

Third Series, No.8

Monday, November 16, 1962
Kartika 25, 1884 (Saka)

LOK SABHA DEBATES

**Third Session
(Third Lok Sabha)**



**LOK SABHA SECRETARIAT
New Delhi**

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LOK SABHA

*Friday, November 16, 1962 | Kartika
25, 1884 (Saka)*

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Indian Tea

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*219. { Shri P. C. Borooh:
Shrimati Renuka Ray:

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

(a) at what prices Indian East African and Ceylonese teas are on average being offered in the British, U.S. and German markets according to the latest information available;

(b) whether the figures go to sustain the statement of the Chairman of the Bhartiya Cha Parishad made at Calcutta on the 11th September, 1962, that Indian tea was being priced out of the world market; and

(c) if so, what steps, if any, are envisaged to reduce the cost of production and making Indian tea more competitive in the world market?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the House.

* STATEMENT

(a) Teas are sold according to Estate markings in the London auctions. The average prices for the Teas from India, Ceylon and Africa, according to

the latest Tea Market Report, are as follows:—

	Sh. d.
North India	5 1·43
South India	3 6·65
Ceylon	4 10·17
Africa	3 3·04

There are no standard auctions in the U.S. and German markets and average figures cannot be derived.

(b) It will not be correct to infer from the figures that Indian tea is being priced out of the world market. Prices realised depend, amongst other things, mainly on quality and the selective demand prevailing from time to time. The latest export figures available record an increase in the export to U.K. and U.S.A. and maintenance at the same level to West Germany.

(c) While no steps are indicated, Government are constantly studying the trends. Adequate facilities for reducing the cost of production by research measures, supply of fertilizers in full, re-plantation of old teas, etc. are provided and, in addition, fiscal measures of relief are provided whenever necessary to make the tea more competitive.

Shri P. C. Borooh: From part (b) of the statement I find that the reply has been given in quantum whereas my question was different about earnings. Ceylon tea being the main competitor of Indian tea in the world markets, may I know what facilities are the Ceylon Government giving to their industry which have not been given by our Government to our industry?

Shri Manubhai Shah: These are two different questions altogether. Regarding tea, that is not one product for the prices to be compared.

As the hon. Member already knows, actually speaking, the general complaint is that our teas are selling at a little higher price than the Ceylon and other teas. That is why the competition of Ceylon is actually severe. Regarding production facilities, it is a huge list of various types of facilities we are extending to this industry, namely, fertilisers, replantation up to Rs. 5 crores and 2 crores for hire purchase machinery. The hon. Member fully knows all that.

Mr. Speaker: Shri Rameshwar Tantia.

Shri P. C. Borooh: May I know...

Mr. Speaker: He took so much time even in putting the first question.

Shri Rameshwar Tantia: From the statement it is seen that South Indian tea is sold at 3sh 6d and Ceylon tea at 4sh 10d. May I know, when the climatic condition in the range are the same, what is the reason for this big difference between South Indian tea and Ceylon tea?

Shri Manubhai Shah: Actually it is not so. In Ceylon, it is the average of both areas in Ceylon which are very adjacent to the Tamil border and also high-land areas which are just like our Assam tea. In regard to tea, the average of the Ceylon tea is taken. If you take the North Indian tea, it will not be higher than the Ceylonese tea. In the South Indian tea on the other side, it is slightly higher.

Shri P. C. Borooh: In view of the fact that increase in the wages of workers adds to the cost of production, may I know whether the Government propose to subsidise the tea industry to compensate the increase in the cost likely to be recommended by the Tea wage board?

Shri Manubhai Shah: The question, if I may say so, does not arise out of this. It will not be right always to speak in terms of subsidy. All the necessary assistance to this industry is being given. There is no case for any

other assistance in the nature of subsidy.

Shrimati Savitri Nigam: May I know what are the other steps taken by the Indian Government to see that our tea competes with others in the foreign markets and production of our tea becomes less costly?

Shri Manubhai Shah: The steps are, larger supplies of fertilisers, modernisation of tea plantation by the supply of hire purchase machinery. As I said last time in the House also, we are now giving them assistance for artificial irrigation equipment which is a very new advance made in tea fertilisation. All these steps are taken as far as lowering the cost of production is concerned. Regarding assistance abroad, we are spending quite a big amount on tea propaganda abroad. There is also another question on this subject today, and in my reply to that I have stated that we are trying to open some centres for publicity. A delegation headed by the Chairman of the Tea Board has recently visited Australia, and the chairman has come back only yesterday. These are the various steps that we are taking to promote the sale of Indian tea abroad.

Cement factories

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 Shri Bhagwat Jha Azad:
 Dr. L. M. Singhvi:
 Shri Bhakt Darshan:
 *220. Shri A. K. Gopalan:
 Shri P. K. Ghosh:
 Shri Sonavane:
 Shri Vidya Charan Shukla:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) how many new cement factories are proposed to be established during the Third Plan period;

(b) the details of proposals received or being considered by Government; and

(c) the criteria governing the establishment of new cement factories?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. S. Sethi): (a) Twenty-eight schemes, with a total capacity of about 4.9 million tonnes, have been approved. Their completion in time will depend on the availability of foreign exchange, the capacity of indigenous manufacturers for plant and machinery etc.

(b) There are fifty proposals before Government.

(c) Availability of raw materials, fuel, power, water, rail transport facilities, demand and supply in the area and the target for the Plan period are relevant criteria; other things being equal, the need for regional dispersal of the industry is also kept in view.

Shri Bhagwat Jha Azad: Before these proposed factories are established, may I know how Government propose to meet the present requirements of the country?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): We can meet it only with the present production, and we are trying to expedite production, particularly using slag from blast furnaces.

Shri Bhagwat Jha Azad: What is the gap at present between the demand and the supply curve, and is it a fact that while the demand is rising, the production is not coping up with it?

Shri C. Subramaniam: It is true that the production is not coping up with the demand. That is mainly because the target in the Second Plan was reduced, but, now, we are trying to make it up.

Shri Bhakt Darshan: Out of these 22 factories how many are in the public sector and how many in the private sector? May we have a State-wise break-up of these?

Shri C. Subramaniam: Mostly, they are in the private sector. I have got the figures here with regard to the

State-wise break-up but it will take a long time to read them out.

Mr. Speaker: That may be placed on the Table of the House.

Shri Maheswar Naik: May I know how many of these factories are intended to be established as ancillaries to steel industries?

Shri C. Subramaniam: As regards ancillaries to steel industries as I have already stated, it is connected with the utilisation of slag. Just now, we are making efforts to utilise the slag available at Durgapur and Bhilai, and two or three cement factories will be linked with these.

Dr. K. L. Rao: May I know whether there is spare capacity in the existing factories remaining unutilised because of certain difficulties and if so, the steps that Government are taking to rectify them?

Shri C. Subramaniam: Roughly, the producing capacity is round about 90 per cent. We are trying to push up the production in these factories also by making available to them more raw materials and also transport capacity.

Shri Sham Lal Saraf: May I know whether these 22 factories include one in Jammu Province at Kalakot and another at Chakki near Pathankot?

Shri C. Subramaniam: Yes. It includes Messrs. J. & K. Minerals, Ltd., Srinagar.

Shri Bade: Is there any proposal before Government to establish any factory in Madhya Pradesh in the private sector, and what help will Government give to the private sector for the factory to be established at Neemuch?

Mr. Speaker: The hon. Member is going into the details of the regions.

Shri Bade: I am not going into the regions. I want to know what help Government will give if the private sector wants to start factories for manufacture of cement.

Shri C. Subramaniam: There is one factory licensed in the private sector in Madhya Pradesh, called Messrs. Associated Cement Co.

Shri Bade: My question is different, Sir.....

Mr. Speaker: Now, Shri Yashpal Singh.

Shri Bade: My question was quite different.....

Mr. Speaker: I was inclined to disallow even the earlier question of the hon. Member because he was going into the details of one particular region.

Shri Bade: I seek your protection, Sir....

Mr. Speaker: Rather, I seek his protection. Now, Shri Yashpal Singh.

Shri Bade: I wanted to know what help Government would give to the private sector if it wants to start a cement factory.

Mr. Speaker: Order, order. I have called Shri Yashpal Singh.

श्री यशपाल सिंह: मैं यह जानना चाहता हूँ कि जो भारत का सब से बड़ा कारखाना हेवी एलेक्ट्रिकल्स का हरिद्वार में कायम हुआ है, क्या उस की जरूरियात को मीट करने के लिये वहाँ सीमेन्ट फैक्ट्री कायम की जायेगी।

Mr. Speaker: That is a proposal; that is a suggestion for action.

श्री लहरी सिंह : मैं जानना चाहता हूँ कि व्यास डैम का खायाल रखते हुए, क्या उस परियां में कोई फैक्ट्री खोलने की तजवीज है ?

अध्यक्ष महोदय : अगर यह सब चीजें एक एक सेक्टर की हम लेने लगेंगे तो कैसे काम चलेगा ?

Shri Hem Raj: May I know the party to whom licence has been issued for the setting up of the factory in Punjab, and whether it is a fact that

it has been given to a firm which had been blacklisted by Government?

Mr. Speaker: The hon. Member is entering into too many details. Now, next question.

Steel Plant at Bokaro

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Shri S. M. Banerjee:
Shri Morarka:
Shri Surendranath Dwivedy:
*221. Shri Lakshmu Bhawani:
Shri Indrajit Gupta:
Shri Daji:
Shri Sarjoo Pandey:
Shri Vidya Charan Shukla:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the progress that has been made regarding establishment of the Fourth Steel Plant at Bokaro; and

(b) whether U.S. Government have finally decided to give the promised aid?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) and (b). The U.S. Steel Techno-Economic Survey team sent by the U.S. Agency for International Development are expected to submit their report to the U.S. Agency early in 1963. The actual decision on financial aid for the Project will be taken after the Techno-Economic Survey team have submitted their report. In the meanwhile preliminary work is going on at the site and action is being taken to acquire the necessary land

Shri S. M. Banerjee: Have Government taken adequate steps to see that the establishment of this plant does not suffer because of foreign exchange difficulties due to this emergency?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): Once the scheme is approved, I am sure sufficient aid will be coming from the US which will take care of foreign exchange also.

Shri Indrajit Gupta: Is there any truth in reports which have appeared in the papers that the American experts—I know they have not submitted their final report—are not in favour of a very large-size unit at Bokaro and they would like the maximum capacity to be not more than 3 million tons a year?

Shri C. Subramaniam: I would not like to enter into speculation like newspapers.

श्री कल्याणः मैं जानना चाहता हूँ कि इस कारखाने की स्थापना के काम के शुरू होने की क्या उम्मीद है?

Shri C. Subramaniam: It is likely to go into production some time in the Fourth Plan period. I am sorry I will not be able to fix the exact time-table before it is finalised.

श्री कल्याणः हिन्दी में उत्तर मिलना चाहिए।

प्रध्यक्ष महोदयः चौथी योजना में किसी वक्त शुरू हो जायेगा।

Shri Bhagwat Jha Azad: With reference to his answers in the past and also repeated now, do Government propose to impress upon the US Government, in view of our need for more steel, the need for establishing production in the plant in the Third Plan period itself?

Shri C. Subramaniam: They are aware of it and I am sure they will keep that in mind when taking a decision.

Shri Morarka: Is it a fact that the leader of this American team, Mr. Eric Jacobbsson, called on the hon. Minister and has told him that the findings of the team are that this project is feasible and that only certain details remain to be worked out before proceeding further?

Shri C. Subramaniam: Yes, I had a series of discussions recently with the leader of the delegation. I do not

think at this stage I should disclose details.

श्री विभूति मिश्रः क्या यह सही है कि विहार गवर्नरेट ने इस कारखाने को जितनी जमीन की जरूरत है वह बिना कीमत दे दी है? यदि हाँ तो फिर जमीन का सवाल क्यों उठाया जाता है?

Shri C. Subramaniam: We are now proposing to acquire about 44,000 acres in the first instance. Perhaps a little more may be necessary. The price will be fixed according to the Land Acquisition Act.

Mr. Speaker: Has it been given free?

Shri C. Subramaniam: No, we are paying for it.

Region-wise Organisations for Exports

*222. **Shri Bibhuti Mishra:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government intend to form a region-wise organisation to make specialised studies of export trade problems relating to particular regions;

(b) if so, when this organisation will come into existence; and

(c) its main functions?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). The matter is under active consideration of the Government of India.

श्री विभूति मिश्रः मैं जानना चाहता हूँ कि जब यह मामला सरकार के विचाराधीन है तो क्या विभिन्न स्टेटों को और विभिन्न स्टेटों के जिलाधीशों को लिखा गया है कि वे बतायें कि उनके यहाँ कौन कौन चीजें बाहर भेजने लायक हैं, उनकी लिस्ट दें?

श्री मन्भाई शाहः इससे इस सवाल का कोई मतलब नहीं है। इस में तो विदेशों के

एक्सपोर्ट को व्यान में रख कर देश को चार पांच हिस्सों में बांटने की बात है। Regional Directors of Foreign Trade will be appointed for these different areas very soon. That is the question. It has nothing to do with districts and sub-districts in the country.

श्री विभूति मिश्र : मेरा सवाल यह है कि सरकार ने स्टेट गवर्नमेंट्स से और स्टेट गवर्नमेंट्स ने अपने अपने जिला अधिकारियों से यह पूछा कि वे बतावें कि उनके यहां कौन कौन सो चोजे बाहर भेजने लायक हैं?

श्री मनुभाई शाह : यह तो सब चलता ही है। Region-wise distribution of foreign trade and the organisational set-up. That is primarily concerned with the different areas of the world which we are trying to reorganise into four or five zones under regional directors of foreign trade—one for Latin American and US, another UK and the EEC, the third East European countries and other areas and fourth, Africa, Asia and the Middle East.

Shrimati Savitri Nigam: May I know, when the hon. Minister is convinced that this sort of organisation is going to be useful, why there is delay in the setting up of this, why, though it has already been announced, it has not been set up?

Shri Manubhai Shah: There has been really no delay. The question is to locate people. We want competent persons of the rank of joint secretaries to take charge of the regional directorates of foreign trade. To locate people with commercial knowledge and expertise of foreign trade is not an easy task. We are trying to pick up the people.

Shri Sham Lal Saraf: May I know whether this registration of exporters and exporting houses will be of particular commodities or regionwise?

Shri Manubhai Shah: I am sorry that question is quite independent.

Mr. Speaker: That does not arise from this.

Iron and Steel Distribution System

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Shri Bhagwat Jha Azad:	Shri Bhakt Darshan:
Shri P. C. Borooh:	Shri Yallamanda Reddy:
*224. Shri Bishnchander Seth:	Shri Subodh Hansda:
Shri Yashpal Singh:	Shri Harish Chandr Mathur:
Shri Indrajit Gupta:	Shri Surendranath Dwivedy.

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Government have appointed any committee to suggest a complete overhaul of the present system of iron and steel distribution; and

(b) whether Government propose to introduce immediately the system of direct purchase from the producer by the bulk consumers?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) Yes, Sir, to review the present system of distribution control and planning.

(b) This matter will be examined after the Committee has submitted its report.

Shri Bhagwat Jha Azad: May I know whether it has been found by the Government that the present system of distribution has worked as a handicap, leading to non-lifting of large quotas not only by individuals but also by some State Governments?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): Yes, Sir, there have been difficulties in the present system of distribution. That is why we have appointed a committee, and I am hoping that it will be possible to reorganise this distribution.

Shri Bhagwat Jha Azad: Is the idea of the Government to change the present distribution not only due to this faulty system of distribution, but also

due to the increasing demand with which the supply is not coping?

Shri C. Subramaniam: First of all, the volume to be dealt with by this organisation has become immense. Formerly the distribution was round about one million tons. Now we ourselves will be producing about 4 million tons, and we are importing some materials also. So, the organisation will have to be looked into from this aspect, and also the present emergency perhaps will have a bearing on it.

Shri Bhakt Darshan: As I understand it, even the defence ordnance factories have been complaining about the inordinate delay in the supply of steel to them. Have any special steps been taken now in that connection?

Shri C. Subramaniam: There have been complaints from almost everybody, but as far as ordnance factory requirements are concerned, they have a special priority and they will be met as quickly as possible.

श्री यशपाल सिंह : क्या यह सही है कि कलकत्ता में जो आयरन एंड स्टील कंट्रोलर का दफ्तर है वह एक इम्पीरियलिस्ट दफ्तर है और वह आज भी हमारी जरूरियात पूरी नहीं करता। क्या डिस्ट्रिक्ट लेविल पर या स्टेट लेविल पर इस तरह के दफ्तर कायम करने का इशारा है।

इस्पात और भारी उद्योग मंत्रालय में उपमंत्री (श्री प्र० च० सेठी) : कलकत्ता के अलावा बंबई, मद्रास और दिल्ली में रीजनल अफिसेज हैं। इन के अलावा और कोई दफ्तर खोलने का अभी प्रोग्राम नहीं है।

Mr. Speaker: Next question.

Shri Ranga: May I put a supplementary?

Mr. Speaker: He did not stand up earlier.

Shri Ranga: This is an important supplementary.

Mr. Speaker: Too late now.

Issue of Industrial Licences

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*225.	Shri Morarka: Shri Ravindra Verma: Shrimati Savitri Nigam: Shri S. M. Banerjee: Shri Umanath: Shri Tulshidas Jadhav: Shri V. T. Patil: Shri Jedhe: Shri Warior: Shri Vidya Charan Shukla: Shri Basumatari: Shri Ramanathan Chettiar: Shri A. N. Vidyalankar: Shri Maheswar Naik:
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Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 529 on the 22nd August, 1962 and state:

(a) whether an analysis of licences issued to industrial houses or industrialists was supplied to the Mahalanobis Committee before their report was finalised;

(b) whether there is any restriction in actual practice in issuing these licences to persons already owning or managing many undertakings; and

(c) whether he would now lay on the Table an analysis of the licences issued to industrial houses or industrialists during the last two years?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) No, Sir. The report of the Mahalanobis Committee also remains to be finalised.

(b) Yes. The provisions of the Industrial Policy Resolution, 1956, which specifically refers to the need to prevent private monopolies and the concentration of economic power in different fields in the hands of small number of individuals, are always kept in view when new licences are issued. In furtherance of this policy, in a number of well-established industries, licences for establishing

new units are granted only to newcomers. The branching out by companies engaged in one line of business into other unrelated fields is also generally not favoured by Government.

(c) An analysis of the licences issued to the major Business Houses in the country during the last two years is under preparation and will be laid on the Table of the House as soon as this is ready.

Shri Morarka: May I know whether the Mahalanobis Committee has requested this Ministry for some information, and if so whether this information is going to be supplied to that committee?

Shri Kanungo: They had asked for some information on these lines. Some of it has been supplied, and some has yet to be supplied.

Shri Morarka: We were told the other day in the House that this committee would be submitting its report some time in December. If this information is not supplied to the committee, may I know whether the work of the committee will not be impeded?

Shri Kanungo: No, Sir. Before the finalisation, not all but some of the information asked for will be provided.

Shri Basumatari: Since this committee has become a subject of controversy, may I know whether this committee has been following the terms of reference given to it by the Government?

Shri Kanungo: Obviously. In any case, I am not concerned with the committee. So, I cannot categorically reply.

Shrimati Savitri Nigam: Just now the hon. Minister has stated that every care is being taken to see that licences are given to the newcomers. May I know the percentage of the licences given to the newcomers in 1961-62?

Shri Kanungo: I have already mentioned that according to the directions of the Speaker, that analysis is being prepared, and will be placed before the House.

Shri S. M. Banerjee: Last time we had a half an hour discussion on this and you were pleased to ask the Minister to prepare a list of cases where licenses were issued. Even today we are told that it is under preparation. Will the list be placed on the Table of the House in this session? That is very essential.

Shri Kanungo: I have replied to part (c) and I have also replied to the supplementaries. It is being prepared and it will be ready by the middle of December. It takes a long time. Unfortunately, the session is closing by the end of November. I believe by the next session it will be ready.

Shri Bhagwat Jha Azad: Is it a fact that Government has categorically written back to the Mahalanobis Committee that some information sought by the committee could not be supplied by the Government?

Shri Kanungo: No, Sir.

Iron and Steel Plant in Andhra Pradesh

- | Shri Kolla Venkaiah:
- | Shri Rameshwar Tantia:
- *226. | Shri Sham Lal Saraf:
- | Shri Basumatari:
- | Shri E. Madhusudan Rao:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the Committee of Experts appointed by the Union Government for examining the proposal for the establishment of iron and steel plant of medium size in Andhra Pradesh has recommended the testing of coal and iron ores and limestone from selected spots in the vicinity of Kothagudem in the low-shaft furnace of Jamshedpur National Metallurgical Laboratory;

(b) if so, the results of the tests; and

(c) the final decision of the Experts Committee on the proposal?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) to (c). At the instance of the Government of Andhra Pradesh, the National Metallurgical Laboratory, Jamshedpur, undertook tests on raw materials locally available in Andhra Pradesh. The results indicate the technical feasibility of the production of pig iron from these local raw materials. The Technical Committee set up by the Government are now considering further information obtained from the Government of Andhra Pradesh regarding the suitability of various alternative sites and the economics of production.

Shri Rameshwar Tantia: May I know whether investigation has been made regarding the other aspects? What will be the size of this plant?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): The idea is to utilise the indigenous coal and ore available in that area and the test was in that regard. Apart from that we have already issued two licences to the private sector, one for the manufacture of pig iron of the capacity of 100,000 tons. Generally that will be the order of production in these plants.

Shri Rameshwar Tantia: Have they approached some other countries for collaboration?

Shri C. Subramaniam: With regard to these two licensees, I think they are seeking collaboration from East Germany.

Shri Venkatasubbiah: May I know whether this plant will be started as a joint enterprise of the Central Government and or the State Government or it will be a private sector plant?

Shri C. Subramaniam: As I have already stated, two licences have been issued. But there is another application from the Andhra Pradesh

Development Corporation which is an Andhra Pradesh undertaking. They have also made an application. That will be a part of the undertaking of this Corporation.

Shri Ranga: Is it the intention of the Government, if these enquiries prove fruitful, to take steps to establish this factory during the course of the Third Plan?

Shri C. Subramaniam: Yes, Sir. That is the intention.

Shri Sham Lal Saraf: How soon will it be possible for these licencees to set up their plants?

Shri C. Subramaniam: These licences were issued only during this year—one in August 1962 and the other in May 1962. They are seeking the collaboration of various other technical assistance. I am not in a position to give the exact date by which they will go into production.

Dr. K. L. Rao: May I know whether the navigability of the Godavary river to connect this part with the Madras-Calcutta line will be considered as an added advantage in locating the steel plant in this area?

Mr. Speaker: It is a suggestion.

Shrimati Lakshmi Kanthamma: In view of the fact that two licences have already been given for pig iron plant, has the Government given up the further consideration of the idea of having a steel plant in that State?

Shri C. Subramaniam: These are all pig iron plants. The question of steel plant is different and as I already indicated regionwise investigation is going on as to their establishment.

Textile Machine Industry

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*227. { **Shri Daji:**
Shri Indrajit Gupta:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the total annual production of

Textile Machine Industry in the country;

- (b) the installed capacity and the steps taken to expand it;
- (c) how much of it is exported; and
- (d) what steps are being taken to increase export?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) Textile machinery together with its spares and accessories of the value of approximately Rs. 26 crores is now being produced in the country.

(b) The present annual licensed capacity is the order of Rs. 44 crores. Licences for the manufacture of textile machinery are liberally granted. Priority is also given for the import of capital goods.

(c) Machinery worth Rs. 15.11 lakhs, Rs. 35.61 lakhs and Rs. 13.72 lakhs was exported during the years 1960-61, 1961-62 and 1962-63 (upto August) respectively.

(d) Export of textile machinery has been decontrolled. A special export incentive scheme has also been introduced recently.

Shri Daji: In view of the large difference between the installed capacity, the licensed capacity, and the actual production, has the Government found out what are the specific difficulties of this industry to see that the full capacity is utilised immediately?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): Certain components have to be imported, but I agree there is a large installed capacity which is not being utilised. At present, only 33 per cent of the installed capacity is being utilised. Now, steps have been taken to see that by the end of this Plan period at least 77 to 80 per cent of this capacity is utilised.

Shri Daji: Looking to the very small amount of exports that we are

able to get from the industry and the possibilities which are very large, have we discussed with the industry concerned as to what actual help they want so that the export of these machines can be immediately stepped up?

Shri C. Subramaniam: Our own requirements are so large. It is only a national export we are allowing. I do not think we can afford to export this machinery in a large scale in which case we would have to be importing these machinery again from other sources.

Shri Indrajit Gupta: Following from the last answer given by the Minister, may I know how much foreign exchange we still have to spend for the import of machinery for modernisation and expansion purposes both in the cotton textile and the jute textile industries?

Shri C. Subramaniam: I do not have the figures for the jute machinery manufacture here, but with regard to cotton textile machinery, in 1960-61, the import was of the order of Rs. 23.33 crores; 1961-62, Rs. 26.64 crores; 1962-63, up to August, Rs. 11.34 crores.

Shri Ranga: How do we reconcile these two statements: that our own requirements are so big that we should not boost up exporting textile machinery and, at the same time, only 30 per cent of the installed capacity is being utilised today?

Shri C. Subramaniam: That is the real difficulty with the private sector. We are trying to push them to utilise the capacity to a greater extent.

Shri Mohammad Elias: May I know whether the Government is giving financial help to those factories which are producing textile machinery and whether any amount is given to the TEXMACO, which is the biggest textile machinery manufacturing company in the country and, if so, what would be their total production under the new expansion programme?

Shri C. Subramaniam: I do not have the figures with regard to it.

Shri Ranga: Whether it is private enterprise or public enterprise, when the installed capacity cannot be utilised for want of market demands in this country for the machines to be produced, how does my hon. friend propose to utilise this installed capacity, either for the production of textile machinery or for the production of some other machinery which can possibly be conveniently turned out from the same factories?

Shri C. Subramaniam: I am afraid the hon. Member has not understood the real position. Our needs are more, but in spite of that, the full installed capacity is not being utilised. So, we are goading them to utilise their entire capacity so that production will go up and our import of these machinery will be reduced.

Shri A. P. Jain: What proportion of the textile machinery is indigenous component and what proportion is imported, and what is being done to increase the indigenous component?

Shri C. Subramaniam: I do not have the exact percentage, but we are trying to have as much of indigenous production as possible. I am hoping, as I already indicated, that by the various methods we are taking at least 77 per cent of the capacity will be utilised towards the end of this Plan period.

Shri Tulshidas Jadhav: May I know whether it is a fact that some industrialists who had asked permission to import textile machinery are not given any permission to replace their machinery?

Shri C. Subramaniam: I have already stated that licences have been issued for the import of machinery to the extent foreign exchange is available, but our effort should be to increase the indigenous production as far as possible.

Export of Sackings

*228. **Shri Mohsin:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the large quantities of sacking manufactured by Indian Jute Mills are lying unsold and the stocks are rising year by year;

(b) whether it is a fact that foreign demand for sacking is decreasing from year to year; and

(c) what steps Government intend to take in this direction?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) A statement showing production, export and stocks of jute goods (hessian, sacking and others) is laid on the Table of the House. [See Appendix I, annexure No. 56].

(b) and (c). The foreign demand for sackings or other jute goods is not decreasing. The decline in export in 1960 and 1961 was largely due to shortage of jute and high prices of jute goods and competition from Pakistan in India's sacking markets. The exports of jute goods have increased in 1962.

Shri Mohsin: Which are the countries that import sackings from India and what is the foreign exchange earned on this item?

Shri Manubhai Shah: U.K., Europe, Near East, Far East, Africa, practically every country in the world is importing sackings of jute, hessian and other goods.

Shri Mohsin: The second part of my question has not been answered. I want to know the foreign exchange earned on this item.

Shri Manubhai Shah: We expect more than Rs. 155 crores this year, which is a record compared to what we earned in the past.

Shri Bhagwat Jha Azad: How is it that the high price of sacking which

is supposed to lessen our demand in the market is kept up, and why is it that the Government have not examined this question in spite of the fact that we have repeatedly urged in this House that the jute produced in Bihar and other States are at very much above Rs. 15?

Shri Manubhai Shah: There are two different aspects: that the prices of sackings have sagged and also that the off-take of sackings in the world market has not shown any sufficient rise. That is because of the keen competition from Pakistan where all the export of jute goods get 20 per cent rebate, that is, import entitlement for currency retention, as it is called. We do not seek to follow the practice, because otherwise we are giving assistance to the jute industry in diverse ways. Regarding internal price of jute, there is a separate question coming up. We are taking all steps to see that what we have announced on the floor of the House, that the Assam bottom shall be maintained at Rs. 30 f.o.r. Calcutta, is being followed.

Shri Rameshwar Tantia: The hon. Minister has said that there is competition from Pakistan. May I know whether the Government will think of diverting the items from jute sackings to some other things which are easily saleable in the world market?

Shri Manubhai Shah: That is our aim. But we do not want to give up sackings because that is the staple bread and butter line of the industry. We are trying to modernise the jute industry and see that the carpet cloth and various other products that can be made from jute earn larger foreign exchange per unit of raw material.

Shri Indrajit Gupta: Apart from the question of export of sackings, has the Government made any estimate of the probable increase in the internal requirements of sackings which will develop now as a result of defence requirements in the present emergency?

Shri Manubhai Shah: The requirements of sackings in the internal mar-

ket have looked up considerably during the last five years because of the increase in the requirements of food-grains, fertilisers, cement and various other things.

As far as the question of defence requirements is concerned, there is a misunderstanding. The sand bags are made from hessian and not from jute sacking and, therefore, it will certainly assist the hessian off-take and not sackings.

Shri क० ना० तिवारी : सैंकिंग का दाम इंडिया में १६५ रुपये सैंकड़ा है और नार्थ बिहार का ज्यूट १२ रुपये से १६ रुपये तक विक रहा है। मैं जानना चाहता हूँ इसकी क्या वजह है?

Shri मनुभाई शाह : ३० रुपये तो असम बाटम का है और बिहारी जो है, उसका है। बिहार का मैस्टा थोड़ा सा इनफीरियर है, उसकी रिवाइज्ड प्राइमिस दी गई है। स्टेट ट्रेडिंग कारपोरेशन में हमने कोओप्रेटिव फैडेशन की मार्फत काम शुरू किया है। हम चाहते हैं कि जो कोओप्रेटिव मूवमेंट है वह और भी स्ट्रांग हो जाये ताकि काशकारों को भी सही दाम मिल सके।

Purchase of Jute

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Shri Indrajit Gupta:
Shri Tridib Kumar
*229. { Chaudhury:
Shri Surendranath Dwivedy:
Shrimati Renu Chakravarty:

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

(a) what concrete steps have been taken so far towards enabling co-operative Societies and Marketing Unions of Cultivators to operate on the jute market in the jute-growing North Bihar districts, West Bengal and Assam to implement the price support policy in regard to jute;

(b) whether the State Trading Corporation will also operate on the jute market at the same time independently; and

(c) whether apart from Cooperative Organisations of Cultivators and State Trading Corporation, the setting up of any third agency dealing solely with Jute and specialising in open market operations in regard to jute has been under contemplation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). Government have decided that the State Trading Corporation of India should purchase raw jute through Co-operative Societies. In this matter, the Corporation will generally operate and started operating through the National Agricultural Co-operative Marketing Federation Ltd. which is the Central body representing the Co-operative Societies, jute growers and other agricultural products. Purchase operations have already commenced. This is in addition to the operations of the existing Jute Buffer Stock Association.

Shri Indrajit Gupta: May I know whether this raw jute which is to be purchased by the S.T.C. is for export purposes only and, if so, at what price is it going to be purchased from the co-operative societies?

Shri Manubhai Shah: As the hon. House is aware, the exports of raw jute are very nominal. As a matter of fact, we do not export raw jute at all practically. This is for maintenance or stabilisation of the price and creation of a buffer stock so that over a long term this very high export earning industry is maintained on an even keel.

Shri Indrajit Gupta: In view of the fact that there has been a bumper crop of raw jute for the second year in succession, may I know what the price is which the Government has decided upon as being the minimum price which should be obtainable to the actual cultivator, not in the Calcutta market but to the actual cultivator?

Shri Manubhai Shah: As the House is aware, Rs. 30/- is the price for Assam Bottom delivered f.o.r. Calcutta

that the Government wants to maintain as an operational price. As a result of all these efforts the price till yesterday was Rs. 29/- for Assam Bottoms. We are trying our best to see that the price looks up to Rs. 30/- and the cultivator will get the proportionately derived prices.

Dr. Ranen Sen: Will all these purchases by the co-operative societies or the marketing unions be made by the primary units at the village level or at the city level?

Shri Manubhai Shah: At the village level the co-operative societies will procure and make the payment at the derived price f.o.r. deducting the railway freight and various other incidental charges in order that the Assam Bottoms are maintained at Calcutta at Rs. 30/- a maund.

Shri Rameshwari Tantia: The hon. Minister has said just now that the Assam Bottoms are selling at Rs. 29/- in Calcutta while two hon. Members from Bihar have said that the price in Bihar is Rs. 12/- to Rs. 15/-. What should be the difference between the Bihar jute and the Assam Bottoms and what efforts have Government made to buy jute the major portion of which was sold at a lower price during September-October?

Shri Manubhai Shah: We have started these operations a long time back and, as I said, this was supplemental to the efforts of the Jute Buffer Stock Association. As the House is aware, the jute mills have up-to-date got almost five months' stock of raw material purchased by them. The difference in the price, as the hon. Member says, in Bihar itself I would not like to contrast with the figures of hon. Members, but they are not quite true in the sense of being actual in fact. There is a difference in price and it is only when the co-operative movement and organisation is a bit more well spread that 100 per cent benefit of the support price will go to the growers. Therefore, it is my request that the hon. Members of the House will co-operate fully to strengthen the eastern region of India, that is,

Assam, Bengal, Bihar and Orissa, the co-operative movement of growers to give this jute to the State Trading Corporation.

श्री क० नां तिवारी आनंदेवल मिनिस्टर ने कहा है कि इन्होंने प्राइस में डिफ्रेंस नहीं है। मैं जानना चाहता हूं कि नियम डिफ्रेंस है बिहार ज्यूट में और असम ज्यूट में।

श्री मनुभाई शाह : असम ज्यूट में कोई साढ़े पांच रुपये का फर्क है और वह क्वालिटी पर है। लेकिन ब्वाइंट यह है कि काश्तकार को क्या मिलता है। यह हमारी दिली डच्छा है कि काश्तकार को इसी बेसिस पर मिले। इसके लिये यह आवश्यक है कि देश के अन्दर सहकारिता की भावना बढ़े और अधिक से अधिक सहकारी समितियां बनें।

Shri Ranga: May I take it that there is competition between these co-operative trading societies and the private traders? If there is no such competition, what precautions are being taken by Government to see that the primary co-operative marketing societies do pay to the jute producers the actual price that is being received by them from the State Trading Corporation?

Shri Manubhai Shah: The boot is on the other leg. The co-operators are paying the correct price to the growers as derived from the Assam Bottoms, that is, Rs. 30/- f.o.r. Calcutta. It is the private traders who try to do it down, as the arrangements are not yet strong enough, and reduce the price to the cultivators. It is that particular aspect of the problem which we are tackling.

