the best efforts of Government, in spite of their own best efforts, and in spite of the good things that have been done for them, have failed to rehabilitate themselves. They are pitiable and hard cases.

Of course, the Minister referred to the case of certain retired Government servants or those who had resigned their jobs and who were still there. I do not know why the Minister has not been able to deal with those cases. If I have sufficient influence in this world, and all the agencies of the world to defy the provision of any law that you can make, after all, it speaks very ill of the Ministry. Why is it that the Minister has not been able to deal with the cases of those retired Government servants who draw pensions from Government, or who have resigned and who are drawing pensions from Government? What is that due to? I think there must be some reason for that. I do not want to blame anybody, but I think the

fault lies not so much with those Government servants who have been snapping their fingers at those laws as with the Ministry which is not able to deal with this problem.

Therefore, I say that the axe is going to fall on the construction labour, which, as the Minister has said, is coming in very large numbers to the capital. It is very strange that while we talk of our developmental activities in one breath, in the other we should take steps to make the life of those persons who are helping to build our country, and who are helping us to build up these buildings or to put up these fine buildings, very difficult, and we should try to do something in order to put not the fear of God into their hearts, but the fear of the Ministry into their hearts. I cannot understand this logic, and I cannot reconcile myself to this. On the one hand, the developmental needs of the country are there; and on the other, the needs of those workers who are going to help us in building these buildings are there. There is no connection between the one part and the other. Therefore, it only means that those workers who come here in search of jobs and who come here to do that kind of manual work which is needed for putting up these buildings should be penalised. Therefore, I feel that this Bill, instead of serving the developmental needs of our country will block the path of development of our country.

I would also say that the legal aspect has been argued very ably by some of my friends. I am not a lawyer.

An Hon. Member: The hon. Member is only a professor.

Shri D. C. Sharma: I know, But I have to remind myself several times about it, lest I should get mixed up with the legal luminaries of this House.

I was saying that when the Public Premises (Eviction) Act, 1950, was tested not by one High Court but by so many High Courts, it was found

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wanting. It is because it offended the provisions of our Constitution. After listening to the speech of the hon. Minister, I have not become convinced that the present Bill is going to be a guarantee that the provisions will be in accord with the provisions of the Constitution.

Without going into legal details, to which my hon. friend, Shri Naushir Bharucha, has already referred, I think that if that Act happened to be imperfect law, this amendment is also going to be an imperfect law. If that Act proved infructuous, this will also prove infructuous, because, after all, there is the Supreme Court and there are the High Courts which are the guardians of the rights and privileges of the ordinary citizens of India. I am sure they will see to it that any discrimination practised will not be allowed to be there.

I have read many Bills in this House. I draw the attention of the Minister to clause 13 of this Bill. Of course, we always make provision for subordinate legislation in our Bills. But the provisions for subordinate legislation which have been demanded in this Bill are far beyond those which we give to the Ministers on the floor of the House. What is going to be the form of the notice? After all, this is going to be a new Bill. Everything is going to be done in a new way. What is going to be the form of the notice? I think a lot of mischief can be done in this form of notice. What is the manner in which it is going to be served? How are inquiries to be held? What is the procedure to be followed when the premises are to be taken possession of? What is the manner in which damages are going to be assessed? What are the principles?

In the case of subordinate legislation, we do not go into principles and we do not go into procedures. Subordinate legislation is a kind of

legislation which follows the provisions of the Bill, and it is of a minor character. But here the hon. Minister wants us to leave everything to him. He has given here a few clauses, but those things which are going to be the operative parts of this Bill are left to our rule making power.

An Hon. Member: They are subject to our approval.

Shri D. C. Sharma: Of course, they are subject to that. But here the subordinate legislation asked for is much bigger than the Bill itself. The provisions demanded in clause 13 are a bigger chunk of the Bill than the other provisions. I therefore will not be a party to any Bill of this kind, where provisions relating to the operative part, the implementation part, which are going to lead to the operation of the Bill are left to what we may call, minor legislation. I think the Bill should be complete in itself, because it deals, I have already said, with hard cases, and those hard cases are such as need extra vigilance on the part of the Members of this House. Therefore, I would say that so far as this legislation is concerned, all these things should not be left to the executive only; all these things should form part of the Bill.

Again, I was going to submit that the time allotted was inadequate. Of course, I know the purpose of this Bill. It is to expedite work. But too much haste is also very bad. I find that this Bill is a specimen of indiscriminate haste. I should think that this Bill is more or less like an emergency measure. I would not mind if the hon. Minister wants to have a thing of that kind. But we cannot legalise indiscriminate haste. We cannot put the seal of this House on a measure which denies even the most ordinary rights to the citizens of India, whether they be workers, labourers or refugees or anybody else.

What do we find in clause 9(2) (a)? 15 days. What about 9(2) (b)? 15

days. After all, the person will have to take counsel with his lawyer. I think the period of 15 days is too short a period for this kind of appeal.

Then every appeal under this section shall be disposed of by an appellate officer 'as expeditiously as possible'. The words here are a warning, 'as expeditiously as possible'. You make this part of the law, the law of the land. You can say that it should be expedited as judicially as possible. But by approving the phraseology giving here, we are going to put our seal upon summary trial, summary judgment, judgment of a kind not in keeping with the canons of law or justice.

I would, therefore, say that this word 'expeditiously' is a very very mischievous word, and it has no right to be in a Bill of this kind. It will put the seal on all kinds of things which will not bring people any fair justice.

So far as damages are concerned, clause 7(3) says:

"If any person refuses to pay the arrears of rent payable under sub-section (1) or the damages payable under sub-section (2) within the time specified in the order relating thereto, the estate officer may issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue".

I want to know how many powers are going to be delegated to the estate officer. I think the estate officer is going to be a kind of omnibus officer, who is going to be not only a Judge, but some kind of a Magistrate, some kind of revenue officer. (An Hon. Member: Also a police officer). Normally, we have one person to try judicial cases, another to try another thing. Then we have revenue officers. Here we are asked to give all these three powers to one officer. From where are we going to get such wonderful officers who will be able to

exercise judicial powers, revenue powers and magisterial powers? I do not know.

Ch. Ranbir Singh (Rohtak): There are so many tehsildars.

Shri D. C. Sharma: Yes. I think Ch. Ranbir Singh lives in the world of tehsildars. I am very sorry for it; but I would submit respectfully that you cannot think of a multiple officer of that kind without his being deficient in one part or another. I would, therefore, say that the Bill should be thoroughly revised.

In this Bill we should keep different categories of persons with whom we are going to deal. We should devise one type of treatment for those government officers who, with the connivance of the Ministry, are illegally occupying these houses. We should devise another method for dealing with the refugees, whose cases, as I have said, are pitifully hard; and we should devise other methods for dealing with those persons who are workers.

At the same time, I know that all the premises are not needed by Government for developmental purposes. Therefore, Government should discriminate between those premises which are required for developmental purposes and those which are not intended for developmental purposes. I should say, there should be two types of treatment; one for those which are needed for implementing our plans, and the other, for those premises which are not intended for the implementation for the time being.

I would submit very humbly to the hon. Minister that in dealing with human material of this kind, discretion is the better part of haste. I say that all the premises are not going to be required overnight. Therefore, there should be some plan, a plan as to which premises should come first, which next and so on. There should

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be something like priority in dealing with these unauthorised occupations. Unless there is priority, I know, it is the poor refugee or the poor worker who would be the first to suffer and those government servants who are already occupying these houses due to the non-intervention of this Ministry or some other Ministry will continue to occupy them. I say, we should not have a blanket Bill for this purpose. We want a Bill which deals with different categories of premises we have in different ways. We cannot be a party to giving blanket powers to the Ministry so far as this Bill is concerned.

Mr. Deputy-Speaker: Shri S. M. Banerjee.

Pandit Thakur Das Bhargava (Hissar): rose—

Mr. Deputy-Speaker: I will call Panditji next. Shri Banerjee informed me that he has to go.

श्री स० म० बनर्जी : उपाध्यक्ष महोदय, पब्लिक प्रीमिसेज (एविकेशन आफ़ अनएथोराइज्ड आकुपेंट्स) बिल, १९५८, इस समय सदन के सामने पेश है। पहले तो मैं माननीय मंत्री से यह पूछना चाहता हूँ कि इस दिल्ली शहर में अनएथोराइज्ड आकुपेंट्स हैं कौन लोग और वे कितने हैं ?

मेरे मित्र श्री तंगामणि ने कहा कि दिल्ली में जहाँ कि बिल्डिंग कंस्ट्रक्शन मुल्क भर में तमाम जगहों की अपेक्षा शायद सबसे ज्यादा हो रहा है दिल्ली की रूपरेखा अगर हमारी आँखों के सामने हो तो एक अजीब लकड़ा नजर आता है। एक तरफ़ तो आलीशान अशोक होटल खड़ा है लेकिन उसकी बगल में अगर आप देखें तो आपको अनेकों शॉपिंगों खड़ी दिखाई पड़ेंगी जिनमें आदमियों को बैठ कर घबघा रेंगते हुए घुसना पड़ता है। उन शॉपिंगों में इधर उधर से

आये हुए मजदूर पेशा लोग रहते हैं जो कि दिल्ली में मजदूरी करके अपना बचपने वाल बच्चों का पालन पोषण करते हैं। वहाँ से चल कर करोलबाग की तरफ़ आप जायें तो देखेंगे कि झंडेवाला में हजारों आदमी उसी तरह से रह रहे हैं, हजारों हजारों तो वहाँ पर आदमी होंगे ही। उसके बाद सरकारी मुलाजमीन है। दिल्ली शहर जिसकी कि आबादी अभी ४ या ५ लाख थी आज हमारे माननीय मंत्री ने स्वयं कहा है कि वह करीब २०, २२ लाख हो गई है, मैं तो समझता हूँ कि आज इससे भी ज्यादा होगी लेकिन अगर २० लाख ही मान लिया जाय तब भी यह जाहिर है कि दिल्ली की आबादी पहले की अपेक्षा बहुत अधिक बढ़ गई है। वे कौन लोग हैं जो यहाँ पर आये ? दिल्ली में हमारे लाखों पुरुषार्थी भाई आये और अभी तक उनका प्रीपर रिहैविलेशन नहीं हो सका है। हमारे रिहैविलेशन मिनिस्टर अक्सर कहा करते हैं कि वेस्टर्न रेफ्यूजीज की प्रब्लम तो हम सॉल्व कर ही चुके हैं और ईस्टर्न रेफ्यूजीज की प्रब्लम इसलिये सॉल्व नहीं होती कि वह मोबाइल नहीं हैं और उनके कहने का यह मतलब होता है कि रिहैविलेशन मिनिस्ट्री की ज़रूरत नहीं रह गई है और ऐसे ही काम चल रहा है और चलने दिया जा रहा है।

इस बिल में जो अनएथोराइज्ड आकुपेंट्स के लिये प्राविजन है वह अच्छा प्राविजन है अनएथोराइज्ड आकुपेंट्स का एविकेशन होना चाहिये। लेकिन अभी थोड़े दिन हुए इसी सदन में माननीय उप-गृह मंत्री ने एक सवाल के जवाब में बतलाया कि कितने होमलैस आदमी हैं जिनके लिये कि नये शेल्टर्स देने की बात चल रही है। सन् १९५४-५५ में एक सर्वे हुआ था जिसके कि अनुसार होमलैस की तादाद ४ हजार थी। सवाल यह था कि क्या उनकी तादाद घटी है या बढ़ी है तो मंत्री महोदय ने बतलाया था कि आज वह तकरीबन ६ हजार है.....

एक माननीय सदस्य : १०,००० है ।

जी० स० म० बनर्जी : ६००० से १०००० तक उन्होंने कहा था । ६००० भ्राज तकरीबन हमारे पुरुषार्थी भाई हैं और उसके साथ साथ सरकारी क्वार्टर्स में एक अजीब चीज देखने में आती है, अनएथोराइज्ड आकुपेशन तो वह नहीं है क्योंकि लोग मिल कर रहते हैं लेकिन एक एक क्वार्टर में ४, ४ और ६, ६ फ़ैमिलीज तक रहती हैं । वे आखिर इस तौर पर क्यों रहते हैं ? उसकी वजह यह है कि सरकारी क्वार्टर्स कम हैं । मैं सन् १९५८-५९ में सरकार द्वारा जो क्वार्टर्स बनने जा रहे हैं उनकी क्रीगर्स इस सदन के सामने रखना चाहता हूँ । क्लास ३ सर्विसेज के लिये ४३५२ और क्लास ४ सर्विसेज के लिये ३०८४ क्वार्टर्स बनने जा रहे हैं । अब इस दिल्ली शहर में कितने कर्मचारी क्लास ३ के हैं और कितने कर्मचारी चौथी श्रेणी के हैं ? मैं समझता हूँ कि तकरीबन २, ३ लाख सेंट्रल गवर्नमेंट के एम्प्लाइज हैं और उनमें क्लास १ और क्लास २ के लोगों के पास तो क्वार्टर्स हैं लेकिन क्लास ३ और ४ का जहाँ तक टाल्लुक है ५० परसेंट से ज्यादा लोगों के पास सरकारी क्वार्टर नहीं हैं और सवाल यह है कि वे कहां रहें ? यह ठीक बात है कि लोगों को सेंट्रल गवर्नमेंट की ज़मीन पर दखल अन्दाज नहीं होना चाहिये । यह बुरी बात है । लेकिन मैं पूछना चाहता हूँ कि आखिर उनके वास्ते क्या इन्तजाम हो रहा है ? अनएथोराइज्ड आकुपेंट्स का एविकशन होना चाहिये और उन लोगों को हटाना चाहिये और इस्टेट आफिसर्स के ज़िम्मे यह काम सौंपा जा रहा है और इस्टेट आफिसर या तो डिंडोरा पीट कर या नोटिस टंगवा कर एविकशन की कार्यवाही कर सकता है, अगर कोई मुकर्रर बक्त के अन्दर अन्दर सबसे ज़हान्गीरी में पहुंच जाये तब तो ठीक है बरना अगर किसी ने नोटिस का जवाब ठीक टाइम में नहीं दिया तो मैं आपको विश्वास दिलाता हूँ कि उसके साथ जो इज़्जत होती उसका नज़ारा मेरी आंखों के

