

Monday, 28th April 1958

# LOK SABHA DEBATES

**Second Series**

**Volume XVI, 1958**

*(23rd April to 5th May, 1958)*



**FOURTH SESSION, 1958**

*(Vol. XVI Contains Nos. 51 to 60)*

**LOK SABHA SECRETARIAT  
NEW DELHI**

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

# LOK SABHA DEBATES

11861

11862

## LOK SABHA

Monday, the 28th April, 1958

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

तिब्बत में भारतीय पुरातन पाण्डुलिपियाँ

+

\*१८७६. { श्री भक्त बर्षान :  
सरदार इकबाल सिंह :

क्या वैज्ञानिक गवेषणा तथा सांस्कृतिक-कार्य मंत्री १७ दिसम्बर, १९५७ के तारांकित प्रश्न संख्या १२२२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) तिब्बत में अनेक अलम्य भारतीय पुरातन हस्तलिखित पाण्डुलिपियों के होने की जो सूचना मिली थी, क्या उसके बारे में आवश्यक तथ्यों का इस बीच पता लगा लिया गया है;

(ख) यदि हाँ, तो क्या तिब्बत के उन स्थानों का, जहाँ ये पाण्डुलिपियाँ रखी हुई हैं, पाण्डुलिपियों के विषय और उनकी संख्या के बारे में एक विवरण सभा-घटल पर रखा जायगा ; और

(ग) उनका अध्ययन करने तथा उन्हें भारत लाने के बारे में क्या कार्यवाही की गई है ?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). The facts are still under investigation.

(c) Enquiries have been made from Scholars in India and from our Embassy in China, and it is proposed, if possible, to send a team of Scholars to make investigations in that country.

श्री भक्त बर्षान : क्या इस सम्बन्ध में चीन की सरकार से कोई लिखापढ़ी की गयी है और क्या मैं जान सकता हूँ कि चीन की सरकार ने इस सम्बन्ध में कोई सहायता देने का वचन दिया है ?

श्री हुमायूँ कबीर : जी हाँ, उनसे तो बातचीत हो रही है। हमारी एम्बेसी जो वहाँ पीकिंग में है वह मिनिस्ट्री प्राव कल्चर से बातचीत कर रही है।

श्री भक्त बर्षान : क्या यह आशा की जा सकती है कि अब की गमियों में, क्योंकि वहाँ केवल गमियों में हो जाया जा सकता है सदियों में तो जाया नहीं जा सकता, कोई पार्टी वहाँ जाकर यह कार्य कर सकेगी ?

श्री हुमायूँ कबीर : आशा तो हमेशा है।

Shri Hem Barua: We find that Rahul Sankrityayan has left behind him certain sources of information about the existence of ancient Indian manuscripts in Tibet. May I know if the Government have examined these sources?

Shri Humayun Kabir: In this particular case, the reference is to some information given by certain lamas. But if the hon. Member has any information about sources left behind by Rahul Sankrityayan, I will be glad to pursue it.

Shri Kumaran: Recently Dr. Ernes Waldschmidt, Professor of Sanskrit at the Gottingen University in West Germany, said in an interview that Sanskrit texts on Lord Buddha's

birth, enlightenment of mahaparinirvana, edited with special texts in Sanskrit have been discovered in Buddhist monasteries and caves in Chinese Turkistan. May I know whether the Government are aware of the existence of such manuscripts and if so, what steps have been taken by the Government to enquire into and study this matter?

**Shri Humayun Kabir:** I am thankful to the hon. Member for the information he is giving. As to the information the Government has, the House will appreciate that, the sources are in another country. Unless we get their permission and our scholars have facilities of making investigations on the spot we cannot give any authoritative reply.

### Delhi School-going children

\*1877. **Shri D. C. Sharma:** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1472 on the 4th September, 1957 and state the steps taken since then to remove the difficulty of school-going students of Delhi who are not able to get admission in any educational institute?

**The Minister of Education (Dr. K. L. Shrimall):** A statement is laid on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 38.]

**Shri D. C. Sharma:** May I know what percentage of the school-going children will be provided admission after these additions have been made?

**Dr. K. L. Shrimall:** That is very difficult to say. The hon. Member has only asked for the facilities that we are providing for the students who are seeking admission. If he gives separate notice of this question, I shall answer it.

**Shri D. C. Sharma:** What is the total number of schools—higher secondary schools, basic schools and so on—required in order to satisfy the total needs of Delhi children in the year, say, 1959?

**Dr. K. L. Shrimall:** That need will continuously grow with the growth of school population.

**श्री नवल प्रसाद :** यह आश्वासन दिया गया था कि इस बार सब बच्चों को स्कूलों में प्रवेश कराने का प्रबन्ध कर लिया गया है, किन्तु इसमें बावजूद भी बहुत सारी ऐसी शिकायत आयी है कि बच्चों को प्रवेश नहीं मिल रहा है। क्या ऐसी शिकायतें नहीं हैं ?

**Dr. K. L. Shrimall:** The Government have received no complaints about this matter. If the hon. Member has any complaint to make, he will kindly draw my attention to it, because we have given definite instructions to all the authorities concerned that no child of the school-going age should be refused admission.

**श्री नवल प्रसाद :** क्या मैं जान सकूँ कि जहाँ डाइरेक्टर साहब हैं एडमिशन के शिक्का संभालके, उनके पास इस तरह की बहुत सारी शिकायतें आयी हैं, क्या माननीय मंत्री जो को इसका ज्ञान है ?

**Dr. K. L. Shrimall:** As far as I am aware, no complaint has been received.

**Shri Tangamani:** From the statement, we find that under the expansion programme, up to 1-4-1958, 45 new schools have been opened in Delhi. May I know how many schools are devoted for teaching of regional languages like Tamil, Telugu, Malayalam, etc.?

**Dr. K. L. Shrimall:** That information is not available with me at the present moment.

**Shri Tangamani:** Is there any school devoted to this at present?

**Shri Heda:** What about the position of children who are desirous of joining the montessori schools? May I know whether they are able to get admission?

**Dr. K. L. Shrimali:** The Government takes responsibility only for the age group between 6 and 14. The Government has not taken responsibility for children of the pre-school age.

**श्री भक्त बर्षन :** पिछली बार माननीय मंत्री जी ने बतलाया था कि लगभग छठ हजार छात्रों को दिल्ली के विद्यालयों में प्रवेश नहीं मिल पाया। मैं जानना चाहता हूँ कि जो नई व्यवस्था की गई है या माननीय मंत्री जी को विश्वास है कि उसके अनुसार एक भी छात्र बगैर प्रवेश पाये नहीं रहेगा।

**डा० का० ला० भीमाली :** पिछली बार भी ८००० नहीं करीब १७००० छात्रों को प्रवेश दिया गया था और तब तक मुझे मालूम है एक भी छात्र ऐसा नहीं था कि जिसको एडमिशन न दिया गया हो। हमने एक कमेटी विचार्य थी और उसने पूरी तरह से कोशिश की कि जितने स्कूल गौइंग एज के विद्यार्थी हैं उनको पूरी तरह प्रवेश दिया जाये और उस प्रकार का प्रबन्ध इस वर्ष भी किया गया है और कोई भी छात्र ऐसा नहीं रहेगा जिसको दाखिला न मिल सके।

**Mr. Speaker:** Next question.

**Shri M. L. Dwivedi:** Just one question, Sir.

**Mr. Speaker:** How many supplementaries am I to allow on a small question like this?

**Shri M. L. Dwivedi:** This is a very important question.

**Mr. Speaker:** Here is Mr. Naval Prabhakar from Delhi. I have allowed him; I have allowed the sponsor of the question. If I allow another person from Cape Comorin and a third person from Bihar—on every question, every hon. Member can put supplementary questions—how am I get through the questions? Next question.

**Mineral Wealth of Andhra Pradesh**

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\*1880. { **Shri R. L. Reddy:**  
**Shri N. R. Munisamy:**

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

reply given to Unstarred Question No. 186 on the 13th February, 1958 and state:

(a) whether Government have examined the recommendations made in the bulletin of the 18th January, 1958 of Andhra Pradesh Government on the mineral wealth of the State; and

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

**The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha):** (a) and (b). Government of India have examined the bulletin "Mineral Wealth of Andhra Pradesh". The bulletin only gives brief descriptions of some of the mineral occurrences in the State but makes no specific recommendations.

**Shri R. L. Reddy:** What about copper wealth in Andhra Pradesh?

**Shri Gajendra Prasad Sinha:** About copper wealth in Andhra, as a matter of fact, the matter is still being investigated.

**Teachers in Kerala**

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\*1881 { **Shri Vasudevan Nair:**  
**Shri Maniyanadan:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Kerala Government has submitted any proposal for the extension of the scheme of Central assistance to the State for increasing emoluments of low paid employees to cover cases of Private Upper Primary and Private Secondary School teachers;

(b) if so, when the proposal was submitted;

(c) whether the Central Government has taken any decision on it; and

(d) if so, the nature of decision?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) Yes, Sir.



(b) In September, 1957.

(c) and (d). The Government of India have not been able to accept the proposal which involved an extension of the scheme of assistance as applied to low paid employees of all State Governments to cover cases of Private Upper Primary and Secondary School teachers.

**Shri Vasudevan Nair:** It seems there is a misunderstanding about my question. I was asking about the special allowance which was given to low-paid employees, including teachers, in Kerala State in 1956. At that time, the private secondary school teachers alone were left out. My question was about that problem. I wanted to know whether any decision has been taken about that question. The primary school and secondary school teachers were given Rs. 5 and Rs. 7 respectively in 1956 during the President's rule. At that time the private school teachers were left out.

**Shri B. R. Bhagat:** The question, as it is framed, does not include that. That seems to be a separate scheme. I understand that such a scheme is being operated by the Education Ministry and that State has received some assistance towards that scheme. But for detailed information in the matter, the hon. Member may put a question addressed to the Education Ministry.

**Shri Vasudevan Nair:** I did put a question about that. Perhaps, Shri Maniyangadan's question was slightly different. I really wanted information on that specific question, not on this general question.

**Shri B. R. Bhagat:** We have given answer to the question as it is put.

**Mr. Speaker:** Shri Vasudevan Nair will be given another opportunity.

**Shri Tangamani:** May I know whether the benefits are now being extended to the private school teachers also?

**Shri B. R. Bhagat:** As I said, if the hon. Member means the scheme that is being operated by the Education Ministry, they have submitted some schemes even for private primary and secondary school teachers and they have received some assistance from the Education Ministry. But, as regards detailed information, a separate question has to be put to the Education Ministry.

### Educational Survey

\*1882. **Shri Ram Krishan:** Will the Minister of Education be pleased to state:

(a) whether the field work on the Educational Survey of India has been completed;

(b) if so, whether the final report has been prepared; and

(c) when it will be published?

**The Minister of Education (Dr. K. L. Shrimall):** (a) The field work has been completed in Andhra Pradesh, Assam, Bihar, Bombay, Jammu and Kashmir, Kerala, Madras, Mysore and Rajasthan but not in the remaining States.

(b) The final report can be prepared only after the work is completed in all the States.

(c) It will be published as soon as the work is completed.

**Shri Ram Krishan:** May I know whether any report of the work has been received from the State of Punjab?

**Dr. K. L. Shrimall:** I have already mentioned the names of the States which have completed the survey work. Obviously, the States which I have not mentioned in my reply have not completed their work.

**श्री भक्त वरुण :** क्या मैं जान सकता हूँ कि यह जो सर्वेक्षण किया जा रहा है, उसका उद्देश्य क्या है और वह कब तक पूरा हो जायगा ?

**डा० का० ला० बीमाली :** इस का उद्देश्य यह है कि हम को यह मालूम हो जाये कि सारे देश में किन किन बस्तियों में स्कूल हैं और किन किन बस्तियों में स्कूलों की आवश्यकता है और कांस्टीच्यूशन में जो फ्री कम्पलसरी एजुकेशन देने के बारे में जो बायरेक्टिव है, उसको लागू करने में इस सबसे से सहायता मिलेगी ।

**Shri Liladhar Kotaki:** The hon. Minister has just now mentioned the names of the States from which reports have so far been received. May I know whether Government has taken any steps to provide education in those States from which reports have already been received?

**Dr. K. L. Shrimall:** At present, we are conducting an all India survey. As I said, the field work has been completed in some States. Now, when the field work has been completed in all the States, then all those reports will be compiled and an all India survey report will be published. It is only after that it will be possible to work out the schemes in different States. In the meanwhile, we have also written to the State Governments that while the survey is being carried on and as and when they receive reports from the various districts, they might continue to implement the scheme.

**श्री नवल प्रभाकर :** क्या केन्द्र-प्रशासित क्षेत्रों में यह सर्वेक्षण पूरा हो गया है ?

**डा० का० ला० बीमाली :** जिन में पूरा हो गया है, उस का चित्र तो मैंने कर दिया है ।

#### **Air-lifting of Commodities**

\*1884. **Shri Bangshi Thakur:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that due to some difficulty in bringing goods including essential commodities via Pakistan to Tripura some portions of the required commodities are being air-lifted; and

(b) if so, its effect on selling price of such commodities?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) Yes. Some quantities of essential commodities like Sugar, Salt, Pulses, Flour and Suji are being air-lifted to Tripura.

(b) As the air-lift is being subsidised, there is no material change in the selling price.

**Shri Bangshi Thakur:** In view of the great transport difficulty that exists in Tripura, may I know whether Government have examined the question of more air frequencies to Tripura for both imports and exports facilities with reduced freight charges; if so, with what result?

**Shri Datar:** In any case, Government have taken this step with a view to allow the price to be stabilised. In case further air-lifting or any further increase is necessary, Government will consider that question.

**Shri Bangshi Thakur:** In view of the fact that about three lakh maunds of jute are still lying in Agartala godowns belonging to the jute merchants of Tripura and in view also of the fact that the next crop is coming in the market in the month of July 1958, what steps are the Government taking to remove the transport difficulties?

**Shri Datar:** That is a larger question uncovered by the present one.

**Shri Kasliwal:** May I know since when this air-lifting has been undertaken?

**Shri Datar:** I have got the figures for the last four months.

**Shri Dasaratha Deb:** What is the rate charged per pound for air-lifting?

**Shri Datar:** So far as the charges are concerned, Government bear all the charges. Government see that each article is sold at proper and reasonable prices in all the fair-price shops.

**Shri Dasaratha Deb:** My question has not been answered. What is the rate charged per pound for air-lifting from Calcutta to Agartala.

**Shri Datar:** I have not got the figures. We subsidise the rates and the Government have to bear the additional charges.

# Board of Enquiry regarding Mundhra Deal

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\*1885. { **Shri S. M. Banerjee:**  
**Shri Tangamani:**  
**Shrimati Parvathi Krishnan:**

Will the Minister of Finance be pleased to state:

(a) whether a Board of Enquiry has been set up to investigate into against officers responsible for putting through the transactions relating to purchases of shares of Mundhra concerns by the Life Insurance Corporation;

(b) if so, the terms of reference of the Board; and

(c) the date by which the enquiry is likely to be concluded?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** (a) As the House are aware, the Board of Enquiry will consist of the Hon'ble Mr. Justice Vivian Bose, Shri Sukumar Sen and Shri W. R. S. Sathianadhan. Under the rules this Board of Enquiry can be formally set up only after the written statements of the various officers have been received. The written replies have now been received and the Enquiry Board will be formally constituted soon.

(b) and (c). The questions do not arise.

**Shri S. M. Banerjee:** May I know whether the proceedings of this Board of Inquiry will be open to the press, as in the case of the Chagla Commission?

**Shri B. R. Bhagat:** No, it will be an enquiry held in camera.

**Shri S. M. Banerjee:** May I know the procedure regarding the supply of documents and papers to the Board? Is it a fact that the entire work has been entrusted to the Finance Department officials?

**Shri B. R. Bhagat:** I could not follow the question.

**Mr. Speaker:** So far as the collection of materials, evidence and other things that have to be placed before the Inquiry Commission are concerned, will it be entrusted to the officials of the Finance Department?

**Shri B. R. Bhagat:** The officers have submitted their replies and those documents are in the Finance Ministry. Now they are considering them. They will submit the whole thing to the Board which is constituted.

**Shri Joachim Alva:** Government may recall that the proceedings against Shri Venkatraman, a former I.C.S. officer, were conducted by the ex-Chief Justice of the Calcutta High Court, Sir Trevor Harris.

**An Hon. Member:** Late Chief Justice?

**Shri Joachim Alva:** Yes, late Chief Justice. When it was presided over by Mr. Justice Trevor Harris, they were all public proceedings and he was defended by one of the members of this House. Will Government apply this analogy in this case also?

**Mr. Speaker:** The hon. Member wants to know why a different procedure is adopted now. In the case of one public servant, the proceedings were open and the witnesses were cross-examined. Why is there a deviation in this case?

**The Minister of Finance (Shri Morarji Desai):** That was a criminal case, whereas this is a departmental inquiry. Therefore, the nature of the inquiry is quite different. It also depends on the Inquiry Commission.

**Shri Tangamani:** May I know whether the Board of Inquiry headed by Mr. Justice Vivian Bose has to start investigation on materials that are

supplied by the Finance Department or any other Department, which will help the Board to arrive at a certain decision? I am raising this question, because the same thing was referred to by Mr. Justice Chagla—that he was himself forced to do the investigation. I would like to know whether the investigation is being helped by the Department and the Board is to arrive at a decision on a particular point or the Board itself has to conduct the investigation.

**Shri Morarji Desai:** The Board will be helped by Government for investigation in this matter.

**Shrimati Parvathi Krishnan:** Is it only Mr. Patel, Mr. Vaidyanathan and Mr. Kamath who are under enquiry or whether there are other officers also who are under enquiry?

**Shri Morarji Desai:** Not at present unless something turns up in the enquiry.

**Dr. Ram Subhag Singh:** May I know whether the officers of the L.I.C., who do not belong to the regular service, will also be covered by this Board of Enquiry or a separate Board of Enquiry will be set up to conduct into their cases?

**Shri Morarji Desai:** The question is only of Mr. Vaidyanathan. In that case the L.I.C. has entrusted the enquiry to the same board. It has been entrusted by them and not by the Government.

**Shri Feroze Gandhi:** May I know whether the material collected by the Police, which has come into their possession after the Chagla Commission's enquiry concluded, will be placed before this Board of Enquiry?

**Shri Morarji Desai:** That is the intention.

**Shri Achar:** Have specific charges been framed? If so, what are they?

**Shri B. R. Bhagat:** The charges were framed and they have replied to them. Now they are under examination. On the basis of their reply

the question as to whether to hold the charges and submit them to the Board or to drop any of the facts that have not been substantiated and submit the rest to the Board is under examination.

**Shri Achar:** My question was: "What are the charges?"

**Shri Morarji Desai:** The charges are not before me. So I cannot supply them. I can supply them later on to the hon. Member.

**Shri Sinhasan Singh:** This enquiry was instituted under a Resolution of the Parliament. How has it become a departmental enquiry when a Judge of the Supreme Court is conducting it? Parliament discussed it and the enquiry was instituted after Parliament decided to go into it and make an enquiry.

**Shri Morarji Desai:** There is a misunderstanding.

**Shri Sinhasan Singh:** How is it that it has become a departmental enquiry?

**Mr. Speaker:** The hon. Member has already asked the question. He is now repeating it. Let him wait for an answer.

**Shri Morarji Desai:** There is some misunderstanding in the mind of the hon. Member. It is not as a result of a Resolution of the Parliament that the enquiry is being made. This enquiry is in accordance with the undertaking given by Government that we will make proper enquiries into the conduct of the officers about whom remarks have been passed by the Chagla Commission. Therefore these are departmental enquiries held against the officers concerned.

**Shri Sinhasan Singh:** Is it not a fact that the hon. Finance Minister moved a Resolution here and that Resolution said that an enquiry will be held into the conduct of the officers concerned as observed by the Chagla Commission? That Resolution was adopted and passed by Parliament. Now how is it that it has become a departmental enquiry? I do not understand that.

**Shri Morarji Desai:** Parliament approved the action of the Government. That was the effect of the Resolution.

**Shrimati Parvathi Krishnan:** The hon. Deputy Minister said that charges have been framed, their statements have been called for and after the examination of their statements maybe that some of the charges will be dropped. Does that mean that the committee that has been set up to enquire into the matter will have no say in the matter as to what the charges will have to be or will they be given a statement that they can re-open some of these issues?

**Shri Morarji Desai:** Everything will be given to the Board of Enquiry.

**Shri S. M. Banerjee:** What the hon. Deputy Minister has said means clearly that this departmental enquiry will not take the Parliament or people in general into confidence. But, as it is mentioned clearly that this enquiry is the off-shoot of the Chagla Commission, may I know whether this House will be taken into confidence or not?

**Shri Morarji Desai:** The House will be informed of the result of the enquiry.

**Shri S. M. Banerjee:** At what stage?

**Shri Morarji Desai:** When it has ended.

#### **Indo-German Economic Collaboration**

\*1887. **Shri Damani:** Will the Minister of Finance be pleased to state whether it is a fact that the Governor of Reserve Bank of India is likely to go to West Germany to discuss the possibility of further economic collaboration between West Germany and India?

**The Deputy Minister of Finance (Shri B. R. Bhagat):** In keeping with the normal practice in the Reserve Bank, according to which its senior staff visit foreign countries periodically to acquaint themselves with financial and banking conditions in important countries abroad, the Governor of the Reserve Bank of India

left India early in April on a visit to certain European countries including West Germany.

**Shri C. D. Pande:** When such officers are deputed to foreign countries, particularly to West Germany, are they also instructed to look into the economic policy of the Government by which they have prospered so much within such a short time?

**The Minister of Finance (Shri Morarji Desai):** Everything is being looked into by them.

**Shri C. D. Pande:** Do they only look into the credit survey or into the economic system also prevailing there?

**Shri Morarji Desai:** That is what they certainly incidentally do.

**Shri Hem Barua:** In view of the fact that the Indian rupee is gladly accepted in Asia and East European countries, may I know if it is going to be suggested to the West German Government that payment for goods is to be accepted by them also in Indian rupees?

**Mr. Speaker:** As to what are all the points that are going to be discussed, shall we have a discussion now in Question Hour? Whenever any delegation is sent, the delegation will be sent with certain instructions. If hon. Members like to add to those instructions and give further suggestions, they may write to the hon. Minister. How can we go on discussing here in respect of each item as to what are the steps that are going to be taken, whether it is included or not? Shall I allow all these questions?

**Shri Hem Barua:** This is a question about the payment for the goods that we have from West Germany in Indian rupees and therefore it is suggested that we suggest to the West German Government to accept payment in Indian rupees.

**Mr. Speaker:** My point is quite different. My point is that if a delegation is sent from here to negotiate trade or other business deals with another country, shall we allow during the

**Question Hour:** discussion of the details merely because a question is asked whether a trade delegation is going to a particular country. What are the instructions and what is the brief that the Government have given to the delegation are very relevant, but they are not relevant at this stage.

**Shri T. K. Chaudhuri:** There is a certain amount of misunderstanding, it seems. The hon. Deputy Minister says that officials and senior staff of the Reserve Bank go abroad to acquaint themselves with the economic situation there. The question here is whether the Governor of the Reserve Bank is likely to discuss the possibility of further economic collaboration between West Germany and India. We have not got any answer to that.

**Shri Morarji Desai:** When he has gone on tour according to the Reserve Bank's practice, he will certainly discuss the various things which come up.

**Shri Hem Barua:** So far as economic collaboration is concerned, the question of payments comes in.

**Shri Morarji Desai:** Everything will be considered.

**Mr. Speaker:** Whatever is to be included according to the hon. Member will also be considered by the hon. Minister.

Hon. Members, I am afraid, even after the changed circumstances since 1947, are carrying on in the old way. I do not know if hon. Members were here before 1947. Most of them were not here, but I was here then. We had to quarrel with the Government every day by bringing up adjournment motions, by tearing away the papers in their face, etc. All that had to be done during that period. But, today hon. Members have certainly got their sovereign body, the masses. They can appeal to them. They can go to the hon. Ministers and offer their suggestions. They can write to them. As the ultimate resort they can come to this House. Certainly, this House is not only for one Party or two Parties. It is for all the Parties and

for the country as a whole. If any grievance has to be redressed, we will certainly take up the matter. But before that let them not feel that the hon. Ministers come from one Party. Once they are elected and hold office, they have to discharge their duties on behalf of the whole community and the country. Therefore, let hon. Members not forget that. If they do not get redress, I will certainly allow any number of questions about that particular matter.

I know, so far as Shri Tangamani is concerned, he had intervened and put a question the day before yesterday as to whether money has not been given to run one Madras High School and stated that there was a chance of its closure. The Headmaster came to me weeping and saying as to why he is creating an impression of this kind. They were not short of funds and were having sufficient money. It is likely to create a wrong impression. So, before hon. Members ask a question let them make sure as to what they ask. Shri Tangamani had no other intention than to get more money for the Madras School here because he comes from the State of Madras. But, he said, "It has an adverse effect: people are asking me whether I am going to close the school for want of money". Whatever is intended in the right manner, even before the Government ask for money or support, hon. Members here are more anxious than the local Governments and ask them, "Why have you not taken such and such a step?" Governments are afraid: "Is it a fact that we are not taking steps? Actually it is against us". I request hon. Members to make sure and exhaust all remedies and if they do not get the correct information or there is doubt, ask the House. Otherwise, they ought not to go on imagining certain things and put questions which will have an adverse effect.

**Shri Tangamani:** Because my name has been mentioned, I would like to clear it. The Secretary of that school also had come and approached me and I had also spoken to the Chief Minister of Madras. In this particular

school, for the building also, Rs. 100,000 has been lent by the Government of Madras. The school wants to expand. In other cases, we find in Delhi, new schools are being built. For the purpose of expanding the school, money has got to come. They have also approached this Government and money has not come. Even today, unless money is raised either from amongst the M.P.s. or from the people of the south, that expansion programme is not possible.

**Mr. Speaker:** I agree.

**Shri Tangamani:** Besides, they do want vacant sites in one or two places. They have approached the Government also. I am really sorry, I did not table questions without instructions from them.

**Mr. Speaker:** Nobody misunderstands Shri Tangamani's intention. He intended that more money should be given and a plot ought to be given for expanding the school. But, the adverse effect is that on account of the impression that the school is likely to be closed for want of funds, children are not being sent. The school authorities feel, "Shall we make arrangements for the next school year"? Parents feel, "What is to happen if it is going to be closed in the middle"? These impressions were not expected, and are therefore adverse. Before a question is tabled or a supplementary is asked, hon. Members will weigh the pros and cons. I am sure they are doing it. They will have to be a little more cautious.

**Shri Tangamani:** All this is likely to create an adverse impression.

**Mr. Speaker:** The whole thing will be reported.

**Shri Hem Barua:** Since we are not imitating what you did, tearing papers and throwing them etc. don't we deserve a few words of praise?

**Mr. Speaker:** Yes. Shri Hem Barua deserves all praise. Next question.

### **Lands acquired for Gummidipundi Ammunition Depot**

\*1958. **Shri R. L. Reddy:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that there is a proposal to release the lands that were taken for the Ammunition Depot at Gummidipundi;

(b) if so, when;

(c) if not, whether Government propose to give compensation to the concerned ryots; and

(d) if so, the amount of compensation to be paid per acre?

**The Parliamentary Secretary to the Minister of Defence (Shri Fatesingh-rao Gawkwad):** (a) Yes.

(b) A firm date by which the lands can be released cannot be given at this stage, but it is likely that the lands may be released in 2 to 4 years' time as and when the material/units located on them are shifted to alternative sites.

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

**Shri R. L. Reddy:** What is the amount that is being given as lease yearly?

**Shri Fatesingh-rao Gawkwad:** We have not got the figures.

**Shri S. M. Bamerjee:** From the statement it appears that the land is going to be released. May I know whether the Ammunition Depot at Gummidipundi is being closed down?

**Shri Fatesingh-rao Gawkwad:** Naturally.

**Shri S. M. Bamerjee:** What will be the fate of the workers? It may be natural. The question that arises is a very serious matter. If the depot is closed, this will affect the employment position. What is the proposal? Why is it being closed down?

**Mr. Speaker:** The question relates to release of lands that were taken for the Ammunition depot, the compensation to the ryots and the amount of compensation. The hon. Member will put down a question separately. This does not arise straightaway from this question.

### Free Legal Aid to the Poor

\*1889. **Shri Vasudevan Nair:** Will the Minister of Law be pleased to refer to the reply given to Starred Question No. 769 on the 4th December, 1957 and state:

(a) whether any of the State Governments have since evolved any scheme for giving free legal aid to the poor; and

(b) if so, the names of those States?

**The Deputy Minister of Law (Shri Hajarnavis):** (a) The Government of India has not since received any scheme for legal aid to the poor from any other State.

(b) Does not arise.

**Shri Vasudevan Nair:** Some time in July 1957, I remember the hon. Deputy Minister replied to a question that he is trying to collect information from the States and has asked the States to have some such scheme. May I know whether the Central Government has done that and, if so, whether they have not received any reply from any State Government?

**Shri Hajarnavis:** The State Governments have not sent any scheme so far.

**Shri Vasudevan Nair:** Am I to understand that the Government of India has no information about the fact that the Government of Kerala has evolved such a scheme and the Government has promised 50 per cent. help for them?

**Shri Hajarnavis:** That question was already replied to in the previous answer to a previous question No. 769. We had stated there that it was re-

ported in the conference that the Governments of Kerala and Bombay have already formulated a scheme. I have nothing to add to that answer.

**Shri Muhammed Elias:** May I know whether the Government is thinking of preparing such a scheme for the workers who have been discharged by the employers to defend their case in the Tribunal and the Supreme Court?

**Shri Hajarnavis:** So far as the question of legal aid is concerned, the primary responsibility is that of the States.

**Shri T. K. Chaudhuri:** Even if the Kerala Government has not cared to inform this Government, may I know what is the scheme that they have formulated?

**Shri Hajarnavis:** We have indicated in the previous answer that the scheme of the Kerala Government was before us and it was referred to in the previous answer.

**Shri Tangamani:** In reply to the original question, the hon. Deputy Minister stated that no Government has sent a scheme. On 13.11.57, in reply to Starred question No. 124, a statement was laid about the various decisions taken by the State Law Ministers' conference on 18th and 19th September, 1957. Item 7 there clearly shows the five items about how legal aid to the poor has to be given. I would like to know whether the two Governments have submitted schemes or whether the Government is aware of the scheme of these two Governments on the basis of these five items given there?

**Shri Hajarnavis:** My answer today was that the Government of India has not since received any scheme. Because the question referred to the previous question No. 769, we said that since that question was answered, no further information has been received.



**Shri Tangamani:** Originally itself, each State has to formulate a scheme. If such a scheme is formulated, I would like to know whether the Government is aware of such a scheme.

**Shri Hajarnavis:** Yes. The Government are aware of the scheme framed by the State of Kerala.

**Shri Panigrahi:** May I know whether any grant has been made to any social welfare organisation for providing legal aid to the poor?

**Shri Hajarnavis:** So far as the Central Government is concerned, they have not given any.

### Exploitation of Salem Iron Ore

\*1890. **Shri Sampath:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 890 on the 29th November, 1957 and state:

(a) whether the feasibility of exploiting iron ore deposits in Salem District of Madras State has since been examined; and

(b) if so, the results thereof?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) and (b). The examination has not yet been undertaken, as priority had to be given to Orissa. The deposits are reported to be low grade, for which there is a very little market at the moment.

**Shri Sampath:** In view of the fact that experience in Germany had shown that even with low iron content in the ores, a steel plant can be established and worked successfully with low shaft furnaces, will the Government consider the feasibility of establishing a steel plant in Salem district?

**Shri K. D. Malaviya:** A point scheme is just now being worked out in our Metallurgical Institute at Jamshedpur. We hope that as soon as we get the exact processes worked out here in this Metallurgical Institute, we

shall try to utilise the non-coking coal to use this low grade content of iron ore.

**Shri Ramanathan Chettiar:** In view of the inordinate delay in getting the report from the Metallurgical Institute, what steps the Government will take to expedite the process of getting the report as early as possible?

**Shri K. D. Malaviya:** The machinery and equipment for setting up the pilot plant have already reached India. It is expected that the experiment will commence soon.

**Shri Tangamani:** May I know when the pilot plant will be set up; at what time this year or next year it will be set up?

**Shri K. D. Malaviya:** The machinery has arrived in India and it is perhaps on its way to Jamshedpur. It will be set up very soon.

### Training of Nepalese in India

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\*1891. { **Shri Bhogji Bhal:**  
**Shri Rameshwar Tantia:**

Will the Minister of Finance be pleased to state whether it is a fact that Government have agreed to give facilities for training to Nepalese engineers, doctors, and scientists required by that country for their First Five Year Plan?

**The Deputy Minister of Economic Affairs (Shrimati Tarkeshwari Sinha):** Government of India provides technical assistance, which includes training facilities in the fields of engineering, medical and science etc., to the Government of Nepal under the Technical Cooperation Scheme of Colombo Plan.

श्री भोगजी भाई : हम में कितना सहायता करेगा और नेपाल सरकार में कितना योगदान ?

श्रीमती तारकेश्वरी सिन्हा : नेपाल सरकार से मांगने का इसमें कोई सवाल नहीं है क्योंकि इस स्कीम के अन्दर सरकार ने सन् १९५२ में १ करोड़ रुपया प्लेस किया था कि कोलम्बो प्लेन के सभी देशों के साथ टेक्निकल कोऑपरेशन स्कीम में अन्दर कुल १ करोड़ रुपया खर्च किया जायगा, और इसलिये इस स्कीम के मुताबिक अभी तक सरकार २५ लाख, ८० हजार और ४०८ रु० खर्च कर चुकी है।

**Shri Rameshwar Tantia:** May I know whether it is a fact that certain other countries are taking keen interest in helping the implementation of Nepal's First Five Year Plan, and whether we are aware of the political reasons behind it?

**Shrimati Tarkeshwari Sinha:** I do not know whether that arises out of this question.

**Mr. Speaker:** It does not arise.

**Shri Joachim Alva:** Has Government seen the report this morning in the papers of the statement made by Dr. K. I. Singh, a former Prime Minister of Nepal—I am coming to the second part of my question—that “propaganda in favour of Pakistan as against India was being made in Nepal by the American Mission”? I want to know from the Government whether they are effectively, immediately and extensively helping Nepal in the matter of training engineers and fulfilling our target of Rs. 1 crore.

**Shrimati Tarkeshwari Sinha:** It does not arise out of this question, but I may inform the hon. Member that we are helping them with technical and other things under the Colombo Plan, and we are also giving other help to Nepal.

**Shri Panigrahi:** May I know the number of students from Nepal who are getting training in India under the Colombo Plan?

