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Friday, September 13, 1963  
Bhadra 22, 1885 (Saka)

# LOK SABHA DEBATES

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Volume XXI, 1963

[September 10 to 21, 1963/Bhadra 19 to 30, 1885 (Saka)]



FIFTH SESSION, 1963/1885 (Saka)

(Vol. XXI contains Nos. 21 to 30)

LOK SABHA SECRETARIAT  
NEW DELHI

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

LOK SABHA

Friday, September 13, 1963/Bhadra  
22, 1885 (SAKA)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Building for State Trading Corporation

+

\*652. { Shri Yashpal Singh:  
Shri Sidheshwar Prasad:

Will the Minister of International Trade be pleased to state:

(a) whether it is a fact that Rs. 5500 is being paid per month by the State Trading Corporation for housing the offices in Express Building at Mathura Road, Delhi;

(b) whether it is also a fact that a sum of more than one crore of rupees is lying with Corporation for the construction of office building; and

(c) if so, the steps being taken for the construction of building?

**The Minister of International Trade (Shri Manubhai Shah):** (a) The State Trading Corporation is paying at present Rs. 73,900 per month as rent for the accommodation under its occupation in the Express Building.

(b) and (c). A plot measuring 1.76 acres on Janpath has been proposed for allotment by the Ministry of Works, Housing and Rehabilitation for the construction of Office building for the State Trading Corporation. The vacant possession of this land is expected to be made available early

next year. In the mean time, the plans and estimates for the construction of the proposed building are being processed by the Corporation. The construction will be financed out of the building reserve which has been specifically created over a period of years and which now is over a crores of rupees.

**Shri Yashpal Singh :** स्टेट ट्रेडिंग कारपोरेशन की इमारत के लिए दिल्ली में बाहर कहां जमीन नीं जा रही है?

**Shri Manubhai Shah :** जनपथ के पास इस इमारत का निर्माण होना है। दो एकड़ जमीन मिल रही है। जहां अभी एम० पी० सा० बान के पुराने हाउसेज हैं वहां पर यह बननी है। नये हाउसेज उनके लिए बनने वाले हैं जिनमें कि उनको पुराने हाउसेज से शिफ्ट कर के ले जाया जायेगा। जब वह खाली हो जायेंग तो वह जगह हम को दे देंगे और उस जमीन पर इसकी इमारत का निर्माण तब शुरू किया जायेगा।

**Shri Yashpal Singh :** यह स्टेट ट्रेडिंग कारपोरेशन और किन किन कामों में हिस्सा लेने जा रही है और कौन कौन से व्यापार हैं जिनमें कि वह हिस्सा लेने जा रही है?

**अध्यक्ष महोदय:** वह सवाल इस से नहीं उठता है। यह तो उसके किराये और इमारत की बाबत है।

**Shri Sham Lal Saraf:** May I know if it is contemplated to build modern store houses in order to store import and export goods at places where the STC operates?

**Shri Manubhai Shah:** Presently this is to avoid the expenditure on the

rental for the Express Building. On the other question, of course, we have definite plans.

**Shri Bhagwat Jha Azad:** When the STC is paying a huge sum as rent every month and when the money is available for construction, why should the vacant possession of the land be given only next year and why not earlier, so that construction may be started and the rent may be saved?

**Shri Manubhai Shah:** I am thankful to the hon. Member for raising this. But there are about 4 or 5 houses of Members of Parliament in this particular plot of land and unless alternative arrangements are made for their being shifted and the plot is handed over to us as vacant possession, we cannot start the construction.

**Shri Sivamurthi Swamy:** Apart from the Express Building, are there any branch offices in which this has been accommodated?

**Shri Manubhai Shah:** The Delhi office is in the Express Building. There are offices in Bombay and Calcutta also.

#### Contract with Individual Firms

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653. { **Shri Bhagwat Jha Azad:**  
**Shri Yashpal Singh:**  
**Shri P. K. Deo:**

Will the Minister of Law be pleased to state:

(a) whether Government propose to arm themselves with legal powers to reopen in future any contract with any individual or firm to which Union Government may be a party; and

(b) if so, the stage at which the matter stands?

**The Minister of Law (Shri A. K. Sen):** (a) and (b). The Government are considering the question of legislation on the subject.

**Shri Bhagwat Jha Azad:** At present as the contract binds us for any term

that is fixed in the beginning, do Government propose to have some enabling clause in it, so that when something goes very vitally wrong, Government will be able to nullify the contract and enter into a new contract?

**Shri A. K. Sen:** This will involve legislation and the legislation will be a little complicated, because it will have the effect of varying the terms. The matter is under consideration.

**Shri Bhagwat Jha Azad:** Are we to understand that in principle it had been decided by the Government and only the details and the enabling enactment are to come before the House?

**Shri A. K. Sen:** The principle of having some machinery for reviewing unconscionable contracts or contracts which may appear unconscionable is accepted. But the mechanism of giving effect to it is a matter which requires fairly good examination, because it involves constitutional and legal aspects.

**Shri Tyagi:** What type of powers are sought to be taken for changing the contracts? Would the rates or things like that be changed or some periods, etc. would also be changed? What type of changes have the Government in mind?

**Shri A. K. Sen:** The recommendation of the Public Accounts Committee was with regard to the rates. With regard to the period, it is another thing. I do not think there is a case for review, because the authorities concerned having stipulated a particular date, that cannot be changed by agreement of both parties.

**श्री यशपाल सिंह :** क्या विदेश फर्मों के ऊपर भी यह लागू होगा?

**श्री अ० क० संन :** सभी फर्मों पर यह लागू होगा।

**Shri Kapur Singh:** May I know whether it is not the essence of a contract that it is an agreement on fixed terms and if so, whether the Govern-

ment are aware that their proposal necessarily implicates fluidity of terms and unilateral contractility?

**Shri A. K. Sen:** That is why a legislation would be necessary; otherwise, a legislation would not have been necessary.

**Shri Kapur Singh:** That was not my question. My question is whether or not Government aims to destroy the very essence of a contract by the proposals under consideration?

**Shri A. K. Sen:** As I said, it is a matter of opinion.

**Mr. Speaker:** When there is a law, afterwards, whoever the parties might be, if they enter into an agreement with full knowledge of that law there is nothing else to be done.

**Shri Kapur Singh:** Then it would not be a contract.

**Mr. Speaker:** That the parties would take care of.

**Shri S. M. Banerjee:** After a contract is entered into and there is a dispute, it is referred to an arbitrator. I want to know whether the Law Minister or his Ministry appoints an arbitrator; if so, who are the persons who have been appointed as arbitrators?

**Shri A. K. Sen:** I do not know. Under different ministries different provisions are made. Most of the CPWD contracts are, I think, referred to the persons sanctioning the contracts. It all depends on which particular arbitrator is nominated at the time of making the contract.

**Shri S. M. Banerjee:** Are there any permanent arbitrators?

**Shri A. K. Sen:** There are no permanent arbitrators.

**Heavy Pumps and Compressors Factory**  
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\*654. { **Shri Vasudevan Nair:**  
**Shri Warior:**  
**Shri N. R. Laskar:**

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

(a) whether Government have received the project report of the Heavy Pumps and Compressors Factory from the Soviet Authorities; and

(b) if so, the action taken thereon?

**The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi):** (a) A techno-economic feasibility report prepared by a Russian agency on the establishment of a unit for the manufacture of pumps and compressors in the country was received by the Government in August, 1962.

(b) The report has been considered by Government and it has been decided to call for a detailed project report from the Russian agency.

**Aluminium Plant in Mysore State**  
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\*655. { **Shri Subodh Hansda:**  
**Shri P. Venkatasubbaiah:**

Will the Minister of Industry be pleased to state:

(a) whether it is a fact that a licence was given to an Indian company by the Central Government in 1961 for setting up an aluminium plant in the State of Mysore;

(b) if so, whether it has been able to find any suitable collaboration from outside to set up the plant; and

(c) the terms of agreement with the firms who are collaborating at present?

**The Minister of Industry (Shri Kanungo):** (a) Yes, Sir. An Indian party was given a licence.

(b) No, Sir.

(c) Does not arise.

**Shri Subodh Hansda:** May I know what is the proposed estimated capacity of the plant?

**Shri Kanungo:** The original proposal was for 10,000 tons.

**Shri Subodh Hansda:** As the hon. Minister has said "No" in reply to part (b) of the question, am I to understand that it is not necessary for this company to find out any foreign collaboration for setting up this plant?

**Shri Kanungo:** No. That proposal has been dropped and new proposals are awaited.

**Shri Basappa:** May I know whether as a result of some difference of opinion between this Indian company and the collaborators the licence given to them has been cancelled and it has been given to the Mysore Government to take it up?

**Shri Kanungo:** The licensee did not take effective steps and, therefore, the licence was cancelled. The Mysore Government has applied for the licence but the licence has not been granted yet.

**Shri Basappa:** What is the difficulty?

**Mr. Speaker:** Order, order. That would be a second question.

**श्री विभूति मिश्र :** मैसूर गवर्नमेंट अल्मूमिनियम का कारखाना लगायेगी तो उस के लिये सारा आवश्यक सामान हिन्दुस्तान में ही मिल जायेगा या बाहर से भी कुछ सामान मंगाना पड़ेगा ?

**श्री कानूनगो :** बाहर में भी काफी सामान मंगाना पड़ेगा ।

**Shri Mohammad Elias:** May I know whether there has been another agreement between the Indian firm and a West German firm called Lin & Company with regard to the opening of another aluminium factory in India?

**Mr. Speaker:** In Mysore?

**Shri Mohammad Elias:** No; somewhere in India.

**Mr. Speaker:** That is a different thing.

**Shri Sivamurthy Swamy:** May I know by what time the licence will be granted to the Government of Mysore?

**Shri Kanungo:** The details of the proposal have yet to come from the Government of Mysore.

#### Trade with Burma, Ceylon and Indonesia

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\*656. *ʃ* **Shri Bibhuti Mishra:**  
    \ **Shri Onkar Lal Berwa:**

Will the Minister of International Trade be pleased to state:

(a) whether it is a fact that India's trade with Burma, Ceylon and Indonesia has gone down since 1955-56;

(b) if so, the reasons therefor; and

(c) the steps taken to boost up the trade with these countries?

**The Minister of International Trade (Shri Manubhai Shah):** (a) and (b). In recent years there has been slight decrease in India's trade with Burma, Ceylon and Indonesia. The decrease in total trade is due mainly to import restrictions adopted in these countries with a view to conserving foreign exchange and protecting and encouraging local industries. Their balance of payments position is also getting worse. Also, our goods are facing keen competition from Japan, China and other industrialised countries in these markets. Our imports from these countries have also been affected by our own foreign exchange difficulties.

(c) For purposes of stepping up trade with these countries, Trade Agreements have been concluded and visits of delegations have been exchanged. Steps are being taken to make our goods more competitive in price and quality and to ensure that requirements of goods in these coun-

tries received prompt attention at the hands of manufacturers and exporters. Possibility of techno-economic co-operation are also being pursued. Actually, the trade position in respect of Ceylon and Indonesia is very much improving. With Burma the position is still not satisfactory.

**श्री विभूति मिश्र :** मैं जानना चाहता हूँ कि इन देशों को कौन कौन सामान हम भेजते थे और अब उनके नियर्त में क्या क्या कमी हो गई जिस की कि वजह से हमारी ट्रेड कम हो गयी ?

**श्री मनुभाई शाह :** पहले तो यह कि हम उनसे काफी चावल खरीदते थे, उसमें और कपड़े में कमी करी तो उस से उन की खरीद में फर्क पड़ा है। हम यहाँ से ज्यादातर भेजते थे कपड़ा, इंजीनियरिंग सामान, चीनी का सामान, कुछ मछली और तम्बाकू। उस में मैं जो मछली का सामान है उस पर सीलोन गवर्नरेंट ने प्रतिबन्ध लगा दिया और कपड़ों के अन्दर यहाँ पर भी टेक्सटाइल की इंडस्ट्रीज लग गयी हैं तो कपड़े का इम्पोर्ट कम हो गया है।

**श्री विभूति मिश्र :** मैं यह जानना चाहता हूँ कि जापान को जो हमारा कच्चा सामान जाता है, उस के अलावा कौन सा पक्का सामान जाता है, जिस के व्यापार में कमी हो गई है।

**श्री मनुभाई शाह :** यह प्रश्न तो बर्मा, लंका और इण्डोनेशिया के साथ व्यापार के सम्बन्ध में है।

**श्री ओकार लाल बेरवा :** क्या इस व्यापार में कमी होने का कारण यह भी है कि चाइना के साथ हमारे तालुकात खराब हो गए हैं ?

**श्री मनुभाई शाह :** तालुकात के अलावा वे देश भी अपना एक्सपोर्ट बढ़ाने की कोशिश करते हैं और माननीय सदस्य भी जानते हैं कि वे बहुत ही ऐसे तरीके इस्तेमाल करते हैं, जिन को अनकेयर कहा जा सकता है।

फिर भी हम को उन का मुकाबला करना ही होंगा।

**Shri Ranga:** Has any effort been made to study to what extent the over-valuation of the rupee is affecting our trade with these three important countries in South East Asia in view of the fact that our Government is supposed to be making special efforts to develop our trade relations with these countries in South East Asia?

**Shri Manubhai Shah:** As far as over-valuation is concerned, it is rather too general a question. In selective items we are certainly priced out in the world market and, to that extent, our rupee, is to some-extent, over-valued in those commodities. But, in a general way, I would not agree that there is any sign of over-valuation. With these three countries particularly, and in fact in the whole of South East Asia, we are trying to develop very close contact. Recently, I myself went to Burma and I hope as a result there will be considerable improvement in the trade between the two countries. From Ceylon we received a high-powered delegation and concluded a long-term trade agreement in March. From Indonesia likewise, we invited a delegation, which was led by the Foreign Minister and the Deputy Foreign Minister. We do hope that with all these things and several clarifications of each other's position which have now been done, the trade will look up.

**Shri Haji:** Has Government explored the possibility of barter agreement with the countries in South East Asia to get over the difficulty of foreign exchange by us and, if so, what is the total value of barter agreement entered into with these countries?

**Shri Manubhai Shah:** These are all freely convertible currency countries; they are not barter countries or rupee-payment countries. What we are trying to do is, within the framework of the general convertibility of the currency, we are stipulating a list of commodities which both countries

need and try to give off as much as possible.

**Shri Tulshidas Jadhav:** The hon. Minister has stated that the trade with Burma has suffered. May I know the reason for our trade with Burma not improving?

**Shri Manubhai Shah:** They have put several severe restrictions on their own imports. As I said earlier, in the main answer, the balance of payments position of that country is rather precarious.

#### Fertilizer Factories

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658. { Shri Sarjoo Pandey:  
Shri P. R. Chakraverti:  
Shri Warior:  
Shri Vasudevan Nair:  
Shri M. N. Swamy:  
Shri Ram Harkh Yadav:  
Shri Maheswar Naik:

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

(a) whether it is a fact that the performance of the private sector in fertilizer projects is poor;

(b) if so, the main causes thereof;

(c) the number of fertilizer projects licensed in the private sector that have so far been taken over by Government; and

(d) the number of factories at present in public and private sectors respectively and the number out of them in production?

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

(a) to (d): A statement is laid on the Table of the House.

#### STATEMENT

(a) to (c): The following are the fertilizer projects which had been licensed/approved for establishment in the private sector.

- (1) Vishakapatnam.
- (2) Kothagudem.
- (3) Madhya Pradesh.
- (4) Hanumangarh.
- (5) Tuticorin.

(6) Mangalore.

(7) Durgapur.

(8) Gujarat.

Of these, those at Kothagudem, Vishakapatnam and Gujarat have made some progress. The licensees of the projects at Hanumangarh, Tuticorin and Mangalore have not yet submitted their final proposals in regard to their projects.

The licensee for Madhya Pradesh project was not able to implement the project and has surrendered the licence. The West Bengal Government in whose name the licence for the Durgapur project was issued have recently intimated that they are not able to implement the project due to shortage of raw materials and difficulties in regard to foreign collaboration.

The question of Government of India taking over any project which is given up by the private sector does not arise. Government of India have, however, decided to establish a fertilizer project in Madhya Pradesh and have entrusted the work to the Fertilizer Corporation of India. Government are also examining the question of establishing a project for meeting the fertilizer requirements of West Bengal.

(d) Five nitrogenous fertilizer factories are at present in production in the public sector (Sindri, Nangal, Rourkela, FACT and Belagola) and two in the private sector (Varanasi and Ennore).

**Shri S. M. Banerjee:** From the statement it appears that the West Bengal Government, in whose name the licence for the Durgapur project was issued, has recently intimated that it is not able to implement the project and so it is going into the hands of the private sector. I want to know the reason for the same. Why is the West Bengal Government unable to undertake the project? Is it because of shortage of material or merely because they want to help the private sector industries to grow?

**Shri C. Subramaniam:** There is no proposal to hand over the Durgapur project to the private sector. On the other hand, the West Bengal Government have written to us that it should be taken up in the public sector.

**Shri Harish Chandra Mathur:** It is obvious from the statement that the various licences issued to the private sector have not materialised at all in spite of the resourcefulness and dynamism of the private sector. May I know the reason for this and how Government propose to deal with this matter and see that there is no shortfall?

**Shri C. Subramaniam:** To the extent possible, we are taking up new projects under the Fertilizer Corporation of India. But, as hon. Members are aware, the capacity of the Fertilizer Corporation to take up new projects is naturally limited. But, we are trying to find out whether other methods could be adopted to take up other projects in other areas. For example, we are trying to find out whether the FACT organisation in Kerala can take up some construction work and the preliminary assessment shows that it is possible for them to take up some of the projects. We are exploring that.

**Shri Harish Chandra Mathur:** I just wanted to know as to how it is explained that the private sector has failed in spite of its resourcefulness. They have been very vocal about it; so, have they explained their position as to why it has not been possible for them to materialise these projects? That was the first part of my question.

**Shri C. Subramaniam:** Firstly, it has not been possible for them to get proper collaboration and then to make arrangements for credit with those collaborators. Generally there has been a lethargy on the part of the private sector to enter the fertilisers field. Therefore, we have now to go on the basis that the entire fertilisers production may have to be in the public sector.

**Shri D. C. Sharma:** Only three parties in the private sector have done any work so far as fertilisers are concerned. May I know if the remaining five projects will be made good by the public sector and, if so, by what time?

**Shri C. Subramaniam:** It will have to be made good because fertilisers are one of the essential commodities that we require for agricultural production. But we are now trying to find out which of the projects could be taken up immediately in the public sector. As hon. Members are aware, we have taken up the Madhya Pradesh project and it will now be built up in the public sector. In the same way we are trying to find out whether the Durgapur project can be taken up immediately. Some preliminary explorations have been made and we are hoping that it would be possible to take that up also. But I want to inform the House that it will not be possible to make up the shortfall within the Third Plan period.

**Dr. L. M. Singhvi:** May I know whether any of these private sector projects have represented to the Government of India that they have not been able to keep up to the schedule of going into production because the State Governments have not extended to them the co-operation that was stipulated and was assured to them?

**Shri C. Subramaniam:** I have not heard of any such complaint, but first they will have to have a worthwhile project to be considered either by the State Government or by the Central Government. Without taking proper steps they cannot blame the Government for their own failure.

**डा० गोविन्द दास :** अभी माननीय मंत्री जी ने कहा कि मध्य प्रदेश में इस प्रकार के कारखाने के बनने का तय हा गया है। मैं यह जानना चाहता हूँ कि क्या उसका स्थान भी तय हुआ है या नहीं और अगर स्थान भी तय हो गया है, तो मध्य प्रदेश के कारखाने को बनने में कितना समय लगेगा?

**Shri C. Subramaniam:** It will be taken up at Korba. As far as the Madhya Pradesh project is concerned, it has been decided that the design, engineering, procurement and direction will be done departmentally by the Fertiliser Corporation. This is a new development and it is expected that the orders for plant and machinery will be placed during the current financial year.

**Shri Ranga:** In view of the fact that the hon. Minister has said that not only the private entrepreneurs but also the Durgapur project people have failed to implement their own project....

**Shri C. Subramaniam:** That also is in the private sector.

**Shri Ranga:** In addition to that am I to understand that the West Bengal Government is favouring some other entrepreneur in preference to Durgapur?

**Shri Daji:** Durgapur was a private sector project.

**Shri Ranga:** We understood in answer to the question asked by my hon. friend from the Communist side.....

**Mr. Speaker:** Regarding the fertiliser factory?

**Shri Ranga:** Yes. Therefore I would like to know whether the time has not come for the Government themselves to begin to take some interest in this matter and see what exactly are the real difficulties that are being met with by all these various entrepreneurs not only in one State but in several States and then decide whether they could possibly give any direct assistance to them by way of advice and also use their good offices....

**Mr. Speaker:** It should not be such a long question. I will only bring to the notice of hon. Members that supplementaries should be very short. A review was undertaken in the House of Commons and we read the other day that they have also realised that

first the average of supplementaries was 1.5 and now the supplementaries have come to a lower level as many supplementaries cannot be asked. The reason they have assigned is that supplementaries that are asked are very long and argumentative. So, I will request hon. Members to keep that in mind so that the supplementaries are short and they have a thrust in them and the answers also are concise, brief and to the point, that is, the answers are clear enough to convey the information.

Again, I might inform the hon. Members that yesterday I received one notice, rather one request, whatever you might call it, by about 40 or 50 Members that very few Questions are covered during the Question Hour and that at least 20 Questions should be covered. I am glad that most of the Members who put most of the supplementaries are included in those signatories. That gives me satisfaction and I can go into that aspect.

**Shri C. Subramaniam:** As far as Durgapur is concerned, it was in the private sector. West Bengal Government, for the purpose of giving an inducement were prepared to have minority participation in that project. But it was in the private sector. Now, that is not going through. As far as the other part of the question is concerned that we should give some assistance to the private sector so that they can take up this project, we were prepared to give all the assistance necessary from Government. But being private enterprise, they cannot expect everything to come from Government.

#### Steel Production

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\*659. { **Shri Morarka:**  
          { **Shri Ravindra Varma:**

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

(a) the total production of steel in each of the three steel plants during 1962-63, in quantity and in value;

(b) the total quantity exported from the above; and

(c) the names of the countries to which it was exported?

**The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi):** (a) to (c): A statement is placed on the Table of the House.

#### STATEMENT

(a) *Production and Value of Steel during 1962-63 :*

Plants	Total Production Tonnes (In thousands)	Value (at selling Price) (in lakhs)
Bhilai	792.6	4,197
Durgapur	498.7	2,470
Rourkela	415.7	3,216
 (b) and (c): Quantity exported Tonnes		
	315	Pakistan
	160	Burma
Total	475	

**Shri Morarka:** May I know why the production in Durgapur and Rourkela is only about 50 per cent of the rated capacity?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):** As the hon. Member is aware, during the earlier part of 1962 there were great difficulties in production at Durgapur and Rourkela. It is only towards the end of 1962-63, the last three months that they picked up and attained the rated capacity. The production during 1963-64 shows a better picture.

**Shri Morarka:** May I know why the per-ton realisation in Durgapur is less than the per-ton realisation in Bhilai?

**Shri C. Subramaniam:** In Durgapur more semi's are manufactured which are sold to others which brings a lesser price than the finished steel.

**Shri Ravindra Varma:** May I know the total quantity of rejects in this

production and how much of this quantity has been sold?

**Shri C. Subramaniam:** I am sorry I do not have the figures with regard to rejects. If the hon. Member is interested, a separate question may be given.

**डा० गोविन्द दास :** जहां तक मिलाई का सम्बन्ध है, यह विनार किया जा रहा था कि मिलाई के कारखाने को बढ़ाया जाये। क्या इस सम्बन्ध में कोई निर्णय हो गया है और यदि हां तो प्रौर किनना बढ़ाया जायेगा और कब तक बढ़ाया जायेगा?

**Shri C. Subramaniam:** The expansion is from 1 million tons to 2.5 million tons and the expansion programme is under implementation now and it will be according to the schedule we have laid down.

**Shrimati Sharda Mukerjee:** May I know if the export price is competitive and, if not, may I know upto how much amount it is subsidised in the international market?

**Shri C. Subramaniam:** It is subsidised to the extent of Rs. 100 per ton.

**Shri Mohammad Elias:** May I know what is the production of ship repairing plates during the last year in these three steel plants?

**Shri C. Subramaniam:** The plates are produced only at Rourkela. I am sorry I do not have the figures immediately to give.

#### Indo-Soviet Trade Agreement

+	Shri Yashpal Singh: Shri P. C. Borooh: Shri Bishan Chander Seth: Shri Raghunath Singh: Shri Onkar Lal Berwa: Shri P. K. Dee: Shri Morarka: Shri Ravindra Varma: Shri Sham Lal Saraf:
*660.	

Will the Minister of International Trade be pleased to state:

(a) whether he visited Moscow in June this year to discuss a new long

term Indo-Soviet trade agreement; and

(b) if so, the result of the discussions?

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

(b) As a result of the discussions a new Long Term Trade Agreement between India and U.S.S.R. for a period of 5 years from 1964 to 1968 was signed in Moscow on 10th June, 1963. As a result of this Agreement India's exports to Soviet Union are likely to reach Rs. 80-85 crores in 1964, Rs. 85-90 crores in 1965 and Rs. 100-105 crores in 1966. There will be increased exports of manufactured industrial products such as leather shoes & footwear, jute goods, chemicals, tobacco, and engineering products and other articles of manufacture. India will import machinery and equipment and raw materials like fertilisers, non-ferrous metals, newsprint, chemicals, steel and pig iron.

**श्री यशपाल सिंह :** भारत सरकार तीन मानों में क्या इस व्यापार को तिगुना बढ़ाना चाहती है?

**श्री मनुभाई शाह :** यही तो बताया है।

**श्री यशपाल सिंह :** इस सारे व्यापार को स्टेट ट्रेडिंग कार्पोरेशन के धू किया जायेगा या इस में प्राइवेट फर्म्स को भी कुछ मौका मिलेगा?

**श्री मनुभाई शाह :** ज्यादा प्राइवेट फर्म्स ही पार्टिसिपेट करती हैं। कुछ स्टेट ट्रेडिंग कार्पोरेशन भी करती हैं।

**Shri Daji:** Is it a fact that the Soviet Union has purchased all the machinery which was displayed at our Exhibition and, if so, may I know whether this purchase is a part of the agreement or besides the agreement?

**Shri Manubhai Shah:** This is besides the agreement. They have

purchased all the machinery which we had displayed at the exhibition.

**श्री रघुनाथ सिंह :** बनारसी सामान यहां से रूस को एक्सपोर्ट किया जाय खास तौर पर जरी का सामान, उस के लिए क्या कोई कोशिश आप ने की है?

**श्री मनुभाई शाह :** ३५ साल रुपये का बनारस मैटलवेयर इस में इनकल्पिड है।

**श्री ओंकारलाल बेरबा :** मास्टो जाने से पहले कितना व्यापार हुआ करता था और अब नई जो बातचीत हुई है, उस के फलस्वरूप कितना बढ़ाया गया है?

**श्री मनुभाई शाह :** यही तो कहा है कि ३५ करोड़ में १०५ करोड़।

**Shri Morarka:** May I know whether under the new agreement we shall be bound to import as much as we export or whether we are free to import less than what we export?

**Shri Manubhai Shah:** This is a bilateral pact, and so it has to be equal on both sides, including the credit payments for all the technological projects.

**Shri Ravindra Varma:** May I know the quantity of pig iron that will be imported under this agreement?

**Shri Manubhai Shah:** It is about  $1\frac{1}{2}$  lakhs tons to  $2\frac{1}{2}$  lakhs tons.

**Shri Sham Lal Saraf:** May I know whether any attempt has been made to export non-traditional items, particularly engineering goods which are being manufactured in the country?

**Shri Manubhai Shah:** Yes, that is the novel feature of this agreement, that we have included Rs. 11 crores worth of engineering goods in the first year, and there is an omnibus clause to include 10 per cent of the total quantity every year by way of these goods.

**श्री सुरज पाण्डेय :** जो मान रुस को एक्सपोर्ट किया जायेगा उस में सब से ज्यादा कौन सी चीज एक्सपोर्ट की जायेगी ?

**श्री मनुभाई शाह :** पांच छ: आइटम्स हैं और सब से ज्यादा शायद जूट है जो कोई २२ करोड़ का होगा । फिर चाय है । उस के सिवाय इंजीनियरिंग प्रोडक्ट्स हैं, कैमिकल प्रोडक्ट्स और टैक्सटाइल्ज हैं ।

**Shri S. M. Banerjee:** May I know whether we have received any huge orders for shoes and boots and if so, the quantity thereof, and whether it is being manufactured only in Kanpur or also in Agra and other places?

**Shri Manubhai Shah:** It is true that under this new agreement we have received a huge order for shoes, to the extent of about 300,000 pairs now, which figures would go up to one million pairs next year.

We are appointing a special footwear director to organise it in Kanpur, Agra, Salem and in different parts of India.

**श्री क० नां० तिवारी :** फटिलाइजर जो आयेगा वह यहां के फटिलाइजर से सस्ता पड़ेगा या महंगा ? और कौन कौन सा फटिलाइजर वहां से आयेगा ?

**श्री मनुभाई शाह :** वैसे तो इंटरनैशनल प्राइस से आयेगा जो फिल्हाल हमारे उत्पादन का जो दाम है, उस से कम है । इस में यूरिया होगा, अमोनियम सल्फेट होगा और नाइट्रो चाक होगा ।

#### Joint Stock Companies

**661. Dr. L. M. Singhvi:** Will the Minister of Industry be pleased to state:

(a) whether Government are considering any proposals to divest trusts and other semi-public institutions of their voting rights as shareholders in Joint Stock Companies;

(b) if so, the present position of the proposals and

(c) the circumstances under which the proposals have been mooted and considered?

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

(b) The proposal is still under consideration.

(c) The proposal was mooted by the Executive Committee of the Congress Party in Parliament and forwarded to the then Minister of Commerce & Industry for the consideration of Government.

**Dr. L. M. Singhvi:** What were the policy considerations which prevailed with Government in having the proposals processed? What do Government expect to achieve by implementing these proposals or by accepting these proposals?

**Shri Kanungo:** We are considering it. One of the purposes would be to locate the power of control in different companies.

**Dr. L. M. Singhvi:** May I know whether any governmental study has preceded the consideration of these proposals?

**Shri Kanungo:** We are studying it. Part of the consideration is study.

**Shri S. M. Banerjee:** May I know whether acceptance of these proposals as mooted by some of the organisations including the Congress Parliamentary Group.....

**Dr. L. M. Singhvi:** The Communist Party.

**Shri S. M. Banerjee:** No, it is the Congress Party.

**Mr. Speaker:** Order, order. The hon. Member should put the question straight, and he should not indulge in private conversation.

**Shri S. M. Banerjee:** May I know whether the acceptance of these proposals will eliminate, or if not elimi-

nate, at least minimise malpractices by these companies?

**Shri Kanungo:** Not necessarily.

**Shri Tridib Kumar Chaudhuri:** May I know whether this aspect also would be borne in mind that some of these trusts are sometimes taken advantage of by the private sector monopolies to control various undertakings?

**Shri Kanungo:** That was exactly what I had stated.

#### Heavy Machine Building Plant

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\*662. { **Shri Himatsingka:**  
**Shri Bhagwat Jha Azad:**

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

(a) when the heavy machine building plant in Ranchi is likely to go into production; and

(b) the investment made so far?

**The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi):** (a) Pilot production in certain departments of the Plant is scheduled to commence by the end of 1963.

(b) Rs. 17.50 crores (upto the end of July, 1963).

**Shri Himatsingka:** What is the total expenditure involved?

**Shri P. C. Sethi:** Rs. 40 crores.

**Shri Bhagwat Jha Azad:** When the plant goes into production by the end of this year, how much worth of goods would be produced at the initial stage?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):** Initially certain reduction gear and medium and small machinery, but more than that, coke oven plant and handling equipment would be produced. As a matter of fact, we have placed orders with the Eavy Engineering Corporation for fabrication of coke oven plant and blast furnaces.

**Dr. Ranen Sen:** What will be the employment potential of this plant?

**Shri C. Subramaniam:** I do not have the figure immediately.

**Shri Yellamanda Reddy:** Is there any proposal for production of electric turbines in this factory?

**Shri C. Subramaniam:** That will be in Heavy Electricals.

**Shri Sinhasan Singh:** Will this plant make some component parts or machinery for the Bokaro steel plant?

**Shri C. Subramaniam:** Yes, I am hoping it will make a substantial contribution.

**Shri Sinhasan Singh:** What will be the percentage?

**Shri Morarka:** May I know whether the estimated costs of some items in this project have gone up? If so, which are those items where the estimated cost has gone up by more than 50 per cent.

**Shri C. Subramaniam:** For that a separate question may be tabled.

**Shri Sonavane:** By what time the target production would be reached and what would be the saving in foreign exchange as a result of this production and stoppage of import of machinery?

