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**LOK SABHA SECRETARIAT
NEW DELHI.**

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

LOK SABHA

Friday, 6th September, 1957.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair.]

MEMBER SWORN

Shri T. R. Neswi—Darwar South.

ORAL ANSWERS TO QUESTIONS

Report of the Committee on Delhi Sewage Tank Accident

*1527. Shri Yajnik: Will the Minister of Health be pleased to state:

(a) whether the report of the Committee appointed to enquire in the Sewage Tank accident that took place in Delhi on the 25th May, 1957 was submitted by the Chief Commissioner with his comments on 11th July, 1957 after consulting the Joint Water and Sewage Board;

(b) whether three officers of the Board have been charge-sheeted by the Board; and

(c) when a set of comprehensive rules and regulations for the protection of the lives of employees working in sewers manholes etc. will be formulated so as to prevent recurrence of such casualties in future and placed on the Table?

The Minister of Health (Shri Karmarkar): (a) The Chief Commissioner forwarded the Report with his comments on the 11th July, 1957. As the views of the Joint Water and Sewage Board had not been obtained, he was requested to do so. The Board, considered it at their meeting held on

the 19th July, 1957. A copy of the Report is laid on the Table of the House.

(b) Yes, Sir.

(c) The Regulations in question are being formulated and will be laid on the Table of Lok Sabha in due course.

Shri Yajnik: May I know if at least one of the three officers who were charge-sheeted was specially appointed by the Water and Sewage Board to be in special charge of the sewage operations especially in view of what the Modak Committee had reported on the contamination of water last year?

Shri Karmarkar: I understand that the work was entrusted to a firm of contractors, the construction of the tank. The Engineer referred to was asked to supervise the operations in general and ultimately when the contractors had finished the job, before taking over, it had to be certified and inspected properly. That was why the Engineer was there.

Shri Yajnik: May I know why this officer who was entrusted by the Water and Sewage Board and by Government to be in special charge of the sewage operations was not present at the time when this incident took place and why did he not help the contractors and supervise their operations when they were carrying out these dangerous operations.

Shri Karmarkar: My hon. friend misunderstands the position a little. I thought I was adequate in my explanation. The whole thing is that this work of erecting this tank was entrusted to a firm of contractors that I had mentioned. It was wholly their job to do and if they satisfactorily did it, it was for the Water and Sewage Board and their representative, may be the Engineer or whosoever, to take it over

after proper inspection. This Engineer was not placed in special charge to look after every individual operation. The whole responsibility was that of the firm; and this man was in charge of the general building operations at that time, as somebody has to be on behalf of the Board.

Shri Tangamani: In the report of the committee there has been a comprehensive reference to the evidence adduced by one of the workers who died in this unfortunate accident two days before the accident. He is alleged to have told an oilman that one should not remain in the tank for more than 10 minutes. May I know when such a comprehensive evidence has been given, is it not urgent that these rules should be laid on the Table of the House?

Shri Karmarkar: I should like to inform the House that under the statute which created this Water and Sewage Board, I find that it is an almost wholly autonomous body over which either we or the Government can exercise very little control. What we did was—when the House took such an interest in the matter—and what we were bound to do when there was such an incident which was serious, to go into the matter. We asked for a report. We advised the Chief Commissioner, the Chairman of the Sewage Board to appoint a committee. That committee went into the matter. It took evidence and put the evidence on record. It tried so far as it could at that stage to assess the responsibility. We asked the Water and Sewage Board as to what they were doing with regard to that report. The Board went into the matter and they thought it was proper to charge-sheet three of the officers concerned.

Mr. Speaker: I thought the hon. Member wanted to know when the rules and regulations will be placed on the Table of the House.

Shri Karmarkar: I tried to explain this also; and regulations are a part of the whole matter. So the matter is going on and I do not want to touch upon that aspect.

Regarding the rules and regulations, we asked the Water and Sewage Board to frame rules and regulations so as to give adequate protection to the workers. So far as we are concerned, we cannot force the Water and Sewage Board to do this within a particular time. But we asked them to do it as early as possible. As I have said as soon as we get these, we shall place them on the Table of the House.

Shri T. K. Chaudhury: The hon. Minister just now referred to the responsibility of the Engineer. Was it not one of the responsibilities of the Engineer to see that work was carried out according to specifications quoted by the contractors' party? *

Shri Karmarkar: Yes. The Water and Sewage Board would certainly inspect it before the tank was taken charge of. It was a sort of piece-work and, in fact, has to comply with all the specifications given and the representative of the Water and Sewage Board goes on inspecting the thing in a general way. When the whole work is complete, he sees whether it is done according to specifications or not and whether the quality of materials used is good etc. and then the question arises.

Shri Yajnik: In view of the fact that this committee has stated that no responsible technical supervisor was stationed at the site of the tank to attend to the proper working of the construction and that they have regretted the absence of such a technical officer, was it not the duty of the man placed in charge of the sewage operations to specially remain there at the time....

Mr. Speaker: The hon. Member is only arguing. He asked one question why the Engineer was not present. Now, he is trying to reinforce his argument by another.

Shri Yajnik: This is in the report.

Mr. Speaker: It may be; we are not discussing the report as a whole.

Dr. Ram Subhag Singh: He has referred to a statement which has been laid on the Table of the House.

Mr. Speaker: Let it be so; but it is only a matter of opinion. To say that it is his duty and that he should see.....

Dr. Ram Subhag Singh: May I know whether the hon. Minister....

Mr. Speaker: I cannot allow the hon. Member just to get into this and put a question. Hon. Members will kindly refrain from introducing arguments.

Shri Yajnik: Has any action been taken against the persons who have been charge-sheeted?

Shri Karmarkar: These men have been charge-sheeted. To enable us to know who was at fault we thought that it should be enquired into, and we so advised the Central Water and Sewage Board.

We thought it necessary at this stage to know what we could do. We considered the legal position and we found that we were not in a position to enforce our decisions in the matter. And, we do hope that in view of the swift action taken by the Water and Sewage Board, they will do justice in the matter. That is the exact position.

Mr. Speaker: All that was wanted was whether some case has been launched after the charge-sheet.

Shri Karmarkar: I think it is a very serious matter. Though not at present, some time or other it is bound to arise. Therefore, I thought I should be frank to the House and keep them informed of everything essential in this particular important matter.

Mr. Speaker: I would only say that whenever a report is laid on the Table of the Lok Sabha and we do not have an opportunity to discuss, the hon. Minister will himself make a statement if he thinks necessary.

Shri Karmarkar: I stand corrected.

Tankers

*1528. **Shri D. C. Sharma:** Will the Minister of Transport and Communications be pleased to state how many Tankers are proposed to be acquired during the Second Five Year Plan period?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): The Second Plan envisages the acquisition of three tankers of which two have already been acquired, one in the public sector and the other in the private sector. A third tanker is proposed to be acquired in the public sector as soon as circumstances permit.

Shri D. C. Sharma: May I know from where these tankers have been acquired? With what country are we having negotiations for the acquisition of the third tanker?

Shri Raj Bahadur: I am afraid I will require notice about the origin of these tankers.

Shrimati Ila Palchoudhury: Tankers being one of the simplest form of ships that are built, is there any plan to build tankers in India?

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): So far no tanker has been built in India.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not know how the lady Member came to the conclusion that this was very simple.

Shri D. C. Sharma: May I know the value of the tanker that has been acquired?

Shri Raj Bahadur: About £6,50,000 or Rs. 85 lakhs.

Coir Industry in West Bengal

*1529. **Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the State Government had to share any expenditure for the

Coconut Research Stations and Nurseries which have been established in the State of West Bengal;

(b) if so, how much and for what schemes; and

(c) the steps taken to encourage Coir Industry in West Bengal by the Indian Central Coconut Committee?

The Minister of Co-operation (Dr. P. S. Deshmukh): (a) No Coconut Research Station has been established so far in West Bengal. Reply in respect of Coconut Nurseries is in the affirmative.

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

Shri S. C. Samanta: From the statement I find the share borne by the West Bengal Government. What is the share of the Indian Central Coconut Committee? May I know if trials in the new varieties—both local and outside varieties—are being carried on there?

Dr. P. S. Deshmukh: The statement gives the share of the State Government. I do not think that there was any contribution from the Committee. There has been long correspondence between the Committee and the State Governments with regard to the establishment of coconut research station but unfortunately we have not come to any definite conclusion yet.

Shri S. C. Samanta: The production of coconut in West Bengal justifies the coir industry there. May I know why the coir board has been silent so long and has only now come forward to establish a research station?

Dr. P. S. Deshmukh: I am afraid the coir board is controlled by some other Ministry and the question must be addressed to that Ministry.

Shri Barman: There is great demand for coconut plants in North Bengal and the Cooch-Bihar nursery is not

able to meet that demand. What steps are Government taking to step up production?

Dr. P. S. Deshmukh: We are more anxious to establish these nurseries. Unfortunately, the State Government is not in a position to contribute a matching grant. That is where the matter has really been held up and we will try our best.

Shri A. C. Guha: The hon. Minister has stated that the Central Coconut Committee has not made any contribution to the Bengal fund. May I know the reason for that and also if there is any idea on the part of the Committee to make proper contribution to that fund?

Dr. P. S. Deshmukh: It was with respect to what has been stated in the statement. The Committee is anxious to make its own contribution according to the formula which it makes in respect of every State and we are anxious to give that money.

Shri N. B. Maiti: What is the ratio between the State and Central Government?

Dr. P. S. Deshmukh: Generally 50 : 50. But, in the course of correspondence with the State Government of West Bengal, we had agreed to 50 : 50 in the expenditure. So far as revenue is concerned, we were prepared to take 40 per cent and now we have reduced it to 33 and one-third per cent.

Shri S. C. Samanta: Does this amount of grant vary from year to year—more in the first year and less in the subsequent years?

Dr. P. S. Deshmukh: Generally it does. But we were prepared to consider West Bengal's case. Especially, we were prepared to pay and vary the proportion a little.

खेतों की चकबन्दी

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श्री विभूति मिश्र :
१५३०. { श्री कोशव :
श्री प० सा० बाध्याल :

क्या साख तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने खेतों की चकबन्दी के लिये अवधि नियत करने के बारे में विभिन्न राज्य सरकारों को हिदायतें दी हैं ; और

(ख) यदि हा, तो उनका स्वरूप क्या है ?

सहकार मंत्री (डा० प० श० बेशमुख) :

(क) और (ख) : चकबन्दी के लिये किसी तरह की भी समय की सीमा नियत नहीं की गई है। ११ मई १९५७ को भारत सरकार ने राज्य सरकारों से फेज्ड प्रोग्राम्स (phased programmes) बनाने की प्रार्थना की है। राज्य सरकारों के प्रस्तावों का इंतजार है।

Some Hon. Members: In English also.

Dr. P. S. Deshmukh: (a) and (b). No time-limit as such for consolidation of holdings has been fixed. The Government of India have requested the State Governments on 11th May, 1957 to draw up phased programmes. The proposals from State Governments are awaited.

श्री विभूति मिश्र : क्या सरकार को पता है कि उत्तर प्रदेश में कंसालिडेशन आफ़ लैंड होल्डिंग्स हो रहा है और इसकी वजह से वहां पर बहुत करधान पाया जाता है और गरीबों में बड़ा हाहाकार मचा हुआ है ?

साख तथा कृषि मंत्री (श्री अ० प्र० जैन) : हो सकता है कि किसी जगह कुछ सराबी पैदा हो गई हो लेकिन कंसालिडेशन आफ़ लैंड होल्डिंग्स एक बहुत अच्छी चीज़ है और उत्तर प्रदेश की सरकार हर मुमकिन कोशिश कर रही है कि जहां पर कोई गड़बड़ हुई है वह ठीक हो जावे।

श्री विभूति मिश्र : मैं जानना चाहता हूं कि क्या मंत्री महोदय गांव में गये हैं और

क्या उन्हें मालूम है कि बस्ती के नजदीक वाली जमीन बस्ती से बाहर दूर वाली जमीन से अधिक कोस्टली होती है और अगर एक किसान को बस्ती के बाहर दूर वाली जमीन दे दी जाय तो उसके लिये जीने की अपेक्षा मरना अच्छा होता है और क्या इस संबंध में सरकार कोई निदेश दे रही है ?

श्री अ० प्र० जैन : मंत्री जी गांव में गये नहीं बल्कि मंत्री जी गांव में रहते हैं।

Mr. Speaker: These questions need not be put; hon. Member alone does not come from the village.

Shri C. D. Pande: May I know if the Government will consider the advisability of having uniform legislation in all the States on this question and also whether it will be on a voluntary basis or compulsory basis?

Shri A. P. Jain: In the first place, consolidation falls in the State List. Even from other considerations, it will be highly undesirable that there should be a uniform legislation for the whole country. Consolidation has to be on a compulsory basis except when a certain amount of voluntary co-operation may be available in certain cases.

Shri Mahanty: May we know if any State Government other than UP has taken up consolidation of land holdings and if so whether in those States also such allegations as were referred to in an earlier question were made?

Dr. P. S. Deshmukh: We have no notice of any such allegations.

Shri Jadhav: How many States have tried this experiment?

Dr. P. S. Deshmukh: Many States have undertaken this work; there is a long list: Bombay, M.P., Punjab, PEPSU, U.P. and so on. (Interruptions.)

Shri Thimmaiah: What steps are taken to give relief to small holders who are dispossessed due to the consolidation of holdings?

Shri A. P. Jain: Nobody is going to be dispossessed. Wherever there happens to be a large number of plots belonging to a holder, they are consolidated in one bloc or two or three blocs.

Shri Mahanty: The hon. Minister stated that a number of States had taken to consolidation. What was the purpose of the Government of India's requesting them as late as 11th May 1957 to take up this work?

Dr. P. S. Deshmukh: In order that they may step up consolidation work, we did that. We found that every State was not paying equal attention. Some States had done very good work. We attach considerable importance to this work.

Shri Venkatasubbaiah: May we know whether this is a prerequisite to co-operative farming.

Dr. P. S. Deshmukh: In a way it is; it is much simpler for us to introduce co-operative farming if we have consolidation.

श्री स. ना. सिंह : क्या मंत्री जी को मालूम है कि इस कंमोनिडेशन स्कीम में एक एक किसान को एक जगह से ज्यादा, दो दो और तीन तीन जगहों पर जमीन दी जाती है?

श्री प्र. जैन : हा, हा कही पर बिल्कुल आवश्यक हो जाता है। जहाँ मुस्लिम किस्म की जमीनें हैं, कुछ ऊंची, कुछ नीची यह मुनासिब है कि एक से ज्यादा ब्लाक्स बन जायें ताकि हर किसान के पास हर किस्म की जमीनें हों।

Mr. Speaker: Hon. Members have got passes. They can go to all these places and find out the details instead of asking questions here.

Dr. Ram Subhag Singh: We know, Sir, that we are having passes.

Mr. Speaker: Why do they not go themselves and see things instead of putting questions hypothetically and academically?

Animal Nutrition Scheme

*1531. **Shri Bahadur Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is a proposal under the co-ordinated animal nutrition scheme to start a regional animal nutrition centre in Punjab;

(b) if so, the place selected for it;

(c) the amount earmarked; and

(d) the time by which the centre will start functioning?

The Minister of Co-operation (Dr. P. S. Deshmukh): (a) Yes.

(b) Palampur, District Kangra, subject to availability of sufficient accommodation for the laboratory, experimental animals and staff etc.

(c) Rs. 1,02,000 (round) to be borne by the I.C.A.R. An equal amount is to be provided by the Punjab Government.

(d) The centre is expected to start during 1958-59.

Shri Bahadur Singh: May I know whether the State Government was consulted in this matter, whether the State Government has submitted any report and whether the State Government recommended this to the Centre?

Dr. P. S. Deshmukh: Yes, Sir; we cannot do anything unless the State Government not only recommends but approves of the scheme.

Shri Bahadur Singh: May I know whether any other place was also recommended in that report, especially Ludhiana where there is a big agricultural college?

Dr. P. S. Deshmukh: Not to our knowledge.

Central Health Education Bureau

*1532. **Pandit D. N. Tiwary:** Will the Minister of Health be pleased to state:

(a) the results achieved by the Central Health Education Bureau since its inception; and

(b) whether any attempts have been made to gauge the effect of the various health pamphlets, booklets, folders, magazines etc. published by the Publicity Section of the Central Health Education Bureau?

The Minister of Health (Shri Karmarkar): (a) The Central Health Education Bureau has produced 58 pamphlets, 33 Health Bulletins, 21 Posters, 15 Booklets and 6 Brochures. Eight monthly issues of 'Swasth Hind' have been published. Seven Health Films were produced and seven are under production. Two filmstrips are in final stages of production. The films section has now in all 300 films and 51 filmstrips.

The Bureau has also participated in other health activities such as exhibitions, and seminars.

(b) The literature published by the Bureau is popular and the knowledge imparted by such literature should benefit large sections of the public.

Pandit D. N. Tiwary: May I know whether the Government has taken any good to the village side; if not, any step to gauge whether it has done what is the use of publishing these literatures?

Shri Karmarkar: I could not follow the question.

Mr. Speaker: The hon. Member wants to know whether the hon. Minister has assessed the value of these pamphlets in the good they have resulted in so far as the public are concerned. How is he to assess?

Shri Karmarkar: Therefore, I have advisedly said in my reply that it should benefit. Whether it has benefited depends upon the capacity of the readers and the carefulness with which they read. In any case, I have seen some of these pamphlets and I can say that to a layman they are quite useful.

Pandit D. N. Tiwary: May I know whether all this propaganda..... *

Mr. Speaker: What is the good of all these? प्रोजन नुद्दे ह्य (There should be some purpose.) What is the object? Does he want the hon. Minister to give up the publication of these things?

Pandit D. N. Tiwary: I want that continuous steps should be taken to distribute these pamphlets in the rural areas and to see whether these are followed there, whether the villagers take to these health measures or not.

Shri Karmarkar: We publish this literature more or less as a model literature so that the State may take it up. My hon. friend doubtless knows that health is particularly a subject for the State. We come in as a co-ordinating base. I wish the States do translate these things in their respective languages and spread them in the rural areas. It is beyond us to spread all the literature in the whole of the rural areas.

Shri Pocker Sahib: What is the amount spent on the maintenance of this Bureau by the Government?

Shri Karmarkar: It is broadly given in the Budget. I should like to have notice to give particular details.

Shri Biren Roy: Are all these literatures which are published sent to the recognised Associations of local self-government institutions of the different parts of the country State-wise?

Shri Karmarkar: They are sent to the representative institutions, but to say whether they are sent to every local self-government institution I will have to find out. In any case the journal is circulated to the Members of Parliament.

Shri Biren Roy: Sir, my question has been misunderstood. I have asked about local self-government organisation's Associations recognised institutions in the State.

Shri Karmarkar: I should think so. If they are not sent, I shall have them sent.

Shrimati Parvathi Krishnan: The hon. Minister stated that it is for the State Governments to have the literature translated into regional languages

and distribute them. May I know whether there is any scheme for the Central Education Bureau to subsidize such translation work and distribution work?

Shri Karmarkar: If this House provides me with sufficient finance and the Finance Ministry is also amenable, we shall be prepared to all this. For that we must have as great financial resources as is possible, but our present finances do not permit us to go so far.

Dr. Sushila Nayar: There was a proposal to have Health Education Boards for the States also. May I know if the State Health Education Boards have come into existence and, if so, in how many States and to what extent they have been successful?

Shri Karmarkar: Ours is a Health Education Bureau, and I fancy every State has its own agency for health and literature dissemination. About the Health Education Boards as such I should like to have notice.

Community Development and N.E.S. Blocks

*1533. **Raja Mahendra Pratap:** Will the Minister of Community Development be pleased to state:

(a) the expenditure incurred on the establishment employed in the Block Headquarters of the Community Projects/Development Blocks and the National Extension Service Blocks during the past two years by the Central Government; and

(b) the expenditure incurred so far on the equipment and material procured under T.C.A. programme out of the Dollar funds?

The Minister of Community Development (Shri S. K. Dey): (a) Rs. 5.37 crores approximately.

(b) Rs. 4.21 crores upto March, 1957.

Raja Mahendra Pratap: I just want to know exactly how much expenditure is met by Dollar funds. The hon.

Minister has not answered that question.

Shri S. K. Dey: Rs. 4.21 crores.

Shri Jangde: May I know what is the percentage of the cost borne in establishment out of the total cost that is incurred in Community Development and National Extension Service Blocks?

Shri S. K. Dey: Till 31st March, 1957, the expenditure on staff is about 20 per cent. of the total expenditure incurred in the programme since the beginning.

Shri Raghubir Sahai: Are there any members of the staff at the block headquarters who are not paid out of the Community Development grants and, if so, how many are there?

Shri S. K. Dey: I am not aware of any staff at the block headquarters not borne by the Community Development Fund, except an Industries Extension Officer who is now being newly posted.

Some Hon. Members rose—

Mr. Speaker: Shri Gajendra Prasad Sinha.

Raja Mahendra Pratap: I want to know whether we are.....

Mr. Speaker: Order, order. Hon. Member will kindly hear what I say. He does not abide by rule; what can I do? Hon. Member must kindly look at me and put the question, or take note of what is happening in the House.

Raja Mahendra Pratap: I just want to know.....

Mr. Speaker: I have called Shri Gajendra Prasad Sinha. I shall call him later.

Shri Gajendra Prasad Sinha: Just now the hon. Minister said that 20 per cent. of the entire expenditure is for staff. May I know whether this includes the cost of building structures meant for the staff?

Shri S. K. Dey: It does not include the cost of building structure.

Raja Mahendra Pratap: Are we under any obligation to the United States for their giving this money to our country?

Shri S. K. Dey: There is no obligation that I know of, except that we are very grateful for the help.

Community Development and N.E.S. Blocks

*1534. **Shri Venkatasubbalah:** Will the Minister of Community Development be pleased to state:

(a) whether greater emphasis is being put on food production in the National Extension Service and Community Development Blocks; and

(b) if so, the steps Government propose to take in this direction?

The Minister of Community Development (Shri S. K. Dey): (a) Yes, Sir.

(b) All steps required to increase the food production, viz., use of improved seeds, fertilizers, green manuring and other organic manures, irrigation, soil conservation, plant protection etc. form part of the block agricultural plan. Besides these measures about 50 farm leaders drawn from the the villages in each V.L.W.'s circle will be trained to take upon themselves the task of popularizing improved agriculture practices amongst other farmers in their villages. Krishi Pandits are associated with the Block Advisory Committee to give a fillip to agricultural production.

Shri Venkatasubbalah: In view of the fact that in Andhra in the N.E.S. and Community Development areas there are thousands of breached tanks and if they are renovated more land can be brought under irrigation, may I know whether the Government propose to allocate funds in that direction?

Shri S. K. Dey: The State Government of Andhra has been advised to

utilise the fund under irrigation for renovation of Government tanks.

Shri Venkatasubbalah: I am asking about it in relation to the Community Projects so as to increase the food production.

Mr. Speaker: Then, why did not the hon. Member put the question specifically? What I want of the hon. Member is this. Generally, when their object is to have a particular information regarding their own State and to point out that the Central Government should give them sufficient money and all that, they must put the question specifically. This is an all-India question.

I would also request the hon. Ministers to say hereafter, instead of repeating what is contained in the books, "refer to such and such a book."

Shri Balakrishnan: Will the Government consider the conversion of all waste lands which lie throughout the country in plenty?

Shri S. K. Dey: The Community Development Programme visualises the reclamation of whatever wasteland is within the Community Development areas and to the extent possible it is being done.

Mr. Speaker: I must say that if any hon. Member wants particularly a point with respect to his State, then, he may take it up and put the question specifically. The general points are there and the literature is there in the Library.

Shri Venkatasubbalah: It relates to the Community Development Blocks and the Community Projects.

Mr. Speaker: There is plenty of literature available regarding the function of the Community Blocks, Krishi Pandita, how many have been appointed, etc. All that is available in the Library. The hon. Members want one thing and put another question.

Rural Credit

*1535. **Shri Sanganna:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the State and the Central Governments have been asked to constitute relief and guarantee funds as recommended by the Rural Credit Survey Committee for writing off irrecoverable arrears of magnitude which threaten the stability of the co-operative credit structure, in pursuance of the Co-operative Banks Conference held on the 10th May, 1957, at New Delhi; and

(b) if so, what steps have been taken so far in this connection?

The Minister of Co-operation (Dr. P. S. Deshmukh): (a) Yes, Sir.

(b) (i) Andhra Pradesh, Kerala and Bihar have already created such a "Fund". Madhya Pradesh, West Bengal and Uttar Pradesh propose to set up the fund during the current year. The matter is under consideration in other States.

(ii) As regards constitution of a similar fund by the Central Government, it has been decided not to create such a fund but to give assistance to States from current resources of the Central Government.

Shri Sanganna: May I know what has been done regarding the difficulty created by rural indebtedness?

Dr. P. S. Deshmukh: That is not covered directly. We want to increase the capacity of the credit societies to give loans, but so far as indebtedness is concerned, it might indirectly be reduced. But that is not the purpose.

Shri Panigrahi: May I know whether the hon. Minister is in a position to give the total amount of irrecoverable rural credit which has been considered to be written off by the Rural Credit Survey?

Dr. P. S. Deshmukh: I have not got the figures here. But probably we will get them.

Shri Jadav: What is the rural credit facility in terms of per capita percentage at present?

Dr. P. S. Deshmukh: As assessed by the Survey Committee, through the co-operative agencies, it was 3 per cent. of the total credit requirement of the farmers.

Shri Shree Narayan Das: May I know the extent to which this fund has been utilised for the purpose of rural credit?

Dr. P. S. Deshmukh: This fund is just being created. I do not think much utilisation has taken place so far.

Shri Shankaralya: May I know whether the constitution of the fund entails that these should be instituted at the Central Apex Societies or whether it could be in the primary co-operative societies and central district co-operative societies?

Dr. P. S. Deshmukh: These are to be created by the State Governments.

Overseas Shipping

*1536. **Shri Shivananjappa:** Will the Minister of Transport and Communications be pleased to state:

(a) whether the Consultative Committee of Overseas Shipping Interests met in New Delhi on the 24th July, 1957;

(b) if so, the suggestions made to improve overseas shipping interests; and

(c) the Government's reaction thereto?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) and (c). The meeting was called mainly to discuss ways and means of easing the congestion at the major ports. The Committee made several suggestions most of which have been accepted. These include provision of increased facilities for

overside discharge of cargo, speedier procurement of additional mechanical appliances, gearing up of the administrative and technical set-up at the Ports, streamlining of the customs procedure, greater use of minor ports, reduction of free days allowed to the importers for the clearance of the cargo and the staggering of imports on Government account as far as practicable.

Mr. Speaker: Shri Shivananjappa.

Raja Mahendra Pratap rose—

Mr. Speaker: The original questioner is called first.

Shri Shivananjappa: May I know whether it is a fact that the Second Plan outlay of Rs. 35 crores allocated for the development of shipping in the country has been fully utilised during the first year of the Second Five Year Plan?

Shri Raj Bahadur: That is in respect of the purchase of new ships and adding to the shipping tonnage of the country Rs. 37 crores.

Shri Shivananjappa: What steps have the Government taken to encourage overseas shipping as a means of earning foreign exchange?

Shri Raj Bahadur: That question pertains to the development of shipping tonnage and this question refers to the port facilities and congestion in the ports.

Raja Mahendra Pratap: What companies are included in these overseas shipping interests?

Shri Raj Bahadur: Every foreign shipping company.

Shri T. K. Chaudhuri: May I know whether there are any suggestions for increasing the freight rates for foreign shipping companies on account of the congestion in our ports and what decision have the Government taken in that regard?

Shri Raj Bahadur: The suggestion was not made for the first time. Even

as far back as 1955, when there were some delays in the turnaround of ships, a similar demand was made by the foreign shipping interests for an increase in the surcharge on freights, and a similar demand was now raised by them this season.

Shri T. K. Chaudhuri: One part of my question was not answered.

Mr. Speaker: If some are not answered, what can I do?

Shri B. K. Gaikwad: How many companies are there altogether?

Shri Raj Bahadur: I will not be able to state the exact number of the foreign companies.

Shri T. K. Chaudhuri: What was the reaction of the Government to that suggestion made this time by the foreign owners?

Shri Raj Bahadur: Of course, we opposed the suggestion in the light of the facts that existed. But congestion is not on account of any fall in the capacity or output of the ports. Among other reasons it was also due to the fact that the freight rates had been reduced by some of the companies, particularly those on charter business and also because of the fact that Suez was closed and ships began pouring in from the Suez as also from the Cape of Good Hope route. We then met the Consultative Committee of ship-owners.

Shri Ranga: And what did they say?

Shri Raj Bahadur: They have not allowed. In consultation with them certain measures and steps were devised which we have accepted and which are being implemented. We hope that the results that have been obtained will convince them that there is no case for raising the surcharge. In this connection, I may inform the House that whereas the maximum number of ships waiting at Bombay port at one time was 47, it came down now to 15. In Madras, it was 21 or 22. It came down to 6 the other day. In Calcutta also, the number was 57 and

it came down to 33. I think we are turning the corner but fluctuations are about to occur.

Raja Mahendra Pratap: I want the names of the companies. If the hon. Minister wants notice, he can say so, if he does not know the names.

Shri Raj Bahadur rose—

Mr. Speaker: I am afraid we are converting this into something which is not a very good Parliament. I warn the hon. Member. The hon. Member gets up. It is really unfortunate he is over there behind. I will give him a front seat. I have no objection. But he does not understand what is exactly going on; he butts in every time and makes it impossible for me to go on.

Shri Mohiuddin: There was a dispute with the labour regarding the use of mechanised equipment for loading and unloading of ships. May I know whether the mechanical equipment is now being fully utilised for loading and unloading?

Shri Raj Bahadur: We are not leaving any stone unturned to ensure that we make the maximum use of the mechanical equipment we have got.

Drought and Flood Conditions in the Country

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*1537. { **Shri Shree Narayan Das:**
Shri Liladhar Kotaki:
Shri B. S. Murthy:

Will the Minister of Food and Agriculture be pleased to state:

(a) what is the overall picture of drought, normal rain and floods occurring in various parts of the country since June, 1957;

(b) the extent of areas in each State affected by drought and floods; and

(c) the extent to which it has been possible to utilise canal water in the areas affected by drought to do sowing and transplanting of crops?

The Minister of Co-operation (Dr. P. S. Deshmukh): (a) to (c). A statement is laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 26].

Shri Shree Narayan Das: From the statement it appears that large areas have been affected by floods, droughts and deficiency of rainfall. I would like to know whether any estimate has been prepared of the damage caused by floods, droughts, etc., to the standing crops and due to non-sowing and non-transplantation?

The Minister of Food and Agriculture (Shri A. P. Jain): Fortunately this year, the loss by floods was much less compared to the previous two or three years. So far as the estimate of losses is concerned, no such estimate has been received by the Central Government.

Shri Shree Narayan Das: It appears that in the Orissa and Chota Nagpur areas there has been deficiency of grain. I would like to know whether transplantation of paddy in those areas is being made now.

Shri A. P. Jain: There has been very good rainfall in Chota Nagpur during the last few days, and I hope the agricultural conditions will improve there.

Shri B. S. Murthy: In the statement my name has been given as one of the three, whereas the list does not contain my name. I do not know in your list whether my name does exist or not.

Mr. Speaker: I have got his name in my list. Possibly this was added later on. I will look into this matter. At the time when it went to the press, possibly his name was not there. It might have been added later on, because all other questions of a similar nature are put in and the names are added.

Shri B. S. Murthy: If my name could be given here, why was not the name supplied to you?

Mr. Speaker: It is here; I have got his name here. I am coming to him next. Is that all that he wants to ask?

Shri B. S. Murthy: I said, I want an information.

Mr. Speaker: Does he not want to put any other question?

Shri B. S. Murthy: Of course, I will come in the round.

Mr. Speaker: How long?

Shri A. C. Guha: In the correction slip, his name appears.

Mr. Speaker: Mr. Murthy.

Shri B. S. Murthy: Is there any estimate made of the damage done by the floods as well as droughts?

Mr. Speaker: In the whole of India?

Shri A. P. Jain: It has been already answered.

Shri B. K. Gaikwad: Are Government aware that in Bombay State in certain parts there is no rain and due to the drought some crops are going dry?

Dr. P. S. Deshmukh: My information is that Bombay State is affected by floods; there is no drought.

Report of the Technical Railway Official Team

*1538. **Dr. Ram Subhag Singh:** Will the Minister of Railways be pleased to state:

(a) whether the team of the technical railway officials which had visited the U.S.A., Canada and some European countries has submitted on its return any report to Government regarding effecting improvements in the operational efficiency of the Railways;

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

(c) whether Government have taken any decision regarding the implementation of that report?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). The Hon. Member perhaps has in mind the team of Technical Officers who went to Washington to participate

in the negotiations for a loan from the World Bank. During their stay abroad they took the opportunity to visit some of the railway installations in America, Canada, U.K., France and West Germany. The subjects that received their attention and the impressions they gathered are given in the handout that was prepared for the Press Conference on 1st August, 1957, a copy of which has been laid on the table of the Lok Sabha. [See Appendix IV, annexure No. 77.]

The observations made by the Technical Officers are under consideration.

Shri Feroze Gandhi: The Technical Mission had under consideration a scheme to increase the load of goods trains by a thousand tons. May I know the suggestion made by the Mission with regard to this particular problem and to what extent it has been implemented in the Bhilai, Rourkela and Durgapur plants?

Shri Shah Nawaz Khan: The devices that we intend to introduce to enable the trains to carry heavier loads are the buffer couplers. There is a team of American experts who are in India. They also recommended the introduction of buffer couplers. We have asked them to refer back to their firm in America who devised the buffer couplers to give us a practical demonstration of the same. On the successful implementation of these experiments, we will further extend it, if necessary.

Shri Feroze Gandhi: It has also recommended that the net load of a wagon should be raised to about 50 tons as against the present load of 22 tons. May I know if any steps have been taken in this regard?

Shri Shah Nawaz Khan: That is true. It will have to be done after we have carried out the experiments, as we have decided, with the buffer couplers.

Shri Gajendra Prasad Sinha: Will it mean remodelling of wagons?

Shri Shah nawaz Khan: Yes.

Shri Jangde: May I know whether this Technical Mission has suggested the removal of the speed restrictions and introduction of the interlocking system on the railways?

Shri Shah nawaz Khan: I think the hon. Member is mixing up the two. The question is about our Technical Mission that went to U.K. That Mission has not recommended the removal of any speed restrictions. They have studied the central traffic control system, which we are also thinking of introducing on certain sections.

Shri Tangamani: In the statement laid on the Table, there are several details, but I shall confine myself to only one thing. Under "Smooth working of marshalling yards", it is said that we are endeavouring to develop and modernise our marshalling yards in the second Five Year Plan period. May I know which are the marshalling yards which are going to be modernised during this year?

Shri Shah nawaz Khan: I shall require separate notice for that; but, I may tell the hon. Member that a very big marshalling yard is being constructed at Barauni. Moghal Sarai will probably be another.

Shri Tangamani: Any marshalling yards in the Southern Railway?

Mr. Speaker: He wants notice.

Shri Shree Narayan Das: The hon. Deputy Minister said that the report of the experts is being examined. I would like to know whether any committee has been set up to examine the report?

Shri Shah nawaz Khan: It is examined by the Railway Board, a high body of experts by themselves.

Mr. Speaker: Next question is transferred.

Shri Dasaratha Deb: I am here.

Mr. Speaker: I know, but his question has been transferred to the 12th.

डाक तथा तार कर्मचारी

* १५४०. श्री भक्त बर्न : क्या परिवहन तथा संचार मंत्री १६ नवम्बर, १९६६ के तारांकित प्रश्न संख्या १५६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) डाक तथा तार विभाग के जिन कर्मचारियों को राजनैतिक कारणों से निकाल दिया गया था उनको फिर से नौकरी देने के लिये जो बुनियादी सिद्धान्त लागू किये जाने वाले थे, क्या उनके बारे में अन्तिम निर्णय कर दिया गया है ;

(ख) यदि हां, तो क्या निर्णय की एक प्रति सभा-पटल पर रखी जायेगी ; और

(ग) प्रत्येक परि-मण्डल के कितने कितने व्यक्तियों पर उस निर्णय को लागू किया गया है अथवा लागू किया जायेगा ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) जो हां ।

(ख) इस विषय पर लिये गये निर्णय की एक नक़ल सभा-पटल पर रख दी गयी है [बैलिये परिशिष्ट ४, अनुसूच संख्या ७८]

(ग) गृह-मंत्रालय का यह निर्णय डाकतार-परिमण्डलों के प्रधानों में परिचालित कर दिया गया है ; एवं ऐसे मामलों की छानबीन करने तथा तत्सम्बन्धी आंकड़ों के संकलित करने में कुछ समय जाने की सम्भावना है ।

श्री भक्त बर्न : चूंकि राजनैतिक पीड़ित सरकारी कर्मचारियों के साथ दस वर्ष के बाद कुछ न्याय हुआ है, इस लिये मंत्री जी को धन्यवाद देते हुए क्या मैं जान सकता हूं कि क्या अब इस बारे में जरा सीधता

की जायगी और इस निर्णय को जल्दी से जल्दी लागू किया जायेगा ?

श्री राज बहादुर : मैं विश्वास करता हूँ कि परि-मण्डलों के अधिकारी इस को तत्परता से लागू करेंगे ।

श्री भक्त दर्शन : राजकीय आज़ा के अन्त में लिखा हुआ है,

"In all cases arrears, if any due, will be paid only from the date of issue of these orders."

क्या गवर्नमेंट यह नहीं सोचती कि इस की वजह से बहुत से सरकारी कर्मचारियों को शायद हजारों रुपये तक का नुकसान होगा और क्या इस पर पुनर्विचार करने की कृपा की जायेगी ?

श्री राज बहादुर : आम तौर से कुछ ऐसा तरीका रखा है कि जहाँ पिछली बकाया का सवाल आता है, तो वह आज़ा की तारीख से ही दी जाती है ।

Plywood Factory in Andamans

*1541. { **Shri Raghunath Singh:**
Shri S. C. Samanta:
Sardar A. S. Saigal:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 923 on the 11th April, 1956 and state:

(a) whether a large amount of royalty due to the Government of India has still not been paid by Messrs. P. C. Ray and Co. (India) Ltd.;

(b) whether it is a fact that the workers employed by the said Company in the forests of Andamans are not being paid their wages regularly;

(c) whether it is a fact that in April, 1957 fire was resorted to by the Police on the workers;

(d) if the answer to the above parts be in the affirmative, the action taken by Government in the matter; and

(e) the progress made so far in connection with the establishment of plywood factory in Andamans in accordance with the agreement entered into between the Government of India and Messrs P. C. Ray and Co.

The Minister of Co-operative (Dr. P. S. Deshmukh): (a) to (c). A statement is laid on the Table of the Lok Sabha.

STATEMENT

(a) Yes, Sir. The gross amount outstanding as on 30th July, 1957, was about Rs. 16 lakhs but since then the Company has made certain payments and further royalties have also fallen due. The actual position as at present is being ascertained.

(b) Yes, during the past 4 months the labourers were not paid their wages regularly.

(c) Yes, Sir. Two labourers were injured but not fatally. The District Magistrate held a judicial enquiry into the happenings on 26-4-1957 and the following days, and his finding was that the police opened fire in self-defence, that their shooting was not excessive and that the Police were justified in their action. These findings were accepted by the Chief Commissioner.

(d) (i) With regard to royalty, instructions have been issued to the Chief Conservator, Andamans, for recovery of arrears as well as current royalty from every shipload despatched to the mainland. By this process the arrears would be cleared in the course of the next some months.

(ii) Regarding payment of wages the Company has recently despatched rations to the Islands to mitigate the difficulties of labour as a

result of non-payment of wages in due time. It has since been arranged that they should send a minimum of Rs. 2 lakhs towards wages (approximately half the outstandings) this week.

(iii) As stated above the District Magistrate's finding that the Police firing was justified as in self-defence, has been accepted by the Andamans Administration.

(e) The Company has not yet established a plywood factory but they have set up a saw mill though not of full capacity. After examining the facts of the case, an extension of time upto June 1958 has been allowed for the purpose.

श्री रघुनाथ सिंह : मैं जानना चाहता हूँ कि मसज पी० सी० रे एंड कम्पनी की तरफ से अब तक कितनी रायल्टी बकाया है ?

What is the outstanding royalty?

Dr. P. S. Deshmukh: It is already mentioned in the statement that the gross amount outstanding as on 30th July, 1957 is, was about Rs. 16 lakhs. But since that company has made a certain payment and further royalty has fallen due, the actual amount is being ascertained.

श्री रघुनाथ सिंह : हर साल इस कम्पनी को कितनी रायल्टी देनी पड़ती है और इतनी ज्यादा रायल्टी जो बाकी है, वह कितने सालों से बाकी है ?

Dr. P. S. Deshmukh: The royalties have been accumulating; but there have been certain difficulties which this company had to face. Taking an overall view, we have not yet come to the decision that it would be advisable to terminate the contract, in spite of the fact that royalties have fallen due.

श्री रघुनाथ सिंह : क्या सरकार इस बात का कोई कारण बता सकती है कि इस कम्पनी ने चार महीने से काम करने वाले लेबरर्स को वेज नहीं दी है ?

Dr. P. S. Deshmukh: Yes; it is a fact. We are drawing the attention of the Chief Commissioner to this. The company has certain difficulties.

Mr. Speaker: The question is again and again put, what is the difficulty. The hon. Minister must say what exactly is the difficulty.

The Minister of Food and Agriculture (Shri A. P. Jain): Large quantities of timber had accumulated there. They could not transport them. Now we have made arrangements, and according to that arrangement the Company will pay Rs. 2 lakhs immediately out of the shippings, and the balance will be paid by the first week of September.

Shri Ranga: There is what is known as the Payment of Wages Act. Are we to understand that it is not being enforced and the workers are kept without any wages for four months?

Shri A. P. Jain: There is some irregularity. There is no question about it, and it should have been regularly paid. As soon as it was brought to our notice we have made arrangements. There was a meeting of the Chief Commissioner with a representative of the Company as also of the Forest Department, and they have now come to an arrangement whereby out of the shipments recoveries will be appropriated towards the payment of the wages.

मरदार अ० सि० सहगल : मैं जानना चाहता हूँ कि वेज बोर्ड की रिकोमेंडेशन के मुताबिक लेबर को, जो सरकार की ओर से अर्जन वाम करने है, वाजिस बब दी जायेगी ?

श्री अ० प्र० जैन : मेरे पास यी इन्फार्मेशन है कि इस सप्ताह के अखिर तक जो उनका पैसा था, वह उनको भरा हो जायेगा ।

Shri Tangamani: In the police firing that took place in April 1957 we understand that two workers were in-

jured. May I know whether any compensation has been paid to the injured workers?

Shri A. P. Jain: I will require notice for that.

Shri S. L. Saksena: Was not the Company prosecuted for not paying wages in time?

Shri A. P. Jain: I have already said that arrangements have been made for payment of the wages. The Company was not prosecuted.

Shri S. C. Samanta: May I know why the hon. Minister is so unkind on us as not to inform us what is the actual royalty, and only the outstanding has been mentioned in the statement?

Dr. P. S. Deshmukh: There is no question of unkindness. We are prepared to lay before the House every information that is actually in our possession. Unfortunately the actual royalty has not been given here. It also varies according to the timber felled and various other considerations. It is likely to vary, it is not a fixed amount every year.

श्री रघुनाथ सिंह : प्लाईवुड फैक्ट्री का जो ठेका या मीनोपली इस कम्पनी को दी गई है क्या उस फैक्ट्री ने वहा काम आरम्भ कर दिया है या अभी नहीं किया है ? अगर काम आरम्भ हो गया है तो वहा पर जो लेबर एम्पलायड है, उसको क्या क्या सुविधायें दी गई हैं ?

श्री ख० प्र० जैन : अभी उसका काम आरम्भ नहीं हुआ है । इसका कारण यह है कि जो जमीन एक्वायर करके उनको देनी थी, उसके घन्दर देरी हुई है । सन् १९५७ में उनको जमीन दी गई । इस बीच में जो लायसेंस उनको मिला था मशीन मंगाने का वह खत्म हो गया । इस वजह से, यह है तो अफसोस की बात, लेकिन देरी हुई है ।

Quinine

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*1542. { **Shri Balakrishnan:**
Shri E. Narayanasamy:

Will the Minister of Health be pleased to state:

(a) whether Madras Government recommended to Central Government to impose total ban on the import of quinine; and

(b) if so, the reasons therefor?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) There is adequate production of quinine in the country to meet all demands and therefore there was no necessity for any import.

(i) it will be easier for the indigenous cinchona industry to fight the bias created in the minds of the people for imported quinine.

(ii) Restrictions on import will serve to raise the sale of indigenously manufactured cinchona alkaloids.

(iii) There will be scope for disposing of stocks of quinine which had accumulated with the State Government.

Shri Balakrishnan: May I know whether the ban is imposed now or is going to be imposed?

Shri Karmarkar: It was imposed some time back.

Shri S. V. Ramaswami: A special Cinchona Committee was appointed some time back. May I know the main recommendations of that Committee and how they are being implemented?

Shri Karmarkar: They recommended that the ban on imports of quinine should be continued and the imports of paludrine, the synthetic rival of quinine, should be restricted. We have continued the ban on the imports of

quinine, and regarding the import of the other synthetic materials we have restricted their imports.

Shri V. P. Nayar: The hon. Minister says that the import of quinine is banned. I want to know whether only ordinary quinine is banned or whether quinine salts also are included in the ban.

Shri Karmarkar: Subject to correction, it includes quinine salts.

Shri V. P. Nayar: Then how do the last year's statistics show that 150,000 rupees worth of quinine salts have been imported?

Shri Karmarkar: I said subject to correction. It is subject to verification.

Shri Manasen: There are a number of cinchona plantations in Darjeeling in West Bengal. Just now we heard from the hon. Minister that we are imposing a ban on the import of quinine. I may draw the attention of Government to the fact that quite a number of cinchona plantations there are threatened with closure. I would like to know what is the potential of quinine in the present market.

Shri Karmarkar: The potential is 100,000 lbs. and we are producing 100,000 lbs. That is why I said that our production was adequate for our requirements.

Shri S. V. Ramaswami: May I know the total requirement of quinine in this country and how far it is being met, and whether it includes also synthetic quinine?

Shri Karmarkar: Quinine does not include synthetic quinine. As I said a moment ago—I am afraid my friend did not listen to the reply, though he is so near—the requirement is 100,000 lbs. and the production is 100,000 lbs. And that is quinine proper, not synthetic quinine.

Dr. Sushila Nayar: In view of the threatened closure of cinchona plantations and the likely decrease in the

national requirements of quinine as a result of National Malaria Control programme, what steps are being taken by Government to promote the export of quinine—because, before long we should require no quinine at all in this country?

Shri Karmarkar: In regard to the long range steps that we shall have to take I shall consult my hon. friend and other hon. Members also.

Shri Tangamani: May I know whether, as a result of the ban imposed on the import of quinine, the cinchona plantations owned by the State Government of Madras are functioning fully with all the retrenched workers back in their jobs?

Shri Karmarkar: I would like the latter part of the question to be repeated. I could not hear it.

Mr. Speaker: Whether the plantations are working to their full capacity, taking back all the retrenched workers.

Shri Karmarkar: Taking back all the retrenched workers on the cinchona plantations? I would like to have very adequate notice for that.

Dr. Sushila Nayar: In view of the fact that, as my hon. colleague has already stated, some of these cinchona plantations in Darjeeling are on the verge of being closed down because of the declining market and because there is not enough need for quinine in India already, does not the Government think it is time to export quinine, so that the production does not need to be lowered and we can earn some foreign exchange also.

Mr. Speaker: The hon. Member is only making a suggestion.

Shri Balakrishnan: In view of the fact that the price of quinine varies from State to State, may I know whether the Government will fix a uniform rate at the lowest level that is prevalent, having regard to the fact that it is a medicine of the poor man?

Mr. Speaker: That is also a suggestion for action. We are dealing with the import ban here.

Sulphate of Ammonia

*1544. **Shri Ball Reddy:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 700 and its supplementaries on the 31st May, 1957 and state whether Government are considering the reduction of the price of Sulphate of Ammonia?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): No Sir. The revision will be considered by the beginning of next year.

Shri Ball Reddy: May I know whether it has come to the notice of Government that due to delay in the supply of sulphate of ammonia in sufficient quantities, agriculturists have to purchase it in the black market at exorbitant rates?

Shri M. V. Krishnappa: No, Sir. There is some delay in the supply of this imported fertilizer because of the Suez crisis and steamers arriving late, but of whatever is available inside the country proper distribution is being made.

Shri Nanjappa: Is it a fact that tea plantations in South India are not supplied with sufficient quantity of sulphate of ammonia and are supplied with other fertilizers which are not useful and do not stand the hill climate?