**Shrimati Tarkeshwari Sinha:** The total number is 580. Of that, 420 have already completed their training and 160 are undergoing training.

**Mr. Speaker:** 420 have completed their training (laughter). I think 420 is a mistake for 421. (laughter).

Ganja

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\*1892. { **Shri Rameshwar Tantia:**  
**Shri V. C. Shukla:**  
**Shri Panigrahi:**

Will the Minister of Finance be pleased to state:

(a) in which States complete use of Ganja has been prohibited;

(b) which are the States that have objected to the total prohibition of Ganja; and

(c) the reasons for the same?

**The Deputy Minister of Economic Affairs (Shrimati Tarkeshwari Sinha):** (a) Use of Ganja except for the manufacture of medicinal preparations has been prohibited in the States of Punjab, Jammu and Kashmir, in the Andhra area of Andhra Pradesh and Madras State as well as in the Union Territories of Delhi, Himachal Pradesh, Andaman and Nicobar Islands and Laccadive, Minicoy and Amindivi Islands.

(b) and (c). No State has objected to the total prohibition of Ganja as such, but the Governments of West Bengal, Bihar and Orissa have stated that it would be difficult to achieve prohibition of Ganja by March, 1959, unless means are found to make good the resultant loss of revenue.

**Shri Rameshwar Tantia:** Is it the Government's intention to help with more funds those States which have objected to the prohibition of ganja on monetary grounds?

**Shrimati Tarkeshwari Sinha:** No, Sir. The responsibility of finding additional funds to compensate for this loss is that of the States, and it has also been accepted by the Finance Commission. So, the Government of India is under no responsibility or obligation to meet that gap.

**Shri Ramanathan Chettiar:** May I know what will be the loss of revenue in respect of this?

**Shrimati Tarkeshwari Sinha:** The list is very long, but I shall give the figures for the main affected States, West Bengal, Bihar and Orissa who have objected to this. West Bengal and Bihar each are going to lose nearly Rs. 23 lakhs per year in the shape of excise duty. For Orissa it comes to Rs. 21 lakhs for 1955-56, Rs. 17,74,000 for 1956-57 and Rs. 15,89,000 for 1957-58.

**Shri Hem Barua:** May I know if Government are aware of the fact that there is large-scale smuggling of ganja and other narcotic drugs carried on at an inter-State level which has resulted in the seizure of about 20 maunds of ganja worth Rs. 1,80,000 in West Bengal and 34 maunds in Bihar worth Rs. 2,72,000—all within seven months, from April to October 1957? If so, may I know what steps Government have taken to stop this inter-State smuggling of ganja and other narcotic drugs so as to make the prohibition of Ganja a success?

**Shrimati Tarkeshwari Sinha:** Because of the different rules and regulations operating in different States about ganja and bhang, a certain amount of smuggling in ganja and bhang is bound to happen, but as it is a State subject, we can only advise and issue directives to implement it, but the hon. Member must know that it is the intention of the Government of India and it is also a directive principle to ban or prohibit completely the use of ganja and bhang in near future.

**Shri Hem Barua:** That I know, but at the same time I want to know whether any effective steps have been taken to prohibit it.

**Mr. Speaker:** Next question.

**Shrimati Tarkeshwari Sinha:** All anti-smuggling steps are taken.

**Mr. Speaker:** When I call the next question, even if a Member should go on asking, hon. Ministers need not answer.

ताबें के निक्षेप

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\*१८६३. { श्री भक्त दर्शन :  
श्री श्रीमा राम :

वया इस्पात, लान श्री ईश्वर मंत्री ४ अप्रैल, १९५६ के तारकित प्रश्न संख्या १९५० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि देश में ताबें के निक्षेपों की खोज और उन्हें निकालने के बारे में इस बीच क्या प्रगति हुई है ?

इस्पात, लान श्री ईश्वर मंत्री के सभा-सचिव (श्री गजेंद्र प्रसाद सिन्हा) : जानकारियों से युक्त विवरण पत्र सभा पटल पर रखा जाना है। [रिजिस्टर नरिजिस्ट्रिड व, प्रश्नसंख्या संख्या ३६]

श्री भक्त दर्शन : श्रीमन्, तांबा हमारे देश के उद्योगों के लिये इतना महत्वपूर्ण है कि हम विदेशों में कई करोड़ रुपये का तांबा प्रतिवर्ष आयात कर रहे हैं, मैं जानना चाहता हूँ कि दो वर्ष में अभी तक जांच पड़ताल ही हो रही है अतः इसका कार्य कब तक आरम्भ हो सकेगा ?

श्री गजेंद्र प्रसाद सिन्हा : माननीय सदस्य को यह पता है ही कि आदमियों की भी कमी है और पैसे की भी कमी है और इसलिये सरकार के लिये सारे देश भर में एक साथ तांबे का काम शुरू करना संभव नहीं है फिर भी काफी हिस्से में तांबे की

खनिज की खोज हो रही है और उसमें काफी हद तक सफलता भी मिली है।

श्री मदन दशैत श्रीमन्, दो वर्ष पहले माननीय मंत्री जी ने इस सदन में घोषणा की थी कि वह कम से कम कुछ खानों में खखी ही खुदाई का काम शुरू कर दंगे लेकिन जहां तक मुझे जानकारी है वह काम शुरू नहीं हुआ है, मैं जानना चाहता हूं कि इस सम्बन्ध में कब दृढ़ता से कदम उठाया जायगा ?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** I might state in this connection that even with the limited resources at our command, we are not sitting idle. Detailed prospecting work in Khetri and Daribo is going on, and so is the prospecting work at Singhbhum. All this detailed prospecting takes some time. According to our previous calculations we had planned to take about two to three years in detailed prospecting and thereupon to formulate our plan for exploitation of copper. We have now come to some detailed conclusions with regard to Khetri, Singhbhum and Bhutan and proposals are under consideration.

**Shri Basappa:** May I know whether the investigation so far carried on in respect of copper deposits in Chitaldrug District of Mysore State have borne any results, and if so, what are they?

**Shri K. D. Malaviya:** The detailed geological mapping of Ingaldhal, together with geo-chemical sampling of the copper-bearing area has been taken up and is being continued by the Geological Survey of India.

**Shri Kasliwal:** In the statement the Minister has been pleased to mention that the exploratory work and drilling are going on in Daribo as well as Khetri. May I know whether the quality and quantity of the copper have been assessed?

**Shri K. D. Malaviya:** Yes, Sir. The Khetri copper ore has been assessed. Quantitatively we have some satisfactory results, but qualitatively—so far as about 1,000 feet depth are concerned up to which we have drilled—it is not very good. Nevertheless, we are not disappointed and we hope the overall picture of Khetri copper is satisfactory.

श्री मदन दशैत : क्या माननीय मंत्री जी निम्नलिखित तौर से यह बताने की कृपा करेंगे कि जिन स्थानों में इस समय जांच पड़ताल हो रही है उनमें से भगते एक दो वर्षों में कहां कहां भाषा की जाती है कि पूरी तौर से खुदाई का काम शुरू हो सकेगा ?

श्री के० ड० मालवीय : जी हा, सरकार की यह कोशिश है कि खेत्तरी में इस योजना की प्रवधि के अन्त तक हम काम शुरू कर दें।

**Shri Viswanatha Reddy:** May I know whether it is a fact that the Indian Bureau of Mines is programming to drill for copper in the gani area of Andhra Pradesh and also in parts of Nellore District in Andhra State? I hear that scheme has been shelved. If that is so, may I know the reasons why it has been shelved, and if there is any possibility of taking up that drilling?

**Shri K. D. Malaviya:** I could not hear the former part of the question, but I do not think the scheme has been shelved so far as prospecting is concerned. As my colleague has already pointed out, we are really short of personnel here, and therefore, although exploration of copper ore is considered very, very important, we cannot divert all our energies to it alone. We are going ahead at one or two places, and as soon as we get some more information from some other sources, we may take that up also.

**Shri Viswanatha Reddy:** With particular reference to the gani area.

**Shri K. D. Malaviya:** I will require notice to answer this question.

### District Social Education Organisers

\*1894. **Shri Ram Krishna:** Will the Minister of Education be pleased to state:

(a) whether the scheme for training of District Social Education Organisers from various States at the National Fundamental Education Centre has been finalised; and

(b) if so, the main features thereof?

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

(b) Main features of the Scheme are as under:

(i) It is an inservice training course.

(ii) The duration of the course is five months.

(iii) The training course will cover all the core subjects under the comprehensive concept of Social Education and theory and practice of Social Education. There will be lectures, discussions, field work and production of specimen Social Education aids.

**Shri Ram Krishna:** May I know the total number of training centres to be opened during the current year under this scheme?

**Dr. K. L. Shrimall:** If the hon. Member is referring to the national fundamental education centre, only one centre is there where training will be given to the personnel. But, in the Plan, it is envisaged that in every district, we shall have a district social education organiser.

### Production of "Fokker" Aircrafts

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\*1895. { **Shri Bhogji Bhai:**  
**Shri Rameshwar Tantia:**

Will the Minister of Defence be pleased to state whether there is any proposal under consideration of Government to purchase or to produce "Fokker" aircrafts?

**The Parliamentary Secretary to the Minister of Defence (Shri Fatesingh-rao Gaekwad):** No, Sir.

**Shri Joachim Alva:** May I know whether this aircraft was flown to India and a demonstration given so that the Government of India may purchase it?

**Shri Fatesingh-rao Gaekwad:** Yes.

**Mr. Speaker:** The Question List is now over. We shall now take up the questions of those hon. Members who are absent.

**Shri Tangamani:** May I request that Q. No. 1886 standing in the name of Shri T. B. Vittal Rao may be answered?

**Shri C. D. Pande:** Q. No. 1878 also may be answered.

**Mr. Speaker:** As a special case, I shall allow Shri T. B. Vittal Rao's question to be answered. Why should those hon. Members not give at least authority to other hon. Members? Otherwise, it will mean that when they table a question, even if they are indifferent, this House must respect their indifference. Anyhow, I shall allow this as an exception.

### Southern Higher Technological Institute

\*1886. **Shri T. B. Vittal Rao:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 128 on the 13th February, 1956 and state:

(a) whether the site measuring 632 acres in Guindy, Madras, for the cons-

truction of the building for Southern Higher Technological Institute has since been acquired;

(b) if so, the amount paid; and

(c) what is the estimated cost of the proposed building?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). The State Government have offered this site free of cost and are taking necessary action to hand it over to us.

(c) The details have not yet been worked out.

**Shri Tangamani:** May I know whether this institute at Guindy and also the other institute at Kanpur will be completed during the Plan period?

**Shri Humayun Kabir:** We have every hope that it will start functioning fairly soon.

**Shri S. M. Banerjee:** Here again, it is a question of the acquisition of lands. The other day also, I had asked a question about Kanpur. That is the northern one, and this is the southern one. Land has not been acquired anywhere. The Minister may kindly tell us what the actual position about the land is.

**Shri Humayun Kabir:** As I have stated, 632 acres are being offered by the Madras Government. Of these, 200 acres are from the present Government House estate, and as for the rest also, the Government of Madras have reported that action has been taken to take over the site and hand it over to us.

## WRITTEN ANSWERS TO QUESTIONS

### Scholarships to Indians Abroad

\*1878. { **Shri Raghunath Singh:**  
**Shri Wodeyar:**

Will the Minister of Education be pleased to state the number of train-

ed Indians outside the country who received help or scholarships from Central Government during 1956-57 and 1957-58 and have not returned to India after being trained or are employed in foreign countries?

**The Minister of Education (Dr. K. L. Shrimall):** None, Sir.

### हिन्दी शब्दावली

\*१८७९. श्री क० मे० मालवीय :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने हिन्दी में शब्दों को अन्तिम रूप देने से पहले किसानों, कारीगरों, मिस्त्रियों और नाविकों आदि में प्रचलित विभिन्न शब्दों का संग्रह करने का प्रयत्न किया है ;

(ख) यदि हां, तो यह शब्दावली किन-किन क्षेत्रों से एकत्रित की गई है; और

(ग) भविष्य में सरकार इस दिशा में किम प्रकार कदम उठाना चाहती है ?

शिक्षा मंत्री (डा० का० ला० श्रीवास्ती) :

(क) जी, हां। कुछ हद तक।

(ख) दिल्ली राज्य और बांध प्रदेश (विशालापत्तनम)।

(ग) प्राप्त अनुभव के आधार पर, एक विस्तृत योजना बना ली गई है।

### Transport of Oil in Assam

\*1883. **Sardar Iqbal Singh:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1067 on the 12th December, 1957 and state:

(a) whether the International Petroleum Consultants of U.S.A. have since submitted any report to the Government; and

(b) if so, the details thereof?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) The project report of the consultants is expected by the end of May 1958.

(b) Does not arise.

### **Scheduled Castes and Scheduled Tribes**

**2868. Shri B. K. Galkwad:** Will the Minister of Home Affairs be pleased to state:

(a) the number of Class I, Class II (Gazetted) and (Non-Gazetted) and Class III (Non-Gazetted) posts, Ministry-wise, reserved for Scheduled Castes and Scheduled Tribes during the period 1952 to 1957;

(b) the number of Scheduled Castes and Scheduled Tribes candidates called for interview by the U.P.S.C. or the Ministry concerned for these posts during the period 1952 to 1957; and

(c) the number of Scheduled Castes and Scheduled Tribes candidates selected and appointed to the posts during the period 1952-57?

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

### **Dacoities in Delhi**

**2869. { Shri Pangarkar:  
Shri D. C. Sharma:**

Will the Minister of Home Affairs be pleased to state:

(a) how many dacoities took place during 1957-58 in Delhi State;

(b) in how many such cases fire arms were used;

(c) how many persons were killed in such cases; and

(d) the steps taken to check them?

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

|     | 1957 | 1958<br>up-to-date |
|-----|------|--------------------|
| (a) | 1    | 1                  |
| (b) | Nil  | Nil                |
| (c) | Nil  | Nil                |

(d) (i) A strict watch is kept on bad and dangerous characters.

(ii) Police patrolling is intensified in vulnerable areas.

(iii) Each case is thoroughly and speedily investigated.

### **Ellora Caves**

**2870. Shri Pangarkar:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the amount spent on the maintenance of Ellora Caves during 1957-58; and

(b) the amount proposed to be spent during 1958-59?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Rs. 18,341/-.

(b) Rs. 35,000/-.

### **Multi-purpose Schools, Rajasthan**

**2871. Shri Onkar Lal:** Will the Minister of Education be pleased to state the amount of grant sanctioned for multi-purpose schools in Rajasthan during 1957-58 district-wise?

**The Minister of Education (Dr. K. L. Shrimall):** Rs. 7,33,815/- for the entire State. District-wise information is being collected and will be laid on the Table of the Sabha in due course.

### **Central Acts**

**2872. Shri Ram Krishna:** Will the Minister of Law be pleased to state the number of Central Acts held *ultra vires* by different High Courts so far?

**The Minister of Law (Shri A. K. Sen):** The information is being collected and will be laid on the Table of the House as early as possible.

### Supreme Court

**2873. Shri Ram Krishna:** Will the Minister of Home Affairs be pleased to state:

(a) the number of appeals filed from decisions of High Courts in Supreme Court during 1957-58, High Court-wise;

(b) the number of cases decided during the same period; and

(c) the number of cases pending at the end of that period?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) A statement is laid on the Table of the Lok Sabha. [See appendix VIII, annexure No. 40.]

(b) 438 cases were decided by the Supreme Court during the year 1957-58.

(c) 1783 cases were pending on 31st March 1958.

### Development of Regional Languages in Bombay State

**2874. Shri Pangarkar:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the amount to be given as grants-in-aid during 1958-59 to Bombay State for the development of regional languages; and

(b) the heads on which it is to be used?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) The matter can be considered only after the Government of India's Scheme for the development of modern Indian languages has been finalised.

(b) Does not arise.

### Viswa Bharati

**2875. Shri R. Narayanasamy:** Will the Minister of Education be pleased to state whether any special steps have been taken to confer degrees on those who had been awarded diplomas prior to the reconstruction of the Viswa Bharati as a Central University?

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

### Avoidance of Double Taxation Treaty with U.S.A.

**2876. Shri Manabendra Shah:** Will the Minister of Finance be pleased to state whether Government has any proposal to enter into avoidance of double taxation treaty with the United States?

**The Minister of Finance (Shri Morarji Desai):** There are no definite proposals under consideration but there have been some preliminary talks.

### Divorces in Delhi

**2877. Shri B. C. Prodhan:** Will the Minister of Home Affairs be pleased to state:

(a) the number of divorce cases filed in the Delhi courts during the year 1956-57; and

(b) the number of such cases decided during the same period?

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

### Institutions under Ministry of Home Affairs

**2878. Shri Siddiah:** Will the Minister of Home Affairs be pleased to lay a statement showing:

(a) the names of the technical and educational institutions controlled by the Ministry of Home Affairs:



(b) how many students were studying in each institution in the year 1957-58;

(c) whether seats are reserved for Scheduled Castes and Scheduled Tribes in the above institutions; and

(d) if so, how many seats were reserved for each group and how many students were admitted into the above institutions in the year 1957-58?

**The Deputy Minister of Home Affairs (Shrimati Alva):** (a) The Ministry of Home Affairs do not control any technical or educational institutions. They only give grants to the State Governments for running a few such institutions.

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

#### **Welfare of Scheduled Castes and Backward Classes**

**2879. Shri Siddiah:** Will the Minister of Home Affairs be pleased to lay on the Table a statement showing:

(a) the names of centrally sponsored schemes proposed to be implemented during the Second Five Year Plan period for ameliorating the conditions of the Scheduled Castes and other Backward Classes;

(b) the targets fixed for each of the Schemes; and

(c) the amount to be expended on each of them?

**The Deputy Minister of Home Affairs (Shrimati Alva):** (a) to (c). A statement is laid on the Table of the House. [See appendix VIII, annexure No. 41.]

#### **Financial Assistance to West Bengal for Relief**

**2880. { Shri Subodh Hansda:  
Shri S. C. Samanta:**

Will the Minister of Finance be pleased to state:

(a) whether Government have given any loan or other financial

assistance to the State Government of West Bengal for taking up measures of relief and for granting loans and other financial assistance to the people in the drought-affected area in 1957-58; and

(b) if so, the amount thereof?

**The Minister of Finance (Shri Morarji Desai):** (a) and (b). Central assistance to State Governments in respect of expenditure on natural calamities is a continuing programme and payments during a particular year cover expenditure in previous years as well. The Government of India accordingly sanctioned a loan of Rs. 180 lakhs and a grant of Rs. 257.50 lakhs to the Government of West Bengal in 1957-58, of which Rs. 100 lakhs loan and Rs. 185 lakhs grant related to expenditure incurred during 1956-57. The bulk of the assistance was on relief to the people in the drought affected area and the rest on account of relief measures in areas affected by floods and cyclone.

#### **Cantonment Boards**

**2881. Shri Bhakt Darshan:** Will the Minister of Defence be pleased to refer to the reply given to Starred Question No. 1615 on the 9th September, 1957 and state:

(a) the names of the Cantonment Boards regarding which final decisions on the recommendations of the *ad hoc* committees were under consideration;

(b) whether a statement showing the recommendations of the relevant *ad hoc* committees and the decisions taken thereon would be laid on the Table;

(c) the reasons for delay in respect of other Cantonment Boards; and

(d) when the final decision in regard to them is likely to be taken?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Allahabad, Ambala, Ranikhet, Landsdowne.

(b) A statement showing briefly the recommendations of the *Ad Hoc* Committees and the decisions taken in respect of the four Cantonments, mentioned at (a) above, is placed on the Table. [See appendix VIII, annexure No. 42.]

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

### Pakistanis in Delhi

2882. { Shri D. C. Sharma:  
Shri Vajpayee:

Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Pakistani nationals arrested on account of their entering Delhi without passports or other necessary travelling documents since December, 1957, month-wise;

(b) whether any one of them is suspected of having a hand in the subversive activities against India; and

(c) if so, the steps taken in this regard?

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

|                       |    |   |
|-----------------------|----|---|
| (a) December, 1957    | .. | 4 |
| January, 1958         | .. | 4 |
| February, 1958        | .. | 6 |
| March, 1958           | .. | 2 |
| Till 24th April, 1958 | .. | 2 |

(b) No.

(c) Does not arise.

### Welfare of Scheduled Castes and Scheduled Tribes

2883. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the amount of grant placed at the disposal of the Government of Punjab for the welfare of the children of the Scheduled Tribes, Scheduled Castes and ex-Criminal Tribes during 1957-58; and

(b) the amount actually spent by the Government of Punjab during the same period?

The Deputy Minister of **Home Affairs** (Shrimati Alva): (a) Rs. 1.88 lakhs were given as grant-in-aid to the Government of Punjab during 1957-58 for the education of the children of Scheduled Tribes, Rs. 2.84 lakhs for the children of Scheduled Castes and Rs. 0.185 lakhs for the Ex-Criminal Tribes.

(b) The required information is being collected and will be laid on the Table of the House as soon as received.

### Welfare Extension Projects, Punjab

2884. { Shri D. C. Sharma:  
Shri Daljit Singh:

Will the Minister of **Education** be pleased to state:

(a) the number of Welfare Extension Projects allocated to Punjab State by the Central Social Welfare Board for the year 1957-58;

(b) the number that have started functioning; and

(c) the places of their location

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

(b) One.

(c) Jind.

### Sanchi Monuments

2885. Shri D. C. Sharma: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the amount spent on the maintenance of Sanchi monuments during 1957-58; and

(b) the amount proposed to be spent during 1958-59?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Rs. 5,980 upto 31st December, 1957.

(b) Rs. 45,000.

### Pakistanis in India

2856. { Shri D. C. Sharma;  
Shri Raghunath Singh:

Will the Minister of Home Affairs be pleased to state:

(a) the number of Pakistani nationals who crossed to India illegally during 1958, month-wise;

(b) the number of those who have refused to return to Pakistan; and

(c) the steps taken to send them back to Pakistan?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). Information is available only for the month of January, 1958. During that month, 1171 Pakistani nationals were found to have entered India illegally. Thirty-three of them have refused to return to Pakistan and action is being taken against them under the Foreigners Laws (Amendment) Act, 1957.

### हिमाचल प्रदेश में अनुसूचित जातियों तथा पिछड़े वर्गों का कल्याण

२८८७. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में वर्ष १९५७-५८ में अनुसूचित जातियों तथा पिछड़े वर्गों के कल्याण के लिये नियत राशि में से कितना व्यय किया गया ; और

(ख) कितना धन खर्च नहीं किया गया ?

गृह-कार्य उपमंत्री (श्रीवती बाल्वा) :

(क) और (ख). १९५७-५८ में हिमाचल प्रदेश को अनुसूचित जातियों के कल्याण के लिये ३.४० लाख रुपये और आदिम जातियों और चीनी और पानी क्षेत्रों के विकास के लिये ८.९६ लाख रुपये दिये गये थे।

खर्च की गई रकम के बारे में सूचना इकट्ठी की जा रही है और मिलते ही वह सभा-पटल पर रख दी जायेगी।

हिमाचल प्रदेश में अनुसूचित जाति के छात्र

२८८८. श्री पद्म देव : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५७-५८ में हिमाचल प्रदेश में अनुसूचित जातियों के कितने छात्रों को छात्रवृत्ति दी गई ;

(ख) इन छात्रवृत्तियों की कौन-कौन सी विभिन्न श्रणियां हैं; और

(ग) इनमें से कितनी छात्रवृत्तियां योग्यता के आधार पर दी गईं और कितनी पिछड़ेपन के कारण ?

शिक्षा मंत्री (डा० का० ला० श्री बाली) :

(क) से (ग). अपेक्षित सूचना हिमाचल प्रदेश प्रशासन से प्राप्त की जा रही है और यथा समय सभा-पटल पर रख दी जायेगी।

### हिमाचल प्रदेश में पुल

२८८९. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५७-५८ में हिमाचल प्रदेश में सरकार द्वारा कितने पुल बनाये गये ;

(ख) क्या यह सच है कि पञ्जर नदी पर रोड के पुल का निर्माण अब तक नहीं हुआ है; और

(ग) यदि हां, तो इसके क्या कारण हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री वातावर) : (क) दो ।

(ख) धीरे (ग). जो हां । अस्थायी रूप से एक जगह चुनी गई थी लेकिन स्थानीय लोगों में मतभेद होने के कारण काम शुरू नहीं किया जा सका । अब दूसरी जगह की जांच-पड़ताल की जा रही है ।

### विश्व-विद्यालय अनुदान आयोग

२८६०. { श्री राखेलाल व्यास :  
श्री राम कृष्ण :  
श्री स० म० बनर्जी :  
श्री तंगामणि :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि वर्ष १९५७-५८ में विश्वविद्यालय अनुदान आयोग द्वारा विभिन्न विश्वविद्यालयों के लिये कितनी-कितनी राशि मंजूर की गई ?

शिक्षा मंत्री (डा० का० ला० श्रीवास्तो) : प्रपेक्षित सूचना का विवरण सभा पटल पर रख दिया गया है [बेसिदे परिशिष्ट ८, अनुबन्ध संख्या ४३] ।

### Employment in Tripura

2891. **Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) the total number of new employments created under the Second Five Year Plan in 1957-58, in Tripura;

(b) the total number of new employments created outside the Second Five Year Plan by the Tripura Administration, in 1957-58;

(c) the total number of new employments created by the Relief and Rehabilitation Directorate of Tripura in 1957-58; and

(d) the number of these new employees recruited through the Employment Exchange of Tripura?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) 482.

(b) 835.

(c) 311.

(d) 144.

### I.A.S. Special Recruitment

2892. { **Shri D. C. Sharma:**  
**Shri Elayaperumal:**

Will the Minister of Home Affairs be pleased to state the number of officers (State-wise) belonging to the Scheduled Castes and Scheduled Tribes who have been considered eligible for promotion to the I.A.S. under the Special Recruitment Scheme?

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

|                |    |     |
|----------------|----|-----|
| Andhra Pradesh | .. | 2   |
| Assam          | .. | 7   |
| Bihar          | .. | 6   |
| Bombay         | .. | Nil |
| Kerala         | .. | Nil |
| Madhya Pradesh |    | 3   |
| Madras         | .. | 5   |
| Mysore         | .. | 8   |
| Orissa         | .. | 1   |
| Punjab         | .. | 2   |
| Rajasthan      | .. | Nil |
| Uttar Pradesh  | .. | Nil |
| West Bengal    | .. | 5   |

### Central Social Welfare Board

2893. **Sardar Iqbal Singh:** Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 1799 on the 17th December, 1957 and state the total amount spent during 1957-58 on the salaries and other allowances of the Chairman and the Members of the Central Social Welfare Board?

**The Minister of Education (Dr. K. L. Shrivastava):** Rs. 42,796-71 nP.

### Delhi and Ajmer Rent Control Act

2894. **Shrimati Sucheta Kripalani:** Will the Minister of Home Affairs be pleased to state:

(a) how many cases have been filed by the landlords in courts of law in Delhi under Section 13(e) of the Delhi and Ajmer Rent Control Act of 1952 since the enforcement of the Act

rol Act of 1952 since the enforcement of the Act; and

(b) in how many cases decrees have been passed in favour of the landlords?

**The Minister of Home Affairs (Pandit G. B. Pant):** (a) and (b). The information is given below:

|   | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 |
|---|------|------|------|------|------|------|
| Number of cases filed by the landlords in courts of law in Delhi under Section 13(e) of the Delhi and Ajmer Rent Control Act of 1952 since the enforcement of the Act | 490  | 590  | 665  | 787  | 941  | 805  |
| Number of cases in which decrees have been passed in favour of the landlords  | 297  | 363  | 398  | 491  | 521  | 348  |

### टोंक में गुप्त मार्ग

२८६५. **श्री महाश्विता :** क्या वैज्ञानिक गवेषणा तथा सांस्कृतिक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राजस्थान में टोंक जिले के टोंक शहर से लेकर निवाई कस्बे तक एक पुराना गुप्त मार्ग है ; और

(ख) यदि हां, तो क्या इस सम्बन्ध में कोई जांच की गई है अथवा करने का विचार है ?

**वैज्ञानिक गवेषणा तथा सांस्कृतिक कार्य-मंत्री (श्री हुमायूँ कबीर) :** (क) और (ख). जरूरी जानकारी एकत्रित की जा रही है और यथा समय सभा-पटल पर रख दी जायेगी ।

### Limestone Deposits in Punjab

2896. **Sardar Iqbal Singh:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 917 on the 9th December, 1957 and state the extent and magnitude of the limestone deposits in Kangra District?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** The limestone deposits in Kangra District are found in a straight narrow belt 10 miles long and 2 furlongs wide stretching from Kareri in the north-west to Kanhiara in the east. About the middle of this belt, 2½ miles due north of Dharamsala, are the Dharamkot and Ball hills which contain the only workable reserves of cement-grade limestone found in this area. The Dharamkot hill is estimated to contain about 15 million tons of easily quarriable pink limestone while the Ball hill about 1 million tons. The Dharamkot hills also contain about 1·6 million tons of dark grade limestone.

**इण्डियन स्कूल आफ माइन्स एण्ड एप्लाइड जिआलोजी, बनबाद**

3८६७. { श्री बी० प्र० सिंह :  
                  { श्री झूलन सिंह :

क्या वैज्ञानिक गवेषणा और सांस्कृतिक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बनबाद के इण्डियन स्कूल आफ माइन्स एण्ड एप्लाइड जिआलोजी

के आचार्य तथा निदेशक के पदों के लिये कोई विशेष योग्यतायें निर्धारित की गई हैं ;

(ख) क्या इन पदों पर काम करने वाले व्यक्तियों के पास ये योग्यतायें हैं ; और

(ग) यदि नहीं, तो इसका क्या कारण है ?

**बैज्ञानिक श्रवण और सांस्कृतिक कार्य-मंत्री (श्री हुमायूँ कबीर) :** भाग (क) से (ग), १९४८ में जब प्रिंसिपल की भरती की गई थी तो कुछ आवश्यक अनुभव और योग्यतायें निर्धारित की गई थीं । वर्तमान अधिकारी के पास वे सब योग्यतायें और अनुभव हैं ।

डायरेक्टर के पद के लिये खास तौर पर विशेष योग्यतायें निर्धारित नहीं की गईं । वर्तमान अधिकारी प्रसिद्ध जियालिजिस्ट हैं और अपने क्षेत्र में खूब अनुभवी हैं ।

### Monuments in Punjab

2898. **Shri Daljit Singh:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state the amount sanctioned for the protection and improvement of monuments in Punjab

by the Central Government during 1958-59?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** Final allocation of the amount to be spent during 1958-59 on the maintenance of the monuments of national importance in the various Circles of the Union Department of Archaeology has not yet been made.

### Census of Wealth

2899. { **Shri R. S. Arumugam:**  
**Shri Elayaperumal:**

Will the Minister of Finance be pleased to state the number of families in the country whose properties excluding agricultural properties are worth between Rs. 2 lakhs to 10 lakhs, 10 lakhs to 25 lakhs, 25 lakhs to 50 lakhs, 50 lakhs to 1 crore and above one crore category-wise and State-wise?

**The Minister of Finance (Shri Morarji Desai):** A rough estimate of number of families (Individuals and Hindu Undivided Families) whose wealth excluding agricultural properties, fall under the various categories is given below according to the charges of the Commissioners of Wealth-tax. As some of the Commissioners hold jurisdiction over more than one State, separate figures for some of the States are not readily available:—

| Commissioners' Charges               | Rs. 2 lakhs to 10 lakhs |      | Rs. 10 lakhs to 25 lakhs |      | Rs. 25 lakhs to 50 lakhs |      | Rs. 50 lakhs to 1 crore |      | Above 1 crore |      |
|--------------------------------------|-------------------------|------|--------------------------|------|--------------------------|------|-------------------------|------|---------------|------|
|                                      | Ind.                    | HUFs | Ind.                     | HUFs | Ind.                     | HUFs | Ind.                    | HUFs | Ind.          | HUFs |
| Bombay . . . . .                     | 8094                    | 614  | 481                      | 41   | 88                       | 16   | 29                      | 4    | 11            | ..   |
| West Bengal . . . . .                | 3467                    | 279  | 163                      | 34   | 31                       | 4    | 2                       | 2    | 4             | ..   |
| Punjab and Jammu & Kashmir . . . . . | 551                     | 154  | 16                       | 8    | 2                        | ..   | 2                       | ..   | ..            | ..   |
| Delhi and Rajasthan . . . . .        | 1206                    | 217  | 51                       | 6    | 6                        | ..   | 2                       | ..   | 1             | ..   |
| Uttar Pradesh . . . . .              | 523                     | 211  | 27                       | 3    | 9                        | ..   | 1                       | ..   | ..            | ..   |
| Bihar & Orissa . . . . .             | 375                     | 247  | 21                       | 9    | 2                        | ..   | ..                      | ..   | 1             | ..   |
| Assam . . . . .                      | 232                     | 95   | 5                        | 1    | 2                        | ..   | ..                      | ..   | ..            | ..   |

| Commissioners' Charges | Rs. 2 lakhs to 10 lakhs |      | Rs. 10 lakhs to 25 lakhs |     | Rs. 25 lakhs to 50 lakhs |    | Rs. 50 lakhs to 1 crore |    | Above 1 crore |    |
|------------------------|-------------------------|------|--------------------------|-----|--------------------------|----|-------------------------|----|---------------|----|
|                        | Ind. HUFs               |      | Ind. HUFs                |     | Ind. HUFs                |    | Ind. HUFs               |    | Ind. HUFs     |    |
| Madhya Pradesh .       | 481                     | 159  | 29                       | 14  | 3                        | 1  | 1                       | 3  | 1             | .. |
| Andhra Pradesh .       | 772                     | 233  | 47                       | 8   | 9                        | 2  | 3                       | 1  | 3             | .. |
| Mysore . . .           | 729                     | 193  | 19                       | 11  | 1                        | .. | ..                      | .. | ..            | .. |
| Madras . . .           | 1160                    | 280  | 35                       | 6   | 4                        | 5  | ..                      | .. | ..            | .. |
| Kerala . . .           | 454                     | 96   | 27                       | 5   | 3                        | 1  | ..                      | .. | 1             | .. |
| TOTAL .                | 18044                   | 2773 | 921                      | 146 | 169                      | 29 | 40                      | 10 | 22            | .. |

### निवृत्ति वेतन के मामले

२६००. { श्री जादीवाला :  
श्री क० भे० मालवीय :  
श्री बलजीत सिंह :  
श्री न० म० बेब :

क्या बिस्म मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकारी कर्मचारियों की सेवा निवृत्ति के पश्चात् उनका निवृत्ति वेतन के मामले निबटाने के लिये कितनी अवधि नियत की गई है ; और

(ख) निवृत्ति वेतन के कितने मामले छः महीने, एक साल, दो साल अथवा पांच साल से अधिक समय से विचाराधीन हैं ?

