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Thursday, August 27, 1959
Bhadra 5, 1881 (Saka)

LOK SABHA DEBATES

(Eighth Session)



(Vol. XXXIII contains Nos. 11—20)

LOK SABHA SECRETARIAT
NEW DELHI

62 nP. (INLAND)

THREE SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

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LOK SABHA

Thursday, August 27, 1959/Bhadra 5,
1881 (Saka)

*The Lok Sabha met at Eleven of the
Clock.*

[MR SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Metropolitan Police System for Delhi

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"811. { Shri Shree Narayan Das
 { Shri Radha Raman

Will the Minister of Home Affairs be pleased to state

(a) whether there is any proposal to introduce a metropolitan police system in Delhi, and

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

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) There is no such proposal under consideration

(b) Does not arise

Shri Shree Narayan Das: In view of the fact that the population of Delhi has increased to a very great extent, may I know whether any suggestion has been made with regard to the desirability or necessity of introducing the same system as is prevalent in Bombay, Calcutta and Madras?

Shri Datar: This system of Police Commissioners is in vogue only in three towns Bombay, Calcutta and Madras. In all the other districts as also cities, the power vests in the District Magistrate and therefore, it is considered that it would be better to have the powers under a non-police officer than under a police officer. So far as those three places are concern-

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ed, they have come down historically and therefore, they are continuing

Shri Shree Narayan Das: May I know whether any proposal was made to the Government for its consideration?

Shri Datar: This Government had no proposal before it but the question was examined by the State Police Organisation Committee which came to the conclusion that it would be better to have the power vested in the District Magistrates

Shri Radha Raman: The hon Minister has said that there is no such proposal. In view of the unsatisfactory arrangement of police administration in Delhi and also the growing insecurity among the people, are any changes being considered by the Government to make it more effective and more secure?

Shri Datar: Government is taking steps from time to time to scrutinise the conditions in this regard and the solution proposed by the hon. Member is not considered satisfactory in this respect.

Shri Braj Raj Singh: In view of the statement made by the hon Minister just now that the police should be under the control of a non-police officer, is the Government considering to advise the administrations in Bombay, Calcutta and Madras to have there also somebody who is not a police officer so that it may not be under the police officer?

Shri Datar: That is a matter for the State Governments to consider and they have not made any such proposals in this respect.

Polish Aid for Copper Mining

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*812. { Shri Radha Raman:
Shri S. C. Godsara:

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

(a) whether any discussions between the Government of India and Polish Government have recently taken place regarding Polish assistance in the development of copper mining in India;

(b) whether such assistance is proposed to be accepted; and

(c) if so, on what terms and conditions?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): (a) to (c). Some preliminary discussions have taken place with the Polish authorities regarding their general offer of assistance in the development of Copper mining in India. It is still premature for the Government to say anything regarding (b) and (c).

Shri Radha Raman: May I know the nature of assistance and its form that had been envisaged in these preliminary negotiations?

Shri Gajendra Prasad Sinha: I have already said that the discussion is preliminary. The Indian Bureau of Mines is carrying on the investigation. The question about other assistance will arise when the negotiations proceed further.

Shri Radha Raman: How long are these negotiations expected to take? May I also know whether the Government is exploring the possibility of getting such assistance from any other country than Poland?

Shri Gajendra Prasad Sinha: Our technical experts had a discussion a few months before with Mr. Trampozynski, Minister of Foreign Trade of the Polish People's Republic who came here accompanied by the

Polish Ambassador and some other people. They had a discussion with our technical people, staff and the Director of the Indian Bureau of Mines. Therefore, the discussion has just begun and it will take some time before it will materialise. Then of course I will be in a position to say something about the type of aid.

Shri Radha Raman: The latter part of my question remains unanswered.

Shri Damani: How many copper mines will be developed by the end of the Second Plan and what would be the production? Up to what extent they will meet the requirements of the country?

The Minister of Mines and Oil (Shri K. D. Malaviya): The latest position with regard to the development of copper mining is this. We have almost completed our present detailed investigation of Khetri copper mines. As soon as the detailed quantitative and qualitative examination is completed, we will start the mining project programme. By the end of the Second Plan, we hope to produce some copper ore from Khetri mines and may be also from Sikkim which Government had requested us to help it in the production of copper ores. This is all that we will be able to do by the end of the Second Plan.

Removal of Archaeological Antiquities to Foreign Countries

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*813. { Shri D. C. Sharma:
Shri Ram Krishan Gupta:
Shri Vajpayee:
Shri Vishwanatha Reddy:

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

(a) whether it is a fact that several cases of removal to foreign countries of archaeological antiquities from unprotected monuments in various parts of the country have been brought to the notice of Government;

(b) if so, whether the same have been enquired into;

(c) the result of such enquiries; and

(d) the nature of steps taken or proposed to be taken to stop pilferage of such antiquities?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) to (c). Whenever any complaint about pilferage or damage to a monument is received, an enquiry is made but it has not been possible to establish that such damage or pilferage is for purposes of export.

(d) Stricter measures of control by custom authorities and State Governments have been recommended and both the Central and the State Departments of Archaeology have been requested to exercise greater vigilance and remove scattered antiquities to museums.

Shri D. C. Sharma: How many such complaints of damage done to these antiquities have been brought to the notice of the Minister during the last six months and what action has been taken to stop that by the Ministry here or by the State Government?

Shri Humayun Kabir: We received complaints this year in respect of monuments mainly in U.P. and M.P. and immediately an officer was deputed to make an investigation. He has submitted a report in May, 1959. We also wrote to the State Governments concerned. As a result of all this, some recommendations have been made and I have mentioned them. So far as the Department of Archaeology is concerned, we have directed that more staff such as chowkidars may be appointed to look after the protected monuments. In respect of unprotected monuments public co-operation and police seem to be the only way in which theft could be checked.

Shri D. C. Sharma: May I know if the customs authorities in India have brought any cases of illegal transfer of such antiquities to other countries to the notice of this Ministry?

Shri Humayun Kabir: It is not necessary for them to bring it to our notice. Under the Antiquities (Export Control) Act as well as the Sea Customs Act nothing can go out of India if it is an antiquity. We have drawn the attention of the customs authorities that they should not allow such things to go.

Shri Ram Krishan Gupta: May I know whether there is any proposal to include these monuments—about which complaints were received—in the list of protected monuments?

Shri Humayun Kabir: The number of unprotected monuments in India runs not into thousands but perhaps into hundreds of thousands. So, I think it would not be possible.

Shri Ram Krishan Gupta: I mean the monuments about which complaints have been received.

Shri Humayun Kabir: The monuments are brought under the national list on the ground of their importance and not on the ground that a complaint had been received about them.

सेठ जयलाल सिंह: क्या मंत्री जी यह बताने की कृपा करेंगे कि प्रग्री हाल में मध्य प्रदेश और उत्तर प्रदेश में बहुत सी मूर्तियों के सिर उतार लिये गये तो उस सम्बन्ध में मध्य प्रदेश सरकार और उत्तर प्रदेश सरकार ने क्या स्टेप लिया है ?

श्री हुमायून् कबिर: मैं ने प्रग्री यही बताया है कि उत्तर प्रदेश और मध्य प्रदेश से ज्यादा शिकायतें आई हैं और वहां की सरकारों का ध्यान इस ओर खींचा गया है और वे भी कार्यवाही कर रही हैं।

सेठ जयलाल सिंह: क्या कार्यवाही की गई है, यह भी बतलाने की कृपा करें।

जयलाल महोदय श्री वाजपेयी :

Shri Vajpayee: The hon Minister has just said that for the protection of

the unprotected monuments people's co-operation will be solicited. May I know if there is any proposal to entrust the work of protection to the gram-panchayats, and whether the State Governments have been approached in this matter?

Shri Humayun Kabir: That would be a concern mainly for the State Government. What we are proposing to do is—and this has been agreed to—that we classify the monuments into three categories: monuments of national importance for which the Central Government takes the responsibility, monuments which are not of national importance but are of sufficient importance to be protected by the State Governments, and a third category of monuments to be looked after by local bodies of various types.

Shri C. K. Bhattacharya: In the Philadelphia Museum there is a Bhoga Mandapam of a South Indian temple completely removed and reconstructed. Will the hon Minister kindly explain how it could go out of India?

Mr. Speaker: Reconstructed where?

Shri C. K. Bhattacharya: In the Museum in Philadelphia in the United States.

Shri Humayun Kabir: First of all, I would like to know when this was done. If the removal was over 30 or 40 years in little bits nobody can prevent it.

श्री भक्त बर्षन . माननीय मंत्री महोदय
मैंने अभी जिक्र किया है कि उत्तर प्रदेश में कुछ इस तरह की पुरातत्व सम्बन्धी सामग्री चोरी गई है। मैं जानना चाहता हूँ कि किस स्थान से चोरी गई है और क्या वस्तुएं चोरी गई हैं ?

श्री हुमायून् कबिर जिन जगहों से चोरी गई हैं उन के नाम हैं, बुढ़ी चन्दारी, दोषाही, देवगढ़, बोलाकोट, चाँदपुर, जहाजपुर, । उषा .तर मूर्तियों के निरो को काट लिया गया । वहाँ की पुलिस और हमारे डिपार्ट-

में का भी क्याल है कि कोई प्राचीन इस को बेचते हैं और गांव वालों के कोषापरेसन के और इन को बेचा नहीं जा सकता है ।

Central Institute for Scientific and Technical Information

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*814. { Shri Ram Krishan Gupta:
Shri Padam Dev:

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No 1336 on the 18th March, 1959 and state at what stage is the scheme for setting up a Central Institute for Scientific and Technical Information?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): The recommendations of the Committee set up under Dr D. S. Kothari about the establishment of the Central Institute are awaited

Shri Ram Krishan Gupta: What is the main recommendation of this Committee?

Shri Humayun Kabir: The recommendations are awaited

Text Book Research and Central Bureau of Educational and Vocational Guidance

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*815. { Shri S. C. Samanta:
Shri B. C. Majhi:
Shri Subodh Hanada:
Shri Ram Krishan Gupta:

Will the Minister of Education be pleased to state:

(a) whether the recommendation of the Central Research Advisory Committee on Secondary Education for the amalgamation of the Central Bureau of Text Books Research and the Central Bureau of Educational and Vocational Guidance with a recognised institute has been accepted by the Government;

(b) If so, whether this has been implemented; and

(c) whether there will be any financial saving due to this amalgamation?

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

(b) No, Sir

(c) The decision to integrate the two Bureaus with the Institute has been taken on educational and not financial grounds. As such, it is not possible to say definitely at this stage whether or not there will be a financial saving.

Shri S. C. Samanta: May I know the subjects that overlap?

Dr. K. L. Shrimall: There is no question of overlapping, the idea is to bring about integration so that there may be better co-ordination.

Shri S. C. Samanta: Is it not a fact that this Central Advisory Research Committee was established to co-ordinate the activities of five such institutions? May I know whether this is a permanent body or a temporary one?

Dr. K. L. Shrimall: This is an ad hoc body which has been appointed to advise the Government.

‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘‘
Kharagpur

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*816. { Shri S. C. Samanta:
Shri Subodh Hansda:
Shri Ram Krishan Gupta:
Shri A. M. Tariq:

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No 1854 on the 16th April, 1959 and state:

(a) whether the report submitted by the Reviewing Committee appointed to review the working and development of the Indian Institute of Technology, Kharagpur has been considered by Government; and

(b) if so, the results thereof?

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

(b) Does not arise

Shri S. C. Samanta: May I know whether it is lying with the Institute or with the Government?

Shri Humayun Kabir: I think I informed the House on the last occasion that it would be first considered by the governing body of the Institute. They appointed a sub-committee to go into the question. This sub-committee has met on the 19th and 20th August. Government have not yet received the report.

Shri S. C. Samanta: Last time I wanted to know whether the shortage of equipment and staff in the mineralogy department was taken into account by the Reviewing Committee.

Shri Humayun Kabir: The Reviewing Committee was asked to go into all aspects about the Institute,—both an assessment of present work and programmes of future development.

Shri Ram Krishan Gupta: May I know the approximate amount which will be spent on this scheme?

Shri Humayun Kabir: On what? On the Indian Institute of Technology, large monies are being spent. I do not carry the figure with me, but I think we have already spent about Rs 5 crores and more will be spent.

Salary Structure in Engineering Institutions

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*817. { Shri S. C. Samanta:
Shri Subodh Hansda:
Shri Panigrahi:

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

(a) whether the proposal for rationalising and improving the staff and salary structure in Engineering Institutions has been considered and accepted by the Government;

(b) if so, whether this has been implemented so far; and

(c) the amount required annually for this rationalisation?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Yes, Sir

(b) It is in the process of implementation

(c) The exact amount required annually will be known only after the State Governments and institutions furnish their demands, but it is estimated to be about 18 crores per year

Shri S. C. Samanta: In Annexure II of Chapter 3 in the Report of the Ministry supplied to us there are two classifications A and B, whereas the Committee has classified it into three categories. May I know how that has been done?

Shri Humayun Kabir: I do not have that report with me just now but I can say broadly what the decisions of the Government are. The decision of the Government is to have one grade for engineering colleges and the other for polytechnics. I think the hon Member probably has in mind that in engineering colleges which have a post-graduate department, there is a special category of professors called senior professors but I would not regard that as a third classification.

Shri Panigrahi: May I know whether the entire amount of Rs 18 crores which has been estimated will be borne by the Central Government or the State Government will also share the expenditure?

Shri Humayun Kabir: I have told this House repeatedly that the entire amount will be borne by the Central Government, not only for this year but for five years and thereafter the position will be reviewed.

Shri Palaniyandy: May I know whether the State Governments have accepted the recommendations of the Government, if so, whether they have implemented them?

Shri Humayun Kabir: As I have said in the reply, it is in the process of implementation. When there was a Chief Ministers' Conference all of them agreed in principle, and we are working under the assumption that when the Chief Ministers have agreed the State Governments have agreed.

Shri Harish Chandra Mathur: In view of the fact that the entire expenditure is being borne by the Central Government, may I know what difficulties, if any, have been pointed out in the implementation of this scheme, and why there is any delay?

Shri Humayun Kabir: This is a question which can be really answered by the State Governments.

Shri Harish Chandra Mathur: When we had a contract with the State Governments, we should know whether anything has come out or not.

Mr. Speaker: The hon Minister must certainly be able to know why any particular man should object to whom an offer is made.

Shri Humayun Kabir: They have not stated definitely, but we can guess. The assumption is that it might have repercussions on other departments, the increased salaries which we are bearing might also affect salaries in other places.

Shri S. M. Banerjee: The hon Minister said that it is in the process of implementation. May I know whether a separate committee was appointed to rationalise or improve the pay scales, or is this the recommendation of the Central Pay Commission?

Shri Humayun Kabir: This has nothing to do with the Central Pay Commission, the hon Member has not seen the question.

Shri Thimmalah: There is difference in salaries paid in institutions owned by State Governments and those owned by the Central Government. If the scales are to be made uniform both for institutions owned by States

and also by the Central Government, may I know what the Government propose to do if the other educational institutions agitate for the same facility?

Shri Humayun Kabir: We are concerned here with the technical institutions. One of the major reasons why increased salary was accepted in their case is that technical personnel are not available. We received a report sometime ago that about 40 per cent. of the teaching posts were lying vacant or were partially filled, and therefore special measures had to be taken.

Graphite Deposits in Kashmir

*818. { **Shri Raghunath Singh:**
Shri Pangarkar:

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

(a) whether it is a fact that large deposits of graphite have been found in the Baramulla division of Kashmir, and

(b) if so, the estimated quantity available?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): (a) and (b) Graphite deposits in Baramulla district were already known to exist but no systematic investigation had been undertaken. The Geological Survey of India, however, has carried out a preliminary investigation of the said deposits as a result of which gross reserves are estimated at about 35.84 million tons up to a depth of 100 feet. Workable reserves for the same depth have been calculated at 14.33 million tons. The ore is reported to be poor in quality.

Shri Raghunath Singh: May I know whether it will be economical to exploit this Kashmir mine?

Shri Gajendra Prasad Sinha: I have already said that the ore is poor, but after beneficiation it might be economical to work it.

Shri A. M. Tariq: It was just now said that no systematic investigation has taken place by this time. May I know how much time it will take to investigate into this matter?

Shri Gajendra Prasad Sinha: I have already said that we are investigating into the further deposit of graphite in Baramulla area.

Stainless Steel Plant

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

(a) whether the location of the proposed Stainless Steel Plant has been decided by now; and

(b) if so, where it is proposed to be located?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). No, Sir. Not yet. Among other things the Indian Consultants are to recommend, in the detailed project report, the suitability of various sites for the location of the plant.

Shri Panigrahi: May I know what different sites are in the view of the Government and by what time a final decision can be taken?

Sardar Swaran Singh: The sites will be in the view of the Government on the report of the consultants.

Shri Panigrahi: May I know which are the sites now under consideration of the Government and by what time the report will be finalised?

Mr. Speaker: It has been referred to a Committee. There is no meaning in asking this question. The hon. Minister has explained that this question will arise only after he receives the advice from the experts. There-

sure, what is the meaning of tentatively getting some figure and cross-examining later that such and such a thing has not been adopted?

Shri Panigrahi: Can we hope that this plant can come up in the Second Plan period?

Sardar Swaran Singh: I think the preparation of the detailed project report will take about seven months. Thereafter, the actual construction will take roughly about three years.

Shri Ramanathan Chettiar: May I know what has happened to the proposal put forward by the Bhadravati Iron and Steel Works to have a stainless steel plant at Bhadravati?

Sardar Swaran Singh: There is no separate proposal. This will depend now upon the project report and the ultimate decision of the Government as to whether the public sector steel plant should be located at Bhadravati or at any other place.

Shri Damani: May I know whether a survey has been made to find out whether the production of this plant will meet the requirements of the country to the fullest and, if not, what steps are going to be taken to increase the production by installing plants in other places also?

Sardar Swaran Singh: The initial production is going to be of the order of 40,000 tons per year in the form of ingots. It is our intention to make arrangements so that the production can be doubled.

Mr. Speaker: Shri A. K. Gopalan—absent. Shri Kunhan:

Shri Kunhan: Question No. 820

Shri S. M. Banerjee: Question No. 828 may also be taken up along with this.

The Deputy Minister of Law (Shri Hajarnavis): I have no objection.

Mr. Speaker: Yes; it may be taken up along with Question No. 820.

New System of Voting

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*820. { **Shri Kunhan:**
 Shri A. K. Gopalan:
 Shri N. R. Munisamy:
 Shri Prakash Vir Shastri:

Will the Minister of Law be pleased to state:

(a) whether the new scheme of issuing identity cards to voters has been tried anywhere;

(b) if so, in which areas and the number of voters involved;

(c) what is the expense involved in issuing identity cards to every voter; and

(d) how far has the scheme been successful?

The Deputy Minister of Law (Shri Hajarnavis): (a) and (b). The scheme of issuing to voters identity cards with photographs attached is being tried as an experimental measure in the Calcutta South-West Parliamentary constituency, i.e., the areas comprised within Chowringhee, Kalighat, Fort, Alipore, Ekbalpore, Garden Reach and Behala Assembly constituencies. The total number of voters in these constituencies is a little over 3,80,000.

(c) The expense involved in issuing the identity cards is estimated at Rs. 3,60,000. This is to be shared equally by the Government of India and the State Government.

(d) The success of the scheme can be determined only after the work is completed. It is now in progress.

Photographs of Voters

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*828. { **Shri S. M. Banerjee:**
 Shri Anubindo Ghemai:
 Shri H. N. Mukerjee:
 Shri Haider:

Will the Minister of Law be pleased to state:

(a) whether it is a fact that thousands of voters in South West

Constituency in Calcutta will not be able to vote in the coming bye-elections to Lok Sabha as they have not yet been photographed or provided with identity cards;

(b) whether some women have objected to being photographed, and

(c) if so, how this situation is being met by Government?

The Deputy Minister of Law (Shri Hajarnavis): (a) No The Election Commission does not intend to call the bye-election till the photographing of all the voters and the issue of identity cards to them are complete

(b) and (c) Some women especially among the Muslim community have objected to be photographed, but their number is comparatively small Arrangements have been made for sending women photographers to photograph those electors who object to appearing before men Those who object to be photographed will not be able to vote at the ensuing bye-election, even though their names continue to be on the rolls

Shri S. M. Banerjee: Since the bye election in the Calcutta area is being delayed owing to the identity cards, may I know what steps are being taken by Government to see that identity cards are issued without any delay?

The Minister of Law (Shri A. K. Sen): It is not a fact that the bye-elections are being delayed by reason of the new rule regarding identity cards The bye-election has been delayed because the photographs have revealed very large errors in the electoral rolls As we expected, when the photographs were taken, it was found that large numbers have left the constituency and yet they are on the rolls, and large numbers have come in and they are not on the rolls By reason of the discovery of these large errors, there has now been a direction to revise the electoral rolls in the entire constituency and that is the reason for the delay.

Shri S. M. Banerjee: May I know whether some of the women or their guardians have objected to photographs being taken as they feel that copies of the photographs may be utilised in a different form with the photographs of other people?

Shri A. K. Sen: I have sometimes seen myself what happened when photographs were taken There are Muslim areas where the middle-class Bengali people live There was such an enthusiasm, especially among women, to come and get themselves photographed I was myself astounded They came out in their best sarees and sat down very happily and got themselves photographed Our reports show that in the areas where there are large numbers of Muslims living, certain numbers among the older sections of the Muslim women have refused to be photographed at all even when arrangements were made for having the photographs taken by women photographers What can be done? Supposing a lady comes at the time of the election and refuses to be marked with the identity mark which is compulsory under our rules, she will not be able to cast her vote Some foolproof method of identification must be devised, if a particular voter chooses not to submit himself or herself to be marked with an identity mark, so that that voter can exercise his or her vote

Shri N. R. Muniswamy: May I know whether the experience gained in this bye-election by the issue of identity cards and taking of photographs will be projected to the general elections, that is, will that experience be utilised in the general elections?

Shri A. K. Sen: I am sorry I could not follow the question

Mr. Speaker: Will those photographs be utilised for the general election also? That is the question

Shri A. K. Sen: We hope to extend it to urban areas especially where large-scale impersonations in the past have been reported, and where there is a likelihood of such impersonations

being resorted to in the next general elections, that will have to be left to the Chief Election Commissioner to see as to which areas will be covered by the new rules.

Shri N. R. Muniswamy: May I know whether any estimate has been made from the reports that have come to the Government as to the large number of impersonations taking place and the areas where they happen?

Shri A. K. Sen: Reports have come but the magnitude of it can hardly be guessed.

Shri N. R. Muniswamy: What is the area? May I know whether it is Kerala or anywhere else?

Shri A. K. Sen: There have been some reports from Kerala especially after the last bye-election in the Devicolum area.

Shri S. M. Banerjee: From the reply of the hon. Minister it is seen that there are certain women, maybe they are Muslims, who are opposing to be photographed. Should I presume that these voters will be debarred from voting because they are not photographed?

Shri A. K. Sen: Yes, that is the answer.

Mr. Speaker: He said so

Shri Vajpayee: May I know if there is a proposal to replace identity ink marks by vaccination and, if so, whether the political parties have approved of it?

Shri A. K. Sen: I am not personally aware of any such proposal, and if any such suggestion has come to the Election Commission or not, I cannot vouch for it. But, even if such a proposal has come, I have no doubt that the Chief Election Commissioner will ascertain the wish of the parties.

Foodgrain Merchants

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

(a) whether any enquiry has been made regarding the profits made by

foodgrain merchants during 1958-59 particularly in Rajasthan and Andhra for purposes of Income-tax; and

(b) the important conclusions of the enquiry?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) No Sir.

(b) Does not arise.

Shri Harish Chandra Mathur: Is the Government aware of the quantity of foodgrains moved out of Rajasthan during 1958-59 and the estimated profits made by the traders there?

Shrimati Tarkeshwari Sinha: We are not yet aware of the estimated profits, because, the assessment for 1958-59 is made generally in 1959-60. It is only after the assessment is made that we shall be able to locate the amount of profit.

Shri Harish Chandra Mathur: May I know if the Government is taking any steps to curb profiteering particularly in the case of foodgrains?

Mr. Speaker: That is not the business of the income-tax officers!

Shri Harish Chandra Mathur: My question was, whether any steps are being taken by income-tax authorities to curb profiteering in foodgrains by merchants?

Shrimati Tarkeshwari Sinha: Instructions were issued in August, 1958 to the income-tax authorities to pay special attention to the foodgrain merchants and their activities.

Savings Statistics

*822. **Shri Damani:** Will the Minister of Finance be pleased to state:

(a) whether any steps are being taken by Government to collect and study statistics relating to savings with a view to ascertain saving potential of different classes of people and their preferences for different types of savings; and

(b) if so, the details thereof?

The Deputy Minister of Finance (Shri B. B. Bhagat): (a) and (b). A statement is laid on the Table of the House. [See Appendix III, annexure No. 35.]

Shri Damani: May I know if the proportion of small saving and capital formation is comparable with the deficit financing at present?

Shri B. B. Bhagat: They are indeterminate.

Shri Damani: May I know whether Government is aware of the exaggerated figures of small savings in the reports and if so, what actions are being taken to make them reliable figures?

Shri B. B. Bhagat: The figures are not exaggerated. They are very accurate figures.

Shri Harish Chandra Mathur: Is the Deputy Minister aware that targets for savings are fixed for each district and this leads to the District Magistrates and Collectors transferring certain funds to small savings and retransferring them after a short while, showing exaggerated figures, because of the targets fixed?

Shri B. B. Bhagat: No, Sir, we are not aware of it.

हिन्दी के लिये पुष्क निदेशालय

श्री बाजपेयी :

* ८२३. { श्री राम कुन्ध गुप्त :
 { श्री भक्त वर्मा :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) शिक्षा मंत्रालय के अधीन हिन्दी के लिये एक पुष्क निदेशालय स्थापित करने के बारे में क्या अन्तिम निर्णय कर लिया गया है;

(ख) यदि हाँ, तो उस का व्यौरा क्या है और उस निदेशालय को कौन-कौन से काम सौंपे जायेंगे; और

(ग) क्या इस के लिये कोई विशेष अधिकारी और कर्मचारी भर्ती किये गये हैं जववा करने का विचार है ?

शिक्षा मंत्री (डा० बीमाली) :

(क) जी, नहीं ।

(ख) और (ग). प्रश्न नहीं उठते ।

इस के साथ ही मैं यह भी आप से निवेदन करना चाहता हूँ कि डाइरेक्टरेट के स्थापित करने के पहले कुछ आवश्यक कार्यवाही करनी पड़ती है । उस में से कुछ कार्यवाही तो पूरी हो चुकी है और कुछ काम अभी बाकी है । जब वह पूरा हो जायेगा तो डाइरेक्टरेट की स्थापना की जायेगी ।

श्री बाजपेयी : जो प्रारम्भिक कार्यवाही पूरी कर ली गई है और जिस के कि पश्चात् निदेशालय स्थापित किया जायेगा, क्या मैं जान सकता हूँ कि उस का स्वरूप क्या है और निदेशालय स्थापित करने में कितना समय लगेगा ?

डा० का० सा० बीमाली : मेरे स्थान से अब अधिक समय नहीं लगेगा । फाइनेंस मिनिस्ट्री, होम मिनिस्ट्री, और प्रो० एड० एम० डिबीजन आफ दि कॅबिनेट सेक्रेट्रियट ने इस के लिये अपनी स्वीकृति दे दी है और अब बक्स एंड हाउसिंग मिनिस्ट्री से खाली पूछना है । उस के बाद कॅबिनेट से मजूरी लेनी है । और उस की स्थापना की जायेगी । उस की पूर्ण रूप रेखा और ढांचा मैं सदन के सामने रख दूंगा ।

श्री जयराज सिंह : क्या मैं जान सकता हूँ कि इस निदेशालय के लिये कितनी जनराशि की व्यवस्था की जा रही है ?

डा० का० सा० बीमाली : जो भी इस के लिये खर्चा होगा वह किया जायेगा । हिन्दी के विकास के लिये बजट में काफी गुंजाइश है और इन की बजह से काम में रुकावट नहीं होगी ।

श्री भक्त बर्लन : इस निदेशालय की स्थापना का क्या यह अर्थ है कि अभी तक हिन्दी के सम्बन्ध में जो कार्य किया गया वह अपर्याप्त और असंतोषजनक है और क्या गवर्नमेंट ने इसे स्वीकार कर लिया ?

डा० का० सा० श्रीवाली : जी नहीं, इस का मतलब यह है कि उस काम को और सगठित रूप से किया जाय और ठीक तरीके से उस की व्यवस्था की जाये और इसी दृष्टि में यह निदेशालय स्थापित किया जा रहा है ?

श्री भक्त बर्लन : श्रीमान, अभी तक एक शिकायत यह रही है कि हिन्दी के प्रसार और विकास का काम ऐसे अधिकारियों के हाथों में दिया गया जिन को कि न तो विश्वास था और न जिन को कि उस के लिये लगन थी तो क्या इस सम्बन्ध में विचार किया जा रहा है कि अभिष्य में ऐसे अधिकारी को इस का कार्य-भार दिया जाय जिस के कि भन्दर लगन हो और उस काम के प्रति उत्साह हो ?

डा० का० सा० श्रीवाली : पहली जो आप की बात है उस को तो मैं नहीं मानता हूँ लेकिन दूसरी बात के लिये मैं आप को विश्वास दिलाना चाहता हूँ कि हिन्दी के विकास के लिये जितनी भी कोशिश की जा सकती है वह की जायेगी ।

श्री श्रीनारायण दास : हिन्दी के प्रसार और विकास के लिये डेक्कन कमिशन न जो बहुत सी सिफारिशों की हैं क्या गवर्नमेंट ने उन पर विचार किया है और क्या किन्हीं सिफारिशों पर गवर्नमेंट न प्रिनसिपल निर्णय कर लिया है ?

डा० का० सा० श्रीवाली : वह रिपोर्ट जस्टिस सदन के सामने आने वाली है ?

Naval Training School, Ratnagiri

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

(a) whether it is a fact that Bombay Government have suggested to Central

Government to establish a Naval Training School in Ratnagiri District; and

(b) if so, the decision taken by the Government in the matter?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). This question will be answered by the Minister of Transport and Communications on a subsequent date

Mr. Speaker: Possibly it was not intimated to us that it ought to be transferred to the other Ministry earlier. It would not be lost; it would come up

Election Expenditure Returns by Political Parties

*227. **Dr. Ram Subhag Singh:** Will the Minister of Law be pleased to state

(a) whether there is any proposal under consideration of Government to enact a law to make it compulsory for the political parties in the country to submit their election expenditure returns State-wise and Constituency-wise to the Election Commissioner; and

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

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

(b) Does not arise

Dr. Ram Subhag Singh: May I know whether Government have received any report from any quarter for introducing this system?

Mr. Speaker: Any suggestions or complaints regarding returns?

Shri Hajarnavis: The Chief Election Commissioner has said in his second report that the legal maximum of election expenses may, for instance, be revised liberally to higher figures, and all expenditure on behalf of the candidate by his party with his constructive consent may be made accountable. But a step in this direction would be beset with many difficulties. It has so far not been accepted.

Dr. Ram Subhag Singh: May I know whether the Election Commission or the Government have given thought to this matter and if so, what is the considered opinion of the Government with regard to introducing this

Shri Hajarnavis: I do not think any final decision has been reached. But we envisage many difficulties in accepting these suggestions.

Shri Shree Narayan Das: May I know whether Government have studied the second report submitted by the Election Commission and whether the recommendations that have been made are going to be incorporated by an amending Bill in the Representation of the People Act?

Shri Hajarnavis: The answer to the first question is 'Yes'. Those recommendations are being considered from time to time.

सेठ अचल सिंह क्या मंत्री महोदय यह बनाने की कृपा करेंगे कि प्रमेम्बलीज के चुनावों में ८००० और पार्लियामेंट के चुनावों में जो उम्मीदवारों को २५००० रुपये खर्च करने पड़ते हैं तो क्या उस खर्च में कमी करने की कोशिश की जायेगी ?

श्री हजरनवीस जी हा इस के बारे में सोचा जा रहा है ।

Shri Braj Raj Singh: In view of the statement of the hon. Deputy Minister that they envisage so many difficulties, may I know what are some of the difficulties?

Mr. Speaker: "Some" may mean big or small. What are the main difficulties? That is what he wants to know.

Shri Hajarnavis: The first and most obvious difficulty is that the parties provide money for expenditure on all-India basis and it will be difficult to allocate expenditure either region-wise or between elections to the Central Legislature and the State Legislatures.

श्री व० ज्ञा० अक्षयलाल . माननीय अध्यक्ष ने इलेक्शन के खर्च के सम्बन्ध में

बनाया कि पार्लियामेंट के लिये २५००० और प्रमेम्बलीज के लिये ८००० रुपये खर्च करने पड़ते हैं और मंत्री महोदय ने उस के लिये कहा कि उन खर्चों को कम करने की बात सोचा जा रहा है तो क्या मंत्री जी को मालूम नहीं है कि लाखों रुपये ऐलेक्शन में खर्च किये जाते हैं उन का मूठा हिसाब दे दिया जाता है ?

श्री हजरनवीस मूठा हिसाब दिया जाता है यह तो मैं नहीं कह सकता लेकिन यह सब को मालूम है कि जो कि चुन कर आये हैं कि खर्चा बहुत ज्यादा होता है ।

Shri C. K. Bhattacharya: Has Government received any suggestion to abolish this system of submission of a return of election expenses on the ground that it is unreal?

Shri Hajarnavis: That is being considered.

L.I.C. Deal

*530 { **Shri S. M. Banerjee.**
Shri Aurobindo Ghosal.

Will the Minister of Home Affairs be pleased to state

(a) whether the officers who were involved in the Mundra affairs in connection with the Life Insurance Corporation investment and exonerated of the charges against them have been reappointed, and

(b) if so, when and in what Ministries?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b) Out of the two officers of the All India Services involved in this case Shri H. M. Patel has resigned from the service and Shri G. R. Kamat has been appointed as Officer on Special Duty in the India Refineries Limited with effect from 22nd June, 1959.

Shri S. M. Banerjee: As far as the U.P.S.C. report was concerned, Mr. Kamat was censured. May I know

the circumstances under which he has been provided with another job of such importance and whether this job carries more salary than what he was getting there?

Shri Datar: It was open to him to have resigned and he has resigned. The resignation has been accepted by the Bombay Government.

Shri S. M. Banerjee: I am asking about Shri Kamat and not Shri Patel.

Shri Datar: So far as Shri Kamat is concerned, after the administration of censure, he was appointed to this post.

Mr. Speaker: That is exactly what the hon. Member wants to know, viz. why after the censure has been passed, he was appointed to this post and whether it is a fact that the salary he is now getting is higher than the salary that he was getting before.

Shri Datar: So far as censure is concerned, it does not come in the way of even rising from one grade to another. (Interruptions). I am pointing out the rules; under the Government Servants Conduct Rules, censure does not come in the way of his being appointed to some other post.

Shri Braj Raj Singh: May I know whether it is a fact that this officer is getting a higher salary now than what he was getting previously?

Shri Datar: I do not know the exact salary that he gets now.

The Minister of Finance (Shri Morarji Desai): He is getting a lesser salary.

Mr. Speaker: He is getting a lesser salary than what he was getting then.

Shri S. M. Banerjee: The hon. Minister has stated that censure does not debar anybody from getting a higher post, or any other post. Then what was the fun in punishing this man? I want to know whether censure is a punishment for promotion to a higher office?

Shri Datar: Censure itself is a punishment. After taking into account the fact that he had been censured, he had been appointed to this post; because, he was not removed from service.

Shri S. M. Banerjee: May I know whether it is a fact that Shri Patel, after resignation, is trying for a job in some corporation and, if so, whether he will be taken back in any of the corporations or any other post?

Shri Datar: So far as Shri Patel is concerned, I am not aware of it.

बी भवत दर्शन . ये यह जानना चाहता हूँ कि श्री पटेल साहब ने जो त्यागपत्र दिया था क्या उन्होंने उसका कोई कारण दिया, या उन्होंने गवर्नमेन्ट की नीति से असन्तुष्ट होने के कारण अपना त्यागपत्र दिया ?

Shri Datar: No, sir. It is not necessary. He can resign. It amounts to retirement.

Ex-Servicemen

*831 **Raja Mahendra Pratap:** Will the Minister of Defence be pleased to state

(a) the steps taken to rehabilitate and provide employment to ex-servicemen during 1958 and 1959 so far, and

(b) whether it is a fact that some ex-servicemen who were discharged on medical grounds have been given no aid?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). A statement containing the required information is placed on the Table of the Lok Sabha. [See Appendix III, annexure No. 36].

Raja Mahendra Pratap: Have you any prepared statistics as to how many hundred thousands of these ex-servicemen are there? I am asking this question because according to one estimate it is 20 lakhs whereas according to another estimate it is 60 lakhs. I also want to know how many of them are suffering now.

Sardar Majithia: So far as ex-servicemen are concerned, on the live register of the employment exchanges at the moment their number is 28,472. Efforts are being made to rehabilitate them as soon as possible.

Raja Mahendra Pratap: My colleague, Capt Ramgarib M.P. told me that he was not offered any assistance. He did not get anything, though he was an ex-serviceman. All the ex-servicemen must get some land and some work to do. I have seen many people, very often they come to me. Some of them told me that they were suffering from some disease and that they had no land or any other occupation. If the Minister will allow me, I can send them to him.

Mr. Speaker: Next question.

Refinery at Gauhati

*533. **Shri Morarka.** Will the Minister of Steel, Mines and Fuel be pleased to state—

(a) the details of the supplies to be made by the Government of Rumania as per its agreement with the Government of India for the proposed refinery at Gauhati, and

(b) the nature of technical and other services to be rendered by Government of Rumania and the charges for the same?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). A statement is laid on the Table of the House [See Appendix III, annexure No 37].

Shri Morarka: In the statement a figure of Rs 52 crores is mentioned as the total value of the equipment and services. May I know the value of the services and equipment separately?

Shri K. D. Malaviya: The technical design agreement will be drawn up this month by the Managing Director of the Indian Refineries Limited in Rumania. He has not returned back

Therefore, it is not possible to give the actual amount that we will spend on each separately.

Shri Morarka: May I know the basis on which these equipments are purchased—were global tenders invited or any other method followed?

Shri K. D. Malaviya: No global tender scheme was undertaken by the Government. The entire arrangement was finalised by mutual negotiation between the two Governments.

Shri Morarka. What was the basis? How did we ascertain that the prices that we are agreeing are reasonable prices and in keeping with the world prices?

Shri K. D. Malaviya: We satisfied ourselves that the prices offered under those circumstances were not only competitive but quite reasonable. We also satisfied ourselves with regard to the technological capacities and our own capacity to do it in collaboration with them. This agreement was reached at Governmental level.

Shri Morarka: Mr. Speaker, my question is not answered. How did we satisfy ourselves? What was the basis? That is my question.

Mr. Speaker. In the absence of corresponding figures from other countries, or from the same country itself how did the Minister arrive at the conclusion that the price that he is agreeing to pay is reasonable? There must be some figure by which he could go.

Shri K. D. Malaviya. I have already said that while entering into the agreement with regard to the prices all aspects of the question were considered. The prices involved in the installation after purchase, delivery etc were also taken into consideration. But the actual arrangements were made by negotiation between the two Governments. And it was our duty to find out whether the prices offered and the conditions were reasonable or not from our point of view.

Shri Vidya Charan Shukla: How many technicians would be required to man this refinery? How many are going to be trained in Rumania or in other countries?

Shri K. D. Malaviya: So far we have sent about 45 technicians, our own people, for being trained in Rumania. We think this is a sufficient number. If we require more, we shall send more.

Shri Morarka: May I know whether the prices were revised since they were originally fixed and, if so, by how much?

Shri K. D. Malaviya: There might be some revision. But I cannot commit myself to any revision being made in the future. There might be that possibility.

Shri P. C. Borooah: What are the different products that will be produced in this refinery?

Shri K. D. Malaviya: The products that are proposed to be produced in this refinery are kerosene and diesel and a quantity of motor spirit.

Shrimati Masida Ahmed: May I know the number of Indian technicians deputed so far to Rumania for training?

Mr. Speaker: He said that it is 45. Is it not right?

Shri K. D. Malaviya: Yes.

Shri Basumatari: What is the number of personnel that had been sent to Rumania from Assam for training?

Mr. Speaker: Hon. Member may put down the question separately—of the engineers sent to Rumania how many are from Assam?

Shri K. D. Malaviya: So far as I remember, there are some Assamese also. Perhaps a lady is there.

Shri Basumatari: What is the number, I wanted to know, Sir?

Mr. Speaker: If the hon. Minister knows the number he would have given it.

Shri P. C. Borooah: May I know the mode of transport that will be used for the distribution of the finished products—the mode of transport?

Shri K. D. Malaviya: The routine way of distribution will be taken up, by the railways.

Mr. Speaker: We are too eager to name the child before it is born.

Shri Goray: May we know whether we are purchasing equipments from any other country except Rumania?

Shri K. D. Malaviya: This is meant for the Gauhati refinery for which the agreement has been entered into between the Government of India and Rumania for the supply, and installation of machinery and training of personnel. Obviously, the equipments will be supplied by the Rumanians. The training will also be handled by them.

Mr. Speaker: Next question.

Shri V. Eacharan: Question No. 843 may also be taken up.

Mr. Speaker: Is the hon. Minister willing to take them together?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): Yes.

Mr. Speaker: All right.

Financial Position on Kerala State

*837 **Shri P. C. Borooah:** Will the Minister of Finance be pleased to state

(a) whether it is a fact that the Reserve Bank had reported to Government about the financial position of Kerala Government,

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

(c) whether Government propose to undertake any enquiry into the matter?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) No, Sir.

(b) Does not arise.

(c) No, Sir.

Overdraft by Kerala State Government

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*243. { Shri V. Eacharan:
Shri Maniyangadan;
Shri Jinachandran;
Shri Vajpayee:

Will the Minister of Finance be pleased to state

(a) whether the former Government of the State of Kerala had drawn from the Reserve Bank of India an amount of about three crores of rupees as unsecured overdraft over and above the usual secured overdrafts as ways and means advance

(b) whether it was a fact that the State Government was unable to repay the said overdraft,

(c) whether that amount has since been paid, and

(d) if so, by whom and under what conditions?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha) (a) Yes, Sir

(b), (c) and (d) The overdraft was cleared by ways and means advance, from the Centre against the Kerala Government's share of Central taxes and Grants payable during the year.

Shri P. C. Borooah: May I know whether quite a large amount of Government money has been diverted to the party fund, as is seen from the reports?

Mr. Speaker. Is it a fact that large sums of Government money were diverted to party funds?

Shrimati Tarkeshwari Sinha: We have no information.

Shri V. Eacharan: May I know whether an overdraft of Rs 3 crore was secured by the Kerala Government, over and above the usual secured overdrafts as ways and means advance and, if so, was it for any development schemes or for running of the day to day administration?

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Shrimati Tarkeshwari Sinha: The answer to the original question itself covers this. The original question asked was that the advance that has been drawn is more than the secured advances and my answer to that covers this point.

Shri Ramanathan Chettiar: In cases where the State Governments have overdrafts other than secured ones to cover their ways and means position and they are unable to pay the overdraft in time, does the Central Government take over such amounts?