Shri M. V. Krishnappa: We are able to meet their demands adequately because their demands are very little, less than four or five thousand tons. We have met their demands.

Shri Wodeyar: In view of its shortage, will Government consider the desirability of subsidising this product in the interest of increased production of foodgrains?

Shri M. V. Krishnappa: The whole scheme is run on a no-profit no-loss basis and we are not subsidising fertilizers.

Shri Ranga: When would you be reconsidering the price schedule of sulphate of ammonia?

Shri M. V. Krishnappa: That will be considered in the beginning of next year when the landed cost may cost us less.

RE. STARRED QUESTION NO. 1541

The Minister of Food and Agriculture (Shri A. P. Jain): Sir, may I, with your permission, supplement the answers I gave to the supplementaries to Question No. 1541† regarding payment of royalty by Messrs. P. C. Ray & Company? The position was that the Government have made an arrangement with Messrs. P. C. Ray & Company for the payment of royalty of Rs. 50,000 for each shipment. When the question of non-payment later came up it was arranged that Government will temper its recovery of royalty and the Company will pay Rs. 2 lakhs out of the proceeds of the shipping towards the wages of labour by the end of the first week of September and the rest of the payment will be made shortly.

WRITTEN ANSWERS TO QUESTIONS

Mechanised Port in Hooghly

*1543. **Shri Bimal Ghose:** Will the Minister of Transport and Communications be pleased to state whether, and if so, what action has been taken on a non-official resolution adopted by the other House on the 7th December, 1956 about the feasibility of developing a fully mechanised coal and ore port on the west bank of the lower Hooghly?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): A preliminary technical examinations has been made to determine a suitable site for the location of the proposed port. This revealed the necessity for carrying out fresh hydrological experiments and the collection of further data regarding erosion effects, frequency and magnitude of bore tides etc. This is being done.

Plant Protection

*1545. Shri E. Narayanasamy: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are aware that the cardamom plants are dying out in Devicolum Taluq Kerala State, in Kodaikanal Taluq Madurai District and other parts in the Madras State; and

(b) if so, whether any steps have been taken by the Government of India in the matter under Plant Protection Schemes?

The Minister for Food and Agriculture (Shri A. P. Jain): (a) and (b). A statement is placed on the Table of the Lok Sabha. (See Appendix IV, annexure No. 79).

Medical Delegation to U.S.S.R.

*1546. Shrimati Parvathi Krishnan: Will the Minister of Health be pleased to state:

(a) whether a Medical delegation visited the U.S.S.R.;

(b) if so, whether the delegation has submitted any report and made any recommendations; and

(c) the action taken on these recommendations?

The Minister of Health (Shri Karmarkar): (a) and (b). The reply is in the affirmative.

(c) The suggestions made by the Indian Delegation were brought to the notice of the State Governments.

Rajasthan Canal

*1547. Shri Harish Chandra Mathur: Will the Minister of Irrigation and Power be pleased to state:

(a) whether the administrative set-up has been finalised to implement the scheme of Rajasthan Canal; and

(b) the progress expected to be made during the year 1957-58?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) The project was sanctioned in July, 1957 and the preliminaries are in hand. It would be possible to give a fairly accurate estimate only when the administrative set up is finalised and the staff is in position.

Agrarian Re-organisation

*1548. Shri S. M. Banerjee: Will the Minister of Food and Agriculture be pleased to state:

(a) whether high level discussions are going to be held in Mysore on agrarian re-organisation; and

(b) if so, whether representatives of all political parties will be invited to attend these talks?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The All India Sarva Seva Sangh has convened a conference at Mysore on 21st and 22nd September, 1957 with a view to discuss matters relating to the Gramdan movement.

(d) So far as is known, a number of leading personalities; belonging to various parties or to none, have been invited.

Dredger at Kandla Port

*1549. Shri Assar: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the dredger allotted to Kandla Port is unworkable;

(b) if so, what is the defect;

(c) whether Government have hired a dredger to work in Kandla Port; and

(d) if so, what is the rent of that dredger?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (c) No. Sir.

(b) and (d) Do not arise.

रेलगाड़ी का पटरी से उतर जाना

*१५५०. श्री मोहन स्वामी: क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि ११ अगस्त १९५७ को पूर्वोत्तर रेलवे के राजहापुर पीलीभीत सेक्शन पर बीसलपुर के शेरगज के स्टेशनों के बीच एक रेल दुर्घटना हो गई ?

(ख) क्या यह सच है कि इस दुर्घटना का मुख्य कारण था यह कि वहां के स्लीपर और गर्डर बहुत पुराने हैं ; और

(ग) यदि हां, तो ऐसी दुर्घटनाओं को पुनरावृत्ति रोकने के लिये स्लीपरों तथा बांडरो के बारे में सुरक्षात्मक तरीके अपनाने के लिये सरकार क्या कार्यवाही कर रही है ।

रेलवे डायरेक्टर (श्री शाहनवाज खां) :

(क) जी हां, दुर्घटना १०-८-५७ को हुई, न कि ११-८-५७ का जैसा कि सवाल में कहा गया है ।

(ख) वजह को जांच की जा रही है ।

(ग) ऊपर भाग (ख) के जवाब में जो कहा गया है उसे देखते हुये सवाल नहीं ऊठता ।

West Coast Road

*1551. Shri Achar: Will the Minister of Transport and Communications be pleased to state:

(a) whether the West Coast Road passing through the South Canara

District will pass through Ullal and Manjeshwar and Kumbala, or through Penemangalore and Vittal;

(b) if it passes through Ullal—Manjeshwar, the progress made regarding the construction of the bridges at Ullal and other places on this portion of the road; and

(c) the time by which the bridges are expected to be completed?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The new alignment of the portion of the West Coast Road in South Canara District which was approved in July 1957 passes through Ullal Manjeshwar & Kumbala. No bridge work between Ullal and Manjeshwar has so far been sanctioned.

(c) During the early part of the third Five-Year Plan period.

Training of Indian Physicists in Hospital Physics

*1552. { Shri Hem Barua:
Shri D. C. Sharma:

Will the Minister of Health be pleased to state:

(a) whether any proposal has been discussed recently when he met Dr. I. S. Eve, Medical Officer in charge of health problems relating to the peaceful uses of atomic energy, at the World Health Organisation Geneva, regarding training of Indian Medical personnel in Hospital Physics involving the use of radio isotopes; and

(b) if so, the result of the discussion?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) It is hoped that the World Health Organisation will provide:—

(1) Fellowships for training of Indian Medical personnel in (i) hospital physics, (ii) clinical uses of radio isotopes, and (iii) radiation protection.

(2) One short-term consultant in hospital physics in 1957; and

(3) assistance for starting a course of training in health physics for Indian Doctors sometime in 1958.

Assam Railway Link

*1553. Shri Liladhar Kotoki: Will the Minister of Railways be pleased to state what action Government propose to take on the recommendation of the Assam Rail Link Stabilisation Committee?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): The Report of the Assam Rail Link Stabilisation Committee has since been examined by the Government and for the implementation of the recommendations made by the Committee, the Board have appointed an Engineer-in-Chief with special staff, specially for the stabilisation of the existing route, as well as to carry out a preliminary engineering survey of a new line from a suitable point on the Mal-Domohani branch to Alipurduar via Maynaguri Falakata etc., with special emphasis on the Jaldhaka and Torsa crossings. He will also work out financial implications of the said project.

Aerodromes at Porbander and Keshod

*1554. Shri Nathavani: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government propose to construct all-weather runways for aerodromes at Porbander and Keshod; and

(b) if so, the steps taken or which are being taken to implement it?

The Minister of Transport and Communications (Shri Lal Bahadur Shastri): (a) and (b). It is proposed to carry out the necessary repairs to the existing runways and estimates are under preparation.

Sone River Barrage

*1555. Shri Kamal Singh: Will the Minister of Irrigation and Power be pleased to refer to the answer given to Starred Question No. 512 on the 28th May, 1957 regarding Sone River Barrage and state:

(a) whether the project has since been examined by the Union Government;

(b) whether any modifications have been made;

(c) if so, the Chief features of the project together with the revised estimate; and

(d) whether the State Government concerned have suggested target date for starting the work?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir. It is still under examination.

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

श्रीगंगानगर की टंक टेलीफोन लाइन

*१५५६ { श्री प० ला० बादवाल :
श्री रघुनाथ सिंह :

क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि श्रीगंगानगर की टंक टेलीफोन लाइन हमेशा बिगड़ी रहती है ; और

(ख) यदि हां, तो उसके क्या कारण हैं ?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : (क) और (ख). इस संबंध में समा-पटल पर एक विवरण-पत्र रक्खा गया है ।

[See Appendix IV, Annexure No. 80]

Telegraph Lines in Orissa

*1557. **Shri Sanganna:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 1494 on the 16th April, 1956 in respect of the Telegraph lines in Orissa and state:

(a) whether the decision regarding the transfer of the administrative service to the Orissa Circle has since been taken; and

(b) if not, the reasons therefor?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). It has been decided not to disturb the status quo on administrative and technical grounds.

Project Administration of River Valley Projects

*1558. **Shri Shree Narayan Das:** Will the Minister of Irrigation and Power be pleased to state whether any and, if so, what decision has been taken regarding the pattern of Project Administration for the big river valley projects?

The Deputy Minister of Irrigation and Power (Shri Hathi): A statement giving the requisite information is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 81]

Water Supply at Calcutta Port

*1559. **Shri S. C. Samanta:** Will the Minister of Transport and Communications be pleased to state:

(a) what steps have been taken to alleviate the longstanding serious shortage of water for ships in the port of Calcutta;

(b) whether it is a fact that the supply of water rests in the hands of the Calcutta Corporation; and

(c) if so, what steps have been taken for the supply of water?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). The supply of water to the ships visiting the Port of Calcutta is the responsibility of the Calcutta Corporation. As

the supply from the Corporation's sources is inadequate, the Port Commissioners have sunk three tubewells at Kidderpore Docks and one at King George's Dock. They are also making arrangements for sinking two more tubewells.

पशुओं के प्रति निर्दयता को रोकना

*१५५६-क: श्री भवत दर्शन : क्या साख तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पशुओं के प्रति निर्दयता का व्यवहार रोकने से संबंधित समिति द्वारा प्रस्तुत रिपोर्ट पर विचार किया गया है ; और

(ख) यदि हां, तो उस संबंध में क्या निश्चय किया गया है ?

साख तथा कृषि मंत्री (श्री जे. प्र. जैन):

(क) और (ख). ज्यादातर सिफारिशों पर राज्य सरकारों, द्वारा, जिनसे ऊरुक्त कार्यवाही करने के लिये प्रार्थना की गई है, कार्यवाही होनी है । ये सिफारिशें भारत सरकार के भी विचाराधीन हैं ।

National Federation of Indian Railwaymen

*1560. { Shri D. C. Sharma:
Shri Shree Narayan Das:

Will the Minister of Railways be pleased to state:

(a) whether there have been meetings in New Delhi between the Railway Board and the National Federation of Indian Railway-men early this month;

(b) if so, what were the subjects discussed; and

(c) the conclusions, if any, reached?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes, in August.

(b) and (c). Discussion between the National Federation of Indian

Railwaymen and the Railway Board was continued on issues as framed by the One-man Tribunal and included under item I of the Terms of Reference to the Tribunal.

Laying of Coaxial Cables

*1561. Dr. Ram Subhag Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government have received any representation to stop the implementation of the project of laying down underground coaxial cables; and

(b) if so, whether Government have taken any decision in this regard?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No.

(b) Does not arise.

Breaches on Railway Line

*1562. Shri Raghunath Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that due to rains train services between Pathankot and Madhopur and Jogendra Nagar have been suspended; and

(b) if so, what steps are being taken to ensure that train services are not interrupted due to rains?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(i) for about 5 hours on 18-8-1957 on the Pathankot-Madhopur Section due to rains; and

(ii) for about 2 hours on 22-8-1957 on the Pathankot-Jogindernagar Section due to a big boulder having fallen on the line. The train services on the section has again been dislocated from 3-9-1957 due to slips between Kangra and Koparlahar and is likely to continue for about a week.

(b) On Pathankot-Madhopur Section necessity for more waterway for bridges in which flood passed above danger mark is being investigated.

Extensive patrolling is done at such places as are liable to slips etc. to safeguard working of trains and carry out repairs so that detention to trains is minimised.

Mechanisation of Country Boats

*1563. Shri Yajnik: Will the Minister of Transport and Communications be pleased to state:

(a) the steps Government have taken to speed up and mechanise the transport of passengers and goods that are traditionally being carried by small boats and country crafts on the Eastern and Western coasts of India; and

(b) the amount that has been earmarked for carrying out during the Second Plan period the necessary measures, stating the amounts of the money to be spent on the different sectors of the Indian Coastal traffic?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). It is presumed that the Hon. Member is referring to the question of mechanisation of sailing vessels. If so, it may be stated that a provision of Rs. 40 lakhs has been included in the Second Five Year Plan for the mechanisation of about two hundred sailing vessels. No detailed scheme for the grant of financial assistance to sailing vessels' owners who are desirous of mechanising their vessels has, however, been drawn up yet pending the enactment of legislation for giving necessary powers to Government to control the sailing vessels industry. It is proposed to incorporate suitable provisions to cover the sailing vessels industry in the consolidated Indian Merchant Shipping (Amendment) Bill, which is expected to be ready shortly for introduction in Parliament.

Decentralisation on Railways

*1564. Shri Harish Chandra Mathur: Will the Minister of Railways be pleased to state:

(a) what steps have been taken by the Railway Board during the year

1955-56 and 1956-57 to give effect to its policy of decentralisation in the administration;

(b) what additional powers have been delegated and are proposed to be delegated to the officers in the field entrusted with the execution of works and projects; and

(c) what paper work in returns and reports has been cut down?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). A statement is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 82.]

Kopilli River Multipurpose Project

*1565. **Shri Liladhar Koteki:** Will the Minister of Irrigation and Power be pleased to state:

(a) the results of the preliminary investigations for the Kopilli River multi-purpose project; and

(b) whether Government propose to take up immediately execution of the irrigation part of the project in view of urgency to increase food production?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) A tentative multi-purpose Project on Kopilli River was outlined, which was estimated to yield 1,25,000 KW of power and irrigation benefits for about 2.52 lakh acres and also flood protection. Detailed investigations are now in progress.

(b) The feasibility of the project will be known only after the investigations have been completed and a project report prepared.

Porbander-Rajkot National Highway

*1566. **Shri Nathavani:** Will the Minister of Transport and Communications be pleased to state:

(a) what progress has been made in the construction of the National High-

way No. 8-B between Porbander and Rajkot;

(b) the approximate cost that will be incurred in the construction of the above section; and

(c) how long will it take to construct it?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). The road already exists. A provision of Rs. 103 lakhs has, however, been made in the current Five Year Plan for the improvement of certain sections to the required standards and for providing two missing bridges across the rivers Minsar and Vadal. Estimates totalling Rs. 42.72 lakhs for the construction of the bridge across Minsar and other works of improvement have been sanctioned by the Government of India. Most of these works are in progress. Subject to availability of funds all works are expected to be completed during the current plan period.

Safety of Rail Tracks

*1567. **Shri Sanganna:** Will the Minister of Railways be pleased to state:

(a) whether the Railway Board has proposed to all the State Governments that a Standing Committee of Engineers should be set up in each State to keep under constant review matters affecting the safety of railway track and bridges against floods and heavy rains; and

(b) if so, what progress has been made so far?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes, Sir.

(b) The Committees have been formed in the States of Bombay, Bihar, Kerala, Orissa, Rajasthan and West Bengal and in the remaining States, the Committees are in the process of formation.

Unloading of Locomotives at Calcutta Port

*1543. **Shri S. C. Samanta:** Will the Minister of Transport and Communications be pleased to state whether it is a fact that a large number of locomotives imported through the Port of Calcutta could not be discharged on to the wharves and were retained in boats for considerable periods involving not only considerable expense, but also serious risk of loss or damage and that as a result there has been extreme shortage of boats in the port?

The Minister of State in the Ministry of Transport and Communications (**Shri Raj Bahadur**): In the latter half of May and the first half of June 1957 there was a congestion of lighters loaded with imported locomotives in the port of Calcutta. This was due to the bunching of ships bringing this cargo. Speedy clearance was not possible because of the sudden increase in the demand for the special type of wagons required and of the breakdown of a heavy lift crane of the port. No loss or damage occurred during the lighterage operations. There is now no shortage of lighters in the port.

Development of Cambay Port

*1549. **Shri Yajnik:** Will the Minister of Transport and Communications be pleased to state the amount estimated to be spent on the development of Cambay Port (Bombay State) in the next financial year?

The Minister of State in the Ministry of Transport and Communications (**Shri Raj Bahadur**): The development of minor ports is the responsibility of the State Governments. The Central Government gives financial assistance in the form of loans on concessional terms for development schemes included in the Five Year Plans. A provision of Rs. 3.68 lakhs has been made in the Second Five Year Plan for improvement schemes

relating to the Port of Cambay. Information regarding the amount estimated to be spent on the development of this port has been called for from the Government of Bombay and will be laid on the Table of the Sabha.

Statutory Bodies under the Ministry of Transport and Communications

1303. **Shri Shree Narayan Das:** Will the Minister of Transport and Communications be pleased to state:

(a) the names of statutory and ad-hoc bodies functioning under his Ministry giving reference to the resolution or enactments under which these bodies were constituted and are functioning;

(b) the names of statutory bodies as have ceased to function after 1955;

(c) the names of ad-hoc bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955, giving the dates of their constitution, the dates of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports which are still under the consideration of the Government; and

(f) the names of such ad hoc bodies which are still functioning giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Minister of State in the Ministry of Transport and Communications (**Shri Raj Bahadur**): (a) and (c) to (f). Three statements giving the requisite information are laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 83]

(b) Nil.

Statutory Bodies under the Ministry of Railways

1304. Shri Shree Narayan Das: Will the Minister of Railways be pleased to state:

(a) the names of the statutory and ad hoc bodies functioning under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of ad hoc bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955, giving the dates of their

constitution, the dates of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports which are still under the consideration of the Government; and

(f) the names of such ad-hoc bodies which are still functioning giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Deputy Minister of Railways and Transport (Shri Shahnawas Khan): (a) The only statutory body functioning under the Ministry of Railways is the Railway Rates Tribunal. This has been set up under Section 34 of the Indian Railways' Act 1890.

(b) Nil.

(c) I Committees.

Name

Date of constitution Date of submission of Report

1. Railway Equipment Committee	27-1-55	15-5-56
2. Railway Freight Structure Enquiry Committee	20-6-55	14-4-57
3. Suburban Train Overcrowding Enquiry Committee	21-9-55	9-4-56
4. Assam Rail Link Stabilisation Committee	25-4-56	21-3-57

II. Commissions.

1. Commission of Enquiry into the Airyalar Accident	30-11-56	8-1-57
2. Commission of Enquiry into the Mahboobnagar Accident	10-12-56	24-1-57

(d) Reports of the Committees at items 1, 3 and 4 under I and Commissions at items 1 and 2 under II of (c) above.

(e) Report of the Committee at item 2 under I of (c) above.

(f)

Name

Date of appointment

*Period for which sanction has been issued for the Committee

1. High Power Committee of Engineers	6-3-57	6 months
2. Committee for reviewing the channels of promotion of Class IV staff on Indian Railways	15-5-57	6 months.

* Committees are expected normally to submit their reports within the period for which they are sanctioned. However, if due to unavoidable reasons, it becomes impossible to submit the reports within the sanctioned period, further extension is given.

Statutory Bodies under the Ministry of Irrigation and Power

1305. **Shri Shree Narayan Das:** Will the Minister of Irrigation and Power be pleased to state:

(a) the names of statutory and ad hoc bodies functioning under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of ad hoc bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955, giving the dates of their constitution, the dates of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports as are still under the consideration of the Government; and

(f) the names of such ad hoc bodies which are still functioning, giving the dates of their appointment and the dates on or before which they have to submit their reports to the Government?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (f). A statement containing the requisite information is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 84.]

Statutory Bodies under the Ministry of Health

1306. **Shri Shree Narayan Das:** Will the Minister of Health be pleased to state:

(a) the names of statutory and ad hoc bodies functioning under his Ministry giving reference to the

resolutions and enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of ad hoc bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955, giving the dates of their constitution and the dates of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports as are still under the consideration of Government; and

(f) the names of such ad hoc bodies which are still functioning, giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Minister of Health (Shri Karmarkar): (a) to (f). Statements containing the required information are laid on the Table of the Lok Sabha [See Appendix IV, annexure No. 85.]

Statutory Bodies under the Ministry of Food and Agriculture

1307. **Shri Shree Narayan Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) the names of statutory and ad hoc bodies functioning under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of statutory bodies as have ceased to function after 1955;

(c) the names of ad hoc bodies including Committees and Commissions

which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955, giving the dates of their constitution, the dates of submission of reports by each of them;

(d) names and such reports which have been considered and decisions already taken;

(e) names of such reports as are still under the consideration of Government; and

(f) the names of such ad hoc bodies which are still functioning giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (f). A statement is laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 86.]

Statutory Bodies under the Ministry of Community Development

1308. Shri Shree Narayan Das: Will the Minister of Community Development be pleased to state:

(a) the names of statutory and ad hoc bodies functioning under his Ministry giving reference to the resolutions or enactments under which these bodies were constituted and are functioning;

(b) the names of such statutory bodies as have ceased to function after 1955;

(c) the names of ad hoc bodies including Committees and Commissions which were constituted by the Ministry for specific purposes and which have already completed their works and submitted their reports since 1955, giving the dates of their constitution, the dates of submission of reports by each of them;

(d) the names of such reports which have been considered and decisions already taken;

(e) the names of such reports as are still under the consideration of Government; and

(f) the names of such ad hoc bodies which are still functioning, giving the dates of their appointment and the dates on or before which they have to submit their reports to Government?

The Minister of Community Development (Shri S. K. Dey): (a) There are no statutory or ad hoc bodies functioning under this Ministry.

(b) Question does not arise.

(c) An Expert Committee to examine the subject of training of Project Personnel and make suitable recommendations in respect thereof was appointed by the Ministry on the 15th October, 1955. Their report has not yet been formally submitted to the Ministry. It is expected to be done in a fortnight's time.

(d) and (e). The report will be considered by the Ministry on receipt.

(f) Nil.

Masulipatam Port.

1309 Shri M. V. Krishna Rao: Will the Minister of Transport and Communications be pleased to state:

(a) the total amount allotted for the Masulipatam port during the First Five Year Plan and how much was spent during that period, and

(b) the total allotment for the Masulipatam port during the Second Five Year Plan?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Rs. 1.75 lakhs and Rs. 1.5 lakhs respectively.

(b) Rs. 4.2 lakhs.

Fruit Experimental Station

1310. **Shri R. Narayanasamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Government propose to develop the Fruit Experimental Garden near Periyakulam, Madurai District into an Experimental Station; and

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

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) A scheme for the establishment of a research station for the intensification of research on mango, citrus and grapes was sanctioned in the Madras State during 1956-57. The Scheme is being financed by the Government of India and the State Government on 50:50 basis. The Madras Government have recently intimated that all possible sites in Madurai and Tirunelveli districts for the location of this research station were surveyed and the selection of a site near Periakulam is under consideration. Steps for acquiring the land for the proposed research station are being taken by the State Government. The Scheme has not yet started.

Water Supply to Delhi Industrial Areas

1311. **Shri Damani:** Will the Minister of Health be pleased to state:

(a) the steps Government are taking to supply water to the Delhi Industrial Areas, where industrial units are experiencing much difficulty due to paucity of water and it is becoming a problem for them; and

(b) what are the difficulties in meeting the water supply demands of the Industrial units?

The Minister of Health (Shri Karmarkar): (a) As far as bulk

water supply to industrial areas is concerned, a reservoir near Ramjas Hill and a 24" rising main to feed the reservoir have already been constructed. Water, however, cannot be supplied because the distribution mains have not yet been laid. This is the responsibility of the Municipal Committees concerned.

(b) The Delhi Municipal and West Delhi Municipal Committees who have no funds to meet the cost of the pipes have requested this Ministry for grant of loans for the purpose. The matter is under active consideration.

Anglo-Indians in P. & T. Department

1312. **Shri Frank Anthony:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of posts reserved for Anglo-Indians in the P. & T. Department in the calendar years 1946, 1947, 1950, 1951, 1952, 1953, 1954, 1955 and 1956;

(b) the number of Anglo-Indian applicants for the above posts in each of the above years; and

(c) the number of the above posts actually filled by Anglo-Indians during the above years?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (c). Information for the year 1946 is not available. A statement giving the information for the years 1947 to 1956 is placed on the Table of the Lok Sabha.

(b) Information for the years 1946 to 1954 is not available as the records for these years have been destroyed. Attempts are being made to collect the information for the years 1955 onwards and it will be furnished in due course if it becomes available.

STATEMENT (*vide* parts (a) and (c))

Year	No. of posts reserved for Anglo-Indians	No. of posts actually filled by Anglo-Indians
1947	42	2
1950	72	5
1951	5	2
1952	32	Nil
1953	114	4
1954	149	82
1955	171	8
1956	174	59

Rail Connection between Jaisalmer and Northern Railway

1313. **Shri Raghunath Singhji:** Will the Minister of Railways be pleased to state:

(a) whether there is any proposal to connect Jaisalmer with any suitable Station on the Northern Railway; and

(b) if so, whether this will be included in the Second Five Year Plan?

The Deputy Minister of Railways (Shri Shahnaswan Khan): (a) and (b). No such proposal is under consideration at present because there is no likelihood of any new line being included in the Second Five Year Plan.

Grants to Rajasthan from Central Road Fund

1314. **Shri Raghunath Singhji:** Will the Minister of Transport and Communications be pleased to state:

(a) the amount allotted to the erstwhile State of Jaisalmer from the Central Road Fund during the First Five Year Plan; and

(b) the amount allotted for Rajasthan from the Central Road Fund in the Second Five Year Plan?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b).

Allotments from the Central Road Fund are made to different States and not to individual districts of the States. Figures for Jaisalmer are not available separately but attempt will be made to obtain them from the State Government. They will be laid on the table of the Sabha in due course. A statement showing the allotments made to Rajasthan during the first plan period and so far during the second plan period is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 87.]

Post Offices in Madras City

1315. **Shri Dharmalingam:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of post offices in the city of Madras now functioning in private rented buildings;

(b) the rents paid by the Government on the above post offices from 1950 to 1956;

(c) whether there was any proposal for the construction of building for the functioning of these post offices; and

(d) if so, how many are under construction and the amount so far spent?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) 69.

(b) Rs. 4,89,600|.-

(c) Construction of two Departmental buildings is under consideration.

(d) Does not arise.

Railway Unions

1316. Shri S. M. Banerjee: Will the Minister of Railways be pleased to state:

(a) the total number of unions in each Railway; and

(b) the number of unions recognised?

The Deputy Minister of Railways (Shri Shahnaswas Khan): (a) and (b). The information is given below:—

Railway	Total No. of unions	No. of recognised unions
Central	4	2
Western	2	2
Southern	10	*2
South Eastern	3	2
North Eastern	2	2
Eastern	4	3
Northern	3	1

Development of Forests in Andaman and Nicobar Islands

1317. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state the steps taken by Government for the development of forests in Andaman and Nicobar Islands?

The Minister of Food and Agriculture (Shri A. P. Jain): The following are some of the important steps taken by the Government for the development of forests in the Andamans, since these islands came under our control in 1946:

1. Detailed Working Plans were prepared for the North, South and Middle Andaman Forests after necessary field work.
2. Departmental working was re-organised in the forests of the South and Middle Andamans.
3. The North Andamans forests (about 707 sq. miles) have been leased to a private party

for a period of 25 years w.e.f. 31st August, 1951 on royalty basis. This is the first attempt to exploit the large timber resources of the North Andamans.

4. With readily available equipment, a circular Saw mill was installed first. It has since been supplemented by a modern band saw mill at Chatham. This is being further re-organised in order to improve efficiency.
5. The Andamans forests have been organised to provide the bulk of the raw material for the matchwood industry located in Calcutta, Bombay and Madras and to the plywood industry in Calcutta mainly. Timber supplies to the mainland were also organised.
6. Effective steps were taken to re-establish an export trade

*These two unions have decided to merge into one.

in Andamans timbers but there has been a slowing down on this recently to ensure full supplies to the mainland.

7. This year, production is in hand for the supply of 1 lakh BG units sleepers to the Indian Railways, besides timber supplies as previous'y, to various Governments and private units in the mainland.
8. Plantations of teak, canes and softwood are undertaken regularly besides developing natural regeneration in areas worked over for timber.
9. In the first five year plan, two important schemes were implemented—(i) land clearance for colonisation and (ii) construction of roads.
10. In the 2nd five year plan, besides continuing work on the above, 12 schemes are in hand covering all important aspects of forestry and timber production.

The forests of the Nicobar Islands await development.

मंडुमाडीह में रेलवे कारखाना

१३१८ श्री विभूति मिश्र : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि वाराणसी

के निकट मंडुमाडीह में खोने वाले रेलवे के कारखाने पर कितना पदा खर्च किया जायेगा ;

रेलवे डायरेक्टरी : (श्री शाहनवाज़ खाँ) :
लगभग ४६ करोड़ रुपये ।

Telegraphic Connections to Towns

1319. Shri S. C. Samanta: Will the Minister of Transport and Communications be pleased to state:

(a) the names of the District towns and the Sub-divisional towns which had no telegraphic connections as on 1st April, 1957;

(b) the main reasons for which they could not be connected;

(c) whether during 1957-58 all these towns and remaining Tehsil towns would be given telegraphic facilities; and

(d) in how many cases people of the locality have been asked to deposit money for opening Telegraph offices at Tehsil towns?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) District Towns:

1. Bondilla* } (in N.E.F.A.)
2. Tuensang* } ५

Sub-divisional Towns

1. Miryalguda* (Andhra)
2. Nagar Kurnool* (Andhra)
3. Baghmara (Bihar)
4. Deglur (Bombay)*
5. Shivpur Kalan* (M. P.)
6. Narayanpur* "
7. Dantewara* "
8. Bijapur* "
9. Surajpur* "

10. Charghoda* (M.P.)
11. Hindolgarh* (Orissa)
12. Karanjia* (Orissa)
13. Kamakhyanagar* (Orissa)
14. Pallahara* (Orissa)
15. Salumbur (Rajasthan)*
16. Chura Chandpur* (Manipur)
17. Ukhrul (Manipur)
18. Tamelong (Manipur)
19. Jhiribam (Manipur)

* Proposals already sanctioned. (Schemes for the remaining 6 stations are under examination).

(b) As these places are in remote areas and required heavy outlay, sanction has to be given only after assessing the losses involved; regarding sanctioned schemes, the delay is also due to lack of availability of materials and equipment.

(c) During April-July 1957, Telegraph Offices have already been opened in 2 Sub-divisional and 12 tehsil towns. Steps have been taken to open as many more as possible.

(d) 14, out of which the public have agreed to accept the guarantee only in 7 cases.

Motor Roads in Keonjhar District of Orissa

1326. Shri P. G. Deb: Will the Minister of Transport and Communications be pleased to state:

(a) whether the motor roads in the mining areas of Orissa come under the management of the Central Public Works Department; and

(b) if so, whether it has been brought to the notice of Government that no steps are being taken to improve the motor roads of the mining areas in the Keonjhar District of Orissa?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

Railway Wagons

1321. Shri S. C. Samanta: Will the Minister of Railways be pleased to state:

(a) how many wagons were mis-despatched or remained unconnected on the way during 1955-56 (Railway-wise);

(b) how many of them were found out and after what interval; and

(c) in how many cases compensation had to be paid?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). A statement giving the information is laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 88.]

भारत में कैंसर के अस्पताल

१३२२. श्री डा. विद्या : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में कैंसर के बहुत दूर रोग को रोकने के लिये प्रत्येक राज्य में डीप एक्सरे और कैंसर अस्पतालों के खोलने के लिये क्या कोई प्रबन्ध किया जा रहा है; और

(ख) गत वर्ष कैंसर के रोगियों की संख्या कितनी थी ;

स्वास्थ्य मंत्री श्री करमचकर : (क) और (ख). अपेक्षित सूचना मांगी जा रही है और वह यथा समय सभा की मेज पर रख दी जायेगी ।

हसनपुर में सार्वजनिक टेलीफोन कार्यालय

१३२३ श्री श्रीनारायण दास : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि

(क) क्या बिहार के दरभंगा जिले के हसनपुर चीनी मिल के डाक-घर में एक सार्वजनिक टेलीफोन कार्यालय खोलने के किसी प्रश्न पर विचार किया गया है अथवा किया जाने वाला है; और

(ख) यदि हा, तो इस सम्बन्ध में क्या निर्णय किया गया है

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : (क) और (ख) इस प्रस्ताव पर विचार किया गया है और चूँकि यह आर्थिक दृष्टि से न्याय नहीं है, अतः इसका परिणाम नकार दिया गया है । तथापि, मिल के बाड़े में सार्वजनिक टेलीफोन घर का विस्तार दे दिया गया है ।

Sugar

desh, Mysore and Kerala; and

1224. Shri Venkatasubbalah: Will the Minister of Food and Agriculture be pleased to state:

(b) the quantity released for consumption during the above period from these factories?

(a) the quantity of sugar produced in 1956-57 in the various sugar mills in the State of Madras, Andhra Pra-

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). The required information is given below:—

Name of factory	Quantity of sugar produced during 1956-57 season (Tons)	Quantity released for consumption from 1-11-56 to 31-8-57 (Tons)
-----------------	---	--

Madras

1. Nellikuppam	33,410	21,367
2. Pugalur*	15,401	10,003
3. Madura*	3,800	2,207
4. Thiru	5,620	3,649

Andhra Pradesh

1. Samalkot	10,821	7,027
2. Anakapalle	7,102	4,615
3. Dariapudi	9,019	5,857
4. Seethanagaram	3,100	2,015
5. Vuyyuru	26,718	17,318
6. Bobbili	6,538	4,246
7. Kirlampudi	12,814	8,322
8. Andhra	11,460	7,483
9. Nizam (I Plant)	23,096	14,999
10. Nizam (II Plant)	30,967	20,110
11. Vijaya Lakshmi	238	238

Mysore

1. Mandya**	21,651	21,633
2. Hospet	7,942	6,006
3. Munirabad	3,259	2,132
4. Ugar Khurd	9,597	6,233

Kerala

1. Tiruvalla	11,926	9,764
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*Pugalur and Madura factories have generally two crushing seasons i.e. (i) from December to May and (ii) August to October. The production figures given above are in respect of first season. The production of Pugalur and Madura factories in the second season this year is estimated at about 6,000 and 1,000 tons respectively

**The Sugar season in case of Mandya factory is reckoned from July to June as against November to October in case of other factories.

Training Facilities for Officers of Burma Railway Accounts Department

1325. **Shri Shivananjappa:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Government of India have agreed to provide facilities to the officers of the Burma Railway Accounts Department for training in Indian Railway accounts procedure; and

(b) if so, how many Burmese officers are receiving training at present in Indian railways?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) One.

Training Abroad

1326. **Shri Sanganna:** Will the Minister of Community Development be pleased to state:

(a) whether there is any scheme under which selected Project Workers are sent abroad to gain experience of the countries engaged in the field of Community Development;

(b) if so, the number of workers sent abroad so far for the purpose; and

(c) the foreign countries which are also engaged in the Community Development work as in India?

The Minister of Community Development (Shri S. K. Dey): (a) Yes, Sir.

(b) 11.

(c) Most of the countries have adopted extension techniques in development works. The under-developed countries have, however laid greater emphasis on Community Development work of the type undertaken in India subject to adjustment according to local conditions. Work

on this line is in progress in the following countries:

- (1) Egypt.
- (2) Gold Coast.
- (3) Indonesia.
- (4) Iran.
- (5) Iraq.
- (6) Nepal.
- (7) Pakistan.
- (8) Philippines.

Universities and Community Development Work.

1327. **Shri Sanganna:** Will the Minister of Community Development be pleased to state:

(a) whether it is a fact that Universities and other educational institutions have been requested to include a subject on Community Development in their syllabi;

(b) if so, what progress has been achieved in this direction; and

(c) whether any financial assistance is given for the purpose?

The Minister of Community Development (Shri S. K. Dey): (a) Yes.

(b) The matter will take some time to finalise as decisions have to be taken by the Universities and details will have to be worked out.

(c) The question will be considered if the Universities ask for it.

Public Call Offices in Punjab

1328. **Shri Hem Raj:** Will the Minister of Transport and Communications be pleased to state:

(a) the names of the places in Punjab where Public Call Offices, though sanctioned during the period 1955-56 and 1956-57 have not been opened so far; and

(b) the reasons for the delay?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):

(a Sanctioned during:

1955-56

1. Sandhu
2. Mustafabad

1956-57

1. Surajpur V.C.W. P.O.
2. Amb.
3. Garget

(b) The delay has been due to non-availability of stores. Public Call Offices at Sandhu and Mustafabad are expected to be opened this month.

Potato Production in Manipur

1329. **Shri L. Achaw Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) the estimated quantity of production of potatoes in the years 1955-56 and 1956-57 in the Union territory of Manipur; and

(b) whether any steps are taken to step up the production of potatoes in that territory?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) In the absence of village records indicating the area sown under various crops, it is not possible to furnish any reliable estimate of the production of potatoes.

(b) Yes, Last year the Manipur Administration obtained a small quantity of improved potato seeds from Uttar Pradesh known as "UP-TO-DATE VARIETY" which are now under trial in the Government Farm. Efforts are being made to obtain more of the improved seeds for distribution through the NES Blocks at 50% subsidized rates. The cultivators have also been advised to apply manure mixture to potato crops to step up the yield. The manure is being sold to the cultivators @ 50% subsidized rates.

Community Development Schemes in Madras

1330. **Shri Balakrishnan:** Will the Minister of Community Development be pleased to state:

(a) the total area and population covered under the Community Deve-

lopment and National Extension Service Schemes in Madras state at the end of the First Five Year Plan period;

(b) the total amount spent by the Central Government thereon during the above period; and

(c) the extent of area and population which will be covered at the end of the Second Five Year Plan period?

The Minister of Community Development (Shri S. K. Dey): (a) Area —12,936 sq. miles.

Population —78 lakhs.

(b) Rs. 286 lakhs.

(c) Entire State.

बिहारी और नई दिल्ली की सड़कों के नाम

१३३१. श्री भवा बर्मान : क्या स्वास्थ्य मंत्री २७ फरवरी, १९५६ के तारांकित प्रश्न संख्या १३२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली और नई दिल्ली की कुछ और सड़कों के भारतीय नाम रखने के कुछ और प्रस्ताव हैं ; और

(ख) यदि हाँ, तो विभिन्न सड़कों के लिये कौन-कौन से भारतीय नाम चुने गये हैं ?

स्वास्थ्य मंत्री (श्री करमहर): (क) जी हाँ !

(क) नई बिल्डी

क्रमांक	पुराने नाम	नये नाम
१.	ऐलबुकक लेन	तीस जनवरी लेन
२.	क्वीन्सबे लेन	जनपथ लेन
३.	राबर्ट्स रोड	तीन मूर्ति मार्ग
४.	राबर्ट्स लेन	तीन मूर्ति लेन
५.	इब्दसन रोड	रामकृष्ण ब्राह्मण मार्ग
६.	पूर्वी मार्ग	गंगाराम अस्पताल मार्ग
७.	सदर मधुरा रोड का भाग—निकट इन्कमटैक्स आफिस	इन्द्रप्रस्थ मार्ग
८.	सुन्दर नगर के पीछे, पुराने किले के समीप वा की रोड	अर्जुन मार्ग
९.	लिखित स्टेशन	
१.	अलीपुर रोड	अलीपुर मार्ग
२.	बेदिग घाट रोड	स्नान-घाट मार्ग
३.	बेला रोड	बेला मार्ग
४.	भगत सिंह मार्केट रोड	भगत सिंह मार्केट मार्ग
५.	सर्कुलर रोड	गोखले मार्ग
६.	चौबुर्जा रोड	चौबुर्जा मार्ग
७.	कोड रोड	चौबुर्जा बीचि
८.	सेंट्रल एवेन्यू रोड	पटेल मार्ग
९.	दया लेन	दया बीचि
१०.	पलेस्टाफ रोड	ध्वजा मार्ग
११.	हिन्दु राय रोड	हिन्दु राय मार्ग
१२.	इम्पीरियल एवेन्यू रोड	विद्या मार्ग
१३.	जमना रोड	जमना मार्ग
१४.	किंग्सबे रोड	लोक पथ
१५.	मैगडीन रोड	तात्पिया टोपी मार्ग
१६.	महाराजा जाल लेन	महाराजा जाल बीचि

क्रमांक पुराने नाम

नये नाम

१७. मलकागंज रोड	ममकागंज मार्ग
१८. मटकाफ हाउस रोड	इन्द्रप्रस्थ मार्ग
१९. मटकाफ नाला रोड	बेला मार्ग
२०. मोरी गेट रोड	मोरी दरवाजा मार्ग
२१. मिलिटरी परेड रोड	परेड मार्ग
२२. पोस्ट आफिस सेक्रेटरियेट रोड	सेक्रेटरियेट मार्ग
२३. तिमारपुर में प्रैस क्वार्टर रोड	तिमारपुर बीधि
२४. प्रीविन रोड	छात्र मार्ग
२५. पोलो रोड	पोलो मार्ग
२६. प्रिन्सेस रोड	जहांगिरा मार्ग
२७. कुदसिया रोड	कुदसिया मार्ग
२८. राज नारायण रोड	राज नारायण मार्ग
२९. राजपुर रोड	राजपुर मार्ग
३०. राम किशोर रोड	राम किशोर मार्ग
३१. रोशन-भारा रोड	रोशनभारा मार्ग
३२. राजपुर बिलेज रोड	राजपुर घास मार्ग
३३. रामचन्द लेन	रामचन्द बीधि
३४. राम किशोर लेन नं० १	राम किशोर बीधि नं० १
३५. राम किशोर लेन नं० २	राम किशोर बीधि नं० २
३६. शार्ट क्रास रोड	मिलाप बीधि
३७. श्री राम रोड	श्री राम मार्ग
३८. तिमारपुर में सर्विसेज रोड	तिमारपुर मार्ग
३९. यूनिवर्सिटी रोड	विश्वविद्यालय मार्ग
४०. वाटरवर्क्स रोड	जलाशय मार्ग
४१. विजय नगर रोड	विजय नगर मार्ग
४२. पाम्बरी रोड	पाम्बरी मार्ग
४३. बटसर रोड	पाठशाला मार्ग

Derailment of Wagons

1338. Shri Raghunath Singh: Will the Minister of Railways be pleased to state whether it is a fact that 15 wagons of a goods train were derailed

between Sambhupura and Chittorgarh on the Ajmer-Khandwa metre gauge section of the Western Railway on the 18th August, 1967?

The Deputy Minister of Railways (Shri Shah nawas Khan): At about 16-50 hours on 18/8/57 when No. 1362 Dn. Shunting Goods train from Neemuch to Ajmer was running between Sambhupura and Chittorgarh, 12 wagons 10th to 13th and 14th to 21st from the engine derailed and capsized at mile 119/1. The brake-van also derailed.

Nadiad-Dholka Rail Link

1334. Shri Fatehsinh Ghodasari: Will the Minister of Railways be pleased to state:

(a) whether Government have considered any scheme to construct a Railway line between Nadiad and Dholka on the Western Railway; and

(b) if so, when the construction work is likely to be taken in hand?

The Deputy Minister of Railways (Shri Shah nawas Khan): (a) and (b). There is no proposal to construct a direct rail line from Nadiad to Dholka. A proposal is, however, under survey for a railway line between Sojitra and Dholka forming rail link Nadiad-Sojitra-Dholka.

This proposal is not included in the 842 miles of new lines the construction of which has been approved by the Planning Commission during the Second Plan period.

Railway Employees Opting for Pakistan

1335. Shri Panna Lal: Will the Minister of Railways be pleased to state:

(a) how many railway employees opted for Pakistan at the time of Partition, provisionally and finally;

(b) how many of such employees have actually gone to Pakistan;

(c) how many of such employees again applied to the Government of India for their re-employment on the Railways as they did not go to Pakistan; and

(d) what steps Government are taking to re-absorb them?

The Deputy Minister of Railways (Shri Shah nawas Khan): (a) Provisionally 21,891; Finally 51,864.

(b) The number of such employees who have actually gone to Pakistan is not known.

(c) 4086.

(d) They are considered for re-employment on railways.

Service Rules in Railways

1336. Shri Panna Lal: Will the Minister of Railways be pleased to state to what extent the Ministry of Railways is bound to adopt the Central Secretariat Service Rules framed by the Ministry of Home Affairs with regard to recruitment and promotion to the grades of Section Officers grade III and Assistants in Railway Board's office?

The Deputy Minister of Railways (Shri Shah nawas Khan): The Central Secretariat Service Rules do not apply to the Ministry of Railways. The staff in this Ministry is governed by the Railway Board Secretariat Service (Reorganisation and Reinforcement) Scheme.

Hindi Translators and Instructors on Railways

1337. Shri Fanna Lal: Will the Minister of Railways be pleased to state:

(a) the qualifications and scales of pay prescribed for the Hindi Translators and Instructors teaching Hindi in Non-Hindi Speaking areas on the Zonal Railways;

(b) the number of such Translators and Instructors on each Railway; and

(c) if there is any disparity whether Government propose to remove such anomalies?

The Deputy Minister of Railways (Shri Shah nawas Khan): (a) to (c). Information is being collected and will be placed on the Table of the Lok Sabha in due course.

उत्तर रेलवे में अनुसूचित जातियों के कर्मचारी

१३३८. श्री प० सा० बाबूपाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५६-५७ में बीकानेर डिवीजन में उत्तर रेलवे के कार्यालय में शुभ्य श्रेणी के कर्मचारियों के पदों के लिये कितने अनुसूचित जातियों के लोगों ने प्रार्थना-पत्र भेजे;

(ख) अनुसूचित जातियों के कितने प्रार्थियों को इन्टरव्यू के लिये बुलाया गया; और

(ग) दूसरों को न बुलाने के क्या कारण हैं ?

रेलवे उपायुक्त (श्री शाहनवाज खाँ) :

(क) बीकानेर डिवीजन में १९५६-५७ में चौथे दर्जे के कर्मचारियों के पदों के लिए कोई सेलेक्शन नहीं हुआ।

(ख) और (ग), सवाल नहीं उठता।

उत्तर रेलवे के स्टेशनों पर बिजली लगाना

१३३९. श्री प० सा० बाबूपाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर रेलवे के बीकानेर डिवीजन के कई मुख्य स्टेशनों पर बिजली की फिटिंग पूरी हो चुकी है, किन्तु बिजली का कनेक्शन न मिलने के कारण उन स्टेशनों पर अंधेरा रहता है ; और

(ख) यदि हाँ, तो वहाँ बिजली का कनेक्शन न देने के क्या कारण हैं ?

रेलवे उपायुक्त (श्री शाहनवाज खाँ) :

(क) और (ख). नापासर, श्री झंगरगढ़ और मुक्तसर स्टेशनों पर बिजली के तार लगाने का काम पूरा हो चुका है। नापासर और श्री झंगरगढ़ पर बिजली न पहुँचने का कारण यह है कि अभी राजस्थान सरकार से बिजली नहीं मिली है। माफ़ूम हुआ है कि राज्य सरकार

को अभी तक इस काम के लिये स्टेप-डाउन ट्रांसफार्मर नहीं मिले हैं। मुक्तसर स्टेशन को बिजली देने के बारे में लोकल सप्लाय कम्पनी से लिखा-पढ़ी हो रही है।

Scheduled Castes Candidates

1340. Shri Daljit Singh: Will the Minister of Transport and Communications be pleased to state:

(a) the number of vacancies reserved for the Scheduled Castes in postal and telephone departments in 1956 and 1957 so far; and

(b) the actual number of vacancies filled by the Scheduled Castes candidates in each department during the same period?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The required information is being collected from all Heads of P&T Circles and will be placed on the Table of the Lok Sabha.

Tarapore-Bhavnagar Line

1341. Shri Fatehsinh Ghodasar: Will the Minister of Railways be pleased to state:

(a) whether the plans and estimates to construct a Railway line between Tarapore and Bhavnagar on the Western Railway have been completed; and

(b) if so, when the construction work is likely to be taken in hand?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) The Engineering Survey Report has been received, but the Traffic report is still awaited.

(b) This project is not included in 842 miles of new lines approved by the Planning Commission for construction during the 2nd Five Year Plan Period.

Re-employment of Ordnance Factory Personnel in Railways

1342. Shri S. M. Banerjee: Will the Minister of Railways be pleased to state:

(a) whether orders have since been issued granting continuity of service to those employees who were absorbed in Railways after retrenchment from Ordnance Factories; and

(b) if so, whether these orders will only apply to those who were absorbed during the discharge notice period?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) No. They are treated as fresh entrants.