सामने कम से कम मौजूद है । मैं जानता हूँ कि इतनी पावर्स देने का क्या नतीजा होता है । कानपुर शहर में कारपोरेशन के होते हुये डेवलपमेंट बोर्ड के ऐडमिनिस्ट्रेटर एक भाई० सी० एस० साहब थे और हमने देखा कि उनके बक्त में लोगों को बसाने की बात न हो कर मकान गिराने की बात होती थी और गिराने के कुछ पहले ही और उसके बाद लोगों को वहां से एविक्ट करने के लिये कितने फोर्स का इस्तेमाल किया जाता था वह स्वयं मैंने अपनी आंखों से देखा है । अगर इस तरह की इस्टिक् पावर्स इस्टेट आफिसर्स को दे दी गईं तो मुझे अन्देश है कि लोगों को बहुत हार्डशिप हो जायेगी । यह ठीक है कि सरकार की नज़र में वे अनएथोराइज्ड आकुपेंट्स हैं लेकिन वे अपने आप से वहां पर कब्ज़ा करके नहीं बैठे हैं बल्कि ज़माने की गदिश और मकानों की कमी ने उनको ऐसा करने पर मजबूर कर दिया है और उनको जबर्दस्ती वहां पर रहना पड़ रहा है । एविकशन के खिलाफ़ यह अपील करें, एक तो मुकद्दमेबाजी के लिये उनके पास पैसा कहां है और अगर हो भी तो उनकी सुनवाई कौन करेगा ? मेरा कहना है कि इन सब दिक्कतों और बातों पर विचार करके सरकार को यह बिल बनाना चाहिये था । यह नहीं कि भ्राज चूँकि इलाहाबाद हाई कोर्ट और दूसरे हाई कोर्ट्स ने इस ऐक्ट की किसी धारा को अल्ट्रावायरस करार दे दिया है इसलिये सिर्फ़ उस ऐतराज को रफ़ा करते हुए आपने इस बिल को यहां पर रख दिया है । आप कहते हैं कि यह प्लोटिंग पापुलेशन है लेकिन क्या आप यह समझते हैं कि लोगों को सड़कों पर सेटने में मज़ा आता है और क्या उससे उनकी सेहत बनती है ? मेरा कहना यह है कि जब तक आप इस समस्या पर गहराई के साथ विचार नहीं करेंगे और उसकी तह में नहीं जायेंगे तब तक यह प्रॉब्लम हल नहीं हो सकेगी । आप इस तरह के कितने ही कानून बना लें और लोगों को एविक्ट करें, ऐसा करके आप उसका सही इलाज नहीं कर

[श्री स० म० बनर्जी]

रहे हैं क्योंकि आप एविक्ट तो करेंगे लेकिन उनको बसाने की कोशिश नहीं करेंगे। और अगर हम उन पीड़ित लोगों की सहायता करने जायेंगे तो फिर हमें वही चीज सुननी पड़ेगी जो आज हमने रेपयूजीज की बाबत अपने हृदयमन्त्रीज प्राइम मिनिस्टर साहब के मुँह से सुनी। कलकत्ता शहर की बाबत मैं आपको बतलाऊँ कि वहाँ पर डिफेंस मिनिस्ट्री की जमीन पर हमारे पुरुषार्थी भाई जा कर बस गये। वहाँ कोई ऐसा लिखा तो था नहीं कि यह डिफेंस की जमीन है और वे वहाँ पर बस गये और रहने लगे। अचानक एक साल या दो साल के बाद यह मालूम हुआ कि वह मिनिस्ट्री आफ डिफेंस की जमीन है और डिफेंस मिनिस्ट्री की जमीन में इस तरह के आदमी कैसे रह सकते हैं। उनको कहा गया कि वे वहाँ से उठ कर फ़ौरन चले जायें। मुझे ठीक तारीख़ याद नहीं है लेकिन वे वहाँ से हटे और दुबारा चलते फिरते कारवाँ की शक्ल में एक जगह से दूसरी जगह भ्रम करने लगे। आज मुख्य सवाल हमारे सामने लोगों को बसाने का है और उनको शेल्टर प्रोवाइड करने का है।

इसके प्रतिरिक्त हमें यह भी देखना है कि हर साल तकरीबन हजारों क्लास ३ और क्लास ४ के सरकारी कर्मचारी रिटायर होते हैं, यह मध्यम वर्ग के कर्मचारी जो कि २५, ३० साल तक नौकरी करने के बाद रिटायर होते हैं, उनका कोई लैंड से अटैचमेंट नहीं होता, उनकी कोई एग्रीगेशन टाईज नहीं होती क्योंकि जो भाई पंजाब की तरफ से यहाँ पर आये हैं या ईस्ट बंगाल से आये हैं उनके पास जमीन होने का कोई सवाल ही नहीं है, वे पुरुषार्थी भाई हैं उनके पास जमीन नहीं है और यहाँ पर २५ या ३० साल तक नौकरी करने के बाद उनको २५ रुपये माहवार पेंशन मिलेगी और वह भी ५ साल के बाद जाकर मिलेगी और आप स्वयं सोच सकते हैं कि रिटायर होने पर ऐसे लोग कहाँ जायें ?

उनके बास्ते हायर परफेक्ट सिस्टम की कोई ऐसी स्कीम की जाये ताकि वे कुछ रुपया अपने प्राविडेंट फंड से या पेंशन से जितना दे सकते हैं वे और उसके बाद सरकार उसमें सबसिडाइज करे और हायर परफेक्ट सिस्टम के ऊपर कुछ ऐसे मकानात और कौलोनीज बनाई जायें जहाँ कि ऐसे पेंशनवास्ता कर्मचारी रह सकें। मैंने देखा है कि हमारे राज्य सभा के मेम्बर जो कि अब के रिटर्न नहीं हुए हैं रिहायश की समस्या को लेकर परेशान हैं कि वे कहाँ रहें। मेरे बगल में एक ऐसे सज्जन हैं जो कि इस कारण परेशान हैं। जब लोक सभा और राज्य सभा के मेम्बरों तक के सामने रिहायश की समस्या मौजूद हो तो आप भली भाँति समझ सकते हैं कि मध्यम वर्ग के वे हजारों कर्मचारी जो कि हर साल रिटायर होते हैं उनको मकान की बजह से कितनी परेशानी का सामना करना होता होगा।

15 hrs.

मैं इस सम्बन्ध में कुछ सुझाव मंत्री महोदय और सदन के समक्ष रखना चाहता हूँ। मैं इस चीज को जानता हूँ कि माननीय मंत्री इस बिल को जो इस सदन में लाये हैं और इसमें इस्टेट आफिसर्स की जो व्यवस्था की है उसमें उनका मकसद अच्छा व पाक है लेकिन उसका इस्तेमाल किस तरीके से किया जायेगा और जो शस्र एविक्ट किया जायेगा उसको प्रोटेक्शन क्या मिलेगा और उसके लिये मैं कहता हूँ कि ज्वार्ण्ट सिलेक्ट कमेटी जिसके कि आस यह बिल जा रहा है वह इस पर पूरी तरह विचार करे। मैंने बिर्लिन्गम बर्कर्स और हैंडलूम बर्कर्स को देखा है जो कि मद्रास की तरफ से यहाँ पर आते हैं, उनके रहने के लिये कोई जगह नहीं है और उनसे यह कहा जाय कि तुम सेंट्रल गवर्नमेंट की जमीन पर क्यों बूम रहे हो और तुम्हारे लिये यहाँ दिल्ली शहर में कोई जगह नहीं है और तुम तो फ्लोटिंग पापुलेशन हो,

झर झर बूझते रहते हो, उचित नहीं होगा। इसी तरीके से हमारी तमाम चीजें हैं। आप कंस्ट्रक्शन वर्क्स को देखिये। कंस्ट्रक्शन की जो लेबर है कंट्रैक्टर्स उनको कुछ नहीं देते। आप रोहतक रोड पर चले जायें। उसके दोनों ओर अगर आप देखें तो पावेंगे कि छोटी छोटी शोपड़ियां हैं उनमें बिल्डिंग वर्क्स रहते हैं। इसलिये मैं प्रश्न करना चाहता हूं कि अगर यह सवाल एक्विशन के साथ साथ रिहैबिलिटेशन का नहीं हुआ तो यह एक्विशन इस तरीके से होगा जिस तरीके से हमने किसानों को बेदखल किया। लोग हसरत भरी निगाहों से अपनी जमीनों को, जिन जमीनों में उनके बाप दादों की हड्डियां हैं, देखते देखते चले गये। कहीं ऐसा न हो कि एक्विशन हमारे देश के लिये एक सवाल बन जाये। मैं नहीं कहता कि दिल्ली शहर के लिये यह सवाल पैदा हो, लेकिन दूसरी जगहों पर ऐसे सवाल पैदा हो सकते हैं। इसलिये मैं कहता हूं कि जो हमारे सरकारी मुसाजमीन हैं, जो कि रिटायर होने वाले हैं, जो कंस्ट्रक्शन वर्क्स हैं, उनकी तरफ देखा जाय। अभी हमारे पुरुषार्थी भाइयों का रिहैबिलिटेशन भी नहीं हो सका है। मैं यहां उनका सवाल भी खाना चाहता हूं। यह कहना गलत है कि हमारे रिफ्यूजियों का सवाल हल हो गया है। पुराने किले का सवाल हमारे सामने है। वह जो जमीन है उसको आप एक्सटेंड करना चाहते हैं। पुराने किले के लोगों को आप दूसरी दूसरी जगहों में भेज रहे हैं। मैं यह नहीं कहता कि उनको वहां स भोजना नहीं चाहिये, लेकिन होता यह है कि जो एक जगह रिहैबिलिटेड होते हैं उनको दुबारा वहां से अपस्ट किया जाता है, और उनकी सारी जिम्मेगी एक कारवां की शक्ल में होती है। वह किसी जगह रह नहीं सकते हैं।

इसलिये मैं इस बिल के बारे में यह बन्द सुझाव रखना चाहता हूं। मैं चाहता हूं कि उनकी तरफ ध्यान दिया जाय। साथ ही अनएंबोराइज्ड आकुमेंट्स हैं वह हैं

कितने, और अगर हैं और उनकी अपनी जगह से हटाना ही हो तो उनको इस दिल्ली शहर में ही रिहैबिलिटेड करने का इन्तजाम होना चाहिये। आज दिल्ली के अन्दर बड़ी बड़ी बिल्डिंगें बन रही हैं, अगर कंडिशनड बिल्डिंगें बन रही हैं, लेकिन दूसरी तरफ छोटे लोगों के क्वार्टर साल में तीन हजार अगर बनते हैं तो कैसे काम चल सकता है। कैसे आप दिल्ली की पापुलेशन के सवाल को इस तरह से हल कर सकेंगे? इसलिये अगर मिनिस्टर साहब जवाब में इसके मुतालिक कुछ कहें तो मुझको तसल्ली होगी और तसल्ली होगी उन छोटे छोटे मजदूर साधियों को जो बेचारे आज शोपड़ियों में रह रहे हैं

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, इस बिल के बारे में मेरी प्रार्थना से गुजारिश यह है कि मैं सेलेक्ट कमेटी की सिफारिश में कोई बहुत कंस्ट्रक्टिव तजवीज पेश करने के काबिल नहीं हूं क्योंकि मैं इस बिल के उन्मूलन विरुद्ध हूं। मैं इस बिल को बिल्कुल गलत समझता हूं। इतना ही गलत नहीं कि मैं इसे गलत कहूं, बल्कि मैं इसे फंडामेंटली रांग समझता हूं। यह बिल हमारे सामने नहीं लाया जाना चाहिये था। जिस वक्त इस बिल को इसके प्रेजिसेसर हाउस में रखा गया, वह मौका मुझे याद है। श्री गाडगिल साहब ने फरमाया था कि यह एक छोटा सा बिल है, सिर्फ चन्द क्लाजेज का बिल है और आगे बंटे में या एक बंटे में खत्म हो जायेगा। मैंने उस वक्त इस बिल की मुखालिफत की थी, और कई रोज तक वह बिल इस हाउस में चला। फिर एक सेलेक्ट कमेटी बनाई गई जो कि बारह महीने या उससे ज्यादा चलती रही। उसके अन्दर बहुत सी ऐसी बातें आई जो कि कभी श्री गाडगिल साहब के दिमाग में नहीं थीं। उसी तरह मैं इस बिल के बारे में प्रश्न करना चाहता हूं कि यह ऐसा छोटा सा बिल नहीं है, इतना

[पंडित ठाकुर दास भार्गव]

नानकटोबर्शल बिल नहीं है, जिसके बारे में इतनी भासानी से यह बातें कही जा सकें।

मेरे साथक दोस्तों ने मुझे पहले बहुत से ऐतराजात किये हैं और वह इस किस्म के हैं जो कि निम्नायत जबर्दस्त ऐतराजात हैं। ऐसे हैं कि दोहराये जाने में भी उनकी विकृत कम नहीं होगी। सब से पहला ऐतराज जो हमारे तीन हाई कोर्ट्स ने इस पर कर दिया क्या वह काफी नहीं था। किसी गवर्नमेंट को बतलाने के लिये कि इस किस्म का बिल सदन में नहीं लाया जाना चाहिये, क्या गवर्नमेंट को मालूम नहीं कि डाइरेक्टिव प्रिंसिपल्स आफ स्टेट पालिसी के अन्दर कांस्टिट्यूशन में दर्ज है कि यह सारे ब्यवस्था को देश के होंगे उनमें सोशल जस्टिस होगी, एकानमिक जस्टिस होगी, पोलिटिकल जस्टिस होगी। क्या इस बिल में कहीं भी जस्टिस की अलक है? अजब तरह का यह बिल है जो कि हमारे क्रिमिनल प्रोसीजर कोड में, सिविल प्रोसीजर कोड में जो उसूल माना गया है उसके बखिलाफ है। हमारे सारे एडमिनिस्ट्रेशन में जो प्रिंसिपल कायम हैं उनके बखिलाफ है। वे हाउस की तबज्जह दिलाऊंगा कि क्रिमिनल प्रोसीजर कोड की बफा ५५६ में लिखा है : नौ पर्सन शॉल बी द बज इन हिज ओन काब। एक्साइज का जो बड़ा अफसर है, वह एक्साइज के मुकदमे नहीं कर सकता। हालां कि उसका जाती इंटरेस्ट कोई नहीं ताहम चूंकि वह महकमे का बड़ा अफसर है वह एक्साइज के मुकदमे नहीं कर सकता। यहां पर इस काम के लिये अफसर कौन है? गवर्नमेंट क्या है? गवर्नमेंट, जैसा अभी हमारे चौधरी साहब ने फरमाया, तहसीलदार है। ग्रामतौर पर एक मैजेटेड आफिसर होता है, तहसीलदार का मैजेटेड आफिसर होता है, इसी किस्म

