

Friday, 25th April 1958

# LOK SABHA DEBATES

**Second Series**

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**FOURTH SESSION, 1958**

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**LOK SABHA SECRETARIAT  
NEW DELHI**

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## LOK SABHA DEBATES

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### LOK SABHA

Friday, the 25th April, 1958

The Lok Sabha met at Eleven  
of the Clock.

[MR. SPEAKER in the Chair.]

### ORAL ANSWERS TO QUESTIONS

#### Algeria

\*1825. **Shri D. C. Sharma:** Will the Prime Minister be pleased to state the part played by India in the settlement of the question of Algeria in the 12th Regular Session of the U.N. General Assembly?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** The Algerian problem is very far from settlement and indeed has grown much worse in recent months. In the U.N. General Assembly of 1957 India, together with 21 other Asian-African States requested the inscription of an item on Algeria.

When this item was under discussion in the Political Committee, several difficulties occurred, but the efforts made by India and others to overcome them succeeded and the problem was eventually sent to the General Assembly. The Indian Delegation, in cooperation with 14 other countries, sponsored a draft resolution in the General Assembly. This resolution was adopted unanimously by the Assembly expressing "the wish that in a spirit of effective cooperation, pourparlers will be entered into and other appropriate means utilized with a view to a solution, in conformity with the purposes and principles of the Charter of the United Nations".

It is a matter of the deepest regret that no further steps have been taken in furtherance of this resolution and the tragedy of Algeria continues.

**Shri D. C. Sharma:** May I know if after the passing of this resolution the Government of India has taken any further steps in this direction; and, if so, what is the nature of those steps?

**Shri Sadath Ali Khan:** Sir, our policy in this regard is very well known. As a matter of fact, when this item was referred to the Political Committee for consideration there was a comprehensive debate and in this debate Shri V. Krishna Menon made our position very clear. Among other things he said that India stands on the principles of national independence, we regard independence as territorial we do not regard national independence as limited by bounds of race, religion or creed and that since the passing of this resolution we hoped that the French Government would come to an amicable solution of this problem.

**Shri D. C. Sharma:** May I know if any effort has been made by this country to bring to light the atrocities that have been committed in Algeria; and, if so, with what countries the Government of India has been in correspondence and in what way it has taken any action?

**Shri Sadath Ali Khan:** The atrocities in Algeria have been brought to light. They appeared in the newspapers and there has been world-wide publicity about these things, and through our Embassy we have approached the French Government about this matter.

**Shri Joachim Alva:** What is the latest information in the possession of Government? Is Government aware

that the United States Government has changed its attitude in regard to its policy in North Africa, namely, that it has informed the French Government that if the Tunisian Government puts up an appeal on behalf of the National Liberation Committee of Algeria they will abstain from voting and that they stand for a settlement between Algeria and France?

**Shri Sadath Ali Khan:** I am afraid, Sir, I will not be able to tell the House anything more about the latest situation as I am not in possession of the facts upto date.

**Shri Kasthwal:** The hon. Parliamentary Secretary stated that this matter came up before the Plenary Session of the U.N. Assembly also. May I know whether at the Plenary Session any voting on this resolution took place and, if so, what was the break-up of the voting?

**Shri Sadath Ali Khan:** The Draft Resolution which came up before the Plenary Session was adopted by the Assembly without any discussion by 80 votes to none.

**Shri Hem Barua:** May I know if it was pointed out by India in a straightforward way at the Political Committee or at the U.N. General Assembly that France as a member of the NATO is using the defensive weapons given to her by U.S.A. for aggressive purposes in Algeria?

**Mr. Speaker:** The question here is about the part played by India in the settlement. Many things can be asked about Algeria and the fight there, but the question here relates to the part played by India.

**Shri Hem Barua:** This is a specific question, Sir.

**Mr. Speaker:** This may relate to it, but the main question is as to what is the part played by India.

**Shri Hem Barua:** I want to know whether India has pointed it out in a straightforward way that France is using weapons given to her for

defensive purposes for purposes of aggression in Algeria.

**Mr. Speaker:** I do not know what is meant by 'straightforward'. We are not able to settle our differences round about us.

**Shrimati Renu Chakravarthy:** Besides the question of political settlement, may I know whether the Government of India has used its good offices with the French Government regarding the atrocities committed in Algeria, especially about Djamila Bouheired, the young girl who has now become paralysed and is now in a terrible condition in jail?

**The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):** It might interest the House to know that the reprieve granted to Djamila has been through the efforts of the Indian Government.

**Shrimati Renu Chakravarthy:** Subsequent to that?

**Mr. Speaker:** The ultimate result is in our favour.

**Shri Yajnik:** May I know if the Government of India has given any instructions to its delegation at the U.N.O. to take up the matter further and place a resolution at the next general meeting of the United Nations in co-operation with the Afro-Asian Group?

**The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):** That will depend on whether the question is coming up again in the U.N. General Assembly. If it comes up, we will certainly brief our delegation as to what stand they should take in conformity with our principles in this matter.

**Shri Yajnik:** I want to know whether you will take the initiative.

**Shri Thirumala Rao:** Has the attention of the Government been drawn to a news item published today that Tunisia and the United Arab Republic are prepared to facilitate the forma-

tion of a provisional government of Algeria in Tunisia and recognise it; and, if so, are Government considering their attitude towards such a contingency?

**Shri Sadath Ali Khan:** We have seen the Press report this morning, further than that I cannot say anything.

**Mr. Speaker:** We will go to the next question. How can we go into the details of every affair?

#### Radio Sets

\*1826. **Shri V. C. Shukla:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have under consideration a scheme for manufacture of low cost radio sets; and

(b) if so, the broad features of the scheme?

**The Parliamentary Secretary to the Minister of Information and Broadcasting (Shri A. C. Joshi):** (a) and (b). Government have at present no scheme for the manufacture of low cost radio sets under consideration.

**Shri V. C. Shukla:** Have the Government received a memorandum from the radio manufacturing industry regarding the manufacture of low cost radio sets if so, may I know what are the salient features of this memorandum and how many of them have been accepted or considered by Government?

**The Minister of Information and Broadcasting (Dr. Keskar):** The Government have received no memorandum from the radio manufacturers' association regarding the production of low cost radio sets.

**Shri Tangamani:** May I know what help the Government is extending to Mr. G. B. Naidu who is now producing low cost radio sets by assembling various parts in his workshop in Coimbatore?

**Dr. Keskar:** As I said, Sir, we are not giving any particular help in this

matter, nor has the question been taken up on a systematic basis. Government had left the question of low cost radio sets to the industry. We are, no doubt, examining the question whether, if a low cost radio set is not forthcoming, this question should be taken up with the industry later on.

**सेठ गोविन्द दास :** इस विषय पर गवर्नरमेंट बहुत दिनों से विचार कर रही है और इस देश की गरीबी की हालत को देखते हुए क्या यह आशा की जा सकती है कि इस सम्बन्ध में कुछ बातें जल्दी की जा सकेंगी जिस में लोगों को इस तरह के रेडियो निल सकें ?

**डा० फेस्कर :** सरकार को इस बारे में पूरी महानुभूति है, लेकिन पहले इस बारे में नियन्त्रण हुआ था कि सस्ते रेडियो सेट का काम प्राइवेट मेक्टर करेगा। अगर इंडस्ट्री उसे बनाने में असफल रही तो इस बात पर विचार होगा कि हम इस बारे में क्या कर सकते हैं। चूंकि हमारे ऊपर रेडियो के बारे में बहुत सी जिमेदारियां थीं, उस समय हम ने इस को हाथ में लेना उचित नहीं समझा। हो सकता है यद्य हम इस मामले पर विचार करें, लेकिन प्रभी कोई गहरा विचार इस मामले में नहीं किया गया।

**Shri Dasappa:** May I know for how long the Ministry have this subject under their consideration, namely, the question of securing what you call low cost radio sets and with whom they are carrying on their negotiations in order to secure the manufacture of these sets and under what cost?

**Dr. Keskar:** What I had said was that this question is not at all under our active consideration today.

**Some Hon. Members rose—**

**Mr. Speaker:** The hon. Minister has said that he has left it entirely to the private industry. Let us watch for some time and if nothing happens we will intercede. What is the meaning of labouring this point again and again? Next question.

**Central Sericultural Research Station, Berhampore (W. Bengal)**

**1827. Shrimati Renu Chakravarty:** Will the Minister of Commerce and Industry be pleased to state:

(a) what are the steps recommended for expansion of the Central Sericultural Research Station, Berhampore by the Reviewing Committee set up by Government;

(b) whether the employees of the Technical section have been declared permanent;

(c) whether there is a proposal to hand over this station to West Bengal Government to serve as a regional research station and to set up a Central Research Station elsewhere; and

(d) if so, the reaction of Government thereon?

**The Minister of Industry (Shri Manubhai Shah):** (a) A statement is placed on the Table of the House. [See Appendix VIII, annexure No. 14].

(b) 13 Class III technical staff out of 23 and 16 Class IV employees out of 22 have been made permanent.

(c) and (d). The Reviewing Committee made a recommendation to this effect. Government have not accepted this recommendation. The Station will continue at Berhampore.

**Shrimati Renu Chakravarty:** May I know if it is a fact that since 1943 the staff of this Central Research Station has remained temporary? In view of the answer given by the hon. Minister, it seems that still a good percentage of these men will remain temporary. Is that policy of Government going to continue?

**Shri Manubhai Shah:** As I have already said, more than 90 per cent. has already been made permanent. We are also thinking of expanding this particular activity and whatever staff is left will also be utilised in the institutions.

**Shrimati Renu Chakravarty:** May I know what is the expansion pro-

gramme of this Central Research Station.

**Shri Manubhai Shah:** The Reviewing Committee has made certain recommendations to increase certain items of work on flatures and also of sericulture. That is under consideration and it will be implemented very soon.

**Shri T. K. Chaudhuri:** May I know if the decision of the Government with regard to the Central Sericultural Research Station at Berhampore extends to other institutes, for instance, to the Research Station at Kalimpong?

**Shri Manubhai Shah:** Yes; the Kalimpong station is a sub-station.

**Shri Tangamani:** The hon. Minister stated that this Central Research Station is not going to be shifted from West Bengal. May I know whether any of the other recommendations, namely, that this Central Station should be entrusted to a governing body which should have both financial and administrative autonomy and should consist of scientists and technicians and representatives of the industry, have been accepted by Government?

**Shri Manubhai Shah:** Yes, Sir. As I mentioned in the statement, those are the recommendations to which we are giving our consideration, and most probably all of them will be accepted.

**Shri Dasappa:** May I know whether there is any idea of getting Japanese or foreign experts here, to this station, and also whether there is any idea of sending abroad some people from here for the purpose of training?

**Shri Manubhai Shah:** Yes, Sir. Both the ideas are being considered and we shall get a few Japanese. Already two are here, and we shall send also Indian boys to Japan for training.

**Shri T. K. Chaudhuri:** May I know if the Director of this Institute has been appointed on a permanent basis and if a permanent selection has been made for the incumbent of that office?

**Shri Manubhai Shah:** A permanent incumbent has not so far been appointed; but we are in a very great search for a permanent director. As soon as we get one, we shall appoint.

### Hosiery Industry

\*1829. **Shri Ajit Singh Sarhadi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that export of Ludhiana Hosiery to South-East Asian countries has decreased substantially; and

(b) if so, the reasons for such decrease?

**The Minister of Industry (Shri Manubhai Shah):** (a) It is not possible to assess the trend in export of Ludhiana Hosiery to any destination because the bulk of the Hosiery exported from this city is sent by post parcel and no figures of such exports are readily available.

(b) Does not arise.

**Shri Damani:** What is the total export of hosiery goods during 1957-58 and what special efforts are being taken to augment its export?

**Shri Manubhai Shah:** In 1955, it was about 44 lakhs and in 1956 it was about 45.44 lakhs. It is slightly on the decline during the current year. Therefore, we are trying to take further steps and to find out whether it could be augmented or at least maintained at a stationary level.

**Shri Hem Raj:** The hon. Minister has told us that there are no figures available so far as the hosiery industry in Punjab is concerned. May I know whether at least in future the figures will be kept so that we could have the statistics for helping the export sometime or other?

**Shri Manubhai Shah:** It is very difficult to keep figures State-wise and city-wise in such a big country as

India, but it is our endeavour to see that whenever we find that a particular area or a particular place is suffering, a local study is made. But no permanent arrangement at this stage can be made.

**Shri Liladhar Kotoki:** The hon. Minister said that there is no figure kept separately for different industries just like the Punjab hosiery industry. May I know then what is the basis of assessing the total export of hosiery goods from this country?

**Shri Manubhai Shah:** I have given the total export figure. They are always recorded in the books, in connection with the maintenance of the export licences, and what they have released up to a period. But when it comes to a particular town or a particular city, it becomes very difficult.

**Pandit J. P. Jyotishi:** May I know whether Government have investigated into the causes of the shortfall in the export?

**Shri Manubhai Shah:** Yes, Sir. The causes have been well known. There are now competitive markets elsewhere. Those countries in South-East Asia which were importing hosiery from us have also started their own industry, and it is a common phenomena in all consumer goods. That is why we have to be constantly on the alert.

**Mr. Speaker:** Shri P. B. Banerji. Absent.

**Shri P. B. Banerji:** I am putting the question, Sir.

**Mr. Speaker:** The hon. Members will speak loudly. Sometimes, hon. Members get up and their voices, as though like lightning, drop down suddenly. They do not put the question audibly. Therefore, I have to look round this side and that side to find out whether the question has been put or not.

**Hindustan Antibiotics (Private) Ltd.**

\*1830. **Shri P. B. Banerji:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to

Unstarred Question No. 521 on the 24th February, 1958 and state what are the difficulties of Government in vialling and marketing Penicillin themselves instead of engaging private firms for the purpose?

**The Minister of Industry (Shri Manubhai Shah):** The present vialling capacity of Hindustan Antibiotics (Private) Limited is only about 8 million mega units of penicillin against a total production of slightly over 21 million mega units of finished penicillin. Steps have been taken to increase this vialling capacity by another 8 million mega units by the installation of a new fully automatic plant which is expected to be received during the current financial year. Penicillin is also being given to other bottlers, who have been importing penicillin hitherto, for vialling and marketing.

**Shri P. B. Banerji:** May I know whether the price at which penicillin is sold to the consumers has been fixed by the Government?

**Shri Manubhai Shah:** Yes, Sir as far as our penicillin sales are concerned.

**Shri Joachim Alva:** Is it true that a part of the whole of this factory is going to be handed over to a foreign firm for the manufacture of streptomycin?

**Shri Manubhai Shah:** No, Sir. If I may say so, there is a slight misunderstanding in the mind of the hon. Member. Nothing is going to be handed over to anybody. But we are going to expand the factory in the public sector for the manufacture of streptomycin and dehydro streptomycin for which an agreement for technical collaboration has been entered into with an American firm of Merk, Sharp and Dahome.

**Shri Joachim Alva:** Is it not causing grave concern to the interests of a pure Indian production if we are handing over the work to a foreign firm.

**Shri Manubhai Shah:** Again he is repeating the same thing. There is no handing over at all. The question is one of expanding the capacity and diversifying production. There is no indigenous production of streptomycin in the country at all.

**Shri N. R. Munisamy:** May I know when our country will become self-supporting and what is the amount of foreign exchange savings thereby?

**Shri Manubhai Shah:** By 1960, we hope the streptomycin production will begin. Our requirements of streptomycin are expected about 45,000 kilogrammes, as estimated today, and that will be fully met.

**Shri N. R. Munisamy:** What is the saving in foreign exchange?

**Shri Manubhai Shah:** The saving will be about Rs. 1½ crores per annum.

#### गंधक का आयात

\*१८३२ श्री पद्म देव : क्या बालिगम्य तथा उद्योग मंत्री यह बातें कीर्तृत्वात् करेंगे कि :

(क) १९५०-५१ म. युन नितना मंत्रक बाहर से मंगाया गया था और उगकी कुल आवश्यकता नितनी थी ; प.र

(ख) क्या तनाति जिला माहसु, हिमाचल प्रदेश में गंधक के खनियों से गंधक निकालने पर विचार दिया जा रहा है ?

**उद्योग मंत्री (श्री मनुभाई शह):** (क) १९५०-५१ के मध्य माल म. ह.ए याभ्यासिक आयात के अंतर्कड़े यामी उपलब्ध नहीं हैं। अर्द्ध-मिनाम्बर, १९५७ की अवधि में ४३,८१८ टन गंधक बाहर से मंगाया गया। गंधक की कुल वार्षिक आवश्यकता तकरीबन १ लाख टन के आस पास है।

(ख) जो नहीं ।

**श्री पद्म देव :** मैं जानना चाहता हूँ कि जब कि मुल्क को गंधक की जरूरत है और बैकवर्ड इलाकों में यह चीज उपलब्ध है तो बैकवर्ड इलाकों को रोजगार देने के लिये इन सारे रिसोर्सों का गवर्नरमेंट इन्सेमान व्यां नहीं करती है ? हमें यह सद्याल उठता है कि गवर्नरमेंट यातायात के गावर्न न होने के कारण यह अमुक काग नहीं कर सकती लेकिन मैं यह बात अभी तक नहीं समझ पाता कि जब इन चीजों की जरूरत है तो गवर्नरमेंट इन दोनों बातों को पूरा करने के लिये वर्ती कोहि सकिय तदम उठाती ?

**श्री मनुभाई शाह :** जहां तक गंधक का ताल्लुक है हमें जिनका भी पैशा याचं करना पड़े, वह हम करने के लिये तैयार है क्योंकि एक तो यह स्ट्रिपिंग र रिट्रैटिंग है और बैकवर्ड इलाका है। वेरो कोहि भी इलाका हो जहां भी गंधक मिल सके उगको हम भिराते के लिये नैयार है लेकिन नमनीरी से ए.पी. कोई सहाय डिपाजिट उम्मत नहीं पाई है। जहां तक हिमाचल प्रदेश का गावर्नरक है वहा पैराग्राफिन ज़कर है लेकिन वह अब यात्रा नहीं हुआ है कि वह एकात्मकर्ता के हो सकता है।

**श्री पद्म देव :** यि इन में कुछ अर्थमें तक डा० केदारनाथ की एक कामी चाही रही थी, जिन्होंने पक्की लडाई में गंधक का गिरफ्तारी के नजदीक चाहीरों से बड़ुन बड़ा एक्सप्रेस किया था। लेकिन यह वह नान जिना वजह बन्द है। वर्षों से यहार यहके लिये कोई प्रयत्न नहीं रखती। यहा इस तरह की बहुत सी चीजें लिल नहीं हैं लेकिन वे विने हीं बन्द पड़ा है।

**श्री मनुभाई शाह :** लडाई के दोगा में हिमाचल प्रदेश के पाइराइट वा इन्सेमान हुआ था। वह एक्सप्रेस नहीं हुआ। लेकिन उसे सलपूरक एग्जिट बनाने के काम में लाया गया था। लेकिन वहां इन्हा डिपाजिट नहीं है कि वह हमारी एक लाल टन

सालाना की जरूरत को पूरा कर सके। और आज जब कि की इकानमी का जमाना है ऐसी छोटी माइन्स को बर्क करना प्राफिर्टेंबल और इकानमिक भी साक्षित नहीं हो सकता। लेकिन फिर भी गिनिस्ट्री आफ माइन्स एंड प्रूफ्रेस कांशिय कर रही है कि बिहार का जो सबसे लड़ा डिपाजिट अमजोर में है उसको जल्दी में जल्दी काम में लाया जाये।

**डा० राम सुभग सिंह :** अभी मंथी जी ने कहा कि अमजोर के डिपाजिट को जल्दी में जल्दी काम में लाने की कोशिश हो रही है। वहां पर पांच छ: वरसम पहले से बड़क बनी हुई है लेकिन जो दो आदमी वहां पहरेदार रखे गये थे उनको लोगों ने गार दिया। क्या मैं उम्मीद कर रखता हूँ कि इस और जल्दी में जल्दी व्यान दिया जायेगा ताकि वहां की स्थिति को ग्रोग दूरस्त किया जा सके ?

**श्री मनुभाई शाह :** फिरहाल अगर भेस्टर यात्रा अमजोर जायें तो उनको पता लगेगा कि व्यरो आफ माइन्स बहुत ताकीद से वहां काम कर रहा है और तकरीबन एक दूजार आदमी उस माइन पर काम में लगे हुए है।

**डा० राम सुभग सिंह :** मैं अभी अमजोर में जीव बर आ रहा हूँ। मंथी जी ने कहा कि वहा एक दूजार यादमी काम कर रहे हैं। वहां पर १० या १५ मील सड़क वां बनी है। लेकिन पांच हजार तो कीन वहां पर एक मी आदमी भी नहीं है।

**अध्यक्ष महोदय :** अच्छा देखेंगे।

**सेठ गोविन्द दास :** क्या इस बात की कोई व्याज की जा रही है कि भारतवर्ष में गंधक की स्वदाने की कहा बाल ही मकनी है और अब तक १० लाखों ना क्या नतीजा निकला है और कब से व्याज की जा रही है।

**श्री मनुभाई शाह :** वह खोजें तो बहुत बरसों से को जा रही है। पहला जो मिला है वह अमजोर, बिहार, में पाइराइट का

डिपाजिट मिला है, और दूसरे इंगलॉन्ड की खदान मैसूर में, पोलूर की खदान मद्रास में, लक्ष्मियाल की खदान काश्मीर में, तारादेशी की खदान हिमाचल प्रदेश में और वाइनाद की खदान मद्रास में।

**Shri Damani:** May I know whether there is shortage of sulphur in this country and because of that the price of sulphur has shot up abnormally? If so, what efforts are being made by the Government to improve the situation?

**Shri Manubhai Shah:** It is true that there is a shortage of sulphur, which is a most important commodity. Therefore, we are trying to see that the actual users, that is, the manufacturers get it at reasonable prices from the established importers.

#### Indian Trade Delegation

\*1833. **Shri Kumaran:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal to send a Trade Delegation abroad to popularise coir products;

(b) if so, whether the arrangements for the same have been finalised; and

(c) the names of the countries which the Delegation proposes to visit?

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

(b) and (c). The tentative proposal is that the delegation may visit the United States, Canada and the United Kingdom, but the arrangements have not yet been finalised.

**Shri Kumaran:** The decision to send a delegation to the foreign countries was taken by the Coir Board in September 1958. When the proposal was placed before the Government, they postponed it by saying that the political situation in the Middle Eastern countries was not propitious. In view of the fact that the question of sending a delegation to the foreign

countries for this purpose is very urgent, may I know whether Government will take immediate steps for finalising the arrangements before the political situation in the Middle Eastern countries once again becomes worse?

**Shri Manubhai Shah:** It is true that at one stage we could not accept the recommendation of the Coir Board, because of the foreign exchange consideration. We again reconsidered the matter at the last meeting of the Coir Board and we have decided to send the delegation immediately and I think within a month or six weeks a delegation consisting of four people will be leaving this country.

**Shri Vasudevan Nair:** May I know whether the personnel of the delegation has already been finalised?

**Shri Manubhai Shah:** Yes, more or less. There will be the Chairman of the Coir Board, a representative of the coir trade, a representative of exporters of coir manufacture and one coir businessman who can assist them in finding out the real potentialities for the export market.

**Shri Vasudevan Nair:** May I know whether any representative of the workers' organisations will be included in this delegation?

**Shri Manubhai Shah:** No, Sir. This is a delegation for purely finding out the foreign markets and I hope the hon. Member will agree that no workers' representative is required for that purpose.

#### Tea Exports to U.K.

\*1835. **Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that India is losing its market for tea in United Kingdom; and

(b) if so, the reasons therefor?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). There are fluctuations

in our exports to U.K. as in our total exports. There is no firm trend to show that our tea exports to U.K. are declining.

**Shri Daljit Singh:** May I know the quantity of tea exported to the United Kingdom during 1956 and 1957?

**Shri Satish Chandra:** The quantity exported during 1956 was 36,54,00,000 lbs. But the quantity that reached U.K. during the same year was only about 30 crores lbs. On account of the Suez crisis, the shipments were perhaps held on the way.

**Shrimati Parvathi Krishnan:** May I know.....

**Shri Yajnik:** What about the figures for 1957?

**Shri Satish Chandra:** In 1957 the quantity exported was 30,38,00,000 lbs. and the quantity that reached U.K. was 34,85,00,000 lbs.

**Shrimati Parvathi Krishnan:** In view of the fact that the East African competition is growing, may I know whether discussions are going on about the tea agreement and, if so, at what stage is it?

**The Minister of Commerce (Shri Kanungo):** Yes, negotiations for renewal of the tea agreement are going on.

**Shrimati Parvathi Krishnan:** This answer was given two months ago. We want to know at what stage the matter is and what is the possibility of an agreement being arrived at in a short time?

**Shri Kanungo:** There is not very much hope, because the other parties are not agreeable. But we are continuing our efforts.

**Shri Joachim Alva:** In a few of the European countries very inferior variety of tea is being used and some of those countries, specially in Eastern Europe, have made offers to us of machinery on long term basis. May I know whether any efforts have been made to sell the average variety of

tea to those countries and get machinery for the benefit of our manufacturers?

**Shri Kanungo:** The information of the hon. Member is not quite correct.

**Shri P. C. Boroohah:** Is it a fact that our direct export of tea has been substantially cut down?

**Shri Satish Chandra:** It has not been cut down. There has been some fluctuation. The overall exports during 1957 were slightly less as compared to. But the average exports from India are almost at the same level as the average of some previous years.

**Shri C. D. Pande:** May I know whether Government is aware of the trend in recent months, that is, for the first three months of this year, the export of tea to U.K. has gone to 40 per cent. of the last year's level? For example, in February last year we exported tea worth £ 8 million whereas this year it was only £ 3 million. Is Government going to consider the possibility of increasing the export of tea to U.K., which is our most important customer?

**The Minister of Commerce and Industry (Shri Lai Bahadur Shastri):** I cannot exactly say whether the figure just now mentioned by Mr. Pande is correct. But there is no doubt that the position during the last two or three years has not been very unsatisfactory. The position has almost remained the same. There have been fluctuations, no doubt. But, yet we should not feel complacent about it, because the other countries are competing, especially Ceylon and East Africa. So, we have to make a special effort. We propose to send a delegation to some countries for propagating the use of tea and I hope that that delegation will succeed in that matter. In U.K. specially, we propose to appoint a few officers of ours to help in increasing our export. That is the only step which we can take at the present moment.

**Shri Balakrishnan:** Is it a fact that propaganda is done only through the International Tea Board since our country has no propagandist of its own to popularise our tea?

**Shri Lal Bahadur Shastri:** We were a member of that Board but we are no longer its member and we wanted to undertake this propaganda with the co-operation of Ceylon. We wanted to have a joint propaganda done, but somehow the Ceylon Government is not willing for that. Hence we propose to take steps unilaterally.

**Shri Liladhar Kotoki:** May I know whether the Government are aware that because of many countries producing tea and competing with our tea exports there are certain interested parties who might be trying to deteriorate the quality of our tea while processing it for the export market?

**Shri Satish Chandra:** There is no apprehension of such a thing happening. As far as we know every effort is being made in India to improve the quality of our tea.

**Shri Hem Barua:** May I know if it is a fact that levy of a uniform duty on tea regardless of quality and price on account of which common tea, is facing difficulty which constitutes 60 per cent. of the Indian production, is one of the factors responsible for the fluctuations of the market in U.K.?

**Shri Satish Chandra:** The hon. Minister has announced in this House that that aspect is under consideration and it is expected that Government will be able to arrive at a decision at not a distant date.

**Shri Damani:** May I know as to how our export figures of January, February and March, 1958, compare with the figures for January, February and March 1957?

**Shri Satish Chandra:** The figures for 1958 are not yet available. Therefore it is difficult to draw any inference. Most of our tea to the United Kingdom is exported on consignment

basis and the actual auctions take place much later. Even if any teas have been despatched during the last month or so, they would not have arrived in the United Kingdom. These figures will be available after some time.

नेता जी के भाषणों और लेखों का संग्रह

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१८४६. { श्री भक्त दर्शन :  
कृष्ण नेता राम नेता :

क्या सूचना और प्रसारण मंत्री २८ अगस्त, १९५७ के तारांकित प्रश्न सम्बन्ध १२६० के उत्तर के सम्बन्ध में यह बताने की कृपा करें कि नेताजी सुभाष चन्द्र के भाषणों और लेखों का संग्रह प्रकाशित करने की दिशा में इस बीच क्या प्रगति हुई है?

सूचना और प्रसारण मंत्री के सम्बन्ध चब (अंग्रेजी शब्दों और शब्दों की): इस बारे में विचार किया जा रहा है कि इस संग्रह में क्या शामिल किया जाये और इसकी क्षेत्रिकता क्या हो।

**An Hon. Member:** In English also.

**Shri A. C. Joshi:** The exact scope and contents of such a collection are still under discussion.

श्री भक्त दर्शन : श्रीमन् क्या इस लेखों के संग्रह और सम्पादन का कार्य किसी विशेष व्यक्ति के संपुर्द किया गया है?

सूचना और प्रसारण मंत्री (डा० केतकर) : जी नहीं।

श्री भक्त दर्शन : क्योंकि यह कहा गया है कि इस सम्बन्ध में विचार हो रहा है, इसलिये मैं जानना चाहता हूँ कि देर से देर कब तक इस बारे में निर्णय हो सकेगा?

डा० केतकर : यह कहना मेरे लिये बहुत कठिन है। इस सम्बन्ध में विचार

इस लिये ही रहा है कि उन के व्याक्तियान मात्रि हिन्दुस्तान में ही नहीं, बल्कि हिन्दुस्तान के बाहर भी काफी समय तक हुए और वे कहां तक उपलब्ध हो सकते हैं, इस के बारे में सोज की जा रही है और उस के बाद ही निर्णय किया जायगा ।

**सेठ गोदानन्द बाल:** इस सोज के लिये और इस सब सामग्री के सम्पादन के लिये क्या मंत्री जी का महकमा किसी एक सम्पादक को पूरे समय के लिये नियुक्त करने का विचार करेगा ?

**डा० केसकर:** इस बात नहीं, क्योंकि इस समय हम अलग अलग देशों में, जहां यह सामग्री उपलब्ध हो सकती है, पत्र-व्यवहार से भी दूसरी प्रकार इस सम्बन्ध में जानने की कोशिश कर रहे हैं । उस के बाद इस पर विचार किया जायगा ।

**Shrimati Renu Chakravarty:** May I know if any particular committee has been set up for considering this matter and what is the reason for the delay in view of the fact that most of the writing and speeches of Netaji are available?

**Mr. Speaker:** The hon. Minister has just now replied that.

**Dr. Keshkar:** Both the things are different. First of all, when a committee will be necessary we will certainly appoint one. For the moment we are exploring as to what we will be able to get published in the volume because a large number of speeches were delivered by Netaji outside India. The number of such speeches—authentic speeches—which will be available is not yet very sure. We are contacting his old colleagues and followers who were with him in the different countries. I am trying to find out as to how much of the material is available and then we will take further steps.

**Shri Hem Barua:** May I know if the Government have in their possession the recorded speeches or the

scripts of the speeches that were broadcast from the South-East Asian radio stations in different countries? Do they have them in their possession?

**Dr. Keshkar:** The hon. Member is referring to radio speeches.

**Shri Hem Barua:** Yes. He made certain broadcasts over the air from South-East Asian radio stations. May I know if the Government are in possession of those records or the scripts of the speeches which he broadcast from these stations?

**Dr. Keshkar:** Government are in possession of only two records of Netaji's speeches delivered in South-East Asia. Certain scripts are there but the number is very small.

**बी प० ला० बाक्याल:** क्या में माननीय मंत्री जी से यह जान सकता हूं कि नेताजी सुभाषचन्द्र बोस के लेख और अन्य सामग्री जिन व्यक्तियों के पास है, अगर वे सामग्री मरकार को देंगे, तो उन को कोई पुरस्कार भी दिया जायगा ?

**डा० केसकर:** इस पर हरेक व्यक्ति से अलग अलग बात हो सकती है और अगर ऐसा कोई सबाल आयगा, तो उस पर विचार किया जायेगा ।

**Shri Joachim Alva:** Has Government drawn up a list of great Indians, apart from the biographies of Mahatma Gandhi and Netaji's writings and speeches, whose biographies should be written for the benefit of present and future generations, including that of Sarojini Naidu?

**Mr. Speaker:** The hon. Member wants to know if there is a proposal to prepare the biographies of other great leaders.

**Dr. Keshkar:** There is not only a proposal but we propose to publish a series called 'The builders of Modern India'. But mainly their life and no- their speeches will be contained in it.

## Unemployment

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\*1837 { Shri S. M. Banerjee:  
 Shri Tangamani:  
 Shri Prabhat Kar:  
 Shri Muhammed Ehas:

Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No. 1619 on the 13th December, 1957 and state:

(a) whether number of the persons registered with the various Employment Exchanges in the country has increased from the 1st November, 1957 till now; and

(b) if so, to what extent?

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

(b) by 65,961.

Shri S. M. Banerjee: The unemployment figure on the 1st January, 1958 was 9,39,099. For February, 1958 it is 9,44,980. May I know the causes for this rise in unemployment?

Shri Abid Ali: On the 1st November, 1957 the number of employment exchanges was 172 and in March, 1958, it was 197. So, this increase is because of 27 more employment exchanges which have recently been opened. It comes to about 2,450 employment seekers in each of these new Exchanges.

Shri Tangamani: In volume 3, No. 8 of the Employment News which has been circulated to us we find that for the month of February, 1958, there are more than that nine lakhs applicants for assistance through the employment exchanges. May I know whether these 9,44,980 people who are seeking employment through the employment exchanges will be provided with employment at least before the end of this year?

Mr. Speaker: Who can say that?

Shri Tangamani: At least how many will be provided with employment?

Mr. Speaker: Hon. Members themselves should go and see these employment exchanges.

Shri Tangamani: We have got the figures.

Mr. Speaker: How can it be said that nine lakh persons will be provided with employment? I do not object to the hon. Minister answering that.

Shri Tangamani: These 9,44,980 are the people who are registered with the employment exchanges in various States.

Mr. Speaker: The hon. Member asks a question as to when it will be possible for all these people to be absorbed. Is it not? Can anyone say that?

Shri Tangamani: I want to know how many will be absorbed before the end of this year.

Mr. Speaker: Even then, it is problematic unless he is Brahma himself.

Shri Abid Ali: In 1956 the average monthly placement was 5,800, in 1957 it was 15,069 and in 1958 during the months of January to March it was 17,015.