Shri Bhagwat Jha Azad: How far will Government's anxiety for paying to the growers be relieved and what percentage of this purchase will be through the co-operative societies compared to the individual purchasers who devour most of these things?

Shri Manubhai Shah: The idea of a price support is not to purchase every

bale lock, stock and barrel, but it is to enter the market with a view to see that the farmer gets the price which the House has approved of here. Therefore, we are strengthening the co-operative movement and I can assure the House that between the Jute Buffer Stock Association and the State Trading Corporation we shall try to purchase as much as is necessary to support the price.

Mr. Speaker: Shri Hem Raj.

Shri Hem Raj: No. 230.

Shri P. C. Borooh: Question No. 236 also may be taken with this.

Mr. Speaker: No. 236 also may be answered.

Green Tea

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

(a) the stocks of Green Tea lying unsold in the Amritsar Market and with the Tea planters in the Kangra District;

(b) whether it is a fact that this accumulation has lowered the prices; and

(c) the steps that Government have taken to transport these stocks to the Afghanistan market?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) It was reported that at the end of July 1962 there was a stock of about 3.7 lakhs kg. of tea meant for export to Afghanistan.

(b) While there has been some drop in prices this year compared to last year for this variety of tea, this could not solely be attributed to accumulation of stocks.

(c) Additional flights had been provided for air lifting tea to Afghanistan and the Board has been advising traders to use the sea route via Khorramshar.

Green Tea



*236. { Shri P. C. Borooh:
Shri Indrajit Gupta:
Shri A. K. Gopalan:

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

(a) whether large quantity of green tea had accumulated in various plantations, unsold and unlifted in the Doon Valley in September, 1962;

(b) if so, to what extent; and

(c) what measures were taken to clear the accumulation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). About 15 lakh pounds of green tea from the Doon Valley tea plantations seem to have accumulated in September, 1962.

(c) Arrangements had been made to provide additional flights of air lifting tea meant for export to Afghanistan, and the Tea Board has been advising the traders to use the sea route via Korramshar.

Shri Hem Raj: Some time ago, it was said in answer to a question that there were only 2 million pounds of tea. Actually, the tea that had accumulated in Kangra and Amritsar was more than 5 million pounds. Formerly . . .

Mr. Speaker: Is it soliciting information or giving information?

Shri Hem Raj: Formerly, bigger aircraft had been provided. Now, dakotas have been provided.

Mr. Speaker: He ought not to make a speech. What is the simple question?

Shri Hem Raj: The simple question is whether formerly bigger aircraft had been provided for lifting of the green tea and now dakotas have been provided which has affected the export?

Shri Manubhai Shah: To correct the first part of the question, there are no 3 million pounds and 5 million pounds; only 3.7 lakhs pounds of one variety and 15 lakh pounds of the other variety. Millions and lakhs may not be confused. The real point is that we have tried to marshall as many aircraft as possible between India and Afghanistan to transport the tea. Their physical availability is still difficult and there is difficulty in procuring more because Air India cannot provide more aircraft than what has been commissioned. Our constant endeavour is to see that we procure more aircraft. The depression in price is likely as aircraft transportation is more expensive than either the land route or the sea route.

Shri P. C. Borooh: May I know to which countries is the Doon green tea exported and who are the main competitors?

Shri Manubhai Shah: The hon. Member knows more than myself as to where the tea goes. Principally it goes to Afghanistan, the Middle Eastern countries and some to Western European countries.

Shrimati Akkamma Devi: Stocks of common tea produced by small growers in the Nilgiris remain unsold. What steps are taken by the Government to improve the sad plight of these 6,000 small growers?

Shri Manubhai Shah: I have all sympathy to the hon. Lady Member's question. Last time also she made this point. Firstly, they do not remain unsold as has been felt. It is true that the planters who are small in size require the sympathy of the Government and the House. We have offered to the South Indian as well as the Coonoor and Doon Valley people any amount of loan assistance. I may request the hon. Lady Member who is so much interested in the small growers to organise some co-operative sort of factory which could cure as well as pack the tea.

Shri Tulsidas Jadhav: How much of green tea is produced in India and out

of that how much is exported and how much is used in India?

Shri Manubhai Shah: Most of the tea is exported. The good things are exported because it brings foreign exchange. It is about 3 to 3½ million pounds.

श्री भक्त दशन : जहां तक हरी चाय का सम्बन्ध है, चाहे वह कांगड़े इलाके के हो चाहे देहरादून को हो या उत्तर प्रदेश के और पर्वतोंये जिलों की हों, प्रति वर्ष यह समस्या सामने आती है। तो क्या इसके लिये कोई स्थायी हल अर्थात् परमानेन्ट सोल्यूशन ढूँढ़ने का प्रयत्न किया जा रहा है?

श्री मनुभाई शाह : समस्या तो बहुत है। लेकिन दरअसल जो समस्या है वह यह है कि जिननी जमीन और बढ़ाने के लिये उन को चाहिये उननी इस एरिया में मिल नहीं रही है क्योंकि जमीन पर बहुत चीजों की डिमान्ड है। जहां तक डेवलपमेंट का सवाल है हम ने पंजाब सरकार को, मद्रास सरकार को और उत्तर प्रदेश को सरकार को एसिस्टेंस दी है ताकि वह परमानेन्ट सोल्यूशन हो सके। छोटे छोटे ग्रोपर्स मिल कर एक, दो या तीन कम्पनियां बना लें या कोआपरेटिव बना लें, उन को मशीन देने, लोन देने और अलग अलग किस्म के काम करने की, जिस में अच्छी टो बन सके, कोशिश की जा रही है।

Shri Indrajit Gupta: May I know whether this difficulty in disposing of these accumulated stocks is mainly due to the air transport difficulties or due to the fact that competition in the West Asian countries, particularly from China and Japan which are subsidising their exports of green tea, is under-cutting us in these markets, and if that is the reason, what steps are we taking to go into

the cost structure of the tea industry?

Shri Manubhai Shah: No, as far as Afghanistan is concerned, practically, we are the sole suppliers. I had been to Kabul only a few months back. Our tea is very highly appreciated there. The difficulty is due to the land route through Pakistan having been blocked due to the circumstances known to the House. That is the major trouble. We are trying to solve it through the Korramshar route and air-flights.

Dispersal of Industries

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*231.	Shri Rameshwar Tantia: Shri Bishanchander Seth: Shri Bhagwat Jha Azad: Shri Basumatari:
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Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1001 on the 18th August, 1962 and state:

(a) whether the recommendations of the Committee on dispersal of industries set up by Small Scale Industries Board have been examined by Government;

(b) if so, how many of their suggestions have been accepted; and

(c) what steps Government propose to take to implement them?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). The recommendations of the Committee on dispersal of industries set up by Small Scale Industries Board are still under examination by Government to fit them in the programme of intensive Rural Industrialisation undertaken by the Planning Commission.

Shri Rameshwar Tantia: May I know whether it is a fact that Government have established small-scale industrial estates in different States in the country, and if so, the result of their working?

Shri Kanungo: The State Governments have been requested to allot 75 per cent of the funds for industrial estates in rural areas. But the whole scheme is now taking a different shape because a new programme of intensive rural industrialisation is being undertaken in which the Small-scale Industries Board is participating.

Shri Basumatari: May I know whether Government are thinking of changing this idea, keeping in view the present requirements of defence?

Shri Kanungo: Of course, the entire organisation has been geared up.

Shri Bhagwat Jha Azad: Keeping in view the recommendations that are likely to be made, may I know whether Government are taking steps for the present not to allow some areas to have concentration of industries but to disperse the industries in other places?

Shri Kanungo: The recommendations are there. By their very nature, the small-scale industries are dispersed. The point is that certain factors which do not encourage the dispersal have got to be tackled, and they are being tackled.

Steel Plant in South

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232. { **Shri Yashpal Singh:**
Shri Buta Singh:
Shri Gulshan:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri N. R. Laskar:
Shri M. L. Dwivedi:
Shri Umanath:
Shri Surendra Pal Singh:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the progress made with regard to the setting up of a steel plant in the South;

(b) whether the officers who were sent to East Germany for carrying out pilot tests have returned to India; and

(c) if so, what is their report on the subject?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) The Government of India appointed a Technical Committee to examine the question of setting up a pig iron or a Steel Plant in the Southern region based on Neyveli Lignite and Salem and other iron ores.

On the recommendation of the Technical Committee, large scale smelting and briquetting tests have been conducted in Norway and East Germany. The East German Research Institute report indicates the technical feasibility of producing pig iron for steel making by the low shaft furnace process. The final report from Norway is still awaited. The Committee also recommended that a firm of Consulting Engineers should be asked to submit a Project Report for a pig iron or steel plant based on Neyveli Lignite and iron ores of Salem/Bellary-Sandur. The report is awaited.

(b) Yes, Sir.

(c) Only a summary report has been received so far which shows that in the East German tests the furnace operations were smooth. A more detailed report is awaited.

Some Hon. Members: The answer may be read out slowly, because we are not able to follow it.

Shri P. C. Sethi: It is a long answer. That was why I was reading it fast.

Mr. Speaker: If it was a long answer, then he ought to have placed it on the Table of the House.

श्री यशपाल सिंह : स्पीड तो बार एफ्टर के साथ बढ़नी ही चाहिये । मैं समझ लेता हूँ चाहे इस से भी तेज वह बोलें । यह तो आज की सिचुएशन का तकाजा है ।

मैं यह पूछना चाहता हूँ कि जो आफिसरान हमारे बाहर भेजे गये थे उन की सर्विसेज क्या दस साल से कम थीं, they were raw and inexperienced.

और उन में किसी सरह की रिसेप्टिविटी नहीं थी इसलिये रिपोर्ट नहीं दी जा सकी ।

श्री प्र० च० सेठी : जो आफिसर्स भेजे गये थे वे एक्सपीरिएन्ट्स थे, और ईस्ट जर्मनी में गये हुए आफिसर्स वापस आ गये हैं। उन की रिपोर्ट प्राप्त हो रही है ।

श्री यशपाल सिंह : उन में से कितने ऐसे थे जिन की सर्विसेज दस सालों से कम की थीं ?

Shri P. C. Sethi: I would require notice for that.

Shri Umanath: We are given to understand that the technical committee was considering the question of location....

Shri Ranga: How many of them had less than ten years' experience?

Mr. Speaker: He has not got those figures.

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): Three officers went to East Germany. If my hon. friend wants to know how many of them had less than ten years' experience, we cannot give that information immediately.

Shri Ranga: Two of them had below ten years' experience?

Mr. Speaker: The hon. Minister says that he has not got the information.

Shri C. Subramaniam: We sent only young officers, and we are going to send only young officers hereafter.

Shri Ranga: 'Young' means what? Sir, I protest against this kind of answer (*Interruptions*).

Mr. Speaker: Order, order.

Shri Ranga: What does he mean by 'young' men?

Mr. Speaker: I consider Shri Ranga and myself also very young. There is no harm in it (*Interruptions*).

Shri Hari Vishnu Kamath: Young men like you and Shri Ranga should be sent.

Mr. Speaker: If any chance arises, Shri Ranga should be sent among young men.

Shri Ranga: You will kindly see that two people who were sent had less than ten years' experience. . . .

Mr. Speaker: I told the hon. Member that the Minister has said that he has not that information with him.

Shri Ranga: He should have stopped there. There is no reason why he should be so disrespectful to the House.

Mr. Speaker: That information was not available. I stopped him there. He need not have gone further and given a lengthier answer.

Shri Hari Vishnu Kamath: The Minister created the trouble.

Shri C. Subramaniam: I was saying it because I do not know how this ten years' experience criterion comes in at all.

Mr. Speaker: There is one suggestion I would make. It may be considered a request, suggestion or advice. On earlier occasions also, I have requested hon. Ministers that when I disallow a question, the Minister should not get up and answer. He should see whether I have allowed the question and then answer.

Shri Umanath: We were given to understand that the technical committee was considering the question of location, whether it is to be in Salem or Neyveli or both at Salem and Neyveli. What is the recommendation of this Committee?

Shri C. Subramaniam: The technical committee has now recommended that a consultant should be appointed. That consultant has been appointed. He is there preparing a detailed project report. The question of location will be considered by them.

Fertilizer Plant for Madhya Pradesh

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*233. { Shri P. Venkatasubbaiah:
 Shri Y. D. Singh:
 Shri Birendra Bahadur Singh:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether any negotiations between the Fertilizer Corporation of India and the Government of Madhya Pradesh over the question of finding out a suitable site for the fertilizer plant in the public sector for Madhya Pradesh have been held; and

(b) if so, which site has been selected?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) Yes, Sir.

(b) After investigating a number of sites suggested by the State Government, the choice has been narrowed down to two alternative sites from which the final selection will be made shortly.

Shri P. Venkatasubbaiah: What will be the installed capacity of this proposed plant?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): The original proposal was for 50,000 tons of nitrogen-fertiliser equal to that. But it is under consideration whether it could not be stepped up to 1,00,000 tons.

Shri Hari Vishnu Kamath: Is the Minister aware that some years ago Government selected and announced the site for this fertiliser plant, namely, near Itarsi in Madhya Pradesh? Is he also aware that the present proposal to change the site was dictated mainly, if not wholly, by partisan considerations because in the last general elections....

Mr. Speaker: He is making imputations. He should put the question.

Shri Hari Vishnu Kamath: Is the Minister aware of the widespread

public suspicion in that area, in the whole of Madhya Pradesh, that the Government's proposal to change the site now has been dictated by partisan considerations because in the last general elections 7 out of 9 Congress candidates in that area in Hoshangabad and Narsinghpur were defeated?

Mr. Speaker: The last portion is not relevant and would not be part of the question.

Shri Hari Vishnu Kamath: Is he aware of widespread suspicion, discontent and even indignation....

Mr. Speaker: Order, order. Cannot the suspicion be suppressed a little?

Shri C. Subramaniam: The licence was issued to a private party to locate a fertiliser factory near Itarsi. But that party has expressed his inability to proceed with this project.

That is why it is being taken up in the public sector. The process of manufacture has also been changed. It is to be based on coal. Therefore, the availability of coal near-about will be the basis for the choice of the site.

श्री ए० सि० सहगल : मैं जानना चाहता हूँ कि मध्य प्रदेश में फरटीलाइजर प्लॉट बनाने के लिये कितनी जगहों की तज्जीजें की गईं थीं।

Mr. Speaker: How many places were considered for the location of this plant?

Shri C. Subramaniam: Previously Katni, Ujjain and Itarsi were considered.

Shri Bade: May I know how many sites have been examined after the cancellation of the Itarsi plan?

Shri C. Subramaniam: Quite a number of sites were considered. Just now the choice lies between Katni and Birsinghpur.

Shri U. M. Trivedi: May I know how many times the attempt has been made to change this location from

place to place in Madhya Pradesh, and during what period?

Shri C. Subramaniam: As far as I am aware, originally as I have already stated, to the private sector body licence was issued based on Itarsi. Now, as I have already stated, we have to change the process of manufacture, and the raw material will be coal. Therefore, the coal area will have to be selected. I am really not aware of all the other considerations which the hon. Members are mentioning just now.

Shri U. M. Trivedi: Is it a fact that....

Mr. Speaker: I am not allowing a second question now.

Shri Daji: By what time will this plant be constructed, and when will it go into production?

Mr. Speaker: Let the site be selected first.

श्री कल्याण अधिकारी : मैं जानना चाहता हूँ कि मध्य प्रदेश की साल भर की खाद की कितनी मांग है और उस को कहां से पूरा किया जाता है?

Shri P. C. Sethi: I require separate notice for that.

Cloth Prices

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*234. { **Shri Umanath:**
Shri Narendra Singh Mahida:

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

(a) whether it is a fact that there are numerous complaints from the consumers that stamped prices of cloth are generally very high and the consumers are made to pay the higher prices in the belief that the stamped prices are incontrovertible; and

(b) if so, what check is being exercised by Government to save the consumers from such exploitation by the mill-owners?

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

(b) Does not arise. In view however of the present emergency, certain measures to maintain prices of essential commodities including cotton textiles have been taken. These measures have been indicated in the statement laid on the Table of the Lok Sabha on the 10th November, 1962.

Shri Umanath: May I know whether any special measures have been contemplated by the Government to keep down prices of medium and coarse cloth which are largely consumed by the public?

Shri Manubhai Shah: Yes, Sir. We have taken steps as mentioned in the statement to increase production of coarse and lower medium cloth by 300 million yards, and again 10 per cent of the production of every mill will be made available to consumer and co-operative societies, and further measures of price fixation as have been mentioned here have been taken.

Shri Umanath: May I know how far these measures have been enforced already in the various States?

Shri Manubhai Shah: This was a statement on the 10th that the various measures requiring legal remedies have been undertaken, but I may assure the House that there has been no rise in prices in all these varieties including coarse and lower medium at all.

श्री बेरवा : क्या यह सत्य है कि कपड़े के दुकानदार ग्राहकों से छपे हुए मूल्य से ज्यदा लेने लगे हैं?

Mr. Speaker: Are the retailers charging more than the stamped price even?

Shri Manubhai Shah: I have had occasion to reply that even during Divali and Dasara days this time no complaints were received. Naturally

there is heavy demand for certain varieties. Buckingham and Carnatic and Bombay Dyeing are two of them. There is spurt in the demand and no supply can catch up with it because one or two mills cannot cater for the entire requirement, but broadly speaking in varieties of coarse and medium cloth, there has been no price rise.

Shri S. M. Banerjee: May I know whether Government have received assurances from the textile mills that they will see that the prices do not increase during the emergency?

Shri Manubhai Shah: We are not relying on their assurances alone. We are taking legal measures to fix and stamp prices at the Textile Commissioner's Office level, and are not leaving it to the private party.

श्री यशपाल सिंह : जिन व्यापारियों ने गरम कपड़े के दाम दुगने कर रखे हैं क्या उन के खिलाफ भी डिफेंस आफ इंडिया रूल्स के मातहत कोई कार्रवाई की गई है?

श्री मनुभाई शाह : अभी तो काटन टैक्सटाइल्स की बात हो रही है। गरम कपड़े की बात होगी तो उस का भी पता करेंगे।

अध्यक्ष महोदय : आज कल जाड़े का मोसम है।

Shri Priya Gupta: Will the hon. Minister kindly state if consumer co-operative societies and multi-purpose societies can get at ex-mill rates the cloth direct from the mills, to sell at lower rates to the consumers?

Shri Manubhai Shah: Yes, Sir. All arrangements have been made to increase production by 300 million yards, and ten per cent of all varieties will be placed at the disposal of consumer co-operative stores as well as departmental stores.

Shri Priya Gupta: But my information is that they are not getting.

Mr. Speaker: Order, order. I am not allowing that.

Shri Bhagwat Jha Azad: In spite of the very affirmative answer of the hon. Minister may I know whether the Government is contemplating to strengthen its measures to control the rising trend in prices that is likely to be in an emergency?

Shri Manubhai Shah: That is what I have indicated. All measures are taken. I will be grateful if any hon. Member brings to my notice specific cases of price rise in textiles so that we can take drastic action.

Shri Dinen Bhattacharya: May I know whether the Government has any machinery to ascertain that the stamped prices are the real prices and not exorbitant prices.

Shri Manubhai Shah: Yes, Sir. That is the intention.

Mr. Speaker: The Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

Price of Motor Cars

*223. { **Shrimati Renuka Ray:**
 { **Dr. L. M. Singhvi:**

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Government have taken any steps to induce the manufacturers of motor cars in the private sector to bring down the prices of motor cars; and

(b) if so, the result thereof?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) and (b). The question of reduction of automobile prices was taken up with the manufacturers some time ago. As a result of Government's persuasion, two of the three car manufacturers in the country, namely, M/s Premier Automobiles Ltd., Bombay, and M/s. Standard Motor Products of India Ltd., Madras, had reduced the prices of their cars by Rs. 200 each, in May 1960. No price increase has

been allowed since then, except on account of excise and/or customs levies under the Finance Acts.

Machine Building and Foundry Forge Plants at Ranchi.

*235. { Shri Vidya Charan Shukla:
Shri R. S. Pandey:
Shri Morarka:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) considering the present stage, what the interval would be between the construction of the Machine Building Plant and the construction of Foundry Forge Plant at Ranchi; and

(b) what measures are being taken to reduce the gap?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):
(a) About two years.

(b) While every endeavour is being made to speed up construction, I am not hopeful that it would be possible to reduce the interval very significantly. The approach therefore, is to adjust the production programme in such a manner as to reduce, the need for import of heavy castings and forgings, to the utmost. It is proposed to advance the manufacture of items of equipment which, though more complicated, requires less of heavy castings and forgings. The possibility of using welded or fabricated components in place of cast and forged components is also being explored.

Price of Penicillin manufactured at Pimpri

*237. { Shri Morarka:
Shri Ravindra Varma:

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

(a) the selling price to the consumer of penicillin manufactured by Pimpri factory;

(b) how it compares with the imported price; and

(c) the steps taken to reduce the price?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to c). A statement is laid on the Table of the House. [See Appendix I, annexure NoI 57.]

Reduction in Price of Antimony Metal

*238. **Shri Kolla Venkaiah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any ways and means were discussed with the Star Metal Refinery Ltd. for reducing the selling price of antimony metal by the company which has been raised in August, 1961 from Rs. 3.20 to Rs. 3.45 per Kg.;

(b) whether any source of cheaper imported antimony ore has been suggested; and

(c) whether any interim measures for exploration and exploitation of indigenous antimony ore have been examined and planned?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) As Star Metal Refinery is producing antimony metal out of imported antimony ore, the selling price of their antimony metal bears a relation to the price of imported antimony ore. The price presently charged by them is within the fair price recommended by the Tariff Commission on the basis of an enquiry which has been accepted by the Government.

(b) The possibility of obtaining our requirements of antimony ore from cheaper alternate sources is constantly being explored.

(c) The Geological Survey of India have undertaken an intensive survey of deposits of antimony ore in the country.

Tolbutamide Tablets

***239. Shri Tridib Kumar Chaudhuri:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that patent rights have been given to a foreign firm of pharmaceutical manufacturers to manufacture Tolbutamide tablets for diabetes; and

(b) whether it is a fact that this has driven out of market indigenous manufacturers of Tolbutamide preparations and similar other anti-diabetes preparations and has led to the inordinate rise in the prices of such drugs?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) A number of patents covering processes for the manufacture of Sulphonyl Ureas including 'Tolbutamides' and pharmaceutical compositions have been granted to a number of foreign as well as Indian pharmaceutical manufacturers.

(b) As Indian manufacturers have also been licenced for manufacture of this drug and its formulations the question of the indigenous manufacturers being driven out of market does not arise. No complaints have been received regarding the increase in the price of this drug.

Export of Textiles to U.K.

***240.** *Shri Bibhuti Mishra:
Shri P. C. Borroah:
Shri P. K. Ghosh:
Shri Kapur Singh:*

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

(a) whether it is a fact that a proposal to extend the textile agreement between India and U.K. for a further period of three years has been under negotiation for some time;

(b) if so, whether the agreement envisaged has since been finalised;

(c) if so, on what terms?

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

(c) The present annual ceiling on the export of cotton piecegoods and made-ups from India for retention in the United Kingdom, viz. 195 million sq. yds. will continue upto the end of 1965. Besides the annual yarn exports from India to the United Kingdom will be limited to the 1961 rate viz. 11.5 million lbs. Government of India have also proposed that cotton textiles and yarn should continue to be imported into U.K. duty free and that a *pro rata* increase is made in the ceilings in the event of an overall increase in the import of cotton textiles and yarn into U.K.

Sale of Foreign Drugs

***241. Shri Tridib Kumar Chaudhuri:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the attention of Government has been drawn to the fact that the prices now prevailing in the market for imported drug items like Vitamin powders and tablets of various groups—prednisolon, tetracycline—have gone up several times over international prices in recent months;

(b) what proportion of the country's demands for these drugs are met by imported patents belonging to these groups and what proportions are met by indigenous products; and

(c) how many foreign firms or foreign subsidiaries hold patent rights for these drugs and drugs of similar groups?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) In recent months, there has been no rise in the prices of finished preparations sold to the consumers.

(b) The total value of indigenously produced drugs amount to Rs. 85—90 crores per year as against an estimated import of Rs. 4-5 crores of finished

drugs and Rs. 8-9 crores of raw materials required by the industry.

(c) No information is available.

Tea Centres in European Countries

*242. { Shri P. C. Borooh:
Shri D. C. Sharma:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 625 on the 27th August, 1962 and state:

(a) how many tea centres are to be opened and in which of the European countries are these centres to be set up; and

(b) the cost and the recurring expenditure to be incurred thereon?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The matter is under consideration.

Tea Industry in North India

470. Shri P. C. Borooh: Will the Minister of Commerce and Industry be pleased to state:

(a) the requirement of the Tea Industry in North India in respect of cement, iron and steel during 1960, 1961 and 1962;

(b) to what extent the requirements have been supplied to the Industry in 1960, 1961 and 1962 so far;

(c) whether the attention of Government has been drawn to the statement of the Chairman, Bharatiya Cha Parishad reported in the Financial Express of the 12th September, 1962 complaining about the inadequate supply of these essential requirements of the Tea Industry; and

(d) if so, what steps are being taken to make these commodities available to the industry in sufficient quantities?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The demand and allotment of Cement and Iron and Steel to the tea industry in North India during the years 1960, 1961 and 1962 have been as follows:—

(i) Cement

Year Jan.-December)	Demand	Allotment
	Tonnes	Tonnes
1960	31,338.269	25,451.200
1961	1,30,014.927	35,912.000
1962	1,81,950.980	50,710.000

(ii) Iron and Steel Materials.

Demand Allotment		
1959-60 (April-March)		
Development & Extension	3,344.84 tons	2,893.84 tons
Maintenance & Repair	5,673.57 tons	5,519.34 tons
1960-61 (April-March)		
Development & Extension	2,757.38 tonnes	1,572.46 tonnes
Maintenance & Repair	6,022.76 tonnes	2,772.62 tonnes
1961-62 (April-March)		
Development & Extension	3,320.7 tonnes	1,334.60 tonnes
Maintenance and Repair	5,060.18 tonnes	1,474.44 tonnes

(c): Yes, Sir.

(d) Keeping in view the position of overall availability of Cement and Iron and Steel materials in the country, Government have been endeavouring to meet the tea industry's requirements to the maximum extent possible.

Production-cum- Training Centres in Tripura

471. Shri Biren Dutta: Will the Minister of Commerce and Industry be pleased to state:

(a) the items of Industries in which Training is given under the Indus-

tries Department in Tripura through Production-cum-Training Centres;

(b) the subjects taught in I.T.I. Training Establishment at Indranagar, Agartala; and

(c) the number of students trained so far through the Industries Department?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Blacksmithy, carpentry, Tailoring, Weaving, Horns, bones, tusks, Cane and Bamboo.

(b) (i) *Engineering:* Electrician, Mechanic (motor) Welding, Turning, Fitter, carpentry, Blacksmithy, and Moulding sheet metal.

(ii) *Non-Engineering:* Weaving, Basketry, Stenography.

(c) 2471.

Weavers' Colonies in Tripura

472. Shri Dasaratha Deb: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is any scheme for setting up weavers' colonies in Tripura; and

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

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

(b) Does not arise.

Price of Wool and Woollen Cloth

473. Shri E. Madhusudan Rao: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that the cost of woollen cloth has gone up very much this year;

(b) the steps that are being taken by Government to reduce the prices of Wool and Woollen cloth; and

(c) the reasons, if any, for the increase in prices?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Some reports have appeared in the Press that the prices of woollen hosiery goods have gone up;

(b) the prices of worsted weaving yarn, hosiery yarn, grey hand-knitting yarn and hosiery fabrics have been fixed by Government. This, it is expected, will help in maintaining the prices of woollen goods at a reasonable level.

(c) Restricted availability of imported raw materials and the increasing requirements for emergency needs trend to affect prices.

Interest Free Loans to Industrial Concerns

474. Dr. Ranen Sen: Will the Minister of Commerce and Industry be pleased to state:

(a) the names of the industrial concerns who have been granted interest-free loans by the Central Government during the last 10 years; and

(b) total amount of loans granted to each concern during the same period?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). Collection of information regarding the loans granted to each industrial concern during the last ten years would involve considerable amount of labour. If the enquiry is limited to a particular industry or industrial concern, this can be collected.

Working Group on Industrial Co-operatives

475. Shri P. C. Borooh: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 451 on the 20th August, 1962 and state:

(a) how many meetings of the Working Group on Industrial Co-operatives have so far been held and how many study tours have been undertaken by the Group; and

(b) what observations/recommendations, if any, have so far been made by the group?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) The Working Group on Industrial cooperatives held its first meeting on the 6th September, 1962 and as decided therein has so far held discussions with the officers of the State Governments of Punjab, Uttar Pradesh, West Bengal, Orissa, Bihar, Maharashtra and Gujarat. It has also visited industrial co-operative societies, cooperative Banks etc. at Ludhiana, Lucknow, Kanpur, Calcutta Durgapur, Bombay and Surat.

(b) The working Group has not so far made any observations/recommendations.

Ophthalmic Glass Factory, Durgapur

476. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri N. R. Laskar:
Shri B. K. Das:

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

(a) the progress made till now for the construction of the Ophthalmic Glass Factory at Durgapur with U.S.S.R. technical collaboration;

(b) whether it is a fact that construction is going beyond schedule: and

(c) if so, what steps Government are taking to keep the time schedule for completion as well as for production?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). The detailed Project Report has been received and it is under consideration in consultation with the Ministry of Finance. The time-schedule will be drawn up only after the Project Report has been approved.

New Varieties of Cloth in Mills

477. Shri Umanath: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that even after the introduction of revised formula on introduction of new varieties of cloth in mills, new varieties in a year are still on the high side;

(b) if so, whether any suitable measures have been devised to curb this undesirable tendency; and

(c) if so, what are they and their results?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No report of any large scale introduction of new varieties by the mills has been received by Government.

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

Export of Bicycles, Sewing Machines and Electric Fans

478. { Shri Eswara Reddy:
Shri Nambiar:

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

(a) the average F.O.B. prices realised from the export of a bicycle, a sewing machine and an electric fan;

(b) the ex-factory average wholesale price of each of the above items in India excluding internal taxes; and

(c) the reasons for the low realisation from exports?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) The average f.o.b. prices realised from the export of a bicycle, a sewing machine and an electric fan are Rs. 80 to 90; Rs. 70 to Rs. 100; and Rs. 65 to 100 respectively.

(b) The ex-factory average wholesale prices of the above items in India (excluding internal taxes) are

Rs. 100 to Rs. 150, Rs. 100 to Rs. 160; and Rs. 80 to Rs. 130 respectively.

(c) Low realisation from the exports of these items is due mainly to the intensive competition in the foreign markets.

Nylon Yarn Factory in Kerala

479. *Shri P. Kunhan:*
Shri A. K. Gopalan:

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

(a) whether Government have sanctioned the setting up of a Nylon Yarn factory in Kerala;

(b) if so, when the construction will start; and

(c) the details of this scheme?

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

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

Agartala Bidi Silpa Samabaya Samiti

480. *Shri Biren Dutta:* Will the Minister of Commerce and Industry be pleased to state:

(a) whether "Agartala Bidi Silpa Samabaya Samiti" is a workers' co-operative;

(b) whether the Samiti had prayed for loan in 1960; and

(c) if the answer to part (a) be in affirmative, the reasons for not granting any loan?

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

(b) No, Sir.

(c) The Samiti did not raise the necessary paid-up capital as required under the provisions of the Cooperative Act to qualify them for a loan.

Export of Medicinal Herbs

481. *Shri Bade:* Will the Minister of Commerce and Industry be pleased to state:

(a) the total amount of foreign exchange earned in 1961-62 by exporting medicinal herbs from India;

(b) whether any special attempt is being made to increase these exports by finding out new herbs which can be exported;

(c) whether it is a fact that "Kuth" a medicinal herb from Lahaul valley could be exported; and

(d) if so, what are the potentialities?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Medicinal Herbs are not separately classified as the items of export. The broad classification viz., 'Plants, seeds, flowers and parts of plants, not elsewhere specified, mainly for use in medicine or perfumery' is amplified to cover all such items including roots and seeds which are not exclusively used for medicinal purposes. The total export of the items, so classified, is Rs. 2.8 crores during 1961-62.

(b) Yes, Sir. Central Indian Medicinal Plants Organisation, Central Drug Research Institute, Forest Research Stations and National Chemical Laboratory, Poona are taking steps to find out new herbs with a view to promote the export of medicinal herbs.

(c) and (d). Actually "Kuth" is not a herb. The root of the plant "Sausurea Lappa Clarke" is known as "Kuth". "Kuth" root from Lahaul valley was a good foreign exchange earner till 1961-62. The demand has fallen and now there is not much scope of exporting "Kuth" root from India. However, the extraction of costus root oil from "Kuth" is being developed for which there may be a scope for export.

Foreign Exchange Resources

482. Shri Hem Raj: Will the Minister of Commerce and Industry be pleased to refer to reply given to Unstarred Question No. 71 on the 6th August, 1962 and state:

(a) whether the Federation of Chambers of Commerce and Industry has submitted any concrete proposals for the savings of the foreign exchange resources;

(b) if so, whether the proposals have been examined by Government; and

(c) how far they will prove helpful for the purpose?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). The Federation of Indian Chambers of Commerce and Industry have had informal discussions with Government, and are preparing detailed proposals. These will be examined when received.

Supply of C.I. Sheets to Tripura

483. Shri Biren Dutta: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the number of applications for C.I. Sheets pending since March, 1958 to November, 1962 with the Civil Supply Department of Tripura;

(b) the demands of different Departments of Tripura Administration of C.I. Sheets for 1961-62; and

(c) whether the Ministry propose to supply C.I. Sheets to private persons as per demands and also to meet the demands of the Administration for 1961-62 by the end of 1962-63?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) 3,668.

(b) 5,260 metric tons.

(c) Since the demand for G.C. Sheets far exceeds the availability, equitable distribution is made of the available quantity. The producers

are also carrying a large number of outstanding orders. Emergent requirements have therefore to be met first and then the supply against normal allotment is arranged. This naturally takes time.

Cement Production

484. Shri Ram Ratan Gupta:
Shri Rameshwar Tantia:
Shri Yashpal Singh:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Government have given any instructions to licensed cement factories to go into production at once; and

(b) if so, the details thereof?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) The licence itself sets a time-limit for the taking of effective steps for and the completion of the schemes and this is strictly enforced except when Government is satisfied that an extension of the time-limit is necessary. No instructions have, however, been given to licensees to go into production at once.

(b) Does not arise.

Oxygen Plant in Heavy Electricals

485. Shrimati Savitri Nigam: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the Oxygen Plant is working in the Heavy Electricals only two days in a week; and

(b) whether possibility of selling excess production of Oxygen in the market has been examined?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) and (b). Yes, Sir. Production is limited to the present requirements of the factory. But in order to utilize the capacity to the full it is proposed to find a market for the surplus oxygen.

Tenders have been invited and the quotations received are now under examination.