The Minister of Finance (Shri Morarji Desai): There is no question of the Central Government taking it over. The Central Government gives them accommodation. It is not peculiar to Kerala Government that they alone have been in this position. There are other States also who have been in this position.

Raja Mahendra Pratap: Now that that Government has been abolished, is it right to censure that Government further?

Mr. Speaker: There is no question of censure.

Shri Jinachandran: May I know if the Reserve Bank of India examined the financial position of the Kerala Government at that time that is, when they gave the overdraft?

Shrimati Tarkeshwari Sinha: They keep themselves informed of every financial matter of every State because they act as bankers of every State.

हिन्दू विश्वविद्यालय में प्रवेश

*८४०. श्री रघुनाथ सिंह: क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि विश्वविद्यालय अनुदान आयोग ने बनारस हिन्दू विश्वविद्यालय में प्रवेश पर प्रतिबन्ध लगा दिया है?

शिक्षा मंत्री (डा० का० ला० बीमल्लो) जी हा, परन्तु यह केवल विश्वविद्यालय के सेल्फ हिन्दू कालेज में प्रवेश पाने के बारे में ही है।

अपनी सामान्य नीति के अनुसार विश्वविद्यालय अनुदान कमीशन ने हाल में विश्वविद्यालय के अधिकारियों से कहा है कि वे इस कालेज विशेष में विद्यार्थियों की संख्या धीरे-धीरे कम करने के प्रयत्न जारी रखें ताकि १६५८ में जो संख्या २,७०६ थी वह अगले कुछ वर्षों में १,५०० रह जाय।

श्री रघुनाथ सिंह आकड़ों से मालूम होता है कि यू० पी० में शिक्षितों की संख्या और सूबों की अपेक्षा अधिक नहीं है। ऐसी अवस्था में हिन्दू यूनिवर्सिटी के एडमिशन पर जो रेस्ट्रिक्शन लगाई गई है, वह कहा तक उचित समझी जाती है ?

डा० का० ला० श्रीवास्ती : मैं यह निवेदन करना चाहता हूँ कि यह कोई हिन्दू यूनिवर्सिटी के लिये विशेषता नहीं है। यूनिवर्सिटी ग्राण्ट्स कमीशन ने अपनी नीति निर्धारित की है कि यूनिवर्सिटीज के कालेजिज में अधिक से अधिक ८०० से १,००० लड़के प्रवेश पा सकें। किसी किसी परिस्थिति में उन्होंने यह संख्या १,५०० तक बढ़ा दी है। यूनिवर्सिटी ग्राण्ट्स कमीशन की निगाह में अगर हमसे ज्यादा तादाद होगी, तो कालेज का ठीक तरह से प्रबन्ध नहीं हो सकता है। इस लिये यूनिवर्सिटी ग्राण्ट्स कमीशन ने यह आदेश दिया है।

Shri Thanu Pillai: In English also

Dr K. L. Shrimall: I was trying to explain that the University Grants Commission as a rule has adopted the general policy that in the colleges there should not be more than 800 to 1000 students because it is just impossible for the college to maintain proper standards with a larger number. The House has very often expressed great concern with regard to the deterioration of the standards in the educational institutions. Therefore this is the first concrete step which the University Grants Commission has taken in this direction. The direction which they have given to the Hindu University is

nothing special. It is the general policy of the University Grants Commission in this matter.

Shri Thanu Pillai: In view of the proposed reduction in the present strength of the University, may I know what alternative arrangements are being made for the possible incoming students in the future?

Dr. K. L. Shrimall: The University Grants Commission cannot make all that responsibility. It has been entrusted with the task of maintaining proper standards. It is now for the State Governments to open new colleges and I am quite sure that the State Governments will take necessary steps to provide admission to suitable students.

श्री रघुनाथ सिंह : एक तरफ तो कमीशन कहता है कि ८०० से ज्यादा स्टूडेंट्स का एडमिशन नहीं होना चाहिये। दूसरी तरफ सरकार नाग कालेज नहीं खोल रही है और तीसरी तरफ सरकार कहती है कि हिन्दुस्तान में शिक्षा बढ़े—नौग शिक्षित हो। ऐसी अवस्था में जब सरकार कालेज नहीं खोलती है और स्टूडेंट्स की तादाद ज्यादा है, उसको सरकार कम करती जाती है, तो आखिरकार क्या होगा ? शिक्षा कैसे चलेगी ?

डा० का० ला० श्रीवास्ती : मैं निवेदन कर चुका हूँ कि इस पार्लियामेंट में जब यूनिवर्सिटी ग्राण्ट्स कमीशन का एक्ट बना था, उस वक्त उसको एक विशेष काम सौंपा गया था और वह काम यह था कि यूनिवर्सिटीज में स्टूडेंट्स ठीक तरह से रहे, वह इस का ध्यान रखे। यह जिम्मेदारी है यूनिवर्सिटी ग्राण्ट्स कमीशन की। इस जिम्मेदारी को पूरा करने के लिये उन्होंने यह कदम उठाया है। अब सारी ही शिक्षा की व्यवस्था की जिम्मेदारी यूनिवर्सिटी ग्राण्ट्स कमीशन ने अपने ऊपर नहीं ले ली है। यूनिवर्सिटी ग्राण्ट्स कमीशन इस बारे में स्टेट गवर्नमेंट्स और यूनिवर्सिटीज के साथ बराबर परामर्श करता रहता है और जैसी जैसी

आवश्यकता होती है, उसके अनुसार नए कालेज भी खोले जा रहे हैं।

श्री व० सा० बाबुलाल : यूनिवर्सिटी ग्रांट्स कमीशन ने प्रवेश के सम्बन्ध में जो प्रतिबन्ध लगाया है, मैं उस के बारे में एक बात जानना चाहता हूँ कि हमारे बहुत से सरकारी अधिकारियों का ट्रांसफर हो जाता है और उनके कई प्रोजेक्ट बन्दे होते हैं, जिनको प्रवेश नहीं मिल पाता है और उनकी जिन्दगी तबाह हो जाती है, उन के सम्बन्ध में सरकार और शिक्षा मंत्री क्या मोच रहे हैं।

डा० का० सा० श्रीवास्ती : यह प्रश्न इस में नहीं उठता है।

का० बा० महोदय : यह प्रश्न गलत है।

Shri Braj Singh: Since the decision of the University Grants Commission to restrict admissions to the Central Hindu College is a very major one, does Government propose to have a discussion on this in this House and get it ratified by the House?

Dr K. L. Shrimali: The House will have an opportunity to discuss the report of the University Grants Commission when it is laid before the Parliament.

Shri Shree Narayan Das: May I know the extent to which other universities have agreed to abide by the suggestion made by the University Grants Commission with regard to admission in different colleges?

Dr. K. L. Shrimali: A number of universities have agreed to this proposal. In fact, the University Grants Commission have told all the universities quite definitely that in the implementation of the three year degree course this particular condition will have to be observed and most of the universities, who have agreed to implement the three year degree course, are accepting this condition.

Shri Shree Narayan Das: What are the universities that have agreed at present besides the Banaras Hindu University?

Dr. K. L. Shrimali: I can place a statement which shows the up-to-date position regarding the introduction of three year degree course in the various States and Universities. I would like to tell the House that University Grants Commission has said it quite definitely that in implementing this three year degree course the number will have to be reduced and each college should not have more than 800 to 1000 students. In special cases they have permitted them to have 1500 students. The House has been anxious for some time that proper standards are maintained in the universities. If this is to be done you cannot have an unlimited number of students in the educational institutions. Therefore I am quite sure that the House will support this step that the University Grants Commission has taken.

Shri Raghunath Singh: No.

Shri Harish Chandra Mathur: When the Government accepted this proposal of the University Grants Commission, did they give any consideration as to what was going to happen to all these students who are rejected? Have they found any opening for them elsewhere and what is that sort of opening which is there?

Dr. K. L. Shrimali: It is not a question of the Government accepting the proposal. The University Grants Commission is a statutory body and it is quite free to give directions to the universities if they want to accept the grant. (Interruption).

Mr. Speaker: This arises out of the Banaras Hindu University. The hon. Minister has already said that education is a State subject. It is the duty of the State Governments to open as many colleges as possible con-

sistent with the direction that is given by the University Grants Commission, namely, that there ought not to be more than 1,000 students in one particular college. Hon Members, who are counter-parts in the local legislature of hon Members here, will kindly take up this matter.

Shri Raghunath Singh: The Hindu University is a Central subject. 10,000 students were reading in the Hindu University. Now the number is decreased to 5,000 or 6,000. Where will these 4,000 students go?

Mr Speaker: They will go back to their States. Next question.

Shri Harish Chandra Mathur: It is a policy question and decisions are taken by the Central Government.

Mr Speaker: Hon Members are anxious to know whether this applies retrospectively. If the existing students are not going to be affected and are not sent home immediately, for future entrants there will be arrangements made by the various States. What is the position?

Dr. K. L. Shrimali: The existing students will remain there. The University has been asked to reduce the numbers gradually. There is no question of turning out the students who have already been admitted.

Shri Raghunath Singh: In the First Year, there is no admission. In the Third year, there is no admission. There is no admission in the Fifth Year. Where will the students of Eastern U.P. go?

Mr. Speaker: Order, order. Next question. If hon Members are anxious, they will be given an opportunity in the discussion on the University Grants Commission's Report to place all these matters before the House.

हिन्दी टेलीप्रिन्टर और टाइपराइटर के लिये की-बोर्ड

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पंडित ज्वा० प्र० ज्योतिषी :
 *८४१. { जी क० भे० मातबीब :
 जी म० ला० द्विवेदी :
 जी पहाड़िया :
 जी भक्त बर्मान :
 जी राम कृष्ण गुप्त :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि हिन्दी टेली-प्रिन्टर और हिन्दी टाइप राइटर के की-बोर्डों (कुजी फलको) को अन्तिम रूप दिया जा चुका है,

(ख) यदि हा, तो इन की-बोर्डों की विशेषतायें क्या हैं, और

(ग) यदि उपरोक्त भाग (क) का उत्तर नकारात्मक हो तो यह काम कब तक पूरा हो जायेगा ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :
 (क) जी, नहीं।

(ख) प्रश्न नहीं उठता।

(ग) हिन्दी टाइप राइटर और टेली-प्रिन्टर की कुजी-पटल समिति की रिपोर्ट सरकार को मिला चुकी है, परन्तु हाल में ८ और ६ अगस्त, १९५९, को हुए राज्य शिक्षा मंत्री सम्मेलन में सुझाये गये संशोधनों के प्रकाश में इस प्रश्न पर समिति को फिर से विचार करना होगा। नये निर्णयों के कलस्वरूप कुजी-पटल में कुछ फेर-बदल करना आवश्यक होगा और समिति के संशोधित रिपोर्ट पेश करते ही सरकार अन्तिम निर्णय कर देगी।

18 hrs.

SHORT NOTICE QUESTION**Maulana Azad Medical College, New Delhi**

+

S.N.Q. No. 2. { **Shri Radha Raman:**
Shri S. M. Banerjee:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that the selection of students to the Maulana Azad Medical College was made on a certain basis of assessment of merit and that later on it was changed;

(b) whether it is a fact that the names of students originally announced for admission were changed afterwards;

(c) if so, what were the reasons therefor,

(d) what Government propose to do in case of such students who stand to suffer, and

(e) at whose instances these changes were made?

The Minister of Health (Shri Karmarkar): (a) to (e). A statement is laid on the Table of the Sabha [See Appendix III, annexure No 38]

As the statement is a page and a quarter long, I am laying it on the Table of the House. If you like, I shall read it, Sir.

Some Hon. Members: It may be read out.

Mr. Speaker: Let us know how long it is.

Shri Karmarkar: A page and a quarter.

Mr. Speaker: Yes. Hon. Members are anxious.

Shri Radha Raman: May I know whether, in fixing the interview marks at 30, the College authorities or the Government had taken into consideration the general practice adopted by other similar colleges in other States and if there was a different practice adopted, what were the reasons therefor?

Shri Karmarkar: I presume the Selection committee fixed this number of 30. As I have explained in the reply, when the matter went up to the Chief Commissioner on representation by guardians of some students affected, he thought 30 was too much. He ordered the Principal to make 30 into 15. That resulted in the change in the revised list.

Shri Radha Raman: May I know what was the basis on which this 30 or 15 was fixed, and when the change was arrived at, whether it was with the concurrence of the Selection Board or it was really arbitrarily done by the Chief Commissioner himself?

Shri Karmarkar: So far as I have been able to gather from the papers, it was under the Chief Commissioner's direction that this change was made.

Shri Radha Raman: Why?

Mr. Speaker: Shri S M Banerjee.

Shri Radha Raman: May I know

Mr. Speaker: How many questions am I to allow? I have called upon Shri S M Banerjee.

Shri S M. Banerjee: It is stated that the Delhi Administration appointed the Selection Committee. What was the personnel of the Committee? May I know whether the Selection Committee was all-powerful to select candidates or the Chief Commissioner was on top of it?

Shri Karmarkar: It was a University Selection Committee approved by the University and it consisted of the following: Colonel Taneja, Principal, Maulana Azad Medical College, Dr. A. S. Sen, Superintendent, Medical Services, in replacement of Dr. Viswanathan, Dean, Medical Faculty, who could not attend, Dr. S Achaya, Professor of Anatomy, Lady Hardinge Medical College, Dr. S K Sen, Irwin Hospital, Col. S. Srinivasan, Deputy Director General, Health Services, who pleaded his inability to attend on the last day. With regard to the

latter part of the question, I should like to add that it may have been better if the Chief Commissioner had consulted the Health Ministry because ultimately if he had any doubt, it may have been consulted. I should also like to add that this change was made by the Chief Commissioner on the 8th July, one day after the results were announced, that is, he acted in his discretion.

Shri S. M. Banerjee: May I know whether the Chief Commissioner did consult the Minister of Health or the Health Ministry or not?

Mr Speaker: He has anticipated the hon. Member and said, no, he was not consulted

Shri Ajit Singh Sarhadi: Is there any proposal to eliminate the marks for the *viva voce* test as it does not exist in other institutions and also in order to eliminate any abuse in future selection?

Mr. Speaker: Is the Health Ministry responsible for Azad Medical College or what?

Shri Karmarkar: We are answerable to Parliament for all that happens in the Maulana Azad Medical college

Mr Speaker: He wants to make a suggestion or he wants to know why, when in many other institutions, no marks are set apart for *viva voce* for admission, it should be set apart for admission in this college

Shri Karmarkar: As I said in the note, the difficulty that has been there before that College as also before the Lady Hardinge Medical College is the consciousness that different Universities are supposed to have different standards. Therefore, the *viva voce* examination is taken to make any corrections which may have arisen on account of the different standards. But, for myself, I have a feeling that a *viva voce* always gives rise to these troubles and misunderstandings, and

I am thinking seriously as to whether so far as we are concerned, the Government of India should not completely do away with this *viva voce* test.

WRITTEN ANSWERS TO QUESTIONS

Basic Education

*825. { Pandit Munishwar Dutt
Upadhyay:
Shri M. L. Dwivedi:

Will the Minister of Education be pleased to state:

(a) the time limit set for the orientation of the elementary schools towards basic pattern in the country;

(b) what would be the equipment for teachers and the inspecting staff for such schools; and

(c) what are the financial implications of the scheme?

The Minister of Education (Dr. K. L. Shrivastava): (a) The State representatives at the National Seminar held recently at Allahabad have accepted 1960-61 or 1961-62 as the target date

(b) The teachers and inspecting officers will be oriented towards the programme through short training courses

(c) This will have to be worked out by the State Governments who have to execute the programme as a part of their effort to improve Elementary education.

Prices of Records

*826. **Shri Sadhan Gupta:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether a notification has been issued under the Copyright Act fixing 5 per cent of the retail price of each record as royalty payable by the maker of the record to the owner of the Copyright of the work recorded;

(b) whether the catalogue price of each record would be regarded as the retail price under the notification; and

(c) whether any, and if so, what provision has been made or is proposed to be made to prevent makers of records from understating the catalogue price and clandestinely charging higher prices with a view to reducing their liabilities by way of payment of royalty?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b) Yes, Sir

(c) It depends on the facts of each case and such a person may be caught by the Penal Laws if he commits a fraud

Geophysical Survey of Oil

*829 **Shri Subblah Ambalam:** Will the Minister of Steel, Mines and Fuel be pleased to state

(a) whether it is a fact that assistance from foreign Governments has been received for conducting geophysical survey of oil in India,

(b) if so, the nature of the assistance received and the names of countries, and

(c) whether area to be surveyed has been decided?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) to (c) Recently no assistance has been received from any foreign Government for conducting geophysical survey of oil in India. It is, however, proposed to obtain from the West German Government one or two seismic teams to assist the Oil and Natural Gas Commission in the field of geophysical exploration. The experts will operate in Ganga Valley.

Group Insurance of Teachers

*832 **Shri Kalika Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that State Governments in collaboration with

the Central Government have agreed to examine the possibilities of extending the benefits of group insurance to teachers of primary and secondary schools and also to certain categories of teachers in degree colleges, and

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

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

(b) Does not arise

Rourkela Steel Plant

*834. **Shri Surendranath Dwivedi:** Will the Minister of Steel, Mines and Fuel be pleased to state

(a) whether the Government of India have received any communication from the Government of Orissa containing recommendations of the All Parties Committee appointed by the Orissa Assembly to enquire into the affairs of the Rourkela Steel Project, and

(b) if so, the steps taken on the report?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The Government have received a copy of a Report on Rourkela' by Shri Ramachandria Mardaraj Deo, Minister-in-charge of Rourkela Affairs, Shri Rajendra Narayan Singh Deo, M.L.A., Leader of the Opposition and five other M.L.As from the Government of Orissa

(b) The Report has been submitted to the Government of Orissa, who presumably are considering it

Coal Supply to Railways

*835. **Shri P. G. Deb:** Will the Minister of Steel, Mines and Fuel be pleased to state

(a) whether the attention of Government has been drawn to the statement of the Railway Board that inferior quality coal was supplied to Railways, and

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

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). The context in which the statement attributed by the Hon'ble Member to the Railway Board may have been made is not clear. The Railway Board do, however, bring to the notice of this Ministry and the Coal Controller, from time to time, instances of supply of inferior coals. The complaints are investigated and suitable action is taken against the colliery or collieries concerned, where necessary.

Loans to Poor Students

***836 Shri Hem Raj:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state whether there is any scheme under the consideration of the Government to advance loans to poor but brilliant students who want to take up professional education?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): The Working Group on Technical Education for the Third Five Year Plan, recommended adequate provision of scholarships and loans for deserving students in technical institutions. No definite scheme has yet been prepared.

Steel Allotment to Andhra Pradesh

***838. Shri Madhusudan Rao:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that of the 9,970 tons of steel allotted to Andhra Pradesh during the period of 1958-59, only 2,917 tons have been hitherto supplied;

(b) if so, the reasons therefor;

(c) whether it is a fact that the Government of Andhra Pradesh had informed the Union Government that due to the shortage in the supply of steel the construction of various projects already in progress would not proceed further; and

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

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The total allotment to Andhra Pradesh in 1958-59 was 33,194 tons and despatches amounted 14,030 tons.

(b) Shortfall in despatches is due to low availability.

(c) Yes, Sir.

(d) The producers have been directed to supply materials required urgently by the State Government on priority basis. Supplies are also being arranged from imports to the extent possible.

Loan from the U.S.A.

***839 Shri S. C. Godsora:** Will the Minister of Finance be pleased to state whether the industries in the private sector have been able to utilize the credit earmarked for them from the loan amounts sanctioned by the Export-Import Bank and the Development loan fund of the U.S.A.?

The Deputy Minister of Finance (Shri B. R. Bhagat): This will be answered by the Minister of Commerce and Industry on a subsequent date.

Commonwealth Educational Conference

***842. Shri S. A. Mehdi:** Will the Minister of Education be pleased to state

(a) whether a Commonwealth Educational Conference was held in London in July, 1959

(b) if so, whether India participated in it, and

(c) the amount spent on the Indian delegation?

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

(b) Yes, Sir.

(c) Information is not readily available.

बन्दर पूछ चोटी के लिये अभियान

*344. श्री भक्त दर्शन : क्या प्रतिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत ग्रीष्म ऋतु में भारतीय सेना के एक पर्वतारोही दल ने हिमालय पर्वत की बन्दर पूछ चोटी पर चढ़ने के अपने अभियान में सफलता प्राप्त की थी;

(ख) यदि हा, तो क्या उक्त अभियान के सदस्यों के बारे में जानकारी और उनके द्वारा प्राप्त सफलता का एक विवरण मभा-पटल पर रखा जायेगा, और

(ग) इस अभियान के लिये सरकारी तौर से क्या सहायता दी गई ?

प्रतिक्षा मंत्री (श्री कृष्ण मेहन)

(क) जी हा ।

(ख) एक विवरण नीचे दिया गया है ।

(ग) दी गई सरकारी सहायता पर्वतारोहण सम्बन्धी साज सामान की शकल में थी ।

STATEMENT

The members of the expedition were

1 Capt Jagjit Singh	Leader
2 Capt K N Thadani	Member
3 Capt. M S Joshi	"
4. Capt A. Temsujungba (Medical Officer)	"
5. Lt Y K. Yadav.	"
6. Lt. O. P Manchanda	"
7. Lt B. L. Bhatt	"

A" the members of the expedition except Lt. O. P. Manchanda successfully climbed the Peak on the 7th and 8th June 1959.

Revision of Indian Gazetteers

*345. { Shri Ram Krishan Gupta:
Shri D. C. Sharma:
Shri Hem Raj:

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No 2274 on the 23rd March, 1959 and state at what stage stands the consideration of the draft scheme for revision of Indian Gazetteers?

The Minister of Scientific Research and Cultural Affairs (Shri Hanmayun Kabir): Implementation of the Scheme will be taken in hand after it has been considered by the Central Advisory Board for Gazetteers at its meeting to be held on 5 September 1959

Colonies for Scheduled Castes in Punjab

*346. Shri D C. Sharma: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No 2134 on the 18th March, 1959 and state:

(a) whether the Central Government have advanced or propose to advance any financial assistance to the Punjab Government for constructing colonies for Scheduled Castes during the year 1959-60,

(b) if so, the amount proposed to be given; and

(c) whether the Punjab Government has submitted any scheme in this regard?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir

(b) 50 per cent of the actual expenditure which may be incurred by the State Government, out of a provision of Rs. 3.27 lakhs.

(c) Yes, Sir.

Small Scale Blast Furnaces

- *847. { Shri S. C. Samanta:
 Shri Subodh Hanada:
 Shri Osman Ali Khan:
 Shri Ram Krishan Gupta:
 Shri A. M. Tariq:
 Shri Shivananjappa:
 Shri Supakar:
 Shri Sadhan Gupta:
 Pandit D. N. Tiwary:
 Shri Jagannatha Rao:
 Shri S. M. Banerjee:
 Shri Tangamani:
 Shri Jagdish Awasthi:
 Shri Muhammed Elias:
 Shri N. R. Muniswamy:
 Shri Mahanty:
 Shri Sarju Pandey:
 Shri Aurobindo Ghosal:
 Shri Sanganna:
 Shri T. B. Vittal Rao:
 Shri Assar:
 Shri Madhusudan Rao:

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

(a) whether the expert team sent to China to study the working of small scale blast furnaces has come back and submitted its report,

(b) if so, what are the salient features of the report; and

(c) what steps Government propose to take in the matter?

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

(b) The salient features are contained in the Summary of the Report of the Delegation, copies of which have been distributed to the Members of the House

(c) Government generally accept the recommendations of the Delegation that the design and construction of a few small blast furnaces and converters be taken in hand as an experimental measure in areas which are likely to be favourable for the location of such plants.

Theatres in State Capitals

- *848. { Shri Shree Narayan
 Das:
 Shri Radha Raman :
 Shri Wodeyar:
 Shri Bibhuti Mishra:
 Shri Aurobindo Ghosal:
 Shri Raghunath Singh:
 Shri P. C. Borooah:
 Shri Ram Krishan Gupta:
 Shri P. G. Deb:
 Shri Muhammed Elias:

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

(a) whether the State Governments have been asked to submit plans for the construction of theatres in their respective State capitals,

(b) if so, the scheme under which this is proposed to be done;

(c) the total expenditure involved in the scheme, and

(d) the progress made in this direction?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b) Yes, Sir, under a Scheme for the promotion of dramatic art as part of the celebrations to be organised on the occasion of Tagore Centenary

(c) and (d) Plans for the theatres from the State Governments are awaited. Cost can be worked out only later on.

Report of Sanskrit Commission

- *849. { Shri Radha Raman:
 Shri D. C. Sharma:
 Shri Ram Krishan Gupta:
 Shri Supakar:
 Shri C. K. Bhattacharya:
 Shri Bhakt Darshan:
 Shri R. C. Majhi:
 Shri Subodh Hanada:

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1093 on the 9th March, 1959 and state the progress

made so far in implementing the recommendations made by the Sanskrit Commission?

The Minister of Education (Dr. K. L. Shrivastava): A statement is laid on the Table of the House.

STATEMENT

Comments on the recommendations of the Sanskrit Commission are still awaited from two State Governments, one Union Territory and 15 Indian Universities. The views of the Government of India are being formulated in the light of the comments received from the various authorities.

In the meantime, a Central Sanskrit Board has been set up, to advise Government on matters relating to propagation and development of Sanskrit.

Some of the recommendations are being placed before it for advice.

Museum at Konarak

*850 **Shri Panigrahi:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No 808 on the 2nd March, 1959 and state:

(a) whether the estimates for setting up the proposed museum at Konarak have since been worked out; and

(b) if so, what is the estimated expenditure?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Not yet, Sir

(b) Does not arise.

L.I.C. Loans for Housing Activities

*851. { **Shri A. K. Gopalan:**
Shri Kunhan:

Will the Minister of Finance be pleased to state:

(a) how many States and Housing Co-operative Societies have taken advantage of the Life Insurance Cor-

poration's offer of loans to finance housing activities;

(b) the amount utilised so far; and

(c) whether it is a fact that States are unwilling to guarantee loans due to the high rate of interest charged by the Life Insurance Corporation?

The Deputy Minister of Finance (Srimati Tarkeshwari Sinha):

(a) States	13
Co-operative Societies	2
TOTAL	15
	Rs.
	Crores
(b) States	4.0
Co-operative Societies	0.5
TOTAL	4.5

(c) No, Sir.

Water Shortage in Delhi

*852. { **Shri S. M. Banerjee:**
Shri S. A. Mehdi:
Shri Kalika Singh:
Shri Pangarkar:

Will the Minister of Home Affairs be pleased to state:

(a) whether there was an extreme shortage of water in Delhi and New Delhi during June, 1959; and

(b) if so, the steps taken to overcome this shortage?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No. In some areas, however, due to increased consumption and insufficient size of pipes, the pressure was low.

(b) The Delhi Municipal Corporation have a phased programme of augmenting the filtered water-supply from 80 million gallons daily to 90 million gallons as well as augmentation of the pipe system wherever the size is not sufficient.

Sports Enquiry Committee Report

*853. { Dr. Ram Subhag Singh:
Shri Bibhnti Mishra:

Will the Minister of Education be pleased to state:

(a) which of the recommendations made by the *Ad Hoc* Enquiry Committee on Sports set up by Government to enquire into the reasons for unsatisfactory performance of Indian teams and athletes in the Olympic and Asian Games have been implemented; and

(b) how Government propose to implement the Committee's recommendation to set up proper playgrounds in educational institutions?

The Minister of Education (Dr. K. L. Shrivastava): (a) and (b) A statement is laid on the Table of the House. [See Appendix III, annexure No. 39]

Industrial Management Pool

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

(a) how many persons selected in the Industrial Management Pool have been absorbed by Government and Public enterprises separately,

(b) how many of them were from private services; and

(c) how many persons have been given employment out of turn, i.e., earlier than those higher in the list?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Out of 212 candidates recommended by the Union Public Service Commission, offers of appointment have so far been issued to 148. They will all join industrial undertakings in the public sector.

(b) Out of the 148 candidates referred to in (a) above, 71 are recruits from the open market.

(c) A copy of the list of 212 names, as published by the Commission, is

placed on the Table, showing, with an asterisk, those candidates who have been offered appointment. [See Appendix III, annexure No. 40.] This list contains the information asked for. The candidates in the list have experience and skill in different types of work, such as General Administration, Finance and Accounts, Sales, Purchase etc. Since placements depend on demands from the industrial undertakings and these organisations cannot be forced to take any particular person, and in view of the fact that even in the same grade, the demands depend on the experience of the persons in the different branches of industrial management, it has not always been possible to follow strictly the order in the list.

उत्तर प्रदेश में इंजीनियरिंग शिक्षा के तदर्थ बोर्ड के डिप्लोमा

*855. श्री भक्त दर्शन : क्या वैज्ञानिक अनुसन्धान और सांस्कृतिक-कार्य मंत्री १३ मार्च, १९५९ के ताराकित प्रश्न संख्या १२३३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि उत्तर प्रदेश में इंजीनियरिंग शिक्षा के तदर्थ बोर्ड द्वारा दिये जाने वाले प्रमाण-पत्रों और डिप्लोमाओं को मान्यता देने के प्रश्न के बारे में इस बीच क्या निर्णय किया गया है ?

वैज्ञानिक अनुसन्धान और सांस्कृतिक-कार्य मंत्री (श्री हुमायून् कबीर) : सरकार ने १९५९ तक की परीक्षाओं के रिजल्ट पर उत्तर प्रदेश के इंजीनियरिंग शिक्षा के एंड्रहोक बोर्ड द्वारा दिये गये डिप्लोमों को सम्बन्धित क्षेत्र में प्राचीनस्व पदों और सर्विस में भर्ती/नियुक्ति के लिये मान लिया है।

Travel by O.Ra.

*856. Shri Hem Raj: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Other Ranks while going on casual leave are charged the fare for Mail or Express;

(b) if so, whether it is also a fact that they are to travel by ordinary passenger trains while the journey is within 300 miles; and

(c) if so, the reason for charging them excess fare when they are made to travel by ordinary passenger trains?

The Minister of Defence (Shri Krishna Menon): (a) to (c) A statement is laid on the Table of the House [See Appendix III, annexure No. 41.]

Use of Lignite for Smelting Iron Ore

*857. Shri Subbiah Ambalam: Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Unstarred Question No 4222 on the 7th May, 1950 and state—

(a) whether the experiments carried on in the Pilot Plant set up in the National Metallurgical Laboratory at Jamshedpur to find out the feasibility of using lignite for smelting iron ore have been completed; and

(b) if so, the results thereof?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) No, Sir. Not yet.

(b) Does not arise

Indian Languages in Delhi University

*858 { Shri P. C. Borooah:
Shri Ram Krishan Gupta:
Shri K. C. Jena:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Delhi University have decided to teach all 14 Indian languages listed in the Constitution, and

(b) if so, the steps taken so far in the matter?

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

(b) Does not arise.

Norwegian Ship in Distress

*859. Shri Raghunath Singh: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that on the 6th August, 1950 a Norwegian Ship "Sunfarer" was in distress in the Arabian sea and that on receiving its signals, INS Rajput and a firefly aircraft of I.N.A.S. Garuda, rushed to its help; and

(b) if so, the details thereof and the service done by the Indian ship and aircraft?

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

(b) At 0610 on 6th August, Bombay W/T Station issued a signal to all concerned that the Norwegian Ship 'SUNFARER', under charter to APM NOOH (Ceylon) with a cargo of Copra, for Cochin and Bombay, was in difficulty with engine trouble about 50 miles South of Cochin.

INS RAJPUT which was participating in Jet exercises off Cochin was ordered to proceed to the spot immediately to render assistance. A Firefly aircraft which was also exercising in the area was directed to investigate. RAJPUT arrived at the scene at about 1100 hours with the aircraft also standing by in the vicinity.

No assistance was actually rendered as the 'SUNFARER' confirmed that she was in no immediate danger and did not require any assistance from the Navy. INS RAJPUT thereafter returned to her exercise area.

Indian Currency in Nepal

*860 { Shri P. G. Deb:
Shri Raghunath Singh:
Shri Jangde:

Will the Minister of Finance be pleased to state:

(a) whether there is any proposal by Nepal Government to abolish Indian currency as a legal tender from Nepal,

(b) if so, whether the Indian Government was sounded about this proposal first; and

(c) whether Government have made any proposal to Nepal Government over this matter as Indian currency is the only legal currency in Nepal Terai which is about half of the area of Nepal?

The Deputy Minister of Finance (Shri B. E. Bhagat): (a) to (c) No, Sir. Even now the Indian currency is not legal tender in Nepal although it circulates freely along with the Nepalese currency

Electric Crematorium in Delhi

*861 { Shri D. C. Sharma:
Shri Raghunath Singh:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No 1126 on the 2nd March, 1959 and state at what stage the proposal stands at present regarding the construction of an electric crematorium in Delhi?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The Delhi Municipal Corporation have since agreed to construct and maintain the Electric Crematorium. The Government of India have sanctioned a grant-in-aid of Rs 5 lakhs by way of initial expenses on the installation of the plant. It is expected that work on the project would start in the near future.

Coal Price Revision Committee

*862 { Shri Ram Krishan Gupta:
Shri T. B. Vittal Rao:
Dr. Ram Subhag Singh:
Shri Shree Narayan Das:
Shri Radha Raman:

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 4186 on the 7th May, 1959 and state:

(a) whether the report submitted by the Coal Price Revision Committee

has since been examined by the Government; and

(b) if so, the nature of decisions arrived at?

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

(b) The Committee's report as well as a statement setting out the Government's decisions thereon have already been laid on the Table of the House on the 24th August, 1959.

Furnace Oil

*863. **Dr Ram Subhag Singh:** Will the Minister of Steel, Mines and Fuel be pleased to state—

(a) whether there has been any increase in the use of furnace oil as industrial fuel in the country,

(b) where its use is most at present, and

(c) whether Government propose to take any measures to popularize the use of furnace oil in the country?

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

(b) The consumption of furnace oil as industrial fuel is mostly in Western India

(c) The consumption of furnace oil as industrial fuel is already increasing rapidly. In fact, the increasing industrial consumption, as well as off-take through international bunkers, has now reduced the small export surplus that we had in furnace oil. No special measures are, therefore, contemplated at present.

Revision of Indian Maps

*864 **Shri S. M. Banerjee:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any long term programme of resurvey and revision of our map cover on the national scales has been undertaken by the Survey of India; and

(b) if so, the area covered under this programme and the amount spent?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Yes, Sir. The entire country is to be covered by maps on 1:50,000 scale except for High Himalayan regions which will be covered on 1:100,000 scale.

(b) 53,553 sq. miles since 1956-57.

Rs. 51,15,000.

Help Given to U.S. Tanker

*865. { Shri P. G. Deb:
Shri Raghunath Singh:

Will the Minister of Defence be pleased to state:

(a) whether a U.S. Tanker 'National Peace' ran aground near the Laccadive Islands on the 11th August, 1959;

(b) the help rendered by the Indian Naval Ships to the ship in distress, and

(c) the number of the crew saved?

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

(b) (i) The entire crew of the U.S. tanker 'National Peace' was embarked on I.N.S. RANA on 12th August, 1959. I.N.S. RANA returned to Cochin on 14th August, 1959 with the rescued crew.

(ii) A boarding party from INS RANA was successful in boarding the 'National Peace' on 13th August, 1959 and succeeded in isolating the Engine Room by closing the water tight door from being flooded.

(iii) Important papers were brought out by the boarding party from the 'National Peace' and handed over to the Master of the tanker.

(c) Entire crew numbering 37.

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

1568. { Shri Ram Krishan Gupta:
Shri P. C. Borooah:
Shri Radha Raman:
Shri Nek Ram Negi:
Shri Pahadia:
Shri S. N. Ramaul:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 875 on the 25th February, 1959 and state:

(a) the progress since made in creating a joint I.A.S. Cadre for Delhi and Himachal Pradesh; and

(b) whether the Union Public Service Commission has approved the scheme?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The Union Public Service Commission have approved the scheme. Its financial implications are now being worked out.

Rockefeller Foundation Grants

1569 Shri Ram Krishan Gupta: Will the Minister of Finance be pleased to state:

(a) Total amount of grants received from Rockefeller Foundation in India during 1958-59, and

(b) the main purposes for which these grants were utilized?

The Minister of Finance (Shri Morarji Desai): (a) and (b)

(i) Medical Education & Public Health	\$665,152
(ii) Humanities	\$213,186
(iii) Natural Sciences & Agriculture	\$864,745
(iv) Social Sciences	\$94,770
(v) Miscellaneous	\$5,000
TOTAL	\$1,842,853

Small Savings Scheme

1570. Shri D. C. Sharma: Will the Minister of Finance be pleased to state the total amount collected under the Small Savings Scheme during 1959 (upto 31-7-1959) in Districts of Gurdaspur and Hoshiarpur in Punjab?

The Minister of Finance (Shri Morarji Desai): The total net collections during January to July, 1959 in the Districts of Gurdaspur and Hoshiarpur amounted approximately to Rs. 14.28 lakhs and Rs. 20.81 lakhs respectively.

Tomb of Sher Shah Suri's Father at Narnaul

1571. Shri D. C. Sharma: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 186 on the 12th February, 1959, and state the further progress made in protecting the Tomb of Sher Shah Suri's father in Narnaul?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): The detailed particulars required for protection-notification are in the process of collection and necessary site-plans are under preparation.

International Educational Conferences

1572. Shri D. C. Sharma: Will the Minister of Education be pleased to state—

(a) the names of International conferences concerning Education in which India participated during 1958-59; and

(b) the expenses borne by the Government of India on these conferences?

The Minister of Education (Dr. K. L. Shrimall): (a) and (b) A statement is laid on the Table of the Sabha

STATEMENT

Names of the International Conferences concerning Education in which India participated during 1958-59	Expenses borne by the Government of India
	Rs
1 The 21st International Conference on Public Education held at Geneva from the 7th to 16th July, 1958	1,606 61
2 The 10th Session of the General Conference of UNESCO held at Paris from the 4th November to 5th December, 1958 (Education was one of the items discussed by the Conference)	34,168 81

Development of Modern Indian Languages

1573. Shri Pangarkar: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether any assistance has been given to the Bombay Government for the year 1959-60 under the Scheme of Development of Modern Indian Languages (except Hindi);

(b) if so, the amount thereof, and

(c) its allocation for Marathi language?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir. The proposals of the State Government are awaited

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

Election Expenses of Political Parties

1574. Shri P. Q. Deb: Will the Minister of Law be pleased to state:

(a) whether the attention of Government has been drawn to the statement of the Former Election Commissioner of the Government of India about the expenses of political parties in elections; and

(b) if so, the reaction of Government thereto?

The Deputy Minister of Law (Shri Hajarnavis): (a) Government are aware of a report appearing in a section of the press containing a summary of the speech purporting to have been delivered by the former Chief Election Commissioner in Bombay regarding the enactment of a law compelling political parties in the country to file returns of election expenses

(b) Government have no proposal under consideration for the submission of election expenses returns by political parties. The Chief Election Commissioner in Chapter XXII of his Report on the Second General Elections has, however, recommended *inter alia*, that "all expenditure incurred on behalf of a candidate by his party or his well-wishers with his constructive consent may be made accountable"

Enquiries against Public Servants

1575. Shri S. A. Mehdi: Will the Minister of Home Affairs be pleased to state the number of cases in which enquiries were conducted against Central Government servants on the basis of newspaper reports and complaints till the 31st July, 1959 after the promulgation of the Central Civil Services (Classification, Control and Appeal) Rules 1957?

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

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Election Petitions

1576. Shri Hem Raj: Will the Minister of Law be pleased to refer to the reply given to Starred Question No. 2273 on the 7th May, 1959, and state:

(a) the average time taken by the Election Tribunals in the disposal of election petitions, and

(p) how many election petitions were completed within the stipulated time under the Representation of the People Act, 1951?

The Deputy Minister of Law (Shri Hajarnavis): (a) The average time taken by Election Tribunals in the disposal of election petitions is 8 months and 10 days

(b) 158 election petitions were disposed of within the period contemplated in the Representation of the People Act 1951

Koyna Project

1577. Shri S. C. Godsora: Will the Minister of Finance be pleased to state

(a) whether it is a fact that the World Bank required assurances on certain points, before sanctioning the loan for the Koyna Project; and

(b) if so, what action was taken to assure the Bank?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir In accordance with their normal practice, the World Bank wished to be satisfied that adequate arrangements were in force for (i) technical supervision of the construction work, and (ii) the proper execution of the project. The Bank also sought some clarifications regarding the management of the project after its completion

(b) The Government of India were able to satisfy the Bank on all these points.

Hostels in U.K.

1578. Shri Siddiah: Will the Minister of Education be pleased to state:

(a) the names of the hostels in the U.K. which were given grants by the Government of India during 1957-58 and 1958-59;

(b) the amount of grant paid to each of them; and

(c) the number of Indian students in each of the hostels benefited by the grants?

The Minister of Education (Dr. K. L. Shrimall): (a) Y.M.C.A. Indian Students' Union and Hostel London

(b) £250 each year

(c) 560 in the calendar year 1958. the information for the fiscal years 1957-58 and 1958-59 is being obtained and will be placed on the Table of the House when received

Kuchipudi Dance

1579. Shri Madhasudan Rao: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether it is a fact that the Andhra Pradesh Sangeet Natak Akademi suggested to the Central Sangeet Natak Akademi to establish a school at Kuchipudi in Andhra Pradesh for training in 'Kuchipudi Dance'; and

(b) if so the action taken thereon?

The Deputy Minister for Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir The Andhra Pradesh Sangeet Natak Akademi has recommended to the Sangeet Natak Akademi to establish a school for training in Kuchipudi dance

(b) The matter is under consideration of the Sangeet Natak Akademi

Assistance to Educational Institutions in Andhra

1580. Shri M. V. Krishna Rao: Will the Minister of Education be pleased to state:

(a) the total financial assistance allotted to educational institutions in Andhra Pradesh during 1959-60 so far; and

(b) the purpose for which the amounts are being allotted?

The Minister of Education (Dr. K. L. Shrimall): (a) Rs 46,43,572.

(b) The amounts have been allotted for the following purposes:—

(i) to meet a deficit on maintenance expenses of the Sanga Veda Pathshala Masulipatnam,

(ii) development of the post-Basic School, Pentapada;

(iii) assistance to the Fatima Girls Multipurpose High School, Kazipet for the purchase of furniture and books;

(iv) for campus work projects, students' tours and Inter-collegiate Youth Festivals,

(v) Of the total amount a sum of Rs 45,48,772 is for assistance to the three State Universities for development of studies in Humanities, Higher Scientific Education and Research and post graduate and under graduate studies in Engineering and Technology Assistance has also been given to these Universities for purchase of library books, student aid fund, publication of approved research work, improvement of library buildings and revision of salary scale of University teachers.

New Polytechnics in Andhra Pradesh

1581. Shri M. V. Krishna Rao: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the Andhra Pradesh Government has sent any schemes for

opening of new Polytechnics during 1958-60 and remaining period of Second Five Year Plan;

(b) if so, whether the schemes have been approved;

(c) the nature of the help given by the Central Government; and

(d) the location of the institution?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) to (d). The Andhra Pradesh Government has submitted estimates for the establishment of two polytechnics under the Centrally Sponsored scheme. The estimates are under examination. It has been decided to locate the institutions at Proddatur and Nizamabad. The following Central assistance is admissible in their establishment:—

(i) Non-recurring—50 per cent of the approved cost.

