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Monday, September 8, 1958

# LOK SABHA DEBATES

(**Fifth Session**)



(*Vol. XX contains Nos. 21-30*)

LOK SABHA SECRETARIAT  
NEW DELHI

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N.B.—The sign \* marked above a name of a Member on Questions which were orally answered indicates that the Question was orally asked on the floor of the House by that Member.

## LOK SABHA DEBATES

5133

### LOK SABHA

Monday, 8th September, 1958.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Capture of Smuggled Arms

\*1009. + Shri V. C. Shukla:  
Shri Rameshwar Tantia: -

Will the Minister of Home Affairs be pleased to refer to the reply given to the Supplementaries on Starred Question No. 2031 on the 6th May, 1958 and state:

(a) whether the full information in respect of arms of 'foreign make' captured in Madhya Pradesh has been called for and received from the State Government; and

(b) if so, the result of Government's investigations into the matter?

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

(b) In all 21 weapons were recovered from the dacoits between October, 1957 and April, 1958. Of these 13 are of U.K. make, three of American and the remaining 5 are either of Spanish, Belgian, or Czechoslovakian origin. All the weapons recovered are old and used. There is no evidence so far to prove that the weapons were smuggled into India from any foreign country.

**Shri V. C. Shukla:** The dacoit menace being quite serious in Madhya

165 LSD-1.

5134

Pradesh, may I know whether the Central Government will take immediate steps to check the infiltration of foreign military arms into Madhya Pradesh, because, in answer to a previous question in the previous Session we were told that at least one firearm which was recovered was a brand new latest machine gun with American Army markings on it?

**Shri Datar:** I did not follow the earlier part.

**Shri V. C. Shukla:** As the hon. Minister has already replied that quite many more foreign military firearms have been recovered from the dacoits in Northern Madhya Pradesh, will the Government, in view of the dangerous turn in the situation, from a common police force and also give any such further help as may be necessary to the State Governments?

**Shri Datar:** So far as the formation of a common pool of police force is concerned, it is being considered by two Zonal Councils. If a similar question is raised in this Zonal Council, then that question will also be considered.

**Mr. Speaker:** Hon. Members need not put questions in the form of suggestions. The hon. Member could have easily asked, "Is there a proposal to form a common police pool?" and I will be within my limits to admit that supplementary question.

**Shri Rameshwar Tantia:** May I know whether recently in the Bhopal Assembly a reply was given regarding the smuggling of these arms where it has been stated that some arms have been found which were of American make? If it is right, may I know whether the Government know about the source and what they are

doing to see that no further smuggling of these arms takes place?

**Shri Datar:** The answer now given here is based on the information supplied by the Madhya Pradesh Government.

**Shri Thimmaiah:** May I know whether Government has made any efforts to find out how these foreign arms are being smuggled, and the source, and what steps they are taking to stop such smuggling?

**Shri Datar:** These are old and used ones, and no useful purpose will be served by going into the whole matter.

### Institute of Indology

\*1011. **Shri Subodh Hansda:**  
Shri Ram Krishan:

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

(a) whether the recommendation of the Indology Committee with regard to the establishment of an Institute of Indology has been accepted by Government; and

(b) if so, whether the institute will be established during the year 1958-59?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). At the meeting of the Indology Committee held on 18th August, 1958, it was decided to accept in principle that there should be a Central Institute of Indology but it could not be established till a sufficient number of scholars have been trained to man the different departments of the Institute. In order to build up the nucleus of such an Institute the Committee recommended that steps should be taken during the Second Plan period to select suitable scholars from various institutions of higher learning in the country and train them abroad so that an Institute of Indology could be started during the Third Five Year Plan.

The recommendation of the Committee has been accepted in principle by the Government.

**Shri Subodh Hansda:** May I know whether the selection of scholars for training them abroad has started?

**Shri Humayun Kabir:** The selection of scholars has not yet started.

**Shri Subodh Hansda:** May I know whether there are other institutions which are carrying on research work in Indology and, if so, the names of the institutions?

**Mr. Speaker:** In the country.

**Shri Humayun Kabir:** There are a number of such institutions; it would not be possible to give the list of all the institutions which are carrying on research in Indology.

**Shri Ram Krishan:** I find that the recommendations of the Committee have been accepted. In view of this fact, may I know the nature of the steps taken so far to establish this Institute?

**Shri Humayun Kabir:** If the hon. Member reads the statement he will find that the meeting of this Committee was held on the 18th August, 1958 and the recommendation of the Committee was that a number of scholars should be selected for training abroad in certain special fields of Indology, and on their return the question of establishing an Institute would be taken up. Therefore, I do not see how between the 18th of August and today any further steps could have been taken.

**श्री भक्त दर्शन :** श्रीमन्, जहां तकः मझे जात हैं इंडोलाजी के बारे में बहुत से विद्यालयों में पढ़ाने में ही अवस्था है। मैं जानना चाहता हूँ कि यह जो नई संस्था बनायी जा रही है इस में क्या विशेषता होगी, कौन सी विशेष बातें बतायी जायेंगी?

**Shri Humayun Kabir:** This has been under the consideration of a number of scholars for a number of years, and they feel that while certain Universities provide certain facilities in special departments in the study of Indology, there is no Central Institute which can provide an overall picture. Besides, there are certain fields like Egyptology, Assyriology and our contacts with some of our nearby neighbours in which no study has been undertaken yet by any Indian University.

**Shri Tangamani:** What are the countries to which the scholars will be sent for getting training, so that the Central Institute may be started during the Third Five Year Plan?

**Shri Humayun Kabir:** Wherever there are facilities available and there are suitable experts of international reputation, the scholars will be sent.

**Shri Ranga:** Are we to understand that Indian scholars are to be sent on a roving mission from University to University to all the countries of the West for training in Indology and that there are no Indian experts on Indology to train our own Indologists?

**Shri Humayun Kabir:** Facts have to be faced. It is a fact that there are no recognised scholars on Egyptology in this country, there are no such scholars on Assyriology; and all the senior scholars of the country have recognised that promising young men should be sent abroad for special study with internationally recognised experts.

**Mr. Speaker:** Possibly a western touch is sought to be given to an eastern subject!

#### Unauthorised Constructions in Delhi

+

\*1012. { **Shri Harish Chandra Mathur:**  
          { **Sardar Iqbal Singh:**

Will the Minister of Home Affairs be pleased to state:

(a) whether any survey of unauthorised constructions in Delhi has been made;

(b) if so, the result thereof;

(c) whether any plan and programme has been formulated to deal with unauthorised constructions and effectively prevent such constructions in future; and

(d) whether Municipal Corporation has approached the Central Government for assistance and guidance in the matter?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) and (b). No systematic survey of all unauthorised constructions in Delhi has been made. A survey was, however, carried out by the New Delhi Municipal Committee in 1956 and they detected 6,780 unauthorised constructions. The defunct Delhi Development (Provisional) Authority issued 18,479 show-cause notices on unauthorised constructions during the years 1955 to 1958. On a very rough estimate the total number of unauthorised constructions should be round about 30,000.

(c) Under Section 344 of the Delhi Municipal Corporation Act, 1957 and Section 31 of the Delhi Development Act, 1957, the Corporation, other local authorities and the Delhi Development Authority have power to stop unauthorised constructions and summon police help, if necessary, for the purpose.

2. The Chief Commissioner, Delhi has set up a mobile squad to help the local authorities in removing unauthorised constructions.

3. An *Ad Hoc* Committee consisting of the Deputy Mayor of the Delhi Municipal Corporation and 8 other Councillors was appointed by the Corporation to consider the problem. The Committee recommended that unauthorised constructions should be regularised on payment of penalty and betterment tax in cases where satisfactory proof of the title to build on the land in question is produced. The Corporation has accepted this recommendation.

4. A committee has been appointed under the chairmanship of the Chief Commissioner, Members of Parliament elected from Delhi, the Senior Vice-President of the New Delhi Municipal Committee, the Commissioner of the Delhi Municipal Corporation, Vice-Chairman of the Delhi Development Authority and representatives of the Ministries concerned to go into the problem of labour bastees, jhopris and jhuggies in the urban areas of the Delhi and to make concrete suggestions for its solution including selection of suitable sites.

(d) No.

**Shri Harish Chandra Mathur:** May I know how many houses have been demolished since this Corporation has taken over, and whether as a result of the recommendations of the Standing Committee, no further demolitions are contemplated?

**Pandit G. B. Pant:** I think the number of demolitions since the establishment of the Corporation have not been too many. I cannot give the exact figure. As I just stated, there are two bodies dealing with this matter. A committee was set up by the Corporation and its recommendations have been accepted by the Corporation which I have read out. Another committee has been appointed by the Delhi Advisory Committee to look into this question and to find a solution for it. I must state that it has proved a most formidable problem so far, and we have not been able to solve it in a satisfactory way.

**Shri Harish Chandra Mathur:** May I know what time it generally takes to obtain permission for the construction, and if any steps are taken to see that the permissions are given expeditiously?

**Pandit G. B. Pant:** I do not think that there is any delay in the office of the Corporation or of the New Delhi Municipal Committee. This question arises not on account of lack of permission for construction, but because of unauthorised construction on land

which does not belong generally to the person constructing the building.

**Raja Mahendra Pratap:** May I know how many houses have been built? It is better to construct first and then demolish the house.

**Pandit G. B. Pant:** I agree. If it were possible, why demolish at all?

**Dr. Sushila Nayar:** Is the hon. Minister aware that, apart from the unauthorised constructions that are there already, new unauthorised constructions continue to arise, and if so, what steps have been taken to check that?

**Pandit G. B. Pant:** Government appointed a mobile squad in May, 1957 to go round in order to prevent the construction of new ramshackle huts etc., but people can smuggle in something in the midst of such structures where their own relatives or others live, and it does not take much time. One hour is enough. You put four sticks round and have two pieces of canvas or of. I think, rotten dhotis wrapped round them, and you get a hut. So, every effort is being made, but still I think we have not succeeded in stopping unauthorised constructions completely.

**श्री नवल प्रभाकर :** माननीय मंत्री जी ने कहा है कि इन दो अधिनियमों की धाराओं के अनुसार इस म.बन्ध में कार्यवाही की जा सकती है। मैं जानता चाहता हूँ कि क्या माननीय मंत्री इन अधिनियमों की भावना के अनुरूप चल रहे हैं?

**पंडित गो. ब० पन्त :** मैंने वह समझने की कोई वजह मान्यम नहीं होती कि वह यह के विलास चल रहे हैं।

**श्री नवल प्रभाकर :** अगर वह उन की भावना के अनुरूप चलते होते, तो अन-अथाराइज्ड कंस्ट्रक्शन के ऊपर कोई कार्यवाही होनी चाहिए थी।

**पंडित गो. ब० पन्त :** मैं यह नहीं समझता कि उनकी स्वाहित है कि अन-अथाराइज्ड

कंस्ट्रक्शन बहुत जायें। जब कभी वह शूल करते हैं, तब बहुत सी शिकायतें होती हैं और लोगों को हमदर्दी कुदरतन उन के साथ होती है, जो कि उन अन-आराइज्ड कंस्ट्रक्शन में रहते हैं। इस बजाए से उन के काम में आसानी नहीं होती। अगर इस में सब को मदद हो, तो यह काम बहुत जल्दी हो सकता है।

**Shri B. K. Gaikwad:** May I know whether Government have prepared any scheme for the unauthorised dwellers whose huts will be demolished, for alternative accommodation?

**Pandit G. B. Pant:** As I mentioned in the course of my reply, a committee has been appointed just to see if alternative sites can be found for accommodating the people who are occupying unauthorised sites at present.

**आ। व. ज. क्षेत्र:** अभी गृह मंत्री महोदय ने बताया कि कार्पोरेशन ने इन अनधिकृत निर्माणों को प्रधिकृत बनाने के मस्बन्ध में निर्णय किया है। मैं यह जानना चाहता हूँ कि क्या कार्पोरेशन को कानूनी तौर पर इस बात का अधिकार है और यदि हाँ, तो इस प्रकार के अनधिकृत निर्माणों को अधिकृत रूप देने का दिल्ली की मास्टर प्लान पर क्या अनुर पड़ेगा, क्या इस का विचार किया गया है?

**वृद्धि गो० ब० पन्त:** कार्पोरेशन ने जो कदू किया है, उस से कानूनी कायंवाही में मदद मिलेगी और उसकी बाबत कोई शिकायत गवर्नरेट को नहीं मिली है।

**Shri Thimmaiah:** One question, Sir.

**Mr. Speaker:** I have allowed a number of questions.

#### Smugglers killed on Indo-Pakistan Border

**\*1013. [Sardar Iqbal Singh: Shri Ram Krishan:]**  
Will the Minister of Finance be

pleased to state:

(a) the total number of Indian nationals who have been killed by Pakistan police on the east and west Pakistan borders during the last one year;

(b) the number of smugglers among them;

(c) whether there is any machinery in both the countries for conducting any inquiry into such cases; and

(d) if so, the nature thereof?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) and (b). 24 Indian Nationals were killed by Pakistani Police/Military or other personnel on the east and west Pakistan borders, during the period from 1st July, 1957 to 30th June, 1958. Only one of them was believed to be a smuggler.

(c) and (d). Standing arrangements exist for the district officials of the two sides of the frontier to discuss such border incidents.

**Shri Ram Krishan:** May I know whether any property was found from the persons killed; if so, the nature of the property?

**Shri B. R. Bhagat:** Only one was a smuggler, and actually I have not got the details as to what was found on him.

**Shrimati Renu Chakravarty:** May I know if it is also a fact that besides the people who have been killed, a large number of those who have been kidnapped have also been termed as smugglers by the Pakistan police, and may I know how many are at the moment still languishing in Pakistan jails?

**Shri B. R. Bhagat:** That is a larger question, not concerned with this Ministry. I am only concerned with smuggling cases, and so far, our information is that only one smuggler was believed to be killed.

**Shrimati Renu Chakravarty:** I want to point out to you that there have been a large number of cases which have been pending and we have been

in negotiation with the Government for a long time. Every time they have been kidnapped, Pakistanis say they are smugglers. Actually, there are quite a number of people who are in jail for smuggling. They will not be even released by the release order of today, and, that is why I wanted to know whether our Government knows what is the total number of those who are charged with smuggling although we know they have been kidnapped.

**Shri B. R. Bhagat:** I want separate notice for that. This question relates to those who have been killed. I do not have the other information just now.

**Shri Tyagi:** May I know what retaliatory action was taken against the Pakistan police on account of this illegal killing of people on the border? Was any compensation given to the survivors of the murdered people?

**Shri B. R. Bhagat:** As I said in answer to parts (c) and (d) of the question, we have well-prescribed procedures to deal with such cases and they were followed in each of the cases.

**Shri Tyagi:** Was compensation given? I wanted to know.

**Mr. Speaker:** More anxious about compensation than the life of the individual?

**Shri Tyagi:** My question was as to what retaliatory measures were taken by the Government and what compensation, if any, was given to the survivors of the dead.

**Shri B. R. Bhagat:** That information is not available with me. Actually, that question should be referred to the External Affairs Ministry. I am only concerned with the cases of smuggling.

**Mr. Speaker:** The hon. Member himself was a Minister. He must know what exactly the jurisdiction of the Minister of Finance is.

**Shri Tyagi:** It is the privilege of the citizen to claim protection from Government for his life within the territory of India. So, I want to know whether for the default on the part of Government in not having been able to save their lives, any compensation was given to their survivors or not.

**Mr. Speaker:** I agree that it is a relevant question, but it cannot be answered by the Finance Minister. He says that it may be referred to the External Affairs Ministry.

**Shri Raghunath Singh:** मग्नी बताया गया है कि २४ आदमियों की हत्या हुई है। मैं जानना चाहता हूँ कि कितने हिन्दुस्तानी स्मगलिंग के चार्ज में पाकिस्तान द्वारा एरेस्ट हुए हैं?

**Mr. Speaker:** It is the same question in another form.

**Shri Raghunath Singh:** उनका मतलब किडनैपिंग के बारे में था। मेरा सवाल दूसरे विषय से सम्बन्ध रखता है।

**Mr. Speaker:** That question was asked earlier also.

May I suggest to hon. Ministers that whenever a question is likely to lead to some supplementaries which are not within their province but within the province of other Ministries, let them collaborate? After all, there is joint responsibility. No doubt, it is shared. But, as far as possible, let them post themselves with these things, such as how many smugglers have been arrested and so on. It is a legitimate question that could be asked. The hon. Minister must post himself with these things, and whenever a question arises relating to the other Ministries also, he must know what exactly is happening all round.

#### Status of Teachers

**\*1014. Shri D. C. Sharma:** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1396 on the 2nd April, 1958 and state the "nature of response

received from the State Governments with regard to the raising of the status of teachers in the country?

**The Minister of Education (Dr. K. L. Shrimali):** A statement is laid on the table of the Lok Sabha. [See Appendix IV, annexure No. 68].

**Shri D. C. Sharma:** There are six paragraphs in this statement, and, therefore, you will permit me to ask at least six supplementary questions. I find from the statement that only nine States have implemented the recommendations of the Central Ministry so far as the upgrading of the salaries of primary school teachers is concerned. May I know what action is being taken with regard to the other States and the Union Territories which have not upgraded the salaries so far?

**Dr. K. L. Shrimali:** The statement which has been laid on the Table of the House is quite comprehensive and gives all the information about this subject.

With regard to the question raised by my hon. friend, as far as the Central Government are concerned, they made this offer to the State Governments. Some of the State Governments have increased the salaries of teachers, and some have not. The Central Government cannot do anything except making this offer to the State Governments that we shall pay 50 per cent of the increased expenditure. We cannot go beyond this. It is most likely that some of the State Governments which have not increased the salaries are not in a position to pay their matching contribution.

**Shri D. C. Sharma:** May I know whether the Central Government are thinking of taking any steps to remove this disparity in pay scales of primary teachers, secondary teachers, university teachers and college teachers as between one State and another?

**Dr. K. L. Shrimali:** This question has been under discussion, and it has been felt that the conditions vary from State to State. And there is a great

variation in the scales of salaries not only of teachers but of other employees also. I am afraid that in the immediate future it may not be possible to have uniform scales for the whole country; but we are trying to upgrade the salaries as much as possible by giving assistance to the State Governments.

**Shrimati Renu Chakravarty** rose—

**Mr. Speaker:** Let me call Shri D. C. Sharma, now, so that he can ask at least 50 per cent of the questions that he wanted to ask.

**Shri D. C. Sharma:** It has also been said in the statement that the State Governments have been asked to revise the constitution of the university bodies in such a way as to increase the representation of teachers on these bodies. May I know whether such a directive has been sent to the Departments of Education in the States and also to the Central Ministry of Education that they should increase the representation of teachers on their various bodies?

**Dr. K. L. Shrimali:** This is a suggestion made for everybody. Of course, the Central Government have made the suggestion, and, therefore, the Central Government themselves are responsible for it.

**Shrimati Renu Chakravarty:** From the statement, I find that none of the Union Territories also has implemented these decisions to raise the status of the teachers. Since the Central Government have direct responsibility for the Union Territories, may I know what they have done regarding these very backward areas which are under their care?

**Dr. K. L. Shrimali:** I would like to inform the House that as far as the Union Territories are concerned, our salaries are nearly at the top.

**Shri Basappa:** May I know whether it has come to the notice of Government that some of the teachers in the middle schools prefer to be transferred as clerks in the middle schools

because of the low salaries that they get as teachers instead of as clerks?

**Dr. K. L. Shrimali:** It is true that the salaries are low, and, therefore, the Government of India have introduced this scheme. We are giving assistance to the State Governments and the universities to upgrade the salaries of teachers at all levels, primary school teachers, secondary school teachers, and university teachers. If the hon. Member would look at the statement, he would find that the effort has been fairly successful on the whole. There may be some States and some universities which have not been able to upgrade the salaries, but most of the States and most of the universities have been able to take advantage of this offer.

**Shri Thanu Pillai:** May I know what in the opinion of the Education Ministry is the status of the primary school teachers as compared to the status of class IV servants of the Central Government?

**Mr. Speaker:** Let the hon. Member not make such comparisons.

**Shri Thanu Pillai:** The question relates to the status of teachers. Therefore, I wanted to know this.

**Dr. K. L. Shrimali:** These comparisons are not fair.

**Mr. Speaker:** It is no good adding fuel to fire. Already, there is so much of bitterness. Let nothing be done or said here which will provoke those people who are at least silent now. Let there be no revolution outside.

**Shri Tangamani:** The statement deals not only with primary school teachers but also with the college professors and university professors. I find also that as regards the matching grant that has been given, namely 50 per cent for the male professors, and 75 per cent for the female professors, only 13 universities have utilised it so far. May I know whether special directives will be given to the other

universities to upgrade the salaries of these professors?

**Shri Ranga:** Let them do it for primary school teachers first.

**Dr. K. L. Shrimali:** We cannot give directives to the universities. We can only make this offer to them. It is for them to take advantage of this offer. Most of the universities have taken advantage of it. If the hon. Member will look at the statement, he will find that in some of the universities, the scales of salaries were fairly satisfactory, and, therefore, there was no need to increase them. But in some of the universities, they have financial difficulties, and it will be our continuous and constant endeavour to persuade the universities to accept our grades.

#### Expenditure Tax

\*1015. { **Shri Morarka:**  
                  { **Shri Vasudevan Nair:**

Will the Minister of Finance be pleased to state:

(a) the total amount of Expenditure Tax assessed upto the 30th June, 1958; and

(b) the total amount actually realised so far from Expenditure Tax?

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** (a) Rs. 5,000.

(b) Rs. 5,000.

**Shri Morarka:** May I know whether under the Expenditure Tax Act, any compromise is made with the ex-Indian Rulers in regard to their tax liability under that Act?

**Mr. Speaker:** The question relates to total amount of expenditure tax assessed and actually realised. Has the hon. Minister got any information regarding the amount realised from the ex-Rulers? Hypothetically, what is the good of asking the question?

**Shri Morarka:** It is not hypothetical.

**Mr. Speaker:** Does this include any tax derived from any ex-Ruler?

**Shrimati Tarkeshwari Sinha** nodded assent.

**Mr. Speaker:** The hon. Minister must get up and not nod her assent.

**Shrimati Tarkeshwari Sinha:** Yes, under section 20 of the Act, the Rulers who get their privy purses have a liability to give this tax. So, it does arise out of this.

**Mr. Speaker:** What is the answer to the question then?

**Shrimati Tarkeshwari Sinha:** What was the question?

**Shri Morarka:** May I know how many cases of ex-Rulers have been settled under the Expenditure Tax Act, and also what the amount realised from them is?

**Shrimati Tarkeshwari Sinha:** Under section 20 of the Act, the Rulers have got the option to elect for the normal assessment under the normal assessment procedure or for the settlement of their tax liability by the Central Government direct. They have been given 15th September as the time-limit to decide for themselves; and these cases can only be taken up after 15th September.

**Shri Rameshwar Tantia:** May I know the expenditure on the Expenditure Tax Department?

**Shri C. D. Pande:** More than the tax.

**Shrimati Tarkeshwari Sinha:** No expenditure can be allocated for this Department, because these taxes form a consolidated whole, and, therefore, no expenditure can be allocated to this particular assessment or that particular assessment.

**Shri Morarka:** May I know the basis on which the cases of these Indian Rulers would be settled?

**Shrimati Tarkeshwari Sinha:** would call the attention of the hon. Member to the reply that was given to a question of Shri Supakar on 30th August, and that is, that on the first Rs. 5 lakhs of the privy purse it will be 7½ per cent., on the next Rs. 5 lakhs 12½ per cent., on the next Rs. 5 lakhs 20 per cent., on the next Rs. 5 lakhs 25 per cent. and on the balance 33-1/3 per cent.

**Shri V. C. Shukla:** Just as foreigners before they leave India are required to furnish an income tax clearance certificate, may I know whether they will also be required to submit a clearance certificate in respect of payment of expenditure tax in India before they leave the country?

**Shrimati Tarkeshwari Sigha:** I do not think so.

#### Progress of Steel Plants

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 Shri Ram Krishan:  
 Sardar Iqbal Singh:  
 Shri Morarka:  
 Shri Supakar:  
 Shri D. C. Sharma:  
 Shri Panigrahi:  
 \*1016. Shri Rameshwar Tantia:  
 Shri S. M. Banerjee:  
 Shri Tridib Kumar  
 Chaudhuri:  
 Shri Damani:  
 Shri N. R. Munisamy:  
 Shri P. K. Deo:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that the progress of construction at the three steel plants is not according to the original schedule;

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

(c) the extra cost that would be involved because of this delay; and

(d) the probable dates of the completion of the various stages of the plants?

**Shri Panigrahi:** Iron ore will be supplied to Rourkela from this mine.

**Shri Ram Krishan:** From the statement, I find that one cause of delay is failure on the part of contractors. May I know whether any action has been taken against any contractor so far? If so, what is the nature of the action?

**Sardar Swaran Singh:** It is too early yet to take any action.

**Shri Ram Krishan:** May I know what is the total number of skilled and unskilled workers employed so far on these plants, plant-wise?

**Sardar Swaran Singh:** That really is a separate question. But roughly 30,000 skilled and unskilled workers are working at Rourkela and Bhilai. At Durgapur at the moment the number may be slightly less.

**Shri Nath Pai:** May I know how much of the delay is due to awarding contracts to inexperienced firms in India?

**Sardar Swaran Singh:** I do not think there is any delay there on that score.

**Shri Supakar:** Though the Bhilai steel plant was started later, the final stage of the plant is going to be completed earlier than Rourkela. What are the factors which go to make for the delay so far as Rourkela is concerned?

**Sardar Swaran Singh:** More elaborate rolling mill is the reason.

**Shri Panigrahi:** May I know whether the required mining equipment for developing the mining of ore at Barsua has been received? If so, whether it has been set up there?

**Sardar Swaran Singh:** It will be better if with regard to mines, a separate question is tabled. This was about the steel plants.

**Shri Panigrahi:** Iron ore will be supplied to Rourkela from this mine.

**Mr. Speaker:** Many things have to be supplied. The hon. Member may table a separate question.

**Shri S. M. Banerjee:** It has been mentioned in the statement that "in the context of all this, the news that the first coke oven battery in Rourkela will be heated up this morning should cheer us" and so on. May I know whether it has actually been heated up this morning?

**Mr. Speaker:** We are still before 12 noon.

**Shri S. M. Banerjee:** It has been mentioned in the reply.

**Sardar Swaran Singh:** One coke oven battery is going to be heated up today at Rourkela.

**Shrimati Renu Chakravarty:** May I have an explanation from the hon. Minister as to what exactly is meant by 'heating up of the first coke oven battery in Rourkela'? How many coke oven batteries will have to be fired before the first blast furnace starts functioning in December?

**Sardar Swaran Singh:** So far as heating is concerned, that is the first step towards actual production of Coke. This heating has to be continued for about six weeks before production starts. This is a process which will have to be gone through with regard to all coke oven batteries.

**Shrimati Renu Chakravarty:** My question was how many coke oven batteries would have to be heated up before the first blast furnace started functioning.

**Sardar Swaran Singh:** One coke oven battery is enough for the first blast furnace.

**Shri Nath Pai:** Is it a fact that the plant and machinery received from Germany is assessed to be not required for our immediate use in these plants, but the one which we wanted for

immediate requirement has not yet arrived?

**Sardar Swaran Singh:** I think that is not a very fair assessment.

**Shri Ajit Singh Sarhadi:** Is it a fact that the delay at Rourkela is due to the lack of co-ordination between the German directorate and the contractors because of the keenness of the German directorate to import as many people as possible from Germany for the work here?

**Sardar Swaran Singh:** It is very difficult to give a summary answer. But it is a fact that on account of the large number of suppliers at Rourkela, it is somewhat difficult to bring about complete co-ordination.

**Shri Thimmaiah:** The Minister has stated that the delay in the progress is due to the contractors. May I know the number of contractors who have been blacklisted particularly in connection with Rourkela?

**Sardar Swaran Singh:** I would like to have that information from the hon. Member. At any rate, I do not know of anyone having been blacklisted.

**Shri Morarka:** May I know whether it is a fact that each day's delay in each of these steel plants costs the exchequer Rs. 15 lakhs?

**An Hon. Member:** Only?

**Sardar Swaran Singh:** Delay is always wasteful. But I have not calculated it.

**Shri Damani:** May I know what is the revised capital outlay for these plants, and what steps have been taken to see that the cost does not increase beyond the revised estimates?

**Sardar Swaran Singh:** There has been a slight increase in the estimates for a variety of reasons, about which I have made elaborate statements from time to time.

### India's Performance in International Sports

\*1017.

Shri Supakar:  
Shri M. C. Jain:  
Shri H. N. Mukerjee:  
Sardar Iqbal Singh:  
Shri Kalika Singh:  
Shri Radha Raman:  
Shri Kunhan:  
Shri N. R. Munisamy:  
Shri P. K. Deo:  
Shri Hem Barua:  
Shri Rami Reddy:

Will the Minister of Education be pleased to state:

(a) whether the Committee to investigate the reasons for the poor performances of Indian teams and athletes in international sports under the Chairmanship of H. H. the Maharaja of Patiala has submitted its report;

(b) if so, the details thereof; and  
(c) the action taken thereon?

**The Minister of Education (Dr. K. L. Shrimall):** (a) No, not yet.

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

**Shri Supakar:** So far as the performance is concerned, there is a serious complaint that the defective choice of our candidates for sports events is responsible for our poor performance in these international sports. May I know whether Government have any machinery for the choice of candidates and whether they are going to improve it in the near future? May I also know whether the Defence Services have any co-ordination with the Education Ministry in the selection of candidates for these sports events in the international sphere?

**Dr. K. L. Shrimall:** Selection of teams is made by the Indian Olympic Association which is the supreme body as far as selection of teams is concerned. Government do not interfere in the selection of teams. In fact, that is in the constitution of the International Olympic Association. With regard to the second question as to how the procedures can be improved and what

we can do to improve our sports and what other methods and means we could adopt, Government have appointed this Committee. I hope to be able to tell the House more definitely about the measures we adopt after the Report of the Committee has been submitted. I am expecting the Report by the end of this month.

**Shri H. N. Mukerjee:** May I know if the Minister has noticed a Press statement allegedly made by the *chef de mission* of our team to the Asian Games in Tokyo that our athletes were not particularly welcome in that country? If that is so, may I know if Government has any idea about the unwelcome conditions in certain places which partly reflected on the performance of our athletes?

**Dr. K. L. Shrimali:** There may be petty rivalries here and there, but I think as a general rule, our countrymen and our athletes are welcomed wherever they go, to whichever country they go.

**Shri Tangamani:** In the recent Asian Games held in Tokyo, the Indian team lost the Gold Medal in Hockey. May I know whether Government have seen reports to the effect that this was largely due to bad refereeing? If so, what action do Government propose to take in the matter?

**Dr. K. L. Shrimali:** Government can do nothing about this matter because these Asian Games are run by the Olympics authorities. All that we want is that our sportsmen should play a fair game and our referees should set up a high standard. That is all that we can do. I think through this alone we can help in this matter.

**Shri Jaipal Singh:** May I be permitted to supplement the Minister's reply? Throughout the country a very wrong idea has spread that we have lost the Gold Medal in Hockey. We have lost nothing of the sort. We are still the Gold Medalists in the Olympic Games. All we have lost is the Asian Games leadership.

**Mr. Speaker:** We have lost something.

**Shri H. N. Mukerjee:** Quite apart from what the Patiala Committee might or might not say, may I know if Government has any scheme here and now to provide facilities for our young people in the countryside to have at least the elementary tackle and play grounds and also facilities for stadia and gymnasias in towns?

**Dr. K. L. Shrimali:** This committee which has been appointed by Government is going into this question. And, as I said, after the report has been submitted and examined by Government, I would be able to say what steps they propose to take in this matter.

**Shri Thanu Pillai:** The hon. Minister said that Government will not interfere in the selection of the players for these teams. Am I to understand that even if there be a charge of discrimination in the selection of the teams Government will not interfere and will leave it to the committee to select their own interested people?

**Dr. K. L. Shrimali:** There are some matters in which Government have to depend on the people; and here is an all-India organisation which represents all the national organisations and we have to trust our people in this matter.

**Shri Supakar:** I want to know what is the co-ordination between the Education and Defence Ministries in the training of students from the schools and colleges and also members of the Defence Forces for these competitions; and what steps are being taken by the Ministries of Education and Defence to push these young men and women for selection by Olympic teams.

**Dr. K. L. Shrimali:** The Defence Ministry and the Education Ministry have their different fields. But, in the field of N.C.C. they come together and they have been co-operating both for N.C.C. and A.C.C.

## Increase in Air Freight Rates

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\*1019. { Shri Bangshi Thakur:  
Shri Basumatari:

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

(a) the increase of air freight charges from Calcutta to Agartala;

(b) the date from which the air freight was raised; and

(c) the price index of essential commodities before and after such increase in Tripura and especially at Agartala and the rate of freight charge per lb. before and after such increase?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) to (c). Two statements containing the required information are laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 70.]

**Shri Bangshi Thakur:** May I know whether the prices of essential commodities in Tripura are about two-times higher than that in Calcutta and Delhi?

**Shri Datar:** The statement makes it clear that only in some cases there is a slight increase; otherwise not.

**Shri Bangshi Thakur:** Are the existing prices of essential commodities in Tripura telling upon the people of Tripura seriously?

**Shri Datar:** I did not follow the question.

**Mr. Speaker:** The hon. Member will repeat the question.

**Shri Bangshi Thakur:** Are the existing prices of the essential commodities in Tripura telling upon the people of Tripura seriously?

**Shri Datar:** I can say that they are fair prices. The table shows it very clearly.

**Shri Basumatari:** May I know whether any private airline operator has

so far submitted an offer to carry these commodities at a lower rate, 25 per cent. lower than that of the I.A.C.?

**Shri Datar:** These are the rates which were increased from 1st January, 1958. Government are taking up the matter with the Airlines Corporation to see if these freight charges can be reduced to a certain extent at least.

**Shrimati Renu Chakravarty:** I find from the statement that actually the prices which have been enumerated by Government show that except in the case of salt, in the case of other commodities, the prices have fallen. Everybody knows that this is absolutely otherwise as far as Tripura is concerned.

**Shri Datar:** We have given the prices in February 1958. The hon. Member will kindly see that.

**Shrimati Renu Chakravarty:** That is not correct.

**Shri Dasaratha Deb:** In view of the transport difficulties and extremely higher prices of essential commodities on the one hand, and in view of the fact that the hon. Minister, on the other hand, has given some assurance that the freight charges as well as the passenger charges will be reduced, may I know when that would come into effect?

**Shri Datar:** Government have taken up this question and let us hope that things would be settled early.

## Technical Personnel for Bhilai Steel Plant

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\*1020. { Shri Morarka:  
Shri Damar:  
Shri Tridib Kumar  
Chaudhuri:  
Shri Shivananjappa:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that arrangements have been made to

secure the services of 279 Russian "Operational" Engineers including 21 "Top Experts" for the running of the Bhilai Steel Plant after it is commissioned for production;

(b) if so, what would be their tenure of service and terms and conditions of their appointment;

(c) how many Indians have already been trained as "Operational" Engineers and "Top Experts" in Russia for the Bhilai Project and how many are likely to be trained in the near future; and

(d) whether the number of foreign personnel which will be similarly required for the Rourkela and Durgapur Steel Projects has been estimated?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) to (d). A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 71.]

**Shri Morarka:** Is it a fact that our experts have recently opined that it will take at least some 5 years from the date of starting the steel plant before it can give full production, due to lack of trained personnel?

**Sardar Swaran Singh:** It is a fact that all new steel plants anywhere would normally take about 5 years really to reach their optimum production. So, to link it with this or that is not fair.

**Shri Morarka:** From the statement it appears that 279 Russian experts will be coming to India of which 21 would be senior persons and the pay for them would vary from Rs. 1,500 to Rs. 2,850 per month. May I know why the senior persons at least could not be Indian people trained in Russia?

**Sardar Swaran Singh:** Lack of availability of men of that higher stature, status and training.

**Shri C. D. Pande:** May I know whether Government is aware of the tendency of these suppliers to get as many key posts as possible reserved

for their own nationals for a long time? In the long run, it would be harmful to the interests of the country? May I know also whether Government will see that all these three concerns are self-sufficient?

**Sardar Swaran Singh:** It is a suggestion for action which will receive due consideration.

**Shri Nath Pai:** What will be the terms for training Indian personnel? It is not clear from this. Why are not our nationals being trained according to those terms?

**Sardar Swaran Singh:** The terms for training vary from country to country. In the United States, the engineers who have been selected have gone there and are working in the steel plants and the expenditure is borne by the Ford Foundation. In U.S.S.R. they are taking training and a part of the expenditure is given from the United Nations Technical Fund—I forgot the nomenclature of that Fund, and I think it is some United Nations Fund. Similarly, in Australia and U.K., they are being trained under the Colombo Plan. So, really the pattern varies from country to country.

**Shri Nath Pai:** Are there any difficulties?

**Sardar Swaran Singh:** There is no difficulty in securing training even for the highest job.

**Shri Damani:** How many Indian engineers will work as operational engineers along with the Russian operational engineers from the beginning?

**Sardar Swaran Singh:** The intention is really to place somebody side by side by the Soviet engineers—or for the matter of that with every foreign technician—so that in course of time they will really take the positions of the foreign technicians.

**Shri C. D. Pande:** As in Bhilai where there are 279 Russian experts to be retained for a long time, may I know

how many Germans or British people will be retained in similar concerns in Durgapur and Rourkela?

**Sardar Swaran Singh:** That is covered in the statement, a copy of which I have laid on the Table.

**Shri Ranga:** May I know whether we would allow any of our own technicians who have been sent to be trained under these training schemes to join some other concerns when they come back or do we give them any preference or choice to go from one steel plant to another?

**Sardar Swaran Singh:** So far as the trainees we have sent abroad under the scheme are concerned, they are really the employees of the Corporation. And, as soon as they come back, they will be given specific jobs. They have been selected for specific jobs and are trained for specific jobs and they will be doing those specific jobs when they come back. So, there is no question of their going to other industries. But, in between the steel plants, we can always adjust. A coke-oven man, for instance, at Bhilai can be used at Rourkela and Durgapur. Between the plants, the Corporation have the right to use them in the best possible form and at the most suitable place.

**Shri Shivananjappa:** In answer to part (c), it is said that two Indian engineers will be in the supervisory category. May I know whether it will serve our requirements?

**Sardar Swaran Singh:** It does not; that is why we are depending upon foreign technicians to fill the higher supervisory jobs.

**Shrimati Renu Chakravarty:** We find that there will be 279 posts manned by Soviet experts of whom 21 will be in the category of higher supervisory posts. Have Government fixed up Indian under-studies who will be working in each of these posts?

**Sardar Swaran Singh:** That was what I attempted to reply earlier.

**Mr. Speaker:** She wants to know whether an under-study will be attached to each one of these.

**Sardar Swaran Singh:** That is what I said.

**Shrimati Renu Chakravarty:** Has it been fixed up? That is the policy, I know. I want to know whether we have fixed up people as under-studies. I know that is the policy.

**Sardar Swaran Singh:** People have been recruited for specific jobs and with regard to each job where an expert would be there, there would be a No. 2 also who in course of time will be trained for that.

**Shri Morarka:** In reply to part (d) it is stated that a technical committee is appointed for Rourkela and Durgapur to assess the requirements of the technical personnel. Why is it that at such a late stage a committee is appointed when the plant is in an advanced stage of construction, to assess the requirements of the technical personnel?

**Sardar Swaran Singh:** This is to finalise, not to assess. There have been earlier committees and they have broadly made the assessment. This committee is to finalise things.

हिमाचल प्रदेश के लिये लोहे का चादर

\*१०२१. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह मत है कि हिमाचल प्रदेश में लोहे की चादरों की बहुत कमी है ; और

(ख) यदि हां, तो इस स्थिति का सुधारने के लिये क्या उपाय किये गये हैं ?

गृह-कार्य बंत्रालय में राज्य मंत्री (श्री दातार) : (क) यह मत है कि हिमाचल प्रदेश में लोहे की चादरों की कमी है। इसका कारण यह है कि जिस तरह देश के दूसरे

भागों में इस्पात अपने कोटे से कम पहुंच रहा है उसी तरह हिमाचल प्रदेश में भी यह निष्परित कोटे से कम पहुंच रहा है।

(क) हिमाचल प्रदेश को जो इस्पात का कोटा अब दिया गया है वह चादरों के लिए है और वहां के प्रशासन को यह छट और दे दी गई है कि अलग अलग भीड़ों के लिए दिए गए इस्पात के कोटे को भी वह अपनी विशेष अस्तरतों के मुताबिक काम में ला सकता है। इस प्रकार हिमाचल प्रदेश प्रशासन चादरें उदादाद में प्राप्त कर सकेगा लेकिन यह तादाद उसे दिए गए कूल कोटे से अधिक नहीं होगी। स्थिति में इस से उदादा सुधार तो कोटा बढ़ा कर ही किया जा सकता है लेकिन देश में इस्पात की आम कमी को देखते हुए ऐसा करना मुमकिन नहीं है।

Some hon. Members: In English also.

Mr. Speaker: Yes.

Shri Datar: (a) It is true that there has been shortage of iron sheets in Himachal Pradesh because, as in the case of other parts of the country, despatches of steel to the territory have lagged behind the quota of allotment.

(b) The bulk of the current allotment of steel is for sheets, and the local Administration have further been given the option to pool the allotments made under different "quota-heads" according to their own special priorities. It would thus be possible for the local Administration to ask for even a larger quantity of sheets subject to the over-all limit of allotment. It is not possible to improve the situation beyond that, without raising the total allotment which cannot be done in the existing circumstances of general shortage of steel in the country.

श्री वसुल बेद : माननीय मंत्री से यह बार यहां पर एक अनुपूरक प्रश्न के तौर पर मैं करमाया था कि हिमाचल को अधिक लोहे की जरूरत नहीं है। क्या माननीय मंत्री को यह मालूम है कि हिमाचल में हिन्दुस्तान के आजाद होने के पहले कोई प्रगति नहीं हुई थी। देश के आजाद होने के बाद यहां पर नेशनल एक्स्टेंशन ब्लाक्स, कम्प्युनिटी प्रोजेक्ट्स चालू की गई हैं, सैकड़ों स्कूल बने हैं और बिजली की ओर इसी बहुत सी स्थानों पर चालू की गयी हैं। उस बक्स जो कोटा हिमाचल के लिए निष्पत्ति किया गया था वह बहुत ही थोड़ा था। क्या माननीय मंत्री महोदय इस विशेष कारण से हिमाचल के लिए इस कोटे को अधिक बढ़ाने की कृपा करेंगे?

Shri Datar: It is difficult to increase the quota. As I have pointed out, there is a shortfall of our requirements.