Blooms and Slabs of Rourkela

486. { Shri S. C. Samanta:
Shri Subodh Hansda:
Shri M. L. Dwivedi:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it is a fact that Blooms and Slabs out of Rourkela manufacture totalling 37,000 tonnes were sold on a barter basis abroad against import of 15,000 tonnes of Galvanised plain sheets and black sheets required for industry in India;

(b) if so, who transacted the business and with whom; and

(c) whether the exported things reached the destination?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) A quantity of 34,600 tonnes of steel sheets, strips etc. were allowed to be imported on barter basis against export of 98,800 tonnes of slabs and ingots.

(b) These barter deals were approved by Iron and Steel Controller, Calcutta in favour of M/s. Amin-chand Payarelal, Apeejay (P) Ltd., Ramkrishan Kulwant Rai and Surrendra (Overseas) Private Ltd. all of Calcutta and these firms entered into contract with HSL for export of the steel materials.

(c) 50,500 tonnes of steel slabs and ingots have already been exported.

Interest due to TISCO and IISCO

487. { Shri K. C. Pant:
Shri Morarka:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the interest due for special advances made from the Iron and Steel Equalisation Fund to Messrs. TISCO

and IISCO for the period 1st July 1958 to 31st March, 1961; and

(b) whether the above amount has been recovered in full?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) Rs. 277.5 lakhs.

(b) No amount has been received so far. The method of recovery is being examined.

Internal Transport in Rourkela

488. { Shri Ravindra Verma:
Shri Morarka:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the wagon situation for internal transport in Rourkela is serious;

(b) if so, whether it is likely to affect production; and

(c) the action taken to overcome this difficulty?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) to (c). The wagon situation at Rourkela which was not quite satisfactory has since improved. Hindustan Steel have procured some additional wagons from the Railways and have reconditioned old wagons. Some special types of wagons are also being imported from West Germany. Production in the Rourkela Steel Plant has been steadily improving.

Iron and Steel Equalisation Fund

489. { Shri Morarka:
Shri K. C. Pant:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the expected contribution of the Iron and Steel Equalisation Fund during the Third Five Year Plan period; and

(b) how much has been contributed by now?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):
 (a) and (b). In the Third Five Year Plan period, upto 31st March, 1962, Rs. 25.45 crores have accrued to the Equalisation Fund. The accrual in the remaining four years at the present level of retention and sale prices is estimated at about Rs. 58 crores.

Stainless Steel Plant in South

490. { Shrimati Maimoona Sultana:
 | Shri B. D. Deshmukh:
 | Shri Shivaji Rao S.
 | Deshmukh:
 | Shri Jedhe:
 | Shri Rawandale:
 | Shri V. T. Patil:
 | Shri Kisan Veer:
 | Shri Tulshidas Jadhav:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the Central Government have of late issued a licence for the installation of a stainless steel plant in the south;

(b) if so, to which firm;

(c) what is the production target for stainless steel under the Third Plan;

(d) whether any more proposals for setting up more plants for manufacture of stainless steel in other parts of the country, particularly, Madhya Pradesh have been under consideration of Government; and

(e) what is Government's decision thereon?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):
 (a) and (b). Government have approved in principle the scheme of M/s. Vummidiars (Mfrs.) Pvt. Ltd., Madras for the manufacture of 7,000 tons per annum of stainless steel in a plant to be set up at Madras.

(c) 50,000 tons per annum.

(d) and (e). Yes, Sir. The scheme of M/s. V. H. Shah, Bombay for setting up a stainless steel plant at Vatva

(near Ahmedabad), Gujarat State with an annual capacity of 10,000 tons has also been approved in principle.

Other proposals could not be accepted as adequate capacity has already been covered, including that available in the Public Sector.

Low-Shaft Furnace Pig-Iron Plant

491. { Shri Tulshidas Jadhav:
 | Shri V. T. Patil:
 | Shri Jedhe:

Will the Minister of Steel and Heavy Industries be pleased to refer to the reply given to Starred Question No. 1292 on the 5th June, 1962 and state the production capacity of the low-shaft furnace pig-iron plant licensed in Vidarbha and its employment potential?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):
 M/s. Hind Traders, Bombay, who were granted a licence under the Industries (D & R) Act in December, 1960, for manufacture of pig iron in low-shaft furnaces, have been sanctioned a production capacity of 96,000 tons per annum. The employment potential has been indicated by the firm to be about 800 persons.

Licences for Machine Tool Industries

492. **Shri Tridib Kumar Chaudhuri:**
 Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the total number of industrial licences for the development of machine tools, small tools, ferro-alloys and steel alloys given to private sector since 1957 and their State-wise break-up;

(b) the number of unutilised licences in each category State by State;

(c) whether any reviews of the reasons for non-utilisation have been made on the official level;

(d) what are those reasons; and

(e) whether import restrictions on essential plant, machinery and equipment from abroad has been one of the principal causes of this non-utilisation and the number of cases in which it is so?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) and (b). A statement is laid on the Table of the House. [See Appendix I, annexure No. 58].

(b) and (c). The progress made by the licencees in implementing the schemes sanctioned to them is watched and wherever, they fail to take effective steps within the time specified therefor, a show-cause notice is issued to them. Replies received from the licencees would indicate that among the reasons for non-utilisation of the licences are lack of interest on the part of the licencees, inability to raise the required capital, failure to secure suitable technical and/or financial collaboration from abroad and paucity of foreign exchange for import of capital goods from free resources.

(e) Due to paucity of foreign exchange, import licences could not be issued in 10 cases for import of equipment for manufacture of machine tools.

Pig Iron allotted to Punjab

493. Shri Daljit Singh: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the total quantity of pig-iron allotted to Punjab State during 1962-63 so far; and

(b) the quantity actually supplied during the above period?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) Since there is no quota system for pig-iron, no allotments are made. Indents received from Industrial units in the Punjab State to the extent of 55,397 metric tons have been planned during 1962 (upto 23rd October, 1962).

(b) 31,001 metric tons (April to September, 1962).

Production of Coke at Bhilai

494 { Shri Ram Ratan Gupta:
Maharajkumar Vijaya
Ananda:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the production of coke has recently shown any improvement at Bhilai Steel Plant; and

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

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) Yes, Sir.

(b) Production of metallurgical coke achieved in Bhilai Steel Plant during the last six months is as follows:

	Monthly production	Average daily production
	tonnes	tonnes
May, 1962.	91,276	2,944
June, 1962	89,133	2,971
July, 1962	93,541	3,017
August, 1962	93,968	3,031
September, 1962	90,535	3,018
October, 1962	94,094	3,035

New Steel Factories in Orissa and Madhya Pradesh

495. Shri Surendra Nath Dwivedi: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether any investigation is being made for finding out the possibilities of more steel factories in Orissa and Madhya Pradesh; and

(b) whether this is made as a part of the new schemes of the steel production to be undertaken during the Fourth Five Year Plan?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) and (b). The Steering Group,

which was constituted for formulating iron and steel development schemes for inclusion in the Fourth Five Year Plan, suggested the preliminary survey of certain regions, in more than one State, as possible areas for locating new plants. Certain areas of Orissa and Madhya Pradesh will be covered in these preliminary surveys.

Manufacture of Steel Tapes

496. Shri Himatsingka: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether any proposal for the manufacture of steel tapes in India has been sanctioned or is in contemplation; and

(b) if so, whether any foreign collaboration is contemplated?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) Three units have been granted industrial licences for the manufacture of steel measuring tapes and a proposal submitted by yet another firm is under consideration of the Government.

(b) Two of the licensed units are proposed to be set up with foreign collaboration. The proposal which is under consideration also involves foreign collaboration.

Powerloom Industry in Tripura

497. Shri Biren Dutta: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any license has been issued to start powerloom industry in Tripura; and

(b) if so, the number of looms for which licenses have been granted?

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

(b) Does not arise.

Price Display

498. { **Shri A. K. Gopalan:**
Shri D. C. Sharma:
Shri Ram Rattan Gupta:
Maharajkumar Vijaya Ananda:

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

(a) when the decision of the Board of Trade on voluntary system of price display will be implemented; and

(b) in case of non-implementation of the decision by wholesalers and retailers, what steps Government intend to take to see that the decision is implemented?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) The decision of the Board of Trade on voluntary system of price display is proposed to be implemented from 1st January, 1963 in a phased manner.

(b) The implementation of the decision on voluntary system of price display is more a matter of self-discipline and self-regulation on the part of the business community than of formal control and enforcement by governmental action through legislation.

काठियावाड़ तट पर नमक का उत्पादन

४९९. श्री तन सिंह : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मंत्रालय ने चुनावों से कुछ पहले काठियावाड़ के समुद्र तट पर नमक के उत्पादन के लिये लगभग २१ लाइसेंस लोगों को दिये थे ;

(ख) क्या यह भी सच है कि इस प्रकार के लाइसेंस किसी भी प्राइवेट पार्टी को न देने का सरकार ने पूर्व निश्चय कर लिया था ; और

(ग) यदि हाँ, तो इस नीति में परिवर्तन के क्या कारण हैं ?

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : (क) जनवरी १९६२ में नमक विभाग द्वारा नमक तैयार करने के छः लाइसेंस दिये गये थे तथा २० अन्य मामलों में लाइसेंस देना भी मंजूर किया गया था। ये लाइसेंस विभिन्न आवेदकों को राज्य सरकार द्वारा पट्टे पर जमीन मिल जाने की शर्त पर दिये गये थे।

(ख) तथा (ग). जी, हां। सरकार ने नवम्बर, १९५८ में नीति के रूप में नमक समिति को इस सिफारिश पर ही यह निश्चय किया था कि जिन क्षेत्रों में नमक का उत्पादन ज़रूरत से अधिक होता है उन में नमक बनाने के नये लाइसेंस (किन्हीं भी प्राइवेट पार्टियों या दूसरी एजेंसियों) को नहीं दिये जाने चाहिये जिन में गुजरात भी शामिल है। ऐसा इसलिये किया गया था कि इन क्षेत्रों के नमक निर्माताओं को अपना माल बचाना कठिन हो गया था।

तीसरी पंचवर्षीय योजना की अवधि में नमक के बढ़े हुए उत्पादन लक्ष्य अर्थात् ६० लाख मीट्रिक टन को द्यान में रखते हुए अक्टूबर, १९६१ में उपरोक्त निर्णय पर पुनः विचार किता गया। तीसरी पंचवर्षीय योजना की अवधि में २४ लाख मीट्रिक टन के अतिरिक्त उत्पादन को पूरा करने के लिये तब यह निश्चय किया गया था कि नमक बनाने के लाइसेंस देने का काम फिर शुरू कर देना चाहिये।

Freight Rates of Coir Manufactured Goods

500. Shri Vasudevan Nair: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are pursuing negotiations with the Conference Lines regarding the reduction in the freight rates of coir manufactured goods; and

(b) if so, how long it will take for a final conclusion of the negotiations?

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

(b) In the light of the reaction of Conference Lines so far, it is difficult to specify any target date for final conclusion of the negotiations.

Companies Act

501. Shri Yashpal Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Vivian Bose Commission has made its final recommendations on changes in the Companies Act and its administration which would help eliminate malpractices in the Corporate Sector; and

(b) if so, the details thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). The Commission of Inquiry submitted its report, on the 31st October, 1962, containing recommendations to Government regarding (i) the action which, in the opinion of the Commission, should be taken to act as a preventive in future to the adoption of such unhealthy practices by company managements as those noticed by the Commission in the course of its enquiry, and (ii) the measures which in the opinion of the Commission are necessary in order to ensure in the future the due and proper administration of the funds and assets of companies and firms in the interests of the investing public.

Fibre Factory in Kerala

502. Shri A. K. Gopalan:
Shri P. Kunhan:

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

(a) whether Government have issued any licence for setting up a Fibre factory in Kerala;

(b) if so, the name of the licensee and details of the project sanctioned;

(c) when the work on the Project will begin; and

(d) what total capital will be involved?

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

(b) A licence for import of machinery for Rs. 1,92,000 has been issued to N. S. I. C: for the manufacture of Rubberised coconut fibre products by M/s. Fibre Foam Industries, Kodvally, Kerala State.

(c) Sometime in 1964.

(d) About Rs. 4.20 lakhs.

Mechanised Brick-Kiln in Madras

503. Shri Umanath: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal to have a mechanised brick-kiln in the Madras State;

(b) if so, how its production capacity will compare with the non-mechanised kilns;

(c) whether it is to be in public sector or private sector and its location;

(d) whether the Central Government have sanctioned the project; and

(e) whether foreign exchange is involved and if so, to what extent and whether released?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Nityanand Kanungo): (a) and (d). Yes, Sir. Four Units have been licensed under the Industries (Development and Regulation) Act, 1951.

(b) The capacity of these Units will vary from 150 lakh to 375 lakh bricks per annum compared to 50 lakh bricks per annum through the conventional non-mechanised brick kilns:

(c) Two kilns will be in the public sector and two in the private sector. All the four kilns will be located in the vicinity of Madras city, where acute shortage of bricks has been experienced.

(e) For one of the units, a licence to import plant and machinery worth Rs. 13 lakhs from rupee payment area has been issued. No foreign exchange in respect of the other three units has been released as detailed proposals have not yet been received.

'Closure Fund' for Cotton Textile Industry

504. Shri Umanath: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government considered the recommendations of the working group of the Cotton Textile Industry to constitute a 'Closure Fund';

(b) if so, what is the decision of Government thereon and the scope of the Fund; and

(c) if not, what are the reasons weighing with Government against the constitution of the Fund?

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

(b) and (c). It was apprehended that the creation and administration of such a fund would give rise to practical difficulties and hence the proposal was not accepted.

Closure of Cotton Textile Mills

505. Shri Umanath: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Committee under the Presidentship of Shri G. D. Sonani, M.P., for keeping under constant review causes of closure of Textile Mills in the country has met and deliberated;

(b) whether any recommendations have been made on timely steps to be taken to enable marginal units to tide over temporary difficulties; and

(c) if so, what are the recommendations and Government's decision thereon?

The Minister of International Trade in the Ministry of Commerce and In-

dustry (Shri Manubhai Shah): (a) to (c). The Committee set up under the Chairmanship of Shri G. D. Somani for keeping under constant review the causes of closure of Textile mills in the country has so far met 5 times and has considered the affairs of ten marginal closed mills and has formulated its recommendations as a result of discussions with the management in six cases. The recommendations of the Committee, *inter alia*, are the planning of a proper maintenance programme, the preparation and execution of schemes for rehabilitation, replacement and modernisation of machinery and the issue of licence for import of machinery.

The recommendations, except in one, case where the Committee has recommended the issue of an import licence, were for the individual mills concerned to implement. The recommendation of the Committee with regard to the issue of an import licence is under consideration of Government.

Business Houses

506. Shri Harish Chandra Mathur: Will the Minister of Commerce and Industry be pleased to state:

(a) which are the first 25 Business Houses in the country; and

(b) how their business and assets have grown since independence from year to year?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Nityanand Kanungo): (a) and (b). While some of the leading Business Houses in the country can be named, it will be difficult to state categorically which are the first 25 business houses in the country. It will also be difficult to indicate how their business and assets have grown from year to year, as many of these Business Houses have private companies and the balance sheets of these companies prior to 1956 are not available, as they were not required to file them with the Registrar of Companies before that year.

Factory Sheds in Delhi for Firms

507. Shri R. G. Dubey: Will the Minister of Commerce and Industry be pleased to state:

(a) whether 40 firms in Delhi were issued allotment letters for factory sheds in May, 1961 with a promise that the sheds will be handed over to them in a few weeks time; and

(b) whether it is a fact that the said firms have imported machinery and also sought the foreign collaboration on the basis of the said promise?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Forty units were selected for allotment of sheds in the Okhla Industrial Estate (2nd Phase). Some of them were issued provisional allotment letters in May, 1961 but no assurance was given regarding the date of completion of the factories.

(b) Government is not aware of this.

Black-marketing of Newsprint

508. [Shri A. K. Gopalan:
Shri Nambiar:

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

(a) the stage at which the investigations against Calcutta Newspaper in connection with alleged black-marketing of newsprint and/or license for newsprint stand; and

(b) whether the officer of Government associated with these investigations has submitted his full report?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) The investigations have been completed and the report of the investigating Officer is under examination.

(b) Yes, Sir.

Exports

509. Shri Eswara Reddy: Will the Minister of Commerce and Industry be pleased to state:

(a) the unit-value index of our exports during the last ten years;

(b) the unit value index of our imports excluding foodgrains during the same period; and

(c) whether any calculation has been made of the loss to India through (i) a fall in the relative prices of our exports during the last 10 years (ii) the rise in the relative prices of our imports (excluding foodgrains) during the same period?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the House. [See Appendix I, annexure No. 59].

(c) No calculations have so far been made because of the fact that it requires a detailed and voluminous study involving commodity-wise analysis of the increases and decreases in unit values of exports and imports after making necessary adjustments for the subsequent corrections in respect of the published figures.

उत्तर प्रदेश में चाय की खेती

५१०. श्री भक्त दर्शन : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उन के ध्यान में यह बात आई है कि कुछ वर्ष पहले तक उत्तर प्रदेश के पर्वतीय जिलों यथा देहरादून, गढ़वाल, नेनीताल, अल्मोड़ा, पिथौरागढ़, चमोली, टिहरी व उत्तर-काशी में चाय की खेती काफी बड़े पैमाने पर होती थी, लेकिन इस बीच यह बहुत घट गई है और घटती जा रही है ; और

(ख) यदि हाँ, तो क्या इस सम्बन्ध में बास्तविक स्थिति पर प्रकाश डालने वाला एक विवरण सभा-पटल पर रखा जायेगा ?

वाणिज्य तथा उद्योग मंत्रालय में अन्तर्राष्ट्रीय व्यापार मंत्री (श्री मनुभाई शाह) : (क) चाय बोर्ड के रिकार्डों के

अनुसार उत्तर प्रदेश के देहरादून, अल्मोड़ा, पिथौरागढ़ और गढ़वाल के अलावा १६४६ तक और कहीं भी चाय बागान नहीं थे ।

उत्तर प्रदेश में चाय का उत्पादन जो १६५२ में ७८२,८०२ कि० ग्रा० था, वह १६६१ में बढ़ कर ८६२,५५८ कि० ग्रा० हो गया है ।

(ख) प्रश्न ही नहीं उठता ।

Trade Delegations to East European Countries

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

(a) whether an Indian Trade Delegation undertook a tour of the East European countries;

(b) the personnel of this delegation and the countries it visited;

(c) whether it has submitted its report; and

(d) if so, what are its main features?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir. The Trade Delegation has not yet completed its tour.

(b) A statement is laid on the Table of the House. [See Appendix I, annexure No. 60.]

(c) and (d). Copies of Trade Agreements, as and when concluded by the Trade Delegation, are being placed in the Parliament Library.

Licensing of New Industries

512. { **Shri Ram Ratan Gupta:**
Maharajkumar Vijaya Ananda:

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

(a) whether any priority has been fixed for licensing of new industries; and

(b) if so, the details thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). It is proposed to give the highest priority to industries having a direct bearing on the defence effort, both for licensing under the Industries (Development and Regulation) Act and for Capital Goods imports.

The policy with regard to licensing under the Industries (Development and Regulation) Act for other industries is being reviewed. Government propose shortly to issue a revised expanded list of industries with regard to which applications will automatically be rejected.

Apart from the foreign exchange requirements of industries directed to Defence, which will have the highest priority, the licensing of Capital Goods will be based on the priority list of 21 industries, which was recently announced.

Drug Industry

513. { Shri Ram Ratan Gupta:
 { Maharakumar Vijaya
 { Ananda:
 { Shrimati Renuka Ray:

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

(a) whether there is any proposal to nationalise the Drug Industry due to high cost of production; and

(b) if so, the details thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) No. Sir.

(b) Does not arise.

Import of Printing Machinery

514. { Shri A. S. Saigal:
 { Shri Narendra Singh Mahida:
 { Shri P. K. Ghosh:
 { Shri Kapur Singh:

| Shri Yashpal Singh:
| Shri Kajrolkar:

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

(a) the total value of printing machinery imported during each of the years from 1955 to 1961 from general currency area; and

(b) the total value of printing machinery imported during each of the years from 1955 to 1961 from rupee account area?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the House. [See Appendix I, annexure No. 61].

State Trading Corporation

515. { Shri Bishanchander Seth:
 { Shri E. Madhusudan Rao:

Will the Minister of Commerce and Industry be pleased to refer the reply given to Unstarred Question No. 1757 on the 27th August, 1962 and state whether the question of setting up of another State Trading Corporation has been considered?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): The question of setting up of another State Trading Corporation is under active consideration.

Import of Rock Salt from Pakistan

516. **Shri Himatsingka:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of Rock Salt imported from Pakistan during 1962;

(b) what price was paid by the importer at rail head in Pakistan or f.o.r. Indian Border; and

(c) at what price the importer has supplied to dealers or wholesalers in Calcutta?

The Minister of International Trade in the Ministry of Commerce and

Industry (Shri Manubhai Shah):
(a) and (b). A quantity of 1,00,100 maunds (3,742 tonnes) of rock salt was imported by the State Trading Corporation at Rs. 00.99.5 nP. per maund f.o.r. Wagah.

(c) Rs. 49.22 nP. per Quintal (about Rs. 18.27nP per maund) f.o.r. Calcutta to wholesalers.

Trade with Yugoslavia

517. { **Shri Bishwanath Roy:**
Shri Bishanchander Seth:
Shri Yashpal Singh:

Will the Minister of Commerce and Industry be pleased to state whether any agreement has been reached between India and Yugoslavia about long term economic co-operation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah):
Yes, Sir. Recently a Trade and Payments Agreement has been concluded between India and Yugoslavia for 5 years and will come into force from 1-1-1963.

Tea Export

518. **Shri Narendra Singh Mahida:**
Will the Minister of Commerce and Industry be pleased to state:

(a) the total export earning from tea during the first two Plan periods and the first two years of the Third Plan (year-wise);

(b) what are the reasons that tea export is progressively decreasing; and

(c) what measures are being taken to boost its export?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) The table given below shows the total export earnings from tea during the

first two Plan periods and the first two years of the Third Plan:

First Plan Period (Financial year)	Value of tea exported from India (in crores of Rs.)
1951-52 .	93.94
1952-53 .	80.88
1953-54 .	102.06
1954-55 .	148.25
1955-56 .	109.64
Total First Plan Period	534.77
Second Plan Period	
1956-57 .	145.13
1957-58 .	113.64
1958-59 .	129.70
1959-60 .	129.50
1960-61 .	123.59
Total Second Plan Period	641.56
Third Plan Period	
1961-62 .	122.40
(b) There is no sign of any decline.	
(c) More recent measures taken are:—	
(i) With effect from 24-4-1962, the Export Duty on tea has been reduced from 44 nP. per kg. to 25 nP. per kg. and a drawback of excise duty at a flat rate of 15 nP. per kg. in respect of all teas exported is allowed;	
(ii) Tea promotion campaigns are being intensified in some of the foreign countries which are important consumers of Indian tea;	

(iii) Tea Promotion Officers have been posted in the U.K., U.S.A., Canada, U.A.R. and Australia/New Zealand;

(iv) Schemes for financial assistance in the form of loans are in operation for replantation, replacement renovation of machinery and purchase of irrigation equipment to thereby increase production of quality teas for which there is a good export demand.

Jute Mills

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

(a) whether any demand has been made by jute-growing States other than West Bengal for establishment of jute mills in their areas;

(b) whether it is a fact that establishment of such mills in jute-growing areas would enable the jute growers to get a little higher price than what they are getting through the Calcutta market; and

(c) whether Government have given any consideration of this question?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). Such demands are received by Government now and then. On an all-India basis, however, there is no case at present for sanctioning any additional jute mill. The claims of jute-growing States will be given due consideration if and when Government contemplate addition to the present capacity.

Titagar Jute Mills

520. Shrimati Renu Chakravarty: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 249 on the 27th April, 1962 and state:

(a) whether any communication has

been received regarding the closure of Titagar Jute Mills, Titagar;

(b) how many workers will be thrown out of jobs if this closure is permitted; and

(c) how Government assure themselves that all these workers will not become unemployed?

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

(a) No communication has been received regarding closure of the mill either from the West Bengal Government or from the mill.

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

गाजीपुर (उत्तर प्रदेश) में कागज का कारबाना

521. श्री सरैज पाण्डेय : क्या वाणिज्य तथा उद्योग मंत्री १६ जून, १९६२ के अतारा कित प्रश्न संख्या ३४२४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि उत्तर प्रदेश में गाजीपुर स्थान पर आनन्द पेपर मैन्यु-फैक्चरिंग कम्पनी द्वारा एक कागज का कारबाना खोलने के बारे में क्या प्रगति हुई है ?

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : इस कम्पनी ने भूमि प्राप्त करने और बिजली का प्रबन्ध करने के प्रतिरक्षित पर्याप्त प्रगति नहीं की है ।

Export Prices of Tobaco

522. Shri Kolla Venkaiah: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the State Trading Corporation has considered the proposal for the fixation of minimum export prices for different grades of tobacco; and

(b) the decision taken by Government in the matter?

The Minister of International Trade in the Ministry of Commerce and

Industry (Shri Manubhai Shah):
(a) and (b). The matter is still under consideration.

Co-operative Tea Factory in Kangra

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

(a) the probable date by which the tea factory on co-operative basis will be installed in the Kangra District;

(b) whether any representation has been received from the small tea growers of the Kangra District that the loan to be accorded by Government should be interest free for ten years; and

(c) if so, the reaction of Government thereto?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah):
(a) It is difficult to say at this stage when the factory will be installed.

(b) No, Sir.

(c) Does not arise.

Establishment of Newsprint Factories

**524. { Dr. P. Mandal:
Shri M. L. Dwivedi:
Shri S. C. Samanta:**

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

(a) whether it is contemplated to establish newsprint factories anywhere in India;

(b) if so, whether sites have been selected;

(c) whether they will be under the management of the private or public sector; and

(d) when they will start production?

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

(c) Private sector.

(d) About 3 to 4 years as at present estimated.

Export of Monkeys

525. Shri Vidya Charan Shukla: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there are any restrictions on the export of monkeys from India; and

(b) if so, the specific reasons for these restrictions?

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

(a) and (b). Yes, export of monkeys is controlled on humanitarian grounds and is allowed only for purposes of medical research and/or production of polio vaccine. Their transport is allowed only by air.

Rubber Requirements

526. Shri Maheswar Naik: Will the Minister of Commerce and Industry be pleased to state:

(a) the total annual requirements of rubber in the country;

(b) how much of this is met from the indigenous production; and

(c) whether it is a fact that import of rubber from Malaya is proposed to be increased next year?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) The estimated requirement of all types of rubber for the year 1962-63 is of the order of 68,000 Metric Tonnes of which natural rubber demand will be to the tune of 44,700 Tonnes.

(b) About 30,800 Metric Tonnes:

(c) No, Sir.

—
12 hrs.

PAPERS LAID ON THE TABLE

REPORT OF TARIFF COMMISSION ON STEARIC ACID AND OLEIC ACID INDUSTRY, ETC.

The Minister of International Trade in the Ministry of Commerce and

Industry (Shri Manubhai Shah): I beg to lay on the Table:

(i) a copy each of the following papers under sub-section (2) of section 16 of the Tariff Commission Act, 1951:—

(a) Report (1962) of the Tariff Commission on the continuance of protection of the Stearic Acid and Oleic Acid Industry.

(b) Government Resolution No. 2(1)-T.R./62 dated the 14th November, 1962 (together with its Hindi version).

(c) Notification No. 2(1)-T.R./62 dated the 14th November, 1962 together with its Hindi version).

(d) Statement explaining the reasons why a copy each of the documents at (a), (b) and (c) above could not be laid on the Table within the period prescribed in the said sub-section.

[Placed in Library, See No. LT-528/62.]

(ii) a copy of Report of the working Group for the Hosiery, Knitting and Embroidery Industries.

[Placed in Library, See No. LT-533/62.]

(iii) a copy of the Woollen Textiles (Production and Distribution Control) Second Amendment Order, 1962 published in Notification No. S. O. 3336 dated the 2nd November, 1962 under sub-section (6) of section 3 of the Essential Commodities Act, 1955.

[Placed in Library, See No. LT-529/62.]

— 12.02 hrs.

MESSAGE FROM RAJYA SABHA

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

“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 Indian Sale of Goods (Amendment) Bill, 1962, which has been passed by the Rajya Sabha at its sitting held on the 14th November, 1962.”

— 12.30 hrs.

INDIAN SALE OF GOODS (AMENDMENT) BILL

LAID ON THE TABLE AS PASSED BY
RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the Indian Sale of Goods (Amendment) Bill, 1962, as passed by Rajya Sabha.

— 12.03½ hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission Sir, I rise to announce that Government Business in this House during the week commencing 19th November will consist of:

(1) Consideration of any item of business carried over from today's Order Paper.

(2) Discussion and Voting of the Supplementary Demands for Grants (General) for 1962-63.

(3) Consideration and passing of:

The Defence of India Bill, 1962.

The Customs Bill, 1962, as reported by the Select Committee.

[**Shri Satya Narayan Sinha**]

The Pondicherry (Administration) Bill, 1962.

The Indian Tariff (Amendment) Bill, 1962.

The Warehousing Corporation Bill, 1962.

The State Associated Banks (Miscellaneous Provisions) Bill, 1962.

The Delhi Motor Vehicle Taxation Bill, 1962.

The Manipur Sales of Motor Spirits and Lubricants Taxation Bill, 1962.

The Gift-tax (Amendment) Bill, 1962.

The Workmen's Compensation (Amendment) Bill, 1962.

The All India Services (Amendment) Bill, 1962.

This business is expected to be over by the 23rd November, when the House may be adjourned *sine die*.

Shri Hari Vishnu Kamath (Hoshangabad): As this is last statement of its kind for this session, may I crave your gracious indulgence to make a few suggestions and ask for a clarification. You will kindly excuse me if I try to elaborate them at some length.

Mr. Speaker: I do not give that promise. It should not be very lengthy.

Shri Hari Vishnu Kamath: Not very lengthy not at all I can give that assurance straightforwardly. The Minister of Parliamentary Affairs has once again packed so much into so little time. I hope the House will be able to fulfil his hope, and all this will be transacted during the next week. He has not told the House as to whether the Government has at all given thought to the matter of the next session, as to when it will meet. As I made a request the other day, in view of the emergency through which we are passing, it is all the more

necessary that Parliament be given a more essential and stronger place in national affairs. I am making only points....(Interruptions.) It is not a matter of laughter for my communist friends . . .

Mr. Speaker: I will request him not to enter into any argument.

Shri Hari Vishnu Kamath: No, Sir, I am sorry. I would again request you to be a little patient. I will not take more than 2-3 minutes. The House will be prepared, I am sure, to meet a week or ten days every month as long as the emergency is in force. But I leave it to you, to the Leader of the House and to the Government to decide about that.

Shri Ansar Harvani (Bisauli): You should not charge T. A. while coming here.

Shri Hari Vishnu Kamath: If that is possible, it is the best. If however that is not possible, I would suggest that the next session meet early in January. But whatever the decision may be in that respect, I would pray to you very earnestly in all humility, that the Government should keep the Members of the House informed about the war situation, week by week, by transmitting their bulletin or whatever it may be to the Parliament Secretariat, who should circulate the bulletin every week, if not every day—it may not be possible to do it every day. We must get the bulletin about the war situation. That must be done in any case.

One more suggestion I would like to make, and it is this: if a Parliament session cannot be convened every month, as I suggested earlier, I would, with some trepidation, make a suggestion that even accepting the unfortunate fact that the consultative committees of Parliament—

Mr. Speaker: All these suggestions cannot be taken up at this moment. I

am afraid Shri Kamath should realise that. The Minister has given the information as to what business is going to be taken up next week. When we adjourn, the hon. Member might put a question, "Are we going to meet again" etc. At this time, how is it possible to say when we are going to meet, etc. All these suggestions, such as we might meet seven days in every month, etc., cannot be considered at this moment. I am afraid I will ask Shri Kamath not to go into those details. It is for the House to consider such things as and when the opportunity arises. This is not the occasion when he can raise all these points. I see many hon. Members standing up to make suggestions. But at this moment, they should confine their suggestions to what the business before us is.

Some Hon. Member rose—

Mr. Speaker: Order, order. I am on my legs. Why should several Members stand up? I will allow hon. Members to speak, but any suggestion that they make should be in relation to what the hon. Minister of Parliamentary Affairs has said.

Shri S. M. Banerjee (Kanpur): Having heard the Minister of Parliamentary Affairs, I have a feeling that the amount of business is so much that unless all of it is hurried up and guillotined, it cannot be finished.

Mr. Speaker: That is another thing. It is for the Business Advisory Committee to allot that time to every business. Now, the Government has put it. The Advisory Committee must have allotted the time or would allot the time if it meets again, if there is any necessity, and then the proposals come before the House and the House can take objection, if any, to any allotment that is given to a specified item. Now, at this time, we cannot guarantee how every item is to be finished. But, when the House agrees to a programme and to the allotment of time, as much as can be finished within that time, could be finished.

Shri S. M. Banerjee: Yesterday, we met at the room of the Deputy Speaker, and picked about three of the most important items like holding of the price line—the motion in regard to that. I have a suggestion. When all the offices in the country are working on Saturdays and Sundays, can we not sit tomorrow and finish the discussion of very important motions such as the motion regarding the holding of the price-line?

Mr. Speaker: Is the House prepared to sit tomorrow?

Some Hon. Members: No, Sir.

Shri Hari Vishnu Kamath: No, Sir. We have other engagements.

Shri U. M. Trivedi (Mandsaur): I rise to a point of order. Yesterday, the hon. Minister of Parliamentary Affairs was questioned from this side of the House as to how long the House was going to sit, whether it will sit up to 24th, or what date.

Somt Hon. Members: 23rd.

Shri U. M. Trivedi: He was reluctant to give that news and said that he will have to consider the position and then announce it. But, at about 4 p.m. or before 4 p.m. yesterday, it was known to the press that the House was going to sit up to 23rd. How is that, the hon. Minister did not disclose this fact to the House but disclosed to the press?

Shri Satya Narayan Sinha: How does the hon. Member presume that it was I who gave this information to the press? It is so presumptuous. The press gives out so many things, and for that, how can he presume that I gave it to the press? (Interruption).

Mr. Speaker: Order, order. The hon. Member presumes that the Minister of Parliamentary Affairs is the only person who knows it and therefore he must have conveyed it to somebody who in turn might have given it out, but I should say that this is not a point of order at all. (Inter-

[Mr. Speaker]

ruption. There is no question of any point of order. The Minister of Parliamentary Affairs said that he would consider the position and give this information today. If that might have been conveyed by another man, it might have been a guess only. Therefore, the authoritative information is given today, that the House is sitting up to the 23rd.

Shri Indrajit Gupta (Calcutta South West): With your permission, Sir, I would just like a little more clarification. It is not clear from the announcement that he has made. I understand that the Business Advisory Committee will go into this matter and allot time. May I just ask whether the Government has decided that the session has to end on the 23rd of this month in view of the present situation and the Business Advisory Committee will allot time accordingly? If it is the other way round, that the Government feels that all this business must be completed before the end of the session, is it not true to say that there is a likelihood that we may have to sit beyond the 23rd? Let that position be cleared.

Shri Satya Narayan Singh: I cannot say definitely.

