

LOK SABHA
DEBATES

Third Series

Volume XI, 1962/1884 (Saka)

[December 5 to 11, 1962/Agrahayana 14 to 20, 1884 (Saka)]



THIRD SESSION, 1962/1884 (Saka)
(Vol. XI contains Nos. 21 to 26)

LOK SABHA SECRETARIAT
NEW DELHI

C O N T E N T S

[THIRD SERIES VOL. XI, December 5 to 11 1962/Agrahayana 14 to 20, 1884 (Saka)]

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LOK SABHA

Thursday, December 6, 1962/Agra-
hayana 15, 1884 (Saka)

The Lok Sabha met at Twelve of
the Clock.

[MR. SPEAKER in the Chair]

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED SCARCITY OF KEROSENE OIL

Shri S. M. Banerjee (Kanpur): Sir, under Rule 197, I call the attention of the Minister of Mines and Fuel to the following matter of urgent public importance and I request that he may make a statement thereon:—

The reported scarcity, hoarding and black-marketing in kerosene oil in Delhi and other places.

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis): Government have seen reports which have recently appeared in the press complaining of shortage of kerosene in Delhi. The stocks at the main depot in the city are adequate and in fact larger than in normal times and there is likely to be no shortage of kerosene in the Delhi area for distribution. The situation about which reports have appeared in the press is due partly to the fact that some companies have had to reduce their capacity of supply to the population on account of the need to build up stocks of ATF—which, I submit, Sir, is the same as superior kerosene—for defence requirements and also due to panic buying by a certain section of the population in order to hoard it and

also partly due to the attempts on the part of some anti-social distributors to make unconscionable profits. One reason for the shortage of kerosene for distribution appears to be due to the difference between sales tax in the Union Territory and the sales tax in U.P. While there is no sales tax on kerosene in the Delhi area and in the Punjab State, the State of Uttar Pradesh levies 7 per cent sales tax on that commodity. Therefore, some purchasers in Delhi clandestinely remove the kerosene from the jurisdiction of Delhi area to the areas in U.P. The Chief Commissioner of Delhi has issued an order prohibiting the export of kerosene except on permits outside the Union Territory. It is proposed to make hoarding of kerosene an offence as also charging price in excess of that prescribed by the Government. The Delhi Administration will take steps to bring to book the offending distributors and will ask for deterrent punishment. It is also intended to open sufficient number of additional retail shops at which kerosene will be sold in bottles at prescribed prices. This arrangement will enable the consumers to obtain their required supply at control prices.

Kerosene is a deficit product from the point of view of internal production and has to be imported. While the volume of imports will not be reduced, it would enable us to conserve foreign exchange if consumption is reduced by resorting to alternative fuels. Kerosene is partly used for cooking purposes in the country. We have built sufficiently large stock of coal which will enable the people to use coal instead of kerosene for cooking purposes. While adequate stocks will be maintained to meet the demands of kerosene in the country which are continuously increasing,

[**Shri Hajarnavis**]

Government will appeal to the public to cooperate by not making demand for kerosene in excess of their minimum requirement and substitute it by an alternative fuel.

There were also some reports of local shortages of kerosene developing in some parts of North Bengal, Bihar and Orissa. These shortages arose because of the pressure of defence movements on the railways and on account of the insufficiency of tank wagons needed to move the kerosene out of Calcutta. This situation has now been remedied and stock position in these areas has improved.

Shri S. M. Banerjee: May I know whether it has been brought to the notice of the hon. Minister that a bottle of kerosene oil, which was being sold at 28 nP in Delhi, is now being sold at 56 nP, and the same thing is prevailing almost in all the States now?

An Hon. Member: Shame.

Shri Hajarnavis: There are some reports to that effect and that is why energetic steps will be taken to see that supplies are maintained at control prices.

श्री यशपाल सिंह (केराना) : क्या सरकार का ध्यान इस ओर गया है कि पंजाब गवर्नरेंट ने अमृतसर के एक व्यापारी को पन्द्रह दिन की सजा दी है जो कि दुगने दाम पर मिट्टी का तेल बेच रहा था। दिल्ली में भी दुगने दाम पर मिट्टी का तेल बिक रहा है तो क्या यहां ऐसे लोगों के खिलाफ डिकेस आफ इंडिया एक्ट के मातहत कारंवाई की जायेगी ?

श्री हजरनबीस : उन के खिलाफ जरूर कारंवाई की जायेगी।

श्री बागड़ी (हिसार) : यहां पर मिट्टी के तेल की कीमत जो २८ न० पै० थी वह ५६ न० पै० तक बढ़ी। इस दौरान में उन ब्लेक मार्केटिंग्स के खिलाफ गवर्नरेंट

को स्टेप लेना चाहिये या जिन्होंने तेल की कीमत बढ़ाई। मैं मंत्री महोदय से पूछना चाहूँगा कि ऐसे लोगों के खिलाफ कोई कदम उठाया गया है या नहीं और इस कानून के तहत दिल्ली में कोई गिरफ्तारी की गई है या नहीं। भगव नहीं, तो इस की क्या वजह है और उन को गिरफ्तार क्यों नहीं किया गया ?

श्री हजरनबीस : अगर इस के बारे में किसी जगह शिकायत की गई होगी तो जरूर उस की नहीं कात की गई होगी।

एक माननीय सदस्य की गई है या नहीं ?

अध्यक्ष महोदय : सवाल यह है कि क्या 'गवर्नरेंट के पास कोई इत्तला है कि इस जुर्म में किसी के खिलाफ कोई कारंवाई की गई है, या किसी को गिरफ्तार किया गया है।

Shri Hajarnavis: If what has been done is an infraction of law, then a complaint.....

श्री बागड़ी : अंग्रेजी में मेरी समझ में नहीं आता।

Mr. Speaker: Hon. Members should have patience to hear the whole answer.

जो कुछ माननीय मंत्री कहेंगे वह में माननीय सदस्य को समझ दूँगा बाद में।

श्री हजरनबीस : मैं हिन्दी में बतला देता हूँ। अगर कहीं पर कानून के खिलाफ काम किया गया है तो उस के बारे में रिपोर्ट की जानी चाहिये ...

अध्यक्ष महोदय : जब माननीय सदस्य सवाल साफ तौर पर करते हैं तो उसका जवाब भी उसी के अनुसार होना चाहिये। सवाल यह है कि किसी के बरखिलाफ कोई कारंवाई आज तक की गई है या नहीं।

श्राव तथा ईश्वन मंथी (श्री के० दे० मालवीय) : अध्यक्ष महोदय, पिछले दो तीन दिनों में यह मालूम हुआ है कि जगह जगह लोग मेंहगा मिट्टो का तेल बेच रहे हैं और इस की बड़ी सज्ज डिमाण्ड हो गई है। जब दिल्ली के चीफ कमिशनर से इस मामले में तहकीकात की गई तो मालूम हुआ कि कुछ डीलर्स और डिस्ट्रिब्यूटर्स महगा तेल बेच रहे हैं। उन के खिलाफ तहकीकात हो रही है और मुझे उम्मीद है उन में से दो चार जरूर पकड़े जायेंगे तीन चार दिनों में। मैं हाउस को यकीन दिलाना चाहता हूँ कि जैसे ही हमारे पास मदूर आ गया, उन लोगों के खिलाफ बहुत मस्त कार्रवाई की जायेगी।

श्री रघुनाथ सिंह (वाराणसी) : कल अखबार में एक पिक्चर छारी है जिसमें मालूम होता था कि एक एक दूकान के मामने १००, १०० आदमियों की भीड़ है। मैं जानता चाहता हूँ कि क्या तेल की शार्टेज है या कम तेल मज्जाई हो रहा है? क्या आप की तरफ से पूरा तेल दिया गया है?

श्री के० दे० मालवीय : जैसा बयान में कहा गया है आम तौर पर तेल की शार्टेज बिलकुल नहीं है। आम तौर पर जितना तेल रोज रहा करता है दिल्ली में, उस से ज्यादा स्टाक है। लेकिन चूंकि महीने का पहला हफ्ता है और लोगों के पास ऐसा ज्यादा है इसलिये वे स्टाक करना चाहते हैं और ज्यादा से ज्यादा तेल अपने पास रखना चाहते हैं। मैं जनता से अपील करना चाहता हूँ कि वह ऐसा न करे। ज्यादा तेल घर में रखने से कोई कायदा नहीं है। उस पर कारेन एक्सचेन्ज भी खर्च किया जाता है। इस लिये अगर वे ज्यादा मांगेंगे तो हम दे नहीं सकेंगे और उनको तकलीफ होगी आज कल की हालत में।

दूसरी बात यह भी सही है कि जब ज्यादा मांग हो गई तो जो डीलर्स हैं उन्होंने भी मुनाफाक्षोरी शुरू की। इस के बारे में तहकीकात हो रही है और मैं समझता हूँ जो लोग इस तरह की मुनाफाक्षोरी कर रहे हैं उन के खिलाफ जैसे ही मुद्रूत मिल गया उन पर मुकदमे चलाये जायेंगे और बहुत सख्त कार्रवाई की जायेगी।

Shri D. C. Sharma: (Gurdaspur): May I know if this rise in price is due to collusion between the whole-salers and the retail dealers and if so, what steps are being taken to check this?

Mr. Speaker: Order, Order, Shri Shree Narayan Das.

Shri Shree Narayan Das (Darganga): Some time ago, the hon. Minister made a statement that there will be no shortage of this article in the near future. I would like to know what has happened in between these days that there has been scarcity in various parts of the country including North Bihar, I would like to know what steps have been taken to remove this difficulty especially so that there may not be difficulty in the rural areas.

अध्यक्ष महोदय : गवर्नरमेंट के पास जो इनलाहूँ कि शार्टेज तेल की है या नहीं इस के बारे में तो स्टेटमेंट दे दिया गया। उसी चीज को फिर दुहराने की क्या जरूरत है?

Shri Shree Narayan Das: What steps are being taken that this scarcity may not prevail in the rural areas especially because there....

Shri K. D. Malaviya: The most effective step that I think should be taken is, all the Members and myself and the Government should appeal to the public to consume as little kerosene oil as possible so that there may not be rush on the distributors and salesmen.

[Shri K. D. Malaviya]

The stocks are there; stocks above the normal stocks are with us and we shall try our level best to see that the stocks reach the distributor's point promptly at every place.

Dr. L. M. Singhvi (Jodhpur): I suppose the price was rising over a period of time. What agency do we have to apprehend and to prosecute such rise or when the rise is detected the persons who are responsible for the rise? Do we have a squad, or is it proposed to have a squad or a special squad for the purpose of checking rise in prices? This is only the beginning, and a very bad beginning.

Shri K. D. Malaviya: The price was not rising at any time. A bottle of kerosene was being sold at 4½ annas, even two or three or four days before. Suddenly, when there was a great rush, whichever distributor wanted to make more profit started selling it at a higher price. If people are prepared to pay more money when they have got more money in their pockets, how can we prevent them from doing so?

Dr. L. M. Singhvi: So, there is absolutely nothing that Government propose to do about it?

Shri Hari Vishnu Kamath (Hoshangabad): Is the hon. Minister who has tackled the big oil and gas problems of our country with a dubious measure of success in a position to definitely tell us....

Mr. Speaker: Would this reference to the Minister make kerosene oil cheaper or available in greater quantities?

Shri Hari Vishnu Kamath: I referred to the ability and capacity of the Minister.

Mr. Speaker: How can the capacity of the Minister be relevant here?

Shri Hari Vishnu Kamath: Is it not relevant?

Mr. Speaker: No, not at all.

Shri Hari Vishnu Kamath: The Minister is a part of the Government.

Mr. Speaker: The capacity of the Minister is not in question now.

Shri Hari Vishnu Kamath: The Minister is a part of the Government, and the administration is affected by his . . .

Mr. Speaker: Does the hon. Member want to put any question or not?

Shri Hari Vishnu Kamath: Is the hon. Minister in a position to state definitely and categorically that all malpractices in respect of this common man's fuel will be severely dealt with and crushed, irrespective of the person committing those malpractices?

Shri K. D. Malaviya: Government will try their level best to see that kerosene is sold at a fixed price, and those who contravene the rules and the laws be severely punished.

Shri Tyagi rose—

Mr. Speaker: I am sorry. I cannot give any chance to any hon. Member whose name does not appear in this notice.

श्री नवल प्रभाकर (दिल्ली करौलबाग): क्या दिल्ली प्रशासन को एसा निर्देश दिया गया है कि वह ऐसी दुकानों पर जहां कि मिट्टी का तेल मिलता है, उसके दाम की सूची नटकाएं ?

श्री के० दे० भालबोय: जी, हां इस का फैसला हो गया है, और आजकल में ही यह सूची वहां टांग दी जाएगी, और जनता से उम्मीद की जाती है कि वह दाम देख कर ही तेल लेगी और जो दाम है उससे ज्यादा नहीं देगी।

Shri Shivaji Rao S. Deshmukh (Parbhani): May I know whether Government have received a report that a personal secretary of some Minister sent for requisitioning 14 tins of kerosene oil had to return without it?

Shri K. D. Malaviya: I have read that report but beyond that I have no information.

Some Hon. Members: We could not hear the reply.

Mr. Speaker: The reply was that he has also read that report, but besides that, he has no other information for the present.

—
12.13 hrs.

PAPERS LAID ON THE TABLE
FOOD ADULTERATION (SECOND AMENDMENT) RULES

The Minister of Health (Dr. Sushila Nayar): I beg to lay on the Table a copy of the Prevention of Food Adulteration (Second Amendment) Rules, 1962, published in Notification No. G.S.R. 1564, dated the 24th November, 1962, under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954. [Placed in Library, see No. LT-625/62.]

NOTIFICATION UNDER ARTICLE 359(1) OF CONSTITUTION

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): On behalf of Shri Datar, I beg to lay on the Table a copy of Notification No. G.S.R. 1594 dated the 26th November, 1962, under clause (3) of article 359 of the Constitution, publishing amendments to Order No. G.S.R. 1418 dated the 30th October, 1962, issued by the President under clause 1 of the said article. [Placed in Library, see No. LT-626/62.]

NOTIFICATIONS UNDER SEA CUSTOMS ACT AND CENTRAL EXCISES AND SALT ACT

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): I beg to lay on the Table a copy each of the following Notifications:—

(i) G.S.R. No. 1584 dated the 24th November, 1962, under sub-section (4) of section 43B of the Sea Customs Act, 1878.

(ii) G.S.R. No. 1585 dated the 24th November, 1962, under sub-section (4) of section 43B of the Sea Customs Act, 1878, and section 38 of the Central Excises and Salt Act, 1944, making certain further amendment to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960. [Placed in Library, see No. LT-627/62.]

AMENDMENTS TO POST OFFICE SAVINGS CERTIFICATES RULES, AND PUBLIC DEBT (THIRD AMENDMENT) RULES

Shri B. R. Bhagat: On behalf of Shrimati Tarkeshwari Sinha, I beg to lay on the Table—

(i) a copy of each of the following Notifications under sub-section (3) of section 12 of the Government Savings Certificates Act, 1959, making certain further amendments to the Post Office Savings Certificates Rules, 1960—

(i) G.S.R. No. 1458 dated the 1st November, 1962.

(ii) G.S.R. No. 1461 dated the 1st November, 1962.

(iii) G.S.R. No. 1590 dated the 21st November, 1962.

[Placed in Library, see No. LT-628/62.]

(ii) A copy of the Public Debt (Third Amendment) Rules, 1962, published in Notification No. G.S.R. 1509 dated the 10th November, 1962, under sub-section (3) of section 28 of the Public Debt Act, 1944. [Placed in Library, see No. LT-629/62.]

12.15 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 3rd December, 1962, agreed without any amendment to the Warehousing Corporations Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 29th November, 1962."

(ii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the East Punjab Ayurvedic and Unani Practitioners (Delhi Amendment) Bill, 1962, which has been passed by the Rajya Sabha at its sitting held on the 4th December, 1962."

—
12.15½ hrs.

EAST PUNJAB AYURVEDIC AND UNANI PRACTITIONERS (DELHI AMENDMENT) BILL

LAID ON THE TABLE, AS PASSED BY
RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the East Punjab Ayurvedic and Unani Practitioners (Delhi Amendment) Bill, 1962, as passed by Rajya Sabha.

—
12.15½ hrs.

ARREST OF ALLEGED SPY

The Minister of Home Affairs (Shri Lal Bahadur Shastri): I made a statement the other day about the arrest of Budhabir Singh and the hon. Members wanted further information.

One Budhabir Singh, son of the late Ratnabir Singh of village Makhantol, Kathmandu, Nepal, was arrested by the Gauhati Police on the 28th October, 1962, as he was found in possession of two cameras and loitering in suspicious circumstances in the Fancy Bazar, Gauhati. He was brought to the Gauhati Police Station and interrogated. He had been living with his family in Kalimpong since 1960. He arrived in Gauhati after a visit to Imphal on the 26th October accompanied by his servant. He admitted having taken some photographs at Shillong, Imphal and Gauhati. After his arrest on the 28th October, 1962, the hotel in which he was staying was also searched but nothing incriminating was found. On the 29th October, he was produced before the Sub-Divisional Magistrate, Gauhati, along with his servant and orders were passed remanding them to jail till the 12th November, 1962. Bail petitions were moved on the 30th October, 1962 through a pleader at Gauhati, and the Additional District Magistrate granted both of them bail for a sum of Rs. 500 each with one surety each.

Reports received from the Kalimpong Police showed that there is nothing adverse against either Budhabir Singh or his servant on the police records. The statement made by Budhabir Singh to the Police at Gauhati was also found to be correct on local verification. The films found in the seized cameras were developed but did not reveal anything to indicate that Budhabir Singh or his servant were engaged in any espionage activity. However the matter is being further investigated.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of clarification, may I ask whether it is a fact, when bail was granted or was about to be granted by the magistrate concerned, the police who had arrested this particular individual protested very strongly against the grant of bail, and on a paltry sum of Rs. 500 at that, that in spite of the

protest of the police, the magistrate granted bail, and that since then he has absconded? What action has been taken against the person who stood surety for him? Has he been arrested?

Shri Lal Bahadur Shastri: Why should any action be taken, I do not understand, unless something incriminating was found from either his pocket or the photographs he has taken?

Shri Hari Vishnu Kamath: Against the surety?

Shri Lal Bahadur Shastri: Why should any action be taken unless it is found or proved that he was engaged in espionage activity? Then it could be considered what action should be taken.

Shri Hari Vishnu Kamath: The Minister said it was still under investigation.

Mr. Speaker: The surety guarantees the production of the accused whenever the magistrate wants him. That contract to produce him has not been fulfilled.

Shri Lal Bahadur Shastri: He is not absconding. He is available. The point does not arise.

Shri Hari Vishnu Kamath: He did not say that before.

Shri Hem Barua (Gauhati): When this gentleman was arrested, he was arrested on the suspicion that he was a Chinese spy who was taking photographs of the Brahmaputra bridge.

Shri Bade (Khargone): What was the object of the photographs?

Shri Hem Barua: In this context, why is it that this particular man who was arrested as a spy was granted bail at all?

Mr. Speaker: Order, order. The whole ground is taken out of the feet. I do not think there is any substance in the allegations that are made. The man is granted bail. He is there. The surety can produce him whenever he is wanted.

Shri Hem Barua: He ran away, he absconded and there was a lot of trouble about it in the papers and all that, and then afterwards he came back, rather produced himself before the magistrate or before the police, whatever it may be, but he absconded for the time being, there is no doubt about it.

Mr. Speaker: Order, order. If he is there now and if an enquiry is being made, there is nothing further for the Members to enquire or find out. It will be seen afterwards if that enquiry reveals something. He is there and an enquiry is being made. What more do they want now.... (Interruptions).

Shri Hem Barua: Did he not abscond for a time or not?

Mr. Speaker: He is there now and he will offer his explanation.

Shri Bade: I want to know whether he was arrested under the Defence of India Rules and what was the object of these photographs?

Mr. Speaker: That would be known after the investigation. How can they say it just now? That is what the investigation is for.....(Interruptions.) Order, order. We shall take up the next business.

—
 12.21 hrs.

WORKING JOURNALISTS

(AMENDMENT) BILL—contd.

Mr. Speaker: The House will take up further consideration of the following motion moved by Shri C. R. Pattabhiraman on the 5th December, 1962, namely:—

“That the Bill further to amend the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of Rates of Wages) Act, 1958, be taken into consideration.”

The time allotted for the general discussion was four hours. 2 hours and 45 minutes had already been taken and 1 hour and 15 minutes remain. Shri More was in possession of the House. He may continue his speech.

Shri K. L. More (Hatakanangle): Mr. Speaker, I was submitting in this hon. House that the wage board under the 1955 Act was independent. Section 8(2) envisaged the appointment of only one independent person. He would of course be the chairman of the board. By the present Bill that independence is taken away and two more independent persons are added making the number of independents three. Section 9(c) refers to three independent persons, one of whom shall be a person who is or has been a Judge of a High Court or the Supreme Court and who shall be appointed by that Government as the Chairman thereof. Now, three independent persons are envisaged. The increase in the number will hamper expeditiousness and will rather delay matters and it will entail a sort of financial loss. Particularly in view of the present emergency we should not do like that. I am, however, glad that the Government have made a specific provision in the Bill that the independent persons shall be appointed by the Government and one of them shall necessarily be a judge of a High Court or Supreme Court. I congratulate the Government on this welcome statement.

So far as the payment of gratuity is concerned, there is a harsh restriction in the Bill for a working journalist who voluntarily resigned from service on grounds of conscience. I appeal to the Government to remove that restriction. It runs like this, in clause 3(c)—

"Any working journalist who has been in continuous service, whether before or after the commencement of this Act, for less than ten years but not less than three years in any newspaper establishment, and he voluntarily resigns from service in that establishment on the ground of conscience."

The restriction is about the period, less than ten years but not less than three years. The Supreme Court

judgment does not put any such restriction with regard to the time or period. The payment of gratuity has to be made only under exceptional circumstances. That exceptional ground is one of conscience. If I may be permitted to read the relevant portion thereof, it says:

"a marked change in the character or policy of the newspaper or periodical. If the concern has no longer the same moral, political or religious character and if this change is such as to prejudice his honour, his reputation or in a general way his moral interests, he may demand his instant release. In these circumstances, he may demand an indemnity payable in the same manner as his salary."

In these circumstances, he shall be entitled to indemnity and it is payable in the same manner as his salary. It would be most welcome and quite reasonable also if in respect of the working journalists who resign on grounds of conscience this restriction goes away. I hope the Government would take this into consideration.

Yesterday mistakenly I quoted the number 5. When the Government constituted the board the number was 7 and not 5. The number of independents is increasing and, therefore, I have made that statement. Now, with regard to the Bill as a whole, this is a very beneficial measure and is in line with the general policy of marching towards socialism. Therefore, I support this Bill and congratulate the Government for this beneficial measure.

Shri Koya (Kozhikode): Sir, I have no hesitation in joining the chorus of congratulations on this belated but necessary Bill but I am sorry that the Government has created some sort of a caste system among the journalists by denying the benefits of this Bill to the journalists under Government service. They are very generous as

far as other journalists and owners are concerned and they say: You give so much. But when it comes to their own journalists, they say: for our own reasons, we cannot give them these benefits. If the Government have got their own difficulties as far as other concessions are concerned, at least with regard to the minimum wages they can give similar concessions to the Government journalists also.

The hon. Members who spoke before me were all proceeding under the impression that all the newspaper-owners are capitalists and all of them are earning a lot of money. Even Shri H. N. Mukerjee was thinking only about the chain of press magnates. Perhaps he is representing the biggest chain of the communist papers, I want to represent the case of small newspapers. In my State of Kerala, we have got about 30 daily newspapers. Most of them are more or less on a cottage industry scale, so to say. If the Government do not give some protection to the smaller journals, it will be a sad thing. Even now, they are not getting the Government advertisements. All those things are taken away by the monopolist press. The small journals are denied all the benefits that could be offered by the Government and now the Government say "You pay the working journalists so much." That means they will have to close down many of the small newspapers in this time of crisis when they are not getting adequate newsprint and other things. When you consider the mills and factories, you know smaller units are given some protection. You give some protection to the handloom and the cottage industries and so in a similar way, I want that the Government must give some protection to the smaller journals. Otherwise, as I said earlier, they will have to close down the small journals. This Bill which is intended for the benefit of the working journalists will make many of the working journalists jobless.

We have got another problem here.

This is a vicious circle. If we have to give minimum wages to the working journalists, that means the professional journalists, we must remember that there are other people in the managerial staff in the same institution. You have to give them also some increase in pay. Otherwise, there will be a big disparity. People with the same qualification, some of them working in the editorial staff, will be getting a large amount of money, while others in the managerial staff with the same qualifications may be getting meagre sums. If you want to increase the wages of the people in the journalistic field, you have to give some increase to the other people also in the same office, who are also contributing their mite—perhaps they are making a bigger contribution—to the income of the newspaper. So, they cannot be forgotten. This, as I said, is a vicious circle. This does not end with the journalist alone.

Some of the hon. Members in their enthusiasm asked that even the so-called mofussil correspondents who occasionally write one or two letters to the press must also be brought under this Bill. Here we have to take into consideration some of the journals, especially the language papers, who are doing a very good service. So, what you are giving to the journalists by one hand should not be denied to the others, the poor people who are working in the smaller newspapers.

Then I turn to the conscience clause. Much has been said about it. I am afraid this conscience clause may be misused by some of the journalists, especially when we are living in a political world. There may be a lot of political considerations as far as the journalistic world is concerned, and some of the unions may be dominated by certain political parties and they will influence the journalists to resign and go away on political grounds. That means those journals will have to suffer. So, there must be some safeguard so as to see that the

[**Shri Koya**]

conscience clause is not misused by the journalists.

I hope I will not be misunderstood that I am against the Bill and against the giving of benefits to the journalists. I am glad to say that I was one of the representatives of the working journalists association to give evidence before the Government. I generally welcome this Bill, but, at the same time, in the interests of the journalists themselves, I wanted to bring to the notice of the House and of the Government certain difficulties of the smaller newspapers.

श्री कृ० कृ० वर्मा (मुल्तानपुर): माननीय अध्यक्ष महोदय, जो विधेयक इस माननीय मदन के सम्मुख प्रस्तुत है, में उस का स्वागत करता हूँ, परन्तु उम में जो कमियां हैं, उन की ओर में आप का ध्यान आवश्यकित करना चाहूँगा।

मुझे यह कहने की आवश्यकता नहीं है कि किसी भी राष्ट्र के निर्माण में पत्रकारों का एक विशेष स्थान होता है। समाज के अन्य अंगों की तरह हमारी पत्रकार श्रेणी की तरफ भी हमारे राष्ट्र का विशेष ध्यान होना चाहिए। उन की उन्नति, नरककी, कल्याण और रोजगार की सुरक्षा आदि सब बनों की व्यवस्था करना राष्ट्र का ही दायित्व है। लेकिन मुझे खेद के साथ कहना पड़ता है कि हमारे देश को स्वतंत्र हुए इतने वर्ष हो गए लेकिन अभी तक पत्रकारों की समस्या ठीक तौर से हल नहीं हुई है और कोई न कोई ऐसी उलझन बीच में आ जाती है, जिस का परिणाम यह होता है कि अगर हम कोई व्यवस्था सोचते भी हैं, तो हम को उसे फिर से देखना पड़ता है और उस में बार बार मंशोधन लाने की आवश्यता होती है।

अभी थोड़े दिन हुए कि एक प्रैस कमीशन स्थापित हुआ था, जिस का पत्रकारों के बारे में बहुत भी समस्याओं को हल करने के विषय में अपनी रिपोर्ट देने के लिए कहा गया था। उस के सामने इस सम्बन्ध में सारी बातें रखी गई थीं और कुछ मुझात्र उम ने दिये, जिन के

अनुसार हम ने १९५५ और १९५८ में यहां पर विधेयक रखे और उन को पारित भी किया। लेकिन सुप्रीम कोर्ट के कुछ फैसले ऐसे हुए, जिन से हमारी उम व्यवस्था में कुछ उथल-पथल हुई और हमें उस पर फिर से विचार करना पड़ा।

ग्रैचुइटी की जो समस्या है, उस पर भी सुप्रीम कोर्ट के कुछ फैसले हुए हैं और उन फैसलों के बाद पत्रकार, मालिक लोग और सरकार, इन तीनों श्रेणियों की एक बैठक हुई, लेकिन उम में यह मसला हल नहीं हुआ। दूसरी बैठक में भी मसला हल नहीं हुआ, लेकिन दो एक उमूल तय हुए, जिन के अनुमार यह विधेयक लाया गया है। जो मसला तय नहीं हो पाया, में ममझता हूँ कि उम में हमारी सरकार ने एक बीच का रास्ता अख्तियार किया है। जहां तक ग्रैचुइटी देने का प्रयत्न है, यह तो वहत माफ़ है कि ग्रैचुइटी बतौर पुरस्कार के, इनमें के तौर पर, समझी जानी है और मेरी समझ में यह तो आवश्यक है कि सम्बद्ध पत्रकार की कुछ सेवायें होनी चाहिए, जिन के लिए कि हमें उम को पुरस्कार देना है। यह नहीं है कि उम की कोई भी सेवा न हो, अर्थात् मैं उम के कुछ भी दिन न गुज़रे हों और हम पुरस्कार देने के लिए बाध्य हों। यह कोई न्यायमंगल बात नहीं होगी।

उम के बाद यह मसला आता है कि जो पत्रकार यह देखते हैं कि जहां पर वे सेवा कर रहे हैं, अपने विचारों के आधार पर, अपनी विचार-धारा के मुताबिक, वे वहां के मालिक की नीति के अनुमार कार्य नहीं कर सकते हैं, तो उन्हें उम सर्विस को छोड़ना पड़ता है।

विधेयक में यह चीज़ रखी गई है कि कम अज्ञ कम तीन साल की सेवा अगर हो तब कांशेस ब्लाज़ को एप्लाइ करके और इसको देख करके कि कांशेस की बिना पर ही इस पत्रकार न उम सेवा को छोड़ा है, उसको ग्रैचुइटी दी जा सकती है। उमूलन तो यह बात ठीक है। जब कोई भी किसी को अपनी सेवायें अप्रित करता है, तब उसे देख भाल लेना

चाहिये कि ग्राया वह अपनी विचारधारा के अनुसार वहां की सेवा कर सकता है या नहीं कर सकता है और अगर वह छानबीन करके और समझ बूझ कर वहां पर सेवा करने के लिए राजी होता है तो फिर उसको कुछ न कुछ दिन तो वहां की सेवा करनी ही चाहिये । ऐसी हालत में मैं समझता हूँ कि यह जो तीन बरस की कैद लगाई गई है, यह उचित नहीं लगाई गई है । लेकिन इसी के साथ साथ मैं यह भी कहना चाहता हूँ कि जो मालिक है, अगर उसका विचार बदलता है, जो उसकी नीति थी, उस नीति में वह परिवर्तन करता है और यह बात मालिक की तरफ से ही की जाती है तो फिर उस हालत में यह कहां तक वाजिब होगा कि उस पर यह शर्त लगाई जाय कि अगर तीन बरस की उसकी सेवा होगी तभी उसको प्रेचुइटी दी जाएगी, इनाम दिया जाएगा, वर्ना नहीं दी जाएगी । मैं समझता हूँ कि पत्रकारों के लिए यह न्यायमंगत नहीं होगा । जिस समय उसने अपनी सेवायें अपित की थीं, उस समय जो उस पत्र की नीति थी उसकी जानकारी उसने हासिल कर ली थी और उसकी विचारधारा से वह मेल खाती थी और इसी बजह से उसने अपनी सेवायें वहां पर अपित की थीं । लेकिन उसके बाद यदि उस नीति में वे तबदीली आती है या परिवर्तन आता है जिसके लिये वह कर्तड़ जिम्मेदार नहीं है, तो फिर जब उसे छोड़ना पड़ता है तो उसको कांशेस क्लाऊ के मुताबिक जो कुछ मिलना है, वह क्यों न मिले । एक शब्द ने एक व्यवस्था वहां पर बनाई थी और उसको मजबूर होकर दूसरे की गलती की बजह से अगर हटना पड़ता है, द्वामस्वाह के लिए हटना पड़ता है तो उसको प्रेचुइटी उस हालत में बिना इम शर्त के कि उसकी सेवा कितने बरस की है और कितने बरस की नहीं है, मिलनी चाहिये और यह चीज़ हो जानी चाहिये ।

वह भी मैं चाहता हूँ कि हमारे पत्रकार जो हैं, उनके लिए जो व्यवस्था की गई है. . .