का यह अफसर होगा। ऐसा अफसर जो, एक तरह से पर्सनली इंटरेस्टेड नहीं है, जाती तौर पर इंटरेस्टेड नहीं है, लेकिन बाइ सेप्स में, लोगली वह पर्सनली इंटरेस्टेड है, वह शरूस् मुकदमे का फैसला करेगा वह यह सवाल तै करेगा कि भ्राया यह जायवाद गवर्नमेंट को है या नहीं क्योंकि साफ अलकाज है, नो प्रेसिडेन्स बिलिंगिन द गवर्नमेंट। इसलिये वहीं फैसला करेगा कि क्या फलां शरूस् अनएशाराइज्ड आकुपेंट है, जिसकी तारीफ में पत्र कर सुनाऊंगा। उमे पहली तारीफों के मुकाबिले सैं और भी लम्बा चौड़ा कर दिया गया है जिये कि किसी तरह भी अनएशाराइज्ड आकुपेंट नहीं कहा जा सकता।

दूसरी चीज यह कि क्या यह मुनासिब है कि उसको इस तरीके से जो कि इस बिल में दिया हुआ है वहां से निकाल दिया जाय? अभी जनाबवाला की रूजूर यह सवाल कई तरीके से पेश किया गया। मैं इस सवाल को, इस तरहले को, कम से कम दो तरीकों से फौरन पेश करना चाहता हूं। (१) जब यह बिल भ्राया तो यह सेलेक्ट कमेटी के अन्दर गया इतने दिनों तक उसमें रहा। उसके मेम्बर हाउस के बड़े गवर्दा मेम्बर सैं। इसके अलावा दिल्ली के चीफ कमिशनर साहब और बड़े बड़े आदमी उसके मेम्बर थे। इस वजह से कि मामला बहुत ग्रहम था। उस सेलेक्ट कमेटी ने कुछ ऐश्वोरेन्सेज रिफ्य-जीज को दिये, जिनमें से एक बड़ा भारी ऐश्वोरेन्स यह था कि जो किसी ने मकान बना लिया उस मकान से उसको निकाला नहीं जायेगा, जहां तक मुमकिन होगा। अगर कहीं गवर्नमेंट के कवायद के बखिलाफ या किसी म्यूनिसिपल कमेटी के कवायद के बखिलाफ या किसी और बाडी के कवायद के बखिलाफ मकान बनाने की कोशिश की

चाय तो कायदा बदलने की काशिश को चाय न कि मकान उसका गिरा दिया जाय, लेकिन अगर यह भी मुमकिन न हुआ तो ऐसी स्कीम बनेगी जिसके जरिये कि रिफ्यूजीज को फायदा पहुंचाया जायेगा। भला हो हमारे पंडित नेहरू का और सरदार पटेल का, जिन्होंने सन् १९४८ में एक उसूल कायम किया, और वह उसूल था कि किसी रिफ्यूजी को कहीं से निकाला नहीं जायेगा जब तक उसको आल्टरनेटिव प्रकोपोडेशन नहीं दी जायेगी। इस उसूल की वजह से रिफ्यूजीज का बहुत फायदा हुआ लेकिन पंडित नेहरू इस्टेट आफिसर तो नहीं, बड़े अफसर नहीं, बजारत उनकी नहीं रात को ११ बजे लोगों के मकान पर पहुंचे, लारियों में उनके भ्रमबाब को डाला, सारे आकुपेंट्स को डाला उसी में, और जाकर सात भोल परे छोड़ आये। उनके मकान गिरा दिये। यह हमारी आंखों के सामने, जब कि यह सदन बैठा था, नहीं किया गया। सदन खत्म हुआ और अगले दिन मकानों को गिराना शुरू कर दिया। मैंने इन वाक्यात को अपनी आंखों से देखा है और उनके लिये लड़ाइयां लड़ी हैं। यह ऐश्वोरेन्सेज मिले। यह मैं आगे चल कर बतलाऊंगा कि उन ऐश्वोरेन्सेज पर अमल कितना हुआ, लेकिन मैं एक सीधा सवाल आनरेबल मिनिस्टर साहब से पूछना चाहता हूं और मुझे उम्मीद है कि जिस सादगी से मैं पूछता हूं वह उसी सादगी से जवाब भी देंगे। भ्रवल् बिल के बाद जब दुबारा नया बिल आया सन् १९५० में तो यहां श्री बर-गोहन साहब मौजूद थे। उनसे भी मैंने यह सवाल पूछा था कि इन ऐश्वोरेन्सेज का क्या बनेगा जो कि आपने दिये थे। उन्होंने फरमाया कि वह ऐश्वोरेन्सेज कायम हैं और कायम रहेंगे, हम उनके खिलाफ नहीं जाना चाहते। मैं इस मीके पर पूछना चाहता हूं आनरेबल मिनिस्टर साहब से कि क्या यह ऐश्वोरेन्सेज जो हाउस में निहायत सालेमली उन रिफ्यूजीज को दिये गये, जो कि लुट-पिट कर यहां आये, जो सस्त मुसोबत में थे,

जिन्होंने कि उस जमाने में यहां मकान बनाये, जिनका डिप्टी कमिश्नर ने और बड़े अफसरों ने बपकी दी कि तुमने बड़ा अच्छा काम किया कि मकान बना लिया, क्या वह ऐश्वोरेन्सेज आज कायम रहेंगे या नहीं। क्योंकि अगर आप ऐश्वोरेन्सेज कायम नहीं रखते तो मैं भ्रवल् से अर्ज करना चाहता हूं कि भ्रवल् दर्जे की, मैं ज्यादा सस्त भ्रल्फाज तो इस्तेमाल नहीं करना चाहता, लेकिन सरीहन यह वायदा शिकनी होगी। वे ऐश्वोरेन्सेज चन्द दिनों के वास्ते नहीं दिये गये थे, वह परमानेंटली दिये गये थे। मैं पहली बात यह पूछना चाहता हूं पेश्तर इसके कि आगे बढ़ूँ। मुझे उम्मीद है कि आनरेबल मिनिस्टर साहब कोई साफ जवाब देंगे। क्या मैं उम्मीद करूं कि आनरेबल मिनिस्टर साहब इस बारे में कुछ स्टेटमेंट देंगे ?

अम और रोजगार तथा योजना मंत्री के सभा सचिव (श्री ल० ना० मिश्र) : अभी मैं क्या कह सकता हूं।

उपाध्यक्ष महोदय : अभी जवाब न दीजिये।

पंडित ठाकुर दास भार्गव : जब ये ऐश्वोरेन्सेज दिये गये रिफ्यूजीज को उसके बाद क्या हुआ ? मैं हाउस में बहुत मर्तबा कह चुका हूं। मुझे कहते हुए शर्म आती है कि हमारी गवर्नमेंट ने जिसको हम वेलफेयर स्टेट कहते हैं, जिसके बारे में कहते हैं कि दुनिया में उसका सानी नहीं है, उसने अपने भ्रल्फाज के मुताबिक आज तक उनको नो प्राफिट नो लास बेसिस पर जमीन नहीं दीं। मकान उनके खड़े हैं। बावजूद हजार कोशिशों के उनसे कम्पेन्सेशन दाखिल नहीं कराया जाता। रोज-रोज वह अजियां देते हैं लेकिन उनसे कम्पेन्सेशन दाखिल नहीं कराया जाता। और भी ऐश्वोरेन्सेज में कई बातें थीं जिनके ऊपर गवर्नमेंट की तबज्जह

[पंडित ठाकुर दास भार्गव]

दिलायी गयी। कई डिपार्टमेंट्स ने तो कहा कि हमें पता नहीं कि ये एक्जोरेसेज क्या बला हैं, हम नहीं जानते। यहां पर कह दिया गया कि हमने उनके मकान नहीं गिराये। फिर उनकी तबज्जह दिलायी गयी। आखिर मरहूम स्पीकर साहब ने एक्जोरेसेज कमेटी मुकर्रर की जिसके सामने गवाहियां ली गयीं और यह तै हुआ कि लोगों को कम्पेन्सेशन देना लाजिमी था और यह एक्जोरेस तोड़ दिया गया। तो किसी हद तक कुछ केसेज में उन्हें कम्पेन्सेशन दिया गया। लेकिन . .

एक जाननीय सदस्य : भांसू पोंछे गये।

पंडित ठाकुर दास भार्गव : लेकिन ताहम में भ्रदब से भ्रज करना चाहता हूं कि वह एक्जोरेसेज आजतक पूरे नहीं हुए और जिन लोगों के कब्जे में मकानात हैं उनको आजतक जमीन ट्रांसफर नहीं की गयी। उनके दिलों में डर है कि गवर्नमेंट मौका पाकर न जाने कब क्या कर डालेगी और यह बिल उसका नमूना है। मैं भ्रदब से भ्रज करना चाहता हूं कि आज इस्टेट आफिसर, उन रिफ्यूजीज को, जिनके मकान का मुआवजा लेकर सरकार को उनके मकान पक्के कर देने चाहिये, नोटिस जारी कर दे। क्योंकि जमीन तो सरकार की थी। क्या नतीजा निकलेगा।

Those houses will be taken to belong to the Government. Unauthorised occupation का सवाल ही नहीं है। वह तो मानते हैं कि अनआथोराइज्ड आकुपेशन है। तो उनका क्या बनेगा? वे इस बिल के जद में आजायेंगे और हजारों आदमी, आप चाहेंगे तो, बेधर हो जायेंगे। मैं जानता हूं कि गवर्नमेंट यह नहीं चाहती। मैं जानता हूं कि कोई गवर्नमेंट इस मकसद के साथ नहीं चलती। लेकिन हम उस नेक मकसद का क्या करें। वह रास्ता नेक मकसदों से पेव्ड है। लेकिन हम उसका क्या करें। मैं चाहता हूं कि आप आज कहें कि जो एक्जोरेसेज आप

ने रिफ्यूजीज को दिये थे वह कायम है ताकि उनकी हौसला शिकनी न हो।

मैं आपको एक और मामले की याद दिलाना चाहता हूं। चन्द बरस हुए, एक बिल यहां हमारे सामने आया था। उसके लिये एक सिलेक्ट कमेटी मुकर्रर हुई थी। बदकिस्मती से मैं उसका चेयरमैन था। हमने इस जमीन को भी देखा जिसके बारे में रिफ्यूजीज को एक्जोरेसेज दिये गये थे। हमने जाकर स्लम एरिया को देखा। उस वक्त स्लम का जिक्र बला ही था। सारी कमेटी उस एरिया को देखने गयी। वहां पर उसके मुताल्लिक गवाहियां भी लिखी गयीं : हमने देखा कि हजारों गरीबों के मकान, धार्मिजन्स के मकान, काबलर्स के मकान, बेजीबिल सेलर्स के मकान, दस रुपये गज का मुआवजा मुकर्रर करके इम्प्रूवमेंट ट्रस्ट ने एकवायर कर लिये, बाद में १० रुपये से १५ रुपये कर दिये गये। उन लोगों ने आजतक सरकार से वह रुपया नहीं लिया है। मकानों में वह बैठे हैं। जब इम्प्रूवमेंट ट्रस्ट को फुरसत होती है तो उनके नाम नोटिस जारी कर देता है कि निकल जाओ। वह जानते हैं कि उनके साथ इन्साफ नहीं हुआ है। क्योंकि वह देखते हैं कि उनके सामने वही जमीन ३०० रुपये गज पर दी जा रही है और उस पर मकानात बन रहे हैं। इसलिये वह लोग भ्रध्वल दरजा डिस्टेंडिसफाइड हैं। उनको सब्र नहीं होता कि हमारे साथ इन्साफ हुआ है। उनके लिये छः छः आठ आठ मील के फासले पर मकानात बनाये गये हैं लेकिन वहां उनके लिये कोई रोजी का जरिया नहीं है। वहां पर वह कुछ कर नहीं सकते। यह सब हमने अपनी आंखों से देखा और उसके बाद वह नये एक्ट बने डेवेलपमेंट के। मुझे पता नहीं वह किस हद पर हैं। मैं भ्रदब से भ्रज करना चाहता हूं कि ये जितने मकानात हैं वे सब इस बिल की जद में आते हैं।

They belong to the Government. They belong to an authority which is the successor of the Improvement Trust.

इन सब लोगों के नाम नोटिस जारी किये जायेंगे। एक तरफ तो उनसे कहा जायेगा कि तुम डेमेज्ड लाभो क्योंकि तुम इतने धरते से अनप्राधोराइज्ड पजेशन में थे, और दूसरी तरफ उनको नोटिस जारी किया जायेगा कि बतलाओ कि तुम को क्यों बेदखल न किया जाये। आपकी पुलिस के आदमो पहुँच जायेंगे और उनको मकानों से निकाल देंगे। शायद उनको कोई मुआवजा देने को भी जरूरत नहीं होगी। मैं जानता हूँ कि अगर इस किस्म का कोई मामला हमारे प्रान्तेबिल मिनिस्टर साहब के सामने आवेगा तो वे उसमें जरूर दखल देंगे या अगर हमारे प्राइम मिनिस्टर साहब के नोटिस में ऐसा मामला आया तो वे ऐसा न होने देंगे। पर परमात्मा जाने कि वह मामला उनके सामने आवेगा भी या नहीं और आवेगा भी तो कितने धरते के बाद आवेगा। और फिर जब यह कानून मौजूद होगा तो क्या बन सकेगा।

मैं धदब से अर्ज करना चाहता हूँ कि कुछ लोगों के इस बारे में गवर्नमेंट से झगड़े हैं। गवर्नमेंट उनके दावे को नहीं मानती। एक मकान ए० और बी० के पास है। ए० और बी० कहते हैं कि गवर्नमेंट का मकान नहीं है। पर आपके इस बिल के आने के बाद उनके टाइटल का क्या बनेगा। स्टेट आफिसर जैसा चाहे इसका फैसला कर दे। इसमें लिखा तो नहीं है लेकिन इसमें यह भी नहीं लिखा है कि इस मामले में सिविल कोर्ट के क्या हुक्म होंगे। इसमें एक चीज दर्ज है जो दोनों चीजों पर असर डालती है। इसमें लिखा हुआ है :

"Save as otherwise expressly provided in this Act, every order made by the estate officer or an appellate officer under this Act shall be final and shall not be called in question in any original

suit, application or execution proceedings."