**Shri C. Subramaniam:** In the first stage, the target of production is 45,000 tons of machinery. I am sorry I cannot immediately give the value of this. In the second stage, it will be 80,000 tons. It is hoped the second stage will be reached by the end of the Fourth Plan period.

**श्री अखल सिंह :** क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि इस में कौन कौन सी मशीनें बनती हैं?

**श्री प्र० चं० सेठी :** इस की बहुत लम्बी लिस्ट है। करीब १२ आहटम्स हैं जैसे कोक ग्रोवन, कॉलिंग गेंड, ग्राइंडिंग इत्यत्र।

मेंट, वैनेन्सिंग इक्विपमेंट, क्रेन इक्विपमेंट, प्रादि ।

### Graduate Course in Tea

\*663. **Shri Hem Raj:** Will the Minister of International Trade be pleased to state:

(a) the names of colleges (with the names of the States in which located) where graduate course in tea has been introduced; and

(b) the special facilities given by the Central or State Governments to students who take up such course?

**The Minister of International Trade (Shri Manubhai Shah):** (a) and (b). No such course has yet been introduced, but there is a proposal of introducing an integrated B.Sc. Degree Course in Agriculture with provision for specialisation in tea at the Assam Agricultural College, Jorhat, which will be implemented very soon.

**Shri Hem Raj:** When this course is started, will the children of tea growers, especially small tea growers, be given preference for admission?

**Shri Manubhai Shah:** Presently the whole scheme is before the Senate of Gauhati University. We have stipulated that preference should be given to children of growers.

**Shri Hem Raj:** Will any financial aid be given to small growers for this purpose?

**Shri Manubhai Shah:** That is not part of the scheme; but normal scholarships are not ruled out for deserving students.

**Shri Kapur Singh:** Are there any openings for employment of such graduates who are thus going to be turned out?

**Shri Manubhai Shah:** Yes, very much so, because we want to expand the production of tea and coffee. We are introducing for the first time this specialised course in agricultural technology, tea technology and coffee

technology. In the first instance, the course is being started in Assam. We are starting it in Coimbatore also. Then we shall consider proceeding further.

**Shri Koya:** May I know whether students from other parts of the country like Kerala will be admitted to this course in Assam?

**Shri Manubhai Shah:** Yes, they will all be welcome within the limit of admission of 20 students per year.

**Shri Sham Lal Saraf:** Is it intended to train graduates in cultivation or in management as well?

**Shri Manubhai Shah:** Agriculture is part of tea production. General management persons could be valuable in tea also.

**Dr. L. M. Singhvi:** Are admissions to this college based on merit only or on sponsorship by various tea estates and tea companies?

**Shri Manubhai Shah:** Sponsorship would not arise, but certainly merit and backwardness of certain areas would be given preference.

### Import of Pig Iron from Russia

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\*664. { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**

Will the Minister of Steel and Heavy Industries be pleased to refer to the reply given to Starred Question No. 1158 on the 3rd May, 1963 and state:

(a) whether negotiations have been completed to import pig iron from Russia to meet the existing shortage of internal supply of this material; and

(b) if so, the result thereof?

**The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi):** (a) and (b). Yes, Sir. A provision has been made in the Trade Agreement with USSR for the import of pig iron in 1964, 1965 and 1966.

**Shri Ramachandra Ulaka:** May I know to what extent the production of pig iron through low shaft furnace operations in the country has been increased in the last four months so as to meet the present requirements of the country?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):** There has been no increase in the low shaft production of pig iron.

**Shri Ramachandra Ulaka:** May I know what further steps have been taken by Government to increase the productive capacities of our public and private sector plants, and by what time we will attain self-sufficiency in this matter?

**Shri C. Subramaniam:** There is only one furnace in Orissa which is producing pig iron in a low shaft furnace. We have given them a licence to expand, and they are taking steps for that. We have licensed other private concerns also for the production of pig iron by adopting the low shaft furnace method, but no progress has been made so far.

**श्री बुलेश्वर मीता :** क्या मैं जान सकता हूँ कि पंजाब सरकार को जो पिंग आयरन के प्रोडक्शन का लाइसेंस दिया गया था क्या उनमें प्रोडक्शन शुरू हो गया है?

**Shri C. Subramaniam:** Just now the licence has been granted, and they are taking steps for the establishment of the factory.

**Shri R. S. Pandey:** What are the countries apart from Russia with which negotiations are going on for import of pig iron?

**Shri C. Subramaniam:** At present no other country.

**श्री अचल सिंह :** क्या पिंग आयरन की जगह स्वल्प रुक्त और इमार्ट्स काम में नहीं प्रा सकते हैं?

**Shri P. C. Sethi:** No, Sir. Pig iron cannot be replaced by any other thing.

**Shri Tyagi:** How does the price of imported pig iron compare with the indigenous production per ton?

**The Minister of International Trade (Shri Manubhai Shah):** The present indications are that it might be cheaper by Rs. 20 to Rs. 30 a ton, but one can be sure only when the contract is signed.

**Shri S. C. Samanta:** May I know how much amount is going to be imported and how the price of the indigenous product will compare with it?

**Shri C. Subramaniam:** Just now the Minister of International Trade gave the figures 150,000 to 250,000 tons. The price also he gave.

**Shri Basappa:** May I know whether the demand for pig iron is increasing at a faster rate, and whether the target of two million tons is going to be reviewed?

**Shri C. Subramaniam:** It is increasing at a much faster rate than we anticipated, and an estimate has been made that by the end of the Fourth Plan period we may require more than four million tons of pig iron. We are programming for the production of this.

**Shri S. M. Banerjee:** Is the Minister aware that many of the industrial units are practically facing closure because of non-availability or inadequate supply of pig iron? The hon. Minister assured the House the other day that the shortage would be met by importing pig iron. Now it is going to be only from the Soviet Union. I want to know when the imported material will come, so that these industries do not suffer.

**Shri C. Subramaniam:** Steps are being taken to get it as early as possible, but just now we have increased the allotment of pig iron to these small foundries by about 50 per cent. I am hoping it would ease the situation to a certain extent.

**Public Sector Undertakings**

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**Shri Harish Chandra****Mathur:****Shri R. R. Morarka:****Shri Ravindra Varma:**

\*665. Will the Minister of **Steel and Heavy Industries** be pleased to state whether Government have formulated any proposals or taken any decisions in respect of procedural obstacles and financial controls to improve the working of Public Sector enterprises under his control?

**The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi):** Attention is invited to reply given to Lok Sabha Starred Question No. 258 dated the 23rd August, 1963. The recommendations of the Committee of Officials are still under consideration.

**Shri Harish Chandra Mathur:** May I invite your attention to the fact that I was one of the signatories to Question No. 258 to which reference has been made. If the present question was not different, I do not see why it should have been admitted. The very fact that this question has been admitted indicates that this is different from the question which was answered on the 23rd August.

**Mr. Speaker:** But then the answer is there. He has only drawn attention to the previous question.

**Shri Harish Chandra Mathur:** The public sector has been functioning for quite a considerable time. Do I take it that still we have the same governmental procedures and controls operating in the public sector enterprises? What are the outstanding bottlenecks which have come to the notice of the Minister?

**Shri C. Subramaniam:** Yes, Sir. The procedures applicable to Government are still being adopted in many areas in the public sector. As stated in the previous answer, this has been considered and a programme of action has been under consideration. I am hoping to make a statement on this

subject some time next week giving details of the further steps I am taking.

**Shri Harish Chandra Mathur:** Will the hon. Minister elaborate his expression in this connection that many a head should roll? Has he taken any steps in this direction and has he got in view certain matters where certain heads should roll?

**Shri C. Subramaniam:** One head has rolled already because of the delay in executing the Plan. I hope to do that in other projects also, if it becomes necessary.

**Shri Morarka:** The hon. Minister in his speech in Hyderabad stated that Government procedures are not suitable to the management of the public sector undertakings. Since they are managed by independent corporations, may I know how governmental procedures come in the way?

**Shri C. Subramaniam:** No, Sir; the rules of procedure we adopt in the public sector projects in many areas are modelled on governmental procedures. That is why they have been reviewed and as I stated I am hoping to make a statement sometime next week, in Parliament, indicating the further steps I propose to take to see that proper and industrial management procedures are adopted in the public sector projects.

**Dr. L. M. Singhvi:** Sir, the statement to which attention has been drawn and which was in answer to a question tabled by me and Mr. Mathur on 23rd August says that a committee of officials had made certain recommendations to the Government which are under consideration. Could the Minister give us a broad indication of what these recommendations were which are now under the consideration of the Government.

**Shri C. Subramaniam:** It is in that connection that I am going to make a statement.

**Dr. L. M. Singhvi:** We are entitled to know the recommendations that

were made by the committee: it does arise out of this question.

**Mr. Speaker:** It does arise; but if they are not with him just at present and if he is going to make a statement next week and if he says he wants notice, what shall I do?

**Shri Yallamanda Reddy:** Is there any proposal before the Government to give a share in the management to the representatives of workers who are working in the public sector projects?

**Shri C. Subramaniam:** The workers have got to work; without the workers how can they function; they have a dominant share in working these projects.

**Mr. Speaker:** Workers share in the management—that was his point.

**Shri C. Subramaniam:** In the management also we have to permit workers' participation but that is going to be a slow process.

**Shri D. C. Sharma:** The hon. Minister refers to three ailments from which the public sector undertakings suffer; bureaucratic delays, public controversies and political interference.

**Mr. Speaker:** The hon. Members need not repeat what is written in the statement.

**Shri D. C. Sharma:** I am sorry; may I know if the hon. Minister's statement will give us a cure for all these three different ailments.

**Shri C. Subramaniam:** The hon. Member may wait for the statement and see what it cures and what it does not cure.

**थी प्रकाशबोर शस्त्रो :** विविध बोस कमीशन की रिपोर्ट को देखने से एसा प्रतीत होता है कि उस में निजी उद्योगों की संचालन व्यवस्था के सम्बन्ध में कुछ शिकायत की गयी है। क्या मैं जान सकता हूँ कि सरकार को कुछ इस प्रकार के मैमोरेंडम मिले हैं कि जिन में यह कहा गया हो कि सरकारी उद्योगों की

भी उच्च स्तरीय जांच करायी जाए जिस से उन की गडबड़ियों का पूरा पता लगाया जा सके? यदि हाँ, तो उस के सम्बन्ध सरकार क्या विचार कर रह है?

**Shri C. Subramaniam:** I have not received any memorandum with regard to the mismanagement of public sector in the sense that the private sector has been mismanaged as evidenced by the Vivian Bose Commission report.

**Mr. Speaker:** Next question.

**Shri U. M. Trivedi:** I rose thrice; it is a very important question in which I am interested.

**Mr. Speaker:** He will excuse me now. I have called the next question.

#### Jute Mill in Orissa

**\*666. Shri Surendranath Dwivedy:** Will the Minister of International Trade be pleased to state:

(a) whether there is any proposal for setting up a jute mill in Orissa;

(b) whether any discussion in this regard took place between the Jute Commissioner and representatives of the Orissa Government at Bhubaneshwar in May, 1963; and

(c) if so, the progress made and when this scheme is likely to be put into operation?

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

(b) Yes, Sir. The Jute Commissioner advised the State Government that as the existing capacity in the country was adequate to meet the current demand for jute goods, they may take up the matter some time later when as a result of the various measures initiated by Government an increased demand for jute goods both for export and domestic consumption is built up on a firm basis.

(c) Does not arise.

**Shri Surendranath Dwivedy:** Is it not a fact that a specific proposal for starting a jute mill on a co-operative basis was made before the Government?

**Shri Manubhai Shah:** This is what I am saying. At the moment, we are not in a position to consider any application for a new jute mill till such time as the demand, both domestic and external, increases.

**Shri Surendranath Dwivedy:** Have they examined the possibility of transferring one or two units from Calcutta to Orissa because in Orissa itself the production of jute is sufficient to have one or two mills, and some private industrialists are willing to go to Orissa if this is granted by the Government?

**Shri Manubhai Shah:** The hon. Member will appreciate that by shifting the mill would cause unemployment in Calcutta, and the State Government of West Bengal would not like to permit such a thing. But it is true that the States of Orissa, Bihar and Assam have a lot of jute production. As soon as the new extra capacity is generated, we want to look into their requirements.

**Shri Heda:** The Government had stated earlier that their policy is to start new manufacturing units in the States, where jute is grown, and so, may I know whether they are following this policy and, if so, what is the increase in the manufacturing units in the new States that grow jute, like Orissa, Andhra Pradesh and Assam?

**Shri Manubhai Shah:** We have never made such a statement. I do not know who made that statement. Firstly, there has been a total embargo on the expansion of jute looms in the last 16 years. We were till last year closing down 12½ to 15 per cent of the looms as the hon. House is aware. Now, the situation has radically altered. The world demand for these goods is coming up and we are

pushing the exports; the exports are looking up. The internal consumption of jute is increasing. When the new expansion comes out, we will take into consideration the requirements of the States which grow jute.

**Shri Dinen Bhattacharya:** May I know whether, before considering the opening of new mills in other States, the Government will give consideration to the re-opening of the sealed looms?

**Shri Manubhai Shah:** The hon. Member may remember that there is not a single sealed loom now.

**Shri Surendranath Dwivedy:** Is it not a fact that because of the absence of jute mills in the State of Orissa and in other jute-growing States, the growers are at a disadvantage and they get very much lesser price than the price fixed at the Calcutta market, and would the Government consider any method to help the agriculturists so that they may get more price for their jute?

**Shri Manubhai Shah:** These are two separate questions. I may take the first part of the question first. Historically speaking, the jute mills have been established in Calcutta, even though the four eastern States are producing jute. It will be difficult to convert back the process of history. Regarding the second part, the Government have announced the buffer stock agency scheme for price support of jute at Rs. 30 per maund. That policy is being continued.

**Shri Surendranath Dwivedy:** But that is at Calcutta.

**Shri Manubhai Shah:** Yes; it will be given to the growers at the places where jute is grown.

**Shri Himatsingka:** Is it not a fact that the jute mills are working to only one-third of their capacity?

**Shri Manubhai Shah:** Spinning is the determining factor, and it is done round the clock, 24 hours a day and for 365 days. It is only the loom,

which is a by-product of spinning, that is conditioned.

**श्री विभूति मिश्र :** मैं जानना चाहता हूँ कि सरकार को इस में क्या दिक्कत है कि उड़ीसा में या जहां जूट पैदा होता है उन क्षेत्रों में जूट के कारखाने लगाए जाएं और उन को कलकत्ते से हटाया जाय ?

**श्री मनुभाई शाह :** यह कैसे हो सकता है, मैं इर्दिहास को कैसे बदल सकता हूँ !

#### Oil Milling Industry in Kerala

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668. { **Shri A. V. Raghavan:**  
**Shri Pottakkatt:**  
**Shri P. Kankhan:**  
**Shri Koya:**

Will the Minister of International Trade be pleased to state:

(a) whether Government have recently decided not to grant import licences of copra to actual users for the current licensing period;

(b) if so, whether Government are aware of the difficulties caused to oil milling industry in Kerala; and

(c) whether there is any proposal to review the decision?

**The Minister of International Trade (Shri Manubhai Shah):** (a) Yes, Sir; as already sufficient copra is being imported under the Export Promotion Scheme.

(b) Some representations have been received from the Oil Millers Association in Kerala.

(c) No, Sir. All Copra Crushers and soap manufacturers have got full opportunity to secure import of copra and palm oil under Export Promotion Scheme by exporting vegetable oils.

**Shri A. V. Raghavan:** May I know whether copra is allowed to be imported by any other agency and, if so, why are the actual users discriminated?

**Shri Manubhai Shah:** All the agencies in this country who want to im-

port copra are allowed to export vanaspati, groundnut oil, cotton-seed oil, rice-bran oil and various types of oils. They can earn their own requirements out of export.

**Shri A. V. Raghavan:** May I know whether the Minister is aware that things like ground nuts are not available in Kerala and it has created difficulties in Kerala?

**Shri Manubhai Shah:** It is not necessary that the same place must produce the same product for export. Also, for Kerala, we have allowed copra cake to be exported and the entitlement is allowed for copra.

**Shri N. Sreekantan Nair:** In view of the fact that every year, during the past several years, Government had been declaring that they would not allow new entrants into the milling industry and having given it for the last several years, may I know whether the new entrants in the field will be considered sympathetically and in future, it will be completely stopped?

**Shri Manubhai Shah:** I would advise the hon. Member to convey to the new entrants not to venture into the copra industry. We are short of foreign exchange and nothing more is possible.

#### International Coffee Council's Plenary Session in London

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669. { **Shri Kapur Singh:**  
**Shri Buta Singh:**  
**Shri Gulshan:**

Will the Minister of International Trade be pleased to state:

(a) whether Indian Coffee Board was duly represented at the International Coffee Council's final plenary session held in London recently; and

(b) the particulars of agreements entered into as a result of international coffee talks there in so far as they relate to India?

**The Minister of International Trade (Shri Manubhai Shah):** (a) and (b).

A statement is laid on the Table of the House.

**STATEMENT**

(a) Yes, Sir.

(b) For the International Coffee Year ending 30th September 1964, India has been elected as a member of the three Committees of the Council, namely Administrative-cum-Budget, Statistical and Rules Committees. India has also been elected as the First-Vice-Chairman for the same period.

India's representative at this session of the International Coffee Council made a statement before the Executive Board and the Council that India was not satisfied with the present annual basic export quota of 360,000 bags (21,600 tonnes) and that it should be increased at least to 3,30,000 bags (48,900 tonnes). This request along with requests of certain other countries has been referred to the Executive Board for consideration. If necessary, a visit to the countries concerned by an official of the Council is also contemplated, so that the entire question could be discussed at a special session of the Council not later than the 30th November, 1963.

For the Coffee Year October 1963-September 1964, the annual export quota for all the exporting countries has been fixed at 99 per cent of the basic quota. Accordingly, India's annual quota during that year will accordingly be 356,400 bags (21,384 tonnes).

**Shri Kapur Singh:** What are the main obstacles in the expansion of our coffee trade?

**Shri Manubhai Shah:** The main obstruction is the non-availability of extra land for plantation of coffee. We have recently written to the four State Governments in the South that some of the waste land or land which is of less use in their forests may be given for coffee plantation. We have met with some success in that regard. Also, there was a failure of crop year before last. This year the

crop is good and we think that the coffee export will increase.

**Aluminium Plant in Jammu and Kashmir**

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**\*670. Shri Yashpal Singh:**  
**Shri P. Venkatasubbaiah:**

Will the Minister of Industry be pleased to state:

(a) whether the National Industrial Development Corporation is considering a proposal for setting up a big Aluminium Plant in the Jammu and Kashmir State;

(b) if so, where the Plan is proposed to be located;

(c) whether any foreign collaboration would be needed; and

(d) when the proposal is expected to be finalised?

**The Minister of Industry (Shri Kanungo):** (a) to (d). A statement is laid on the Table of the House.

**STATEMENT**

(a) and (b). No, Sir. Jammu and Kashmir Government however propose to set up an Aluminium plant in the Salal Area of the Chenab valley and the NIDC will undertake a feasibility study of the project after the basic data required for this purpose has been collected by the Jammu and Kashmir Government.

(c) The question of foreign collaboration can be examined only after the feasibility study has been completed and the details in regard to the capital, machinery, etc. have been worked out.

(d) The feasibility report is likely to be ready by the end of December, 1964. It will take a few months thereafter to review the scheme as a whole from the technological and economic aspect and to come to a final decision in the matter.

**श्री यशपाल सिंह :** अलूमिनियम की काश्मीर स्टेट में कूल कितनी डिमांड है ?

**Shri Kanungo:** There is no figure State-wise regarding the demand. The total demand for aluminium in India is much higher than the current production.

**श्री यशपाल सिंह:** क्या मैं यह भी जान सकता हूँ कि यह कब तक फाइलाइज हो जायेगा?

**Shri Kanungo:** As I mentioned, the feasibility report is likely to be ready by the end of 1964.

**Shri Sham Lal Saraf:** Along with this report, may I know whether the project report will be complete by that time?

**Shri Kanungo:** After the feasibility report is ready, then only the project report can be considered.

**Shri R. S. Pandey:** Apart from Jammu and Kashmir, may I know if an aluminium plant is coming up in Madhya Pradesh?

**Shri Kanungo:** Yes, Sir; there is a proposal to have an aluminium plant in Madhya Pradesh in the public sector.

#### Parliamentary Committee on Public Undertakings

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Dr. L. M. Singhvi:  
Shri Yashpal Singh:  
\*671. { Shri Prakash Vir Shastri:  
Shri Onkar Lal Berwa:  
Shri Shree Narayan Das:

Will the Minister of Industry be pleased to state the progress made in setting up a Parliamentary Committee on Public Undertakings?

**The Minister of Industry (Shri Kanungo):** Sir, a notice of my intention to move a motion for the constitution of a Committee on Public Undertakings has been given to the Secretary, Lok Sabha on 9th September, 1963.

**Dr. L. M. Singhvi:** May I know whether it is a fact that the Prime

Minister had to intervene to reconcile the conflicting claims which were raised before constituting this committee?

**Mr. Speaker:** Of what use would that be now?

**Dr. L. M. Singhvi:** We want to know how the formula has been arrived at.

**Mr. Speaker:** No formula can be considered to be final unless the House approves it. Therefor, we have to see whether it is acceptable to this House and to that House.

**Dr. L. M. Singhvi:** Before the formula is accepted by this House, I would respectfully submit that the Government had arrived at a formula. The House may or may not accept it; it is a different matter. We want to know how the Government has arrived at the formula.

**Mr. Speaker:** I do not think any useful purpose will be served; by a supplementary there ought to be some objective that is to be achieved.

**Dr. L. M. Singhvi:** I want to know.....

**Mr. Speaker:** He wants to know what is contained in the formula that would be coming up before the House and then see whether it is acceptable to him.

**Dr. L. M. Singhvi:** We want to know the antecedents of the formula, how it is arrived at.

**Mr. Speaker:** No; I am sorry; he can ask some other question.

**Dr. L. M. Singhvi:** May I know whether it is proposed to limit the scope of the functioning of this committee only to a few public sector undertakings or would the scope of the committee be extended to all public undertakings?

**Shri Kanungo:** The motion will be before the House very shortly. All public sector undertakings are covered.

**Shri H. N. Mukerjee:** In view of the earlier controversies around this matter in the House as well as outside, may I know if Government have no intension of having any prior consultation with members of different political parties before coming to a decision and if not, why not?

**Shri Kanungo:** No, Sir. We have taken note of the various views which have been expressed in this House and outside and we have piacced a motion for the consideration of the House.

**Shri Ranga:** May I know whether the Government have consulted the Public Accounts Committee and the Estimates Committee, and whether they have also taken into consideration how far their jurisdiction would be upset or abridged by any functions that they would be placing for the proposed committee?

**Shri Kanungo:** We have not consulted the committees referred to by the hon. Member, and about the contents of the motion the hon. Member would be able to judge when it is before the House.

**धौ. यशपाल सिंह:** क्या मैं यह जान सकता हूँ कि जब डिसेंट्रलाइजेशन की बात कही जाती है तो फिर जो केसरनिंग स्टेट्स हैं उन की लेजिस्लेटिव असेम्बलीज की कमेटीज क्यों न बनाई जायें ?

**प्रध्यक्ष महोवय:** यह अलहदा सवाल है ।

**Dr. L. M. Singhvi:** Is the Government in a position to give an indication of its own time table, if they have any, in respect of constituting this committee, apart from whether the House accords its sanction or not?

**Shri Kanungo:** As soon as the House passes this motion for constituting the committee, the committee will be set up.

**Shri Ranga:** May we have an assurance that the jurisdiction that the Auditor-General at present has to scrutinise the activities and also the accounts of the public sector enterprises, all or some of them, would not in any way be jeopardised and the jurisdiction of the Public Accounts Committee would also not be abridged?

**Shri Kanungo:** The powers of Auditor-General are statutory powers and they cannot be abridged. Regarding the functions of the committee, they will come up for discussion in this House.

**Shri Ranga:** He is telling about something that he is going to place before the House.

**Mr. Speaker:** The hon. Member wants an assurance that the powers that are being exercised by the Public Accounts Committee and the Estimates Committee and also the Auditor-General would not be abridged. But who can say what decision the House would take? What assurance can the Government give? The House has to take the decision. We have to take the decision here and the hon. Member shall have the option at that time to criticise if there is any abridgement of those powers and say that that should not be done.

**Shri Ranga:** Should not the House at least have the information whether they have consulted the Public Accounts Committee and the Estimates Committee?

**Mr. Speaker:** They have said that they have not consulted them.

**Hindustan Organic Chemicals Plant**

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**Shri Morarka:**  
**Shri Ravindra Varma:**  
 \*672. { **Shri Dighe:**  
 | **Shri Baswant:**  
 | **Shri Nath Pai:**

Will the Minister of Industry be pleased to state the progress made in setting up the Hindustan Organic Chemicals Plant at Panvel?

**The Minister of Industry (Shri Kanungo):** A statement is laid on the Table of the House.

#### STATEMENT

The work on civil construction as well as arrangement for water supply, power, railway siding and other essentials is in progress. The further implementation is, however, delayed due to the difficulty in obtaining the necessary foreign exchange, particularly for import of plant and equipment from Germany.

**Shri Morarka:** May I know why foreign exchange was not allocated or earmarked for this project when it was sanctioned?

**Shri Kanungo:** A huge amount of foreign exchange is necessary, and we came into a very tight position at that time.

**Shri Morarka:** When is the project expected to fructify now?

**Shri Kanungo:** I cannot give any firm time about it. All I can say is that we are making our best efforts.

**Shri Ravindra Varma:** We have been repeatedly told that the Government has been able to secure full foreign exchange requirements upto the third year of the Third Five Year Plan. How is it then being said in this case that the Government is finding it difficult to obtain foreign exchange?

**Shri Kanungo:** I do not know about other projects, but as far as this project is concerned we find that there is difficulty.

**Shri Ramachandra Ulaka:** May I know what is the productive capacity of this plant and the total estimated cost of it?

**Shri Kanungo:** The cost of the plant would be of the order of about Rs. 20 crores ultimately although it is estimated to be Rs. 16.5 crores.

**Shri Bhagwat Jha Azad:** May I know whether to avoid the difficulty in

securing the necessary foreign exchange the Government is contemplating to enter into any barter agreement with West Germany for the import of plants and equipment which are essential for this project?

**Shri Kanungo:** That was exactly the original plan, but it has not been successful.

#### Raw material for Steel Plants

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

(a) the steps taken by Government to improve the raw material position of Steel Plants in the public sector;

(b) the steps taken to economise the use of coal in the steel plants; and

(c) the steps taken to improve the administrative efficiency in the Steel Plants?

**The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi):** (a) The steps taken include a close liaison between the plants and the railways, introduction of closed-circuit movements of wagons between captive mines and the plants and improvement in the storage of raw materials.

(b) The steps include washing of coals, fuel oil injection and use of sinter in the plants and other technical improvements.

(c) The steps taken to improve the administrative efficiency in the steel plants in the public sector include re-organisation of the Board of Directors of Hindustan Steel Limited, greater delegation of powers by the Ministry to the Hindustan Steel Limited and by them in turn to the General Managers and subordinate officers in the plants.

कपड़ और सूत के सम्बन्ध में प्रशुल्क आयोग  
का प्रतिवेदन

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\*६७५. श्री यशपाल सिंह :  
श्री ही० ना० मुखर्जी :

क्या अन्तर्राष्ट्रीय व्यापार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने कपड़ और सूत के सम्बन्ध में प्रशुल्क आयोग के प्रतिवेदन में दी गयी सिफारिशों पर विचार कर लिया है ;

(ख) यदि हाँ, तो सरकार ने किन सिफारिशों को स्वीकार कर लिया है ; और

(ग) उन के कब तक कार्यान्वित किये जाने की सम्भावना है ?

The Minister of International Trade (Shri Manubhai Shah): (a) to (c). The report of the Tariff Commission is under consideration and it will take some time for decision to be taken on this report. The Commission, as is natural with such a vast industry having numerous varieties of products (cloth and yarn) and with qualities varying from producer to producer, has only attempted broad formula for arriving at prices leaving Governmental agencies (Textile Commissioner and others) to work out details or prices. Thus the whole question is under thorough and detailed examination of the Government including consideration of the report of the Tariff Commission.

WRITTEN ANSWERS TO QUESTIONS

Advance Deposit for Scooters

\*६५६. { Shrimati Savitri Nigam:  
Shri M. L. Dwivedi:

Will the Minister of Steel and Heavy Industries be pleased to refer to the

reply given to Starred Question No. 1063 on the 26th April, 1963 and state whether Government have taken any final decision regarding the advance money for scooters to be deposited in the banks instead of with the producers as it is being done in the case of cars?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): As in the case of cars, a person desirous of purchasing a scooter is required to furnish only a bank guarantee in support of his order for a scooter, in accordance with the provisions of the Scooters (Distribution and Sale) Control Order, 1960, which came into force from the 2nd September, 1960. From that date, no cash advance is required to be deposited either with the manufacturers or the dealers.

Pepper Export

\*६६७. Shri Shree Narayan Das: Will the Minister of International Trade be pleased to state

(a) whether it is a fact that there has been a setback in pepper export;

(b) if so, the reasons therefor; and

(c) the steps taken to improve the position?

The Minister of International Trade (Shri Manubhai Shah): (a) and (b). Yes, Sir. The decline has been due mainly to lower production in India and also heavier offerings from Singapore at much lower prices.

(c) Introduction of pre-shipment inspection and quality control; extensive publicity in consuming countries; exploration of ways and means for stabilisation of prices in consultations with other producing countries under the auspices of ECAFE.

Export of Tea to E.C.M. Countries

\*६७४. Shri P. C. Barooah: Will the Minister of International Trade be pleased to state:

(a) whether an arrangement has been made between the European

Common Market and the U.K. to allow all imports of tea including those from India into the European Common Market countries and Britain duty-free; and

(b) if so, the steps being taken by Government to increase export of tea to those countries in order to take the maximum advantage of this concession?

**The Minister of International Trade (Shri Manubhai Shah):**

(a) Yes, Sir. The European Economic Committee and the United Kingdom have reached an agreement for the suspension of the post-favoured-nation customs duties on tea (in packages over 3 kgs.) with effect from the 1st January, 1964.

(b) It is certainly our intention to take full advantage of the establishment of the duty-free regime for tea in the European Common Market countries. The Tea Board is appointing a senior officer to work in Brussels, his main functions will be to intensify propaganda and sales promotion activities in the area. He will be leaving for Brussels shortly.

#### Small Scale Units in Orissa

1864. { Shri Dhuleshwar Meena:  
        { Shri Ramachandra Ulaka:

Will the Minister of Industry be pleased to state:

(a) the number of small scale units benefitted by the Industrial Extension service in Orissa during 1962-63;

(b) the amount of loans granted in Orissa; and

(c) the nature of the small scale units in Orissa and the scope for their development?

**The Minister of Industry (Shri Kanungo):** (a) The number of small scale industrial units in Orissa which received various types of assistance

from the industrial Extension Service there is as follows:

1. No. of units given technical advice . . .	433
2. No. of parties given advice to start new industries . . .	332
3. No. of parties given other assistance . . .	516
4. No. of factory visits paid by the Officers . . .	831

(b) An amount of Rs. 9.31 lakhs was disbursed during 1962-63 as loans to small units in Orissa under the State Aid to Industries Act. Besides, loans are given to small scale units by the State Bank of India, State Finance Corporation and other Institutions also.

(c) The important small scale industries in Orissa are trunk manufacture, saw milling and wood working, non-ferrous domestic utensils, automobile repairs and general engineering workshops, washing soap, bakery, plastic moulding, expanded metal, tiles, agricultural implements and furniture and joinery. Besides, there are large number of Bidi manufacturers, rice, flour and oil milling units.

Rourkela and Jharsuguda, the two areas surveyed so far, show that there is scope for development of the following industries in the small scale Sector:

Wood seasoning, wooden & Steel furniture, re-rolling mills, industrial fasteners, M.S. washers, foundry, drums and barrels, pipe fittings, leather footwear, industrial hand gloves, paper bags, industrial brushes, mining implements, polythene lines jute bags, phenyle, builders hardwares, bicycle parts, mechanical toys, tyre-retreading and vulcanising, G.I. buckets, electric porcelainware (Low Tension), whitewares and sanitary wares, readymade garments, graphite crucibles, railway

wagon components and sleepers, household articles like pens, knife-blades, wire nails, and agricultural implements.

#### Paper Factories in Orissa

1865. { Shri Dhuleshwar Meena:  
Shri Ramachandra Ulaka:

Will the Minister of Industry be pleased to state:

(a) the number of paper factories in Orissa at present;

(b) the type of papers manufactured by them and the production capacity of each factory;

(c) whether any paper factory will be started in Orissa during 1963-64 and 1964-65; and

(d) if so, the total capital outlay thereof?