Shri Hem Barua: May I know if the Government have evolved any scheme for the collection of employment market information from different States? If so, may I know the extent to which it has helped us to meet the challenge of unemployment in the country?

Shri Abid Ali: Some attempt on this line was made in Delhi and also in some other places. I think this was mentioned in the report which has been circulated to hon. Members.

Shri A. C. Guha: May I know what is the position in the Calcutta Exchange? Has the number increased considerably and if so, what steps do the Government contemplate to meet the situation?

Shri Abid Ali: Figures regarding Calcutta are not available with me here.

**Shri Thimmappa:** May I know whether the Government is satisfied with the number of persons employed through the Employment exchanges as compared to the increase in the number of people registered in the Employment Exchanges?

**Shri Abid Ali:** We are satisfied with the efforts that the Employment Exchanges are making.

**Shri Mahanty:** From the reply of the hon. Minister, it appears that unemployment is on the increase because the number of Employment Exchanges are on the increase. I would like to know from the hon. Minister if the Government have any information as to the objective facts regarding the precise extent of the unemployment problem. This is hardly the answer.

**Shri Abid Ali:** My reply was limited to the question.

**Shri Mahanty:** The point is, it relates.....

**Mr. Speaker:** The hon. Minister in his answer said that there has been this unemployment all along and on account of the Employment Exchanges, the numbers were registered. He is not giving any causes, because he does not admit that there is increase in unemployment. Only the registration has been increased.

**Shri Mahanty:** May I take it that therefore, unemployment is on the increase because the Employment Exchanges are on the increase?

**Shri Abid Ali:** The hon. Member may draw his own inferences.

**Shri S. M. Banerjee:** As regards educated unemployed, the figure was 3,89,552 on 1-1-58. On the other hand, we find in the Employment News—Shortages and surpluses—a tremendous shortage of stenographers, typists, draftsmen, overseers, midwives, nurses, etc. May I know what were the causes of unemployment of educated people and how many of them have been accepted in these categories?

**Shri Abid Ali:** For the jobs which are available, suitable employment seekers were not available. Particularly, so far as stenographers and typists are concerned, these are very much in demand. More should come forward.

**Mr. Speaker:** Next question.

**Shri S. M. Banerjee** rose—

**Mr. Speaker:** Unemployment is an eternal problem. There should be suitable men. If a clerk is available for a supervisor's post, how can he be employed? I am sorry.

**Shri S. M. Banerjee:** There is a long list which I could not read for want of time.

**Mr. Speaker:** He will put a separate question later.

#### Middle Income Group Housing Schemes

\*1889. **Shri Damani:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No. 412 on the 22nd November, 1957 and state the progress made in regard to Middle Income Group Housing Schemes?

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** The subject is still under examination and it will be sometime before a decision is taken.

**Shri Damani:** In view of the scarcity of accommodation and the high rate of rents, what special efforts are being made by the Government to help the middle income group of Government servants to solve their accommodation problem?

**Shri Anil K. Chanda:** In the Second Five Year Plan, originally, there was a provision for Rs. 3 crores for middle class housing. But, later on, on the advice of the Parliamentary Committee, it was dropped. We have now again revived this proposal and the Finance has, on principle, accepted this proposition that there may be loan financing on houses for the

middle class people. But, the scheme has not yet been finalised.

**Shri S. M. Banerjee:** May I know whether there is any scheme for hire purchase system for housing for the middle classes?

**Shri Anil K. Chanda:** This particular scheme will be of loan financing to be repaid in 25 years' time. This is more or less a hire purchase system.

**Shri Panigrahi:** May I know whether the finances will be made available from the Insurance Corporation or from the Housing Finance Corporation?

**Shri Anil K. Chanda:** The present proposal is for loan financing from the L.I.C.

**Shri Thimmaiah:** May I know what happened to the proposal of forming a Housing Corporation as stated by the hon. Minister during the Budget Session last year?

**Shri Anil K. Chanda:** We are in the midst of preparing a Bill for necessary legislation for the creation of Housing Corporations in the States.

**Shri Dasappa:** May I know whether the Government are considering the building of houses for the low income group themselves and renting them out?

**Shri Anil K. Chanda:** We have allowed the State Governments up to a limit of 25 per cent of the total allotment to build houses which they may hire on out for the low income group or sell on a no-profit-no-loss basis.

**Shri Dasappa:** May I know what progress has been made so far?

**Shri Anil K. Chanda:** I should like to have separate notice for that.

#### Industrial Estate, Gauhati

\*1840. **Shri Liladhar Kotoki:** Will the Minister of Commerce and Industry be pleased to state:

(a) the progress so far made in the Industrial Estate at Gauhati in the State of Assam;

(b) the amount allotted by the Central Government and the amount actually spent so far;

(c) when the Estate is expected to start functioning;

(d) whether the projected Estate is behind the schedule; and

(e) if so, what are the reasons therefor?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (e). A statement is laid on the Table of the Lok Sabha. [See appendix VIII. annexure No. 15.]

**Shri Liladhar Kotoki:** From the statement it is found that in the early stages, the progress of the construction of the estate was delayed due to want of building materials. It has also been stated that the programme will be completed by October, 1958. May I know whether all the requisite materials have been provided for so as to enable the estate to be completed by October, 1958?

**Shri Manubhai Shah:** Yes, Sir. As has been stated, construction has come to the roof level and we expect to be able to implement the programme by October, 1958.

**Shri Liladhar Kotoki:** May I know whether it is laid down in the scheme that training facilities will be given to the indigenous craftsmen to learn modern methods in small and cottage industries in the estate?

**Shri Manubhai Shah:** That is not part of this scheme; nor have we any subsidiary scheme for training craftsmen. We do have production-cum training centres and also separate intensive training centres for training potential artisans and craftsmen for the manufacture of articles.

**Shri Hem Barua:** May I know the articles that the estate proposes to manufacture?

**Shri Manubhai Shah:** There is a list of 25 and more articles which are indigenous in Assam starting from brass ware, cutlery, agricultural

implements and tools, some of the machine tools, electrical motors, etc.

**Machinery for Sugar Industry**

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\*1842. { Shri V. C. Shukla:  
          { Shri Rameshwar Tantia:

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

(a) whether it is a fact that a U.S. engineering firm is negotiating with the Government of India to secure licences for the manufacture of machinery for the sugar industry in India; and

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

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

(b) Does not arise.

**Shri Damani:** May I know the present capacity of manufacturing sugar machinery in the country and whether the entire plant is being manufactured or parts are only manufactured?

**Shri Manubhai Shah:** We have licensed six factories in the country which will enable us to produce by 1960-61 thirteen sugar plants from A to Z every year.

**Shri Damani:** May I know the imports made in 1956-57 and 1957-58 and the arrangements made for the present year?

**Shri Manubhai Shah:** It was Rs. 3½ crores in 1955, Rs. 4·7 crores in 1956. The figures for 1957 are not fully available. Perhaps it will be about Rs. 7·2 crores.

**Maheshwari Mines in Madhya Pradesh**

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\*1843. { Shrimati Parvathi Krishnan:  
          { Shri Narayanankutty Menon:  
          { Shri S. M. Banerjee:

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

(a) whether it is a fact that the Maheshwari Mines in Madhya Pradesh have been closed recently;

(b) if so, the reasons therefor;

(c) the number of workers involved; and

(d) what steps Government propose to take to reopen these mines?

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

(a) The Chikla Manganese Mine of Messrs Maheswari Mining and Trading Company Nagpur was closed on the 29th March, 1958.

(b) As the labourers were not paid full wages for the week ending 27-3-58 they obstructed the movement of ore. The management apprehended serious trouble and closed the Mine on 29-3-1958.

(c) Approximately 1,000.

(d) On the intervention of the Regional Labour Commissioner, the Mines was re-opened on the 3rd April, 1958 and an agreement was effected between the parties, on the 4th April, 1958.

**Shrimati Parvathi Krishnan:** May I know whether the wages that were due to the workers have been paid since then?

**Shri L. N. Mishra:** As a result of the agreement, some payment was made on the 27th of March. The next payment was to be made on 3rd April, 1958.

**Shrimati Parvathi Krishnan:** There seems to be some mismanagement going on in these mines. May I know whether the Government are investigating into that in order to ensure that such closures do not take place and these mines work?

**Shri L. N. Mishra:** There was no complaint from this mine before. Only recently, the trouble has arisen because of card-holders and non-card-holders; that is on account of the casual labour's case.

## Accumulation of Handloom Cloth

\*1544. { **Shri Kumaran:**  
**Shri P. R. Ramakrishna:**  
**Shri E. V. K. Sampath:**

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

(a) whether Government are aware of the large accumulation of cloth in the handloom sector;

(b) if so, the reasons therefor; and

(c) what help Government propose to give to clear off the accumulated stocks?

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

(b) The accumulation is partly seasonal and partly due to the fact that production is not geared to consumer demand.

(c) Special rebate of 6 N.P. in addition to the usual rebate of 6 N.P. in the rupee has been sanctioned from 11-4-1958 for a period of 2 months on retail and wholesale sales of handloom cloth by weavers' societies to clear accumulated stocks.

**Shri Kumaran:** Government have given a reduction of excise duty on mill cloth to the tune of Rs. 15 crores, with a view to according relief to the mill industry. May I know whether Government will take steps to set apart a similar amount to bring down the accumulated stocks in the handloom industry which employs a far larger number of workers than the mill industry?

**Shri Kanungo:** The correlation is not justified. In any case, there are schemes for reducing the cost of production of handloom goods as far as possible, and that is a sure way of sustaining these craftsmen.

**Shri Sampath:** May I know whether the Government of Madras have requested the Government of India to increase the rebate to two annas to resolve the crisis, and if so, the reaction of Government?

**Shri Kanungo:** That is exactly what has been done.

**Shri Tangamani:** The Minister has stated that the rebate has been increased to two annas, and the same will be extended only for two months. In view of the fact that these two months, namely this month and the next month, are very lean months, and months like October and November where we have the Deepavali are fast approaching also, may I know whether this rebate of two annas will be extended till the end of this year, so that the stocks which are there in Madras to the tune of Rs. 3 crores will be cleared.

**Shri Kanungo:** The rebate is for two months, and it is expected that it will help to clear a lot of stocks. Apart from that, I might mention that the accumulation is not so bad as it is supposed to be. In fact, in the States of Madras and Andhra Pradesh, where the largest production takes place, it is barely five weeks' production just now.

## भारत-तिक्कत व्यापार

\*१८४५. श्री भक्त वसंत : क्या प्रवास भंडी यह बनाने का लक्ष्य करेगे कि :

(क) क्या यह सच है कि भारत भीर चंद की मरवारी के बीच जो समझीता हुआ था उसके प्रदूषार तिक्कत में भारतीय व्यापार एवं भियां बारहों महीने लूली नहीं रखी जाती ; और

(ल) यदि हाँ, तो इसके क्या कारण हैं ?

बंदे प्रेस-कार्प भंडी के समान्वय (अ) तात्पत भली भाँ) : (क) भीर (ल) यात्पत और यात्पत्ते में तो भारतीय व्यापार एवं भियां भारा माल काम करती हैं, लेकिन, गतोंक स्थित भारतीय व्यापार एवं भीर परिवर्ती तिक्कत में यिंक गर्मी के महीनों में ही काम करती है। इसको लास बजह यह है कि किराये पर उचित स्थान नहीं बिलता है। हम अपनी इमारतें बनाने की कोशिशें कर रहे हैं।

**Shri Hem Barua:** In English also.

**Shri Sadath Ali Khan:** (a) and (b). The Indian Trade Agencies at Yatung and Gyantse function throughout the year. The Indian Trade Agency, Gartok, however, functions in Western Tibet during summer months only. This is primarily due to the fact that no suitable accommodation is available for hiring. Efforts to construct our own buildings are in progress.

**ओ भक्त दर्शन :** क्या में जान सकता हूँ कि इन गर्मियों से जो व्यापार का सीज़न शुरू होने वाला है उस में गड्नोक में भी बारहों महीने के लिये व्यापार एजेंसी की व्यवस्था करना सम्भव हो सकेगा ?

**ओ सादत अली जां :** मैं इस बहत तो नहीं कह सकता, लेकिन उम्मीद है कि ऐसा ही होगा ।

**ओ भक्त दर्शन :** क्या कोई अन्दाज़ा लगाया गया है कि गड्नोक में जो हमारी व्यापार एजेंसी के मकान बनने वाले हैं उन पर कितना खर्च होगा ?

**ओ सादत अली जां :** खर्च के बारे में तो मैं नहीं कह सकता लेकिन गड्नोक में मकान बनाने की स्कीम है और उम्मीद है कि वह मकान वहां बन जायेगे । खर्च के मूलाधिक मुद्रे नोटिस चाहिये ।

#### Verification of Claims of Displaced Persons

**\*1846. Shri D. C. Sharma:** Will the Minister of Rehabilitation and Minority Affairs be pleased to refer to the reply given to Starred Question No. 1276 on the 18th December, 1957 and state:

(a) whether proposals regarding "on the spot" verification of claims of displaced persons were discussed during the ministerial conference held at Karachi in the last week of January, 1958; and

(b) if so, the result thereof?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Yes.

(b) The Ministers considered the steps that may be taken to eliminate bogus or exaggerated claims for urban immovable property filed in India and Pakistan by displaced persons. For this purpose, they agreed to exchange particulars of the evacuee properties, such as whether the properties had in fact been treated as evacuee property, whether the details furnished by the Claimants correspond with the particulars as given in Custodians' and Municipal records, municipal assessments, rents, etc. This arrangement would in the first place, be applicable to claims of the value of Rs. 5 lakhs and above.

**Shri D. C. Sharma:** May I know in what way effect has been given to these recommendations ever since they were made?

**Shri P. S. Naskar:** What is now agreed upon merely means that the Governments would exchange certain information in regard to evacuee property. It does not involve either on-the-spot verification or valuation of the property by the experts of the other country; and the list of properties will be exchanged shortly.

**Shri D. C. Sharma:** May I know when the list of properties is going to be exchanged, and whether that list has been compiled?

**Shri P. S. Naskar:** So far as Pakistan is concerned, just after the discussion, they did not have the list ready, and that is why it is taking time.

#### State Trading Corporation of India - (Private) Ltd.

**\*1847. Shri V. C. Shukla:** Will the Minister of Commerce and Industry be pleased to state the amount of extra Foreign Exchange which the State Trading Corporation of India (Private) Ltd. has been able to earn through its activities in the channels

of established Import and Export Trade since its entry into this arena?

**The Minister of Commerce (Shri Kanungo):** Statements are in course of compilation and will be placed on the Table of the Lok Sabha.

**Shri Damani:** May I know whether after the obtaining of the sole monopoly for the export of iron ore by the State Trading Corporation, the sale price has gone up or gone down, and the reason for the same?

**Shri Kanungo:** The sale price has gone up, and that is exactly the purpose for which this policy was adopted.

**Shri Damani:** May I know to what extent it has gone up?

**Shri Kanungo:** I said in the main answer that the statements are in course of compilation and will be placed on the Table of the House. Since the statements asked for would mean a comparison to show the increase in foreign exchange earnings as compared with the normal foreign exchange earnings, it will mean a long compilation and working it out mathematically.

**Shri Damani:** I wanted to know to what extent the price per ton has gone up, and whether we are getting more prices or we are getting the same prices.

**Shri Kanungo:** Definitely, more prices, as has been stated in this House very often.

#### Shrines in Pakistan

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 1848. { **Shri Ajit Singh Sarhadi:**  
**Shri Padam Dev:**  
**Shri Vajpayee:**

Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 290 on the 19th February, 1958 and state:

(a) whether the scheduled meetings of the Joint Committee with a view to draw up a list of the historical shrines in India and Pakistan was held in March, 1958; and

(b) if not, the reasons therefor?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) and (b). No, Sir. An invitation was extended to the Government of Pakistan for a meeting of the Joint Committee at New Delhi in the fourth week of March, 1958. A reply has since been received from that Government stating that the dates proposed for the meeting were not convenient to them and that a further communication would follow suggesting suitable dates for the meeting. That communication is still awaited.

**Shri Ajit Singh Sarhadi:** In view of the long time that it has taken for the holding of a joint committee meeting, do Government propose to do anything else to have a list, and adopt some measures for the protection of such property?

**Shri Sadath Ali Khan:** No, we are waiting to hear from them, and we want this meeting to take place.

**Shri Ajit Singh Sarhadi:** May I know whether there is any target date, and for how long Government would target date.

**Shri Sadath Ali Khan:** There is no target date.

#### Production of Zirconium

\*1850. **Shri D. C. Sharma:** Will the Prime Minister be pleased to state:

(a) whether the proposed plant for producing Zirconium has been set up;

(b) if so, the place where it has been set up; and

(c) the cost thereof?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) No decision has yet been taken to set up a plant for producing Zirconium.

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

**Shri D. C. Sharma:** May I know the factors responsible for holding up

the decision on the setting up of this plant, especially when it has been said in the Report of the Department of Atomic Energy that it will be set up very soon?

**Shri Sadath Ali Khan:** We are exploring the possibilities of producing this thing, and as you know exploration always holds up things.

#### WRITTEN ANSWERS TO QUESTIONS

##### Office Accommodation in Simla

\*1828. { Shri Ram Krishan:  
Shri Chuni Lal:

Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether large accommodation would be available in Simla when the Punjab Government Offices are shifted to Chandigarh from there;

(b) if so, whether the Punjab Government have requested the Government of India to utilise that accommodation; and

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

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** (a) It is expected that about 1.25 lakhs sq. feet of office accommodation would be released by the Punjab Government in Simla when its offices move to Chandigarh.

(b) Yes, Sir.

(c) The matter has already been taken up for consideration by the Government of India. The accommodation will fall vacant only when the Punjab Government offices actually move to Chandigarh and this move, it is understood, will take place by the end of this year. By that time, efforts would be made by the Government of India to utilise this surplus accommodation.

##### All India Radio

\*1831. **Shri Arjun Singh Bhadauria:** Will the Minister of Information and

Broadcasting be pleased to state:

(a) whether there are any principles guiding the selection of Hindi script writers and talkers for the All India Radio; and

(b) if so, the nature thereof?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). Talkers and writers are generally selected keeping in view their competence in presenting a particular subject and ability to formulate it in a sufficiently attractive language. This applies to Hindi as well as other languages.

##### Replanting Funds for Coffee and Rubber

\*1834. **Shrimati Ila Palchaudhuri:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the question of creating Replanting Funds for Coffee and Rubber is still under the consideration of the Government of India; and

(b) if so, when a decision is likely to be taken in the matter?

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

(b) This will take some more time.

##### Rehabilitation Grants

\*1838. **Pandit Thakur Das Bhargava:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of persons who have been paid rehabilitation grants;

(b) what is amount of grant so far paid and in what form; and

(c) whether the persons found entitled to such grants have been allowed to bid at auctions by virtue of their being entitled to such grants?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Upto 28th February, 1958, 2,69,479 persons have

been paid Rs. 78.05 crores as compensation which includes an element of rehabilitation grant if Rs. 32.38 crores as admissible under Rule 94.

(b) Rs. 32.38 crores upto the end of February, 1958. This amount includes payment by cash/by purchase of property/and by adjustment of public dues.

(c) Yes, only persons entitled under Rule 94 and 96.

#### Shiva Rao Committee

\*1841. **Shaikh Mohammad Akbar:** Will the Minister of Labour and Employment be pleased to state:

(a) whether it was one of the recommendations of the Shiva Rao Committee that every State after decentralisation of the Employment Exchanges had to confirm 60 per cent. of the staff transferred to them from the Centre; and

(b) if so, whether the Punjab Government have complied with the above recommendation?

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

(b) Does not arise.

#### Rehabilitation Grants

\*1849. **Pandit Thakur Das Bhargava:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state whether any rehabilitation grants or any compensation in lieu of these grants have been paid to persons entitled to them apart from persons entitled to such grants under rule 96 of the Displaced Persons Compensation and Rehabilitation Rules, 1955?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** Every person having a verified claim of less than Rs. 50,000 is entitled to a rehabilitation grants under Rule 94 in accordance with the scale laid down in the rules. Upto 28th February, 1958, 2,89,479 persons have been paid Rs. 78.50 crores as compensation

which includes an element of rehabilitation grants of Rs. 32.38 crores.

#### कुटीर तथा लघु उद्योग

२७४८. श्री ज० ला० हिंदेही : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) कुटीर तथा लघु उद्योगों की किन किन फर्मों के नाम १९५६-५७ में सम्भरण और निवास महानिदेशक की स्वीकृत ठेकेदारों की सूची में लिखे गये;

(ख) उक्त वर्ष में उपरोक्त फर्मों के अतिरिक्त कितनी फर्मों ने इस सूची में अपना नाम सम्मिलित करने के लिये प्रार्थना-पत्र दिये थे; और

(ग) जिन फर्मों के नाम स्वीकृत ठेकेदारों की सूची में सम्मिलित कर लिये गये हैं, उन्होंने किम प्रकार की वस्तुएं दीं?

निर्माण, आवास और संभरण मंत्री (श्री क० ज० रेड़ि): (क) ऐसी फर्मों की सूची सभा पटल पर रख दी गई है। [देखें परिशिष्ट द, अनुबन्ध संख्या १६]

(ख) ३१।

(ग) सूची सभा पटल पर रख दी गयी है। [देखें परिशिष्ट द, अनुबन्ध संख्या १६]

#### रबड़ के जूने

२७४९. श्री ज० ला० हिंदेही : क्या बालिक्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि रबड़ के जूते बनाने वाले कारखानों के विस्तार के लिये जो लाइसेंस दिये गये हैं, उनके फलस्वरूप इनके विस्तार में अब तक कितनी प्रगति हुई है?

बालिक्य तथा उद्योग मंत्री (श्री लाल बहादुर ज्ञात्रो): एक विवरण सभा पटल पर रख दिया गया है। [देखें परिशिष्ट द, अनुबन्ध संख्या १७]

**Indian Foreign Service**

**2750. Shri Dinesh Singh:** Will the Prime Minister be pleased to state:

(a) the number of vacancies that were to be filled in the Indian Foreign Service by direct recruitment in 1950 and 1957; and

(b) how many of them were actually filled?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) 4 in 1950 and 14 in 1957.

(b) 3 in 1950 and 10 in 1957.

**Evacuee Property**

**2751. Shri A. K. Gopalan:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state the number of cases pending for decision under Section 6 of Evacuee Property Act before the Custodian-General of Evacuee Property?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** This Section deals with the appointment of Custodians and Additional Custodians etc. by the Central Government, and as such the question of any cases pending for disposal under this Section before the Custodian-General of Evacuee Property does not arise.

**State Trading Corporation of India (Private) Limited**

**2752. Shri Sinhasan Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the attention of Government has been drawn to a news item concerning the State Trading Corporation published on page 3 of the *Blitz* dated the 22nd March, 1958;

(b) if so, whether the facts mentioned therein about Rupees 8 lakhs being put into the pocket of a certain stevedore, are correct;

(c) whether Government would lay a statement on the Table stating the

full facts of the case and also justification for not inviting tenders for the appointment of stevedores; and

(d) whether anybody has been held responsible for the extra loss suffered by the Corporation by way of demurrage charges?

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

(a) Yes, Sir.

(b) No, Sir.

(c) and (d). A statement is laid on the Table of the Lok Sabha. [See appendix VIII, annexure No. 18.]

**Pilot Plant at Ghatsila**

**2753. Shri Naushir Bharucha:** Will the Prime Minister be pleased to state:

(a) when is the pilot plant at Ghatsila for extracting uranium from copper tailings expected to go into operation;

(b) what is the estimated annual uranium extraction and of what atomic weight;

(c) whether any payment has to be made for utilising the copper tailings; and

(d) if so, what are broadly the terms of the agreement?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) The Pilot Plant at Ghatsila is in operation since September, 1957.

(b) The plant is intended for beneficiation experiments on various types of uranium ore from the Bihar region. It is being operated at present on an experimental basis to determine the best treatment scheme for upgrading the copper tailings. It is too early to make an estimate of the annual uranium extraction.

(c) No.

(d) Does not arise.

**Training of Women Craft Instructors**

2754. { **Shri S. C. Samanta:**  
**Shri Bhakt Darshan:**  
**Shri Subodh Hansda:**

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

(a) whether there is any separate institute for the training of women craft instructors;

(b) if so, where and when this institute was started;

(c) what are the crafts that were taught during the last two years;

(d) whether any other craft will be included in the course; and

(e) how many women have been trained so far?

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

(b) The scheme was introduced at the Industrial Training Institute for Women, Curzon Road, New Delhi in April, 1955.

(c) (i) Cutting and Tailoring.

(ii) Embroidery and needle work with hand and machine.

(d) There is no such proposal at present.

(e) 88.

**Silk and Rayon Export Promotion Council**

2755. **Shri Rameshwar Tantia:** Will the Minister of Commerce and Industry be pleased to state what efforts have been made by the Silk and Rayon Export Promotion Council to popularise these fabrics in the Middle East and African countries?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** A statement giving the steps taken by the Silk and Rayon Textiles Export Promotion Council to promote exports is laid on the Table of the Lok Sabha. [See appendix VIII, annexure No. 19.]

**Rehabilitation Ministers' Conference**

2756. **Shri D. C. Sharma:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state the decision taken on the recommendations of the Conference of Rehabilitation Ministers held in Darjeeling during 1957?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** A note showing the main recommendations made by the Conference and the decisions taken thereon is placed on the Table of the Lok Sabha. [See appendix VIII, annexure No. 20.]

**Allotment of Evacuee Houses**

2757. **Shri Ajit Singh Sarhadi:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state the number of appeals which are pending before the Chief Settlement Commissioner in connection with allotment of evacuee premises jointly occupied by displaced persons?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** Appeals and Revisions relating to divisibility, allotment (i.e. the right of one of the several occupants to the allotment of the entire property), valuation and auctions are all registered under one category. The number of appeals and revisions under this category pending on 31st March, 1958 before the Chief Settlement Commissioner was 1738.

It is not possible to give the number of such appeals and revisions in which only the question of allotment of evacuee premises occupied by more than one displaced person is in issue without an amount of labour which would not be commensurate with the result likely to be achieved.

**Loans to Displaced Persons**

2758. **Shri Ajit Singh Sarhadi:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state the procedure of charging interests for loans advanced to loanees leaving

claims for immovable property left in West Pakistan?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** Under the terms and conditions of the loans the displaced persons were required to pay simple interest on these loans but in case the interest was not paid on the due date, arrears also bore interest from the date of default.

2. On account of representations received, the matter was, however, reconsidered and it was decided in May, 1957, that in future only simple interest would be calculated for adjusting rehabilitation loans against compensation payable to displaced claimants instead of charging compound interest or penal interest which according to earlier orders was payable in case of defaults in the payment of instalments. It was also decided that the cases where compound interest or penal interest had already been charged should not be reopened.

3. No interest is however chargeable from claimant displaced persons with effect from the following dates:—

(a) From 1st November, 1954 in respect of claimants who had filed their compensation applications upto the 31st October, 1954.

(b) In the case of claimant displaced persons to whom property was transferred from the Compensation Pool and who filed compensation applications as auction purchasers or under any other category after 31st October, 1954 and before 27th June, 1955, no interest is chargeable with effect from the 1st day of the month following the month in which the compensation application had been filed;

(d) In the case of claimants who filed compensation applications on or after the 27th June, 1955, no interest is chargeable from 1st October, 1955.

(d) In the case of claimants who filed compensation applications under the category for which com-

pensation applications had been invited before a specified date, but who had actually filed the compensation applications late and the delay had been condoned, no interest is chargeable with effect from the 1st day of the month following the month in which the last date had been specified for the category;

(e) In the case of displaced persons who had applied for rehabilitation grant under Rule 96 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, no interest is chargeable with effect from 1st January, 1956.

#### Payment of Compensation to Displaced Persons

2759. **Shri Ajit Singh Sarhadi:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of claims clubbed so far for payment of the compensation to displaced persons; and

(b) if so, the saving expected by Government by this procedure?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) and (b). The 'clubbing' of claims, wherever it is done, is governed by the provisions of rule 19 of the Compensation Act and rules and is not done with a view to effect economy. No separate statistics regarding cases in which claims have been clubbed have been maintained. The requisite date is, therefore, not available. The time and labour involved in collecting the information will not be commensurate with the results desired to be achieved.

#### Displaced Persons in Bisalgarh

2760. **Shri Bangshi Thakur:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that the inhabitants of many refugee colonies are in much trouble for want of

drinking water, in Bisalgarh since September, 1957; and

(b) if so, what action Government propose to take to relieve them of this difficulty?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) No. There was some temporary difficulty due to draught in the area but with the advent of rains the difficulty was resolved.

(b) Does not arise.

#### Faridabad Development Board

**2761. Shri A. K. Gopalan:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that the officers of the Faridabad Development Board while travelling by road between Faridabad and Delhi have been instructed to draw Railway fare; and

(b) if so, whether this instruction is being implemented?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) and (b). Under the T.A. Rules of the Punjab Government which the Board is following only railway fare is normally admissible for journeys between stations connected by rail. This rule was reiterated in the instructions issued by the Board. However, the Punjab Government T.A. Rules also provide for an exception permitting the payment of road mileage to an officer if the journey is performed by road in the interest of service.

Railway connections between Delhi and Faridabad are few and very time-consuming, and in order to avoid waste of time, senior officers of the Board are allowed to travel by road and draw road mileage admissible under the Rules, as the payment of only railway fare in such cases will result in their being out of pocket.

#### Faridabad Development Board

**2762. Shri A. K. Gopalan:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that staff car rules of Faridabad Development Board were revised in September, 1956;

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

(c) whether a copy of the rules as prevailing before September, 1956 and after that will be laid on the Table?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Yes.

(b) The Rules were revised in order to bring them in conformity with the Government Rules.

(c) Copies are laid on the Table of the Lok Sabha. [Placed in the Library, See No. LT-676/58.]

Rule 8 of the Staff Car Rules introduced in September, 1956 has now been further revised as per annexure 'A'.

#### Displaced Persons in Manipur

**2762. Shri L. Achaw Singh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that no further settlement of unsponsored displaced persons on land in Manipur is possible; and

(b) if so, the action proposed to be taken to rehabilitate those agricultural families which are not yet settled?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) and (b). The Government of India do not accept any responsibility for the rehabilitation of unsponsored displaced persons in Manipur. They should have by now got absorbed in the economy of Manipur like other Manipurites.

**Wholesale Price Index Committee**

**2764. Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the interim report of the Wholesale Price Index Committee under the Chairmanship of Shri U. L. Goswami has been submitted to the Government;

(b) if so, whether a copy of the same would be laid on the Table; and

(c) if the reply to part (b) is in the negative, what is the progress made and when the full report is expected by Government?

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

(a) The Wholesale Price Index Revision Committee has not submitted any interim report.

(b) Does not arise.

(c) A tentative list of additional quotations for non-agricultural items required for general purposes has been prepared and the available data will be watched for continuity and reliability before finalising the list; a selected number of quotations from this list will be recommended for inclusion in the Index. The Committee should be able to complete its work in about six months.

**Statutory Boards in Himachal Pradesh**

**2765. Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any Statutory Board has been formed for making progress in Handlooms, Handicrafts and Small Scale and Cottage Industries in Himachal Pradesh; and

(b) whether any organisation in Himachal Pradesh receives any assistance from the Central Government for development of these industries?

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

(a) No, Sir.

(b) The Central Government have given financial assistance to the Himachal Pradesh Administration for the development of these industries. One non-official organisation, namely the Himachal Pradesh Sahakari Khadi and Gramodyog Mandal Ltd., Simla, which was in the Himachal Pradesh before the reorganisation of States, also received assistance in the shape of grants and loans through the All India Khadi and Village Industries Board and, since 1957-58, the Khadi and Village Industries Commission.

**कागज और अखबारों का गज**

**2766. श्री पद्म देव:** क्या शाजिय तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) अखबारों का गज के उत्पादन के सम्बन्ध में अब तक क्या प्रगति हुई है; और

(ख) कागज के नियांत को बढ़ाने के लिये सरकार द्वारा क्या कार्यवाही की जा रही है?

**शाजिय तथा उद्योग मंत्री:** (श्री सास बहादुर शास्त्री) : (क) शक्तकर नगर (आन्ध्र प्रदेश) में अखबारों का गज बनाने का एक और कारखाना स्थापित करने की योजना पर राष्ट्रीय औद्योगिक विकास निगम व्योर वार विचार कर रही है। इस कारखाने की उत्पादन क्षमता ३०,००० टन वार्षिक होगी और यह इतनी ही क्षमता वाले नेपा नगर स्थित कारखाने के अलावा होगा।

(ख) हालांकि देश में कागज का उत्पादन बढ़ रहा है, फिर भी वह बढ़ती हुई मांग को पूरा नहीं कर पा रहा है। इस कमी को पूरा करने के उद्देश्य से उद्योग (विकास तथा नियमन) अधिनियम के अधीन मौजूदा कई कारखानों के विस्तार तथा छोटे और बड़े नये कारखाने स्थापित करने के लिये लाइसेंस दिये गये हैं। ये सभी योजनायें जब चालू हो जायेंगी तो आशा है कि हमारे पास नियांत के लिये भी योड़ा कागज बच सकेगा। भिन्नों

किस्मों का कागज, जैसे सिगरेट का पतला कागज अब भी नियात किया जा रहा है। कागज का नियात बढ़ाने के लिये जो कदम उठाये गये हैं, उनमें से कुछ ये हैं :—विदेशों से किये गये व्यापार करारों में कागज को भी शामिल किया गया है तथा विदेशों में दुई प्रदर्शनियों में कागज के नमूने दिखाये गये हैं।

**All India Life Insurance Employees Association**

**2767. Shri Tangamani:** Will the Minister of Labour and Employment be pleased to state:

- (a) whether a deputation representing the All India Life Insurance Employees Association met him on the 22nd March, 1958;
- (b) the demands put forward by them; and
- (c) which of them were conceded?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) A deputation met the Deputy Labour Minister, Parliamentary Secretary and some officers of the Ministry on the 21st March, 1958.

(b) The main demands were payment of bonus, staff regulations and temporary employees to be made permanent.

(c) Conciliation proceedings have been taken up by the Regional Labour Commissioner, Bombay.

**Jagadhari Paper Mills**

**2768. Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total production of paper in the Jagadhari Mills during 1956-57 and 1957-58; and

(b) the sale price of this paper and how it compares with the paper manufactured by other Mills and the imported one?