श्री देवम बेद : क्या मंत्री महोदय को मालूम है कि थोड़ा कोटा होने हुए भी इस कोटे को लेने वाले उंडेकेदार होते हैं। उंडेकेदारों के पास जब कभी पैसा होता है तब वह उम्मीद नाने की कृपा करते हैं। थोड़ा होने के कारण इसके अन्दर कई प्रकार का भट्टाचार भी होता है। क्या माननीय मंत्री इसके गम्भीर में कोई प्रबन्ध करेंगे जिसमें सरकारी नौर पर ही लोगों को यह कोटा मिल जाया करें?

Shri Datar: If there are any special difficulties or grievances in this respect, they may kindly be communicated to us. We shall take necessary steps.

श्री भवल दर्शन : मैं यह जानता चाहता हूँ कि क्या इस बात का पता लगाया गया है कि हिमाचल प्रदेश के लोगों की कूल कितनी लोहे की चादरों की जरूरत है और उसके कितने प्रतिशत की इस बक्स पूर्ति की जा रही है?

**Shri Datar:** Their requirements are increasing because of the laying of new roads and other means of communication. But we cannot increase the quota in view of the difficulties which I have already pointed out in my answer.

**अ. भवत दर्शन :** मैं यह जानना चाहता था कि कुल मांग कितनी है और उसके कितने अंश की पूर्ति अब तक हो पा रही है।

**Shri Datar:** I am not aware of the exact quantity that is required.

**Shri Bose:** What percentage of the quota is actually supplied to Himachal Pradesh?

**Shri Datar:** All that I can hazard as an answer is that a very large percentage is given; I have not got the exact figures here.

#### Iron Ore Deposits in Koraput

\*1022. **Shri Sanganna:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 2705 on the 24th April, 1958 and state:

(a) whether any steps have been taken by Government to exploit the iron ore deposits in Koraput; and

(b) if so, the details thereof?

**The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha):** (a) No, Sir.

(b) Does not arise.

**Shri Sanganna:** May I know whether any geological survey was conducted in that year and if so with what result?

**Shri Gajendra Prasad Sinha:** Yes, Sir. The Director of the Geological Survey of India has made, with the help of his department, a comprehensive survey of this area but because the iron content is not sufficient, it is not workable.

**Shri Sanganna:** In answer to a starred question in the last session, the hon. Minister has been pleased to reply that there was a deposit of

iron ore in Koraput district. How can that statement be said to be in consonance with this?

**Shri Gajendra Prasad Sinha:** There is a deposit of iron ore in Koraput district. But the areas containing the deposits are far away from the railway heads. In addition to that difficulty, the deposits are not large or rich enough to warrant exploitation.

**Shri Sanganna:** May I know whether the Dandakaranya Development Authority has been seized of the news that iron ore is available there?

**Shri Gajendra Prasad Sinha:** I could not follow.

**Mr. Speaker:** He is not in charge of Dandakaranya. Is the hon. Member representing the Rehabilitation Ministry also?

**Shri Sanganna:** That co-operation is also necessary there.

**Mr. Speaker:** Very well.

**Shri Bose:** May I know whether the iron ore of this area has been analysed and what is the result of that analysis?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** The Geological Survey of India informs me that the iron ore deposits of Koraput are neither qualitatively good nor quantitatively large. The analysis shows very poor results.

**Shri Jaipal Singh:** What is the iron content? The question that we have been asking is not replied.

**Shri K. D. Malaviya:** I have said that it is qualitatively very poor; it is no use my repeating all those technical words. If my hon. friend wants all that, I can say that it is soft earthy Limonite.....

**Shri Jaipal Singh:** Can no arithmetical figure be given?

**Shri K. D. Malaviya:** No arithmetical figure can be given because as I pointed out it is of poor quantity and contains earthy Limonite decomposed

parts of haemetite, decomposed magnetite and all that thing .... (Interruptions).

**Mr. Speaker:** Order, order. The hon. Members want to know how much of ore can be extracted from it.

**Shri K. D. Malaviya:** Sir, it is such a bad quality that it is not worthwhile doing it; that is the technical information that I have.

**Shri Panigrahi:** Has any geological survey been made in this district and may we know what is the potential total deposit of iron ore here?

**Shri K. D. Malaviya:** The technical information with me is that the deposits there are not considered to be large enough or good enough. But six or seven miles from that place, there are some modestly better quality ores which may be taken up by anybody who wants to exploit and the quantity is estimated to be a million tons.

**Shri Sanganna:** May I know whether there are any other deposits in that area?

**Shri K. D. Malaviya:** As I said, in that district there is some moderately good quality iron ore in some places such as Omerkot and Dongri which are about  $5\frac{1}{2}$  miles away. There is no other report available with me which gives an encouraging report about the iron ore there.

**Shri Ranga:** Is it possible, Sir, that there was no systematic survey made, and some of their officers had gone there and come back with certain general ideas of the position?

**Shri K. D. Malaviya:** No, Sir; it is not like that.

**Shri Supakar:** May I know when this geological survey was made, and for what period of time it was carried out?

**Shri K. D. Malaviya:** I have not got the exact time-table and the months when the parties visited the places, but the general rule is that

parties visit these places and stay there for some four or five months to complete their preliminary survey. When they return to the headquarters they submit their report, and if there is something more encouraging they are sent back again to those places.

#### WRITTEN ANSWERS TO QUESTIONS

##### Museums

\*1010. **Shri Shyee Narayan Das:** Will the Minister of Scientific Research and Cultural Affairs be pleased to lay a statement on the Table showing:

(a) the extent to which financial assistance has been given by the Centre for the development of museums of all-India character, principal State museums and University museums; and

(b) whether any, and if so, which of the State Governments have formulated schemes for obtaining Central assistance for the development of other museums in their respective jurisdiction?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) A sum of Rs. 78,186 has been sanctioned for the Indian Museum, Calcutta for its improvement and development.

(b) The Government of Uttar Pradesh, Bihar, Kerala, Orissa, Himachal Pradesh, Punjab, Madras, and Andhra Pradesh have formulated schemes for obtaining Central Assistance for the development of principal and/or other museums in their jurisdiction.

#### Production of Lubricating Oil

\*1018. **Shri T. B. Vittal Rao:** Will the Minister of Steel, Mines and Fuel be pleased to state the steps taken, if any, for increasing the production of lubricating oil in India?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** The production of lubricating oil in the refinery to be set up to Barauni in Bihar is under examination. In addition it is proposed to obtain a project report for the establishment of a lubricating oil plant in the country.

### Rural Institutions

**\*1023. Shri Vajpayee:** Will the Minister of Education be pleased to state:

(a) whether a final decision has since been taken regarding the setting up of an assessment board to examine the standard of the courses provided in the Rural Institutions and to advise whether Diplomas could be accepted as equivalent to the first degrees of Universities for the purpose of employment; and

(b) if so, its composition?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes Sir. The Committee was set up and it has recommended the recognition of the Diploma as equivalent to a degree for purpose of employment.

(b) 1. Shri C. V. Mahajan, Member, U.P.S.C. New Delhi—Chairman.

2. Shri K. G. Saiyidain, Secretary, Ministry of Education.

3. Shri R. C. Dutt, Joint Secretary, Ministry of Home Affairs.

4. Prof. S. N. Bose, Vice Chancellor, Visva Bharati, Shantiniketan.

5. Dr. A. C. Joshi, Vice-Chancellor, Punjab University, Chandigarh.

6. Shri T. S. Avinashilingam, Director, Sri Ramakrishna Mission Vidyalaya Rural Institute, Coimbatore.

7. Shri C. P. Sinha, Adviser (Education), Ministry of Community Development.

8. Dr. N. S. Junankar, Deputy Educational Adviser, Ministry of Education.

### Kashmir Gazetteer

**\*1024. Shri Shivananjappa:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether preparations have begun for the compilation of a Kashmir Gazetteer providing detailed information about the State and its people; and

(b) if so, what will be the financial assistance from the Centre?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Yes, Sir. A scheme for the preparation of District Gazetteers is under consideration of the State Government.

(b) The grant-in-aid proposed by the Central Government to the State Government of Jammu and Kashmir is Rs. 55,899 or 40 per cent. of the actual expenditure incurred by the State, whichever is less.

### Oil and Natural Gas Commission

**\*1025. Shri Tyagi:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that the headquarters of the Oil and Natural Gas Commission at Dehra Dun are finding it difficult to keep in close touch with points of boring operations like Jawalamukhi and Hoshiarpur; and

(b) what steps have Government taken to establish quick lines of communication and transport between the Headquarters and fields of operations?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) Some difficulty is admittedly felt for communication between the different fields of operations and headquarters at Dehra Dun, more especially when the telephone lines connecting Dehra Dun with drilling sites are out of

order or are congested with priority traffic.

(b) The possibility of establishing teleprinter communication is under consideration. The possibility of (i) establishing wireless communication and (ii) arranging for priority on railways for officers of the Oil and Natural Gas Commission, is also being examined.

#### College Building Fund

\*1026. **Shri Radha Raman:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that colleges in Delhi charge Rs. 3 to Rs. 5 as registration fee from students seeking admission and another substantial amount as building fund on admission; and

(b) whether this has the approval of Government?

**The Minister of Education (Dr. K. L. Shrimall):** (a) A statement is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 72.]

(b) No prior approval has been obtained from Government.

#### "Land Customs Department"

\*1027. **Shri Tridib Kumar Chaudhuri:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that two officials of the Land Customs Department boarded the last Bongaon Local train to Sealdah in the Sealdah Division of the Eastern Railway on the night of 12th July, and wanted to carry out a surprise search and check up of the train on suspicion that a large quantity of arecanut was being smuggled in that train;

(b) whether it is a fact that the Guard of the above referred train refused to comply with the request of the two Land Customs officials when the latter asked him to stop the train in order to carry out the search;

(c) whether these two officials were subsequently seized upon by smugglers and beaten; and

(d) the steps taken by Government in this connection?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) to (c). On receiving information of large scale smuggling of betelnuts by Bongaon-Calcutta (Sealdah) Local train, 2 Deputy Superintendents of Land Customs in plain clothes boarded the said train at Madhyamgram Railway Station on 12th July, 1958. The plan was to stop the train at Barrackpore Halt Railway Station, where the main customs party for conducting a full search, had been stationed by prior arrangement. But the Guard in charge did not agree to stop there. The train was however made to stop forcibly at a point about 2 miles beyond that station, by some miscreants suspected to be smugglers of betelnuts. The two plain clothed officers were assaulted. The main party waiting at Barrackpore Halt Railway Station, finding that the train had not stopped, proceeded to the next Station where they arrived in time to meet the train. They also succeeded in seizing some contraband betelnuts and in making some arrests. The whole matter is under investigation, in consultation with the appropriate Police and Railway authorities.

(d) The conduct of the Guard is also being investigated.

#### Technical Personnel in Foreign Countries

\*1028. **Shri B. Das Gupta:**  
**Shri H. N. Mukerjee:**

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

(a) the number of Indians with scientific and technical qualifications who are at present working in foreign countries;

(b) their number, country-wise;

(c) whether any approach has been made to them assuring employment in India; and

(d) if not, reasons therefor?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) and (b). A statement giving the available information is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 13].

(c) and (d). The matter is under consideration and certain decisions have been taken.

#### Durgapur Steel Plant

\*1029. { **Pandit D. N. Tiwary:**  
**Shri B. Das Gupta:**  
**Shrimati Renu Chakravarty:**  
**Shri Kunhan:**

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether Government have received reports of discrimination against the local people in the matter of employment by the firm engaged in the construction work at Durgapur; and

(b) if so, the action taken by Government to remedy this?

**The Minister of Steel Mines and Fuel (Sardar Swaran Singh):** (a) and (b). Government have not received reports of discrimination against the local people, but a press report on the subject has come to my notice. This matter was looked into. I have no reason to believe that the firm engaged in the construction work at Durgapur has discriminated against the local people.

#### M.E.S. Contracts

\*1030. **Shri S. M. Banerjee:** Will the Minister of Defence be pleased to state:

(a) whether deviation orders are placed on contracts in M.E.S. for profitable items in contravention of the departmental contract agreement;

(b) whether such cases have been reported in M.E.S., Kanpur; and

(c) if so, what steps have been taken in the matter?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Deviations are ordered on account of factors which are not known at the time of issue of tender documents. No discrimination is made between 'profitable' and 'losing' items when ordering deviations.

(b) and (c). An allegation was made recently through an anonymous letter that certain temporary buildings were being plastered instead of being pointed to give advantage to the contractor. The matter is under investigation.

#### Vacations in High Courts

\*1031. **Shri Bibhuti Mishra:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 457 on the 30th July, 1957 and state:

(a) the progress made about the consideration of the question of reducing the vacations of the High Courts; and

(b) the names of the High Courts who have responded to the requests and to what extent?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) and (b). A statement showing the number of working days in the various High Courts during the years 1957 and 1958 is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 74]. It will be noticed that there has been some increase in the number of working days in all the High Courts during the year 1958 as compared with the year 1957.

#### Who is Who of Indian Writers

\*1032. **Shri Dalip Singh:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer

to the reply given to Unstarred Question No. 3279 on the 6th May, 1958 and state:

(a) the progress made so far in the preparation of 'Who is Who of Indian Writers'; and

(b) the time by which it will be published?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). The entries are being rechecked and edited; the press copy is expected to be ready by December, 1958 and published in 1959.

**Prime Minister's Visit of Oil and Natural Gas Commission Workshop**

\*1032. { Shri A. K. Gopalan:  
          { Shri T. B. Vittal Rao:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether reporters of various newspapers were invited to cover the Prime Minister's visit to the geophysical workshop of the Oil and Natural Gas Commission, Dehra Dun;

(b) whether it is a fact that they were debarred from entering the workshop;

(c) if so, the reasons therefor; and

(d) whether Government are aware of the fact that the reporters passed a resolution on this subject?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) to (c). On the occasion of the Prime Minister's visit to the offices of the Oil and Natural Gas Commission, Dehra Dun, as usual, the reporters of various newspapers and agencies were issued entry passes for various buildings of the Commission including the geophysical workshop. They were also given all facilities in this connection to see the work that was being done. Only with regard to one room, and not the geophysical workshop, where work of confidential nature was being done, the reporters

were requested not to press for entering it.

(d) Yes.

**Purchase of Ammunition from Europe**

\*1034. { Shri Rameshwari Tantia:  
          { Shri Bhogji Bhai:

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Government of India recently purchased some ammunition from a European firm;

(b) whether it is also a fact that this ammunition was found defective; and

(c) if so, the amount of loss incurred as a result of this transaction?

**The Minister of Defence (Shri Krishna Menon):** (a) Yes.

(b) and (c). Certain ammunition purchased from a European firm during 1952-53 was suspected to be defective. Inquiries have therefore been instituted and are continuing.

**Joint I.A.S. Cadre for Delhi and Himachal Pradesh**

1035. **Shrimati Ila Palchoudhuri:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the question of creating a separate cadre of I.A.S. officers for meeting the needs of Delhi and Himachal Pradesh is under the consideration of the Government of India;

(b) if so, the reasons therefor; and

(c) when a final decision is likely to be arrived at?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) and (c). The constitution of joint cadres of I.A.S. and I.P.S. for Delhi and Himachal Pradesh has finally been decided upon.

(b) The joint cadres for I.A.S. and I.P.S. in respect of the two Union Territories are being constituted in order to establish a separate reserve of IAS/IPS officers which may be readily available to the Himachal Pradesh/Delhi Administration without having to depend upon other State Governments to lend their officers on short-term deputation and also to place these administrations on a higher level of efficiency.

### Child Welfare

\*1036. **Shri Kodilyan:** Will the Minister of Education be pleased to state:

(a) whether Government have prepared any specific scheme for promoting Child Welfare; and

(b) if so, what are the details of the scheme?

• **The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 75].

### Indian Association for the Cultivation of Science, Calcutta

\*1037. **Shrimati Renu Chakravarty:**  
Shri Subodh Hansda:

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

(a) whether the Indian Association for the Cultivation of Science, Calcutta is entirely run on Government funds;

(b) the amount of Central grant given to the Association annually;

(c) whether the President of the Association has resigned after a proposal for appointing a reviewing committee had been rejected in a special general meeting of the Association on the 19th August, 1958; and

(d) the action that has been taken or proposed to be taken to ensure that the grants given to the Association are properly spent?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) No, Sir.

(b). The Association was given a grant of Rs. 9,88,000/- during 1956-57 and a grant of Rs. 6,99,500 during 1957-58.

(c) Yes, Sir.

(d) Government appoint some nominees on the Council of administration and the Finance Committee, receive audited statements of accounts by a duly qualified auditor and also a certificate that the grants made have been utilized for the purpose for which they were intended. In addition, the accounts of the Association are open to test check by the Comptroller and Auditor General of India.

### Stainless Steel

\*1038. **Shri Subbiah Ambalam:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 370 on the 21st February, 1958 and state:

(a) whether Government have finalised consideration of question of setting up of a pilot plant to manufacture stainless steel in India;

(b) if so, where it is likely to be located; and

(c) the production capacity and the estimated cost of the plant?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) No decision has yet been taken with regard to the establishment of a pilot plant as it is first proposed to ascertain whether the trial run of 100 tons of stainless steel could be made in the proposed Alloy Steel Plant to be set up by the Government in the public sector.

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

**Central Zonal Council**

\*1039. { Shri V. C. Shukla:  
Shri Rameshwar Tantia:

Will the Minister of Home Affairs be pleased to refer to the statement laid on the Table in reply to Starred Question No. 989 on the 17th March, 1958 and state:

(a) whether the Committee appointed by the Central Zonal Council at its meeting held on the 4th January, 1958 to look into the question of supply of power and water from the Rihand Project to Madhya Pradesh, has submitted its report;

(b) if so, nature of recommendations;

(c) the decision taken thereon; and

(d) the progress made in respect of construction of channels for supply of water from Matatila Dam to Madhya Pradesh?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) No.

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

(d) Out of the total of 250 miles of channel lengths in Madhya Pradesh on the Matatila Dam Project, 36 miles long Bhander canal has so far been constructed.

**Senior Services Committee**

\*1040. { Shri Shree Narayan Das:  
Shri Vajpayee:  
Shri Anthony Pillai:  
Shri Jadhav  
Shri Goary:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 1497 on the 7th of April, 1958 and state:

(a) whether the consideration of the Report of the Senior Services Committee of the Life Insurance Corporation has since been finalised; and

(b) if so, with what results?

**The Deputy Minister of Finance (Shrimati Tarkeshwar Singh):** (a) Yes, Sir.

(b) The Lal Committee's Report graded the officers into two separate lists comprising 274 names on the administrative staff side and 283 names on the development side. After minute examination, and in consultation with the Life Insurance Corporation, all these officers have been suitably placed in appropriate grades. Interseniority within each grade has been fixed on the basis of Lal Committee's findings.

**Basic Education**

\*1041. **Shri Subodh Hansda:** Will the Minister of Education be pleased to state:

(a) whether the scheme for production of literature on basic education has been finalised;

(b) if so, the steps taken to implement the scheme; and

(c) the progress made upto-date in this direction?

**The Minister of Education (Dr. K. L. Shrimali):** A statement is placed on the Table of the Lok Sabha. [See Appendix IV, annexure 78].

**Drilling for Oil Near Cambay**

\*1042. { Shri Ram Krishan:  
Sardar Iqbal Singh:

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1103 on the 20th March, 1958 and state:

(a) whether the drilling party has since arrived from the U.S.S.R.

(b) if so, whether the drilling work for oil near Cambay in Bombay State has started; and

(c) the progress made so far?

**The Minister of Mines and Oil (Shri K. D. Majaviya):** (a) and (b). Yes, Sir.

(c) The drilling had reached a depth of 1600 metres on 1st September, 1958.

#### Housing Accommodation for Army

\*1043. **Shri D. C. Sharma:** Will the Minister of Defence be pleased to refer to the reply given to Starred Question No. 2119 on the 9th May, 1958 and state the progress made so far with regard to the building of housing accommodation for the troops in which the armed personnel will themselves provide the labour?

**The Deputy Minister of Defence (Sardar Majithia):** A project for the construction of domestic accommodation at Ambala was administratively approved on 26-4-1958. Work on the project commenced on 26-5-58. Construction of 1200 quarters has been taken in hand and has made very satisfactory progress. Work on the remaining 250 quarters is expected to start shortly.

#### State Bank of India

\*1044. **Sardar Iqbal Singh:** Will the Minister of Finance be pleased to state:

(a) whether an agreement has been reached with the Government of Pakistan regarding the functioning of State Bank of India units in Pakistan;

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

(c) name and number of branches allowed to function under this agreement?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** (a) to (c). The State Bank of Pakistan has recently decided to allow the branches of the State Bank of India at Lahore and Dacca to continue indefinitely, in addition to the branches at Karachi, Narainunge and Chittagong. The decision was taken on an application made by the State Bank of India, and the question of a formal inter-governmental agreement does not arise.

#### Committee on Customs Procedures and Organisations

\*1045. **Shri Vajpayee:**  
**Shri Raghunath Singh:**

Will the Minister of Finance be pleased to state:

(a) whether the Committee on Customs Procedures and Organisations has submitted its report; and

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

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) and (b). The Committee has not submitted its final report yet. The Committee which was constituted on 2nd February, 1957 was required to submit its report within nine months from the date of its appointment. However, when it was found from the number, range and nature of the replies received to its public and departmental questionnaires that it would have to handle a much more detailed investigation of Customs problems than was originally envisaged, its term was extended up to 31st October, 1958. The Committee is expected to submit its final report by that date. It has, however, been making certain interim recommendations from time to time, mainly on procedural matters and Government have already taken suitable action on most of them.

#### Steel Re-Rolling Mills

\*1046. **Pandit D. N. Tiwary:**  
**Shri P. K. Deo:**  
**Sardar Iqbal Singh:**

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that steel re-rolling mills are to be set up soon in a few States; and

(b) if so, the names of the States and their location in each State?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) and (b). The Government have approved the setting up of one new unit each in

Assam Andhra, Kerala and Bihar (North of the Ganges). One new unit for Andhra at Visakhapatnam and another unit for Assam have already been sanctioned. The applications for Bihar and Kerala are under consideration.

**Office of the Auditor and Accountant General**

\*1047. **Shri Harish Chandra Mathur:** Will the Minister of Finance be pleased to state:

(a) whether Government have taken a decision that the office of the Auditor and Accountant General in each State is to be located at the Headquarters of the Government of the State;

(b) if so, what steps have already been taken in pursuance of it; and

(c) what programme has been set out to implement the decision?

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** (a) It is the general policy to locate the Accountant General's office in the same place as the Secretariat of the State Governments concerned.

(b) This policy is being implemented in consultation with the State Governments and, at present, all except four offices are located in the respective headquarters of the States.

(c) The four offices which have not so far been shifted to the State Headquarters will be shifted to those places in due course.

**Salem Iron Ore**

\*1048. **Shri Subbiah Ambalam:** Will the Minister of Steel, Mines and Fuel be pleased to refer to reply given to Starred Question No. 1890 on the 28th April, 1958, and state:

(a) whether the result of the experimentation on the samples of iron ore from Salem in Madras State by the National Laboratory, Jamshedpur, has been reported; and

(b) if so, the nature of the report?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) and (b). So far, investigations on the following aspects of Salem magnetite ore have been carried out at the National Metallurgical Laboratory; and copies of the reports in respect of these investigations are available in the Library of the House:

(i) Beneficiation of low grade ore.

(ii) Reducibility of the ore.

(iii) Sintering studies on the magnetic concentrate produced from low grade ore.

**Technique of Learning Languages**

\*1049. { **Shrimati Hira Falchoudhuri:**

**Shri Damani:**

Will the Minister of Education be pleased to state:

(a) whether it is a fact that Dr. C. Gattegno, Professor of Education in the Institute of Education, London, has been invited by the Government of India to give a course of lectures in respect of his reported development of a technique by following which, a person can learn any language in ten days;

(b) if so, what is his programme?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Dr. Gattegno happened to be on a private visit to India and taking advantage of his presence in New Delhi, the Government requested him to give demonstrations of the technique developed by him for learning to read and write a phonetic language in a very short time for those interested in this aspect of education.

(b) Does not arise.

**Technical Manpower Requirements**

\*1050. { **Shri V. C. Shukla:**

**Shri Damani:**

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether any report has been received from the Oil & Natural Gas

Commission indicating its technical manpower requirements for the remaining period of the Second Five Year Plan and also for the Third Five Year Plan;

(b) if so, what are the requirements indicated;

(c) whether a similar report of the technical personnel required for the two oil refineries proposed to be set up in the public sector has been received from the Consultants, Messrs. Foster Wheelers; and

(d) if so, what are the requirements indicated by the above Consultants?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) Yes, Sir.

(b) A statement showing the technical manpower requirements of Oil & Natural Gas Commission for their geological, geophysical, drilling, and engineering Directorates is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 77].

(c) and (d), Yes, Sir, M/s. Foster Wheeler have submitted one report giving a list of refinery personnel required for operation of the Gauhati Refinery. (Out of a total of 450, about 224 are technical personnel). The Consultant's report about the Barauni Refinery is yet to be received.

#### Sangeet Natak Akademy

\*1051. **Shri Ram Krishan:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that Sangeet Natak Akademy does not publish its annual report; and

(b) if so, the reasons therefor?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). No. annual report has been published so far, but the Akademi has published bulletins from time to time and is now planning to bring out a quinquennial report for the period 1953-58 before the end of the current financial year. It is expected that the Akademi will publish annual reports hereafter.

#### Indian aid to Nepal

\*1052. **Shri D. C. Shrama:** Will the Minister of Finance be pleased to refer to the reply to Starred Question No. 1386 on the 20th December, 1957 and state the progress made so far with regard to the aid being given to the Nepal Government for execution of its Development Plan?

**(The Deputy Minister of Finance (Shri B. R. Bhagat):** A statement giving the required information is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 78].

#### Financial Assistance to Delhi Administration

\*1053. **Sardar Iqbal Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether a Special Officer was appointed to assess the needs of financial assistance of Delhi Municipal Corporation;

(b) whether this Officer has submitted any report to the Government of India; and

(c) if so, details of this report?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) Yes.

(b) Not yet.

(c) Does not arise.

#### Drilling Operations Near Hoshiarpur

\*1054. **Shri Vajpayee:**  
**Shri P. K. Deo:**  
**Sardar Iqbal Singh:**

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that drilling operations have been started at Bathula near Hoshiarpur; and

(b) if so, the results thereof.

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) Yes, Sir. Drilling operations at Bathula near Hoshiarpur were started on 6th June, 1958.

(b) By 29th August, a depth of 2182 metres was reached.

हिमाचल प्रदेश में कर्मचारियों का स्थायी

किया जाता

१६३२. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश के शिक्षा तथा स्वास्थ्य विभाग के बहुत से पदों को स्थायी नहीं किया गया है; और

(ख) जब प्रादेशिक कर्मचारी प्रादेशिक परिषद् के अधीन आयेंगे तो उनकी क्या स्थिति होगी, अर्थात् क्या उन्हें अन्य सरकारी कर्मचारियों की तरह निवृति-बेतन मिलेगा अथवा उन पर जिला बोर्ड के कर्मचारियों पर लागू होने वाले नियम लागू होंगे ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बातार) : (क) जो हाँ, इन महकमों में बहुत से अस्थायी पद हैं जिन्हें स्थायी नहीं बनाया गया है।

(ख) शायद माननीय सदस्य का मतलब हिमाचल प्रदेश के उन कर्मचारियों से है जिनका तबादिला टैरिटोरियल कॉसिल में हो गया है। यदि ऐसा है, तो इसके लिए टैरिटोरियल कॉसिल एकत्र तथा उसके मात्रहृत बनाए गए नियमों में यह व्यवस्था की गई है कि तबादिला किए गए सरकारी कर्मचारियों की सेवा की शर्तों में, केन्द्रीय सरकार की पहले मंजूरी लिए बिना, कोई ऐसी तबदीली नहीं की जाएगी जिस से उनके हितों को हानि पहुंचे। इन कर्मचारियों को पेन्जन देने के प्रश्न पर विचार किया जा रहा है जो उन्हें प्रशासन के अधीन नीकरी करते रहने पर मिलती।

#### Border Demarcation, Tripura

1633. Shri Bangshi Thakur: Will the Minister of Home Affairs be pleased to state:

(a) what is the total number of persons who are engaged in the work of

general land survey and border demarcation of Tripura.

(b) whether they are being paid special allowance per month for the work entrusted to them; and

(c) if not, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) 454 persons are reported to be engaged in the general land survey work. In addition, 27 persons were employed on the Indo-Pakistan boundary demarcation work during the last field season.

(b) No special allowance is admissible to the staff engaged in general survey work. For boundary demarcation work, Travelling Allowance, Daily Allowance and special pay drawn by different categories of officers and staff are given in the statement laid on the Table of the Lok Sabha. [See Appendix IV, annexure 79].

(c) Does not arise.

#### Travelling Allowance

1634. Shri Vajpayee: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 2697 on the 24th April, 1958 and state:

(a) whether information as regards the amount drawn by each of the Union Ministers by way of travelling and other allowances during 1957-58 has since been collected; and

(b) if so, whether it will be placed on the Table?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Major part of the required information has been collected. It will be possible to lay it on the Table of the House during the current session.

#### Report on the Second General Elections

1635. Shri Hem Raj: Will the Minister of Law be pleased to refer to the reply given to Starred Question

No. 108 answered on the 13th November, 1957 and state whether the Election Commissioner has submitted the report on the Second General Elections?

**The Deputy Minister of Law (Shri Hajarnavis):** No, Sir.

**Reservations for Scheduled Castes and Scheduled Tribes**

**1636. Shri Siddiah:** Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 806 on the 3rd March, 1958 and state whether the information regarding reservations for Scheduled Castes and Scheduled Tribes in Government services is available and will be laid on the Table?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** A statement containing the information so far received is laid on the Table of the Lok Sabha [See Appendix IV, annexure, No. 80]. The remaining information is being collected and will be laid on the Table as soon as available.

**Secondary Education in Bombay**

**1637. Shri Pangarkar:** Will the Minister of Education be pleased to state:

(a) the number of schemes that have been submitted by the Government of Bombay regarding reorganisation of Secondary Education during 1958-59;

(b) whether any of these schemes have not sanctioned; and

(c) if so, what amount has been given or is proposed to be given to Bombay for this purpose?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Ten.

(b) Yes, Sir.

(c) Rs. 47.623 lakhs is proposed to be given.

**Sports Associations in Bombay**

**1638. Shri Pangarkar:** Will the Minister of Education be pleased to state:

(a) the total amount of grants sanctioned to sports associations in Bombay State during 1957-58 and 1958-59; and

(b) the names of sports associations which have been given such grants?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Grants are paid only to All India Sports Federations/Associations and not to State Sports Associations. As such, no grants have been paid to Sports Associations in Bombay State although the All India Sports Federations/Associations having their headquarters in Bombay State have received grants for their activities at a National level.

(b) Does not arise.

**I.A.S. and I.P.S.**

**1639. Shri Pangarkar:** Will the Minister of Home Affairs be pleased to state the number of I.A.S. and I.P.S. Officers who have been appointed in Bombay by direct recruitment during 1957-58?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** Indian Administrative Service ... 6

Indian Police Service ... 7

**Ashram Schools**

**1640. Shri Pangarkar:** Will the Minister of Home Affairs be pleased to state the grant made by the Government during 1957-58 for the establishment of Ashram Schools in Bombay for the benefit of tribal children?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** A sum of Rs. 4.60 lakhs was sanctioned to the Government of Bombay during 1957-58 for the Ashram Schools for tribal children.

## Multipurpose schools in Rajasthan

1641. Shri Onkar Lal: Will the Minister of Education be pleased to state the amount of grant sanctioned for multipurpose schools in Rajasthan during 1958-59 district-wise?

The Minister of Education (Dr. K. L. Shrimali): According to the new procedure, grants to State Governments for implementation of all their schemes are given as "ways and means advances" by the Ministry of Finance. Three-fourths of the total amount is to be released in this way in nine equal monthly instalments beginning from May, 1958. The final sanction is to be issued in February, 1959. The grants are not sanctioned District-wise.

## Sports in Rajasthan

1642. Shri Onkar Lal: Will the Minister of Education be pleased to state:

(a) the amount so far given for promotion and development of sports in Rajasthan out of the funds of the Rajkumari Sports Coaching Schemes; and

(b) the names of the sports organisations to which the amount has been given?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). The Rajkumari Sports Coaching Scheme does not give financial assistance as such to the various sports organisations in the States. The assistance given by the Scheme for the promotion and development of sports in Rajasthan has been in the shape of provision of coaches at its expense for coaching camps organised in various centres in Rajasthan. A list of coaching camps organised so far is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 81]. The coaches employed by the Scheme are generally appointed on a tenure basis for holding camps in a number of States and consequently it will be difficult to give figures regarding expenses on them for the duration of the camps in Rajasthan only.

## Monuments in Rajasthan

1643. Shri Onkar Lal: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 2689 on the 24th April, 1958 and lay a statement on the Table showing details of amounts separately earmarked for the preservation of each of the manuments of national importance in Rajasthan for the year 1958-59?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): A statement is laid on the Table of the Lok Sabha which also satisfies the assurance given in reply to the said question. [See Appendix IV, annexure No. 82].

## Multipurpose Schools in Rajasthan

1644. Shri Onkar Lal: Will the Minister of Education be pleased to state:

(a) the total number of multipurpose schools at present in the Rajasthan State district-wise; and

(b) the total number of schools to be opened during 1958-59 (district-wise)?

The Minister of Education (Dr. K. L. Shrimali): (a)

Ajmer	2
Jaipur	11
Bikaner	6
Jodhpur	8
Udaipur	7
Kotah	4
<b>TOTAL</b>	<b>38</b>

(b) Two; district-wise distribution is not known.

## Monuments in Rajasthan

1645. Shri Onkar Lal: Will the Minister of Scientific Research and Cultural Affairs be pleased to state the amount spent for protection and

improvement of each monument in Rajasthan State under the protection of the Central Department of Archaeology during 1957-58?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** The information is being collected and will be laid on the Table of the House in due course.

#### Public Schools

1646. { Shri Ram Krishan:  
Sardar Iqbal Singh:  
Shri D. C. Sharma:  
Shri Hem Raj:

Will the Minister of Education be pleased to state the total amount of grant given to each public school during 1958-59 so far?

**The Minister of Education (Dr. K. L. Shrimall):** Nil.

#### Income-Tax Arrears in Punjab

1647. { Shri Ram Krishan:  
Sardar Iqbal Singh:

Will the Minister of Finance be pleased to state the total amount of income-tax arrears in Punjab State on 1st April, 1958 (District-wise)?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** A statement giving the position is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 83].

#### Ex-Servicemen's Advisory Committee

1648. { Shri Ram Krishan:  
Shri Bhakt Darshan:

Will the Minister of Defence be pleased to state:

(a) whether Government have considered the question of appointing an Ex-Servicemen's Advisory Committee by associating with it ex-servicemen;

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

(c) the composition and functions of the Committee?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Government have under consideration ideas and plans in respect of the problems appertaining to ex-servicemen. In view of the size and complexity of the problem, it will take time to formulate plans. Advice, whether through committees or in other ways would appear *prima facie* to be desirable for any comprehensive schemes under Government direction or sponsorship and it will be fully examined.

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

#### Retirement of Engineers

1649. **Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) how many engineers are due to retire during each of the next 3 years according to normal rules; and

(b) how many retired engineers are in Government service for over 1 year, 2 years and 3 years?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) and (b). Information is being collected and will be laid on the Table of the House in due course.

#### Hindustan Aircraft Factory, Bangalore

1650. **Shri D. C. Sharma:** Will the Minister of Defence be pleased to state:

(a) the present installed capacity of the Hindustan Aircraft Factory, Bangalore;

(b) the varieties of machines produced there;

(c) whether any quantity of machines etc. produced there has been exported; and

(d) if so, the quantity thereof?

**The Minister of Defence (Shri Krishna Menon):** (a) to (d). It is not in the public interest to give this information.

## गांजे का तस्कर, व्यापार

१६५१. श्रोता विष्णुल मिश्र : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नेपाल से भारत में चोरी से लाया गया गांजा हाल के महीनों में बहुत बड़ी मात्रा में पकड़ा गया है; और

(ख) यदि हाँ, तो सरकार इस तस्कर व्यापार को रोकने के लिये क्या कार्यवाही कर रही है ?

राजस्व और असेनिक व्यवहार मंत्री

(डॉ. कट्टर थी० गोपाल रेड्डी)

(क) यह सच है कि नेपाल से भारत में चोरी-छिपे गांजे लाया जा रहा है और १६५७-५८ में इस प्रकार लाया गया ४३४ मन गांजा पकड़ा गया ।

(ख) गांजे के अवैध व्यापार को रोकने की जिम्मेदारी मुख्यतः राज्य सरकारों पर है, पर केन्द्रीय सरकार, अपने मादक द्रव्य विभाग (नारकाटिक्स डिपार्टमेंट) द्वारा राज्य सरकारों से निकट सम्पर्क बनाये रखती है। नेपाल से भारत में चोरी-छिपे गांजे का लाया जाना रोकने के लिए बहुत से उपाय किये गये हैं और किये जा रहे हैं। इनमें से कुछ अधिक महत्वपूर्ण ये हैं :—

(१) उत्तर प्रदेश की सरकार उत्तर प्रदेश और नेपाल की सीमा की उन जगहों पर, जहाँ से आसानी से चोरी-छिपे माल लाया जा सकता है, तथा राज्य के भीतर के महत्वपूर्ण स्थानों पर भी इस अवैध व्यापार को रोकने के लिए बहुत से दस्ते तैनात कर रही है ।

(२) विहार सरकार ने नेपाल की सीमा पर कई जांच-चौकियां स्थापित की हैं और तेज गाड़ियों वाले गश्ती दस्ते तैनात कर दिये हैं ।

(३) पश्चिम बंगाल और नेपाल की सीमा पर नियुक्त नियमित आवकारी कर्मचारियों के काम में तालेमल पैदा करने के लिए पश्चिम बंगाल सरकार ने आवकारी सूचना का एक नया विभाग खोला है ।

(४) मादक द्रव्य विभाग (नारकाटिक्स डिपार्टमेंट) राज्य सरकारों के साथ निकट सम्पर्क बनाये हुए हैं और उसने चोरी-छिपे गांजे का लाया जाना रोकने के उपाय सुझाने के लिए उस क्षेत्र में काम करने वाले पुलिस और आवकारी अधिकारियों के सम्मेलन भी समय-समय पर किये हैं ।

(५) चोरी-छिपे माल का आना रोकने के उपायों को और भी मजबूत करने के लिए भारत सरकार और संबंधित राज्य सरकारों तथा नेपाल सरकार के प्रतिनिधियों का एक उच्च स्तरीय सम्मेलन करने का भी विचार है ।

## दिल्ली में परती भूमि

१६५२. श्री नवल प्रभाकर : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली में परती भूमि कितनी है; और

(ख) ग्राम सभा की कितनी परती भूमि है ?

गृह-मन्त्रालय में रज्य मंत्री (श्री बातार) :

(क) १,३६,८६८ एकड़।

(ख) ६३,५५३ एकड़, लेकिन इसमें उन ५२ गांवों की परती भूमि शामिल नहीं है जो शहरी इलाकों में हैं ।

**Bonus on Life Insurance Corporation Policies**

1653. [ Shri Rameshwar Tantia:  
Shri S. C. Samanta:

Will the Minister of Finance be pleased to state:

(a) when the last bonus has been declared by the L.I.C. on the with-bonus policies; and

(b) what is the total amount of bonus fund of Life Insurance Corporation?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** (a) The Life Insurance Corporation has not yet declared bonus on with-profit policies. The first bonus declaration would be based on the valuation of the assets and liabilities of the Corporation as at 31st December, 1957, which is expected to be finalised by the end of this year.

(b) The Life Insurance Corporation is not required by law to maintain, nor does it maintain, a separate 'bonus fund'. The entire Life Insurance Fund forms the security for the life policy-holders. The amount of this Fund as at 31st December, 1957, will be known only after the accounts as at that date are ready.

**Assistant Commissioner for Scheduled Castes and Scheduled Tribes**

1654. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri Siddiah:

Will the Minister of Home Affairs be pleased to state:

(a) whether the vacancies for Assistant Commissioner for Scheduled Castes and Scheduled Tribes in different zones have been filled up; and

(b) if not, the reasons for delay?

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

(b) It has since been decided not to make the appointments as measure of economy.

**महू सैनिक प्रशिक्षण केन्द्र**

१६५५. श्री डामर : क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि विभिन्न देशों के कितने पदाधिकारियों ने १६५४ से अब तक प्रत्येक वर्ष में महू सैनिक प्रशिक्षण केन्द्र में प्रशिक्षण प्राप्त किया?

**प्रतिरक्षा मंत्री ( श्री हस्तमेनन ) :** महू मिलिटरी ट्रेनिंग सेण्टर से मुराद शायद इन्हें स्कूल महू से है। भारतीय प्रशिक्षणाधिर्यों की संख्या के आंकड़े यह हैं—

१६५४	६
१६५५	४
१६५६	८
१६५७	१०
१६५८	६

जिनका पांच वर्षों में कुल जोड़ ३४ हुआ।

२. प्रत्येक देश से आय प्रशिक्षणाधिर्यों के अलग अलग आंकड़े या संबद्ध पक्षों की पूर्व अनुमति के बारे देशों के नाम प्रकट करना जनहित में नहीं होगा।

**केन्द्रीय आदिमजाति कल्याण मंत्रणा बोर्ड**

१६५६. श्री डामर : क्या गृह—कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि वर्ष १६५८—५९ के लिये केन्द्रीय आदिमजाति कल्याण मंत्रणा बोर्ड का पुर्णांग किया गया है; और

(ख) यदि हाँ, तो इसमें संसद के कौन-कौन से सदस्य लिये गये हैं?

गृह मंत्रालय में राज्य—मंत्री (श्री दातार) :

(क) जी हाँ।

(ख) इस सम्बन्ध में जारी किए गये प्रस्ताव की एक प्रति समा—पटल पर रख दी गई है। [ वेलिये परिस्थित ४, अनुबंध संख्या ८४ ]

**भारत में विदेशी विद्यार्थी**

१६५७. श्री डामर : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) विदेशों के कितन छात्र इस समय भारत में शिक्षा प्राप्त कर रहे हैं; और

(क) मेरे विद्यार्थी किन-किन देशों के हैं तथा भारत में किन-किन स्थानों पर विद्याध्ययन कर रहे हैं?

विद्यार्थी मंत्री (डॉ कालूलाल श्रीमाली):  
(क) प्राप्त सूचना के अनुसार केन्द्रीय सरकार की विभिन्न छात्रवृत्ति योजनाओं के अधीन जुलाई १९५८ में ७३५ विदेशी छात्र भारत में अध्ययन कर रहे थे। प्राइवेट छात्रों की संख्या उपलब्ध नहीं है।

(क) जिन स्थानों पर ये विद्यार्थी अध्ययन कर रहे थे, उन के नामों का विवरण सभा-पटल पर रख दिया गया है। [विदेशी परिविष्ट ४, अनुबंध संख्या ८५]

#### विदेशी भाषाओं का विद्यालय

१६५८. श्री भक्त दर्शन:  
श्री स० ए० सामन्त:

क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) विदेशी भाषाओं के विद्यालय में इस समय कुल कितने व्यक्ति शिक्षा पा रहे हैं;

(क) प्रत्येक भाषा के कितने कितने छात्र हैं; और

(ग) उनमें से प्रत्येक भाषा में स्कूल के शुरू होने से अब तक कुल कितने व्यक्ति प्रशिक्षित किये जा चुके हैं?