बिस्म मंत्री (श्री मोरारजी देसाई) :

(क) इससे लिये कोई अवधि निश्चित नहीं है ; पर पेंशन सम्बन्धी आवेदन-पत्रों को निबटाने वाले सभी अधिकारियों को इस बात का ध्यान रखने का आदेश दिया गया है कि जिस अफसर को जिस दिन से पेंशन मिलनी हो उसे वह उनी दिन से मिलने लगे । यदि किसी खास मामले में देर लगे बिना काम न हों तो अन्त में जितनी पेंशन निश्चित होने का अनुमान हो उसके हिसाब से अफसर को कुछ रकम दी जाने लगती है ताकि उसे कष्ट न हो ।

(ख) जो सूचना मांगी गई है वह प्राप्त नहीं है । सारे देश में केन्द्रीय सरकार के जितने दफ्तर हैं, उनसे यह सूचना प्राप्त करने में जितना समय और परिश्रम लगेगा उतना इससे लाभ नहीं होगा ।

### निवृत्ति वेतन

२६०१. { श्री जादीवाला :  
श्री क० भे० मालवीय :

क्या बिस्म मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार के कर्मचारियों को कम से कम कितना निवृत्ति वेतन मिल सकता है ;

(ख) क्या यह सच है कि सेवा-निवृत्ति सरकारी कर्मचारियों को दिये जाने वाले निवृत्ति वेतन की न्यूनतम सीमा निर्धारित की गई है जब कि निवृत्ति वेतन की अधिकतम सीमा नहीं निश्चित की गई है ; और

(ग) यह सीमा किन मिद्धान्तों पर आधारित है ?

बिस्म मंत्री (श्री मोरारजी देसाई) :

(क) केन्द्रीय सरकार के कर्मचारियों को कम से कम कितनी पेंशन दी जाये, इसके बारे में कोई निर्धारित नियम नहीं है ।

(ख) जी हां ।

(ग) यह निर्धारित कर दिया गया है कि पेंशन पाने के लिये पेंशन पाने की योग्यता प्रदान करने वाली अधिक से अधिक कितने वर्षों की सेवा होनी चाहिये और विहित नियम के अनुसार अधिक से अधिक कितनी पेंशन दी जानी चाहिये ।

आधारभूत नियम यह है कि पेंशन की योग्यता प्रदान करने वाली ३० वर्षों की सेवा के बाद कर्मचारी को अधिक से अधिक पेंशन दी जाये और यह अधिकतम पेंशन कर्मचारी की सेवा के अन्तिम तीन वर्षों में प्राप्त औसत उपलब्धियों की अधिक से अधिक १८०० रुपये मासिक रकम पर आधारित हो।

### University Grants Commission

2902. { Shri S. M. Banerjee:  
Shri Tangamani:

Will the Minister of Education be pleased to state:

(a) whether the question of a grant of Rs. 55 lakhs to Allahabad University is under consideration of the University Grants Commission; and

(b) if so, when a final decision will be taken?

**The Minister of Education (Dr. K. L. Shrivastava):** (a) No, Sir. In view of the special needs of the Allahabad University, the University Grants Commission have, however, agreed to give a grant of Rs. 10 lakhs to the University for construction of its library building.

(b) Does not arise.

### Life Insurance Corporation

2903. **Shri Damani:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Life Insurance Corporation of India

gets all the shares and securities held by it registered in its own name; and

(b) if so, what is the number of shares out of its total holdings that have been registered in its names?

**The Minister of Finance (Shri Morarji Desai):** (a) Yes, Sir.

(b) As on the 15th April, 1958, shares numbering 43,54,768, out of 50,74,375, purchased by the Corporation during the period from 1st September, 1956 to 31st December, 1957, have been registered in its name.

### Assistants for I.F.S. (B)

2904. **Shri Surendranath Dwivedy:** Will the Minister of Home Affairs be pleased to state:

(a) the number of permanent Assistants from Central Secretariat Service transferred to the Ministry of External Affairs on the formulation of Grade IV of Indian Foreign Service (B);

(b) the number of permanent Assistants of Grade IV of Central Secretariat Service and Regular Temporary Establishment who did not opt and those who were not taken in Grade IV of Indian Foreign Service (B); and

(c) whether this has reduced the number of permanent posts of Assistants in the C.S.S. to be filled by departmental promotion and competitive examinations?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) 91.

(b) The position is as under:—

|  | Permanent Assistants | R.T.E. Assistants |
|--|----------------------|-------------------|
| (i) Number of those who applied for appointment to I.F.S. (B)                        | 232                  | 28                |
| (ii) Number of those who were selected   | 184                  | 14                |
| (iii) Number of those who were not selected  | 48                   | 14                |
| (iv) Number of those who were selected but who did not eventually opt for I.F.S. (B) | 93                   | 3                 |

(c) No.



### Libraries in Punjab

2906. Shri Daljit Singh: Will the Minister of Education be pleased to state:

(a) whether any amount has been allocated for extension of libraries in Punjab during 1958-59;

(b) the number of libraries to be extended during this period; and

(c) the names of places where libraries are proposed to be extended?

The Minister of Education (Dr. K. L. Shrimall): (a) Rs. 3.82 lakhs to be shared by Central and State Governments on a 50 per cent. basis.

(b) and (c). The information is being collected and will be furnished in due course.

### Stenographers

2907. Shri Daljit Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that some stenographers are being given extensions after the age of 55 years;

(b) if so, the reasons therefor;

(c) whether Government have a proposal to re-employ some stenographers even after the age of 60 years; and

(d) how such extensions affect the employment of the candidates who qualify in the U.P.S.C. examinations?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). At present there is no stenographer on extension of service beyond the age of 55 years. However, one stenographer has been given re-employment for one year after that age on compassionate grounds.

(c) No.

(d) Does not arise.

### शिक्षा मंत्री का स्वेच्छा कोष

२६०८. { श्री भक्त वर्तन :  
श्री मेहराज मेनी :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) शिक्षा मंत्री महोदय के स्वेच्छा कोष में से १६५६-५७ और १६५७-५८ में भ्रम-भ्रम कितनी कितनी राशियाँ दी गई ;

(ख) इस कोष से उक्त वर्षों में किन-किन संस्थाओं को किस किस कार्य के लिये कितनी कितनी सहायता दी गई ; और

(ग) इन संस्थाओं को चुनते समय किन सिद्धान्तों व शर्तों का पालन किया गया ?

शिक्षा मंत्री (डा० का० ला० अ० माली):

(क) (i) ७८,००० रुपये ।

(ii) १,२८,६६४ रुपये ।

(ख) विवरण सभा-पटल पर रखा दिया गया है । [ देखिये परिशिष्ट ८, अनुबन्ध संख्या ४४ ]

(ग) अनुदानों की मंजूरी मुख्यतः मंत्री की इच्छा के अनुसार की जाती है ।

किन्तु इसका उद्देश्य शिक्षा और संस्कृति के क्षेत्र में उपयोगी और महत्वपूर्ण परीक्षण कार्य करने वाली ऐसी संस्थाओं, संगठनों और व्यक्तियों को वित्तीय सहायता देना है जो नियमित अनुदानों के पात्र नहीं हैं ।

### Libraries in Madras

2909. Shri Elayaperumal: Will the Minister of Education be pleased to state:

(a) whether the Central Social Welfare Board have sanctioned any grant to voluntary social welfare organisations for the libraries for children/women in Madras; and

(b) if so, how much has been allotted for this purpose in 1958-59?

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

(b) No subject-wise or state-wise allocation is made by the Central Social Welfare Board. The amount of grant depends upon the number of applications received and considered by the Board for grants during 1958-59.

**Extension of Service to Class I Officers**

2910. { Shri S. M. Banerjee:  
Shri Prabhat Kar:  
Shri Panigrahi:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Class I officers of the Central Secretariat Service are not granted extension beyond 55 years;

(b) if so, whether some officers have been granted extension; and

(c) the main reasons therefor?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) There is no such general rule or order. Extensions are granted only for special reasons and in the public interest.

(b) Yes; in special cases.

(c) Each case is considered on merits, and extension is granted only where circumstances justify such extension.

**Fatliquor**

2911. **Shri Balakrishnan:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether a new process for making fatliquor has been evolved at the Central Leather Research Institute, Madras;

(b) whether fatliquor has been tried in processing leather goods; and

(c) if so, has it been found suitable?

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

(b) Yes, Sir.

(c) Yes, Sir.

**Higher Secondary School in Himachal Pradesh**

2912. **Shri Daljit Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that some High Schools in Himachal Pradesh are being converted into Higher Secondary Schools in 1958; and

(b) if so, the names of those schools?

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

(b) The information is being collected and will be furnished later.

**Temporary Assistants**

2913. **Shri Surendranath Dwivedy:** Will the Minister of Home Affairs be pleased to state:

(a) how many vacancies of temporary Assistants exist in the offices of the Government of India; and

(b) how and when are they proposed to be filled?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) 468 posts of assistants were reported to be vacant on 1st January, 1958.

(b) For the present, 400 of these vacancies are being filled by the appointment of the candidates who have been declared successful in the competitive examination for the Assistants grade held in July, 1957. About three hundred and fifty persons have already reported for duty.

### Multipurpose Schools in Himachal Pradesh

2914. **Shri Daljit Singh:** Will the Minister of Education be pleased to state the total amount of grants allocated for starting multi-purpose schools in Himachal Pradesh during the Second Five Year Plan?

**The Minister of Education (Dr. K. L. Shrimall):** Rs. 34,29,870.

### Central Social Welfare Board Projects

2915. **Shri Daljit Singh:** Will the Minister of Education be pleased to state what measures have been adopted or are being adopted to achieve economy and efficient implementation of the Central Social Welfare Board projects under the Second Five Year Plan?

**The Minister of Education (Dr. K. L. Shrimall):** A statement giving the requisite information is laid on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 45.]

### Fire-fighting Equipment

2916. **Shri L. Achaw Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether the fire-fighting equipment is now manufactured in India as recommended by the Design and Development Committee; and

(b) if so, types and details thereof?

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

(a) The Design and Development Committee has recommended to the Indian Standards Institution draft specifications for 37 items of fire fighting equipment. These specifications were based more or less on those already in use. The Indian Standards Institution have so far finalised standards specifications for two items of fire-fighting equipment and have released to the industry. These items are being manufactured in India. Final specifications for the

remaining 35 items will be released shortly.

(b) (1) fire buckets with round bottoms and

(2) House delivery—Canvas Jackets.

### खानों में दुर्घटना से मृत्यु

२९१७. श्री प० ला० बाबूपाल : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि दिल्ली के पुलिस थानों में १९५४ से मार्च, १९५८ तक की अवधि में खानों अथवा मकानों पर काम करते हुये दुर्घटनाओं के कारण कितने व्यक्तियों की मृत्यु की रिपोर्ट दर्ज की गई ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बातार) : (i) क्वेरीज में दुर्घटना के कारण ५९ व्यक्तियों की मृत्यु हुई ।

(ii) इमारतों पर काम करते हुये १४ व्यक्तियों की मृत्यु हुई ।

### Selection of Geologists

2918. **Shri Heda:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the number of junior Geologists in the Geological Survey of India who were selected in 1957; and

(b) the number out of them selected from the Department?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) 31.

(b) 30.

### झाबुआ की मंगनीज की खानों में मंगनीज का निकाला जाना

२९१९. श्री डातार : क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि झाबुआ जिले (मध्य प्रदेश) की खांदला तहसील में काजली हूंगरी खान से मंगनीज निकालने का ठेका कितने समवायों को दिया गया है ?

ज्ञान धीर तेल मंत्री (श्री को० बे० मालवीय) : एक ।

### मंगनीज का उत्पादन

२६२०. श्री डाक्टर : क्या इस्पात, ज्ञान धीर ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश में झाबुआ जिले की बांदला तहसील में काजली डूंगरी खान से प्रति वर्ष कितने टन मंगनीज निकलता है ; और

(ख) यह मंगनीज किस किस प्रकार का है ?

ज्ञान धीर तेल मंत्री (श्री को० बे० मालवीय) : (क) और (ख) मध्य प्रदेश में झाबुआ जिले की बांदला तहसील में काजली डूंगरी खान से कच्चे मंगनीज (Manganese ore) का उत्पादन पिछले तीन वर्षों में इस प्रकार हुआ :—

| वर्ष | मात्रा टनों में (in tons) |
|------|---------------------------|
| १९५५ | ६,७७५                     |
| १९५६ | ६,०१६                     |
| १९५७ | ८,१२३                     |

काजली-डूंगरी खान से उत्पन्न कच्चा मंगनीज नीची से मध्यम श्रेणी का है । इसमें ४० से ४४ प्रतिशत मंगनीज की मात्रा होती है ।

## MOTIONS FOR ADJOURNMENT

### SITUATION IN ORISSA

Shri Mahanty (Dhenkanal): Mr. Speaker, Sir, with your kind permission, I want to make a submission. I want to draw your attention and that of the House to the very unfortunate fact about the break-down of constitutional machinery.....

Mr. Speaker: The hon. Member has tabled an adjournment motion. I am coming to that.

Shri Mahanty: I am not saying anything in special relation to the adjournment motion. My adjournment motion is there in your hands, and it will be considered on its own merits. But I am making a submission that article 355 of the Constitution is being violated and has been violated in the State of Orissa. I want to know from you and from this House whether it is not the responsibility of this House and of the Government of India to come to the aid of the maintenance of the Constitution. I shall read out article 355 of the Constitution.

Mr. Speaker: Order, order. I shall come to it. There is no hurry. We are sitting here from 11 a.m. to 5 p.m. And if there is anything important, I shall look into it. I am not interested in any one particular subject. I am sitting here to get on with work. I shall certainly look into whatever is legitimate. But the hon. Member is bringing it up in a side manner. The hon. Member will kindly hear me patiently. Hon. Members have tabled a number of adjournment motions relating to the arrest of three Orissa M.L.As and an M.P., alleged abduction of Member, finding of so many bottles of liquor and so on and so forth. I asked the hon. Members who tabled those motions what the Centre's responsibility was in this matter; then, I told them also just as I came into the House that I had just got them, and I had not much time to look into them, and, therefore, I wanted their assistance. *Prima facie*, if certain things occurred in the matter of law and order, such as police arrest under section 347 and various other sections of the Indian Penal Code, I wanted to know what our jurisdiction was and what the default of the Central Government was.

Shri Surendranath Dwivedy (Kendrapara): The military has been called.

**Mr. Speaker:** I told them also that if they satisfied me that there was the responsibility of the Centre, I shall certainly bring it up tomorrow. I wanted them to tell me, 'Yes, it is under this particular section' and so on. But independently of this adjournment motion, the hon. Member starts another matter.

**Shri Mahanty:** May I make a submission? My adjournment motion does not relate to the arrest of these Members. I am not much concerned about it. I am merely concerned about the fact that public opinion is being bludgeoned, and the Constitution is being raped and democracy is being annihilated.

**Mr. Speaker:** Order, order. I am sorry over whatever might have happened. The hon. Member comes from Orissa, and certainly he is agitated over it. So far as I am concerned, I am anxious here to see that we exercise all the jurisdiction that we possess but do not encroach upon the jurisdiction of the state. That is, I am anxious to maintain a balance, lest it should be said that we are unnecessarily encroaching upon the jurisdiction of the local legislature. That was why I asked him in what manner we should take the Central Government to task. If they had only said in what manner it should be done, or written or sent word, I would have considered it.

If any hon. Member wants to raise any matter, independently of any notice to me, as I have repeatedly told this House, without informing me in advance and getting my consent, he shall not be allowed to raise it. Therefore, either it arises out of this adjournment motion, in which case I had asked him for information, or, it does not arise out of this, in which case, he ought to give me notice as to what he is going to raise, independently of this adjournment motion. Therefore, so far as his oral statement is concerned, I am not going to allow it. If he wants to make any submis-

sion or wants to draw the attention of the House to any matter, let us consider it. Let me look into it. If I agree that it is a matter which can be raised, I shall bring it up before the House.

On the matter of the adjournment motion, what I say is this. I have got a sheaf of adjournment motions here. There is this news which has appeared in the papers, and I would like to be satisfied. Every hon. Member who has given notice of the adjournment motion will kindly satisfy me, between 3-30 p.m. and 4 p.m. or send a chit pointing out under what article of the Constitution I have got jurisdiction, and then I shall bring it up before the House; I shall waive, and I shall treat all these adjournment motions as having been tabled, and I am not going to raise any technical objections, because I myself am adjourning it. Let me look into them, and then bring them up before the House tomorrow, if I am satisfied that there is some default on the part of this Government or that some other step should be taken or that it is the jurisdiction of this Government which is being encroached upon by the Orissa Government.

**Shri Surendranath Dwivedy:** Apart from this, in the newspapers, it has been published that the police and the military were called by the State Government. There was no disorder, no mass demonstration, and only a few MLA's stayed there. And that is the capital city. There was no other population there. That being the case, why were the police and the military called? Was that done with the consent of the Central Government? That is a matter which concerns this House as well as the Central Government.

At the same time, I think that the procedure that they are following, and the arrests that have been made are quite contrary to any democratic principles whatsoever. Are we going to be a party to this suppression of civil liberties and to the throttling of

democracy like this? This sovereign House must have a say in this matter, because a Member of this House has been arrested.

**Mr. Speaker:** I agree. Now, three things have been raised.

Firstly, a Member of this House has been arrested. Hon. Members are aware that when a Member of this House is arrested, all that we can get is information that the Member has been arrested. Even under the ordinary course of law, it has been repeatedly held that no Member of this House has got more privilege than any ordinary person has under the ordinary law of the land. Otherwise, it would be making an invidious distinction. Already, we are accused of getting salary and this and that by the outsiders to add to it, if we get some more privileges which the ordinary man under the ordinary law is not entitled to, that will be an invasion of the rights of the public.

The second point is calling in the police or the military. Under the Criminal Procedure Code, when the local Government is unable to maintain law and order, it is open to them to requisition the military, and then the military comes in. Is it that in every case where the military is called....

**Shri Surendranath Dwivedy:** The permission of the Central Government is necessary.

**Mr. Speaker:** The permission of the Central Government is not asked for.

**The Minister of Home Affairs (Pandit G. B. Pant):** May I say a word? It is not the military. It is the Orissa Armed Police, which is called military police there.

The Centre has nothing to do with it. In certain States this armed police is called Armed Constabulary; in some others, it is called State Police, e.g. Bengal Police; in some other States,

it is called Military Police. It is the armed reserve police which is under the State, which is paid by the State and which is completely under the control of the State, with which the Centre has nothing to do.

**Several Hon. Members rose—**

**Shri Khadilkar (Ahmednagar):** An ex-Ruler has a special privilege. I would just read out the article of the Constitution dealing with this, article 362. The Member who has been arrested is an ex-ruler. Because of a popular sanction, he is elected. But certain constitutional guarantees are given to him under this article under the covenant when the State was merged after accession. Therefore, I would like to draw your attention to article 362.

**Mr. Speaker:** That is not one of the grounds mentioned here.

**Shri Mahanty:** I am suggesting that failure of the Constitution has taken place.

**Mr. Speaker:** We have to look into it to see what the agreement is. If any hon. Member, at the instance of the Member who has been arrested, says that a particular agreement entered into with a ruler of a State has been violated, that is a different matter. Every hon. Member is not interested in that except the hon. Member who raises it on behalf of that hon. Member, in that question that an ex-ruler has been arrested contrary to the agreement. If this point is made, I will send for the agreement. If this point is made, I will send for the agreement and we can go into the matter. But not a whisper or mention is there about it in any of these adjournment motions. They all refer to 'civil liberty', 'civil liberty'. Civil liberties are common both to rulers and non-rulers. Therefore, why should not hon. Members satisfy me later on how this House has jurisdiction? Then I will bring it up tomorrow.

**Shri H. N. Mukerjee** (Calcutta-Central): As a signatory to one of the adjournment motions, I shall try and submit the reasons why we did so. We saw in the papers a report, which was very perturbing, on account of the juxtaposition of certain events, and we know also from the newspaper report that the military forces were immediately called in, which means that the Central Government was certainly in touch with the developments there. To our mind, reading between the lines, we thought that some kind of a political vendetta might very well be involved in this action. I am not going into the merits of it. But the report of the military having been called to assist the solution of a situation which is pretty serious and which is reflected on the condition of civil liberties in this country is a matter which we thought we could only agitate here by means of an adjournment motion, because it is a matter of great urgency. We are very ready, as we have already intimated to you, to come and talk to you about this matter, provided you tell us that you shall hold over discussion of this adjournment motion till you find more particulars from the Government side. But as things stand now, I do not see why we should not be entitled to claim that this adjournment motion is very much in order and you should be pleased to allow it.

I feel that the calling in of the military which is reported—rightly or wrongly, we are not in a position to say—is something which adds a very different complexion to the entire proceeding, and that is the basis of the notice which we gave.

**Shri C. D. Pande** (Naini Tal): That is denied.

**Shri Mahanty**: On a point of information. Under the rules, when a Member of this House has been arrested, the fact of the arrest has to be communicated to the Speaker within 24 hours. I would like to know, and the House is much concerned to know,

if you have been communicated about the arrest.

**Mr. Speaker**: I have not yet received any communication. I do not know whether 24 hours are over.

**Shri Mahanty**: He was arrested on the 26th night. Today is the 28th.

**Mr. Speaker**: Whether it is 24 hours or 36 hours, those people who had the courage to arrest will equally have the courage to inform me. There is no doubt about that (*Interruptions*).

**Shri Nagi Reddy** (Anantapur): It is suppression of political rights.

**Shri Mahanty**: It is a breach of privilege.

**Shri T. K. Chaudhuri** (Berhampore): On a point of order. Apart from this adjournment motion, I have already given notice of a privilege motion. So far as our information goes, neither the Lok Sabha Secretariat nor the Speaker has been informed. They ought to have been informed, under rules, within 24 hours of the arrest. We have got the means of trunk calls, we have got the means of telegrams; still the Speaker has not got the information.

**Shri S. A. Dange** (Bombay City-Central) *rose*—

**Mr. Speaker**: Order, order. I am going to allow opportunity to every hon. Member, particularly Shri S. A. Dange.

So far as the privilege motion is concerned, I have not looked into it. Of course, if within 24 hours it has to be intimated to us and it has not been done, I will certainly look into it and see what can be done.

**Shri Tyagi** (Dehra Dun): The telegram has come (*Interruptions*).

**Mr. Speaker**: I have just received it. Let me read it out to the House. Let me see whether 24 hours or 48 hours make a difference. I am here. I have two ears to hear. I will certainly hear both the right and left.

These are the telegrams:

The first is evidently from the Orissa Government

"Speaker Lok Sabha, Parliament House, New Delhi, Shri Pratap Kesari Deo, Member of Parliament from Kalahandi constituency, arrested today on charges under sections 347 and 365 IPC. Formal report follows."

The other is from the Sub-divisional Magistrate, Kurda, District Puri:

"Speaker, Lok Sabha, New Delhi Shri Pratap Kesari Deo, Member, Lok Sabha, arrested today under sections 347/365 IPC. in G. R. 330/58 and remanded to jail custody till 10-5-58."

Shri Panigrahi (Puri): What is the date and hour of the telegram?

Mr. Speaker: Hon. Members ought not to go on like that. If it is a breach of privilege, I shall certainly look into it. I am not going to tear away or throw away these papers. Hon. Members in a heat or excitement are forgetting the rules. I repeat that if it is a breach of privilege, I will certainly look into it.

So far as any telegram or information received regarding the arrest of any Member is concerned, I am bound to report it to the House. I have done so. If there is a lacuna or defect or irregularity in the matter of reporting, we will look into the matter. Shri T. K. Chaudhuri has informed us that he has already cabled a motion of privilege. I shall look into it; if it is really a matter of privilege, I will give consent and the matter will be looked into in the usual course.

So far as the notices of adjournment motion are concerned, I heard from Shri H. N. Mukerjee on one point, that the military have been ordered and the military are certainly under the jurisdiction or command of the Centre. From the report in the *Hindustan Times* that has been submitted along with this or the cutting

that has been placed by Office before me, I find that 'the Orissa Military Police were summoned late last night and kept in readiness here following apprehensions of breach of the peace'.

Shri Surendranath Dwivedy: I shall read out to you the report which appears in the *Times of India*:

"Late last night the police and the military were called out in the State capital on apprehension of breach of peace".

Shri C. D. Pande: That is wrong.

Mr. Speaker: The hon. Minister has said that no military has been called. They call this the Military Police—evidently to give added strength to their police. Therefore, the Centre has not done anything regarding that.

Is there any other point clothing the Centre with responsibility?

Shri Mahanty: Yes.

Shri S. A. Dange: I just wanted to draw your attention to one more aspect of the question. While dealing with this in terms of rules and fine methods of procedure, would you not also consider whether such a thing happening in a State does not reflect badly on the whole question of parliamentary democracy as such, and whether this House, as the custodian of parliamentary democracy and as the custodian of what they call peaceful methods, should not pay attention to these developments on those grounds. We should consider this aspect of the question from the point of view of the larger interests. If a Ministry were to keep itself in a majority by such methods, and if even a Deputy Minister who may resign is to be arrested, then Sir, the Deputy Ministers on the other side would also be included in that category, and questions of parliamentary democracy and functioning in the States have to be raised here. So from this point of view also, I would request you to consider this question.

Shri Mahanty rose—



**Mr. Speaker:** I am coming to Shri Mahanty later. I certainly agree with Shri Dange that sitting here at the capital of the country and also having residuary powers so far as Parliament is concerned, it is our duty to see that nothing is done either in the States or here that will detract from the normal course of democracy and the liberties that every individual has to enjoy, and has been guaranteed under the Constitution. I entirely agree with it. But my difficulty is this. These persons have been arrested by the police under definite sections of the Indian Penal Code. Hon. Members are aware that once the court or the magistracy has taken charge of a particular matter, nothing shall be done here. If all this is false then there is time enough to condemn the police and the authorities in a greater measure. It is not as if we lose that opportunity. If something had happened merely on an executive order, I would have allowed some kind of discussion here—even before ascertaining whether it is definitely and technically within the jurisdiction of the House—in the larger interest of liberties and so on. I might have allowed a discussion on this to ascertain what exactly the position is. But, here definite sections of the Penal Code have been given.

I do not want hon. Members or any person to make a reference here to further details and urge in the House as to how many bottles were recovered and so on and so forth. (*Interruptions*). All that may be wrong. There are two versions. One version is that it is all cooked. The other version is that it is absolutely true, cent per cent true. Definite sections of the Penal Code are quoted under which the persons have been arrested. The allegations are that there have been defections from one party and some kind of pulling from one side to the other. There has been an attempt at conversion of persons from one party to the other. Some two persons who have gone over to the

other camp have come back. There has been obstruction and all that.

**Shri Surendranath Dwivedy:** There was no obstruction when they went over to Congress.

**Mr. Speaker:** Hon. Members may rest assured that I am not interested in one party or the other. All that I am interested in is to see that the reputation of Parliament is not tarnished. I do not shirk nor do I ask the Parliament to shirk any legitimate function which, under the Constitution, it is entitled to discharge or bound to discharge.

My only difficulty is this. There are certain sections of the Penal Code under which these persons have been arrested. Some military seems to have been called in for this. I asked the hon. Minister, what exactly the position is. So far as the military is concerned, he explained that it is military police, euphemistically called military but the military has really nothing to do with it. So far as the sections are concerned, they are all matters of law and order. If this did not pertain to the Ministers there, we would not have ever thought of it. But the fact is that Ministers are involved in this particular matter. One version is that for the purpose of elbowing out these people and keeping themselves entrenched in power all this has happened. (*Interruptions*.) I am putting the hon. Member's version in a nutshell. He wants to say that there are fair chances of their party coming into power and all this is done against them, to elbow them out.

**Shri Surendranath Dwivedy:** Yes.

**Mr. Speaker:** On the other hand, it is said that there is absolutely nothing of that kind and this is an ordinary matter of law and order. If the police had not intervened under particular sections of the Penal Code, I would have tried to ascertain what exactly the position is and then find out whether this House has jurisdiction or not, under what circumstances, the Government for the time being, is bound to take responsibility and so on. Even now I am not satisfied as to

whether I should now take it up or at a later stage in some form. In 2 or 3 days, the matter will be cleared up; and what is going to happen.....  
(*Interruptions.*)

Order, order; I will hear Shri Mahanty.

**Shri Mahanty:** I may point out to you that I had not completed my submission. My submission is that article 355 of the Constitution is violated. Article 355 reads:

"It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

I do hold and maintain that the administration in the State of Orissa is not being carried on in accordance with the provisions of the Constitution and that is why this House and the Government of India come into the picture. It is not merely a question of the maintenance of law and order or arresting certain persons under certain charges, the merits of which will be considered only in courts of law. I am not going into that. But, I maintain that article 355 of the Constitution has been violated; public opinion has been gagged and the democratic right to govern, of the Opposition to change the Government by peaceful means has been negated. That is how it is a matter of deep concern for us.

I will presently tell the House how article 355 has been violated. The Government—I mean the ruling party—has lost the majority which it had manipulated by certain sordid and non-ethical methods. In a House of 136, the ruling party has a strength of only 61 plus 2 who have gone across by the kind of political horse trading with which the friends there are very much acquainted. To avoid an adverse vote in the Assembly on the Vote on Account...

**Mr. Speaker:** The hon. Member will kindly resume his seat for a minute. I ask hon. Members—important Members from the Opposition—if we should decide at this stage that those particular sections of the Penal Code are false, the motive is different, and it is all for the purpose of getting power—Shall we do so? (*Interruptions.*) Order, order. Hon. Members may be anxious. But I am not going to allow it for this reason. There is no question of discussion. The issue is simple. "It is not a matter of law and order; these people are not liable under these sections; they have not committed any offence; it is all a faked one for the purpose of keeping these people out"—if we the representatives of the people and the parties in the supreme Parliament decide here, then who is the magistrate who has got the capacity or even the courage to say our version is wrong, and even if the other version should be true, he will be obliged to say, "All right Sir, you go out". Shall we do so? (*Interruptions.*)

**Some Hon. Members:** No.

**An Hon. Member:** We do not want to do that.

**Mr. Speaker:** Therefore, there is no hurry; let us wait and see what exactly is happening. In 2 or 3 days, we shall have more information about this matter. I will request the hon. Minister to expedite whatever proceedings there might be and bring it up in 2 or 3 days. (*An Hon. Member:* Tomorrow.) Not tomorrow. Tomorrow will be a little too early. Let us know what exactly is the situation. The hon. Minister. . . . .

**Shri Tangamani:** May we know, Sir, whether the telegram was received from the magistrate or from the jail authorities or whether an advance telegram was received from the Government of Orissa itself? That is the first point.

The next point is, I certainly agree that this point must be clarified and discussed; at least a two hours discus-

[Shri Tangamani]

sion is called for. Otherwise, we will have only one side of the picture.

**Shri Surendranath Dwivedy:** Let us have a discussion on this; the situation in Orissa, how it is developing and how it will continue.

**Shri Joachim Alva (Kanara):** How do Government of India come in, Sir? The magistrate has informed us; the telegram has been sent by him. The Government of Orissa does not come into the picture.

**Shri Tangamani:** Government knew it. (*Interruptions.*)

**Mr. Speaker:** Order please. I have heard sufficient. What has the hon. Minister to say?

**Shri Panigrahi:** Section 129 is also mentioned. (*Interruptions.*)

**Mr. Speaker:** The hon. Home Minister.

**Pandit G. B. Pant:** Sir, first of all I have to appeal to the hon. Members opposite to accept that we on this side are as keen as they are that the democratic constitution of our country should be maintained in its purity, in its entirety.

**Shri Nagi Reddy (Anantapur):** By keeping the minority in power?

**Pandit G. B. Pant:** I also agree that so far as the Constitution goes, one should abide by its provisions.

**Shri Nagi Reddy:** By resigning.

**Pandit G. B. Pant:** Under our Constitution there are certain powers vested in the States and certain others in the Centre. Some of my hon. friends opposite seem to be rather impatient, if not agitated.

**Shri Nagi Reddy:** Of minority Government.

**Mr. Speaker:** What is the use of this running commentary?

**Pandit G. B. Pant:** So far as the Ministers are concerned, we have been sitting here very quietly listening respectfully to everything that has emanated from that side. There is no sign of irritation or excitement. But I remember that at times when questions were put in the House relating to the situation in a State, protests were lodged that under our Constitution the States are free within the jurisdiction conferred on them by the Constitution and no question regarding the States can be put here. (*Interruptions.*)

**Shri Nagi Reddy:** What about the minority Government in Orissa?

**Mr. Speaker:** Who is to decide it?

**An Hon. Member:** The people have decided it.....(*Interruptions.*)

**Mr. Speaker:** Order, order. The hon. Members are pleading for the freedom of the speech there. What is happening here?

**Pandit G. B. Pant:** So, the position so far as it has been raised before this House centres round two things: firstly, the posting of the military police and secondly the arrests of certain persons including a Member of the Lok Sabha. I am myself sorry that the occasion for the arrest of any of our colleagues should have arisen but we have to look at this thing dispassionately, in an impersonal way.

So far as the posting of the military police is concerned, I have already stated that no military force as such has been posted in Bhubaneswar. The military police there—the Orissa military police—is part of the police force of the State and is paid out of the Consolidated Fund of the State and is subject to the exclusive control of the State Government. So, the Centre has absolutely no say in that matter or in any aspect of it.

The other relates to the arrest of certain persons. Law and order under our Constitution comes within the

exclusive purview of the State. Arrests are made and they are made from day to day. It is but natural that we should feel some concern when any Member of Parliament is arrested. But so far as the law goes, it is no respecter of persons. At least Members of Parliament would not like to make any distinction between one man or another. In fact the duty of a Member of Parliament. . .

**Shri Nagi Reddy:** To support the minority.

**Pandit G. B. Pant:** . . . to abide by the law and to act according to the law is perhaps greater than that of others. . . . (*Interruptions.*) I do not know if this proposition of mine is questioned by the hon. Members opposite. I hope it is not. If they do not, then let us take it that some persons have been arrested without introducing the words 'Member of Parliament'. Now that is the only fact that has come before us. The rest is a matter of either prejudice or of pre-supposition due to certain attitudes towards political problems. . . . (*Interruptions.*)

**An Hon. Member:** What is your attitude?

**Pandit G. B. Pant:** My attitude is that the right thing should be done, that the wrong-doers should be arrested and punished. . . .

**Shri Nagi Reddy:** . . . so that 61 may be able to rule the others. . .

**Pandit G. B. Pant:** . . . and those who stand by the right should be given every support and every help and every backing by Parliament. That is my attitude. You have asked me about my attitude. I wonder if you differ from it. Perhaps you do not. So, that is our common attitude.