Mr. Speaker: His point is, if it is not possible to stick to the business that has been announced, shall we have to sit for a day or two more to finish all this business?

Shri Satya Narayan Sinha: I think we have got to do it, because these are important items which the Government has decided to put through in this session.

Mr. Speaker: Then the hon. Minister means to say that as soon as the business announced is finished we will adjourn.

Shri Satya Narayan Sinha: That is right.

Shri B. G. D. (Hissar): मध्यसंघ महोदय, मैं अब ज़रूर करना चाहता हूँ कि अगर आप पिछले

अधिवेशन की प्रोसीडिंग्स को देखें, तो मालम होगा कि उस बहुत दिल्ली की ला एंड आर्डर सिटीएशन के बारे में कहा गया था कि यह एक इम्पार्टेंट मामला है, लेकिन चूंकि उस अधिवेशन में इस पार विचार नहीं किया जा सका, इसलिए इस को अगले सेशन में लिया जायगा। दिल्ली की ला एंड आर्डर की स्थिति बहुत खारब है और यहां पर रोज़ बम फटते हैं। चूंकि यह मोशन मंज़ूर हो चुका है और यह विश्वास दिलाया गया था कि इस को इस सेशन में लिया जायगा इस लिए इस सेशन के ख़त्म होने से पहले इस को ज़रूर ले लिया जाय।

श्री प्रकाशबीर शास्त्री (विजनौर) : अध्यक्ष महोदय, मैं बड़ी नमता के साथ निवेदन करना चाहता हूँ कि संसद् के इतिहास में शायद पहला अवसर है कि धोषित तिथियों से पहले ही संसद् के अधिवेशन को समाप्त किया जा रहा है। मैं चाहता हूँ कि जो कार्यवाहियां इस अधिवेशन के लिए स्वीकृत हो चुकी हैं और सदन की कार्य-सूचियों आदि में छप चुकी हैं, उन को समाप्त न किया जाये बल्कि उन को अगले अधिवेशन में प्रायोगिकता और उनको जैसा का तैसा रहने दिया जाये, क्योंकि लोक सभा का नियम है कि जब सेशन समाप्त होता है, तो उन कार्यवाहियों के लिए नय सिरे से नोटिस दिया जाय।

अध्यक्ष महोदय : यह तो कांस्टीट्यूशन प्राविजन है और हम उस के खिलाफ़ नहीं जा सकते हैं।

माननीय सदस्य, श्री बागड़ी : की तजीबीज पर गोर किया जायगा।

12.13 hrs.

GIFT-TAX (AMENDMENT) BILL*

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): Sir, on behalf of Shri Morarji Desai,

Shri Hari Vishnu Kamath: He is present in the House.

Shri Raghunath Singh (Varanasi): The hon. Minister is present. Why should it be "on behalf of"?

The Minister of Finance (Shri Morarji Desai): Sir, I beg to move for leave to introduce a Bill further to amend the Gift-tax Act, 1958.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Gift-tax Act, 1958."

The motion was adopted.

Shri Morarji Desai: Sir, I introduce the Bill.

—
12.14 hrs.

DEFENCE OF INDIA BILL†

The Minister of Home Affairs (Shri Lal Bahadur Shastri): Sir, I beg to move for leave to introduce a Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith.

Mr. Speaker: Motion moved:

"That leave be granted to introduce a Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith."

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Speaker, I rise to a point of order. At the outset let me make it clear that I am not stickler for rules and regulations or niceties of the Constitution. At the moment, however, it is all the more necessary

Mr. Speaker: Can a point of order arise without relation to any statutory provision, Constitution or rules?

Shri Hari Vishnu Kamath: I mean the Constitution. It is all the more necessary that we should see that the spirit and forms of parliamentary institutions must flourish and must be shown to be superior to a totalitarian system. May I invite the attention of the House to article 103 of the Constitution?

Article 103, clause (2) says:

"an Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks"

etc. I need not read the rest of it.

Mr. Speaker: Which article is he reading?

Shri Hari Vishnu Kamath: Article 103. . . . I am sorry, Sir, it is article 123. My flag has been out of place. It is regarding the legislative powers of the President.

Now, the Defence of India Bill that is sought to be introduced in the House incorporates or embodies the Defence of India Ordinance (No. 4 of 1962) as well as the Defence of India (Amendment) Ordinance, 1962 (No. 6 of 1962). Rule 71, sub-rule (1) of the Rules of Procedure and

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 16-11-62.

†Introduced with the recommendation of the President.

[Shri Hari Vishnu Kamath.]

Conduct of Business in Lok Sabha
says:—

"Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House....."

etc. I realise that this rule provides for modification of an Ordinance when it is sought to be replaced by a Bill and that is perhaps what the hon. Home Minister has attempted to do. He has incorporated the provisions of the Defence of India (Amendment) Ordinance, 1962 (No. 6 of 1962), that is, the amending Ordinance, in the Bill which he has not sought to place before the House. That means to say that both the Ordinances, that is, No. 4 and No. 6, have been comprised and included in the Defence of India Bill and perhaps that satisfies the provisions of rule 71(1) because the Defence of India Ordinance (No. 4) is sought to be modified to that extent by including the Defence of India (Amendment) Ordinance (No. 6) also in this Bill. It is left to you—because I am not a lawyer; so, I leave it to you—to say that modification means amendment also; perhaps, it will include amendment because the amending Ordinance also is sought to be incorporated in this Bill.

But, there is one difficulty in my humble judgment. I go back to the Constitutional provision. Clause (2) of article 123 says:—

"....every such Ordinance—

Shall be laid before both Houses of Parliament and shall cease to operate....."

it does not say 'lapse'—

"at the expiration of six weeks..."

What will be the consequent if this Defence of India (Amendment) Ordinance (No. 6) is not passed into an Act of Parliament by a separate Bill? What will be the effect in law and under the Constitution? It means that it will cease to operate and all

the provisions of that Ordinance will cease to operate. When an Ordinance ceases to operate, all the provisions also cease to operate. The provisions that are comprised in the amending Ordinance—however they may have been sought to be included in that Bill—are two or three. I will take that amending Ordinance. It is before me and it is before you also, I believe. It is a small amending Ordinance comprising only two or three provisions. What will happen to those provisions with regard to apprehension, detention of persons, custody and all that? It is not sought to be passed into an Act of Parliament separately. I would have been happy—you also would have been happy, I am sure and the House would have been happy—if both the Ordinances had been placed before the House as Bills and had been taken up together for discussion, and passed into law. That would have been the best course, perhaps—I am not sure. I leave it to you. But it ceases to operate.....

Mr. Speaker: The hon. Member must always be sure of his own point.

Shri Hari Vishnu Kamath: I am sure, but I leave it to you for final decision.

Mr. Speaker: But he says again and again, "I am not sure".

Shri Hari Vishnu Kamath: That is a form of language; that is all. I submit,....(Laughter)....It is not a matter for laughter—I do not mean you, sir. Some hon. Members are likely to take it very lightly in this emergency. When the Ordinance ceases to operate, will these two provisions also cease to operate? The question might be raised in a court of law that they have ceased to operate. However much you may have tried to bring them into some other Bill, what will be the force of that under the law and the Constitution? I would submit it would be better for the Home Minister to present to the House two Bills separately embodying the provisions of these two Ordinances. Both

Bills may be taken together and passed into law.

There is another point I would like to make. During the last few days. Hon. Members must have seen various reports appearing in the press that such and such article has been suspended, the President has passed orders with regard to the suspension of such and such article. May I invite your attention to article 359, because this would be important and helpful when we take up the discussion of the Defence of India Bill. Without that information before us, the House will not be able to discuss competently the Defence of India Bill now sought to be introduced.

Mr. Speaker: If he apprehends any difficulties only in the discussion, he can refer to that at that time. If it is material to his point of order, then he may say.

Shri Hari Vishnu Kamath: The difficulty is, we get the information very late. If we get the information earlier, it will help the discussion.

Mr. Speaker: It is only that he wants the information to be placed before the House at an early date. That is all. He is making out a point of order which I have to answer. This is not a point of order.

Shri Hari Vishnu Kamath: It is not a point of order. Suppose the Bill is taken on Monday,.....

Mr. Speaker: That is a different question.

Shri Hari Vishnu Kamath: I will take it up later.

Mr. Speaker: What I have been able to follow is, Mr. Kamath says that there were two Ordinances, now there is one Bill that is being brought before the House. He says that according to this article of the Constitution, every Ordinance has to be replaced by a Bill and there ought to have been separate Bills replacing each Ordinance. Is that the point of order?

Shri Hari Vishnu Kamath: Yes.

Mr. Speaker: I do not feel there is any great weight.

Shri Tyagi (Dehra Dun): May I point out, this Proclamation includes both normal law and some articles of the Constitution as well. An Ordinance, when it comes in the shape of a Bill and seeks to amend the Constitution, perhaps, that would be treated differently than those sections which do not amend the Constitution.

Mr. Speaker: I could not follow. Does he support Mr. Kamath?

Shri Tyagi: My point is, this Ordinance covers the normal law as well as some articles of the Constitution which are amended. If that is to be passed by us, so far as those clauses which amend the Constitution are concerned, we have to give a different treatment because two-thirds majority and all that is needed, while for normal Bills, they get through by an ordinary majority. Therefore, I submitted, that perhaps such clauses....

Mr. Speaker: Is there any amendment of the Constitution contemplated?

Some Hon. Members: No.

Mr. Speaker: There is none. Why should Shri Tyagi take it that there is a certain amendment?

Shri Tyagi: There was suspension of some article.

Mr. Speaker: There is no amendment of any article of the Constitution in this Bill or in any of the Ordinances. No question arises there. There is nothing of the sort.

Shri Tyagi: Some article is suspended.

Mr. Speaker: That is provided in the Constitution itself. Whatever has been suspended, that is in consonance with the articles of the Constitution itself. Therefore, it is not an amendment of the Constitution. It is rather obeying the Constitution or acting

[Mr. Speaker]

according to the Constitution. Those steps have been taken in pursuance of the provisions of the Constitution. There is nothing that requires here in the Bill to modify or alter any of the articles.

So far as the objection of Mr. Kamath is concerned, I do not agree with him. I do not see any force there. The only thing that is required is that every Ordinance has to be replaced by a Bill passed by Parliament within six weeks after the assembling of Parliament and after this is passed, the provisions of both shall have come into the Bill and therefore each of them shall have been replaced by a Bill. Therefore, there would be no force in saying that the provision would be offended against and there would be any departure from them. Each of these Ordinances that were promulgated by the President, after the passing of this Bill, if the House adopts that Bill, each one of them shall have been replaced by a Bill passed by Parliament. There would be no difficulty. Automatically, because the Bill is replacing those Ordinances, the repealing of these is provided in the Bill. There would be no difficulty so far as the termination which Mr. Kamath has referred to. I do not think there is any force.

The question is:

"That leave be granted to introduce a Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith."

The motion was adopted.

Shri Lal Bahadur Shastri: I introduce the Bill.

12.27 hrs.

STATEMENT REGARDING ORDINANCES

The Minister of Home Affairs (Shri Lal Bahadur Shastri): I beg to lay on the Table a copy of the Explanatory statement giving reasons for immediate legislation by the Defence of India Ordinance, 1962 (No. 4 of 1962) and the Defence of India (Amendment) Ordinance, 1962 (No. 6 of 1962) as required under Rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-530-62].

—
Mr. Speaker: Bills to be introduced.

Shri Daji: (Indore): Sir, before you pass, may I just through you request the Home Minister, before we begin discussion of the Bill, a consolidated statement of the Order passed by the President may be circulated to us so that we know where we stand?

Shri U. M. Trivedi: (Mandsaur): I support this request.

Shri Hari Vishnu Kamath (Hoshangabad): May I invite your attention to article 359 clause 3. Various reports have appeared in the press. We do not know that is what and where we stand.

Mr. Speaker: Those Orders that have been passed by the President after the Emergency may kindly be consolidated and circulated to the Members.

Shri Lal Bahadur Shastri: All right.

Shri Hari Vishnu Kamath: The Government will have to be more careful in these matters. Will you kindly read article 359. It was fought for a long time in the Constituent Assembly and you might recall that it was with great effort and perseverance that we managed to wrest from the powers that be....

Mr. Speaker: Every order has to be laid....

Shri Hari Vishnu Kamath:....as soon as may be. They have not yet done. I do not know why they have not yet done so.

Mr. Speaker: It will be laid as soon as may be.

Shri Hari Vishnu Kamath: May I request you to direct the Government to be a little more careful in regard to these constitutional matters? Why should they be remiss and indifferent.

Mr. Speaker: I have directed the Home Minister.

Shri Hari Vishnu Kamath: Now.

Mr. Speaker: As soon as the hon. Member has brought it to my notice, I have taken action.

Shri Hari Vishnu Kamath: We thank you for that and we are grateful. Can the hon. Minister explain why they did not do it earlier? More than 8 days have elapsed. No order has been placed on the Table of the House. It is remiss on the Government's part....

Mr. Speaker: Order, order, now. These observations are not necessary.

Shri Hari Vishnu Kamath: Will you kindly ask the hon. Minister why it was not done earlier? Let him explain if he can. Otherwise, if he says that he cannot explain, I have nothing to say. The House will agree that the Constitution has to be respected.

Mr. Speaker: Order, order. He might kindly resume his seat. The provision is that as soon as may be possible these orders passed may be placed on the Table of the House, before both Houses of Parliament. Now, the hon. Member objects and takes exception that that has not been done.

Shri Lal Bahadur Shastri: I have agreed. As you have rightly said, we shall place them on the Table of the House. I only wish that my hon.

friend had mentioned it to me before. It was not absolutely necessary for him to have raised it here wasting the time of the House.

Shri Hari Vishnu Kamath: Why should I mention it to him?

Mr. Speaker: The hon. Member has mentioned that those orders ought to be placed on the Table of the House. I have said the very same words that the hon. Members have said. Without any Member initiating the request or asking for it, I have myself said that Government should place these orders on the Table of both Houses of Parliament as soon as may be possible.

—
12.31 hrs.

DELIMITATION COMMISSION BILL

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra): On behalf of Shri A. K. Sen, I beg to move for leave to introduce a Bill to provide for the readjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State into territorial constituencies for elections to the House of People and Legislative Assemblies of the States and for matters connected therewith.

Mr. Speaker: The question is:

That leave be granted to introduce a Bill to provide for the readjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State into territorial constituencies for elections to the House of People and Legislative Assemblies of the States and for matters connected therewith."

The motion was adopted.

*Published in the Gazette of India Extraordinary Part II Section 2, dated 16-11-62.

Shri Bibudhendra Mishra: I introduce the Bill.

—
APPROPRIATION (RAILWAYS)
NO. 5 BILL.*

The Deputy Minister in the Ministry of Railways (Shri Shahnawaz Khan): On behalf of Shri Swaran Singh, I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways".

The motion was adopted.

Shri Shahnawaz Khan: I introduce the Bill.

On behalf of Shri Swaran Singh, I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways, be taken into consideration".

Mr. Speaker: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways, be taken into consideration".

The motion was adopted.

Mr. Speaker: Now, we shall take up the clauses.

The question is:

"That clauses 1 to 3 the Schedule, the Enacting Formula and the Long Title stand part of the Bill".

The motion was adopted.

Clauses 1 to 3, the Schedule, the Enacting Formula and the Long Title were added to the Bill.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of clarification. On the Order Paper for today, there is an asterisk at page 2, and a footnote to the effect 'Subject to its introduction'. Was there any doubt in regard to the Government Bill that it might not be introduced today? What was the purpose of the asterisk?

Shri Daji (Indore): That was out of courtesy to the House.

Shri Hari Vishnu Kamath: You can always waive the rule, Sir. Usually the Appropriation Bill is passed on the same day on which it is introduced. So, why should this asterisk be there?

Mr. Speaker: That is because the consideration motion is contingent upon the adoption of the earlier motion for leave for introduction. Therefore, the asterisk has been put down on the Order Paper to indicate that the moving of the consideration motion depends on the adoption of the earlier motion and the introduction of the Bill.

Shri Shahnawaz Khan: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 16th November, 1962.

†Introduced and moved with the recommendation of the President.

12.34 hrs.

ELECTRICITY (SUPPLY) AMENDMENT BILL

The Minister of State in the Ministry of Irrigation and Power (Shri Aagesan): On behalf of Hafiz Mohammad Ibrahim, I beg to move:

"That the Bill further to amend the Electricity (Supply) Act, 1948 be taken into consideration."

Sir, I would like to take this opportunity to explain the main objective of the amendment proposed to be effected to the Act through this Bill. The Electricity (Supply) Act, 1948, provides *inter alia* for the constitution of State Electricity Boards for undertaking the business of generation, supply and distribution of electricity in the State. The erstwhile Government of Bombay constituted such a board for its State on 1st February, 1957. The State Government, however, retained the work of construction of the Koyna Hydro-Electric Project which is being financed by a loan from the International Bank for Reconstruction and Development with its departmental organisations. The intention was to transfer the project to the Electricity Board on completion. Accordingly, the project agreement entered into between the State Government and the Bank *inter alia* provided that; as and when the facilities included in the project are commissioned for operation, the Government of Bombay shall transfer them to the Electricity Board (or to any other competent authority constituted for the purpose of operating the project), and shall take all steps necessary to ensure that such transfer is made on terms and conditions which will enable Bombay to perform or cause to be performed its obligations under the project agreement in respect of the project.

The agreement also provided that the rates for the sale of electricity generated by the project would be fixed at such levels as would ensure that the earnings of the project after providing for all operating expenses

including taxes, adequate depreciation, interest and repayment of loans and advances ascribable to the project, allow a reasonable margin for financing the expansion programme of the board. In other words, a commitment was made for charging such a rate for supply of electricity from the project as would cover not only repayment of loans but also yield funds for further development.

The provisions of the Electricity (Supply) Act, 1948, as they stand at present, do not permit repayment of loans of this type from the revenues of the board, and hence no such amounts can, under the statute, be taken into account in the fixation of the rates of supply. Consequently, it was felt that an outright transfer of the project to the board under the existing provisions of the Act would not permit compliance with the conditions stipulated in the agreement with the bank.

The Advocate-General of Bombay advised that the difficulty could be overcome by transferring the project to the board on lease on terms and conditions laid down in the agreement. The Ministry of Law and the Attorney-General of India, however, expressed the view that the existing provisions of the Act would not permit the project being handed over to the board on lease.

The Bill before the House, has therefore, been designed to amend the Act to enable the Boards to take such projects on lease for operation and maintenance. In brief, this amendment, as I have already stated, has been found necessary to enable compliance with the agreement entered into between the erstwhile Government of Bombay and the International Bank for Reconstruction and Development.

Sir, After the introduction of the Bill, the Government of Maharashtra brought to our notice that they would like to hand over the Koyna Hydro-electric project to its State Electricity Board in parts, as and when the various machines therein and the trans-

[Shri Alagesan]

mission lines become ready for commercial use. The Bill as introduced did not envisage handing over these assets in parts. In view of the representation received from the Government of Maharashtra, it has been found necessary to slightly modify the provisions of this Bill. This amendment will also come up for the consideration of the House.

With these words, I commend the Bill for the consideration of the House.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Electricity (Supply) Act, 1948, be taken into consideration".

Shri Shivaji Rao S. Deshmukh (Parbhani): I wish to give oral notice of an amendment to section 20A which is newly proposed.

Mr. Speaker: I do not receive oral notices.

Shri Shivaji Rao S. Deshmukh: I shall put it in writing and send it on to you. I hope that I shall be able to move it before the discussion starts.

Mr. Speaker: Now, we are at the consideration stage. When we take up the clause-by-clause consideration, then the hon. Member can remind me.

Shri U. M. Trivedi (Mandsaur): The Statement of Objects and Reasons appended to this Bill says:

"The loan agreement with the International Bank provides that the rates for the sale of electricity generated by the project would be fixed at such level as would ensure that the earnings from the operation of the project would after providing for all operating expenses, including taxes, adequate depreciation, interest and repayment of all loans and advances, allow for a reasonable contribution towards the cost of expansion of power facilities of the Electricity Board."

Now the manner in which it is contemplated to be run is nowhere suggested. All these things will not be fulfilled. The Minister has not been able to explain that a situation has so arisen that all these commitments that are embodied in the agreement are not going to be fulfilled or that we are apprehensive that they are not going to be fulfilled. I would have very much liked him to enlighten the House on this point as to how he became apprehensive, why this apprehension has grown, if at all, and if a mistake had been committed, how it had been committed.

The other question that arises is that an amendment to the Electricity (Supply) Act is sought. In the Defence of India Act, there are already provisions for requisitioning outright any particular property if it is contemplated. The Electricity (Supply) Act cannot stand in the way of our taking such action. So why has it been found necessary to have an amendment to the Electricity (Supply) Act? This also has not been explained. In these days of emergency, we might have emergent legislation, but even such legislation would require consideration. We cannot in a slipshod and haphazard manner bring in legislation for which there is enough scope at other places. Why should there be duplication of legislation in this way?

I will read out further from the statement of objects and reasons:

"An out and out transfer of the project to the Board would involve transfer to the Board of the liability of the State Government regarding the payment of interest and principal of the loan. The Electricity (Supply) Act does not permit such payment from the revenues of the Board and hence such payment cannot be taken into account in the fixation of the rates of supply".

I do not know how the acquisition proceedings in respect of any under-

taking, if it is formulated, can be prevented under the Defence of India Act. We had requisition of any member of these projects and electric power houses even during the last war. What prevents us from requisitioning them and then making an arrangement for leasing them? This could have been done by the Government of India, instead of throwing the burden from the Koyna Hydro-electric project to the State of Maharashtra, from the State of Maharashtra to the Electricity Board and from the Electricity Board again to the Maharashtra State, and then making a law here. All this rigmarole of law-making is something which is really astonishing.

Then:

"An outright transfer of the project to the Board would, therefore, stand in the way of compliance with the stipulations in the loan agreement with the Ban".

That again is a question. Why should it stand in the way of compliance with the stipulation in the loan agreement? Have Government found out that the Koyna project is not going to undertake it? Is it thought that the Koyna project is entirely a losing concern or they are going to make a heavy loss on it? What have been their grounds which have actuated Government to come round and make this suggestion that we cannot comply with the loan agreement made with the International Bank? We took the loan, we calculated everything. We had experts who studied this question of electricity to be produced. The electricity may be supplied at a cheaper rate or at a higher rate. All these things are within our hands. Then depreciation, taxation, interest, repayment of loan—all these considerations always weigh with every businessman who deals with a commercial transaction. All these must have been taken into consideration.

In these days of emergency, the House is in a mood to give whatever powers Government want, but at the

same time, it does not look nice to proceed in this way. To me it looks that we are working in a panic. There is no reason for working in panic. We should apply our mind very peacefully and after consideration place measures before the House. These measures should not appear to be ridiculous.

The statement of objects and reasons goes on:

"It is proposed to overcome the difficulty by empowering the Board to acquire the project on lease".

What prevents Government from acquiring it wholesale? I see no reason whatsoever.

Otherwise, there is not much in this Bill which is a very simple Bill and comprehensive and it gives Government all those powers. But I would like the Minister to enlighten the House as to why this measure has become necessary and what caused apprehension in Government's mind necessitating this Bill.

Shri Nambiar (Tiruchirapalli): I also voice the doubts raised by my hon. friend, Shri U. M. Trivedi. The mere reading of this Bill and the explanation given by the Minister makes me feel that there is something fishy about it. It is not exactly that the Minister wants to fill up a legal lacuna. It is something more. Why? Because there is a contradiction here. It says:

"...after providing for all operating expenses, including taxes, adequate depreciation, interest and repayment of all loans and advances, allow for a reasonable contribution towards the cost of expansion of power facilities of the Electricity Board".

It has to be provided for. That means there must be some money left over for the purpose of allowing expansion. In the next sentence it is said:

"An out and out transfer of the project to the Board would in-

[Shri Nambiar]

volve transfer to the Board of the liability of the State Government regarding the payment of interest and principal of the loan".

Then comes the liability. If something is left over as a profit which goes towards expansion of the electricity in Maharashtra, why should you feel that there must be some liability which will be made good by the revenues of the State, and then say that there is no provision as to how this liability can be met. Therefore, the advice of the Comptroller General had to be sought and the Comptroller, the Electricity Board authorities and the State of Maharashtra all put together suggested that there must be an amendment to the principal Act.

So it leaves an impression that there is something fishy. As Shri U. M. Trivedi also pointed out, rightly, is it the conception of the authorities that this project is going to run at a loss? Or did the International Bank stipulate that it should be done in such and such manner? Therefore, we must be told what the prospects of the running of this particular project are. If we are going to run it at a loss, from what fund are we going to make good the loss. The whole background may be explained so that we may know what exactly is the purpose of this legislation. If it is a good project, but initially it may incur some loss, we do not mind it; in fact, we might get advantage out of it. But let us be told. Therefore it requires an explanation at the hands of the hon. Minister, so that we may know the position under which we are proceeding.

Shri Shivaji Rao S. Deshmukh: I must confess that I fail to see any reason behind this Bill.

As stated in the Statement of Objects and Reasons, the reason was that certain charges or certain liabilities of the Koyna project were being made chargeable to the consumers on the cost of the current consumed and

under the existing laws these liabilities could not be chargeable to the consumers, and so the purpose of the Bill boils down to this that these costs will be amalgamated with the cost of the current. This lays an additional burden on the consumers of electricity and makes the project uneconomic. Besides, it would appear from the statement that under the existing law, the Bombay State Electricity Board is not competent to pay such charges of interest etc., from its own income. If that was the difficulty, I fail to understand why the Ministry did not bring forward an amendment to the law relating to the Electricity Boards, enabling them to make payments towards interest etc. Instead of that, the Ministry chose to tack on this responsibility to the consumer. I may be forgiven if I say that this increases the burden of the consumer of electricity and therefore constitutes a step which is calculated to be a restriction on the consumption of electricity, and so opposed to the expansion programme of electricity supply to the nation. So, I wish the Minister explains why they are amending this Act instead of the law relating to electricity boards. Even at this stage they will do well to withdraw this Bill and bring in a suitable amendment of the law relating to electricity boards. It will go a long way to help enormously the expansion programme instead of restricting the consumption of electricity, and it will also be a way out of their present difficulty.

I wish to point out that certain corporations have been licensed to supply electricity to consumers in Maharashtra State, but because they find it uneconomic, because many of them are maladministered, they have got worn out machinery etc., they are not in a position to supply even the existing demand of electricity, not to speak of any expansion. Under the existing law, these concerns cannot be taken over by the Electricity Board. I will be glad if I am told by the Minister that adequate steps will be

taken to look into this complaint of the Maharashtra Government, and that the law will be sufficiently and promptly amended to enable the State Electricity Board to acquire such units which, for whatever reason, have failed to supply electricity to the consumers or to achieve the minimum standards, as it will help to ease electricity scarcity in that State. I have given notice of an amendment to that effect.

The bulk of the electricity from the Koyna project is going to home consumption, agricultural consumption and industrial consumption. Agricultural consumption in Maharashtra, as has already been admitted by all quarters, is taxed the highest in India, and the cost per unit payable by the consumer in Maharashtra is also the highest. The present measure, in effect, will further add to the burden of the agricultural consumer and will not enable agriculturists to switch over to the use of electric pumps, and may retard further progress in the State. I therefore request the hon. Minister to withdraw this Bill and instead bring forward an amendment to the law relating to Electricity Boards.

I do not oppose the Bill but request him to consider my suggestion.

श्री बडे (खारगोन): अध्यक्ष महोदय, मेरी डिफकल्टी यह है कि एलेक्ट्रिसिटी (सप्लाई) अमडमेंट बिल, १९६२ के स्टेटमेंट और औबजैक्ट्स एंड रीवंस में यह लिखा है:—

"The Electricity (Supply) Act, 1948 does not permit such payment from the revenues of the Board and hence such payment cannot be taken into account in the fixation of the rates of supply."

इस का स्पष्ट अर्थ यह है कि एलेक्ट्रिसिटी सप्लाई एक्ट १९४८ के जो प्राविज़न हैं उन को नलिफाई करने के लिए यह अमेंडिंग बिल

लाया गया मालम होता है। इस का असर एलेक्ट्रिसिटी के कंज्यूमर्स पर पड़ने वाला है। क्या माननीय मंत्री इस के द्वारा एलेक्ट्रिसिटी सप्लाई एक्ट १९४८ में जनरल कंज्यूमर्स के लिए २५ नये पैसे और एग्रीकलचरिस्ट्स के लिए १० नये पैसे का जो रेट है उस दस नये पैसे के ऊपर एक्सट्रा चार्ज लगाना चाहते हैं? इस अमेंडिंग बिल को देखने से तो यही मालम पड़ता है कि एग्रीकलचरिस्ट्स के लिए जो एलेक्ट्रिक इनर्जी का १० नये पैसे का रेट है उस रेट को नलिफाई करने के लिए और उन पर एक्सट्रा बढ़न ढालने के बातों इस को लाया गया है। अगर ऐसा इस में उद्देश्य निहित हो तो जैसा कि अभी एक माननीय मेम्बर ने कहा और मैं भी उन से सहमत हूँ कि इस को वापिस ले लिया जाय क्योंकि इलेक्ट्रिसिटी सप्लाई एक्ट के अन्तर्गत जो रेट न बढ़ने का प्राविज़न है उस प्राविज़न को नलिफाई करने के लिए यह अमेंडिंग बिल लाया गया है। स्पष्ट स्पष्ट से यह एग्रीकलचरिस्ट्स के। लाफ जाता है। सरकार की जो यह नीति है कि एग्रीकलचरिस्ट्स को ज्यादा एनर्जी आंदोलन सही दर से मिले ताकि वह अधिक अब उपजा सकें, उस के विरुद्ध यह अमेंडिंग बिल जाता है क्योंकि ऐसा इसका असर न पड़ता हो तो फिर इस प्राविज़न का क्या मतलब है माननीय मंत्री इसे कृपया स्पष्ट करें।

Shri Iqbal Singh (Ferozepur): As far as the application of this amendment to a certain project is concerned, I will have no objection, if it is necessitated because of a certain agreement between the Government of India and the World Bank and because the project is going to be transferred to the State Electricity Board, but if this provision is to be used further where the concerns may be run even by private companies, it may not be a progressive step.

Moreover, as far as the working of these electricity boards is concerned, there are certainly certain projects which the electricity boards do not

[Shri Iqbal Singh]

undertake because they are uneconomic, especially the projects in the rural areas, where they have also another difficulty that there are certain conditions that if the line is profitable, electricity should be sold at such and such terms that we are aiming at. There has always been a desire in this House and outside that agriculturists should be provided electricity at 10 n.p. a unit for their purposes. I do not think we can give cheap electricity when this agreement is executed with the World Bank. In future agreements we should have this special problem in view provision of electricity to the agriculturists cheaply, in view of our food shortage and other things. It is in the interest of the community, not in the interest of one or two individuals. For the future, because the World Bank is going to supply about 11 crores of rupees for electricity expansion, we should not have such type of clauses in the future agreements. There are my two main objections and I think the hon. Minister will think over them. Especially this provision should not be used where electricity supplies are done by private concerns. They should not ask the Government: please do not acquire; take a loan. That may not be a progressive step.

13 hrs.

Shri Sonavane (Pandharpur): Sir, this amendment is as a result of the loan received by the State of Maharashtra from the International Bank for Reconstruction and Development. The Maharashtra State had to take recourse to such a loan because the Planning Commission did not come forward to give additional resources for the provision of overhead wires, etc., to extend electric supply to far off areas and so that State had to take recourse to this loan and as a result the whole burden would be passed on to the consumers. My constituency is to benefit on account of this extension and the electorate there had begun to speak that the electric supply should be cheap. But there is a fear that it

would be higher than even thermal power. I was at a loss to know why it should be so. It has dawned upon me that it is really so and the fears of the electorate are true. I shall be happy if the hon. Minister will say that they are unfounded. Hydel-electricity should be cheap and at any rate not costlier than the thermal power. If the burden on the consumer is reduced, I will be happy. Nothing should be done to increase the burden, particularly in the rural areas where the agriculturists want electricity for agricultural purposes. If even in the beginning they get this shock of costlier electricity, our rural electrification and agricultural expansion programmes will get a set back. I hope that something would be done to provide electricity cheap to the rural areas and to the agriculturists in particular.

Dr. P. S. Deshmukh (Amravati): Sir, I have heard the speeches made here and I must express my concern on behalf of the people who are likely to benefit from the Koyna project as a result of this Bill. I have not studied all the various projects and the burdens they place on the consumers. If there is any precedent of the kind it is proposed to be provided under this Bill, we would have been told so. If this project is alone to be subjected to this kind of a treatment, it is obviously unfair to the State of Maharashtra and those who expect to be benefited from the electric supply. I hope the very good suggestion made by my hon. friend, Shri S. S. Deshmukh, will be considered sympathetically. We have often said that we want to give a place of importance to agriculture. I asked a pertinent question the other day as to what the Prime Minister meant by saying that agriculture is very important, as important as defence itself. This assurance must be supported by acts of Government. I am sorry to say that there are not many instances where we find agriculture receiving that priority and importance and sympathetic consideration which the

Government poses that it should have. Farmers have a big grievance so far as the rates for electric supply to agriculture is concerned. I did try my best to even out the charges. There has been certain improvement in some States. But all that seems to be taken away by the proposed amendment. In Maharashtra in many parts there are no irrigation channels and people have to depend upon wells and electric pumps. This has proved very beneficial for agricultural production. But the rates must be economical; if they are so high as to make the pumps uneconomical, you will be defeating the very objective of securing greater production. If some other way is found by which the charges to be levied on the consumers in that area are not higher it would be good. It stands to reason that the Ministry would not have taken the trouble of bringing in this Bill if the charges were not to be higher. Evidently, the rates have to be higher and therefore, they want to protect themselves. So, it is going to affect the farmers and agriculture. I hope the hon. Minister will take all these things into consideration. The Maharashtra Government has not got many industries in these districts. These districts which are going to be benefited are the poorest in Maharashtra. They are in fact famine districts. So, it would be very improper at this moment to saddle them with this. There are several other solutions which have been suggested by some hon. Members, especially my hon. friend Shri S. S. Deshmukh so as to allow the Board to take up the responsibility of meeting the charges etc. if the rates to be charged are to be higher. Shri Deshmukh has also suggested to nationalise those other concerns which are not working properly.

Shri Bade: Exemption to agriculturists.

Dr. P. S. Deshmukh: I do not want any exemption but the charges should not be exorbitant. The Maharashtra

Government has been charging both for irrigation as well as other purposes, very high rates for electric supply. To add to them would be a worse thing to do. Giving of exemption would probably be difficult, but the rate should not be high and they should be comparable to those obtaining in other States where electricity is being provided to agriculturists. I would urge this very strongly. If exemption could be given, I will be certainly glad but that will probably be asking for too much. It must also be admitted that in many places, the bigger industrialists get concession, but the agriculturists do not.

Shri Bade: I do not mean exemption from electric charges but exemption from extra charges.

Dr. P. S. Deshmukh: I agree. That is a very sensible suggestion with which I fully agree.