प्रतिरक्षा मंत्री (श्री शुभेश्वर):

(क) ३८६।

(क) तथा (ग). एक विवरण लोक सभा के पटल पर रख दिया गया है। [वेलिये परिविष्ट ४, अनुबंध संख्या ८५]

#### Sessions Judge, Manipur

1659. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to lay a statement showing:

(a) the number of hill cases which have been disposed of in the court of the District and Sessions Judge of Manipur during January to June, 1958; and

(b) the number of civil and criminal cases pending on 1st July, 1958?

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

	Civil	Criminal	Total
(a) Number of cases disposed of by the District and Sessions Judge of Manipur during January to July 1958	60	14	74
(b) Number of cases pending on 1st July 1958	32	6	38

#### Narcotic Drugs

1660. Sardar Iqbal Singh: Will the Minister of Finance be pleased to state:

(a) the main feature of the latest report of the U.N. Commission on Narcotic Drugs;

(b) whether the Government of India propose to take any steps on this report; and

(c) if so, details thereof?

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):

(a) The Narcotics Commission which is a functional commission of the Economic and Social Council, is charged with the responsibility of shaping international policy and administration of narcotic drugs of all kinds. The Commission which meets

once a year reviews (1) the annual reports submitted by each Member Government giving a comprehensive account of the implementation during the year, of its obligations under the international narcotics treaties, the object of the review being to ensure stricter adherence to the international treaties; (2) reviews the requirements of narcotic drugs of various countries with a view to limiting the production of such drugs to world's medical and scientific needs; and (3) examines the reports submitted by each Member Government on illicit traffic with a view to tightening up the control over such traffic. These reviews were also made at the last session of the Commission, the main recommendations made as a result of the review being:—

(i) that Governments should take all necessary measures to prevent the misuse and diversion for illicit purposes of narcotic drugs carried in first-aid kits of aircraft engaged in international flight.

(ii) that opium producing countries should continue to provide the United Nations Laboratory with samples of opium locally produced and that all countries should furnish the United Nations Laboratory with samples of illicitly produced opium which they have seized for evolving suitable criteria for determination of origin of opium.

(iii) that the United Nations Laboratory be asked to study technical methods of identifying varieties of cannabis which have narcotic properties as part of its research programme.

(iv) that the Economic and Social Council should be requested to review the financial arrangements with a view to providing greater facilities to the Member States for technical assistance for narcotics control.

Further, the Commission dealt with the following two important items:—

(a) It finalised the draft of the Single Convention which is

intended to replace the nine existing treaties relating to the control of narcotics.

(b) The Commission examined the proposal of the Council of the League of Arab States for the establishment of United Nations Regional Anti-Narcotics Bureau in the Middle East and have recommended that an exploratory mission be sent to that area for ascertaining the extent of illicit traffic and suggesting suitable measures for its suppression.

(b) and (c). The report has only recently been received. It is at present under examination.

#### Pakistanis Crossed into India

1661. { Sardar Iqbal Singh:  
Shri Pangarkar:  
Shri Ram Garib:

Will the Minister of Home Affairs be pleased to state:

(a) the number of Pakistani nationals who crossed the Indian border (both eastern and western separately, illegally during 1958 so far, month-wise;

(b) the number of those who have been convicted;

(c) the number of cases still pending; and

(d) the number of persons who have refused to return to Pakistan?

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

January	.	.	.	.	418
February	.	.	.	.	323
March	.	.	.	.	550
April	.	.	.	.	417
May	.	.	.	.	609
June	.	.	.	.	510
July	.	.	.	.	615
TOTAL	.	.	.	.	3,442

Of these, 559 entered India across the western border and 2,883 across the eastern border.

- (b) 1,490.
- (c) 570.
- (d) 278.

The above figures do not include the cases in respect of West Bengal and Mysore as no information has yet been received from those States.

#### Secondary Education in Punjab

1662. *Sardar Iqbal Singh:  
Shri Daljit Singh:*

Will the Minister of Education be pleased to state:

(a) the number of schemes for re-organisation of Secondary Education so far submitted by the Punjab Government for assistance from the Central Government under the Second Five Year Plan; and

(b) the amount sanctioned or proposed to be sanctioned for the purpose?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Twelve.

(b) Rs. 84.62 lakhs already given. Rs. 140 lakhs proposed to be given during the rest of the Plan period.

#### Convention of Teachers of the Deaf

1663. *Sardar Iqbal Singh:* Will the Minister of Education be pleased to state:

(a) whether the convention of the teachers of the deaf in India was recently held in Delhi; and

(b) decisions taken at this convention?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir. The 8th Session of the Convention was held in Delhi from 7th to 9th May, 1958.

(b) The most important decision taken at the last session of the convention was the amendment of its constitution. A statement giving most of the resolutions adopted by the Convention at its last session along with a copy of the amended constitution is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 87.]

#### Wealth-tax

1664. *Sardar Iqbal Singh:  
Shri Morarka:  
Shrimati Mafida Ahmed:*

Will the Minister of Finance be pleased to state:

(a) the collection of wealth-tax until now under the following heads, statewise so far:

(i) Individuals;

(ii) Companies; and

(b) the extent to which it has fallen short of expectations and the reasons therefor?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):**

(a) Collections of Wealth-tax from individuals and companies during 1957-58 and from 1st April, 1958 to 31st July, 1958 according to the charges of the Commissioners of Wealth-tax are given below. As some of the Commissioners hold jurisdiction over more than one State, separate figures for some of the States are not readily available:—

#### Commissioners' charges

	1957-58		1-4-58—31-7-58	
	Companies	Individuals	Companies	Individuals
	(Figures in thousands of Rupees)			

1. Andhra Pradesh . . . . .	5,28·6	10,83	13	8,10
2. Assam . . . . .	94·8	1,38·9	9	8
3. Bihar & Orissa . . . . .	15,56·7	3,83·3	10	70
4. Bombay . . . . .	1,98,71	1,04,27	7,69	23,80

Commissioners' charges	1957-58		1-4-58-31-7-58	
	Companies	Individuals	Companies	Individuals
(Figures in thousands of Rupees)				
5. Delhi & Rajasthan	11,44.6	12,65.4	55	1,66
6. Kerala	12,16.2	6,86.2	47	78
7. Madras	21,90	6,48	90	2,11
8. Mysore	9,92	2,76	36	90
9. Madhya Pradesh	6,78	6,29	1,56	97
10. Punjab & Jammu & Kashmir	2,38	2,95	23	17
11. Uttar Pradesh	10,36	5,15	26	59
12. West Bengal	1,84,03	19,19	13,65	6,67
<b>TOTAL</b>	<b>4,79,48.9</b>	<b>1,82,65.8</b>	<b>25,99</b>	<b>46,53</b>

(b) According to the information now available total collections of Wealth-tax from Companies, Individuals and Hindu Undivided families during 1957-58 amounted to Rs. 6,99,02,000 as against the revised estimate of Rs. 9 crores for that year. There was a shortfall of Rs. 2.1 crores in the collections and the reasons therefor have been furnished to the Lok Sabha on the 15th April, 1958 in reply to the unstarred question No. 2416 of Shri Damani.

(c) As regards the collections for the current year it is too early yet to say whether they will reach the expectations or fall short of them and if so to what extent.

#### Poor Houses in Delhi

**1665. Sardar Iqbal Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether there is any proposal to set up more Poor Houses in Delhi; and

(b) the details of the scheme?

**The Deputy Minister of Home Affairs (Shrimati Violet Alva):** (a) No.

(b) Does not arise.

#### Historical Forts of Punjab

**1666. Sardar Iqbal Singh:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state the amount proposed to be spent during 1958-59 for the preservation and maintenance of each of the four forts in Punjab which have been declared to be of national importance and are under the protection of the Central Department of Archaeology?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):**

Name of monument	Amount to be spent.
	Rs.
1. Bhatinda Fort	10,715.
2. Kangra Fort	6,580.
3. Kotla Fort	1,600.
4. Nurpur Fort	Nil.

#### Coal Allotment to Punjab

**1667. Sardar Iqbal Singh:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the total quantity of coal allocated to Punjab State in 1957 under different categories;

(b) the actual quantity supplied under each category during the same period;

(c) the reason for short supply, if any; and

(d) the measures taken or to be taken for supplying the allocated quantities?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) and (b). A statement showing the monthly quotas and the monthly average despatches to industries in Punjab State during 1957 is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 88.]

(c) Demands have risen much in excess of the available transport offered by the Railways for movement of coal in the direction 'above Moghal-sarai'. All the States (including Punjab) situated in this direction suffered a shortfall in supplies.

(d) The Railways are taking steps to improve the transport position and a permanent improvement is possible only after completion of the expansion plans of the Railways.

#### Educational Programme in Punjab

**1668. Sardar Iqbal Singh:** Will the Minister of Education be pleased to state the amount allocated so far during the Second Five Year Plan period to Punjab for the educational development programme?

**The Minister of Education (Dr. K. L. Shrimali):** Against the total provision of Rs. 14.85 crores made for State Educational Development Programmes (including Technical Education schemes) of Punjab, during the Second Plan, the following amounts were allocated by the Planning Commission, from year to year, and included in the State Budget:

1956-57	..	Rs. 2.59 crores
1957-58	..	Rs. 1.83 crores
1958-59	..	Rs. 1.90 crores.

The actual expenditure incurred during 1956-57 amounted to Rs. 0.88

crores. The revised estimates indicate an expenditure of Rs. 1.20 crores during 1957-58.

#### अफीम

**१६६९. श्री डाक्टर :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि मध्य प्रदेश के मन्दसौर जिले में प्रति वर्ष कितनी अफीम की उपज होती है?

**राजस्व और असेन्टिक व्यवस्था (डॉ. बी० गोपाल रेड्डी) :**

अफीम का औसत ७०० घनत्व वाली अफीम की उपज

(मन)	(मन)
१६५३-५४	३,६५२
१६५४-५५	३,१६६
१६५५-५६	३,४४७
१६५६-५७	४,३६२
१६५७-५८	६,८०६

(लगभग)

#### अफीम का नियांत्र

**१६७०. श्री डाक्टर :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि भारत से सबसे अधिक अफीम किस देश को नियांत्र की जाती है?

**राजस्व और असेन्टिक व्यवस्था (डॉ. बी० गोपाल रेड्डी) :** लिटन को।

#### Boarding House for Tribal Girl Students

**1671. Shri Dasaratha Deb:** Will the Minister of Education be pleased to state:

(a) whether there is any boarding house for tribal girl students in the

sub-divisional headquarters of Tripura, state managed or privately managed;

(b) if so, the number of girl students residing there; and

(c) the financial aid given to each girl student?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir. There is one privately managed boarding house for tribal girl students at Khowai.

(b) Twenty.

(c) Nil.

#### Hartal in Tripura

**1672. Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) whether Hartal was observed by the people of the town of Belonia in Tripura on the 30th June, 1958 in protest against certain police action; and

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

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

(b) The Hartal was quite unjustified and the question of taking any action about it did not arise.

#### Foreigners Act

**1673. Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) the total number of notices served in Tripura under the Foreigners Act during the last two years;

(b) the total number of people who left Tripura in accordance with that notice;

(c) the total number of court proceedings drawn up against people who violated these notices; and

(d) the total number of people convicted by the Court for violation of these notices?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) 463.

(b) 177.

(c) 111.

(d) 5.

#### Examination Reforms Committee

**1674. Shri Vajpayee:** Will the Minister of Education be pleased to state:

(a) whether the Examination Reforms Committee of the University Grants Commission has issued any questionnaire to the various Universities; and

(b) whether a copy of the questionnaire will be placed on the Table?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). No questionnaire has been issued by the Reforms Committee of the University Grants Commission but copies of the circular letters addressed by the University Grants Commission to the Universities in India are laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 89.]

#### Government of India Merit Scholarships in Public Schools

**1675. Shri Basumatari:** Will the Minister of Education be pleased to state the number of students from Scheduled Tribes and Scheduled Castes and other backward classes, who have been granted the merit scholarships in Public Schools since the inception of the scheme?

**The Minister of Education (Dr. K. L. Shrimali):**

Scheduled Tribes	3
Scheduled Caste	20
Other Backward Classes	24

#### Teachers in Manipur

**1676. Shri L. Achaw Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Manipur Administration gives an

advance increment to teachers who take the B.T. or B.Ed. degree on Governmental deputation and cost but does not give a similar increment to those who take such degrees at their own cost and then join the Government school;

- (b) if so, reasons therefor; and
- (c) the number of teachers of the second category who are employed at present in the Government Schools?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) As an incentive to the untrained teachers to get themselves trained. The question of its continuance is however, being reviewed.

(c) One.

#### Transfer of Cantonment Board Schools

**1677. Shri Vajpayee:** Will the Minister of Defence be pleased to state:

(a) whether an agreement has been reached between the Defence Ministry and the Government of Punjab with regard to the transfer of Cantonment Board Schools; and

(b) if so, the details thereof?

**The Deputy Minister of Defence (Sardar Majithia):** (a) The Government of the Punjab intimated their acceptance of the principle of taking over the Cantonment Schools, in response to an enquiry by us on this problem. Government have given careful consideration to this matter in all its aspects and implications while recognising with appreciation the Punjab Government's willingness in principle to accept the transfer of the Schools. Government after careful consideration have decided not to effect such transfer at present.

(b) Does not therefore arise.

#### Social Services Camps in Punjab

**1678. Shri Daljit Singh:** Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 3689 on the 9th May, 1958 and lay on the Table the reports

on the Social Service Camps, held in Punjab during 1957-58 and their audited accounts?

**The Minister of Education (Dr. K. L. Shrimali):** Out of 101 camps held in Punjab during 1957-58, audited accounts and reports of only 24 camps have been received so far. As the reports and audited accounts of all the camps held will constitute voluminous material, it will not be practicable to place the same on the Table of the Lok Sabha.

#### Gold Smuggling

**1679. Shri Raghunath Singh:** Will the Minister of Finance be pleased to state whether it is a fact that contraband gold worth Rs. 2,10,000 was recovered at Bombay in the first week of August from the Persian Gulf bound British India Passenger liner s.s. "Dumra"?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** Yes, Sir. Information was received that s.s. "Dumra" (owned by the British Indian Steam Navigation Company) which arrived at Bombay on 31st July, 1958, from the Persian Gulf ports via Karachi, contained contraband gold. The vessel was continuously rummaged for a period of ten days and as a result 2,160 tolas of gold were seized. The gold according to the official rate of Rs. 62.50 per tola is worth Rs. 1,35,000. The vessel which was, as a result of the discovery of contraband on board, liable to confiscation under the Sea Customs Act, was also seized and was subsequently permitted to sail after the agents had executed a bond for Rs. 3 lakhs pending the adjudication of the offence.

#### National Gallery of Modern Art, New Delhi

**1680. Shri Pangarkar:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state how many paintings and sculptures have been acquired by the National Gallery of Modern Art, New Delhi, in 1958 so far?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** Seventeen paintings and three sculptures.

**Literary Workshop in Bombay**

**1681. Shri Pangarkar:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that there is a proposal to organise a literary workshop in the State of Bombay for training authors in the technique of writing for neo-literates and children; and

(b) if so, when will it be organised?

**The Minister of Education (Dr. K. L. Shrimall):** (a) No, Sir.

(b) Does not arise.

**"Copying Agency, Delhi"**

**1682. Shri A. K. Gopalan:** Will the Minister of Home Affairs be pleased to state:

(a) whether the premises where "Copying Agency, Delhi" is situated is in a dilapidated condition; and

(b) if so, steps taken to execute necessary repairs?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) and (b). This office is located in the 'Old Court Building' near Kashmere Gate. During the heavy rains in July, one of its rooms leaked badly, and some plaster also came off the walls. The room was vacated and some minor repairs have already been carried out, while the question of further necessary repairs is receiving attention. The room will not be used until it has been fully repaired.

**Indo-Pakistan Banking Companies Agreement**

**1683. Sardar Iqbal Singh:** Will the Minister of Finance be pleased to state:

(a) whether the banking companies have been able to realise their assets

under the Indo-Pakistan Banking Agreement, 1949; and

(b) if so, the amount realised so far?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** (a) and (b). A sum of Rs. 11.46 lakhs is understood to have been received by the banks covered by the agreement, on account of advances in Pakistan, in regard to which assistance was sought under the agreement.

**"Smuggled Gold seized at Delhi Airport"**

**1684. Sardar Iqbal Singh:** Will the Minister of Finance be pleased to state:

(a) the value of smuggled gold seized so far at Delhi airport during the year 1958 so far;

(b) the number of persons arrested in this connection;

(c) the number of persons convicted on a charge of smuggling and the number of foreigners out of these; and

(d) the names of the countries to which they belonged?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):**

(a) The total value of smuggled gold seized by the Customs authorities at Delhi airport during the year, 1958 (upto 15-8-1958) is Rs. 6,31,307 approximately.

(b) Four persons were arrested in this connection.

(c) All the four persons have been convicted and they were foreigners.

(d) Out of the four persons, two were Swiss, one Spanish and one French.

**House Rents in Delhi**

**1685. Sardar Iqbal Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the outcome of the examination of question of house rents in Delhi and landlord-tenant relationship made by Government recently;

(b) whether any proposals have been formulated in this respect; and  
 (c) if so, what are they?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) to (c). Attention is invited to the Delhi Rent Control Bill, 1958 which was introduced in Lok Sabha on the 1st September, 1958.

#### Corruption in Himachal Pradesh

**1686. Shri Daljit Singh:** Will the Minister of Home Affairs be pleased to state:

(a) how many corruption cases were registered in 1957-58 against Government officials under the Administration of Himachal Pradesh; and

(b) the machinery set up to deal with such cases?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** The information is being collected and will be laid on the Table of the House in due course.

#### Kozhikode Aerodrome

**1687. Shri Jinachandran:** Will the Minister of Defence be pleased to state:

(a) the cost incurred for the improvised aerodrome specially constructed at Kozhikode at the time of the last visit of the Defence Minister;

(b) whether this experiment has enabled the Government to finally fix up the location of the proposed aerodrome at Kozhikode; and

(c) the present stage at which this proposal stands?

**The Deputy Minister of Defence (Sardar Majithia):** (a) to (c). The Otter light Aircraft in which the Minister travelled, landed on a small strip of land which was just levelled. No special expense was incurred. The question of a civil aerodrome is not under consideration.

**Central Excise Collectorate, Mysore**

**1688. { Shri D. A. Matti:  
 Shri Manay:  
 Shri Dige:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a large number of Central Excise Inspectors in the Mysore Collectorate whose parent Collectorate was Bombay have been gravely affected in respect of their promotion owing to the fact that while giving promotion to the Deputy Superintendents' posts the date of confirmation instead of the date of appointment has been taken into consideration to determine their seniority even though the rules of confirmation differed in different Collectorates;

(b) if so, whether Government is considering the question of reconsidering this issue; and

(c) whether any representation in this behalf has been received by Government?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):**

(a) The Mysore Collectorate was created as a separate charge from 1-1-57 consequent on the re-organisation of the jurisdiction of the Collectors of Central Excise following the re-organisation of the States. It has been carved out of the neighbouring Collectorates of Madras, Bombay and Hyderabad. Persons working in the three Collectorates were transferred to Mysore. Ninety-seven Inspectors were transferred to Mysore from Bombay after ascertaining their wishes in the matter. Out of a total number of 344 Inspectors in the Mysore Collectorate only nine Inspectors transferred from the Bombay Collectorate might have become eligible for promotion to the Deputy Superintendent grade if in making promotions, the date of appointment and not date of confirmation were taken into account. Under the present rules, they are not eligible for promotion in preference to those who

were confirmed earlier. Had the Inspectors continued in the Bombay Collectorate, their position would not have been different. The rules of confirmation and seniority are uniform for all Collectirates of Central Excise and do not differ from one Collectorate to another.

(b) Before the year 1949, the seniority of persons working in a grade was determined according to date of confirmation in the grade. After the Partition, a number of displaced persons found employment in various Departments of the Central Government. As many of them had rendered long service under the Provincial Governments, local bodies etc., in Pakistan, it was decided in 1949, by the Ministry of Home Affairs that to mitigate hardship to the displaced persons the seniority of all persons working in a grade except those confirmed before 1-1-44 in that grade, should be determined according to continuous service in that grade or in an equivalent grade. Now that the conditions have returned to normalcy, it was decided in 1958 to revert to the old procedure of determining seniority on the basis of date of confirmation. This is a well established principle and cannot be revised.

(c) Representations received from the Inspectors of Mysore Collectorate in this behalf were rejected.

#### Copper Deposits

1689. Shri P. R. Ramakrishnan: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the extent of copper resources of the country so far estimated;  
 (b) whether Government has taken any steps during 1957-58 to increase the indigenous production of copper; and

(c) if so, what is the actual increase?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The total ore reserves proved so far are of the order of 3.37 million tons.

(b) and (c). The Geological Survey of India is now busy in carrying out intensive survey in the copper belts of Rajasthan, Uttar Pradesh, Bihar and Andhra with some encouraging results. The Indian Bureau of Mines is also carrying out detailed investigations at Khetri and Daribo with a view to find out the economic workability of these deposits. However, these endeavours have not yet reached the production stage.

#### Officers under the Manipur Administration

1690. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that officers on deputation from other States enjoy much higher pay and allowances in Manipur than the local officers; and

(b) if so, whether he would lay on the Table a statement containing particulars of such officers with the rate of pay and allowances given to them per month as compared with the pay and allowances given to officers of the same rank and status under the Manipur Administration?

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

(a) It is a fact that the pay and allowances of officers sent on deputation to Manipur from other States are generally different from those admissible to officers belonging to the local services. In the former case, the officers normally draw the pay to which they are entitled from time to time in the parent service, and in addition, a deputation special pay according to the prescribed rate.

(b) In view of the position stated under (a) above and also because the services of officers from other States are obtained on deputation only when the posts in question cannot be filled by persons belonging to the local services, the drawing up of a comparative statement on the lines desired will not be feasible, or strictly correct.

**Economy Board**

1691. *Shri Vajpayee:*  
 { *Shri Sadhu Ram:*

Will the Minister of Finance be pleased to state:

(a) whether the Economy Board set up by the Government of India in June, 1957, has been re-constituted;

(b) whether any meeting of the Board as re-constituted has been held; and

(c) if so, suggestions made by the Board and which have been accepted by Government to effect further economy?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):**  
 (a) Yes, Sir.

(b) The Board, as re-constituted, has held two meetings so far.

(c) Certain suggestions for economy made by the reconstituted Board are under consideration. On the basis of the Board's suggestion, orders have, however, been issued that Secretariat Assistants should not normally be provided to the Welfare Officers working in Ministries/Departments.

**Lands Belonging to Defence Ministry in Punjab**

1692. *Shri Daljit Singh:* Will the Minister of Defence be pleased to state:

(a) the acreage of land belonging to the Defence Ministry in Punjab;

(b) acreage of land which has been leased out to the public; and

(c) the purpose for which the remaining land will be used?

**The Deputy Minister of Defence (Sardar Majithia):** (a) 34,864 acres, approximately.

(b) 2,274 acres approximately.

(c) Mainly for Defence and Cantonment purposes. Whenever small cultivable areas become temporarily surplus they are cultivated by Regiments/

Units/or Military Farms to the extent possible, and increasingly so, under planned schemes for increasing food production. Where this is not possible, they will be leased out to private agriculturists/or bona fide Co-operative Societies in conformity with the aim of increasing potential food output and with certain priorities laid down by Government.

**Treasuries in Himachal Pradesh**

1693. *Shri Daljit Singh:* Will the Minister of Finance be pleased to state:

(a) the number of treasuries and sub-treasuries in the Union Territory of Himachal Pradesh;

(b) whether any new sub-treasuries are proposed to be opened in Himachal Pradesh; and

(c) if so, the names of the places where sub-treasuries are proposed to be opened?

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):**

(a) There are 5 treasuries and 20; sub-treasuries in Himachal Pradesh.

(b) and (c). Sanction has already been given for the opening of 3 sub-treasuries, one each at Chachiot in the Mandi District and Kilar and Trilokinath in the Chamba District. Besides, there is a proposal under consideration of the Himachal Pradesh Administration to open a sub-treasury at Bharmaur in Chamba District.

**Oil Drilling Operations in Punjab**

1694. *Shri Ram Krishan:*  
 { *Sardar Iqbal Singh:*  
*Shri Daljit Singh:*

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the number and names of places where oil drilling operations are going on in the Punjab;

(b) the total amount spent so far in this regard;

(c) the total amount to be spent during 1958-59;

- (d) the result of these operations;
- (e) whether any new operation sites will be added during the year; and
- (f) if so, the names of such sites.

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) Deep drilling operations are in progress at Jawalamukhi and Bathula near Hoshiarpur. In addition, two structural holes are also being drilled on the Jawalamukhi structure near Jawalamukhi and Ranital.

(b) Approximately Rs. 64 lakhs upto the end of Financial year 1957-58.

(c) There is a budget provision of approximately Rs. 1.39 crores for the year 1958-59.

(d) It is too early to assess the results.

(e) and (f). Depending on results of present drilling and availability of drilling rigs, more sites are likely to be drilled at Jawalamukhi and Janauri.

#### Police

**1695. Shri Arjun Singh Bhaduria:** Will the Minister of Home Affairs be pleased to state:

(a) the number of written complaints made against police officials in Delhi during the years 1957 and 1958 so far and the number of complaints looked into;

(b) the number and category of officials of Delhi Police against whom departmental action was taken for dereliction of duty, corruption and insubordination during the above period; and

(c) the number and category of police officials against whom criminal cases were registered during the period mentioned in part (a) above and the result of the trials, if any, with the type of crime charged stated separately under the following heads: (i) assault on women, (ii) theft and robbery, (iii) assault on other persons, (iv) murder, and (v) torture?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

#### Foreign Missionaries

**1696. Shri Jadhav:** Will the Minister of Home Affairs be pleased to lay a statement showing:

(a) the immovable properties held by the foreign missionaries in each State and Union Territory of India;

(b) how much agricultural land they have with them; and

(c) whether they are using this land for agricultural purposes or not?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) to (c). There is no special law regulating acquisition of property by foreigners. It is, therefore, not possible to give information regarding properties held by Foreign Missionaries.

12 hrs.

#### MOTION FOR ADJOURNMENT

**Alleged food crisis in Uttar Pradesh**

**Mr. Speaker:** I have received notice of an adjournment motion from Sarvashri S. M. Banerjee and Tanga mani relating to the food situation in Uttar Pradesh, arrests and complete failure of the Central Government in solving the food crisis in Uttar Pradesh resulting in a reign of terror etc. I do not want to read the whole thing. All kinds of allegations have been made here against another Government. Unless it is the subject matter here and there is a motion, which I may or may not admit after looking into all the details, why should we discuss the administration of any other Government?

In this motion all sorts of allegations are made. I have been repeatedly holding, and even the other day

[Mr. Speaker]

when a number of adjournment motions were brought here I have given my ruling, that we should first of all consider the exact limits of responsibility. The other day I asked the hon. Minister here as to what exactly is his duty with respect to the food situation in a State. I agree that food is not completely the duty or the obligation of a State; the Centre has also taken some responsibility. Under the constitution, as has been referred to, under Entry 33, the Centre is bound to take some steps. I am not confining myself only to those obligations which arise out of the Constitution. If, in addition, it has been declared in a particular case that the Centre should better deal with a subject which is common to all the States and the Centre has taken power under a law passed by Parliament, even with respect to that I impose responsibility upon the Central Government. The third category is, even without a constitutional liability, even without any responsibility imposed by a law of Parliament, if the Centre has entered into an agreement with the States that it will do certain things, even with respect to such things I am prepared to allow any matter to be raised here if there is dereliction of duty on the part of the Central Government. Otherwise, I cannot understand as to how we can argue out all these points. Where it is the responsibility of the State in conjunction with the Centre, I will allow only those things which can be raised so far as the Centre's responsibility is concerned.

I want to apprise the House that I am not indifferent to this matter. I am alive to the serious nature of the problem that is there. But my feeling is that we might be embarrassing the State. After all, there are only two ways. If the State Government is not able to manage the show, a situation may arise when the Centre has to take it up. Now, when each State Government is trying to do its best to tackle the situation, are we to em-

barrass them by entering into a discussion here as to what ought to be done or what ought not to be done?

There are some cases where some persons will have to be arrested. I am not justifying the arrest of any. But if in the due course of managing that show they are trying to do their best, are we to interfere by embarking upon a discussion?

What I have done is this. I want to know with respect to food, education, irrigation and health—these are four subjects common both to Centre and States—what exactly is the allocation of responsibilities. Therefore, I have requested the various Ministers to submit to me a memorandum as to what according to them are the limits of their responsibilities. In the meanwhile, I have received notice of a motion for discussion on this matter, signed by Shri Mahanty and 12 or 13 other hon. Members. They want to raise this matter on the floor of this House. It is not a matter which can be raised on the floor of the House. But I have invited them to come and discuss with me as to what exactly are the limits of responsibilities. I want to have a fair statement from both sides, and after ascertaining the views of both sides I will look into the matter.

I have not yet received the memorandum from the Government. But in the meanwhile, day after day, if an arrest is made there is an adjournment motion here; if somebody goes on hunger strike there is an adjournment motion here.

Shri Tangamani (Madurai): If somebody is murdered.....

Mr. Speaker: Yes. What can be done? The hon. Member may go and take charge of the Ministry there.

Therefore, these are the inconveniences. In the meanwhile I can only suggest, as I suggested the other day, that the hon. Minister, in view of the

fact that many hon. Members here have expressed very grave concern over this matter, may call the leaders of various groups, sit with them and discuss.....

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):**  
It has been done.

**Mr. Speaker:** If it has been already done, I am only too happy. Let us try to avoid discussion on the floor of the House. It can be better tackled if he calls a small conference of all leaders of various groups and other interested persons from the State. Let him try to satisfy them as far as possible. Let them also understand what are the limits of the responsibility of the Centre. If they are still not satisfied, they may come to me and I will look into the matter.

**Shrimati Renu Chakravarty (Basirhat):** Sir, I had also submitted an adjournment motion. You wanted to know why we raised that question in this House, and you also stated that you did not want to enter into a controversy at a time when the situation is bad in the States. Now an unseemly controversy has already started between the Union Food Minister and the State Chief Minister on this very question of the responsibility between the State and the Centre. Sir, while thousands of people are starving they are bandying words as to what is the responsibility. Only yesterday Dr. Sampurnanand has made trenchant criticism about our Union Food Minister. He has stated very clearly—I am just reading out what is given in the papers, because that is something which this House has to take notice of—that, besides Essential Commodities Act is a central legislation which vests power in the Centre which it may delegate to a State. He has gone on to show how in Eastern U.P., while 14 districts have banned rice and millet being exported all these grains have come to

Western U.P. and from there sent to Bihar. He has categorically stated that this would not have happened if the State could have had a food policy independent of the Centre. The same thing has happened in West Bengal. The Chief Minister has made a statement in the Press Conference.

In this situation, while people are starving, while, on the one hand, there is repression against the movement which has already started and, on the other hand, there is an unseemly controversy already raging in the country, I think it is a very apt state of which we have to take notice, and this question of food is a very vital one which affects the entire country and it should be debated by this House.

**Shri H. N. Mukerjee (Calcutta-Central):** Sir, I was a signatory to her adjournment motion, and I feel that a very important point is involved. The papers have reported that only yesterday the Prime Minister gave a Press conference and there, according to reports, he was pleased to say that he found the statement of the U.P. Chief Minister in regard to the food problem unsatisfactory. We have also found the Food Minister in the House the other day making certain statements which were nearly fantastic. For example, he said that a State could import food from outside; perhaps, being accustomed to P.L. transactions he was rather unaware of foreign exchange difficulties. But the main point is that there is no co-ordination, on this most urgent of national problems, between the Centre and the States, and this co-ordination between the Centre and the States is the keystone of the Constitution arch, and that seems to be doubted by pronouncements made in Lucknow and in New Delhi.

In the meantime, Sir, there are movements, very powerful movements, i.e. the U.P. Our friend, Shri Saksena is here hunger-striking, as everybody knows, and in West Bengal, as Shrimati Renu Chakravarty just pointed out, the position is bad

[Shri H. N. Mukerjee]

and a movement has been announced. What we want is that there should be such coordination between the Centre and the States as would prevent the emergence of any movement, as would really solve the food problem. I know Government is perhaps very hesitantly trying to take a few steps here and now, to contact the States and all that. That is all very good. But in the meantime there is a position where there is confusion, where there is lack of co-ordination between the Centre and the States. And the Food Minister here makes a statement which is taken strong exception to by the Chief Minister of a very important State.

Therefore, Sir, a position has arisen when this House as the House of the People should discuss the position and clarify the situation, and make it possible for real co-ordination between the Centre and the States.

Shri S. M. Banerjee (Kanpur): Sir, about the arrests I would like to mention one thing.

Mr. Speaker: I am going to read the letters I have received about the arrests.

Shri S. M. Banerjee: I have mentioned in my adjournment motion that certain provisions of the law have been wrongfully used. I have mentioned about the arrests of some very respected leaders of U.P., two Members of this House and the leaders of the Opposition of U.P. Assembly. And they have been arrested under sections 151, 107 and 117. May I submit for your information that during the communal riots, to prevent them, these sections were used. In Kanpur itself, 94 people have been arrested.

Mr. Speaker: Does he want to say that no Member of Parliament should be arrested?

Shri S. M. Banerjee: Mass arrests are going on.

Mr. Speaker: Let them go on.

Shri S. M. Banerjee: More than 500 people.

Mr. Speaker: 500 or 5,000 in some emergencies. What are we to do? (Interruptions). Order, order. What I would like to know at this stage here is, whether the matter is urgent and whether it is recent. There have been adjournment motions. There has been a motion of no confidence elsewhere. Arrests and other things are going on. So, this is a matter which has been continuous. It did not occur yesterday. The hon. Members will kindly read and re-read the rules under which we are proceeding. It is not a public meeting where I can allow "Bhayio, Bahano", etc. I have to look into the matter thoroughly and then say yes or no. It is a matter which has been going on from day to day. It is rather unfortunate that these things should go on there. God alone knows what exactly the truth is, as far as it goes.

Now, there is another adjournment motion by Raja Mahendra Pratap:

"Agitation of the "Opposition" parties in U.P. on a scale which can be considered the brink of revolution, seriously disrupting administration".

Raja Mahendra Pratap rose—

Mr. Speaker: Order, order. I need not hear him. He is now clearly of the opinion that those people are trying to take the law into their own hands and are trying to upset the Government which has been established by the Constitution so as to create a revolution by force. This is an answer, if it is an answer, to the other two adjournment motions. Therefore, I need not go further into it. One hon. Member says that this is political agitation to upset the Government. Other hon. Members want to bring it up because it is a matter of law and order and

people are arrested. A third hon. Member wants to have a decision here, on the floor of the House, whether the Chief Minister of Uttar Pradesh is right or the Food Minister at the Centre is right. These are all matters beyond my jurisdiction. All that I can say is, the hon. Food Minister should call for a conference of all the party leaders here and other persons who have tabled motions for adjournment and they might sit together and deal with this matter as if it is a family affair.

Several Hon. Members rose—

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) rose.**

**Mr. Speaker:** Order, order. The hon. Prime Minister wants to say something.

**Shri Jawaharlal Nehru:** As you were pleased to suggest that we should call a conference of party leaders, I should like to have a little more light thrown on this: to discuss what matter? Are we to discuss the activities of various gentlemen who are on hunger-strike, or who have proclaimed that they would break the law and seek arrests or who have proclaimed that they will go and seize possession of the godowns? What are we to discuss? I say this because when motions for adjournment are brought here, because people have been arrested, it is not quite remembered that they loudly proclaim that they want arrests. They break the law technically to seek arrests, and the Government there presumably obliges them. What exactly do we discuss then?

**Shri Braj Raj Singh (Firozabad):** People have been arrested from their houses.

**Shri H. N. Mukerjee:** I want to answer the query of the Prime Minister as to what exactly is to be discussed.

Raja Mahendra Pratap rose—

**Mr. Speaker:** Order, order. The hon. Member is irrepressible. I would ask him to go out of this House if he persists. He cannot take advantage of his age here. I have been putting up with this. The hon. Member must also follow the rules and regulations of this House. I am giving him an opportunity. Why should he rise as and when he likes irrespective of what is happening in this House?

Now, the hon. Prime Minister wants to know exactly what is the scope of this conference or the meeting of the leaders, which I suggested. All that I meant is this. It is said—quoting the Chief Minister of that place—that on account of some steps which are being taken by the Central Government, the food situation has deteriorated, or something like that. That has been read. What I meant was, if they sit together and explain to those hon. friends who have been coming here from time to time and tabling adjournment motions from time to time, and to the leaders, "This is all our jurisdiction; we have done our best", that might give satisfaction. I would like to know if the Central Government has done its best, and nothing more can be done. Otherwise, if some people want to take the law into their own hands, the State Governments will certainly deal with them. Beyond that, it is not my jurisdiction. If it is a matter of law and order, maybe some people are arrested, and it is impossible to get along if they want to break the law.

As a matter of fact, I am going to read some information that has been given by a magistrate, namely that one gentleman, a Member of Parliament, went there, and wanted to get a number of people, saying, "let us all go together and break open those granaries". How can any magistrate allow him to do that, and continue to wait on until he breaks open the granaries and the food in the granaries is taken away? That is an impossible situation. I am not dealing

[Mr. Speaker]

with that. It is a matter of law and order. The Chief Minister of that place is sufficiently strong. If he is not then other Governments will take charge. All that I am concerned with here is, what is the jurisdiction and the responsibility of the Centre. I myself am thoroughly satisfied that does not appear that any responsibility of the Centre has been shirked, but however, if those hon. Members come here and invoke the jurisdiction of this House from time to time and want to be satisfied, I want the hon. Minister to tell them that he has done all that he is responsible for. However, if there is any serious difference of opinion, then I shall look into it. That is all that I meant; not that this House has got any jurisdiction to enter into this or to encourage persons to break the law.

**Shri H. N. Mukerjee:** You may be pleased to bear with me for a while when I explain why I wanted to have this discussed in this House. Food is a national issue, and we do not want unnecessarily to raise any heat in this House; we may be very dense, compared to the Prime Minister, but I do not understand why he fails to see our purpose. It has happened no doubt that the law and order position in a certain State has become rather difficult. It may be that we feel very strongly in regard to that.

**Mr. Speaker:** I shall put him one question. It is only a short time ago when we had a food debate here. I have also ruled—it is about a year or two now—that in every session we will have a debate on food, for which one or two days will be allotted.

**Shri H. N. Mukerjee:** You will permit me to pinpoint my particular objection. My difficulty today is this. Why I want a discussion in this House is, it is only by means of an adjournment motion that I can ask for it and the point is this. There has arisen,

quite obviously, a confusion of approach as between the Centre and the States; from the pronouncements of the Congress Chief Minister of Uttar Praesh for whose interests I am sure the Government here is particularly solicitous, from the pronouncements made by the Congress Chief Minister of Uttar Praesh and the pronouncements made by the Prime Minister here and the Food Minister here, there appears to be a contradiction, and there is in other States also a position where there is a lack of co-ordination between the activities in regard to food on the part of the Centre and on the part of the States. We have been trying to impress upon the Food Minister the desirability of forming contacts with the different States and not only with his party but with other people besides. We want, therefore, that there should be a co-ordinated policy pursued in regard to food. If the Food Minister here would say such a very peculiar thing as that, "the States could import food from outside", naturally, it is important that the States should know where they stand. Unless today the Centre and the States, both together, proceed in a co-ordinated fashion for the solution of the food problem and for the production of more quantities of food, we shall be in the soup, as we already are. Therefore, since at the very present moment, a situation of considerable confusion has arisen, we want that confusion and that complication to be clarified.

There is the other point also. The Food Minister would not have come here today unless we had raised an adjournment motion. Therefore, we want this position to be clarified, that the confusion is removed and this kind of shilly-shallying with the food problem, this kind of the Central Government accusing perhaps the State Governments, this kind of—

**Mr. Speaker:** He need not argue.

Shri H. N. Mukerjee: . . . pronouncements from the Centre in regard to the movement in the States should cease. That is what I wanted to say and that is why I wanted to have a discussion.

Shri Nath Pai (Rajapur): Sir, you did not give us any chance to submit our case.

Mr. Speaker: Everybody should say about this?

Shri Nath Pai: My party is most intimately connected with what is happening in Uttar Pradesh. After all, they have been accused, as just now you have heard.

Mr. Speaker: If I allow the adjournment motions to be discussed, I will certainly call upon the hon. Members, the leaders of groups or representatives of groups, to take part in the debate. When an adjournment motion is given notice of by some hon. Members, I usually call upon them to satisfy me on these three conditions: how it is urgent, how it is the responsibility of the Centre, etc. These are the two or three matters with respect to which I have to be satisfied. I have given sufficient opportunity to the hon. Member who tabled the motion and now I am asking the hon. Minister. Then if I feel that there are grounds to admit this motion, then Mr. Nath Pai will certainly have an opportunity, but not at this stage.

Raja Mahendra Pratap (Mathura): You have not given me an opportunity; I have to say something very important. I say re-thinking is necessary. Some people think that by this method our Ministers have become Ministers, and they adopt the same system of strikes and hunger-strikes in order to become Ministers. This is the whole trouble. We need re-thinking. This method of strikes and hunger-strikes should end for all time and we should all co-operate. I say that our first principle is, all to work for all to make all happy and

to have a frictionless society. This should be the ideal. Then, all this agitation will cease.

The Minister of Food and Agriculture (Shri A. P. Jain): At the outset I want to make it clear that I have never said that the Centre has no responsibility in the matter of food. You will recollect that the other day when the adjournment motion was being discussed, you asked me certain questions. One question was whether it is the entire responsibility of the Centre to meet all the food requirements of the State. To that, I answered 'No'. There were certain specific questions put to me. I am not going into all those details, but everyone of the answers which I gave, I believe, was constitutionally correct. May be some other hon. Members hold a different opinion.

In fact, if one carefully reads the interview given by the Chief Minister of U.P. and what I have said in the House there is no substantial difference, because he says that the Centre bears certain responsibility and the State Government also bears the responsibility. He admits that agriculture is the responsibility of the State Government and the food position depends on production. In certain matters, we have enacted legislation and so far as the law goes the responsibility is ours.

At any rate, you have been pleased to say that my Ministry and some other Ministries must give you a statement showing what are the responsibilities of the Centre and what are the responsibilities of the State. I am getting that statement prepared. Maybe that I have to consult the Ministry of Law and certain other sister Ministries, because one will have a bearing on the other. This question is not a question of controversy between me and the Chief Minister of U.P. It is a question of what is going to be the interpretation of the Constitution and to the extent the responsibility lies on the Centre, I will be answerable.