I would submit that the matter comes exclusively within the purview of the State Government. If every time we were to ask the Centre to interfere with the matters of the State, I may submit that there will be many

more dangers. We try to look at these things from a constitutional, dispassionate and non-political angle and that has been our approach throughout and we would not like anything to be done in order to create a feeling of awe anywhere or anything to be done that would come in the way of the performance of one's duties freely. For that very performance, law has to be enforced so that the wrong doers may not go scotfree.

I have no information as to whether any person is guilty or not. There has been no investigation. There is no finding by any court. I am not in a position to say anything. So far as the reports that have appeared in the Press go, I think the position is clear. It is a matter within the purview of the State and we are in no way empowered to deal with it or to interfere in these matters. . . . (*Interruptions.*)

**An Hon. Member:** That is not correct.

**Pandit G. B. Pant:** I am placing before the House my view of the matter with the utmost humility. I do not suggest that everyone should agree with me. But I would only appeal that I might be allowed to say a few words even if they not be wise or agreeable.

So, I have placed the case before you in a simple way. If at any time, I feel that it is a matter about which I should give information to the House, I shall be glad to do that though so far as the constitutional position goes I do not think that this House has any jurisdiction. I do not know if I have any authority to do what does not come even within my own purview but I want to have the goodwill of my hon. friends opposite to the maximum extent possible. So, though I have not, as I said, the constitutional authority to do anything in this matter,—if I feel that at any time there is a feeling about this, even if the question be outside the purview,—I will see if I can meet them. Or, if you so order—after all you are the

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interpreter of the Constitution—I shall be glad to carry out your orders regardless of the legal or constitutional aspect of the matter.... (*Interruptions.*)

**Shri H. N. Mukerjee** (Calcutta—Central): Sir, I feel, after having heard the hon. Home Minister, that he seems prepared to see the judicial processes being prostituted for political purposes. We have strong suspicions in this regard. That being so, I submit to you with great respect that an opportunity be given to this House to discuss the situation causing this kind of misgiving in this House and the hon. Home Minister's explanation is in a manner which suggests that he is starting the introduction of the South American variety of politics in our country. It is a very serious matter.

**Shri Mahanty:** He does not say anything about the developments in Orissa. There are about 61 members in that party. By arresting three members of the opposition, they get a majority of two and they will put them in jail and they will this way continue....

**Mr. Speaker:** Order, order. There must be an end to this. From one point of view it is a very important matter—the manner in which a particular State is governed. If all that is said is true and if it is done only for the purpose of getting a majority, it is certainly serious. I have no hesitation in finding some authority in the Constitution if such a state of affairs should happen. The hon. Home Minister has also informed us that if he really finds the situation affecting the constitution and the manner in which democracy ought to work in the State he would be the first person to inform this House regarding those developments and so on. The report appears in the cutting that I have from the *Hindustan Times* and also in the report appearing in the *Times of India*. Whatever doubts have been

created regarding the expression 'military police', the fact is that it is the police of the State. The word 'military' is not justified there. It is used as a qualifying word and the Press report says: 'military police'. Whatever might have appeared in the papers, it is now said by the hon. Home Minister that the military was not called in, it was only their own special police called the military police which was called in. Therefore, technically we have nothing to do with this as the military has not been called in. If and when military is called in, certainly, we shall consider then whether it is necessary under the circumstances to send any help or not.

Regarding the other matter, that generally the liberties are being curtailed, even if a man is arrested on a charge of murder his liberty is curtailed. The only question is whether it is proper or improper. If liberty has to be curtailed for the purpose of saving the liberties of others, certainly that liberty has to be curtailed. So far as liberty and freedom are concerned, they are not freedom and liberty as in the jungle, they are only inhibitions; my liberty is the absence of liberty of the other. Therefore, if the curtailment of liberty is for the purpose of having some other purpose behind—not in the legitimate course of the enforcement of law—then that certainly will be an abuse, and this or any other legislature will certainly take notice of it.

My only difficulty today is, there are particular sections of kidnapping, wrongful confinement, extortion and so on—very serious offences in the case of ordinary men. Whether they are merely faked or not, I am now hesitant to allow this House to debate when it is put normally under ordinary circumstances, and give advantage merely because a Member of Parliament is involved here. I am hesitant to allow this House to decide, substitute ourselves for courts of law and then say: "No, no; you cannot go into it; we have already decided it".

(*Interruption.*) I know hon. Members are not anxious about that, they do not want a particular privilege to be strained. But my fear is that it will result in that, and whenever a Member of Parliament is arrested hon. Members will come here with adjournment motions—it may be true, it may be false, it is enough if an arrest is there.

**Shri Surendranath Dwivedy:** Sir, there have been many arrests before, but we have not brought any motion like the present one.

**Mr. Speaker:** In a matter of conspiracy, conspiracy is not done only by one person, a number of persons are arrested. There are cases where a number of persons have to be arrested and there are also cases where only one man has to be arrested. Therefore, let us not prejudge the issue. So far as discussion on this matter is concerned, let us think in our calmer moments. It ought not to be said that we are interfering with the normal course of law. I would only appeal to the hon. Minister to use all such influence as he has to get this matter as early disposed of in the normal course as possible so that we may be in a position to assess what exactly has happened there, what the truth is, whether it is only for political purposes or is a matter of law and order. Under those circumstances, I am not called upon to give my consent to any of these adjournment motions.

**Shri Surendranath Dwivedy:** Sir, are you disallowing the adjournment motions, or are you, as you proposed that we have to meet and have a discussion with you, holding them over for tomorrow?

**Mr. Speaker:** I have heard what all I could hear from the hon. Members (*Interruption.*) Order, order. Hon. Members cannot have their own way. I agreed to hear them at length. There is no question of asking one Member to get up and another to sit down; all of them may jointly make me understand also. But I have heard what all I have to hear. They did not agree

to meet and have a discussion with me. Under the circumstances, I am exceedingly sorry I cannot allow these adjournment motions. But, that does not mean that this matter is closed. If it is really of such serious importance as the hon. Members of the Opposition feel, at a propitious time we will see whether it is possible to take it up.

**Shrimati Renu Chakravartty:** When will that propitious time come?

**Shri Surendranath Dwivedy:** Will the hon. Minister make a statement?

**Mr. Speaker:** I would also request the hon. Home Minister to get as early as possible as much information as possible and place all the facts before this House.

**An Hon. Member:** Tomorrow.

**Mr. Speaker:** Tomorrow or day after; what is the hurry?

**Shri Yajnik (Ahmedabad):** Sir, as one of the sponsors of the adjournment motion under discussion, I would like to suggest that your decision on the subject be postponed till the Home Minister is able to make a full and detailed statement on the matter after receiving official reports; because what he says today is I think based entirely on newspaper reports. I do not think he has any information previously. (*Interruptions.*) I do not think he has any previous information of the calling in of the police—the military police—or the dismissal of the Deputy Minister. I do not know if it is, Sir, the order of the High Command here, and how the matter stands regarding the dismissal of the Deputy Minister.

**Mr. Speaker:** Order, order. I have given my ruling. I am not going to give my consent to these adjournment motions. I have heard them at length. So far as reporting to this House is concerned, I have requested the hon. Minister—and he has also agreed—to place all the facts before this House—it may be tomorrow or the day after, or it may take two or three days. As

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early as possible, in any case not later than two or three days, he will place all the material that is available before this House. (*Interruptions.*) Order, order. I am not prepared hypothetically to decide what exactly will happen. After we look into that report, which he is going to make after ascertaining facts about the matter, we can come to a decision. I am not prepared to make any decision in advance. (*Interruption.*)

Some Hon. Members rose—

Mr. Speaker: Order, order. Papers to be laid on the Table—Shri Morarji Desai.

The Minister of Finance (Shri Morarji Desai): Sir, I beg to lay on the Table, under Article 151(1).....

Shri Surendranath Dwivedy: Sir, I want to make one submission....

Mr. Speaker: Order, order.

Shri Surendranath Dwivedy: Sir, if at all you think that technically it is not possible to agree to the adjournment motions before you, will you please fix some time for this House to discuss this matter threadbare after the Home Minister makes a statement either today or tomorrow? If you will kindly let us know that time and date, then we will be satisfied.

Mr. Speaker: Order, order. It is not right on the part of Shri Surendranath Dwivedy to commit me to any particular course. I requested the hon. Home Minister, at the instance of my friends here, to place all the facts before this House. As soon as that is done—it is not going to take a week; it will take only two or three days—certainly, whatever submission he makes today can be made then. In view of the facts presented by the Home Minister he may also be satisfied—let him not prejudge from the information that he has seen in the newspapers only. We will have the other version and then he may make

the same submission if he so desires. Why should he ask me to commit myself today irrespective of what might happen?

Shri Panigrahi: Sir, I want to make one more suggestion.

Mr. Speaker: Order, order. I am not prepared to hear merely one version. Let us go to the next business—Shri Desai.

Some Hon. Members rose—

Shri Mahanty: Sir, you were pleased to give an assurance.

Mr. Speaker: Order, order. I have heard with patience. I am now requesting hon. Members who are the leaders of various groups to command their following, to keep order in this House; otherwise, I am extremely sorry that I cannot get along with the work.

Shri Surendranath Dwivedy: Sir, as a protest against your decision I withdraw from the House. You are discharging your functions....

Mr. Speaker: Order, order. I am going to charge him for contempt of this House. The hon. Member may take care, I warn him. Hon. Members evidently think they can do anything with me. Hon. Members must know that I have got the right to decide one way or the other; whoever sits in this Chair has got that right under the Constitution. He hears both sides, and after hearing both sides he must say 'yes' or 'no' Hon. Members who want to say "I do not agree"—they may or may not agree—may keep that to themselves. He cannot protest like that. If he protests it is contempt of the House, contempt of the Speaker. I am giving this warning. This is the first impression. Hon. Members can go out of this House if they like; I have no objection and I cannot prevent them. But if, while going, they say: "I do not agree with your order; your order is illogical or improper.

I protest"—this is an absolute violation of the Rules of Procedure, it is a contempt of the House and the Speaker, and I cannot tolerate it (*Interruption.*) Hon. Members can go if they so like.

**Shri Mahanty:** Sir, it is not our intention to cast any aspersion on you or on the House. May I make one submission? You were pleased to observe that these adjournment motions will be held over and that we should discuss the matter with you at 2.30.

**Mr. Speaker:** Hon. Member flouted that, he did not agree then.

**Shri Mahanty:** We only made our submissions.

**Mr. Speaker:** Order, order. I have heard sufficiently; I have given all indulgence to hon. Members. They have made their statements, I have heard their leaders and also the followers. Under those circumstances, let us wait. Nothing is going to happen in two or three days. Let all the facts be placed before the House, and then we will certainly decide. It is not that what I decide today will be decided later on after two or three days. There is no hurry. Therefore, I request hon. Members to keep patient for sometime. There is nothing lost in that.

**Shri Yajnik:** There is no other alternative, Sir, for us but to walk out.

(At this stage Shri Surendranath Dwivedy, Shri Yajnik and other Members of the Opposition left the House.)

## PAPERS LAID ON THE TABLE

### APPROPRIATION ACCOUNTS OF GOVERNMENT OF DELHI

**Shri Morarji Desai:** Sir, I beg to lay on the Table, under Article 151(1) of the Constitution, a copy of the Appropriation Accounts of the Government

of Delhi, 1955-56 and the Audit Report, 1957. [*Placed in the Library. See No. LT-677/58.*]

### NOTIFICATIONS ISSUED UNDER SEA CUSTOMS ACT

**The Deputy Minister of Finance (Shri B. R. Bhagat):** Sir, I beg to lay on the Table, under sub-section (4) of Section 43B of the Sea Customs Act, 1878, a copy of each of the following notifications:—

- (1) G.S.R. No. 233, dated the 10th April, 1958, making certain amendment to the Customs Duties Drawback (Spectacle Frames) Rules, 1958.
- (2) G.S.R. No. 234, dated the 11th April, 1958.
- (3) G.S.R. No. 235, dated the 11th April, 1958, containing the Customs Duties Drawback (Chrome Leather Washers) Rules, 1958.
- (4) G.S.R. No. 238, dated the 14th April, 1958.
- (5) G.S.R. No. 239, dated the 14th April, 1958, containing the Customs Duties Drawback (Diesel Engines) Rules, 1958.

[*Placed in the Library. See No. LT-678/58.*]

### DELHI TERMINAL TAX RULES

**The Deputy Minister of Home Affairs (Shrimati Alva):** I beg to lay on the Table, under sub-section (2) of Section 479 of the Delhi Municipal Corporation Act, 1957, a copy of the Delhi Terminal Tax Rules, 1958, published in Notification No. 8/58-D.M. Cor., dated the 7th April, 1958.

[*Placed in the Library. See No. LT-679/58.*]

## ESTIMATES COMMITTEE

### FIFTEENTH REPORT

**Shri Morarka (Jhunjhunu):** I beg to present the Fifteenth Report of the



[Shri Morarka]

Estimates Committee on the Ministry of Education and Scientific Research on the subject "Technical Education—Part II".

## ELECTION TO BODIES ON WHICH LOK SABHA IS REPRESENTED

### ALL-INDIA COUNCIL FOR TECHNICAL EDUCATION

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** I beg to move:

"That in pursuance of clause i(f) of paragraph 3 of the Ministry of Education Resolution No. F.16-10/44-E.III, dated the 30th November, 1945, as amended from time to time, the Members of this House do proceed to elect, in such manner as the Speaker may direct, two Members from among themselves to serve as members of the All-India Council for Technical Education."

**Mr. Speaker:** The hon. Members who are standing will kindly take their seats. The question is:

"That in pursuance of clause i(f) of paragraph 3 of the Ministry of Education Resolution No. F.16-10/44-E.III, dated the 30th November, 1945, as amended from time to time, the Members of this House do proceed to elect, in such manner as the Speaker may direct, two Members from among themselves to serve as members of the All-India Council for Technical Education."

*The motion was adopted.*

### GOVERNING COUNCIL OF INDIAN SCHOOL OF MINES AND APPLIED GEOLOGY, DHANBAD

**Shri Humayun Kabir:** I beg to move:

"That in pursuance of clause (xiv) of paragraph 4 of the Minis-

try of Steel, Mines and Fuel Resolution No. 315(1)/57-MIII, dated the 4th May, 1957, as amended from time to time, the Members of this House do proceed to elect, in such manner as the Speaker may direct, one Member from among themselves to serve as a member of the Governing Council of the Indian School of Mines and Applied Geology, Dhanbad."

**Mr. Speaker:** Order, order. Some hon. Members go away in protest and some other hon. Members do not care to sit. I am really surprised. What is this attitude? As soon as the Question Hour and some business is over, some Members leave. They feel that they have been sent by their electorate to represent them only for the Question Hour. I am really exceedingly sorry. Others are noting what exactly is happening here. So many people are there. The hon. Members and others must know that it is an education to be in this House. Let every hon. Member discharge his duties to the electorate properly. I am not casting aspersions. I am exceedingly sorry to note what exactly is happening in this House. The Central Hall,—I am going to abolish that with effect from tomorrow. Nobody shall go and sit in the Central Hall.

Now, the question is:

"That in pursuance of clause (xiv) of paragraph 4 of the Ministry of Steel, Mines and Fuel Resolution No. 315(1)/57-MIII, dated the 4th May, 1957, as amended from time to time, the Members of this House do proceed to elect, in such manner as the Speaker may direct, one Member from among themselves to serve as a member of the Governing Council of the Indian School of Mines and Applied Geology, Dhanbad."

*The motion was adopted.*

## PROBATION OF OFFENDERS

### BILL—contd.

**Mr. Speaker:** The House will now resume further discussion on the Probation of Offenders Bill, 1957, as reported by the Joint Committee. Out of 8 hours allotted to this Bill, 4 hours and 35 minutes have already been availed of and 3 hours and 25 minutes now remain. Shrimati Alva may kindly continue her speech. The motion for consideration is:

"That the Bill to provide for the release of offenders on probation or after due admonition and for matters connected herewith, as reported by the Joint Committee, be taken into consideration".

**The Deputy Minister of Home Affairs (Shrimati Alva):** Mr. Speaker, Sir, I had just started replying the other day, and I had then said that though it was gratifying to note that there was a warm reception to this Bill in this House, there were still a few Members who had expressed a fear that if this measure was passed it would let loose a large number of criminals on society. I may only say that this is not justified. It is just a misapprehension in their minds. The hon. Member Shri P. R. Patel from the other side had asked us that the Bill should be circulated for public opinion. He expressed in that suggestion his ignorance that this measure has been before the country from the year 1935. When this Bill had come up for reference to the Joint Committee, the course of history was then narrated, of how it was left to the different States to bring about this enactment. Some of the States did take action and the Probation of Offenders enactment was enforced in some States and it has been working well. But the hon. Member said that it should be circulated for public opinion. There is no need for any further public opinion on this measure, because from time to time, our Jail Reforms Enquiry Committee and later on Dr. Walter Reckless, the Unit-

ed Nations expert who was in India had expressed after going round and observing conditions and the manner in which these enactments were working in the different States, that probation is already in the country. Dr. Reckless recommended that it should be taken up by the Central Government. After that, as recently as December, 1957, the Indian Correction Association and the All-India Conference of Correctional Officers passed a resolution. I may here, for the benefit of those who do not know the history of this measure, read out the resolution that was passed by the All-India Conference of Correctional Officers in December, 1957. The resolution ran like this:

"This Conference congratulates the Government of India for having initiated legislation on probation of offenders according to the latest concepts and practices and the immediate requirements of the country and supports all the provisions of the Bill which are in complete conformity with the recommendations of our earlier conferences. The Conference hopes that it will be able to implement the Central Act in all the States at an early date".

After this, I do not think any hon. Member could voice an opinion that it needs a further scrutiny to be elucidated by way of public opinion.

Then, I will come to the two critics against this measure. One was the hon. Member Shri Naushir Bharucha who is not here just now, and the other was the hon. Member Shri Supakar. Shri Supakar and Shri Naushir Bharucha expressed a fear that harmful results would follow if such a measure was put on the statute-book, as a Central law. I do not understand how harmful results could follow since harmful results have not followed in those States in which this enactment has been enforced and is working very satisfactorily, especially in Uttar Pradesh, Madras and Bombay.

[Shrimati Alva]

Then, Shri Supakar has said that we are assuming too much. I want to assure this House that we have made no such assumptions. The law of probation has been exercised in different countries of the world and we do not assume anything more than what is factually observed and what has been scientifically collected by way of data. The only two main features of this Bill are firstly admonition and secondly, probation. Admonition is after a person goes through the process of law before a court, after investigations are complete and the Bench comes to a decision that here is an offender, young or old, to whom a jail term would not serve very much for rehabilitation. Then, an admonition is given, and he is sent back to society on his own bond that he would again be a useful citizen and would not be an injurious element to society. The second element of this Bill which is very important is probation. But some of the Members expressed a fear that by giving probation we would let loose a large number of offenders that are today before the police and before the courts. Nothing of the sort. If we read the measure very carefully, we would find that very, very few cases will be really given probation. This measure only enables the courts to decide, after the whole verdict has been given—they will come to a decision after that—whether probation would serve the purpose of sending back those offenders into society and making them useful citizens. But, before I come to that, the critics on this particular point—and veteran lawyers they were all—forget the point that in the Criminal Procedure Code itself, we have a provision—Section 562—by which both admonition and probation are given. This is nothing new. I do not know how these critics, most of them being veteran lawyers, forget or overlooked this provision that is already there in the Criminal Procedure Code. The only thing that we want to do is to make it a little more effective.

It was argued that deterrence should be the main theme of correction. We have come away from that theme and we are convinced that deterrent punishment or afflictive punishment does not cure anyone. We have had jails, cruel methods, torture chambers and so on and we have seen that these only harden even an innocent man who has made a slip and these things make him habitual, rather than cure him and get him back into society as a useful citizen. Therefore, we must again find out what is probation. Probation means a suspended sentence. A suspended sentence means that the bench or the court has come to a decision that the man is guilty. After coming to that decision, the court decides that it will be of no use sending this man to the jail or for him to suffer his sentence in prison, but that he should be sent back to society on his own bond or may be on the bond of his surety or on other grounds which the court deems fit. We have given great discretion to the court to choose whichever agency it may prefer to look after him. We send him out for a certain period, so that we could observe him and without hardening the man, his heart and his soul, we could bring him back without a stigma into society; but, it is suspended sentence.

In the case of admonition, there is nothing. The man is put on his own word of honour and he goes back to society, gets rehabilitated and gets absorbed into his own group and lives happily. But in the case of probation, it is absolutely different. In the case of probation, he is found guilty and after being found guilty, it is decided that the sentence shall not be passed. He is given a chance to reform himself and if he does not reform or after all the efforts made by the various agencies that the court may appoint, if they still find that the man is incurable and that he makes slips over and over again, the same sentence which was suspended could be executed against him and he would

go to prison as any other offender does under our common law. But by not sending a youthful offender to prison, the chances of reformation are greater. The chance of his coming back to society and living in a useful way is also better. The chance of his re-employment and not losing his reputation by the stigma of conviction serves the purpose not only for him, but for the greater society that we are trying to build up, since ours is a democracy and we are trying to build up a Welfare State.

Some hon. Members expressed a fear that if we have this measure, there will be increase in crime. Taking the figures not only of other countries, but of our own various States in the country, I do not think that crime has gone up in any way. The probation of offenders enactment has had its life in a few of our States and there has been noticeable no increase in crime. In fact, it has helped both the police and the courts and the social workers to bring back people to normalcy. Without making the punishment afflictive, by making it reformatory, we are able to get them back to our level more easily.

I have already said that the probation system has worked well in some of the States. It was Mr. Supakar again, who is not seen here even now, who said that we believe in blind justice. I do not know to which the hon. Member, Mr. Supakar, belongs. I do not know what he meant by blind justice. Did he mean that we should now rake up our old torture chambers, the cruel methods and humiliating courses of punishment by which a man is lost for ever even if he lives in the world? We in the world have drifted away from it. By scientific research, with the present psychological approach and the psychiatric methods, we have moved far away and we do not any more believe in keeping the prisoner as a slave; but, we want to keep him as a ward of the State.

In clauses 3 and 4, this misunderstanding of blind justice is very well explained. It is misunderstanding the very fundamentals of this measure, the fundamental basis of the Bill, and misunderstanding persistently in spite of the efforts to elucidate both in the measure as we have laid down in the clauses in black and white and as far as we have been able to convince in this House. In clauses 3 and 4, the treatment of a prisoner is described. After he is found guilty, there are various processes. He is sentenced; he is convicted and then he serves his term. But we bear in mind the provision that is already there in the Cr. P. C., namely, section 562. We now want to do away with that section and by this measure have a little more in the shape of overlooking the age limit and other factors that made it limited in its application.

It was some hon. Member, I think from the other side, who said that the Bill is premature. The Bill being premature also expresses a kind of fear in our own mind. Are we afraid of our own youthful offenders? May I ask the House, even today how many offenders who stand before the court of law are discharged? Most of them get the benefit of the doubt and they come out. In those cases in which they are sent to the prison, we have greater chances of losing them for ever, rather than getting them back into society. That is the reason why we are now trying to co-ordinate a progressive measure for the whole of our country. We do not want our States to carry on piecemeal measures. We want to centralise this provision of law and see that our States go ahead in full measure with the new measure which, at least we are confident, is going to succeed in India, because I read out the other day the opinion of Dr. Walter Reckless in which he said that the material inside the Indian prisons was far better than what he had seen in prisons elsewhere in the world. If he thought it to be so, I do not know why we, call this

[Shrimati Alva]

Bill premature or why we are doubtful and afraid that evil results will follow.

Some hon. Members here said that the machinery for the enforcement of this Bill should precede the passing of this measure. I do not see the logic of this statement, because who is going to get ready the machinery for the enforcement of this Bill, until you give them the instrument in their hands for the benefit of the young offenders who may come under the purview of admonition or probation clauses? That is why in clause 1(3), we have left to the States the date and time of enforcement of this measure. This will be a central measure giving it some measure of co-ordination and uniformity of approach, but finally it will be left to the State to enforce it and to interpret its own methods by which it is going to see that this probation law is made applicable.

13:00 hrs.

Then, Sir, there were again doubts expressed and ignorance shown that there is no probation system working anywhere in India. I have to take back hon. Members to the various States in which the probation law is effective, especially in the realm of Children Act. I have seen the Children Act operating in Bombay. It is the most perfect method by which our youthful offenders—shall we call them 'delinquent juveniles'—'delinquent' is a bad word while 'juvenile' is a good word—are corrected. One will be struck by the manner and the wonderful way in which our probation officers have handled the cases of these little children, the amount of effort that a probation officer takes, even though the work-load is heavy. I have watched this operate in Bombay for not less than five years, how each probation officer follows the child to his house, to his school, to his play-ground, to his village and then builds up a case law. Can we

not imagine the benefit the child derives in this fashion, rather than he being branded as a delinquent for the rest of his life and hardened into a criminal before he attains his majority. The whole object is to make his a healthy juvenile in our midst. Therefore, sub-clause (3) of clause one says—

"It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different parts of the State."

Some hon. Members may feel that this is a very discretionary measure and we have given a long rope to the States. But the States are willing. We have already corresponded with the States that this measure is going to be put on the statute-book and they will have to be ready. Limitations are there, as limitations we find in all our projects of welfare. These limitations will continue. Therefore, we have worded the measure in such a way that after a certain period we may be able to come back again and remove some of the phrases like 'if any' and others that we have put in the Bill today. After we have seen how it works in the whole country we should be able to make it tighter.

Then some hon. Member from the other side said that a probation officer will not be sufficient for a district which covers an area of 5000 square miles.

Mr. Speaker: With regard to the improvements suggested to the clauses, the hon. Minister may withhold her comments till we come to the clause by clause consideration stage. I hope she has covered everything in a general way.

Shrimati Alva: I want to say two more things before I resume my seat. A point that was made was about after-care. Even you the other day

said that you had come across someone inside the prison and I replied that I too had come across a woman inside the prison. These people come under a different category altogether. Those who are already in institutions of correction cannot be covered by this measure. After-care is a separate item under our Second Five Year Plan. On a certain date the persons have to be released, whether they are good, bad or indifferent. Whatever they are they have to be out of the prison walls, or correction institutions. Then what happens to them? That is why we have now got a special programme for after-care which is not to be confused with this measure at all.

Under the Second Five Year Plan for probationers who may not be able to go back into their own group or section, we want to provide probationers' hostels. That will be in very rare cases, but we have to avoid pitfalls by putting them in any institutions, as far as possible. We want them to come back to their own society, to their own folk and get corrected by some effort by the probation officer and by the society at large.

Then it was Shrimati Renu Chakravarty I think who referred to the lack of sufficient homes for rehabilitating prostitutes. I do not know how she brought this point in this debate, because Suppression of Immoral Traffic Act is excluded completely from the scope of this Bill.

I shall not take further time of the House.

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

"That the Bill to provide for the release of offenders on probation or after due admonition and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

The Motion was negatived.

**Mr. Speaker:** Let us now proceed to the clause-by-clause consideration. There are no amendments to clause 2. I shall put it to the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

### Clause 3

**Shri Raghubir Sahai** (Budaun): Sir, I beg to move:

Page 2, line 9,—

After "offender" insert—

"and also the fact that he has made a clean breast of the whole thing concealing nothing."

**Shri Supakar** (Samalpur): Sir, beg to move:

Page 2, lines 2 and 3,—

omit "punishable under section 379 or section 380 or section 381 or section 404 or section 420 of the Indian Penal Code or any offence."

Page 2, line 16,—

add at the end "or under section 562 of the Code".

**Shri Naushir Bharucha** (East-Khandesh): Sir, I beg to move:

Page 2, line 1,—

after "person" insert—

"below the age of twenty-one".

Page 2,—

after line 13, add

"Provided that for any special reasons to be recorded in writing the court may pass an order under this section in case of a person above the age of twenty-one years."

[Shri Naushir Bharucha]

Sir, the object of my moving my amendments is to rationalise the system of probation of offenders. It will be observed that so far as clause 3 is concerned, the scheme of it is that when any person is found guilty of having committed an offence punishable under section 379 or section 380, or section 381 or section 404 or section 420 of the Indian Penal Code or any offence punishable with imprisonment for not more than two years, provided that there is no previous conviction against him he could be admonished and released. My submission is that the system of admonition would work well and have some effect on impressionable minds. At the same time I do see the force of the argument, namely that there may be cases where by reason of the circumstances of the case or the nature of the offence and the character of the offender, admonition may have to be administered to a person exceeding twenty-one years. Therefore, I have moved my second amendment. No. 9, namely that "provided for any special reasons to be recorded in writing the court may pass an order under this section in case of a person above the age of twenty-one years."

The object of my amendment is this. While it makes admonition restricted to persons of 21 years of age, in exceptional cases it may be extended to persons beyond 21 years. I have left some reserve powers where a person above 21 is to be admonished, but that would be sparingly used and only in exceptional cases. Therefore, my amendments have got this merit that while they fulfil the purposes and objective which the reformers have in view, namely that any person who is eligible in the opinion of the court for admonition may be administered admonition, it does away with admonition as a matter of course, and that is what is very important. If you restrict it to offences which are punishable with imprisonment for not more than two years, then there are many offences which will come under

this. It is only in very rare cases that imprisonment extends beyond two years I think 76 per cent. of the offences would fall under this category. When we are dealing with people who have committed nearly 75 per cent. of the offences of all categories, then we have got to proceed a bit more cautiously. The amendments have this merit that while they retain the purpose of the Government in view, they proceed more cautiously and the public also will know that only in exceptional cases, the procedure of admonition will be used.

Shri Supakar (Sambalpur): The purposes of the amendments proposed by me are very obvious. My first amendment says that certain sections which are included within the scope of the admonition should not be included in clause (3), and they are sections 379, 380, 381, 404 and 420 of the IPC. I submit that these offences can well come within the ambit of offences which involve moral turpitude. Unfortunately, in no legislation in force in our country there is anything to show which sections involve moral turpitude. But it is generally understood that the offences which are mentioned in these sections, namely, sections 379, 380, 381, 404 and 420 are very notorious in the sense that the commission of these offences involves certain mortal defect in the person who goes to commit these offences. It is specially so in the case of offences under sections 379, 380 and 381, because we find provision for higher penalty in cases where the offence is repeated. Therefore, my submission is that all these five offences which, in my opinion, involve moral turpitude in the case of delinquents should not be included in the category of offences which deserve admonition instead of sentence in a particular case. Especially, I could not understand why the Select Committee substituted section 404 in place of 403, when an offence under section 404 is much more serious than an offence under section 403. Therefore,

I submit that these offences should be excluded from this category.

I now come to my second amendment. The Explanation to clause (3) reads as follows:—

"For the purposes of this section, previous conviction against a person shall include any previous order made against him under this section or section 4."

There is provision for admonition also under section 562. A person who is entitled to admonition will be excluded in the case of previous conviction in the case of clauses 3 and 4 of the Bill. But, in the case of persons who have been previously let off with an admonition under section 562 of the Cr. P. C. an exception is being made. My submission is that clauses 3 and 4 of this Bill and section 562 of the Cr. P. C. stand on the same footing. They are at par. Therefore, I think that this second amendment which is proposed by me is also equally reasonable.

**Shri Raghubir Sahai** (Badaun): Mr. Speaker, I have given notice of three amendments of a similar nature. Now with your permission, I would like to make some remarks with regard to amendment No. 8 in clause 3. Similar amendments have been given to clauses 4 and 6. I would request that whatever I say in regard to this may be taken as my argument in regard to those two other clauses as well. My amendment suggests that in page 2, line 9, after the word "offender" the following words may be inserted:

"and also the fact that he has made a clean breast of the whole thing concealing nothing".

When these words are inserted the whole clause would read like this:

"When any person is found guilty of having committed an offence punishable under section 379...or with both, under the Indian Penal Code or any other law, and no previous conviction is proved against him and the court by which the person is found guilty is of opinion that, having

regard to the circumstances of the case including the nature of the offence and the character of the offender, and also the fact that he has made a clean breast of the whole thing concealing nothing, it is expedient so to do ..."

I only wanted that when the court takes into consideration so many factors such as the circumstances of the case, the nature of the offence, the character of the offender, and his age in some cases, it may also take into consideration the fact that he has made a clean breast of the whole thing. I want to add only one consideration more. As would be apparent from the section; after having taken into consideration all these things, the court then, if it is expedient to do, then and then alone would pass an order, either with regard to the release of the offender on due admonition, or his release on probation. As is apparent to everybody, after having taken into consideration all these things, it rests with the discretion of courts to take such action or not. It is not mandatory that after having taken into consideration all these things he has to discharge him or release him on due admonition or release him on probation. The powers are discretionary. He can still refuse and say that he is not going to release him on due admonition, or he is not going to release him on probation. So, when this consideration is added, no harm can be done; no harm will be done. I do not know on what ground an objection can be taken to this reasonable amendment.

Some fear has been expressed that if this thing is added to the clause, then forced confessions would take place. Now, that is an unfounded fear, because even when confessions are made in the ordinary course of business, we find that courts often do not attach any value to those confessions and after having made those confessions, the courts hold those people guilty and sentenced them to imprisonment for various years. There are a large number of offenders who are on bail. As soon as they are arrested by the Police either for



[Shri Raghbir Shal]

bailable offences or for non-bailable offences, they are released on bail and are in the hands of their lawyers, if they have got the aid of lawyers. Now, why prevent them from stating the whole truth. The benefit of this section would be taken by those persons who are not released on bail and also by those persons who are on bail.

My most important point is that by adding these words, you will be attaching some importance to truth speaking. As I pointed out yesterday, though perjury is rampant in law courts—that has been admitted by everybody, by responsible persons, hon. Ministers and everybody and there are no two opinions with regard to that—I want to urge before this House to take some positive steps to do away with perjury. Until and unless some provision is made in some law that if truth has been stated by an offender, his statement would be looked upon with certain amount of sympathy....

**Shri Supakar:** Who will judge the truth?

**Shri Raghbir Sahal:** The court is there. Otherwise it is no use appointing these courts and these magistrates

I also yesterday drew your attention to the remarks of a very distinguished judge of America, who has faith in the provisions of probation and who has also faith in truth telling. Now, without repeating all those things....

**Mr. Speaker:** Hon. Member spoke mainly on this point, I will not repeat that, but I want to submit that very distinguished foreign judges have attached very great importance to truth telling in law courts. Where is the harm if our Parliament also determines that truth telling should be given more scope in law courts? I do not think that heavens would fall if this amendment is accepted by the hon. Minister.

**Shri Jaganatha Rao (Koraput):** May I oppose the amendment?

**Mr. Speaker:** I have no objection. Hon. Member may reserve his comments for some other occasion. If he is particular about it, then I have no objection.