(ii) Recurring—50 per cent of the net expenditure for a period of five years from commencement.

Central Government will also advance loans for the construction of approved hostel accommodation.

Excavations in Andhra Pradesh

1562. Shri M. V. Krishna Rao: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any excavations were carried out in Andhra Pradesh during 1958-59; and

(b) if so, the results thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) Excavations at Nagarjunakonda, which have been in progress since 1954, were continued and led to the discovery, among others, of a few pillared mandaps and inscribed pillars of the Ikshvaku period (3rd-4th Century A.D.). Digging near the stadium has revealed the existence of a hidden canal with bunds, running

east-west and having a supporting wall.

Deep-Sea Fishing Boats for Laccadive Islands

1583. Shri Nallakoya: Will the Minister of Home Affairs be pleased to state:

(a) whether boats for deep-sea fishing have been got ready for use in the Laccadive Islands;

(b) if so, how many;

(c) whether all of them are equipped with engines, and

(d) if not, the reasons therefor?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir.

(b) Four.

(c) and (d) One of them has already been equipped with an engine. The licences to import the engines for the remaining three boats have been received recently and these three boats will also soon be equipped with engines.

Laccadive Group of Islands

1584. Shri Nallakoya: Will the Minister of Home Affairs be pleased to state how many engineers, overseers and section officers have been appointed in or deputed to the Laccadive Group of Islands so far?

The Deputy Minister of Home Affairs (Shrimati Alva): One Executive Engineer, two Assistant Engineers and four Section Officers have been appointed for the Laccadive, Minicoy and Amindivi Islands.

Archaeological Survey of Andhra

1585. Shri M. V. Krishna Rao: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the survey of ancient temples and places of archaeological and historical importance has been completed in Andhra Pradesh;

(b) whether Government have finalised the list of monuments of national importance in that State; and

(c) if so, the names thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Not yet, Sir.

(b) and (c). This can be settled only after the completion of the survey work.

	1958-59		1959-60	
	Rs.	np.	(upto 19-8-59)	Rs. np.
(i) Andhra University	3,52,614	00	5,82,774	25
(ii) Osmania University	9,95,724	70	3,60,780	00
(iii) Sri Venkateswara University	9,09,143	00	2,20,000	00

Protected Monuments of Mysore

1587. Shri Siddiah: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the total amount allotted for the maintenance and special repairs of each of the protected monuments in Mysore District, Mysore State for the year 1958-60;

(b) whether the amount allotted in the year 1958-59 for the above purpose has been fully spent; and

(c) if not, the reasons therefor?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) to (c) The information is being collected and will be laid on the Table of the House.

Concessions for Students

1588. Shri Siddiah: Will the Minister of Education be pleased to state what is the amount of Central subsidy or grant given to each of the State Governments and Union Territory Administrations during 1959-60 for the purpose of giving the following concessions to Scheduled Caste, Scheduled Tribe and Other Backward Class students:

- (i) fee concessions;
- (ii) scholarship payments;

Grants to Universities

1589. Shri M. V. Krishna Rao: Will the Minister of Education be pleased to state the amount given as grants to the following universities during 1958-59 and 1959-60, so far, separately:

- (i) Andhra University;
- (ii) Osmania University; and
- (iii) Sri Venkateswara University?

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

	1958-59		1959-60	
	Rs.	np.	(upto 19-8-59)	Rs. np.
(i) Andhra University	3,52,614	00	5,82,774	25
(ii) Osmania University	9,95,724	70	3,60,780	00
(iii) Sri Venkateswara University	9,09,143	00	2,20,000	00

- (iii) purchase of books;
- (iv) hostel accommodation; and
- (v) subsistence allowance or other concessions?

The Minister of Education (Dr. K. L. Shrimall): The amount of the Central grant to be made to each State/Union Administration is being worked out. Some funds have, however, been released to cover immediate needs

Eastern Zonal Council

1589. Shri Panigrahi: Will the Minister of Home Affairs be pleased to state:

(a) whether any request has been received from the Government of Orissa after May, 1959 for discussing the question of Bihar-Orissa border dispute in the next meeting of the Zonal Council.

(b) if so, the time and venue of the next meeting of the Eastern Zonal Council;

(c) whether the Orissa Government since May, 1959 have also requested him to mediate in the Bihar-Orissa border dispute; and

(d) if so, whether the request has been acceded to?

The Minister of Home Affairs (Shri G. M. Pant): (a) No.

(b) The next meeting of the Council is scheduled to be held at Bhubaneswar. The date of the meeting has not yet been fixed.

(c) No.

(d) Does not arise.

Minerals near Tikarpara Dam Site

1590. Shri Panigrahi: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether a detailed investigation of the Tikarpara Dam site on Mahanadi River was undertaken;

(b) if so, the different kinds of mineral ores which were found to be located in this area; and

(c) the estimated reserves of their deposits?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Systematic geological mapping, preliminary reconnaissance and examination of the various alignments of the Tikarpara Dam site were carried out by the Geological Survey of India. Detailed investigations were not taken up as the region was considered to be of no significance regarding the occurrence of economic minerals.

(b) and (c) Stray occurrences of sillimanite, graphite and mica were recorded. Iron ore in small quantities is also found. The reserves have not been estimated as the occurrence of the said minerals is considered to be sporadic.

Mica Deposits in Orissa

1591. Shri Panigrahi: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether investigations revealed Mica deposits near Matiaruni Hill, in Cuttack District in Orissa;

(b) the places in Orissa where Mica deposits have been located; and

(c) the estimated reserve of Mica deposits in Orissa?

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

(b) and (c). Mica deposits have been recorded at Balasore, Cuttack, Dhenkanal, Kalahandi, Puri, Ganjam, Koraput, Sambalpur and Sundergarh areas of Orissa. The deposits encountered are of a sporadic nature and therefore estimation of reserves is not considered worthwhile.

Phosphate Deposits in Orissa

1592. Shri Panigrahi: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether in 1950 investigation of phosphate deposits in Ganjam District in Orissa was undertaken;

(b) the places where phosphate deposits were found in Orissa; and

(c) the estimate of phosphate deposits in Orissa?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No, Sir.

(b) No deposits of economic significance have so far been located in Orissa.

(c) Does not arise.

Receipt of Foreign Money by Kerala Catholic Church

1593. Shri Narayanankutty Menon: Will the Minister of Home Affairs be pleased to state:

(a) what is the total amount of foreign money received by the Catholic Church and exchanged through Banks in Kerala from January, 1959 to June, 1959; and

(b) from which country or countries this money has come?

The Minister of State in the Minister of Home Affairs (Shri Datar): (a) The information is not available.

(b) Does not arise.

Election Petitions

1594. **Shri Ram Krishan Gupta:** Will the Minister of Law be pleased to state:

(a) whether it is a fact that Election Commission has received applications for the transfer of election petitions from the court of existing tribunals and for appointment of new tribunals; and

(b) the nature of action taken thereon?

The Deputy Minister of Law (Shri Hajarnavis): (a) Yes, Sir

(b) The Election Commission received 55 applications for transfer of election petitions, out of which 48 cases were rejected and 7 cases accepted

Foreign Loans

1595. **Shri Ram Krishan Gupta:** Will the Minister of Finance be pleased to state the nature of the measures adopted or proposed to be adopted to speed up the proper and immediate utilisation of foreign loans and credits, which have not been utilised so far?

The Minister of Finance (Shri Morarji Desai): Government are fully seized of the problem of the early utilisation of foreign loans on the purposes for which the loans are intended—mainly the acquiring of capital goods for second Plan projects. With many of these loans the progress in utilisation is normal and satisfactory. With certain of the loans, the progress in utilisation is apparently unsatisfactory though in fact it is not so. They are progressing reasonably, since it is only after the loan has been negotiated for specific purposes that in most cases global tenders can be invited, orders placed perhaps in stages as required, delivery obtained, perhaps two years or longer from the date of order, payments made on shipment of equipment and finally reimbursement can be obtained from the foreign loans. In effecting due utilisation all essential procedures are observed, some of which may be obligatory to conform

to the requirements of the legislation under which the loans are made available.

Where utilisation is complete or largely complete, as it is in certain cases, action is taken, with the co-operation of the foreign Governments concerned to effect the appropriate draws under the credit. Wherever necessary, appropriate simplification of the procedure is negotiated. Draws are thus facilitated.

Where any difficulty in utilisation arises because of price levels, the Government endeavour to reallocate the loan for other equally essential purposes so as to obviate this difficulty and facilitate utilisation.

Neglected Children in Delhi

1596 { **Shri Ram Krishan Gupta:**
Shri D. C. Sharma:

Will the Minister of Home Affairs be pleased to state

(a) whether it is a fact that the number of the neglected children in Delhi is increasing day by day; and

(b) if so the nature of the steps taken or proposed to be taken to tackle the problem?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b) There has been no survey of the problem of neglected children in Delhi during the recent years. However, two Homes—one for children found begging and one for healthy children of patients suffering from leprosy—are proposed to be established by the Delhi Administration. The Central Social Welfare Board also give grants-in-aid to certain institutions, working for the welfare of neglected children. A proposal for having a Children Act for all Union Territories to provide, *inter alia*, for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected children, is also under consideration.

School of Town and Country Planning

1597. **Shri Ram Krishan Gupta:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No 1195 on 13th March, 1959 and state

(a) whether the Board of Assessment for Technical and Professional Qualifications has examined and considered the report of expert committee regarding the recognition of the diploma awarded by the School of Town and Country Planning Delhi and

(b) if so the result thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr M M Das) (a) Yes Sir

(b) Government has accepted the recommendation of the Board and notified recognition to the diploma awarded by the School of Town and Country Planning Delhi for purpose of recruitment to superior posts and services

National Academy for Training of Civil Servants

1598 **Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No 2118 on the 29th April 1959 and state the further progress made so far in establishing the National Academy for training of civil servants?

The Minister of Home Affairs (Shri G B Pant): The National Academy of Public Administration is being set up at Mussoorie with effect from 1st September 1959. Accommodation has been acquired for the trainees and staff. The IAS Training School and the IAS Staff College Simla which will be merged with the Academy are being shifted to Mussoorie. The first session of the Academy has already commenced and probationers of the IAS, IFS and Central Services Class I are undergoing foundational training.

Hostels for Indian Students in Foreign Countries

1599. **Shri Ram Krishan Gupta:** Will the Minister of Education be pleased to state

(a) whether it is a fact that hostel facilities for Indian students in foreign countries are not adequate, and

(b) if so, nature of the steps taken or proposed to be taken to provide adequate hostel facilities to Indian students abroad (country-wise)?

The Minister of Education (Dr K. L. Shrimall): (a) and (b) The information is being collected and will be laid on the Table of the House in due course.

Common Scientific and Technical Terminology

1600 { **Shri Ram Krishan Gupta**
Shri Bhakt Daryhan

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No 2131 on the 18th March 1959 and state

(a) the nature of progress made so far in evolving common scientific and technical terminology in all Indian Languages and

(b) the time by which its task is likely to be finally completed?

The Minister of Education (Dr K L Shrimall): (a) 1,68,053 Hindi terms have been evolved so far by the Ministry of Education

(b) This is a continuing process but it is hoped that a majority of the terms would have been evolved by the beginning of 1961

Kerala Jenmikaram Payment (Abolition) Bill 1957

1601 **Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No 372 on the 25th February 1959 and state

(a) whether the Kerala Jenmikaram Payment (Abolition) Bill, 1957 has since been considered, and

(b) if so, the nature of the decision taken?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b) The matter is still under consideration.

Abduction Cases in Delhi

1602, Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) the number of reported abduction cases of married women and unmarried girls in Delhi during 1959 (upto the 30th June, 1959) as compared to the figures for the corresponding period for the year 1958, and

(b) the number of women and girls recovered during each of the above years?

The Minister of Home Affairs (Shri G. B. Pant):

1959	1958
(upto 30.6.59)	(up 30.6.58)
(a) 8	11
(b) 6	7

Folk Songs and Paintings of Punjab

1603 Shri D. C. Sharma: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether Government will lay a detailed statement on the Table show-

ing the steps so far taken for collection, preservation and popularisation of folk songs and paintings of the hilly and other areas of Punjab State; and

(b) the steps being taken to make a success of the future programme drawn up in this connection?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b) A statement is laid on the Table [See Appendix III, annexure No 42]

Hindi Translation of Acts

**1604 { Shri D. C. Sharma:
Shri Ram Krishan Gupta**

Will the Minister of Law be pleased to refer to the reply given to Unstarred Question No 3156 on the 16th April, 1959 and state the titles of the Acts which have since been translated into Hindi (upto the 31st July, 1959)?

The Deputy Minister of Law (Shri Hajarnavis): A statement of the titles of Acts translated into Hindi from 1st April, 1959 to 31st July, 1959 and now under print is placed on the Table of the House

STATEMENT

1. The Standards of Weights & Measures Act, 1956 (Under Print)
2. The Drugs Act, 1940 (as modified upto-date) (Under Print)
3. The Births, Deaths & Marriages Registration Act, 1886 (as modified upto-date) (Under Print)
4. The Prevention of Corruption Act, 1947 (as modified upto-date) (Under Print)
5. The Cinematograph Act, 1952 (as modified upto-date) (Under Print)
6. The Delhi Development Act, 1957 Under Print
7. The Rice Milling Industry (Regulation) Act, 1958 (Under Print)

Protective Homes

1605, Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) the number of protective homes opened or arranged upto the 1st August, 1959, under the Suppres-

sion of Immoral Traffic in Women and Girls Act, 1956, and

(b) the number of inmates in these homes as on the 1st August, 1959?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) 68.

(b) Out of sixty-eight homes, fifty-five had a total of 645 inmates in them on 1st August, 1959. The information regarding the number of inmates in the remaining thirteen homes is being collected and will be laid on the Table of the House

Revision of Salary Scale of Teachers in West Bengal

1606. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) whether the West Bengal Government have included in the Second Five Year Plan a scheme for the revision of Salary Scales of teachers of primary and secondary schools of local bodies in that State; and

(b) if so, the total amount given so far by the Central Government to the Government of West Bengal for this purpose?

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

(b) A statement is laid on the Table of the Sabha [See Appendix III, annexure No 43]

Teachers of Affiliated Colleges in Punjab

1607. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) whether the affiliated colleges in Punjab have received financial help from the University Grants Commission for the improvement of salary scales of their teachers;

(b) if so, how much has, so far, been given to these colleges;

(c) what are the conditions imposed on the recipient colleges; and

(d) how the teachers have been benefited?

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

40 colleges in Punjab have received financial assistance under the scheme.

(b) Rs 2,66,476.75 nP.

(c) The conditions imposed on the recipient colleges are:

(i) the colleges/State Government/University will have to bear 50 per cent. and 25 per cent. of the additional expenditure involved in case of Men's colleges and Women's colleges respectively, and

(ii) the scheme is applicable to permanent teachers only. Temporary teachers appointed against permanent posts will, however, receive the benefit

(d) The grades introduced by the Commission are comparatively higher than the existing scales in some of the affiliated colleges

Physical Education, Recreation and Youth Welfare

Shri D. C. Sharma:
Shri Vajpayee:
1608. Shri Ram Krishan Gupta:
Shri A. M. Tariq:
Shri Bhakt Darshan:

Will the Minister of Education be pleased to state the progress made by the Committee appointed by the Government of India to co-ordinate all schemes of Physical Education, Recreation and Youth Welfare?

The Minister of Education (Dr. K. L. Shrimali): During the first meeting of the Committee which was held on the 20th July, 1959, the Committee decided to issue a questionnaire in order to collect comprehensive information in regard to the character building schemes and other matters under reference to the Committee. A draft questionnaire has since been prepared and will now be

considered by the Committee at its next meeting on the 12th September, 1959

Mineral Advisory Board

1609. { Shri Subodh Hansda
Shri S. C. Samanta:

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

(a) whether the recommendations of the Mineral Advisory Board made in 1958 have been fully accepted by the Government

(b) if not, the reasons therefor and

(c) whether the accepted recommendations have been implemented so far?

The Minister of Mines and Oil (Shri K. D. Malaviya). (a) to (c) A statement giving the required information is laid on the Table of the House [See Appendix III annexure No 44]

Cultural Delegations visiting India

1610. { Shri Subodh Hansda
Shri S. C. Samanta.

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

(a) the number of cultural delegations that visited India during the year 1959 upto-date

(b) the amount of expenditure incurred thereon and

(c) whether all of them came at the invitation of the Government of India?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) to (c) A statement is laid on the Table of the House [See Appendix III, annexure No 45.]

Re-Rolling Mill in Kerala

1611. { Shri Ram Krishan Gupta:
Shri Narayanankutty Menon:
Shri Punnoose:
Shri Sarju Pandey:

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No 348 on the 17th February 1959 and state.

(a) whether the details for the setting up of a re-rolling mill in Kerala have been finalised, and

(b) if so the particulars thereof?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh) (a) and (b) Not yet Sir

Fossils near Chandigarh

1612 Shri Ram Krishan Gupta. Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Unstarred Question No 1930 on the 13th March 1959 and state

(a) whether the information regarding the fossils of mammals near Chandigarh has been collected and

(b) if so the nature of the information collected?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b) Yes, Sir. The rock of the Upper Siwaliks are found around Chandigarh. In fact, one of the Stages of the Upper Siwaliks the Pmjar Stage, has been named after the village Pinjo which is 5 miles north of Chandigarh. The rocks of Pmjar stage are known to occur in (1) Moginad about 5 miles south of Chandigarh, (2) Nadah about 3 miles south of Chandigarh, (3) Nagal 6 miles south of Chandigarh and (4) Chandigarh. The rocks of this stage have yielded a rich fauna (fossil animals) comprising Primates (Anthropoid apes), Rodentia (Rats, etc), Carnivora (Tigers), Proboscidea (Elephants), Equidae (Horses), Rhinocerotidae (Rhinoceros), Suidae (Pigs), Hippopotamidae (Hippo), Cervidae (Deers), Giraffidae (Giraffes) and

Bovidae (Oxen). The fauna of the Pinjor Stage is believed to have extended upto South East Asia.

The probable age of these rocks is Lower Pleistocene which is roughly 1 million years old

These fossil remains represent the ancestor of the present day mammals. It is of interest to note that Giraffe which is found only in the African Continent today, once lived in India during the Siwalik times. One of which was Sivatherium, a synthetic form, which was an ox-like giraffe. Apart from these, a large number of fossil anthropoid apes have been found which is indicative of the probable presence of Early Man in India.

The rocks and fossil animals of the Pinjor Stage indicate a warm and pluvial climate. This stage was preceded and succeeded by glacial climate.

External Relations Division

1613. Shri Shivananjappa: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that an External Relations Division in his Ministry has been started and

(b) if so, the main purpose thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) The External Relations Division was established in the Ministry of Education in May 1956, and was transferred to the Ministry of Scientific Research and Cultural Affairs at the time of re-organisation of the late Ministry of Education and Scientific Research in April, 1958.

(b) The External Relations Division is responsible for carrying on various activities aimed at promoting cultural relations with foreign countries viz entering into cultural agreements, financial assistance to cultural societies, sending out and inviting cultural delegations to India, arranging cultural exhibitions, exchanging publications, cultural information and art collections, presentation of books etc.

Interest on Loan obtained for Bhilai Project

1614. Shri Pangarkar: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the total amount of interest payable for deferred payment arrangements in respect of the Bhilai Steel Plant; and

(b) at what rate this interest is calculated?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) For the main credit afforded by the Government of U.S.S.R. for the Bhilai Steel Plant, the total amount of interest payable is estimated at about Rs 95 million. Ten commercial contracts concluded with the Soviet organisations on ordinary commercial terms were converted to deferred payment terms with effect from 1st January 1958. According to the agreement reached, the outstanding balances in respect of these contracts as on 1st January 1958 are to be paid in three equal annual instalments. In respect of these contracts, the total amount of interest payable is estimated at about Rs 36 million.

(b) For the main credit, the rate of interest is 2½ per annum, and for the ten commercial contracts on deferred terms of payment the rate of interest is 3 per cent.

Import of Steel

1615. Shri Pangarkar: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether Government of India have imported steel from U.S.S.R. and U.K. during the first half of the year 1959; and

(b) if so, the quantity thereof and the quantity to be imported during the later half of the year 1959?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). Yes, Sir. 111,327 tons and 68,717 tons steel were imported from U.S.S.R. and U.K. respectively in the first half of 1959. In the second half of 1959, about 220,000 tons are expected from the two countries.

Termination of services of Government Servants

1616. { Shri Narayanankutty Menon:
Shri Punnoose:

Will the Minister of Home Affairs be pleased to state—

(a) how many Central Government servants have been discharged or their services terminated otherwise without assigning any reasons during 1958-59; and

(b) how many such Government servants have been proceeded against for participation in political and trade union activities during the above period?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Information is being collected and will be placed on the Table of the House, as early as possible.

Names of Roads in Delhi

1617. Shri Ram Krishan Gupta: Will the Minister of Home Affairs be pleased to state—

(a) whether it is a fact that roads in Delhi bearing the same names have created much confusion due to which visitors are put to great inconvenience,

(b) whether any complaints in this regard have been received; and

(c) if so, the action taken or proposed to be taken in the matter?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). Confusion is probable. No complaints have been received. The Delhi Municipal Corporation is, however,

trying to solve the difficulty by re-naming roads and signs wherever necessary.

अलीगढ़ मुस्लिम विश्वविद्यालय

१६१८. श्री प्रकाशवीर ज्ञानवी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि अलीगढ़ मुस्लिम विश्वविद्यालय के गत दस वर्षों के हिसाब में लेखा-परीक्षण द्वारा बनाई गई अनियमितताओं को इस बीच दूर कर दिया गया है ?

शिक्षा मंत्री (डा० बीमल्लो) विश्व-विद्यालय को अभी कुछ आपत्तियां तय करना बाकी है ।

Scientists Pool

1620. Shri Damani: Will the Minister of Home Affairs be pleased to state—

(a) whether the decision of Government that the members of the scientists pool will have to go through the recruitment procedure of the Union Public Service Commission before they are absorbed in permanent posts has been implemented, and

(b) if so, how far it has helped in quick and effective permanent absorption of the pool officers?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) This is implicit in the scheme.

(b) It is too early to judge as the first selections were made only recently.

Training of Indian Naval Personnel in Commonwealth Countries

1621. Shri Ajit Singh Sarbadi: Will the Minister of Defence be pleased to state—

(a) whether there is any arrangement or facility for training of Indian Navy personnel in other Commonwealth countries;

(b) if so, the nature of training being given to the Indian personnel?

The Minister of Defence (Shri Krishna Menon): (a) There are facilities only in the United Kingdom

(b) Indian Naval personnel are trained in U.K. in specialist and technical courses, facilities for which are not yet available in India

Auxiliary Air Force

1622. Shri Keshava: Will the Minister of Defence be pleased to state

(a) what is the number of officers and airmen in Delhi so far trained in the Auxiliary Air Force, and

(b) what is the total intake of the trainees annually so far in the Auxiliary Air Force?

The Minister of Defence (Shri Krishna Menon): (a) 28 officers and 40 airmen have so far been recruited for training, of these 6 officers and 26 airmen have completed their initial training

(b) Figures of the strength of any or of all the ranks of the Armed Forces are not communicated as asked for in public interest

"Arthashastra" in Russian

1623. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether Russians have translated 'Arthashastra' in their language and

(b) if so, whether any help was given by India to complete this work?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) The Ministry has no information beyond what has appeared in the press from which it is understood that the book is being translated by the Russians into their language

(b) Government is not aware of any such help

कारडम और जिप्सम की खानें

१६२४. श्री विद्युति निम्न क्या हस्तगत, खान और ईन्जन मंत्री यह बताने की कृपा करेंगे कि

(क) भारत में कारडम और जिप्सम की कुल कितनी खानें हैं और वे किन-किन राज्यों में स्थित हैं, और

(ख) इन खानों में १९५८-५९ में कितनी कच्ची धातु निकाली गई ?

खान और तेल मंत्री (श्री कृष्ण हेम बालाजीय): (क) भारत में ९ खानें कारडम और ३६ खानें जिप्सम की हैं। उन का वितरण निम्न प्रकार है —

कारडम

राज्य	खानों की संख्या
बम्बई	१
मध्य प्रदेश	४
मद्रास	१
मैसूर	३
कुल	९

जिप्सम

महाराष्ट्र	०४
राजस्थान	६
उत्तर प्रदेश	०
केरला	४
कुल	३६

(ख) १९५८ वर्ष के कारडम और जिप्सम के उत्पादन आकड़े नीचे दिये गये हैं —

संनिधि पदार्थ	उत्पादन (मीट्रिक टनो में)
कारडम	३९०
जिप्सम	८०३,०००

Lists of V.I.P.s

1625. **Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) who are included in the lists of V.I.P.s,

(b) what facilities and privileges are given to them; and

(c) to what extent has this list expanded during the last two years?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a), (b) and (c) There is no list as such of V.I.P.s except that the Warrant of Precedence indicates the precedence of officials for State functions. The position of non-officials for such functions is determined in accordance with their general standing. No other facilities and privileges have been prescribed nor does the question of expanding the list arise.

World Bank Loans

1626. **Shri N. E. Muniswamy:** Will the Minister of Finance be pleased to state:

(a) whether various Ministries negotiate for World Bank credits for India

(b) if so, on what terms and basis

(c) whether previous consultations are held with the Finance Minister in regard to the purpose and objects of such loans, and

(d) what are the amounts so far drawn from World Bank as loans for various projects under different Ministries?

The Minister of Finance (Shri Mararji Desai): (a) to (c) The purposes for which and the amounts for which loans may be obtained from the World Bank are settled in consultation with the Finance Ministry who co-ordinate all such proposals and have the responsibility for all external borrowing. Negotiations with the World Bank intended to clarify issues

relating to the exact nature and scope of the particular projects and the specific use of the loans are conducted by the administrative Ministries. In such negotiations they act in consultation with the Finance Ministry on the issues relating to the terms and conditions of the loans.

The terms on which loans have been negotiated are contained in the respective loan agreements between the World Bank and India, copies of which are placed in the Parliament library as and when the loan agreements are concluded.

(d) A statement is laid on the Table. [See Appendix III, annexure No 46.]

हिमाचल प्रदेश सचिवालय

१६२७ श्री बक्ष देव क्या गृह-कार्य
मन्त्री यह बताने की कृपा करेंगे कि

(क) हिमाचल घाम में घायल लम जाने के परिणामस्वरूप रिकार्डों के नष्ट हो जाने पर हिमाचल प्रदेश सचिवालय के पहली, दूसरी और तीसरी खेपी के किनने कर्मचारियों ने अपने जन्म, शिक्षा और अन्य बातों के बारे में झूठी जानकारी दी और

(ख) मज्जा बान प्रकाश में घाने पर ऐसे कर्मचारियों के खिलाफ क्या कार्यवाही की गई ?

गृह-कार्य सचिवालय में राज्य-मंत्री (बी हातर) (क) और (ख). तृतीय खेपी के केवल पांच कर्मचारियों ने अपनी जन्म-तिथि और शैक्षणिक योग्यता के सम्बन्ध में वस्तु व्योरे दिये थे। उन में से एक कर्मचारी द्वारा दी गई झूठी जानकारी माबित न होने की वजह से उस के खिलाफ कोई कार्यवाही नहीं की गई। बाकी चार को "सेन्सर" की सजा दी गई।

इमारतों की रखा

१६२८. श्री मरवेच ललित : क्या वैधानिक अनुसंधान और सांस्कृतिक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) मुगल काल की ऐतिहासिक इमारतों तथा स्मारकों की देखभाल तथा रखा के लिये १९५७-५८ में कितना व्यय किया गया

(ख) क्या अन्य काल की ऐतिहासिक इमारतों तथा स्मारकों की रखा के लिये भी व्यय किया गया था, और

(ग) यदि प्रश्न के भाग (ख) का उत्तर स्वीकारात्मक हो, तो उन इमारतों के नाम क्या हैं तथा उन पर क्या व्यय किया गया ?

वैधानिक अनुसंधान और सांस्कृतिक कार्य मंत्री (श्री हुमायूँ कबिर) : (क) ये (ग) १९५७-५८ में पुरातत्व विभाग ने ऐतिहासिक इमारतों और मोन्स्यूमेंटों के रखरखाव मरारण पर ३३,५३,८८६ रुपये खर्च किये हैं। मुगल और अन्य काल की ऐसी इमारतों और मोन्स्यूमेंटों पर जो खर्च हुआ है उस को प्रलग प्रलग बताने में जो मेहनत और समय लगेगा उस के मुताबिक नतीजा नहीं निकलेगा।

Government Accommodation

1629 Shri Hem Raj: Will the Minister of Defence be pleased to state

(a) whether it is a fact that civilian Government employees and military officers while proceeding from peace stations to concessional areas can retain the Government accommodation at assessed rents,

(b) whether it is also a fact that J.C.O.s and O.R.s in the same circumstances are to pay the rent at the market rates, and

(c) if so, the reasons therefor?

The Deputy Minister of Defence (Sardar Majithia): (a) Civilians paid from the Defence Services Estimates on being posted to J. & K can retain for their families Government accommodation at their old duty station, on payment of normal rent. Military Officers can retain accommodation for their families for a period of two months on payment of normal rent. Retention of accommodation beyond two months can be permitted by the prescribed authority

(b) No rent is required to be paid by J.C.O.s and other ranks where retention of accommodation is permitted under the rules

(c) Does not arise

ICS Officers in Punjab

1630 Shri Ajit Singh Sarhadi: Will the Minister of Home Affairs be pleased to state

(a) the number of ICS officers who were transferred from the Punjab State to the Central Government during the last 3 years; and

(b) the number of ICS officers who are still in Punjab?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Five officers have come on deputation to the Centre after 1-1-1956

(b) Six

Expenditure on Election Tribunals

1631 Shri Ajit Singh Sarhadi: Will the Minister of Law be pleased to state the total expenditure incurred on the appointments of retired High Court Judges as members of Election Tribunals under section 86(3) of the Representation of the People Act, 1951 since the last General Election?

The Deputy Minister of Law (Shri Hajarnavis): The total expenditure incurred on the appointments of retired High Court Judges as members of Election Tribunals under Section 86(3)

of the Representation of the People Act, 1951, for the period of 1-4-1957 to 30-6-1959 is Rs. 4,75,356.03.

Nepali-speaking People in Darjeeling

1632. { Shri Muhammed Elias:
Shrimati Renu Chakravartty:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that in the three hill sub-divisions of Darjeeling District of West Bengal, the number of Nepali-speaking people form the overwhelming majority of the population;

(b) whether it is also a fact that a large number of castes speaking Nepali were categorised as non-Nepali in the last census; and

(c) whether any steps are being taken to rectify these matters in 1961 census?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) According to 1951 Census, about 26 per cent. of the population in the three hill sub-divisions of Darjeeling District spoke Nepali as mother-tongue.

(b) No.

(c) Does not arise.

इस्पात नगरों में कृषि तथा डेरी फार्म

१६३३. डा० राम सुभग सिंह : क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार दुर्गापुर, रूरकेला और भिलाई के नवनिर्मित नगरों में स्थानीय औद्योगिक जनता की मांग की पूर्ति के लिये कृषि फार्म, डेरी फार्म इत्यादि स्थापित करने का प्रबन्ध कर रही है ;

(ख) यदि हां, तो क्या इस सम्बन्ध में कोई योजना बनाई गई है ; और

(ग) उस योजना की रूपरेखा क्या है ?

इस्पात, खान और ईंधन मंत्री (सरदार स्वर्ण सिंह) : (क) से (ग). सरकार ने अभी तक रूरकेला, भिलाई और दुर्गापुर इस्पात के नगरों में कृषि फार्म, डेरी फार्म इत्यादि स्थापित करने का कोई निर्णय नहीं किया है ।

M.B.B. College, Agartala

1634. Shri Dasaratha Deb: Will the Minister of Education be pleased to state:

(a) whether under orders of Central Government some professors and lecturers of M.B.B. College, Agartala, Tripura have been granted increments in pay varying from Rs. 5 to Rs. 10 at a time;

(b) if so, whether Accountant General, Assam has objected to such general increments; and

(c) what steps does Government propose to take to remove the objections if so raised?

The Minister of Education (Dr. K. L. Shrimali): (a) Advance increments ranging from 5 to 10 and special pay in the case of Principal and Senior lecturers incharge of Departments were granted in August, 1958.

(b) Yes, Sir.

(c) It is proposed to regulate the salary of each member of the teaching staff concerned according to F.R. 27 of the P. & T. Compilation of Fundamental and Supplementary Rules.

Evictions in Tripura

1635. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a number of eviction cases of Belonia and Sabroom were forwarded to the District Magistrate, Tripura for investigation and necessary action on the 25th June, 1958;

(b) If so, whether any investigation was made in these cases; and

(c) if so, with what results?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No eviction case was received by the District Magistrate and Collector, Tripura, from Belonia Sub-Division. Six cases of eviction of unauthorised occupants of Government Khas land in Sabroom Sub-Division were, however, forwarded to the District Magistrate and Collector on the 30th May, 1959.

(b) and (c). Eviction notices have been served by the District Magistrate and Collector on the occupants concerned under sub-section 1 of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958. The land in question is required for the construction of a hospital in Sabroom town.

Evictions of Tenants in Tripura

1636 Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) the number of representations received by the Tripura Administration against eviction of tenants at Belonia and Sabroom, and

(b) the steps taken by the Administration to prevent such evictions?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) 93 in Belonia and 6 in Sabroom Sub-Divisions

(b) The representationists were advised not to give up possession of their land unless legally evicted. The district authorities also gave publicity to the position that under-raiyats and 'Bargardars' cannot ordinarily be evicted by Jotedars.

Shri Rameshwaram Temple

1637. Shri Kalika Singh: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the ancient temple of Shri Rameshwaram in the South is listed as a monument of national im-

portance under protection of the Government of India;

(b) whether it is a fact that an Engineer of the Union Department of Archaeology inspected the temple twice in recent years and submitted a report for its repairs;

(c) if so, the brief details thereof; and

(d) the action taken thereon?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir

(b) and (c). Yes, Sir. The Archaeological Engineer inspected the temple twice, first in 1956 and then in 1959 at the request of the Commissioner of the Hindu Religious and Charitable Endowment Administration Department, Government of Madras and gave him a report containing his suggestions for the repairs of the temple.

(d) Government of India are not concerned.

Ancient Tombs in Madras States

1638. Shri Kalika Singh: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any tombs or mosques in Madras State have been listed as national monuments for preservation by the Union Department of Archaeology, and

(b) if so, the expenditure incurred for their preservation during the last three years?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir

(b)	Year	Expenditure in Rupees.
	1956-57	. 1,929
	1957-58	. 1,163
	1958-59	.. Nil

Porters in Manipur

1639. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state,

(a) whether it is a fact that the strength of the porters recruited by the Manipur Administration has been recently increased;

(b) if so, the present strength and the number of porters recruited in 1958-59, and

(c) the rate of daily allowance and daily retention allowance payable to these porters per head?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b) Last month, approval was accorded to the Manipur Administration raising the strength of hill porters from 14 to 75. Steps are being taken to recruit the additional number of porters.

(c) The porters are paid—

(i) a retaining fee of Rs 25 p.m.,

(ii) daily wage at the rate of Re 1 plus 50 naye paise per marching day for a maximum period of 14 days in a month, and

(iii) 50 naye paise per head per day as ration money while they are out on duty from their headquarters.

Jantar Mantar in New Delhi

1640 { Shri P. L. Barupal
Shri Nardeo Snatak.

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

(a) the expenditure incurred by the Government of India on the maintenance of Jantar Mantar in New Delhi;

(b) whether any scheme has been formulated for the renovation of this building; and

(c) if so, when the renovation work would be started?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Rs 3,811 upto 31st July, 1959.

(b) No, Sir.

(c) Does not arise.

Class IV Employees of Survey of India

1641 Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether there exists any rule for promotion of class IV employees to class III posts in the Survey of India;

(b) if so what are those rules,

(c) how many class IV employees have so far been promoted to class III posts,

(d) whether any trade test to judge the proficiency of class IV employees for promotion to class III posts is yearly held, and

(e) if not, the reasons therefor?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b) Yes, Sir. The rule at present in force is that specially suitable Class IV personnel are eligible for promotion to posts in Class III service if they have the necessary technical and academic qualifications prescribed for the post. These promotions are treated as direct recruitment.

(c) None during the last few years, since under the existing rules, Class IV employees are not promoted but appointed to Class III posts as direct recruits.

(d) No, Sir.

(e) Trade tests are not considered necessary. Eligible Class IV employees are issued 'No objection' certificates to enable them to register their names with the Employment Exchange for Class III posts.

Basic Schools in Delhi

1643. **Shrimati Parvathi Krishnan:** Will the Minister of Education be pleased to state:

(a) whether there is any proposal for converting certain basic schools in Delhi as model basic schools;

(b) how these model basic schools will differ from other basic schools, and

(c) whether new teachers have been appointed in these model basic schools?

The Minister of Education (Dr. K. L. Shrimall): (a) Yes. There is a proposal for improving certain selected basic schools.

(b) There is no fundamental difference between the model and other basic schools as far as the theory and practice of basic education are concerned. The idea is to give these schools improved facilities by way of books, equipment etc. for providing better education.

(c) No, Sir.

Indian Dramas in Foreign Countries

1643. **Shri Mhhammed Elias:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state the steps being taken by Government to popularise Indian dramas in countries outside India?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): The Government have no special scheme to popularise Indian dramas abroad but our general cultural programme for sending troupes abroad covers Indian drama.

Colouring Agents for Sweetmeats

1644. { **Shri P. K. Deo:**
Shri S. A. Mehdi:

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

(a) whether any experiment or research has been made in the Chemical

Laboratories under the Government of India to ascertain that the colouring agents used to colour sweetmeats in the country are not harmful to the human body; and

(b) if so, the results thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir.

(b) Does not arise.

Propagation of Hindi

1645. **Shri Viswanatha Reddy:** Will the Minister of Education be pleased to state

(a) whether any assessment has been made of the progress of various measures taken for the propagation of Hindi in non-Hindi speaking areas, and

(b) whether any aid is offered to scholars belonging to non-Hindi speaking areas doing research work on Hindi literature?

The Minister of Education (Dr. K. L. Shrimall): (a) Reports showing progress made with regard to the propagation of Hindi in non-Hindi speaking States are received from the State Governments concerned, periodically.

(b) Yes, Sir. Under this Ministry's scheme "Research Scholarships in Humanities" scholarships of Rs 200 per mensem inclusive of all expenses are awarded to scholars for doing research in various subjects, including Hindi. Scholars from all parts of India are entitled to apply for these scholarships.

उत्तर पूर्वी सोमान्त सनिकरण में प्राथमिक शिक्षा

१६४६. श्री प्रकाश बीर शास्त्री : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वह सच है कि उत्तर पूर्वी सोमान्त सनिकरण प्रवेश में प्राथमिक बीर

बुधियादी शिक्षा के लिये मुकुंद प्रगाली को सब से उपयुक्त पाया गया है;

(ख) क्या यह भी सब है कि कुछ अध्यापकों को इस कार्य के लिये प्रशिक्षण दिया जा रहा है;

(ग) इस कार्य के लिये शुरू शुरू में कितने अध्यापकों की आवश्यकता है और उन्हें कहां प्रशिक्षण दिया जा रहा है; और

(घ) क्या इस शिक्षा प्रणाली का इस प्रकार के अन्य क्षेत्रों में प्रसार करने की सरकार की कोई योजना है ?

शिक्षा मंत्री (बीमाली) : (क) जी, नहीं ।

(ख), (ग) और (घ). प्रश्न नहीं उठता ।

भाषाई अल्पसंख्यक

१६४७. श्री भक्त वर्मान : क्या गृह-कार्य मंत्री १६ अप्रैल, १९५६ के तारांकित प्रश्न संख्या ३१४३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि भाषाई अल्पसंख्यकों के आयुक्त की रिपोर्ट में की गई सिफारिशों पर अब तक क्या कार्यवाही की गई है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (बी बत्तार) : रिपोर्ट की प्रतियां सब राज्य सरकारों के पास भेज दी गई हैं । सदन के इसी अधिवेशन में रिपोर्ट पर बहस होने वाली है ।

गड़वाल में गन्धक के खाने

१६४८. श्री भक्त वर्मान : क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत के मूलतत्वीय सर्वेक्षण विभाग द्वारा उत्तर प्रदेश के जिला गड़वाल में विषय गन्धक के खानों के बारे में कभी कोई जांच-पड़ताल की गई है; और

(ख) यदि हां, तो प्रत्येक खानों के बारे में क्या परिणाम निकाले गये हैं ?

खान और तेल मंत्री (जी. के. डे. मालवीय) : (क) और (ख). जी, हां । भारतीय भू-गर्भीय सर्वेक्षण विभाग ने गड़वाल जिले में सूतोल गांव के दक्षिण-पूर्व में लगभग २॥ मील पूर्व की ओर रूप गंगा घाटी में गन्धक भू-भंडारों की प्रारम्भिक जांच-पड़ताल की है । इस जांच-पड़ताल से मालूम हुआ है कि गन्धक एक १०० फुट लम्बी और १५ फुट चौड़ी नाली में तह की शक्ल में पाया गया है । इस स्थान पर गन्धक का पाया जाना धार्मिक दृष्टि से मूल्यवान् नहीं समझा गया ।

Mineral Exploration in Chilka Lake Area

1649. Shri Panigrahi: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether any systematic geological mapping for mineral exploration in the area around Chilka lake in Orissa was undertaken in 1958-59;

(b) whether deposits of mineral resources have been located in this area; and

(c) if so, what are the minerals discovered in this area?

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

(b) and (c). The work was mainly carried out in the Khurda Sub-division of Puri district, and extended into a small area in the Kudala and Chatrapur Sub-division of the Ganjam district. The work carried out along the Western, Southern and Eastern shores of the Chilka lake has not revealed any economically workable shell deposits. No other mineral deposits have been reported.

Indian Culture

1650. Shri P. G. Deb: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any survey has been conducted by the Union Government

Department of Anthropology about the similarity of culture all over India; and

(b) if so, whether the report thereon will be laid on the Table?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) The Department of Anthropology has recently begun a survey to find out the similarities and the differences in culture in all the districts of India. 22 districts have been surveyed so far; and it is expected that the remaining districts will be completed in another 2 years

(b) Does not arise.

Untouchability in Villages

1651. Shri S. A. Mehdi: Will the Minister of Home Affairs be pleased to state:

(a) whether any study team has been formed to examine the extent to which untouchability is still being practised in the villages; and

(b) if so, when is it likely to submit its report?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) No, Sir

(b) Does not arise

Indian Art Exhibition at Essen

1652. Shri S. A. Mehdi: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 143 on the 5th August, 1959 and state:

(a) how many people have so far visited the Indian Art Exhibition at Essen, West Germany; and

(b) the amount spent by the Government of India on collection and despatch of art exhibits to the Exhibition?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) About 90,000 till the end of July, 1959.

(b) A sum of Rs. 85,000 has been spent by Government on the collection of exhibits in India. No expenditure has been incurred for the despatch of the exhibits outside India.

Museum at Lothal

1653. Shri P. G. Deb: Will the Minister of Scientific Research and Cultural Affairs be pleased to state the estimated cost of the new museum to be constructed at Lothal?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): The estimated cost for the construction of the museum has not yet been finally worked out.