जनाब वाला, वह सारे टाइटिल मुझे नहीं मालम किस वक्त इस एक्ट के लागू होने के बाद स्टेट आफिसर के नोटिस के जरिये खत्म हों जायेंगे। क्योंकि ओरिजिनल सूट के सिवा कहीं इस बारे में फैसला नहीं हो सकता। अगर स्टेट आफिसर का आर्डर फाइनल है तो ओरिजिनल सूट नहीं हो सकता बग मामला खत्म हुआ। तो That man goes to dogs. तो मैं निहायत धदब से अर्ज करना चाहता हूँ कि यह जो प्रावीजन बनाया गया है यह मुनाफिब नहीं है।

इसके अलावा मैं जनाब की तबज्जह इसमें जो एक तारीफ के साथ एक एडीशन की गयी है उसकी तरफ दिलाना चाहता हूँ। जो अनप्राधोराइज्ड आकुपेशन की तारीफ दी हुई है उसकी चार लाइनें तो सही हैं। लेकिन बाद में उसमें यह अल्फाज डाले गये हैं "or has been determined for any reason whatsoever". अनप्राधोराइज्ड उस शब्द को समझा कि जिसको रहने का अधिकार नहीं है। उसको भी समझा जिसका कि वक्त खत्म हो गया है, जैसे कि अगर पांच बरस की लीज थी वह खत्म हो गयी है लेकिन एक नया दरजा बनाया गया है :

"or has been determined for any reason whatsoever". Who is to determine that? It will be determined unilaterally by the Government or by the Estate Officer. By whom is it to be determined?

मैं धदब से अर्ज करना चाहता हूँ कि क्यों कानून में इस तरह की लेंगेज लिखी गयी है जिसके कि इतने मानी हो सकते हैं। इसके मानी हैं कि सारे टाइटिल्स का फैसला स्टेट आफिसर करेगा। जनाब वाला अभी मेरे एक दोस्त ने बतलाया

No person can be a judge in his own cause.

[पंडित ठाकुर दास भार्गव]

क्या स्टेट आफिसर जो कि गवर्नमेंट का रिप्रेजेंटेटिव है वह गवर्नमेंट के हक में फैसले दिया करेगा और जो लोग एक्सेड होगे वह उसके बारे में कुछ नहीं कर सकेंगे ।

15.22 hrs.

[SHRI C. R. PATTABHI RAMAN in the Chair]

मेरी भदब से गुजारिश यह है कि जहां तक इस्टेट आफिसर का सवाल है इसके भन्दर एक यह चीज और रखी गयी है और वह यह कि स्टेट आफिसर को अपील डिस्ट्रिक्ट जज को हो सकेगी और मेरे साथ दोस्त भानरेबल मिनिस्टर ने स्टेटमेंट भाव भावजेक्ट्स एंड रीजन्स में उसका क्रेडिट भी क्लेम किया है । उसमें लिखा है :

"An appeal shall lie from every order of the estate officer made in respect of any public premises under section 5 or section 7 to an appellate officer who shall be the district judge of the district in which the public premises are situate or such other judicial officer in that district of not less than ten years' standing as the district judge may designate in this behalf."

जनाब वाला, इसके मुतालिक भी पहले एक प्राविजन था और वह यह था कि एस्टेट आफिसर के हुक्म के बाद सेंट्रल गवर्नमेंट को अपील हो सकेगी । मुझे सेंट्रल गवर्नमेंट में बमकाबिल एक डिस्ट्रिक्ट जज के बहुत ज्यादा यकीन है, चाहे सेंट्रल गवर्नमेंट एक्स-क्यूटिव आफिसर ही हो । लेकिन जहां पर सिविल राइट्स का सवाल है, असूलन हमें डिस्ट्रिक्ट जज-किसी जुडिशियल आफिसर—को ही मामला सौंपना चाहिये । यह दुस्त है । वह इंडिपेंडेंट है, मैं यह मानता हूं, लेकिन मैं यह अर्ज करना चाहता हूं कि जो पहला, प्रारिजिनल सूट है, जिस में गवाही होनी, जिस में झगड़ा होगा, जिस में तय करना होगा, वह आप एक्स-क्यूटिव आफिसर

को सौंपते हैं, जो कि एक इन्स्टिट्यूट आफिसर है, जो कि इन बि बि आई आफ बि लॉ उस को सुनने का काम्पीटेंट नहीं है और उस का जजमेंट आप डिस्ट्रिक्ट जज के पास ले जाते हैं । मैं यह बताने में हाउस का वक्त जाया नहीं करना चाहता हूं कि अपील में हर मामला उतना खुला नहीं होता है, जो कि सिविल केस हो, जितना कि फ्रस्ट कोर्ट में होता है । फ्रस्ट अपील में ऐपेलेंट को यह दिखाना पड़ता है कि दर-अस्तु यह फ्रैसला यों गलत है, बर्डन उस के जिम्मे होता है । तो ऐसे केस में जहां गवाही लेना और तहकीकात करना एस्टेट आफिसर के अस्तियार में होगा, तो डिस्ट्रिक्ट जज सिवाय मैरिट्स पर फ्रैसला करने के और क्या कर सकेगा ? इस बिल को एक प्रोरिजिनल खराबी यही है कि एक एक्सीक्यूटिव आफिसर को हम जुडिशियल मामला सौंप रहे हैं, जो कि नहीं सौंपना चाहिये । हमारे कांस्टीच्यूशन में डायरेक्टिव प्रिंसिपलज आफ स्टेट पालिसी में सेपेरेशन आफ दि एक्सीक्यूटिव फ्राम दि जुडिशरी का उसूल दर्ज है । दोनों उसूल इस के बरखिलाफ जा । और इस वजह से यह कानून दुस्त नहीं बनता है कि एक एक्सीक्यूटिव आफिसर को आपने जुडिशियल आफिसर बना दिया है । मैं अर्ज करूंगा कि यही क्रिटिसिज्म पहले भी की जाती थी और वही अब भी कायम है । इलाहबाद हाई कोर्ट, कलकत्ता हाई कोर्ट और पंजाब हाई कोर्ट ने यह करार दिया है कि यह एक्ट दुस्त नहीं है ।

Mr. Chairman: The Allahabad High Court referred only to Article 14. The other judgment was on Article 19(1)(f).

Pandit Thakur Das Bhargava: I know that.

लेकिन मैं यह पूछना चाहता हूं कि आज हमारे सामने जो बिल है, क्या वह अदालत के फैसले को आबनाकशस है या नहीं ।

को एतराजात इन हाई कोर्टों ने किए, क्या इस बिल ने उस सब पर भ्रूर हासिल कर लिया है ? जो बज्रहात और जो एतराजात इन हाई कोर्टों ने इस एक्ट के खिलाफ पेश किए, क्या वे बज्रहात और एतराजात आज भी दस्त हैं या नहीं ? अगर इस बिल के बरखिलाफ़ वे एतराजात आज भी दस्त हैं और उन को रेमेडी नहीं किया गया है, तो मैं भ्रर्च करना चाहता हूँ कि इस बिल को यहां नहीं आना चाहिये था। हम दुस्त तौर पर अपनी सुप्रीम कोर्ट और हाई कोर्ट्स के अहकामात की बड़ी परवाह करते हैं। मुझे याद है कि जब किसी हाई कोर्ट ने जमींदारी एक्ट को गलत करार दिया और किसी ने दुस्त करार दिया और आखिर में वह मामला सुप्रीम कोर्ट में गया, तो इस भवन में हम ने जो भी फ़ैसला किया, वह उन अदालतों की पूरी इज्जत करते हुए किया और कोई भी शक्स नहीं कह सकता है कि हम ने अदालत के अहकामात की परवाह नहीं की। मैं चाहता हूँ कि हमारे देश में कभी भी गवर्नमेंट की निस्त यह न कहा जाय कि उस ने सुप्रीम कोर्ट या हाई कोर्ट के किसी फ़ैसले की परवाह नहीं की। मुझे डर है कि यह बिल उस उसूल के खिलाफ़ जाता है और वे सब एतराजात जो उस हाई कोर्ट्स ने किए वे सब के सब इससे दूर नहीं हुए। इस बिल पर यह एक बड़ा लांछन है। मैं उम्मीद करता हूँ कि जब सिलेक्ट कमेटी इस बिल को गौर से देखेगी, तो वह इस को कम से कम लीगली दुस्त कर देगी और उन एतराजात को दूर कर देगी और अगर वे दूर न हों, तो वह यह सिफ़ारिश नहीं करेगी कि इस को पास किया जाय।

इस के बाद मैं यह भ्रर्च करना चाहता हूँ कि हिन्दुस्तान में सेंट्रल गवर्नमेंट के सिवाय कितनी ही स्टेट गवर्नमेंट्स हैं। कितनी ही जायदादें स्टेट्स की दिल्ली में हैं और सेंट्रल गवर्नमेंट की स्टेट्स में हैं। यह कानून डिस्ट्रिक्टिभिनेट करता है। यूनियन गवर्नमेंट की जो जायदादें यहां पर हों—वह चाहे

कार्पोरेशन के मातहत हों, कमेटी के मातहत हों या डेवेलपमेंट अथॉरिटी के मातहत हों—और लाज से गवर्न होंगी और स्टेट्स की जायदादें और लाज से गवर्न होंगी। यह दुस्त नहीं है। यह डिस्ट्रिक्टिभिनेटरी लैजिस्लेशन है, चाहे क्लासिफ़िकेशन के लिहाज से हाई कोर्ट इसको डिस्ट्रिक्टिभिनेटरी करार दे या न दे, लेकिन सरीही तौर पर एक ही मुल्क में मुस्तलिफ़ जायदादों का मुतालिक मुस्तलिफ़ कानून हों, यह वाजिव नहीं है। मैं भ्रर्च करना चाहता हूँ कि अब तक तो हम कांस्टीट्यूशनल ला और हिस्टरी का यह सबक पढ़ते आये हैं कि सारी आजादी, प्रैस की आजादी, पर्सनल आजादी पर बेस्ड है—जो एक इन्सान को लिखने का हक है, वह प्रैस को भी है। सारे क्लज आफ़ ला में जो एक शक्स को हक है, उस को हम सभी जगह लागू करते हैं। यहां पर हम देखते हैं कि एक प्राइवेट इंडिविजुअल की प्रापर्टी और गवर्नमेंट की प्रापर्टी में फ़र्क किया जाता है। गवर्नमेंट को कैसे इल्म होगा कि प्राइवेट लैंडलार्ड और टेनान्ट्स का क्या सलूक होता है। शिकायत की जाती है कि के। लम्बा हो जायगा मैं पूछना चाहता हूँ कि आज कोर्ट्स में केसिज का क्या हाल है—लैंडलार्ड और टेनान्ट के केसिज का क्या हाल है। आप का यह फ़र्ज है कि आप उस को दुस्त करे। आप का यह फ़र्ज है कि आप देखें कि लिटीगेशन लम्बा न हो। यह गवर्नमेंट का फ़र्ज है, वर्ना लोग शिकायत करेंगे कि जब गवर्नमेंट अपने लिये कानून बनाती है, तो यह प्राविजन रखती है कि इतनी छोटी मियाद में—चौदह दिन में—मकान से बेदखल कर दो और जो जायदाद वहां पाई जाय, उस को नीलाम कर दो। मैं यह पूछना चाहता हूँ कि कहीं ऐसा कानून बना है कि लैंडलार्ड को यह अस्तियार हो कि जो जायदाद मिले, उस को नीलाम कर दे और जो पसा मिले, वह उसको पकड़ा दे। इस किस्म के ड्रास्टिक और सल अस्तियाराय किसी लैंडलार्ड को हासिल नहीं हैं। इस

[पंडित ठाकुर दास भार्गव]

सिधे यह मुनासिब नहीं है, कि गवर्नमेंट को वे भस्तियारात दिये जायें। जब टेक्सेशन इनवेस्टीगेशन कमीशन बना था, तो हम ने बहुत सस्त भस्तियारात उस को दिये और मैं ने भ्रष्ट किया था कि जहां तक इन्वेजन का सवाल है, आप वे भस्तियारात दे दें, लेकिन लेकिन मझे डर है कि इसी किस्म के भस्तियारात हमारे बाकी लाज के मातहत भी दे दिये जायेंगे, वे सब भस्तियारात हमारे इनकम टैक्स आफिसर्स को दिये जायेंगे और वही हुआ। मुझे डर है कि इस बिल के पास होने से सब स्टेट्स में इस किस्म के कानून आ जायेंगे और वह निहायत सस्ती होगी कि जहां तक प्रापर्टी का ताल्लुक है, प्राइवेट आदमी के लिये और कानून है और स्टेट के लिये और कानून है। यह मुनासिब नहीं है। यह एक बिग एन्ड आफ दी बेज है। मुझे मालूम नहीं कि हम कहाँ जा कर ठहरेंगे। अगर एक जगह हम रूल आफ दी ला की परवाह नहीं करते हैं, तो फिर मालूम नहीं कि किस किस वज्जारत में कहाँ कहाँ हम गलतियाँ करेंगे। जहां तक इस में डिस्ट्रिक्मिनेशन का सवाल है, इस को हटा देना चाहिये।

मैं भ्रष्ट करना चाहता हूँ कि इस में इस के अलावा एक और बड़ी सस्ती की गई है, जिस के मुताल्कि मैं कुछ लपज कह देना चाहता हूँ। आम तौर पर जब कोई एक मकान किसी दूसरे शक्स् से लेता है, तो उसका किराया तय करता है, दोनों राजी हों, तो किराया मुकरर किया जाता है। कुछ ईक्विटीज किरायेदार के हक में रहती है और कुछ लेंडलार्ड के हक में रहती है। आखिर कुछ मुकदमा हो कर खाल्व हो जाती है या अदालत तय करती है। यहां पर लुद एस्टेट आफिसर को यह भस्तियार है कि उस में चाहे जितने डेमेजिज लगा दे। मुझे मालूम है कि यहां पर हमारे इम्प्लूमेंट ट्रस्ट ने लुद रेफ्यूजीज के ऊपर किराये लगाये। एक दिन सुबह बैठ कर

