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Thursday, August 30, 1962
Bhadra 8, 1884 (Saka)

LOK SABHA DEBATES

Third Series

Volume VII, 1962/1884 (Saka)

[August 20 to 31, 1962/Sravana 29 to Bhadra 9, 1884 (Saka)]



SECOND SESSION, 1962/1884 (Saka)

(Vol. VII contains Nos. 11 to 20)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Thursday, August 30, 1962/Bhadra 8,
1884 (Saka).

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Exodus of Minority Community from East Pakistan

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Shri P. R. Chakraverti:

Shri P. K. Deo:

Shri Narendra Singh
Mahida:

Shri S. M. Banerjee:

Shri S. C. Samanta:

Shri Subodh Hansda:

Shri B. K. Das:

Shri M. L. Dwivedi:

Shri Indrajit Gupta:

Shri Shree Narayan Das:

Shri P. C. Borooah:

Shri Bhagwat Jha Azad:

Shri Bhakt Darshan:

Shri Tridib Kumar

Chaudhuri:

*697. Shri Rameshwar Tantia:

Shri Sarkar Murmu:

Shri A. K. Gopalan:

Shri Imbichibawa:

Shri Yashpal Singh:

Shri Bibhuti Mishra:

Shri Rishang Keishing:

Shri Ram Ratan Gupta:

Dr. U. Misra:

Shrimati Renu

Chakravartty:

Shri Raghunath Singh:

Shri Hem Barua:

Shri H. C. Soy:

Shri Besra:

Shri Marandi:

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

1684 (Ai) LSD—1.

(a) whether there has been large scale exodus of Santhals, Rajbanshi and other classes of minority community from East Pakistan to India;

(b) if so, the total number of such persons who have crossed over to India till the end of June, 1962;

(c) what measures have been adopted by Government in giving relief to these helpless people; and

(d) whether and how Government propose to rehabilitate them?

The Deputy Minister in the Ministry of Works, Housing and Supply (Shri P. S. Naskar): (a) and (b). According to the information given by the Government of West Bengal, about 11,000 Santhals had come from East Pakistan to India till the end of July, 1962.

(c) Families in extreme distress get relief from the State Government under the Gratuitous Relief Scheme.

(d) It was decided in the first instance to rehabilitate 1,000 Santhals in Dandakaranya.

Shri P. R. Chakraverti: Are these relief measures taken up on an *ad hoc* basis or in pursuance of the policy which will now be applied to the displaced persons?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): An emergent situation arose and we took certain decisions. That is the position for the present.

Shri P. R. Chakraverti: In consideration of the circumstances that compelled these people to cross the frontiers even at the cost of their lives, do Government propose to revise the earlier policy of treating the displaced persons as immigrants and not as migrants?

Shri Mehr Chand Khanna: These persons can be divided under two heads, one, all those who have been coming right from 1958 by taking migration certificates where it is clearly laid down that they will not ask for any relief or rehabilitation benefits. The others are those who have now come within the last 3 or 4 months, mostly Santhals, numbering about 11,000. In their case, they have no migration certificates. We have considered the matter; and we are giving them every possible help, relief and rehabilitation assistance.

Shri Subodh Hansda: The Minister stated that thousands of families will be rehabilitated in the Dandakaranya area. May I know whether it is a fact that many of the Santhals refuse to go to that Dandakaranya area? If so, what is the reason for their not accepting the offer?

Shri P. S. Naskar: It is a fact that at the beginning only a few Santhals did agree to go to the Dandakaranya area because certain vested interests in West Bengal floated a rumour that Dandakaranya was full of demons and tigers. Lately, a batch of the leaders of the Santhals has gone to Dandakaranya to see things for themselves. As the hon. Member might have read in the newspapers, they came back with great satisfaction; and they are asking their people to go to Dandakaranya. And, for the information of the House, I may say that in a day or two 30 to 40 more families will be going there and some more will be going later on.

श्री भक्त वर्मा : श्रीमन्, यह बताया गया है कि राज्य सरकार इस सम्बन्ध में पूर्वी पाकिस्तान से आये हुए विस्थापितों को सहायता देगी। मैं जानना चाहता हूँ केन्द्रीय सरकार ने इस के लिये अपनी ओर से क्या कोई कदम उठाये हैं और कितनी सहायता दी है?

श्री मेहरचन्द खन्ना : सहायता दो किस्म की होती है। एक तो रिलीफ की शकल

में होती है और दूसरे रिहैबिलिटेशन की शकल में। रिहैबिलिटेशन के लिये तो हम ने फैसला किया है कि हम दण्डकारण्य में यह करेंगे। जहाँ तक रिलीफ का ताल्लुक है प्रान्तीय सरकार उन को देती रही है। लेकिन रिलीफ तो उस को दिया जाता है जो रिलीफ लेने के लिये आये। अगर कोई आये न तो रिलीफ किस को दें।

Shri B. K. Das: May I know what arrangements will be made for those persons who are not agriculturists and who cannot be rehabilitated in Dandakaranya?

Shri P. S. Naskar: The Santhals are agriculturists.

Shri Tridib Kumar Chaudhuri: Apart from thousands of Santhals who are being settled in Dandakaranya, what is the Government's decision with regard to the Rajbansis and non-Santhals who have come over and may I know whether any scheme has been formulated with regard to them?

Shri Mehr Chand Khanna: Out of the 11,000 persons who are reported to have come without migration certificates, the number of Santhals is round about 9,500; and the remaining 1,000 and some 500 more, we are prepared to consider their cases, provided they have come during this period. As far as rehabilitation is concerned, there is a policy laid down in the Dandakaranya scheme and they are being dealt with under that scheme.

Shri Hem Barua: In view of the fact that there has been tension in Rajshahi and adjoining districts of East Pakistan till now and there has been an exodus of the minority community to this country, may I know whether Government propose to formulate a plan to rehabilitate all those people who have been coming in?

Shri Mehr Chand Khanna: I can only rehabilitate those who want to be rehabilitated.

Shri Narendra Singh Mahida: What is the percentage of minorities that have come over here and what is the percentage that is left over there?

Shri Mehr Chand Khanna: That has nothing to do with this question.

Mr. Speaker: Have they any information?

Shri Mehr Chand Khanna: I never said that we have no information. I said that it has nothing to do with this question as the main question is about the minorities who have come over to India.

Mr. Speaker: If information is available, that may be given.

Shri Mehr Chand Khanna: The question should be addressed to the Ministry of External Affairs. I am only concerned about the Santhals in a limited way, about those who have come over here.

Mr. Speaker: The other minorities was also put down in the question Rajbhansis and others. What percentage has come and what remains?

Shri Mehr Chand Khanna: I have just answered that of the 11,000 persons who have come with no migration certificates, about 9500 are Santhals and the remaining 1500, non-Santhals.

Shri S. M. Banerjee: May I know whether the Government has taken steps to consult the Government of Bihar to settle some of these Santhals who have come over to our country in Santhal Parganas in Bihar and what is their reaction?

Shri Mehr Chand Khanna: At present we are only considering the rehabilitation of these people in Dandakaranya.

Shri Indrajit Gupta: Out of these 11,000 Santhals who have come over during the last 3-4 months, what is the actual number who have actually

applied to the Government for relief and what is the scale on which they are being given relief?

Shri Mehr Chand Khanna: The relief that was given in the early stages, within the first few days under the State gratuity scheme, was a small amount. This was raised in this Parliament and we also looked into the matter. Immediately I got in touch with the Chief Minister of West Bengal. I told him that we will be willing to give some additional amount and if he wanted some money immediately, I could also place at his disposal a small amount from my discretionary grant. But the Chief Minister told me that there was no one to take the relief.

श्री यशपाल सिंह : क्या सरकार को पता है कि वे लोग बहुत दुखी और परेशान हालत में हैं ? न वे माइग्रेशन सर्टिफिकेट ले सकते हैं और न ही रिलीफ के लिये सरकार के पास आ सकते हैं । ऐसी हालत में क्या सरकार खुद उन को इमदाद देने के लिये तैयार है?

अध्यक्ष महोदय : गवर्नमेंट क्या उन के पास जाय?

Shri Abdul Ghani Goni: May I know whether the migration on a large scale is due to economic depression there or due to discriminatory treatment meted out to them?

Shri Mehr Chand Khanna: That question should be very appropriately put to the Ministry of External Affairs.

श्रीद्योगिक सहकारिता कार्यकारी बल

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 { श्री म० ला० द्विबंदी :
 *६६८. श्री स० चं० सामन्त :
 श्री ब० कु० दास :
 श्री सुबोध हंसदा :

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) श्रीद्योगिक सहकारिता कार्यकारी

दल की सिफारिशों को किस तिथि से कार्यान्वित किया जायगा ;

(ख) क्या निदेशक (औद्योगिक सहकारिता) की नियुक्ति हो गई है ; और

(ग) यदि हां, तो यह अपना काम कब तक आरम्भ करेंगे और इन को क्या काम सौंपे जायेंगे ?

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : (क) औद्योगिक सहकारिता कार्यकारी दल की सिफारिशें पहले से ही कार्यान्वित की जा रही हैं ।

(ख) जी, हां ।

(ग) सभा की मेज पर एक विवरण रखा जाता है ।

विवरण

औद्योगिक सहकारिता निदेशक को जिन्होंने ४ सितम्बर, १९६० को वाणिज्य तथा उद्योग मंत्रालय में अपना कार्य-भार संभाला है, निम्नलिखित कार्य सौंपे गये हैं :

१. भारत में औद्योगिक सहकारिता आन्दोलन के विकास की गति को और अधिक बढ़ाना ।

२. विभिन्न बोर्डों में शामिल की गई भिन्न-भिन्न उद्योगों की औद्योगिक सहकारिताओं के संयुक्त लाभ की योजनाओं को कार्यान्वित करना जैसे सहकारी अधिकारियों और सदस्यों को प्रशिक्षण देना, शीर्षस्थ तथा केन्द्रीय सहकारिता बैंकों द्वारा सहकारी समितियों के लिये धन की व्यवस्था संबंधी मामले, औद्योगिक सहकारी समितियों की राज्य तथा प्रादेशिक संस्थाओं को सहायता देना तथा सहकारी विभागों के कर्मचारियों की संख्या में वृद्धि करना ।

३. औद्योगिक सहकारिताओं संबंधी अखिल भारतीय बोर्डों/आयोग के कार्यक्रमों और नीतियों का समन्वय करना ।

४. सम्बन्धित केन्द्रीय सरकारी विभागों से सम्पर्क बनाये रखना तथा उन्हें वे सुविधायें देना जिन की आवश्यकता औद्योगिक सहकारिताओं को होती है ।

५. राज्य सरकारों की नीतियों और कार्यक्रमों का समन्वय करना तथा इस क्षेत्र में उन को कार्यान्वित करने के लिये जो आवश्यक उपाय किये जाने हैं, उन्हें करने पर जोर देना ।

६. औद्योगिक सहकारी संस्थाओं के आंकड़े रखना ।

[(a) The recommendations of the Working Group on Industrial Cooperatives are already being implemented.]

(b) Yes, Sir.

(c) A statement is placed on the Table of the House.

STATEMENT

The Director, Industrial Cooperatives who took over his assignment on the 4th September, 1960 in the Ministry of Commerce and Industry has been entrusted with the following items of work:—

1. Actively fostering the development of the industrial cooperative movement in India.

2. Implementation of schemes for the joint benefit of industrial cooperatives in different industries covered by different boards, e.g. training of cooperative officers and members, matters relating to financing of cooperatives by the Apex and Central Cooperative Banks, assistance to State and regional associations of industrial cooperative societies, strengthening of staff of cooperative departments.

3. Coordination of the programmes and policies of the All India Boards/Commission relating to industrial cooperatives.

4. Liaison with Central Government Departments concerned with facilities required by industrial cooperatives.

5. Coordination of the policies and programmes of State Governments and pursuing with them the implementation of the necessary measures in this field.

6. Maintenance of statistics on industrial cooperatives.]

श्री म० ला० द्विवेदी : बयान में बताया गया है जोकि सभा पटल पर रखा गया है कि डायरेक्टर इंडस्ट्रियल कोऑपरेटिव्स लगभग दो वर्ष से काम कर रहा है। मैं जानना चाहता हूँ कि इस दो वर्ष की अवधि में क्या इस डायरेक्टर ने कोई लाभप्रद काम किया है, यदि किया है तो क्या उस का विवरण दिया जायगा ?

श्री कानूनगो : सब से पहले तो यह समझ लिया जाना चाहिये कि सारा काम कोऑपरेटिव्स का स्टेट गवर्नमेंट्स के जरिये नहीं हो सकता है। बहुत से प्रोग्राम्स और बहुत सी स्कीम्स बाँई गई हैं, जिनको स्टेट गवर्नमेंट वालों ने कबूल किया है। रिजर्व बैंक और दूसरी आर्गनाइजेशन्स इस डायरेक्टोरेट से सलाह मशविरा करती हैं।

श्री म० ला० द्विवेदी : सहकारी कार्यकारी दल की सिफारिशों में से कौन सी ऐसी सिफारिशें हैं जिन को अभी तक सरकार ने नहीं माना है और उन पर अमल नहीं किया है ?

श्री कानूनगो : करीब करीब सब मान ली गई हैं और एक ७ नवम्बर १९५६ को रेजोल्यूशन इस बारे में इस हाउस के सामने २४ नवम्बर, १९५६ क पेश किया गया था।

Shri S. C. Samanta: The hon. Minister said that all the recommendations of this Working Group have been implemented. May I know whether there is any other item, over and above these things, which the State Governments wanted to take?

Shri Kanungo: No, Sir.

Shri Sham Lal Saraf: May I know whether it is the policy of the Government to introduce progressively the industrial co-operatives, especially

in the handicraft and handloom industries?

Shri Kanungo: Already it is being implemented for the last 15 years.

Implementation of Motor Transport Workers Act

*699. **Shri S. M. Banerjee:** Will the Minister of Labour and Employment be pleased to state:

(a) whether Motor Transport Workers Act has been implemented in all the States;

(b) if not, the number and names of the States who have not yet implemented the Act; and

(c) the reasons therefor?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) The Act is now in force in all States except Jammu and Kashmir to which the Act does not extend. The rules have been framed under the Act and enforcement machinery has been set up in the States of Bihar, Maharashtra, Rajasthan and Uttar Pradesh.

(b) In the remaining States viz., Andhra Pradesh, Assam, Gujarat, Kerala, Madras, Madhya Pradesh, Mysore, Orissa, Punjab and West Bengal and in all the Union Territories action is being taken for early publication of the rules and/or for setting up the enforcement machinery.

(c) Recruitment and appointment of the enforcement staff and finalisation of rules under the Act are involved.

Shri S. M. Banerjee: May I know whether it is a fact that the transport workers in Himachal Pradesh are not getting any facilities under this Act or under any other rules published by the Government of India and whether any other rules have been framed by them and, if so, whether that has been brought to the notice of the hon. Minister?

Shri Hathi: As I said, in the remaining States which include the Union territories, action is being taken for early publication of the rules.

Shri S. M. Banerjee: May I know whether the Government of India is likely to issue instructions to the Himachal Pradesh authorities not to implement their rules to the detriment of the workers till the rules mentioned by the hon. Minister are framed?

Shri Hathi: In fact, we have sent a set of model rules to all the States and we have issued instructions that these model rules should be followed. Himachal Pradesh also will be included.

Shri S. M. Banerjee: My question was

Mr. Speaker: The question is, would the Government ask the Himachal Pradesh Government not to act on their own but act on the model rules of the Central Government or those that are going to be framed?

Shri Hathi: Yes, Sir. So far as Himachal Pradesh is concerned, we have asked them to have the rules under the Act as sent by us.

Shri Ansar Harvani: In view of the fact that there are no railways in Jammu and Kashmir and motor transport is the only means of transport there, does the Government propose to make any recommendation to the Government of Jammu and Kashmir to have a similar Act there?

Shri Hathi: The Act does not apply there.

श्री भक्त बर्शन : श्रीमन्, मैं यह जानना चाहता हूँ कि जिन राज्यों में मोटर मजदूरों का कानून पूरी तरह से लागू हो गया है, वहाँ उसपर अमल करने में कोई कठिनाई तो नहीं आई है या इसके बारे में कोई शिकायत तो गवर्नमेंट के पास नहीं पहुँची है ?

श्री हाथी : अभी तक तो कोई नहीं आई ।

Shri K. N. Pande: May I know the composition of the machineries in the different States and the duties entrusted to them?

Shri Hathi: The Chief Inspector is there and then there are the inspectors who have to look to the implementation of the Act. It is all provided in the Act itself.

Hospitals under Employees' State Insurance Scheme

***700. Shri Indrajit Gupta:** Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that only 246 hospital beds are available in Calcutta and Howrah for 2.5 lakhs of workers insured under the Employees' State Insurance Scheme;

(b) reasons for the continued delay in construction of separate hospitals for the insured workers;

(c) whether it is proposed to bring another 3.5 lakhs of workers under the scheme in Hooghly and 24 Parganas districts; and

(d) if so, how the need for adequate hospitalisation facilities is proposed to be met?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) 506 beds (296 general, and 210 T.B.) are available.

(b) Initially, the delay was mainly due to certain administrative difficulties and difficulty in acquiring suitable land in the crowded city of Calcutta and its suburbs. However, construction of two hospitals has progressed considerably and construction of two others has already commenced. Proposal to purchase National Medical Institute Building for use as hospital is also under consideration of the Government.

(c) Yes.

(d) By reserving additional beds in hospitals and utilization of the Employees' State Insurance hospitals which are under construction and those proposed to be constructed.

Shri Indrajit Gupta: Since we have been hearing for the last two or three

years that hospitals are going to be constructed, may I know whether any firm date-line has been fixed by which these hospitals are expected to be ready and what will be the total number of beds available?

Shri Hathi: The two hospitals that are under construction will be ready by August, 1963, and the number of beds, I believe, would be about 200 in the two hospitals.

Dr. Ranen Sen: May I know whether the attitude of the West Bengal Government in respect of separate hospitals was one of the reasons for not having separate hospitals in West Bengal?

Shri Hathi: There were certain discussions originally. But now we have had discussions with the Labour Minister, also with the Chief Minister, and they have taken earnestly to the various procedures for acquiring land, etc.

Shri A. C. Guha: May I know at what stage is the negotiation for the purchase of the Calcutta National Medical College Hospital?

Shri Hathi: I think that is being negotiated.

Import of Refrigerators

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*701. { **Shri Subodh Hansda:**
 Shri S. C. Samanta:
 Shri B. K. Das:
 Shri M. L. Dwivedi:

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

(a) whether import of refrigerators has been completely stopped;

(b) if not, what percentage is still imported and from which countries;

(c) how many licences have till now been issued to private manufacturers for the manufacture of these refrigerators;

(d) what is the total output from these factories;

(e) whether there is any foreign collaboration; and

(f) if so, whether all the factories have the collaboration?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir. The imports of refrigerators are totally banned.

(c) to (f). Eight firms have been licensed out of which five firms are in production. Their total production during 1961 and 1962 (January-June) is 9725 Nos. and 5892 Nos. respectively. Out of these five firms under production, there is foreign collaboration in case of two firms.

Shri Subodh Hansda: May I know whether these refrigerators now manufactured in our country are totally made out of indigenous materials or materials are also imported?

Shri Manubhai Shah: There are some components like the cold drawn copper tubes and sealed compressors, which are imported. The rest are made in India.

Shri Subodh Hansda: The hon. Minister stated that there is foreign collaboration, with two firms. May I know the nature of this collaboration, whether it is technical or financial?

Shri Manubhai Shah: Mostly it is technical collaboration. But some royalty payments also have to be made.

Shri B. K. Das: How does the price of the indigenous refrigerator compare with the price of imported refrigerators?

Shri Manubhai Shah: For many years, we have been using the indigenous refrigerators so we are not quite familiar with foreign prices. They are 25 per cent. higher in price than the imported ones.

श्री म० ला० द्विवेदी : विदेशों से आयात किये हुए रिकेजरेटर्स की कीमत, जैसा कि विदेशों में मालूम हुआ है, एक्साइज बर्ररह

मिला कर १,००० रु० से अधिक नहीं होती, और भारत में बने हुए आल्विन प्रेस्ट कोल्ड रिफ्रिजरेटरों की लागत का दाम ५०० रु० से अधिक नहीं होती, फिर भी वे १,६०० रु० से अधिक में बेचे जाते हैं। क्या माननीय मंत्री महोदय बतलायेंगे कि जो कम्पनियां यहां रिफ्रिजरेटर बना रही हैं वे अधिक दाम क्यों चार्ज कर रही हैं और वह कब तक कम हो जायेंगे ?

श्री मनभाई शाह : यह तो खयाल की बात है जो दाम कि ज्यादा बताये गये। मैं ने अभी बतलाया था कि हालांकि कई सालों से उन का इम्पोर्ट नहीं होता है फिर भी मेरे खयाल से उन के दाम २५ परसेन्ट ज्यादा हैं। उस का कारण यह है कि अलग अलग साइजेंज हैं, कितने क्यूबिक फीट का रिफ्रिजरेटर है, प्रेस्ट कोल्ड स्टील का है या मामूली माइल्ड स्टील का है, बहुत सी वेंराइटीज हैं। फिर भी मेरा खयाल है कि दाम २५ परसेन्ट ज्यादा हैं।

श्री म० ला० द्विवेदी : मेरे इस प्रश्न का उत्तर नहीं मिला कि दाम कब तक कम होंगे ?

अध्यक्ष महोदय : बाद में सही, मैं आप को बुला लूंगा।

Shri Ramanathan Chettiar : May I know how the quality of the indigenous refrigerators compares with the quality of the imported ones?

Shri Manubhai Shah : For several years now, we have been using it. The quality is quite satisfactory. Regarding the question of price also, once mass production starts, the prices will come down as has happened in many other cases.

Shri Thirumala Rao : May I know whether the supply is sufficient to meet the demand in the country?

Shri Manubhai Shah : No, Sir.

Shri Hari Vishnu Kamath : With regard to refrigerators manufactured in India, is it a fact that governmental demand for refrigerators is on the increase and if so, what things Govern-

ment propose to put in cold storage besides principles and ideals?

Mr. Speaker : Shri Harish Chandra Mathur.

Shri Harish Chandra Mathur : The Minister Without Portfolio said that the price of scooters should come down to Rs. 1500, which means that there is considerable scope for reduction in price. May I know whether this question for reduction has been examined in respect of refrigerators also and what is the Minister's assessment as to what should be the price and what steps have been taken to bring down the price to that level?

Shri Manubhai Shah : While it is our constant endeavour to bring down the prices it cannot be said with any certainty as to when and to what extent prices will come down. But the general experience is that as the indigenous production increases and the volume goes up, the prices do tend to come down.

Shri Inder J. Malhotra : May I know if the Government is aware of the fact that these refrigerators imported by certain foreign embassies here are entering the market through the back door and fabulous prices are being charged for them?

Shri Manubhai Shah : It is only a very fractional part of it. We are producing so large a quantity that anything coming through the diplomatic side cannot create any difficulty. In the case of car, of course, that is a big difficulty, as I have explained several times; but not so in the case of refrigerators.

Mr. Speaker : Next question.

Shri Hari Vishnu Kamath : Sir, I rise to a point of order. May I make an earnest request to you, Sir, that even if you hold a part of a question as inadmissible, you may rule that part of the question out of order and ask the Minister to answer the other part. That has been provided for under the rules.

Mr. Speaker : It would be difficult for me. The question is so intricate that it is difficult to separate one part

from the other. That is my difficulty (Interruption).

Small Scale Industries

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*702. { Shri Bhagwat Jha
Azad:
Shri Surendranath Dwivedy:

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

(a) whether advisory committees have been constituted in States for co-ordinating the activities of various organisations engaged in the development of small scale industries; and

(b) if so, how many States so far?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). The question of constituting advisory committees has been referred to the State Governments and replies from some of them are still awaited.

Shri Bhagwat Jha Azad: Could we know as to what has been the reaction of those State Governments from which such replies have been received?

Shri Kanungo: Quite favourable. The States have got to first agree and then nominate members.

Shri Bhagwat Jha Azad: May I know whether the Government is aware of the anarchy in the field of small-scale industries due to various organisations doing the same thing and the work overlapping each other; if so, what action is taken by the Central Government on its own initiative?

Shri Kanungo: There is no anarchy, first of all. There is likely to be a marginal overlapping. That we want to eliminate by an organisation which we have between the different boards in the field and the co-ordination committee. It will be further cleared up by these organisations at the State level.

Shri Surendranath Dwivedy: May I know what is the particular advantage of having these advisory committees when at the Centre itself there is a big enough organisation to look after and encourage small-scale industries all over the country.

The Minister of Commerce and Industry (Shri K. C. Reddy): The implementation of the various programmes that are drawn up from time to time is mainly the responsibility of the State Governments. We can give broad directives and indicate the lines on which they have to function. Therefore, at the State level it is very necessary to have advisory committees of the kind indicated.

Shri Birendra Bahadur Singh: May I know whether any reply has been received from the Madhya Pradesh Government; if so, the nature of the reply?

Shri Kanungo Not yet.

Shri P. Venkatasubbaiah: May I know if it is a fact that due to lack of technical know-how and adequate financial assistance there is a retard in the progress of small-scale industries and no priorities have been fixed; if so, what action this Government propose to take for rendering all the necessary assistance to the small-scale industries?

Shri Kanungo: We have got adequate advisory services as far as technical problems are concerned. There was difficulty about finance, but ample credit is now available. As for the rest of it, I suppose the main problem is supply of adequate raw materials which are in short supply.

Shrimati Sharda Mukerjee: May I know what proposals the Government has to develop small-scale industries in economically backward areas so as to stop the concentration of industries around metropolitan areas. Small-scale industries grow round about cities and that does not help the backward regions at all.

Shri Kanungo: We have a programme of intensive development for 40 under-developed areas in the first year, which will be gradually accelerated.

Mr. Speaker: Next Question—Shri Yallamanda Reddy—Shri Dasaratha Deb—Shri Raghunath Singh.

Shri Raghunath Singh: Question No. 703.

Shri Hem Barua: Sir, I suggest that Questions Nos. 712 and 715 may also be taken along with this.

Mr. Speaker: If they can be easily answered, they may be answered together.

Shri Hem Barua: They are all about Tripura.

Mr. Speaker: I know that.

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Sir, I do not mind answering all the three questions together.

Mr. Speaker: Is Shri Biren Dutta present in the House?

Shri Biren Dutta: Yes, Sir.

Mr. Speaker: All right, all the three may be answered together.

Attack by Pakistanis on an Indian Forest Patrol in Tripura

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*703. { **Shri Yallamanda Reddy:**
Shri Dasaratha Deb:
Shri Raghunath Singh:
Shri Ram Ratan Gupta:

Will the **Prime Minister** be pleased to state:

(a) whether about three hundred Pakistanis had entered Indian territory at Siddinagar in Belonia sub-division of the Tripura-East Pakistan border, in June, 1962, and attacked an Indian forest patrol party on duty; and

(b) if so, the action taken in this regard?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) Protests have been lodged by the Tripura Administration and by our Deputy High Commissioner at Dacca with the East Pakistan Government.

Indian Citizens Kidnapped by Pakistanis from Tripura

*712. **Shri Biren Dutta:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that two Indian citizens were carried away by Pakistani raiders from Tripura in August, 1962; and

(b) if so, what steps have been taken to get them returned to Tripura?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) It has since been reported by the Tripura Administration that the kidnapped persons were brutally murdered and their beheaded bodies were dropped in a jungle inside the Union territory.

Protests have been lodged by the Tripura Administration and by the Deputy High Commissioner at Dacca with the Government of East Pakistan, urging that the criminals be apprehended and punished severely and also demanding compensation to the families of the murdered persons.

Raids by Pakistanis on Tripura Border

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*715. { **Shri Hem Barua:**
Shri Bishandchander Seth:
Shri P. C. Borooah:
Shri Surendra Pal Singh:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that during the last few weeks there have been raids by Pakistanis across the

Tripura-East Pakistan border resulting in loss of property sustained by Indians living on this side of the border;

(b) if so, the number of raids committed by Pakistanis during the months of July and August, 1962 and the measures taken by Government to ensure safety to the people living in the border areas;

(c) whether any protest has been made to Pakistan; and

(d) if so, with what result?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) to (d). According to information so far available, seventeen raids by Pakistanis were committed on Tripura-East Pakistan border during the months of July & August, 1962. A statement giving details and the action taken with regard to each incident, is laid on the Table of the House. [See Appendix II, annexure No. 69].

Protests have been lodged with the East Pakistan authorities at the appropriate level as indicated in the statement. No reply has so far been received from the East Pakistan Government to any of the protest Notes

Adequate measures have been taken to ensure the safety of the Indian nationals on the Tripura-East Pakistan border.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूँ कि जो ३०० पाकिस्तानी हिन्दुस्तान की सीमा में आये थे इन में क्या फौजी सिपाही और आर्मड्ड पुलिस के सिपाही भी थे ?

Shrimati Lakshmi Menon: These 300 Pakistanis came armed with deadly weapons. I do not know whether they are regular guards.

Shri Dasaratha Deb: May I know whether in the incident that took place in June 1962 any Indian personnel was kidnapped by the Pakis-

tan nationals and, if so, whether such persons were returned?

Shrimati Lakshmi Menon: As I have already pointed out, two persons were found beheaded; their bodies were recovered.

Mr. Speaker: Besides that, were any Indians carried alive and returned?

Shrimati Lakshmi Menon: Since these three questions have been taken up simultaneously, I do not know which he is referring to.

Shri Dasaratha Deb: I am referring to S. Q. No. 703.

Shrimati Lakshmi Menon: Three of the Indian forest guards were injured. Nobody was taken away.

Shri Hem Barua: In view of the fact that the hon. Prime Minister advised the Tripura Administration to suspend eviction of illegal Pakistani infiltrators into our country, 50,000 of them, in Tripura in order to reduce tension in the borders—this is in quotation mark “in order to reduce tension in the borders”—may I know whether this offer of our Prime Minister still holds good in the face of this Pakistani vandalism?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): What has been stated now is a very distressing thing. I do not see how it is related to the offer. I made no offer to anybody. What has happened is, after the Tripura Administration had sent out a number of people—I forget the exact number at the present moment—this created..

Shri Hem Barua: 518.

Shri Jawaharlal Nehru: More than that, I think. Subsequently, we decided to slow down this process, because it was creating trouble and because some of the people who have been

sent out might not have been illegal immigrants. Their position had to be examined. It so happened that subsequently a fairly large number of Pakistani illegal emigrants who went to Tripura went away of their own accord. Probably, they were afraid that action might be taken against them in future. So they went away of their own accord in quite large numbers. That is the present position. Still they are going out, some of them, slowly. Whether these happenings that my colleague has read out are connected in any way with the people who have gone out or others, it is difficult to say definitely, but it is a matter which must deeply distress everyone.

Shri Biren Dutta: May I know whether the attention of the Government has been drawn to the press reports that in Belonia sub-division of Tripura, Pakistan has violated Indian air space?

Shri Raghunath Singh: That is the subject matter of the calling attention notice that we are having today.

Shri Narendra Singh Mahida: May I know whether instructions have been given to the police to shoot down Pakistani raiders who are armed and enter Indian territory?

Shri Jawaharlal Nehru: It is obvious that any armed raid must be met with every resistance including shooting down. This kind of thing is usually done where the police are not present. They cannot be present in every spot of the border. They come in and go out. It is all quick movement.

Shri Hem Barua: May I draw the attention of the Prime Minister to a recent statement made by President Ayub Khan at Karachi, "We will fight in a way which would be unparallelled in word's history", and may I know whether these acts of Pakistani vandalism, 17 across the Tripura border from the 6th July to 13th August, show that this is a part of a big game?

Shri Jawaharlal Nehru: Much has been done in the course of the last few years on the borders which has been un-parallelled in previous history. I do not know, I have not myself seen the statement to which the hon. Member refers.

Shri Hem Barua: I have quoted verbatim.

Shri Jawaharlal Nehru: I cannot say whether that is part of any new strategy.

Shri Hari Vishnu Kamath: Un-parallelled stupidity on the part of Pakistan?

Shri Hem Barua: Is it un-parallelled stupidity on the part of Pakistan or un-parallelled weakness on our part?

Mr. Speaker: Order, order.

Shri Surendra Pal Singh: In the statement, there is frequent use of the words Pakistani nationals. May I know if by Pakistani nationals is meant Pakistani civilian or Pakistan armed forces and Police personnel also?

Shrimati Lakshmi Menon: Where there are armed forces, they are specially mentioned. Otherwise, it means Pakistani nationals.

Shri Tridib Kumar Chaudhuri: A few days ago, the Defence Minister said that Tripura was under the operational control of the Army although no army units were posted there. May I know, in view of these depredations across the border committed by armed men, if there is any proposal under the consideration of the Government, of strengthening the border posts and increasing their fire power further?

Shri Jawaharlal Nehru: I believe the forces are being strengthened. I cannot give a detailed answer. Of course, in view of these incidents, they are being strengthened

आकाशवाणी का हिन्दी प्रसारण

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- *७०४. { श्री रामेश्वर टांटिया :
 श्री प्रकाशवीर शास्त्री :
 श्री व.रियर :
 श्री वासुदेवन नायर :
 श्री यलमंदा रेड्डी :
 श्री रघुनाथ सिंह :
 श्री बाजी :
 श्री मे० क० कुमारन :
 श्री यशपाल सिंह :
 श्री नम्बियार :
 श्री तन सिंह :
 श्री बागड्डी :
 श्री पटनायक :
 श्री सरजू पांडे :
 श्री डा० ना० तिवारी :
 श्री नाथ पाई :
 श्री अ० ना० विद्यालंकार :
 डा० लक्ष्मीकान्त सिंघवी :
 श्री बेरवा :
 श्री भक्त दर्शन :
 श्रीमती सावित्री निगम :
 श्री यु० द० सिंह :

क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या आकाशवाणी के हिन्दी प्रसारणों में कुछ परिवर्तन किया जा रहा है अथवा किया गया है;

(ख) क्या सरकार ने इस मामले में विभिन्न हिन्दी संस्थाओं से सलाह ली है; और

(ग) क्या किसी ने इस परिवर्तन के सम्बन्ध में कोई आपत्ति की है ?

The Minister of Information and Broadcasting (Dr. B. Gopala Reddi): (a) and (c). In continuation of the All India Radio's policy to simplify Hindi and bring it nearer the spoken word, an experimental afternoon news

bulletin was introduced on the 1st of July 1962. Some general representations in this regard have been received presumably on the misunderstanding that there is an attempt to introduce Arabic and Persian words in place of Hindi words.

(b) No, Sir.

श्री प्रकाशवीर शास्त्री : जब आज से १२ वर्ष पूर्व देश की भाषा और उस के स्वरूप का निश्चय हो चुका था और आकाशवाणी पर लगातार तब से उस का प्रयोग भी किया जा रहा है तो अब १२ वर्ष के पश्चात् ऐसी कौन सी स्थिति उत्पन्न हुई कि जिस से उस में परिवर्तन करने की आवश्यकता पड़ी ?

Dr. B. Gopala Reddi: We have received representations. Even on the floor of the House, there was representation that the language of the A.I.R. should be simplified. As late as the 5th August,

Shri Raghunath Singh: When on the floor of the House?

Shri Ansar Harvani: A number of times. (Interruption).

Mr. Speaker: Order, order.

Dr. B. Gopala Reddi: Even on the 5th of this month, the ruling party has passed a unanimous resolution that the language of the A.I.R. should be simplified.

Shri Hari Vishnu Kamath: We are concerned with the Government. We are not concerned with parties here.

Mr. Speaker: Only to show that there was some public opinion, public pressure. That is all. Otherwise, we have nothing to do with whatever the parties might do.

श्री प्रकाशवीर शास्त्री : क्या मैं यह जान सकता हूँ कि आकाशवाणी की जब से भाषा सम्बन्धी नीति में परिवर्तन किया गया है उस के पश्चात् देश में और समाचारपत्रों में पर्याप्त रोष है, यदि हाँ, तो क्या उस रोष को शान्त करने के लिये समिति बनाई गई है अथवा उस समिति के निर्णयों को माना भी जायगा ?

Dr. B. Gopala Reddi: This is a consultative committee. We shall certainly go into the language of the news bulletins and we shall see what the recommendation of the committee is. I do not want to anticipate the recommendations of the committee.

श्री विभूति मिश्र : श्री मंत्री जी ने बतलाया कि हिन्दी को सरल बनाया जा रहा है तो मैं जानना चाहता हूँ कि क्या हिन्दी को सरल बनाने का यह अर्थ है कि उस में बड़े बड़े उर्दू या संस्कृत के लफ्ज रख दिये जाय ?

अध्यक्ष महोदय : यही तो उन्होंने कहा है कि कुछ इस तरह की गलतफहमी है लेकिन ऐसी बात करने का इरादा नहीं है ।

डा० गोबिन्द दास : श्री मंत्री जी ने यह कहा कि जो कमेटी बनाई गई है उस कमेटी की क्या सिफारिशें होती हैं उस पर विचार किया जायेगा, मैं यह जानना चाहता हूँ कि उस की जो भी सिफारिशें हों क्या वे मान्य की जायेंगी या वह सिफारिशें अगर मंत्री जी ठीक समझेंगे तो मान्य की जायेंगी और अगर उनको ठीक नहीं समझेंगे तो नहीं मानी जायेंगी ?

अध्यक्ष महोदय : अब जाहिर है कि वह सलाहकार समिति है और लाजमी तौर पर उस की सिफारिशें गवर्नमेंट पर मान्य नहीं हो सकती हैं । इस बात को पूछने की कोई जरूरत नहीं है ।

Dr. B. Gopala Reddi: I do not want to anticipate anything. It is a hypothetical question.

श्री त्यागी : जिस तरीके से रोजमर्रा के लफ्जों को इस्तेमाल कर के हिन्दी को आसान करने की कोशिश की गई है क्या उसी तरीके से उर्दू को भी आसान करने की कोशिश की जा रही है ?

Dr. B. Gopala Reddi: Though it is a separate question, I may say that there is an attempt to simplify Urdu also.

Shri Raghunath Singh: It is not a separate question. There are big Arabic and Persian and Sanskrit words.

Dr. B. Gopala Reddi: There is an attempt to simplify Urdu broadcasts also.

श्री भक्त दर्शन : श्रीमन्, मैं माननीय मंत्री जी के इस निर्णय का स्वागत करता हूँ कि उन्होंने एक सलाहकार समिति की स्थापना की है । मैं जानना चाहता हूँ कि यह जो सलाहकार समिति की स्थापना की गई है तो उस से पहले ही शब्दों को सौल करने का कार्य क्यों शुरू कर दिया गया, और क्या यह तब तक के लिए रोका नहीं जा सकता है जब तक कि सलाहकार समिति अपनी राय इस सम्बन्ध में नहीं दे देती है ?

Dr. B. Gopala Reddi: These news broadcasts have been started on 1st July. I announced this policy also on the 29th May. So, it is not as if the House was taken unawares. After a good deal of time, it was started on 1st July. There is no question of waiting the report of the consultative committee for that.

श्री रामसेवक यादव : पहली जुलाई से पेश्वर जो न्यूज बुलेटिन निकलते थे उन में हिन्दी, अंग्रेजी और उर्दू के शब्द आते थे तो अब क्या जरूरत आन पड़ी कि नये तरीके से न्यूज बुलेटिन छापे जायें और यह नया परिवर्तन किया जाये ?

Dr. B. Gopala Reddi: We are not using any Urdu word in the news broadcasts which was not used in the Hindi broadcasts previously also. If we take the words as such, we are not using any new word now.

श्री सिद्धान्ती : क्या मंत्री महोदय अपने आप को हिन्दी का स्वरूप निश्चित करने के लिए प्रामाणिक समझते हैं, यदि नहीं, तो इसका बिना निश्चय किये हुए वे पहले ही इसे बिगाड़ने का यत्न क्यों कर रहे हैं ?

Shrimati Vimla Devi: May I know whether there is any move to make the Members of Parliament who speak in Hindi speak simplified Hindi so that all of us can understand?

Mr. Speaker: Shri Narendra Singh Mahida.

Shri Narendra Singh Mahida: May I know whether Hindi words have been standardised for use in our country, in such a way that there is no difference of opinion?

Dr. B. Gopala Reddi: Our difficulty is that the language is not yet standardised.

Shri Hari Vishnu Kamath: That is no answer to the question.

Shri Daji: In view of the fact that even those who stand for simplified Hindi are awfully shocked at the type of Hindi that is being introduced in the AIR, and in view also of the fact that a committee has been appointed, may I know whether Government will stop during this interim period from spoiling the existing Hindi?

Dr. B. Gopala Reddi: There is no question of spoiling any existing Hindi.

Shri Daji: It is awfully spoilt.

Shri Raghunath Singh: This is no Hindi at all.

श्री गुलशन : आकाशवाणी से जो हिन्दी बोली जाती है वह मुश्किल होती है और देहाती लोगों को वह समझ में नहीं आती है, मैं जानना चाहता हूँ कि उस हिन्दी से देहाती लोगों को कोई फायदा होता है या नहीं ?

Mr. Speaker: What he says is that the rural people cannot take any benefit of the Hindi broadcasts because it is very difficult. Shrimati Yashoda Reddy.

श्रीमती यशोदा रेड्डी : मैं यह जानना चाहती हूँ कि १ जुलाई से आकाशवाणी की हिन्दी में चेंज होने के कारण हिन्दी पंडित लोगों

के अलावा हमारे देश के कामन पीपल से कुछ एप्रिसियेशन आया है ।

Dr. B. Gopala Reddi: Many letters of congratulations have been received..... (Interruption). Even Vice-Chancellors in Uttar Pradesh have written to me.

Shrimati Sarojini Mahishi: May I know whether any special instructions have been given....

Shri Raghunath Singh: May I know who they are?

Mr. Speaker: Order, order. The hon. Member should not ask questions in this manner.

Shri Raghunath Singh: Let us know the names of the Vice-Chancellors at least.

Mr. Speaker: He continues still. A direct conversation is going on. He wants to know the names without the permission of the Speaker. Shrimati Mahishi.

Shrimati Sarojini Mahishi: May I know whether any special instructions have been given to the Committee in this direction of simplification?

Dr. B. Gopala Reddi: The Committee can examine the news bulletins and say where the fault lies and where simplification should be done.

स्कूलों में टेलीविजन के द्वारा शिक्षा

*७०५. श्री भक्त दर्शन : क्या सूचना और प्रसारण मन्त्री २१ मई, १९६२ के तारान्कित प्रश्न संख्या ९०४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) दिल्ली के स्कूलों में जो टेलीविजन द्वारा शिक्षा देने का कार्यक्रम प्रारम्भ किया गया था, क्या उसके वैज्ञानिक मूल्यांकन का कार्य प्रारम्भ कर दिया गया है ; और

(ख) यदि हां, तो इस मूल्यांकन के परिणामस्वरूप किन तथ्यों का पता लगा है ?

सूचना और प्रसारण मंत्रालय में उपमंत्रि
(श्री शामनाथ) : (क) जी, हाँ।

(ख) मूल्यांकन का काम अभी जारी है।

I shall read the answer in English also.

(a) Yes, Sir.

(b) The evaluation is still in progress.

श्री भक्त दर्शन : श्रीमन्, दिल्ली में टेली-विजन के द्वारा शिक्षा देने का जो काम शुरू किया गया है, इसका अध्ययन या स्टडी कब समाप्त हो जायेगी ?

श्री शामनाथ : ख्याल यह है कि सितम्बर के दूसरे हफ्ते तक, जो स्टडी हो रही है, वह खत्म हो जायेगी।

श्री भक्त दर्शन : श्रीमन्, मैं यह जानना चाहता हूँ कि क्या इसके बारे में कोई कठिनाइयाँ सामने आई हैं जिनकी वजह से यह अध्ययन करना पड़ा, या कोई और वजह है ?

श्री शामनाथ : कोई खास कठिनाइयाँ सामने नहीं आई, लेकिन चूँकि फोर्ड फाउण्डेशन को मदद से यह काम हो रहा है, इसलिये यू०एस०ए० के एक एक्सपर्ट, जो इस तमाम चीज को देख रहे हैं, यह रिपोर्ट देंगे कि जो स्कीम जारी हुई है, उससे स्कूलों के बच्चों को किस हद तक फायदा हुआ है।

Economic Growth in India

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*706. { **Shri Raghunath Singh:**
 Shri M. K. Kumaran:
 Shri Rameshwar Tantia:
 Shri P. C. Borooah:

Will the Minister of Planning be pleased to state:

(a) whether the recent United Nations Economic Survey has revealed that the average rate of economic growth in India is far

below than that of many other Asian countries; and

(b) if so, the reaction of Government thereto and the steps proposed to be taken to improve the situation ?

The Minister of Planning and Labour and Employment (Shri Nanda): (a) In the U. N. World Economic Survey, 1961 average annual rate of growth of India's net domestic product for the period 1950-51 to 1958-59 is indicated at 3 per cent. Of the six Asian countries included in the Survey the rates of growth in four have been shown higher than that in India.

(b) Such isolated statistics have only limited value. The processes of economic development are complex and involve economic, social and institutional changes. A single index such as changes in national income estimates, which are not strictly comparable, can lead to inaccurate conclusions.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूँ कि एशिया के कौन कौन से देशों से हमारी स्थिति नीचे है।

श्री नन्दा : एशिया के छः देशों में चाइना, ताइवान, फिलिपाइन्स, और थाईलैण्ड ऊपर हैं। पाकिस्तान और हमारा देश दोनों बैकैटिड हैं और उनका रेट आफ ग्रोथ तीन परसेंट है।

Shri Tyagi: Has this team made any mention about the pattern of economic development in the Report? If so, have they also mentioned that there has been too much of concentration of wealth on that account?

Shri Nanda: This does not deal with that aspect at all. This deals with the process of development. It has brought out the fact that while India stands considerably lower than the other countries, at the same time it is true that the rate of investment in the other countries is very much higher than in India, that is, as com-

pared to India it is about 19 per cent in one case.

Mr. Speaker: The hon. Minister gave those figures in his speech the other day.

Shri Nanda: Yes, Sir.

Shri D. C. Sharma: May I know if the Survey has given the reasons for the lower rate of economic growth in this country? If so, have those reasons been examined by Government?