(b) Does not arise.

Delhi-Howrah Air-Conditioned Vestibuled Train

1343. Shri S. M. Banerjee: Will the Minister of Railways be pleased to state:

(a) the number of passengers who travelled in air conditioned vestibuled Train from Delhi to Howrah during the period from the 1st January, 1957 to the 1st August, 1957; and

(b) the total number of seats in this train?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 23,103 passengers, both ways taken together and including also the passengers who travelled between the intermediate points.

(b) 20 berths in air conditioned class and 240 seats in air conditioned III class.

साहजहापुर-पीलीभीत लाइन

१३४४. श्री मोहन स्वयंवर : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि साहजहापुर-पीलीभीत लाइन पर चलने वाले इंजन बहुत पुराने और बेकार हैं ;

(ख) क्या यह सच है कि इस लाइन पर चलने वाली बोगियां तथा अन्य डिब्बे बेकार हैं और उनमें यात्रियों के लिये - के आधुनिक सुविधायें नहीं हैं, जो कि अन्य गाड़ियों में उपलब्ध हैं ;

(ग) क्या यह सच है कि इस सेक्शन पर चलने वाली सारी गाड़ियों की रफ्तार अन्य सेक्शनों पर चलने वाली गाड़ियों के मुकाबले में बहुत कम है, जिसके परिणामस्वरूप इस लाइन पर यात्रा करने वाले यात्रियों को बड़ी असुविधा का सामना करना पड़ता है ; और

(घ) यदि हां, तो सरकार इस मामले में क्या कदम उठा रही है ?

रेलवे डायरेक्टर (श्री शाहनवाज खां) : (क) जी नहीं ।

(ख) जी नहीं ।

(ग) और (घ). इस सेक्शन पर अधिक से अधिक २५ मील प्रति घंटा की रफ्तार से गाड़ियां चलाने की इजाजत है । दूसरे बहुत से शाखा लाइन सेक्शनों पर भी वही रफ्तार रखी गयी है । लेकिन १९६०-६१ में मौजूदा पटरियों को बदल कर इनसे भारी वजन की पटरियां बिछाने का विचार है, जिन पर ४० मील प्रति घंटा की रफ्तार से गाड़ियां चलाई जा सकेंगी ।

Miraj-Latur Railway Line

1345. Shri Naldurgker: Will the Minister of Railways be pleased to state:

(a) whether the whole narrow gauge line from Miraj to Latur or any part thereof is proposed to be converted into a broad gauge line;

(b) if so, whether the proposed work is under construction; and

(c) whether this new line is to be connected with the broad gauge line of Vikarabad-Purli section of the Central Railway?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). The conversion of Kurudwadi Miraj-Kolhapur line into B.G. is included as a proposal in the Second Five Year Plan. Preliminary Engineering and Final Location surveys for the portion from Kurudwadi to Miraj are in progress. The Poona-Miraj-Kolhapur conversion is also being simultaneously surveyed in this context.

(c) No, Sir.

Parvatipuram-Gunupuram Rail Link

1346. Shri Dora: Will the Minister of Railways be pleased to state:

(a) whether Government are aware of the need for a line from Parvatipuram town to Gunupuram on South-Eastern Railway; and

(b) if so, what action has so far been taken?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Presumably the Honourable Member is referring to Parvatipuram-Gunupur rail link. Gunupur is already linked by rail with Parvatipuram via Naupada.

(b) Does not arise.

Nadiad-Kapadvanj Line

1347. Shri Fatehsinh Ghodasar: Will the Minister of Railways be pleased to state:

(a) whether there is any scheme to convert the narrow gauge line from Nadiad to Kapadvanj on Western Railway into a broad gauge line; and

(b) if so, when the conversion work is proposed to be undertaken?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) No, Sir.

(b) Does not arise.

Wagon Supply at Mettupalayam

1348. Shri Nanjappa: Will the Minister of Railways be pleased to refer

to the reply given to Unstarred Question No. 589 on the 12th August, 1957 and state:

(a) whether on the 20th and 21st August, 1957, a very large quantity of potatoes were deteriorating in sun and rain in Mettupalayam (Southern Railway) goods-shed open yard for want of empty wagons, as the concerned authorities were unable to provide wagons in spite of repeated requests; and

(b) if so, the action taken to clear the potatoes?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). Government is not aware of large quantities of potatoes deteriorating in the goods shed and yard at Mettupalayam for want of wagons. On the 20th August 35 wagons and on the 21st August 28 wagons were loaded with potatoes from Mettupalayam. The outstanding registrations at Mettupalayam were only 27 wagons on 20th and 36 wagons on 21st August, from which it will be seen that clearance of this traffic is satisfactory.

P. & T. Offices and Public Call Offices

1349. Shri Subodh Hasda: Will the Minister of Transport and Communications be pleased to state:

(a) how many new Post-Offices, Telegraph Offices and Public Call Offices have been opened by Government since the inception of the Second Five Year Plan and how many persons have been provided with job; and

(b) whether these jobs are temporary or permanent?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Opened from 1.4.56 to 31.7.57.

Post Offices	..	3,778
Telegraph Offices	..	472
Public Call Offices.	..	316

Information regarding the number of persons who have been provided with jobs so far in connection with the Second Five Year Plan is being collected and will be placed on the Table of the Lok Sabha.

(b) These posts at present are temporary.

Employment of Scheduled Castes in Railway Restaurants

1350. Shri Kumbhar: Will the Minister of Railways be pleased to state the number of Scheduled Caste personnel so far engaged in Railway Restaurants, which are managed and are under the supervision of the Railway Department from New Delhi to Bombay and Calcutta-Howrah at Railway Stations?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (i)

New Delhi	
to Bombay	8

(ii)

New Delhi	
to Howrah	20

Scheduled Castes and Scheduled Tribes Candidates

1351. Shri Kumbhar: Will the Minister of Transport and Communications be pleased to state:

(a) whether the Scheduled Castes and Scheduled Tribes persons appointed during the years 1955-56 and 1957 (so far) in Post and Telegraph Services in Sambalpur Postal Division are according to their reserved quota; and

(b) if not, the reasons thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) The position is as shown below:—

	Total vacancies reserved	No. of vacancies filled up	Shortage
Scheduled Castes	37	36	1
Scheduled Tribes	33	23	10

(b) Due to non-availability of sufficient number of candidates and non-acceptance of appointment by all approved candidates.

Wagon Shortage on Kacheguda-Manwad Line

1352. Shri Pangarkar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that several hundred maunds of foodgrains are lying at Parbhani, Manwath Road and Sailu Stations on Kacheguda-Manwad line for want of supply of wagons; and

(b) if so, the steps Government propose to take in the matter?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). 771 wagons of foodgrains were booked from Parbhani, Manwath Road and Sailu stations during May, June, July and August, upto 25th, of this year. On 25.8.1957, outstanding demands at all the three stations were only 27 wagons and these were registered after 15.8.1957. Supply of wagons for clearance of foodgrains from these stations is considered satisfactory.

Agmark Ghee

1353. Shri B. S. Murthy: Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of ghee agmarked in India during 1956-57;

(b) the steps taken to increase agmarking of Ghee; and

(c) whether any attempt is made to export the same?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 1,46,762 mds. of ghee was graded under Agmark during the year 1956-57.

(b) The following steps have been taken to increase agmarking of ghee:

(i) Publicity.

(ii) Opening of grading laboratories by State Governments to enable producers and small dealers to grade ghee.

(iii) Prescription of Regional specifications wherever necessary.

(iv) Requesting Government Departments, public institutions and large organisations, etc. to patronise Agmark ghee.

(c) Exports of ghee from India are banned.

Sinking of Cargo Boat in Bombay Port

1354. Shri Raghunath Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that a cargo boat carrying goods worth Rs. 30,000 sank in Bombay port; and

(b) if so, what are the causes of the accident?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) Enquiry into the accident is being held by the Bombay Port officials and is still incomplete. The results of the enquiry will be laid before the Lok Sabha in due course.

Poona-Sholapur Road

1355. Shri Sonavane: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government are aware that the Poona-Sholapur section of

National Highway No. 9 is flooded during the monsoon near Bala village, Sholapur, cutting off Sholapur city and causing inconvenience to the traffic;

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

(c) the steps Government have taken in the matter?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). Yes. It is proposed to construct a bridge in place of the existing causeway across the nalla near Balla village. An estimate for the work is under preparation.

Foodgrains Supply to Punjab

1356 Shri Hem Raj: Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of foodgrains (wheat and rice) given to Punjab Government during 1956; and

(b) the quantity that the Punjab Government had asked for during the same period?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Effective demand of the Punjab Government was the same as the quantity actually supplied which was as follows:—

	(In thousand tons)
Rice	.. 0.1
Wheat	.. 36.5
Total	.. 36.6

Prevention of Food Adulteration Act

1357. Shri Hem Raj: Will the Minister of Health be pleased to state:

(a) the number of cases registered and convicted under the Prevention of Food Adulteration Act in the

different States from 1955 to the end of March 1957, year-wise and state-wise;

(b) the number of cases which failed and the general reasons for such failure year-wise and state-wise; and

(c) the number of cases which were acquitted year-wise and state-wise?

The Minister of Health (Shri Karmarkar): (a) to (c). The required information is not available with the Government of India. The collection of the information called for will involve time and expenditure not commensurate with the results to be achieved.

Milk and Ghee

1358. Shri Hem Raj: Will the Minister of Health be pleased to state:

(a) whether it is a fact that different standards have been fixed for the purity of milk and ghee for the different States in India; and

(b) if so, what are their details and the reasons for such differentiation?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) The required information is laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 89].

CORRECTION OF ANSWER TO STARRED QUESTION NO. 1169.

The Deputy Minister of Railways (Shri Shah Nawaz Khan): In the course of supplementaries to S.Q. No. 1169 in the Lok Sabha on 26th August 1957, Shri Punnoose asked whether it was not a fact that the Cochin Express does not require any air-conditioned coaches because of the climatic conditions and, as such, it was not needed. Under the impression that he was referring to the Nilgiri Express, I replied that the air-conditioned coaches are very well patronised. The actual position is that there is no air-conditioned coach provided in the

Cochin Express. The supplementary and my reply thereto may, accordingly, be taken to apply to the Nilgiri Express.

SITTING OF LOK SABHA ON 14-9-57

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, in view of the amount of important unfinished Bills that the Government would like to put through in this session, may I request you to extend the session of this House by one day? The House may sit on Saturday, the 14th September.

Mr. Speaker: I think the Minister of Parliamentary Affairs made this suggestion some time ago and the House agreed to sit on the 14th. 15th is Sunday. We will be dispersing on the evening of 14th, after finishing the work.

LEGISLATIVE COUNCILS BILL, 1957—contd.

Mr. Speaker: The House will now resume further discussion of the Legislative Councils Bill, 1957. Out of the nine hours allotted for all the stages of the Bill, 5 hours and 56 minutes have already been availed of and 3 hours and 4 minutes now remain. Yesterday clause 8 was under consideration. Now Shri Mohamed Imam will continue his speech.

Shri Mohamed Imam (Chitaldrug): Yesterday I move an amendment to the amendment of the Law Minister. The amendment moved by the Law Minister has taken me rather by surprise. His amendment was tabled as late as yesterday morning and he seems to have thought of tabling this amendment overnight.

By this amendment he wants to change the entire provisions contained not only in the present Bill but also in the States Re-organisation Act. As

it is, it is provided in the States Reorganisation Act that after the reorganisation of States the entire Legislative Council should be re-constituted. We were of the view, the Mysore Government were of the view and the entire State was of the view that after the approval of Parliament the entire Council is going to be re-constituted. But, by this unexpected amendment, the Minister for Law wants to undo what was done by the States Reorganisation Act and to perpetuate the existence of the present members of the Legislative Council. By this amendment he provides that all the sitting members of the Legislative Council shall *ipso facto* continue. Thus, the provision made in the States Reorganisation Act that the entire Legislative Council be re-constituted is torpedoed.

To re-constitute the Legislative Council was not a sudden thought. We arrived at that decision after a careful and deep deliberation. I was a member of the Legislative Assembly and I was associated with the various stages of the passing of the States re-organisation Act. I played a prominent part also. When the States Re-organisation Bill was presented before the Legislature of the Mysore State in the year 1956, there was a provision that the Legislative Council shall be re-constituted. There was lengthy discussion and then the Legislative Assembly approved in toto that the Legislative Council should be re-constituted. Consequently, after consulting the Legislature of the State of Mysore, that provision was made in the States Reorganisation Act. It was not merely the Legislative Assembly that approved it, but the Legislative Council also approved unanimously that the entire Legislative Council should be re-constituted. After the State Reorganisation Act was passed, this question came up again before the Legislative Assembly of the State of Mysore in the month of December, 1956. Again, it approved this and it never suggested any change in the provision in the States Reorganisation Act. The only change it sug-

gested to Parliament was that the strength must be increased from 52 to 69. Thus, there is the approval of two Legislative Assemblies and the Legislative Council also, because the second resolution was also approved by the Legislative Council, that there should be re-constitution of the Legislative Council. In pursuance of that, the Legislative Councils Bill, which is before us, contains the provision to re-constitute it.

Now the Minister for Law wants to give a go by to the unanimous decision of the State Legislature. Under article 169 of the Constitution Parliament may order the constitution of a Legislative Council on the resolution of the State Legislature. The resolution of the State Legislature was to re-constitute the Legislative Council; the resolution was for the constitution of the Legislative Council, provided it was re-constituted. So, I submit that this amendment will be against the spirit of the resolution passed by the State Legislature. I may even say that if you push through this amendment, you will be insulting the State Legislature and all those members who are interested in the good working of the Legislature.

Shri Thimmalah (Kolar—Reserved—Sch. Castes): Does the resolution say that it should be reconstituted wholly?

Shri Shankaraiya (Mysore): The resolution was for the continuance of this House.

Shri Mohamed Imam: It is the resolution of the Legislative Assembly that is needed, not the resolution of the Legislative Council which is an appendage of the House that is needed. Shri Shankaraiya was a Member of the Legislative Council last time when this question came up. I wonder....

Mr. Speaker: The hon. Member need not resume his speech. I thought he was concluding.

Shri Mohamed Imam: It was his duty to bring an amendment to this effect before the Legislative Council and get it passed.

Shri Thimmatah: Does the resolution say that it should be reconstituted wholly?

Shri Mohamed Imam: Yes, according to the States Re-organisation Act. It was approved by the Legislative Assembly. It was the Legislative Assembly that approved the continuation of the Legislative Council provided it was reconstituted, and that has been incorporated in the States Re-organisation Act, and that States Re-organisation Act is still in force. The Legislative Assembly never thought of continuing the present Members of the Council, and its intention was to reconstitute it. So, it would not be fair to the State Legislature if the Law Minister and some other Members are very anxious to have this drastic change which was never contemplated, and this should be referred back to the State Legislature. Get their opinion on this matter and if they approve that there should not be any reconstitution, that the existing Members may continue, then I have no objection. Otherwise, it will be in utter disregard of their wishes and the wishes of the present Legislative Assembly also I can tell you. The Government will be acting in a dictatorial way and treating the State legislature with scant courtesy.

I know this move originated in Delhi, and I am sorry the Law Minister has yielded to persuasion and influence without considering.

Shri Shankaraiya: The matter was discussed and amendments were moved there at the time of the States Reorganisation Act.

Shri Mohamed Imam: So, I am afraid the Law Minister has not considered the implication of his amendment. What does the amendment provide? I will just read the relevant portions which are important.

Mr. Speaker: The hon. Member must have an idea of time.

Shri Mohamed Imam: "Every sitting member of the said Council representing immediately before such

commencement a council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:—"

"every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore, every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and the sitting members of the said Council specified by the Chairman of the Legislative Council of Madras under sub-rule (7) of rule 4 of the States Reorganisation (Election to Provisional State Legislatures) Rules, 1956, shall be deemed to have been duly elected....

—though it is a gift by the Law Minister—

"...by the members of the Legislative Assembly of the present State of Mysore; and

(c) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore."

So, even the nominated Members are continued.

Why I am particular is this. You must know the background. It is not the old State of Mysore now. If it were the old State of Mysore alone it would be quite different, and I would have readily agreed to the continuance of the existing Council. It is a new State now which comprises nine to ten districts of integrated area. The present area is nearly twice that of the old State of Mysore, and the population is also nearly double. The present population is 20 million against 10 million before, and a new Legislative Assembly has

been formed. It is quite necessary that the people who have joined us are treated properly and fairly.

I am a person coming from the old State of Mysore and not from the newly integrated area, but I am anxious, having been associated with the administration of Mysore, with the Legislature of Mysore for over a quarter of a century that the administration should go on smoothly there and that the people who have joined us must have a fair deal.

Mr. Speaker: The hon. Member must conclude now.

Shri Mohamed Imam: I will take five minutes, Sir.

What will be the effect if the old Members are continued? Forty Members belong to the old State of Mysore. So, all these 40 Members will be continued in the new Council.

Shri Basappa (Tiptur): Not necessarily.

Shri Mohamed Imam: They will be. If the number is raised to 63, then the Council will consist of 40 Members from the old State of Mysore and only 23 seats will go to the new portion of Mysore.

Shri Achar (Mangalore): The 40 Members include also Members from the other portion.

Shri Mohamed Imam: I know the entire composition.

At present the strength of the Council is 52, out of which 40 come from old Mysore and 12 from the new areas. So, the result will be that out of 63, 40 will go to old Mysore, and only 23 will be allotted to the new part of Mysore State which is as big as the old Mysore State and whose population is as much as that of the old Mysore State.

Secondly, the provision for the delimitation of constituencies has also been taken away. The States Reorganisation Act provided under section 34 that as soon as possible the President must order the Election Commission to demarcate the entire

State into new constituencies and allot the seats. Under the present Bill even that power has been taken away. What is worse is that under this amendment the 1951 constituencies shall be continued. This is what it says:

"As soon as may be after the commencement of this Act, elections shall be held to fill such of the seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Mysore) Order, 1951..."

This is directly against the provisions made in the States Reorganisation Act. Under the order of 1951 most of the constituencies are in old Mysore and the new Mysore is much bigger and there will be unfair discrimination. Why should there be delimitation under the 1951 Order? Why not new constituencies be formed under section 34 of the States Reorganisation Act. That power has been taken away. He wants the old constituencies to continue. How can the old constituencies continue in a new State which is newborn and twice as big as the old State? How can justice be done under that arrangement?

Shri Shankaraiya: It is not as big as twice

Shri Mohamed Imam: The area of the old State was 29,000 square miles, and that of the new State is 72,000 square miles. My hon. friend. I am sorry for your ignorance.

Shri Achar: From Madras and from Bombay there are already Council Members there.

Shri Mohamed Imam: There are 12 Members from the new areas, and 40 from the old areas. My hon. friend has not studied it. So, I say...

Shri Ranga (Tenali): What about the population?

Shri Mohamed Imam: The population is equally big. The old State had 9 million, the new State has nearly 20 million.

Shri Shankaraiya: If my hon. friend were to yield and give me an opportunity, I will explain to him the incorrectness of his statement.

Shri Mohamed Imam: Not necessary. I stand on my own ground.

Mr. Speaker: I think the hon. Member has said all that he wants regarding the resolution and delimitation under the States Reorganisation Act.

Shri Mohamed Imam: Only one thing. So, in all fairness I think it is but proper that the Minister refers this vital change back to the State Legislature. I can tell you it will create a lot reaction in the State of Mysore.

We are going to have trouble in the new Legislative Assembly. It will create a lot of reaction. This move comes only from a definite section, to which I also belong. So in all fairness, I appeal not to proceed with it in this manner. I am deeply interested in the internal affairs of Mysore. So please refer this back to the State. Please ascertain the views of the present Legislative Assembly which is meeting on the 16th and after that, you can proceed with this. Otherwise, I give the warning that if Government push it further, there may be further trouble and complications.

श्री रामपुरे (गुलबर्गा) : अध्यक्ष महोदय, विधि मंत्री महोदय ने मैसूर लेजिस्लेटिव कौंसिल का जो रूप पेश किया है और उसके लिए जो उन्होंने दलीलें पेश की हैं, मैं उनसे सहमत नहीं हूँ और मैं उनसे प्रार्थना करूँगा कि वह उसे वापिस ले ले।

अभी अभी मेरे मित्र श्री जे० मोहम्मद इमाम ने उस बारे में जो कहा, वह सच्चाई के बगैर नहीं है। मौजूदा सूरत में जो ५२ सदस्य आज लेजिस्लेटिव कौंसिल में बैठे हुए हैं उनमें से ४० पुराने मैसूर के हैं और सिर्फ १२ मैम्बरस बम्बई, मद्रास, कुर्ग, और हैदराबाद कर्नाटक से जो लोग गये हैं उनके नुमायन्दे बन कर वहाँ बैठे हुए हैं। बाहर की जो लोक-संख्या पुराने मैसूर में मर्ज हुई, सम्मिलित हुई, उसकी संख्या १ करोड़ है और पुराने मैसूर की लोकसंख्या १ करोड़ है, अब पहले १ करोड़

की नुमायन्दगी करने के लिए ४० सदस्य और दूसरे १ करोड़ की नुमायन्दगी करने के लिये सिर्फ १२ सदस्य, यह कोई ठीक बात मालूम नहीं होती। इस बास्ते में कानून मंत्री महोदय से प्रार्थना करूँगा कि वह इसके बारे में सोच कर ऐसी तरकीब पेश करें ताकि मैसूर में यह जो नया भाग सम्मिलित हुआ है, उसको पर्याप्त प्रतिनिधित्व प्राप्त हो सके।

मैं भर्ज करूँगा कि मैसूर लेजिस्लेटिव कौंसिल के ४० सदस्य जो कि पुराने सदस्य हैं और १२ जो नये गये हैं, उनमें से सिर्फ ३ सदस्य हैदराबाद कर्नाटक से गये हैं। तीन जिलों की नुमायन्दगी करने वाले सिर्फ ३ लोग हैं जबकि ४० सदस्य ६ जिलों की नुमायन्दगी कर रहे हैं अर्थात् एक जिले के लिए वहाँ पर ४ से अधिक सदस्य हो जाते हैं जबकि हमारे पास तीन जिलों के लिए सिर्फ तीन सदस्य हैं जिसका कि मतलब यह हुआ कि एक जिले के लिए एक। यह जो अन्याय मज्जें एरियाज के ऊपर होने जा रहा है, मैं उसे दूर करने के लिए कानून मंत्री महोदय से प्रार्थना करूँगा कि वह कोई ऐसा मार्ग निकाले ताकि यह अन्याय दूर हो जाय।

मैसूर लेजिस्लेटिव कौंसिल की वर्तमान सदस्य संख्या जो कि ५२ है उसको ६३ करने की जो व्यवस्था की जा रही है अर्थात् यह जो ११ नये सदस्य चुने जायेंगे, उनके लिये यह कोई नहीं कह सकता कि वे सब बाहर के सम्मिलित हुए भागों के होंगे। १६ में से ऐसा हो सकता है कि पुराने मैसूर के नुमायन्दे फिर चुन कर आ सकते हैं।

अन्त में मैं मंत्री महोदय से यही प्रार्थना करूँगा कि मज्जें एरियाज का जो छंडर रिप्रेजेंटेशन इस में हुआ है उसे दूर करने के लिये और इक्वल रिप्रेजेंटेशन दिलाने के लिये उपयुक्त सुझाव पेश करे और आवश्यक तरकीब करें ताकि मज्जें एरियाज के लोगों को यह मालूम हो जाय कि भारत सरकार

की तरफ से या मैसूर सरकार की तरफ से उनके ऊपर किसी प्रकार का अन्याय नहीं हो रहा है और उनकी तरफ भी उसी नजर से देखा जाता है जिस नजर से पुराने मैसूर की तरफ आज देखा जाता है ।

आज मैसूर में जो भाग मज्द हुए हैं वहां के लोग यह महसूस कर सकते हैं कि उनके साथ अन्याय नहीं हो रहा है और उनको उचित प्रतिनिधित्व नहीं मिल रहा है और अगर यह अमंडमेंट जिसको कि मंत्री महोदय ने पेश किया है इसी रूप में मान लिया गया तो वे महसूस करेंगे कि मैसूर में मज्द होने के बाद हमारे ऊपर अन्याय हो रहा है, अगर ऐसी भावना उनकी बनती है तो हम और आप उनको इस के लिये दोष नहीं दे सकेंगे । इस वास्ते मैं विधि मंत्री महोदय से प्रार्थना करता हूँ कि वे कोई ऐसा तरीका निकालें और आवश्यक तरमोम करे ताकि यह भावना उनके दिल में से निकल जाय ।

Shri Sugandhi (Bijapur North): Mr. Speaker, Sir, already by colleague, Shri Mohamed Imam, has propounded our cause—'our cause' means the cause of the merging areas of the new Mysore State—most ably. Without further going into that matter, I only wish to point out what injustice would be done to these merging areas if the present Bill, as amended, is adopted by this House.

This Bill was circulated nearly a month ago. But uptil yesterday, it never struck the imagination of the Minister of Law that it was against the Constitution. I do not know whether it is due to a hurdle as per article 172 of the Constitution or whether it is due to any pressure brought to bear on the party, that these amendments have been proposed to the original Bill. The old Mysoreans have already 40 seats in the Legislative Council, and due to this expansion, probably the old Mysoreans will be bagging another half a dozen seats. So the strength of the old Mysoreans in the Legislative Council would come to nearly 45 to 46 in a House of 63.

Here I have a suggestion to make. As far as the constitutional hurdle is concerned, till April 1958 the old Councils should be allowed to function. After that, there is provision under article 169(1) for the Legislative Assembly to pass a resolution to abolish the old Council and create a new one. If directives are issued to these legislatures, not only to the Mysore Legislature but also to the Bombay Legislature, who wish to have enlarged Councils, to pass a resolution under article 169 for abolishing the old Councils and creating new expanded Councils, I think the hurdle under article 172 can be got over.

Already one injustice has been done to the merging areas and that is in naming the whole Karnatak area as 'Mysore State'. If the present Bill, with the government amendments, is adopted, it would be a second injustice. In the name of democracy, in the name of democratic principles oft-repeated by the ruling Party, I request the Minister of Law to withdraw the Bill or postpone it till April, 1958. In the meanwhile, direct the Legislature which wants an enlarged Council to pass a resolution under article 169(1).

Shri Shankaraiya: Sir, I have already moved my amendment and I would request the special permission of the Chair to explain the facts.

Mr. Speaker: No; I cannot allow. Once the hon. Member has spoken I am not going to allow him again.

Any hon. Member who wants to say something more may look to another hon. friend and tell him what he wants to say.

Dr. Melkote (Raichur): I come from the Mysore area and that part of Mysore which belonged to Hyderabad where there was no Legislative Council as such. This area and some other areas went without any representation in the Mysore Council when it existed. It is sought to expand the present Council to 63 but it is said that the old Members who are

[Dr. Melkote]

already there would continue. I personally feel that this is going to effect our position in the new Council.

Suppose Mysore has a particular quota and if new elections do not take place the members that would get elected from the new area would hardly be sufficient to justify the area and the population of these new areas. I therefore feel that new election altogether should take place for the Legislative Council in Mysore and the present members who are already there should not be allowed to continue. I am one of those who would support new elections taking place.

This is all I have to say. With regard to other aspects my hon. friend from Gulbarga has spoken and I support him.

Mr. Speaker: Does Shri Neswi desire to speak.

Shri T. R. Neswi (Dharwar South): Yes, Sir.

Mr. Speaker: I will give him a few minutes. He is an old Member but he came here only today. He is a new comer to this Parliament.

Shri T. R. Neswi: Sir, I thank you for the opportunity given to me. I do not want to make a long speech because the matter is very clear. I only say that the number should be increased because if you look at the number, you will see that, if it is to continue, we will be doing great injustice to the cause of representation since representation is very important. Less representation means less voice. So, I shall have to support my hon. friends Shri Rampure and others who have very ably put the matter before the House.

As I do not know what proceedings had taken place all these days, I do not want to add anything more and I simply say that the number should be raised to 69.

The Minister of Law (Shri A. K. Sen): I explained yesterday to the hon. Members the reasons for the amendment we have proposed. I may recall that again, there seems to be some misunderstanding on the part of several hon. Members who have come here from the newly added areas. I am glad that Shri Imam, though he professes to belong to the old part of Mysore, has such concern for the newly added territories.

As I said, the States Reorganisation Act had provided for the addition of 12 members from the newly added territories. We find that later on, next year, there will be one-third of the House retiring and that will be from the old members numbering 40. That means that 20 out of the old 40 will be retiring next year. There are already 7 vacancies in the House itself—the Council of Mysore.

Taking all these facts into consideration, we thought it advisable that instead of having a new election altogether in the face of these hard facts, one-third retiring next year, it will be better to have the present Council maintained. The present Council was started only after the integration of the new territories of Mysore. I find no reason to think that the representatives of the new territories would not make their voice felt in the elections that would be coming next year for filling up 20 vacancies which would occur.

Shri M. Rampure: Where is the guarantee that these 20 seats will be given to the new areas?

Shri A. K. Sen: If there is a new election, there is no guarantee either. I took pains to explain that. If they cannot get proper representation even one-third, they cannot expect representation for the whole.

Dr. Melkote: Even if this is guaranteed, according to the new area and the new population, the number of seats they would get in spite of the vacancies occurring in view of new

members being added would not come up to the number we expect that we should get.

Shri A. K. Sen: We will be asked to hold elections for nearly 30. Twenty would be retiring about the middle of next year and there are already 7 vacancies. Out of 40, only 13 would remain.

Shri M. Rampure: What about the members from Hyderabad Karnataka?

Shri A. K. Sen: That is an internal quarrel. I will forward the appeal to the local Legislature. We would convey the apprehensions voiced on the floor of this House to the proper authorities so that in the matter of their own domestic affairs they may pay due attention to the newly added territories. I think that is all that we can do under the circumstances and I am sure Dr. Melkote and others had appreciated this when I told them outside the floor of the House. For 13 members only and for six months, we do not want to hold a new election straightaway.

These are the things that I want to say in reply and I submit that the hon. Members would be good enough to pass the clause with amendment proposed by me.

Shri Shivananjappa (Mandeja): Regarding the extra representation, from 60 to 69?

Shri A. K. Sen: After mature consideration the decision has been taken.

Shri Basappa: The hon. Minister will consider that amendment for increasing the number from 60 to 69.

Shri A. K. Sen: It is not for me to consider that. This is a measure moved on behalf of the entire Government; and after taking into account all the facts, these figures were arrived at. I do not think it is possible to agree to any increase here.

Mr. Speaker: I will now put amendment No. 133 to the House.

Shri Mohamed Imam: I have given an amendment to amendment No. 133 to delete some sub-clauses.

Mr. Speaker: What is the number?

Shri Mohamed Imam: No. 144, Sir

Mr. Speaker: The question is:

"That in the amendment proposed by Shri Asoka K. Sen printed as No. 133 in List No. 22 of amendments,—

Omit sub-clauses 3 and 4."

Those in favour will please say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Speaker: Those against will please say 'No'.

Some Hon. Members: No.

Mr. Speaker: I think the 'Noes' have it.

Shri Mohamed Imam: The 'Ayes' have it; I want a division, Sir

Mr. Speaker: Let the lobbies be cleared.

Order, order. The hon. Member has tabled an amendment that sub-clauses 3 and 4 of the Government amendment No. 133 be omitted. The House will divide on this amendment

The Lok Sabha divided.

Shri Naushir Bharucha (East Khadesh): Sir, there are two lights shown. There is something wrong with the apparatus.

Mr. Speaker: We are concerned with green, red and yellow light. I shall call for a division again. An hon. Member, came and complained to me that another hon. Member, when he was absent, came to his seat and voted while he had gone away to Bombay. So, the hon. Members may kindly resume their own seats and press the buttons if they are inclined to do so or keep quiet. They should not press other's buttons. If necessary, whatever may happen the old lobbies are still there.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I believe that so far as we are concerned, the white light was ignored in the results and so we may accept it.

Mr. Speaker: Yes. So, I shall declare the results accordingly. I am putting amendment No. 144 to the vote of the House once again.

The Lok Sabha divided: Ayes 55; Noes 153.

Division No. 34].

[12.45 hrs.]

AYES

Banerjee, Shri S. M.
Bhadwaj, Shri
Bharucha, Shri Naushie
Chakravarty, Shrimati Renu
Chandramani Kalo, Shri
Chaudhuri, Shri T. K.
Dasaratha Deb, Shri
Dasgupta, Shri B. G.
Daulta, Ch. P. S.
Dharmalingam, Shri
Dige, Shri
Drohar, Shri
Dwivedy, Shri Surendranath
Elias, Shri M.
Gaikwad, Shri B. K.
Ghodasdar, Shri Fatehsinh.
Ghosal, Shri
Ghose, Shri S.
Goray, Shri

Gupta, Shri Sadhan
Imam, Shri Mohammed
Jadhav, Shri
Katti, Shri D. A.
Kodiyani, Shri
Kunhan, Shri
Mahanty, Shri
Manay, Shri
Matera, Shri
More, Shri
Mukerjee, Shri H. N.
Nair Shri, Vasudevan
Nath Pai, Shri
Nayar, Shri V. P.
Neswi, Shri
Parulekar, Shri
Pavathi Krishnan, Shrimati
Patel, Shri P. R.

Patil, Shri Balasaheb
Patil, Shri Nana
Pocker Sahib, Shri
Prodhan, Shri B. C.
Punnoose, Shri
Rai, Shri Khushwaqt
Raman, Shri
Ramaswamy, Shri P.
Rao, Shri D. V.
Reddy, Shri Nagi
Sakaseena, Shri S. L.
Sharma, Shri H. C.
Singh, Shri L. Achaw
Siva Raj, Shri
Sugandhi, Shri
Tangamani, Shri
Valvi, Shri
Yajnik, Shri

NOES

Abdul Lateef, Shri
Achar, Shri
Ambaleam, Shri Subbiah.
Arumugham, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Bahadur Singh, Shri
Bajaj, Shri Kamalnayan
Banerji, Shri P. B.
Bangshi Thakur, Shri
Basumatari, Shri
Bhakti Darshan, Shri
Bhogil Bhai, Shri
Bldari, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Chandra Shanker, Shri
Chaturvedi, Shri
Chuni Lal, Shri
Dasappa, Shri
Das, Shri Ramdhani
Das, Shri Shree Narayan
Deo, Shri Shankar
Desai, Shri Morari
Dindod, Shri
Dubliash, Shri
Dwivedi, Shri M. L.
Eleyaperumal, Shri
Gaekwad, Shri Fatesinghdeo

Ganapathy, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Ghosh, Shri M. K.
Gounder, Shri Doraiswami
Guha, Shri A. C.
Harvani, Shri Ansar
Hasde, Shri Subodh
Hathi, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Jogendra Sen, Shri
Joishi, Shri A. C.
Jyotishi, Pandit J. P.
Kanakasabai, Shri
Kanungo, Shri
Kashwal, Shri
Kayal, Shri P. N.
Khedkar, Dr. G. B.
Khawaja, Shri Jamal
Kistaiya, Shri
Kottukapally, Shri
Kripalani, Shrimati Sucheta
Krishnapada, Shri M. V.
Laskar, Shri N. C.
Maiti, Shri N. B.
Mansan, Shri
Mandiyangadan, Shri
Mehta, Shri J. R.

Menon, Shri Krishna
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri R. D.
Mohiuddin, Shri
Morarka, Shri
Murnu, Shri Paika
Murthy, Shri B. S.
Musafir, Giani G. S.
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Nalditkrger, Shri
Nallakoya, Shri
Nanjappa, Shri
Naraindin, Shri
Nathawani, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Nek Ram, Shri
Oza, Shri
Padam Dev, Shri.
Palchoudhuri, Shrimati Ila
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Patel, Shrimati, Maniben
Patel, Shri Rajeshwar
Pillai, Shri Thanu
Prabhakar, Shri Naval

Radha Raman, Shri
 Raghunath Singh, Shri
 Raju, Shri D. S.
 Rakhmaji, Shri
 Raman, Shri C. R. Pattabhi
 Ramananda Tirtha, Swami
 Rameswami, Shri S. V.
 Rameswamy, Shri K. S.
 Rameshwar Rao, Shri
 Ram Krishan, Shri
 Ram Subhag Singh, Dr.
 Ranbir Singh, Ch.
 Rane, Shri
 Ranga, Shri
 Rangarao, Shri
 Rao, Shri Hanmanth
 Rao, Shri Jaganatha
 Reddy, Shri Ball
 Reddy, Shri Narapa
 Reddy, Shri Rami
 Roy, Shri Bishwanath

Rup Narsin, Shri
 Sadhu Ram, Shri
 Sabodrabai, Shrimati
 Sahu, Shri Rameshwar
 Saigal, Sardar, A. S.
 Samanta, Shri S. C.
 Sanganna, Shri
 Sarbadi, Ajit Singh
 Selku, Shri
 Sen, Shri A. K.
 Sen, Shri P. G.
 Shah, Shri Manabendra
 Shakuntala Devi, Shrimati
 Shankaraiya, Shri
 Sharma, Shri D. C.
 Shastri, Shri Lal Bahadur
 Shivananappa, Shri
 Siddananappa, Shri
 Singh, Shri Babunath
 Singh, Shri D. N.
 Singh, Shri D. P.
 Singh, Shri M. N.

Singh, Shri T. N.
 Sinha, Shri Gajendra Prasad
 Sinha, Shri K. P.
 Sinha, Shri Satyendra Narayan
 Sinha, Shri Satya Narayan
 Sonawane, Shri
 Sultan, Shrimati Maimoons
 Sunder Lal, Shri
 Suryanarayan Murthy, Shri
 Tahir, Shri Mohammed
 Tewari, Shri Dwarikanath
 Thimmiah, Shri
 Thirumala Rao, Shri
 Thomas, Shri A. M.
 Tiwari, Shri Babu Lal
 Tiwary, Pandit D. N.
 Tula Ram, Shri
 Ulke, Shri
 Upadhyaya, Shri Shiva Datt
 Varma, Shri B. B.
 Venkatasubbalah, Shri
 Vyas, Shri Radhela
 Wodeyar, Shri

The motion was negatived

Mr. Speaker: I am putting amendment No. 133 moved by the Government to the vote of the House.

The question is :

Page 5,—

for clause 8 substitute—

"8. Increase in the strength of the Mysore Legislative Council.—(1) The total number of seats in the Legislative Council of Mysore shall be increased to 63 and of those seats—

- (a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 21, 6 and 6 respectively;

- (b) the number to be filled by persons elected by the members of the Legislative Assembly of Mysore in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and

- (c) the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Mysore) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fourth Schedule, and in the said Order as so modified, a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act,—

- (a) every sitting member of the said Council representing immediately before such commencement a council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified

[Mr Speaker]

against that constituency in

column 2 of the said Table:—

1

2

Mysore (Graduates) constituency
 Mysore (Teachers) constituency
 Kolar (Local Authorities) constituency
 Tumkur (Local Authorities) constituency
 Bangalore (Local Authorities) constituency
 Hassan (Local Authorities) constituency
 Mandya (Local Authorities) constituency
 Mysore (Local Authorities) constituency
 Chickmagalur (Local Authorities) constituency
 Shimoga (Local Authorities) constituency
 Chitaldrug-cum-Bellary (Local Authorities)

Mysore South (Graduates) constituency
 Mysore South (Teachers) constituency

Mysore South East (Local Authorities) constituency.
 Mysore South (Local Authorities) constituency.

Mysore South West (Local Authorities) constituency.

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore, every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and the sitting member of the said Council specified by the Chairman of the Legislative Council of Madras under sub-rule (7) of rule 4 of the States Reorganisation (Election to Provisional State Legislatures) Rules, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Mysore; and

shall be held to fill such of the seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Mysore) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had become vacant.

(6) As soon as may be after such commencement, the vacancies in the seats allotted under clause (c) of sub-section (1) shall be filled by nomination by the Governor.

(7) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Mysore was first constituted.

(8) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958 and on the expiration of every second year thereafter, the Governor of Mysore shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and of the members to be elected and nominated under sub-section (5) and (6) of this section.

(9) Section 36 of the States Reorganisation Act, 1956 shall be amended,

(c) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.

(4) The three members who, immediately before the 1st November, 1956, were members of the Legislative Council of Bombay and became on that date members of the Legislative Council of Mysore by virtue of sub-rule (7) of rule 4 of the States Reorganisation (Election to Provisional State Legislatures) Rules, 1956, shall be deemed to have been elected to the Legislative Council of Mysore by the Mysore North West (Local Authorities) constituency.

(5) As soon as may be after the commencement of this Act, election

and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2) for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time', the words 'Until otherwise provided by law' shall be substituted; and

(b) sub-sections (3) and (4) shall be omitted.

(10) In this section, the expression 'the former State of Mysore' means the State of Mysore as it existed immediately before the 1st day of November, 1956."

The Lok Sabha divided.

Ayes : 174; Noes : 58.

Division No. 35]

[12.53 hrs-

AYES

Abdul Lateef, Shri
Achar, Shri
Achint Ram, Lala
Ambalam, Shri Subbiah
Arumugham, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Bahadur Singh, Shri
Banerji, Shri P. B.
Banshi Thakur, Shri
Baumatar, Shri
Bahakt Darshan, Shri
Bhogi Bhai, Shri
Bidari, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Chandra Shanker, Shri
Chaturvedi, Shri
Chuni Lal, Shri
Dasappa, Shri
Das, Shri Ramdhan
Das, Shri Shree Narayan
Deo, Shri Shanker
Deasi, Shri Morarji
Dindod, Shri
Dube, Shri Mulchand
Dubish, Shri
Dwivedi, Shri M. L.
Bluyaperumal, Shri
Gackwad, Shri Fatemangrao
Gangapathy, Shri
Gandhi, Shri Perore
Gandhi, Shri M. M.
Ganga Devi, Shrimati
Ghosh, Shri M. K.
Gounder, Shri Doraswami
Govind Das, Seth
Guha, Shri A. C.
Harvani, Shri Anwar
Hasda, Shri Subodh
Hathi, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Jaipal Singh, Shri
Jangde, Shri
Jana, Shri K. C.

Jogendra Sren, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.
Kunakapbei, Shri
Kanungo, Shri
Kasliwal, Shri
Kaysi, Shri P. N.
Khedkar, Dr. G. B.
Khawaja, Shri Jamal
Kistaiya, Shri
Korarkar, Shri
Kottukapally, Shri
Kripalani, Shrimati Sucheta
Laskar, Shri N. C.
Laxmi Bai, Shrimati
Maiti, Shri N. B.
Mansan, Shri
Maney, Shri
Manjyngadan, Shri
Mehta, Shri J. R.
Menon, Shri Krishna
Mishra, Shri Bibhut
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri R. D.
Mohiuddin, Shri
Morarka, Shri
Murmu, Shri Paika
Murthy, Shri B. S.
Musafir, Giani G. S.
Naidu, Shri Govindrajulu
Nair, Shri C. K.
Nair, Shri Kuttikrishnan
Naldurgker, Shri
Nallakoya, Shri
Nanjappa, Shri
Naraindin, Shri
Narasimhan, Shri
Nathawani, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Nek Ram, Shri
Oza, Shri
Padalu, Shri K. V.
Padam Dev, Shri

Palchoudhrti, Shrimati Ila
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri Rajeshwar
Pillai, Shri Thanu
Prabhakar, Shri Naval
Radha Raman, Shri
Raghubir Sahas, Shri
Raghunath Singh, Shri
Raju, Shri D. S.
Rakhmaji, Shri
Raman, Shri C. R. Pattabhi
Ramananda Tirtha, Swami
Ramaswami, Shri S. V.
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Ramaswamy Rao, Shri
Ram Krishan, Shri
Rampure, Shri M.
Ram Subhag Singh, Dr.
Ranbir Singh, Ch.
Rane, Shri
Ranga, Shri
Rangarao, Shri
Rao, Shri Hanmanth
Rao, Shri Jagannatha
Reddy, Shri Bali
Reddy, Shri Narapa
Reddy, Shri Rami
Roy, Shri Bishwanath
Rup Narain, Shri
Sadhu Ram, Shri
Sahodrabai, Shrimati
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Salam, Shri Abdul
Samanta, Shri S. C.
Sanganna, Shri
Sarhadi, Shri Ajit Singh
Satyanarayana, Shri
Selku, Shri
Sen, Shri A. K.
Sen, Shri P. G.
Shah, Shri Manabendra
Shakuntala Devi, Shrimati

Shankaraiya, Shri
Sharma, Shri D. C.
Shastri, Shri Lal Bahadur
Shivanasappa, Shri
Siddanajappa, Shri
Singh, Shri Babunath
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri K. N.
Singh, Shri M. N.
Singh, Shri T. N.
Sinha, Shri Gajendra Prasad

Sinha, Shri K. P.
Sinha, Shri Setyendra Narayan
Sinha, Shri Satya Narayan
Sonawane, Shri
Subbarayan, Dr. P.
Sultan, Shrimati Maimoona
Sunder Lal, Shri
Suryanarayana Murthi, Shri
Tahir, Shri Mohammed
Tewari, Shri Dwarikanath
Thimmalah, Shri
Thurumala Rao, Shri

Thomas, Shri A. M.
Tiwari, Shri Babu Lal
Tiwari, Pandit D. N.
Tula Ram, Shri
Ulke, Shri
Umrao Singh, Shri
Upadhyaya, Shri Shiva Datt
Verma, Shri B. B.
Venkatasubbaiah, Shri
Vishwanath Prasad, Shri
Vyat, Shri Radhabel
Wodeyar, Shri

NOES

Awasthi, Shri
Badan Singh, Ch.
Banerjee, Shri S. M.
Bhaduria, Shri
Bharucha, Shri Naushir
Chakravarty, Shrimati Renu
Chandramani Kalo, Shri
Chavan, Shri D. R.
Dasappa Deb, Shri
Dasgupta, Shri B.
Dharmalingam, Shri
Dige, Shri
Drohar, Shri
Dwivedy, Shri Surendranath
Elias, Shri M.
Gaikwad, Shri B. K.
Ghodasar, Shri Fatehsinh
Ghosal, Shri
Ghose, Shri S.

Goray, Shri
Gupta, Shri Sadhan
Imam, Shri Mohammed
Jadhav, Shri
Katti, Shri D. A.
Kodiyar, Shri
Kriahappa, Shri M. V.
Kunban, Shri
Mahanty, Shri
Matera, Shri
Matun, Shri
Menon, Shri Narayanankutty
More, Shri
Mukerjee, Shri H. N.
Nair, Shri Vasudevan
Nath Pai, Shri
Nayar, Shri V. P.
Parmar, Shri K. U.
Parulekar, Shri

Parvathi Krishnan, Shrimati
Patel, Shri N. N.
Patel, Shri P. R.
Patil, Shri Balasahab
Pocker Sahib, Shri
Prodhan, Shri B. C.
Punnose, Shri
Rai, Shri Khushwaqt
Ramam, Shri
Rao, Shri D. V.
Reddy, Shri Nag.
Sakana, Shri S. L.
Sharma, Shri H. C.
Singh, Shri L. Achew
Singh, Shri Rajendra
Siva Rai, Shri
Sugandhu, Shri
Tangamani, Shri
Valvi, Shri
Yajnik, Shri

The motion was adopted.

Mr. Speaker: The other amendments to this clause are all treated as withdrawn.

The amendments were, by leave, withdrawn.

Mr. Speaker: I shall now put the clause to the vote of the House.

The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Mr. Speaker: Then we go to clause 9.

Shri Nausbir Bharucha: What about clause 5, Sir? Clause 5 has been held over.

Mr. Speaker: Has the Law Minister moved his amendment?

Shri A. K. Sen: Yes, Sir, I have moved my amendment No. 132 yesterday.

Shri Nathwani (Sorath): Sir, I want to move my amendments, four amendments Nos. 154, 156, 157 and 158.

Shri A. K. Sen: I am accepting the amendments moved by Shri Nathwani.

Shri Naushir Bharucha: Are all the amendments of Shri Nathwani accepted?

Shri A. K. Sen: I am accepting Shri Nathwani's amendments Nos. 156, 157 and 158. I am not accepting his amendment No. 154.

Shri P. B. Patel (Mehsana): I want to move my amendment No. 55.

Mr. Speaker: So, amendments Nos. 55, 154, 156, 157 and 158 have been indicated by the members to be moved.

Shri P. E. Patel: Sir, I beg to move:

Page 3,—

omit line 29.

Shri Nathwani: I beg to move:

(1) That in the amendment proposed by Shri Asoke K. Sen printed as No. 132 in List No. 22 of amendments,—

after sub-clause (3), insert—

“(3A). Notwithstanding anything in this section or section 48 of the States Reorganisation Act, 1956 every sitting member of the said Council who immediately before the 1st November, 1956 was a member of the Legislative Council of the former State of Bombay shall on the commencement of this Act cease to be a member of the Legislative Council of the present State of Bombay if immediately before such commencement he was not an elector for an Assembly constituency in the present State of Bombay or in the case of a member nominated by the Governor, was not ordinarily resident in that State.”