**Shri Jaganatha Rao:** Mr. Speaker, Sir, my hon. friend, Shri Sahai has moved this amendment that in section 3, one more clause be added, viz.,

"and also the fact that he has made a clean breast of the whole thing concealing nothing"

is also to be taken into consideration before the court comes to a decision that admonition should be administered. As, I said yesterday, this would be fettering the discretion of the magistrate. The whole object of the Bill, as it was the object of section 562 of the Criminal Procedure Code, is that every accused whether he admits the guilt or defends himself, denies the offence and is ultimately found to be guilty will be entitled to this admonition in proper cases provided the magistrate came to that conclusion. Therefore, adding this condition and the circumstances, according to my hon. friend, would be fettering the discretion of the magistrate.

**Shri Raghbir Sahal:** How?

**Shri Jaganatha Rao:** If the accused does not make a clean breast of the offence, the magistrate might feel that he is not entitled to exercise the discretion of administering the admonition. The circumstances of the case, the offence and all that are sufficient to give the magistrate power to exercise a judicial discretion and in coming to the conclusion whether admonition should be administered under section 3.

Regarding my hon. friend, Shri Supakar's amendment that sections 379, 380 and 420 should be omitted from clause 3 because they involve offences of moral turpitude, my submission is that these sections were there in section 562 of the Criminal Procedure Code. When they have been there in section 562, I see no

reason why these sections should now be deleted and why should the magistrate not exercise his discretion in administering admonition to offenders who come within the purview of these sections.

Secondly, the whole object of this measure is to reform offenders, whatever be the nature of their offences, which are punishable with a sentence of two years not only under the Indian Penal Code but under any other law for the time being in force. So, I see no reason why this amendment should be accepted.

Then my hon. friend, Shri Bharucha wanted that this admonition should be exercised only in cases where the accused person is under 21 years of age. He also wants special reasons to be recorded as to why admonition should be granted.

**Shri Naushir Bharucha:** That is for persons above 21 years of age.

**Shri Jaganatha Rao:** He wants special reasons to be recorded by the magistrate when administering admonition in cases where the accused person is 21 years of age and above. As I submitted, the whole enactment is based on the principle that reformation is the basis of punishing crime and not imprisonment as the only mode of correcting an offender. So, the age of the offender is of no significance or importance in cases coming under the purview of this Act so that the magistrate, in proper cases, can exercise his discretion.

So, I submit that all the three amendments do not merit any consideration.

**Sardar Hukam Singh (Bhatinda):** Mr. Speaker, Sir, I only want to say a few words about the amendment which Shri Sahai has moved. He feels that this would encourage the speaking of truth. He has also said that many judges have emphasised the importance of truth speaking in courts. Nobody can deny that. Not only the judges have emphasised that, but every hon. Member of this House certainly would emphasise the importance of truth speaking. But whether

this amendment, if accepted, would encourage the accused to speak the truth or not is a doubtful matter.

It has two aspects. An interruption was made, perhaps by Shri Supakar, as to who would judge that the truth has been told and Shri Sahai replied that the courts would do that. When a case goes to the court, at the outset it is considered that perhaps whatever the Police has said is the truth and if the accused confesses the guilt then perhaps that is the truth. Nobody bothers in that circumstance whether that is really the truth or not. Even when only section 562 was there, lawyers, who have been practising at the bar, must have experienced that as soon as an offender was charged with a trivial offence that could admit of some discretion for the magistrate to take action under section 562, the Police from the very start induced that accused to confess the guilt straightaway. They would say that they would help him in getting released after admonition under section 562. Many an accused, though they were not guilty—that is my experience at least. I do not know whether it is the experience of others also—succumbed to that temptation and confessed the guilt. It is not only so with the Police. This temptation, as I shall say, persuaded even the magistrates to take action under section 562. They have sometimes been made parties on this count and they feel that perhaps it would be a speedier disposal of the case. So they have also become parties to that and have given an indirect undertaking or just a promise that if he confesses, certainly they would consider his case. That was enough temptation for the accused and whether he was guilty or not, whether he had committed the offence or not, he would confess his guilt and the magistrate would give the benefit that is allowed under section 562 Cr P. C. If this was also made one of the considerations, as Shri Raghubir Sahai says, it would open out a chance for the police to induce the accused person to straightaway confess it and have no botheration whether he would be

[Sardar Hukam Singh]

acquired or convicted. The police also will see that their case has been proved and the magistrate would also find that he can dispose of the case very easily.

**Shri Raghunir Sahai:** His Lawyers would be there to advise him.

**Shri Naushir Bharucha:** Lawyers would also like to be finished with it.

**Sardar Hukam Singh:** I was very reluctant to say that having got their fee, they may think, let it be disposed of if that can be done. The lawyer has also to depend on the facts that are given to him. If, on the one side there is a little advantage, I think the danger would be greater as compared with the convenience or advantage to be derived. Therefore, I do not feel that such an amendment should be acceptable.

**Shri Sinhasan Singh (Gorakhpur):** Sir, after having heard our Deputy-Speaker that this will lead more to confession and that would be initiated by the police, by the magistrate and by the lawyer, I feel myself that I should also say something about it. This amendment of Shri Raghunir Sahai, if it is adopted, it is not going to detract from or taken away anything from the powers of the magistrate. If a man is made to confess only to get a warning, he is making himself open to all the world that he has committed an offence. What is going to happen if there is a case in which after due trial he is going to be warned and let off and the trial is finished by a mere confession? I think that would be adding something to the glory of the man also.

13-33 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

If the clause is there, there may be a temptation for persuading him to confess. If the clause is not there, there is prolongation of the case also and after due trial that matter may come one way or the other. It even comes to this that the man is let off with a warning only if he confesses. But, if he confesses, I am certain he will feel

that he has done a wrong. After confession, he will feel also that he is going to be debarred for all times to come from getting a job. He will be considered guilty. No innocent man who has been caught in a case will confess unless he is in some way or other connected with the offence. In my view, if this amendment is accepted, it is not going to detract from the powers of the magistrate. As you pointed out, there is a force and there is a danger. If there is a force and a danger we cannot pass a law which is absolutely free from any danger. In every law, in every word, there will be some advantage and some disadvantage will follow. When we are passing a law, when we are making the people feel that they should be honest in their behaviour, let the man who is guilty have the courage to say I have done a wrong, irrespective of this clause whether he will be let on probation or not, and you will please let him go on probation or warning or punish me. I think it would lead to the same thing. The addition of the amendment would rather enlighten this section more and make it more effective on the moral side than on the criminal side. I think if it is accepted, it will in no way take away the power of the magistrate to release or decide otherwise. That would be merely an additional consideration for the Magistrate to see whether a man who has done a wrong is coming before the court and makes a clean breast of the case and he is sorry. In my view, if it is accepted it will be better.

**Shrimati Alva:** None of these amendments are acceptable to us. I shall begin with the amendment of Shri Raghunir Sahai. Shri Jaganatha Rao has explained there is great difficulty. You yourself, Sir, explained how are we going to find out whether the man is admitting his guilt or innocence if you give him a right to admit or confess in the court. We may encourage even habituals to come forward and say, I am guilty, taking advantage of this very discretionary measure. We do not want to en-

courage any one to confess. The court is in possession of all the evidence before it. Where is the need for this confession? The probation provision comes in only after all the evidence is before the court. Therefore, the amendment is not acceptable to us.

**Shri Sinhasan Singh:** It does not apply to habituals. You have put in a proviso whereby the moment it is seen that he has previous conviction, he will not get the benefit.

**Shrimati Alva:** I have explained, Sir.

**Mr. Deputy-Speaker:** He should take into consideration all the circumstances. Under section 562 also, this circumstance of the accused having made a clean breast of the guilt is also ordinarily taken into consideration. Is there any need to put it specifically?

**Shrimati Alva:** As far as the other amendment No. 7 is concerned, I think it is reactionary because it is restricted and does not even apply to section 562 Cr. P. C. I do not know how it can be acceptable.

Then, Shri Naushir Bharucha's age: I think this was very much discussed in....

**Mr. Deputy-Speaker:** Shri Naushir Bharucha's amendment as to age?

**Shrimati Alva:** Shri Naushir Bharucha's amendment as to age only the other day, in his speech, he referred to a man of 70 and asked, what is the charm in admonishing a seventy year old person. In reply I ask, what is the charm in sending him to prison? He wanted admonition to be restricted to persons under 21, probation up to 25 and only in exceptional cases to elder persons. No such strict age limit has been provided in the Criminal Procedure Code or even in the other State Acts. I oppose all these amendments.

**Shri Supakar:** What about amendment No. 2?

**Mr. Deputy-Speaker:** It goes along with the others. May I enquire whether any particular amendment is to be put separately? No. I will put all

the amendments to the vote of the House, Nos. 1, 2, 7, 9, and 8.

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

Page 2, lines 2 and 3,—

Omit "Punishable under section 379 or section 380 or section 381 or section 404 or section 420 of the Indian Penal Code or any Offence".

*The Motion was negatived.*

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

Page 2, line 16

add at the end "or under section 562 of the Code"

*The Motion was negatived.*

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

Page 2, line 1

after "person" insert—  
"below the age of twenty-one"

*The Motion was negatived.*

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

Page 2,—

after line 13, add

"Provided that for any special reasons to be recorded in writing the court may pass an order under this section in case of a person above the age of twenty-one years."

*The Motion was negatived.*

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

Page 2, line 9,—

After "offender" insert—

"and also the fact that he has made a clean breast of the whole thing concealing nothing."

*The Motion was negatived.*

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

"That clause 3 stand part of the Bill."

Some Hon. Members: 'Aye'.

Some Hon. Members: 'No'.

**Mr. Deputy-Speaker:** The 'Ayes' have it.

Some Hon. Members: The 'Noes' have it. Nobody said 'Aye'.

**Some Hon. Members:** We have said.

**Mr. Deputy-Speaker:** I will put it again. I can certify this much that somebody did say 'Aye'; but it was too low.

**Some Hon. Members:** Half-hearted.

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

"That clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

**Clause 4**—(Power of Court to release certain offenders on probation of good conduct)

**Shri Naushir Bharucha:** I beg to move:

Page 2, lines 17 and 18,—for "when any person is found guilty of having committed an offence not punishable with death or imprisonment for life" substitute—

"When any person under the age of twenty-five years is found guilty of having committed an offence mentioned in section 3, or such other offence punishable under such other Central or State Act or sections thereof as the Central or State Government may by notification prescribe as fit and proper to be brought within the scope of this section, and no previous conviction is proved against him."

Page 2, after line 28, add—

"Provided that for any special extenuating circumstances only, to be recorded in writing, the court may exercise its powers under this section in respect of a person above the age of twenty-five years.

Provided further that the court shall not exercise its powers under this section in the following cases:—

- (i) where offence relates to creation of ill-feelings or discontent among or between communities;

- (ii) causing grievous hurt, as defined in the Indian Penal Code, unless in the opinion of the court the party aggrieved is reasonably compensated for loss or injury sustained by it as a result of the offence;

*Explanation:*—"reasonably compensated" means compensated by award of such damages as a civil court would, in the circumstances of the case decree and payment of such damages.

- (iii) where offence is dacoity, or causing of injury to human being by fire-arms, or deleterious substances."

**Shri Raghbir Sahai:** I beg to move:

Page 2, line 21,—after "offender" insert—

"and also the fact that he has made a clean breast of the whole thing concealing nothing."

**Shri Naushir Bharucha:** In this case, clause 4, as I view it is only one step removed from abolition of jails because clause 4 includes all offences except those punishable with death or imprisonment for life. If the dream of the hon. Minister is fulfilled that the Act should be implemented 100 per cent, the jails are practically as good as abolished. Because, the people who are hanged, they do not require the jail. The people who are imprisoned for life, are sent somewhere else. What I want to point out is, are we prepared to lump up all these offences whatsoever and say that even if a man is convicted several times, still he must be given a chance? And the mischief is not only confined to that. In this case please remember that this is applicable to any Act which the State Legislature may also pass. I have yet to know if State legislatures have passed Acts condemning people to death or imprisonment for life. Not to my knowledge. There might be a very exceptional case. Therefore, this clause affects all the Acts of the States.

What is more, even if in the future a State feels that a minimum punishment should be prescribed for certain types of offences which are rampant in that particular State clause 4 comes in and nullifies that legislation. For instance, offences of dacoity may be rampant in a State and it may think that some example should be made, and it may even prescribe by some special legislation the minimum punishment for such an offence. This clause 4 will nullify that legislation.

Let us understand the full implication of it, that no State in future will be able to pass legislation prescribing any minimum sentence. That is going to be the effect because this is applicable to all offences under any Act excepting death. Are we prepared to go as far as that and virtually nullify the powers of the State legislatures and Parliament to prescribe minimum punishment?

The reason why I have in my amendment stated that probation should be confined to persons under 25 years of age and may be extended to those beyond 25 years of age in exceptional cases is this, that my amendment preserves the objective of those who want to reform. There is no bar for a magistrate to say in a really deserving case that for such and such reasons he is letting an accused off so, the purpose which the Government have in view is achieved. I am not so very reactionary as the hon. Deputy Minister thinks because I am extending probation even to people of 75 or for the matter of that 100 if the court thinks fit.

The second point to remember is this. You, Sir, with your experience of Law courts, have rightly pointed out the invariable temptation to the court to resort to this Bill but you have used very cautious language, and said that sometimes it happens and indirectly the court suggests. May I tell you that the court directly and repeatedly suggests it?

The other day I made a reference to a murder trial in which I was holding

a brief. At one stage the court point-blank told the lawyer of the accused: "Well, if your clients are going to plead guilty to a charge of hurt, I am prepared to deal with them leniently. Nothing can be more glaring than that statement.

If each and every offence under the Sun can be brought under the purview of clause 4, what will happen is this Magistrates being human and pressed for time, and lawyers being anxious to get their clients let off with as little of time as well as punishment, all will be tempted to say: "Let us resort to clause 4".

The amendment which I have made is that it makes probation as a matter of course probation available to people under 25,—twenty-five is fairly large age—and in exceptional cases only above that. The emphasis is being shifted from probation being made available to all and sundry for the mere asking to a select few under 25, and in exceptional cases to those above 25. I am not also reactionary because I am not suggesting anything which the hon. Deputy Minister has not in view. I am saying: have your purpose served by a different emphasis. That is all.

In my amendment No. 12 I say that before a man is let off, at least he must be made to feel some pinch of his guilt. The other day I pleaded, and I am afraid I pleaded in vain, that too much sympathy is shown to the accused and too little to the victim. If a man has caused death to somebody else, has stabbed him which may not directly amount to murder, but the man dies, then what happens to the stranded wife and children? Some provision must be made for them. Or, should the stranded wife and children, because of their poverty, resort to crime and then become eligible to the sympathy and the generosity of the Deputy Minister?

Therefore, I say: let us have some sort of check; if it is not a check of jail, at least let it be the check that

[Shri Naushir Bharucha]

the man will have to fork out some money from his pocket. This is all I am pleading for.

I do not think that what I am pleading for in my amendments is something reactionary at all. My amendment does, in fact, carry the position much farther than section 562 of the Criminal Procedure Code.

**Mr. Deputy-Speaker:** Shri Raghbir Sahai.

**Shri Raghbir Sahai (Badaun):** I will not make another speech because the arguments are the same.

**Mr. Deputy-Speaker:** Shri Shree Narayan Das.

**Shri Shree Narayan Das (Darbhanga):** I support some of the points made in the amendment moved by our friend Shri Naushir Bharucha.

The principle has been accepted by the House that in certain cases persons having been found guilty should be released on probation, but I think that looking to the present conditions of our society we are going to make an experiment after passing this measure, and the experiment is this that such persons as have been found guilty by court should be released on probation of good conduct. I think there will be no harm if this measure is, for the present, limited to persons of the age of 25 years or below as has been put forward by Shri Naushir Bharucha, and after having experience with regard to those cases the position could be judged as to whether the persons who, having been found guilty, were released on probation have behaved in such a way that we can come to the conclusion that this is a really good measure.

I do not agree with all the points that have been raised in this amendment, but the principle of this clause should be limited to such persons as are below 25 years, and it should be

left to the discretion of the court to see whether the provisions of this clause can be made applicable to others above the age of 25.

As has been pointed out by so many friends in this House and elsewhere, although this measure is a good one and the principle on which it is based is a very good one, we should proceed with caution. If this clause is limited to persons below 25, I think that would be a very good precaution, and after having some experience of the working of this clause, I think the time would come when this could be made applicable generally to persons of all ages. Therefore, I support this point.

Although the Deputy Minister is not in a mood to accept any of the amendments, I hope that she will at least take into consideration the views of the Members and for the time being limit the provisions of this clause to persons below 25.

**श्री सिंहासन सिंह (गोरखपुर) :** उपाध्यक्ष महोदय, श्री नौशीर भरूचा ने इस विधेयक के क्लॉज ४ पर जो प्रमैडमेंट्स पेश किये हैं, मैं उनके भाव की तारीफ करता हूँ। उनके अन्दर जो भाव हैं वह इस विधेयक को देखते हुये ऐसा है कि जिस पर अगर हम ध्यान से गौर करें तो यह मालूम होगा कि यह प्रमैडमेंट्स अगर स्वीकार कर लिये गये तो हमारे रास्ते में जैसा कि उन्होंने कहा कि इस विधेयक के पारित हो जाने के बाद कुछ ऐसा प्रतीत सा होने लगेगा कि शायद जेल की कोई जरूरत ही नहीं रह जायेगी। अभी शायद वह भ्रष्टाचार हमारे देश में नहीं आई है और वह दिन नहीं आया है जब कि हर एक आदमी को खाने को रोटी और पहनने को कपड़ा और जरूरी चीजें मिलें। इस विधेयक के पास करने से ऐसा समय आ सकता है और हो सकता है कि आत्म सुधार से ही काम चल जाये। लेकिन जब तक

हमारे समाज में छोटे बड़े और गरीब धनीर का भेदभाव रहता है तब तक हमें कुछ राक बाम करके चलना चाहिये

जैसा कि श्री नीशीर भरूचा ने कहा यह दफा हर प्रकार के अपराधों को अपने अन्दर लेती है, केवल मौत और काले पानी की सजा इसमें नहीं है। ३०२ और और दफायें जिसमें कि सीमित सजायें होती हैं वे और ऐसे अपराध भी जिनमें कि १०, १२ वर्ष तक की सजायें वर्णित हैं वह भी इसमें आ जायेंगी, १४ वर्ष की सजा भी आ जायेगी। लाइफ़ इमप्रैजेनमेंट २० वर्ष का माना गया है। लाइफ़ इमप्रैजेनमेंट से जितने नीचे के अपराध हैं वे इस दफा में आ जाते हैं। इस दफा में कोर्ट्स को यह पावर दी गई है कि अगर वह मुनासिब समझें तो आफेंडर्स को गुड कंडक्ट के प्रोबेशन पर छोड़ सकते हैं। मैं समझता हूँ कि यहां पर जो प्रीवेंशन आफ़ करप्शन ऐक्ट पास हुआ है उसमें कोई एक ऐसा क्लॉज है कि मिनिमम सेंटेंस जरूर देना पड़ेगा और एक वर्ष की सजा जरूर होगी। मैं समझता हूँ कि इसके अन्दर भी आपने कुछ इस किस्म की व्यवस्था की है . . .

एक आगनीय सचय : नहीं हुई है।

श्री सिंहासन सिंह : मैं समझता हूँ कि हुई है। ऐनीवे, ज्वाएंट कमेटी में ऐसा जरूर विचार किया गया था और यह खयास किया गया था कि ऐसी कुछ व्यवस्था जरूर की जाये।

कभी कभी कोर्ट्स ने सामने कुछ दिक्कतें हो सकती हैं। ऐसी अवस्था में अगर कोई फ़ेहरिस्त उन अपराधों की बने कि इन अपराधों के अन्दर कोर्ट्स अपराधियों को छोड़ दें तो इससे शायद सहूलियत होगी क्योंकि समाज की अवस्था हम देखते हैं कि ऐसी है कि जिसके कारण दफा ५६२

के अन्दर छुड़ाई नहीं हुई है। इसके अन्दर जो सबसेक्शन २ है उसने सम्बन्ध में येरा ऐतराज है। उस सबसेक्शन २ में यह व्यवस्था है कि सबसेक्शन १ के मातहत कोई आर्डर करने से पहले कोर्ट उस केस से सम्बन्धित प्रोबेशन आफ़िसर की रिपोर्ट को कंसिडर करेगा। वह जब या मजिस्ट्रेट प्रोबेशन आफ़िसर की रिपोर्ट को अपना आर्डर करते वक्त कंसिडर करे। कोर्ट्स के सामने अब तीन तरह की चीजें होंगी, एक तो गवाहों के बयान, दूसरी पुलिस की डायरी और तीसरी चीज यह प्रोबेशन आफ़िसर की रिपोर्ट भी रहेगी। अब आज जो अवस्था हमारे समाज की है और जब बड़े बड़े अपराधों के ऊपर भी एनक्वायरी कमेटी बैठ रही है तो इस विधेयक द्वारा जो प्रोबेशन आफ़िसर्स मुकर्रर होंगे वे भी अपना एक अलग दरबार लगायेंगे और उनकी रिपोर्ट मुआफ़िक़ जाने पर ही अपराधी छूट सकेंगे और मुझे आशंका है कि कहीं उनका दरबार कोर्ट्स से अधिक न बढ़ जाये। इसलिये सबसेक्शन २ अगर न रहे और उसके मातहत अगर प्रोबेशन आफ़िसर की रिपोर्ट की आवश्यकता न हो तो शायद अच्छा रहेगा। इन शब्दों के साथ मैं मंत्राणी महोदया से अनुरोध करूंगा कि वे श्री नीशीर भरूचा के पहले अमेंडमेंट को मान लें। उनका दूसरा अमेंडमेंट तो २५ वर्ष से ऊपर वाला है। यह प्रीवेंशन आफ़िसर की रिपोर्ट की आप क्यों लाईव करते हैं? किसी को छोड़ना न छोड़ना कोर्ट्स के डिस्क्रिशन पर रहे और प्रोबेशन पर छोड़ने वालों की देख रेख प्रोबेशन आफ़िसर करे लेकिन किसी आफेंडर को छोड़ना न छोड़ना प्रोबेशन आफ़िसर की रिपोर्ट पर निर्भर करे यह शायद हमारे अच्छाचार में जिसका कि आज काफी शोरगुल है उसमें बढ़ोतरी ही करेगा और उसको कम नहीं करेगा। इन शब्दों के साथ मैं अनुरोध करूंगा कि मंत्राणी महोदया इन चीजों के बारे में विचार करें।



**Shri Balasaheb Patil:** I rise to oppose clause 4 as a whole. My first reason is that the jails will continue to be there, the jail staff, the jailors, the police etc. would continue to be there, and there will be expenditure on them. Secondly, the clause as it stands, would create a new machinery, namely probation officers and their staff, probation houses for the education of those persons who will be on probation etc.; furthermore, there will also be some machinery to give them jobs. That will be the second type of expenditure that will have to be incurred by the State. At present, we find that everybody is saying that there is shortage of money, and there is no money for the Second Five Year Plan. Under these circumstances, we have to consider whether we can afford to have both these two systems side by side, the jails and the probation houses.

**Mr. Deputy-Speaker:** The hon. Member is opposing the Bill on its principles.

**Shri Balasaheb Patil:** No. I am opposing the principle of clause 4 because it sets up a new machinery, and expenditure will have to be incurred on that machinery.

**Mr. Deputy-Speaker:** It is not only in clause 4 that there is a reference to probation officers. There are many other clauses also where they are referred to. Therefore, I said that he was opposing the Bill as a whole and not only a particular clause.

**Shri Balasaheb Patil:** In a sense, that is true.

**Mr. Deputy-Speaker:** Then, he is too late.

**Shri Balasaheb Patil:** There is again an opportunity in the third reading also. Here, I am opposing clause 4 as a whole.

I have seen certain persons who by habit and by nature are dacoits and thieves for the whole of their lives. Those persons will take advantage of this clause. They will gather together some young persons who are amenable to them,

and they will form a gang. They very well know that by themselves they will not come under the purview of clause 4, but only their associates. And as for the associates, for the first offence of theft under section 379, there will be a warning administered to them. For the second offence there will be a warning; and for the third offence, they will be put on probation, and the period that would intervene would be only three years. These persons being very intelligent will follow it, after the first two attempts, they will have their friends and get money from them, and they will send their followers saying 'Look here. there is no possibility of your being charged with the offence. Therefore, go on with these things'; and before any offence is committed, they will also prepare for the surety and other things that are required under clause 4.

My submission at this stage is that if we pass this clause as it stands, then it will only encourage this sort of thing. As we know very well, already, in certain parts of this country, there are arch villains and arch dacoits. Therefore, we have to be very careful.

**Shri Supakar:** I agree with my hon. friend Shri Sinhasan Singh and I support the points that have just been made by him. I would refer here particularly to the point which I emphasised during the course of the discussion yesterday, namely the mandatory nature of the provision that the court shall take into consideration the report of the probation officer.

Sub-clause (2) of clause 4 reads:

"Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case."

This provision, I am afraid, will pollute the conscience and the judgment of the magistrate or create an atmosphere where the magistrate will not

be able to bring to bear on the case his dispassionate mind for taking into consideration the facts and the evidence in regard to the case as made out before him.

The reports of the probation officers, as made out in clause 7 later on, shall be confidential reports, and neither the accused nor the complainant will be in a position to know the nature of those reports. They will be just like the report of the inspectors in sales-tax and income-tax cases, but with this difference that in the case of sales-tax and income-tax, the man has only to take some money, but in this case, if the court does not go in for probation, the accused will have the misfortune of suffering a heavier penalty than he would otherwise.

Possibly the probation officer, being a human being, may be prejudiced by the social and moral environments and the circumstances of the accused when he committed the offence, and the surroundings in which he lives, and that prejudice, unrebuted and unchallenged, will be allowed to influence the judgment of the court or the Magistrate, as the case may be. That, I believe, is the most unfortunate state of affairs that is going to happen in future and that will outweigh a hundred times the benefit which we propose to give to the delinquents by means of this piece of legislation.

**Shrimati Alva:** Shri Naushir Bharucha while moving his amendment, has forgotten his own Bombay law. In his own Bombay law, this age limit does not exist. More than that, the Bombay probation law permits probation in case of women for all offences. This measure is restrictive, a little more restrictive than even some of the measures that are still in existence in the various States.

**Mr. Deputy-Speaker:** It is not known that he was in favour of that legislation in Bombay also.

**Shri Naushir Bharucha:** That is the point.

**Shrimati Alva:** But he was there. I know it. He has been there long enough in that legislature.

**Mr. Deputy-Speaker:** He might have been there.

**Shri Naushir Bharucha:** I was in the Opposition all along.

**Shrimati Alva:** We have kept out offences for which punishment of death or life imprisonment is given. I do not know how there is so much ignorance about it. We have kept these heinous offences out of the purview of the Bill. In any case, why should we not give the discretion to the court? I do not know why this word 'probation' is not understood in the proper light. He wants the States to list the offences. The purpose of this measure is to bring about uniformity. We do not want to give the States the discretion of listing these offences for the simple reason that this is going to be a Central measure. They will only interpret. We want uniformity in the country. We have had discussions at length in the Joint Committee, of which Shri Bharucha was a Member, and we came to an agreement. Now he has again raised the point.

**Shri Naushir Bharucha:** I did not come to any agreement.

**Shrimati Alva:** He might have voted against, but the opinion of the Committee was that it would not be advisable to give the States this discretion. Therefore, I oppose this amendment.

Amendment No. 11 is by Shri Raghubir Sahai. It is the same thing as was previously answered, about confession, making a clean breast of the whole thing, concealing nothing. 'Concealing nothing' is a very difficult phrase; while revealing, one may conceal something. This amendment is also opposed.

[Shrimati Alva]

As regards amendment No. 12, concerning age, we want to leave the discretion to the courts who will exercise their own judgment. I do want to impress on the House that we want to give the courts full discretion to come to any decision. If the offences are so heinous, the court will decide. Probation is not going to run amuck in the country. There will be hardly one in 100 or 500 or may be even less who will get probation. We are leaving it to the discretion of the courts. Therefore, this amendment also is not acceptable to Government.

**Shri Shree Narayan Das:** I would like to have some information.

**Mr. Deputy-Speaker:** After the Minister has replied?

**Shri Shree Narayan Das:** The hon. Minister has just said that Government are not going to give any discretion to the State Governments. I would like to know whether there is anything in this Bill to compel State Governments to adopt this measure.

**Mr. Deputy-Speaker:** She was speaking about uniformity, that the body of the Bill would not be allowed to be interfered with. Whether it will be enforced now or after sometime or a year after is a concern of the States.

I shall now put amendments Nos. 10, 11 and 12 to the vote of the House.

The question is:

Page 2, lines 17 and 18,—for “when any person is found guilty of having committed an offence not punishable with death or imprisonment for life” substitute—

“When any person under the age of twenty-five years is found guilty of having committed an offence mentioned in section 3, or such other offence punishable under such other Central or State Act or sections thereof as the Central or State Gov-

ernment may by notification prescribe as fit and proper to be brought within the scope of this section, and no previous conviction is proved against him.”

*The motion was negatived.*

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

Page 2, line 21—after ‘offender’ insert—“and also the fact that he has made a clean breast of the whole thing concealing nothing.”

*The motion was negatived.*

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

Page , after line 28, add—

“Provided that for any special extenuating circumstances only, to be recorded in writing, the court may exercise its powers under this section in respect of a person above the age of twenty-five years.

Provided further that the court shall not exercise its powers under this section in the following cases:—

- (i) where offence relates to creation of ill-feelings or discontent among or between communities;
- (ii) causing grievous hurt, as defined in the Indian Penal Code, unless in the opinion of the court the party aggrieved is reasonably compensated for loss or injury sustained by it as a result of the offence;

Explanation:—‘reasonably compensated’ means compensated by award of such damages as a civil court would, in the circumstances of the case, decree and payment of such damages.

- (iii) where offence is dacoity, or causing of injury to human being by fire-arms, or deleterious substances.”

*The motion was negatived.*

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

"That clause 4 stand part of the Bill".

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clause 5 was added to the Bill.*

**Clause 6—(Restrictions on imprisonment of offenders under twentyone years of age)**

**Shri Naushir Bharucha:** I beg to move:

Page 3, line 29,—for "twenty-one years" substitute "eighteen years".

Page 3,—for lines 32 to 37, substitute—"person is found guilty shall sentence him to imprisonment unless it is satisfied that having regard to the circumstances of the case, including the nature of the offence and the character of the offender, it would be desirable to deal with him under section 3 or section 4, and if the court does not pass any sentence of imprisonment on the offender, it shall record its reasons for not doing so".

**Shri Supakar:** I beg to move:

Page 3, for lines 32 to 37, substitute—"person is found guilty may, if it is satisfied that having regard to the circumstances of the case including the nature of the offence and character of the offender, it is desirable to do so, instead of sentencing him to imprisonment deal with him under section 3 or section 4".

Page 3, lines 36 and 37, —omit —"and if the court passes any sentence of imprisonment on the offender, it shall record its reasons for doing so".

**Shri Naushir Bharucha:** With regard to clause 4, I stated that it comes very near to abolishing jail.

This particular clause virtually abolishes jail for people under 21 years of age. My amendment says that instead of 21, this benefit should be extended to people of 18 years of age. Here again, it is not as if I am reactionary and I am saying....

**Mr. Deputy-Speaker:** That might not be exchanged everytime that the hon. Member and the Minister stand.

एवज मझावजा गिला नदारद

Let it remain where it is.

**Shri Naushir Bharucha:** The scope of the clause is this, that anybody under the age of 21 is entitled as of right, because it says that the 'court shall not sentence him to imprisonment'. My amendment says that people under 21 need not necessarily be sent to jail, but if the court does not sentence him to imprisonment, it must record its reasons why it is not sentencing him to imprisonment.

I shall give my reasons as to why I want this to be done. 21 years of age is a very mature age, and any type of offence can be committed by a person under 21 years of age. But the biggest danger, as has been put down very aptly by Mr. Justice Chaturvedi of the U.P. High Court, would be that real offenders, the brains behind the crime, will be using people under the age of 21 years as their tools. Today, actually our experience in Bombay City has been that for transport of illicit liquor, they employ little children. Little children have not got that mature judgment. They commit blunders and are very quickly detected. Once they are detected and sternly asked, they reveal the whole gang. Bootleggers and organisers of organised crime will be able to select people of 18, 19 and 20 years who are less capable of resisting cross-examination by the police. What does that person lose? Nothing. It means either admonition or at the most probation. What is the type of probation that he will get? My own feeling is that the brains behind the criminal organisations will not only

[Shri Naushir Bharucha]

organise gangs under 21, they will also provide probation officers from among themselves. There won't be any difficulty about that whatsoever.

In the first place, it is very difficult to detect a crime. Secondly, it is very difficult, even if it has been detected, to frame proper charge and lead evidence, and even if that happens, one does not know whether there will be conviction. After conviction, we do not know what is going to happen. Who is going to take the trouble of going to a court of law? Let us say there are some people who are keen on having prohibition properly implemented. Why is it that people come forward? Because they know that the man will be convicted and the society will be benefited. If I know that a gang of bootleggers has organised the whole thing and persons under 21 years of age have been employed to distribute the illicit liquor and I go and make a complaint, I know it for a fact that they are going to be admonished or let off in probation. Am I such a fool that I will go and help the court to see that the man is found guilty if, in the bargain, all that I am going to get is the satisfaction of the man being released on probation or let off and my life being threatened?

Sir, the Deputy Minister has no experience of law courts. In one case in Bombay city, where a man presented a complaint that illicit distillation was going on, that he had reported it to the police and the police would not do anything and so he presented the complaint personally, the magistrate advised him: "Withdraw your complaint; you are living there; do you want to live or to die?" And the man wisely withdrew it.

If I know that the man who is employed is under 21 year of age and is going to be let off and after that he will come and threaten me, am I going to help police and the Government by seeing that the prosecution is properly and vigorously launched?

That is a point we have to take into consideration. This also relates to offences punishable with imprisonment, excepting for life. Other types of benefits are also included in this section. With sturdy young men of 18, 19 or 20 years, you can organise beautiful gangs of dacoits and terrorising a whole village or a whole taluk or a district. What would happen? Nothing. The magistrate may himself feel helpless or may feel tempted to say, 'Why should I take the burden of convicting this man or sending him to prison; there is the appeal over me; some other view may be taken; so I will let him off after admonition'.

I will appeal to the House to consider this. We have not got that wide experience of probation in this country. Only three States have launched it. Even there it is implemented in a most haphazard manner. The very foundation of a probation system makes it an organisation of well-integrated probation officers service. That is lacking in our country. Proper homes are lacking in our country. And, what is more, after the man emerges from jail or after admonition or probation, there is nothing to provide him with employment. All that we have done is, as we shall find later on, the question of employment is passed on to the probation officer. He is supposed to get them employment. When the State Government cannot do it and when the Central Government cannot provide employment, what is the probation officer to do?