Shri Nanda: In the first place, it is a complex position and there is very little comparability so far as these figures are concerned. Whereas in our case the total rate of domestic investment is 8 per cent....

Mr. Speaker: Are any reasons given in the statement?

Shri Nanda: Yes. All these things have been explained. There is one more thing about the pattern....

Shri D. C. Sharma: Have Government examined the validity of those reasons and if so, what are their conclusions with regard to that validity?

Shri Nanda: These things are obvious. The rate of foreign assistance is about five or six times more than our own. That is one thing. The rate of domestic savings is also much higher in those countries. Thirdly—a very important fact—there it is consumer industries; here a lot of investment is directed towards capital goods industries which have a long period of gestation and therefore, the results come a little later.

Shri Sham Lal Saraf: May I know if these conclusions were arrived at after a proper economic survey? If so, on what basis was the survey conducted?

Shri Nanda: These figures are given by each nation to the U.N. There is no investigation made by that body as to the validity of the statistics of each nation.

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Shri Hari Vishnu Kamath: Is it a fact that the rate of increase per annum in India's national income and per capita income declined during the Second Plan period as compared to the First? If so, was it due to inefficient, ineffective or defective planning or some other reasons?

Shri Nanda: No, Sir.

Shri Indrajit Gupta: If the per capita growth in the national income alone is taken, would it be a fact that India stands lower in the list of these countries than if the total income is taken?

Shri Nanda: We can go into the per capita income. But I believe it will not be to the disadvantage of India.

Shri A. P. Jain: Has the U.N. or any of its committees or commission examined this Report and made any suggestions to other countries for reducing the difference between the developed countries and the under-developed countries because this Report deals with all under-developed countries?

Shri Nanda: The broad conclusion is that the inflow of capital assistance should be larger in the case of countries which are still under-developed.

Shri Bhagwat Jha Azad: Does the Survey highlight the fact that it is more the lack of implementations of the Plan rather than the amount of investment that is responsible for the slow growth?

Shri Nanda: The question of implementation does not arise; but the structure of economic development does.

Dr. P. S. Deshmukh: When was a copy of the Survey received here? Has it been subjected to any analysis so as to find out exactly in what respects we are deficient or we have gone wrong and in what particular

way the deficiency or defect can be removed

Shri Nanda: I have answered it generally. This is dated 4th May 1962. This is the document.

Shri Thirumala Rao: Has the U.N. got a separate organisation here to collect data or did it take the co-operation of the statistical wings of the Cabinet and the Planning Commission?

Shri Nanda: The Government sent this information.

Shri Ramanathan Chettiar: Is there any indication in the U.N. Report as to whether our economic planning is on the right lines? Or have they suggested any improvement in regard to our economic planning?

Shri Nanda: There is a great deal of appreciation of our methods and approach to planning.

श्री विभूति मिश्र : यह कहा गया है कि चाइना में ज्यादा इकोनोमिक ग्रोथ हुआ है और हिन्दुस्तान में कम हुआ है ' मैं जानना चाहता हूं कि चाइना में कंज्यूमर्स गुड्स में कितना कैपिटल इनवैस्टमेंट है और हैवी इंडस्ट्रीज में कितना इनवैस्टमेंट है ?

Shri Nanda: I have got all the figures for the various countries. It will take time. I can give the hon. Member.

Shri Hem Barua: In view of the fact that there is a wide gap in the rise of national income—for instance during 1953 to 1959, while the rise in the real national income was 16 per cent in our case, in the case of Japan it was 62, in the case of Burma 31, in the case of Thailand 28 per cent....

Mr. Speaker: Is he seeking information? He is giving much more than he requires. So much time is

spent on one supplementary, that is my misfortune.

Shri Hem Barua: I want to pack the question.

Mr. Speaker: He need not. I would ask him to put the question direct for eliciting information.

Shri Hem Barua: May I know how the Government explain again this gap in the rise of national income of our country compared to our neighbouring countries.

Shri Nanda: As compared to other neighbouring?

Shri Hari Vishnu Kamath: Asian countries.

Shri Hem Barua: Neighbouring countries.

Shri Nanda: I have tried to explain it again and again, our rate of domestic saving, internal resources, taxes etc., what the various forces are. Also the aid that they receive is six times in some cases, five times in other cases, the amount that we have received. Further, I have explained that we have devoted ourselves to machine building, steel and other industries which certainly take a longer time to produce results.

जापान को लौह-अयस्क का निर्यात

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{ श्री प्रकाशवीर शास्त्री :

७०७. } श्री बी० चं० शर्मा :

{ श्री रा० बरुआ :

क्या वाणिज्य तथा उद्योग मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या उनका ध्यान ऑस्ट्रेलिया के द्वीप पर गये जापानी इस्पात उद्योग के शिफ्ट-मण्डल के एक प्रवक्ता के इस बक्तव्य की ओर दिलाया गया है कि सन् १९७० तक ऑस्ट्रेलिया प्रतिवर्ष ४,५०,००,००० टन लौह-अयस्क जापान को निर्यात करने लगेगा जबकि

१९६१ में उसने १ लाख टन लौह भ्रयस्क का निर्यात जापान को किया था ;

(ख) क्या जापान को लौह-भ्रयस्क का निर्यात बढ़ाने के बारे में भारत सरकार ने जापान के साथ कोई दीर्घकालीन समझौता कर रखा है ;

(ग) यदि हाँ, तो इस समझौते की क्या क्या शर्तें हैं ; और

(घ) क्या सरकार जापान को भारतीय लौह-भ्रयस्क का निर्यात बनाये रखने और बढ़ाने के उपायों पर विचार कर रही है ?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah):

(a) Some news has appeared but we did not get any official or non-official confirmation of the same either from Australia or Japanese sources.

(b) and (c). A statement showing long-term Agreements concluded with the Japan Steel Mills is laid on the Table of the House. [See Appendix II annexure 72].

(d) Yes, Sir.

श्री प्रकाशवीर शास्त्री : क्या सरकार ने यह जानने का यत्न किया है कि जापान को जो दूसरे देशों के साथ लौह-भ्रयस्क के आयात के बारे में अपने सम्बन्ध बढ़ाने पड़ रहे हैं तो क्या कोई यह कारण तो नहीं है कि भारत की व्यापारिक शर्तों से उस के लिये कोई कठिनाई उत्पन्न हो गई थी जिस से उस को यह निर्णय लेना पड़ा है ?

श्री मनुभाई शाह : यह बात नहीं है । आज भी जापान हम से २५ परसेंट आयरन और लेता है । आस्ट्रेलिया उस को अभी तक तीन लाख से ज्यादा नहीं दे पाया है । आस्ट्रेलिया के पास अभी तक ज्यादा आयरन और नहीं था । वहाँ पर इस के एक्सपोर्ट अभी तक टोटल बँन था । लेकिन चूँकि कुछ बंस्टन आस्ट्रेलिया में नई माइज निकली

हैं, इस वास्ते जापान और आस्ट्रेलिया में कुछ बातचीत चल रही है ।

श्री प्रकाशवीर शास्त्री : प्रश्न के अन्तिम भाग के उत्तर में "हाँ" कहा गया है । इस "हाँ" की व्याख्या के रूप में मैं जानना चाहता हूँ कि निर्यात व्यापार बढ़ाने के संबंध में आप क्या विशेष उपाय बरत रहे हैं ?

श्री मनुभाई शाह : हाउस को पता है कि एक लम्बी देर का और मध्यम देर का प्लान हम ने बनाया है । आज हम आयरन और का जो निर्यात कर रहे हैं वह कोई ११ मिलियन टन कर रहे हैं । आने वाले पाँच सालों में उसे हम दुगना कर देना चाहते हैं, २० मिलियन टन या २२ मिलियन टन कर देना चाहते हैं और दूसरे फ्रेज में हम इस को ३०-३५ मिलियन टन कर देना चाहते हैं । उस के लिये जो हमारे पास छ बन्दरगाह हैं और उन के जो रास्ते हैं उन को हम ठीक कर रहे हैं और उन के लिये जो मिकैनिकल इक्विपमेंट चाहिये उस का भी इम्पोर्ट कर रहे हैं । माइज को भी हम डिवेलेप कर रहे हैं । आयरन और कॅरियज भी बढ़ा रहे हैं । जापान को ही नहीं बल्कि दुनिया के और देशों को भी हम ज्यादा मात्रा में आयरन और भेज सकें, उस के लिये पूरी योजना हमारे पास है ।

श्री प्रकाशवीर शास्त्री : कब तक यह सब हो जायगा ?

श्री मनुभाई शाह : तैयार है ।

Shri D. C. Sharma: May I know if the Government is exploring any new markets for the export of iron ore, and if so, what are those markets?

Shri Manubhai Shah: Throughout the world. As the hon. Member is fully aware, we export practically to the whole of the Continent, to a few Latin American countries, to

several of the East European countries, but Japan is our single biggest buyer.

डा० गोबिन्द दास : लौह अयस्क का जो निर्यात हो रहा है वह किन किन स्थानों से हो रहा है ? और जो अभी माननीय मंत्री जी ने कहा कि इस बात का प्रयत्न किया जा रहा है कि हमारी खानें और दूसरे जो इस के निर्यात के रास्ते हैं उन का आये चल कर कुछ अधिक निर्माण किया जाय, तो मैं जानना चाहता हूँ कि यह काम किन किन राज्यों में चल रहा है ?

श्री मनुभाई शाह : फेरिस्त तो लंबी है । किरिवुरु वाइजेंग, ब्लाडिल्ला वाइजेंग, चित्तलदुर्ग मंगलोर, बेलारी होस्पेट मद्रास, बरजमादा हल्दिया, नया दुर्ग पारादीप, बेलारी हास्पेट गोम्रा एंड गोम्रा इटसैल्क ।

Shri Morarka: Before entering into this long-term agreement, may I know whether Government has taken into consideration the specific recommendations of the Estimates Committee about the rates to be agreed? If so, may I know what are the rates finally agreed upon between India and Japan?

Shri Manubhai Shah: The rates vary from contract to contract depending both on the quantity as well as the quality. And, I have been constrained to inform the House several times that it would not be in public interests to disclose the rates. Our rates are quite comparable with the international rates.

Dr. Colaco: May I know in relation to this, whether any facilities have been given for the export of iron ore from Goa to other countries especially because they are depending upon contracts on a long term basis....

Mr. Speaker: Supplementaries are not to be read out. I only allowed

the hon. Member to read his speech because that was his maiden speech. (Interruption).

Dr. Colaco: I will put the question. May I know whether any facilities have been given to the exporters of Goa to export ore to Japan and other countries, as they are dependent on contracts on long-term basis, with laxity up to 10 per cent., according to the merits of individual cases?

Shri Manubhai Shah: I appreciate the hon. Member's anxiety. I have followed what he means to say. I can assure him that the Goa question is uppermost in our minds. We have already announced that all the present contracts and future contracts will be fully honoured by Government; and all facilities have been given to the Goa miners, including small miners. We have assured the small miners of Goa that we shall export their ores, if they so desire, through the State Trading Corporation.

Film Festival in Berlin

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*709. { **Shri Inder J. Malhotra:**
 Shri Hari Vishnu Kamath:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether any official film delegations were sent to participate in the International Film Festivals held in Berlin and in Czechoslovakia during 1962;

(b) if so, what was the constitution of the delegations;

(c) what procedure was adopted in the selection of the delegates; and

(d) the amount of foreign exchange spent on these delegations?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): (a) to (c). A delegation consisting of the Indian Consul General in Berlin as leader

and Sarvashri K. M. Modi, President, Film Federation of India, Prithviraj Kapoor and A. L. Srinivasan, President, South Indian Film Chamber of Commerce, all nominated by the Government of India, attended the International Film Festival at Berlin during 1962. The Rules of the Festival at Karlovy-Vary (Czechoslovakia) do not provide for sending any official delegation and as such none was sent.

(d) Rs. 1.040.

Shri Inder J. Malhotra: May I know whether any attempt was made by Government to assess the response our films received from the common cinema-goers in those countries?

Shri Sham Nath: No, Sir. We have not been able to know yet anything about the reactions of the people in West Germany and Czechoslovakia, to our films which were shown there.

Shri Inder J. Malhotra: In view of the reply given by the hon. Deputy Minister, if we have not assessed the response to our films there, may I know what is the main purpose of our participation in that festival and why should Government send such a large delegation?

Shri Sham Nath: It is not a question of sending such a large delegation. After all, there are so many international film festivals that take place every year in various parts of the world. And, it is always in the interests of the country to enter its good films in these festivals.

Shri Hari Vishnu Kamath: How many, among those who participated in the Berlin Film Festival, actually belonged to the celluloid or film world and how many did not belong to the film world and how many invitees, and non-invitees were granted passports by Government?

Shri Sham Nath: We have no information available in regard to the

passports granted to people in connection with this film festival. But, as far as the official delegation was concerned, there were 4 members only viz., Shri K. M. Modi, Shri Prithviraj Kapoor and Shri Srinivasan, the fourth person being the leader of Delegation, our Consul-General in Berlin. As regards the people associated with the feature films who attended this film festival, I have got their names. They were Dev Anand and some other persons connected with this feature film in question.

Press Consultative Committee

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*710. { Shri Yashpal Singh:
Shri Jashwant Mehta:
Shri Ram Ratan Gupta:
Shri P. Kanhan:
Shri A. K. Gopalan:

Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have taken any steps for the formation of a Press Consultative Committee; and

(b) if so, the details thereof?

The Minister of Information and Broadcasting (Dr. B. Gopala Reddy): (a) and (b). The matter of setting up a Press Consultative Committee is still under consideration.

श्री यशपाल सिंह : इस की रिपोर्ट कब तक आ जायेगी और इस के मेम्बरान के नाम क्या हैं ?

Dr. B. Gopala Reddi: It will be set up very soon.

Shri S. M. Banerjee: May we know definitely when this committee will be set up and when its report will be received?

Dr. B. Gopala Reddi: It has to be set up before it can report: it will be set up next month perhaps.

WRITTEN ANSWERS TO QUESTIONS

Air-Dropping of Food in NEFA

*708. **Shri Ram Rattan Gupta:** Will the Prime Minister be pleased to state:

(a) since when air-dropping of food supplies is being carried in NEFA; and

(b) through which agency this is being done on behalf of Government?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) and (b). The IAF, the IAC and various private Airlines have carried out air-dropping operations in the NEFA in the past. The operations are being handled by a private chartered company since May, 1960.

भूतपूर्व संसद् सदस्यों के कब्जे में बंगले

*७११. श्री बेरवा क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) नई दिल्ली के कितने बंगलों व क्वार्टरों में भूतपूर्व संसद् सदस्य अभी भी रह रहे हैं; और

(ख) यदि रह रहे हैं, तो इस के क्या कारण हैं और वह वहाँ पर कब तक रहेंगे और इन मकानों को खाली करा के सम्बन्ध में क्या कार्यवाही की जा रही है ?

निर्माण, आवास तथा संभरण मंत्री (श्री मेहर चन्द खन्ना) : (क) बंगले—६

फ्लैट्स—५

गराज—१०

नौकरी के लिये मकान—१४

(ख) इन निवास स्थानों को खाली कराने के लिये लोक परिसर (अनधिकृत दखलकारों की बेदखली) अधिनियम, १९५८ [पब्लिक प्रमिसिज (एविकशन ऑफ़ अन-

प्रोपोराइज्ड प्रीक्युपेन्ट्स) ऐक्ट १९५८] के अधीन कारवाई की जा रही है।

Firing by Pakistanis on an Indian Post in J. and K. State

{ Shri D. C. Sharma:
Shri Basumatari:
Shri Brij Raj Singh-Kotah:
Shri D. D. Puri:
Shri P. K. Deo:
Shri Narendra Singh Mahida:
*713. { Shri Yashpal Singh:
Shri Yogendra Jha:
Shri Hem Barua:
Shri Jashvant Mehta:
Shri Bhakt Darshan:
Shrimati Jyotsna Chanda:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that Pakistan Army men fired on an Indian post at Chamb near Jammu on the 9th August, 1962 resulting in injuries to three Indians;

(b) if so, the details of the incident; and

(c) whether any protest has been made to the Pakistan Government?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) and (b). Our civilians grazing their cattle in the area 4 miles west of Chamb and 23 miles south-west of Akhnur, were fired at by a group of POK civilians on August 9. Soon after Pak/POK troops opened fire towards one of our posts, as a result of which one Other Rank sustained a bullet injury. Our troops returned the fire in self-defence.

Two sections of Pak/POK troops crossed the cease-fire line on the same day in area 5½ miles north-west of Chamb and fired LMG and rifle shots on our civilians grazing their cattle. Our civilians had to return the fire in self-defence. The intruders withdrew across the cease-fire line when our CRP patrol approached the area.

(c) No Sir. However, cease-fire violation complaints in both cases

have been lodged with the U.N. Field Observers.

High-Power Technical Panel for Imported Components

- *714. { Shri P. C. Borooah:
Shri Basumatari:
Shri Rameshwar Tanti:

Will the Minister of Planning be pleased to state:

(a) whether Government have decided to form a high-power technical panel to consider the possibility of replacing the current imports of spare parts, components and raw materials by increased indigenous production;

(b) if so, what are the precise terms of reference of the panel;

(c) whether the panel has actually been constituted; and

(d) if so, who are its members?

The Minister of Planning and Labour and Employment (Shri Nanda): (a) Yes, Sir.

(b) to (d). The panel has been constituted and the Resolution indicating the composition and terms of reference of the panel is placed on the Table of the House. [See Appendix II annexure No. 71].

Influx of Tibetan Refugees

- *716. { Shri Kapur Singh:
Shrimati Vijaya Raje:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that there has been a fresh exodus of Tibetan refugees into Indian territory;

(b) if so, the number of such refugees who have recently slipped into our territory; and

(c) the steps taken to prevent the danger of undesirable elements slipping inside?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh

Singh): (a) There has been no major influx of Tibetan refugees into India recently.

(b) The number of refugees who entered India between 1-1-1962 and 14-7-1962 is 498.

(c) Arrangements have been made to prevent infiltration of undesirable elements into India.

Strike by Workers of Hindustan Housing Factory, New Delhi

- *717. { Shri D. C. Sharma:
Shri P. C. Borooah:
Shri Priya Gupta:
Shri Eswara Reddy:

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

(a) whether there was a wide-spread strike by the workers of the Hindustan Housing Factory, New Delhi in July to press their demand for an increase of Rs. 5 in their dearness allowance recommended by the Union Finance Ministry; and

(b) if so, the steps taken to look into their grievances?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) Yes, for about a week.

(b) The dispute has been specifically referred to the Industrial Tribunal for adjudication.

Export Promotion

*718. Shri P. C. Borooah: Will the Minister of Commerce and Industry be pleased to state

(a) whether the proposal to set up a three tier organisation of exporters for helping in export drive was considered by the Board of Trade in their meeting held in the Third week of August, 1962; and

(b) if so, what was the Board's decision in the matter?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) The Board endorsed the proposal and noted that exporters of various commodities and from different parts of the country were going to hold a convention shortly to finalise these proposals.

केन्द्रीय लोक निर्माण विभाग

*७१६. श्री भक्त दर्शन क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय लोक निर्माण विभाग में भ्रष्टाचार की जांच करने के लिये एक समिति कुछ समय पहिले नियुक्त की गई थी ;

(ख) यदि हाँ, तो क्या उस ने अपना कार्य पूरा कर लिया है ;

(ग) यदि हाँ, तो क्या उस समिति द्वारा की गई मुख्य सिफारिशों और उन पर की गई कार्यवाही पर प्रकाश डालने वाला एक विवरण सभा-पटल पर रखा जायेगा ;

(घ) यदि अभी तक समिति ने अपना कार्य पूरा नहीं किया है, तो इस के कब तक रिपोर्ट पेश कर देने की आशा है ; और

(ङ) इस विलम्ब के क्या कारण हैं ?

निर्माण, आवास और संभरण मंत्री (श्री मंहर चन्ध खन्ना) : (क) और (ख). जी, हाँ ।

(ग) जब सरकार द्वारा इस रिपोर्ट की पड़ताल कर ली जायगी और उस पर नश्चय कर लिये जायेंगे, उस के बाद इन सिफारिशों का सारांश सदन की मेज पर रखने पर प्रश्न पर विचार किया जायेगा ।

(घ) और (ङ). प्रश्न नहीं उठते ।

Import of Consumer Goods

2011. Shri Sham Lal Saraf: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have as an austerity measure, slashed down imports of certain types of consumer goods and raw materials;

(b) whether Government are aware that due to demand for such commodities being greater their prices are increasing; and

(c) what steps Government propose to take to hold the price line of the said commodities at a reasonable level?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). The volume of import of consumer goods and raw materials allowed to be imported is determined by availability of foreign exchange and indigenous production. The prices of some of the commodities are reported to have risen. The Government are, however, determined to maintain prices of all essential commodities by maximising the indigenous production of these commodities to the greatest extent possible.

पंजाब के पहाड़ी क्षेत्रों का विकास

२०१२. श्री हेम राज क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) १९६२-६३ में पंजाब के पहाड़ी क्षेत्रों में विकास की बड़ी-बड़ी मदों के अंतर्गत विकास योजनाओं के लिए व्यौरेवार कितनी-कितनी रकम मंजूर की गई है ; और

(ख) १९६१-६२ में विकास की बड़ी-बड़ी मदों के अंतर्गत इन योजनाओं के लिए व्यौरेवार कितना रुपया मंजूर किया गया था और कितना खर्च हुआ ?

योजना, धन एवं रोजगार मंत्री (श्री नन्दा) : (क) से (ख). एक विवरण सभा पटल पर रखा जाता है [बिलिये परिशिष्ट २, अनुबन्ध संख्या ७२] ।

Subsidised Industrial Housing Scheme

2013. Dr. Ranen Sen: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the amount of money sanctioned by the Central Government of India to West Bengal for building Houses under the Subsidised Industrial Housing Scheme during the First and Second Plan periods as also the first two years of Third Plan;

(b) the amount year by year;

(c) the money spent by West Bengal Government year by year; and

(d) the total number of houses built so far?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) to (d). A statement giving the required information is laid on the Table of the House. [See Appendix II, annexure No. 73].

Steel Plants in Public and Private Sectors

2014. Shri S. M. Banerjee: Will the Minister of Labour and Employment be pleased to state:

(a) whether a final decision has been taken to bring all steel plants in public and private sectors within the purview of Central Labour Legislation; and

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

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) and (b). The proposal of taking over industrial relations in the Central Government public sector undertakings from the State sphere to the Central sphere under the Industrial Disputes Act, 1947 was recently discussed with the State Labour Ministers but was not accepted for the present. The matter is proposed to be discussed further with the managements of the Central Pub-

lic Sector Undertakings before taking a final decision.

Board of Trade

2015. Shri Bishwanath Roy: Will the Minister of Commerce and Industry be pleased to state:

(a) the decisions taken by the Board of Trade at its meeting held on the 18th August, 1962;

(b) the details of the points or memorandum given to the Ministry; and

(c) whether there is any move to broad-base the composition of the Board by including representatives of All Indian Manufacturers Organisation, Indian Council of Foreign Trade and Indian Cotton Mills Federation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) A copy of the Press Release issued at the end of the meeting is placed on the Table of the House. [See Appendix II, annexure No. 74].

(b) Memoranda were received from persons and associations interested in the exports of iron ore, manganese ore, bauxite and ferro-manganese. These referred to the transport difficulties regarding iron ore, the restrictions on exports of bauxite and the difficulties arising from the high cost of manganese ore and ferro-manganese.

(c) No, Sir.

Hindi Programmes on A.I.R. Station, Vijayawada

2016. Shri Ulaka: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether All India Radio Station at Vijayawada (Andhra Pradesh) broadcasts Hindi programmes;

(b) if so the days on which they are broadcast and the time allotted for the same; and

(c) if not, the reasons therefor?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): (a) Yes, Sir.

(b) Hindi items originated or relayed by the Vijayawada Station of All India Radio are as under:—

Type of Programme	Frequency	Duration
Talks	Twice or thrice in a quarter	10 minutes on each occasion.
Plays and Features	Once in a month	15-20 minutes on each occasion.
News (Relay)	Daily	15 minutes (0815-0830 hrs.

(c) Does not arise.

Development Loans to States

2017. Shri Surendranath Dwivedy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the State Trading Corporation has advanced development loans to the States of Orissa, Andhra Pradesh and Mysore for road construction;

(b) if so, the total amount given in each State separately;

(c) the period and the terms of conditions and the reasons for which such loan is given; and

(d) whether State Governments were consulted before such loans were advanced?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). At the instance of State Trading Corporation and in consultation with concerned departments of Government of India, certain funds were allotted to States of Mysore, Andhra Pradesh and Orissa for development of certain roads which would facilitate movement of iron ore to ports for exports and thereby augment the foreign exchange earnings. The total

amount allotted to each State is as follows:—

	Lacks of Rs.
Mysore	185.99
Andhra	5.00
Orissa	11.81

These allocations were made as outright grants.

(d) Yes, Sir.

Iron Ore in Barjamada-Banaspani Sector

2018. Shri Surendranath Dwivedy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the State Trading Corporation has not been able to lift its quota of iron-ore from Barjamada-Banaspani Sector on account of the shortage of Railway wagons; and

(b) whether any assistance to the State Government of Orissa for improvement, repair and remodelling of existing road capacities in these mining areas including the Gurda-Joda road is proposed to be given in order to help carrying of iron ore by road?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir. The full quota of iron ore on the Barajamda-Banaspani Sector could not be moved on account of limited rail movement facilities.

(b) The question at present is one of improvement of the rail movement capacity. Till that is done, delivery of large quantities of ore by road at the rail heads will not help. Hence such assistance to the State Government is not contemplated at present.

Production of Ilmenite

2019. { Shri A. K. Gopalan:
Shri M. K. Kumaran:

Will the Prime Minister be pleased to state:

(a) what is the contribution of India to the world production of

Ilmenite to-day;

(b) what was it in 1940;

(c) whether any modernisation has taken place in the Travancore Minerals Plant since its establishment; and

(d) if not, what is the reason for not applying the latest efficient and up-to-date methods of production?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Exact figures of current world production of ilmenite are not readily available, but the quantity of ilmenite produced at present in India (approximately 1,50,000 long tons) is likely to be of the order of 10 per cent of the world output of the mineral.

(b) In 1940, India produced approximately 2,62,000 long tons of ilmenite as against the total world production of 3,50,000 long tons.

(c) and (d). Travancore Minerals Limited was incorporated on October 30, 1956 and the Company started working from May 10, 1957. The management of Travancore Minerals Limited are fully alive to the need for rationalisation and modernisation of the plants and, as a first step in this direction, they have decided to close down the wind tables in the plants at Chavara with effect from 1st September, 1962.

Steps have also been taken to instal new machines in one of the plants of the Company primarily engaged in the production of monazite.

Coffee Board Labour Union

2020. Shri A. K. Gopalan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that there was an agreement between Coffee Board Labour Union and Coffee Board about Bombay Tribunal Award;

(b) if so, what was the agreement;

(c) whether the agreement has been implemented;

(d) if not, why not; and

(e) whether it has been implemented as far as depot workers are concerned?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) The terms of settlement are placed on the Table of the House. [See Appendix II, annexure No. 75].

(c) to (e). The agreement has been implemented, save for a few cases of workmen employed in the Depots which are under examination.

वैदेशिक-कार्य मंत्रालय में पुनर्गठन

२०२१. { श्री म० ला० द्विवेदी :
श्री स० चं० सामन्त :
श्री ब० कु० दास :
श्री सुबोध हंसदा :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) नये ढांचे पर १ मार्च, १९६२ से वैदेशिक-कार्य मंत्रालय में जो चार टेरीटोरियल डिवीजन पुनर्गठित किये गये हैं, उस के फल-स्वरूप मंत्रालय के वार्षिक व्यय में कितनी बचत हुई है ; और

(ख) टेरीटोरियल डिवीजनों के पुनर्गठन के फलस्वरूप कितने कर्मचारियों और अधिकारियों की छंटनी हुई है ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री तथा अणु शक्ति मंत्री (श्री जवाहरलाल नेहरू) :
(क) इस से लगभग ५१,००० रुपए सालाना की बचत हुई है ।

(ख) किसी कर्मचारी को हटाया नहीं गया । पुनर्गठन के फलस्वरूप जो लोग फालतू हो गए थे, उन्हें उन जगहों में खपा लिया गया जो पहले से मौजूद थीं ।

Doctors for NEFA

2022. { Shri Subodh Hansda:
 { Shri S. C. Samanta:
 { Shri B. K. Das:
 { Shri M. L. Dwivedi:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that West Bengal Government have been requested to recruit medical personnel for NEFA;

(b) if so, whether this request has been complied with; and

(c) how many such medical persons will be sent to NEFA?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes; a request has been made to the West Bengal Government through the Eastern Zonal Council for assistance in recruiting medical officers for NEFA. Such assistance was offered by the West Bengal Chief Minister in a meeting of the Eastern Zonal Council.

(b) No reply has yet been received from the West Bengal Government.

(c) Does not arise.

Export of Tea and Jute

2023. { Shri S. C. Samanta:
 { Shri Subodh Hansda:
 { Shri B. K. Das:
 { Shri M. L. Dwivedi:
 { Shri P. C. Borooah:

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

(a) whether it is a fact that he held a series of discussion at Calcutta with the Tea and Jute exporters in June, 1962 to boost their export;

(b) if so, what are the measures taken to promote the export; and

(c) what steps were discussed to maintain the floor prices?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) The following measures have been taken or are under consideration for tea:

- (i) Licensing of equipment for artificial irrigation and the expansion of the Tea Board's hire purchase scheme to include irrigation equipment, are under consideration.
- (ii) Promotional work abroad in the form of Press, T. V. Radio and Cinema publicity, opening of more Tea Centres and participation in exhibitions has been intensified.

For jute, the following measures have been taken:—

- (i) The Indian Jute Mills Association has asked its member-mills to continue to work without restriction.
- (ii) the Association has decided to remove its earlier restrictions on the installation of broad looms, and to permit the establishment of additional spinning capacity to supply yarn to these looms; and
- (iii) the proposed cut by 15 per cent in the supply of electric power to the jute mills has been averted and arrangements made to make available a small amount of additional power to the jute industry for the expansion of broad loom capacity.

(c) No steps were discussed at these meetings to maintain the floor prices.

नेफा में हिन्दी का प्रयोग

२०२४. श्री प्रकाशवीर शास्त्री : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) नेफा क्षेत्र में हिन्दी के अधिकारिक

प्रयोग की दिशा में क्या कुछ और प्रगति हुई है, और

(ख) सरकार को इस सम्बन्ध में क्या कोई आपन प्राप्त हुआ है ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री तथा अग्रशक्ति मंत्री (श्री जवाहरलाल नेहरू) :

(क) जी हां । १९५६ में सरकार ने जो निर्णय किया था, उस के अनुसार, उत्तर-पूर्व सीमांत एजेंसी के स्कूलों में, प्रारंभिक कक्षाओं की पढ़ाई मातृभाषा के माध्यम से होती है और उस के बाद असमिया भाषा के माध्यम से । तीसरी कक्षा के बाद से हिन्दी अनिवार्य विषय के रूप में पढ़ाई जाती है ।

हिन्दी को ऐसे कुछ विशेष क्षेत्रों के स्कूलों में शिक्षा का माध्यम बनाए रखा गया है जहाँ के स्थानीय लोगों ने इस बात के लिए निश्चित रूप से प्रार्थना की थी ।

जिन अबाइली भाषाओं की अपनी लिपि नहीं है, उनकी सभी पाठ्य-पुस्तकें देवनागरी लिपि में छपी जाती हैं ।

सभी सरकारी कर्मचारियों के लिए हिन्दी के नियमित पाठ्यक्रम चलाए जाते हैं और समय-समय पर उनकी परीक्षाएँ भी होती हैं ।

उत्तर-पूर्व सीमांत एजेंसी के सभी स्कूल, पुस्तकालय और सरकारी सहायता-प्राप्त क्लब हिन्दी और असमिया की पत्र-पत्रिकाएँ मंगाते हैं ।

(ख) किन्हीं गैर-सरकारी संगठनों के कुछ पत्र सरकार को मिले हैं, जिन में उत्तर-पूर्व सीमांत एजेंसी से संबंध भाषा-नीति के बारे में विचार प्रकट किए गए हैं ।

सहायक रोजगार अधिकारी

२०२५. श्री प्रकाश बीर शास्त्री : क्या श्रम और रोजगार मंत्री यह १३ मार्च, १९६१

के तारांकित प्रश्न-संख्या ७८८ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) उन ६० प्रतिशत सहायक रोजगार अधिकारियों को स्थायी बनाने के लिये क्या कार्यवाही की गई है जिनको स्थायी बनाने का प्रश्न विचाराधीन था ;

(ख) क्या उनकी भर्ती के बारे में कोई नियम बनाये गये हैं ; और

(ग) यदि हां, तो वे नियम क्या हैं, और यदि नहीं, तो देरी के क्या कारण हैं ?

श्रम और रोजगार मंत्रालय में श्रम मंत्री (श्री हाथी) : (क) सहायक रोजगार अधिकारियों के आठ पदों में से, जिसमें एक सहायक रोजगार अधिकारी (प्रविधिक) भी शामिल है, छः पद स्थायी कर दिये गये हैं । इन पदों पर काम करने वाले अधिकारियों की स्थायी नियुक्ति के सवाल पर संघलोक सेवा आयोग (य० पी० एस० सी०) के साथ पत्र व्यवहार हो रहा है ।

(ख) जी हां ।

(ग) संघ लोक सेवा आयोग द्वारा मंजूर किये गये नियम सभा-पटल पर रखे जाते हैं । (देखिये परिशिष्ट २, अनुबन्ध संख्या ७६)

उद्योग व्यापार पत्रिका

२०२६. श्री म० ला० द्विवेदी : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) उद्योग व्यापार पत्रिका के इस समय कितने ग्राहक हैं ;

(ख) पिछले तीन वर्षों में इसकी ग्राहक संख्या में कितनी वृद्धि हुई है ; और

(ग) क्या उद्योग व्यापार पत्रिका में दी जाने वाली अधिकांश सामग्री जर्नल आफ इंडस्ट्री एण्ड ट्रेड में पहले प्रकाशित हो जाती है ?

वाणिज्य तथा उद्योग मंत्रालय में अन्तर्राष्ट्रीय व्यापार मंत्री (श्री मनुभाई शाह) :

(क) २,०१० (१८ अगस्त, १९६२ को) ।

(ख) लगभग ५०० ।

(ग) जो सामग्री 'उद्योग व्यापार पत्रिका' में प्रकाशित होती है, वह सामान्यतः जर्नल आफ इण्डस्ट्री एण्ड ट्रेड में प्रकाशित होने वाली सामग्री से भिन्न होती है । किन्तु कभी-कभी जर्नल की प्रमुख विषयों व विकास सम्बन्धी सूचनाओं को पत्रिका में शामिल कर लिया जाता है ।

उद्योगों का विकास

२०२७. श्री म० सा० द्विवेदी : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) विभिन्न उद्योगों का विकास करने के लिये अब तक जो १९ विकास परिषदें स्थापित की गई हैं उन्हें केन्द्रीय सरकार ने कितनी वित्तीय सहायता दी है; और

(ख) इन विकास परिषदों में से कितनों के पास गवेषणा कराने के साधन हैं ?

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : (क) (१) खाद्य परिष्करण उद्योग की विकास परिषद् को खाद्य पदार्थों, बिस्कुटों तथा मिठाइयों का निर्यात बढ़ाने में सहायता करने की दृष्टि से १ लाख रु० की वित्तीय सहायता दी गयी है ।

(२) चीनी की विकास परिषद् को गवेषणा के कार्य में बढ़ावा देने में इस्तेमाल करने के लिये निम्नलिखित सहायता/सहायता-अनुदान दिये गये हैं : —

१९५६-५७ .	रु० ७०००.००
१९५७-५८ .	रु० ५९९१.८१
१९५८-५९ .	रु० ६४२०.३१
१९५९-६० .	रु० ७७५३.७४

तथा

१९६०-६१ .	रु० १२२९१.७५
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(३) विकास परिषदों को उपर्युक्त राशि के अलावा अन्य कोई वित्तीय सहायता नहीं दी गई है फिर भी विकास परिषदों की बैठकों में सदस्यों द्वारा भाग लेने के लिये उनके यात्रा भत्ते एवं दैनिक भत्ते का खर्च तथा परिषदों के कार्य के लिए रखे जाने वाले कर्मचारियों का खर्च सरकार देती है ।

(ख) विकास परिषदों में गवेषणा की कोई सुविधा नहीं है ।

Travancore Rayons

2028. { **Shri Warior:**
Shri Vasudevan Nair:

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

(a) whether any report has been received from the Government of Kerala on the investigation made by the Japanese experts headed by Mr. Akiyama into the expansion schemes of the "Travancore Rayons", and

(b) if so, the details thereof?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No Sir.

(b) Does not arise.

Andhra Pradesh Mica Workers' Union

2029. { **Shri A. K. Gopalan:**
Shri Umanath:

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

(a) whether Government of India have received any representation from the Andhra Pradesh Mica Workers' Union, Gudur, on some of their grievances; and

(b) if so, what action is being taken on the same?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) Yes.

(b) The Resolutions passed by the Andhra Pradesh Mica Workers' Union are being examined.

Loss sustained by Coffee Board

2030. { Shri A. K. Gopalan:
Shri Umanath:
Shri P. Kunhan:

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

(a) the loss sustained by the Coffee Board annually on account of the following:

- (i) loss incurring;
- (ii) loss in transit; and
- (iii) loss in storage; and

(b) what steps have been taken to prevent this loss or at least to minimise it?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) (i) No loss is reported as sustained by the Coffee Board in curing; gains and losses are reckoned on stock of coffee after it is cured i.e. while in storage in the warehouses or in transit from one place to another.

(ii) About 19 Metric tonnes.

(iii) About 157 Metric tonnes.

(b) It is not possible to eliminate the losses in storage altogether as coffee by nature loses in weight or gains in weight depending on the humidity of the place of storage. Similarly losses in transit cannot also be totally eliminated though all steps have been taken to reduce them.

Co-ordination of Training Schemes

2031. Dr. L. M. Singhvi: Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that each public undertaking has its own training scheme of Craftsmen as well as other training programmes;

(b) whether there is any co-ordination between the various public undertakings functioning broadly in the same field of technology; and

(c) if not, what measures are being taken to ensure such co-ordination which will contribute to substantial economy?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) No, but it is expected that with the implementation of the provisions of the Apprentices Act, Apprenticeship training programmes will come into operation in all the public undertakings.

(b) Yes, there is a separate Co-ordination Committee of the National Council for Training in Vocational Trades with the Chief of the Education Division of the Planning Commission as Secretary to co-ordinate the programmes of all the Ministries.

(c) Does not arise.

Rubber Cultivation

2032. Shri P. Kunhan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Rubber Board has any funds for helping small peasants cultivating rubber;

(b) if so, the amount of the funds;

(c) how many peasants have been given assistance so far;

(d) whether Government are facing any obstacles in giving assistance; and

(e) if so, what are they and what steps are being taken to overcome these obstacles?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) The Pool Fund, which has a credit of Rs. 77,28,000/- is solely intended for assisting small growers of rubber. A replanting subsidy of

Rs. 1000/- per acre is also available from the General Fund of the Board.

(c) (i) 3,263 small holdings of rubber have been paid Rs. 37,95,107.73 as replanting subsidy upto 30-7-62.

(ii) 875 small growers owning less than 5 acres have been given subsidised manure.

(iii) 251 small growers owning less than 5 acres replanted their areas for soil conservation works and obtained financial assistance to the extent of Rs. 5,977.63.

(iv) 181 small holders owning less than 10 acres have been supplied with high-yielding clonal seeds free of cost for the replanting of their lands.

(d) No, Sir.

(e) Does not arise.

हिन्दी चल-चित्रों के हिन्दी में प्रमाण-पत्र

२०३३. श्री भक्त दर्शन : क्या सूचना और प्रसारण मंत्री २२ जून, १९६२ के तारांकित प्रश्न-संख्या १६२६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि हिन्दी चल-चित्रों को अंग्रेजी के स्थान पर हिन्दी में प्रमाण-पत्र देने के जिस सुझाव पर सरकार द्वारा विचार किया जा रहा था उसके बारे में इस बीच क्या निर्णय किया गया है ?

सूचना और प्रसारण मंत्रालय में उप मंत्री (श्री शाम नाथ) : यह विषय अभी विचाराधीन है।

Salt Factory in Midnapur District

2034. { **Shri Subodh Hansda;**
Shri S. C. Samanta;

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

(a) whether it is a fact that West Bengal Government propose to set

up a big salt factory on the sea shore of Contai, Midnapur District with the help of some foreign expert;

(b) if so, whether State Government have asked for Central Government's help and cooperation;

(c) what kind of help they have sought for; and

(d) whether Central Government will give all kinds of help in this matter?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) The Government of West Bengal have under examination a proposal to set up in the public sector a modern salt factory on the Contai Sea Coast, in the district of Midnapore. But, no definite decision has yet been taken to set up the proposed factory with the help of any foreign expert.

(b) to (d). The Government of West Bengal have not yet approached the Government of India for any specific assistance in connection with the proposal.

Machines of Manipur P.W.D.

2035. **Shri Rishang Keishing:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the number of machines like tractors, bulldozers, concrete mixers and air compressors acquired by the Manipur P.W.D. during the period 1958—62;

(b) whether it is a fact that for want of some parts many of the aforesaid machines have been lying idle; and

(c) if so, how soon the missing or damaged parts will be replaced and the machines will be put to use?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) Nine.

(b) and (c). Only one machine is lying idle for want of repairs. This will be repaired in about three months.

**Persons belonging to Mizo Hills in
Burmese and Pakistan Armies**

2036. Shri Swell: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a large number of young men of the Pawi Lakhar Region of Mizo Hills, Assam, are serving in the Burmese and the Pakistan armies; and

(b) if so, the reasons therefor?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) and (b). No, Sir, the number is not large but while we have no information regarding the number of persons serving with the Pakistan Army, we do know that several individuals from the Pawi Lakhar Region and other Mizo Hill areas bordering Burma are serving with the Burmese Army for reasons of economic and proximity of the Region to Burma which has enabled them to pass themselves off as Mizos of Chin Hills. An accurate count of these persons is not available.

मध्य प्रदेश की धनराशि

२०३७. श्री रा० स० तिवारी : क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) तृतीय पंचवर्षीय योजना के लिए मध्य प्रदेश को केन्द्रीय सरकार द्वारा कितनी धनराशि देने का निश्चय किया गया है; और

(ख) अब तक कितनी धनराशि दी गई है ?

योजना तथा श्रम और रोजगार मंत्री (श्री तन्वा) : (क) और (ख). मध्य प्रदेश की तीसरी पंचवर्षीय योजना में २०२.४ करोड़ रुपये केन्द्रीय सहायता की व्यवस्था की गई है। इस में से १९६१-६२ तथा १९६२-६३ की सालाना योजनाओं के लिए क्रमशः ३० करोड़ रुपये तथा ३७.५ करोड़ रुपये केन्द्रीय सहायता मंजूर की गई।

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Trade with U.A.R.

2038. { **Shri Bishwanath Roy;**
Maharajkumar Vijaya
Ananda;
Shri Ram Ratan Gupta:

Will the **Minister of Commerce and Industry** be pleased to state whether any steps have been taken for improvement of trade between India and the United Arab Republic during the Third Plan period?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): Yes, Sir. A Protocol signed by India and the United Arab Republic in October, 1961 envisages best efforts on the part of the two Governments to increase the volume of trade and maintain it at the highest level.

Rural Housing in Assam

2039. Shri Swell: Will the **Minister of Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that out of a total of Rs. 15,00,000 allotted to Assam for Rural Housing during the Second Five Year Plan, the Government of Assam drew only Rs. 27,000; and

(b) if so, the reasons therefor?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) Yes.

(b) The State Government could not sanction any house-building loans as they had not been able to complete the various preliminaries, such as recruitment of engineering staff for the rural housing cell, selection of villages, socio-economic and physical survey of, and preparation of layout plans for the selected villages, as also the preparation and printing of model plans and designs for the houses. The State Government have since completed these preliminaries and are expected to commence the implementation of the Scheme soon.

Spinning Units

2040. Shri Sivamurthi Swamy: Will the Minister of Commerce and Industry be pleased to state:

(a) how many small spinning units (32 spindles) are working in the country;

(b) the reasons as to why such kind of machines are not supplied on hire purchase basis to the middle class and the labour class people in the country as they are supplied in Madras;

(c) whether the Central Government have allotted any amount to manufacture such machines in India;

(d) if so, how much;

(e) whether it is a fact that Japan has offered to supply such machines on barter basis; and

(f) if so, what is the policy of Government in this matter?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No accurate information is available. However, during the 2nd Plan period, 13 units of 30 spindles each were sanctioned for Madras State on experimental basis.

(b) The question is receiving attention.

(c) No, Sir.

(d) Does not arise.

(e) Government is not aware of any such offer.

(f) Does not arise.

Children's Film Society

2041. Shri Yashpal Singh: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the film entitled "The Boy and the Parrot" is being made by Mr. Ezra Mir for the Children's Film Society; and

(b) when this film is expected to be completed?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): (a) Yes, Sir.

(b) By the end of September, 1962.

कत्थे के कारखाने

२०४२. श्री रघूनाथ सिंह : क्या वाणिज्य तथा उद्योग मंत्री यह प्रश्न की कृपा करेंगे कि :

(क) भारतवर्ष में खैर अर्थात् कत्था बनाने के कितने कारखाने हैं जो विद्युत अथवा वाष्प शक्ति द्वारा चलते हैं;

(ख) गृह उद्योग द्वारा कितना कत्था प्रति वर्ष तैयार किया जाता है; और

(ग) क्या इस समय कत्थे का निर्यात हो रहा है ?

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : (क) और (ख). इसकी ठीक-ठीक जानकारी केन्द्रीय सरकार के पास उपलब्ध नहीं है, क्योंकि कत्था बनाने के कारखाने बहुत छोटे होते हैं और वे केन्द्रीय सरकार से सहायता नहीं मांगते ।

(ग) जी, हाँ ।

Situation in Colliery Area

2043. Shri Indrajit Gupta: Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that the General Secretary of Ajay Second Colliery Workers' Union was severely wounded by the goondas;

(b) whether it is also a fact that this sort of goondaism is becoming a menace in the colliery belt of West Bengal; and

(c) if so, what steps Government propose to make to give immediate protection to the workers who are trying to build the democratic trade Union movement there?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) The Branch Secretary of Colliery Mazdoor Sabha in Adjoi Second Colliery was assaulted on July 22, 1962 by certain persons; the case is sub-judice.