The Minister of Industry (Shri Kanungo): (a) Three.

(b) (i) Orient Paper Mills with a production capacity of 61,000 tonnes of Printing, Writing, Kraft, Duplex, Triplex and Ticket Board per annum.

(ii) Messrs. Titaghur Paper Mills with a production capacity of 12,000 tonnes of Printing & Writing, Kraft Paper & Pulp Boards per annum.

(iii) Messrs. Straw Product Ltd. with a production capacity of 18,000 tonnes of Printing & Writing Paper per annum.

(c) No, Sir.

(d) Does not arise.

#### Fertilizer Factory at Rourkela

1866. Shri Rama Chandra Mallik: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the progress made so far in the production of fertilizers in the Fertilizer Factory at Rourkela in Orissa;

(b) the present production capacity of the factory; and

(c) the quantity of fertilizers supplied by the factory in 1963 upto 30th June?

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

(a) and (b). The Fertilizer Plant at Rourkela was commissioned in November, 1962. The rated capacity of the plant is 5,80,000 tonnes of Calcium Ammonium Nitrate per annum, or about 48,000 tonnes per month. It has not, however, been possible to establish full production owing to shortfalls in the availability of coke oven gas in quality and quantity, and of electric power.

The monthly production since November, 1962 has been as under:

	Tonnes
November 1962	830
December 1962	8659
January 1963	9249
February 1963	9956
March 1963	11271
April 1963	8968
May 1963	1470
June 1963	5103
July 1963	15699
August 1963	17500

The very low production in May and June 1963 is due to complete stoppage of coke oven gas for a period of five weeks between 4th May and 12th June, 1963, when the compressors in the Steel Plant, through which the coke oven gas is supplied to the Fertilizer Plant, went out of commission. The compressors have since been repaired and brought into working condition.

(c) The total production from the 1st January to 30th June, 1963 was about 46,000 tonnes but the actual

despatches during that period was only about 18,000 tonnes.

**Stainless Steel for Rajasthan**

1867. *Shri Ramachandra Ulaka:*  
*Shri Dhuleshwar Meena:*

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

(a) the total quantity of stainless steel allotted to Rajasthan during 1962-63; and

(b) the actual requirement of stainless steel for Rajasthan during the same period?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):** (a) Due to the shortage of foreign exchange, no imports of Stainless Steel Sheets for utensil manufacture were arranged during 1962-63 and no allotment of Stainless Steel Sheets was made to Rajasthan during this period for this purpose.

(b) No precise information is available about the actual requirements of Stainless Steel Sheets during 1962-63. But, judging from the demand received by the State authorities in the past, it may be a little over 200 tons.

**Industrial Estates in Rajasthan**

1868. *Shri Dhuleshwar Meena:*  
*Shri Ramachandra Ulaka:*

Will the Minister of Industry be pleased to state the number of industrial estates opened in Rajasthan during 1962-63 and the names of the districts where opened?

**The Minister of Industry (Shri Kanungo):** The information is being collected and will be placed on the Table of the House.

**Cement Factory at Yerraguntla**

1869. *Shri Eswara Reddy:* Will the Minister of Steel and Heavy Industries be pleased to refer to the reply

given to Unstarred Question No. 254 on the 16th August, 1963 and state:

(a) the date on which the letter of intent was given for setting up a cement factory at Yerraguntla, Cuddapah district, Andhra Pradesh;

(b) the progress made so far by the party; and

(c) when the order for plant and machinery is going to be placed and the factory commissioned?

**The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi):** (a) 8th November, 1962.

(b) According to the reports from the party, surface survey of the area has been completed and application made to the State Government for the issue of a prospecting licence. A private limited company has been formed for finalising the financing arrangements for the project and promoting a public limited company to undertake the project.

(c) Order for plant and machinery can be placed only after the prospecting licence is received and detailed investigation of the raw material made. It is not possible to say at present when the factory will be commissioned.

**Small Scale Industries in Madras**

1870. *Shri M. G. Thengondar:* Will the Minister of Industry be pleased to state:

(a) the amount of financial assistance proposed to be given for the development of small scale industries in Madras during 1963-64; and

(b) how many small scale units have sprung up during the first two years of the Third Plan period?

**The Minister of Industry (Shri Kanungo):** (a) Central assistance for Madras State for development of Village and Small Scale Industries for 1963-64 is Rs. 297.00 lakhs (Loans Rs. 182.00 lakhs and grants Rs. 115.00

lakhs). No separate funds are earmarked for development of small scale industries alone.

(b) The Madras Government have published a directory of small scale industries. According to this directory, the number of units which were started during 1961 and were also registered by the State Government is 416. No information regarding the units that came up during 1962 is available.

#### Export of Cotton Textiles to U.S.A.

1871. **Shri Yashpal Singh:** Will the Minister of International Trade be pleased to state:

(a) whether the export of cotton textiles to the United States of America has shown a rising trend;

(b) if so, by how much; and

(c) whether any new technique was employed to boost up the exports?

**The Minister of International Trade (Shri Manubhai Shah):** (a) and (b). Yes, Sir. Exports of cotton piecegoods (mill-made) from India to the U.S.A. from 1961 onwards are as follows:—

Million yards

1961	6.99
1962	26.73
1963 (January to June)	25.80
estimated.	

(c) The rise in exports in 1962 was due to the fact that the U.S.A. applied restraints on imports of cotton textiles from Japan and Hongkong under the Short Term Arrangement for cotton textiles of the GATT. The importers in the U.S.A., therefore, looked to other countries like India. Secondly, Japan switched on from exports of grey goods to finished fabrics. Since India's bulk exports were in grey goods, India obtained boost in her exports.

#### Export of Textiles to Burma

1872. **Shri P. C. Borooah:**  
**Shri P. R. Chakraverti:**

Will the Minister of International Trade be pleased to refer to the reply given to Starred Question No. 965 on the 19th April, 1963 and state:

(a) the comparative figures showing the export of textiles from India and China to Burma and traditional European markets for Indian textiles during the past four quarters;

(b) whether it is a fact that the Chinese prices of their textile goods offered for sale in foreign markets and the Indian goods suffer from high cost of production; and

(c) if so, the specific steps taken to minimise production cost of Indian textiles?

**The Minister of International Trade (Shri Manubhai Shah):** (a) A statement is laid on the Table of the House. [Placed in Library. See No. LT-1718/63].

(b) The prices of Chinese textiles are far below the prices quoted by Indian exporters. It is reported that China pre-determines the prices to suit local market conditions for each country. The cost of production in India is high.

(c) In order to bring down the cost of production of Indian cotton textiles, the Government of India have decided to issue licences for installation of large number of automatic looms during the Third Five Year Plan. Government have also placed a ceiling on the prices of raw cotton with a view to minimising the overall cost of production of cotton textiles.

#### Indo-German Trade

1873. **Shri Bishan Chander Seth:**  
**Shri Yashpal Singh:**  
**Shri Basumatari:**  
**Shri Rameshwar Tantia:**

Will the Minister of International Trade be pleased to state:

(a) whether it is a fact that talks were held in Bonn on the 21st May, 1963 to increase Indo-German trade; and

(b) if so, the outcome of the discussion?

**The Minister of International Trade (Shri Manubhai Shah):** (a) Yes, Sir. The talks referred to were between the Government of India's commercial Representatives in West Germany and officials of the German Ministries concerned. India's Trade Agreement with West Germany, and the Protocol added to the Agreement on the 30th October 1959, provide for such talks being held whenever necessary to consider trade problems. One set of such talks was held on the 21st May, 1963 when some aspects of Indo-German trade during 1962 were reviewed and certain procedural details were discussed.

(b) The talks were helpful in focusing attention on India's adverse balance of trade with Germany and the need to bridge it. The difficulties in fulfilling the quotas which Germany gives for some Indian exports were also discussed. As a result of these discussions improvements in the procedure for administering quotas are expected which will enable satisfactory utilisation of import quotas.

#### 'Asha' Liquor

**1874. Shri D. C. Sharma:** Will the Minister of International Trade be pleased to state:

(a) whether 'Asha', a well-known brand of liquor distilled in Rajasthan, has become popular with foreigners in India;

(b) whether the possibility of exploring foreign markets for its export has been considered; and

(c) if so, with what results?

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

(b) and (c). Deterioration in quality and the time which the liquor takes

to mature are some of the impediments in the way of finding foreign markets for this product.

#### Improved Agricultural Implements

**1875. Shri Subodh Hansda:** Will the Minister of Industry be pleased to state:

(a) whether it is a fact that the manufacture of improved agricultural implements was put off or delayed in 1961-62 for want of funds in the Nahan foundry;

(b) if so, whether funds have since been made available for manufacturing the implements; and

(c) the kind of implements now being manufactured?

**The Minister of Industry (Shri Kanungo):** (a) Proposals for the manufacture of improved agricultural implements were formulated primarily to cater to the needs of Himachal Pradesh, Punjab and Northern, Western U.P. As the response from these States to these proposals was not satisfactory, the consideration of this scheme has been deferred.

(b) Does not arise.

(c) (i) Cane crushers.

(ii) Juice Pans.

(iii) Horizontal Power-crusher.

#### Rejected goods in Steel Plants

**1876. Shri Morarka:**  
Shri Ravindra Varma:

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

(a) the total value of rejected goods plant-wise produced by the three steel plants during 1961 and 1962;

(b) the names of the firms to whom they were sold and the price at which they were sold; and

(c) whether in terms of percentage, the quantity of rejected goods is above normal?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):** (a) to (c). The information is being collected and will be placed on the Table of the House.

**Trade Agreement with Czechoslovakia**

1877. { Shri P. C. Borooh:  
Shri Raghunath Singh:  
Shri Yashpal Singh:

Will the Minister of International Trade be pleased to state:

(a) whether a new trade agreement has been finalised between India and Czechoslovakia; and

(b) if so the broad details of the agreement?

**The Minister of International Trade (Shri Manubhai Shah):** (a) Discussions in regard to a new Trade Agreement, operative for a further period from the 1st January, 1964, are likely to be held shortly.

(b) Does not arise.

**Black-Marketing in Raw Materials**

1878. **Shri P. C. Borooh:** Will the Minister of Industry be pleased to state:

(a) whether numerous cases of black-marketing in controlled or imported raw materials allotted to industrialists have come to light during the last eight months and if so, the number of such cases in each State and Union Territory; and

(b) the action taken to prevent this malpractice?

**The Minister of Industry (Shri Kanungo):** (a) On the basis of the information so far received, 368 cases of alleged misutilisation of controlled or imported raw materials allotted to industrialists have come to the notice of the Government during the last eight months. Most of these cases are either under investigation

or are pending investigation, and their state-wise break-up is as below:—

Andhra Pradesh	8
Assam	1
Bihar	3
Gujarat	4
Kerala	6
Madhya Pradesh	11
Madras	17
Maharashtra	28
Orissa	16
Punjab	209
Rajasthan	7
Uttar Pradesh	12
West Bengal	18
Delhi	17
Himachal Pradesh	10
Pondicherry	1
<b>TOTAL</b>	<b>368</b>

(b) Action is taken against the offenders under the penal clauses (Sections 5 and 6) of the Imports and Exports (Control) Act 1947, and Clauses 6, 8 and 9 of the Imports (Control) Order 1955.

The State Governments have appointed necessary staff in their Directorates of Industries, so as to keep a watch over the proper utilisation of controlled raw materials. As and when any case of black-marketing comes to the notice of the Government, strict action is taken against the defaulting firms, and quotas suspended or cancelled.

**Import of Phosphates from U.A.R.**

1879. **Shri Raghunath Singh:** Will the Minister of International Trade be pleased to state:

(a) whether India proposes to import phosphates from U.A.R.; and

(b) if so, the quantity and value thereof?

**The Minister of International Trade (Shri Manubhai Shah):** (a) and (b). Yes, Sir. The quantum of import of rock phosphate from the U.A.R. during the period ending February, 1964 is likely to be of the order of about Rs. 70 lakhs.

#### Coffee Board Depot Workers

**1880. Shri A. K. Gopalan:** Will the Minister of International Trade be pleased to state:

(a) whether it is a fact that the agreement between Coffee Board Labour Union and the Coffee Board about the Bombay Tribunal Award has not yet been implemented in the case of depot workers;

(b) if so, the reasons therefor; and

(c) the steps taken to implement the agreement in the case of depot workers?

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

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

#### Foreign Exchange for Birla Planetarium

**1881. Dr. Ranen Sen:** Will the Minister of International Trade be pleased to state:

(a) the foreign exchange sanctioned by Government to the Birlas to enable them to build the Planetarium at Calcutta;

(b) the name of the foreign firm that fitted the Planetarium with scientific equipment; and

(c) whether the deal was made through the Government of India?

**The Minister of International Trade (Shri Manubhai Shah):** (a) Import licences for Rs. 8,87,000 for import of Planetarium projector and dome were issued during 1956 and 1957.

(b) According to the contracts, the suppliers of equipment, namely M/s.

Web Carl Zeiss, East Germany and M/s. Deutscher Innen-und-Aussenhandel INVEST-EXPORT, East Germany, were also to provide necessary technicians for erection of the Planetarium.

(c), No, Sir.

#### Small Industries Extension Centre

**1882. Shri G. Mohanty:** Will the Minister of Industry be pleased to state:

(a) whether the Small Industries Extension Centre at Attingal for training in production of stainless steel and aluminium has started functioning;

(b) if so, the number of persons trained in the industries by now;

(c) the number out of these absorbed and where; and

(d) whether there is any proposal to establish such centres at other places?

**The Minister of Industry (Shri Kanungo):** (a) The machinery which was ordered for the Extension Centre, Attingal, could not be installed for want of suitable building at Attingal. Instead of keeping the machinery idle, it was temporarily installed in one of the sheds in the Industrial Estate at Ettumanur, where it started functioning from June, 1962. The building at Attingal has now been constructed and the machinery is being transferred from Ettumanur and installed at Attingal.

(b) and (c). As a part of the Industrial Extension work which was incidental to the production programme undertaken at Ettumanur, three persons sponsored by M/s. Malabar District Co-operative Metal Work, Palghat, have been trained and all of them have returned to the sponsoring unit.

(d) No, Sir.

**Manufacture of agricultural implements.**

1883. { Dr. L. M. Singhvi;  
Shri Sidheshwar Prasad:

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

(a) the number of manufacturing concerns licensed to produce tractors and other agricultural implements in the country, Indian and foreign, separately;

(b) the number of concerns in the public sector; and

(c) the total production of agricultural implements during the last three years?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):**  
(a) Six firms are, so far, licensed for the manufacture of agricultural tractors including power tillers and five firms are licensed for the manufacture of agricultural implements. All these firms are Indian.

(b) None so far.

(c) The figures of production of tractor drawn agricultural implements are given below:—

1960	1961	1962	1963 (upto July)
Nos.	Nos.	Nos.	Nos.
247	1,140	4,295	1,860

**Industrial Units in Assam**

1884. { Shri Ramachandra Ulaka;  
Shri Dhuleshwar Meena:

Will the Minister of Supply be pleased to refer to the reply given to Unstarred Question No 164 on the 25th February, 1963 and state:

(a) whether Government have since considered the proposal for establish-

ing some industrial units in Assam to meet defence requirements; and

(b) if so, the broad features thereof?

**The Minister of Supply (Shri Hathi):**  
(a) and (b). No proposal has been received for establishing industrial units in Assam to meet Defence requirements.

**Whisky**

1885. Shri P. K. Deo: Will the Minister of Industry be pleased to state:

(a) whether experts are being invited from Scotland for distilling whisky in some of the Government-owned distilleries; and

(b) the quantity of Scotch Whisky imported every year since last three years and how much foreign exchange was involved?

**The Minister of Industry (Shri Kanungo):** (a) Government are not aware of any such invitation

(b) No separate import statistics are maintained for scotch whisky. Import of whisky during the years 1960-61, 1961-62, 1962-63 and 1963-64 (upto May 1963) was as follows:—

Year	Quantity of whisky imported.	Value.	
		Litres.	Rs. .
1960-61	4,74,000	37,40,000	
1961-62	3,44,000	26,24,000	
1962-63	2,54,000	19,13,000	
1963-64 (Upto May 1963)	32,000	2,42 000	

**Departments of Supply and Technical Development**

1886. Dr. L. M. Singhvi: Will the Minister of Supply be pleased to state the number of officers in the Departments of Supply and Technical

Development who are on deputation from other offices?

**The Minister of Supply (Shri Hathi):**

Department of Supply . . . .	37
Department of Technical Development . . . .	11
<b>TOTAL . . . .</b>	<b>48</b>

NOTE : This number includes both the gazetted and non-gazetted staff.

**Production of Alcohol**

**1887. Shri Bhagwat Jha Azad:** Will the Minister of Industry be pleased to state:

(a) whether possibilities for the use of raw materials from Petro-chemical sources for the production of alcohol have been examined; and

(b) whether enough alcohol is not available for manufacturing numerous chemicals?

**The Minister of Industry (Shri Kanungo):** (a) There is no programme at present to manufacture Alcohol from Petro Chemical feed stocks.

(b) Owing to the unexpected poor sugar cane crop in North India there has been this year a shortage of molasses and a consequent reduction in the production and supply of alcohol. The position is expected to improve in the next sugar cane crushing season.

**Law Commission's Recommendations**

**1888. Shri Harish Chandra Mathur:** Will the Minister of Law be pleased to state:

(a) the progress made in the matter of examining the recommendations of Law Commission; and

(b) which of the major recommendations have been (i) accepted and (ii) rejected during 1962-63 and 1963-64 so far?

**The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra):** (a) The Law Commission has so far submitted to the Government of India 24 (twenty-four) Reports. The recommendations contained in these reports have either been implemented or are being implemented. A statement showing the progress so far made is placed on the Table of the House. [Placed in Library. See No. LT-1719/63].

(b) A statement showing the major recommendations which have been accepted or rejected during the period from 1962 is placed on the Table of the House [Placed in Library. See No. 1722/63].

**Handloom Industry**

**1889. Shri Sivamurthi Swamy:** Will the Minister of International Trade be pleased to state:

(a) the amount given to each State for development of Handloom Industry during 1961-62 and 1962-63;

(b) the amount sanctioned for loans to general weavers and weavers' co-operative societies in the country during 1961-62 and 1962-63; and

(c) the amount that has been actually spent by the States for Handloom Industry during the same period?

**The Minister of International Trade (Shri Manubhai Shah):** (a) A statement is laid on the Table of the House [Placed in Library. See No. LT-1720-63].

(b) Inasmuch as Central Assistance is confined to the handloom industry in the cooperative sector only, loans sanctioned to States are in effect loans given to Weavers' Cooperative Societies.

(c) A statement showing the amounts actually spent by the States for development of handloom industry during 1961-62 is laid on the Table of the House. [Placed in Library. See No. LT-1720/63]. As for 1962-63, the figures of expenditure have not been received from the State Governments so far.

**Cottage Industry**

**1890. Shri Sivamurthi Swamy:** Will the Minister of Industry be pleased to state:

(a) the amount given to each State for the development of cottage industry during 1961-62 and 1962-63; and

(b) the amount actually spent by the States for cottage industry during the same period?

**The Minister of Industry (Shri Kanungo):** (a) and (b). A statement is laid on the Table of the House. [Placed in Library. See LT-1721/63].

**Guest Houses built by Public Undertakings**

**1891. Dr. L. M. Singhvi:** Will the Minister of Industry be pleased to state:

(a) whether any of the public sector undertakings under the control of his Ministry had rented or built buildings for starting guest houses; and

(b) if so, the names of the undertakings, the places at which the guest houses exist and the rents paid or the cost of building in each case?

**The Minister of Industry (Shri Nityanand Kanungo):** (a) and (b). A statement is laid on the Table of the House. [Placed in Library. See No. 1722/63].

**Output of Iron and Steel in Private Sector**

**1892. { Shri Ramachandra Ulaka:  
Shri Dhuleshwar Meena:**

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

(a) whether it is a fact that the saleable iron and steel output in the Private Sector during the last six months has considerably gone down; and

(b) if so, the reasons therefor?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):**  
(a) No, Sir.

(b) Does not arise.

**Production of Pig Iron**

**1893. { Shri Ramachandra Ulaka:  
Shri Dhuleshwar Meena:**

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

(a) the production of pig iron in the country through low shaft furnace operations during 1962-63;

(b) whether this production has declined in comparison to the production of the previous year; and

(c) if so, the reasons therefor?

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):**  
(a) 28,224 tonnes.

(b) Yes, Sir.

(c) There was a difference of 1,360 tonnes in production. This has been ascribed mainly to larger number of power failures.

**Rehabilitation Industries Corporation**

**1894. { Shri Ramachandra Ulaka:  
Shri Dhuleshwar Meena:**

Will the Minister of Industry be pleased to state the amount still outstanding with different industrial concerns who were provided with loans by the Rehabilitation Industries Corporation as on the 31st July, 1963?

**The Minister of Industry (Shri Nityanand Kanungo):** A statement is laid on the Table of the House. [Placed in Library. See No. LT-1723/63].

**Allotment of Raw Material**

**1895. Shri Mohsin:** Will the Minister of Industry be pleased to state:

(a) the total demand and allotment of raw material like stainless steel,

brass, steel, copper and zinc made to different States in the country during the last three years;

(b) whether it is a fact that Mysore's demands were not properly attended to during the last three years; and

(c) whether some of the imported machinery is lying idle for want of raw material in the State?

**The Minister of Industry (Shri Kanungo):** (a) Information is being collected and will be laid on the Table of the House when ready.

(b) No, Sir.

(c) It would not be correct to say that some of the imported machinery is lying idle, though it is true that in a number of cases the machinery is not used to full capacity due to inadequate availability of raw materials.

राजस्थान में ऊन और खादी का उत्पादन

१८६६ { ऊ प० सा० बास्पाल :  
          { ऊ रामचन्द्र उपालका :  
          { ऊ रतन लाल :  
          { ऊ चुलइबर मीना :

क्या उद्घोग मंत्री यह बताने की हृषा करेंगे कि :

(क) केन्द्रीय सरकार ने राजस्थान के बीकानेर जिले में ऊन और खादी के उत्पादन के लिए १९६० से १९६३ में अभी तक कुल कितनी राशि दी है ; और

(ख) उक्त अवधि में प्राप्त अनुदानों में से कितनी राशि व्यय की गई ?

उद्घोग मंत्री (धी कानूनगो) : (क) १५.४८ लाख रु०

(ख) अपेक्षित जानकारी इकट्ठी की जा रही है वह यथासमय सदन की मेज पर रख दी जायेगी ।

### Import of Machine Tools

**1898. Dr. Mahadeva Prasad:** Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it is a fact that import of machine tools has recorded an upward trend in recent years, despite the big increase in home production; and

(b) if so, the reasons therefor?

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

(b) The demand for machine tools has gone up due to increased industrial activity, especially in the field of machinery manufacture.

### Oxygen and Acetylene Factory in Kerala

**1899. Shri P. Kunhan:** Will the Minister of Industry be pleased to state:

(a) whether any licence has been given to a private firm recently to set up a factory in Kerala for the manufacture of Oxygen and Acetylene;

(b) if so, the name of the firm to which licence has been given;

(c) the estimated cost of the factory; and

(d) its production capacity?

**The Minister of Industry (Shri Kanungo):** (a) and (b). A licence under the Industries (Development and Regulation) Act, has been issued in May, 1963, to Shri D. N. Khandke of Bombay to establish a new industrial undertaking in Alwaye Tehsil, District Ernakulam, Kerala State, under the name of "Southern Gas Limited" for the manufacture of oxygen and Dissolved Acetylene gases. The scheme is essentially to recover the by-product oxygen available from Messrs Fertilisers and Chemicals (Travancore) Limited, Alwaye.

(c) Rs. 61 lakhs.

(d) The annual capacities licensed for oxygen and Dissolved Acetylene gases are 60 million cubic feet and 12 million cubic feet respectively.

### अमलाई पेपर मिल्स

१६००. श्री उटिया : वया उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिडला क्षेत्र को मध्य प्रदेश के शहडोल जिले में अमलाई पेपर मिल्स की स्थापना के लिए नाइसेंस दिया गया था ;

(ख) यदि हां, तो कारखाने की स्थापना के लिये कितने बार समय बढ़ाया गया ; प्रौर

(ग) उस कागज के कारखाने के कब तक चालू हो जाने की सम्भावना है ?

उद्योग मंत्री (श्री कानूनगो) : (क) जी, हां ।

(ख) तीन बार ।

(ग) ३० जून, १९६४ तक ।

—

12.03 hrs.

### CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

(i) JUDICIAL PRONOUNCEMENTS BY SUPREME COURT REGARDING FILING OF AN AFFIDAVIT BY A MAGISTRATE RELATING TO TRANSFER OF A CRIMINAL CASE

Shri Tyagi (Dehra Dun): Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:

"The judicial pronouncements made by the Supreme Court in its judgment dated the 4th September, 1963, regarding filing of an affidavit by a Delhi Magis-

trate on behalf of the Delhi Administration relating to the transfer of a criminal case pending in his court".

**The Minister of Home Affairs (Shri Nanda):** The statement consists of two pages. Shall I read it or.....

**Some hon. Members:** Yes, yes.

**Shri Nanda:** One Shri Mool Raj filed a complaint against Shrimati Kaushalya Devi, Shri Dalip Singh and others under Section 420 read with section 120B of the Indian Penal Code in the court of Shri R. N. Singh, Magistrate First Class, Delhi. The case was assigned to Shri M. L. Grover, Magistrate First Class, for trial. Shrimati Kaushalya Devi filed a petition before the Supreme Court for the transfer of the case from the court of Shri M. L. Grover. The Supreme Court then ordered a stay of the proceedings in the Magistrate's court and directed the petitioner to file an application in the proper form under section 526 of the Criminal Procedure Code before the Sessions Judge, Delhi. The Sessions Judge ordered the transfer of the case from the court of Shri M. L. Grover to the court of some Magistrate who did not belong to the Punjab cadre. The case was then transferred by the District Magistrate to the court of Shri S. C. Chaturvedi, Magistrate First Class, Delhi. Shrimati Kaushalya Devi then filed a petition under section 527 of the Criminal Procedure Code before the Supreme Court of India for the transfer of the case from the court of Shri S. C. Chaturvedi to a court subordinate to some High Court other than the High Court which has jurisdiction over the Delhi Territory, namely the High Court of Punjab. When the petition came up for hearing before the Supreme Court an affidavit sworn by the Magistrate Shri S. C. Chaturvedi was filed on behalf of the Delhi Administration. The Supreme Court ordered the transfer of the case from the court of Shri S. C. Chaturvedi to the District Magistrate, Saharanpur, under the

[Shri Nanda]

jurisdiction of the Allahabad High Court, who was, in his turn, directed to entrust the trial of the case to a Magistrate of competent jurisdiction in his district.

2. In the course of their judgment the Supreme Court have observed:

"....it is not easy to understand how the Delhi Administration requested the learned Magistrate himself to make the affidavit, and how the learned Magistrate accepted the said request. .... the Sub-Divisional Magistrate himself has, in a sense, entered the arena and made a counter-affidavit opposing the transfer application, the complexion of the problem is completely changed....The affidavit of the Sub-Divisional Magistrate is described as an affidavit made on behalf of the Delhi Administration. .... it is impossible to understand how the Magistrate in whose court the proceedings in question are pending can rush into the arena and make an affidavit disputing the prayer made by the petitioner for transfer of the case. ....the Magistrate in whose court the proceedings are pending should never forget that he is a Judge and not a partisan for the Administration or the prosecution; ....The statement made by the learned Magistrate....clearly shows that the Magistrate has assumed a partisan role and has purported to contest the plea which the petitioner wanted to raise....It is an elementary principle of the rule of law that Judges who preside over trials, civil or criminal, never enter the arena. In criminal trials, particularly, it is of utmost importance that the Magistrate who tries the case must remain fearless, impartial and objective;.... if a Magistrate chooses to make an affidavit challenging the application made by an accused person

whose case is pending in his court, makes the said affidavit on behalf of the Administration, and in the affidavit puts in a strong plea opposing the transfer, all essential attributes of a fair and impartial criminal trial are immediately put in jeopardy. It is very much to be regretted that the Delhi Administration chose to request the Magistrate to make an affidavit and that the Magistrate accepted the said request and made the affidavit on the lines we have already indicated. That being so, even without considering the merits of the contentions raised by the petitioner, we think it is expedient for the ends of justice that the case pending against the petitioner and three other persons should be transferred from the court of the learned Sub-Divisional Magistrate, Delhi, to a court of competent jurisdiction in Saharanpur, U.P.".

3. I have had occasion to look carefully into the papers. In connection with another matter, the Deputy Government Advocate had advised the Delhi Administration that in all matters where a notice is issued by the Supreme Court for the hearing of a petition, it is the duty of the respondent to give all details whichever are sought by the Court and that should also be done by way of an affidavit which may be filed on behalf of the State sworn by an officer of the State Government duly in advance of the date of hearing. In pursuance of this advice of the Deputy Government Advocate, the Additional District Magistrate, Delhi, had issued an order to all Magistrates that as the Presiding Officers of the lower court concerned were usually conversant with the facts of the case they were the right persons to swear affidavits in connexion with cases pending in their courts.

**Shri Tyagi:** Foolish. Who did it?

**Shri Nanda:** Certainly so; but please hear it. When Shrimati Kaushalya Devi's petition for the transfer of the case was filed in the Supreme Court, the Deputy Government Advocate advised that if the Delhi Administration wanted to oppose the transfer petition a *vakalatnama* may be duly executed and a counter-affidavit be sworn by some officer duly conversant with the facts of the case. The trial Magistrate Shri S. C. Chaturvedi was accordingly asked to brief the Deputy Government Advocate with regard to the facts material to this case and also to swear a counter affidavit. A counter-affidavit was drafted by the Deputy Government Advocate and the Magistrate swore to the affidavit which was then filed in the Supreme Court.

4. I may state straightaway that the Magistrate was ill-advised in filing a counter-affidavit before the Supreme Court in the proceedings for the transfer of a case from his court. From the details which I have given above, it will, however, also be clear that the Delhi Administration themselves in the light of the advice of the Deputy Government Advocate had issued standing instructions to Magistrates with regard to the filing of counter-affidavits in such cases, which were erroneous. The Deputy Government Advocate was also mistaken in filing a counter-affidavit sworn by the trying Magistrate himself in these proceedings.

5. I would like, however, to assure the House that although the officers to whom I have referred fell into this error, there is no reason to believe that they acted except in good faith. Suitable instructions to the Delhi Administration have also issued indicating to them the proper procedure to be adopted in such cases in future.

**Mr. Speaker:** Shri Tyagi.

**Shri Tyagi:** After hearing the hon. Home Minister and the spirit in which he has made the statement, I have no further questions to ask.

**Shri Hari Vishnu Kamath** (Hoshangabad): Is the hon. Minister aware of widespread reports in the capital that some highranking Minister or one of his influential relations took such inordinately unwholesome interest in this case as to advise the Delhi Administration to ask the Magistrate to file an affidavit in the case which has been rightly criticized so strongly by the Supreme Court? If it be otherwise, has the hon. Minister cared to enquire under what provision of law or procedure or other enactment the Deputy Government Advocate suggested to the Delhi Administration that an affidavit or counter-affidavit or some such document could be filed in such cases? What is the procedure?

**Mr. Speaker:** Hon. Members should realise that it was not in this individual or particular case that the Magistrate had filed an affidavit. There were standing instructions by the Delhi Administration. Erroneous though they were and reprehensible though they might be, they were the instructions perhaps after the advice of the Deputy Government Advocate or wherever he was. Therefore under those instructions this advice also was given and then the affidavit was filed. Therefore, there is no need to bring in the relation of some Minister or somebody else who advised the Delhi Administration. If it were a lonely or a separate case, then it would be a different thing.

**Shri Hari Vishnu Kamath:** I am glad you have clarified the position. May I know when the Government exactly came to know of the Deputy Government Advocate's instruction? How long ago was it and did they sleep so long over it?

**Mr. Speaker:** When did the Government come to know of these instructions by this advocate?

**Shri Nanda:** As far as I know it was out of the judgment of the Supreme Court. Then only the thing came to our notice.

**Shri Hari Vishnu Kamath:** May I know in how many cases the affidavit was filed?

**Shri Nanda:** There was no such case.

**Shri Hari Vishnu Kamath:** Here it is, Sir.

**Mr. Speaker:** In any other case also had any magistrate filed an affidavit?

**Shri Nanda:** It has to be verified. There was no case on the same lines. The case which came to our notice earlier was not on the same lines.

**Mr. Speaker:** The Members are anxious to find out, when it is alleged that it was in pursuance of the instructions of the Delhi Administration, whether occasions had arisen earlier where magistrates had been asked or they had filed affidavits when applications for transfer had been made in the higher court?

**Shri Nanda:** No such case, where the matter of transfer is there. There are other cases which are of a different character.

**Shri Hari Vishnu Kamath:** In all humility, Sir, I may say my first part of the question now becomes relevant, whether it was because of some Minister or some relation of his who was so interested in the case that he or she advised the magistrate to file an affidavit.