[Shri A. P. Jain]

Another question which you were pleased to raise was that I must have informal discussions. Let me assure you that I have been having informal discussions from day to day. The hon. Prime Minister has invited some Members of the Opposition to discuss the food situation. One meeting has been held already and another meeting is going to be held this evening. There is going to be a sort of a standing committee, which will consider the position from time to time. Again I have discussed this question formally and informally. Tomorrow some Members of the Opposition, myself and some other Members of Parliament are proceeding to West Bengal to have a discussion on the food situation with the Chief Minister of West Bengal. I am prepared to give all the possible information; I am prepared to do my utmost to satisfy any Member of the Opposition who wants to discuss this matter with me as to what we have done. If there is anything remiss, I must be held responsible for that; I do not deny that. There are certain responsibilities which I have to fulfil and I can assure you that I am prepared to share the information and to discuss the matter with the Members of the Opposition. It is for them to indicate what matters they want to discuss.

So far as U.P. is concerned, I only want to submit that there has been a debate there in the Assembly and I will read out a quotation from the speech of the Chief Minister of U.P. He says:

"I declare with full sense of responsibility that nowhere in the State do famine conditions exist. The panicky picture painted by the other side is cent per cent false."

An Hon. Member: They are dying of starvation.

Shri S. M. Banerjee: We have full details about it.

Shri A. P. Jain: Then, certain news has been appearing; I will read out a PTI news item which has been published in today's paper:

"According to the official sources here, the prices of wheat and rice have eased in several parts of the State. The price of wheat has fallen by Rs. 2 a maund, but the price of rice has recorded a sharper decline."

(Interruption).

Some Members of the House have visited their constituencies and as a result of the efforts which we made—here I might mention that the hon. Member from Dehra Dun visited his constituency and the price of rice has come down by Rs. 6 to Rs. 8 and the price of wheat by Rs. 4. So, instead of the situation getting worse, it is positively improving.

Shri Braj Raj Singh: So there is mass satyagraha?

Shri A. P. Jain: But if only the Opposition co-operates more, the situation will improve more quickly. We have already despatched foodgrains to U.P.; some of which have reached and others are reaching. (Interruptions).

Mr. Speaker: Order, order. There cannot be a discussion going on like this. I entirely agree with the hon. Minister when he read out the statement of the responsible Chief Minister of the State. Whatever might be said regarding the responsibility of the Centre, the supply of food, production of food, etc. by means of agriculture is the primary responsibility of the State. Of course in matters connected with inter-State movement or import of food, supply and distribution, to some extent, the Centre has shared the responsibility. But the Centre cannot send its own executive officers to deal with the situation. After all, the Centre can only go to the help and support of the State Government.

When the Chief Minister says definitely that there is absolutely no food crisis there, am I to yield to the hon. Members here who have tabled the

adjournment motion? Do hon. Members want to create a disturbance here? I am really surprised to....

Shri H. N. Mukerjee rose—

**Mr. Speaker:** I am not going to allow the hon. Member to interrupt me like this. The hon. Chief Minister, who is responsible for law and order in the State and also for food, definitely declares in a debate relating to food that there is no situation arising out of food, no crisis; but evidently, some other agencies are there; it is rather unfortunate. I am not going to deal with that situation. The Ministry is strong enough to deal with it. What I am concerned with is whether there is any default on the part of the Central Government here in relation to food, whether it has failed to discharge its responsibility. Who is the person who has to judge it? It is the Chief Minister of that State or Food Minister. If they say, notwithstanding our best efforts, it is the Centre that is standing in the way and there is this crisis, I would have certainly allowed not one hour, but a full day for a debate as to whether..... (Interruptions). The hon. Member is not the Chief Minister of U.P. Hon. Members will bear with me there is no good interrupting me like this.

Under these circumstances, I rely upon the hon. Chief Minister's statement which has been read out. There is no crisis nor has it been brought to my notice that there is default. A crisis can always be created. But this is not a crisis arising out of food. It is rather unfortunate that the very essential of life has been taken advantage of for the purpose of bringing out something else. (Interruptions). Order, order. I am not going to allow this forum to be used for this purpose. Not once, not twice, but this is the third time this is coming up here. (Interruptions). I do not say hon. Members in the Opposition are taking advantage of it. I do say there seem to be some elements there....

Shri Braj Raj Singh: Who are those 'some'?

**Mr. Speaker:** I prefer the statement of the hon. Chief Minister as more authoritative and this House will always depend on that.

Shri H. N. Mukerjee: Is it for you from the Chair to say that, Sir? It is for the Prime Minister to say that. You are not the judge of facts, Sir.

Shri Nath Pai: The Minister is accusing my party.

Shri H. N. Mukerjee: You must be impartial in regard to facts. Find out the facts. Have an investigation.

**Mr. Speaker:** Let there be order in this House. I shall deal with all the points. Some extracts from the U.P. Chief Minister's statement were read out by Shrimati Renu Chakravarty. As against this, I asked the hon. Food Minister to give us the particulars, to clarify this matter. As a matter of fact, she wanted a clarification on this. The hon. Food Minister read an extract from the speech of the U.P. Chief Minister in a food debate. Therefore, as between the two placed before me, which one is quite reliable? On the one side, Shrimati Renu Chakravarty wanted me to refer to, and rely upon the newspaper report. I am relying upon one newspaper report. What is the harm? What am I to do? (Interruptions). Under those circumstances, I reject all those adjournment motions. There is no question of any default on the part of the Central Government and there does not appear to be a food crisis. Under those circumstances, all the adjournment motions are rejected.

Shri H. N. Mukerjee: In regard to the food position, I am very sorry to hear....

**Mr. Speaker:** I am not going to hear.

Shri H. N. Mukerjee: You cannot give judgment. The question of propriety is there.

Shri Nath Pai: You, Sir, promised to give me a hearing. I want you to give me a chance, as serious allegations are being made against the P.S.P.

Shri Jawaharlal Nehru: May I have a word, Sir, if I may presume to say something as a Leader of this House and not merely as leader of the party? We are discussing a matter—we were discussing a matter—and I am not going to refer that particular matter, since you, Sir, have given your ruling on that subject. But I would beg of the hon. Members of this House, on both sides, to consider how best we can further the objective we have in view. It may be that we feel strongly about it, it may be that the opposition feels strongly about something that is happening. Well, we can understand that, and it is not for me to say who should feel stronger and who should feel less stronger. But one thing is obvious to me that we do not serve any purpose by behaviour of an excited kind, which takes us away from the realm of any normal arguments and merely makes people more and more excited. It is not perhaps very becoming of this House, whoever might do it. I am not blaming anybody, because we are all apt to get excited occasionally, but we have to face difficult situations from time to time and it is just when we have to face a difficult situation that we cannot afford to get excited. We may occasionally get excited when the matter is not serious. But, if it is a serious situation, it means that we have to deal with it seriously, and not in an excited way. I would, therefore, appeal and beg of all hon. Members of this House to consider this matter calmly. So far as I am concerned and my colleagues are concerned, we are at their disposal, if they want any information or if they want to confer with us in any way, because the matters that we have been discussing are not, normally speaking, matters on

which policies differ; minor policies may differ, of course, and there may be criticisms, right or wrong, but the objectives are common. Therefore, at any rate, there is a large ground where we can discuss without any conflict and we are, in fact, trying to pursue that line of action. I have ventured to suggest to the State Governments also to pursue that line of action. Even though steps have been taken and things have been done which make it a little more difficult, nevertheless, after all, we cannot all proceed on destructive lines when a constructive line is needed. So, I would appeal to the hon. Members of this House, as well as others, to approach this question, in so far as it is possible, in a constructive, cooperative way, and the Government would do all in its power to satisfy them in regard to information, in regard to discussions or in regard to any matter that is in its power.

Shri H. N. Mukerjee: I would like to say on behalf of the opposition parties that we never tried to introduce heat in this matter. As I said before, we want a co-operative atmosphere. The Food Minister will testify that on this side of the House the parties in the opposition have tried to co-operate with him to the best of their ability, and it is only because we found that in regard to food, a very complicated and potentially dangerous situation was arising that we have brought up this question. It is only in that spirit we did it, Sir. And in this connection, I would make a special appeal to you that when we bring up matters before this House, on the basis of whatever information we have in our possession, there should not be on your part—because you, Sir, hold a most exalted position—any pre-supposition that our facts are very likely wrong and the facts given by Government, whatever their source of information, are very likely right. That kind of observation brings a kind of peculiar temper into the atmosphere which we all wish to avoid. And I

wish to tell the Prime Minister that if on behalf of Government there is a serious effort to meet the other people in the country apart from the Congress party—and even inside the Congress party there are a number of dissidents—over this issue, if on the part of the Government there is a real desire to meet them, then possibly many of these undesirable things could be eliminated. It is only because tempers are lost, not merely on this side of the House—excitability is nobody's monopoly—it is merely because the Government sometimes behaves in a manner which is the very definition of excitability that there is no co-operation in the country, and that is something which the Government should very particularly bear in mind, and I would wish the Prime Minister particularly to remember this.

**Shri Nath Pai:** I welcome the note struck by the Prime Minister, so far as the atmosphere is concerned. It has been the constant endeavour of my party to approach in that spirit, and not to make political capital out of what may be called a national tragedy.

You must give me one or two minutes, because I have been struggling, and further very serious things are said about my party, both here and in the States. We were most patient when you started reassuring us that we will be given an opportunity to have our say. But in the course of the discussion you made certain remarks which, though we do respect you, we submit in all humility, have hurt us profoundly. Nothing is farther from our mind than to find out how we can meet the situation. You took two similes, quoting the Chief Minister of Uttar Pradesh, what he said before an attempt was made to raise an adjournment motion in this House and what he said subsequently. He has used, to my surprise, words which I used in this House—the Food Minister of India cannot absolve his responsibility towards food. You, Sir, in your ruling

also said that import is a matter wholly within the jurisdiction of the Centre, that procurement from the surplus area and distribution to the deficit area, comes under the Centre. May I, in all humility, ask you: can we treat this matter as a shuttle cock, one holding the other responsible? That is why we wanted to raise this question.

There was no attempt by anybody to raise this question on a political basis. Finally, I should like to point out one thing. We have been accused, if you will permit me to say so, of using war-like language. Here is a respectable paper, and these are the words used: "Swooping on the PSP offices", "out-maneuvring them" "arresting them at dead of night". These are not my inventions; a respectable news agency to which the Food Minister referred, is using this terminology. They swoop on the offices and arrest people at the dead of night. According to eye witnesses, the party offices at Azamgarh were cordoned off by the police.

**Mr. Speaker:** I am not worried over the language used.

**Shri Nath Pai:** You said that we are making political capital by trying to use it. No such thing is there. So far as this matter is concerned, our approach has always been one of co-operation. It is the failure of the Uttar Pradesh Government and the shirking of responsibility by the Centre that compels us again and again to raise this subject.

**Mr. Speaker:** I am exceedingly happy that ultimately there is a kind of calm atmosphere here. I am very happy. The hon. Prime Minister is equally interested, much more interested than any others, as the Leader of the House and the Prime Minister of India, to settle this matter as amicably as possible. So far as food is concerned, it does not relate to any particular party. All of us eat our food. Therefore, there cannot be any dispute about that. When I hear one

[Mr. Speaker]

version, let it not be understood that I have pre-judged the issues. All that I wanted to say was this. I have given a decision regarding the matter that has been brought before me. Three adjournment motions were there, two of them 'about food and one by Raja Mahendra Pratap that there is a revolution. It is sought to be brought up indirectly by taking advantage of the food situation. Therefore, the hon. Member makes that charge. When once a statement is to be made regarding the situation, the ultimate person who is to make that statement is the Chief Minister of that particular State. He is to deal with the situation. There seems to be a difference between his earlier statement and the latter statement. We do not know why. But the situation seems to be that there is no food crisis.

An Hon. Member: No, no.

Shri Tangamani rose—

Mr. Speaker: That is what he read.

I wish to remind hon. Members that in such cases my predecessor and others before him who held this office very respectfully ruled that if there is a conflict of versions between the Opposition and the Government with respect to some matter, the version of the Government will be relied upon. Otherwise, we cannot carry on the administration. Now, not only this Government, but the other Government and the Chief Minister also have made some statement; I will urge upon hon. Members to go and ask him to explain as to why he made a statement earlier entirely different from the later one.

Shri Braj Raj Singh: Later one is this.

Shri Nath Pal: If there is no crisis in the State, why is the Chief Minister now following in the steps of the hon. Prime Minister wanting to hold nego-

tiations and why did the hon. Prime Minister call upon Opposition leaders to meet him?

Mr. Speaker: That is only inferential.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Sir, a particular difficulty arises in my mind. You say that the official version must always be accepted. I am now seized of the question of privilege. If the Treasury Benches make a statement, according to you we must accept that. I go one step further. We have a right to pull them to bits and pieces according to the information which we have with us and which they may not have.

Similarly, though I fully agree that the State's version, i.e., the Chief Minister's, or whoever he may be, is more reliable, does that mean that we have no privilege to challenge that statement? Maybe, we may have better information than the Chief Minister. Have we no privilege to challenge that statement? It is a question: Have I or have I not the right to discuss that? This is a question of privilege. Once you admit that a particular subject, be it food or be it something else, comes within my power to be discussed, then surely I am not bound to accept what the other hon. Minister says. I have a right to give my facts to the House.

Shrimati Renu Chakravarty rose—

Raja Mahendra Pratap rose—

Mr. Speaker: What does he want to say?

Raja Mahendra Pratap: I have to explain something which may not be misunderstood. I am only opposed to bloodshed.

Shri Braj Raj Singh: There is no bloodshed.

An Hon. Member: Don't worry.

**Raja Mahendra Pratap:** I am a revolutionary. I want revolution, but I want revolution in a way that there will not be bloodshed. Some hon. friends are rushing for this agitation and when these friends come against the Government there will be no end to bloodshed. I, as an experienced revolutionary having experience of four revolutions, want to conduct a revolution in a way that we shall transform the Government, so that there will be a real, moral state where all will be happy and not one will be dissatisfied.

**Shrimati Renu Chakravarty:** I just want to supplement what Shri Jaipal Singh has said. Only a few days ago when the question of Kerala Government came up, you, in your long ruling, made some reflections against the State Government itself about which we are thinking of discussing the matter with you. How can any statement be ignored when the Chief Minister of a State makes a statement which is accepted as correct by you? I feel that on two occasions you have given a completely contradictory ruling. Therefore, I feel that this is a very serious matter and we take objection to the fact that you have given your ruling .....

**Mr. Speaker:** Hon. Member is bringing something else on this occasion

So far as this matter is concerned, I may make the position clear. Shri Jaipal Singh raises a question whether I accept the statement of the Government on all occasions. There is a difference between these two. If this Government makes a statement and hon. Members want to refute that statement, in proper cases certainly I will allow an opportunity. I do not go merely by the statement of the Government, because the House is superior to them. I must give an opportunity to everyone. But when it relates to a statement of the Government as against an expression or a statement of one person with respect to such matter, then it is the practice

of this House to rely on the statement made by the Chief Minister of the State Government. In exceptional circumstances, when it is alleged that there is break-down of the Constitution and this Government has to take up the matter, I will reserve my judgment. In the circumstances, this matter is set at rest.

Now, I have to inform the House...

**Dr. Sushila Nayar (Jhansi)** rose—

**Mr. Speaker:** I am sorry. I have disposed of that.

**Dr. Sushila Nayar:** Sir.

**Mr. Speaker:** I am exceedingly sorry. It is not necessary. I have to inform the House (Interruption). Order, order.

**Dr. Sushila Nayar:** Sir.

**Mr. Speaker:** Can't the hon. Lady Member sit down?

I have now to inform the House....

**Shri Goray (Poona):** Sir, can we not have clarification of your ruling?

**Mr. Speaker:** There is no question of clarification.

12.46 hrs.

#### ARREST OF TWO MEMBERS

**Mr. Speaker:** I have to inform the House that I have received the following wireless message dated the 6th September, 1958, from the District Magistrate, Deoria:—

"Shri Ramji Verma, Member, Lok Sabha, has today been arrested under section 117, Indian Penal Code, after he addressed a public meeting in Deoria town at 19:15 hours, in which he instigated public to assist his men who

[Mr. Speaker]

will be marching in numbers to the Government grain godowns for the purpose of taking out grain stored therein and for distributing it among his men in case the authorities do not check them in committing this offence of looting grain godowns. As there was serious apprehension of breach of peace from him, he was taken into custody under section 151, Criminal Procedure Code. He has been lodged in District Jail, Deoria."

I have to inform the House that I have received the following telegram dated the 7th September, 1958, from the Sub-Divisional Magistrate, Ghosi at Azamgarh:—

"Shri Sarjoo Pandey, Member, Lok Sabha, arrested at 6.15 P.M., at Kopaganj, District Azamgarh, under sections 151/117/107, Criminal Procedure Code, and lodged in District Jail, Azamgarh. Formal intimation regarding his arrest is being sent separately."

12.48 hrs.

#### CONVICTION OF TWO MEMBERS

**Mr. Speaker:** I have to inform the House that I have received the following communication dated the 4th September, 1958, from the Second Presidency Magistrate, Madras:—

"I have the honour to inform you that Sarvashri R. Dharmalingam and E. V. K. Sampath, Members, Lok Sabha, were tried at the Second Presidency Magistrate's Court, before me on a charge of disobeying the prohibitory order passed by the Commissioner of Police, Madras, an offence punishable under section 41 of the Madras City Police Act.

"On the 3rd September, 1958, after a trial lasting for 18 days, I found them guilty as charged and sentenced them to pay a fine of Rs. 25 each; in default simple imprisonment for two weeks. The accused have not paid the fine and have been committed to the Central Jail, Madras to undergo imprisonment in default of payment of fine."

12.49 hrs.

#### PAPERS LAID ON THE TABLE

##### AMENDMENTS TO THE MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) RULES

**The Deputy Minister of Finance (Shri B. R. Bhagat):** Sir, I beg to lay on the Table, under sub-section (4) of Section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, a copy of Notification No. G.S.R. 717 dated the 23rd August, 1958 making certain further amendments to the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956. [Placed in Library. See No. LT-898/58].

##### NOTIFICATIONS UNDER THE SEA CUSTOMS ACT

**Shri B. R. Bhagat:** Sir, I beg to lay on the Table, under sub-section (4) of Section 43B of the Sea Customs Act, 1878, a copy of each of the following Notifications:—

- (1) G.S.R. No. 730 dated the 23rd August, 1958.
- (2) G.S.R. No. 731 dated the 23rd August, 1958 containing the Customs Duties Drawback (Card Staves) Rules, 1958. [Placed in Library. See No. LT-899/58].

12.50 hrs.

**PRESIDENT'S ASSENT TO BILLS**

**Secretary:** Sir, I lay on the Table the Mineral Oils (Additional Duties of Excise and Customs) Bill, 1958, passed by the Houses of Parliament during the current Session and assented to by the President on the 4th September, 1958, since a report was last made to the House on the 1st September, 1958.

**\*CORRECTION OF ANSWER TO STARRED QUESTION No. 80**

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** Sir, with our permission I propose on behalf of the Finance Minister to correct an error in the information given by him on the floor of this House on the 13th August, 1958, in reply to supplementaries to Starred Question No. 80 regarding Indo-Pakistan financial issues.

In reply to a supplementary question by Shri Damani who had asked "what are our total dues from Pakistan in all matters", the Finance Minister stated as follows:—

"....There are four major items: one is Rs. 50 crores; the second is Rs. 49 crores; the third is Rs. 23 crores; and the fourth is Rs. 16.5 crores. There are several minor items about which I cannot give an estimate."

The second item *viz.* Rs. 49 crores is not a claim by India against Pakistan but a claim by Pakistan against India on account of assets of the Issue Department of the Reserve Bank of India as was mentioned in the comprehensive statement on Indo-Pakistan financial issues made in the Lok Sabha on the 5th September, 1957, by the then Finance Minister, Shri T. T. Krishnamachari in response to Shri Wasnik's notice calling attention to the statement made by the Finance Minister of Pakistan regarding amounts payable by India to Pakistan.

\*For the original replies given by the Finance Minister to Supplementaries to S.Q. No. 80, please see Col Nos. 518 and 534 of the Debates dated the 13th August, 1958—Ed.

\*\*Published in the Gazette of India Extraordinary Part II—Section 2, dated 8-9-1958.

†Introduced with the recommendation of the President.

**SUPREME COURT JUDGES (CONDITIONS OF SERVICE) BILL\***

**The Minister of Home Affairs (Pandit G. B. Pant):** I beg to move for leave to introduce a Bill to regulate certain conditions of service of the judges of the Supreme Court.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to regulate certain conditions of service of the judges of the Supreme Court."

*The motion was adopted.*

**Pandit G. B. Pant:** I introduce the Bill.

**INTERNATIONAL FINANCE CORPORATION (STATUS, IMMUNITIES AND PRIVILEGES) BILL\*\***

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** I beg to move for leave to introduce a Bill to implement the international agreement for the establishment and operation of the International Finance Corporation in so far as it relates to the status, immunities and privileges of that Corporation, and for matters connected therewith.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to implement the international agreement for the establishment and operation of the International Finance Corporation in so far as it relates to the status, immunities and privileges of that Corporation, and for matters connected therewith."

*The motion was adopted.*

**Dr. B. Gopala Reddi:** I introduce the Bill.

12.58 hrs.

PUBLIC PREMISES (EVICTION OF  
UNAUTHORISED OCCUPANTS)  
BILL—contd.

**Mr. Speaker:** The House will now resume discussion of the Public Premises (Eviction of Unauthorised Occupants) Bill, 1958, as passed by the Rajya Sabha. The House has already taken 4 hours and 10 minutes on the general discussion. After the general discussion is over, clause-by-clause consideration and thereafter the Third Reading of the Bill will be taken up for which two hours have been fixed.

**The Minister of Law (Shri A. K. Sen):** Mr. Speaker, Sir, I do not propose to take much time of the House to make my submissions as regards the Bill itself. It has become necessary for me to intervene because of various doubts which have been expressed by many hon. Members including our esteemed friend Pandit Thakur Das Bhargava. I do not appreciate why any misunderstanding has been created or any difficulty has been experienced in following the provisions of the Bill or the objects of the Bill.

Hon. Members will recollect the context in which the Bill was introduced. The provisions of the old Act provided for a summary order of eviction without any enquiry into the rights of persons occupying the alleged Government premises. That Act was challenged in three High Courts, the Calcutta High Court, the Allahabad High Court and the Punjab High Court. The majority view expressed by two High Courts has been to the effect that the old Act infringed article 19 of the Constitution, namely that it involved an unreasonable restriction on the right to hold property or enjoy property. The Allahabad High Court seems to have taken the view that that Act infringed the provisions of article 14 of the Constitution as well. These were the difficulties which the Government had to meet.

The propriety of the Government in seeking a different procedure for dealing with Government property need not be questioned, because, in regard to various matters, the law provides a separate machinery and procedure for dealing with Government property or Government demand. Take, for instance, the Public Demands Recovery Acts in force in different States. In order to facilitate the recovery of revenue expeditiously and without delay, special provisions have been made in the Public Demands Recovery Act. Similarly Government premises form a class by themselves and the need is felt, genuinely felt, that it cannot be allowed to take years and years to recover possession of property belonging to the Government occupied by unauthorised persons. That is the main object of the Bill. So far as that object is concerned, it is not a question of law. It is a question of policy. It is only when we deal with the procedure which is prescribed by the Act for the purpose of giving effect to that object that the question of constitutional difficulty or propriety comes up or comes in question.

I submit, let it not be quoted later on that the Government have said or asserted that in the initial stages, when the bringing into operation of the procedure prescribed in clause 4 is made dependent on the opinion of a responsible officer, the initiation of the necessary proceeding can be challenged in a court of law provided a bona fide opinion is formed by the officer in charge or the officer set up by the Government under the Act. That point must be made clear. It seems there is a good deal of confusion with regard to that provision. It is now generally accepted and laid down by the Supreme Court that simply because the initiation of a particular procedure is dependent upon the subjective opinion of a responsible officer, that provision does not contravene either article 14 or article 19 of the Constitution. That matter is beyond

dispute at the moment. If that is clear, then, the question is, has the procedure provided within itself a sufficient safeguard which would prevent the procedure applicable to Government property from being regarded as an unreasonable restriction on the right to hold property. The point is not whether initiation of the procedure is dependent on the subjective opinion of the officer or not, but the point to consider is whether the proceeding initiated after *bona fide* opinion is formed by the authority concerned is a reasonable procedure or not. That is the whole question. Let there be no doubt that the initiation of the proceeding is dependent upon the opinion of the competent authority. I make that quite clear in order to safeguard against any future argument, should the matter be ever brought to a court of law, that on behalf of the Government any statement was ever made that *bona fide* opinion which sets into motion the proceeding prescribed by the Act can be challenged in a court of law.

In answering the objections or doubts regarding the reasonableness of the procedure prescribed, may I point out a few salient facts in contradistinction to the procedure which was prescribed under the old Act? Hearing the aggrieved party is made mandatory. Notice is made mandatory and it is not left to the determination of any and every officer as in the old Act. Because, under the old Act, no qualification was prescribed for the officer entrusted with that duty. Here, the competent authority must answer the qualifications prescribed by section 2 read with section 3, which says that the Central Government can only appoint such persons being Gazetted officers of the Government. That means, these officers shall not be below the rank of Gazetted officers. If that is so, these responsible officers are obliged to hear the parties concerned, give them notice, hear all objections and then come to a finding. But, under the old Act, there is a further infirmity attached

to the proceeding which was rightly condemned by the different High Courts. An appeal lay only to the Central Government, not to an impartial judicial authority competent to decide questions of title and other complicated questions of law. The Bill has provided for sufficient safeguards in the matter of appeal so that even if gazetted officers go wrong in coming to their decisions, an appeal has been provided for under the Bill as hon. Members will notice in clause 9. If I may read that clause once again, it says:

"9(1) 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."

13 hrs.

Once the matter goes to the District Judge further appeals to higher tribunals are open. So, the entire machinery for judicial review and review by appellate authorities has been brought into the structure of the Bill which was not there in the old Act.

Hon. Members will notice the three striking features of the new Bill which cover up the deficiencies and vices from which the old Act suffered, namely, that the person responsible for adjudication in the initial stage must be an officer not below the rank of a gazetted officer; secondly, it preserves the principles of natural justice of having to give notice to all aggrieved parties and hear all objections and before pronouncement of any verdict; thirdly appeal has been provided for to the District Judge in the first instance and then the entire appellate machinery is thrown open under the ordinary law. As hon. Members are well aware, once an appeal is given to the District

[Shri A. K. Sen]

Judge the entire paraphernalia of further appeals unless barred by law would be opened up. Further, as hon. Members are fully aware proceedings under articles 226 and 227 of the Constitution can never be taken away by parliamentary legislation. So, even if we bar further appeals to the High Courts, appeals on points of law and point of jurisdiction will remain open under articles 226 and 227 of the Constitution on errors of law and such other matters on which proceedings under articles 226 and 227 would be permissible.

These, Sir, are the broad features of the Bill. My submission is that all we are concerned with in the consideration of this Bill is: does it set up a reasonable procedure so as to negative the objections which found favour in the different High Courts when they condemned the original Act? My submission is that these new features sufficiently protect the Bill from being impugned as contravening article 19 or article 14 of the Constitution.

Hon. Members will recollect that when doubts were felt at the stage the matter was before the Joint Committee desired that the Solicitor-General should address the Members of the Committee on the constitutionality or otherwise of this Bill and the Solicitor-General did address the Members and he explained that the present Bill was free from all the defects which had really made the previous one fallible.

With these words, Sir, I recommend to the House to accept the Bill before us and to clear their minds completely of the doubts which I must say with due respect were genuinely expressed on the floor of the House.

**Pandit Thakur Das Bhargava (Hisar):** May I submit one point?

**Mr. Speaker:** Has the hon. Member already spoken? Does he want to seek any clarification?

**Pandit Thakur Das Bhargava:** I want to submit.

**Mr. Speaker:** It is not a question of submission. If he wants any clarification he can get it.

**Pandit Thakur Das Bhargava:** I want to speak again. It is not a rule that a person who has spoken once cannot be allowed to speak again by the Chair. Absolutely new arguments were given now. These were not given at the time the Bill was brought before us for consideration. Absolutely new grounds have been brought in and we should be allowed to contravert them.

**Mr. Speaker:** I will not allow the same hon. Member. There are other hon. Members. Let them refute them. I cannot allow this to go on like a see/saw. Hon. Members must anticipate arguments. If they do not do so they should leave it to others to do that.

I shall now call one hon. Member after another. Anyhow hon. Members will be brief.

**Shri Mahanty (Dhenkanal):** Mr. Speaker, Sir, the protracted debate over the Public Premises (Eviction of Unauthorised Occupants) Bill has been of a very unusual nature. During the last six years of my tenure in this Parliament, I have never seen a Bill which has been unanimously condemned both by the Opposition as well as members of the ruling party. You will find from the proceedings that no one else but the hon. Minister of Law and the Deputy Minister has spoken a single word in favour of this Bill. I think, Sir, that is a very telling commentary on this Bill and I hope that Government will revise their attitude so far as the provisions of this Bill are concerned.

Sir, the rationale of this Bill has never been explained to us. The speeches of the hon. the Law Minister and the Deputy Minister have not

touched the rationale of the Bill. We would like to know from the hon. Minister as to what is the need for this Bill. There are various enactments and by taking recourse to them. Government can remove unauthorised occupants from the premises occupied by them. There are other statutes; there are other substantive laws which are in operation. Now what is the necessity of the hon. Minister of Works, Housing and Supply to come before this House with a legislation of this kind which certainly abrogates article 14 of the Constitution; whatever the hon. the Law Minister might have stated.

Sir, this Act is also capable of widest possible employment in matters of a wholly different nature. For instance, you will find that under clause 2 leases can be cancelled. Government might have entered into a lease agreement for a period of ninety-nine years with certain parties. Under clause 2, sub-clause (e) that lease can be cancelled without offering adequate protection of law, by taking recourse to this summary procedure and a lease for ninety-nine years may be cancelled by an Estate Officer who is not a judicial officer, who is only a gazetted officer. What is after all a gazetted officer? In this Welfare State, we find persons connected with fertiliser production are also gazetted officers. A school headmaster is also a gazetted officer. Now, the whole purpose was that persons who would exercise summary powers might have a judicial discretion because they are going to assume not only quasi-judicial, but full judicial powers. Therefore, it was necessary that these gazetted officers should have been judicial officers. Otherwise, the summary powers that we are going to give them will be misused.

Now, as I have pointed out, what is there to stop an estate officer from cancelling a lease which the party had entered into for 99 years, by taking recourse to this summary procedure?

Secondly, the hon. Law Minister, while he was practising in the Cal-

cutta High Court, himself had stated that the previous legislation offended against article 19 of the Constitution. That has been mentioned in a judgment of the Calcutta High Court. He has not satisfied or convinced the House, as to how and in what manner this Bill gets over the objections which he so ably pointed out before the Calcutta High Court.

He has also mentioned that this is not going to offend article 14 of the Constitution. He will kindly remember that when it came up before the Allahabad High Court, they held, if I remember correctly, that here the rational classification is not between Government property and private property. Here the rational classification is really between the tenants who are occupying other premises which are not Government premises and the occupants who are occupying Government premises.

Suppose there are tenants who are occupying premises belonging to the State Government or private premises, premises belonging to you and me. For them there are different procedures. But for tenants who are in unauthorised occupation of Government premises we are providing this summary procedure. Therefore, the Allahabad High Court had rightly held that this offends against article 14 of the Constitution which enshrines the concept of equality before the law. And we have to be satisfied how this legislation is going to meet that objection.

It is true the Solicitor-General had appeared before the Joint Committee. I had no intention of making a reference to that, but since the hon. Law Minister has made a reference to it, I think I will be failing in my duty if I do not inform the House as to what happened. The Solicitor-General took all pains to convince the Joint Committee how this legislation will meet the objections of the Allahabad High Court, but his conclusion was: let us wait for the judgment of the

[Shri Mahanty]

Supreme Court, as they are seized of a particular case. He said: it will be for the Supreme Court again to decide whether it meets that objection or not. I would like to know also from the hon. Minister what has happened to that case of which the Supreme Court was seized, and what judgment has been delivered, in that matter.

With this background, it cannot be said that this legislation has met the objections which were pointed by the Allahabad High Court and the Calcutta High Court regarding article 14 and article 19 of the Constitution respectively.

Then there is another matter of very serious importance. As I have said, this Bill is capable of the very widest possible employment in matters of a completely different nature. The other day we were trying to submit that this legislation would be applied also in case of persons whose lands have been requisitioned, be it in Damodar Valley, Hirakud or Rourkela. The hon. Deputy Minister interrupted and said that these fears were unfounded, and that this legislation was not going to be employed against persons who were going to be dislodged either in Rourkela or in Hirakud.

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** Are those lands requisitioned, or are they lands which have been acquired under the Land Acquisition Act of 1894?

**Shri Mahanty:** I am coming to that. The whole burden of the hon. Deputy Minister's intervention was that these lands, be they in Hirakud or in Rourkela, had been acquired by the State Governments under different legislations. Therefore, this has nothing to do....

**Shri Anil K. Chanda:** Not requisitioned, that is my point. They are under the Land Acquisition Act. There is a difference between operations of the Land Acquisition Act of 1894 and requisition.

**Shri A. K. Sen:** In one case the property vests in the Government, in the other case the property is only requisitioned for use.

**Shri Mahanty:** I am coming to that.

In that case, may I invite the attention of the hon. Minister to the speech of 18th March, delivered by the hon. Minister of Works, Housing and Supply, Shri K. C. Reddy. This is a very serious matter. The hon. Deputy Minister now says that this will have no application to these cases, but the hon. Minister Shri Reddy had himself stated in this House on 18th March:

"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."

Therefore, if it is now said that this legislation will have no application to Hirakud or Rourkela, I would like to know why these figures, why these instances were cited before the House to show that unless we pass this legislation from Kandla to Travancore-Cochin, the Government premises and properties were in danger.

**Shri A. K. Sen:** May I point out that we never said that it will not apply to Hirakud or anywhere else. Whenever there are Government premises as defined under this Bill, it will apply.

**Shri Mahanty:** The hon. Law Minister was not there when that issue was raised.

**Shri A. K. Sen:** I can only answer when I am here.

**Shri Mahanty:** When the hon. Deputy Minister intervened.....

**Shri Achar (Mangalore):** I think the definition of "public premises" makes it clear that it will be applicable everywhere. "Public premises" means any premises belonging to, or property which belongs to the Government, and I think it will apply.

**Shri A. K. Sen:** May I only suggest that the hon. Member is putting something into my mouth which I never expressed? He says I said it will not apply to Rourkela or Kandla or other places. I never said, I mentioned no names in the course of my intervention.

**Shri Mahanty:** The hon. Minister is unnecessarily touchy about it.

**Shri A. K. Sen:** I am not touchy.

**Shri Mahanty:** I never said the Law Minister said so. I said the hon. Deputy Minister's intervention, so far as I was able to understand yesterday, was to the effect that this legislation would have nothing to do with, would have no application to, the persons in Hirakud or Rourkela or elsewhere. I did not make any reference to the hon. Law Minister because he was not there.

**Shri Anil K. Chanda:** May I make my position clear? The hon. Member who was speaking about Rourkela put his case in a manner which, I thought, was not relevant to this case. That was all that I said.

**Mr. Speaker:** That is all right. Now it is applicable to all Government premises, wherever situated.

**Shri Mahanty:** That makes the case very, very dangerous and serious. What has happened in Rourkela. The hon. Deputy Minister seeks to make a discrimination between acquisition and requisition.

**Shri A. K. Sen:** There is a distinction.

**Shri Mahanty:** There is. There is the human problem also.

**Shri Anil K. Chanda:** He was talking up to this minute of law and now he brings in the human element. It is very difficult. Stick to one point.

**Shri Mahanty:** If the hon. Minister is of the view that laws function in a vacuum, torn out of human context, that they are meant for bricks and stones, I have no quarrel with him. In that case, I would not bring in the human problem. He himself being a refugee from East Bengal....

**Shri Anil K. Chanda:** Not quite.

**Shri Mahanty:** ....being a displaced person from East Bengal....

**Shri A. K. Sen:** He is from Assam.

**Shri Mahanty:**....he himself might have experienced this human problem, the human miseries. Therefore, that has been our fundamental difference, the Government have taken a legalistic, technical, callous view of a matter which is innately human.

With this law the Government of India will requisition lands for setting up iron and steel plants or may be irrigational projects.

**Shri Anil K. Chanda:** Acquisition.

**Shri Mahanty:** The State Governments will acquire on your requisition. In the first place, the Government of India will requisition certain properties, as they have done. Then, the State Government will acquire those properties for the Union Government. I would like to know what is there in this law to stop that kind of situation. Then, what happens is that bulldozers are deployed to rage those cottages to the earth; green paddies are laid down under the bulldozers, and no compensation is paid. Even now, I can cite any number of cases in Rourkela. Even though the Prime Minister of India had assured them that they would get

[Shri Mahanty]

adequate compensation, land for land, and house for house, even though the Ministry of Steel had given them adequate promises and assurances, they still remain landless and homeless.

In Hirakud, as the Minister has been pleased to say, there are 32 persons who are in unauthorised occupation. The House will kindly remember that the Hirakud project is nearing completion after ten years of work. And after ten years, still there are persons who have not been provided any houses. And in order to dislodge them, you are now taking recourse to this kind of summary procedure. Certainly, it is reprehensible to us. And what about compensation? Nowhere has it been mentioned. I am not going to say whether this will offend article 19 of the Constitution or not, whether it is going to offend the right to hold and acquire property or not. I am not going to examine it at the moment.

13.21 hrs.

[Shri MOHAMED IMAM in the Chair.]

But what about compensation? You have made all kinds of provisions to auction away the small belongings that these poor fellows might have left in their shanties, when they are in search of other places. You have made provision as to how they will be auctioned away, and how the proceeds will be delivered to the nearest relations or whatever that may be. But I would like to know whether there is anything in this law which will restrain Government from cancelling a lease which a particular party had entered into with the Government of India for 99 years without any compensation. Government can very well cancel, and the estate officer can jolly well cancel a lease which has a tenure of ninety-nine years. In that case, do you give him adequate protection of a civil court? No. whatever jurisdiction has been given

to the civil court is illusory and notional. It is the estate officer here who decides everything. As I said, if he is a chowkidar, and Government declares him to be a gazetted officer, the chowkidar can be a gazetted officer; he will be there, or anybody else will be there.

Shri Anil K. Chanda: How can a chowkidar be a gazetted officer? He cannot say an impossible thing.

Shri A. K. Sen: Then, he will be somebody else, not a chowkidar.

Shri Mahanty: He can be; if he is recognised as a gazetted officer, he can be the estate officer.

Or, let us say, there is the headmaster of a school, whose subject was geography or whose subject was chemistry. He is a gazetted officer, and he can be made the estate officer.

Further, the estate officer is both the complainant and the arbiter. Certainly, he is the complainant; then he will himself be the arbiter. He is a party himself; he wants to dislodge Mr. X from a particular premises. All these notional provisions of law have been provided, to show that there is a rule of law functioning. Then, he himself is the arbiter. Whether the complaints are genuine or not, whether the person is in unauthorised occupation or not, it will be left to be decided by the estate officer, who will be a gazetted officer, no matter whether he has any judicial qualifications, judicial bent of mind and judicial objectivity or not.

Then, I would ask whether the provisions which have been made in clause 9 are adequate to meet the situation which I have just pointed out. A man might have entered into an agreement with Government for holding a lease for ninety-nine years. You can cancel that lease without giving him the protection which he deserves, which is his birth-right, which is his constitutional right, and

which has been guaranteed to him. This aspect was brought out in the judgment of, I think, the Punjab High Court or the Allahabad High Court. But, still that difficulty has to be met. These matters were raised time and again in the Joint Committee, but we have been able to find no satisfactory answer to these questions.

I would not take more time of the House. But I would say that I am certainly very much concerned about the displaced persons both from the east and from the west. The hon. Deputy Minister is of the view that this is a legal problem and a technical problem, and, therefore, a sentimental view or a humanistic view of the matter need not be taken. But it pains me to say that on the sacrifices, on the charred bones, on the blood of the displaced persons from eastern and western Pakistan that our independence has been consecrated. If, after having come to power, after having installed himself into office, he says that this is not a human problem, but it is a legal problem and it is a technical problem, certainly, posterity will charge him with ungratefulness. I would like to redeem my hon. friend for whom I have the greatest regard and affection from that charge which might be levelled against him by posterity. Certainly, it is on their sacrifices that our independence has been consecrated. Is there any doubt about that? Therefore, we pleaded our utmost in the Joint Committee that there must be some provision in this legislation to give a statutory recognition to Shri Gadgil's assurances which have remained mere scraps of paper in the files of the Ministry, so that, when the civil court under clause 9 or the executive estate officer under the various provisions of this measure comes to examine particular cases, they will take into account the assurances which were given by Shri Gadgil, and which, time and again, have been reaffirmed by Government. You will appreciate, Sir, that if Government themselves have treated those assurances as mere

scraps of paper, what force or what sanction these will have when a particular suit is being examined by the law courts. So, unless we give statutory recognition to these assurances and promises, they will be of no consequence; they will be mere scraps of paper. I am pained to say that our submissions were in vain. As you have found, no one else has come to defend this Bill except Shri A. K. Sen, the Minister of Law, and Shri Hajarnavis, the ~~Deputy~~ Minister.

**Shri Jagannatha Rao (Koraput):** I am also going to support it.

**Shri Mahanty:** Then, the hon. Member will be the third person to support it.

**Shri A. K. Sen:** Is it not too early to speculate about it?

**Shri Mahanty:** The more the merrier. So, I have no objection if more persons come to defend this.

**Pandit Thakur Das Bhargava:** Only they can defend the indefensible.

**Shri Mahanty:** We would like to be satisfied, and be convinced in regard to the doubts that we have raised. It does not appear well that relying on the majority behind, you can push through any legislation that you please notwithstanding the consequences that flow from it. With all these consequences, I feel it my painful duty to oppose this Bill lock, stock and barrel, and I shall be the happiest, if this Bill is thrown into the limbo of oblivion.

**Shri A. K. Sen:** May I intervene for a few minutes to explain certain things which seem to be responsible for the confusion on which the argument of the hon. Member Shri Mahanty appears to have been built? There is no question of the cancellation of the lease by an estate officer. In fact, if we gave that power, then it would be struck down the next moment, because you cannot deprive anybody of his property without compensation.

[Shri A. K. Sen]

That is why he said that we shall take away a man's lease and not provide for compensation. If the hon. Member would be good enough to look at clause 2 (e), he will see that unauthorized occupation is defined there, and an unauthorized occupant includes a person who continues in occupation after the expiry of his lease. If his lease remains, Government cannot evict him as an unauthorized person without acquiring his leasehold interest and paying him compensation.

Shri Mahanty: The provision reads:

"under which he was to occupy the premises has expired or has been determined for any reason whatsoever".