(b) No.

(c) Prompt action is taken by law and order authorities wherever necessary.

Housing Schemes in States

2044. Shri A. K. Gopalan: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government have received details of requirements from States for financial help for house construction for industrial workers of low income group and middle class people;

(b) if so, details thereof; and

(c) what decision Government have taken?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) and (b). A statement showing the total requirements of some of the States under the Subsidised Industrial Housing, Low Income Group Housing and the Middle Income Group Housing Schemes is laid on the Table of the House. [See Appendix II, annexure No. 77].

(c) The requirements of the States, over and above their Third Plan provisions, will be met to the extent it is feasible, depending on the amount of funds that might become available from the Life Insurance Corporation or out of savings from the allocations to other States or from an increase in the Plan allocation for Housing, if that is found possible.

वैदेशिक-कार्य मंत्रालय में अनुसूचित जाति और अनुसूचित आदिमजाति के कर्मचारी

२०४५. { श्री उडिया :
श्री मोहन नायक :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) वैदेशिक कार्य मंत्रालय और विभिन्न दूतावासों में कितने हरिजन और आदिवासी कर्मचारी इस समय हैं;

(ख) कितने कर्मचारी गैर-हरिजन और गैरआदिवासी हैं;

(ग) उन का क्रमशः वेतन-क्रम और काम क्या है; और

(घ) कितने हरिजन या आदिवासी विदेशों में भारत के राजदूत बनाये गये हैं ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री तथा अणुशक्ति मंत्री (श्री जवाहर लाल नेहरू) :

(क) १२५।

(ख) ३१८४।

(ग) अनुसूचित जातियों और वर्गों के कर्मचारियों का वेतन-क्रम और कार्य-भार वहाँ होता है जो कि उन की श्रेणियों के अन्य कर्मचारियों का। पदों की श्रेणियों को एक सूची सभा पटल पर रखी जाती है जिस में उन के कार्य-भार और वेतन-क्रम का भी संक्षिप्त व्यौरा दिया गया है। [देखिये परिशिष्ट २, अनुबन्ध संख्या ७८]

(घ) म समय एक राजदूत और एक प्रधान कौंसिल अनुसूचित जाति के हैं।

टिप्पणी : उपर्युक्त आंकड़ों में वह सूचना शामिल नहीं है, जो इस मंत्रालय के अधीनस्थ कार्यालयों से संबद्ध हैं, जैसे : क्षेत्रीय पासपोर्ट कार्यालय, गोवा प्रशासन, पांडिचेरी प्रशासन, उत्तर-पूर्व सोमान्त एजेंसी और नागालैंड अथवा विदेश स्थित मिशनो के स्थानीय पद। इन से सम्बद्ध सूचना प्रश्न की परिधि से बाहर जाना पड़ती है।

Wages of Automobile Factory Workers

2046. Shri Dinen Bhattacharya: Will the Minister of Labour and Employment be pleased to state:

(a) whether Government are aware of any discrepancy in the wages of

workmen of automobile manufacturing industries in different parts of India;

(b) if so, whether Government consider it necessary to standardise the wages of workmen of automobile factories; and

(c) if so, what measure is suggested to standardise the wages of the said category of workmen?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) to (c). Information is being collected and will be laid on the table of the House.

Import of Steel

2047. { Shri U. M. Trivedi;
Shri Bade;
Shri Kachhavaiya:

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

(a) how much foreign exchange ceiling was given to each State for the year 1961-62 for import of steel;

(b) on what basis the allotment of ceiling was made to various States; and

(c) whether there is any preference given to backward States to bring about faster development in such regions?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) A statement is placed on the Table of the House. [See Appendix II, annexure No. 79].

(b) and (c). The allocations were made to the States as equitably as possible taking into account past allocations, made on the basis of the recommendations of the Directors of Industries of the States, the availability of foreign exchange and with due regard to the need for development in States which have been backward.

प्रविधिक प्रशिक्षण केन्द्र कोटा के लिए भवन

२०४८. श्री बेरखा : क्या श्रम और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि टेक्नीकल ट्रेनिंग सेंटर, स्टेशन रोड, कोटा का कार्यालय गत ७ साल से किराये के मकान में है;

(ख) इस को बढ़ाने के लिये जमीन देने में क्या अड़चन है जब कि बिल्डिंग बनाने का रुपया मंजूर हो चुका है;

(ग) क्या कोटा कलेक्टर ने इस ट्रेनिंग सेंटर को जमीन बताई थी; और

(घ) यदि हां, तो कहाँ ?

श्रम और रोजगार मंत्रालय में श्रम मंत्री (श्री हाथी) : (क) जी नहीं। यह केन्द्र औद्योगिक क्षेत्र में बनी अपनी इमारत में चलाया जा रहा है।

(ख) से (घ). पसवाल पैदा नहीं होता।

Quarters at Aram Bagh Lane, New Delhi

2049. **Shri Yashpal Singh:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government are aware that verandahs of Government quarters situated on Aram Bagh Lane leak during the rainy seasons;

(b) whether Government are also aware of the fact that in spite of repeated complaints at the concerned Enquiry Office, the authorities concerned do not take immediate and proper action resulting into great inconvenience to the residents of those quarters;

(c) whether it is also a fact that only temporary repairs are done which do not stand even one heavy rain; and

(d) if so, what action Government propose to take to remedy the situation on permanent basis?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) to (d). It will not be correct to say that complaints are not attended to. Action is taken to execute the necessary repairs as soon as complaints are received. The tile roofs of the verandahs of these quarters, however, are old and the question of their replacement is under consideration.

Export of Mangoes

2050. Dr. L. M. Singhvi: Will the Minister of Commerce and Industry be pleased to state:

(a) the total value and quantity of mangoes exported during 1960-61 and 1961-62; and

(b) what is being done to augment export of mangoes to foreign countries and particularly to European and the North American countries?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a)

	Quantity	Value
1960-61	2064 tonnes	Rs. 16,34,677
1961-62	2109 tonnes	Rs. 19,02,387

(b) The following measures have been taken to promote exports of mangoes:—

- (1) Air India International has introduced reduced freight rates for transport by air to U.K. and Europe.
- (2) Indian Council of Agricultural Research has requested Fruit Research Laboratories to conduct research for control of mango seed weevil.
- (3) The Central Food Technological Research Institute, Bangalore, gives advice to exporters about the correct maturity and variety of mangoes to be exported.

Industrial Exhibition in Moscow

2051. Shri Raghunath Singh: Will the Minister of Commerce and Industry be pleased to state whether it is a fact that an Industrial Exhibition is being organised by India in Moscow in the next summer?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): A proposal to hold an Indian Trade Exhibition at Moscow in summer next year is now under consideration.

Decasualisation Scheme

**2052. { Shri P. Kunhan:
Shri A. K. Gopalan:**

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

(a) whether it is a fact that a decasualisation scheme in respect of Cochin Harbour has been agreed upon by the various parties concerned;

(b) if so, details of this scheme; and

(c) when the scheme will come into operation?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) The disputed issues relating to the implementation of the Cochin Dock Workers (Regulation of Employment) Scheme, 1959 were referred for adjudication to an Industrial Tribunal in June, 1961. It is understood that an agreement has been reached between the parties concerned on most of the issues and that the parties will request the Tribunal to make a consent award in terms of the agreement.

(b) The consent award of the Tribunal is still awaited.

(c) Does not arise at present.

Training in Foundry Techniques

2053. { Shri A. K. Gopalan:
Shri P. Kunhan:

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

(a) whether it is a fact that Government have sanctioned a scheme for offering training in advanced and modern foundry techniques at the production centre at Eithumannor, Kerala; and

(b) if so, the details thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Yes, Sir.

(b) Training to the artisans engaged in small scale industries in the improved methods of foundry operations is being imparted at the Production Centre, Ettumannor. The duration of the training course is six months and trainees are paid stipend at the rate of Rs. 40 per month per trainee. So far 4 courses have been conducted and 44 artisans in different courses have been trained. A programme of conducting four similar courses of 10 trainees each has been drawn up, of which, two courses are in progress.

Export of Cotton Textiles

2054. { Dr. R. Banerjee:
Shri Subodh Hansda:

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

(a) whether it is a fact that the State Trading Corporation has found out new markets for cotton textiles and ready made garments with the Joint venture of the Textile Distributing Corporation and the manufacturers;

(b) if so, which are those new markets; and

(c) since when those markets are being utilised by the State Trading Corporation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) G.D.R., U.S.S.R. and Hungary and Canada.

(c) (i) G.D.R.—since 1960.

(ii) U.S.S.R.—since November, 1961.

(iii) Hungary—since January, 1961.

(iv) Canada since February, 1961.

Accommodation for Government Employees

2055. Shri Abdul Ghani Goni: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that Government servants posted at Old Delhi are not entitled to Government accommodation in New Delhi, even if they have opted for accommodation in New Delhi;

(b) if so, the reasons therefor;

(c) whether it is also a fact that has been no new construction of Government quarters in old Delhi in 1962;

(d) if so, how many quarters have been constructed in Old Delhi during the last 10 years; and

(e) whether it is also a fact that a Government servant in New Delhi who has put in much less service than his counterpart in Delhi is allotted quarter because he happens to be posted in New Delhi and as the number of quarters is much more in New Delhi an Old Delhi Official suffers on this account?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna):

(a) Ordinarily that is the rule. But such officers are also considered for allotment in certain specified localities in New Delhi adjacent to Old Delhi along with officers whose place of duty is in New Delhi.

(b) According to the existing allotment rules 'Delhi' and 'New Delhi' are regarded as separate localities.

(c) and (d). 364 quarters have been constructed in Timarpur in recent years and 120 more are under construction on land vacated by the demolition of 44 quarters. 236 more quarters will be constructed when the site is available. At Ahata Kidara, 200 quarters will be constructed to replace 99 existing quarters.

(e) Yes, generally it is so.

Manganese Ore Mines at Shivrajpur, Gujarat

2056. { Shri D. J. Naik:
Shri Chhotubhai Patel:

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

(a) whether manganese ore mines at Shivrajpur (Gujarat) have been closed down since January, 1962;

(b) if so, the total number of labourers that have been affected as a result thereof;

(c) whether any inquiry has been made by Government regarding the closure;

(d) if so, the reasons for closure;

(e) whether manganese ore has been recently purchased by the State Trading Corporation;

(f) if so, in what quantity; and

(g) when it is likely that mines would be worked?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) Shivrajpur Syndicate Ltd. closed down all operations in their Pani Mines and suspended all underground operations in Shivrajpur Mines since January, 1962 (except pumping on a minor scale).

(b) One thousand and seven hundred.

(c) An enquiry was made by the Director Indian Bureau of Mines.

(d) The reasons for closure are low demand for the Shivrajpur Ore, which

contains high percentage of impurities, decline in the world trade of manganese ore, fall in world steel production, foreign competition and development of new mining areas in close proximity to the consuming centres.

(e) Yes.

(f) Approximately 46,000 tons.

(g) It is not possible to give any indication.

Manufacture of Terylene

2057. **Shri Heda:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any licence is being given for the manufacture of terylene;

(b) the capacity of the plant and name of the licensee;

(c) the requirements of terylene in the next five years and the purposes of these requirements; and

(d) saving of foreign exchange thereby?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). An industrial licence has been granted to Messrs I.C.I. (India) Ltd. for the establishment of an undertaking for the manufacture of polyester fibre with a capacity of 4.5 million lbs. per annum.

(c) Requirements are estimated at about 8 million lbs. per annum. Polyester fibre is used in admixture with wool tops and with also other fibres.

(d) About Rs. 2 to 3 crores of foreign exchange per year.

Rural Housing Scheme

2058. **Shri Rishang Keishing:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that a sum of Rs. 2 lakhs allotted for the rural housing scheme for Manipur during the last two years got lapsed:

(b) if so, the reasons why the amount could not be utilised; and

(c) arrangements made for the utilisation of the amount in the coming years?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) and (b). Rs. 2.25 lakhs allocated during the last two years could not be utilised by Manipur due to the non-availability of adequate technical staff needed for preparing layout plans of the selected villages and evolving model designs for houses, etc.

(c) It is expected that the Administration will be able to recruit suitable technical personnel and commence the grant of house-building loans in the selected villages during the current year.

Industries in Himachal Pradesh

2059. { **Shri Mohammad Elias:**
Shri S. M. Banerjee:
Shrimati Vimla Devi:
Shri M. K. Kumaran:

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

(a) the names of industries set up in the Union Territory of Himachal Pradesh during the Second Five Year Plan in the (i) Private Sector and the (ii) Public Sector;

(b) the loans sanctioned and disbursed in this regard;

(c) the names of industries to be set up during the Third Five Year Plan period in the private sector; and

(d) the names of industries already taken up in hand in the private and the public sector during the Third Five Year Plan?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (d). A statement giving the requisite information is laid on the Table of the House. [See Appendix II, annexure No. 80].

Hospitals under Employment State Insurance Scheme

2060. Shri P. Kunhan: Will the Minister of Labour and Employment be pleased to state:

(a) whether the Delhi Administration has constructed separate hospitals under the Employees State Insurance Scheme;

(b) if so, their number; and

(c) if not, the reasons therefor?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) to (c). No hospital has yet been constructed. However, two annexes [(i) 50 general beds in Irwin Hospital and (ii) 30 T.B. beds in S.J. T.B. hospital] have been constructed. In addition, 60 beds (30 general in Tirath Ram Shah Hospital and 30 T.B. beds in T.B. Hospital, Mehrauli) have been reserved for the exclusive use of insured persons. As the medical care was initially confined to insured persons only this arrangement in accordance with the then authorised scale was considered adequate. It has since been proposed to construct two E.S.I. hospitals (one 400 bed general and one 200 bed T.B.) for the exclusive use of insured persons and their families. Land for these hospitals is being acquired.

Export of Textiles

2061. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that India is faced with tough competition in export of textiles, from Japan and Pakistan; and

(b) if so, the steps taken or proposed to be taken to meet the situation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) With a view to enabling the exporters to plan their exports on com-

paratively long-term basis, it has been announced that the Cotton Textile Export Promotion Scheme, in the form in which these are implemented at present, will continue to remain in force. The Schemes have also been reviewed and improved wherever necessary. New schemes have been formulated to encourage exports of non-fabric textile items. The procedures for claiming incentives have been simplified. In order to increase production—particularly of processed fabrics, 25,000 automatic looms will be licensed to the textile mills during the Third Five Year Plan period subject to the condition that 75 per cent. of the production will be exported.

Unemployment in Mysore State

2062. Shri S. B. Patil: Will the Minister of Labour and Employment be pleased to state:

- (a) whether Government have conducted any survey of the Rural and Urban unemployment in Mysore State;
- (b) if so, the findings thereof; and
- (c) what steps are being taken to solve the problem of unemployment in these areas?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) No Special Survey was conducted in Mysore State; but the National Sample Survey in their fourteenth round have enquired also into employment and unemployment in urban and rural areas of different States including Mysore State.

(b) Report has not been finalised.

(c) Various development schemes under the Third Five Year Plan including the Rural Works Programme and the Rural Industries Programme are expected to create sufficient employment opportunities to alleviate unemployment.

Housing Schemes in Mysore State

2063. Shri S. B. Patil: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the amount of money allotted to Mysore Government for the Second and Third Plans for its various housing schemes and how much amount has been actually spent by the State Government; and

(b) the amount granted for 1962-63?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) A statement showing the required information is laid on the Table of the House. [See Appendix II, annexure No. 81].

(b) The allocations to be made to the State Governments for the year 1962-63 under various Development Heads including 'Housing' are expected to be finalised shortly.

Industrial Estates

2064. Shri S. B. Patil: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that the different Industrial Units of Industrial Estates already established at Hubli and other side of Mysore State are facing shortage of raw materials; and

(b) if so, what steps Government have taken or propose to take in this direction?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). There is a general shortage of raw materials. These units are not facing any special difficulties which are not faced by other units elsewhere. Due to the rapid development of small scale industries demand for raw materials has exceeded available supplies. The gap between demand and supply could not be sufficiently covered due to non-availability in adequate quantities of indigenous raw materials and foreign exchange limitations in respect of imported items.

Small Scale Industries in Mysore

2065. Shri S. B. Patil: Will the Minister of Commerce and Industry be pleased to state:

(a) the steps taken to develop the Small Scale Industries in Mysore State;

(b) whether any survey of the said industries has been made; and

(c) if so, the nature thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) The development of Small Scale Industries is primarily the responsibility of the State Governments. However, apart from the financial assistance to the States, the Central Government has assumed certain responsibilities in this field mainly to supplement the activities of the State Governments. Accordingly, the Government of India have set up a Small Industries Service Institute at Bangalore in Mysore State for extending technical and economic services for the development of small scale industries. The Institute provides technical consultant services to small entrepreneurs and to the State Government.

Extension and service centres have been set up at three centres in Mysore State as follows:—

- (i) Machine-shop, forging and heat treatment centre at Balgaum.
- (ii) Potterywares centres at Khanapur.
- (iii) Machine-shop, forging and heat treatment centre at Mysore.

Intensive Development Campaigns for the development of small scale industries have been undertaken at 7 places in Mysore State:—

- (1) Kolar.
- (2) Bijapur.
- (3) Chitradurga.
- (4) Mandia.
- (5) Bangalore.
- (6) Tumkur.
- (7) Doddaballapur.

(b) Both area-wise and industry-wise surveys have been conducted in Mysore State.

(c) The area surveys summarise the resources and the demand pattern of the area and also give a critical study of the existing industries. The reports contain exhaustive suggestions regarding scope for the development of the existing industries and new industries which can be developed in each one of the areas surveyed.

The industry-wise Surveys are exhaustive studies on particular industries either on regional or all-India basis. These reports contain a review of the industry as it exists in the State and offer suggestions regarding the development of the industry.

Handloom Industries in Mysore

2066. Shri S. B. Patil: Will the Minister of Commerce and Industry be pleased to state:

(a) the production of Handloom Industries in Mysore State during the First and the Second Five Year Plan; and

(b) the amount allocated for the development of Handloom Industries in Mysore State during the First and Second and Third Five Year Plan?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) The information is being collected and will be laid on the Table of the House.

(b) Rs. 34.46 lakhs, Rs. 195.90 lakhs and Rs. 210 lakhs respectively.

National Productivity Council

2067. Shri R. Barua: Will the Minister of Commerce and Industry be pleased to state how far the National Productivity Council have been able to popularise their activities in Trade Unions of different States and with what results so far?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): All the four central Trade Union Organisations namely, Indian National Trade Union Congress, All India Trade Union Congress, Hind Mazdoor Sabha, and United Trade Union Congress are represented in the General Body and

Governing Body of the National Productivity Council (NPC). Besides, all the 44 Local Productivity Councils (LPCs) established by NPC in different States have representatives on their Governing Bodies from local Trade Union Organisations. Trade Union participation is sought and is generally forthcoming in all the activities undertaken by the NPC and the LPCs.

Application of Labour Laws in Public Sector Undertakings.

2638. **Shri A. N. Vidyalkar:** Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No. 288 on the 14th August, 1962 and state:

(a) the names of the States which insisted that in the Public Sector Undertakings in their States only State laws should be applied and central legislation is not made applicable;

(b) what is the policy of the Labour Ministry in this matter and whether the Labour Ministry held the view that all laws and conventions with regard to various codes ought to be uniformly applied to all public sector undertakings, whether in Central sphere or State sphere; and

(c) if so, what steps are being taken to enforce this uniformity in the interests of the welfare of the working classes and in the smooth running of the industry?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) No State Government has put forward any such suggestion but the States generally opposed the suggestion that under Industrial Disputes Act the responsibility for the regulation of Industrial relations in the centrally owned public undertakings should vest with the centre and not with the State Governments.

(b) and (c). In the matter of the application of various labour laws

and accepted codes there should be no discrimination between public sector undertakings whether in the Central or State spheres. Questions of legislation and administrative policies regarding labour matters are discussed whenever necessary between the Central and State Governments and also in conferences with State Labour Ministers and this ensures the necessary amount of uniformity.

Export Promotion

2069. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether an Export Promotion Convention was held recently in Bombay;

(b) if so, what were the main observations/suggestions made in the convention for the purpose of boosting exports; and

(c) what measures are being taken to implement the suggestions made therein?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). Yes, Sir. A convention was held in Bombay under the auspices of the Indian Council of Foreign Trade on the 9th August, 1962. The convention was to exchange views and create the necessary atmosphere for export promotion.

Regional Labour Institutes

2070. { **Shri D. C. Sharma:**
Shrimati Savitri Nigam:

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

(a) the number of regional labour institutes set up so far in the country;

(b) the progress made in the setting up of three Regional Labour Institutes at Kanpur, Madras and Calcutta with the assistance of the Unit-

ed Nations Special Fund and the Colombo Plan;

(c) the aims and functions of the institutes; and

(d) whether the State Governments will also have to spend some money for the purpose?

The Minister of Labour in ' the Ministry of Labour and Employment (Shri Hathi): (a) Three.

(b) Pending construction of the permanent buildings, the Institutes have been set up on a modest scale in rented premises. From the United Nations Special Fund, equipment worth about \$100,000 has been received so far. Services of four experts have also been made available. Under the Colombo Plan, technical aid for each of the Institutes in the form of equipment is £ 2,100. Most of the equipment has been received.

The entire equipment received is being utilised for setting up the various sections of the Institutes.

(c) The Institutes have been set up as part of a co-ordinated plan for education, research and training in labour and allied problems and to meet the specific needs of the various regions with the Central Labour Institute, Bombay, serving as the apex of the planned programme of work.

सीमेंट पाइप का कारखाना

२०७१. श्री राम सेवक : क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे :

(क) छ: इंच की डायमीटर की सीमेंट के पाइप के कारखाने कितने और कहाँ हैं;

(ख) क्या सरकार सरकारी क्षेत्र में इस प्रकार का एक कारखाना खोलने की योजना पर विचार कर रही हैं; और

(ग) यदि हाँ, तो कहाँ और कब तक खुल जायेगा ?

बाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : (क) ११७ । ये देश भर में निम्नलिखित राज्यों में बांटे गये हैं:—

आन्ध्र	६
आसाम	२
बिहार	१३
दिल्ली	२
गुजरात	२१
मद्रास	८
महाराष्ट्र	२४
मध्य प्रदेश	७
मैसूर	१०
उड़ीसा	२
पंजाब	४
राजस्थान	२
उत्तर प्रदेश	४
प० बंगाल	६
योग	११७

(ख) जी, नहीं ।

(ग) प्रश्न ही नहीं उठता ।

Shifting of Class IV Staff to Ramakrishnapuram, New Delhi

2072. { Shri Yashpal Singh:
Shri S. M. Banerjee:

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

(a) whether it is a fact that Class IV Government Servants living in Punchkuin Road Government Quarters have been shifted to Ramakrishnapuram (Munirka), New Delhi and they have to depend upon D.T.U. buses and other conveyances for attending offices;

(b) if so, whether Government propose to compensate these class IV employees in some way; and

(c) if so, the details thereof?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) 611 Class IV Government servants are being shifted from Punchkuin Road to Ramakrishnapuram as the Quarters at Punchkuin Road are required for demolition.

(b) and (c). They will be allotted accommodation from the general pool like any other Government servant.

12 hrs.

CALLING ATTENTION NOTICE TO MATTERS OF URGENT PUBLIC IMPORTANCE

REPORTED VIOLATION OF INDIAN AIRSPACE BY PAKISTAN AIR- CRAFT

श्री प्रकाशवीर शास्त्री (बिजनौर) :
अव्यक्त महोदय, प्रक्रिया तथा कार्य संचालन सम्बन्धी नियम १९७ के अन्तर्गत मैं अविलम्बनीय लोक महत्व के निम्नलिखित विषय की ओर प्रतिरक्षा मन्त्री का ध्यान आकर्षित करता हूँ और मन्त्री महोदय से उस पर एक वक्तव्य देने की प्रार्थना करता हूँ :

“२७ अगस्त, १९६२ को त्रिपुरा में पाकिस्तानी विमान द्वारा भारतीय वायु सीमा का अतिक्रमण।”

The Minister of Defence (Shri Krishna Menon): Information was received by Government on August 28, 1962, from the Tripura Administration that a Pakistani aircraft violated Indian air space over the towns of Sabroom and Belonia on the morning of August 27th. The aircraft first flew over Sabroom, circling the town five times between the hours of 09.15 and 09.20, at a height of approximately 300 feet. While doing so, the aircraft dropped some leaflets. Later the same day, an aircraft bearing the same regis-

tration number flew over Belonia town at about 600 feet making three circuits between the hours of 09.50 and 10.00. Here again, leaflets were dropped. It was a small single-engined aircraft bearing registration number AP-ADY. Observers from the ground estimated its speed at between 60 and 80 miles an hour at both places. The leaflets dropped related to the Grow-More Food Campaign in East Pakistan.

The Tripura Administration promptly lodged strong protests the same day with the East Pakistan Government against these violations of Indian air space. Full details of the violations were contained in the protests. No reply to the protests has so far been received.

The international boundary at both places where the violations took place is very clearly defined by the river Feni in the case of Sabroom and a river and railway terminus in the case of Belonia. These easily distinguishable landmarks cannot be mistaken. Considering that the aircraft flew at a very low height and circled over the towns a number of times, the violations could not have been unintentional.

Early in August, the Tripura Administration had received information through the Director General of Civil Aviation that one Beaver and two Piper Cub aircraft belonging to the Pakistan Government would carry out plant protection operations in East Pakistan near the Pakistan-India border up to December 31, 1962. The registration numbers of these aircraft were specified at AP-AKQ, AP-ANV and AP-ANX. The aircraft which committed the violation was of a different type and was marked AP-ADY. In any case, distribution from the air of Grow-More Food propaganda leaflets is not a measure of plant protection.

Government are awaiting a reply from the Government of Pakistan to the protest sent by the Tripura Administration before it considers further action.

श्री प्रकाशचौर शास्त्री : मैं यह जानना चाहता हूँ कि भारतीय वायुसेना का जब इस प्रकार से किन्हीं दूसरे देशों के वायुयान आकर अतिक्रमण करते हैं, या हमारे सैनिक संस्थानों का निरीक्षण करते हैं उस समय हमारी ओर से उन विमानों को गिराने के या वे इस प्रकार का अतिक्रमण न करें, इसके सम्बन्ध में भी क्या कोई निश्चित नीति अब तक अपनाई गयी है ?

Shri Krishna Menon: No, Sir. It is rather difficult in the case of Pakistan to say whether the aircraft is civilian or military. I am told that all their aeroplanes are under the Air Force. From the merits of the matter we may say that this is not a military aircraft.

Mr. Speaker: He wants to know whether it is the definite policy of the Government to shoot the aircraft down or to pursue them when such violations are committed.

Shri Krishna Menon: I have repeatedly stated in Parliament—and it has also been stated by the Prime Minister—that it is not the policy of the Government to shoot down aeroplanes at this stage.

Shri Hari Vishnu Kamath (Hosangabad): Is it unwillingness or inability or Ahimsa? What is it?

Mr. Speaker: Order, order.

Shri Hem Barua (Gauhati): In view of the fact that these aircraft flew at a very low altitude and distributed leaflets and then circled the town of Belonia five times and the Government are convinced, as the statement made by the Defence Minister shows, that these violations were not unintentional—in view of all these facts—why is it that our Government do not care to chase them out of our territory or shoot them down? Would that not have been a civilised behaviour?

Shri Hari Vishnu Kamath: Pakistan shoots down our aircraft.

Shri Krishna Menon: The view of the Government in this matter is that civilised behaviour from our standard is to protest diplomatically to the Government concerned until that category of remedies are exhausted. In this case, we do not even know whether the personnel in this aircraft was civilian or military.

Shri Hem Barua: Are they not exhausted by now?

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: A battle of protests.

Shri Daji: Is it not a fact that the aeroplane violated more than ten miles of our territory and was carrying out some survey work?

Shri Krishna Menon: What work they were carrying on, we cannot say. But, as I read out in the statement, there is no question or doubt that they were within our boundary; and they could not have made a mistake. We could shoot down the aeroplanes even without aircraft from our side. But, as I said, it is not the Government's policy to shoot down the aeroplanes; that would mean violence.

Shri Hari Vishnu Kamath: Why not?

Mr. Speaker: That is a different question altogether.

Some Hon. Members rose—

Mr. Speaker: Hon. Members are aware that I do not allow more than one question to each sponsor of the notice.

ACCIDENT AT SOUTH BULLIHARI COLLIERY

Shri P. R. Chakraverti (Dhanbad): Under Rule 197, I beg to call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and I request that he may make a statement thereon:—

"The accident at South Bullihari colliery on the 24th August, 1962, resulting in the death of six workers."

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): An unfortunate accident occurred in South Bulliaree Colliery (of the East Indian Coal Co. Ltd.,) at 11.45 A.M. on 24th August, 1962. The accident resulted in death of six workers, then working in the coal mine. The Colliery is situated in the district of Dhanbad in Bihar.

A gang of miners was engaged in loading blasted coal in a depillaring area when a mass of coal about 5m x 3m x 0.37m fell down from the roof at a height of about 3.4m burying six miners under it. Four of them were killed on the spot and two others sustained serious injuries which proved fatal about seven hours later, even though they were rushed to hospital. About 5,000 people were working in the mine.

The Chief Inspector of Mines together with the Additional Chief Inspector, the Deputy Chief Inspector and the Regional Inspector of Mines visited the mine immediately after the occurrence and the Additional Chief Inspector of Mines is conducting a detailed inquiry into the accident. Compensation is being paid to the dependants of the deceased.

It appears from a preliminary enquiry that the accident took place because of inadequate roof supports in the depillaring area. Legal action will be taken against all those found to be negligent. The report of the inquiring officer will be placed on the table of the House and remedial measures will be taken in the light of the report to prevent recurrence of such accidents.

Shri P. R. Chakraverti: Is it not a fact that on 22nd July six persons died in Sitanala and again four miners died on 9th August in Ena and Digwadih? Now, again, on the 24th August, six persons have died. That means a total of 16 persons died in the same neighbourhood from the

same form of accident. If that is so, may I know what steps do the Government propose to take to safeguard the lives of these workers from these death-traps?

Shri Hathi: We are thinking of setting up a National Mine Safety Council with a view to have a greater check on the inspection and for the education of the workers in safety measures and other types of remedial measures.

Shri S. M. Banerjee (Kanpur): In view of the fact that there had been repeated accidents in this area due to the criminal negligence of the employers, I want to know what other steps are being taken against the employers to see that these accidents do not occur?

Shri Hathi: As I said, we are thinking of setting up a National Mine Safety Council having more powers for the inspectors for educating the workers for safety.

Shri S. M. Banerjee: May I know what other steps are going to be taken against the employers, because these accidents occur due to the negligence of the employers?

Shri Hathi: So far as the employers are concerned, legal action—prosecution—will be launched against those supervising personnel who were there and whose duty was to check these things.

Shri Indrajit Gupta (Calcutta—South-West): Due to the frequency of these accidents, may I know whether there is a plan for tightening up the inspectorate machinery, so that inspection is made before the accidents take place or the inspectors arrive only after the accidents occur?

Shri Hathi: It is not possible for an inspector to inspect all the mines. Therefore, they are going to increase the number of inspectors and see that these accidents are reduced.

Shri Daji (Indore): Is it a fact that the roofing arrangements in the mines have got to be inspected every month and this was not done? May I know what steps are being taken for having this check, so that in future such accidents may not occur in the same mines again?

Shri Hathi: That will be considered when we get the report of the inquiring officer.

श्री यशपाल सिंह (कैराना) : क्या मैं जान सकता हूँ कि जो लोग इस तरह से एक्सीडेंट में खत्म हुए हैं उनके फॅमिलीज के लिये इन्तिजाम किया गया है ?

Shri Hathi: I have already said it in the statement.

RE. MOTION FOR ADJOURNMENT

श्री बिशन चन्द्र सेठ: अध्यक्ष महोदय, मैंने एक एडजर्नमेंट मोशन दिया था, मैं उसके बारे में जानना चाहता हूँ ।

अध्यक्ष महोदय : आपको इत्तला मिल गयी होगी ।

श्री बिशन चन्द्र सेठ : इतनी इत्तला मिली है कि एलाऊ नहीं हुआ ।

अध्यक्ष महोदय : उससे ज्यादा इत्तला तो इस वक्त मिल भी नहीं सकती । अगर आप और ज्यादा जानना चाहते हैं तो मेरे पास जब मैं अपने चैम्बर में होऊँ आ जाइए ।

12.12 hrs.

PAPERS LAID ON THE TABLE

SCRAP COMMITTEE REPORT AND GOVERNMENT RESOLUTION THEREON

The Deputy Minister in the Ministry of Steel and Heavy Industries (**Shri P. C. Sethi**): On behalf of **Shri C. Subramaniam**, I beg to lay on the

Table a copy each of the following papers:—

- (i) The Scrap Committee Report, 1962.
- (ii) Government Resolution No. SC(B)-20(2)62, dated the 27th August, 1962, containing decisions on the above Report [Placed in Library. See No. LT-386/62].

Shri Hari Vishnu Kamath (Hosangabad): On a point of clarification. What kind of scrap does this committee deal with?

Shri P. C. Sethi: Iron and steel scrap.

COMMITTEE ON ABSENCE OF MEMBERS

SECOND REPORT

Shri Mulchand Dube (Farukhabad): Sir, I beg to present the Second Report of the Committee on Absence of Members from the Sitzings of the House.

STATEMENT CORRECTING ANSWER TO STARRED QUESTION NO. 1628

The Deputy Minister in the Ministry of Information and Broadcasting (**Shri Sham Nath**): Sir, during the course of my reply to supplementaries to Question No. 1628 on 22nd June 1962, I included by oversight, 'German' among the languages in which All India Radio has monitoring arrangements. The correct position, however, is that All India Radio has no arrangements for monitoring broadcasts in the German language.

CONSTITUTION (FOURTEENTH
AMENDMENT) BILL*

The Minister of Home Affairs (Shri Lal Bahadur Shastri): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri Lal Bahadur Shastri: I introduce the Bill.

OIL AND NATURAL GAS COM-
MISSION (AMENDMENT) BILL*

The Minister of Mines and Fuel (Shri K. D. Malaviya): I beg to move for leave to introduce a Bill to amend the Oil and Natural Gas Commission Act, 1959.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Oil and Natural Gas Commission Act, 1959."

The motion was adopted.

Shri K. D. Malaviya: I introduce the Bill.

12.15 hrs.

LAND ACQUISITION (AMEND-
MENT) BILL—contd.

Mr. Speaker: The House will now take up further clause-by-clause consideration of the Bill further to amend the Land Acquisition Act, 1894 and to validate certain acquisitions under that Act.

Some Hon. Members rose—

Mr. Speaker: Before we start, I have to make one request.

The Minister of Food and Agriculture (Shri S. K. Patil): rose—

Mr. Speaker: Does the hon. Minister want to say something?

Shri S. K. Patil: Sir, before the debate starts I would like to make a statement so that, possibly, that would save the time of the House. If you allow me, Sir, I shall make that statement just now.

Mr. Speaker: He may go on.

Shri S. K. Patil: Mr. Speaker, Sir, yesterday, during the speeches, a concern was expressed, and very rightly so, as to whether good agricultural lands would be utilised for this purpose and, if so, that would be a loss to agricultural production and that is something which should not be done. Another point that was made is, that this Bill might be misused for any purpose and, possibly, unless unavoidable circumstances arise the application of such a Bill should not be there. So also, there was a third point that was made, that the rules that are made should be laid on the Table of the House.

There were many other points raised, but I am not taking them up now as I am not replying to the debate. What I am saying is this. So far as the first two or three points are concerned, the House will remember that I told, at the very outset, yesterday, that so far as the protection of good agricultural land is concerned, I am second to none. In fact, I want to go a little farther than even the hon. Members and say that such lands ought not to be taken unless the unavoidable circumstances could be conclusively proved. Therefore, in order to clinch the issue I would like to read this statement which I want to make.

In view of the depth of feelings expressed in the House on this Bill and keen regard for the agriculturists which has been shown by hon.

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[Shri S. K. Patil]

Members and which, I need hardly say, I myself sincerely share, I have very seriously and earnestly given thought to the extent to which, consistent with the aims and objectives of the Bill to which Government stands committed, I could go in further safeguarding the interests of our farmers. I also share the anxiety of the House that the Act should be administered in such manner as to cause the least inconvenience and hardship to them.

I have, therefore, decided that in framing the rules we shall ensure that compulsory acquisition is resorted to only where Government is satisfied about the absolute necessity of such a step and that the Government will not intervene unless it is satisfied that all reasonable means have been exhausted to make it worthwhile for the owner to part with his property by private negotiations and particularly that the price offered was just and fair in the circumstances of the case. We shall further ensure that useful and valuable agricultural land, the acquisition of which would prejudice production or good farming is excluded from acquisition unless unavoidable.

I also feel that the demand for laying on the Table of the House the rules that would be framed is reasonable, and have therefore decided to accept an amendment for the purpose. The Government have been accepting amendments of this type and introducing them in legislations. When I moved the Animal Welfare Board Bill, the House will remember, we introduced it. I am almost bodily taking it from there, or if it is in some amendment that has already been moved I would be pleased to accept it.

I hope, Sir, that the House will accept these suggestions in the spirit of respectful submission to the intense feelings expressed on the subject and will also accept my further as-

urance that during the framing of the rules I shall see that any of the legitimate protection that is possible will be extended to agriculturists. That would mean, when we take a land, questions as to how it is to be done, compensation, if any loss is to be suffered how it should be made good etc., would be left to the rules.

Then, another point, on which also there was considerable opinion, is whether in that one clause which has been hotly debated in this House we should use the words of article 19(5) or we should use the words of article 31. Of course, to my mind, a lay mind, they do not make much difference. But whatever it is, I took legal opinion on this and the legal opinion supports me. Even if I take the words from article 31 of our Constitution, it makes no difference and it might serve the purpose. Because hon. Members were very keen upon it, an amendment will be moved to the earlier amendment by which from the earlier amendment which reads:

"that such acquisition is needed for the construction of some building or work for a company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public; or"

the words "in the interests of the general public" will be removed and the words "for a public purpose" will be substituted.

Shri Narendra Singh Mahida (Anand): Sir, on a point of clarification. I am challenging the statement of the Minister. He says that they have not acquired any land which is cultivated. In this connection, may I refer to the oil refinery at Baroda?

Mr. Speaker: Now he is making a promise for the future; not saying that Government has not done it so far.

Shri S. M. Banerjee (Kanpur): I want only one clarification. The hon.

Minister has given an assurance for the future and we are happy about it. But I want to know what will happen to those lands which have been acquired either by the Central Government or the State Governments. Will Government look into this matter and see that either the land is not acquired or, if acquired, fair and adequate compensation is given?

Shri Tyagi (Dehra Dun): The law will take care of this.

Mr. Speaker: I want to state something. In the beginning, we had allotted four hours for general discussion. But I had to appreciate the feeling and sentiments that were expressed from all sides of the House. So, yesterday also, though it was clause by clause consideration, I gave that latitude so that practically it was a general discussion what we had, instead of consideration of clause 2. Hon. Members did not confine themselves only to clause 2. We have spent almost five hours yesterday also on this discussion. There are a large number of hon. Members who want to speak. I have already announced that the discussion will go on up to 5 O'Clock, when I will guillotine it, and the House has agreed to that. Now we have to allot time to the different clauses so that the whole of the time may not be spent on one clause and I put the other clauses to vote without discussion. So, that must be borne in mind.

Secondly, hon. Members have had ample opportunity to express their views and most of the arguments have already been put forward. So, what they are going to state would be mere repetition. They have only to join others in expressing their support or opposition to the Bill. Therefore, five or seven minutes would suffice for each Member so that I can accommodate many members who are anxious to participate.

Shri Hari Vishnu Kamath (Hoshangabad): In the statement which he has made, if I heard him aright, the Minister stated that he was moving an amendment to the

amendment which was moved by Dr. Ram Subhag Singh yesterday; I think it is amendment No. 42.

Shri S. K. Patil: I would not move it if anybody has given notice of a similar amendment.

Shri Hari Vishnu Kamath: I would request you....

Mr. Speaker: Before it is moved?

Shri Hari Vishnu Kamath: He has given notice of his intention to move an amendment. He cannot get priority over us because we have given notice of an amendment earlier.

Shri S. M. Banerjee Sir, the hon. Minister has not answered my point.

Mr. Speaker: For what has taken place already, there is no answer. The law will take its own course.

Shri S. M. Banerjee: I made a specific point. The entire dispute arose from a particular land which was acquired....

Mr. Speaker: The hon. Minister has made only a statement. We shall have to see what final shape the law takes. If the hon. Member wants to propose any amendments, he might do so.

Shri S. M. Banerjee: I do not want to move any amendment. I want your protection. Suppose the land which has been acquired is from a poor man for which reasonable compensation has not been given. Will the Central Government satisfy itself in all cases before a land is acquired?

Mr. Speaker: Is there any answer to the question?

Shri S. K. Patil: If the point raised by the hon. Member is covered by the law or the rules as they ultimately emerge, it can be done; if it is not covered, it cannot be done. We do not take any individual case and make laws for that.

Dr. P. S. Deshmukh (Amravati): Mr. Speaker, Sir, I am happy that as a result of the clarificatory statement made by the hon. Minister the temper

[Dr. P. S. Deshmukh]

of the House has undergone a very desirable change, and there is now every possibility that most of the Members in the House would be satisfied both with the assurance as well as with the modification of the amendment that he had originally proposed. I would not, therefore, take the time of the House to discuss the fundamentals of the Bill or the resulting situation.

There is no doubt that this was a very opportune time for the House to debate this subject because hereafter there are going to be many large-scale acquisitions. It is absolutely inevitable. India is growing. The cities and towns are growing. Industries are spreading to some of the villages also. Therefore it is inevitable, if we are to progress and develop our country, that large-scale acquisitions would be necessary.

Now, the country and this House was naturally perturbed as to how this would be done and various points have been raised some of which I do not agree with. One point was that in every case market price should be given to the man who owns the land. I am against this because among those who own these lands there are many speculators who have already purchased large pieces of lands and to give them the market price is to reward them for having done something which brings exorbitant profits.

In acquisition proceedings, with which I am somewhat familiar, every individual bit of land is considered separately by the officers dealing with the case. The value of it is considered; the purpose for which it is utilised is considered; the fertility is taken into account and so on. The hon. Minister has also given us an assurance that agricultural lands will be requisitioned or acquired only as the last resort. I would, however, respectfully lay before the House and before him that it is going to be extraordinarily difficult for him to give effect to this assurance because most of the towns and other places are

surrounded by agricultural lands and it is going to be absolutely inevitable to acquire agricultural lands, even the best. Of course, I welcome the assurance and I hope the State Governments will be directed that agricultural lands shall not be acquired for companies and except where it is necessary to do that. So long as the hon. Minister here or the Ministers of State Governments do not become kings or emperors, as mentioned by an hon. friend opposite the other day, namely, that you can just leave the hut and have the palace built around it—that is not possible for either the hon. Minister in the Central Government or the Ministers in the State Governments to do. It is going to be inevitable to acquire large areas of even good land.

I want therefore, to lay before him and the House two specific proposals. One is that wherever any farmer's land is acquired for the industrial purposes it shall be the duty of the Government and the administration to see that he shall be rehabilitated as a farmer somewhere else according to his convenience and the availability of land with the Government. Secondly, there are another type of people who occupy the land. These are the poor labourers, the poor people who work in the cities and so on. They have got small hamlets. It is absolutely necessary to rehabilitate these people because distance means a lot to them. For the time being a man may be about a mile and a half or two miles from the centre of the city. He gets a particular wage. If his hamlet is taken away and the land is acquired, he would not know where he stands. In all such cases it shall be undertaken as a duty and responsibility of the Government to see that this man is protected and helped as best as circumstances may permit. Only if these two responsibilities are taken over by Government and honoured, respected and given effect to, would the House really be satisfied that as a result of the points that they raised some good has come to the farming community of India which stands to lose its land as well as to

labourers and other people who are living in the neighbourhood of towns and cities.

Apart from that, I would like to say that it does not matter what particular words in the amendment are used. Although there was so much heat—some hon. Members went to the extent of condemning the Act which, I think, was going a bit too far and not necessary—because of the ruling that we had from the Supreme Court there was no alternative before the Government but to come to the House with a view to obviate the difficulties that might arise. That interpretation of the Supreme Court we have to respect. I do not think, therefore, anybody can blame the Government for coming to the House with an amendment of this sort. What the amendment should be, is another question. I am glad that most of what my hon. friend Shri Tyagi urged with great vehemence, force and logic yesterday is going to be accepted and I feel happy about it. I hope the assurance will be translated into action the way that I have suggested. If that is done, I am sure everybody would bless not only the Minister, but also the Government.

Shri Khadilkar (Khed): Sir, I welcome the statement made by the hon. Minister just now. It goes a long way to meet the wishes of the House as expressed yesterday and on a former occasion. But, I must say one thing, even incurring a little displeasure. The whole debate has been carried on in a pseudo-radical atmosphere. Unfortunately, those who claim to be leftists have successfully driven a wedge and even the Members of the Swatantra Party were swept off their feet. What is the position? What are we doing? The Supreme Court decision attracted our attention and a certain Bill has been brought before the House to lay down the policy regarding land acquisition in the present stage of our development. When we are laying down that policy, the original or the parent Act is before us as well as the amendment.

I have gone very carefully through the parent Act as it has been modified from time to time as well as the present Bill that is before the House. My feeling is, if I may so, unfortunately, in our country, the judiciary is not always keeping pace with the present social dynamism through which we are passing. So, when I read the judgment, I felt—whether it was right or wrong, that is a different matter—whether the judiciary in this country, on that question of acquisition of land, should adopt an attitude in which acquisition would be made difficult for purposes of development.