**Shri Nanda:** No such thing has come to our notice.

**Shri Tyagi:** At what level was the Deputy Government Advocate's opinion formed....(Interruptions).

**Shri R. Barua (Jorhat):** May I know when were the instructions by the Deputy Government Advocate issued?

**Mr. Speaker:** When was the circular issued?

**Shri Nanda:** This is on the 1st of July—1-7-63.

**Shri Ranga (Chittoor):** Specially for this.

**Mr. Speaker:** Inferences are for the Members to draw. They can ask for information.

**Dr. L. M. Singhvi (Jodhpur):** The issuing of a general circular to this effect which seems to have been contrived almost for this case, just before this case, seems to represent a perfect subversion of the judicial process. I want to know what steps have the Government taken to see that similar circulars which are in violation of known procedure which have been promulgated by the Punjab Administration? This is Delhi Administration.

**Mr. Speaker:** Punjab Administration? This is Delhi Administration.

**Shri Nath Pai (Rajapur):** Punjab is very intimately connected with this.

**Dr. L. M. Singhvi:** I am sorry; Delhi Administration.

**Shri Nanda:** As is evident from the last portion of my statement, we have issued strict instructions and given proper guidance to the authorities so that such things may not recur. This was on the 5th July that the transfer of this case arose—the issuing of an affidavit.

**Shri Ranga:** It is for the benefit of this case that it was issued.

**Shri Surendranath Dwivedy (Kendrapara):** It is very clear.

**Mr. Speaker:** Order, order. We should proceed in an orderly manner.

**Shri S. M. Banerjee (Kanpur):** It has come out in newspapers that Shrimati Kaushalya Devi urged for the transfer of this case because she was the mother-in-law of Shri R. P. Kapoor who had incurred the wrath of the Chief Minister of Punjab. I would like to know what the Government is considering, after so many judgments of the Supreme Court where everyone has asked for transfer of the case from Punjab to other places and whether

the Government have gone deeper into that aspect.....

**Mr. Speaker:** We are going far away from the question that is before us.

**Shri S. M. Banerjee:** It has come in the papers.

**Mr. Speaker:** Because it has come in the papers, the question should be put. I will not allow that. (Interruption).

**Shri S. M. Banerjee:** Let the Chief Minister survive.

**Mr. Speaker:** That is not my concern. I am only concerned whether the question survives or not. (Interruption).

**Shri Nath Pai:** Is it a fact that Shrimati Kaushalya Devi happens to be the mother-in-law of Mr. R. P. Kapoor, an I.C.S. official from Punjab who has incurred the wrath and displeasure of the Chief Minister of Punjab and may I know in how many cases has the Supreme Court passed strictures against the Punjab Chief Minister before the Government makes up its mind to remove him?

**Mr. Speaker:** That is not relevant.

**Shri Nath Pai:** It is extremely relevant. The first part of my question is relevant.

**Mr. Speaker:** No.

**Shri Nath Pai:** I am very sorry that you are saying like this.

**Shri S. M. Banerjee:** On a point of order. . . .

**Shri Nath Pai:** The case has come from Punjab to Delhi. . . .

**Mr. Speaker:** I do realise that. However excited we might be and however strongly we might feel on a

particular point, then too, we have to proceed according to the rules that we have got. A particular issue is before us. How can the Members expect that I should open it out to other matters that are not relevant here? They may excuse me in this respect, and I hope they will realise their own responsibilities also. I do know that they feel exercised, and I might also be one of them sometimes, but this cannot be brought up here.

**Shri Nath Pai:** The first part of my question may be answered. The whole unfortunate case has come to Delhi because of a certain background. She has had the case transferred to Delhi because of a certain background. So, I want a reply to the first part of my question which is legitimate.

**Shri S. M. Banerjee:** I rise to a point of order.... (Interruptions).

**Mr. Speaker:** The hon. Member rises always to a point of order, and subsequently it is found to be no point of order at all . . .

**Shri S. M. Banerjee:** How can you anticipate what I am going to say?

**Mr. Speaker:** The first question is whether Shrimati Kaushalya Devi is the mother-in-law of . . .

**Shri Nath Pai:** . . . one Mr. Kapur?

**Shri Nanda:** I have heard that. It is so.

**Shri Nath Pai:** What was the reply?

**Mr. Speaker:** He says that he has also heard that.

**Shri S. M. Banerjee:** My point of order is this, namely that this calling-attention-notice was tabled on the basis of a judgment of the Supreme Court where Shrimati Kaushalya Devi appealed to the Supreme Court for transfer of her case, because she felt that she was the mother-in-law of Mr. R. P. Kapur who had incurred the displeasure or wrath of the Chief Minister, and, therefore, she should

[Shri S. M. Banerjee]

ask for a transfer of the case. So, if any matter arises out of a particular subject for which we have tabled this calling-attention-notice, are we not entitled to discuss it and put questions on that?

**Mr. Speaker:** That is what I have stated that that does not extend; the particular issue that we have before us does not include that.

**Shri Nath Pai:** We are only going into the root cause of it.

**श्री राम सेवक यादव (बाराबंकी) :**  
अभी माननीय मंत्री जी ने बताया है कि १ जुलाई १९६३ को सर्कुलर जारी हुआ था। मैं जानना चाहता हूँ कि यह बयान हल्फी पहले दाखिल की गई या इसके बाद में?

**Mr. Speaker:** He wants to know whether the affidavit was filed before this or after this?

**The Minister of Law (Shri A. K. Sen):** Before the circular? No, it was after the circular. The circular was on 1st July, and the notice of this application for transfer was issued by the Supreme Court only on the 25th July, that means, 25 days after the circular.

**Shri Surendranath Dwivedy:** When was the affidavit filed?

**Shri A. K. Sen:** The affidavit was filed on the 27th August.

**Shri Kapur Singh (Ludhiana):** Since this magistrate acted under instructions and not *suo motu* and in perversity, may this House be assured that he will not be put into jeopardy directly or indirectly to appease the just displeasure of the Supreme Court?

**Mr. Speaker:** He cannot ask for that assurance now

**श्री अरोंकार लाल बेरवा (कोटा) :**  
मैं जानना चाहता हूँ कि यह डिएटी गवर्नरेंट

एडवोकेट कौन से सूबे के हैं और कब से डिएटी गवर्नरेंट एडवोकेट हैं?

**अध्यक्ष महोदय :** दिल्ली के सूबे के होंगे और किस के?

**Shri Nanda:** He was appointed on the advice of the UPSC.

**Mr. Speaker:** Is he the Deputy Government Advocate of Delhi?

**Shri Nanda:** Yes, he is for Delhi also.

**Shri Surendranath Dwivedy:** The hon. Member wants to know the State to which he belongs.

**Shri Kapur Singh:** My question is based upon the general knowledge that Governments are wont to adopt measures wherein they are tempted to put innocent people into jeopardy as scapegoats.

**Mr. Speaker:** On a question, I cannot compel Government to give any assurance on any subject saying that they would not do this or they would not do that. That was my objection.

**Shri Kapur Singh:** We can get some kind of indication that a wrong thing would not be done.

**Mr. Speaker:** Of course, we expect that from Government, in fact, from every Government.

**Shri Lahri Singh (Rohtak):** May I know whether it is under consideration of Government to take action against that Government advocate for issuing these erroneous instructions?

**Shri Nanda:** I have stated that we have informed the Chief Commissioner as to what should be done in future. Of course, the Supreme Court came down naturally with a very heavy hand on this because it was wholly improper. This is being realised. If anything more has to be done about competence etc. certainly the autho-

rities immediately concerned can do that. This deputy government advocate is attached to the Supreme Court and looks after cases in Delhi and other cases.

**Shri Tyagi:** Has he been dismissed or not?

(ii) Reported photographing by Chinese Embassy official of communist flags on government property in Delhi.

**Shri Hem Barua (Gauhati):** I call the attention of the Prime Minister to the following matter of urgent public importance and request that he may make a statement thereon:

The reported fact of Chinese Embassy officials taking photographs of communist flags on government property in Delhi on the 12th September 1963.

**The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru):** Apart from what has appeared in the public press—newspapers—I have been unable to get any special information on this subject. I have enquired and have not got it yet. But presuming that what has appeared in the papers is correct.....

**Mr. Speaker:** If he desires to make that statement later on, today or tomorrow, he might do so.

**Shri Jawaharlal Nehru:** I do not think so. I accept the report as correct. I say there is nothing further we can do about it.

**Shri Tyagi:** Was the police there? Did the police interfere?

**Mr. Speaker:** Order, order.

**Shri Jawaharlal Nehru:** Early in the morning, the press report says, some people, Communists presumably, put up a few flags—red flags—on those posts that have been put up for VIP receptions. Just then, a

Chinese Embassy official was passing by in a car. He took some pictures of it.

**Shri Nath Pai:** How did he happen to pass just then?

**Shri Hari Vishnu Kamath:** Collusion between them.

**Shri Jawaharlal Nehru:** Immediately, a number of people apparently went towards the car and the car went away. It was there for a very short time. The flags were taken off. According to this report that was all that happened (*Interruptions*).

**An Hon. Member:** They are in a hurry!

**Shri Hem Barua:** In view of the fact that espionage work in our country is, of late, intensified by the Chinese jointly with Pakistan and certain other pro-Peking political elements in our country, may I know whether the Government propose (a) to sever diplomatic relations with China in the interest of the security of our country....

**Mr. Speaker:** That is not relevant. He should put a question that is relevant.

**Shri Hem Barua:** I am coming to (b).

**Mr. Speaker:** If (b) is the relevant part, why should he put (a)?

**Shri Hem Barua:** Do Government propose to take stern measures, instead of legalising subversion which Government has so far been doing, against those subversive elements in our country?

**An Hon. Member:** And the communist party.

**Shri Jawaharlal Nehru:** I am afraid I am not intelligent enough always to follow the hon. Member's questions....

**Shri Hem Barua:** Shall I repeat it?

**Shri Jawaharlal Nehru:** (a)s, (b)s, (c)s, (d)s, (x)s, (y)s and (z)s—I cannot understand.

**Mr. Speaker:** I have so many times asked the hon. Member to confine himself to the point in question. One thing I might make clear. If a Member does not utilise properly the opportunity given to him to put a question, or put a question that is inadmissible and I over-rule it, he loses that opportunity. That cannot be repeated again and again.

**Shri Hem Barua:** I did not want to repeat.

**Mr. Speaker:** Because it cannot be that once he has put an irrelevant question, I allow him to put another question, and if that is again irrelevant, I allow him a third opportunity. Therefore, Members ought to be careful. I will allow him an opportunity this time, but let Members beware that if they put irrelevant questions, they will lose their opportunity.

**Shri Ranga:** Surely we cannot be sure, however careful we may be, that we put only such questions which would be allowed by you. If by any chance, you are pleased to disallow it, you should give us another opportunity. If we make a mistake thereafter, you can stop us.

**Mr. Speaker:** I would request Shri Ranga not to ask me only, but to consider it himself. If the question has not got any relevance, has not even a distant relation to the subject, then naturally the Member must lose his right. If there is some mistake, I shall always consider. It cannot be an inflexible rule, but he will also concede that I cannot allow any Member to go on asking questions that are irrelevant, and claiming the right to put a question again.

**Shri Kapur Singh:** In this particular case.....

**Mr. Speaker:** Let him put the question again.

**Shri Hem Barua:** I will put the briefest question. May I know whether Government have contemplated any action against the miscreants, whether the miscreants are Chinese nationals or our own people?

**Shri Jawaharlal Nehru:** Government, obviously, cannot contemplate any action unless they know the facts. This is the first time I have heard somebody suggesting that the Chinese have put it up. I have not heard so.

**Shri Hari Vishnu Kamath:** Collusion.

**Shri Jawaharlal Nehru:** If any Chinese national has done this, action, would be taken against him obviously.

**Shri Hari Vishnu Kamath:** There must be investigation.

**Shri Hem Barua:** He has misunderstood and misinterpreted completely. I just wanted to know whether there was any collusion between the Chinese Embassy officials and our own miscreants?

**Mr. Speaker:** That he has answered.

**Shri Hem Baura:** He has not replied.

**Shri U. M. Trivedi (Mandsaur):** The Prime Minister said that the car of the Chinese Embassy came on the spot just then and took some snaps. Has Government any knowledge of the ways and means by which the Chinese photographers were found just at the right moment on the spot to take these snaps?

**Shri Jawaharlal Nehru:** I have just said that I was commenting on the newspaper report. I have no other knowledge yet. We have tried to get it. We have no other knowledge.

**Shri U. M. Trivedi:** In that case, the pertinent question arises whether a further statement will be made by the Prime Minister.

**Mr. Speaker:** He has assured the House of it.

**Shri Hem Barua:** May I seek a clarification? Is it not a sad commentary on the administration that when such a subversive thing occurs in the Capital, when the Prime Minister sits in the Capital and when we have an army of police men to gather information, the Prime Minister comes and tell us that he has no information?

**Mr. Speaker:** The commentary he is passing is on the administration in general. That is not in question now. The Prime Minister has stated that he would make further enquiries, and if he gets further information. I do expect he would give it to the House.

**Shri Hari Vishnu Kamath:** On Monday.

**Shri U. M. Trivedi:** The report further says that these flags were obtained from the Chinese Embassy. Will that also be investigated?

**Shri Narasimha Reddy (Rajampet):** How is it that immediately or within a short time of the hoisting of these Communist flags at public places, the Chinese nationals or some of those officials belonging to the Chinese Embassy took snaps of it, indicating a deep-rooted conspiracy and collusion between the Communists and the Chinese? What action do Government propose to take to unearth this conspiracy and book the offenders?

**Mr. Speaker:** The Prime Minister has said he will make enquiries, and if something is found, a statement will be made.

**Shri Ranga:** What about the second part of the question? What action do they propose to take?

**Shri Jawaharlal Nehru:** The hon. Member, after deep thought, has repeated what has been said three times before. I do not understand it. I have merely read out or commented on a statement that has appeared in the newspaper. I have asked for \*

report from the Delhi Administration. I have not received it.

**Shri Ranga:** Therefore, the comments made by him become relevant.

**Mr. Speaker:** Let that report be received then.

—  
12.30 hrs.

#### PAPERS LAID ON THE TABLE

##### CHINESE NOTE AND GOVERNMENT OF INDIA'S REPLY

**The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru):** Sir, I beg to lay on the Table a copy each of the following papers:—

- (i) Chinese note dated the 29th August, 1963.
- (ii) Government of India's reply dated the 4th September, 1963. [Placed in Library. See No. LT-1715/63.]

#### NOTIFICATION UNDER RUBBER ACT

**The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah):** I beg to lay on the Table a copy of the Rubber Board Service (Recruitment) Second Amendment Rules, 1963 published in Notification No. S.O. 2465 dated the 31st August, 1963, under sub-section (3) of section 25 of the Rubber Act, 1947. [Placed in Library. See No. LT-1716/63.]

#### ACCOUNTS OF THE KHADI AND VILLAGE INDUSTRIES COMMISSION

**Shri Manubhai Shah:** On behalf of Shri Nityanand Kanungo, I beg to lay on the Table a copy of the Certified Accounts of the Khadi and Village Industries Commission for the year 1961-62 together with the Audit Report thereon, under sub-section (4) of section 23 of the Khadi and Village Industries Commission Act, 1956. [Placed in Library. See No. LT-1717/63.]

—

12.32 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 101 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 10th September, 1963 agreed to the following amendments made by the Lok Sabha at its sitting held on the 29th August 1963 in the Indian Sale of Goods (Amendment) Bill, 1962:—

## Enacting Formula

1. That at page 1, line 1, for the word "Thirteenth" the word "Fourteenth" be substituted.

## Clause 1

2. That at page 1, line 4, for the figure "1962" the figure "1963" be substituted.'

—

12.33 hrs.

## PUBLIC ACCOUNTS COMMITTEE

## THIRTEENTH REPORT

**Shri Tyagi** (Dehra Dun): Sir, I beg to present the Thirteenth Report of the Public Accounts Committee on the Appropriation Accounts (Railways) 1961-62 and Audit Report (Railways), 1963.

—

12.33 hrs.

## PRESENTATION OF PETITION

**Shri A. K. Gopalan** (Kasergod): Sir, I beg to present a petition signed by Shri Hari Om and a crore and two and a half lakhs others regarding rise in prices, taxes and other matters. A few petitions are here and the others are deposited outside.

**Shri Hari Vishnu Kamath** (Hoshangabad): May I ask whether one-time revolutionaries have become petitioners now?....(Interruptions.)

**Mr. Speaker:** I am rather surprised that the question should be asked of me.

—

12.34 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 16th September, 1963, will consist of:—

- (1) Discussion on the present international situation and the policy of the Government of India in relation thereto on a motion to be moved by the Prime Minister on 16th September, 1963.
- (2) Consideration of any item of Business carried over from today's Order Paper.
- (3) Discussion on the statement laid on the Table of the House by the Minister of Defence on the 2nd September, 1963, regarding NEFA Enquiry and the statement made by the Minister of Defence on 9th September, 1963 on 'Our Defence Preparedness' on motions to be moved by Shri Prakash Vir Shastri and others and Shri Bhakt Darshan respectively.
- (4) Consideration of motions for the constitution of a Committee on Public Undertakings.
- (5) Discussion on the Annual Report of the University Grants Commission for the year 1961-62 on a motion to be moved by the Minister of Education.

In order that the members get adequate time for discussion of these items of business, it is proposed that the House may have a sitting on Saturday, the 21st of September.

**Mr. Speaker:** Shri Kamath has given me notice that he wants to put certain questions.

**Shri Hari Vishnu Kamath** (Hoshangabad): Sir, with the Lok Sabha bulletin of the 1st August before me, as I survey the wide gap between promise and performance, it seems the position can be aptly summed up in words which somewhat parody the well-known lines of a famous poet. So many Bills, so much business: So little done, such Ministers to be. . . . (Interruptions.)

**Shri Hem Barua:** Does the Minister know the poet?

**Shri Hari Vishnu Kamath:** I think the Minister knows; he is a lover of poetry.

**Mr. Speaker:** I would request him to be brief and relevant.

**Shri Hari Vishnu Kamath:** I wanted to raise five points but two of the points could more or less be easily disposed of. The motion regarding committee on public undertakings has been announced already. The other one on planning also need not be discussed today.

Now, I come to the three points which are important in my humble judgment. The first one is with regard to the allocation of time for the various items coming up before the House. May I invite your attention to rules 362 and 363 which governed more or less the procedure in the provisional Parliament and I believe for one or two years of the first Lok Sabha? I believe that much of the work that Parliament is expected to do in the interest of the nation, as the mirror of national opinion and the instrument of national will, cannot be carried out effectively if a strict, rigid,

time-limit is imposed on every item of business coming before the House. I remember that in the time of the first Speaker of the Lok Sabha, Shri Mavalankar, in those early days, in the provisional Parliament, there was, I believe, no Business Advisory Committee which fixed these rigid time-limits or time-schedules for every business, but the Speaker had an eye on the business, on the debate that was going on in the House, and if he felt that the debate was being carried on properly and effectively, and there was substantial contribution being made thereto, he allowed the business to be carried on. I remember—I believe you were also present in the House—on two or three occasions during that period when a closure was sought to be applied by Members of the Congress Party, he refused to accept the motion and he let the debate be carried on. So, my first point is that the Government should not make recommendations for allocation of time for various items of business, legislative or other business. It is strictly you who should decide—

**Mr. Speaker:** The Business Advisory Committee should continue or—should be—

**Shri Hari Vishnu Kamath:** It should continue, but only for such items that are considered necessary, not for every item of business.

**Mr. Speaker:** Who should decide?

**Shri Hari Vishnu Kamath:** You, Sir, in consultation with the Leader of the House. That is also what the rule says.

**Mr. Speaker:** All these rules should be read together. He desires that some agenda should be brought about and the Business Advisory Committee should consider only those items that are entrusted to it by the Speaker, when the Speaker considers that such items are so important that some time-limit should be placed on them. Is it the idea? |

**Shri Hari Vishnu Kamath:** No, Sir, It is the other way round. If they are very important, and the entire House is interested, if they are of national importance, no time-limit should be fixed at all, and you can keep a watchful eye and attentive ear on the proceedings that are going on and see whether the debate is proceeding effectively and usefully.

**Mr. Speaker:** All right; that is the first point. What is the second one?

**Shri Hari Vishnu Kamath:** The second point is the one which I have been raising in vain during the last few sessions of the third Lok Sabha. It is about the annual duration of Parliament sessions. I have these figures—they should be authentic—compiled by the Reference and Research Section of the Lok Sabha Secretariat. I find that there has been a slow and steady erosion of time that Government deems fit to devote to parliamentary work. (*Interruption.*) I will take only the budget sessions. In one session, it was 92 days; then 89 days; it was 106 days in one budget session in the first Lok Sabha; another was for 96 days. Now, we have come down to 89 days. Then came 86. The last one which ended this year was for 76 days. I think Shri Mavalankar, the first Speaker, was eminently right when he said that Parliament, if it should fructify the will of the nation, the people, as the true mirror of national opinion, and an instrument of the popular will should sit for at least seven months in the year, not less.

The last point is with regard to the Constitution (Amendment) Bill for amending article 100 of the Constitution, relating to the quorum of the House. As this is the last statement that the hon. Minister is making in this session, I want to reiterate what I said last time, namely, that the Government has been unconscionably delaying this matter which has been pending since 1955, when the first Speaker, Shri Mavalankar, advised the Government to bring forward a Bill with regard to

this matter. But for some reason best known to themselves they have not moved at all in this matter. I would like to state in all humility, but all earnestness that most of us on this side of the House would like to give notice to the Government that if they do not bring forward a Bill, as advised by you also and not only by Shri Mavalankar, to amend Article 100 relating to quorum, within the first two weeks of the next session, we shall not regard ourselves as bound by the unconstitutional convention which is being followed here with regard to quorum. According to his own statement made earlier, the Bill should be introduced.

**Mr. Speaker:** I have noted down his points. Dr. Singhvi.

**Dr. L. M. Singhvi (Jodhpur):** I would also submit that there should be a reconsideration of the hours during which we sit and also the possibility of restoring the lunch hour.

**Mr. Speaker:** That was considered the other day when it was raised by Dr. Lohia. We have considered it.

**Shri U. M. Trivedi (Mandsaur):** Sir, I support Mr. Kamath's demand so far as the very hard attitude that has been adopted and I should say the anti-State manner in which debates on Bills are conducted is concerned. It becomes impossible for anyone to say within 15 minutes or 10 minutes or 5 minutes allotted what he wants to say on the whole Bill which is before the House and to make the criticisms on the clauses which he wants to make. It becomes extremely difficult. Sometimes, there is another thing which comes to notice. Although every Member may belong to a particular group, yet so far as taking part in the debate is concerned, it cannot be said that only one speaker from that particular group should be allowed and that others should not express their views at all. That is why I say that this rigidness about this time limit should go. We realise that there should not be waste of time. At the same time,

It should also be realised that we are here as representatives and in our own way we want to express before the House the effects that we find and the suggestions that we want to make to the Government, so that there can be proper appreciation of our views by the Government and by the public at large. We are here for that purpose and I would say that this rigidness about this affair should go.

**Shri S. M. Banerjee (Kanpur):** I find from the announcement of the Minister that a discussion on planning has not been included. When we are sitting for a day more, I would like to know why a discussion on planning is not allowed. The second point is—I would appeal to you also—in the other House, Members are discussing the serious implications arising out of the Supreme Court judgment on D.I.R. We have also given a calling attention notice, which is under consideration still. I would only request the Minister through you that a similar discussion should be held in this House also.

**Mr. Speaker:** That he can tell me.

**Shri Ranga (Chittoor):** The other day, when Dr. Lohia made those remarks, I for one did not have any notice at all that he was going to raise that question. I could not follow his speech also. Immediately thereafter you did not think it necessary to give any opportunity for us to express our views and you expressed your views along with the Minister of Parliamentary Affairs. I would like to suggest that you may be good enough to call a meeting of the leaders of the various parties, so that we can consider the question of hours of sitting for this House, because quite a number of us are really keen about the lunch hour.

**Mr. Speaker:** The other day also, I said that it is always the pleasure of the House to change those hours. For the present, we are having these hours. As for the suggestion he has made, I would certainly welcome that. If some other time is suitable and the Members can agree, I would not have any objection to that.

**Shrimati Renu Chakravarty (Barrackpore):** About the time for the considerations of the Bills, etc., when Mr. Mavalankar introduced this idea about the Business Advisory Committee, the convention was that we could continue to speak on the Bills till it was finished or sometimes it was to be talked out. Sometimes the Speaker's rulings used to give rise to certain differences and we used to insist that we should have more time to speak. I for one agree with my friends who have been urging that we should have more time, because we feel sometimes it is ridiculous to ask anybody to speak for about 5 or 10 minutes. At the same time, I would not like to have it left in the hands of the House. The majority is, after all, with the Congress Party. So, I would not like to leave it to the House to decide how many hours we should have for a Bill. Therefore, I would urge that there should be a via media and what we discuss within the Business Advisory Committee should be considered more sympathetically by the Minister of Parliamentary Affairs and adequate time should be given. Sometimes he always insists on something and we always insist on more time and we cannot find a via media. So, I urge that we should not completely rule out the Business Advisory Committee, but at the same time, we should have some more time for the Bills to be discussed.

**Some Hon. Members rose—**

**Mr. Speaker:** This is not a general debate that is going on. I did not get any previous notice from other Members.

**श्री राम सेवक यादव (बाराबंकी) :**  
ग्रन्थालय महोदय,

**ग्रन्थालय महोदय :** आडंर, आडंर।

**श्री राम सेवक यादव :** ग्रन्थालय महोदय, अभी जो उन्होंने कार्यक्रम बतलाया है, मैं उसी के सम्बन्ध में कुछ निवेदन करना चाहता हूँ। मेरा निवेदन यह है कि पिछड़े वर्ग

[श्री राम सेवक यादव]

आयोग का जो प्रतिवेदन है १९५५ में आया था और वह सदन के पटल पर भी रखा गया। सरकार की ओर से इतनो असाधानी बर्ती गई कि ग्राज तक उस पर कोई चर्चा नहीं हुई। मैं ने इस पर एक प्रस्ताव दिया था, कल वो स्वीकार हुआ लेकिन मैं देखता हूँ कि अगले सप्ताह में उक्त विषय पर कोई समय निर्धारित नहीं किया गया है तो मैं मंत्री महोदय से चाहूँगा कि वह इसके लिये कुछ समय निकालें ताकि इस पर बहस और चर्चा हो सके।

**Mr. Speaker:** Before I ask the Minister of Parliamentary Affairs to answer all the points raised by Mr. Kamath....

**An Hon. Member:** On a point of order....

**Mr. Speaker:** Order, order. When I am speaking, does he want me to sit down?

I would just put it to the opposition whether this procedure of the Business Advisory Committee is more advantageous to them or whether they would like, as has been suggested by Mr. Kamath, that the Government whip at his pleasure moves "that the question be now put". It was still open to the Members and if they want, that can be restored.

**Shri Surendranath Dwivedy (Kendrapara):** It has been suggested that we sit round the table and consider the whole matter.

**Mr. Speaker:** Always the Opposition gets the advantage if we sit there in the Business Advisory Committee and they stress their point. Up to now, we have always been unanimous in all our decisions. Now, if the hon. Members in the opposition want that this should be left to the House and that the Minister might move "that the question be now put", always we will be having those quar-

rels. The Members would be fighting that more time should be given and the ruling party would be pressing that there had been enough discussion. Of course, in some cases, I can say whether there has been enough discussion or not. But ordinarily I shall have to put the question to the House and the hon. Members of the Opposition should realise what the fate would be. The procedure that we are following is certainly more advantageous to them. They can press for their claims on any particular item whenever they feel that the time is not adequate. Whenever the question has arisen here in the House, I have exercised that discretion.

**Shri Ranga:** We will see the experience over this coming Constitution (Seventeenth Amendment) Bill.

**Mr. Speaker:** That is a different thing. If he wants, we will try and keep it open to the House; and then, the Minister of Parliamentary Affairs shall have the power to move "that the question be now put".

**Shri Satya Narayan Sinha:** With your permission, Sir, I would like first to take up the last point which my friend, Shri Kamath has raised about this anti-quorum business. I admit it is sometimes very difficult to comprehend the mind of my hon. friend. I did not perhaps follow what he actually meant. He sometimes talks about anti-quorum. He himself had brought a Bill to that effect. He had withdrawn that Bill; I do not know for what reasons. When Mr. M. L. Dwivedy's Bill came absolutely on the same lines on which the Government had introduced that Bill, when somebody asked Mr. Kamath why he had withdrawn his Bill, Mr. Kamath is reported to have said, "I was not serious about it".

**Shri Hari Vishnu Kamath:** I did not say that.

**Shri Satya Narayan Sinha:** I am quoting from the proceedings. I do not know when you are serious and when you are otherwise.

When Shri M. L. Dwivedi brought that Bill forward there was some discussion in the House and I would like to read out what my hon. friend Shri Kamath said. He said:

"I do not want to read the proceedings of the Constituent Assembly. The Bill is ill-conceived, ill drafted, undesirable and pernicious."

Not only that. He said that from the Constitution it should not be taken out and it should remain where it is. Therefore, I do not understand actually what he means. Does the hon. Member mean that the quorum business should be taken out of the Constitution or the number of 50, or whatever it is, that is prescribed there should be reduced? We should know his mind before we can give our reaction.

**Shri Hari Vishnu Kamath:** By your leave, Sir, may I submit—I am sorry to interrupt—that if and when the Government decides to bring forward the Bill they cannot and they shall not get the support of the Opposition. Let them stew in their own juice. They shall have to pass it on their own strength. They can pass it, if they so choose, with their own strength—we will not support it at all—and get it on the statute-book. They can pass it on their own strength, on the strength of the Congress Party. We will not support it. Why should we support it?

**Shri Satya Narayan Sinha:** I have not well appreciated what he has stated. He wants it to be taken out of the Constitution but he will not be a party to it?

**Dr. L. M. Singhvi:** He does not want it. His point is that this convention should not be observed and that the Whips and the Minister of

Parliamentary Affairs should ensure better attendance in the House.

**Shri Hari Vishnu Kamath:** I want the Constitution to remain as it is. If you want to pass the Bill you will have to do it on your own strength.

**Shri Satya Narayan Sinha:** Therefore, the question of amending the clause relating to quorum is not necessary?

**An hon. Member:** Not at all.

**Shri Satya Narayan Sinha:** Many a time it has been explained that it is our responsibility and also the responsibility of the Opposition to maintain the quorum in the House.

**Dr. M. S. Aney (Nagpur):** Yours is a bigger responsibility.

**Shri Hari Vishnu Kamath:** It may be proportionate.

**Shri Satya Narayan Sinha:** Our responsibility is bigger. I admit. But the Opposition cannot be absolutely absolved of that responsibility (*Interruption*).

**Mr. Speaker:** Order, order. Shall this continue in this manner?

**Shri Hari Vishnu Kamath:** Let us take a count every time. He does not understand at all what we are saying.

**Mr. Speaker:** The result is that nobody is able to understand anything (*Interruption*). In this confusion how can I understand anything?

**Shri Satya Narayan Sinha:** He has also not understood what I said, that is our misfortune.

About the Business Advisory Committee, Sir, you have already explained the position. Perhaps the House is aware that the Business Advisory Committee came into existence in the time of your illustrious

[Shri Satya Narayan Sinha]

predecessor Shri Mavalankar. I do concede that the system of having a Business Advisory Committee as such does not exist in many of the Parliaments of the world. But this Committee, at the time when it was constituted, was brought into being in consultation with the entire House. We know how it has been functioning since then. I claim that it has been functioning to the satisfaction of a very large number of people excepting a few. You will bear me out, Sir, that in the Business Advisory Committee as in all other committees according to our numerical strength in the House we have got a majority, but whenever we allot a certain number of hours for Government business not even on one occasion we have resorted to voting or put the question to vote. After that, whenever the Members of the Opposition wanted that the time should be extended we have left it to your decision and after taking the consensus of opinion we have always agreed to it. Even after that, whenever the House has demanded that the time should be extended we have never made any grievance of it and you in your discretion in consultation with the House have always extended the time. In spite of all this, if the Opposition wants that this right should be taken away Government will not be sorry for it. I would rather welcome it. As you said, Sir, it is more advantageous to the Opposition.

**Shri U. M. Trivedi:** You can take all the advantages of the Opposition. Keep them to yourself.

**Shri Satya Narayan Sinha:** Always, Sir, when a motion for closure is moved, if you think that the motion for closure has been moved at the proper time, you will admit the motion, put it to the vote of the House and decide accordingly.

**Shri Hari Vishnu Kamath:** Sir, I rise to a point of order. May I invite your attention to rule 352. He

said that as soon as a motion for closure is moved you will admit it.