(2) That in the amendment proposed by Shri Asoke K. Sen, printed as No. 132 in List No. 22 of amendments,—

in the proposed sub-clause (3) (a), after “column 2 of the said Table” insert—

“if immediately before such commencement, he is an elector for an assembly constituency in the State of Bombay”.

(3) That in the amendment proposed by Shri Asoke K. Sen, printed as No. 132 in List No. 22 of amendments,—

in the proposed sub-clause (3) (b), add at the end—

“if immediately before such commencement he is an elector for an assembly constituency in the State of Bombay”.

(4) That in the amendments proposed by Shri Asoka K. Sen, printed as No. 132 in List No. 22 of amendments,—

after the proposed sub-clause (3), insert—

“(3A) Every sitting elected member of the said Council who is not deemed to have been elected thereto by virtue of clause (a) of clause (b) of sub-section (3) shall, as from the commencement of this Act cease to be a member of the said Council.”

Shri Naushir Bharucha: Sir, I desire to speak on clause 5.

Mr. Speaker: Clause 5 and the amendments also. If any hon. Member wants to make any submissions regarding clause 5 let him make his submissions regarding the amendments also.

Shri Naushir Bharucha: Sir, clause 5 relates to Bombay. In the first place, it increases the number from 72 to 108. It provides for re-distribution of the 108 seats amongst various constituencies. It also provides that the sitting members shall be deemed as elected and confirms the sitting members already elected by the Legislative Assembly. It also provides for election to casual vacancies as may have occurred and reserves power to the Governor to prescribe the terms of office of the 25 members chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956 and the members to be elected under sub-section (4) of this section.

Sir, there are consequential amendments to section 34 of the States Reorganisation Act.

In the first place, we have not been able to understand why there should be an automatic increase in the number. This House has already accepted in the first reading the principle that there should be legislative councils, so

[Shri Naushir Bharucha]

I will not speak on that point. But the fact remains that we can still argue that the mischief should be minimised and the number should be confined to 72, the number which still constitutes the Council. There is no need to increase this number and this number could have been well distributed among the Greater State of Bombay.

I for one fail to understand what the hon. Minister for Law urged in the course of his speech while moving for consideration of this Bill, namely, that a second chamber is for mature consideration. I fail to see how because one increases the number from 72 to 108 there will be maturer consideration. If that is so, then why not increase it to 200 or 300 so that the consideration will be still maturer? The fact remains that by a mere increase in number we cannot have a mature consideration, nor can you have any check on the much regretted, hasty legislation.

My experience in the Bombay Legislative Assembly for the last five years showed me that the Assembly rushed through legislation at a break-neck speed. Even the much experienced legislators were not at all able to keep abreast of legislation and the amendments that were tabled. My experience in this House also has shown me how hastily legislation is enacted, as evidenced by the fact that the hon. Law Minister has tabled practically a new Bill in the shape of amendments and the whole thing is being rushed through.

Therefore, what is the sense in saying that a second chamber, and a better and bigger one, is likely to be a curb on hasty legislation when we fail to impose that curb upon ourselves by seeing that the amendments are duly considered and time given to consider them. I fail to see how the bigger Legislative Councils are going to be better controlling agencies, because it has been my experience in the Bombay Legislative Assembly that the whip which is issued in the Assembly is the same as that is issued

to the members of the Legislative Council. Therefore, in view of these valid reasons, duplicating and enlarging the Legislative Councils means nothing whatsoever, and whatever arguments may have been urged in favour of the second chamber, have no relation to the existing facts, where whips can be issued and all voting is regimented and controlled.

13 hrs.

It will also be seen that so far as clause 5 is concerned the distribution has taken place in a manner which I oppose. I do accuse this Government that in making the distribution amongst the various Legislative Council constituencies, there is something discriminatory. Out of the 108 seats, as this House knows, 42 are to be elected by the Assembly and 36 are to be elected by municipalities. May we ask, when the Constitution provides that as nearly as possible, one-third should be elected by the Legislative Assembly, why is this that election of Legislative Assemblies is given a greater quota? I will tell you the reason. It is because, the Congress Party has got a majority in the Assembly which it has not got in the municipalities. It does not have a majority in the Bombay Corporation which is today governed by the Samyukta Maharashtra Samiti. Everywhere, where the Congress Party stood in the State of Bombay and particularly in Maharashtra and in parts of Maha Gujarat, the Congress got defeated in election, so much so that the Bombay Legislative Assembly passed an Act suspending elections to municipalities and to Corporations, something unprecedented and unheard of. Why? Because the Congress Party apprehended that the municipalities were going to be captured by the Opposition and today, the same fear lurks that if more seats are given to municipalities, greater representation would be given to the Opposition in the Legislative Councils. Therefore, 42 seats have been deliberately given to the Assembly and only 36 to the municipalities. I ask the hon. Minister, why is it that the tables are not turned the other way. Why is it that 42 are not

given to municipalities and 36 to the Legislative Assembly? There is no clear answer, nor can he say that the Assembly must have 42, because what is the particular charm between having the Assembly as electorate and the municipality as electorate. There is no difference between the two. Surely, the hon. Minister does not contend that because the Assembly is given a greater quota, that is, 42, the Council is going to be some Super-House. I ask, why the nomination of 12 has been maintained as it is? Six out of the 12 could have been given to the municipalities so that at least both would be on a par. Why is it not done? It is no use saying that we are not having an increased nomination quota beyond 12. I say that under the Constitution this House is a sovereign body and it can alter the composition of the Legislative Councils. But this is not being altered simply because the Congress Party wants the Opposition Party to be at a disadvantage. The Opposition Party is at a disadvantage.

Then the argument was advanced by my hon. friend Shri P. R. Patel, namely, why is it that the sitting members are confirmed. Does not the Law Minister know that 25 people have been chosen and not elected by the people? What is the use of saying that why should we, just for the sake of six months alter this thing? What does it matter? If the Constitution provides that in a democracy people are to be elected and not nominated, surely, it is the duty of this House to see that the seats of those who are chosen are subject to the vote of the people. I submit that clause 5 is replete with doubts and suspicions. There is no doubt that the Congress is maintaining a disproportionate representation between Assembly and municipalities with a view to benefit itself. There is no doubt that it is afraid of subjecting Council members to the vote of the people, because it knows what the result will be.

I submit that this clause 5 does great injustice to Bombay, a second injustice over the one that has been

already done to it. After all this avoidable, costly and unnecessary trappings of the Legislative Councils have been suggested, who is going to believe in the appeal of this House for austerity and economy? I for one will not, and I know the public will not. Without exception, I say that this is avoidable. We are wasting money. I think, therefore, it has also psychologically a bad effect and I oppose clause 5 of the Bill.

Shri Nathwani: Before I speak on my amendment No. 154, I would like to refer to the argument adduced by my friend, Shri Naushir Bharucha. My friend, Shri P. R. Patel, yesterday and Shri Naushir Bharucha today suggested that the new amendment proposed by the hon. Minister regarding the constitution of Legislative Councils was put forward with ulterior motives; that there was a shift in the public opinion in the State and if fresh elections were to be held, the Congress Members will not be in a majority. The hon. Minister has recounted just now the reasons why it is not possible or practicable to hold fresh elections for the Legislative Councils. But even apart from these practical considerations, there is one consideration which seems to be over-riding. A Legislative Council is a continuing chamber. If the suggestion of the Members who ask for holding fresh elections is accepted, it would be tantamount to dissolving the present Legislative Councils. And this is what, according to me, is prohibited by the Constitution itself.

If you refer to article 172 of the Constitution, you will find that it deals with the duration of State legislatures. Sub-section (2) of article 172 is as follows:

"The Legislative Council of a State shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year...."

and so. This means that the Legislative Council is a continuing chamber. It cannot be dissolved. If their sug-

(Shri Nathwani]

gestion is to be accepted, it would be tantamount to dissolving the present Councils and holding fresh elections. That amounts to a contravention of the Constitution. Apart from other difficulties, this is my argument which clinches the issue.

Now, I come to amendment No. 154. The scope of my amendment No. 156, 157 and 158 is practically the same as the scope of my amendment No. 154 except in one respect. Amendment 154 deals with elected members as well as nominated members. Those elected members who are sitting at present will be affected by the amendments moved by me to the extent that all members of the Legislative Councils who are sitting members and who hail from territories which have been transferred to the neighbouring State, namely, Mysore, are likely to lose their seats. They may be affected, because the condition which we are seeking to impose by my amendments is this. At the commencement of this Act, they should be electors of the State Assembly of the present State. If they reside in territories, in this instance, outside the Bombay State, it is likely that their names will not appear in the electoral roll of the new State. In incorporating this amendment, we are only seeking to conform to the spirit of the provisions in the Representation of the People Act. I shall read section 6(1) which prescribes the qualifications for membership of a Legislative Council:

"(1) A person shall not be qualified to be chosen to fill a seat in the Legislative Council of a State to be filled by election unless he is an elector for any Assembly constituency in that State".

By my three amendments, we are seeking to achieve this. If the sitting members are not electors for any Assembly constituency in the State, they shall cease to be the members. So far so good. It is in consonance with sub-section (1). But when I go to clause (2), this is what is provided as regards the qualifications for nominated members. In the present State

of Bombay, there are 12 members who are nominated by the Governor. According to my information, there are two Members who come from territories outside the Bombay State. Sub-section (2) of section 6 requires that—

"a person shall not be qualified to be chosen for a seat in the Legislative Council of a State to be filled by nomination by the Governor as the case may be, unless he is ordinarily resident in the State."

According to my information, there are two sitting members in the Legislative Council of Bombay who are not ordinarily residing in the State. If my amendment No. 154 is accepted, they may be affected by it. My submission is, when you are adopting a particular criterion in respect of elected members, you should also accept the same criterion provided in section 6 of this Act as regards nominated members also.

Of course, it appears that it is futile to press this amendment No. 154. But I think it would be in conformity with the spirit of section 6 if we had the same provision for both elected and nominated members.

Shri P. R. Patel: I have moved amendment No. 55.

I will not go into arguments, because justice won't prevail; I know very well. But I would like to put certain questions to the hon. Law Minister, so that he may reply to them at the time of his reply.

In the States Reorganisation Act, sub-clauses (a) and (b) in sub-clause (2) of section 34 were put in. Sub-clause (b) says:

"25 members to represent the territories specified in clauses (b), (c), (d) and (e) of sub-section (1) of section 8 who shall be chosen in such manner as may be prescribed."

Now, these representatives were chosen and not elected by the members of the Assembly. They are now

sitting members. I want to know whether these members are going to continue or not? If you look to the spirit of section 34, this was a temporary arrangement. After the general elections, this temporary arrangement was to come to an end.

However, by the amendment proposed by the Law Minister, he desires to do something which nullifies the very spirit of section 34. Section 34 is only for minor matters—increasing the number in the Council, whether the sitting members should be allowed to continue or not, whether there should be re-election of the Council or not, etc. These are the things under section 34 and the House decided that there should be re-election, that the sitting members would not continue and that the number should be only 72. Now he wants to make certain changes. So, I ask him most humbly that if he is prepared to change section 34 in a year dealing with minor matters, why does he not agree to consider a bigger thing, namely, the bi-lingual State of Bombay, for which everybody in Gujarat and Maharashtra is against? This clearly shows that in a democracy nothing is final, as is said very many times by our Prime Minister and the collective wisdom of the House could be questioned at any time.

He has come out to question the collective wisdom of the House. I only ask whether it is proper for the healthy growth of democracy that the party in power, with the strength of majority, should try to have certain changes in the law at any time the party likes. Would it not retard the progress of democracy? Today the Congress is in power, tomorrow some other party may be in power. After all the precedent that is being put, will be followed and I do not think we put a very good precedent. I humbly request him to reconsider the matter.

13-16 hrs.

[SHRI C. R. PATTABHI RAMAN in the Chair]

Shri A. K. Sen: Mr. Chairman, Sir, Mr. Bharucha has stated that the re-

presentation given to the Assembly as compared to the local authorities discloses a malignant design on our part, namely, that the Congress are in a minority so far as the constituencies in the local authorities are concerned whereas they are in a majority in the Assembly. For his information, I may say that these figures have been arrived at after the recommendation of the Chief Election Commissioner had reached us.

We never had the desire nor do we ever have the desire in future to prescribe any figures or delimit constituencies contrary to the recommendations of the Chief Election Commissioner. He is independent. He certainly cannot be accused of the designs to which Mr Bharucha has given expression. The reason is obvious. The Chief Election Commissioner has certain principles on which he delimits constituency and allots representation for each. The newly added areas have brought in more population than local authorities, so far as the State of Bombay is concerned. As a result, the increase in the size of the State Assembly is much more than in the size of the local authorities as a result of the integration of the various areas and as a result of the taking away of certain areas for other States. That is a very simple reason.

If population has grown at a higher rate and if the State Legislature has increased at a higher rate than the increase in the number of local authorities, it is only fit and proper—I support the Election Commission in this—that the State Legislature should be given a slightly better representation than the local authorities, instead of dividing it mathematically, one-third, one-third and so on. I do not think there is any flaw in that recommendation.

Shri Nagi Reddy (Anantapur): Is the same principle adopted in all the States?

Shri A. K. Sen: I am sure about it. We have really followed the instructions of the Election Commission in this matter. I may say that even from

[Shri A. K. Sen.]

the Congress benches, Members came to me yesterday and this morning for changes in figures, a higher figure for one constituency rather than for another and so on. I have told them plainly that these figures have been arrived at on the recommendations of the Election Commission and we cannot do anything about these figures unless we are better informed in the matter. Therefore, these charges of malignant motives are easily hurled but difficult to sustain, specially when all the facts behind the initiation of the measure and all the facts which have gone towards the making of the measure are examined and impartially considered. I have great respect for the hon Member, Mr. Bharucha, for the sobriety that he displays in his speeches. But I am sorry that he has indulged in an accusation this morning which is really far from truth.

About Mr Patel, frankly speaking, I think it is the distance which separates me from him which is responsible for my not following him. I could not follow him yesterday and I could not follow him very well today also. I am very sorry for it, but as far as I can see, he has mixed up all sorts of questions in this very simple matter. According to him, the bi-lingual State of Bombay which has been created is an injustice. Maybe or may not be, but it is highly irrelevant, so far as the present discussion is concerned. According to him nothing is final in democracy. Well, nothing is final in this world. It is all a Heraclitan flux. Nothing is final, except the sun and the stars. But I hope there are certain principles which are constant which have to be followed, guiding every democratic government. I had taken pains to expound these basic principles which we have followed in framing this measure and recommending it for the consideration of the House.

The most important of these guiding principles is the constitutional provision which requires that the

Upper House must reflect, by a certain percentage relationship, the composition of the State Legislature and also the local authorities and other constituencies mentioned in article 171 of the Constitution.

Shri D. R. Chavan (Karad): Was not all this before the House when the States Reorganisation Act was passed?

Shri A. K. Sen: They were not considering the composition of the State Legislatures after the States were reorganised, because the number has come after the reorganisation and after the general elections. I am sure even if they had thought about it, it would have been premature.

Shri D. R. Chavan: Surely they would have considered all this.

Shri A. K. Sen: I have not got the records, and I was not here then unfortunately. But nevertheless, the principle is there. Whether they have been considered or not, the principles are there to lead us and enlighten us on our path.

The second guiding principle has been, as I have said, that we must accept it as a guiding principle so long as the Constitution remains un-amended, that we must have Second Chambers in those States which have been granted Second Chambers by the Constitution itself, Bombay being one of these. The size of Bombay has increased after the integration of the two areas, the Marathi and Gujarati speaking areas. If the original State of Bombay was thought fit to be granted a Second Chamber, it is all the more reason that the bigger State should be enjoying it with corresponding increased representation. (*Interruption*). As to who does and what, we are not concerned with anyone indulging in something without jurisdiction.

These are the principles which, as I have tried to explain, have guided us in framing this measure. And I have not the slightest doubt that they are constitutional principles embodied in our Constitution, and so long as our Constitution remains unamended in this respect we must pay respect to these principles. It is not fit or proper for any of us here to indulge lightly in attacking principles enshrined in our Constitution. I feel it is one of the greatest achievements of our nation, this Constitution of ours, and for generations to come it will shed its light on our thoughts, deliberations and actions.

Shri Balasaheb Patil (Miraj): It has been slashed, amended.

Shri A. K. Sen: The power of amendment itself was given by the Constitution. It would have been a poor Constitution if it was not flexible. It would have been a very poor Constitution if it did not contain in itself the seed for future changes.

Shri Balasaheb Patil: Does it say that the number must be increased?

Shri A. K. Sen: Let us not indulge in high principles about framing the Constitution. It has been framed, and we shall pay respect to it, however much others may oppose it.

These, Sir, are the arguments which I could gather from the speech of the hon. Member, Mr. Patel. I have not been able to read anything relevant in his speech so far as the present discussion is concerned, and I am sorry if I have missed anything. As I have said already, it is the distance which separates us which is responsible for that.

With these observations I submit that the amendment of the Government should be accepted, with the amendments of my hon. friend Mr. Nathwani, that is Nos. 156, 157 and 158. And I oppose the other amendments.

Shri P. R. Patel: In the States Reorganisation Act the reconstitution by

election is there, and there is nothing that the sitting Members should go on. The hon. Minister has not said anything on that.

Shri A. K. Sen: I had not heard that part of it. I had answered it in connection with all those States, that is, the Punjab, Mysore, Andhra and Bombay. I had lumped them together in my discussion. I had not certainly dealt with Bombay separately. But that general discussion applies to all of them. I had said that the States Reorganisation Act had the effect of constituting the Bombay Legislative Council after the reorganisation. One-third of the total membership is going to retire very soon. That will take away a good part of the old Members. The new Members who have come in after the States Reorganisation Act have come through the process of election. Somebody has drawn a distinction between "choosing" and "electing". If a Legislature chooses it also elects. There is hardly a difference, it is a distinction without a difference. If that is the position, only for electing a few odd representatives we have not thought it fit to go to the extent of holding a fresh election altogether for the entire Council, undertaking all the trouble and expenses which it will involve.

Apart from that, as I had explained—and I am obliged to my friend Mr. Nathwani for pointing out—there is another difficulty that we have felt. A new election altogether replacing the old Council would at once bring us face to face with the constitutional difficulty of bringing about a dissolution of the existing Council indirectly, which we cannot do directly. I have told the hon. Members yesterday that it would amount to dissolution, and we have not thought it fit that we can do it either constitutionally or practically. These are the aspects of the question which evaded us and we do not think that it will take away from the representative character of the Council which Bombay enjoys today, with the triennial elections which it enjoys every three years.

[Shri A. K. Sen.]

Sir, these are the answers I have, and I humbly submit that the House accepts my amendment, with the amendments of Mr. Nathwani to which I have referred—that is, Nos. 156, 156, 157 and 158—except No. 154.

Shri D. E. Chavan: May I ask the hon. Minister a question? When did he get the information from the Election Commission concerning the change?

Shri A. K. Sen: I do not remember the date, but we have been in constant touch with them even before drafting the Bill and afterwards. The Deputy Chief Election Commissioner is here.

Shri D. E. Chavan: When the original Bill was drafted, was he not in possession of the Election Commission's recommendations? Because, the number has been mentioned in the original Bill as 39, 9, 9 and 39 and it is to be changed now to 36, 9, 9 and 42.

Mr. Chairman: I think they will be published in due course.

There will not be any voting on this clause till 2-30 because it is Lunch time now. We will go to the next clause.

Shri A. K. Sen: If a division is not going to be pressed, we might as well....

Mr. Chairman: Not till 2-30, because no voting takes place at this time.

Shri A. K. Sen: Yes, I understand.

Mr. Chairman: So we will now go to clause 9. What are the amendments that are proposed to be moved?

Shri Hem Raj (Kangra): I want to move my amendment No. 104 as also another amendment of mine.

Mr. Chairman: What is the number of that amendment?

Shri Hem Raj: There is no number. But I have given it. That is regarding the deletion of the Schedule.

Mr. Chairman: I will enquire into that. I will see whether the papers are there.

Shri Ajit Singh Sarhadi (Ludhiana): I want to move my amendments Nos. 87 and 88.

Shri Hem Raj: I beg to move:

Page 5 to 7,—

for clause 9, substitute—

"9. (1) The total number of seats in the Legislative Council for the State of Punjab to be reconstituted under section 37 of the States Reorganisation Act, 1956 shall be increased from 40 as fixed by sub-section (3) of that section to 51.

(2) Sub-section (3) of the said section shall be amended as follows:—

(a) for the figures "40" the figure "51" shall be substituted;

(b) in clause (a) for the figures and word "13, 3 and 3" the figures and word "17, 4 and 4" shall be substituted; and

(c) in clause (b) for the figures "13", the figures "18" shall be substituted.

Shri Ajit Singh Sarhadi: I beg to move:

(1) Page 6,—

for lines 3 to 32, substitute—

"(3). As soon as may be after such commencement, steps shall be taken to constitute the said Council in accordance with the provisions of this section and the provisions of the Representation of the Peoples Act, 1950 and the Representation of the Peoples Act 1951".

(2) Pages 8 and 7,—

omit lines 33 to 40 and 1 to 24 respectively.

Sir, my two amendments to this clause propose that the Legislative Council of Punjab should be reconstituted. I am afraid, from the stand the hon. Minister has taken, how far I will be able to persuade him to accept my amendments. I am not sure. But this much I can say. My reasons for the reconstitution of the Punjab Legislative Council are very much cogent and more convincing.

The first day when I found that in the case of Mysore and Bombay the original proposal had been for the re-constitution, I thought that I might possibly persuade the Law Minister to agree to the re-constitution of the Legislative Council in the case of Punjab also. But for the several reasons, known to him, he brought in amendments for the continuation of the Councils in the case of Mysore and Bombay.

I have got three very convincing reasons for my arguments. In the case of Punjab, you will appreciate, the Punjab Legislative Assembly has not asked for the continuation of the Legislative Council, as it was done in the case of Mysore. The resolution which has been passed by the Legislative Assembly implicitly conveys that it is not for continuation but it wants re-constitution of the House in the light of the changes and the integration of new areas to Punjab. On democratic principles also, there is no reason why there should not be fresh election. But, that is not the only reason—the resolution which implicitly conveys that there should be re-election and re-constitution.

I have got a second point and I will draw the attention of the hon. Member, who is deputising for the Law Minister, to this. Now you will find from the table that the number allotted to Punjab in the case of local bodies has been increased from 13 to 17. In the case of graduates it has been increased from 3 to 4. In the case of teachers it has been increased

from 3 to 4. In the case of Assembly members it has been raised from 13 to 18. Now, we have got four electoral colleges and the number has been increased from 40 to 51—one for teachers, one for graduates, four for local bodies and five to the Assembly members.

Now I will draw your attention to the proposal for re-election. According to clause 4 on page 6 of the proposed Bill 11 additional seats are to be filled up. How are these 11 seats to be filled up? In clause 4 it is stated:

“As soon as may be after the commencement of this Act, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act,”

The number of seats allotted to the local bodies has been increased from 13 to 17; 13 seats are already existing and four additional seats are to be filled. But now the electoral college has been changed entirely. The previous electoral college was, as page 29 would show, as follows:

2 seats: Ambala and Karnal Districts

4 seats: Gurgaon, Rohtak, Hissar, and Simla Districts

3 seats: Hoshiarpur, Kangra and Gurdaspur Districts

4 seats: Jullundur, Ferozepur, Amritsar and Ludhiana Districts.

These were the divisions of the electoral college previously. Now this has been amended, as given on page 14. Instead of four electoral colleges, three electoral colleges have been created. They are: Punjab North (Local Authorities), Punjab Central (Local Authorities) and Punjab South (Local Authorities). Now, the division of 17 has been made in accordance with the three new

[Shri Ajit Singh Sarhadi]

electoral colleges that have been created. For each electoral college a specified number of seats have been given.

Now, four additional seats are to be filled up in accordance with the proposed provision of clause 4(a), as modified by this amendment. It is not stated how these four seats of the electoral college are going to be filled up. The present provision in the Bill does not clarify how that additional seats are to be filled up. In the case of graduates, of course, the number has been increased from three to four. So, naturally, all the graduates of the electoral college will be able to select one. So far as the changes in respect of other seats are concerned, they have been provided. But, in the case of local bodies, the number has been increased by four. Now, how are the four seats going to be filled up? It is not clearly provided in the Bill. The position is obviously very odd.

Shri Shankaraiya: On page 14, it is provided in the Table.

Shri Ajit Singh Sarhadi: That table gives only the total. It only indicates the present sitting members representing these electoral colleges. Now, in accordance with the modified Bill now before the House, the number of electoral colleges has been changed from four to three by bringing in certain integrated areas of the PEPSU and the number of seats has been increased from 13 to 17. Now, these four additional seats of the local bodies are to be filled in accordance with the modified Bill, as provided in clause 4(a). Clause 4 provides for the election by the electoral colleges. But there it has not been made clear as to how the elections are going to be held. This is an anomalous position. Out of these 46 Members, 40 were from the previous Punjab Assembly and six from the integrated area of PEPSU,.....

Shri Biren Roy: (Calcutta—South West): Please look into the schedule at page 29.

Mr. Chairman: I take it the hon. Member is referring to the table in the section itself.

Shri Ajit Singh Sarhadi: There were four electoral colleges to elect 13 Members. The electoral colleges have been made into three now. On page 14 you will find the electoral colleges are quite different. They have been changed and seats given respectively are eight, three and six. Four are to be freshly elected. It is not clear how they are to be elected. It is an anomalous position. My study of the present provisions definitely shows that there is no cut and dry way of holding the elections for the additional seats allotted to local bodies as postulated in part (a) of article 171 (3) of the Constitution. This is my second point. This very fact that the electoral colleges have been changed, fresh areas have been integrated, fortifies my argument that the House should be reconstituted.

There is also a third point for consideration. Out of the new House of 51, 19 are sitting members (13 plus 6) to represent the Assemblies which have been dissolved. I beg the House to consider that the old Houses have been dissolved, fresh Members have come in. Every party had put up its own candidates. The Congress Party had put up 30 per cent. of its old Members, and there are several new entrants. There is a fresh viewpoint, a fresh manifesto. The object of the Constitution is this, that a portion of the Upper House should represent the viewpoint of the Assembly. But you are continuing the present Members who represent the old dissolved Assembly. How far is this justified by constitutional and democratic principles. You are not bringing in the viewpoint of the lower House before the Council, and thus not observing the basic and underlying principle of the Constitution. As for the number 19 you have got there, you have also provided that additional Members also should be

taken. Therefore, this is an additional argument why there should be re-constitution of the House.

Then, I have got another argument. So far as the graduates of the entire State are concerned, we have got one electoral college to elect four Members. So far as the teachers are concerned, there is one electoral college to elect four Members. Having one electoral college to elect four Members gives a sort of proper representation. Every viewpoint is given an equal opportunity to be represented when we have only one electoral college to elect all the four Members. It is a very healthy principle. I disagree with my hon. friend Shri D. C. Sharma, who is not in his seat now, in his argument that there should have been a territorial division for the graduates and for the teachers also. That would be wrong in principle on two grounds. Firstly it will bring in disparity in numbers in the electoral colleges, and secondly it would not bring in the viewpoints of different sections in that electoral college. Therefore the present position is good. But you have given one additional seat to the entire electoral college. That is again a mistake and against the basic, fundamental principle. Because of this point too, there should be re-election.

Here again I would draw your attention to the fact that the Constitution does provide and the Bill before the House does provide that there should be retirement, every two years, of one-third of the House, but it does not give any direction as to how it should be done. In the case of the electoral colleges of teachers and graduates, if retirement is done one by one, it would be a mistake. When you are amending the original Act, you should have brought in a provision that the representatives of each electoral college shall retire collectively. That would be a very healthy convention. If all the four teachers' Members retired collectively and a fresh election is held, each section of the electoral college of teachers shall have an opportunity to put forward

its viewpoint. However, I still believe that can easily be done since this option is with the Governor. Directions can be issued to the Governor that it should be kept in view that the representatives of graduates and teachers should be made to retire collectively to enable the electoral colleges of the teachers and the graduates to elect all the new Members simultaneously.

So, in the case of Punjab particularly, the reasons for the reconstitution of the House are very cogent and convincing, because of the integration of fresh territories, the anomalous position that exists there now and also the difficulties that will be found in the election of Members in the place of those who are dead or in the election of new additional Members that is to be provided for. In view of all these grounds I hope the hon. Law Minister will give sympathetic consideration to my amendments 87 and 88.

Mr. Chairman: Shri Hem Raj. I suggest that he may briefly refer to amendment 106 also so that at the proper time when the schedule is taken up it will have some reference. He may devote himself to amendments 104 and 106.

श्री हेमराज : सभापति महोदय, अभी मेरे काबिल दोस्त सरदार भजित सिंह ने आपके सामने दलीलें दी हैं कि पंजाब की लेजिस्लेटिव काउंसिल का दोबारा चुनाव होना जरूरी है। मैं भी इस माननीय सदन के सामने इसके मुताबिक अपने कुछ विचार रखना चाहता हूँ। जिस समय राज्य पुनर्गठन का एक्ट इस सदन के सामने था, उस समय भी यह समस्या पैदा हुई थी। चूँकि उस समय पेंसू और पंजाब को एक कर दिया गया था, इसलिए पंजाब की लेजिस्लेटिव काउंसिल में पेंसू के मेम्बरान को रिप्रेजेंटेशन देनी थी। इस सम्बन्ध में एक इन्टरिम प्रोव्जमेंट कर दिया गया और जः मेम्बर वहाँ से ले लिए गए, लेकिन साथ ही वहाँ पर यह भी प्रावधान रख दिया गया कि इस के बाद पंजाब में जो काउंसिल बचेगी, वह रीकॉन्स्टीच्यूट

[श्री हेमराज]

होगी। स्टेट्स री-आर्गनाइजेशन एक्ट की क्लॉज ३७(३) में यह कहा गया—

"After such reconstitution as aforesaid, there shall be 40 seats in the said Council...."

पहले पंजाब लेजिस्लेटिव कौंसिल में ४० सीट्स थीं, जिन में पैप्सू की ६ सीट्स का एडीशन कर दिया गया। यह प्राविजन भी रख दिया गया कि उसके रीकास्टीच्यूशन के बाद उस में ४० सीट्स होंगी। स्टेट्स री-आर्गनाइजेशन एक्ट की क्लॉज ३७(४) में यह कहा गया—

"The provisions of sub-sections (4) and (5) of section 34 shall apply in relation to the said Council as they apply in relation to the Legislative Council for the new State of Bombay."

हमारे ला मिनिस्टर ने जेनरल बहस का जबाब देते हुए कहा कि यह रीकास्टीच्यूशन नहीं हो सकती है। लेकिन मैं अर्ज करना चाहता हूँ कि मुझे पूरी तरह याद है कि जिस समय वह बिल इस माननीय सदन के सामने था, तो माननीय सदस्य पंडित ठाकुर दास भागव ने यह पॉइंट उठाया था कि कास्टीच्यूशन का आर्टिकल १७२(२) इस की इजाजत नहीं देता, लेकिन इस के बावजूद इस माननीय सदन ने यह फ़ैसला किया था कि पंजाब की लेजिस्लेटिव कौंसिल को दोबारा कास्टीच्यूट किया जायगा। मैं नहीं समझ सकता कि उस फ़ैसले को हम किस तरीके से बदल रहे हैं, जबकि उस एक्ट को पास हुए अभी एक साल नहीं हुआ है। अभी मेरे भाई सरदार अजित सिंह ने आपके सामने यह उसूल रखा है कि लेजिस्लेटिव कौंसिल में लेजिस्लेटिव असेम्बली के मेम्बरों का नुक्ता-ए-निगाह बकर होना चाहिये और वह नुक्ता-ए-निगाह उन्हीं मेम्बरों का होना चाहिए, जो कि अभी नए चुन कर आए हैं, क्योंकि पहले पंजाब

लेजिस्लेटिव असेम्बली के १२६ मेम्बर थे, लेकिन पंजाब और पैप्सू के मिलने के बाद उनकी तादाद १५४ हो गई है। उन में से बहुत से मेम्बर उस वक़्त थे और अब नहीं हैं। मैं समझता हूँ कि अगर अपर हाउस की रखने का मतलब यही है कि उस में लोअर हाउस की भी राय दुस्त तौर पर आ जाय, तो यह जरूरी है कि पंजाब के अपर हाउस को—लेजिस्लेटिव कौंसिल को—रीकास्टीच्यूट किया जाय।

नोट्स भान क्लॉज में इस बात का भी तज़क़िरा किया गया है कि लोकल अथॉरिटीज़ की कास्टीच्यूएन्सीज़ को चार के बजाय तीन किया जा रहा है। उस में यह कहा गया है—

It is further proposed in sub-clause (2) and the Third Schedule to reduce the number of local authorities' constituencies to 3 and to delimit them afresh so as to give fair representation to all the areas now forming the State of Punjab.

क्याल तो यह था कि सब को दुस्त तौर पर कौंसिल में रिप्रेजेंटेशन मिल जाय, लेकिन इस सिलसिले में पंजाब के हालात क्या हैं? मे ला मिनिस्टर साहब का ध्यान अपने पिछड़े हुए पहाड़ी इलाक़ों की तरफ़ दिलाना चाहता हूँ। जब से यह कौंसिल बनी है उस में पहाड़ी इलाक़ों की कोई सुनवाई नहीं हुई है और उन की रिप्रेजेंटेशन नहीं दिया गया है। बिल के सफ़ा २६ पर जो टेबल दिया गया है, उससे जाहिर है कि लोकल अथॉरिटीज़ का जो इलेक्ट रल कालिज पहली था, उस में होशियारपुर, कांगड़ा और गुरदासपुर शामिल थे, लेकिन जो नया इलेक्ट्रल कालिज बनाया जा रहा है, उसमें, पंजाब के जितने बेहतरीन शहर हैं, उनको मिला दिया गया है। पहाड़ी इलाक़ों को पहले ही रिप्रेजेंटेशन नहीं मिलता था, लेकिन इस प्राविजन

का नतीजा तो यह होगा कि अब वहाँ के लोग कभी स्वप्न नहीं ले सकते कि उन को लेजिस्लेटिव काउंसिल में रिप्रेजेंटेशन मिलेगा। हमारे इन इलाकों से तकरीबन पन्द्रह मेम्बरान असेम्बली के हैं लेकिन आज तक इन इलाकों को लेजिस्लेटिव काउंसिल में कोई रिप्रेजेंटेशन नहीं मिला है—खास तौर पर डिस्ट्रिक्ट होशियारपुर, कांगड़ा गुरदासपुर के कुछ इलाके, शिमला और कोहिस्तान का जिक्र इस सिलसिले में किया जा सकता है। मैं समझता हूँ कि जो इलेक्ट्रल कालिजिज बनाए गए हैं लोकल अथॉरिटीज के, वे दस्त नहीं हैं, खास तौर पर उस सूरत में जबकि आपने इस उसूल को मद्देनजर रखा है कि बैकवर्ड एरियाज को खास तौर से रिप्रेजेंटेशन दिया जाय। मैं यह भी निवेदन करना चाहता हूँ कि मेरा इलाका हिमाचल प्रदेश से बिल्कुल मिलता है और उस की ही एक लड़ी है, लेकिन जब कि हिमाचल प्रदेश को एक स्पेशल रिप्रेजेंटेशन दिया गया है और उस के चार मेम्बरान यहां पर लोक सभा में हैं, मेरे इलाके से सिर्फ दो मेम्बरान हैं, अगर आप इस उसूल को दस्त तस्लीम करते हैं कि पिछड़े हुए इलाकों को मुनासिब और ठीक रिप्रेजेंटेशन दिया जाना चाहिए, तो यह न्यायसंगत है कि पंजाब के पहाड़ी इलाकों को ठीक रिप्रेजेंटेशन दिया जाय, ताकि वे भी अपना नुक्ता-ए-निगाह उस हाउस में रख सका करें।

एक और बात मैं आपके ध्यान में लाना चाहता हूँ और वह यह है कि जब हमारे पन्द्रह के करीब मेम्बरान Punjab Legislative Assembly (पंजाब लेजिस्लेटिव असेम्बली) में हैं, तो उस के मुताबिक यह न्यायसंगत है कि हमें कम से कम तीन सीट्स उस हाउस में मिलनी चाहियें। हमारे ला मिनिस्टर साहब शायद आपत्ति करें कि हम रीजन के आधार पर लेजिस्लेटिव काउंसिल में इस किस्म का कोई प्राविजन नहीं कर सकते, लेकिन मैं उनका ध्यान दिलाना चाहता हूँ कि किसी और राज्य सरकार का जिक्र करते हुए उन्होंने फरमाया था कि जिस

इलाके में इस किस्म के नातसम्बन्धना हालात पाए जाते हैं, उस के मुताबिक वह राज्य सरकार का ध्यान दिलायेंगे। मैं प्रार्थना करना चाहता हूँ कि हमारी राज्य सरकार तक हमारी आवाज पहुँचाई जाय कि लेजिस्लेटिव काउंसिल में पिछड़े हुए पहाड़ी इलाकों को खास तौर से रिप्रेजेंटेशन मिलना चाहिए।

मेरे भाई सरदार अजित सिंह ने कहा कि टीचर्स और ग्रेजुएट्स के लिए एक ही इलेक्ट्रल कालिज रहना चाहिए। इस सम्बन्ध में मेरा उनसे कुछ मतभेद है। उनका ख्याल है कि इस तरह उसमें डिफरेंट पाइंट्स आफ व्यू और इन्स्टेंस को रिप्रेजेंटेशन मिल जाता है, लेकिन मेरा ख्याल है कि जो सजवीज डी० सी० शर्मा जी ने रखी थी कि जिस तरह से वेस्ट बंगाल और बिहार में ग्रेजुएट्स और टीचर्स की कांस्टीट्यूएन्सीज डीलिट की गई हैं, अगर वही व्यवस्था पंजाब में भी हो जाय, तो वह बेहतरीन होगी। इस तरह से हर एक रीजन के टीचर्स वहाँ पर इलेक्ट हो सकेंगे और हर एक को मौका मिल सकेगा कि वह अपने अपने हिस्से की तकलीफें वहाँ पर रख सकें।

मैं समझता हूँ कि यह कहना कि अब रिकॉस्टीट्यूशन की जरूरत नहीं यह कोई माहूल वजह नहीं है और अब भी जो कि आपत्ति सरहदी साहब ने उठाई है, वह गोर० तलब है और जब तक उस आपत्ति का कोई हल नहीं निकाल लिया जाता मैं समझता हूँ कि सरकार के सामने और कोई रास्ता नहीं है सिवाय इसके कि जो पंजाब की लेजिस्लेटिव काउंसिल है, इसको दुबारा रिकॉस्टीट्यूट किया जाए।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ लेकिन इसके साथ ही साथ मैं एक बात जरूर कहना चाहता हूँ और वह यह कि इस बिल की रू से पंजाब को एक हक दी मिश्र

[श्री हेमराज]

रहा है और उसका मैं स्वागत भी करता हूँ लेकिन ये जो अगले चेंबर हर एक प्रार्षित में स्थापित किए जा रहे हैं, उनकी मेरी राय में कोई आवश्यकता नहीं है। इसकी बजाय यह है कि हमारी जो लेजिस्लेटिव एसम्बलीज हैं, उनमें जनता के प्रतिनिधि आते हैं, वहाँ रायधाम्मा की राय आ जाती है और एक प्रजातन्त्रवाद में दूसरे चेंबर में जो फिजूल-खर्ची होती है, उसको बर्दाश्त नहीं किया जाना चाहिए। मैं आपको यह भी बतलाता हूँ कि कांग्रेस की हमेशा से ही यह राय रही है और इस उसूल पर उसने काम किया है कि फिजूलखर्ची जितनी कम हो सके, उतनी कम की जाए और वह हमेशा ही इन सैकिंग चेंबरस के खिलाफ रही है।

Shri M. C. Jain (Kaithal): Sir, I have also to speak a few words on this amendment to clause 9.

Mr. Chairman: As briefly as he can. I suppose the hon. Member is speaking on clause 10.

Shri M. C. Jain: I belong to Punjab and I want to speak on this clause 9, Sir. Clause 9 is under discussion.

श्री म० च० जैन : जनाब चैयरमैन साहब मैं जो एमेंडमेंट मेरे दोस्त अजित सिंह सरहदी साहब ने दी है, उसकी मुखातिफ करने के लिए खड़ा हुआ हूँ। इन्होंने अपनी तरफ़ीम के हक़ में तो दो तीन दलीलें दी हैं।

पहली दलील तो इन्होंने यह दी है कि पंजाब में जो पुराना अगले हाउस है वह पुरानी असम्बली से बना था अब चूँकि वहाँ पर नई असम्बली बन गई है और नए इलेक्शंस हो चुके हैं, इस वास्ते उस नई असम्बली को ही वहाँ पर अपने नुमाइन्दे भेजने का हक़ होना चाहिए। इस दलील पर अगर ध्यान किया जाए तो इसका मतलब यह होगा कि अब कभी भी नए इलेक्शंस या जेनरल इलेक्शंस हुआ करेंगे तो सारी की सारी

काउंसिल को नए सिरे से कांस्टीट्यूट करना हमारे लिए लाजिम हो जाया करेगा। इस उसूल को न हमारी कांस्टीट्यूशन ने तत्सलीम किया है और न ही पिछले साल जो रिफार्म-नाइजेशन एक्ट बना था, उसमें ही तत्सलीम किया गया है। मैं आपको बतलाना चाहता हूँ कि दो बरस खत्म होने के बाद एक तिहाई मेंबर रिटायर होते हैं और जिन को रिटायर होना होता है, उनका जो नम्बर होता है वह पहले से ही फिक्स हो चुका होता है और सिलसिलेवार वे रिटायर होते हैं। इस दौरान में अगर नई असम्बली बन जाए तो फिर नई असम्बली को यह हक़ हासिल होता है कि जो एक तिहाई मेंबर रिटायर हों, उनकी जगह भरने के लिए नई असम्बली मेंबरस का चुनाव करें। यह दलील केवल पंजाब पर ही क्यों लागू हो, मैसूर और बम्बई पर जहाँ नए हाउस कांस्टीट्यूट होते हैं, वहाँ लागू क्यों न हो। मुझे खुशी है कि ला मिनिस्टर साहब ने तरफ़ीम पेश की है और चाहा है कि पुराने हाउस को ही जारी रखा जाए और वह मेरी राय में जारी रखना चाहिये। इस वास्ते उनकी इस पहली दलील में मुझे कोई वजन प्रतीत नहीं होता है।

उन्होंने एक बात यह भी कही है कि मैसूर तथा बम्बई की असम्बलियों ने यह प्रस्ताव पास किया है कि वहाँ की लेजिस्लेटिव काउंसिल्स को नए सिरे से बनाया जाना चाहिए लेकिन पंजाब ने इस केस में किसी किस्म की कोई बात नहीं की है। मैं उनको याद दिलाना चाहता हूँ कि पंजाब ने अगर इस किस्म का कोई प्रस्ताव पास नहीं किया है तो उसने कहाँ यह कहा है कि हाउस को नए सिरे से बनाया जाए। मैं अपने फ्राजिल दोस्त को यह भी बतलाना चाहता हूँ कि स्टेट्स रिफार्मनाइजेशन एक्ट के बत पंजाब के जो पार्लियामेंट के मेंबरों की राय थी वह यह थी कि इस हाउसको नए सिरे से कांस्टीट्यूट न

किया जाए और जो कुछ सा मिनिस्टर साहब ने कलाबिज को एक्सप्लेन करते हुए किया है, वह सही बात है।

Shri Ajit Singh Sarhadi: Question.

श्री मू० चं० जैन : मैं मानता हूँ कि मैं उस वक्त इस हाउस का मੈम्बर नहीं था। उस वक्त पैप्सू के जो मੈम्बरान यहां पर थे उनकी तरफ से इसकी मुलालिफ्त हुई थी और पंजाब तथा पैप्सू के मੈम्बर साहिबान में इस बारे में कोई इतिफाक राय नहीं हो सकी थी। इस लिये वह रिभागनेट्रेशन एक्ट उसी तरीके से रहा। लेकिन अब नए सिरे से तमाम हाउस को कांस्टीट्यूट करना क्या माने रखता है। सन् १९५६ में इलैक्शन हुए और लोकल बाडीज की तरफ से, टीचर्स की तरफ से तथा प्रेजुएट्स की तरफ से कुछ नुमाइंदे चुन कर भेजे गए। क्या सरहदी साहब चाहते हैं कि उन तमाम मੈम्बरान को हम रिटायर कर दें और खास तौर से ऐसी सूत्र में जबकि उनका कोई कसूर नहीं है और दुबारा उन लोगों को उसी परेशानी में हम धकेलें और उनको वह खर्च करने पर मजबूर करें, जो कि एक इलैक्शन में हुआ करता है तथा उनको वह परेशानी उठाने पर मजबूर करें जो परेशानी एक इलैक्शन के दौरान में उठानी पड़ती है। मैं इस चीज को पसन्द नहीं करता हूँ : इस वास्ते मैं चाहता हूँ कि जो तजवीज इस बिल में है, उसको उसी तरह से रखा जाए।

एक और दलील उन्होंने पेश की है। उनको टीचर्स की कांस्टीट्यूंसी के बारे में, प्रेजुएट्स की कांस्टीट्यूंसी के बारे में कोई ऐतराज दिखाई नहीं दिया। उनको ऐतराज इस पर है कि लोकल बाडीज की जहां पहले चार कांस्टीट्यूंसीज थीं अब तीन कर दी गई हैं तथा उनकी जो हद्द थी उनको बदल दिया गया है। उनका कहना था कि कैसे इतिजाम होगा, और जो मैक्युना रह गया है, उसकी

तरफ उन्होंने ध्यान खींचा है। मैं अपने काबिल दोस्त का ध्यान बसाऊँ ६ की सब-क्लाज ३ की तरफ बिसाना चाहता हूँ जिसमें कहा गया है :—

“As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency specified against that constituency in column 2 of the said Table:—”

इसका मतलब यह हुआ कि जो कन्फ्यूजन हमारे सरहदी साहब के दिमाग में है वह बेसलेस है। ऐसा मालूम होता है कि उनके दिमाग में यह है कि पहले जो महेन्द्रगढ़ का जिला था वह एक था और उस जिले को शामिल कर लिया गया है किसी और के साथ और अब क्या होगा, किस तरह से इतिजाम होगा, हम क्या करेंगे

Shri Ajit Singh Sarhadi: I said that it has not been provided for as to how the four additional seats which the Bill provides will be allocated to the different electoral colleges of local bodies when the election is to be done according to the modified Act.