When I said pseudo-radical atmosphere, I mean one thing. My hon. friend Shrimati Renu Chakravarty talked about Adivasis, poor peasants. I know it is very easy to idealise and idolise the poverty of the peasantry. When it comes to the question of acquisition of land from the poorer sections of the peasantry, what the position will be, must be taken into consideration from time to time. I will give you just one instance. In my State in 1923, there was the question of construction of the barrage known as Tata barrage at Mulshi. They were days of Non-co-operation. Satyagraha was offered and so many people went to jail, without understanding the implications of the satyagraha. Now, land is acquired. Many peasants are more or less washed off because of the big dams that we are constructing. But, at that stage, the coming era of industrial development and the necessity of power was completely ignored. Many people came forward and they were called patriots. I feel, the backwardness of that attitude is comparable with the backwardness of the attitude that is exhibited from the left side on this.

Shri S. M. Banerjee: May I submit one thing? As long as he was here, he was also pleading the same thing.

Mr. Speaker: Order, order. He does not yield. The hon. Member should sit down.

Shri S. M. Bagerjee: Later on, he was acquired by the Treasury Benches.

Mr. Speaker: Order, order.

Shri Khadilkar: Now, I ask one question. Take, for instance, the site of Rourkela. I had been there. It has been situated more or less in an Adivasi area. What is the feeling there? They imagine they wanted to remain in an almost idiotic village, in a rustic atmosphere which we have all the time idealised in this country. They never wanted it and they never want it even today. They feel that a big industry is coming up. Of course, some people may be displaced, but they feel, on the whole, that they would get better opportunities of service. And ultimately, man coming near the machine will develop his consciousness. What was done in the Soviet Union, for instance? If the attitude propagated by hon. Members on the left side had been adopted during the Stalin regime—of course, I do not subscribe to his ruthlessness—certainly, Russia would not have made the advance that she has made today.

Therefore, my first submission is that we should not be carried away or be swept off our feet by this pseudo-radical leftist attitude adopted by some of my hon. friends opposite.

I want to state very clearly what the priority is in the stage of our development. The priority is industry.

Shri Narendra Singh Mahida: Not food production?

Shri Khadilkar: That is because there is not enough industry, and there is not enough employment. That is why we are asking the peasantry for whatever small pittance they are getting, to serve on the fields. So, whether there are peasants serving half-starved on the fields, it is not because of their own choice. Give

them an opportunity, and they would like to come to the cities. That has been our experience. Therefore, we should not be carried away by the pseudo-radical leftist argument that was advanced from the opposite side.

Dr. M. S. Aney (Nagpur): Some people from your side also have done it.

Shri Khadilkar: Even from this side, some of our people have done that. I am not excluding anybody, whether he be from this side or that side. I said that they were swept off their feet; they lost their reason and their rational approach; that had been abandoned altogether. That is my argument. I am not singling out anybody.....

Shri Daji (Indore): When the hon. Member said 'swept off their feet', I did not object. But then he continued and said that they had lost their rational approach and they had lost their reason. Is it proper to say like that?

Mr. Speaker: There is nothing very objectionable. In a democracy we have to be thick-skinned.

Shri Daji: He said that some Members had lost their rational thinking.

Mr. Speaker: Order, order. We must be prepared to take what we give to others. This is happening every day and every time.

Shri Khadilkar: Therefore, I welcome this measure so far as it goes. I would appeal to the hon. Minister...

Mr. Speaker: Now, he must come to clause 2.

Shri Khadilkar: I would appeal to the hon. Minister that he should come forward with a comprehensive measure regarding the policy of land acquisition for the purposes of industrial development. This kind of patchwork will not do. It does not go long enough, because we shall

experience only more difficulties in that way.

Before I come to clause 2, I would like to refer briefly to the Statement of Objects and Reasons. It has been stated and rightly too that:

"It is feared that the decision may render planned development of industries extremely difficult and also that there will be the danger that the acquisition of land made for companies in the past might be questioned in courts of law and claims may be made by previous owners whose lands have been acquired for restoration of land or payment of damages."

That is a real danger. I know the state of affairs in my own State. There are possibilities of such litigation cropping up, if the position as defined by the Supreme Court is not corrected by the present legislation.

So far as clause 2 is concerned, my hon. friend has made some statement just now, which I welcome so far as it goes. But I have to make one or two suggestions. The first suggestion is that when we are legislating here, the people outside should not feel that we have not applied our integrated mind. I feel that only an *ad hoc* mind is being applied here. The hon. Minister may excuse me when I say this; when I went through the amendments first moved, then moved in an amended form, and again for a third time in a still more amended form, I felt that an integrated and coherent approach to the Bill which was called for was completely lacking, and that only an *ad hoc* approach was being made and some concession was being given because strong feelings were there. That kind of approach is wrong. When you are laying down a long-term policy, it is wrong to have that kind of approach.

Mr. Speaker: Rather, that shows that the Minister has not got a rigid mind. He is responsive to the criti-

cisms and suggestions that have been made.

Shri Khadilkar: Excuse me, Sir. I know the English language. Rigidity is quite different from having an integrated mind. When I said 'integrated approach or integrated mind' I did not mean a rigid mind. I did not want any rigid mind to be there. I only said that an integrated mind was not being applied to the problem.

Shri Tyagi: Does my hon. friend question the integrity of the hon. Minister?

Shri Khadilkar: No.

Now coming to the amendment moved by Dr. Ram Subhag Singh, I find that an important exception has been made without any justification. I had a discussion also with the Law Minister as to why small private companies had been excluded. I have gone through the whole scheme but I could not discover any satisfactory reason or any logical ground for the same. Even now, when we legislate, we must remember that outside in the country there are eminent lawyers. Every word that we say, every Act that we pass is scrutinised by them also in their own way, and if some measure is passed which is repugnant to commonsense and is discriminatory in its nature, favouring a big industrialist as against a small one, it will go a long way in damaging the reputation of the high sovereign body that we have here.

Therefore, I would make an appeal to the Minister. So far as the private company is concerned, it is inconsistent with the scheme of the Act. It has no justification whatsoever. I have discussed this point with the Law Minister. He could not also convince me because he himself said that he stood unconvinced about it. Let me therefore appeal to him to drop it.

Regarding rules, Shri Kamath's amendment is there. It should be implemented.

[Shri Khadilkar]

With those amendments I think the Bill will be better.

Shri Sonavane (Pandharpur): On a point of order. Just now Shri Khadilkar quoted what the Law Minister is stated to have said to him. I want to ask whether it is in order for a Member to quote another Member who is not here, and whether that statement should be taken as correct.

Mr. Speaker: He can only be quoted when he is not here!

Shri Khadilkar: Unfortunately, he is not here. But I am prepared to stand by what I said.

Mr. Speaker: My difficulty is that there are so many hon. Members to raise points of order. I get nervous whenever an hon. Member wishes to raise a point of order. But there is relief often because subsequently I find there is no point of order.

Shri Hari Vishnu Kamath: You are the master of law and order here.

Shri Daji rose—

Mr. Speaker: Why should Shri Daji rise to speak now?

Shri Daji: There are two changes made.

Mr. Speaker: He will have five minutes.

Shri Daji: A little more. I should not be penalised for waiting since yesterday.

Mr. Speaker: I hope every Member will take only five minutes.

Shri Daji: I shall try.

At the very outset, I would say that I would consider the Bill that has now emerged as a little bit more satisfactory than what it was in its original form. When the hon. Minister took some time for consultation,

I think that the apprehensions voiced in the House in regard to permitting a private owner to acquire land for his company were misconstrued. The sense of the House was not against a private company but a privately-owned company. There is a distinction between a private company and a privately-owned company. A private company technically and under the Companies Act is a company with less than 50 shareholders who do not publicise their shares for public subscription. Therefore, the only exception made is in regard to a private company which is neither here nor there and is likely to operate even against small industry, as was pointed out by Shri Tyagi.

Secondly, the most important objection, on which there was a rare unanimity in the House, was to the use of the power of the sovereign State to acquire land and hand it over to a private owner to start an industry. On this point, though there was consultation, it was consultation within the meaning of the Government of India Act, 1935, about which the late Prof. K. T. Shah was pleased to say, 'You can consult, but you may insult'. That means, opinions were taken, but they need not necessarily be accepted. Anyhow, on this point there was a rare unanimity in the House.

The new amendment proposed, that is, 'public purpose' is certainly a little more definite than 'public interest'. I concede that. The words in articles 19 and 31 of the Constitution are purposely different. Article 19 is meant not for acquiring property but for restricting the right of using property. Article 31 is an article for deprivation of property. There is a difference between restricting the right of use of property and deprivation of property. When article 31 was enacted, we did not use the words 'general public interest' which are almost correlated to what in American jurisprudence is called 'police powers' but we used the more precise words 'public purpose'.

Now we are importing those words. That will certainly help to understand it a little bit.

But the fundamental objection still stands. For a public purpose you acquire, but having acquired it, you hand it over to a private owned company, whether it is a public company or a private company under the Companies Act. As Shri Tyagi pointed out, you are violating the Constitution. On the one hand you introduce public purpose; on the other hand, you limit the very concept of public purpose by saying that it will be fulfilled by giving it to a private-owned company. You may enact it in the Land Acquisition Act, but in article 31 of the Constitution public purpose stands unadulterated, in the sense, that article 31 does not allow you to acquire land for a private-owned company. Therefore, without the amendment of the Constitution how far you can do it is a matter of legal doubt.

I will quote only two points about this before the House for serious consideration. We are not against mixed economy, we are not attacking the capitalists. We are not behaving like pseudo-radicals. Here I have got a booklet by the famous Forum of Free Enterprise. They say private enterprise is not a necessary evil, but an affirmative good. If this is a good doctrine that it is an affirmative good, let them also practise free enterprise when they want to negotiate for land. If the State were to come forward and acquire their factories, they will raise a hue and cry about the sanctity of private property, but for their own purpose of private enterprise, they will go to the State and ask it to acquire land and hand it over to them. You cannot have it both ways. You cannot blow hot and cold. On the one hand you want private enterprise; on the other hand you do not want the same freedom to be given to the private citizen. This is a contradiction in terms.

Yesterday it was pointed out that when you use the expression "public purpose", you are using a very precisely defined expression.

The Supreme Court has said:

"There is no power in the sovereign to acquire private property, nor give it to a private person."

This is the interpretation of "public purpose" by the Supreme Court, because "public purpose" emanates from the American doctrine of eminent domain, and the very essence of eminent domain is that you can acquire private property for eminent purposes, that is public purposes, which means that you cannot acquire it and hand it over to a private party.

In conclusion, I can do no better than to draw your attention, and through you that of the House, to the famous dictum given in *Willoughby's Constitutional Law*:

"As between individuals, no necessity however great, no exigency however imminent, no improvement however valuable, no refusal however unneighbourly, no obstinacy however unreasonable, no offers of compensation however extravagant....

—this is the hon. Minister—

"...can compel or require any man to part with an inch of his estate."

Between individuals this is the dictum about public purpose, and now you are adopting those words "public purpose" and diluting them by saying that handing it over to a private person is public purpose. This is a contradiction in terms. I say the essence of our objection is not met.

Lastly, a word about co-operative societies. On the whole we are not opposed to including co-operative societies for *bona fide* purposes, but there are co-operative societies and co-operative societies. In the scheme of

[Shri Daji]

things, there are a number of big co-operative societies. I can give you an instance. I know of a co-operative society in Delhi called the Auto-India Co-operative Supplies Society Limited. Its members are Naval H. Tata, the Maharaja of Mysore, the hon. Minister of Food and the hon. Minister of Transport and Communications, and this has been today given the transport permit between Delhi and Jaipur. Even when you bring in co-operative societies, you should be very careful that in the name of co-operative societies, it is not the big business which gets the benefit of acquiring the land, it is only the big owners calling themselves co-operative societies who will benefit by this.

Therefore, I submit that though there is an improvement, it is not sufficient. We are, actually speaking, enacting a law by which you will take away by one hand what you are giving by the other.

Therefore, we stand by our amendments. I think either these amendments or the amendments of Shri Tyagi or Shrimati Renuka Ray must be accepted.

Mr. Speaker: The hon. Member must conclude now.

Shri Iqbal Singh.

Shri Radhelal Vyas (Ujjain): Sir, before we proceed further, may we know exactly what the amendments state?

Mr. Speaker: I have asked the office to distribute them.

Shri Tyagi: Also that amendment which was referred to by the hon. Minister.

श्री इकबालसिंह (फ़ीरोज़पुर): अध्यक्ष महोदय, अभी जो कुछ आनरेबल मिनिस्टर साहब ने कहा है कि उससे पोजीशन बहुत कुछ ठीक हो जाती है, लेकिन अगर यह कहा जाय कि लैण्ड ऐक्विजिशन ऐक्ट में जो भी कमियाँ थीं वे उससे बिल्कुल दूर हो जायेंगी, तो यह ठीक नहीं होगा। वह तो तभी दूर होंगी जब दुवारा सुधारों के साथ यह ऐक्ट बनेगा।

मैं जो कुछ कहने जा रहा हूँ वह एक खास किस्म की बात है। इस हाउस में जो बहुत से मेम्बरान हैं उनको हमारे यहां जो सर्क्यूटान्सेज हैं, जो हालात हैं उनका पूरा पता नहीं है। इस बिल की तहत जो जमीन आप लेंगे वह किसी भी काम के लिये ली जा सकती है और कोई भी जमीन ली जा सकती है। हर एक चीज को इसमें इन्क्लूड कर लिया गया है। सूकिन यहां पर बहुत सी रिफ्यूजी लैण्ड्स हैं जिन पर पाकिस्तान से आये हुए आदमी बँठे हैं। उन्हें १९५५-५६ तक उस जमीन पर हक नहीं मिला। उसके बाद जब उन्हें हक मिला भी तो किसी किसी गांव में उनकी जमीनों की वैल्यू ठीक नहीं लगाई गई, उनकी जमीनें ट्रांसफर नहीं हुई। इस तरह के कंसेज़, एक नहीं, हजारों हैं। अक्सर ऐसा होता है कि जब आप गवर्नमेंट की किसी कम्पनी के लिये या किसी कैनल के लिये जमीन लेते हैं और उसमें दो गांवों की जमीनें शामिल होती हैं तो ऐक्वायर करने के बाद जब आप जमीनों की कीमत निकालते हैं तो एक गांव में तो १,५०० रु० फी एकड़ कीमत निकालते हैं लेकिन दूसरे गांव में जो कि पहली जमीन के साथ की जमीन है, जिस पर रिफ्यूजी भाइयों का कब्जा है जो कि पाकिस्तान से आये हैं और जिनको इसलिये उस पर पहले हक नहीं मिला कि गवर्नमेंट ने सन् १९५४-५५ में ऐक्ट पास किया, उसकी कीमत ५०० रु० फी एकड़ लगाने हैं। इसकी वजह यह है कि उसका वैल्युएशन पांच साल की वैल्यू के औसत वैल्यू पर किया जाता है और वह ५०० रु० एकड़ ही आता है। माननीय मन्त्री महोदय ने विश्वास दिलाया है कि वे रूल्स बनायेंगे। मैं चाहता हूँ कि रूल्स बनाते वक़्त वे इस बात का ध्यान रखें कि जो जमीन रिफ्यूजी भाइयों की है, जो उन भाइयों की है जो कि डिस्प्लेस्ड पर्सन हैं और जिनकी जमीन की वैल्यू उन लोगों की जमीन की वैल्यू के बराबर नहीं आ सकती जो कि यहां के रहने वाले हैं और जिन को हक था कि वे अपनी जमीनों को बेचें या

कुछ भी करें उनके साथ न्याय किया जाय ? रिफ्यूजी भाइयों की जमीन की कीमत इसलिये ज्यादा नहीं आ सकती कि बैलुएशन होते समय इस बात का ख्याल रखा जाता है कि जिस वक्त रजिस्ट्रेशन हुआ है उस वक्त कीमत कितनी थी और आजकल मार्केट प्राइस कितनी है । वह दोनों बराबर नहीं आ सकतीं । इस सिलसिले में मेरा इतना ही कहना है कि जब आप रुल्स बनाये तो कम से कम इस डंग से चीजों को प्रोवाइड करें कि इस तरह के भाइयों की जो जमीनें हैं उनकी कीमत ठीक आ जाय । उनकी कीमतें दूसरों के बराबर आ जायें ।

मेरा अपना तर्जुबा है कि जब राजस्थान कानाल के लिये जमीन ऐक्वायर की गई तब यह कह कर ऐक्वायर की गई कि पब्लिक परपज के लिये आप ऐक्वायर कर रहे हैं, वहां पर जो लोकल आदमी का गांव था उसकी कीमत २,००० रु० फी एकड़ हुई और जो पाकिस्तान से आये हुए भाई का गांव था उसकी कीमत ५०० रु० की एकड़ हुई । उन्होंने बहुत कुछ कहा लेकिन उसके बाद भी उनकी जमीनों की कीमतें नहीं बढ़ सकीं । वहां पर कहा जाता है उनसे कि रुल्स में कुछ नहीं है, ऐक्ट में कुछ नहीं है । यह प्रोवाइड नहीं किया गया है कि दूसरे गांव में जाकर लोग वहां की जमीनों की मार्केट वैल्यू को असेस कर सकें । इतना प्रोटेस्ट करने के बावजूद एक आदमी की जमीन तो ५०० रु० में ली गई और दूसरे आदमी की जमीन, जो बिल्कुल पहली जमीन के साथ लगी हुई है, १५०० रु० में या २००० रु० में ली गई । वजह यही थी कि दूसरे गांव की रजिस्ट्रियां हुई थीं और पहले गांव की रजिस्ट्रियां नहीं हुई थीं जिसकी वजह से वहां के लोगों का गांव पर अधिकार नहीं था ।

एक बात और है । पंजाब में जमीनों का परमनेन्ट और क्वासी परमनेन्ट अलाटमेंट होता है । इस सिलसिले में इस ऐक्ट में कोई चीज नहीं रखी गई है । एक आदमी जो पन्द्रह सालों तक जमीन पर बैठा रहा उसको वह अलाट

होने वाली है, उसको उसका हक है, लेकिन गवर्नमेंट का कोई आदमी आकर कहता है कि यह जमीन उसे चाहिये फलों स्कूल के लिये या फलों काम के लिये, और जिसकी जमीन है उसे उस को देना होगा, उसको कोई हक नहीं है कि वह न दे । नतीजा यह होता है कि वह वहां से चला जाता है । अगर गवर्नमेंट पब्लिक परपज के लिये जमीन न मांगती तो जमीन उसकी थी । यह भी मुमकिन हो सकता है कि उसने वहां पर कोई ट्यूबवेल बगैरह लगवाया हो, यह भी मुमकिन है कि उसने वहां पर कोई इम्प्रूवमेंट किया हो क्यों कि वहां वह पन्द्रह साल से बैठा है और उसे यह पता है कि जमीन उस की है और अर्काडिंग टु रिहैबिलिटेशन ऐक्ट जमीन उसे मिलेगी । उस का राइट पहला है, लेकिन चूंकि वह राइट ऐक्विजिशन ऐक्ट की जद में आ गया है, इस लिये उस का राइट नहीं रह गया । इस बारे में गवर्नमेंट को सोचना चाहिये हालांकि जमीन बहुत अच्छी है लेकिन चूंकि उस जमीन पर उस आदमी का राइट नहीं रह गया, इसलिये न तो उस को कम्पेन्सेशन मिलता है और न जमीन मिलती है । उसे उठा कर फेंक दिया जाता है और कहा जाता है कि तुम तो रिहैबिलिटेशन डिपार्टमेंट के पास जाओ । अगर और जगह पर जमीन होगी तो तुम को मिल जायेगी वरना नहीं मिलेगी । यह जमीन तो वापस नहीं मिलेगी । उस जमीन पर उस का जो मामूली सा हक भी था, जो कि उस को मिलना चाहिये था, गवर्नमेंट के उस को ऐक्विजिशन करने के बाद वह खत्म हो गया ।

तीसरी बात यह है कि इस ऐक्ट के रुल्स के मातहत अगर कोई आदमी जमीन को ऐक्वायर करने के बाद जो कम्पेन्सेशन दिया जाता है उस के लिये "ग्रन्डर प्रोटेस्ट" न लिखे तो उस का कम्पेन्सेशन इन्फ्रीज नहीं हो सकता । यह बात शहरों के लिये एक बार ठीक भी हो सकती है जहां पर कि लोग पढ़े लिखे हैं लेकिन जो जमीनें प्रोजेक्ट्स बगैरह के लिये लां

[श्री इकबाल सिंह]

जाती हैं उन पर यह लागू नहीं होना चाहिये। वहां पर एक दो नहीं, हजारों लोगों का सवाल है, जिन को यह भी पता नहीं है कि कम्पेन्सेशन लेते वक्त "ग्रन्डर प्रोटेस्ट" लिखना है। वे नहीं जानते कि पब्लिक परपज क्या होता और क्या नहीं होता, न उन को यही मालूम है कि उन की जमीन का वैल्युएशन कभी भी बढ़ सकता है। इस ऐक्ट के रूल्स के मातहत अगर वे लोग नहीं लिखेंगे कि जो कम्पेन्सेशन उन्होंने लिया है वह "ग्रन्डर प्रोटेस्ट" लिया है, उसे वह खुशी से नहीं लेते हैं, तब तक उस की वैल्यु नहीं बढ़ सकती। मैं अपने तजुबों से हकता हूं कि राजस्थान कैनाल के लिये २ लाख एकड़ जमीन ली गई। एक आदमी को कम्पेन्सेशन में ५०० रु० फी एकड़ इसलिये बाद में और मिल गया कि उस ने कम्पेन्सेशन लेते वक्त लिख दिया था कि वह "ग्रन्डर प्रोटेस्ट" ले रहा है। एक आदमी ने उस वक्त "ग्रन्डर प्रोटेस्ट" नहीं लिखा था। हालांकि दोनों की जमीन एक साथ ही थी, एक ही तरह की जमीन थी, एक तरह के दोनों में खेत थे लेकिन एक आदमी को ५०० रु० फी एकड़ इसलिये बाद में मिल गये कि किसी ने उस से कह दिया था कि जब कम्पेन्सेशन दिया जाय तो तुम लिख देना कि मैं कम्पेन्सेशन खुशी से नहीं लेता। दूसरे आदमी को इस लिये नहीं दिया गया कि उस ने नहीं लिखा। इस लिये मैं चाहता हूं कि जो यह लैंड ऐक्विजिशन का असला है उस में आप चाहे किसी ढंग पर जमीन को लीजिये लेकिन जब कम्पेन्सेशन देने का सवाल आये तो जस्टिफाइड तौर पर सब को बराबर का कम्पेन्सेशन दिया जाय।

यह जो तीन प्वाइन्स मेरे हैं, खास तौर से उन भाइयों को जिन को जमीन पर हक नहीं मिला था, उन्हें जमीन की कीमत पूरी मिलनी चाहिये, उन पर विचार किया जाना चाहिये।

Shri Vidya Charan Shukla (Mahasamund): The whole controversy of this Bill veers round one point and

that is what is public purpose and what is in public interest. There could not be a more competent authority than the Supreme Court of India to define what is a public purpose and what is in public interest.

My main objection to this amending Bill is that Government is trying to get round the Supreme Court's ruling on this point. This does not appeal to the conscience of any patriotic Indian.

I cannot see any reason or logic in the argument that in the absence of this power the industrial development of the country would suffer. The major industries of the country or the big industries which are supposed to be benefited by this Bill are capable enough to acquire the land they want. They are not such companies which lack resources or which lack any means of acquiring the land which is best suited for their purpose.

This argument, that this Bill is to facilitate the growth of industry, is not purposeful. Neither can it be easily understood by us. An hon. Member pointed out that there is a large section of opinion in this country which favours free play of economic forces in determining the growth of industries or the development of industries and that very section pleads for this kind of compulsory acquisition in the name of public purpose and this kind of contradictory argument cannot be properly understood; neither does it appeal to our reasoning.

One member of my party **shri Khadi-lkar** used very high-sounding words in supporting this Bill. There is no question of theorising in the matter. It is only reasoning; what you feel and what is reasonable and what is in public interests. There is no question of theory involved in this matter. It is so clear and apparent that nobody can be got by such words. It is no question of party or theories involved. It is a matter of what is in public interest and if anybody reads the

judgment of the Supreme Court, he would be convinced that what they have said is eminently correct and it is a thing which cannot be disputed. I would request the Government to accept co-operative societies as projects for which land could be acquired along with the industries in the public sector. Public sector industries and co-operative societies could be given the right of the acquired land in the Bill and I hope that will serve the public purpose. One Member objected to co-operative societies. If there are certain co-operative societies which are bogus or which are not working properly, it does not mean that the whole body of cooperative societies all over the country should be debarred from the benefit of this kind. I request the Government to accept the amendments which restrict the purview of this Bill to the public sector industries and co-operative societies; they could not extend the provisions of this Bill for the benefit of public industries which are under private control.

13 hrs.

Shri V. B. Gandhi (Bombay Central South): Mr. Speaker, Sir, these amendments proposed by Dr. Ram Subhag Singh are such as generally deserve the support of this House.

Mr. Speaker: I observe some hon. Members move about in the House as if nothing is happening. They are not even conscious that we are having a debate or there is something very serious that is happening. I have drawn the attention of the hon. Members to this rule so many times that no Member should pass between the Member speaking and the Chair but they overlook it.

Shri V. B. Gandhi: There is, however, one proposal of Dr. Ram Subhag Singh to which I would like to take exception. That proposal is the one in which he suggests that a provision be inserted in this Bill which says that notwithstanding anything contained in this Act no land shall be acquired under this Part for a private company which is not a Government company. We really do not understand why pri-

vate companies are to be excluded from the operation of this Act. What is the rationale behind this proposal? We would have liked some light to be thrown on this point either by the Minister or by the Deputy Minister. We really do not see why there should be any difference between two classes of companies, private companies and the public companies. Is it the notion behind this proposal that public limited companies have some kind of public interest in the sense that their shareholding is more widely distributed or is it also the notion that private companies are companies with large funds owned by big business people and therefore they should be kept out from the benefits that arise under this Act? What are the facts? Actually, private limited companies are companies which we consider as having moderate means. In 1959 there were about 27,000 registered companies in India out of which about 7000 were public limited companies and about 19,000 were private limited companies. The average share capital of the public limited companies was in the neighbourhood of Rs. 11 lakhs whereas the average of a private limited company was nearly one third of that, just about Rs. 4 lakhs or so. So far as the public interest idea is concerned, we know that after all it is more a fiction than a reality we all know how public limited companies are run. The famous report of Company Law Enquiry Committee has placed all the facts before the world. We, therefore, do not clearly understand the reason that promoted the Government to bring forward this proposal.

I would like to conclude in two minutes, Sir. The chief suggestion that I would like to make is that there is going to be nothing much of logic in this distinction that is sought to be made between the two classes of companies—private company and the public limited company. We had already received representations from Bombay from private limited companies which are going to be affected by these provisions. As I have said the vast majority of them are of moderate means. I will give an example of the

[Shri V. B. Gandhi]

situation in Bombay. The municipality has provided lands for industrial development—a zone for light industry, a zone for medium and a zone for heavy industries. The light industries these are the ones which are started usually with moderate resources—take a small plot. These plots are usually given by the municipality and after the plots are acquired, they find there is no access. When the question of acquiring land for access to their plot comes, the question of land price comes in, and these people find themselves in a position where they cannot acquire the land on any reasonable terms. Therefore, for all these considerations, I think that this matter about retaining this provision of the Bills should be reconsidered.

श्री विभूति मिश्र (मोतिहारी) : अध्यक्ष महोदय, सरकार की तरफ से भूमि अधिग्रहण संशोधन विधेयक में जो सुधार किया गया है और जिन को कि घोषणा अभी मंत्री महोदय ने की है वे स्वागत योग्य हैं और मैं उन का समर्थन करता हूँ। लेकिन मेरा तो कहना है कि क्लार्ज के शब्दावलि में सुधार के बाद सुधार किये जाने से ही काम चलने वाला नहीं है और उस से कोई विशेष फर्क नहीं पड़ने वाला है। फर्क तो इस बात पर निर्भर करेगा कि इस विधेयक पर अमल कैसे होता है ?

प्राइवेट सैक्टर और पब्लिक सैक्टर द्वारा जो जमीनें ली जाती हैं तो उस के बारे में लोगों को शक रहता है। क्योंकि प्राइवेट सैक्टर के बहुत से आदमियों की नीयत शुद्ध नहीं होती है। जब किसी पूँजीपति या उद्योग-पति को कोई कारखाना लगाना होता है तो उसकी इच्छा ज्यादातर आसपास के गरीब आदमियों की जमीनें लेने की होती है। वह जानता है कि गरीब आदमी लड़गा नहीं और उस को जो कीमत दी जायगी वह ले लेगा जो सरकारी अफसरान हैं वह भी बड़े आदमियों

की जमीन की तरफ नजर नहीं डालते हैं और वे भी गरीब आदमियों की जमीनों की तरफ नजर लगाने हैं। इसलिए मैं मंत्री महोदय से कहूँगा कि आप इस में संशोधन भले ही कितने कर दें लेकिन इस कानून का इम्प्ली-मेंटेशन तो जाकर स्टेट्स में होगा। स्टेट में जो लैंड ऐक्वीजिशन आफिसर होता है उस की नीयत पर और उस की कार्यवाही पर सारी बातें निर्भर करती हैं।

सन् १९३५ का गवर्नमेंट आफ इंडिया ऐक्ट जब आया तो सारे देश के जितने बड़े बड़े वकील थे उन्होंने अपनी अपनी राय उस पर दी। गांधी जी ने वकालत तो पढ़ी थी लेकिन थोड़ा दो थी उन्होंने अंग्रेजों से सिर्फ एक लफ्ज कहा कि तुम हमारे मिनिस्टर्स को डिसमिस कर दो। जितने भी बड़े बड़े वकील थे वे गांधी जी के उस बयान पर दंग रह गये। गांधी जी ने उस किताब को पढ़ा नहीं था लेकिन उन्होंने कितनी सही बात कही थी। जरूरत इस बात की है कि कानून पर कैसे अमल होता है और कैसे अमल होना चाहिए इस पर सरकार को ध्यान देना चाहिए। कानून पर ठीक से अमल हो इसके लिए सरकार को रून्स बनाने चाहिए और जरूरी हिदायतें देनी चाहिए।

मैं अपने अनुभव से बतलाना चाहता हूँ कि जो ब्लॉक की जमीनें ली जाती हैं, आजकल सरकार सड़कें बनाने के लिए जो जमीनें लेती है तो वह गरीबों की ही जमीनें लेती है। इसके विपरीत बड़े बड़े आदमी जिनके कि पास ५ एकड़, १८ एकड़ और २० एकड़ जमीन होती है उनको सरकार नहीं लेता है। गरीब आदमियों की जो कि १०-५ कट्टा जमीन रखते हैं उनकी ही जमीन ले लेती है क्योंकि वह जानती है कि गरीब की जमीन ले लो वह मुकदमा तो लड़गा नहीं। जमीन का मुआविजा भी उन गरीबों को पूरा और उचित नहीं दिया

बाता है। जो कम से कम रजिस्टर्ड झीड वाली जमीन होती है उसके आधार पर जमीन की कीमत लगा लेते हैं। इसलिए किसानों में इसकी वजह से घबड़ाहट होना स्वाभाविक है। लेकिन मैं समझता हूँ कि हमारे डा० राम सुभग सिंह जोकि गांव के रहने वाले हैं और पाटिल साहब जोकि शहर के रहने वाले हैं वे दोनों मिनिस्टर्स आपस में मिल कर और सलाह कर ऐसा हिदायतनामा दें ताकि आज गांवों और शहरों में गरीब किसानों के साथ जो नाजायज बर्ताव होता है और अन्याय होता है वह भविष्य में न होने पाये।

अभी एक भाई ने सुप्रीम कोर्ट की बात कही। अब सुप्रीम कोर्ट में तो बड़े बड़े जज बैठते हैं, धनी मानी होते हैं, ५, ५ हजार और ७, ७ हजार जिनकी तनखाह होती है। गरीबों के लिये उनके दिस में कोई दर्द नहीं होता है....

अध्यक्ष महोदय : ऐसा नहीं कहना चाहिए।

श्री विभूति मिश्र : अध्यक्ष महोदय, गरीबों की जैसी दुर्दशा हो रही है उसको देखते हुए कहे बगैर रहा नहीं जाता।

अध्यक्ष महोदय : वे बातें जिनके कि कहे बगैर न रहा जाता हो लेकिन अगर कानून इजाजत नहीं देता तो उनको नहीं कहना चाहिये। अब यह बात नहीं कहनी चाहिये कि सुप्रीम कोर्ट के जजेज बहुत तनखाह लेते हैं और गरीबों का कोई ध्यान नहीं रखते हैं।

श्री विभूति मिश्र : मेरा तो कहना यही है कि गरीबों के साथ होने वाला अन्याय बन्द होना चाहिए और उनकी रक्षा ही करनी चाहिए।

इस बिल को ध्यान से पढ़ने से आपको विदित हो जायेगा कि इस बिल की मंशा और मकसद तभी सही तौर से पूरा हो सकेगा जब कि जिन पर इस कानून को अमल में लाने का भार पड़ेगा वे इसको ठीक से अमल

में लायेंगे। अगर वे ठीक से काम नहीं करेंगे तो इस बिल का मंशा पूरा नहीं होगा।

हमारी सरकार को उचित था कि भूमि अधिग्रहण अधिनियम १८८४ के संशोधनार्थ खूब सोच विचार कर एक कम्प्रीहेंसिव बिल लाती। इस तरह से पीसमील टुकड़े टुकड़े करके सुधार लाने और संशोधन करने से लोगों के मन में शक होता है कि इतना ही अंश क्यों लाया जा रहा है। इसलिए मैं चाहता हूँ कि हमारे मिनिस्टर साहब एक कम्प्रीहेंसिव अमेंडमेंट बिल लायें और सब बातों पर विचार करके एक ऐसा कानून बनाया जाय जो कि लोगों के हित में हो।

इसके साथ ही साथ मुझे यह भी कहना है कि इस सम्बन्ध में जो रूल्स बनें वे टेबल पर रखने के साथ ही लोगों को उन पर विचार करने का काफी मौका देना चाहिए। एक महीना यहां पर रहते हैं हमें कह सकते हैं कि इस महीने में हम को मौका न मिले। इसलिए जो नियम बनें उन पर हमें दो, तीन महीने का समय देना चाहिए ताकि हम लोग उनको पूरी तरह से पढ़ सकें और देख सकें। अध्यक्ष महोदय सरीखे जो बड़े बड़े विशेषज्ञ वकील हैं उन से भी हम राय लें कि यह जो रूल्स बने हैं यह किसानों के हित में हैं या अहित में हैं।

Shri A. N. Vidyalkar (Hoshiarpur): Mr. Speaker, Sir, I think the statement that the hon. Minister has made has helped in clearing many doubts. But the crucial points are two: one is, how do we define the "public purpose"? The other matter is that when the land is acquired, what does the original owner of the land get in compensation. So far as the definition of "public purpose" is concerned, I will not dilate on the point very much, because many of my hon. friends have stated so much about it. I would only say that the spirit of the House, as it appears to me, is that "public purpose" should be defined as rigidly as possible and

[Shri A. N. Vidyalkar]

almost on the lines of the judgment that the Supreme Court has delivered. I think it should be made clear that no land should be acquired for a purpose where a private person or a group is interested to earn a profit. Therefore, I hope that while framing the rules the Government will be careful to see that no land is acquired for any purpose where a person or a group is interested to use the land for personal profit.

So far as the question of compensation is concerned, we should be clear about it. After all, when the land is acquired for any business or any "public purpose", whether by a private agency or even by the Government, the value of the land naturally increases. The original owner, the **oustee**, does not get anything more than the compensation which he gets at the time when the land is acquired. I personally feel from the experience that the original owner, the **oustee**, must get some share out of the enhanced value that the land acquires after being acquired by the party concerned. In the case of public companies, where huge profits are made, the **oustee** must get some share in that business even subsequently. He may be allotted some shares of the company or be given some part of the profit in some form or the other. We should see how it can be done. I feel that the original owner must get something out of the enhanced value of the land.

Even in the case of public companies or even where Government earns profit and the land value is enhanced, I think that the compensation should be so calculated, and full value so assessed and anticipated, and the original owner should get some part of it.

One thing more, about which there is a doubt in my mind. What happens to the land when it is released? Suppose a public company goes into liquidation. The land is being sold to the other party or the land is auctioned or something like that hap-

pens. At that time, the value of the land is much more than it was originally. So, we should provide that at that time the original owner should have prior claim to buy land.

There are also cases where Government acquires land. I know several lands were acquired by the defence department. After some years they feel the land is not required by the department and the land is released. It is sold by public auction. At that time also, it is quite natural for the original owner to feel that the land could fetch very high value, but he did not get any share out of it. So, we should provide for this also—for the occasion when the land is to be disposed of. For instance, we are providing when the public company takes a land, it will have no right to transfer that land. But at the time of liquidation, the land will have to be sold or transferred. We do not know whether it reverts to the Government or to the original owner. We should provide for that. I hope in the rules, all these points will be made clear. Also, care should be taken to see that the original owner gets what is his due, from the point of view of social justice.

Mr. Speaker: I will put clause 2 to vote at 2.30 and clause 3 at 4 o'clock. The rest will be finished by 5 o'clock.

Shri Radhelal Vyas: The discussion on both the clauses may be taken together.

Mr. Speaker: I have no objection to taking both the clauses together. I will put clauses 2 and 3 together at 4 o'clock.

श्री जगदेव सिंह सिद्धान्ती (झज्जर) :
अध्यक्ष महोदय, महादाश्चर्यमेतत्तु यत्कृषि-
रक्षको मंत्री महाशय उद्योगव्याजेन अन्नदात्री
भूमि विक्रीणति । कितना आश्चर्य है कि
जो कृषि की उत्पादन-शक्ति का उत्तर-
दायित्व लिए हुए मंत्री महाशय हैं, वह
अन्न देने वाली भूमि को दूसरों को देने के
लिए इतने उतावले हो रहे हैं ।

इस समय हमारे देश में एक जन-राज्य है। हम पहले ही एक मामूली कथा सुनते हैं कि किसी राजा को अपना भवन बनवाने की आवश्यकता पड़ी और उस स्थान पर एक साधु का भूमि का थोड़ा सा टुकड़ा आ गया, जो कि उसने देना नहीं चाहा। तब उस राजा ने जबरदस्ती उस भूमि के टुकड़े को नहीं लिया, बल्कि अपना भवन टेढ़ा मेढ़ा बनवा लिया। लेकिन आज हम देखते हैं कि भूमि की आवश्यकता पड़ने पर ८२ प्रति शत जनता के अधिकारों को १८ प्रति शत लोगों के लिए कुचला जा रहा है। इससे बड़ा आश्चर्य और क्या हो सकता है ?

माननीय सदस्य, श्री विद्यालंकार, ने कहा कि जिन लोगों की भूमि ली जाये, वहां पर एक को-ऑपरेटिव सोसाइटी बना कर उसमें उनका कुछ भाग रख दिया जाये। किन्तु यदि वह को-ऑपरेटिव सोसाइटी लिक्विडेशन में चली गई, तो उन लोगों के अधिकार भी खत्म हो जायेंगे। तब उनके अधिकारों का क्या बनेगा ?

जहां तक राष्ट्र हित के कार्य के लिए भूमि लेने का प्रश्न है, भूमि की तो बात क्या है, अगर प्राण भी ले लेते हैं, तो कोई बात नहीं है। लेकिन इस सम्बन्ध में यह व्यवस्था की जानी चाहिए कि जिससे कोई भूमि ली जाये, उसको उस भूमि के मुंह मांगे दाम दिये जाने चाहिए।

श्री त्यागी : तब तो यह प्राविजन बड़ा सस्ते हो जायगा। वह बहुत ज्यादा दाम मांग लेगा।

श्री जगदेव सिंह सिद्धान्ती : अगर मांग लेगा, तो कोई बात नहीं है। यह उसकी चीज है और उसको अधिकार है अपनी इच्छानुसार दाम मांगने का।

क्या आपने मंडी में नहीं देखा कि किसान अन्न की गाड़ी भर कर बेचने के लिए मंडी में

ले जाता है, तो दलाल ही उस अन्न का भाव लगाते हैं और किसान को कुछ पता नहीं होता। दूसरे लोगों के द्वारा उन्हीं की चीज का भाव लगाया जाता है, जो कि मर गये हों। आज किसानों को मरा हुआ समझा जा रहा है और दूसरे लोग उसकी चीज पर भाव लगाते हैं। हम देखते हैं कि मालगुजारी का बीस गुना देकर किसानों की जमीन को एक्वायर कर लिया जाता है, जो कि बहुत थोड़ी रकम है।

अगर मंत्री महोदय को जमीन चाहिए, तो वह चम्बल नदी की घाटियों की जमीन को क्यों नहीं लेते ? वहां पर कई सालों से डाकुओं की समस्या चारों ओर की राज्य सरकारों के लिये सिर-दर्द बनी हुई है। अगर उस जमीन को ले लिया जाय, तो यह समस्या भी हल हो जायगी और अन्न पैदा करने वाली और शक्ति देने वाली किसानों की भूमि भी नष्ट नहीं होगी। वहां कोई कुछ नहीं मांगता है। वहां की जमीन को समतल किया जा सकता है। वहां पानी भी मिलेगा और बिजली की मुविधा भी उपलब्ध होगी।

यह कहा जाता है कि दलबन्दी के आधार पर जनहित के प्रश्नों पर कभी नहीं सोचना चाहिए। जनता के हित को ही आधार मान कर हमको चलना चाहिए। ऐसा करने से हमें कोई अमेंडमेंट प्रस्तुत करने की आवश्यकता नहीं रहेगी।

सुप्रीम कोर्ट ने जो निर्णय दिया उससे दर्द क्यों हुआ ? उसका क्या कारण है ? बात यह हुई कि जो भूमि ली जा रही थी, उसके मालिक अपनी इच्छानुसार पैसा मांगते थे, लेकिन सरकार उनका उतना पैसा नहीं देना चाहती थी। इसलिए सरकार ने सोचा कि किसी व्याज से अर्थात् किसी बहाने से उनकी भूमि का अधिग्रहण किया जाय और उनको पैसा थोड़ा दिया जाय।

[श्री जगदेव सिंह सिद्धान्ती]

आज दिल्ली चारों ओर बसी हुई है, लेकिन आज किसी को पता नहीं है कि वे किसान कहाँ गए, जो कि इस सारी भूमि पर अपना खून पसीना बहा रहे थे और जिनकी भूमि इस नगर को बसाने के लिए ली गई कोई बताये तो सही कि जिन किसानों की भूमि ली गई, वे आज कहाँ हैं? जब कोई भूमि ली जाती है और वहाँ पर कारखाने खुलते हैं, न पहले-पहल तो उन किसानों को वहाँ मजदूरी मिलती है, लेकिन थोड़े समय बाद उनको वह मजदूरी मिलनी भी बन्द हो जाती है।

अध्यक्ष महोदय, मैं आपसे विनम्रता-पूर्वक प्रार्थना करूँगा कि आप सरकार को विवश कीजिये कि वह ऐसे नियम बनाए, जिससे लोगों के मौलिक नागरिक अधिकारों का किसी प्रकार हनन न हो सके और यह तभी हो सकता है कि अगर कोई मेरी चीज है और मैं उसको बेचता हूँ, तो यह व्यवस्था की जाये कि मुझको उस चीज के मेरी इच्छा-नुसार दाम दिये जायें। माननीय सदस्य, श्री त्यागी कहते हैं कि ऐसी व्यवस्था करने से किसान बहुत ज्यादा दाम मांग लेंगे। मैं समझता हूँ कि कोई ज्यादा नहीं मांगेगा। आखिर आज और भी तो चीजें बिक रही हैं।

हमने देखा है कि २२ एकड़ जमीन को एकवायर करने के लिए कुल बीस हजार रुपये जमा कराए गए। अगर हिसाब लगाया जाये, तो वह भूमि लगभग १०० बीघे से ऊपर हो गई। इसका अर्थ तो यह हुआ एक बीघे के लिए २०० रुपये और एक बगं गज के लिये कुल दो आने दिये गये। नरेला में आचार्य भगवान देव की जमीन सरकार ने २६०० रुपये में ली और बाद में उसके प्लाट्स बना कर उसको पचास हजार रुपये में बेचा। आज गरीबों के साथ यह अन्याय है और अत्याचार हो रहा है। हमने नहीं

सुना कि किसी बड़े कारखाने को, टाटा के कारखाने को सरकार ने कभी पब्लिक इन्ट्रेस के लिये ले लिया हो। सरकार ने कभी नहीं लिया। राष्ट्र हित के नाते कभी किसी बड़े कारखाने पर उसने हाथ नहीं डाला। वह क्यों डालती? उन लोगों के पास शक्ति मालूम होती है, उनका प्रतिनिधित्व मालूम होता है। परन्तु मैं यह कहूँगा कि कम से कम जो कृषि-हितों के देहात के प्रतिनिधि आये हुए हैं, वे अपनी आत्मा का हनन न करें।

श्री राम सेवक यादव (वाराणसी) : अध्यक्ष महोदय, एक व्यवस्था का प्रश्न है सदन में इतने महत्वपूर्ण प्रश्न पर विचार हो रहा है, लेकिन सदन में कोई मंत्री महोदय या उपमंत्री या इस तरह के दूसरे लोग नहीं हैं।

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri Shinde): I am here.