**Mr. Speaker:** He has not said that. The hon. Member does not listen. He said that if the Speaker thinks that there has been sufficient discussion then alone he will admit it.

**Shri Hari Vishnu Kamath:** He did not say so.

**Mr. Speaker:** He said that.

**Shri Satya Narayan Sinha:** My misfortune is that my hon. friend does not hear what I say. Therefore, Sir, it is for you and the House to decide. About this particular item, the Constitution (Seventeenth Amendment) Bill, as we did not come to any agreement there we have left it to the House to decide.

**Mr. Speaker:** Other things I can decide when I call a meeting of the Members of the Opposition. There is only one question. Shri Kamath, and some other hon. Members also, have asked that the Session should be extended over a longer period.

**Shri Satya Narayan Sinha:** The duration of the Session always depends upon the quantum of legislative work. Proposals for legislative work always come from the side of the Government. If we have not on any particular occasion sufficient legislative work, I do not know what we should do, what the hon. Members want us to do.

**Shri Ranga:** There are so many important questions to be debated.

**Shri Satya Narayan Sinha:** There is a lot of non-legislative work which we are doing in this Session. The majority of the time we have devoted to non-legislative work. If my hon. friends will care to examine and compare with any Parliament in the world they will find that the time which we have devoted for non-legislative work is proportionately much higher than anywhere else. Even in the United Kingdom, in the House of Commons it is less. It is

a question of facts and you can make a comparison. The time that we allot for non-legislative work is much more than in any other Parliament. Even after that, if you say that we should sit whether there is work or no work, I leave it to you to decide.

**Shri U. M. Trivedi:** Nobody wants to sit with no work.

**Mr. Speaker:** Let us proceed now with the next item of business.

**Shri S. M. Banerjee:** He has not replied to my point about the debate on planning and the D.I.R.

**Shri Hari Vishnu Kamath:** I want to see a clarification.

**Mr. Speaker:** Order, order. All hon. Members should not stand up together. Hon. Members want to know about the debate on planning and D.I.R.

**Shrimati Renu Chakravarty:** We want to know about the planning debate and also the point raised by Shri Banerjee about D.I.R.

**Shri Satya Narayan Sinha:** The debate on planning was included in the agenda for this session. But many hon. Members from all sides went to the Minister for Planning and requested him to postpone it saying that it would be more useful and purposeful if the debate was taken up after the mid-term appraisal is made by the Government. It is on their request that it has been postponed; otherwise the Government was prepared to discuss this matter.

**Mr. Speaker:** What about D.I.R.?

**Shri Satya Narayan Sinha:** About D.I.R., Sir, it is not....(Interruption).

**Mr. Speaker:** Order, order. What does Shri Maurya want?

**Shri Maurya (Aligarh):** What about the report of the Backward

Classes Commission? What has happened to that?

**Shri Frank Anthony (Nominated-Anglo-Indians):** You always treat them in a stepmotherly way; you always treat them very badly.

**Shri A. K. Gopalan (Kasergod):** This D.I.R., Sir, is a very important thing. We must be given some opportunity to discuss it. Rajya Sabha is discussing it. (Interruption).

**Mr. Speaker:** What he means to say is that one House is discussing it.

**Shri Satya Narayan Sinha:** Many things are discussed in one House which are not discussed in the other House.

**Shri H. N. Mukerjee (Calcutta Central):** If Members of this House give notice of a certain subject which is agitating the country and that subject is permitted through Government initiative to be discussed in the other House and not in this House, it really tantamounts to contempt of this House which Ministers have no right to....(Interruption).

**Mr. Speaker:** Order, order. There has been enough of it. There ought to be some limit. It is already one o'clock.

**Shri Ranga:** He has made one important observation. I hope it is not final. He made a very emphatic observation that in no other Parliament is so much time given to non-legislative work as in this House thereby meaning that we are doing something which we are not supposed to be doing.

**Shri Ranga:** It comes to that.

**Some hon. Members:** No, no.

**Shri Ranga:** He prefaced his remarks by saying that the Session is called for transacting legislative business and all other work is only auxiliary.

lary. It is not so. So far as our own Parliament is concerned we have developed our own traditions.

**Mr. Speaker:** Yes, yes.

**Shri Hari Vishnu Kamath:** Sir, let me have half a minute.

**Mr. Speaker:** There ought to be some limit. I have allowed him enough time.

**Shri Hari Vishnu Kamath:** If you are good enough to permit me, I will take only quarter of a minute.

**Mr. Speaker:** If I can call myself "good enough", he should also be good enough.

**Shri Hari Vishnu Kamath:** The Minister made a statement in answer to my points, and so I want to seek one clarification. He said that the duration of the session depends on the business of the House. You agree, Sir, that since 1950-51 the business has increased, proliferated and ramified considerably. In spite of that.....

13 hrs.

**Mr. Speaker:** It cannot be taken up in the open House. We will consider it when we sit down separately.

**श्री राम सेवक यादव :** अध्यक्ष महोदय, विष्णु वर्ग के आयुक्त की जो रिपोर्ट है, उसके बारे में मंत्री महोदय ने कुछ नहीं का है। उस पर कब वहस हो सकेगी।

**अध्यक्ष महोदय :** जो बताते हैं, उस में जो चांगे आ सकती हैं, उनको बता दिया गया है। वाकी जो मैं बता साहब शिकायत कर रहे हैं, उन के लिये डिसक्षण नहीं हो सकेगा।

**श्री मौर्य :** कोई एश्योरेंस तो उनकी तरफ से आ जाये।

**अध्यक्ष महोदय :** यह बात तो उनको कहनी है कि अगली बार जब मिलेंगे तो उसको

जरूर डिसक्षण करेंगे। आप बैठ जायें, यह बात मिनिस्टर साहब के कर्ते की है।

**Shri Satya Narayan Sinha:** Regarding the Defence of India Rules, I am told that a resolution by a private Member is being discussed in this House. So, the matter is before the House in that way.

Some hon. Members rose—

**Mr. Speaker:** Order, order. I cannot continue this discussion indefinitely. There must be some end to it. We will now take up the next item of business.

13.01 hrs.

DRUGS AND COSMETICS (AMENDMENT) BILL—Contd.

**Mr. Speaker:** The House will now take up further consideration of the motion moved by Dr. Sushila Nayar to refer the Drugs and Cosmetics (Amendment) Bill to a Joint Committee. The time allotted is 3 hours, out of which 55 minutes have already been taken. 2 hours and 5 minutes remain.

**श्री यशपाल सिंह (केरला) :** अध्यक्ष महोदय, इस विल को मैंने बड़े गौर से पढ़ा इसके लिये मैं माननीय स्वास्थ्य मंत्री भर्तुदया को बधाई देता हूँ। इतना जरूर मैं कहना चाहता हूँ कि यह विल पांच माल पहले आना चाहिये था। जो देर हुई है, उससे देश को नुकसान ही हुआ है।

साथ ही मैं यह सुझाव भी देना चाहता हूँ कि इस विल को हाम्योपैथी के ऊपर भी लागू किया जाये। मेरी समझ में नहीं आता है कि आयुर्वेदी और एलोपैथी को आप इस में रखते हैं तो क्यों नहीं हाम्योपैथी को भी रखते हैं, क्यों उसको अलग आप रखते हैं। उसके ऊपर भी यह विल लागू होना चाहिये।

दोम्योपैथी कोई मामूली चीज नहीं है। हिन्दुस्तान में लाखों आदमियों से होमियो-पैथी का ताल्लुक है। मैं चाहता हूँ कि इस बिल में यह बात जरूर बढ़ाई जाय और होम्यो-पैथी के ऊपर भी इसको एप्लाई किया जाये।

इस बिल का मैं स्वागत करता हूँ और इसके लिये मंदाणी महोदया को मुबारिकबाद भी पेश करता हूँ। लेकिन सब से बड़ी दिक्कत यह है कि जो डायरेक्टर होगा उसको तो सजा दी जा सकेगी एडल्टेशन अगर होता है तब, कहीं किसी तरह की खराबी होती है तब, लेकिन आप इस बात को भूल गए हैं कि पब्लिक सेक्टर की इचार्ज गवर्नेंट है, सरकार है। पब्लिक सेक्टर मंदी सहित बाज के मातहत चलता है। कहीं भी अगर इस सेक्टर में खराबी आएगी, एडल्टेशन होगा, तो मेरा सुझाव है कि उसकी सजा मिनिस्टर को मिलनी चाहिये, न कि डायरेक्टर को।

एक बात मैं यह भी कहना चाहता हूँ कि इस भानीय हाउस में बार बार आश्वासन दिया गया है कि सेंट्रल इंस्पैक्टर नियुक्त किये जायेंगे। लेकिन सेंट्रल इंस्पैक्टर के लिये आज तक कोई स्कीम सरकार ने लागू नहीं की है। सेंट्रल इंस्पैक्टर नियुक्त करने के लिये फौरी कदम उठाये जायें।

मैं यह भी कहना चाहता हूँ कि आयुर्वेदिक दवाओं में जो बाही की जगह मंडूकपर्णी लगता है और गोधृत की जगह डाल्डा और कोटोजम लगता है, इसकी रोक की जानी चाहिये। यह काम सरकार को अपने हाथ में लेना चाहिये। चन्द गरीब वैद्य लोग बाही और गोधृत का इंतजाम नहीं कर सकते हैं। जब तक गोधृत का इंतजाम नहीं होगा, जब तक गोधृत सरकार सप्लाई नहीं करेगी तब तक आयुर्वेद की कोई औषधि ठीक तरह से तैयार नहीं हो सकती है। आयुर्वेद में जहां जहां पर भी का जिक्र आता है तो उसका मतलब गाय के थी से होता है न कि भैंस के थी से और न भैंस उस बक्त कभी थी के या दूध के

काम में लाई जाती थी जब आयुर्वेद का निर्माण हुआ था। आयुर्वेद के निर्माण के लाखों साल बाद भैंस का दूध और थी इस्तेमाल होना शुरू हुआ। इस लिये यह काम सरकार को अपने हाथ में लेना चाहिये। जहां जहां भी आयुर्वेद की दवायें तैयार होती हैं, वहां वहां गाय का थी यह सरकार सप्लाई करे।

यह बिल बहुत अच्छा है और मैं इसका स्वागत करता हूँ। लेकिन सरकार जब खुद मुनाफाखोरी कर रही है तो वह दूसरों से कैसे यह उम्मीद कर सकती है कि वे मुनाफाखोरी न करें। वैनिसलीन का एक इंजेक्शन सरकार ढाई आने में तैयार करती है और पब्लिक को चौदह आने में बेचती है। जब इतना भारी मुनाफा सरकार खुद कमा रही है तो प्राइवेट बिजिनेसमें यह किस तरह से रोक सकती है कि वे लोग मुनाफाखोरी से बाज आयें। सरकार जिन दवाओं को तैयार करती है उन सब दवाओं की कीमत को कम किया जाय। अगर सरकार दवाओं की कीमतों को कम नहीं करेगी तो प्राइवेट बिजिनेस वाले दवाओं को और बीस गुना दामों पर बेचेंगे।

अब मैं सोने के बारे में कुछ कहना चाहता हूँ। सोने की इज्जत क्यों दुनिया में है, इसको आप देखें। सोना न तलवार गढ़ सकता है, न सोना लोहे का काम कर सकता है, न इसके मकानात बन सकते हैं, तो फिर क्या बज है कि सोने कंइतनी इज्जत दुनियां में हैं। यह इसलिये है कि लाखों साल बाद भी सोने की कांति ज्यों की त्यों बनी रहती है, सदियों के बाद भी सोने की कीमत में या उसकी कांति में किसी किस्म का कोई फर्क नहीं आता। कम से कम आयुर्वेद की दवायें तैयार करने के लिये सोने की जो जरूरत पड़ती है, उसका इंतजाम करना सरकार की जिम्मेदारी होनी चाहिये। सरकार को चाहिये कि वह सोना स लाई करे। जो चौदह कैरट का गोल्ड का नारा लग रहा है, इससे दूमारी सोसाइटी आर्टिफिशियल

## [श्री यशपाल सिंह]

होती जा रही है, सोसाइटी की जो दिव्यता थी वह नष्ट होती जा रही है। यह काम सरकार के करने का है। सरकार इस काम को अपने हाथ में ले और सोने की जितनी जरूरत आयुर्वेद और यूनानी के लिये पड़ती है उसको सरकार सप्लाई करे। मैं नहीं चाहता हूँ कि वैद्यों और यूनानी वालों को मजबूर किया जाये कि वे सोना कहीं से भी लायें।

मैं यह भी कहता चाहता हूँ कि जो छोटे वैद्य लोग हैं और जो घर के इस्तेमाल के लिये ब्रह्मृत इत्यादि बनाते हैं, उन सभी को इस बिल की धाराओं से मुक्तस्ता किया जाये, जो उनकी दवायें बेचने के काम नहीं आती हैं, जो खुद अपने इस्तेमाल के लिये इसको तैयार करते हैं, उनको इस बिल से अलग किया जाय।

गुरुकुल कांगड़ी जैसी संस्थाओं ने हमारे देश में बहुत नाम पाया है और वहां पर आयुर्वेद की विगुद औपधियां तैयार होती हैं। सारे संसार के अन्दर इस संस्था ने प्रथम स्थान पाया है। उसको सरकार की तरफ से एड मिलनी चाहिये और इस बिल में इसके बास्ते अलग एक क्लाज होनी चाहिये। गुरुकुल कांगड़ी ने प्योरिटी के लिहाज से नाम पाया है, उसने एक रुटेंडर्ड कायम किया है, इस वास्ते मैं चाहता हूँ कि उस संस्था को फाइनेंशल एड देने के लिये सरकार इस में कोई प्राविजन रखे। अगर इस संस्था को अलग कर दिया जाता है तो आयुर्वेद की दवाओं का कोई स्वान रह जाता हो, ऐसा मानूम नहीं होता है। कहां शुद्ध आयुर्वेद की दवायें बन सकेंगी, इसका पता नहीं चलता है।

प्राइवेट और पब्लिक सैक्टर की बात कही जाती है। मैं साफ अर्जन करना चाहता हूँ कि आयुर्वेद का मसला ऐसा नहीं है कि जिसे किसी विवाद में उलझाया जाये, जिस का ताल्लुक पूँजीवाद या समाजवाद से हो। वह मनव्य के लिये

और प्राणी मात्र के लिये है। इस लिये मेरा कहना यह है कि यह काम पेशेवर लोगों के हाथ में न दिया जाये, उनके हाथ में न दिया जाये जो रुपया कमाना चाहते हैं। मुश्तुत में लिखा है कि जो आदमी हावे की खातिर किसी रोगी का इलाज करता है, चिकित्सा करता है, वह सोने के ढेर को लात मार कर धूल को अपनाता है, मिट्टी को अपनाता है। इस लिये ये काम उनको मौणा जाये जिनका आयुर्वेद में अनुभव है। देश में जो ऊंचे विडान लोग हैं, उनको बुलाया जाए, गुरुकुल कांगड़ी से बुलाया जाए, डाका से बुलाया जाए, सारे हिन्दुस्तान ने बुलाया जाए और उनकी कनेटी कायम की जाये और मरकारी जो काम हैं, वे उनको नौजी जाये। ब्रह्मृत के जगह जो मंडुकपर्णी आ रही है, अर्जन के नाम पर दूसरी चीजों की छान आ रही है, धूत के नाम पर कोटोजम और डालडा आ रहा है, इसको कानून रोका जाये।

मैं मंत्राणी महोदया को मुवारिकवाद पेश करता हूँ और उन से प्रार्थना करता हूँ कि गांधी जी की शिक्षा दीक्षा के बाद एनो-पैथी का मो व छोड़ दें और आयुर्वेद से प्रेम करना शुरू कर दें।

श्री अचल सिंह (आगरा) : स्वास्थ्य मंत्राणी जी, मैं इस बिल का . . .

अध्यक्ष महोदय : मंत्राणी जी से आप की बात होने लगी या मुझे ही मंत्राणी बना दिया है ?

श्री अचल सिंह : अध्यक्ष महोदय, उन्होंने जो ये बिल पेश किया है, इसका मैं स्वागत करता हूँ। आजकल : मारे देश में एडल्टेशन बहुत चल रहा है। दर चीज में मिलावट होती है, फिर चाहे वह खाने की चीज हो या दवा हो या कोई और चीज हो, असली चीज का मिलाना बहुत मुश्किल हो गया है। क्या धी, क्या तेल, क्या दूध, दर एक चीज में मिलावट होती है।

अध्यक्ष महोदय : आप आगे आ जाये, सुनाई नहीं देता है लिखने वालों को ।

श्री अचल सिंह : मैं विल का समर्थन इसलिये कर रहा हूँ कि इस विल की बड़ी बहुरत है क्योंकि हमारे देश में, जब से हम आजाद हुए हैं, रुयाल यह था कि हमारे महां राम राज्य होगा और हर बात में सुधार होगा । लेकिन हम देखते हैं कि जब से हम आजाद हुए हैं हमारे मारल्स, हमारा चरित्र, बहुत गिर गया है और खास तौर से लोग अपना निजी फायदा उठाने के रूपाल से एडल्टरेशन अर्थात् मिलावट बढ़त करते हैं । चाहे वह खाने की चीज़ हो, चाहे पीनेकी चीज़ हो, चाहे दवा हो या कोई भी दूसरी चीज़ हो, हर काम में वह अपनी हांशियारी दिखलाते हैं और जनता को घोखा देना चाहते हैं तथा ज्यादा से ज्यादा फायदा उठाना चाहते हैं ।

अभी जो कानून बनाया गया है उस में जो लोग दूध में पानी मिलाते हैं या मक्खन निकालने में मिलावट करते हैं उन के लिये सजा भी है और जुर्माना भी है, तब भी यह चीज़ रुकी नहीं है । मिसाल के तौर पर मैं बतलाऊं, आगरे में जो दूधिये लोग होते हैं उन पर १००, १०० रु., २००, २०० और ४००, ५०० रु. जुर्माना होता है, साल दो साल की केंद्र भी होती है तब भी वे लोग दूध और मक्खन में मिलावट करने से नहीं चूकते हैं । इसी तरह से हम देखते हैं कि दवाओं में होता है । दवायें ज्यादातर नकली बिकती हैं, चाहे आयुर्वेदिक हो चाहे एनोपैथिक हो । इस से बहुत बुरा असर मरीजों पर पड़ता है क्योंकि जब दवायें अच्छी तरह नहीं बनेंगी तो उस का असर कैसे हो सकता है ? वह कोई असर नहीं करेगी और मरीज रोग का शिकार बना रहेगा ।

इसलिये जो विल मंत्राणी जी ने रखा है हालांकि उस में सजा भी रखी गई है लेकिन सजा के साथ साथ मैं चाहूँगा कि उसका काफी प्रचार

होना चाहिये । जैसा मैं ने आप से पहले कहा, लोगों के मारल्स बहुत गिर गये हैं इसलिये जब तक जनता यह नहीं समझेगी कि लोगों को हम को ऊपर उठाना है और हमें ऐसे काम नहीं करने चाहिये जिन से कि हम दूसरों को मूसीबत में डालें तब तक कभी हम को सफलता नहीं मिल सकती । मंत्राणी जी से मेरा निवेदन है कि इस में कानूनी तरीके से तो बढ़ा ही जाय लेकिन साथ साथ इस की परिस्थिती भी इननी की जाय स्कूलों और कालेजों, आम जनता में और खास तौर से व्यापारियों में कि वह इस बात को महसूस करें कि उन्हें गलत काम नहीं करना चाहिये । खास तौर से ऐसे समय में जब कि हमारा देश स्वतंत्र है, हम स्वतंत्र देश के नागरिक हैं और हमारा कर्तव्य है कि हम ऐसी चीज़ों को देश में होने न दें । अगर ऐसा नहीं किया गया तो मुझ डर है कि हम अपने को तो खतरे में डालेंगे ही, अपने देश की आजादी को भी खतरे में डालेंगे । ऐसे काम रोक कर के हम अपने देश को बचा सकते हैं । हम देखते हैं कि इंग्लैंड और अमेरिका में लोगों ने काफी मारल्स अपने बना रखे हैं और वे लोग जिस तरह की चीज़ बतलाते हैं उसी तरह की चीज़ देते भी हैं । लेकिन हमारे यहां कहते कुछ हैं, लिखते कुछ हैं और करते कुछ हैं । इस बात के लिये कानून बन रहा है लेकिन मैं इस बात पर जोर दूंगा कि इस का ज्यादा से ज्यादा प्रचार किया जाय ताकि हम अपने कर्तव्य को समझें और कानून का पालन करें ।

Dr. U. Misra (Jamshedpur): Sir, while welcoming this amending Bill which will be in the interest of the people in general, I have to make certain submissions. I cannot understand how far control over indigenous drugs, that is, Ayurvedic and Unani drugs, which the amending Bill wants, will be effective. As far as I know, since 1930 or 1933 work has been going on for the standardisation of indigenous drugs. It was first started in the Calcutta School of Tropical Medicine by an eminent scientist, Sir R. N. Chopra—fortunately, I had the

[Dr. U. Misra]

chance of working there—but till now the progress of standardisation of drugs is same as it was in those days.

Now sentiment is aroused that Ayurvedic and Unani systems because of being very old, should be effective. It is a fact that many very old indigenous drugs, even those indigenous herbs which have not been included in any system, are effective; but for the purpose of legislation and for making it effective, some sort of standardisation is necessary. The idea that because it is old it will be good is erroneous. Then, in that case even the talisman or the tabib will be more effective because it is older than these systems, Unani or Ayurvedic. So, any old or popular thing which is being used in many places needs standardisation.

I know, in some parts of India bird's stool is used for treatment of certain diseases, for certain type of bacillary dysenteries. But from that experience Bactrophages were invented and they were used for a long time. So, certain amount of standardisation and scientific methods should be applied in order to revive the old system.

According to this amendment adulteration of drugs is punishable. What is happening even in the case of companies which are making recognised allopathic medicines? The poor pharmacy owner is being punished. The manufacturer who is responsible for adulteration who is responsible for scot free as soon as he could dump the product in a pharmacy. When the law is applied the poor pharmacy man who does not know what it contains, because he has only known the manufacturer's name and label, is being prosecuted. Even in the case of oil or other things also that happens. Some sort of a safeguard should be made whereby the manufacturers or the real source of adulteration should be punishable and not the lower people who sell.

Another point I want to make is this. Even now we have got indiscriminate use of drugs which have even been standardised. Everybody knows how the antibiotics are being indiscriminately used and how a lot of harm is done to the people instead of saving lives. These drugs were invented for saving life, but anybody and everybody can apply an antibiotic drug in this country. There is no control over it. I cannot understand how this can be controlled. On the other hand, the life-saving drugs are not available even to the doctors. Recently, I had been to my constituency. I saw a case of coronary thrombosis. I could not find an ampule of pethidine throughout the whole town of Jamshedpur which is inhabited by 3½ lakhs people and which is one of the industrial towns. I asked the pharmacy men the reason for it and they said, "We cannot submit to the whims of the Excise Department. The Excise Department people come to check our excisable drugs and take away one or two glucose tins and other things. We make a slight profit on these life-saving drugs, but we lose so many other things." Then, I wrote to the Civil Surgeon and to many other officials. I could not get any relief. I had to run to Calcutta and there also I found that one of the prominent pharmacy-owners asked me for some patients' names. How can you give names of patients before those patients come to you? There is no provision for doctors being provided with them for their personal use. Then, the doctor will have to go to the powerful Excise Department. This is the position of life saving drugs being non-available. On the other hand, the life-saving drugs are being indiscriminately used so that the whole nation, the future generation, will become absolutely drug fast. There is no check over that.

Another point that I want to make out is this. The unani and kaviraj medicines do actually serve the people.

in the villages where the local village ~~void~~ prepares medicines in his own way. Now, what is intended in this amending Bill is to have sanitary conditions, ensure the use of certain substances like gold or silver in certain drugs, and not the use of substitutes. But there are certain substitutes. Take, for example, gold. The substitute has been found out in order to make preparations like *makaradhwaj* and others. Why should it be banned? It should not be banned. The only thing is that control should be there. They should see whether it is a right substitute.

I am glad that this amending Bill is going to the Joint Committee and I hope the Joint Committee will take the opinion of various doctors, not only eminent people, in various places and then make a comprehensive report to this House.

**Shri Himatsingka (Godda):** Mr. Speaker, Sir, I welcome this Bill so far as it goes, as it purports to tighten the law and prevent adulteration of medicines and drugs and the improvements that have been suggested will go a long way in preventing unscrupulous persons from making profit from the sale of medicines which are decomposed, petrified or otherwise insanitary. I feel that this itself will not be sufficient. The medicine may be quite good, but if it is applied by wrong persons or if it is applied in a wrong manner, it does produce very injurious effect. As was just now mentioned by an hon. Member who preceded me, an indiscriminate use is made of various strong medicines and antibiotics and 'mycine' type or group of medicines and they do produce a lot of injurious effect on persons on whom they are applied. Therefore, I feel that before the action that is proposed to be taken by the amendment of the Drugs and Cosmetics Act, we must educate the people regarding the proper use of food and other measures which will keep a man healthy. As a matter of fact, you

know, Sir, some time back, before the allopathic medicine was so much in vogue, what used to be done in the country was that for the first two or three days no medicine used to be applied or given and in that manner I should think that at least 80 to 85 per cent of the cases got cured. The moment you take medicine, it merely complicates the trouble. What happens is that nature is always trying to cure the sick persons and what the person needs to do is to help nature to eliminate the foreign matter that has come into his person, into his body. What the medicine does is it removes the symptoms, but it does not really effect any cure. What is necessary is, medicines should be such, or rather such steps should be taken that we help nature in eliminating the foreign matter which is the cause of the disease in the person. In that respect also, some steps are being taken by the Government to familiarise and to popularise the naturopathy treatment. A college is going to be opened in Calcutta with the help of the Government and I feel that steps should be taken to encourage that line of treatment which will be cheaper and more beneficial and which can be introduced in the villages without much expense and with very great benefit to the persons concerned.

13.27 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I feel that immediate action should be taken to give proper education in this regard so that the boys in schools, the children in schools, from the very beginning may be given certain education about health measures which will give them information as to how to behave, what to take, when to take and how much to take and so on. That will obviate the necessity of too much medicine being required at any time. Therefore, proper emphasis should be laid on health measures from the very start of education and I feel that that will also

[Shri Himatsingka]

save the country from too much use of medicine and also keep our children and our people more healthy and cheerful. I feel that along with the tightening of the law, so far as having proper medicines and stopping adulteration of these things are concerned, proper steps should be taken to educate the people and to have proper literature and books written on health so that we might know how to behave ourselves, how to eat, what to eat and what not to eat and so on. Most of the diseases start on account of our ignorance about food and the quantity that we should take. I feel that those steps should be taken so that people are fully educated on these health measures.

**Shri Sham Lal Saraf (Jammu and Kashmir):** Mr. Deputy-Speaker, Sir, while supporting this Bill that has been moved by the hon. Minister, I want to make a few observations according to which I feel that there are certain aspects of the matter which are lacking and also that the coordination between the two departments, in particular the department of Health and the department of Scientific Research which should have been there, is also lacking in certain respects.

I would submit that the scope of this Bill will be that it will cover medicines being prepared from the Allopathic system, the Ayurvedic system, the Unani system and possibly also the Homoeopathic system. There are three stages which need to be examined and gone into. Firstly, it is the manufacture of drugs; secondly, research upon drugs and, thirdly, its distribution and its finding a place in the form of pharmacopoeia.

As far as availability of drugs in our Country is concerned, there are hundreds and thousands of drugs available. I have a little experience of my State because it was the State of Jammu and Kashmir that first started a drug research institute as far back

as 1939 and since then it has been working, the research section apart and the manufacturing section apart. As far as research section is concerned, that was transferred to the Central Government in 1956 or 1957. But as far as the manufacturing section is concerned—allopathic drugs, ayurvedic drugs and unani drugs—all that is being run under the Jammu and Kashmir State. At the time of handing over the research section to the Central Government, we had prepared a herbarium wherein nearly about four thousand crude drugs and herbs were listed. Out of that about three hundred to four hundred drugs were examined and researched upon, and had then listed the active principles which were found in them.

So far as the manufacturing section is concerned, we tried to do what little we could do there, but we could not make much headway, for the simple reason that there is so much of adulteration in the field and all sorts of drugs which are not genuine are being sold. There are other things also that make it impossible, or if not impossible, almost next to impossible, for the genuine drug manufacturing firms to sell their drugs in the manner that they ought to or in the manner that they would like to.

For instance, we grow in our State a number of crude drugs and herbs, and we sell those very drugs and herbs to the people outside our State. I cannot remember the names of all those drugs, but I can cite the case of one particular drug, namely *patis*. It is sold at about Rs. 25 to 30 per pound in our State in a crude form. But when the Department of Health from our State would call for tenders, the medicine prepared out of that would be delivered at the rate of Rs. 10 to 12 per pound. One feels wonderstruck that what happens, because the drug that we prepare out of it in the very factory which belongs to that State would cost much

more; and the Department of Health would never care to purchase the medicine from that factory. Incidentally, once it happened that I had to deal with the Department dealing with the purchase of drugs and medicines in that State, and it was with great persuasion that the doctor gentlemen who were in charge of that Department could be made to show some little patronage to that factory. But, ultimately, the result was that it could not work and it is not working even today. So, we find that even though there are genuine drug-manufacturing firms all over the country, manufacturing all sorts of drugs, they have very little encouragement and they get very little patronage, for the reason that there is no check even with regard to the Government purchasing departments. I can quote, for instance, the Central Drug Stores at Calcutta. In my State, we are preparing certain drugs both for application and consumption within the State and also outside the State. Take, for instance, the case of belladonna. It is almost a monopoly of the Jammu and Kashmir State, as far as our country is concerned. We sell that belladonna in extract or other such preparations to firms and other institutions in the rest of the country. But when the Health Department of that very State or the Central Drug Stores asks for tenders, then those very persons who had purchased it at a particular rate from the Jammu and Kashmir Government drug factory would quote a rate which would be much less than what they had paid for it when they had purchased it. I can quote instances where this kind all thing has happened, not once but dozens of times. The result is that only those manufacturers who do not manufacture genuine drugs but who adulterate drugs get all sorts of encouragement both from Government and also from the trade and the people. From that point of view, it is very important that this Bill has been introduced.

In this connection, there is one very important point which has to be borne in mind, and that is, that the

Ministry of Health should remain in touch with the Ministry of Scientific Research and know from time to time the findings of their research up to date with regard to drug research which is being carried on in the different drug research centres all over the country. As I have said already, it was perhaps in 1956 or 1957 that we handed over our Drug Research unit to the Central Government, and since then they have done a lot of work, in fact, much more work than they had done till then. But I find that there has been no proper co-ordination, and no direct results have come out of it as far as the utilisation of the results of that research elsewhere in the country is concerned.

When I studied this Bill, I found that in regard to the standard of the drugs that have to be utilised in future, it has been provided that the drugs have to be up to the standard of the London Pharmacopoeia. I personally feel that something on the lines of what has been done in the matter of industrial goods for our international trade, has got to be done in the case of drugs also. It may not be exactly in the same manner, as far as this Act is concerned, but I feel that some such thing is necessary. There should be some quality testing at our standard institutes. Unless we institute quality tests and set up quality testing centres or standard testing centres in almost all the manufacturing centres I personally feel that the Act may not serve its purpose.

I would also submit that we have to maintain our own standards with regard to the drugs and medicines that we manufacture in our own country. We have to lay down some standards in regard to those drugs and have our own pharmacopoeia for that purpose. Only yesterday, I had tabled a question with regard to certain recommendations of the Tibbia Conference which was held only last June in Simla. I am very happy that a detailed reply has been given by the Minister of Health. I find that even the Tibbia experts demand that they also should

[Shri Sham Lal Saraf]

be permitted to have a pharmacopoeia of their own.

Therefore, the time has come when our Ministry of Health should have a standard pharmacopoeia prepared for allopathic drugs, of course, but also for the other indigenous drugs that we are manufacturing within our country. If it is said that in regard to allopathic drugs, there is an insistence that we should agree to the London Pharmacopoeia or other such pharmacopoeias, then I have no objection; I have no objection if we have to repeat those things in our pharmacopoeia. But, at the same time, there are certain other drugs that we are manufacturing within the country, from the allopathic point of view; therefore, the time has come to consider now whether our old pharmacopoeia should not undergo some change. I am a layman, but our doctor Minister is there in charge of Health, and I have very great respect for her. But I would request her to consider whether the pharmacopoeia that we should have in our country should be just an exact copy of the English pharmacopoeia or whether it needs some change to fit in with our own conditions.

There is also one other thing that I have to observe in this connection. Nowadays, our doctors, whether they are small or whether they are high-ups, wherever they may be, I am speaking of allopathic doctors—prescribe very costly medicines. How can that fit in with the general pattern of the country, of a poor country like India. Therefore, that also needs to be gone into.