हजारों आदमियों को नोटिस जारी कर दिये और तुम से डबल किराया चार्ज होगा। उन लोगों के पास बेदखली के नोटिस भी पहुंचे और यह भी कि पुराना किराया इस हिसाब से देते रहे हैं, लेकिन कल से यह चार्ज किया जावेगा—आईन्दा का ही नहीं, पुराना किराया भी एक दम—यकफलम—बढ़ा दिया गया। रेफ्यूजीज को बड़ी भारी हिरानमी पैदा हुई। यहां हम ने झगड़ा किया और श्री मेहर चन्द खन्ना की खिदमत में यह भ्रष्ट किया कि ऐसा तो किसी भी कानून में नहीं देखा, आप उस भरसे का भी किराया लेते हैं, जिस में वह रह चुके हैं और उन को बताया नहीं गया है। उन्होंने ऐ: मेहरबानी फरमा कर उस हुक्म को मन्सूख किया और लोगों में शान्ति हुई।

इसी तरह से डेमेजिज का भी यही हाल है। न मालूम कोई आफिसर कितने डेमेजिज मुकरर कर दे और वह यकतर्फा डेमेज होगा। मुझे डेमेजिज की भी कहानी मालूम है। मुझे मालूम नहीं कि वह कहानी रिपीट होगी। जिन को डाई डाई सौ रुपये डेमेजिज लगाये गये, उन के डेमेजिज २२ रुपये पर आ गये, लेकिन मैं जानता हूँ कि यहां यकतर्फा चीज होती है और यह इन्स्टिट्यूट पार्टी करती हैं। उन में हमेशा इन्साफ नहीं हुआ करता है इस लिये इस तरह की पावर लेना वाजिब नहीं है। मैं पूछना चाहता हूँ कि क्या फक पड़ेगा अगर कुछ देर भी हो जायेगी? लेकिन जहां तक, देर सबेर का ताल्लुक है वहां भी मैं चाहता हूँ कि आप कोई ऐसा प्रोसीजर इवाल्ब करें जिस से देर न हो। मैं यह नहीं चाहता कि जिस तरह से प्राइवेट पार्टीज के मुकदमे लटकते रहते हैं उसी तरह से इस तरह के मुकदमे भी लटकते रहें। लेकिन मैं पूछना चाहता हूँ कि क्या बजह है कि आप एस्टेट आफिसर को रखना चाहते हैं और ज्यूडिशरी के आदमी को नहीं रखना चाहते? आप क्यों नहीं मुनसिफ या स्टाडिनेट जज को सिर्फ इस गर्ज के लिये रखते? इस में आपको क्या दिक्कत नजर आती है?

जिस तरह से धाप कर रहे हैं, उस तरह से तो मुझे सिवाय नुकसान के और कुछ नजर नहीं आता है।

इसमें जो तरकीब बसूली की रखी गई है वह और भी ज्यादा भजीब है। सनी साहब में सिविल प्रोसीजर कोड में धाप जानते हैं कि बनी डिमीस के लिये कैद नहीं किया जाता है। पहले पहल कैद कर दिया जाता था लेकिन ग्राहिस्ता ग्राहिस्ता रिफार्म हो गई है और अब कैद नहीं किया जाता है। लेकिन यहां पर टू स्टार्ट बिब पहला फिकरा इस तरह से चलता है :

It should be recoverable as an arrest of land revenue.

इसको उसी तरह से रिकवर किया जाय जिस तरह से एरियर आफ लैंड रेवेन्यू रिकवर होते हैं। आप जानते ही हैं कि किस तरह से एरियस आफ लैंड रेवेन्यू वसूल होते हैं। मैं इसके ऊपर ज्यादा कहना नहीं चाहता क्योंकि एक मौके पर मैंने इस हाउस में तकरीबन एक घंटा लगा कर पंजाब के अन्दर जितनी भी प्राविजनस हैं, उनको पढ़ कर सुनाया था। लेकिन मैं इनके बारे में इतना ही कहना चाहता हूं कि पहले तो दस्तक भेजा जाता है और उसके बाद जो दूसरी चीज होती है वह यह है कि उसको कैद कर दिया जाता है। मैं पूछना चाहता हूं कि धाज के जमाने में क्या किसी को इस वास्ते जेल भेजना मुनासिब होगा कि उस पर एक दो महीने की डिमी है। इसमें तो पुराने जमाने की ही याद ताजा होती है। मैं समझता हूं कि हर एक आदमी महसूस करेगा और रिबोल्ट करेगा और कहेगा कि यह ठीक नहीं है। मैं भी उस जमाने की याद दिलाना नहीं चाहता जब सम्बरदार और बिस्वेदार को बुला कर उसे हवालात भेज दिया जाया करता था और उसकी बात सुनने के पहले हूं उसके सिर पर सैकड़ों जूते लगा दिये जाते थे। वह ब्रिटिश गवर्नमेंट का जमाना था। मैं उम्मीद नहीं करता कि धाज के

जमाने में इस तरह से बसूली की जायेगी। अगर ऐसा किया गया तो यह बही बात होगी कि एक आदमी को पहले तो थन्द दिनों के लिये कैद कर दिया जाए और पीछे पूछा जाय कि तुम्हारे मुंह में कितने दांत हैं। कोई भी मुकदमा ऐसा नहीं होता चाहे वह पांच रुपये का हो क्यों न हो जिस में डिफेंडेंट पर सम्मन तामील न कराये जायें और उनकी परसनली तामील न की जाए। सिविल प्रोसीजर कोड में इस के लिये दो कायदे रखे गये हैं। एक तो परसनल तामील की बात कही गई है और उसके बाद सबस्टीट्यूट सविस की बात कही गई है। लेकिन यहां पर पहले तो सबस्टीट्यूट सविस की बात है और फिर परसनल सविस की बराय नाम कोशिश करने की बात कही गई है। आप देखें दफा ३ में यह है :—

(3) The estate officer shall cause the notice to be affixed on the outer door or some other conspicuous part of the public premises, and the contents thereof to be proclaimed in the locality by beat of drums, whereupon the notice shall be deemed to have been duly given to all persons concerned.

कभी किसी कानून में यह नहीं देखा है कि मुद्दालय को इतिला न हो और उसके खिलाफ कार्रवाई कर दी जाय। अगर कोई दिल्ली से बाहर होगा तो उसके मुहले में सात दिन तक डौंडी पिटवाई जायेगी और उसको पता भी नहीं चलेगा कि क्या हुआ और क्या नहीं हुआ। डौंडी की बात ही कही गई है, नोटिस की तामील नहीं है, परसनल सविस नहीं है। उसके बाद क्या होगा ? इसके बाद यह होगा :—

Without prejudice to the provisions of sub-section (3).

क्योंकि अगसर प्राविजन सेक्शन ३ में है

The estate officer may also cause copies of the notice to be served on the persons principally concerned.

[पंडित ठाकुर दास भार्गव]

यह उसकी डिस्क्रिप्शन होगी, उसकी मर्जी होगी, यह उसकी मेहरबानी पर निर्भर करेगा कि अगर वह चाहे तो उसको नोटिस भी भेज दे, वरना यह काफी है कि मुहले में ढोंडी पिटवा दी जाये।

इसके बाद यह होगा :—

.....served on the persons principally concerned either by post or delivering or tendering the copies to them.

सैं समझता हूं कि आनरेबल मिनिस्टर साहब मुझ से ज्यादा जानते हैं कि सिविल प्रोसीजर कोड में किस कदर सक्ती के साथ तामील के ऊपर जोर दिया गया है और जो सबस्टीट्यूट सर्विस है वह चन्द एक हालात में ही होती है, वरना परसनल सर्विस होती है। यहां पर पहले ही सबस्टीट्यूट सर्विस को रख दिया गया है और बाकी सब उसकी मर्जी पर छोड़ दिया गया है।

15.57 hrs.

[SHRI MOHAMED IMAAM in the Chair]

इस बिल की खूबियों को कहां तक बयान किया जाये। आप देखें कि जो तरीका नोटिस का और जो वकफा इसके अन्दर रखा गया है वह कितना अजीब है और कितना थोड़ा है। अपील हो या कोई और प्राविजन हो बहुत ही कम अर्सा लोगों को दिया गया है। चौदह दिन के अन्दर सारा मामला तय हो जायेगा। इस अर्से में एरियर्स भाव सैंड रेवेन्यू भी यह बन जायेंगे, नोटिस भी जारी हो जायेगा, बमूली भी हो जायेगी। यह सारा काम एक दिन के अन्दर भी हो सकता है और शायद हो भी जायेगा। एक ही दिन के अन्दर मकान भी खाली, जायदाद भी मीलाम और वह भी घर से बाहर हो जायेगा, यह सब कुछ एक ही दिन में हो सकता है। वे दोनों चीजें एक ही दिन में जारी हो सकती हैं क्योंकि कम से कम एरियर्स तो बाकी होंगे ही।

अब मैं इस बात पर आना चाहता हूं कि कितने इस तरह के केसिस होंगे जिन में गवर्नमेंट को यह कार्रवाई करनी पड़ेगी। मैं समझता हूं कि इसकी बहुत कम जरूरत महसूस होगी। इन थोड़े से केसिस में मुझे डर है बहुत सक्ती बरती जायेगी। एक तो इस तरह के केसिस होंगे जहां पर गवर्नमेंट के जो अफसर हैं वे तबदील हो कर कहीं और चले जायेंगे और वे अपने मकान खाली कर देंगे। बहुत से लोग ऐसे होंगे जो परमानेंट टेनेंट होंगे, गवर्नमेंट को किराया बराबर देने रहे होंगे और उनको गवर्नमेंट भी बेदखल करना नहीं चाहेगी। कुछ लोग ऐसे भी होंगे जो छोटी सी बात के लिये गवर्नमेंट के अफसरान को नाखुश करना नहीं चाहेंगे क्योंकि ऐसा करना उनके इंटिरेस्ट में नहीं होगा। गवर्नमेंट सर्वेंट्स के साथ सक्ती नहीं होगी, यह भी मालूम है। लेकिन जो थोड़े से लोग बच रहेंगे, जिनको इसका शिकार होना पड़ेगा, मुझे उनके बारे में फिक्र है। उनके खिलाफ गवर्नमेंट इस तरह की कार्रवाई न करे जिससे कि वे यह समझने लग जायें कि उनको इसका शिकार बनाया जा रहा है और वे यह समझने लग जायें कि गवर्नमेंट ने एक ऐसा कानून बना दिया है जिस तरह के कानून का जिक्र फ्रेंच ला में आता है जिसको जब हम स्टुडेंट थे पढ़ा करते थे जबकि वहां पर एड्वायट एडमनिस्ट्रेटर था और कोई रूल भाव दी ला नहीं था और खास खास लोगों के लिये खास खास कानून थे। लेकिन इस तरह की चीज हिन्दुस्तान के अन्दर अननोन है। किसी आदमी के लिये इस तरह की चीज जायज होती या न होती, गवर्नमेंट के लिये यह चीज अच्छी नहीं है, यह उसको शोभा नहीं देती है, यह उसकी शान के शायान नहीं है कि वह इस तरह के बिल लाये।

हमने अपने विधान में इस बात को लिखा है कि हम हर एक आदमी के लिये

काब मुहैया करेगे, उसको रहने के लिये मकान देंगे और सब चीजें देंगे। आज इस साल के बाद गवर्नमेंट यह कहती है कि कोई मकान पुन्यारे रहने के लिये नहीं है। आनरेबल मिनिस्टर साहब ने चन्द दिन हुये एक एनाउंसमेंट भी थी कि वह मकान बनवाने की कोशिश कर रहे हैं। यह अच्छी बात है। एक तरफ तो आप इतना काम करते हैं और लोगों को मकान बनाने के लिये रुपया देते हैं, मकानों के लिये मैटीरियल मुहैया करते हैं और सब तरह की सुविलियें देते हैं और दूसरी तरफ यह सक्ती करते हैं कि चौदह दिन के अन्दर अन्दर जिस को चाहें आप मकान से बाहर कर दें, उस जायदाद को नीलाम कर दें, न नोटिस दें और न कुछ लेना और न कुछ देना। ये सब चीजें एक ही दम करना तो ठीक नहीं है। अगर यह गवर्नमेंट की इयूटी है कि लोगों को मकान दे तो इतनी सक्ती नहीं की जानी चाहिये। मुझे उन पर सक्ती का डर नहीं है जिन पर कि दिल्ली में की जायेगी क्योंकि यहां पर तो मिनिस्टर्स हैं, पार्लियामेंट है। मुझे डर उस सक्ती का है जो दूसरी जगहों पर की जायेगी। मुझे डर इस बात का है कि दूसरी जगहों पर क्या होगा स्टेट्स में भी इसी तरह के कानून बनाये जायेंगे, वे भी आपकी नकल करेंगे और नकल करते वक्त अपने बिल को कोई और ही शकल दे देंगे और न मालूम क्या क्या चीज बनेगी। उस सूरत में आप कुछ भी नहीं कर सकेंगे क्योंकि आप की ही की हुई यह करतूत है। आप उनको उस सूरत में किस मुंह से यह कह सकेंगे कि तुम इस तरह का कानून न बनाओ।

मैं ज्यादा वक्त नहीं लेना चाहता और अधिक कहना भी नहीं चाहता क्योंकि मैं कुछ बीमार सा हूँ। मैं माफी चाहता हूँ कि मैं और ज्यादा डिटेल्स में नहीं जा सकता। मैंने बहुत मुलायम अलफाज में अपनी बातें मिनिस्टर साहब के सामने पेश की हैं।