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

(a)

1956-57	13,751 tons
1957-58	14,926 tons

(b) The mill manufactures a number of varieties of paper and price depends on the particular variety. However, the mill price of white printing paper F.O.R. destination is 73½ N.P., inclusive of an increase of 3½ N.P. per pound with effect from 1-4-58, + 10 N.P. excise duty (excluding local taxes). Government are examining to what extent this recent price increase is justifiable. Prices of other types are generally arrived at by adding to or subtracting certain differentials fixed by Tariff Board, when paper prices were controlled. These are the uniform prices charged by all the paper mills in the country. Price of indigenous paper is lower than that of similar imported grades.

**Handlooms in Madras State**

**2769. Shri Elayaperumal:** Will the Minister of Commerce and Industry be pleased to state:

- (a) how many Handlooms are working in Madras State;
- (b) what progress has so far been made to bring the looms under the co-operative sector;
- (c) how many looms are now under this Sector;
- (d) what amount was sanctioned for the years 1956-57 and 1957-58;
- (e) what amount is proposed to be given for the year 1958-59; and

(f) whether any financial aid is proposed to be given to those looms which are at present outside the co-operative fold?

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

(a) Information is not available.

(b) The number of looms in the co-operative fold in Madras as on 31-12-57 was 2,03,738 as against 99,139 on 30-9-53.

(c) 2,03,738 looms.

(d) Rs. 2,25,37,324·25 was sanctioned in 1956-57 and Rs. 1,25,76,364·50 was sanctioned during 1957-58 to Madras from the cess fund for the handloom industry.

(e) Rs. 92,00,000.

(f) No, Sir.

#### Handicrafts in Madras State

**2770. Shri Elayaperumal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government propose to extend any help to Madras State for the development of handicrafts during the Second Five Year Plan; and

(b) if so, what amount is proposed to be given in this regard?

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

(a) Yes, Sir.

(b) The total allocation for the Madras State for development of handicrafts in the Second Five Year Plan is Rs 40 lakhs which includes expenditure both by the Central Government and by the State Government. The respective allocations of this provision between the Central Government and the State Government cannot be indicated as this is settled from year to year depending on the over-all financial position and the types of schemes included in the State's annual plans.

#### Panchkuin Road Huts

**2671. Raja Mahendra Pratap:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that in Panchkuin Road in New Delhi, displaced persons are living in temporary huts and conducting business therein;

(b) the rent charged from them;

(c) whether there is any scheme to give them better permanent shops; and

(d) if so, when they could move to better shops?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Yes.

(b) Rs. 20·50 Naye Paise P.M. per stall.

(c) It is proposed to construct in adequate number of shops in the various Government Servants' Colonies in and around New Delhi to provide permanent business accommodation to the eligible temporary stallholders of New Delhi including those on Panchkuin Road.

(d) No date can be indicated at this stage as the details of the scheme are being worked out.

#### A.I.R.

**2772. Shri D. C. Sharma:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of regular employees and casual artistes of All India Radio engaged in programme work separately at present;

(b) the method of their selection; and

(c) the minimum remuneration paid?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) The number is as follows:

(i) Staff and Officers in receipt of regular pay and allowances: 466

(ii) Staff Artistes on contract for varying periods in receipt of consolidated monthly fees 1705

(iii) Casual Artistes 150

(In addition to the regularly engaged artistes there are several thousands who are given programmes occasionally.)

(b) Regular staff are selected through the UPSC, or Departmental Promotion Committees and through

Employment Exchanges as prescribed for each category as may be appropriate; Selection Committees, Screening Committees and Audition Committees constituted for the purpose are the agencies for the appointment of staff artistes and casual artistes. A graded list of casual artistes is maintained at every Station.

(c) Rs. 80 P.M. (for casual artistes on monthly engagement); for other artistes the rates vary from Rs. 10 upwards.

Jute Mill in Orissa  
 2773. { Shri Bhogji Bhai:  
 { Shri Rameshwar Tantia:  
 { Shri Panigrahi:

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

(a) whether it is a fact that the Orissa Government have approached the Central Government to grant permission to instal a jute mill in that State; and

(b) if so, what would be the capacity of the mill?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):  
 (a) The Government of Orissa have supported an application from a private party for setting up a Jute twine and Rope factory.

(b) 2500 maunds per month on a two-shift operation.

#### Cement Factories in Bombay State

2774. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of cement factories which will be set up in Bombay State during the remaining Second Plan period; and

(b) how many will be set up during 1958, 1959 and 1960 with their location?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):  
 (a) The establishment of three new

cement factories in Bombay State during the Second Five Year Plan period has been approved. Besides, three schemes of expansions to existing cement factories in that State have also been approved.

(b) The number and locations of the factories expected to be set up during the years 1958, 1959 and 1960-61 are given below:

#### NEW FACTORIES

Year	Number	Location
1958	Nil	—
1959	One	Porbandar
1960-61	Two	Port Albert Victor and Veraval

#### EXPANSIONS

1958	Nil	—
1959	One	Dwarka
1960-61	Two	Porbandar and Sikka

#### Pottery Training-cum-Production Centres in Punjab

2775. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of pottery training-cum-production centres in Punjab;

(b) the number of persons receiving training in these centres;

(c) the articles manufactured by these centres; and

(d) the details of income and expenditure of these centres?

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

(a) to (d). The required information is being collected and will be laid on the Table of the House in due course.

#### Journals and Periodicals

2776. Shri Tyagi: Will the Minister of Information and Broadcasting be pleased to state:

(a) the total number of journals and periodicals published by various Ministries and offices subordinate thereto; and

(b) the amounts of money provided in the budget for 1958-59 for each of these publications?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). Information is being collected and will be laid on the Table of the House in due course.

#### Plastic Export Promotion Council

**2777. Shri Rameshwar Tantia:** Will the Minister of Commerce and Industry be pleased to state what steps have been taken by the Plastic Export Promotion Council to improve the quality of plastic goods for the purpose of export?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** A statement is laid on the Table of the Lok Sabha. [See appendix VIII, annexure No. 21].

#### Export of Spices to U.S.A.

**2778. Shri Rameshwar Tantia:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Guatemala is competing with India in the export of spices to the U.S.A.; and

(b) if so, what steps have been taken to meet this competition?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) and (b) According to the Report of the Spices Inquiry Committee, Guatemala competes with us only in the export of cardamom to the U.S.A. Detailed information regarding the extent of this competition has been called for and will be placed on the Table of the House in due course.

#### Lockout in Orissa Mineral Development Company, Barbil

**2779. Shri Panigrahi:** Will the Minister of Labour and Employment be pleased to state:

(a) whether there was a Lockout in Orissa Mineral Development Com-

pany, Barbil, iron ore and manganese mines in the year 1956;

(b) whether the Lockout was lifted consequent on the agreement between the representatives of State Government and the Union Government particularly with the Chief Labour Commissioner, K.M.F.W. Union, and the management; and

(c) whether the terms of agreement have been implemented since then?

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

(b) No.

(c) Does not arise.

#### Wood Pulp

**2780. Shri Kodilyan:** Will the Minister of Commerce and Industry be pleased to state:

(a) what is the total quantity of wood pulp required by the Rayon Industry in the country;

(b) how much of the total requirements is being produced at present in the country; and

(c) what steps Government propose to take to fill up the gap?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) About 35,000 tons per year at present.

(b) Nil.

(c) M/s. Gwalior Rayon Silk Manufacturing (Weaving) Co., Ltd., Nagda have been licensed to establish an undertaking at Nilambur/Beypore (Kerala State) for manufacturing 36,000 tons per year of wood pulp (Rayon grade). In addition, Government are also considering a proposal received from Japan Machine Consultants, Tokyo for the establishment of a similar bamboo-based Rayon Grade Pulp Mill at a suitable place.

**विस्थापित व्यक्तियों को छारा**

2781. अ. पद्म देव : क्या पुनर्जीवित व्यक्तियों को बताने को कृत करेंगे कि :

(क) क्या विस्थापित व्यक्तियों को दिये जाने वाले जग्हों पर ब्याज लिया जाता है अथवा नहीं ; और

(ख) अब तक छठन को कितनी राशि वसूल की जा चुकी है और कितनी बकाया है ?

पुनर्जीवित उपमंत्री : (अ. प० शे० नातकर) : (क) शरणार्थियों को दिये जाने वाले सब प्रकार के कर्जों पर ब्याज लगता है।

(ख) कर्जों को बहुत भारी रकम शरणार्थियों को राज्य नगरारां द्वारा दी गयी थी। शरणार्थियों ने इन की वसूली राज्य सरकारे करती है या नेटवर्क शरणार्थियों के दावों में से यह रकम वसूल दी जाती है। यह जातकारी उपलब्ध नहीं है और इसे एकत्रित करने में जितना समय और मेहनत लगेगी उसके बराबर प्राप्त होने वाला परिणाम मही होगा।

**Officials in U.N.O.**

2782. Shri Damani: Will the Prime Minister be pleased to state the number of Indian officials at present working with various branches of the United Nations Organisation?

The Prime Minister and Minister of External Affairs. (Shri Jawaharlal Nehru): Fifty-four in September, 1957; we do not think there has been any significant change since then.

**Carpentry Training-cum-Production Centres**

2783. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of carpentry training-cum-production centres in Punjab;

(b) the places where they are located;

(c) the number of persons receiving training in these centres;

(d) the number of centres started in the year 1957; and

(e) the goods manufactured by these centres?

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

(a) Two.

(b) Patiala and Samana.

(c) 12 at Patiala and 14 at Samana.

(d) Nil.

(e) Wooden furniture of different types.

**Medicinal Herbs**

2784. Shri Hem Raj: Will the Minister of Commerce and Industry be pleased to state:

(a) the names and the quantity of medicinal herbs which are exported by Indian to foreign countries at present; and

(b) the estimated value thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). A statement is laid on the Table of the Lok Sabha. [See appendix VIII, annexure No. 22].

**Local Development Works**

2785. Shri Hem Raj: Will the Minister of Planning be pleased to state the money allotted to the different States for Local Development work programmes during the year 1958-59, State-wise?

The Deputy Minister of Planning (Shri S. N. Mishra): A statement is laid on the Table of the Lok Sabha. (See Appendix VIII, annexure No. 23.)

A sum of Rs. 1 crore has been kept reserved for further allotment to such State Governments, as may become eligible for additional assistance, on the basis of actual performance.

**Tea Board**

**2786. Shri Hem Raj:** Will the Minister of Commerce and Industry be pleased to state:

(a) the income which accrued to the Tea Board from different sources during 1957-58; and

(b) the money spent by it for the development of tea during the same period State-wise?

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

(a) The total income to the Tea Board during 1957-58 amounted to Rs. 98.87 lakhs from all sources.

(b) All the activities of the Tea Board are directed towards the development of the tea industry. The expenditure incurred by the Tea Board during 1957-58 (upto February only) for the development of the tea industry was about Rs. 81.6 lakhs; no State-wise break up is feasible.

12 hrs.

**PAPERS LAID ON THE TABLE****NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT**

**The Minister of Industry (Shri Manubhai Shah):** I beg to lay on the Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of each of the following Notifications:

(1) S.O. No. 446, dated the 2nd April, 1958, containing the Non-Ferrous Metals Control Order, 1958.

(2) S.O. No. 447, dated the 2nd April, 1958. [Placed in the Library. See No. LT-673/58]

**CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE****PROMULGATION OF REGULATION CONFERING SPECIAL POWERS ON OFFICERS OF ARMED FORCES**

**Shri Naushir Bharucha (East Khandesh):** Under Rule 197, I beg to call

the attention of the Prime Minister to the following matter of urgent public importance and I request that he may make a statement thereon:—

The promulgation of a Regulation by the President conferring special powers on the officers of the Armed Forces.

**The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):** On behalf of the Prime Minister, I beg to make the following statement:—

On the 5th April, 1958, the President promulgated the Armed Forces (Special Powers) Regulation—Regulation No. 2 of 1958. A copy of this Regulation is placed on the Table of the House. [Placed in the Library. See No. LT675/58]

No Regulation concerning the Naga Hills-Tuensang Area was promulgated by the President on the 14th April.

This is not a new Regulation. In 1956, a similar Regulation was promulgated by the Governor of Assam under paragraph 19(1)(b) of the Sixth Schedule to the Constitution. This Regulation expired on the 22nd December, 1957. Since the Naga Hills District has been transferred from Part A to Part B of the Sixth Schedule by the passing of the Naga Hills-Tuensang Area Act, Government were advised that the Regulation could be renewed or re-promulgated only by the President under article 240 of the Constitution. Some time was, however, taken in discussing whether any of the powers under the old Regulation needed revision. No change has however been made in the new Regulation.

It is not correct to say that the new Regulation authorises officers of the Armed Forces to fire upon any person acting in contravention of any order or suspected of being about to commit any offence. Authority to fire has been given by paragraph 4(1)(a) of the Regulation only against persons acting in contravention of any law or order in force in the disturbed area prohibiting the assembly of five or

[Shrimati Lakshmi Menon]  
more persons or carrying of weapons,  
fire-arms, ammunition or explosives.

HYDERABAD SECURITIES CONTRACTS REGULATION (REPEAL) BILL\*

The Deputy Minister of Finance (Shri B. R. Bhagat): I beg to move for leave to introduce a Bill to provide for the repeal of the Hyderabad Securities Contracts Regulation Act, 1353 Fasli (VII of 1353 Fasli):

Mr. Speaker: The question is:

"That leave be granted for leave to introduce a Bill to provide for the repeal of the Hyderabad Securities Contracts Regulation Act, 1353 Fasli (VII of 1353 Fasli)".

The motion was adopted.

Shri S. K. Patil I introduce the Bill.

BOMBAY, CALCUTTA AND MADRAS PORT TRUSTS (AMENDMENT) BILL\*

The Minister of Transport and Communications (Shri S. K. Patil): I beg to move for leave to introduce a Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, and the Madras Port Trust Act, 1905.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, and the Madras Port Trust Act, 1905".

The motion was adopted.

Shri S. K. Patil: I introduce the Bill.

\*Published in the Gazette of India dated 25th May, 1958.

COMMITTEE OF PRIVILEGES  
SECOND REPORT

Sardar Hukam Singh (Bhatinda): I beg to move:

"That this House agrees with the Second Report of the Committee of Privileges laid on the Table on the 24th April, 1958".

I may say a few words with regard to this. There is an election petition pending before an election tribunal at Calcutta against the return of one of our hon. Members, Shri Biren Roy. The petitioner has requested the election tribunal to summon certain files from our Secretariat. The election tribunal has requested this House to accord permission for the production of files in regard to the correspondence that this Secretariat had with the Indo-German Trade Centre, Behala, Calcutta, regarding the installation of the automatic vote recording system in the Lok Sabha. Though this contract was not entered into by our Secretariat—it was done by the Director General, yet we have certain papers in our files.

The request received by the Speaker was referred to the Committee of Privileges. The Committee has recommended that this House may give permission for the production of the papers that we have in our possession, though they may be not very necessary or important. But whether they are relevant or not relevant will be for the tribunal to decide. I request that this House does agree with that recommendation.

Mr. Speaker: Motion moved:

"That this House agrees with the Second Report of the Committee of Privileges laid on the Table on the 24th April, 1958".

Shrimati Renu Chakravarty (Basirhat): I have gone through the whole minutes of the Committee's meetings and the report. Therein the almost unanimous opinion is that there is nothing in our records which is relevant to the sections which have been

referred to in the course of the proceedings of the election tribunal. Since this is the unanimous decision, that there is nothing relevant, and in future also on many occasions other papers will be required and at all times the House will, more or less, take this as a precedent, and in view of the fact that all the relevant papers can very probably be got from the DG,S and D, we should say that they should refer the matter to the DG,S and D instead of wanting our files to be sent from here.

**Shri Naushir Bharucha** (East Khandesh): I have to invite the attention of the House to a matter arising out of this report which is of importance and which requires to be looked into. The hon. Deputy-Speaker has stated that certain files have been called for and the procedure, as recommended by the Committee of Privileges in their First Report, paragraph 10, is that you normally refer such a matter to the Committee of Privileges. Actually, the election tribunal has very mildly made a grievance of it that in spite of the best attempts on the part of the election tribunal to dispose of the election cases, too much time is being taken. It says:

"The way in which this election petition has been dragging its slow length in spite of my endeavour to have an expeditious trial makes me unhappy".

Further the tribunal says, because it feels that the procedure of referring this matter to the Privileges Committee and obtaining the Report of the Committee and the House passing a Resolution on it is cumbersome:—

"All I seek now is Parliament's co-operation to carry out Parliament's mandate".

to expedite the disposal of the election petition.

This raises an important issue. To my mind, it is not necessary to refer such matters to the Privileges Committee, and I think the House must revise the procedure. I am of the

opinion that the Speaker, and in his absence, the Deputy-Speaker, should have full powers immediately to sanction production of all the documents, if he thinks fit, or to withhold them if he thinks that there are documents in respect of which privilege may be claimed. I submit that every time it is not necessary for a Committee to go through the whole question when an election petition is held up or other trial is held up. In this House, we are all anxious to expedite all trials and cut out delay. But I submit that the present procedure is rather cumbersome and it is very necessary that it should be revised.

May I point out that with regard to the production of documents, ordinary heads of department can also claim privilege? They do claim privilege or they do produce documents, whichever they think fit. The normal discretion which is exercised by an ordinary head of department is being denied to the Speaker. I submit that the Speaker, the Deputy-Speaker and even a Chairman on the Panel of Chairmen should be authorised to dispose of these matters and they should not be referred in future to the Committee of Privileges, unless an exceptional case arises in which a very important question is involved.

I therefore request the Chair to evolve a procedure so that we may not be subject to the criticism that the tribunal 'is seeking Parliament's co-operation to carry out Parliament's mandate' to expedite the case. We might be people to impede the speedy disposal of these cases. I do hope that this aspect of the problem arising out of this report will be taken into consideration.

**Shri Mahanty** (Dhenkanal): May I make a submission apart from what has been stated by Shrimati Renu Chakravarty? I do not wish to repeat those things which have already been stated. I emphasise them. But, there is another aspect of this matter.

The facts of the case are well-known. The Election Tribunal of West Bengal requested the Speaker of the Lok Sabha for the production of

[Shri Mahanty]

some documents in possession of the Lok Sabha Secretariat. The Tribunal had alternatively also proposed that a Commissioner might be appointed before whom the documents may be produced. In fact, a writ of Commission had been issued on April 8, 1958, and the Commissioner was about to proceed to New Delhi for examining 3 witnesses, one among whom was the Secretary of the Lok Sabha. We do not know why that writ of commission was cancelled. Certainly, it was not cancelled on account of any attempt on the part of this House or Parliament. But the issuing officer himself has cancelled the writ. He had given no reason. The Report does not state why the alternative proposal emanating from the Tribunal itself was not accepted by the Privileges Committee.

I yield to none in my anxiety that there should be speedy disposal of this. But our concern is more for the privileges of this House. My friend Shri Bharucha said that it has been said that on account of the Parliament the case has dragged on. This petition was published in the *Gazette of India* on the 4th June, 1957. The Speaker was requested for the production of these documents on the 10th April, 1958. This is a very important aspect of the question. This is almost striking at what has been stated by the Election Tribunal. When it was published in the *Gazette of India* on the 4th June, 1957, this case ought to have been disposed of within six months. That means, by the end of December, 1957, this case ought to have been disposed of under the normal circumstances. But, the Speaker is being requested by the Tribunal to produce these documents on the 10th April, 1958. I am certain that this House or Parliament or any other authority connected with it has nothing to do with this delay. I take very strong objection to what has been stated by the Tribunal about the dragging on of this case, and the anxiety expressed for the speedy disposal of the matter.

Be that as it may, my submission to this House would be that there is nothing wrong in appointing a Commissioner to come before whom these documents could be produced. There may be any number of cases coming up—and they are coming up—and the competent officers of this Secretariat cannot be spared to run about from one end of India to the other with documents. It is fit and proper that a Commission should be appointed. To that extent, I disagree with the motion that has been made by the Deputy-Speaker.

Shri Kasliwal (Kotah): One hon. Member has raised the question of relevancy of the documents called for. It is not open to the Privileges Committee to go into the question of relevancy of these documents. If the documents are in the possession of the Secretariat of this House and if the Privileges Committee is of the view that the documents have to be produced before the Tribunal, then, it is not proper for the Privileges Committee to question the relevancy of these documents. I submit that the question of the relevancy of these documents can be decided only by the Tribunal.

With regard to the second point which has been raised by my hon. friend, Shri Mahanty, I submit that there is already a precedent when documents had been sent to a court or Tribunal with an officer of the Secretariat of this House. The question therefore, as to whether a Commissioner has to be appointed or whether an officer of this Secretariat is to go to the Tribunal along with the papers, hardly arises. We have already decided, in accordance with the precedent, that an officer of the Secretariat should go with these papers.

Shri P. G. Sen (Purnea): I find from the papers that 10th April was the day on which the Election Tribunal referred the matter to this Secretariat. The time by which the competent authority should have gone there with the papers for production is 12-30 hours this day. Why has this delay

been made by the Privileges Committee in the face of the papers before them?

**The Minister of Law (Shri A. K. Sen):** Frankly, I do not appreciate the objection raised. The matter is quite clear. First of all, certain documents have been asked to be produced before the Election Tribunal. The manner of production is a question of privilege, and it has been decided by this House, covered by previous reports laid before this House and approved of by this House that in the matter of production of documents we should be governed really by the procedure obtaining in England, so far as Parliament there is concerned. After prolonged sittings of the Privileges Committee, we found out the procedure obtaining here. And, in the absence of any law being made by Parliament to vary the procedure under article 105 of the Constitution, the British procedure would apply.

The procedure is that in cases where records or papers in the custody of Parliament are required to be produced before any court of law or Tribunal, it is for the Speaker to nominate a person who would produce them, with the leave of the House. So far as the relevancy of the document is concerned, Parliament under the Evidence Act or any other Act obtaining in the particular matter would not be competent to decide. Nor would it be proper for Parliament to accept such an odious task of deciding in each particular case which document is relevant to the proceeding in a court. It is entirely a matter for the court to decide whether a particular document is relevant or not.

The privilege of Parliament attaches to the production of the document and not in deciding whether the document is, in fact, relevant or not. It is really in consonance with this procedure which we had followed earlier last year—and it formed the subject-matter of a previous report of the Privileges Committee approved of by this House—that we had really prescribed this particular procedure in this matter also. It is not any

variation of the previous procedure followed by us.

**Shri Naushir Bharucha:** I am appealing for a variation.

**Shri A. K. Sen:** For that Parliament has to pass a law under article 105 of the Constitution. Unless that law is passed by Parliament varying that procedure, this procedure will obtain under article 105.

**Shri Naushir Bharucha:** That is what I am pleading for.

**Shri A. K. Sen:** That is a different matter. Your pleading will not do; a proper law will have to be passed.

**Shri C. D. Pande:** That is not a matter between Shri Bharucha and the Law Minister.

**Sardar Hukam Singh:** Shri Bharucha has taken objection to the present procedure that we have. He wants modification of it. That is an entirely different affair. If the House decides to bring about a change in the procedure that we have it is a different thing for our guidance in future. He has said that this involves a certain amount of delay and that the Speaker ought to have authority. So far as our previous decisions are concerned, they have been approved by this House and they stand. That is, when the House is in session, it shall be the privilege of the House itself, as is the practice in U.K. When the House is not in session and the case is urgent the Speaker is authorised to come to a decision and order directly the production of any document that is required by any court.

Shri Mahanty has taken objection and asked why not a Commissioner be ordered by the Election Tribunal to come and see these documents. On the one hand, it is complained by the Election Tribunal that there has already been delay; and if now we do not produce these documents but write to them that a Commission be appointed that would rather cause further delay. Therefore, the Committee thought that in the interests of speedy disposal of this petition, we might have no objection and that we

[Sardar Hukam Singh]

might recommend the production of the documents.

A suggestion had been made in the letter of the Tribunal itself that if this procedure is not acceptable to the House, then, a Commission would be appointed. But, we thought that because already the Election Tribunal is complaining of a certain amount of delay having taken place, we should send our officer. Our Secretariat has nothing to do with the delay that has been caused and the complaint of the Election Tribunal is not justified so far as this House is concerned, because the letter was addressed to us on the 10th and it was received here on the 11th and within three days the case was referred to the Committee of Privileges, and they convened a meeting. They met the next day and then after taking a decision we had to draft the report. It was to be presented to the House. About a week is naturally taken. It cannot be avoided. Therefore, there has been no delay so far as reference to the Committee was concerned or the decision of the Committee was concerned. It was very prompt.

Shrimati Renu Chakravarty said that we should not produce these documents. We should claim it as a privilege. They are not very relevant. That was also the opinion of the Committee. But as has been just argued by the hon. Law Minister, it should not be for us to decide which document is relevant and which document would be preferred by the party to be produced before the court. The party might think that the document is being denied or he may say that if these documents had been produced he would have succeeded in his case. So, we should not take it upon ourselves to decide and say that we are not prepared to produce these documents. It should be left to the court. It is the business of the court to see whether any document is really relevant or not. We do feel that the document may not be of much use to the party. Are we to take it upon ourselves and say that this would not be useful to the party and would not help

him in the conduct of his case. That would be rather an onerous duty which we should not take on ourselves. It is the business of the court alone to decide whether a document is to be brought on record or not, whether it would be relevant or not and it would be for the party to say whether it would benefit him at all. Therefore, this question should not be decided by us whether the papers that we have got would be relevant. It is for the courts to say after examining them. Because the Election Tribuna has asked for them, I think there ought to be no ground for our refusing to producing and that is the recommendation of the Committee. I hope the hon. Members would agree with it.

**Mr. Speaker:** In a matter of this kind we are governed by the Evidence Act. Under that Act any court is entitled to summon documents or witnesses—documents, both private and public. It is then a matter for the person who appears. He must appear with the documents. He cannot refuse to do so and plead before the court that the document ought not to be looked into etc. So far as public documents are concerned, it is common knowledge of a practitioner of law that documents can be summoned from any public office, from the Collector, etc. He sends those documents in a sealed cover. If he claims certain privileges, it is open to him to make representations to the court. The court looks into it and decides on such things. If it decides against it, it will exhibit it there, if it is relevant.

We are in a little better position than a public office having particular documents. But in these matters we are governed by some precedents of the House of Commons. There they say that it is the privilege of the House to send the document. As a matter of fact, even with respect to witnesses who are Members of Parliament and who are called upon by the other House or by any other Legislature to give evidence, the matter is

coming up in the form of another Report and that will be placed before the House for consideration. If any Member of Parliament is asked to be a witness in any of the legislatures, then the permission of the House has to be taken, besides the other gentleman consenting to appear as a witness. But it is for the court to decide. It is open to a court to summon any document. It is for the House to decide as to whether these documents are to be sent and in what form they have to be sent. Therefore, it is not the right peculiarly of the Speaker, as in some other cases, such as the Collector etc. who decide. It is for the House to decide. If the House so chooses to empower the Speaker to decide these matters, that is another thing. We are making a departure from the practice in the House of Commons.

Under the Evidence Act, no one shall be permitted to give any evidence derived from any public official records relating to any affair of the State except with the permission of the officer or the head of the department concerned who shall give or withhold such permission as he thinks fit. That is according to section 123 of the Evidence Act. According to section 124, no public officer shall be compelled to disclose communications made to him in official confidence when he considers that the public interest would suffer by their disclosure.

These are matters in which some kind of discretion has to be exercised and some enquiry has to be made. Therefore, the Speaker naturally sends it, as soon as it comes up, to the Privileges Committee to examine what has to be done so far as this matter is concerned. Therefore, I do not propose taking the responsibility of saying whether this ought to be disclosed or not, whether you should claim privilege so far as this document is concerned, whether this document is in public official record or relates to an affair of the State. All these are matters in which I would certainly like to have the advice of the competent authority—the Privileges Committee of the House. It

has made a report. It could have said: withhold. No power on earth could then do anything. It is for them to decide whether that particular document is relevant or not, relevant, necessary or not necessary. As a matter of fact, nowhere is it stated that the Tribunal should state for what purpose it is required. The document is called for. They need not have even said that they wanted this file for examining how far it was useful. It is for them to decide. Therefore, under those circumstances, let us not be under the impression that we will withhold or prevent law from having its course.

It is said by Shri Mahanty that we must have allowed them to send a commission. Even then this procedure is inescapable. If the Commission comes here and wants to examine Shri Kaul or the Secretary or the Joint Secretary, are they to do so on their own without the permission of the House? Even then they have to take my permission and I have to take the permission of the Privileges Committee or the advice of the Privileges Committee. The thing is inescapable there too.

Therefore, the only question is whether a commission should come all the way. What is the harm if I send a clerk from here? I cannot understand what is its meaning. After all, all these courts have been appointed in accordance with the Constitution which we frame and in accordance with the Constitution we are legislating from day to day. We are the persons who legislate and they are the persons that interpret the legislation. In those circumstances, let us not be under the impression that one is inconsistent with the other. All of us are engaged in the same common purpose. Therefore, as both the hon. Deputy Speaker and the hon. Law Minister have pointed out, this is the only course that has to be adopted. I shall see if in future automatically the Speaker or the Deputy-Speaker may take the responsibility of sending the documents except in cases where they want the advice of the Privileges Committee.

[Mr. Speaker]

That will be for the future. I will consider that. So far as this report is concerned, I shall place it before the House for its acceptance. The question is:

"That this House agrees with the Second Report of the Committee of Privileges laid on the Table on the 24th April, 1958."

*The motion was adopted.*

COMMITTEE OF PRIVILEGES  
THIRD REPORT

**Sardar Hukam Singh:** Sir, I beg to move:

"That this House agrees with the Third Report of the Committee of Privileges laid on the Table on the 24th April, 1958."

Sir, there is another case. The question was raised in the Legislative Assembly of Bombay. One member, Shri Deshpande, raised a question of privilege that Shri Chaudhuri another member had been taken into custody by the police but that fact had not been intimated to the Speaker of the Assembly. The Speaker first ascertained the facts and then because the police denied taking the hon. Member into custody, he had thought it fit to refer the matter to the Privileges Committee of that Assembly. The Privileges Committee there decided to examine one of our hon. Members here—Shri L. V. Valvi—as a witness because it is stated that he was present at the time when the hon. Member Mr. Chaudhuri was taken into custody.

Now, a request has been made to the hon. Speaker, Sir, by the Secretary of the Legislative Assembly, Bombay, that permission might be given to Shri Valvi to appear before the Privileges Committee of the Bombay Legislature. Privately Shri Valvi has agreed to appear—he has given his consent but, according to the precedents that are followed in the House of Commons when a Member has to appear before another House or a Committee thereof the permission of the House to which he belongs is to

be sought first; otherwise, if he appears before such permission is given to him that is rather considered as a contempt of the House itself. Therefore, the permission of this House has been sought in this particular case that Shri Valvi be granted permission to appear before the Privileges Committee of the Bombay Legislature.

This case was also referred to the Privileges Committee of this House. They discussed many things including the precedents that we have in the United Kingdom. They have only two Houses—the House of Lords and the House of Commons—and certain doubts were expressed whether we should adopt totally what is happening there because we have many legislatures in the States also. Ultimately we thought that at least this practice, that when a member of this House has to appear before the other House, permission of this House must be sought first, must be followed. We are bound to follow this practice until we have framed our own laws.

Therefore, the Committee has recommended that Shri Valvi be given permission to appear before the Privileges Committee of the Bombay Legislative Assembly so that that enquiry might be completed. That recommendation is now before this hon. House and I request that this report might be adopted by the House.

**Mr. Speaker:** The question is:

"That this House agrees with the Third Report of the Committee of Privileges laid on the Table on the 24th April, 1958."

*The motion was adopted.*

ESTATE DUTY (AMENDMENT)  
BILL—contd.

**Mr. Speaker:** The House will now resume further discussion on the motion for reference of the Estate Duty (Amendment) Bill, 1958 to a Select Committee. Out of 4 hours

allotted to this motion, 1 hour and 31 minutes have already been availed of and 2 hours and 29 minutes now remain.

Before I call upon Shri D. C. Sharma to continue his speech, may I request the hon. Minister to tell me how long he will take to reply?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** That depends on the points made; but in any case not more than 15 minutes.

**Mr. Speaker:** It is 12-34 now. Therefore, we must conclude this item by 3-00. I will call him at about 20 minutes before 3-00.

**Shri Tangamani (Madurai):** Today there is non-official business.

**Mr. Speaker:** We will dispose this of; what is the meaning of keeping it pending? Then we will sit for half an hour more.

**An Hon. Member:** There is a Half-an-hour Discussion today.

**Mr. Speaker:** That will be after 5-30. God has given 24 hours. All right; let us proceed.

**Shri K. Periaswami Gounder (Karur):** Sir, I rise to a point of order.

**Mr. Speaker:** Point of order on Shri D. C. Sharma's speaking?

**Shri K. Periaswami Gounder:** Sir, the Estate Duty Act deals with agricultural lands as well as non-agricultural lands and other properties. 'Agricultural lands' is a State subject under item 48 of the Second List—Estate duty in respect of agricultural land. Parliament has no power to make law in respect of a State subject, but there is a special provision in that respect. Article 252 of the Constitution says:

"If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Par-

liament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act...."

That is the course which we adopted when we passed the Estate Duty Act. We got the consent of the States and then we passed that Act; that is to say the existing Estate Duty Act was passed under article 252 of the Constitution.

If such an Act has to be amended, then sub-clause (2) of article 252 comes in which says:

"Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner...."

According to this provision, if we want to amend the Estate Duty Act we must get the consent of two or more States before we proceed. Our Estate Duty Act has got Schedule I which has made it applicable to all the States after getting their consent. Therefore, the only course now open to us is to get the consent of all the legislatures of all the States and then proceed to amend the Act. Perhaps an argument may be put forward that an Act passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in that manner. We may say that we will pass the Act and leave it to the States to adopt it in like manner as mentioned in clause (1) of article 252. According to clause (1) of article 252 we can pass an Act if we have the consent of two or three States and leave it to others to adopt it. Even that course won't be applicable here, because there is Schedule I of the Estate Duty Act which has made it automatically applicable to all the States.

Therefore, by passing this amending Bill, because we have got Schedule I in the Estate Duty Act wherein we have mentioned all the States, it will become automatically applicable to all the States. That won't be possible unless we adopt the course provided

[Shri K. Periaswami Gounder]

under article 252(2). The only course now open to us is to get the consent of the legislatures of all the States and then have the Act passed.