So, we have also to set up a pharmacopoeia for our own Ayurvedic and Unani medicines. It is all right if we pass a law, and we set up standard institutes, and we set up also quality testing centres. But the important question is one of inspection, and of having a proper inspectorate. I would submit that the job of inspec-

tion is not an ordinary job. There are many inspectors at present in the country for inspecting the manufactured products of the various industries, but then their work is limited as compared to the work that is going to be undertaken by the inspectors under this Act. I would submit that great care has to be taken about how this organisation will be set up, how small the jurisdiction of the organisation should be and so on, so that the desired object may be achieved.

I would also submit that the Ministry of Health at the Centre, along with the Health Department in the States should also see that the present system of purchase and supplying of medicines should be looked into thoroughly. Firstly, I would submit that this question of buying the medicine from the source which gives the cheapest quotation has been creating havoc both with our Departments of Health, and, of course, with our patients who are treated in the Government hospitals. Some new arrangement should be introduced in this behalf.

Then, with regard to purchase of drugs, certain facilities have to be created so that the purchase can be made at the main centres where the drug factories are located and where the drugs are manufactured. Otherwise, if there are only one or two purchase centres for the entire country, then the suppliers have to go there and supply the drugs. If the purchase centres are located at the places where the drugs are actually manufactured, then there can be very strict checking, and very strict testing also could be resorted to. If that is done, then we can achieve great results thereby.

Another thing is about cosmetics. It may not apply exactly to that, but I feel there is scope for this kind of thing there also. There is so much adulteration going on in that that one is actually wonderstruck as to how

things are going on in the way they are.

To sum up, for manufacture of standard drugs all sorts of facilities have to be provided. Secondly, there should be proper research and co-ordination of that research with actual work in the field. Then there is the question of testing, standardisation, organisational arrangements like a proper inspectorate etc. With these things, I think our purpose can be served.

There are a number of other things which are related to this subject and with the little time at my disposal, I cannot elaborate on them. If one could get opportunities to work on certain committees dealing with such matters, one could certainly make one's contribution. Without meaning any pecuniary consideration, I would like to say that for the last 1½ years I have not got an opportunity to serve on any of the committees and contribute my share. In committees like the Estimates Committee and Public Accounts Committee, there may be certain pecuniary considerations. But as regards other committees, we could certainly contribute if some opportunity is given to such people. I would make an appeal to you and to the Speaker in this connection and request that you see that such people are taken into confidence and afforded an opportunity to serve on such committees. With these few observations, I support the Bill.

**श्री स० मो० बनर्जी (कानपुर) :** उपाध्यक्ष महोदय, मुझ खुशी है कि वहन दिनों के बाद कम से कम आज एक एमा विधेयक इस सदन के सामने आया है, जिस के पास होने के बाद, इस देश में दवाइयों में मिलावट करने की जो भावना बढ़ गई है, वह शायद कुछ कम हो ।

**एक माननीय सदस्य :** इस गवर्नमेंट के रहते हुए तो वह कम नहीं होगी ।

**श्री स० मो० बनर्जी :** इन बारे में इस सदन में एक बहस भी हुई थी और उस बहस के दौरान में माननीय सदस्यों ने इस सदन के सामने कुछ ऐसी मिसालें पेश की थीं, जिन से साफ़ जार्दाहर होता है कि आज भी देश में कुछ ऐसे समाज विरोधी तत्व हैं, जिन को इन्सानों की जिन्दगी के साथ खेलने में भी लजा नहीं आती ।

दवाओं में मिलावट के बारे में काफ़ी बातें इस सदन में कही गई हैं । मैं समझता हूँ कि आज मीठा आ गया है कि सब दवाओं के कारखानों का, ड्रग इंडस्ट्री का, राष्ट्रीयकरण कर दिया जाये । जब तक यह सरकार ड्रग इंडस्ट्री का राष्ट्रीयकरण नहीं करेगी, तब तक इस प्रकार के कानूनों से कोई फ़ायदा होने वाला नहीं है, इंस्पेक्टर साहब की जेब भले ही गर्म हो जाये । मुझे इंस्पेक्टरों से कोई दुश्मनी नहीं है, लेकिन मैं देखता हूँ कि भ्रष्टाचार को बन्द करने के लिए जितने अधिक विधेयक पास होते हैं, भ्रष्टाचार उतना ही द्रोपीदी के चीर की तरह बढ़ता जाता है ।

दवाओं में मिलावट के लिए पांच साल की सजा के बजाये दस साल की जो व्यवस्था इस बिल के द्वारा की जा रही है, वह बहुत अच्छी बात है, लेकिन मैं कहना चाहता हूँ कि लोग इस बारे में इतने नाराज हैं कि वे चाहते हैं—जैसा कि माननीय सदस्य, श्री कक्कड़, ने कहा है—कि मिलावट करने वालों को चौराहे पर खड़ा कर के चावुक से मारना चाहिए, उन को फ़लांगिंग करनी चाहिए । माननीय सदस्य, श्री कक्कड़ भी हनेशा यह सजेस्ट करते रहते हैं लेकिन आज यह बात मुमकिन नहीं है, क्योंकि हम सामन्तवादी दुर्ग में दापत नहीं जाना चाहते । इस स्थिति में यह ज़रूरी है कि मिलावट को रोकने के लिए ड्रग इंडस्ट्री का राष्ट्रीयकरण कर दिया जाये ।

हम जानते हैं कि इस सदन के एक माननीय सदस्य, श्री त्रिपाठी, की मीठत के बाद एक जांच कमेटी बैठाई गई । शायद पैनिसलिन की

## [श्री स० मो० बनजी]

वायल में मक्खी या कोई और मरी हुई चीज़ निकली। उस के बारे में भी जाच हुई। उस के बारे में यह सावित करने की कोशिश की गई कि एसी कोई बात नहीं हुई। मैं पेन्सिलिन फँकटरी, पिम्परी, को देख चुका हूँ और मैं समझता हूँ कि उस में काफ़ी इन्टज़ाम हो रहा है—मैं यह नहीं कहता कि नहीं हो रहा है—, लेकिन फिर भी हन लोगों को देखना है कि एन्टी-बायाटिक ड्रग्ज़ के सम्बन्ध में, जो कि लाइफ़-सेर्विंग ड्रग्ज़ हैं, न तो मुनाफ़ा-खोरी की आवाना ही आये और न ही उन की क्वालिटी इस तरह गिर जाये कि उन को इस्तेमाल करने से लोग मौत के मुंह में चले जायें।

उस समय मुझे बताया गया था कि कुछ लोगों में पेन्सिलिन के लिए इस प्रकार की एलर्जी होती है कि उस के इस्तेमाल से वे फ़ायदा उठाने के बजाये मौत के घाट उतर जाते हैं। इस के लिए एक दवा, एन्टी-पैन, ईजाद की गई थी, जिस को देने से यह मालूम हो जाता है कि कोई व्यक्ति पेन्सिलिन के प्रति एलर्जिक है या नहीं और यदि वह एलर्जिक हो, तो फिर उस को पेन्सिलिन नहीं दी जायगी। मैं यह जानना चाहता हूँ कि पिम्परी के पेन्सिलिन कारखाने में जो एन्टी-पैन की दवा बनाई गई थी, वह मार्केट में आई है या नहीं।

दवाओं के बारे में दो समस्यायें हैं : एक तो मिलावट और दूसरी उन के दाम। मेरे माननीय मित्र, डा० लोहिया ने इस सदन में कहा था कि अगर पेन्सिलिन या स्ट्रो-माइसीन का कास्ट आ०५ प्राइक्शन तीन आने है, तो वह ज्यादा से ज्यादा पांच या छः आने में बिके। लेकिन आज हो क्या रहा है ? देहात में हर एक कम्पाउंडर—और जो कम्पाउंडर नहीं भी है, वह भी—डाक्टर बना बैठा है और वह एक बात जानता है कि हर एक मर्ज़ की दवा पेन्सिलिन है। वह \*पेन्सिलिन बेतहाशा इस्तेमाल कर रहा है और एक एक पेन्सिलिन इन्जेक्शन का दो या

तीन रुपया तक ले रहा है। इन के ग्रनाता मान लीजिये कि एपीईमिक फ़ार्म में कोई बीमारी हुई जिस में एन्टो-नारोटिक ड्रग्ज़ देनी पड़ती है, तो फ़ोरन मार्केट में उन के दाम बढ़ जाते हैं और इस बारे में कहा यह जाता है कि सप्लाइ बहुत कम है। मैं चाहता हूँ कि सरकार कम से कम दवाओं के बारे में तो मुनाफ़ा-खोरी न करे। दवायें ऐसे दाम पर मिलनी चाहिए जिसे दामान भी उन को ख़रीद सकें। अगर आज मेरे पास पैसा है और मेरी नस्तवाह चार पांच मीट है, तो मैं तो उन दवाओं को हसित कर सकता हूँ। लेकिन इस मदन में कहा गया है कि हिन्दुस्तान में २७ करोड़ आदमियों की आमदनी साड़े सात आने रोज़ है। इसलिये एसा इन्तज़ाम होता चाहिए कि साड़े सात आने रोज़ पाने वाला भूमूली आदमी भी इन दवाओं को ख़रीद सकें।

इसलिये मेरा कहना है कि इस देश में ड्रग इंडस्ट्री का सोशलाइज़ेशन या नैशन-लाइज़ेशन चल्हर होना चाहिए। अगर ऐसा नहीं किया जाता है, तो लोगों को सत्ती और क्वालिटी में अच्छी दवायें नहीं मिलने वाली हैं, क्योंकि हम लोग देखते हैं कि आज दवाओं को किस तरीके से बेचा जा रहा है। आज बच्चों के दूध में भ मिलावट करने की कोशिश हो रही है, चाहे वह लैक्टोज़ हो, हारलिक्स हो या आस्टरमिल्क हो, कोई भी चीज़ हो।

**श्री श्यामलाल सर्वाकु : अन्दर से मिलावट होती है।**

**श्री स० मो० बनजी :** पिछली मर्ज़वा मैंने इस सदन में कहा था कि कम से कम यह नियम बना दिया जाये कि इन दवाओं की बौरह के खाली डिब्बों और बोतलों को लेबल उतार कर बचा जाये और अगर कोई आदमी बौरह लेबल उतारे उनको बेचे, तो उस को सजा होनी चाहिए। कलकत्ता में एक केस हुआ कि एक छोट बच्चे को ग्राइप वाटर दिया गया,

लेकिन वह ग्राइप वाटर था नहीं । उस में अफ्रीम का सत मिला दिया गया था । नतीजा यह हुआ कि बच्चा सो तो गया, लेकिन फिर उस की नीद नहीं खुली—वह बच्चा जाना रहा । इस के बाद स्वर्गीय डा० बी० सी० राय ने सिनेमा में यह रसाइड दिखाने की व्यवस्था की कि स्पूरियस या एडल्ट्रेटिड इन्जन न बेची जायें । लेकिन आज हालत क्या है ?

इस विल में एडल्ट्रेशन के खिलाफ कड़े से कड़े कदम और एक्शन लेने की बात कही मर्इ है, लेकिन आयुर्वेदिक और यूनानी दवाओं के बारे में यह कहा गया है :—

"The Udupa Committee's report discloses that costly raw-materials such as gold, musk, pearl, saffron, etc., which are component ingredients in the various Ayurvedic and Unani preparations, are either not used or substituted by imitation products."

सोने का क्या सबस्टीट्यूट होगा । आज जो स्वर्णभस्म मक्कध्वज में मिलाई जाती है उस की जगह पर अगर चौदह कैरेट सोने को मक्कध्वज में मिलाया जायेगा तो जो बचने वाला है वह चौदह दिन भी बच नहीं पाएगा । सोने वालों के बारे में यहां तक शिकायत कानों में आई है कि वे खुदकुशी कर रहे । अगर रंगी का पूरा विश्वास है यूनानी के ऊपर, आयुर्वेद के ऊपर लेकिन विश्वास नहीं है एलोपैथी के ऊपर या होम्योपैथी के ऊपर, तो अगर रंगी को मक्कध्वज दिया जायेगा और वह भी चौदह कैरेट का, तो मुझे मालूम नहीं कि उसकी जिन्दगी का क्या होगा । मैं समझता हूं कि उस को आज प्रेस किया जा रहा है कि वह सबस्टीट्यूट इन्स्टेमाल करे । एक तरफ तो आप मिलावट के खिलाफ कानून पास करने जा रहे हैं और दूसरी तरफ उसी कानून में यह कहने जा रहे हैं कि हां मिलावट करो । यह बिलकुल गलत तरीका है । ऐसी चीज़ नहीं

होनी चाहिए । अगर यह होता है तो सिवाय नुकसान के और कुछ नहीं हो सकता है ।

मैं यह भी चाहता हूं कि सरकार यूनानी इलाज और आयुर्वेदिक इलाज को काफी तरजोह है । मुझ मालूम है कि हमदर्द दवाखाने ने काफी अच्छा काम किया है और आप से मदद लेने की काफी कंविय की है और शायद आप को तरफ से कुछ मदद मिली भी है लेकिन उन्होंने जिस तरह से अपनी इंस्टीट्यूशन को चलाया है और चला रहे हैं, उस से मैं समझता हूं कि हिन्दुस्तान में यूनानी इलाज को चार चांद लग गये हैं । उसी तरीके से ढाका शक्ति औषधालय या सावना औषधालय या गुरुकुल कांगड़ी में जो चीजें बनाई जा रही हैं, वह बहुत कंचे दर्जे की हैं, उन को भी आप की तरफ से तरजीह दी जानी चाहिये ।

सैनिटेशन के बारे में कहा गया है । बड़ी अच्छी बात है । यह भी कहा गया है कि जिस चीज़ में स्पूरियस इग मिलता है उस कनवेंस को भी कनफिस्केट कर लिया जायेगा । मैं इस को मानता हूं । अगर कोई ठेले पर किसी चीज़ को बेचता है, तो ठला तो भले ही आप ले लें, लेकिन अगर कोई आदमी ट्रेन में बम्बई से कलकत्ता तक या बम्बई से दिल्ली तक बेचता चला गया तो क्या उस द्वन को भी कनफिस्केट कर लिया जायेगा ? अजीब कानून है ।

**The Minister of Health (Dr. Sushila Nayar):** The hon. Member is mixing up. It is confiscation of the means of production of spurious drugs, not of the conveyance.

**Shri S. M. Banerjee:** What do you mean by transportation?? It is there आप को सब चीजों को देखना चाहिये ।

हमें खुशी है कि कम से कम डेल्वी मिनिस्टर हमारे देश की बहुत अच्छी डाक्टर हैं । यह होना भी चाहिये । पहले देश में यह हुआ करता था कि सब से अच्छा जो डाक्टर है

## [थो स० मो० बनजो]

वह मुख्य मंत्री बन जाये, लेकिन जो दैत्य के बारे में कुछ नहीं जानता वह दैत्य मिनिस्टर बन जाये। इस देश का दुर्भाग्य है कि यहां इस तरह की चीजें हुई हैं। बहुत कम दैत्य मिनिस्टर हुए हैं, जो डाक्टर हों। आप देखें जो वराज जो मेहना चौक मिनिस्टर हैं। डा० व० स० राय पर्सिमी बंगल के चौक मिनिस्टर थे। लेकिन यहां पर दैत्य मिनिस्टर कौन थी, राजकुमारी अमृत कीर। समझ में नहीं आता है कि क्यों नहीं किसी डाक्टर को हैल्य मिनिस्टर बनाया जाता। यह खुशी को बात है कि हमारे राजू साहब डाक्टर हैं और हमारो मुंप्रिज बहन भी बहुत अच्छी डाक्टर हैं। आज हमारी तमाम जो इंट्रेटिड स्कीम ड्रग प्रोडक्शन के बारे में है और रूस से जो हमें इस के बारे में सहायता मिल रही है या मिलने वाली है, वह क्या है? हमें आश्वस्त किया जाये कि लोगों को दवायें सस्ती मिलेंगी और लोग बगैर दवाओं के भरेंगे नहीं। अगर यह चीज़ पांच दस सालों में भी हो जाती है तो बहुत बड़ा काम आप कर देंगी और जो राजनीति आपने गांधी जी के चरणों में बैठ कर सीखी है, वह सफल हो जायेगी।

श्री बालमीकी (खुर्जा) : उपाध्यक्ष महोदय, भयज तथा शृंगार सामग्री संशोधन विल का मैं स्वागत करता हूँ। मैं स्वास्थ्य मंत्रालयी जी को धन्यवाद देना चाहता हूँ कि कम से कम इसके द्वारा उन्होंने एक प्रगतिशील कदम उठाया है जिससे लोगों को दिशान हो सकता है कि उन को शुद्ध दवायें मिलने की उम्मीद करनी चाहिये।

हमारे देश में और हम लोगों में एक पुरानी कहावत है :

पहिला सुख, निरोगी काया

दूजा सुख, घर में हो माया

तीजा सुख, सुत आज्ञाकारी

चौथा सुख, घर में हो शुभ नारो।

इन चारों बातों को आप मनुष्य के आज के

जीवन पर उतार कर देखें। काया काया में रोग है और क्यों रोग है, क्योंकि शुद्ध भोजन नहीं मिलता है, स्वच्छ पानी नहीं मिलता है, शुद्ध धून नहीं मिलता है और शुद्ध बातावरण भी नहीं मिलता है। धन का अभाव है, इस प्रकार दरिद्रता और दारिद्र्य का चारों ओर जोर है। धनाभाव से मनुष्य का जीवन नित्य कटुता से भरपूर हो गया है। जहां तक आज्ञाकारी पुत्र का सम्बन्ध है, आज हम देखते हैं कि नवयुवकों में भी उच्चायंत्रता है, निरंकुशता है, अनुशासनहीनता है। यद्यपि अनुशासनहीनता को दूर करने के बारे में सरकारी प्रयत्न चलते हैं, लेकिन उधर मैं विशेष न जा कर इधर ही इशारा करना चाहता हूँ। महिलाओं में भी एक प्रकार से स्वच्छन्दनता है। इस प्रकार से आप देखें तो मानव जीवन का दर्शन ही बिंगड़ रहा है और सारे दर्शन को सुधारने की ज़रूरत है। सुधार समाज में ही नहीं चाहिये, घरों के अन्दर भी सुधार चाहिये। हमें सारे जीवन में जो अच्छी अच्छी बातें हैं, उन को उतारना है।

इस अवसर पर इन बातों में न जा कर मैं नकली दवाओं और नकली दवा फरोशों की बात कहना चाहता हूँ। इनका जोर बढ़ता ही जा रहा है। इस विशेषक का आना एक स्वागत योग्य बात है। एक बात की ओर इस सम्बन्ध में देशवासियों का ध्यान आकर्षित करना चाहता हूँ कि हमारे देश में उन में दुख और रोगों को सहने की शक्ति हो तो रोग भी दूर रह सकते हैं। दुख को आज कहीं भी सहने की शक्ति नहीं है, दुख और दर्द को परास्त करने की शक्ति नहीं है। यहीं कारण है कि जरा जरा सी बात पर लोग दवाओं का सहारा लेते हैं, दवाओं की ओर दौड़ते हैं। यह दवाइयां खाने की प्रवृत्ति बढ़ती ही जा रही है। जब तक इस प्रवृत्ति को आप नहीं रोकेंग तब तक नकली दवाओं और नकली दवा फरोशों को आप नहीं रोक सकेंग। दर्द को बर्दाशत करना भी खुद एक दवा है।

इस्तरे कतरा है, दरिया में फना हो जाना । दर्द का हृद से गुजरना है, दवा हो जाना ॥

अगर हम उन दर्द और रोगों को परास्त करें, तो हमें दवाओं का बहुत कम सहारा लेना पड़ सकता है । स्वास्थ्य मंत्राणी जी स्वयं डाक्टर हैं और वह जानती हैं कि मनुष्य शरीर के अन्दर दवाओं के अलावा रोगों को मारने के अस्तित्वाली कीड़े भी होते हैं और ऐसे कीड़े भी होते हैं, जो उन कीड़ों को मार देते हैं, जो बीमारी लाते हैं । ये उन कीड़ों का मुकाबला करते हैं और उन को फना भी कर सकते हैं । लेकिन इन्हाँ पर भी दवाओं की आवश्यकता निर्विवाद है । मैं चाहता हूँ कि अगर रोगों को सहने की अस्तित्व कम हो तो भी रोगी को कम से कम दवायें दी जायें । एक सब से बड़ा उदाहरण हमारे प्रधान मंत्री जी का हमारे सामने है । वह दवाओं का बहुत ही कम प्रयोग करते हैं । उनके उदाहरण से हम लोगों को फायदा उठाना चाहिये ।

श्री प्रिय गुप्त (कटिहार) : वह खाते क्या हैं ?

श्री बाल्मीकी : खाने की आप बात न करें, आप को भी खाना कम नहीं मिलता है ।

यह ठीक है कि आज मार्किट में, बाजार में, आमों में नकली दवायें बचने वाले और उधार इलाज करने वाले नकली डाक्टर काफी संख्या में हैं । यह नीम हकीम खतरे जान खाली बात होती है । इस तरह के जो डाक्टर हैं, उन पर रोक लगनी चाहिये । इन लोगों को रोगियों की जिन्दगियों से खिलवाड़ करने की इजाजत नहीं दी जा सकती है । दिल्ली की एक घटना मैं आप को बताता हूँ । कोई नकली डाक्टर अंख वाला आ गया और बहुतों का आपरेशन कर गया । वह फीस भी अपनी ले गया और इलाज भी कर गया । किसी ने उस को पकड़ा तक नहीं ।

1204 (Ai) LSD—5.

इस तरह के बहुत से लोग धूमते फिरते हैं । दवाइयों का बाक्स ले कर वे लोगों का इलाज करते फिरते हैं । इन क्वेक्स के खिलाफ़ जोरदार तरीके से कार्रवाई करने की आवश्यकता है । इस दिशा में कड़े कदम उठाये जाने चाहिये । जो इस तरह की नकली दवाइयाँ तैयार करते हैं या जो इस तरह के क्वेक्स हैं, वे इसलिए पकड़ में नहीं आते हैं कि जो आप का सुपरवाइजरी स्टाफ़ है, जो इंस्पैक्टर्ज़ हैं वे अभी उधर ध्यान कम देते हैं या देते ही नहीं हैं । उन के अन्दर भी भ्रष्टाचार है । वे भी उससे लाभ उठाते हैं । यों तो समाज में जो भ्रष्टाचार है, उस का भी ज़िक्र होता है लेकिन उस से भी ज़रूरी बात यह है कि जिस आदमी को आप भ्रष्टाचार की रोकथाम करने के लिए लगाते हैं, उस में अगर भ्रष्टाचार है, उन लोगों में अगर भ्रष्टाचार है, उस को पहले दूर किया जाये । अगर उन में से सर्वप्रथम भ्रष्टाचार को दूर नहीं किया जाता है, तो यह काम आग नहीं बढ़ सकता है । ये लोग ईमानदार, भले, तपस्वी और काम को समझने वाले होने चाहिये । जो इंस्पैक्टर्ज़ रखे जायें, वे केवल एलोपेथी के ही न रखे जायें बल्कि ऐसे भी रखे जायें जिन को पूरा ज्ञान आयुर्वेद का भी हो और साथ साथ यूनानी आदि का भी हो । आप की हचि एलोपेथी में है, इस बास्ते यह ज़रूरी नहीं है कि केवल एलो-पेथी के इंस्पैक्टर्ज़ ही रखे जायें । इधर जो निगाह रखने वाले, जो ध्यान देने वाले अधिकारी हैं, उन में ईमानदारी होनी चाहिये ।

एक माननीय सदस्य ने कहा कि गवर्नरमेंट भार इंडिया की ओर से भी इंस्पैक्टर्ज़ नियुक्त होने चाहिये । पहले हम उधर के निरीक्षकों से तो बच लें फिर इधर आयें । अगर साथ साथ आप इधर भी जाने लगे तो समझ लीजिये कि यह नहले पर दहले वाली बात होगी । जब तक उन में व्याप्त भ्रष्टाचार नहीं रुकता है तब तक काम आगे नहीं बढ़ कता है ।

[श्री बाल्मीकी]

14 hrs.

आज हमारे देश में तीन आने और पांच आने की चर्चा है। परन्तु मैं इस चर्चा में न जा कर यह कहना चाहता हूँ कि देश के अन्दर गरीबी बहुत ज्यादा है, दरिद्रता बहुत ज्यादा है। आप को कोशिश करनी चाहिये कि लोगों को अच्छे इलाज की सुविधा प्राप्त हो सके, आसानी से उन को चिकित्सा सुविधायें मुलभ हो सकें ताकि साधारण से साधारण और मामूली से मामूली आदमी भी इन सुविधाओं से वर्चित न रह सके। अगर आप यह सुविधा जनसाधारण को मुलभ करना चाहते हैं तो मैं समझता हूँ कि एलोपैथी पर ही सहारा करना काफी नहीं होगा, एलोपैथी इस समस्या को हल नहीं कर सकता है, एलोपैथी समस्या का हल नहीं है। केवल आयुर्वेद और यूनानी पढ़तियां, जो कि सही इलाज हैं, उन पर यहाँ की स्थिति को देखते हुए और देश के वातावरण को देखते हुए विशेषकर ध्यान देने की आवश्यकता है। आयुर्वेद और यूनानी पढ़तियां विशेषकर उचित करें लेकिन जां पर म को ध्यान देना है वां पर य भी देखना चाहिये कि आज जड़ी बूटियों में भी मिलावट चल रही है। हमारी आयुर्वेदिक दवाओं में सोना, कस्तूरी, मोती और केसर का विशेष प्रकार से प्रयोग होता है। आज बाजार में नकली सोना, नकली कस्तूरी, नकली मोती, नकली केसर मिलता है। मैं आपका ध्यान आर्किपत करना चाहता हूँ कि आप इस तरफ ध्यान देंगे, लेकिन जहाँ पर य चीजें बनती हैं वहाँ पर आप की विशेष सतर्कता होनी चाहिये। इसलिये मैं चाहता हूँ कि सरकार इस काम को अपने हाथ में ले ले और एक प्रकार से इसका राष्ट्रीयकरण कर दिया जाय तो भी कोई वात नहीं है। बहुत सी बातें हैं जिनके बारे में यहाँ कहा जाता है कि उनका राष्ट्रीयकरण कर दिया जाय, इस लिये इस काम को भी अगर आप अपने हाथ

में ले लें और जिन कारखानों में दवायें बनती हैं वहाँ पर खुद वस्तुयें बनवायें तो इससे बड़ा लाभ होगा। जो भी वस्तुयें बनती हैं, वाहे वे दवायें हों या अंगार की हों, उनको बनने से पहले देखें, पाउडरों को बनने से पहले देखें कि वे सही हैं या नहीं।

आज हमारे देश के अन्दर गोल्ड कण्ट्रोल की ओर बहुत ध्यान आर्किपत किया गया है। आज जो १४ कैरट का सोना तैयार किया जाता है उसकी जरूरत दवाओं के लिये नहीं है। दवाओं के लिये तो शुद्ध सोना चाहिये, स्वच्छ सोना चाहिये। दवाओं के लिये विशुद्ध सोना उपलब्ध हो इस की ओर मैं समझता हूँ कि आप विशेषकर ध्यान देंगे। जब तक आप इस और विशेष रूप से ध्यान नहीं देंगे तब तक सोना दवाओं के काम में नहीं आ सकता है। आयुर्वेद में ऐसे रसायन व भर्मे बनती हैं जिन पर पूरी देख रेख रखना बहुत जरूरी है। चाणक्य ने कहा है कि उनके समय में एक रसायन अधिकारी हुआ करता था, वह पूरा जाता हुआ करता था रसायन का कि वह किम तरह से बनता है और बनने के बाद उसका किस प्रकार उपयोग होना चाहिये। इस प्रकार के उनके अधिकारी थे, लेकिन आप के जो निरीक्षक हैं, जो अधिकारी हैं वे केवल पदाधिकारी हैं, पद के बास्ते हैं, उन दवाओं का, उन भेजजों का, कोई ज्ञान उनको नहीं है। आपको इस प्रकार के अधिकारी रखने चाहिये जो कि अच्छी तर देख कर उस पर ध्यान रख सकें, तब जाकर यह काम आगे बढ़ सकता है।

आपने कानून बनाया है, आपने उसमें सजा दो साल के बजाय दस साल की कर दी है और सवाल सजा का ही नहीं है, उसकी जायदाद भी जबत होगी, दूसरी सजायें भी होंगी, १० जार, २० जार जुर्माना भी होना चाहिये, लेकिन जो कानून आप बनाते हैं उसके कड़े से कड़े पालन का तरीका होना चाहिये।

जब तक आप कड़े से कड़े तरीके से उसका पालन नहीं करते हैं, जब तक इसके लिये आप कोई खास कदम नहीं उठाते हैं तब तक आप इस बुराई को रोक नहीं सकेंगे । इस तरीके बहुत से कारनामे हमारी नजर में आये हैं जिनमें अधिकारियों की तरफ से गडवाइयां होती हैं । हमारे अधिकारी भी कोई दूध के घुले नहीं हैं और न हमारी पुलिस ही दूध की धुली है । वहां पर भी कुछ न कुछ अप्टाचार का समावेश है । यह बात ज़रूर है कि देश के अन्दर नकली दवाओं की वजह से जीवन खतरे में पड़ रहा है नकली दवाओं का प्रयोग तभी रुक सकता है जब इसके लिये आप चारों तरफ निगाह करें और विशेषकर इस विल का प्रयोग कड़े ढंग से करें और कड़ी कारंवाई करें ।

देश के अन्दर आज सौदर्य की ओर विशेष इच्छा लोगों में बढ़ रही है । बाह्य सौदर्य को चमकाने के लिये बाह्य सामग्री का प्रयोग शुरू हो गया है । लेकिन चूंकि इसमें भी गलत चीजों का प्रयोग होता है और गलत बातावरण में में, डरटी इन्वायरनमेंट्स में, यह चीजें बनती हैं, इसलिये इनसे हानि भी बहुत होती है । मैं ऐसा विश्वास करता हूँ कि जहां पर आप ध्यान देंगे वहां यह बातें नहीं होंगी । बाह्य सौदर्य को चमकाने के लिये जो प्रयत्न किया जाता है उससे भी मनुष्य की वात्य वृत्तियां बिगड़ती हैं, इसलिये आप इस पर भी ध्यान दें । आज इन चीजों का गलत तरीके से प्रयोग होता है । नाखूनों पर, श्रोठों पर या कहीं भी इन चीजों का जो प्रयोग होता है उससे भी जो चर्म रोग होते हैं या दूसरे प्रकार के रोग पैदा होते हैं उनकी खोज आप करायें और उनके प्रयोग को आप रोकें । साता जीवन, स्वाभाविक प्रवृत्ति, जो सौदर्य ईश्वर प्रदत्त हैं, सनातन चला आ रहा है मानव में, उसका प्रयोग हो ।

इस विल में अगर केवल ड्रग्स की बात होती तो मेरी समझ में वह आ सकता था

लेकिन दूसरे श्रंगार प्रसाधन जो इसमें रखे गये हैं, उन की बात मेरी समझ में नहीं आती । हो सके तो उन को विलकुल बन्द कर देना चाहिये और यह प्रवृत्तियां लोगों में नहीं होनी चाहियें । इस तरह से मैं समझता हूँ कि इस विल का सही सही प्रयोग होगा और इसके लिये कड़े कदम उठाये जायेंगे । मैं नहीं चाहता कि इन नकली दवाई आदि के सम्बन्ध में किसी को फांसी दी जाय या लटकाया जाय क्योंकि प्रजातन्त्र में यह सम्भव नहीं है, लेकिन आपके अधिकारी और पुलिस इस का गलत प्रयोग न करें और नकली दवाफरोशों को और बनाने वालों को रोकें ।

विशेषकर एक बात मेरी समझ में नहीं आई । इसमें कैमिस्टों की तरफ इशारा किया गया है कि अगर कैमिस्टों के पास मकली दवा निकली तो कैमिस्टों को सजा मिलेगी । यह तो बही बात हूँ कि :

“गधा मरे कुम्हार का, धोबिन सती होय” कैमिस्टों का इसमें कोई दोष नहीं है । वह तो दवा लाते हैं उस पर बनाने वाले का नाम मौजूद होता है, वह बन्द रहती है, और वे लोग उसका प्रयोग करते हैं । इसलिये कैमिस्टों को इसमें खीचने की ज़रूरत नहीं है ।

**Shri Mohan Nayak (Bhanjanagar):** Mr. Deputy-Speaker, Sir, from the Statement of Objects and Reasons, it appears that the Bill has been introduced for three purposes: to have control over Unani and Ayurvedic systems of medicines, to bring the adulterated drugs within the scope of the Act and to enhance the penalty for the manufacture and sale of misbranded and spurious drugs. I appreciate the principles for which the Bill has been introduced. But the procedure to control Ayurvedic and Unani drugs seems impracticable. The Drugs Act of 1940 is meant only to control Allopathic drugs. The Council has been formed accordingly. Government

[Shri Mohan Nayak]

have various organisations such as the Drugs Controller of India, the Central Research Institute, the Central Laboratory Calcutta, the Indian Veterinary Institute at Izatnagar, the Medical Council of India, the Pharmacy Council of India; the Central Drug Research Institute, Lucknow, the various laboratories, inspectors, etc. All these are meant only for controlling Allopathic drugs. The Board meant for the control of Allopathic drugs consists of these organisations and some others. With due respect to the members of the board, I regret to say that none of them is aware of ayurvedic or Unani system of medicine. That is why the Act excludes Ayurvedic and Unani drugs from the operation of the Act. Under section 23 of the Drugs Act, the inspector has to take four portions of a drug from the manufacturer and submit one portion to the analyst for verification and then files a suit against the manufacturer with the report before the magistrate submitting the second portion along with the complaint. All these things are practicable in the case of allopathic drugs. In this Bill except the addition of 4 members to the Board, namely, adviser to Government on indigenous systems of medicine, a member of the research council of Ayurveda and two representatives of ayurved and unani systems, no other action has been taken to control Ayurved and Unani systems of medicine. In a board of 19 members, two Government officers who represent Ayurved and Unani systems and two nominated members on Ayurved and Unani systems, will have no voice at all. So, the entire fate of Ayurveda and Unani will be at the sweet discretion of the other fifteen members, of the Board who have no goodwill for Ayurveda or Unani. Therefore, in my opinion, the sections of the existing Act should not be made applicable to the drugs of Ayurveda and Unani systems.