Shri Priya Gupta (Katihar): This amendment to the Electricity Supply Act is really not desirable in the face of the policy followed in respect of the generation of electricity in the country. The point is, the electricity generated and the projects which are being undertaken are all for agriculture, farming, small scale industries and other development works. So, the question is one of making available to the consumer, the energy of electricity at lower rates than other costly contrivances such as mechanical, steam or oil-driven machines which would be required as prime movers. It is for this reason that the aim is always to make electricity available at the lowest rate. In a country which is just in the making, when the projects require more money and loans have got to be incurred, the brunt of the load and other things ancillary to the capital cost should not be thrust on villagers and no more burden should be borne by the consumer who is the poorest in the strata of society. In fact if in a particular project Government feels any difficulty,—in this case, it is the Koyna Hydro Electric Project—and if there is any difficulty

[Shri Priya Gupta]

in respect of its transfer to the Electricity Board, that difficulty should be tided over by making extra sanction of money from the Planning Department of the Central Government or from the State Government, instead of putting pressure on the consumers. The moment this amendment is passed, it will be generally applied all over the country, and that will mar the inauguration or installation of further projects in the country and making electricity available to the villages.

I would submit to the Ministry that if the question of payment of loans and other things is the only point if that is the only object in this respect, and if it is decided that the collection would not be from the consumers, I have got nothing to say. The Government itself, at the Central level or at the State level, must bear the extra expenditure required for the installation or inauguration of any project. It is not proper that electricity charges received from the consumers should be enhanced for this purpose.

I would only repeat that the hon. Minister in charge of irrigation and power should kindly think about it and desist from moving this Bill. I would rather say that he should withdraw it. I say because it will be defeating the purposes we have in view. We have been crying for electricity in the country, a country where there is scarcity of water for irrigation and other small-scale industries. For this reason, to make electricity popular among the people in the villages who are very, very poor, electricity must be made available at cheap rates. Even if the cost of generation is higher, there must be some premium paid by the Government to make electricity easily, readily and economically available to the agrarian population, whom electricity has not yet touched. In all other countries, electricity is being utilised to a great extent by the agrarian population. Here, in India, we must make electricity available to the gram panchayats

and the villages, but it must be remembered that it will be impossible for the agrarian population, at any stage, to bear the brunt of the total capital cost of the installations, whether we borrow from the International Bank for Reconstruction and Development or whether the Government itself meets the cost. So I would submit that in the greater interests of the country which is in the making, and as has been pointed out by many hon. Members specifically, the position of the villagers who are the poorest in the land, should be considered. In any case, my submission is that this amendment should not be a generalisation.

I end with the submission that the points and suggestions made during this discussion should be considered by the Government.

श्री फ्राम प्रसाद (लालगंज) :
अध्यक्ष महोदय, इस बिल के स्टेटमेंट आफ्र आवैक्ट्स एंड रीजंज में लिखा हुआ है :

“....the earnings from the operation of the project would after providing for all operating expenses, including taxes, adequate depreciation, interest and repayment of all loans and advances, allow for a reasonable contribution towards the cost of expansion of power facilities of the Electricity Board.”

यह तो बोड की बात हुई। आगे चल कर लिखा हुआ है :

“An out and out transfer of the project to the Board would involve transfer to the Board of the liability of the State Government regarding the payment of interest and principal of the loan.”

मेरा कहना यह है कि यह जो इंटरनशनल बैंक से लोन लिया गया है इसका जो इंटरेस्ट है वह या तो सैटुल गवनमेंट पे करे या फिर प्राविशल गवर्नमेंट पे करे। इस लोन को लेने का मकसद यही रहा होगा कि इससे जो

विजली पैदा की जाएगी वह किसान को या देश के दूसरे जो काम हैं, धंधे हैं, उनके लिए इस्तेमाल की जाएगी । आब्जैक्ट्स एंड रीजंज में यह नहीं लिखा हुआ है कि चूंकि बोर्ड के ऊपर यह भार पड़ेगा इसलिए इस एमेंडमेंट को लाने की जरूरत पड़ी है । इसके अन्दर यह भी नहीं लिखा हुआ है कि किसान को या बिजिनसमन को भी कोई फायदा होने वाला है । इससे साफ जाहिर होता है कि इलैक्ट्रिसिटी का जो रेट है वह रीड्योवल या चौपर होने के बजाय बढ़ेगा और आटो-मटिकली किसान के ऊपर जा कर इसका भार पड़ेगा ।

मेरी प्रार्थना यह है कि जैसा कि दूसरे माननीय सदस्यों ने कहा है, ऐसा नहीं होना चाहिये । इस एमेंडिंग विल में कहीं भी यह नहीं कहा गया है, कि ऐसा नहीं होगा । यह जो लोन इंटरेनेशनल बैंक से लिया गया है यह इन दी इंटरेस्ट आफ दी कंट्री लिया गया है किसान के फायदे के लिए लिया गया है और इस लिए यह उचित ही होगा । कि चौपर रेट पर किसान को बिजली मिले । माननीय सदस्यों ने कहा है कि इसका मकसद केवल यह है कि इन्हें किसी का रेट बढ़ जाए । मैं उनकी इस राय से सहमत हूँ । मैं प्रार्थना करता हूँ कि मिनिस्टर साहब क्लेरिफाई करने की कोशिश करें कि क्या इसका रेट पर भी कोई असर पड़ेगा ?

श्री अशपाल सिंह (कैराना) : अध्यक्ष महोदय, मैं तीन चार सुझाव आप के सामने रखने के लिए खड़ा हुआ हूँ ।

मैं खुद भी एक ट्यूब बैंक का इस्तेमाल करके थोड़ी सी काश्त करता हूँ । मैंने देखा है कि किसान को १८ नए पसे देने पड़ते हैं एक यूनिट के । लेकिन उसके मुकाबले में बिडला साहब को की यूनिट साढ़े तीन नए पसे ही देने पड़ते हैं । मेरी गुजारिश है कि यह जो डिसपैर्टी है, इसको खत्म किया जाए और किसान के लिए सब से पहले पावर का

इंतजाम किया जाए । यदि आप एप्रीकलबर को फस्ट निसेसेटी कहते हैं, तो उसको आपको टैप प्रायोरिटी भी देनी चाहिए । देश के किसी भी भूभाग में, किसी भी कोने में ऐसा न हो कि किसान को बिजली के रेट्स दूसरे लोगों से हाई देने पड़ें ।

दूसरी बात यह है कि रेलवे बोर्ड ने जो यह सिफारश की है कि ट्रेनों को बिजली से चलाया जाए, इसको रोक दिया जाए । अगर हमारी ट्रेनें बिजली से चलेंगी जो हमारे बार के लिए चल रहे काम हैं, जिन को चलाने के लिए बिजली को जरूरत है, उन में रफावट आयेगी और देश को धाटा रहेगा क्योंकि उनकी जरूरत की बिजली सारी ट्रेनों के चलाने में चली जायेगी ।

मेरा तीसरा सवेशन यह है कि सिनेमाओं के काम में आने वाली जो बिजली है उस को बिल्कुल काट देना चाहिये । सिनेमा हर तरह से हमारे यहां के लोगों को चरित्रभृत भी कर रहे हैं और उनमें हमारी इन्हीं बिजली चली जाती है । मैं मानता हूँ कि समाज में मनोरंजन की जगह होती है, लेकिन मुझे तो उस की भी जरूरत नहीं है क्योंकि मेरा मनोरंजन तो काम करने ही हो जाता है । मैं तो इस को मानता हूँ कि वर्क इन्हीं वर्षिय । फिर आज तो देश पर संकटकाल आया हुआ भी है । इस लिये मैं चाहता हूँ कि सिनेमा को दी जाने वाली बिजली बिल्कुल बन्द कर दी जाय

चौथा सवेशन मेरा यह है कि हमारे काश्तकारों को डिस्ट्री कमिशनरों के रहम व करम पर छोड़ रखा गया है । जब हम कभी १० या ५ हार्स पावर के लिए कनेक्शन लेने जाते हैं तो कहा जाता है कि डिस्ट्रीक्ट मेजिस्ट्रे ट के यहां से नो आब्जेक्शन सर्टिफिकेट ले कर आया । जो बिजली लेने वाले हैं वे सरकार को टैम्स देते हैं और ठीक से बिजली का मूल्य देते हैं । ऐसी हालत में जो बीच

[योगी यशपाल सिंह]

मैं व्यूरोकेसी हूँ उस को खत्म कर देना चाहिये सारे रेड टेपिज्म को खत्म कर के काश्तकारों को सीधे विजली मिली चाहिये

Shri Gauri Shanker Kakkar (Fatehpur): Sir, my objection to this amending Bill is only to this extent that this particular project is a State-sponsored project and now the State is willing to give it to the Board. So, if the State is not able to run it more efficiently, to expect that the Board would be doing justice is beyond imagination.

Sir, the apprehension which certain hon. Members have expressed is not actually specified in this amending clause. But, as a result of this amendment having been undertaken, naturally, the rates are going to be enhanced. The principle should be that if there is a certain project which the State has undertaken and the State is responsible for paying the liabilities, interest and loan, then the State can be in a position to supply power at a cheaper rate to the consumers in comparison to the Board.

So, by accepting this particular amendment it will set an example to the other States as well and then a State will be able to shirk the responsibility in this manner by giving it to the Board for a particular period on lease and then the Board will have its own terms. So my request is that if there is a particular project which has been sponsored by the State it would not be safe to give it on lease to the Board. It will simply lead to enhancement of rates which are ultimately payable by the consumers.

In this respect, Sir, I oppose this amendment. But one thing is quite definite. Some hon. Member has suggested that this amendment will lead to private projects also being undertaken. Here it is quite clear that it relates or it refers to the State only and not to private projects. I would, of course, welcome if the private pro-

jects are also undertaken by the Board. But any project of the State being given to the Board for a certain period on lease is a thing which cannot be understood easily.

So, Sir, on that principle, I oppose this Bill.

श्री तुलशीदास जाधव (नादेड़) : अध्यक्ष महोदय, यह जो एलेक्ट्रिक सप्लाई (अर्मेंडमेंट) बिल आया है, उस के स्टेटमेंट आप आञ्जेक्ट्स एड रीजन्स में लिखा है कि बल्ड बक ने जो कर्जा दिया है उस के खर्च को वसूल करने के लिए जो कंज्यूमर्स हैं उन को जो विजली दी जायेगी उन से ज्यादा पैसा लिया जायेगा। इस तरह का उस का सार है :

"The Electricity (Supply) Act, 1948, does not permit such payment from the revenues of the Board and hence such payment cannot be taken into account in the fixation of the rates of supply."

इस के माने यह है कि अभी तक कोयना के बारे में जो परमिशन नहीं थी वह परमिशन अब दी जा रही है। मैं समझता हूँ कि जो कोयना तैयार करने का काम चल रहा था तब महाराष्ट्र के अन्दर लोगों के अन्दर कुछ ऐसी आशा पैदा हुई थी कि ज्यादा से ज्यादा और सस्ती से सस्ती विजली उन को मिल जायेगी। लेकिन जिस रूति से बोर्ड को पावर्स दी जा रही हैं उस से वह दूसरी विजली में महंगी हो सकती है। हम को इस का ख्याल रखना चाहिये। जो धिजनी हम लोगों को मिलती है उस के सरबन्ध में जो खेड़त लोग रहते हैं या स्माल स्केल इंडस्ट्रीज वाले लोग रहते हैं वे पूछते हैं कि विजली कितनी मिलती है और उस का रेट कितना है।

मैं कहना चाहता हूँ कि आज महाराष्ट्र की स्थिति ऐसी है कि वहां के लोग बहुत गरीब हैं और अगर उन को सस्ती विजली

नहीं मिलती तो वे उस का इस्तेमाल नहीं कर सकते हैं। इस लिए सरकार से मेरा यह निवेदन है कि जो विजली दूसरी कम्पनियों प्राइवेट कम्पनियों या बोर्डस से दी जाती है उस से विजली का दाम ज्यादा नहीं होना चाहिये। यह प्रिकाशन लेना बहुत ज़रूरी है।

मैंने देखा है कि म्यूनिसिपलिटीज ग्राम पंचायतों के सम्बन्ध में बोर्ड से जो लिखा पढ़ी हुई है उस में ऐसा मुना जाता है कि जो नोग कम इस्तेमाल करते हैं उन को १५ न० पै० पर यूनिकट के हिसाब से और जो लोग ज्यादा इस्तेमाल करते हैं उन को १० न० पै० पर यूनिट के हिसाब से देना पड़ता है। इस एकट के अमेंड होने के पहले में समझता हूँ कि सेंट्रल गवर्नमेंट से इस बोर्ड ने जो लिखा पढ़ी की है या स्टेट गवर्नमेंट ने जो लिखा पढ़ी की है, उस के अनुसार करकार का विचार बोर्ड को पावर देने का है। मेरी रिक्वेस्ट है कि इस विजली का जो रेट हो वह दूसरी जो विजली मिलती है उस से ज्यादा नहीं होना चाहिये। कहीं केन्द्र सरकार के अन्दर यह विचार न आ जाये कि चूंकि कोयना के लिए उस ने इतना पैसा खर्च किया है इस लिए उस की विजली का दाम ज्यादा रख दिया जाय। आज आखिर कौन से लोग हैं जिन पर प्रभाव पड़ता है? आज महाराष्ट्र के लोग बहुत गरीब हैं, वे अपने घंघे करता चाहते हैं, कोई स्माल स्केल हंडस्ट्रीज को चलाना चाहते हैं, अगर उनके लिए मामूली विजली के रेट से ज्यादा रेट इस विजली का हो जाय तो यह उन लोगों के ऊपर बोझा होगा।

इस सम्बन्ध में मुझे इतना ही कहना है। मेरी तों यही बिनती है कि जो यम्ल एलेक्ट्रिसिटी होती है उस से हाइड्रो एलेक्ट्रिसिटी का दाम ज्यादा नहीं होना चाहिये, बल्कि कम दाम होना चाहिये। सरकार को इस का प्रिकाशन तो लेना ही चाहिये।

Shri Alagesan: Sir, this is such an innocent Bill that I never imagined that hon. Members would read in so many suspicions and misapprehensions into this very simple Bill. This has been necessitated only by certain legal difficulties. At the time this agreement was entered into between the erstwhile Government of Bombay and the International Bank for Reconstruction and Development, it was thought that there should be no difficulty and the difficulty arose later in the interpretation of the Electricity Supply Act. The agreement provided that this project as and when commissioned should be transferred to the Electricity Board. That is one of the clauses of the agreement. It also provided as to how the rates etc. should be fixed and how it should be possible to leave something for the purpose of further development also.

Now, Sir, it was assumed at that time that it should be possible for the Bombay Government or the Maharashtra Government to effect a transfer of this project to their own Electricity Board. But then, when we consulted legal opinion on this matter, we were told that it is not possible to effect an out and out transfer to the Electricity Board; it can be done only by effecting a lease. This was the opinion of the Advocate General of Bombay. Thereupon, we were told by our Law Ministry and the Attorney-General of India that the transferring of the project on lease to the Board cannot be done under the present scheme of the Act. The whole scheme of the present Act does not permit such a course to be adopted by the Government of Maharashtra. Hence, it was found necessary that this Act should be amended. It can be transferred by the Government on lease to the Electricity Board only by a specific provision which has to be added to the Act; otherwise, it is not possible. That is the whole background of this Bill.

One hon. Member said that in view of the present emergency the whole thing can be taken over under the Defence of India Act. There is no

[Shri Alagesan]

question of an emergency in this. It is in the line of ordinary development of electricity in this country. To see that this is done, this agreement was entered into in the year 1959. It provides for an amortisation schedule. The repayment is spread over a period of 20 years beginning from the year 1965 and ending in the year 1984. So, in order to give effect to the provisions that were put into this agreement and to do it in a way which will facilitate that, this Bill has been brought forward.

It was said that it would have been absolutely unnecessary for the Government of Bombay to go to the International Bank for this loan if the Government of India or the Planning Commission had advanced a loan to the Government of Bombay. Some hon. Member suggested that. Actually, the loan that has been advanced by the Government of India to the Government of Maharashtra for the first stage upto the end of June comes to Rs. 32.58 crores. This is a continuing project. The project was taken up some years ago. The first unit of 60 megawatts was commissioned in May this year. After four months, that is, in the month of September another unit which is capable of generating 60 megawatts of electricity was commissioned. A third unit will be commissioned before the close of the present financial year. The fourth unit will come next year. There is also a second stage wherein we are going to put up four units each of which will generate 75 megawatts of electricity. So, this is a continuing scheme.

I should here pay a tribute to the engineers who are there on this job. It is a very, very special type of construction which has to be done all in the bowels of the hills. So, I should pay a tribute to the engineers concerned for the very efficient manner in which they have prosecuted this project. When we get full power generated from this project it will go a great way in affording relief and will

provide electricity both for agriculture and industry in the State of Maharashtra.

Many hon. Members very rightly pleaded that the object of production and generation of electricity should be to help the agriculturist in increasing food production and also, of course, to help the industrialisation of the country. That is the very object with which this project had been undertaken and is being, I should say, very efficiently prosecuted.

Doubts were raised that because of this particular amendment it may so happen that the rates would be unduly raised. That was the fear in the minds of hon. Members. If you look into the present Act, you will find that section 67 of the Electricity Supply Act, 1948 provides that after meeting various charges,—

"the balance remaining, one half in the reduction of tariffs or for such other purposes beneficial to electrical development in the State, as the Board may think fit, and the remaining one half to the Consolidated Fund of the State."

whatever balance remains after discharging all obligations and liabilities will be shared equally by the Electricity Board concerned and the State Government which will again be ploughed back for further expansion as is the intention of the Act.

At this stage of our development, specially in the field of generation of electricity, it should not be the contention of anybody that this industry of generation of electricity should not produce profits. In fact, if I remember aright, the Third Plan has taken credit for about Rs. 500 crores which all the public sector industries have to contribute towards further development expenditure and I should like to submit that the electricity industry also should play its own part and make its own contribution. In fact, there should not be any objection to the industry fixing the rates in such a manner that it will be left with something more for its own expansion. *

It was also mentioned by some hon. Members who come from the State of Manarashtra that already the rates at which electricity is supplied to agriculturists are a bit high and one hon. Member said that they are the highest. If I remember aright, the rate is not the highest. There are certain States which, I think, charge more and there are, of course, certain other States which charge less. Once you go into the question of supplying electricity to the rural areas for agricultural purposes you will see that the quantum that is consumed is very little and you have to take even this little quantum of electricity over very long distances for which you have to lay transmission lines which cost a great deal. In fact, in the case of certain projects, I think, the cost of transmission lines comes to a sizable percentage of the cost of the whole project. All these things have to be taken into consideration. In fact, we wrote to the various State Governments that the rates for the supply of electricity for agricultural purposes in rural areas should be brought down. We had a long correspondence with the various State Governments over this and everyone of the State Governments pleaded that it was not possible to bring down their rates of supply under the present circumstances because they intended to expand further rural electrification.

When we say that the rates should be reduced or should be kept at a certain level we should not forget that there are many areas still without rural electrification. If you take the country as a whole, I should say, we have only touched the fringe of the problem. There are many areas still left which we should serve effectively. So, if we go on cutting down the rates of supply, it will not be possible to expand further. By this we may benefit those who are already getting the supply, but if we want to reach out and supply electricity to a larger number of villages which are yet not connected with electricity, we will

have to fix our rates in such a way that the industry certainly earns a little more which will be utilised for further expansion of electricity. So, there should be no quarrel on that account, I should think. But I should like to allay the fears of hon. Members that is, that the rates of supply will be further put up because this amendment which we are now proposing to effect to the Act. That will not be the case. I do not think that because of this amendment the rates of supply of electricity are going to be increased in any manner. I think, that should satisfy hon. Members who expressed a doubt that this will go to inflate the cost of electricity supply.

Shri Sonavane: When there is provision in the Act for the supply of electricity where was the necessity of providing in the loan agreement the rates for sale of electricity generated by this project?

Shri Bade: One question, Sir.

Mr. Speaker: Let him answer.

Shri Bade: He has not put the actual question.

Mr. Speaker: For him he has put the question. Another hon. Member says that he has not put the question.

Shri Alagesan: I have said to begin with that when this agreement was entered into, this legal difficulty was not foreseen. We thought that it should be possible for the Government to transfer this project to the Electricity Board and the rates also may be so fixed as to honour all the provisions that have been put into the agreement. But, when it was considered at the legal level, it was pointed out that it is not possible to do so. It is for that purpose we are bringing this amendment. I have said this at the beginning.

Shri Bade: I have got this difficulty that in the amendment of the Bill, it is said, 'including terms and conditions relating to the operation

[Shri Bade]

and maintenance of the project, that is, there will be a rate according to the Electricity Act plus expenses. The word 'including' is more dangerous. My objection is whether you are going to levy more taxes over and above those which are the usual charges according to the Electricity Act. That is the difficulty because the word 'including' is there.

Shri Sonavane: Does it not tantamount to amending the provision of the Act itself?

Shri Alagesan: It is purely a legal difficulty. There is no other difficulty. As I said, two units have already been commissioned. The Maharashtra Government wants to transfer the working of these two units to the Electricity board straight-away. There are other units which are yet to be constructed and to be put into commission. They will be transferred as and when they are ready for commercial operation.

Mr. Speaker: The only apprehension expressed on all sides was whether there is any hidden or covered intention to enable the State Government to enhance the rate that is being charged from the farmers. That doubt and suspicion should be removed.

Shri Alagesan: I may assure the Hon'ble that if there is any enhancement of rates, I do not think it will be due to this amendment. Certainly, even now, the Governments are free to enhance the rates for industries and for agricultural purposes. If you look at the various rates that are charged for various purposes by the State Government, they differ.

Mr. Speaker: The present amendment has not any such intention?

Shri Alagesan: The present amendment has no such intention.

Mr. Speaker: That is right.

Shri Alagesan: I hope this will be acceptable.

Mr. Speaker: The question is:

"That the Bill further to amend the Electricity (Supply) Act, 1948, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

Shri Alagesan: I beg to move:

Page 1, for lines 7 to 14, substitute—
Power to acquire projects, etc. on lease

20A. Without prejudice to the generality of the power of the Board to acquire any property, the Board may acquire from the State Government on lease any project relating to the generation of electricity and all transmission lines and other works connected with such project or any part of such project, transmission lines or other works on such terms and conditions, including terms and conditions relating to the operation and maintenance thereof as may be agreed upon between the State Government and the Board."

Mr. Speaker: He might explain the necessity for it.

Shri Alagesan: In my opening speech itself, I explained why it has been found necessary to make this amendment. When we introduced the Bill, we thought the whole thing will be transferred when completed. Now, the Maharashtra Government has expressed a desire that they will transfer even in parts. It is practicable. Two units can be immediately taken over by the State Electricity Board and operated and run. So, we have only said a part of the project also can be transferred. That is the only object of this amendment.

Shri Bade: My objection to this is, even though the hon. Minister has given a reply, he has not given an

assurance that there will be no enhancement of the charges.

Mr. Speaker: He has given the assurance that if there is any enhancement, it would not be due to this amendment. Otherwise, how can he give an assurance, if the States have powers . . .

Shri Bade: My difficulty is, this is very ambiguous. Because, under the Motor Vehicles Act, they charge motor taxes plus passenger tax. They say that it is not due to this Act. Here in this case also

Mr. Speaker: He can ask his colleagues in the State Legislative Assembly to take that point up there.

Shri Sonavane: I want to know what rate would be charged to the consumers as a result of this.

Mr. Speaker: The State can answer.

Shri Sonavane: I should be enlightened.

Mr. Speaker: Ordere, order. This question should be put to the State authorities. How can he say that a particular State would charge this rate from the farmer?

Shri Sonavane: Electricity is already being supplied. He must be having this information before him.

Mr. Speaker: If tomorrow the State enhances, who will be responsible?

Shri Sonavane: The present position will be known. In comparison with the rate charged in others, whether this rate is higher: that would be known from rates in other States.

Mr. Speaker: He has said that it is higher though not the highest. He has said so.

Shri Sonavane: In the present case, we are anxious because, my constituency will be benefited. They will be charging much more.

Mr. Speaker: He must know best what rate is being charged. He again and again says that it is his constituency. He must know. I do not appreciate the point.

Shri Bade: By the passing of this Act, this disease will spread to all States.

Mr. Speaker: What can I do? He can veto it. He can reject it. What else can I do?

Shri Bade: This word 'including' should not be there.

Mr. Speaker: He ought to have given an amendment. Why was he lazy? He never worried about it. Today, he has learnt that there is the word 'including'.

Shri Bade: Without the amendment, the Government can do it.

Mr. Speaker: It would be my difficulty. The Government might accept the suggestion. How can I take up his proposition unless he gives some amendment?

Shri Sonavane: Let the hon. Minister give us some information.

Mr. Speaker: He comes from that constituency. He knows it best.

The question is:

Page 1, for lines 7 to 14, substitute—Power to acquire projects, etc. on lease.

20A. Without prejudice to the generality of the power of the Board to acquire any property, the Board may acquire from the State Government on lease any project relating to the generation of electricity and all transmission lines and other works connected with such project or any part of such project, transmission lines or other works on such terms and conditions, including terms and conditions relating to the operation and maintenance thereof as may be agreed upon between the State Government and the Board."

The motion was adopted.

Mr. 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.'

Mr. Speaker: The question is:

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

The motion was adopted.

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

Shri Alagesan: I beg to move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

—

13.48 hrs.

COMPANIES (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri K. C. Reddy): Mr. Speaker, I beg to move:

"That the Bill further to amend the Companies Act, 1956, be taken into consideration."

As the House is aware, this Bill was introduced in this House a few days ago, that is on the 13th. This Bill seeks to replace with a minor addition, the Ordinance that was issued on the 3rd of this month with a view to enabling the Boards of Directors of companies, both public and private, to make without delay generous contributions to the national Defence Fund or any similar fund approved by

the Central Government for the purpose of national defence, uninhibited either by the limits and conditions imposed by section 293 (1) (e) of the Companies Act or by their own memoranda and/or articles of association.

13.49 hrs.

[**MR. DEPUTY-SPEAKER in the Chair**]

This section of the Companies Act provides that the Boards of Directors of a public company or of a private company, which is a subsidiary of a public company, may contribute to charitable and other funds not directly relating to the business of the company or the welfare of its employees, any amount not exceeding in aggregate, Rs. 25,000 or five per cent of its average net profits during the preceding three years. If the Board wishes to exceed this limit, it must obtain the consent of the company in a general body meeting. The general meeting of a company can however be called only by giving not less than 21 days clear notice. Thus, the convening and holding of a general meeting of a public company necessarily entails time and expense. In the case of private companies also which are not subsidiaries of public companies, although the above-mentioned statutory restrictions regarding contributions to charitable and other funds do not apply, it may not be possible for many such companies to make such contribution in view of the provisions of their memorandum or articles of association. In the context of the aggression by China on our country and the need to mobilise all the available resources to combat such aggression, and with a view to swelling the National Defence Fund which has been created by Government, it was considered that companies which might like to make generous contributions to the fund in excess of the limits imposed by section 293 (1) (e) of the Companies Act or irrespective of the provisions in their memoranda and articles of

association should be enabled to do so without their having to call a meeting of the general body of shareholders for this purpose.

In fact, this is being done at the request of some of the companies themselves, that is, this amendment. The managements of several companies and also some prominent Chambers of Commerce in this country represented to Government the need for a suitable amendment to section 293 (1) (e) so as to facilitate such contributions without delay. Government considered this matter carefully and felt that an amendment to the section was necessary if the boards of directors of companies themselves were to be authorised to make contributions to the National Defence Fund or any other fund approved by the Central Government for the purpose of national defence without any limit and without obtaining the sanction of the company in general meeting. As the matter was considered urgent, and the amending legislation would necessarily have entailed delay, Government promulgated an Ordinance as has already been stated by me earlier.

The amendment to the Companies Act, which the Bill seeks to effect is by way of introducing a new provision, namely section 293B empowering the board of directors of any company to contribute such amount as it thinks fit to the National Defence Fund or any other fund approved by the Central Government for the purpose of national defence, notwithstanding anything contained in sections 293 and 293A or in the memoranda or articles of association or any other instrument relating to the company.

Provision has also been made—this is the minor addition that I have referred to in the course of my earlier remarks—in sub-section (2) of the proposed new section 293B for the specific disclosure of such contributions in the profit and loss statements

of companies making the contributions, so that the shareholders may know what has happened without their knowledge.

Sub-clause (2) of clause 1 of the Bill makes it clear that the provisions of the proposed new section 293B will remain in force only for the duration of the present national emergency.

In view of the tremendous enthusiasm shown by all sections of the people in building up the national effort to meet the present emergency and in strengthening the hands of Government, I have little doubt that this Bill will find ready and unanimous acceptance by the House.

Sir, I move.

Mr. Deputy-Speaker: Motion moved.

"That the Bill further to amend the Companies Act, 1956, be taken into consideration".

Shri S. M. Banerjee (Kanpur): I welcome this Bill and I hope that after this Bill is passed and it becomes an Act, there will be huge contributions from the various companies, and I am sure that the country will get a large amount in the National Defence Fund.

I have very carefully read the very small and welcome Bill before the House, and I find that under the proposed new section 293B, the board of directors of any company may, notwithstanding anything contained in sections 293 and 293A or in the memorandum, articles or any other instrument relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence.

During the course of the discussion on the situation which has unfortunately arisen due to the aggression and invasion of the

[Shri S. M. Banerjee]

Chinese, I made a suggestion that the millowners or the various companies, whether they are private companies or public companies according to the definition of the law, should contribute at least 50 per cent of their profits. My suggestion was that Government should examine the balance-sheets for the years 1961 and 1962 of these companies and make an appeal to them on the basis of the Prime Minister's appeal that they should contribute 50 per cent of the profits shown in the balance-sheets to the National Defence Fund. I would repeat that this appeal should be made, and it should not be left entirely to the sweet wishes of the companies. I do not attribute any motives. At this time of emergency, I am glad that all those capitalists, whom we have criticised in this House or outside, have come forward themselves, and so, there is a sincere desire on their part to help the country in fighting the foreign aggression. That is very good.

But I find that certain big companies—I do not want to name them—which contributed nearly Rs. 27 lakhs to the election fund have contributed only Rs. 25 lakhs to the National Defence Fund. So, I feel that this may not be fair. We belonging to the unions of workers whether in the public sector or the private sector have made a fervent appeal on the basis of the Prime Minister's appeal to all those workers who are getting even less than Rs. 100 a month to contribute one day's salary, salary meaning the net salary and all the allowances which come to nearly Rs. 7 or 8 or at least Rs. 5.50, to the National Defence Fund. Apart from that, we have requested the workers, and through them their wives, sisters and mothers to donate one ornament at least to the National Defence Fund. As you know, the middle class families or those families which belong to the down-trodden ordinary working class have no ornaments

practically, but still I have seen in places like Kanpur etc. that wherever I went, when I made an appeal to them, they contributed whatever they had, to the National Defence Fund.

So, it is necessary that no discretion should be given to those companies. I know that they may be paying more than 50 per cent of their profits. But it is high time that in the larger interests of the country, in order to mobilise our resources for the defence of our Motherland, at least 50 per cent of their profits must come to the National Defence Fund. If the country survives this aggression they will have much more profits in the near future. But today the time has come when everybody has to give and give his best in the larger interests of the country and in defence of our Motherland.

I may quote here an instance to show how the workers have contributed to the National Defence Fund. After the Sampurnanand Award, all the textile workers in Kanpur got five holidays. One of those holidays was on Diwali, on the 28th October, 1962. The workers unanimously under the leadership of the Scott Mill Mazdoor Sabha and other unions representing the workers decided that they would work on the Diwali day, that is, the 28th of October 1962, and they would contribute their wages for that day to the National Defence Fund. The wages came to about Rs. 2 or 2½ lakhs. That is the response from the workers to the Prime Minister's call. The Diwali holiday was the first holiday which was available to them after the Sampurnanand Award, and they worked for the full day on the Diwali day and they contributed whatever they earned on that day to the National Defence Fund. This was the first holiday which was given to them after the award; otherwise, they were not entitled to any wage on any holiday. But the millowners of

Kanpur have not even ratified that, and that money is still not being paid.

When the workers are paying so much of the wages which they have earned after hard toil I am sure that all the millowners should contribute at least 50 per cent of their profits.

I would also take this opportunity of requesting through this House all those companies which have not paid their income-tax arrears to pay those arrears soon. They should not only pay some amount to the National Defence Fund but they should also pay these income-tax arrears, especially since we are short of money now. The collections to the National Defence Fund hardly amount to Rs. 2½ crores today; at best, it may be only Rs. 3 crores. But we have been told in this House by the hon. Finance Minister that the effective arrears of income-tax come to about Rs. 131 crores. Is it not high time for us to request our brethren who are equally good nationalists to pay their income-tax arrears and thus help the country? After all, the country cannot afford to lose this sum of Rs. 131 crores. This sum represents only the effective arrears; if we take the non-effective arrears it would come to more than about Rs. 200 crores. So, Rs. 131 crores of income-tax, and about Rs. 6 to 7 crores of gift tax, and then an equal amount of other taxes such as wealth tax etc. should be paid without delay.

Further, in every State, there is a huge arrear of sales tax. In my constituency of Kanpur itself, I know that the arrears amount to about Rs. 21 lakhs. Income tax—how much? It is Rs. 2.98 crores. It was Rs. 4.98 crores. Thanks to the millowners and to the people of Kanpur, they paid their arrears and it has now come down to Rs. 2.78 crores or Rs. 2.98 crores. This is an occasion when everyone should pay whatever he can to the fund. I

am sure the companies will react very favourably to this measure.

14 hrs.

I expect more production. Where we have a mixed economy, more production always means more profits. We are asking the workers to work more and I am sure the profit will be more. Such being the case, they should give at least 50 per cent of the profit to the National Defence Fund.

I and some other Members of this House—seven of them—issued an appeal to fathers and mothers of this country to donate their sons at the feet of the Prime Minister for the defence of the country. What a response we got? The companies are expected to pay only money. I would, with your permission, read a letter I received from a poor sepoy. He is Shri J. T. Ghatge, Central Excise Office, Nipani, Belgaum. It is in Mysore State. The hon. Minister must be knowing. He writes:

"In response to your appeal for 'putra dana', I intend to dedicate the services of my two sons particularised below in defence of the motherland against the aggressor. I particularly feel that this dedication be accepted on the auspicious occasion of the Prime Minister's birthday falling on 14th November, 1962. Kindly arrange for the acceptance of the offer and oblige. I would also be grateful to hear from you the place and the time at which they should report".

We are the two sons? Ramdas J. Ghatge, aged 14 years and Aroon-kumar J. Ghatge, aged 12 years. This is the sentiment shown by an ordinary sepoy from Mysore. Then there is a letter from Nagpur, another from Bengal. I have received so many letters. One retired conservator, Shri K. C. Ray has written....

Mr. Deputy-Speaker: We are concerned with companies here.

Shri S. M. Banerjee: When they are offering their sons, I feel the mill-owners must offer at least 50 per cent of their profits to the National Defence Fund. I am sure they will do so.

Shri D. N. Tiwary (Gopalganj): I welcome this measure which is an amendment to the Companies Act. While speaking on the Resolution moved by the Prime Minister, I had said that the enthusiasm in the country has gone so far as to make the poor contribute everything they have. The rich are not contributing to that extent. So I welcome this chance given to them so that they may not take shelter under the original Act for contributing less. They should come forward with their maximum contributions.