Shri A. K. Sen: The hon. Member is very impatient. The two things being different, I cannot take the two things simultaneously without making myself guilty of confusing the two things at the same time.

The next point is: 'or has been determined for any reason whatsoever'. In law, these are two different things. A lease may expire by effluxion of time, that means the after time fixed for the lease expires; and automatically the lessee continues as trespasser. That is called determination of a lease by effluxion of time. The next is the condition under which a lease which is not determined by effluxion of time has been determined. There are certain methods well known in law prescribed by the Transfer of Property Act by which a lease may be determined before its time. If it is a lease for a term, it is determined either by forfeiture or by surrender. If it is a monthly lease, it is determined by a notice to quit. Now, in either case, the person becomes unauthorized only when his lease has expired or has been determined. If his lease is subsisting and not determined, there is no right given under this Act —nor do we claim to give any such

right, nor could we have done so—to the Estate Officer to cancel a lease for 90 years, as he said, without compensation.

Shri Naushir Bharucha (East Khandesh): What happens if the man contests that his lease is not determined and there is a dispute?

Shri A. K. Sen: That is why adjudication and appeal are there. If there was no dispute, there is no question of adjudication or appeal.

Shri Naushir Bharucha: If it is a disputed fact?

Shri Mahanty: My difficulty is ....

Shri A. K. Sen: His difficulty is refusal to follow, not inability to follow.

Shri Mahanty: Unless the hon. Law Minister is divested of his understanding of language, he should be able to follow my difficulty.

Mr. Chairman: He has clarified the legal point.

Shri Mahanty: There is no reason why he should find it hard to follow my difficulty unless he has divested himself of his knowledge of English. I am speaking Queen's English.

Shri A. K. Sen: I do not claim any knowledge of English!

Shri Mahanty: My difficulty is whether the Estate Officer can cancel a lease entered into with a party for 99 years or not?

Shri A. K. Sen: The power of cancellation of a lease is given under section 39 of the Specific Relief Act under which alone the court can, apart from the act of parties, cancel a lease. The hon. Member is a lawyer; he ought to know that the power to cancel is only under section 39 of the Specific Relief Act. There is no power of cancellation here. It is power of adjudication, whether a man is unauthorized occupant or not. If he says, 'No, I am not; I have got a subsisting lease' and if Government say,

'No, your lease is not there; either it has expired or it has been determined properly', the Estate Officer will judge. If he is wrong, the aggrieved party will go on appeal to the district court. If the District Judge is wrong, appeal lies to the High Court.

**Pandit Thakur Das Bhargava:** In the Punjab High Court, there was a question of determination of lease *ex parte*. The matter was taken to the Punjab High Court and they held that this was the very objection.

**Shri A. K. Sen:** Even in the Calcutta High Court, that was there.

**Pandit Thakur Das Bhargava:** I am speaking of the Punjab High Court. There a case similar to the one mentioned by Shri Mahanty came up. The High Court held that so far as this law is concerned, it is null and void and *ultra vires*. That is in the ruling. So my hon. friend is not right in saying that the Estate Officer will not be able to do that.

**Shri A. K. Sen:** Not only in the Punjab case, but in the Calcutta case also, the objection was that the person concerned was claiming a valid lease subsisting and the Act provided a procedure which allowed no adjudication thereon consistent with the rules of natural justice. That was the precise objection taken, because they said that we had left everything to the summary determination by the Estate Officer, that he is to determine in his own subjective manner whether a lease is there or not, whether anything is there or not. That was why the High Court struck down the old Act, because it did not provide for a reasonable machinery of adjudication of that very dispute. As I endeavoured to explain when I intervened earlier this morning, it is precisely to meet those objections which arose out of the condemnation of the old Act by the different High Courts that we have provided these three new features.

First of all, the Estate Officer is obliged to allow a hearing. He cannot determine it in a summary way. Secondly, if the Estate Officer goes wrong, there is an appeal to the District Judge, and further appeals after, the District Judge. It remains to be seen whether we are correct or not. If after this the Courts strike it down, our hon. friend will be proved to be in the right and if we are in the right, the Act will remain.

**Shri B. K. Galkwad (Nasik):** Mr. Chairman, Sir, I rise to oppose the Bill. I went to bring to the notice of this hon. House that there are lakhs and lakhs of people who were living and are living in villages. They have no lands in the jungle, no houses in the villages. When these people did not get any employment in villages, they left them and went outside to earn their bread. So you will find in all big cities lakhs of people have come to earn their bread. Naturally when they came, the question of getting accommodation was there. They did not get suitable accommodation. So wherever they found vacant plots, they constructed their small huts, and they are living there. Most of them are building labourers. Some of them are rickshaw drivers and some are tonga drivers and so on. Anyhow, they are leading their lives. If you visit the labour colonies, you will find that they have got small huts 10 X 10 where there will be about 8—10 persons in a family. Such is their pitiable condition.

I just want to remind the Congress people who have occupied the Treasury Benches that it was one of their slogans that they want to provide food, shelter and cloth to every human being, every citizen of the country. Taking into consideration these factors together, you will find that these people belong to this country. In order to earn their bread, they have come here. Under the circumstances, if we do not provide them with shelter, their position will be very pitiable. If this legislation is passed, the Estate Officer will be authorised to evict these

[Shri B. K. Gaikwad]

persons from their huts and the natural question will be: where should they go? So my proposal is that unless and until some suitable accommodation is provided for them, they should not be evicted from their present premises. Some kind of arrangement should be made.

I have investigated the matter and found that most of the labourers come from the Scheduled Castes, Scheduled Tribes and other backward classes. Some of them are refugees. Most of them are from these poor communities. So the question before the House is: if we want to evict them, what will be the next stage? What about their residential accommodation after their eviction? So before passing this legislation, I want to bring to the notice of Government that they are inviting not only trouble but several other difficulties too. In order to avoid all these things, Government should take back this Bill. If not, it should be thrown out by majority.

If Government are really keen on this measure, on clearing all these public premises, I want to bring to the notice of this House one thing. Some years back there was shortage of food in the country and hence there was food rationing. When there was not enough food in the country, naturally, food rationing was applied. In the same way, if there is difficulty of housing accommodation in the country, may I request Government just to introduce a scheme of house rationing. If you go to a Governor's house or the President's house, or M.L.As houses or M.Ps. houses, or localities of rich people you will find that there is ample space. You can ration these houses.

Pandit D. N. Tiwary (Kesaria): You have a house here also.

Shri B. K. Gaikwad: I am prepared to accommodate as many as Government desire.

An Hon. Member: Why not yourself?

Shri B. K. Gaikwad: I am prepared to accommodate as many as Government desire. At present it is not allowed according to the rules.

An Hon. Member: As paying guests?

Mr. Chairman: The hon. Member wants the example to be set up by the Ministers.

Pandit D. N. Tiwary: I wanted to say that any hon. Member of this House can accommodate any person free of charge; that can be permitted. You can take permission here. (Interruptions.)

Shri B. K. Gaikwad: I can bring to the notice of my hon. friend that without any rent I have already provided two or three families of my state.

An Hon. Member: Against rules?

Shri B. K. Gaikwad: As my hon. friend proposed, that we can accommodate without taking any rent. As myself I am even prepared to have only one room for myself and spare all other rooms for homeless persons if it is permitted by Government. Under the circumstances, you will find that this is a very difficult problem. Government should not think it otherwise. Otherwise, Government will have to face worse consequences. Perhaps, they will have to face another difficulty which I would call satyagraha when people will not go from the places where they are residing. (Interruptions).

These are the facts I have mentioned and I request that Government would not insist on this Bill and that they would withdraw it.

श्री अच्युत (मानेशाव) : समाप्ति महोदय, यह जो विन सदन के सामने है इसके जरिये गर्फामेंट, यह कानूनी प्रधिकार प्राप्त करना चाहती है कि दिल्ली में श्री

अमर बगहों पर जहा कि सेंट्रल गवर्नरेंट की जगह पर लोगों ने गैरकानूनी छाला किया हुआ है उन जगहों को संरकार जाली करा के अपने कानून में से और वहां पर जो शानदार हमारते था वे रेस बनाने की इच्छा गवर्नरेंट के सामने है वह बहुत अच्छी इच्छा है। मैं इस जीज को समझ सकता हूँ हांसांकि गवर्नरेंट इस बात की तरफ दूसरे नज़रिए से देखनी और मैं इस मीके पर गवर्नरेंट के सामने यह बात लाने की कोशिश कर रहा हूँ कि गवर्नरेंट को किस जीज की तरफ पहले देखना चाहिये वा।

अभी अभी पालियारेंट के एक माननीय सदस्य ने कहा कि कांस्टीट्यूशन ने हमें यह गार हो दी है और कहा है कि कम से कम हमारे यहां के जो लोग हैं, हिन्दुस्तान के बैसने वाले, उनकी जो बुनियादी बातें हैं, उनकी तरफ गवर्नरेंट पहले देखेगी जाहे वह अनाज का सबाल हो, जाहे रहने का इन्तजाम हो, जाहे कपड़ा हो, एजुकेशन ही या दवादाह हो, इन जीजों की तरफ गवर्नरेंट सब से पहले देखेगी। मैं यह भी समझ सकता हूँ कि हमारी दिस्ती में बहुत बड़ी पलेशिएल बिल्डिंग्स बनें लेकिन हमारे हिन्दुस्तान का नज़रा जो आज दिखता है वह आज का नहीं बहुत पहले से यही है कि हिन्दुस्तान में एक तरफ बहुत बड़ी पलेशिएल बिल्डिंग है और उसके पास एक छोटी सी लोपड़ी है, यह नक्शा हमेशा रहा है और यदि यह नक्शा हमेशा रहे तो उसके लिये हमें दुखी भी नहीं होना चाहिये। बाहर के लोग जो यहां आयेंगे और इस नक्शे को देखेंगे तो वे कहेंगे कि कि क्या यही हिन्दुस्तान है कि इसमें इच्छर तो एक बहुत बड़ा आसीशान महाल बहुत है और उसके पास में एक लोपड़ा है। इससे हमें कुछ ऐसी बात पैदा नहीं होनी चाहिये कि दूसरे लोग क्या कहेंगे?

जिन लोगों पर इस कानून का असर होने वाला है उनमें न तो जाली बद्रूल कास्ट

और बोद्यूल द्राइव के लोग हैं, न हमारे बनाने वाले लोग हैं बल्कि उनमें हमारे गवर्नरेंट सर्वेंट्स भी हैं जो कि हमारी गवर्नरेंट को बनाने वाले हैं। इनके बनावा ऐसे लोगों का भी इससे सम्बन्ध है जिनको कि नाकिस्तान को छोड़ कर यहां पर पाला पड़ा। ऐसे लोग भी इसमें हैं। कई बारे के लोगों के ऊपर इस कानून का भ्रसर होने वाला है। यहां बताया गया कि अगर उनसे हम नुकसान मानने के लिये जायेंगे तो करीब ढेढ़ करोड़ रुपया नुकसान के तौर पर उनसे लेना पड़ेगा और इतना ही नहीं। जिन लोगों ने ऐसी जमीनों पर मकानात बनाये हुये हैं उनको रेगुलराइज़ किया जायेगा। इसके लिये भूत्पूर्व भवंती महोदय भी गाइलिल ने यह आश्वासन दिया वा कि उनको रेगुलराइज़ किया जायेगा लेकिन मेरे पास कुछ ऐसी जीवंत भावाएँ हैं, एक पेमफलेट के ऊरिये यह बताया गया है कि करीब एक हजार मकानात ऐसे हैं जिनके कि रेगुलराइज़ नहीं किया गया। करीब ४००० से ज्यादा लोग उनमें रहते हैं और उन्होंने अपने सब बेवरात बगैर बेच कर अपने पास जो कुछ भी कमाई जो उसको लगा कर के १५ से २० लाख रुपया मकानात बनाने के लिये लगता है किया गया उनके बारे में मैंने कही लेकिन ऐसे कितने ही मकानात हैं जिनके बारे में यह कहा गया कि वहां के लोगों को भी निकलना चाहिये और उनको क्यों निकलना चाहिये क्योंकि स्कूलों के लिये, बैंकिंगिशन सेंटर्स लोलने के लिये, बहुत बड़े बड़े पासर्स बनाने के लिये, यह जो जीजें हमारे सामने हैं उनके बात्ते हमें उन लोगों को हटाना पड़ेगा। इसके पहले कि यह कानून इस सदन के सामने लाया जाता अगर गवर्नरेंट ने दिल्ली में आर और जगहों में जहां जहां कि सेंट्रल गवर्नरेंट की जमीनों का सबाल आता है, पहले उन जगहों का सर्वे कराया होता कि कैसे लोग उन जमीनों पर रहते हैं, क्या

## [क्षी जागरण]

२. यद्युरिया हैं उनके सामने और उनके लिये हम कोई आलटरनेटिव दे कोमोडेशन दे सकते हैं या नहीं, तो बंहुतर होता । गवर्नरेंट को इस बिल को यहां साने से पहले इस प्रकार का सबंध करना चाहिये था । मैं पूछना चाहता हूं कि क्या दिल्ली में यह सबंध किया गया है ?

प्राज्ञ हमने पेपर में पढ़ा कि दिल्ली रेट कंट्रोल बिल सदन के सामने आने वाला है तो याज भी हालत यह है कि कई बिलियों के अन्दर दो रूपस के ट्रानार्नेंट के लिये २००० इपये किराया देना पड़ता है, २००० इपये से लेकर २०००० इपये तक का किराया देना पड़ता है । मैं गवर्नरेंट से पूछना चाहता हूं कि वह गवर्नरेंट सर्वटेंट्स को किराये की तौर से क्या देती है ? गवर्नरेंट साढ़े सात फी सर्दी से एक पैसा भी ज्यादा अपने सरकारी मूलायियों को नहीं देती है और किराये जूँकि इन्हें अधिक बढ़े हुये हैं कि वे उनको नहीं दे पाते तो यजबूरून उन लोगों को गवर्नरेंट की जगहों पर, जिसका कि गवर्नरेंट कुछ उपयोग नहीं कर सकती है, ऐसी जगहों पर गवर्नरेंट सर्वटेंट, शेड्यूल कास्ट के लोगों, इमारतें बनाने वाले लोगों और रेप्यूजीज को जाना पड़ा और वे वहां पर प्रावाद हो गये । उनको यहां रहने में कोई स्थिति नहीं है लेकिन क्या किया जाय यजबूरी सब करा देती है । लोगों के रहने का मानूल इन्तजाम करना यह तो गवर्नरेंट की जिम्मेदारी है जिसको कि उसे पूरा करना चाहिये था । गवर्नरेंट ने एक ऐसा मानूल पैदा कर दिया जिसमें कि लोग और मचाने के लिये यजबूर हो गये और उन्होंने इसके खिलाफ़ और मचाया । बाब जैसे गवर्नरेंट की तरफ से यह कहना कि ऐसी हवा-नहीं है ऐसी परिस्थिति नहीं है कि इस तरह का शोर और यजबूर पैदा की जाए । कुछ मुनासिब नहीं जैवता । गवर्नरेंट की ओर से कहा जाता है कि कुछ लोग राजनीतिक स्वार्थ साजने के हेतु उनको

सोर और यजबूर करने के लिये उन्हसठे हैं लेकिन मेरा कहना है कि हवा तो आप कुछ पैदा करते हैं और लोगों को इसके लिये यजबूर करते हैं और जब आपके खिलाफ़ आवाज उठती है तो आप खिलाते हैं और कहते हैं कि इसमें सियासी बातें लाई जाती हैं । मैं पहले यह पूछना चाहता हूं कि क्या गवर्नरेंट ने दिल्ली में इस तरह का कोई सबंध कराया है कि ऐसे लोग उन जमीनों पर बसते हैं और उनकी आलटरनेटिव एकोनोमिक बास्ते उन्हें क्या कोई कोशिश की है ?

मैं बताना चाहता हूं कि नई दिल्ली में अशोक होटल के पास मूर्मियां डाल कर मूर्निसपैल्टी में, राष्ट्रपति भवन में और पालियामेंट हाउस में जो स्कैवजंस हैं, जी सफाई का काम करते हैं, वे लोग उनमें रहते हैं । एक दफा उनको पुलिस के बरिये उस जगह से हटाने की कोशिश की गई । अब आप ही बतालाइये कि वे बेकारे लोग वहां से कहा जायें । मैंने कहा कि पहले उनके लिये आलटरनेटिव बन्दोबस्त करो तब हटाओ । मैं यह मानता हूं कि गवर्नरेंट इस तरह का बन्दोबस्त करने के लिये तैयार है । करीब १०० मुरम्बा एकड़ हमारी दिल्ली का विस्तार हो भी चुका है और अधिक विस्तार होने वाला है । मेरा कहना है कि अगर उन लोगों को उस जगह से हटाने के बाद उनके बासे किसी दूसरी जगह बन्दोबस्त किया भी जायेगा तो आपने उनके लिये ट्रान्सपोर्ट का क्या इन्तजाम किया है और उनकी जगहों से उन स्थानों पर जगहों कि वे दोषी कमाने के लिये आते हैं, उनके आने जाने का आपने क्या बन्दोबस्त किया है ? अब दिल्ली में जो ट्रान्सपोर्ट की व्यवस्था है मैं समझता हूं उसका कटु मनुव्यव दिल्ली बासियों और पालियामेंट के मेस्टर्स को बदूबी होगा । लोगों को यहां की ट्रान्सपोर्ट व्यवस्था ठीक न होने के कारण बहुत अधिक मूलायिया और परेशानी उठानी

पहली है। मैं एक दिन यहां पार्सियामेंट हाउस के बाहर १५ नम्बर की स्टॉट बस के लिये बढ़ा था, मैं एक बंटे तक उसका इन्टरवार करता रहा लेकिन वह बस ही नहीं आई। अब वहां पर ट्रांसपोर्ट की यह हासित हो और अगर गवर्नमेंट के एक मुलाजिम को १० बीघे के फ़ासले पर अगर आलटरलेटिव एकोमो-डेवलपमेंट दी गई तो ट्रांसपोर्ट की जैसी हालत है उसको देखते हुये तो वह बस के इन्टरवार में वहां रुका पड़ा रहेगा और वह प्राफ़िक्स बस्त पर नहीं आ सकेगा और रात के बारह बजे उनको प्राफ़िक्स में आना पड़ेगा। इसलिये आपको यहां उनके लिये आलटरलेटिव एकोमो-डेवलपमेंट प्रोवाइड करना है वहां यह भी देखना है कि उनके लिये ट्रांसपोर्ट की उचित व्यवस्था हो।

दूसरी बात यह है कि जिन लोगों को यहां से हटाने की कोशिश की जायगी और जिन्होंने मकानात बनाये हैं उन लोगों को आप यद्या मुद्रावज्ञ देने वाले हैं। इतना ही नहीं में तो समस्ता हूँ कि अगर वे वहां से जो उनका माल है नहीं उठायेंगे तो गवर्नमेंट जो मर्ये सामान के उनको वहां से हटायेगी, उसके लिये उनसे गवर्नमेंट फ़िर पैसे भागेगी। ऐसा नहीं होना चाहिये। मैं यह मानता हूँ कि यह जो आपको रिंग रोड तैयार करनी है तो उसके लिये आपको कुछ जगह दरकार होगी लेकिन मेरा कहना है कि उनको बेदखल करने के पहले आप उनके बास्ते आलटरलेटिव जगह का बन्दोबस्त कर लें। दिल्ली के ईवलपमेंट के आने वाले काम जो आपके सामने हैं उनके बास्ते एक नक्शा तैयार किया जाय कि आने वाले साल में हम इतना काम कर सकते हैं। उसका बजट ही और हिसाब हो कि हमें इतने लोगों को हटाना पड़ेगा। ऐसा न हो कि जो यह क्रान्ति का स्टीम रोलर है वह खलने सर्गे और सब लोगों को उसके नीचे लाकर दबा दिया जाय और खत्म कर दिया जाय और उसके बाई हमारे पांस तैयार होंगे और

उन प्लांस को पूरा करने के लिये कठीन ५०, १०० साल लग जायेंगे, ऐसा नहीं होना चाहिये। एक नक्शा तैयार करो, एक सर्वे करो, इतना काम करना है, और उसके बास्ते इतने पैसे का प्रबन्ध करना है, इसका भनुमान करो, उसके बाद काम हाथ में लौ तो कुछ होने वाला है।

मैंने पहले भी कहा था और गायकवाड़ साहब ने भी यह कहा है कि इस क्रान्ति को तो मैजीरिटी से केंक देना चाहिये। लेकिन ऐसा नहीं हो सकता। यहां उस तरफ इतनी मैजीरिटी है कि अगर सरकार की ओर से आदमी को भीरत कहा जाये तो उसका भी समर्थन हो जायगा। ऐसा बराबर होता रहा है। जो परिस्थिति होती है उसको मैजीरिटी के कारण दबाया जा सकता है लेकिन ऐसा करने से गवर्नमेंट को बहुत नुकसान उठाना पड़ेगा।

इस क्रान्ति को भ्रमल में लाने के पहले जो बातें मैंने बताई हैं उनको कर लेना चाहिये। इतना ही मुझे कहना है।

**Shri Jagannatha Rao:** Mr. Chairman, several hon. Members have so far spoken opposing the Bill in all its aspects. Perhaps I am the only Member who will be in agreement with the provisions of this Bill. Several objections have been raised. The question of the Scheduled Castes and displaced persons and others was brought in. I would appreciate the sentiments expressed by the hon. Members with regard to the difficulties of this class of persons. These are problems which cannot be mixed up with the provisions of this Bill. I could see the difficulties of the displaced persons who have come over to India from West Pakistan being deprived of their homes. Unfortunately, they have been squatting on these premises without authority and if they have constructed houses, I would ask my hon. friends whether they could have acquired a right to hold that building which they have

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constructed on the premises belonging to the Government without authority. If any building has been put up by any displaced person with the authority of the Government and if it is according to the municipal regulations, it is a matter for consideration. The Government would not then go straightforwardly and demolish the building or evict the persons. I fail to see how far for that reason the provisions of this Bill can be mixed up with that question and why the Bill should be urged to be thrown out in toto.

Several objections have been raised about the interpretation of this clause—the definition of unauthorised occupation. Any person in occupation of a public premises without authority or who continues to be in possession after the authority ceases is such a person. It does not contemplate the cancellation of a lease. A lease can be cancelled for valid reasons. Take the instance of a landlord and tenant. It is open to the landlord to cancel the lease if there is any breach of the conditions of the lease. If the lease is by the Government in favour of a person, and if there is any breach of it, it is open to the Government or the officer representing the Government to cancel the lease. How does it make any difference if the occupant happened to be a displaced person or a Scheduled Caste member?

It has been said that alternate accommodation has to be provided if resort is to be had to the provisions of this Bill to evict a person. The provision of alternate accommodation is not a condition precedent for eviction. We have to view these things without passion and prejudice and should not mix it up with the question of displaced persons and Scheduled Castes. I see that the Government is taking steps, as far as possible, for providing housing facilities to persons.

It has also been urged that this Bill offends articles 14 and 19 of the Constitution. Article 19 gives certain guarantees to a person to own and enjoy property. How can a person who is a trespasser and who has no right to be on a premises belonging to the Government and who constructs a building unauthorisedly obtain a guarantee under the Constitution? Article 14 has been brought in to say that the Bill violates the equal protection clause in the Constitution. It has been said that there has been some differentiation in treatment. Every differentiation is not violative of article 14. It means that every litigant in the country should have a reasonable opportunity of being heard. There should be no discrimination between man and man. That is all. The mere fact that the jurisdiction of a civil court is ousted and some persons are not allowed to civil courts does not amount to discrimination because the principles of natural justice have strictly been adhered to. Where the estate officer feels or is of the opinion—necessarily subjective opinion on the facts before him that the person in possession is in unauthorised occupation of the premises, action is taken. Under clause 5, an opportunity is provided to show cause why he should not be evicted and there is an elaborate enquiry as in a civil suit. If he can prove to the satisfaction of the officer who presides at the enquiry and if the enquiry officer finds that he has a right to be in possession, the proceedings will be dropped. If on the other hand, the person in occupation cannot prove it to the satisfaction of the officer, he has no right and has to be evicted. An appeal against that decision is provided for under clause 9. The District Judge, who is the appellate authority, hears the appeal. Then, there is the quashing power of the High Court which acts as a deterrent so that the officer holding the enquiry cannot be arbitrary. Articles 226 and 227 give power to the High Courts to interfere and

quash the proceedings. To contend that articles 14 and 19 are violated is not sound. The trend of modern legislation is to oust the jurisdiction of the civil court. Ours is a welfare State and the 18th century notion of the State being a police State is no longer applicable.

14 hrs.

It is a welfare State. The activities of the State have increased enormously in all directions. We want a speedy remedy. In all advanced countries of the world, in all civilised countries of the world we find that delegated legislation or, what is called, administrative tribunals are the order of the day: only matters relating to disputes between individuals, relating to marriage, divorce, minors, bankruptcy and so on are left to ordinary courts of the land. All other matters are brought within the cognizance of administrative tribunals.

The Estate officer of an administrative tribunal has to enquire into the case. Then there is the right of appeal, which is a substantive right that has been recognised. The original Act did not recognise the right of appeal. Naturally, in that case, the person concerned used to be at a disadvantage. That is why the High Courts held previously, on the basis of the provisions of the old Act, that these provisions violated articles 14 and 19 of the Constitution. But now we find that regular appeal has been provided, and jurisdiction of the High Court is there.

**Shri Mahanty:** How does the hon. Member get over article 14?

**Shri Jaganatha Rao:** Probably my hon. friend was not here when I explained that. Mere differentiation in procedure *per se* does not amount to discrimination. According to my hon. friend, the jurisdiction of civil court is ousted, in the first instance. Mere divesting the jurisdiction of civil court

does not amount to discrimination at all.

**Shri Mahanty:** What I said was, there will be two kinds of procedures. There will be one procedure for the tenants occupying premises other than public premises defined in this Act, and there is the summary procedure for tenants occupying public premises as defined in this Act. Therefore, there is discrimination in law and as such it offends article 14 of the Constitution. How does he get over that?

**Mr. Chairman:** He says that it does not offend article 14.

**Shri Jaganatha Rao:** The trend of modern legislation is to oust the jurisdiction of civil courts. My hon. friend can look to the legislations of various advanced countries of the world.

**Shri Mahanty:** Which country? Does he mean to say that all countries are civilised except India?

**Shri Jaganatha Rao:** As I said, mere differentiation or inequality of treatment do not *per se* amount to discrimination—I have taken this from a judgment of the Supreme Court. All that the article contemplates is that litigants should have the opportunity to show cause and appear. That procedure has been provided in another form. Therefore, according to me, the objection that it is violative of article 14 does not arise.

I may also point out that clause 4 follows practically the procedure laid down in Order V of the Civil Procedure Code regarding service of notice. Personal service of notice is also contemplated under sub-clause 4 of clause 4, and service by affixure is provided in sub-clause 3 of clause 4. Therefore, ample opportunity is given to the person to appear and show cause.

The other day, while moving the motion for consideration, the hon.

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Minister said that lawyers are not excluded from appearing before the Estate Officer. Therefore, a person who has been served with a notice can appear before the Estate Officer either in person or through a pleader.

I feel, Sir, that we should not be rather sentimental or very sensitive in these matters. We should only see whether the procedure provided for does not meet the ends of justice. Therefore, I do not see that any provision of the Bill would offend any article of the Constitution on any of the grounds urged by the hon. Members.

**Mr. Chairman:** Shri Vajpayee. This Bill has been discussed for a sufficiently long time. Therefore, after this hon. Member, I will call upon the hon. Minister to reply.

**Some hon. Members:** The time may be extended.

**Mr. Chairman:** It has already been extended sufficiently.

**Shri Braj Raj Singh (Firozabad):** There are so many Members who want to participate in this debate.

**Mr. Chairman:** I am afraid all Members cannot be accommodated; but every party has been given a chance to express its view.

**Shri Braj Raj Singh:** Even all the parties have not been given a chance.

**श्री नवन ब्रह्माकर (बाहु दिल्ली, रक्षित, अनुसूचित जातियाँ) :** सभापति महोदय, मैं तीन दिन से इन्तजार कर रहा हूँ। बास तौर से मेरे निवासिन लोग पर इसका बहुत प्रभाव पहने बाला है। इसलिये मेरी प्रार्थना है कि यून सभय ब्रह्मर मिलना चाहिये।

**Mr. Chairman:** My difficulty is this. A certain time was fixed for this Bill. That time limit has expired. We have

actually exceeded that time limit. This Bill must be finished before 5 p.m. today. There are a number of amendments also which have to be considered.

**Shri Braj Raj Singh:** We will finish it by 5.

**Shri Mahanty:** I will not move my amendments; so, that time will be saved.

**Mr. Chairman:** If all the hon. Members undertake not to move their amendments, we can easily extend the time.

**Shri Achar:** I would suggest, Sir, that more time may be given for general discussion; I do not think the amendments will take much time. Mr. Speaker said that all Members will be given an opportunity.

**Shri Nanshir Bharucha:** I would suggest, Sir, that we may continue general discussion till 3-30 and from 3-30 to 5 we may consider the amendments.

**Mr. Chairman:** I will call the hon. Minister to reply at 3.

**Pandit Thakur Das Bhargava:** Whatever you may be pleased to decide, Sir. I have no objection. I only want to point out that the Speaker or the Deputy-Speaker had announced that two hours will be devoted for third reading and the amendments. That time should not be curtailed.

**श्री बाल्मीकी (बुलन्दशहर, रक्षित, अनुसूचित जातियाँ) :** सभापति जी, ही तीन दिन से मैं भी लगातार बैठा हुआ हूँ।

**Mr. Chairman:** We will proceed with the general discussion till 3-30. I will call the hon. Minister to reply at 3.00 and afterwards we will take up the amendments.

**Shri Anil K. Chanda:** May I make one submission, Sir? You have stated that I should begin to reply at 3.00 and end by 3.30. As you will realise, Sir, about 20 hon. Members have fired their fusillades at me, and my reply may take a little longer time.

**Mr. Chairman:** He may take ten minutes more. Shri Vejpayee may now proceed. I would request him to conclude his speech within 15 minutes.

**श्री वाजपेये** (बलरामपुरा) : सभापति जी, इस विषेयक पर अभी तक जो बाद-विवाद हुआ है उसको सुनने के बाद सिलेक्ट कमेटी की रिपोर्ट के साथ मैंने अपना जो नोट आफ डिस्ट्रीट लगाया था मैं उस पर अभी भी कायम हूँ। मैं यह समझने में अमरमर्द रहा हूँ कि सरकार ने प्रतिक प्रिमिमेज इविक्शन एक्ट १९५० के स्थान पर, जिसे अनेक हाईकोर्टों द्वारा घोषित कर दिया, यह नया बिल लाने के बजाय उसकी "बता अवधार अवैधता के सम्बन्ध में सुनील कोर्ट का निर्णय जानने का प्रयत्न करों नहीं किया।

सालिसिटर जनरल महोदय ने सिलेक्ट कमेटी की बैठक में जो कृत्त कहा और विधि अभी ने अभी जिन शब्दों में उसे दहराया, उसमें यह विश्वास पैदा नहीं हो सकता कि जब यह विषेयक का न का रूप से नियम, उसके बाद यहि अवैध अवैधता न्यायालय में उसकी वैधता को चुनौती दी गई तो सर्वोच्च न्यायालय उसे अवैध घोषित नहीं करेगा। सरकारी पक्ष के बाद इतना ही कहता है कि हमें विश्वास करके जलना चाहिये कि यह विषेयक अवैध घोषित नहीं होगा, और अपर ही गया तो हम फिर दूसरा विषेयक ले आयें। मेरी समझ में यह डिस्ट्रीट ठीक नहीं है। राष्ट्रपति अवैध अपने अधिकार के अन्तर्गत अनेक विषेयकों को स्वीकृत होने से पूर्व सर्वोच्च न्यायालय की राय जानने के सिये बेत सकते हैं और उन्होंने कुछ राज्यों के लिए लिये हैं। जैसे कि दूसरे लिए हैं।

असमर्थ हूँ कि इस विषेयक में सम्बन्ध में इस पढ़ति का अवलम्बन क्यों नहीं किया गया।

विषेयक जिस रूप में हमारे सामने प्रस्तुत है, मेरा निवेदन है कि अपने संविधान में हमने राज्यों के जिन निवेशक सिद्धान्तों का निरूपण किया है, जो हमारे डाइरेक्टर प्रिसिपल्स हैं, यह विषेयक उनकी आवानाओं के बिंदु जाता है।

इस विषेयक के अन्तर्गत जो भी स्टेट अफसर नियुक्त किये जायेंगे उनके सम्बन्ध में यद्यपि यह कहा गया है कि जहाँ तक संभव हो ऐसे व्यक्ति नियुक्त किये जायें जिनमें सीगल क्वालिफिकेशन हो। अब "जहाँ तक संभव हो" इस शब्दावली का कानून में कोई अर्थ नहीं है। यदि किसी ऐसे व्यक्ति को नियुक्त कर दिया गया जिसमें कानूनी योग्यताएं नहीं हैं तो सरकार की ओर से कहा जा सकता है कि हमासे लिये पक्ष नहीं था कि हम कानूनी योग्यताओं का व्यक्ति नियुक्त करें, और मैं समझता हूँ कि कोर्ट में अगर इस पर आपति की गई तो उसकी कोई सीगल रेसेमी नहीं है। न्यायालय अजबूर नहीं कर सकता कि सरकार को कि वह ऐसा ही व्यक्ति नियुक्त करे जिसमें कानूनी योग्यताएं हों। और जहाँ तक सेना के मकानों और सेना की जमीन का सम्बन्ध है, सिलेक्ट कमेटी में इस बात को साफ कर दिया गया था कि मैंना में तो ऐसा व्यक्ति मिलना सम्भव नहीं होगा कि जिसमें सीगल क्वालिफिकेशन हों। वहाँ तो संभव ही नहीं है। परिणाम यह होगा कि लोगों को जिस पढ़ति का कानून में और संविधान में निरूपण किया गया है उसका पूर्णतया अवलम्बन किये जिन उजाड़ा जाएं। अपने मकानों से, अपने स्वानों से।

यह विषेयक स्टेट प्राक्षिपर के आदेश के बिंदु डिस्ट्रीट बजे में यहाँ प्रवीस करने की जाएगी ताकि और जो भी सरकारी

## [भी बाजपेही]

प्रबक्षता दोते हैं उन्होंने इस बात को बहुत बड़ा बड़ा कर पेश किया है। लेकिन इस बात से इनकार नहीं किया जा सकता कि सिविल केस में कर्ट कोर्ट में जो कानून की शक्ति होती है, वहाँ गवाहियाँ ली जाती हैं या पेश की जाती हैं, वह साक्ष अपील की कोर्ट में नहीं रहती, और अगर फर्ट कोर्ट एक ऐसा अफसर है जिसके लिये कानूनी योग्यतायें आवश्यक नहीं हैं, तो वह जो भी नियंत्रण देगा बाद का डिस्ट्रिक्ट जज तो मैट्रिट्स आव केस पर अपना फैसला करेगा, और इसलिये जिस व्यक्ति को उजाड़ा जायेगा। उसको जो शिकायत होती उसके साक्ष्य में उसे डिस्ट्रिक्ट जज के यहाँ से प्रारंभ याय मिलने की आशा नहीं की जानी चाहिये।

स्टेट अफिसर सरकार का एक गजेटेड अफसर होगा। इसका यह मतलब है कि वह एक्जीक्यूटिव काम भी करेगा। कार्य-पालिका और न्यायपालिका दोनों को मिला दिया गया है जब कि हमारा मंचियान इस बात का स्पष्ट आदेश देता है कि एक्जी-क्यूटिव और ज़ूडीशियरी अलग अलग होनी चाहिये। अगर यह स्टेट अफिसर उन दोनों का मिश्रण होगा और मैं नहीं समझ सकता कि यह संविधान की भावना के अनुकूल होगा।

मानवीय सदस्यों ने इस विवेयक पर जोलते हुये, हमारे पुरुषार्द्ध बन्धु जो लिंबांचित होंगे उनके सम्बन्ध में अपनी आवाज उठाई है, और मैं समझता हूँ कि जो उन्होंने यह प्रकट किया है वह साधार है। सिलेक्ट कमेटी ने अपनी सिफारिस में सरकार से वह अपील की है कि जो भी आवासान दिये जाये हैं उनका सीटर एंड स्प्रिट भें पालन होना चाहिये। अगर मैं पूछता हूँ कि सरकार की सिलेक्ट कमेटी की अपील का कानूनी बज्जन क्या है। कोर्ट के द्वारा तो उस अपील को नहीं अवश्य करा दिया जाएगा जो अनुचित होगा, अन्याय-पूर्ण होगा, अमानवीय होगा, जो ज्येष्ठों को जल्म करेगा, तब फिर हमारी सरकार की कुछ ऐसी आवाज हो गई है कि जब आन्दोलन होते हैं तब वह मान लेती है। अभी मानवा बाद-विवाद की स्थिति में है, अभी सब बहुत है, सरकार इस विवेयक की भाराओं में आवृत्त परिवर्तन कर सकती है। और अगर वह

यह आवासान दे भी दें, जैसे कि भी बाड़ियाल जी ने दिया था, भीर कानून की भाराओं में उसका समावेश न किया जाये, तो मैं नहीं समझता उन आवासानों की कीमत कागज के टुकड़े से कुछ अधिक हो। आवश्यकता इस बात की थी कि उन आवासानों को कानून की शक्ति दी जाती। उन्हें इस विवेयक की भाराओं में शामिल किया जाता जिससे पुरुषार्द्ध आदायों में यह भय न होता कि एक बार तो हम उज़क गये सरकार की अद्वृदर्शी नीति के कारण जिसके परिणाम-स्वरूप देश के विभाजन हुआ, यगर स्वतंत्रता के खारहीं वर्ष में फिर से हमें उजाड़ने की कोशिश की जा रही है, और ऐसे व्यक्ति दो आर नहीं हैं, हजारों की संख्या में हैं।

मैं निवेदन करना चाहता हूँ कि हमारे देश में भ्रस्तांत्र के लिये आज पहले ही बहुत से कारण मौजूद हैं। काफी बालू फैला हुआ है। काफी चिनगारियाँ सरी हैं। क्या सरकार को इसी समय इस विवेयक को साने की आवश्यकता भी। मालूम होता है कि सरकार बर्ट के छते में हाथ ढासना चाहती है। असंतोष का एक नया कारण दे रही है। मैं नहीं समझता कि जिसने आवासान दिये, गये हैं उन आवासानों का पालन करने के लिये सरकार कोई ठोस कदम उठाने पर विचार कर रही है। यह समस्या कानूनी नहीं है। यह मानवीय समस्या है। और मानवीय वहू के इस पर विचार किया जाना चाहिये। इस विवेयक के कानून की शक्ति ही लोगों को उजाड़ना बहुत ही आवेद्या जो अनुचित होगा, अन्याय-पूर्ण होगा, अमानवीय होगा, जो ज्येष्ठों को जल्म करेगा, तब फिर हमारी सरकार की कुछ ऐसी आवाज हो गई है कि जब आन्दोलन होते हैं तब वह मान लेती है। अभी मानवा बाद-विवाद की स्थिति में है, अभी सब बहुत है, सरकार इस विवेयक की भाराओं में आवृत्त परिवर्तन कर सकती है। और अगर वह

यद्यपि नहीं है, तो वह इस विवेयक को बाप्तस के सकती है। मेरा इतना ही निवेदन है कि इस विवेयक के रूप में या तो परिवर्तन किया जाय, या सरकार इस विवेयक को बाप्तस के ले। यह समय नहीं है इस विवेयक को यांगे बढ़ाने का, लेकिन अगर सरकार तुली हुई है, तो परमात्मा से प्रार्थना की जा सकती है कि वह सरकार को सद्बुद्धि दे, जिसकी कि मुझे आशा कम है। इससे अधिक भी कुछ नहीं कहना चाहता।

**Shri Malchand Dube (Farrukhabad):** Mr. Chairman, this Bill provides an expeditious remedy for the eviction of persons in unauthorised occupation of public premises, but this expeditiousness seems to have been obtained at the sacrifice of principles of natural justice. The courts which are competent to decide cases have been given the go-by. The procedure provided for evictions is also abandoned. The rules of evidence are absolutely abrogated. In ordinary cases, the Government would have to go to the court firstly to prove its title to the property, secondly to give evidence that the defendant is in unauthorised occupation of the premises, and thirdly to prove the amount or rent or damages to which it may be entitled.

This Bill substitutes the civil courts by an Estate Officer. What that Estate Officer will be, it is difficult to say. When the Estate Officer is substituted, what happens is, when the question of title of the Government comes up, it is left to the opinion of the Estate Officer. The Government need not prove its title. The Estate Officer has only to form an opinion that some Government property or public premises are in unauthorised occupation. Once this is done, the Estate Officer issues a notice to the person in possession, asking him to show cause why action should not be taken against him. Sometimes, some kind of evidence is given, and after that evidence is given, if the Estate Officer comes to the conclusion that

the occupation was unauthorised, the man is evicted. There are also provisions for decree for the loss or damage suffered. This is how the thing is being done.

I have advisedly not called this Bill as providing for a summary procedure because summary procedure is evidently a short procedure. But in this case, there is an absence of all procedure. The hon. Minister, intervening in the debate on Friday last, said that this Bill will apply only to cases where the title of the Government is accepted or admitted. There is no such provision in this Bill. If that is so, I think much of the rigour of the Bill would be taken away. I would request the hon. Minister to insert a suitable amendment to that effect, so that this Bill may apply only to cases where the title is admitted. Once the title is not admitted, the Bill should not be applied and the procedure provided therein should not be followed.

Then, it is said that lawyers would be entitled to appear before the estate officer. The estate officer is not a court. A lawyer is entitled to appear only in a court of law and if that is not a court, he will have no right to appear. The estate officer may at any time say, "You have no right to come and appear before me". Therefore, that provision also goes.

Another thing that is said is that in case a bona fide dispute is being raised before the estate officer, he might stay his hands. That is also not provided in this Bill.

The next thing is that it is said that the defendant may be able to institute a suit in a court of law to obtain some relief by way of injunction or otherwise. That also is not of a substantial character, because under section 9, if the suit is expressly or impliedly barred, the civil courts cannot take cognizance of it. When you provide for a certain procedure for the eviction, recovery of rent or damages from a person, it may be that

[Shri Mulchand Dube]

a civil suit also may be barred under section 9. Apart from that, even if it is not barred, it would be putting the cart before the horse. The burden of proof in ordinary cases should be on the Government. Instead of proving the case, the Government is asking the defendant to go and prove his case. That is also a different matter.

Then, it is said that appeal is provided and for that reason the Bill is a good one. My submission is that the appeal would be valueless, if the lawyer has no right to appear before the court in a proper manner. He would be powerless to help the defendant.