Almost all the Ayurvedic physicians manufacture medicines by themselves. If they should come within

the jurisdiction of the Act, they will be ruined by the inspectors and the other authorities as per the Act. In this connection, I am afraid that all Ayurvedic physicians should be sent to jail and the Ayurvedic system should be abolished from the country!

The enhancement of penalty will create terror among the physicians of Ayurveda and Unani systems of medicine, and consequently they will all give up their practice. I therefore strongly oppose the control of the drugs of Ayurveda and Unani systems through the existing Act by merely adding four members to the Board. I suggest that a separate Bill to control the drugs of Ayurveda and Unani systems should be brought on the lines of the existing Drugs Act, 1940.

In this connection, I should like to quote the observations of the Udupa Committee. In that report, it has been observed as follows:

"This leads us to the necessity of enacting a Drugs Act for Indian medicines on the analogy of the Drugs Act of 1940 so that the rules and regulations for the preparation of and sale of medicine can be strictly made enforceable and the defaulters punished. The total cost of Ayurvedic medicines manufactured in the country is almost the same as the total cost of the modern medicines. There are several organisations for controlling the manufacture and sale of modern medicines. It is high time therefore that similar Boards are established for the Ayurvedic medicines also.

The possibility of enacting an Ayurvedic Drugs Act, establishing a Pharmacy Council Drugs Advisory Body, Drugs Controller, preparation of pharmacopoeia, Reference Library, etc should be

seriously considered. The earlier it is done the better for the people. Otherwise, this uncontrolled growth of Ayurvedic pharmaceutic industries will lead to gross misuse of public money."

Hence, it is desirable that the Government, before bringing the proposed Bill for controlling the Ayurvedic and Unani medicines, should separately prepare a standardised pharmacopoeia and establish Ayurvedic and Unani Councils and a Pharmacy Council and an Ayurvedic Laboratory. The cost of Ayurvedic drugs, as per the statement of the Udupa Committee's report, is almost the same as that of allopathic drugs. In addition, the cost of Unani medicines will be nearly half of the Ayurvedic drugs. So, it is desirable that to control such huge quantities of Ayurvedic and Unani drugs a separate Board is established

**श्री ओंकार लाल बंदरा (कोटा) :** उपाध्यक्ष महोदय, यह जो बिल आया है मैं उसका समर्थन करना हूँ, लेकिन जिन्हीं जल्दी इस बिल को आना चाहिए था उतनी जल्दी नहीं आया। हम देखते हैं कि यहाँ पर बिल और अमेंडमेंट तो बहुत से पास होते रहते हैं लेकिन वे सारे के सारे कागजों पर रह जाते हैं, उनका पालन नहीं होता। गवर्नमेंट खुद आगे होकर मिलावट करना सिखाती है, सोने के अन्दर तांबा मिलती है और वीं के अन्दर दालदा, दूध में सप्रेटा मिलती है। तो मेरा कहना यह है कि आप चाहे कानून पास करता लें लेकिन अगर उनका पालन न हो तो उनको बनाना बेकार है।

आज स्थिति यह है कि दवाओं के लिए सोना नहीं मिलता, दवाओं के लिए धी नहीं मिलता, जहाँ जाग्रे वहाँ मिलावट। आयुर्वेदिक और यूनानी दवा बनाने के कारखानों में बनने वाली दवाओं में मिलावट रोकने के लिए यह बिल लाए हैं। उनके ऊपर यह रोक लगा दें ठीक है। लेकिन आपको इस तरफ भी देखना चाहिए कि जो बड़े बड़े कारखाने हैं वे मिलावट करते हैं और ब्लैक करते हैं,

लेकिन उनके लिए भी कुछ भी रोक नहीं है। है मैं कहता हूँ कि जो भी कानून इस हाउस द्वारा पास किया जाए उसका कठोरता में पालन होना चाहिए। इस काम के लिए जो भी इंस्पेक्टर या सुपरवाइजर रखे जाएं वे अन्टाचारी नहीं होने चाहिए। देखा यह जाता है कि जो लोग लाखों रुपए का ब्लैक और मिलावट करते हैं उनको पकड़ लिया जाता है तो एक या दो हजार रुपया लेकर छोड़ दिया जाता है। ऐसा ऐसा इस कानून का भी न हो मैं यह चाहता हूँ।

इसमें पहली बीज नो यह देखनी चाहिये कि जो दवा बने उसकी कितनी लिमिट है, यह सील उस पर लगा देनी चाहिए। अगर उसकी लिमिट दो साल की है, तो उसको दो साल के अन्दर काम में ने आया जाए, उस लिमिट के बाद उसको खत्म कर दिया जाए। मैं आपको एक छोटा सा उदाहरण देना चाहता हूँ। इस्लैण्ड में दो साल पहले १ लाख रुपए के इंजीशन ऐसे थे जो कि लिमिट में ज्यादा के हो चुके थे और उनको वहाँ के डाक्टरों ने लेने से इंकार कर दिया। हमारे हिन्दुस्तानी भाइयों को खबर मिली नो वहाँ पर जाकर एक लाख के इंजीशन २० हजार में नैं कर लिए। लेकिन उस बेचने वाले को उस रात को नींद नहीं आयी। उसने सोचा कि इस २० हजार के कारण न जाने कितनी मौतें हो जाएंगी। इसलिए उसने वह सौदा कंसिल कर दिया और सबेरा होते ही उन दवाओं को ममुद्र में डलवा दिया। तो उन देशों में इस प्रकार की धारणा है। यह नहीं कि अगर एक लाख का ब्लैक पकड़ा गया तो एक हजार से अपनी जेब गरम कर ली और यहाँ मिनिस्टर साक्षर के पास आए और उन्होंने कहा कि छोड़ दो तो छोड़ दिया। अगर यहाँ इस मामले में भी ऐसा हो तो इस बिल का पास करना बेकार है।

आप आयुर्वेदिक और यूनानी दवाओं पर प्रतिवन्ध लगा दीजिए, मैं सहमत हूँ। लेकिन इसके साथ साथ एलोपैथिक दवाओं में मिला-

## [श्रो ओंकार लाल बैरवा]

वट के लिए इससे भी ज्यादा कठोर दंड होना चाहिए। जैसा कि लोहिया साहब ने कहा था, इस देश में २७ करोड़ लोग तीन आने और साढ़े तीन आने रोज़ पर गुजर करते हैं। वे इन देशी दवाओं को ही काम में लाते हैं। वे तो नीम का पत्ता खाकर ही अपना बुबार दूर कर लेते हैं। लेकिन जो व्यक्ति दो दो और चार चार रुपए का इंजैक्शन लेकर अपना बुखार ठीक करते हैं—परमात्मा करे उनको और भी चढ़ जाए—उनको ये दवाएं शुद्ध मिलनी चाहिए। आयुर्वेदिक दवाओं में मिलावट रोकने पर ध्यान दिया जाना चाहिए यह ठीक है। लेकिन हमारे कुछ कारबाने जैसे मुख्य संचारक कम्पनी, राजस्थान में कांदेड़ा, और गुरुकुल कांगड़ी के कारबाने जो दवाएं बनाते हैं वे बहुत शुद्ध बनती हैं। लेकिन गवर्नेंट उनको बढ़ाने की ओर कोई ध्यान ही नहीं देती, बल्कि उनको तो गिराया जाता है।

आपने मिलावट पर रोक तो लगा दी लेकिन मिलावट को आप टैस्ट किसे करोगे क्योंकि एक दवा जो बनती है वह कई दवाओं को मिला कर बनती है। मैं एक बात यह भी कह देना चाहता हूं कि देशी दवाओं के अन्दर ज्यादा मिलावट नहीं होती है लेकिन अंग्रेजी औपधियों में बहुत मिलावट होती है। हम सुनते हैं कि पैनिसिलीन की जगह पानी का इंजैक्शन दे दिया। ऐसी देशी दवाओं के अन्दर नहीं है। फिर भी उनकी मिलावट को कठोरता से रोका जाए यह ठीक है। शुद्ध दवा मिलनी चाहिए। दवा बेचने वालों को भी जांच कर लाइसेंस देने चाहिए। यह नहीं होना चाहिए कि कोई किसी आयुर्वेदिक कारबाने में कम्पाउण्डर है और उसको लाइसेंस दे दिया। इस सम्बन्ध में मैं एक उदाहरण देना चाहता हूं। एक डाक्टर दुकान पर से घर पर रोटी खाने गया था। उसके कम्पाउण्डर ने एक आंख के मरीज की आंख में दूसरा टिचर जो कि आंख की दवा के पास रखा था डाल दिया और मरीज की आंख खराब हो गयी।

तो ऐसे लोगों को लाइसेंस न दिया जाए। जो लोग आयुर्वेद को पूरे प्रकार से पढ़े हों उनको ही लाइसेंस दिया जाए।

अब श्रगार पर आता हूं। आजकल हम सुनते हैं कि कोई औरत नाइलोन की साड़ी में या प्लास्टिक की चूड़ियों में आग लगने के कारण जल कर मर गयी। ऐसे श्रंगार प्रसाधनों पर भी प्रतिवन्ध लगाना चाहिए जिनसे आए दिन मौत होती है। इसमें श्रंगार प्रसाधन भी शामिल हैं। इसलिए मैंने यह कह दिया। जो दवाएं बाहर से आती हैं उन पर उस देश की सीज़ लगा दी जाए क्योंकि यहां यह होता है कि यहां की बनी दवा जो कि चार आने की है बाहर की दवा बता कर वर्ती जाती है और उसका एक रुपया चार आना लिया जाता है। इसलिए उन चीजों को ज्यादा चैक करना चाहिए कि वे हमारे देश की बनी हुई हैं या बाहर की बनी हुई हैं। इस जांच पड़ताल और देखभाल के लिए आप ऐसे इंस्पैक्टर्स और सुपरवाइजर्स रखिये जोकि इस पर ठीक तरह से ध्यान दे और बाहर के देशों से हमारे देश में जो नकली और अशुद्ध दवाएं आती हैं उन पर चैक रख सकें।

यह तो आपने इस बिल में प्रोवाइड कर दिया है कि एडल्ट्रेशन साबित होने पर, दवाएं नकली साबित होने पर अपराधियों को बजाय दो साल के अब आप दस साल तक की सजा देंगे। सजा जो आपने बढ़ाई है वह तो ठीक ही बढ़ाई है क्योंकि यह अपराध बड़ा गम्भीर है कि मरीजों के प्राणों से इस प्रकार से खिलाड़ किया जाय। लेकिन जैसा कि मैं ने शुरू में भी कहा इस कानून का सही और कड़ाई से पालन होना चाहिए जोकि अभी तक नहीं हो पा रहा है।

उपाध्यक्ष महोदय, मैं देख रहा हूं कि मंत्राणी महोदय हाउस में चल रही कार्यवाही को सुनने के बजाय बातें कर रही हैं जिससे प्रतीत होता है कि वे यहां पर जो भाषण हो

रहे हैं उसको गम्भीरता से नहीं सुन रही हैं । अब जब ऐसी हालत हो कि हमारी बात ही नहीं सुनी जा रही तब कानून का सही तौर से कैसे पालन हो सकेगा यह तो बहुत दूर की बात होगी ।

मैं चाहूंगा कि इस कानून का ठीक तरह से पालन कराया जाय और ऐसी कड़ाई से इस पर अमल हो ताकि दवाएं बिना टैस्ट हुए बाजार में बिकने के लिए आ दी नहीं सकें । बाहर से जो दवाएं हमारे देश में आती हैं उन के बारे में ठीक से जांच पढ़ताल होनी चाहिए ।

बोर्ड में १८ मैम्बर्स लिये गये हैं । इस में केवल एक यूनानी का है और दो आयुर्वेदिक के हैं । मैं चाहता हूं कि कम से कम एक तिहाई बोर्ड के सदस्य यूनानी और आयुर्वेदिक से लिये जाये । कम से कम ६ मैम्बर्स तो उसमें लिये जायें ताकि वे इस में कोई एकैविटव राय अपनी दे सकें । बोर्ड में मैं देखता हूं कि सारे आपने एनापेथिक के अंग्रेजी डाक्टर शामिल कर लिये हैं । यह अंग्रेजी डाक्टर जाहिर है कि अंग्रेजी दवाओं को तरजीह देंगे और इस तरह से लोगों की जिदगी का नाश करना चाहेंगे । यह नहीं होना चाहिए । देशी दवाओं में आप मिलावट रोकने के लिये कानून कड़ा कर रहे हैं लेकिन मैं कहना चाहता हूं कि बाहर से जो अशद्ध और मिलवटी दवाएं आ रही हैं, उन पर चैकिंग की जाय और ऐसी नकली दवाओं को बिल्कुल देशमें न आने दिया जाय । मिलावटी दवा को देश में बिल्कुल ही न आने दिया जाय ।

इस बारे में जितनी भी सिफारिशें अब तक की गई हैं, सम्बन्धित कमेटियों ने इस बारे में जो सिफारिशें की हैं उन सिफारिशों को अभी तक लागू नहीं किया गया है ? आखिर इसका क्या कारण है ? इसके अतिरिक्त आपने जो इसमें लिखा है कि आजकल देशी दवाओं वर्गेरह में ज्यादा मिलावट और अशुद्धता की जा रही है और इस अपराध के लिए इस बिल द्वारा आप कानून को और

अधिक कड़ा करने जा रहे हैं ; मैं इसमें सहम हूं कि इस तरह के अपराधियों को कड़ा से कड़ा दंड दिया जाये लेकिन इतना कहना चाहूंगा कि जितनी सहूलियतें और प्रोत्साहन आप एलांपेथिक को दे रहे हैं उतनी ही सुविधा और प्रोत्साहन देशी दवाइयों को व्यारात् यूनानी और आयुर्वेदिक को भी मिलनी चाहिए । आयुर्वेदिक और यूनानी स्नातकों को भी एलांपैथेक स्नातकों के समान सुविधाएं दी जायें और उनको भी उसी तरह से प्रोत्साहन दिया जाय । आज हम देखते हैं कि सरकार द्वारा उनकी और बिलकुल एक उपेक्षा भाव बर्ता जा रहा है और इस कारण यूनानी और आयुर्वेदिक स्नातकों की कोई कद्र नहीं है । मुझे यह चीज देख कर बड़ा खेद व आश्चर्य होता है और मैं चाहता हूं कि सरकार अपने इस मौजूदा रवैये को बदले । बस मैं इतना कह कर बैठ जाता हूं ।

**श्री कु० कु० वर्मा (सुल्तानपुर) :** उपाध्यक्ष महोदय, स्वास्थ्य मंत्राणी महोदय ने इस माननीय सदन के सामने जो बिल प्रस्तुत किया है उसका मैं स्वागत करता हूं । किसी भी राष्ट्र के लिए यह अत्यन्त आवश्यक है कि वहां का जनसूचा, वहां की जनता का स्वास्थ्य अच्छा हो तभी वह एक प्रगतिशील राष्ट्र कहा जा सकता है और प्रगति के मार्ग पर वह राष्ट्र आगे बढ़ सकता है ।

मुझे आश्चर्य होता है कि सन् १६४० में जब इम्स एक्ट पास हुआ तो उस समय जो हमारे देश की हालत थी वह सभी लोगों को जाहिर है और उसमें इम्स को कंट्रोल करने की जो बातें रखी गईं, कि वह शुद्ध हों हांलाकि जो लोग अशुद्ध दवाएं बनाते थे, बेचते थे उन को क्या सजा मिलने की बात उस में रखी गई थी उसी से देख कर यह मालम होता है कि मानव जाति कम से कम जो हमारे देश में बसती थी, उसके स्वास्थ्य, जिदगी और उसकी मौत का कितना ख्याल था ? उस में ऐसे 'लोगों के लिए जो दवाओं के साथ में अपराध करते थे, मिलावट करते थे उन के लिए

[श्री कु० क० वर्मा]

एक साल की सजा या जुर्माना जो कि ५०० रुपये तक था, करने की व्यवस्था थी, उसके देखने से जाहिर होता है कि एक तरफ तो मानव जाति के साथ में उसकी जिदगी के साथ खिलवाड़ किया जा रहा था, आधात पहुंचाया जा रहा था और जो व्यक्ति इनका बड़ा अपराध करता था उसके लिए नाम मात्र की सजा रख्खी गई थी। लेकिन हमारा देश स्वतंत्र हुआ और हमें अपने देशवासियों के स्वास्थ्य के लिए, उनकी जिदगी के लिए ज्यादा चिन्ता हुई, ज्यादा लगन इस बात की पैदा हुई कि हम अपने देशवासियों के स्वास्थ्य की तरफ अधिक ध्यान दें, इस लिहाज से कुछ बीच में तरमीमें की गई और इस एकट में संजोधन किये गये और सन् ६२ में और वह सजा जिसे कि मैंने अभी बयान किया है, उसमें थोड़ी सी सज्जी लाई और जहां पर यह रख्खा गया कि हम सजा जो दे सकते हैं वह एक साल की या खाली जुर्माना कर सकते हैं, उसमें संजोधन करके यह अनिवार्य रख दिया गया कि कैद की मजा ज़रूरी है और जुर्माना उस के ऊपर हो सकता है। अब जैसे जैसे हमारी निगाह उस तरफ जा रही है हम उसमें और ज्यादा सज्जी बर्तना चाहते हैं और यह तो खैर सभी लोग मानते हैं कि अपने देश में अप्टाचार अधिक बढ़ रहा है और यह अप्टाचार जो बढ़ रहा है वह हर क्षेत्र में, हर जगह वह चीज नजर आती है और वही चीजे हमारी दवाइयों के बनाने में उनमें अशुद्ध वस्तुएँ मिलाने की एक मनोवृत्ति आज फैल गयी है। मिलावट करने की प्रवृत्ति वहां भी अधिक होती जा रही है। इस लिहाज से यह ज़रूरी है कि हम ज्यादा सज्जी बत लेकिन जहां इस बिल में बचनेवालों और बनाने वालों के लिए सज्जी रख्खी गई है, वहां बाहर से जो दवाएँ आती हैं और लोग उनको ले आते हैं, जोकि स्टैन्डर्ड दवाएँ नहीं। समझी जाती हैं और जोकि मना की गई है कि हमारे देश में ऐसी दवाएँ न लाई जायें।

उन के बारे में मैं यह देखता हूं कि अभी कोई संलग्न कदम नहीं उठाया गया है। जो उस एकट में धाराएँ थीं, १३ और १४, वही हूबहू इसमें कायम रख्खी गई है और उस तरफ हम कोई कदम नहीं उठा रहे हैं कि उसमें भी हम थोड़ी सी सज्जी बतते हैं। हम बाहर से यहां अपने देश में अशुद्ध दवाएँ लाने देते हैं जोकि हानिकारक हैं और उन के लिए अगर हम सिर्फ वही पुरानी बात यानी केवल एक साल की सजा या थोड़ा सा जुर्माना कर देने की बा। कायम रखते हैं तो वहां दूसरे देशों से व अपने इस देश में वह दवाएँ ले आते हैं और जाहिर है कि उस से वे हजारों, लाखों और करोड़ों रुपये का मुनाफा कमाते हैं, अगर हमने उनके ऊपर इस तरह से कुछ थोड़ा सा जुर्माना कर दिया तो मैं ममझना हूं कि यह चीज काफी नहीं साफित होने वाली है। मैं आशा करता हूं कि ज्वांट कमटी के लिए जो प्रस्ताव किया जा रहा है उस में इस बात पर ध्यान दिया जायगा कि उस और भी हम संलग्न कदम उठायें ताकि लोग अशुद्ध दवाएँ बाहर से हमारे देश में न ला सकें।

**Mr. Deputy-Speaker:** Will the hon. Member take some more time?

**Shri K. K. Verma:** Yes, Sir.

**Mr. Deputy-Speaker:** Then he may continue on the next day. The House will now take up non-official business.

14.30 hrs.

CONSTITUTION (AMENDMENT) BILL\*

(Amendment of article 171) by **Shri Sezhiyan**

**Shri Sezhiyan** (Perambalur): 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 . . .

\*Published in the Gazette of India Extraordinary, Part II—Section 2.  
dated 13-9-63.

**Shri Ranga** (Chittoor): What is this, Sir,

**Mr. Deputy-Speaker:** Introduction of a Bill. The introduction is not opposed.

The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

**Shri Sezhiyan:** I introduce the Bill.

—  
14.31 hrs.

**COMPANIES (AMENDMENT)  
BILL**—contd.

(Amendment of sections 15, 30 etc.)  
by Shri P. L. Barupal

**Mr. Deputy-Speaker:** The House will now proceed with the further consideration of the following motion moved by Shri Panna Lal Barupal on the 30th August, 1963:—

"That the Bill further to amend the Companies Act, 1956, be taken into consideration."

Out of one hour allotted, five minutes have been taken and fifty-five minutes are left.

**Shri Hari Vishnu Kamath** (Hosangabad): May I ask, Mr. Deputy-Speaker, how much time has been allotted to the other two Bills?

**Mr. Deputy-Speaker:** One and a half hours for Shrimati Lakshmi Kanthamma's Bill, one hour for Shri Shree Narayan Das's Bill, and then comes your Bill for which one and a half ours has been allotted.

**Shri Hari Vishnu Kamath:** That means, if I could speak for one mi-

nute today then it can continue in the next session.

**Mr. Deputy-Speaker:** I do not know. It all depends upon the progress of the other Bills.

I think Mr. Barupal has finished.  
Shri Kachhavaiya

**श्री कच्छवाय (देवास) :** उपाध्यक्ष महोदय, मेरे मित्र, श्री पन्नालाल बास्पाल, ने जो विधेयक सदन के सामने रखा है, वास्तव में अगर वह शासन की ओर से रखा जाता, तो बहुत अच्छा होता इस विधेयक के द्वारा माननीय सदस्य ने इस बात की मांग की है कि इस समय फैक्टरियों से सम्बन्ध रखने वाले जिनमें भी कानून अंग्रेजी में छपते हैं, उन को हिन्दी में छापना प्रारम्भ किया जाये। अगर शासन की ओर से इस विधेयक को स्वीकार कर लिया जायगा और फैक्टरियों से सम्बन्धित सब कानूनों को हिन्दी में भी छापा जायगा, तो मेरा विश्वास है कि देश भर में हर मजदूर अपने अधिकार, अपने कर्तव्य और अपने से सम्बन्ध रखने वाले कानून को समझने जायगा। इस से उम्मीद है कि देश के उत्पादन में भी काफी तरकी होगी।

आज होता यह है कि मजदूरों के तमाम कानून अंग्रेजी में छपते हैं, परन्तु हमारे देश में अधिकांश संस्था ऐसे मजदूरों की है, जो कि अंग्रेजी नहीं जानते हैं। अंग्रेजी जानने वाले मजदूर कम हैं और अधिकतर मजदूर या तो पढ़े-निखे नहीं हैं और या हिन्दी पढ़े-लिखे हैं। मैं शासन से बहुत नम्मतापूर्वक यह निवेदन करना चाहता हूँ कि हिन्दी में सब कानून छापते के साथ ही साथ यह व्यवस्था और करनी चाहिए कि सब फैक्टरियां, चाहूँ वे सरकारी हों और चाहे गेंग-सरकारी, इन कानूनों को संक्षेप में छपवा कर अपने मजदूरों को वे ताकि मजदूर समझे कि वास्तव में हमारे अधिकार क्या हैं और हमें क्या करना चाहिए।

## [श्रो कछवाय]

आज यह देखा जाता है कि जो कुछ लोग कानून समझते हैं, जो समझदार हैं, वे शासन की ओर से यूनियन चलते हैं। उन यूनियनों के प्रमुख लोग और फैंकटरियों के मालिक दोनों मिल कर आपस में समझीता कर लेते हैं और गलत ढंग से उस को अमल में लाते हैं। उन यूनियनों के नेता अपना स्वार्थ सिद्ध करने के लिए मिल-मालिकों से समझीता करते हैं। इस बारे में मैं आप को कुछ उदाहरण देना चाहता हूँ।

पिछले महीने की आठ तारीख को मध्य प्रदेश में नागदा ग्रेसिन मिल में एक पावर भट्टी फट गई, जिस में पांच छ: व्यक्ति मर गये। कानून के अनुसार सी हपये से ज्यादा पाने वाले मजदूर के परिवार को सात हजार रुपया मुग्रावजा दिया जाता है। लेकिन आई० एन० टी० य० सी० के लोगों ने मिल-मालिक, बिड़ला साहब, से समझीता कर के उन लोगों को केवल तीन तीन हजार रुपये प्रति परिवार दिला कर मामला साफ करवा दिया। इस प्रकार आप देख सकते हैं कि यद्यपि भारत का विधान और इस सदन का बनाया दुम्रा कानन यह कहता है कि प्रत्येक परिवार को सात हजार रुपया मिलना चाहिए, लेकिन कानून के पढ़े लिखे लोग मिल मालिक से मिल कर मजदूर का गला घोंटते हैं और सात हजार रुपये के बजाये उसको तीन हजार रुपये हीदिलवाते हैं।

मैं आपके सामने एक और उदाहरण रखना चाहता हूँ। कानून के अनुसार प्रत्येक कारखाने वाले को प्रत्येक मजदूर को प्राविडेंट फंड का लोन देना चाहिए। लेकिन ऐसी बहुत सी मिलें हैं, जहां प्राविडेंट फंड का लोन मजदूरों को नहीं दिया जाता है। मैं उदाहरण के तौर पर बताना चाहता हूँ कि मध्य प्रदेश में एक हीरा मिल है। उसके मालिक से मिला। उसने मुझे कहा और पत्र में भी लिखा कि हमारे यहां कोई प्राविडेंट

नहीं है और मजदूरों को बराबर लोन दिया जाता है। लेकिन वास्तविक स्थिति यह है कि मजदूर को किसी हालत में लोन नहीं दिया जाता है। इस सम्बन्ध में मैं प्राविडेंट फंड कमिशनर से भी मिला। उन्होंने कहा कि हम मजदूरों को प्राविडेंट फंड का लोन देते हैं। दोनों कहते हैं कि हम लोन देते हैं, लेकिन वास्तव में व्यवहार में लोन बिल्कुल नहीं दिया जाता है। इस कारण उज्जैन में ऐसा भयंकर उपद्रव फैला हुआ है, जिसका मैं जिक्र करना नहीं चाहता। मजदूरों की मांग है कि प्राविडेंट फंड का लोन मिलना चाहिए, लेकिन उनको नहीं मिलता है। इसका क्या कारण है? अगर इस विषय का कानून हिन्दी में होता, तो मजदूर उसको पढ़ते और उसके आधार पर अपने अधिकार के लिए नड़ना जानते। लेकिन आज ऐसी स्थिति नहीं है।

**श्री फ्रिमर्टसिंहका (गोडा) :** नये कानून के हिसाब से प्राविडेंट फंड सरकार के हाथ में चला गया है। अब वह फैंकटरियों के हाथ में नहीं है।

**श्री कछवाय :** माननीय सदस्य टीक कहते हैं, परन्तु मैं कहना चाहता हूँ कि प्राविडेंट फंड के सरकार के हाथ में जाने के बाद भी मजदूरों को लोन नहीं मिलता है। मैं इसका प्रफ देता हूँ। स्वयं उस मिल में काम करता हूँ। सरकार के हाथ में कानून चर्चा है, परन्तु प्रश्न यह है कि उसका कितना पालन होता है।

**श्री रामेश्वरानन्द (करनाल) :** कानून तो सरकार के हाथ में है, परन्तु पैसा मालिक के हाथ में है।

**श्री कछवाय :** स्वामी जी कुछ हद तक ठीक कहते हैं, कानून तो सरकार के हाथ में है, लेकिन पैसे की गांठ मालिक के हाथ में है, इसलिए पैसा निलकने में देरी लगती है।

इसलिए मैं कहना चाहता हूँ कि मजदूरों से सम्बन्धित जितने भी कानून हैं, वे हिन्दी में आपे जाने चाहिए और आप कर मजदूरों में बाटे जाने चाहिए ।

मैं आपके सामने यह भी निवेदन करना चाहता हूँ कि यहाँ पर जो भी कानून, बिल आदि छपते हैं, वे अंग्रेजी में छपते हैं । लेकिन बहुत से सदस्य ऐसे हैं, जो अंग्रेजी नहीं जानते । इस सम्बन्ध में मैं माननीय अध्यक्ष महोदय से नवम्बर, १९६२ के सेशन के दौरान में मिला । उन्होंने इस कठिनाई को स्वीकार किया और कहा कि वह ऐसी व्यवस्था कर रहे हैं कि फरवरी, १९६३ के बजट सेशन में सारे बिल आदि हिन्दी में भी छपेंगे-ऐसी व्यवस्था हम करना चाहते हैं और करेंगे । यह कह कर उन्होंने मेरे सामने सेकेटरी महोदय को आदेश दिया, लेकिन आज तक उसका पालन नहीं हुआ । बजट सेशन निकल गया, दूसरा सेशन अगस्त में चालू हुआ, लेकिन आज तक कानूनों आदि का हिन्दी में अनुवाद होना शुरू नहीं हुआ । अगर इन कानूनों को हिन्दी में छापा जायेगा, तो सारे देश में एक बड़ी चेतना आएगी, एक बड़ा परिवर्तन होगा और उत्पादन में बृद्धि होगी । आज मिल मालिकों और शासन की चलाई हुई यूनियनों के नुमाइन्दों में घोटाले होते हैं । अगर मजदूर को अपना कानून मालूम होगा, तो बीच के दलाल लोग कोई भी रिश्वतखोरी और घूसखोरी नहीं कर सकेंगे, कोई भी दलाली नहीं करा सकेंगे ।

मैं आप की अनुमति से एक बात कह कर बैठ जाऊंगा । आज सारे देश में मजदूरों के साथ अन्याय होता है, जिस की बहुत सी बातें मालूम नहीं होतीं । जसा कि मैंने पहले बताया है, उज्जैन में प्राविडेंट फंड का झगड़ा चल रहा है । इस बारे में मजदूर मैनेजर से मिले और अपनी मांग उनके सामने रखी । उन में से दो तीन मजदूर ६ तारीख को इसलिए काम से बिकाल दिये गये कि उन्होंने मांग की थी कि

हमको प्राविडेंट फंड का लोन मिलना चाहिए ।

इसलिए शासन के द्वारा यह व्यवस्था होनी चाहिए कि सब मजदूरों को यह जानकारी मिले कि उनके कानून क्या हैं, उन के अधिकार क्या हैं, उन के कर्तव्य क्या हैं । गैर-सरकारी कारखानों के मालिकों को भी यह आदेश मिलना चाहिए कि जितने भी कानून हैं, उनको हिन्दी में छपवा कर मजदूर को उनकी जानकारी दी जाये, ताकि सब मजदूरों को उनका लाभ मिल सके ।

**श्री शिव नारायण (बांसी):** उपाध्यक्ष महोदय, माननीय सदस्य, श्री बालपाल, ने जो बिल पेश किया है, उसका उद्देश्य यह है कि कम्पनियां के सब पद आदि हिन्दी में होने चाहिए । मैं कहना चाहता हूँ कि कम्पनियां गवर्नमेंट नहीं हैं । गवर्नमेंट की बहुत बड़ी जिम्मेदारी है । जो प्राइवेट सेक्टर की कम्पनियां हैं, जिनमें गारीब तबके के और छोटे लोग काम करते हैं, अगर वे इस बारे में नमूना पेश करें, तो अच्छा हो । मैं भी किसान का बटा हूँ, गांव में रहता हूँ, हिन्दी-छोटी-मोटी हिन्दी—जानता हूँ । जो अंग्रेजी जानने वाले दो परसेंट लोग हैं, जो बकील हैं, जो एल० एल० बी० की डिग्री लेकर कच्छरियों में बैठते हैं, आज उनका बिजिनेस चलता है । मैं अपने भाई से बिल्कुल सहमत हूँ कि अगर सब कानून और नियम आदि हिन्दी में हों, तो मजदूर और उनके लीडर उन को पढ़ कर समझ सकते हैं और मिल-मालिक से बात कर सकते हैं । मिल मालिक कोई मुश्रीम कोर्ट के जज नहीं होते हैं ।

**श्री रामेश्वरानन्द:** माननीय लाल बहादुर शास्त्री जी ने जब एक विदेशी यहाँ रखा था अनंत काल तक अंग्रेजी को बनाये रखने के बारे में, तब तो बटन उधर ही दबा दिया था ।

**श्री शिव नारायण :** अच्छा करो तो बग और अगर बुरा करो, तब तो बुरा है ही। हिन्दी का जब हम समर्थन कर रहे हैं, तब भी स्वामी जी का पेट फूलने लग गया है। स्वामी जी हिन्दी के समर्थक नहीं हैं, सिर्फ ढोल पीटना चाहते हैं ताकि बोट उनका पक्का हो जाए। मैं हिन्दी का मेवक हूं, सदा हिन्दी की बात कहता हूं।

मैं चाहता हूं कि हिन्दी इसलिए लागू की जाए ताकि जो छोटे छोटे लोग हैं, वे भी जो कानून हैं, उनको समझ सकें। जब वे मिल भालिकों से बात करें, प्रोप्राइटरों से बात करें, तो ऐसे कर कि वे भी कुछ जानते हैं, उन्होंने भी कानून को पढ़ा है। प्रोप्राइटर कोई चीफ जस्टिस नहीं है कि जो कानून पढ़ा हुआ हो, जो कानून की ५० बी० मी० जानता हो, जो गाउन और काला कोट पहने हों, वही उसके सामने जा सके। सरकार जिम्मेदार है, देश जिम्मेदार है, गरीब लोग जिम्मेदार हैं, चले वे इस कैम्प में हों या उस कैम्प में हों और उनको मब कुछ करना है। मैं नाम लेना नहीं चाहता हूं। लेकिन मैं बताना चाहता हूं कि इस हाउस में ऐसे लोग हैं जो आजादी के बिगुल में शामिल हुए, वे और जब आजादी का बिगुल बजा था तो हर एक आदमी ने बिगुल बजाया था। आज बहुत बड़ा प्रावलैम हमारे सामने है। हिन्दी का प्रावलैम आसान नहीं है। एक अभिशाप देश पर है। जब तक हम विदेशी भावना का वायकाट नहीं कर देते हैं तब तक हमारा काम नहीं चल सकता है। यह हमारी द्यूटी है। हमारे वे दोस्त जो हिन्दी नहीं जानते हैं, उनको भी चाहिये कि वे हिन्दी सीखें। एक वक्त आया था जब दक्षिण भारत के भाई बड़े तिलमिलाने लगे थे। उनमें से भी आधे से ज्यादा आदमी अंग्रेजी बोलते हैं। अगर कोई अंग्रेजी बोलता भी है तो वह कोई गुनाह नहीं करता है। लेकिन मैं चाहता

हूं कि कम्पनियों में इसका प्रचार हो, कम्पनियों में इसको लागू किया जाए। लखनऊ, इलाहाबाद, कानपुर इत्यादि में इसको लागू किया जाए। बम्बई में इसको लागू किया जाए। बम्बई एसा शहर है जहां पर संसार के लोग इकट्ठे होते हैं और वहां पर हिन्दी में अधिक काम होता है। वहां मिल भालिक अगर हिन्दी में अपने कानूनों को छपवायें तो कोई आपनि की बात नहीं होनी चाहिये।

**खान और ईशन मंत्री के सभा-सचिव (श्री तिम्मव्या) मद्रास में ?**

**श्री शिव नारायण :** मद्रास में मद्रासी में रखा जाये। मद्रास में हर आदमी अंग्रेजी नहीं जानता है। वहां भी दो परमेंट आदमी अंग्रेजी जानते हैं . . . .