श्री मू० चं० जैन : इसका मतलब यह हुआ कि इनका जो एक ऐतराज था उसको उन्होंने वापिस ले लिया है और अब यह समझते हैं कि गड़बड़ नहीं होगी और यह मामला हल हो जाएगा।

दूसरा ऐतराज इनका यह है कि एडिशनल सीट्स कैसे मुकरें होंगी। इस बारे में मैं फिर उनको सूचना ६ की सब-क्लाज ६ का इबाला देना चाहता हूँ जिस में गवर्नर साहब को यह प्रस्ताव दिया गया कि वह

[श्री म० ब० जैन]

इलेक्शन कमीशन के साथ मशविरा करके जो दो वर्ष के बाद रिटायर होते हैं उनको कैसे कैसे किस तरह से रिटायर करना है और जो दूसरे इतिजाभात हैं उनको किस तरह से करना है, वह इस चीज का फंसेला कर सकते हैं। इस वास्ते में समझता हूँ कि उनकी तरफी में कोई वजन नहीं है। इस लिए मैं समझता हूँ कि जैसा कि ला मिनिस्टर साहब ने बम्बई के मामले में तथा मैसूर के मामले में जहाँ पर कि रिकार्स्टीट्यूशन होना था और नए सिरे से इनके रिकार्स्टीट्यूशन को प्रोवाइड किया था, लेकिन एक एमेडमेन्ट देकर के वह पुराने हाउसिस को ही बरकरार रख रहे हैं, इसी तरह से पंजाब के पुराने हाउस को भी उन्हें बरकरार रखना चाहिए।

14.07 hrs

[Mr DEPUTY-SPEAKER in the Chair]

इस सिलसिले में मैं हेमराज जी ने जो एमेडमेन्ट नम्बर १०६ दी है, उसकी तार्फ करता हूँ और मैं ला मिनिस्टर साहब से प्रार्थना करता हूँ कि वह इसको मान ले। इसमें कोई उसूल की बात नहीं है। इससे बहुत बड़ी रहोबदल नहीं करनी पड़ेगी। ये जो लोकल बाडीज की कस्टीट्यूएसीज बहुत बड़ी बड़ी बन गई हैं उसका नतीजा यह होगा कि वे ऐरियाज जो कि बैकवर्ड हैं जिनका जिक्र कि हेमराज जी ने किया है, उनको रिप्रिजेंटेशन मिलना बड़ा मुश्किल हो जाएगा। इस वास्ते उनकी जो एमेडमेन्ट है और जिस हिल्ली ऐरिया का उन्होंने जिक्र किया है और जहाँ से वह भाते हैं, उसकी मैं तार्फ करता हूँ और मैं समझता हूँ कि मिनिस्टर साहब को उसे मंजूर करने में कोई ऐतराज नहीं होना चाहिए। हमारी यह क्लीयर पालिसी है कि जो बैकवर्ड ऐरियाज हैं उनको हमें भागे लाना है और यह एमेडमेन्ट उसके ऐन मुताबिक है। हम जिस सोशलिस्टिक पैटर्न आफ सोसायटी की बात करते हैं,

उसमें भी बैकवर्ड ऐरियाज को सही नुमाइशगी मिलनी चाहिए। इसमें किसी मੈम्बर को ऐतराज नहीं होना चाहिए। उन्होंने अपनी एमेडमेन्ट में तजवीज किया है कि गुरदासपुर, कांगडा, होशियारपुर के जो हिल्ली जिले हैं उनको अगर एक कर दिया जाए तो उन ऐरियाज को नुमाइशगी मिल जाएगी लेकिन अगर उनको अमृतसर, जालंधर, लुधियाना, कपूरथला इत्यादि जिलों के साथ जोड़ दिया गया तो ठीक नहीं होगा। पंजाब का जो सारा भगडा है, वह इन चार पांच जिलों की बजह से ही है। इन पहाड़ी जिलों के साथ इन जिलों को नत्पी करने का मतलब रह होगा कि जैसे एक गड्ढे के साथ कटके को बांध दिया जाता है और वह मारा जाता है। इस तरह इनको कोई नुमाइशगी नहीं मिल सकेगी।

सरदार अजित सिंह सरहदी : रोहतक का भगडा है।

श्री म० ब० जैन हरियाणा वालों को आप उनके हक से महसूस करते हैं, इस वास्ते यह भगडा है। आप हमें पानी दें, बिजली दें, सविस्स मे नुमाइशगी दें और हमारे हक हमें दें तो कोई भगडा नहीं होगा। जालंधर, अमृतसर, लुधियाना, फिरोजपुर वाले हमारे हक हमें नहीं देते हैं इसलिए भगडा है।

इसलिए मैं गुजारिश करता हूँ कि बैकवर्ड ऐरियाज की जो डिमांड है वह बजा है और उसको मंजूर करने में ला मिनिस्टर साहब को किसी किस्म की आपत्ति नहीं होनी चाहिए और मैं प्रार्थना करता हूँ कि वह उस तरफी को जरूर मंजूर कर लेंगे।

यहाँ पर मैं यह चीज साफ कर दूँ कि बुनियादी तौर पर तो मैं अगर हाउसेज के हक में नहीं हूँ क्योंकि यह खर्चा बढ़ाते हैं और उनका कोई फायदा नहीं होता। स्टेट भर्समन्सी का मैं खुद मेम्बर रह चुका हूँ और मैंने देखा है कि सिवाय नीचे से जो कानून प्राये उसको टिंटो करने के या बिल्कुल मामूली ढंग उबर तरफी

करने के बजावा अपर हाउस का दूसरा काम नहीं होता और इसलिए उसका कोई काम महत्व नहीं होता। लेकिन अब चूंकि यह बिल आया है और उसमें इसकी व्यवस्था है तो उसमें सुधार करने के लिये मैंने यह तजवीज दी है।

Shri A. K. Sen: Mr. Deputy-Speaker, I am sorry that I cannot accept any of the amendments. So far as the objections taken, regarding the delimitation of the constituencies as prescribed in clause 9 are concerned, I have had further instructions from the Chief Election Commissioner. At page 6 the hon. Members will find the local authorities divided into four constituencies. The amendment of Shri Hem Raj seeks to subdivide this into five including one single member constituency. The whole purpose and procedure had been to allow representatives to come through a system of proportional representation by single transferable vote so that each group in a particular constituency can have its representation proportionately. It is impossible to have single member constituencies for the purpose of having elections under the proportional system of representation.

Shri Hem Raj: That only concerns a small area.

Shri A. K. Sen: In every area we have to break the constituency according to the population so that each constituency has a sizable population comparable with the others. Within that constituency, each group whether it is backward or forward, developed or undeveloped, educated or not, may have its own representation through a system of proportional representation. I cannot see how any class or community can be left out if there is proportional representation by single transferable vote.

With regard to the objections taken by Shri Ajit Singh Sarhadi and Shri Jain that the old assembly which elected representatives to the council

had gone and so how can those representatives function, I have to say that this argument flows from a confusion of thought. One-third of the members of the Council retire every two years leaving the other two-thirds intact; again one-third retire after two years and so on. It is the system prescribed by the Constitution. That necessarily implies that the old assembly elects certain representatives and they will remain and will not go away with the exit of the old assembly. They will retire one-third every two years. So, it is no use trying to support that argument because it conflicts with the very basic principle of the constitutional provisions.

The next argument is about the number of seats and so on and so forth. Sardar Ajit Singh wants his amendments—87 and 88—to be passed. He wants to leave this section completely out; he wants elections to be held under the Representation of the People Acts 1950 and 1951. That will lead to various difficulties and that is why we have laid down a clear cut procedure for having elections with the constituencies as modified by clause 9 of the Bill.

Shri Ajit Singh Sarhadi: Sir, the Law Minister was not present when I put forth my views. My contention is that the number of seats of the representatives of the local bodies had been increased from 13 to 17 in accordance with sub-clause (a) of clause 9(3). In accordance with clause 9(3) (a), the sitting members of these four electoral colleges would continue and four additional seats are to be filled up. It has been provided in sub-clause (4) (a) that for the additional seats allotted to several council constituencies by the Delimitations of Council Constituencies (Punjab) Order, 1951 as modified by this Act, elections shall be held. That is for the election of four additional seats from the electoral colleges of the local bodies. There were four electoral colleges, as given on page 29, in the old Act. It has been amended to three as given on page 14. Previously the seats were 2, 4, 3 and

[Shri Ajit Singh Sarhadi]

4 and now it has been changed to 3, 3 and 6, if the additional four seats are to be filled in accordance with this modified Bill, how are they to be elected? The old election cannot be there because it is changed by the modified Bill. That is my point.

Shri A. K. Sen: I apologise, Sir; that has nothing to do with the existing members. Four additional seats will have to be filled by fresh election. I have not, frankly, followed the difficulty experienced by the hon. Member. For these reasons, I submit that these amendments are not acceptable and that this clause 9 may be passed as it is.

Mr. Deputy-Speaker: Shall I put the amendments to the vote of the House?

Shri Ajit Singh Sarhadi: I withdraw my amendments.

Shri Hem Raj: I also withdraw my amendment.

Mr. Deputy-Speaker: Have the hon. Members leave of the House to withdraw their amendments?

The amendments were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10—(Increase in the strength of the Uttar Pradesh Legislative Council).

Mr. Deputy-Speaker: We shall now go to clause 10.

श्री भक्त बर्शन : (गढ़वाल) : उपाध्यक्ष महोदय, क्लॉज १० पर मेरे १२८ और १३० नम्बर के संशोधन हैं जिनको कि मैं पेश करना चाहता हूँ।

श्री बजराम सिंह (फिरोजाबाद) : क्लॉज १० पर श्री राम सेवक यादव और श्री हरिवन्धन शर्मा के भी संशोधन हैं।

उपाध्यक्ष महोदय : क्या आपका कोई संशोधन है ?

श्री बजराम सिंह : जी मेरा कोई नहीं है।

Mr. Deputy-Speaker: He has no right to move them. Shri Bhakta Darshan.

श्री भक्त बर्शन : उपाध्यक्ष महोदय, मैं अपने १२८ और १३० नम्बर के संशोधन पेश करता हूँ :

128. Page 7, line 29,—

for "39, 9 and 9" substitute "51, 10 and 10"

130 Page 7, line 33,—

for "39" substitute "25".

मेरा यह कहना है कि विधान परिषद् के लिए जो १०८ सदस्यों की व्यवस्था की जा रही है, उनका वितरण बिल्कुल ही अवैज्ञानिक और असन्तोषजनक है। वैसे मैं यह कहना चाहता हूँ कि एक तिहाई के हिसाब से जबकि हमारे यहाँ की प्रोसेम्बली में ४३० सदस्य हैं, तो विधान परिषद् के सदस्यों की संख्या बढ़ा कर १४३ की जानी चाहिए थी, लेकिन चूंकि उत्तर प्रदेश की प्रोसेम्बली ने भी १०८ की मांग की है, इसलिए मैं माननीय मंत्री जी को कोई दोष नहीं दे सकता, लेकिन मैं उनसे प्रार्थना करता हूँ कि वे इन १०८ सदस्यों के वितरण में अधिक वैज्ञानिकता और निष्पक्षता का परिचय देंगे।

धर्मी तक जो व्यवस्था है वह इस तरीके से है कि २४ सदस्य तो स्थानीय संस्थाओं के, ६ सनातकों के, ६ अध्यापकों के द्वारा, २४ एम० एल० एच० के द्वारा निर्वाचित होते हैं, और १२ राज्यपाल द्वारा मनोनीत किये जाते हैं। इस सब

जो हमारे सामने विधेयक माया गया है, उसमें यह प्रस्ताव किया गया है कि ३६ स्थानीय संस्थाओं के द्वारा, ६ स्नातक लोगों के द्वारा, ग्रेजुएट्स द्वारा ६ और ३६ एम० एल० एच साहबान के द्वारा निर्वाचित किये जायें और शेष राज्यपाल के द्वारा मनोनीत किये जायें। मेरा सुझाव यह है कि यदि इनके वितरण को कुछ अधिक वैज्ञानिक आधार पर किया जाये तो सब इलाकों के प्रति और सारे प्रदेश के लिये यह ज्यादा न्यायपूर्ण होगा। मैं ने जो संशोधन रक्खा है उसका उद्देश्य यह है कि स्थानीय संस्थाओं द्वारा ५१, तथा अध्यायकों और स्नातकों द्वारा १०-१० प्रतिनिधि चुने जायें और एम० एल० एच साहबान के द्वारा २५ सदस्य चुने जायें। मेरे संशोधनों का असली उद्देश्य यह है कि इस विधेयक के शेड्यूल ४ के अन्तर्गत जो ग्रेजुएट्स और टीचर्स के निर्वाचनक्षेत्र बनाये गये हैं, वे ४, ४ और ५, ५ सदस्यों के लिये बनाये गये हैं। अब आप स्याल कीजिये कि कुमायू, हेलखंड, लखनऊ, फैजाबाद, औरखपुर और वाराणसी इन ६ डिवीजनों को मिला करके एक निर्वाचनक्षेत्र बनाया गया है और उससे ४ सदस्य निर्वाचित किये जायेंगे; और यहां पर तो यह कहावत चरितार्थ होती है कि "कहीं की ईंट, कहीं का रोड़ा, मानुमती ने कुनबा जोड़ा"। बजाय इस के कि कुमायू व हेलखंड को मेरठ और आगरे से मिलाया जाता, उत्तर से दक्षिण को एक रेखा खींची जा रही है। कहां एक और बद्रीनाथ और कहां काशी—अब इन दोनों को मिलाया जा रहा है; वैसे जो मेरे मित्र श्री रघुनाथ सिंह काशी-विश्वनाथ के निवासी हैं और बद्रीनाथ और विश्वनाथ का सम्बन्ध होना ही चाहिये, लेकिन प्रैक्टिकल दृष्टि से यदि आप देखेंगे तो आप को मालूम होगा कि ऐसा होने से बड़ी अव्यवस्था हो जायेगी और सदस्यों के लिये और उम्मीदवारों के लिये बड़ी घड़बड़ पड़ेगी कि उनको कहां के कहां जाना पड़ेगा। इस में यह भी हो सकता है कि मान कीजिये कि ६ कमिश्नरियों

से ये सदस्य चुने जाने हैं तो एक ही कमिश्नरी से सब सदस्य चुने जायें और शेष पांचों कमिश्नरियों बिहकुल बंझित रह जायें। इस प्रकार वे कमी भी अपने प्रतिनिधि नहीं भेज सकेंगी।

इसी तरीके से मैं ने स्थानीय संस्थाओं के जो ५१ सदस्य रक्खे हैं, उसमें मेरा उद्देश्य यह है कि उत्तर प्रदेश के ५१ जिलों में से प्रत्येक जिले से एक-एक सदस्य चुन लिया जाये। इसके विरुद्ध यह आपत्ति की जा सकती है कि जन संख्या के दृष्टिकोण से यह बहुत न्यायपूर्ण नहीं होगा। मैं इस आपत्ति के तत्व को कुछ स्वीकार करता हूं, लेकिन मैं यह निवेदन करना चाहता हूं कि यह जो प्रतिनिधित्व स्थानीय संस्थाओं को दिया जा रहा है, वह जनसंख्या के आधार पर नहीं दिया जा रहा है, बल्कि विशेष हितों और वर्गों के लिये यह विधान परिषद् बनाई जा रही है, और इसी लिये इस में स्थानीय संस्थाओं के दृष्टिकोण से उसका निर्वाचन करने में प्रत्येक जिले को अगर प्रतिनिधित्व दिया जाय तो यह ज्यादा न्यायपूर्ण होगा।

यहां पर यह जिद कर देना अप्रासंगिक न होगा कि सन् १९३५ के भारतीय शासन विधान के अन्तर्गत सन् १९३७ में जो नई लेजिस्लेटिव काउंसिल बनी थी तब से लेकर आज तक २० वर्ष हो गये हैं शिकायत के तौर पर नहीं कहना चाहता, लेकिन यह तथ्य है कि गढ़वाल जिले से अभी तक उत्तर प्रदेश की विधान परिषद् में एक भी सदस्य नहीं जा पाया है। हमेशा इसके लिये प्रयत्न किया गया कि उनको रिप्रेजेंटेशन मिले, लेकिन यह सम्भव नहीं हो पाया और इस तरीके से गठबंधन किया गया, ऐसी परिस्थिति हो गई कि वहां से कोई प्रतिनिधि नहीं जा पाया।

जैसा कि माननीय विधि मंत्री जी ने बाईकैमरल लेजिस्लेचर्स के समर्थन में जवाब देते समय यह कहा था कि जैसे केन्द्र में राज्यों का प्रतिनिधित्व करने के लिये राज्य सभा

[श्री भक्त दर्शन]

या कौंसिल आफ स्टेट्स का निर्माण किया गया है, ऐसे ही जिलों का प्रतिनिधित्व करने के लिये राज्यों के अन्दर और प्रदेशों के अन्दर यह विधान परिषदें बनाई जा रही हैं और यह विधान परिषदें इस उद्देश्य को बहुत कुछ पूरा करती हैं। उनके उस तर्क को मैं उनके ध्यान में लाते हुए यह अपील करना चाहता हूँ कि वे इसका बंटवारा इस प्रकार से करें कि कोई अड़चन पैदा न हो।

मैं संख्या बढ़ाने के पक्ष में नहीं हूँ लेकिन मैं उसी संख्या के अन्तर्गत इसका समुचित रूप से और वैज्ञानिक रूप से बंटवारा चाहता हूँ। मैं अधिक आपका समय लेना नहीं चाहता मैं माननीय विधि मंत्री जी से यह अनुरोध करूँगा, जिन्होंने कि अपनी योग्यता और निष्पक्षता की धाक हमारे सदन पर जमाई है और जो बड़ी योग्यता के साथ इसका विधेयक संचालन कर रहे हैं, मैं आशा करता हूँ कि वे सब इलाकों के प्रति न्याय और निष्पक्षता का बतवि करने के दृष्टिकोण से मेरे संशोधनों को स्वीकार करने की कृपा करेंगे।

Mr. Deputy-Speaker: The hon. Minister.

Shri Braj Raj Singh: Sir, I would also like to speak on this clause.

Mr. Deputy-Speaker: We are already behind schedule. If the hon. Member is so anxious he may take a minute or two.

Shri Braj Raj Singh: I don't want.

Shri A. K. Sen: I am very sorry, Sir, that I cannot accept the amendments suggested by the hon. Member Shri. Bhakt Darshan. I am very obliged to him for the nice words he has said about the way I have been conducting this Bill. I am very thankful to him. I wish I could reciprocate those kind words by accommodating him in the matter of his amendments.

I am afraid the strength of seats and the distribution thereof have been fixed by the Government. I am only one of them and it is impossible for me to accept any amendment to the number which has been fixed by the Government after very careful consideration of the rival claims of every constituency, every State and so on.

I am sure that whatever objections have been expressed by the hon. Member, Shri Bhakt Darshan today will meet very receptive grounds if he addressed them to the local State authorities, and I have not the least doubt that they will try to rectify such of the grievances as appear to be genuine and reasonable. More than that, we have worthy representatives both in the Government and also in the House from U.P., and if such grievances are addressed to them I have no doubt that they will be attended to. But, I am afraid, the structure of the Bill cannot be altered in the way suggested by the hon. Member. I, therefore, suggest that clause 10 may be passed as it is.

श्री भक्त दर्शन : उपाध्यक्ष महोदय, मैं केवल यही स्पष्टीकरण चाहता हूँ माननीय विधि मंत्री महोदय से कि क्या उत्तर प्रदेश की सरकार की तरफ मुझे सम्बोधित न कर के कम से कम वे इतनी कृपा करेंगे कि एलेक्शन कमिशन तक मेरे इन विचारों को पहुँचा दें, ताकि जब निर्वाचन-क्षेत्रों का अन्तिम नियम हो तो इन पर विचार हो सके?

Shri A. K. Sen: I can assure the hon. Member that if he gives to me in writing the various grievances that he has mentioned, I will see that they are addressed to the proper quarters and steps are taken.

Mr. Deputy-Speaker: Shall I put the amendments to the vote of the House?

Shri Bhakt Darshan: Sir I do not press them.

The amendments were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11— (Increase in the strength of the West Bengal Legislative Council).

Mr. Deputy-Speaker: We Will now take up clause 11. What are the amendments to this clause?

Shri S. Ghose (Burdwan): Sir, I want to oppose the clause.

Mr. Deputy-Speaker: That will be after the amendments are moved.

Shri Biren Roy (Calcutta-South West): Sir, I want to speak on my amendments Nos. 4, 5 and 6 which practically refer to the Fifth Schedule coming under section 11(2) of this. I have been directed to place them before this House by the West Bengal Municipal Association which after careful consideration of the Schedule, has found out that the increase in the number of seats as allotted to the Bengal local authorities' constituencies from 17 to 27 is not justifiable. The Minister of Law should see that justice is done in this respect.

The total of all these constituencies of Bengal is now divided into four. The first part comprising of Darjeeling, Jalpaiguri and Cooch-Bihar districts contains only seven municipalities. The second part comprising of West Dinajpur, Malda, Murshidabad and Nadia districts contains 16 municipalities. In both these parts there is increase of members from 1 to 3 and 1 to 5 respectively. In the third part comprising of Burdwan Division where there are 23 municipalities the

number of seats has been increased from 5 to 7—of course, we do not object to that. In Howrah and Hooghly districts where there are only 14 municipalities the number of seats has been increased from 3 to 5. There also we do not object.

But, in the fourth part comprising of 24 Parganas district including Calcutta where there are 28 municipalities and the Corporation, there were previously six seats and the number has been increased only to 7. We have proposed the number to be 9 by reduction from other parts. The section of Darjeeling, Jalpaiguri and Cooch-Bihar districts contains only 7 municipalities and, therefore, we suggest that it should have only 2 members, that is the number be raised from 1 to 2 only. In the other section of West Dinajpur, Malda, Murshidabad and Nadia district where an increase from 1 to 5 have been proposed, we suggest that as there are only 16 municipalities the number need only be raised to 4. Taking these two seats we have tacked on to the 24 Parganas—Calcutta constituency raising the number there to 9. This is the amendment that we have proposed.

But, there are certain other aspects which I would like to bring to the notice of the hon. Minister. The hon. Minister has already stated in reply to other hon. Members that he would like to maintain proportional representation. Here that system prevails in none of the cases except the case of 24 Parganas and Calcutta districts where we have got today 6 seats. It may be 7 or 9 if he accepts our amendment. In no other constituency the proportional representation will continue, because for rotational election the seats have to be divided into three parts—one-third, one-third and one-third. It comes to 1 seat every time the re-election comes, and thereby it becomes just a majority vote and not a proportional system. In North Burdwan division, 7 seats come in. We shall have next time, thanks

[Shri Biren Roy]

to him, proportional election coming into being. Today, we have not got it. In Howrah and Hooghly districts also, we will have a proportional election next time because the seats are being increased from 3 to 5. But both in the Darjeeling and West Dinajpur districts, unless they are tacked together 4 and 2 i.e., 6 which we have proposed, we will not be having proportional representation. Now One-third of the number will be obtained and the three will come in next time so that it will be 1, 1 and 1 respectively. So, in the northern areas, in no time, we will have proportional election except a majority election. That is why the suggestions made by the West Bengal Municipal Association through us was made. It is the only Government-recognised body. It is very simple. We have only suggested that the local bodies' constituencies in the north be reduced from three to two and the other be reduced from 5 to 4, the two thus obtained be added to the South where there are 28 municipalities. This is only fair and from the point of view of justice, this should be accepted.

Shri S. Ghose: Mr. Deputy-Speaker, Sir, I shall be very brief. But I do not know how far I will be able to convince the hon. Minister about the points.

Mr. Deputy-Speaker: He need not worry about that.

Shri S. Ghose: That is by foregone conclusion. I oppose this clause. It is not necessary. If I say that I am very much against the principle of bicameral legislature, I would be confronted with the Constitution and it is not a profitable game to cry over this spilt milk. As to the increase in numbers, it might be said that the Constitution empowers it. It has been further said that some of the legislatures have recommended the increase of members. At least we get one legislature, that is, the Bombay Legis-

lative Assembly, which recommended as far back as 1953 for the abolition of the Upper House. But it has been said on the floor of this House that the collective wisdom in 1953 has been negated by the collective wisdom exhibited in enacting the States Reorganisation Act, and that therefore, there must be this augmentation.

Coming to my home State of West Bengal, there is neither any recommendation for the abolition of the upper House nor any recommendation for this increase. With the States Reorganisation Act being brought into existence, I submit, there has been only an increase in number to the extent of 12 in the Legislative Assembly, that is, one from Chandernagore and 11 from Purulia, but now it is proposed to increase this number to double its size, namely, 24. Perhaps this is done most probably on the principle that the more the marrier. I submit that there is absolutely no justification for this increase, when the West Bengal Government has not wanted it.

Further, what I want to know is, the Constitution does not draw a deadline that after this there cannot be any increase of numbers. Then, why is this indecent haste? The country is crying for a morsel of food; it is anxious to implement the Five Year Plan and there is taxation on poor. The Second Five Year Plan has almost become a nightmare with us. But where is the harm if the Government wait for some years? But that has not been done. We cannot see through the game, namely, as to why with indecent haste this has been brought in.

Now, in West Bengal, by this increase in numbers by 24, the West Bengal Government will be saddled with a cost of at least Rs. 1 lakh if not more. I appeal to hon. Minister to realise whether the West Bengal Government has any capacity now to bear the burden.

Bengal's sufferings are full to the brim. Not only there is the food question as is prevalent in most of the States, but there are other acute questions which are not prevalent in other States. I submit there is one peculiar problem which is sapping the vitality of the West Bengal State and that is the refugee problem. That cannot be tackled and I request the hon. Minister to look into the Bengali newspaper—*Jugantar*.—In one of its yesterday's issues, it has been said that starvation death in West Bengal today has risen from 10 to 15 daily. It is a newspaper with which a West Bengal Minister is connected. After this sort of difficulty, can the West Bengal State bear the burden of this wasteful expenditure? In West Bengal, a pic saved means a life saved. Minister knows more than myself as to what the conditions are in West Bengal regarding the refugees.

Now, the present 51 members in the West Bengal Legislative Council are managing the business. Why the necessity has been felt just at this moment for increasing it to 75? One thing that agitates my mind and which I beg of the hon. Member to know is, what loss did West Bengal suffer so long from the non-inclusion of this increase in number, and what profit the West Bengal State will derive by increasing the present number. That is the question which is agitating my mind and I humbly beg of the hon. Minister to answer it in a convincing, cogent and clear manner and not beat about the bush.

Mr. Deputy-Speaker: Let us have the answer then. Then we will judge whether it is cogent and convincing.

Shri S. Ghose: I am submitting to the House through you that if the answer is not cogent or clear or convincing, there is one conclusion that is left to us, namely, that there is some ulterior motive behind it. That motive is, to repair the damages of the party in power, to halt the progress of cracks in the party or the defections in the party, and for this purpose, this Bill has been sponsor-

ed. That will be the conclusion left to us. After all, no convincing and clear proof has been given to support this measure. I submit to the Law Minister, that he owes more than anybody else to West Bengal, to prove as to why this increase in number has been brought in, when there is austerity drive, when there is taxation on the poor. Did the 51 members who constitute the present Legislative Council fail to discharge their duties entrusted to them?

Lastly, I beg of the hon. Law Minister to consider this. If I had the power, I would have thrown out this clause root and branch, since as I lack that power, the only thing that is left in me is to appeal to him, in the name of the untold sufferings of the sons and daughters of Bengal, in the name of all that is sacred in West Bengal, to retrace his step. Government has travelled too far. If the sign of the time is not taken note of, and if the Government runs after gains, then I must say that those gains will be of an ephemeral character. It is no threat it is my humble submission, the truth of which the future will unmistakably tell.

Shri A. K. Sen: Before I reply to the points raised by Mr. Ghose. I would like to answer the objections raised by the hon. Member, Mr. Biren Roy, a very old friend of mine.

Mr. Deputy-Speaker: No concession from that point of view.

Shri A. K. Sen: No extra concession for that. I am very sorry I have to oppose his amendments, which seek to vary the representation of Calcutta and 24 Parganas from where he hails, at the cost of North Bengal. North Bengal is, unfortunately, a comparatively backward area and the constituencies and the numbers have been fixed by the Election Commissioner for very good reasons; I would be the last person to vary that recommendation excepting for very good reasons. I do not think the reasons advanced by the hon. Member are so weighty as to overcome the recommendations of the Chief Election Commissioner.

[Shri A. K. Sen]

With regard to the objections raised by Mr. Ghose, he has sounded a very soft chord within all of us. We are a sentimental people and even while dealing with hard measures like the present one, we tend to indulge in emotional outburst touching on the poverty, sufferings and various other evils from which, unfortunately, we have not been able to rid our people, though we hope to do so as early as possible. Whoever doubts the sufferings of West Bengal, or for that matter, the rest of the country as a whole? It may be that we are suffering more and others are suffering less. We have the refugees numbering over 4 millions to take care of; others do not have that problem. But by and large, the country as a whole is still poor. That is why we are urged to uplift the standards of living, to make this country rich industrially, agriculturally and in every other way. We have no doubt that we shall succeed in this very hard task and in order to succeed, we have set before ourselves the standards and ideals of an austere life, shed of all luxuries and we are trying to economise every penny that we can save. There is no doubt about that.

But we shall certainly not try to save by hitting at the root of our representative Government. One can say tomorrow that, instead of having one representative for every 400,000 people in the Parliament, let us have one representative for every 800,000; we shall reduce the number of the House and we shall reduce the expenses. But we will be striking a very hard blow at the basic character of this great democratic institution. Economy certainly is praiseworthy; austere life is an ideal to be aimed at. I certainly accept the impelling necessity of cutting our life to as much rigorous a frame as possible, but that does not mean that we shall do it at the cost of the representative institutions which the Constitution has vouchsafed to us. If it is a fact that the second chambers are as much

an integral part of our constitutional structure as the State Legislatures, if it is a fact that the Rajya Sabha is as much an integral and important part of the Parliament as the Lok Sabha, let us not talk about driving away our members or cutting their numbers ruthlessly to achieve economy of a few thousands here and there.

This country will always be ready to pay the price for democratic institutions; and, the money necessary for keeping up a free Parliament or sustaining free democratic institutions will be ungrudgingly paid by the taxpayer. It will be a very bad day for all of us when we shall try to think in terms of economy by cutting down the size or vigour of our democratic institutions. The hon. Member has appealed to me as one coming from West Bengal to remember particularly the fate and the miseries of West Bengal. I hope that I shall never cease to forget it and at the same time, I shall never cease to forget the miseries of other parts of India. After all, if India prospers, West Bengal and other States shall prosper. And, if India does not do so, every limb will wither away.

So, when we think of West Bengal, we think fit in the context of the larger economy of the nation as a whole, excepting a few special problems from which our unfortunate State suffers. I have no doubt that the solution to the whole problem is one and one only: Make this country technically advanced, raise production per head and thereby raise the standard of life of every common man. That is a different problem altogether. That is not at all inconsistent with the expenses we have to pay for keeping up the free democratic institutions which we have inherited ourselves from the great constitution-makers, who have granted this noble Constitution to us. We may be poor or rich; it may be that we may have to ask the members to

forego their allowances—it may not be necessary, I hope—but nevertheless, they must function. Whether they should cut down their emoluments or not is a different matter, but we should allow them to function. We cannot think of reducing them.

These are the only observations I want to make on a point which appears to me strictly irrelevant, but which nevertheless is highly necessary to discuss in view of the very great miseries from which the State of West Bengal is suffering. I hope that all of us, whether from West Bengal or outside, will put all our heads together, so that we can rid that State of its gigantic refugee problem and connected with it the gigantic unemployment problem, which at the moment seem to overwhelm us completely; and, I hope—I have not the slightest doubt about it, if I may say so—that we shall succeed in doing it. It may take us five years or ten years, but succeed we must. That really answers the very sentimental approach which has been made by my hon. friend coming from Burdwan.

With these observations, I again submit that this clause may be passed.

Mr. Deputy-Speaker: Amendments 4, 5 and 6 relate to the Fifth Schedule; if necessary, I will put them there.

The question is:

"That clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the Bill.

Mr. Speaker: We have to finish this Bill by 3 o'clock. Then we shall take up non-official business. I request hon. Members to take cognizance of that fact.

Clause 12.— (Amendment of Act 43 of 1950)

Shri A. K. Sen: There are Government amendments to this clause.

Shri Nathwani: Clause 5 has to be put to the House; it was postponed.

Mr. Deputy-Speaker: Clause 5 I will put before we take up non-official business.

Shri A. K. Sen: There is a corrigendum about clause 5. I think I have handed it over to the Secretary.

Mr. Deputy-Speaker: I am taking up clause 12 now.

Shri A. K. Sen: I am moving Government amendments Nos. 134, 135 and 70.

I beg to move:

(1) Page 10,—

for lines 24 to 30, substitute—

"(a) in section 10, sub-section (3) shall be omitted;"

(2) Page 11, in line 15,—

for the figure "39" in column 3, substitute "36" and for the figure "39" in column 6, substitute "42".

(3) Page 12,—

(i) after line 2, insert—

"(ii) under the heading 'Bombay' the following entries shall be added at the end, namely:—

'4. District Boards.

5. District Panchayats.

6. Town Committees.

7. Janpada Sabhas (Rural Circles).";

(ii) Line 3,—

for '(ii)' substitute '(iii)';—

(iii) line 11,—

for '(iii)' Substitute '(iv)'.

Shri Nagi Reddy: I beg to move:

(1) Page 11, line 26,—
add at the end—

"all elected members."

(2) Page 11, line 27,—
add at the end—

"all elected members."

(3) Page 11, line 30,—

before "Class" insert "all elected members of".

Mr. Deputy-Speaker: I hope Mr. Nagi Reddy has spoken enough about this.

Shri Nagi Reddy: No; I have some observations to make on this particular clause.

Mr. Deputy-Speaker: I think he has made all the points.

Shri Nagi Reddy: Not exactly, for the simple reason that it is a problem which has not been properly understood, because, probably, this peculiar feature does not appear in any other clause. That is exactly my fear. In this huge House, the other members of the Lok Sabha, who are coming from different States, do not know the actual realities that exist in my State. My amendment is very simple. I am sure, the hon. Minister will consider them very sympathetically. Now, there are electoral colleges in the district boards, municipalities and panchayats and those electoral colleges elect members to the Council.

My simple amendment says that all those who are elected to the municipalities, all those who are elected to the district boards and all those who are elected to the panchayat boards should be made members of the electoral college so that this indirect election may not become a farce. In the panchayats in Telengana, which is a part of Andhra Pradesh, we have got 2, 3 or 4 nominated members, according to the necessity of the ruling party, which wants to overthrow the majority, that is in existence there. In order to overthrow the majority, they nominate certain members to these

panchayats. Therefore, the actual position is that these nominated members can nullify the principle of indirect election even in this sphere. Therefore, I say that we must have at least a saving clause. The framers of the Constitution, I am sure, never expected that such an incongruous reality would exist in any part of our State. But it is in existence. So, my humble request to the hon. Minister is that this state of affairs can, to a certain extent, be checked by that simple amendment, which I have suggested.

My second point is that we cannot say because there is a State Government, which can look after its affairs, why should we look into it. It is not so. You must know that in 1953, when we were a part of Madras, the Chief Minister of Madras had promised district board elections by March 1954. Today we are in 1957 and that is also coming to a close. Nevertheless, up to this day, we had no elections to the district boards. Instead of having elected district boards, only a few months ago, we were having nominated district boards, consisting of mainly M.L.As or ex-Presidents, as I have explained. Therefore, I want that there should be a saving clause that elected members of the district boards should be in the electoral colleges to elect members to the Council, and not nominated members, whether it be a district board, municipality or panchayat. That saving clause is necessary for the real functioning of the Constitution.

Only yesterday, while reply to the debate, the hon. Minister was saying: don't think in terms of political considerations. Nevertheless, I am just saying in the interest of the Constitution, in the interest of the very measure which we are bringing forward, please see that these political considerations are not taken advantage of by the ruling party, which is today taking advantage of that. That is my only fear.

Today, two of the major municipalities of the Andhra area are not functioning. There are no elected repre-

representatives there. And I can give a guarantee to this House—I take responsibility to give that guarantee—that this Government, which is now functioning, is not going to have elections there for some more years to come. Therefore, the indirect election that is going to be held for the State Council is going to be a farce. That is all. So, I say: please relieve us of the great trouble in which we are. I want proper representation.

Mr. Deputy-Speaker: I told the hon. Member that he has already referred to most of the points. He said: No. But he has already covered all these points.

Shri Nagi Reddy: But I had said that in a different atmosphere when I was not heard properly. When I am pressing my amendment, I should make it very clear to the hon. Minister that I am not taking advantage of the political considerations.

Now that my opposition to having a Council itself has been overthrown, I would like to see that a proper Council is elected, a Council which represents the people. The hon. Minister, in his peroration on democracy, said: here is proportional representation; each group will get its own representatives inside the Council because there is proportional representation here. My humble submission to the hon. Minister is: here is a State where proportional representation is going to be nullified because of nomination.

Shri Ranga: No, no.

Shri Nagi Reddy: I want that those who are nominated either to the panchayats or district boards or municipalities not allowed to be members of the electoral college. I hope the hon. Minister will certainly agree with me and at least accept this very simple, moderate and democratic amendment that I have suggested and make room for safe and proper functioning of democracy.

Mr. Deputy-Speaker: I don't know whether the Minister has to reply. I think all those points have been covered.

Shri A. K. Sen: I have answered most of the points. The hon. Member said that he was not heard correct or exactly. It is impossible not to hear him exactly because he makes his points very clear. But I have equally made our stand clear on the last occasion when I pointed out the various difficulties in the way of accepting the hon. Member's amendment. There is one further difficulty against the amendment suggested by the hon. Member, which is created by the Constitution itself. Article 171, clause 3(a) says "...one-third shall be elected by electorates consisting of..." It does not say "elected members". If the hon. Member puts "elected member" it will amount to amending the Constitution.

Shri Nagi Reddy: I never knew that it is against our Constitution. I am sorry.

Shri A. K. Sen: I hope he will believe in the democracy of the Constitution and he won't cease to believe in it. I have already covered all the other points.

Shri Ranga: I thought this was a very innocent amendment. But, in the light of the statement made by the hon. Minister, I don't think it would be within the four corners of the Constitution.

Apart from that, I would like to remove one or two wrong impressions which, I am afraid, Mr. Nagi Reddy's speech, has created. It will be remembered that the former Madras State and also the present Andhra Pradesh had taken the lead in forming these village panchayats.

Shri Nagi Reddy: I talked about the district boards. I never said anything about village panchayats.

Shri Ranga: In fact, long before the nomination principle was removed in other States, Madras and Andhra removed it.

Shri Nagi Reddy: I am talking of Telengana.

Shri Ranga: The nomination principle had been done away with in all the States. It is only in Telengana, it seems, there is some element of nomi-

[Shri Ranga]

nation. The State and the leadership of that State, which has been responsible for taking the lead in India in introducing this electoral principle in the village panchayats as well as municipal council and local bodies, long before any other State had thought about it, can be trusted to remove this element of nomination also.

Shri Nagi Reddy: I do not believe in it because in 1953...

Mr. Deputy-Speaker: There should be no interruption.

Shri Nagi Reddy: I cannot keep quiet.

Mr. Deputy-Speaker: The hon. Member has been going on speaking. He was not interrupted by others, while he was speaking. He has to hear patiently.

Shri Ranga: For no fault of their own, because in the previous administration there appears to be this element of nomination, it cannot be said that in future also the same thing will happen. In regard to the other complaint made about the municipality of Bezawada...

15 hrs.

Mr. Deputy-Speaker: There is no opportunity for all points to be answered.

Shri Ranga: I am finishing within a minute.

First of all, today there are no district boards; there were some time ago and they are not going to be there. In fact, the State Government is seized of the question whether there should be district boards or not. My hon. friend and his friends were also party to the decision at that time that the district board elections should not be held. (Interruption).

Mr. Deputy-Speaker: Order, order. He would not allow even me to speak here in the House. Is it necessary that every word that is uttered there must be answered by the Member

there and then, at the very same time. He ought to have patience. I have allowed him time, and when he has finished I have gone on to the other Member. Now he is not allowing the other Member to speak even.

Shri Nagi Reddy: I am sorry I intervened, but I rise on a point of order. A decision of an Assembly is being misrepresented by a Member here. A decision of the Assembly cannot be misrepresented either by him or by any hon. Member. The decision of the Assembly in 1953 was that the elections to the district boards must be held in 1954 by April. That was the resolution which was passed, which was brought forward by Shri C. Rajagopalachari and it was about to be implemented, but has not been implemented by the present Government. That was the answer that I gave, and no one can say that I was responsible for a resolution which abolished the district boards.

Mr. Deputy-Speaker: What is the point of order?

Shri Nagi Reddy: The point of order is that the hon. Member said that I was responsible in the Madras Legislative Assembly for the abolition of district boards. It was wrong, and no wrong representation of an Assembly proceeding should be allowed here.

Mr. Deputy-Speaker: There is some misconception about what a point of order can be about. This is no point of order. There is a difference of opinion about a certain fact and there can be. I cannot decide because for me both are equally honourable Members. One might have one impression, the other might have a difference impression. How can I distinguish between one Member and the other? We have to listen to the facts though they may be different from what the hon. Member gave.

The hon. Member may conclude now.

Shri Ranga: I am sorry I am the cause of this waste of time. Since my

hon. friend happened to be a Member and I was not at that time, I am prepared to defer to his interpretation. Therefore, I make amends so far as that particular point is concerned.

But one thing is clear. I do not want the impression to go abroad that the Andhra Government is really interested in upsetting the fate of these local boards by nominating one or two people here and there. They have inherited a kind of tradition and I am sure they would take the earliest opportunity to get rid of this tradition of nomination and introduce, as in the case of the Andhra area, in Telengana also the element of election.

Mr. Deputy-Speaker: Amendments 63 to 65. May I put them together?

Shri Nagi Reddy: Yes, Sir.

Shri A. K. Sen: If they are pressing for a division I am raising this point of order that this amendment is unconstitutional because it seeks to amend the Constitution itself.

Mr. Deputy-Speaker: I am doubtful if this would be the stage to raise it when I am putting it to the vote of the House. The hon. Minister should have taken it up earlier.

Shri A. K. Sen: Very well, Sir.

Shri Raghunath Singh (Varanasi): It is Private Members' Bills Day.

Division No. 36]

Mr. Deputy-Speaker: That will be pushed ten minutes later.

Shri Raghunath Singh: We should be allowed full time.

Mr. Deputy-Speaker: Yes. I hope the House has no objection to the non-official business being taken up 10 or 15 minutes later.

Hon. Members: No objection.

15.05 hrs.

[**MR. SPEAKER** in the Chair.]

Mr. Speaker: Now I put amendments 63, 64 and 65.

The question is:

(63) Page 11, line 26,—

add at the end—

"all elected members"

(64) Page 11, line 27,—

add at the end—

"all elected members"

(65) Page 11, line 30,—

before "Class" insert "all elected members of"

Lok Sabha *divided. Ayes: 46,
Noes: 131

[15.09 hrs.]

AYES

Banerjee, Shri Pramathanath
Barua, Shri Hem
Bharucha, Shri Naushar
Chakravarty, Shrimati Renu
Chavon, Shri D. R.
Dasaratha Deb, Shri
Dige, Shri
Elias, Shri M.
Gaikwad, Shri B. K.
Ghodesar, Shri Fatehsinh
Ghosai, Shri
Ghose, Shri S.
Goray, Shri
Gupta, Shri Sadhan
Imam, Shri Mohamed
Iyer, Shri Baswara

Jadhav, Shri
Ketti, Shri D. A.
Kodiyam, Shri
Kunhan, Shri
Majhi, Shri R. C.
Manay, Shri
Matera, Shri
Matin, Shri
Menon, Dr. K. B.
Menon, Shri Narayanankutty
More, Shri
Mukerjee, Shri H. N.
Nayar, Shri V. P.
Panigrahi, Shri
Parmar, Shri K. U.
Parulekar, Shri

Parvathi Krishnan, Shrimati
Patel, Shri P. R.
Patil, Shri Nana
Pillai, Shri Anthony
Rai, Shri Khushwaqt
Rao, Shri D. V.
Reddy, Shri Nagi
Sharma, Shri H. C.
Siva Raj, Shri
Sugandha, Shri
Tangamani, Shri
Valvi, Shri
Warior, Shri
Yajnik, Shri

*The result of this division applies to amendments Nos. 63, 64 and 65 separately.

NOES

Abdul Lateef, Shri
 Achar, Shri
 Arumugham, Shri R. S.
 Arumugham, Shri S. R.
 Ashanna, Shri
 Balakrishnan, Shri
 Bangshi Thakur, Shri
 Barupal, Shri P. L.
 Basappa, Shri
 Basumatari, Shri
 Bhakt Darshan, Shri
 Bidari, Shri
 Bose, Shri P. C.
 Brahm Perkaash, Ch.
 Chandra Shanker, Shri
 Chaturvedi, Shri
 Chuni Lal, Shri
 Dasappa, Shri
 Das, Shri K. K.
 Das, Shri M. M.
 Das, Shri Shree Narayan
 Deo, Shri Shanker
 Desai, Shri Mortaji
 Dindod, Shri
 Dube, Shri Mulchand
 Dwivedi, Shri M. L.
 Eleyaperumal, Shri
 Ganapathy, Shri
 Gandhi, Shri M. M.
 Ghosh, Shri M. K.
 Gupta, Shri C. L.
 Harvan, Shri Anwar
 Hasda, Shri Subodh
 Hem Raj, Shri
 Hukam Singh, Sardar
 Jain, Shri M. C.
 Jens, Shri K. C.
 Joshi, Shri A. C.
 Jyotshi, Pandit J. P.
 Kanakasabai, Shri
 Kanungo, Shri
 Kasliwal, Shri
 Kayal, Shri P. N.
 Kedaris, Shri C. M.

Kesar Kumari, Shrimati
 Keshava, Shri
 Khan, Shri Shah Nawaz
 Lachhi Ram, Shri
 Lahiri, Shri
 Mafta Ahmed, Shrimati
 Maiti, Shri N. B.
 Mallah Shri V. S.
 Malviya, Pandit Govind
 Mandal, Dr. Pashupati
 Maniyangadan, Shri
 Melkote, Dr.
 Mishra, Shri Bibhuti
 Mishra, Shri R. D.
 Mishra, Shri R. R.
 Munisamy, Shri N. R.
 Murmu, Shri Paika
 Naidu, Shri Govindarajulu
 Nair, Shri C. K.
 Narasimhan, Shri
 Nathawani, Shri
 Nayar, Dr. Sushila
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Uma
 Nek Ram, Shri
 Oza, Shri
 Padalu, Shri K. V.
 Pahadia, Shri
 Parmar, Shri Deen Bandhu
 Parmar, Shri Y. S.
 Patel, Shrimati Maniben
 Pillai, Shri Thanu
 Prabhakar Shri, Naval
 Radhamohan, Singh Shri
 Radha Raman, Shri
 Raghunath Singh, Shri
 Rajiah, Shri
 Rakhmaji, Shri
 Raman, Shri C. R. Pattab
 Ramananda Tirtha, Shri
 Ramaswamy, Shri K. S.
 Ram Krishan, Shri
 Rampure, Shri M.
 Renc, Shri

Ranga, Shri
 Rangarao, Shri
 Rao, Shri Jaganatha
 Reddy, Shri Bali
 Reddy, Shri Narappa
 Reddy, Shri Rami
 Roy, Shri Bishwanath
 Rungtong Suisa, Shri
 Sadhu Ram, Shri
 Sahodrabai Shrimati
 Sabu, Shri Rameshwar
 Saigal, Sardar A. S.
 Samanta, Shri S. C.
 Semantinha, Dr.
 Sanganna, Shri
 Sarhadi, Shri Ajit Singh
 Satish Chandra, Shri
 Satyanarayana, Shri
 Selku, Shri
 Sen, Shri A. K.
 Sen, Shri P. G.
 Shankaraiha, Shri
 Sharma, Shri D. C.
 Singh, Shri Babunath
 Singh, Shri M. N.
 Sinha, Shri Gajendra Prasad
 Sinha, Shri Satyendra Narayan
 Sinha, Shri Satya Narayan
 Snatak, Shri Nardeo
 Subbarayan, Dr. P.
 Subramanyam, Shri T.
 Tahir, Shri Mohammed
 Tewari, Shri Dwarikanath
 Thirumala Rao, Shri
 Tiwari, Shri R. S.
 Tula Ram, Shri
 Tyabji, Shri
 Uike, Shri
 Umrao Singh, Shri
 Upadhyaya, Shri Shiva Dutt
 Venkatasubbaiah, Shri
 Vishwanath Prasad, Shri

The motion was negatived.

Mr. Speaker: Now I put amendments Nos 134, 135 and 70

The question is:

Page 10,—

for lines 24 to 30, substitute—

“(a) in section 10, sub-section (3) shall be omitted;”

The motion was adopted.

Mr. Speaker: The question is:

Page 11, in line 15,

for the figure “30” in column 3, substitute “36” and for the figure “39” in column 6, substitute “42”.

The motion was adopted.

Mr. Speaker: The question is:

Page 12,—

(i) after line 2, insert—

“(ii) under the heading ‘Bombay’ the following entries

shall be added at the end, namely:—

‘4. District Boards.

5. District Panchayats.

6. Town Committees.

7. Janpada Sabhas (Rural Circle)’;’;

(ii) line 3,—

for ‘(ii)’ substitute ‘(iii)’;

(iii) line 11,—

for ‘(iii)’ substitute ‘(iv)’.

The motion was adopted.

Mr. Speaker: The question is:

“That clause 12, as amended, stand part of the Bill.”

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Mr. Speaker: Clause 5 together with the amendments moved has been held over. I shall now take up clause 5 and the amendments thereto. I shall put Government amendment first.

Shri Nathwani: There are three amendments moved by me to Government amendment No. 132, Nos. 156, 157 and 158.

Mr. Speaker: They are Nos. 156, 157 and 158 which have been accepted by Government. He has also moved amendment No. 154 which has not been accepted by Government.

I shall now put amendments Nos. 156, 157 and 158 to amendment No. 132 moved by Government, to vote.

The question is:

That in the amendment proposed by Shri Asoke K. Sen, printed as No. 132 in List No. 22 of amendments,—

in the proposed sub-clause (3) (a), after “column 2 of the said Table” insert,—

“if immediately before such commencement, he is an elector for an assembly constituency in the State of Bombay”.

The motion was adopted.

Mr. Speaker: The question is:

That in the amendment proposed by Shri Asoke K. Sen, printed as No. 132 in List No. 22 of amendments,—

in the proposed sub-clause (3) (b), add at the end—

“if immediately before such commencement he is an elector for an assembly constituency in the State of Bombay”.

The motion was adopted.

Mr. Speaker: The question is:

That in the amendment proposed by Shri Asoke K. Sen, printed as No. 132 in List No. 22 of amendments,—

after the proposed sub-clause (3) insert—

“(3A) Every sitting elected member of the said Council who is not deemed to have been elected thereto by virtue of clause (a) or clause (b) of sub-section (3) shall, as from the commencement of this Act cease to be a member of the said Council.”