Also, the principle of equality before law which the Constitution gives to all parties is also violated, because in these things, the Government puts itself in a better position than the other side, for the burden of proof is absolutely shifted on the other man. Whereas the two parties—the Government and the other person—should be on the same footing, what happens is that the Government appoints an estate officer, who is empowered to do everything that he likes and in the manner provided in this Bill which, as I have said, conflicts with the principles of natural justice. I, therefore, think that the Bill, as it stands, is not a proper Bill and the hon. Minister should give due consideration to it, so that it may be amended and injustice may not result to anybody.

About the assurances that have been given previously by the hon. Minister then in charge, the hon. Minister has said that they will be implemented in spirit and letter. If that be so, I do not think there will be any ground for complaint. Whenever a man is uprooted or sent away after having been on the land for 8 or 10 years, what should be done is, he should be provided with alternative accommodation. If that is not

possible, the matter should be regularised by just compounding or allowing him to purchase the property or land at a reasonable price.

Shri Barman (Cooch-Bihar—Reserved—Sch. Castes): Mr. Chairman, I have heard the speeches of other Members on this Bill and from the trend of the speeches, I just like to appeal to the hon. Minister that all the speeches are not really speeches directly opposing the very objective of the Bill; but, behind all the speeches lies the fact that everyone feels that by the blind operation of a punitive measure like this, much hardship may be caused. According to some hon. Members who have got practical experience in the past, due to the operation of the existing Act of 1950, much hardship has been caused. So, at the outset, I would like to appeal to the hon. Minister that after the Bill is passed, it will become an Act of a punitive character not against persons who can defend themselves, but against the most helpless section of our body politic.

So, after this is transformed into an Act, he should not leave it simply to the executive to carry on its chariot just as it is permitted by the law, but at every step and in every action, he should himself consider whether the main objective of the Act is going to be impaired by withholding its operation. After due consideration he should permit the department to proceed with it only in cases where the urgent operation of the Act is necessary. I think that is a proper study of the speeches made on the floor of this House.

It has been very much contended that instead of taking recourse to the ordinary law, the Government is coming before this House to be armed

with an Act in order to have summary procedure approved by this House. The hon. Minister stated that the squatters are blocking development in many spheres. We have to consider very carefully whether we want the development which the Government have in mind and whether development of a city like Delhi or Calcutta requires such a summary procedure or not. He has said, and truly, that ordinary procedures under which evictions can be had are dilatory, because there are appeals after appeals and in certain cases, cases go up to the High Court and Supreme Court; and, until the cases are decided, the whole project is held up. He has mentioned, for instance, the case of the ring road. It is in the interest of the development of the capital city of Delhi that the construction of the road should be expedited. If we have to proceed under the ordinary law, then the case may be dragged for years together.

Even though this Act was passed in 1950, in the year 1958 the Government have not been able to make the way clear for the construction of that ring road. We have also several other instances. As a member of the PAC, I know of one particular case where the P. & T. department took lease of a house at Calcutta in order to start a posts and telegraphs office in that locality. The department took a lease from the landlord. Before the department could occupy the House, unauthorised persons occupied it and the landlord carried on exacting rents from the Government year after year. The Government could not under the ordinary law evict those persons. Because of that, the department had to pay a few lakhs of rupees as rent or compensation to the landlord. Nobody will say that this sort of things should not be remedied, if a proper remedy could be found out by the Ministry or this House. But the thing is that if after the passing of this law Government allows the department to carry on in this way, many hardships will be caused to the refu-

gees, as apparently have been caused in the past.

I could not follow the point when the hon. Minister cited the case of squatters in Purana Quila. I know it for a fact that from the beginning the houses were constructed by the refugees at the instance of Government. The materials were supplied by Government and payment was also made by Government. Now, I do not know whether the original refugees that were housed there had been given alternative accommodation elsewhere and whether, as the hon. Minister alleges, before they could be taken elsewhere another set of squatters came and occupied them. It may be true, I accept that. But I do not know why the Purana Quila refugees need eviction. I do not know why the squatters should be evicted from there.

My point is that Government should proceed with the operation of this Act only in cases where vacant possession of any area is urgently needed for a certain public purpose. Then, before that area is cleared of squatters, Government should give alternative accommodation to those persons. The hon. Minister says that alternative accommodation for the rehabilitation of these squatters will require at least five years. Even if it takes five or ten years, I am sure there will not be much difficulty for the Government to construct ordinary cheap houses elsewhere and gradually evict those who do not want to shift of their own accord. So, a judicious operation of this Act is necessary. Since the Government is responsible to this House, I am sure they will take every care so that they may not be criticised for doing something harsh or unlawful or tyrannical to those persons who have been evicted from their original abode at one time under circumstances which were not within our control. Let them not accuse us of their being evicted by their own national government.

[**Shri Barman**]

In a general way I support the Bill, because the objective of the Bill is such that it will serve a public purpose—development of cities and slum areas. At the same time, when we arm the Government with such drastic punitive powers, I would request Government to proceed very cautiously, judiciously and in a humanitarian way. With these words I support the Bill.

**Mr. Chairman:** Shri Braj Raj Singh. I hope he will finish within ten minutes.

**Shri Braj Raj Singh:** I will finish in five minutes.

**बीमती सहोदरा बाई** (सागर-रुदिश-बास्तुस्थित जातियां) : समापति महोदय, बास्तीकी जी को तो समय दीजिए। वह दिल्ली में रहने वाले हरिजनों की समस्या को ज्यादा जानते हैं।

एक नालवीच लक्ष्य : श्री नवल प्रभाकर दिल्ली के हैं।

**श्री नवल प्रभाकर** : समापति महोदय, इस विषेषक पर चर्चा के समय सरकार की तरफ से बार बार यह दिखाने की कोशिश की गई है कि एस्टेट आफिसर का बर्जा जुडिशल आफिसर के बराबर है। मैं निवेदन करना चाहता हूँ कि यह एक गलत दृष्टिकोण है कि जो काम एक जुडिशल आफिसर का है, वह एस्टेट आफिसर को दे दिया गया है। एस्टेट आफिसर को इस बिल में जो ताकत और जो काम दिया गया है, उस का इस्तेमाल बिल्कुल उस तरह होगा, जिस तरह जुडिशल आफिसर की किया नहीं करते हैं। जुडिशल आफिसर का दूसरी तरह का मर्मितावक होता है। मिनट आफ फिसेट बैं हम ने यह सुमार दिया था कि एस्टेट आफिसर के पद पर कानूनी बासी बासी की रक्त आय, लेकिन सरकार ने उस चुनौती को न लान कर एक ऐसी अवस्था कर दी है कि एस्टेट आफिसर से वह

कभी आपा नहीं की जा सकती कि उच्च कानूनिकोण कभी बैसा बनेगा, जैसा कि जुडिशल आफिसर करता रहा है। इस बिल में जो अवस्था की गई है, उस के अनुसार एस्टेट आफिसर आहे जिस तरीके से अनिवार्यत कानून करने वाले अवक्ति के साथ न्याय करते हुए उस को बहों से घलग कर सकता है।

इस संदर्भ में हमें यह देखना पड़ेगा कि श्री गाडिमल ने इस सदन के बंध पर जो आश्वासन दिए, जिन की कई बार यहां पर चर्चा की गई है कि इतना समय हो गया है, लेकिन उन को पूरा नहीं किया गया है, उन को यदि कानून का रूप नहीं दिया जाता है— अविष्य में उन को पूरा किया जावेगा या नहीं, यह विवादास्पद विषय है—तो कानून की कोई भी अदालत—वह सुनीम कोट हो या हाई कोर्ट—उन आश्वासनों की कोई कीमत नहीं रख सकती। इस लिये यह एक बहुत ही अवश्यक चीज़ है कि इस कानून को बनाते समय उन आश्वासनों को कानूनी रूप बिंबा जाय। लेकिन सरकार की तरफ से बार बार इनकार करने और उन आश्वासनों को कानूनी रूप देने विषयक संशोधनों को अस्वीकार करने से यह लगता है कि सरकार उन आश्वासनों को पूरा करने के लिये तैयार नहीं है। उन आश्वासनों की बजह से कितने ही लोगों ने अपनी पूँजी का सालों दूधा लगा कर ऐसी जबीनों पर कुछ बनाया है, लड़ा किया है, जिस को कि वे अन-प्रथाराइट कहा समझते थे। इस कानून से उन लोगों की क्या हालत होगी, यह सोचने की हृषा कीजिए। यहर एस्टेट आफिसर आहे, तो वे लालों दूधे बरकार हो सकते हैं और ऐसे जामाने वें, जब कि मकानों की समस्या बहुत विकट है, जिन लोगों ने उन आश्वासनों को ज्ञान में रखते हुए और यह समझते हुए कि वहों से वे नहीं हाथे जायेंगे, वहों पर आपनी गाड़ी कमाई के लालों वरब समझ कर अपने मकान बेंगा लिय है, या हाँपडिया डाल रही हैं,

या एसी जगह बना ली है, जिस में वे रहते हैं, इस कानून के बजाए के बाद उन को वहाँ से हटाया जायेगा। उन आश्वासनों के बल पर व सुप्रीम कोर्ट या हाई कोर्ट में नहीं जा सकते हैं, क्योंकि वे अदालतें कह देंगी कि उन की कोई कीमत नहीं है। मैं समझता हूँ कि हर अनंत्रशावादी सरकार को अपने निनिस्टरों द्वारा दिये गए आश्वासनों का मूल्य करना चाहिये। अब उस सरकार श्री गाडगिल द्वारा दिये गये आश्वासनों की कुछ प्रतिष्ठा करना चाही है, तो उस को यह संघीयता अवधि स्वीकार कर लेना चाहिये कि जो लोग १५ अगस्त, १९५० को अनंत्रिकृत करने में थे और जिन्होंने उन आश्वासनों के बाद वहाँ पर अपने मकान बना लिये हैं, उन को किसी तरह नहीं हटाया जायेगा। अब उस सरकार उस को मानने के लिये तैयार नहीं है, तो उस के साफ माने ये हैं कि सरकार नहीं चाहती कि उन आश्वासनों को पूरा किया जाय। यह कहा गया है कि एस्टेट आफिसर नोटिस जारी करेगा और उस के बाद जिस जज के यहाँ उम के लियाँ अपील हो सकेंगी और साथ ही यह भी कहा गया है कि सुप्रीम कोर्ट और हाई कोर्ट आर्टिकल २२६ और १३६ के प्रबन्ध उस पर अपना निर्णय दे सकते हैं। लेकिन प्रश्न यह है कि ऐसे कितने लोग हैं, जो आर्टिकल २२६ और १३६ के प्रबन्ध सुप्रीम कोर्ट या हाई कोर्ट जा सकते हैं। क्या वे लोग, जिन की सीपिडियों पड़ी हैं, जिन के पास रहने के लिये कोई स्वाम नहीं है, जो भवनी जीवका नहीं कमा सकते हैं, हाई कोर्ट या सुप्रीम कोर्ट की शरण के सकते हैं? इस के लिये उन को पैसा चाहिये, जो कि उन के पास नहीं है। लेकिन अगर वे हाई कोर्ट या सुप्रीम कोर्ट की शरण में भी, तो भी उन आश्वासनों की कोई कीमत नहीं हैंगी, जो कि इस सदन में दिये गये थे। मैं यह लिखते बल करना चाहता हूँ कि इस समस्या को जोरोंके लिये उन कोर्टों की सेवने की कोशिश न की जाये। वह क्यूँ गम्भीर समस्या है और इस में लाखों क्षेत्रों की सवाल है और इस पर बहुत से लोगों का अधिक्षय निर्भर करता है।

इस संभय में उस इतिहास में नहीं जाना चाहता कि किस तरह यह समस्या पैदा हुई, किस तरह उस बक्त प्रधान मंत्री और दूसरे मंत्रियों ने इस तरह की भावना फैलाई कि जहाँ पर लाली जमीन है, वहाँ जो लोग कुछ बनायेंगे, उन को हटाया नहीं जायेगा। उस के बाद प्रधान अगर इस तरह का कानून बनाया जाता है कि उन को जबदेसी निकाल दिया जाय, उन को पुलिस की ताकत से निकाल दिया जाय, तो यह उन के साथ अन्याय होगा। जिन लोगों ने उस भावना के आधार पर उन जगहों पर कुछ निर्माण कर लिया था, उन का विष्वास टूट जायेगा कि यह सरकार अपने किसी भी पुराने बादे को कायम रखना चाही है। इस लिये मैं सरकार से यह निवेदन करूँगा कि इस सदन में श्री गाडगिल ने जो आश्वासन दिये हैं, उन को पूरा करना चाहिये और इस बिल में ऐसी व्यवस्था करनी चाहिये कि जो लोग इस समय भयभीत और उत्सेपित हैं, वे आपस्त हो सकें। जो लोग वहाँ पर कुछ बना कर बैठे हुए हैं, उन को वहाँ से हटाया न जाये और आगे से इस समस्या को अच्छी तरह से समाधान किया जाये। मुझे विष्वास है कि सरकार इस पर सहानुभूति-पूर्वक विचार करेगी और जिन कानूनी दिक्षकतों के विषय में यह कहा जाता है कि उन के कारण इन आश्वासनों का समावेश नहीं किया जा सकता है, उनको पार करने की कोशिश करेगी, क्योंकि वे दिक्षकते हमेशा के लिये नहीं रहेंगी।

सभापति शहोदरा बाई : क्या श्रीमती सहोदरा बाई बोलना चाहती है?

श्रीमति शहोदरा बाई : मैं यह कह रही थी कि श्री बाल्मीकी को बोलने का मौका दिया जाये।

श्री वन्देश्वर प्रधानकर (वाह्य दिल्ली-रक्षित-अनुसूचित जातियां) : मुझे भी बोलने का मौका दिया जाये।

Mr. Chairman: I think Shri Balmiki will finish in ten minutes. Then I will call him.

जी मंत्री प्रभाकर: अत्यन्त हुल के साथ कहना पड़ता है कि माननीय उपायकर्ता जी ने आवासन दिया था कि आप को बोलने का भौका दिया जायेगा, लेकिन सारा दिन बैठने के बाद में मुझे भौका नहीं दिया गया।

Mr. Chairman: I am not aware of any assurance given by the hon. Speaker or by the hon. Deputy-Speaker. Anyhow, I will call him after he finishes.

जी बालभीमी : समाप्ति महोदय, सरकारी भू-मूँह आदि (अनविकृत कड़ा करने वालों का नियासन) बिल पर दो तीन दिन से बहस चल रही है। मेरा भी यकीनी तौर से इस बिल से कुछ आवार पर विरोध है। दुनिया के दूसरे देश वैज्ञानिक रूप से उन्नति कर रहे हैं और आकाश के मंगल आदि ग्रहों में बसने की कोशिश कर रहे हैं, लेकिन इस देश में घरती पर जसे हृषे अभाग लोगों को उत्तापने की कोशिश की जा रही है, जो कि गरीबी और मजबूरी के मारे हुए हैं, जिस के पास न धन है न जमीन है। इस बिल के द्वारा उन लोगों पर जो समाप्ति आने वाली है, उस की प्रोट में इस सरकार का व्यान खींचना चाहा गहन है।

बहुत सी कानूनी पेंचीदगियों का इस सदन में जिक्र किया जाया। उन की तरफ मैं नहीं जाना चाहता, लेकिन जब जब माननीय मंत्री जी के मुख्यालय से और दूसरे साधियों के मुंह से यह सुना कि हरिजनों का, जो कि बहुत बड़ी तादाद में अनविकृत कड़ा कर के बैठे हुए हैं, इस से कोई सम्बन्ध नहीं है, तो मुझे आस्था हुआ। मैं इस बात को नहीं मानता हूँ। जहां तक दूसरे मंत्रालयों का तात्पर्य है यकीनी तौर से उन मंत्रालयों के पास रहता है, जमीन नहीं है, लेकिन यह मंत्रालय ऐसा है, जिस के पास रहता भी है और जमीन भी है। इस कारण आप का उन

की तरफ व्यान जाना बहुत बकरी है। मैं भी श्री प्रभाकर जी ने अपने मिनट आफ डिसेंट में घपने उस विचार को बड़े जोरदार बाब्दों में जाहिर किया है। मैं उस बात को यहां पढ़ कर इस लिये बताना चाहता हूँ कि माननीय मंत्री जी व सरकार तक हमारी बात जा सके। हमारा मतलब सरकार के मस्तिष्क पर इस बात को बैठाने का है कि जो हरिजन सोग बड़ी भारी तादाद में देहातों से आकर, दूसरे लोहरों से आकर यहां पर दिल्ली चहर में तथा दूसरे नगरों में बस गये हैं, उन पर बहुत भारी भाफत आने वाली है और उनकी तरफ आपका व्यान जाना आवश्यक है। उनको बिना नोटिस दिये हुए उठाना और उनके लिए किसी भी आल्टरनेटिव एकामोडेशन का प्रबन्ध न करना ठीक नहीं समझा जा सकता है। अभी तो यह बिल पास नहीं हुआ है लेकिन फिर भी मैं आपको बताना चाहता हूँ कि अभी से ही ज्ञांपियों को गिराना शुरू कर दिया गया है और लोगों को परेशानी में डालना शुरू कर दिया गया है। हमने जो मिनट आफ डिसेंट दिया है, वह इस प्रकार है:—

"We appreciate the spirit of the Bill that the practice of unauthorised occupation in public premises should be discouraged. With the large scale influx of the refugees, the housing problem in the country has taken a serious turn. The Government, in spite of its vast resources has not been able to cope with the gigantic problem. The occupants of these unauthorised places stem from very very poor strata of society, viz., Harijans, displaced persons, labourers engaged on building construction. They were removed from place to place until they constructed their unauthorised houses, huts or tenements on those premises from where they await their eviction. The Joint Committee has recommended that a

lenient view should be taken while dealing with displaced persons and that they should not be put to undue hardship or unnecessary loss. Either they will be allowed to live at the same site or will be given alternative accommodation if they are evicted at all. We have got every sympathy with displaced persons but the condition of the Harijans and labourers engaged on building construction is probably worse. We poignantly feel that they will be badly affected by this enactment. They sail in the same boat with the displaced persons and their plight is no less miserable than that of displaced persons. We are, therefore, strongly of the opinion that the same lenient and sympathetic consideration be shown to Harijan and labourers engaged on building construction as is proposed in the case of displaced persons.

They all are without hearth and homes and monetarily in lifelong drudgery. If they are evicted, they will be rendered homeless and shelterless. When we talk of socialistic pattern of society, at least such poor persons do need some consideration at the hands of the National Government. There are a number of such slums throughout the country in which displaced persons and Harijans, particularly the labourers engaged on building construction dwell. In some such camps Harijans constitute more than 80 per cent. of the dwellers. We simply demand that either they should be allowed to continue in their huts or be given alternative accommodation in case they are evicted from the site."

इस विल पर मैंने दो एमेंडमेंट दिये हैं। पहला एमेंडमेंट नम्बर ५७ है जो इस प्रकार है:—

"Provided that lenient view will be taken in the case of Harijans,

building labourers and other poor persons like displaced persons while evicting them."

दूसरा एमेंडमेंट नम्बर ६० है, जो कि इस प्रकार है:—

"Provided that no displaced person, Harijan, building labourer or other poor person who has raised unauthorised construction with or without permission of the authority upto December, 1957, will be evicted until he is provided with alternative accommodation or given compensation for structure raised by him, if he is compelled to vacate."

आज यहाँ पर बहुत बड़ी तादाद में हरिजन तथा दूसरे गरीब लोग आकर बस गये हैं। आप कहते हैं कि ये अनप्राप्योराइज्ड रूप में आकर बस गये हैं और अनप्राप्योराइज्ड रूप में इन लोगों ने मकान इत्यादि बना लिये हैं। मैं आपसे पूछता चाहता हूँ कि ये जो अनप्राप्योराइज्ड रूप में मकान बने हैं, इनके लिए कौन उत्तरदायी है? मैं कहना चाहता हूँ कि इसके लिए यकीनी तौर पर और मोनह धाने सरकारी अफसर उत्तरदायी है। मैं मानता हूँ कि अशोक होटल की जो बड़ी शानदार बिल्डिंग लड़ी की गई है, वह हमारी लक्ष्यहाली की ही प्रतीक समझी जा सकती है और उभ्रति की प्रतीक समझी जा सकती है कि हम तरकी कर रहे हैं। उसको देखकर सभी को खुशी होती है। लेकिन उसके साथ ही साथ उसके पास बसी हुई बस्ती को देख कर, गरीब गुरावा लोग को देखकर दुःख हुए बिना भी नहीं रहता है। आज जिस को बाणक्षयपुरी कैम्प कहा जाता है वहाँ पर कुछ लोगों को बसाया गया है और यह कह कर बसाया गया है, इस तरह की हवा पैदा करके तथा इस तरह की आवाज लगा कर बसाया गया है कि उनको उसाड़ा नहीं जाएगा। जब वहाँ पर उजड़े हुए, मजबूर लोग, देक्स लोग जा कर बस गये जिन में

## [सी बाल्लीनी]

बहुत से हरिजन जी हैं और छरकारी अवस्थान के आवश्यक देने पर तथा बताये जाने पर बस गये, तो आप उनको किसी भी सूरत में बही से उत्तापा नहीं जाना चाहिए। एक तरफ तो आप बड़ी-बड़ी इमारतें, गगन चुम्बी-चट्टानिकर्म लड़ी करते हैं और वे ऐसी हैं जिनको देखकर हर किसी की तबीयत खुश हुए जिन नहीं रहती है और दूसरी तरफ ये बहवृद्धार, यसी सभी हुई गन्दी बस्तियां हैं जिन में किसी तरह से जोंपड़ी में सोग रह तो रहे हैं, आप उनको उजाड़ते हैं। आप बड़ी-बड़ी बिस्टियां बनायें लेकिन इन छोटी-छोटी जोंपड़ियों में रहने वाले लोगों का भी तो ख्याल रखना आपका फज्ज है।

एक तरफ लुधनमा इमारतें हैं और दूसरी तरफ ये जिनीती जोंपड़ियां हैं। इनमें रहने वाले लोगों के हितों का भी आपको ख्याल रखना चाहिए। जब इतनी बड़ी-बड़ी इमारतें लड़ी की जाती हैं तो इन जोंपड़ियों में रहने वाले गरीब लोगों की मदद की जानी चाहिए। आप इन लोगों की मदद करके एक आदर्श कायम करें। अगर आप इनको उत्तापते हैं तो वहीं पर मकान इत्यादि बना कर आप इनको बसावें भी।

इस प्रसंग में मुझे गांधी जी की याद आये जिन नहीं रहती हैं। जैने गांधी जी को उस क्षण में देखा है जिसमें कि वह गरीबों के बीच में रहा करते थे। वे गन्दी बस्तियों में रहा करते थे, अंगियों के अन्दर रहा करते थे, जब्दे हुए लोगों के अन्दर रहा करते थे, पदावित लोगों के अन्दर रहा करते थे, बहवृद्धार ग्रामे जलालों की हालत को देखने के लिए आया करते थे, और वर्ष १९४५ में बहिर-नाराजगत के बीच में जापानी-गेट की हुरिजन बस्ती में जब्दे हुए थे जैने उनको देखा, उनका वह कह आय जी जैनी लोगों

को साझने है। जब देही गेट की उस बहती में बही पर पहले गदीब सुरक्षा बौद्ध छह करते थे और जोही पर आज वही जारी बिस्टियां लड़ी कर दी गई हैं और जिन को आपारिक स्वयं से जाका किया गया है, इन गरीब लोगों को उजाड़ कर ही जाका किया गया है। उनको इसका कोई कम्पेंसेशन नहीं दिया गया है, उनको कोई आल्टरेटिव ऐकामोडेशन नहीं दी गई है।

मैं मानता हूँ कि आपके हृदय के अन्दर हरिजनों की ज़ज़ति के लिए तड़प है। आप चाहते हैं कि जो शरणार्थी भाई हैं वे अपने पांबों पर लड़े हो जाएं और आप उनकी मदद भी करना चाहते हैं। लेकिन इसके साथ ही साथ मैं आपसे कहना चाहता हूँ कि गाड़ियाल साहब ने जो एस्पोरेसिज दिये थे, उनको आप सेटर और स्पिरिट में पूरा करें। जिस प्रकार बापू जी हरिजनों के बारे में सोचा करते थे, मैं चाहता हूँ कि आप भी उसी तरह से सोचें। मुझे पूरा भरोसा है कि सरकार वे जो एस्पोरेसिस दिये गये थे उनको लैटर एंड स्पिरिट में पूरा करेगी। मैं चाहता हूँ कि जो मामूली लोग हैं और जो कि आज किसी तरह से किसी बस्ती में बसे हुए हैं, किसी जमीन पर अपनी जोंपड़ी बनाये हुए हैं उनके तब तक न हटाया जाए जब तक कि उनके लिए आल्टरेटिव ऐकामोडेशन का प्रबन्ध न कर दिया जाए। मैं यह भी चाहता हूँ कि आप इन सब बस्तियों का सबूत करें। इन सभी दूर बसाई बस्तियों के लिए आप बीटे-बीटे से धाने जाने के संबंध ऐसा करें ताकि इनको सहूलियत हो। उनको कम्पेंसेशन का विषयास ही आप न वे बहिक यज्ञों को हटाने के लिए नकह दस्ता भज्जे में और फिर बाद में हटायें। साथ ही साथ आप उन्हें लिए आल्टरेटिव ऐकामोडेशन का प्रबन्ध भी कराएं।

आज आप इस रह ह कि दश में अपने जीवन में, अस्था पा तो दीने को नहीं मिल रहा है। बस्त का इतना बड़ा बद्धाल नहीं है क्योंकि बस्त के सामल में आज हमारे दान मुक्त ढक से हैं और इसके लिए ये आपको दारीक करता है। लेकिन इनकी जो समस्या है यह भी विकट रूप आरण किये हुए हैं। मामूली लोग जो बसे हुए हैं उनको आव ऐसी दशा में उत्थाना कोई बहुत बड़ी समझदारी की बात नहीं है। मैं यह भी चाहता हूँ कि जो दूर दूर बस्तियां बसी हुई हैं या जो दूसरी उनमें आप आने जाने के साथपन पैदा करें। जब आप उनके जो मामूली स्टूकबर हैं उनको उठायें तो आल्टरनेटिव एकामोडेशन या तो उनी जगह पर या फिर पास में ही दें। आज मैं देव रहा हूँ कि अनन्यकृत रूप में कब्जा जो है वह बढ़ नहीं रहा है। मैं सुपरवाइज और स्टाफ का चाहे वह नई विल्ली मूलनियिलिटी का हो, चाहे कारपोरेशन का हो, चाहे किसी दूसरी संस्था का हो और चाहे आवारिटी का हो, तो ये ठहराता हूँ कि उसमें रिवत को आदाने बढ़ रही है। नई झोपड़ियों को गिरा दिया जाता है, पुरानी को रहने दिया जाता है, पुरानी को गिरा दिया जाता है और नई को लहो रहने दिया जाता है, नम्बरों को बदल दिया जाता है। भारत सेवक समाज की ओर से तथा अभारिटी की ओर से कई बार सर्वे कराया गया है। मैं विश्वास करता हूँ कि आप दिल्ली को तुशनुमा बनाने के लिए इन गरीबों को बस्तियों को उत्थाने नहीं जायेंगे। इस दिल्ली को सुन्दर बनाने के लिए, इसको और विश्वासी बनाने के लिए गरीब पुराक लोगों को आप उत्तमते नहीं जायें। मैं चाहता हूँ कि आप इन लोगों के दिल्ली में इस तरह भी कोई बात भी न आने दें कि उनका अहित होमा। आज मैं समझता हूँ कि लुक्कुदार और बदलूदार लुक्कुल गरीब लोगों के स्वदर भी लुक्कुल होना है, वह भकारों में रहने वालों और छोटे भकारों तथा झोपड़ियों में रहने वालों लोगों

के बीच में लुक्कुल होना है। देखा यह है कि कौन आप वर आधिपत्य स्वापित करता है, वह लोग करते हैं या छोटे लोग। देखा यह है कि क्या आप मेहनत करा, मरीब लोगों की बिल्डिंग, नेवरन की, हरिजों की, शरणार्थियों की, पुष्टविधियों की बात को मुनत हैं या अमीर लोगों को। मैं चाहता हूँ कि जब आप रूल बनायें तो उनमें यह प्रोवाइड कर दें कि उनको कम्पनेशन तथा आल्टरनेटिव एकामोडेशन नजदीक में ही दी जायगी। मेरे दिमाग में आज भेड़िये और मेरने के न्याय की बात है। मेरा एसा विश्वास है कि आप के द्वारा दी गई शक्तियों का एस्टेट आफीमर द्वारा दुर्घटना न हो। वहां पर बसे लोगों को अधिकारी एसेन्टीस 'ना नहीं चाहते हैं, सहूलियतें 'ना नहीं चाहते हैं, न हरिजनों को, न शरणार्थियों को, न बस्तियों में रहने वालों को और न ही बाजारों या सड़कों पर इधर उधर रहने वालों को। मैं आपके विश्वास के ऊपर शक करता हूँ। आप एसा नहीं करेंगे। लेकिन फिर भी म आपसे प्रायथना करता ' कि आप इन लोगों को एसेन्टीस दें, इनको आप भी और उत्थाने, समझदारी के साथ भोव समझ कर उत्थानें। आज देश के अन्दर दूसरे तर्वों द्वारा स्वातं तथा समस्या को लेकर एक वायेला सा लड़ा किया जा रहा है। एक माननीय सदस्य ने घेरा डालने की बात भी कही है। उन्होंने कहा है कि जब भकान उत्थाने जायें, तो जिनके भर गे तो उनके द्वारा विरोध में घेरा डाला जाए। इसमें मैं विश्वास नहीं करता हूँ। कि इससे समस्या का हल निकलता है। मैं सान्तिपूर्ण किये जाने वाले कार्यों में विश्वास रखता हूँ। रहने के लिए भकारों का एक भर कर सवाल है। इसको हल करने के लिए आप हर सम्बद्ध प्रयत्न करेंगे और जो विश्वासन दिके गये हैं, उनको लेटर और स्प्रिटिट में आप पूरा करेंगे, एसा में विश्वास करता हूँ।

Mr. Chairman: I will call the hon. Member here. We have to close this discussion by 3 o'clock. I think he will be the last speaker. Then, we can see if Shri Jaipal Singh and others can be given a chance in the clause by clause consideration stage. I would request the hon. Member to close in ten minutes.

श्री नवास प्रभाकर : समाप्ति महोदय, में हस मिनट में समाप्त कर दूंगा।

हमारे सामने प्रकल्प प्रस्तुत विधेयक के विरोध या समर्थन का नहीं है। मैं तो मंत्री महोदय को कुछ वास्तविक तथ्य बताना चाहता हूँ और चाहता हूँ कि बहुत सहृदयता से वह अपने मन में विचार करें और उस के बाद निर्णय करें। मैंने यह देखा है, मैं अपने अनुभव के आधार पर कहता हूँ कि जो लोग साधन सम्पद हैं उन की ओर कोई उंगली नहीं उठाता है, किन्तु जो देखारे गरीब हैं, जो साधनहीन हैं, जब कोई कठिनाई आती है तो उन्हीं के ऊपर आती है। जब कोई बज्रपात होता है तो उन्हीं के ऊपर होता है।

यह दिल्ली है, मैं दिल्ली का प्रतिनिधित्व करता हूँ और दिल्ली के उस भाग का प्रतिनिधित्व करता हूँ जिसे बाह्य दिल्ली कहते हैं, जहाँ पर सभी तरह की परेशानियाँ हैं। अभी पिछले दिनों बाढ़ आई। बाढ़ आई और सब कुछ बहा कर ले गई। मुझे सगता है कि जैसे ही यह विधेयक अधिनियम बनेगा, एक और बाढ़ आयेगी और उस में जाने कितने घरों को बहा ले जायेगी। इस का मुझे दृश्य है। मैं आप के हारा मंत्री महोदय से नम्र निष्पदन करना चाहता हूँ कि जरा कल्पना कीजिये उन गरीब हरिजनों की ओर उन गरीब कर्णालियों की जो झोपड़ियों में रहते हैं। मैं समझता हूँ कि जिन के पास वहे वहे मकान हैं, उन को कोई लूँगे बाला नहीं है क्योंकि

उन के पास एप्रोच हैं, वह वहे आदमियों के पास जा सकत हैं। सबस्तों के पास जा सकत हैं, मंत्री महोदय को भी एप्रोच कर सकते हैं और जो एस्टेट अफसर बनने वाले हैं उन को एप्रोच कर सकत हैं। उन के एप्रोच का कुछ फल भी होगा। लेकिन आप उस मजदूर की कल्पना कीजिये जो सबेरे जाता है और २ रु० की मजदूरी करता है। कहाँ जाता है? सी० पी० डब्ल्यू० बी० के, आप के मंत्रालय के मासहत जो काम चलते हैं, उनमें जाता है, उस की यह हालत है कि वह १ रु० १२ पी० रोज़ करता है। जब उस के पास नोटिस आयेगा तो वह किस के पास आयेगा? अगर उस दिन यह अपना धंधा छोड़ कर जायेगा, एस्टेट अफसर के पास जबाबदेही देने के लिये जायेगा, उस दिन उसे रात को याना नहीं मिलेगा, यह निश्चित जात है। फिर जो इस की कानूनी पैकीदगियाँ हैं, वह उस के सामने कैसे आयेगी? आज दिल्ली के अन्दर जो जमीनों के भाव हैं वह १०० रु० गज, २०० रु० गज, ३०० रु० गज तक हैं। ऐसी हालत में एक गरीब आदमी, आड़ लगाने वाला, जिस को महीने में ५० रु० मिलते हैं, एक ऐसा आदमी, जिस को सवा रुपये रोज़ मिलते हैं और वही मुकिल से रात को अपना पेट पालता है, उस को लीजिये, एक बेलदार को लीजिये जो सबेरे सिर पर इटें ढोता है, जो मकानों के अन्दर चुनाई का काम करता है। क्या वह दिल्ली में जमीन खरीद सकता है? क्या दिल्ली में मकान बना सकता है? मैं मंत्री महोदय से कहता चाहता हूँ कि आखिर यह लोग कहा से आये? यह लोग अनाविहृत रूप से क्यों आये? जब आप की सँझें बनती हैं, जब वही वही विस्तरों में जाते हैं और जब से भजदूरों का प्रबन्ध करते हैं और उनको भरती कर के यहाँ पर बिठाते हैं। उन को बहाँ बिठाने के बाद ठेकेदारों का काम कूछ

हो जाता है। एक साल, दो साल, तीन साल तक विलिंग का काम चलता रहता है और वे लोग वहाँ बैठे रहते हैं। एक अमाना हृषा वह अपनी पुरानी जगह छोड़ कर आये हैं और यहाँ पर अपनी जगह बना दी है। उन से अब किरण यह जगह छोड़ने के लिये कहो कहा जाये? मंत्री भरोसे अगर सड़कों पर ज्ञाहू लगाना चाहते हैं तो म्यूनिसिपल कमेटी बालों से साक कह दें कि अगर उसके पास ज्ञाहू लगाने वाले का देने के लिये मकान है तो वह पहले उस को मकान दे और उस के बाद नौकरी दे। इसी तरह से अगर आप को सड़कें बनवानी हैं दिल्ली के अन्दर, भूसोक होटल को तरह से बड़ी बड़ी विलिंगें बनवानी हैं तो अपने भजदूरों के लिये पहले आप मकान बनवायें, उस के बाद उन को इस काम के लिये रखिये और काम लीजिये। चूंकि आज ऐसा नहीं किया जा रहा है इम लिये यहाँ पर सदन के अन्दर इतना विरोध हो रहा है। अगर ऐसा किया जायेगा तो जो सब और से यह कहा जा रहा है कि इम विधेयक से बड़ी भारी हानि होने वाली है, नहीं वह नहीं होगी। मुझे यह पहलू नो सब से अधिक दुःख देता है कि माने वाले भमय के अन्दर इस बिल का जो भी प्रभाव पड़ेगा वह इन गरीब हरिजनों के ऊपर पड़ेगा जिन की आमदनी बहुत कम है, जिन के पास गांवों में रहने के लिये जगहें नहीं हैं। और जो जमीदारों के नीचे दबे हुए हैं। इस कानून से उन के घर भी छीने जा रहे हैं। आप इस बात को जरा ठंडे दिल से सोचियें, और तरह से नहीं तो मानवता की दुर्घट से सोच कर देखिये कि आखिर वे गरीब हरिजन और भजदूर कहाँ आयेंगे, कहाँ नहीं।

आप रिप्पूजीज को लीजिये। पाकिस्तान से उड़ा कर आये और यहाँ आ कर बैठे। यहाँ आकर बैठे नहीं, उन्हें बिठाया गया। उन्होंने एक ज्ञाहूपी बनाई और उन में से बहुतों को वह अलाट भी कर दी गई। पर जो गरीब थे, भजदूर थे, जिन की कोई ऐप्रोच

नहीं थी, जो दफ्तरों की खाक नहीं छान सकते थे, उन को एक भी मकान नहीं मिला। उन में से बहुतों की भाय इतनी है कि सरकार को जो किराया है वह भी नहीं दे पाते हैं। अगर उनको मकान दिया जाता है तो कहा जाता है कि उस का किराया १२ रु ५० महीना है, २५ रु ० महीना है, ५० रु ० महीना है। एक आदमी जो मुश्किल से ६० रु ० महीना कमाता है वह २५ रु ०, ५० रु ० किराया केसे दे सकता है? यह बड़ा गम्भीर प्रश्न है जिस को आप को मोचना पड़ेगा। अगर नहीं मोचेंगे तो सदन को यह देखना चाहिये कि अगर वे मजदूर दिल्ली छोड़ कर चले जायेंगे तो हमें किरण मजदूर कहाँ से मिलेंगे। यहाँ पर हम को मजदूर मिलेंगे १० रु ० रोज़ पर। किरण गवर्नरमेंट उनको रखवेंगी तो वह तभी कर सकेगी जब कि उनको मकान दे। नहीं तो यह २ रु ० रोज़ पाने वाले, डाई हरया पाने वाले, या ५० रु ० महीने पाने वाले आहू लगाने वाले उन को नहीं मिल सकेंगे।

15 hrs.

इम लिये मैं कहना चाहता हूँ कि इन गरीब लोगों के मामलन्द में आप कुछ भी करियें। जैसा मैं ने कहा कि जो भाषन ममता नोंग है उन्होंने बड़े बड़े मकान बनवा लिये हैं, और अब भी विलिंगें बरीदने जा रहे हैं। गाड़िगिन माहव ने एस्योरेंस दिया था इम हाउस में, उस के दूसरे दिन में उन के मकानों का बनना शुरू हो गया, उन में इटे लगानी शुरू हो गई, जिन का इतना स्थायित्व है जिस का टिकाना नहीं। मैं आप भी सद्देह है कि उन्हें हटाया जा सकेंगा। उन्हें कोई हटा नहीं सकता है, सरकार भी नहीं हटा सकेगी। और अगर उनको आप हटायेंगे भी तो भारत को बहुत बड़ा नरदर्द लेना पड़ेगा। आप हटायेंगे उन गरीब लोगों को और भजदूरों को, उन आहू लगाने वालों को हटायेंगे।

इस लिये मेरा सरकार से नम्र निवेदन है कि अगर सरकार के अन्दर अपराधियों

## [भी नवल प्रसादक]

को भरती किया जाय तो पहले उन के उन्हें का इन्तजाम किया जाय, भगर आइ लगाने वाले को भरती करना है तो पहले आप इनिसिपल कमेटी से कहिये कि वह उस के लिये बोर्डर का प्रबन्ध करे। भगर आप को उन्हें मकानों को बनवाना है, भगर आपने निर्धार के काम को जारी रखना है तो इस के पहले कि आप उन मकानों को बनवायें, मजदूरों के लिये मकान बनवायें और फिर निर्धार का काम कराइयें। मैंने कई जगह पर देखा है कि सी० पी० डब्ल्यू० ३० के मकान बनते हैं, तरह तरह के उस के काम चलते हैं तो उन के बीच में मजदूरों के लिये आपड़ियां बना दी जाती हैं। लोग बार बार कहते हैं कि वहां गन्दगी होती है, नये स्लाइस किट हो रहे हैं, लेकिन उन की कोई नहीं मुनता। उस बक्त यह कहा जाता है कि नहीं, यह यहां के मजदूर हैं।

नो मेरा यही नम्ब निवेदन है। मैं बहुत अधिक समय नहीं लगा चाहता लिकिन बहुत ही दुखी हूदय के साथ यह कहा चाहता हूं कि सरकार उन गरीब आदमियों को कुछ आल रखते जो न तो अदालत का दरवाजा लटकाता सकते हैं और न ही आप के एस्टेट अफिसर्स के दरवाजे लटकाता सकते हैं और न ही जिनको कानून का पता है और जो कि सुबह से ले कर शाम तक घोर श्रम करके अपनी रोड़ी कमाते हैं। ऐसा व्यक्ति जो सुबह से लेकर शाम तक गाड़ी मेहनत करके २ रु० कमाता है उसकी भगर नौकरी छूट जाये या वह अपने घंटे पर न जाये तो उसे उस २ रुपये की मजदूरी से भी हाथ घोना पड़ेगा और उस हालत में उसको दो जून पेट भर भोजन भी नहीं मिल सकेगा और शाम को उस हालत में उसको भूसे पेट सोला पड़ेगा। इनिसिपल मेरी सरकार से प्राप्तना है कि वह इस प्रश्न पर जनहित और मानवता की चिट्ठे से विचार करे और वै जहुता हूं कि मंगी

महोदय जर बोलें तो वे उन लोगों के सिवे जहर आवांसन दें।

Shri Anil K. Chanda: This is the third day of this general discussion on this Bill, and quite a number of my hon. friends have spoken on this Bill. It is but natural that, as this Bill touches the lives of the comparatively poorer sections of our people, so many Members should have felt stirred and should have spoken so eloquently so that some consideration could be shown to the poor displaced persons from Pakistan, to our Harijan brethren, to other poorer people who, forced by circumstances, have been in unauthorised occupation of Government lands and premises.

I would only very humbly submit to the House that it should not be thought that we who sit on the Treasury Benches are devoid of any sense of humanity or charity. One hon. Member has referred to me as being a refugee myself. I am not quite a refugee. I can call myself half a refugee, but so far as this Bill is concerned, excepting my senior colleague who is sitting here, every one else who has been involved in the drafting of the Bill and in trying to get it through the House, is a refugee, beginning from the Law Minister himself to the draftsman who made the present Bill. So, I can at least claim this, that we who are so directly involved in the construction of this Bill and trying to get it passed through Parliament are.....

Shri Naushir Bharmasha: You are not going to be affected by the Bill.

Shri Anil K. Chanda: Nor are you going to be affected by the Bill.

I submit we also have not divested ourselves of a sense of humanity and charity when we were in the process of drafting this Bill.

As could have been expected, two very respectable Members of this House, Pandit Thakur Das Bhargava and Shrimati Sucheta Kripalani....