Toda Tribes

1654. Shri Surendranath Dwivedy: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that since last many years the Toda tribes of Madras State have made representations to the Government of India for permanent allotment of suitable lands for agricultural purposes; and

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

The Deputy Minister of Home Affairs (Shrimati Alva): (a) A representation was received from the Todas of Nilgiris district in 1956 and another in 1957.

(b) As the matter is primarily the concern of the Government of Madras, the question of the Government of India taking any action in the matter does not arise

Staff Cars

1655. Shri Subiman Ghose: Will the Minister of Finance be pleased to state:

(a) the number of staff cars in the Ministries, in the Government Offices in Delhi and New Delhi including All India Radio, Pay Commission etc.;

(b) the amount of money spent on petrol, mobiloil etc. and charges realised from the staff in 1957-58 and 1958-59;

(c) the amount spent on repairs of these staff cars during these two years;

(d) how many staff cars were purchased in 1957-58 and 1958-59 and the amount spent thereon,

(e) whether there is any department or office to check the misuse of these cars;

(f) if so, how many cases of misuse have been detected, and

(g) if not, the reasons therefor?

The Minister of Finance (Shri Morarji Desai): Requisite information is being collected from the various Ministries/Departments and will be laid on the Table of the House when ready.

Colouring Vanaspati

1656. { Shri P. K. Deo:
Shri B. C. Prodhan:

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

(a) whether it is a fact that the National Chemical Laboratory has recommended lately a colouring agent to be used for colouring of Vanaspati, and

(b) if so, what steps are being taken for its use?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir. The Laboratory has however found a colourless chemical compound suitable for use as an additive to Vanaspati to enable the detection of adulteration of ghee with Vanaspati

(b) Chronic toxicity tests are in progress. After satisfactory results of the tests, further action for its use will be taken.

Research in Anaemia

1657. { Shri P. K. Deo:
Shri B. C. Prodhan:

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

(a) whether any investigations have been made by the National Chemical Laboratory in collaboration with the Armed Force Medical College, Poona, to find the causes of anaemia by the radio-active water tracer technique, and

(b) if so, the result thereof; and

(c) whether any remedy to cure anaemia has also been discovered?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir. The investigations were undertaken to find the causes of anaemia with particular reference to the role of (i) deficiency of vitamin B 12 in food and (ii) rate of reproduction of red blood cells.

(b) The results have indicated that the deficiency of B 12 in food is not the only cause for anaemia, but it also depends on its poor assimilation in the human system. Another form of anaemia which is also common in the country has been attributed to an irregular behaviour of red blood cells. The decay of red blood cells has been studied with the help of radio active chromium and compared with that in normal human beings. As a result of this investigation it appears that an irregular behaviour of red blood cells can be detected using this technique.

(c) No work on the remedial aspect or treatment of anaemia was carried out.

Steel Supply to Punjab

1658. Shri Daljit Singh: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether Punjab Government have approached the Central Govern-

ment with a request to make more Steel available to the State to enable them to undertake a more extensive Housing Programme; and

(b) if so, what has been the Central Government's reaction to it?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) No, Sir. Such requirements are to be met by the State Government from within what is allotted to the State

(b) Does not arise

Life Insurance Corporation Investment Committee

1659. { **Shri P. C. Borooah:**
Shri Dinesh Singh:
Shri Wodeyar:

Will the Minister of Finance be pleased to state

(a) whether it is a fact that a member of Investment Committee of the Life Insurance Corporation resigned last month,

(b) if so, the reasons thereof, and

(c) whether it is also a fact that the new member appointed in his place has also refused to accept the offer?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir. The member resigned in June, 1959

(b) Differences with the members of the Investment Committee

(c) Yes, Sir

District Set-up in Tripura

1660. **Shri Bangshi Thakur:** Will the Minister of Home Affairs be pleased to state.

(a) whether it is a fact that the 'District Set-up' in Tripura which is about 8 years old, is still temporary, and

(b) if so, how long the employees of that 'set-up' will continue on a temporary basis?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The District set-up in Tripura was sanctioned on a permanent basis in 1953. Subsequently, some additional posts have been sanctioned on a temporary basis from time to time to cope with the increased volume of work. The question of revising the permanent strength will be taken up when the reorganisation of the Administrative set up in Tripura, which is under consideration, has been finalised.

Nunmati Refinery

1661. **Shri P. C. Borooah:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No 425 on the 13th August, 1959 and state the amount spent so far on the setting up of the Nunmati Refinery?

The Minister of Mines and Oil (Shri K. D. Malaviya): The amount spent up the 31st July, 1959 on the setting up of the Nunmati Refinery is Rs 58.41 lakhs

Basic Education in Himachal Pradesh

1662. **Shri Daljit Singh:** Will the Minister of Education be pleased to state

(a) whether there has been any assessment of basic education in Himachal Pradesh, and

(b) if so, the details thereof?

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

(b) Does not arise

Grants of University Grants Commission

1663. **Shri Manabendra Shah:** Will the Minister of Education be pleased to state:

(a) the basis on which grants are sanctioned to educational institutions by the University Grants Commission;

(b) the State-wise distribution of grants for the last three years; and

(c) what check is exercised by the Commission on spending of the grants?

The Minister of Education (Dr. K. L. Shrimali): (a) to (c). A statement is laid on the Table. [See Appendix III, annexure No. 47.]

Manufacture of Motor Cycles and Trucks

1664. Shri S. M. Banerjee: Will the Minister of Defence be pleased to state:

(a) whether there is any proposal to manufacture light trucks and motor cycles in the Ordnance Factories; and

(b) if so, when the production is likely to start?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Defence requirements are constantly under review

Escape of Indian to Pakistan

1665. Shri Madhusudan Rao: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 1696 on the 10th March, 1959 and state

(a) whether the information about Shri Nazir Ahmed, Accountant of Multipurpose High School, Warangal, who was alleged to have escaped to Pakistan with Government money, has since been obtained from the Government of Andhra Pradesh; and

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

The Minister of Home Affairs (Shri G. B. Pant): The Government of Andhra Pradesh have since intimated that on 18th January, 1959 an amount of Rs. 12,000 was found to have been misappropriated from the non-Government funds of the Multipurpose High School, Warangal, by altering the figures in the Post Office Savings Bank Pass Book. The Accountant,

Shri Nazir Ahmed, has been missing since 9th January, 1959 and enquiries are being made by the Police regarding his whereabouts. In the meanwhile the Government Auditors are conducting an audit of the accounts of the School and the actual amount of defalcation by the Accountant will be known only when the accounts have been audited.

Foreign Languages Scholarships

1666. Shri Ram Saran: Will the Minister of Education be pleased to state whether those who are awarded scholarships for study of foreign languages in foreign countries are guaranteed work on their return?

The Minister of Education (Dr. K. L. Shrimali): No, Sir, but generally persons already employed in institution connected with work relating to foreign languages are selected and they return to their posts on completion of their studies abroad; even in the case of others, Government render every possible assistance to those seeking employment on return

Andhra-Bombay Boundary Dispute

1667. Shri Ram Krishan Gupta: Will the Minister of Home Affairs be pleased to state the nature of progress made so far in settling Andhra-Bombay boundary dispute?

The Minister of Home Affairs (Shri G. B. Pant): The Government of India have received no communication from either of the State Governments regarding any boundary dispute between Andhra Pradesh and Bombay States.

Steel Allotment to Assam

1668. Shri P. C. Borooah: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the total demand of Assam Government for the supply of steel for the years 1956-57, 1957-58 and 1958-59;

(b) how much allotment was made for the above period year-wise and how much was actually supplied; and

(c) whether it is a fact that due to delay in supply and short supply the projects of Assam Government have suffered?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The total demands were as follows:

1956-57 . . .	23,576 tons
1957-58 . . .	39,913 tons
1958-59 . . .	47,093 tons

(b) Allotments and despatches were as under:—

	Allotment	Despatch
	Tons	Tons
1956-57 ..	14,142	11,439
1957-58 ..	9,609	8,008
1958-59 ..	15,359	3,302 (from 1-4-58 to 31-1-59)

(c) The State Government have represented regarding inadequate supplies. This is under active consideration.

"Gold Smuggling"

1669. Shri L. Achaw Singh: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that two seers of Chinese gold bars have been seized by the Customs Department at Imphal;

(b) if so, circumstances under which the gold had been smuggled; and

(c) the value of smuggled goods seized so far during the last six months in Manipur?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir. Gold weighing 640 tolas (not 2 seers) bearing Chinese inscriptions and Mark 9999 was seized by the Customs Department in Manipur on the 31st July, 1959.

(b) The Preventive Officer of the Land Customs Department, Imphal intercepted a jeep coming from Chura-chandpur to Imphal and contraband gold weighing 640 tolas worth about Rs. 67,200 were recovered from a wooden box in the jeep and from the person of one of the occupants of the jeep. The gold and the vehicle were seized. Further action under the Customs law is in progress.

(c) The value of smuggled goods seized during the last six months 1st February, 1959 to 31st July, 1959) in Manipur both on import and export, is Rs. 81,396 [inclusive of the value of gold referred to at (a) above].

Export of Melting Scrap

1670. Shri M. B. Thakore: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the total tonnage of melting scrap export during 1958-59 and the foreign exchange earned; and

(b) whether there were any barter exports in 1958-59?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) 145,643 tons valued at Rs. 2,23,13,713.

(b) Yes—about 30,000 tons.

Training in Oil Technology

1671. Shri S. A. Mehdi: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) how many trainees have left for Rumania for training in oil technology; and

(b) when their period of training will be over and where they will be posted?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Fifty-four.

(b) The period of training ranges from three months to twelve months. On successful completion of training they will be posted to the Assam Refinery.

12.00 hrs.

PAPERS LAID ON THE TABLE

APPROPRIATION ACCOUNTS (CIVIL) AND AUDIT REPORT

The Minister of Finance (Shri Morarji Desai): Sir, I beg to lay on the Table, under Article 151 (1) of the Constitution, a copy of the Appropriation Accounts (Civil), 1957-58 (including proforma commercial accounts) and the Audit Report, 1959 [Placed in Library, See No LT-1567/59]

NAVY (AUTHORISED DEDUCTIONS) REGULATIONS

The Deputy Minister of Defence (Sardar Majithia): I beg to lay on the Table, under section 185 of the Navy Act, 1957, a copy of the Navy (Authorised Deductions) Regulations, 1959, published in Notification No SRO 227 dated the 22nd August, 1959 [Placed in Library, See No LT-1568/59].

AMENDMENTS TO INDIAN RESERVE FORCES RULES

Sardar Majithia: I beg to lay on the Table a copy of Notification No SRO 228 dated the 22nd August, 1959 making certain amendments to the Indian Reserve Forces Rules, 1925 [Placed in Library, See No LT-1569/59]

12.11½ hrs.

PETITION RE INDIAN ARMS RULES

Shri Viswanatha Reddy (Rajampet): I beg to present a petition signed by a petitioner relating to amendment of the Indian Arms Rules, 1951

12.12 hrs.

GOVERNMENT SAVINGS BANKS (AMENDMENT) BILL*

The Minister of Finance (Shri Morarji Desai): I beg to move for leave to introduce a Bill further to amend the Government Savings Banks Act, 1873

Mr. Speaker: The question is:

"That leave be granted to move for leave to introduce a Bill further to amend the Government Savings Banks Act, 1873"

The motion was adopted

Shri Morarji Desai: I introduce the Bill

12.12½ hrs.

GOVERNMENT SAVINGS CERTIFI- CATES BILL*

The Minister of Finance (Shri Morarji Desai): I beg to move for leave to introduce a Bill to make certain provisions in respect of Government Savings Certificates

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to make certain provisions in respect of Government Savings Certificates"

The motion was adopted

Shri Morarji Desai: I introduce the Bill

12.12½ hrs.

PUBLIC DEBT (AMENDMENT) BILL*

The Minister of Finance (Shri Morarji Desai): I beg to move for

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 27-8-59

†Introduced with the recommendation of the President.

‡Introduced/moved with the recommendation of the President.

4611 Appropriation BHADRA 8, 1951 (SAKA) Appropriation 4612
(No. 4) Bill (No. 5) Bill

leave to introduce a Bill further to amend the Public Debt Act, 1944.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Public Debt Act, 1944."

The motion was adopted

Shri Morarji Desai: I introduce the Bill.

12.12½ hrs.

APPROPRIATION (No. 4) BILL

The Deputy Minister of Finance (Shri B. R. Bhagat): On behalf of Shri Morarji Desai, I beg to move:

"That the Bill to provide for the authorisation of appropriation of money out of the Consolidated Fund of India to meet the amount spent on a service during the financial year ended on the 31st day of March, 1956, in excess of the amount granted for that service and for that year, be taken into consideration"

Mr. Speaker: There is no note specially regarding any of these points. Therefore, I shall now put the motion to vote.

The question is

"That the Bill to provide for the authorisation of appropriation of money out of the Consolidated Fund of India to meet the amount spent on a service during the financial year ended on the 31st day of March, 1956, in excess of the amount granted for that service and for that year, be taken into consideration"

The motion was adopted

Mr. Speaker: The question is:

"That clauses 1, 2 and 3, the Schedule, the Enacting Formula

and the long Title stand part of the Bill."

The motion was adopted.

Clauses 1, 2 and 3, the Schedule, the Enacting Formula and the Long Title were added to the Bill.

Shri B. R. Bhagat: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is :

"That the Bill be passed."

The motion was adopted.

12.14 hrs.

APPROPRIATION (NO. 5) BILL

The Deputy Minister of Finance (Shri B. R. Bhagat): On behalf of Shri Morarji Desai, I beg to move:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1957, in excess of the amounts granted for those services and for that year, be taken into consideration"

Mr. Speaker: The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1957, in excess of the amounts granted for those services and for that year, be taken into consideration"

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1, 2 and 3, the Schedule, the Enacting Formula

†Introduced/moved with the recommendation of the President.

‡Moved with the recommendation of the President.

[Mr. Speaker.]

and the Long Title stand part of the Bill"

The motion was adopted.

Clauses 1, 2 and 3, the Schedule, the Enacting Formula and the Long Title were added to the Bill.

Shri B. R. Bhagat: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

12.15 hrs.

APPROPRIATION (No 6) BILL

The Deputy Minister of Finance (Shri B. R. Bhagat): On behalf of Shri Morarji Desai, I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1959-60, be taken into consideration"

Mr. Speaker: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1959-60, be taken into consideration"

The motion was adopted.

Mr. Speaker: The question is

"That clauses 1, 2 and 3, the Schedule, the Enacting Formula and the Long Title stand part of the Bill".

The motion was adopted.

Clauses 1, 2 and 3, the Schedule, the Enacting Formula and the Long Title were added to the Bill

Shri B. R. Bhagat: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

12.16 hrs.

PREVENTION OF CRUELTY TO ANIMALS BILL—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri M. V. Krishnappa on the 25th August, 1959, namely:—

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals, made in the motion adopted by Rajya Sabha at its sitting held on the 31st August, 1959 and communicated to this House on the 17th August 1959 and resolves that the following Members of Lok Sabha be nominated to serve on the said Joint Committee, namely:

Pandit Thakur Das Bhargava, Shri M L Dwivedi, Shri Masuriya Din, Shri Har Prasad Singh, Shri K G Wodeyar, Shrimati Mafida Ahmed, Shrimati Subhadra Joshi, Shri Chapalakanta Bhattacharyya, Kumari Mothey Veda Kumari, Shri C R Narasimhan, Shri M K Junachandran, Shri Kanhaiyalal Khadiwala, Shri Mohanlal Bakliwal, Shri Inder J. Malhotra, Shri Laxmanrao Shrawanji Bhatkar, Shri Akbarbhai Chavda, Shri Anurudha Sinha, Shri Chandramani Lal Choudhry, Shri K S Ramaswamy, Shrimati Uma Nehru, Shri T C N. Menon, Shri

†Moved with the recommendation of the President.

Balshab Charan Mullick, Shri Jagdish Awasthi, Shri Amjad Ali, Shri Kamal Singh, Shri Balasahab Salunke, Shri Atal Bihari Vajpayee, Shri Prakash Vir Shastri, Dr. Sushila Nayar and Shri S. K. Patil "

Who was in possession of the House?

Sardar Hukam Singh (Bhatinda): Nobody Shri Assar wanted to speak. But he is not here.

Mr. Speaker: Now, Shri C. K. Bhattacharya.

Shri C. K. Bhattacharya (West Dinajpur): The hon. Deputy Minister while moving the motion for concurrence has tried to give an Indian background to the Bill that he has placed before the House. He was particularly referring to the cow. When I heard him speak, I was just thinking about Gandhiji's own remarks about the cow. He described the cow as a "poem of pity". Again, when he took up the cause of Khilafat, he described Khilafat by that metaphor and said 'Khilafat is the cow of the Mussalmans; since I have taken upon myself the duty of protecting their cow, I expect them to protect my cow'. It was very good on the part of the hon. Minister to refer to the cow as a symbol of the animal world requiring protection from unkindness.

But what surprises me in this Bill is why even such a Bill as this is not sought to be extended to the State of Jammu and Kashmir. This Bill can be easily extended to that State. I believe the consent of the Government of the Jammu and Kashmir State could have been easily secured in order to have this Bill extended there.

Mr. Speaker: The hon. Member may resume his seat for a minute. The Business Advisory Committee has not allotted any time for the discussion and voting on the Demands for Supplementary Grants (Kerala) for 1959-60. May I know how long that will take?

Shri Kediyan (Quilon—Reserved—Sch. Castes): About two hours.

Mr. Speaker: I do not know.

Coming to the Prevention of Cruelty to Animals Bill, I would like to know how many hon. Members want to participate in the discussion. I find that there are only three more Members. After them, I shall call upon the hon. Minister to reply.

Shri C. K. Bhattacharya may now continue his speech.

Shri C. K. Bhattacharya: So far as kindness to animals is concerned, it is ingrained in Indian thought and Indian culture from times immemorial. If we go to the days of the Vedas ...

Mr. Speaker: The hon. Member may kindly move forward to one of the front benches. He is not audible at the Reporters' Table.

Shri C. K. Bhattacharya: It is my misfortune, Sir, to languish under the shadow and to pine at a distance from you.

Mr. Speaker: The hon. Member can come to the front whenever a seat is vacant.

Shri C. K. Bhattacharya: If we go to the days of the Vedas, the rule was:

मा हिंस्यात् सर्वाणि भूतानि ।

'You may not be unkind to any type of animal.'

Later in the days of the Puranas, the question is put in Mahabharata.

को धर्मो ?

'What is virtue?' and the reply in one word is:

भूत-दया

—'kindness to all forms of animals'. Come to a later period and we get it in the form of.

अहिंसा परमो धर्मः .

'Ahimsa is the highest virtue in the world.' Come later to the days of the Buddhist age and the rule that Buddha laid down for the guidance

[Shri C. K. Bhattacharya]

of his followers and for people in general was:

पाषाणिपातावेरमणि शिष्कापदं समाधिष्यामि :

I accept the vow that I shall desist from causing unnecessary loss of life. That was the rule that was accepted under instructions of the Master himself.

In our days, we have seen Gandhiji propagating the creed of non-violence. He insisted upon every Congressman accepting it not as a matter of policy but as a creed. Of course, there have been killings. But even in the matter of these killings that have been found to be necessary for the purpose of our daily life, the rule of social conduct ascribed a particular demerit. Animals are killed for the purpose of food, but when that is being discussed, the demerit of killing is being attached to all the parties concerned in the killing. The rule says:

“अनुमन्ता विवशिता निहन्ता क्रय-विक्रया
संस्कर्ता चोपहर्ता च खादकश्चेति षातका”

Each one of these is a killer: अनुमन्ता, the person who permits the acquisition of an animal for the purpose of killing; निहन्ता, the person who kills; विवशिता, the person who cuts the body into pieces; क्रय, the person who buys the meat; विक्रया, the person who sells the meat; संस्कर्ता, the person who cooks; चोपहर्ता च, the person who serves; and last of all खादकश्चेति, the person who eats. The demerit of killing attaches to all the parties involved in the matter of killing of an animal from its acquisition up to the stage of it being taken as food. That is the Indian viewpoint, and that is the way we have looked upon these things.

Of course, this Bill that has been brought before us is inspired by western thinking. I wish this could, at the same time, be placed against the Indian background—just what I stated in the beginning of my speech.

I had forgotten to mention the precepts given in the edicts of King Asoka. The Asokan edicts convey particular instructions for the people to be careful for animalhood.

Some of my hon. friends on the other side raised the question whether man could be included in the term ‘animal’ for the purpose of prevention of cruelty to him. The Bill is designed to prevent cruelty to animals by men. If men are brought within its purview, from whose cruelty are they to be protected? It is not a question of saving a man from cruelty by animals, it is a question of saving him from cruelty by men. That is perhaps difficult to prevent in the form of society that we now have. The poet himself has lamented over “what man has made of man.” But in spite of that, the unkindness of man to the creatures of his own community has continued. Of course, man is included in the definition of ‘animals’. That is the western definition, but the western definition distinguishes him by one adjective, that is, ‘rational’. Man is an animal, no doubt, but, at the same time, he is rational. In our case, in our place, in India, man is looked upon as a rational being, but the rationality is also extended to the animal kingdom. Animals are not completely devoid of rationality; that is the Indian way of looking upon animals. It says:

“जानिनो मनुजा. सख्यम् किन्तु ते नहि केवलम्
यनाहि जानिनः सर्वे पशुपक्षी मृगादयः”

‘Men are rational, no doubt’, “किन्तु ते नहि केवलम्” “but not only they” “यनाहि जानिनः सर्वे पशुपक्षी मृगादयः.” “because rationality extends also to the kingdom of beasts and birds”. That is the Indian outlook on life and that is the principle on which Indian philosophy is built. So the question of prevention of cruelty to animals might be regarded as extending to human beings also, but that particular provision need not be enacted in this

Bill. That might be given effect to by our own conduct and by other social legislation.

Some kind friend of mine has forwarded to me the rule about our dealings with human beings. The rule is:

अष्टादश श्रुतानि व्यासस्य वचनद्वयम् ।

परोपकारं पुण्याय, पापाय पर्यहणम् ।

Shri S. M. Banerjee (Kanpur) No animal will follow it

Shri C. K. Bhattacharya: The question of prevention of cruelty to animals is being solved by this Bill, but the question of preventing cruelty to human beings, which my hon friend raised the other day, is dealt with by this rule of conduct

परोपकारं पुण्याय पापाय पर्यहणम् ।

'Do good to others. That should be your viewpoint. If you want to do injury to others, that is sin.' I could quote another which our Vice-President, Dr Radhakrishnan, quoted on the occasion of the unveiling of the portrait of Pandit Madan Mohan Malaviya in the Central Hall here

अष्टादश श्रुतानि व्यासस्य वचनद्वयम् ।
अत्मनः श्रित्तुनानि न परेषा ममाचरेत् ।

That should be the rule of human conduct. "Just hear this essence of all virtues and keep it always in mind. What you yourself dislike, you should not practise with regard to others."

अष्टादश श्रुतानि व्यासस्य वचनद्वयम् ।

I wish some form of social conduct could be evolved by which people in the society could learn to conduct each to the other in that way. We may not do to others what we do not like to be done to ourselves. That is the rule of conduct that we should find out and follow. That is what I say.

But in carrying into effect the provisions of this Bill for prevention of cruelty to animals, I would utter a word of caution. We should be care-

ful that this itself does not lead to cruelty to human beings. When I say this, I have a particular thing in mind. I have seen in Calcutta that buffaloes and bullocks are not, under the Act, allowed to draw carts in the summer months during noon. Now what is done is this. Men themselves draw the carts over molten asphaltum and concrete roads hot like fire. We want to prevent cruelty to animals, but that itself leads to cruelty to human beings. That should be prevented, and when rules are framed under this Act, it should be done in such a manner that this form of incongruous application of the provisions of this Bill may be avoided.

Regarding the use of animals for purposes of experiment, I am again reminded of Gandhiji. He was strictly against vivisection. He repeatedly said that he would not allow it. So, I would request that this infliction of pain on animals for the purpose of helping to find out scientific truths or finding out medical remedies should be limited to the minimum and that should not be done in a way so as to cause unnecessary infliction of pain on these animals.

That is all I would say and I would repeat again what I stated just before that in framing rules under this Bill care should be taken to see that these rules are not framed in such a way that their application might prevent cruelty to animals but might lead to human beings themselves suffering from what we do not want the animals to suffer.

Shri Nanjappa (Nilgiris) Sir, one senior Member of this House complained that this Bill is not very stringent and he wanted more stringent provisions to be incorporated in this Bill. Another Member complained that the provisions in the Bill are very stringent and that the administration is entrusted to the police.

Dealing with the first that the provisions in the Bill are not very stringent. I would say that law alone cannot mend ways. The offender here is

[Shri Nenjappa]

the human being and the offence is against animals.

I would call this Bill as derogatory to human beings. If the provisions are more stringent it will be more derogatory. It is considered that a human being is the top most in the creation of animals. Such being his rank, if he has not developed such finer feelings as a compassion for his fellow-beings and love etc., towards them, law alone cannot mend his ways. If stringent provisions are to be introduced into the Bill I think no useful purpose will be served.

Dealing with the other complaint that the administration of the provisions is entrusted to the police, I would say that there is some prejudice against the police and so the complaint has arisen. Even more stringent provisions contained in the Brothels Act and the Sarda Act are entrusted to the police to administer. It is not the duty of the policeman always to go and find out which cart is overloaded and which animal is very badly beaten and such other things. I do not think that much harm will be done by entrusting it to the police. It is only for the purpose of seeing that the provisions of this Act will act as a deterrent or as a check on the people so that they may behave properly towards their fellow-beings. I do not think law alone can correct a man and bring about the necessary change in him.

I also feel that this Bill is not a comprehensive one. It excludes, in the first place, feat performing animals like monkeys and bears, which dance and prostrate before the man in the street. I do not know why they have not brought these animals within the purview of this Bill. They are kept and treated very badly day and night. I hope the Joint Committee will consider bringing these animals within the purview of the Bill, animals which perform feats in the streets; just as

others, are being protected they should also be protected.

This Bill also totally excludes the birds. I do not know why they have been excluded. Birds are maimed very badly and they are kept in cages day and night. Cruelties are inflicted and for such things there is no provision in the Bill. And the worst thing regarding birds is that they are allowed to fight. Animal fight is prohibited but not fighting among birds. I should like to mention the instance of cock fights. It is not mere fight. People engaged in this tie sharp instruments to their legs and they fight. It is a horrible sight to witness when they bleed and in the fight at least one party dies and the fight ends. One may say that such fighting is prohibited. But it is not cock fight that is prohibited. It is the fight between the men, the men who witness or encourage such fight. The prohibition is on account of the men engaged in this affair. This is another thing.

In this Bill castration is allowed. I also welcome it. But castration by the old method is very bad. Testicle, whether it is of man or of animal, is a very tender organ and you cannot meddle with it violently. In the old method castration is done with greater violence and the animals suffer a good lot. Now, we have a very small instrument that can be handled very easily. In a moment the spermatic chord is crushed and castration is done. For this no veterinary surgeon is required; even a veterinary assistant can perform this operation in the village parts. So, people should be made to resort to such castration and not to the old method. The old method must be prohibited.

Next comes branding. This is done very badly in village parts. I do not think we do branding on human beings for anything. It is quite unnecessary to do branding on animals. Branding is done over any swelling. The swelling is caused by any blow, injury, fracture, disease and such other

things. For that, even in village parts there are veterinary surgeons, trained people, who can treat the animal. Branding is quite unnecessary. Any swelling comes down even by rest. Such being the case, branding—and they do very bad branding, on hips and other parts of the body—must be prohibited. I think the Select Committee will go into this question deeply and do the needful.

Next comes destruction of dogs. Here also, lethal chamber has been mentioned. That is quite welcome. But in many of the municipal towns what they do is that they kill all these animals by fumigation. Mostly potassium cyanide gas is used and the animal struggles a good lot. Potassium cyanide is very irritating, and on account of suffocation the dog dies. And it takes some time. Even beating the dog with a long stick makes it die in a moment, but this process is very cruel. Lethal chamber is the only method. And to construct lethal chamber is not very costly. In many of the municipalities they have done that. Every municipality must be asked to do that. The method of fumigation is very cruel, the animal struggles for so many minutes before it dies. So, such kinds of methods should not be allowed to be used.

One hon. Member complained that in medical schools and colleges experiments are done on living animals for deriving experience. I do not think anywhere experiments are done on living animals. It is only done on dead bodies. So I do not think there is any meaning in the complaint that experiments for deriving experience is done on living animals. He also complained that spinal cords are extracted from living animals. The spinal cord is mostly extracted for preparing anti-rabies serum. I do not think they do it on living animals. It is only after the animal is dead that it is done.

One other thing to which I wish to refer is the provision in the Bill about conducting experiments. Experiments can be done in institutions. It is on

institutions that do experiments. Rarely do individuals conduct experiments. The provision in the Bill will give room for individuals doing things and escaping the provisions of the law. Nowadays, mostly laboratories do such experiments, there are trained people in the laboratories and they do it. So, in the place of 'individuals' I would like to substitute 'laboratories wherein trained people carry on experiments'. As a matter of fact, everywhere not much of experiment is done, there is no need for it also. Because, only the big institutions like the Pasteur Institute and so on carry on these experiments on animals. So, even these laboratories, most of them, may not do anything, only a few of them may do such experiments.

Then, there is an omission in the Bill which I would like to point out. In big shandies where animals are brought for being sold, there is no provision for feeding them or giving them water. In many places I have seen that there is not even a shed and they are kept in the sun and rain throughout the day. So, the local bodies must be advised that wherever such animals are brought for sale, they must make provision at least for water, proper feeding and shed for them.

With these few words, I thank you for the opportunity you have given me.

सरदार झ० लिंगू लाल (अजमेर)
अध्यक्ष महोदय, जो बिल पशुओं के प्रति निर्दयतापूर्ण व्यवहार को रोकने के लिये रक्खा गया है, मैं उस के ऊपर अपने विचार रखना चाहता हूँ। आप यदि इस के केंद्रों को देखें जिस में कि फइस के बारे में लिखा है तो पायेंगे

"The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person."

[सरदार भ० सि० सहगल]

मैं कहना चाहता हूँ कि जहाँ तक गिप्टस और सब्सक्रिप्शन्स का सवाल है प्राप देखिये कि जिन संस्थाओं द्वारा प्राप सब्सक्रिप्शन बसूल किये जाते हैं उन की क्या हालत है। जब तक पूरा पैसा भारत सरकार या प्रान्तीय सरकारें इस के लिये नहीं देती है तब तक इस बिल के बनाने से कोई फायदा नहीं है। इस के साथ ही साथ यदि हमें पशुओं की हालत की ठीक करना है तो हमें चाहिये कि जो लोग पशु पालते हैं लेकिन उन के साथ ठीक व्यवहार नहीं करते हैं, उन को ठीक से नहीं रखते हैं उन के खिलाफ कार्यवाही करें। इस में पनिसमेंट के लिये जो क्लॉज रक्खा गया है वह बहुत माइल्ड है और मालूम होता है कि जिस कड़ाई के साथ उसे रखना चाहिये उस तरह से वह पस नहीं किया जा रहा है। दिल्ली में ही मुझे एम्ब्रोडोम के पास जाने का मौका मिला। वहाँ बहुत सी भैंसे बाध दी गई हैं। उन भैंसों को रखने की हालत इतनी खराब है कि मैं नहीं कह सकता उन का कैम बर्दा त किया जा रहा है, खास तौर से इस दिल्ली शहर के बीच में। इस वजह को भी दूर करना चाहिये और जिन स्थानों पर वे बांधी जाती हैं वे ठीक नहीं हैं तो उन के मानिकों के खिलाफ कड़ी से कड़ी कार्यवाही की जानी चाहिये।

गर्मी के दिनों में उन को ठीक से रखने के वास्ते पानी का भी ठीक से इन्तजाम करना चाहिये। प्राप मैं मध्य प्रदेश के कुछ हिस्सों का जिक्र करने के लिये तैयार हूँ जहाँ पर कि दो दो, तीन तीन, और चार चार मील जा कर पशुओं को पानी मिलना है। जब तक उन के लिये पानी की ठीक से व्यवस्था नहीं होती तब तक इस तरह का बिल पास करने से क्या फायदा है? मैं उप-मंत्री महोदय से प्रार्थना करूँगा कि वे इन चीजों का पता लगायें। स्टैटिस्टिक्स एकत्र करें और मध्य प्रदेश में जहाँ जहाँ पशुओं की हालत बहुत खोचनीय है वहाँ के

लिये सोचें कि वे क्या कार्यवाही कर सकते हैं। प्राप का जो बिल बन रहा है वह सिर्फ़ प्ररबन एरियाज के लिये है वैसे कि प्राप के स्टैटमेंट प्राप ग्राजमेन्ट्स ऐंड रीजन्स में लिखा हुआ है :

"It applies only to urban areas within municipal limits".

कृषि उपमंत्री (श्री मो० ब० कुलकर्णी) : यह पुगने ऐक्ट में है।

सरदार भ० सि० सहगल : जो पुराना कानून है यदि प्राप ने उसमें रद्दोबदल किया है, तो मैं इसका स्वागत करता हूँ। लेकिन फिर भी मैं कहना चाहता हूँ कि कुछ एरियाज हैं जहाँ पशु गावों में रखे जाते हैं। प्राप उन सब को एरा नाथ नहीं ले सकते। इसलिये यह जरूरी है कि हम कोई इस तरह का कानून बनायें कि जिनमें कम से कम एक एरिया के सब हिस्सों पर यह लागू किया जा सके। हम एक प्रदेश में कोई एरिया मुकर्रर कर लें, वहाँ पर इसका एप्लिकेशन करे, और यदि एप्लिकेशन गवर्नमेंट हो जाये तो इसे दूसरी जगहों पर लागू किया जाय। दो तीन जगहों में ली जाये और उनमें एक्स-पेरिमेंट ठीक न हो सके तो मैं समझता हूँ कि यह ठीक न होगा।

प्रापने एक एनीमल वेल्फेयर बोर्ड बनाया है। एनीमल वेल्फेयर बोर्ड के लिये प्रापका क्लॉज ४ (१) यह कहता है

"4(1) For the purpose of protecting animals from being subjected to unnecessary pain or suffering and for the promotion of animal welfare generally, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the Animal Welfare Board."

इस तरह का बोर्ड प्राप सेंटर में बनायेंगे लेकिन इसी तरह का बोर्ड प्रापकी प्रवेशों में बनाना चाहिये, जिलों जिलों में बनाना चाहिये। जब तक प्राप जिलों के अन्दर उनकी नहीं बनायेंगे तब तक वहा की जो हालत है वह सुधार नहीं सकती है। इसके साथ यह जरूरी है कि जब हम बंसफेयर बोर्ड बना रहे है तो हमें देखना पड़ेगा कि हम किन किन लोगों को उसमें रखें। जो लोग हममें दिलचस्पी रखते है, जो चाहते है कि पशुओं का प्रोटेक्शन किया जाय उन को हम में रखना चाहिये। इस सम्बन्ध में जो लोग काश्तकारी करते है, या जिन को उससे हमदर्दी है, उन्ही से सहायता मिल सकती है, दूसरों से नहीं। प्राप के बिल में जो क्लॉज ५ (आई) है उसमें आपने लिखा है

5(1) Four Members of Parliament, two to be elected by the House of People, (Lok Sabha) and two by the Council of States (Rajya Sabha)

यहां पर मैं आपसे एक सवाल कर सकता हू कि जहां पर ५०० मेम्बर है वहां में भी प्राप दो मेम्बरों को लेना चाहते है और जहां पर कम मेम्बर है वहां में भी प्राप दो मेम्बरों को लेना चाहते है, प्राप्तिर यह किस तरह का प्रमोशन है ? यह चीज मेरी समझ में नहीं आता। इस लिये प्राप को इस पर गौर करना चाहिये। जो लोग गोमवद्धन का काम करने है, पशुओं की रक्षा के लिये जिन लोगों ने अभी तक काम किया है, उनको भी हममें लेना चाहिये और उनको एकम प्राफिगिओ मेम्बर के तौर पर लेना चाहिये।

बी बी० चं० शर्मा (गुरुदासपुर)
वह कौन है ?

सरदार अ० सि० सहगल बहुत सी संस्थाओं के लोग है। अगर प्राप सोचे तो बता लय जायेगा।

परसों मेरे से पूर्व कुछ बचप्राप्ति में बताया कि मध्य प्रदेश की गाय बहुत छोटी होती है। यह ठीक हो सकता है, लेकिन हर जगह पर ऐसा नहीं है। इस तरह से प्राप को छत्तीसगढ़ में मिलेगा, मलिया में नहीं मिलेगा। लेकिन मध्य प्रदेश तो बहुत बड़ा है। सारे मध्य प्रदेश को इस में शामिल करना बाजिब नहीं है। जो हमारा छत्तीसगढ़ का इलाका है उसमें बंशक पशुओं की हालत खराब है। अगर हम हम बिल को पूर्ण रूप में कामयाब बनाना चाहते है तो यह देखना भी हमारा कर्तव्य होना चाहिये कि हम उन की वृद्धि कैसे कर सकते है, किस तरह से उनको अच्छा बना सकते है और अच्छी नस्ल पैदा कर सकते है। हमलिये जो मध्य प्रदेश की सरकार है उनसे प्राप को इस के बारे में कहना चाहिये।

अभी थोड़ी देर हुई है मैं स्टेशन से आ रहा था तो देखा कि एक गाड़ीवाला बहुत ज्यादा बोसा अपर्न। गाड़ी पर लादे हुए था। खैर, पुलिस वाला वहां पर था, उनसे उसे पकड़ा और बैलों को खुलवाया। तो जो क्लॉज आपने रक्खा है वह बहुत अच्छी चीज है लेकिन इसमें काम चलने वाला नहीं है। हमें यह भी देखना है कि प्राप बहुत में लगडे बैल होते है, उन्हें भी लोग जॉन देते है। यही नहीं जो गाये होना है उनको भी गाड़ी में जोत दिया जाता है। गायो का गाड़ी में जॉनना ठीक नहीं है। अगर हम इस के बारे में पूछते है तो कभी कभी गाड़ी वाले कहते है कि हमसे थोड़ी देर में गाय को गरमाहट हो जायेगी और हो सकता है कि उसके गर्भ हो जाये और बच्चा पैदा हो जाये। मैं नहीं कह सकता कि किस साइम की से वह ऐसा कहते है और इसमें हम कहा तक कामयाबी हासिल करेंगे।

इन शर्दों के साथ प्राप ने जो बिल रक्खा है मैं उसका स्वागत करता हू।

सेठ अचल सिंह (भागरा) मध्य प्रदेश महोदय, जों मिल हमारे सामने है रुकका में हुय से स्वागत करता हू। प्रापको यह मातुल

[सेठ अचल सिंह]

होगा कि हमारी पालिमार्केट में घीर स्टेट थसेम्बलीज में बिल तो पास हो जाते हैं, लेकिन जिस नियत से वह पास किये जाते हैं उनका पालन डिस्ट्रिक्ट लेवेल पर पूरी तरह से नहीं होता है और लोग उसको इवेंट करते हैं। यह कानून करीब करीब सभी स्टेट्स में पास हो चुका है प्रिवेशन ऑफ क्रुएलिटी टू ऐनिमल्स, लेकिन इसका पालन ठीक से नहीं होता। मैं आपको बतलाऊँ कि खास तौर से उत्तर प्रदेश के हर जिले में एक एक बील-गाड़ी पर १००, १०० मन बोझा लाद दिया जाता है जबकि वहाँ पर कायदा ज्यादा से ज्यादा ४० मन का है। इसी तरीके से रागों में, जिसमें ३ या ४ सवारियाँ बैठाने का कायदा है, १५, १५ और २०, २० सवारियाँ बैठा ली जाती हैं। इसी तरह से जो बूचर हाउसेज होते हैं उनमें बड़ी बेरहमी से पशुओं को लाया जाता है। जो कमाई होते हैं वह ग्यावन पशुओं को १००, १०० और ५०, ५० मील से लाते हैं और १०, १० या २०, २० दिनों में पहुँचते हैं, उन पशुओं को वह ठीक से खाना भी नहीं देते हैं, और मारते पीटते उनको अलग है। मुश्किल में कहीं गायी पिला देते हैं, लेकिन खाना तो बिल्कुल नहीं देते। उन को यह हालत देख कर हमें बड़ा दुःख होता है। जिन पशुओं को १५ १५ रोज से खाना नहीं मिलता है उनका रोज बच किया जाता है। उन में से बहुत ग्यावन भी होती है लेकिन फिर भी उनका बच किया जाता है। हम किम्म का कानून बना हुआ है कि जो 'म' क पशु हों जो ग्यावन हो या जो बूझ देते हों टूट पशु हो उन को न काटा जाय।

लेकिन हम देखते हैं कि प्रायः दिन सैकड़ों पशु काटे जाते हैं। हमारे पशुओं की नसल बहुत बिर गई है और काश्तकार लोग उनको रख नहीं पाते हैं। वे लोग लोम और स्वायं के खातिर मवेशियों को कसाइयों के हाथ बेच देते हैं और कसाई लोग चूँकि उनके चमड़े के अच्छे दाम मिल जाते हैं इसलिये उन्हें

काट डालते हैं। जिस वक़्त उन मवेशियों को बूचड़खाने में कल किया जाता है और वे बकारते हैं और जिल्साते हैं वह वृष्य बड़ा खर्बनाक होता है लेकिन उनकी चीख और पुकार को कोई सुनने वाला नहीं होता और हजारों पशु रोजाना इसी तरह बेरहमी से काट डाले जाते हैं। मेरा निवेदन है कि यह जो बिल हमारे सामने है इसको इस तरीके से काम में लाया जाय जिससे कि डिस्ट्रिक्ट लेविल और स्टेट लेविल पर ठीक से उसका इस्तेमाल हो। यह ठीक है कि इन्स्पेक्टर थ्रुकरर हैं लेकिन वे भी लोम का शिकार हो जाते हैं और पैसा ला जाते हैं और उनको जिस तरह ठीक से देखभाल करनी चाहिये, वह नहीं करते हैं। इसलिये मैं इस बिल का समर्थन करता हूँ और यह मानता हूँ कि यह बड़ा अच्छा बिल है लेकिन जरूरत इस बात की है कि इसका प्रयोग डिस्ट्रिक्ट लेविल और स्टेट लेविल पर ठीक तरह से हो।

मैं इस बिल का समर्थन करते हुए यह धाशा करता हूँ कि मंत्री महोदय इसको स्टेट लेविल पर इस तरह से लागू करें ताकि इसका सही तरीके से इस्तेमाल हो सके।

Shri Neswi (Dharwar South). I rise to support the Bill whole-heartedly and before doing so, I would like to offer my great tributes to the sponsor of the Bill, Shrimati Rukmini Arundale

Mr Speaker: The House would like to hear more and more the views of hon Members who are not purely vegetarians

Shri D. C Sharma: He is not a vegetarian

Shri Neswi: India is a country where ahimsa has been practised to the utmost extent possible. Our Shastras and Puranas and our great men had been preaching it. Still, somehow himsa has come into prominence. We have adopted Asoka Chakra; we have

been teaching the principle of Mahatma Gandhi. In spite of all that, *himsa pravritti* has somehow come to India and it should be stopped. Mrs. Arundale has brought, in her vision, a very comprehensive Bill which is now before this House for discussion. She has taken care to look to the practical conditions where at least some *himsa* has to be inflicted because *ahimsa* in the strict sense of the term is impossible. Everybody is doing *himsa* even while talking, eating, walking, etc. So, she has looked into this very carefully and she has brought here a Bill including all the necessary and important points and eliminating those that are rather difficult to observe.