Shri A. K. Sen: Mr. Speaker, Sir, there is nothing in this point, with great respect to the hon. Member who raised it. If you peruse article 252, Sir, you will find that it refers only to matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250. That means, in respect of matters where Parliament possesses no power existing under articles 249 and 250, article 252 applies. But we are really legislating under article 269. We are really not invoking any powers under article 249 or 250, but we are really invoking the powers under article 269.

Article 269(1) says:

"The following duties and taxes shall be levied and collected by the Government of India but shall be assigned to the States in the manner provided in clause (2), namely:—

(a) duties in respect of succession to property other than agricultural land;

(b) estate duty in respect of property other than agricultural land.

Mr. Speaker: He says agriculture is included.

Shri A. K. Sen: I am coming to that. Therefore, the main subject-matter was under article 269. Now, with regard to agricultural land, it is true that under list II of Schedule VII of the Constitution, agricultural land is a State subject. It is true that that is so. If you take list II, item 48 is "Estate duty in respect of agricultural land". With regard to that part of the subject-matter, which is covered by the original Act—the Estate Duty Act—you will find—I do not know if you have got a copy of the original Act..

Mr. Speaker: Yes; I have.

Shri A. K. Sen: If you look to section 5(2) of the original Act, it says as follows:

"The Central Government may, by notification in the Official Gazette, add the names of any other States to the First Schedule in respect whereof resolutions have been passed by the Legislatures of those States adopting this Act under clause (1) of article 252 of the Constitution in respect of estate duty on agricultural lands situate in those States, and on the issue of any such notification the States so added shall be deemed to be States specified in the First Schedule within the meaning of sub-section (1)."

Following resolutions passed by various States, almost all the States, the names of those States have been added to the schedule, and the parent Act was made applicable to them so far as agricultural land was concerned.

Now, the position is this. We are now seeking an amendment of the parent Act. The hon. Member argued that under article 252, clause (2):

"Any act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State".

The emphasis is that it cannot be amended by an Act of any legislature of the State, though the subject-matter falls within the State list. It says that the amending Act shall be passed or adopted in like manner.

Shri V. P. Nayar: What is that "like manner"?

Shri A. K. Sen: "Passed or adopted in like manner". That means that where the subject-matter has been resolved to be one on which Parliament should legislate, it should be passed by Parliament, but applicable

to States only which may be adopted in like manner indicated in article 252. It does not mean that for the amending again we have to go for the initial resolution of the two Houses of two or more States. All that it says is, "passed or adopted in like manner".

**Mr. Speaker:** It appears from the earlier portion of article 252—subject to further elucidation, of course,—Parliament has no jurisdiction to pass any legislation relating to any entry in the State list unless two or more States at least start and invoke the aid of Parliament for the purpose and then say they will adopt it. They must request Parliament to pass the legislation. The other States may adopt, by their resolutions, thereafter. What Shri K. Periaswami Gounder says is, the jurisdiction of this House can be invoked, by at least two States passing a resolution.

**Shri A. K. Sen:** For amending the Act.

**Mr. Speaker:** So far as the amending provision is concerned, it is new. Therefore, it is a separate Bill. No doubt this is an amending Act, but all the same, it is an Act. Therefore, how is this to be got over? The adoption is only by other States. Initially, there will not be, perhaps, even two States who have asked by their resolutions, to adopt a measure.

**Shri A. K. Sen:** No State has asked for an amending Act.

**Mr. Speaker:** Therefore it is open *quo moto*, to Parliament to amend the legislation which, but for the resolutions passed by the various States, it would not be competent to pass. In other words,—

**Shri A. K. Sen:** If there has been an initial resolution asking that Parliament should legislate on this subject—

**Mr. Speaker:** "In like manner." I thought also that perhaps as Shri Periaswami Gounder referred to clause (2) of article 252, there is no reference to an amendment in clause (1) of the same article. In the earlier portion of article 252, there is no

amendment being referred to. And so he imagines that the same procedure need not be adopted. But he pointed out to clause (2) where it refers to amendments also where the same procedure is to be adopted.

**Shri A. K. Sen:** The question is whether any initial resolution has been passed, authorising the Parliament to pass a law on that subject-matter, and whether article 252 (1) and (2), taken together, compels Parliament to seek a resolution of two or more States also on the particular amendment to the section. It is not that there is to be consent on the subject-matter. Article 252(1) says:

"....to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided .... should be regulated in such States by Parliament by law....".

**Mr. Speaker:** There is no subject-matter here. Therefore, whatever might be the provision, it appears as if—

**Shri A. K. Sen:** It is on a subject-matter.

"...any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law".

**Mr. Speaker:** So far as clause (2) is concerned, it does not refer to any subject-matter though clause (1) does.

**Shri A. K. Sen:** The subject-matter is, as I see, agricultural and non-agricultural land.

**Mr. Speaker:** Therefore, it is in the State list. What jurisdiction have we?

**Shri A. K. Sen:** It is of course in the State list. I am not doubting it. What I am saying is that a particular provision or regulation is not necessarily to be approved of or it need not form a subject-matter of prior resolution by States. All that is neces-

[**Shri A. K. Sen**]

sary is, a prior resolution of the States should be passed authorising Parliament to regulate the subject-matter. That resolution has already been made.

**Mr. Speaker:** I think that if this amending Act has nothing to do with agricultural land at all, possibly we can escape.

**Shri A. K. Sen:** I cannot say that. The original Act covers both agricultural and non-agricultural land. So, the amendment will also cover both the lands.

**Mr. Speaker:** True, but it can be seen that the amending Act may refer only to non-agricultural property. There is no harm.

**Shri A. K. Sen:** If it did, of course.

**Mr. Speaker:** If it did. Therefore, if this Bill refers to only such property over which Parliament has jurisdiction, even without consulting the States—I am referring to non-agricultural land—I may agree possibly with the hon. Law Minister's interpretation. It may be correct. But when it refers to agricultural land also which cannot be dealt with here by an Act of Parliament as an amending Act, and where, without the procedure being adopted 'in like manner', that is, by resolution, Parliament can come in, I am afraid we may not have jurisdiction. It is my provisional opinion.

**Shri A. K. Sen:** His suggestion is that these amendments are themselves State matters. There has already been a resolution authorising Parliament to make laws, that is, in regard to laws relating both to the parent Act and also the amendment Act. If what article 252(2) refers to is that if, by the amended clause, any other subject-matter is going to be brought in which is not covered by the original subject-matter authorised by the State legislature, then, a further resolution might be necessary. Article 252, clause (2) would refer to cases where Parliament has not obtained the prior permission by resolutions of the State Legislature if in the amending Act any other subject matter not originally

authorised was brought in. But if the subject matter covered by the amending Act was already authorised by previous resolutions, then all that the authority prescribes is that the subject matter may be regulated by law.

**Mr. Speaker** If they say agricultural land beyond a particular limit, say, agricultural land consisting of so many acres and also minor agricultural lands are exempted, when once such a resolution is passed, estate duty may be levied on agricultural lands within that limit. Then Parliament can override that legislation. Therefore, in any particular matter, it is not as if they surrender once for all their right to legislate. Otherwise, what is the need for sub-clause (2).

**Shri A. K. Sen:** If by the original resolution, as is the case in this matter, Parliament can regulate succession to agricultural land by estate duty without any limitations and qualifications, having got that power, if Parliament can pass the parent Act, they can amend it on the subject matter....

**Mr. Speaker:** Then, what is the need for clause (2)?

**Shri A. K. Sen:** If by the amendment matters which are not within the original Act are brought in....

**Mr. Speaker:** The clause reads:

"Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State."

The words used are "in like manner". So, whatever might be contained in the original Act, if you touch that Act a resolution will be necessary.

**Shri A. K. Sen:** If it is already covered by the previous resolution, Parliament can by law regulate it. I do not see any point in seeking a resolution every time even if there is

a verbal amendment to the parent Act. (Interruptions.)

**Mr. Speaker:** Order, order. Let me first of all clear my doubts. Then I will allow some hon. Members to put some questions.

Whatever might be the hon. Law Minister's explanation, the framers of the Constitution took a different view. If an Act can be passed by Parliament only if a resolution is passed in the State Legislatures of at least two or three States, the Constitution does not want to enable Parliament to override or encroach upon that right.

**Shri A. K. Sen:** "adoption" is already there. It has to be applied in every case. My submission is that the initial introduction of the amendment does not require the same authorisation over and over again. It will not be binding on any State, unless it has adopted it "in like manner". It cannot be applied to any State unless that State adopts it by resolution.

**Mr. Speaker:** "in like manner" applies to the other provision, clause (1) of article 252, which reads:

"If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State."

So, the subsequent resolution is only or those other States who want to adopt it. There may be some States who may request this House to exercise jurisdiction in some matters. Evidently, the object of the framers of the Constitution was that in matters

entirely in the State List, let not Parliament indirectly by passing legislation in the interests of the country impose its own will upon the States. It is for them to decide whether to have estate duty or not. They can say: we do not want it repeal it. However good the intention of Parliament may be, they cannot go beyond their powers. Now the States do not want it. They have never asked for it. That is the objection.

**Shri A. K. Sen:** If the States object to regulation in this particular manner then I can understand their objection.

**Mr. Speaker:** It is up to them to say that. It is not for us to do a thing and make them cry from the rooftops. In sub-clause (2) the only thing in the matter of estate duty which is exempted from the Union List is "agricultural land". All properties, other than agricultural land, can be dealt with by the Estate Duty Act in the Parliament itself, without any resolutions from the State. Therefore, the only item in respect of which the States should take the initiative is agricultural land. Now, if agricultural land is also included in the List, there would have been no difficulty. As it is, they have given some power in respect of agricultural land. Now, if you would like to modify it in any manner, you will have to seek their permission. We may presume that the levy of estate duty also will change from year to year.

**Shri A. K. Sen:** The limit of exemption can be increased or decreased.

**Mr. Speaker:** Therefore, they have the right to say "don't decrease it" or "don't touch it". Under these circumstances, I am afraid, I am not in a position to agree with the hon. Law Minister.

**Shri V. P. Nayar:** In view of the importance of the point of order, I suggest that you may hold it over for half an hour or one hour. The hon. Law Minister had stated that there is no point of order. We are at a loss to find out whether that 'nothing' lies in

[Shri V. P. Nayar]

the point of order or in the hon. Minister's observations.

**Mr. Speaker:** The hon. Member has always got a peculiar way of expressing things.

**Shri V. P. Nayar:** I would request you to hold it over for half an hour. Meanwhile, the discussion can go.

**Mr. Speaker:** There is enough time before 3 o'clock. I will consider this matter. I will allow one or two hon. Members to speak in the matter, but not every hon. Member.

**Sardar Hukam Singh:** It is a matter of great importance and it involves fundamental issues also. Ours is a federal Constitution. States have got certain rights and their Legislatures as well. If we just presume that because they have once given their consent, it can be implied everywhere that they would not object to any encroachment upon their right, the Constitution would not allow that and perhaps the court would come in because it is justiciable. Therefore, we have to take every care. The argument of the hon. Law Minister is that because once we have taken permission and the States have agreed that Parliament may legislate on this point, we can have this amendment without consulting them again. But, this is not the question. We can only go so far as that consent is given; not beyond that. Otherwise, as we have taken the jurisdiction, now even that consent might be denied to them. That must be there and the States should be zealous of guarding their rights. We should not enter into the field which is the monopoly of their own.

This article 252 makes it clear how we can legislate, so far as those subjects are concerned, which are the concern of the States. The procedure is laid down. It has to be initiated by two States at least and then if the Parliament passes that law, then a resolution has to be passed by other States. Unless that is done, we cannot pass any legislation about immovable property—agricultural land. Now, if that course is adopted, if at pro-

cedure is followed, then we could legislate so far as this estate duty is concerned. That has been done now. We cannot now say that because the States agreed in the first instance to the enactment of this legislation, further consent is not necessary. It is undisputed that changes are being brought about now. As has just been observed by the hon. Law Minister, the exemption limit is being lowered. Therefore there would be agricultural lands which were not covered before but which would be covered now. The rate is also being altered. Therefore it is certainly an encroachment into the arena which is reserved for the States themselves by our Constitution.

When that be the case, clause 2 of this Article clearly lays down that "Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner". That "in like manner" is to be emphasised and kept in view before we can take up any legislation. Whether we are certainly proceeding in like manner which we adopted when we took up the Estate Duty Act first that shall have to be followed. There is no escape out of it and I think the point of order is certainly justified.

**Shri Nathwani (Sorath):** I support the point of order and, with great respect to the hon. Law Minister, I am unable to agree with him on this point because the question involves the construction of Article 252(2) which says that an amending Act will be passed "by an Act of Parliament passed or adopted in like manner". If we were to adopt the construction suggested by the hon. Law Minister, the words "Act of Parliament passed or adopted in like manner" would lose its force. If the hon. Law Minister's contentions were right, we have to ignore the words "passed or adopted in like manner". These words would be superfluous and if we have to give some meaning to these words, we have to construe it as meaning that even an amending Act has to be sanctioned either by the Legislatures of two States or by other

States by adopting that amending Act. Otherwise, these words would have no meaning.

The reason why sub-clause 2 requires initially the sanction of Legislature of two or more States or the adoption of the amending Act is, as has been pointed out by the hon. Deputy-Speaker just now, that it involves serious consequences so far as agricultural land is concerned.

Therefore, again with great respect to the hon. Law Minister, the construction does not admit of any sort of doubt or difficulty and I am of the opinion that this amending Bill can be initiated either by the Legislatures of two or more States and it will come into force in the other States if it is adopted by other States. This is all that I have to submit.

**Mr. Speaker:** It means that if one State asked for this, the Parliament cannot pass it.

**Shri Nathwani:** At least Legislatures of two States have to pass a Resolution to that effect. Otherwise, the power of amending would not come into existence.

**Mr. Speaker:** What is the definition of "State"? Will Delhi or Himachal Pradesh also come under the definition of a State?

**Shri Nathwani:** No. The legislatures of the existing States.

**Shri Narayanan Kurty Menon (Mukandapuram):** In supporting the point of order, I wish to make it clear that we are all in agreement of this House passing the Estate Duty Bill. We are in agreement with the Bill, but one important principle is involved. When the Constituent Assembly drew up the Constitution, List No. 2 in the Second Schedule was given a sanctity of its own but from the many acts of the Government it is seen that there is a tendency, which is growing, to encroach upon that List.

I shall point out that when this particular Act was introduced and when the hon. Finance Minister made

his speech declaring that Gifts Tax and Estate Duty were going to be introduced, all the Legislatures were in Budget session and the mere fact that the Government did not think of availing that opportunity to get the consent of at least two Legislatures shows that as far as List No. 2 is concerned, the Government itself has a tendency to go in a haphazard way. Even though the hon. Law Minister said that there is nothing in the point of order and that once the sanction of the Legislatures has been taken in order to encroach upon the right of the States to legislate upon estates duty, the Parliament gets eternal power to legislate upon that subject, whatever might be the content of that legislation, that cannot stand. Presumably, when the two States give their consent to legislate upon estate duty, where the quantum of duty and the ceiling is placed, the States obviously have given consent to that extent. Article 252(2) is categoric that whenever that consent is obtained that consent is obtained only for that piece of legislation and any amendment or violation of that piece of legislation should automatically get the consent of the two Houses again. Article 252(2) reiterates almost the sovereignty of the State Legislatures to legislate upon this particular piece of legislation in the State List and it will be a violation of Article 252(2) if we accept the hon. Minister's contention.

Therefore, in view of the fact that Article 252(2) is categoric and this falls within the State List, certainly the permission of at least two State Legislatures will have to be obtained for any amending Bill. The hon. Law Minister said about verbal amendment. At least, he stuck to the point that whenever substantive amendments, which encroach upon the contents of the original legislation, is brought before the House, further consent of the State Legislatures will have to be taken. The amendment of the Estates Duty Act that has been introduced now is as good as a new Bill, because the ceiling is lowered as also the rate of duty is increased. We

[Shri Narayanankutty Menon]

are very happy that they are being done, but still because it is an encroachment upon the right given to the States exclusively in view of Article 252(2), I submit that the point of order should be ruled in favour of the Mover.

**Shri T. K. Chaudhuri** (Berhampore): May I put in a word in favour of the hon. Law Minister?

The real point that has arisen is, whether Parliament is empowered to amend or repeal any Act of Parliament pertaining to these subjects without obtaining the prior consent of the Legislatures of the States concerned. I think that passing of any such repealing or amending Act is a separate process. Once, when the States the Parliament to pass such legislation, I think, they more or less waive their rights and empower Parliament for all time to come to legislate on these matters. The requirement contained in the phrase "repeal an Act of Parliament passed or adopted in like manner" would be satisfied if this portion is read along with or in the context of Article 252(1). They cannot be isolated from one another.

**Shri Naushir Bharucha** (East Khandesh): I submit that the point of order raised is fatal to the Bill itself and unless this matter is remedied straightforwardly I am afraid, any person who incurs any liability for payment of estate duty in respect of agricultural land can easily have it set aside in a court of law. The hon. Law Minister tried to make out that so far as clause 2 of Article 252 is concerned, the Bill does not really come within its mischief. May I point out that if that were so, there was no meaning whatsoever in inserting sub-article (2). Sub-article (2) would be totally redundant unless it has some meaning and the meaning is this. Any Act so passed by Parliament may be amended in like manner. Whether the amendment is material, whether the amendment is minor has no significance at all. If it is an amendment, particularly with regard to the subject

matter of agricultural land, the amending Bill itself has to be passed in the same manner as the original Act was passed. The condition precedent to the passing of the original Act was that it must appear to Parliament that two States desire it and that the Legislatures of such States must pass a resolution. Unless these two conditions are fulfilled, no amendment whatever can be made by Parliament. What I desire to point out is, apart from this being a very important matter, as the Deputy-Speaker pointed out, going to the root of the States' powers, the whole thing is absolutely fatal and the defect cannot be cured by any device whatsoever. Therefore, I submit, we are not empowered to enact legislation, even an amending Act which touches agricultural land, that being exclusively a State subject.

Some Hon. Members rose—

**Mr. Speaker:** How many hon. Members am I to hear? I will hear only Shri Jaganatha Rao.

**Shri Jaganatha Rao** (Koraput): Mr. Speaker, under article 252(1), two or more States by resolution have to signify their consent abdicating their power in favour of Parliament to legislate in respect of agricultural land. That resolution ensures to the benefit of Parliament in respect of an amending Act also.

Some Hon. Members: How?

**Shri Jaganatha Rao:** Because, it is not the case that any State which has by resolution authorised Parliament to legislate in respect of Estate duty concerning agricultural land, has passed subsequently any Act. The Estate Duty Act, 1953 is in force in respect of all the States. Then, the amending Act is an Act which is within the authority granted to Parliament by the State legislatures by resolution.

**Mr. Speaker:** No no. That is true. Whenever it is open with the consent of the Central Government for any State to pass legislation, if there is

any inconsistency, the provisions of the Act of Parliament will prevail. Is it not so?

**Shri Jaganatha Rao:** Yes, Sir.

**Mr. Speaker:** That ought not to be invoked merely because a State legislature did not pass legislation. We are not concerned with it. On the other hand, it possibly helps Shri Gounder's point that the State is not interested in getting this modified by itself or by the Centre. Sub-article (2) of article 252 definitely says:

"shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State."

It shall not do so. When once jurisdiction has been given to Parliament, only Parliament has got jurisdiction. The exercise of jurisdiction is restricted. If any two States want, then, the jurisdiction of Parliament will be invoked. It is for the other States by subsequent resolution to adopt this. Even then, a resolution is necessary. Automatically it would not apply. Initially there are no two States which have come forward asking for a modification of this Act. That is the point. Otherwise, sub-clause (2) of article 252 will be unnecessary.

**Shri Jaganatha Rao:** The words are 'in like manner'.

**Mr. Speaker:** It is only procedure.

**Shri Jaganatha Rao:** It means, in the same manner.

**Mr. Speaker:** Therefore, resolutions had to be passed or adopted in like manner. The wording is:

"Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed....in like manner...."

Parliament originally passed the law after resolutions were brought in from various legislatures.

**Shri Jaganatha Rao:** May I submit, "by an Act of Parliament passed or adopted in like manner".

**Mr. Speaker:** "Adopted" applies to the subsequent one. Out of fourteen States, only two or three States may originally move in sending the application to Parliament invoking its jurisdiction. The other eleven States may leisurely adopt or may not adopt at all.

**Shri Jaganatha Rao:** My submission is, those States which passed resolutions authorising Parliament to pass an Act in respect of agricultural land, must be deemed to have authorised Parliament and the authority continues once for all. Otherwise, it has no meaning.

**Mr. Speaker:** There is no meaning in sub-clause (2) then. The hon. Member has not added to what has been said already.

**Shri Dasappa (Bangalore):** Mr Speaker, I feel that I should wholeheartedly agree with the stand taken up by the Deputy-Speaker. Here, we are establishing very healthy conventions and we ought to be very chary and very careful and cautious in trying to interfere with the rights of the States already truncated to a very large extent. I think the Constitution has very advisedly framed sub-clause (2) of article 252. If the stand taken by my hon. friend Shri Jaganatha Rao is at all to be accepted, it may be that once two States give this consent for enactment of the Estate duty Bill, that would mean for all purposes with regard to any subject within the exclusive province of the States, the Parliament will have the sole right to bring in an amending Bill. I think that would be a totally wrong construction and would go entirely against the intentions of the framers of the Constitution.

I was thinking that if, for instance, there was just an amendment with reference to agricultural land so far as enhancement or lowering of the limit to Rs. 50,000 is concerned, we may get over the difficulty. I find that the rates vary. That has an impact on agricultural land even above Rs. 1 lakh. The procedure also

[**Shri Dasappa**] varies. Surely we cannot say that those who come under the operation of the mischief of this law so far as agricultural land is concerned, should not have a say in the matter. So far as procedure is concerned, it applies to co-parcenary property. Viewed from any point of view, I find that the proper course would be for this House to defer the matter until we are able to secure the consent of at least two States. It is not necessary that the States should take the initiative in this matter.

**Some Hon. Members:** Why?

**Shri Dasappa.** When Parliament feels that there is justification for a certain amendment in the Estate duty Act, it is open to the Government to move the States to get their consent beforehand. I am sure no law that is enacted once should be deemed to be perfect and should be unalterable. I am pretty sure that the objects of the Bill are wholesome and it is quite possible to secure the consent of two or more States in the beginning so that we may be enabled to go through the rest of the procedure. From every point of view, it will be a healthy thing if we accept the stand taken by the Deputy-Speaker.

13-19 hrs.

**Shri Naldurgker** (Osmanabad): Sir, there are two pre-requisites to be considered.

**Mr. Speaker:** The hon. Member is a lawyer?

**Shri Naldurgker:** Yes. One has been argued. To vest power in Parliament, it is necessary that the subject matter should be first initiated by two or more States. After that is done, another procedure has to be again followed. Article 274 has not been followed in this case.

**Shri A. K. Sen:** It has been followed.

**Shri Naldurgker:** Article 274 (1) reads:

"No Bill or amendment which imposes or varies any tax or duty in which States are interested, or which varies the meaning of the expression 'agricultural income'". . . . .

**Mr. Speaker:** Has the hon. Member got a copy of the Bill?

**Shri Naldurgker:** Yes, I have got.

**Mr. Speaker:** Let him look at the last page of the Bill where it is said:

"The President has, in pursuance of clauses (1) (3) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to the Lok Sabha, the introduction and consideration of the Bill."

Therefore, that objection does not prevail.

**Shri Narayananarkutty Menon:** He is talking about agricultural income. This is about agricultural land.

**Shri Naldurgker:** Then, these four words are necessary in article 254 (1).

**Mr. Speaker:** That is all right. The hon. Member is only saying the same thing as the other hon. Members have said. He is supporting the point of order.

**Shri Naldurgker:** Yes.

**Mr. Speaker:** Therefore, he is saying that this House has no jurisdiction to pass this legislation.

**Shri Naldurgker:** The words are 'Parliament has no power'.

**Mr. Speaker:** So, Parliament has no power really. That is the point. Now, the Law Minister.

**Shri Nathwani:** I wish to urge only one point. I have already spoken, but there is one point to which I should like to draw your attention, before the Law Minister begins.

**Mr. Speaker:** I am not going to allow him.

**Shri Nathwani:** I want to draw your attention to another aspect of the matter bearing on this question.

**Mr. Speaker:** I am not going to allow him. The hon. Member is a leading lawyer. Does he have so many chances in any court? I am not going to allow him. This kind of interruption would not be allowed in this House. Hon. Members are taking it to be a kind of too much of leniency in this House. The hon. Member will have only one chance. He ought not to interrupt now. That is not the way to proceed in this House. When am I to come to the judgment?

**Shri Khadilkar (Ahmednagar):** What I feel is that those who have come forward to support the point of order are trying to interpret the Constitution, they are making one mistake.

When the States gave consent, a certain pattern of taxation was before them. And so far as estate duty is concerned, in this particular sphere, the States have surrendered the power to the Centre to legislate. They have not said that 'You can legislate and fix rates up to this or up to that.' Under the nature of the taxation structure that was before them, after the Taxation Enquiry Commission's report, it was made clear to the States that a certain uniformity in taxation was required. And two States came forward to take initiative and surrender power, so far as this sphere of legislation is concerned.

I would like to submit very humbly that now the point of order is raised as if that consent was partial, and that was only for a particular measure. Or, was it a broad consent? In my opinion, you will have to cope with the content of that consent. I am surprised to find one of the Members on this side saying that in view of the past history, while interpreting this particular consent, we have to take into consideration, the nature of the consent, the content of the consent....

**Mr. Speaker:** What is the answer to clause (2) of that article? What is the significance of the words 'in like manner'?

**Shri Khadilkar:** I am coming to that. 'In like manner', I think, means that after the passing of the legislation, States will have a right to say what they want to say again. So far as this consent is concerned, for instance, two States initiated and gave consent; and others have adopted later on. Those States that adopted the legislation will have a right later on to say that they adopted that particular legislation, but they have not surrendered the whole sphere of legislation so far as land is concerned. To that extent, this applies.

**Shri Mulchand Dube (Farrukhabad) rose—**

**Mr. Speaker:** I have heard hon. Members sufficiently. Now, I am calling the Law Minister.

**Shri A. K. Sen:** We have really to answer the objection founded on the existence of article 252(2). It seems to be, as appealed to you, 'Why should article 252(2) be there, if, once the power is given, that power remains eternally or perpetually?' as the hon. Member sitting there has pointed out.

If you look at the content of authority prescribed under article 252(1), it would seem that a repetition of it was not required under article 252(2); all that was necessary in article 252 (1) was that a resolution was to be passed authorising Parliament to matter not within the competence of Parliament.

Now, if the objection is accepted by you, what will be the result? The result will be that the present amendments have to be initiated by a prior resolution being passed by at least two State legislatures, saying, 'We authorise Parliament to regulate.' Now, article 252 (1) says:

... except as provided in articles 249 and 250 should be regulated in such States by Parliament by law."

[Shri A. K. Sen]

That is all.

**Mr. Speaker:** That means that they have no right to say anything now, and they should merely say 'I am willing, if you impose such and such a rate; when once, agricultural land has been taken by you, you may do as you like', and the resolutions cannot say anything except 'We agree' so far as those States which are included in the Estate Duty Act is concerned? Have they no right to say that so far as agricultural land is concerned, the duty shall not be more than this or even this?

**Shri A. K. Sen:** The manner of regulation is contemplated. That is what I am pointing out.

**Shri Jaganatha Rao:** It is levy of tax.

**Mr. Speaker:** In regard to regulation also, they might say, 'Have one other appellate authority' or say what they cannot pass, for the purpose of uniformity.

**Shri A. K. Sen:** It is not only this subject-matter; there are also other subject-matters which can be left to Parliament by consent. If you look at article 252(1), you will find that all it says is that any of the matters with respect to which Parliament has no competence may be left to Parliament to regulate. They cannot say 'You regulate it in this line or in this manner'.

**Mr. Speaker:** Does not the whole include the part?

**Shri A. K. Sen:** It is not part. The whole subject-matter will be regulated.

**Mr. Speaker:** For instance, they may say, agricultural land would not include zamindaris. We shall assume that zamindaris have not been abolished. Can they not say that agricultural land would include land only in the ryotwari areas and not in the zamindari areas? After all, a State may consist of both ryotwari and non-ryotwari areas.

**Shri A. K. Sen:** Then, they will be really legislating themselves.

**Mr. Speaker:** It is on their behalf that this legislation is being brought forward.

**Shri A. K. Sen:** It is really a method by which the subject-matter is transferred from List II to List I. That is the only effect of article 252 (1).

**Shri K. Periaswami Gounder:** If they cannot say, then why is it referred to them?

**Shri A. K. Sen:** The whole purpose of article 252 is to transfer, as I shall show from other articles regarding sales tax and so on.

**Mr. Speaker:** Assume it is so. Assume they cannot impose conditions originally, and now also. Now, when you want to add, clause (2) of article 252 will become useless.

**Shri A. K. Sen:** I am coming to that. Suppose the objection prevails, and you throw out the Bill; then what will be the effect? It will be that if I have to bring these amendments, I shall have to get a resolution on the same terms passed that 'We authorise you to regulate agricultural land'.

**Mr. Speaker:** Yes. They will have before them this Bill . . . .

**Shri A. K. Sen:** No.

**Mr. Speaker:** You mean to say that they will say, 'You regulate as you like'?

**Shri A. K. Sen:** That is the procedure, because nothing can be initiated otherwise; if what you are suggesting and what the hon. Members are suggesting is to prevail namely, that we cannot initiate any Bill in the House unless there is a prior resolution, then, there cannot be any Bill before anyone. All that the Houses have to resolve is that this matter which is not within the competence of Parliament be regulated by Parliament. That is the language. If that is so, then every time there is an amendment, there has to be a resolution

again in the very same terms: 'You regulate this subject-matter.'

My submission was that the purpose of article 252(2) was twofold. It did not require prior authorisation for amendment of this law regulating the subject-matter already assigned to Parliament, but it only gave authority to these legislatures to initiate again an amendment in like manner, because power to pass a law includes the power to make an amendment. Clause 2 is only to enable these legislatures, once they have assigned the subject-matter to the Parliament, to initiate amendments again. Therefore, you will find that article 252 (2) does not say that no other amendment shall be possible excepting as provided in article 252 (2).

I do not know if I have made myself clear. The purpose of article 252 (2) is that though these States have once abandoned their subject-matter in favour of the Centre, yet by the process mentioned in article 252 (2) they can still initiate amendments.

**Shri T. K. Chaudhuri:** That is another matter.

**Shri A. K. Sen:** We shall find that:

"Any Act so passed by Parliament may be amended or repealed by an Act of Parliament. . .".

The Power to pass also means the power to amend. That is under the General Clauses Act.

**Mr. Speaker:** If we accept the interpretation of the hon. Law Minister, Parliament may, by itself, without any resolution initiating from any of the States, pass legislation.

**Shri A. K. Sen:** Yes.

**Mr. Speaker:** If Parliament can do that, those people may merely make a request to the Law Minister to introduce legislation. Why is it stated there 'in like manner'?

**Shri A. K. Sen:** I do not think I have made myself clear. It is my fault. What I submit is that under the General Clauses Act, the power to

pass a law includes the power to make amendment. That is a recognised principle of law. Once the power to make a law pursuant to resolutions of two legislatures is granted to Parliament, Parliament is also given authority to amend that law. No other power is necessary. But the purpose of clause 2 was that notwithstanding the State legislatures having parted with that subject matter, they can, nevertheless, themselves initiate amendment. That is why you will find the words: ". . .may be amended or repealed by an Act of Parliament passed or adopted in like manner". The States themselves may again propose, though they parted with the subject-matter by prior resolution or adoption. If I may, at the risk of repetition, try to re-formulate my point . . .

**Mr. Speaker:** It is always open to a State even with respect to matters where the Centre has no jurisdiction to ask for grants, and likewise ask them also to amend.

**Shri A. K. Sen:** The State legislatures may only recommended to Parliament to pass a law. This is a different matter—any Act so passed by Parliament may be amended by two State legislatures doing it and Parliament bringing in an amendment. It is only preserving to the States the right to initiate amendment which they would otherwise have lost by a prior resolution.

**Mr. Speaker:** If Parliament refuses, notwithstanding the request?

**Shri A. K. Sen:** After all, the ultimate power is with Parliament.

**Mr. Speaker:** Therefore, what is the object?

**Shri A. K. Sen:** The object is only to ensure that notwithstanding their parting with the subject-matter. . .

**Mr. Speaker:** Is it open to Parliament to initiate legislation though there are no formal resolutions?

**Shri A. K. Sen:** Of course.

**Mr. Speaker:** What is the object?

**Shri A. K. Sen:** The words "may be amended" do not mean that it can only be amended in this manner. What I am suggesting is that in article 252(1), the authority to make a law is there. As you will find, "it shall be lawful for Parliament to pass an Act for regulating that matter". The power to pass a law includes the power to amend. What I am suggesting is that clause (2) only preserves to these respective State legislatures the power to initiate which they would otherwise have not possessed once they parted with this subject. If you note the words, they do not exclude any other power of amendment which is open to Parliament under article 252(1).

**Some hon. Members rose—**

**Mr. Speaker:** I have heard sufficiently.

**Shri A. K. Sen:** I forgot to add one thing in support of my contention. Under article 252(1), you can only assign the subject-matter and not the provisions of legislation. I only wanted to say that if that were not so, different State legislatures would pass different provisions imposing different conditions and there could be no legislation by Parliament. What it contemplates is that the legislatures must propose to assign this subject-matter, which is not otherwise within the competence of Parliament, to Parliament. That is all.

**Shri Radha Raman rose—**

**Shri A. K. Sen:** Otherwise, You will find that every time different States may propose different provisions.

**Mr. Speaker:** I have heard sufficiently. A point of order has been raised that inasmuch as the original Estate Duty Act covers agricultural land which under entry 48 of the State List is exclusively a State subject, before the original legislation could be passed, two or more States should invest Parliament with the power or

invoke the aid of Parliament for regulating the subject, by resolutions. It was urged that under clause (2) of article 252, when such an Act was amended, a similar procedure should be adopted, meaning that two or more States must also pass similar resolutions asking Parliament to introduce and pass an amending Bill. In this case, it is admitted that no such resolutions have been passed. It is also admitted that this Bill covers not only non-agricultural land but also agricultural land which is covered in the entry. Therefore, it was urged that this House had no jurisdiction to pass this legislation unless resolutions are passed by at least two State legislatures. They may, with the Act so passed, be adopted later on as in clause (1) and also in clause (2).