**Shri V. P. Nayar (Quilon):** Only two Members are respectable?

**Shri Anil K. Chanda:** All Members are respectable.

**Shri V. P. Nayar:** I take serious objection.

**Shri Anil K. Chanda:** I withdraw the remark. Two very loved Members of this House, Pandit Thakur Das Bhargava and Shrimati Sucheta Kripalani, had naturally taken the lead in the opposition to this Bill. It could not have been otherwise, because Pandit Thakur Das Bhargava and Shrimati Sucheta Kripalani, right from the beginning of the partition of our motherland, have been taking very keen and lively interest in bringing relief and succour to the millions of displaced persons who have come away from Pakistan and sought shelter in our country.

On previous occasions when this Bill in some form or other had been before Parliament, Pandit Thakur Das Bhargava has spoken eloquently, and if I may say so, long, with regard to this particular law. In his last speech I thought there were several contradictions. I noticed several contradictions in his speech, and I hope he will forgive me if I point these out.

In the course of my preliminary observations to impress upon the House the enormity of the squatting problem, I had mentioned the case of Sealdah, and Pandit Thakur Das Bhargava very strongly assailed my position and said it could not be mentioned because....

**Pandit Thakur Das Bhargava:** My hon. friend need not labour that point, because I feel that I was wrong and I accept what he said. I misread the law and had omitted the word "includes" and also the semicolon. I am extremely sorry for the mistake.

**Shri Anil K. Chanda:** Also in the course of his speech at one place

he gave an instance to show how heartless we were that structures costing Rs. 40,000 had been demolished, but soon, a few minutes later on, he said: "You drive away the rich man if he has illegally squatted on your land. I have no sympathy for him." If a man who in an unauthorised manner can put up a structure costing Rs. 40,000 is not a rich person, I do not know who is. I for one would have no sympathy with a person who, without any legal authority, would encroach upon public land and then put up structures costing thousands and thousands of rupees. One who has the money to put up a structure worth Rs. 40,000 obviously has enough of legal knowledge in him to know the enormity of the illegality he is performing. I am entirely at one with the hon. Members who have spoken on behalf of the millions of very poor displaced persons, the poor Harijans or the people who are engaged in construction labour in Delhi, and who are living without any proper habitations of their own.

Very considerable time has been taken up on what is known as the Gadgil assurances and I think I have to touch this point at some length. We have submitted before this House that we have been given a certificate by the third Assurances Committee that the assurances have been implemented. But, Pandit Thakur Das Bhargava and Shrimati Sucheta Kripalani took their stand on the second report, which, they felt, had said that the committee were dissatisfied with the manner in which Government had been carrying out their assurances. And I think it rather uncharitable, the way these two senior Members of the House referred to the third report. One said that it was an one-sided affair, and the other said that it could not be taken seriously, because Pandit Thakur Das Bhargava and she who knew about all these things were not there and others were there. I thought it was

[Shri Anil K. Chanda]

not quite charitable on the part of two hon. Members of the House to refer to another set of Members of the House, who were carrying out a very responsible duty entrusted to them by Parliament, in that manner. The Third Committee was presided over by a very distinguished Member of the Opposition, Shri Raghavachari, who was very often a very bitter critic of our Government, and I find at least one very prominent Communist Member, Shri T. B. Vittal Rao, was a Member of this committee. I am sure they are not the people who at the behest of the officers of my Ministry would have signed above the dotted line. There must have been various serious reasons which prompted them to tell Parliament solemnly that they had examined the case of the assurances and they were satisfied that the assurances had been properly implemented.

One question that arises is this. If Government mean to carry out the assurances, why are not the assurances put in the body of the law itself? This is not the first time this point has been mooted or brought up before the House. When Shri Gadgil gave the assurances, Parliament did not incorporate those assurances into the law. In the course of the various amendments which had taken place to this law, the former Minister of Works, Housing and Supply, Sardar Swaran Singh, also repeated those assurances, and he also said that these assurances could not be put in the body of the law for the very simple reason that the very basis of this Bill is that we want speedy eviction of squatters from Government lands, but as soon as you put these assurances in the body of the law—and the language was 'as far as possible' we would do certain things—you make it justiciable, and the same process begins the process to avoid which we have come before Parliament to ask for a special enactment giving a method by which speedy recovery of Government lands

could be made. Therefore, the assurances cannot be put on the statute book, as Shri Gadgil had said, and he had given good reasons, and Sardar Swaran Singh also had given good reasons, and for those same reasons we are unable to put those assurances on the statute book. But in word and spirit, this Government will fulfil completely the assurances which had been given by Shri Gadgil.

Pandit Thakur Das Bhargava had in his speech used something which I had said, to prove that the assurances had not been implemented. I had said that several thousands of people who in our opinion were covered by the Gadgil assurances still remained to be properly settled. He said that from the words of the Minister themselves, one could see that the assurances had not been fulfilled. Now, my case is this that whomsoever we have evicted out of Government lands to which they had no legal right,—and who are covered by the Gadgil assurances—there has not been a single case where we have evicted the person without giving him alternative land. I shall, with your permission, go into the details of the working of the Gadgil assurances, because these assurances have played a very important part in our discussions.

Now, the Gadgil assurances cover people, that is, refugees, from Pakistan, only up to the period of 15th August, 1950; and then, up to 31st December, 1950, they had to be given notice. But, so far as the assurances are concerned they really referred to those who were pre-15th August, 1950 displaced persons. Uptill now, 27,700 people—there might be a few more by now—had been evicted and they have been settled on land. I would like to point out that of these only 20,500 people are people who are covered by the Gadgil assurances, and 7,200 people are people who are not covered by the Gadgil assurances; in spite of that, on purely humanitarian grounds, we have

given them alternative sites. Therefore, it would be very wrong on the part of any hon. Member to think that Government's pledged word is being broken every day by officers. One hon. Member has said, the Ministers are all right, Government orders are issued, but the officers do not carry out those orders. If any particular case is brought to our notice we shall certainly see to it that the orders of Government are properly carried out by the officers.

**Shri B. K. Gaekwad (Nasik):** On a point of information. The Minister had said that accommodation had been provided to a particular number of the homeless or displaced persons. May I know the number of Scheduled Caste people to whom houses have been provided?

**Shri Anil K. Chanda:** I am referring to the people who are covered by the Gadgil assurances. I said that 20,500 of those people who are fully covered by the Gadgil assurances had been evicted, and each one of them had been given alternative site. Over and above that, we have got evicted 7,200 people who were displaced persons not covered by the Gadgil assurances, but in spite of that, purely on humanitarian grounds, we have given them sites. My hon. friend wants to know how many of them are Scheduled Castes. I am afraid we have not the statistics. We are dealing here with the case of the displaced persons and not dividing them on the basis of their religion and caste.

**क्षी बालदीकी :** मैं जानना चाहता हूँ . . .

**Shri S. M. Banerjee (Kanpur):** On point of clarification.

**Mr. Chairman:** Order, order. I cannot allow interruptions. Any point of clarification can be asked.

**Shri S. M. Banerjee:** During the question hour today, the Home Minister, while the question of unauthorised constructions was being discussed, said that there were 30,000 people here who were having these unauthorised constructions, and whose cases had not been regularised. That is also a matter which will come under this. May I know whether these people are going to be evicted in this manner, for, he said that about 27,000 people had been rehabilitated, but there are 30,000 cases more to be decided still?

**Shri Anil K. Chanda:** Then, there are various assurances. Some of them are unimportant. I am coming to the more important things. This was the assurance:

"Where any construction is demolished or removed, rehabilitation grant *ex gratia* is made to the displaced persons either in cash or in the shape of building materials or both, and the amount of which shall be determined by the Minister of Rehabilitation having due regard to the circumstances of each case."

This is not compensation in the legal sense of the term, but *ex gratia* payment. Cash grants covering this assurance totalling to Rs. 24,78,459 have been paid; hutment charges amounting to Rs. 1,65,810 and building material worth Rs. 3,39,414 have been given by Government. In this case also, people who had not been covered by Gadgil assurances by the time factor have been given financial assistance just as we have given them alternative sites even though they were not really entitled to it so far as the Gadgil assurance was concerned.

With regard to remission of rents, and damages, arrears up to July, 1948 had already been accepted for being written off. In regard to the arrears up to 31st August, 1949, it was assured that this matter would be considered sympathetically and

[Shri Anil K. Chanda]

at any rate, hard cases and the like would be given relief. But we have wiped away all claims not only up to 31st August, 1949 but up to 31st December, 1951; and the amount runs to over. Rs. 20 lakhs. Therefore, I do claim that we have tried, and we have implemented the Gadgil assurances in law and in spirit. It is a fact that thousands remain yet to be properly settled. That alone shows how sincere we are. Under the law, we could have thrown them out, but we have not done it for the simple reason that we have not yet got developed sites ready for them.

I will now deal with various statements which have been made about particular cases. I am coming to Purana Qila a little later. Pandit Thakur Das Bhargava mentioned about the Ajmeri Gate area and said that the lands of poor people who have been acquired at Rs. 10 or Rs. 15 per sq. yard and who have been driven out, these very lands have been sold for enormous amounts later on.

**Pandit Thakur Das Bhargava:** I never said that.

**Shri Anil K. Chanda:** That was the substance. I do not want to take up time on that.

**Pandit Thakur Das Bhargava:** I only submitted that those lands have been acquired at the rate of Rs. 10 or Rs. 15 whereas the lands in front have been sold for Rs. 300 per square yard. I never said that those very lands which were acquired have again been re-sold at that price.

**Shri Anil K. Chanda:** The position in the Ajmeri Gate area is this. The lands which have been sold out are nazool lands or government lands. It was not acquired or bought from anybody. Some more lands were available to Government by the demolition of the City Wall. Incidentally, I feel, it was an act of vandalism to have demolished that wall. But certain lands came into Government's possession by the demolition of the

City Wall and certain other lands came to their possession by filling up of the old city drains. These are the only lands which had been sold off. But it is also a fact that in order to clear up the slums in that area, we have acquired certain properties, but because we have not yet been able to give them alternative sites, no family has yet been evacuated from that area. As soon as developed sites are available, we shall remove these people to that area.

Another hon. Member had referred to Ahata Kedara and said that regularisation had not taken place. Regularisation has not yet taken place because the plans are not yet ready. The plans have to be continually changed in order so to plan them that these structures which are substantial pucca structures could be allowed to remain where they are. The whole alignments of the roads have to be changed. The whole plan of that area has got to be changed and it takes time. Therefore, they have not yet been regularised, only to save as many of these structures as possible, as contemplated by the Gadgil assurance.

Reference has been made to the houses on Pusa Road. There are 11 pucca buildings involved; some, I believe, covered by the Gadgil assurance. These people want to stay on there. These buildings are on the tip of Pusa Road, at the junction of Arya Samaj Road and Pusa Road. For traffic reasons, they have got to be removed. Alternative sites to those covered by the Gadgil assurance are being offered in Jhandewala area which, incidentally, is now one of the best of the new areas in the City. And since the land will be available at no-loss, no-profit basis, they will get these lands at a considerably cheaper rate than the market rate. But these friends do not move out and they are remaining where they are.

I had made some reference to Purana Qila. On the last day when we met, I had referred to it also. One

hon. Member—I think it was Shri Barmian—asked: why should they not remain where they are? The Purana Qila is a protected monument, a historical monument of great importance in our country. Forced by circumstances, Government in 1947 or 1948 had allowed first Muslim to-be refugees to be settled there before they were evacuated to Pakistan, and after they had moved out, other refugees who came from Pakistan were lodged there because the situation was absolutely impossible at that time. The Purana Qila is an archaeological monument and a settlement of displaced persons could not be kept there permanently. All available tenements in Lajpat Nagar, Kalkaji and Malaviyanagar were reserved for the inmates of Purana Qila. The representatives of the residents of these tenements desired that in addition to tenements reserved for the inmates in the three colonies, already mentioned, 400 cheap tenements in Lajpat Nagar which were said to be under unauthorised occupation of other displaced persons should also be thrown open to them. This was agreed to. But the response from the inmates of Purana Qila was not very encouraging. Only 115 families accepted built-up accommodation in the various rehabilitation colonies; 113 accepted allotment of cheap tenements. All the families which were allotted built-up accommodation had shifted from the Qila. But only 19 families have shifted to cheap tenements. Others have not been able to shift as the cheap tenements were under unauthorised occupation of other displaced persons. Practically, all built-up accommodation in Delhi has been allotted. The remaining displaced families who have not been allotted accommodation elsewhere as families which could not be given physical possession of cheap tenements have been offered small plots in Lajpat Nagar, which is not very far from their present residence and which is one of the biggest of the colonies for displaced persons fully equipped with schools, hospitals and other civic amenities. Only 149 families have accepted small plots and they have been

given six months time to put up structures on their plots. The remaining families have not communicated their acceptance of the allotment of plots so far, and are insisting upon built-up accommodation—which is not available.

The actual picture of the Qila is this: total number of families in Purana Qila 689; number of families who have accepted built-up accommodation and who have already shifted 185; number of families who have accepted allotment of small plots of 100 sq. yards each in Lajpat Nagar, 177; number of families to whom allotment of plots is pending, 13; balance of families who were offered plots but have not accepted them, 347.

I submit it is rather bad that such an important historical monument should continue to be occupied by people when we had offered them alternative lands.

**Shri S. M. Banerjee:** Though these people have to be evacuated, these people residing in Purana Qila have got a case and if we are given time, we shall explain what lands have been given to them and how they have been tackled....

**Shri Anil K. Chanda:** I am not yielding.

Shri Achint Ram said that in course of my preliminary observations when moving for consideration of the Bill I had mentioned that there were 11,000 squatters on 347 acres of nazool land. He has taken that to mean that this is the total quantum of squatters in Delhi and said that if that was the position, why drive out these poor 11,000 people, why not make our plans in a manner that these people could be accommodated? I wish it were so—that there were only 11,000 squatters in Delhi. The number of squatters I had referred to was on what is known as nazool lands, 347 acres. The New Delhi Municipal Committee informs us that there are 9406 unauthorised structures on which 50,000 persons are squatting.

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Then the question is: what do Government propose to do with regard to these 50,000 squatters in the New Delhi Municipal limits alone, very often without the most ordinary amenities of life. The question may be asked what Government, being aware of the enormity of this problem, propose to do. I will give you in brief some idea of what Government have done up till now in Delhi itself for the purpose of slum clearance etc. In Amrit Kaur Puri, we are building 240 single room double storeyed tenements at a cost of Rs. 7.6 lakhs; at Kilotkheri, we have completed 396 tenements costing Rs. 10.91 lakhs....

श्री नवाल प्रभाकर : धमूत कोर पुरी में ७२ बने हैं। मैं वहां ही रहता हूँ।

Mr. Chairman: He is not yielding.

Shri Anil K. Chanda: At Kilotkheri another 396 tenements are in progress costing Rs. 10.91 lakhs. At Kilotkheri, 46 shopping centres and 42 residential flats for shopping centres costing Rs. 2,27,000 are in the process of construction—work is in progress. At Jhilmil Tahirpur, single room tenements numbering 1196 costing Rs. 35 lakhs are completed. At Jhilmil Tahirpur shopping centre, 34 such units—cost not known—have been completed. Then, in Bagh Amba, Padam Chand Land, Mundewala Road, Canala Closure Scheme, 288 tenements are in progress costing Rs. 10.53 lakhs. In the Government colonies—my hon. friend Shrimati Sucheta Kripalani was asking what about the servant class, what about the barbers, cobblers and others who are rendering valuable services to us and who have no accommodation—we are building single room tenements for domestic servants, barbers, washermen, cobblers and sweepers, in Moti Bagh, Main Vinay Nagar, East Vinay Nagar, North of Medical Enclave, South of Housing Factory, Pinjrapole, Sewa Nagar—272 in number; construction is in progress and Rs. 9.97 lakhs are involved.

In Patel Nagar, for the use of slum dwellers, 500 houses costing Rs. 7.8 lakhs are being built and 50 acres of land are being acquired and will be developed for allotment to slum dwellers who would put up their own houses to approved specifications.

Over and above this, there is a scheme for the remodelling of the Dhujana houses for clearance of Jama Masjid area which has been sanctioned and the Central P.W.D. has been asked to go ahead with the execution of the work.

There is another fact. Whatever may be the law, so far as our eviction law is concerned, we have not evicted anybody whom we have not given alternative site. Shrimati Sucheta Kripalani mentioned about a hard case. She mentioned a case of a mother with a child of 20 days in arms and said that just before the rains somebody came and demolished her hut. It may sound hard. But, certainly, those who demolished these houses were not astrologers and they did not know that the rains were going to come in such a terrible manner 2 days later. Wherever there are unauthorised constructions, obviously, the municipal authorities will take steps to get these unauthorised constructions demolished. It has nothing to do with the law that we are now discussing before the House. Ever since the Punjab High Court judgment, we have not been taking any action under the provisions of this law. So far as we are concerned, we have ceased to take any action. But this Parliament has made certain other enactments and it is well worth mentioning them.

Under the Delhi Municipal Corporation Act, the Commissioner can acquire any land or building for opening, widening or extending or improving any street or for making any new street, can order the demolition of any building constructed without or contrary to sanction; order the

demolition of any building in a ruinous condition or likely to fall down or in any way dangerous to any person; order the demolition of buildings in an unhealthy condition due to being overcrowded or narrowness or faulty arrangement of streets or for want of proper drainage or ventilation or of the impracticability of cleansing; order the demolition of buildings unfit for human habitation; order the removal of insanitary houses and sheds.

Then, under the Clum Clearance Act of 1956, the Chief Commissioner can order the demolition of buildings unfit for human habitation. Under the Delhi Development Act, 1957, the D.D.A. can order demolition of any erection in a developed area if the erection is itself in contravention of the development plan or without any permission.

None of these Acts incorporate the Gadgil assurance. They have nothing to do with the Gadgil assurance. The Municipal authorities and the Administration Authorities in Delhi Union have those rights. So, whenever an unauthorised structure is pulled down, please do not blame us. We have not taken any action under this law because, as I said, ever since the Punjab High Court passed that judgment, we are not working this law in any part of the country.

There are several other points made out by other hon. Members. My hon. friend, Shri Ajit Singh Sarhadi, asked about the assurances given by Shri Khanna. The assurances are there and he knows very well that even in the presence of the deputationists who had met the Minister, he gave instructions to his officers that the implementation of these assurances were to be immediately taken in hand. Just as the Gadgil assurances will be honoured by this Government, so also the Khanna assurances with regard to the particular type of property will also be honoured by our Government.

Shri Vajyapee had referred to the Estate Officer and said that he is an

executive officer who might not have any legal knowledge and asked how was he to decide the intricate problem of title etc. In revenue cases, the tahsildars who deal with such cases very often are not judicial officers and very often they are not people who have any legal training, whatsoever. I have explained our difficulties that the Estate Officer is not being created specially for the purpose of the working of this Eviction Act. If it had been so, we could have given a categorical assurance that we would only appoint such people as Estate Officers who are either judicial officers or have considerable legal training. Estate Officers are, more or less, the Managers of Government of India properties. They are already there functioning as such. It is only when the question of eviction arises, that, instead of anybody and everybody being authorised by Government to act as the competent authority, this law provides that the Estate Officer will be the person who will be held responsible for the working of this law.

**Shri U. L. Patil (Dhulia):** On a point of information, Sir. May I ask the hon. Minister what would be the number of officers required for the implementation of this particular Act; and, secondly, is it impossible for Government to collect officers with enough legal qualifications and appoint them as Estate Officers?

**Shri Anil K. Chanda:** The number of Estate Officers is not very large. Government of India properties are mostly concentrated in certain areas, though there are stray pieces of property here and there. They are mainly concentrated roundabout Delhi, Calcutta or Bombay and such other areas. The reason why we cannot give a categorical assurance to the House or put it in the law that a civil judge or somebody who has judicial training or who belongs to the judicial cadre or has had legal training alone would be made an Estate Officer is this that a considerable amount of the properties which have been ille-

[Shri Anil K. Chanda]

gally squatted upon are Defence properties and the Defence Ministry are not able to provide judicial officers from their own organisation to work as Estate Officers for this purpose.

But, as I said, the Estate Officers are people who are daily dealing with government lands; in the process of their work, they acquire a working knowledge of—I should say a considerable proficiency in—the intricacies of the tenure laws etc. And, then, they are not the final authority. There is the judicial review. Therefore, I do not think, as the hon. Law Minister had said, that the principles of natural justice would not be followed.

Hon. Members have referred to this Bill as a very harsh and almost inhuman measure.

**Shri Ajit Singh Sarhadi** (Ludhiana): While dealing with evacuee property, the hon. Minister said that the Khanna assurances would be carried out. May I ask, when we have got section 19 of the Displaced Persons (Compensation and Rehabilitation) Act, which also provides a procedure for ejection from evacuee property, which are now government properties, why have this Bill now?

**Shri Anil K. Chanda:** This is not the only instance where there are two or three laws covering more or less the same cases. This Eviction of Unauthorised Occupants Bill itself is an instance. We have the ordinary civil laws of the land open to us for evicting people from our land. In addition, we have this law also. When we want to deal with persons, we can deal with them in the ordinary process of law or we can deal with them under the provisions of this particular law. Similarly also under section 19 of the Rehabilitation Act a special procedure for eviction has been prescribed. There is a procedure for eviction under this Act also. Incidentally, as far as I am personally concerned, I think, those rules are a little harsher. But, anyway, there are two sets of rules and it is up to the Government to operate

either this or that. The Government Servants Corruption Act—I do not know what is the proper name of that Act—was passed in 1947 or 1949 but a Government officer who is accused of some corrupt practices could also be tried under the ordinary laws of the country. So, it does not mean that this law and the law which Shri Ajit Singh Sarhadi referred to are at logger heads. It is a special law meant for speedy solution of a particular problem whereas this is the general law of the land and the cases which are not covered by the provisions of that Act will be covered by this.

**Shri P. K. Deo** (Kalahandi): I want to know if this legislation will be applicable to Rourkela and Hirakud and such other developmental areas which have been acquired by the State Governments and which had been handed over to the Centre and which had become the property of the Centre.

**Shri Anil K. Chanda:** Whatever lands belong to the Government of India and whatever premises belong to the Government—they will all come under the purview of this Bill.

**Mr. Chairman:** It applies to the whole of India.

**Shri Anil K. Chanda:** Many hon. Members have said that this a harsh Bill. They have been forgetful of the fact that this Bill is not as harsh as the previous law, and any dispassionate examination of the previous law will show that this is a much more humane law than the previous one which this Parliament had itself enacted; it was harsher and we have made it considerably more humane. We have provided for due notice to be given to a person who is sought to be evicted. He has a right to lead evidence in support of his case and on an appointed day the estate officer has to give his ruling. Then, there are other things which were not available in the previous law. There is the judicial review of the District

Judge of the area. In the old law, there was a penalty of a thousand rupees if anybody contravened the provisions of that Act. We have wiped that away also. Therefore, I submit that this is a very just measure. The Joint Committee went into the details of this Bill and many of their recommendations have been accepted. Not merely that. In the Upper House, we have accepted an amendment moved by a communist Member as we thought there was some considerable sense in what he has said. We want back these lands not for any commercial purposes or for serving the interest of a particular person; they are needed for the general public as a whole and therefore I submit that we may be given the necessary legislative powers by the acceptance of this Bill.

Mr. Chairman: The question is:

"That the Bill to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters, as passed by the Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Chairman: Now, we shall take up clause-by-clause consideration. First, we shall take up clause 2. There are some amendments. Shri P. K. Deo has indicated his intention to move amendment No. 56.

Shri P. K. Deo: Sir, I beg to move:

Page 2,—

after line 16, add—

"(f) 'displaced persons' means persons whose lands and houses have been acquired for Government purpose and who have been displaced from their lands and houses."

Sir, it has become highly essential that there should be a definition of the displaced persons and the scope

of the Bill is sufficiently enlarged to include the Hirakud, Rourkela, Bhilai and Durgapur and also such other areas which are being acquired by the Government for various development purposes. Even though the lands in the Hirakud area have been acquired for the last 12 years and those lands are being submerged for the last three years, no compensation has been paid to them. The Prime Minister's assurance at Sambalpur in 1948 that land for land and house for house will be provided still remains a myth. So, I feel that there should be some mandatory provision in this legislation to deal with displaced persons. I have given notice of my subsequent amendment for this Bill how these displaced persons should be treated. So, I feel that there should be a clear definition of the displaced persons and there could be no valid objection on the part of the hon. Minister to accept this very simple amendment.

श्री बाहनीकी मध्यापति जी, मेरा संशोधन नं ५६ इस प्रकार है :

Page 2,—

after line 16, add—

"provided that lenient view will be taken in the case of Harijans, building-labourers and other poor persons like displaced persons while evicting them."

अभी जब माननीय मंत्री जी बोल रहे थे तो उन्होंने फिर कुछ ऐश्वरेन्स दिये डिस्ट्रेस्ड पर्मन्स के बारे में, लेकिन हरिजनों और बिस्टिंग लेबरर्स के बारे में कोई इस तरह का ऐश्वरेन्स वह नहीं दे सके। यह बात जरूर है कि जहाँ तक हरिजनों का तालुक है, 'पुरातन काल' के शरणार्थी हैं, 'पुरावार्षी हैं। हम यह मानते हैं कि हमारे रिप्पूंजी भाइयों ने देश के लातिर जो कष्ट जेने हैं उन्हें हम न भूलें और वह अब जिस बुरी हालत में है उस में न रहें, उन से हमारी हर प्रकार की सिम्पेंटी है।

[की बासीकी]

15.45 hrs.

[SHRI BARMAN in the Chair]

लेकिन यहां तक हरिजनों का ताल्लुक है उन की दशा आज उन से भी बदतर है और जितना व्यान रिप्पूजी भाइयों की तरफ दिया गया है, हरिजनों की तरफ उनना नहीं दिया गया है। इस लिये मैं ने यह कहा कि उन के मकानों को गिराने के लिये जिस तरह से पुलिस के स्कॉर्प और प्रथारिटीज चलती हैं, उस से ऐसा मालूम पड़ता है जैसे कोई भेड़िविल धीरियड का हमला हो रहा है, मैं इस तरह के हमलों का जोरदार बच्दों में विरोध करता हूँ। मैं चाहता हूँ कि हम इस को देखें कि हमारे यहां भारत सेवक समाज है, हरिजन सेवा संघ है, हम लोग जो हरिजनों की सेवा करते हैं, उन से सलाह कर के कोई काम किया जाये। मैं तो कहता हूँ कि उन सोगों के मकानों को गिराया न जाय बल्कि एक जास पालिसी बना कर सरकार उन के मकानों का सर्वे कराये कि उन के मकान या ज्ञोपड़ी इस तरह के गल्दे हैं और उन से बेहतर बनायें। इस के लिये क्या किया जाय, उस के लिये मैं ने एक और अभेडमेंट दिया है, जिस पर मैं बाद में बोलूंगा, लेकिन मेरा विचार है कि माननीय मंत्री इस बात को याद रखें कि इस बिल के पास हो जाने के बावजूद भी चूंकि उन के रहने का ठीक ठीक प्रबन्ध नहीं किया जा रहा है इस लिये अन्यायराइज़ फंस्ट्रक्शन बन्द नहीं हो पायेगा। हम उसे बढ़ाना नहीं चाहते, लेकिन आप उन सोगों से भली प्रकार अववहार करें। आज आप जिस प्रकार निर्दयतापूर्वक कदम उठा कर चलते हैं वह कोई अच्छी बात नहीं है, उस के उन के दिमाग पर कोई अच्छा प्रभाव नहीं पड़ता। इस लिये जब मी आप उन को यहां से हटाने का विचार करें, जिस तरह के आप हमारे रिप्पूजी भाइयों के बारे में सोचते हैं, उसी तरह से इन सोगों की हालत को देखते हुए इन के बारे में मी अववहारिक

और वास्तविक रूप को आप लें। और मानवता के आधार पर उन के साथ न्याय करें।

मुझे आशा है कि जो स्पिरिट मेरे संशोधन के अन्दर है ज्ञास तौर से उस का व्यान में रखते हुये माननीय मंत्री जी मेरे संशोधन को स्वीकार करेंगे।

Mr. Chairman: May I just know what other amendments hon. Members would like to move to this clause?

Shri Balashesh Patil (Miraj): I beg to move:

Page 1.—

after line 8, insert—

'(aa) "Court" means a small causes court as defined in the Provincial Small Causes Court Act, 1887 and includes a civil judge having jurisdiction to try the small cause cases.'

Shri U. L. Patil: I beg to move:

Page 2, lines 15 and 16,—

for "for any reason whatsoever" substitute—

"for any reason or reasons under the rules"

Pandit Thakur Das Bhargava: I beg to move:

(1) Page 2, line 16,—

add at the end—

"But no unauthorised occupation by any displaced person before 16th August, 1950 shall be regarded as unauthorised occupation."

(2) Page 2,—

after line 16, add—

"Provided that a displaced person on occupation of public premises before the 15th day of August, 1950 shall not be deemed

to be in unauthorised occupation if he has constructed any building on such premises."

**Shri Ajit Singh Sarhadi:** I beg to move:

Page 1,—

after line 18, add—

"Provided that it shall not include evacuee property acquired by the Government of India under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 in 1955;

Provided further that a displaced person in occupation of public premises before the 15th day of August, 1950 shall not be deemed to be in unauthorised occupation if he has constructed any building on such premises."

**Mr. Chairman:** Amendments 56 and 57 have already been moved. Now, all these amendments are before the House.

**Pandit Thakur Das Bhargava:** Mr. Chairman, Sir, in moving my amendments to this clause I have only to repeat, to a certain extent, the arguments that have already been advanced. In so far as the hon. Minister himself admits that the Government will stand by the assurances that have been given, if we are convinced that the assurances will be accepted in their letter and spirit, these amendments really do not have any force. He has, at the same time, taken good pains to relate before the House the various acts which the Government had to perform in relation to these assurances.

It appears that a great amount of money has been spent by the Government in regard to the welfare of the refugees. So far as the refugees are concerned, the House knows that not less than Rs. 300 crores have been spent by Government for the welfare and protection of refugees. Nobody denies that. It is usual for Government to quote all these figures before

us. I have said many times that no Government in the world has spent such an amount over the refugees, and we are all beholden to the Government in so far as unprecedented steps have been taken by Government to give protection to the refugees. All the same, may I humbly ask the hon. Minister who has taken so much pains, has any house so far been regularised?

During these eight years Government would have got an enormous sum. If the hon. Minister will kindly look into the debates of 1951, he will find that I got this assurance from Shri Gadgil. If he will kindly look into my speech and that of Bakshi Tekchand, he will find that we offered to the Government something like Rs. 30 lakhs to Rs. 40 lakh. If they had regularised these buildings, they would have got that amount. But Government has not regularised, according to my information, a single house. If these houses were regularised, great satisfaction would have prevailed. When you spent something like Rs. 300 crores and yet you are not able to give satisfaction to the refugees, what does it mean? It means that your implementation is not correct, the way in which you work is not correct.

If these houses were regularised, by this time every refugee would have been satisfied that he is the owner of his own house. The houses are there. You are not going to demolish them. I know that the hon. Minister will not have the heart to demolish them. Nobody said here that the hon. Minister, whether he is a refugee or not, has got the heart to demolish those houses. At the same time, we know that a special squad was brought into being by the Delhi Administration, at dead of night that squad went to the houses of the refugees, put those people in lorries and demolished their houses. The refugees were taken to Tehar. It is a fact which cannot be denied. I do not want to repeat all

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those things and refresh your memory; I do not want to bring it again to the notice of the Government, but this has been done.

At the same time, Sir, is it not a fact that for the last eight years eligibility chits have been given to the refugee; those eligibility chits are in their possession and they are not in possession of any house? It is not correct to say that all that the Government promised has been done. Did not Government promise that every refugee shall be given a shelter, every refugee shall be given the means of livelihood? Has that been done?

But that is not the point of my complaint. The point is this, that whatever you have given, whatever promise you have made, by this Bill you are taking away all that. Kindly see the definition of "unauthorised occupation". It is said: "unauthorised occupation, in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation...." Let us consider this. Lakhs of people came to Delhi and there was no room. They occupied certain premises without taking permission from anybody; but they did so, at the same time, with the acquiescence of your highest authority, with the acquiescence of the Chief Commissioner, the Deputy Commissioner and the Rehabilitation Minister. The Municipal Committee granted them electric connection, gave them water connections, and the people spent money on those premises and put up their houses. Even though this was done with the acquiescence or encouragement given by the highest authority, the premises may have been acquired without authority.

The definition goes on to say: "... and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any

other mode of transfer) under which he was allowed to occupy the premises ...." Naturally, no transfer was made; but, at the same time, there is acquiescence from the Government, there is encouragement from the Government. There was every sort of incitement, if I may say so, to them. If it is a crime to settle on another's property, the incitement for that was given by Government for them to occupy those premises. The circumstances were such. If the Government did not do that, it would have been impossible for them to restrain the refugees from doing so.

What I take exception to is this provision: "(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". What is the meaning of these three words: "any reason whatsoever"? Supposing the reason is absolutely wrong, absolutely unjustified that it would not stand scrutiny, that it would not stand anywhere when the matter goes to court, what will happen? Even if there is such unilateral denunciation, it will be upheld because of this provision "determined for any reason whatsoever". The Estate Officer or the Gazetted Officer, call him anything, he will not have the heart, he has not got the power to question this determination. That is my complaint.

We know what this determination means. On one fine morning 6000 verified cases were scored of by the Rehabilitation Ministry without those people being called. Once an Estate Officer enhanced the rents retrospectively so far as the refugees are concerned; the rates of rents already paid for a period which had already expired were enhanced. Then we came here before this House, and Shri Mehr Chand Khanna was kind enough to order that these things should not be done. But these things have happened. If such a thing is done, by infatuation of power or whatever it

may be, my simple question is, will the Estate Officer go into this question or will he not. My humble submission is, he has no right.

My hon. friend is quite right in saying that so far as the previous Bill is concerned, they have introduced certain changes which make it less harsh. But, to start with, he says, "Another Parliament enacted another measure. Why are you objecting to it?" If he goes and sees the proceedings, he will find that even that measure was stoutly resisted by me and other hon. friends. It is not that we were agreeable to it; we were never agreeable to it. Whenever the Government is a party, which adduces proof the Court comes to the conclusion that it is Government property. Now Government property will be assumed. In every case, he starts with the presumption that the property belongs to Government.

16 hrs.

Then what about the authority? The authority which is prescribed in clauses 2 will be regarded as perfectly good authority. He will not have the right to hold that in absence of good authority also a person can have occupation which he can justify. If you look at clauses 3 to 5, you will find that the authority has just to form an opinion if a person is an unauthorised occupant or not. That opinion is already formed, because the authority has been determined. It was very kind of the hon. Minister to say that the assurances already given will be followed, but supposing, one fine morning, another person comes in and determines and without any reason assurances are cancelled, then what about this protection? If they determined it unilaterally and say we have determined it, where will the refugees go? So far as this Estate officer is concerned, he will not go into the question as to whether the determination was correct or wrong, justified or unjustified. The officer has to do one thing. He has to issue a notice when he finds that the person is an unauthorised occupant. Government have not

proved anything; neither it is in possession nor in ownership. Nothing of the kind. The officer sits on his chair and says, "All right; this possession is unauthorised". At the back of the person against whom the notice is issued, this is determined. This is unheard of.

When that is done, what happens? What has he to find? It is an important question. In clause 4, we find that "If the estate officer is of opinion that any persons are in unauthorised occupation of any public premises..." etc. the officer will issue a notice. He has to form an opinion. This opinion is *ex parte* and there is no question of a subjective or an objective satisfaction. If he is of opinion that the person is an unauthorised occupant, he proceeds at once against him. He does not go deep into the question. He says, "those persons should be evicted".

Judging from these aspects, under clause 4, I think that the officer will have to consider two things. Firstly, whether it is unauthorised occupation, and secondly, whether the person should be evicted. This, to an extent, is good. But then, what happens? My hon. friends Shri Balmiki and Shri Naval Prabhakar have spoken about Harijans. After all, the Estate Officer is as much a human being as any other citizen of India and should be enabled to find whether a proper case for eviction exists. It is not that in every case of unauthorised occupation, they want to evict. In clause 4, ordinarily speaking, there are two things to be done. There is discretion given to the officer as to whether the person should be evicted. This discretion given in clause 4 has been apparently taken away in clause 5. There, the only question is to decide after hearing the other party on whom the burden has been shifted. This is the worst thing that I have seen. The burden is put on the man who is sought to be evicted. It is not on the Government to show why he should be evicted, because Government is not a party. Only the representative of Government sits as an

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agent of the Government and starts with the presumption that the premises belong to Government and that, therefore, the person should be evicted.

In clause 5, if the officer is satisfied, what happens? "The Estate Officer may make an order," etc. He has virtually got no choice. He has to make an order if he finds unauthorised occupation there. He cannot go into the question whether the man has been there for the last 20 or 25 years, or whether the Harijan or any other person has been holding on to that house for any length of time. He cannot go into the question even if a person happens to occupy the premises for more than 60 years or so. There are such cases in Delhi, where the property has ripened into actual ownership. People from such premises can also be turned out.

**Mr. Chairman:** May I ask one thing? I find from the amendment that the hon. Member has tabled amendment Nos. 37 and 41. Both these amendments say that the displaced persons who had occupied the premises before the 15th August, 1950, should not be treated as unauthorised occupants. So, I think that is the only point so far as clause 2 is concerned. Will he please confine himself to that point?

**Pandit Thakur Das Bhargava:** Yes; I am speaking on these two amendments. But I will get no other opportunity. I can speak on the amendments of other Members also. Apart from that, I can speak on clause 2, because what is before us is clause 2.

**Mr. Chairman:** But only with reference to the amendments.

**Pandit Thakur Das Bhargava:** I am speaking on clause 2, as I submitted already. From my amendments also, this point is very relevant, because, these persons who occupied the land in 1950 have got the further protection by way of the Gadgil assurance.

**Mr. Chairman:** The hon. Member has already made these points during the general discussion.

**Pandit Thakur Das Bhargava:** Am I to understand that those who have spoken during the general discussion will not be allowed to put in their arguments at this stage.

**Mr. Chairman:** The only thing is if you speak all over again, on the whole Bill, there will be no end to it.

**Pandit Thakur Das Bhargava:** I will not take much of the time of the House, but, at the same time, the argument is perfectly correct. This is a point which at that time I did not make. It is an entirely new point, a new argument. In regard to this Bill, about the unauthorised occupation, the worst thing that we have got in this Bill is this very aspect of unauthorised occupation which has been defined in such a manner that it becomes unauthorised occupation by the act of those persons whose acts cannot be questioned by us.

May I now refer to another Bill that is coming up before the House shortly, namely, the Delhi Rent Control Bill? As between this Bill and the Bill that is now before the House, there is a great disparity. In that Bill, in clause 49, you will be pleased to find that specifically the Government have said that so far as the question of title is concerned, the question can be decided by the Civil Court. In that Bill, there is a controller who is not like the estate officer. He is a judicial officer. He proceeds as in a small cause court. He will hear all evidence and full rights have been given to him. In spite of that, clause 49 says that if, at any stage, the question of title comes, the person has to stay his hands and it may have to be settled by another court.

My difficulty is this. You have been pleased to refer to the definition of unauthorised occupation. On the one hand, the Government have closed the door. If this is a unilateral act by which this authority has been taken away, can I question that authority? This is cruelty indeed. They do not allow me to go to the civil court or go to the officer and plead with him that I am an innocent man and that this thing should not have been determined in this illegal manner. So, according to me, in this case, the man has been throttled to such an extent that he cannot even cry, because he cannot plead his title.

Therefore, my humble submission is that we should not pass this Bill. After all, the land has not been transferred. Only the right of my occupation is there. According to the Gadgil assurance, what I have been given is the right to remain in occupation, though it is not the right to property which will become mine if I pay the amount fixed by them. They say that no house will be demolished. This is how they start the thing. I have got an equity in my favour. That equity is there. I say that equity we should be enabled to plead. This was pleaded, in the high courts according to a reported ruling. But here, they say that it is not part of the Act and that we would not be allowed to plead. My hon. friend gags me to such an extent that I am not allowed to plead that equity in my favour, and those assurances in my favour solemnly given and given on a principle which was enunciated by the Prime Minister—no eviction without alternative accommodation, which should have been accepted by the hon. Minister who has sponsored the Bill. That principle is that in such cases alternative accommodation must be given even to a person who is not a refugee. It should apply not to a refugee alone but to others. I would go further and say that in a welfare State, when the Government is responsible for housing the people, every person who is ousted from a certain

place should not be thrown on the street, but alternative accommodation should be provided for him, whose case sometimes may be much worse than that of a refugee. We may be very wrong if in every case we evict the person. Therefore, I submit that the provisions, even though they are tempered by the acceptance of the amendments relating to refugees, will not be enough. Because to us, every citizen of India is very dear. Apart from the refugees, there may be many others like the Harijans who may be in an equally bad position. I am not concerned with the fact that Mr. Gadgil or Mr. Swaran Singh did not incorporate them in acts. If the hon. Minister did not stand by them, I can understand. But when he stands by them, what is the harm in putting it in the Act itself? That will give security to many people. Therefore, my humble submission is that for the proper implementation of these assurances, they should form part of the Act itself. In the part, the High Courts have said that the assurances are not legal enough and do not furnish good basis for accepting them as the basis of title, as they are not contained in the law. So, I request that the Government should make it possible for persons to plead that on the basis of these assurances, they cannot be turned out.

**Shri Ajit Singh Sarhadi:** Mr. Chairman, I have moved amendment No. 20.

**Mr. Chairman:** Hon. Members may confine themselves mainly to their amendments.

**Shri Ajit Singh Sarhadi:** Yes, Sir. Part one of my amendment seeks the exclusion of Government property which was evacuee property before 1955. Part two deals with what are known as the Gadgil assurances. So far as the second part is concerned, my hon. friend, Pandit Bhargava, has already dealt with it and I would not deal with it further.

So far as part one is concerned, it seeks the exclusion of Government

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property which was evacuee property before 1955. I have got sufficient reasons for it. The hon. Deputy Minister has conceded that there is an Act which governs this property and according to him a summary procedure is provided there. I concede that the procedure of eviction of unauthorised occupants of evacuee property, which is now Government property, is more summary there than in the Bill but that summary procedure is subject to certain conditions. It is subject to the commitments which the Rehabilitation Ministry has made under the rules. There the aggrieved party has recourse first to the managing officer; he can request him that he should not be ejected, because there is a commitment under the rule. Then, he has got the right to approach the Assistant Settlement Commissioner and thirdly to the Chief Settlement Commissioner. If he fails in all these three forums, then under section 33 of the Displaced Persons (Compensation and Rehabilitation) Act, there are residuary powers vested in the Central Government. They can rectify any mistake that has been committed by the three officers I have mentioned.

So, there the final authority is the Central Government i.e., the Rehabilitation Ministry, whereas according to the present Bill the Central Government does not come into the picture. He has got the estate officer as one of the forums, then the district judge, etc. Whether we look at it from the legal point of view or equitable point of view, this property known as evacuee property before 1955 and now Government property should be excluded, because whereas it would give the right of summary eviction under section 19, it would also give certain powers to the Central Government to rectify any mistake that might have been made.