Taking into consideration everything, particularly the background of the organisation with regard to probation that we have—or rather we do not have—in this country, I think this is extremely dangerous. Therefore, I have been very modest in my amendment; I say, reduce the age from 21 to 18.

**Shri Supakar:** Amendment No. 4 which was tabled by me previously was a little defective and so I got it substituted by amendment No. 18.

Then, I have amendment No. 5 as an alternative to amendment No. 18. That is to say, if amendment No. 18 is not acceptable to Government I would request Government to accept No. 5. I shall explain the purpose of these two amendments.

Clause 6 of the Bill really prohibits a sentence of imprisonment for a person under the age of 21 years if he is found guilty and convicted of an offence. This will make the provision so widespread that it will not only let the delinquents go practically scotfree in almost all cases, but will also make necessary the appointment of probation officers in almost all parts where this Act will be brought into force.

We should not start with such a widespread measure all at once and take a leap in the dark. That is my submission. It is better, to start with, to make this provision a little optional on the court or the magistrate and so, instead of—

“shall not sentence him to imprisonment unless it is satisfied that.....”

I suggest that we should say—

“may, if it is satisfied that having regard to the circumstances of the case including the nature of the offence and character of the offender, it is desirable to do so, instead of sentencing him to imprisonment deal with him under section 3 or section 4.”

It would not make sentencing to imprisonment compulsory, which I am afraid my hon. friend Shri Bharucha suggests in his amendment; nor does it make non-imposition of imprisonment almost compulsory in almost all cases. There is an option to the court to pass a sentence of imprisonment if it thinks so, but it does not impose upon the court the additional burden of writing an explanation why it imposes the sentence of imprisonment.

Amendment No. 5 says that even if the court, in all cases, does not sentence him to imprisonment, it will not be under an obligation to give its reason. As it is the clause reads:

“When any person under twenty-one years of age is found guilty of having committed an offence punishable with imprisonment (but not with imprisonment for life), the court by which the person is found guilty shall not sentence him to imprisonment unless it is satisfied that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it would not be desirable to deal with him under section 3 or section 4, and if the court passes any sentence of imprisonment on the offender, it shall record its reasons for doing so.”

It has been said in some of the minutes of dissent that if the clause makes it compulsory on the magistrate or the court passing the sentence of imprisonment to record its reasons for imposing the sentence of imprisonment, it should be an exception and probation should be made the rule in such cases, then the courts will be tempted to take the line of least resistance. Instead of taking the onerous responsibility of recording the reason for passing the sentence of imprisonment, they may choose not to take that responsibility and may say—to be done with the case and save a lot of time—‘I do not pass any sentence of imprisonment you go and have a term of probation’. So, I submit that it is fraught with double danger. It makes the non-imposition of the sentence of imprisonment almost compulsory. It also makes it obligatory on the courts to record the reason when passing a sentence of imprisonment. Both of them should be avoided. So, I have moved my amendments and I hope the Government will be able to accept either of these two amendments.

**Shri Balasaheb Patil (Miraj):** Sir, I rise to support the amendments moved by my hon. friends here for the simple reason that clause 6 casts upon the prosecution and the police to prove the guilt first of all and secondly if the guilt is proved there is the question of sentence or release. The prosecution witnesses should prove the guilt beyond reasonable doubt. We find that nearly 90 per cent. of the criminal cases end in acquittal as the guilt is not proved. The witnesses do not stand the test. In the bigger bilingual State of Bombay, I have seen certain cases. The Prohibition Act is strictly implemented. The witnesses come to the court to support the case of the prosecution and in the open court they say that the bottle was found in the hands of police and not of the accused. If a person is found guilty under the Prohibition Act, he will be punished with three months imprisonment in the first instance and not less than six months for the repetition. So, if an accused is not going to be sent to jail the witnesses will feel: what is the use of going to court and becoming an enemy of this person? This is very important because the minds of these young persons within the age of 18 to 21 are fiery and they will think of revenge and enmity. So the witnesses will have to take upon him the enmity of these persons. There will be no witnesses and the police, if they come across an offender under 21 years of age, will not file a case. Naturally this will result in the increase of offences. Under the Indian Majority Act and the Contract Act, the age of majority is 18 years and there is no reason why it should be increased to 21 years here. So, the age should be limited to 18 years.

**Shrimati Alva:** Mr. Deputy-Speaker, in this amendment we go again and again into the question of age. The hon. Members argue that the age-limit should be reduced. But they forget the position under the different Acts such as the Children Act. Under the different Acts, the Inspector General

of Prisons, even if a young person is imprisoned, can remove such a person from the prison and send him to a borstal school or certified school. I do not see the logic in this argument. The age range is narrow.

**Shri Ram Garib (Basti—Reserved-Sch. Castes):** There is a tribe in U.P. Most of the crimes are committed by the young boys between 9 and 11 years of age. There is not only one community but there are so many communities and if you refer to the U.P. Government, you will get the information. I would like to know how many of these children, even if they are caught, are sent to any reformatory.

**Shrimati Alva:** I do not say that so many are sent or not. I have said that the Inspector General of Prisons enjoys this power of removing the children from the prison and sending them to these institutions. It is a different thing whether it is done or not. That is why the range is very narrow and we want to keep the present age level.

Shri Bharucha talked of victimisation of the young by the adults. We have seen how they become victims in the children court functioning in the country. I do not know how this provision is making the position worse. Shri Supakar has said that the witnesses will feel threatened. What happens just now? Do all the offenders that stand before the court go to prison? What happens to the witnesses? I do not see why there is this apprehension in the minds of the hon. Members.... (Interruptions.)

**An Hon. Member:** It will worsen the situation.

**Shrimati Alva:** Then there is the business of employment. It is not at all the intention of this Bill that the probation officers should be employment exchanges in themselves.

**Shri M. C. Jain (Kaithal):** You are changing the situation from bad to worse.

**Shrimati Alva:** No, Sir, We are trying to keep them back from doing such things and look after them as a nurse or mother would look after them. That is the purpose of this law. I do not know if hon. Members have gone through the various laws that are functioning and enforced in the States. I do not see how this provision is going to be very harmful. We are taking much that is already on the statute-books in the States.

**Shri Supakar** referred to the reasons being recorded in writing. We want to give this discretion to the court because there may be a question of appeal and revision. Whenever a sentence is conferred on the offender, it should be left to the court to record in writing. What harm is there? We do not want to take away the discretion from the courts.

I shall now come to Shri Bharucha's amendments Nos. 13 and 14. I have already spoken about amendments Nos 5 and 15 of Shri Supakar. Amendment No. 14 emphasises imprisonment again. Here we are trying to remove the emphasis from punishment to reformation and by this amendment we take the emphasis to the afflictive method rather than the reformatory or curative. Therefore, the idea in this amendment is not acceptable because our Jail Reform Committees have examined this question again and again and we have come to this conclusion that it should remain as it is in the Bill. I oppose all these amendments.

**Mr. Deputy-Speaker:** I shall now put all these amendment Nos. 13, 14, 18 and 5 to the vote of the House.

The question is:

Page 3, line 29,—for "twenty-one years" substitute "eighteen years"

*The motion was negatived.*

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

Page 3,—for lines 32 to 37, substitute—"person is found guilty shall sentence him to imprisonment unless it is satisfied that having regard to the circumstances of the case, including the nature of the offence and the character of the offender, it would be desirable to deal with him under section 3 or section 4, and if the court does not pass any sentence of imprisonment on the offender, it shall record its reasons for not doing so".

*The Motion was negatived.*

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

Page 3, for lines 32 to 37, substitute—"person is found guilty may, if it is satisfied that having regard to the circumstances of the case including the nature of the offence and character of the offender, it is desirable to do so, instead of sentencing him to imprisonment deal with him under section 3 or section 4".

*The motion was negatived.*

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

Page 3, lines 36 and 37,—omit—"and if the court passes any sentence of imprisonment on the offender, it shall record its reasons for doing so".

*The motion was negatived.*

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

"That clause 6 stand part of the Bill".

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clauses 7 to 16 were added to the Bill.*

**Mr. Deputy-Speaker:** Is Shri Bharucha going to move his amendment No. 19 to clause 17?



**Shri Naushir Bharucha:** No, Sir, it is not mine.

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

"That clause 17 stand part of the Bill".

*The motion was adopted.*

*Clause 17 was added to the Bill.*

**Mr. Deputy-Speaker:** Then we come to clause 18.

**Shri Jaganatha Rao (Koraput):** Mr. Deputy-Speaker, Sir, I have given notice of an amendment for the deletion of the words beginning from "or sub-section (2)" to "Act, 1947" in clause 18. Sir, I see no reason why offenders falling within.....

**Shri Naushir Bharucha:** We have not got that amendment.

**Mr. Deputy-Speaker:** Notice of it has been given only just now. It has not been circulated to hon. Members. But if it is acceptable to the Government, normally the question of notice is waived. I have learnt that this is acceptable to the Government. I would request the hon. Member to read out his amendment.

**Shri Jaganatha Rao:** Sir, I beg to move:

Page 7, lines 36 and 37,—

omit "or sub-section (2) of section 5 of the Prevention of Corruption Act, 1947".

Sir, in moving this amendment I would like to point out . . .

**Shri Supakar:** Sir, I rise to a point of order. I have one doubt regarding the point mentioned by you, that if an hon. Member's amendment is acceptable to the Government it is not necessary that it should be circulated. We find that even when a Minister, who represents the Government, has to move an amendment he has to get it circulated. Are we to understand that when a Minister or Deputy Min-

ister is not ready with his or her amendment in time for it to be circulated to Members, he or she can get it moved in the House by asking any other ordinary Member to do so, so that the necessity of getting it circulated can be waived?

**Shri M. C. Jain:** Sir, may I make a submission in this connection? This is a very important amendment, and that is being moved in this House in a rather undesirable manner. It should have been circulated to the Members of the House. The Select Committee made a change in the Bill and this important change.....

**Mr. Deputy-Speaker:** Order, order. There is a point of order raised by Shri Supakar. Does the hon. Member want to oppose that point of order?

**Shri M. C. Jain:** I am supporting his point of order, that this amendment should not be allowed at this stage. May I also submit something?

**Mr. Deputy-Speaker:** That is for the hon. Member to decide.

**Shri M. C. Jain:** The words which are now being asked to be deleted are.....

**Mr. Deputy-Speaker:** It is not a question of the words being substituted or being introduced, we are only dealing with the point of order. If the hon. Member has to say anything about that point of order he may say.

**Shri M. C. Jain:** I say, because it is a very important change, at this stage it should not be allowed without its being circulated to the Members of the House.

**Shri Naushir Bharucha:** Sir, may I submit further in connection with the point of order? I think the House is generally taken by surprise when at the last moment a matter like this is brought. Supposing I am against the deletion of these words, because to my mind it makes an important change in this, I have had no time to consider it. So long as the amendments are circulated, I see them and I know that

clause 18 is not going to be touched. Suddenly a surprise is flung upon us and a change in the Act is carried out. I submit, Sir, that only for very exceptional reasons where the thing cannot be avoided and an emergency is likely to be created the notice may be waived. Otherwise, what will happen is that hon. Members after reading the list of amendments are lulled into a false sense of security that nothing more is going to happen to the Bill and the amendments are according to their approval. And, when suddenly a vital change is made the Members are taken by surprise which, I submit, is not fair to the Members.

**Shrimati Renu Chakravartty:** Will it be circulated now?

**Mr. Deputy-Speaker:** Firstly, there is the point of order that has been raised and, secondly there is the question of desirability whether notice should be waived or not, which is different thing.

The point of order was that all amendments should be circulated and notice should be waived in no case.

**Shri Supakar:** No, Sir; the point that I raised was.....

**Mr. Deputy-Speaker:** Then there is no point of order. It is not a legal question then. Then it is the other matter that the amendment ought to have been circulated.

**Shri Supakar:** I am afraid, Sir, I was misunderstood. My point is, when a Minister wants to move an amendment it is always necessary—unless it is unavoidable—that the amendment should be circulated in the House. Can the Minister get over this difficulty by asking an ordinary Member to move an amendment without its being circulated in the House and then say that the Government agrees to the amendment moved? That is my definite point of order.

**Mr. Deputy-Speaker:** This aspect is well established now—there are so

many precedents, and I need not go into them—that the Chair has the right to waive notice in exceptional cases. Where an amendment has been moved here in the House without it having been circulated to the hon. Members, ordinarily in cases where that amendment is acceptable to the House the Chair has seen it advisable to waive the notice. That notice has been waived. That is one thing.

The second thing is the allegation of Shri Supakar that the Minister, ordinarily when she wants to move that amendment—perhaps he is under that impression—has to circulate it to the Members, and now she has adopted this device of asking another Member to move the same so that the Government might accept and the notice may not be required. That is not the case here. Even if the Minister had moved it herself, then too, certainly, the chair would have seen whether the notice should be waived and could have waived it if it was thought necessary and advisable under the circumstances. So, it cannot be said that because another Member has moved it and the Minister says that it is acceptable to the Government, this is a device that is being adopted. That is not the case here. The Minister could have moved it directly at the last moment and requested that the notice might be waived and the amendment might be allowed to be moved. That could have also been done, and it would have been equally good for the consideration of the Chair whether it is a case where notice should be waived or not. So, that does not make any difference at all.

The only question is, as some hon. Members have said, that the amendment is an important one, Members had no opportunity to think over it, and under those circumstances the notice should not be waived in this case and they should have some time to think over it. That is another question, a different question altogether, whether notice should be waived or not. So far as I can see, there is nothing queer in that.

[Mr. Deputy-Speaker]

This really surprises me also in one respect, because we had long discussions over it in the Joint Committee, certain Members were very particular over it that this should be excluded, and if after those mature and deliberate decisions it is now felt that it ought to be so amended, the Members are justified in saying that they should have some notice about it because it is the original position that is being restored. In the Joint Committee, so far as I remember, it was at the instance of certain Members that this change was made. If I am wrong, the hon. Minister would guide me in that respect.

**Shrimati Alva:** It is so.

**Mr. Deputy-Speaker:** Then, surely, the Members would be justified in asking, when the Joint Committee had made that change and another amendment is now sought to be moved, for time to consider it—I feel in the same way, because I remember the discussion that we had on that when Pandit Bhargava insisted.....

**Shri Sinhasan Singh:** For two days we had discussion.

**Mr. Deputy-Speaker:** We had long mature and deliberate discussion.

**Shri Naushir Bharucha:** Can it not be amended in the other House.

**Mr. Deputy-Speaker:** I cannot leave it there. If that be so, then I would advise that it may be held over.

**Shri Shree Narayan Das (Darbhanga):** Sir, I would suggest that this amendment may be considered by the House and if after discussion the House is satisfied that the amendment is necessary then it may be passed.

**Mr. Deputy-Speaker:** That is not the question. The question is whether I should allow the amendment to be moved at this stage or not.

**Some Hon. Members:** No, no.

**Shri Shree Narayan Das:** That is in your discretion.

**Mr. Deputy-Speaker:** It is in my discretion, and that is why I am saying that, because we had made this change in the Joint Committee after a good amount of deliberation, I should say mature deliberation, it should not be changed so lightly. Certain Members insisted on it, and then ultimately we adopted it. So, it should not be changed so lightly. The Members are entitled to have notice of it.

**Shri Shree Narayan Das:** In the Joint Committee, there was a difference of opinion as far as I remember. The point was put to vote. I do not remember the exact result,—how many were for it and how many were against it. But that point was debated, and there was a difference of opinion. A vote was taken and by a majority it was passed. Therefore we must consider whether that amendment is necessary or not.

**Shri Sinhasan Singh:** There was a sharp debate on this point, whether there should be some clause providing a minimum sentence or not. That was an unwise one. It was provided knowingly. There was no division on that point, so far as I remember.

**Shri Shree Narayan Das:** There was also a note of dissent.

**Mr. Deputy-Speaker:** May I request the hon. Minister to say her views on that point?

**Shrimati Alva:** Whatever observations you have made are quite true. In the Joint Select Committee this was brought up. This was in the original Bill. It was discussed at the Joint Committee. There was a sharp difference of opinion on this. Then this provision was put in. The hon. Member is suggesting that it should be deleted. I leave it to you to decide.

**Shri Sinhasan Singh:** The Minister agreed, I think, earlier.

**Shrimati Alva:** We have no objection to accept it.

**Mr. Deputy-Speaker:** That has already been conveyed to me, namely,

that it is acceptable to the Government. The hon. Minister has also said that there was a long discussion the other day and the Members were divided. Ultimately we adopted it by a majority. I think the hon. Members were entitled to have proper notice. I therefore hold it over till tomorrow. I think I can take up the next business. I hope the hon. Minister concerned is ready for that. We will continue with the present Bill tomorrow.

**Shri Supakar:** There are other clauses.

**Mr. Deputy-Speaker:** Are the hon. Members of the view that we can proceed with the other clauses of the Bill.

**Shri Supakar:** Do you propose that clause be deferred?

**Mr. Deputy-Speaker:** That was my view, namely, that it may be held over. There are some more clauses which we might complete.

**Shri Naushir Bharucha:** I have got amendment No. 16.

**Mr. Deputy-Speaker:** Yes, So, clause 18 may be held over. So far as clause 19 is concerned, we shall take it up now. I see no amendment is being moved to clause 19.

The question is:

"That clause 19 stand part of the Bill".

*The motion was adopted.*

*Clause 19 was added to the Bill.*

**Mr. Deputy-Speaker:** I think clause 1 and the rest may be held over till tomorrow. We now proceed to the next Bill.

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

**The Minister of Transport and Communications (Shri S. K. Patil):** I beg to move:

"That the Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, and the Madras Port Trust Act, 1905, be taken into consideration".

This is a non-controversial measure. It is merely an enabling Bill that puts the competence of the Port Trusts beyond doubt as to their authority for borrowings from institutions and sources outside this country. As has been explained in the note, a doubt arose when we were considering this subject matter in relation to the loan to be got from the World Bank—the International Bank for Reconstruction and Development—whether it was competent for the Port Trusts of Calcutta and Madras to get any borrowings from outside this country. Even if it was presumed by any stretch of imagination that such a competence did exist, doubts arose whether certain conditions that were attached to these loans could be covered by that competence. Therefore, to put this question beyond the possibility of doubt, we are coming forward with an amendment to this Act.

Incidentally, we are having also the Bombay Port Trust Act amended, because when we come to the Bombay Port Trust with regard to the loan, the same difficulty may not arise.

I do not want to make a long speech. As I said, this is merely an enabling Bill that authorises the Port Trusts to go in for the borrowings from outside. When doubts are to be removed, it is better that they are removed once and for ever.

**Shri Naushir Bharucha:** May I have a clarification from the hon. Minister? Is it the intention of the Government

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[Shri Naushir Bharucha]

to guarantee the loans which will be contracted from the World Bank.

**Shri S. K. Patil:** Yes. Those conditions do remain. Although these Port Trusts are autonomous bodies, they function under the general supervision and authority of the Government of India. For these borrowings, permission has got to be sought and the loans have got to be guaranteed by us. When a doubt lurks, and even if there be no doubts, when a doubt lurks, why keep that lurking doubt? Therefore we are taking this measure to clarify the competence of these authorities to go in for those borrowings.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Trust Act, 1890, and the Madras Port Trust Act, 1905, be taken into consideration".

**Shri Naushir Bharucha:** I rise to a point of order.

**Mr. Deputy-Speaker:** I am going to raise it for himself. Really, if it is going to be guaranteed by the Government, the question whether President's sanction is necessary or not would arise.

**Shri Naushir Bharucha:** Article 110 of the Constitution is attracted. Therefore, President's recommendation is necessary.

**Mr. Deputy-Speaker:** There is no mention of it either in the body of the Bill or in the Statement of Objects and Reasons.

**Shri Naushir Bharucha:** Therefore, the hon. Minister—

**Mr. Deputy-Speaker:** He has succeeded in getting that point made here. So far as the Bill is concerned, there is no mention of it in the whole Bill.

**Shri V. P. Nayar:** It would not have normally arisen but for the hon. Minister's statement. It is definite now.

**Mr. Deputy-Speaker:** He might say whether he accepts it, or, it might be some misapprehension. In the body of the Bill there is no mention nor is there any mention of it in the Statement of Objects and Reasons. There is nothing to show whether really a guarantee has to be given by the President. That might be considered.

**Shri C. R. Pattabhi Raman** (Kumbakonam): Really, the ports come under the Union List, against entry No. 27—in the Seventh Schedule to the Constitution.

**Mr. Deputy-Speaker:** If the hon. Minister is sure that a guarantee has to be given, then I could allow the point of order to be raised first. I thought there was no mention of it and therefore the question does not arise. Now, let that point be made clear first. I will allow Shri Naushir Bharucha to raise the point of order. Then we can discuss it.

**Shri S. K. Patil:** The terms of the loans were under negotiation. It is very recent history. So far as this particular point is concerned, the points whether the Government of India guarantees it or not, what type of guarantee it is, whether there is any infringement of any particular provision of the Constitution, etc., are matters for consideration. I would, therefore, request you to hold it over until we get that point cleared.

**Shri Naushir Bharucha:** Since the hon. Minister wants to get the point clarified, he may as well get this point further clarified.

**Mr. Deputy-Speaker:** He may move his point. We have only ten minutes now.

**Shri Naushir Bharucha:** Yes. I raise the point of order so that the hon. Minister might consider it fully. The first point of order is that under article 110 President's sanction is necessary. Money Bills are defined in

article 110, Sub-clause (b) of that article says:

"the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India".

If the Bill contains any of the things mentioned in that sub-clause, then the recommendation of the President is necessary.

"Or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India".

Even if the guarantee were not there, still, if the Government of India undertakes the financial obligation, namely, in regard to finding foreign exchange, assets for the repayment of the loans, etc., in either case, the recommendation of the President would become necessary.

**Mr. Deputy-Speaker:** He may say whatever he likes in support of this.

**Shri Naushir Bharucha:** What I submit is this. Probably what is desired is this. The hon. Minister is under the impression that by arranging the terms and conditions and giving the Government of India the sanction, it may be possible to incorporate in these terms and conditions, which the President may sanction, certain clauses saying that the Government of India guarantees them, may be included. My submission is that it cannot be done either by laying down the rules or by incorporating them in the terms and conditions on which the sanction of the Government of India would remain. I am not speaking on the point whether this Bill should be put through or not; I am opposing it on different grounds on its merits. But that is a different point. If it is the desire of the Government of India that

the various port trusts should resort to the World Bank, then I do not see how they will at all escape from the financial obligations of the type which I am arguing, because it is obvious that the loans will be contributed in foreign currency and the payment will be in foreign currency.

**Mr. Deputy-Speaker:** He must have seen the Statement of Objects and Reasons. There it is said:

"Before the loan agreements can be entered into, it is necessary to place beyond doubt the legal competence of the port authorities to obtain loans from the Bank on such terms and conditions as may be approved by the Central Government."

So, the Central Government has to approve the terms and conditions with which the loans are to be taken. Otherwise, the objective of the Bill is to give legal competence to those port trusts to borrow money.

**Shri Naushir Bharucha:** I can see the point of distinction which you are raising. But my point is, even if you are having this Bill with the object of putting in an enabling or empowering clause so that the doubt is removed, still that will not be sufficient for this reason, because your borrowing powers are not complete until either the Government guarantee it or in respect of the repayment, the Government say that they incur the financial obligation of finding the necessary foreign exchange assets for the purpose of repayment. What type of power to borrow would it be, unless the powers of repayment are also there? Borrowing is only completed when we also complete the provisions with regard to repayment. Therefore, since borrowing presumes repayment, the repayment involves expenditure of foreign exchange assets. So, it is inevitable that the Government of India must incur the obligation of finding the necessary foreign exchange resources. That in itself is a financial obligation. It may be urged perhaps

[Shri Naushir Bharucha]

that the port trusts will provide sufficient rupees to the Government, but the financial obligation to find foreign exchange is there.

Mr. Deputy-Speaker: The hon. Member is referring to article 110 (b):

"(b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India..."

Does the Bill contain anything to the effect that the Government of India is giving any guarantee? Should we proceed with the Bill or upon what the hon. Minister says?

Shri Naushir Bharucha: Assuming for the moment that guarantee is not necessary...

Mr. Deputy-Speaker: We shall have to confine ourselves to the wording of the Bill.

Shri C. E. Pattabhi Raman: If I may interrupt for a moment, according to article 117, the objection must have been taken at the time of introducing or moving the Bill.

An Hon. Member: He has just moved it.

Shri C. E. Pattabhi Raman: Having allowed it to be introduced, can this objection be taken now?

Mr. Deputy-Speaker: This objection can be taken at any stage.

Shri C. E. Pattabhi Raman: According to article 117, the matters which come within the four corners of a Money Bill are these. The heading is "Special provisions as to financial Bills".

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President."

It "shall not be introduced or moved"; I pause there. Having allowed it to come through, can objection be taken now? First of all, there is no guarantee. My argument is two-fold. I just want to say that we are now long past the stage of moving.

Mr. Deputy-Speaker: Even the introduction of such Bills as are contained in article 110(1) is barred...

Shri C. E. Pattabhi Raman: Can it be related back?

Mr. Deputy-Speaker: Even introduction is barred. But if it is allowed and no objection is taken, I cannot agree that this objection cannot be taken subsequently.

Shri C. E. Pattabhi Raman: The question is, is the Bill properly before the House or not? A Bill cannot be properly before the House, if it is a financial Bill, unless all the requirements of article 117 are fulfilled.

Mr. Deputy-Speaker: By the mere introduction, that defect has not been cured, if the defect is there. I do not say that the defect is there.

Shri C. E. Pattabhi Raman: I submit, in any event, there is no defect at all. It is not a question of borrowing or giving guarantee. With all respect, I ask, having allowed it to come properly *a fortiori* before the House, is it open to anybody to say that it is bad *ab initio*. The wording of article 117(1) is:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110..."

Mr. Deputy-Speaker: If he reads clauses (1) and (3) of article 117, he will find the distinction that some are Money Bills and others are financial Bills. So far as Money Bills are concerned, they cannot even be introduced unless that permission is there. So far as financial Bills referred to in clause (3) are concerned, they cannot be passed, unless such permission is

obtained. We have to see if this is a Money Bill or not. If it is a Money Bill, it is covered by clause (1).

**Shri C. E. Pattabhi Raman:** First we have to examine whether it is a Money Bill or not.

**Mr. Deputy-Speaker:** We will have to examine first whether it is a money Bill or not and secondly, if it is a Money Bill, since no objection has been taken at the stage of introduction whether that defect has been cured or whether that objection can be taken even now.

**Shri C. E. Pattabhi Raman:** I cannot put it better; that is precisely what I mean.

**Shri V. P. Nayar:** Mr. Pattabhi Raman seems to be under the impression that because we did not raise the objection at the time when the Bill was introduced or moved, we are barred from raising a point of order at this stage.

**Shri C. E. Pattabhi Raman:** I do not know; the Chair has explained it.

**Shri V. P. Nayar:** That is what we thought your view was. In this connection, I would only refer to the particular rule which regulates the point of order. Rule 376 says:

"A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution"—

I would like to underline the words "such Articles of the Constitution"—

"as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.

(2) A point of order may be raised in relation to the business before the House at the moment".

My only point is that the point of order is quite valid in so far as it

raises a question relating to the procedure in the House and there is no bar in any of these rules to raising the point of order at this time. Regarding the argument which is advanced by my learned friend, Shri C. E. Pattabhi Raman, we are entitled to raise it any time. Even if we had not raised it at the proper time as he says, we are not barred from raising it now.

**Shri C. E. Pattabhi Raman:** I am only saying that the cart must not be put before the horse.

**Shri V. P. Nayar:** The cart is very much behind the horse.

**Mr. Deputy-Speaker:** This is what Mr. Bharucha is arguing that this is a Money Bill and for that he relies upon the answer given to his question just now by the hon. Minister.

**Shri S. E. Patil:** I asked for time for the simple reason that when I am asked whether there is a guarantee of the Government of India, I cannot withhold from this House the information if there was anything in substance of that kind. I was not sure in my own mind what type of guarantee it is. So far as the Bill as it is, is concerned, no guarantee exists. The House goes by the Bill; there is no doubt about it. But when a question is asked and if I am in possession of some knowledge about it, I cannot withhold it. Therefore, I want time to examine what type of guarantee it is, whether it has infringed ultimately any article of the Constitution. That is why I say that we need not go into these matters just now until I verify what type of guarantee it is and whether it does really come in the way.

**Shri V. P. Nayar:** We agree there is a guarantee; would the hon. Minister take us into confidence and give us an idea of the guarantee? Otherwise, the discussion will not be useful.



**Mr. Deputy-Speaker:** I cannot bind him just now to it. That will be decided when he comes up with his statement.

# ANNUAL REPORT OF HINDUSTAN SHIPYARD PRIVATE LTD.

**Mr. Deputy-Speaker:** We will now take up the discussion on the Annual Report of Hindustan Shipyard Private Ltd.

**Shri D. C. Sharma:** Sir, I beg to move:

"That the Annual Report of the Hindustan Shipyard Private Ltd., for the year 1956-57, laid on the Table of the House on the 27th March, 1958, be taken into consideration."

15 hrs.

**Mr. Deputy-Speaker,** the Hindustan Shipyard Private Ltd. fill my imagination as a citizen of India because when we are having so many nationalised undertakings in this country, I cannot help feeling that this is one of those which fulfils a long-felt national need, more than any other national undertaking. I believe that it is something which links up the hoary past of India with its present possibilities. It is something which makes us think of what we can do with our big and long coastline. As a friend the other day said, Arabian Sea....

**Shri Naushir Bharucha:** Should there not be a quorum when a new item is taken up?

**Shri V. P. Nayar:** First quorum and then speech.

**Shri D. C. Sharma:** The Arabian Sea...

**Mr. Deputy-Speaker:** First we will have quorum and then Arabian sea. The bell is being rung.

Now there is quorum. The hon. Member may continue his speech.

**Shri D. C. Sharma:** As an hon. Member stated, the strategy of defence, so far as this country is concerned, has to do with the Indian ocean; when one thinks about the defence, when one thinks of our merchandise, when one thinks of giving a kind of emotional integration to our country, one thinks of the Hindustan Shipyard Private Limited. But, when I think of it, I am reminded of a book by a great English novelist, and the title of that book is "A Tale of Two Cities". The Hindustan Shipyard is a tale of two countries or a tale of two cities; it is a tale of France and India. It is a tale of Visakhapatnam and Paris. Like that tale which that great English novelist wrote, this is also a very tragic tale, a very unhappy tale...

**Mr. Deputy-Speaker:** It would be written again.

**Shri D. C. Sharma:** It is a very unhappy tale and this tale is the result of the Indian lack of experience and the French lack of competence; two things have combined to make this tale distressing.

**Mr. Deputy-Speaker:** The hon. Member may resume his seat for a second. The hon. Member is short-statured and just now two hon. Members have come and sat in their seats in front of him, which eclipses him altogether from my view. I have pointed out this so many times. There is a very salutary rule that a member should not pass between the member speaking and the Chair. Now, two very senior members have done it.

**Shri Joachim Alva:** I apologize for what I have done unwittingly.

**Mr. Deputy-Speaker:** This should always be kept in mind.

**Shri Feroze Gandhi:** I do not know what I did. But I also apologize.

**Shrimati Renu Chakravarty:** The hon. Speaker had promised him a seat further up in the row.

**Shri Joachim Alva:** As the suggestion has come from the opposite side, especially from a lady who used to occupy the Chair, he may be promoted upstairs and that will be the end of all trouble.

**Shri Feroze Gandhi:** As a measure of emergency, he may be provided with a stool.

**Mr. Deputy-Speaker:** That rule should be observed for the present. I am not concerned with other aspects.

**Shri D. C. Sharma:** I submit very respectfully that I am used to being eclipsed. That is the basic experience of my life. The advocacy of Mr. Alva is like a murderer promising life to the murdered person.

I was submitting very respectfully that it is a very unhappy tale, on the one hand of lack of experience on the part of our country and, on the other, of lack of appreciable competence on the part of the French, and this unhappy collaboration between these two factors has led to this.

Again, I would respectfully submit that our national undertakings have not yet assumed a shape, a character and a direction which are in conformity with the needs of our country. When I look at the Board of Directors of the Hindustan Shipyard Private Limited, I find that it is over-weighted, so far as one particular element is concerned, in the sense that the persons who are there do not provide a happy combination, that is to say, of those who know what a ship-yard is, those who know how to manage the finances and how to organise things etc. Therefore, that co-ordination between the technical element, the organisational element, the financial element and the directional element, that co-ordination is utterly lacking so far as the Board of Directors is concerned.

As the Board of Directors, so will be the national undertakings. The

composition of the Board of Directors has much to do with the working of an undertaking and also with the result that it produces. Therefore, I will say that this question, which Mr. Feroze Gandhi is going to raise on the floor of this House one of these days—which he is examining now,—will be further strengthened by the fact that the Board of Directors of this undertaking and the Board of Directors of other undertakings are not as they should be.

It is a story of loss. The Hindustan Shipyard is a story of loss, a story of continuous loss, a story of uninterrupted loss. Of course, it may be said that the shipyard cannot be a profit-earning concern in the first few years of its life. It may be said that some kind of loss has to be sustained during the initial years of the undertaking. All that can be said But one cannot help feeling that the losses recur and there is no chance in the near future that these losses will be overcome.

I talk of these losses apart from the subsidies which the Government give. Subsidies are one thing and every Government gives subsidies to such companies. I am not talking of subsidies at this time. I am talking of these losses with which the Shipyard has been running. In 1952-53 it was Rs. 15.47 lakhs. In 1953-54 it was Rs. 7.6 lakhs. In 1954-55 it was Rs. 1.21 lakhs. In 1955-56 it was Rs. 2.11 lakhs. All these losses are there and in 1956-57 also the loss is there. So, I say that there is this fact of the losses—continuous losses.

**An. Hon. Member:** But the loss is diminishing.

**Shri D. C. Sharma:** An hon. friend just now said that the loss is diminishing. Of course, it is diminishing but you must know that the output also of the Shipyard is not such as can make us think that the losses will be an ever diminishing quantity.

[Shri D. C. Sharma]

Then there is the subsidy which the Government have given, I think, up to the year 1955-56. Up to 1955-56 the Government have given a subsidy of Rs. 1.40 crores. The subsidy and the losses put together do come up to a substantial total and I do not see anything in the offing which will make me think that these losses will diminish progressively or even gradually in the years to come.

Though this Shipyard has been in existence for some years now, no method of fixing prices has been evolved. A firm of U.K. naval architects was engaged to prepare estimates. That firm was given £500 for each estimate. The idea was that the U.K. parity price would be obtaining here.