Animals are killed for the purpose of food and she has referred to it in the Bill. I am told that there are two ways of killing animals for food purposes. One way is called *jatka* killing—killing the animal with one stroke. The other way is called *hatal* killing—cutting slowly so that all the blood goes out slowly. Of these two ways, the second way, the slow process of killing the animal, is the most cruel and nobody should tolerate it. The non-vegetarian section of our people has got to practice killing and that cannot be avoided. Therefore, she has taken care to make some provisions in regard to killing of animals for purposes of food, and everybody must take care while considering those provisions. By the provisions contained in this Bill, she has brought out that the way of killing which amounts to cruelty should be stopped.

3 hrs.

Secondly, animals are killed for the purpose of some religious functions in some parts of the country buffaloes are killed on certain festival days. They have he-buffaloes for that purpose. First the animals are fed well. They are then made to drink lime water after which they are allowed to remain without food for three or four days, and at the end of that period they are taken out in a proces-

sion before being killed. They are killed in such a way that even the sight of it is horrible. This kind of sacrifice done during festival days should be stopped immediately. In many parts of the country these things have already been stopped. It should be stopped immediately throughout India. Cruelty is a word which nobody likes. It is self-explanatory. Nobody likes cruelty and it should be stopped.

Then, cruelty is effected in the fields of experimentation for research purposes. Of course, here also we cannot avoid it, just as it is difficult to avoid killing for the sake of food. Science has advanced so much that it is doing a great amount of research wherein animals are being experimented upon for conducting so many kinds of research. But the way these animals are used is most pathetic. I have got here a large amount of literature and pictures on the subject. Monkeys are taken in small cages where something like 400 to 500 monkeys are made to huddle together. They are packed in cages like cards or paper. By the time they reach their destination, from the time they are caught and the time by which they are transported, nearly 50 per cent of the animals die. Many of them bleed and suffer from various diseases. This kind of treatment to these animals during transit is really very horrible and it should be stopped. If they are to be transported for such research purposes, all possible care should be taken to see that they do not suffer during transit. I do not want to go on with this point for a long time. I have got some pictures, they are very pathetic.

To stop cruelty to animals entirely there is going to be a Board. I welcome it. Some money is also going to be granted by Government. But the money that is now sanctioned is very small. I, therefore, wish that a large sum of money is granted to this Board.

Then I come to the question of punishment. The punishments provided

[Shri Neswi]

in some of the clauses are very severe, because the punishments extend to a fine of Rs. 2,000 or two years imprisonment. I think that will be a heavy punishment in the beginning. The punishments provided should be proportionate to the injuries inflicted and gradually they should be increased.

I do not want to add anything more because the Bill is self-explanatory. Nobody likes the word "cruelty". But I only want to say something about clause 11. In clause 11(a) it is said: "If any person (a) beats, kicks, over-rides, over-drives, over-loads. . ." I think the word "kicks" is rather unnecessary here. Nobody kicks an animal so as to injure it. Again, what does "over-ride" mean? This will enable the police officers who are authorised to take cognizance of these things to take the law into their own hands. Supposing two bullocks are used for pulling a cart, nobody can say whether it is over-loaded or under-loaded. Even if there is one man more the officer who is entitled to take cognizance of these offences may say that the man concerned has over-driven the animals. Therefore, Government must see that all unnecessary words are removed so that the poor people do not come under the clutches of the law.

Another word used here is "beats". They have just qualified it by saying "unnecessary beats". How do you explain necessary beats and unnecessary beats? The drafting animals do require some beating, otherwise they won't pull. Being a farmer I know what kinds of animals are there. Sometimes you have to beat them. We beat even our own children.

Shri Narayanankutty Menon (Mukandapuram): What is your definition of 'cruelty' then?

Shri Neswi: Everybody understands the word "cruelty".

Shri M. V. Krishnaappa: Nobody can define it.

Mr Speaker: You must persuade the animals.

Shri Neswi: If that is possible, of course, we must do it. Where that is not possible we have to resort to beating to some extent. I will divide it into "practical cruelty" and "non-practical cruelty" or something like that. Words like "kicks, over-drives, over-loads" etc. are difficult to interpret. They will enable the officer concerned to take the law into his own hands and trouble the ignorant farmers. Similarly, there are the tongawallas who use horses in their tongas. Of course, they do sometimes whip the horses more than what is necessary, but without beating sometimes the horses won't pull.

13 07 hrs.

[MR DEPUTY-SPEAKER IN the Chair]

If they do not whip the horses they would not be able to earn their livelihood. Therefore, if you want to stop to earn their livelihood. Therefore, if cruelty to animals entirely you must see that these poor people are given some kind of employment. Without doing that if you simply ask people to stop cruelty it cannot serve the purpose.

Therefore, Sir, in order to see that the law is not misused by the officers concerned and, at the same time, our objective is well served, this Bill requires some amendments and I think that it will be done by the Joint Committee.

बीकानेर महीनारवाड़ी राब (सागर-रहित—
अनुसूचित जातिवा) : उपाध्यक्ष महोदय,
मैं आपकी बहुत आभारी हूँ कि आपने मुझे
इस समय बोलने का मौका दिया।

आज जो बिल यहां पर विचारार्थ पेश
है यह बहुत महत्वपूर्ण बिल है। अब जहां तक
पंजाब के मवेशियों का मवाल है वहां पर
मवेशियों की हालत अच्छी है क्योंकि पंजाब
में नहरें काफी हैं और जिनके कि कारण वहां
पर मवेशियों के लिये हरी घास और बर्राई
बगैरह साल के बारहों महीने मिलती है
लेकिन कुछ ऐसे प्रान्त भी हैं जहां कि पानी
की व्यवस्था ठीक नहीं है जैसे कि पहाड़ी
इलाके, अब ऐसे इलाकों में गर्मी में मवेशियों
का बहुत बरा हाल होता है और वहां पर
मवेशी पानी और चारे के बगैर भूखें प्यासे मर
जाते हैं। सरकार को ऐसी जगहों पर पानी की
व्यवस्था को ठीक करना चाहिये और वहां
पर नहरों और कुओं आदि की व्यवस्था करना
चाहिये। इस काम के लिये प्रान्तीय सरकार
और केन्द्रीय सरकार दोनों का मिल जुल
कर मवेशियों के लिये पानी और चारे आदि
की समुचित व्यवस्था करनी चाहिये।

अब मैं आपको बतलाऊ कि पिछले वर्ष
हमारे मध्य प्रदेश में पानी के अकाल के
कारण हजारों बछड़े और गाय बँल मर गये।
वहां पर घास केवल चार महीने रहती है
और मान में चार महीने जब वहां पर पानी
पड़ जाता है तो मवेशी जी उठते हैं लेकिन पानी
की वहां पर कोई स्थायी व्यवस्था न होने
के बाकी घाट महीने और गर्मी के चार
महीनों में खास कर मवेशियों को बड़ी तक-
लीफ होती है।

जब हमारा देश स्वाधीन नहीं हुआ था
तो हम लोग जनता के पास जाकर यह

गारा लगाते कि आजादी मिलने के बाद हम
मवेशियों का चर छोड़ देंगे लेकिन मुझे खेद
के साथ यह कहना पड़ता है कि आज इसका
उलटा हो रहा है और जहां पर पानी की
व्यवस्था नहीं है वहां पर भी मवेशियों पर
चर लगाया जा रहा है और हम देख
रहे हैं कि जहां पहले मवेशी पर चार पैसे चर
लगता था वहां अब उस पर चार आने लिया
जाता है और जहां मवेशी पर चार आने लगता
था वहां पर अब चार रुपये लगाया जा रहा है।
अब हमारे वोटर्स पूछते हैं कि आपने तो बच
मवेशियों का झुड़ाने का वायदा किया था
लेकिन आप तो चर को उलटा और बढ़ा रहे
हैं। मैं तो सरकार को यह मुझाव दूंगा कि
जैसे आप अन्न का संग्रह कर के रखते हैं और
खाद्यान्न की कमी वाले इलाकों को आप अन्न
की म्हायना करने की व्यवस्था करते हैं
ठीक उसी तरह की व्यवस्था आप हरी घास
और चारे आदि को करे और उनका भी
स्टाक अपने पाम जमा करके रखें ताकि
जहां पर उनकी कमी हो और ज़रूरत महसूस
हो वहां के मवेशियों के लिये आप हरी घास
आर चारा आदि सुलभ कर सकें। यदि सरकार
पानी, हरी घास और चारे की समुचित
व्यवस्था कर लेती है तो आज जो हमारे
हजारों मवेशी मर जाते हैं वे मरने से बच
जायेंगे।

इसके अतिरिक्त मैं सरकार का ध्यान
मवेशियों के लिये चिकित्सा की व्यवस्था की
और भी दिलाना चाहती हूँ। कस्बों और
शहरों में तो हम देखते हैं कि छोटे मोटे
मवेशी अस्पताल कायम हैं लेकिन देहातों में
जहां कि बात अधिक सख्या में मवेशी रहते
हैं वहां पर उनकी चिकित्सा के लिये कोई
इतजाम नहीं है और देहातों में चूक मवेशी
अस्पताल नहीं है इसलिये हमारे किसानों
को बड़ी मुसीबत और विपत्त का सामना
करना पड़ता है और उनको बीस, बीस

[श्रीमती सहोदरा बाई राय]

धीर पच्चीस पच्चीस मील चल कर जिला हड्डकाटर धीर करने में इलाज के लिये अपने मवेशियों को ले जाना पड़ता है और कितनी ही मर्तवा वे मवेशी रास्ते में ही मर जाते हैं और अस्पताल तक नहीं पहुँच पाते हैं। इसलिये मैं चाहती हूँ कि सरकार देहातो में मवेशियों के इलाज की व्यवस्था चलाये ताकि आज जो उनको २०, २० मील चल कर अस्पताल अपने मवेशियों को दिखाने के लिये ले जाना पड़ता है और चूँकि मवेशियाँ को समय पर इलाज नहीं मिलता है इसलिए अक्सर वे रास्ते में ही दम तोड़ देने हैं, यह सुख्त न हो। देहातो में मवेशियों के अस्पताल न होने की वजह से हम देखते हैं कि आठ दिन कितनी ही गायें, भैंमें और बैल चैचक का शिकार होकर मर जाते हैं।

अभी हमारे माननीय सदस्य सहगल साहब ने कहा कि हमारे बैलों पर १००, १०० मन बोझ लादा जाता है तो मैंने तो कहीं यह नहीं देखा कि बैलों पर १०० १०० मन बोझ लादा जाता हो, असलता २५ मन और ३० मन बोझ तो लदते हैं उन पर देखा है। मुमकिन है कि उन्होंने १०० मन बोझ लदते देखा हो बहरहाल मैंने तो नहीं देखा। इसी तरह जो उन्होंने कहा कि गायों को खेती में जोता जाता है तो गायों को खेती में जुते भी मैंने तो नहीं देखा अब उनके बहा छत्तीसगढ़ में गायें जूतनी हाँ ताँ और बाँट हैं।

इसके अलावा मेला में मवेशी लाय जाते हैं और कसाई लोग वहाँ में खरीद कर उन को बूचड़खाने में काटने के लिये ले जाते हैं तो अक्सर देखा गया है कि दुधार और माँसिन गायों की कसाई लोग काटने के लिये बूचड़खाने में ले जाते हैं। डाक्टरों को इतना तो ज्ञान होना ही चाहिये कि

कीन सा जानवर दुधार है या व्याहने वाला है और ऐसे मवेशियों को कसाइयों को बूचड़खाने के लिये न दिया जाय। सरकार को इस बारे में सावधानी बर्तनी चाहिये ताकि इस तरह आँखों में धूल झाँक कर जो मवेशी लें जायें जाते हैं उन का जाना बन्द हो सके। सरकार को यह जो हमारे पशुधन में निरन्तर कमी हो रही है इन को रोकने की व्यवस्था करनी चाहिये। अब जिन किसानों के पास काफी पैसा है वे तो ट्रैक्टर खरीद कर खेती करा लेते हैं लेकिन ज्यादा तादाद ऐसे किसानों की है जोकि ट्रैक्टर नहीं खरीद सकते और वे आज रो रहे हैं। आज उन को बड़ी विपत्त का सामना करना पड़ रहा है क्योंकि अब वे खेती के लिये बाजार में बैल खरीदने जाते हैं तो एक बैल की जोड़ी के लिये १५०० और २००० रुपये मागे जाते हैं और जोकि उस की सामर्थ्य से बाहर होते हैं। सरकार को इस दिशा में भी देखना चाहिये और मवेशियों के ऊपर नजर रखनी चाहिये लेकिन खेद का विषय है कि सरकार की दृष्टि अभी तक उधर नहीं गई है। सरकार को आज जो निरन्तर मवेशियों की नस्ल गिरती जा रही है और लाखों की तादाद में मवेशी मरने जा रहे हैं, उस पर कुछ कड़ा नियंत्रण रखना चाहिये ताकि अन्धाबुन्ध हमारे मवेशी न कटते चले जायें और केवल वे ही मवेशी बाटे जायें जो कि बूढ़ हो चुके हैं और दुधार न हो। आज हमारे देश में से दूध और घी गायब सा होता जा रहा है और पासलेट और डालडा बढेले में लोगों द्वारा इस्तेमाल में लाया जा रहा है और जिस का कि कुप्रभाव हमारे सामने आता जा रहा है, लोगों की सेहत गिरती जाती है और हमारे लड़के निहायत कमजोर हो रहे हैं और डालडा की मेहरबानी की वजह से १२ साल की उम्र में लड़के मर जाते हैं। मैं चाहती हूँ कि हमारी सरकार इन सब बीजों की ओर ध्यान दे और मवेशियों की नस्ल सुधारने का प्रयत्न किया जाय। पशु-

कम की रक्षा की जाय और उन का विकास किया जाय। बरागाहों के लिये जमीन खड़ी चाहिये और मवेशियों के लिये चरवाहों की व्यवस्था होनी चाहिये। पशुओं के लिये उत्तम चारे की व्यवस्था की जाय। बाहिर जाय जायान व घमरीका आदि विषयों से कितने ट्रैक्टर मंगवायेगा? इसलिये मैंने जो चन्दा एक सुसाव एक कास्तकार घराने से ताल्लुक रखने के लिये दिये हैं वृत्त आशा है कि सरकार उन पर महानुस्तिपूर्वक विचार करेगी। मैं बूक समय कम है इसलिये और अधिक न कह कर इस बिल का स्वागत करती हूँ।

Shri S. M. Banerjee: My Deputy Speaker, Sir, I rise to welcome certain aspects of this Bill. I must congratulate Shrimati Rukmini Arundale who took the trouble to bring this Bill in the form of a non-official measure, which later on Government have accepted and have brought forward in the form of an official Bill now before the House.

My fear is only this. Certain clauses of this Bill may be used against the peasantry. The hon. Minister stated while initiating the debate that there is overloading. Let us analyse this. What is the mode of transport for bringing foodgrains or fodder or any thing from the villages? The only mode of transport is the bullock-cart. If we place any restriction—I do not say that there should not be any restriction—on this particular aspect of the matter, this particular clause of overloading will be used against the peasantry if proper vigilance is not kept.

My second fear is this. It will be used by the policeman also. I come from a city where not only the bullock-carts but the buffalo-carts are used for carrying tanned and untanned leathers. I have seen the horrible condition of those buffaloes. No cartmen wishes to harm or to be cruel to the buffaloes or to the bullocks,

because the death of the animal means starvation of his family-members. The point is, he is unable to feed them. I do not know whether the hon. Minister has any idea as to what quantity of grains is given by the owners of these buffaloes or cows or bullocks or horses to these animals. They can hardly feed these animals, and I feel I sincerely wish—that had these cattle, cows, bullocks, buffaloes and horses, a sense of unity, they would have demonstrated more against the food policy of the Government than we.

I remember about ten to 12 years back the tongawallas used to feed their horses with jalebis at least once a week. It was very common. Right from our childhood we know that jalebis used to be given to horses. Today, the tongawalla cannot possibly give jalebis even to his son! So, how is he to maintain the animals? Therefore, before passing this sort of legislation, it is the duty of the Food Ministry also to see that these animals are well fed.

Why is it that the cow of Hariana, when it is sent to West Bengal, is absolutely reduced to nothing? I have seen the conditions of these well-fed Hariana cows which are very famous in the country. When they go to West Bengal, there is no grazing place there and they do not get gram and other things in as much quantity as they get in Punjab. So they are reduced to nothing.

The other day I happened to see those beautiful well-fed cows of the President's estate. I was really wondering how it is that when they are here, in this farm, they are so nice-looking, well built and well-fed, while the same cow, if bought by somebody else who is unable to feed it properly is reduced to nothing and indeed reduced to skeleton. So, it is the duty of the Government to see that such difficulties are removed. The man only becomes cruel to the animal in such circumstances, but the nature of the Government is cruel to the man! Right

[Shri S M Banerjee]

from the beginning, our country has believed in doing cruelty to none Nobody wants to be cruel to these animals

When I was only three years of age, I used to recite one line everyday under instructions from my mother "Jibe Daya Kore je Jan, Shee Jan Shebiche Ishar",— one who shows mercy and pity to the animals is actually worshipping God Nobody in this country wants this should be done My fear is only this This Bill may not be used against the peasantry by the police Unfortunately they have to play cards and I am opposed to giving all this power to the policemen

In Kanpur I have seen during summer, from 15th May to 15th June, even the rickshaws are restricted Bullock carts are restricted My friend Shri Bhattacharya, also said the same thing about Calcutta But by paying four annas or eight annas they can ply regularly This should be stopped If we want this legislation to be effective, there are certain measures to be taken to see that nobody uses the Bill against the interests of the cartmen or the animals.

Another point is about rickshaws I also feel that something should be done for the rickshawwallas I know about the hand-pulling rickshaws in Calcutta It is really a sight I asked that particular man, "Why do you pull rickshaws?" He said, "There is no employment for me" I agree, but the condition of the rickshaw and the physical condition of that man excite horror Still, he goes on and he wants to compete with other vehicles He wants to show to his customers that his rickshaw is as good as a taxi, without taking the least care of his health and without caring what his family members will do if he dies In Kanpur a survey was taken of cycle-rickshaw pullers and it was found that 10 to 20 per cent of them, after pulling cycle-rickshaws for three to four years, have become T.B patients or are on the verge of becoming T.B.

patients These things should be considered by Government.

Then, I suggest that there should be some rationing of grams and other things which are given to these animals Some concession should be given to those who keep these animals. Otherwise, if the cartman or anybody becomes cruel to the half-fed animals, the cruelty will be much worse than what is depicted in this Bill

With these words, I request the hon. Minister to throw some light as to how these things can be avoided and how arrangements can be made under which these animals can be well-fed Otherwise, as I have said, they have a legitimate ground against the food policy of the Government They are unable to express themselves, had they been able to do so their expression would have been more violent than any agitation in any of the States

श्री बीनारायण दास (दरभंगा)

उपाध्यक्ष महोदय, सभार में कोई भी ऐसी सभ्य सरकार नहीं होगी जिस ने अपने मूलक के लिये इस तरह का कानून न बनाया हो । इसीलिये सन् १८६० में इस देश में भी ऐसा कानून बनाया गया था लेकिन उस का क्षेत्र सीमित था । आज सन् १९५६ ई० में जो यह कानून बनाया जा रहा है इस का क्षेत्र पहले कानून के मुकाबले में बहुत व्यापक है । यह अवश्य स्वागत करने की चीज है ।

जब माननीय मंत्री महोदय ने इस विधेयक को इस सभा में पेश किया था उस दिन मैं यहाँ नहीं था । मैं ने उन के भाषण को पढ़ने की कोशिश की लेकिन पूरा पूरा नहीं पढ़ सका । अभी जो भाषण मैं ने सुने हैं उन से जो विचार मेरे मन में आये हैं उन को मैं सदन के सामने रखना चाहता हूँ ।

अभी माननीय सदस्य श्री भट्टाचार्य ने ज्ञान किया कि इस देश में वैदिक काल

से ले कर अब तक जीव दया और अहिंसा की सिद्धान्त के रूप में माना जाता रहा है। लेकिन मैं देखता हूँ कि इस दया के सिद्धान्त के होते हुए भी वैदिक काल से अब तक बर्ष के नाम पर जहाँ देवता रहते हैं वहाँ जीवों की हिंसा खूले रूप में की जाती रही है और अब भी जारी है। चाहे वह अपने स्वार्थ के लिये हो या नहीं, पर देवता को खुश करने के लिये हिंसा का प्रयोग होता चला गया है। जब बुद्ध देव का अवतार हुआ तब उन्होंने अपने प्रचार से हिन्दुस्तान में यह जो बड़े पैमाने पर बलिदान होता था इस को बन्द कराने की कोशिश की। उन्होंने सारे देश में घूम घूम कर बलिदान की प्रथा को बन्द कराने का प्रयत्न किया लेकिन न जाने क्यों उन के बाद उनके अनुयायी ही इस चीज को करने लग गये। इसलिये मनुष्य समाज में इस तरह का कानून लाना एक तरह का विरोधाभास सा मालूम होता है। सिद्धान्त एक चीज है और व्यवहार दूसरी चीज है। लोग कहते भी हैं कि मनुष्य अगर एक तरफ देवता है तो दूसरी तरफ दानव भी है। मनुष्य में देवता और दानव दोनों के गुण मौजूद हैं। मनुष्य जहाँ तक एक जगह देवता का अवतार है वहाँ दूसरी जगह वह दानव का भी अवतार है। मनुष्य जोश में आ कर या क्रोध में आ कर, भावेष में आ कर, अपने स्वार्थ के लिये या गरीबी की वजह से या जो उस में अपराध करने की मनोवृत्ति है उस की वजह से मनुष्य तक को मारने से नहीं हिचकता तो फिर अन्य जीवों के प्रति दया का बरताव न करना तो उस के लिये साधारण बात है। फिर भी जैसा मैं ने कहा सभ्य समाज के लिये, चाहे वह समाज अहिंसा में विश्वास करे या न करे, इस प्रकार का कानून पास करना जरूरी सा हो गया है। जीव जीवस्य भोजनम् यह हिन्दुस्तान के शास्त्र में भी लिखा है और पाश्चात्य देशों के शास्त्रों में भी इसी प्रकार की व्यवस्था है। एक युग में जब मनुष्य को भक्ष पंदा करना नहीं आता था तो जीवों का शिकार कर के ही अपनी बुभुक्षा

को शांत करता था और आज भी इस विज्ञान के युग में भी बड़े पैमाने पर आप ऐसी चीजें पैदा कर रहे हैं कि जिन से मनुष्य अपना पेट भर सक। तो आप देखें कि आज जीवों को मार कर पेट भरने का काम केवल हिन्दुस्तान में ही नहीं दुनिया के दूसरे देशों में भी बड़े पैमाने पर चल रहा है। पर माघ ही सभ्यता के नाम पर, दिखलाने के लिये, इस तरह के कानून बनाना एक रीति भी हो गई है, इस विवेक पर विचार करना समय हमारा ध्यान इस बात पर भी जाना चाहिये। अगर हमारे देश में यह कानून न बने तब भी जो जीवों पर दया कर रहे हैं वे कर रहे होंगे और जो जीवों पर दया नहीं करना चाहते वे कानून बनने के बाद भी नहीं करेंगे। तो इस कानून के बनने से मनुष्य के विचार से कोई ज्यादा फर्क होने वाला नहीं है। मैं यह हमलिये कह रहा हूँ कि जो पहले कानून था वह केवल म्युनिसिपैलिटी तक ही सीमित था। उस में यह दिया गया है कि अगर कोई भ्रामरी किमा जानवर के साथ, चाहे वह उसे तागे में जोत या बँलगाड़ी में जोत, दुर्व्यवहार करता है तो उस को सजा या जुर्माना हो सकता है। लेकिन विभाग के जो अफसर उस को देखने के लिये होते हैं वे अतिक्रम में इस बहाने गरीबी से पैसा बमूल किया करते हैं। अगर वह किसी गरीब के जानवर के जरा सा भी घाव देखते हैं तो वे उसको पकड़ लेते हैं और उस पर मुकदमा चलाने की बात करने हैं। अगर उस के उन को पैसा मिल गया तो मुकदमा नहीं चलाया जाता और अगर पैसा नहीं मिलता तो उस पर मुकदमा चला दिया जाता है चाहे उस के जानवर के घाव भी न हो। जिन जिन म्युनिसिपैलिटीयों में इस प्रकार का कानून है वहाँ गरीबों को पीसा गया है। लोग इस्पेक्टर का दूर से ही देख कर कहते थे कि यह कौन आ रहा है क्योंकि वह जानते हैं कि यह हमारा भला करने वाला भ्रामरी नहीं है बल्कि हम को दबाने वाला भ्रामरी है। इसलिये मैं कहता हूँ कि

[जी जीनारायण दास]

इस तरह का विवेक भाज की सरकार के लिये एक दिखाने की चीज है। यदि हम इस प्रकार का कानून नहीं बनावें तो जहाँ दुनिया के सम्य समाज में चर्चा चलेगी और यह कहा जायगा कि हिन्दुस्तान में जीवों के प्रति निर्दयता को रोकने वाला कानून नहीं है तो हमारी गिनती सम्य सरकारों में नहीं होगी। इसलिये सिद्धान्त के रूप में तो यह ठीक है लेकिन वैसे इस का महत्व नहीं है।

जहाँ तक हिंसा और अहिंसा का सवाल है, कहा जाता है कि जब हम एक पलक गिराते हैं तो वैसा करने में हजारों जीव मर जाते हैं। तो इस तरह तो हिंसा और अहिंसा का सवाल बहुत सूक्ष्म है। लेकिन देखना यह है कि इस को मनुष्य कहा तक व्यवहार में ला सकता है। मैं तो यह मानता हूँ कि यदि हम जान कर किसी जीव को कष्ट देते हैं वही हिंसा है। अगर धनजाने में किसी जीव को कष्ट हो जाय तो वह हिंसा नहीं कही जा सकती। अगर हम जान-बूझ कर अपने स्वार्थ के लिये, अपनी भूल व्यास मिटाने के लिये किसी जीव को कष्ट दें तो उस को गिनना हिंसा में अवश्य होगी और वह निर्दयता की परिमाण में घा जायगी। इसलिये मैं इतनी भूमिका के साथ कहना चाहता हूँ कि इस विषय में मैं मनुष्य के और यह समाज के लिये जरूरी है लेकिन इस को लागू कर के इस पर ध्यान करना चाहिए होगा और यदि कोई यह समझे कि इस कानून को बनाने का यह परिणाम हो जायगा कि हिन्दुस्तान में लोगो में जीवों के प्रति दया का भाव पैदा हो जायगा तो मैं समझता हूँ कि यह केवल एक स्वप्न ही मिट्ट होगा। लेकिन मनुष्य के सम्बन्ध में मैं हम इस प्रकार के कानून बनाते हैं और उनका हम ठीक ठीक प्रयोग नहीं कर पाते। फिर भी कानून बनाना तो जरूरी है। इसी तरह से अन्य जीवों के प्रति निर्दयता रोकने का कानून भी एक जरूरी चीज है और

जिस रूप में यह था है मैं उस का समर्थन करता हूँ।

अब और ज्यादा भूमिका में जाने की जरूरत नहीं है। मैं केवल इतना कहना चाहता हूँ कि इस के क्लोज में एक बोर्ड बनाने की योजना है। इस बोर्ड का काम यह होना कि जो कानून हम बनाते हैं उस के लागू करने के सम्बन्ध में समय समय पर सरकार को सुझाव दे ताकि हम में सुधार लाया जा सके। लेकिन मैं चाहता हूँ कि इस बोर्ड के कार्य की एक सीमा होनी चाहिये। जहाँ जानवरों के प्रति निर्दयता का व्यवहार होता हो वहाँ बोर्ड को उसे रोकने का प्रयत्न करना चाहिये। लेकिन इस में एक व्यापक शब्द जोड़ दिया गया है। इस को कहा जायगा, एनीमल वेलफेयर बोर्ड, मैं समझता हूँ कि जहाँ तक जानवरों का वेलफेयर का सवाल है यह काम तो सरकार का दूसरा विभाग, एनीमल हस्बैंडरी, का सकता है। इस कानून के अन्तर्गत जो बोर्ड बनाया जाय उस का जिम्मेवारी केवल जानवरों के प्रति होने वाली निर्दयता को रोकने तक ही सीमित रखी जानी चाहिये। जहाँ तक जानवरों के कल्याण का सवाल है इस काम को सरकार का दूसरा विभाग करेगा। एक तरफ आप मछलियों का इन्तिजाम करने हैं, पोल्ट्री बढ़ाने का इन्तिजाम करते हैं, बकरे ज्यादा पैदा करने के लिये फार्म बनाने हैं और दूसरी तरफ कहते हैं कि जानवरों का कल्याण करने के लिये बोर्ड बनाने हैं, यह तो मुझे हास्यास्पद मालूम देता है। जीवों का कल्याण करने के लिये तो दूसरा विभाग है, एनीमल हस्बैंडरी का। इस बोर्ड को यह काम न दिया जाय। मैं तो समझता हूँ कि सिलेक्ट कमेटी को इस चीज को हटा देना चाहिये और बोर्ड का काम यिक इतना ही रखना चाहिये कि वह जानवरों के प्रति होने वाली निर्दयता को रोके। इस में कुछ दिया गया है

"For the purpose of protecting animals from being subjected to."

unnecessary pain or suffering and for the promotion of animal welfare generally, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the Animal Welfare Board."

मैं चाहता हूँ कि इस में से विलकेयर बोर्ड की बात को हटा देना चाहिये। यह काम तो दूसरा विभाग कर सकता है और उस को ही यह काम दिया जाना चाहिये। इसके अन्दर सिर्फ इतना रखा जाना चाहिये

"For the purpose of protecting animals from being subjected to unnecessary pain or suffering there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the Animal Welfare Board"

ऐनीमल विलकेयर का काम इस बोर्ड को नहीं सौंपना चाहिये। इस का काम सीमित होना चाहिये। ऐनीमल विलकेयर का काम ऐनीमल हस्पिटली विभाग को दिया जाना चाहिये। इसलिये मैं कहना चाहता हूँ कि जब सब क्लार्जो में बोर्ड के विलकेयर के फंक्शन का जिक्र है उस को भी हटा देना चाहिये। इस बोर्ड का काम सीमित कर देना चाहिये। इस का यही काम है कि यह बोर्ड जानवरों के प्रति होने वाली निन्द्यता को रोकने का काम करे। यहाँ तक इस बोर्ड का फंक्शन सीमित होना चाहिये।

इस में यह दिया हुआ है कि बोर्ड के सदस्यों को बहुत से कंटेन्टेंट हैं, जिस में एक कंटेन्टेंट यह है —

"One person representing each of the municipal corporations of Bombay, Calcutta and Madras, to be elected in each case by the members of the Corporation concerned from among themselves."

मैं समझता हूँ कि इस बोर्ड के मेम्बरों की संख्या बहुत ज्यादा है।

इस के अतिरिक्त हमारे देश में बहुत से म्युनिसिपल कारपोरेशन और बन गये हैं। इस में बम्बई, कलकत्ता और मद्रास कारपोरेशन को प्रतिनिधित्व दिया गया है। अच्छा होता कि जो दूसरे कारपोरेशन बने हैं, उन का भी प्रतिनिधि इस बोर्ड में रखा जाता। अनीमानीय सदस्य ने कहा कि यह अच्छा नहीं लगता है कि लोक-सभा और राज्य-सभा से बराबर बराबर सदस्य किये जायें। मैं सुझाव दूंगा कि पार्लियामेंट के चार मेम्बरों की जगह पांच मेम्बर कर दिये जायें, जिस में से तीन लोक-सभा के हों और दो राज्य-सभा के। इस से काम चल जायेगा।

क्लाज २८ में यह प्राविजन है कि अगर किसी जानवर के मालिक को किसी भी अपराध के लिये दंड दिया जाय, तो उस का जानवर भी ले लिया जा सकता है और सरकार उस का दूसरा इन्तजाम करेगी। मैं समझता हूँ कि बात तो बहुत ठीक है, लेकिन मेरा तर्जुमा है कि खिलाने पिलाने के मामले में सरकार का इन्तजाम धीरे से भी बदतर है। इसलिये जानवर को लेने की कोशिश न की जाये। उस को नोनाम कर दिया जाय, या बेच दिया जाय, लेकिन अगर जानवर को फोरफ़ॉट कर लिया गया, तो उस को मग हुआ समझ लीजिये। लोकल बोर्ड्स का हमारा तर्जुमा है कि अगर कोई जानवर किसी वा बं चरई का कारण पकड़ा जाता है और उन को पांड में रख दिया जाता है, तो उस को खिलाना नहीं जाता है। सब पकानून यह है कि जानवरों को खिलाना चाहिये, लेकिन किसी भी जानवर को नहीं खिलाया जाता है। अगर कोई जानवर सरकार के पास दो तीन दिन रहा, तो उस का हाजिर कराया होने के अलावा कुछ नहीं होगा। इसलिये सरकार का इन सम्बन्ध में कोई जिम्मेदारों नहीं लेनी चाहिये।

उपाध्यक्ष महोदय : माननीय सदस्य बरा मुत्तसर कर दें। बाढ़े समय में हो खाल कर दें।

श्री श्रीनारायण दास : मुझे धाजिर में समय मिला है। मैं बोड़ा सा कहना चाहता हूँ।

जहाँ तक जानवरों की प्रयोगों के लिये इस्तेमाल करने का सम्बन्ध है, जो एन्क्वायरी कमेटी इस सम्बन्ध में बैठी थी, उसने सरकार को कहा था कि जिस तरह एक बोर्ड बनाया जाये, उसी तरह इस बारे में देख-भाल, जाच-पड़ताल और निगरानी करने के लिये एक कमेटी बनाई जाये। सरकार ने यह प्रबन्ध किया है कि अगर किसी समय जरूरत होगी, तो बोर्ड की सिफारिश पर सरकार यह कमेटी बना सकता है। मैं समझता हूँ कि इस सम्बन्ध में बाई की सिफारिश को शर्त न रखा जाय। जिस तरह बाई बनाया जाने वाला है, उसी तरह कानून को भी स्थापना की जाये। इस विषय में बाई स काम ठीक तरह से नहीं चलने वाला है। यह वैज्ञानिक विषय है और यह काम विशेषज्ञों के द्वारा ही होना चाहिये। इसलिए शुरू में ही एक कमेटी बना दी जानी चाहिये। जिस तरह समाज के दूसरे क्षेत्रों में जानवरों के साथ निरदयतापूर्ण व्यवहार किया जाता है, उसी तरह विज्ञान का उन्नति के लिये प्रयोग करने वाले लोग जानवरों के साथ बुरा व्यवहार करते हैं। अगर उन पर निगरानी रखा जाये, तो वैज्ञानिक प्रयोग करने वाले लोग भी जानवरों के साथ दया का व्यवहार करेंगे।

उपाध्यक्ष महोदय, मेरे पास कुछ ऐसे अवसर हैं जहाँ भी नहीं है और यहाँ भी संक्षेप में बहस का आदेश दिया है इसलिए अब समाज के साथ इन विषयों का सम्बन्ध करता हूँ और आशा करता हूँ कि मकबूत कमेटी इन सुझावों पर विचार करेगी।

Shri M. V. Krishnappa. I am very grateful to the House for the general approval given to the clauses of the Bill. Except for one or two Members, who referred to certain details in certain clauses, by and large, there has been almost universal welcome to the

provisions of the Bill in this House. Starting with Shri Bharucha and ending with Shri Shree Narayan Das, a number of important Members have taken part in the discussion and they have given some very useful suggestions. Some Members have raised some objections and the others have given replies to those very objections. That naturally has very much lessened my work, for which I thank the House.

But before concluding I would like to say that laws are very essential but laws alone will not bring the desired effect. From time immemorial this country is known for its ahimsa humanitarianism, kindness and love towards animals. But the great acharyas, like Mahavira, Buddha, Mahatma Gandhi, though most of them were kings, would not like to make laws. They did not want to legislate and bring about this change in the minds of the people. In fact, they resigned from kingship—most of them—became sages and started preaching in the country. By preaching they changed the minds and hearts of the people towards animals.

Shri Thirumalah (Kolar—Reserved-Sch Caste). But you are bringing in legislation.

Shri M. V. Krishnappa. Why we bring in legislation is because of Shri Dadda Thimmaiah. In these days legislation also is very essential. But legislation alone will not fulfil the requirements and will not bring the desired effect.

Regarding all these important suggestions given by hon. Members, the Joint Committee would go into the debates that took place in this House and in the other House and will bring in all amendments necessary wherever they are needed, and improve the Bill.

Shri Warrior yesterday referred to the semi-starved people and said that they should be protected, and that the Government should think of the semi-starved people before they think of

animals, that is, the *vidyavahina pasu*, the illiterate and the poor people in the country should be protected and cruelty towards them should be prevented. I would like to reply to his point. It is a vicious circle. We have to protect animals in order to protect ourselves. You have to feed the cow so that it will feed you. Unless you feed the cow you would not be getting enough of milk from it. So, if you want milk, first you have to feed the cow not for the sake of the cow but for your sake. So, it is a vicious circle. So, if you want to avoid cruelty towards mankind, specially the downtrodden people, the poor and the common sections of the population, you have to protect certain things in this country.

I had been to China. The first thing a visitor to China would come across is that he will see women drawing carts. In the city of Canton women are allowed to draw carts and very heavy loads. It is so all over in China, in many cities of China. It is not only confined to China but it is so in most of these South East Asian countries. Even in Japan where there is a great deal of mechanisation and modernisation and where civilisation has reached its zenith, women are still employed for drawing carts. Specially in China, whatever be the kind of regime, whether it is Communist or Capitalist, women cannot be avoided from drawing carts. The population of cattle in China is very, very small. In some villages practically there are no cattle. There are hundreds of thousands of villages in China without a cow or without a bullock. Then, who is there to draw the plough? It is men and women. I have seen with my own eyes a farmer tying his two sons to the plough and ploughing in China, in the Communist regime. Even the Communist regime cannot avoid it because the circumstances are such. The circumstances are beyond their control. There are no cattle there because all the cattle have been consumed in that country because of overpopulation. There everything has to be drawn by men. The plough has

to be drawn by men. If you look into the figures of China as to how many cattle they have, you will find that they have not got even one-tenth of what India has. So, when they have no cattle, what is the motive power to drag the plough, the cart and other things? It is the men and the women. They cannot avoid it. China is not highly mechanised. They have not got the lorries or mechanised power for draft purposes. So, men are being used. So, it is our duty to see that the drudgery of labour is avoided as far as possible. If you have to avoid the drudgery of labour, that is, men and women dragging carts, ploughs and everything, you have to protect the cattle. You feed the cow so that the cow will feed you. That is the spirit. Though it is a vicious circle, we have to start with cattle. We shall try to protect the cattle so that they will protect us. That is the spirit behind this legislation. It should not be taken as lightly as some of the hon. Member have done. We should see how to protect the animal kingdom so that they are useful to man.

Agan, Shri Warior referred to the Police (*Interrupton*). Of course, clause 11 has been criticised by many other people also. There is some truth also in it. It is not far from the truth. There is scope for the Police to make use of the provision of beating, kicking over-riding etc. But these things were considered by the Committee. They have thoroughly gone into this question and in this Report they have mentioned that also. They have also said that nowhere in the world, though everyone knows what cruelty is, anybody could define it. So, not only in India but anywhere else in the world also, nobody is capable of defining cruelty. They have left it as it is and have just given some specific instances of cruelty where that clause would come in. That Committee has given thought to this problem and has felt that these words, namely, kicking, beating, over-riding, are all in the old Act and it is nothing new. It is just sheer copying of the 1890 Act. All these words are there in the old Act. So, the Committee felt

[Shri M V Krishnappa]

that they would be doing injustice to the Act itself if they tone down even the old Act that was in existence. If all these 60 years of existence of this Act has not done any harm to the people, there is no reason why we should think that the policeman today

Mr Deputy-Speaker: Because it has not been implemented, it has not caused any hardship. But suppose a peasant brings his cart to the town and the bullocks stop in the middle of the road. The policeman is there to reprimand him and to ask him to clear out. The bullocks do not move. If he does not clear out, he is challaned by the Police. If he has to clear out, he has to beat those bullocks. What would happen then? He would be challaned in that case also.

Shri M V Krishnappa: I think the Joint Committee would consider this question.

Shri Narayanankutty Menon: Cruelty is very well defined.

Shri M. V. Krishnappa. So as to cause cruelty, he should not override beat or kick.

Shri Narayanankutty Menon: What I said was that cruelty is very well defined. It is doing of more harm than what is necessary.

Shri M. V. Krishnappa. If the hon Member could give me any definition where they have defined cruelty, I am prepared to send it to the Joint Committee. I am sure they would replace by it whatever we have now. But what I was saying was that they have given thought to this problem and they felt that instead of toning down the old Act better copy it. Not only in this House but in the other House also there was criticism on that point. I also, as a farmer, feel that 80 per cent of the population belongs to the agricultural sector and their everyday life is affected by it. So, we must look into it before bringing this Act throughout the country.

There is also another point. These days we cannot take it that the farmer will be very much affected by the policeman because people are very much vocal these days. Not only men, even animals have a vote in the country. The other day we were catching some animals in some village. There were elections being held in the same area and we had to abandon the catching of animals because we thought that the elections might be affected thereby. So, not only men but even animals have votes now. In a democracy we do not have any fear that the policeman is going to harm our villagers who are not as backward and ignorant as they were once upon a time. After independence every farmer has shown that he is not afraid of a policeman. When we were boys we used to run away at the sight of a policeman. Now it is not so. So, I think the Joint Committee will go into this problem.

Then Shri Ramji Verma and Shri Shree Narayan Das referred to vegetarianism and said that this Government on the one side preaches development of fisheries, poultry, piggery and all that and on the other it preaches prevention of cruelty to animals. They asked how is it so and said that it is quite opposed to each other. I would like to say that this is a balance of nature. It is very easy to talk of vegetarianism. It is true that India is a vegetarian country though majority of the people in India are non-vegetarians. Though the majority of the people are non-vegetarians, it is still a vegetarian country.

An Hon. Member: Including the hon Deputy Minister.

Shri M. V. Krishnappa: Because vegetarianism prevails, even a non-vegetarian would not like to see a thing killed before his eyes. Then, he would not like to eat it. That spirit of humanitarianism, kindness to animals prevails always in India. So, India is always called a vegetarian country though a majority of the people are non-vegetarians. There is that love for animals.

Shri Kashiwal (Kotah): They are vegetarians.

Shri M. V. Krishnappa: Ninety per cent are non-vegetarians. It has been found that the majority are non-vegetarians.

Shri Shree Narayan Das: : What is the basis of this statement? Are there statistics?

Shri M. V. Krishnappa: If the hon Member would put a question, I shall see that all these figures are given

Mr. Deputy-Speaker: The hon Minister includes those who take eggs as vegetarians?

Shri M. V. Krishnappa: Eggs and fish also, in Bengal, it is said to be vegetarian food and so they eat them

This is a balance of nature. If man does not eat chicken, what will happen to man?