The motion was adopted.

Mr. Nathwani: I am not pressing amendment No. 154.

The amendment was, by leave, withdrawn.

Shri A. K. Sen: There is a printing error to be corrected in amendment No. 132. I beg to move:

“That in the amendment proposed by me printed as No. 132 in List No. 22 of amendments,—

in the second column of the Table annexed to sub-clause 3 (a), for “Maharashtra West (Local Authorities)” substitute “Maharashtra North (Local Authorities)”.

Mr. Speaker: I shall now put amendment No. 161 to amendment No. 132 to the vote of the House.

The question is:

“That in the amendment proposed by me printed as No. 132 in List No. 22 of amendments,—

in the second column of the Table annexed to sub-clause 3(a), for "Maharashtra West (Local Authorities)" substitute "Maharashtra North (Local Authorities)".

The motion was adopted.

Mr. Speaker: I shall now put amendment No 132, as amended by amendments Nos 156, 157, 158 and 161 to the vote of the House.

The question is:

Page 3,—

for clause 5, substitute—

"5. Increase in the strength of the Bombay Legislative Council—

(1) The total number of seats in the Legislative Council of Bombay shall be increased to 108 and of those seats—

(a) the number to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 36, 9 and 9 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Bombay in accordance with the provisions of sub-clause (d) of the said clause shall be 42; and

(c) the number to be filled by persons nominated by the Governor of Bombay in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Bombay) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Second Schedule, and in the said Order as so modified, any reference to the State of Bombay shall be construed as a reference to that State as formed by section 8 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act—

(a) every sitting member of the said Council representing immediately before such commencement any council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table; if immediately before such commencement he is an elector for assembly constituency in the State of Bombay.

TABLE

1	2
Bombay City (Graduates)	Greater Bombay (Graduates)
Ahmedabad City (Graduates)	} Gujarat (Graduates)
Northern Division (Graduates)	
Poona City (Graduates)	} Maharashtra (Graduates)
Southern Division (Graduates)	
Bombay City (Teachers)	} Greater Bombay-cum-Maharashtra (Teachers)
Poona City (Teachers)	
Central Division (Teachers)	
Southern Division (Teachers)	
Ahmedabad City (Teachers)	} Gujarat (Teachers)
Northern Division (Teachers)	
Bombay City (Local Authorities)	Greater Bombay-cum-Maharashtra (Local Authorities) West
Ahmedabad City (Local Authorities)	} Gujarat North (Local Authorities)
Ahmedabad District (Local Authorities)	
Mehsana-cum-Banas Kantha (Local Authorities)	

Baroda-cum-Amreli (Local Authorities)	}	Gujarat South (Local Authorities)
Broach-cum-Panch Mahals (Local Authorities)		
Kaira (Local Authorities)		
Surat (Local Authorities)		
East Khandesh (Local Authorities)	}	Maharashtra North (Local Authorities)
Nasik (Local Authorities)		
Ahmednagar-cum-West Khandesh (Local Authorities)		
Poona City (Local Authorities)		
Poona (Local Authorities)	}	Maharashtra South (Local Authorities)
Sholapur (Local Authorities)		
North Satara (Local Authorities)		
Kolaba-cum-Thana (Local Authorities)		
Ratnagiri-cum-Kanara (Local Authorities)	}	Maharashtra North (Local Authorities)
Kolhapur-cum-South Satara (Local Authorities)		

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Bombay and every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Bombay, if immediately before such commencement he is an elector for an assembly constituency in the State of Bombay.

(4) Every sitting elected member of the said Council who is not deemed to have been elected thereto by virtue of clause (a) or clause (b) of sub-section (3) shall, as from the commencement of this Act cease to be a member of the said Council.

(5) As soon as may after such commencement, elections shall be held to fill such of the seats allotted to the several Council constituencies by the Delimitation of Council Constituencies (Bombay) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.

(6) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council

of the former State of Bombay was first constituted.

(7) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 24th April, 1958, and on the expiration of every second year thereafter, the Governor of Bombay shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, and of the members to be elected under sub-section (4) of this section.

(8) Section 34 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2), for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-section (4) and (5) of this section and summoned to meet for the first time', the words 'Until otherwise provided by law' shall be substituted;

(b) sub-section (3), (4) and (5) shall be omitted.

(9) In this section, the expression 'the former State of Bombay' means the State of Bombay as it existed immediately before the 1st day of November, 1956."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 5, as amended, stand part of the Bill".

An Hon Member: We want division.

Mr. Speaker: All hon. Members are here. Lobbies need not be cleared. Let the doors be closed.

Shri V. P. Nayar: In the morning, for division on two amendments to the same section the Lobbies were cleared.

Mr. Speaker: I have no objection. But does the hon. Member expect any more?

Shri V. P. Nayar: We should have a uniform procedure.

Mr. Speaker: We can always waive procedure.

The question is:

"That clause 5, as amended, stand part of the Bill".

The Lok Sabha divided

Shrimati Parvati Krishnan (Coimbatore): There is something wrong with the board. I pressed the red switch, but on the board there is no red light; there are two ambers instead.

Division No. 37

Mr. Speaker: Did she press it?

Shrimati Parvati Krishnan: I pressed it correctly.

Mr. Speaker: Then it is incorrectly recorded.

Shrimati Parvati Krishnan: Yes.

Mr. Speaker: She wants one more to be added to the vote of the Noes. That will be done; 1 will be added to 51.

Shri V. P. Nayar: It must be added.

Pandit J. P. Jyotishi (Sagar): My switch is not working properly (Interruptions).

Mr. Speaker: What is the hurry?

Shri Rameshwar Sahu (Darbhanga-Reserved-Sch.-Castes): One vote has been wrongly recorded on the 'Ayes' side. It is not showing green light, but amber.

Mr. Speaker: All right. One more will be added to the Ayes total. Let us not get excited over this matter. 51 will become 52 and 142 will become 143.

The result of the division is as follows:

Ayes 143; Noes 52.

[15.16 hrs.]

AYES

Abdul Lateef, Shri
Achar, Shri
Achint Ram Lala
Arumugham, Shri R. S.
Arumugham Shri S.R.
Ashanna, Shri
Balakrishnan, Shri
Bangshi Thakur, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhakt Darshan Shri
Bidari, Shri
Bose, Shri P. C.
Brahm Perikash, Ch.
Chandra Shanker, Shri
Chaturvedi, Shri
Chuni Lal, Shri
Das, Shri K. K.
Das, Shri M. M.
Das, Shri Shree Narayan
Deb Shri N.M.
Deo, Shri Shanker
Desai, Shri Morsarji

Dindod, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Elayaperumal, Shri
Ganapathy, Shri
Gandhi, Shri M. M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Ghosh, Shri M. K.
Gupte, Shri C. L.
Harvani, Shri Anwar
Hasda, Shri Subodh
Hukam Singh, Sardar
Jain, Shri M. C.
Jena, Shri K. C.
Joshi, Shri A. C.
Kanakasabai, Shri
Kanungo Shri
Kastilwal, Shri
Kayal, Shri P. N.
Kedaris, Shri C. M.
Kesar Kumari Shrimati
Kishava, Shri
Khan, Shri Shah Nawaz

Lachhi Ram Shri
Lahiri, Shri
Mafida, Ahmed, Shrimati
Manti, Shri N. B.
Malliah, Shri U. S.
Malaviya, Pandit Govind
Mansan, Shri
Mandal, Dr. Pashupati
anayagadan, Shri
Mathur, Shri Harish Chai
Melkote, Dr.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Misra, Shri R. D.
Misra Shri R. R.
Munisamy, Shri N. R.
orarka, Shri
Murmu, Shri a jka
Naidu, Shri Govindrajulu
Nair, Shri C. K.
Nalsadurker, Shri
Narasimhan, Shri
Nathawani, Shri
Nevar, Dr. Sushila

Nehru, Shri Jawaharlal
Nehru Shrimati Uma
Nek Ram, Shri
Osa, Shri
Padala, Shri K. V.
Pahadia, Shri
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri Rajeshwar
Pillai, Shri Thanu
Prabhakar, Shri Naval
Radhamohan Singh, Shri
Radha Raman, Shri
Raghunath Singh, Shri
Rajiah, Shri
Rakhmaji, Shri
Raman, Shri C. R. Pattabhi
Ramananda Tirtha, Swami
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Ram Krishnan, Shri
Rampure, Shri M.
Ram Subhag Singh, Dr.

Ranbir Singh, Ch.
Rane, Shri
Ranga, Shri
Rangarao, Shri
Rao, Shri Jagannatha
Reddy, Shri Ball
Reddy, Shri Narapa
Reddy, Shri Rami
Roy, Shri Bishwanath
Rungtong Suissa, Shri
Sadhu Ram, Shri
Sahodra, Shri
Sahu, Shri Rameshwar
Saigal, Sardar, A. S.
Samanta, Shri S. C.
Samentinhar, Dr.
Sanganna, Shri
Sarhadil, Shri Ajit Singh
Satish Chandra, Shri
Satyanarayana, Shri
Selku, Shri
Sen, Shri A. K.
Sen, Shri P. G.
Shankaraya, Shri]

Sharma, Shri D.C.
Singh, Shri Babunath
Singh, Shri D.N.
Singh Shri M.N.
Sinha, Shri Gajendra Prasad
Sinha, Shri Satyendra Narayan
Sinha, Satya Narayan
Snatak, Shri Nardeo
Sonawane, Shri
Subbarayan, Dr. P.
Subramaniam, Shri T.
Suryanarayana Murthy, Shri
Taher, Shri Mohammed
Tewari, Shri Dwarikanath
Thirumala Rao, Shri
Tiwari, Shri R. S.
Tula Ram, Shri
Tyabji, Shri
Uike, Shri
Umrao Singh, Shri
Upadhyaya, Shri Shiva Dutt
Venkatasubbalah, Shri
Vishwanath Prasad, Shri

NOES

Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Barua, Shri Hem
Bharucha, Shri Naushur
Chakravarty, Shrimati Renu
Chavan, Shri D. R.
Dasaratha Deb, Shri
Dasgupta, Shri
Dige, Shri
Elias, Shri M.
Gackwad, Shri Patchaunghrao
Gaikwad, Shri B. K.
Ghosai, Shri
Ghose, Shri S.
Goray, Shri
Gupta, Shri Sadhan
Imam, Shri Mohamed

Iyer, Shri Easwara
Jadhav, Shri
Kale, Shrimati A.
Katti, Shri D. A.
Khedkar, Dr. G. B.
Kodiyar, Shri
Kunhan, Shri
Mahanty, Shri
Majhi, Shri R. C.
Mannay, Shri
Matin, Shri
Menon, Dr. K. B.
Menon, Shri Narayanankutty
More, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Nayar, Shri V. P.

Panigrahi, Shri
Parmar, Shri K. U.
Parulekar, Shri
Parvathi Krishnan, Shrimati
Patel, Shri N. N.
Patel, Shri P. R.
Pillai, Shri Anthony
Prodhan, Shri B. C.
Rai, Shri Khushwaqt
Rao, Shri D. V.
Sharma, Shri H. C.
Siva Rai, Shri
Sugandhi, Shri
Tangamani, Shri
Valvi, Shri
Warrior, Shri
Yajnik, Shri

The motion was adopted.

Clause 5 as amended was added to the Bill

Clause 13.—(Amendment of Act 43 of 1951).

Mr. Speaker: If we can get through quickly, we shall proceed now I do not want to apply guillotine.

As regards clause 13, there are Government amendments.

Amendments made :

(1) Page 12, in lines 20 and 21, omit "and reconstituting the Legislative Councils of the States of Bombay and Mysore".

(2) Page 12,—omit lines 35 to 38.
[Shri A. K. Sen.]

Shri A. K. Sen: These are consequential amendments by reason of amendments made to sections 5 and 8, relating to Mysore and Bombay.

Mr. Speaker: The question is:

"That clause 13, as amended,
stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to
the Bill.

The First Schedule was added to the
Bill.

The Second Schedule

Amendment made:

Page 13,—after line 14, insert—

"THE SECOND SCHEDULE

[See section 5 (2)]

Modifications in the Delimitation of
Council Constituencies (Bombay)
Order, 1951.

For the Table appended to the said
Order, the following Table shall be
substituted, namely:—

TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Greater Bombay (Graduates)	Greater Bombay	2
Gujarat (Graduates)	Kutch, Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panchmahals, Baroda, Broach and and Surat districts	2
Maharashtra (Graduates)	Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Sholapur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh, East Khandesh, Aurangabad, Parbhani, Bhil, Osmanabad and Nanded districts	2
Vidarbha (Graduates)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts	3
<i>Teachers' Constituencies</i>		
Gujarat (Teachers)	Kutch, Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panch Mahals, Baroda, Broach and Surat districts	2
Greater Bombay-cum- Maharashtra (Teachers)	Greater Bombay, Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Shola- pur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh, and East Khandesh districts	4
Vidarbha (Teachers)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda, Nanded, Osmana- bad, Bhil, Parbhani, and Aurangabad districts	3
<i>Local Authorities' constituencies</i>		
Saurashtra (Local Authorities)	Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad and Amreli districts	5
Gujarat North (Local Autho- rities).	Ahmedabad, Mehsana, Banaskantha, Sabar- kantha and Kutch districts	4
Gujarat South (Local Autho- rities).	Surat, Broach, Baroda, Kaira and Panch Mahals districts	5
Greater Bombay-cum-West of (Local Authorities).	Greater Bombay, Thana, Kolaba, Ratnagiri and Kolhapur districts	4
Maharashtra South (Local Authorities).	Poona, North Satara, South Satara and Sholapur districts	

Name of constituency	Extent of Constituency	No. of seats
Maharashtra North (Local Authorities)	Ahmednagar, Nasik, Dangs, West Khandesh and East Khandesh districts	5
Vidarbha (Local Authorities) .	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts	5
Marathwada (Local Authorities)	Aurangabad, Bhil, Parbhani, Nanded and Osmanabad districts	3

—[Shri A. K. Sen]

Shri A. K. Sen: This is also consequential as a result of amendments already accepted by the House.

tute "Greater Bombay-cum Maharashtra West (Local Authorities)."

—[Shri A. K. Sen]

There is a slight printing mistake in amendment No. 138. In the local authorities constituency, instead of the entry 'Greater Bombay-cum-West (Local authorities)', it should be, 'Greater Bombay-cum-Maharashtra (Local Authorities)'.

Mr. Speaker: I will put this amendment to vote.

Mr. Speaker: I will now put amendment No. 138 as amended above, to the House.

The question is:

Page 13,—

after line 14, insert—

'THE SECOND' SCHEDULE

[See section 5(2)]

Amendment made :

That in the amendment proposed by me printed as No. 138 in List No. 22 of amendments,—

Modifications in the Delimitation of Council Constituencies (Bombay) Order, 1951.

For the Table appended to the said Order, the following Table shall be substituted, namely:—

under the heading 'Local Authorities' constituencies', in column 1 for "Greater Bombay-cum-West (Local Authorities)" *substi-*

TABLE

Name of constituency	Extent of Constituency	No. of seats
<i>Graduates' Constituencies</i>		
Greater Bombay (Graduates) .	Greater Bombay	2
Gujarat (Graduates)	Kutch, Halar, Sorath, Gohilwad, Madhye Saurashtra, Zolawad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panchmahals, Baroda, Broach and Surat districts	2
Maharashtra (Graduates)	Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Sholapur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh, East Khandesh, Aurangabad, Parbhani, Bhil, Osmanabad, and Nanded districts	2
Vidarbha (Graduates)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts	3

Name of constituency	Extent of Constituency	No. of seats
<i>Teachers' Constituencies</i>		
Gujarat (Teachers)	Kutch, Holar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panch Mahals, Baroda, Broach and Surat districts	2
Greater Bombay-cum-Maharashtra (Teachers)	Greater Bombay, Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Sholapur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh, and East Khandesh districts	4
Vidarbha (Teachers)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda, Nanded, Osmanabad, Bhir, Parbhani, and Aurangabad districts	3
<i>Local Authorities' Constituencies</i>		
Saurashtra (Local Authorities)	Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad and Amreli districts	5
Gujarat North (Local Authorities)	Ahmedabad, Mehsana, Banaskantha, Sabarkantha and Kutch districts	4
Gujarat South (Local Authorities)	Surat, Broach, Baroda, Kaira and Panch Mahals districts	5
Greater Bombay-cum-Maharashtra (Local Authorities)	Greater Bombay, Thana, Kolaba, Ratnagiri and Kolhapur districts	4
Maharashtra South (Local Authorities)	Poona, North Satara, South Satara and Sholapur districts	5
Maharashtra North (Local Authorities)	Ahmednagar, Nasik, Dangs, West Khandesh and East Khandesh districts	5
Vidarbha (Local Authorities)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts	5
Marathwada (Local Authorities)	Aurangabad, Bhir, Parbhani, Nanded and Osmanabad districts	3"

The new Second Schedule was added to the Bill.

Shri A. K. Sen: Sir, amendment No. 139 is a consequential amendment.

Mr. Speaker: It is only a consequential amendment and will put it into the House.

Amendment made:

Page 13, line 15,

for "SECOND" substitute "THIRD".
[Shri A. K. Sen.]

The Second Schedule as amended was added to the Bill.

Shri A. K. Sen: I move amendment No. 140, Sir. It is consequential because we have already made an amendment to clause 8 dealing with Mysore and this schedule is consequent on that. It is very simple.

Mr. Speaker: There are 5 Schedules now. So far as the second Schedule is concerned, a new Schedule has been inserted and the present Second Schedule is made the Third Schedule. That is amendment No. 139. Amendment No. 140 also seems to be a new Schedule.

Shri A. K. Sen: Amendment No. 140 is the Fourth Schedule.

Mr. Speaker: Is it the old Schedule? It is a new Schedule.

Shri A. K. Sen: This is consequent on the amendment regarding Mysore.

Shri Achar: With regard to this Schedule, with respect to the Local Authorities Constituencies, yesterday I pointed out to the hon. Law Minister that with regard to Mysore North-East the number of seats should be 3 instead of 2.

Shri A. K. Sen: That is a printing mistake. That may be amended Sir.

Mr. Speaker: I will now put this amendment first.

Amendment made:

"That in the amendment proposed by Shri Asoke K. Sen printed as No. 140 in List No. 22 of amendments,—

in the third column relating to the Mysore North-East (Local Authorities) constituency for "2" substitute "3".

—[Shri T. Subrahmanyam]

Mr. Speaker: I will now put amendment No. 140 as amended above to the House.

Amendment made:

Page 13,—

after line 24, insert:—

"THE FOURTH SCHEDULE

[See section 8(2)]

Modifications in the Delimitation of Council Constituencies (Mysore) Order, 1951.

For the Table appended to the said Order, the following Table shall be substituted, namely:—

Name of Constituency	Extent of Constituency	No. of seats
<i>Graduates' Constituencies</i>		
Mysore North (Graduates)	Bidar, Gulbarga, Raichur, Dharwar, Bijapur, Belgaum, North Kanara and Bellary districts	2
Mysore South (Graduates)	Chitaldrug, Tumkur, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Bangalore, Kolar, South Kanara and Coorg districts	4
<i>Teachers' Constituencies</i>		
Mysore North (Teachers)	Bidar, Gulbarga, Raichur, Dharwar, Bijapur, Belgaum, North Kanara, Bellary districts	2
Mysore South (Teachers)	Chitaldrug, Tumkur, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Bangalore, Kolar, South Kanara and Coorg districts	4
<i>Local Authorities' constituencies</i>		
Mysore North-West (Local Authorities)	Belgaum, North Kanara, Dharwar, and Bijapur districts	6
Mysore North-East (Local Authorities).	Bidar, Gulbarga, Raichur, and Bellary districts	3
Mysore South West (Local Authorities).	Chitaldrug, South Kanara, Shimoga and Chikmagalur	4
Mysore South (Local Authorities).	Hassan, Mandya, Coorg and Mysore districts	4
Mysore South East (Local Authorities).	Tumkur, Bangalore and Kolar districts	4"

—[Shri A. K. Sen.]

The new Fourth Schedule was added to the Bill.

Shri A. K. Sen: Sir, I move amendments 141, 142 and 143, and also 71 and 155. They are all consequential changes.

Shri Naushir Bharucha: All these amendments are not on the Order Paper; they have not been circulated.

Mr. Speaker: 141 is on the Order Paper; 71 is on the Order Paper. All these are there. I will now put them to the vote.

Amendments made:

Page 13, line 25,—

for "THIRD" substitute "FIFTH".

Page 14,—

(i) in line 7, omit "Fategarh Sahib Barnala";

(ii) in line 9, omit "Kohistan".

Page 14, line 12,—

for "FOURTH" substitute "SIXTH".

Page 14,

(i) line 34,—for "7" substitute "6";

(ii) line 38,—for "7" substitute "8".

Page 15, line 1,—

for "FIFTH" substitute "SEVENTH".

—[Shri A. K. Sen.]

Mr. Speaker: The question is:

"That the Fifth, Sixth and Seventh Schedules stand part of the Bill."

The motion was adopted.

The Fifth, Sixth and Seventh Schedules were added to the Bill.

Mr. Speaker: I shall now put clause 1 to the vote of the House.

The question is:

"Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the title were added to the Bill.

Shri A. K. Sen: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed"

The motion was adopted.

Mr. Speaker: The House will now take up private Members' business.

CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL,* 1957

Shri S. Ghose (Burdwan): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend Code of Civil Procedure, 1908."

The motion was adopted.

Shri S. Ghose: Sir, I beg to introduce the Bill.

INDIAN PENAL CODE (AMENDMENT) BILL,* 1957

Shri S. Ghose: Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860".

The motion was adopted.

Shri S. Ghose: Sir, I beg to introduce the Bill.

*Published in the Gazette of India Extraordinary Part II-Section 2, dated 6-9-57 pp 469-470, 471-472.

CHILD SANYAS DIKSHA RESTRAINT BILL*, 1957

Shri D. C. Sharma: Sir, I beg to move for leave to introduce a Bill to provide for the restraint on sanyas diksha of a child.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the restraint on sanyas diksha of a child."

The motion was adopted.

Shri D. C. Sharma: I beg to introduce the Bill.

DELHI UNION TERRITORY PUBLIC TRUSTS BILL*, 1957

Shri Radha Raman (Chandni Chowk): Sir, I beg to move for leave to introduce a Bill to regulate and to make better provision for the administration of public, religious and charitable trusts in the Union Territory of Delhi.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to regulate and to make better provision for the administration of public, religious and charitable trusts in the Union Territory of Delhi".

The motion was adopted.

Shri Radha Raman: I beg to introduce the Bill.

CODE OF CRIMINAL PROCEDURE (AMENDMENTS) BILL*, 1957

Shri S. Ghose: Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

Shri S. Ghose: Sir, I introduce the Bill.

DRAMATIC PERFORMANCES (AMENDMENT) BILL*, 1957.

Shri V. P. Nayar (Quilon): Sir, I beg to move for leave to introduce a Bill further to amend the Dramatic Performances Act, 1876.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Dramatic Performances Act, 1876".

The motion was adopted.

Shri V. P. Nayar: Sir, I beg to introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*, 1957

श्री म० ला० द्विवेदी (हमीरपुर) :

भारत के संविधान को
करने के लिये एक विधेयक प्रस्तुत करने की
आशा मैं सदन से चाहता हूँ।

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

श्री म० ला० द्विवेदी : मैं विधेयक को
प्रस्तुत करता हूँ।

**COMPANIES (AMENDMENT)
BILL*, 1957**

Shri Naushir Bharucha: Sir, I beg to move for leave to introduce a Bill further to amend the Companies Act, 1956.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Companies Act, 1956".

The motion was adopted.

Shri Naushir Bharucha: I beg to introduce the Bill.

**CONSTITUTION (AMENDMENT)
BILL—contd.**

Mr. Speaker: The House will now resume further consideration of the following motion moved by Shri Raghunath Singh on 23rd August 1957:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Out of two hours allotted for the discussion of the Bill, ten minutes have been taken on the 23rd and one hour and fifty minutes still remain. We started at 3.30

Shri Raghunath Singh (Varanasi): 3.35.

Mr. Speaker: The hon. Member does not consider that the prior motions for the introduction of Bills are not private Members' business. We go till 6.

Shri V. P. Nayar (Quilon): There is half an hour discussion.

Mr. Speaker: I am not going to curtail the private Members' time. If the hon. Members are willing to sit after 6, we will have the half an hour discussion; otherwise it will go.

Shri V. P. Nayar: We have been given notices from the very beginning.

Mr. Speaker: I have eight or nine no-day-yet-named-motions. There are other motions also. But, I am not able to find time. The hon. Members are not willing to sit. They get tired after 5-30 or 6. Now, I will allow half an hour so that hon. Members can go and have snacks and other refreshment and then again they can sit till 8 and put through all such business.

Shri V. P. Nayar: That is not the point. When we give notices for half an hour discussion under the rules, such discussions had to be fixed for either Wednesday or Friday in the week. Now, half an hour discussions are fixed one month or five weeks after we give notices and the excuse we get from the section is that the Ministries have not replied. When we take sufficient care to give notices in the beginning of the session, we get discussion fixed only for the end of the session. Some arrangements should be made so that we can raise more half an hour discussions.

Mr. Speaker: I agree. But, it is not so much the Ministry's fault as want of time. We are not able to find time. It is not as if we are fixing only Wednesdays or Fridays. The hon. Member wants that as early as possible, immediately after the question was asked and answered, when it is still fresh in the minds of the hon. Members, there should be discussion. That is what the hon. Member wants and I shall try to do so. But, the only difficulty is that after 5.30 we are not willing to sit. When early or late, if hon. Members are willing to sit, I have no objection. This half an hour discussion may be had on some other day. Let us now carry on till 6.

Shri V. P. Nayar: It is very hard, Sir, there is no other day.

Mr. Speaker: If hon. Members are willing to sit more hours, I have no objection.

श्री रघुनाथ सिंह: अध्यक्ष महोदय, पिछले दिन जब मैंने यह विधेयक उपस्थित किया था तब मैंने बरमा और पाकिस्तान का उदाहरण प्रस्तुत किया था। आज मैं यह बतलाना चाहता हूँ कि फिलिपाइन में भी उस के कांस्टिट्यूशन के सेक्शन ५ के द्वारा यह निश्चित किया गया है कि प्रेजीडेंट का टर्म दो टर्म्स से ज्यादा नहीं होगा। सेक्शन ५ इस प्रकार है :

"No person shall serve as President for more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced as President."

The term is only four years. There is one country in Asia—Syria.

15.38 hrs.

[MR. DEPUYH-SPEAKER in the Chair.]

सीरिया में भी आप देखेंगे कि वहां जो विधान है उस के अनुसार प्रेजीडेंट अपने को सक्सीड नहीं कर सकता, अर्थात् दो कंजि-क्यूटिव टर्म्स के लिये प्रेजीडेंट एलैबट नहीं हो सकता। दो टर्म्स के बीच में एक गैप जरूर होना चाहिये। इस प्रकार एशिया में जितने देश हैं उन में सीरिया, पाकिस्तान, फिलिपाइन कोरिया आदि देशों में राष्ट्रपति का जो समय है वह केवल दो टर्म्स का रक्खा गया है। एशिया में सिर्फ हिन्दुस्तान और चाइना ही अपवाद है जहां प्रेजीडेंट को दो टर्म्स से ज्यादा का अधिकार दिया गया है।

अब मैं आप के सामने अमरीका का उदाहरण पेश करता हूँ। नार्थ अमरीका और साउथ अमरीका का। उत्तरी अमरीका में यू० एस० ए० और मैक्सिको यह दो प्रधान राष्ट्र हैं। उत्तरी अमरीका में सन् १९५१ में संशोधन नं० २२ के द्वारा यह विधान रक्खा गया है कि राष्ट्रपति दो टर्म्स से ज्यादा नहीं हो सकेंगे। मैक्सिको में इस से भी आगे गये

हैं, वहां कहा गया है कि :

"President may never be elected again."

कोई भी आदमी एक दफा प्रेजीडेंट हो जाये तो वह दूसरी दफा प्रेजीडेंट नहीं चुना जायेगा। सेल्वोडोर में भी आप देखेंगे कि प्रेजीडेंट के वास्ते यही विधान है :

"He may never be elected again."

दूसरे जो दक्षिण अमरीका के राष्ट्रों में सिर्फ अर्जेन्टाइना को छोड़ कर जितनी स्टेट्स हैं सब में प्रेजीडेंट विल नाट सक्सीड हिमसेल्फ अर्थात् अमरीका में, चाहे उत्तरी अमरीका हो चाहे दक्षिणी अमरीका हो, अर्जेन्टाइना को छोड़ कर प्रेजीडेंट का टर्म सिर्फ दो टर्म्स के लिये है।

Shri V. P. Nayar: Why is that the hon. Member wants two terms whereas in all the instances that he has quoted there is only one term?

Shri Braj Raj Singh (Ferozabad): He should desire only one.

An Hon. Member: He is only suggesting a via media.

Shri Raghunath Singh: Sir, I may be allowed to speak as my time is running fast.

मैं आप के सामने योरोप का उदाहरण रखना चाहता हूँ। योरोप में फ्रांस, आयरलैंड, जर्मनी और चेकोस्लोवाकिया यह चार ऐसे हैं जिन में प्रेजीडेंट के टर्म पर रेस्ट्रिक्शन है। अर्थात् फ्रांस में सिर्फ दो टर्म्स, आयरलैंड में सिर्फ दो टर्म्स, जर्मनी में सिर्फ दो टर्म्स और चेकोस्लोवाकिया में भी सिर्फ दो ही टर्म्स हैं। सिर्फ इटली और टर्की ही ऐसे देश हैं जहां पर प्रेजीडेंट का कोई समय नहीं रक्खा गया है।

दुनिया की इस वक्त क्या अवस्था है। इस दुनिया में ६१ राष्ट्र हैं। इन ६१ राष्ट्रों में से ५६ देशों में ऐसे हैं जहां पर

[श्री गणनाथ सिंह]

फार्म आफ गवर्नमेंट है और २३ नेशनल्स हैं जिन में मॉर्न, कल फार्म आफ गवर्नमेंट है। इस के साथ ही आप यह देखेंगे कि दुनिया की जो पापुलेशन है उस के ६१ परसेन्ट में, अर्थात् ४६ परसेन्ट राष्ट्रों में प्रेजीडेंशियल फार्म आफ गवर्नमेंट है। अर्थात् दुनिया में आधे से ज्यादा लोग प्रेजीडेंशियल फार्म आफ गवर्नमेंट के अन्दर शासित हैं।

जहां तक मानकी का सम्बन्ध है, दुनिया में सिर्फ २० परसेन्ट लोग ऐसे हैं जिन में मॉर्न, कल फार्म का सिस्टम है। आप पूछेंगे कि प्रेजीडेंट के टर्म के सम्बन्ध में दुनिया में क्या नियम है। मैं कहना चाहता हूँ कि ऐसी १४ नेशनल्स हैं जिन में प्रेजीडेंट का समय चार से लेकर आठ टर्म्स तक है। We can take the average अगर आप ए देखेंगे तो करीब पाँच के वर्ष एवरेज टर्म आयेगा, जो कि हमारे कांस्टिट्यूशन में भी आता है।

आगे चल कर आप देखेंगे कि प्रेजीडेंशियल फार्म आफ गवर्नमेंट में डाइरेक्ट इलेक्शन भी होते हैं और इन्डाइरेक्ट इलेक्शन भी होते हैं। जहां डाइरेक्ट इलेक्शन होता है उन में २८ नेशनल्स ऐसी हैं जिन में पीपुल डाइरेक्टरी एलेक्ट करते हैं। ४४ परसेन्ट नेशनल्स ऐसी हैं जिन में इन्डाइरेक्ट इलेक्शन होता है। प्रेजीडेंशियल फार्म आफ गवर्नमेंट के देशों में ६० परसेन्ट देशों में रिटर्न कांस्टिट्यूशन है। उन के द्वारा मैं साबित करूंगा कि दुनिया की आजाद जनता में मैजोरिटी आप दी पीपुल इस फेवर में है कि प्रेजीडेंट का इलेक्शन दो टर्म्स के लिये होना चाहिये। आप पूछेंगे कि कैसे? मैं बताना चाहता हूँ कि ३१ नेशनल्स दुनिया की ऐसी हैं जिन्होंने अपने कांस्टिट्यूशनस में यह प्रोवाइड किया है कि प्रेजीडेंट का समय दो टर्म्स से ज्यादा नहीं होना चाहिये।

आज दुनिया में ४० रिपब्लिक्स हैं। इन ४० रिपब्लिक्स में ४५ परसेन्ट लोग रहते

हैं। इन रिपब्लिक्स में भी प्रेजीडेंट के टर्म पर लिमिटेशन रक्खा गया है। दुनिया में १७ फेडरल फार्म आफ गवर्नमेंट के देश हैं। इन १७ फेडरल फार्म आफ गवर्नमेंट के देशों में दुनिया की जो पापुलेशन रहती है उस ने अपने यहां प्रेजीडेंट के टर्म पर रेस्ट्रिक्शन रक्खा है, अर्थात् दो टर्म्स का। हिन्दुस्तान भी एक फेडरल फार्म आफ गवर्नमेंट का देश है।

आप पूछेंगे कि आखिरकार मैं ने इस विषय को इस समय क्यों उपस्थित किया। यहां पर आप इस बात को भी समझ लें कि मैं ने एक अमेन्डमेंट दिया है जिस के अनुसार जो प्रेजेंट प्रेजीडेंट है उन पर इस आर्टिकल का प्रभाव नहीं होगा। यह आर्टिकल वैसा ही है जैसा आर्टिकल अमरीका के कांस्टिट्यूशन में रक्खा गया था जब उस में सन् १६५१ में अमेन्डमेंट हुआ था, अर्थात् प्रेजेंट प्रेजीडेंट पर इस का कोई प्रभाव नहीं होगा। वह अमेन्डमेंट इस प्रकार है :

"Provided that this article shall not apply to any person holding the office of the President at the commencement of this Act"

आप कहेंगे कि आखिरकार इस मसौदा की आवश्यकता हिन्दुस्तान में क्यों पड़ी। मैं कहना चाहता हूँ कि अभी तक सिर्फ चार स्थानों पर डिमाक्रेंसी का ट्रायल हुआ है। हमें उन के अनुभव में लाभ उठाना चाहिये। ग्रीस, रोम, अमरीका और फ्रांस यही वं चार देश हैं। अमरीका में डिमाक्रेंसी का ट्रायल १६० वर्ष से ज्यादा हुआ है, उन के तजुबों से भी हम को लाभ उठाना चाहिये। ग्रीस में भी ज्यादा से ज्यादा डिमाक्रेंसी जो चली वह एथेस की है जिसे आप स्पार्टा की कहते हैं, वह भी १०० वर्षों से ज्यादा नहीं चली। क्यों नहीं सफल हुई यह मैं आगे बताऊंगा। सिर्फ रोम ही एक ऐसा उदाहरण है जहां पर

४८२ वर्ष तक रिपब्लिकन फार्म आफ गवर्नमेंट कायम रही। निम्नलिखित ५०० इंसर्ज कैसे वह अपने यहां रिपब्लिकन फार्म आफ गवर्नमेंट कायम रखने में सफल रहे और क्यों असफल रहा, इस को हमें देखना होगा और उसे देख कर हमें अपने संविधान में भी कोई संशोधन उपस्थित करना होगा। ताकि हम ने हिन्दुस्तान में जो रिपब्लिकन फार्म आफ गवर्नमेंट कायम की है वह चलती रहे। कही ऐसा न हो कि कुछ समय बाद उस का अन्त हो जाये।

दूसरा उदाहरण अमरीका का है, उस ने १६० वर्ष तक लोकतन्त्र का एक्सपेरिमेंट किया है। तीसरी एग्जाम्पल फ्रान्स का है जिस ने ८६ वर्ष तक लोकतन्त्र का अनुभव किया है।

अब मैं बताऊंगा कि ग्रीस में क्यों लोकतन्त्री शासन फैला हुआ है। ग्रीस में रिपब्लिकन फार्म आफ गवर्नमेंट इसलिये फेल हुई कि उन लोगों के वहां जो काउंसल हुआ करते थे, उन के समय के लिये कोई लिमिटेशन नहीं रक्खा था। अगर आज हम चुने गये तो हम फिर एलैक्ट हो सकते हैं। स्पार्टा में दो काउंसल चुनने का नियम था। इस सिस्टम को आगे चल कर रोमन लोगों ने अडाप्ट किया। लेकिन ग्रीस में एथिन्स में और ईजियन सागर के चारो तरफ जो छोटी छोटी स्टेट्स थी वे इस लिये फेल हुई कि जब एक आदमी काउंसल में चुन लिया गया तो वह अपनी सीट को छोड़ना नहीं चाहता था। अस्तु हा डिक्टेटरशिप उत्पन्न हुई और ग्रीस में जितनी सिटी स्टेट्स थी वे सौ वर्ष में फेल हो गयी।

मैं दूसरा उदाहरण दूंगा। दुनिया में जो पहला फेडरल फार्म आफ गवर्नमेंट आया वह ईजीयन लीग के रूप में आया। ग्रीक लोगों ने मिल कर इस फार्म आफ गवर्नमेंट को इवाल्ब किया। वह चाहते थे कि जो लोग खड़े हैं वे न लड़े ऐसी गवर्नमेंट हो जाये। लेकिन वह लोग लगभग १० वर्ष में समाप्त

हो गया। हमारे यहां भी रिपब्लिक है। इसलिये हम को ईजियन लीग के एक्सपेरिमेंट से फायदा उठाना चाहिये।

ग्रीस में बड़े बड़े फिलासफर पैदा हुए, बड़े बड़े वैज्ञानिक पैदा हुए लेकिन जहां तक डिमाक्रेसी के एक्सपेरिमेंट का सम्बन्ध है उस में वे लोग असफल साबित हुए। इस का कारण यह था कि उन्होंने प्रेजिडेंट का या अपने हैड आफ स्टेट का कोई टर्म निश्चित नहीं किया, और जब टर्म निश्चित नहीं किया तो जो आदमी पावर में आया उस ने थोड़े दिन के बाद डिक्टेटरशिप गवर्नमेंट कायम कर दी।

मैं आप के सामने रोम का उदाहरण देना चाहता हू। ७५३ बी० सी० में रोम की स्थापना हुई। ७५३ से ५१० बी० सी० तक किंग्स का रूल रहा। उसके बाद वहां ५०६ बी० सी० में रिपब्लिकन फार्म आफ गवर्नमेंट शुरू हुई जो कि २७ बी० सी० तक कायम रही अर्थात् ५०० बरस तक वहां रिपब्लिकन फार्म आफ गवर्नमेंट कायम रही। हमें देखना चाहिये कि वहां ५०० वर्ष तक रिपब्लिकन फार्म आफ गवर्नमेंट कायम रखने में वे लोग कैसे सफल हुए। उस का कारण यह था कि उन्होंने स्पार्टा का काउंसल सिस्टम अडाप्ट किया, अर्थात् दो काउंसल्स का सिस्टम। और जब तक उन के यहां दो काउंसल्स का सिस्टम रहा और जब तक उन की सिनेट मजबूत रही तब तक रोम का फाल नहीं हुआ। वहां पर जो काउंसल चुने जाते थे वे यहां की तरह नहीं होते थे, वहां पर डाइरेक्ट इन्वैशन होता था। सारे चुनने वाले लोग एक जगह एकत्र होते थे। सारे नागरिक एकत्र होते थे और वे दो काउंसल्स को चुनते थे। लेकिन फिर वहां यह सिस्टम क्यों फेल हुआ, वहां पर ५०० वर्ष बाद रिपब्लिकन फार्म आफ गवर्नमेंट का नाश क्यों हुआ, एम्परर कैसे आ गये, यह विचारणीय है। बात यह हुई कि ८१ बी० सी० में दो काउंसल्स के सिस्टम

[श्री रघुनाथ सिंह]

को हटा कर सल्ला आये। उस समय सीनेट ने कहा कि रोम पर आपत्ति है इसलिये हम सल्ला को डिक्टेटर चुने लेते हैं। सल्ला थोड़े दिन तक के वास्ते डिक्टेटर रहे लेकिन उस को बाद में उन्होंने ने छोड़ा नहीं। फल यह हुआ कि ५२ बी० सी० में पाम्पी आये। अब दो काउंसल्स के स्थान पर एक ही काउंसल चुना गया। पहले जब दो प्रेजिडेंट या कौन्सल होते थे तो एक दूसरे पर चूक रखता था, एक दूसरे के लिये ब्रेक का काम करता था। लेकिन जब पाम्पी आये तो सीनेट ने एक काउंसल चुन कर सब से बड़ी गलती की। इस का मतलब यह हुआ कि एक आदमी के हाथ में सारी शक्ति आ गयी। एक आदमी हैड आफ स्टेट हो गया।

उपाध्यक्ष महोदय : एक भावाज आ गी है कि आप २० मिनट बोलें।

श्री रघुनाथ सिंह : मुझे यह निवेदन करना है.....

उपाध्यक्ष महोदय : मैं माननीय सदस्य के नोटिस में यह बात लाना चाहता हूँ कि अगर दो घंटे में ज्यादातर वक्त वह लेंगे तो दूसरे इस पर क्या राय जाहिर कर सकेंगे और उन की क्या इमदाद कर सकेंगे।

श्री रघुनाथ सिंह : मैं निवेदन करूंगा कि प्रेजिडेंशियल फार्म भाव गवर्नमेंट पर कांस्टीट्यूट असेम्बली में डिस्कशन हुआ तो संविधान में दो टर्म की व्यवस्था की गयी। डाफ्ट बिल में था कि प्रेसीडेंट दो टर्म से ज्यादा नहीं होगा। एक अमेडमेंट के ० सी० शर्मा साहब लाये थे और वह अमेडमेंट बिना किसी बहुस के स्वीकृत हो गया। इस लिये यह पहला अवसर है जब कि प्रेसीडेंट के टर्म पर बहुस हो रही है और मैं कोई इरेलेवंट बात भी नहीं कह रहा हूँ।

उपाध्यक्ष महोदय : माननीय सदस्य यह जानते हैं कि इस के लिए सिर्फ दो घंटे का वक्त रखा गया है।

श्री रघुनाथ सिंह : उपाध्यक्ष महोदय, वह इतना ग्रहम मसला है कि इस पर बिना काफी कहे ठीक नहीं रहेगा। पांच मिनट में उस दिन बोला था।

उपाध्यक्ष महोदय : यहां रिकार्ड में दस : दर्ज है।

श्री रघुनाथ सिंह : लेकिन मेरे पास जो स्पीच गयी उसमें तो सिर्फ ५ मिनट ही है।
I will finish soon.

अस्तु इसके बाद आप देखें कि ४६ बी० सी० में सीजर आये.....

Mr. Deputy-Speaker: That is the difficulty with the hon. Member. When he goes to those prehistoric times, how will he be able to travel all through the rest of the years and come to A.D.

Shri Raghunath Singh: I am coming to A.D. very soon. Please have some patience.

तो ४६ बी० सी० में सीजर आये।

उपाध्यक्ष महोदय : तो माननीय सदस्य सारे क्रिश्चियन एरा को कवर करना चाहते हैं।

Shri Raghunath Singh: The Roman Republic is going to be finished within one minute.

४६ बी० सी० में सीजर को १० वर्ष के लिये काउंसल बनाया यह सब से बड़ी गलती थी। इसका फल यह हुआ कि उसने वह पावर अपने हाथ में रखी। इस गलती को ठीक करने की सिसरो ने कोशिश की और सब ने कोशिश की पर उसका फल कुछ नहीं हुआ और रिपब्लिक के बाद एम्परर्स की लाइन शुरू हो गयी। इस वास्ते हमको डिमाक्रेसी में इस बात की

कोशिश करनी चाहिए कि रिपब्लिकन फार्म आफ गवर्नमेंट कायम रहे। दूसरे देशों में जो अनुभव हुए हैं उनसे हमको लाभ उठाना चाहिए।

मेरी बी० सी० को छोड़ता हूँ और यू० एस० ए० का उदाहरण आपके सामने रखता हूँ। अमरीका में यह एक्सपेरिमेंट १६० वर्ष का हो चुका है। जो पहला कनवेंशन १५ मई १७८७ को हुआ उसमें प्रेसीडेंट का सिर्फ एक टर्म रखा था और यह कहा गया था कि एक टर्म से ज्यादा प्रेसीडेंट नहीं होगा क्योंकि अगर ऐसा होगा तो उसमें दिक्कत होगी। लेकिन थोड़े दिनों के बाद ११ आदमियों की एक कमेटी कायम हुई जिसके जिम्मे कांस्टीट्यूशन को फिर से ड्राफ्ट करने का काम था। उस कमेटी ने सिर्फ यह पास किया कि प्रेसीडेंट चार वर्ष के वास्ते होगा। लेकिन वहाँ पर जो कनवेंशन आज्ञा वाशिंगटन, जेफरसन आदि ने रखा वह यह था कि दो टर्म से ज्यादा प्रेसीडेंट नहीं रहेगा। लेकिन आप देखेंगे कि १८८० में जनरल ग्राट उस कनवेंशन को तोड़कर तीन टर्म के वास्ते खड़े होना चाहते थे तो उनकी पार्टी ने उनको टिकट ही देने से इन्कार कर दिया। १९१२ में थियोडोर रूजवेल्ट जब तीसरे टर्म के लिए खड़े होना चाहते थे तो उनकी पार्टी ने उनको टिकट देने से इन्कार कर दिया और जब उन्होंने थर्ड पार्टी कायम की तो इलेक्शन में हार गये। १९१३ में अमरीका के सिनेट ने यह पास किया कि प्रेसीडेंट का टर्म सिर्फ ६ वर्ष का रखा जाये इससे ज्यादा न रखा जाये। लेकिन उसके बाद १९४० में रूजवेल्ट साहब ने उस कनवेंशन को तोड़ा और चौथी टर्म के लिए खड़े हुए। १९४७ में अमरीका में यह अमेंडमेंट लाया गया कि प्रेसीडेंट का टर्म दो टर्म से ज्यादा न हो। और १९५१ में वह कानून बना। जेफरसन ने कहा था कि अगर एक ही आदमी के हाथ में किसी संस्था की शक्ति होती है तो वह संस्था धीरे धीरे पतन की ओर जाने लगती है। इस पतन से बचने के वास्ते निहायत जरूरी है कि एक आदमी के हाथ में बहुत दिन तक पावर न रहे।

अब मैं फ्रांस का उदाहरण देना चाहता हूँ।

उपस्थित महोदय : क्या माननीय सदस्य सब मुत्कों की मिसालें देंगे ?