श्री त्यागी : थोड़ी देर के लिये माननीय सदस्य हम का ही मंत्री मान लें।

श्री राम सेवक यादव : अगर माननीय सदस्य मंत्री होते, तो यह बिल वापस ले लिया जाता।

श्री हरि विष्णू कामत : भावी मंत्री, भूतपूर्व मंत्री - वर्तमान मंत्री नहीं।

श्री जगदेव सिंह सिद्धान्ती : यदि सरकार की ओर से कहा जाता है कि उस का भूमि की आवश्यकता है, तो वह भूमि ले, किन्तु यदि भूमि वालों को किसी चीज की आवश्यकता पड़ती है तो उनको वह भी दी जानी चाहिए।

मैं निवेदन करना चाहता हूँ कि यहाँ पर लोक-सभा में जो प्रतिनिधि उन लोगों के बोट्स से चुन कर आए हुए हैं, जो कि धरती माता का पेट चीर कर और खून पसीना

एक कर के अन्न पैदा करते हैं और राष्ट्र को अन्न देते हैं, उन लोगों के साथ विश्वासघात करना एक भयंकर बान्हा होगी।

अध्यक्ष महोदय : इस हाउस के मेम्बरों का यह कहना ठीक नहीं है।

श्री जगदेव सिंह सिद्धान्ती : आपकी आज्ञा सिरोंधार्य है।

अध्यक्ष महोदय : यह कोई पब्लिक स्पीच नहीं है। माननीय सदस्य ऐसी बातें पब्लिक प्लेटफार्म पर कह सकते हैं।

श्री जगदेव सिंह सिद्धान्ती : मैं नया हूँ, भूल गया हूँ और मैं अपने शब्दों को वापिस लेता हूँ।

मेरा कहना यह है कि सब से पहले मैंने जो मुझाव दिया था उसको माननीय मंत्री महोदय बहुत आसानी से अमल में ला सकते हैं। दंडकारण्य है, चम्पल नदी घाटी है, हिमाचल की तराई है, इन में सब कुछ किया जा सकता है। किसी को ऐसा करने में हानि भी नहीं होगी और उसका काम भी बन जायेगा। जो खेती करने वाला है, वह खेती करता रह सकता है और अधिक से अधिक अन्न उत्पन्न करके राष्ट्र की आवश्यकताओं की पूर्ति वह करता रह सकता है।

मैं आया करता हूँ कि दलबंदी को छोड़कर मेरे इस मुझाव पर विचार किया जायेगा और इसको अमल में लाया जायेगा।

Some Hon. Members rose—

Mr. Speaker: I might be given a minute. Now that it has been desired that clauses 2 and 3 might be discussed together, all the amendments that are there and are otherwise in order and which still survive even after these amendments that have been moved by the Government, they will be deemed to have been moved. Therefore, both clauses 2 and 3 are

together before the House. I will put them to the vote of the House at 4.00 P.M.

Shri Hari Vishnu Kamath: There are some amendments for inserting new clauses. I hope they are not included in this.

Mr. Speaker: All amendments.

Shri Hari Vishnu Kamath: They not been moved by the Minister.

Mr. Speaker: He has got them, and now I take them as moved.

Shri Hari Vishnu Kamath: Not the new clauses. I am referring to the amendments seeking to introduce new clauses. On that I have to raise a point of order.

Mr. Speaker: I will hear the point of order also.

Shri Tyagi: There are certain amendments which need a discussion on merits also, and there may be some suggestions. Therefore, I think it is better that the general discussion which is now being held is confined only to clause 2.

Shrimati Renu Chakravartty (Barackpore): It is better that we finish clause 2.

Mr. Speaker: First of all I said that I will put to vote clause 2 at 2.30 and clause 3 at 4.00.

Shrimati Renu Chakravartty: That will be better.

Mr. Speaker: If the House is of that view, I have no objection.

Shri Hari Vishnu Kamath: Your first thoughts are best.

Shri Tyagi: The hon. Minister has moved amendments on clauses which were not included in the Bill at all. They have come just as a surprise.

Mr. Speaker: I will see if they are in order. If they are not in order I won't permit them.

Shrimati Renuka Ray (Malda): As there have been many changes, Sir, even if one has spoken yesterday on clause 2 I hope you will allow that Member another opportunity.

Mr. Speaker: I cannot say now.

Shrimati Renuka Ray: have tabled a new amendment and I would like to speak on that.

Mr. Speaker: She has already spoken.

Shrimati Renuka Ray: Not on the new amendment.

Mr. Speaker: On every amendment every hon. Member cannot be accommodated. I will see if it is possible.

Shri Hari Vishnu Kamath: Sir, I rise to a point of order. If you hold that amendment 44 has been moved, the House cannot proceed with the discussion on these clauses unless my point of order is disposed of.

Mr. Speaker: I have said "otherwise in order". Therefore, they are subject to that condition. If the hon. Member can convince me that it is in order, I will certainly exclude it.

Shri Hari Vishnu Kamath: Sir, in all humility, I wanted to raise a point of order yesterday. The Deputy-Speaker said that it could not be raised because the amendment concerned had not been moved. If you hold **now** that this has been moved, I will raise my point of order just now.

Mr. Speaker: They will be considered as moved only if they are otherwise in order. If the hon. Member can convince me that a particular amendment is not in order, then that will not be deemed to have been moved.

Shri Hari Vishnu Kamath: Shall I raise my point of order now?

Mr. Speaker: Not now; I will give him an opportunity.

Shri Tyagi: Have they been moved?

Shri Hari Vishnu Kamath: They have not been moved.

Mr. Speaker: Is he referring to some amendment to clause 2 or clause 3?

Shri Hari Vishnu Kamath: Amendment No. 44.

Mr. Speaker: To which clause?

Shri Hari Vishnu Kamath: New Clauses 3A and 3B.

Shri Tyagi: That is a clause which does not exist in the Bill.

Mr. Speaker: That is a new clause that is proposed.

Shri Hari Vishnu Kamath: 3A and 3B new.

Mr. Speaker: I am for the present taking only clauses 2 and 3. New Clauses 3A and 3B will be taken up afterwards.

Shrimati Renuka Ray: Sir, you have already allowed one hon. Member who spoke earlier to speak again on the new amendment.

Mr. Speaker: If there is time I will allow her. If there is no time she will excuse me.

Claus 2.— (Amendment of section 40)

Dr. Ram Subhag Singh: I beg to move:

That in the amendment proposed by me, printed as No. 42 in List No. 11 of Amendments.—

for "in the interests of the general public" substitute—

"for a public purpose" (62).

Shrimati Renuka Ray: I beg to move:

That in the amendment proposed by Dr. Ram Subhag Singh, printed as No. 42 in List No. 11 of Amendments,—

for "in the interests of the general public" substitute—
"for a public purpose" (65).

Clause 3 (Amendment of section 41)

Dr. Ram Subhag Singh: I beg to move:—

(i) Page 2,—

for lines 4 to 10, substitute—
“(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public, the time within which, and the conditions on which, the building or work shall be constructed or executed; and” (43).

(ii) That in the amendment proposed by me, printed as No. 43 in List No. II of Amendments,—

for "in the interests of the general public" substitute—
"for a public purpose" (63).

श्री सिंहासन सिंह (गोरखपुर) : अध्यक्ष महोदय, कनाज २ के सम्बन्ध में जो नया संशोधन एए सरकार की तरफ से रखा गया है, उसके बारे में मैं यह कहना चाहता हूँ कि इन दो इंटिरेस्ट आप दी पब्लिक शब्दों को बदल करके पब्लिक परपज उसके स्थान पर रख दिया गया है। मैं सरकार का ध्यान इस ओर दिलाना चाहता हूँ कि लैंड एक्वीजीशन एक्ट के सैक्शन ६ में पब्लिक परपज दो हिस्सों में विभक्त था। एक पब्लिक परपज कम्पनियों के लिए था और दूसरा सरकार के कामों के लिए था। ये दोनों की पब्लिक परपज इस्तेमाल किये जाते थे। वहां पर कम्पनी वर्ड अलग आया है और दफा ४० के अन्दर यह चीज आती थी। लेकिन अब तो जिस तरह से पब्लिक परपज की परिभाषा की गई है उस में सरकारी पब्लिक परपज और कम्पनियों का पब्लिक परपज दोनों ही एक हो जाते हैं,

दोनों ही पब्लिक परपज हो जाते हैं। दोनों के पब्लिक परपज हो जाने के बाद जो सर्टिफिकेट दफा ५ के अन्दर जरूरी है मैजिस्ट्रेट का या गवर्नमेंट का कि वह सर्टिफिकेट दे कि हम इसबात से संतुष्ट हैं कि यह पब्लिक परपज है, जनता के हित में है, उसकी आवश्यकता नहीं रह जाती है। पब्लिक परपज करके किसी भी जमीन को गवर्नमेंट हासिल करने किफा भी व्यक्ति विशेष को दे सकती है और सरकारी पब्लिक परपज और कम्पनियों के लिए जो पब्लिक परपज हुआ करता था, इन दोनों का अन्तर मिट जाता है। चेंप्टर सात के अन्तर्गत जो भी कार्रवाई करने का निर्देश किया गया है, उस कार्रवाई को कर चुकने के बाद ही जमीन को हासिल किया जा सकता है पब्लिक परपज के अलावा कम्पनियों के लिए अलग धारा उस में है। अब चेंप्टर सात में भी पब्लिक परपज रख देने के बाद दोनों पब्लिक परपज में कोई अन्तर नहीं रह जाता है यानी दफा ६ के अन्दर जो मुविधायें थी, जो विशेषताये थीं कि गवर्नमेंट डिक्लेयर करे कि पब्लिक परपज के लिए है वे खत्म हो जाती हैं।

अध्यक्ष महोदय, मुआवजे का प्रश्न भी उठता है। उस के बारे में इस एक्ट में लिखा हुआ है :—

“Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority”.

यहां वह पब्लिक परपज था जहां पर होली या पार्टली मुआवजा पब्लिक फंड से दिया जायेगा। जहां तक कम्पनियों का सम्बन्ध है, वहां पर यह है कि मुआवजा कम्पनी द्वारा दिया जायेगा। लेकिन अब तो दोनों ही पब्लिक परपज हो गये और डिक्लेरेशन दफा ६ के अन्दर हो सकता है कि जमीन ली जाती है, हासिल की जाती है, एक्वायर की जाती है। सुप्रीम कोर्ट ने दुबारा

[श्री सिंहासन सिंह]

जो जजमेंट दिया है लाहौर हाई कोर्ट के केस में उस में भी पब्लिक परपज करके गवर्नमेंट ने दफा ६ के अन्दर घोषणा कर दी थी और जमीन रेफीजरेंटर कम्पनी बनाने के लिए दे दी थी। अब इस पब्लिक परपज पर सुप्रीम कोर्ट में झगड़ा चला कि आया यह पब्लिक परपज है या नहीं क्योंकि यह जमीन कम्पनी के लिए थी। पब्लिक परपज कर दिये जाने के बाद गवर्नमेंट ने सौ रुपया जमा कर दिया, कम्पेंशन मनी में और जब सौ रुपया जमा कर दिया तो वह होली आर पार्टली में आ गया। जहां पब्लिक परपज है वहां कुछ कम्पेंशन मनी होली आर पार्टली पब्लिक फंड से आना चाहिये। इसको पब्लिक परपज में लाने के लिए सौ रुपया जमा कर दिया गया। अब इस सौ रुपये पर काफी बहस हुई पांच जजों में। चार ने होल्ड किया कि सौ रुपया भी पार्टली में आ जाता है। जहां पर लाखों का सवाल हो वहां पर सौ रुपया क्या चीज है। एक जज ने उसमें एग्री नहीं किया और कहा कि पार्टली बंड का यह प्रापर उपयोग नहीं हो रहा है। पार्टली का मतलब यह है कि सबस्टेंशल रुपया जमा पब्लिक फंड से हो। जो सुप्रीम कोर्ट का फैसला था उसकी आड़ में काफी ऐसी बातें हो सकती थीं कि गवर्नमेंट सौ रुपया या पचास रुपया जमा करवा दे और जमीन एक्वायर करके किसी को भी दे दे। ऐसा बड़कर नकली थी। लेकिन वह दिक्कत भी अब दूर कर दी गई है। गवर्नमेंट को पचास या सौ रुपया जमा करवाने की भी जरूरत नहीं रही है। अब तो दफा ४० के अन्तर्गत कोई भी जमीन हम ले सकते हैं और उसको पब्लिक परपज का नाम दे सकते हैं और जिस की जमीन ली जाती है उसके पास कोई चारा नहीं है कि वह कोर्ट में जा कर कहे कि यह पब्लिक परपज नहीं है। मेरा सवमिशन यह है कि "पब्लिक परपज" निश्चय कर, जो चीज पहले से थी, हम उस से कई गुना आगे बढ़ गये और दफा ६ के अन्दर जो डिस्टिक्शन था उसे मिटा दिया।

जो इस एक्ट की मंशा थी कि कम्पनियों के लिये कुछ रूकावट हो, प्राइवेट कम्पनियों के लिये कुछ रूकावट हो, वह दूर हुई।

इस के बाद आप देखिये कि दफा ४० में दो धारारें हैं : ए० और (बी)। (ए) के अन्दर है कि "इवेलिंग फार दि परपज आफ दि एम्प्लायी" इसके लिये लिया जा सकता है (बी) में जैसा कि सुप्रीम कोर्ट ने कहा है, लिखा है कि "यूज आफ दि पब्लिक मनी फार हास्पिटल . . ." इस के माने यह लगाये गये कि हास्पिटल हो, कालेज हो या स्कूल हो उस के लिये लिया जा सकता है या "इवेलिंग, फार दि परपज आफ दि एम्प्लायी" के लिये लिया जा सकता है। अब पब्लिक परपज क्या है कि इंडस्ट्रियल वर्क्स, सिनेमा हाउस, एगरो-ड्रॉम आदि सब इस में आ जायेंगे। इसलिये मुझे डर है कि इस नये संशोधन को हाउस स्वीकार करेगा और कहेगा कि हम रूल को अमेंड करेंगे। इस के बाद आप कहते हैं कि पहले प्राइवेट नेगोशिएशन ने होना चाहिये। लेकिन ऐक्ट के खिलाफ रूल कहां तक बाधक होगा यह मेरी समझ में नहीं आता। इसलिये ऐक्ट में ही कोई प्राविजन होना चाहिये। जहां पर हम पब्लिक परपज को डिवाइन करेंगे वहां दफा ४० के बाद एक दफा लिख कर और जोड़ दें कि स्टेट देख लेगी कि वह प्रापर नेगोशिएशन के हो जाने के बाद वहां आया है लेकिन दफा ४० में नेगोशिएशन का शब्द नहीं है। अगर दफा ४० में कोई इस तरह की चीज नहीं रखते तो जो चीज आप चाहते हैं वह नहीं हो पायेगी।

Mr. Speaker: Before I call another hon. Member, I want to make it clear that we have to finish the whole thing by 5 O'Clock, as decided by the House yesterday. I will listen to all the objections to other clauses, points of orders and others at 4 O'Clock. The discussion on clauses 2 and 3 must conclude before that. Would the hon.

Minister like to reply to clause 2 separately or together for both clauses 2 and 3?

Shri S. K. Patil: I will reply to clauses 2 and 3 together and I will not take more than five minutes.

Mr. Speaker: That is all right. Then we might reserve more time for the objections.

Shri Tyagi: It would be better if the objections were heard before the speeches are made so that we could give our comments on the objections also.

Mr. Speaker: But they are to clauses 3A and 3B, which could come only after clauses 2 and 3 are disposed of; not earlier. We will conclude the discussion on clauses 2 and 3 by 3 O'Clock or at the most, by half past three. Then we will listen to the hon. Minister. At 4 O'Clock they will be put to the vote. Then we will hear the objections, points of orders etc that are intended to be raised by the hon. Member and others.

Shri Hari Vishnu Kamath: Why should it be at 4 O'Clock? It can be at 3.35 because the Minister wants only five minutes.

Shri S. K. Patil: But if any objections are raised, surely I have got the right to reply to them also. But if there are no objections, I do not want more time.

Mr. Speaker: I am having an engagement at 3.30 p.m. That is why I suggested a later time. We can have it at 3.40 p.m. if hon. Members so desire.

Shrimati Renu Chakravartty: Why not we hear the objections first?

Mr. Speaker: They are to the new clauses which will come after clause 3.

Shri S. M. Banerjee: Clause 4 is the validation clause, which is a controversial one. We want sufficient time to express our views on that.

Mr. Speaker: I will certainly allow that. At 4 O'Clock I will listen to all the objections. Then that clause will be taken up. If he has anything to say on that.....

Shri S. M. Banerjee: In the objections?

Mr. Speaker: Yes, he can do that.

Shri Sinhasan Singh: I feel that more time should be given to clause 4, as it is the validation clause.

Mr. Speaker: I am giving one hour for clause 4, clause 1 and enacting formula.

Shri Sinhasan Singh: More time should be given to clause 4. We have had enough discussion on clauses 2 and 3.

Mr. Speaker: In any case, at 5 O'Clock I will put it to guillotine, as decided by the House yesterday.

Shri Sinhasan Singh: The time can be reduced for clauses 2 and 3.

Shri Hari Vishnu Kamath: Yes, this discussion may go on up to 3 O'Clock only.

Mr. Speaker: All right. I have no objection. The discussion on clauses 2 and 3 will conclude at 3 O'Clock.

Shrimati Lakshmikanthamma (Khammam): We have been hearing arguments and arguments against the Bill, especially centring round clauses 2 and 3. I do not see any reason why people should be so alarmed about this Bill. Most of the criticisms are the outcome of fear and cynicism. We should not be so cynical in these matters. We must have some faith in the Government and the people who administer. The fear is that it may be abused. For example, we have passed the Preventive Detention Act in this House. Has that power been misused or abused or have people been detained merely because that Act was passed?

Shrimati Renu Chakravartty: Quite a lot.

13.47 hrs.

[MR. SPEAKER in the Chair]

Shrimati Lakshmikanthamma: This Bill is being passed, as we all know, to facilitate the industrial development of this country. We have accepted a pattern of mixed economy where, whether we want it or not, the private sector has a place. When we have given a place to the private sector in our pattern, I do not see any reason why some facilities should not be afforded to them so that they could undertake some big enterprises, big undertakings. For example, in the State of Andhra Pradesh a fertilizer plant was sanctioned in the private sector. This plant is very important from the point of view of the peasants, about whom we have been talking here for the last two days. It is necessary that our people should get more and more of fertilizers and unless some such big projects are taken up we cannot produce that much of fertilizers, especially when in the public sector we are not able to start so many plants simultaneously. So, we have to sanction plants in the private sector. And when we sanction them, we have to see that their execution is not delayed merely because there is some difficulty about the acquisition of land.

The hon. Minister has already assured us about the safeguards that will be provided to the peasants. No cultivable land or land which is producing good yield will be acquired by Government. Even when land is acquired, the owner would be getting 15 per cent more than the market price as compensation for the land. He has also got the right to go to a court of law and until the judgment is delivered the Collector cannot fix the price. When all these safeguards are there, I do not find any reason

why there should be any fear in the minds of hon. Members.

In view of the industrial advancement that we are trying to achieve, where we want industrial development as rapidly as possible, the construction of plants or factories should not be unduly delayed just because of some difficulties as the acquisition of land. I think this Bill is very urgently needed. So, we should all welcome it, and we should not have any distrust in the Government or in the people who implement it. Hereafter Government also should not give scope for such criticism to be levelled. But even if such loopholes are there, we have got this forum to discuss them and criticise the Government whenever we want. Therefore I support these two clauses.

श्री म० ला० द्विवेदी (हमीरपुर) :

उपाध्यक्ष महोदय, यह विधेयक जो मंत्री महोदय ने प्रस्तुत किया है यह अत्यन्त ही विवादास्पद विधेयक क्योंकि इस में बहुत सी ऐसी विरोधी बातें आई हैं जिन को सुप्रीम कोर्ट ने हल किया था। मैं यह बताना देना चाहता हूँ कि सुप्रीम कोर्ट ने ए० आई० आर० १६६० में एक निर्णय लिखा था जिस में

- बतलाया गया था :

"It was held by the Supreme Court in this case that the purpose must be something like a hospital, reading-room, library or an educational Institution open to the public".

इसी प्रकार सुप्रीम कोर्ट ने दूसरी रूलिंग दी थी जिस में कहा था :

"Merely because a Company is going to produce something which is likely to be used by the public does not justify acquisition of land for the Company because it is not a 'public purpose'."

इसी तरह से एक दो नहीं अनेक जगहों पर उच्च न्यायालय ने फैसले दिये हैं। एक जगह कहा है :

"A Sovereign power to acquire property compulsorily is a power to acquire it only for public purpose. There is no power in the Sovereign to acquire private property in order to give it to private persons. Public purpose is a content of the power itself".

इस तरह से यह साफ हो जाता है कि यदि सरकार बिजनेस एक्टिविटी के लिये किसी प्राइवेट कम्पनी या व्यक्ति के लिये जमीन हासिल करती है तो वह अपने उद्देश्य से दूर चली जाती है। इस बारे में संविधान में भी प्रावधान दिया गया है। लोग कह सकते हैं कि उच्च न्यायालय दूसरों के अधिकारों का उल्लंघन करता है इस लिये इसको सुप्रीम कोर्ट में और दूसरे इलाकों में चुनौती दी जा सकती है।

साथ ही साथ अब तक कि सरकार संविधान में संशोधन न करे इस प्रकार का बिल पास नहीं किया जा सकता। जो अधिकार जनता को संविधान में मिले हुए हैं उन को हम नहीं छीन सकते। हम जनता की वस्तु को सरकार के लिए ले सकते हैं लेकिन किसी कम्पनी के लिये या किसी व्यापारी के लिये या ऐसे लोगों के लिये जो मुनाफा कमाना चाहते हैं नहीं ले सकते हैं। ऐसी स्थिति में सरकार को गौर करना चाहिये। इस विषय को ला कर जो एक झगड़ा खड़ा कर दिया गया है वह जनता के हित में नहीं है।

हमारे संविधान में कहा गया है कि जो सुप्रीम कोर्ट निर्णय देगी वह सारे देश पर लागू होगा और सुप्रीम कोर्ट ने इस संबंध में अपने निर्णय समय समय पर दिये हैं। तो मैं मंत्री जी से उत्तर चाहता हूँ कि क्या वह सुप्रीम कोर्ट के निर्णयों को काटने के लिये प्राइवेट लाये थे और अब उस को रिपील करने के लिए यह बिल लाये हैं। अगर ऐसा है तो सुप्रीम कोर्ट का और उच्च न्यायालय का देश में

कोई मतलब नहीं रहता। उच्च न्यायालय से यह अपेक्षा की गई है कि वह संविधान की रक्षा करे और जो विधि हम यहां बनाते हैं उसका पालन कराये। हम संविधान में यह अधिकार दे चुके हैं कि किसी मामले में सुप्रीम कोर्ट जो फैसला देगा वह सारे देश भर पर लागू होगा। और मान्य होगा। जब तक हम संविधान में इस प्रकार का संशोधन न लाएं कि सुप्रीम कोर्ट के फैसले मान्य नहीं होंगे, तब तक इस प्रकार का बिल नहीं लाया जा सकता। मैं निवेदन करना चाहता हूँ कि स्थिति बहुत गम्भीर है।

दो चार मामले मेरे पास ऐसे हैं जिन से स्पष्ट जाहिर है कि जो अधिकार हम लेने जा रहे हैं उस से जनता को नुकसान हो सकता है। कोटला मुबारकपुर एक स्थान है। उस में एक आदमी की जमीन पर १८ आदमियों ने अनधिकृत रूप से कब्जा कर लिया। उस व्यक्ति ने वह जमीन एक कोआपरेटिव सोसाइटी को बेच दी और उस पर कोआपरेटिव सोसाइटी ने कब्जा कर लिया और उन आदमियों को निकालने के लिये अदालत में कांवाइ की और अदालत की आज्ञा से उन १८ आदमियों को निकाल दिया गया। लेकिन निकाले जाने के बाद उन १८ आदमियों ने एक कोआपरेटिव सोसाइटी बना ली और अर्जी दी कि वह जमीन हम को दी जाय और सरकार ने उस जमीन को कोआपरेटिव सोसाइटी से ले कर एक ऐसी कोआपरेटिव सोसाइटी को दे दी जो उन लोगों ने बनाई थी जिन्होंने उस जमीन पर पहले अनधिकृत कब्जा किया हुआ था और जिन को उस जमीन से अदालत के फैसले के मुताबिक निकाल दिया गया था क्योंकि न्यायालय की राय में उनको उस जमीन पर कब्जा करने का कोई अधिकार नहीं था। तो इस प्रकार यह काम न्यायालय के फैसले के विरुद्ध हुआ।

हो सकता है कि कोआपरेटिव सोसाइटी के नाम पर कुछ प्रलोभन देने पर सचिवालय में ऐसे काम चल जाते हैं। और जो प्रलोभन दे सकने वाले वे ऐसा करवा लेते हैं।

[श्री मा० ला० दिवेदी]

इसी प्रकार का एक और केंस मेरे पास है जिसमें सरकार ने एक नोटिफिकेशन निकाला था जिसमें कहा गया कि एक जमीन माल स्कूल सरविस इंस्टीट्यूट के लिए दी जाएगी। लेकिन रणवल्ली एंड कम्पनी ने सरकार को कहा कि यह जमीन उस इंस्टीट्यूट को न देकर आपको दे दी जाए और सरकार ने रणवल्ली एंड कम्पनी को वह जमीन दे दी और उनसे कहा कि तुम अपने प्लान सबमिट करो। जिस व्यक्ति की वह जमीन थी उसने सुप्रीम कोर्ट और हाई कोर्ट में रिट दायर किए हैं कि यह जमीन रणवल्ली एंड कम्पनी को न दी जाए।

तो मैं जानना चाहता हूँ कि इस बिल का क्या उद्देश्य है? क्या इसका यह उद्देश्य है कि इससे जनता का फायदा हो या ऐसे लोगों को फायदा करने के लिये यह लाया गया है जो निजी रूप से गुनाहगार माना चाहते हैं। जो जमीन २ रुपए गज के हिसाब से ली जाती है दूसरे को ३५ रुपए गज के हिसाब से दी जाती है। यह लाभ उठाना अन्याय है। अगर कोई व्यक्ति जमीन चाहता है तो वह पब्लिक में आए और उचित मूल्य देकर जमीन खरीदे। यह उचित होगा न कि यह कि हम उसके लिये कानून बना कर यह सुविधा पैदा करें। हमको इस प्रकार का अन्याय नहीं करना चाहिये।

ऐसी स्थिति में मैं मन्त्रय महोदय से निवेदन करूंगा कि वह इस बिल को इस प्रकार संशोधित कर दें कि जिसमें जनता के हितों की रक्षा हो, न्याय हो को अमान्य न किया जाए और सुप्रीम कोर्ट और दूसरे न्यायालयों के जो अनेकों निर्णय हैं उनको मान्यता दी जाए।

इन शब्दों के साथ मैं मन्त्री महोदय से अनुरोध करूंगा कि वह इस सब बातों पर विचार करके ऐसा विधेयक लायें जो सब को मान्य हो।

श्री बालमीकी (खुर्जा) : उपाध्यक्ष महोदय, इस भूमि अर्जन संशोधन विधेयक पर कई दिन से चर्चा चल रही है और जिस विवादास्पद स्थिति का वर्णन अभी मेरे एक साथी ने किया है वह स्थिति अभी भी बनी हुई है।

माननीय मन्त्री जी ने जो एक नया संशोधन अभी सदन के सामने रखा है उससे एक आशा जरूर बंधती है कि किन स्थिति अभी भी सुलझी नहीं है। भूमि अर्जन का प्रश्न बड़ा जटिल प्रश्न है और 'पब्लिक परपज' का जो भी हम विवेचन करना चाहते हैं वह उस रूप में आता नहीं है और सरकारी अधिकारी जिस प्रकार इसके लिये महसूस करते हैं और अपने विचार मन्त्री जी के सामने रखते हैं वह ही विचार चलते हैं। इन विचारों का विधेयक पर साफ प्रभाव दिखाई देना है।

सारे देश के अन्दर आज इस विधेयक पर चर्चा चल रही है और विशेषकर किसान और मजदूरों के अन्दर क्योंकि इसमें उस भूमि के अधिग्रहण करने की बात है जो किसानों के पास थोड़ी थोड़ी मात्रा में नगरों में या गांवों में है। यह बात मेरी समझ में नहीं आती। मैं समझता हूँ कि देश में जो औद्योगीकरण और आर्थिक विकास चल रहा है उससे किसी को कोई शिकायत नहीं हो सकती। लेकिन उस विकास के नाम पर, उस औद्योगीकरण के नाम पर आप अगर कुछ मुट्ठी भर लोगों को जो पैसे के नाम पर फलते फूलते हैं लाभ पहुंचाना चाहें तो इससे लोगों की तरफ से विशेषकर किसानों और मजदूरों की तरफ से इसका विरोध होना न्यायसंगत है। इस सम्बन्ध में जो भय हमारे भस्त्रिणों में है वह मैं आपके सामने रखना चाहता हूँ। हमें भय है कि अगर

यह बिल पास हो जाता है तो भूमि अर्जन मैशिनरी के हाथों न्याय नहीं मिलेगा। आज भी हमको उस मैशिनरी पर विश्वास नहीं है। उस पर नियन्त्रण रखना होगा। इस न्याय के बारे में देश में एक पम्परा चली आ रही है। वह तम्परा यह है कि जो मामली और गरीब आदमी है उनको किसी प्रकार की रक्षा नहीं मिलती है। आज हमको स्वराज्य मिले इतना समय हो गया और देश आगे बढ़ रहा है लेकिन फिर भी पूरे तौर से अभी भी किसानों और मजदूरों के हितों की रक्षा नहीं हो पा रही है और उनकी थोड़ी थोड़ी जमीनों को लेने की अनधिकार चेष्टा की जाती है। इसके कारण जो लोगों में असन्तोष है वह मैं यहां जाहिर करना चाहता हूं।

अभी कन, परसों मेरठ बुलन्दशहर के कई हजार किसान जो कि दिल्ली के मास्टर प्लान से प्रभावित होने जा रहे हैं, गाजियाबाद का जिस प्रकार में औद्योगिकरण चल रहा है उससे प्रभावित हो रहे हैं वे किसान यहां दिल्ली आय थे और उन्होंने प्रधान मंत्री महोदय के सामने अपना दुःख रखा था। प्रधान मंत्री महोदय ने उनकी बात को सहृदयतापूर्वक सुना और उनको एक प्रकार से आश्वासन दे दिया। लेकिन मैं यह कहना चाहता हूं कि खाली इतना पर्याप्त नहीं होगा वरन् सरकार को इसके लिये सतर्कता बरतनी होगी हमें भय है कि कहीं गरीब लोगों की जमीनें जाँ कि इस बड़े नगर के अन्दर या और बड़े नगरों के अन्दर हैं और जिन जमीनों पर कि धनीमानी लोगों की गिद्ध दृष्टि है वह गरीबों की जमीनें कहीं उनके हाथ में न चली जाएं। सरकार को इस बात की विशेष सावधानी रखनी होगी कि कहीं उन गरीबों की जमीनें जिनकी कि वह रक्षा करनी चाहती है, किसानों की खेती की जमीनें जिन पर कि तीन तीन फसलें पैदा होती हैं वे पब्लिक परपज के नाम पर उनसे न ले ली जायें। अलबत्ता देश के जन तथा समाज के हित के लिये यदि सरकार द्वारा किसी की जमीन, जायदाद पर अधिकार किया जाय

उस भूमि का अर्जन किया जाय तो मुझे उससे शिकायत नहीं हो सकती है। माननीय मन्त्री ने जो सदन को विश्वास दिलाया है कि वह किसानों और मजदूरों के हित का ध्यान रखेंगे मुझे उन पर पूरा विश्वास है और मैं जानता हूं कि हमारे दोनों मन्त्री महोदयों के हृदयों में किसानों और मजदूरों के लिये हमदर्दी की भावना है। मैं उनसे यही अपील करूंगा कि अगर इस कानून के अन्तर्गत देश हित के लिये किसानों की जमीनें लेनी आवश्यक ही हों केवल, पड़ती, बंजर और उसर जमीनें ही जो जायें और वह जमीनें उनकी न ली जायें जो कि खेती के काबिल हैं।

आज की सामाजिक व्यवस्था इस प्रकार की है जिसमें मुट्ठी भर उद्योगपतियों की ओर ध्यान दिया जाता है और किसान और मजदूरों के हितों के प्रति अवहेलना बरती जाती है। मैं यहां सदन में यह कहे बगैर नहीं रह सकता कि आज किसानों के हित को दृष्टि में नहीं रखा जाता है। मैं चाहूंगा कि किसान की जमीन एक तो उसमें ली ही न जाय और अगर देश और जनता के हित में उसको लेना नितान्त आवश्यक हो तो बाजार भाव से काफी ज्यादा दाम देकर ली जाये

उपाध्यक्ष महोदय : माननीय सदस्य का समय समाप्त हो गया है।

श्री बालमोकी : मैं केवल एक मिनट और चाहता हूं एक विशेष बात मुझे कहनी है

Mr. Deputy-Speaker: The hon. Member's time is up. He should conclude now.

श्री रामसेवक यादव : उपाध्यक्ष महोदय, भूमि अर्जन के सम्बन्ध में यह जो मौजूदा

[श्री राम सेवक यादव]

संशोधन विधेयक मैं उपस्थित है उसका और खास तौर से उस की जो धाराएं २ और ३ हैं उनका मैं विरोध करता हूं।

भूमि अर्जन अधिनियम सन् १८६४ में पास हुआ था और उस विधेयक का उद्देश्य था कि जनहित में सरकार भूमि ले और फिर कल कारखानों के लिए या उससे सम्बन्धित मजदूरों के लिये मकान या अस्पताल बनाने के लिये जमीन हासिल की जा सकती है। यह दो उद्देश्य उस के अन्तर्गत थे। तब से आज तक इन दो उद्देश्यों के अन्तर्गत यदि हिसाब लगाया जाय, आंकड़े इकट्ठे किये जायें तो सारे देश में विभिन्न राज्यों में न जाने कितनी खेती लायक छोटे छोटे किसानों की जमीनें नाजायज तौर से हड़प कर ली गईं और इस तरह से कल कारखानेदारों को दे दी गईं। यह उसमें अवश्य व्यवस्था थी कि वह अदालत में जा सकते थे लेकिन आप ही सोचें कि १, २ एकड़ या २, ४ बीघे वाला किसान क्या कभी अदालत में जा सकता है? क्या वह कभी अदालत में जाकर चाराजोई कर सकता है? वह कभी उनके लिए मुमकिन नहीं है। इस तरीके से यह कानून अब तक बराबर चलता आया है। पहले तो हम गुलाम थे और किसानों के हित की बात अंग्रेजों के दिमाग में आये यह चीज असम्भव थी लेकिन आज तो शासन सत्ता उनके हाथ में है जो कि अपने को जनप्रिय सरकार कहते हैं। हमारे खाद्य मन्त्री पाटिल साहब और यह हमारे नये राज्य मन्त्री डा० राम मुभग सिंह जो कि कुछ समय पहले इधर बैठे करते थे तब मैं और अब मैं मैं उनमें बड़ा अन्तर पाता हूं। उनके दिमाग में इन पिछले १५ सालों में इस कानून में संशोधन करते का ख्याल नहीं आया जबकि कितने ही किसान नाजायज तौर से बेदखल किये गये और जमीनें छीनी गईं। उनके दिमाग में यह बिल्कुल नहीं आया कि कोई ऐसा आरक्षण उसके अन्दर दें जिससे कि उनकी जमीनें बच सकें। इस ओर उनका दिमाग नहीं गया। दिमाग गया उनका

तब जबकि अभी एक या दो महीने पहले कानपुर के एक उद्योगपति का मुकदमा चला। सम्बन्धित उद्योगपति इस सदन के माननीय सदस्य हैं और वह भी सत्तारूढ़ दल के हैं। उनके कारखाने सम्बन्धी जमीन का मामला उठा था और उच्च न्यायालय ने रद्द कर दिया। उससे बचने के लिये बहुत तेजी के साथ जल्दबाजी के साथ एक अध्यादेश जारी कर दिया गया और आज यह संशोधन विधेयक इस सदन के सामने प्रस्तुत है। संशोधन होने चाहिए अगर जरूरत पड़े, उसके विरुद्ध नहीं हैं हैं लेकिन किसी एक खास मामले को लेकर अगर इस तरह के संशोधन किये जायें तो इससे ज्यादा आपत्तिजनक बात और कोई नहीं हो सकती है। नम्बर दो आपत्ति यह है कि जब उच्च न्यायालय ने अपना निर्णय दे दिया और यू० पी० सरकार ने कह दिया था कि जमीन को वापिस दे देंगे जमीन वापिस नहीं दी गई। उस अदालती निर्णय से बचने के लिये बीच में न जाते किस तरह से केन्द्रीय सरकार को प्रभावित करके और परमुण्ड करके अध्यादेश जारी करवाया गया और अब यह संशोधन विधेयक आया है। नतीजा यह है कि वह जमीन जो कि गलत ढंग से और उच्च न्यायालय के आदेश के विपरीत दूसरे आदमी के कब्जे में है और गैर कानूनी कब्जे को उचित ठहराने के लिये आज यह कानून प्रस्तुत है।

आज माननीय मन्त्री ने सदन को बहुत आश्वासन दिया और बतलाया कि नियम आदि बनाये जायेंगे और वे सदन के सामने रखे जायेंगे लेकिन नियम और उन संशोधनों के बावजूद जो अब संशोधन दिया गया है उसमें यह दिया हुआ है :—

“फौर पब्लिक परपज और कंसर्वेशन ऑफ सम बिल्डिंग” अब यह इतने ज्यादा ऐक्सटेंसिव शब्द हो जाते हैं कि इन के अंदर कोई भी चीज आ जाती है। पब्लिक परपज

में अस्पताल या और भी किसी प्रकार की इमारत आ सकती है। कानून की धारा ६ और पब्लिक परपज के लिये जो शब्द आ गये हैं उन दोनों को साथ जोड़ें तो इससे अधिकार और व्यापक हो जाता है। अब किसी भी तरह की जमीन ली जा सकती है। यह जो नये तरीके का संशोधन आया है, संशोधन पर संशोधन आये हैं उन्होंने विधेयक को न जाने कंसा गलत स्वरूप दे दिया है। इससे छोटे लोगों, विशेष कर किसानों को बहुत कष्ट होगा। खाद्य मंत्री महोदय इस तरह का संशोधन विधेयक लाते जिसमें किसानों के लिये कुछ आरक्षण प्राप्त होता कि खेती लायक जमीन नहीं ली जायगी जब तक कि बंजर और ऊसर जमीन मिलती है।

मैं बाराबंकी की एक मिसाल बतलाना चाहता हूँ कि एक कारखाना खुलते की बात है। उस जगह एक कारखानेदार की काफी जमीन है। एक और बहुत बड़े आदमी की जमीन है जो कि दूसरे व्यापार भी करते हैं, दूसरे दूसरे काम भी करते हैं कई कई रोजी के जरिये हैं लेकिन उनकी जमीन न लेकर पैमाइश की जा रही है गरीब किसानों की जमीन। मुझे खुशी होती अगर इस तरह का आरक्षण किया होता कि खेती लायक जमीन नहीं ली जायगी जब तक कि ऐसे लोग जिनके कि पास एक से ज्यादा रोजगार या धंधे मौजूद हैं उनकी जमीन जब तक मिलेगी तब तक हम छोटे और गरीब किसानों की जिनका कि एक ही पेशा है उनकी जमीन नहीं ली जाएगी। मुझे बड़ी खुशी होती अगर इस संशोधन विधेयक में इस प्रकार की व्यवस्था की गई होती।

इसी तरह किसानों की जमीन का मुआवजा लगान के हिसाब से नहीं, बाजार के हिसाब से नहीं बल्कि जिसकी जमीन ले रहे

हैं उसकी आवश्यकता के हिसाब से देना चाहिए। आप ने २००० रुपया मुआवजों की शकल में एक काश्तकार को दे दिया लेकिन आपको यह भी देखना चाहिए कि क्या उससे उसकी जिंदगी भर की रोजी चल जायगी। लेकिन मझे अफसोस है कि इस तरह की व्यवस्था नहीं की गई है। लेकिन मालूम ऐसा पड़ता है कि मंत्री जी को ज्यादातर पूँजीपतियों के हितों की रक्षा करने की ही चिन्ता है। वजाय गरीब किसानों की जमीनें लेने के क्या हो अच्छा होता यदि हमारे मंत्री महोदय गरीब आदमियों को बसाने के लिए बाढ़ पीड़ितों को बसाने के लिए पूँजीपतियों के आलीशान मकान और बंगले ले लें? खाम तोर से ऐसी जगहें जो कि राष्ट्रीय महत्व की हैं जैसे कि बिड़ला भवन है जहाँ कि राष्ट्रपिता महात्मा गांधी के प्राण पखरू उड़े थे, उस बिड़ला भवन सरीखे आलीशान इमारतों को यदि सरकार एक्वायर कर ले तो मैं उसका स्वागत करता। वर्तमान विधेयक जिस रूप में पेश है मैं उसका स्वागत नहीं कर सकता और मैं निवेदन करूंगा कि मंत्री महोदय इस तरह का विधेयक लायें जिन में कि गरीबों के हितों की सुरक्षा की समुचित व्यवस्था हो, जिस में किसानों के हित और छोटे आदमियों के हितों की रक्षा हो सके।

Shri C. K. Bhattacharyya (Rai-ganj): The fleeting speed with which amendments are proposed to the Bill repeatedly is almost sending my head reeling. I am afraid that if the Bill is passed into Act in this form today, on a future occasion the Supreme Court, or the Law Commission may again put it in the class which the latter has described as 'ill-digested legislation' in one of its reports. That apprehension is coming to me as these hosts of amendments are coming one after the other almost on the eve of the moment when votes are going to be taken over these clauses.

Dr. M. S. Aney (Nagpur): At the eleventh hour.

Shri C. K. Bhattacharyya: Our Government and our Ministry are certainly not agents of capitalists or industrialists, as the Opposition has been hinting repeatedly.

An Hon. Member: I agree.

Shri C. K. Bhattacharyya: The object with which the State is being run is a guarantee that it is not so, and it cannot be so.

My only suggestion is this. Why should the Ministry be in a hurry about this Bill? Perhaps it is being hustled into passing this Bill because of the attitude taken up by the Opposition. The Opposition itself is hustling the Ministry in rushing the Bill through the House. It is almost turning into a question of prestige.

The hon. Minister, while moving for the consideration of the Bill, said that six States have asked for this amendment—Andhra Pradesh, Orissa, U.P., Madhya Pradesh, Maharashtra and Gujarat.

Shri Hari Vishnu Kamath: Not West Bengal.

Shri C. K. Bhattacharyya: West Bengal, though it is very highly industrialised and can take in more and more industries and is planning for more and more, has not asked for it.

Shri Hari Vishnu Kamath: Very good.

Shri C. K. Bhattacharyya: At least the larger part of India have not asked for this amendment. The hon. Minister himself admits it in his speech. So why should there be such a hurry when there is such a storm and heat over this innocent-looking Bill? The clauses are very innocent-looking, but the way hon. Members on this side and the other side are commenting on these clauses brings to my mind a line of an English poem:

"More is meant than meets the ear".

Members are reading into the clauses more than is apparent in the language. That is the reason why there is so much opposition and the opposition is so much intensified in order to have the Bill resisted somehow and not adopted in this session of the House.

The House has almost adopted a frowning attitude and that is why Dr. Ram Subhag Singh's amendment is running through repeated editions of further amendments, re-amendments and still further amendments (*Interruption*).

Shri Hari Vishnu Kamath: But he is smiling.

Shri C. K. Bhattacharyya: That is perhaps because the Bill is suspect in the eyes of the Members of the House. Why should it be so? I would request the hon. Minister to think about it. Why should such an innocent-looking Bill become suspect in the eyes of the Members on that side as well as this side? Perhaps because Members are feeling that the content is not as innocuous as is being made out. That is at the root of the opposition which is intense and persistent.

What I fear is that perhaps the Bill will be passed into law before the clock strikes five....

Shri Hari Vishnu Kamath: Not so easy.

Shri C. K. Bhattacharyya: But quickly the Ministry will have to come again to the House to have it amended on second thoughts, on further consideration. That will be necessary. That is what I am feeling on account of the circumstances in which the Bill is being rushed through.

The whole thing rests on a very crucial question, whether private property is sacred or not. The poor man's property, the poor man's house is his fort and not even the ruling power, not even the State has the

right to take his fort without his permission. That is the basis of the principle of sacredness of private property and that whole basic principle is now in question. Government and the Ministry must satisfy the House and satisfy the public that that principle is not being violated in any way by this Bill.

In conclusion, I will again quote from the same English poem:

"Ill fares the land to hastening
ills a prey.

Where wealth accumulates and
men decay".

Let this not happen in India.

Shri K. C. Pant (Naini Tal): I am afraid the views of many of the Members who have spoken in this debate have been coloured by one particular case which is very much in their minds. I do not want to go into the merits or demerits of that case, but I do feel that this Bill will have very far-reaching effects and it is the effects which should be kept in mind and not that particular case; otherwise, there is danger that our prejudice may come in the way of objective thinking.

As far as I can see, there is no particular objection to the principle that in order to accelerate and facilitate industrialisation in the country, land should be acquired for establishing industries. The question as to whether land should be acquired for the private sector is also, in my view, settled because so long as we have a mixed economy, I feel that land should be acquired for the private sector provided Government can and does satisfy itself that it is for a public purpose.

The other important point is that we all want to protect the interest of the small agriculturists. If we want to do that, to my mind, the main points that we have to remember are: (1) that a land should not be acquired except for a public purpose; (2) that there should be a machinery to see that no more land is acquired than is

absolutely necessary for the purpose, and (3) that land speculators who often step in should be kept out and that the price should not only be fair but a little better than fair and that the agriculturists, and not the land speculator, should get all of it.

These, to my mind, are the main points that would safeguard the interest of agriculturists.

In one of the amendments of Dr. Ram Subhag Singh, I find:

"Notwithstanding anything contained in this Act, no land shall be acquired under this Part for a private company which is not a Government company."

Under section (40), 1(a), land can be acquired even for a private firm for constructing workers' quarters and other public purposes, but a private limited company is not even given that right. To my mind, debarring a private limited company from this right hits actually the weakest man in the industry. We are all seeking to protect the rights of the weak man. This is the weakest man in the industry. The big man has his resources and can float a public limited company, but the small man who does not have those resources does not command the credit cannot do so. He has to float a private limited company. I know of many engineers of my age who have come out of college with me. They have Rs. 5,000 or Rs. 10,000 each. They get together, pool their resources and with Rs. 15,000 or Rs. 20,000 they get small loans from personal friends and start a small private limited company to manufacture some small article of public good. These are the people who will be debarred from acquiring land. Even now these people cannot get land acquired for the simple reason that they do not have any influence or pull with Government. But now you are legally debarring them. That, to my mind, is neither fair nor justified. The State can ac-

[Shri K. C. Pant]

quire land for a public limited company; but it is only the private limited company which cannot have land acquired, though even a private firm can acquire land.