भ्रष्टक महोदय : पहली घंटी बजने के

बाद माननीय सदस्य ने कुछ रपतार तेज़ कर दी थी । अब फिर वह ढोले हो गए हैं । मैं दूसरी घंटी बजाने वाला हूँ ।

श्री कृ० ह० बर्मा : मुझे बतला दीजिये कि कितने और मिनट में बोल सकूँगा ।

अध्यक्ष महोदय : एक मिनट और ले लीजिये ।

श्री कृ० ह० बर्मा : हमारे पत्रकारों के लिए जो अभी तक व्यवस्था की गई है, उस में मैं एक और कमी पाता हूँ । जहां तक प्रयोगी अखबारों का सम्बन्ध है और साथ ही साथ हिन्दुस्तानी जुबान में जो अखबार निकलते हैं, उनका सम्बन्ध है, उन दोनों के पत्रकारों में काफी फर्क है, उन दोनों में जो बेतन मिलते हैं और जो सुविधायें मिलती हैं, वे एक समान नहीं मिलती हैं और इन्हां ही नहीं बल्कि उनमें काफी अन्तर है । मैं समझता हूँ कि यह भेदभाव नहीं होना चाहिये और जो प्रयोगी पत्रकारों को मिलता है वही हिन्दी या और हमारी जो हिन्दुस्तान की भाषायें हैं, उनके पत्रकारों को भी मिलना चाहिये । इनमें कोई भेदभाव नहीं किया जाना चाहिये ।

Shrimati Sarojini Mahishi (Dharwar North): Mr. Speaker, Sir, with the assurance given to the citizen under the Constitution—Article 19—that the fundamental right of the freedom of speech would be given to him, we find that the Press has to be given greater and greater freedom especially in a democratic country. Freedom of speech includes freedom of public opinion, freedom of expression, freedom of photography, freedom of lithography and all those things, and with the introduction of democracy we find that the freedom of the Press should be more and more.

But, at the same time, we know that the papers and periodicals in our country have played a very momentous role, a very significant role in educating the masses and also in creating public opinion especially during the independence struggle. The history of *Kesari* in Marathi is

[Shrimati Sarojini Mahishi]

well-known in the history of periodicals in India. The role played by Lokmanya Tilak as an editor and the role played by Kesari as a periodical in Marathi is quite well-known to the House. Therefore I need not say that the periodicals in India can play a very significant role. They have played a very significant role during times of emergency during the struggle for independence in building up the country. In future also, in developmental activities and in reconstruction work the periodicals in India can play a very significant role.

At the same time, we shall have to see that the people who are working in these periodicals also get a better chance of living, not a struggle for existence but a struggle for better living. We have seen that as late as 1952, a decade back, the Press Commission was appointed to enquire into the conditions of the press. Till then, we had no such convenience or such arrangements for looking into the working conditions of the journalists as such. Then, in 1952 when the Press Commission was appointed to look into the working conditions of the working journalists, it was with two ends in view: firstly, to make an enquiry into the control, management and ownership of the press and, secondly, to find out the working conditions of the working journalists, a way for the settlement of disputes and also to find out certain factors which influence the maintenance of professional standards. Therefore, when the Press Commission gave its report, the result was that we passed the Working Journalists and Miscellaneous Provisions Act in 1955. But that Act had to be modified and also supplemented by another Act in 1958. Now, in the year 1962, they are again before the House for amendment in the light of the decision of the Supreme Court in the case of Express Newspapers Private Limited Vs. the Union of India and a second case in 1961. According to the decision of the Supreme Court in the Express Newspapers case, gratuity

can be given to a person who has voluntarily resigned only if he has put in at least a continuous period of ten years or more, and not for a shorter period. So, according to them, section 5(1)(a)(3) of the Act, which provides for the payment of gratuity if one has put in a lesser period of service was contrary to the provisions of article 19(1)(g) of the Constitution and so *ultra vires* and cannot be implemented. Whenever any proposal is brought before the House, many a time we have stated that it is for the High Court or Supreme Court to declare whether a particular provision is *intra vires* or *ultra vires* and it is not the function of the House. Therefore, since the Supreme Court in this case has declared a provision as *ultra vires*, the Act had to be amended in the light of that particular decision.

Secondly, in 1961 the Supreme Court gave a clearer explanation to the judgment which it gave in 1958 with reference to the first case and stated that the period of fifteen years need not be universally made applicable and the period of ten years may also be considered for payment of gratuity. Therefore, clause 3 of the Working Journalists Amendment Bill which is before the House now makes provision for giving better facilities to those working journalists who have put in service continuously for a period of three years and whose services are terminated not on account of any disciplinary action taken against them by the employer. So, the provision in clause 3 of the Bill is only intended to give better facilities to the working journalists, whose condition the Bill wants to improve.

At the same time, I wish to make a distinction here. As far as the papers in India are concerned, we can categorise them into three classes.

In the first category we find those papers which are wholly controlled by certain people. There is a sort of a

monopoly. A chain of papers is controlled by certain people and there is concentration of all this capital. These papers are in the hands of a few. The second category is of those papers which are managed by certain concerns which have got other private concerns not necessarily in the field of journalism. Journalism is only a side business for such people. They have got their subscribers also in other fields. Therefore they need not be afraid of the subscribers. When they are not afraid of the subscribers and when they are not badly in need of subscribers, they may not look to the welfare or to giving better conveniences and facilities to the journalists also. The third class of papers in India is of very small private concerns where the manager, the editor and the working journalists together share the poverty and the difficulties.

In these three kinds of papers it is very difficult to see that they implement the provisions of this particular Act. Of course, inspectors may be appointed under this Bill. As we find in the case of factory legislation that social ~~labor~~ ^{labor} will be appointed to implement the provisions of the Act and to bring to book those people who do not implement the necessary provisions for giving better facilities to the workers, in the case of this field also which was long neglected we find the provision for the appointment of inspectors to see that the provisions of this Working Journalists Act are properly implemented. But, at the same time, we see that it is very difficult to see that it is implemented, as it is impossible for the Class III managers of these papers to see that these are implemented. I think, the Government's policy in this direction also needs a little consideration because advertisements are usually given to bigger concerns and the smaller concerns are neglected because their circulation does not go upto a particular figure. Therefore, we say that all these things should be taken into consideration.

The second thing we find here is the conscience clause. It is very important to safeguard the independence and freedom of thought and moral rights of the working journalists. This, of course, had been adopted in Poland and in Switzerland. In France also I find that the indemnities are to be given in full to the working journalists as if the employer himself had removed the employee for certain purposes.

An hon. friend of mine from the Opposition made out a distinction between the Government servants working in Government periodicals and those working in private concerns and expressed his sympathy for the Government servants. I do not know why he should express his sympathy for the Government servants because the Government will first care for its own servants and then for the private people. From the note itself we find that Government servants are ruled by better conditions and have better facilities. Therefore they need not be pulled down along with the private journalists and workers. I do not wish that they should be pulled down. But, at the same time, I would like to place a request before the House that instead of pulling them down from better working conditions, let those journalists whose working conditions we know about be raised to the level of the Government servants who are working in better conditions and with better facilities.

In this particular clause, that is, clause 4, I find a provision for the constitution of the Wage Board. This particular Wage Board may produce any document or any representation made to it by the public or by the people before anyone who is interested. I do not know to what extent it can be implemented and whether it would be worth while producing or giving copies of all these documents. Sometimes they may be so confidential that it may prejudice the interests of so many persons and it may not be advisable to produce those documents.

The provision in that case may be that the documents may be produced provided it does not prejudice the interests of anybody.

I think, the Bill aims at giving better facilities to the working journalists and improving their conditions. Therefore I welcome this Bill with the changes suggested.

श्री ज्वान प्र० ज्योतिशी (सागर) : अध्यक्ष महोदय, डिमोक्रेसी के संचालन के लिए पत्रकारिता का जो महत्व है उससे हम आप सब अवगत हैं। पत्रकारिता चौथी स्टेट है जो कि जनसमाज को एजुकेट करके डिमोक्रेसी को मही स्वरूप देती है। श्रमजीवी पत्रकार, पत्रकारिता के क्षेत्र में काम करने वाले, पत्रकारिता के प्रमुखतम अंग हैं। उनके ऊपर देश की जनता को विश्वित करने और समार का जनमन गण्डीय नीतियों के अनुकूल बनाने का भार रहता है जो कि किसी भी देश में महत्वपूर्ण स्थान रखता है। इस दृष्टि में मैं जननिलिम्ट्स को गण्डी का एक महत्वपूर्ण अंग मानता हूँ। इस महत्वपूर्ण अंग को मुक्तियां देने की दृष्टि से, उनकी दिवकरों को दूर करने के ख्याल से यह जो बिल इस सदन के समाने पेश किया गया है, मैं उसका हृदय से स्वागत करता हूँ।

यह मही बात है कि अच्छा होता अगर यह बिल कुछ पहले आया होता। मैं महसूस करता हूँ कि मध्ये मित्रों ने इस बात की मांग की है कि इस बिल को सन् १९६१ में लागू किया जाय। मैं महसूस करता हूँ कि डिप्टी मिनिस्टर ने जो बादा पहले किया था अब उसकी पूर्ण उन को करनी चाहिये शामन की तरफ से जब भी कोई बचन दिया जाय तो उस बचन की पूर्ति नितांत आवश्यक होती है।

बेज बोर्ड में जो दो तीन बाहर के आदियों को नियुक्त करने का निश्चय किया है, मैं समझता हूँ कि वह थोड़ी उलझन पैदा कर सकता है। उत्तम होता यदि जैसे पहले प्रस्ताव या वैसा ही किया जाता, अर्थात् दो पत्रकारों के प्रतिनिधि, दो एम्प्लायीज के

प्रतिनिधि तथा एक और जिम्मेदार व्यक्ति, जो कि हाई कोर्ट या सुप्रीम कोर्ट जज की हैंसियत का हो, निष्पेक्ष तरीके से विभिन्न प्रश्नों पर विचार करके अपना फैसला देते। इस तरह का बेज बोर्ड होता तो ज्यादा अच्छा होता।

एक और बात हमारे सामने आती है। अर्थात् जिन्होंने तीन वर्ष से लेकर दस वर्ष तक सेवायें की हैं उनको प्रेचुइटी देने का प्रश्न। प्रति वर्ष की सेवा के लिए १५ दिनों के बेतन की माप से माडे बारह माह तक का बेतन दिया जा सकता है इस बिल के अनुसार। इस संबंध में मेरा यह कहना है कि किसी भी आदमी ने तीस वर्ष तक सेवा की है या पच्चीस वर्ष में ऊपर तीस वर्ष तक सेवा की है तो उस का डियाल जरूर किया जाना चाहिये। तीन वर्ष से दस वर्षों तक की सेवा के लिए यह नियम लागू हो सकता है, लेकिन जो लोग दस वर्ष से अधिक काम कर चुके हैं, उनकी प्रेचुइटी का मसला तय करते समय माडे बारह महीनों के बेतन की कैद लगाना उचित नहीं होगा। इस बात पर ध्यान दिया जाना चाहिये कि उन्होंने किनने वर्ष की सेवा की है। सेवा के वर्षों को पन्द्रह दिन के बेतन के अनुपात में गुणा करके जो राशि आये उतना उनको दिया जाना अच्छा होगा।

पत्रकार राष्ट्र के एक बहुत महत्वपूर्ण अंग है और आज की स्थिति में इस देश में एक नई जीवन और नई ताकत पैदा करने की दृष्टि से उन का एक बहुत बड़ा भाग है। ऐसे बवत में उन्हें थोड़ी सी मंजाइश देने के लिए जो बिल लाया गया है वह निश्चिन रूप से स्वागत के योग्य है। मैं समझता हूँ कि इस बिल के पास होने से पत्रकार बन्धुओं, विषेषकर श्रमजीवी पत्रकार बन्धुओं की दिक्कतें दूर होंगी और वे अपने को अधिक महत्वपूर्ण महसूस करते हुए, जो बड़ी बड़ी कमसन संह हैं जो बड़े बड़े पत्र हैं उनके अंकुश से थोड़ा सुकृत होते हुए राष्ट्र की आज की स्थिति को देखते हुए और अधिक स्वतंत्रतापूर्वक अपना कार्य कर सकेंगे।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

Shri Bhagwat Jha Azad: Mr. Speaker, Sir, I welcome this Bill, along with my other friends. My only regret is this: why should it take the Government such a long time to find out that the parent Act was not working satisfactorily? And it took so much time for them to come to this House with a measure to improve the lot of the working journalists.

13 hrs.

I remember when last time, in 1955, the parent Bill was discussed and passed by this House, I had the privilege of participating in that discussion. Since then and now we find that the monopolistic tendencies in the press, in the papers, have grown up in this country.

So also their profit; so also many other things. For example I said that the P.T.I. represented poverty, tyranny and injustice in this country. I do not know, after the parent Act and now with the other things, whether the P.T.I. still represents poverty, tyranny and injustice or it has improved. I would say, though on the one side their profits and other things are expanding, the working journalists have not got their due what should have been given to them. The Government should have realised it earlier. Better late than never. But, I feel, even under this provision, there is no sufficient guarantee that they would be given a fair deal. However, hoping that things will be better in the future, I restrict my remarks on the provisions of the present Bill.

It is said that at some tripartite conference, the employers and the working journalists were there and some agreements were arrived at on some of the provisions. But there is one remarkable thing that the employers would not agree to one important thing, that is about gratuity. Certainly, how could they? We have seen the constant struggle that is

going on on the part of the working journalists who work so hard to make what these papers are and their being deprived of their due that they should have. They could not agree even to the small concession. The Government did the right thing in coming to this House in spite of their disagreement, to have that provision included.

It is good that they have said that when a working journalist resigns voluntarily or due to conscientious reasons in working a particular press, he should be given this privilege. It is surprising that some of the friends who have been good enough to enlighten us on this subject by a long circular—not circular, long chit rather—sent to all the Members, have asked us to press in this House to define conscience. We know enough of their conscience. We have seen also how in this emergency the conscience of some of them is working in this country and how they are trying to mould public opinion. We have seen enough of that. We have seen how in the press in this country, even cartoons, even articles and other things are made in the name of uniting the country, in the name of supporting public opinion and thereby extending their support in the war effort but how disgraceful they are. These friends want to define conscience. I think it is good that no such definition has been given. Rather it has been left to the working journalists to come to certain agreement. The hon. Lady Member said, in our Constitution, fundamental rights have been given. We have got the freedom of speech. We have got freedom of work. When a working journalist goes to a press of a big magnate, he sees, here are presses, here are papers which work on a certain basis. But, the moment he goes there, after some time, he finds, here is a press that shouts in the name of defending the country or the interests of the masses or advocating public opinion, but even in the emergency, it goes down to vilify the

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national leader and the national cause. Certainly that journalist should have the right to say, I go, you are not working in the interests of the country. I am happy that the Government has given the conscience right to the journalist.

This gratuity which is going to be given to them is limited by two things. First, it is low. Secondly, it is not uniform. Here, I would say that the long period of 10 years service should not have been prescribed before he could be entitled to this privilege. As my friends have said, this Bill should have retrospective effect. I could not see that here. But, I am told that the Government are committed through one of the Ministers in the conference that they would apply this with retrospective effect. I would still ask our friends on the Government Benches to see that at least it, should be possible for them to apply it from 1st July 1961.

It is a good thing that the Government has come forward with this provision that if any company or corporate body which violates this Act, all of them, the manager or agent whatever it is, should be proceeded against if they commit any offence. For, by now we have known enough of these friends. They know so many under-hand things and tricks that when the Act comes against them, they will find so many things to escape. The moment you ask them for certain facts, they will come forward with so many things, and they will say, 'I have got such a big family with so many members' and so on. In this way, they resort to so many tricks. Therefore, it is good that Government have come forward with this Bill. But I would suggest that if an offence is made out, the manager or the agent or whoever it may be should all be proceeded with.

The more important point is about the wage board. Even since the Third Lok Sabha came into existence, through so many questions, we have emphasised the necessity of

having a wage board. Though a provision for that purpose is there in this Bill, we wish that it should have come earlier, and we regret that it has not come earlier.

So far as the composition of the wage board is concerned, I feel that the one contemplated in the Bill is not fool-proof in this sense that though it has been agreed that three independent members would be there on the board, only one of them will be of the status of a High Court or Supreme Court judge, but the other two will be independent persons. We know enough of these independents. We know many of them. Here also, there are so many independent Members. They are free-lancers, and they have hardly any opinion. And if they have any opinion, they are not with the majority, nor with the minority.

Therefore, I would emphasise that the wage board should consist of five persons, two from the side of the employers, and two from among the working journalists, and one who will be the chairman, who should be of the status of a High Court or Supreme Court Judge.

I would say also that the provision in this Bill for punishment against breach is almost nothing. The provision is only to the effect that the persons concerned will be liable to a fine of Rs. 200. I am surprised how the hon. Minister in charge of piloting this Bill could think that this sum of Rs. 200 will in any way go to have a deterrent punishment on such friends as those who have got huge money-power in their hands. Of course, I am always conscious of my hon. friend to my right, and I am aware that there are smaller newspapers also. But we know how the smaller newspaper owners are acting, and they are more afraid of the provisions of the Bill than the big ones or the magnates who try to arrogate to themselves the advantage of having public opinion and who never care for the small publicmen at all.

Mr. Speaker: The hon. Member is conscious of many things, but not conscious of the ringing of the bell.

Shri Bhagwat Jha Azad: Now, I have become conscious of your ringing the bell, and I would say finally one sentence. We feel that the working journalists are the real backbone, and they are real persons behind the press and behind those persons who arrogate to themselves the advantage of forming public opinion. This House as well as the other friends who are there are always there to look after their interests and to see that their service conditions are improved. But I would like to appeal to them about one thing. There are friends in that class itself who are acting in an undesirable way; they should ask those persons and that part of the press how they are trying to mould public opinion. I would appeal to the working journalists to work against them and to protest against such friends also.

Shri Joachim Alva (Kanara): Government have dealt with this measure piece-meal and in a very haphazard manner. During the last several years, since the time the Press Commission made its report, they have tinkered with the problem. It was only when parliamentary pressure was very strong on Government that they brought forward repeated measures in 1955, in 1958 and in 1962, and yet the problem does not seem to have been solved in a satisfactory manner.

One of the previous speakers has spoken about the past conditions of journalism. The golden age of journalism is over, the golden age when great editors made sacrifices, when presses were locked up, when newspapers were closed down, and when securities were levied, and when the sacrifices made were really golden! Now, it seems that the age of steel in journalism has come, when they are ruthless with the objectives, ruthless with principles, and ruthless with personalities also, and we are contending with five ownership chains

to whom the political conscience of India is mortgaged. These five chains of newspapers control political opinion, and they make enormous profits. One of them has even embarked on starting a newsprint factory or so, perhaps one, or even two, in some far off place in Kashmir. Another newspaper was given facilities to build a large newspaper plant in the city of Bombay, and it turned out later on that the State Ministry there was completely disappointed to find that they did not utilise it for building a newspaper plant, but for merely collecting rent.

These are the stories of the big newspapers, while the other small journals have gone to the wall, their names are not even remembered, they are forgotten. No kind of subsidy has ever been given to them and no kind of support, and an ungrateful public has even forgotten all about them.

In a leading paper in one of the largest cities of India—I shall not name it, perhaps it is known—the working journalists work during the late hours in the night, throughout the night, and they have no facilities for sleeping, for quick transport to go home in the night and perhaps for even a breakfast. Medical attendance and ordinary facilities of food and rest are very essential for newspaper men who work throughout the night and run on the beat, and yet the largest newspapers with huge fortunes, which go on multiplying and adding more and more newspapers to themselves, have not been able to give these amenities to their employees.

In 1958 or so, in the Express Newspapers case, the Supreme Court, with all due respect to them, in effect seemed to have sided with the big battalions. The big battalions could summon a big battery of lawyers, and the working journalists could not summon or hire the best lawyers, and the judgment in effect seems to have gone against the grain and the conscience of the journalists. If we hold

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up the yardstick adopted by the Supreme Court, to its farthest end, then even the Judges can also be deprived of their pension if they do not render efficient service, and many would come under this anvil. To say that the journalists shall not be entitled to gratuity except in exceptional circumstances is something which no one can approve of. I wish there was a working journalist on the Supreme Court Bench. After all, great men have been journalists at some time or other like our Prime Minister, and they know where the shoe pinches, what the difficulties of the working journalists are, and these are the points that even the Supreme Court should have taken into consideration.

The Press Commission made a very comprehensive report. We owe a lot to the Press Commission, which was presided over by that distinguished Judge, the late Mr. Rajadhyaksha. In fact, he never lived to see how his recommendations were implemented. He accomplished a very hard job, and died of heart failure.

The point about advertisement has not been settled. It is still in the hands of foreign advertising firms. Even the Government of India goes knocking at the doors of foreign advertising firms for looking their advertisements. That has not been finally settled. Government has not taken powers in its hands to put things right, to build up Indian advertising firms and see that even the Government of India advertising does not go to them. Neither have we put right this problem of the journalists. We have been tinkering with it every time by bits. I hope the Government will come again another time to put things right when Parliament's pressure is again felt.

In regard to the Press Trust of India, we still have not got a great

national news agency whose representatives can be seen in every part of the world. We seem to put our hands in our pockets and say we have no money to pay our correspondents or offer them amenities or service or other conditions. All the three things have been neglected—the advertising section; the working journalists and news agency questions. An international news agency should have been the eyes and ears of our land. Other international newspaper men attached to foreign agencies are not only actual representatives of their newspapers, but even of their Governments. Other Indian news agencies have been allowed to operate because they have got big business, big moneys behind them, with the result that the PTI, our national news agency, is not so effective, not so big and not so comprehensive as it should be.

Even the recommendations of the Press Commission have not been fully implemented. It is a great pity that the present Ministry does not effectively, in a dynamic and determined way, handle the recommendations of the Press Commission.

Shrimati Savitri Nigam (Banda): Sir, while I join all those who welcome this Bill I am sorry to say that this is a half-hearted and piecemeal Bill. We were expecting a more comprehensive Bill. I would like to know why the Press Council has not been formed so far. We are all aware of the sufferings and struggles of the working journalists which have been increasing constantly. It is needless to say that all these intellectuals who have been serving the society and our democracy are not only very ill paid but they are constantly being exploited. This Bill is too mild for those who control and exploit them. There should have been no loophole in this Bill. I would draw the attention of the hon. Minister to page 1, where a reference is made to punishment inflicted by way of disciplinary action.

Under this clause they will make it, a pretext to turn out the journalists. It is on the basis of disciplinary action, he will be deprived of the facilities of gratuity and other things. I would request the hon. Minister to amend this definition and make it very clear.

On page 5, the composition of the wage board is given: two persons representing employers in relation to newspaper establishments, two persons representing working journalists and three others. I suggest that the number of working journalists be increased to three, and the employers' representative be reduced to one. Still, he would be strong enough to control and dominate the three. It would be better if the ratio of representation is changed like that.

The House is aware how the composition of the wage board has been changed from time to time. At least now the wage board should be formed in such a way that the working journalist could not be exploited by the very resourceful employers. The penalty for breach is also very nominal; it needs to be increased. Only then the employers will be brought to book and they would not like to make breaches. It is not too late. They should take every possible step for the formation of the Press Council. It is very unfortunate that so many years have passed but many of the recommendations made by the Press Enquiry Committee have not been implemented so far. I hope very soon a comprehensive Bill will be brought here and conditions of the working journalists will be improved.

Mr. Speaker: The hon. Minister.

Shri Warior (Trichur): Before you call upon him, may I make a submission? We were told yesterday that one hour will be left for the clause-by-clause consideration?

Mr. Speaker: Yes. Even now that hour is there.

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Ramam): Mr. Speaker, Sir, I am much obliged to the hon. Members for the depth of their knowledge while dealing with the working journalists as also for the interest they have taken. From all parts of the House, they have almost unanimously agreed that relief to the working journalist should not be delayed. Some comments were made that there have been some undue delays with regard to this Bill. I shall, with your leave, deal first with that.

This question was considered by the Government soon after the judgment of the Supreme Court. Various proposals for amendment were received from the Indian Federation of Working Journalists and they were examined in consultation with the Ministry of Information and Broadcasting. Suggestions for amendments were made at our request by one of the members of the wage committee and were supported by the chairman of the committee. It was felt that it would be advantageous to await the report of the committee who would be in a position to suggest amendments in the light of their experience. The report of the committee was made in May, 1959. In the meantime, State Governments who are the appropriate Governments to implement the Act were asked for their views and suggestions in February 1959. The proposals were finalised taking into account the views and suggestions made by them. As is the normal practice in all labour legislations, it was felt that the matters should be discussed at a tripartite meeting. The meeting had to be postponed on a few occasions and when finally it met, there were agreements on many matters but on some matters like conscience clause and quantum of gratuity there was no agreement. The general elections then intervened. Government thought again and felt it would be better to iron out the differences at a tripartite meeting. Thus the delay is mainly

[Shri C. R. Pattabhi Raman]

due to the necessity of consulting State Governments who elections. It must be admitted that it was somewhat controversial and so it was the general desire that as far as possible one should get the agreement of the various parties concerned.

Now, Sir, I shall straightaway refer to one or two points made this morning. With regard to the penalty of Rs. 200, it should be remembered that it is in addition to the provision for recovery of dues. It was said that there should be no difference in wages paid in English and other language papers. It is really not possible for us to put them on a par because of the different paying capacities of these papers. The only variation is about quantum of wages and gratuity. There is no other variation. The special problems of the newspapers can be looked after by the representatives of journalists and employers. I may also point out that it is not the State Government that must set up the wage board; it is the Central Government. I dare say that, when they set it up, it will look into all these problems. Actually, not many complaints have been received about the working of the Act during the last six or seven years. The main reason for this enactment is because that Act was struck down by the Supreme Court. But then various factors had to be looked into after it was struck down.

Reference has been made to the subsequent judgment of 1961 to which I myself made a reference. There was no rigidity with regard to the period. I am sure the hon. Members are already aware of the amendments that we ourselves are bringing forward. In effect I am accepting the amendment moved by Shri Vidyalankar and also Shri Ravindra Varma but we are putting it in the legal form. I am also in a position to state that retrospective effect will be given to the Bill from July, 1961. The official amendment has been moved and it is before the House. There is also another

amendment which might interest the House—provision for interim award. That also is being moved in a slightly different form from the one in which it has come from respected journalist Members of the House. If I have changed the form, I may tell the hon. Members in effect we have accepted it and we put it in a different form so as to keep apace with the rest of the legislation. I will now straightaway come to the Government of India press workers.

Shri Surendranath Dwivedy (Kendrapara): Why do you not accept the amendment of having one independent person in the wage board?

Shri C. R. Pattabhi Raman: I wanted to deal with it later but I will straightaway answer that point. Previously it was 3, 3 and 1. We know what happened last time. With some experience in the Labour Ministry we have come to the conclusion that it is far better to have two, two and two independent persons. That is so not only in India. Even in England two independent persons are appointed representing public opinion; finally there is a Judge or a chairman whoever it is, eminently qualified for that purpose. This composition is there so far as many wage boards are concerned and I am confident that it will succeed here also. So, it is not as if the number seven is introduced for the first time. It is already seven. Only, we are agreeing with the general pattern and as a result of the experience that we have gained in the Ministry.

Shri S. M. Banerjee: What about the three Independents? The moment the number of Independents becomes three, they do not remain independent. They become a party. So, let it be one.

Shri C. R. Pattabhi Raman: We are fouling our own nest by saying this. This goes into record. Why should the world know that members of such

boards in India are biased, and start a discussion? Why should we assume that? We can always come before the House. The number is seven now. Actually, I was surprised to hear from one hon. Member that we must have in the Supreme Court a working journalist! After all, I am proud to state that once I was a lawyer and the fact remains that the judges, to the best of their ability and light, deal with enactments before them.

Mr. Speaker: Then the Prime Minister and President also should be working journalists!

Shri Joachim Alva: At some period of their career or other, a judge could have been a working journalist.

Mr. Speaker: Do we recruit like that now? (Interruptions).

Shri C. R. Pattabhi Raman: The observation coming from you, Sir, I am much obliged to you and I am much cheered. If I had said that, it would have been impertinence because that would be comparing much greater persons who are in the service of the nation. Now, the judges deal with the facts before them and the enactments before them. Actually, the hon. Members will be interested to know that with regard to the conscience clause, the judgment of the Supreme Court, if I may say so, was a learned one. I am going to deal with some portions of the conscience clause. They have given some time to it. They have dealt with it. Actually, they were concerned about the vagueness of the period. They thought that there must be some definiteness about it. Secondly, they should have had in mind the capacity to pay. That is being remedied. After all, it is far better that we have an enactment here which is licked into shape by another body, the third wing of the Government, and we are the wiser for that.