As against this, the hon. Law Minister has said that when once the jurisdiction of the Central legislature or Parliament has been invoked by resolutions of the State legislatures, the terms apply to the subject-matter and the entire subject-matter relating to the imposition of the estate duty on agricultural land has been conceded to Parliament, and it is open to Parliament to go on amending it from time to time without any further request or further authority by way of resolutions from the State legislatures. I understand that correctly. Then it is said that clause (2) is only an enabling one and that under general law, whichever legislature passes a Bill has also got the right to amend the same. Under these circumstances it is unnecessary to invoke the aid of clause (2). It was pointed that clause (2) referred to amendment. The hon. Law Minister says that it only enables State legislatures to pass resolutions requesting Parliament to amend the law. It is also admitted that even without any particular resolution of that kind, if the local Governments or State Governments intimate the Government of the Union that in the interests of a particular State or States similar legislation may be passed, there is nothing preventing the Centre from initiating that legis-

lation. Clause (2) will become unnecessary if this interpretation is accepted.

It appears to me—and a number of hon. Members have also expressed that view—that the General Clauses Act cannot apply in this case, that is, a legislature which passes legislation is entitled to amend it. It will be so in the absence of a specific provision, as in clause (2). Reference may be made to article 117 of the Constitution where with respect to the introduction of a Money Bill, the President should give consent. Otherwise, it cannot be introduced. But if it stated so and left it alone, possibly for amendments no sanction might be necessary. But it is definitely stated there that even for amendment, recommendation of the President is necessary. If the Constitution had been silent on that, without enacting clause (2) and left clause (1) alone, the interpretation of the General Clauses Act, that whichever authority has got the right to enact a law will also have the right to amend would have stood. But here a specific provision is enacted in clause (2) as to how this amendment has to take place. If the general interpretation is accepted clause (2) will become absolutely useless. No article of the Constitution or clause thereof should be understood to mean as useless. It must have some reference.

Therefore, there is every force in the argument that unless two or more States take the initiative in asking Parliament to amend the law, the jurisdiction vested in Parliament expires after the passing of the Act, and for further amendment, that ought not to be invoked.

But I feel that the prohibition is only to passing of the Act. We are only in the stage of referring this Bill to a Select Committee. Now, we can proceed with reference of this Bill to Select Committee. In the meanwhile, Government can ask the Select legislatures to pass resolutions and get those resolutions here. If, however, the States are not interested,

they will not get the enhanced revenue. Some exemptions are removed here. Therefore, it is to the advantage of the States. The Centre is only helping the States so far as this legislation is concerned.

Therefore, while agreeing that article 252(2) applies, I do not feel that we ought not to proceed with this Bill. It only goes to the Select Committee. The Select Committee can go on with it. In the meanwhile, resolutions may be passed by State legislatures. If they are not passed, a stage will come when the Parliament shall not pass the legislation amending the original Act. We have not yet reached the stage of amending or repealing it. By that time, let us see if resolutions are passed. If they are not passed, this will be infructuous.

**Shri V. P. Nayar:** There is one difficulty. I quite appreciate your view; but in four days no State Legislature can meet and pass a resolution.

**Mr. Speaker:** It will mean waiting. Hon. Members would be spending some time in the Select Committee on a number of principles of law. If not tomorrow, at the next session the States may pass resolutions. If no State is willing to pass a resolution, then Government will be undertaking a thankless task and, therefore, they won't pursue the matter.

So, I have no objection to have some tentative date for the presentation of the report of the Select Committee. We have always known that Select Committees have come to the House for extension of time. So, a reasonable time may be put in the motion.

Now, let us go on with this.

**Shri Tyagi (Dehra Dun):** The passing of this Bill will not make it an Act until the President gives his assent. The President's assent is needed to make it a law. Therefore, there is enough time for Parliament to meet again. We can also proceed with the Select Committee because the Select

[Shri Tyagi]

Committee is one step. There are so many steps, one after the other. The Act becomes complete only when the President gives his assent. Until such time we shall be going on with one step or another. Therefore, there is ample time for the Legislatures to meet and pass resolutions.

**Mr. Speaker:** The hon. Member has misunderstood the position. The President does not come into the picture. He came into the picture earlier. The hon. Member's reasoning seems to be strange. If it is so, we can get through it and if it is not a condition precedent we can go on passing legislation after legislation which is subject only to the President's giving assent. The hon. Member is making a confusion between two things.

There are certain matters which require the recommendation of the President before the matter can be taken up or passed. Then, after passing, the President comes into the picture. In those cases, the President comes into the picture for giving the recommendation under articles 117 and 274. But, in this case the President does not come into the picture here. He comes in later. We can proceed with certain things; and in the meanwhile, if we find that it is useless, it will be withdrawn. We won't pursue the matter then. There is no analogy here.

Now, we will proceed.

**Shri Surendranath Dwivedy:** What time will be allotted for this, now, Sir?

**Mr. Speaker:** The same time. All this forms part of the discussion.

**Shri K. Periaswami Gounder:** The States have been given the power to pass a resolution. They may do so. But the Select Committee must certainly have this matter before it. In Madras State they do not want to introduce it. Before the matter goes to the Select Committee, the resolutions must be before them. We must have the resolutions passed.

**Mr. Speaker:** The Select Committee can take notice of any of the suggestions made in the resolution.

**Shri K. Periaswami Gounder:** But this will be over by the time the resolutions are passed.

**Mr. Speaker:** The Select Committee will wait till the resolutions are passed.

**Shri D. C. Sharma (Gurdaspur):** Yesterday, while speaking on this motion, I referred to the two fundamental objectives of this Bill. One is the social objective and the other is the developmental objective. And I said that our previous experience has shown that this Act has only partially fulfilled those anticipations which were had about it when it was passed.

On the floor of this House I put some questions about the realisation of Estate Duty from the various States of India. Of course, the collection of this duty was not up to the point that was expected. The collections fell short of our anticipations or expectations. There was a definite shortfall. I remember an hon. Member putting a supplementary question on this and asking what this shortfall is due to, and a very light-hearted answer being given to that. It was said that the Ministry could not forestall the deaths of certain persons and the Ministry could not in any way bring about the death of any person.

But that is not the reason for this shortfall. The reasons for the shortfall are different and the question is whether this amended Bill will be able to circumvent those reasons which have led to the shortfall so far. I feel that the amended Bill will fail in that objective. It will fail as dismally as the original Act failed. I know something had been done in order to bring in a little more of revenue.

For instance, the floor had been lowered to Rs. 50,000. I do not think that the lowering of the floor will bring in more revenue. It may bring in more revenue but it will not be

commensurate with the lowering of the floor. That is to say, the anticipated amount will be one thing and the realised amount will be another thing and there will be a big gap between the two. It is because people have mastered the art of evasion. They have made a science, an art of evasion. The operation of this Act for the last two years has made them adepts in this art. Therefore, the lowering of the floor will not materially affect the revenue that is going to accrue to us.

Another point is made and it is this, that the period of 2 years had been increased to 5 years. If any gifts have been made before the death of any person during that period, then, they are liable to Estate Duty. Of course, ostensibly speaking, there is some virtue in it. Instead of taking into account the gifts given in two years we will now have to take into our purview the gifts which have been given away during the previous 5 years. But, I think, that the complications of accountancy and the complications of check-up which this provision will give rise to will not be easy to overcome. I therefore think that this is not going to be a magic wand in the hands of the Finance Ministry to get a little more money. This will not help them in any way; or, even if it helps, it will help only a very little.

Again, so many exemptions have been given, gifts made in consideration of marriage, gifts made in consideration of normal expenditure etc. Of course, I know these are necessitated by the social context of our country. But I believe that in a law of this kind, the larger the number of exemptions, the greater the possibility of escape; the larger the number of concessions, the greater is the danger that the person who is going to be assessed will escape from its operation. When it is said in the Statement of Objects and Reasons that we are going to give some concession, I believe it has been done in a spirit which is not in accordance with the circumstances of the case. Again

all kinds of assessments have been introduced. There is going to be a provisional assessment, then a regular assessment and then a reassessment. All these things are being done in order that nobody should be able to escape from the provisions of this law. But I believe that there is need for reassessment of property when it has been concealed. I do not see why there should be provisional assessment and regular assessment. I believe this shows—I was going to use a hard word but I do not want to use it—the failure of the Ministry to evolve a procedure which can be foolproof so far as assessment is concerned. In matters of law, we do not talk in terms of all provisional things. We have got to be firm and foolproof and strict. Here this provisional assessment is going to be brought so that people can have some loopholes to escape and some ground for going to a court of law and file an appeal. This is something which is not going to work for the objectives of the Bill which are at the heart of the Ministry of Finance.

It is good that we have provided for appeal, in this Bill. Appeals are bound to be there in the income-tax and everywhere but the provisions for appeals have been so overweighed with legality that this Bill, I think, will mean a heaven or paradise for our legal practitioners. Anybody who goes about this country will see that any person who practises income-tax law is the happiest person in this country. They are lucky and happy persons because they get good briefs and good payments for those briefs. I do not grudge them. They deserve what is their due. But by the introduction of all these kinds of appeals and reference to High Courts and other courts, this Bill has come to be overlaid much more than is necessary by legal considerations with the result that the cases instituted will go on and the finances of the country will suffer. One of the ways of bridging the gap in the realisation is the strengthening of the department.

[**Shri D. C. Sharma.**]

[**MR. DEPUTY-SPEAKER** in the Chair]

I do not want to say anything about the income-tax department. I have many things to say about it but I am talking only in the context of this Bill. The income-tax department should have been enlarged so that there could have been more adequate and more proper functioning of the department so far as this Bill is concerned. Only Rs. 5 lakhs have been provided for the additional staff. The result will be that cases will be kept pending for a long time. Decisions will be taken after a long time and delays will become the normal function of this department. I would like to ask the hon. Minister one question. How many arrear cases has the department now. . . .

**The Deputy Minister of Finance (Shri B. R. Bhagat):** Arrears of what?

**Shri D. C. Sharma:** In the matter of income-tax and other cases. I believe all these things will add to the number of arrear cases and therefore, there will not be that amount of advantage to be gained from this Bill.

When the Estate Duty Bill was passed, the then Finance Minister, Shri C. D. Deshmukh, has said that he was sending some officers to U.K. and other countries to learn about the administration of estate duty there. I do not know whether these officers were sent or not and what the advantage to the nation was if they were sent to U.K.

When we are bringing up this socio-fiscal legislation in this country, there is very much a necessity for giving a new look to the income-tax department. By new look, I do not mean that their salaries should not be improved. Their salaries may also be improved if necessary. But by new look, I mean that they should be put through some intensive and specialised training which could fit them for the particular job in hand. Up to this time, we have been giving

them only a general kind of training and we have been thinking that these general purposes men can perform all kinds of functions. We have inherited the old mentality from the British that the I.C.S. could do everything. Similarly, we have thought that the income-tax officer can do whatever work is entrusted to him. That is an outmoded and obsolete theory. Proper training must be given to them. Otherwise, the purpose of the Bill will be defeated to a large extent. I would not like at the same time that their number should be increased unduly. There should be some criteria evolved so far as the performance of these income-tax officers are concerned. In Punjab there was formerly known a formula called Jenkin's formula which was applied to the performance of Sub-Judges, Sessions Judges and other Judges. It was very useful in expediting cases of law in the courts. It reduced the period of delay so far as judicial cases were concerned. The Ministry of Finance would be well advised in having some criteria for judging the work of persons. I am told that some of these income-tax officers are sent to those States the language of which they do not know. Proper kind of training should be given to them so that they can discharge their functions very properly.

14. hrs.

It was said many times in this House and also yesterday that this kind of a legislation could not only be a fiscal measure or an administrative measure. It is a socio-moral kind of a legislation. People should be properly educated about the socio-moral effects of this kind of legislation. It was Lord Macaulay who said that in the 19th century a great change came over the character of the State. For a long time the State was thought to be a hangman, but liberal thought of the 19th century made people feel that the State was not a hangman, but the State was also an educator and other things. We have gone much beyond what Lord Macaulay thought the State to be.

I would, therefore, say that so far as the Ministry of Finance is concerned it should not only be a Ministry which collects revenue, it should not only a Ministry which sometimes puts unnecessary spokes in the wheels of those who want to spend money,—that is what is said about this Ministry—it should not only be a Ministry which watches all these things, but it should also be a Ministry whose functions should include the socio-moral education of persons in this particular field.

Sir, the Father of the Nation said that all of us are trustees of our nation so far as wealth is concerned. Now a new conception has been given, the conception of co-partnership. The same thing has been said in the socialist pattern of society. I would like to ask the persons connected with this Ministry, what have you done to educate the people so far as the social implications of these Acts are concerned? You have passed the Estate Duty Act, the Wealth Tax Act, the Expenditure Tax Act and how you are going to have the Gift Tax Act passed. What have you done to educate the people? I do not think the Ministry has done anything in this respect. After an Act is passed, it is simply passed over to the income-tax officers and they, of course, make whatever use of it they like to have or whatever use of it they think it is capable of. Nothing is done to educate the people. Is it not the function of the Ministry to tell the people what a particular Act is going to lead to? I am pointing this out for the simple reason, as I said yesterday, that wherever you go people say that the Government is burdening them with too much taxation. I do not know what the experience of other Members of this House is, but at least the Opposition party members always make this point against the Government all the time that they are burdening the people with over-taxation. This was also said during the recent Corporation elections. This is said everywhere.

Therefore, we have to justify this kind of taxation policy not only on fiscal grounds but on social and moral grounds also. Who is going to do that? It is not that one Ministry will collect the money and another Ministry will justify the collection of that money. No. The Ministry that collects the money should also justify the collection of that money. The Ministry should explain to the people what for that money is going to be taken and what social purpose it is going to serve. Unless that is done, I think all this legislation is going to be a kind of irritant to people. I do not want that it should be like that.

I also say this, in view of the fact that there are certain forces at work in this country today. Some people call them lions, some call them tigers, some call them by this name and some by that name; but I do not want to call them by any name, I only want to say that there are certain forces at work in our country today, that are opposed to the very idea of this kind of progressive legislation which has social welfare objectives. They are inundating the country with their literature. They are publishing pamphlets and distributing them free to the people. They are publishing magazines and they are trying to pulverise every clause of this Bill. They are trying to educate the people in the wrong way. They want to show to the people at large that the legislation which the Government of the day is undertaking is not for the good of the people. I can show the pamphlets that they are distributing free to the people; they are sent to all persons in this country.

If this kind of propaganda is being carried on by a particular section, who is going to meet it, who is going to make counter propaganda? I know it will be said that it is no use joining issue with those persons. I know that this is a very exalted attitude, a high and mighty attitude. But, Sir, democracies are governed by public opinion. That public opinion is created by propaganda, and pub-

[Shri D. C. Sharma.]

lic opinion is also moulded by counter-propaganda. Therefore, it becomes the duty of those who pass such kind of legislations to tell the people what they should do.

Sir, our experience of this new form of legislation has not been very happy—I mean the Estate Duty Act and other Acts. That is one of the reasons why we are bringing in this amending Bill. After having pointed this out, Sir, I would say that our experience should be happy after this new amending Bill has been passed so that our social welfare State marches ahead.

I wanted to devote some time to the clauses, but as my time is over I do not want to take any more time of the House. Before I conclude, I only want to say that two many Concessions have been given here. Where concessions are given they should be scrutinised properly and the concessions should be reduced to a minimum. Where penalties have been suggested, those penalties should be deterrent and not lenient. I hope, Sir, if this is done, this Estate Duty (Amendment) Bill will fulfil the objectives which all of us have in our hearts.

वृहिं व्यापार प्र० डॉ तेज़ी (सागर) :

उपाध्यक्ष महोदय, यह आ बिल इस सदन के सामने प्रस्तुत हुआ है, मैं उस का समर्थन करने के लिये लड़ा हुआ हूँ। पांच वर्ष पहले जब अपने भूल स्वरूप में यह बिल इस सदन में आया था, तब इस देश के नागरिकों को प्रसन्नता हुई थी कि सोशलिस्टिक राज्य भले ही कायम न हो रहा हो, लेकिन हम इस दिशा में बढ़ जरूर रहे हैं, उस दिशा में जो देश की गरीबी को दूर करने में सहायक होने वाली है, इस देश की विषमता को खत्म करने की दिशा में बड़ी हद तक सहायक होने वाली है।

इस पूराने बिल के कानून में परिणत होने के पश्चात् पांच वर्ष बीत गये। पांच वर्ष

में जो कारणादियाँ हुईं उन कारणादियों से हमें सन्तोष नहीं है। हम ने ऐसी उम्मीद की थी कि उस से हमें ६ या साड़े ६ करोड़ की आर्थिक आय होगी, लेकिन हमें भुक्तिल से दो या ढाई करोड़ की आय प्राप्त हो सकी। इन सब चीजों ने हमें बहुत सन्तोष नहीं दिया, इसलिये यह बिल सदन के सामने रखा गया है ताकि उन लूपहोल्स को खत्म किया जाये जिन के कारण जो सम्पत्ति राष्ट्रीय कोष में होनी चाहिये और जिसे देश के नवनिर्माण में लंबे समय में अवांछित हाथों में रह जाती है। तमाम लूपहोल्स को रोकने के बाद देश को नई ताकत मिले, इस बात का विचार कर के यह अमेंडिंग बिल पेश किया गया है।

यह बात सत्य है कि हम इस देश में एक बड़े उत्तम तरीके से आर्थिक विषमता को खत्म करने की कांशिश कर रहे हैं, कोई बड़े कातिकारी कदम हमारे नहीं हैं, लेकिन फिर भी एक निश्चित और कमिक तरीके से हम अपने लक्ष्य की ओर अप्रसर हो रहे हैं, ऐसा हम महसूस करते हैं। इस बिल में जो खास बात है वह यह है कि टैक्सेशन के स्टूचर को आडवेस्ट बनाया जाये। नये प्रस्ताव के अनुसार हम टैक्सेशन का आधार ५०,००० रुपये पर ला रहे हैं। इस सदन में इस पक्ष के मित्रों की ओर से इस बात का योड़ा विरोध किया गया है। मुझे अफसोस होता है इस तरह की बात मुन कर। अगर हम को अपनी पंचवर्षीय योजना को सफल बनाना है, अगर हम को इस देश की आर्थिक विषमता को दूर करना है, अगर हम को इस देश में जो गरीबी है उस गरीबी को दूर करना है और एक जनकल्याणकारी राज्य को अधिक में अधिक गतिशील बनाना है तो हमें अपने आर्थिक साधनों को विस्तृत करना होगा। जो लोग इस देश की गरीबी का अध्ययन करते हैं, जो जानते हैं कि इस देश का अधिकांश आनंद समाज किस स्थिति में है, किस गरीबी और मुकलिसी की स्थिति में है, वह इस चीज को अच्छी तरह से खल़ा सकते

है कि जिस की ५०,००० की सम्पत्ति है, वह सम्पत्तिशासी अपने मरने के बाद अगर इस देश को कुछ दे जाता है, देने के लिये मजबूर किया जाता है तो कोई ज्यादती नहीं है।

जब इस तरह से देश को विस्तृत करने के बाद इस बिल की धारा हमारे सामने रखी गई है, तो हम समझते हैं कि यह बड़े स्वागत योग्य बात है। पहले १ लाख से ऊपर पर हम टैक्स बसूल करते थे अब हम ५०,००० पर बसूल करेंगे। यह बात ज़रूर है कि १ लाख से ऊपर कर बसूती के बचत हम ने जो आय कूटी थी वह नहीं भिली, लेकिन अब चूंकि हमारा कार्यक्षेत्र विस्तृत होने वाला है, इसलिये हम बुद्धि काम कर रहे हैं, हम ऐसा उपाय इवान्व कर रहे हैं कि जिस से इस बदलती दुई स्थिति में हम प्रधिक ताकत के साथ काम कर सकें। मैं यह महसूस करता हूँ कि टैक्सेशन के स्तर का निर्माण जो होता है टैक्सेशन का जो हमारा कायदा बनता है वह ऊपर से बनता है, लेकिन इस देश का दुर्भाग्य है, दूसरे देशों में भी यह बात हो सकती है, लेकिन हमारे लिये तो यह बड़े नाशक की बात है कि हमारे देश का बनिक समाज आय बचाने की कोशिश करता है। हमारे सामने २६६ करोड़ के आंकड़े आये कि इन्हीं आय ही सकती है, टैक्सों के द्वारा, इनकम टैक्स के द्वारा। लेकिन जब यह दुखद नक्शे हैं तो इस आय की प्राप्ति किस तरह से हो सकती है? एक तरफ व्यापारी वर्ग बचत करता है और दूसरी तरफ हमारे कर्मचारी इस चीज में सहयोग करते हैं, वह कनाइव करते हैं। जितनी सकृदी और ईमानदारी उन को बरतनी चाहिये, वह उतनी सकृदी। और ईमानदारी नहीं बरतते हैं। खुशी की बात है कि यह बिल आज से नेक्ट कर्मेटी के सुपुर्द हो रहा है। मैं चाहूँगा कि सेलेक्ट कर्मेटी के विचारावाले लोग इस चीज पर विचार कर से आनंद दें कि टैक्सेशन के इवेंड करने के जो तरीके अपनाये जाते हैं उन पर अधिक से अधिक रोक सकाई जाये, कुछ ऐसे

संशोधन करें जिन के द्वारा जो इवेंड आफ टैक्स, खास तौर से इस नये टैक्स का, होता है वह रोका जा सके और हमारे कर्मचारियों पर भी अधिक सकृदी हो सके ताकि वह सजगतापूर्वक और ईमानदारी के साथ काम करने को मजबूर हों। मैं यह चीज महसूस करता हूँ कि जो आदमी इवेंड करता है उस से डबल टैक्स बसूल करना बहुत मामूली सी सजा है, यह कमज़ोर प्राविजन है। मुझे तो ऐसा लगता है कि जो ऐसे लोग हों उन्हें देशद्रावियों की कोटि में रखना चाहिये आज के प्रजातन्त्रात्मक देश में जो व्यक्ति सम्पत्ति को छिपा कर देश को अपने हक्क से मज़रूम रखते हैं, मेरा दृढ़ और निश्चित मत है, वे देशद्राव के अपराधी हैं और ऐसे आदमियों के लिये सेलेक्ट कर्मेटी की ओर अधिक सकृद सजा की व्यवस्था करनी चाहिये। मैं चाहूँगा कि पलाईंग इन्स्पेक्टरेट जैसी व्यवस्था कर्मचारियों के अन्दर हो। एक अक्सर जो एक जगह पर बैठ कर फैसले करता है, उस के कामों पर गुप्त रूप से कोई नियंत्रण हो, इस चीज को मैं इस देश में बड़ा आवश्यक समझता हूँ। किसी एक व्यक्ति की सम्पत्ति अमेस की गई और उस पर कर निर्धारित किया गया, जो असेसमेंट हमारे कर्मचारी द्वारा किया गया, वह सही है या गलत है, इस की छानबीन की बारीकी से, और मैं समझता हूँ कि सर्वेंज के तरीके पर, किये जाने की व्यवस्था की जानी चाहिये। यह बहुत ज़रूरी है। यह बहुत बड़ा लूपहोल है जो कि मैं महसूस करता हूँ हमारे टैक्स बसूती के रास्ते में है। अनेक जगहों पर इवर उधर कर्मचारी और टैक्स देने वाले व्यक्ति या अन्य तबके मिल जाते हैं और आपस में बैठक कर टैक्स निर्धारित कर दिया जाता है। किर इस बात की छानबीन कम की जाती है। मैं नहीं मानता कि बिलकुल छानबीन नहीं होती, लेकिन कम होती है कि जो टैक्स लगाया गया वह जायज था। या नहीं। मैं चाहूँगा कि सेलेक्ट कर्मेटी इस प्रकार की कोई व्यवस्था करे जिस व्यवस्था में जो असिस्टेंट

## [पंचित ज्ञान प्र० ज्योतिषी]

होता है उस असेसमेंट की जांच हो सके। जांच होने के बाद खुफिया तरीके से भी जांच हो और कोई कर्मचारी कम असेस करता है किसी व्यक्ति को, तो उस के खिलाफ सख्त कार्रवाई की जाये।

यह जो बिल इस रूप में सदन के सामने आया है, एक बड़ी हद तक उस में जो पुरानी कमियां हैं उन को दुरुस्त करने की कोशिश की गई। सेलेक्ट कमेटी के विचारावान लोग अम्बीरतापूर्वक हर टैक्स की वसूली में, स्वाम कर इस टैक्स की वसूली में, जो खामियां होती हैं, या जो मझेवने प्राप्ती हैं उन को महसूस करते हूँ ए उम में आवश्यक संशोधन करें और इस देश का कोष अधिक विस्तृत हो सके और इस के लिये जो व्यवस्था इस विषेयक में की जा रही है, उम को सफल बनायें।

इस सदन में चर्चा के दौरान में यह बात हमारे सामने आई कि कुछ लोग टैक्सेज के खिलाफ एक वानावरण निर्मित करने की कोशिश करते हैं। यह एक बड़ी खतरनाक चीज़ है। अगर हमको अपने रचनात्मक कार्यों का और विकास के कार्यों का सफल बनाना है तो हमें इस देश में एक ऐसी क्रान्तिकारी निर्मित करनी होगी कि नोगे ईमानदारी के साथ अपनी सम्पत्ति का, अपनी आय का और अपने उत्पादन का जो उचित अंश है उसको सरकार को देने के लिये तत्पर रहें।

उपाध्यक्ष महोदय, मैंने जो साथ बात आपके द्वारा मंत्री महोदय से कही है वह यह है कि एक ऐसी मशीनरी एवाल्व की जाये जो कि कर्मचारियों पर नियंत्रण रखें और उसकी ओर मैं विशेष रूप में सदन का ध्यान शारीरिक रूप से जमाने में हम क्यों न उम तरीके

के ईमानदार व्यक्ति इधर उधर नियुक्त कर के रखें जो कि व्यापारी वर्ग के कार्यों का कच्चा बिट्ठा शासन को भेजे। मेरे जिले में मैं जानता हूँ कि कुछ आदमियों की तरफ से एक सास आदमी की बाबत केन्द्रीय सरकार को बारबार लिखा गया कि अमुक जगह पर अमुक व्यक्ति टैक्स इवेजन कर रहा है। उनकी शिकायत है कि शासन ऐसी बातों की तरफ और ऐसी शिकायतों की तरफ पर्याप्त ध्यान नहीं देता। मैं समझता हूँ कि जगह व जगह ऐसे आदमी हैं जो कि शासन को इस तरीके के कार्यों में मदद दे सकते हैं। ऐसे लोगों से एनकामेशन इकट्ठी की जाये और यह जो टैक्स इवेजन होता है उसके लूपहोल्ट्स को प्लग किया जाये। इन शब्दों के साथ मैं इस एस्टंट इप्रूटी (अमेंडमेंट) बिल का समर्थन करता हूँ।

**The Deputy Minister of Finance (Shri B. R. Bhagat):** Mr. Deputy-Speaker, I am very grateful to the House for the fulthroated support to this measure, because all the hon. Members who have spoken have generally supported the measure.

The hon. Member, Professor Sharma, spoke about the fool-proof arrangement and said that Government must evolve a fool-proof system of assessment.

**Mr. Deputy-Speaker:** That arrangement has to be evolved in his absence.

**Shri B. R. Bhagat:** I am sorry, he is not here. I am disheartened, because I cannot refer to him in detail.

This amendment Bill is based on the experience of the past four to five years and in a way it is an improvement based on our experience, although we cannot claim that it is fool-proof. For the matter of that, nobody is fool-proof either my hon. friend Shri Sharma, nor any institution created by man. But there is a continuous effort to make the system or institution more stream-lined and to plug the loopholes.

पुराने जमाने में हर एक जिले और हर एक प्रदेश में खुफिया पुलिस होती थी या खुफिया कर्मचारी होते थे। मैं नहीं समझता कि आज के जमाने में हम क्यों न उम तरीके

I will now come to the hon. Member who initiated the debate, Shri V. P. Nayar. He raised one or two very valuable points. He went into a little bit of history also. There I am in a little advantageous position because I was also in the Select Committee and we were together when the Bill was passed and we shared the working of the administration of this Bill, although from different points of view. When he referred to the period, he said that he had at that time suggested that the period for exemption should not be two years but five years and that the Select Committee and the House did not accept it. He said that he was wise in the matter. It is very easy to say after the event "I have said so".

**Shri V. P. Nayar:** I said that even before.

**Shri B. R. Bhagat:** Whether this period of two years should be changed to one year or five years, there is no *a priori* reason about it. It is all based on the rule of the thumb. Even in England, when this Bill was enacted in 1894, they put the period as one year and it was increased after sixteen years' of experience. Later on, the period was increased to five years in 1946.

**Shri V. P. Nayar:** When we had a Bill, what was the period in England? Unless we did not want to gain from experience, I do not know what was the purpose in fixing it at two years.

**Shri B. R. Bhagat:** Although this Bill is very much based on the U.K. Act, the conditions in India and England are different. There is much difference between the property rights in India and in England. There it is very easy to arrive at a correct evaluation of the estate, because in most cases the succession certificate or the probate is there. So the valuation of the property passed on is known. Under our law, particularly under the Hindu joint family system, there is no succession as such. Here we have the co-parcenary sys-

tem. So, there is a very fundamental difference. Then there is the question of the nature of the property. Although we adopted the U.K. system, it was not as if the conditions here were the same as in England. So, we could not adopt all the provisions. So far as the Government is concerned, we took or adopted this provision about two years as an experimental measure. We thought "let us have such a period in the first instance". We said that based on our experience, if we think that it is necessary to change it, we will change it.

The hon. Member went into the history a bit and referred to the then Finance Minister. I would like to quote here what the then Finance Minister said about this, which is very relevant. This is what Shri C. D. Deshmukh had stated:

"If experience shows that this is either inadequate or adequate, I am sure, when the occasion comes—and there will be very many to amend this Act—then we shall have to do something about this period also."

Now, the occasion has come and I think we are very much in line. With the experience we have, we think that in order to plug the loopholes it is better to have a period of five years. Not only that. The administration had some experience for the last five years. Now, some hon. Members have asked whether we have sent our officers for training to U.K. Well, some of our officers have gained enough experience in this line of evaluation. So, we are now changing the system of the appellate machinery. So, we are in a better position now to bring about this change from two years to five years.

Then he said that the rates of duty should be increased to the level in U.K. What are the U.K. rates? The rates in U.K. range from 4 to 80 per cent. Our proposed rates range from 6 to 40 per cent. So, in the lower slabs our rates are higher. For an estate worth Rs. 1 lakh in India the

[Shri B. R. Bhagat]

duty will be Rs. 3,000, whereas the duty in England for the same estate will be Rs. 4,000. For an estate worth Rs. 2 lakhs, the duty here will be Rs. 12,000 whereas it will be Rs. 16,000 in U.K. It will thus be seen that there is not much difference between these two countries in the matter of tax in the case of medium estates. Then, while bringing in a comparison between India and U.K. we should not forget that gifts made prior to five years of death are completely exempted from tax in U.K.

**Shri V. P. Nayar:** If I may be permitted to say so, that is not correct. My point was not about the revision of the rates of duty. I only referred to the higher slabs. I pointed out instances of estates worth over Rs. 10 lakhs and showed how the incidence of tax in India, as under the near proposals would be far too much below the rates of duty which an estate in U.K. with a pound value of the equal amount in India would have to pay. I never said that the lowest slab should be raised. I only emphasised that the higher slabs should have to pay a higher duty, corresponding to the level in U.K. Here is a copy of my speech.

**Shri B. R. Bhagat:** The lower slabs are already high. That is what I am saying. If we go into the gamut of the various ranges and various rates, we will find that there is not much of difference. Then, we have to take into account the effect of other taxes like wealth-tax, expenditure tax etc. So, from that point of view, our rates are not incomparable.

The hon. Shri Heda asked why the exemption limit has been lowered to Rs. 50,000. This point has already been covered by the hon. Finance Minister when he moved this Bill for consideration. If you see the exemption limits in various countries—in U.K. it is £3,000, i.e., Rs. 40,000, in Australia it is Rs. 30,000, in Ceylon a country which is comparable to ours in per capita income or eco-

nomy, it is Rs. 20,000. Thus whether we consider advanced countries or countries nearer our home or countries the economic situation of which is very much comparable to ourselves, we see that the exemption limits are lower in many cases. So, from that point of view the exemption limit is not unreasonably low.

There are other points made about the administration. He said that the arrears should not be allowed to be so high. So far as this particular question of arrears or disposal of cases of estate duty is concerned, the situation is not very bad. Every year we have given consideration to the new cases that come. The disposal of cases, whether in appeals or in valuation, is pretty efficient. So far as valuation is concerned, despite the fact that they posed so many problems, there has not been any complaint of harassment because in most cases there has not been any difference about the valuation between the officials and the assessee. Only one case has gone for arbitration.

I think the other details that have been referred to will be taken care of by the Select Committee. With these words, I conclude.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Estate Duty Act, 1953, be referred to a Select Committee consisting of Shri Asoke K. Sen, Shri C. D. Pande, Shri M. Thirumala Rao, Shri Mahavir Tyagi, Shri S. Ahmad Mehdi, Shrimati Uma Nehru, Shri Shivram Rango Rane, Sardar Iqbal Singh, Dr. Y. S. Parmar, Shrimati Renuka Ray, Shri Liladhar Kotoki, Shri Jagannatha Rao, Shri Narendrabhai Nathwani, Shri Radheshyam Ramkumar Morarka, Shri Harish Chandra Mathur, Shri Vidya Charan Shukla, Shri Radhelal Vyas, Shri C. R. Pattabhi Raman, Shri N. G. Ranga, Shri M. Shankar-

aiya, Shri Satyendra Narayan Sinha, Shri George Thomas Kottukapally, Shri A. M. Tariq, Shri Kamalnayan Jamnalal Bajaj, Shri B. R. Bhagat, Shri Mathura Prasad Mishra, Shri T. Sanganna, Shri S. R. Damani, Shri Rajeshwar Patel, Shri T. C. N. Menon, Shri Prabhat Kar, Shri R. K. Khadilkar, Shri Bimal Comar Ghose, Shri Arjun Singh Badauria, Shri M. R. Masani, H. H. Maharaja Sri Karni Singhji of Bikaner, Shri Premji R. Assar, Shri Tribhuan Narayan Singh, Shri N. Siva Raj, H. H. Maharaja Pratap Keshari Deo, Shri Naushir Bharucha, Dr. A. Krishnaswami and Shri Morarji Desai with instructions to report by the 1st May, 1958.”.