**An Hon. Member:** Why?

**Shri D. C. Sharma:** Well that was the idea and I do not object to that. But when those prices were shown to the purchasers they refused to buy the ships at those prices and, therefore, the purchasers negotiated the price at a much lower level than the U.K. parity price. I would, therefore, ask what was the good of having this naval architect in U.K. to fix a price? What was the good of paying him £500 for this? What was the good of all that, if the purchasers were going to bring down the prices?

Again, if you look at the agreement which was signed between the French consultants and the Hindustan Shipyard Ltd., you will find that it paints a very rosy picture. The technical consultants are described in that agreement as overall physicians for all the ills of this Shipyard. They are described as "all-purposes men". They are asked to give advice ranging from organisational matters, from technical matters, from designing and estimating to training. All these things are expected from the technical experts. But the result has been, I shall say—I do not want to use any hard words—very very

unsatisfactory. There is no competent estimating office. There is no competent designing office. So far as training is concerned, it has not been undertaken on that scale at which this should have been. On top of it, I think we have been giving them very good terms. We have been giving them 4% commission on the turnover. We have also been giving them salaries and allowances up to 1956.

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** How much commission did the hon. Member say? I heard him saying 40 per cent.

**Shri Goray (Poona):** It is four per cent.

**Shri D. C. Sharma:** You can catch me somewhere else, but not on this.

**Shri Raj Bahadur:** I am sorry, but I heard him saying 40%.

**Shri D. C. Sharma:** I have learnt a few things from Shri Feroze Gandhi.

Up to 1956, they were paid Rs. 22.38 lakhs by way of commission and Rs. 6.6 lakhs as salaries and allowances. Of course, I would not grudge them any commission. I would be the last person to say that they should not get the allowances, but I would certainly urge that if we give them commission and if we give them salaries, we should also get work from them which is our money's worth. But, I am afraid, that has not happened.

I have already said that so far as the framing of estimates has been concerned, it has been faulty. So far as the cost control has been concerned, so many variations have been there. Therefore, so far as Hindustan Shipyard is concerned, we have been living in the land of uncertainties. We have been living in foggy weather. We have been living in a climate where nothing has been seen properly or done properly or understood properly.

The estimates for the pre-fabrication workshop were Rs. 25 lakhs and the bid was for Rs. 11.35 lakhs and so on and so forth. Again, when it came to the cost of furniture, fixture, equipment and other installations, the same kind of uncertainty was there. There was nothing done so far as job evaluation is concerned and job evaluation is a very important factor in a shipyard. Only 305 items were evaluated, whereas only so far as steel is concerned we have one thousand items. Again, the estimating department had to give job-wise estimate of cost under various categories—steel, timber, stores, labour, overhead etc. But I must admit very sorrowfully that it was not done very adequately. No schedule of work was organised. A programme was drawn up and I would submit that that programme was called very rosy by the then Managing Director of the Hindustan Shipyard. That programme was revised in 1954, but this programme could not be kept up. It was again modified in 1955. So, what I would urge is this that this Hindustan Shipyard has been, if I can use that expression—it was made famous by H. G. Wells—meanwhiling, i.e., proceeding from one uncertainty to another uncertainty, proceeding from one mistake, if I may call it so, to another mistake, proceeding from one rosy picture to another rosy picture without having any of those pictures translated into any kind of action. There has been no definite progress according to the schedule.

When any purchaser comes to the Shipyard to purchase a ship, he has to deposit the money in five instalments. But since nothing had been done in time, the result was that many of the purchasers took back their refunds and the Hindustan Shipyard had to take credit from a bank. I think, up to 1956, if I am incorrect the hon. Minister will correct me, the Hindustan Shipyard

had to pay Rs. 6.76 lakhs by way of interest only.

So far as the training programme is concerned, it was taken in hand. But, it was not very adequate. On top of it, I am told that there are surplus stores worth about Rs. 20 lakhs which may have deteriorated after some time, but of which no use has been made all these years. They have been lying idle since 1947 and so far as things go, there is no prospect of their being used in the near future. Again, if you look at the 1956-57 report, you will find that the amount of depreciation written off in this undertaking is something unheard of.

For instance,

|                                |                       |
|--------------------------------|-----------------------|
| Slipways and fitting out wharf | Rs. 9 lakhs and odd;  |
| Buildings                      | Rs. 15 lakhs and odd; |
| Roads, Compound Wall etc.      | Rs. 2,71,000;         |
| Railway sidings                | Rs. 20,000 something; |
| Plant and machinery            | Rs. 29,98,000;        |
| Housing etc.,                  | Rs. 60,000 something. |

In all depreciation which is written off amounts to Rs. 59,23,998. I would like to know what proportion this depreciation should bear to the capital funds or to the work that is being done? I think that this amount of depreciation is colossal, and it does not make very happy reading.

Again, when one sees the report for 1956-57, it makes very pathetic reading at least in one respect. What is said in the report will show what kind of organisational efficiency the Hindustan Shipyard possesses. In para 10 it is said that the supply position of steel which is the main raw material in ship-building has been a continuing source of concern to the directors. At one time during the year, the situation was such that

[Shri D. C. Sharma]

ship-building would come to a stop unless special arrangements were made for the supply of steel, and so on. Would you concede what the organisational efficiency of the Shipyard is? So far as this primary basic material is concerned, they did not foresee their needs, they did not forestall their demands and they did not try to satisfy them in time. This is what happened.

Again, I now come to the latest instance, or if I can use that word—I do not want to use that word—latest instance of inefficiency. I was going to use a harsher word; I did not want to use it.

Shri Joachim Alva: Murder is a good word.

Shri D. C. Sharma: Murder, I used, you are a student of English and you edit an English newspaper, in a sense which is parliamentary, not in a legal sense. If you do not know the difference between the parliamentary sense and the legal sense of a word, what can I do? I am not here to educate the people in the use of words.

I was submitting very respectfully that the last report of Captain T. B. Bose makes very fruitful reading. It is said that there is need for greater co-ordination between the Calculation office, the Drawing office, the Controller of Stores and the Chief Shipyard manager. You can see what the state of efficiency there is. It is like a house where there are many members and where each member pulls in his own direction. I do not know what the managing directors are meant for, what the Board of directors is meant for, what the Chairman of the Board of directors is meant for if he cannot bring about a team spirit among these high functionaries.

So far as training is concerned, we find that no adequate steps have been taken. The crowning glory of

the Hindustan Shipyard is the Andamans about which we have seen so many questions in this House and in the other House and about which so much has been said. When one reads the report—I have got a summary of that report from the Times of India News Service—one finds that they forgot to do the most elementary things so far as ship construction is concerned. They did not put in the proper amount of weight. They forgot to do that. I do not know what kind of shipyard this is, where the elementary rules of ship construction are not known, are forgotten or are violated. I do not know what kind of shipyard it is. That report is a very severe indictment of the whole working of the whole shipyard. It says: The Calculation office should do this, the Drawing office should do this. The Calculation office is not doing what it should do, the Drawing office is not more or less doing what it ought to do. Again, it is said that no attempt has been made to have a proper kind of technical direction.

What I want to submit is this. Beginning with the report of the Estimates Committee—14th Report, 1954-55—coming down to the Audit report published in 1957, then coming down to the report of the Directors for the year 1956-57, and then coming down to the report given by Captain T. B. Bose, what I feel is this that something is wrong. It is said about some things that they forgot nothing and learnt nothing. This Hindustan Shipyard, in spite of the fact that it has been working for a number of years, has learnt nothing which can be useful and has forgotten nothing which would be unhelpful. It has gone on in this way. I would say that it is a sorry state of affairs. This kind of national undertaking makes one feel very very unhappy.

Mr. Deputy-Speaker: Motion moved:

"That the Annual Report of the Hindustan Shipyard Private

Ltd., for the year 1956-57, laid on the Table of the House on the 27th March, 1958, be taken into consideration."

**Shri Narayanankutty Menon** (Mukandapuram): Mr. Deputy-Speaker, I fail to understand why my hon. friend was so mild and sweet when he was dealing with such an important thing. When we look into not only the Annual Report of the year under discussion of the Hindustan Shipyard, but the whole past history of this Shipyard and also the previous reports, you will consistently find from these reports a classical example of the collaboration between the private sector and the public sector. How much of good public money this shipyard has lost up to this year no one in this House, including the hon. Minister, is able to tell us, but behind this losing also there is a long and chequered history.

When the First Five Year Plan was formulated, everyone understood that the shipping industry was a most important industry as far as the Plan was concerned, and a target was fixed for the First Five Year Plan, and because the previous management of the yard was not considered good enough, the Government took over the concern, and now the Government owns two-thirds of the total shares in the company.

When the First Five Year Plan was over, instead of the target of one lakh tons fixed for the Plan period, the shipyard was able to produce only 39,924 tons, and no explanation came at the end of the Plan as to why the shipyard could not produce the target fixed, even though India continued to pay colossal amounts to foreign ship-owners as freight charges. It is a matter yet to be seen by us as to how many out of the vessels produced by this shipyard

during the First Five Year Plan period and later are properly floating on the seas.

The most important point to be considered now is how the shipyard has been working. In 1952 the company entered into a contract with a French firm, as my friend pointed out, for a term of five years, and that company undertook the responsibility of technical supervision and assistance for the whole shipbuilding in the yard. It has been stated categorically that the previous owners, Scindias, were never consulted by the Government of India before this so-called French company was appointed as technical consultants. Scindias themselves have denied having been consulted, and now the Government will have to take the entire responsibility unconditionally for employing these so-called French engineers as consultants of our only public-sector shipyard.

These consultants are supposed to be international experts of shipping in France, but I find their antecedents were not known to the Hindustan Shipyard Limited, their antecedents were not known to the Government of India, their credentials were not verified by anybody, but for a song which emanated from the High Commission in London, these novices were appointed under terms which are so colossal and arbitrary so far as dealing with public money is concerned.

The chief consultants came to advise the shipyard, and when the first ship was about to be launched out of the shipyard, it began to list leftwards. When it was found that it was listing leftwards, tons and tons of precious steel were put in, and ultimately the listing was taken care of, but the ship was floating with one-third less cubic capacity.

It has been admitted now that it was wrong on the part of the Government of India to appoint these French consultants.

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** Nowhere has such an admission been made that it was wrong.

**An Hon. Member:** They do not admit still.

**Shri Narayanankutty Menon:** It seems as far as the Ministers are concerned, because even now he says that he is not prepared to admit that it is a mistake to have appointed this particular French company . . .

**Mr. Deputy-Speaker:** The hon. Member said that it had been admitted, and . . .

**Shri H. N. Mukerjee (Calcutta—Central):** Could I ask the Minister to deny if he can that experts in his own department some two years earlier have put it on record that these experts are no experts at all?

**Shri Raj Bahadur:** That I will do in my way, but regarding the statement attributed to the Government, I thought fit by the interruption to say that no such admission that this was wrong, that *ab initio* everything was wrong, has ever been made on behalf of the Government.

**Shri H. N. Mukerjee:** May I ask that reference be made, if it is necessary, to the proceedings before the Public Accounts Committee, and the documents placed before it, where many facts regarding the experts and their knowledge or otherwise will be known?

**Shri Raj Bahadur:** That is something quite different from what the hon. Member stated.

**Shri Narayanankutty Menon:** The hon. Shri Lal Bahadur Shastri, in an answer to a question on the floor of this House, admitted that these experts who have been appointed had not given satisfactory service, there was trouble with them and the contract was going to be terminated.

**Shri Raj Bahadur:** That is something quite different.

**Shri Narayanankutty Menon:** What was the remuneration given to this company? My hon. friend pointed out that it was four per cent, but from the report under consideration, we find that for the year 1956 the total comes to Rs. 12,60,445 for this consulting company, and according to them the commission to be given to them is four per cent of the total turnover of the Hindustan Shipyard Limited.

These so-called engineers came here. They did not know how to plan a ship, they did not know how to make a blueprint of a ship. At every stage they committed mistakes, and that is incidental because mistakes were committed only as far as the Hindustan Shipyard were concerned.

But, during all this time these experts were wasting enormous amounts of foreign exchange by importing from France small, little things like ceiling fans as also cables which were available in India. When you see the accounts of the company, you will find that lakhs and lakhs of rupees worth of materials, which could not be used either in the shipyard or anywhere else in this country, were imported, and they are lying in the open in the quardrangles of the Hindustan Shipyard Limited. That is why you find in this year's report that provision has been made to write off Rs. 5 lakhs in this year alone as obsolete materials. When you go into these obsolete materials, you will find that these French experts and very responsible officers of the Government of India, making at random tours of Europe and the United States, have ordered lakhs and lakhs of rupees worth of materials which were never intended to be used in the Hindustan Shipyard Limited, and those things, as I said, are today

lying in the quadrangles of the company proclaiming the great loss to the Hindustan Shipyard Limited.

The hon. Minister said it had never been admitted by anybody that these consultants were not experts. As early as June, 1955 the Estimates Committee of this House, in their 14th Report, made a categorical statement that loss had been incurred because of the ignorance and negligence of these people and that the Government should immediately order an enquiry to find out how the loss had been incurred and fix responsibility on the person or persons concerned for this colossal waste in the Hindustan Shipyard Limited. Three years have passed. Government did not contemplate conducting such an enquiry at that time, but later on when the *SS. Andamans* listed in the Bay of Bengal and the whole thing was exposed, Government thought of appointing an enquiry committee. I do not wish to mention any names in connection with this, but sometimes, the names are important. How were these consultants appointed? Were their credentials verified by Government? Which individual was responsible for appointing these consultants? Government owes an answer to this House to this question. So far, Government have not told us who is responsible for this colossal waste of lakhs and lakhs of rupees. In the absence of a categorical statement that such and such an individual is responsible for having appointed these kindergarten novices for such a responsible job in our national industry, the Ministry concerned should take the responsibility, and unconditionally, they should be responsible for this scandalous waste of money.

The hon. Home Minister, when he was intervening in the debate on the Chagla Commission's report told

this House that the unearthing of the Mundhra scandal showed the vitality of the Congress Party and in respect of everything that was happening involving waste of public money even to a small extent, the Congress Members were capable of taking it up, and that showed how blooming was the vitality of the ruling Party here. But when this colossal waste was there, when it was found that certain individuals were responsible for having wasted such a lot of money, and personal responsibility had been fixed also in the evidence of the Estimates Committee, what action has been taken by Government against those individuals who occupy today very responsible, honourable and unimpeachable posts in the Government of India?

When the company was taken over from the Scindias on the ground of mismanagement, and a responsible officer was appointed, did the mismanagement change to good management? The history of the last five years shows that mismanagement became much worse, and the corruption which was already there in the Scindias in private property became a public scandalous corruption as far as public money is concerned. That was the change that we saw when the private shipyard was taken over to the public sector.

I now come to the story of the shipbuilding yard, and why the shipbuilding yard is losing. The answer given is that it is because steel is costly in this country, whereas it is not costly in England; and because we have to bring the engines from abroad, the ships cost high, and, therefore, the shipbuilding yard does not make profit. Even steel has got a story to tell us.



[Shri Narayanankutty Menon]

In England, the whole question arose that steel was costly in that country, and if the shipbuilding yards were to purchase steel at market prices, they would lose. Government there thought over the question, because steel had not been nationalised at that time, and they agreed to give steel to the shipbuilding yards in England at subsidised prices. But, here what happens? Steel prices here are controlled. But what is happening is that the Hindustan Shipyards will have to pay a higher price for steel which is sold by the Tatas. To make good the loss incurred by the Hindustan Shipyards, which is a public limited company, Government give a subsidy and the subsidised money goes to the Hindustan Shipyards, and from the Hindustan Shipyards it goes to the Tatas, and from the Tatas, as we have known, it goes to the coffers of some political party; and, therefore, we cannot say anything, and the Hindustan Shipyards has to lose for ever. That is the whole story. Otherwise, what is the difficulty in giving steel at retention prices to the Hindustan Shipyards Private Limited? Can there be difficulty before Government in giving that steel to the Hindustan Shipyards, if they realise that the Hindustan Shipyards has to come up, and it is vitally important to our industry? And yet Government have not cared to do it.

In regard to the management, what has the Government done? I shall come out with scandals after scandals in the management of this company for the last few years. Take the case of *s. s. Andamans*. The case of *s. s. Andamans* has a sorrowful tale to tell us in the public affairs of this country. The Hindustan Shipyards had a very eminent, experienced and highly qualified naval architect. His name was Mr. Jal Patel. I understand that the original design of *s. s. Andamans* was prepared by Mr. Jal Patel himself, and it was tested in England and certified by expert

English engineers. Mr. Jal Patel and somebody in the high-ups who is still holding sway on the Transport Ministry today, did not see eye to eye, and then the French engineers interfered in the matter and said that Mr. Jal Patel's design was wrong; and the same French engineers, to whom we paid Rs. 12 lakhs as commission last year, redesigned the blue-print for the ship and took up the entire responsibility for manufacturing the ship.

On 13th August, 1955, Mr. Jal Patel wrote to the managing director of the company that the design of the ship was wrong, and that it would list when it would be launched, and, therefore, it had to be seen that the design of the ship would have to be changed. But the managing director did not pay any heed to Mr. Jal Patel's warning. Instead of that, he tried ways and means to get Mr. Jal Patel sacked out of the company; and in that great battle, poor Jal Patel lost, and he had to resign and go away, and the managing director had his last say.

In 1956, *s. s. Andamans* went out of the docks, and when it touched the waters for the first time, it was listing. But that listing story was not made public till June, 1957. When the ship went into the waters, when the listing was noticed, if proper action had been taken by the managing director and by the French experts the heavy super-structure that they have built on the ship would have been saved, and the listing could have been avoided. But they did not do it. And lakhs and lakhs of rupees were spent on the super-structure. Even then, the ship was listing. And without the knowledge of anybody, when the ship was listing, and the super-structure was being built, huge pieces of steel were slowly daily put on one side of the hull so that nobody else may detect the listing.



[Shri Nārayanankutty Menon]

inquiries are going to be ordered—should be brought to book in the name of decency and democracy in this country. If the particular Minister concerned cannot book the culprit and cannot fix the responsibility, the Minister himself will have to take up responsibility and answer this House.

The list of scandals will not be over even if I speak till the House rises today. After Andamans, comes the story of another tug ordered by the Calcutta Port Trust at a cost of Rs. 25 lakhs. When that tug was built, it would not float at all! It could not be used for a tug's work, and Rs. 25 lakhs have been lost on that. Then comes the case of the Madras Customs boat. The Customs wanted a boat with a speed of 12 knots. When it was actually put on sea, it could not give 7½ knots and, therefore, that boat is lying in the docks of the Hindustan Shipyard.

Shri V. P. Nayar: It is a bullock-cart.

Shri Narayanankutty Memon: Rs. 12 lakhs have gone waste. Now 3 more ships are involved. God alone knows what is the fate of these 3 ships and how much more money is involved in these.

Then comes the case of a moving crane. The moving crane was ordered at a cost of Rs. 15 lakhs. I understand it has been ordered by the same managing director when he was vacationing in Europe. It was ordered from the disposal directorate of Hitler's Germany after the war. It was brought down here. Heavy concrete and steel linings were put on it. When this was done, the crane will not move. What did they do then? The entire railings and the entire concrete were removed at a cost of Rs. 20,000 Rs. 15 lakhs have been lost. This is the state of affairs in the Hindustan shipyard.

What is the latest position? Because of the collaboration of the

French engineers and foreign experts, because of the collaboration of the Government of India officials with the direct knowledge of the Ministries concerned—because it cannot be without their knowledge as this has been going on for these five long years—so far they have been making stern frames at a cost of Rs. 24,000 down here. When everybody is trying to save foreign exchange, when we are trying to manufacture everything as far as possible here, this year that policy has been changed, and this has been ordered from another company now, somewhere in Europe. This will cost us Rs. 14,000. This is the way economy is being practised.

From the whole history of the Hindustan Shipyard, we will find how private capital is collaborating with the public sector, how foreign experts are coming and squandering the money. I appeal to the Government of India, that in this, the most vital industry in the public sector, this collaboration with foreign experts should not be relied upon and something should be done (1) to fix the responsibility for swindling public money, and (2) to see that competent experts are brought and foreign collaboration is entertained after very strict scrutiny.

I will conclude by saying that this was not an accident at all. If the Hindustan Shipyard progresses with its plans according to schedule, who is going to be affected? The foreign ships who are getting crores and crores as freight charges today. So the foreigner will not wish that the Hindustan Shipyard should work properly. I accuse Government that for five years in collaboration with the foreign people, there has been a conspiracy to sabotage any production in the Hindustan Shipyard. This is the result of that conspiracy.

I make a final appeal to Government. Now there are talks going on regarding a second shipbuilding yard. First, it had been agreed that it would

be in the public sector. Now talks are there that a part of it is going to be mortgaged to the private sector. I warn the Government that if the second shipbuilding yard is also to be handed over to the private sector in this way, it will suffer nothing better than the Hindustan Shipyard and our shipbuilding industry will face nothing but ruin.

**Shri Raj Bahadur:** The hon. Member has made a serious allegation about a particular contract, details of which he has not been pleased to give to the House. I say this because if the allegation is made in all seriousness, Government would like to investigate it. I would, therefore, request him through you to kindly give the entire details here and now—who is the gentleman concerned, what is the contract about etc.—because all this has come as complete news to us.

**Shri Narayanankutty Menon:** I will give him everything.

**Shri Raj Bahadur:** Immediately here.

**Shri Narayanankutty Menon:** Yes.

**Mr. Deputy-Speaker:** Shri Joachim Alva.

**Shri Raj Bahadur:** What is the contract about, what is the work of Rs. 3 crores referred to, what is the name of the brother with whom the contract was made, in whose name was it, who was the officer who was responsible?

**Shrimati Renu Chakravartty (Basirhat):** Why does he want all this on the spot?

**Shri Narayanankutty Menon:** I will give it now.

**Shri Raj Bahadur:** When vague allegations are made, I have got to find out.

**Shri Narayanankutty Menon:** These are not vague allegations. According to my information, the contract was given on 2-2-1958. It is for him to find out in whose time it was done, because they change their officials according to their convenience.

**Shri Feroze Gandhi (Rai Bareilly):** What is the name of the company?

**Shri Narayanankutty Menon:** The company's name is Burmster Weins, whose chief selling agent in this country is a brother of this particular gentleman.

**Shri Feroze Gandhi:** Managing Director?

**Shri Narayanankutty Menon:** Yes.

**Shrimati Renu Chakravartty:** Why does the Minister want all this on the spot? Why does he make such challenges? It is for him to find out the facts.

**Mr. Deputy-Speaker:** He has asked for the facts. Now he will find out.

**Shri V. P. Nayar:** He has got such a wonderful confidence. We thought that almost every detail was available with him.

**Shri Raj Bahadur:** I have said that an allegation has been made. I also repeat that we would like to inquire into it. It was for that purpose that I wanted details. I am sorry that in the confusion I have not been able to get the name of the company he mentioned. What is the name?

**Shri Narayanankutty Menon:** When he was making his statement, I thought he was going to devour me. That was why I was frightened.

**Shri V. P. Nayar:** He threatens him to give the name.

**Shri Joachim Alva (Kanara):** The Hindustan Shipbuilding Yard has been a kind of grave-yard of Indian ship-

[Shri Joachim Alva]

ping and its hopes. It was built with great hopes and expectations, but somehow or other it has not delivered the goods.

15.57 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

I find that the pattern of some of these public corporations is the same. We have the Hindustan Machine Tools in respect of which the contract for building was handed over to Oerlikons. The Surso ran another factory near Thana. When it was found out that they were not delivering the goods, it was discovered that there was no clause under which they could be punished. When you enter into an ordinary agreement or contract, even for the purpose of sale or purchase of an estate or any kind of goods to be bought and delivered, any third class solicitor or third class lawyer would put in a clause of penalty. Unfortunately, when these big documents are drawn up, there is no penalty clause incorporated in them. These documents relate to transactions involving crores of rupees.

In the Hindustan Machine Tools factory, they wanted to punish this Swiss firm of Oerlikons who supplied dud ammunition to ex-King Farrouk who lost the war against the Israelites. They are a notorious firm. The Government of India could not punish Oerlikons, because there was no penalty clause in the agreement.

Now I want to know why, with all the law officers of Government, with a battery of officers in the service of Government, why, when a document is drawn up, there is no penalty clause included therein. If there is a penalty clause, how are they going to produce the cash from the other side? In case, the penalty clause is enforced, where is the money to come from? Are there guarantors to the Government? Today the Government of India are

guaranteeing loans in the private and public sector. They have stood as guarantors to foreign Governments in regard to the nationals of our country concerning the long term deferred payment loans granted to industrial undertakings. The Government of India are still guarantors for all the transactions that are entered into, whether they are with Socialist countries or with countries of the west, for the purpose of helping our industries with long term loans. However, there are big foreign firms, so called international firms; some of them are really to deceive us. We burnt our fingers with Oerlikons.

So, in the first place, why is there no penalty clause? Then, if there is a penalty clause, where is the sanction, that is, from where is the penalty to be recovered after it is imposed? I find that this has also been the defect with the Hindustan Shipyard as well as the Hindustan Machine Tools. Fortunately for us—the report of the Hindustan Machine Tools is written in this same Parliamentary report. However, the Machine Tools factory has turned the corner. One can feel proud that they are doing a wonderful job; I think that factory can claim a pride of place in the government undertakings. They say their goods are booked in advance—that orders are booked for the next six months. We are running at no loss at the present; all our employees are in a satisfactory state of employment there. There are no strikes and, above all, they do nothing incriminating for which the Parliament can take us to task. Hindustan Machine Tools Management declare: "We cannot employ our brother-in-law or sister or anybody in this factory for Parliament will take us to task." Such are the conditions of the management and the workers of the H.M.T.—it is laudable and we are happy that they have turned the corner despite the misadventures of the Oerlikons Factory with which the H.M.T. was connected.

16 hrs.

Going through the report, I find—and Shri Sharma has already drawn attention to it—that the Chairman is Shri N R. Pillai, Shri C. R. Reddy, the Managing Director and the Directors are Messrs Daya Shankar or Jai Shankar, S. N. Nargolewala, M. John, M. V. Krishna, T. M. Gokul Das, R. T. Gupta, and Charpanta, the Frenchman. I find three of them, to my knowledge, are of the Indian Civil Service. Out of 9, one-third of the directorate has gone to the Civil Service. I want to know why is it that no effort was made to put on the directorate men of character and integrity as well as of business experience, above all, of shipping. Was there ever a hunt made to find out real men of integrity and character and patriotism as well as people who had shipping and ship-building knowledge and put them on the directorate? We can take them out; we can separate the sheep from the goats. We have got a large number of Indian shipping companies. May I frankly say that their activities have not been at all cent. per cent. helpful. There has been a lot of spurt of private enterprise in some of these companies. Whenever they wanted large loans they got them to the brimful; whenever they wanted any kind of facilities they got them for the mere asking and now they have got the development rebate in taxation and what not! But, if it comes to a question of fully serving the public and the future Government of India in the proper spirit, they have been found wanting. Yet, as I said, we have to separate the sheep from the goats.

We can find out who are the people who have worked in Indian Shipping Companies, who have worked in the private sector and who possess the requisite amount of knowledge on shipping and ship-building—above all, whether these men are men of character. Why were they not found and roped in and why have we to depend entirely on the I.C.S., for the directorate, who are supposed to be omni-

potent and omniscient and known to know everything under the sun? This is indeed a regrettable feature. It is time that the Government overhauled the directorate and picked up real men of character and men with knowledge of ship-building or even men with excellent business and industrial know-how and put them on the directorate so that it may take a different turn.

We have now so many ship-building yards abroad. Somehow or other we put all our coals in one fire, by appointing only Frenchmen as the people who can deliver the goods. We have the German ship-building yards; we have the Polish ship-building yards. Poland is a small nation which is wedged in between the two mighty countries of Germany and Soviet Union. The Polish ship-building yard at Gdansk, known as Danzig in the last war, is today able to put up a big ship-building yard and they supply ships to all the people in the world.

When Shri Tyagi and I were in Poland about six months ago, one young manager-engineer less than 30 years, proudly pointed out and said, "here are ships built by engineers of less than 30 years." They were able to build trawlers and what not. Why do we not harness the knowledge of these people. In the Hamburg ship-building yard, they showed me a submarine base of the last war. They proudly told us how in 4 weeks they were able to build submarines and how in 4 days they were able to assemble them and send them afloat. I said during the debate on the Defence Budget that submarines were the backbone of the German Navy and German aggression during the last war.

In the first place, our ship-building yard does not work well. Secondly, there is no reserve section for submarines. We cannot think of a ship-building yard without a submarine section. When we are not able to get bread, how can we then think of

[Shri Joachim Alva]

butter and cream? So, to plan for submarines in our defective ship-building yard would be too much indeed. It is time that in the interests of our security and our sovereignty that we had one section in our ship-building yard reserved for the building of submarines. Ask either the German or the Polish or the British or anyone you like to help us to build submarines in this shipyard. Unless we can do this, we shall not really be coming up as a self-sufficing nation.

In regard to naval architects, I want to say a word. What efforts have we made to build a corps of naval architects? There were naval architects who were in the Scindia Steam Navigation Company or other companies. They have left those companies and joined British companies or they have joined those British companies which have transferred their capital to Indian companies. I think we should get all these architects. We are paying high salaries for our I.C.S. men. We ought to take care of our naval architects; our naval architects are the backbone of our ship-building industry, the real hope of our country. They are a small class of people whose genius and organising ability is known. We do not seem to have done anything about them. We should have our naval architects and put them in positions of trust and responsibility.

The Estimates Committee drew the attention of Government in regard to the people that have to be trained in our shipbuilding yards. We are not training up anybody. I would really like the hon. Minister to give us the figures of men trained in our shipbuilding yards. The hon. Prime Minister as the Minister for Scientific Advancement and Atomic Research gave us the actual figures through Dr. Bhabha as to how many scientists were trained in atomic research. It is said they had 500 and they will soon reach a thousand. Dr. Kothari at the Defence Science Congress said that we have got 50 Defence scientists in our

Defence Science Organisation and that we would like to have more but money is so little. I hope the hon. Minister will be pleased to lay a statement before the House as to the number of men we have trained up in our shipbuilding yards. We want our young men to be trained abroad as shipbuilders. We do not want our men to be made good scientists and go for literary education. We want many of our young men, lots of them, hundreds of them to be sent abroad to be able to build up ships for us. In Germany our young men go to the shipbuilding yards and they are paid 300 marks. Three hundred marks is a good sum of money for their subsistence in Germany and they could be trained.

When I went to one of the shipbuilding yards at Hamburg, last year Howaldtswerke, the Assistant to Managing Director brought an Indian boy and told me, "here is an Indian boy one of our best workers who has been trained in our shipyard and he is reckoned as one of the best boys." I found fortunately that he happened to be from my own State of Mysore. I never dreamt that Chamabassappa boy from my own State would be rated as one of the best shipbuilding boys there. I want to know why our own Government does not produce boys—at least half a dozen of them—and say, "Here are our boys who are trained. These are the boys that can go anywhere in the world and build ships." Why can't we possess or claim that kind of pride?

We are able to man our Indian Air Force; we are able to man our Army. In Navy, the shipbuilding part alone is the most defective part of our programme. And all because, somehow or other, all our business commitments have been wrongly worded without any penalty clause and we have entered into business undertakings which are defective from the very beginning. It goes on like a lame donkey causing so much loss to us. We should train a large number of young men for our shipbuilding yards. It is necessary.

Let them be sent to good shipping yards like the Gadhans in Poland. Poland is a very very small country which has suffered terrible loss during the last war. And yet they are building up ships which go throughout the world—China, Brazil and even the Soviet Union wants those ships. Of course, the Soviet Union may be concentrating on other things and not ships. The Soviet Union have their own shipbuilding yard at Leningrad. Shri Tivagi told me that the Gadhans shipbuilding yard in Poland was even better than that of Leningrad which he saw in the Soviet Union. In the Danzig yard, the Polish people, a small nation which was crushed during the last war is able to produce ships within 10 years. But, we are not able to produce worthwhile, first-rate or even second-rate ships for the last 10 years. It is time that we made a heart-searching of our own conditions.

We are going to build a second shipyard. And, a search is going on for that. We had a visit by the U.K. Shipbuilding Mission. The first mission that came out—half a dozen men—were technical men. The second mission then came. The first mission went back to U.K. The second mission was composed of some too men in the British shipbuilding industry. I have nothing to say about them. They are first-rate men. But, we should not commit ourselves to any nation in regard to our shipbuilding yards. The British were here since a long time back; they had been here for 100 years or even over 200 years. Up to the 18th century, Indian ships were masters of the Arabian sea and the Bay of Bengal and went far away to China and Indonesia and beyond the African coasts.

Somehow or other all varieties of foreigners came into our land and crushed our shipping trade out of existence and today we are almost with a begging bowl before the foreign shipbuilders asking them to help us. That period should be over.

Not only that. I am trying to point out that the wood for the masts of some of the British and Scottish ships was taken from my constituency. North Kanara and probably from Assam also. The wood is taken from the tallest trees of the forests of North Kanara. It is supposed to be one of the densest forests existing in India. The wood is taken for shipbuilding purposes in British shipyards, and they took our raw materials and crushed our ships out of existence. Besides, the nearness of the Bhadravati Iron Works should help us with iron and steel for a Karwar Shipbuilding Yard. At least after we have become independent, it is time that we should sit and sketch out and plan out afresh, when we have any amount of material. We have any amount of electricity at Jog; we have any amount of electricity as we have got one of the biggest waterfalls—the Jog waterfalls. Hence Karwar's claim for a Second Shipbuilding Yard is unrivalled. Men and materials can be got. Within three years, in 1960-61, we shall have enough steel. But here the hon. Member has pointed out that we have paid a very heavy price to Tatas for steel. I find that even in Hindustan motors, an inferior variety of steel is used. It is used even in some of our best cars. We pay about Rs. 12,000 or Rs. 13,000. Still the steel is not very good. Why is it so? We pay such a higher price for the steel required for shipbuilding. Something is wrong. Either the executives of the Tatas or the executives of the Government are wrong. The topmost officials either in the Ministry or in the Tatas are wrong. It is time that we sat together in a conference with the Tatas and other steel companies and decide these things. The Tatas could claim any amount of loans without interest and it is time that we asked them to supply at least good steel at a reasonable price. Then, with regard to the most essential parts, they are imported from abroad. Our country has got thirty first class ports and harbours. Britain has more than 30



[Shri Joachim Alva]

first-class ports. Our natural harbour which could be turned into best ship-building yards. We have also these harbours which could be converted into the best yards but we have no money. Where does it go? It is drained out by neglectful waste. We seem to have no control and we just pass it by. Unless we sit down and plan these things in a serious manner and apply our minds in the most extensive manner, we cannot reach the goal. These are mistakes we have made and it is time we turned our backs on these mistakes. Then only will we be able to build a shipbuilding yard in the most proper place like Karwar and not in some place where there are some big battalions like Bombay. Bombay also claims a yard but it should go to Karwar where the area is yet undeveloped so that that undeveloped portion of the land may be turned into a first-class industrial area....