Another reference was made with regard to the lawyers appearing. I make bold to say that in one case, it

happened that the Attorney-General and two others, the Advocate General, Madras appeared against me in the Supreme Court. It so happened that I was one of those who appeared in the case which led to the first amendment of the Constitution, Romesh Thapar vs State of Madras. I had the unique honour and privilege to appear in that case. I was just a junior advocate then and I won all points. So, it does not make much difference who appears in the Supreme Court. It is the cause that the judges go into. On many occasions the judges have given points to the lawyers. I do not think I can let go the observation that in the Supreme Court there should be a working journalist. For that matter, after all, the judges decide on the facts of the case.

There was reference made to the Government of India press workers. Some hon. Members have criticised the insertion of section 19B under which the Government working journalists covered by the fundamental rules have been excluded from the provisions of the Working Journalists Act. Reference was made to the proof-readers in the Government of India Presses. There seems to be a misconception that the new provision has been inserted with a view to excluding these people from the Government of India Press. That is not correct. As early as May, 1961, in reply to a Parliament question, my predecessor clarified the position that the Government of India Press is a job press just like any other press doing the printing job, and the proof-readers there are not working journalists covered by the Act.

Shri Surendranath Dwivedy: Who decides that? Is it the tribunal or is the decision taken by the Government itself?

Shri C. R. Pattabhi Raman: The decision is taken with whatever material is placed before them. You may say it is a wrong decision. But my point is to place the facts before

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you. The position is that it is a job press.

Shri Surendranath Dwivedy: I wish to make a submission about this. In this question of interpretation of the law,—whether those people also come under the definition given in the Act regarding the working journalists,—it is not for the Government to give a decision saying that "they do not come." That is why they wanted a tribunal to decide the question.

Shri C. R. Pattabhi Raman: I can give all the details. Ministry also got the Law Ministry's opinion on the point with regard to the definition. According to the definition given in the Act, a working journalist means a "person whose principal avocation is that of a journalist and employed as such.....".

Shri Bade (Khargone): Do they not do the same job-work as other workers in the private sector?

Shri C. R. Pattabhi Raman: Actually, if the hon. Member would bear with me, I will point out how their conditions vary. I will straight-away read out in this connection, the observations made by the Press Commission in para 506 of their report:

"Proof-readers as a class cannot be regarded as working journalists, for there are proof-readers even in presses doing job work."

Then, they go on to say:

"If a person has been employed as a proof-reader only for the purpose of making him a more efficient sub-editor, then it is obvious that even while he is as proof-reader, he should be regarded as a working journalist. In all other instances, he would not be counted as a journalist but as a member of the press staff coming within the purview of the Factories Act."

The representatives of the Association of the Government of India Press met my predecessor on 6th November, 1962 and the position was explained to them. They subsequently submitted a memorandum to which also a reply has been sent that they are not covered by the Act.

The main object of the amendment is to exclude the working journalists employed mainly in the Central Information Service and in certain periodicals published by Central and State Governments which could be termed as newspaper. These officers are liable for transfer from posts of journalists to those of non-journalists. These are very few in number and the principal Association of these persons has agreed to the proposed amendment.

Shri Bade: Very few means how many?

Shri C. R. Pattabhi Raman: I do not have the exact number with me just now, but the fact remains that all of them may not come under this. I am only saying that every attempt was made to consult them also.

Shri S. M. Banerjee: May I draw his attention to the fact that after the Bill was introduced in September, 1962 a memorandum was sent by the Government of India Press association on 7th October, 1962, wherein they have actually quoted various rulings and judgments where it has been clearly stated that they come within the definition of working journalists?

Shri C. R. Pattabhi Raman: As I was just telling the House, they submitted a memorandum; they had talks where the position was explained to them and finally there has been an agreement so far as certain people are concerned. The number I am not able to give now.

The reading staff of the Government of India Press have been representing for sometime past that they should be

given benefits available under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. The Conciliation Officer (Central) also held discussion on the subject. The report of the Conciliation Officer was examined in consultation with the Ministry of Works, Housing and Supply. In view of the clear advice of the Law Ministry that the Government of India Press is not a newspaper establishment, the Conciliation Officer made certain recommendations. That is the position.

Shri Bade: I have read a letter yesterday that the Government have refused to go before the Conciliation Officer saying that this does not come within the purview of the Conciliation Officer.

Shri C. R. Pattabhi Ramam: Some hon. Members yesterday pointed out that the benefits under the Government rules to working journalists are not better than those provided under the Working Journalists Act. There has been a lengthy statement on the Ministry's file with regard to the benefits under the two categories.

The Working Journalists Act has been in force since 1955. No Government working journalist—I do not include the proof-readers of the Government of India Press—has for the last seven years approached Government that the provisions of the Act should be applied to them. This is a clear proof that they are enjoying benefits which are better than those covered by the Working Journalists Acts.

I do not think it is proper to compare the Government working journalists with those in the private sector. In the case of Government, they are concerned with production of certain periodicals whose utility is limited to those who are interested in the subject. On the other hand, the working journalists in the private sector cater to the needs of the public.

The most important condition of employment of any person is that of security. It cannot be denied that the security of employment under the Government is much greater than that in the private sector.

Shri Surendranath Dwivedy: This argument can very well be applied to any industry in the public sector and in the private sector.

Shri C. R. Pattabhi Ramam: There is a small difference. I want to remind the hon. Leader of the Praja-Socialist Party that the provisions of article 311 are available to Government servants which are not available for private sector employees. There is a regular gamut of provisions—of notice, show cause, etc. with regard to punishment. Sir, I want to be as brief as possible. In view of the fact that the clauses are there, I will reserve my comments when the amendments come. Earned leave, for Government servants, admissible under the Fundamental Rules is one-eleventh of the period spent on duty subject to the accumulation upto 180 days but leave is allowed upto 120 days at a time. So far as the Working Journalists Act is concerned, it is one month for every 11 months spent on duty subject to a maximum of 90 days.

Shri S. M. Banerjee: That is the Pay Commission's recommendation.

Shri C. R. Pattabhi Ramam: Maybe; I am just comparing the two. Half-pay leave is also there. Leave salary: For Government servants, average of ten months or substantive pay whichever is greater. For working journalists it is only average of twelve months. The hours of work for government servants are 39 hours a week with second Saturday off in a month. The present increase due to emergency has not been taken into account. So far as working journalists are concerned, it is 6 hours per day for day-shift and $5\frac{1}{2}$ hours for night shift—144 hours for four consecutive weeks. Then, the government servants have got 16 hol-

[Shri C. R. Pattabhi Raman]

days which do not fall on Sundays, plus two restricted holidays in a year. The working journalists have got 10 holidays in a year. Regarding medical facilities, government servants are entitled to C.H.S. scheme on payment of nominal fee according to pay. This is compulsory in Delhi. No medical facilities are provided to working journalists. In the matter of residential accommodation, arrangements for residential accommodation have been made for government servants and those who are not allotted government accommodation are granted house-rent allowance up to 7½ per cent if the rent is in excess of 10 per cent. So far as working journalists are concerned, no residential accommodation is provided to the working journalists. No house-rent is also payable to them. About gratuity—this is rather illuminating—so far as government servants are concerned, there is a terminal gratuity of one-third of a month's pay provided the temporary government servant has completed five years service. A quasi-permanent employee will in addition get one-third of a month's pay for each completed year of quasi-permanent service. In addition, death gratuity up to three months' pay in the case of temporary persons and four months' pay in the case of quasi-permanent persons is allowed. Permanent employees get a retirement gratuity of half month's pay for each completed year of service subject to a maximum of 15 months' pay or Rs. 24,000 whichever is less. In the case of death, the family gets gratuity equal to 12 months' pay or in the case of those persons who die before putting in 5 years qualifying service, their families get 6 months' pay. In the case of working journalists it is only 15 days' average pay for every completed year of service. Again, for government servants pension is admissible. After 10 years qualifying service pension not exceeding Rs. 8,100 per annum is admissible. Family pension is also admissible to them. So far as working journalists are concerned, no pension is admissible under the existing provisions of the Acts.

Shri S. M. Banerjee: The condition of the working journalists is very bad.

Mr. Speaker: Order, order. The hon. Minister may continue.

Shri C. R. Pattabhi Raman: With regard to length of service some comments were made. We have studied the position. I find that as a result of the recent decisions the general practice followed by the industrial tribunals and the Labour Appellate Tribunal has been to award gratuity after a continuous period of five years. I can give some instances. They are: Mukund Iron and Steel Works—15 years; Automobile Manufacturers—15 years; Printing Press, Bombay—15 years; Mysore (Hotel) Industry—5 years; Messrs. French Motor Car Co. 15 years. So we chose 10 years bearing in mind the observations of the Supreme Court in the second case of 1961.

Finally, I wish, with your leave, to refer to the "conscience clause" to which frequent references were made. We were able to get some information from the International Labour Office. The position is like this, with regard to the "conscience clause" for salaried journalists and on its operation in France and Switzerland. With regard to Poland, where such a provision existed before the war, there is no such data available on more recent developments.

In France, this aspect of journalists' status is defined by law—I need not refer to that law as such. Last year, for the first time, opportunity was given to the *Cour de Cassation* (Higher Court in France) to adjudicate upon the application of their provision. On 9th November, 1961 that court delivered three judgments which made the significance of the clause—the "conscience clause"—clearer. They show that the notion of "moral interest" is interpreted very broadly. In this case the court granted compensation not only to the foreign news editor of the newspaper, but also the writer of law reports and to the caricaturist; the latter,

following the change in the character and the policy of the newspaper, had failed to obtain from the proprietors the explicit guarantee which he asked for as to his freedom in drawing cartoons, and that was deemed to be a sufficient ground for his claim. I think you are all aware of the brilliant cartoonist Low who was working for a long time for the *Evening Standard*, London, who had to change over because of his reason. Authoritative commentators have expressed the view that writers of literary or even sporting news might likewise be entitled to an indemnity. The question is how radical the change should be for entitlement of compensation; that is to say, how radical a change would need to be for a journalist to be entitled to claim compensation under the conscience clause. Since that is not very clear, each case will have to be dealt with on its own merits.

In Switzerland the "conscience clause" is dealt with in collective agreements for professional journalists of German speaking Switzerland. There I find that, as far as possible, they avoid going to court and come to some sort of agreement between themselves.

Finally, the "conscience clause" has been inserted in the international model contract adopted in 1960 by the International Federation of Journalists after an extensive enquiry. The working of this clause is if a newspaper changes its political line in a way which would prejudice a journalist in the conscientious discharge of his duties, he shall be entitled to the same indemnities as provided above, i.e., the indemnities normally payable in case of dismissal under article XI of the model contract. I have nothing more to say.

Mr. Speaker: The question is:

"That the Bill further to amend the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of

Rates of Wages) Act, 1958, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are no amendments to clause 2. The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Substitution of new sections for section 5. Payment of gratuity)

Shri Warior: I beg to move:

Page 1, line 16,—

for "three years" substitute "two years". (35)

Shri C. R. Pattabhi Raman: I beg to move:

(i) Page 3, line 8,—

after "this sub-section" insert—

"and sub-section (1) of section 17". (70)

(ii) Page 2, line 6,—

after "voluntarily resigns" insert—

"on or after the 1st day of July, 1961". (74)

(iii) Page 2, line 7,—

after "any ground whatsoever" insert—

"other than on the ground of conscience". (75)

(iv) Page 2, line 10,—

omit "less than ten years but". (76)

(v) Page 2, line 11,—

after "voluntarily resigns" insert

"on or after the 1st day of July, 1961". (77)

Shri Daji: I beg to move:

Page 4,—

after line 8, insert—

[Shri Dajj]

"(4) The provisions of this section shall apply to all working journalists who have resigned, died, or whose services have been terminated on or after the 1st July, 1961." (1)

Shri C. K. Bhattacharyya (Raiganj): I beg to move:

(i) Page 2, line 27—

for "twelve and half months" substitute "fifteen months" (16).

(ii) Page 2, line 8,—

omit "who" (36)

(iii) Page 3, line 11—

for "children, whether married or unmarried" substitute—

"sons and unmarried daughters". (42).

(iv) Page 3, line 11,—

omit "and his" (43).

(v) Page 3, line 18,—

for "children, whether married or unmarried" substitute—

"sons and unmarried daughters". (45).

(vi) Page 3,—

after line 20, add—

"Provided that a widow shall not be deemed to be a member of the family of the working journalist if at the time of her death she was not legally entitled to be maintained by her." (46)

Shri S. K. Pottekkatt (Tellicherry): I beg to move:

Page 2, line 31,—

• for "six" substitute "three" (17)

Shri Warior: I beg to move:

(i) Page 2, line 31,—

for "six" substitute "three" (38)

(ii) Page 3, line 15,—

omit "legally" (44).

Shri S. M. Banerjee: I beg to move:

Page 4,—

after line 8, insert—

"(4) The provisions of this section shall apply to those working journalists also who have resigned, died, or whose services have been terminated on or after the 1st July, 1961." (8)

Shri C. K. Bhattacharyya: Since Government have already accepted the suggestion contained in my amendment No. 15, I am not moving it.

Shri Surendranath Dwivedy: I want to know whether Government have in fact moved all those amendments which they have given notice of.

Mr. Speaker: Yes, they have been moved. Now hon. Members will be very brief and will give only their points as the general discussion has taken place and the House has allocated only one hour for all the clauses and amendments.

Shri Warior: Sir, clause 3, on page 1, says:—

"any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment."

My amendment seeks to make it 'two years' instead of 'three years'. This is the general demand of workers in all factories and all undertakings in India, but so far the Government has not brought forward any legislation giving the workers gratuity.

13.46 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

This is more or less the first occasion that the Government is bringing forward a provision to give gratuity to this category, that is, the working journalists. I think, this must be a precedent for all others. Then, in this we should not put the minimum as

'three years' but actually it should be 'two years'. If two years' service has been rendered by any working journalist, he may be entitled to gratuity. After this enactment if he has served for two years, it must be considered sufficient for giving him gratuity. This will be a precedent for all other pieces of legislation which the workers in India are demanding for the provision of gratuity by enactment. Hence, I am pressing this amendment.

Mr. Deputy-Speaker: Has the hon. Member concluded?

Shri Warior: No, Sir. On other amendments also I will speak.

Mr. Deputy-Speaker: The time is very limited. The hon. Member should, therefore, be very brief.

Shri Warior: I will be very brief.

Then, my other amendment is about the restriction that has been put here, namely, an office having six working journalists. I should like to impress upon the Ministry that it is a very difficult cause. When we take into consideration the innumerable weeklies and periodicals which are not dailies employing less than six in many a case, specially in the case of the vernacular papers, this will hit hard those workers who are employed there. Hence, this limit of 'six' must be reduced to 'three' so that more of these working journalists who are actually groaning in the small weekly, fortnightly and other periodical offices also have the benefit of this provision.

Then, on page 3 it is provided:

'Provided that a widow shall not be deemed to be a member of the family of the working journalist if at the time of his death she was not legally entitled to be maintained by him;'

I think, here unnecessarily the word 'legally' has been put. I do not know the legal implications of this. If she is morally entitled, then also the

benefit may go to her. That provision must be there. The hon. Minister will take his own time to reply. I do not know the legal implications of that. Apparently it seems that there are possibilities of some claimants coming forward and asking for some maintenance out of the provisions of this enactment which must not be denied to them, if possible. Maybe, it is not very legal.

Shri Koya: Many people may come if it is not there.

Shri Warior: Not many people. Evidence has also to be adduced that that person had been maintained by the journalist, if not very legally in the strict sense of the term but even otherwise. That is why I want to omit the word 'legally' from here.

My next amendment is No. 47. I am not moving it. But, I have to speak about it. The Minister, all of a sudden, took the wind out of the sail by introducing his own amendment which gives retrospective effect. We have not much to say about it. I take this opportunity to request the Minister that if by oversight the amendment had been dated July 1961, the Government could have brought forward from the date on which the Supreme Court went against them. There are journalists who are deprived of these benefits as soon as the Supreme Court came over them. From that date itself, these persons who are the victims of the decision of the Supreme Court are entitled to the same benefits. Since the tripartite conference had agreed that 1961 July should be the date, I do not insist upon my amendment. That is why I said that the Minister very kindly took the wind out of my sail and so I did not insist on it. I did not move it.

Shri C. K. Bhattacharyya: Sir, before I move my amendments, I wish to make a reference to the amendment moved by the hon. Deputy Minister to this clause. In order to give the clause retrospective effect,

[Shri C. K. Bhattacharyya]

he adds in sub-clause (b) after the words "voluntarily resigns", the words "on or after the 1st day of July 1961".

Shri S. M. Banerjee: That is amendment No. 74.

Shri C. K. Bhattacharyya: Also No. 77. These amendments are very satisfactory. This will, of course, make it useless for us to move the amendments that we have put in for giving the section retrospective effect. But, as the Presiding Officer of this House, I shall request you to see whether this phrasing actually gives it retrospective effect. If it does not, somebody will go to the court and say, in spite of this, this Act has no retrospective effect, this Act is made for future. Unless it is made clear that it has retrospective effect, it will not have it. It says, a journalist voluntarily resigns. That means, resignation will come into force. But, the date given is a past date. Whether these two are consistent, will have to be made clear. I request you to see whether by putting this phrase, this clause will actually have retrospective effect. If it has not, the journalists will again be in the same difficulty in which they found themselves after the passing of the 1955 Act.

Now, I come to my own amendments. In amendment No. 16. I have suggested 15 months for 12½ months. That is the proviso line 27 page 2. Even 15 months were suggested by the Supreme Court itself. As I said, in order to attract talent to the journalistic profession, it is necessary that the gratuity should be commensurate with the period of service that they render. Even if that is not done, at least 15 months should be accepted as is done in many other cases. That is amendment No. 18.

Then, amendment No. 36. This is a verbal amendment. If you look at this, clauses (b) and (c) are exactly the same. Only in clause (c) after the word 'working journalist' the word

'who' comes in as an unwelcome interloper and takes away the grammatical effect from the expression working journalist and it is deprived of any verb at all. Clauses (b) and (c) are exactly the same. The word 'who' there is not only useless, but it makes that clause grammatically incorrect, I am afraid. The Minister may kindly see that and perhaps he will see that the word 'who' may be omitted. Clause (c) may be made exactly the same as (b).

Amendment No. 42 is about the proviso for the inheritance of the family members of the journalist. The proviso says,

"in the case of a male working journalist, his widow, children, whether married or unmarried,...

should be included in the family. It is rather unusual that married daughters will be included in the family of the person. That is why I have put it as unmarried daughters. A married daughter is not included in the family of the person. A married daughter belongs to the family of some other person. That is why I have changed "children whether married or unmarried" into "sons and unmarried daughters".

Mr. Deputy-Speaker: The next one is similar.

Shri C. K. Bhattacharyya: Amendments 45 and 46 are there. In amendment No. 45, I have suggested the omission of the words "and his". They are not needed in the context, and the clause will be clear by their omission. In amendment No. 46, I have tried to put in the same proviso to the inheritance in the case of female journalist as provided in the case of a male journalist. If that proviso is necessary in the case of a male journalist, that is the proviso that is added to Explanation I, it should be added in the case of a female journalist.

Shri Daji (Indore): Sir, the Bill itself is a tribute to the patience and perseverance of the hon. Labour Minister in pursuing after the judgment of the Supreme Court for a period of months and years, trying to persuade and persuade. Really speaking, the Bill, as it is, is welcome, and the amendment....

Mr. Deputy-Speaker: Come to the amendments.

Shri Daji: The amendments that have been brought forward are in the same spirit and are really to be welcomed. I want to restrict my remarks to one particular thing. The amendment moved by the hon. Minister covers cases of voluntary resignation. But, what about cases of death or termination? My amendment which I have given as amendment No. 1 is wider and seeks to give retrospective effect to the whole gratuity scheme in the case of death, termination or voluntary resignation. When a part of it has been accepted by the hon. Minister by moving his own amendment, that is, if the Act is to be applied retrospectively in the case of voluntary resignation, it stands to reason that the same principle of retrospective operation should also be given in the case of termination and death. Why the hon. Minister has made a distinction is not clear to me. I will even now appeal that once the principle of retrospective operation has been accepted from 1st July, 1961, it should be extended not only in the case of voluntary resignation, but also in the case of termination and death.

Shri S. M. Banerjee: My amendment is No. 8: that is, after line 8, insert the proviso:

"(4) The provision of this section shall apply to those working journalists also who have resigned, died, or whose services have been terminated on or after the 1st July, 1961."

I am extremely thankful to the hon. Minister for moving the amendment

which covers these cases right from 1961, that is, 1st July 1961, who resigned voluntarily. If that is accepted in principle, that is, to give it retrospective effect is accepted in principle, I would request the hon. Minister at least to consider those cases of resignation or death. Those who have died, naturally, should not be deprived from 1st July, 1961. I hope that this amendment will be accepted in fairness to this House because the principle has been accepted by the hon. Minister.

Shri C. R. Pattabhi Raman: So far as amendment No. 36 is concerned, I am accepting it with regard to the word 'who', but not amendment No. 43. The other amendments, I am not accepting.

Shri Daji: Why are you not giving retrospective operation in the case of termination or death?

Shri C. R. Pattabhi Raman: So far as retrospective operation was concerned, I have already said what the position was.

14 hrs.

Shri C. R. Pattabhi Raman: Frequent discussions were held, before we came forward with this Bill here.

Actually, in the case of termination, no retrospective effect is necessary. I hope my hon. friends will agree to it. In effect, what will happen is that the position is the same so far as termination is concerned.

Here, I think we are really concerned with resignations on account of conscience. Apart from having both sides of the question before us, the fact remains that taking it to the period July, 1961 will be the most satisfactory thing. Taking everything into consideration, taking even the number of cases involved which may not be very many, we think that the more satisfactory period is July, 1961.

Shri Krishnapal Singh (Jalesar): There are two amendments which have been treated as moved, and I would like to speak on them.

Mr. Deputy-Speaker: I am sorry. After the hon. Minister has replied, he cannot speak on them now.

An Hon. Member: He wants to move the amendments.

Mr. Deputy-Speaker: Which are those amendments?

Shri Krishnapal Singh: They are amendments Nos. 37 and 39.

Mr. Deputy-Speaker: I am sorry. They are in Shri Gulshan's name. The hon. Member cannot move them.

Shri Krishnapal Singh: I have been allowed to move them.

Mr. Deputy-Speaker: I am sorry; They were not moved when the Speaker was here in the Chair; I was not here at that time.

Shri Krishnapal Singh: I am speaking of amendments Nos. 37 and 39.

Mr. Deputy-Speaker: I am sorry. They are in some other hon. Member's name, and, therefore, he cannot move them. Now, I shall put the amendments to vote.

Shri Warior: I would like to withdraw amendment No. 35.

Amendment No. 35 was, by leave, withdrawn

Mr. Deputy-Speaker: Amendment No. 36 has been accepted by the hon. Minister. I shall put it to vote now.

The question is:

Page 2, line 8, omit 'who'. (36)

The motion was adopted.

Shri C. K. Bhattacharyya: I would like to withdraw amendment No. 16. I had moved it so that it may be on record I am not pressing it to vote.

Amendment No. 16 was, by leave withdrawn.

Shri Pottekkatt: I would like to withdraw amendment No. 17.

Amendment No. 17 was, by leave, withdrawn.

Mr. Deputy-Speaker: Amendment No. 38 is the same as amendment No. 17. So, that is barred.

I shall now put the Government amendments Nos. 70, 74, 75, 76 and 77 to vote.

The question is:

Page 3, line 8, after "this subsection" insert "and sub-section (1) of section 17". (70)

Page 2, line 6, after "voluntarily resigns" insert "on or after the 1st day of July, 1961". (74)

Page 2, line 7, after "any ground whatsoever" insert "other than on the ground of conscience". (75)

Page 2, line 10, omit "less than ten years but". (76)

Page 2, line 11, after "voluntarily resigns" insert "on or after the 1st day of July, 1961". (77)

The motion was adopted.

Shri Warior: I would like to withdraw amendment No. 44.

Amendment No. 44 was, by leave, withdrawn.

Shri C. K. Bhattacharyya: I would beg leave of the House to withdraw amendments Nos. 42, 43, 45 and 46.

Amendments Nos. 42, 43, 45, 46 were by leave, withdrawn.

Shri Daji: I would beg leave of the House to withdraw amendment No. 1.

Amendment No. 1 was, by leave, withdrawn.

Shri S. M. Banerjee: I would also beg leave of the House to withdraw amendment No. 8.

Amendment No. 8 was, by leave, withdrawn.

Mr. Deputy-Speaker: 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.

Clause 4—(Substitution of new sections for sections 8, 9, 10, 11, 12 and 13)

Shri Daji: I beg to move:

- (i) Page 4, line 27, omit "9"; and
- (ii) Page 5, omit lines 1 to 11. (2)

Shri S. M. Banerjee: I want to move amendment No. 9 standing in my name.

Mr. Deputy-Speaker: That is the same as amendment No. 2 which has been moved just now.

Shri Warior: I beg to move:

- (i) Page 4, line 31, add at the end "including those employed in weeklies, monthlies, quartlies, annuals and such other periodical publications". (48)
- (ii) Page 5, line 6, add at the end "including one from the language press". (49)

Shri C. K. Bhattacharyya: I beg to move:

- (i) Page 4, line 36, before 'or' insert 'and/'. (18)
- (ii) Page 5, for lines 1 to 11, substitute:

"9. For the purpose of fixing and/or revising rates of wages in respect of working journalists under this Act, the Central Government shall constitute a wage board immediately on the Act coming into force and thereafter constitute such Wage Boards, as and when necessary. Every such Wage Board shall consist of an equal

number of persons nominated by the Central Government to represent the employers in relation to newspaper establishments and working journalists and an independent person who is, or has been, a Judge of the High Court or the Supreme Court and who shall be appointed by that Government the Chairman of the Board." (19)

(iii) Page 6, line 18, for 'As soon as may be' substitute 'Within ninety days'. (21)

(iv) Page 7, for lines 5 and 6, substitute:

'13. On coming into operation, an order of the Central Government under section 12 shall be binding on all employers in relation to newspaper establishments and every working journalist shall be". (22)

(v) Page 7, after line 9, insert:

"13A.(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rates of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rates of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (3) of section 12". (23)

(vi) Page 5, line 14, after 'fixation' insert 'and/or'. (51)

[Shri C. K. Bhattacharyya]

- (vii) Page 5, line 22, after 'representation' insert 'on behalf of newspaper establishments or otherwise'. (53)
- (viii) Page 5, line 30, before 'or' insert 'and/'. (54)
- (ix) Page 5, line 5, for 'two' substitute 'three'. (59)
- (x) Page 5, line 7, for 'two' substitute 'three'. (60)
- (xi) Page 5, lines 8 and 9, for 'three independent persons, one of whom shall be a person' substitute 'one independent person'. (63)

Shri Daji: I want to move amendment No. 3 also, because it is linked with amendment No. 2.

I beg to move:

Page 5, for lines 1 to 11, substitute:

"9(1) The Central Government may by a notification in the Official Gazette constitute a Wage Board for fixing rates of wages in respect of working journalists and newspaper employees in accordance with the provisions of this Act.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent the employers in relation to newspaper establishments and employees and an independent person shall be appointed by the Central Government as the Chairman thereof. The Chairman shall be a person who is or has been a judge of the High Court.". (3)

Shri H. C. S. Soy (Singhbhum): I beg to move:

(i) Page 5, for lines 5 to 11, substitute:

"an equal number of persons nominated by the Central Government to represent the employers in relation to newspaper establish-

ments and working journalists, and an independent person, who is a Judge of a High Court or the Supreme Court, shall be appointed by the Central Government as the Chairman thereof.". (61)

(ii) Page 6, omit lines 24 to 28. (64)

Shri C. R. Pattabhi Raman: I beg to move:

Page 7, after line 9, insert:

"Power of Government to fix interim rates of wages;

13A. (1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rates of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than interim rates of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the order of the Central Government under section 12 comes into operation.". (71)

Mr. Deputy-Speaker: All these amendments are now before the House.

Shri Warior: While moving my amendments Nos. 48 and 49, I wish to bring to the notice of the House as well as Government the fact that on the last occasion when the wage board was formed, these people were omitted and grievously neglected.

Among the working journalists, the largest number may be found, or rather the majority of them are working not in dailies but in the mon-

thlies and other periodicals. There is a large difference between a working journalist working in a daily and one who is working in a monthly or other journals which are being published periodically. If the periodicity is less then the work that has to be put in by him is more. In a daily newspaper, a journalist may not always be very much eager to have all the facts written correctly to ensure that they are absolutely correct or absolutely true. But a journalist working in a daily or a monthly or in an annual publication has to ensure that the things that are published are absolutely correct and perfect. Some of the very big publication houses like those of *The Times of India* are having all these categories of journalists under them, and they earn a higher profit also from these periodicals than from the dailies. In the dailies it is all a matter of speed. Whatever comes in goes into the Press and it is published there. There is not time to think. But in the weeklies it is not so, much more so, in the case of fortnightlies and quarterlies. Their employees include working journalists employed in these periodicals and they used to be always very vigilant in their work, very sincere in their work and there is always worry in their work because once a publication comes out and something is noticed as not very correct or truthful then they are hauled up. Hence, these people should not be left out. Not only that. The advertisement income and other income of the daily papers do not, normally speaking, depend upon the subscription or the price of the papers. It is mostly on advertisements that they depend. But the weeklies run in our country, especially the language weeklies and periodicals, depend upon this circulation of their journals for their income. The English periodicals and periodicals in some of the languages have got enough of advertisement and enough of revenue and enough of some other sources also which are not actually very good sources, but actually, they get enough of income to give

all the amenities and advantages provided by this Working Journalists' Act. But, last time, I do not know how they were omitted. When I wrote about this matter to the Labour Ministry, I got the reply to which my leader, Shri Hiren Mukerjee referred to yesterday. The reply was received that enough of data was not collected and that enough of material was not at the hands of the Ministry or of the Government or of the Wage Board. Hence, this was neglected. I think that necessary provision must be made that this case will not be repeated next time at least when the next Board is constituted. I think this will not be neglected however much of hard work there is in collecting the data necessary for extending the benefits of this Act to the Working Journalists.

My second point is about the constitution of this Committee. There are two suggestions that I would like to make. There are two people included as members from the employees side. I will insist upon the Ministry taking at least one from the Indian Language Newspapers' Association or some other organisation which represents the language papers. I am very particular about this. After independence, for the last 15 years, the English dailies still dominate the journalistic world and the newspaper industry. These people are not represented properly and adequately on all these Wage Boards. Hence, whatever they have to represent is not at all heard. The language papers are always at the mercy of their big brothers, namely, English newspapers. That should not be the case. At least one seat may be reserved for the language papers. I think my amendments will be accepted by hon. Minister.