दो तीन सवालों का मैं मिनिस्टर साहब से जवाब चाहूंगा और आशा करता हूँ कि वे देंगे भी। जब मैंने ये बातें हाउस के सामने रखी थीं, उस वक्त बदकिस्मती से मिनिस्टर साहब यहां पर मौजूद नहीं थे लेकिन मुझे उम्मीद है जो भी उस वक्त यहां पर बैठे हुये थे उन्होंने मेरी बातों को नोट कर लिया होगा और मिनिस्टर तक पहुंचा दिया होगा। अब मिनिस्टर साहब चूंकि यहां हैं मैं चाहता हूँ कि जब वह जवाब दें तो मेरे दो तीन सवालों का भी अवसर उत्तर दें। इन दो सवालों को मैं दोहरा देता हूँ। पहली तो रिप्यूजीज की बात है। उनके बारे में इसी सीट पर बैठे हुये एक मिनिस्टर साहब ने एक्शोरेंस दी थी और सालम एक्शोरेंस दी थी। उसके बाद सिलेक्ट कमेटी बनी थी। सिलेक्ट कमेटी ने इस पर विचार किया और १२-१३ महीने बैठ कर इस पर खूब विचार किया। उसके बाद दूसरा बिल आया और आपके प्रेडिसेसर ने उन एक्शोरेंसिस को रिपीट किया। उन पर अमल हुआ या नहीं हुआ इस पर मैं इस वक्त नहीं जाता। मैं पूछना चाहता हूँ कि क्या आप उन एक्शोरेंसिस के पाबन्द हैं या नहीं हैं। अगर पाबन्द नहीं हैं तो आप साफ साफ बता दें ताकि लोगों को यह पता लग जाये कि आने वाले वक्त में उनको और भी ज्यादा तकलीफ का सामना करना पड़ सकता है। अगर आप उन एक्शोरेंसिस के पाबन्द हैं और आप इस चीज को तसलीम करते हैं तो लोगों को तसल्ली हो जायेगी कि गवर्नमेंट जो कुछ कहती है, उस पर अमल भी करती है, वायदा शिकनी नहीं करती है।

मैं अदब से अर्ज करना चाहता हूँ कि आपने हम से ६ साल पहले जो वायदे किये थे उनको पूरा कीजिये। आपने जो नो प्राफिट नो लूस बेसिस पर जमीनें दी हुई हैं, आज भी लोग उनके लिये रुपया दाखिल करने को तैयार हैं लेकिन वही हासल

[पंडित ठाकुर दास भार्गव]

हो रही है कि गोदस ब्लिट शेफर्ड सुनता नहीं। आप उनकी बात को सुनने के लिये तैयार नहीं हैं और परमात्मा न करे कि ऐसी सुसीबत किसी पर आये जैसी कि बेचारे रेफ्यूजीज पर आई है। जब रेफ्यूजीज यहां पर शुरू २ में आये थे और चूंकि वह बर्बाद हो कर और सब कुछ लुटा कर आये थे तो रात दिन उनके साथ हमदर्दी की बातें चला करती थीं लेकिन आज उनकी क्या हालत है? मैं चाहूंगा कि भानरेदुल मिनिस्टर इसकी तहकीकात करायें।

दूसरी चीज जिसकी कि बाबत मैंने शुरू में कहा था, वह है अजमेरी गेट के वे ब्लॉक जिनको कि वहां से बेदखल किया गया है। उनको कम्पेंसेशन देने के वास्ते खजाने में कई लाख रुपया जमा किया हुआ है लेकिन आज कई वर्ष गुजर जाने के बाद भी उनको मुआविजा नहीं मिल पाया है। वे बहुत खराब हालत में हैं। हमने उनकी हालत को देखा है, वहां पूरी सिलेक्ट कमेटी गई थी। आप मेहरबानी करके उनके साथ इन्साफ़ करें और उनकी तरफ़ तबज्जह करें। इन दो केसेज में आप कोई अपनी डेफ़िनिट पालिसी ले आउट करें ताकि यह मालूम हो जाय कि इन गरीब आदमियों का क्या बनने वाला है।

Shri Achar (Mangalore): Sir while supporting the Bill, I would like to make some observations for the consideration of the Joint Committee.

No doubt, a quick remedy is required for ejecting people who unauthorisedly occupy public buildings. While such a remedy is necessary, at the same time, we will have to remember this simple fact. After all, the Bill goes against the common law of the land. A remedy like this will not be required in cases where there is a clear case of illegal occupation. My hon. friend Shri Nau-

shir Bharucha also dilated on that point and remarked that if there is a clear case of illegal occupation, no further enactment or no further law is required. If it is clearly illegal, simply, the police need be requisitioned and the person should be ejected. So, this Bill, I take it, will not apply to such cases.

It will apply only to cases where some civil right is involved. It may be, under a certain contract or certain provisions, a man may be put in possession. After that period, he has to be ejected. So far as the provisions of the law is concerned, time is not the essence of the contract in such matters. There may be civil rights involved in such cases. If a civil right is involved, to eject a man from his possession, certain civil remedies also will have to be taken into consideration.

In this Bill as proposed, there is no provision whatsoever as to how the enquiry is to take place. Some Estate Officer is appointed. It may be a person who has absolutely no knowledge of civil law or he may have no respect, with all humility I submit, for the civil rights of people. In section 8 it is said that the Estate Officer shall, for the purpose of holding any enquiry under this Act, have the same powers as are vested in a civil court. So far as powers are concerned, he is given full power. Even persons, who are trained in civil jurisprudence, in principles of civil law, are circumscribed by certain provisions of form. There is the Civil Procedure Code. There are so many other provisions. There is the Evidence Act. I do see that all these cannot be made applicable for a remedy like this which has got to be very quick.

I understand the position that so far as persons who are occupying public buildings unauthorisedly are concerned, they must be ejected quickly. I do see that. At the same

time, though the powers are given, I feel there must be some provisions which will restrict the mode of enquiry and his discretion. Even it may be a summary enquiry: I do not mind that. In this Bill as proposed, there are no provisions whatsoever as to how the enquiry should take place. Is it to be simply *mugalai*? I submit with all respect that the provisions of this Bill are absolutely inadequate.

For example, we have the Rent Control Act. There are certain extraordinary measures. As I said in the very beginning, this must be considered not as the ordinary law of the land. When we are going against it and when we are making extraordinary provisions, it has to be seen that those powers are restricted by some provision. I would submit, with regard to notice, it is a very important point whether the man is served, how he is served, whether he has notice of it, how the enquiry takes place, whether there is examination and cross-examination. Let it be a summary enquiry, as I said. All the same, it should not be left to the utter discretion of the Estate officer. There must be certain provisions. I submit that the Joint Committee must look into this aspect of the question, and have some provisions which will restrict as to how the enquiry has to take place.

Then, the next point I would like to mention is regarding the provision for appeals. I find an appeal is provided to the District Court, but curiously enough I find there is absolutely no power given to the District Judge to stay the matter pending appeal.

Shri K. C. Reddy: It is given:

Dr. P. Snnbarayan (Tiruchengode): It is there.

Shri Achar: I am sorry if it is there.

Shri K. C. Reddy: Clause 9(3).

Shri Achar: I am sorry I made a mistake.

"Where an appeal is preferred from an order of the estate officer, the appellate officer may stay the enforcement ..."

I thought there was no provision. All the same, I find there is no second appeal to the High Court provided for.

As I pointed out, it is a question of civil rights. When it is a question of deciding certain matters, and especially when we are having a very quick remedy, I would submit that a second appeal, or at least, a revision should be provided for to the High Court. Of course, we find of late that in almost all legislations and Bills coming in, there is a tendency, there is an attempt to oust the jurisdiction of the civil courts, but I would submit.....

Shri M. B. Thakore: Criminal courts.

Shri Achar: I said that in almost all the Bills and all the statutes that are coming up, there is an effort to avoid the jurisdiction of the courts, whether it be civil or criminal, as much as it is possible. I would submit that when we are having a legislation of this kind where the matter is considered in a very summary manner also,—of course, that has to be adopted because we must have a quick remedy—a mere appeal to the District Court will not be sufficient. I suggest, if not a second appeal at least a revision to the High Court may be allowed. That is all.

Shri Jaganatha Rao: I rise to support this measure. This Bill is a definite improvement on the earlier enactment of 1950. If we go through the various provisions of the Bill, we find a regular procedure has been prescribed.

Of course, several objections have been raised by hon. Members regarding some legal aspects. I shall try to deal with them *seriatim*.

[Shri Jaganatha Rao]

If you refer to the definitions of the unauthorised occupant in clause 2 of this Bill, it envisages two classes of unauthorised occupiers: (1) the person who occupies without authority, and (2) the person who having occupied with authority continues to remain in possession of the premises after the authority expires. In both these cases, a notice is prescribed under clause 4 of the Bill to be issued by an Estate Officer, and an opportunity is also given to the person in unauthorised occupation to show cause, and only on being satisfied that there are no valid reasons for which a person to continue in occupation would an order of eviction be passed.

It has been urged by several hon. Members that alternative accommodation has to be provided for by the Government before a person is ordered to be evicted. I see no reason in this argument. Firstly, if a person is in unauthorised occupation he has no right to demand alternative accommodation. Secondly, if the person had occupied originally under an authority and the authority or permission comes to an end, then what right has he to demand from the Government to provide for alternative accommodation so that he could remove to that alternative accommodation and then vacate the premises?

However, provision has been made in clause 4 for the Estate Officer to issue notice on this person to show cause, and it is open to the Estate Officer to grant him time. The clause does not prohibit the Estate Officer from granting time to such a person.

Then, objection has been taken to sub-clause (3) of clause 4 of the Bill which says that a copy of the notice shall be affixed on the outer door or some other conspicuous part of the public premises. But, if you look at clause 4, personal service of notice is also contemplated. In cases where

personal service is not possible, a further mode of service of notice as provided for in the Civil Procedure Code is by a fixture of a copy of the notice on a conspicuous part of the premises, and also by beat of drum. These requirements which are followed in the Civil Procedure Code have been followed in this clause. I fail to see how any hardship would be caused to a person who would be affected by an order that would be passed ultimately under clause 4.

Similarly, if we look at clause 5 also, ample opportunity, reasonable opportunity, is being provided to the person to show cause, and it is only on the officer being satisfied that he has no valid cause to continue in possession, that an order of eviction would be passed.

Then, it has been argued that the Estate Officer who issues notices of eviction is himself the judge, and that it is contrary to juristic principles, but I say in a welfare State where the activities of the State expand in all directions, it is not possible for a citizen to demand the right to be heard in a civil court. We can take it that the Estate Officer under this clause would be a tribunal, who can go into this question as an administrative tribunal, and his order would be subject to the jurisdiction of the High Court. The powers under articles 32 and 226 of the Constitution are there, and are not intended to be taken away and cannot be taken away by this Bill. So, the fears expressed by hon. Members in this regard, according to me, fall to the ground.

Shri M. B. Thakore: What about the expenses?

Shri Jaganatha Rao: I will come to that.

The Hon. Member, Pandit Thakur Das Bhargava, has referred to sub-

clause (e) of clause 2 of the Bill which says:

... after the authority under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever."

His objection is: who is to determine this order. If you read carefully the clause, you will find that "or has been determined" means only, in legal parlance, the authority which has come to an end. "A lease is determined" means a lease has come to an end, the right is extinguished, not that any person determines it in the sense that he puts an end to the authority. The authority automatically comes to an end.

I take the instance of a Government servant who is allowed to occupy public premises. On retirement or removal from service he has no right to continue. The authority which was given to him earlier to occupy the premises is determined along with his right to continue in service. Therefore, he is only in the position of a licensee. But the Bill, I say, goes further. Even in such cases, even in cases of trespassers, notice is given, 15 days' notice; notice is given by the authority asking him to vacate the premises which in law the person would not be entitled otherwise.

Another hon. Member referred to the time, the period of limitation, for preferring appeals under this Bill which is 15 days against an order under clause 5, and 15 days against an order under clause 7. Procedure under the Civil Procedure Code is applicable for the filing of appeals and also regarding the hearing of the appeals. The time taken to obtain a copy is also discounted, and 15 days would be in addition to the time taken to obtain a copy. I think fifteen days is not a short period. Certainly, if the person affected by an order adversely wants to prefer an appeal he has to be diligent and he has to go to the court within fifteen days. I

see no reason to complain against this provision.

16 hrs.

Then, it has been urged by Shri Achar that if a person is in illegal occupation, no Act is necessary to evict him. I am afraid I cannot agree with him. Supposing a person is in illegal occupation of a public premises, obviously the person has no right, but can Government forcibly evict him? Can Government, being a party, take the law into its own hands and eject him publicly? Supposing a person forcibly trespasses on the land of some other person, it is open to the owner of the land or the person in possession of the land to eject him provided he does not use any force. If he uses any force, he would be committing a criminal offence. So, it is not correct to say that no Act is necessary if a person be in illegal possession. So, I am not able to agree with my hon. friend.

Shri Achar: May I just give one instance? Suppose somebody gets it into his head to walk into the Parliament House and being cooking here, are we entitled to kick him out or are we to go to a court of law?

Shri Jaganatha Rao: My hon. friend confuses Parliament with public premises. No person has a right to enter the Parliament unless he is a Member. The Speaker has ample powers to eject the person.

Shri Achar: But suppose somebody manages to get into this place. Then, what happens?

Mr. Chairman: One person did in an unauthorised way.

Shri Jaganatha Rao: That was very recently, and certainly it must be in the memory of the hon. Member as to what happened to him.

Shri Surendranath Dwivedy (Kendrapara): He was sent to the mental hospital.

Shri Jaganatha Rao: That will be the result.

Then, objection was taken to the delegated legislation which is contemplated in clause 13 of this Bill. This is a routine matter which every Act contains, and I see no reason why this clause should not be there. The Bill speaks of only power to make rules regarding the mode of holding enquiry, from the notice e.c. the mode in which appeals have to be preferred and heard and so on. It is not expected that in every enactment every minute detail should be put in there. It is again argued that article 14 is still hit. As I submitted earlier, in a welfare State, it is not possible for the citizen to expect to stand by his fundamental right. The State has got a right to qualify some of these fundamental rights to reasonable extent as is necessary in the discharge of its duties in a welfare State.

It is provided here that the arrears of rent or damages that may be determined by the officer should be recovered as arrears of land revenue. I see no objection to this procedure. Any amount due to Government would certainly amount to arrears of land revenue. This speedy remedy is provided for in every case. For instance, in the Revenue Recovery Act or the Public Demands Recovery Act, such power has been given to the officers. The very object of this measure is to give Government summary powers to proceed with eviction and also to realise the rents or damages due to Government. That very object would be defeated if it is said that Government have no right.