When they contribute, it is not their own money but the money of shareholders. The shareholders have no objection in contributing the maximum amount possible.

My hon. friend, Shri S. M. Banerjee remarked that so much of income-tax is due. That is due legally. Factually much more is due. Every year Rs. 50 crores or more are kept back or not disclosed. The income on this score, they have made since these 15 years of independence would be about Rs. 700—800 crores. That money has gone for the benefit of the company owners and managements. They should not grudge contributing at this juncture for the defence of the country. If the Chinese come, whatever they have will be gone and they will not reap any benefit from the wealth they have now. So they must come forward with as liberal contributions as possible. As regards the suggestions that it should be 50 per cent, I would say that is nothing. They should contribute more. Some minimum should be laid down below which nobody should go.

We have seen these few days that every party and every organisation is

moving about collecting funds, gold etc. for the defence of the country. The appeal for putra dan is also evoking a good response. Shri Banerjee read out a letter from a father donating his two sons. We in the Congress Party have assured the Prime Minister on his birthday that everyone of us is ready to contribute or give his sons as putra dan for this fight. No effort will be spared from my Party to contributing anything we have for the defence of the country.

Whatever percentage the Minister may fix, I would request him to move round the country and appeal to every industrialist and management to contribute the utmost they can. Contribution of Rs. 25 lakhs from a big magnate is not enough. As remarked by Shri Banerjee, they have given more to parties for the elections. This is more important than elections. This is for our very existence, the defence of the country. So they should not lag behind.

Shri Umanath (Pudukkottai): I rise to support this Bill on behalf of the Communist Group in Parliament. We had objected to companies contributing to political party funds, but we are supporting this measure because it will augment the National Defence Fund and that too without any ceiling.

If we look at this matter from the standpoint of the enormity of the task facing us, namely, the question of driving out the Chinese aggressors, this measure is inadequate. During the past three weeks, new problems have arisen having a bearing on industrialists' contribution. Millions of workers are coming forward to pay one day's wage and for that purpose they are going to work one day extra. On that day, he works only for national defence and nothing else. When he gives that day's wage, the additional profit of that day as a result of the additional production, is still going to the bank account of the industrialist. That is not justified, because

if I work on a particular Sunday and if I work only for the defence fund, the profit of that day's production must naturally find its way to the defence fund. There can be no dispute about it. But today it is going to the bank account of the industrialist. That should not be.

Similarly, in major industries, discussions are taking place between labour representatives and industrialists on the question of increasing production to strengthen national defence. In Madras State, last week a tripartite conference was called by the State Government where proposals for a 7-day working week were discussed, or where that is not possible, to have 9th hour additional work every day. The profit as a result of the 7-day work will not be just proportionate increase, but more, because the overhead and establishment charges being more or less the same, this will be an additional profit. For Madras State alone, it is calculated in that conference that if the 7-day a week work schedule comes into effect as a result of agreement between all the three parties, the additional production in textiles alone will be 16 per cent. 16 per cent additional production means that the additional profit on account of that will be a recurring affair during the pendency of the national emergency. This also must naturally find its way to the National Defence Fund.

The other day the Prime Minister said, and we have endorsed it, that this struggle is going to be a prolonged and arduous one, which means that the sacrifice that we make will have to be sustained. Our experience during our struggle for independence has been that our people are willing to make any sacrifice, sweat or blood or going to jail or even facing the gallows that directly contributed to the struggle. So, the offer of the workers to work the seventh day or the ninth hour will be a sustained sacrifice during the national emergency, whose duration we do not know, if they know that the profit

flowing from that extra work will go directly to the National Defence Fund. This will inspire workers in other industries also to make similar sustained sacrifice. If it is extended to all the major industries, we can imagine the quantum of profit that will go to the National Defence Fund.

I feel the industrialists cannot grudge this, and if they do grudge it will only amount to saying that in addition to the normal exploitation of the workers, they are going to exploit also the special sacrifice of the workers made for the sake of the National Defence Fund. That can never be accepted. I hope they will not grudge this. I request the hon. Minister to take a decision on this.

Shri Sham Lal Saraf (Jammu and Kashmir): I welcome this Bill because there is also a certain philosophy behind it. Though I support what my hon. friends have said, there is something more in it.

Firstly, under the existing law there is a provision that up to Rs. 25,000 the board of directors of a company can spend on charitable purposes. For instance, they can look after the welfare of the workers. The present Bill enables them to contribute more for such purposes. I congratulate the hon. Minister on taking this step, because a satisfied worker will mean increased production, which is the need of the hour.

Secondly, we want to get things done by persuasion by this Bill, which is absolutely consistent with our thinking, philosophy and Constitution. Personally, I do not think any compulsion should be used. I am sure they have enough patriotism, and already they are coming forward, and with the passing of this Bill they will do so all the more. If there are cases to the contrary that come to light later, your hands are always free to take any action especially during this emergency.

It is absolutely correct that boards of directors, whether of government,

[Shri Sham Lal Saraf]

semi-government or private companies, will find it difficult to give the notice of 21 days and take a decision later. So, I welcome this step also of dispensing with it.

Our action should be in such a way that we do not disturb the social conditions in which we live, that we do not jeopardise our efforts. From all these points of view, I think this is an absolutely correct step. I wholeheartedly support it.

श्री बडे (खारगोन) : उपाध्यक्ष महोदय, यह जो चिन लाया गया है, उस का मैं जन संघ पार्टी की तरफ से पूर्ण समर्थन करता हूँ। इस के साथ ही साथ इस में जो प्राविजन रखा गया है कि कोई भी कम्पनी हो और वह कितना भी कंट्रिब्यूशन दे सकती है, यह भी बहुत अच्छा है। मेरे मित्र श्री दनर्जी ने कहा कि इस में कम्पलन होना चाहिये। मैं कहना चाहता हूँ कि इसमें एक तरह से कम्पलन होना नहीं चाहिये। एक साहब कहते हैं कि परसुएशन होना चाहिय, लेकिन अगर परसुएशन कामयाब न हो तो क्या हो? इस लिए मैं बहना चाहता हूँ कि परसुएशन जो हो वह कम्पलन की सीमा तक जाना चाहिये।

ऐसा जान पड़ता है कि जब तक मजबूरी न हो जाये कोई अपना कंट्रिब्यूशन नहीं देता है। हम ने देखा है कि जब कस्टम्स विल आया तो बहुत से लोगों ने उस का विरोध किया। चैम्बर्न आफ कामर्स ने और दूसरी संस्थाओं ने अपने प्लाइंट को शासन के सामने रखा। लेकिन इस के बारे में मैं ने अभी तक कोई ऐसा रेजोल्यूशन नहीं देखा जिस में कहा गया हो कि यह कम्पनी इतना कंट्रिब्यूशन देवी। कोई ऐसा प्रस्ताव आज तक नहीं पाया जिस में बतलाया गया हो कि अमुख परमुच कम्पनी को अपने प्राफिट का ५० परसेंट गवर्नमेंट को देना होगा। ऐसा

होना चाहिये था जहर, लेकिन मैं ने आज तक ऐसा कहीं पढ़ा नहीं।

मंत्री महोदय ने लोगों से सैकिकार्ट्स करने के लिए कहा है, उन्होंने किसी पर जबर्दस्ती नहीं की है। चूंकि वे लोगों से अपील कर रहे हैं, इस लिए वे बहुत धन्यवाद के पात्र हैं, लेकिन मेरा कहना है कि कंट्रिब्यूशन सैटिसफैक्टरी तरह से आना चाहिये। वह सत्यग्रह से ले सकती है। वह सत्यग्रह पर विद्याम भी करतो हैं। अगर सत्यग्रह से नहीं तो अहंगारायह से अन ले सकती है। जैसे भी हो उस के पैसा आना चाहिये।

इस के माथ हम देखने हैं कि इस विल में यह प्राविजन है :

“... relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Funds approved by the Central Government for the purpose of national defence.”

यह शब्द क्यों लिखे गये, इन का कुछ विवेदण माननीय मंत्री जी ने नहीं किया है। जब इस विल को लाने का उद्देश्य ही यह है कि नैशनल डिफेन्स फंड में रुपया दिया जाय, तब नैशनल डिफेन्स फंड के बाद यह क्यों लिखा गया :

“...any other Fund approved by the Central Government for the purpose of national defence.”

इस का मतलब क्या है? क्या कोई और योजना शासन के मन में है? जब यह चीज़ नैशनल डिफेन्स फंड के लिए की जा रही है तब फिर नैशनल डिफेन्स फंड के साथ इस दूसरी चीज़ को क्यों रखा दिया गया रख दिया गया है? इस चीज़ का कोई खुलासा यहाँ नहीं दिया गया।

मेरा यह कहना है कि इस में जो प्राविजन दिया गया है वह मजब्ता है। मैं

अपील करता हूँ इस हाउस की मार्फत कि कम्पनियों को जो मुनाफ़ा होता है उस में से ५० परसेन्ट देने के लिए उन पर परसुएसिव कम्पल्शन होना चाहिये । बल्कि यहाँ पर तो यह कर देना चाहिये कि उन का जो प्राफ़िट कुल हो वह इस समय देश के काम के लिए दें परसुएशन होता जरूरी है । अगर ऐसा कर दिया जाय तो फिर यहाँ जो कम्पनिस्टों से कम्पल्शन की बात कही जाती है वह भी नहीं उठेगो ।

Shri Subbaraman (Madurai): I congratulate the Government on having brought forward this amendment. Many of the chambers of commerce had themselves requested the Government to bring such an amendment. That shows that they are very eager to contribute voluntarily for the Defence Fund.

Many speakers before me have said that while the workers are offering one day's wages, the managements should be asked to pay at least 50 per cent of their profit, or at least the profit accruing on the additional production of the workers. I would like to point out that this is a voluntary thing, even according to the original Act. There is no compulsion at all. Nobody is asked to pay even one rupee under compulsion, but they are permitted to contribute up to Rs. 25,000 or 5 per cent of their profits whichever is more. The amendment has been brought to remove this restriction or limit. So, I would like to remind that it is only voluntary. None is compelled to pay anything. Many speakers mentioned about the necessity of huge funds. That is all right. If Government wants more it may consider taxing or raising more. While the workers are prepared to give one day's salary or earnings, I am sure the managements will rise to the occasion and give the profit earned by the workers working more, or even more than that. The Chambers of Commerce have come forward to contribute considerable sums and many institutions

and industrialists are contributing lakhs and lakhs of rupees. I do not think there will be any difficulty for them to contribute huge amounts and so I do not think there is any necessity to fix any amount or percentage as contribution to be given. The amendments brought forward are good enough and I support them.

Shri Narendra Singh Mahida (Anand): Mr. Deputy Speaker, I rise to support the Companies Amendment Bill.

Mr. Deputy Speaker: Let us finish this Bill by 2:30.

Shri Narendra Singh Mahida: I will not take much time. Normally it is the poor classes who come forward immediately and give their best to the nation; all over the world this always happens. The moneyed classes take some time to contribute. I may request the Government to approach all the richer classes. When they are approached at election time, they pay; let them be approached now. I am sure they will contribute more liberally.

Mr. Deputy-Speaker: This is about companies; he should confine himself to the Bill.

Shri Narendra Singh Mahida: The companies will come forward voluntarily, I was saying. If the national will is being roused, I am sure they will contribute liberally towards national defence fund. Some propaganda at the higher level has to be done. Therefore, I support this Bill wholeheartedly.

श्री विश्वाम प्रसाद (लालगंज) : उपाध्यक्ष महोदय, इस विल का मैं हृदय से स्वागत करता हूँ । उसी के साथ एक बात कहना चाहता हूँ । आर्डिनेन्स पास होने के दिन मेरे देश के हर वर्ग के लोगों के डोनेशन आ रहे हैं, इसी तरह से कम्पनियों के भी आने चाहिये थे । जैसा कि एक माननीय मदस्य ने कहा, कम्पनियों के प्राफ़िट एण्ड लास एकाउण्ट और बैंकें शीट देखने चाहिये । मेरी प्रायंना

[श्री विश्वाम प्रसाद]

है किये एक साल के ही नहीं बल्कि पिछले कई सालों के देखने चाहिये। एक सजैशन दिया गया कि वे अपना खर्चा निकालने के बाद अपने प्राफिट का ५० परसेंट दें। मैं कहता हूं कि देश की रक्षा के लिए वे जितना दें उतना ही अच्छा है।

दूसरी बात में यह कहना चाहता हूं कि इनकम टैक्स के डर से कम्पनियां अपना प्राफिट एण्ड लास एकाउण्ट गलत दिखाती हैं। इसकी भी जांच करनी चाहिये और जितना भी सेल्स टैक्स और इनकम टैक्स उनके जिम्मे निकलता हो उसको बमूल किया जाना चाहिए।

तीसरी बात में यह कहना चाहता हूं कि खास कर उत्तर प्रदेश में शुगरकेन फैक्टरियों के पास अभी तक किसानों का बहुत सा बोनस का रूपया पड़ा है जो उन्होंने किसानों को नहीं दिया है। उनसे वह बोनस का रूपया नेशनल डिफेंस फण्ड में लिया जाए। इसकी तरफ मैं आपका ध्यान दिलाना चाहता हूं।

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

श्री मन्त्री (भीर) : उपाध्यक्ष महोदय, यह जो संशोधन लाया गया है मैं इसका स्वागत करता हूं, किन्तु जिस उद्देश्य से यह संशोधन आया है मैं नहीं समझता कि वह इस प्रकार पूरा हो सकेगा। हमारे नेताओं ने जनता से सरकार को तन मन और धन से सहायता देने की अपील की, उस पर हमने देखा कि मध्यम वर्ग और निचले वर्ग के लोगों ने इस गम्भीर परिस्थिति में गवर्नर्मेंट को अपना सब कुछ और अपनी सेवाएं दी, लेकिन वडे वडे लोगों ने उस तरह का त्याग नहीं दिखाया। यह जो संशोधन आया है यह उनके लिए दरवाजा खोलता है। हमें देखना है कि यह दरवाजा खोलने के बाद भी ये कम्पनियां आगे आती हैं या नहीं। पर मेरा

सजेशन है कि इस संशोधन से भी कुछ अधिक गवर्नर्मेंट को करना चाहिये। हमारे प्रधान मन्त्री जी ने कहा है कि यह लड़ाई लम्बी चलने वाली है, इसलिये मैं समझता हूं कि सरकार को इन कम्पनियों के लाभ में से सदा के लिये, जब तक यह स्थिति रहती है, कुछ परसेंट लेने की व्यवस्था करनी चाहिये। मेरा ख्याल है कि केवल इस संशोधन से सरकार का मतलब पूरा नहीं हो सकेगा। जब गरीब लोगों ने अपनी आमदानी का ४० और ५० परसेंट दिया है तो यदि कम्पनियां अपनी आमदानी का ५० परसेंट दें तो वहाँ बड़ी बात नहीं होगी।

अगर इस बक्त मालदार लोग नामने नहीं आयेंगे तो मुझे भय है कि कहीं मजदूर और किसान वर्ग में हिस्क प्रवृत्ति न पैदा हो जाए और सब को इस समय मिल जुल कर काम करना चाहिए इस लिहाज से भी वडे लोगों का आगे आना उचित है।

इतना कहते हुए मैं इस बिल का समर्थन करता हूं।

Shri K. C. Reddy: Sir, I will not take more than a couple of minutes for reply. I am happy this Bill has been welcomed by all sections of the House without any reservations. This is a permissive piece of legislation. It is not a fiscal measure nor a money Bill. If this were kept in view, several observations would perhaps have not been made now. It enables companies to come forward voluntarily and make donations. It is to facilitate their acting that way.

Shri S. M. Banerjee and others have said that on an occasion like this when there is a national emergency rich companies should come with their donations. Everyone agrees with that. Much can be said as to what the national effort should be in times like

this. I do not want to enter into a dissertation nor is this the proper time.

Much has been said that there should have been a provision compelling companies to contribute fifty per cent of their profits and that the income tax arrears and sales tax arrears should be collected and so forth. No one disagrees with that. These are all administrative steps to be taken by the Government. The business people should pay their income-tax arrears and sales-tax arrears. Everything has to be done. I hope steps will be taken in order to ensure that all these arrears are paid up in a time like this.

Now, about the quantum of money to be raised. One has to be gratified to see how donations had risen to the occasion. People from all categories are coming forward and donating generously. The collections are of the order of Rs. 3 crores or so. Some one was saying that it will not be enough even to buy one aeroplane, or two or three aeroplanes. Much more has to be raised to fight this invasion. Recently my hon. colleague the Finance Minister has come forward with Supplementary Demands to the tune of Rs. 70 to 80 crores for this year; and the next Budget will reveal the new proposals of the Government of India in order to raise the requisite finance for fighting this aggression. So that is a much larger problem. It is not as if the moneys that will voluntarily be paid by the people will go a very long way to meet the actual war expenditure as such. It is only to raise the morale of the country, to measure the enthusiasm of the country. It is only to that extent that this will be useful. If much more money is required, not only fifty per cent of the profits, this, that and the other—so many suggestions were made—there should be something more drastic for that purpose, legislation, fiscal legislation. So that is not the purpose of my simple amending Bill here. All that will come at the appropriate time in the proper manner.

I am also glad that the workers are coming forward in such a handsome manner to contribute to the wealth of the nation by more production. Naturally more production means more profits for the companies. I hope the managements of the companies will take note of what has been said on the floor of the House today and that if more production is ensured by the workers coming forward and working on holidays etc. they will not have any idea in the corner of their minds of grabbing the profits for themselves but will generously come forward to pay it back to the nation.

It was said that some companies have paid much less for the National Defence Fund than what they paid for the elections. Elections come once in five years, but the national emergency may be from year to year, month to month, period to period. They go on making contributions. It is not as if the contribution they have made so far is the final word. So let us not be too critical. Every one is rising to the occasion. Let not one class or category criticise the other. The working classes are rising to the occasion.

Shri S. M. Banerjee: I pointed out the importance.

Shri K. C. Reddy: The importance is realised. And the richer classes are rising to the occasion. The whole nation is rising to the occasion. So let us hope that it will happen that way in a much greater degree than has been the case up to the present.

Finally, an appeal has been made that I should go round the country appealing to the companies to contribute the maximum to the National Defence Fund. I will do so. And on behalf of the Government I can assure the House that we will not spare even a tittle of our persuasive powers to go and see that these companies contribute the maximum towards augmenting the National Defence Fund. And may I use this occasion to appeal to all the Members of the House to do their bit to go round and see that every person, rich man or poor man, every one contributes his

[Shri K. C. Reddy]

or her utmost to the National Defence Fund? Sir, I hope this Bill will be passed unanimously and with acclamation.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Companies Act, 1956, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We will now take the Bill clause by clause.

The question is:

"That clauses 2 and 3 stand part of the Bill".

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1, the Enacting formula and the Long Title were added to the Bill

Shri K. C. Reddy: Sir, I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

14.34 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TENTH REPORT

Shri Hem Raj (Kangra): Sir, I beg to move:

"That this House agrees with the Tenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th November, 1962."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Tenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th November, 1962."

The motion was adopted.

Mr. Deputy-Speaker: Now, non-official Bills to be introduced. Shri Shree Narayan Das—not here. Shri Diwan Chand Sharma—not here.

13.35 hrs.

CENTRAL SILK BOARD (AMENDMENT) BILL*.

(Amendment of sections 4 and 6) by Shri Sham Lal Saraf

Shri Sham Lal Saraf (Jammu and Kashmir): Sir, I beg to move for leave to introduce a Bill further to amend the Central Silk Board Act, 1948.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Central Silk Board Act, 1948."

The motion was adopted.

Shri Sham Lal Saraf: Sir, I introduce the Bill.

12.35½ hrs.

LENGTH OF CINEMATOGRAPH FILMS (CEILING) BILL*
by Shri Rameshwar Tantia

Shri Rameshwar Tantia (Sikar): Sir, beg to move for leave to introduce a Bill to provide for the fixation of ceiling on the length of cinematograph films produced in the country.

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 16th November, 1962.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the fixation of ceiling on the length of cinematograph films produced in the country".

The motion was adopted.

Shri Rameshwar Tantia: Sir, I introduce the Bill.

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DELIVERY OF BOOKS AND NEWS-PAPERS (PUBLIC LIBRARIES) AMENDMENT BILL*

(Amendment of section 2) by Shri C. K. Bhattacharyya

Shri C. K. Bhattacharyya (Raiganj): Sir, I beg to move for leave to introduce a Bill further to amend the Delivery of Books and Newspapers (Public Libraries) Act, 1954.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Delivery of Books and Newspapers (Public Libraries) Act, 1954."

The motion was adopted.

Shri C. K. Bhattacharyya: Sir, I introduce the Bill.

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CONSTITUTION (AMENDMENT) BILL—contd.

(Amendment of Article 226) by Shri D. C. Sharma

Mr. Deputy-Speaker: Then, Bills for consideration. Constitution (Amendment) Bill of Shri D. C. Sharma.

Shri Raghunath Singh (Varanasi): Sir, in view of the Chinese aggression and the emergency in the country, I beg to move:

"That further consideration of the Constitution (Amendment)

Bill by Shri D. C. Sharma be postponed to the next day for disposal of Private Members' Bills."

Shri S. M. Banerjee (Kanpur): Make it 'next session'.

Shri Raghunath Singh: Next session automatically it will come.

Mr. Deputy-Speaker: Does the House agree?

Some Hon. Members: Yes.

Shri S. M. Banerjee: Make it 'next session'.

Shri Raghunath Singh: 'Next day' means next session.

Shri S. M. Banerjee: Not necessarily.

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra): Sir, this will not be necessary at all in view of the fact that Government has decided to bring forward an amendment of Article 226. It may be introduced next week, I am not sure; otherwise it will be introduced in the first week of the next session. And, as a matter of fact, the scope of the proposed amendment is much wider than what Shri Sharma seeks to introduce in Article 226. This is in pursuance of the assurance given by the Law Minister to this House some time back.

Shri S. M. Banerjee: Then let it be withdrawn.

Shri Raghunath Singh: How can I withdraw it? Let it be postponed.

Some Hon. Members: Let it be postponed.

Mr. Deputy-Speaker: All right, this is postponed to the next Session. The question is:

"That further consideration of the Constitution (Amendment) Bill by Shri D. C. Sharma be postponed to the next day for disposal of Private Members' Bills."

The motion was adopted.

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 16th November, 1962.

Mr. Deputy-Speaker: Next Bill, Shri Satis Chandra Samanta—not here. Shri A. K. Gopalan.

14.36 hrs.

BEEDI AND CIGAR LABOUR BILL

by Shri A. K. Gopalan

Shri A. K. Gopalan (Kasergod): I do not know, Sir, which Minister will reply to this. I do not see the Minister of Labour or anybody here.

Shri Rane (Buldana): Here is the Law Minister.

Mr. Deputy-Speaker: Government is represented. We will go on.

Shri A. K. Gopalan: Sir, I beg to move:

"That the Bill to provide for the regulation of employment and work in the factories manufacturing Beedi and Cigar in India be taken into consideration."

Sir, as has been explained in the Statement of Objects and Reasons to this Bill, the Beedi and Cigar industries are among the worst sweated industries in India. Low wages, insecurity of employment, partial employment, employment of children, high incidence of T.B., absence of protective labour legislation, outdoor work and branch system, all these demand introduction of an immediate legislation with a view to regulating the above industries on factory basis and securing the workers certain minimum conditions of work. The Rege Labour Consultative Committee Report as far back as 1946 has stressed the importance of such a legislation. This Bill seeks to put the Beedi and Cigar industry on a factory basis while still protecting the self-employed worker. This Bill also seeks to assure the workers the benefits of protective labour legislation available to larger sections of industrial workers. The main reason for the introduction of the Bill is that

some of the States have already passed legislation on these lines, but in the absence of legislation in the neighbouring States, some of the owners are closing down their factories and transferring them to States where legislation does not exist. The passing of an all-India legislation will prevent this malpractice.

That is the main object of this legislation. As far as the clauses are concerned, I need explain only two or three most important ones. One is that which is contained in Chapter IV, clause 16: "No employer shall engage any woman worker for any outdoor work connected with the manufacture of Beedis or Cigars." The next important clause is contained in clause 25 of Chapter VII which reads as follows:

"Whenever any workman who has put in service of one year or more is retrenched, discharged, dismissed or retired, he shall be given benefits at the rate of fifteen days wages for every year of service put in by him."

Then, the next important clause is clause 27 of Chapter VIII which reads as follows:

"Any self-employed worker who sells or otherwise disposes of his produce of Beedi or Cigar to any factory owner, dealer or merchant in Beedi or Cigar having tobacco licence or trade mark of any particular brand of Beedi or Cigar, shall forfeit his licence for rolling Beedi or Cigar and shall be punishable with fine which may extend to rupees one hundred."

These are the most important clauses in the Bill. I am glad that the Minister in charge of this subject has now come.

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): I was here when you started.

Shri A. K. Gopalan: This Bill is more or less on the same lines as the one which had been introduced by me in 1957. I shall, after sometime, explain the reply given by the then Deputy Minister of Labour, Shri Abid Ali. It is now after five years that this Bill has been introduced. As far as this legislation is concerned, even in the year 1945, a Committee was appointed—Rega Committee—which went into the question of beedi and cigar workers and the report was submitted by that committee. In that report, the committee said that this industry is one of the worst industries in India with low wage, insecurity of employment, partial employment, employment of children, high incidence of T.B., absence of labour legislation, etc. It was in 1945 that they gave this report. Now, the conditions in the industry are not better, even though so many years have passed. As far as this industry is concerned, there are about two million people working in this industry, and they are distributed all over India. As far as the organisation of this industry is concerned, there is a direct basis and the indirect basis. In the direct basis, the tobacco leaf is given to certain middlemen, the agents, who get some workers and ask them to work. Then they pay the wages as they like and then sell the commodity to the owner. As far as the indirect system is concerned, there are three methods or kinds. One is the buying and selling system. The other is the commission system and the third is home-work system. The middleman purchases tobacco leaves from the factory, takes them to the worker and then comes and gives them to the owner after making the beedis. The other is the commission system. In many States, in Kerala and in Madras and some other States also, legislation had been enacted to see that these workers are given the protection under the Factories Act, the Minimum Wages Act and other Acts. But as far as these workers are concerned, in order to evade the Fact-

tories Act, the factory is closed and the workers—eight or nine—are taken to some other place and are given tobacco leaves. Thus, the provisions of the Factories Act are evaded and the workers do not get the protection of the Act.

As far as the Minimum Wages Act is concerned, in many places, where it has been passed, the workers could not get minimum wages, because when they press for the wages, the factory will be shifted or the worker will be shifted from that State to another. When the Minimum Wages Act had been passed in Kerala they shifted this work to the Karnataka State. When the Minimum Wages Act was to be implemented in Madras, they also shifted the work to the neighbouring State. When I introduced the Bill for the first time, in 1957, the then Deputy Minister of Labour made some observations. One point that he brought forward was that there is a large number of labour legislations in the country like the Factories Act, Industrial Disputes Act, Payment of Wages Act, Minimum Wages Act, etc., and so he said that there is no necessity for a separate all-India labour legislation as far as this industry is concerned. That is what he said.

But there were so many tribunals after that. There was the Bombay tribunal, the Nagpur tribunal and the Madras tribunal. In all these tribunals, they said that the workers in this industry, because of the nature of employment in this industry, are not workers coming within the definition of these Acts and so the benefits of the Industrial Disputes Act or the Payment of Wages Act and other beneficial pieces of legislation are denied to them. They say that it is a contract system; there is no em-

[Shri A. K. Gopalan]

ployer-employee relationship as far as these workers are concerned, and they do not come under the definition, "worker." So, none of these pieces of legislation applies to them; that is what the tribunals said. The Nagpur tribunal also said so when there was a dispute about the minimum wages. The reply that had been given in 1959 to the effect that because there are so many pieces of legislation like the Factories Act, the Minimum Wages Act and other Acts, that they will also apply to these workers and that therefore no special kind of legislation is necessary, does not stand even today, because, in many places, many tribunals—Nagpur, Madras and Bombay tribunals—have already given the award and said that as far as these workers are concerned, these Acts do not apply because there is no employer-employee relationship, and that it is a contract system or is on a commission basis, and so these Acts do not apply to them.

The next reply that was given by the then Minister was in answer to the debate in 1957. He then said:

"I have already assured the House that with regard to the defects or difficulties which have been mentioned arising out of the decisions of the High Courts, we will examine them and if our intention is not being carried out because of the decision of the High Courts, we will take steps to amend the Acts concerned. If there are workers who do not come under the Factories Act and other Acts, in order to defeat the Factory and other Acts if certain things are done, we will take care of them. The Factories Act should be applied to them and if it is not done, we will take necessary action to see that it is effectively applied."

It was in 1959 that this assurance was given. Even after so many

years, the condition is the same. Unless there is a comprehensive all-India legislation, none of these Acts can be applied. They will only say that there is no employer-employee relation and nothing will be done.

In almost all the places, the factories are non-existent. Where the factories are there, the Minimum Wages Act and other Acts are not implemented. If the workers say that the Minimum Wages Act must be implemented, the employers will shift them to some other place where such Acts are not there.

I do not want to speak more on this. This is a clear and simple Bill. The complaint in the States also is that wherever these Acts are passed they find it difficult to implement them. Unless and until there is a comprehensive legislation like this, nothing can be done. Even if the Minister does not accept this Bill, I want an assurance from him. When millions of workers are employed in certain industries and they are getting the benefits of labour legislation in this country, here are millions of workers who do not get any benefit of any legislation that is passed. It is high time that these workers get these benefits. In the first Parliament, such a Bill was introduced. In the second Parliament also, it was introduced and the reply was given that it will be considered. So, it is high time that such a comprehensive legislation on the lines which I have suggested is brought forward by the Government.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the regulation of employment and work in the factories manufacturing Beedi and Cigar in India be taken into consideration."

The time allotted is one hour. Shri Narendra Singh Mahida.

Shri A. K. Gopalan: The time allotted is one hour and a half, Sir.

Shri Narendra Singh Mahida (Anand): Mr. Deputy-Speaker, Sir, on humanitarian grounds, I accept the suggestion of Shri A. K. Gopalan because this industry is connected mostly with my constituency. In Gujarat, tobacco is grown mostly in Kaira district. I have visited many of these under-factories. I do not call them factories because they do not come under the Factories Act—and I have seen the conditions. It is very difficult to work there. I do not think for an hour even we can work in these places. I fail to understand why Government has not yet thought about this matter.

On page 4 of the Bill it has been suggested that women should not be allowed to do any sort of outdoor work. I wholeheartedly support this, because I have seen in many cases where women are called for out-door work there have been many cases of rape and attacks on women. Therefore, this is a very welcome suggestion, and I request the hon. Minister, through you, Sir, to take note of this.

With regard to medical facilities, I find that there is no provision of any medical facility in any of these so-called beedi factories. The dust that arises from the crushing or the sieving of tobacco leaves goes through the nose and it irritates the lungs. I have seen many cases suffering from T.B. and other diseases. There are no medical facilities in any of the factories I have come across.

Sir, this is a very good piece of legislation which Shri Gopalan has introduced. I am fully in support with it and I request the hon. Minister to take stringent steps. If they are not being controlled by the Factories Act, some sort of legislation should be brought in, or the Central Excise Department may be instructed that their inspectors may go round, visit these so-called factories and see that at least minimum standards of medical and other facilities are being provided.

Shri A. K. Gopalan: They are going even now.

Shri Narendra Singh Mahida: But they cannot compel the tobacco merchants because it does not fall under the Factories Act. But on humanitarian grounds I appeal to the hon. Minister to look into this matter and see that some central legislation is brought in.

We should, therein, draw special attention to the question of employment of children, young children aged 7 or 8. They are now being made to work in these factories. Some provision should be there to prevent their working in these factories. Even if they have to work owing to economic conditions, they must be guarded with all facilities. They must be provided with some sort of a system whereby the powder is prevented from going into their noses.

Sir, as I said, I wholeheartedly support Shri Gopalan's Bill and I wish the hon. Minister takes full note of this.

श्री बड़े (खारगोन) : उपाध्यक्ष महोदय, यह जो बिल श्री गोपालन साहब ने यहां पेश किया है, इसका मैं हृदय से समर्थन करता हूँ। पन्द्रह साल हमें स्वाधीन हुए हो गए हैं लेकिन अभी तक इस तरह का कोई बिल सरकार की तरफ से क्यों नहीं लाया गया है, मेरी समझ में नहीं आता है। लोगों में यह धारणा है कि इस तरह का बिल इस बास्ते नहीं लाया गया है कि मध्य प्रदेश में जो बीड़ी के कारखानेदार हैं, वे सब के सब रुलिंग पार्टी से सम्बन्धित हैं और इसलिए इस तरह का विवेक शासन लाना नहीं चाहता है। यह रांग इम्प्रैशन है या राइट, मैं नहीं जानता हूँ। लेकिन इस इम्प्रैशन को ठीक किया जाना चाहिये।

जो बीड़ी के कारखानेदार हैं, वे दो तरह से पैसा कमाते हैं। एक तो मजदूरों का पेट काट कर कमाते हैं और दूसरे ज्यादा प्राफिट

[श्री बड़े]

करके कमाते हैं । मैं जिस निर्वाचन क्षेत्र से आया हूं वहां पर मैंने देखा है कि एक बीड़ी बालों की यूनियन है । जो काम करने वाले भजदूर हैं उनको मुश्किल से मुबह से शाम करने के बावजूद भी एक रुपया बारह आने या एक रुपया तरह आने ही मिलते हैं । वहां पर भी जैसा गोपालन जी ने कहा है, तीन तरह का कार्पैक्ट रहता है । वहां पर छोटे छोटे बच्चों से भी काम लिया जाता है । बच्चों से काम लेने के बारे में कोई लैजिस्लेशन नहीं बना है । कोई इंसैप्क्टर वहां पर जाकर इस चीज़ को देखता नहीं है और अगर जाकर देखता भी है तो कोई कानून नहीं है जिसके अधीन उस कारखानेदार को सजा दी जा सके ।

मैं यह भी चाहता था कि इस बिल के प्रस्तुतकर्ता इसमें इस का भी प्राविज्ञन रखते कि उनको मिनिमम वेजिज़ मिल पाती । इस बक्त इसमें कोई इस तरह का प्राविज्ञन नहीं रखा गया है । मिनिमम वेजिज़ के बारे में अलग अलग स्टेंडेस में अलग अलग एकट हैं । अगर मिनिमम वेजिज़ के बारे में भी कोई इसमें प्राविज्ञन किया जाता तो मजदूरों के हित की दृष्टि से अच्छा रहता । हमें चाहिये कि हम उनको मिनिमम वेजिज़ दिलाने का प्रबन्ध करें ।

जो कार्पैक्ट बेसिस पर काम होता है, वह कार्पैक्ट बेसिस पर नहीं होना चाहिये । जो गरीब किसान हैं, काश्तकार हैं, वे चार छः महीने तो काश्तकारी का काम करते हैं, और बाकी समय में बीड़ी बनाने का धंधा घर में करते हैं । कारखानेदार से वे बीड़ी का तम्बाकू ले आते हैं, टेंडू के पत्ते ले आते हैं, बीड़ी बनाने के पत्ते ले आते हैं और बीड़ी बना कर दूसरे गोज जाकर उसको दे आते हैं और हिसाब करके पैसे ले आते हैं । वहां पर जो रहीं बीड़ियां निकलती हैं उनको अलग कर दिया जाता है । वे उनको वापिस नहीं

मिलती है, बल्कि वे सेठ जी की हो जाती हैं । इस बास्ते में चाहता हूं कि जो प्राफिटियरिंग वह करता है, उस पर किसी प्रकार का बन्धन अवश्य लगाना चाहिये ।

शासन को चाहिये था कि वह स्वयं इस प्रकार का बिल यहां लाता । लेकिन वह ऐसा नहीं कर पाया है । लेकिन अब भी समय है कि इसको कुछ संशोधनों के साथ जो कि मैंने आपके सामने रखे हैं या अन्य माननीय मदस्यों ने रखे हैं, इसको स्वीकार कर लिया जाए । मैं जानता हूं कि माननीय मन्त्री जी कहेंगे कि हम इसको स्वीकार नहीं कर सकते । लेकिन अगर आप इसको स्वीकार नहीं कर सकते तो क्यों नहीं आप अपनी ओर से कोई विधेयक यहां प्रस्तुत करते ।

लेडीज़ को रखने के बारे में भी यहां पर एक प्राविज्ञन रखा गया है । महिदा साहब ने भी इसका तिक दिया है । इसमें कहा गया है :

"In case where large number of women workers are employed, separate factories shall be established or set up for such women workers."