Mr. Deputy-Speaker: Shri Daji. Please be brief.

Shri Daji: Sir, while moving my amendments I would say that while working journalists are being considered for fixation of rates, the other employees have not been considered.

[**Shri Daji]**

It does not stand to reason that while one wing, namely, the working journalist, gets the benefit of wage board and wage award, the other group which is perhaps the more numerous; the more hardworking and an underdog group, has been left out without the protection of the Wage Board. It does not stand to reason.

Regarding the constitution of the board, I have kept it as in the old act. I cannot understand why the Government now wants to change it because the constitution has worked satisfactorily and has stood the test of the Supreme Court. That is very important. The Supreme Court has found nothing wrong in the constitution of the Wage Board. It has even upheld the constitution afterwards. Why should we go on experimenting and changing the composition? That is a very moot point. I do not know why exactly Government wants to change its coposition.

Lastly, Sir, I would like to point out that in the spirit of our labour administration, we do not do things without consultations in the tripartite meeting. The question of change of the constitution of the Wage Board was never discussed in the tripartite meeting. Why should Government now come forward and insist on changing the constitution of the Wage Board, and making the Wage Board, as now constituted, more onerous, more ponderous and more slow to move? With these words, I move the amendments standing in my name.

Mr. Deputy-Speaker: Shri Banerjee.

Shri S. M. Banerjee: I beg to move Amendment No. 10 which states as follows.—

I beg to move:

Page 5 for lines 1 to 11, substitute:—

"9(1) The Central Government may by a notification in the Off-

cial Gazette establish a Wage Board for going through the wages and working conditions in respect of working journalists and newspaper employees in accordance with the provisions of this Act.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent the employers in relation to newspaper establishments and employees and an independent person, who is a High Court Judge, shall be appointed by the Central Government as the Chairman thereof." (10).

Sir, I fully support the contention of my hon. friend Shri Daji. Whenever the Wage Board is appointed, it should invariably cover another wing of the working journalists also. My hon. friend Shri Pattabhi Raman has, with all his eloquence which I admire, tried to convince this House that the presence of three independent persons will be much more beneficial and will be in the interests of the working journalists themselves. Too many cpoks will spoil the whole thing. Let there be one who is sufficiently independent. Nobody is more independent than a high court judge. That is what we think about it.

Mr. Deputy-Speaker: All these points have been raised in the general discussion.

Shri S. M. Banerjee: This is my specific amendment which I request to be put to vote.

Mr. Deputy-Speaker: I am putting the amendments to vote. When arguments have already been advanced, why repeat those things?

Shri S. M. Banerjee: It should be convincing.

Mr. Deputy-Speaker: You cannot convince by general argument. Shri Soy.

श्री ह० च० सोय (सिंहभूम): माननीय उपाध्यक्ष महोदय, इस बिल पर हुई जेनरल डिस्कशन का जवाब देते हुये माननीय उपमंत्री जी ने कहा कि.....

Mr. Deputy-Speaker: No repetition of arguments advanced in the general discussion. If you have got any new points, please make them.

श्री ह० च० सोय : मुझे अपनी बात कहने तो दीजिये ।

उन्होंने कहा कि एक्सपीरियंस से उनको पता चला है कि वेज बोर्ड की पहले जो काम्पोजीशन थी, वह उतनी बेहतर नहीं है, जितनी की इस बिल में दी गई नई काम्पोजीशन है । लेकिन उन्होंने यह नहीं बताया कि इस बारे में उनका एक्सपीरियंस और तजुर्बा क्या हुआ । मेरा तो कहना यह है कि जो काम्पोजीशन पहले रखी गई थी, उसी को कायम रखा जाये, अर्थात् वकिंग जर्नलिस्ट्स और एम्पलायर्ज के प्रतिनिधियों को रखा जाये और उनके अलावा जो तीसरी श्रेणी का इंडिपेंट व्यक्ति रखा जाये, वह हाई कोर्ट या सुप्रीम कोर्ट का जज हो और उसको चेयरमैन बनाया जाये ।

उन्होंने यह भी कहा कि जो दो इंडिपेंट आदमी होंगे, वे प्रैजुइस्ड नहीं होंगे, ऐसा सोचना गलत है । मैं ऐसा नहीं सोच सकता हूँ कि जो दो आदमी होंगे, उनकी किसी तरह की ओपीनियन अवश्य होगी । अवश्य ही उन की ओपीनियन या तो प्रो वकिंग जर्नलिस्ट होगी या प्रै-एम्पलायर । इससे बेहतर है कि वेज बोर्ड में दो ही श्रेणियों के आदमें रखे जायें और तीसरी श्रेणी का आदमी सिर्फ जज हो, जो कि चेयरमैन बनाया जाये । इसलिये मेर कहना है कि बोर्ड में दो और इंडिपेंट्स को नहीं रखना चाहिये ।

दूसरी एमेंटमेंट मेरी सब संवेदन १२ (२) के बारे में है । १२(१) में कहा गया है 'व वेज बोर्ड की जो रिकोमेंडेशंज होंगी,

उनको सैट्रल गवर्नमेंट कुछ चेंजिंग के साथ लागू करने के लिये कह सकती है । लेकिन सब-सैवेशन २ में कहा गया है कि इन सारी चीजों से भी गवर्नमेंट आगे बढ़ सकती है, रिकोमेंडेशंज से और आगे बढ़ सकती है और चेंजेज भी कर सकती है । मेरा कहना यह है कि यह सब-सैवेशन

Notwithstanding anything contained as it thinks fit

तक ओमिट कर दिया जाये । इससे आप बहुत आगे और बहुत दूर बढ़ सकते हैं, यहां तक कि जो रिकोमेंडेशंज होंगी, उनको बिल्कुल आल्टर भी कर सकते हैं । यह नहीं होना चाहिये । इसलिये मेरी एमेंटमेंट है कि इसको ओमिट कर दिया जाये ।

Shri C. K. Bhattacharyya: I am withdrawing my amendment No. 23 because the hon. Deputy Minister has accepted it by his amendment No. 71.

Mr. Deputy-Speaker: It is not moved.

Shri C. K. Bhattacharyya: I have moved it, but I am withdrawing it.

Regarding amendment No. 18, it is intended to make fixation and revision complementary and interdependent, so that the same board may simultaneously do both the things, because the last wage committee left out a number of categories from the fixation of wages and did not take into consideration certain classes of newspapers. Wherever there is fixation, I have put in and or. That should be accepted. It will give power to Government simultaneously to do both fixation and revision.

By amendment No. 19 I have put in a suggestion which has not been made by any of my hon. friends. It reads:

"....the Central Government shall constitute a Wage Board immediately on the Act coming into force....".

It is on these matters that the journalist wants an assurance, because in section 8 of the Act of 1958 it was

[Shri C. K. Bhattacharyya]

provided that the wage board would come into existence within three years from the date of the order. The date of the order was May 29, 1959. Since the wage board was not appointed after three years, the journalists have become rather apprehensive that it may be further delayed. In order to make it clear I have put in this provision that immediately on the Act coming into force, the wage board shall be constituted.

I shall not go to other matters because my hon. friends have dealt with them. I shall only say one word about the appointment of a High Court Judge as chairman. When a High Court Judge is appointed as chairman of a body, that has a special significance. We are having them in the Election Commission and almost all other bodies. It is because such a person occupying the chair will apply his judicial mind. In fact, when there are two contending parties, he should apply his judicial mind and decide which party is in the right. It is not necessary that he will give his support to the journalists. He may give his support to the employers also as the Supreme Court did. The Supreme Court saved the face of the Government of India by upholding the validity of the Working Journalists Act, but they struck down two vital provisions that were intended to serve the interests of the working journalists. They took away the wage board and gratuity and said the Act of 1958 was all right. So, the opinion of the Judges may also go in favour of the employers. There is no certainty they will vote one way or the other. That is the position. When a Judge is there, and you put in other independent persons, that means the opinion of the Judge is going to be overcome by them. Government should consider it from that point of view.

Regarding amendment No. 21, I have put in a period of 90 days because I want to be sure that the Gov-

ernment decision will come within a certain date of the report of the wage board, that it may not be prolonged unnecessarily.

Amendment 22 intends that the Government order should be made binding on the employers. That was in the previous Act, but that is no longer in the present legislation.

By amendments 51 and 54 I wish to insert and or.

In regard to making representations it is stated that it may be made by "newspaper establishments" etc. By my amendment No. 53 I have stated that it should be by "persons on behalf of newspaper establishments or otherwise", as I am afraid, newspaper establishments will go out of this provision if it is merely stated "persons". I hope the hon. Deputy Minister will consider the possibility of accepting my amendment.

Shri C. R. Pattabhi Raman: I will briefly answer the points raised by hon. Members.

With regard to amendment No. 48 by Shri Warior with regard to weeklies, quarterlies and other periodicals, they are all covered by the present definition of newspaper in the Act of 1955. Actually, the Working Journalists Wage Committee, in paragraph 18 of their recommendation, have stated:

"In view of the paucity of evidence in respect of periodicals which are intended to be published at longer intervals than a week, the committee do not make any recommendation regarding the salaries, scale and grade of working journalists employed in establishments publishing such periodicals."

It is a question getting evidence and dealing with it. When it comes into existence, I dare say it will take this into account.

Then I come to Shri Bhattacharyya. In regard to his amendment No. 21, I wish to assure him that the clause as it is good enough. It may be stated that the last time decisions on the recommendations were published within 11 days of receipt. The wage committee's recommendations were received on 23rd May, and they were published within a week, on 29th May. Government ordinarily publishes the order within a month, and the present wording is better and more flexible. That is why I am not accepting the amendment.

With regard to amendment No. 22, under the existing provisions the employer is bound to pay the working journalist in accordance with the order passed by the Government. Provision exists for recovery of money due from the employer and also for penalty for violating the order. The amendment therefore is not acceptable.

I find he is withdrawing his amendment No. 23.

Amendment No. 18 is really not called for because the present wording permits both fixation and revision of wages by the wage board. He wants and/or. It is not necessary.

With regard to amendment No. 19, he wants a wage board to be constituted immediately on the Act coming into force. This is not practicable. A number of preliminary steps have to be taken, to select the members and the chairman who will constitute the board. Further, the Government cannot commit itself in advance to the constitution of such a board. The question of constituting the board during the present emergency will have to be examined carefully. The amendment cannot be accepted.

The effect of the amendments of Shri Daji and Shri Banerjee will be to delete section 11 by which the board has been vested with the powers of an Industrial Tribunal constituted under the Industrial Disputes Act,

1947, and is given power to regulate its procedure subject to the provisions of the Act and the rules, if any, made thereunder. There is also provision for inspection of representations and documents furnished to the Board, as also provision for enabling the Government to fill any vacancies in the Board. All these powers are necessary for the proper functioning of the Board. Therefore, we are not accepting the amendments.

Regarding amendment No. 5 of Shri Daji, the provisions in the Bill are on the lines of the provisions contained in the Act of 1958. It is desirable that Government should have the power to make minor alterations in the recommendations of the wage board. The amendment cannot be accepted. You cannot say that all the recommendations are likely to be fool-proof. We must have the power to alter them in such a manner as we think fit.

With regard to other amendments, this is the main thing. There are three brief points made by Shri Daji and Shri Indrajit Gupta. I shall summarise them. Firstly, they say, the Wage Board might be constituted under the Act which would cover not only working journalists but also other newspaper employees. On that, I have already replied in detail, that it relates to working journalists only and not to other newspaper employees.

Secondly, they say that the Wage Board should not provide for appointment of two independent members. About the first point, it may be stated that Chapter II of the 1955 Act relates to working journalists only and not to other newspaper employees. That I have already stated. With regard to the second point, it may be stated that the Government of India have set up a number of Wage Boards in all of which two independent persons have been associated. The association of two such persons in addition to the representatives of the industry and labour has been helpful in hav-

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ing unanimous reports from the Wage Boards. In all the three final reports from the Wage Boards in cotton textile, sugar and cement industries and all the interim reports the recommendations were unanimous. That is a thing to be pondered over. Such unanimous reports greatly help in implementation of the recommendations and as a result, the implementation has been 100 per cent. in cement industry and 96.8 per cent. in textile and 95 per cent. in sugar industry. On the other hand, as regards the original Wage Board set up for the Working Journalists in which there was only one independent Chairman, the report was not unanimous. That has to be noted. The decisions were of the majority. There was a minute of dissent by the representatives of the employers. They dissented on a number of points particularly those relating to wages, scales and grades, dearness allowance and location allowance of various categories of working journalists. A note was also submitted by two of the three representatives of working journalists stating that the scales and grades suggested by the Chairman fell short of their original proposals and expectations but they agreed to the grades as this was the first effort to systematise and regularise the conditions of employment of working journalists. The parties were not satisfied and the industry went on appeal to the Supreme Court challenging successfully the decisions of the Wage Board for Working Journalists.

Sir, the experience so far has proved that the association of independent persons has been conducive to bridge the gap between the views taken by the industry and labour and to bring about the reconciliation of conflicting ideas. The Wage Boards which are functioning in the United Kingdom also have independent members apart from members representing the employer and employee interests. This is what I said in my opening speech and also in my reply.

In view of the above, the composition of the Wage Board proposed in the Bill seems desirable. The amendments are not acceptable.

Mr. Deputy-Speaker: Is anybody pressing his amendment?

Shri S. M. Banerjee: I want to press my amendment, No. 10.

Shri Daji: I want to press amendment No. 2.

Shri Warior: The hon. Minister is giving an assurance that these categories will be included. So, I want to withdraw my amendments No. 48 and No. 49.

Mr. Deputy-Speaker: Has the Hon. Member the leave of the House to withdraw his amendments, No. 48 and No. 49?

Amendments Nos. 48 and 49 were, by leave, withdrawn.

Mr. Deputy-Speaker: I shall now put Government amendment, No. 71.

The question is:

Page 7.—

after line 9, insert—

“Power of Government to fix interim rates of wages.

13A. (1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rates of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than interim rates of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the order of the Central Government under section 12 comes into operation." (71)

The motion was adopted.

Mr. Deputy-Speaker: I will now put the other amendments.....

Shri C. K. Bhattacharyya: I do not want to have it recorded that my amendments were rejected by the House. I withdraw them in anticipation of the permission of the House.

Mr. Deputy-Speaker: Does the Hon. Member have the leave of the House to withdraw his amendments?

Amendments Nos. 18, 19, 21, 22, 23, 51, 53, 54, 59, 60 and 63 were, by leave, withdrawn.

Mr. Deputy-Speaker: I will now put all the other amendments.

Amendments Nos. 3, 61, 64 and 10 were put and negatived.

Mr. Deputy-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— (Substitution of new sections for section 17).

Mr. Deputy-Speaker: Are there any amendments?

Shri C. R. Pattabhi Raman: Sir, I beg to move:

Page 7, line 13,—

after "newspaper employee" insert—

"himself, or any person authorised by him in writing in this

behalf, or in the case of the death of the employee, any member of his family". (72).

Shri A. N. Vidyalankar (Hoshiarpur): I beg to move:

Page 7,—

after line 25, add—

"(4) Any employee may authorise any other person in writing to make an application for recovery of sums due to him before the appropriate authority appointed by the Government." (28).

Shri C. R. Pattabhi Raman: Actually, Sir, I was saying in my reply what we have suggested is the substance of what Mr. Vidyalankar and Mr. Ravindra Varma have both suggested. We have put it in this form:

"himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family".

Mr. Deputy-Speaker: So, Mr. Vidyalankar's amendment is met by amendment No. 72. Do you still press it?

Shri A. N. Vidyalankar: I am withdrawing it.

Amendment No. 28 was, by leave, withdrawn.

Shri C. K. Bhattacharyya: I want to move my amendments Nos. 24, 25, 26 and 27.

Mr. Deputy-Speaker: There is no time for making speeches. Do you want to move all of them?

Shri C. K. Bhattacharyya: I do not want to make a speech. I beg to move:

(i) Page 7, lines 12 and 13,—

for "newspaper employee" substitute "working journalists" (24).

[Shri C. K. Bhattacharyya]

(ii) Page 7, line 15,—

after "State Government" insert—

"in whose jurisdiction the working journalist is employed".
(25).

(iii) Page 7,—

after line 21, insert—

"Provided that it shall be open to a Trade Union of Journalists, duly authorised by a working journalist, to make the application on his behalf:

Provided further that the heir, successor or assignee of a deceased working journalist may make an application for any amount that, in his opinion, may have been due to such working journalist.

Explanation.—For the purpose of this sub-section, a working journalist who has been dismissed, discharged or retrenched or who has resigned, shall be deemed to be a working journalist." (26).

(iv) Page 7, line 23,—

for "newspaper employees", substitute "working journalist". (27)

I want to withdraw amendment No. 27 because the Minister has substantially accepted it.

Mr. Deputy-Speaker: I shall put it to vote.

Shri C. K. Bhattacharyya: I do not want them to be put to vote. I only want to have it recorded. I will withdraw.....

Mr. Deputy-Speaker: I do not see why you move them and then say, "I want to withdraw them".

Does the Hon. Member have the leave of the House to withdraw his amendment?

Shri Surendranath Dwivedy: No, Sir.

Mr. Deputy-Speaker: Then, I will put them to vote.

Amendments Nos. 24, 25, 26 and 27 were put and negatived.

Mr. Deputy-Speaker: I shall now put the Government amendment.

The question is:

Page 7, line 13,—

after "newspaper employee" insert—

"himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family". (72).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 5, as amended, stand part of the Bill".

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6 and 7 were added to the Bill.

Clause 8 (Insertion of new sections 19A and 19B)

Mr. Deputy-Speaker: What are the amendments?

Shri Daji: Sir, I beg to move:

Page 10,—

omit lines 1 to 10. (7).

Shri Warior: I have one amendment, No. 55.

Mr. Deputy-Speaker: No. 55 is the same as No. 7. So, it is barred.

Shri Bade: I beg to move:

Page 10,—

after line 10, add—

"Provided that the provisions of this section shall not be made applicable to the workers already in service." (56).

Shri Hari Vishnu Kamath (Hoshangabad): I have one amendment No. 31.

Mr. Deputy-Speaker: That is the same as No. 7. So, it is barred.

Shri Hari Vishnu Kamath: It cannot be barred at this stage. Supposing he withdraws it, mine will stand.

Mr. Deputy-Speaker: Amendments No. 7 and No. 56 are moved. There is no time for making speeches.

Shri Daji: I want to only point out one thing. The substance of it has already been explained, that we want to include the Government employees. There is no reason for excluding them. I also want to inform the House that the matter of these employees is actually pending conciliation. The Government has assured them, has promised them conciliation. They have been expecting and waiting for a period of months and then, in this amending Bill, to exempt the application to them, is actually speaking, misuse of power and a fraud. The Government had already given the assurance. It is not conducive to good relations. Therefore, I appeal to the Government to accept this amendment.

Shri Warior: Sir, we are not convinced with the arguments of the Hon. Minister. That is why we are pressing for this. The point is, these workers are getting, according to the Minister, much smaller emoluments and much more facilities than the workers in the private industry. That is not at all correct. In the private industry, it is much more beneficial for them in certain respects. If the working journalists in the Government presses are getting much more, this clause is becoming a dead letter. Why not that dead letter be there? But the Government is insistent that this must be removed. There is something behind it and that is to take away by the left hand whatever rights the Government had given by the right hand in the present enactment.

Shri Bade: Sir, I have moved an amendment to this clause that this should not be made applicable to the

workers who are already in service. The hon. Deputy Minister stated that they were profited in gratuity and in working hours. That is not a fact. The association have sent a letter on 7th November 1962 in which they have repudiated all these arguments. About the hours of work, for instance, I may say that proof readers working in newspapers establishments are required to work in the case of day shift 144 hours in four consecutive weeks, and in case of night shift 132 hours in four consecutive weeks, whereas the workers in the Government press are required to work in the case of day shift 176 hours in four consecutive weeks, and in case of night shift 152 hours in four consecutive weeks. On calculation it is found that during one year the concerned workmen are required to work in case of day shift two months and 20 days more, and in case of night shift one month and 24 days more than their counter-parts in the private industry.

Dr. M. S. Aney (Nagpur): Do they get overtime?

Shri Bade: No, they do not get. About earned leave, the working journalists in the private industry are entitled to earned leave on full wages for not less than one-eleventh of the period spent on duty, leave on medical certificate on half of the wages for not less than one-thirteenth of the period of service, casual leave for 15 days in a year whereas a worker in the Government Press gets earned leave on average pay equal to 1/11th of the period spent on duty, leave on medical grounds on half average pay for twenty days in a year in case of permanent servants and for fifteen days in a year in case of temporary servants and casual leave for 12 days in a year. In the fixation of grades also there is difference. So, what the hon. Minister said is not correct. Therefore, I urge that my amendment be accepted by the House. It says that the workers in Government press who are already in service should at least be exempted from 19B.

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, my amendment No. 31 seeks to delete the proposed new clause 19B, mainly on the ground that it is discriminatory and is detrimental to one class of working journalists, that is to say, Government employees working in these Presses. The House is aware that when the first Bill was passed into law in 1955, at that stage the working journalist was defined as including so many categories excepting one. It did not apply to Government employees. But the definition of the working journalist applies, and rather should apply, to the category of proof readers and other workers in the Government press. The note on clause 19B gives a bland statement to the effect that the Government rules and regulations generally—mark the word 'generally', it does not say universally or always,—offer better terms and conditions of service. I submit that it is unfair to the House to ask the hon. Member to come to a judgment on the matter unless and until the Minister lays on the Table for our consideration a detailed and comparative statement.

Shri C. R. Pattabhi Raman: He was not present when I gave all the details.

Shri Hari Vishnu Kamath: We could not follow it as you read them. It should have been laid on the Table so that we can study how far they are better than those of private employees, the workers in private employment. Unless that statement is laid on the Table and is studied closely by us, it is hardly fair to ask us to come to a decision and vote upon this clause. I agree with my hon. friend, Shri Bade that some of the conditions as regards retrenchment, leave, gratuity, etc. for this class of workers in the Government press are certainly not as favourable—some of them—as those which govern the conditions of service in the private employ. I wish to submit that unless this matter is studied and clarified beyond doubt, we cannot give a judgment. They say that it is gene-

rally better. We do not want 'generally'; we want universally, applicable to all classes. To say 'generally', is like speaking in a public meeting . . . (Interruptions.) You have been a very eminent lawyer, Mr. Deputy Speaker, in your State and you will agree that so far as law-making is concerned, we must have precision and accuracy. I will not say that it is bamboozling us but it is near bamboozling. 'Generally they are better'; they say. We do not want 'generally'; Are they better in every respect? I want to know that. Therefore, I have moved that amendment.

Dr. M. S. Aney: Sir, I want to say only two sentences in support of the amendments. A clear distinction is made as between service in Government and service under a private employer or in a private printing press, on the ground that the Government press is not a journalist forum at all. As a matter of fact it is a technical difference. Work done in both the places is the same. I think this House should consider this matter not from a technical point of view but from an equitable point of view, in order to understand whether the conditions of service actually enjoyed by both of them are equal or whether those in the one are better than those in the other. The statement read out rapidly by my hon. friend that it was difficult to follow him. Anyhow, I stand for this principle that if persons are found to have been entrusted with the same kind of responsibility and duties, it is incumbent on the Government to see that there is parity and they should not be differentiated on mere technical grounds.

Shri C. R. Pattabhi Raman: Sir, I have already stated that we cannot compare Government servants with the working journalists in the private sector. In the case of Government they are concerned with production of certain periodicals whose utility is limited to those who are interested in the subject. On the other hand, the

working journalists in the private sector cater to the needs of the public.

For the benefit of Shri Kamath, I shall detail the service conditions of these people. The earned leave for a government servant is 1/11th of the period spent on duty subject to accumulation upto 180 days but leave is allowed upto 120 days at a time. Compared to this, the working journalist in private employ gets one month's leave for every 11 months spent on duty subject to a maximum of 90 days.

Shri Hari Vishnu Kamath: After how many years of service?

Shri C. R. Pattabhi Raman: I shall come to the temporary and quasi-permanent servants presently. Now, a government servant gets half pay leave for 20 days for each completed year of service on private affairs or medical certificate. It can be commuted into leave on full pay on production of medical certificate equal to half the amount of half pay leave; commuted leave during the entire service is limited to 240 days. Earned and commuted leave combined should not exceed 240 days. Compared to this the working journalists gets one month half pay leave for every 18 months subject to a maximum of 90 days. Leave on medical certificate may be converted into half the amount of leave on medical certificate on full average pay. Earned and converted leave on medical certificate on full wages should not exceed 120 days. While in Government service one gets leave salary at the average of ten months pay or substantive pay whichever is greater, a private working journalist's leave salary is the average of 12 months.

Then, I may refer to the hours of work. So far as the Government servants are concerned, it comes to 39 hours a week with second Saturday off in a month. The present increase due to emergency has not been taken into account. So far as the working journalists are concerned, it is six hours

per day for day-shift and five and a half hours for night shift; 144 hours for four consecutive weeks.

Regarding holidays, for Government servants, there are 16 holidays which do not fall on Sundays plus two restricted holidays in a year. So far as the working journalists are concerned, they get ten holidays in a year.

Regarding medical facilities, the Government servants are entitled to the CHS scheme on payment of nominal fee according to pay. It is compulsory in Delhi. So far as the working journalists are concerned, no medical facilities are provided. About residential accommodation...

Mr. Deputy-Speaker: The hon. Minister need not read all those things.

Shri C. R. Pattabhi Raman: I was just reading them out for the information of my hon. friend for whom I have great respect. I am sorry I was hurrying, and I apologise. I am not going into greater details. I shall only mention the very important things. With regard to residential accommodation, for the Government servants, arrangements for residential accommodation have been made and those who are not allotted Government accommodation are granted house-rent allowance up to 7½ per cent if the rent is in excess of 10 per cent. So far as the working journalists are concerned, no residential accommodation is provided to them and no house-rent is payable.

Shri Hari Vishnu Kamath: Does all this apply to proof-readers?

Shri C. R. Pattabhi Raman: Unfortunately, I had the disadvantage of his absence then, at the crucial moment. He is present only now. Earlier, I was referring to the Press Commission, and mentioned about the proof-readers.

Shri Hari Vishnu Kamath: I am sorry I missed the crucial moment. Let him lay it on the Table.

Shri C. R. Pattabhi Raman: I am sure he could make a reference to them. Then, the hon. Member wanted to know about the gratuity. Regarding terminal gratuity, one-third of a month's pay is given, provided the temporary Government servant has completed five years' service. A quasi-permanent employee will in addition get one-third of a month's pay for each completed year of quasi-permanent service. In addition, death gratuity up to three months' pay in case of temporary persons, and four months' pay in case of quasi-permanent persons is allowed. So far as the working journalists are concerned, the gratuity is 15 days' average pay for every completed year of service.

Then, retirement gratuity is also important. There are only two more items: retirement gratuity and pension. So far as retirement gratuity is concerned, for the Government servants, it is half a month's pay for each completed year of service, subject to a maximum of 15 months' pay or Rs. 24,000 whichever is less. In the case of death, the family gets gratuity equal to 12 months' pay or in the case of those persons who die before putting in five years' qualifying service, their families get six months' pay.

Regarding pension, for Government servants, after ten years' qualifying service, pension not exceeding Rs. 8,100 per annum is admissible. Family pension is also admissible. So far as

the working journalists are concerned, no pension is admissible under the existing provisions of the Acts.

Finally, as the distinguished Member knows, there is the advantage under article 311 of the Constitution. Where a Government servant is either suspended or his services are dispensed with, the Supreme Court has held that even a demotion and suspension will amount to punishment and so the Government servant will be entitled to the benefit under article 311 of the Constitution.

Shri Hari Vishnu Kamath: Sir, I want a clarification. If the conditions of service are better for the Government employees, then I submit, and the House will agree, that the same conditions should be applied to the working journalists. There should be parity; otherwise, these do not stand to reason; they are not convincing either. There should be no discrimination.

Mr. Deputy-Speaker: The question is:

Page 10,—

omit lines 1 to 10. (7).

The Lok Sabha divided.

Shri Krishnapal Singh (Jalesar): I am for Ayes. It has not come up on the board there.

Mr. Deputy-Speaker: All right.

Division No. 11]

AYES

[14.57 hrs.

Bade, Shri
Banerjee, Shri S. M.
Berwa, Shri
Bhattacharya, Shri Dinen
Buta Singh, Shri
Dasji, Shri
Dwivedy, Shri Surendranath
Elias, Shri Mohammad
Gupta, Shri K. R.
Kachhavaiya, Shri

Kamath, Shri Hari Vishnu
Karjee, Shri
Kesar Lal, Shri
Koya, Shri
Krishnapal Singh, Shri
Kunhan, Shri P.
Mahato, Shri Bhajahari
Mahida, Shri
Marandi, Shri
Mukerjee, Shri H. N.

Murmu, Shri Sarker
Pottakkatt, Shri
Ranga, Shri
Reddy, Shri Eswara
Reddy, Shri Narasimha
Roy, Dr. Saradish
Sen, Dr. Ranen
Swamy, Shri Shivamurthi
Utiya, Shri
Vimla Devi, Shrimati
Warior, Shri

NOES

Achal Singh, Shri	Lalit Sen, Shri	ne, Shri
Arunachalam, Shri	Laxmi Bai, Shrimati	Reddiar, Shri
Azad, Shri Bhagwat Jha	Lakshmi Das	Saraf, Shri Sham Lal
Barupal, Shri P.L.	Mahtab, Shri	Sarma, Shri A. T.
Basappa, Shri	Mahirshi, Shrimati Sarojini	Satyabhama Devi, Shrimati
Bawant, Shri	Malaicham., Shri	Sen, Shri P. G.
Bhargava, Shri M. B.	Mallick, Shri	Sharma, Shri A. P.
Bhattacharyya, Shri C. K.	Maniyangadan, Shri	Sharma, Shri D. C.
Brajeshwar Prasad, Shri	Matcharaju, Shri	Sheo Narain, Shri
Chandak, Shri	Mathur, Shri Harish Chandra	Shinde, Shri
Dafie, Shri	Mehrotra, Shri Braj Bihari	Shree Narayan Das, Shri
Das, Shri N. T.	Minimata, Shrimati	Siddananjappa, Shri
Dassappa, Shri	Mishra, Shri Bibhuti	Singh, Shri K. K.
Dessai, Shri Morarji	Mohanty, Shri G.	Singh, Shri R. P.
Deshmukh, Shri Shivaji Rao, S.	Morarka, Shri	Sonavane, Shri
Dube, Shri Mulchand R. G.	Murti, Shri M. S.	Strinivasan, Dr. P.
Dwivedi, Shri M. L.	Naik, Shri D. J.	Sumat Prasad, Shri
Gaitonde, Dr.	Naik, Shri Maheswar	Swamy, Shri M. P.
Gajraj Singh, Rao	Nallakoya, Shri	Tiwary, Shri D. N.
Harvani, Shri Ansar	Pandey, Shri R. S.	Tiwary, Shri R. S.
Iqbal Singh, Shri	Pandey, Shri Vishwa Nath	Tula Ram, Shri
Jadhav, Shri M. L.	Panna Lal, Shri	Tulmohan Ram, Shri
Jedhe, Shr	Patel, Shri Chhotubhai	Vaishya, Shri M. B.
Jyotishi, Shri J. P.	Patel, Shri Mansinh P.	Varma, Shri Ravindra
Kadadi, Shri	Patel, Shri P. R.	Veerabasappa, Shri
Kamble, Shri	Patel, Shri Rajeshwar	Venkatasubaiyah, Shri
Kanungo, Shri	Patil, Shri D. S.	Verma, Shri B.
Khanna, Shri P. K.	Patil, Shri S. B.	Verma, Shri K. K.
Lakhan Das, Shri	Pattabhai Raman, Shri C. R.	Vidyalankar, Shri A. N.
	Prabhakar, Shri Naval	Vyas, Shri Radhelal
	Raju, Shri D. B.	Yadava, Shri B. P.
	Ram Swarup, Shri	

Mr. Deputy-Speaker: The result of the Division is as follows:

Ayes 31; Noes 95.