I am of the view that this Bill is not open to objection on any of the grounds urged by the hon. Members, and that it is a welcome measure, and it is a definite improvement over the earlier legislation of 1950. I fully support the measure.

Shri C. R. Pattabhi Raman (Kumbakonam): This Bill is going before a Joint Committee, and it behoves us

to think aloud on matters which may affect the citizen.

For instance, certain powers have been given to the estate officers, as they are called, to evict persons wherever they may be found in public premises.

Shri K. C. Reddy: Unauthorisedly.

Shri C. R. Pattabhi Raman: So far as the legal position is concerned, at one time there was a doubt in regard to article 19 (1) (f). In *Subodh Gopal vs. West Bengal*, the former Chief Justice of India, Mr. Patanjali Shastri thought that the rights envisaged in article 19 (1) (f) were abstract rights. He wanted to convey this idea in contradistinction to the rights conferred on all persons and not merely citizens, under article 31. He was of opinion that article 19 (1) (f) concerned itself only with abstract rights.

Soon after that decision, if I remember aright, in the very same year, there was another case, in which I had the good fortune to take part, namely, the case of *Lakshmindra Tirtha*, a mutt case from South Kanara. The Supreme Court unanimously held in that case that article 19 (1) (f) did not confer merely abstract rights, but conferred concrete rights on citizens of India. They said that citizens had concrete rights in existence, so far as article 19 (1) (f) was concerned. But article 19 (1) (f) is qualified by article 19 (5) and it saves the existing law in so far as the State imposes reasonable restrictions on the exercise of any of these rights for the protection of the interests of any Scheduled Tribe or

Shri K. C. Reddy: Or in the interests of the general public.

Shri C. R. Pattabhi Raman: or in the interests of the general public. Only it must be a reasonable restriction. It must be subject to the touchstone of judicial interpretation. I

am giving this background so as to explain to the House what it was that made the three High Courts strike down the previous legislation. The original Act, namely, Act XXVII of 1950, namely, the Public Premises (Eviction) Act was struck down by the Calcutta High Court, by the Allahabad High Court and by the Punjab High Court, one High Court confining itself to article 14 and dealing with discrimination in the grant of equal rights to all citizens, and the other two High Courts confining themselves to the unreasonableness of the restriction imposed. That was the position. That is the reason why Government have come forward with this measure before this House. The necessity for this measure is this, that the High Courts have struck it down, and, therefore, we shall have to have a formula which will be acceptable to the courts, and which will fit in with and square with the fundamental rights guaranteed to citizens and various other persons.

So far as the provisions are concerned, in the Financial Memorandum, it is stated clearly that it is intended that this work should be entrusted to existing estate officers and it may not, therefore, be necessary to incur any additional expenditure. I am not happy over it. I am sure the Joint Committee will consider that aspect of the matter.

There are certain very clear rules of what is called natural justice which have to be satisfied before any legislation can pass muster and can become valid. The first is that there is equality guaranteed to all citizens. My hon. friend Shri Jaganatha Rao would clothe the State with special powers. He is right. It is a welfare State, and there is no doubt about it. But it is not a totalitarian State. The welfare State is charged with some good intentions hurrying up social legislation, but it does not cease to be a person, for, any law which confers any special power will be struck down as being bad because it is not a reasonable classification. I wish to

impress upon Shri Jaganatha Rao that the classification must be reasonable.

Shri Jaganatha Rao: Impress upon the House.

Shri C. B. Pattabhi Raman: because in our enthusiasm we should not do something else. This is going to the Joint Committee and I am sure our thinking will be of some use to them.

The first rule is that there must be an independent tribunal. There must be notice given to the other party. There is a very famous maxim, *audi alteram partem*; you must hear the other side. The man must be served with a notice. He must be able to come and say what his grievances are. He must be allowed to let in evidence to say that it is not government property and it is his property, because the *ipse dixit* of the officer is not enough. What is really the position now? Who has to declare whether it is a public premises or not? That is presumed in this Bill.

I heard a whisper some minutes ago that they can go to civil courts for that. It is not so stated anywhere in this Bill. The *ipse dixit* of the estate officer will be there. He may be the person who may declare that it is public premises. Secondly, he may give notice. Thirdly, he may decide. I am sure the hon. Minister will bear this aspect in mind. I do not think he will be encouraged to clothe that very estate officer with the power of deciding the matter. I am sure they will have this in mind when the Bill goes before the Joint Committee.

So far as procedure is concerned, I do not think the legislation will be bad if the rules make it clear how the notice is to be given, how the hearing is to take place, in what manner evidence is to be taken and what the tribunal is. If all that is made clear, it will have all the features of what is called natural justice. If the rules make this clear, it is all right, because there are enough powers given under the rules.

[Shri C. R. Pattabhi Raman]

I find clause 8 deals with the power of the estate officer and clause 9 deals with appeals. What is the use of saying that there will be an appeal to the district judge if the original trial did not have the minimum requirements the very minimum, of what are called the principles of natural justice? If it does not satisfy the principles of natural justice, it only means that the district judge will hold that the whole thing is bad, and he may order a rehearing. It will only multiply the procedure. So the rules must make it very clear how the trial has to be held, what notice is to be given, how the hearing is to be conducted and so on.

Shri Achar was saying that there was a tendency now-a-days to shut off courts. After all, there will be a bottleneck. We have got to achieve things. We have got so many schemes under the Plan. Just imagine a retired officer sitting in a government building and saying, 'I will not get out of it.' When he originally came there, it was lawful possession by him. Perhaps it was part of his perquisites. He had to be given a house. Suppose it comes under the definition of 'public premises' and he has to be asked to leave, can the Government go to courts and go through the regular paraphernalia with two appeals? I do not think this is necessary. That will be really pitching the claim too far and too high. You are really defeating the very purpose of your case. What is wrong, if the retired officer does not leave the premises, in having a proper tribunal, giving him opportunity to explain himself, and then throwing him out? And there is provision for stay. If anything is wrong so far as the format of the notice is concerned or so far as the hearing is concerned, you can always strike it down by going to the court with a writ petition. There is nothing to stop the court from exercising the writ jurisdiction. The High Courts under article 226 of the Constitution and the Supreme Court under Article

32, have got the power to strike down bad procedure through writ of certiorari, mandamus of prohibition. These rights would be available to citizens. So I am not frightened about that. It is only with regard to forms that I am frightened.

Lastly, in the explanatory portion under "unauthorised occupation", it is said:

"(whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever".

Who determines it? You cannot have determination in the air.

Shri Achar: By expiry of time.

Shri C. R. Pattabhi Raman: Who is to decide that the time has expired?

Shri K. C. Reddy: The concerned administrative authority.

Shri C. R. Pattabhi Raman: I am sorry it is not so; "determined for any reason whatsoever". That is why I read it. Reading the former portion, I agree with him.

Shri K. C. Reddy: In accordance with the terms of the lease that might have been entered into.

Shri C. R. Pattabhi Raman: I am much obliged for the explanation. There again, all that will be placed before somebody. Who is to decide? Who is to hear the other side and decide? It may be a very quick decision. I do not want the courts to come in. I sincerely hope that the spirit in which I am pleading for what is called adjectival law will be understood. I do not want the courts to come in. I only want to see to it that there is a proper decision. Who is to determine that the lease period is over, or, what is worse, if a condition of the lease has not been fulfilled?

Who is to say that the lease is bad or the transfer is bad or the holding is bad? I can think of so many cases. A man be in possession of the property for a season. It can be a lease for a season in the case of land. Who is to determine that the period of tenancy has expired.

An Hon. Member: The estate officer who gives notice.

Shri C. R. Pattabhi Raman: The man who gives notice decides it. He initiates it and then gives the decision. I do not want to repeat myself. I am sure that this aspect will be borne in mind.

Some reference was made to the High Courts. The Allahabad High Court was dealing mainly with article 14. Actually, there are three decisions, which I referred to in the very beginning. The High Courts said that it was not a reasonable classification.

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." I take it they held that the classification was not that for public premises, one law, and private premises, another law. Not only that. They thought that the classification was bad, so far as the relative right was concerned.

The other two High Courts, of Punjab and Calcutta, were dealing only with article 19(5)—reasonable restrictions.

So we have had three High Courts who have dealt with it and we have had the benefit of their judgments. I sincerely hope that whatever the learned Judges, who have devoted some time to it, have said, will be heeded in the Joint Committee.

Shri Naushir Bharucha: Government will come with a third Bill afterwards.

Shri M. B. Thakore: I thank you very much for giving me time to speak on this Bill.

Shri K. C. Reddy: May I know from the Chair whether we are closing the debate today or are carrying this forward to tomorrow?

Mr. Chairman: Four hours are set apart for this. After the hon. Member's speech, I will call upon the Minister to reply.

Shri K. C. Reddy: We began at 13.30 hours or so. I am only anxious to know whether I am called upon to reply today or tomorrow.

Shri Prabhat Kar (Hooghly): How many more speakers are there?

Shri Naushir Bharucha: We have allotted four hours for this in the Business Advisory Committee. I think the hon. Minister can reply tomorrow.

Mr. Chairman: The four hours include the time taken by the Minister also. Unless the House determines otherwise, I have no power to extend the time.

Shri Tangamani: We have not taken more than three hours so far. If we go on till 17.00 hours, there will be still half an hour left.

Sardar A. S. Saigal (Janjgir): Four hours are allotted for this motion. We have to adjourn at 17.00 hours. So the hon. Minister can reply tomorrow.

Mr. Chairman: All right. The discussion will go on till 17.00 hours.

Shri M. B. Thakore: I oppose this Bill not because I belong to the Opposition, but because it is against the fundamental rights conferred by our sacred Constitution. Secondly, it restricts the power of the judiciary. Thirdly, it gives discretionary powers to the Central Government.

Before I deal with the Bill in detail, I would make a reference to the increase of the centralising power of the Government of India.

[Shri M. B. Thakore]

Recently, it has been the tendency of Government to introduce Bills and amendments to Acts to increase their power. This is very dangerous in democracy. If power is to increase, I do not think, there is safety for democracy. In democracy, the three organs, the judiciary, the legislature and the executive are independent to each other.

Here, since 1947, we find that Government has been introducing Bills which aim at centralising power. The Preventive Detention Act and other Acts show that Government wants power at the cost of the judiciary. In this Bill also, the power of the judiciary has been restricted and it has been taken over by the Central Government. It is extraordinary that all powers under this Bill are conferred on the Estate Officer. He is everything, the judiciary, the executive and legislator also.

Mr. Chairman: He cannot be a legislator.

Shri M. B. Thakore: He would make rules; there is no mode of enquiry. So, he would make his own rules for enquiry and all that. That is why I say so.

I would request the hon. Minister to think over the question of increasing the power of the executive. It leads to a totalitarian State. I would cite the example of Hitler in 1930. He slowly and steadily, by introducing legislation, got power in his hands. In the same way, here, you find that since 1947, the Government is coming forward with legislation to have increasing powers. So, we should all combine, to oppose, tooth and nail, such kind of legislation.

It is shocking that clause 2 defines 'premises' as 'any land' etc. etc. Here I have to comment that in Delhi villages land has been acquired by Government for the development of Delhi. I do not mind if our beloved Prime

Minister wants Delhi to be like Paris or London. But, he should also think of those poor villagers whose agricultural lands have been acquired. Compensation has not been paid.

I had been to some meetings, with other Members of this hon. House and saw that the condition of those people is pitiable. We had been to Chirag Delhi which is only three miles away from this Parliament House where 140 bighas of land have been acquired. One farmer has constructed a tubewell costing about Rs. 22,000 and that has also been acquired. The agricultural land costs about Rs. 2,000 per bigha and these 140 bighas—have been acquired for some Ram Dayal Corporation. After the meeting was over, we went to the site and there we saw that it was a fact that the tubewell had been acquired and that the farmer was ousted without any compensation. I wrote to the hon. Minister and I invited him to visit that site but there was no reply whatsoever to my letter.

Mr. Chairman: Two more speakers have to be accommodated; and, so, I suggest the hon. Member may conclude in 5 minutes.

Shri M. B. Thakore: This is also a fact that there is sufficient waste land near by this acquired land. My point is this. Why not acquire such land which is lying idle instead of acquiring fertile land and ousting these poor people?

An Hon. Member: Very bad.

Shri M. B. Thakore: It is extraordinary also that houses have been acquired without making any alternative arrangements to settle people. So, I request the hon. Minister to think about this.

Why this legislation at all? Because we have failed to provide sufficient accommodation for the needs of the circumstances. We are working this

First Five Year Plan and the Second Five Year Plan all these ten years; but, still, I find that many people have no accommodation. What will be the effect of this legislation? It will create discord, disunion, dissatisfaction and discontent. It will affect the poor people.

Some hon. friend said that they may go to the High Court. But, does he know how expensive it is to go to the High Court and fight out a case? He is a lawyer and he knows that it is very difficult for poor people who have no accommodation—that is the most remarkable thing. Only when he has no accommodation will he occupy such land and he cannot afford to go to a High Court under the Constitution. How is it possible? This kind of legislation cannot do any good to the poor people; but it is a burden on those who have no means to construct buildings or accommodation to live in.

Mr. Chairman: I hope the hon. Member will conclude soon.

Shri Radha Raman (Chandni Chowk): Mr. Chairman, Sir, I rise to support the Bill . . .

एक माननीय सदस्य : हिन्दी में बोलिये ।

श्री राधा रमण : सभापति जी . . .

Mr. Chairman: All at once he should not switch on to Hindi. He should speak for some time in English and then speak in Hindi.

Shri Radha Raman: I only tried to make my points clear to the Minister; probably, he cannot follow Hindi and, therefore, I began in English. I am habituated to speak only in Hindustani.

Mr. Chairman: For the benefit of the Minister he may speak in English now.

Shri Radha Raman: Mr. Chairman, Sir, I rise to support the Bill, but I have my own doubts with regard to the objects of the Bill and also whether they can be achieved by the provisions that are contained in this Bill. I, somehow, find that such a Bill came before the Parliament sometime ago and it was passed. This Bill is an improvement on that Bill and, since the hon. Minister wishes to pass it on to the Joint Committee I am sure the Joint Committee will go into the questions or the problems that have arisen, and with the experience that is gained necessary changes will be made in the Bill.