This, to my mind, is very discriminatory. I, for one, do not know how this discrimination, between the public limited company and the private limited company, can be justified, particularly in case both are manufacturing the same thing which can be said to be of public purpose. When the over-riding purpose is the same, even in that case, there is discrimination against a private limited company. This will affect only those people in industry who can be called the weakest links in the industrial set-up and who deserve our protection in this matter.

श्री भानुप्रकाश सिंह (राजगढ़)

उपाध्यक्ष महोदय, जो यह लैंड एक्वीजिशन बिल एमेंडमेंट के रूप में हमारे सामने आया है उस पर गम्भीरतापूर्वक सोचने की आवश्यकता है। सर्वोच्च न्यायालय द्वारा इसको अवैध घोषित कर दिये जाने के बाद जिस प्रकार से संशोधनों को यहां पर पेश किया गया है उस से तो ऐसा ही लगता है जैसे कि देश के अन्दर प्रजातंत्र में हमारा अविश्वास उत्पन्न हो रहा हो। इससे प्रजातंत्र को आघात पहुंचता है इससे तो न्यायालयों के प्रति हमारी जो आस्था है, उस में भी कमी होती है। इस वास्ते इस पर हमें गम्भीरता से विचार करना चाहिये कि अगर हमें अपने देश में प्रजातंत्र को पनपते देखना है तो क्या इस प्रकार का कदम हमें उठाना चाहिये अथवा नहीं। जहां तक मैं समझ पाया हूं यह प्रथम अवसर है जब कि प्राइवेट सेक्टर के लिए इस प्रकार का कोई प्रोटक्शन सरकार की ओर से दिया जा रहा है। जहां तक पब्लिक सेक्टर का प्रश्न है, उसके लिए जमीन एक्वायर करने का जहां तक सम्बन्ध है, उसमें किसी को कोई एतराज नहीं हो सकता है। उसके लिए तो कोई भी जमीन अथवा जायदाद एक्वायर

कर ली जाये तो कोई आपको कुछ नहीं कहेगा। लेकिन जहां तक प्राइवेट सेक्टर का सम्बन्ध है, किसी वर्ग विशेष का सम्बन्ध है, इस प्रकार से उसके लिए जमीन एक्वायर करना कहां तक उचित समझा जा सकता है, यह ऐसा विषय है जिस पर आपको गम्भीरतापूर्वक विचार करना चाहिये। जहां तक मझे मालूम है किसी भी संसार के अन्य देश में इस प्रकार का कोई नियम नहीं है कि एक वर्ग विशेष के लिए सरकार एक एजेंट के तौर पर काम करे, उसके लिए जमीन अथवा जायदाद एक्वायर करे और एक कंपनी को जो कि प्राइवेट कंपनी है, उसको दे दे, प्राइवेट सेक्टर को दे दे। अतः हमें इस बात पर विचार करना चाहिये कि ऐसा करना जनहित की भावना से कहां तक मेल खाता है।

जिस देश में ८० प्रतिशत से अधिक किसान रहते हैं और २० प्रतिशत ही गैर किसान लोग हैं, वहां पर इस प्रकार का बिल सदन में लाना और उसको कानूनी रूप देना कहां तक उचित है, यह मैं समझ नहीं पाया हूं। एक और बात भी आप देखें। इस २० प्रतिशत में जो पूंजीपतियों की संख्या है वह और भी बहुत कम है। इन २० प्रतिशत में सरकारी नौकर भी आते हैं, अन्य नौकरी पेशा लोग भी आते हैं। इस तरह से पूंजीपतियों की संख्या और भी घट जाती है। ऐसी सूरत में इतने थोड़े आदमियों के लिए खास तौर पर, सरकार कोई इस प्रकार की व्यवस्था करे कोई इस प्रकार का कानून बनाये यह कहां तक न्यायोचित होगा, इस पर इस सदन को विचार करना चाहिये।

जहां तक इंडस्ट्रियलाइजेशन का सम्बन्ध है, औद्योगीकरण का सम्बन्ध है, सरकार के पास कोओपरेटिव्स और इंडस्ट्रियल एस्टेट्स की स्कीम्स हैं। उनके होते हुए क्या आवश्यकता है कि किसी प्राइवेट कंपनी के लिए किसी एक पूंजीपति के लिए, किसी भी भारतीय नागरिक

के अधिकारों का वह हनन करे, उसमें वह दखलभ्रंदाजी दे, उसकी जायदाद को, उसकी जमीन को उससे लेकर वह पब्लिक परपञ्च का नाम दे ।

जहां तक पब्लिक परपञ्च का सम्बन्ध है, मैं मानता हूं कि हमारे देश में औद्योगीकरण की बड़ी भारी आवश्यकता है और वह होना चाहिये । हम को हर चीज बहुत बड़ी मात्रा में विदेशों से आयात करनी पड़ती है और जरूरत इस बात की है कि हम उन चीजों को अपने देश में ही तैयार करें । लेकिन जैसी कि कई माननीय सदस्यों ने आशंका प्रकट की है, भय प्रकट किया है कि हर चीज को पब्लिक परपञ्च का नाम दे कर किसी की जमीन अथवा जायदाद को ले लेना खतरनाक होगा । पब्लिक परपञ्च, जहां तक केवल सरकार के द्वारा कोई उद्योग चलाने का सम्बन्ध है या कोई अन्य प्रकार के काम को हाथ में लिए जाने का सम्बन्ध है, का उपयोग उचित हो सकता है लेकिन प्राइवेट सैक्टर के लिए जमीन लेते वक्त पब्लिक परपञ्च का हवाला देना, इसके बहुत ही खतरनाक परिणाम निकल सकते हैं । मैं चाहता हूं कि माननीय मंत्री जी अगर यह आश्वासन देने के लिए तैयार हों कि अगर किसी प्राइवेट कम्पनी के लिए पब्लिक परपञ्च का नाम दे कर कोई जमीन एक्वायर की जायेगी तो उस कम्पनी को जो प्राफिट होगा उसका ९५ प्रतिशत हिस्सा कर के रूप में ले लिया जायेगा और उसको पब्लिक के हित में इस्तेमाल किया जायेगा, नागरिक कामों में उसका इस्तेमाल किया जायेगा तो इस पर भी विचार कर स्वीकार किया जा सकता है ।

आज देश की जनता में तथा यहां बैठे हुए माननीय सदस्यों के दिमागों में भी ऐसी आशंका है कि पूंजीपतियों को बढ़ावा दे कर किसी प्रकार से उनको देश पर हावी करने का मार्ग ढूंढा जा रहा है । इसलिए मैं निवेदन करना चाहता हूं कि सेजर्ज वाइफ शुड नाट ओनली बी चैस्ट बट बी एबव ससपिशन

आल्सो । इसलिए मैं कांग्रेस पार्टी से कहना चाहता हूं कि उसको अपने मैम्बरों को इधर या उधर जिस तरफ भी वे चाहें वोट देने की फ्रीडम देनी चाहिये . . .

डा० राम सुभग सिंह : बिल्कुल फ्रीडम है और मध्य प्रदेश में तो थी ही ।

श्री भानुप्रकाश सिंह : इस चीज को वोट आफ नो-कॉन्फिडेंस न समझ कर सही मानों में सदस्यों को अपनी इच्छाओं को व्यक्त करने का अवसर मिले, यही मेरी प्रार्थना है ।

श्री राधेलाल व्यास (उज्जैन) : अभी तक जो कानून हमारे देश में था, उसमें हम परिवर्तन करने की, उससे कुछ आगे बढ़ने की बात आज सोच रहे हैं । अभी तक तो ऐसे थे और यह अंग्रेजों के जमाने से चला आ रहा है कि किसी कम्पनी के लिए जब तक कि उस कम्पनी के कर्मचारियों के लिए, मजदूरों के लिए रहने के मकानों के या उनके शराम के लिए या किन्हीं दूसरे कामों के लिए जमीन की जरूरत न हो तब तक वह हासिल नहीं की जा सकती थी । किसी कम्पनी के लिए या कोई कारखाना कायम करने के लिए कोई जमीन एक्वायर नहीं की जा सकती थी । इस कानून के होते हुए भी कुछ अफसरों के पुराने जमाने में काफी अन्याय किये, जबदस्ती लोगों की जमीनें ले लीं और उसका परिणाम यह हुआ कि जिस समय हमने संविधान बनाया, जिस समय हम ने कांस्टीट्यूशन बनाया तो उस में एक आर्टिकल ३१ रखा और उस में खास तौर से यह प्रोवाइड किया गया कि कोई भी जमीन हासिल नहीं की जायेगी जब तक कि वह पब्लिक परपञ्च के लिए न हो । जब कुछ रियासतों में कम्पनियों के लिए जमीन एक्वायर की गई और मामला हाई कोर्ट और सुप्रीम कोर्ट में गया तो सुप्रीम कोर्ट में यह निर्णय दिया गया कि इस तरह के जमीनें हासिल नहीं की जा सकती हैं ।

आज कई राज्यों में होइ लगी हुई है कि वे अपने यहां ज्यादा से ज्यादा उद्योगपतियों

[श्री राघेलाल व्यास]

को बुलाये और उनको वहां उद्योग स्थापित करने के लिए प्रोत्साहित करें। उनको ऐसी टर्म्ज वे दे रही हैं जो कि उनको वहां पर कारखाने स्थापित करने के लिए प्रोत्साहन का काम दगी। उद्योगपति भी जहां कहीं जाते हैं कहते हैं कि हमें तो राजस्थान में आपसे ज्यादा सहूलियतें मिल रही हैं, फलां जगह ज्यादा मिल रही हैं, और आपके यहां तो कोई सहूलियतें ही नहीं हैं और आपको चाहिये कि और भी अधिक एंट्रेक्टिव टर्म्ज आप हम को दें। इस तरह से वे सरकारों पर प्रेशर डाल रहे हैं, दबाव डाल रहे हैं कि वे उनको अधिक से अधिक सुविधायें दें और उसी का यह परिणाम है कि हमारे माननीय मंत्री जी पर यहां भी प्रेशर पड़ गया है और उस दबाव में आ कर वह इस बिल को यहां ले आये हैं। मैं समझता हूं कि उसी दबाव में आ कर उन्होंने इस विधेयक को यहां उपस्थित किया है और आगे इसके क्या परिणाम निकलने वाले हैं, इसका अंदाजा आज नहीं लगाया जा सकता है। फिर बहुत सी ऐसी बातें हैं जिन पर आज विचार कर लेने की जरूरत है। पंत जी ने अभी बताया कि कोई देखने वाला नहीं है, कोई इस पर विचार करने वाला नहीं है कि किसी कंपनी के लिए कितनी जमीन ली जा रही है और उसको असल में कितनी जमीन की आवश्यकता है। कंपनी एक प्लान पेश कर देती है और कह देती है कि हम को दो हजार बीघा या चार सौ एकड़ चाहिये और जो तहसीलदार या कलेक्टर होता है, वे मिल करके नोटीफिकेशन कर देते हैं कि इतनी जमीन इसके लिए एक्वायर की जाती है। कोई देखने वाला नहीं है कि आया इस सब जमीन की उसको जरूरत है या नहीं है। जब तक इस चीज की व्यवस्था न कर दी जाए कि कितनी जमीन वास्तव में कारखाना लगाने के लिये चाहिये, और क्या आस पास कोई ऐसी जगह तो नहीं है जो कि काबिले कास्त न हो और जहां पर कारखाना लग सकता हो, और इस की जांच कोई एक्सपर्ट कमेटी न कर ले तब तक मैं

समझता हूं कि जो काश्तकार है और जिस की जमीन ली जाएगी, उस की रक्षा नहीं हो सकती है। इस वास्ते इस चीज की जांच पड़ताल करने के लिये कोई एक्सपर्ट कमेटी होनी चाहिये। अभी जो व्यवस्था चल रही है उस में बहुत ही वाइड पावर्ज अधिकारियों को दी हुई हैं। मैं समझता हूं कि इस बारे में हमें बहुत जल्दबाजी नहीं करनी चाहिये और जमीन हासिल करने का जो अधिकार दिया जा रहा है, वह बहुत सांच समझ कर देना चाहिये। यह सही है कि हम इंडस्ट्रियलाइजेशन देश का चाहते हैं और चाहते हैं कि हमारे देश में कारखाने स्थापित हों। लेकिन साथ ही हमें देखना होगा कि किमान का किसी तरह भी अहित न हो, लोग जिन को हम ने उन की जायदाद की सुरक्षा की गारंटी रखी है अपने कांस्टीट्यूशन में उस की अवहेलना न हो। यदि ऐसा नहीं होता है तो लोगों पर आफत और मुसीबत आ पड़ेगी। इस वास्ते जब तक उन के लिये ठीक तरह से व्यवस्था

कर दी जाती है तब तक इस तरह का प्राविजन इस में करना जल्दबाजी होगी। आगे जा कर इस में जो संशोधन रखे गये हैं कि प्राइवेट कम्पनी को शामिल नहीं किया जा सकेगा, उस के माने यह हैं कि दफा ४० और ४१, लैंड ऐक्विजिशन ऐक्ट, के मातहत किसी भी कम्पनी के लिये, चाहे वह प्राइवेट हो, या पब्लिक हो चाहे कोई कोऑपरेटिव सोसायटी हो या दूसरी सोसायटी हो, सिवा उन चीजों के जिन की डेफिनिशन लैंड ऐक्विजिशन ऐक्ट में दी हुई है जैसा कि हर एक एम्प्लायी के लिये, हर एक वर्कमैन के लिये इंट्रेलिंग हाउसेज के सम्बन्ध में, किसी के लिये भी लैंड एक्वायर नहीं की जायेगी। मेरे ख्याल से यह चीज पास हो चुकी है, फिर भी जैसा कि माननीय मंत्री ने आश्वासन दिया है, मैं समझता हूं कि इस में केवल पब्लिक परंपज ही वे रक्खेंगे। और दूसरे जो काम होंगे उन के लिये इस ऐक्ट के मातहत जमीन नहीं ली जायेगी।

दूसरी बात मैं यह कहना चाहता हूँ कि ज्यादा जमीन भी नहीं ली जानी चाहिये। रूल मेकिंग पावर में भी इस बात का प्राविजन कर दिया जाना चाहिये कि कम से कम जमीन ली जायेगी। अभी तो रूल मेकिंग पावर सेंट्रल गवर्नमेंट के पास है, लेकिन आगे चल कर स्टेट्स के पास भी यह पावर्स होंगी। इसलिये इस में यह चीज सम्मिलित कर ली जानी चाहिये कि :

"The rules made by the States shall be deemed to have been modified by the rules framed by the Central Government."

Mr. Deputy-Speaker: Shri Vishwa Nath Pandey.

Shrimati Renuka Ray: Sir, I want to make a submission. I have brought a new amendment to the Bill, and the amendments have now been circulated....

Mr. Deputy-Speaker: The hon. Member has spoken yesterday.

Shrimati Renuka Ray: Yesterday I had not sent round the amendment.

Mr. Deputy-Speaker: I have seen the Government amendment and also the amendment of the hon. Member. They are the same.

Shrimati Renuka Ray: I would like to have a word on it.

Mr. Deputy-Speaker: I do not know what there is to speak.

Shrimati Renuka Ray: If you give me two or three minutes....

Mr. Deputy-Speaker: If I allow her, then I will have to give opportunity to everybody.

Shrimati Renuka Ray: You have re-opened it: because one Member has spoken.

Mr. Deputy-Speaker: Shri Vishwa Nath Pandey.

श्री विश्वनाथ पांडेय (सलेमपुर) :
उपाध्यक्ष महोदय, मैं तो सर्वोच्च न्यायालय के न्यायाधीशों को अपनी तरफ से और इस सदन की तरफ से धन्यवाद देता हूँ कि उन्होंने किसानों के पक्ष में, खेतिहर वर्ग के पक्ष में, एक निर्णय दिया, जिस के द्वारा राज्य का ध्यान और इस सदन का भी ध्यान उन लोगों की ओर आकर्षित हुआ है। मैं समझता हूँ कि यदि ऐसा निर्णय न हुआ होता तो इस सदन में दो तीन दिन से जो बहस चल रही है वह शायद न होती।

आज यह देश समाजवादी व्यवस्था को स्वीकार कर चुका है तब यह आवश्यक है कि इस देश में जो इतनी बड़ी संख्या में खेतिहर लोग रहते हैं, किसान लोग रहते हैं, उन की जमीनों की रक्षा के लिये कार्य किया जाना चाहिये। यह भी सही है कि इस देश में निर्माण के कार्य चल रहे हैं और इन निर्माण के कार्यों को चलाने के लिये उद्योग, कारखाने, आवश्यक है। उद्योगों में एक सेक्टर और प्राइवेट सेक्टर दोनों का होना भी आवश्यक है। मैं इस के सम्बन्ध में ज्यादा समय नहीं लेना चाहता कि पब्लिक सेक्टर क्या है और प्राइवेट सेक्टर क्या है। इस के सम्बन्ध में न्यायाधीशों ने काफी विस्तृत रूप से वर्णन किया है और इस माननीय सदन के सदस्यों ने भी उस की काफी व्याख्या की है। लेकिन संविधान ने जिस तरीके से किसानों और खेतिहरों की रक्षा प्रदान की है, वह रक्षा इस सदन के द्वारा होनी चाहिये। इस के साथ ही साथ मैं मंत्री महोदय का भी धन्यवाद देता हूँ कि इतने विरोध के बाद भी उन्होंने इस तरह का विधेयक इस सदन में प्रस्तुत किया है। परन्तु साथ ही साथ मैं एक चीज और कहना चाहता हूँ कि इन परिस्थितियों के अन्तर्गत उन्होंने जो इस विधेयक को प्रस्तुत किया है वह केवल इसलिये किया है कि सुप्रीम कोर्ट ने जो निर्णय किसानों के पक्ष में किया है, वह वास्तव में उन के विरोध

[श्री विश्वनाथ पांडेय]

मैं सदन के सामने नम्र निवेदन करना चाहता हूँ कि केवल इस विधेयक को लाने से ही इस देश का काम नहीं चल सकता है, किसानों का काम नहीं चल सकता है। मूल कानून जो ६८ वर्ष पूर्व बनाया गया था उसे अंग्रेजों ने बनाया था। वे पूँजीपतियों के पोषक थे, सामन्तशाही के पोषक थे, इसलिये उन्होंने इस कानून को उस रूप में बनाया था। इसलिये जब तक उस कानून में आमूल परिवर्तन नहीं होगा, जब तक उससे बदल कर दूसरा कानून समाजवादी व्यवस्था के अन्तर्गत नहीं बनाया जायेगा तब तक किसानों की जमीन का अपहरण करने की जो व्यवस्था बनाई जाती है उस में सुधार नहीं हो सकता। यह अर्थ है कि जो संशोधित विधेयक लाया गया है उस में कुछ परिवर्तन हुआ है। उस परिवर्तन में सुधार होता है लेकिन उस संशोधन में किसानों का काम नहीं चल सकता। जिस स्थान पर पूँजीपति अपनी मशीनों को खड़ा करने के लिये, अपने कल कारखानों को खड़ा करने के लिये, लावों और करोड़ों रुपये का सामान विदेशों से मंगा सकते हैं, वहाँ अगर वे स्वयम् किसानों से बातचीत कर के उनकी जमीनों को लें तो अच्छा होगा। अगर वे अधिक पैसा देंगे तो किसानों को जमीनों के देने में तकलीफ नहीं होगी। जिनके पास खेत हैं उन को भी इस से कोई नुकसान नहीं होगा। और इस का निर्णय इस सदन के द्वारा और कानून के द्वारा होना आवश्यक है।

दो आदमी जब कोई सामान खरीदने के लिये बाज़ार में जाते हैं तब बेचने वाला आदमी अपनी इच्छा के अनुसार, और बाज़ार भाव के अनुसार, उस सामान की कीमत मांगता है। यदि खरीदने वाला उतना दाम दे सकता है तो उस चीज़को खरीदता है, नहीं तो चला आता है। आज जो किसान कुल आबादी के ८० या ८५ प्रतिशत हैं हिन्दुस्तान में, उन का अधिक भाग गरीब

आदमियों का है। उन की जमीनों को कानून बना कर लेना कुछ न्यायसंगत नहीं मालूम होता है। हमारे संविधान में जब हर एक आदमी की जायदाद की रक्षा करने के सिद्धान्त का समावेश किया गया है, तब इस सदन का यह कर्तव्य है कि वह ऐसे कानून बनाये जिनसे उन की रक्षा हो सके। मैं माननीय मंत्री महोदय से यह प्रार्थना करूँगा कि वे एक आमूल परिवर्तन वाला विधेयक इस सदन के सामने प्रस्तुत करें, जिस के अन्तर्गत किसानों की जमीनों की रक्षा हो और संविधान द्वारा प्रतिपादित सिद्धान्तों की भी रक्षा हो।

अन्त में एक बात और कहना चाहता हूँ। संविधान के अन्तर्गत ही यह विधेयक लाया गया है। इस में कोई अमंगल नहीं है, लेकिन साथ ही साथ यह भी है कि जो कानून आप बनाते हैं उस की व्याख्या अदालतों में होती है, कचेहरियों के न्यायाधीशों के सामने होती है। अरोड़ा वर्सस यू० पी० सरकार का जो मुकदमा हुआ, उस में न्यायालय ने अरोड़ा के पक्ष में ही अपना विचार व्यक्त किया। लेकिन संविधान ने जिस एक सर्वोच्च न्यायालय का निर्माण किया है, उस न्यायालय के सामने न्यायाधीशों ने उसे असंगत माना और इलाहाबाद हाई कोर्ट के निर्णय को बदल दिया और एक नया फैसला दिया। मैं कहना चाहता हूँ कि आज हम और आप सब इस देश के सामने बैठे हुए हैं इसलिये मंत्री महोदय यहाँ पर केवल किसानों के हक वाले विधेयक लायें। जिस विधेयक का प्रभाव उन लोगों पर पड़ने वाला हो उस को ग़ौर उन की मर्जी के न लायें।

✓ **Shrimati Sarojini Mahishi (Dharwar North):** As a result of the introduction of section 38A, which gave wider scope to the companies or some industrial concerns, the introduction of clauses (a) and (b) under sub-section (1) of section 40 was quite necessary to avoid the Act being used in favour

of certain mushroom concerns and also to avoid the use of this Act for furthering the cause of private speculation.

Now, it is strictly in keeping with the preamble to the Land Acquisition Act which says that land may be acquired "for public purposes and for companies", at the same time making a distinction between acquisition of land for a public purpose and acquisition of land for a company. In case land is to be acquired for a company, which may be an industrial concern also, the two sections 40 and 41 are to be necessarily complied with. Sections 6 to 37 cannot be put into operation unless sections 40 and 41 are complied with and the previous sanction of the appropriate Government in this connection is obtained.

The first part of section 40 says that land may be acquired for the construction of dwelling houses for the workers and the second part says that it may be acquired for some work provided that such work is likely to prove useful to the public. These words "likely to prove useful to the public" have a very wide meaning indeed, and different cases have been settled in the Supreme Court—either in the case of Babu Barkya Thakur versus the State of Bombay or in the case of Jhandulal versus the State of Punjab—where under section 17 land was acquired. What is meant exactly by "public purpose", that has been defined there; and if a particular piece of land is to be acquired in favour of a particular company, whether the acquisition of the land will be utilised in such a way that it will be useful to the public, directly useful to the public—that has been the judgment given.

Of course, Government satisfaction is the main concern. In another case, namely the case of Moosa Haji Hassan versus the Secretary of State, the judges have given that Government are *prima facie* good judges of deciding as to what is 'public purpose'

but they are not always absolute judges. Government may interpret and Government may be satisfied. The satisfaction of the Government may not be challenged. At the same time, Government has to base its satisfaction upon the interpretation given by the court to sections 40 and 41. Sections 40 and 41 should be read together.

I think I shall not be wrong in quoting the judgment given by one of the dissenting judges in the recent case of Aurora versus the State of U.P. There the judge goes to the extent of saying that the provisions of this particular Act may be used by the Government in favour of the friends and relatives, and that this cannot be prevented also. It is not always for the court to suggest a remedy. It is for the people to put the Government where it is. That is also part of the judgment given by one of the dissenting judges. In this particular amendment No. 42, which is put forth it is said:

"(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work is in the interests of the general public; or".

I hope we will welcome the substitution of these words "a public purpose". I am not able to understand whether this public purpose goes with the industry or whether this public purpose goes with the construction that is going to be undertaken by the particular industry. What sort of distinction can be brought about between an industry which is for a public purpose and an industry which is not for a public purpose. Can we say that an industry for manufacturing machinery parts is for a public purpose while a machinery or an industry for manufacturing biscuits and other eatables is not for a public purpose? It may be difficult to dis-

[Shrimati Sarojini Mahishi]

tinguish between the two and I think it will be better if some clarification is given. There is a restriction put upon the private companies as far as acquisition of land is concerned. Land may be acquired in favour of Government companies as defined under section 617 of the Companies Act for any purpose even if it may not come under section 40 (a) or (b). I think I should support Shri Tyagi's amendment in this case. Land may be acquired for a Government company provided it comes under section 40(a). It is essential. Government cannot be an agent for acquiring land. That is not the purpose or the spirit of the law or of the amendment, I believe. Sometimes it may so happen that land may be acquired for such a purpose without Government itself being conscious of that. I may quote the instance cited by an hon. Member from the Opposition. Land in that case was acquired by the Government for starting a small industries institute but after five or six years the same land was allotted to some other private company, even before an agreement under section 41 was entered into. Therefore, Government cannot act as an agent for acquiring land on behalf of any particular company. It is only to promote development of industries in India that this particular section had been introduced. I think this was the spirit with which the amendment, Act XVI of 1933 was also introduced. It must be in keeping with the spirit of that particular section, when the amendments are introduced; they must be in keeping with the preamble of the Land Acquisition Act, which is the spirit of the existing law and which has been saved under article 31A of the Constitution.

Shri Tyagi: May I seek one clarification from her? She is a lawyer and knows more about the law than I do. Would it be clear if in the third line of the amendment No. 42 after the word 'work', we put a comma and put another comma after the word

'work' appearing in line 5 of the same amendment, so that it will read:

".... building or work, for a company which is engaged or is taking steps for engaging itself in any industry or work, which is in the interests....".

Shrimati Sarojini Mahishi: I think these two commas will serve the purpose.

श्री प्रकाशचौर शास्त्री (बिजनौर) :

उपाध्यक्ष महोदय, तृतीय पंचवर्षीय योजना में हम ने अपने देश के आर्थिक विकास के लिये जहाँ कृषि की उपज को और अन्य साधनों को बढ़ाने के लिये कुछ बत लिये हैं वहाँ साथ ही साथ देश के औद्योगीकरण के लिये भी हम ने बत लिया है। पिछली जो दो पंचवर्षीय योजनायें अभी समाप्त हुई हैं उनमें यह देखा गया कि कृषि की उपज को बढ़ाने के लिये और औद्योगीकरण के लिये जितने भी साधन हैं उन में आपस में टकराव की स्थिति अब तक नहीं आई। यह पहली ही स्थिति है कि जब तृतीय पंचवर्षीय योजना आरम्भ होने जा रही है, उसके पहले काम पर ही एक ऐसा विधेयक इस सदन में उपस्थित किया गया है जिससे आपस में टकराव की आशंका है।

मैं बड़ी नम्रता से इस सम्बन्ध में निवेदन करना चाहता हूँ कि सरकार की कुछ ऐसी आदत धीरे-धीरे पड़ती चली जा रही है कि सामान्य निर्वाचनों के बाद जो पहला वर्ष होता है उस में जो विधेयक उपस्थित किये जाते हैं या जो टैक्स लगाये जाते हैं वे ऐसे होते हैं जो सामान्य जनता के कन्धों पर अधिक बोझ बनें। उसी आधार पर इस विधेयक को सामान्य निर्वाचनों के पश्चात् उपस्थित भी किया गया जिस का सामान्य नागरिकों, विशेष कर कृषकों के जीवन पर जो प्रभाव पड़ेगा वह भयंकर होगा। यह मेरा अपना अनुमान है और

मैंने कई स्थानों पर इस प्रकार के दृश्य भी देखे हैं ।

अभी हरिद्वार के निकट एक बहुत बड़ा हैवी इलेक्ट्रिकल्स का कारखाना, भोपाल जैसा, बनने जा रहा है जिस के लिये जमीन उपलब्ध करने में दस पन्द्रह गांवों को उजाड़ा जायेगा । पिछले दिनों जब मैं उस तरफ गया तो किसानों के प्रतिनिधि मेरे पास आये और उन्होंने मुझे सारा हाल बताया । उन्होंने सरकार को कोई जापन भी इस विषय में दिये हैं और एक जापन उन्होंने मुझे भी दिया । मैंने स्वयं वहां जा कर अपनी आंखों से उसे देखा भी । उपाध्यक्ष महोदय, मुझे यह देख कर आश्चर्य हुआ कि जिन दस पन्द्रह गांवों को उजाड़ कर यह कारखाना बनाया जाएगा और जिस का हजारों किसान परिवारों पर प्रभाव पड़ेगा, उन्हीं गांवों के समीप उसी जमीन से लगता हुआ एक बहुत बड़ा फार्म है, जिस में दूर जाने की भी आवश्यकता नहीं है, उस जमीन पर क्यों यह कारखाना नहीं बनाया जाता । लेकिन वह फार्म एक मिनिस्टर का है और हमारी सरकार की यह नीति बनती जा रही है कि वह जब भी हाथ डालती है तो गरीब और निर्धन व्यक्तियों पर हाथ डालती है, सम्पन्न व्यक्तियों को स्पर्श नहीं करती ।

दूसरी बात जो मैं विशेष रूप से कहना चाहता हूं वह यह है कि जिन गांवों को उजाड़ कर उनके स्थान पर यह हैवी इलेक्ट्रिकल्स का कारखाना बनाया जा रहा है, उस के ही बगल में उत्तर प्रदेश की सरकार ने सड़क बनाने के लिये जमीन ली है और उसका कम्पेन्सेशन दिया है । उस कम्पेन्सेशन में और जो कम्पेन्सेशन हैवी इलेक्ट्रिकल्स के कारखाने के लिये ली गयी जमीन के लिए दिया गया है बहुत बड़ा अंतर है । तो उन किसानों का कहना है कि हमको उसी हिसाब से अपनी जमीन का मुआवजा दिया जाए जिस हिसाब से कि उस जमीन का उत्तर प्रदेश सरकार ने दिया था जो कि सड़क के लिये

ली गई थी, अगर ऐसा भी नहीं किया जाता तो इस जमीन की बगल में जो खाली जमीन है वह हमको दे दी जाए, और अगर ऐसा भी नहीं दिया जाता है तो बजाय इसके कि इन गांवों को उजाड़ा जाये, जो एक बड़ा फार्म इस जमीन के निकट है उस पर यह कारखाना बना दिया जाए । लेकिन जैसा कि मैंने पहले कहा सरकार निर्धन और गरीब आदिमियों पर ही हाथ डालती है और उसी पृष्ठ भूमि में यह विधेयक भी इस सदन के सामने प्रस्तुत किया गया है ।

विधेयक में, उसको थोड़ा नरम दिखाने के लिए, कोअपरेटिव सोसाइटीज की भी चर्चा की गई है कि उनके बनाने के लिए भी इस प्रकार की भूमि एक्वायर की जाएगी और उस भूमि पर अधिकार किया जाएगा । लेकिन मैं जानना चाहता हूं कि क्या कृषि मंत्री महोदय सदन को यह आश्वासन देंगे कि कोअपरेटिव सोसाइटीज के लिए जिन भूमियों पर अधिकार किया जाएगा उन किसानों का उन कोअपरेटिव सोसाइटीज में क्या भाग होगा, या जिस कारखाने के लिए उनकी भूमि ली जाएगी उस कारखाने में उसका क्या भाग होगा जिससे कि वे अपना और अपने परिवार का मुख के साथ पालन कर सकें । लेकिन इस प्रकार का कोई आश्वासन इस बिल में नहीं है ।

दूसरी सब से बड़ी बात यह है कि जब हम जापन बनाते हैं तो जनतंत्र की दुहाई देते हैं और समाजवादी समाज रचना का नारा लगाते हैं । लेकिन क्या कृषि मंत्री अपने हृदय पर हाथ रख कर कह सकते हैं कि यह विधेयक समाजवादी समाज रचना में सहायक हो सकता है और इसमें जनता की भावनाओं का निरादर नहीं होगा । परमों मैं इस विधेयक के सम्बन्ध में चर्चा हो रही है । मैंने सुना है कि जहां कृषि मंत्री महोदय और अनेक विधियों के जाता हैं वहां जन-भावनाओं के भी जाता हैं । यदि वह जन-भावनाओं

[श्री प्रकाशवीर शास्त्री]

का सचमुच आदर करते हैं तो जो विचार इतने सदस्यों के मस्तिष्कों से निकले हैं उनको देखते हुए इस विधेयक को भविष्य के लिये स्थगित कर दें, और यदि इतने भाषणों को सुनने के पश्चात् भी और इतने सदस्यों के विचारों को जानने के पश्चात् भी वह इस विधेयक को स्वीकृत कराते हैं, तो उपाध्यक्ष महोदय, आप मुझे इन शब्दों को कहने की आज्ञा दें कि जन की भावनाएं इससे निकल जाएंगी और केवल तंत्र की भावना इसमें रह जाएगी और जो शासन तंत्र मात्र बन कर ही चलाए जाते हैं वे निरंकुश होते हैं और किसी देश के लिये निरंकुश शासन सुख का कारण नहीं हो सकता ।

इसलिए, मैं बड़ी नम्रता से निवेदन करना चाहता हूं कि इस विधेयक को पास कराने में जल्दबाजी से काम न लिया जाये और जनता की राय जानने के लिए इसको प्रचारित किया जाए और इस समय इस विधेयक को स्थगित किया जाये ।

श्री रा० शि० पाण्डेय (गुना) : उपाध्यक्ष महोदय, कल और इसके पहले दिन लैंड ऐक्वीजिशन अमेंडमेंट बिल पर जो बहस हुई उस से मैं इस नतीजे पर पहुंचा हूं कि एक इस प्रकार की धारणा कुछ बनती जा रही है या बनती गई कि आनरेबल मिनिस्टर ऑफ फूड एंड एग्रीकल्चर कुछ कैंपटेलिस्ट और इंडस्ट्रियलिस्ट्स की मदद करने के लिए यह विधेयक लाये हैं । मैं समझता हूं कि जितने आइडिबाज और सैटीमेंट्स किसानों के लिए, एग्रीकल्चरिस्ट्स के लिये इस हाउस के आनरेबल मेम्बरान की तरफ से आये उन से ज्यादा पाटिल साहब ने जो फूड एंड एग्रीकल्चर मिनिस्टर हैं, अपने ३०-३५ वर्ष के सार्वजनिक जीवन में जिसमें २० वर्ष मैं जानता हूं कि उन्होंने उनके लिए कहे हैं । जहां किसानों के हित की बात हो, जहां किसानों के लैंड की बात हो, एग्रीकल्चर के इम्प्रूवमेंट की बात हो,

उन सब से उनका सीधा सम्बन्ध है, सीधे हृदय से सम्बन्ध है और उस तंत्र से भी सम्बन्ध है । दोनों से उनका सम्बन्ध है । आज जिस टैक्निकल टर्मिनोलिजी के आधार पर मिनिस्टर साहब को यह सब बात सुननी पड़ रही है और जो एक हाहाकार मचा हुआ है मैं समझता हूं उनकी आत्मा को इसमें दुख जरूर पहुंच रहा होगा । अब यह कोई अकेले पाटिल साहब का डिसेशन नहीं है जो कि यह विधेयक सदन में आया है । यह तो कैबिनेट का डिसेशन है, गवर्नमेंट एज ए होल का डिसेशन है । जिस बडिग और जिस टर्मिनोलिजी पर सुप्रीम कोर्ट का डिसेशन हुआ उससे ६८ वर्ष के इतिहास का एक नया नमूना हमारे सामने आया । मैं आपसे कहना चाहता हूं कि प्लांड एकांनामी में अगर आपको इंडस्ट्रियल उद्योग को बढ़ाना है जैसा कि आपने उद्योग का सिद्धान्त स्वीकार किया तो मैं आप से कहता हूं कि यह चिन्ता तो उनको होनी चाहिए, उस मिनिस्टर को होनी चाहिए जो कि लाइसेंसिंग इश्यू करते हैं और जिन्होंने कि प्लानिंग बनाई है । इंडस्ट्रीज के सम्बन्ध में जितना पाटिल साहब को थ्रिटिसाइज किया गया है जाहिर है कि कोई ताल्लुक उनसे नहीं आता है । ताल्लुक आता है सिर्फ लैंड में, लैंड इम्प्रूवमेंट के सम्बन्ध में, किसानों के हित के सम्बन्ध में जैसे कि फर्टिलाइजर है, पानी है या उनकी चकबन्दी है । मैं समझता हूं कि उन्होंने इस बारे में जितना किया है वह बहुत तारीफ की बात है ।

जहां तक देश के औद्योगीकरण की बात है एक बात यहां बिल्कुल स्पष्ट हो जानी चाहिये । मैं समझता हूं कि चाहे प्राइवेट सेक्टर हो और चाहे पब्लिक सेक्टर हो, जहां तक औद्योगीकरण का सम्बन्ध है वहां तक कोई फर्क नहीं है । जहां तक परपज का सम्बन्ध है वहां कोई अन्तर नहीं है अलबत्ता परसन का अन्तर हो सकता है ।

अगर यह हाउस समझता है कि प्राइवेट सैक्टर के अन्तर्गत जितनी इंडस्ट्रीज आती हैं उनमें मुनाफाखोरी है, उनमें भ्रष्टाचार है और वह देश की सेवा नहीं कर सकती तो with one stroke of the pen, this House is entitled to nationalize the industries. उस के लिये एक बिल यहां

आना चाहिये। वह बिल जिस दिन आयेगा वह दिन इस देश के लिये स्वर्ण दिन होगा जबकि हम यह फैसला करेंगे कि हम सोशललाइजेशन चाहते हैं, इंडस्ट्रियलाइजेशन चाहते हैं और हम नेशनलाइजेशन चाहते हैं। हम जनता के हित में यह सब करना चाहते हैं, किसी प्राइवेट इंटरप्राइज को, किसी प्राइवेट परसन या फैमिली को यह अधिकार नहीं होगा कि वह इंडस्ट्रीज चलाये और मुनाफाखोरी करे। वह दिन इस देश के लिये एक मुबारक दिन होगा। लेकिन जब तक यह स्थिति है कि आप प्लांड एकोनामी में प्राइवेट सैक्टर को शैलर देते हैं लाइसेंस देते हैं, प्राइवेट कम्पनीज और प्राइवेट सेक्टर का जो इनवैस्टमेंट है करीब करीब ७५ परसेंट या तो पब्लिक का है या सरकार का है। यह लाइसेंस, इम्पोर्ट लाइसेंस, लोन और इक्विटी शेयर्स का जो पैसा आता है वह सरकार से आता है और वह इसलिये शायद आता है कि प्लानिंग का एक टारगेट मीट करना चाहते हैं। प्लानिंग में जो आप उत्पादन करना चाहते हैं और जो एक सिविलाइज्ड सोसाइटी बनाना चाहते हैं तो उसके लिये दो ही लोजिकल प्रोसेस हैं, एक तो मिकेनिकल प्रोसेस है और दूसरा बाइलोजिकल प्रोसेस है। अब बाइलोजिकल प्रोसेस तमाम खेती के सम्बन्ध में आता है और मिकेनिकल प्रोसेस इंडस्ट्री में आता है। एक तरफ इंडस्ट्रीज की भी दुहाई देते हैं और दूसरी तरफ खेती भी चाहते हैं। जब इस टेक्निकल टर्मिनलजी से यह अन्तर पैदा हुआ यह मतभेद पैदा हुआ तो वहां पर किसी एक इण्डस्ट्री का नाम लेते हैं, मैं तो कहूंगा कि इस हाउस में इण्डस्ट्रियलाइजेशन के खिलाफ जो सैटीमेंट एक्सप्रेस किया गया है और अगर यह ठीक है तो मैं आनरेबल मेम्बर से निवेदन करूंगा कि

प्राइवेट सैक्टर को खत्म करने के लिये एक बिल जल्द लाना चाहिये। अगर प्राइवेट सैक्टर को आप नहीं चाहते और यह सदन नहीं चाहता तो एक बिल ले आइये और इस सैक्टर को खत्म ही कर दीजिये। परपज हमारा इंडस्ट्रियलाइजेशन का है, परपज हमारा औद्योगीकरण का है अब अगर आप समझते हैं कि पर्सन ठीक नहीं हैं तो उनकी संख्या तो कम है उसका इलाज आप के पास है। यह सप्रोम ला मोंकिंग बोडी है और बिब वन स्ट्रोक ऑफ पैन उसका फैसला किया जा सकता है। लेकिन अगर आप का परपज देश के औद्योगीकरण का नहीं है तो मैं समझता हूँ कि इसको चेंज कर दिया जाय।

मैं जिस निर्वाचन क्षेत्र से चुन कर आया हूँ वहां केवल खेती होती है जिस का कि नाम गुना है। यहां दो रा मंटीरियल होते हैं एक भूसा और एक ग्रास। यह दोनों करीब करीब बंकार जाते हैं। मुझ से लोगों ने कहा कि यहां पर कोई इंडस्ट्री लाइये। मैंने कोशिश की। मैंने वम्बई के मित्रों से कहा भूपाल के मित्रों से कहा कि भाई ऐसा रा मंटीरियल जो यहां पर एवेलेबुल है अगर उसकी आप इंडस्ट्री ला सकते हैं तो लाइये। हमारे लड़के जो कि स्कूल, कॉलेजों से निकलते हैं चूकि गांव में इंडस्ट्रीज नहीं हैं इसलिये वे लड़के शहरों की तरफ गांवों से दौड़ते हैं, नौकरी के लिये दौड़ते हैं। अब हर एक आदमी यह चाहता है कि चीज उसके बहुत नजदीक जहां वह रहता है जहां उसका गांव है वहां इंडस्ट्रीज भी हों। इसलिये जहां देश को इंडस्ट्रियलाइज करने की बात है वहां पढ़े लिखे लोगों को नौकरी देने की भी बात है। मैं हर एक आनरेबल मेम्बर के उस सैटीमेंट की कद्र करता हूँ और मैं भी चाहता हूँ कि जितनी भी प्रोफेक्टोरिंग या एक्सप्लायटेशन आज चलता है वह कतई बन्द हो। अगर समाजवादी समाज की रचना हम करना चाहते हैं तो यह होना जरूरी है। बेशक यह सारे सिद्धान्त जो नैसर्गिक सिद्धान्त है, मानवीय सिद्धान्त हैं और इंसानियत को ऊपर उठाने की बात है। मैं चाहता हूँ कि यह प्राफि-

[श्री रा० शि० पाण्डेय]

टिपेरिंग बन्द होनी चाहिये और तमाम करप्ट प्रैक्टिसेज बन्द होनी चाहियें ।

अगर आप चाहते हैं कि हिन्दुस्तान इंडस्ट्रियलाइजेशन की रेस में पीछे न रहे, आप सारी चीजें चाहते हैं, आप प्लान भी चाहते हैं, कपड़ा भी चाहते हैं, पंखा भी चाहते हैं, मकान भी बनाना चाहते हैं और रोड्स, ट्रेन और कम्युनिकेशन्स भी चाहते हैं और देश में इंडस्ट्रियलाइजेशन चाहते हैं तो आपको एक महज सेंटीमेंट के ऊपर नहीं जाना चाहिये । किसान के साथ जितनी हमदर्दी आप को हो सकती है वह सब को हो सकती है । अगर किसान की एक इंच जमीन ली जाती है तो बेशक उसे उचित मुआविजा मिलना चाहिये । मैं तो आनरेबल मिनिस्टर से निवेदन करूंगा कि कम्पेंसेशन एक मुश्त न दिया जाकर लीज बेसिस पर दिया जाये । अब चाहे वह ६६ वर्ष का हो, २०० वर्ष का हो या २५० वर्ष का हो लेकिन मुआविजा लीज सिस्टम पर बेस्ड हो ताकि उसको एक कंटीनएल सोर्स ग्रीफ इनकम मिलती जाय । हो सकता है कि एकदम मुआविजा अगर उसको दिया जाय तो उसका पैसा खर्च हो जाय और बाद में उसे मुसीबत का सामना करना पड़े क्योंकि उसके पास खेती के अलावा दूसरा कोई धंधा होता नहीं है । उसको लीज की बेसिस पर मुआविजा मिलना चाहिये ताकि किसान की जमीन जो कि इन दी नेम ग्रीफ इंडस्ट्री जाती है और इन दी नेम ग्रीफ डेवलपमेंट जाती है तो ऐसा तो न हो कि उसकी एकोनामिक कंडीशन कौलैप्स हो जाये और उसके बाल बच्चे दुखी हो जायें । मैं निवेदन करूंगा कि जो लैण्ड एक्वायर हो जिस किसान से आप इंडस्ट्री के लिये लें तो उसको आप आलटरनेटिव लैण्ड भी दें । जहां आलटरनेटिव लैण्ड हो वहां उस किसान को बतौर मुआविजे के दे दिया जाये । लीज के साथ-साथ आलटरनेटिव लैण्ड भी उनको दिया जाये ।

अब यह बिल तो पास होगा ही । जैसा

कि हाउस की मंशा है एक क्लोज में कहा गया है कि यह अधिग्रहण प्राइवेट कम्पनीज के लिये नहीं करेंगे । ठीक बात कही है । यह इस लिये कहा गया है कि प्राइवेट कम्पनी बहुत बड़ी हो सकती है इसलिये हमने उसको साफ कर दिया । हमने कहा है कि जो इंडस्ट्री वॉलेंस शीट लेकर पब्लिक के सामने आती हैं जिसके लिये कि हमारे पास हक है कि हम उसको एंजामिन कर सकें, स्क्रूटनाइज कर सकें उस पब्लिक कम्पनी को हमने लिया है लेकिन प्राइवेट कम्पनी बड़ी होते हुए भी उसको हमने इस के अन्दर शामिल नहीं किया है । इस सिद्धान्त को हमने स्वीकार किया है । मैं श्री पाटिल साहब को इसके लिये बधाई देता हूं कि सुप्रीम कोर्ट के टर्मिनोलिजी के बारे में फैसला देने से जो एक स्थिति पैदा हुई उसको दुरुस्त करने के लिये वह बड़े साहस के साथ यह बिल लाये । वह भी चाहते हैं, हम भी चाहते हैं और सारा देश भी यही चाहता है कि देश में एग्रीकल्चर भी बढ़े और इंडस्ट्री भी बढ़े ।

Shri Ram Ratan Gupta rose—

Mr. Deputy-Speaker: He has already spoken.