The motion was negatived.

Mr. Deputy-Speaker: There is amendment No. 56 to clause 8.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was then added to the Bill.

Clause 10—(Amendment of Act 29 of 1958).

Mr. Deputy-Speaker: Clause 10. There is one Government amendment.

Shri C. R. Pattabhi Raman: I beg to move:

Page 11,—

for lines 10 and 11, substitute—

"(b) in section 9—

(i) in sub-section (1), for the words 'the working journalist may', the words 'the working journalist himself, or any other person authorised by him in writing in this behalf or in the case of the death of the working journalist, any member of his family may' shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—" (73).

Shri C. K. Bhattacharyya: I have got amendment Nos. 32, 33 and 34.

Mr. Deputy-Speaker: I shall put them to the vote of the House.

Shri C. K. Bhattacharyya: Amendment No. 33 has been substantially

[Shri C. K. Bhattacharyya]

accepted by the Deputy Minister. But amendment Nos. 32 and 34 should be regarded as moved and withdrawn. I beg to move:

(i) Page 11, line 14, after "Government" insert—

"in whose jurisdiction the working journalist is employed" (32).

(ii) Page 11, line 25, after "shall" insert—

", on a complaint being made by any aggrieved working journalist or a Trade Union of Journalists or an Inspector appointed under sub-section (1) of section 17B of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955," (34).

15 hrs.

Mr. Deputy-Speaker: I do not know what purpose will be served by this. Does the hon. Member have the

leave of the House to withdraw his amendments Nos. 32 and 34?

Some Hon. Members: No.

Mr. Deputy-Speaker: Then I will put it to the House.

The question is:

(i) Page 11, line 14, after "Government" insert "in whose jurisdiction the working journalist is employed" (32).

(ii) Page 11, line 25, after "shall" insert—

", on a complaint being made by any aggrieved working journalist or a Trade Union of Journalists or an Inspector appointed under sub-section (1) of section 17B of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955," (34).

The Lok Sabha divided.

Shri Hari Vishnu Kamath: My vote may be added to "Ayes".

Division No. 12]

AYES

[15.03 hrs.

Bade, Shri	Kamath, Shri Hari Vishnu	Murmu, Shri Sarker
Banerjee, Shri S. M.	Karjee, Shri	Pottakkatt, Shri
Bhattacharya, Shri Dinen	Kesar Lal, Shri	Reddy, Shri Eswara
Buta Singh, Shri	Koya, Shri	Roy, Dr. Saradish
Chaudhuri, Shri Tridib Kumar	Krishnapal Singh, Shri	Reddy, Shri Narasimha
Daji, Shri	Kunhan, Shri P.	Sen, Dr. Ranen
Dwivedy, Shri Surendarnath	Mahato, Shri Bhajahari	Shashank Manjari, Shrimati
Elias, Shri Mohammad	Mahida, Shri	Utiya, Shri
Gupta, Shri K. R.	Marandi, Shri	Vimla Devi, Shrimati
Kachhavaiya, Shri	Mukerjee, Shri H. N.	Warior, Shri

NOES

Achal Singh, Shri	Das, Shri B. K.	Jedhe, Shri
Aney, Dr. M. S.	Das, Shri N. T.	Jena, Shri
Arunachalam, Shri	Dasappa, Shri	Jyotishi, Shri J. P.
Azad, Shri Bhagwat Jha	Desai, Shri Morarji	Kadadi, Shri
Bakliwal, Shri	Deshmukh, Shri Shivaji Rao S.	Kamble, Shri
Barupal, Shri P. L.	Dbuleshwar Meena, Shri	Kanungo, Shri
Basappa, Shri	Dube, Shri Mulchand	Kindar Lal, Shri
Baswant, Shri	Dubey, Shri R. G.	Lukhan Das, Shri
Bhargava, Shri M. B.	Dwivedi, Shri M. L.	Lalit Sen, Shri
Brahm Prakash, Shri	Gajraj Singh Rao	Laxmi Bai, Shrimati
Brajeshwar Prasad, Shri	Gaitonde, Dr.	Mahishi, Shrimati Sarojini
Dafe, Shri	Iqbal Singh, Shri	Malaichami, Shri
Daljit Singh, Shri	Jadhav, Shri M. L.	Mallick, Shri

Maniyangadan, Shri	Prabhakar, Shri Naval	Sonavane, Shri
Matcharaju, Shri	Raj Bhadur, Shri	Srinivasan, Dr. P.
Mathur, Shri Harish Chandra	Raju, Shri D. B.	Subramanyam, Shri T.
Mehrothra, Shri Braj Bihari	Ram Swarup, Shri	Sumat Prasad, Shri
Minimata, Shrimati	Rane, Shri	Swamy, Shri M. P.
Mishra, Shri Bibhuti	Rao, Dr. K. L.	Tiwary, Shri D. N.
Mohanty, Shri G.	Reddier, Shri	Tiwary, Shri R. S.
Morarka, Shri	Roy, Shri Bishwanath	Tula Ram, Shri
Murti, Shri M. S.	Saraf, Shri Sham Lal	Tulmohan Ram, Shri
Naik, Shri D. J.	Sarma, Shri A. T.	Vaishya, Shri M. B.
Naik, Shri Maheswar	Satyabhama Devi, Shrimati	Varma, Shri Ravindra
Nallakoya, Shri	Sen, Shri P. G.	Veerabasappa, Shri
Pandey, Shri R. S.	Sharma, Shri A. P.	Venkatasubbiah, Shri
Pandey, Shri Vishwa Nath	Sharma, Shri D. C.	Verma, Shri B.
Patel, Shri Mansinh P.	Shahsi Ranjan, Shri	Vidyalankar, Shri A. N.
Patel, Shri P. R.	Sheo Narain, Shri	Vyas, Shri Radhelal
Patel, Shri Rajeshwar	Shree Narayan, Das, Shri	Yadav, Shri Ram Harkh
Patil, Shri D. S.	Siddananjappa, Shri	Yadava, Shri B. P.
Patil, Shri S. B.	Singh, Shri K. K.	
Pattabhi Raman, Shri C. R.	Singh, Shri R. P.	

Mr. Deputy-Speaker: Ayes 30; Noes 97. The amendments are lost.

The motion was negatived

Mr. Deputy-Speaker: I shall now put the Government amendment No. 73.

The question is:

Page 11, for lines 10 and 11, substitute—

(b) in section 9—

(i) in sub-section (1); for the words 'the working journalist may', the words 'the working journalist himself, or any other person authorised by him in writing in this behalf or in the case of the death of the working journalist, any member of his family may' shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—" (73).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 10, as amended, stand part of the Bill".

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Mr. Deputy-Speaker: There are two amendments to clause 1. Anybody moving them? No.

The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri C. R. Pattabhi Raman: I beg to move:

"That the Bill, as amended, be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

15.07 hrs.

PERSONAL INJURIES (EMERGENCY PROVISIONS) BILL

The Deputy Minister in the Ministry of Labour and Employment and Planning (Shri C. R. Pattabhi Raman): Sir, I beg to move: *

"That the Bill to make provision for the grant of relief in respect of certain personal injuries sustained during the period of the emergency, be taken into consideration."

The purpose of this Bill is, as has been explained in the Statement of Objects and Reasons, to empower the Central Government to formulate a scheme under which financial relief could be given to persons, other than purely military personnel, who sustain personal injuries during the em-

* Moved with the recommendation of the President

[Shri C. R. Pattabhi Raman]

ergency and are engaged in occupations or services connected directly or indirectly with our defence efforts. Hon. Members may be aware that a similar scheme was introduced at the time of the last War and continues to be in force. The necessity for fresh legislation has arisen since the War Injuries Ordinance of 1941 and the Scheme framed thereunder had specific reference to the hostilities during the last war and cannot be utilised to deal with the present situation. Even today some pensions are being paid under the old provision.

In modern warfare no individual can be completely insulated against the effects of enemy attack, particularly when there is aerial bombing. It would not be possible to provide financial relief to all persons who are incapacitated, whether physically or mentally, due to military operations. Moreover, timely shifting away from the normal place of residence to safer areas would provide some protection to unattached persons not in regular employment. But it is necessary that persons employed in essential undertakings and services should stick to their place of duty, irrespective of the nature and intensity of threats of attack. Members of the civil defence organisations in particular have to expose themselves to special risks. It is, therefore, only proper and just that such persons, or their dependents in case of the death of the former, should be provided with a minimum of relief. The quantum of relief can in a sense be a full compensation for the loss of earning capacity resulting from personal injuries. No account will, therefore, be taken of the position or income of the person injured at the time of the injury. It will only be ascertained whether he was gainfully employed or not. That has been specially defined in the Act as has been done in older enactments. The rates of relief will be related only to the severity of the injuries. These rates will be fixed, as was done during the last war, at amounts equivalent to

the rates of pension and injury allowance drawn by the lowest paid combatant ranks of the army. Civil defence volunteers and persons employed in certain occupations specified by Government will be entitled to slightly higher rates of relief as for the next higher ranks in the army.

Apart from financial relief, injured persons would require medical attention. Government, therefore, propose to arm themselves with power to direct dispensaries and hospitals to provide medical and surgical treatment in respect of personal injuries sustained by gainfully occupied persons or personal service injuries sustained by civil defence volunteers.

I hope the House will appreciate the urgency of this measure and give its approval to the Bill.

Mr. Deputy-Speaker: Motion moved.

"That the Bill to make provision for the grant of relief in respect of certain personal injuries sustained during the period of the emergency be taken into consideration."

Three hours are allotted for this Bill.

Shrimati Vimla Devi (Eluru): Mr. Deputy-Speaker, Sir, we welcome the Personal Injuries (Emergency Provisions) Bill. Since our country is facing war conditions, this piece of legislation is very necessary. It is ironical that though our people and Government stood all these years for peace, war has been forced on us. Because the people know the Government's peaceful policies, they are aroused and angry, and they are willing to fight and sacrifice their all for the sake of their motherland. Our people till now engaged in peaceful construction have been forced to prepare for war. But, Sir, the Chinese propaganda now is, it wants, after the shameful attack on India, to hide behind the suggestion that the Indian Government should not disrupt Asian unity. But let it be clearly and boldly

said that it is not India which has disrupted Asian unity, but it is the Chinese who have stabbed Asian unity in the back. If they want peace as they shout, they should give up their equivocal proposals and accept India's clear and just proposals. But let it be also known that if we must, we shall fight to the last drop of our blood for the motherland.

All sections of our people have come forward willingly to help the war efforts and face the risks bravely. In modern warfare, it is not only the combatants who suffer, who are injured; modern warfare brings war to every door step. No one is immune and no one is safe. It is, therefore, just and proper for us to help, protect and compensate those who are injured. Though to a certain extent the man who is injured is alone the man who has to bear the physical distress, let us all join together and try to mitigate the harm as far as possible. This Bill is meant to fulfil this purpose and is therefore most welcome and commendable.

Having said this, Sir, I have a few remarks to make on the provisions of the Bill. According to the scheme of the Bill, we do not know the scales of compensation nor the authority who will decide it. All these have been left to the Government for preparing a scheme for this purpose. I can only suggest and emphasise that the scheme prepared by the Government should provide adequate compensation. The compensation provided should not be a token amount but it must fulfil what it aims to achieve, that is, fully help the injured person.

Secondly, the scheme must provide for just and speedy disposal of cases. We know what inordinate delays there are in implementing the Workmen's Compensation Act. Sometimes, it takes nearly two to three years before the compensation is given. So monetary and medical aid must be given immediately. It will help the Injured to be cured quickly, mental-

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ly and physically. It would be shameful if any injured person is lost in the webs of bureaucratic machinery.

Thirdly, while the injured are hospitalised, they must get their full remuneration if they are drawing less than Rs. 100 per month.

Then, there is no provision for the injured persons to appeal against the bureaucrats if they refuse to do their duty or if they are unjust. Provision for this should be made in clause 3(6). We are seeing violations of the Workmen's Compensation Act. So, if employers fail to give information about injuries sustained by employees they should be taken to task and severely punished.

Though many acts are made to benefit the people, they are not implemented properly. Therefore, the implementation must be very efficient. Also, persons who are benefited by the Acts, many of them do not know that such Acts are existing and, therefore, wide publicity must be given to the Act.

The Government should agree to lay on the Table of the House the scheme it prepares under Clause 3 of the Bill, so that the Parliament can have an opportunity to discuss it.

Then, as a necessary complement of this Act, to protect workers who are not covered by the Workmen's Compensation Act or the Employees' Insurance Act, legislation should be brought at an early date, as has been visualised in the Statement of Objects and Reasons.

Sir, we are passing through trying times, but I have no doubt that the unity and determination of the people shall enable us to come out victorious. I only hope that this good piece of legislation may be never required in practice. But one must keep one's powder dry, and it is good to have such a legislation.

Sir, I again welcome this measure.

Dr. Gaitonde (Goa, Daman and Diu): Mr. Deputy-Speaker. Sir, I welcome this Bill. I have read it very carefully and I have found a few interesting things. Therefore, I would like to draw the attention of the Government to certain points which I do not understand.

I have a copy of the Bill here. When we come to the Financial Memorandum they say: "...the extent of which cannot be estimated at present". We are told that this Bill is very similar to the Bill that was enacted by the British in 1941.

Shri S. M. Banerjee (Kanpur): By an Ordinance.

Dr. Gaitonde: Yes, by an Ordinance. The British did not follow this pattern in the sense that before enacting this Bill they had something else. They had earlier passed a Civil Defence Act in July, 1939 for England. We have done just the reverse. We have first passed the Defence of India Act. So far, the Civil Defence Act has not been passed. Unless a Civil Defence Act is passed, this Bill becomes an isolated Bill without any relation to the whole aspect of the problem. I will tell you why. Unless we know what is going to be the compensation, this Bill does not have any meaning.

The problem is, how is it possible to estimate the compensation? This work has been already done. I had a talk with some friends who said that this was impossible. But, as I said, these 'impossible' things have been already done in other countries. In England itself, if you go through the documents of the war, you will find that long before the war, since 1924, they were studying this problem and they had certain estimates. Without making estimates, I do not know how a Bill like this will work. I will give you some figures that they reached in 1938. In 1938 their estimated compensation was £120 million. That means they had studied this problem.

Why can't we study in the same way. The way they studied was this. This was a Cabinet decision, and I thought that the Minister when he presented the Bill would tell us something about the background of this type of Bill.

In England, as there were many difficulties as regards the finding out as to how many casualties will exist, they first tried to find out what will be more or less the quantum of attack or how many bombs are likely to fall in England. This was done and the estimates were extremely high and yet all the civil defence was based on these estimates. At the end, I will give you some of the data which, I think, are interesting. We should not discard them completely.

Now the first basis for this work was the bombardment of Barcelona. Then they found out what happens to a city when there is no civil defence. They have given some numbers in that connection. I am not giving all the numbers here, but they can be found out from the British documents which are all published. The calculation is more or less like this: there will be 50 to 72 casualties per ton of bomb. They believed that 3,500 tons will be thrown over England in the first 24 hours and after that 700 tons a day. We need to have some idea as to the money that will be needed for compensation on this basis. Otherwise, if we go according to the data given by the British authorities, the amount will be quite astronomical, more than our whole budget. I do not know what the Minister thinks about this data. I hope in the answer at the end he will say something about the data, how the money will come and how much will be needed.

They have also referred to the mental cases. Does the Government, does the Minister, have any idea of the number of mental cases when there is warfare? In England, according to their calculation, they found that the number would be very very high and in the beginning they thought that payment of compensation was impos-

sible. Fortunately, their civil defence was perfect. Because it was perfect, in all the five and a half years of war they lost about 1½ lakhs dead and three times that number wounded. That is the relationship in the case of all wars—three injured for every one dead. The specialists in mental diseases then told the Government that they will have three mental patients for every one physically injured.

Have all these numbers been worked out by the Ministry? Or has anybody thought about this problem? I believe this is extremely important. I am asking this question as a suggestion for the Government officials to study this problem, because the mere passing of a Bill will not do. For example, in England about 1,000 new operation theatres were built during the war-time. We simply say that the injured persons will go to the dispensary etc. But how the dispensaries will work; I do not know.

I believe that we should know at least the magnitude of the problem. Unless that is known we will not be in a position to know what to do. So, the first thing is to find out the target and the second thing is to find out how much money will be needed. This had been done not only in England but in all the countries before the war began. Now we are in the midst of war and yet nothing has been done. This isolated Bill has no relation to the whole context. So, I do not understand it. Therefore, with due apologies to the people who have brought forward this Bill, I would like to suggest that this problem should be studied properly and if not now, very soon, some other Bills should come up in the same line. Now we are told that we are following the British pattern and yet the most important Bill, the Civil Defence Act, is not there. So, my request to the Government is to see that the Civil Defence Act is enacted as soon as possible.

Shri D. C. Sharma (Gurdaspur): We have got the Defence of India Act.

Dr. Gaitonde: That is completely different from the Civil Defence Act. This problem was studied by the British authorities in a very beautiful way and they took a long time to study it. They first passed the Civil Defence Act in July 1939 and, afterwards, the Defence Act on 24th August, 1939. So, my suggestion to the Government would be to let the specialists and officials study this problem.

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Deputy-Speaker, Sir, while generally welcoming the provisions of the Bill, one cannot help being struck by the curious irony of fate, not uncommon in the chequered history of mankind, which has compelled the Treasury Benches to bring in before the House, one after another, measures which were adopted and promulgated by the British imperialist regime just over two decades ago. Within fifteen years of independence, we are in the midst of a war, undeclared though it be, and we are patterning our legislation more or less on the model of the laws that were passed by the British Government which imprisoned most of my friends on the other side, and this side of the House as well, of which we had no knowledge at that time, because we did not bother to look into them at all at that time.

At the outset, before going into the merits of the case, may I again make a request to you, Mr. Deputy-Speaker, and to the Treasury Benches through you, that the rules of the House, the Rules of Procedure, particularly rule 69, needs amendment? Again and again, on previous* occasions, I had referred to this matter, and I am repeating and reiterating the suggestion today on this occasion as well.

Rule 69, sub-rule (1) is very clear, definite and categorical. In the case of a money Bill, it is mandatory under

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article 110 of the Constitution that the President has duly to certify it and recommend it for consideration by Parliament. Rule 69 of the Rules of Procedure is mandatory and definite on this point that:

"....and shall also give."

Please read the wording; please look at the wording of the rule; the word used is "shall".

"....and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

On a previous occasion, I had raised this matter and I had suggested that the rule should be amended to apply to those Bills in the case of which the circumstances are such that the estimate could not be given. If this rule is not amended and it stands, as it is, this Bill before us, before the House, cannot be considered at this stage. I am sorry, this is an emergency through which we are passing, but we should have provided for an emergency also in these rules, and now before any such Bill comes before the House I hope this rule would be amended so as to include within the purview of this rule Bills where no estimate could be given, contrary to the provisions of sub-rule (1) of rule 69 of the Rules of Procedure, as it now stands.

The rule is very categorical. It says "shall", not "may" or that in particular cases it need not be given; it says "shall also give an estimate of the recurring and non-recurring expenditure". Now, may I read the Financial Memorandum attached to the Bill? It merely says:

"The relief proposed will involve expenditure from the Consolidated Fund of India, the extent of which cannot be estimated at present."

It is completely contrary to sub-rule (1) of rule 69, which says that an

estimate shall be given. Now this Memorandum says that it cannot be given.

I do not know if you can give a ruling on this point as to whether it can be considered before I proceed further. It is up to you to give a ruling on this point. I have raised a point of orders. Will you, Sir, kindly give a ruling before I proceed with the merits of the Bill?

Shri C. R. Pattabhi Raman: If I may endeavour to assist to the extent possible, it is in the very nature of the enactment that there can be no definiteness about the estimate.

Shri Hari Vishnu Kamath: Amend the rule.

Shri C. R. Pattabhi Raman: Aerial bombing may be in big cities or it may be confined to strategic points. No one can foresee now what the extent of the damage will be, what the extent of Government's undertaking will be and what the extent of Government's compensation will be. What really happens in these matters is that assent is taken because it may involve expenditure. It is only a permissive thing. It is true that the word 'shall' is there as has been quoted by the hon. Member, but there are cases where it will not be possible, in the very nature of the enactment, to estimate correctly, or even approximately, the expenditure. There may be nothing at all for all we know or it may mean anything. But the provision has to be made for personal risk.

Shri Hari Vishnu Kamath: I appreciate the Government's difficulty and it is not my purpose to obstruct. The rule should be amended.

Mr. Deputy-Speaker: I think, the provision in the rule has been complied with. They cannot estimate it at this stage. The hon. Member will realise that it may not happen at all; but if it happens, to what extent it happens nobody can say.

Shri Hari Vishnu Kamath: My submission is that the Rules of Procedure should be amended to cover such Bills.

Mr. Deputy-Speaker: Wherever an estimate is possible the Government is bound to give it.

Shri Hari Vishnu Kamath: But here it does not have the words "wherever it is possible".

Mr. Deputy-Speaker: But the financial memorandum, I think, complies with the rule. We shall proceed with the Bill.

Shri Ranga (Chittoor): It is within your province to suspend for the time being the operation of that rule.

Mr. Deputy-Speaker: That we will see. The rule, as it is, has been complied with sufficiently. The clauses which involve financial expenditure have been printed in bold letters and the financial memorandum also says that it is not possible to estimate it at present. I think, it has been complied with.

Shri Ranga: After all, they should have attempted to impress the country with their idea of seriousness by saying that although it is not possible for them to estimate it accurately, they propose to set apart Rs. 5 crores or Rs. 5 lakhs or Rs. 10 crores for this purpose. If they had said that, they would have complied with this rule.

Shri Hari Vishnu Kamath: With due reference to your judgment I would like to make one brief remark. You said that it has sufficiently complied with the rule, but I submit in all humility that there is no sufficient compliance; either there is compliance or there is non-compliance. There is no sufficient compliance.

I will now proceed to the merits of the Bill before the House. My hon. friend, Dr. Gaitonde, was quite right when he referred to this case of—shall I say—inverted priority. Perhaps it is that which he has in mind.

The Civil Defence Act should have been passed by this House first and then this measure which includes so many things about civil defence authorities, civil defence service, civil defence volunteers and organisation. The definition clause includes these terms and it would have been better if the Parliament had adopted a comprehensive Civil Defence Act which is as important as military defence on the frontier. But here, apparently, I do not know what the motive and the intention of the Government is. According to this clause, that is, clause 2, civil defence organisation means any organisation established for civil defence purposes. Do you follow this? It says:

"civil defence organisation" means any organisation established for civil defence purposes."

What is civil defence, nobody knows. What is civil defence is not defined.

Shri C. R. Pattabhi Raman: It has been defined in the Defence of India Act which has already been passed.

Shri Hari Vishnu Kamath: I do not know; but I am very glad if it has been defined there. But the force of the argument of my hon. friend, Dr. Gaitonde, still remains that Civil Defence Act should be a comprehensive measure.

Shri Bade (Khargone): My submission is that Shri Kamath is right in this. When a definition is given in another enactment, it is said "as defined in that Act". So, here it should be said "civil defence as defined in that Act".

Shri Hari Vishnu Kamath: It should be here also. I was going to say that but I did not want to take the time of the House. It should not be there only in the Defence of India Act.

Shri C. R. Pattabhi Raman: Even there....

Shri Hari Vishnu Kamath: We do not want what is given there.

Shri C. R. Pattabhi Raman: I am guided by the Chair, not by the hon. Member.

Shri Hari Vishnu Kamath: I am not yielding.

Shri C. R. Pattabhi Raman: I find that he has built a structure without any foundation.

Shri Hari Vishnu Kamath: You are building it on sand.

Shri C. R. Pattabhi Raman: I do not want to use.....

Shri Hari Vishnu Kamath: Better think before you speak.

Shri C. R. Pattabhi Raman: It says:

"In this Act, unless the context otherwise requires,—

"civil defence" includes any measures not amounting to actual combat, for affording defence against any form of hostile attack by a foreign power or for depriving any form of hostile attack by a foreign power of its effect either wholly or in part whether such measures are taken before, during or after the time of the attack;".

Mr. Deputy-Speaker: Which is that Act that he is reading from?

Shri C. R. Pattabhi Raman: From the Defence of India Act.

Shri Ranga: That should be quoted here.

Shri Hari Vishnu Kamath: Anyway, let him have it. The Treasury Benches can have it.

Now, please turn to the statement of objects and reasons. There are various statements made there which are at the present stage of clarification or explanation by the hon. Minister somewhat obscure. Perhaps a little more light needs to be shed on some of the statements made in the statement of objects and reasons. It opens with the words:—

"The War Injuries Ordinance, 1941".

Of course, they were not responsible for this Ordinance in 1941—naturally; but later on it is stated that the Ordinance still continues to be in force. I do not know why in the 15 years of independence we could not either convert an Ordinance passed by the British Government into an Act or repeal it. Some sort of regularisation should have been done. The War Injuries Ordinance passed by the British Government in 1941 still continues as an Ordinance in 1962, the year of grace!

Shri H. N. Mukerjee (Calcutta Central): How can it?

Shri Hari Vishnu Kamath: That is why I want light to be shed on it. We would like to know what the provisions of that Ordinance are and why it should continue in force today still as an Ordinance with our Government in saddle for 15 years now. Perhaps these old measures were lying as lumber and now because unfortunately we have got to fight a war these have been brought out from under-cellars and are applied today at leisure.

May I invite your attention to two kinds of injuries that are envisaged in this Bill, namely, personal injuries and personal service injuries? I hope that whoever is charged with the task of assessing compensation for these injuries will be a person who is not merely competent from a mechanical or an official point of view but has also got the rather intangible qualities of human sympathy and understanding.

May I, for the benefit of the Treasury Benches, read out, by your leave, certain very illuminating extracts from this very useful book, *Damages for Personal Injuries* by Mr. John Munkman which was published in 1956. I am sure, my hon. friend, Shri Pattabhi Raman, in the course of his wide reading has come across this book. It includes case

law even dating back to the Second World War. Here he has tried to explain what personal injuries are. It is very illuminating and very useful and I hope, if Shri Pattabhi Raman has not read it, he will read it at leisure very soon.

"In every case of personal injuries, there are two main factors which have to be taken into account in assessing the damages.

On the one hand, there is the personal injury itself ranging from the loss of a limb or other part of the body to slight cuts or bruises, and involving not only pain and hardship, but also the loss of the pleasures of life."

That is why I said that the man charged with this task should have plenty of human sympathy and understanding. It goes on to give illustrations. I do not want to read the illustrations.

Mr. Deputy-Speaker: Be brief. There is a time limit.

Shri Hari Vishnu Kamath: The Bill is also important. Three hours have been allotted. I hope the time taken on the point of order is not debited against me.

Mr. Deputy-Speaker: You have taken 20 minutes.

Shri Hari Vishnu Kamath: The point of order took 20 minutes.

Mr. Deputy-Speaker: I did not take more than two minutes.

Shri Sham Lal Saraf (Jammu and Kashmir): The time taken in the point of order will have to be included, I feel. That was the introduction.

Mr. Deputy-Speaker: The point of order is over. Mr. Kamath will continue. Please finish.

Shri Hari Vishnu Kamath: There are two kinds of losses so far as personal injuries are concerned. One is financial or pecuniary loss and the

other is personal loss. He then refers to 'quantifying' that is judging the quantity of financial loss and quantity of personal loss at pages 9 and 10.

An Hon. Member: Lines, please.

Shri Hari Vishnu Kamath: Lines are not marked. I will read one brief paragraph about quantifying personal loss: That is very interesting.

"When we turn to the assessment of the personal loss—the loss of a limb, or an eye, or the endurance of pain and discomfort—it is at first sight an entirely different problem—from pecuniary loss. Different it certainly is—that is what he says—and more difficult; but the difference is not so profound as is sometimes suggested, and the difficulty is no greater than many others which the law is able to resolve.

There are dicta in the older cases—sometimes paraphrased uncritically by legal writers—which suggest that damages for the injury itself, as distinct from the financial loss entailed, are not compensation at all, but a kind of solatium, a sympathetic payment admitted to be less than is really due."

That is an elaborate argument. I hope the Minister will read it closely and carefully before he replies to the debate and if it is not possible, later on. I have one or two points with regard to this measure. I have a number of amendments on which I will speak at the appropriate time.

The last para of the Statement of Objects and Reasons refers again to War Injuries (Compensation Insurance) Act, 1943, again passed during the war time when most of us here and on the other side on the Treasury Benches were in jail. It is said:

"The interests of workers covered by these two enactments (that is, the Employees' State Insurance Act and the Workmen's

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Compensation Act) will be protected either by amending (that is the word used) the War Injuries (Compensation Insurance) Act, 1943".

It has not been brought before the House so far. I do not think so; I am not quite aware; I do not recollect whether it has been amended or an Amending Bill is being brought before the House.

....or undertaking separate legislation on the lines of this Act.....

I do not know what "this Act" means: whether that Act or this Act.

Shri Ranga: The present one.

Mr. Deputy-Speaker: This Act.

Shri Hari Vishnu Kamath: "..... which provides for payment of compensation to the injured person—then the phrase—roughly equal—

Here comes the force of the argument used by Mr. Munkman in this book.

"roughly equal to the difference between the amount paid under the War Injuries Scheme....