*The motion was adopted*

**Mr. Deputy-Speaker:** The House will now take up the non-official business.

**PRIVATE MEMBERS' BILLS AND RESOLUTIONS COMMITTEE**

**TWENTY-FIRST REPORT**

**Shri Supakar (Sambalpur):** Sir, I beg to move:

“That this House agrees with the Twenty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th April, 1958.”.

**Mr. Deputy-Speaker:** The question is:

“That this House agrees with the Twenty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th April, 1958.”.

*The motion was adopted*

**RESOLUTION RE: REORIENTATION OF THE SYSTEM OF EXAMINATIONS—cond.**

**Shri V. P. Nayar (Quilon):** Sir, I wonder whether there is a quorum. Now we are entitled to a quorum. It

is a very important subject which is coming up before the House.

**Mr. Deputy-Speaker:** The bell is being rung.

Now there is quorum. The House will resume further discussion on the Resolution moved by Dr. Deorao Yeshwantrao Gohokar on the 11th April, 1958, regarding re-orientation of the system of examinations.

Out of two and a half hours allotted for the discussion of the Resolution, one hour and forty-one minutes have already been taken up and forty-nine minutes are left for further discussion today.

Is there any hon. Member wishing to speak?

There is no one. Then I call the hon. Minister.

**The Minister of Education (Dr. K. L. Shrimali):** Mr. Deputy-Speaker, Sir, my hon. friend, Dr. Gohokar, by moving this Resolution has drawn the attention of this House to an important problem which has engaged the attention of educationists for the last fifty years. The examination system has been criticised from every quarter—parents, teachers, society, administrators and everybody. But it has got such a strong hold over our people that in spite of general dissatisfaction with the system there has been little effort to change it and replace it by a better system. This subject forms the subject matter of discussion in various education conferences and committees, both official and non-official, but I must say that so far there has only been a tinkering of the problem here and there and we have not made any substantial progress. The Ministry of Education has recently taken a very important step for bringing about certain radical changes in the examination system. But before I come to this question, I think, it is necessary that we should be clear about the issues involved in this matter.

[Dr. K. L. Shrimali.]

My hon. friend, Dr. Gohokar, has, I think, oversimplified the whole problem and the remedy that he has suggested is worse than the disease. Unfortunately, he has also mixed up the question of examination with the problem of discipline. The question of examination itself is a very complicated problem and I do not think we should make it more complicated by mixing it with the problem of discipline.

My hon. friend, Shri Bibhuti Mishra, has suggested the appointment of a sub-committee. Now I would like to submit that we have now passed the stage of committees and commissions. The Government of India had appointed two important commissions on secondary education and university education. These commissions had invited certain foreign experts also to study the problem of re-organisation of education. I would like to submit most respectfully that no useful purpose would be served by appointing another committee. The question is to take certain practical measures to bring about reform in the whole system. As far as what lines the reform should take and what the evils in the examination system are concerned, they are all very well known not only in this country but in other countries also.

Before we bring about changes in this system we must know that this system has been in existence in this country for nearly a century. It has taken deep roots in our soil. I do not think it is fair to say that it is a foreign system. We have adopted it and we have used it for our purposes. Today we are dependent on it not only for the promotion of our students in the schools and colleges but also for the selection and recruitment to services. We must also remember that this examination system is linked up with our syllabus and with our teaching methods. It is the most powerful force which motivates the students and builds up attitudes in them. However bad this system may be from the psycholog-

ical and sociological point of view, we must remember that it has worked for the last 100 years and if we aim at eliminating this system altogether and if we wish to bring about drastic changes in the whole system at this stage, I am afraid, we may put the whole educational system out of gear. I am not suggesting that reforms are not necessary. Reforms are necessary and desirable. But, the question is how to bring about these reforms and is the system so rotten and so bad that we should eliminate this system altogether as has been suggested by some hon. Members. I think it was my hon. friend Shri Bibhuti Mishra who said that the system in ancient India was good enough and we may go back to that system. The world has become very complicated. The students have to face a world which is very complex and which presents many complicated problems and therefore we have to look at this problem in the present context of our society.

I do not admit that certain changes are necessary in the present examination system. There is no doubt about it. I would only like to submit that these changes must be slow, must be gradual. I would like to explain further why I am suggesting that the changes should be brought about gradually and according to a well planned programme. As far as the deficiencies in the system of examination are concerned, they are all very well known. There is, for example, the chance element in the performance of the students. If a student has studied carefully a particular portion and by chance, questions are put on that particular portion, he gets good marks. Nobody denies that chance plays a very important part in the evaluation. Various studies have been made by Sir Philip Hartog on examination of examinations. They clearly show that there is a strong subjective element in the system of examinations. Marking is influenced by the personal idiosyncrasies of the examiner. It has been found sometimes that whereas

one examiner gives the highest mark in a paper to a student, another examiner puts him at the bottom in the same paper. This kind of thing has happened when systematic studies have been made.

But, the worst part of the present examination is that it depends too much on memorisation and acquisition of information. In this connection, I should like to quote here the observations made by Dr. Benjamin Bloom in his forthcoming book—the book is not yet published; it is going to be published shortly—Examination and Evaluation of Students Development. Dr. Bloom was invited by the Ministry of Education to advise on the system of examination. The House may be interested in the appraisal which he has made. He says:

"Having observed students in class, I was anxious to observe them preparing for examination. The opportunity came rather unexpectedly, as I attempted one Sunday to relax from rather arduous work I was pursuing. Having heard a great deal about Jantar Mantar in New Delhi, I took my family to the very attractive park in which these ancient astronomical instruments are located. A large number of students also chose the same day to visit the park. In one structure designed to register the different phases of the moon, I found a student sitting in almost every one of the openings intended to permit the rays of the moon to strike a pole placed in the centre of the structure. Each student appeared to be engrossed in studying for his examination.

In addition to the students sitting in the openings of the structure, throughout the park I observed students pacing back and forth with books held in hand.

This is a common scene with which we are all familiar.

These books shifted from a position in which they could be read to a position in which they could not be read. It was evident that the students in this park were engaged in a stupendous effort at memorising a subject.

I became bold enough to stop one student and asked him what he was studying and why. He showed a Chemistry book and said that he was preparing for the forthcoming examination. When I asked him how he was preparing, he offered to demonstrate. His book was opened at page 434. He claimed that he had not mastered that portion of the subject. Turning to page 386, he asked me to hold the book and then proceeded to give me word for word everything on pages 386, 387 and 388. He had mastered this material and was ready for the examination. The book had more than 600 pages in it. I am quite confident that he eventually committed a good portion of this work to memory."

This is a picture, and I think a very graphic picture, of the effects which the present system of examination is having on our students. It lays too much emphasis on the acquisition of information and on memorising. He further says—this is a very correct appraisal—

"The system consisting of examination, syllabi, teaching methods and instructional materials has formed a grand conspiracy to persuade every one involved in it that learning is to be equated with rote memorising."

Unfortunately, everybody in this country, students, teachers and those who are engaged in evaluation, and the employing authorities, think that learning is nothing but memorising and reproduction of the factual knowledge that has been acquired by the students. This is the problem which we have to face. It is not enough that we devise various techniques for better evaluation. Of course, there

[Dr. K. L. Shrimali]

are various techniques which have been devised such as the use of accumulated records, internal assessment procedure, gradual inclusion of objective type of question in external examinations. All these improvements have been suggested. But I would like to submit most respectfully that they do not touch the heart of the problem. We have to be clear as to what effect this testing is going to have on the minds and on the attitudes of the students. If we are only testing information, then, whatever instrument we may use,—it is possible that we may use a more precise and more accurate instrument for measuring the powers of memorisation,—it will not either change the educational system or bring about any change in the educational situation.

The important thing is that we have to link up these educational techniques with the learning procedures, on the one hand, and with the purposes of education, on the other. Now, take, for example, a student who studies science, say, physics or chemistry. One way of testing is that we might find out how much factual knowledge the student has. But that is a very superficial way of testing. We should be more interested in finding out what effect these studies have made on the minds of the students. Have they developed a critical and scientific attitude after the study of physics and chemistry? If they study history, have they been able to make an appraisal of the past so that they might understand the present and the future a little better? If they are studying literature and art, we should find out whether they have developed aesthetic appreciation.

Now, these are the things which have to be measured, and which have to be tested, if we really wish to bring about a reform in the examination system. It is not just merely devising a better instrument that is necessary. The more important thing is that we should be clear about the issues involved in this whole problem. Is

it merely devising a better instrument or is it devising a better instrument to study the changes which certain learning situations produce on the minds and on the attitudes of the students? It is from that point of view that this whole problem has to be studied.

The purpose of instruction is to bring about certain changes in the minds and attitudes of students, and a good examination should make an appraisal of the kind of changes which instructions seem to bring about on the students. The present system of examination, as I said, has in the past laid great emphasis on memorisation and acquisition of knowledge, with the result that we have completely lost sight of the basic purposes which we had in view with regard to these various disciplines, namely, the purposes with which we gave instructions to students. We forget that we are aiming at the development of the personality of the child and not just expecting him to reproduce certain factual knowledge which he acquires during the course of the school-hours.

Therefore, this problem of examination is linked up with learning experiences of students, on the one hand, and with the techniques of teaching and educational purposes, on the other. In fact, the whole problem is linked up with our whole social philosophy. During the last ten years, our society has undergone various changes, both in the social and in the economic spheres, and it is undergoing further transformation. Has the educational system made any impact on the minds of students? Do we have a proper machinery to test those changes that have taken place in the minds of students? It is only when we can devise that machinery that the examination system can be more effective. It is not merely devising a sort of more precise instrument or better techniques, but it is linking it up with the whole reform of the educational system. It is in this broad perspective that this problem has to

be viewed. Otherwise, we shall be just tinkering with the problem.

After clarifying this issue with regard to the reform of examination, I would like to tell the House about the steps that the Ministry has recently taken in bringing about certain changes. I would like to tell the House that the Ministry has set up with a view to reform the examination system, as I have suggested, a sort of pilot examination unit under the All-India Council of Secondary Education. This unit is functioning at present in five regional centres, namely, Chandigarh, Calcutta, Allahabad, Madras and Baroda. And we have appointed five evaluation officers who are at present engaged in conducting workshops for teachers for orienting them into the new techniques of examinations and for preparing new tests. Now, these tests would not merely test acquisition of information in a particular subject but also find out whether the purposes of learning that that particular subject has in view have been fulfilled.

We have also sent ten trainees to Chicago for intensive training in these techniques, and when these people have returned, a full unit will start functioning, maybe, in July, 1958. The central office of the unit will be at Delhi, and it will co-ordinate and standardise the material prepared in different places. This, I think, is a very important step. And I do not envisage that within a year or two radical changes will be introduced. As I said in the beginning, it has to be a gradual process, and if it is to be linked up with our educational techniques and the educational purposes, certainly, changes cannot be brought about within a short time; it will take a long period. But this is the only way in which a right approach can be made. We have to train teachers; we have to change their outlook; we have to experiment with the new techniques and new methods and then devise a system which will suit our needs and our purposes.

I would also like to inform you that we have set up another unit recently at the Aligarh University under the guidance and assistance of the University Grants Commission. Besides this, the Ministry has financed several research projects on objective tests and examinations in a number of training colleges. Various reports have been published, and I am quite sure that some of these investigations made in these training colleges will make their contribution in evolving better and more scientific techniques. A school record card has also been prepared in the Central Institute of Education and has been circulated to all the interested institutions.

The State Governments are also seized of the problem, and they have taken various measures to bring about certain reforms. I have been informed that objective types of questions are included in question papers in certain subjects in Madras, Bombay, Kerala, Mysore, Madhya Pradesh, Assam, Uttar Pradesh and Delhi. The percentage of marks allowed to these types varies from fifteen to fifty in certain subjects.

15 hrs.

When these objective tests have been introduced, they will eliminate the subjective factor to a large extent, which vitiates the examination results. Now, school record cards are also used in schools in Madhya Pradesh. I am also glad to inform the House that the Secondary Schools Examination Board in Bihar has also set up an Examination Research Bureau, and the Government of Orissa is contemplating setting up a similar Bureau.

It will thus be clear that both the Central and the State Governments are fully seized of the problem and they want to tackle it in all its aspects, and not in the narrow aspect which has been suggested by my hon. friend.

In view of what I have said, I feel sure that the hon. Member would not press his Resolution but would withdraw it.

**Dr. Gohokar (Yeotmal):** The hon. Minister has also shown that the present system of examination is defective. It puts a lot of emphasis on memorisation. I also think that this system should be changed and with that in view I had brought this Resolution before the House. My main objection to the present system of examination is that our courses for the final examination are very bulky. It is beyond the power of students in general to study the whole bulky courses; they are most unmanageable. That was why I wanted that the whole courses should be split up into units, and for that purpose I had given out a scheme last time. But now since the hon. Minister has given a promise to introduce certain changes in the present system of education, I would ask for leave of the House to withdraw my Resolution.

**Mr. Deputy-Speaker:** Shri Bibhuti Mishra is not present in the House. I shall have to put his amendment to vote.

The question is:

That for the original resolution, the following be substituted, namely:—

"This House is of opinion that a sub-Committee be constituted for devising methods of imparting education in various subjects in the country and for evolving a system for assessing the progress and merit of students as have received education through these methods and to submit its recommendations after fully examining the system of examinations prevalent in different countries of world."

The motion was negatived.

**Mr. Deputy-Speaker:** Has the hon. the Mover the permission of the House to withdraw his Resolution?

**Several Hon. Members:** Yes.

The Resolution was, by leave, withdrawn.

#### RESOLUTION RE: MODIFICATION OF SERVICE RULES

**Shri P. S. Daulta (Jhajjar):** I beg to move:

"This House is of opinion that all Service Rules of the Government of India be examined by a joint committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules."

**Shrimati Renu Chakravarty (Basirhat):** May I point out that none of the Ministers of Home Affairs is present?

**Dr. K. L. Shrimali:** I represent the Government.

**Shri Narayananakutty Menon (Mukundapuram):** He cannot.

**Dr. K. L. Shrimali:** The Home Minister is expected here in a few minutes.

**Mr. Deputy-Speaker:** Perhaps it was not expected that this Resolution would be reached so soon.

**Dr. K. L. Shrimali:** That is the position.

**Mr. Deputy-Speaker:** We had arranged that we should continue with the present Bill some minutes beyond 15:00 hours. But then there was no hon. Member to speak. I hope the Whips will make arrangements for some representation.

**Shri Rane (Buldana):** I have already communicated to the Home Minister.

**Mr. Deputy-Speaker:** He ought to be present.

**Shri P. S. Daulta:** I have come to know that many Members are interested in this Resolution, and very senior Members at that. They want to participate in its discussion. So I will confine myself at this stage only to a few points, of course reserving my right of reply.

The importance of Government servants cannot be over-emphasised. We, the members of this sovereign body, Parliament, may lay down policies. But the application of these laws or the implementation of the policies is in the hands of those whom we call Government servants. If they do it faithfully, if they do it with a full heart, then we go ahead. But if they do it with a reluctant heart and a trembling hand, then howsoever the legislation may be good, it is of no use. The hard reality is that if a man feels that he is not paid in the proper manner, if he is asked to work under service rule conditions which give him the impression that he is not a free citizen of India but is a half-slave, his mind and heart will feel reluctant to put in his best.

So my Party in the first session of this Parliament moved the first non-official Resolution asking for the appointment of a new Pay Commission to revise the pay. This second important Resolution asks for the revision of rules pertaining to Government servants.

We have got many categories of services in the Government of India. We have got the higher categories, the heavenly posts of ICS and IAS, and on the Defence side, we have what was formerly known as KCOs—I do not know what they are termed now. Then we have got the subordinate services. Then we have more than 14 lakh Government employees who draw less than Rs. 100 a month. There are many sets of rules pertaining to their services, but one thing is quite clear, that all deserve to be revised immediately.

These rules were framed by the Britishers who expected their *babus*, as they used to think of them, to work as a typing machine before them, without heart and without feeling. The days of Lord Clive are gone, but the approach is the same. These rules stand basically as they were. If there was any amendment, if there

was any change, it was not for the better; it was for the worse. We still remember the Essential Services Act passed by this House, but still not approved by the Rajya Sabha and so hanging there. Then there are two amendments that I will refer to later. The right of trade union, the right of organisation and the right of expression are still being curtailed rather than being given.

With your permission, I would like to make a few references to the rules as they stand today. First, I would draw the attention of the House to the Indian Administrative Service Recruitment Rules, 1954. Rule No. 14 deals with recruiting—I am, for the time being, dealing with those services which are known as the heavenly services, though I am not much concerned with them. I will deal with this in a few points. This is about the IAS and IPS. Here, 75 per cent. recruitment is through direct competition and 25 per cent. through promotion. The hard fact is that these top, higher services have been the monopoly of a few. When the Britishers were there, they were the monopoly of the few. 75 per cent. recruitment is through competition. I am in favour of competition—I may not be misunderstood in this respect—but competition presupposes equal opportunities to all citizens to get themselves mentally and intellectually equipped. I know from experience that a son of a peasant born in a village, studies for four years under a tree sometimes without a teacher and sometimes with a teacher having no knowledge of what to teach. Then he goes to the town and comes back during vacation to the atmosphere which has nothing academic in it. After passing B.A., he is asked to sit in these competitive examinations, with whom? With the son of a big bureaucrat or of a prosperous merchant or of some other man living in a fine locality in a town, who reads English still, the medium from the first primary stage. The son of a peasant is asked to

[Shri P. S. Daulta]

compete with one whose mental equipment is far superior to his. This is no competition.

I may refer to the book, *Glimpses of World History*, by the Leader of the House. He says this competition is a most illusory thing. People think that in open and free competition all people can be represented. Certainly not. Even today, these higher posts are the monopoly of the few.

**Mr. Deputy-Speaker:** Order, order; one minute.

In the beginning, perhaps, the Home Minister might not have had any notice that it would be taken up so soon. But, this much notice ought to have been sufficient. By this time some representative of the Home Ministry ought to have reached here. This is the main speech of the hon. Mover. Somebody ought to be here.

**Shri Rane:** So far as the Minister of State of Home Affairs is concerned, he is in the hospital and the Deputy Minister is in the Rajya Sabha because a resolution that relates to the Home Ministry is going on there. As regards the Home Minister, unfortunately, I am told that there is a Conference between the journalists and himself and it is going on. However, I have communicated to him that he may come over here.

**Shri Narayanan Kutty Menon:** As far as an explanation is concerned, something could be found out.

**Mr. Deputy-Speaker:** I am sorry. I have made my observations. Some hon. Minister of the Ministry must have been here.

**Shri P. S. Daulta:** I have been making my observations about recruitment. There should be a change in this rule. Either the competition should be among equals or make still more reservations. Reservations are there. I am glad that my Scheduled Caste friends have got some reservations. But, I am afraid that the reser-

vations have been made for classes which are too poor.

**Shri B. K. Gaikwad (Nasik):** There are no reservations; it is only a farce.

**Mr. Deputy-Speaker:** Let the hon. Member be allowed to speak what he has in mind; let him give his views.

**Shri B. K. Gaikwad:** There are no reservations.

**Mr. Deputy-Speaker:** The hon. Member will have his chance when he may be ready to express his views.

**Shri P. S. Daulta:** I am thankful for what the hon. Member said. But what I am submitting is this. All these reservations to the Scheduled Castes in these matters are useless because they are too poor to avail the reservation. They cannot afford, in spite of Government support, to have their sons educated up to the B.A. standard. But, there are other poorer classes who can, with the efforts of their relatives, hope to get their sons graduated; they have no reservations for them, in Government service. I mean the landless peasants and the peasant proprietors. The reservations are not made for those who can avail such reservations; they have been made for the poorest sections who cannot avail of them. And, under the plea of this reservation, the higher classes get these higher jobs and the poorer classes, the peasant proprietors and the landless peasants in the rural areas—classes other than the moneylending classes are poorer—remain far far away from these posts. The hard fact is there today.

I come now to the next thing, the disqualifications for appointment. I was talking about the village people and now I will talk about the weaker sex, the women. It is provided that no married women shall be entitled as of right to be appointed to the services and where a woman appointed

to the services subsequently marries, the Central Government may, if it thinks necessary, call upon her to resign. I fail to understand that if a married man can enter Government service, why not a married woman. The rule relating to this cadre, rule 18 of 1954, provides for maternity leave. They do not allow married women to enter or those who have entered to marry but they are prepared to give them maternity leave. What for? What do they expect?

Then, I come to the conduct rules of this higher category. They have provided many penalties—even the penalty of dismissal without giving a chance again for employment. They say that they cannot appeal to the court. My humble submission is that the rule should be changed. If Government intends inflicting this punishment, they should be allowed to go to the judiciary because the Board and other rights of appeal are illusory as the appeal is heard by those who are in service.

There are other things also which deserve to be changed, but with these few words regarding the higher categories, I will now come to the subordinate services.

Mr. Deputy-Speaker, there is rule 4, taking part in policies and elections. I need not go into the whole of it. I will refer only to that part which says that it shall be the duty of every Government servant to endeavour to prevent any member of the family—and the definition of the family is given before—from taking part in or subscribing any aid or of assisting in any other manner any movement or activity which is or tends directly or indirectly to be subversive—that means opposition to the ruling party—of the Government by law established and there a Government servant is unable to prevent a member of his family from taking part or in subscribing any aid or assisting in any other manner any such movement or any activity, he

shall make a report to that effect to the Government.

I cannot understand how in this enlightened age a Government servant can be held responsible for the activities of his family members. I am reminded of the feudal days when the entire village was held responsible, being considered one unit, for a crime committed in the village. When the Mayor of Delhi, Shri Asaf Ali's Wife, can be a socialist while Shri Asaf Ali was a Congressman, I fail to understand why a Government servant's wife cannot hold a different view. For that he will be reduced to the humiliating position as to tell his authority, 'Sir, I am unable to control my wife; so, under the sub-rule, I may be excused.' Is this free India?

**Shrimati Renu Chakravarty:** Kripalaniji too.

**Shri P. S. Daulta:** I do not say that Government servants should be given a free hand.

**Mr. Deputy-Speaker:** In the case of Kripalaniji, Shrimati Kripalani has not to ask for that.

**Shri P. S. Daulta:** I am not in favour of giving a free hand to Government servants to indulge in whatsoever politics they like. But still these are not the days of Lord Clive; these are the days of our Home Minister who was a fighter in the struggle for freedom. These are days of Pandit Pant; these are different from the days of Clive and the hon. Minister should prove it.

Then I come to the criticism of Government's clause 6. It is a very funny clause. It says that no Government servant in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the Press or in any public utterance make any statement of fact or opinion which has the effect of an adverse criticism on any current or recent policy or action of the Central Government or the State Government.

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Secondly, it is capable of, etc.—I am not referring to this.

Then, thirdly, a statement which is capable of embarrassing the relationship between the Central Government and the Government of a Foreign State provided that nothing in this rule shall apply, etc.

About this I do not want to speak. Let my Lord Justice Sinha of the Calcutta High Court speak. Mr. Justice Sinha of the Calcutta High Court made absolute the rule obtained by the petitioner B. C. Chatterjee, an employee of the Posts and Telegraphs Department dismissed from service on the charge that he had published a leaflet attacking the Government and thereby violated the rule. His Lordship held that the dismissal order was bad in law as the Government Servants Conduct Rules was ultra vires the Constitution. That was so contended on behalf of the petitioner and his Lordship upheld this contention; and set aside the order of dismissal observing that it was entirely vague and uncertain to say that the Government servant could not say anything or write anything which was capable of embarrassing . . .

**Shri Narayananukutty Menon (Mukundapuram):** At least some of the points made may be noted. What is the use of the Mover speaking?

**Shri S. M. Banerjee (Kanpur):** They are noted at least by three or four persons.

**Mr. Deputy-Speaker:** They are noted.

**Shri P. S. Daulta:** Criticism of the Government even without letting out the name is so undesirable to the Government. What the learned High Courts have pointed out, you have heard.

The next point is still more strange. It is about evidence before any authority. According to that rule, save as provided in sub-rule 8, no Govern-

ment servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority. That is what one rule says. The second rule says that where any sanction has been accorded under sub-rule (1) no Government servant giving such evidence shall criticise the policy or any action of the Central Government or the State Government. That is to say, you are not allowed to give evidence to begin with. If allowed, you shall have to speak a lie. Government wants it and it gives direction to give evidence in a particular way. What sort of an enquiry would that be and what sort of an evidence would that be? That is to be seen.

There are many other provisions of these rules which deserve your attention. But I do not want to go into all those details. I would refer to the last amendment. The latest amendment deals with the recognition of union. It says that no Government servant shall join or continue to be a member of any service association of the Government servants which has not been affiliated within six months from its formation or obtained the recognition—this is in the hands of the Government—under the rules prescribed in that behalf or a union the recognition in respect of which has been refused or withdrawn by the Government under the said rules. No Government servant, it further says, shall participate in any demonstration or strike in connection with any matter pertaining to the conditions of service. He is not allowed to demonstrate; he is not allowed to be a member of any trade union because that trade union would not be recognised by them and would not be allowed to function. These are the sort of changes that they make. After Independence people thought that they would make a change for the better but these are the changes which they are making, depriving the Government servants of their union rights, of their right to demonstration.

Then, if they come to the Members of Parliament telling their story, how are they looked upon? Let me show you one letter from the Deputy Minister to the General Secretary of the Congress Party. They are so touchy. They feel why these Government servants go and tell these things to the Members of Parliament—the sovereign body. This sort of letters are a contempt to this sovereign body. Sir, I shall refer to that letter while I reply. With these words I commend my Resolution.

**Mr. Deputy-Speaker:** Motion moved:

"This House is of opinion that all Service Rules of the Government of India be examined by a Joint Committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules."

**Shri Tangamani (Madurai):** Sir, I am moving my amendment No. 1. I beg to move:

That in the Resolution,—  
add at the end—

"and for suitable legislation as envisaged under Article 309 of the Constitution of India."

**Shri S. M. Banerjee:** I am moving amendment No. 2. I beg to move:

That in the Resolution,—  
add at the end—

"and to submit a report latest by the 31st July, 1958."

**Mr. Deputy-Speaker:** The motion and the amendments are before the House. The hon. Mover has taken about half an hour and still he says that he will make certain replies at the end and so he must have some time then also. He will take away about  $3/4$  of an hour.  $3/4$  hour is left. I hope the hon. Members who participate will not get more than ten minutes each.

**Shri S. M. Banerjee:** This is a very important Resolution and so the time

may be extended at least by about 10—20 minutes.

**Mr. Deputy-Speaker:** When did the hon. Member discover that it was a very important one and so time should be extended. I put the motion only half an hour ago and he did not take any objection to that. He did not object at that time.

**Shri S. M. Banerjee:** We have saved sometime today.

**Mr. Deputy-Speaker:** Shri Tangamani.

**Shri Tangamani:** Mr. Deputy-Speaker, if my amendment is taken, as part of this Resolution, the amended Resolution will read as follows:

"This House is of opinion that all Service Rules of the Government of India be examined by a Joint Committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules and for suitable legislation as envisaged under article 309 of the Constitution of India."

My main purpose in moving this amendment is this. There has been a provision in the Constitution which has not been respected although the Constitution came into force more than eight years ago. Article 309 of the Constitution is as follows:

"Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State:

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and:

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posts in connection with the affairs of the State, to make rules regulating the recruitment and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act."

The Constitution clearly contemplates a legislation by this House which will certainly go into the question of regulating the conditions of service and framing rules. Till such time such a legislation is passed in this House, any person who may be directed by the President will have the powers to make these rules. The Home Ministry has been authorised by the President to make these rules and regulations. The rules were first framed in 1926 and they were later on amended when the Government of India Act, 1935, was passed. Even after Independence these rules are being amended and amended and ultimately we are having certain rules in 1955. Are we really respecting the spirit of the Constitution? How is it that this Government is afraid to come before this House with a legislation. Under that legislation, we will be given the powers to make those rules. It is time this matter is taken up seriously, if we really want to have democracy in administration. Shri R. K. Nehru, who has been our Ambassador in the People's Republic of China and who returned to Delhi, when asked about his impressions, said that there was administrative democracy in China. I am not going into the other things now. It is because the people who run the administration feel that they are part of the people and they have got as much right as the others are enjoying, if not more in certain cases. So there is a certain coherence and co-ordination between the people and the administration. Here we want to keep the administration as a separate entity. If tomorrow a legislation is passed that the administration must be

kept away from the people, that they must be given much more stringent powers as we are giving to the Armed Forces, then we can understand it. Why should we perpetuate and continue the practice which was introduced by the Britishers in 1926, and followed even after 1947, I ask the Members of this House in all seriousness. It is about time a suitable legislation is passed, otherwise more abuse is likely.

Another point I would like to mention is, some people say that the people in the permanent staff should not have all the political liberty. What is the political freedom, political liberty that they are having, except that they have got the right to vote? How it can be exercised under all these restrictions, we know. Actually political freedom is practically nil so far as Government servants are concerned. So far as trade union rights are concerned, the trade union rights which have been fought and won as a result of continued battles ever since 1917, the trade union rights which ultimately culminated in the Trade Union Act of 1926—and we have been able to get more and more concessions from the private employers—are denied to the Government employees. Sir, in the Employment News Vol. III, No. 8 of April, 1958 the figures of employment in the Central Government establishments are given. According to those figures the present number of employees in the Central Government establishments is 7,54,130—of course, that does not include the 11 lakhs railway employees. In 1951 December there were 5,90,000. Therefore, according to these figures there are nearly two million Central Government employees. And, two million Central Government employees are to be denied these trade union rights.

One instance was pointed out by the Mover of this Resolution. Here is The Central Civil Services (Conduct) Rules 1955—of course, the name changes because sometimes it becomes

The All India Civil Services, but this is the latest name. Under these, rule No. 4 deals with "taking part in politics and elections". "Taking part in politics" is such a wide phrase, because this point was really raised in one of the cases before the Madras High Court. I think I had occasion to mention this case before in this House. In that case Mr. Justice Balakrishna Iyer held that so long as a political party is not banned you cannot prevent a man from becoming a member of that party. You can restrict his movements where he takes part in the political affairs of that particular party, but to prevent a man from becoming a member of a political party so long as it is a legal organisation is taking away of the little right which can be conceived of by an individual. This was the observation of Justice Balakrishna Iyer. A writ appeal was preferred by the Railway Board. In that writ appeal also the original finding of Justice Balakrishna Iyer was confirmed by Chief Justice Rajamannar and Justice A.S.P. Ayyar. They made a more caustic observation that, if that is the sort of finding in which any Government servant is to be employed no man worth his self-respect will be able to continue in service for more than seven days.

Sir, added to 4 is 4A, which my friend read out, but for the sake of giving a complete picture I would like to read out 4A. It says:

"No Government servant shall participate in any demonstration or strike in connection with any matter pertaining to the conditions of service."

This is the offspring of August, 1957 when they saw the real patriotism of the Central Government employees. The Central Government employees did threaten the Government with a strike. They said that their conditions were bad. They said that the First Pay Commission was appointed in 1947 and ten years have now elapsed but still their conditions have not changed. They really required an increase in their wages. They

demanded a Central Pay Commission to be constituted. They were united as one in their demand. All people rallied behind them; even this House also rallied behind them. They really showed that they are very patriotic by withdrawing the strike notice. What is it that they got? They got 4A saying, please do not take part in any demonstration, do not take part in any strikes. I have received reports, Sir, to show that in several departments persons have been suspended because they have contravened 4A. I came before this House with a question—I tabled a question to that effect—asking whether any employees of the Civil Aviation Department have been penalised under rule 4A. Promptly came the reply that it is an administrative matter. This House has no power to go into any of the matters even where the rules are *ultra vires* of the Constitution. We cannot go into any of these things.

Then there is 4B which really prevents a person from joining any organisation of his choice. If he joins a particular organisation and the Government says that they are not going to recognise it, he will come within the ambit of this rule—probably, dismissal will be the next thing. Again, he may be a member of a particular recognised organisation and the Government may say that they do not like the organisation and they are going to withdraw its recognition, then once the recognition is withdrawn he will immediately come under the mischief of this rule.

How is a particular organisation recognised? It is not because the man who recognises it likes that organisation. The organisation is so strong, it is able to speak on behalf of all the employees, its collective bargaining power is such that it can speak on behalf of all the employees, that is how recognition is wrested from the employer whether Government or private. How can this Government or any other employer say that he does not like a particular organisation and he is going to withdraw its recognition? For an analogy I will say this. The people of India were represented by Mahatma Gandhi. Mahatma

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Gandhi went and spoke to the Viceroy. If next day the Viceroy did not like the way Mahatma Gandhi talked or the way in which some other people behaved, how can he say: "I do not recognise you"? It is more or less in the same way as UNO is not recognising the People's Republic of China. The people will recognise the leader. The organisation is recognised by the employees. The spirit of recognition is there. Therefore, the entire spirit of recognition of trade union formation, which was fought and won after so many years, is now sought to be negatived by 4B. It is a complete negation of trade union rights.

There is a third right. It may be called human right, or personal right, or a right infringing into the rights of one's own day to day life. There is a rule which deals with bigamous marriages. It says:

"No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him."

I am referring to rule 18. Supposing a Government servant wants to marry a girl, if he had married somebody else but has had a judicial separation or divorce, in such a case there is no ban under law for him to marry that girl. But, because he happens to be a Government servant, if it is known that this particular man was already married, he must get the permission from the Government. If this is the sort of regulations which we are going to have, I wonder how these Government servants have not so far protested against them.

In this connection, I would like to mention one Privy Council case. There was a school teacher. He was probably in the habit of committing adultery. Adultery is not an offence in England, only the civil right lies with the husband or the wife who has been the victim to claim damages

from the adulterer. In this case damages were claimed from the school teacher and it was proved that he had committed adultery. The school authorities said that they cannot have an adulterer in their school. This matter went up to the Privy Council. The Privy Council said that the school teacher was teaching small children, he was really giving good education to children and his private life had nothing to do with it. "How are the children interested in his private life?" They asked, unless he was telling them to become adulterers. They held that he was doing his duty, his personal life was one thing and his official life was another thing. In *Great Expectations*, Mr. Jaggers always has two personalities, one official and the other private. So long as he does his duty in the office it is not necessary for the Government to see where he is staying, whether he has got a wife, whether he has got children. It is not at all in their interest. All that we are interested to know is whether he is able to really do his job properly. So long as he is able to do his job properly, this kind of interference first in his political freedom, next in his trade union freedom and next in his personal freedom—I do not know what more freedom they are going to infringe upon—is uncalled for. Government is going to be the model employer and in the second Plan the model employer must show the way and not infringe upon the rights.