Shri Ram Ratan Gupta: Yes. But I want to clarify one point.

Mr. Deputy-Speaker: I am sorry. If I give him a chance, I must give others also a chance.

श्री बसवन्त (धाना) : उपाध्यक्ष महोदय, इन पिछले दो दिनों में हुई बहस के दौरान भूमि अर्जन (संशोधन) बिल के सम्बन्ध में काफी माननीय सदस्यों ने अपनी-अपनी राय बताई है । इस बिल के अन्दर पाटिल साहब ने कहा है कि उद्योग धंधों के लिए जमीन हासिल करने में जो कठिनाई पेश आती है उस कठिनाई पर काबू पाने के लिए इस संशोधन बिलको लाया गया है । मगर

जो उद्योगपति इण्डस्ट्रीज कायम करने के लिए जमीन की मांग करते हैं, मैं समझता हूँ कि राजधानी में उन का हैड आफिस होना जरूरी है। बहुत सारे उद्योगपतियों के हैड आफिस राजधानी में ही रहते हैं, लेकिन उन्होंने कोई ऐसी मांग कभी नहीं रखी कि हमको हैड आफिस के लिए प्रेजेंट मार्केट रेट और उसके ऊपर पन्द्रह परसेंट के हिस्सा से कोई मकान दिलवाया जाये। मैं समझता हूँ कि यहाँ पर प्रेजेंट मार्केट रेट से पन्द्रह परसेंट ज्यादा दाम देने से भी जो कठिनाई होती है, उसके पीछे कुछ अलग हेतु हैं।

15 hrs.

मैं मानता हूँ कि जिस शहर में कुछ गज के हिसाब से भूमि विक्रय रही है, वहाँ भूमि का भाव पांच रुपये से पचास रुपये गज तक चलता है। वहाँ तो उद्योगपति एक्वीजिशन का प्रश्न नहीं उठाते, लेकिन जहाँ कुछ गरीब लोग हैं, उनकी भूमि के लेन-देन का हिसाब रजिस्ट्रेशन से निकालते हैं और जहाँ पांच माल का एवरेज पांच, छः, आठ आने गज तक आता है, वहाँ वे एक्वीजिशन डाल देते हैं। इस प्रकार वे गरीबों की भूमि छीनने के लिए एक्वीजिशन के कानून का फायदा उठाते हैं।

मैं बम्बई के बिल्कुल समीप रहता हूँ और मेरी कांस्टीट्यूएन्सी भी वहीं है। मैंने यह भी देखा है कि बम्बई सबर्बन में तो पचास रुपये गज का भाव चलता है, लेकिन बम्बई के नजदीक जो डिस्ट्रिक्ट हैं, दो, तीन, पांच मील दूर जो खेड़ा गांव हैं, वहाँ पांच साल का एवरेज सिर्फ पांच, छः आने गज तक आता है। इस अवस्था में बम्बई का वह उद्योगपति बम्बई की पचास रुपये गज की जमीन को छोड़ कर उस क्षेत्र में एक्वीजिशन डाल देता है, जहाँ का पांच साल का एवरेज केवल पांच, छः आने गज तक आता है। कुछ ऐसे आफिसर भी होते हैं, जो इस काम में उनको सहयोग देते हैं।

माननीय मंत्री श्री पाटिल, ने कहा कि जब तक पासिबल है, तब तक हम अच्छी भूमि, पैदावार वाली भूमि नहीं लेंगे, मगर आजकल तो यह सिद्धान्त नहीं माना जाता है। हम देखते हैं कि जिस भूमि में हिल्ज और ड्रेनेज होती हैं, वहाँ लेक्लिग करने की आवश्यकता होती है, उसको आमिट करके अच्छी और फ्लैट भूमि पर एक्वीजिशन डाल दिया जाता है और ऐसी अच्छी भूमि छीन ली जाती है।

यह बात भी देखने में आती है कि जब कोई एक्वीजिशन शुरू होता है, तो फैक्टरी वाले उद्योगपति के मैनजर साफ कहते हैं कि हम आप सब लोगों को नौकरी दिलवायेंगे, आपका काम-धंधा अच्छी तरह से चलेगा, और जिस प्रकार आप खेती करते हैं, उससे भी अच्छे ढंग से और बड़ी खशी से आप जीवन व्यतीत करेंगे। आजादी के बाद चौदह साल से उद्योगपति कृषकों की भूमि एक्वायर कराके कारखाने स्थापित कर रहे हैं। मैं समझता हूँ कि इस बात की जांच-पड़ताल की जानी चाहिए कि इस समय ऐसे कितने आदमी फ़ैक्ट्रीज में लगे हुए हैं, जिनकी जमीनें एक्वायर की गई थीं। दुर्भाग्य की बात है कि भूमि तो एक्वायर कर ली जाती है और कुछ भूमि तो सात आठ आने गज के हिसाब से चली जाती है, लेकिन टेक्निकल आदमी न होने के कारण उन लोगों में मिट्टी उठाने का काम कराया जाता है और जब कोई क्लेरिकल काम न आता है, तो उनको हटा दिया जाता है। इसका परिणाम यह होता है कि वे लोग भूमिहीन भी हो जाते हैं और उद्योग में भी उनको स्थान नहीं मिलता है।

दुख से कहना पड़ता है कि महाराष्ट्र में प्राहिबिशन लागू है और कई दफा वे लोग प्राहिबिशन का ही काम करने लग जाते हैं। जब फ़ैक्ट्री में बारह महीने काम करने वाले

[श्री बसवंत]

मजदूरों को दो तीन महीने का बोनस दिल-वाया जाता है, तो जिन लोगों ने हजारों वर्ष से भूमि को अपनी मां समझ कर अच्छी तरह से रखा, उन भूमि के मालिकों को प्राहिबिशन का घंघा करने की नौबत आ जाये, इससे खराब बात और कोई नहीं हो सकती है और इसलिए यह जरूरी है कि जिस तरह मालिक अपने कारीगरों को बोनस देते हैं, वैसे ही अगर भूमिधरों को कुछ बोनस दिया जाये और किराये में उनको रियायत दी जाये, तो यह एक ठीक बात होगी।

इस मन्ध में मैं आपके सामने एक उदाहरण रखना चाहता हूँ। सेंट्रल रेनवे के बाजू में थाने के बिल्कुल नजदीक नेशनल मशीनरी फ्रैक्ट्री के नाम से एक कारखाना खोला गया है। वह भूमि बहुत सस्ते भाव पर ली गई है। मैं समझता हूँ कि अगले सौ साल में भी उस पूरी भूमि पर कार, खाना कायम नहीं हो सकेगा। बारह साल में अभी तक पच्चीस प्रतिशत जगह भी कारखाने ने आकुपाई नहीं की है। जिस भूमि पर पच्चीस और तीस मन प्रति-एकड़ के हिसाब से धान पैदा होता था, वहाँ की पचहत्तर परसेंट भूमि अभी आकुपाई नहीं हो पाई है। वहाँ दस दस एकड़ में क्वार्टर बन गये हैं और दो तीन सौ एकड़ जगह वैसे ही आकुपाई की गई है।

प्रश्न यह है कि जब प्रेजेंट मार्केट रेट और पंद्रह टका ज्यादा मिलता है, तो जिस जमीन का भाव पचास रुपये गज तक है, उस को क्यों नहीं लिया जाता है। इस प्रकार की भूमि के मालिक को प्रेजेंट मार्केट रेट नहीं मिलता है। मैं फूड मिनिस्टर साहब से प्रार्थना करूंगा कि वह कुछ ऐसा इन्तजाम करें कि जो जमीन एक्वायर करनी हो, उस के आस-पास पांच दस मील तक की जमीन का भाव दृष्टि में रखा जाये और उस का एवरेज निकाला जाये। उद्योगपति ऐसी भूमि के

पास आने वाले नहीं हैं। वे ऐसी भूमि की एक्वीजिशन कराने की कोशिश नहीं करते।

मैं कृषि मंत्री का ध्यान इस बात की तरफ दिलाना चाहता हूँ कि जो कायदा इस समय आया है, वह किसान के बिल्कुल खिलाफ है, किसान को मिट्टी में मिलाने वाला है, किसान को उस का पोषण करने वाले बिजनेस से हटाने वाला है। इस प्रकार की व्यवस्था की जाये कि उचित प्रकार से यह निश्चित किया जाये कि कौन सी जगह फ्रैक्ट्रीज के लिए सूटेबल साइट है और टेक्निकल दृष्टि से इस बात की जांच की जाये कि किसी फ्रैक्ट्री के लिए कितनी जगह ली जानी चाहिए और उतनी ही जगह दिलवाने की कोशिश की जाये। अगर ऐसा किया जायेगा, तो किसान की प्राबलम खत्म हो जायेगी।

उपाध्यक्ष महोदय, आप ने मुझे जो अवसर दिया उस के लिए मैं आप का आभारी हूँ।

Mr. Deputy-Speaker: Shrimati Lakshmi Bai.

Shri Tyagi: The Speaker had announced that at 3 O'Clock we shall close the discussion on these two clauses and the Minister will be called.

Mr. Deputy-Speaker: I shall call the Minister after she finishes.

श्रीमती लक्ष्मीबाई (विकाराबाद) : उपाध्यक्ष महोदय, माननीय मंत्री, श्री पाटिल, की जिस तरह से सब लोग आलोचना कर रहे हैं, वह देख कर मुझे दया आई है।

एक माननीय सदस्य : स्त्रियों में दया-भावना अधिक होती ही है।

श्रीमती लक्ष्मीबाई : मैं समझती हूँ कि मंत्री महोदय को किसानों पर बहुत श्रद्धा है और मुझे मालूम है कि वह कई सालों से किसानों की भलाई के लिए काम कर रहे हैं।

मैं समझती हूँ कि यद्यपि माननीय सदस्य उन को बहुत क्रिटिसाइज कर रहे हैं, लेकिन जितनी जलन हमारे हृदय में है, उन के हृदय में उस से भी बहुत अधिक जलन होगी, क्योंकि वह मालिक है।

इस के बाद मैं यह कहना चाहती हूँ कि इस सम्बन्ध में जो कुछ हो रहा है, खराब हो रहा है और वह माननीय मंत्री के डिपार्टमेंट के द्वारा हो रहा है। जमीन चली जाती है और डिपार्टमेंट नाताकत बन जाता है। दूध देने वाली अच्छी गाय का चारा निकलता जा रहा है। हम उस चारे की रक्षा के लिए और कृषि की उन्नति के लिए चिन्तित हैं। हम उन के लिए तड़प रहे हैं, इस में हमारा कुछ नहीं है। इस बात का खयाल रखना चाहिए।

अभी अभी बम्बई के जो भाई बोले हैं, उन्होंने बहुत सुन्दर प्वायंट्स सदन के सामने रखे हैं। मैं भी वही बातें कहना चाहती हूँ। आज किसानों के पास दो-दो, चार-चार एकड़ जमीन है। अगर सरकार उस को खीन लेती है, तो पीढ़ियों तक उन लोगों की जिन्दगी बर्बाद हो जाती है। उस जमीन के लिए उन को जो हजार, दो हजार रुपये दिये जाते हैं, वे एक हजार खत्म होने पर, खर्च होने पर दिये जाते हैं, उस से पहले नहीं। सेंट्रल गवर्नमेंट की तरफ से हाईवेज, कारखानों और रेलवेज के लिए जमीन ली गई, लेकिन कई साल गजर जाने पर भी पैसा नहीं मिलता है। इसलिए रूल्ज में यह होना चाहिए कि जमीन लेने से पहले, एक्वीजीशन करने से पहले, जमीन के मालिक के पास पैसे पहुंच जाने चाहिए और उस को जमीन के दाम देने की व्यवस्था पहले करनी चाहिए। क्या सरकार छोटा घर उजाड़ कर बड़ा घर बनाना चाहती है? यहां पर लोग "उद्योग", "उद्योग" चिल्ला रहे हैं, लेकिन क्या खेती उद्योग नहीं है? उस में उद्योग ज्यादा बड़ा है?

जितने भी उद्योग हैं, उन सब की मांग किसान है। किसान ही उद्योगों को चलाने के लिये रा मंटीरियल देता है। अगर रा मंटीरियल न मिले तो उद्योग चल नहीं सकते हैं। आप इन उद्योगों के लिये उसी तरह से जमीन ले रहे हैं जिस तरह से जो दामाद होता है वह अपने समुराल वालों की धन सम्पत्ति को खरात में दे देता है। मुफ्त के भाव पर आप उन की जमीन को लेंगे और इन उद्योग-पतियां को दें देंगे। इन उद्योगपतियों को छड़ने में आप को डर लगता है लेकिन जो किसान है, उस की आप कोई परवाह नहीं करते हैं। सत्तर परसेंट जो खर्चा आप करते हैं, वह किसान देता है और किसान के लिये आप कुछ भी नहीं देते हैं। जितना धन आप वसूल करते हैं उस का सत्तर प्रतिशत वह देता है और आप उस के लिये केवल १४ प्रतिशत भी नहीं अलग रखते हैं, उस को नहीं देते हैं। सब उद्योगों से बड़ा कृषि उद्योग है, वह सब उद्योगों का गुरु है। इस उद्योग का नाश आप न करें उद्योगों को बढ़ावा देने के नाम पर। अगर आप ने उस की जमीन ले ली तो उस के बैल चले जायेंगे, सब कुछ उस का चला जायगा और जो कुछ बच भी रहेगा वह भी खराब हो जायेगा। दस रुपये के माल का उस को दो रुपया भी नहीं मिलेगा। वह बरबाद हो जायगा। हमारे बम्बई वाले भाई ने बहुत ही सुन्दर बात कही है और उस को आप को मान लेना चाहिये। हम नहीं कहते हैं कि आप किसान को प्रिवी पर्स दें। मेरा कहना यह है कि कम्पेंसेशन का आधा पसा उस को पहले आप दिलवा दें और उस के बाद २५-५० साल के लिये पैसा आप उद्योग से उस को दिलवाते रहें और उद्योग को यह पसा देने में कोई कठिनाई भी नहीं होनी चाहिये क्योंकि उस का मुनाफा उस के बाद बढ़ता ही जायगा। इस तरह की चीज आप रूल्ज में प्रोवाइड कर सकते हैं या इस बिल में इस को कर सकते हैं। जो खेती करते हैं, उन के खानदान में जो औरतें होती हैं व भी मर्दों के साथ-साथ

[श्रीमती लक्ष्मी बाई]

खतों में काम करती हैं और इन की मेहनत का लाभ भी किसान को मिलता है। अगर किसान की जमीन उस से ले ली गई तो ये सब औरतें बेकार हो जायेंगी, उन को करने के लिए कोई काम नहीं रह जाएगा। उधर गाँव में आदिमियों को तो चपड़ासी के तौर पर रख लिया जाता किन ये जो बहनें हैं, इन को किसी काम में भी नहीं रखा जा सकता है। इसवास्ते मेरा मुझाव है कि जमीन लेने से पहले तमाम खानदान के लिये काम धंधे को व्यवस्था कर देनी चाहिये, बच्चों की पढ़ाई लिखाई की व्यवस्था कर देनी चाहिये और जब ऐसा हो जाय तभी आप को उस की जमीन को लेना चाहिये।

मैं आप को एक और मुझाव देना चाहती हूँ जिस से आप को जमीन की बहुत अधिक आवश्यकता नहीं पड़ेगी। आजकल तो दस-दस मंजिला कारखाने बन सकते हैं। एक मंजिला कारखाना ही न आप बनायें चूल्हा आसमान के नीचे और धरती के ऊपर जो स्पेस है उस का भी उपयोग आप आठ दस मंजिला इमारतें कारखानों के लिये बना कर सकते हैं। यह जो जगह है यह कारखानों वालों को मुफ्त में ही मिल सकती है।

मैं मानती हूँ कि मंत्री जी को भी किसान की जमीन लेने से दर्ज होता है। लेकिन आज कल जो कुछ हो रहा है, उस को भी आप को देखना चाहिये। किसान की अच्छी-अच्छी जमीन आप ले लेते हैं लेकिन उस के बदले में उस को आप पथरीली जमीन देते हैं, पहाड़ों पर जा कर जमीन देते हैं। इस से उन को बड़ी मुश्किल का सामना करना पड़ता है। वे रोते हैं और कोसों रहते हैं। वे कहते रहते हैं कि कौसी गवर्नमेंट आई जिस ने हमारी जमीन ही ले ली, हम को बरबाद कर के रख दिया। यह नहीं होना चाहिये। इस से बड़ी गड़बड़ी फैलती है। मैं चाहती हूँ कि आप इस बिल को एक सेशन के लिये पोस्ट-

पोन कर में और इस को पास करवाने में जल्द-बाजी न करें। ऐसा करने से नुकसान होगा। पाटिल साहब क्यों नहीं इस को समझ रहे हैं, मैं नहीं जानती हूँ। कोई दबाव उन पर पड़ा है, यह भी मैं नहीं जानती हूँ। अगर आप ने किसान की जमीन ले ली तो आप को ही दिक्कत महसूस होगी क्योंकि प्रोडक्शन कम हो जायगा। इस तरह से एक तरफ आप को मुश्किल होगी और दूसरी तरफ किसान तमाम नाराज हो जायेंगे। आप की ताकत किसान ही है। कोई आप को मदद नहीं देता है, किसान ही देता है। इतनी गड़बड़ी करने के बाद जब वोट का वक़्त आता है तो वह अपना वोट आप को ही देता है। आज यहां प्रजातंत्र है और प्रजातंत्र का मतलब मैजोरिटी का राज्य होता है। लेकिन आज ऐसा मालूम हो रहा है कि मैजोरिटी के पीछे शैतान लगा हुआ है यहां पर। इसी शैतान के लिये आप सब कुछ करना चाहते हैं।

मैं पिछले पंद्रह दिन यहां नहीं थी, अपनी कंस्टिट्यूएन्सी में गई हुई थी। वहां पर मैं ने देखा कि पीने का पानी नहीं है, बावली नहीं है। इस तरह की चीजों की तरफ आप का ध्यान क्यों नहीं जाता है, इस तरह की चीजों को आप क्यों नहीं सोचते हैं।

मेरा प्वाइंट इतना ही है कि अगर आप उसकी जमीन को ले लें तो सारी व्यवस्था उसके लिए आप करें, उसके खानदान के लिए आप करें। उनको पचास सौ साल तक कारखाने से मनसब बिना कुछ काम किये हुए मिलती रहनी चाहिये जैसे राजा महाराजाओं के जमाने में होता था। ये जो तमाम चीजें हैं, इनको आपको रूज में प्रोवाइड कर देना चाहिये। अगर आपने यह सब कुछ नहीं किया तो जो नतीजा होगा वह अच्छा नहीं होगा।

Shri S. K. Patil: Mr. Deputy-Speaker, I would save the time of the House by making very brief observations. The statement that I made

on behalf of the Government this morning seems to have cleared the weather to a very large extent. There are yet some clouds in some corner of the House, but I am quite sure that after what I will say just now and the attitude the Government will make in framing the rules that we shall make, all these fears will be dispelled.

There is one argument to which I must reply because, even after all this has been done and the attitude that the Government has been changing in order to respond to the popular will to the extent to which it could go, always keeping in view the main objective from which, of course, we cannot detract, there are some people who feel, just as my hon. friend, Shrimati Laxmi Bai who spoke just now with sincerity and fervour,—I have the greatest respect for her because I know her work—that if I withdraw this Bill for the time being and keep quite, naturally all this benefit which is claimed on behalf of the agriculturists is doing to accrue to them. If it were so, nobody would be happier than myself. All the sleeplessness I am having for the last two days....

Shri Hari Vishnu Kamath: Really?

Shri S. K. Patel:....will disappear if only I withdraw the Bill and have a nice sleep after that. But it is not so simple as you imagine. If this Bill is withdrawn, the immediate consequence of it would be that the Ordinance would lapse. That apart,—leave that Ordinance—if the Bill is withdrawn and the Ordinance is allowed to lapse, it will be open. Under this very Act which we are amending just now, to the State Government, under Part II, to acquire everything and to do everything which we do not want to be done. (Interruption). You imagine as if this is not possible for that Government to do. But here is an indication. As soon as the judgment was

given by the Supreme Court in the case *Aurora vs U.P. Government*, immediately every other Government saw that to acquire anything under chapter VII was a dangerous thing because the courts would sit upon such cases and difficulties would arise. Therefore, for purposes like air-conditioning plants onwards—I do not know between the two which is in the larger national interest, whether it is the textile machinery for our textile industry which is a main industry for us or it is the air-conditioning plant—lands have been acquired under part II of the Act, which they can do. The Supreme Court and a bigger Bench of five Judges have told that it could be done. There is no compensation also. It is not justiciable. Therefore, I am anxious to see that such things are not allowed. If the whole Act was under discussion, I could have understood many of the suggestions that hon. Members have made. The whole Act is not being amended. The thing under discussion is only that part which I am seeking to amend.

Therefore, speaking about clauses 2 and 3, it is very necessary—indeed we should do it after making rules etc.,—that the desired objectives which the hon. Members have expressed are kept in mind. If that is not accomplished, it is for us to change the rules. If that is not possible, we can, in consultation with the State Government, amend the whole Act where all the things that the House wants could be done.

Therefore, all the speeches that have been made on this Bill and, particularly, on clauses 2 and 3 are not really germane to this particular consideration which we are having at present. I am trying to avoid a greater calamity by doing something in the interest of the farmers themselves.

Having said that, Sir, I would again reiterate that although I have used a guarded language in the statement

[Shri S. K. Patil]

that I have made I could assure this House that so far as protection of the land is concerned, whether it is acquired under part VII or even under part II of the Act, I would see to it that good agricultural land can never be taken away. There may be a case, one in a thousand, where it would be unavoidable and where it has to be done. Otherwise, Sir, it cannot be done. I am going to make it impossible for good agricultural land to be taken away for non-agricultural purposes.

My hon. friend from Gujarat has brought in some cases. I am making this law just now. I cannot give a prospective or even, I would say, a retrospective effect to something that has been done by the States. After this, Sir, he must welcome this Bill. Here is a ray of hope even for him. Under the rules that will be made, there will be a possibility for re-examining these cases. I shall be empowered and made competent to go to the States and see things for myself. This is exactly the mind of the Parliament.

Therefore, there is nothing in it of which the House should be really afraid. They need not say that I pose to be a friend of the agriculturists and when the time comes I leave them in the lurch in order to rot, this, that and the other. Everything that is said has no application to me. I am not saying this in self-defence, because it has been done before and it has been there for 68 years. I am trying to prevent it so that it could not be done.

Having said that, I would like to say something regarding the amendments. I am not moving amendments Nos. 5 and 6 of List No. 2. But I am taking No. 4. I have said that I would have it because it is an amendment that was given before. Then I am moving amendments Nos. 42 and 43 of List No. 11 and Nos. 62

and 63 of List No. 18. That refers to "public purpose".

Shri Hari Vishnu Kamath: That is barred by mine, because mine is prior.

Shri S. K. Patil: This one I am accepting. I am sorry, I cannot accept the rest of them.

I am not replying to everybody here. My hon. friend, Shri Banerjee, suggested a percentage of the share itself. "companies" have been defined and a Government company must have at least 51 per cent of the shares under section 617 of the Companies Act. Therefore, there is no difficulty about that.

Then he suggested that we should have compensation which is the market value plus 25 per cent. If that is what is really wanted and if the whole House desires that the Act should be amended because 15 per cent. is not enough and an additional 10 per cent should be given, it can easily be done. But it cannot be done at this stage because that is not one of the things contemplated to be done under this Bill. Under this Bill we are only making the compensation justiciable so that the affected person can go to a court of law.

Section 23 of the parent Act of 1894 lays down so many conditions for determining the amount of compensation for acquisition of land. The court shall take into consideration the following points:

"First, the market-value of the land at the date of the publication of the notification under section 4, sub-section (1);".

The market value of the land, especially in towns and cities is a known thing. I would deal separately as to what we intend doing in the villages. So far as towns and cities are concerned, because the next door plots are changing hands so often, we know

what exactly is the market value. Then,

"secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;"

That price has also to be added, if there is any damage. Then,

"thirdly, the damage (if any), sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of serving such land from his other land;"

If he can prove that by taking his land, or serving such land from his other land he has suffered some damage, that has also to be taken into account for purposes of compensation. Then,

"fourthly, the damage (if any), sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings;"

That has also got to be added. Then,

"fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;"

If he has got anything of that description, that is also added. Then,

"sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of publication of the declaration under section 6 and the time of the Collector's taking possession of the land."

1684 (Ai) —7.

Sometimes the Collectors sit on it for a long time. So, it has been provided that if in the interregnum it has suffered some damage, that has also to be added. Then, the next clause provides:

"In addition to the market value of the land, as above provided, the court shall in every case award a sum of fifteen per centum of such market value, in consideration of the compulsory nature of the acquisition."

So, this colatium of 15 per cent has been added after calculating all these things.

So far as land in the villages, or agricultural land, is concerned, supposing per chance, one in a thousand case, it has to be done, I have decided that I shall so frame the rules that the person concerned shall be protected in every possible manner. Not only would he get the price plus 15 per cent—that would not be sufficient in some cases—but if he wants another land and it is within the competence of the Government and if they have got land of equal kind or type, that would be given. If a House is required, that could also be given.

Shri Tyagi: Would you give the compensation in advance?

Shri S. K. Patil: Suppose he wants some share in the company, that is a matter which has got to be considered. Suppose he wants some kind of employment and if it is capable of being given, it would be given. I want to bring all these things within the competence of this House so that when the rules are framed, if they want to make any changes, you are competent to make such changes.

Shri Narendra Singh Mahida rose—

Shri S. K. Patil: Please do not interrupt. I refuse to yield. You may have your say after I have finished.

[Shri S. K. Patil]

If all these things are not accomplished by the rules, when they come to you, it is open to you to make or suggest changes. In fact, I shall take some of you into consultation even while framing the rules because I want to hide nothing, because I am not doing it to oblige anybody. It is a misfortune that an Agriculture Minister has to stand up here to pass such a measure, because he is concerned with the protection of the land and the agriculturist. This concerns more industries, other fields and so on. I am concerned more with the purity of the agricultural land and if I can save it in any way, I shall do it.

Shri Hari Vishnu Kamath: Misfortune.

Shri S. K. Patil: I do not see any reason whatsoever to entertain any misgivings about this Bill. This Bill is not going to do anything which is prejudicial to the interests of the agriculturist. With the amendments that I have suggested, I request that clauses 2 and 3 may be accepted, without any further amendments.

15.28 hrs.

[MR. SPEAKER in the Chair]

Shri Narendra Singh Mahida: The hon. Minister has assured that he will give shares in the Government companies. In the case of land acquisition for the oil refinery at Baroda also, the people were assured by the Minister concerned that they would be given shares. Ultimately, that assurance was withdrawn. What has the Food and Agriculture Minister to say about that?

Shri S. K. Patil: I think the hon. Member is harping on some old thing. I know his wound is very raw and whatever medicine I might apply is not enough for him. But what I am saying is when the rules are accepted by this House they have got the same force as law and it would be im-

possible for the Government to go against the rules that have been accepted by the House. So, if in those rules such a promise has been given, been accepted by the House and then its implementation is not done, it is a case where a court of law can intervene.

Shri R. N. Reddi (Nalgonda): How is the market value of the land calculated?

Shrimati Renu Chakravartty: Suppose the quality of the land is not good. I gave the example where the land acquired is not of a good quality. There is only very little arable land and that land is taken away because some company wants to build something. Our experience has been, in such cases, they ask land for land. They do not ask for money because money is of no use. In such cases, the land would not be very rich land, but it is very rich for the poor people who are cultivating it. At least in such cases, they should be given alternative land.

Shri S. K. Patil: I would appeal to the hon. lady Member that the conscience of the House has been raised on this point. Although it is not germane to the discussion of this Bill, I welcome it. Why? Because this has opened my mind and the doors of Government as to what was hitherto done, no doubt under competence of law. What I am now doing is to bring it under the competence of Parliament. Suppose an arable or cultivable land is acquired. The compensation should not be an acre for an acre. You must give more. We have to apply it more judiciously and correctly so that the anomalies of which reference has been made will not be found there.

Shri R. N. Reddi: I have not received any answer to my question.

Mr. Speaker: It is put in the law. Now I will put amendment No. 4.

which is a Government amendment, to the vote of the House. The question is:

"Page 1, lines 5 and 6,—

for "Land Acquisition Act, 1894 hereinafter referred to as the principal Act)", substitute "principal Act" ' (4).

The motion was adopted.

Shrimati Renu Chakravartty: Amendment No. 3, which inserts clause 1A is a new one.

Mr. Speaker: That will come later when clause 1 is taken up.

We shall take up Government amendment No. 42.

Shri Hari Vishnu Kamath: There are amendments to it.

Mr. Speaker: One is by Shri Kamath.

Shrimati Renu Chakravartty: Mine is No. 46.

Shrimati Renuka Ray: My amendment is No. 65.

Mr. Speaker: I am coming to that.

Shri Tyagi: On a point of order, Sir. My submission is that before you put amendment No. 42 to vote, the amendment to that should be taken up first.

Shri S. K. Patil: That is what he is doing.

Mr. Speaker: I will take the amendment to the amendment (No. 42) first. That is why I am taking up Shri Kamath's amendment.

Shri Hari Vishnu Kamath: Sir, I beg to move:

That in the amendment proposed by Dr. Ram Subhag Singh, printed as No. 42 in List No. 11 of Amendments,—

for "in the interests of the general public" substitute—

"for a public purpose" (58).

Mr. Speaker: Now, I will put this amendment to the vote of the House. The question is:

That in the amendment proposed by Dr. Ram Subhag Singh, printed as No. 42 in List No. 11 of Amendments,—

for "in the interests of the general public" substitute—

"for a public purpose" (58).

Those in favour may kindly say 'Aye'.

Some Hon. Members: Aye.

Mr. Speaker: Those against may kindly say 'No'.

Some Hon. Members: No.

Shrimati Renu Chakravartty: Sir, they are saying 'No'.

Shri Hari Vishnu Kamath: Let them say so. Then there will be a division.

Mr. Speaker: Perhaps the hon. Law Minister said 'Aye'.

Shri A. K. Sen: Yes, Sir.

Mr. Speaker: Probably hon. Members are not aware that Shri Kamath's amendment substituting the words "for a public purpose" for the words "in the interests of the general public" is to be accepted. That is what the hon. Minister told us in the morning.

Shri S. K. Patil: But we have also given an amendment to that effect. I do not know what exactly is the difference between the two.

Shri Hari Vishnu Kamath: Notice of that was given later and therefore it is barred. Mine is earlier.

Mr. Speaker: That will be barred because there is an identical amendment. Shri Kamath's is an earlier one. Therefore I must put that first.

Shri Daji (Indore): If that is lost, Government amendment cannot be put to the vote of the House.

Shri S. K. Patil: We want to know whether that amendment is just the same as that of the Government.

Mr. Speaker: I only remember the words that he used in his speech. He said that the words "for a public purpose" for the words "in the interests of the general public" are to be substituted.

Shri S. K. Patil: If we negative Shri Kamath's amendment, it would mean that our amendment cannot be taken up. Will that be the effect?

Mr. Speaker: Yes. So, I will put it again to the vote of the House.

The question is:

That in the amendment proposed by Dr. Ram Subhag Singh, printed as No. 42 in List No. 11 of Amendments,—

for "in the interests of the general public" substitute—

"for a public purpose." (58)

Those in favour may kindly say 'Aye'.

Several Hon. Members: Aye.

Mr. Speaker: Those against may kindly say 'No'.

Some Hon. Members: No.

Shrimati Renu Chakravartty: They are again saying 'No'.

Mr. Speaker: I think, the 'Ayes' have it; the 'Ayes' have it.

The motion was adopted.

Mr. Speaker: Now that amendment No. 58 has been adopted by the House, amendments No. 62 and 65 by Government and Shrimati Renuka Ray respectively are barred. There are no more amendments to this.

Shri Daji: There are amendments No. 46 and 47.

Mr. Speaker: They are to clause 2 and not to amendment No. 42.

Shri S. K. Patil: What about amendments No. 43 and 63?

Mr. Speaker: They are to clause 3. I will be coming to them later on. Now I shall put amendment No. 42, as amended by amendment No. 58, to the vote of the House.

The question is:

Page 1,—

for lines 8 to 12, substitute—

"(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose; or"

(42 as amended by 58)

The motion was adopted.

Mr. Speaker: Which are the other amendments that hon. Members want me to put to the vote of the House?

Shri Daji: Amendments No. 46 and 47.

Mr. Speaker: Let me see if there are any that can be put; but I am advised that all other amendments are barred.

Shrimati Renu Chakravartty: No, Sir. How can amendment No. 46 be barred? It is seeking to provide that the Company should be owned by the Central or State Government or should be a Public Corporation.

Mr. Speaker: Which List?

Shrimati Renu Chakravartty: It has no number.

Mr. Speaker: Because there are so many different lists, it is difficult to locate it.

Shri Hari Vishnu Kamath: It is List No. 12, Sir.

Mr. Speaker: Amendment No. 46 reads like this:—

Page 1, line 11,—

after "country" insert—

"and the Company is owned by the Central or State Government or is a Public Corporation."

We have just now amended lines 8 to 12 and when we have adopted how those lines 8 to 12 will stand, how can we now amend line 11?

Shri Daji: It is a consequent amendment.

Mr. Speaker: It is not consequential. It is barred.

Shrimati Renu Chakravartty: How is it barred? We have only substituted the words 'public purpose'.

Mr. Speaker: The hon. Member is only considering 'public purpose'. But we have amended lines 8 to 12. We have adopted the amendment seeking to substitute lines 8 to 12 in the Bill. When we have substituted something else for lines 8 to 12, how can we amend line 11?

Shri Daji: We want to put it at the end of that.

Shrimati Renu Chakravartty: But that has come to us today. We may be permitted to add that at the end of that. It cannot be barred because it has been moved yesterday. If this amendment which we have accepted had been moved yesterday, we would have given notice of an amendment to it.

Mr. Speaker: It is very difficult. I doubt if we can amend any of those lines 8 to 12. How we can do that is still not clear to me.

Shri Daji: We want to add at the end of whatever has been adopted.

Shri S. M. Banerjee: You will kindly agree, Sir, that we want to add at the end of the amendments brought by Government and Shri Kamath.

Shri Daji: It is not seeking to substitute anything.

Shri A. K. Sen: If I may make a submission, it is unfortunate for those hon. Members but the House voted, with its eyes open, the amendments and has negatived the other amendments.

Shrimati Renu Chakravartty: No, Sir.

Shri S. M. Banerjee: It cannot be so by implication.

Shrimati Renu Chakravartty: What we have adopted is this, namely:

"that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose;"

At the end of this we want to add:

"and the Company is owned by the Central or State Government or is a Public Corporation."

Why should it be barred? I am not able to understand why the hon. Law Minister says that it is barred.

Shri S. K. Patil: You are making it lines 13 and 14.

Shrimati Renu Chakravartty: "Country" was the last word, as it was moved by the hon. Minister earlier. Today he has moved another. We are seeking to put it only at the end of that. The word 'Company' is there and we are specifying 'Company' as owned by the Central or State Government or a Public Corporation.

Shri S. S. More: May I make a submission? Such a company will be governed by Part II, and it will not be covered by Part VII, if it is a public company; if it is partially owned by Government then it becomes a public purpose directly, and it will be covered by Part II.

Shri A. K. Sen: Whatever it is, let us vote on the amendments.

Shri Radhelal Vyas: That amendment cannot be taken up now.

Mr. Speaker: In amendment No. 46, the hon. Member wants to insert after the word 'Country' the following words:

"and the Company is owned by the Central or State Government or is a Public Corporation."

Shri S. S. More: Such companies are already covered by Part II. Under Part II, the criterion to determine 'public purpose' is the source from which the compensation money comes. If it comes from public revenues or money owned by a public authority, then it automatically comes under Part II. It is only private companies or other companies whose activities are necessary for the country, that come under Part VII; and they have to enter into an agreement with Government.

Shrimati Renu Chakravartty: If you will see the original provision, you will see that the last word there is 'country'. We have only moved an amendment to add these words after the word 'country', which occurred in the original amendment. If we had tabled this amendment after the amendment tabled by the hon. Minister, then you can bar it on the ground that a substantially same amendment had been negatived earlier. But if it is a completely different idea which is sought to be placed before the House, then, surely, at the end of that sentence, whatever it be, these words can be added.

Shri Ram Ratan Gupta (Gonda): On a point of order. The amendment clearly reads thus: 'Page 1, line 11...'. Is it open to the hon. Member now to say that some words should be added after line 12?

Mr. Speaker: That is exactly what I have been telling.

Shri Tyagi: That argument goes against our amendment which has been accepted, because the amendment received first must have the first preference, and the amendment received afterwards can be taken up later on only. Therefore, I do not support that point. Once we have accepted an amendment, we have accepted it, and there is no question of going back on it.

Shri Daji: As a special case, you were pleased to allow amendments to

be moved in regard to this Bill even without proper notice. We had given notice of a particular amendment on the basis of the provision that existed at that time, where the last word by chance was the word 'country'; the idea was that at the end this phrase should be added. The amendment of Government has come only today. Even if it had come yesterday, we would have said 'add at the end'. Substantially, our amendment seeks to add these words at the end of the provision.

Shrimati Renu Chakravartty: If you rule it out on a technical ground, then there is no way out.

Mr. Speaker: It is pleaded that because the Government amendment was received only today, therefore, that wording stands, and it could not be put in a different form. It had been given notice of earlier than the Government amendment. Therefore, I shall put it to vote.

Shri A. K. Sen: If they want to challenge a division, let us vote on amendments Nos. 46 and 47 one after the other.

Mr. Speaker: I thought that amendment No. 47 would be out of order.

Shrimati Renu Chakravartty: It would have been much better if we had taken up the lines as they were, without having voted on the other amendment first. Amendment No. 46 should have been voted earlier than amendment No. 54.

Mr. Speaker: I shall now put amendment No. 46 to vote.

Shri S. M. Banerjee: Lest any impression should be created that amendments No. 46 and 47 are out of order, may I submit that they are not out of order at all?

Mr. Speaker: Does the hon. Member presume that I am putting amendments to vote, which are out of order?

I had observed earlier that these two amendments were out of order. But, as has been explained, notice of these had been given earlier; and we have amended the earlier provision now, and, therefore, the position becomes different. Hon. Members have told me just now that if the Government amendment had been received earlier, they would have put these two amendments in a different form. Therefore, I have agreed to put them to vote now.

Now, shall I put amendments Nos. 46 and 47 separately or together to vote?

Shrimati Renu Chakravartty: You may put both of them together to vote.

Mr. Speaker: The question is:

(i) That in amendment No. 42 proposed by Dr. Ram Subhag Singh, as amended by amendment No. 58, proposed by Shri Hari Vishnu Kamath,—

after “public purpose” insert—

“and the Company is owned by the Central or State Government or is a Public Corporation.” (46)

(ii) Page 1, after line 12, insert:

“Provided that the land shall not be acquired under this clause unless the Government owns more than fifty per cent of the shares in the Company and adequate compensation equal to market price plus twenty-five per cent thereon has been given to the owner of the land.” (47)

Let the Lobbies be cleared.

The Lok Sabha divided.

Shri Namblar (Tiruchirapalli): I had voted for ‘Ayes’, but it has not come off.

Shri Yashpal Singh: I had voted for ‘Ayes’, but it is not recorded.

Shri B. N. Mandal (Saharsa): I had also voted for ‘Ayes’, but it is not recorded.

Shrimati Renuka Ray: I had voted for ‘Noes’, but the light has not come on the board.

Shri Matcharaju (Narasipatnam): I had voted for ‘Noes’, but it is not recorded.

Mr. Speaker: There should be three additions to ‘Ayes’ and two to ‘Noes’.

Division No. 8]

AYES

[15.49 hrs.

Bagri, Shri
Banerjee, Shri S. M.
Berwa, Shri
Bhanu Prakash Singh, Shri
Bhattacharya, Shri Dinen
Biren Dutta, Shri
Chakravartty, Shrimati Renu
Daji, Shri
Dasaretha Deb, Shri
Eljua, Shri Mohammad
Gupte, Shri Indrajit
Gupte, Shri Kashi Ram

Ismail, Shri M.
Jha, Shri Yogendra
Kamath, Shri Hari Vishnu
Kapur Singh, Shri
Kar, Shri Prabhat
Karjee, Shri
Kunhan, Shri P.
Laxmi Dass, Shri
Mahida, Shri Narendra Singh
Marandi, Shri
Mehta, Shri Jashvant
Patnaik, Shri K.

Pillai, Shri Nataraja
Pottakkatt, Shri
Ram Singh, Shri
Rameshwaranand, Shri
Reddy, Shri Narayan
Sen, Dr. Ranen
Siddhanti, Shri Jagdev Singh
Soy, Shri H. C.
Utiya, Shri
Vishram Prasad, Shri
Warior, Shri
Yadav, Shri Ram Sewak

NOES

Abdul Wahid, Shri
Achuthan, Shri
Alva, Shri A. S.
Alva, Shri Jeeschim
Aney, D r. M. S.

Barketaki, Shrimati Re uk
Basappa, Shri
Basumatari, Shri
Baswant, Shri
Bhagat, Shri B. R

Bhatkar, Shri
Bhattacharyya, Shri C. K.
Brij Basi Lal, Shri
Chanda, Shrimati Jyotena
Chandak, Shri

Chavda, Shrimati
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Dafte, Shri
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Das, Shri S. B.
Dasappa, Shri
Dass, Shri C.
Deo Bhanj, Shri P. C.
Desai, Shri Morarji
Deshmukh, Shri B. D.
Deshmukh, Shri Shivaaji Rao S.
Deshpande, Shri
Dighe, Shri
Dinesh Singh, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Elaysperumal, Shri
Gaitonde, Dr.
Gandhi, Shri V. B.
Ghosh, Shri N. R.
Goni, Shri Abdu. Ghani
Guha, Shri A. C.
Gupta, Shri Ram Ratan
Harvani, Shri Ansar
Hem Raj, Shri
Jadhav, Shri M. L.
Jedhe, Shri
Kajrolkar, Shri
Kamble, Shri
Kappen, Shri
Khan, Dr. P. N.
Khanna, Shri P. K.
Kindar Lal, Shri
Kisan Veer, Shri
Kureel, Shri B. N.
Lakshmikanthamma, Shrimati
Laskar, Shri N. R.
Laxmi Bai, Shrimati

Maheshdatta, Shri
Mahishi, Shrimati Sarojini
Malaichami, Shri
Malaviya, Shri K. D.
Mansan, Shri
Mandel, Dr.
Mandel, Shri Yamuna Prasad
Maniyangadan, Shri
Mantri, Shri
Maruthiah, Shri
Masuriya Din, Shri
Mishra, Shri Bibhuti
Mohanty, Shri G.
Morarka, Shri
More, Shri K. L.
More, Shri S. S.
Mukerjee, Shrimati Sharda
Muthiah, Shri
Naik Shri D. J.
Nallakoya, Shri
Nesamony, Shri
Pande, Shri K. N.
Pandey, Shri R. S.
Parashar, Shri
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Patil, Shri S. K.
Patil, Shri Vasantrao
Pratap Singh, Shri
Raghunath Singh, Shri
Raj Bahadur, Shri
Raju, Shri B. D.
Ram Sewak, Shri
Ramaswamy, Shri V. K.
Ramdhani Das, Shri
Rane, Shri
Rao, Shri Krishnamoorthy
Rao, Shri E. Madhusudan
Rao, Shri Rameshwar
Rao, Shri Thirumala

Rattan Lal, Shri
Reddiar, Shri J
Sadhu Ram, Shri
Saha, Dr. S. K.
Sahu, Shri Rameshwar J
Samanta, Shri S. C.
Sarma, Shri A. T.
Satyabhama Devi, Shrimati
Sen, Shri A. K.
Sen, Shri P. G.
Sharma, Shri D. C.
Sheo Narain, Shri
Shinde, Shri
Shukla, Shri Vidya Charan
Siddananjappa, Shri
Siddiah, Shri
Sinha, Shri Satya Narayan
Sinhasan Singh, Shri
Sonavane, Shri
Subramanyam, Shri T.
Sumat Prasad, Shri
Swamy, Shri M. P.
Tahir, Shri Mohammad
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Tyagi, Shri
Ulka, Shri
Vaishya, Shri M. B.
Valvi, Shri
Varma, Shri M. L.
Veerasappa, Shri
Venkatasubbaiah, Shri P.
Vidyalankar, Shri A. N.
Virbhadr Singh, Shri
Vyas, Shri Radhical
Wasnik, Shri Balkrishna
Yadav, Shri Ram Harkh
Yadava, Shri B. P.
Yusuf Shri, Mohammad

Mr. Speaker: The result of the Division is:

Ayes 39*

Noes 141†

The motion was negatived.

Mr. Speaker: The other amendments are barred.

The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3. (Amendment of section 41)

Mr. Speaker: There is amendment by Government, No. 43, as amended by amendment No. 63.

Dr. Ram Subhag Singh: I beg to move:

(i) Page 2,—for lines 4 to 10, substitute—

"(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public, the time within which, and the conditions on which, the building or work shall be constructed or executed; and". (43)

*Ayes: three names could not be recorded.

†Noes: two names could not be recorded.

(ii) That in the amendment proposed by me, printed as No. 43 in List No. 11 of Amendments,—

for “in the interests of the general public” substitute—“for a public purpose”. (63).

Mr. Speaker: The question is:

“That in the amendment proposed by Dr. Ram Subhag Singh printed as No. 43 in List No. 11 of Amendments,—

for “in the interests of the general public” substitute—“for a public purpose”. (63).

The motion was adopted.

Shri Tyagi: There is an amendment I have tabled, No. 18, where I say:

Page 2,—after line 10, insert—

“(c) the following Explanation shall be inserted, namely:—

“Explanation.—No owner, lease holder or occupant shall, however, be ejected out of his house or land without payment to him in advance of full compensation allowed by law for his rights of ownership or occupation or other interests in the property”.