An Hon. Member: Chicken will eat men?

Shri M. V. Krishnappa: They will start eating men. The multiplication of chicken is so much that if there is one hen today, at the end of a year, there will be 100. It is going on in this way. There are 9 crore hens in this country. If they are allowed to multiply in such a way that they will start eating men. It is so in many other respects.

Mr. Deputy-Speaker: In eating chicken, we are protecting ourselves.

Shri M. V. Krishnappa: Certainly it is a question of balancing nature. If man does not eat some of these things, they will start eating men. That is the main reason why we are not able to produce as much as in other countries.

There is a very pertinent question put to the Agriculture Ministry why, if an acre of land in Egypt or China could give 2000 pounds of paddy, in 190 LSD—8.

India, you could not produce it. I tell then, in India, our land is as good as the other land, our farmers are as hard-working and skilful as the others, but there are certain other natural enemies. We have so many monkeys, so many rats, so many birds, so many pests. There are so many stray cattle that from the day a farmer sows his seeds, birds start eating the seeds. When it germinates, there are a number of natural enemies. There are so many monkeys. There are the natural enemies.

Shri Nagi Reddi (Anantapur): Monkeys are a pest to M.P.s also.

Mr. Deputy-Speaker: Would it not be cruelty to protect our fields from these birds?

Shri M. V. Krishnappa: That is why we must draw a line between where cruelty to animals ends and ahimsa starts. In China, you can't come across rats. Because, one famine means, they have completed all the rats. So also with the birds. One famine means, they eat all the birds. And monkeys—everything has been eaten. The farmer can sow the seed and come back to his home without any damage to the crop. That is a very serious thing that people have to give thought to. From the day the farmer sows the seed, he won't be able to protect it. There are so many enemies in India because India has been a vegetarian country. In India, we have more birds, more rats.

Shri Narayanankutty Menon: Follidol is being used.

Shri M. V. Krishnappa: We have more monkeys, and so many other things that it is like a big zoo sometimes. How does it affect the farmer? I am a farmer. It is a big problem. To talk of vegetarianism and combine it with ahimsa and cruelty to animals: I would not advocate. There is a limit of vegetarianism. If man does not eat some things, they will start eating him. That is true. People should realise that.

Shri Shree Narayan Das: If we come to the question of ahimsa and himsa, the scope of the Bill is very limited.

Shri Narayanankutty Menon: Are you against the Bill?

Shri M. V. Krishnappa: I am not against the Bill. You must also see that I am the Minister in charge of fisheries, poultry, piggory and I must encourage and multiply them so that they will be useful to mankind. That is the problem. We have to make a distribution between these issues and not mix them up and say, how can the Government of India on the one side encourage poultry, fisheries and piggories and on the other hand pilot a Bill on cruelty to animals. On the question of monkeys, why are we thinking of exporting? There are so many monkeys. Not only are they destroying the crops, they are troubling the MPs in the South Avenue and North Avenue. There were enemies for them. They were being eaten by cheetahs and tigers in the forests. Now, the trees in the forests are being cut. Monkeys used to be in the forests formerly. Now, they have come to the cities and they are harming men. The cheetahs and tigers ate the monkeys and kept them in balance. So also, monkeys and deer are eaten up by some animals and the balance of nature is always kept up. Once you disturb it there is difficulty.

In Mysore and Assam, every year, there will be a cry from the farmers, unless you catch the elephants, they will not allow the crops. Government has to spend lakhs of rupees to catch the elephants. The reason is, there is no animal which can eat an elephant. There is no animal to eat an elephant; nor can man eat it. So, once in a year, Government has to spend lakhs to catch elephants and send them elsewhere and train them for other purposes. Vegetarianism is not so easy. It is more theoretical to talk about

vegetarianism. The balance of nature has to be kept up. That is being done in this country.

I hope the Joint Committee would go into all these problems. As I said, man has to change his heart; not much can be done by legislation only. The Board would do all that is necessary because we love animals in this country. We know how to worship animals in this country; but we do not feed them. I can see a cow with kumkum and pasupu and all the pooja performed, but with an empty stomach, sunken eyes and broken back. It will give sapam to this man that he should die because, we worship animals, but we have forgotten to feed them. The Board has to do a lot of propaganda in the country and they would do it.

With these words, I commend the Bill to the Joint Committee.

Mr. Deputy-Speaker: The question is

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to prevent the infliction of unnecessary pain or suffering on animals and for the purpose to amend the law relating to the prevention of cruelty to animals, made in the motion adopted by Rajya Sabha at its sitting held on the 13th August, 1959 and communicated to this House on the 17th August, 1959 and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

Pandit Thakur was Bhargava, Shri M. L. Dwivedi, Shri Masuriya Din, Shri Har Prasad Singh, Shri K. G. Wodeyar, Shrimati Mafta Ahmed, Shrimati Subhadra Joshi, Shri Chapalkanta Bhattacharyya, Kumari Mothey Veda Kumari, Shri C.

R. Narasimhan, Shri M. K. Jinechandran, Shri Kanhaiyalal Khadiwala, Shri Mohanlal Bakliwal, Shri Inder J. Malhotra, Shri Lakshmanrao, Shri Arwanji Bhatkar, Shri Akbarbhai Chavda, Shri Anrudha Sinha, Shri Chandramani Lal Choudhry, Shri K. S. Ramaswami, Shri mati Uma Nehru, Shri T. C. N. Menon, Shri Balshab Charan Mullick, Shri Jagdish Awasthi, Shri Amjad Ali, Shri Kamal Singh, Shri Balasaheb Salunke, Shri Atal Bihari Vajpayee, Shri Prakash Vir Shastri, Dr Sushila Nayar and Shri S. K. Patil"

The motion was adopted.

12-58 hrs.

DEMANDS FOR SUPPLEMENTARY GRANTS (KERALA)*

DEMAND No. XI—ELECTIONS

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 15,00,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Elections'."

DEMAND No. XV—POLICE

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 2,76,400 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Police'."

DEMAND No. XVII—EDUCATION

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 9,300 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course

of payment during the year ending the 31st day of March, 1960, in respect of 'Education'."

DEMAND No. XXV—MISCELLANEOUS DEPARTMENTS

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 100 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Miscellaneous Departments'."

DEMAND No. XXXIV—CONSTRUCTION OF IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS (NON-COMMERCIAL)

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 42,300 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Construction of Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial)'."

DEMAND No. XXXVIII—CAPITAL

ACCOUNT OF CIVIL WORKS OUTSIDE THE REVENUE ACCOUNT

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 35,100 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Capital Account of Civil Works Outside the Revenue Account'."

*Moved with the recommendation of the President.

DEMAND NO. XLIX—LOANS AND
ADVANCES BY STATE GOVERNMENTS

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 1,00,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Loans and Advances by State Government' "

The hon. Minister.

The Minister of State in the Ministry of Home Affairs (Shri Datar): There are some out motions. Hon. Members can speak. I shall reply.

Mr. Deputy-Speaker: I wanted to know whether he would like to say something in the beginning

Shri Datar: I have no objection

Shri Narayanankutty Menon: (Mukundapuram): It is an infliction.

Shri Datar: I said, I would reply

Shri Narayanankutty Menon: You are being compelled to speak.

Shri Datar: I was prepared to answer the points that would be raised. If you desire, I would say a few words.

Mr. Deputy-Speaker: That would be better

Shri Datar: Sir, so far as the supplementary demands are concerned, the main item of expenditure of Rs. 15 lakhs is in connection with the election. In this respect, may I point out, when general elections were held in Kerala in 1957, Rs. 18 lakhs was the amount spent over it. The elections now, general election, or mid-term election as they are called, will have to be held for the legislature of the Kerala State, not to Parliament. Therefore, all the machinery will have

to be geared up and all the necessary staff will have to be secured. Electoral rolls will have to be properly prepared. And a number of steps will have to be taken in this respect. For that purpose, a sum of Rs. 15 lakhs has been asked for in the Supplementary Demand. This amount will be spent during the current year, that is, the year that will end on 31st March, 1959. By that time, the elections will have to be completed, and this expenditure will have to be incurred. So, you will find that out of a total amount of Rs. 19,91,400, a large portion of it has been asked for this purpose.

14 hrs

The second amount that calls for some attention is with regard to the police. So far as the police are concerned, there was a general feeling long ago, a feeling entertained by the ex-Communist Ministry there, that the police department was understaffed. Taking into account the general standards that are followed in other States and the criteria that have been kept in this respect, it was found that the staff was not sufficient for meeting the different situations. Therefore, the ex-Communist Ministry had already added two Companies, one to the Malabar Special Police and the other to the Special Armed Police Battalion. After this action was taken, then, naturally, it was considered that this ought to be continued

In the Kerala State, there is a rule according to which all matters which, though not strictly constitute a new service, yet require an expenditure of more than Rs. 10,000, will have to be included in the Supplementary Demand. Of course, here we do not follow that particular course except where the matter concerns a new service, in which case, whatever might be the amount, a supplementary demand is asked therefor. But in Kerala, they have got a different rule, and that is the reason why in respect

of these Demands relating to the police, we have to ask for money.

In this respect, there is also one more item which has to be taken into account. That item relates to the appointment of what is known as the Police Reorganisation Committee by the former Communist Ministry. The chairman of that committee is Shri N. C. Chatterjee of Calcutta. That committee held two sittings, one of which I believe was in Delhi,—if I mistake not—and certain witnesses were examined.

Shri Narayanankutty Memon: Why 'of Calcutta'? He should say 'of Delhi'. Shri N. C. Chatterjee is a member of the Supreme Court Bar.

Shri Datar: Yes I shall say 'of Delhi'. I have no objection I accept the hon. Member's correction.

So, what was done was that two meetings were held; and for that purpose, a certain amount was expended over it. That committee is still existing, and, therefore, some provision will have to be made for that committee. That is the reason why provision has been made in the Supplementary Demand for that committee also.

In addition, there is also the police training school, so far as the constabulary is concerned. For this, a token amount of Rs. 100 has been asked for.

Then, there are certain items in respect of some of which there are cut motions, while in respect of others, there are no cut motions, and I need not go into these others because the purposes are of a non-controversial nature.

Demand No. XVII deals with professional colleges, and with the plan to expand the training capacity of the engineering College at Trivandrum; for that purpose, amounts have been asked for.

Similarly, there are other Demands regarding labour and emigration, welfare of Scheduled Castes and Scheduled Tribes and other backward classes, welfare measures for these purposes, and Centrally sponsored schemes etc. Three pilot schemes in certain places have also to be taken into account. The other Demands relate to irrigation, navigation and other purposes. Some additional staff is required for the Irrigation Branch of the Public Works Department, for the study of inter-State waters and also for the collection of data and preparation of schemes. An additional irrigation division was also sanctioned at Kanhangad.

Then, for the Medical College Hospital at Trivandrum, some more amount is required under the heading 'Medical'. You will find from Demand No. XXXVIII that for the construction of a building for the installation and working of the Cobalt 60 Therapy Unit in the Medical College Hospital, Trivandrum, for the construction of a library and examination hall in the Medical College and for the construction of a building for the Medical College, Calicut, an additional amount has been asked for, and the total amount comes to Rs 35,100 under this Head.

Under Demand No XLII, you will find that there were certain decrees passed against the Kerala Government, and those decrees have to be satisfied; so, for that purpose, a small amount Rs. 2,900 has been asked for, in order to satisfy those decree debts.

So, you will find that all these Supplementary Demands are meant for carrying on the work of the Government. In particular, I would invite, as I have already done, the attention of the House to the election expenditure that has to be incurred as early as possible, and by stages, because the preparation has to be made and has to start from now.

Mr. Deputy-Speaker: These Supplementary Demands are now before the House for discussion.

Now, Shri Narayanankutty Menon. I hope hon. Members would be brief in their observations.

Shri Warior (Trichur): The cut motions may be taken up first. I would like to know whether they are in order or not, because then only I shall be able to move them.

Mr. Deputy-Speaker: As they come, they can be dealt with. But if the hon. Member wants me to look into them first, I shall do so.

First, I shall take up cut motion No. 1. Does the hon. Member want to move it?

Shri Warior: I move all the four cut motions in my name.

Mr. Deputy-Speaker: Cut motion No. 2 is out of order, as the hon. Member knows himself; and perhaps, this is what he was referring to. This relates to reservation of seats for Scheduled Castes. That would mean an amendment of the Constitution. That cannot be done by way of a cut motion.

Shri Warior: The point is that I want to bring it to the notice of Government that if the elections are not held within that period, that is, before 26th January 1960, then

Mr. Deputy-Speaker: This relates to the need for extending the period

Shri Warior: They are spending a lot of money for the preparation of the electoral rolls.

Mr. Deputy-Speaker: The hon. Member may say whatever he wants to say when he speaks. But so far as the cut motion is concerned, that is out of order.

Shri Warior: When this point was raised last time, the Speaker was kind enough to mention that this

could be taken up at the time when the Supplementary Demands would come up.

Mr. Deputy-Speaker: Not by way of a cut motion.

So, the cut motions to be moved are Nos. 1, 3 and 4.

Shri Datar: So, cut motion No. 2 does not survive?

Mr. Deputy-Speaker: No.

Necessity of conducting free and fair elections at the earliest possible date

Shri Warior: I beg to move:

"That the Demand for a Supplementary Grant of a sum not exceeding Rs 15,00,000 in respect of 'Elections' be reduced by Rs 100."

Failure to handle law and order situation effectively and establish peace and tranquility after Presidential Proclamation

Shri Warior: I beg to move

"That the Demand for a Supplementary Grant of a sum not exceeding Rs 2,76,400 in respect of 'Police' be reduced by Rs 100."

Necessity to expedite work of Police Reorganisation Committee

Shri Warior. I beg to move:

"That the Demand for a Supplementary Grant of a sum not exceeding Rs 2,76,400 in respect of 'Police' be reduced by Rs 100."

Mr. Deputy-Speaker: These three cut motions are now before the House.

Shri Narayanankutty Menon: Regarding Demand No. XI which the hon. Minister has emphasised, it has become a fait accompli that this will have to be granted, if the elections are to be conducted; and there is no difference on that on any side of the House. But the question is whether

the State of Kerala with a total revenue or income of Rs. 27 crores a year, out of which it spends Rs. 12½ crores for education alone, and which is quite hard out for money—as was evident from the questions put by hon. Members opposite during question hour today, relating to the overdraft that it has taken from the Reserve Bank—should be penalised to supply this amount; for, the elections were necessitated by the advice of the Central Government to the President. I am submitting this factor . . .

Mr. Deputy-Speaker: The Home Minister should pay?

Shri Narayanankutty Menon: I am submitting that because these elections have to be conducted under an extraordinary circumstance, this sum of Rs. 15 lakhs should be shouldered by the Central Government, because the Central Government were responsible for experimentation about their conceptions of democracy, if they want to carry out the experiment with their own conceptions of democracy, certainly, the Central Government should come forward to bear this burden also. It is impossible for the Kerala State to bear this expenditure. As far as the Central Government are concerned, a sum of Rs. 15 lakhs might be a tiny little figure compared to the Central budget, but as far as the Kerala State is concerned, compared to its budget of Rs. 27 crores, it is not a very small amount. Because of the act of the Central Government which necessitated these elections and also because of the very small income of the State, my submission is that the State of Kerala and the people of Kerala should not be penalised for something they were not responsible for. Therefore, this amount of Rs. 15 lakhs should come from the Central exchequer and the Central Government should come to the assistance of the State to subsidise the elections that are coming.

Elections in Kerala have to be conducted now because of an extraordinary situation, situation which

has never arisen since the Constitution came into force. The Constitution provided various exigencies whereby elections could be conducted. Apart from that, certain new definitions and conventions are introduced into the Constitution. Now other State Governments will be warned because of this Supplementary Demand in that whenever they formulate the budget of a particular year, they should make provision for the 'mass upsurge' also so that they should not come with a Supplementary Demand in Parliament. I say that the entire liability of whatever has to be spent by way of elections cannot be shouldered by the Kerala State, it is the responsibility of the Central Government and they should definitely subsidise the State by meeting the entire expenditure required for the elections there.

Then there is another point. When this amount is going to be expended for election purposes, certain things have to be said regarding the preparation of electoral rolls. So far in enumeration and also in getting the names of new voters into the register, under the ordinary law that is, the Evidence Act, any certificate that is issued by a priest was accepted as evidence of the age of a single voter. There was a presumption that the clergy, whether in Kerala or anywhere else, was neutral as far as policy was concerned, and any chit written by a clergyman used to be accepted as evidence of the age of that particular voter. Now a peculiar situation has arisen. As everybody knows, and has accepted, the Catholic Church there has taken a positive stand as far as the politics of the State is concerned. Now when intensive re-enumeration has been started in all the constituencies, my submission is that the Election Commission should take a positive stand to the effect that the chits issued by the Catholic Church in Kerala should not be accepted as conclusive proof of the age of people whom it certifies, because there is an inherent danger that people of the age-group

(Shri Narayanankutty Menon)

17-30 may be marshalled down into the voters list by the simple acceptance of the prevailing law. The Election Commission should direct the enumerators and also the election officers there that they should insist upon verification from the book that is kept in the Church, that is, the baptism register.

Shri V. Eacharan (Palghat): For verification purposes, there is a village register kept in every village.

Shri Narayanankutty Menon: My hon. friend comes from that part of Kerala which was part of the old Madras State, where in every village a birth and death register was maintained. But unfortunately, he is not aware of the position in the bigger part of Kerala, that is, Travancore-Chocin, where the law came very recently in force. As far as people of the age-group 18-21 are concerned there has been no register of births and deaths kept, and the only authority on the basis of which the age of a person is calculated is the chit issued by the catholic priest. Therefore I urge upon the hon. Minister that specific instructions will have to be issued to the effect that in the case of new entrants, the officers concerned should insist upon verification from the baptism register.

Shri V. Eacharan: He is talking of the Christians. What about the Hindus?

Shri Narayanankutty Menon: I am talking of the Christians. He can speak about the Hindus.

Therefore, strict instructions will have to be issued that the baptism register, which is accepted under the Evidence Act, as proof of age, will have to be scrutinised for verification of age by the enumerators. I am just pointing out this difficulty because a large number of voters are coming into the rolls and strict measures will have to be taken for verification. I will add that in the case

of Hindus, the enumerators could be directed to insist upon strict proof, whatever that may be, in law about their age. My hon. friend may know about it—in all cases.

I was pointing out only one difficulty where this usually happened. As far as Hindus are concerned, there is no authority as a catholic priest to issue these chits. In their case, the proof of age is obtained either from the school certificate or any other certificate that is there. Also, as far as the Hindu entrants are concerned, the danger does not exist because no priest of the Hindus exercises this unquestioned right and authority to issue chits regarding age which becomes binding on the enumerating officer.

Then I come to only one more item, that is demand No. XV. I welcome that Demand. It is quite necessary that the entire police should be reorganised. A Committee was appointed for that purpose. The Committee did function for some time. We are very glad that even after the presidential proclamation the Committee's life did not come to an end and that it is going to do its work properly.

Regarding the other item of having a reorganised police force and having more officers, while welcoming the Demand, I have to point out certain things that have happened immediately after the presidential proclamation. Immediately after the presidential take-over, certain far-reaching changes were effected in the way in which the police officers were given their cadres. I will point out a specific instance concerning three Deputy Superintendents of Police who were given promotion by the previous Government, but were demoted immediately after ushering in the presidential rule. Unfortunately all these three Deputy Superintendents of Police belong to the backward classes. I bring this to the notice of the hon. Minister.

because the so-called liberation struggle in Kerala started with a clarion call from Shri Mammath Padmanabhan that the reservation that has been granted to the backward classes will have to be put an end to, and the mass struggle started with the slogan 'Down with the reservation'. The whole momentum of the 'liberation struggle' developed on this one slogan that the reservation guaranteed, both under the Constitution and also by the State Government and the State Legislature, will have to be curtailed and the backward classes should not be given that reservation. Unfortunately, the three people who were promoted belong to the backward classes.

Shri Palaniyandy (Perambalur): That is the tactics of the Communist party.

Shri Narayanankutty Menon: One of them belongs to the community of Ezhavas who are 4 million in number, another belongs to another backward class and the third is a member of the Muslim community. Immediately after presidential rule came, they were de-promoted. Newspaper reports appeared to the effect that the Congress leaders and the liberation leaders demanded that whoever had been promoted during the period of office of the Communist Government was a Communist or was siding with the Communists.

Shri Palaniyandy: Is it not a fact that the Chief Justice of the Kerala State is an Ezhava?

Shri Narayanankutty Menon: Yes, the Chief Justice of Kerala High Court is an Ezhava. There is no doubt about it. But my hon. friend cannot just deny that one of the Deputy Superintendents of Police who was de-promoted is also an Ezhava. He cannot deny that in spite of the fact that the Ezhava community is 4 million in number, that community has not got 1/10th representation in the State's services.

Shri Datar: Are we concerned with all these matters except the reorganisation of the police?

Shri Narayanankutty Menon: In the reorganisation is included the de-promotion of the three Deputy Superintendents of Police and the de-promotion of a Circle Inspector. I am pointing this out because there is a genuine fear in the minds of many police officers belonging to the backward communities who, because of the reservation and also because of their seniority, had been recommended by the Inspector General of Police and their immediate superiors for their legitimate promotion, and were given that promotion due to a certain policy of the State Government, are de-promoted immediately after presidential rule came. That de-promotion, which has come as a pointer in the presidential proclamation, along with the declaration of the liberation leaders 'Down with the reservation' raises a reasonable apprehension in the minds of so many backward class people. I am pointing this out to the hon. Minister who, when taking out this money, should see that just because they belong to the backward community, they should not come under the crucifixion of the presidential rule in the Kerala State. That is what I wish to point out.

Many things happen District Superintendents of Police who are in charge of districts are being threatened by Congressmen today. One ex-Chief Minister issued a statement from Trichur saying that certain things happened in that State because the District Superintendent of Police is partial, and so he should be transferred. Within 24 hours the order comes from Trivandrum that that particular police officer is transferred.

Pandit K. C. Sharma (Hapur): He should welcome that.

Shri Narayanankutty Menon: Whether it is good or bad, because of the reason I mentioned earlier a reason-

[Shri Narayanankutty Menon]

able apprehension has arisen in the minds of the police officers in the State, and in view of the declarations made by the rulers there—it is not the Governor that is ruling there but the liberation leaders are ruling—the hon. Home Minister should see that this sort of threats by the political leaders against police officers of the State which are going on unstinted are not carried into practice by the administration. That will definitely jeopardise the morale of the police officers and other officers of the State. Whatever Government might come afterwards this will have to be prevented immediately and the apprehension in the minds of the people that the rule of a few people will not be there—whatever be their status vis-à-vis the President's rule—and that the President's rule will be there. I, therefore, submit that justice should be done to these three demoted police officers who actually belong to the backward communities

Let the hon Minister call for the files and see whether they have got actual seniority, whether the promotions were actually recommended in the due course by the administration that is by the senior police officers sitting above and what were the circumstances that compelled the Governor, immediately after taking over the Administration, to demote these three officers of the backward classes. I hope the hon Minister will look into these matters to see whether the demotion of these three police officers calls for any action

One more point and I will finish. That is regarding the Demands for Irrigation. A lot of money has been included in the Budget for 1959-60 for this item of irrigation. It has been a very chronic feature that in that State a large part of the amount that has been set apart for irrigation could not be spent for the last 2 years. The hon. Minister can find out that

because of the cooperation of a large section of the people which could be obtained lately that it was possible to start a large number of schemes so that in the last Budget there was absolutely no money left. In the Budget of 1959-60 also some amount was included but because of this liberation struggle followed by the President's proclamation the amount that has been provided for minor irrigation in the State should not be allowed to lapse. Somehow the Government should try its level best to get the cooperation of all sections of the people including the peasantry and cut across the red tape that has been there and which is still there to an extent and see that the entire money allotted for minor irrigation work should be expended before the year runs at because it so happens that the President's proclamation would also go when the year comes to an end. I would appeal to the hon Minister to take particular care to see that whatever was allotted for the minor irrigation projects in the State in the previous year should be allotted this time also

I would once again make an appeal that regarding the Rs 18 lakhs, Government should see that the money is spent by the Central Government; secondly, regarding the reorganisation of the police organisation, the apprehension that has arisen in the minds of the people that because they belong to the backward communities they are being adversely affected should be removed and the injustice that has been done to these three police officers should be remedied, and thirdly the entire money allotted for minor irrigation works and other items of irrigation should not lapse when the President's rule comes to an end somewhere in March or April

Mr. Deputy-Speaker: Shri Eacharan.

Shri Warier: On a point of order, Sir. On this Bill is printed that it is

as recommended by the President, but not the article under which the recommendation is made. That should also be printed so that it may be all right.

Mr. Deputy-Speaker: The hon Member knows it already

Shri Warier: The President can sanction under article 117 and under article 274 Which of the articles applies here is the question

Mr. Deputy-Speaker: I have just called the other hon Member After that I will call the hon Member He may make this point also

14.25 hrs

Shri V. Eacharan. Sir, I have to make a few observations about the Demand XV under the head 'Police' The present police force of Kerala is sufficient to carry on the administration without any difficulty I do not know why this additional provision for the creation of MSP and Armed reserve is made The Reorganisation Committee has also been appointed Even without the committee's recommendations the previous Government had started a policy of declaring that the police is a party police So, with this policy and the policy of annihilation they were going on At the same time they appointed 2 IGs In this way they made whatever changes they wanted in the police policy

As regards the MSP, the MSP is always behaving in excess in the execution of their duties Whenever they get a chance they harass the people The MSP enter even private places and terrorise the people This is the practice which has been prevailing for a long time Many of these new people are from the dismissed MSP. Some of them, about 50 are from dismissed people (Interruptions).

Shri Datar: What does the hon Member say about dismissed people?

Shri V. Eacharan: Dismissed police servants are recruited for these posts. So the constitution of the armed service is not at all necessary.

When the other State Administrations of the Southern Zone proposed a common police force, the Kerala Government refused to accept the proposal. If that proposal had been accepted no new police force would have to be created for any emergency That could be used. When we say that the State is poor why should we spend so much unnecessarily for the police?

As regards the Reorganisation Committee, that committee is meeting at Delhi But it is meant to enquire into and make necessary recommendations for the police administration of the State What is the use of having a committee sitting here and making recommendations without seeing the conditions there? For that purpose also the services of a senior police officers have been requisitioned. That is also a waste of the State's money

My friend, Shri Menon was talking about reservations I have to point out that the committee appointed by the previous Communist Government to make recommendations regarding administrative reforms itself had recommended to the Government that there should not be any reservation It was not Shri Mannath Padmanabhan that advocated that principle Whenever the backward communities including the Harijans agitated for the retention of the reservation in services, it was not Mannath Padmanabhan who said a word against it but it was only the Reforms Committee that made such a proposal.

Shri Vasudevan Nair (Thiruvella) May I know whether the hon Member has read that report?

Shri V. Eacharan: Yes, I have read it. They have recommended the removal of the reservation for backward classes.

Shri Vasudevan Nair: Does the hon. Member know that there is no such recommendation?

Shri V. Kacharam: There was an agitation and Mannath Padmanabhan has not said anything against the reservation, as far as the Scheduled Castes are concerned.

Then about the election. The enumeration was necessitated by you, because of a large number of inflated numbers on the electoral rolls. Shri Menon said that there are so many things going on. But when they were ruling they had done so many things. They have infiltrated the electoral rolls. Now they find it difficult and say that the Church might make a mistake in issuing the age certificates. But the officers are there. They are strong enough to look after the interests of Government and to see how justice should be done in the matter of preparing these electoral rolls. So, there is no point in saying that the Church is either ruling or taking advantage of the preparation of the electoral rolls. I want to submit another point on the last Demand relating to the provision of Rs 9 lakhs for the middle-income group houses. Government has pointed out that the people are not coming forward to make use of the loan. There are so many difficulties. The procedure adopted at present is very difficult. That is why people are not coming forward to take advantage. Necessary amendments should be made in the rules to simplify them and remove or minimise the difficulties. At present an applicant has to execute an agreement on stamped paper. It is not so in the other States. After that they have to go to the Registrar's office for registering it. But after repaying the loan, the Government officer will issue a certificate. That will be the only authority that he has repaid the amount. Suppose he wants to dispose of the property after repaying all the loan amount, there is no record of that in the Registrar's office that he has cleared all his

debts. So, there are some of the difficulties in the way of taking advantage of the loan. I support the demands.

Mr. Deputy-Speaker: This discussion will be continued tomorrow. We will now take up the other business.

14.32 hrs.

MOTION RE: FOURTEENTH REPORT OF LAY COMMISSION

Shri Ram Krishan Gupta (Mahendragarh): Sir, I beg to move:

"That this House takes note of the Fourteenth Report of the Law Commission on the Reform of Judicial Administration (Volumes I and II) laid on the Table of the House on the 25th February, 1959."

डिप्टी स्पीकर साहब, सब से पहले मैं ला कमिशन को डिब्यूट पे करना हूँ कि उन्होंने ने काफी डिटेन्ड स्टडी के बाद, बेन के तकरीबन सभी डिस्मिस्स का दौरा करने के बाद, एक कॉम्प्रेहेंसिव रिपोर्ट पेश की है उस ने जो हमारे देश का एग्जिस्टिंग ला सिस्टम है, उस को खूब प्रखरी तरह से स्टडी किया है, उस के प्रन्दर जो डिफेक्ट्स हैं, उन्हें प्वाइंट प्राउट किया है और बड़ी खुशी की बात है कि इस रिपोर्ट पर जो कि बहुत ज्यादा प्रहमियस रबती है, आज बहम हो रही है।

कमिशन ने जो रिफॉर्मेशन की हैं, उन में से मैं बन्द एक को, जिन को मैं बहुत जरूरी समझता हूँ, हाउस के सामने पेश करना चाहता हूँ। मैं सबसे पहले उसी सिफारिश को लेता हूँ जिस के प्रन्दर उन्होंने ने जजिज के सिनेक्शन के बारे में कहा है। इस बारे में कमिशन की यह राय है कि:

"Political, communal, regional and executive influences are the main factors which influence in the appointment of Judges at present."

They further say that merit alone should be the basis for the selection.

इस बात से कोई डिनाई नहीं कर सकता है कि कमिशन बरीरु का चुनाव सिर्फ़ मेरिट ही पर होना चाहिये। जहाँ तक कमिशन ने अपनी यह राय दी है कि ऐसा नहीं हो रहा है और इस में कहीं तक सच्चाई है, इस के बारे में इस्तलाफ़ राय हो सकती है। लेकिन मैं इस के बारे में सिर्फ़ इतना ही कहना चाहता हूँ कि उन्होंने ने तो रिपोर्ट उसी एविडेंस की बिना पर पेस करनी की जो कि उन के सामने पेस किया गया। अगर उन्होंने भी यह राय बनाई और उस राय में अगर कोई कमी है तो उन का फ़ायदा यह है कि उन के सामने अच्छी तरह ने एविडेंस पेस नहीं किया गया। हाउस में बहुत से बर्कोस हैं, काफी प्रिन्टिंस उन्होंने ने की हैं, खुद भी इस बात का तजुर्बा है और यह मानी हुई बात है कि केस स्वाह कितना ही अच्छा क्यों न हो, अगर उसे अच्छे ढंग से प्रार्ग या प्लीड न किया जायेगा तो उस केस को हम मूज कर जायेगे, लेकिन केस अगर बुरा है, लेकिन उसे अच्छी तरह से डिफेन्ड किया जाता है, प्रार्ग किया जा सकता है तो उन में कामयाबी हो सकती है।

इस बात को छोड़ते हुए जहाँ तक कमिशन का यह कहना है कि जजेज कामेरिटस के लिहाज से सेलेक्ट किया जाय, यह बिल्कुल दुस्त है और ऐसा ही होना चाहिये। इस के निये में दो तीन तजबीजे हाउस के सामने रखना चाहता हूँ। मेरी सब से पहली तजबीज यह है कि जजेज बरीरु को चुनने के निये जस्टेड्स से राय ली जाती है, उस को जो ग्रह-मिमत दी जाती है, वह सत्य होनी चाहिये। इसलिये कि वह इस से एग्जिक्यूटिव के इन्फ़्लुएंस में भी हो जाते हैं और उन का सेलेक्शन करने में भी काफी देरी भी हो सकती है। इसके लिये मैं हाउस के सामने कुछ सवाल जबाब पेस करना चाहता हूँ। १६ नवम्बर, १९३८ को एक सवाल हाउस के सामने आया उस सवाल का जबाब देते हुए डिप्लोमैटिक होम मिनिस्टर ने बताया कि

जजेज की काइनस सेलेक्शन सिस्ट इसलिये तैयार नहीं हुई कि बहुत सी स्टेट्स में अपनी राय अभी तक नहीं मानी। इस से प्रार्ग मन्दाजा लगा सकते हैं कि काम में कितनी देरी होती है। प्राये साल हाई कोर्ट्स के ग्रन्डर कितने केसेज पैडिंग होते हैं और उन की तादाद कितनी ज्यादा बढ़ती जा रही है। इस के लिये अगर हमें अपने संविधान की भी बेन्ज करना पड़े तो कोई हर्ज की बात नहीं। मेरी तो इस मामले में साफ़ तौर पर यह धु है और मैं यह बात हाउस के सामने रखना चाहता हूँ कि हमें इस बात का पूरी तरह से स्वाह रखना चाहिये कि जजेज को इस ढंग से सेलेक्ट किया जाय कि जो एग्जिक्यूटिव पावर है उस का उन के ऊपर कोई असर न हो। प्रार्ग जानते हैं कि एक जज का क्या फंक्शन है। जज का फंक्शन है इंसफ़ करना, जस्टिस का ऐडमिनिस्ट्र करना। अगर उस के ऊपर किसी दूसरी ताकत का इन्फ़्लुएन्स होगा तो वह इस काम को कैसे कर सकेगा जस्टिस का जहाँ तक सवाल है, वह कितनी ग्रहम चीज है; मैं तो यह कहूँगा कि सास तौर पर जिन वेशों के ग्रन्डर डिप्लोमैटिक गवर्नमेंट है, उन गवर्नमेंट की जान जस्टिस है। प्रार्ग कहेंगे कैसे? इस के बारे में मैं बहुत से राइट्स का यह कहना है:

"Justice is a quality of a social order regulating the mutual relation of man. This order regulates the behaviour of men in a way satisfactory to all men."

अगर यह सेलेक्शन ही ठीक नहीं होगी, दूसरी के प्रभाव में होगी तो वह किस तरीके से सब को सैटिसफ़ाई कर सकेगी। इस के लिये प्रार्ग जानते हैं कि यह बात बिल्कुल ग़ही है कि यह तभी हो सकता है जब कि हम ऐसा इन्तजाम करे कि जो जजेज बरीरु सेलेक्ट किये जाय वह किसी पार्टी या एग्जिक्यूटिव के इन्फ़्लुएंस में न हो। अमरीका में एक मधुहर भज मि० मैडिना हुए हैं उन्होंने ने अपनी किताब में एक लेक्चर लिखते हुए इस के बारे में लिखा।

[Shri Ram Krishan Gupta]

है: मैं उन का कोर्टेशन हाउस के सामने रखना चाहता हूँ क्योंकि मैं इस को बहुत जरूरी समझता हूँ। वह यह है

"There should be no relation between the administration of justice and partisan politics. The very notion that persons may be selected as Judges on the basis of past services rendered as political stooges must be abhorrent to any citizen truly interested in the meeting out of fair and impartial justice by men competent to wear the robe."

इतना कहने के बाद मुझे पूरी उम्मीद है कि जजेज के सेलेक्शन में भाइन्दा पूरी एह-तिबात से काम लिया जायेगा। कमीशन ने भी ऐसी राय जाहिर की है। कि मैरिट ही इस की बेसिस है, मैं समझता हूँ कि इसको स्ट्रिकटली फालो किया जायेगा।

दूसरी बात मैं हाई कोर्ट और सुप्रीम कोर्ट के जूरिडिक्शन के बारे में कहना चाहता हूँ। कमिशन ने अपनी रिपोर्ट में फरमाया है कि सुप्रीम कोर्ट का काम बढ़ता जा रहा है। जो मुकदमात हाई कोर्ट में तय हो सकने से वह आज सुप्रीम कोर्ट में आते हैं, और इस से हाई कोर्ट की प्रेस्टिज का स्टेटस घटता जा रहा है। यह काफी हद तक दुस्त है, इस तरफ भी ध्यान देने की जरूरत है ताकि काफी मुकदमात हाई कोर्टों में ही नय हो जायें। सुप्रीम कोर्ट में भी अपीलस आती हैं, अक्सर देखने में यह आता है कि वह लेबर लाज में ताल्लुक रखती हैं। वह बड़े दुःख की बात है कि मजदूरों के छोटे छोटे झगड़े जो कि ट्रीब्यूनल के ऐबार्ड के होने हैं या हाई कोर्ट से तय होते हैं और जिन में एक या दो मजदूरों को रखने का सवाल होता है, इतने मामूली मामूली मामलात सुप्रीम कोर्ट में आते हैं। आप धाढ़ा लगा सकते हैं कि एक गरीब मजदूर या यूनियन मालिकों की अपीलस का कैसे मुकाबला कर सकते हैं। इस तरफ ध्यान देने की बहुत ज्यादा जरूरत है।

मैं यह बात इसलिये कह रहा हूँ कि इस कमिशन की रिपोर्ट में आप देख लीजिये कि सुप्रीम कोर्ट के अन्दर लेबर अपीलस कितनी तादाद में आ रही हैं। इस के बारे में मैं एक छोटी सी मिसाल भी हाउस के सामने रखना चाहता हूँ। मेरे हल्के में एक मिल है। जिस का नाम टी० भाई० टी० मिल मिवानी है, और जिस के मालिक बिडला वावर्स हैं। इस मिल में मजदूरों और मालिकों के दरम्यान दो तीन छोटी छोटी बातों पर झगडा हुआ। ठीक तीन माल हो गये। लेकिन वह मामला अभी तक तय नहीं हुआ और सुप्रीम कोर्ट में आया हुआ है। इसलिये मेरी यह अपील है कि हमें इस तरफ खास तौर पर ध्यान देना चाहिये। या तो हम अलग बैचेंज मुकर्रर करे और जो लैबर्स के मुकदमे हो उन को उन में तय कये या हम ऐसा इन्तजाम करे कि गरीबों या मजदूरों के जितने भी मुकदमे हो उन के लिये स्टेट की तरफ से फ्री लीगल ऐड का इन्तजाम हो ताकि वह अपने मुकदमाने बहा पर अच्छी तरह से नडमके।

इस में दूसरी दिक्कत यह आती है, मे किन्नी पर हमला नहीं करना चाहता, लेकिन यह सही बात है, कि सुप्रीम कोर्ट के जो ज्यादातर जजेज होते हैं वह लेबर लाज से कम बाकफियत रखते हैं, इस लिये उन मुकदमों को तय करने में काफी काम्प्लिकेशन्स पैदा हो जाती हैं। और देरी लगती है। इस बारे में मेरी इतनी ही राय है कि हम स्पेशल जजेज की बैचेंज मुकर्रर कर दें जो कि लेबर लाज से पूरी बाकफियत रखती हों और इन झगड़ों को तय कर सकें। आज कल के जमाने में इस बात की तरफ ध्यान देना बहुत ज्यादा जरूरी है। आज अगर किसी कारखाने में हड़ताल होती है, या हड़ताल न भी हो, मजदूर फस्ट्रेड हो तो उसका असर प्रोडक्शन पर पड़ेगा और जिस का असर अपने बल कर तमाम देश की एका-नामी पर पड़ेगा।

दूसरी सिफारिश जो इस कमीशन ने की है और जिसको मैं हाउस के सामने रखना चाहता हूँ वह यह है कि मुकदमात को तय करने में, उनका डिस्पोजल करने में काफी देर होती है और जो इस के लिये प्रोसीजर है उसको सिम्प्लिफाई करने की जरूरत है, खर्च भी कम करने की जरूरत है। मुझे पूरा विश्वास है कि इस तरफ भी पूरा ध्यान दिया जायेगा ताकि खर्च कम हो और जो मुकदमात बगैरह हैं वह जल्दी तय हो सकें। आप इस बात को तसलीम करेंगे जैसा मैंने आप से कहा, कि इन्साफ कितनी जरूरी चीज है। अगर इन्साफ को हासिल करने में देर लगे या इन्साफ हासिल करने में पैसा ज्यादा खर्च हो तो इन्साफ की ग्रहमियत खत्म हो जाती है। यह बिल्कुल सही बात है कि जस्टिस डिलेड इज जस्टिस डिनाइड। इस तरफ भी हमें ध्यान देने की काफी जरूरत है। आपका निजाम ऐसा होना चाहिये जिसमें कि मुकदमों के फैसले जल्दी हो और उन में कोई देरी न हो। उन में खर्च बगैरह भी कम हो। इसके लिये हमें ऐसा इन्तजाम करना पड़ेगा कि जो कोर्ट बगैरह मुकर्रर किये जाये वह ऐसी जगहों पर हो जहां लोग आसानी से पहुंच सके। वह इन्जीनी एक्सेसिबल हो और दूसरे उनको देश के तमाम हिस्सों में थोड़ी थोड़ी दूर पर फैलाया जाये। इस बारे में कमीशन न जो यह राय दी है कि बेंच को ऐबालिश कर दिया जाये मैं इसके हक में नहीं हूँ क्योंकि मैं यह महसूस करता हूँ कि जो हमारा वह उसूल है कि इन्साफ हर एक को आसानी से मिल सके और उस को कम खर्च करना पड़े, यह उस उसूल के खिलाफ जाता है।

मुझे यह देख कर भी बड़ा दुःख होता है कि आप राजस्थान में जयपुर की मिसाल ले लीजिये, हालांकि मैं राजस्थान का रहने वाला नहीं हूँ लेकिन मैं हिन्दुस्तान का साहरी हूँ और मुझे हर चीज को इस ढंग से देखना है जिसमें आम जनता को, देश को और गरीबों को सबसे ज्यादा फायदा किस बात में है।

वहां हाईकोर्ट की जो बेंच थी उसको एबालिश कर दिया गया। मुझे इस बात से कोई मुरेज नहीं कि हाईकोर्ट जोधपुर में रहे या अजमेर में रहे या वह जयपुर में कायम हो लेकिन मैं एक बात जरूर चाहता हूँ कि जहां भी हाईकोर्ट हो वह ऐसी जगह हो ताकि जिस स्टेट के अन्दर वह हो वहां के लोग आसानी से जल्दी से और ज्यादा खर्चा किये बगैर वह आसानी से वहां पहुंच सकें और जस्टिस हासिल कर ने में डिले न हो। लेकिन अगर स्टेट बड़ी हो तो उसके लिये अगर आप २, ४ जगहों पर बेंच मुकर्रर कर दें तो मेरी सम्झ में नहीं आता कि इसमें क्या हर्ज है? अब उत्तर प्रदेश की बात ले लीजिये। उत्तर प्रदेश एक बड़ी स्टेट है। इलाहाबाद में हाईकोर्ट है लेकिन लखनऊ में बेंच मौजूद है। इसी तरह में पंजाब का हाईकोर्ट चंडीगढ़ में है लेकिन दिल्ली में भी सर्किट कोर्ट बगैरह लगता है। इसी तरह में जयपुर जो कि राजस्थान का कैपिटल है मेरी यह राय है कि वहां पर कम से कम बेंच जरूर होनी चाहिये।

घासिरी प्वाएंट जिसको कि मैं बहुत जरूरी समझता हूँ और जिस पर कमिशन ने भी राय जाहिर की है वह सेप्रेशन आफ जूडिसियरी फ्रॉम एक्जीक्यूटिव को मैं लेना चाहता हूँ। यह एक बहुत महम सवाल है। हमने जो अपना विधान बनाया था उस विधान में भी जो आर्टिकल नम्बर ५० है उसके अन्दर यह कहा गया है और जो डाइरेक्टिव प्रिंसिपल्स आफ स्टेट पालिसीज है —

"The State shall take steps to separate the judiciary from the executive in the public services of the State"

मैं जानना चाहता हूँ कि इस बारे में अब तक कितनी कोशिश की गई और हम कहा तक कामयाब हुए? कमिशन ने भी अपनी राय दी है। इसके नूतानिक हाउस में भी एक सवाल आया था। उस सवाल का जो जवाब

[श्री रामकृष्ण गुप्त]

दिया क्या उसको देखने से भी वह जाहिर होता है कि इस मामले में बिल्ली सरकार की होनी चाहिए बी बिल्ली काम होना चाहिए या वह घनी तक नहीं हुआ। वह सवाल यह था :—

"(a) whether any further assessment as to the progress made in the different States with regard to separation of Judiciary from Executive, has been made;

(b) if so, with what result;

(c) whether the States, where complete separation has not been effected, have fixed a target date by which they would complete the separation; and

(d) if so, what are those dates?"
The reply was:

"(a) and (b): Latest progress reports are being awaited from the States of Assam, Mysore and West Bengal. There is no change in other States."