यह ठीक है । जब औरतों के बच्चा होना होता है, उस बक्त और उसके बाद भी वे काम नहीं कर सकती हैं, हैंजरडस नेचर का काम नहीं कर सकती है । इसके लिये उनको छुट्टी मिलनी चाहिये और इस छुट्टी में उनको पूरी तनखावाह देने का प्रबन्ध किया जाना चाहिये । साथ ही साथ फैस्टीवलज के सिलसिले में भी उनको छुट्टी मिलनी चाहिये और उस छुट्टी के दिनों में तनखावाह भी दी जानी चाहिये । फैक्ट्रीज़ एकट में इस बक्त है कि डिलीवरी होने के बक्त में लेडीज़ काम नहीं करती हैं और उनको छुट्टी दी जाती है जिसकी उनको तनखावाह मिलती है । इसी प्रकार का प्राविज्ञन इसमें भी होना चाहिये । इस बक्त नहीं है । बीमार अगर कोई पड़े तो उस दौरान

में भी मजदूर को तनखावाह मिलनी चाहिये । बच्चा होने के बक्त औरतें एक महीने तक काम नहीं कर सकती हैं, इस एक महीने की उनको तनखावाह मिलनी चाहिये ।

मध्य प्रदेश में बीड़ी मालकों ने लाखों नहीं करोड़ों रुपया कमाया है । हरदा, टमूरनी, खारगोन आदि स्थानों पर जहां भी बीड़ी के कारखाने हैं, उन सभी के मालिक वहां पैसे बाले हो गए हैं । ऐसा कहा जाता है कि उनका रूलिंग पार्टी स सम्बन्ध है और वे सभी उसके अन्तर्गत हैं । यह जो इस्तेशन है वह चाहे गलत है या भी है इसको दूर किया जाना चाहिये और कोई बिल आपकी तरफ से आना चाहिये या फिर इस बिल को कुछ एमेंडमेंट्स के साथ स्वीकार कर लेना चाहिये ।

Shri M. L. Jadhav (Malegaon): Sir, I rise to make certain observations on the measure that is before the House.

In the first place, I might refer to an important decision of the Supreme Court wherein it is observed that the beedi workers who work in beedi factories cannot come under the category of a factory worker.

Shri S. M. Banerjee (Kanpur): Sir, I rise to a point of order.

Mr. Deputy-Speaker: Let him have his say.

Shri S. M. Banerjee: It should be known to the hon. Member that, after all, we are only seeking to pass a Bill.

Shri M. L. Jadhav: In that judgment it is observed that a beedi worker does not come under the category of a factory worker because his work is on a contract basis, and whatever wages he earns it depends upon the output of the work that he puts in. In a beedi factory it is the usual practice that the man is not paid daily wages or monthly wages, he is paid on the output that he puts in.

In a number of beedi factories I find that old men and women are employed who may not be eligible for work under the Factories Act in any factory. But beedi-making is such a profession where these old and dis-

abled men and women work and earn their livelihood, and it all depends upon the output of work that they put in. If you apply the Factories Act to these factories, then these people who are in a position to earn after retirement from their present work, people who are working as peons or in some government departments on low salaries, will be denied this opportunity to earn. Here is an opportunity for these people, who are practically disabled people, to work in a beedi factory and earn their livelihood. If these people are brought under the Factories Act, then I am afraid they may be deprived of their means of maintenance and livelihood. They will not be able to work in the factory as per the factory rules. Therefore I feel that though the measure that has been brought forward might have been brought before the House with a laudable intention, but looking into the provisions of this measure, I am afraid, the Bill that is before the House may not fulfil the object that is intended to be fulfilled by the hon. Mover of the Bill. Hence, with these observations I oppose the Bill.

15 hrs.

Shri Koya (Kozhikode): Mr. Deputy-Speaker, Sir, I rise to support the Bill brought forward by my hon. friend, Shri Gopalan. The hon. Member who spoke just before me said that bidi workers are not considered as factory workers and that they are not eligible for getting the privileges of factory workers. That is one reason why Shri Gopalan has brought forward this Bill.

Bidi workers are just like any other factory workers. The owners of the bidi factories try to defeat even the purpose of the labour laws by the branch system and the contract system as well as by other methods of exploitation. We, in Kerala, tried to legislate for the benefit and welfare of the bidi workers. Minimum wages were also fixed for the bidi workers but because the States of Mysore and Madras did not co-operate, that legislation was responsible for the migration of the industry from Kerala to

[Shri Koya.]

Tamilnad and Mysore. The workers were put to much difficulty because of the migration of the industry. So, if the Central Government takes the initiative and if a Central legislation, as envisaged by Shri Gopalan's Bill, is enacted the State Governments of Mysore and Madras will have to co-operate with the other Governments and a uniform legislation and uniform minimum wages will also be possible.

The big bidi factory owners try to defeat the labour laws as well as the factory laws, as I said earlier, by the branch system. Various branches of the same management and under the same trade mark are established at different places and only a few people are employed there and thus they escape from the factory laws.

The employment of children in the bidi industry also is a very serious problem and I am glad that Shri Gopalan has been careful enough to include a clause in the Bill to avoid the employment of children.

Then, retrenchment in the bidi factory is also a common problem which the unions and the workers have to face in our area.

Clause 16 provides:—

"No employer shall engage any woman worker for any outdoor work connected with the manufacture of Beedis or Cigars."

I know that this clause has been included to defeat the branch system, but those women who are working on a cottage industry level should not be put to any handicap.

With these words, I support this Bill.

Shri S. M. Banerjee: Mr. Deputy-Speaker. Sir, I should refer to the observation made by my hon. friend on the opposite benches regarding the Supreme Court's judgment. The Supreme Court's judgment was that bidi workers should not be considered as factory workers because they worked on contract. I can quote similar judgments where this contract system was referred to by many industries.

For instance, recently in some of the High Courts—I do not exactly remember in which High Court—it was said that some contractors were taking work from construction workers. They also referred to a case where the construction workers who are actually engaged on a contract system are entitled to minimum wages and other benefits under labour legislation. But the whole thing is not this. If we say that there is contract system in the bidi industry, the contract system is there in the name of piece-meal rate system in all the ordnance factories, textile mills and other industries, like docks etc. So, I would request my hon. friend kindly to view the entire problem before the working class and see whether this should be allowed to continue.

This House is supreme and any judgment passed by the Supreme Court or by the High Courts can be rectified or modified here. In this legislation, I am sure, Shri Gopalan somehow or the other missed this point, but when I had a discussion with him he did mention about the Supreme Court's judgment and I thought that in the statement of objects and reasons that would be included. So, because the Supreme Court has passed a judgment in favour of the employers who are taking every kind of hazardous work from small boys, women and other people, that should not stand in the way of our passing this legislation.

I would request the hon. Minister to accept this Bill. These bidi workers are not even paid the minimum wages. For instance, in Madhya Pradesh itself the total number of bidi workers is more than 2½ lakhs and I know that with the exception of a very few in three or four places no worker is getting even Rs. 1-12 which is supposed to be the minimum wage for bidi workers.

I fully support this Bill. It is quite exhaustive and such a comprehensive piece of legislation is going to help.

Another point which I wish to make is this. At this hour the country

needs production in all quarters. Previously if the bidi workers did not get a fair deal from the employers, they could have gone on strike. They could have demonstrated their sentiments which were actually the manifestation of their anger against the employers. But what will happen today when we are having an emergency in the country and when we do not want any strikes or lock-outs and when we want production to increase in every field, whether it is bidi or cigars. We should not say that it is unnecessary. Smoking, unfortunately, has become a habit with people in this country and it has increased to a great extent. If we do not want any struggle for minimum wages or for other amenities to come, such a legislation is necessary.

It is not the question of bidi industry alone. For every industry there should be legislation so that workers can possibly ventilate their grievances through the various provisions of the law. I would, therefore, request the hon. Minister, taking the present situation of emergency also into consideration, to accept this. If it is not possible for him to accept it immediately, let him make a promise that inspectors will be deputed to see that this sweat-ed labour ends and the workers are given something in the form of better wages, better amenities and so on.

With these words I support this Bill.

Shri Umanath (Pudukkottai): One question I would like to put.

Mr. Deputy-Speaker: There is no time. Your leader will take care of the Bill.

Shri Umanath: There is a latest development which I would like to submit. Then, the Minister may reply.

Mr. Deputy-Speaker: One minute.

Shri Umanath: Even in a State where the State Government brings in legislation, the latest method of circumventing the legislation is for the employer to take out an L.2 licence.

Then, the State legislation will not cover that. What the owners are doing is this. They are taking out L.2 licences in the name of their henchmen. In this manner, 85 L.2 licences are owned by one owner in Vellore. Myself and Shri A. K. Gopalan suggested to the Finance Minister that hereafter when L.2 licences are applied for by people at least the Labour department of the State may be consulted and verified whether it is meant to circumvent the law or otherwise. The Finance Minister replied that we cannot deviate from the ordinary business practices. Even with a State where the legislation is there, this is the latest method that is adopted. Women work throughout the night without sleep for pasting the strings at the rate of one and a half annas per thousand. They can roll 3000 bidis. To earn 4½ annas, they go without sleep. Such being the sweated nature of the industry, it is high time that Central legislation is brought.

श्री ह० च० सोय (मिहभूम) : उपाध्यक्ष महोदय, जब बीड़ी के मजदूरों के सम्बन्ध में कानून बन रहा है तो मैं चाहता हूँ कि आपके जरिए मेरे लेबर मिनिस्टर को अपने इलाके के बीड़ी मजदूरों के बारे में बतलाऊँ।

हमारे अपने अकेले जिले में करीब ३० हजार मजदूर बीड़ी बनाने वाले हैं। जैमा कि अभी माननीय सदस्य ने कहा वे करीब करीब बीस घण्टे रोज़ काम करते हैं, सबसे से लेकर गत तक। सबसे ज्यादा शोषण उनका इसलिये होता है कि उनकी मजदूरी को मुरक्खा का कोई छिकाना नहीं है। इसके अलावा उनके स्वास्थ्य आदि के लिये भी कोई इन्तिजाम नहीं है। बच्चों से भी मजदूरी कराई जाती है और वे स्कूल नहीं जा पाते हैं।

मबसे बड़ी बात यह है कि जो बीड़ी ये मजदूर मालिकों के पास जमा करते हैं उसकी उनको मालिक पूरी मजदूरी नहीं देते। उनकी मजदूरी का करीब दसवां हिस्सा यह कह कर काट लेते हैं कि बीड़ियां खराब हो गयीं। लेकिन असल में होता यह है कि उन खराब बीड़ियों को नष्ट नहीं किया जाता और

[श्रो ह० च० सोय]

मालिक उन को भी बेच लेते हैं। इस प्रकार सरासर बीड़ी मजदूरों की कमाई की लूट की जाती है।

इस बिल में जो बीड़ी मजदूरों के सम्बन्ध में मिनिमम बेजेज और प्राविडेंट फण्ड आदि के बारे में इन्तजाम हो रहा है, इसलिये यह बहुत अच्छा बिल है और में सहर्ष इसका स्वागत करता हूँ और आशा है कि मन्त्री महोदय इस सम्बन्ध में अच्छी तरह से विचार करेंगे।

Shri Hathi: Mr. Deputy-Speaker, Sir, I have heard the arguments advanced by Shri A. K. Gopalan and other hon. Members. The condition of the bidi workers has attracted the attention of all concerned and a committee was appointed as stated by Shri A. K. Gopalan. The Committee gave a report according to which the condition of the workers was not satisfactory.

I may say at the very outset that we have full sympathy with the bidi workers and their conditions should be improved. There cannot be two opinions about this. The Bill that has been moved by Shri A. K. Gopalan deals with various points; hours of employment, weekly holidays and wages, overtime wages, annual leave with wages, festival and national holidays, drinking water arrangements, arrangement for conservancy, medical facilities, sickness and maternity benefits, canteens, recreational facilities, guaranteed employment, retirement, retrenchment and dismissal, gratuity benefits, prohibition of out-door work for women, prohibition of employment of children, establishment of separate factories where a large number of women are employed, and such other matters.

As Shri Abid Ali had suggested as Shri A. K. Gopalan said, after this report, other Acts were passed and these Acts relate to several of these amenities which are sought to be given. But, I do not want to repeat the same re-

ply. Because, if these provisions have not been effective, something has to be done. I would not for one say that if there is something on the statute-book and it is not being implemented, and if the conditions of the workers are the same, nothing should be done. I would not take that stand.

Shri A. K. Gopalan: May I make a clarification? What I said was, even as far as minimum wages are concerned, if there is minimum wage legislation in one State, that cannot be implemented because the whole industry will go to another State.

Shri Hathi: I am exactly coming to that. I was only developing your point. I am coming to that. Therefore I said, there is provision for fixing of minimum wages and that has been done. We cannot rest satisfied with that. If the effect is, as they have stated, that they migrate to some neighbouring State, what has to be done. Therefore what I said was, simply saying that something is there on the statute-book, it is not enough. If the effect is what Shri A. K. Gopalan has stated, something else has to be done. It may be a Central Act or some other measures.

I will narrate to the House what we have done so that this migration can stop. That question has not remained unattended to. It has not been shelved. On the contrary, we have been constantly taking up this question in various Ministers' conferences, and inter-State committees. For this purpose, we had a meeting of the Inter-State Committee in 1958. There, this very question was taken up. The point suggested by Shri A. K. Gopalan is very relevant. Because if they migrate where there are higher wages, the industry will suffer. That may be possible if all of them migrate. The Committee recommended that all the State Governments should fix or revise the minimum wage rate in the industry in such a way as to avoid serious disparities and prevent migra-

tion of the industry from one State to another.

The State Governments were also requested to expedite action in this regard. We initiated action and requested the States that if they want to avoid this consequence, this is a measure which will be useful. There was another meeting later on. We saw some of the States had taken action. The Government of Madras has reported that under agreement reached between bidi workers and employers, the workers are now assured of wages at a rate higher than 1.50 for rolling 1000 bidis. The Government of Orissa also has revised the minimum wage to 1.50 for rolling 1000 bidis. That is uniform. Thus, the question of migration from one area to another may not arise.

The other question that was suggested was the employment of children and maternity benefits. Various Acts are applicable and the employment of children below the age of 14 is prohibited. The Maternity Benefits Act of 1961 will be brought into force. That will supersede these Acts. But, the position regarding the employment of women in factories still remains unchanged.

Then, the question was raised about the Supreme Court judgment. Again, I may submit that I would not say on the basis of that judgment that a beedi worker is not a worker, and, therefore, these amenities are not permissible to him. The Labour Ministry is considering this question and seeing how the definition of the term 'worker' will have to be amended so as to cover these people also. If we say on the one hand that we want that the benefits should be extended to the workers, and on the other hand we find that a beedi worker is not a worker according to the Supreme Court judgment, and, therefore, all the benefits which we say are derivable from the various labour legislations are not available to him, then that definition has to be amended. We are looking into this question, and we shall see that the definition is amended, if necessary, so that they are also covered.

Then, the point was raised that certain other benefits are not made available to them. We have discussed this question at length. There are certain practical difficulties. If there is one room or one house or one particular compound within which the workers come and work, then we can define a factory as a place where workers come and work, and all the conditions that we want to impose can be imposed. But there are cases where people take the beedi leaves to their houses and do the rolling there, and then give back the rolled beedis to the employer and get their wages. Let us consider what the effect would be if all this were stopped. Supposing we provide by legislation that no work should be given to outsiders.....

Shri A. K. Gopalan: May I explain the position as to what the Bill seeks to do? In the Statement of Objects and Reasons appended to the Bill it has been stated:

"The Bill seeks to put the Beedi and Cigar Industry on a factory basis while still protecting the self-employed worker."

So, the Bill contains provisions for protecting the interests of the self-employed worker. According to the Bill, the term 'self-employed worker' is defined as follows:

" 'Self-employed worker' means any person who takes a licence for rolling Beedis or Cigars himself without engaging any hired labour".

And the term 'workman' has been defined as follows:

" 'workman' means any person employed to do any manufacturing process concerned with Beedi or Cigar Industry for hire or reward and includes a person employed by a contractor, agent, or manager to work for the principal employer in whose name the trade mark of the product is registered under the Trade Marks Act, 1940".

[Shri A. K. Gopalan]

Therefore, it has been clearly provided here that if there is a self-employed worker engaged in this industry on a cottage industry basis, there is no harm, provided he does not give the *beedis* to an employer who has got a certain trade mark, but gives only to some ordinary small merchant. If that is done, then we can see that the Factory Act is implemented, and the factory conforms to the provisions of the Act. So, if this legislation is there, then a self-employed worker is protected, and at the same time, he will not be allowed to sell the product to those who have got a trade mark.

Shri Hathi: In fact, I was referring to that particular point. When I said that we have discussed all the aspects, I implied that this was also one of the aspects which we considered. So, this problem is not left unattended to. What I am aiming at is that there are various difficulties. We have looked into these difficulties. If there are legal impediments, then they have to be remedied. If there are practical difficulties they have to be remedied. So, in considering all these aspects, it is not as if the point raised by my hon. friend has been left out. That is what I would like to submit before the House.

Subsequently also, in order to remove some of the difficulties, the State Governments have again been requested to take the necessary action. For example, the Government of Madhya Pradesh has amended the definition of the term 'employer' in section 2 (3), and have incorporated a new section 18A of the Act to enforce the liability of the principal employer as well as that of the contractor. After that, the Supreme Court judgment has come. But that does not matter. We shall see how the definition has to be amended.

There was also another case referred to by my hon. friend Shri S. M. Banerjee who is not here at this moment, and that was in regard to contract labour, where the worker was entitled to the benefits of the provi-

dent fund. But the Supreme Court has held that the contractor was in no way liable, because as between the main employer and employee, there was no relationship of employer and employee, since there was a contract in between, and, therefore, the benefits of the provident fund were not available, and the contractor was not at all liable to make those contributions. But that was a different case altogether. That had nothing to do with the present case.

The case here relates to a situation where it has been stated that a *beedi* worker is not a worker according to the definition. But I may assure the House that we shall take suitable action to amend the definition, if necessary, so that the *beedi* workers also are benefited.

Then, the Government of Madras have enacted special legislation for the *beedi* industry, known as the Madras Beedi Industrial Premises Regulation Act, 1958, providing for licences for all *beedi* industrial premises. The Governments of the States in South India, namely Kerala and Mysore are also contemplating legislation on the lines of the Madras Act.

Also, in an informal meeting held in 1961, the position was reviewed again, and we again requested the States to fall in line with the recommendations so that the hardships that have been experienced by the *beedi* workers could be eliminated.

After all, we should realise that this is an unorganised industry. In the case of an organised industry, there is a regular trade union, and they have got the collective power and they can negotiate or bargain with the employers. That is feasible in an organised industry, but here we have to deal with the matter more carefully, and we have to see that the interests of these workers are better preserved and that they are not unnecessarily put to hardships, and that should be done by adopting all practical measures.

so far as the various amenities and facilities are concerned, they are covered by the various provisions. In respect of whatever is missing such as in regard to the definition etc. I can assure my hon. friend that Government will look into the matter.

Shri Umanath: What about the latest method adopted for escaping the provisions of the Act within the State by resorting to L-2 licences?

Shri Hathi: We shall take that also into consideration. Somehow or other people try to evade even the best of laws. We shall look into that matter also. Therefore, I would assure the House that we are mindful of the interests of the beedi workers, and we shall take steps to remedy the defects by suitable legislation.

I hope that in view of this assurance, my hon. friend Shri A. K. Gopalan will withdraw this Bill.

Shri A. K. Gopalan: As far as the condition of the beedi workers is concerned, the hon. Minister also has admitted whatever I have said in this regard, and he has told us that Government are considering the whole matter. I only want to know from the hon. Minister what difficulty there is in having an all-India legislation of a comprehensive nature. The hon. Minister has not touched this point at all, because he has said that today this industry is an unorganised industry.

I would submit that it would be unorganised, because when once you try to organise it what will happen is that there will be no factory. Suppose you try to organise a factory and apply to it the Minimum Wages Act, at once the factory will disappear, and the contract system will come in. Eight or nine people would function as agents, and they will come in place of the factory. That is the reason why this industry is not able to organise itself, because the moment organisation is done, where there are factories, they would cease to be factories. The workers feel

that even if we try to organise them on a trade union basis, they would not be there in the factory, and, therefore, it is perhaps better to leave it as it is.

As far as the difficulties are concerned, if the hon. Minister could give us an assurance that within one year all the States would be asked to have legislation in this regard....

Shri Hathi: Yes.

Shri A. K. Gopalan: ...then I would welcome it; and if the States do not have any legislation on this basis, then the Central Government must see that they bring forward a comprehensive legislation.

Shri Hathi: In fact, we have asked the State Governments to take action. But, some States have said, for example, that they have no problem at all in the beedi industry. So, where such problems are not there, they need not have any legislation. But we shall again write to the States that they must have suitable legislation.

Shri A. K. Gopalan: There are two things in this connection. One is that there should be legislation in all the States, which is not the case at present. Secondly, even if there are legislations, I am afraid the implementation is not there, because it is not effectively enforced. So, I would request the hon. Minister to examine the working of the legislations in the various States, see how they are implemented, and then bring forward a comprehensive all-India legislation. After all, the question today is not whether there must be an all-India legislation, because we say that there must be a comprehensive legislation. For, we find from our experience of the last several years that even in the States where such legislation is there, the implementation is not effective. Therefore, Government should look into this matter and see that this sweated labour is protected, because it can no longer afford to wait.

[Shri A. K. Gopalan]

If the hon. Minister is prepared to give us an assurance on these lines, then I shall certainly be prepared to withdraw the Bill, because I know that there is no use of putting this Bill to vote, and I had brought this forward only to draw the attention of Government to this matter because it is high time that something is done to improve the conditions of these workers.

Shri Hathi: If the hon. Member requires any assurance, I would say that we shall see that the condition of the beedi workers is improved by suitable legislation in the States.

As regards all-India legislation—take for example, the question of fixing wages, different wages have to be fixed according to various localities. Perhaps legislation is not the remedy for it. The remedy is to have a joint board of neighbouring States, four or five. They can fix the rates, decide the conditions etc. I can say here and now that we shall have such joint boards for three or four neighbouring States. The question is of migration and other things.

Shri A. K. Gopalan: Also implementation.

Shri Hathi: We have already decided to have joint boards of neighbouring States.

Shri Narendra Singh Mahida: May I seek some information? There are various tobacco associations in the country. Can you not persuade them, if they do not come under the Factories Act, at least on humanitarian grounds to pay heed to you?

Shri Hathi: The point here is that there are certain provisions which are covered in the Factories Act. That they are bound to observe. The question is of fixing the rate of wages. If rates are fixed higher in one area as compared to a neighbouring area,

then there is the question of migration. Therefore, it is that three or four neighbouring States would have a joint board. We have already done that. They can consult the employers' organisations and workers' unions or individuals and then have a wage fixing machinery which will look into these things. We will have those joint boards.

Shri A. K. Gopalan: This is the second time I am bringing this matter to the notice of Government. In view of the assurance of the Minister that their conditions will be looked into and also in view of his statement that certain things have already been discussed and he will take action, I beg leave of the House to withdraw the Bill.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw the Bill:

Some Hon. Members: Yes.

The Bill was, by leave, withdrawn.

15.33 hrs.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of articles 136, 226 etc.)
by Shri Shree Narayan Das.

Shri Shree Narayan Das (Durbangha): May I seek your indulgence to introduce my Bill?

Mr. Deputy-Speaker: He was absent when called.

Shri Shree Narayan Das: I was in a meeting of the Estimates Committee.

Mr. Deputy-Speaker: He may move for leave to introduce it.

*Published in the Gazette of India Extraordinary, Part II—Section 2, dated 16-11-62.

Shri Shree Narayan Das: I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri Shree Narayan Das: I introduce the Bill.

—
15.34 hrs.

HINDU MARRIAGE (AMENDMENT) BILL

(Amendment of section 23) by Shri J. B. S. Bist.

Shri J. B. S. Bist (Almora): I beg to move:

"That the Bill further to amend the Hindu Marriage Act, 1955, be taken into consideration."

Amongst Hindus, marriage was a solemn tie and sacred and it was never to be dissolved. But the progress of time and circumstances made us adopt the Hindu Marriage Act. In that Act, judicial separation and divorce is provided for under section 10 which reads:

"Either party to a marriage, whether solemnised before or after the commencement of this Act may present a petition to the district court praying for a decree for judicial separation on the ground that the other party has deserted the petitioner...."—I am quoting (f) with which I am concerned—"has, after the solemnization of the marriage, had sexual intercourse with any person other than his or her spouse."

Section 13 which provides for the dissolution of marriage by a decree

of divorce also provides nearly the same grounds. In sub-clause (1) of clause 13, we have the words 'is living in adultery'. These two items are the subject matter of my amendment. In section 23, we have the procedure which is adopted by courts in granting or disallowing the decree of awards of judicial separation. I have proposed that:

"In section 23 of the Hindu Marriage Act, 1955, after sub-section (2), the following sub-section shall be inserted, namely:

'(3) In any proceedings under this Act, whether defended or not, if the court comes to the finding that the ground of the petition is the ground specified in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 and that such ground is false, it shall grant damages by decree in favour of the person defamed thus in the same proceedings upto a maximum of five thousand rupees, whatever be the fate of the petition on other grounds."

In my statement of objects and reasons, I have observed:

"It has been observed that false and frivolous allegation of the nature mentioned in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 of the Hindu Marriage Act, 1955, are made in the position under this Act to coerce or defame the other party, which ultimately fail but cause harm to the reputation and character of the aggrieved party."

I thought a deterrent was needed to keep this kind of allegation out of the proceedings unless of course it was true and could be proved.

It is true that this ground of adultery on the part of one of the partners—having sexual intercourse with a person who is not wedded to the party—is very hard to prove, espe-

[Shri J. B. S. Bist]

cially in India. But it is also noted that it has been used very loosely, and the motive behind was either to defame the other party or to coerce it into terms which one of the parties thought he or she should obtain.

Even while passing this Act, the legislators, the Members of this House, have treated marriage as sacred. By section 22 they provided that these proceedings shall be conducted *in camera* and by section 23, they provided that before proceeding to grant any relief under this Act, it shall be the duty of the court, in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties. After all, circumstances and conditions existing as between husband and wife may make divorce proceedings necessary. But all over the world, including western countries, these proceedings are not looked upon with favour and they constitute a stigma. When allegations are made, as I have submitted before, the damage is done. We know that it is the intention of the legislature and that the courts have been definitely directed that everything should be done to see that the parties are reconciled. It has also been noted that when such charges of adultery and sexual intercourse are not involved, it has been found easy to bring about a compromise, but when one of the parties has levelled this charge, it becomes next to impossible to bring about a compromise. That is understandable. After all, human nature is human nature and, especially for a woman, it becomes very hard, as she is placed, to refute a statement which is absolutely false. I have therefore thought that a deterrent like this would make people think twice and that only such cases would go to the court that would be genuine.

It may be said that the Civil Procedure Code applies to the proceedings under this Act. That is

true, but then this does not cover the contingencies of which I am thinking. It only considers the case when the case has been successful and the court has found that the proceedings were malicious, frivolous and false. In this case, I submit, according to this amendment even if the case succeeds, if the allegation which I have mentioned in the amendment is found to be false and frivolous, the court will have the authority to impose a penalty of Rs. 5,000 on the party concerned. That is the difference.

It may also be said that there is the law of libel, but that means going to another court. The forum would be different and then we may have to prove malice which, under these relationships, is not an easy task.

The same thing applies to a suit for damages.

In criminal cases, in the case of libel, we know that such cases are not very easy to proceed with and need all attention and good legal advice. Also, it would be putting the party to extra expense, because one has to go to another court. What I propose is that the matter should be decided by the same original court before which the witnesses would be passing, which would notice the demeanour of the witnesses, the demeanour of the petitioner and the opposite party. That court would be in a better position, rather than the other court where things would be staged afresh, to come to a correct judgment. I therefore submit that this Bill needs full consideration.

I find that an identical Bill was moved in this House by Shri Sarhadi on 24th February, 1961. I may bring to the notice of the House the remarks made by the hon. Deputy Minister of Law at the time. He said:

"Personally speaking, I have very great sympathy for the sentiment expressed in the Bill. If marriage as an institution has survived, if marriage is one of

the stable institutions of Hindu society. it is because it is based upon this sentiment which is the common heritage of the whole of Hindu society. I therefore would support the principle of the Bill."

He has further gone on to say:

"The only question is, in this particular case, if an allegation happens to be false and frivolous, whether it should be liable to be compensated by a larger measure of damages. That is a fact which, as I said, would depend upon the general public opinion. That is the limited question which in fact would be referred to public opinion because, as I pointed out, section 35A is wide enough to cover a case like this."

I came to know about it rather late. It was circulated for public opinion and public opinion has been received. I do not know if this information was circulated to the Members, but it is there. I have been able to get the copies, and I have gone through them. I have not been able to tabulate it because I got it late, but I find the majority opinion is in favour of this amendment. Of course, there are also suggestions that the amount of Rs. 5,000 is too heavy, that it may be Rs. 1,000 and that the word should not be "shall" but "may".

May I request the hon. Deputy Minister of law to take these facts into consideration? I do not say that my Bill is very well drafted or is excellent. In the opinions received on Shri Sarhadi's Bill I think there are many things which need consideration. I concede that. Taking into consideration the view of his predecessor, I hope the hon. Deputy Minister will be able to pay attention to this matter and see that something is done.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Hindu Marriage Act, 1955 be taken into consideration."

One hour has been allotted. We have taken 15 minutes.

Shri Tyagi (Dehra Dun): I want to put one question. How long will this take? Though I sympathise with my hon. friend, those who have entered into marriage can divorce and finish with it, but the country would not relish the idea that Parliament should be discussing marriage at this time.

Shri J. B. S. Bist: Wars will go on, marriages will go on. I do not understand the argument, with due respect to Shri Tyagi.

Shri Tyagi: Not divorce.

Shri Oza (Surendranagar): I can very well appreciated the feelings of my hon. friend Shri Tyagi, but so long as cases go to the law court, so long as they are agitated and fought out there, there is necessity to raise these debates, unless all proceedings in courts are stopped and they adjourn *sine die* till the war is over.

I whole-heartedly support the amendment brought forward by the hon. Member. This thing takes us to the very root of the whole thing, that pleadings in our courts of law are so frivolous. Every conceivable plea is taken by a defendant, and the plaintiff also, when going to court, does not go to the real issue, but tries to take resort to all sorts of frivolous pleas, thinking that perhaps some of it would appeal to the court, or the defendant may succumb to some of them. The defendant is also encouraged to take any plea imaginable under the sun.

We know that in such cases usually this plea is taken simply to blackmail the plaintiff. I know of a case in which even an old woman who had filed a petition had to face this plea. When the defendant was confronted and asked when this adultery took place,

[Shri Oza]

he was nonplussed, but the court was helpless, it could not give any relief at all.

The hon. Deputy Minister will perhaps argue that as the law stands today, even in the Civil Procedure Code there are sufficient provisions for granting damages when false and vexatious pleas are taken by parties, but we know that in rarely one case out of a thousand such damages are given by courts. The parties have again to resort to fresh litigation in order to get the damages for the blackmailing they have undergone. So, if there is a provision in this Act and the amendment is accepted, the courts shall have to give damages when they find that even though a party has won on a particular point, he did not resist the temptation of resorting to frivolous pleas. Such a provision is necessary if we want to improve the level of the pleadings in our courts of law and such a provision will have to be made not only in this Bill but in so many Acts so that the parties may immediately go to the real issue and not resort to frivolous issues. I wholeheartedly support the spirit behind the Bill and I request the hon. Minister to find out ways so that such frivolous pleas are not encouraged by the courts.

Shri M. L. Jadhav (Malegaon): I rise to oppose the measure before the House. In the first place, the Hindu Marriage Act is a civil law and not a criminal law and there is enough protection for the plaintiff or the defendant, even if frivolous or false pleas are taken by the parties and it is not necessary to introduce a penal provision here. If a false plea is taken, a defamatory suit can lie either in the civil or the criminal court. It is very difficult to prove adultery or sexual intercourse by one person with the other. In general persons are reluctant to come to the law courts to depose that one is in adultery with the other.

In these circumstances, when evidence is not possible and proof is difficult, are we to penalise a person because an allegation is not proved? For want of evidence the matter may fail. Now in the Hindu Marriage Act divorce is allowed only on certain conditions. In the world around, divorce is allowed on so many frivolous grounds. We are very conservative in that light. So, I feel that a measure which tries to penalise a party because something proves to be false should not be allowed to go on the statute book. Hence, I object to the measure that has been brought forward by the hon. Mover.

Shrimati Sarojini Mahishi (Dharwar North): Sir, I do appreciate the principles and the spirit behind this Bill, whose intention is that the parties who are put to suffering on account of such false pleas put forward before the court of law and whose reputation is damaged must be properly compensated and people should be deterred from putting forth such false pleas. Much has been said but how far it will prove favourable to the other party also must be taken into consideration. In the conditions existing today, the fear is, a male member may put forward such pleas against a female party and then it may be to the disadvantage of the female party. The female party will also be deterred from putting forth such pleas. Even though she considers it true, in case evidence is not proved to be correct or not accepted, it may prove to be false. The other party in whose interest we want to amend the law may feel like not putting forth the plea; that is just possible. Marriage is considered a sacrament in Hindu law; it was one of the *samskaras* enumerated by Manu, who admitted judicial separation and divorce under different circumstances.