We do not know what the War Injuries Scheme is.

....and the amount payable under the Workmen's Compensation Act, 1923.

It says that the difference between these two will be computed. It is very unclear to say the least to me at present. This must be made clear in the course of the reply to the debate what exactly is meant by these phrases and by these sentences. At this stage, I will not make any further observations, but leave the rest of the observations to be made at the clause by clause consideration stage.

Mr. Deputy-Speaker: We will finish this Bill today. We have taken 35 minutes extra over the other Bill.

Shri Hari Vishnu Kamath: The House can extend the time.

Shri S. M. Banerjee: The Minister may reply tomorrow.

Mr. Deputy-Speaker: Let us finish this Bill whatever be the time. Three hours have been allotted. Two hours for general discussion; one hour for clauses.

Shri Hari Vishnu Kamath: Many amendments.

Mr. Deputy-Speaker: Thirty-four amendments: one hour.

श्री बूटा सिंह (मोगा) : उपाध्यक्ष महोदय, यह जो पर्सनल इंजरीज (इमरजेंसी प्राविज़स) बिल हमारे सामने है, सरकार ने इस बिल को पेश करके इस बात का सबूत दिया है कि अपने देश की सुरक्षा के लिये जैसे हमारे फौजी नौजवान सरहदों के ऊपर दुश्मन के साथ लड़ रहे हैं वैसे ही देश के अन्दर अपने देश की रक्षा करने के लिये जो शहरी या नागरिक दुश्मन का सामना करेंगे, जो उन को इंजरीज होंगी, जल्दी होंगे, मर जायेंगे या उनको और मुश्किलात होंगी, ऐसे लोगों को सरकार ने इसमें मुआविजा देने का वायदा किया है। यह एक अच्छी और स्वागत योग्य बात है जोकि सरकार करने जा रही है और इसका तकरीबन इस हाउस के सब मेम्बरान समर्थन करेंगे। मैं अपनी ओर से भी अपनी पार्टी की ओर से इस बिल को बैलकम करता हूँ।

इस बिल में पेज २ पर ब्लाज नम्बर २ (४) जोकि डैफनीशंस के बारे में है "गेन-फुली ग्रोकुपाइड परसन" को इस तरह डिफाइन किया गया है :—

"gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation".

पहिं पर बस खत्म कर दिया है। अब यह एक सच्चाई है कि भारतवर्ष किसानों का देश है और इसमें खेतीवाड़ी का काम करने वाले नागरिकों की संख्या सब से अधिक है। मुझे यह देखकर दुःख हुआ कि किसान जो कि इस देश की रक्षा करने के लिये किसी सिपाही से कम महत्वपूर्ण नहीं हैं उनका सरकार ने इसमें नाम तक नहीं लिखा। जैसा कि मिनिस्टर साहब ने यह बिल इंट्रो-ड्यूस करते वक्त बतलाया कि इस बिल को इंट्रो-ड्यूस करने की आवश्यकता इसलिये हुई कि मौजूदा लड़ाई के तरीके जो हैं वे बहुत पेचीदा हो चुके हैं। जो नागरिक ऐरियल बौम्बिंग से देश की रक्षा करते हुये मारे जायेंगे उनको मुआविजा देने की भी व्यवस्थ की गई है। मैं चाहता हूँ कि मिनिस्टर साहब इस बात को जरा और ध्यान से सोचें और देखें कि खेतों में काम करने वाले किसान और मजदूरों पर जब हवाई जहाजों के जरिये बम गिरेंगे तो क्या उन को भी कोई मुआविजा देने का सरकार इरादा रखती है? उनको इस सुविधा से महरूम रखना ठीक नहीं होगा और इसलिये मैं चाहता हूँ कि सरकार अगर इस बिल में खेतिहार मजदूरों को भी शामिल कर ले तो यह बिल मुकम्मिल हो जायेगा।

दूसरी बात जो मैं आप के ध्यान में लाना चाहता हूँ वह यह है कि इस बिल के पेज ४ पर ब्लाज ३ (५) में यह दिया हुआ है:—

"A scheme may be amended or rescinded at any time by the Central Government."

मैं समझता हूँ कि सरकार को यह इतनी बड़ी ताकत दे देना इस हाउस की तरफ से बाजिब नहीं है कि गवर्नरमेंट खुद स्कीम बनाये, जब चाहे उसको अमेंड कर ले या चाहे तो उसे खत्म भी कर दे। मैं चाहता हूँ कि जब भी किसी स्कीम को अमेंड करना हो या उसको खत्म करना हो, तो उसको इस हाउस के सामने रखना चाहिये और इस हाउस को ही इस बात की ताकत और इस बात का अधिकार

होना चाहिये कि वह उसको अमेंड कर सके या उसको खत्म कर सके।

ब्लाज ३ (६) में कहा गया है:—

"Any decision of the Central Government or other authority empowered to make payments under a scheme as to the making, refusal of amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied, from time to time, by a subsequent decision of the Central Government or such authority..."

आज तक हमने ऐसा कोई कानून नहीं देखा है, जिसमें यह भी लिखा हुआ हो कि इट बिल बेरी क्राम टाइम टू टाइम। मैं चाहता हूँ कि चूंकि अभी तक हमको टाइम टू टाइम बेरी करने का अर्थ नहीं बताया गया है, इस लिये सरकार इस बारे में अपनी नीति को और स्पष्ट करे और इस मामले को निश्चित तौर पर तय कर दिया जाये।

इसके आगे यह लिखा हुआ है:—

".... but save in so far as it is so varied shall be final and conclusive."

मैं चाहत हूँ कि सरकार को यह जो ताकत और अधिकार दिया जा रहा है, उसके साथ ही यह भी प्रोवाइड करना चाहिये कि अगर किसी आफिसर या अथारिटी ने इसके बारे में कोई ऐसा डिसिजन कर दिया है, जो कि जायज नहीं है या जिसके खिलाफ किसी को शिकायत हो, तो एग्रीबल पार्टी को हाई कोर्ट में अपील दायर करने का हक होगा।

मेरा हल्का विल्कुल पाकिस्तान की सरहद के साथ लगता है — मेरा मतलब बागहा पुराना से है — और वहां पर जब किसान खेत को जाता है, तो उस के एक हाथ में राइफल होती है और दूसरे हाथ में हल होता है। ऐसे एक नहीं, बल्कि सैकड़ों इन्सिडेंट्स

[श्री बूटा सिंह]

हमारे ध्यान में लाये गये हैं, जिन में खेत-मजदूरों और किसानों को चोट आई या वे जरूरी हो गये। १९४१ का आर्डिनेंस, जिस को कानून की शक्ति देने के लिये यह विल लाया गया है, अभी तक इन फोसं रहा है। लेकिन मैं आपको बताना चाहता हूं कि उसके जरिये एक भी केस नहीं लिया गया और किसी को पेमेंट नहीं की गई। मैं चाहता हूं कि मौजूदा इमर्जेंसी के लिये सरकार जो यह विल हाउस के सामने लाई है, इसके पास होने के बाद इसके बारे में भी सरकार वैसा ही रवैया अस्तियार न करे।

पेमेंट देने के सिलसिले में इंस्टीट्यूशन प्रारंभाइजेशन रेकग्नाइज्ड बाई पर्वनेमेंट की बात कही गई है। मैं यह अर्ज करना चाहता हूं कि यह लड़ाई का टाइम है, इसमें रेकग्नीशन का क्या मतलब है। जहां भी नागरिक इकट्ठे हो कर अपने देश की हिफाजत और दुश्मन का मुकाबला करने के लिए लड़ते हैं, वहां पर किसी आरग्नाइजेशन की रेकग्नीशन का सवाल नहीं होना चाहिए। रेकग्नीशन का मतलब यह है कि पार्टी इन पावर जिसको रेकग्नाइज करे, क्योंकि सरकार के पास उन्हीं के नाम जायेंगे, जिनकी कांग्रेस सिफारिश करेगी। इसलिए इस किस्म के प्राविजन को विलुक्त नहीं रखा जाना चाहिए। देश की रक्षा करने के लिए किसान, मजदूर और दूसरे नागरिक जहां भी संगठित हो कर कोई भी यत्न करते हैं और किसी हमले में वे जड़मी हो जाते हैं, तो उनको कम्पेसेशन दिये जाने के बारे में रेकग्नीशन का सवाल नहीं होना चाहिए।

मैं चाहता हूं कि जिन बातों की तरफ मैंने आपके जरिये माननीय मंत्री जी का ध्यान आकर्षित किया है, वह उन पर विचार करें और अपनी नीति को स्पष्ट करें।

श्री अचल सिंह (धारारा): उपाध्यक्ष महोदय, इस संकटकालीन स्थिति में इस विल की बहुत आवश्यकता है, क्योंकि विदेशी आक्रमण और युद्ध के समय जो बालन्टियर्ज, होम गार्डंज या रक्षा दब बैररह के लोग डिफेंस का काम करते हैं, अगर उनके लिए कोई इस प्रकार की व्यवस्था न की जाय, तो उनमें काम करने का उत्साह नहीं होगा। इंग्लैंड की नजीर हमारे सामने है। जब जर्मनी ने हमला किया, तो इंग्लैंड पर बहुत बड़े पैमाने पर बार्मिंग किया गया, जिसके परिणामस्वरूप लाखों भकान गिर गए और लाखों आदमी घायल हुए। सरकार ने उन लोगों की मदद की। इसी प्रकार हमारे देश की बहुतमान परिस्थिति को देखते हुए इस विल को पास करना बहुत आवश्यक है।

एक माननीय सदस्य ने यह प्रश्न उठाया है कि इसमें रुपए की कोई निश्चित तादाद नहीं बताई गई है। मैं कहना चाहता हूं कि इस वक्त कोई रकम कैसे निर्धारित की जा सकती है, क्योंकि अभी बार्मिंग बैररह शुरू नहीं हुआ है और अभी इस बारे में कोई एस्टीमेट नहीं लगाया जा सकता है। मैं बताना चाहता हूं कि जब चीन का एथेशन हुआ, तो फिनांस मिनिस्टर ने उसका मुकाबला करने के लिए १०० करोड़ रुपए की रकम मांगी। इसी तरह जब मीका आयेगा, तो सरकार एक स्पेसिफिक रकम की मांग लेकर हाउस के सामने प्रा जायेगी।

जैसा कि मैंने पहले भी कहा है, इस विल का पास होना निहायत जरूरी है, क्योंकि जो लोग इस वक्त रक्षा-कायदे में लगे हुए हैं, उनको इससे काम करने का उत्साह मिलेगा। मैं इस विल का समर्थन करता हूं और आशा करता हूं कि इस विल को पास किया जायगा।

Shri Maniyangadan (Kottayam): I support this Bill. It is mainly intended to enable Government to prepare a scheme as contemplated in clause 3 of this Bill for giving compensation to persons injured as a result of the war. In this connection, while personal injuries etc. are defined in clause 2, clause 3 (1) (a) provides as follows:

"personal injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified;".

In other words, it will be applicable only in this way. *

With regard to the scheme that is going to be prepared by Government under this legislation, there is no provision now for placing it on the Table of the House for its being scrutinised by Parliament. I would request Government to make a provision for placing this scheme on the Table of the House so that it may be scrutinised by Parliament.

15.57 hrs.

[**SHRI MULCHAND DUBE in the Chair**]

Otherwise, we would not be able to know what classes of persons are exempted or what classes of persons are included under this scheme.

There was a criticism here that a Civil Defence Act had not been passed by this Parliament before this measure was taken up. But I would refer to the Defence of India Bill which was passed recently by this House. The term 'civil defence' is defined therein. Moreover, chapter III of that Bill, particularly clauses 7 to 12, are concerned with the civil defence services, and sufficient provisions have been made regarding civil defence in detail. In the light of that, there is absolutely no necessity to have another legislation for civil defence. But the term 'civil defence' as defined in the Defence of India Bill may perhaps be applicable only to that Bill. There-

fore, I would suggest that if it is advisable, a definition of the term 'civil defence' may be included in this Bill also.

As regards the estimates of the expenses that may have to be incurred later on account of passing of this Bill and in paying compensation, I do not know how it is humanly possible to estimate how many persons will be injured, what will be the quantum of injury and all those things. It is, Sir, humanly impossible to do that. It was stated that in England and other places certain estimates were made. But, I do not know how far those estimates proved correct subsequently, if at all such estimates were made. Anyhow, it is pure human knowledge that an estimate of the injury that would be inflicted as a result of the war cannot be foreseen earlier. I do not propose to deal with that much further.

As regards the point of order raised, a ruling has been given and there is no need for us to go into that now.

16 hrs.

In this connection, I would like to bring to the notice of the Government the necessity of more civil defence efforts. If civil defence is not adequately prepared and taken care of, one cannot imagine the calamity that is going to happen to us. The amount that will have to be disbursed under the provisions of this Act also will be very much. But, if civil defence is properly taken up and adequate measures are taken for the protection of the people beforehand, it will be not only a great relief to the people, but it will also help the Government in not spending much on account of this reason.

In this connection, it is highly necessary that the civil defence efforts must be given much more importance. Certain amendments had been proposed and were withdrawn. I do not know the necessity of some of the amendments. I do not propose to deal with the amendments, but I would

[Shri Maniyangadan]

like to stress on the necessity of giving more importance to civil defence efforts. I would also like to repeat what I submitted earlier, namely, that we should include the definition of the term civil defence in this clause. With these words, I finish.

Shri S. M. Bamerjee: Mr. Chairman, Sir, I rise to support this Bill which is the need of the hour. Our country is a peaceful country. We have always followed peaceful means. We never thought that the country which is so friendly to us (which pretended at least to be so) would have embarked on this massive invasion on this peaceful country. Now, Sir, we find that it is not going to end now. We have taken a pledge in this House that we shall not rest unless every inch of our sacred land is recovered from the Chinese invaders. Naturally, this country should prepare itself to meet any emergency including any air raid. When we are trying to defend our country, we must realise that the enemy is a most unscrupulous enemy; they are not at all sincere about a compromise. I take this opportunity in saying that if this latest formula of the Chinese invaders is accepted, it will be a sort of political hat-trick for them. I say, it is a political hat-trick in the sense that first of all, they will mobilise world opinion in their favour. Secondly, they will demoralise the people in our country who stood as one man to defend our motherland as desired by our beloved Prime Minister and thirdly, this will result in unpreparedness of which Government has been accused, and rightly so.

Now, Sir, certain facts have been brought to the notice of the House by my hon. friends Dr. Gaitonde and Shri Kamath and others. This Bill does not say anything about the quantum. What will be the actual method? Are you providing this under the Workmen's Compensation Act or the Employees' State Insurance Act which is already before us?

Sir, it is stated in the Bill as follows:

"Personal injury means a physical or mental injury and includes any disease whether manifesting itself immediately or subsequently caused by the discharge of any missile (including liquid or gas or both); or the use of any weapon, explosive or other noxious thing; or the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy".

Now, Sir, this takes precaution about that. This clause covers, God forbid, nuclear war and the missiles and such after effects of the war. Now, this is all very good, but what about the application? Government are taking measures for preparing the country for air raid. What is our experience in this city itself? In Chandni Chowk, Sir, some work was given for the construction of those walls for air raid to some contractors. The supervisors, overseers or even the engineers belonging to the Corporation were to look after that job. And, what do we find? Even in such act which is taken to defend our people against air raid, we find that there is corruption. I want to know, Sir, what strict measures are going to be taken against those persons who still want to harvest at the cost of the nation. So, with the passing of this Bill, every effort must be taken to see that the job is done correctly and efficiently. It is surprising that even today when the entire conscience of the entire country is exercised over the great need for defence, there are some people in this country who want to harvest at the cost of the nation.

Sir, I would like to know as to who are to frame the rules. When the rules are framed, will those rules be laid on the Table of the House? The amendment is there and I hope, in all

its fairness, the hon. Minister will accept that. Everyone must know what the rules are so that he may be able to explain them fully to those who may unfortunately become victims of this war. With these words, Sir, I support this Bill and I again request the Hon. Minister to make it more clear. Certain clauses are ambiguous and it should be made perfectly clear, because, this has to be applied in a wider scale in respect of all those who are prepared to serve in the national defence or in the civil defence organisations.

Mr. Chairman: Shri Bade.

श्री बड़े : सभापति महोदय, यह जो विल पेश किया गया है, इसका हर कोई स्वागत ही करेगा। चीन ने हमारे साथ धोखेबाजी की है, उसने हम पर हमला किया है और इस हमले के कारण जो नुकसान होने वाला है या जो परसनल इंजीरी होने वाली है, उनके लिए कम्पेंसेशन देने के उद्देश्य से यह जो विल यहां पेश किया गया है, इसका हर कोई स्वागत ही कर सकता है।

लेकिन जब मैं इस विल को पढ़ता हूँ तो पाता हूँ कि शासन ने बहुत ही जटिलबाजी में, बहुत ही हरीडली, इसे तैयार किया है। इसकी जो प्रोविंजंज हैं, वे बराबर नहीं हैं, फैफीनीशंज नहीं दी गई हैं, प्लानिंग तो है लेकिन डिटेल्ज नहीं हैं, स्कीम नहीं है। मैं समझता हूँ कि इतनी हरीडली और इतने हैप्पैज़र्ड वे में आज तक कोई भी विल सरकार की तरफ से तैयार नहीं किया गया है। इस तरह से कोई विल लाकर रख दिया गया हो, ऐसा मैंने आज तक नहीं देखा है। यदि वह एनेक्टमेंट पास भी हो जाय तो भी इसके बास्ते यह शंका पैदा हो गई है कि हमको अलग से जुड़िशल कोर्ट्स बिठलाने पड़ेंगे या इंटरप्रेटर्स बिठलाने पड़ेंगे। इसलिये जब शासन से कहा गया

कि उसको इसमें एक फाइनेंशल मेमो-रैन्डम रखना चाहिये था, कोई एप्राक्सिसमेट अमाउंट इसमें रखना चाहिये था, तो शासन ने कहा कि वह इम्पासिबल है, वह इस समय नहीं हो सकता। यह भी मान लिया गया, लेकिन एक बनाते समय तो उसके सामने कोई प्लैनिंग होनी चाहिये थी। मैं आपको इसकी कुछ वर्डिंग्स बतलाता हूँ। इसमें पेज ३ पर यह स्कीम है :

(8) "scheme" means a scheme made under this Act.

अन्डर दिस एक्ट आखिर कौन सी स्कीम होने वाली है? कौन सी सरकार की योजना है, इसके बारे में यह हाउस बिल्कुल अन्धकार में है। अगर किसी को ऐसे बक्त में इंजरी हो गई तो उसको कैसे कम्पेन्सेशन दिया जायेगा? इसमें कहते हैं:

- (a) personal injuries sustained by gainfully occupied persons.
- (b) personal service injuries sustained by civil defence volunteers.

फिर इसमें मिस्त्रिल डिफेन्स वालेंटिअर्स की डेफिनिशन दी गई है :

"civil defence volunteer", in relation to an injury, means a person certified by an officer of a civil defence organisation authorised by the Central Government to grant such certificates, to have been a member of that organisation at the time when the injury was sustained."

यानी सिविल डिफेन्स वालेंटिअर वह समझा जायेगा जिसको सेंट्रल गवर्नमेंट की प्रथारिटी या स्टिफिकेट दिया जायेगा। उसके अलावा जो दूसरे वालेंटिअर हैं, गांव के आस पास के लोग हैं, जो वहां की जनता है वह अगर बम्बार्डमेंट या अटैक के समय में मदद करती है तो उसे सिविल डिफेन्स वालेंटिअर नहीं समझा जायेगा। केवल

[श्री बड़े]

भारत सेवक समाज के लोगों को ही वालेंटिअर समझा जायेगा । और किसी को भी वालेंटिअर नहीं समझा जायेगा, यह इसके स्पष्ट मतलब होता है । इसके बजाय सिविल डिफेन्स वालेंटिअर की यह डेफिनिशन होनी चाहिये थी:

"civil defence volunteer means all those persons who help in the case of attack or bombardment."

अगर ऐसी डेफिनिशन होती तो वह "ज्यादा वाइड होती और उससे लोगों का ज्यादा समाधान होता । यहां पर सिविल डिफेन्स आर्गेनाइजेशन के बारे में दिया है:

"civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme."

वह कौन सी स्कीम होगी? ऐसी कोई स्कीम नहीं है जिसके अन्तर्गत सिविल डिफेन्स आर्गेनाइजेशन या सिविल डिफेन्स वालेंटियस आयेंगे । इस स्कीम के अन्दर कोई अधारिटी होगी, वह अधारिटी स्टिफाई कर देगी तब उसको सिविल डिफेन्स अधारिटी समझा जायेगा । इसके बारे में हाउस को बिल्कुल अन्धकार में रखा जाता है । शासन के माइन्ड में चंप्यूजन है, उसके अन्दर कोई किलअर आइडिया नहीं है । वह कब और कैसी सेकेन्ड लाइन आफ डिफेन्स और डिफेन्स वालेंटियस तैयार करेगी । इसके सम्बन्ध में गांव गांव में लोग आकाश की तरफ देखते हैं । वह शासन की तरफ देखते हैं कि शासन उनको आदेश दे कि कौन सी सेकेन्ड लाइन आफ डिफेन्स होगी । उसके लिये अधारिटी कौन सी होगी जिसको एप्रोव करना होगा? दूसरे इज नो स्कीम

एट आल । शासन अन्धकार में है, जनता अन्धकार में है, सब लोग अन्धकार में हैं । और यह नैचुरल है । पन्द्रह साल आराम करने के बाद एक दम से हमको हमले का सामना करना पड़ा है । इसलिये तैयारी जल्दी नहीं हो सकती । लेकिन सेकेन्ड वर्ल्ड वार आप के सामने हो चुकी है । सेकेन्ड वर्ल्ड वार में आर्डिनेंस पास हुए थे । उनमें जो स्कीमें थीं उनको सामने रख कर आप योजना बनाते तब भी काम चल सकता था । लेकिन आज अन्धकार ही अन्धकार है । सब कुछ अन्धकारमय मालूम होता है, हाउस में अन्धकार, शासन में अन्धकार और बिल में भी इसके बारे में कोई योजना नहीं । केवल यह बतला दिया गया है कि शासन को यह अधिकार दिया जाय कि वह सिविल डिफेन्स पर्सनल इंजरीज बिल लाये और जो कुछ चाहे करे । ब्लॉट एवर वि गवर्नर्मेंट बाल्ट्स टु डू, वि गवर्नर्मेंट शुड डू फार पर्सनल इंजरीज । अगर आप इतना ही कह दें तो हम यह अध्यारिटी आप को दे दे । दैट इज वि सम एंड सबस्टेंस आफ वि बिल । इसमें और कुछ नहीं है ।

दूसरी बात यह बतलाई है:

"personal injuries sustained by gainfully occupied persons."

इसके बारे में आपने जो डेफिनिशन दी है वह बड़ी वाइड है ।

"gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent."

इसकी डेफिनिशन भी बड़ी वाइड है । इसके तो कुछ मतलब ही नहीं होता ।

"personal injuries sustained by gainfully occupied persons."

इसके अन्तर्गत स्कीम होगी । छाट इज बैंड स्कीम? ऊपर लिखा है "अन्डर बैट स्कीम" वह स्कीम क्या है?

Shri C. R. Pattabhi Raman: Clause 3.

श्री दड़े: मैं बलाज ३ पढ़ रहा हूँ। छाट आज दोज स्कीम्स?

"The Central Government may make a scheme or schemes."

इस स्कीम के बारे में कोई चीज सामने नहीं आ रही है। योड़े दिन हुए सेकेन्ड बल्ड वार हुई थी। इसमें तरह तरह की स्कीमें बनाई गई थीं। उस वक्त सेकेन्ड लाइन आफ डिफेन्स तैयार हुई थी। सिविक गार्ड्स तैयार हुए थे। गांव के बालेटिअर्स और उन बालेटिअर्स को मदद करने वाले भी अगर हताहत होते थे तो उनको भी मदद मिलती थी। लेकिन इसके बारे में इस बिल में कुछ नहीं है। केवल गवर्नरमेट के अध्याराइज्ड बालेटिअर्स होंगे जिनको इसमें रिकग्नाइज्ड किया गया है।

इसके बाद आप देखिये कि कम्पेन्स-शन ने की अधारिटी कौन है? वह भी शासन निश्चित करेगा। इसके बारे में कोई जुडिशल बाड़ी या ट्राइब्यूनल या अधारिटी, या तहसीलदार, डिस्ट्रिक्ट मैजिस्ट्रेट, कोई नहीं है। बेस्टर इज नियम इन विस। इसके बारे ने जो बिल बनाया जा रहा है वह बिल्कुल हैप्पैज़ डं है। मैं ने विधान सभा में भी इस तरह का बिल नहीं देखा और न इस हाउस में मैंने भाज तक देखा है। ऐसा बिल कभी आया ही नहीं है। इस बिल में कंफूजन ज्यादा है, कोई निश्चित चीज नहीं है शासन के सामने।

फिर इसमें दिया हुआ है:-

"In the case of a personal service injury sustained by a civil

defence volunteer, by the employer of the volunteer, or by any person who has any responsibility in connection with the volunteer's duties."

इसके क्या माने हैं? आखिर बालेटी ड्यूटीज के लिये कोई रिस्पांसिबल भी है या नहीं है? इसके कोई मतलब नहीं है। सेकेन्ड वार के समय में जो इमर्जेन्सी एनैक्टमेंट्स आये थे उन में स्कीम्स बनी थीं। अगर उन स्कीम्स के आधार पर डेफिनिट योजना शासन देश के सामने रखता और उस के बाद यह बिल लाता तो मैं समझता हूँ कि जनता भी आपको धन्यवाद देती कि पालियामेंट ने कुछ काम किया और आपके समय का भी कुछ सदुपयोग मालूम होता। लेकिन चूंकि परसंनल इंजरीज (इमर्जेन्सी प्राविजन्स) बिल यहां शासन द्वारा लाया गया है, इससे मालूम होता है कि शासन का लक्ष्य उसकी तरफ है, यह इंडिकेट करता है कि शासन आज जाप्रत है, और इसके लिये मैं शासन को धन्यवाद देता हूँ।

इसके साथ ही साथ मैं कहना चाहता हूँ कि अच्छी तरह से योजना बना कर सब स्टेट्स को अलग अलग भेजना चाहिये कि किस प्रकार से सेकेन्ड लाइन आफ डिफेन्स तैयार हो सकती है। अगर आप इस तरह से योजना तैयार करके सब स्टेट्स को भेजेंगे तो मैं कहता हूँ कि हम शासन को धन्यवाद देंगे कि उसने कुछ काम की बात की। इतना कहते हुए मैं इस परसंनल इंजरीज (इमर्जेन्सी प्राविजन्स) बिल का समर्थन करता हूँ।

श्री कुख्याय (देवाम): सभापति महोदय, मैं समझता हूँ कि हाउस में कोरम पूरा नहीं है।

Mr. Chairman: The bell is being rung....Now there is quorum. Dr. M. S. Aney.

Mr. Chairman: There is quorum.
Dr. Aney:

Dr. M. S. Aney (Nagpur): I only wish to bring to the notice of Government one or two points.

There is no doubt that in these war conditions it is necessary to make some provision, **nay** adequate provision, for civil defence also. I only want to point out that in the last war, the Government of India also took up this matter, and a separate independent Ministry in charge of this civil defence was created at that time, and our friend late Dr. Raghavendra Rao was in charge of this Civil Defence Ministry. He was at that time serving in England as a Member of the India Office. He was there when England itself was being bombarded by German aeroplanes every day. He had that experience, and also all the arrangements that were made for civil defence in England were known to him, and when he came here, he brought with him the entire literature that existed in England. He was placed in charge of the Ministry and he submitted a big statement, on the basis of which civil defence for various purposes were created at that time.

Civil defence comes in after the war comes in. It does not come in before the country is at war. So, there is nothing wrong that we are taking up this matter now. Unless the country is in an emergency, there is no question whatsoever of the Government having to consider and be ready for preparing some schemes of civil defence.

These air-raids have destroyed the difference between combatant and non-combatant about population and created a new element altogether. It is because of that this question of civil defence has assumed enormous importance. It is so important that it has to be treated as a separate thing altogether. So many problems arise out of it. Therefore, my suggestion is this. If the war is going to con-

tinue for long—not only longer but going to be a furious war also—if that is so, the Government should think of putting a separate Minister in charge of civil defence. As in the case of planning—there is a separate Minister for that, the civil defence also has to be adequately provided for and that will require a separate Minister of high standing to be put in charge of that. That is my one suggestion.

Secondly, as regards certain defects which are rightly pointed out, looking at it we do not know what is going to be spent. But these are matters of estimate and I am sure, though they are only taking powers today for creating a machinery, that machinery would study all those questions of expenditure and all that and they would get the advice of the persons who have been in this affair before. They can give us some idea of it. Therefore, in moving this Bill, they are not only providing for a necessary thing as regards compensation for personal injuries, but they are also laying down the foundations for creating a proper civil defence scheme in this country. Looking at it from that point of view, we must put up with the defects whatever we find today.

Sir, I conclude by saying that we must ask the Government to proceed as quickly as possible, as cautiously as possible and as comprehensively as possible to deal with this pattern of civil defence.

Shri Warrier (Trichur): Sir, I welcome this measure. But there are certain things which should be clarified by the Hon. Minister concerned. First of all, the whole picture will emerge only when the scheme is placed on the Table of the House. Unless that is done, we do not know how this will bring....

Shri C. R. Pattabhi Raman: Sir, may I intervene here? I propose to accept this. I have given some thought to that. The scheme will

be placed on the Table of the House. That will satisfy Mr. Kamath and Mr. Daji who have moved the amendments. I am accepting a similar amendment which will make all the rules to be placed on the Table of the House.

Shri Ranga: What about other amendments with regard to the inclusion of agriculture?

Shri C. R. Pattabhi Raman: I am only answering Mr. Warior.

Shri Warior: I am thankful to the hon. Minister for this, for promising that the scheme will be placed on the Table of the House. I was only saying, when the scheme comes out, then only we can know who are all benefited by the scheme, how much will be the quantum of benefit, how much each and everybody will be getting and which are all injuries that are classified and taken into consideration. All these questions are yet to be settled. In the Workmen's Compensation Act and in other Acts, we find that these classifications are there. There are the schedules according to the salaries or the wages of each and every worker and according to the injuries sustained. The injuries are classified there. So, it is very easy to know how much will be the quantum of relief that each and every worker will have. That is one point.

The second point is this. This Bill covers only the period of emergency. It is put down here—the injuries sustained during the period of emergency. That is declared by the Government. Now, an injury might be sustained now, during the period of emergency, but at the same time it may not be manifest, the effect of which may come later after the period of emergency is over. That also must be covered.