I fail to understand how the hon. Minister can be sure that the commitments would be carried out and hon-

oured when the evacuee properties are situated throughout the country in different nooks and corners and the estate officers would be very far off. I have the authority of the Punjab High Court which has said that this is only concession which the Government may or may not give. It is not a statutory provision. According to the ruling of the Punjab High Court, it is left to the discretion of the Government to honour those commitments or not.

I have listened with care to the hon. Deputy Minister and I am grateful to him for his statement that the Government stands by the assurance that no unauthorised occupant before the target date of 31st December, 1955 would be ejected if he otherwise pays his dues. I submit in all honesty and sincerity that if this amendment of mine is accepted, it incorporates both the commitments of Shri Gadgil and Shri Khanna and it would not in any way damage the interests of the Government, because already the provision is there.

**Shri Warior (Trichur):** On a point of order. There is no quorum.

**Mr. Chairman:** The bell is being rung. Now there is quorum.

**Shri Balasaheb Patil:** I have moved amendment No. 62 which says that a new sub-clause (aa) should be added. After the estate officer has been defined in clause 2(a), I want to add this sub-clause. In his opening speech, the hon. Deputy Minister said that he wants a quick and speedy remedy in order to evict the persons and that the procedure now followed in the courts is cumbrous, lengthy and takes years. Looking to the scheme of the Bill as it is, there is no quick and speedy remedy at all, because under clause 4, the estate officer has to form his opinion, give notice and then he has to give reasonable time. If he gives only a

week's time, that will be injustice. If he gives 15 days, it may be too short. He must give at least 2 months notice. That will be a reasonable time to come to a conclusion. Finally, he has to give time—45 days or 90 days in case the persons are staying in the house for more than 3 years. That means it is mainly procedural and if that is to be termed as quick and speedy, nobody can agree with hon. Deputy Minister.

So many objections have been raised arising from articles 14 and 19 of the Constitution. This Act was once challenged successfully. The Attorney General has also stated, "Let us see whether the Supreme Court upholds this Act". The point before us is whether we are going to disturb seriously the lives of so many persons by passing this Bill. So, I want to submit before the House a new scheme. Under this Bill, the estate officer has to form his opinion as to whether a certain person is an unauthorised occupant and then he has to give notice.

Thereafter he has to go to a court, and that too a Small Causes Court. Then the court will come to the conclusion in as short a time as possible. The procedure that is followed under the Provincial Small Causes Court Act is very speedy. Therefore, my submission to this House is that the Estate Officer, instead of hearing the party, may give his decision. If the Estate Officer takes it into his head, he can, even without asking him to produce a written statement, give his judgment in three lines. Then he will be evicted. After all, no right is given to the party to come in appeal under section 9, because that appeal would not be admitted before the District Judge. Therefore, my submission is that my amendment may be accepted, so that the Estate Officer will file the cases in the Small Causes Courts, which will decide the cases and give judgment.

Shri U. L. Patil: My amendment reads as follows:

"for 'for any reason whatsoever' substitute—'for any reason or reasons under the rules'."

Since this point has been elucidated by my hon. friend, Pandit Thakur Das Bhargava, I will quote only one instance. The Estate Officer might determine the grant or transfer for the non-payment of rent for one month, he might in some cases, sleep over the non-payment of rent for a year or two. Therefore, my submission is this. There are specific provisions under the various Rent Control Acts for determination of grant or leases for arrears of rent. Now, Government cannot be treated on par with private persons. There must be some rules to restrict the wide discretion given to the Estate Officer. Therefore, in my amendment, I have suggested the substitution of "for any reason or reasons under the rules" for the words "for any reason whatsoever". Clause 13 gives the Government the rule-making power. But it does not specify in any way the determination of grant or lease for non-payment of rent. Therefore, rules must be provided in that behalf and the determination of grant or transfer must be strictly under the rules that will be framed.

Shri Jagannatha Rao: I have heard the arguments advanced by the hon. Members who have moved their amendments. I feel that they are a repetition of what was stated during the general discussion.

Regarding amendment No. 20, I should like to point out that it is not the intention of the present Bill to give complete immunity from eviction to persons who are in authorised occupation of the public premises. My hon. friend, Shri Sarhadi, referred to the Displaced Persons Rehabilitation and Compensation Act. Even under that Act, Government had the power to take action under section 19. Sub-section (2) of section 19 reads thus:

"Where any person has ceased to be entitled to be in possession

[Shri Jagannatha Rao]

of an evacuee property by reason of any action taken under sub-section (1), or is otherwise in unauthorised possession of any evacuee property or any other immoveable property.... of the compensation pool, he shall, after he has been given a reasonable opportunity of showing cause against such eviction from such property, surrender possession of the property on demand being made in this behalf by the managing officer or managing corporation or by any person duly authorised by such officer of the corporation."

**Shri V. P. Nayar:** You are reading the whole thing. Is it not a repetition?

**Shri Jagannatha Rao:** A person cannot have larger rights under this Bill.

**An Hon. Member:** He has not followed the point.

**Shri Jagannatha Rao:** The Bill does not take away the rights which a person enjoys. The Bill only seeks to remove persons in unauthorised occupation. If the amendments which are now sought to be moved are accepted, the very object of the Bill will be defeated. The amendment will have the effect of giving immunity to unauthorised persons from eviction by Government. That can never be the position. They have no title to the property and so they have no right to continue in possession of the property. Where the Estate Officer finds that a particular person is in unauthorised occupation, he has got the right to evict him. It is a remedial power given to him under the provisions of this Bill. Therefore, with due respect to the hon. friends who want their amendments to be accepted, I fail to see any sound reason why the amendments should be accepted.

**Shri Anil K. Chanda:** I am afraid, I am unable to accept any of the

amendments which have been moved in connection with clause 2. Most of these amendments relate to matters which have been debated at great length on the floor of this House. I will only refer to matters which have not been dealt with already.

There is amendment No. 51, moved by Shri U. L. Patil. He wants to substitute the words "for any reason or reasons under the rules" for the words "for any reason whatsoever". That means that the reasons have to be shown, the reasons which prompted the Estate Officer to come to the conclusion that the unauthorised person is to be evicted should be made known. It is not possible for Government in every case to publicise the reasons for which they seek eviction of a particular person from a particular Government property which has been squatted upon. A considerable number of properties which are covered by this Act belong to the Defence Ministry. It may be a reason which cannot be publicly stated. Therefore, I hope the hon. Member will not mind if I inform him that I am unable to accept his amendment.

**Shri U. L. Patil:** You can say in the rules "for defence purposes".

**Shri Anil K. Chanda:** Whenever I say "for defence purposes", I would be giving out my secret. Then, I understand that even the Land Acquisition Act does not require any reasons to be given. A public purpose is a good enough reason.

With regard to the point by Shri Balmiki, it is well-known that he feels very strongly for the Harijans; so do we all. But, as I said before, it does not mean that in every case Harijans have to be brought in.

Similarly, with regard to amendment No. 56, of Shri P. K. Deo, he has referred to the displaced persons and in amendment No. 57 he says that these displaced persons should also be

given certain benefits. I am afraid, it is not possible for Government to accept this.

Amendment No. 62 of Shri Balasaheb Patil refers to Small Causes Court etc. Now the very basis of this Bill is to deal with matters more or less in a summary manner must also, not to deny natural justice to citizens. If we once bring in the court of law, the whole gamut of the judicial procedure is there; there is then no particular point in our coming before Parliament and asking for a special legislation for the purpose of eviction. The whole basis of the Bill is speedy eviction. On the other hand, the citizen has got certain rights. We have to see that those rights are respected. At the same time, the public need, that is, the speedy eviction of unauthorised persons, must also be given effect to. That is the whole basis of this Bill. Now, if these amendments were to be accepted, I think the Bill itself will thus become absolutely unnecessary.

With regard to what Pandit Thakur Das Bhargava has said about the Gadgil assurances, we have described at great length the reasons which make it impossible for making them justiciable. If we once make the assurances justiciable, the same process is there. Therefore, I am unable to accept any of these amendments.

**श्री बास्तीकी :** सभापति महोदय, मेरा ५७ नम्बर का प्रमेंडमेंट है। इसमें मैंने चाहा है कि कल बनाते बनते हरिजनों का विशेष स्पष्ट से स्थान रखा जाये। इस के बारे में मैं उनका उल्लंघन चाहता हूँ।

**Shri Anil K. Chanda:** Is it intended that it goes as a part of the Bill?

**Mr. Chairman:** Working of the Bill.

**Shri Anil K. Chanda:** He wants an assurance or something like that. In every case we will give every instruction to our officers that they should deal very gently with the Harijans and as far as possible protect their rights.

**An Hon. Member:** Gently.

**Shri Anil K. Chanda:** No, no. We mean it very seriously.

**Mr. Chairman:** No, I put the amendments to the vote of the House.

The question is:

"That on page 1, after line 8,  
insert—

"(aa) "court" means a small causes court as defined in the Provincial Small Causes Court Act, 1887 and includes a civil judge having jurisdiction to try the small cause cases;"

The motion was negatived.

**Mr. Chairman:** The question is:  
page 2, lines 15 and 16—

for "for any reason whatsoever" substitute—

"for any reason or reasons under the rules."

The motion was negatived.

**Mr. Chairman:** The question is:  
page 2, after line 16,—

"Provided that a displaced person in occupation of public premises before the 15th day of August, 1950 shall not be deemed to be in unauthorised occupation if he has constructed any building on such premises."

The motion was negatived.

**Mr. Chairman:** The question is:  
page 2, line 16, add at the end—

"But no unauthorised occupation by any displaced person before 16th August, 1950 shall be regarded as unauthorised occupation."

The motion was negatived.

Mr. Chairman: The question is:  
page 2, after line 16, add—

"Provided that lenient view will be taken in the case of Harijans, building labourers and other poor persons like displaced person while evicting them."

The motion was negative.

Mr. Chairman: The question is:  
page 2, after line 16, add—

"(f) "displaced persons" means persons whose lands and houses have been acquired for Government purpose and who have been displaced from their lands and houses."

The motion was negative.

Mr. Chairman: The question is:  
page 1, after line 18, add—

"Provided that it shall not include evacuee property acquired by the Government of India under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 in 1955;

Provided further that a displaced person in occupation of public premises before the 15th day of August, 1950 shall not be deemed to be in unauthorised occupation if he has constructed any building on such premises."

The motion was negative.

Mr. Chairman: The question is:  
"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Appointment of estate officers)

Mr. Chairman: May I know which of the amendments are to be moved? Amendment No. 2.

Shri B. K. Gaikwad: Sir, I beg to move:

page 2, lines 19 to 20—

for "gazetted officers of Government" substitute "officers belonging to judicial service".

Shri Jadhav: I want to move my amendment No. 21.

Mr. Chairman: I am calling the number of each amendment one by one. Amendment No. 30. Not moved.

Shri Jadhav: Amendment No. 21.

Mr. Chairman: I am coming to No. 21.

Amendment No. 7 is the same as amendment No. 2. Amendment No. 42.

Pandit Thakur Das Bhargava: Sir, I beg to move:

page 2, lines 19 and 20—

for "gazetted officers of Government" substitute "officers belonging to civil judicial service".

Shri Kodiyan (Quilon—Reserved—Sch. Castes): Amendment No. 7.

Mr. Chairman: Amendment No. 7 is the same as No. 2 which has been moved. Amendment No. 58.

Shri P. K. Deo: Sir, I beg to move:

page 2, lines 19 and 20—

for "gazetted officers of Government" substitute "gazetted officers of the judicial service of the Government".

Mr. Chairman: Amendment No. 21,

Shri Jadhav: Sir, I beg to move:

page 2, lines 19 and 20—

after "Government" insert "from judiciary".

**Mr. Chairman:** Not to clause 3.  
वह वसाव न में है।

All these amendments are before the House.

**Shri Kodiyan:** Mr. Chairman, Sir, my amendment No. 7 seeks....

**Mr. Chairman:** Amendment No. 7 is the same as No. 2. No. 2 has been moved. He can speak on Amendment No. 2.

**Shri Kodiyan:** .....seeks that the Estate Officers should be appointed from the judicial service of the Government. The intention of moving this amendment is very obvious. The hon. Minister has just now pointed out that the number of Estate Officers required for the operation of this Bill will not be large and he has also informed us of the difficulty of appointing these Estate Officers from the judicial service. The difficulty, according to him, is that the gazetted officers are not to be appointed specially for the execution or the operation of this Bill. So, Government cannot appoint new officers for the purpose of this Bill. My contention is that if the number of officers required for the purpose of this Bill is not so large, then what is the difficulty in appointing judicial officers in the place of the gazetted officers or the estate officers now holding that post? Government, of course, can transfer those estate officers now holding those posts to other posts and appoint officers from the judicial service or at least those officers serving in the department who have got some judicial qualifications and judicial experience. Therefore, I do not think that it will be difficult to have such an adjustment and I request him to accept this amendment.

**Shri P. K. Deo:** Mr. Chairman, Sir, This Bill seeks to empower the executive with unlimited powers and the

summary procedure is to short-circuit the ordinary legal procedure. So, I respectfully submit that the estate officers should be officers with judicial temperament and it would be much better if they belong to the judicial service of the State. I strongly feel that the Government should take steps in appointing estate officers who shall be recruited from the judicial service of the State.

**Shri B. K. Gaikwad:** Mr. Chairman, Sir, my amendment is very simple and innocent.

**Shri Naushir Bharucha:** He means innocuous.

**Shri B. K. Gaikwad:** Yes,

**Shri Naushir Bharucha:** So?

**Shri B. K. Gaikwad:** So you will find that there are several departments of the Government and there are several officers who are gazetted officers having no judicial mind. If we appoint only gazetted officers, I do not know how far the purpose will be served. So, in order to serve the purpose, a man having judicial mind should be appointed for this purpose. In view of that I move this amendment.

**Shri Jadhav:** Sir, my amendment refers to the appointment of estate officers.

**Shri K. C. Reddy:** What is the number of the amendment?

**Shri Jadhav:** No. 21. In his reply the hon. Deputy Minister has in a way admitted that he has no objection to have these estate officers from the judiciary. The procedure which will be adopted herein would be a judicial procedure and the estate officers will have to initiate the proceedings. There is the right of hearing and there is the right for giving evidence. Then, counsels will also be allowed and there is provision for appeal also. In such a proceeding, it will be better

[Shri Jadhav]

if the Estate officer to be appointed is from the judiciary. No doubt, it is said that ignorance of law is no excuse. I do not think Government will be accepting this maxim for this purpose. Therefore, the Deputy Minister should not feel shy to appoint this officer from the judiciary. Therefore, I move this amendment.

**Pandit Thakur Das Bhargava:** Mr. Chairman, I have moved my amendment No. 42:

Page 2, lines 19 and 20, for "gazetted officers of Government" substitute "officers belonging to civil judicial service".

Very many hon. Members have suggested that gazetted officers will not only belong to the judicial line or the magisterial line. There are many other departments in which there are gazetted officers. My hon. friend was saying that even in the Education department there are gazetted officers. I cannot vouch for the Education department, whether they are called gazetted officers. Perhaps in all the departments of Government, there are gazetted officers. In the Engineering department, in the P.W.D., in all the major departments there are these gazetted officers. I do not understand why the Government is feeling shy and does not want to say that it will appoint judicial officers. It may be that judicial officers are not available. It may be that the Government has never used such an expression before. Then, I can understand. Otherwise, when we know what duties are to be performed, it is absolutely clear any gazetted officer except a judicial officer will not be able to discharge his duties satisfactorily.

Not only that. I go further and say that a judicial officer of the magisterial type will not be able to go into these complicated questions which may crop up before this Estate officer. I go further and say, even an ordinary civil judicial officer will not be able to decide these complicated questions. I

shall say what the questions will be. They will not be simply like this: whether a certain person is in unauthorised occupation or not. The questions will be of 90 or 99 years lease. He will plead and say, I am in possession under the lease. Who will decide this question? A gazetted officer of the Engineering department or who else will decide? Unless that man has a grounding in law, unless he understands law, he will not be able to decide rightly. When I remember clause 10 of the Bill, I feel that the Government is making a very great mistake in not agreeing to this amendment. Clause 10 makes the order of this gazetted officer final.

My hon. friend spoke of judicial review. I am rather ashamed to hear this from hon. Members who have got no experience of the law courts. What is a judicial review? I have seen in Egypt a man with a human head and a body of something else. What will this Estate officer do? He is not a judicial officer. He is an executive officer. What are the questions before him? Whether a person is in unauthorised occupation—nothing more. It goes to the district judge. The district judge will only see if this decision is right, whether the person is in unauthorised occupation. Nothing else. If you arm this officer with power as is given in clause 4, I can understand. If you invest him with discretion that he shall be able to say whether this man should be evicted, going into the merits of the question, that he shall be able to consider whether a person has got assurances behind his back and consider that he has got other equities, and if the Government has behaved in a certain way, if he has discretion in proper cases not to evict, I can understand the argument. You require higher officers and he must be a judicial officer. May I just refer the hon. Minister to clause 34 of the Delhi Rent Control Bill where they say that the Controller shall be a judicial officer of at least five years experience.

This is what they themselves have said. Here, this man will be invested with such large powers that the Delhi Controller will stand no comparison. After all, what this Controller decides will go to the District Judge. He is like a small cause judge. He is a judicial officer. He takes evidence. He cannot refuse to take evidence. The judgment of that officer will be satisfactory. Here in the case of Estate Officer he has no judicial experience. This officer has to decide such complicated questions as I am going to give you examples.

In these four cases which have gone to the High Courts of Calcutta, Punjab and Allahabad, you will find from these rulings that the questions which formed the subject matter of these cases were very intricate. In the Punjab Case, the question was about 90 years or 99 years lease. In the Calcutta Case, the question was about hawkers. Sales took place in 1923 and 1936—cases of long standing. These premises were in their occupation for a long time. It may happen that the occupation is for more than 60 years. Questions of limitation will arise; questions will arise whether the possession is lawful or not. In other cases even relating to arrears of rent and damages, questions will arise whether they are recoverable or not, whether they are within limitation or not. Questions arise as to what should be the damages. For assessment of damages, you do not require a doctor, a medical man. After all, a medical man may be a gazetted officer. These questions arise. Kindly see the four cases which have gone against the Government and the Act has been declared null and void. You will see that the *ratio decidendi* which was the basis for this Act being held *ultra vires* was that the kind of Estate officer cannot be expected to go into these complicated questions. Therefore, the demand of the House that he must be a judicial officer of some experience is very right, indeed, though I will not be satisfied with that, unless and until you make it clear what will be the issues before him. I

have asked several times; but the hon. Ministers are reticent upon this point. You will kindly consider the question and see what will be the jurisdiction of that man. Will he be able to go into the equities of the question or not? Will he be able to decide that the Government is estopped from evicting that person? Will he be able to decide that the Government has given certain assurances, which, if given effect will make the eviction unjustifiable? If there are sales, mortgages and if by virtue of other modes of transfer, a person is in possession, will this Estate officer be competent to go into these questions? Some time ago, to justify this Act, indefensible Act, two hon. Ministers, the Deputy Minister of Law and the Law Minister, came here. When you come to consider clauses 9 and 10, I will have something to say about them. I respectfully ask you—you are a distinguished member of the Bar—is it possible for any district judge or for the matter of that, for the High Court or even the Supreme Court to do justice in a case in which the first court or the first officer has got a limited jurisdiction. If he has only to decide one issue, one issue alone, whether the person is in unauthorised possession, what will the High Court do? If he cannot decide the question of equity, if he cannot go into the question whether a person should be evicted and decide on it, can they go into all these questions? The appellate court can only go into the question whether the judgment of the first court is right or wrong. Nothing more, nothing less. The burden is upon the appellant to show that the judgment is wrong. When the judgment of the first court is final, when you make the opinion of this Estate officer final under clause 10, you are really taking away the jurisdiction of the civil court. In more than 50 per cent. of the cases, there will be no appeals. What will the district court do? He will only look at the matter and see whether the judgment is right in so far as a person's unauthorised possession is concerned. No equity; nothing of the

[Pandit Thakur Das Bhargava]

sort. What is this appeal to a district judge? You may put, instead of a district judge, an immovable structure of iron and wood. He cannot go into these questions. Therefore, it is no judicial review. This aspect of the case should be considered. Where is the judicial review if the only question decided is about unauthorised person as defined in clause 2. It is only possible if you allow the first court, the Estate officer full powers to go into these questions. If you are shy of a judicial officer, invest the officer with full powers to go into all aspects of the case and let him come to a conclusion. Then, let the matter go with that evidence before the district judge. That would be much more acceptable rather than this where there is no jurisdiction for that man to go into these questions. I have given an amendment in the next clause that at least two things he must find: whether he is in unauthorised possession and whether he should be evicted. Even that is not being accepted. I fail to see how we can call it a judicial review by the district judge or how we can call this law. As a matter of fact, this is no law. This is a lawless law. It is a negation of law to invest the Estate Officer with these powers, and then tell him to make his decision and then say the matter goes to the District Judge.

I am afraid I am using strong language, but I feel this is, as a matter of fact, really closing the doors of justice to the citizens of India who may be in good authorised possessions and yet may be declared to be in unauthorised possession because some officer had passed an order, an ex parte order that such and such a thing is determined. I am very anxious that at least, even if you give the semblance of power, semblance of justice, have a judicial officer of seven or ten years standing. Do not have these gazetted officers.

I do not have any doubt that the Government will not behave in this

manner and appoint persons who have got no judicial experience. Why should you fight shy of saying so? You only give handle to the other people to say: here is the Government doing this thing. Government will never appoint such persons, Government have their prestige, they will never do so, but I do not know why this shyness in accepting such an innocuous, such a justifiable amendment. I submit he will kindly accept this amendment only to show that they are not out to get civil rights determined by executive officers.

Shri Balasaheb Patil: So far as the Estate Officer is concerned, he is the central figure in the Bill, and it has been stated that he will be a gazetted officer. No doubt about that, he will be a gazetted officer, but what are his functions?

His functions are of four types: investigation, enquiry, trial and execution. All the powers of the civil and criminal courts have been restored upon this person. So, this person must be a person from the judiciary. I am not using the expression "judicial officer", but "judiciary". So far, my friends have submitted something about his qualifications, but the further thing about the judiciary is their independence. This Estate Officer may be a gazetted officer, but he is a servant of the Government. When the Government wants certain things to be done and if the Government issues an order that some premises are to be cleared, he will not care for justice, but will care for his services.

He wants first of all his service should be maintained. Secondly, he wants to get a higher post. Thirdly, he wants to please the Government. Fourthly, he wants to do injustice to the others.

Shri S. M. Banerjee: To get some money also.

**Shri Balasaheb Patil:** That will be in course of time, but the Government will not be very vigilant about that. That is a different thing.

The hon. Deputy Minister said yesterday that he had no objection to appoint such persons, but he says that there are no such persons available. May I humbly bring to his notice that there are so many law graduates who are out of jobs nowadays? He can get hold of any of them and appoint him as Estate Officers, and definitely lay it down in the rules that he will be an independent person like the judiciary. Then he will be a fit person to go into the question of the title, the rights accruing, the question of leases, damages etc.

There is the question also of damages. A huge building is erected, thousands of rupees are spent, and the Estate Officer by one stroke of the pen says: demolish and evict him. What is this? Is it justice or injustice?

16.54 hrs.

[MR. SPEAKER in the Chair]

If the Estate Officer is of the judiciary, an independent person, independent of the orders of the Government, then he would say to the Government: pay adequate compensation. From this point of view also, let this point be considered by the House. A gazetted officer may be appointed, but he must be a person from the judiciary. Furthermore, give him the right to be independent.

Several Hon. Members rose—

**Mr. Speaker:** I do not know how far and how long the hon. House wants to sit regarding this matter.

**Shri Yadav (Barabanki):** The time may be extended.

**Mr. Speaker:** We have extended by a number of hours.

**Shri Yadav:** This is most important.

**Shri Jadhav:** There are nearly 67 amendments.

**Mr. Speaker:** For general discussion itself we took two days.

**Shri Yadav:** It is true, but the hours may be extended.

**Mr. Speaker:** Today?

**Hon. Members:** No.

अंग योग्य : अध्यथ महोदय, यह जो विधेयक, प्रत्यक्ष प्रेसेज इविक्षण घोफ अनश्वारोराइज्ड आकुपेंट्स बिल है, और जिसका ड्रामा यहां खेला जा रहा है इसका मुख्य अभिनेता स्टेट आफिसर या राज्य अधिकारी होगा। इस अधिकारी के ही चारों तरफ यह विधेयक पूर्यता है। अगर इस अधिकारी के अधिकार पढ़े जायें तो मानूम होगा कि इस विधेयक के सम्बन्ध में शायद इतना जबरदस्त और कोई अधिकारी नहीं होगा। यदि इस अधिकारी को हम इस विधेयक का तात्पराह करें तो कोई अतिशयोक्ति नहीं होगी।

यदि हम अपने मंविधान की ओर नज़र डालें तो वह हमें आदेश देना है कि हमको न्यायपालिका और कार्यपालिका को अलग अलग रखना चाहिये। क्या यह जो इस विधेयक में इस राज्य अधिकारी को इतने जबरदस्त अधिकार दिये जा रहे हैं यह कदम न्यायपालिका और कार्यपालिका को अलग रखने की ओर जाता है। श्रीमान्, इस स्टेट आफिसर को जूरिसप्रैंटेंस का कोई ज्ञान नहीं होगा। न्याय के जो आधारभूत सिद्धान्त है उनकी उसे जानकारी नहीं होगी। इस विधेयक में हजारों लाखों लोगों के घरों और रोटी-रोजी का सवाल है। ऐसे मामले को स्टेट अधिकारी के हाथ में एक खिलौने के हृप में दिया जा रहा है, उस अधिकारी के हाथ में जिसको कानून का कोई ज्ञान नहीं

## [श्री यादव]

होगा। यदि सरकार जरा भी ध्यान दे तो उसे पता चलेगा कि जब यह विधेयक कानून की शक्ति में तबदील हो जायेगा और यह राज्य अधिकारी काम प्रारम्भ करेगे तो क्या अवस्था होगी। उस अवस्था की कल्पना से ही सरकार, को चाहिये कि थोड़ा सा सहमं और इस कदम को बापस ले ले।

वैसे संशोधन में तो जूडिशियल आफिसर शब्द इस्तेमाल किया गया है। संशोधन में कहा गया है कि न्याय अधिकारी रखे जायें। ये बड़ी संस्था में प्राप्त हो सकते हैं, राज्यों से और बाहर से भी लिये जा सकते हैं। जो मौजूदा न्याय अधिकारी हैं उन के हाथ में भी यह काम दिया जा सकता है। मैं समझता हूँ कि इस सदन के बहुत से माननीय सदस्यों को तो इन न्यायाधिकारियों से भी शिकायत होगी। लेकिन इस विधेयक में तो न्याय अधिकारी भी नहीं रखने का विचार है, इसमें तो सरकार अपने मन बाहे गजटेंड आफिसर नियुक्त करेगी और उनको कानून के सारे अधिकार दिये जायेंगे।

शायद एक साल भी नहीं हुआ है कि उत्तर प्रदेश में न्यायाधिकारियों ने एक ड्रामा खेला था। उन्होंने उनर प्रदेश में राज्य सरकार के द्वादश पर डॉ. राम मनोहर लोहिया जैसे आदमी को अदालत के सामने हाजिर न होने पर बांध कर लाने का आदेश दिया। फिर जब वह बांध कर लाये गये और जब दस्तबत की बात कही गयी तो उन के घंटे का निशान लिया जाता है। तो जब न्याय अधिकारी यह सब कर सकते हैं तो उस समय क्या अवस्था होगी जब यह कानून स्टेट आफिसरों के हाथ में दे दिया जायेगा। इस सदन के माननीय सदस्यों को वह कानून बनाने के पूर्व यह सोचना चाहिये कि इस कानून द्वारा कितनी जबरदस्त ताकत इन अफसरों को दी जायेगी, एक दो वर्ष नागरिकों

रिकों के सम्बन्ध में। यहाँ के नागरिकों के लिये इस नाटक का होंग नहीं रखा जाना चाहिये।

मैं एक शब्द और कहना चाहता हूँ इस सिलमिले में। माननीय मंत्री महोदय ने कहा कि हाईकोर्ट को अधिकार है कि उनकी अपील सुन सके। लेकिन जब राज्य अधिकारी नीचे ही सब कुछ खत्म कर देगा तो कौनसा ऐसा रिकार्ड रह जायेगा, कौनसा सबूत और शहादतें ऐसी रह जायेंगी जिन के आधार पर हाईकोर्ट में अपील हो सके और उस व्यक्ति को न्याय विल सके। और दूसरे कितने ऐसे लोग होंगे जिनमें हाईकोर्ट तक जाने की ताकत होगी और जो ऊपर आकर अपील से न्याय हासिल कर सकेंगे।

तो मैं चाहता हूँ कि कम से कम अब सरकार मंविधान को तोड़ने में इन्कार करे। जो मंविधान की मंशा है उसकी कद्र करे और उसकी कद्र करते हुए वह जो मामूली सा संशोधन है उसे स्वीकार कर ले। सरकार न्यायपालिका और कार्यपालिका को इस प्रकार में अलग रखे। यदि सरकार इस संशोधन को मान लेगी तो मैं समझता हूँ कि वह अपनी न्याय वृत्ति का परिचय देगी। यदि सरकार ऐसा करे तो अच्छा है।

17 hrs.

**Shri Anil K. Chanda:** I am afraid I cannot add anything new to what I have already said with regard to this matter. The question whether the Estate Officer should be a judicial officer has been debated and discussed at great length in the Committee. I have already told the House the Estate Officer is not there only for the purpose of eviction. He is a sort of a general manager of government estates. When the question of evic-

of Government for the working of this Act. It is not possible for us, for reasons which I have already stated, to be sure in every case that we are in a position to appoint a judge as the Estate Officer, particularly as we have a vast number of Defence properties which will be affected by this Act. Therefore, I am unable to accept any of these amendments.

**Pandit Thakur Das Bhargava:** May I be allowed to ask a question? Will this Estate Officer be invested with discretion to see that it is only in proper cases that he evicts and not in every case?

**Shri Anil K. Chanda:** Yes, we will give executive direction to the officer that only in cases where he is absolutely sure about the legal title to the property that he should proceed.

**Pandit Thakur Das Bhargava:** My question was not about legal title. Suppose a person is suffering from T.B. and he is in unauthorised occupation or he is fortified by other equities in his favour, will the equities of the case be considered and he allowed to remain there?

**Shri Anil K. Chanda:** Surely, it does not mean that in every case of unauthorised occupation, he has got to be evicted. The Estate Officer has the power to evict but he has his discretion.

**Mr. Speaker:** Which amendment is to be put?

**Shri Jadhav:** No. 21.

**Shri Anil K. Chanda:** The substance of all these amendments is the same.

**Mr. Speaker:** The question is:

Page 2, lines 19 and 20,—after "Government" insert "from judiciary".

**The motion was negatived.**

**Pandit Thakur Das Bhargava:** No. 42 also may be put separately.

**Mr. Speaker:** It was stated that it was the same as No. 21.

The question is:

Page 2, lines 19 and 20,—for "gazetted officers of Government" substitute "officers belonging to civil judicial service".

**The motion was negatived.**

**Mr. Speaker:** The other amendments are barred.

The question is:

"That clause 3 stand part of the Bill".

**The motion was adopted.**

Clause 3 was added to the Bill.

**Mr. Speaker:** So far as this Bill is concerned, in the earlier stages we have extended the time enormously. Even for the clauses, on the whole, two hours were allotted. Let us have one hour tomorrow for all the clauses.

**Shri Jadhav:** That will not be sufficient; 40 amendments remain. They are important.

**Mr. Speaker:** Let us have two hours for all the stages tomorrow.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** That includes the third reading also?

**Mr. Speaker:** Yes, everything.

17.04 hrs.

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STATEMENT RE: INFORMAL  
MEETING TO DISCUSS FOOD  
SITUATION

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** I am grateful to you for permitting me to make a brief statement about a matter which concerns all the Members of this House. This morning, in the course of the

[Shri Jawaharlal Nehru]

discussions, you were good enough to suggest to members of the Government that they might consider conferring informally with Members of this House of all parties in regard to the food situation. We will gladly do so. As a matter of fact, also in pursuance of a previous suggestion of yours, I invited some leaders of parties in this House from the Opposition, a few of them also from the other House, and we met for the first time on Friday last in this informal meeting to discuss this food situation. And we met again this afternoon—I mean that this is a continuing committee and not just one discussion. The idea is that we should keep in view not only the immediate situation but the short and even the long-term remedies. That is, the committee though informal, should continue. We thought it better to have this informal committee because it is much easier to discuss matters with informality than under strict rules and regulations.

May I say that in the course of these two days' discussions, personally, speaking for myself, I have found it very profitable to hear the viewpoints of various Members and their suggestions. And, I hope, that they have also profited somewhat from the information that we could place before them. That small informal committee will continue meeting from time to time.

But, Sir, in view of the suggestion you made, we have decided to convene a much larger meeting. I cannot say the numbers; but I may say about 30 or so—25 to 30 Members—of all parties will meet on Thursday, the 11th September, i.e., 3 days from today. I might indeed have asked them to meet earlier but for the fact that an eminent personality is coming here tomorrow and some of us will be rather occupied in talks with him. The 11th was, therefore, the earliest date we can find for that. So, we hope to meet—as I said about 30 or so Members from both Houses—we

thought it better—and I hope that all the Members who are more specially interested, from all parties, in the subject will co-operate in this task. We shall gladly have that co-operation and we shall gladly supply them with all the information we possess on this subject and listen carefully to such suggestions as they make. Now, Sir, as I said, Government wish to share the information they have, past and present—what we have done and what we are doing—and to discuss with them any novel, new approaches and suggestions also.

Apart from this, if at that meeting on the 11th, or after that meeting has taken place, it is the desire of this House or your desire, Sir, we are prepared to have subsequently, on a suitable date, a two-hour discussion in this House. I do not wish any Member or anyone to feel that Government have the slightest desire to come in the way of discussion in this House. Only a few days back—I forget the date—there was a full discussion and we thought that, perhaps, another discussion might take place somewhat later. As a matter of fact, there is going to be a discussion in regard to the food situation in the other House next week, in about 8 days' time; I think today week. But, that, of course, is the other House's affair and not this House's affair. So, while obviously we are not concerned—I mean to say it is not for Government to say anything—about the constitutional or legal aspects, as to what the Central Government's responsibility is and what the State Governments' is,—that is for you to determine, Sir, and we accept whatever your decision may be, if I may say so, it seems to me natural that we cannot discuss questions of pure law and order here.

But, apart from all this, Sir, we do not wish anyone to abide by the strict legal interpretation in this discussion with regard to the food situation. So, I submit that if, after we have held this informal meeting of about 30 Members or so, on the 11th which is

Thursday, it is desired by you, Sir, or by the House, we shall ask you to allot two hours on a convenient date; (*Some Hon. Members*—Two hours will be too little.) I am making my submission, Sir, and it is for you and the House to decide. One thing, I should like to add for the information of the House. One of the areas which has been before the House and which has been under considerable stress is the eastern districts of U.P. I am not going into the past; I am merely informing the House of the present situation from the point of view of the food crops. We have had the latest information not only from the Government but actually from Members of this House who have come back now from there who say that the crop prospects there are excellent. Very fortunately, there has been precious rain there in the last two or three days which has gladdened the heart of every one there. Therefore, one can speak with a measure of assurance that the next harvest is going to be good.

**Shri B. K. Galkwad** (Nasik): The hon. Prime Minister has said just now that the representatives of all parties have been included on this committee. As far as my knowledge goes, a representative of the Republican Party has not been included.

**Shri Jawaharlal Nehru:** I referred to the small informal committee and because it was small it was difficult to have too many people on it but in the larger informal committee which I am suggesting, we hope, as far as possible, to include the representatives of all groups.

**Mr. Speaker:** The hon. Prime Minister's statement has relieved much of the tension. The hon. Members will kindly forget all the instances that may have happened, the talks and other things that have occurred in this House. It is not the desire of any one here or elsewhere to disturb the already disturbed situation. Therefore, I hope and trust in this informal conference much of the things will be settled or almost everything will be settled. In an adjournment motion it

is rather difficult and one has to be a little technical. In the other discussion on the food subject, not only the constitutional aspect such as whether we have jurisdiction or not, whether, food being a very important thing, the Centre can also have jurisdiction and whether it has any obligation under the law or under the Constitution, etc., can be discussed. We can have a wider range. With respect to an adjournment motion, the situation is rather difficult: if the Government is not responsible, ought there to be an adjournment motion or not?

In the general discussion on the food situation, I hope and trust that some concrete suggestions will be made and I would say that if any discussion arises here, let it not add to the tension that exists elsewhere. Let it, as far as possible, relieve the tension that is existing there and relieve the distress wherever it may be. I shall fix up a suitable day, if necessary, after the hon. Leader of the House informs the House and there are some more outstanding major problems which ought to be given the attention on the floor of this House.

**Shri Jawaharlal Nehru:** The problems are so big that they will remain outstanding for a long time; they will not be solved by a meeting but the point is that we should go towards their solution.

**Shri Nath Pal** (Rajapur): We welcome the spirit though we do not yet know what it will do. But may we know if he would use his good offices to influence the Government of U.P. to show the same spirit so that in that State matters are not aggravated there?

**Shri Jawaharlal Nehru:** I have made yesterday, in public, an appeal to all the State Governments on these lines, more or less.

**Shri Ranga** (Tenali): It may be a good thing if Pandit Jawaharlal Nehru, not necessarily as the Prime Minister, would hold a similar con-

ference with the co-operation of the local Ministers at Lucknow at the State level also.

**Shri Jawaharlal Nehru:** I would gladly go to Lucknow; it is my own State but I am in a slight difficulty. I am in constant communication, I may say, by letters and sometimes even by telephone and I hope the situation will improve rapidly. But I am in a personal difficulty because I am rather tied up about going to Bhutan within a few day's time.

**Shri S. M. Banerjee (Kanpur):** My suggestion was, if you could possibly make a request to the Chief Minister of U.P. through the Prime Minister, to call a similar conference in U.P. and try to relieve the tension there.

**Mr. Speaker:** I am sure he will also take steps.

**Shri Jawaharlal Nehru:** I have publicly stated that I hope that all State Governments—I was not think-

ing of this bigger conference, but the smaller informal committees—would convene such meetings and invite opposition leaders to such meetings. I have suggested that to the State Governments already.

**Mr. Speaker:** I can only end by appealing to all sections that something like a 'cease fire' ought to start, so that all agitations may cease, so that there may be a calm atmosphere to decide this matter. I would also appeal to all hon. Members of this House—I am not very much satisfied to see that one of our hon. Members fast from day to day; I would appeal to all of them to withdraw their fast—to co-operate, so that in a calmer atmosphere the whole thing may be judged.

17.17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 9th September, 1958.

[Monday, 8th September, 1958]

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1024.	Kashmir Gazetteer	5170	U.S.Q. No.		
1025.	Oil and Natural Gas Commission	5170—71	1632.	Confirmation of employees in Himachal Pradesh	5187
1026.	College Building Fund	5171	1633.	Border Demarcation, Tripura	5187—88
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1030.	M.E.S. contracts	5173—74	1637.	Secondary education in Bombay	5189
1031.	Vacations in High Courts	5174	1638.	Sports associations in Bombay	5190
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1033.	Prime Minister's visit of Oil and Natural Gas Commission Workshop	5175—76	1640.	Ashram Schools	5190
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1687.	Kozhikode aerodrome	5215
1688.	Central Excise Collectorate, Mysore	5216-17
1689.	Copper Deposits	5217-18
1690.	Officers under the Manipur Administration	5218
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1692.	Land belonging to Defence Ministry in Punjab	5219-20
1693.	Treasures in Himachal Pradesh	5220
1694.	Oil drilling operations in Punjab	5220-21
1695.	Police	5221-22
1696.	Foreign missionaries	5222

## MOTIONS FOR ADJOURNMENT

5222-46

The Speaker withheld his consent to the moving of three adjournment motions given notice of by the following members regarding the food situation in Uttar Pradesh :—

Sarvashri S.M. Banerjee, K.T. K. Tangamani and Harendra Nath Mukerjee, Shrimati Renu Chakravarty and Rajendra Pratap.

## COLUMNS

## ARREST OF TWO MEMBERS

5246-47

The Speaker informed Lok Sabha that he had received messages regarding the arrest of the following Members :—

- (1) Shri Ramji Verma was arrested on the 6th September, 1958 under Section 117 I.P.C. and Section 151 Cr.P.C.
- (2) Shri Sariu Pandey was arrested on the 7th September, 1958 under Sections 151, 117 and 107 Cr. P.C.

## CONVICTION OF TWO MEMBERS

5247-48

The Speaker informed Lok Sabha that he had received a communication from the Second Presidency Magistrate, Madras intimating the conviction of Shri Dharmalingam and Shri Sampath under Section 41 of the Madras City Police Act.

## PAPERS LAID ON THE TABLE

4249

The following papers were laid on the Table :—

- (1) A copy of Notification No. G.S.R. 717 dated the 23rd August, 1958 under sub-section (4) of Section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, making certain further amendments to the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956.
- (2) A copy of each of the following notifications under sub-section (4) of Section 43B of the Sea Customs Act, 1878 :—
  - (i) G.S.R. No. 730 dated the 23rd August, 1958.
  - (ii) G.S.R. No. 731 dated the 23rd August, 1958 containing the Customs Duties Drawback (Card Staves) Rules, 1958.

## COLUMNS

## PRESIDENT'S ASSENT TO BILLS

5249

Secretary laid on the Table the Mineral Oils (Additional Duties of Excise and Customs) Bill, 1958, passed by the Houses of Parliament during the current Session and assented to by the President since the last report made to the House on the 1st September, 1958.

## STATEMENT BY MINISTER

5249

The Minister of Revenue and Civil Expenditure (Dr. B. Gopal Reddi) made a statement correcting the reply given on the 13th August, 1958 to a Supplementary by Shri S.R. Damani on Starred Question No. 80 regarding Indo-Pakistan Financial Issues.

## BILLS INTRODUCED

5250

- (1) The Supreme Court Judges (Conditions of Services) Bill.
- (2) The International Finance Corporation (Status, Immunities and Privileges) Bill.

## BILL UNDER CONSIDERATION

5251—5366

Further discussion on the motion to consider the Public Premises (Eviction of Unauthorised Occupants) Bill, as passed by Rajya Sabha concluded. The clause-by-clause consideration was not concluded.

## STATEMENT BY MINISTER

5366—72

The Prime Minister (Shri Jawaharlal Nehru) made a statement regarding an informal meeting with members of various Groups in Parliament which Government proposed to convene with regard to the food situation in Uttar Pradesh.

## AGENDA FOR TUESDAY, 9TH SEPTEMBER, 1958.—

Further clause-by-clause consideration and passing of the Public Premises (Eviction of Unauthorised Occupants) Bill as passed by Rajya Sabha and also discussion on the Report of the Commission of enquiry re: food poisoning cases in Kerala and Madras States.