I have however a few observations to make in respect of some of the provisions which are contained in this Bill. In the first instance, I say that in Delhi the problem of unauthorised occupation is an acute one. I am sorry to say that nearly 20-25 years ago the then Delhi Administration announced that quite a large number of areas round about Delhi were to be acquired through notification. It was nearly 20-25 years ago that this announcement was made, but those areas remain as they were. They are neither acquired nor allowed to be utilised by persons who are living in those areas since then. This has created a lot of complication and a big problem. The Government wants those areas to be developed and improved. Either they should be sold to the persons who are now living there or they must be acquired by the Government.

I find that it is impossible for the Government to acquire them without giving alternative accommodation to the persons living there. What has happened is, there are hundreds of buildings that have come up there. They are in a very dilapidated condition. Some of them which are new can stand the time but others which are old require a lot of repair or reconstruction. The Government's mind is not clear, with the result that a lot of suffering is experienced by

[Shri Radha Raman]

the people who are living in those areas.

I just want to draw the attention of the hon. Minister to this problem and wish that there should be some solution with regard to such cases. In a way the Government's intention to acquire those areas may be all right, but there should be some time limit fixed for acquiring them. If it is not the intention to acquire them, it should be finally decided that those areas are not to be acquired so that they can be sold to the persons who are already living there. If it is intended to acquire them there should be some alternative accommodation for the people who are living there. In any case the matter cannot be allowed to stand as it is for long.

In the same way I find that during the past ten years thousands of families have come to Delhi and since most of the outlying spaces or the lands that were available were frozen, there was restriction on everybody to possess those lands with the result that those who came occupied whatever was available. Many lands belong to the Government and naturally those persons who are living on them are unauthorised occupants. But it is a human problem. If law is to be executed or administered without any human approach or without any human consideration, I am sure thousands of people will have to suffer.

Our hon. friend, Pandit Thakur Das Bhargava, said that in the case of refugees or even in the case of local men there had been assurances given by the Ministers, one after the other. I remember Shri Gadgil gave an assurance and the same assurance or assurances were given a couple of years ago by the Minister in charge of this subject, Rajkumari Amrit Kaur. But what do we find? In spite of all those assurances thousands of families are

being uprooted. They are being asked to go wherever they like, and they have no alternative accommodation available anywhere nearabout. They are asked to go five or ten miles away, dislocating their business and disturbing their day-to-day life, which, I think is not the purpose of the Government. Nor it is human to expect of them that they should go away with their bag and baggages to a place far away.

I therefore say that this Bill, as it is, or even when it comes in the improved form from the Joint Select Committee, may not serve the purpose for which it is meant. Its purpose, as I see, is that the persons who occupy unauthorised Government premises or public premises are prevented by law from doing so, and that there should be a law for enabling the Government to do so within a reasonably short time. I am afraid that according to this Bill there will be thousands of families who will be called unauthorised occupants. Though there may be restrictions on the abuse of the provisions of the Bill, I have little doubt that provisions will be abused and there will be much hardship on the people who have been living on unauthorised lands for a number of years.

I therefore hope that the Joint Select Committee will examine very closely the effect of this Bill especially on those who have been living in a particular area or on lands which was intended to be acquired long, long ago, or which was lying vacant, and because of the urgent need of the people who came to Delhi and suffered for accommodation, and occupied by them. There should be some solution to it. Either there should be adequate alternative accommodation for those families to be shifted without disturbing their present occupation or dislocation to their business or they

should not be allowed to go away from there. There should be some provision by which those who have occupied such outlying lands will either be given, so to say, those lands on lease or on sale or on hire so that their life is not disturbed.

I have a few suggestions to make in respect of the provisions of the Bill for the consideration of the hon. Minister as well as for the consideration of the Members of the Joint Select Committee. I hope that those suggestions will be borne in mind while discussions are held on the Bill. In clause 4(1)(b), it is said as follows:

"require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof".

I think this is a very short time. In my opinion, the time should be extended to at least one month. In regard to notice, we have provided fifteen days. That also, I think, is too short, especially for people who are living in Delhi, where the shortage of accommodation is great. So, this time limit should be extended.

With regard to the definition of "land" or "premises" I think they should be more specific, because, at present, we find that "public premises" are interpreted in such a way that it hardly leaves much room for genuine cases to be considered. This is another thing which I want the Joint Committee to consider. I have another suggestion to make. In any locality where unauthorised persons are asked to quit or are ejected, there should be some association of respectable persons of the locality, whose advice or guidance in the matter will be taken.

Because, if you deal with the problem only in an official way, I am afraid that a lot of hardship will be brought upon such persons who are innocent but, out of duress or difficulty, do something which may not be very legal or very correct. This is another suggestion which I want the hon. Minister to consider.

With regard to arrears of rent there is provision in this Bill. I do not see why the estate officers are not given discretion that in hard cases or in cases where rent or damages cannot be recovered from a person, or where they can be recovered only partially, they can either reduce them or waive them. I think there should be some such provision, whereby the estate officers can examine such cases and either reduce the rent or arrears, or waive the damages.

I also think that the provisions of this Bill are such that it will mean extra work for the existing estate officers.

Mr. Chairman: How much more time will the hon. Member take?

Shri Radha Raman: I will finish in two minutes.

It is suggested in the Bill that in case there is need or necessity, more estate officers may be appointed. But I may point out that today Delhi courts are full of cases of this nature and, generally, it takes two years before any decision can be obtained. That is the time normally expected to be taken by the court. But, in my opinion, all the cases that go to the court should get a decision within six months or a year. So, I want to emphasize that since cases of this nature are growing in number, there should be extra estate officers for coping with this work, without which, I am afraid, the time that is taken will be increased to the disadvantage of both parties—the Government as well as those who occupy the building or land.

[Shri Radha Raman]

16.44 hrs.

[MR. SPEAKER in the Chair].

I have one more suggestion to make. The rules should be so well-defined that there will be no room for any misinterpretation or wrong interpretation. They should be very specific and clear with regard to the procedure and the way in which the unauthorised occupant is to be dispossessed of the house or of the accommodation that he occupies.

With these few suggestions, Sir, I feel that the Joint Committee will closely examine this Bill and when it comes out again to the Parliament, it will be better in its form and, comprehensive, and will have no such loopholes as to allow the Estate Officers to arbitrarily dispossess anybody from unauthorised occupation, and the problem will be dealt with more humanly and in a way that will not bring upon any hardship on the persons involved.

Shri Balasaheb Patil (Miraj): Mr. Speaker, Sir, the one person, who is very important in this Bill, is the Estate Officer and the whole of the Bill does not say anything about his qualifications or appointment. His work has been termed by some of the hon. Members here as omnibus and omnipotent and I may call his work as omniscient. The reason is that Clause 4 says that if the Estate Officer is of the opinion that a certain person is an unauthorised occupant etc. etc.,—he has to form the opinion and what is the basis for his doing so? There is no provision in this Bill that the Government or Corporation or the Development Board is to make an application or write a letter to him, but sitting in his office he has to see all round and sense that certain person is an unauthorised occupant and then give a notice.

At this stage, I may submit that some appropriate provision may be made in this connection that the Government or the other bodies inter-

ested in the premises should make an application. That will form the basis of the whole proceedings; maybe that this person comes to know of this by *suo mot* or by getting some knowledge from some newspaper or by news brought to him by his servants and issues the notices; and what is his notice? It is a notice of eviction and the further clause to show cause, because after all, it is not a notice of calling upon the person to give his evidence to show his own title or rights. Not that, but first of all he says: "You will be evicted and give reasons why you should not be evicted." This sort of rather high-handed power should have some basis at least and therefore before Clause 4 there must be some adequate provision for the same.

Further, this provision must be there, because in appeal, as in every case there is pleading, that is pleading by one party and written statement by the other party. That forms the basis of the judgment. If there be a notice that cannot be a pleading by the party and any objection raised by the other party cannot be written statement. Therefore the persons and the parties interested, i.e., the Government or the local bodies, should make an application before this officer issues a notice to the unauthorised occupant.

Further, clause 2 (c) classifies three types of persons as unauthorised occupants. First is a person who is in occupation of the public premises without authority. That means he is a trespasser and occupies the house owned by the Government or by the Corporation or by the Development Board. The Government has its servants. It has also other authorities—they are paid by the exchequer of the Government of India. Then, how is it that these houses are there, vacant, without any attendants and without their being looked after? How is it that persons steal, come at night and occupy these houses? If the check is to be by the servants, they should see that nobody enters Government

houses without any authority occupies them, stays there and pulls on. This particular aspect is not looked at. On the contrary, when the person has already occupied them and stayed there for a certain time, then he has to be evicted. Then come the cases of those the period of whose tenancy has expired or whose tenancy is terminated. What is the reason? It is said 'determined for any reason whatsoever'.

The further point is that this authority has to make up his mind about public premises and unauthorised occupation. Reading clauses 2, 4 and 5 together, it seems that once the Local Authority has given notice of termination without any reason or for no reason saying I want to terminate, that would be sufficient for the Authority to take it as good notice. The Authority has no jurisdiction to go behind that at and see whether this notice is legal and valid, whether the Government has the right to terminate the tenancy.

Then, there is the question of title. The question of title comes in because it is said here:

"'public premises' means any premises belonging to, or taken on lease or requisitioned by, or on behalf of....."

If there be any defective lease or if the requisitioning be illegal and be not complete, there arises the question of title between a party and the Government. Even if the Government knows that it is defective, illegal and *ultra vires*, the Government may make a note and say that the Estate officer should issue a notice to show cause. Then, the Estate officer, under clause 5, has no power, no jurisdiction, to go behind and see how the title stands. Suppose the person is one who is interested in the Central Government. The question of title is sometimes a very knotty one and it is not clear even for High Court Judges. But, this person has to solve that question at one stretch, by a stroke of the pen. This is something unheard of and this

cannot be found in any legal enactment.

Even in the case of Judges, there are provisions as to how the Judges are to be appointed, what are their qualifications, and what is the procedure for appointment. Reading the entire Bill, though this person is going to be first a Judge, secondly a magistrate and thirdly an executive, we do not find any provision prescribing any qualification whatsoever for him. The Government may appoint any person. A person from the Finance department or a military officer or a Captain or a Major may be appointed as the Estate officer. That person will come and deal with such questions as title, termination of tenancy, rights of parties as between the Government and an individual party. That is something which cannot be tolerated. There must be some provisions embodied in this Bill showing that these will be the qualifications of the person to be appointed as an Estate officer; either he must be a retired Judge or a lawyer who has practised for at least ten years, or something like that. That is the second suggestion that I want to make.

Coming to clause 9, we find that an appeal has to be made within 15 days. Reading the whole clause, I cannot understand whether copies of the order are to be taken and whether they are necessary or whether we have to file an appeal without a copy, to the District Court. All copies are not ready within 10 days or 15 days or one month. If there is delay what happens? It is common knowledge that in law courts, copies are not ready even for two or three months and there are various reasons for the same. In case an order has been given against the person to whom notice has been issued, that person will lose his premises first and then he will have to go to the District, fight for his cause, and then, after 2 or 3 years he will get justice on the day on which he will get an order from the District Judge. Then, there

[Shri Balasaheb Patil]

may not be the premises, there may not be the house the Government, in the meanwhile, might have destroyed on the same. What is the use of this right given to him? Therefore, there must be some provision by which section 5 of the Limitation Act must be incorporated in this Bill so that the period required for obtaining copies of the order could be excluded. That sort of a provision must be made in this Bill.

Further, it is said here in clause 5 that when an order of eviction has been passed, the authorities, or the Estate Officer and his servants, are to take possession of the premises. I cannot understand what sort of possession they are going to take, because, after all, under clause 6 it seems that if something is found on the premises, it should be auctioned. If possession is to be taken forcibly, if the person is to be driven out of the house, how will those officers take possession without throwing all his belongings into the road? That I cannot understand. Or, are they to have possession on paper, sit in their own office, write a note saying that they have taken possession, and on the next day go to the premises, take all the belongings and auction them? That will be great injustice done to any individual. For that purpose there must be some specific provision made in this Bill, showing in what way possession has to be taken. If we read clause 13, we do not find mention of the manner in which the possession is to be taken, and if there is resistance how that resistance is to be overcome.

All these things are to be incorporated in this Bill; otherwise it will be incomplete, and it will do great injustice to the individuals as against the Government.

Mr. Speaker: The hon. Minister.

Shri K. C. Reddy: How many minutes have I got now?

Mr. Speaker: We will rise at 5 O'Clock, and the hon. Minister will have half an hour tomorrow.

Shri K. C. Reddy: I think I will make the reply tomorrow, because I have got only two minutes more.

An Hon. Member: Three minutes.

Dr. Ram Subhag Singh (Sasaram): He can begin today and end tomorrow.

Mr. Speaker: The hon. Minister must address the Chair first.

Shri K. C. Reddy: Yes, Sir.

An Hon. Member: He must say, "Mr. Speaker, Sir...."

Mr. Speaker: He may reply tomorrow.

16.57 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 19th March, 1958.

[Tuesday, 18th March, 1958]

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A copy of Notification No. S.O. 191-A-IDRA/15/1/58, dated the 12th March, 1958 was laid on the Table under sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IM- PORTANCE.

Shri D.C. Sharma called the attention of the Prime

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Minister to the expulsion of an Indian Diplomat from a European hotel in Rhodesia.	
The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru) made a statement in regard thereto.	
REPORT OF THE BUSINESS ADVISORY COMMITTEE ADOPTED	5398
Twenty-first Report was adopted	
GENERAL BUDGET, 1958-59 — GENERAL DISCUSSION	5399—5435
General Discussion on the General Budget for 1958-59 continued. The Prime Minister and Minister of External Affairs and Finance replied to the debate and the discussion was concluded.	
MOTION FOR CONCURRENCE TO REFER THE BILL TO JOINT COMMITTEE UNDER CONSIDERATION	5435—5526
The Minister of Works, Housing and Supply (Shri K. C. Reddy) moved for concurrence in the recommendation of Rajya Sabha for reference of the Public Premises (Eviction of Unauthorised Occupants) Bill to Joint Committee. The discussion was not concluded	
AGENDA FOR WEDNESDAY, 19TH MARCH, 1958	
Discussion on Demands for Grants in respect of Ministry of commerce and Industry. Further discussion on motion for concurrence in recommendation of Rajya Sabha to refer the Public Premises (Eviction of Unauthorised Occupants) Bill to a Joint Committee	