Shri C. R. Pattabhi Raman: That is covered.

Shri Warior: Another point that I want to make also depends upon the

scheme. That is why I am very much constrained not to speak in detail about it. Now, a worker is engaged in the production, in the working of the Plan, and at the same time he is engaged in civil defence duties too. There are many cases like that. That worker who sustains an injury during the course of the duty connected with the civil defence or something connected with the defence will be getting compensation either according to this scheme or according to the Compensation Act, whichever, I do not know, is applicable.

Shri C. R. Pattabhi Raman: I am sorry, I may again intervene. He is also to be gainfully occupied. That is a very wide term. The other is, civil defence. The definitions themselves are there.

Shri Warior: This is what the clause 4 says:

"4. (1) In respect of a personal injury sustained during the period of the emergency by any other person, and in respect of a personal service injury sustained during that period by a civil defence volunteer no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

- (a) would be payable under—
 - (i) the Workmen's Compensation Act, 1923, or
 - (ii) the Employees' State Insurance Act, 1948;"

So, I wish to point out that more clarity be brought in. Suppose the scheme gives much more benefit than already scheduled in the Workmen's Compensation Act or the ESI Act. In that case, the worker may not be a loser because he sustains an injury in the civil defence or in the other operations and at the same time he is covered by two enactments already there. He should not be a loser by that. That means

[Shri Warior]

he must get the maximum benefit out of this enactment. So, that might also be clarified.

Sir, these are the two points that I have mentioned and I welcome this Bill as a very emergent thing.

Shri Sham Lal Saraf: Sir, I support this Bill and when I have heard some of the speeches here, I feel the provisions of this bill are being made a bit complicated. I think it is very clear to me as far as the presenting of this Bill by the Government is concerned. The law is already on the statute book, the War Injuries Ordinance of 1941 in which certain discrepancies had been found in case of this present war emergency. The first is, the personal injuries sustained by gainfully occupied persons and by persons of such classes as may be classified by the Government hereafter—how they can be covered.

Secondly, with regard to the personal service injuries sustained by civil defence volunteers, a provision has been made so that they can get benefit by this Bill when it is passed into an Act. Also, care has been taken to see that as far as the workmen or workers working in factories and other gainful employments are concerned, they are compensated under this workmen's voluntary war injuries compensation insurance or the Workmens' Compensation Act. The only thing is that they should not receive double payment. They should receive only one payment. In case they receive less by getting compensation under one Act, they get full compensation entitled to any worker or any personal service injury person under this Bill when it is passed into an Act. That being so, I think the present purpose of the Bill is very clear, and therefore, there is no ambiguity about it.

I agree with Shri Kamath when he referred to one point, and that is, how much finance is involved in this. As far as the rule is concerned, I think

it is very clear. I also concede the point that has been explained by the hon. Minister that at the moment he cannot estimate what amount may be required for the purpose of this measure. I would, however, submit that a token amount should have been set apart at the moment and the House should certainly agree to that.

I do not understand how the benefits under this scheme is to be worked out and then estimation about the funds required will be made and how funds under this head will be sanctioned. Will the Government come again to this House, or, have they got the authority vested in them? I personally feel that they may come again to this House for that purpose. But I think the right and proper course at the moment would be to allot at least a token amount by which the purpose of the Bill could be implemented.

Some hon. friends have expressed doubts with regard to the implementation of these measures. I think that as far as the enemy action is concerned, the provisions relating to persons who receive injuries by enemy action are fully explained in clause 3, and therefore there is no ambiguity about it. Similarly, the provision about how in what manner the personnel may be injured are also fully explained. Therefore, the doubts raised by my hon. friend from Punjab will not hold water. Keeping that in view, I would submit that once the civil defence organisation scheme is completed, care has to be taken about certain things which I would submit before this House. I would appeal to my hon. friend on either side of the House that these measures are passed at the time of the grave emergency for the country and therefore the question of benefiting one party or the other will not and should not arise. While implementing Bills like this, laws like this, we should have no mental reservations in respect of any side, any party, who are present in this august House. I therefore submit that we have to condition our minds and ourselves to

a national discipline. We know the conditions that prevailed in Great Britain in the last war and the first world war. We know how even a small child would not divulge the secret to anybody who would go and ask him or her about certain things. Therefore, first of all, we have to condition ourselves, all of us, to one national discipline. We as a nation should have the national cause dearest in our hearts.

Secondly, I can tell you from my experience how people have functioned elsewhere on such occasions. We have to develop the local leadership. For instance, when you say civil defence, it may be a small mohalla, a small street or a small village. Therefore, unless and until a proper local leadership develops, nobody from the Centre or the States will be in a position to afford help or give relief or advise in the local area. If a certain street or village is bombarded, if certain houses collapse, the information that has to be gathered and known can best be known through the local men there. Therefore, that confidence has to be created at that stage, and so creating the local leadership is absolutely necessary. That can only come when, firstly, we as a nation behave in a disciplined manner, and secondly, we inculcate the spirit of oneness among the people, to whichever party they belong. Then alone will we be able to implement the laws that we are passing at the moment.

Another thing is this. Some hon. friends have said on either side of the House that where we have to delegate the authority to some people, say the magistrate or the doctor, we have to see that they are persons of character and ability. Only men of character and ability should be entrusted with this work. Then alone can these schemes be successful.

Lastly, I would submit that Government should not take much time now in drawing up the scheme. The doubts expressed by some hon. friends here

may not be corrected. But one thing that I personally feel is that while these measures are being adopted, while the delegation of powers has been agreed to, while the Government have been invested with the necessary powers, it is absolutely necessary that these measures should be immediately followed by working out the schemes according to which all these laws could be effectively implemented as quickly as possible.

With these few observations, I wholeheartedly support this Bill.

Shri Mohsin (Dharwar South): I rise to support this Bill. Some hon. Members who have already spoken have inadvertently opposed the Bill with regard to some of its provisions, saying that the Government is seeking to have sweeping powers under this Bill. This is not a new measure, and this Bill has been brought in accordance with the War Injuries Ordinance of 1941 which was in force before the second world war. Because it was ineffective for giving any remedy for those who have suffered in this present emergency, this Bill has been brought in.

None can dispute the urgency of this measure, because suddenly the massive invasion of the Chinese has taken place and so many people who were engaged in trade and business and similar occupations have been upset, and they are being put to loss. Some of the persons who must have been engaged in civil defence must have lost some of their limbs and must have been put to great hardship. This Bill is intended only to give relief to such persons as have suffered in this emergency and who are going to suffer in future.

While speaking on this Bill, some hon. Members have referred to the proposed scheme that the Government may formulate, and they have also criticised that the Government ought to have brought forward or formulated a scheme along with this Bill. The Government will have to be armed with such powers; we do not know what kind of scheme the Government will have in future; also they may

[Shri Mohsin]

have to amend the scheme in future, as and when the necessity arises. We do not know how long the present emergency may exist.

16.38 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

We have already given vast powers under the Defence of India Act. I do not know how some Members are feeling shy to give these powers also, when we have already given those vast powers to the Government. Under the Defence of India Act, the Government is already armed with vast powers. It is only to give some relief to the persons who may suffer or who have already suffered that this Bill will be coming into force. The personal injury sustained by gainfully employed persons will cover persons who may not be defence volunteers. They may be citizens engaged in one trade or the other, but who may have suffered on account of this invasion. So, this is a very welcome measure and to keep up the morale of the country and to give adequate compensation to those who have suffered, it is the nation's duty to rise to the occasion; we are only giving powers to the Government to enable them to do their duty.

Some Members have also criticised that there might be some discrimination between one set of volunteers and another. I do not think that the Government will differentiate between the persons who defend the country and put them on a party-wise basis. After all, the nation as a whole has stood as one man to defend the country's honour, and I do not think that any Government will discriminate or bring in politics in awarding compensation. This is the time when all parties should keep in line with the Government, and only with faith we have to proceed to face the emergency. I hope that the Government will come forward in effectively giving compensation to those people who have suffered already and might suffer in future.

We are going to build up a second line of defence, namely, the civil defence volunteers. Our learned friend, Dr. Aney has already emphasized the importance of such civil defence volunteers especially under the present set-up. Of course, it was not felt before, but it will be felt now. Unless we have the second line of defence, i.e. civil defence, our army, navy and air force may not be sufficient to defend our country. We have to strengthen our civil defence volunteers and wherever they suffer, Government will have to come to their aid and give them all help.

With these words, I wholeheartedly support this Bill.

Shri C. R. Pattabhi Raman: Sir, I am really indebted to the Members for the very useful suggestions given by them. As usual, I was very fortunate—if I may arrogate it to myself—that there was almost unanimity so far as this measure is concerned.

I may at the very outset refer to the amendments, which may clear the air, if I may use that expression. When I come to the clauses, I will deal with the amendments in detail.

There was some debate with regard to 'any' or 'a'. These are consequential amendments.

With regard to placing it on the Table of the House . . .

Mr. Deputy-Speaker: He can reply to that when he comes to amendments.

Shri C. R. Pattabhi Raman: There was some discussion with regard to these two or three points. With regard to placing it on the Table of the House, Mr. Kamath has agreed to making one or two verbal alterations there. It will be suitable and I accept them. I have shown it to him.

With regard to the hon. Member, Shri Ranga, I would remind him that as it now stands, the expression "trade"

business, profession, office, employment or vocation" is sufficiently wide. The definition clause 2 defines 'gainfully occupied person' and says:

"who, though temporarily unemployed, is normally so engaged or dependent".

We are deliberately making it wider so as to include persons employed in agriculture, plantation, etc. Actually if agriculture alone is referred, it may not be so wide. It will be noticed that even factories, mines and other vital institutions have not been specifically mentioned. All these are included; the wider includes the narrower. Therefore, it is not necessary to make specific reference to agriculture. I hope it will satisfy the hon. Member.

Shri Ranga: You could have avoided mentioning all the other things also and be satisfied with the general statement.

Shri C. R. Pattabhi Raman: Categorisation is always difficult; I admit that. But these are broad categories. I give this assurance that it is really our intention to bring in agriculture. There is no idea to exclude it at all.

I am very much obliged to Mr. Kamath, who with his usual erudition, while referring to the constitutional provision, stated that it was paining him very much that even when we are free we are patterning our legislation on the model of the British legislation. The position is this. Actually, today there are a number of ordinances. Article 372 says:

"(1) Notwithstanding the repeal by this Constitution of the enactments referred to in article 395 but subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a

competent Legislature or other competent authority."

Shri Hari Vishnu Kamath: You should have repealed them.

Shri C. R. Pattabhi Raman: What has happened is we had the Essential Services Maintenance Ordinance. The ordinance is continued by the India and Burma Miscellaneous Provisions Acts of 1940. Actually, there are a number of enactments and ordinances. If Parliament has to take up all those, it will take a lot of time. Actually, we have had a lot of legislation. It is not as if we are lazy; we have been dealing with the Acts as and when it becomes necessary. I am not, of course, pooh-poohing his suggestion. I can quite understand his indignation, with his brilliant record of public service. Therefore, they come under the Essential Services Maintenance Ordinance; they are all part of the India and Burma Miscellaneous Provisions Act. I do not think I need say much more with regard to this part of the argument with regard to validity.

Dr. Gaitonde referred to the history of the second world war. He comes from Goa and he was actually in Britain during those days; he has gone through the bill. We are very much indebted to him for the very useful suggestions made by him. There is a publication here *Problems of Social Policy* by Richard M. Titmuss; it is His Majesty's Stationery Office publication. Chapter II deal with "the expected consequences." I am much obliged to the hon. Member, Dr. Aney, who referred to the old enactment and the person who piloted the Bill in the Viceroy's Executive Council. It is said in this book:

"From these anticipations of the character of the attack that might be launched against the civilians of Britain, there flowed the question: What kind of consequences will follow and how will the people react"

I am going to read 10 or 15 lines from this book. They had only this data

[Shri C. R. Pattabhi Raman]

before them in regard to the 1914-18 attack. How is it that we can size up the present attack with that? Actually, he gives the number of metric tons of bombs dropped; how many people died with each dropping of the bomb, etc. It is an exhaustive study. He says:

"These were but a few of the issues that had to be faced. The major consequences that were envisaged and for which (as subsequent chapters show) plans were prepared may roughly be grouped under the following heads."

That is what Mr. Warior also referred to. He goes on to say:

"Physical casualties including the effects on health; material damage; social distress disorganisation and loss of morale."

Actually they had to seek the help of a number of psychiatrists. People were shaken so much by the bombing, some by the noise, some out of fear became permanent invalids. Some had hallucinations, split personalities and so on. All these are dealt with here. Sir, I shall take only five minutes on this. I am aware that we have to rush through, but I thought the House would be interested....

Shri Hari Vishnu Kamath: You are quite interesting.

Shri Ranga: You would be more interesting if you accept some of our amendments and include 'agriculture' also.

Shri C. R. Pattabhi Raman: I never try to avoid. I face the issue in my humble way and try to meet it; I may not succeed fully. I have got sufficient humility to do that. But the fact remains that I referred to agriculture. I am on the main question as to whether is it possible or is it not possible to estimate the damage. Is it or is it not possible to refer to the scheme as such? One

Member was saying this is a very vague Bill.

Shri Ranga: Absolutely vague.

Shri C. R. Pattabhi Raman: With all the experience in public life, I would like the hon. Member to tell me what sort of attack he expects.

Shri Hari Vishnu Kamath: God forbid!

Shri Bade: There is some scheme in the British Emergency Act. I saw it in the library; I will show it to the Minister. But here there is no scheme at all for the States.

Mr. Deputy-Speaker: The scheme will be prepared under this Act.

Shri C. R. Pattabhi Raman: Under clause 3 here we have also given the powers to frame schemes. They may come into existence as and when occasion arises. It may be a protracted war, it may not be a hot war, it may be a hot war and so on. If you want me to say now what sort of war it will be and what sort of provision will be made, it will be very difficult to forecast. The whole trouble is this. Actually, in spite of bombing what happened in England may be interesting to hon. Members. It is said here:

"As different questions arose, in the planning of a variety of emergency services, the use of multiplier of fifty casualties per ton of bombs gave to each problem a grim aspect."

They had a rough estimate that for one ton of bombs there will be 50 casualties. Then it is said here:

"When the committee of Imperial Defence was considering in 1937 compensation to civilians for loss of life or injury from air attack it assumed that the attack would continue for sixty days and that the total number of casual-

ties might amount to 6,00,000 killed and 1,20,000 injured. The capital cost involved, on the basis of a given scale of compensation, was then estimated at £ 120,00,000. When the Ministry of Health, in 1938-39, was trying to compute the number of hospital beds required to deal with civilian air raid casualties, its translation of the Air Ministry's 1937 and 1939 estimates led to figures ranging from 1,000,000 to 2,800,000 beds according to length of stay in hospital. Similar proportions were reached when other problems were investigated. The number of graves and coffins required was so great that the Home Office, envisaged mass burials and the burning of bodies in lime. This was thought to be unavoidable, as otherwise 20,000,000 square feet of seasoned coffin timber would be needed each month at a cost of approximately £ 300,000."

Shri Hari Vishnu Kamath: Those bombs are out of date now.

Shri C. R. Pattabhi Raman: Ballistic missiles and so many other weapons are there. Then, hon. Members would perhaps also be interested in another aspect of it. Actually, my learned friend was anticipating it. It is said here:

"There was seldom a day in five years when enemy aeroplanes or flying-bombs or rockets were not over some part of Britain. Even if raiders were not signalled, there was always the threat of attack—a threat which touched not only the nerve-centre of Government, but many towns and villages throughout the country."

Then he goes on to say:

"The contrasts between forecast and event, emphasised more than once already, will now be rather more comprehensively surveyed."

That was the immense problem in a country which had faced wars frequently and which had prepared for hostilities. Therefore, if any vagueness is alleged about it, it is perhaps that we have to grope in the dark, but it is not as if we do not have a definite idea. If you ask me what the ways and means position will be or what provision is going to be made, I do not think it will be seriously put to me as a question.

Finally, what has escaped, if I may say so, with great respect, the attention of most of the hon. Members is clause 6 of the Bill. There it is said:

"The person managing any dispensary or hospital shall, if so required by the Central or a State Government by general or special order,

- (a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3. and
- (b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme."

Any person who fails to comply with this provision will have to pay the penalty. We may have to request a number of dispensaries, hospitals, clinics and all that. One of the amendments of Shri Kamath seeks to add "or clinics". I would beg of him not to insist on these amendments because our provision is, as I said, all embracing.

I would, therefore, submit, Sir, that the Bill, with the amendments that we have tabled and one amendment of Shri Kamath which I am prepared to accept with a few changes, may be considered clause by clause and passed.

Mr. Deputy-Speaker: The question is:

"That the Bill to make provision for the grant of relief in respect of certain personal injuries sustained during the period of the emergency be taken into consideration."

The motion was adopted.

Clause 2 — (Definitions)

Mr. Deputy-Speaker: The House will now take the Bill clause by clause. There are some amendments to clause 2.

Shrimati Shashank Manjari (Palamau): Sir, I beg to move:

Page 2, line 8—

after "office" insert "agriculture". (1)

Shri Hari Vishnu Kamath: Sir, I beg to move:

(i) Page 2, line 1,—

for "person belonging to any" substitute—"national of such".

(4)

(ii) Page 2, line 6,—

for "person belonging to" substitute—"national of such". (5)

(iii) Page 2, line 17,—

for "emergency shall come to an end".

substitute—

"Proclamation of Emergency shall be revoked under article 352(2) of the Constitution". (6)

(iv) Page 2, line 17,—

for "emergency shall come to an end".

substitute—

"Proclamation of Emergency shall cease to operate". (7)

(v) Page 2, line 19,—

after "disease" insert—

"or disablement disfigurement".

(8)

(vi) Page 3, line 3,—

after "disease" insert—

"or disablement or disfigurement". (9)

(vii) Page 3, line 9,—

after "disease" insert—

"or disablement or disfigurement". (10)

(viii) Page 3, line 9,—

after "contracted" insert—

"notwithstanding that it has manifested itself subsequently". (11)

(ix) Page 3, line 16—

after "disease" insert—

"disablement or disfigurement". (12)

(x) Page 3, line 19,—

after "disease" insert—

"disablement or disfigurement". (13)

Shri D. S. Patil (Yeotmal): Sir, I beg to move:

Page 2, line 1,—

for "any country" substitute "a country".

Shri C. R. Pattabhi Raman: Sir, I beg to move:

(i) Page 2, line 19,—

for "and includes any" substitute—

"or a" (35)

(ii) Page 3, lines 2 and 3,—

for "and includes any" substitute—

"or a" (36)

Shri Hari Vishnu Kamath: Mr. Deputy Speaker, Sir, I have moved amendments Nos. 4 to 13, both inclusive, standing in my name. I am

obliged to the hon. Deputy Minister for the reason he gave with regard to the omission of the definition of "civil defence" in this Bill before the House. On the same reasoning, he need not have brought in the definition of the word "enemy" which is defined in the Defence of India Bill. Apart from that, I wish to amend it to a certain extent because I feel that the construction of the definition as it is not quite satisfactory. Instead of saying "any person belonging to any country committing such aggression", having said that in the earlier sub-clause "any person or country committing external aggression against India";, it would be sufficient and perhaps proper also if he says: "any person belonging to such country committing such aggression". If that is not acceptable, I would request the Minister not to deviate from the definition in the Defence of India Bill which we have passed. The rest of it is already here in the Bill before the House. It says: "any person belonging to any country committing such aggression". The second "any" has been brought in there, I think, by oversight. In the Defence of India Bill it reads: "any person belonging to a country committing such aggression".

Shri C. R. Pattabhi Raman: Is the hon. Member referring to the Defence of India Bill?

Shri Hari Vishnu Kamath: Yes.

Shri C. R. Pattabhi Raman: I have read it myself.

Shri Hari Vishnu Kamath: Do not deviate from that definition. If you do not want my amendment, at least do not deviate from the Defence of India Bill which has been passed by this House. The second "any" is not necessary. That is a minor verbal amendment. He quoted from the Defence of India Bill earlier. When you have quoted from it, do not deviate from it at all. Your own argument was that "civil defence" is defined there.

17 hrs.

Shri C. R. Pattabhi Raman: I will accept that.

Shri Hari Vishnu Kamath: Either you can accept that amendment or you can move one *suo motu*.

Shri C. R. Pattabhi Raman: I will accept amendment No. 33 by Shri D. S. Patil on the same subject.

Shri Hari Vishnu Kamath: Then I come to my next amendment. Clause 2(5) of the Bill reads:

" 'period of the emergency' means the period beginning with 26th October, 1962, the date on which the Proclamation of Emergency under clause (1) of article 352 of the Constitution was issued and ending with such date as the Central Government may, by a notification in the Official Gazette, declare to be the date on which the emergency shall come to an end."

I do not know why this involved provision is necessary. If you look at the Constitution, article 352 says:

"(2) A Proclamation issued under clause (1)—

(a) may be revoked by a subsequent Proclamation;

(c) shall cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament."

So, in the case of an emergency, either it is revoked by the President by a specific proclamation or it ceases to operate. It is not necessary for the Minister, for the Government to provide here "and ending with such date as the Central Government may, by a notification in the Official Gazette, declare...." The provision should be simple to the effect that it is till revocation of the proclamation of

[Shri Hari Vishnu Kamath]

emergency. By my amendment I have sought to substitute the words "emergency shall come to an end" either by "Proclamation of Emergency shall be revoked under article 352(2) of the Constitution" or by "Proclamation of Emergency shall cease to operate". One of these two amendments should be accepted by the Government.

Then I come to the amendment regarding disablement and disfigurement. Since the next three or four amendments are on the same lines, I will take them together. If you refer to clause 2(6); it says:

"'Personal injury' means a physical or mental injury and includes any disease whether manifesting itself immediately or subsequently....."

I want to include the words "or disablement or disfigurement" after the word "disease". Here may I point out that the word "disablement" occurs in clause 3, in line 43 on page 3, though the word "disfigurement" is not mentioned there? Now I wish to include the possibility and probability of disfigurement because, according to the dictionary, as the hon. Minister knows very well, disfigurement is something different from disablement. Here I have got the authority of a book by an eminent lawyer, an eminent British barrister, entitled "Damages by Personal Injuries" where he has devoted a separate chapter for "disfigurement" which is very interesting, where he observes:

"disfigurement has always been regarded as an important element in assessing damages. Especially when a young woman is disfigured...."

and, Sir, women make more than half the population of the world, though they are not half here.

"....Especially when a young woman is disfigured, her prospects of marriage are impaired"

This is in the book. This is not my statement.

Shri Sonavane (Pandharpur): It is very interesting.

Shri Hari Vishnu Kamath: It will be more interesting if you proceed further. I can do that if the Deputy-Speaker will give me more time. "In fact" the learned author goes on to say:

"In fact, this is one of the few types of cases where there is a tendency for damages to be excessive."

Then he quotes cases later on.

Mr. Deputy-Speaker: Does not "physical injury" cover "disfigurement"?

Shri Bade: Shri Kamath is not speaking according to legal terms, because "injury" means any injury to the body or mind. Therefore it includes "disfigurement" also.

Shri Hari Vishnu Kamath: I am not so fortunately placed as my hon. friend, Shri Bade. He is a lawyer; I am not one; I am not a lawyer. But here is a book the title of which is "Damages by Personal Injuries" where he has devoted a separate chapter for "disfigurement". If it is the argument of the Government that "injury" includes "disfigurement", it should also include "disease" and "disablement". If "injury" does include "disease" and "disablement", it is not at all necessary to use the words "disease" and "disablement" in the Bill, because "injury" includes everything. But, in the definition clause of the Bill, you will be pleased to find it stated "a physical or mental injury and includes any diseases....". Later on, in the next clause, the word "disablement" comes, though it is not mentioned in this clause. But the word "disfigurement" does not figure anywhere.

Therefore, to make it comprehensive, to make the word "disablement" fool-proof and knave-proof—not merely fool-proof but knave-proof also—in all respects, it is necessary to put in the word "disfigurement" also.

By my last amendment I have sought to insert the words "notwithstanding that it has manifested itself subsequently" after the word "contracted" on page 3, line 9. This is in line with the earlier provision in the Bill "manifesting itself immediately or subsequently". Even for diseases there is a period of incubation. Is it not Dr. Gaitonde? There is some sort of a gestation or incubation period for every disease. Therefore, a disease contracted earlier may manifest later.

Mr. Deputy-Speaker: "whether manifesting itself immediately or subsequently" is already there.

Shri Hari Vishnu Kamath: I am on page 3, line 9 the words are:

"....at the time when the injury was sustained or the disease was contracted."

The medical expert will readily tell the House, enlighten the House, in this respect and will convince the House that it is difficult for anybody, even for an authority to ascertain when a particular disease was contracted. I do not know what Dr. Gaitonde feels in this matter.

Dr. Gaitonde: Sometimes, it is possible; sometimes, it is not possible.

Shri Hari Vishnu Kamath: There is always room for doubt in this matter and we do not know how an authority will come to a decision in this matter as to when a particular disease was contracted. Therefore, I have sought to make it clear by adding the words "notwithstanding that it has manifested itself subsequently", because the symptom will appear later. If the disease is proved to be contracted earlier at the time when he was in service, then it should be made applicable to him.

I move my amendments and commend them for the acceptance of the House.

श्री कर्णातक मंजूरी : उपाध्यक्ष महोदय, मैं समझता हूँ कि हाउस में कोरम पूरा नहीं है।

Mr. Deputy-Speaker: It is past 5 o'clock.

Shri Hari Vishnu Kamath: But the House is scheduled to sit till 6 o'clock. That convention applies only when the House is not scheduled to sit beyond 5 o'clock.

Mr. Deputy-Speaker: If he insists on it, I will have the quorum bell rung. But we are very much short of time.

श्रीकर्णातक मंजूरी : उपाध्यक्ष महोदय, मैंने क्लाज ३ में दो अमेंडमेंट दिए हैं। उनका मूल आशय यह है कि एक बार यह स्कीम बन जाए फिर उसके बाद यह न हो कि सरकार जब चाहे तब उसको बदल दे। इस बात को मेरी पार्टी मानने को तैयार नहीं है। अगर किसी वक्त यह जरूरत मालूम हो कि इसको बदलना आवश्यक है तो ऐसा पार्लियामेंट की मंजूरी के बिना न किया जाए।

Shri Ranga: I am sorry, my hon. friend was not agreeable to accept the simple amendment that we wanted to suggest. It is simple, as it is.

Mr. Deputy-Speaker: He has not yet replied.

Shri Ranga: He gave an indication, anyhow. I am extremely anxious about it. If his argument holds good, namely, that any employment would be covered by the terms of sub-clause (4) of clause 2 specially by what he has said here, that is, vocation, there is no need to have mentioned trade, business, profession, office and so on. It has been the habit, I do not know why, with the civil service and also

[Shri Ranga]

with the Government to be very allergic when it comes to agriculture. They make an initial mistake and they do not want to be discovered to have made that mistake. They feel ashamed when their attention is drawn to it and they go on finding all sorts of excuses. My hon. friend is a lawyer. Does he give an assurance that the assurance that he has given here will be respected by the courts of law? No, it will not be respected by the courts of law at all. It may be respected by his officers, but if at any time this question were to come up before a court of law, it would not be respected. That is why I am extremely anxious that this simple amendment but with very great significance ought to be accepted and the term 'agriculture' should be included in it. So much more can be said in regard to this, but it is so obvious. I was taken aback when I found that my hon. friend was being badly advised by his advisers and that he was not prepared to accept it. Rather, he was trying to use his own great eloquence as well as his intelligence in order to find an excuse for this. I am sorry to have to say this.

Shri Sonavane: The intention of the legislature is always taken into consideration by the courts. Professor Ranga must know that.

Shri Shivaji Rao S. Deshmukh (Parbhani): The intentions of legislature can never override enactments.

Mr. Deputy-Speaker: Order, order.

Shri Sonavane: The clause is so wide that it covers the amendment Professor Ranga is speaking about.

Shri C. R. Pattabhi Raman. With your leave, Sir, I will deal with these amendments seriatim, but it is just possible that I might also deal with some of the amendments moved by Shri Kamath and others together.

The first amendment is with regard to "even after the revocation of the

Proclamation of Emergency". It may happen that the emergency has to continue even after the revocation of the Proclamation. So, we are unable to accept it.

Then, I had told Shri Ranga on a previous occasion that it was not any prompting at the last minute. We had given full thought to it. I had already indicated that factories were not included there, mines were not there, other vital installations were not there and if agriculture is to be put there then what about horticulture, sericulture, plantations etc.? Are we enumerating everything? Is it a law lexicon? We are giving broad heads and categories. We have also indicated those partially employed which means agriculturists mostly but not all who are not fully employed people and who may have months of leisure. It is all embracing. There is no deliberate attempt. Actually, I might assure him that this was with me even two days ago. It is not as if I am trying to be persuaded by the officers of my Ministry who are doing good work there. If any blame is to be attached, it must come on my shoulders and not on my officers.

Will regard to Shri Patil's amendment and Shri Kamath's amendment also, the definition of enemy....

Mr. Deputy-Speaker: You have accepted amendment No. 33.

Shri C. R. Pattabhi Raman: The definition of enemy has been taken from the Defence of India Bill and no change is called for. Shri Patil's amendment will satisfy the lacuna so far as the new word 'any' is concerned.

Then, with regard to the date of emergency it cannot be the same as stated. Then there is our own amendment. It is a drafting charge. There, as I have already read out, we have said:

"For "and includes any" substitute "or a".

With regard to the word 'physical', I think it was already pointed out to Shri Kamath that injury is a very wide term. It fell from you, if I may say so with your usual acumen. The term 'injury' is very broad and the word 'physical' includes disablement also. Disfigurement is also included in disablement. Therefore we are unable to accept that amendment.

As regards "a disease whether manifesting itself immediately or subsequently", that is included in the definition of personal injury. The amendment, therefore, is not called for. The frame of the Bill, as it is, is wide enough.

One reference was made to disablement. That includes temporary disablement also. It is just possible that there may be only temporary disablement. That also is included.

No rules are proposed to be made. For that also Shri Kamath has moved an amendment. That amendment, if I may say so, is not also called for. With regard to the placing on the floor of the House....

Shri Hari Vishnu Kamath: We are not on clause 3 at present. We are on clause 2. We will come to clause 3 later.

Shri C. R. Pattabhi Raman: We will come to that later.

Mr. Deputy-Speaker: I will first put to the vote of the House amendment No. 33 by Shri Patil and amendments Nos. 35 and 36 by Government.