मैं इस बात का इसलिए जिक्र कर रहा हूँ कि जैसे कि मैंने कहा कि डेमोक्रेसी के अन्दर जस्टिस जो है वह डेमोक्रेसी की जान है बल्कि डेमोक्रेसी जस्टिस के सहारे बढ़ी रहती है इसलिए जरूरी है कि इसको एक्जीक्यूटिव से अलग किया जाय। इसके बारे में दो रायें नहीं हो सकती क्योंकि ऐसा करना डेमोक्रेसी के प्रीजरवेशन के लिए जरूरी है। इसलिए इसका अलग किया जाना जरूरी है।

अमरीका के एक बहुत मशहूर राइटर ने एक किताब लिखी है जिसका कि नाम "इंट्रोडक्शन टु गवर्नमेंट" है। उसने अपनी किताब में कहा है :—

"The only form of Government in accordance with the law of nature is democracy, i.e. Government whose power is derived from the people. For the preservation

of this Government, the independence of judiciary from the influence of the executive is essential."

He further says that separation of power is essential as it is encroaching nature and tends to corruption itself.

And, no matter to whom it was delegated, unless it be an angel, जो कि मुमकिन नहीं है "the persons or a body of persons entrusted with it must needs be checked and restrained from the abuse of it."

इसलिए मैं यह बात कह रहा हूँ कि हमें इस तरह सबसे ज्यादा ध्यान देना चाहिए। अगर जुडिशियरी और एक्जीक्यूटिव को मिला दिया जायेगा और तमाम तकत एक जगह इकट्ठा कर दी जायगी तो जो हमारी डेमोक्रेसी की बुनियाद है वह हिल सकती है। इसलिए इस बात की जरूरत है और इस उसूल को देखते हुए कि १२ साल हो गये हिन्दुस्तान को आजाद हुए आज हम इस तरह पूरी कोशिश करें और उसको अलग करने के लिये एक डेट फिक्स करें और उसके अन्दर इस काम को मुकम्मिल करें। दुनिया के जो बिग फ़ोर कंट्रीज हैं उनमें रूस को छोड़ कर इसी प्रिंसिपल पर अमल किया जा रहा है। रूस में तो जुडिशियरी पावर उन्हीं लोगों के हाथ में है जो कि हुकूमत करते हैं और वह इसको एक हथियार की मानिन्द इस्तेमाल करते हैं। लेकिन जहाँ तक दूसरे बड़े बड़े देशों का सवाल है वहाँ पर ऐसा नहीं है। इसलिए इस बात की तरफ हमें जरूर ध्यान देना चाहिए। इसके बारे में किसी भी पोलीटीसियन की दो राय नहीं हो सकती। दुनिया के अन्दर बड़े बड़े राजनीतिज्ञ हैं। सब का यह कहना है कि

"Regardless of the form of government, whenever a monopoly of power appeared anywhere in a State, freedom was sacrificed. What is this separation of powers upon

which men have depended to preserve their liberty?

Independence of the judiciary and its separation is the symbol of personal freedom. It should be impartial and unfettered."

इसलिए मैं इस बात पर कासतौर पर जोर दूंगा। तमाम संसार के धन्दर आप देखें और सही तौर पर और प्रैक्टिकल तौर पर किसी ने डेमोक्रेसी को अपनाया है तो हमारे देश ने अपनाया है। इसका कारण हिस्टारिकल भी है। इसका कारण यह भी था कि हमारे महारमा बुद्ध और महाराज अशोक ने तमाम दुनिया को यह रास्ता दिखलाया। आज आप मौजूदा दुनिया में भी देख ल कि इजिप्ट के धन्दर जो कुछ हुआ उसके लिए भी हिन्दुस्तान से आवाज उठी।

तिब्बत में भी जो जल्म हुआ हालांकि चीन हमारा दोस्त था लेकिन हम ने उसके खिलाफ आवाज बुलन्द की। यह क्यों किया। इसका कारण यह है कि हम अमली तौर पर अमरीका या दूसरे मुल्कों की तरह कहने से नहीं बल्कि अपने अमल से डेमोक्रेसी के धन्दर विश्वास करते हैं। इसलिए मैं इस बात पर ज्यादा जोर देता हूँ कि हमें इस बात का पूरा लिहाज रखना चाहिए और इस काम को जल्द से जल्द पूरा करना चाहिए। अगर हमने यह काम कर लिया और इसको एक्जीक्यूटिव के अक्षर से अलग कर दिया तो मुझे विश्वास है कि हम देश के धन्दर डेमोक्रेसी की बुनियाद इतनी मजबूत कर देंगे कि ब्याह वह ऐटम बम हो या हाइड्रोजन बम उसको कोई क्षतरा नहीं रहेगा।

यह कहते हुए आखिर में मैं बन्द शब्द नॉ कालिज के धन्दर जो एक्जेशन दी जाती है उसके बारे में भी कहना चाहता हूँ। आप इस बात को तत्सलीम करेंगे कि जो मैंने दो बातें कही हैं एक तो सेलेक्शन आफ जजेश और दूसरी एग्जिडिएरी को एक्जीक्यूटिव से अलग किया जाये वह कितनी जरूरी है। अब

बिना के कि हाथ में ताकत दी जानेगी अगर वे उसको बतौर साइंस के स्टडी नहीं करेंगे और अगर हमारे नॉ कालिज का इन्तजाम अच्छा नहीं होगा तो उससे फायदे के बजाये नुकसान भी हो सकता है। और यह बात मैं अपने तजुबों की बिना पर भी कह सकता हूँ क्योंकि मुझे भी खुशकिस्मती से तीन साल तक नॉ कालिज के धन्दर स्टडी करने का मौका मिला था। जैसा कि मैंने कहा, प्राइवल जो प्रेजेंट सींगल सिस्टम है उसके धन्दर थ्योरिटिकल ट्रेनिंग की तरफ ज्यादा ध्यान दिया जाता है प्रैक्टिकल ट्रेनिंग की तरफ कम ध्यान दिया जाता है। मैंने जो तीन साल के धन्दर कालिज में नहीं सीखा जो प्रैक्टिस में एक साल के धन्दर सीख लिया।

दूसरे कालिजों के धन्दर स्टूडेंट्स की तादाद बहुत ज्यादा बढ़ रही है। इसका क्या कारण है? जिस स्टूडेंट को कही और जगह नहीं मिलती, जिसके लिए और सब जगह के दरवाजे बन्द होने हैं, वह आखिर में आकर नॉ कालिज का दरवाजा खटखटाता है, वह झुला होता है, उसको वहाँ जगह मिल जाती है। हमें इस बात पर ध्यान देने की पूरी जरूरत है। इन कालिजों में हमें एडमिशन को रेस्ट्रिक्ट करना चाहिए ताकि नॉ की बतौर एक साइंस के स्टडी की जा सके और जो स्टूडेंट वहाँ दाखिल हो वह इसको बतौर साइंस स्टडी करें और तमाम चीजों को अच्छी तरह से समझें। मुझे विश्वास है कि इस तरफ पूरा ध्यान दिया जाएगा और इस में पूरी रिफॉर्म की जायेगी। इस लिये मेरी एक तजवीज यह भी है कि जो पार्ट टाइम प्राइवेट कालिज बने हुए हैं उनको खत्म करना चाहिए, मैं उनके खिलाफ हूँ क्योंकि इस सिस्टम के धन्दर स्टूडेंट और टीचर का सीधा सम्बन्ध खत्म हो जाता है। बॉक धन्दर देखने में आता है कि क्लास के धन्दर स्टूडेंट्स की तादाद बहुत ज्यादा होती है और प्राइवेट इतनी ज्यादा मुज होती है कि टीचर सही तौर पर यह धन्दा नहीं संभाल सकता कि कितने स्टूडेंट क्लास में थे और

[श्री राम कृष्ण गुप्त]

कितने गैरहाजिर थे। मेरा पूरा विश्वास है कि इस तरह ध्यान दिया जावेगा।

जैसा मैंने कहा कि लॉ कालिजेज में जैसी बीमल एजुकेशन होगी वही जूडिशियरी की बुनियाद होगी। आप देख सकते हैं कि हमारे देश में जो बड़े बड़े नेता हुए हैं और जिन्होंने देश को आजाद कराया है—मैं यह नहीं कहता कि और लोगो ने इस में हिस्सा नहीं लिया—वह तमाम लॉ कालिजेज से ही निकले थे। महात्मा जी और पंडित जवाहरलाल नेहरू की मसाल आपके सामने मौजूद है। इसलिए मैं कहता हूँ कि इस सिस्टम को सुधारने की बहुत ज्यादा जरूरत है। इस बात को कहते हुए मैं उम्मीद करता हूँ कि इस रिपोर्ट के घनदर जो डिफेक्ट बतलाये गये हैं उन तमाम पर मिनिस्टर साहब गौर करेंगे और उनको दूर करने की पूरी कोशिश की जायेगी। ताकि हम एक ऐसा निजाम कायम कर सकें जिसके घनदर जूडिशियरी की आवाज मजबूत हो। मैंने यह बात खास तौर पर इसलिए भी कही कि आजकल दो चार ऐसी मिसालें देखने में आयी हैं जिनसे लोगो के दिलों में और खास और से मेरे दिलमें बड़ी भारी शका पैदा हो गई है। आपके सामने मूदड़ा डील मौजूद है। बम्बई के जस्टिस मिस्टर छागला ने उसकी तहकीकात की

उपाध्यक्ष महोदय आप पहले लॉ कालिज पर गये अब मूदड़ा के केस की तरफ जा रहे हैं। लॉ कमिशन की रिपोर्ट पर आप बोल चुके हैं। अब तो आप काफी कह चुके हैं।

श्री रामकृष्ण गुप्त . मैं यह कह रहा था कि हमें इस तरह ज्यादा ध्यान देने की जरूरत है। हम देखते हैं कि जूडिशियरी के काटमं मुकदर होते हैं उनके फैसलों को नहीं माना जाता। मेरी तो यह राय है कि इसमें कोई कास्टीट्यूशनल डिफिकल्टी हो तो उसको भी दूर करना चाहिए। हमें जूडिशियल डिस्चिन्स का व्यवहार करना चाहिए ताकि जूडिशियरी

के सिस्टम का देश में पूरा रेस्टिड हो और उसकी आवाज बुलन्द हो।

इतना कहने के बाद मुझे पूरी आशा है कि इस रिपोर्ट पर पूरा विचार किया जायेगा और इसमें जो डिफेक्ट बतलाये हैं उनको दूर करने की कोशिश की जायेगी।

Mr. Deputy-Speaker: Motion moved:

"That this House takes note of the Fourteenth Report of the Law Commission on the Reform of Judicial Administration (Volumes I & II) laid on the Table of the House on the 25th February, 1959."

No time has been allotted for this motion. When the motion is by a private Member, normally, the maximum time is two and a half hours.

Shri Braj Raj Singh (Ferozabad): That is not at all enough. This is a very important subject.

Shri Shankaraiya (Mysore): It is a lengthy report concerning the whole judiciary. Two and a half hours are not enough. Many questions have been raised.

Mr. Deputy-Speaker: Our rules lay down that when the motion is by a private Member, the maximum time allowed is two and a half hours. May I know roughly how many Members want to participate in this debate?

15 hrs.

Several Hon. Members rose—

Mr. Deputy-Speaker: I think even 10 hours would not suffice. At this hour, some Members may be absent and there may be many others in the Central Hall. If there are 30 to 40 Members who want to speak and there are only 2 hours.....

An Hon. Member: That rule can be suspended.

Mr. Deputy-Speaker: Even then, there is a limit to which I can go. I cannot extend it indefinitely.

Shri Braj Raj Singh: We discussed the report of the Sanskrit Commission for more than 7 hours without any decision of the House. I think we can give 10 hours for this.

Mr. Deputy-Speaker: That should remain an exception rather than the rule. Anyhow, I can do this much that I might ask the hon. Law Minister to reply tomorrow.

Shri S. L. Sakseena (Maharajan): At least 7 hours should be given for this.

Mr. Deputy-Speaker: I cannot do that. Perhaps the utmost discretion that I can exercise will be to extend it by 1 hour.

Shri Braj Raj Singh: The debate on food was also moved by a private member and 5 hours were allotted for that.

Mr. Deputy-Speaker: The House is certainly the ultimate master

Shri Naushir Bharucha (East Khanded): It may be held over to any other day that is convenient. There are two huge volumes containing numerous recommendations which require very careful consideration. It is not fair to the Law Commission that the House should be given only 2½ hours to discuss it.

Mr. Deputy-Speaker: What is the reaction of the hon. Minister?

The Deputy Minister of Law (Shri Hajarnavis): We are not averse to extension of time

Mr. Deputy-Speaker: The hon. Minister of Parliamentary Affairs is not here. He is the man who can speak on behalf of Government. What is the time-limit for each hon. Member?

Shri S. L. Sakseena: 15 minutes.

Mr. Deputy-Speaker: We should be rather more careful in this. I think 10 minutes should be the limit.

Shri Naushir Bharucha: It should be 15 minutes and it must be strictly enforced.

Mr. Deputy-Speaker: Shri Kasiwal has one amendment. I hope all the Members would strictly abide by the time-limit.

Shri Kasiwal (Kotah): I beg to move.

That at the end of the motion, the following be added, namely:—

"and recommends that the recommendation of the Law Commission for the abolition of benches of High Courts be rejected".

I welcome this opportunity of taking part in the discussion on the report of the Law Commission. The Law Commission has covered a very wide field, but today I propose to confine myself only to one particular point, a point which has already been partially touched by my friend, Shri Ram Krishan Gupta, viz, the recommendation regarding the abolition of benches of High Courts.

My amendment recommends that the recommendation of the Law Commission with regard to the abolition of the benches of High Courts may be rejected. When the Law Commission was considering this question in 1956, this House was also considering the States Re-organisation Bill. The States Re-organisation Act came into effect on 1st November, 1956, but on 1st August, 1956, the Law Commission presented the fourth report on the 'proposal that High Courts should sit in benches at different places in a State.' The summary of the fourth report is contained in the 14th report to which today's discussion is confined. In effect, my amendment only puts a seal of formality on what Government have already done. Government, by their own action, have already repudiated and rejected the

[Shri Kasliwal]
recommendation of the Law Commission with regard to the abolition of benches, as I will presently show.

First of all, section 51 of the States Re-organisation Act provided for the creation and constitution of benches in the various States. Sub-section (2) says:

"The President may, after consultation with the Governor of a new State and the Chief Justice of the High Court for the State, by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more places within the State other than the principal seat of the High Court and for any matters connected therewith"

Sub-section (3) says:

"Notwithstanding anything contained in sub-section (1), or sub-section (2), the judges and division courts of the High Court for a new State may also sit at such other place or places in that State as the Chief Justice may, with the approval of the Governor, appoint."

After the States Re-organisation Act came into effect, many benches in various States were formed. In Bombay, two benches were formed in Nagpur and Rajkot. My friend, the Deputy Law Minister, who comes from Nagpur will bear me out in what I am saying. Two benches were again formed in Madhya Pradesh and one in Kerala. The High Court was at Ernakulam and the Trivandrum bench was formed.

Shri Narayanankutty Menon (Mukandapuram): It was not formed. Even now it is not continuing. A Bill is coming tomorrow.

Shri Kasliwal: That is a different matter; it is because of some other thing.

Shri Narayanankutty Menon: It does not exist.

Shri Kasliwal: It does not exist on paper, but actually it does. The other benches continued. Those benches were the Delhi bench of the Punjab High Court, the Lucknow bench of the U.P. High Court and the Jaipur bench of the Rajasthan High Court. The Capital Enquiry Committee, which was appointed in 1957, to go primarily into the question of the location of capital for Rajasthan, went into this question and said, "We are going to abolish the Jaipur bench for only one reason, viz. that the Law Commission has recommended that there should be one unified High Court and that the benches should be abolished." It was a misfortune for Rajasthan that the President of the Capital Enquiry Committee happened to be one of the members of the Law Commission. The Chief Justice of Rajasthan happened to be a member of the Law Commission and both of them decided that because the Law Commission was of this view that High Court benches should be abolished, that the Jaipur bench, which was a permanent bench, should be abolished. As I have already said, so far as the question of the abolition of benches is concerned, Government by their own action have repudiated and rejected this recommendation. My amendment only puts the seal of formality on what they have already done.

I will come now to another question. The Law Commission has said that it is for the efficient administration of justice that it has made this recommendation. I want to know, where is the question of administration of justice, when there is nothing to administer? Take the case of my own State, Rajasthan. 10 million people today have been deprived of their fundamental right to social justice, right to legal justice, just because the bench has been abolished. I want to ask: where is this consideration that weighed with the Law Commission of the administration of justice? Administration of justice for whom? For lumps of earth or for

human beings? That is what I wanted to know.

My hon. friend, Shri Ram Krishan Gupta just now told us that justice should be cheap and justice should be easy. How is justice going to be cheap and how is justice going to be easy when from my constituency it takes more than 24 hours to reach Jodhpur? And it is not an exaggeration to say that it is easier to go from Delhi to London or New York than from my constituency to go to Jodhpur to file a writ application. And it is on record that 50 per cent of ordinary cases and 75 per cent of the writ petitions have fallen because of this. So far as these questions are concerned, I will take a little more time but now I want to touch on another point, and that is this

When I was arguing the question of the Law Commission's recommendations with reference to the States Reorganisation Act, at that very time the Law Commission was aware of the fact that Parliament was of this view because the States Reorganisation Bill had clearly stated, and they were aware of this fact, that Parliament was going to be of this view that benches had to be established and created. And what happened? In spite of that, they hurried it. And you will be pleased to see that the report of the Law Commission, the fourth report, was submitted on the 1st of August 1956 and on the 1st of August 1956 the report was not even signed. What does it show? Shri Setalvad, who was the Chairman of the Law Commission, says:

"In view of the proposal being under the active consideration of Parliament and the urgency of the matter, the report is being forwarded, though it has not been formally signed."

And we are surprised why the Law Commission was anxious to impose and impinge its view on this august body, this supreme Parliament, when by that time they were aware of the fact that Parliament was of the view

that we had to take into consideration the question of the establishment and creation of new benches. Still, the Law Commission set its face against the creation and constitution of benches. I do not want to say anything more. I had been a lawyer and still may be a lawyer again one of these days, though now I have given it up. And I have great respect for eminent judges. But I want to ask this House one thing. When they themselves have set their face against the constitution and creation of benches, what have they got in their face now?

Another point which had come up before the Capital Enquiry Committee was that the Jaipur Bench was not really a permanent bench in any sense, in the sense that it had not the imprimatur of the President, which it should have received under section 51(2) of the States Reorganisation Act. For that I want to give a few facts when it will become clear to this House and to you, Sir, that so far as this question is concerned, it could never have arisen, because the Jaipur Bench was a permanent bench in every respect.

Here I want to place before you in brief just a few facts. The Union of Rajasthan came into being by inauguration by the late Sardar Patel in 1949. In the same year the Rajasthan High Court Ordinance was passed, authorising the Rajpramukh to establish a High Court and to create, permanently or otherwise, for a specific period, such benches as he may deem fit. The Rajasthan High Court was created in Jodhpur and four more benches had been created in Jaipur, Udaipur, Bikaner and one in Kotah. On 8th May 1950, that is to say, within one year, three benches were abolished. The Udaipur, Kotah and Bikaner benches were abolished, but the Jaipur bench continued to function. On the 26th of November 1952, the Chief Justice of Rajasthan, Shri Wanchoo, issued a notification directing that the High Court sitting at Jodhpur was to serve the revenue divisions of Jodhpur, Udaipur and

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Bikaner and that the High Court at Jaipur was to serve the revenue divisions of Jaipur and Kotah. He further directed that in Jaipur four judges were to sit and in Jodhpur two judges were to sit and that the Chief Justice would partly function in Jaipur and partly in Jodhpur. In 1954 the State Government took a Cabinet decision in which they said—it is very interesting and I want to read the Cabinet decision, because even the Chief Justice who later resiled from this, who later took the view that there should be no benches, was of the opinion that there should be a bench. so I want to read it

Mr Deputy-Speaker: The hon Member should conclude

Shri Kasliwal: I will conclude in a few minutes

Mr Deputy-Speaker: He has at least well begun

Shri Kasliwal: It reads

"The Memorandum of the Chief Secretary (embodying Chief Justice's suggestions) was considered by the Cabinet on the 9th December, 1954, and it was decided that the High Court should be situated at Jodhpur with a permanent Bench at Jaipur"

Not only that The State Government proceeded to allot Rs 10 lakhs for the construction of a High Court building. That High Court building was inaugurated by no less a person than our hon Home Minister on the 18th of September 1955. And, Sir, what did he say? He said

"At present the High Court functions in two places, the main wing is in Jodhpur and a Bench, I think permanently located here to look after the cases which belong to this territorial area."

As Hon. Member: "I think" is there.

Shri Harish Chandra Mather (Pali): He never knew the position.

Shri Kasliwal: He knew the position. Then he further goes to say:

"It is a matter of gratification to me to be called upon to lay the foundation stone of this High Court building"

The Chief Justice, who welcomed him, also said in his speech.

"I am, therefore, very happy that we are now constructing a new building, suitable and sufficient for our needs and located in calm surroundings for the work of the Bench"

I want to ask whether this bench was a permanent bench or whether it was a temporary bench. I go even further and say that even supposing it was a temporary bench, the Capital Enquiry Committee could not, nor was it authorised to, make such a recommendation that the Jaipur Bench should be abolished. They had only one particular object, and that particular object was to make a recommendation about the location of the capital of Rajasthan and they had nothing to do, they had no terms of reference, so far as the question of abolition or otherwise of the Jaipur Bench was concerned

What has been the effect of the abolition of the Jaipur Bench, I have already referred to this in brief. With the abolition of that bench people have been deprived of their fundamental rights. It is impossible for them to go more than 200 to 250 miles just to file a writ petition in the High Court. And as I have said, the work has fallen by 50 per cent. Today the majority of the people in Rajasthan are not happy because of the abolition of this bench. So, I only suggest, I request and I appeal to the Home Minister—he is here as also the Law Minister—to accept my amendment and see that the recommendation of the Law Commission,

so far as this matter is concerned, is rejected.

Sr. Narayanankutty Menon: I do not think the House expects to have a full-scale discussion on both the volumes of the report, because it is so lengthy and covers such an enormous variety of subjects relating to judicial administration. I, therefore, will confine myself to the general aspects of the re-organisation of judicial administration and will not go into the particular aspects and the recommendations made by the Law Commission on them.

Ever since independence the constant need for a thorough research and enquiry into the judicial system in India and the necessity for overall re-organisation was felt by many people in this country and ultimately this House passed a resolution whereby the Law Commission was appointed for certain specific purpose. Now that the Law Commission has come out with a voluminous report containing certain observations regarding the existing system and making certain other recommendations regarding the new state of affairs that has to come and now that the Government is not in a position to tell the House as to what are the decisions that the Government has taken regarding these recommendations—and it will take a pretty long time more for the Government to make up its mind regarding these recommendations—I submit that the Government should be benefited by the general nature of the discussion that is there when we are discussing these two volumes of the report now and that the specific matters pertaining thereto need not be gone into now because the discussion will be unfruitful in the absence of the determination of the Government regarding the specific aspects of the recommendations.

Even though the Law Commission has gone into the character of the judiciary in India it should be emphasised by this House now that there

should be a thorough overhaul in the outlook of the judiciary specially when the social, economic and political background of the country is fast changing. You know, Sir, that in a peaceful and democratic transformation of a social order, from a social order of pure colonialism to a socialistic pattern of society, whenever in a particular social order the rights of property and other social rights which are vested in certain sections of the people are to be taken away by peaceful transformation, from colonialism and feudalism to socialistic pattern of society, history has taught us so far that that transformation and taking away of the rights accrued to them only by forceful means. It is only in the later periods that it has been found out that by skilful and forceful usage of the judicial process and enactment of laws this transformation could take place in a more peaceful way. You will find that the rights of the society and the rights of the individuals could be taken away and distributed in the society by the skilful administration of the judicial process and also by enacting laws by the sovereign legislatures. When a transformation from such a backward society into a new type of society is to take place, when resistances and the cry of alarm is raised from sections of the people to whom the rights have accrued, the administration of the law takes on supreme importance and the way in which the law is interpreted and administered plays a vital and definite role in this peaceful transformation of society. This aspect of administration of justice and also interpretation of the laws should weigh supreme in the minds of the judges today when they are interpreting laws passed by the sovereign Parliament, looking solely upon the intention of the Parliament, the policy of the Parliament and how that policy is to be interpreted.

I am very sorry to say that the judicial system in India, even though by and large it is beyond complete criticism, in the administration of certain laws and the interpretation of

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certain laws has completely and miserably failed to understand the real spirit of those laws as also the intention of Parliament. Every day we are finding that when laws are taken to certain courts, very strict and outmoded interpretations are given to certain provisions of the laws whereby the sole intention of the Parliament, which is to administer the country, is on the spot defeated and the State itself is put to enormous loss. I have got only one appeal to make through this House to the supreme judges of this country viz. they should understand the laws that are made. I am submitting it most humbly.

Mr. Deputy-Speaker: He shall have to be very careful so far as the judiciary is concerned. Already he has trespassed certain limits. He has trespassed those limits which perhaps was not allowed. When we impute motives and say that their interpretation is outmoded, that they are not meeting the ends of justice and these things, certainly we are not entitled to say these things. There might be laws that might be laws that might be outmoded. They have only to put an interpretation on the laws that we pass. The fault would not lie with the interpreters perhaps. They have only to interpret the language that we use and the phraseology that we employ. He might certainly say what he wants to say but I would request that he should be careful lest we cast aspersions so far as our judiciary is concerned.

Shri Narayanankutty Menon: I will be very careful. I was only dealing with certain recommendations and certain observations made by the Law Commission. When I will quote some of the observations made by the learned members of the Law Commission, I will even go out of order. I will be found too mild in describing the way judiciary is functioning in this country. Apart from substituting my own words, which are too mild, I would come to the quotations

of the Law Commission's report. My only appeal is that while interpreting the motives of the Parliament, the broad policies laid down by Parliament, how the society is to be transformed, why the laws are enacted and what an important part law is to play in this peaceful transformation of society, they should bear that in mind. If they bear that in mind, certainly in interpreting these laws they could help us and help the administration of the country as well.

The second point is regarding the appointment of the judiciary. I am raising this point today because a lot has been said by the Commission about the appointment of the judiciary. On the question of the appointment of the judiciary, every part of this House is agreed that in order that the rule of law may be maintained in this country, in order that the democratic rule may take root in this country, the utmost and unquestioned respect should be given to the judiciary in this country. That sort of respect to the judiciary, I submit, cannot be created by means of a statute or legislation or even by extending the law of contempt. The respect that we demand and we expect and desire for the judiciary could be built first of all only by taking a little care in selecting the judiciary so that the selection will be confined to those sets of people who unquestionably command the respect not only of certain sections of the people but of the entire population or the broad sections of the people. In many cases it has been found by the Commission that the executive had a direct hand in appointing and in influencing the appointments to the appointments to the judiciary. When eminent judges and eminent legal luminaries of India, who had nothing as far as this side or that side is concerned, when they make a relevant observation that the executive in the last ten years in certain instances at least had a direct hand in the appointments to the judiciary and the normal rule that had to be followed there,

that is, impartiality, had to be done away with, that is a castigation that the highest legal body appointed by the Government itself could throw on it. I am pointing this out because in many instances I could have directly pointed out that real merit has been ignored and extraneous considerations have weighed with the Government as far as appointments to the judiciary are concerned. I entirely agree with the hon. Mover of the Resolution that political prejudices and political considerations should not weigh as far as the executive or the Supreme Court is concerned in the matter of appointment to the judiciary because when political polarisation takes place, when each man stands committed to his political party, there cannot be any presumption of impartiality at all.

Shri C. K. Bhattacharya (West Dinajpur): The hon. Member just now said that political prejudices should not weigh with the Government or with Supreme Court. How can the Supreme Court be influenced by political prejudices? The Government might.

Shri Narayanankutty Menon: The Supreme Court in its administrative jurisdiction of appointment of judges and not in its judicial jurisdiction of interpreting the laws, because ultimately, the Chief Justice of the Supreme Court of India to make the final recommendation to the President. That is why I referred to that policy. Therefore, my only point is that politics should not at all come into play with the appointment of judges.

A lot of criticism has been there for so many years that politics is playing some of the worst games in appointments to the judiciary. I will point out certain instances. It might be possible that a certain gentleman in the bar, having enough practice and enough legal training, might belong to a particular political party and might already have taken sides in politics. In spite of the fact that that man is a qualified man, when he is appointed to

the supreme judicial body, certainly it will be impossible in the present state of affairs for him to command the unquestioned respect of all sections of the people. It might also be possible that certain political convictions that weigh with him, may also weigh with his judgments.

Mr. Deputy-Speaker: Again, the hon. Member goes into prohibited quarters.

Pandit K. C. Sharma (Hapur): This has been discussed.

Shri Datar: May I point out, Sir, so far as this question is concerned, after the Report was laid on the Table of the House, there was a specific discussion of this particular question during the debate on the Home Minister's Demands? A number of hon. Members raised certain points and they were exhaustively answered by the Home Minister. I am just pointing this out to you as to whether we should again have the same discussion here on this point.

Mr. Narayanankutty Menon: That point I only raised *inter alia*.

Mr. Deputy-Speaker: Because there is a reference to it in the report, I cannot shut it out absolutely.

Shri Narayanankutty Menon: That should be taken into account.

Mr. Deputy-Speaker: I would appeal to hon. Members, because already we had had a discussion on it, a brief reference might be made. I agree that I cannot prohibit them from referring to it because it is in the report. Again, what I was requesting the hon. Member was that we have certain limits within which we can criticise and comment upon the judiciary, particularly the Supreme Court. He has again, in my opinion, trespassed certain limits. He ought to be more careful.

Shri Narayanankutty Menon: I appreciate that. My understanding was that at least we could go to the

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limit to which the Law Commission has gone. At least Parliament has got that liberty.

Mr. Deputy-Speaker: Now, he has directly said that because he had certain pre-possessions or he belonged to a certain party or was such and such a man, and he has been appointed a Judge of the Supreme Court, he cannot command that much respect and then in the interpretation of the statutes also, those would weigh with him. When he has once been appointed, we have to respect him and we do expect of him that so long as he sits there, whoever he was before his appointment, he would certainly discharge his duties conscientiously and impartially

Shri Narayanankutty Menon. I will only just refer to a part of the observations made by the Law Commission

"The almost universal chorus of comment is that the selections are unsatisfactory and that they have been induced by executive influence. It has been said that these selections appear to have proceeded on no recognisable principles and seem to have been made out of considerations of political expediency or regional or communal sentiments"

This is what the Law Commission reported and this is what they found in every part of the country they went. My only submission is that when the Law Commission has found such a deplorable state of affairs as far as appointment to the judiciary is concerned the Government should be very careful hereafter to avoid the mistakes that they have already committed. Mistakes have been committed on the lines that have been recommended by the Commission. I hope, in the interests of building up that respect which the judiciary should command, the Government should avoid committing these mistakes.

Another thing which I would point out regarding interference of the executive in the judiciary is a matter which has not been referred to so far. The hon Prime Minister, in his Press Conference in June last made a comment regarding the recommendations made by the Bose Committee. Justice Vivian Bose was appointed Chairman of the Committee and he made,—whether right or wrong, that is left to the Government to decide,—certain recommendations on the specific terms of reference that had been given to him. Unfortunately, Justice Vivian Bose found that the Mundhra deal and the connected things that he was asked to enquire had been directly motivated by a sum of Rs 2½ lakhs that Mr Mundhra gave to the UP Congress

Pandit K. C. Sharma: He did not find. He said, it might be

Shri Narayanankutty Menon: It might be

Pandit K. C. Sharma: There was no fact finding. You have not read it.

Shri Narayanankutty Menon: It might be possible that Justice Vivian Bose has gone wrong on that point. I am coming to the point where only the point where only the Prime Minister spoke in the Press Conference about the findings of Justice Vivian Bose. This is what he said

"If you believe that for this Rs 2½ lakhs from Mr Mundhra the deal has been put through, the person who suggests it is lacking in intelligence, even if he is a judge, I would say the same thing"

I have not gone to that extent. My only submission regarding that is this

Shri Hajarnavis: Would it be fair that he should refer to this quotation without also referring to the letter which he subsequently wrote to the Calcutta Bar Association?

Shri Narayanankutty Menon: This he has mentioned in the Press Conference which received international publicity. As far as the letter is concerned, some papers printed it, some papers did not. I was saying . . .

Mr. Deputy-Speaker: Is the hon. Member doubtful whether he said it or not? When he knows that at Calcutta he has given out what he meant, that should also be referred to along with it. This is what the hon. Minister says.

Shri Narayanankutty Menon: Afterwards, he wrote a letter to the Calcutta Bar Association in pursuance of a protest resolution passed by that Association. But, that letter was not published by the Prime Minister also. My only point was that even when the Prime Minister makes certain statements, that certainly goes to degrade that respect that we should owe to the judiciary. That tendency of taking judicial decisions in such a particular manner, if the Prime Minister should say this, that, in all its proportion and grace slowly goes down to the juniors and other officers.

Mr. Deputy-Speaker: And also to the Members of the House?

Shri Narayanankutty Menon: Of that party. Of course, certainly they should share it.

Shri C. K. Bhattacharya: For the time being. It is on my right side.

Shri Narayanankutty Menon: What I am pointing out is, it should be the concern of every one of us to build up that confidence that is required and build up the judiciary. And, the Members of the Government, in view of these recommendations made, should certainly take care to see that that confidence is built up in the judiciary.

I shall finish with one more point and I shall take only one minute, that is, regarding the legal education part of the recommendations. I agree fully with the recommendation made by the

Law Commission regarding legal education. It is a pity that during the last 12 years, in spite of the fact that many reports have been submitted regarding University education, the whole approach of the study of law has not been correctly understood by the Universities. Because, in our system, only the procedural aspect of law is emphasised very much and a person is only trained to plead in a court of law. As a result of that, we find that that standard and that scholarship that a nation expects from its judicial section is not being found in India today, because of the complete lack of academic and research approach in the legal education of the country today. That part of the recommendation should be very seriously considered. Apart from the Law Ministry, every University should take it up in order to see that the fundamental principles of law have been emphasised, research facilities are given, academic approach to the legal studies is more emphasised, and only after that, professional training is given so that a lawyer who is sent to a court of law will develop into a real legal luminary and there will not be any dearth of legal scholars from the bar.

I close my submissions by pointing out to the Law Ministry that all the observations made by the Law Commission should be carefully studied along with the recommendations made by the States. While implementing these reports, Government should also consider whether this autonomous way of dealing with things regarding investigation and also trial of crimes should be left to the States alone and whether it is not desirable that a Ministry of Justice should be constituted in the Centre along with a Director Public prosecutions, so that, there shall be a co-ordination of investigations and all the knowledge and benefits of international standards being raised in investigation shall be available to the States. Through the Ministry of Justice, a Directorate of Public prosecutions should be constituted in the Central Government which would act

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as a co-ordinating agent of all the States' investigation and judicial branches.

Shri C. K. Bhattacharya: Mr. Deputy-Speaker, the report of the Law Commission came up for discussion during the last debate over the Demands for Grants of the Ministry of Law in March last. In that debate, the following matters came up for discussion: appointment of Judges, a simplification of law and law administration, speedy and inexpensive justice, minimisation of cost of litigation, exclusion of social legislation from the purview of the jurisdiction of the Supreme Court or High Court or the need to have a special Industrial Bench of the Supreme Court and a special central agency for conducting them or the revival of Labour Appellate Tribunals, adoption of law and jurisprudence to the special conditions of our country, administration of justice in the language of the people, provision of legal aid, proper working of the *nyaya* panchayats, and benevolent fund for lawyers. All these matters came up for discussion in the last debate. That is what I find when I go through the pages of the report again. Of these, I find that a major portion was devoted to the question of appointment of judges and the need for amending article 217 which states that the President has to consult not only the Chief Justice of India but also the Governor in the matter of appointment of judges. That was the matter which took up a lot of time in the debate that we had in March last.

In the discussion that we are having today, certain further matters have been raised and referred to. I shall try to confine myself, as far as possible, to the matters that are now under discussion and have been raised.

The first of them is the question of reduction of appeals to the High Court. I believe this can be done only by checking at the initial stage of the appeal. That should be the principal

factor. A preliminary hearing should be insisted upon before admission of appeals, and worthless cases eliminated at that stage. Only if cases are sifted like this will there be a reduction of appeals, and not otherwise. In fact, there is already provision in our Civil Procedure Code for such a preliminary hearing, and the report of the Law Commission refers to this, in chapters 15 and 16. Chapter 15 deals with civil appeals, while chapter 16 deals with civil appellate procedure. In para 7 of chapter 16, the Commission refers to the existing provision for checking at the initial stage. What we do now is that the memorandum of appeal is automatically accepted by the court, whenever it is submitted. But the preliminary hearing for which there is provision in the Civil Procedure Code should be insisted upon now. The Commission state,

"The power to admit or dismiss an appeal is conferred by rule 11 of Order XLI of Civil Procedure Code. The appeal should be posted for preliminary hearing under this rule. This rule is not limited to second appeals only. First appeals to the district courts and High Courts can also be posted for preliminary hearing under this rule."

If that were to be done, that would be one way of reduction of appeals to the High Court, and the second would be extension of jurisdiction of the district courts. That way also, the chances of appeals coming to the High Courts in large numbers may be eliminated.

But, after having said all this, I should say that finality at a lower stage of appeal can be allowed only on a question of fact; on a question of law, the door should be left open for approaching the High Court and even the Supreme Court, because it is at the High Court level or at the Supreme Court level that there is a greater and higher judicial appreciation of cases on points of law than at the lower stage. This is particularly necessary, because we have a Constitution of a federal type; some sort of

Centralisation must be there, because otherwise, a state of things will come about which would be akin to anarchy. The Constitution emphasises that there should be uniformity of law, and uniformity of law cannot be achieved, unless there is Central control over these judicial procedures.

The next question is lowering of expenses in cases filed in the High Court. The expenses incurred in High Courts by litigants come under two heads. On the one hand, there are the expenses incurred on account of payment to legal practitioners; on the other, there are the expenses incurred on account of court fees and stamp duties. Of these, the question of fees paid to the legal practitioners cannot be regulated; these are beyond the control of Government. But what Government can do is that they may reduce the expenses on court fees and stamp duties. There is one more suggestion in this respect. At present, in the original cases filed in the High Court, there is a compulsion upon litigants to employ two sets of lawyers, one for acting and the other for pleading. This compulsion should be done away with. There should be no compulsion on a litigant to have two sets of lawyers. This should be left to be done by one lawyer, if possible, and this can be done only by legislation.

Shri Subiman Ghose (Burdwan): I suppose the hon. Member means the attorney system.

Shri C. K. Bhattacharya: I refer to cases where they employ a solicitor and a counsel. The counsel cannot act, and the solicitor cannot plead. That creates difficulty for a litigant, because he has to pay through the nose when he goes to the High Court for filing an original case. And counsels in the High Courts do not work on scales or fees allowed by the taxation rules. It may be stated that the rules of taxation are there to look to the expenses incurred by the litigants and see that they are not excessive. But everybody knows that the counsels are not bound by the taxation

rules. They charge as fancy fees even such fees as "sticking fees," which are not taxed.

An Hon. Member: Sticking fee?

Shri C. K. Bhattacharya: They stick to a case and charge fees for that. The taxation rules are no protection against these fees that are charged on the litigants. Therefore, they are no protection to a litigant against inflated costs. Therefore, the only way of reduction of expenses in the higher courts lies in Government agreeing to give up the profit that they are making out of the stamps and court fees. That is the only way that I find open, and it is no good talking in the air about reduction of costs in the High Court.

In this connection, I might state that simplification of law and simplification of legal procedures might also help the litigants to have their suits judged at rather moderate costs.

My suggestion to Government today to give up their claim to court fees and stamp duties is nothing new in India. It was never our custom to sell justice. Dispensation of justice was a part of the duty of Government. It was the duty of Government; it was an obligation placed on Government. That is the reason why when a king ruled from his seat of authority, when he administered, his seat was known as the 'sinhasan'; but when he dispensed justice, his seat was known as 'dharmaasan' and it was not 'sinhasan' then. The use of this word in this context is found in the Sanskrit literature:

धर्मासनात् विष्णुति वासगह नरेन्द्र -

which means that the king is now retiring to his own apartment from his seat of judgment. It is not for nothing that the seat of judgment was given that particular epithet 'dharma-san'. It is the dharma of Government to dispense justice to the people. This may be further extended; the Ministry of Law in the Indian tradition was described as 'dharmaadhikar': a court

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of law was described as 'dharma-dhikaran', and a judge was described as 'dharma-vata', which means the embodiment of dharma. If this view is adopted, I believe, Government will be persuaded to act according to the Indian tradition and give up this system of selling justice which we have inherited from the British who were here. According to that system, the justice a man can expect to have is proportionate to the amount of money that he is prepared to spend in a court. I want this particular vicious thing to be abolished.

There is the question of restricting references to the High Courts and the Supreme Court. This was raised in the last debate also. Also, there has been reference to administrative tribunals and domestic tribunals. Regarding administrative tribunals the law, as you kindly stated a little while ago, is itself defective. It is a case of defect in the laws, not a fault of the High Courts or the Supreme Court. The Judges there administer the law as they get it. These labour laws were framed during the British regime. After that, they have not been revised. If we want that these laws should be administered in a particular way, Parliament must state so very clearly and its intention must be made clear in the body of the law itself, so that the Judges may have no difficulty in administering them according to the intention of Parliament.

Regarding domestic tribunals, like the Medical Council, Bar Council, University Council etc. these usually consist of laymen. The scope of interference by courts in their decisions is very narrow. But this little scope should be maintained. It is necessary in the interest of the rule of natural justice that this may not be dispensed with. So I believe the question of restricting the powers of the court in these matters does not arise.