With these words, I support this resolution and also commend to the acceptance of the House the amendments which really make an appeal to this House and to the country as a whole that it is about time that we respect the Constitution and article 309 thereof.

Shri S. M. Banerjee: I rise to support this resolution moved by my hon. friend Shri Daulta, along with the amendments. The Central Services Government Servants' Conduct Rules has a history as old as 1926, as had been stated by my hon. friend Shri Tangamani. May I submit that in 1926 the Trade Unions Act

was passed. It was passed due to the pressure from the organised labour and even the Central Government employees formed themselves into unions. I may tell the hon. Minister and the House that the Central Government employees, the defence employees especially, formed themselves into unions in 1924. That was their first-union, formed in the South, —the labour union of the ordnance factory workers, Aravankadu. Then the Britishers were ruling our country and they bled our country white and they never wanted the Central Government employees, who were supposed to be trusted lieutenants and whom they thought should act as something like Mir Jaffar and his family members, to unite. When they found that these workers were already organised and they were also forming unions, they found it difficult. With the introduction of the Trade Unions Act, 1926, the employees had the same rights and privileges under that Act. So, the authorities immediately brought this much-hated rule which is to curb the trade union activities of the Central Government employees. In 1926 these rules were brought into effect.

Then I wish to say who brought these rules. It is the Home Department. There was no legislation at that time, and I would try to impress upon you and through you upon the hon. Members that there has been no change in the rules framed as early as in 1937. The rules which were made in 1937 exist even today and I shall establish by giving facts that the rules, if they have been changed, have been changed for the worse. In 1935, these rules were given this name, that is, the Government Servants' Conduct Rules. When the Government servants wanted recognition of their union they demanded a recognition. They said "We have formed our union, and it has been registered under the Indian Trade Unions Act, 1926. We fulfil all conditions. Why not recognise us?" To demand recognition they had to demonstrate and in some places they held mass meetings. Then the Britishers who were ruling the country came forward with

another letter. This letter is as old as 1937—25th August, 1937, Paragraph 4 of that letter says:

"This practice is detrimental to discipline and incompatible with the purpose for which the recognition is accorded to such bodies. The Government of India, therefore, has decided to make clear the instructions, the purpose for which the recognition is granted, and to convey a warning that it may be withdrawn if an association adopts methods other than communications of request to Government or Government officers".

May I submit that these rules or rather this letter was brought to curb the trade union activities of the Central Government employees, which were guaranteed to them under the Indian Trade Unions Act which was a piece of legislation. This does not end there. What were the methods that the British rulers wanted us to adopt for running our unions? They are contained in a letter which says:

"They—

that is, the Government,

"have considered the question specifying the activities which are considered objectionable and have come to the conclusion that there is a certain advantage in framing merely a general instruction of the nature of instruction 6. I am at the same time to explain the intention underlying that instruction. It is to discourage recognised association of the Government servants from furthering the interest of their members by such objectionable means as seeking the help of the members of the legislatures, holding of public meetings, ventilation of the grievances in the Press, approach to the political parties or political candidates during election. It is not intended that legitimate activities of such associations such as correspondence with Municipalities and with Railway authorities on matters affecting their interest should be penalised. The

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exercise of power to withdraw recognition by the authority granting it is discretionary and not mandatory and it is hoped that this will secure that unobjectionable activities of the nature described above are not penalised".

May I submit that in 1937 the British rulers who bled our country white and who fattened themselves on our soil and who ruled us, brought this piece of rule or Government order. I shall compare this 1937 rule famed by the Britishers or this letter issued by the Britishers through the then Home Department with our rule 4B which has been brought up by our national leaders who are in power today in the year 1957. After 20 years from 1937 and after 10 years of freedom what is it that we expected? We expected that the old hated Government Servants' Conduct Rules would be revised, but what do we find? I am referring to the latest rules regarding recognition of unions of Government employees; the Government do not want to recognise any union which is represented by the legislature, whom the members of the unions elected, the union which ventilates its grievances through the Press and public meetings. For, what does rule 4B say? First, what does Rule 4A of the Government Servants' Conduct Rules which had been recently amended, only in August, 1957, say? It says:

"No Government servant shall participate in any demonstration or strike in connection with any matter pertaining to the conditions of the service".

Rule 4B goes a step further. It says:

"No Government servant shall join or continue to be a member of any service Association of Government servant—

(a) which has not within a period of six months from its formation obtained the recognition of the Government under the

rules prescribed in that behalf, or

(b) recognition in respect of which has been refused or withdrawn by the Government under the said rules."

These amendments clearly show that even after a lapse of 20 years, the trade union rights of the Government employees not only remain where they were under the British rule but have even further been curbed by the introduction of the amendments which I read. I am happy that at the time of his reply to the debate on Demands for Grants under the Ministry of Home Affairs, Pandit G. B. Pant said that he is doing something to revise or reconsider these orders. I am happy to mention that. But again, I would like to tell the hon. Minister the other aspect of the whole thing. There is a restriction that outsiders should not become office-bearers of these unions. The House knows that in 1950, a Trade Union (Amendment) Bill was brought before Parliament. It was objected to. It was protested against by lakhs of Central Government employees saying that "we cannot possibly exclude outsiders, because you will discharge one man today and tell him that he is an outsider." He is victimised. He is discharged or disciplinary action may be taken against him. So the Government then said, "We shall not include this man in the union, and as long as you include this man we shall not grant you recognition". These rules were protested against throughout the country. Trade union movement in the country, whether in the public sector or the private sector today has not secured a place, it is not so much mature that the employees themselves will guide the whole show. So the existence of outsiders is absolutely essential. This particular Bill of 1950, which was to have been enacted, was withdrawn, was shelved, because there were vehement protests. What happened afterwards? The Home Ministry, notorious as ever, brought something in the form of a letter. What does that letter say?

"It is now accepted position that no persons who are not Government servants should be elected as members or office-bearers of Unions and Associations of Civil Government servants i.e. Government servants other than industrial employees of Government...."

Who are the "other than industrial employees"? They are the ministerial staff, the supervisory staff. They cannot have any outsider. That is what this order says. It says further:

"Such Government servants are well able to look after their interest and manage the affairs of their unions without the assistance of outsiders as office-bearers."

Then, note the next particular sentence:

"This proviso in the Bill (1950) represents the considered policy of the Government and although that Bill lapsed on dissolution of the last Parliament, there is no intention to depart from the accepted policy on this point."

Now, this is the Bill which could not be brought before Parliament, because it was a hated Bill and people did not like the provisions of that Bill. Here in this letter it is stated that it is the "considered policy of the Government". This is how the members of this House have been ignored. When the rules were framed, no member was consulted. In 1952 when these rules did not come before Parliament, the Ministry of Home Affairs and their officers, without caring the least for us, showed their utter disrespect to the Members of Parliament. So, I would request the hon. Members to consider the letter which I have just now read in that context.

Then there is the question of recognition of trade unions under section 4(b). Unless this section 4(b) is withdrawn, it is impossible to get recognition. A question came before Parliament whether a trade union can apply to the Labour Court for recog-

nition. This matter was discussed by a Select Committee of Parliament and the following amendments, as put forward by the Select Committee, were accepted for incorporation in the Trade Union Act of 1926. May I read out just a few lines from the Statement of Objects and Reasons to this Bill, which was discussed very thoroughly in this House in 1946? This Bill was known as the "Indian Trade Unions (Amendment) Bill". In the Statement of Objects and Reasons it is stated:

"It has long been felt that with existing conditions in India, there should be some obligation on the part of employers to recognise Trade Unions provided they are truly representative. The Trade Unions Act, 1926, provides for registration of the unions, but there is no obligation on the employer to recognise any registered trade unions. The Royal Commission on Labour, pleading for recognition in the spirit as well as in the letter, deprecated obligatory recognition feeling that it would not secure genuine and full recognition which the Commission desired to seek .... The Bill, therefore, provides for obligatory recognition of representative trade unions. The question as to whether a trade union is representative or not will, in the event of dispute, be considered by an Industrial Court to be set up for the purpose."

Even this particular Bill, which was passed by this House, has been ignored. This was never brought before the workers, fearing that they may ask for recognition and they may go to the Industrial Court. May I now point out the outcome of it and how it has been flouted? The relevant provision reads:

"Where a registered trade union having applied for recognition to an employer failed to obtain recognition within a period of three months from the date of making such application, it may-

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apply in writing, setting out such particulars as may be prescribed to the Labour Court for recognition by that employer."

**Mr. Deputy-Speaker:** The honourable Member should conclude.

**Shri S. M. Banerjee:** I will finish within a minute.

Then, I will refer to victimisation. We are even now told that there is no victimisation. But the Classification, Control and Appeal Rules are there, which is the charter of liberty for the Central Government employees. What does that rule say? It says that the employees will get some chance to appear before the court. Here I will read an extract from the Surveyor-General of India, Dehra Dun, where it is stated:

"It should be appreciated that reversal of orders on appeal is bound to affect adversely the discipline amongst the personnel, the good name of the department in the eyes of the Government. All the Officers Commanding Units should, therefore, be advised to conduct such cases with meticulous care and attention to detail and whenever in doubt, refer the case, if necessary, to the next senior in the chain of command for advice before promulgating the orders of punishment."

The Surveyor-General is the appellate authority. So, knowing full well that he is the appellate authority, he has issued these orders. A person to whom such cases shall be brought in appeal for justice issues such orders.

In the end, I will refer to rule 5 of the Central Civil Services (Temporary Service) Rules, 1949. I have already referred to this rule earlier. This rule does not give any chance to any employee to defend himself. Any employee can be discharged under this rule without any reason being assigned. I would humbly request the hon. Home Minister and the House to

consider how, when we have guaranteed certain fundamental rights to the citizens of India, can we discharge a man without giving him an opportunity to defend himself? In the end I will only say one word....

**Mr. Deputy-Speaker:** The "end" has come more than once!

**Shri S. M. Banerjee:** After going through the rules, I find that the Fundamental Rights guaranteed under the Constitution have been mortgaged in the Ministry of Home Affairs and I submit that it should not be done. So, I request the hon. Home Minister to consider this matter sympathetically and compassionately and not to inflict a political speech on us in this particular resolution.

**Shri Harish Chandra Mathur (Pali):** Mr. Deputy-Speaker, I was really surprised at the wording of this resolution and the omnibus character of this resolution. It is, obviously, ill-informed and ill-conceived. I am sure, the hon. Member who moved this resolution is aware that all important service rules and regulations we have framed under certain articles of the Constitution, particularly so far as they are related to the All India Services, are placed on the Table of this House and this House has always had an opportunity to move motions of amendment to these rules. Surprisingly enough, during these six years when I have been in Parliament, I have found that very little interest is being taken in these rules and very little is being said about them. Hardly a motion has been moved to amend any rule.

**Shri Narayanankutty Menon:** Which are the rules that are placed on the Table of the House regarding subordinate services?

**Shri Harish Chandra Mathur:** If my hon. friend would look at the resolution, he will find that the resolution is not restricted to the subordinate services.

**Shri S. M. Banerjee:** It is omnibus

**Shri Haridas Chaudhuri Mathur:** I have, at the very outset, drew the attention to the omnibus character of the resolution. They are interested in a particular set of rules and regulations, as I found from the few speeches to which I have listened. They are interested not even in a particular set of rules but in a particular rule, over which they have certain political interest. I can understand a resolution coming up in this House with specific reference to a particular rule with specific recommendations or something of that nature. But the resolution, as it stands, is of such a nature that it makes one think that the hon. Member who has moved the resolution is ill-informed.

If the hon. Member goes through the rules and regulations relating to Government servants he will find that there are volumes and volumes of rules and regulations. If any committee is appointed to go through all the rules and regulations, it will sit over these rules for years on end. You will remember that only the day before I asked a question to the hon. Minister of Home Affairs about the pension rules regarding the newly-constituted IAS. It is now 6 to 7 years since that cadre has been constituted. Still, they have not been able to frame the pension rules for the IAS, because, as the hon. Minister has explained to us, they have to consult the various States and they have to straighten up matters. They have to consult the Comptroller and Auditor-General. Now the resolution suggests that not only these rules, which have taken the Ministry and its paraphernalia six to seven years, but also a variety of other rules relating to various categories should be gone into by the Members of Parliament. What would be the sources of the Members of Parliament? How are they going to have the opinion and views of the State Governments? The State Governments are vitally concerned. The Members of Parliament, of course, have their jurisdiction and the rights and responsibilities. But the State Governments cannot be ignored. That is why I said at the very outset that

unfortunately the resolution is ill-conceived.

In regard to certain particular points I wish that a specific sort of resolution might be brought before this House. It has been my feeling that there has been very little adjustment, since independence, between the government services and the people's representatives. There is yet a proper adjustment to come.

16 hrs.

[**SHRIMATI RENU CHAKRAVARTTY in the Chair]**

And sometimes one feels amazed at the criticism which is being given vent to against government servants at one end, and one is amazed when at the other end certain rights and responsibilities are being supported. This particular resolution, as I said, is absolutely unacceptable as it stands. But even if we go into certain specific questions, I would wish to draw your particular attention to the fact that the best thing for the services is to be left alone. I think the less the politicians meddle with the affairs of the services, the better the administration would be and the better the country would be. As a matter of fact even in the rules which have been referred to, it has been stated that so far as industrial labour is concerned, even the outside guidance has been permitted. It is only in respect of the ministerial and other services where the employees themselves have to elect from among themselves the office-bearers. I do not see what is wrong about it.

Why is it that we all feel that the employees are not in a position, that they are not educated enough, those employees who are educated and who belong to the ministerial cadre, are not able to look after themselves? It is really an amazing sort of proposition and thesis which is propounded. On the one hand when we talk about certain other matters we ask for a sense of responsibility. We say that the country should be considered mature. This country has been

[Shri Harish Chandra Mathur]

considered to be mature, adult franchise has been given effect to, and we find that by means of adult franchise the entire population of the country is fit enough to exercise its rights, its rights and responsibilities. We were, as a matter of fact, accusing the Britishers that they were bringing false and lame excuses, saying that the country is not ripe and mature enough to have independence, to have self-rule and self-government. They advanced all sorts of arguments and we said, "It is none of your business". The country is mature, and it has proved that it is mature enough to sustain a stable democracy, and a democracy of which not only this country but the entire world is proud. Is it the contention of my hon. friend that though we could give adult franchise and though the illiterate masses can take care of themselves, the literate public servants are not good enough, are not literate enough or are not responsible enough to take care of themselves?

**Shri S. M. Banerjee:** I think my hon. friend did not hear the entire speech. It is better that they should have it. But the whole difficulty is that they are not properly protected. That is why outsiders are necessary. Otherwise the working classes can have the whole thing.

**Shri Harish Chandra Mathur:** Let them stand on their own legs. They will be protected and they will be able to ask for their proper rights. Why need my hon. friends go and assist them? (*Interruptions*). They do so only to take political advantage out of it only to create certain difficulties. It can be said about all other people in the country. Why can't we feel that the services can look after themselves, and particularly those who are literate, who are fully and properly educated, people who know what their own rights are and who have received university education? But it is said that they are not fit enough, they cannot

secure their own rights and responsibilities. Leave them to themselves and they will stand on their own legs. I have a robust faith, much greater than my hon. friend, in the services and in their integrity and in their responsibility and capacity to protect their own rights. I think it would be much better if the outside influence is kept out, if their efficiency and integrity is to be maintained. That has been my experience.

Only the other day I was discussing this matter with some of the highest officials and the representatives of the people. This point has also been raised before the Pay Commission. And strangely enough, when I was talking to the Pay Commission—I had a long talk with them, one hour's talk—though the Pay Commission were dealing with certain other important matters, they posed this question and we had an interesting discussion on this matter.

I think it is time that we realised and recognised what is the important problem before the country today. If my hon. friends were present in the Central Hall listening to the brilliant speech which a distinguished visitor made the other day, they will agree that the question before the country is productivity.

**Shri Narayananakutty Menon (Mukandapuram):** Do you agree with him first, before we agree?

**An Hon. Member:** Do not yield.

**Shri Harish Chandra Mathur:** Madam, I do not need this advice either from this side or from that side.

I feel it is now time when, if the unionists want to do something good for themselves, some respect for themselves and for the country, let us all concentrate on one important matter. And that matter is the productivity of the labour and nothing else. It is really unfortunate that we have to hang our heads in shame when we find that the productivity of labour in this country is abnormally low.

**Shri S. M. Banerjee:** It has increased.

**Shri Harish Chandra Mathur:** It has increased. That is all right, and it will increase with Independence; it is not on account of the trade union movement. Unfortunately that is not so.

**Mr. Chairman:** I am afraid I will have to reduce the productivity of the hon. Member also! His time is up.

**Shri Harish Chandra Mathur:** Madam, I think it is much better that we produce a little more here, a little more sense, which will result in better productivity.

I will refer in a minute to another point which was referred to by another hon. Member here. He talked about the private life of the persons in the services, that we should not take any note of it whatsoever. I entirely agree that to a certain extent the private life of the person has to be respected and Government should have no intrusions into the private life of the individuals. But there cannot be a split personality. That must be recognised. And all the present authorities who have given any consideration to this important matter have come to a conclusion different from what my hon. friend has suggested. Private life does have a tremendous effect, particularly in the higher services. The private life of the person, if it is really abnormal, is bound to have an effect, not only because the private life is such but it affects the personality of the individual himself. It affects the conduct of his work in more than one way. Nobody can deny that. If the private life of the person is abnormal, it cannot but have a psychological effect on the personality of the individual. It cannot but have a very unhealthy effect on the way he conducts himself in the office. And it is only in such matters that such abnormal traits of character, which abnormally affect the conduct of one's life and which are likely to have an effect in his public life, must be taken

note of by the employer and by the Government.

**Mr. Chairman:** The hon. the Home Minister.

**The Minister of Home Affairs (Pandit G. B. Pant):** Is the debate coming to an end?

**Mr. Chairman:** Yes, I think. After the Minister has spoken, the Mover of the Resolution will reply.

**Pandit G. B. Pant:** Madam Chairman, first of all I have to express my regret for my absence at the moment when the resolution was moved. Well, when two Houses are sitting, it is not always easy to be present in both. But while I was present in the Upper House for the major part of the morning, I happened to be busy with some other important and urgent work afterwards. But, all the same, I think, as a rule the ministers concerned with the subject of the debate should be here. So, so far as my absence at that particular moment is concerned, I am sorry.

So far as this particular Resolution goes, I really fail to understand its implications. The Resolution covers very wide and almost limitless ground. We have got not one, not two, but hundreds of services of different types in our country. The rules of recruitment, of promotion, of the determination of seniority, of disciplinary proceedings and so on are different for different services. Any attempt to revise all these rules would call for an extreme amount of industry and also perhaps sustained study for a very long period.

The rules are also somewhat technical in character. The rules are of a varied type. As I said, the rules govern recruitment. They govern every phase of the activity of public servants almost from the time of their recruitment and probation to that of their retirement and even in some respects the period that follows their retirement. The rules are, in some cases, of a character which

[Pandit G. B. Pant]

affect not only the Centre but also the States. The All-India services, such as, the Indian Administrative Service and the Indian Police Service, as the House knows, are not of a purely Central character. In fact, primarily the members belonging to these services are allotted to the respective States and those, who serve here at the Centre, are actually lent by them for the benefit of the Centre. So, even when ordinary rules have to be framed, as Shri Mathur just now reminded us, it takes a pretty long time to consult the States, the Comptroller and Auditor General, the various ministries concerned, the Law Ministry and so on. So, even if one were to revise a set of rules regarding a particular service it would be a pretty stiff job. But to think of a Parliamentary committee to revise all sets of rules relating to all classes of services is, I think, to say the least, not a feasible proposition, whatever be its merits or demerits. It cannot possibly be put into operation.

16-15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The rules, as I indicated a moment before, have also a technical aspect. Unless a person has been in service himself or has administered the rules or has had some share in framing them, it would be difficult for one, who takes up this intricate work, to handle it to his own satisfaction. In the circumstances, I feel that so far as the general proposition goes it has no legs to stand upon. From the brief notes of the speeches that I have seen and the remarks that have been made during my presence in this House today I infer that that was really not the intention or the object of the Mover while placing his Resolution in general terms. He had in view one or two rules, which had in view one or two rules, which have been mainly emphasised in the course of the discussions so far.

Some reference has been made to married women, to bigamy and all these things. We do not want to inter-

fere with the private life of any person but there are also certain principles to be observed. When the State stands for a certain policy, the public servants should be expected to abide by that policy to the extent it is feasible for them to do so. Now, we do not want to perpetuate the system of bigamy or of marrying two, three, four or half a dozen wives in our country. I think all schools of thought are agreed on that. It is not a point over which there is any difference between the political parties nor between those who stand for social reform or for a healthy society. If that is so, it is obviously desirable that the members of public services should not do what others are asked to refrain from because they have to enforce these laws, they have to issue instructions and orders and if they themselves behaved contrarily, in a different manner, then there is no moral force in the orders issued by them.

Suppose, we have the policy of prohibition in a particular State. If anyone belonging to the public services drinks heavily in that State, it would be difficult for him to enforce the policy of prohibition. So, so far as the general accepted policies of the State are concerned, even if they be in a way impinging upon the private life of a public servant, those have to be observed by him, otherwise he will become ineffective. I do not know what happens in other countries, but in our own luckily people attach importance to character and to practical behaviour and it is desirable, as we have also been told by the hon. Members sitting opposite, that the members of the services should behave and maintain very high standards of decency and dignity.

Some reference has also been made to the employment of married women. The employment of married women is nowhere prohibited. In fact, under our Constitution, no one can be debarred on the ground of sex. But some-

times a woman, who has been married, cannot efficiently discharge certain duties. A Lady Superintendent of Police, who has been married and may be in the family way, cannot go and face a riot and take the risk which such duty would inevitably involve. We have to see that every person, be he a public servant or be she a public servant or otherwise, is protected against any wrong that may be done to him or her by others or also by him or herself. In these circumstances, there is only an option or discretion, but there is no prohibition anywhere. If there is any misunderstanding on that score, I hope that will not continue after I have explained the position.

Then, reference was made to the Rules that were framed some time ago about strikes, I think, and about public servants joining the unions. So far as these are concerned, I had occasion to refer to them in the course of my speech on the Home Ministry's Demands. Even before that, so far as the fundamentals are concerned, hon. Members might be remembering the discussion that we had in the House when the Maintenance of Essential Services Bill was passed by this House. They may be remembering also the circumstances which led to the introduction of that Bill. The essential services in the country were going to be paralysed with the result that the entire economy of the country was in jeopardy. We all have accepted, at least we profess that we have accepted the Second Five Year Plan. We all want to concentrate on production. We have, in the circumstances, to create an atmosphere which will foster the spirit of construction and production. If that is borne in mind, then we have to avoid unnecessary commotions and excitement. That would apply generally to all. In fact, even suggestions have been made that wages, prices and also profits should all be frozen, that there should be no room for any sort of disturbance in

undertakings whether private or public which contribute towards the production of wealth in the country. Even for normal private citizens, suggestions are often made that the freedom that they enjoy should be restricted and curbed so that the higher objective may be achieved and insured.

So far as public servants are concerned, they have to realise and the system under which they are working. There should be no misunderstanding about that. We have a democratic system in our country. The Government and the Ministers concerned are responsible for the acts and omissions of the services with which they happen to be associated. They are answerable for their misdeeds and they take the credit for the good work done by them. It is through their agency that democracy functions. Now, democracy also involves a change in the political views of the party that may be in charge of the administration. So, while the Ministries may change, the public services are to function permanently and to carry out their duty impartially, efficiently and honestly. Is it or is it not desirable that they must be allowed and required to function in a manner which will not create any prejudice or bias against them? It is essential if they are to carry out their difficult duty in a satisfactory way that their approach towards problems should be non-controversial. We have to see to it that they perform their part in a manner which does not in any way betray any sort of malice, prejudice or bias. Association with politics or propagation of political views necessarily brings the persons concerned into the arena of conflict. We do not want our services to fritter away their energies in this manner. We do not want their outlook to be vitiated. We do not want them to be involved in controversies which will interfere with their normal work. So, it is essential that they should not become the tools of any political party; nor should they identify themselves with any political party. It is

[Pandit G. B. Pant]

essential that they should work as servants of the public in the fuller sense of the term, the public and its members, regardless of the political views or convictions of any particular citizen or individual. It is only then that they can be trusted by the democratic Government. Governments may change; but public servants do not change. They are permanent. In the circumstances it would be against the very basic principles to involve them in political controversies.

It is also desirable that they should have the opportunity to render their part in a peaceful, quiet atmosphere. In order that they may be able to do so, it is the duty of the Government to see that they are given all such facilities, and, if necessary, all such privileges as the resources of the country and of the State permit. So, while their welfare should be the responsibility of the Government, it is necessary that they should not enter the arena of conflict and controversy. We have established Staff councils for the different services. We have also appointed Welfare officers so that they may look after their welfare. We have referred the question of pay and emoluments, etc., to the Pay Commission. In these circumstances, I do not see where there is any room or any occasion for any sort of agitation or excitement. It is necessary that we should function in a reasonable way. This Parliament is the ultimate sovereign authority. And we must also make a distinction between public servants and the private employees. Public servants have got the guardians of their interests in the Parliament. Of course, the Parliament is expected to look after the interests of the people in general, to see that there is an adjustment between the needs of the country, between the resources that we have and between the amenities and the emoluments that are granted and guaranteed for the public servants. For that, we have the Parliament here. In the case of a private undertaking, there is a motive to earn pro-

fit. The man in charge is interested in doing something which will bring him dividends. But in the case of public servants, the Parliament is not interested in doing an injustice; Government naturally are interested in keeping the services contented to the maximum extent. So, why should there be recourse to methods which may be legitimate where there is an inevitable conflict, but which should be out of place where there is nothing but the need for complete co-operation, goodwill and concerted endeavour? In the circumstances, there is no reason why the normal method should not be followed; and a public servant has the right to approach the superior officer above him, whenever he has any difficulty. Then, an appeal lies in most of the cases, and then, before anything can be done to his prejudice, the Public Service Commission has also to be consulted. In the circumstances, to place the public servants on a par with the workmen serving in a factory is not fair.

So far as industrial employees are concerned, even in Government undertakings, I am not referring to them. For them, we are going to frame a different set of rules, and as I indicated last time, we are giving thought to the question. But so far as civil servants are concerned, I see no reason why—and I am not going to tolerate it—for any sort of unnecessary excitement being created by them for the redress of any imaginary grievances or even for any real ones. Here is the Parliament, and I am receiving letters almost every day, several of them, from the Members of Parliament about public servants. I try to look into everyone of them even though the rules may not require me to do so. I, regardless of anything that may be in the rules, consider it my duty to pay respectful attention to everything emanating from Members of Parliament. So, they have, wherever general questions are concerned, the right to raise them. Even individual questions do come under their

review and survey. In the circumstances, I do not see why public servants should go on strike or why there should be any threat of strike. That is, to me, subversive of the elementary discipline that should be observed in public services, because it is not through such sort of pressure that public services should secure what is right. There are so many Members of Parliament, and they are interested in all general questions. Everything can be discussed here, and everything can be, I think, also settled in a reasonable way. So, no occasion should arise for that, and such sort of activities should not be encouraged. It is not only for the Central services. As hon. Members may be knowing, there was in the South, some time ago, a sort of ultimatum given at one time by the non-gazetted officers, not of one but of several States, that if certain demands were not fulfilled, they would have to resort to direct action. Well, even in the southern States today, in some of them—I shall not name them—such sort of threats are being held out.

I do not think that it is proper that the energy of public servants should be frittered away in this manner. They should concentrate on the work which they have to do, and we should see to it that, consistently with our regard for public interests, and within the limit of the resources that we possess, all reasonable facilities and privileges are given to them. There is nothing novel in it. There are other countries—you may have U.S.A. or you may have Australia, or you may have Japan and other countries—where there are rules even more stringent than here, and they do not allow public servants to indulge in such sort of activities. But ours is an infant democracy. We are just starting on our career. We have luckily made a good start and I imagine we have also succeeded in making some progress. But it is necessary that public servants should concentrate on the duties that are allotted to them. We have in the services also, in certain

sectors at least, to raise the per capita standard, and we have to see that everyone does the most that he is capable of, for the good of the people. If, in the circumstances, the mind is warped, and the attention is drawn away from the real legitimate task, then public interests do suffer, and they must suffer; but we have to see to it that every man who is paid by the State, that is, by the people in general, should give back to the people the full value of what he gets from them.

So, let us not encourage methods which do not suit them, which are not consistent with the decency of standards or with the dignity which we expect from our servants. So, so far as that goes, I think I need not say more.

I may also say that so far as the unions are concerned, there is no objection to their forming a union, but the unions must behave in a responsible manner; and if a union is affiliated to any other union, that union too must be of a responsible type. Government should recognise unions which are meant for the benefit of the public servants, but if unions by whomsoever formed have an ulterior objective, then they should not be encouraged, because public servants have to serve the people. They can create very difficult situations in the country if they do not discharge their duties not only efficiently but also smoothly and continuously. Any interruption even for a little while, for a few days, leads to tremendous complications. Letters get piled up and then it becomes difficult to sort them and to distribute them. It takes time, weeks and weeks, to distribute the letters received, perhaps some of them on important matters. In the circumstances, if the unions behave in a proper and satisfactory way, they can certainly function. There is no objection to that. But it is necessary that the unions should do their part in a responsible way.

[Pandit G. B. Pant]

In this matter, we should all realise the duty that the public servants owe to the country, the duty that Government owe to the people, and it is desirable that all Members of Parliament should appreciate these fundamental principles and should help Government in getting the best from the Services and in ensuring that the success of the Plan, on which we all have now staked our future, is fully achieved and that all who are in a position to contribute to it do so without any interruption, without any excitement and without the peace and order in the country being disturbed in any way.

**Shri S. M. Banerjee:** On a point of clarification. The hon. Minister has kindly said that unions will be recognised if they function properly or behave properly. May I read out for the information of the hon. Minister, amendment 4(B)? It reads:

"No Government servant shall join or continue to be a member of any service association of Government servants—

"(a) which has not within a period of six months from its formation obtained the recognition of the Government under the rules prescribed in that behalf".

When there is no rule for recognition, how can this be done? That was exactly what I said, that with the introduction of this amendment, when there is absolutely no law for recognition, when the Indian Trade Union Act does not provide for recognition, recognition becomes just a discretionary matter. I say that with this amendment, all our unions will be smashed. I tell you in the CSIR, NPL and Survey Department, signatures are being obtained....

**Mr. Deputy-Speaker:** Only clarifications could be sought. Shri Narayanankutty Menon may also seek clarification.

**Shri Narayanankutty Menon:** The hon. Minister has said that the service rules in all other countries are stricter than here.

**Pandit G. B. Pant:** I did not say, 'in all countries'. I said, 'in some countries'.

**Mr. Deputy-Speaker:** He mentioned three or four countries.

**Shri Narayanankutty Menon:** Is the hon. Minister aware that the British Houses of Parliament appointed a joint Committee called the Masterman Committee, and that Committee recommended that out of the total number of civil servants, 62 per cent could have compete political rights, and Government have accepted and implemented that recommendation?

**Pandit G. B. Pant:** So far as I am aware, public servants in U.K. keep aloof from politics completely, and even if in private undertakings persons who are employed there are found to be indulging in politics, which are not quite liked by the Government there, they too cannot continue to serve in such undertakings.

**Shri Narayanankutty Menon:** Here is the Report of that Parliamentary Committee.

**Pandit G. B. Pant:** I do not know about that.

**Shri S. M. Banerjee:** My question which is very important, has not been answered.

**Pandit G. B. Pant:** I did not follow the question in fact. Anyway, we can discuss it between us later.

**Shri S. M. Banerjee:** All right. But we want a reply.

**Pandit G. B. Pant:** So far as this matter is concerned, I am more than pretty clear in my mind.

**Shri P. S. Damita:** I have heard with great attention the hon. Members and the hon. Minister. I am sorry to say that I could comprehend only two arguments, one argument by an hon. Member and a vague threat from the hon. the Home Minister.

The Resolution has been assailed as being vague. The reason given for its being vague is that it includes all sorts of Central services. Certainly, a Resolution cannot be vague simply because it is all comprehensive. Strangely enough, they say it is vague, but neither the hon. Minister nor the hon. Members with the exception of one with those point I will deal presently make any effort to meet my specific observations on specific rules and provisions. They could not, because they were not prepared for it. This shows what concern they have, what regard they have, for those with whose labour, with whose hard task, these people rule. They were not present here. They do not care what this Resolution means to them.

One argument from my hon. friend Mr. Mathur—a strange philosophical argument—is that trade unions should not be allowed to be influenced by outsiders. He means to say that he who suffers only has the right to speak. It is not so. Had it been the case, you might not have been here. I do not compare labourers with animals, but certainly to prove this, we have got the animal protection Acts. Could the cows and horses come over here to plead for legislation being passed for them? It is always the outside people who have feeling, who have been talking, who have been doing work for those who suffer, I mean well-intentioned persons even from the higher classes, the big persons themselves. They are barristers. Some of them are from the top class; they de-class. They suffer all sorts of hardship, they live with them, they suffer lathi blows with them; they suffer with them. Such people go in there. They suffer all sorts of hardship. That is benevolent influence without

which labour cannot organise itself. That is benevolent outside influence.

Only one argument has been met, and that is that married women are not allowed to enter the higher cadre because sometimes they cannot perform their duties efficiently. That is not true in the case of the IAS. About the police, you can say that. But it does not matter; maternity leave is there. They can go on leave.

None of the other arguments has been met. So far as this threat is concerned, that the hon. the Home Minister not going to tolerate this and that. He says he cannot understand why people think of striking. So it is not unnatural. We know as students of sociology that many times rulers cannot think many things, and as regards tolerance, it depends upon this: how much we can make him tolerant? I want to say nothing more.

**Mr. Deputy-Speaker:** I shall now put amendment No. 1 to the vote of the House.

The question is:

add at the end—

"and for suitable legislation as envisaged under Article 309 of the Constitution of India."

*The amendment was negatived.*

**Mr. Deputy-Speaker:** I shall now put amendment No. 2 to the vote of the House.

The question is:

add at the end—

"and to submit a report latest by the 31st July, 1958."

*The amendment was negatived.*

**Mr. Deputy-Speaker:** The question is:

"This House is of opinion that all Service Rules of the Government of India be examined by a joint committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules".