श्री रघुनाथ सिंह : आप देखें कि फ्रांस में चार रिपब्लिकें अस्तित्व में आयीं। पहली रिपब्लिक जो कि १७८९ में आयी उसने सब से बड़ी गलती यह की कि नैपोलियन को दस वर्ष के वास्ते के लिए चुना। लेकिन उसके बाद उसने पावर को नहीं छोड़ा। फल यह हुआ कि नैपोलियन एम्परा हो गया। उसके बाद जब दूसरी रिपब्लिक हुई तो उसने भी नैपोलियन थर्ड को दस वर्ष के वास्ते प्रेसीडेंट चुना और फल यह हुआ कि नैपोलियन थर्ड एम्परा बन गया। १८७१ में तीसरी रिपब्लिक फ्रांस में कायम हुई। वह भी ठीक से फंक्शन नहीं कर सकी और जब कि सेकंड वर्ल्ड वार समाप्त हो गयी तो चौथी रिपब्लिक का जो संविधान बना उसमें प्रेसीडेंट की दो टर्म रखी गयीं।

उपस्थित महोदय, हम को यह देखना चाहिये कि फ्रांस में रिपब्लिक क्यों फेल हुई? रोम में क्यों फेल हुई? और ग्रीस में क्यों फेल हुई। उस के कारणों पर हम को विचार करना चाहिये और उस से लाभ उठाना चाहिये। चूंकि समय कम है, इसलिये मैं और देशों का उल्लेख इस समय नहीं करना चाहता हूँ। मैं हिन्दुस्तान को ही लेता हूँ। जहाँ तक प्रेसीडेंट का सम्बन्ध है, हिन्दुस्तान का कांस्टीट्यूशन आयरलैंड के कांस्टीट्यूशन पर वेस्ट है। उस में प्रेसीडेंट को दो टर्म से ज्यादा राइट नहीं दिया गया है। मेरे भाई यह कह सकते हैं कि हम ने आयरलैंड के कांस्टीट्यूशन पर अपने प्रेसीडेंट की सारी ध्योरी की बेस किया है लेकिन मैं यह निवेदन करना चाहता हूँ कि हम ने इस बात पर विचार नहीं किया है कि एक ही आदमी के हाथों में ज्यादा समय तक पावर रहने के क्या कुपरिणाम हो सकते हैं। हम ने आयरलैंड के कांस्टीट्यूशन के सम्बन्ध धारा को एक मामूली से संशोधन के साथ आर्टिकल ५६ के रूप में अपने कांस्टीट्यूशन में

[श्री रघुनाथ सिंह]

रख लिया। इसलिये यह बहुत जरूरी है कि इस बात की कोशिश की जाय कि जहाँ तक हो सके, एक ही आदमी के हाथों में ज्यादा दिन तक पावर न रहे।

इस विषय में यह भी पूछा जा सकता है कि प्राइम मिनिस्टर का टर्म भी क्यों न निमित्त कर दिया जाय। मैं यह निवेदन करना चाहता हूँ कि प्रेजीडेंट और प्राइम मिनिस्टर में फर्क है। मैं एक एजम्पल कोट करना चाहता हूँ। इंग्लैंड में १७२२ से १९५७ तक प्राइम मिनिस्ट्रो का चुनाव होता रहा और इस अवधि में सिर्फ ४४ प्राइम मिनिस्टर चुने गये हैं, लेकिन प्राइम मिनिस्टर का एवरेज टर्म पांच साल से ज्यादा नहीं रहा है। तीन सौ वर्ष के इतिहास में प्राइम मिनिस्टर का एवरेज टर्म पांच वर्ष रहा है। I can challenge कि यह बात ठीक है।

Mr Deputy-Speaker We are concerned with debates and not with challenges

श्री रघुनाथ सिंह उपाध्यक्ष महोदय, मेरा तात्पर्य यह है कि मैं जो कुछ कह रहा हूँ, बिल्कुल ठीक कह रहा हूँ, स्टडी कर के कह रहा हूँ।

प्रेजीडेंट और प्राइम मिनिस्टर में यह फर्क है कि प्राइम मिनिस्टर प्रत्येक दिन लोक सभा में, या जो भी पार्लियामेंट हो, उस में, काफ़िडेंस और नॉन-काफ़िडेंस के प्रस्ताव को फेंक करता है, क्योंकि उस को पार्लियामेंट चुनती है, लेकिन प्रेजीडेंट का चुनाव इन्डाइरेक्ट होता है—सारे हिन्दुस्तान के लोग उस को चुनते हैं। यह कहना बिल्कुल गलत होगा कि हमारा प्रेजीडेंट रूल नहीं करता है। यह कहा जाता है कि

The American President rules, the English Crown reigns, the French President neither rules nor reigns but I say, Sir, the Indian President rules as well as reigns.

मेरा तात्पर्य यह है कि हिन्दुस्तान के प्रेजीडेंट को बहुत ज्यादा पावर प्राप्त हैं।

16 92 hrs

(SHRIMATI RENU CHAKRAVARTY 177
the Chair]

अगर मेरे पास समय होता, तो मैं बताता कि उस को कितनी ज्यादा पावर मिली हुई है। अगर हम कांस्टिट्यूशन के आर्टिकल ७८(बी) और (सी) को देखें, तो हम को मालूम होगा कि प्राइम मिनिस्टर के लिये यह आवश्यक है कि वह प्रेजीडेंट को वह इन्फॉर्मेशन दे, जो कि प्रेजीडेंट मांगे और साथ ही प्रेजीडेंट को हम बात का अधिकार है कि वह कैबिनेट के सामने किसी ऐम मामले को रखे जाने के लिये कहे, जिस को वह आवश्यक समझे। आयरलैंड के प्रेजीडेंट को कैबिनेट से कोई इफॉर्मेशन मांगने का कोई अधिकार नहीं है। आर्टिकल ७८(सी) के अनुसार हमारा प्रेजीडेंट एक इफैक्टिव प्रेजीडेंट है और वह अपनी बिल को एजेंट कर सकता है। इसीलिये मैं यह कहता हूँ कि the Indian President rules as well as reigns उस में दोनों का काम्बीनेशन है। आयरलैंड के प्रेजीडेंट से हिन्दुस्तान के प्रेमीडेंट की शक्ति ज्यादा है। इसलिये हमें इस बात को देखना चाहिये कि पावर किसी ऐसे आदमी के हाथ में न जाय, जो कि लम्बे समय तक सत्तास्थ रह कर और अपने अधिकारों का दुरुपयोग कर इस देश में डिक्टेटोरशिप कायम कर दे। आर्टिकल ७७(३) के अनुसार प्रेजीडेंट रूल भी बना सकता है और इसीलिये मैं कहता हूँ कि हिन्दुस्तान में प्रेजीडेंट रूल भी करता है। जहाँ तक हिन्दुस्तान के वर्तमान प्रेजीडेंट का सम्बन्ध है, वह बहुत अच्छे हैं और इसीलिये मैं ने यह व्यवस्था की है कि जहाँ तक वर्तमान राष्ट्रपति का सम्बन्ध है, वहाँ तक इस कानून का निफाज नहीं होगा।

अगर हम ने हिन्दुस्तान में रिपब्लिकन फार्म ऑफ गवर्नमेंट को चलाना है, तो हम को इस बात को देखना होगा कि यहां पर प्रेजीडेंट का टर्म लिमिटेड हो, नहीं तो जो कुछ पाकिस्तान में हो रहा है, हिन्दुस्तान में भी उस का रिप-टीशन हो सकता है। यद्यपि पाकिस्तान में कांस्टीच्यूशन के अनुसार प्रेजीडेंट के अधिकार हिन्दुस्तान के प्रेजीडेंट से अधिक नहीं हैं, लेकिन इस बात को आज सब देख रहे हैं कि पाकिस्तान का प्रेजीडेंट वहां के प्राइम मिनिस्टर से ज्यादा स्ट्रॉंग है। चाइना में जब कांस्टीच्यूशन फ्रैम हुआ, तो प्रेजीडेंट की टर्म चार वर्ष रखी गई, लेकिन अगर वहां पर यह लिमिटेशन रख दी जाती कि कोई व्यक्ति दो बार से ज्यादा प्रेजीडेंट न हो सकेगा, तो वहां पर डिक्टेटरशिप कायम न हो सकती। इस सम्बन्ध में मैं हिटलर व। एंगेल्स भी दे सकता हूँ। अपनी रिपब्लिक की रक्षा के लिये यह अत्यन्त आवश्यक है कि हमारे देश में प्रेजीडेंट का टर्म दो वर्षों का न हो। यह हमारे देश के हित में है। नये नये आदमियों को चांस दिया जाय, आदमियों में परिवर्तन हो और अगर आदमियों में परिवर्तन होगा, तो मेजरज और मैथड्स में भी परिवर्तन होगा। हिन्दुस्तान इतना बड़ा देश है कि हमें सब सूबों का ख्याल रखना है दक्षिण,—उत्तर, पूर्व और पश्चिम, सब क्षेत्रों का ख्याल रखना है। जिस तरह से ग्रीस में रिपब्लिकन फार्म ऑफ गवर्नमेंट फेल हो गई, उस तरह हमारे यहां फेल नहीं होनी चाहिये और वह कभी भी फेल नहीं होगी, अगर प्रेजीडेंट के पद के सम्बन्ध में हर एक बात का ख्याल रखा जायेगा, हर तरह के आदमी उस पद पर आयेंगे। यह भी कहा जा सकता है कि इस देश में कांग्रेस का बहुमत है। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि रोमन रिपब्लिक में तमाम पावर एक ही आदमी के हाथ में थी, इसलिये वहां पर डेमोक्रेटिक गवर्नमेंट आलिगर्की में परिवर्तित हो गई। जब डैमाक्रेसी जायेगी, तो आलिगर्की जायेगी। उस के बाद डिक्टेटरशिप जायेगी और फिर मनाकी जायेगी। इन से हम को हिन्दुस्तान की रक्षा करनी है। यह एक सिद्धान्त का सवाल है।

61 per cent. population of the world is in favour of two terms for the President.

Mr. Chairman: There are two amendments which have been tabled to the consideration motion. I would like to know if the hon. Members are desirous of moving them.

Shri N. B. Maiti (Ghatal): I am moving my amendment.

Pandit K. C. Sharma (Hapur): I am also moving my amendment.

Shri N. B. Maiti: I beg to move:

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1958".

The Bill that has been proposed by my hon. friend, Shri Raghunath Singh, is a momentous one and it raises many implications. He has ransacked the old history and the present one and has put before us a very vivid picture of the constitutions of the world to-day. But one thing I would suggest is whether a person holding the office of the President or who is a monarch, really reigns or rules. That is the question, namely, whether he has the absolute power over the people or somebody else rules for him.

In India we find that the Cabinet system of Government is prevailing and that Cabinet functions as a ruling authority on behalf of and in the name of the President. Therefore, the President here does not rule as the President of the USA rules. The President's power in the U.S.A. is very great and it has historical reasons behind it. Why the President of France has very limited power has also historical reasons behind it. Constitutions were not framed on a piece of paper only. They have roots far behind in the history of the country, and also in the struggles and aspirations of the people as such. Therefore, we cannot imitate any and every Constitution that we find in the

[Shri N. B. Maiti]

world over. We have to evolve our Constitution from our heritage, from our struggles, from the difficulties that we have faced and from the difficulties that we have surpassed and overcome and the difficulties that we shall have to face and we are facing today. Therefore, what the President's term of office should be is a thing which has to be considered very seriously and not in an academic manner.

In the person of the President we have got a person who is not only the first gentleman in India theoretically and legally, but also practically. It is a well-known fact that when the Swarajya party was formed in India, in every State leaders came forward to stand and seek elections to the Councils, but in Bihar, under the leadership of Babu Rajendra Prasad, people came forward for Congress tickets but not Babu Rajendra Prasad himself. What does it signify? people who were with him, who were behind him, and who were along with him, came forward and not he himself. It is perhaps because of this that he has been elevated to the highest post that India could give to her son.

The question, as the mover rightly says, does not affect the present incumbent to the post and the mover has only taken a view of the future. Therefore, he suggests that the term of the President should not be more than twice, except in times of war.

We find that in the U.S.A. the President has the greatest power possible. There the President who does not seek election twice is supposed to be a weak person, is supposed to be an inefficient person, is supposed to be a good-for-nothing person. But here we find that the present incumbent is saddled for the second time in that post under compulsion. Therefore, no blame attaches to the present holder of the office.

But, what should we do in the future? Of course, an exception has been made by the mover of the Bill

that in times of emergency, in times of war, the incumbent might have another chance, or even a fourth chance. Perhaps, he does not deny him that opportunity. But, in normal times, the President should not be in office more than twice.

If we can take an objective view, as it is today in India, the Prime Minister is much more powerful than the President himself. It is not a reflection on the President, or the Prime Minister or anybody else. But the fact is this. Therefore, if we have to curb anybody's power, then we have to curb the power of the Prime Minister and not of the President. But the country, as it is situated today, needs the leadership, the guidance and advice of the hon. Prime Minister, the present holder of the post, Shri Jawaharlal Nehru. There is no doubt about it. The question of personality comes in, because we find in the neighbouring countries constitutions are crumbling down. We want to proceed in progressive lines.

If I say that we are living in times of emergency, I think I shall not be wrong, because after not only 200 years of dependence, but more than thousand years of dependence, not only physical, but mental and moral as well, we have got freedom today and that freedom has got to be nourished and brought to its proper development. Therefore, we require the guidance—wise, tolerant and democratic. So, though the Prime Minister today is much more powerful than the President himself, we require his guidance.

So, the question whether the President should have only two terms of office or more has got to be discussed very dispassionately, taking a historical, objective and prospective view of the things. Therefore, I suggest that this Bill, which is a very momentous one, unless it is opposed by the Government, should go for circulation upto 31st March 1958. That is my amendment.

Pandit K. C. Sharma (Hapur): I beg to move:

"That the Bill be referred to a Joint Committee consisting of 33 members; 22 from this House, namely Pandit Govind Ballabh Pant, Shri Asoke K. Sen, Shri Satya Narayan Sinha, Shrimati Uma Nehru, Shrimati Renu Chakravartty, Pandit Thakur Das Bhargava, Shri H. C. Dasappa, Shri Raghunath Singh, Shri Harish Chandra Heda, Sardar Hukum Singh, Shrimati Sucheta Kripalani, Shri Nath Pai, Shri Nemi Chand Kasliwal, Shri Harish Chandra Mathur, H. H. Maharaja Shri Karni Singhji, Shri Hirendra Nath Mukerjee, Shri Mahavir Tyagi, Dr. Syed Mahmud, Dr. Ram Subhag Singh, Shri Indulal Kanhaiyalal Yajnik, Shri Narain Ganesh Goray and the Mover, and 11 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Mr. Chairman: Has the hon. Member got the permission of the Members whose names he is suggesting?

Pandit K. C. Sharma: No. I presume they will have no objection. It is such an innocent affair, they need not have any objection.

Mr. Chairman: I presume all of them are willing to serve on the Committee.

Pandit K. C. Sharma: I presume so

I moved an amendment to the original draft of the particular article in the Constitution and I said that the words "once but only once" should be deleted from it. It was on that amendment that the present article was framed as it is.

While moving that amendment I said that if a capable and efficient gentleman is available, I see no reason why he should not be allowed to render his service to the nation, so long as he remains efficient and capable. Dr. Ambedkar was kind enough to accept my amendment. So, the present position arose.

I have not changed my opinion that it would be advisable to place the restriction which my friend Shri Raghunath Singh wants to. Experience has shown that during the long period of presidencies all over the world all sorts of people have occupied the office. As a matter of fact, King Log and King Stork have both had their turn. The general consensus of opinion is that the great and striking men are ignored in favour of mediocrities. So, the contention of my friend that very powerful man will come into office does not hold good in the light of the history of the presidencies all over the world during the democratic days. As a matter of fact, the first class man becomes the Prime Minister and never the President.

There was only one instance in France when a powerful man became the President, and about which a General De Galle said that the office of president should be abolished or

[Pandit K C Sharma]

that it should be made an office of authority and the President may rule.

16.25 hrs.

[SHRI C. R. PATTABHI RAMAN in the Chair.]

That happened once in France, but generally only in the U.S.A. the President is more powerful. He is the President equated to the Prime Minister plus the King of England. He has got greater power than any sovereign in the world. Leaving that aside, in every other country the President has been more or less a mediocrity, a symbol of the honour and the grandeur of the people of the country rather than having any effective control over the administration.

Yet, I move this motion because it is man's lot and for the matter of that intelligent man's lot, that he has an obsession to get to know the probable truth about man and things concerning man. What is the probable truth? It changes from day to day, certainly from year to year and you can measure the change from decade to decade. It is, therefore, right that the significance of changes be measured by the wisdom and experience of intelligent men. Therefore I move this motion for reference to Select Committee.

Shrimati Renu Chakravartty (Basir hat) I am intervening to say a few words, because this particular Bill which the hon. Member has moved, initiating the discussion with a learned speech, has got a certain interest because of certain events of the recent past, and that is why we have thought it fit that we should clarify our position and our attitude towards this Bill.

Whether or not this should be actually made as an amendment in the Constitution stating categorically that there should be no President for more than two terms, this much we have felt that in our country there is too much of a tendency to cling to

positions of power, and that is why it is good that this weakness in our national character should not be pampered, and that those in the highest offices should not remain in office for too long a period.

This has been mostly so because our country is a vast country. It has thrown up leaders of standing, each with his own special background, training and usefulness.

There is one very important thing in the big canvas which Shri Raghunath Singh chose. One point struck me when he said that we have to consider that our country is very vast, that we have to cater to various needs and the various demands that are made at particular moments of time. There is the North, the West, the North and the South. At various moments in our history, various needs become paramount and in that situation it may be necessary that certain people, even the highest in our State, should give place to newer people, others whose counsels are necessary at that moment of time.

Therefore, I do feel that it is necessary that we realise that the highest positions should not remain occupied by one person for too long a period and the various needs of our nation should find reflection through the persons who adorn the seats of these pre-eminent high offices in the State.

That is why I feel that though I cannot say whether there is need for a particular amendment specifically in the Constitution, this much is true that it is necessary to see that this office of the President, which unlike that of the Prime Minister does not depend on a particular majority in the House, because the President does not have the amount of executive powers that the President of the U.S.A. enjoys or as certain other highly placed persons in other States enjoy, should rotate. But this much is true that we should change the President from time to time and there

should be no clinging to office. And because this has been a controversy in the recent past, I just asked for permission to say these few words. We feel that there is necessity that the office of President should rotate, and that there should be proper reflection of the national needs at particular moments.

Shri Feroze Gandhi (Rai Bareilly): May I point out that 261 votes would be required to pass this Bill, whereas there is not even quorum in the House?

Mr. Chairman: I myself was wondering whether it was proper for me to point it out. I have got it in front of me. There must be a majority of the total membership of the House to pass the Bill. But the time is only 18-30 hours now. The Speaker has given time. We cannot predicate what the situation will be at the end when the motion is taken up for voting.

Shri Feroze Gandhi: But there is not even quorum in the House.

Mr. Chairman: The bell may be run—Now there is quorum.

श्री म० ला० द्विवेदी (हमीरपुर) : सभापति महोदय, मेरे मित्र रघुनाथ सिंह ने जो विधेयक राष्ट्रपति के कार्यकाल की अवधि नियमित करने के लिये प्रस्तुत किया है, उसके सिद्धान्त को तो किसी हद तक माना जा सकता है, लेकिन जहां तक संविधान में संशोधन करने का सम्बन्ध है मैं उनसे सहमत नहीं हूँ। आपको ज्ञात है कि हमारे राष्ट्रपति का चुनाव संविधान में निर्धारित नियमों के आधार पर होता है और वे उतनी शक्ति नहीं रखते जितनी अमरीकी राष्ट्रपति रखते हैं। यहां पर मैं आपको एक पुस्तक से उदाहरण देकर बतलाना चाहता हूँ। इस पुस्तक का नाम है (Political Science and Government by Garner) पोलिटिकल साइन्स एन्ड गवर्नमेंट श्री गार्नर लिखित इसमें लिखा है :—

"The system of the United States, therefore, on its executive side, is in a large measure constitutionally autocratic and uncontrollable by Congress."

(अमरीका में राष्ट्रपति की अधिकार शक्ति, बहुत बड़ी सीमा तक, संविधानतः एक तंत्री है और वहां की कांग्रेस अथवा संसद् के नियंत्रण में नहीं है)। इसके विपरीत भारत के राष्ट्रपति का जो पद है वह इंग्लैंड के राजा के पद के समान है। हमारी बहन रेणु चन्द्रवर्ती तथा भाई रघुनाथ सिंह ने बताया कि हमारा देश एक बहुत बड़ा देश है और अगर एक ही व्यक्ति को दो अवधियों या उससे अधिक समय के लिए एक ही पद पर आसीन किया गया तो कठिनाई पैदा होगी। लेकिन हम सब ने देखा है कि इंग्लैंड में राजा जो राजशासन करता रहा है उसके पास एक बहुत बड़ा साम्राज्य भी रहा है, एक मंत्रिमंडल धारा वह एक विशाल राज्य पर जोकि उत्तर, दक्षिण, पूर्व वह पश्चिम तक ही नहीं फैला हुआ था बल्कि समुद्र के पार भी फैला हुआ था, उस पर शासन करता रहा है, उसमें कठिनाई नहीं आयी। उसने इस कार्य को मफलता पूर्वक निभाया है। उसी राजा के पद को सामने रखकर हमारे देश में भी राष्ट्रपति का चुनाव होता है और यहां के मतदाता जिनको चुन कर संसद् में अथवा विधान सभाओं इत्यादी में भेजते हैं, वे ही राष्ट्रपति को चुनते हैं और उन लोगों को इस बारे में आखिरी अधिकार प्राप्त है। यह उन्हीं पर निर्भर करता है कि वे किसी भी व्यक्ति को दुबारा चुनें अथवा न चुनें।

हमारे देश में राष्ट्रपति के चुनाव का अब तक दूसरा अवसर ही आया है, इस वास्तविक संविधान में संशोधन की आवश्यकता इस समय इसलिये और भी नहीं है क्योंकि प्रजातान्त्रिक शासन प्रणाली की स्थिरता

[श्री म० ला० द्विवेदी]

में अभी कुछ समय लगेगा। अगर १५, २० या ५० वर्ष व्यतीत हो गए होते और एक ही व्यक्ति को बराबर कई बार हमने राष्ट्रपति के पद पर आसीन करने की कोशिश की होती और वह व्यक्ति चुना गया होता तथा इससे कभी देश में गड़बड़ी पैदा हो गई होती तो इस संशोधन की कुछ आवश्यकता प्रतीत हो सकती थी। अभी तो हमें प्रजातांत्रिक शासन को प्रारम्भ किए केवल सात वर्ष ही हुए हैं और राष्ट्रपति का दूसरा चुनाव ही हमने किया है। इस दूसरे कार्यकाल को उन्होंने अभी समाप्त भी नहीं किया है। ऐसे समय में और इस स्थिति में इस संशोधन को प्रस्तुत करना मेरी समझ में सृजबूझ का परिचय देना नहीं है।

Shri Braj Raj Singh: He was talking of principle.

श्री म० ला० द्विवेदी : सिद्धान्त की जहा तक बात है, मैंने आपको बताया है कि सिद्धान्तस्वरूप भी यह बात कहना गलत है कि एक व्यक्ति जोकि राष्ट्रपति बनता है, वह इतने बड़े देश का बारम्बार शासन करने में योग्य नहीं हो सकता है। एक ही व्यक्ति को बार बार एक ही पद पर आसीन करने की हमारे देश में आवश्यकता पड़ सकती है। लेकिन मैं यह चाहता हूँ कि हमें प्रथाएं स्थापित करनी चाहिये क्योंकि कानून के बन्धन स्ट्रेचूट नम्य नहीं होंगे, वे अनम्य होंगे। इसके विरुद्ध प्रथाएं लचर होती हैं। ऐसी स्थिति भी उत्पन्न हो सकती है कि कभी हमें इस पद के लिये कोई दूसरा उपयुक्त व्यक्ति उपलब्ध न हो और तब हमें उसी व्यक्ति को राष्ट्रपति बनाने में कोई आपत्ति नहीं होनी चाहिये। हमें चाहिये कि हम किसी बात को अनम्य न बनायें बल्कि उसको नम्य ही रखें। हमारा संविधान भी नम्य ही है। इस वास्ते में इस को जोरदार शब्दों में आपसे कहना चाहता हूँ और गैरमंड के सदस्य जो यहां पर उपस्थित हैं उनसे प्रार्थना करता हूँ कि वे इस पर विचार

करे कि प्रथा इस संशोधन की इस समय आवश्यकता है या नहीं। मुझे तो इसकी आवश्यकता प्रतीत नहीं होती है। हमें चाहिये कि हम कुछ और समय तक देखें कि किस तरह से हमारे संविधान पर व्योहार होता है और यदि आवश्यकता प्रतीत हुई तो हमारी सरकार स्वयं कोई संशोधन यहां पर उपस्थित करेगी और उस पर बहस करने के लिये हम सब तैयार रहेंगे। लेकिन इस समय जबकि केवल दो चुनाव ही हुए हैं तथा तीसरे चुनाव के लिये हमने किसी भी व्यक्ति को खड़ा ही नहीं किया है और न इस बात की आवश्यकता ही अभी महसूस हुई है तथा न ही कोई अडचन पैदा हुई है, इस प्रकार का संशोधन लाना मेरी समझ में नहीं आता है। यहां पर एक बिल्कुल विपरीत ही बात कही गई है। यह कहा गया है कि हमारे जो राष्ट्रपति हैं उन १० बहुत बड़े अधिकार हैं। मैं आपको बताना चाहता हूँ कि संविधान के अनुसार तो अन्तिम स १ राष्ट्रपति में है, इसमें कोई शक का बात नहीं लेकिन हमारे जो राष्ट्रपति हैं वह वे निज प्रमुख हैं, असल सत्ता जो है वह हमारे मंत्रिमंडल में है। अमरीका की तरह पूरी सत्ता राष्ट्रपति के हाथ में नहीं है। यहां पर प्रजातांत्रिक प्रणाली लागू है। कोई भी राष्ट्रपति बने, उसको सब काम करने पड़ेंगे। जिस तरह से इंग्लैंड में राजा राज करता है उसी तरह में यहां भी राष्ट्रपति राज करता है। वहां पर यह प्रणाली सफलतापूर्वक चल रही है और मैं कोई कारण नहीं देखना कि हमारे यहां भी यह प्रणाली कामयाब न हो। अभी तक हमें इसमें सफलता भी मिली है। ऐसी स्थिति में मैं समझता हूँ कि यह जो संशोधन विधेयक प्रस्तुत किया गया है, यह अनुचित है। हमें प्रथाएं अवश्य स्थापित करनी चाहियें। यहां पर इस सभा भवन में हमने कई प्रथाएं स्थापित का है तथा नियम बनाये हैं। लेकिन वे सब चीजे संविधान में नहीं हैं। उनकी बहुत सी बातों का हम पालन करते हैं।

किसी तरह से सदस्यों को आचारण करना चाहिये, किस तरह का व्यवहार करना चाहिये, किन किन चीजों को अपने भाषणों में नहीं कहना चाहिये, ये सब बातें यहां पर हैं। कुछ के बारे में तो नियम हैं तथा बाकियों के बारे में हमने कनवेंशन स्थापित की हैं। इन सब पर हम व्योहार करते हैं। इंग्लैंड में तथा कई दूसरे देशों में बहुत सी बातें प्रथाओं पर आधारित हैं और उन पर अमल होता है।

इसी प्रकार से अगर हम चाहते हैं कि किसी भी व्यक्ति को दो से अधिक बार राष्ट्रपति के पद पर नहीं चुना जाना चाहिये तो उसके वास्ते हम प्रथा बना सकते हैं और उसके अनुसार काम कर सकते हैं और मेरी राय में ऐसी छोटी छोटी बातों के लिए संविधान में संशोधन करना और इस सदन का बहुमूल्य समय नाष्ट करना उचित न होगा और मुतासिब यह होगा कि हम इस विधेयक को फौरन वापिस ले। हमारे विधि मंत्री महोदय इस पर अपनी राय दें और प्रस्तावक महोदय अपने प्रस्ताव को वापिस ले लें।

इसका अलावा मैं दो बातें और भी बहूंगा एक हमारे सदस्य महोदय ने यह बात कही कि इस विधेयक को लोगों की राय जानने के लिये भेजा जाय। मैं समझता हूँ कि ऐसा करने की कोई आवश्यकता नहीं है। एक दूसरे सदस्य ने इस बिल को जो दोनों सदनों की प्रवर समिति के सुपुर्द करने का सुझाव दिया, उससे भी मैं सहमत नहीं हूँ और उसको आवश्यक नहीं समझता क्योंकि यह इतनी छोटी बात है कि हमारी सरकार प्रथा से भी इसको कर सकती है और हम उसको मान सकते हैं। आखिरी अधिकार तो जो देश का प्रतिनिधित्व करते हैं, उनके पास मौजूद है कि वे दूबारा किसी व्यक्ति को चुनें अथवा न चुने। ऐसी अवस्था में इस विधेयक को इस सदन में लाने की कोई आवश्यकता नहीं है और इसको वापिस ले लिया जाना चाहिये। धन्यवाद।

श्री बजराम सिंह : सभापति महोदय, श्री रघुनाथ सिंह जो विधेयक इस हाउस के सामने लाए हैं, मैं उनका मिश्रित भावना के साथ स्वागत करता हूँ। मेरी राय में यह अच्छा होता अगर श्री रघुनाथ सिंह बिल में यह व्यवस्था करते कि एक टर्म के अलावा प्रेसीडेंट को दूसरी मर्तबा नहीं चुना जायगा लेकिन वह वहां तक नहीं जा सके, कुछ उनकी सीमाएं हैं और प्रतिबंध हैं इसलिये वे इससे आगे नहीं जा सके लेकिन जब कुछ माननीय सदस्य यहां आकर कहते हैं कि इस प्रकार का संशोधन विधान में करने की आवश्यकता नहीं है, तो मुझे आश्चर्य होता है कि संशोधन न करके यह चाहते हैं कि उस तरीके की पद्धतियां इस सदन में कायम हों और वे समझते हैं कि शायद सदन में जिस तरीके की कार्यवाही करने की पद्धतियां कायम हैं, उसी तरीके से कास्टाट्यूशन के सिलसिले में भी कुछ पद्धतियां कायम हो सकती हैं। यह बिल्कुल गलत दृष्टिकोण है और इससे डिक्लेटरशिप और तानाशाही की तरफ हम जा सकते हैं और इसी चीज की ओर मेरे मित्र श्री रघुनाथ सिंह ने अपने भाषण में संकेत किया है कि अगर इस तरीके से किसी पर चैक न हो, रोक न हो कि कितने दिन तक वह प्रेसीडेंट रह सकेंगे, कितने दिन तक वह खास पद पर कायम रहेंगे, तो उनमें वह तानाशाही की प्रवृत्ति आजाने का खतरा रहता है। इस तरह की भावना का आना स्वभाविक सा है और वह हमेशा आ जाया करती है। मैं किसी व्यक्ति विशेष की तरफ कोई इशारा नहीं करता लेकिन इस तरीके का हमेशा खतरा बना रहता है कि वह आदमी आगे चल कर सत्ता से चिपक जाय और वह देश के लिए हानिप्रद सिद्ध होगा।

हमारे यहां उगता हुआ प्रजातंत्र है और जरूरत है कि हम मुल्क के सभी नागरिकों को समान अवसर दें कि वे अपनी शक्ति और बुद्धि अनुसार देश की बहुवृद्धी में हिस्सा बंटायें। इसलिये मैं समझता हूँ कि हमें इस

[श्री ब्रजराज सिंह]

तरीके की कोई रोक अवश्य लगानी चाहिये जिससे डिक्टेटोरशिप की प्रवृत्ति हमारे यहाँ पैदा न होने पाये और यदि कोई व्यक्ति दो टर्म से ज्यादा राष्ट्रपति चुना जायगा तो यह खतरा हमेशा बना रहेगा। इस तरह की रोक लगनी भी आवश्यक हो जाती है जब हम देखते हैं कि हमारे मुल्क में एक पार्टी का शासन स्थापित हो गया है, सिर्फ एक पार्टी ही हर जगह देश भर में शासन कर रही है और जैसा कि श्री रघुनाथ सिंह ने जिक्र किया कि इस तरीके का संशोधन लाया जा सकता है, तो मैं उस संशोधन का सबसे बड़ा विरोधी होऊंगा। एक व्यक्ति का सहारा लेकर के चूँकि कोई खास व्यक्ति उस पद पर है इसलिये हम उसमें व्यवस्था कर दें कि यह रोक उन पर लागू न होगी तो यह भी गलत है। मैं इस बिल का इसलिये भी स्वागत करता हूँ कि जब एक दफा हम देश के राष्ट्रपति के लिए इस प्रकार की रोक की व्यवस्था करते हैं तो आगे चल कर हम में हिम्मत होगी कि देश के प्रधान मंत्री के लिये भी इसी तरह की एक व्यवस्था कर सकें और अन्य मंत्रियों आदि के लिए भी इसी तरह की व्यवस्था कर सकें। यद्यपि हमारे वर्तमान प्रधान मंत्री महोदय ने कुछ दिनों पूर्व इस तरह के शब्द कहे थे कि उन्हें यह अच्छा नहीं लगता कि वे बार बार प्रधान मंत्री पद के लिए चुने जायें लेकिन हम देखते हैं कि वे ही बार बार प्रधान मंत्री चुने जाते हैं।

श्री श्रीनारायण बास (दरभंगा) : क्या माननीय सदस्य मेम्बरों के लिए यह प्रतिबन्ध लगाना चाहेंगे ?

श्री ब्रजराज सिंह जी हाँ जरूर चाहूंगा। मुझे कोई खतरा नहीं है, आपको ही खतरा हो सकता है।

मैं इसलिए श्री रघुनाथ सिंह के बिल का स्वागत करता हूँ कि यदि आज राष्ट्रपति

के बारे में इस तरह का प्रतिबंध लग सकता है तो आगे चल कर प्रधान मंत्री के बारे में भी हम इसी प्रकार की व्यवस्था कर सकते हैं। श्री रघुनाथ सिंह ने जो जो बिल रक्खा है उसकी भावनाएं बहुत सुन्दर हैं और उस का स्वागत किया जाना चाहिए और जिन सदस्यों ने इस बिल को सेलेक्ट कमेटी के सुपुर्द करने के लिए या इसे जनता की राय जानने के लिए प्रचारित करने के हेतु अपने संशोधन रखे हैं, मैं समझता हूँ कि वह सिर्फ टालने की बात है। इस बिल में कोई ऐसी बात नहीं है, सिर्फ एक धारा है और उसी पर हम विचार करना हैं और उसके लिए न तो जनता की राय जानने के वास्ते संकुलेंट करने की जरूरत है और न ही इसको लोकसभा और राज्य सभा की संयुक्त प्रवर समिति के सुपुर्द करने की जरूरत है। मैं समझता हूँ कि इस पर फोरन ही विचार किया जा सकता है और इसको ऐसे ही पास किया जाना चाहिए। इन शर्तों के साथ मैं एक बार फिर श्री रघुनाथ सिंह जो विधेयक इस सदन के सामने लाये हैं, उसका समर्थन करता हूँ।

Shri Mahanty (Dhenkanal): Mr. Chairman, Sir, I rise to support the principle underlying this Bill, not because there is a national weakness to cling to power for too long but for completely different reasons.

I am sorry that it should have been stated in this House that we are suffering from a national weakness of clinging to power for too long. This characteristic is evident in the Peoples Democracies of Asia or of Eurasia; but that cannot be said in regard to India. As you know Stalin had ruled lifelong as the sole President of the Soviet Republic and we know that in spite of

Shri A. K. Sen: I think he was Secretary of the Communist Party.

Shri Mahanty: That is what I am stating. We find in China in spite of 100 Flowers blooming Mao Tse Tung is holding sway. Therefore, I was really hurt when it was said that in India it is a national weakness from which people suffer, the weakness being the craving to cling to power too long. Subjective considerations of such kind should not be imported into an objective consideration of the measure before us. The hon. Mover, while moving the Bill, performed an admirable academic feat; beginning from pre-historic days of Athens and Sparta he came to the days of President Eisenhower. But, he has missed a material fact. The tyrants of Sparta or the patriarchs of Rome or even the President of the United States of America completely differ from the President of India, as chalk differs from cheese. The U.S. President is next to God alone in his power. He reigns supreme over the air force, the navy and the army and Parliament and everything. But our President is more ornamental than anything. If we look at the Constitution, we find that he is elected to that post through the pleasure of the party in majority. Even though he is the repository of the sovereign power of this country, he has to act on the advice of the Cabinet. So, our President and Vice President are more ornamental than real.

In the circumstances, the Party-in-power should build up a convention. It is not for the Parliament to lay down that. So, the argument advanced by the previous speaker that this Bill should not be considered here and that there should be a convention by which the President does not occupy this office for more than two terms, could well have been addressed to the All India Congress Committee. It has no validity here because we are not competent to lay down a norm or convention acceptable to the Congress Party.

Our President is the shadow and the substance is the Prime Minister.

We have seen so many heads of States visiting this country. But, it is not our President who reciprocates and returns those visits; it is the Prime Minister of India. On all matters concerning the external affairs, it is the Prime Minister who acts, he can be equated to the grand Moghuls in Indian history or the great patriarchs mentioned by him. So, in the circumstances, if the Congress Party is so charitable about an individual as to perpetuate him in a political office, it is for that party to consider the desirability or otherwise of that proposition.

Since it has not considered it, such a measure as this has been introduced in this House. If the President of the Indian Republic had wielded any real power, certainly I would have opposed it. Because, by supporting this Bill, I would have sought to put a premium on political inefficiency. If the President would have really wielded any political power, certainly I would have opposed this measure. If a man is competent enough, if a man is capable enough, if a man is so popular that he can be returned for an infinite number of times to the high office that he holds, then certainly this Parliament has no rights to put a premium on inefficiency by bringing in such a kind of legislation. But, because of the fact that the President does not hold any real office, because he is only ornamental, I support this Bill.

There may be other persons too who may be in need of this kind of charity from the party. The hon. Mover also can very legitimately look forward to retire as the President of India. But, if a particular person continues to enjoy that charity for too long a period then, certainly, there is a bottleneck in the queue. Certainly, the reaction of frustration has to be taken into account by that party.

Therefore, under the circumstances, I support the Bill, not because the President of India can be equated with the President of the United

[Shri Mahanty]

States of America, not because the President holds any real power and, therefore, perpetuity in one office spells ruin and disaster to Indian democracy, but because the Indian President holds no power, he is a mere shadow the substance being the Prime Minister, and the political party should give scope to the other deserving persons who look forward to retire as the President of India.

With these words, Sir, I support the measure.

The Minister of Law (Shri A. K. Sen): Mr Chairman, Sir, I rise to oppose the motion for consideration of this Bill, the motion for circulation and the motion for reference to a Select Committee. But, while doing so, I must thank the Mover of the Bill for the excellent feast he has held out to us in ancient history and comparative government. He has taken us rapidly across the pages of history from old Greek cities and republics to modern times. It has been a pleasant experience and, I think an intellectual exercise worth indulging in occasionally.

But, coming to the merits of the Bill, one cannot but oppose it. A democracy functions as much with the aid of conventions as with its written letters. Something must be left for every vital and lively democracy to deal in the way of conventions. These things, while they might express the strong feelings some may possess about particular matters, undoubtedly, at the same time, put fetters which may become irksome on occasions. To the extent it imposes fetters it destroys flexibility which every democratic constitution must possess.

Normally, it may be plausibly argued that there is no utility in having a person for the third term as President, in a Constitution like ours where he really does not discharge any important executive functions as the hon. Member from Orissa, Shri Mahanty had stated. I seem to agree

with many of the views expressed by Shri Mahanty, but it may be that in extraordinary times, which he may not fully visualise now, or under certain circumstances which he may not apprehend now, a third term for a particular person may become necessary. Why take away the power to meet a particular situation, when really you can achieve the very same purpose by building conventions suited to the needs which you may feel from time to time, and Shri Mahanty rightly pointed out that it is for the party in power to show the way towards the creation of healthy conventions. If it is felt by the party in power or even by the House that a convention of this sort should be built up, I have no doubt that it will be built up. It is very difficult to mix up personalities in these matters, because it is always odious to deal with a particular problem with reference to particular individuals. And the present occasion is such that it does make a debate on this subject rather irksome and odious, because we know the context in which this debate has been started and this Bill has been initiated. It would certainly not be very respectful for us or very decorous for us to bring in personalities in question either by way of showing his merits or by way of showing his demerits, his qualifications or his disqualifications, his age or his past or future. Therefore, it is rather difficult especially for me, speaking for the Government, to answer many of the arguments which have been put forward in support of the Bill with reference to personalities involved in the matter.

Suffice it is to say that it has not been proved very dangerous up till now, nor is it possible, that an election for a third term, apart from the fact of lending colour to the charge of favouring some at the expense of others, would really seriously undermine the fabric of our Constitution. Far from it. The President's func-

tions are really the functions of the Cabinet. Let there be no doubt about that. The President act only on the advice of the Cabinet; to put it more specifically, on the advice of the Prime Minister; and the constitutional functions which are prescribed for him under the Constitution are the functions to be actually discharged by the Cabinet in the name of the President.

I was very surprised when my learned colleague, Shri Raghunath Singh, referred to the President's powers prescribed in the Constitution in support of his argument that the President is really a leviathan under the Constitution, forgetting for the moment that he really is a constitutional mouthpiece, the constitutional fountain-head whom represents in his own name, the functions of the Cabinet, which Cabinet is responsible to the elected Parliament. Therefore, I wholeheartedly discharge with the apprehensions expressed by the mover that this leviathan will one day shake the entire fabric of our Constitution and turn our democracy into something akin to dictatorship. Nor can I agree with the argument advanced by Shrimati Renu Chakravartty from the Opposition in support of the Bill. According to her, the sole justification for initiating such a Bill is to destroy the uncanny love for power which we as a race are alleged to possess. I am very obliged to Shri Mahanty for pointing out certain other instances in certain other countries where people have been clinging to office for a much longer time than in our own country. It is unnecessary to recount those countries; some of them are very friendly to us. But it only shows that this alleged love for power or the alleged tendency to cling to power or office is not unique in our country but is also known in countries outside ours from where many of us seem to draw our inspiration.

Now, I do not think that we should have brought in—I am very sorry the hon. Member has done so on the

opposite side—or we should have really dragged in the Prime Minister in this matter. It is unnecessary for me to acknowledge on this occasion the deep gratitude which the nation feels, and I have no doubt this House feels and we, as Members of the Government, feel for the great leadership which we have received from our Prime Minister.

17 hrs.

श्री रघुनाथ सिंह : एक बात मैं कहना चाहता हूँ कि प्रेजेंट प्रेसीडेंट को मैं ने अपनी स्पीच में कहीं भी रेफर नहीं किया है। मैंने उस चीज को छोड़ दिया है लेकिन इस बात को बार बार दुहराया जा रहा है।

Shri A. K. Sen: I was referring to the Prime Minister.

Mr. Chairman: The hon. Minister was referring to the Prime Minister.

Shri A. K. Sen: We all sincerely pray to God that this country may be granted the robust leadership which we have been used to receive from our great Prime Minister. I hope when we refer to him in future, we shall be more guarded in our expressions and more frank in our expressions of the deep gratitude which, I have not the least doubt, even Members of the Opposition feel for the great leadership which has been given to this country all these years when our existence has been critical and we needed the robust leadership to lead us from darkness to light, from poverty to prosperity, from disease to health, from illiteracy to literacy.

This once again proves beyond doubt that to our country, a great leader may be necessary, whom the nation will compel to serve for more than 3, 4 or 5 terms; and, let not the door of the Constitution be closed against such contingencies. Therefore, with these few observations, I shall ask the House to vote against this motion for consideration.

श्री रघुनाथ सिंह : मैं इस बात पर पूरी तरह से विश्वास करता हूँ कि प्रेसिडेंट को दो टर्म से ज्यादा नहीं रहना चाहिए और यह दूसरे देशों के उदाहरणों में स्पष्ट है कि ऐसा करना ठीक है। लेकिन ब्रिज मैं कांग्रेस पार्टी को बिलाग करता हूँ और कांग्रेस पार्टी का यह आदेश है कि मैं इस बिल को वापस लूँ इस लिए मैं इसको वापस लेने का अनुमति चाहता हूँ।

Mr. Chairman: There are two amendments to the consideration motion.

Shri N. B. Maiti: I withdraw my amendment.

Pandit K. C. Sharma: I also withdraw my amendment.

Mr. Chairman: So, the hon. Members have the leave of the House to withdraw the amendments.

The amendments, were, by leave, withdrawn.

Mr. Chairman: Now, has the sponsor of the Bill leave to withdraw it?

Hon. Member: Yes.

The Bill was, by leave, withdrawn.

Mr. Chairman: Now that the Bill and the amendments have been withdrawn, we shall go to the next item. I am just looking for Mr. Dwivedy. He is not here.

Shri A. K. Sen: I suggest that Mr. Dwivedy may be sent for. He will be in the lobbies.

Mr. Chairman: I think an announcement was made that the House will sit till 6 o'clock.

Shri A. K. Sen: Mr. Dwivedy thought that this Bill will go on till 6 o'clock. He may be sent for.

Shri Mahanty: On a point of order I oppose the suggestion which has been made by the hon. Law Minister. It is not the business of the House to send word to Members. Now that he is himself coming, there is no objection.

Shri Braj Raj Singh: The other person should have been given the chance to move his Bill.

Mr. Chairman: The previous Bill has been withdrawn and we are now taking up Mr. Dwivedy's Bill. Mr. Dwivedy is here.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

श्री म० ला० द्विवेदी (हमरपुर) :
सभापति जी, मैं अपना यह विधेयक, सिविल प्रोसाय्जर कोड अमेंडमेंट बिल मशोधन के रूप में प्रस्तुत करता हूँ।

श्री मशौरिया (इटावा) : जिस तरह से लिखले बिल को श्री रघुनाथ सिंह जी ने
* * * * * वापस ले लिया, वही इसी तरह से यह बिल भी तो वापस नहीं लालया जायगा।

Shri V. P. Nayar: I want to make a request to the hon. Member, through you, to kindly speak in English so that some of us here may have the benefit of understanding it in order to register our emphatic support.

Mr. Chairman: You can only appeal, but cannot compel him.

Shri V. P. Nayar: We appeal to him.

Shri M. L. Dwivedi: I have no objection to speaking in English. But we have adopted Hindi as the national language and the hon.

Members have to pick up Hindi. If we do not speak in Hindi, how will they pick up? Therefore, if we speak in Hindi, they will be able to pick up a little. If you want, I will give a summary of what I speak in Hindi.

Shri V. P. Nayar (Quilon): Since the Bill is in English, the speech should also be in English.

Mr. Chairman: He has a right to speak in Hindi.

Shri M. L. Dwivedi: If it is the wish of the House, I will speak in English.

An Hon. Member: It is not the wish of the House.

श्री ए० ला० द्विवेदी : सभापति जी, आपको मालूम है कि भारत में जो पहले राजे महाराज थे उनको अभी तक कुछ अधिकार प्राप्त थे और वे अधिकार ऐसे थे कि जिससे जास्ता दीवानी के सम्बन्ध में उन पर कोई कार्रवाई नहीं हो सकती थी क्योंकि वे अपने राज्यों में सम्पूर्ण प्रभुत्व सम्पन्न थे, उनको पूरे पूरे अधिकार प्राप्त थे और वे अधिपति थे जिस प्रकार कि हमारे राष्ट्रपति हैं या इंग्लैंड की महारानी हैं। इस लिए उनके खिलाफ यह कानून लागू नहीं होता था। अब जब से राज्यों का भारत में विलय हो गया है तब से बड़ी कठिनाइयाँ उपस्थित हो रही हैं। सबसे बड़ी कठिनाई जो हमारी जनता को अनुभव हो रही है वह यह है कि राजे महाराज बड़े बड़े निजी व्यय पाते हैं अपने खर्च के वास्ते।

17.9 hrs.