On the question of establishing temporary or permanent Benches of the High Courts—the suggestion here is for having them in different districts—I am afraid neither the dignity of the High Court nor its efficiency will permit its breaking up into so many fragments. Neither will it be cheap to the people, nor is it necessary when there is also the suggestion of extending the jurisdiction of the district court in order to reduce the chances of appeal to the High Court. When that suggestion is there, where is the necessity of having High Court Benches in the districts? Automatically, the chances of appeals coming to the High Courts are being restricted at the district level. Again, appeals in the High Court are concerned with dispensation of extraordinary justice, there is little scope for that in the districts. Then again, the expenses that will be incurred in tour etc. will be too much even for the system, if we adopt it.

There are two important chapters in Vol I, chapters 25 and 29, to which I wish to make a short reference. Chapter 25 deals with legal education and Chapter 29 concerns the language of law. In Chapter 25, paragraph 6, the Commission makes a very serious observation, that legal education has deteriorated during the last ten years. That should be a matter for serious consideration for Government, because it is during the last ten years that we have our own Government. The Commission has suggested not only improvement of the study of law but also of the system of teaching and examination. It is also in favour of the abolition of the part-time teaching system, which one of our leading journalists in Calcutta, the late Shri Ramananda Chatterjee, characterised as 'teaching by High Court half-timers'.

Regarding language, there should be uniformity of language in the matter of dispensation of justice throughout India. Of the good things that were achieved during the British

period, this is one; we have achieved uniformity of law, uniformity of legal procedure and uniformity of the language of laws. That should be maintained. When there is a suggestion or proposal to disturb that unity, extending from one end of India to the other, extending from the district court at the lowest level to the Supreme Court at the highest, we should be careful. The Commission has, of course, suggested that Hindi may be adopted in place of English, but it has also cautioned us by saying that this may not be done within the next 25 or 30 years. If it were left to me, I should say that the precision, the exactitude and the capacity to convey fine shades of difference in its expressions that are found in English may be found in only one Indian language, and that is Sanskrit. History will say that Sanskrit has all along been the language of the judiciary and the language of law in India. Thank you

15.55 hrs.

ARREST AND RELEASE OF TWO MEMBERS

Mr. Deputy-Speaker: I have to inform the House that I have received the following telegram dated the 25th August 1959, from the Sub-Divisional Magistrate, Chinsurah, Hooghly:—

"Sarvashri Prabhat Kar and K T. K. Tangamam, Members, Lok Sabha, arrested under section 11, West Bengal Security Act. Produced before me today, the 25th August, at 5.30 p.m. They were discharged and released from custody at once on police report"

15.56 hrs.

MOTION RE FOURTEENTH REPORT OF LAW COMMISSION—contd.

Shri Subiman Ghose (Burdwan): Mr. Deputy-Speaker, the Law Commission was formed for the purpose of recommending dispensation of

justice which will be simple, speedy, cheap, effective and substantial. That is the language that has been used by the Commission

Mr. Deputy-Speaker: There is one thing that I might point out. In such motions, specific points on which discussion is sought to be raised are given in the notice. In this motion also, the sponsors gave certain points on which they want to have discussion. There are four points: reduction of appeals to High Courts and lowering of expenses of cases filed in High Courts, need to restrict interference by High Courts and the Supreme Court in the decisions of administrative and domestic tribunals, need to establish temporary or permanent Benches of High Courts in different districts of a State, and, deterioration in the standard of legal education. I hope hon. Members will keep these four points before them when they speak.

Shri Harish Chandra Mathur: Were no more points given subsequently?

Mr. Deputy-Speaker: I have none.

Shri Raghunath Sahai (Budaun): I would like to know if you will not be prepared to allow discussion of other points. This is a very comprehensive Report and one cannot deal with almost all points

Mr. Deputy-Speaker: There is one other provision; under these discussions, particularly when such motions are discussed, the same points that were urged on the Home Ministry's Demands for Grants not long ago, as in this case, are not allowed, though I will not strictly bar brief references to them. But these are the main points on which attention should be focussed.

Shri M. C. Jain (Kaithal): The four points stressed were only for the purpose of admission of the motion by the Speaker. The motion was admitted and it is now for the House to discuss any point the House likes.

Mr. Deputy-Speaker: No, that is not the rule.

Shri Subiman Ghose: As I was saying, that was the purpose for which the Commission was formed. The Law Commission has worked hard and given some suggestions. Some of the suggestions are such that they should have been accepted by Government even before the Commission was formed. Those are common place matters. There are some suggestions which perhaps the Government will never implement, while there are some suggestions which cannot be accepted in the present context.

The Commission has not suggested any radical change from the present structure (Interruption) Be that as it may, that happened because, in my opinion, there was some sort of uniformity in the choice of the personnel. I have the greatest respect for the persons who formed the Commission. They might be legal luminaries and jurists but that does not, I submit, raise a presumption that they will be in the know of what is going on in the court of a Magistrate possessing third-class powers, aged 25 or thereabout.

16 hrs.

It is not expected of them to know all these matters. And, naturally, we find that some suggestions they have made are impracticable. But it might be said that they have toured all over India and examined many witnesses. I am not acquainted with the witnesses of other States. But, so far as my State is concerned, I am acquainted with all the witnesses. I find that they were not fully representative. Practically all Calcutta witnesses were examined. Only two persons from the mofussil districts, one from Bankura and another from Jalpaiguri were examined. So far as I am aware, one lawyer who was examined from Jalpaiguri and who has now become a Member of this hon. House had never practised on the criminal side.

Naturally, the procedure that is followed in criminal courts, how cases are conducted there, how a criminal court magistrate discusses the admissibility of evidence and all that is practically not known to him. He cannot say what procedure is followed there.....

Mr. Deputy-Speaker: The procedure is the same all over India—whether it is in Calcutta or elsewhere. And persons who had knowledge of criminal courts might have appeared before the Commission, many more of them, in other places.

Shri Subiman Ghose: But that is written procedure. But the magistrates follow certain procedure of their own. Regarding some matters we find wonderful procedures. It is for this reason that I say that although there is one procedure which governs India, these magistrates who are not experienced, who are just now lifted to bench follow a procedure of their own, they go on in their own way.

Mr. Deputy-Speaker: Lawyers would not permit them to go in their own way. There are lawyers there.

Pandit K. C. Sharma: What are you talking?

Mr. Deputy-Speaker: Order, order. Hon. Members should not talk in that manner.

Shri Subiman Ghose: It is, therefore, we find that regarding criminal matters the Commission have suggested something which is not workable. The Commission have suggested that a criminal case must be finished within 3 months of its filing. I say, it is impossible. They have said that a case on case must be finished within 3 months from the apprehension of the accused. Is that possible? It is difficult for the police to submit the charge sheet even within 3 months. If there is a case of murder, if there is a case of rape, the garments of the victim go to the chemical examiner.

If there is a case of a murder depending on circumstantial evidence, in that case, the blood is sent to the chemical examiner and the serologist and you cannot get the report within 3 months. How is that possible? That is one aspect. They have discussed two aspects; one is general recommendations and the other is recommendations that require change in the law.

So far as general recommendations are concerned, we all want that litigation should be cheap. The Law Commission have spoken of the continuance of the dual system, the Attorney-Solicitor system. This solicitor system was introduced by the Britishers. I am referring to a very old document—a letter that was written by the Board of Directors to the Governor-General-in-Council at Fort William in Bengal at the time of the introduction of the attorney system. The letter reads:

"The introduction of the attorneys was not encouraged by the authorities in England even as early as the first quarter of the 18th century in Bengal and even 50 years earlier than this in Bombay. The Directors think that the services of too many elements might lead to the prolongation of suits with the result that justice might be rendered 'sour by delay-
ing'."

The letter is dated 17th February 1726. From that very day this system has not been encouraged. My hon. friend from West Bengal, Shri Bhat-tacharya was saying that one acts and another pleads. That is the dual system that is being condemned and the Law Commission wants that that should be continued. I think that it is absolutely contradictory. You want legal aid to be given to the poor but you make justice very costly by the continuance of this system. The barristers and members of the English Bar have no concern with the client and the client has to come through the conduit pipe of the soli-

citors. Everybody knows what it costs and it should be abolished.

They have spoken of legal aid. So far as legal aid is concerned, I do not know why the lawyers of the mofussil will be made the scapegoat. If there be any person who volunteers his services I do not grudge. In the District Courts, I know a litigant can go to a lawyer by selling a goat if he got no money. So far as my district is concerned from Rs. 10 to Rs. 30 is a sizeable fee. I do not say that they should not be asked to volunteer their services. Only it is costly when you go to the other side of Ganges or when you go to Delhi or when one goes to the High Court. There it is spoken in terms of gold mohurs, it is not spoken in terms of rupees, annas and pies. Go to the clerk of an Attorney or a member of the English Bar and he will say 20 gems, 25 gems or 30 gems, that is the fee of my lawyer. I think the advocates practising in the High Courts and the Supreme Court should set up an example.

With all respect may I submit to the legal luminaries and the jurists, to tell the public in how many cases in their lives they have given free aid to the poor and in how many cases they have not charged? If the jurists, the legal luminaries and the big lawyers set an example, it would be very helpful to the persons practising in the district courts and in the sub-divisional courts. It is idle to expect of those who earn a paltry income to render voluntary service to the litigant.

Government should set up a body of lawyers, just as they do in sessions cases in section 302 cases, even if the accused cannot engage a lawyer—irrespective of the fact whether the accused engages a lawyer or not—Government engage a lawyer to defend the accused it should be extended to other cases also. A body of lawyers might be set up to render legal aid to the poor at the cost of the Government when Government

[Shri Subiman Ghose]

thinks that they require justice, just as they grant exemptions from the payment of the court fees in pauper cases after enquiry. That can be extended and a body of lawyers might be set up to render that service to the litigants

Regarding criminal courts, I submit that conducting cases by Court Inspectors and Sub-Inspectors should be abolished here and now. They should not be allowed to continue any longer. They do not know anything. They are sub-inspectors. They roam from one police station to another and one fine morning one is told that he will attend a criminal court and will conduct the case. We have seen their knowledge, we have got personal knowledge about them and know how difficult it is to deal with those persons. This system should at once be abolished and should not be allowed to continue.

I do not agree with the recommendation of the Law Commission that the jury system should be abolished. I think that this system should continue with proper care and caution. Here the jury are selected and allowed to go about here and there. Naturally, there had been some corruption. Government should take steps so that there may not be corruption. When there is a sessions case, the jury may be segregated. It takes three or four days or, at best, a week. They should be kept under proper care, they should be properly qualified. They should be allowed to continue in such a form because that is a valuable right of the people to be tried by their own tribunal. The trial should not be kept in the hands of the Judge, helped or hampered by the public prosecutor. That system should be continued with proper safeguard and caution.

I will now refer to the separation of judiciary from the executive. As I have already submitted in the beginning, some of the suggestions of the Law Commission should have

been accepted by the Government before the Law Commission gave these suggestions. This is the crying need. I do not know why the Centre or the States have not fulfilled this. By taking some steps in our districts, they did nothing but tinkering here and there with the problem. For instance, in my district, only one magistrate has been named as SDM. Previously he was known as the SDO; now he is the sub-divisional magistrate doing judicial functions but he remains under the District Magistrate. So, this suggestion is one which should have been accepted by the Government and all the criminal courts should at once come under the High Court. One minute more should not be lost to implement it. The criminal courts should not be under the District Magistrates. Even if they are the Magistrates should be kept exclusively for judicial purposes and not for executive purposes. After Independence, what do we find? We find that the magistrates are dealing with matter from community development, refugee problem and that, and motor transport and everything and in some leisure moments, they take up judicial work, the lawyers also stand in queue along with the other persons and send a slip

Shri C. K. Bhattacharya: Even schools and colleges—they deal with them also.

Shri Subiman Ghose: Then he gets a chance. This suggestion should have been implemented long before the Commission gave it.

There is another suggestion and I do not know how the Government is going to implement it. The exact language in which we find the suggestion is that the Judges should remember that their office demands of them certain reserve and restraint in their social life. Really, do we find this? I, for myself, know a number of incidents when even the Judges join the political organisations in the name of social gatherings convened by the

political party That shakes the confidence of the people in the dispensation of justice. All these matters should be given careful consideration

Then there is a procedural matter That suggestion is not acceptable to me and that is with regard to confessions to be recorded by the police It has been suggested that an experiment should be made I think that is the least thing that should be done, that a confession should be recorded by the police That will be absolutely an outrageous matter That should not be done

I submit, Sir that there are some suggestions which should have been implemented by the Government long before the Commission came out with the suggestions The Commission has put in hard labour and it has come out with certain suggestions It is for the Government to say to the people how they are going to implement those suggestions

Pandit M B Bhargava (Ajmer)
Mr Deputy-Speaker, Sir the Law Commission's Report is a very important document covering about 1,300 pages containing two volumes divided into 57 chapters This expert and distinguished body has covered the entire range of our judicial system and while pointing out the infirmities of the present system it has made some very valuable recommendations that must be implemented by the Government at the earliest possible moment

The first point, Sir is with respect to the location or the seat of a unified High Court It was pointed out by Shri Kashiwal that this interim report of the Law Commission—Report No 4—was submitted in September, 1956 But the Law Commission again in its final report at page 104, Paragraph 81, has reiterated the recommendation that it had forwarded in the interim report The interim report contains very valuable arguments in support of the establishment of a unified seat of High Court

Sir, the time at my disposal does not warrant covering the arguments that have been advanced, but so far as Government is concerned it is high time for it to announce whether it accepts that recommendation of the Law Commission or not. My hon. friend, Shri Kashiwal said that the Government has practically rejected this recommendation and it is in favour of continuance of the Benches, the several Benches of the High Court in several States

Leaving apart the merits of the proposition whether there should be a unified seat of High Court or several Benches, my respectful submission is that Government should make it absolutely clear as to what is its policy in respect of Rajasthan. The policy pursued by the Government was that a Bench that was in existence for a considerable period was abolished in pursuance of the report of the Law Commission It has been contended by Shri Kashiwal that that recommendation did not fall within the purview of the Rao Committee That is not so Not only the question of the location of the capital but the question of the location of the High Court or the different Benches was within the purview of the Rao Committee and the sole ground upon which the Rao Committee recommended the abolition of the Jaipur Bench was that it was a unanimous recommendation of the Law Commission If that unanimous recommendation of the Law Commission has not been implemented in respect of other States, will the Government of India, I ask be prepared to undo this injustice done to the people of Rajasthan by taking a premature decision in that matter?

Again, with regard to the question of location, in case the Government of India is of opinion that a unified seat of High Court is necessary in the expedient interest of justice as recommended by the Law Commission the question arises whether that unified seat of High Court can be located in

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a corner or a nook to the great inconvenience and harassment to the people. This has been done so far as Rajasthan is concerned and it has been located in Jodhpur which is situated in a corner. The majority of the people of Rajasthan are not only being put to inconvenience but to great expense, and the dispensation of justice is not only being delayed but it has become dearer also so far as the poor people of Rajasthan are concerned. I respectfully submit and reiterate with all the emphasis at my command that the Government of India, upon whom under section 51 of the States Reorganisation Act rests the responsibility of locating a high court in each State at the appropriate place should reverse that decision which is so unjust to the people of Rajasthan.

The second point to which I respectfully submit is the question of the separation of the executive from the judiciary. That was a question which was on the forefront of the Congress programme as early as the year 1886, and right from 1886 up to the time, the Congress Government took the reins of governance of the country in its hands this demand has been reiterated. But the irony of fate is that even after the Congress came to power in all the States of India this separation of the executive from the judiciary is yet to be realised notwithstanding 12 years of freedom and notwithstanding the fact that this has been embodied in article 50 of the Directive Principles of State Policy in the Constitution.

At the time when this article was discussed in the Constituent Assembly it was reiterated by Member (the Member) that in this article itself a three years' limit should be fixed. But the Prime Minister intervened and assured the House that the Government was equally anxious and would see that even before the three years, this recommendation would be implemented in most of the States of India.

What is the position at present? So far, only Bombay, Madras and Kerala—only three of the States in India—have sincerely implemented the separation of judiciary from the executive. So far as Uttar Pradesh is concerned its implementation is half-hearted inasmuch as it has provided for magistrates in the judiciary. There are judiciary and executive magistrates. But the judicial magistrates are not under the high court, but under the Commissioner and are subject to the same executive influence. Therefore, its implementation is only in name and not in substance.

So far as the State of Punjab, the State of Rajasthan and the State of West Bengal are concerned, the Law Commission report shows that high officials such as the Inspector-General of Police and others who appeared before the Commission propounded the reactionary view that real separation of executive from the judiciary is not possible as it is likely to affect the law and order situation in those States adversely.

I respectfully submit that keeping in view the directive principles of State policy keeping in view the entire struggle for freedom during which time this demand was kept in view in the forefront, it is too late to suggest that this recommendation cannot be implemented or that the implementation of the recommendation will affect order and law. If there is still a Government which believes in pursuing such a reactionary idea, it has no right to continue and it must go. (Interruption)

The third point upon which this Commission has given a very illuminating recommendation is Chapter 22. In that chapter, the Commission has raised a very fundamental question and that is the question as to whether the modern State which we want to build, the welfare State which we want to build, is right in charging what we call a fee for dispensation.

of justice As has been rightly pointed out by the Law Commission, in no modern State, either in England or in America, a tax on dispensation of justice is in vogue, and this is a matter which requires serious consideration

So far as India is concerned, neither in the Hindu period nor even during the Muslim period up to the Moghul period, there existed any court-fee for dispensation of justice It is a curse which we have inherited from the British period For the first time, in 1782, we found that court-fee was brought into existence in Madras, and then by Regulation 38 of 1795, it was brought into existence in Bengal But even Lord Macaulay in 1835 adversely commented and severely criticised Regulation 38 of 1795 as absolutely absurd The reason given for the levy of this fee was to discourage frivolous litigation That argument was adversely commented upon and broken to pieces by Lord Macaulay as early as 1835

But what is the state of affairs today in India? The Central Court Fee Act of 1870 prescribed Rs 7-8-0 per cent upon the litigating public That has been enhanced to Rs 11 per cent in many States like Bihar and Bombay The maximum under the 1870 Central Act was only Rs 3,000, but that maximum has been enhanced by some of the States In Bombay that maximum has gone up to Rs 12,500 and in Bihar, it is Rs 10,000 In Punjab, there is absolutely no maximum The more the valuation the more will be the tax leviable Is it dispensation of justice? Can the proposition be seriously disputed that the dispensation of justice is the primary duty of a modern and enlightened State?

The only way to discourage frivolous litigation is not to charge fee but to penalise the defeated litigant, who after adjudication has been found to have indulged in frivolous litigation That is the only way to prevent it Otherwise, it is helping the rich at the cost of the poor My submission is that this question must be

taken up immediately with the other States in India Our State, which claims to be a Welfare State, which is indulging in nation-building activity must set an example by taking an equally progressive step and eliminate the question of fee altogether.

The irony of fate is that the litigants have got to pay not only for the administrative machinery for the decision of civil cases, but they have also to pay for the criminal courts, which is absolutely a question of State So, it is unjust The Law Commission has worked the figures and has pointed out that in most of the States in India, there is a surplus from the civil litigation and that surplus is utilised for the maintenance of criminal courts and also to augment the sources of revenue, which is hardly justified

The next point to which I respectfully invite attention is in respect of the recommendation about legal aid. We know that most of the prisoners who are poor and who cannot engage a legal practitioner file jail appeals What is the fate of these jail appeals? When they are heard by a Sessions Judge or High Court, it is a mere paraphrasing of the judgment of the lower court, maintaining the conviction I respectfully submit that these prisoners whose means do not permit them to engage a lawyer have a right to demand from the State that at State expense, pleaders must be engaged to defend their cases Similarly in sessions cases, barring murder cases, no amicus curiae is appointed In all other cases, the criminals go undefended and grave injustice is being done to them Legal aid is a recognised expense in all the modern and enlightened States of the world and consequently the Government of India also must pay attention to this

The last recommendation of the Law Commission is that so far as the Government of India—the Ministry of Law and the Home Ministry—are concerned, the division of the subjects concerning justice between these two

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Ministries is a mere anachronism and an archaic which we have inherited from the British. In the Viceroy's Executive Council, the Law member would always be an Indian and Home Minister an European. While the Home Affairs was not in charge of the organisation of High Courts etc. and where the Law Member was in charge of legal affairs. Consequently, it could be understood that the question of the organisation of High Courts, appointment of judges etc. fell within the purview of the Home Ministry and not within the purview of the Law Ministry.

But in the changed circumstances of the country, this division is merely artificial and thus hampers the real dispensation of justice. So, the Law Commission has recommended, wisely enough, the establishment of a Ministry of Justice which should look exclusively to the co-ordinating work of the judicial system in all the States, and to the implementation and also to the modification of the law according to the changed conception of modern jurisprudence. This work cannot be discharged at present. The function of the Law Ministry today is more or less that of an advisory body. The Law Commission has recommended a Ministry of Justice to cope with this important task and till this is done a special officer should be appointed who will look to the implementation of the recommendations of this Committee, because justice is an important subject and unless the Central Government by itself exerts its influence on the States, the States will not be able to implement the recommendations of this important Commission.

Shri B. C. Kamble (Kopergaon) I would like to make a few observations on the report of the Law Commission. Of the commissions which have so far been appointed, this is the first Indian Commission, and I would say that a great work has been done by this Commission. There were eminent men in the Commission and they have

made certain recommendations. But, so far as the terms of reference are concerned, I am afraid the Commission has not done justice to the second part of the terms of reference, so far as the examination of the Central Acts is concerned. It was pointedly mentioned in the terms of reference that this Commission should examine the Central Acts with a view to see how far they should be amended. On that point, the Commission has been completely silent. I am very sorry to note that this feature has escaped the attention of such eminent jurists, even of the High Court judge.

I would like to point out in this regard article 13. In article 13 of the Constitution, it has been mentioned:

"All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void."

Therefore, such of the provisions as may offend article 13 should have been examined in the different Central Acts, which has not been done.

Similarly, in our Constitution, there is a chapter which relates to temporary and transitory provisions. I am afraid, they are going to be a permanent feature. How long will these provisions remain temporary or transitory? That feature should have been examined by the Commission. I am sorry to say that it has not been done.

Then, article 17 of the Constitution relates to untouchability. How far has the Commission recommended amendments to certain Central Acts in this respect because it involves the definition of Scheduled Castes and the question of untouchability. This is an omission and I need not dilate too much on this point.

Now, I would turn to the question of appointments. With regard to the appointments much has been said in the House. There is also criticism in

the newspapers. But then what I would submit to the Government is that a Commission of this kind has made certain definite allegations. The Commission says that it visited all the important High Court centres and bitter criticism was heard from the High Court judges, the Bar Associations and so on and so forth. What is the allegation that is made? It is that on political expediency, regional sentiment and communal sentiment certain appointments have been made. These are the three categories. Now, the point is that if we are saying that we are a secular State, it is the duty of this Government to place all the details before this hon House and before the country with regard to these three categories, that is, with regard to the appointments which were made on political expediency, with regard to the appointments which were made on regional sentiment or on communal sentiment. If this is the position with regard to appointments in the judiciary, where the judiciary has a certain freedom under the Constitution, what may be the position, if somebody examined that position, in the administrative or the executive branch so far as the affairs of our country are concerned? I am afraid that things may be worse. Therefore, even that information should be made available.

I am making this reference because I had written to the hon Home Minister to make such information available before the Commission's Report was out. But such information has not been supplied. A secular State may have too many points of view. One may be that all the communities should be satisfied, that each has a share in the administration. Probably this aspect might have been overlooked by the Commission. I do not know whether the Commission held the view that all the communities in the country should have a fair share in the administration, that they should be satisfied and that they should feel that they have some say and they are citizens of this country. My own opinion is that all communities should

be satisfied and only when each community has a fair chance, then alone we can call ourselves as a secular State. Therefore, if this is the principle which the Government of India is pursuing then that evidence should come forth. Then, there would be no ground for accusing the Government.

Now, there is another question and that is with regard to article 217 of the Constitution. This relates to the position of the Governor, that is, whether the Governor has any discretionary power or is he merely to act upon the advice of the Council of Ministers in a State while making recommendations with regard to the appointment of any judge. The popular notion which prevails is that the Governor is merely a figure head and, therefore, whatever is the recommendation made by the Council of Ministers should naturally be forwarded by the Governor. Unless this provision is modified, the complaint which the Law Commission has made cannot be removed, that is to say, the Governor should have a certain kind of discretion which, I am quite sure, under the Constitution also has been given to the Governor. But I am sorry to say that the Governors are not either using it or dare not use the discretion which is given to them. That is why the Law Commission has been compelled to make a recommendation that article 217 should be amended with a view to see that the recommendation as made by the Chief Justice prevails over the recommendation as made by the Chief Minister.

With regard to legal aid to the poor, I may submit that this is a matter of the utmost importance. This matter has been completely neglected by this Government and by the various State Governments. It is only in name and form that there is such a provision in the Central budget as well as in the budgets of the State Governments, that is, with regard to the aid to the poor for legal matters. In fact, there have been surrenders of

[Shri B. C. Kamble]

such amounts. The amounts are not used and are not properly utilised. The information with regard to the legal aid to the poor is not properly advertised. Therefore, what I would suggest is this. Such of the lawyers who are coming from the poorer sections should form a panel and Government should entrust them with a kind of scheme to render aid to the poor. Unless people are picked out from those communities which are poor, it is not possible for such aid to reach the poor.

There is also another matter. We are speaking about democracy and accordingly, we are having different acts based on democracy. Naturally, therefore, in the administration of justice, there should be such men who are not only able masters of law, but who are also able to understand the spirit of law so far as democracy is concerned. From that point of view, some encouragement should be given so far as making appointments in the judiciary is concerned.

The Law Commission has made one, may I say, curious suggestion with regard to the appointment of the Chief Justice of India. Their suggestion is that the usual method which is followed, namely to appoint the seniormost puisne judge as the Chief Justice of India should not be followed and, if there is any other better person than the seniormost puisne judge, he may be given preference for being the Chief Justice of India. I am not aware why such a recommendation has been made. But, I would impress upon the House and I would suggest to the Government that whosoever may now be the seniormost puisne judge, he must have the chance. Otherwise, I am afraid by reason of the recommendation of the Law Commission, whosoever may now be the seniormost puisne judge, his chance may go. On this basis, the present seniormost puisne judge should not lose his chance. If any convention is to be established, it should be established

later on after the particular puisne judge gets a chance.

With regard to trial by jury, what I submit is this. Trial by jury need not be abolished. I am prepared to concede that there are many defects in trial by jury. With all the defects, the people at large have a kind of sentiment that they have a share in the administration of justice. Also trial by jury has certain very fine principles. With all the defects, what we should do is, we should not quarrel with the principles of trial by jury. But, what we should do is that we should improve ourselves. It is not a matter of a defective system. It is a matter of defective people. We have to improve ourselves. Therefore, I would suggest that trial by jury need not be abolished as recommended by Law Commission.

Finally I have to say a word and I have finished. This is with regard to the establishment of the Department of Justice. I am quite in agreement with a previous speaker who said that the Judiciary should not fall within the jurisdiction of the Home Ministry. The Judiciary should come under the Ministry of Law or this Department as suggested by the Law Commission—Department of Justice. That is the proper way of doing the thing. Otherwise, all the proclamations to the world by this House that we have separated the executive from the judiciary have no meaning for the sheer reason that the judiciary is functioning under the Home Ministry. Therefore, there must be immediately a complete separation of the judiciary from the Home Ministry. A very fine and thoughtful suggestion has been made by the Law Commission that there should be established a Department of Justice. I support that suggestion.

With these few observations, I close.

Pandit K. C. Sharma: Mr. Deputy-Speaker, law and rule of law have become important to an extent that

they never have been in the history of administration of justice in the world. To quote Banes —

"Laws and lawyers are today the most important directive elements in our civilisation. Our technique of production, transportation and communication may be determined and controlled by science and machinery. But our institutional life is dominated by law and lawyers. Ours is as much a lawyer-made civilisation on its institutional side as the civilisation of Syria and Rome was a military one and that of the middle ages a religious one."

Therefore, I beg to submit that these two pillars make a modern State. One is technology and science to look to the productive resources of the State, and the other is the law and the lawyer to provide the institutional fabric of the State.

Ours is a crisis of personnel. It is not a crisis of systems so much, though that also exists, because I would point that we took a legal system that existed some centuries or thousands of years before in Rome, and which was taken over by England and then it was taken by us or rather it was given to us. So, in the modern sense of law, we did not make a law for ourselves. We were given a law by the others. It was a law given by the rulers to the ruled. Whether that is good or bad is a different question, but it is not in consonance with the force around our life and our society. To that extent, it is a crisis of system. But, as I said, there is also the crisis of personnel or the crisis of man. That is a very difficult question.

I would not criticise the judges and their judgments, but I would just say only one thing, that there was a time when the crime was what was written in the book. Now, the crime is the resultant of the cultural textures conditioned by the life around us. The two make two different senses. The crime of the law is a different thing from the crime which is the resultant of the cultural textures conditioned

by the life around us. A judge has to look into that. No judge can do justice to an accused standing on the dock unless he knows the development of his life, the condition of the society and the environmental forces working therein. It would be an impossible proposition, if he does not know these things. Let me quote here the opinion of a jurist:

"Law must be stable and yet cannot stand still. In law we rely upon experience and reason. As I have been in the habit of saying, law is experience developed by reason, and reason tested by experience, for experience, we turn to history for reason, we turn to philosophy."

My respectful submission is: What is the experience? What is the psychological make up? What is the sociological equipment of the judge sitting in judgment either to adjudicate on the question of property or to sentence a man to imprisonment because under certain circumstances the person has committed a crime?

Ours is a very difficult condition. It is a difficult position, because we have got a system that existed thousands of years before in which we had no say whatsoever. It was unrelated to our life and circumstances, it was adopted by other countries blindly and against their own interests, and then foisted on an unwilling people, and we as a subjugated race had to accept it. It is the tragic irony of history that Manu who gave the Law to the World, has no significance to the Indian lawyer.

It is of great moment that the Law Commission has decided something about the system of law, something about the modification, something about the education and equipment of the judges etc.

I must raise my voice in support of the availability of justice to the people. I am referring to justice that the people want, not the justice that the book gives. There is justice that the people want, the justice that life demands, the justice which is in

[Pandit K. C. Sharma]

accord and in consonance with the circumstances as they obtain at a particular moment or in a particular context and there is the justice that is written in the book, written in the Roman laws, accepted by the English Judges and thrown over head by the English rulers. These are two different things, I would quote what Prof. Munro Smith has said in this connection. He says:

"In English-speaking countries, this freer mode of interpretation"—

that is, interpretation not bound by the letter of the law or the letter of the Constitution as such, but looking to the circumstances around—

"has always been applied to the unwritten or common law, and it is usually applied to a written law with a degree of boldness which is very closely proportioned to the difficulty of securing formal amendment. Thus the rigidity of our federal Commission has constrained the Supreme Court of the United States to push the interpreting power to its furthest limits. This tribunal not only thinks out the thoughts which the Fathers were trying to think one hundred and twenty years ago, but it undertakes to determine what they would have thought if they could have foreseen the changed conditions and the novel problems of the present day. It has construed and reconstructed the Constitution in the 'evolutive sense' until in some respects that instrument has been reconstructed".

Shri Braj Raj Singh: I do not mean to interrupt the hon. Member. But may I know with which of the points you referred to he is dealing?

Pandit K. C. Sharma: I am dealing with the equipment of the Judges and as such, legal education. He will take time to understand it.

So my respectful submission is that we are facing a difficult proposition, and that difficult proposition is not of our making. It is not so very easy to remedy; it is not so much easy to find ways to evolve a new system of administration of justice or a new technique of making law. Anyhow, as we are situated, I submit certain points for your consideration. They are these. For the training of lawyers or for the study of law, there should not be law colleges as they are today and there should not be lectures for half an hour or an hour by what are called exhausted lawyers. There should be Universities of Law. People should be trained not only in what is called the law as it is,—codification of law, Acts and so on—but they should also know the legal history of their own country, the history of Roman law and the social and economic conditions of the country. Then they should be trained in sociology and psychology.

As regards Judges, it is not as if, as one hon. Member said, because one gentleman is appointed by the Governor or the Home Minister and since the Minister or the Governor belongs to a certain political party, for the matter of that, therefore, his judgments are coloured. It is not so easy a thing. Judges are conditioned by the environment around them. They have a certain sense of dignity—a sense of responsibility. They are conditioned by the dignity of office and exalted position they hold. To depart from that is not so easy a thing. Once you sit in that exalted office, once you sit in that exalted chair of the Judge, you will be a different man. You will not be a communist then. Take it from me; you would be a judge and nothing else but a judge. (Interruptions).

Mr. Deputy-Speaker: Objection is being taken if that was addressed to the Chair.

Pandit K. C. Sharma: I am sorry.

I pay my respect for the work done, to the hon. Judges both of the Supreme Court and of the High Courts.

We may be proud of their ability, their performance and their erudition, if we read the reports, the points raised, the decisions taken, the law laid down, the analysis of the facts... (Interruption). But I have yet to find any allegation of partiality against a District Judge, of sectarianism or anything of that sort.

I have been in this profession for over 30 years and I have never come across any allegation by anybody whatsoever that a District Judge or a Sessions Judge has been corrupt. I have been a public worker going to the people and talking to them. (Interruption). Do not talk of lunatics; lunatics can talk anything they like because they do not know what they talk. But a sensible man has never said anything against a Sessions Judge or.

An Hon Member: Do not say that.

Mr. Deputy-Speaker: I do not think any Member would dare say anything now.

Shri Narayanankutty Menon: Are you talking about the Members of the Law Commission?

Pandit K. C. Sharma: While I have all the praise for the performance, and ability and acumen, I would respectfully submit that things have changed. As I have just now pointed out reading from the highest authority on law, I would submit that instead of law colleges there should be universities of law and there should be eminent professors of law and jurisprudence. The judges, particularly High Court and Supreme Court Judges, should have an immediate extended knowledge of economic life and practical experience of social conditions and history of important developments of economic and social life. They should have a knowledge of the history of the legal system, particularly of the western system, the English system of law and they should have been well educated in the philosophy of law and jurisprudence. They should know Roman law, its origin, its development; they should have knowledge

of classical jurisprudence and they should be students of sociology and criminology. This equipment for a judge expected to sit in the exalted chair of the High Court Bench or the Supreme Court Bench is a difficult thing.

But things have changed and the conception of crime has changed. In the classical idea of jurisprudence the conception of property was something to be touched, something to be possessed, to be held, to be locked. Now the conception of property is a functional conception; it is a movement; it is a force; it is a power to act; it is a power to act and achieve; it is something that works in societies. Things have changed. Therefore, a great scholar of the Roman law system is not well equipped for dispensing justice to a growing and changing society of today; and much less would he be competent to dispense justice to the society to come tomorrow.

With these words, I would request the Home Ministry to look to the education of law and the equipment of judges. I may say one thing by the way—I am not concerned very much about it—about the separation of judiciary and executive.

Mr. Deputy-Speaker: That has been said by so many hon. Members.

17 hrs.

Pandit K. C. Sharma: One minute Sir. In U.P. we are developing a system of judicial magistrates and my experience and information is that it has worked quite well. Judicial magistrates do not have anything to do with the executive work. They look to the cases alone and there are no complaints against such a system.

Shri Naushir Bharucha: Mr. Deputy-Speaker, at the outset, I would like to pay my humble tribute to the labours of the Law Commission which have resulted in the production of a monumental report which, if carefully examined by the Government and implemented even in parts, would bring

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Motion re: AUGUST 27, 1959

Fourteenth Report of 4744
Law Commission

[Shri Naushir Bharucha]

about a considerable reform in the
judicial administration of this country.

Mr. Deputy-Speaker: The hon.
Member may continue tomorrow.

17.02 hrs.

The Lok Sabha then adjourned till
Eleven of the Clock on Friday, August
28/Bhadra 6, 1881 (Saka).

[Thursday, the 27th August, 1959/5th Bhadra, 1881 (Saka)]

ORAL ANSWERS TO QUESTIONS			WRITTEN ANSWERS TO QUESTIONS		
S.Q. No	Subject	COLUMNS	S.Q. No	Subject	COLUMNS
811	Metropolitan Police System for Delhi	4495-96	825	Basic Education	4538
812	Polish aid for copper mining	4497-98	826	Prices of records	4538-39
813	Removal of archaeological antiquities to foreign countries	4498-4502	829	Geophysical survey of oil	4539
814	Central Institute for Scientific and Technical Information	4502	832	Group Insurance of Teachers	4539-40
815	Text Book Research and Central Bureau of Educational and Vocational Guidance	4502-03	834	Rourkela steel plant	4540
816	Indian Institute of Technology, Kharagpur	4503-04	835	Coal supply to railways	4540-41
817	Salary structure in Engineering Institutions	4504-07	836	Loans to poor student	4541
818	Graphite deposits in Kashmir	4507-08	838	Steel allotment to Andhra Pradesh	4541-42
819	Stainless steel plant	4508-09	839	Loan from the U S A	4542
820	New System of voting	4510	842	Commonwealth Educational Conference	4542
821	Photographs of voters	4510-13	844	Expedition to Bandar-Poonchh Peak	4543
822	Foodgrain merchants	4513-14	845	Revision of Indian Gazetteers	4544
823	Saving statistics	4514-15	846	Colonies for Scheduled Castes in Punjab	4544
824	Separate Directorate for Hindi	4515-17	847	Small Scale Blast Furnaces	4545
825	Naval Training School Ratanagiri	4517-18	848	Theatres in State Capitals	4546
827	Election expenditure returns by political parties	4518-20	849	Report of Sanskrit Commission	4545-47
830	I I C Deal	4520-22	850	Museum at Konarak	4547
831	Ex-Servicemen	4522-23	851	I I C loans for housing activities	4547-48
833	Refinery at Gauhati	4523-26	852	Water shortage in Delhi	4548
837	Financial position of Kerala State	4526	853	Sports Enquiry Committee Report	4549
843	Overdraft by Kerala State Government	4527-28	854	Industrial Management Pool	4549-50
840	Admissions in Banaras Hindu University	4528-33	855	Diplomas of <i>ad hoc</i> Board of Engineering Education in U P	4550
841	Key boards for Hindi teleprinter and typewriter	4534	856	Travel by O R s	4550-51
S N Q No			857	Use of lignite for melting iron ore	4551
			858	Indian languages in Delhi University	4551
			859	Norwegian ship in distress	4552
			860	Indian currency in Nepal	4552-53
3. Maulana Azad Medical College, New Delhi			4535-38		

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QUESTIONS—contd.

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862.	Coal Price Revision Committee . . .	4553-54
863.	Furnace oil . . .	4554
864.	Revision of Indian maps	4554-55
865.	Help given to U.S. tanker	4555
U.S.Q. No.	-	
1568.	Joint I.A.S. Cadre for Delhi and Himachal Pradesh	4556
1569.	Grants from Rockefeller Foundation	4556
1570.	Small Savings Scheme	4557
1571.	Tomb of Sher Shah Suri's father at Narnaul	4557-58
1572.	International Educational Conferences	4558
1573.	Development of Modern Indian Languages . .	4557-58
1574.	Election expenses of political parties . . .	4559
1575.	Enquiries against public servants	4559
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1577.	Koyna Project	4560
1578.	Hostels in U.K. . . .	4561
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1593.	Receipt of foreign money by Kerala Catholic Church . . .	4568
1594.	Election petitions	4569
1595.	Foreign loans	4569-70
1596.	Neglected children in Delhi	4570
1597.	School of Town and Country Planning, Delhi	4571
1598.	National Academy for Training of Civil Servants	4571
1599.	Hostels for Indian Students in foreign Countries . .	4572
1600.	Common scientific and technical terminology . . .	4572
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1629	Government accommodation	4587-88
1630	I C S Officers in Punjab	4588
1631	Expenditure on Election Tribunals	4588-89
1632	Nepali-speaking people in Darjeeling	4589
1633	Agricultural and dairy farms in steel towns	4589-90
1634	M B B College, Agartala	4590
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1637	Shri Rameshwaram Temple	4591-92
1638	Ancient tombs in Madras State	4592
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1641	Class IV employees of Survey of India	4594
1642	Basic Schools in Delhi	4595
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1668	Steel allotment to Assam	4606-08
1669	Gold smuggling	4607-08
1670	Export of melting scrap	4608
1671	Training in oil technology	4608-09

PAPERS LAID ON THE TABLE

4609

- (1) A copy of the Appropriation Accounts (Civil) 1957-58 (including proforma commercial accounts) and the Audit Report, 1959, under Article 151(1) of the Constitution

COLUMNS

COLUMNS

PAPERS LAID ON THE TABLE—*contd.*

- (2) A copy of the Navy (Authorised Deductions) Regulations, 1959, published in Notification No. S.R.O. 227 dated the 22nd August, 1959, under Section 185 of the Navy Act, 1957
- (3) A copy of Notification No. S.R.O. 228 dated the 22nd August, 1959, making certain amendments to the Indian Reserve Forces Rules, 1925.

PETITION PRESENTED

4610

Shri Vishwanatha Reddy presented a petition signed by a petitioner relating to amendment of the Indian Arms Rules, 1951

BILLS INTRODUCED

4610-11

- (1) The Government Savings Banks (Amendment) Bill, 1959.
- (2) The Government Savings Certificates Bill, 1959
- (3) The Public Debt (Amendment) Bill, 1959

BILLS PASSED

4611-14

The Deputy Minister of Finance (Shri B. R. Bhagat) moved for consideration of the following Bills :—

- 1 The Appropriation (No. 4) Bill, 1959.
- 2 The Appropriation (No. 5) Bill, 1959, and
3. The Appropriation (No. 6) Bill, 1959

The consideration motions were adopted. After clause-by-clause consideration the Bills were also passed.

MOTION FOR CONCURRENCE ADOPTED

4614-59

Further discussion on the motion for concurrence in the recommendation of Rajya Sabha for reference of the Prevention

MOTION FOR CONCURRENCE ADOPTED—*contd.*

of Cruelty to Animals Bill, 1959 to a Joint Committee was concluded and the motion was adopted

DEMANDS FOR SUPPLEMENTARY GRANTS

4659-78

Discussion on the Demands for Supplementary Grants in respect of Kerala State for 1959-60 commenced. The discussion was not concluded.

MOTION RE: FOURTEENTH REPORT OF LAW COMMISSION

4678-4743

Shri Ram Krishan Gupta moved that the House take note of the Fourteenth Report of the Law Commission on the Reform of Judicial Administration (Volumes I and II) laid on the Table on 25-2-59. Shri Kashiwal moved an amendment thereto. The discussion was not concluded.

ARREST AND RELEASE OF MEMBERS

4717

The Deputy Speaker informed Lok Sabha that he had received a telegram dated the 25th August, 1959, from the Sub-Divisional Magistrate, Chinsurah, Hooghly, intimating that Sarvashri Prabhat Kar and Tangamani were arrested under West Bengal Security Act and released on the 25th August, 1959 on Police Report.

AGENDA FOR FRIDAY, AUGUST 28, 1959/ BHADRA 6, 1881 (Saka)

Discussion on the Motion re: Policy of Government in regard to Public Borrowing and consideration of the Private Members' Bills.