*The motion was negatived.*

## RESOLUTION RE: CREATION OF A NATIONAL LIBRARY FUND

भी भीलारथन दास (दरभंगा)  
उपाध्यक्ष महोदय, मैं सदन् के सामने निम्न-  
लिखित प्रस्ताव पेश करता हूँ :

“इस सभा की यह राय है कि देश  
में एक सुयोगित पुस्तकालय आन्दोलन  
को बढ़ावा देने के लिये केन्द्रीय सरकार  
को राज्य सरकारों के परामर्श से संबंधित  
राजस्व और राज्यों के राजस्व के अंश-  
दान से तथा जनसाधारण के एवं द्विक  
बन्दे से और एक स्थानीय पुस्तकालय  
उपकर लगा कर एक राष्ट्रीय पुस्तकालय  
निषिद्ध बनाने के लिये जिसका  
प्रबन्ध और प्रशासन एक विशिष्ट  
पुस्तकालय कानून के अधीन केन्द्र  
द्वारा बनाये गये एक राष्ट्रीय  
पुस्तकालय बोर्ड द्वारा हो, तुरन्त कार्य-  
वाही करनी चाहिये ।”

उपाध्यक्ष महोदय, इस सम्मानित सदन  
को पुस्तकालय की उपयोगिता या उसकी  
आवश्यकता राष्ट्र के जीवन में क्या है, यह  
बताने की आवश्यकता नहीं है । इस सभा के  
सभी माननीय सदस्य इस बात से पूरी तरह से  
म्भवगत हैं कि पुस्तकालय एक सर्वव्यापी शिक्षा  
का बहुत बड़ा भारी अस्त्र है विशेषकर  
हिन्दुस्तान जैसे देश के लिए जहाँ कि ६ लाख से  
ज्यादा गांव हैं और बहुत योड़े शहर हैं और  
ऐसे देश में कि जहाँ अभी शिक्षा की जो  
सुविधाएँ हैं स्कूल, कालिज या युनिवर्सिटीयों  
के द्वारा, वे बहुत ही कम हैं और ऐसे देश में  
जहाँ कि अभी निकट भविष्य में वह नहीं  
मालूम होता कि कब तक हम अपने संविधान  
के जो हमारे निर्देशक सिद्धान्त थे या हैं अभी  
के १० वर्ष के अन्दर हम हर एक बच्चे के  
लिए प्रारम्भिक शिक्षा उनको अनिवार्य  
और निःशुल्क कर देंगे, ऐसी जगह  
के लिए इस प्रकार के आन्दोलन की अतीव  
आवश्यकता है जिसके बरिए से लोग जो स्कूल

और कालिज में जाये भी तो योड़े दिनों के लिए  
जाये और जिन्हें युनिवर्सिटी में जाने का  
सौभाग्य न प्राप्त हो वे आत्म शिक्षण द्वारा  
अपनी योग्यता को बढ़ावे और देश के सच्चे  
नागरिक और कर्तव्यनिष्ठ नागरिक हों,  
उसका उन्हें भौका मिले ।

उपाध्यक्ष महोदय, हिन्दुस्तान तो बहुत  
दिनों तक गुलाम था और इसलिए पुस्तकालय  
आन्दोलन का जहाँ तक सम्बन्ध है यह बहुत  
ही पिछड़ा हुआ देश है । शिक्षा में तो पिछड़ा  
हुआ है ही लेकिन शिक्षा जो भी मिले, मेरे पास  
आकड़े नहीं हैं लेकिन जितने भी प्रारम्भिक  
शिक्षणलय हमारे देश में हैं वहाँ से जो  
विद्यार्थी पढ़ कर निकलते हैं उनमें से बहुत  
योड़े लोग उच्च स्कूलों में जा सकते हैं और  
उससे भी बहुत योड़े लोग विश्वविद्यालयों में  
जा सकते हैं । जो लोग प्रारम्भिक या मिडिल  
स्कूल को परीक्षा में पास होकर समाज में  
जाते हैं उनके पास कोई ऐसा साधन नहीं  
रहता है जिससे कि वे अपनी शिक्षा को योड़ा  
मा आगे बढ़ा सकें और उसको कायम रख  
सकें । नतीजा उसका यह होता है कि जो  
हमारे बच्चे योड़ा सा स्कूल में पढ़ भी पाते हैं  
और गरोबों के कारण या किसी दूसरे मंसूट  
के कारण वह उच्च शिक्षा के लिये नहीं जा  
सकते और इस तरह के प्रबन्ध के अभाव में  
कि जिससे वह आत्म शिक्षण द्वारा अपनी  
योग्यता को कुछ बड़ा सके वह बिल्कुल फिर  
निरक्षरता में प्रवेश कर जाते हैं  
ऐसे प्रारम्भिक शिक्षा आत्म  
आधिकार्य लोग निरक्षर मट्टाबार्य में हो  
परिगित हो जाते हैं, ऐसा अनुभव बताता है ।  
इसोलिये आज जैसा कि मैं ने आपको बताया  
कि हिन्दुस्तान के लगभग ६ लाख से ऊपर  
गांवों में शिक्षा को ज्योति को फैलाने के लिए  
या जो ज्योति, जो रोजनी हम अपने प्रारम्भिक  
स्कूलों के द्वारा देते हैं उस ज्योति को बराबर

11603 Resolution re:

25 APRIL 1958

Creation of a  
National Library Fund

11604

आमे बहाने की ज़रूरत है और एक मुनियोजित और एक अच्छे ढंग का संगठित आन्दोलन, पुस्तकालय आन्दोलन देश में चलाया जाय।

मेरा प्रस्ताव यहाता है कि केन्द्रीय सरकार की जिम्मेदारी हो, केन्द्रीय सरकार को अपने ऊपर इसकी जिम्मेदारी लेनी चाहिए। मैं आनंद हूँ कि...

श्री बै० चं० शर्मा (गुरदासपुर) : केन्द्रीय सरकार किसी जिम्मेदारियां अपने ऊपर ले ?

भी अं भारायण दास मैं जानता हूँ कि विद्या और पुस्तकालय का काम मूल्य रूप से राज्य का विषय है लेकिन हिन्दुस्तान जैसे देश में और व्याप्त कर रहे विषय में कि जिसमें एक मुनियोजित आन्दोलन की ज़रूरत है, इसमें विशेष ज्ञान की ज़रूरत है और देशविदेश में जो इस तरीके का पुस्तकालय का आन्दोलन चलता है उसमें जो भा अनुभव प्राप्त होता है उस अनुभव को काम में नाने की ज़रूरत है। मैं समझता हूँ कि यद्यपि यह राज्य वा विषय है फिर भी केन्द्रीय सरकार को इसमें विशेष रूप से व्याप्त देना चाहिये और इस प्रान्दोलन का मूल्यांकित रूप में चलाने के लिए प्रयत्नशील होना चाहिए।

अब हिन्दुस्तान में जो पुस्तकालय का विकास हुआ, चाहे वह स्कूल के पुस्तकालय का हो, चाहे कालिज के पुस्तकालय का हो, चाहे युनिवर्सिटी के पुस्तकालय का हो, चाहे जो विभिन्न व्यवसाय हैं और व्यवसायी पुस्तकालयों का जहां तक ताल्लुक है वह तो बिलकुल स्वयं एक ऐसा विकास है कि जिसमें सरकार का बहुत कम हाथ रहा है। सरकार ने अब इधर राजकीय सरकार और इधर कुछ हाल से दो बर्ष से तीन बर्ष से केन्द्रीय सरकार ने भी कुछ उसमें हिस्सा लेना शुरू किया है और उनके हिस्से का रूप यह है कि वह साल में एक निश्चित रकम अपने बजट में रख देती है जो विभिन्न राज्यों को अनुशासन के रूप में दिया जाता है और वे

राजकीय सरकारें अपने शिक्षा विभाग के द्वारा उस अनुदान से उन विभिन्न पुस्तकालयों को जो पहले से कायम है उनको सहायता देती है। मेरा ख्याल है कि इस तरीके का जो एक बिना प्लैन के विकास हुआ है अगर हिसाब लगाया जाय और देखा जाय तो जहां तक मेरा ख्याल है अभी तक पुस्तकालय का आन्दोलन यह स्थानीय जनता या जो दान देने वाले लोग हैं उनकी सहायता से जहां तहां राष्ट्रीय आन्दोलन जो हमारे देश में या स्वतन्त्रता के लिए उसके मिलसिले में जो जाग्रत हुई, उससे गांव गांव में पुस्तकालयों की स्थापना हुई और पीछे चल करके जब स्वराज्य हुआ तब स्थानीय सरकार ने या केन्द्रीय सरकार ने उसको जो योगी बहुत सहायता दी है उससे कुछ उसको प्राप्त मिला है कुछ प्रोत्तमाहन मिला है लेकिन जहां तक हमें जानकारी है, जो गांवों में या बहुत से शहरों में जो पुस्तकालय हैं, उन पुस्तकालयों में प्रबल्वस्था है, उनमें पुस्तकों के वितरण का जो प्रबन्ध है वह इतना शोचनीय है कि कोई भी नहीं कह सकता कि इस तरीके का अनियन्त्रित बिना किसी प्रोत्तमाहन के और बिना किसी तरह की विशेष सहायता का और इस तरीके का विशेष निगरानी का विशेष पुस्तकालय सरकार जलाना चाहे तो इन चीजों के अभाव में इस तरीके के पुस्तकालय से कोई विशेष फायदा नहीं होता है।

उपाध्यक्ष महोदय आज दुनिया बहुत छोटी हो गई है। राष्ट्र क्या आज सारे संसार में दूरी का बिलकुल व्यवधान नहीं रह गया है और इस समय आवश्यकता इस बात की है और मैं समझता हूँ कि अनर्माण्डीय क्षेत्र में इस तरह की संस्था कायम हुई है जो सभी देशों में और सभी राज्यों में पुस्तकालय के सम्बन्ध में जो ज्ञान प्राप्त है उसके संचालन करने का जो अनुभव प्राप्त है उसका तभाम राष्ट्र एक दूसरे के अनुभव से फायदा उठा सके, इसके लिए वे प्रयत्न कर रहे हैं। ज़रूरत इस बात की है कि हमारे देश के अन्दर पुस्तकालय आन्दोलन को एक राष्ट्रीय रूप दिया जाय और राष्ट्रीय

इस देश से मैं समझता हूँ और जैसा कि इस प्रस्ताव से भी स्पष्ट है कि पुस्तकालय आन्दोलन कोई ऐसा आन्दोलन नहीं है जो कि सिर्फ सरकार के भरोसे ही चलाया जा सके। यातो केन्द्रीय सरकार हो या राजकीय सरकार हो वा स्थानीय संस्थायें हों। इस देश में भी और दुनिया के दूसरे देशों में भी बराबर ऐसे उदार दानी लोग रहे हैं जिन्होंने इस आन्दोलन को चलाने के लिए अपनी सम्पत्ति का दान दिया है। इंगलैंड में भी और अमरीका में खास खास व्यक्तियों ने बहुत भारी रकमें इस आन्दोलन को आगे बढ़ाने के लिए दी है, और इस देश के प्रन्दर भी बहुत से ऐसे उदार लोग हुए हैं जिन्होंने इस आन्दोलन को आगे बढ़ाने के लिए एचिक्क रूप से चन्दा दिया है या कोई द्रुत कायम कर दिया है या कोई समिति कायम कर दी है जो इस काम को आगे बढ़ाती रहे। केन्द्रीय सरकार ने इस आन्दोलन के लिए केन्द्रीय कोष से कुछ सहायता देने का कदम उठाया है, लेकिन केवल इतना ही कर देने से केन्द्रीय सरकार की जबाबदेही पूरी नहीं समझी जा सकती।

उपाध्यक्ष भूषोदय : क्या आप को और कुछ कहना है ?

श्री अनन्तराधर दास : जी हाँ।

उपाध्यक्ष भूषोदय : तो आप अगली दफा आरी रख सकते हैं।

#### BUSINESS ADVISORY COMMITTEE

##### TWENTY-FOURTH REPORT

Shri Rane: Sir, I beg to present the Twenty-fourth Report of the Business Advisory Committee.

#### HALF AN HOUR DISCUSSION re: COIR MATS AND MATTINGS

17

Shri Narayanankutty Menon: Mr. Deputy-Speaker, the industry about which I raise this discussion today is of vital importance to the workmen involved in this industry, especially as far as our State is concerned. Today, throughout the 240 miles of

coastline in Kerala, a ghost is haunting them. It is not the ghost of communism or law and order but that of unemployment, misery and starvation. A million people are employed in this industry and from times immemorial, except for a small time during which the industry was flourishing, these workers had known only unemployment and starvation or partial employment. Today they are partially employed and partially unemployed because the industry is involved in a very acute crisis. In order to get rid of this crisis, I have raised this discussion to convince the Central Government of the immediate necessity of helping this industry so that the workers may get out of this crisis.

5.1

[SHRI C. R. PATTABHAI RAMAN in the Chair.]

We will have to depend upon the internal and foreign markets. But we have no control over the prices of finished products. We will have to explore ways and means so as to sustain the workers employed in this industry. The most important raw material is the coconut husk. Throughout the Kerala State the coconut husk is selling high in the market controlled by a few companies. The growers themselves have no control because the middlemen are having their sway by stocking and selling the husk. Unless the price of husk is controlled, we will not be able to sell the finished coir products in the foreign markets. We find from our experience that there must not be any difficulty for the Central Government to declare this as an essential commodity. The State Government, the organisations in this industry, the producers and also the manufacturers and the trade unionists are all unanimously demanding that this husk should be declared an essential commodity so that the prices could be fixed and the raw material would be available to the industry at a lower price.

An argument against this is that this may affect the growers but in truth no grower is going to be affected by the control of this commodity and the fixation of prices. Even though it is sold in the market at Rs. 35 to Rs. 45 by those who control it, the grower gets only Rs. 18-20, and so that question does not arise. I represent a large majority of them in my constituency. As long as the growers get a reasonable price they will not object to this course. If it is controlled and the raw material is made available at a lower cost, about a million workers in this industry will live without much suffering and starvation. I therefore appeal to the Central Government to declare both the rutted and raw husk as an essential commodity so that the industry may get it at a controlled price without anybody's interest being affected. The other point is the control of the foreign trade. The hon. Minister is aware that almost the entire export trade is controlled by a set of monopolistic foreign firms such as Volkart Brothers, Pierce Leslie and Co. and Aspinwall and Co. From times immemorial these firms have been controlling the entire trade. If you draw an adjusted graph about the progress of the industry, you will find that they have been creating artificial crisis periodically so that they may create buyers' markets in foreign countries and dictate their own terms. By these methods they precipitate a crisis. The entire stock accumulates for some time and later on it is sold for a song, resulting in the suffering of workers. They are not even able to get the minimum wages fixed in this industry. There should be some control over the export trade. I suggest that the State Trading Corporation should take over the entire export trade so that whatever price we get for the finished produce in the foreign market, part of it may go to the worker, to the trader and also to the producer of the raw material. These middlemen who control this industry

manufacturing indigenous community. I do not mind their taking reasonable profits. But these artificial crisis should not be there.

There is another point in regard to the export trade-shipping. The foreign monopolists hold control over shipping. They are interested naturally in the export of yarn and not the finished product. Our workers and industry can prosper only if manufactured finished products are exported. But these monopolists export only coir yarn so that when they export to Denmark, Sweden, Switzerland and France, the workers there may get the employment while our workers suffer here. The shipping rates are far lower for the unmanufactured yarn. It is a nominal rate. But the rates for finished goods are inflated to a high level. In some cases, you will find that the shipping cost of a finished product is three times the value of the product. Thus it is made impossible. I suggest a way out to remedy this situation. You can increase the cess on the export of coir yarn and utilise it to subsidise the shipping rates of the finished products so that these finished products may compete in the foreign markets. The people who control the industry are not interested in expanding the foreign markets. They have got their own markets in their countries and they are interested in the yarn. If coir is exported, the labour charges are not going to the Indians. I seek the help of the Central Government to expand the present markets and seek fresh markets. Fresh markets should be sought in Eastern Europe and other places. The Government should come to the rescue of this industry by expanding this trade. In the present state of affairs, this cannot be done because these competitors engage in cut-throat competition and under-sell things. Unless the export market is taken over by the State this could not be achieved as the industry will be left

Sir, the next and the most important thing is the organisation of the industry itself in the State. In this industry, in the manufacturing side and also the shipping side, there is not much capital now employed because the capital sometimes is at the mercy of the foreigners, and it does not give adequate or reasonable return. The only hope today for these one million workers to save this industry is by having co-operatives throughout the industry, so that the entire producers are covered throughout the State both in Kerala and Orissa and also in West Bengal by means of primary co-operatives composing of actual producers and the workmen involved. The result will be that no more profit will go outside the co-operatives and the actual workmen and producers will get the benefit.

We have got only about 234 co-operatives and these 234 co-operatives are only able to cover 50,000 people working on this industry. Rs. 15 lakhs have already been advanced to them. Therefore, Sir, you can imagine the magnitude of the problem. Whereas we have to bring the entire one million workers employed in this industry under the fold of primary co-operatives, we have only been able to have 234 co-operatives covering only 50,000 people. About 9,50,000 people still remain, and the State Government is now engaged in the big task of bringing all the primary producers and these workmen under the co-operatives so that the whole trade in the primary stage is controlled by co-operatives.

In the export side, Sir, there are two co-operatives already functioning. These co-operatives are also suffering from want of adequate finance. Today there are two co-operatives, one at Mattancherry and the other at Alleppey. They are engaged in actually baling coir yarn and exporting it. But these co-operatives themselves cannot do this for want of a single baling press. They will have to go to these foreign monopolists for help, who sometimes re-

fuse to lend their baling press because these co-operatives are engaged in the export of yarn. Rs. 5 lakhs are required to purchase one press to cater to the needs of these two co-operatives who are working on the export side. Therefore, on the export side also we have to expand and money is required. I, therefore, request that the present allotment be increased so that during the Second Plan period at least half the workmen are covered by these co-operatives and the industry will have at least strength to stand on its own legs,—at least partially free from these monopolists—and the workmen will get rid of the starvation.

The other important thing is about the loans already granted during the First Five Year Plan and also the Second Five Year Plan. It is quite unfortunate that originally the Central Government wanted 4½ per cent interest. Sir, 4½ per cent is the bank rate. Here is an industry with one million workers which cannot stand on its own legs. In the Second Five Year Plan we are providing for more employment opportunities. Therefore, we want to sustain this industry and see that at least these one million workmen get partial employment. When you go to the rescue of one million workmen in the Second Five Year Plan period in order that they may get at least three days employment in a week, is it fair for the Central Government to say that for the loans it has advanced, the co-operatives should pay 4½ per cent, the same rate that the banks are charging? I hear, Sir, that the Central Government has considered its reduction to an extent, but that reduction itself is not adequate.

For the handloom industry the loans advanced are interest free. Coir industry, I may tell the hon. Minister, is as important as the handloom industry, and in the coir industry also the conditions are worse. In regard to the handloom industry the Government have quite rightly, because

the industry is to be saved from competition and also closing down, advanced interest free loans. I request the hon. Minister to see that the loans advanced to coir industry also are made interest free so that additional burden is not brought down upon this already falling industry.

In conclusion, Sir, I request the hon. Minister to consider these points in detail and remember, as he has already remembered and appreciated—I know he is of a very much appreciating nature and also understanding—the magnitude of this problem, and also the importance of this problem as far as our State is concerned. Imagine, Sir, when one million workers were already partially unemployed during the First Five Year Plan, if in the Second Five Year Plan we cannot promise them at least half employment if not full employment, if we cannot promise them at least partial employment so that they are able to get rid of starvation partially, what is the use of the Second Five Year Plan as far as our State is concerned? We cannot stand by and say that the Second Five Year Plan in the socialist pattern of society is going to give them employment, is going really to come to their relief, unless we are able to show concretely to the coir industry and to those one million workers that we are coming to their rescue and we are going to do something. In order to do something, the whole thing lies in the hands of the hon. Minister. Come to the rescue of this industry and declare that the coconut husk, without endangering anybody's interest, is an essential commodity. Increase the grant so that the co-operatives may be developed and also a larger section may be brought within the scope of the co-operatives. Reduce the interests on the loan and do not be a usurer. See that the industry does not suffer any more and realise that the condition of the industry should be improved and saved from decay. Treat this industry on a par with the handloom industry.

Shri D. C. Sharma: What is the interest?

Shri Narayananakutty Menon: 4½ per cent which is arranged from any bank. Finally, I refer to the export market of this industry. This industry must be saved from the clutches of monopolists. The industry has had enough of them. The monopolists have made enough profits and today every rupee that they are making is at the cost of the blood and sweat of the labour of one million people in Kerala State. Put a stop to this. You can do this, because, in the face of competition from foreign monopolists, the Indian small traders are nowhere. For, an Indian trader employing 50,000 to 1,00,000 employees is nowhere, and from this violent competition the Indian traders will have to be saved. The industry will have to be saved.

I make an honest appeal. These points may be realised by the hon. Minister and at least he must come to the rescue of the Kerala State and also this industry so that we may both, together, say that we have done something during the Second Five Year Plan to save these one million workers

Shri Vasudevan Nair rose—

Mr. Chairman: I thought he is waiting for the reply by the hon. Minister. Of course, so far as Shri Vasudevan Nair is concerned, I find that he is also a signatory to this discussion. I hope he will be satisfied with putting questions.

Shri Vasudevan Nair: Yes. It seems there was an instruction from the Ministry of Commerce and Industry to the State Governments that as far as possible they must use coir mats and mattings in the Government offices, etc. I would like to know what is the result of that instruction and by how much we have been able to increase the internal consumption of coir mats and mattings.

**Shri V. P. Nair (Quilor):** My first question is this: whether the Government of India have any programme on hand or under contemplation to reduce the retting time of coconut husk which is today about six months to eight months, and to have some process whereby the husk would be retted and used in, for example, the manufacture of hand-made paper on a cottage industry scale.

My second question is this: the hon. Minister knows that a considerable portion of the weight of the coconut husk is a waste. Does the Government have any programme on hand to convert this waste of coconut husk into some useful product so that it may bring in a supplementary income to the workers employed in the industry?

**The Minister of Industry (Shri Manubhai Shah):** Mr. Chairman, I am glad that this very important matter concerning the coir industry has been raised this afternoon. It is true that perhaps this is a most labour intensive industry in this country as far as any decentralised small industry is concerned. It is perhaps more decentralised than the handloom industry itself. Varying figures have been placed—from half a million to one million—regarding the strength of workers who are engaged in this important industry. Therefore, I can, at the outset, assure the hon. House and the Members from Kerala who have expressed very keen anxiety on the problem, that Government is fully aware of the importance of this industry not only from the economic point of view but also from the social point of view, because this industry deals with a mass, a large number of human beings.

Coming to the question of development of this industry, I should like to say this. Perhaps, the hon. Member had not many facts before him and therefore he could not appreciate the tremendous number of steps that the Government of India have taken in co-operation with the various State

Governments, particularly the Kerala Government which today commands almost 80 to 90 per cent of the industry in the country. In the First Five Year Plan, this industry had been provided with only about Rs. 30 lakhs, both on account of grants and loans. When the Second Five Year Plan was being framed, because this was a very labour intensive industry and also because it encompasses a large number of workers who are nearly half a million, the allocations were raised to about a crore of rupees. As soon as this amount was finalised, the Coir Board and the Ministry which is looking after this industry again reconsidered the matter. Because, as you know and as the House is aware, the Second Plan has given a very high and important priority to the village and small-scale industries and we almost raised the targets and allocations on all sectors of small-scale industries, particularly for coir, where we have raised the allocation to Rs. 2,30,00,000. This will have to be properly appreciated. From an allocation of Rs. 35 lakhs to Rs. 40 lakhs for coir industry in the First Plan, we raised the total allocation to coir industry to Rs. 2,30,00,000 in the Second Plan.

As far as the State of Kerala is concerned, the allocation in the First Plan, both by way of loans and grants, was hardly Rs. 25 lakhs for coir industry which has been raised in the Second Plan, to an allotment of Rs. 1½ crores. So, I do not think that there would be any justification either for the friends from Kerala or those engaged in this industry throughout the country to grudge that the allocations are insufficient. I can, on behalf of the Government, assure them that if this industry, with the help of the State Governments,—because fundamentally the small industries are State subjects—can spend this amount, the amount will be raised still higher to meet the needs of this industry.

**Shri Dasappa:** May I know how much of that amount has been spent?

**Shri Manubhai Shah:** Now two years have gone. As far as the accounts are concerned, about Rs. 55 lakhs have been spent.

**Shri Narayananakutty Menon:** Rs. 67 lakhs.

**Shri Manubhai Shah:** He is not asking for the amount sanctioned.

**Shri Narayananakutty Menon:** Rs. 67 lakhs have been spent.

**Shri Manubhai Shah:** It is still better if Rs. 67 lakhs have been spent. We have now raised the amount to Rs. 2,30,00,000 and I can assure the hon. Members that if more funds would be needed, they would be forthcoming. There are still three years to go and we have a large amount. We have always found it difficult to spend money on small-scale industries.

I am now coming to the real solution of this problem. This is an industry on which the raw material is not standardised. Husk, as you know, is a commodity which cannot be standardised. It is not something like rice, jawar, bajra, wheat, cotton, sugar or wool. To expect that a commodity which is manufactured, as in this industry, in every household in the maritime States of India, could be so standardised and the price fixed, that it can be declared as an essential commodity and price control can be brought into operation is a proposition which will not appeal to any economist. It is most futile to control such an item. If it is only a psychological reason to satisfy an hon. friend or a few friends who are feeling intensely on this, it is a different matter. A law on this subject will be totally unenforceable and will be brought to ridicule and contempt, because you cannot go to every house and see what type of coir they have got and the price they got for it.

**Shri Kumaran:** Here it is not a question of standardisation; it is a question of controlling the price.

**Shri Manubhai Shah:** But the price is related to quality of the raw material. Let me have my say, within five minutes.

29 L.S.D.—7.

There are five well-known qualities of coir husk and there are many more which are adulterated. The price also varies from Rs. 20 to Rs. 45 or Rs. 50. So, it is not an easy task to regulate the price. When we find it difficult to regulate the price even in the case of most standard commodities it would be rather unwise on our part to try to control the price here. I think a solution to this problem lies in trying to pay more attention to the husk spinners and weavers and seeing that they get an economic return than what has hitherto been received by them.

The only way to develop this industry is through the co-operative way. We have succeeded in that in the handloom industry in the major way. One million handloom weavers have been brought under the co-operative sector and the Government of India made it a policy that the entire loans and grants will be canalised only through the co-operative sector. I have been urging the Kerala Government to expand the co-operative sector so that all those people who are working in this cottage industry can be made the members of the co-operative societies. These co-operative societies, with the help of loans and subsidies both from the State and the Centre will be in a position to help the retters and weavers in a better way. They will regulate the price between the retter and the spinner and the spinner and the weaver and the finisher and the buyer in the proper manner.

To my mind there is no shortcut to these types of village industries. The only solution to village industries and small industries including the coir industry is intensive co-operatisation all along the line. I can assure him that if he and other hon. Members from the Kerala State and also from other States took interest in this movement, this movement has great and tremendous social values and even apart from the economic values, if you bring the co-operative sector to

greater operation in the coir industry, I have no doubt that the rates, returns and prices at different levels will be properly regulated.

Then I will come to the aspect which is more important, i.e., what are we doing for the development of which I gave a broad idea in the beginning? We are looking to the thing that internal consumption of coir was increasing. That is why the question which has been posed by my hon. friend is a relevant one. Are we using it as much as possible in Government offices? Are we using it in the different organisations of the country? We recently recircularised all State Governments and I am glad to see that the response has been very favourable. Most of them have agreed that much of their purchases for flooring, carpets and wherever coir can be used, will be confined to coir produce. This should go a long way. It will be difficult or too early or premature to assess the results thereof, but it will certainly give a greater promotion to the utilisation of the coir products.

Then, it should not be forgotten that this industry is really an export based industry. 60 or 65% of production of coir, both yarn and matting, are exported to different countries of the world and so many synthetic fibres, coir fibres, other synthetic fibres, and natural fibres and competing with this industry that if we tinker with this problem in an emotional or in an unscientific way to try to regulate the price by increasing the cess or export duty, as so many suggestions are coming from the hon. Member now as also before, then perhaps we will be damaging this industry in such a way that as a net result there will be more unemployment than the ends in view of increasing employment and bettering the lot of the workers. That is why we are sending a delegation now—in the past also we have been sending. A four-man delegation is

going to the United States, U.K., Germany and many other countries. We are also trying to send a delegation to Ceylon, which also is a country where the coir industry.....

Shri Vasudevan Nair (Thiruvella): Have you included any socialist country also?

Shri Manubhai Shah: We will try to include in its orbit of visit socialist and communist countries also and see to it that markets are also explored there. The State Trading Corporation is also helping, not that it wants to monopolise or take over the entire export trade—that is not possible because the industry itself, as I mentioned, has various categories and various varieties and standardisation is lacking, but what we are trying to do is that in different trade agreements and bilateral agreements with both East European countries and with other countries in the West and the United States we are including coir and coir products as a very important item. I have no doubt that, if we see the figures of export of last four years, the results are quite satisfactory. In 1953-54 the total value of export was about Rs. 7,80,00,000. It rose to Rs. 8,90,00,000 in 1955-56 and in 1956-57 it touched the figure of Rs. 9,67,00,000. During the current year, I have not got the figure for the whole year but we hope that the figures will not be worse off than before. But we cannot afford to be complacent in the case of an industry like coir. That is why we are establishing a research station in Kerala State and a sub-station in Bengal. I can assure the House that here also all the problems like reducing the time for retting, utilisation of coir waste and various ancillary and incidental problems to the development of the coir industry, the coir fibre, maturing of coconut, plantation of coconut, increasing the production of coconut itself will all be looked after through different schemes. If more money is required,

once more I can assure the House that it will be forthcoming for this industry and for all the small-scale and village industries to which we have given one of the greatest importance in the Second Plan.

I have only one point more and that is about interest. My hon. friend perhaps does not know that the rate has been reduced to 2½%.

**Shri Narayananukutty Menon:** I know.

**Shri Manubhai Shah:** You mentioned 4½ per cent. I think you might in fairness have said that it had been reduced to 2½ per cent. To what I would draw the attention of the hon. Member is that the handloom industry did enjoy for a while an interest free loan. But perhaps when the loans would be canalised from the co-operative sector or from the Reserve Bank, the interest rate there may not remain as low as before and they might come in the same pattern as coir. We have classified coir like any of the small industry and we have given all the facilities, fiscal and otherwise and technical assistance as to any cottage industry.

I have tried to cover as many points as possible. It is not possible in the course of such a short time to give the enormous amount of work which has been accomplished by the Coir Board in the last four years. But if the House can bear with me, I can say that out of the many boards that have been functioning in different small scale industries, the work of the Coir Board is very highly praise-

worthy and in the short period of three years of their active work they have rendered quite a large amount of assistance to the small man behind the coir industry.

**Shri D. C. Sharma:** The hon. Minister said that the figures have gone up to Rs. 8 and odd crores this year. Why is there so much unemployment?

**Shri Manubhai Shah:** There is some misunderstanding. What our friends say is that there is more and more necessity to employ people in Kerala and elsewhere. It is not as if today there is any crisis in this industry or there is a sort of frictional unemployment coming in. From what I understand, their approach to the problem is that this industry has to be constantly kept in view and promotional steps have to be taken to see that more and more people are employed, that those who are employed get better off and their economic conditions improved and in course of time, this should take the place of an honourable and quite profitable industry in this country.

**Shri Dasappa:** It is their own Government.

17.32 hrs.

*The Lok Sabha then adjourned till Eleven of the clock on Saturday, the 26th April, 1958.*

**DAILY DIGEST**  
 [ Friday, 25th April, 1958 ]

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2774 Cement Factories in Bombay State	11477-78	(ii) The Bombay, Calcutta and Madras Port Trust (Amendment) Bill, 1958.	
2775 Pottery Training-cum-Production Centres in Punjab	11478	REPORTS OF COMMITTEE OF PRIVILEGES ADOPTED 11486—98	
2776 Journals and Periodicals	11478-79	Second and Third Reports were adopted.	
2777 Plastic Export Promotion Council	11479	MOTION TO REFER BILL TO SELECT COMMITTEE ADOPTED 11498—11547	
2778 Export of Spices to U.S.A.	11479	Further discussion on the motion to refer the Estate Duty Bill to a select committee—Continued. The motion was adopted.	
2779 Lockout in Orissa Mineral Development Company, Barbil	11479-80	REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED 11547	
2780 Wood Pulp	11480	Twenty first Report was adopted.	
2781 Loans to Displaced Persons	11481	PRIVATE MEMBERS' RESOLUTIONS WITHDRAWN/NEGATIVED 11547—57	
2782 Official in U.N.O.	11482	Further discussion on Resolution <i>re</i> : Reorientation of the System of Examinations was concluded and the Resolution was withdrawn by leave of the House.	
2783 Carpentry Training-cum-Production Centres	11481-82	Chaudhary Pratap Singh Daulat moved a Resolution <i>re</i> : Modification of Service Rules 11558—11600	
2784 Medicinal Herbs	11482	The Resolution was negative.	
2785 Local Development Works	11482	PRIVATE MEMBERS' RESOLUTION UNDER CONSIDERATION 11601—05	
2786 Tea Board	11483	Shri Shree Narayan Das moved a Resolution <i>re</i> : Creation of a National Library Fund.	
PAPERS LAID ON THE TABLE	11483	The speech was not concluded.	
A copy each of two Notifications was laid on the Table under sub-section (6) of Section 3 of the Essential Commodities Act, 1955.		REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED 11605	
CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE	11483—85	Twenty-fourth Report was presented.	
Shri Naushir Bharucha called the attention of the Prime Minister to the Promulgation of a Regulation by the President conferring special powers on the officers of the Armed Forces:			
The Deputy Minister of External Affairs made a statement in regard thereto and also laid on the Table a copy of the Armed Forces (Special Powers) Regulation (Regulation No. 2 of 1958).			

11625

## [DAILY DIGEST]

11626

*Subject*

## COLUMNS

**HALF-AN-HOUR DISCUSSION**

Shri T. C. N. Menon raised a half-an-hour discussion on points arising out of the answer given on the 19th February, 1958 to Starred Question No. 297 regarding Coir Mats and Mattings.

11605—20

*Subject*

## COLUMNS

**HALF-AN-HOUR DISCUSSION—contd.**

Shri Manubhai Shah replied to the debate.

**AGENDA FOR SATURDAY, 26th April, 1958**

Consideration and passing of Indian Oaths (Amendment) Bill, 1958.