The question is:

(i) Page 2 line 1,—

for "any country" substitute—
"a country" (33)

(ii) Page 2, line 19,—

for "and includes any" substitute—

"or a" (35)

(iii) Page 3, lines 2 and 3,—

for "and includes any" substitute—

"or a" (36)

The motion was adopted.

Mr. Deputy-Speaker: Which other amendments am I required to put?

Shri Hari Vishnu Kamath: I want to withdraw amendments Nos. 4, 5, 6, 7 and 11. I will not press them. But I would press amendments Nos. 8, 9, 10, 12 and 13. Because they are a package deal, they can be put together.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendments Nos. 4, 5, 6, 7 and 11?

Amendments Nos. 4, 5, 6, 7 and 11 were, by leave, withdrawn.

Mr. Deputy-Speaker: Now I will put amendments Nos. 8, 9, 10, 12 and 13 to the vote of the House. Let the lobbies be cleared.

I will put all the amendments together.

The question is:

(i) Page 2, line 19, after "disease" insert—

"or disablement or disfigurement" (8)

(ii) Page 3, line, 3 after "disease" insert—

"or disablement or disfigurement" (9)

(iii) Page 3, line 9, after "disease" insert—

"or disablement or disfigurement" (10)

(iv) Page 3, line 16 after "disease" insert—

"disablement or disfigurement" (12)

(v) Page 3, line 19, after "disease" insert—

"disablement or disfigurement" (13)

The Lok Sabha Divided.

[Division No. 13]

[17-20 hrs.]

AYES

Berwa, Shri
Gokaran Prasad, Shri
Kachhavaiya, Shri

Kamath, Shri Hari Vishnu
Omkar Singh, Shri
Singh, Shri Y. D.

Warior, Shri

Aney, Dr. M. S.
Azad, Shri Bhagwat Jha
Bhattacharyya, Shri C. K.
Birendra Bahadur Singh, Shri
Borooh, Shri P. C.
Das, Shri B. K.
Dasappa, Shri
Dessi, Shri Morarji
Deshmukh, Shri Shivaji Rao S.
Dhuleswar Meena, Shri
Dwivedi, Shri M. L.
Gaitonde, Dr.
Ganga Devi, Shrimati
Jedhe, Shri
Jena, Shri
Kamble, Shri
Kindar Lal, Shri
Lakshminathanma, Shrimati
Laskar, Shri N. R.
Laxmi Bai, Shrimati

Mahishi, Shrimati Sarojini
Malachami, Shri
Maniyaganan, Shri
Mehrotra, Shri Braj Bhari
Minimati, Shrimati
Mohsin, Shri
More, Shri K. L.
Muthiah, Shri
Nigam,
Nira
Patil, Shri D. S.
Pattabhi Raman, Shri C. R.
Raj Bahadur, Shri
Raju, Shri D. B.
Ram Sewak, Shri
R m Swarup, Shri
Rane, Shri
Reddiar, Shri
Roy, Shri Bishwanath

Sadhu Ram, Shri
Sahu, Shri Rameshwar
Samanta, Shri S. C.
Seraf, Shri Sham Lal
Satyabhama Devi, Shrimati
Sharma, Shri K. C.
Shastri, Shri Ramanand
She Narain, Shri
Singh, Shri K. K.
Sinha, Shri Satya Na van
Sonavane, Shri
Soundaram Ramachandran,
Shrimati
Surya Prasad, Shri
Tiwary, Shri R. S.
Vaishya, Shri M. B.
Venkatasubbaiah, Shri
Vidyalankar, Shri A. N.
Yadava, Shri B. P.

Mr. Deputy-Speaker: The result of the Division is: Ayes: 7; Noes: 57. The amendments are lost.

The motion was negatived.

Mr. Deputy-Speaker: Amendment No. 1. The hon. Member is not here. I will put it to the vote of the House.

Amendment No. 1 was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 2, as amended stand part of the Bill."

Shri C. R. Pattabhi Raman: Sir, I have got to interrupt. In this confusion, I find that the words "a country" is what we intended. I find it is here entered as "any". It is Shri D. S. Patil's amendment No. 33. We have agreed. It must be "a country", not "any country". It is his amendment. That is why I interrupt. It won't be in keeping with the Defence of India Regulations. The provision there is "a country".

Shri D. S. Patil: My amendment is correct.

Shri C. R. Pattabhi Raman: Any person belonging to "a country" and not belonging to "any country".

Dr. M. S. Aney: "Any" changed into "a". He is correct.

Shri C. R. Pattabhi Raman: Actually, you will please see. Every other provision is like this.

Shri Hari Vishnu Kamath: Bring it like the Defence of India Act. I did not press my amendment at all. I withdrew all my amendments. I did not press.

Shri C. R. Pattabhi Raman: It is Shri D. S. Patil's amendment.

Mr. Deputy-Speaker: You please move another amendment at the Third Reading, because it has been accepted.

Mr. Deputy-Speaker: 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—(Power to make scheme for relief in respect of personal injuries and personal service injuries)

Shri Hari Vishnu Kamath: I beg to move:

(i) Page 3, line 35, after 'disabled' insert 'disfigured'. (14)

(ii) Page 3, line 39, after 'dis-ease' insert 'or temporary disable-ment'. (15)

(iii) Page 4, line 4, after 'make' insert 'rules and'. (16).

(iv) Page 4, after line 5, insert:

"(3A) Every rule or regulation made under sub-section (3) 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 and the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule should not be made, the rule or regulation shall thereafter 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 or regulation".

(17)

Mr. Deputy-Speaker: As regards amendments Nos. 2 and 3, the hon. Member Shrimati Shashank Manjari is absent.

Then, there are two amendments in the names of Shri Warior and Shri Daji, namely amendments Nos. 18 and 34. Are those amendments being moved?

Shri Warior: I do not move No. 18 in the light of what the hon. Minister has stated.

Shri C. R. Pattabhi Raman: As re-

gards amendment No. 34, it may read like this....

Mr. Deputy-Speaker: That is in the name of Shri Daji. He is not present here.

Shri C. R. Pattabhi Raman: I am accepting the amendment subject to the following change. Shri Kamath has agreed to those words being changed.

Mr. Deputy-Speaker: He is not moving his amendment. So, the hon. Minister may move his amendment separately.

Shri Hari Vishnu Kamath: I am accepting his amendment to my amendment.

I shall be very brief in dealing with the amendment Nos. 14, 15 and 16 which I have moved; I shall not dwell on amendment No. 17.

A little earlier, the hon. Minister was pleased to say that the word 'injury' covered 'disablement' also. I would draw his attention to the wording used in this very Bill itself. At page 3, line 35, the wording is:

"in respect of persons injured, diseased or disabled....".

If injury does include disablement, I do not know why this word should have found a place in the very body of this Bill: If that is so, if disablement is not covered by the word 'injury', then disfigurement also *ipso facto* and *a fortiori* should not be covered by the word 'injury'.

I shall just quote one sentence from the book which I referred to a little earlier. In that book it is said very well and very forcibly. It is said there:

"It is objected that money can never be a true equivalent for a personal injury."

Of course, that is so. Then, it says:

"But this argument proves too much. There are many things for which money is no substitute but which yet have recognised value."

[Shri Hari Vishnu Kamath]

Then, it is said:

"Money is no substitute for water to a thirsty man."

It is very well put there. Money is no substitute for water to a thirsty man, but water may have a market value, and even in the desert.

So, here is a very important clause which deals with injury, disease and disablement. I would, therefore, once again plead with the hon. Minister and the House to see that these provisions are implemented by persons who are not merely just officially and routinely competent but who are gifted, with human sympathy, insight and understanding and who do not merely reckon on everything in terms of money, because as has been well said, money is no substitute. As the poet has said:

सर्वे गुणाः कांचनमाश्रयते

In the case of these war injuries, especially where a person may lose a limb or an eye or a whole part of a body, it should be assessed not just in terms of those limbs technically but should be judged more liberally and with insight, understanding and vision. If that is not brought to bear on those cases we shall have no proper assessment of the damages that have to be awarded in the case of injuries.

The last amendment in my name is amendment No. 17 with a certain amendment from the hon. Minister which I have accepted.

Amendment 16 I do not move, because "regulations" covers that. So, I will beg your leave to withdraw that amendment. So, I will only press amendments 14 and 15, because I am still not convinced because in his own Bill he has used the word "disablement" instead of "injury". If that is so, disfigurement also must come in.

Shri C. R. Pattabhi Raman: With regard to disablement, I have already

explained to the House that it includes temporary disablement also, and we are not accepting that amendment.

Similarly, no rules are proposed to be made with regard to amendment 16.

Mr. Deputy-Speaker: Amendment 16 he is not pressing.

Shri C. R. Pattabhi Raman: With regard to amendment 17, this is how it will read now:

"(7) Every scheme and every regulation made under a scheme, 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 in 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 scheme or the regulation or both Houses agree that the scheme or the regulation should not be made, the scheme or the regulation shall thereafter 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 scheme or the regulation".

(17 as modified).

Mr. Deputy-Speaker: Does he press amendments 14 and 15?

Shri Hari Vishnu Kamath: I feel disabled by his non-acceptance.

Mr. Deputy-Speaker: Does he want me to put them?

Shri Hari Vishnu Kamath: Similar amendments have been rejected by the House. So, there is no point in pressing them.

Mr. Deputy-Speaker: Has he the leave of the House to withdraw amendments 14 and 15?

Hon. Members: Yes.

Amendments Nos. 14 and 15 were, by leave, withdrawn.

Mr. Deputy-Speaker: Has he the leave of the House to withdraw amendment 16?

Hon. Members: Yes.

Amendment No. 16 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"Page 4,—after line 5, insert—

(7) Every scheme and every regulation made under a scheme, 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 in 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 scheme or the regulation or both Houses agree that the scheme or the regulation should not be made, the scheme or the regulation shall thereafter 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 scheme or the regulation. (17 as modified)."

The motion was adopted.

Mr. Deputy-Speaker: 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.

Clause 4—(Relief from liability to pay compensation or damages).

Amendment made:

Page 4, line 19,—

omit "other" (37)".

(Shri C. R. Pattabhi Raman)

Mr. Deputy-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—(Information as to earnings).

Shri Hari Vishnu Kamath: I beg to move:

(i) Page 5, line 22,

after "service injury" insert "or contracted the disease". (19).

(ii) Page 5, line 27,—

after "having" omit "any". (20).

(iii) Page 5, line 27,—

after "knowledge" insert "or information". (21).

(iv) Page 5, line 32,—

for "to" substitute "before". (22).

(v) Page 5, lines 33 and 34,—

for "with respect to those earnings" substitute "in support of such information". (23).

(vi) Page 6, line 2,—

after "with" insert "imprisonment for a term which may extend to one year, and" (24).

(vii) Page 6, lines 2 and 3,—

for "fine which may extend to five hundred rupees" substitute—"shall also be liable to fine". (25).

[Shri Hari Vishnu Kamath]

These are all major, important provisions. I will take up the latter ones first.

This clause provides for information as to the earnings, etc., etc. It is stated in clause 5(1) (b) as follows:

"any other person having any knowledge with respect to the financial circumstances of the injured person during that period."

Shrimati Vimla Devi: How long is the House sitting, Sir?

Mr. Deputy-Speaker: Till we finish this Bill.

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): Is the House taking up the next Bill also, thereafter?

Mr. Deputy-Speaker: If there is time.

Shri Hari Vishnu Kamath: If we finish this before six. The other Bill may not come up today. Now, may I submit that the word "knowledge" is not quite comprehensive in this context, because the word "knowledge" has got a definite connotation whether in the English dictionary or perhaps in the legal terminology, and unless it is supplemented by the word "information," this provision will not be complete. Knowledge is something different from information. So, my amendment is to this effect, and the sub-clause would then read as follows:

"any other person having any knowledge or information...." etc.

I am sure the hon. Minister who has been a very competent lawyer in his own right will appreciate the difference between "knowledge" and "information", and to make this provision quite comprehensive, he should include the word "information". Knowledge may be based on information or on belief. The sources of knowledge are so many, and semantically as well as otherwise,—etymo-

logically—the word "knowledge" is not quite coterminous with or synonymous with the word "information". Therefore, to make it complete and comprehensive, I would suggest the inclusion of the word "information" also in this connection.

Then I shall turn to the other amendments. First, I shall refer to the penalties provided. It has been the contention of the House not merely on this occasion but on previous occasions also, when the Government brought in legislation, for instance the Drugs (Amendment) Bill, by many of us on this side as also on the other side of the House—many of my hon. colleagues on the other side—that the Government is not serious or earnest in dealing with the anti-national or anti-social offences or evils. On the other occasion also, it was said that a deterrent punishment should be provided for, and the Government refused to accept the opinion of the House, on both sides of the House. Of course, there was no voting, I know; but the opinion has been clearly expressed on that occasion that the punishment provided must be deterrent in character. Deceit is a grave offence, almost amounting to perjury; of course, perjury means, perhaps, giving false statements, but even the word "deceit" means cheating. Even a man who cheats is only given a punishment of fine of Rs. 500. When all of us,—the whole nation,—are supposed to be actuated by a spirit of emergency, where is the emergency clause here? When we have to deal with very serious matters the Government provides for a penalty of Rs. 500 only. Those who have made their pile—many of them will make their pile in this war—would not care for a fine of Rs. 500; they would not care even if it is Rs. 5,000 or Rs. 50,000. If the Government are serious about this matter, they must provide for a substantial term of imprisonment. If they mean business, and if they do mean to trifle over this war emer-

gency, they must provide for a substantial term of imprisonment. Therefore, I have moved this amendment, providing for imprisonment and also fine. I hope that the Government, if they are worth all that they said about this war emergency and their intentions and determination to deal with the anti-national and anti-war effort walas in our country, should accept my amendment without much ado.

Now, I should like to say a few words about my earlier amendment—about the contracting of disease. By my amendment No. 19, I have sought to insert "or contracted the disease" after "service injury". Clause 5 says:

"....to ascertain the earnings of the person injured in respect of any period before he sustained the personal injury or the personal service injury".

Here I want to add "or contracted the disease". Injury is something apparent. You can see it. But contraction of disease is something vague. In some cases, it may be difficult to say when he has contracted the disease, as my hon. friend also said. So, unless it is definitely provided for that that period should also include the time when he contracted the disease.....

Dr. Gaitonde: Perhaps it refers to gas cases.

Shri C. R. Pattabhi Raman: He refers to poisonous gas cases.

Shri Hari Vishnu Kamath: I do not dispute that.

Shrimati Vimla Devi: What injuries will be there to anticipate in the case of nuclear war? No man will be there.

Shri Hari Vishnu Kamath: Are you supporting me or him?

Shri Warior: Both.

Shri Hari Vishnu Kamath: I am grateful to my hon. friend of the communist party.

I do not dispute the proposition so ably stated by Dr. Gaitonde and supported by the Deputy Minister. But what is visualised here is only personal injury or personal service injury. Though the word 'injury' includes according to him 'disease' or 'disability', in the previous clause you have had the word 'disease' separately along with "injury". So, unless you categorically, definitely and explicitly refer to the period when the disease was contracted, a person in whom the disease becomes manifest sometime later will not be eligible for the benefits under this provision. It has to be proved by medical and other tests that the disease he is suffering from today was really contracted during the period when he was in service. It may be proved by pathological test.

Shri Warior: What about benefit of doubt?

Shri Hari Vishnu Kamath: There is no question of benefit of doubt here. It is a question of proving that the disease was contracted during service. I do not know whether the hon. Deputy Minister has followed this point fully, because injury is something different from the disease.

Shri C. R. Pattabhi Raman: The word 'knowledge' is much wider than 'information', which may include hearsay also. My hon. friend referred to cheating, with regard to punishment. There may be cases of genuine doubt and genuine mistake when an estimate is made. In such cases, fine is adequate.

Shri Hari Vishnu Kamath: What about other cases?

Shri C. R. Pattabhi Raman: With regard to personal injury, clause 2 says:

"(6) 'personal injury' means a physical or mental injury and

[Shri C. R. Pattabhi Raman]

includes any disease whether manifesting itself immediately or subsequently—

(a) caused by—

- (i) the discharge of any missile (including liquid or gas or both), or
- (ii) the use of any weapon, explosive or other noxious thing, or
- (iii) the doing of any other injurious act."

That brings in radiation also. So, it is very wide.

Shri Hari Vishnu Kamath: Please refer to clause 3 where besides 'injury' you have said 'disease' also.

Shri C. R. Pattabhi Raman: That is for a particular narrower purpose; that will not take away the all-embracing effect of the definition section.

Therefore, I would plead with my hon. friend not to press this amendment because it really serves no purpose.

Shri Hari Vishnu Kamath: Contracting the disease is different.

Mr. Deputy-Speaker: I shall put the amendments to the vote of the House. Does he press any of them?

Shri Hari Vishnu Kamath: Yes, Sir, I press amendment No. 19.

Mr. Deputy-Speaker: I hope he is withdrawing all the others?

Shri Hari Vishnu Kamath: Yes.

Mr. Deputy-Speaker: Has he the leave of the House to withdraw all his amendments except amendment No. 19?

Several Hon. Members: Yes.

Amendments Nos. '20 to 25 were, by leave, withdrawn.

Mr. Deputy-Speaker: I shall now put amendment No. 19. The question is:

Page 5, line 22,—

after "service injury" insert—

"or contracted the disease"
(19).

Those in favour may please say "Aye".

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against may say: "No".

Several Hon. Members: No.

Mr. Deputy-Speaker: The "Noes" have it.

Shri Hari Vishnu Kamath: The "Ayes" have it.

Mr. Deputy-Speaker: Those in favour may rise in their seats.

Some Hon. Members rose—(laughter).

Mr. Deputy-Speaker: Three hon. Members have stood up.

Shri Hari Vishnu Kamath: It is not a matter for laughter. My friends do not know how to legislate.

Mr. Deputy-Speaker: Order, order. Those against may rise in their seats.

Several Hon. Members rose—

Mr. Deputy-Speaker: I find a very large number against the amendment. The amendment is lost.

The motion was negatived.

Mr. Deputy-Speaker: I shall now put the clause to the vote of the House. The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—(Medical attention in dispensaries and hospitals)

Mr. Deputy-Speaker: Then we come to clause 6. What are the amendments?

Shri Hari Vishnu Kamath: Sir, I beg to move:

(i) Page 6, line 4,—

after "person" insert "owning or" (26).

(ii) Page 6, line 4,—

after "hospital" insert "or clinic". (27).

(iii) Page 6, line 7,—

after "hospital" insert "or clinic" (28).

(iv) Page 6, line 14,—

after "with" insert—

"imprisonment for a term which may extend to six months, and" (29).

(v) Page 6, lines 14 and 15,—

for "fine which may extend to one thousand rupees" substitute—

"shall also be liable to fine". (30).

Mr. Deputy-Speaker: Does he want to say anything?

Shri Hari Vishnu Kamath: Yes, Sir. I will try to convince. I am against a stone wall, but I do not lose hope. My amendment No. 27 seeks to insert the words "or clinic". The wording in the Bill is: "dispensary or hospital". I am not a doctor nor, as I said, I am a lawyer. But Dr. Gaitonde may help us here.

Dr. Gaitonde: Hospitals and dispensaries are all clinics.

Shri Hari Vishnu Kamath: Then you need not have the words: Hospital or dispensary", you need have only the word "clinic". I accept Dr. Gaitonde's authority.

Shri C. R. Pattabhi Raman: Except that in a clinic there may not be equipment for a medical aid at the required time of the required nature. In fact, it is a narrow thing.

Shri Hari Vishnu Kamath: I have not been inside a clinic, but I know

friends who have got clinics. I do not know which clinic the hon. Minister knows to say that a clinic has no medical aid equipment.

Shri C. R. Pattabhi Raman: There may be a case where a clinic may be a diagnostic clinic, for all I know. There may be some clinics which may not be equipped for medical aid. But every hospital and dispensary has got such equipments.

Shri Hari Vishnu Kamath: But there are cases of persons, I know, who would prefer to go inside and be treated in a clinic rather than in a hospital or dispensary. I do not know why persons who wish to be treated in a clinic should be debarred under the law from availing the benefit of this law. Because, Sir, all hospitals nowadays, I am sorry to say, are not equally efficient. Some of them are even unclean hospitals. There are government hospitals which are insanitary even in Delhi. That matter when it came up was not contested seriously by the Health Minister. She admitted various deficiencies in the hospitals. There are insanitary and unclean hospitals in the Capital. If that is so here, I shudder to think what the position may be in the remote corners of our vast country.

Shri R. S. Pandey (Guna): Which hospital are you referring to?

Shri Hari Vishnu Kamath: I will tell him outside the chamber. There are some clinics run by very able surgeons and doctors in big cities. They are known for their efficiency, for their personal attention to patients or people who go inside the clinics. Therefore, even if he retains the words: "hospital or dispensary", he should also accept my amendment and agree to include the word: "clinic", because, as Dr. Gaitonde has said, the word "clinic" includes both and they are in a way synonymous or co-terminus with one another. Therefore, to make it comprehensive, we should have the word "clinic" along with the word "hospital" or "dispensary".

[**Shri Hari Vishnu Kamath**]

Then I will refer briefly to the other amendments whereby, as I stated and pleaded with the House earlier, I have sought to make the punishments to be awarded for offences under the Act more deterrent. Take any provision. Except in the case of clause 7, to which I will come later, where there is provision for imprisonment up to three months, in all other cases it is only a fine of Rs. 500 or Rs. 1,000. I repeat that unfortunately the Treasury Benches and the ruling party have got some mental reservation on this point of sending some of the persons—I will not say favourites or people whom they like—to jail and unless there is a revolutionary change in the mental make-up of the Treasury Benches with regard to sending some of the persons committing offences like this to jail in war time, nothing will come out of this provision.

Mr. Deputy-Speaker: Here it is a punishment for doctors.

Shri Hari Vishnu Kamath: Whoever it is. A doctor is also a citizen. He should not commit an offence. Do you mean to say that a doctor should not be sent to prison? Doctors have gone to prison in other countries.

Mr. Deputy-Speaker: If he fails to keep such records or fails to make some returns.....

Shri Hari Vishnu Kamath: If his services are requisitioned under the emergency powers and if he refuses to serve is he not committing an anti-national act, irrespective of whether he is a doctor or lawyer or anybody else? Suppose I am asked to render some service under the Defence of India Rules and I refuse to do it, I will be hauled up and punished. If you, Sir, also, God forbid, refuse to serve under those conditions, you will also be treated in the same way. So, there is no question of any exception in the case of war measures. Be he a doctor, a patient a

Minister or anybody else, every offender under the Act must be sent to prison if they mean business and if they mean what they say. Therefore, I do hope that at least in this case they will accept the provision which provides for imprisonment and makes it deterrent.

Shri C. R. Pattabhi Raman: I have already explained the position of the Government.

Mr. Deputy-Speaker: Government is not accepting any of those amendments. Does he want to press any of them?

Shri Hari Vishnu Kamath: I want to press my amendment No. 27 for adding the words "or clinic".

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw amendment Nos. 26, 28, 29 and 30?

Some Hon. Members: Yes.

Amendments Nos. 26, 28, 29 and 30 were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

Page 6, line 4,—

after "hospital" insert "or clinic" (27).

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.—(Penalty for false statement)

Shri Hari Vishnu Kamath: I beg to move:

(i) Page 6, line 20,—for "three" substitute "six" (31).

(ii) Page 6, line 20,—add at the end—

"and shall also be liable to fine" (32).

Here the Government have at least had the sense to think, to consider, that this is a fairly serious offence, and they have provided for a term of imprisonment extending to three months. It says:

"Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months."

As I said earlier, this is the only provision where they have realised the need for imprisonment, for a substantive sentence of imprisonment. Here at least, can they not make it a little more deterrent? I have sought to increase it, to raise it, to six months from three months, because, in my opinion, any term of imprisonment, to be fairly effective should not be less than six months. You will find in the Indian Penal Code, where most of the major offences are detailed that they have provided a sentence of not less than six months. Here I do not know what actuated the Government, after having detailed in the provision, in the clause, the ingredients of the offence, after having realised how serious the ingredients are, to provide for a lenient sentence of three months imprisonment alone.

My other amendment is:—

"add at the end—

"and shall also be liable to fine"

I commend both these amendments to the acceptance of the hon. Minister and the House.

Shri C. R. Pattabhi Raman: I regret, I am unable to accept them.

Shri Hari Vishnu Kamath: Then, I regret I will not withdraw them.

Mr. Deputy-Speaker: I shall put them together to the vote of the House.

The question is:

(i) Page 6, line 20,—

for "three" substitute "Six" (31).

(ii) Page 6, line 20,—

add at the end—

"and shall also be liable to fine" (32).

Those in favour will please say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will please say 'No'.

Several Hon. Members: 'No'.

Mr. Deputy-Speaker: I think the 'Noes' have it. The motion is negatived.

Shri Hari Vishnu Kamath: The Ayes have it.

Mr. Deputy-Speaker: I shall put it again. The question is:

(i) Page 6, line 20,—

for "three" substitute "six" (31).

(ii) Page 6, line 20,—

add at the end—

"and shall also be liable to fine" (32).

Now, those in favour will please rise in their seats. There are 4. Now, those against will please rise in their seats. I see a large number against. The motion is negatived.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri C. R. Pattabhi Raman: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

17.57 hrs.

MANIPUR (SALES OF MOTOR SPIRIT AND LUBRICANTS) TAXATION BILL

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): Sir, I beg to move*:

"That the Bill to consolidate and amend the law relating to the levy of a tax on sales of motor spirit and lubricants in the Union Territory of Manipur, be taken into consideration."

At present tax on motor spirit and lubricants is levied in Manipur under the Assam (Sales of Motor Spirit and Lubricants) Taxation Act, 1939 which was extended by the former Durbar of Manipur in 1940. The rates in Assam have increased considerably ever since this was introduced. There was an amending Bill in 1955 in Assam, whereas they have remained static at the previous level in Manipur. The object of the present Bill is firstly, to express those rates in terms of metric measures and decimal coinage and, secondly, to raise the level of taxes suitably in suitable stages. It is not proposed to apply the Assam rates all at once or immediately to the State of Manipur taking into account the state of comparative backwardness of that area, but we propose to do that in stages and the power is proposed to be vested in the Central Government for the purpose.

Generally, the basis of the present Bill is the Assam Act of 1955 but there are certain variations which have been included for the purpose of improvement of the measure. I think, at this preliminary stage these remarks will suffice and I would com-

mend this Bill for the consideration of the House.

Mr. Deputy-Speaker: I see no hon. Member is rising to speak. So, I shall put it to the vote of the House.

The question is:

"That the Bill to consolidate and amend the law relating to the levy of a tax on sales of motor spirit and lubricants in the Union Territory of Manipur, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The House shall now take up clause-by-clause consideration of the Bill. There are no amendments. So, I shall put all the clauses together to the vote of the House.

The question is:

"That clauses 2 to 37 stand part of the Bill."

The motion was adopted.

Clauses 2 to 37 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Raj Bahadur: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Deputy-Speaker: Shall we take up the next Bill or adjourn?

Shri Hari Vishnu Kamath: Let us adjourn.

Mr. Deputy-Speaker: The House stand adjourned till 12 NOON tomorrow.

18 hrs.

The Lok Sabha then adjourned till Twelve of the Clock on Friday, December 7, 1962/Agrahayana 16, 1884 (Saka).

*Moved with the recommendation of the President.

[Thursday, December 6, 1962/Agrahayana 15, 1884 (Saka)]

COLUMNS PAPERS LAID ON THE TABLE—contd.

COLUMNS

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

4351-59

Shri S. M. Banerjee called the attention of the Minister of Mines and Fuel to the reported scarcity, hoarding and black marketing in kerosene oil in Delhi and other places.

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis) made a statement in regard thereto.

PAPERS LAID ON THE TABLE

4359-60

The following papers were laid on the Table :—

(1) A copy of the Prevention of Food Adulteration (Second Amendment) Rules, 1962 published in Notification No. G.S.R. 1564 dated the 24th November, 1962, under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954.

(2) A copy of Notification No. G. S. R. 1594 dated the 26th November, 1962, under clause (3) of article 359 of the Constitution, publishing amendments to Order No. G.S.R. 1418 dated the 30th October, 1962, issued by the President under clause (1) of the said article.

(3) A copy each of the following Notifications :—

(i) G.S.R. No. 1584 dated the 24th November, 1962, under sub-section (4) of section 43B of the Sea Customs Act, 1878.

(ii) G.S.R. No. 1585 dated the 24th November, 1962, under sub-section (4) of section 43B of the Sea Customs Act, 1878 and section 38 of the Central Excises and Salt Act, 1944, making certain further amendment to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960.

(4) A copy each of the following Notifications under sub-section (3) of section 12 of the Government Savings Certificates Act, 1959, making certain further amendments to the Post Office Savings Certificates Rules, 1960:—

(i) G.S.R. No. 1458 dated the 1st November, 1962.

(ii) G.S.R. No. 1461 dated the 1st November, 1962.

(iii) G.S.R. No. 1590 dated the 21st November, 1962.

(5) A copy of the Public Debt (Third Amendment) Rules, 1962, published in Notification No. G.S.R. 1509 dated the 10th November, 1962, under sub-section (3) of section 28 of the Public Debt Act, 1944.

MESSAGES FROM RAJYA SABHA

4361

Secretary reported the following messages from Rajya Sabha :—

(i) That Rajya Sabha had agreed without any amendment to the Warehousing Corporations Bill, 1962, passed by Lok Sabha on the 29th November, 1962.

(ii) That Rajya Sabha had passed the East Punjab Ayurvedic and Unani Practitioners (Delhi Amendment) Bill, 1962.

BILL PASSED BY RAJYA SABHA—LAID ON THE TABLE

4361

Secretary laid on the Table the East Punjab Ayurvedic and Unani Practitioners (Delhi Amendment) Bill, 1962, as passed by Rajya Sabha

STATEMENT BY MINISTER OF HOME AFFAIRS

4361-44

The Minister of Home Affairs (Shri Lal Bahadur Shastri) made a statement regarding the arrest of one Budhabir Singh at Gauhati in October, 1962, for alleged espionage activities and his subsequent release on bail.

COLUMNS

BILLS PASSED . . . 4724—4726

(i) Further discussion on the motion to consider the Working Journalists (Amendment) Bill was concluded and the motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.

(ii) The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman) moved that the Personal Injuries (Emergency Provisions) Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.

(iii) The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur) moved that the Manipur (Sales of Motor Spirits and Lubricants) Taxation Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed. 4

AGENDA FOR FRIDAY, DECEMBER 7, 1962/AGRAHAYANA 16, 1884 (SAKA)

Consideration and passing of
 (i) The Emergency Risks (Goods) Insurance Bill, and
 (ii) the Emergency Risks (Factories) Insurance Bill. Also, consideration of Private Member's Resolutions.