[**Mr. Deputy-Speaker in the Chair.**]

साथ ही साथ उनके पास अपने राज्य के काल में जो बहुत धन था वह भी उनके पास है। उस सम्पत्ति को वे अब रोग्रगार और व्यापार में लगाते हैं।

आप जानते हैं कि जब ये लोग व्यापार में अपने धन को लगाते हैं, तो उससे जनता के साथ उनका सम्पर्क होता है, प्रादान-प्रदान होता है और तरह तरह की बातें आती हैं। ऐसी स्थिति में जनता को यह कठिनाई महसूस होती है कि अगर हम उन के विरुद्ध कोई कार्रवाई नहीं कर सकते, तो ये लोग मनचाहे काम करते हैं और इस तरह से बहुत से लोगों के रुपए, धन-सम्पत्ति, मारे जाते हैं। पिछली लोक सभा में मैं ने इसी विधेयक को विचार के लिए रखा था और चूंकि पिछली लोक सभा समाप्त हो गई, इस लिए यह विधेयक भी छूट गया। आज मुझे फिर मौका मिला है कि मैं इस सदन का ध्यान और इस देश की जनता और सरकार का ध्यान इस विषय की ओर आकर्षित करूं। यह विधेयक अत्यन्त आवश्यक विधेयक है। मैं ने इस सम्बन्ध में पिछली लोक सभा में एक उदाहरण रखा था कि महाराजा विलासपुर, जो कि लोक सभा के सदस्य थे, के राज्य में एक विधवा बुढ़िया ने अपने जीवन भर की बचाई, करीब तौम, चालीस हजार रुपए, उस के पास रखी। चूंकि वह उस समय रियासत का राजा था, इस लिए उस बुढ़िया को पूर्ण विश्वास था कि उस का रुपया उस को वापस मिल जायगा। उस बुढ़िया का न कोई बच्चा था और न ही कोई सहारा था। राज्य के विलय के पश्चात् उस ने चाहा कि बुढ़ापे में जीवन-यापन करने के लिए उस को उस का धन वापस मिल जाय, लेकिन उस को इन्कार हो गया और उस को कहा गया कि तुम जो चाहो, कार्यवाही कर लो। मुझे बताया गया है कि अगर कोई व्यक्ति किसी राजा के खिलाफ मुकदमा चलाने की अनुमति सरकार से मांगे, तो अनुमति दिए जाने की व्यवस्था है। लेकिन आप जानते हैं कि आज कल शासन में कुछ ऐसी व्यवस्था है कि रीड-टेप-लाल फीता—बहुत जोरों से चलता है, जिस के कारण कोई भी कार्रवाई शीघ्र नहीं हो पाती। जिन के पास पैसा हो, धन अधिक हो, वे तो शीघ्र कार्यवाही कराने में समर्थ हो जाते हैं, लेकिन जिन के पास धन नहीं है, साधन

[श्री म० ला० द्विवेदी]

नहीं है कोशिश करने वाले नहीं हैं, अर्जी लिखने वाले नहीं हैं, जो अपने वकीलों को इजलाम और कचहरी में नहीं भेज सकते हैं वे क्या करें? उन को बड़ी कठिनाई का सामना करना पड़ता है। इस प्रकार की कठिनाई सैकड़ों बूढ़े, बंदिबों और अन्य आदमियों को है।

जहां तक राजा महाराजाओं का सम्बन्ध है मैं उन को बड़ी इज्जत करता हूँ। वह हमारे देश के बहुत अर्द्ध नागरिक हैं। मैं यह जानता हूँ कि इस मशोधन पर उन को कोई आपत्ति नहीं होगी। लागू उन को सनाने के लिए, चिढ़ाने के लिए, परेशान करने के लिए उन पर झूठे मुकदमों न चलाये और उन को स्वाम-स्वाह कोर्ट में न जाना पड़े, इस बात की व्यवस्था भी की जानी चाहिए। यह बात न मैं चाहता हूँ और न ही यह सदन चाहता है कि किसी भी व्यक्ति को स्वाम-स्वाह परेशान करने के लिए कोर्ट में बुलाया जाय। इस लिए मैं राजा महाराजाओं के अधिकारों को समाप्त करने का पक्षपात नहीं हूँ। लेकिन ८७(ख) में जो हफ्त उन को मिला है कि उन पर कांड मुकदमा चलाया ही नहीं जा सकता वह आजकल के युग में एक गलत चीज है जब कि हम ने अपने देश में लोकन्याय का पूर्ण रूप में विकास किया है। राजा महाराजाओं को सब अधिकार प्राप्त हैं। जैसे हम लोगों को लोक सभा और राज्य सभा के लिए उम्मीदवार बनाने का अधिकार है वैसे ही उन को भी अधिकार है। उन को दश की नागरिकता के समान अधिकार प्राप्त हैं और हम उस का स्वागत करने हैं। लेकिन पुराने जमाने में ब्रिटिश शासन ने उन का जो एक अधिकार दे रखा था, क्योंकि वह सचमुच अपने राज्य के अधिष्ठान थे, अधिकारी थे, इस प्रजातंत्र के युग में भी उन का वह अधिकार जारी रहे और दूसरे नागरिक अपनी माधारेण सहाय्यता और अधिकारों में वंचित रहे यह उचित नहीं है और प्रजातंत्र के सिद्धान्तों के खिलाफ पड़ता है। हमारे विधान में यह रहा

गया है कि सब के अधिकार समान होंगे, सब को समानता के साथ अवसर दिए जायेंगे लेकिन हम देखें कि एक तरफ सेवल पांच छ रियासतों के राजा महाराजा हैं, जिन को विशेषाधिकार मिले हुए हैं और दूसरी ओर ३६ करोड़ या ३८ करोड़ जनता है जिस के अधिकारों पर इस समय कुठार घात हो रहा है। अगर सधारण लोग किसी प्रकार के प्रादान-प्रदान में या व्यापार में राजाओं के सम्पर्क में आते हैं तो उनमें उन को ठीक उत्तर नहीं मिलता है और उन को अपना धन वापस नहीं मिलता है और अगर वह अपना धन बसूल करने के लिए कचहरी जाना चाहे, तो उन का मुकदमा चलाने का अधिकार नहीं है। शायद कुछ मामलों में हमारे गृह मंत्रालय ने मुकदमा चलाने की इजाजत दी, लेकिन बहुत से ऐसे मामले हैं, जो कि सच्चे मामले हैं, जिन में गृह मंत्रालय और भारत सरकार ने मुकदमा चलाने की इजाजत नहीं दी और लोगों का रुपया हमेशा के लिए डूब गया।

हम ने अपने विधान में यह वायदा किया है कि हम अपने नागरिकों को बुढ़ापे में पेंशन देंगे। वह हम देते नहीं हैं और मैं समझता हूँ कि दस, पंद्रह, बीस साल तक भारत सरकार इस योग्य नहीं हो सकेगी कि वह अपने बूढ़े नागरिकों को पेंशन दे सके। अगर कोई व्यक्ति अपने जीवन भर पैसा अर्जित कर के रखता है कि वह बुढ़ापे में काम आएगा और अपने जीवन की सारी कमाई को किसी राजा महाराजा के पास जमा कर देता है, तो वह धन उस को वापस नहीं मिल सकता है और वह उस का उपयोग नहीं कर सकता है और उस को वापस लेने के लिए मुकदमा चलाने का अधिकार उस को नहीं है।

जो विधेयक मैं ने सिविल प्रोसीजर कोड में मशोधन करने के लिए प्रस्तुत किया है, उस को पहले हमारे भूतपूर्व विधि मंत्री, श्री पाटस्कर, ने इस सदन में रखा था, लेकिन जब

वह विधि मंजरी हो गए, तो वह इस विधेयक को आगे नहीं ले जा सके। मैं उन के काम को आगे बढ़ाने के लिए ही खड़ा हुआ हूँ और चाहता हूँ कि जिस न्यायपूर्ण मांग को वह इस सदन में रखना चाहते थे, उस को यह सदन मंजूर करे। मैं चाहता हूँ कि सकार के मंत्रीगण इस पर विचार करें कि क्या हम कोई अन्यायपूर्ण मांग कर रहे हैं और जो संशोधन मैं ने रखा है, क्या इस पर किसी को आपत्ति है। जहाँ तक इस सदन के सदस्यों का सवाल है, कोई भी इसके विरुद्ध नहीं है। जहाँ तक राजा महाराजाओं का प्रश्न है, मैं जानता हूँ कि वे भी इतने उदार हैं कि वे अपने बड़े बड़े राज्यों को विलय के लिए दे सकते हैं और बड़े से बड़े त्याग के लिए तैयार हो सकते हैं। वे इस देश के उच्च कोटि के और त्यागपूर्ण नागरिक हैं और वे इस छोटे से अधिकार के लिए ज़िद नहीं करेंगे, ऐसा मेरा विश्वास है। जब सब तरफ से इस विधेयक के समर्थन की बात चल रही है, तो यह दलील पेश करना कोई अर्थ नहीं रखता है कि भारत सरकार ने उन लोगों के साथ कुछ मुहाइदे कर रखे हैं, कुछ शर्तें कर रखी हैं और उन की वजह से यह आवश्यक है कि भारत सरकार बराबर उन को मानती चली जाये। अगर आप उन सभी बातों को मानते चले जाते, जो कि आप ने पहले तय की थीं, तो मुझे इसमें ज्यादा आपत्ति न होती कि उन के ये अधिकार कुछ दिन और चलते रहें, लेकिन तथ्य यह है कि आप ने मुहाइदों में तरमियों की हैं और कई अधिकार राजा महाराजाओं में वापस ले लिए हैं और कई बातों से पीछे हट गए हैं। उदाहरण के लिए हमारे देश में राजप्रमुख की प्रथा थी। हम ने यह तय किया था कि राजा महाराजा अपने राज्यों के, या जो राज्य आपस में मिला दिए गए, उन के राजप्रमुख होंगे। वह अधिकार हम ने उन से ले लिया और आज हमारे देश में कोई भी राजप्रमुख नहीं है। दूसरा उदाहरण यह है कि पहले राजा महाराजाओं के ऊपर टैक्स लगाने की बात नहीं थी, लेकिन आज हमारे वित्त मंत्री ने ऐसे प्रस्ताव पेश किए हैं—और

वे पारित भी हो गए हैं—कि जिन के अनुसार राजा महाराजाओं पर कई प्रकार के कर लग सकेंगे।

इस सम्बन्ध में मैं आपका ध्यान इस ओर भी दिलाना चाहता हूँ कि हमारे देश में सरकार ने कई श्रमदान के कार्य प्रारम्भ किए हैं और पंच वर्षीय योजनाएं चलाई हैं। मैं पूछना चाहता हूँ कि कितने ऐसे राजा महाराजा हैं हमारे देश में, जिन्होंने श्रमदान के काम को आगे बढ़ाने में अपना हाथ बंटाया है। हमारी अल्प बचत योजना में कितने ही छोटे छोटे गरीब आदमी अपनी गाड़ी कमाई के चार चार आने और एक एक रुपया दे कर पंच वर्षीय योजना को आगे बढ़ाने के लिए मदद करते हैं और इसी कारण से, हमारी जनता की सहायता और सहयोग से हमारी पंच वर्षीय योजनाएं आगे बढ़ती जा रही हैं। इन योजनाओं से हमारे देश का मस्तक बदलता जा रहा है। बड़े बड़े विशाल कार्य हम कर रहे हैं। इन पंच-वर्षीय योजनाओं की ब केवल इस देश के वासी मुक्त कंठ से प्रशंसा करते हैं, अपितु विदेशों के जितने भी बड़े बड़े आदमी हमारे देश में आए—चाहे वे पूर्व के हो, या पश्चिम के—हो उत्तर के हो या दक्षिण के—उन सभी ने इस काम की सराहना की है। उन का मत है कि भारत एक ऐतिहासिक प्रयत्न कर रहा है और अगर भारत को इस में सफलता मिल गई, तो संसार के इतिहास में एक नए अध्याय का सूत्रपात होगा—एक नई बात पैदा हो जायगी और भारत में सदा के लिए प्रजातंत्र की स्थापना हो जायगी। दूसरी ओर अमरीका के पत्रकारों का मत है कि अगर यह योजना सफल नहीं होती है, भारत सरकार अपने प्रयत्न में सफल नहीं होती है, तो इस बात की सम्भावना है कि प्रतिक्रियावादी शक्तियाँ इस देश में पनप जायें और प्रजातंत्र को नुक्सान पहुँच जाय ऐसी स्थिति में मैं चाहता हूँ कि हमारा नागरिक चाहे वह छोटा हो या बड़ा हो, देश के इन बड़े बड़े कामों में समान रूप से भाग

[श्री म० ला० द्विवेदी]

ले तथा सक्रिय रहे। कितनी ही अपीलें हमारे प्रधान मंत्री जी ने, हमारे गृहमंत्री जी ने निकाली हैं। मैं अपने विधि मंत्री जी से, प्रतिरक्षा मंत्री जी से तथा उप-शिक्षा मंत्री जी से जो कि यहाँ पर बैठे हुए हैं, पूछता हूँ कि वे आकड़े एकत्र करके मुझे बतलाये कि इन पाँच छ सौ राजाओं तथा महाराजाओं में से कितने से अपने निजी व्यय में से श्रमदान के लिए रुपया पैसा दान दिया है ताकि काम चल सके। मैं पूछना चाहता हूँ कि पंच वर्षीय योजना को सफल बनाने के लिए तथा उन्नति के अवसर प्रदान करने के लिए इन्होंने क्या किया है। मैं नहीं कहता कि वे अपने सारे धन को बिल्कुल दान में दे दें। हमने यहाँ एक व्यवस्था बताई है कि हम धन, जेवर इत्यादि भी दे सकते हैं और उन को पूरे का पूरा रुपया वापिस भी मिल जायगा तथा उस धन से जो ब्याज आएगा उससे हमारी योजना चलेगी, देश का काम चलेगा।

आज रेल में भीड़भाड़ को आप देखें तो आपकी आंखें खुल जायेंगी। मामूली स मामूली नागरिक की वठनाइयों का आपको पता नहीं है। फुट बाईं पर खड़े होकर, छत पर चढ़ कर लोग सफर करते हैं तथा अपनी जान को खतरे में डालते हैं। आज हमारे पास रेलों के डिब्बे नहीं हैं। एंजिन नहीं है। आज हम दिल्ली के अन्दर बड़े बड़े पुल बने हुए देखते हैं, बड़ी बड़ी सड़क बनी देखते हैं तथा रेलों की व्यवस्था हुई देखते हैं। बड़ बड़े शहरों में हम बड़ी बड़ी इमारतों को भी देखते हैं। लेकिन क्या कभी आपने सोचा है कि आपकी पंच वर्षीय योजना स देहात की जनता को क्या लाभ पहुँचा है। क्या आपने कभी सोचा है कि देहातों में आपने छोटी छोटी कितने सड़कें बनाई हैं और कितनी सुविधाएँ देहातियों को प्रदान की हैं। इन बातों का पता हमारे माननीय मंत्री जी को नहीं हो सकता है क्योंकि वे देहात में कभी गए

ही नहीं हैं। सब काम बड़े बड़े शहरों में ही होते हैं।

Shri Mohiuddin (Secunderabad)
May I know whether the hon Member is relevant

श्री म० ला० द्विवेदी मैं अपनी दलील को मजबूत करने के लिए ये सब बातें कह रहा हूँ। मैंने देखा है कि

उपाध्यक्ष महोदय आप कहने से आपकी बात तभी मजबूत हो सकती है जब वह रिलेवेंट हो। बिना रिलेवेंट बात कहे, आपकी बात मजबूत नहीं होगी।

श्री म० ला० द्विवेदी मैं जो बात रिलेवेंट नहीं होगी उसको नहीं कहूँगा। मैं दस साल से इस सदन का सदस्य हूँ।

Shri Braj Raj Singh (Ferozabad)
How could he understand your speech?

श्री मुंशीउद्दीन रिलेवेंट नहीं है, इस वास्ते मसल में नहीं आ रही है।

श्री ब्रजराज सिंह सब सदस्य समझ रहे हैं, केवल आप नहीं समझ रहे हैं।

श्री महन्ता (ढकानाल) इधर आ जाइये।

उपाध्यक्ष महोदय उधर न समझने वाला नहीं बैठे हुए हैं।

श्री म० न० द्विवेदी मैं यह कह रहा था कि आज देहातों में उन्नति के कार्य नहीं हो रहे हैं। इस का कारण यह है कि हम समुचित धन की व्यवस्था नहीं कर पा रहे हैं। यह धन क्यों नहीं आ रहा है, इस का कारण यह है कि हम ने कुछ व्यक्तियों को विशेषाधिकार दिए हुए हैं जिनके पास सम्पत्ति है, जो अपने थोड़े

से सुख के कारण जनता की हानि कर रहे हैं, देश की उन्नति में बाधा पैदा कर रहे हैं, तथा कोई काम नहीं चल पा रहा है।

उपस्थित महोदय : उन्होंने एतराज इसलिए किया था कि आज यह चीज जेर बहस नहीं है।

श्री म० ला० द्विवेदी : मैं यह नहीं कह रहा हूँ कि उनको जितने भी अधिकार मिले हुए हैं उन सबको उनसे छीन लिया जाए। बहुत से अधिकार जो उनको दिए गए हैं मे उनका पक्षपाती हूँ। मैं तो केवल एक छोटा सा अधिकार जो इस समय उनको प्राप्त है, छीने जाने के पक्ष में हूँ और यह वह अधिकार है जोकि ग्राम जनता को प्राप्त नहीं है। इस अधिकार के छीने जाने से कितनी सुविधायें देशवासियों को प्राप्त होगी इसको कहने की आवश्यकता नहीं है। सब सदस्य इसको समझते हैं। इसलिए इस विधेयक को प्रस्तुत करते हुए मैं इस सदन से अपील करता हूँ तथा सरकार से भी अपील करता हूँ कि इस छोटे से विधेयक द्वारा जिस छोटी सी चीज की मांग की जा रही है, उसको स्वीकार कर लिया जाए। यदि इसको स्वीकार करने में सरकार को कोई आपत्ति है तो मैं चाहता हूँ कि सरकार उस आपत्ति को हमारे सामने रखे और हमें बतलाये कि वह कौन सी आपत्ति है। मैं तो समझता हूँ कि इसमें कोई भी किसी प्रकार की भी आपत्ति सरकार की नहीं होनी चाहिए। आज हमने सब को समान अधिकार प्रदान कर रखे हैं। आज क्या हो रहा है। राजाओं तथा महाराजाओं को हमने कुछ विशेष अधिकार प्रदान किए हुए हैं। आज हम ग्राम जनता को इस अधिकार से वंचित किए हुए हैं कि अगर उनके धन को कोई ले ले और उस धन को वे वापिस चाहते हों, अपने जेवर को वापिस लेना चाहते हों और वे लोग इनको वापिस न देते हों तो उस जनता को न्याय भी नहीं मिल सकता है। इस समय यह परिस्थिति है। इसके सुधार के लिए मैं ने एक छोटा सा

विधेयक यहां पर प्रस्तुत किया है जिसके द्वारा मैं ने इस बात की मांग की है कि जाबता दीवानी में से धारा ८७ (बी) को निकाल दिया जाए। इसको निकालने के बाद यह होगा कि हम सब को समान अधिकार मिल जाएगा।

गृह मंत्रालय में या किसी दूसरे मंत्रालय में जो एक सचिव है या जो उस विभाग का मंत्री है वह किसी जज से ज्यादा काबिल है या ज्यादा जिम्मेदार है, मैं इसको नहीं मानता हूँ। मैं समझता हूँ कि हमारे जो न्यायाधीश हैं वे हमारे मंत्रियों से, हमारे मैजिस्ट्रेट्स से या छोटे छोटे अधिकारियों से ज्यादा योग्य हैं, ज्यादा अनुभवी हैं, ज्यादा जिम्मेदार हैं। मैं चाहता हूँ कि यह जो अधिकार है, इसे सरकार के हाथ से छीन कर न्यायाधीशों के हाथ में दे दिया जाए। यदि जज समझेंगे कि प्रार्थी का केस रीजनेबल है तो वह उसको न्याय दे देगा और यदि समझेंगे कि मामला गलत है, तो वह उसको खारिज कर देगा। यह एक बहुत ही न्यायचित मांग है और मैं चाहता हूँ कि सरकार इसको मान ले। इस छोटी सी न्याय की बातको जिसे हम अधिक जिम्मेदार आदमी के सुपुर्द करना चाहते हैं, मानने में सरकार को कोई आपत्ति नहीं होनी चाहिए। मैं आशा करता हूँ कि जितने भी माननीय सदस्य यहां बैठे हुए हैं वे मेरे इस छोटे से विधेयक का समर्थन करेंगे ताकि सरकार को मालूम हो जाए कि इस मांग के पीछे केवल मेरी ही आवाज नहीं है, बल्कि समूचे देश की आवाज है।

इतना कह कर मैं अपना आसन ग्रहण करता हूँ तथा जब बहस का उत्तर दूंगा तब फिर दूसरी विशेष बातें कहूंगा।

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Code of Civil Procedure 1908, be taken into consideration."

श्री राज राव सिंह : उपाध्यक्ष महोदय, मेरे माननीय मित्र श्री म० ला० द्विवेदी ने जो विधेयक पेश किया है, मैं उसका स्वागत

[श्री ब्रज राज सिंह]

करता हूँ और समझता हूँ कि हर माननीय सदस्य की ओर न उसका समर्थन किया जाएगा।

यह विधेयक मविधान की उस भावना के अनुरूप है जिसमें हमने देश में समता तथा बराबरी की घोषणा की है और उस भावना को आगे बढ़ाने में यह विधेयक सहायक सिद्ध हो सकता है। हिन्दुस्तान के मविधान के लागू होने के बाद हमारे किसी कानून में इस तरह की बात रह या हमारे यहाँ एक नागरिक के साथ एक तरह से व्यवहार हो तथा दूसरे के साथ दूसरी तरह से, यह हमें शोभा नहीं देता है तथा यह मविधान की भावना के भी विरुद्ध जाता है।

जो बिल है उसमें केवल यह कहा गया है कि जावता दीवानी की धारा ८७(बी) जो है उसको निकाल दिया जाए। इस धारा के अनुसार किसी पुराने राजे अथवा महाराजे के खिलाफ किसी प्रकार का दावा नहीं किया जा सकता है जब तक कि सरकार की उस दावा को करने के लिए स्वीकृति हासिल न कर ली जाए। यह बड़े आश्चर्य की बात है कि हमारी सरकार प्रशासनिक अधिकारियों को इतना जिम्मेदार समझ ले कि उनकी स्वीकृति मिल तब ही नालिस हो सक तथा जो न्यायाधीश हैं उनको इतना जिम्मेदार न समझे। मैं समझता हूँ कि यह बात हिन्दुस्तान के मविधान के खिलाफ है तथा उसके पीछे जो भावना है, उसके खिलाफ है हम भारतवर्ष में समता तथा बराबरी की बात को प्रबल करते हैं लेकिन इस चीज को व्यवहार में नहीं लाते हैं। हमारे जितने भी इस तरह के कानून हैं तथा उनमें जितनी भी इस तरह की बातें हैं, जो कि कार्टी-ट्यूशन की भावना के खिलाफ जाती हैं उनको हमें चाहिये कि हम धीरे धीरे निकाल दें और जितनी जल्दी हम इस काम को करेंगे उतना ही अच्छा होगा। हिन्दुस्तान के मविधान के साथ ही जाने के बाद यदि इस तरह का कानून

हमारी सरकार की ओर से आया होता, तो इसकी मुझे बड़ी खुशी होती।

मेरे पूर्व बक्ता ने कहा है कि इस बिल का हमारे जो पूर्व कानून मंत्री थे वह लाना चाहते थे लेकिन वह इसको नहीं ला सके। उनके काम को आगे बढ़ाने के लिए माननीय प्रस्तावक महोदय को इसे लाना पड़ा है। इस बिल की भावना बहुत विशुद्ध है और यह उस विचारधारा

उपपक्ष महोदय विधि मंत्री जो इस बिल को लाना चाहते थे, वह मंत्री बनने से पहले की बात है।

श्री ब्रज राज सिंह यही खतरा होता है कि कहीं यही बात हमारे प्रस्तावक महोदय पर भी लागू न हो जाए।

उपपक्ष महोदय आप तो चाहेंगे कि वह आ जाये।

श्री ब्रज राज सिंह हमें इससे कोई फर्क नहीं पड़ता है। यह पार्टी का मवाल है।

मैं अर्ज करना चाहता हूँ कि जिस धारा को जावता दीवानी में से निकालने के लिए आग्रह किया गया है यदि उसको निकाल दिया गया तो हम समता तथा बराबरी की ओर बढ़ सकेंगे। समता तथा बराबरी लाने के रास्ते में जितनी भी रुकावट आती है चाहे वे कानूनी व्यवस्था के सम्बन्ध में हों अथवा किसी और व्यवस्था के सम्बन्ध में, उन सब को हमें निकाल देने की कोशिश करनी चाहिए। ये चीजें ऐसी हैं जो हमारे मविधान के खिलाफ जाती हैं तथा उसकी जो भावना है उसके खिलाफ जाती हैं जिसमें यह कहा गया है कि हम समता की तरफ बढ़ेंगे, बराबरी की तरफ बढ़ेंगे, हर एक को समान अवसर देंगे।

ये समान प्रबन्ध जब नहीं मिलते हैं, जब इस तरह की धारा मौजूद रहती है कि वह आदमी अपना पैसा बसूल करने के लिए एक क्लर्क की भांति हासिल के प्रदालन में लगे रहने के लिए...

Mr. Deputy-Speaker: I shall ascertain the views of the House, now. We have two options now. Either we stop here so far as non-official business is concerned and take up the half an hour discussion which was fixed for 5-30 or we shall continue this debate till 6 p.m. and then I shall again ascertain the views of the House whether the hon. Members are prepared to sit longer.

Shri S. M. Banerjee (Kanpur): The views may be different at that time.

Mr. Deputy-Speaker: Certainly. So, now I want to know if the hon. Members are willing to take up the half an hour discussion.

Some Hon. Members: Yes.

Mr. Deputy-Speaker: Then this debate would continue on the next day and the hon. Member may resume his seat. Now, we shall take up half an hour discussion. The hon. Member will continue his speech the next day.

EXPANSION OF ORDNANCE FACTORIES

Shri S. M. Banerjee (Kanpur): Mr. Deputy-Speaker, Sir, the purpose of this discussion regarding expansion of Ordnance Factories under the Second Five Year Plan was to focus the attention of the hon. Members and just to make an appeal to the hon. Defence Minister about certain facts and the views of the working people employed under the Ministry of Defence, especially in the Ordnance Factories, as to how these Ordnance Factories can be expanded.

The expansion of public sector is securing the most important place in our Second Five Year Plan. If this is

correct, then the defence industry as such is the second biggest industry in the public sector, the first being the Railways. There are 19 Ordnance Factories. There were actually 20 Ordnance Factories. One Ordnance Factory at Wadala was closed and now there are only 19 Ordnance Factories.

These Ordnance Factories can be split up into four types of factories—engineering, that of course includes explosives etc., then leather, clothing and optical. There are about 65,000 to 70,000 people employed in these Ordnance Factories.

When I talk of expansion of Ordnance Factories my intention is not only to expand these Ordnance Factories for the manufacture of civilian goods, because I realise the importance and significance of these Ordnance Factories to meet the requirements of our Armed Forces, Navy and the Air Force. When I talk of expansion, it is expansion for both the purposes.

First of all, I demand expansion because we think that with these Ordnance Factories with mass production machineries and cream of technicians the need of the hour is that, with all the Facts hanging round our neck and with the game of the Imperialists, we should attain self-sufficiency in the matter of our defence requirements. I should mention here that even the Estimates Committee in its 68th Report has said this.

Whenever we demand that these Ordnance Factories should be expanded, immediately a question arises, for what purpose? We are not short of conventional weapons. It is an atomic age and, naturally, a demand for the conventional weapons is not so great. But, I should just read for the information of the hon. Minister a passage from this Estimates Committee's report. They say:

"However, during the last world war, the number as well as the scope of these factories was increased considerably. But even

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then they were not fully equipped to meet the requirements of the Defence Services of an independent country with vast responsibilities. In addition, the needs of the expanding Navy and Air Force had also to be considered. Although the nuclear weapons have, to a certain extent overshadowed old military concepts, they have not in any way superseded the need for such weapons, even in countries possessing the nuclear weapons, much less in a country like India. It is, therefore, of importance to provide for the development and production of modern conventional weapons so as to meet the entire requirements of the Defence Forces and at the same time to reduce to the extent possible, the dependence on foreign countries in this vital matter."

So, hon. Members who were entrusted with the work of the Estimates Committee have also realised that our dependence on foreign countries, especially those countries which are hatching some war plan and are having various pacts which are not actually good for the Asian people, should be reduced. So, the time has come when we should attain self-sufficiency in the matter of our defence requirements. So, my submission is that these ordnance factories must cater to all sorts of defence needs. I should mention for the information of the House that what we are manufacturing for the armed forces is 50 per cent of the demands and for the navy and air force, we meet 20 to 30 per cent of the demands. It means actually for the army we have to depend on foreign countries for 50 per cent of the requirements and for the navy and air force, we have to depend for 70 per cent of the requirements on foreign countries. So, we have not actually got into production to meet our defence requirements as we should have done after Independence. These ordnance factories, I am sure, can

produce all sorts of things for the armed forces and for civilian consumption. So, my submission is that these ordnance factories are also capable of manufacturing heavy vehicles, fighting vehicles, with the help of some countries if necessary.

The Estimates Committee has rightly pointed out that Premier Automobiles, Mahindra and Mahindra, Hindustan Motors, etc., could all be utilised. If there is a plan to take the help from them also, in consultation with those concerns, we should manufacture the fighting vehicles and also our Land Rovers and jeeps. So, this job must be taken up immediately so that the surplus manufacturing capacity of the ordnance factories should be fully utilised.

The other point that I wish to make is the civilian trade. I would mention for the information of this House the possibilities in this regard. I would request the hon. Minister to kindly throw some light on my remarks when he replies to the debate. I say we have got engineering factories. We have got a factory at Ishapore, for the manufacture of non-ferrous metal and steel and we have another ordnance factory—in Katni. We have got the Optical Factory at Dehra Dun. We have got a clothing factory in Shahjahanpur and in Kanpur we have got a leather factory. When we talked of civilian production the other day, our Deputy Minister of Defence replied that "our policy not to compete with the private sector". He is correct, but we should not—

The Deputy Minister of Defence (Shri Raghuramalah): What I actually said was that whenever there is sufficient capacity on the civilian side, it is not the policy to utilise our limited capacity for production of identical goods. Broadly speaking, that was the policy.

Shri S. M. Banerjee: Thank you; I am actually speaking from my experience. I was in ordnance factories;

I served there for 14 years, as a permanent employee. So, I am talking out of experience. I know there is a factory in Kanpur for the manufacture of leather goods. There is an ordnance factory called the Harness and Saddlery Factory. We were told that this factory will have a boot plant and we were very happy to know it. But unfortunately when the plan came,—I do not know what happened to that plan—I was told that it was submitted to the authorities, which would cost about Rs. 27 lakhs or about Rs. 20 lakhs. Naturally, the Government of India could not possibly sanction that plan. But, in the same place—Kanpur—one of the small concerns, A. K. Brothers, is manufacturing 600 to 800 pairs of army ammunition boots with a capital of less than Rs. 2 lakhs. So, I do not know why, after all, we could not manufacture army boots because it is being manufactured by Cowper Allen. They are the sole agents for these boots and now they have started in a different way. They get it manufactured in Agra and other places by small people and put their stamp on it and it becomes "ammunition boots" manufactured by Cowper Allen. This Harness Saddlery factory can manufacture all sorts of leather goods. I can assure that the goods manufactured in Harness and Saddlery factory are the cheapest and best. This has been proved beyond doubt, because the products of this factory and the microscopes, binoculars, etc. manufactured in the optical factory at Dehra Dun were placed in an industrial exhibition in Bangalore in 1955 and I am glad to say that the civilian products of these factories got the first prize in that particular exhibition. There were huge orders pouring in from the various parts of the country into the ordnance factories, but we could not meet those orders. We are unable to meet them. But when the question of manufacturing these civilian articles in bulk arises, immediately the problem of competition with the private sector comes in.

That may not be the policy of the Government of India, but it so hap-

pens, and I am constrained to believe, that the Government knows all these things. Knowing where there is idle time to the tune of lakhs, 6,000 people were retrenched in the year 1956 on 15th September. We could not possibly utilise the surplus manufacturing capacity in these ordnance factories and so we could not complete our orders even.

The total number of orders lying outstanding in the ordnance factories on 1-4-56 was 10,870. The outstanding orders were in 1945-46—2; 3 in 1946-47, 19 in 1947-48, 392 in 1948-49; 495 in 1949-50. Then it goes to 2095 in 1954-55 and 1426 in 1955-56. Some suggestions were made by the Estimates Committee. I know that those suggestions are being accepted partly or completely by the Defence Ministry.

I would like to say that these ordnance factories can cater both for the civilians and for the armed forces, if there is a proper co-ordination between the technical development establishments and also the army workshops. I can also say with confidence that with the cream of technicians and mass production machineries, we can cater and there will be no competition.

Mr. Deputy-Speaker: The hon. Member has taken about 15 minutes.

Shri S. M. Banerjee: It is a very important matter.

Mr. Deputy-Speaker: I do not deny that, but he would allow that much time for the Minister also to reply.

Shri S. M. Banerjee: The Minister is more capable than me; he can finish in 10 minutes. I want only 2 more minutes.

Mr. Deputy-Speaker: If he does not want the answer and wants to have the full half an hour, I have no objection.

Shri S. M. Banerjee: My submission is that the technical development establishments and the army work-

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shops must be properly co-ordinated. We have an efficient Director-General of Ordnance Factories, who has done his best to see that the surplus manufacturing capacity is utilised to the fullest extent, and we have been able to achieve something.

So, I would request the hon Minister to kindly throw some light on this matter as to why we are not producing all these things

About overhead charges, we have a hierarchy in these ordnance factories. There is a superintendent, 2 works managers, 5 assistant works managers, foreman, assistant foreman, storeholder, assistant storeholder, chargemen grade I and chargemen grade II, mistry and then comes the direct labour. What is the proportion between direct and indirect labour? How can we possibly produce the goods at cheaper and competitive rates unless we see that this hierarchy is done away with? When we put forward an argument, they say it cannot be done. I will just now quote the figure for the railways. We have got 8 lakhs employees and the number of officers is 2,700 or something like that. In Defence, the total number of civilian employees is 2,60,000 and the number of officers is 2,400 or something like that. So, for eight lakhs it is 2,700; for two lakhs it is 2,400. I do not suggest retrenchment of our worthy officers. But either you should produce more so that the cost of production may come down or there should be some other remedy.

So, my ultimate suggestion is: let there be a non-official committee from this hon. House so that they may go and see the conditions there and submit a report to the Planning Minister and the Defence Minister. I have made this suggestion to expand our ordnance factories in the best interests of our country.

The Minister of Defence (Shri Krishna Menon): Mr. Deputy-Speaker, the Government welcomes this discus-

sion with regard to the production of Defence equipments because it is a vital part of Defence. As Defence Minister I regret that this debate has to be in the form of a dialogue since there are no other speakers and no time.

The main points raised are that we should expand our Ordnance factories and they should produce everything for the army and the second point of the hon. Member is that we should produce everything for the civilians. I think it would be unfair on my part to talk merely in answer to the observations made by the hon. Member, because the House would like to know the position of the Ordnance factories in relation to defence equipment. I am not going into the ideology of nationalised production. These ordnance factories are not there either to compete or not to compete. They must produce goods if there is a war or other action. During war-time, their production is very considerably higher than in peace-time—sometimes hundreds of times higher than in peace-time. The equipment that is now produced is consumed for peace-time use in the army itself and the quantity is small. Now, therefore, it is inevitable that an Ordnance factory should have surplus capacity, in the same way as parks in a town. The present suggestion is just like asking: why don't you build on all open land in the town. The land is vacant and there is building capacity. The result if we build on all our parks is that there will be no fresh air in the city! In the same way, in the ordnance factory we must keep what appears unused capacity, which can be brought into use only in an emergency. Otherwise, the defence of the country is weakened.

It is often asked: why don't you produce in the ordnance factories a large number of things of common use for civilians, which can be produced cheaper. Of course, we could produce them cheaper if we did nothing else. That apart, if we drive the

trade out of business we have to turn our capacity to defence production and cannot therefore produce the civilian goods that are wanted for the defence forces, they would not be available anywhere. That is one of the bases of ordnance production.

Now, as regards speeding up of production—I do not mean speeding in the way a trade unionist would object—increasing the quantum of production, but achieving self-sufficiency, so that everything that can be made in this country by way of equipment, either in whole or in part, should be made here. This has been Government's policy. So far as we are concerned, we require no prodding on this question and efforts in this way are really like pushing against an open door. We are however limited by certain circumstances. We are limited by the fact of the quantum of money available for this purpose. We have to fit in in the background of the backward economy and industrial development of our people and the comparative poverty of the country as a whole in relation to other countries that are engaged in industrial production in the manufacture of goods.

Secondly, it will be easily appreciated that while it is possible to produce almost any article if we put all our energies into it, we have got also to count the relative cost and whether we can consume the whole of the production. Supposing, for example, some particular piece of equipment we require only 20 or 30 in a year and to be economical we have to produce 2,000 or 3,000, then it is quite a hopeless question. Over and above that, in most countries where industry is advanced, it is possible to obtain smaller parts and components in the ordinary engineering market, the market of industry. For all those reasons, it is not always possible to produce every piece of equipment fully here. But the policy of the Government is to use the

capacity of these ordnance factories to the fullest extent, to introduce into it civilian production in as far as it is not inimical to the interest of the defence of the country. I think, if I may say so with all respect, as I said the other day, while we do not want to create war psychosis, our people are too prone to think that we are living in conditions of hundred per cent security. That is not the case as we should be well aware. Therefore we should not put the ordnance factories in any position where their energies are otherwise employed to the extent that they cannot quickly be geared to the imperative necessities of defence in an emergency. It means this, that when we divert from defence production to civilian production, we have to take care that no equipment is conditioned in such a way that it cannot be quickly reconditioned. That is what happens. I will give an example.

In the last war I am told the railways of India were asked by the British Government of the day to manufacture shells, and it took them three years before they could produce any shells. So, it is all very well to say you can turn one machine into another, but modern engineering is such that some of our machinery is so specialised that it is not possible to turn them as we can turn a hammer or a spanner to different uses. So, it took three years for the railway factories even at that time to recondition themselves to the production of shells.

If we were to turn these things to any uses that were totally divergent from the uses of the Army, we may find ourselves in a position that the basic purposes for which we are maintaining ordnance factories, at great cost to the tax payer, will be defeated. Subject to this, Government is doing everything it can and continues to do so, and as time goes on, puts more and more energy into doing so.

[Shri Krishna Menon]

Recently, I appointed not just an ordinary "committee", but "an exploring team" to find out how many of the parts that we are now importing can be manufactured here, and how much we can take to the designing and redesigning of equipment. Scientific side has been very meagre, largely due to the paucity of men and the paucity of resources. We cannot produce weapon-designers out of the air. We have got to gain experience, and as you will realise, some of these weapons, whether they be vehicles or aeroplanes or guns or anything else, are the result of an enormous amount of research in other parts of the world subsidised by governments. We can only take them at the later stage and adapt them if need be to our purposes. It takes anything from one year to three years before a prototype is produced, and after the prototype is produced, you have got to go into mass production, so that while effort cannot be slowed down, nor delayed, results must take some time. We can always lessen the quantum of time taken, but time there must be.

In addition to this, ordnance factories are Government establishments. The hon. Member refers to civilian production. The essence of civilian production in the free market is competition, of the play of supply and demand, of selling out stocks which will make room for new stock, taking risks and so on. We in government are, however, governed by certain codes of procedure. I believe in the long run, whatever may be the irksomeness of it, some of these restrictions are necessary in the interests of profits and security of public resources, but they come in the way of the kind of fluidity that is possible in a one-man business or private businesses where if there are losses in one commodity it can be made up in another.

You very well know, Sir, that here the Comptroller and Auditor-General is not concerned that the manager or the establishment have done something well and made money on it. He

does not look into that, he simply looks into the item on which there is a loss. The manager cannot say that he has made so much on something else, and therefore his loss on something else is of less consequence. The Auditor-General is working under regulations and he is doing his duty, not only according to his conscience, but also according to his commission. He has to go into these things in the way prescribed. Therefore, there is bound to be a certain amount of retardation of production where production has to be suited to civilian needs and the open free market and not Government guaranteed purchases as for defence material out of our own ordnance factories.

I would like the House to feel that a very special effort is now being made in this direction. There is one aspect of things to which the hon. Member has not referred. It is not only the resources, not only Government policy, not only technique that produce these things. It is the co-operation of the people who manufacture. We have some of the best workmen in the world. Man for man they are good artisans, craftsmen and engineers and I am glad to say that the Defence Ministry has largely been in the happy position of having the co-operation of those who work in our establishments for the community.

There are some, of course, whose services, after an experience of 13 or 14 years, for which the ordnance factories and the community have contributed, have to be terminated because they are not available for the purposes for which they are employed, and then they come to hon. Members of Parliament!

Reference was made to various kinds of equipment by the Hon. Member who spoke. Some of these have nothing to do with military equipment at all. For example, a Land Rover is an agricultural vehicle: it has nothing to do with our defence

production any more than a Cadillac may have for similar purposes.

Shri S. M. Banerjee: It has been mentioned here.

Shri Krishna Menon: I know what I am talking about.

Reference has been made to the Harness and Saddlery factory at Kanpur making boots and so on. I feel that the sort of thing that was said by the hon. Member leave a bad taste in the mouth if not contradicted. Otherwise, I have no intention of pursuing and chasing these stories. In fact, no plan has ever been put forward involving Rs. 27 lakhs or anything of that kind as mentioned by the hon. Member here or elsewhere. I have asked for thorough examination of this story and verified from the papers there are that there has been no question of any plan of this kind which one Mr. Hepburn or somebody like that had put forward! I cannot see any evidence of it. We have no information of Superintendent having put forward a plan involving Rs. 26 lakhs and that it was not sanctioned. There is, so far as our information goes, no foundation for it.

We do not make boots. I do not know what source of information the hon. Member says that we make the cheapest boots in the world. Our ordnance factories do not make boots. We did go into the question of producing what are called Boot Ankles and we found that there were a large number of private factories that were making them, and they were making them cheaply and efficiently. Therefore, it was better in the interest of the country and in the interest of the equipment of the army to let that industry go on.

Shri S. M. Banerjee: May I seek a clarification?

Mr. Speaker: Let the Minister finish his speech.

Shri Krishna Menon: Reference was made to a firm called Messrs. Cooper and Allen Co. I made some investigation about them. They are apparently a subsidiary of the British India Corporation which was British-owned in days goneby. But whether British-owned or otherwise, it would be certainly inequitable if public interest were to be subordinated to any private industrial gains.

Now, the fact of the matter is that this concern does make these boot ankles, but so do many others! These go on to public tender and the quantity of orders that has gone to Cooper and Allen seems to be appreciably smaller in relation to the whole quantity we take or even in regard to what some others have supplied. Therefore, any suggestion that is conveyed to this House that the Defence Ministry slows down production in its own establishment in order to feed some private stomach is I think, if I may say so, a very regrettable suggestion, and I hope the House will treat it in the way it deserves.

Shri S. M. Banerjee: I never said that.

Shri Krishna Menon: The hon. member has had the privilege of seeing things from the bench and from outside looking only for find possible or imagined faults I have also had the advantage of seeing it from all quarters. I would very much doubt whether the Hon. Member's Employees' Federation would sustain his arguments because these are responsible people there; I have had the advantage of meeting them, and there will be no difficulty on that side which we cannot with give and take overcome.

Then there is the question of cost. There are ordnance factories that make sandals—chappals—and we believe they make them well. There is a certain amount of demand for them. But they cost about Rs. 8 to Rs. 9 when we make them; elsewhere, according to my information, they cost Rs. 4 to Rs. 5. It is quite true that ours last longer but the only

[Shri Krishna Manon]

people who will pay more and buy goods like that in quantity for their lasting longer are the Government. Private individuals usually—not everyone—look to what is cheaper and what looks attractive and buy it. So we make them for the post office and, I believe, for the police in some cases. They are our only customers. We meet all their needs. Even the prices I have mentioned are without taking into account overhead costs, because it is being supplied to government departments. But we could not expand that trade without the Government incurring severe losses by subsidising other people's footwear, and I am sure that is not a position that a Minister can maintain before Parliament or the Public Accounts Committee.

Now, when we come to this Harness and Saddlery factory it is quite true that on account of the fact that the Army has been mechanised, like everywhere else—we have very few animals in the Army—(Interruption), horses in the Army. Horses are counted as part of the Army. Probably, my hon. friend does not know about it as much as he should.

Therefore, we have got the capacity for making them. But these harness and saddlery made in Kanpur are too good for public consumption, that is to say, they are too expensive and are too well made for sale purposes. I cannot undertake to advise Ordnance Factories to produce stuff of second-rate quality because that will affect our defence production and will be against public policy altogether. The harness and saddlery we now produce only in limited quantities. As the House knows normally, any Government establishment produces something only if there is a known demand. They cannot speculate. Therefore, turning from these harness and saddlery, we had to keep the machines engaged making suitcases and crate cases and things of that character which as the hon. Member has said were seen in various exhibitions. Well,

the stuff is good; but they are expensive in comparison with what is commercially produced. And, what is more; our experience is that any expansion of that supply would leave goods on our hands. We then would have to face the Public Accounts Committee for infructuous expenditure! The House would not like to have it both ways. We know we have to sell everything we make, on the one hand, and on the other hand, the demand can only be assessed and the assessment must remain the judgment of the people.

It should not be that these Ordnance Factories are some sort of a foster-child left somewhere. The Defence Ministry is very conscious of their existence. A great deal of time of senior officers is taken by these and the Defence Ministers have not themselves regarded them as merely appendages to Defence Organisation. No one is more conscious for this than Government at the present time. Certain circumstances may arise where our dependence on external sources may land us in difficulties. That is, however a difficulty which in part we have to face because whatever we did we could not produce everything; we could not produce some of the parts, we could not produce some of the equipment and we could not afford to put in the capital expenditure that is required for this purpose. Therefore, I hope the House will agree that the path of prudence is to strike a balance between these and try to maximise production with the possible resources and the possible estimates of what is practicable in the circumstances. This is what is being done.

Quite recently, we reviewed the whole of this position. We have put an officer on special duty to assist the Director General of Ordnance and to assist the Ministry in processing these matters and the whole of defence production is continually under review, and for the purpose of clearing bottlenecks of this kind.

But, any suggestion that production is slowed down in the interests of a private party or private interests is a suggestion that, I hope, the House will totally reject.

Any criticism of Defence Organisation which is not substantiated, which throws some sort of obloquy on the Defence Forces, whether armed or otherwise, is not a contribution to their unity and strength. We like to feel as the outside world feels in the matter and, therefore, we want to try any conclusions, if I may say so, if we have to deal with Armed Forces in the combatant and the non-combatant ranks that are equipped for the purpose. It is a great mistake to think that this Ordnance Factory is only known to the Defence Ministry. As I said there are a large number of people employed in these places. The hon. gentleman referred to supernumeraries, the large number of employees we have in the Ordnance Factories.

First of all, Mr. Deputy-Speaker, I think the labour organisations will be the first to object if we start cutting them out because it may be that they would not mind if the white-collar executive went out but if it comes to the question of dismissal of workmen and foremen, we would have avexed question on our hands. We want them to be absorbed in this way. But, they are not retained for any charitable reasons. Most of this production, apart from what you have heard about clothing or some domestic requirements which can be sold, all that is required for the Army requirements require a great deal of precision and requires an enormous amount of care because if defective equipment is supplied to the Army, we weaken the Forces and put them in a difficult situation. Therefore, supervision of this kind is necessary.

And, what is more, Government is responsible to this House and the Houses of Parliament and any lack of care in the administration would land us in difficulties, and we would not

also be discharging our duty by the tax-payers. I must with great respect naturally, reject this suggestion that the administration is top-heavy in our establishments. These ordnance factories are not meant to be mass production factories; the goods that are produced here require high level inspection, engineering and designing and work of that high character. We need not feel that we are in any way expensive in maintaining these establishments. Mr. Deputy-Speaker, as I said, the subject is a large one and I have already exceeded your time.

Shri S. M. Banerjee: The hon. Minister said that there was a plan. In the last session of Parliament, this was the reply that the matter was under consideration. So, I submit that this was not a wrong statement. May I know specifically from the hon. Minister whether there was a proposal or not?

Shri Krishna Menon: I could not hear the question. What I said was about the plant costing about Rs. 27 lakhs referred to and attributed to a gentleman called Mr. Hepburn—I could not find from the papers that we had any other plan. There I did not refer to the whole of boots but a part of the boots which is produced in this place. Boot ankles. We looked it up and we thought that it was not in our interest to sanction it. There is already one of that kind, readily available. There is no security or anything involved in it. Therefore, we go on with it and not spend our money and energy and other resources. The same applies to other things.

Mr. Deputy-Speaker: The House stands adjourned till 11 A.M. tomorrow.

12.03 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday the 7th September, 1957.

DAILY DIGEST

[Friday, 6th September, 1957]

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CORRECTION OF ANSWER TO STARRED QUESTION

No. 1169. 12321—22

BILL PASSED

12322—12426

Further clause-by-clause consideration of the Legislative Councils Bill concluded. The Bill was passed as amended.

PRIVATE MEMBERS' BILLS INTRODUCED

12426—29

The following Bills were introduced :

- (1) Code of Civil Procedure (Amendment) Bill (Amendment of the First Schedule) by Shri S. Ghose
- (2) Indian Penal Code (Amendment) Bill (Amendment of section 304-A) by Shri S. Ghose
- (3) Child Sanyas Diksha Restraint Bill by Shri D. C. Sharma
- (4) Delhi Union Territory Public Trusts Bill by Shri Radha Raman
- (5) Code of Criminal Procedure (Amendment) Bill (Amendment of sections 516A and 517) by Shri S. Ghose
- (6) Dramatic Performances (Amendment) Bill (Amendment of sections 3 and 7 and substitution of sections

Subject	COLUMNS
PRIVATE MEMBERS' BILLS INTRODUCED—contd.	
8 and 12) by Shri V. P. Nayar	
(7) Constitution (Amendment) Bill (Amendment of articles 100 and 189) by Shri M. L. Dwivedi .	
(8) Companies (Amendment) Bill (Amendment of section 293 and insertion of New section 624A) by Shri Naushir Bharucha .	
PRIVATE MEMBER'S BILL WITHDRAWN	12429—66
Further discussion on the motion to consider the Constitution (Amendment) Bill (Amendment of Article 58) by Shri Raghunath Singh concluded. The Bill was withdrawn by Lok Sabha	
PRIVATE MEMBER'S BILL UNDER CONSIDERATION	12466—79
Shri M. L. Dwivedi moved that the Code of Civil Procedure (Amendment) Bill (Omission of Section 87B) be taken into consideration.	

Subject	COLUMNS
The discussion was not concluded.	
HALF-AN-HOUR DISCUSSION	12479—96
Shri S. M. Banerjee raised a half-an-hour discussion on points arising out of answer given on the 24th August, 1957 to Starred Question No. 1144 regarding expansion of Ordnance Factories	
The Minister of Defence (Shri Krishna Menon) replied to the debate	
AGENDA FOR SATURDAY, 7TH SEPTEMBER, 1957. —	
Consideration and passing of the Inter-State Corporation Bill, the Dhories (Additional Excise Duty) Amendment Bill, Cotton Fabrics (Additional Excise Duty) Bill and the Minimum Wages (Amendment) Bill as passed by Rajya Sabha.	