'नन्दे मृते प्रवृजिते कलीवे च पतिते पतौ,
पंचम् आपत्तु स्त्रीणां पतिगन्धो विधीयते ।'

No such penalty has been put forward by Manu. In the present society we attach much importance to the material outlook rather than to the sacramental outlook; marriage has been reduced to a contractual bond. So we shall have to consider all these things. Sections 10 (f) and 13(1) of the Act are there; judicial separation or divorce may be granted if some conditions are proved and adultery in one amongst them. We find there are other circumstances also. There may be defamation against the defendant under section 497 of the Indian Penal Code where a husband makes a charge against a third party for being in adultery with his wife. Even though the wife is not directly a party there, she is brought in indirectly and there is a sort of defamation. Section 488 Cr. P.C. is there, where maintenance allowance is granted, a husband may try to escape that by proving that there is adultery. In such circumstances the party is defamed but there is no penalty for the person putting forth such pleas. The point is whether there could be any remedy for this under this section because there is no other remedy in the other circumstances.

I do appreciate the spirit of this Bill. There must be some remedy. Even though there is no such remedy under section 497 IPC or 488 Cr. PC, section 35(a) of the CPC affords compensation. Anyway, the arguments in favour of this amendment may also prove to be rather not so helpful to the other party under some circumstances. When equally effective remedies are available, they must see whether this particular remedy will be as forceful and effective. If it is not so, it is no use amending this particular section.

16 hrs.

One of the grounds for judicial separation is that a spouse is in adultery. Here the same ground cannot be put forth by the other party. When a Bill was circulated for eliciting public opinion, eminent judges have given their opinion to the effect that in a society which is mainly dominated

by man—I am sorry for using that word—it is the man who always puts forth frivolous pleas that the woman is in adultery. But now equal opportunity is also given to the woman to put forth this plea. She may find that her evidence may not be valid. Witnesses who come to give evidence in favour of a particular party may turn hostile when they are examined or cross examined. The witnesses may turn hostile and prove that the evidence given is not correct. Therefore, much depends not upon the actual and direct evidence brought in but on the circumstantial evidence as is found in such cases. It is very difficult to say whether this particular, frivolous charge is quite acceptable or not. It is very difficult to prove it. Therefore, it is equally difficult to prove whether it is in favour of the male member or in favour of the female member. Therefore, in this society where the woman is accustomed to or who considers this marriage as a sacrament, who rather hesitates to put forth the plea and who rather hesitates to go in divorce to sue, may still be deterred from going in, such cases. I do not mean that such cases must be encouraged. But, when there is provision in the Hindu Marriage Act for taking advantage of this, which was denied before the codification and passing of the Hindu law in 1955, she should also be able to take advantage of this provision if she needs it. Therefore, it is quite essential that she should also be not deterred from putting forth this plea with the apprehension that this particular thing put forth by her may not be accepted, and as a result she may also be penalised. There is no such thing that only one party will be penalised and the same shall not be used as a remedy with reference to another party. One remedy which may be made applicable with reference to one party may be made applicable with reference to another party also.

Therefore, under the circumstances, when there was great opposition even

[Shrimati Sarojini Mahishi]

for the codification of the Hindu law and the Marriage Act, and there was great opposition for giving a share in the property of the father to the daughters and giving an absolute share to the widow, we find naturally that a woman who is aggrieved, who suffers on account of this will not come forward to put forth this claim and take advantage of this particular section. Therefore, in the interest of the weaker section of society, the House will reconsider this matter twice before amending the existing law.

Shri A. S. Alva (Mangalore): Mr. Deputy-Speaker, Sir, I oppose this amendment. In the first place, it may not be necessary because there is enough provision in the Civil Procedure Code itself. Because of the amendment to section 35, incorporating section 35A, if any litigation is false and frivolous or vexatious, the court has got ample powers to give compensatory costs. That is one safeguard, where false pleas can be dealt with by the court.

Secondly, no one can put in defamatory pleadings, if anyone puts in defamatory things or statements in any pleading, it is only qualified privilege. Anybody could be challenged both in a criminal court and a civil court for damages if any person has been defamed in pleadings. Here, as far as we are concerned, under the Hindu Marriage Act, a provision has been made for granting divorce. As a matter of fact, even judicial separation also requires certain conditions to be fulfilled. As far as divorce is concerned, there are stringent rules. ordinarily, adultery is one of the things that the party has to prove if the party has to get an order from the court for dissolution of marriage. As a matter of fact, it is a thing which cannot be directly proved; indirect evidence and circumstantial evidence have to be adduced before a court. According to the Bill, a person for fear of paying compensation—in certain cases the compensation may amount to Rs. 5,000

or so—he or she will hesitate and may not go to a court at all, if it is passed into law.

Let us take a case of a poor litigant—may be a woman or a man. That person wants to get the marriage dissolved or get a divorce. Simply because there may be a chance of failure he is afraid and he may not come before the court at all. At the same time, the idea of the Mover is to see that frivolous allegations are not made and the parties do not defame others and do not get away. For that reason, as I have already submitted, there is section 35A which has been incorporated in the Civil Procedure Code which applies to all proceedings. These proceedings will also come under the Civil Procedure Code which says compensatory costs may be awarded against the party, or compensatory costs may be given.

Secondly, as I said, as a matter of fact, if any party is falsely saying that adultery has been committed, there is ample provision in the law. Here, in these proceedings themselves, costs can be granted. Further, any third party aggrieved can certainly come forward even before a criminal court or a civil court and proceed to get the remedies. In the circumstances, this Bill is absolutely unnecessary, because the idea of the Mover himself is to see that some safeguards should be provided. They are already there. So, I feel that this is really redundant and it is unnecessary that the Hindu Marriage Act, so far as divorce is concerned, should be amended. So, I oppose this amendment.

Shri Tyagi: How can it be possible to prevent ladies from levelling false charge against their husbands? It is in their very nature.

Shrimati Lakshmikanthamma (Khammam): They must have learnt it from their husbands!

Shri K. K. Verma (Sultanpur): Mr.

Deputy-Speaker, Sir, I have heard the speeches of the hon. Members and I have also perused this Bill. In the Statement of Objects and Reasons, it has been stated thus:

"A deterrent is needed to the making of such false and frivolous allegations, and the only way is to vest the courts with power to grant damages, where such allegations prove false, whatever the fate of the petition be on other grounds."

I fail to understand one thing. This Bill presumes as if our courts are not vested with powers to grant damages. I think there are ample provisions in our civil law to grant damages. When the courts are already vested with such powers, how did it arise and how it came about that there is necessity for enacting a law in order to vest the civil courts with powers to grant damages? A reference has already been made to section 35A of the Civil Procedure Code and there is a provision for granting damages in case false or frivolous allegations are made. There is no restriction under section 35A for granting damages, to what extent the courts will grant damages, etc. There is unlimited power there. I find that that unlimited power has been restricted in this Bill to Rs. 5,000 only. It is just possible that the aggrieved party may be of a very high status and simply granting Rs. 5,000 may not be adequate, having in view the status of the aggrieved party. So, I think this Bill is uncalled for, and it is not necessary to put this Bill on the Statute-Book.

I also find that one thing is not necessary. Why should it be confined to the allegations specified in clause (f) of sub-section (1) of section 10 or in clause (i) of sub-section (1) of section 13? There may be other grounds also which may be false and frivolous, and I think when there is ample power vested in our courts to consider such cases and grant damages,

this Bill, from every point of view, is uncalled for, and it is not necessary to encumber our Statute-Book with such a measure.

With these words, I oppose the Bill.

The Deputy Minister in the Ministry of Law (Shri Bibhudendra Mishra): Mr. Deputy-Speaker, Sir, I am opposed to this amendment because I do not find myself in agreement with the statement of facts in the Statement of Objects and Reasons. The Statement of Objects and Reasons opens with these words: "It has been observed that false and frivolous allegations are made..." The hon. mover has not said where it has been observed that false and frivolous allegations are made. Has any case come anywhere to the knowledge of the hon. Member where false and frivolous allegations have been made? I refuse to believe that in a country like ours, with the tradition and the training that we have, with the social system that is obtained here, anybody, whether it is the wife or the husband, would like to go to a court of law and that again with a divorce petition. It ought to be noted that whenever a party is forced to go to a court of law he goes after great deliberation, anxious thought and with an agonising heart. It is not a pleasure for any party to go to a court of law with a divorce petition. And, assuming that he succeeds or assuming that he fails, the stigma that is attached to him by the society is so great that even if he wins or loses life becomes intolerable and unbearable. Therefore, to suggest lightly that our society has come to a stage where false and frivolous allegations are made is not to understand the true spirit and character of the society and, I would say, it is also not supported by any statement of facts anywhere.

Apart from that, as it has been pointed out by most of the hon. Members, if it is a vexatious or malicious prosecution, then other remedies are

[Shri Bibhudrendra Mishra]

also available both under the Civil and criminal law. Of course, the difficulty would be that one has to resort to a separate proceeding altogether. But in the same proceeding also, under Section 35A of the Civil Procedure Code the court has ample power to award costs. Of course, the cost is limited to Rs. 1000 whereas in the present amendment it is sought to be raised to Rs. 5000. May I ask whether any purpose would be served by raising this amount of compensation from Rs. 1000 to Rs. 5000? If at all a party wants to go to a court with a divorce petition, can this increase in the amount of compensation deter him from going to a court of law?

Then again, there is the other side of the matter, which has been pointed out by my esteemed friend, the hon. lady Member—I am sorry she is not present in the House now. She is afraid that the right that you give to a woman to go to a court of law with a divorce petition after so many long years will be negatived, will be taken away if you just impose this limit, this penalty, by accepting this amendment. Who knows,—after all, even if the case may be true, the court will determine on the basis of evidence because the courts are concerned with facts as disclosed by evidence—whether a case will be in the last resort proved to be false or frivolous? That danger, that apprehension is also there, that the whole idea underlying this provision for divorce which has been accepted and codified into law after great many deliberations and after very many years may be negatived by the acceptance of this amendment.

Reference has been made to the opinions received from the public. The hon. mover has said that the preponderant opinion is in favour of acceptance of this amendment. I would say that is not a correct statement of facts. Of course, there were opinions, all sorts of opinions, opinions accepting it, opinions objecting to it, opinions

suggesting different amendments or giving different suggestions and apathetic opinions also. Therefore, on the mere basis of opinions we cannot lightly take to a measure that, apart from causing inconvenience and putting a stigma on the society, may have a tendency of negativing the provision.

Therefore, Sir I request the mover to withdraw this Bill.

Shri J. B. S. Bist: Sir, I would like to say only one or two words. I think the hon. Deputy Minister has gone through these reports and read the judges' opinions. The answer to his first part about ideals and instances will be met by it, and I need say no further.

As to the opinions, I may say that I have gone through the opinions. I have not tabulated them, but they were suggestions which were worthwhile taking up. Some said the amendment should be there, some said that Rs. 5000 was a big penalty. I only suggested that if the hon. Minister could look into them it would be good. However, if, after all, the matter is to be dropped, I do not think there is any need to take up the time of the House any further, and I, therefore, beg leave of the House to withdraw the Bill.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw the Bill?

The Bill was, by leave, withdrawn.

16.16 hrs.

**LEGAL PRACTITIONERS
(AMENDMENT) BILL**

Shri Hem Raj (Kangra): Sir, I beg to move:

"That the Bill further to amend the Legal Practitioners Act, 1879 be taken into consideration."

Sir, the Bill that I am moving has got a limited scope. By this Bill, as it will be clear from the Statement of Objects and Reasons, I want to put in a few amendments to sections 14 and 15 of the Legal Practitioners Act. It has been necessitated because after the passing of the Advocates Act a very large number of legal practitioners still remain outside the purview of Advocates Act, 1961 who are governed by the Legal Practitioners Act. When we passed the Advocates Act, the idea was that all the lawyers who are practising at the moment might come under that Act. But in Section 55 of the Advocates Act it has been provided,

Legal Practitioners Act. 1879, or any other law;

shall, notwithstanding the repeal by this Act of the relevant provisions of the Legal Practitioners Act, 1879, the Bombay Pleaders Act, 1920, or other law, continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed or, as the case may be, to which he was subject immediately before the said date and accordingly the relevant provisions of the Acts or law aforesaid shall have effect in relation to such persons as if they had not been repealed."

"(a) every pleader or vakil practising as such immediately before the date on which Chapter IV comes into force (hereinafter in this section referred to as the said date) by virtue of the provisions of the Legal Practitioners Act, 1879, the Bombay Pleaders Act, 1920, or any other law who does not elect to be, or is not qualified to be, enrolled as an advocate under this Act;"

So, there may be certain persons who are not entitled to be enrolled as advocates. Then it says:

"(b) every attorney practising as such immediately before the said date by virtue of the provisions of the Legal Practitioners Act, 1879, or any other law who does not elect to be, or is not qualified to be, enrolled as an advocate under this Act;

(c) every mukhtar and revenue agent practising as such immediately before the said date by virtue of the provisions of the

Under the Legal Practitioners Act, Section 14 provide for the disciplinary action against the pleader and section 15 is concerned with the report which is made by the subordinate court to the high court. Before I deal with these provisions I just want to give you some background as to why I have moved this amendment. Sir, legal profession was considered to be a very very noble profession. Just as you, Sir, who belong to the legal profession, know most of the educated people from the earliest days were attracted towards it. Consequently its number increased from day to day and it gave good income. Mostly it were the legal practitioners and eminent lawyers who took the best part in the freedom struggle of our country and they became famous for their sacrifices.

At present their number—I have not been able to get the latest figures—as counted by the Law Commission is something like 76,000 or 80,000. Out of that number under the Advocates Act something like 36,000 are advocates and 40,000 are other revenue agents, mukhtars or pleaders. These pleaders have to practise not in the High Courts but in the subordinate courts.

[Shri Hem Raj]

Now, what happens in the subordinate courts? There are several courts which are situated at different places. The pleaders have to practise in the different courts in a variety of subjects. Some practise in the criminal courts, some in the revenue courts and some in the civil courts. When a pleader has to practise in the subordinate courts, he has to deal with various sorts of clients and various sorts of cases. In order to earn his livelihood, he has to take several cases. He is not like the High Court advocate who takes only one or two appeals and prepares those appeals. But the pleaders have to book 15, 20 or 30 cases if they are to set out their livelihood. They have to appear in different courts. Sometimes they are not able to appear in one court and the clients run after them. In between the case may be filed. It may happen that the pleader may have to draft so many plaints in a day and sometimes when he drafts the plaints, even by giving his best attention, he may not be able to put in certain facts. There may be cases where a pleader accepts a case. We have seen that the clients also have become too clever and sometimes the will not pay his fee. Once the pleader has accepted his *vakalatnama*, if he refuses to take up his case, the pleader becomes liable for misconduct or if the client does not pay and the pleader fails to appear in that case he comes under disciplinary action for misconduct. There may be other cases also. Suppose, a pleader is a member of the joint Hindu family and his family may be doing some professional business. If somehow or other some such application is made that he is doing money-lending or something of that kind. It may be that he may have to give up a case when the case may be weak one. Sometimes, suppose, the pleader thinks that the case can be won by producing one or two witnesses, but, fortunately or unfortunately, his judgement may not be justified and case may take a different turn. Every case goes by its own

strength or weakness but, after all, the pleader puts in his best effort. But certainly there are cases and cases which due to some mistake or other reasons may go wrong. In all such cases most of the clients at the instigation of somebody vexatious and false application against the pleaders. Once that application is made, an enquiry starts from below, either in the subordinate judge's court or in the magistrate's court. That enquiry takes a long time. Now, one does not like to appear for oneself in one's own case. Some may like. But this being quasi-judicial proceedings every pleader will not like that he should plead his own case. So, he shall have to engage a lawyer. Suppose, a lawyer is engaged then he is to put in witnesses in defence and he has to pay for the witnesses diet money. If, after a prolonged enquiry, that complaint is found to be false, the charge fails and the complaint is dismissed. Under the Legal Practitioners Act, no provision has been made for awarding him the cost. If the complaint is found to be correct and the charge is held against the pleader, the proceedings will go to the High Court under section 15 of the Act, but if the charge fails and it is dismissed, the proceedings do not go to the High Court.

Now, when that charge fails, what happens? The pleaders who has been harassed, gets no cost. At the same time, as you perfectly know, in the case of a pleader his reputation is at stake. Suppose, the client starts a vexatious proceedings, a propaganda starts that that particular pleader has taken so much money, without any foundation. By all these means the client tries to undermine the reputation of the pleader. Consequently, his reputation is undermined, he is put to a lot of worry and, ultimately, when the application which is filed against him is dismissed and he comes forward for the purpose of getting costs, the court says that because there is no provision in section 14 of the Legal Practitioners Act for awarding the costs the costs are not granted.

Shri Narendra Singh Mahida
(Anand): On a point of order, Sir. There is no quorum in the House.

the conclusion that no charge is established, he dismisses it.

Shri Hem Raj: There was no quorum formerly also but the proceedings were going on.

Mr. Deputy-Speaker: The bell is being rung.

Now there is quorum. The hon. Member, Shri Hem Raj, may continue his speech.

Shri Hem Raj: Section 14 of the Act says:

"If any such Pleader or Mukhtar practising in any subordinate Court or in any Revenue-Office is charged in such Court or office with taking instructions except as aforesaid, or with any such misconduct as aforesaid, the presiding officer shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration.

Such copy and notice shall be served upon the Pleader or Mukhtar at least fifteen days before the day so appointed.

On such day, or on any subsequent day to which the enquiry may be adjourned, the presiding officer shall receive and record all evidence properly produced in support of the charge, or by the Pleader or Mukhtar, and shall proceed to adjudicate on the charge."

In this section there are other clauses and I am reading only the relevant clauses. Thereafter the District Judge or the District Magistrate, whoever makes the enquiry, will record his findings and if he comes to

"Any District Judge, or with his sanction any Judge subordinate to him, any Judge of a Court of Small Causes of a Presidency Town, any District Magistrate or with his sanction any Magistrate subordinate to him and any Revenue Authority not inferior to a Collector, or with the Collector's sanction any Revenue officer subordinate to him, may pending the investigation and the orders of the High Court, suspend from practice any Pleader or Mukhtar charged before him or it under this section.

Every report made to the High Court under this section shall—

- (a) when made by any Civil Judge subordinate to the District Judge, be made through such Judge;
- (b) when made by a Magistrate subordinate to the Magistrate of the District, be made through the Magistrate of the District and the Sessions Judge;
- (c) when made by the Magistrate of the District, be made through the Sessions Judge;
- (d) When made by any Revenue officer subordinate to the Chief Controlling Revenue authority be made through such Revenue authorities as the Chief Controlling Revenue authority may from time to time, direct:—

Every such report shall be accompanied by the opinion of each Judge, Magistrate or Revenue authority through whom or which it is made."

The charge fails and the application of the client is dismissed, then the District Magistrate or the District Judge or the Subordinate court have got no power to award costs. In this

[Shri Hem Raj.]

respect, may I quote two rulings? One is the ruling of the Allahabad High Court in 1930, Allahabad 225. This ruling says on page 247 that the Legal Practitioners Act is a complete Code in itself and because it does not provide for the award of costs, if the charge fails, therefore, no costs can be granted. Similar is the case in 1943, Madras 250. The Madras High Court has held that if the charge fails, the Subordinate court has no power to grant any costs. Therefore, I have brought this Bill with this object in view that if the application given by a client is found to be vexatious or false, in that case, provision may be made in the Act itself for granting costs, under section 14. After paragraph 3, I want to add these words:

'If the charge fails and the pleader or mukhtar is acquitted, the court shall grant him the costs of the proceedings.'

In para 4, the following shall be added at the end:

"and award costs of the proceedings to the successful party."

I do not say only to the Pleader. Any party who succeeds should be granted costs. Under section 15 of the principal Act, when proceedings go to the High Court, I want to add at the end of the section:

"and award costs of the proceedings to the successful party."

In short, my simple prayer is that. This is an innocuous Bill, most harmless. Most of the pleaders and most of the lawyers are being deprived of their costs. They are being daily harassed by the clients. So, I have moved this Bill of mine.

An objection may be taken that under the Advocates Act which we have recently passed, provision has been made under section 43 providing for costs. If an application is made against an Advocate, provision has

been made in section 43 of the Advocates Act of 1961 that he may be granted costs. When we have accepted one principle in the case of Advocates, I do not see why a similar provision should not be made in the case of pleaders, who are practising in the subordinate courts. With these remarks, I commend this Bill for acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Legal Practitioners Act, 1879 be taken into consideration."

Shri Oza (Surendranagar): 'Mr. Deputy-Speaker, the Statement of Objects and Reasons and clause 2 which seeks to implement these objects and reasons are not consistent with each other. The Statement says that in case an application or complained filed against the pleader or mukhtar is dismissed and is found false, frivolous or vexatious, only in this case, the Mover of the Bill has contemplated that some provision should be made for granting costs to the pleaders who have been falsely harassed. But in clause 2 which enshrines the object stated in the Statement of Objects and Reasons, it is nowhere stated that the charge should be false, frivolous or vexatious. Even if the charge fails, he has to be awarded some costs or some damages. I think that that is not a happy state of affairs. These proceedings are of a quasi-criminal character.'

You know that these legal practitioners to whom this Act applies, particularly practice in the rural areas. As my hon. friend has stated, with whose sentiments I agree and which I appreciate very much, the small mukhtars are harassed very much by the small litigants. They take so much load on themselves that they cannot attend to all those cases. They have to run about all the time with the result that so many poor clients suffer, and their cases are dismissed

for want or appearance of the mukhtars and they lose their genuine remedies.

I am afraid that it will not be possible for me to support this Bill, particularly because, as I have stated, in the main provisions of this Bill it is not stated that only in cases where the proceedings are vexatious will costs be awarded, but it has been provided that even if the charge fails, the costs will be awarded. I think that that is not a happy state of affairs, and I am afraid that it will not be possible for me to support it.

Shri K. K. Verma (Sultanpur): So far as the spirit of the Bill is concerned, I have full sympathy with the Mover of this Bill. But the Bill is not happily worded. As has been pointed out in the Statement of Objects and Reasons, the object is that when a charge is found to be false, frivolous or vexatious, costs should be awarded. But we do not find those words and that spirit in the main body of the Bill.

I would also like to point out that in several cases the conduct of the party has also to be considered. Whatever the nature of the proceedings may be, sometimes it so happens that a party puts forward false pleas, tries to support them by false evidence and adopts a harassing and vexatious attitude. So, there should always be a discretion vested in the courts to award costs or not to award costs. The court has to consider several circumstances in awarding costs.

But according to this Bill as it has been worded, it seems that whenever a charge fails or the party is successful, then it becomes mandatory on the part of the court to award costs. I do not think that such a mandate is called for, and I hope the Mover of the Bill will withdraw it.

So far as the spirit of the Bill is concerned, I have already expressed

my feeling that it is laudable. So, I would suggest that my hon. friend may bring forward another Bill which is happily worded, and which serves all the purposes which we have in view.

The Deputy Minister in the Ministry of Law (Shri Bibhudhendra Mishra): After the passing of the Advocates Act, the picture has completely changed. You will find that so far as the advocates are concerned, the power to take disciplinary proceedings against them does not vest any more with the courts but with the Bar Councils. Provision has been made to that effect in the Advocates Act itself.

It is true that the right has been given under one of the sections of that Act for pleaders and mukhtars to continue their practice; those who are either not entitled to be advocates or who do not opt to be advocates can continue their right to practice as advocates. That right has been given under the provisions of the Act. But their number is negligible and would be negligible. That would be my first contention.

I would also point out that this amendment which seeks to amend sections 14 and 15 of the Legal Practitioners Act will be unnecessary in the sense that sections 14 and 15 of the Act itself will be repealed after Chapter Five of the Advocates Act comes into force. Therefore, this amendment will serve a very limited purpose. Steps are being taken to see that Chapter Five of the Advocates Act comes into force very soon.

There is also another matter under examination. It is to see whether the few pleaders or mukhtars who remain can be brought under the same disciplinary forum or jurisdiction. That may just be possible; I am not sure at this stage that they may also come under the same jurisdiction.

This Act of 1879 has stood the test of time so far, for 80 years or more without the need for any amendment.

[Shri Bibhudhendra Mishra]

It will not be fair now to accept an amendment when we are going to repeal the particular sections.

In view of these considerations, I would request the Mover to withdraw the Bill.

Shri Narendra Singh Mahida: Has any High Court recommended this measure?

Shri Bibhudhendra Mishra: Not to my knowledge.

Shri Hem Raj: So far as the opinion given by the Deputy Minister, namely, that after the coming into force of Chapter Five Advocates Act, this class of pleaders and mukhtars will become advocates, is concerned, I do not think it will be a correct statement. In any case, pleaders and mukhtars cannot become advocates as the Act at present stands. So all those persons who cannot be covered by the provisions of the Advocates Act will not be entitled to become advocates and they will still remain to be governed by the provisions of the Legal Practitioners Act.

As regards the question whether their number is dwindling or not their number will still remain sufficiently large.

But as the Deputy Minister has given an assurance that this aspect of the question whether they may also be brought under the same discipline as has been provided for advocates, is under consideration, my purpose in bringing forward the Bill is served and I beg leave of the House to withdraw my Bill.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw the Bill:

Some hon Members: Yes.

The Bill was, by leave, withdrawn.

Mr. Deputy-Speaker: As regards the other two Bills on the agenda, Shri M. L. Dwivedi and Shri D. C. Sharma are absent.

16.44 hrs.

The Lok Sabha then adjourned till Eleven of the clock on Monday, November 19, 1962/Kartika 28, 1884 (Saka).

[Friday, November 16, 1962/Kalika 25/1884 (Etc)]

ORAL ANSWERS TO QUESTIONS		COLUMNS 1941-82	WRITTEN ANSWERS TO QUESTIONS—contd.	COLUMNS	
S.Q. No.	Subject		U.S.Q. No.	Subject	
219.	Indian tea	1941-44	475.	Working group on Industrial Cooperatives	1990-91
220.	Cement factories	1944-48	476.	Ophthalmic Glass Factory, Du gap, ir	1991
221.	Steel Plant at Rokaro	1948-50	47.	New varieties of cloth in mills	1992
222.	Region-wise Organisations for exports	1950-52	478.	Export of bicycles, sewing machines and electric fans	1992-93
224.	Iron and steel distribution system	1952-54	479.	Nylon yarn factory in Kerala	1993
225.	Issue of industrial licences	1954-56	480.	Agartala Bidi Silpa Samabaya Samiti	1993
226.	Iron and steel plant in Andhra Pradesh	1956-58	481.	Export of medicinal herbs	1994
227.	Textile Machine industry	1958-61	482.	Foreign exchange resources	1995
228.	Export of seekings	1962-64	483.	Supply of C. I. sheets in Tripura	1995-96
229.	Purchase of jute	1964-68	484.	Cement production	1996
230.	Green tea	1968	485.	Oxygen plant in Heavy Electricals	1996-97
236.	Green tea	1969-72	486.	Blooms and slabs of Rourkela	1997
231.	Dispersal of industries	1972-73	487.	Interest due to TISCO and IISCO	1997-98
232.	Steel Plant in South	1973-76	488.	Internal transport in Rourkela	1998
233.	Fertilizer Plant for Madhya Pradesh	1977-79	489.	Iron and Steel Equalisation Fund	1998-99
234.	Cloth prices	1979-82	490.	Stainless steel plant in South	1999-2000
WRITTEN ANSWERS TO QUESTIONS.		1982-2020	491.	Lower-shaft furnace pig-iron plant	2000
S.Q. No.	Subject		492.	Licences for machine tool industries	2000-01
223.	Price of motor cars	1982-83	493.	Pig iron allotted to Punjab	2001
235.	Machine building for Foundry forge plants at Ranchi	1983	494.	Production of coke at Bhilai	2002
237.	Price of penicillin manufactured at Pimpri	1983-84	495.	New steel factories in Orissa and Madhya Pradesh	2002-03
238.	Reduction in price of Antimony metal	1984	496.	Manufacture of steel tapes	2003
239.	Tolbutamide tablets	1985	497.	Powerloom industry in Tripura	2003
240.	Export of textiles to U.K.	1985-86	498.	Price display	2004
241.	Sale of foreign drugs	1986-87	499.	Production of salt in Kathiawar Coast	2004-05
242.	Tea centres in European countries	1987	500.	Freight rates of coir manufactured goods	2005-06
U.S.Q. No.			501.	Companies Act	2006
470.	Te industry in North India	1987-88	502.	Fibre factory in Kerala	2006-07
471.	Production-cum-Training Centres in Tripura	1988-89			
472.	Weavers' colonies in Tripura	1989			
473.	Price of wool and woollen cloth	1989-90			
474.	Interest free loans to industrial concerns	1990			

WRITTEN ANSWERS TO
QUESTIONS—contd.

S.Q. No.	Subject	COLUMNS	COLUMNS
503.	Mechanised brick-kiln in Madras	2007-08	(c) Notification No. 2(1)-T. R./62 dated the 14th November, 1962 (together with its Hindi version).
504.	'Closure Fund' for cotton textile industry	2008	(d) Statement explaining the reasons why a copy each of the documents at (a), (b) and (c) above could not be laid on the Table within the period prescribed in the said sub-section.
505.	Closure of cotton textile mills	2008-09	
506.	Business Houses	2009	
507.	Factory sheds in Delhi for Firms	2010	
508.	Black-marketing of newsprint	2010	(2) A copy of Report of the Working Group for the Hosiery, Knitting and Embroidery Industries.
509.	Exports	2010-II	
510.	Tea cultivation in Uttar Pradesh	2011-12	(3) A copy of the Woollen Textiles (Production and Distribution Control) Second Amendment Order, 1962 published in Notification No. S. O. 3336 dated the 2nd November, 1962 under sub-section (6) of section 3 of the Essential Commodities Act, 1955.
511.	Trade delegations to East European countries	2012	
512.	Licensing of new Industries	2012-13	
513.	Drug industry	2013	
514.	Import of printing machinery	2013-14	
515.	State Trading Corporation	2014	
516.	Import of rock salt from Pakistan	2014	(4) A copy of the explanatory statement giving reasons for immediate legislation by the Defence of India Ordinance, 1962 (No. 4 of 1962) and the Defence of India (Amendment) Ordinance, 1962 (No. 6 of 1962) was laid on the Table under Rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.
517.	Trade with Yugoslavia	2015	
518.	Tea export	2015-17	
519.	Jute mills	2017	
520.	Titagar Jute Mills	2017-18	
521.	Paper mill in Ghazipur (U.P.)	2018	
522.	Export prices tobacco	2018-19	
523.	Cooperative tea factory in Kangra	2019	MESSAGE FROM RAJYA SABHA
524.	Establishment of Newsprint factories	2019	Secretary reported a message from Rajya Sabha that at its sitting held on the 14th November, 1962, Rajya Sabha had passed the Indian Sale of Goods (Amendment) Bill, 1962
525.	Export of monkeys	2020	
526.	Rubber requirements	2020	
PAPERS LAID ON THE TABLE		2020-21	

(1) A copy of the following paper under sub-section (2) of section 16 of the Tariff Commission Act, 1951:—

(a) Report (1962) of the Tariff Commission on the continuance of protection to the Stearic Acid and Oleic Acid Industry.

(b) Government Resolution No. 2(1)-T. R./62 dated the 14th November, 1962 (together with its Hindi version).

PAPERS LAID ON THE TABLE—contd.

(c) Notification No. 2(1)-T. R./62 dated the 14th November, 1962 (together with its Hindi version).

(d) Statement explaining the reasons why a copy each of the documents at (a), (b) and (c) above could not be laid on the Table within the period prescribed in the said sub-section.

(2) A copy of Report of the Working Group for the Hosiery, Knitting and Embroidery Industries.

(3) A copy of the Woollen Textiles (Production and Distribution Control) Second Amendment Order, 1962 published in Notification No. S. O. 3336 dated the 2nd November, 1962 under sub-section (6) of section 3 of the Essential Commodities Act, 1955.

(4) A copy of the explanatory statement giving reasons for immediate legislation by the Defence of India Ordinance, 1962 (No. 4 of 1962) and the Defence of India (Amendment) Ordinance, 1962 (No. 6 of 1962) was laid on the Table under Rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

MESSAGE FROM RAJYA SABHA

Secretary reported a message from Rajya Sabha that at its sitting held on the 14th November, 1962, Rajya Sabha had passed the Indian Sale of Goods (Amendment) Bill, 1962

BILL PASSED BY RAJYA SABHA LAID ON THE TABLE

Secretary laid on the Table the Indian Sale of Goods (Amendment) Bill, 1962, as passed by Rajya Sabha.

BILLS INTRODUCED

(1) The Gift-tax (Amendment) Bill, 1962.

(2) The Defence of India Bill, 1962.

2022

2022

2029-39

BILLS INTRODUCED—Contd.
COLUMNS

(3) The Delimitation Commission Bill, 1962.
 (4) The Appropriation (Railways) No. 5 Bill, 1962.

BILLS PASSED 2039—91

(i) The Deputy Minister in the Ministry of Railways (Shri Shah Nawaz Khan) moved that the Appropriation (Railways) No. 5 Bill, 1962 be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.
 (ii) The Minister of State in the Ministry of Irrigation and Power (Shri A. Nagiyan) moved that the Electricity (Supply) Amendment Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.

(iii) The Minister of Commerce and Industry (Shri K. C. Reddy) moved that the Companies (Amendment) Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED. 2091—98

Tenth Report was adopted.

**PRIVATE MEMBERS' BILLS INTRODUCED 2092—93,
 2120—21**

(1) The Central Silk Board (Amendment) Bill, 1962 (*Amendment of sections 4 and 6*) by Shri Sham Lal Saraf.
 (2) The Length of Cinematograph Films (Ceiling) Bill, 1962 by Shri Kameshwar Tantia.
 (3) The Delivery of Books and Newspapers (Public

PRIVATE MEMRS. RS. ILLS INTRODUCED—*contd.*

COLUMNS

Libraries) Amendment Bill, 1962 (*Amendment of section 2*) by Shri C. K. Bhattacharyya.

(4) The Constitution (Amendment) Bill, 1962 (*Amendment of Articles 136, 226, etc.*) by Shri Shree Narayan Das.

**PRIVATE MEMBER'S BILL—
 POSTPONED 2093—94**

Shri Raghu Nath Singh moved that further discussion on the motion to consider the Constitution (Amendment) Bill (Amendment of Article 226) by Shri D. C. Sharma, be postponed to the next day for disposal of Private Members' Bills. The motion was adopted.

**PRIVATE MEMBERS' BILL
 WITHDRAWN 2094—2148**

(i) Shri A. K. Gopalan moved for consideration of the Beedi and Cigar Labour Bill. He also replied to the debate. The Bill was, by leave, withdrawn.

(ii) Shri J. B. S. Bist moved for consideration of the Hindu Marriage (Amendment) Bill (*Amendment of section 23*). He also replied to the debate. The Bill was, by leave, withdrawn.

(iii) Shri Hem Raj moved for consideration of the Legal Practitioners (Amendment) Bill (*Amendment of sections 14 and 15*). He also replied to the debate. The Bill was, by leave, withdrawn.

**AGENDA FOR MONDAY,
 NOVEMBER 19, 1962; KARTIKA 28, 1884 (Saka)**

Consideration of Demands for Supplementary Grants (General) for 1962-63 and consideration and passing of the Defence of India Bill.