If the Minister assures me that in the rules he will cover this, I will not press this amendment.

Shri S. K. Patil: I will consider it and cover it in the rules.

Shri Tyagi: Then I do not press my amendment.

Mr. Speaker: I shall now put amendment No. 43 as amended by amendment No. 63 to the vote of the House. The question is:

Page 2,—for lines 4 to 10, substitute—

“(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which, and the conditions on which, the building or work shall be constructed or executed; and” (43 as amended by (63).

The motion was adopted.

Mr. Speaker: Amendment No. 6 is barred. Is there any other amendment to be put to the House?—No. Now, I shall put clause 3 as amended to the vote of the House. The question is:

“That clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

New Clauses 3A and 3B

Shri Hari Vishnu Kamath: I rise on a point of order somewhat reluctantly....

Mr. Speaker: There is one thing I have to say. Part of Government amendment No. 44 is not in order because it is extraneous. They are making an amendment so far as Part VII is concerned, but it relates to all matters so far as 3B is concerned.

Shri Hari Vishnu Kamath: Then it is ruled out.

Mr. Speaker: If it had been restricted only to that portion which is being amended, it would certainly be in order.

Shri A. K. Sen: There is another amendment given notice of, No. 54 so far as 3B is concerned. If you rule the second part of amendment No. 44 out of order, then that amendment can be taken up.

Shri Hari Vishnu Kamath: Which part is ruled out?

Shri R. S. Pandey (Guna): I shall move my amendment No. 54.

Mr. Speaker: Amendment No. 44 has two parts. One is 3A and the other 3B. 3B reads:

“In section 55 of the principal Act, in sub-section (1), for the words “The appropriate Government shall have power to make rules consistent with this Act for the guidance of officers”, the words “The Central Government shall have power to make rules consistent with this Act for the

[Mr. Speaker]

guidance of the State Governments and the officers of the Central Government and State Governments" shall be substituted.'

If the rules had also related to that Part which is being sought to be amended, it would certainly have been in order. But here the Central Government are taking all the powers in respect of other Parts of the Act as well which we are not amending. Therefore, 3B is out of order. So far as 3A is concerned, it is in order.

Shri Daji: So all the rule-making powers under which the Minister has been promising to make rules to allay our fears fall.

Shri S. K. Patil: There are rules that can be made under Part II and rules that can be made under Part VII. So also the other Parts. If I understood you aright, you have ruled that since Part II is not under discussion, because the Bill does not refer to that, the whole 3B, as it is worded, is out of order. There is another amendment that refers to Part VII which Government would be prepared to accept.

Mr. Speaker: Which is that amendment?

Shri S. K. Patil: No. 54.

Shrimati Renu Chakravartty: That means that the Government can do anything it likes as it did earlier under Part II.

Mr. Speaker: Part II is not being amended.

Shrimati Renu Chakravartty: I know. The idea which Shri S. K. Patil gave to this House was that all the things that have happened in the past would be taken care of by the rule-making powers. But in fact Part II remains unaffected and everything can be done under Part II by State Governments and the land given over to private parties. Nothing can prevent them from doing so.

Shri Tyagi: This section 55 is not an operative section. It only relates to a sort of procedure. We should define procedure, in what manner the wishes of Parliament are to be carried out. The rules stand on a different footing from the actual body of the Act.

Mr. Speaker: There is one difficulty I feel. It has been ruled several times before that only amendments to sections which are sought to be amended in a Bill or which are closely and intimately connected with them can be admitted. Here we are only amending Part VII, not Part II. That is the difficulty. If there is any amendment to Part VII which is sought to be amended or if there is something else which is closely and intimately related to it, then I might allow that. But there are many matters contained in the Act which are not related to Part VII or the sections we are seeking to amend. How can I allow amendments to all rules in respect of the whole Act, saying that the powers shall be taken by the Central Government?

Shri Hari Vishnu Kamath: I am glad you have anticipated my point of order. I was going to raise this very point. During the 'vermins' incident in connection with the Drugs (Amendment) Bill, you had ruled out an amendment of mine on that very ground.

Shri Daji: May I say that the whole scheme of the Bill before us and as amended in regard to Part VII is that certain powers are taken? Parts II and VII are inter-dependent and should be taken together.

Mr. Speaker: Shri Daji should not ask me to go that far because he himself might have some difficulty at some other moment.

16 hrs.

Shri Sinhasan Singh: Here we are amending Part VII of the Act. There has been no rule-making power for

this particular part and we are giving a new power to the Central Government to make rules. We have been suspending the Rules of Procedure and so, in this case.....

Mr. Speaker: This is not a case of suspension of rules.

Shri Sinhasan Singh: The hon. Minister has made a promise to the House that things will be done in this way and in that way. If you deprive the House.....

Mr. Speaker: I am not depriving the House of anything.

Shri Sinhasan Singh: If you put it to the House whether it is prepared to waive any objection and allow the Central Government to take the rule-making power so that they may come before Parliament....

Mr. Speaker: If Government has given a solemn promise, it is for the House to have it implemented.

Shri Sinhasan Singh: That can be done only by suspending the rules.

Shri Daji: For Part VII, the Central Government rules would apply and for the other Parts the State Government rules would apply. This is anomalous.

Mr. Speaker: The hon. Members should ask Government that the assurance given by Government should be implemented.

Shri Daji: The Law Minister may enlighten the House on this.

Shri S. K. Patil: As a token of our earnestness or sincerity, we moved this amendment that this rule-making power should apply to the whole of the Act. But you have stated that it is out of order; and, surely, that opinion has got to be respected. That is, since this Bill does not seek to amend the other Parts of the Act, naturally, the application of this rule-making power to the whole Act would not be right. Therefore, I immediately said that the other amendment is there.

So far as my assurance to this House is concerned, I shall do my best when the second Bill comes—which will be for the overhauling of the entire Act. Of course, it would then be within the competence of the House to do that. Until then, when the Government of India make certain rules for that Part VII, I am quite sure that it will have some effect. I am not talking about the legal or constitutional position. I am sure most of the States will be guided by that.

Mr. Speaker: The Central Government should also use their good offices with the States that they would follow this assurance which has been given here.

Shri Hari Vishnu Kamath: Will the bigger Bill come in the next Session?

Shri S. K. Patil: I do not know because the States have to be consulted. I cannot give an assurance.

Mr. Speaker: Shall I put new section 3A?

Shri Hari Vishnu Kamath: How can one single amendment be dissociated?

Mr. Speaker: There are different parts.

Shri S. S. More (Poona): May I know what Government is particular about?

Mr. Speaker: Amendment No. 44.

Shri Hari Vishnu Kamath: What is being put to the vote?

Mr. Speaker: Amendment No. 44 has got two parts; one is new clause 3A and the other is new clause 3B.

Shri Tyagi: There is my amendment No. 67, Sir.

Shri Hari Vishnu Kamath: 3A and 3B will come into operation if this is passed. You kindly put 44A to the House.

Mr. Speaker: It is put here as amendment No. 44.

[Mr. Speaker]

"Page 2,—after line 10, insert—"

and then it consists of two parts 3A and 3B.

Shri Hari Vishnu Kamath: In our papers it is 44 and 44A.

Shri A. K. Sen: There is some confusion. You should read it as clause 3A of the amending Bill, inserting new clauses or sections 44A and 44B.

Shri Tyagi: Both these new sections 44A and 44B are to be inserted by clause 3A. In this connection I had given notice of an amendment which is number 67, which, I believe, the Government may accept.

Shri S. K. Patil: Sir, I beg to move:

Page 2,

after line 10, insert—

Insertion of new sections 44A and 44B.

"3A. In Part VII of the principal Act, after section 44, the following sections shall be inserted, namely:—

Restriction on transfer, etc.

"44A. No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

Land not to be acquired under this part for private companies other than Government companies

44B. Notwithstanding anything contained in this Act, no land shall be acquired under this Part for a private company which is not a Government company.

Explanation.—"Private company" and "Government company" shall have the meanings

respectively assigned to them in the Companies Act, 1956." (44).

Mr. Speaker: He may move his amendment.

Shri Tyagi: Sir, I beg to move:

That in the amendment proposed by Shri S. K. Patil, printed as No. 44 in List No. 11 of Amendments,

in the proposed new section 44B,

after "Government company" insert—

"except under clause (a) of sub-section (1) of section 40" (67).

Shri S. K. Patil: Sir, I would not accept it but I would take the spirit of it and alter it a little. My amendment would read as follows: I beg to move:

That in the amendment proposed by me printed as No. 44 in List No. 11 of the Amendments, in the proposed new section 44B.

after the words "this part" insert—

"except for the purpose mentioned in clause (a) of sub-section (1) of section 40".

It amounts to the same thing.

Mr. Speaker: We have not received that amendment.

Shri S. K. Patil: It is the same amendment of Shri Tyagi: I am changing it a little.

Mr. Speaker: That is to say, he is putting it somewhere else. Does Shri Tyagi agree to that?

Shri Tyagi: Yes, Sir.

Mr. Speaker: Then I shall put this amendment to the vote of the House. The question is:

That in the amendment proposed by Shri S. K. Patil, printed as

No. 44 in list No. 11 of the amendments, in the proposed new section 44B,

after the words "this part" insert "except for the purpose mentioned in clause (a) of sub-section (1) of section 40".

The motion was adopted.

Mr. Speaker: Now, new clause 3A consists of 44A, 44B and Explanation. I shall put this to the vote of the House. The question is....

An Hon. Member: What about the Explanation?

Mr. Speaker: The explanation is included in it. The question is:

Page 2,—

after line 10, insert—

Insertion of new sections 44A and 44B.

'3A. In Part VII of the principal Act, after section 44, the following sections shall be inserted; namely:—

Restriction on transfer, etc.

'44A. No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

Land not to be acquired under this Part for Private Companies other than Government Companies.

44B. Notwithstanding anything contained in this Act, no land shall be acquired under this Part except for the purpose mentioned in clause (a) of sub-section (1) of Section 40 for private company which is not a Government Company.

Explanation.—"Private company" and "Government company" shall have the meanings

respectively assigned to them 1 of 1956 in the Companies Act, 1956."

The motion was adopted.

Mr. Speaker: The question is:

"That New Clause 3A be added to the Bill".

The motion was adopted.

Clause 3A was added to the Bill.

Mr. Speaker: Now, there is the other portion. Has Shri Pandey moved his amendment?

Shri R. S. Panedy: Yes, Sir; I have moved my amendment No. 54.

Shri Hari Vishnu Kamath: Which clause are we discussing?

Mr. Speaker: Is Shri Kamath moving his amendment?

Shri Hari Vishnu Kamath: Yes, Sir. I have moved two amendments—No. 55, to be read with 66. They are my amendments to Shri Pandey's amendment No. 54.

Mr. Speaker: Government had also an amendment No. 64. Both are identical. I put Shri Kamath's amendments to the vote of the House, Nos. 55 and 66.

Shri A. K. Sen: What are these amendments?

Shri Hari Vishnu Kamath: Shall I read them out?

Shri A. K. Sen: I know what is 55, but what is 66?

Shri Hari Vishnu Kamath: I had forgotten to add the tail piece in amendment No. 55; so this amendment No. 66 is an amendment to No. 55, so that both my amendments should be read together.

Shri R. S. Panedy: I beg to move:

Page 2, after line 10, insert—

'3B. In section 55 of the principal Act, to sub-section (1), the

[Shri R. S. Pandey]

following proviso shall be added, namely:—

“Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and of the State Governments.”. (54).

Shri Hari Vishnu Kamath: I beg to move:

(i) That in the amendment proposed by Shri R. S. Pandey, printed as No. 54 in List No. 14 of Amendments,—

after the proposed proviso, insert the following new proviso—

“Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule thereafter have effect only in such modified form or be of no effect, as the case may be.” (55)

(ii) That in the amendment proposed by me, printed as No. 55 in List No. 15 of Amendments, add at the end—

“so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule” (66).

Mr. Speaker: Both taken together would mean amendment No. 64. of the Government. The question is:

That in the amendment proposed by Shri R. S. Pandey, printed as No. 54 in List No. 14 of Amendments,—

after the proposed proviso, insert the following new proviso—

“Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule thereafter have effect only in such modified form or be of no effect, as the case may be.” (55)

The motion was adopted.

Mr. Speaker: The question is:

That in the amendment proposed by Shri Hari Vishnu Kamath, printed as No. 55 in List No. 15 of Amendments, add at the end—

“so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”. (66).

The motion was adopted.

Mr. Speaker: Then there is amendment No. 54 to clause 3B, new clause, by Shri R. S. Pandey. It is about the rule-making power. It is in list

14. I shall read it. It runs as follows:

Page 2, after line 10, insert—

'3B. In section 55 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

"Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and of the State Governments." (54).

Shri Sinhasan Singh: You have already ruled that no amendment can be made under section 55.

Mr. Speaker: I said that only with regard to Part VII this rule-making power can be taken over by the Central Government, and this amendment is in conformity with what I expressed. The question is:

"Page 2, after line 10, insert—

'3B. In section 55 of the principal Act, to sub-section (1) the following proviso shall be added, namely:—

"Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and of the State Governments;

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session, or two or more successive ses-

sions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule thereafter shall have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule." (64).

The motion was adopted.

Mr. Speaker: The question is:

"That New Clause 3B be added to the Bill".

The motion was adopted.

New Clause 3B was added to the Bill.

Mr. Speaker: Then there is an amendment to clause 3C, a new clause.

Shrimati Renuka Ray: That is mine. It has been covered by Shri Kamath's amendment.

Mr. Speaker: Then that amendment goes. We now take up clause 4.

Clause 4—Validation of certain acquisitions)

Shri S. M. Banerjee: I have an amendment.

Mr. Speaker: Amendment No. 7 is there.

Shri Sinhasan Singh: There is my amendment No. 33.

Mr. Speaker: That would be out of order.

Shri S. K. Patil: I beg to move:

Page 2, after line 24, insert—

'Explanation.—In this section "Company" has the same meaning as in clause (e) of section 3 of the principal Act, as amended by this Act.' (7)

Mr. Speaker: I am reading out amendment No. 7:

Page 2, after line 24, insert—

'Explanation.— In this section "Company" has the same meaning as in clause (e) of section 3 of the principal Act, as amended by this Act.'

This is moved by the Government. Shri Sinhasan Singh's amendment is out of order. Is there any other amendment?

Shri Sinhasan Singh: Why is my amendment out of order? It is about compensation.

Mr. Speaker: There is nothing in it about the Bill that we are amending.

Shri Sinhasan Singh: I am putting it in relation to the compensation. The compensation has to be finalised and it is still to be awarded. This should be considered in that context. We are amending section 40 of the Act, and therefore, my amendment is very relevant.

Mr. Speaker: If he reads his own amendment, probably he will agree with me. The amendment reads as follows:

"Provided that in the case of land acquired in the vicinity—

What would be the vicinity?

"of a city or an industrial area the compensation awarded shall be in conformity with the land value prevalent in such city or industrial area, which may be deemed to be the market value as prescribed in section 23 of the Act."

Shri Sinhasan Singh: Section 23 of the Act provides for compensation at the market value. But suppose an agriculturist has land in the vicinity of a city and that land is being acquired. In the vicinity of the city, the market value is very high. So, my submission is that the agriculturist should be paid compensation at

the market value prevailing in that area, wherever land is acquired in the vicinity of a city.

Mr. Speaker: 'Vicinity' is indefinite.

Shri Sinhasan Singh: It means near about.

Mr. Speaker: We cannot make laws in such indefinite terms.

Shri A. K. Sen: This amendment is wholly out of order. Section 23 is in Part II and we are not amending that part at all. Section 23 provides for payment of compensation at market value and the method for determining the market value is also prescribed under section 23.

Shri Sinhasan Singh: How does he say it is out of order? The question of compensation is very important.

Mr. Speaker: He is a lawyer; can this be worked out in this manner?

Shri Tyagi: What he means is contiguity.

Shri Sinhasan Singh: I mean the land which is adjacent or near about.

Mr. Speaker: He should not insist on that.

Shri Tyagi: He may say, within an area of 10 square miles.

Mr. Speaker: He should not insist on that. Shri Banerjee.

Shri S. M. Banerjee: Sir, this is the validation clause. I do realise, as very ably explained by the Minister, that after all the land has been acquired, construction work has started and some factories have started working, validation is necessary. He has also assured the House that when the rules are framed, every opinion expressed in this House by all sections will be taken into consideration.

Let us take the specific case of Kanpur. Fortunately or unfortunately, I come from Kanpur. It is not a

question of this particular case Mr. Aurora versus the State of U.P. There it seems that the land has been acquired and the factory has been constructed. But in the same place, lands have been acquired, where the compensation was determined by somebody by negotiation and so on. What will happen in those cases where very meagre compensation has been paid?

Shri A. K. Sen: On what amendment is he speaking?

Shri S. M. Banerjee: I am merely speaking on clause 4. My submission is that this validation clause is much more harmful than the Bill. It may be argued, after all what is the utility of this amending Bill if certain proceedings, certain acquisitions which have been made cannot be validated. I agree to that, but what is the protection given to those whose land has been acquired with the help of the State Government at a very low price? My hon. friend, Shri Sinhasan Singh moved an amendment, but unfortunately he could not draft it in specific terms.

There are areas within the corporation limits and also those areas which are contiguous to the corporation areas. In Kanpur, in this particular village of Nauraiyakhara, land has been acquired by many people. If factories are coming up in that area, the market price is going to be much more than what it was in 1956. Whether it is Calcutta, Kanpur, Bombay or any other place, the price of the land where industries are coming up is much more than the price of the land which was acquired even in the heart of the city ten years before.

Therefore, I feel that if this Bill is passed—I am sure it is going to be passed—there will be this difficulty. What is the protection? After the rules are made in this House, taking the general opinion or the united opinion of this House, will the hon. Minister instruct or ask the State Government to review such cases?

In this amending Bill, which is likely to be passed certain amendments have been proposed by which the words used will be "for public purposes". Taking advantage of this amendment, Mr. 'A' can again approach the Supreme Court saying that his land has been taken for a particular factory. Then the Supreme Court has to decide whether it is for a public purpose or not. Every ordinary man cannot approach the Supreme Court which is the highest judiciary of the land. Therefore, my question is, after the rules are framed, what protection will be given to those peasants, those poor people whose land has been acquired by the mill owners, whether it be Tatas, ISCOS or TISCOS or anybody else? Sir, the District Magistrate did not come to their rescue. The State Government connived with the capitalists and got the land. Who is to go to their rescue? Sir, all eyes of those peasants whose land has been acquired by the mill owners are fixed on the Prime Minister of this country and the Minister for Food and Agriculture, Shri Patil. Will he come to their rescue? These are matters of importance which are to be decided by this House.

My basic objection is that the validation clause should not have been there. But since certain construction work has already started, the Government should take it up. On behalf of the employer or the mill owner who has acquired the land and has fortunately constructed a piece of building or even the whole building, Shri Patil may argue and ask what will happen to him because, after all, he has spent some amount on the construction. Some State Government might have donated about Rs. 20 lakhs, Rs. 30 lakhs or Rs. 40 lakhs, because lakhs do not matter to them—for this purpose. He would ask, what would happen to that building. My answer to that would be, if this land has been wrongly acquired, let the State Government take it up. After all, it belongs to the State Government. If that cannot be done, at

[Shri S. M. Banerjee]

least proper compensation should be paid.

I fully agree with my hon. friend, Shri Sinhasan Singh's amendment. But, unfortunately, that was not in order and it was ruled out of order. This definition about corporation area or areas which are contiguous to the corporation, has been accepted even for the payment of house rent allowance, C.A. allowance and other allowances to the State Government and Central Government employees. Therefore, I would request the hon. Minister to kindly consider this and assure this House and those outside whose land has been acquired will not be deprived of a reasonable or adequate compensation. Let him give that assurance that after the rules are framed the State Governments will be instructed or even the Central Government will go to the rescue of those whose land has been acquired and they are not being paid adequate compensation.

Sir, in the first place, I oppose this clause. If it is passed, then I want an assurance that in respect of those areas which are contiguous to the corporation their market price will be given.

Again, 'market price' is a vague term. What is the 'market price'?

Mr. Speaker: He has argued out his case.

Shri S. M. Banerjee: The term 'market price' also should be defined. How it should be calculated, what should be the basis, what should be the criteria and all that should be laid down.

Mr. Speaker: All those things are already there in other clauses of the Bill.

Shri S. M. Banerjee: I am referring to those that have been acquired.

Mr. Speaker: He has said that he is opposed to this clause and if it is

passed then an assurance should be given. That will do.

Shrimati Renuka Ray: Mr. Speaker, Sir, there is no doubt that this House has been very much exercised in its mind about this particular Bill which is now going to become an Act. I feel that the improvements that have been made, the amendments that have been made here, make the Bill acceptable to most hon. Members. Of course, there are certain things which have not been done, but that is because they do not come under this section and cannot be done at the present moment.

Mr. Speaker: The hon. Member is speaking as if we are on the third reading. We are now in clause 4.

Shrimati Renuka Ray: I had an amendment. So, I will speak on that.

Mr. Speaker: She was bracketed with Shri Sinhasan Singh. If he falls, she also goes.

Shrimati Renuka Ray: Even then I would like to speak on that, because I did not get an opportunity earlier. In regard to this amendment, I understand that as this is an amendment to the entire Bill, therefore, it cannot be brought in. But I understand from the Minister that in the rule-making power that is going to be introduced, it will be possible to bring in some safeguards. I hope that the rule-making powers will be such as will provide against the type of acquisition that has taken place recently, particularly, in the case of *Aurora vs. State of Uttar Pradesh*. Naturally, the whole House is exercised about this matter. I hope that once the public purpose comes, the Supreme Court and other courts of law will take note of the views of the House, as they have taken into account in the case of the Constitution, and will interpret accordingly.

Mr. Speaker: Let us make laws; the courts will take care of those laws.

Shrimati Renuka Ray: Clause 4, which refers to validation, should be applied only for genuine cases with retrospective effect. In cases which are not genuine, which are not for a "public purpose," this validation should not be resorted to and I hope will not be held valid by the court. I am saying this because this has been made justiciable. Under those circumstances, I hope the validation will only be in genuine cases and not in those which do not serve a "public purpose."

Shri Tyagi: I will not take much time. I am glad that the hon. Minister has given us some assurance which will go a long way in appeasing those who really had genuine grievances. After the rules have been framed and the new Act comes into force, many of the difficulties will be resolved. So, I support this motion.

I am not very happy on this occasion because the decisions of the Supreme Court should be respected. It would have been more graceful if the Government had stated openly that the decision of the Supreme Court will be binding for the present or past cases and the enactment will be only for the future. That would have been better because that would be giving due respect to the law and Constitution. I have always been having that feeling. Sir, you are an eminent lawyer and you understand things better.

Mr. Speaker: The hon. Member knows it much better.

Shri Tyagi: My feeling is that in spite of this legislation, nothing should be done unless a case is genuine and is wrongly rejected. Then, the Act which we have amended, the old Act of 1894, was beyond

the purview of article 31B of the Constitution. After we have amended it, that amendment is not beyond the purview of that article. That is the opinion of the Law Commission. The Law Commission has stated in so many words that if the old law which has been permitted by the Constitution were to remain as such, there would be no difficulty. I quote:—

"If the Land Acquisition Act of 1894 and other existing laws are allowed to continue in force without alternation, the provision in these Acts to the effect that the declaration by the Government that the land was acquired for a public purpose shall be conclusive evidence cannot be challenged. The position would, however, be different if a consolidating Act is now enacted. The decision of the Government that a land is needed for a public purpose will not have finality which it would have had if Act I of 1894 and other Acts were left untouched."

We have not left this Act untouched. Therefore, my hon. friend need not be afraid. Despite all the efforts that we have made and all the pains that my hon. friends, the hon. Ministers have taken, if there is an unfair case the Supreme Court is there for questioning it and for deciding as to whether the thing is in the public interest or not. That is only the privilege of the Supreme Court. Therefore we are not afraid. We heartily support it so that genuine cases which come under this amending Act of ours might have relief.

With these words, I support it.

Mr. Speaker: Will the hon. Minister like to say anything?

Shri S. K. Patil: No, Sir, except that it is very necessary because the whole Bill has been brought for that purpose. The cases have got to be validated.

Mr. Speaker: The question is:

Page 2,—

after line 24, insert—

'Explanation.—In this section "Company" has the same meaning as in clause (e) of section 3 of the principal Act, as amended by this Act. (7).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

New Clause 1A

Shri S. K. Patil: Sir, I beg to move:

Page 1,—

after line 4, insert—

'Amendment of section 3.

1A. In section 3 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the principal Act), in clause (e), the following words shall be added at the end, namely:—

"or any other law relating to co-operative societies for the time being in force in any State". (3).

I have moved this because the States have got many laws and only a few have been mentioned here. If perchance anything goes, that co-operative society will find it difficult. So it is made comprehensive. Whatever laws the States might have, this will cover all those cases.

Shri Hari Vishnu Kamath: I might submit, Sir, that that particular section is not incorporated in the amending Bill. I know, however, the amendment is framed for necessary purpose.

Mr. Speaker: It is connected also.

Shri Hari Vishnu Kamath: If it is connected then it is all right.

Mr. Speaker: The question is:

Page 1,—

after line 4, insert—

"Amendment of Section 3.

1A. In section 3 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the principal Act), in clause (e), the following words shall be added at the end, namely:—

"or any other law relating to co-operative societies for the time being in force in any State". (3).

The motion was adopted.

New Clause 1A was added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri S. K. Patil: Sir, I beg to move:

"That the Bill, as amended, be passed."

While moving this motion I must express my gratefulness to the House for the opportunity that they gave me for understanding the case thoroughly well. With the assistance of hon. Members and with the feeling that has been expressed we shall do our best to see that this Act, or whatever Act we have passed today, is implemented in the spirit in which we have taken and understood it.

Mr. Speaker: The question is:

Some Hon. Members rose—

Mr. Speaker: Still hon. Members want to speak?

Shri Tyagi: Only one minute, Sir.

Mr. Speaker: All right. Motion moved:

"That the Bill, as amended, be passed."

Shri Tyagi: Sir, I hope that whatever assurance the hon. Minister has given will be fulfilled. With that hope I entirely agree with the passing of this Bill finally. But there is one point on which I would like to insist. My experience is that fair price or compensation is not paid. In my own constituency compensation has not been paid to the peasants for lands acquired about ten years ago for the Jamuna hydel scheme. But those peasants are forcibly being made to pay the rent as also the irrigation charges in respect of the lands that have been taken away from them.

Shri S. K. Patil: Was it by the Government of India or by the Government of UP?

Shri Tyagi: I do not want to name the Government; it is some Government.

Shri S. K. Patil: We promptly pay the compensation.

Shri Tyagi: Whatever it be, this is the position. I hope the hon. Minister will pay attention to this matter, because this is a point which was not emphasised in the debate. I would request him also to see that as far as possible compensation or whatever is paid, whether it be land for land or anything else, must be given in advance so that the people may not have to go to the courts and seek redress which takes a long time.

Shri C. K. Bhattacharyya: In my speech today I stated that the circumstances in which we are passing this Bill will make it incumbent on Government to come forward with a comprehensive Bill changing the whole Act very soon. I did not anticipate that the need for it would appear so soon. The very fact that you, Sir, have had to rule out a part of the Government amendment shows the need of what I had insisted in my speech before.

So, I would submit at this stage that the 1894 Act, which is almost a century old Act should be completely overhauled, and the sooner it is done, the better it would be for everyone. I hope the hon. Minister, very active as he is, will look into it.

Shrimati Renuka Ray: I support the Bill which is going to be passed now because of the amendments that have been incorporated therein. I would also like to make one other position clear, because there are a few persons who feel that the bringing in of the term 'public purpose' in Part VII might bring in section 6 of Part II into operation. Section 6 of Part II cannot possibly apply to another completely different part. Section 6 leaves the final authority to Government, and the Government become the final authority to decide what the public purpose is. But Part VII is quite different. Therefore, it is a justiciable section. Therefore, the fear that Government will have the final say in regard to the interpretation of the term 'public purpose' is not well founded. The position is quite otherwise. As I said before, the courts of law, and particularly the Supreme Court will have the final authority in this regard. Therefore, I feel that to that extent, we have not flouted the opinion of the Supreme Court as we might have done if the Bill had been passed without these amendments.

In conclusion, I would like to repeat what Shri C. K. Bhattacharyya has

[Shrimati Renuka Ray]

said, namely that a comprehensive Bill covering all sections should be brought forward as quickly as possible during the next session of Parliament, because it is very necessary that the other sections should also be changed, and the rule-making power should be in respect of the whole Act.

With these words, I support the Bill.

Dr. M. S. Aney: I wish to express not only my support to the motion before the House but also my admiration for the tactful manner in which the hon. Minister has tried to reconcile the House to this Bill, though the House was at one time almost in a mood to throw out the Bill. He has done his work with very great skill and he has also made very great efforts to meet the objections and the difficulties which had been brought to his notice. Therefore, I congratulate him on his success.

I would like to say also one other thing. The hon. Minister has been profuse in giving promises and assurances. I hope that in the administration of the Act which is to be done not only in the Union Territories but also in the States, the hon. Minister, as a Minister of the Central Government, will see to it that the Act is administered in such a way that it gives very little ground for people to complain that they have not been dealt with properly.

With these words, I support the Bill.

Shri Hari Vishnu Kamath: He is a good executive.

Shri Narendra Singh Mahida: I wish to congratulate all the Members for focussing attention on this matter brought out by the Government particularly the Treasury Benches. My hon. friends have concentrated their attention on this for the last three days. I must also congratulate you....

Mr. Speaker: The Speaker might not be brought in.

Shri Narendra Singh Mahida: You gave us three days for discussion.

Mr. Speaker: If I allow praise now, sometime I might be criticised also later which I should then allow.

Shri Narendra Singh Mahida: For three days we have fully discussed this and vented our feelings. I admire Shri S. K. Patil's patience in hearing all the criticisms without losing his temper, though I had pointed out that in my State of Gujarat there are about 3 lakh land acquisition cases—not a few. There are many cases where compensation has not been paid—not a pie has been paid for the last 7 years. I can cite gazette after gazette where notifications of acquisition of land are published. In some gazettes not less than 6,000—7,000 people are affected over their property. I can prove it.

Mr. Speaker: That means both the patience of the Minister and the tenacity of the Member are to be praised.

Shri Narendra Singh Mahida: We have ventilated our feelings on this indiscriminate acquisition of land. Particularly in regard to oil exploration, lands are acquired at a moment's notice and no compensation is being paid even by the Minister of Mines and Oil for the last two years. Crops have been destroyed immediately.

I wish to bring to the notice of the House the fact that for every 100 rupees invested in business one gets a return of Rs. 10 or Rs. 15, but for 100 rupees invested in agriculture, one gets in a half year Rs. 500. The greatest industry in this country is agriculture and it must be given top priority.

With these words, I also now support the Amended Bill and hope that a new Comprehensive Act will be brought into force as early as possible and all our fears will be removed.

Shri Daji: The House has adopted the clauses of the amending Bill with certain amendments. I would say it has been a rare case of the practical exercise by the House of its superiority and sovereign function in the matter of control of legislation. Such opportunities are really rare. Therefore, I would take this opportunity, through you, to express the opinion that this healthy sign which has been witnessed, in discussing and amending and taking into account every clause, every word shall be a precedent which we shall follow in future legislation also.

Shri Hari Vishnu Kamath: In a true democracy, that is so.

Shri Daji: Although I had moved for reference of the Bill to a Select Committee, my aspirations had not been fulfilled. But I do not want to go into that. What I would say is that Government by having this Bill amended has taken upon itself a very serious responsibility, a responsibility for acquiring land for public purpose but for privately-owned companies. It is a contradiction and it has to walk on a razor's edge. It has to do some tight-rope walking. And if it slips over so little, the House which has been vigilant this time, shall be doubly vigilant in seeing that the powers are not abused or misused.

I would, therefore, say that the Government in the exercise of its rule-making powers should be, like Caesar's wife, not only chaste, but also above suspicion. I am constrained to say this because experience of the past is very disconcerting. I have got some papers with me. We know of a case in Delhi proper itself. It is shocking. A Sub-Judge of First Class transferred a case pending before him saying that pressure was brought to bear upon him by Government and therefore he was unable to proceed. He transferred it on his own. Such is the case.

Mr. Speaker: We have got a good judiciary then.

Shri Daji: Yes. Let not Government behave in this manner and we shall have a better judiciary.

As regards the question of compensation, I know and the hon. Minister knows that the money for the Bhilai lands has still not been paid though the mill has attained the full targeted rate of production. It will be paid. But, to be paid so late, is almost justice denied. They are starving, going from house to house. These things should be remedied.

Lastly, a word. Because of the legal position, we have not been able to give rule-making powers with regard to Part II to the Central Government. But I think it should be possible for the Minister, by directives or otherwise, to say that when lands are acquired for a private company that should be done only under Part VII and not under Part II, because there is always a temptation on the part of the State Governments to do it under the other part. It is because of that temptation that the amendment of the whole Act is delayed. The temptation should be stopped; and a new Bill, giving justice to the persons whose lands are acquired, should be brought early.

श्री बाल्मीकी : अध्यक्ष महोदय, इस विधेयक का प्रभाव अधिकतर मेरे क्षेत्र पर होने जा रहा है। किसी भी ग्रामीण क्षेत्र का किसी बड़े नगर के पास होना एक दुर्भाग्य हो है और खतरे में खाली नहीं है। मैं माननीय मंत्री जी का ध्यान इस ओर आकर्षित करना चाहता हूँ कि यह जो बड़े बड़े नगर फैलते जा रहे हैं उन के फैलाव को हमें रोकना ही पड़ेगा और विशेषकर ग्रामों का और ग्रामीण किसानों तथा मजदूरों के हित का ध्यान रखा जा होगा। मुझे इस का पूरा विश्वास है, जैसा कि मंत्री महोदय ने आश्वासन भी दिया है, कि मेरे क्षेत्र में जो किसान और हमारे दूसरे मजदूर भाई हैं उन से जा कर मैं यह कह सकूँगा कि उन के साथ किसी भी प्रकार का अन्याय नहीं हो सकेगा। हमें इस का भी पूरा

[श्री बाल्मीकी]

विश्वास होना चाहिये कि जिन किसानों, मजदूरों या गरीब आदिमियों की जमीनें छी जायेंगी, उन को पूरा पूरा मुआवजा, और बाजार भाव से भी अधिक दिया जायेगा। इस देश के अनेक भागों में घूमने के कारण मैं अपने क्षेत्र के आस पास और दूसरे स्थानों पर ऐसे बहुत से केसेज जानता हूँ जिन में लोगों की जमीनें एग्रोट्रोम या दूसरे कार्यों के लिये ली गई हैं, लेकिन उन को उस के बाद बसाया नहीं गया है, उखाड़ा गया है, उन्हें ठीक तरह से मुआवजा भी नहीं दिया गया है।

आज भी किसानों की जमीनें ली जा रही हैं, खास तौर से दिल्ली की मास्टर प्लान की वजह से, दिल्ली के विकास की वजह से, किसानों के ऊपर नोटिस सर्व हो रहे हैं तथा इस प्रकार के दूसरे कारणों से भी किसानों के लिये खतरा पैदा हो गया है। उन किसानों को आश्वासन मिलना चाहिये कि उन के पास जितनी भी फायदेमन्द खेती के काबिल जमीनें हैं उन्हें किसी तरह से भी खतरा नहीं होगा। केवल उन्हीं जमीनों को लिया जायेगा जो कि बंजर उजाड़ हैं, परती हैं और खेती के काबिल नहीं हैं। और अगर कभी उन को लिया भी जायेगा तो उन के लिये विशेष रूप से पेशगी मुआवजा देने की कोशिश की जानी चाहिये। उन का हर प्रकार से पुनर्वास होना चाहिए।

मैं एक और विशेष बात की ओर आप का ध्यान आकर्षित करना चाहता हूँ। नगरों के अन्दर आज गरीब आदिमियों के पास भी जमीनें हैं छोटी छोटी, जैसे कि दिल्ली में ही देख लीजिये, उन पर मालदार लोगों और अधिकारियों या दूसरे लोगों की कुत्सेप्यायें जो होती हैं, उन से भी उन की रक्षा करने की चेष्टा की जायेगी, इस का आश्वासन भी मिलना चाहिये। मुझे पता है कि इस प्रकार के जो केसेज यहाँ होते हैं उन्हें सरकारी ढंग से किसी प्रकार की सुरक्षा नहीं मिलती है।

मुझे आशा है कि आप के द्वारा उन्हें सुरक्षा मिलेगी और जब भी इस के सम्बन्ध में रुल बनाये जायेंगे तब हर प्रकार से उन की सुरक्षा का ध्यान रखा जायेगा।

आप का जो यह बिल है, मैं आशान्वित हो कर उस का स्वागत तो करता हूँ लेकिन फिर भी मेरे मस्तिष्क में यह भय है कि कहीं इसका दुरुपयोग न हो हालांकि गरीबों के अधिकारों की रक्षा करने के लिये आप को विशेष प्रकार के अधिकार प्राप्त हैं, लेकिन उन लोगों के अधिकारों तथा हितों की रक्षा बहुत नहीं होती है। आप के मस्तिष्क में यह बात अवश्य है, लेकिन इस प्रकार से आप गरीब आदिमियों के हित, किसान मजदूरों के हित, की रक्षा करने के लिये जाग्रत रहेंगे और उन का ध्यान रखेंगे और उन के साथ अन्याय नहीं हो सकेगा।

Shri S. K. Patil: I have nothing more to add except that, as the hon. Member opposite very rightly said, this has cast a great responsibility on the Government. I do not want to take the time of House. I did not know what the difficulties that were experienced under this Act are because this comes to the Agriculture Minister, as said in the beginning, because it pertains to land.

Shri Daji: It is an anomaly.

Shri S. K. Patil: This has cast a heavy responsibility on me. Surely this Government, or any other Government for that matter, if it does not keep any promises it gives on the floor of the House and flouts the opinion of the public, would not be a Government which will be competent to stay where it is. Therefore, with their co-operation many things could be done.

Whatever might have been done in the past, so long as the conscience of the House has been aroused by this Bill, and the proper type of feelings have been created, I think, there will be no difficulty whatsoever and all the

things that have been pointed out would be corrected in the near future. Once again, I thank the House for this.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

16:51 hrs.

BUSINESS OF THE HOUSE

Shri Satya Narayan Sinha: Mr. Speaker, Sir, we are somewhat behind schedule because considerable time has been spent on the Land Acquisition Bill and some other items like the report of the Commissioner for Linguistic Minorities and the Constitution (Thirteenth Amendment) Bill, etc. This has necessitated some amendment in the order of business so that important legislative measures proposed to be adopted in this session are sent to the Rajya Sabha latest by the 4th of September to enable that House to adopt those measures before it adjourns.

I, therefore, propose that discussion on the Report of the Commission for Scheduled Areas and Scheduled Tribes may be taken up in this House on the 6th of September or earlier after finishing important legislative business.

The House would accordingly take up the consideration of the Reserve Bank (Amendment) Bill, and the Banking Companies (Amendment) Bill tomorrow, instead of discussion on the Report of the Scheduled Areas and Scheduled Tribes Commission as put down in the Order Paper. I hope, Sir, you and the House would appreciate the circumstances resulting in this change which only means an adjustment in the order in which business already set down will be taken up.

Shri Hari Vishnu Kamath: Is he going to make the usual statement about the Government business for next week, tomorrow?

Mr. Speaker: Yes, he will make that statement.

Shrimati Renuka Ray: What is happening to the Resolution on public undertakings? Will it be taken up?

Mr. Speaker: He said yesterday that it will not be taken up. The House stands adjourned till 11 A.M. tomorrow.

16:53 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 31st August, 1962/Bhadra 9, 1884 (Saka).

[Thursday August 30, 1962/Bhadra 8, 1884 (Saka)]

ORAL ANSWERS TO QUESTIONS			WRITTEN ANSWERS TO QUESTIONS—contd.		
S.Q. No.	Subject	COLUMNS 4941—82	U.S.Q. No.	Subject	COLUMNS
697	Exodus of minority community from East Pakistan	4941—46	2011	Import of consumer goods	4988
698	Industrial Co-operation Working Group	4946—50	2012	Development of hilly areas in Punjab	4988
699	Implementation of Motor Transport Workers Act	4950—52	2013	Subsidised Industrial Housing Scheme	4989
700	Hospitals under Employee's State Insurance Scheme	4952—53	2014	Steel Plants in Public and private sectors	4989-90
701	Import of refrigerators	4953—57	2015	Board of Trade	4990
702	Small Scale Industries	4957—59	2016	Hindi programmes on A.I.R. Station, Vijayawada	4990-91
703	Attack by Pakistanis on an Indian forest patrol in Tripura	4959-60	2017	Development loans to States	4991-92
712	Indian citizens kidnapped by Pakistanis from Tripura	4960	2018	Iron ore in Barjamada-Baraspari Sector	4992
715	Raids by Pakistanis on Tripura border	4960—64	2019	Production of Ilmenite	4992-93
704	Hindi broadcast of A.I.R.	4965—70	2020	Coffee Board Labour Union	4993-94
705	Education in schools through television	4970-71	2021	Reorganisation of E.A. Ministry	4994
706	Economic growth in India	4971—76	2022	Doctors for NEFA	4995
707	Export of iron ore to Japan	4976—80	2023	Export of tea and jute	4995-96
709	Film Festival in Berlin	4980—82	2024	Use of Hindi in NEFA	4996-97
710	Press Consultative Committee	4982	2025	Assistant Employment Officers	4997-98
WRITTEN ANSWERS TO QUESTIONS 4983-5029.			2026	'Udyog Vyapar Patrika'	4998-99
S. Q. No.	Subject	COLUMNS	2027	Development of industries	4999-5000
708	Aid-dropping of food in NEFA	4983	2028	Travancore rayons	5000
711	Bungalows occupied by Ex-M-Ps	4983—84	2029	Andhra Pradesh Mica Workers, Union	5000-01
713	Firing by Pakistanis on an Indian post in J & K State	4984-85	2030	Loss sustained by Coffee Board	5001
714	High power technical panel for imported components influx of Tibetan refugees	4985	2031	Co-ordination of training schemes	5001-02
716	Influx of Tibetan refugees	4985-86	2032	Rubber cultivation	5002-03
717	Strike by workers of Hindustan Housing Factory, New Delhi	4986	2033	Hindi certificates for Hindi films	5003
718	Export promotion	4986—87	2034	Salt factory in Midnapur district	5003-04
719	Central Public Works Department	4987	2035	Machines of Manipur P.W.D.	5004
			2036	Persons belonging to Mizo Hills in Burmese and Pakistan armies	5005
			2037	Allocation to Madhya Pradesh	5005
			2038	Trade with U.A.R.	5006
			2039	Rural Housing in Assam	5006
			2040	Spinning units	5007
			2041	Children's Film Society	5007-08
			2042	Catechu factories	5008

WRITTEN ANSWERS TO
QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
2043	Situation in colliery area	5008-09
2044	Housing Schemes in States	5009
2045	S. C. and S. T. employees in External Affairs Ministry	5009-10
2046	Wages of automobile factory workers	5010-11
2047	Import of steel	5011
2048	Building for Technical Training Centre, Kotah	5012
2049	Quarters at Aram Bagh Lane, New Delhi	5012-13
2050	Export of mangoes	5013
2051	Industrial Exhibition in Moscow	5014
2052	Decasualisation Schemes	5014
2053	Training in foundry techniques	5015
2054	Export of cotton textiles	5015-16
2055	Accommodation for Government employees	5016-17
2056	Manganese ore mines at Shivrajpur, Gujarat	5017-18
2057	Manufacture of terylene	5018
2058	Rural Housing Scheme	5018-19
2059	Industries in Himachal Pradesh	5019
2060	Hospitals under Employees' State Insurance Scheme	5020
2061	Export of textiles	5020-21
2062	Unemployment in Mysore State	5021
2063	Housing Schemes in Mysore State	5021-22
2064	Industrial Estates	5022
2065	Small Scale Industries in Mysore	5023-24
2066	Handloom industries in Mysore	5024
2067	National Productivity Council	5024-25
2068	Application of Labour Laws in Public Sector Undertakings	5025-26
2069	Export Promotion	5026
2070	Regional Labour Institutes	5026-27
2071	Cement pipe manufacturing factory	5027-28
2072	Shifting of Class 'V staff to Ramakrishnapuram, New Delhi	5028

COLUMNS

CALLING ATTENTION
TO MATTERS OF URGENT PUBLIC IMPORTANCE

5029-35

- (i) Shri Prakash Vir Shastri called the attention of the Minister of Defence to the reported violation of Indian air by Pakistani aircraft in Tripur on the 27th August, 1962.
- The Minister of Defence (Shri Krishna Menon) made a statement in regard thereto.
- (ii) Shri P. R. Chakravarti called the attention of the Minister of Labour and Employment to the accident at south Bullihari Colliery on the 24th August, 1962 resulting in the death of six workers.
- The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi) made a statement in regard thereto.

PAPERS LAID ON THE
TABLE.

5035-36

- (i) The Scrap Committee Report, 1962.
- (ii) Government Resolution No. SC (B)-202/62 dated the 27th August, 1962, containing decisions on the above Report.

REPORT OF COMMITTEE
ON ABSENCE OF MEMBERS PRESENTED

5036

Second Report was presented.

STATEMENT BY MINISTER

5036

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath) made a statement correcting the reply given on the 22nd June, 1962 to Starred Question No. 1928.

BILLS INTRODUCED

5037

- (1) The Constitution (Fourteenth Amendment) Bill, 1962.
- (2) The Oil and Natural Gas Commission (Amendment) Bill, 1962.

COLUMNS

BILL PASSED

5037—5182

Clause-by-clause consideration of the Land Acquisition (Amendment) Bill continued. On two amendments to clause 2 the house divided, Ayes 39 Noes 141. The amendments were accordingly negatived and the Bill was passed as amended.

COLUMNS

AGENDA FOR FRIDAY
AUGUST, 31, 1962/BHADR
DRA, 9, 1884(SAKA)

Consideration and passing of
the Reserve Bank of
India (Amendment) Bill,
Private Members' Bill's.