**Mr. Chairman:** The hon. Member's time is up.

**Shri Joachim Alva:** Our land in the region of Karwar may be developed and we may thus compensate the loss which we have suffered in Vizagapatam. It should be done so that in the next five years we will have more money and more ships and better human material at our command. Thank you.

**Mr. Chairman:** Will the hon. Minister intervene in the middle or will Shri Patil reply at the end?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** Madam Chairman, I will intervene and my senior colleague would conclude.

**Mr. Chairman:** Then, I will call Shri Goray before he speaks.

**Shri D. C. Sharma:** Will I be given some chance to speak after the hon. Minister?

**Shri Raj Bahadur:** The motion is for consideration of the annual report.

**Mr. Chairman:** But generally we do give the right of reply to person raising the discussion? We can so manage as to give about 5-10 minutes to the hon. Member.

4.14 hrs.

**Shri Raj Bahadur:** I welcome this opportunity for a discussion of the affairs of H.S.L. because I think it will enable the House and the country also to assess the real position, and to see whether the things are as bad as was pointed out or whether the shipyard has been able to deliver the goods satisfactorily since its inception. Much of the mist might be cleared if I just remind the House that the H.S.L. went into production as far back at 1946 and till it was taken over by the Government, eight ships were built. It was in 1952 when we were going to take it over under our control and management that we went out for a consultant. It is no secret that we do want technical assistance and advice from consultants for the purpose of shipbuilding. It is a highly technical industry and art. We did not leave any corner unexplored for the purpose. Those who were in charge at that time went to UK and they consulted a firm whether they were prepared to come and they also went to America and asked the John Browns and other firms but nobody was interested. There was dearth of such technical advice even abroad and for obvious economic reasons they were not very much interested in seeing that we came up quickly in this art. It was only the ACL which came forward with this offer. It has a reputation of its own. It has turned out from its yard a number of ships and it was with great difficulty that we could induce them to be co-operative. It came and the contract expired last year on 14th July 1957. Because we have not been able to get other consultants, we gave an extension for another year which expires on 14th July, 1958. This in short is the background so far as this thing is concerned.

In reply to a question, I have already given the figures as to how many ships had been turned out. At that time it was ten. If I just refer the hon. Members to the advances, they will know but I will not go into the details. It will be seen that the development, expansion and technical equipment of this yard was the responsibility of these consultants. They were also charged with the responsibility of training some of our people so that they may be properly trained and may be utilised in the yard. So, to say that the appointment of the ACL as consultants for the yard was wrong—that criticism, I think, will have to be taken with a grain of salt obviously because they have built some ships after all and these ships are sea-worthy. Even in March last, we have launched *Jalvir*, and *Jalvikram* may be launched shortly. All these have been done under their advice and technical guidance. To say that the appointment has been wrong and that the country has stood to lose because of them and that the production was higher during the period it was in private hands will not be correct. Between 1946 and 1952, the yard had built only eight ships. I think the number has now come up to 29 including the ships that have been built or are under the process of construction. Out of these about 12 had already been delivered. But for the 'Andamans' the other are all right and on this 'Andamans' I think we should not heap all types of criticism against the ACL or the yard.

Many things have been said but I would only confine myself to some concrete observations of a rather critical nature and character. It has been said that production has been going down. We are discussing this report and right on the first page, it is given. Between 55-56 and 56-57, there has been an increase of 20 per cent in production as against 40 per cent between 54-55 and 56-57. It cannot be said that this particular rise in the tempo of production is unsatis-

factory. We have been trying our best to cut down the prices. A good point has been made about that. We know the prices at which it is built in the HSL; we know the cost of production. We have got to pay a good amount in subsidy. These facts have got to be taken note of. It cannot be denied that about 80 per cent of the equipment that goes in the construction of a ship has got to be imported. When we compare our price with U.K. price and we subsidize our price to sell our ships at what is known as U.K. parity prices, it must be remembered that the basic material that goes into the construction of a ship is steel and the difference in the price of steel is to the extent of Rs. 125 per ton. Apart from that, we have got to import all that is required to be put in the ship and that also takes a considerable amount by way of payment of freight etc. If the cost of construction of our ships is high, the reason can very well be understood. What can an engineer or an expert do, if we are not producing enough steel, if we have to import the marine engines, if we have to import all the accessories and equipment needed for the construction of ships? This is a handicap from which our nation suffers, and we have got to put up with it for a considerable time. Efforts are, however, being made to reduce and cut down the expenditure on these imports.

For that purpose, it was announced the other day that a High Level Committee has been formed with Shri T. B. Bose—about whom I will say a few minutes later in reply to what flowed from my hon. friend opposite—as its Chairman. He is going to advise us in regard to the sources from which we can get indigenous materials and in regard to the auxiliary industries that we can put up. There is also a Committee with the Shipbuilding Yard itself, which also goes from day to day into this particular affair, and it is anxious to see that we produce indigenous sources to get this equipment as much as we can. We also

[Shri Raj Bahadur]

know that the project for the manufacture of diesel marine engines has advanced fairly forward, and it can be expected that in course of time, when we are able to manufacture these engines and we are able to mobilise fully our internal resources, the higher cost of production will be cut down and we may be able to compete in this matter with other countries too.

So, taking all these facts into consideration, to say that the members of the Board are not properly selected, to say that they are always I.C.S. officers or that because they are I.C.S. Officers or civilians something can be said about their character and their integrity is beyond imagination. After all, we have got to see what could be done; even if you and I would have been placed in that position, could we have done better. If any criticism is made about that, it can well be thought of.

We have got the seniormost people to look after it, and I should like to say without any reservation or doubt in my mind that they have done the best that could have been done in the circumstances. They have done as well as could be expected of them, keeping in view the handicap that they have always been suffering from. Sir, the production of ships depends upon the availability of material and equipment, and also the machines that we have got at our disposal. In both these matters we have suffered a very serious handicap, and it is only gradually that we can build up resources, to come up to the required level.

A point was made that we have got no working programme—I think that came from the Mover of the motion, Shri D. C. Sharma. He knows that there is a programme. For his knowledge and for the knowledge of this House, I can only say that there is a works programme, a programme for production and if he

will kindly advert to paragraph 11 of the report and read the items given there from (a) to (d) and the following sentences of the same paragraph he will find that the programme of the undertakings that the H.S.L. has taken upon itself is given—I will not repeat them here for want of time.

It has been said that there is no competent designing office. I wish the hon. Member could take a trip to Vizag and see for himself what type of designing office we have got there and then make up his mind about its efficiency. It may be that we do not have the required number of technical persons keeping in view our requirements, but a designing office is there, an estimating office is also there and it cannot be said that the Shipyard has been working on in a haphazard way.

Something was said about the credit taken from the State Bank. It is obvious that we have to finance the H.S.L. to deliver the goods, and the Government gives out loans and subsidies. There is also an arrangement with the State Bank for cash credit. I think there is nothing wrong about it. All industries do require that particular facility, and that is being given.

I will now come to certain points or observations which were made about Capt. T. B. Bose, and about what Shri D. C. Sharma said: "the crowning glory of Andamans". I would only say about the history of the "Andamans". To begin with, the designing was done by one Mr. J. C. Campbell. I need hardly go into the details given in the Bose Report, but it will be seen that with Mr. Campbell, Mr. Patel, about whom so much was said, was attached. Mr. Campbell himself was confronted with a particular situation in which, if I may point out in his specific terms, his problem was that originally the ship was to be 400' x 56.51' x 33.58' and it had to be cut down because of the

request of the purchasers—and this was done by Mr. Campbell himself—to 350' x 51.5' x 33.58'. When Mr. Campbell went in April 1953, the responsibility for designing devolved upon Mr. J. G. Patel. There were subsequent negotiations with others, but Mr. Patel was not included in the discussions which appear to have been carried out. These are the facts which have been mentioned here. After this Mr. Patel came to be in charge of designing of this particular ship. He was asked thrice—in March, May and June—to enter into calculations in regard to stability. Somehow or other, Mr. Patel something but he did not go into the whole question of stability. That was in spite of the fact that as far back as March, 1955 no less a person than the Managing Director himself had directed Mr. Patel to make calculations in regard to stability. That was done even by a so-called non-technical person, a person who was not an engineer, the Managing Director himself. He gave instructions to Mr. Patel to have the stability calculation done properly. Yet, this has not been done.

Then, Mr. Patel also left. Many reasons have been ascribed to his quitting, and it may be that the reasons are better known to the Members opposite; but so far as our knowledge goes he went of his own free will and there was pressure brought to bear upon him. There was no difference of opinion between him and others. He only wanted to go and have a better job.

**Shri Feroze Gandhi (Rai Bareilly):** All Patels are in trouble.

**Shri Raj Bahadur:** I do not want to put any Patel in trouble.

**Shri Narayanankutty Menon:** I did not say that. What I said was that after he resigned, the design was changed by Mr. Guitart.

**Shri Raj Bahadur:** Mr. Guitart comes at the very far end. It was on Mr. Patel that the specific responsibility for calculating the stability was fixed. The Managing Director himself asked Mr. Patel to do it, and for reasons best known to him he did not or could not do it. But let me say to his credit that he only said "after its launching the stability may be checked". Once it is launched and the superstructure comes into being, supposing it lists the entire structure cannot be changed at that stage. I would only refer to the conclusions which I have given in the summary to the report. The Committee has fixed the responsibility on Mr. J. C. Campbell for not checking his revised preliminary design for stability or for warning his successor that it needed checking. The Committee has fixed the responsibility on Shri J. G. Patel for not making detailed estimates of centres of gravity and thus checking the stability of the ship. "Shri J. G. Patel was also dilatory in embarking upon a detailed calculation and he did so only on the instructions of the managing director". I will not go into the later paragraph, because it will not be relevant for this point.

Now, doubt has been cast upon that Committee. Shri Narayanankutty Menon has, with his usual fervour, not hesitated to fling all types of accusations and vituperations against the persons who were appointed to that Committee. One of them is Mr. T. B. Bose. Mr. Bose is the Chief Surveyor of the Mercantile Marine Department, the highest technical officer that we have got under the Director-General of Shipping. Then, Commodore and now Rear-Admiral Daya Shankar. Is he a petty or a small officer? He is one of the seniormost officers in the Navy.

**Shri Narayanankutty Menon:** Let him be as big as possible. But who

[Shri Narayanankutty Menon]

will pay the money? That is the question.

**Shri Raj Bahadur:** Either he should please trust somebody or say that nobody is trustworthy in this country and nobody is the best man for him in this Committee. The practical function of the Chief Surveyor was to check up the matters and for going into the matters. We appointed him as an officer independent enough. We appointed a person from the private sector, Mr. Gokuldas, and to be still more sure of the technical side of it, we appointed a person from the Navy. It would have been much better and much more constructive contribution to the debate if Shri Narayanankutty Menon could have come out and said that instead of Mr. Bose or Rear-Admiral Daya Shankar or Mr. Gokuldas, much better persons in the country should have been appointed. He has not cared to do so. He further says that Mr. Gokuldas has been bribed. He has come out with a regular, full-throated allegation against Mr. Gokuldas and his brother. He says that a contract for Rs. 3 crores has been given to them for some particular purpose which he has not defined.

**Shri Narayanankutty Menon:** For the purchase of engines.

**Shri Raj Bahadur:** Mr. Chairman, you wanted me to give facts and figures. I have got them with me and I am giving them. May I tell you that the entire story of Shri Narayanankutty Menon, with all his sense of responsibility as an august Member of this House, is completely a lie? I repeat the word lie. His story has got nothing, has not basis whatsoever.

**Shri Feroze Gandhi:** We do not use such a word here.

**Mr. Chairman:** Let the hon. Minister actually give the facts. The time is also up.

**Shri Raj Bahadur:** I will do that.

**Shri Feroze Gandhi:** It would not be correct to say 'lie'. We do not say the word 'lie' here.

**Shri Raj Bahadur:** I accept the correction, the sober advice of my hon. Friend. I say that was 'incorrect', instead of saying the word 'lie'. Shri Feroze Gandhi should have also heard of these facts. I only expect of him to do this; I request him to urge upon Shri Narayanankutty Menon to be rather cautious in making such allegations.

**Mr. Chairman:** I think the hon. Minister must leave that to me, and not delegate those powers to Shri Feroze Gandhi however eminent he may be.

**Shri Feroze Gandhi:** Yes, madam.

**Shri Raj Bahadur:** If I may say so, Shri Feroze Gandhi pointed out that I should not use the word 'lie'. I said I accept his advice. I hope that....

**Mr. Chairman:** The hon. Minister does not have more time except one more minute. He has already exceeded the time.

**Shri Raj Bahadur:** One marine engine was to be purchased and that was at a total cost of Rs. 47 lakhs. Three parties came forward: Prominster Wins, with the Agent Gokuldas and his brother, Flant, the representatives of Italian engineers and Mann, the Escort Agents. For the information of the House I may say that it was Mann's tender that was in fact accepted for Rs. 47 lakhs. So, Mr. Gokuldas is completely an impartial member of the Committee. I hope, Madam, that these facts will go home with the hon. Member in connection with the injustice that he has obviously done to the Committee which went deeply into the matter, examined a number of important witnesses and all those who were concerned with this matter. They came to cer-

tain conclusions, and we shall have to put much reliance on their report. And there it is that we find that despite the best of techniques, despite the best of efficiency, we could not have perhaps avoided the Andamans. It came, as it usually happens, because of certain human deficiencies to which the responsibility has been fixed in the report.

I will only say a few words about training because my hon. friend Shri Joachim Alva wanted to know what we have done in regard to training. When we took over the Hindustan Shipyard, we took over 16 technical officers who had been specially trained in different branches of shipbuilding in the shipyards of the United Kingdom. Besides there were four employees in the shipyard who had foreign training on their own. Further, in terms of the agreement for technical assistance entered into with their French consultants, that is, the ACL, the shipyard have so far had 13 supervisory technical personnel trained in two batches in the shipyards of ACL in France for the yard as well as the Drawing office. Of these, one was a senior technical officer in the shipyard and the rest were new recruits who were specially recruited and given initial training in the shipyard for about a year. All these people were trained in foreign shipyards for specific jobs in which they are now being employed. Whenever persons who have had training abroad apply to the shipyard, they are interviewed and appointed by the shipyard if they are found suitable. The shipyard have so far appointed 12 persons in the year who have had such training. A third batch of 11 such junior technical officers have almost completed their initial training in the shipyard and will be deputed abroad shortly. If the nature of the training is required, I will place a statement on the Table of House, because it will be a longish one.

**Mr. Chairman:** The hon. Minister should conclude.

**Shri Raj Bahadur:** I shall do so at once. I have taken a good deal of time. I would only say that the shipyard, with all these limitations and handicaps, has done well. We should not discourage the hundreds and thousands of workers, the staff, the technicians and engineers by remarks or observations made in this House which might make their enthusiasm disappear for which might discourage them. I would plead in all earnestness with the hon. Members of this House and also with the hon. Members of the Opposition that they should see that they will encourage the officers, the staff and the workers in the H.S.L. so that they will deliver the goods better.

**Shri Narayanankutty Menon:** I wish to refer to the word used by the hon. Minister during the course of his reply. He did not substantiate it also later on. Therefore, he should withdraw the word 'lie'. It is unparliamentary.

**Mr. Chairman:** He has withdrawn it. There is no point to be raised now about it.

**Shri Narayanankutty Menon:** If he has withdrawn, it is all right.

**Mr. Chairman:** He has withdrawn it.

Now, Shri Goray wants to speak. I am afraid we are exceeding the time-limit. I would request Shri Goray to confine his speech to ten minutes, because we would like to have the answer from the hon. Minister on this important debate. I think the House will bear with me if I suggest that we shall sit for five or ten minutes longer so as to give time for the hon. Minister.

**Shri Goray (Poona):** Mr. Chairman, I want to assure the hon. Deputy Minister....

**Shri Raj Bahadur:** I am not Deputy Minister.

Shri Goray: ... the Minister of State, that it is not my intention to put a little tar on the ACL or the Hindustan Shipyard Ltd. This question of the Hindustan Shipyard Ltd., in my opinion, assumes special importance because we except the ship-building industry in India to progress fast and to fulfil those tasks or targets which we have set for ourselves. Even after listening very carefully to the speech made by Shri Raj Bahadur, I fail to understand why the ship-building industry in India is inching forward at snail's pace while the ship-building industry in other countries is going ahead by leaps and bounds. There must be something wrong in this affair. There must be something wrong in the administration. Sometimes, one feels a little frustrated and all criticism appears futile, when year after year, we find the same story repeated. There is no improvement; no officers are held responsible. There is no honest effort to eradicate the evils that are found in a particular corporation or particular department.

I would like to point out here that so far as this Hindustan Shipyard Limited is concerned, it is not necessary for the Opposition to labour too much in order to draw the skeletons out of the cupboard. We find that in the Estimate Committee's Fourteenth Report for 1954-55, they have listed all the drawbacks in the organisation of this particular corporation. They have pointed out that in spite of our agreement with the ACL, our expectations were not at all fulfilled. In spite of the expert advice of the ACL, who claimed they had 75 years' experience, the time schedules were not kept.

16.42 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

There was no provision to recover losses due to delays and they have pointed out that almost there was no scheme for training higher cadres, so far as the ship-building industry was concerned. It is a long report and you will find that they have pointed

out so many defects in the organisation of the Hindustan Shipyard Limited but no attempt seems to have been made to reform or to modify or to modernise the installations at Visakhapatnam. Naturally, therefore, we get the Andamans and the other ship that is resting permanently in the Madras Harbour.

I do not want to repeat all that has been told about the Andamans. I think we should take this story to heart; let us learn a moral from it and let us see that the same story is not repeated over and over again. Now, the ACL people are no longer with us, but the Hindustan Shipyard Limited is with us and is going to be with us. Therefore, it is our duty, whether we belong to the Treasury Benches or the Opposition, to see that matters take a better turn. In this respect, I would like to say that this enquiry committee is suspected not because the people who were there were not experts. But because the same people are on the Board of Directors and the same people again are found on the enquiry committee. The difference between them is same as difference between dweedle-dum and dweedle-dee; there is no difference at all. The same people are sitting in the committee, trying to investigate what has been done by themselves. Naturally one feels there is not enough thought given, not enough deeper probe accomplished, and therefore, the report has been what it is.

It is very curious that while fixing the responsibility, the report has held responsible Mr. Campbell, who is no longer with us, Mons. Satger, then Mr. J. G. Patel none of them is with us now. I hold no brief for Mr. Jal Patel, but I had a little correspondence with this gentleman and I found that Mr. Jal Patel who has been accused of neglecting his duties for not warning these people beforehand, had in fact written a letter to the management as early as 11th August, 1955. In that letter, he had categorically stated that "delay in accepting this suggestion is likely to be disastrous" I do

not think how an officer can be more categorical. He then said:

"It is, therefore, strongly recommended that the vessel be inclined immediately after launching so as to check her trim and stability, and again be finally inclined when she is ready for sailing."

**Shri Joachim Alva:** Was this letter written much before?

**Shri Goray:** Yes.

**Shri Joachim Alva:** Was this brought to the notice of the Committee?

**Shri Goray:** I do not know. This letter is here and I do not know whether the Minister has come across it and whether it was presented to the Committee of investigation. Now, Mr. Jal Patel seems to be working with some other British firm. This is also worth noting.

**Shri Jal Patel,** a naval architect of nearly fifteen years' standing thought it fit to leave the Hindustan Shipyard and take up a job with a foreign firm. In his letter of resignation also he has expressed his deep sorrow. He says:

"I cannot continue here, because the relationship between the naval architect and the other people here, especially the chief draftsman was not fixed."

And this particular point has been brought up again by the Investigation Committee, to which the previous speaker just now referred. The report says:

"The Committee were very much concerned at the relations that existed between the Chief Draftsman and the Naval Architect in the past. Although this has not been stated in this report, as a contributory factor for lack of co-ordination, there is the urgent need to exercise a careful watch

that these two sections do not work at logger heads. In order to avoid a recurrence of such incidents, it is important that the Calculation Office should furnish the Drawing Office with the design particulars etc. Similarly, the Drawing Office should not finalise any drawing without reference to the Calculation Office."

Now, the relationships between the Chief Draftsman and the Naval Architect are not something peculiar to our country. Mr. Jal Patel writes to me, saying that he has consulted some eminent naval architects in England and one Mr. C. C. Pounder, Chief Engineer and Director of Messrs. Harland and Wolfe Limited says that in his company, as well as in one of the other famous companies, in the shipyard of John Brown of Clydebank, the naval architect—who is also accidentally the Managing Director—is the head technical man and under him there are the draftsmen. So, I think that if this sort of relationship is established in the Hindustan Shipyard, there will be no trouble and the point that has been brought up by the Committee would be met.

I do not want to waste more time on it, but I really feel concerned that while we are discussing this report, what we must primarily discuss is the schemes for training up our people in shipbuilding. It is not only the mercantile marine that we have to build up. We have to build our own naval ships and here you find that there is no provision made for creating cadres who will build our own navy. Reference has been made to our engineers in the Kharagpur engineering college. I was told that out of the batches of engineers that came out after passing from that college, not more than twenty to thirty per cent were absorbed by us and others had to seek jobs in foreign firms. Now, this is something that I do not understand. When we have got paucity of naval archi-



[Shri Goray]

fects and we have got only one college, which is training them, why is it that we are not in a position to absorb all the people, all the graduates that come out of the engineering college? This means that we have no plan, we do not want to absorb our own people, with the result that the best naval architects that we are creating are going over to foreign companies. This must be stopped. We must see to it that the cadre that we are creating is absorbed by our own shipyards. That is one thing.

Secondly, we must not think only of Visakhapatnam. We have such a long coastline and we have harbours which can be developed if we put maximum effort into it. If we consider that India must depend for a long time to come on foreign goods and those goods must be carried from those countries to India.....and we have to pay crores of rupees for freight, then we must also consider that it is an urgent necessity of the hour to build our ships as fast as we can. If that is once understood and admitted, I suppose, more attention must be paid to developing our smaller ports.

Just now, my hon. friend, Shri Joachim Alva, talked about ports on the western coast. He talked about Karwar. I am a layman. I do not understand what exactly is necessary for developing a port. But I have read a little and I have found that it is not the first time that experts have reported on this particular question. So many committees had come and reported. They have pointed out that Karwar can be developed into a first-class ship-building port. I think that Karwar should be taken up or Bhatkal and some ports on the eastern coast also can be taken up. But let us not keep all our eggs in one basket. Let us not think only of Visakhapatnam. Let us think of developing other ship-building centres also. Let us try to build up our merchant navy and our Indian Navy as fast as we can and in our own shipyards.

That is all that I have to say.

**The Minister of Transport and Communications (Shri S. K. Patil):** Mr. Deputy-Speaker, Sir, I am glad that the House got this opportunity of focussing its attention on the Hindustan Shipyard and the matters pertaining to it. So far as the detailed examination of the points, that were raised, is concerned, my hon. colleague has replied to it. I shall deal with such items as are really matters of policy as I consider them.

While I was listening to the debate, my mind was very much exercised as to what has to be done so that this Hindustan Shipyard, which is such a vital institution of the Government of India, should be put in a proper and efficient condition and, as the hon. Member, Shri Goray, said, it should not merely mend its way of progress and should not have a snail's progress but should have a much faster progress. Howsoever much it might be said that during the last six years we have built a tonnage of somewhere about 100,000, which may perhaps work on an average of 15,000 to 20,000 a year, that is a progress which does not satisfy me. There have been defects. I do not say that the Shipyard or its administration is a model, but there is something ideal. It has got to be improved upon. It is not that I am blaming any particular person for the responsibility etc., because that is a different matter.

The Hindustan Shipyard has a chequered career with which even without being a Minister I was concerned right from its inception. I remember as to why it was started. It was started because it was felt at that time when it was in the private sector—there was no distinction between the private sector and the public sector in those days—that to be entirely dependent on foreign countries to supply our shipping interests was a dangerous proposition indeed. Whatever it might cost us initially, difficulties might sometimes be insurmountable, but instead of that we have to go in for that. That was exactly the reason



[Shri S. K. Patil]

to do so. These are all the limiting factors that we have got to take into consideration.

Some suggestion was made here by the hon. Member Shri Narayanankutty Menon, why not, instead of giving that subsidy, give subsidised steel. I cannot understand what is the difference between six of one and half a dozen of the other. Whether we lose in steel or elsewhere, it is much better that we put it so that we can understand what is the loss. There should be a correct appreciation of the position.

**Shri Narayanankutty Menon:** I said steel at controlled prices.

**Shri S. K. Patil:** I have understood the hon. Member. This incessant habit of getting up like a jack-in-the-box every now and then should be resisted.

**Shri Narayanankutty Menon:** What the hon. Minister said is wrong. That is why I want to correct it.

**Mr. Deputy-Speaker:** Order, order.

**Shri S. K. Patil:** I am not yielding to the hon. Member. What I am saying is, this kind of accounting that you put it here or show the loss somewhere else, this kind of making of account, this kind of book-keeping is not going to help us. Whether we show the loss here or there, the fact remains. We have been doing that in a manner so that we can point out, we can size up the proposition as it is and not in a kind of manner where we show the expenditure less so that ultimately, a ship appears to be cheaper while in fact, it is not cheaper.

Therefore, this hon. House must take cognisance of one fact, that in the circumstances for some time to come, although it is possible for us to eliminate the mistakes that we have made and possibly step up the efficiency of the administration, which I am going to do, I am not in a position to promise this House that shipbuilding is going to be ideal in the sense

that we shall have ships constructed here cheaper than what we can.

Today, we want shipping. We want more and more shipping. Hon. Members also sometimes say, why not have more ships. We have fixed a target. I was myself very hopeful some time back when I came into it, why not immediately have more ships. There are umpteen difficulties. It is not a question of shipping alone. When you get ships, so many other things have got to be got together in order that you may be able to service those ships. If somebody presents 100 ships today, you are not able to use them because you must have masters, engineers, personnel, etc. My hon. friend Shri Joachim Alva raised a very important point. What about the training? Are we training sufficient personnel, so that ultimately, if we have got to manage these things ourselves, we may be in a position to do so. That is a very pertinent question. I would say that the training facilities that are made available in this country are not adequate, they must be multiplied. How? Whether they should be doubled, trebled, I am not in a position to say because that costs money, but it has got to be done. All these things have got to be done. Mere two schools, one in Bombay and one in Calcutta do not serve us because we have got to turn out somewhere about 500 engineers and other aeronautical experts according to my way of thinking, and if this has got to be done, mere two institutions or colleges do not help us.

Having said that, you will naturally ask, or the House will ask: these are matters which they understand will be done, but what about inefficiency if it is there? The Members pointed out that there have been members there, that there are three civilians. I have not examined these matters in that detail in which the hon. Members have supplied the information just now. I understand that unless there are marine engineers unless there are experts who know something about it, it is very difficult. I can quite

understand that, and therefore the Board has got to be recast, the administration has got to be recast; if there are any deficiencies, they have got to be got round. All that I understand, and it shall be the earnest effort both of myself and the administration to see that these difficulties do not exist. That assurance I can give this House.

Then some charges were made. Anything in this House is a scandal, it is corruption. These are very, very ordinary words, and if my hon. colleague said that something was a lie—not that I mean we should follow that example—then naturally there was some objection, but words like scandal, scandalous waste of money, corruption are being used, and then hon. Member gets up and says that the point that he made has not been contradicted. What is that contradiction I do not understand. The charge was made in this House that there was a member who sat there and that his brother was an agent of a firm which got a contract. That challenge was met and it was said that that firm never got a contract, and if that is not a contradiction, I do not know what a contradiction means.

It is very easy to come to this House and say this is a scandal and that is a scandal and somehow or other try to link it with some election fund somewhere. I can tell my hon. friends that they also fight elections, and surely they do not fight their elections with pebbles and dust. Something more than that and heavier than that is necessary. They have also got their means of getting it. What is sauce to the goose is perhaps not sauce to the gander, but that is not the thing. I am merely saying this because we have got some ulterior motive in this business that it has got to be linked, every attempt of Government has got to be linked, with something which is ulterior so that some political capital could be made out of it. That is the particular thing which I do not share with my

hon. friend, but if it was so and if there was really any substance in that allegation, I would have been amazed and it would have been my duty to investigate, to go into it, and set my foot upon it as hard as I could do it. But on enquiry I find there is no truth in it. Somebody learns something in the market place, he finds it is very fine, then he tries to embellish it and then tells it here, and the House sometimes gullibly accepts it and says there is a scandal, that the administration is nothing but scandal, nothing but corruption, all these things are alleged against it. I took this time of the House merely to say that inefficiency or deficiencies might be there, administrative mistakes might be there, they have been there.

So much has been said about ACL, the French consultants. We had to find some consultants. The hon. Member said they consulted the U.K. consultants, the American consultants, possibly they could have also consulted the Polish and USSR consultants, but unluckily or luckily we did not do that, and this firm came.

This firm is noted, it has got a reputation internationally in marine shipping which is next perhaps to that of nobody, but it is possible the best of firms may not send their first-class people to India. The firm may be very good, but if they do not send proper men or first class people, possibly mistakes might be committed. We are struggling to become efficient with the help of others, and if that sometimes does not prove to be as adequate as expected, surely the mistake is there, but we are making mistakes in order to learn so that we shall improve. Possibly, because I do not know, A.C.L. did not send the first-class men who could have been sent in order to do the original planning that is necessary for an important and highly technical institution like this, like marine engineering. The result was that we made mistakes. My hon. colleague has promised that after their contract expires, possibly in less than two or three months, they will go.

[Shri S. K. Patil]

And we are now having some contacts, some connections with the German people, to which reference was made by my hon. friend. How can I at this time say that these experts are going to be such bigger and greater experts with some position that with their help all these difficulties will go?

The difficulty is this. Because we are trying to put the blame on the experts, it has become also difficult for us to get experts, because the foreign experts also read in their newspapers what is happening in this august House, with the result that they know that we have been finding those difficulties, and they say 'If we are going to be blamed at the end, if we are going to be hanged because some mistakes have been committed we are not prepared to come; and we are not going to take responsibility; we may give simply the advice; and you may take it or reject it as you like'. I am merely saying this to point out that in a highly technical question like this, where we have not got the competence just now—we may get it after some time—we have got to depend upon somebody. If we have the luck that that somebody is a great expert and he helps us, then, surely, we shall attain that efficiency much earlier than we imagine; but, if we do not have that, then, possibly some time will have to elapse.

Finally, I can assure this House that so far as the points that have been made are concerned, to the extent to which it is possible to improve matters administratively, it shall be my constant endeavour to see that it is done, and I hope that ultimately we shall be able to render an excellent account of the Hindustan Shipyards, which is really a great institution of this land.

We are talking about having another shipyard, and there, my hon. friends are already laying claims, whether it be Karwar, or Bhatkal or something else—I may even say, Bombay,—and so on and so forth. But let it be re-

membered that at a time when we know that owing to these limitations and difficulties, our ships are costlier, then, surely, the second shipyard is not going to make them in any way cheaper. That means that we have got to double our effort, not only in finding the money and material but also in finding the technical know-how, the personnel and the other things that we require. In spite of all these difficulties, we have got to do it, and we have got to do it on the West Coast—there is no doubt about it—because one shipyard is there already on the East Coast.

Please remember that it is not merely the number of ships and the quantum of money that we get that matters. The important thing is that we have crossed the hurdle during the last twenty years for which we have been operating. Whatever personnel we have created in the country, the marine engineers and others that we have created in the country, are an asset today, for which you are not giving any credit at all. And if you think at all, you think only in terms of the ships; but you do not think of the fact that from scratch where there was almost nothing, we have created a position in India today when we can boast of a little of marine engineering in our country manned by our own men. Perhaps, if we go on stepping up our efficiency, a time may come, in the next five years or ten years, when we shall multiply our marine engineers, architects and others, who will lay the keels themselves instead of depending upon somebody else. When that time comes, then whatever money this House and this country have been spending on this would have been well-spent. That will be the verdict of the future generation.

With these remarks, I feel that I have nothing to add to what my hon. colleague has said on the point.

17-09 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 29th April, 1958.

[Monday, 28th April, 1958]

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#### ADJOURNMENT MOTIONS 11921-45

The Speaker withheld his consent to the moving of eight adjournment motions regarding the situation arising out of the arrest of a member of Lok Sabha along with certain members of the Orissa Legislative Assembly.

The Speaker informed Lok Sabha that Shri Pratap Kesari Deo., Member of Parliament from Kalahandi constituency was arrested on 27-4-1948 on Charges under Section 347 and 365 I.P.C.

#### PAPERS LAID ON THE TABLE 11945-46

The following papers were laid on Table:—

- (1) A copy of the Appropriation Account of the Government of Delhi 1955-56 and the Audit Report, 1957 under Article 151(1) of the Constitution.
- (2) A copy of each of five Notifications under subsection (4) of Section 43B of the Sea Customs Act, 1878
- (3) A copy of the Delhi Terminal Tax Rules, 1958, Section 479 of the Delhi Municipal Corporation Act, 1957.

| Subject  | COLUMNS  |
|--|----------|
| <b>REPORT OF ESTIMATES COMMITTEE—</b>                                    | 11946-47 |
| Fifth Report was presented   |          |
| <b>MOTIONS FOR ELECTIONS TO BODIES ON WHICH LOK SABHA IS REPRESENTED</b> | 11947-48 |

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir) moved two motions one to elect two members for All India Council for Technical Education and the other, to elect one Member for the Governing Council of the Indian school of Mines and Applied Geology, Dhanbad. The motions were adopted

#### BILLS UNDER CONSIDERATION 11949-12009

- (1) Further discussion to consider The Probation of Offenders Bill, 1957, as reported by the Joint Committee was concluded and clause by clause consideration was taken up. Clause-by-clause consideration was not concluded.
- (2) The Minister of Transport and Communications (Shri S.K. Patil) moved that the Bombay, Calcutta and Madras Port trusts (Amendment Bill, 1958 be taken into consideration. The discussion was not concluded

#### ANNUAL REPORT OF HINDUSTAN SHIPYARD PRIVATE LTD. 12009-66

Shri Diwan Chand Sharma moved that the Annual Report of the Hindustan Shipyards Private Ltd. for the year 1956-57 be taken into consideration. The motion was considered.

#### AGENDA FOR TUESDAY, THE 29TH APRIL, 1958.

Further consideration and passing of Probation of Offenders Bill and India Stamp (Amendment Bill, 1957).