**श्री स० म० बनजौ (कानपुर) :** मालिकी कोई जबान नहीं है।

**श्री शिव नारायण :** तमिल जो वहां की जबान है, उसमें रखा जाये। केरल की जो जबान है, वहां पर उस जबान में छापा जाए, मैसूर में मैसूर की जबान में। हिन्दी में भी रहें और वह इसलिए कह रहा हूं कि ये नैशनल लैंग्वाज में होने चाहिये, इंग्लिश में ही नहीं।

इन शब्दों के माथ मैं इस बिल का समर्थन करता हूं।

**श्री प्रकाशबोर शास्त्री (विजनौर) :** श्री पश्चालाल बारूपाल ने कम्पनी कानून हिन्दी में भी हो यह संशोधन करने का जो विधेयक उपस्थित किया है, इसका मैं स्वागत करता हूं। मैं सरकार से इससे भी एक पग आगे जाकर और निवेदन करना चाहता हूं। मेरी राय में न केवल कम्पनी कानून का अनुवाद हिन्दी में होना चाहिये, प्रपितु जितने

भी कानून भारत सरकार ने अब तक बनाये हैं या आगे बनाये जाने हैं, वे सब हिन्दी में भी अवश्य होने चाहिये । मुझे प्रसन्नता है कि सरकार ने जनता की इस बात को सुन कर एक कमिशन बनाया है जो इस समय दिल्ली में काम कर रहा है और वह पुराने कानूनों का हिन्दी में अनुवाद कर रहा है । कई ऐक्ट हैं जिनका अनुवाद अब तक वह कर चुका है । मेरा इस विभाग के मंत्री श्री कानूनगो को नुकाव है और इसमें कोई कठिनाई की बात नहीं होनी चाहिये कि सदन की इन्डाप्रो को जान कर, उस कमिशन को अथवा विधि मंत्रालय को इस प्रकार का अनुरोध अपनी पोर से वह करें कि वह कमिशन कम्पनी कानून का हिन्दी में अनुवाद कर दे और इस कार्य को प्राथमिकता दे ताकि हिन्दी में भी ये मारे कानून बन जायें ।

मुझे याद है कि इसी सदन में इस प्रकार की चर्चा का उत्तर देते हुए माननीय श्री लाल बहादुर शास्त्री जी ने कहा था कि जिन्हें भी कानूनों का हिन्दी में अनुवाद हो रहा है, उन को फिर से लोक सभा में लाने की आवश्यकता नहीं होगी और भारत सरकार के गजेट में वे प्रकाशित हो जायेंगे और प्रकाशित होने के बाद से वे हिन्दी के कानून प्रामाणिक मान लिये जायेंगे । लेकिन जहां तक मेरी जानकारी है, समझ है उस में कोई किसी प्रकार की गलती भी हो, अब तक कई कानूनों का हिन्दी में अनुवाद सम्पूर्ण हो चुका है और कइयों का चालू है, लेकिन इन्होंने के बाद भी अभी तक भारत सरकार के गजेट में वे प्रकाशित नहीं हुए हैं और केवल अन्मारियों की जोभा बढ़ा रहे हैं । जिन कानूनों का हिन्दी में अनुवाद हो चुका है, उन कानूनों को सरकारी गजेट में प्रकाशित करने में सरकार को क्या आपत्ति है, यह मेरी समझ में नहीं आया है । मैं चाहता हूं कि उन को प्रकाशित किया जाय जिस से वे प्रामाणिक माने जा सकें और प्रामाणिकता के आधार पर उन का प्रयोग भी चालू हो सके ।

इसी प्रकार से यह जो कम्पनी कानून है जिस के सम्बन्ध में यह विधेयक आया है, इस को भी उस कमिशन को या उस विभाग के मंत्री जी को भेजें ताकि जल्दी से जल्दी इस कानून का हिन्दी में अनुवाद हो सके । इतना करने के साथ साथ इतना और कर दिया जाय कि भारत सरकार के गजेट में भी अतिशीघ्र वह प्रकाशित हो ताकि उस की प्रामाणिकता भी हो सके और उस को व्यावहारिक रूप भी दिया जा सके । हमारे माननीय मित्र श्री कछवाया ने जो इस सम्बन्ध में कठिनाइयां उपस्थित की हैं, वे भी बहुत व्यावहारिक हैं क्योंकि जनता का काम, जनता की भाषा में और जनता की सरकार द्वारा जब तक वह नहीं होगा तब तक ये कठिनाइयां बराबर बनी रहेंगी । थोड़ा थोड़ा पढ़े लिखे लोग, जो छोटी मोटी नीकरियां करते हैं, वे लोग अगर अपनी भाषा में पढ़ कर अपना मस्तिष्क कुछ बना लेंगे तो अपनी कठिनाइयों के सम्बन्ध में अगर कभी उन को कुछ रोना होगा, किसी के सामने निवेदन करना होगा, तो वे कर तो सकेंगे । लेकिन जब वे अपने भाग्य बनाने वाले जिन कानूनों के साथ बंधे हुए हैं उन की जानकारी नहीं रखते हैं तो उन के सम्बन्ध में अपना दुखड़ा वे किस के सामने रोयेंगे ।

प्रत्नालाल जी बास्पाल ने ये बिल बड़े अच्छे समय पर उपस्थित किया है मैं इस का स्वागत करता हूं और इस का हृदय में समर्थन करता हूं ।

**श्री बाल्मीकी (खुर्जा) :** भाई पन्ना लाल बास्पाल जी ने जो इतना अच्छा विधेयक उपस्थित किया है, उस का मैं स्वागत करता हूं और मंत्री महोदय से प्रार्थना करता हूं कि वह इस को स्वीकार कर दें । अगर उन्होंने इस को स्वीकार कर दिया तो यह निराशा के रेगिस्टान में एक भाषा को नहर

## [श्री वाल्मीकी]

निकल आयगी और किस प्रकार से बास्पाल जी के थेव में नहर आने से अच्छा वातावरण उत्पन्न हुआ है, वैसा ही अच्छा वातावरण इस को स्वीकार करने से उत्पन्न होगा ।

देश के अन्दर चारों ओर से इस प्रकार की जोरदार आवाज आती है कि हिन्दी को उस का उचित स्थान प्राप्त होना चाहिये । लोगों में यह भावना उमर चुकी है और वह बैठने वाली नहीं है । सरकार के प्रयत्न इस दिशा में कुछ आशाजनक चले हैं और चल भी रहे हैं लेकिन फिर भी उन में हमें उतनी आशा की झलक दिखाई नहीं देती है जितनी देनी चाहिये । जहां तक कानूनों का सम्बन्ध है, उन का हिन्दी अनुवाद प्रारम्भ हो गया है । मैं चाहता हूँ कि जिस प्रकार से अंग्रेजी के कानूनों का एक कोड है और एक कोड में इन को छापा जाता है, उसी प्रकार से जो भी हिन्दी के कानून बन चुके हैं उन को भी एक जगह कर दिया जाए ताकि जन सावारण को, मजदूरों को, मामूली आदमियों को उन से पूरा पूरा लाभ उठाने का मौका मिले ।

आज हमारे देश में कानून के प्रति भय नहीं है और न ही इस के प्रति आदर है । आदमी जब फंस जाता है कानून के शिकंजे में, तब थोड़ा सा भय कानून का मानता है । लेकिन उस शिकंजे से बचने का भी रास्ता आज खुला हुआ है । भ्रष्टाचार कोटी में छिपा हुआ है, अधिकारियों में व्याप्त है, यहां तक कि जजों में भी किसी प्रकार से है—प्रीर उस से बचने के लिए जब रुपये का प्रयोग वह करता है तो उस से भी कानून के प्रति जो श्रद्धा होनी चाहिये, वह नहीं होती है और उस में ढील आ जाती है । उस का एक कारण यह भी है कि सारे कानून विदेशी भाषा में हैं, उस भाषा में हैं, जिस भाषा को दो प्रतिशत लोग भी नहीं समझते हैं । यद्यपि उस भाषा को भी एक स्थान प्राप्त

होना चाहिये, लेकिन वह एक अलग वात है । असली बात यह है कि देश में जो अधिकतर लोगों की भाषा है, जिस भाषा को अधिकतर लोग जानते हैं, जो अधिकतर लोगों द्वारा समझी और बोली जाती है, उसी के अन्दर कानून होने चाहिये । इस दृष्टि से कानूनों का हिन्दी में होना आवश्यक है । इन कानूनों को एक जगह पर ला कर रखा जाना चाहिये ताकि मामूली मजदूर भी उन से लाभ उठा सकें, अपने लाभ की बात देख सकें और उनको समझ सकें ।

जहां तक इस विधेयक का सम्बन्ध है, यह बात निविवाद है कि हमारे देश के अन्दर कम्पनियों की तादाद बढ़ रही है, व्यापार बढ़ रहा है और व्यापार करने की प्रवृत्ति भी जाग्रत हो रही है । इस का एक कारण है । धन की लालसा लोगों में बढ़ रही है और लोग समझने लग गए हैं कि धन केवल व्यापार से ही सब से अधिक कमाया जा सकता है । व्यापार में फर्मों का, कम्पनियों का बहुत बड़ा स्थान है । जो कम्पनी कानून है, जो कम्पनी एक है, उस का सांगोपांग अनुवाद हिन्दी में होना चाहिये ताकि जो हमारे लोग हैं, वे उस को पढ़ सकें, अपनी भावनाओं को जान सकें, अपने अधिकारियों को समझ सकें । साथ ही साथ जो शेयरहोल्डर हैं, वे भी उन को समझ सकें । कम्पनियों के अन्दर जो शेयरहोल्डर होते हैं, जो साधारण आदमी होते हैं, वे केवल आम नौर पर हिन्दी जानने वाले होते हैं, साधारण जन भाषा को जानने वाले होते हैं । इस वास्ते यह जरूरी है कि उन की भाषा में उस को छापा जाय । आज एक प्रकार से उन लोगों को लूटा जा रहा है और उन को वे बातें नहीं बताई जाती हैं जो बताई जानी चाहिये । जो भी आजायें उस कानून के अधीन निकलें, या सर्टिफिकेट दिये जायें या रिपोर्टें निकलें या मैमोरेंडम निकलें वे हिन्दी में निकलें । अ. थोड़े से उन अधिकारियों के लिये या इस प्रकार से जो कम्पनी चलाने वाले बड़े आदमी हैं या

कम्पनी के मालिक हैं, जिन पर अंग्रेजी का प्रभाव दिखलाई पड़ता है, उन के लिये अंग्रेजी के कागज फायदेमन्द हो सकते हैं, लेकिन जो हजारों लाखों शेअरहोल्डर्स हैं वे तो हिन्दी जानने वाले हैं या कोई दूसरी भारतीय भाषा जानने वाले हैं। हो सकता है कि कोई कम्पनी ऐसी जगह हो जहां पर मलयालम का प्रभाव हो, जहां पर तमिल का प्रभाव हो, जहां पर तेलगू का प्रभाव हो, लेकिन जहां तक गुजराती, मराठी, बंगला और यह की दूसरी भाषाओं की बात है, वहां पर हिन्दी ही की मात्रा किसी न किसी प्रकार से वे भाषायें भी संस्कृत से निकली हैं। इसलिए एक माता की समान पुत्रियों के नाते हिन्दी से आवश्यकता किसी हद तक पूरी हो जाती है। लेकिन जैसा मैं ने कहा मलयालम के अन्दर, तेलगू के अन्दर, तमिल के अन्दर कानूनों का अनुवाद होना चाहिये और यह बहुत अच्छी बात है, लेकिन जिस प्रकार से मैं ने आप का ध्यान आकर्षित किया है हिन्दी में उन का अनुवाद होना बहुत जरूरी है।

बारूपाल जी ने इस कानून की १५वीं और ३०वीं धाराओं के सम्बन्ध में जो संशोधन उपस्थित किये हैं, केवल हिन्दी को इस प्रकार का स्थान दिलाने के लिये वह बड़ी अच्छी बात है और मैं उन को यकीनी तौर पर फिर धन्यवाद देता हूँ और चाहता हूँ कि मंत्री महोदय, जो यहां पर बैठे हैं, वे इस की ओर ध्यान देंगे और इस को मानने में कोई हज़र नहीं समझेंगे ताकि जो शेअरहोल्डर्स हैं जिन का शोषण होता है, उन का शोषण न हो सके और वे भी अपने अधिकारों को समझ सकें। शेअरहोल्डर्स जो होते हैं वे मामूली तरीके से गरीब ही रहते हैं, लेकिन जो कम्पनी वाले होते हैं, और डाइरेक्टर या मालिक होते हैं वे नाना प्रकार से इस का फायदा उठाते हैं। लेकिन अगर कानून इस तरह बड़ी जायेगा जैसाकि सुझाया गया है और

उसी के अनुसार आदेश बन जायेंगे तो सब छ उन की जानकारी में आ जाएगा।

इस की ओर मैं आप का ध्यान आकर्षित करता हूँ और आशा करता हूँ कि आप इस विधेयक को मान लेंगे। अगर किसी वजह से इसे नहीं मान सके तो अपने तरीके से बिल लाने का वायदा करेंगे। मैं समझता हूँ कि अब हिन्दी अपने स्थान पर आयेगी और हिन्दी का प्रयोग रुकने वाला नहीं है।

थो रामेश्वरानन्द : ओं यः प्राणतो निमिपितो महित्वैक इंद्राजा जगतो वभू । यईशं अस्य द्विपश्चतुष्पदः कस्मै देवाय हृविपा विधेमः ॥

उपाध्यक्ष महोदय, आप ने मुझे बोलने का समय दिया है इस के लिये मैं आप को धन्यवाद देता हूँ। अभी श्री पन्नालाल जी ने जो विधेयक रखा है उस के लिये मैं उन को भी धन्यवाद देता हूँ और मैं आशा करता हूँ कि जैसा श्री प्रकाशवीर जी ने कहा छोटी मोटी कम्पनी के नियतु ही हिन्दी भाषा में नहीं होने चाहिये अपित हमारे भारत के जो सम्पूर्ण विधान हैं, छोटे से ले कर बड़े तक, वह सभी भाषाओं में होने चाहियें। मैं मंत्री महोदय से निवेदन करूँगा कि उन का नाम ही “कानून-गो” है। यह कानूनगो शब्द कोई इंग्लिश का तो है नहीं। कानून शब्द अपने देश की भाषा का है। इसलिये मैं समझता हूँ कि वे मेरी प्रार्थना को अवश्य ही स्वीकार करेंगे।

मैं कहना चाहता हूँ कि यदि हिन्दी में हमारा विधान बनता है तो उस में कोई आपत्ति नहीं होगी। मैं देश के कोने कोने में जाता हूँ और हिन्दी भाषा में बोलता हूँ। बहुत सारे लोग मेरी भाषा को समझते हैं लेकिन जो लोग प्रदेशों में रहते हैं, जोकि इंग्लिश पढ़े लिखे नहीं हैं, वे इंग्लिश को बिल्कुल नहीं समझते। अगर मैं उन से

## [श्री रामेश्वरानन्द]

“पेरेन्टेज” बोलूँ तो वे क्या समझेंगे ? मैं पिता कहता हूँ तो वे समझ लेते हैं। इसलिए इंग्लिश किसी भी अनपढ़ आदमी के लिए समझना सरल नहीं है। उन लोगों के लिये हिन्दी अधिक सरल है। इसलिये जो भी कानून कम्पनियों के हों, चाहे वे छोटी हों या बड़ी हों, वे सब हिन्दी में होने चाहियें। आज हमारे देश के लोग हिन्दी पढ़े लिखे हैं, हिन्दी का प्रचार हो रहा है देश के कोने कोने में। यदि कोई भाई हिन्दी नहीं जानता दक्षिण प्रान्त का, तो उस के पुत्र तो हिन्दी पढ़ते हैं। यदि यह विद्यान हिन्दी में बनाये जायें, तो भले ही वे स्वयं हिन्दी न समझ सकें लेकिन उन के बच्चे हिन्दी सीख सकेंगे। अनपढ़ व्यक्ति के लिये यह लाभदायक होगा। आज देश में पढ़ाई लिखाई की भावना फैल रही है, लेकिन जो मजदूर वर्ग है, जो निर्धन लोग हैं, चाहे, वे कहीं के हों, अगर उन से हिन्दी बोली जाय तो मैं निश्चित रूप से, धोयणा-पूर्वक कहता हूँ कि १०० में ७५ प्रतिशत वे हिन्दी को अच्छी तरह समझ सकते हैं।

आज हिन्दी के सम्बन्ध में कठिनाई यह है कि आप उद्दूँ और फारसी मिश्रित बोलते हैं। विशद संस्कृत निष्ठ हिन्दी बोली जाय और उसी में आप के विद्यान हो तो तेलगू, मलयालम आदि बोलने वालों के लिये भी वह सरल होगा क्योंकि उन में सहजां शब्द संस्कृत के हैं। मैं उद्दूँ में बोलता हूँ तो वे उसे समझ नहीं पाते लेकिन हमारे प्रकाशवीर जी बोलते हैं जब तो यहाँ अन्य प्रदेशों के सदस्य कहते हैं कि उन की भाषा उन लोगों के समझ में आती है। जो लोग पंडित जवाहरलाल नेहरू जैसी भाषा बोलते हैं, कम से कम वह किसी दक्षिण भारतीय की समझ में तो आ नहीं सकती क्योंकि वह उद्दूँ मिश्रित है और वे लोग उद्दूँ नहीं समझते।

मैं इस विधयक पर अधिक न कहता हूँ आप आशा करूँगा कि हमारे सारे विधान

जो हैं वे हिन्दी में किये जायेंगे। अगर वे हिन्दी और इंग्लिश दोनों में हों तो मुझे कोई आपत्ति नहीं। मैं इंग्लिश का विरोधी इसलिये नहीं हूँ कि वह विदेशी भाषा है। मैं उस का विरोध इसलिये कर रहा हूँ कि वह देश की राष्ट्र भाषा नहीं बनाई जानी चाहिये। भाषा की दृष्टि से आप कितनी ही भाषायें को रखिये और उन में अनुवाद कराइये, लेकिन उस को महारानी संस्कृत भाषा और हिन्दी भाषा के पद पर नहीं बिठाना चाहिये। वह दासी के रूप में और अनुचरी के रूप में रहे तो हमें कोई विरोध नहीं है।

**Dr. M. S. Aney (Nagpur):** Sir, I support the Bill, and the motive which the mover of the Bill has in his mind is one which will meet the approval of a large section of Members of this House. He only demands that this particular Act should be in Hindi or a translation of that in Hindi should be supplied to the public. Government should not find it difficult to comply with this simple request.

In that connection, there is one point which I must make, a point to which my hon. friend, Shri Prakash Vir Shastri, has made a reference. When a Bill is passed in a particular language in this House, that becomes the text of that Bill, and if it is translated, whether that translation can be considered as a substitute for the original Bill or not is a question which can be decided only by courts. But that is a different matter. Unless there is some special legislation for that purpose, with a view to declare those translations as substitutes for the original Bills passed by the House, whether the courts will consider them as substitutes for the original Bills, might be a questionable point. Though the work of translation is going on, and I believe Government will take steps to see that all important statutes are translated into Hindi and they shall come forward with some kind of a Bill with

a view to give those translations the same status, the same authenticity, the same sanctity and the same authoritativeness which the original texts which were passed in this House had got, until that step is taken, it will be of great use to the people if translations are supplied to them, whereby they can be given the facility of acquainting themselves with the laws by which they are governed. From that point of view, I support this Bill.

15 hrs.

**Shri Maniyangadan** (Kottayam): Sir, I oppose this Bill. I have no objection to the principle that the articles of association and the memorandum and reports of companies must be made available to the people in a language which they know. But at present there is no statutory provision as to in what language these things should be printed and published. As for the memorandum, there can be only one original. If it is in English, that is the original. If a statutory provision is made that a substitute or an authoritative translation of that into some other language is necessary, I can understand that. But that is not the provision that is sought to be incorporated by this Bill. If it is made statutorily obligatory on companies that everything should be printed in two languages, it will be causing additional burden and expenses on the companies, unless that is absolutely necessary.

Now there is no statutory provision as to in what language these things should be. So, it is for the companies to decide in what language their articles of association or reports should be published. Suppose, the shareholders of a particular company decide that the reports and other things of that company should be published in Hindi or in Tamil, Bengali, Malayalam or in any other language, that decision could be taken by the company and the shareholders are at full liberty to see that those things are done in that way. I do not understand why a statutory obligation

should be cast on the company in this manner.

I do not know what the intention of the hon. Mover of this Bill is. I for one who do not know much Hindi but who have learnt from others about the language still feel that such complicated and technical things could not be now got prepared in the Hindi language. If the idea is to spread and develop Hindi, I would most humbly submit that this is not the method to do so. By legislation no language could develop. Let the language be developed first. I have no objection to Hindi. I am a person who has accepted Hindi as the official language of India and I would welcome the day when that will be spoken by our people from one end of the country to the other and when it would be the medium of instruction in schools. But the language must be improved. It must develop. It is for that that these people must try and not take to these devious methods for imposing this language on people and thus creating opposition to that.

According to me, if this legislation is passed by this Parliament, it will create more opposition to Hindi in the non-Hindi-speaking areas. We know, it is the psychological effect of that. So, I would most humbly submit to the hon. Mover of this Bill not to try to press this Bill. Let him withdraw it in the interest of the nation, in the interest of the language and in the interest of national integrity.

**उद्घोग मंत्री** (श्री कानूनगां): श्रीयुत वारूपाल जी ने जो यह विधयक पेश किया है उसका मतलब यह है हिन्दुस्तान में कम्पनियों की सारी कार्रवाई हिन्दी में हो, और उस के कागजात हिन्दी में रखे जायें। जो कम्पनी एकट है उस में इस प्रकार की कोई व्यवस्था नहीं है कि कम्पनी का काम किस भाषा में हो। जिस भाषा में चाहे उस भाषा में कम्पनी काम कर सकती है इस बारे में कम्पनी एकट में कोई प्रतिबन्ध नहीं है। रुस में यह रखा गया है कि रजिस्ट्रार के दफतर में जो कागज पेश करने हैं, जैसे एन्युअल

## [श्री कानूनगां]

रिपोर्ट्स और एन्युअल रिटर्न्स आदि, उन को भी जिस भाषा में जाहं पेश कर सकते हैं, लेकिन उस के साथ उस का अंग्रेजी का तर्जुमा देना होगा । रूल में इतना ही विश्वास है ।

जहां तक कानून की किताबों का मामला है, कम्पनी एकट एक बहुत लम्बी चौड़ी चीज़ है, उस के अनुवाद का काम हो रहा है । मुझे पता लगा है कि कम्पनी एकट का हिन्दी में तर्जुमा किया जा रहा है । वह तर्जुमा हो जायगा तो उस को जांचने के बाद उपवायेंगे । काम चल रहा है । १६५६ में यह कानून शूल हुआ, और १६६० में इस में तरमीम की गयी । गवर्नर्मेंट की तरफ से एक हैंडबुक निकाली गयी है जिस का नाम है—ले मैन्स हैंडबुक आफ कम्पनी ला । वह हिन्दी में भी छपी है, सब को मिल सकती है । लाइब्रेरी में है और बिकती भी है । इस किताब में कम्पनी के काम के बारे में सूक्ष्म रूप से सब दिया गया है । तो मेरे कहने का मतलब यह है कि इस बिल की कोई जरूरत नहीं है ।

कम्पनी अपना काम चलाने के लिये कम्पनी चलाती है । इसलिए वह अपने कागजात को एसी भाषा में छापेगी जिस को उस एरिया के लोग समझ सकें जहां कम्पनी है, और जो कम्पनी को पैसा देते हैं । अगर कोई आदमी पांडिचरी में कम्पनी खोलेगा तो वह केंच भाषा में अपने कागजात छपवायेगा, या अगर कोई गोआ में कम्पनी लगावेगा तो वह पुर्चुगोज़ भाषा में अपने कागज छपावेगा । इसी तरह अगर कोई केरल में कम्पनी लगावेगा तो मलयालम में अपने कागज छपवायेगा । जिस क्षेत्र में वह अपनी कम्पनी लगावेगा उस क्षेत्र की भाषा को इस्तेमाल करेगा । इस पर अगर कोई कानूनी प्रतिवन्ध लगा दें तो उसमें नुकसान होगा । अगर कोई केरल में कम्पनी लगाता है, या असम में लगाता है, और अपने कागजात हिन्दी में छपवाता है तो उस कम्पनी का तो दिवाला निकल जायगा । आखिर उस

कम्पनी के कागजात का इस्तेमाल तो उस के शेयरहोल्डर ही करेंगे । इसलिए कम्पनी उन की भाषा में कागजात छपावेगी और जहां तक सरकार का सवाल है, जैसा मैं ने कहा कि इस में कोई रुकावट नहीं है वह अपने सारे कागज चाहे जिस भाषा में रख सकते हैं लेकिन रजिस्ट्रार के दफ्तर में उन को उन का तर्जुमा अंग्रेजी में भी देना होगा ।

कई साहिबान ने अपने भाषणों में कहा है कि जिन लोगों को प्राविडेंट फंड आदि मिलने वाला है उन को अंग्रेजी में कानून होने से कठिनाई होगी । लेकिन मैं कहना चाहता हूँ कि उस से कम्पनी ला का कोई सम्बन्ध नहीं है । मुझे खबर है कि सारे कानूनों का हिन्दी में तर्जुमा हो रहा है और उसको आहिस्ता आहिस्ता छपाया जायगा ।

इतना कह कर मैं श्री बारूपाल जी से निवेदन करूँगा कि वे इस बिल को वापस ले लें ।

**श्री प० ला० बारूपाल (गंगानगर) :** उपाध्यक्ष महोदय, मंत्री जी ने जो बात हमको समझाने की कोशिश की है उसको मैं ने समझा । उन्होंने कहा कि अगर सारी कम्पनियां हिन्दी में अपना काम करें तो उनका दिवाला निकल जाएगा । मेरे पास अनेकों कम्पनियों के कागजात आते हैं । मैं देखता हूँ कि उनमें बहुत अच्छा आर्ट पेपर काम में लाया जाता है, जो कि विदेशों से मंगाया जाता है और डिजाइन आदि बनाने पर काफी पैसा खर्च किया जाता है अगर इस काम को साधारण तौर पर किया जाए तो हिन्दी में भी प्रकाशित किया जा सकता है । लेकिन जब भी हम हिन्दी की बात करते हैं, जिसके कि संविधान में राजभाषा मान लिया गया है, तो सरकार की तरफ से हिचकिचाहट होती है और उस चीज को सदैह की नजर से देखा जाता है । मैं कहता हूँ

कि यह तो आपको मानना ही पड़ेगा कि हिन्दी राजभाषा है, और जब ऐसा है तो सब काम हिन्दी में होना चाहिए। लेकिन उसको लागू करने में ऐसी हिचकिचाहट होती हैं जैसे वह विदेशी भाषा हो। इसको संविधान में माना है लेकिन फिर भी हिन्दी को लागू करने में सन्देह मालूम पड़ता है।

अंग्रेजी ज्यादा देर तक बनाये रखने की बात करते हैं। जितने भी आदमी बोले हैं उन्होंने हिन्दी के लिये कहा है। पांडित जी ने यह बात बिलकुल ठीक ही कही थी कि जो गरीबों का प्रतिनिधित्व करने वाले हैं वे तो सारे हिन्दी का समर्थन करते हैं क्योंकि हिन्दी भाषी लोग इस देश में ८० या ८५ फीसदी हैं। अंग्रेजी मोलने वालों की तादाद इस देश में बहुत ही कम है। स्पष्ट रूप से हिन्दी बोलने वालों का इस देश में बहुमत है। इसलिए सरकार को जनतंत्रीय भावना और जनता की सरकार होने के नाते हिन्दी को सभी तरह से प्रोत्साहन देना चाहिये और उसके प्रसार में सरकार को कोई कंजूसी या संकीर्णता नहीं दिखानी चाहिये हिन्दी के लिए भी उतना ही पैसा खर्च हो....

श्री कानूनगो : हिन्दी के लिए कोई भी रुकावट नहीं है।

श्री प० ला० बारूपाल : मैं आशा करता हूँ कि मंत्री महोदय ने हिन्दी के अन्दर एक और कानून दूसरी कानूनी किताबों का हिन्दी में अनुवाद करने का जो आश्वासन दिया है वह शीघ्र कार्यान्वित होगा और कानून और विधेयक भविष्य में हिन्दी में आयेंगे। मैं आशा करता हूँ कि हिन्दी में अनुवाद कराने में वे इस कम्पनी एकट को प्राथमिकता देंगे। मंत्री महोदय के इस आश्वासन पर मैं इस विधेयक को वापिस लेना चाहता हूँ।

कुछ मादनीय सदस्य : नहीं, नहीं।

Mr. Deputy Speaker: Has the hon. Member the leave of the House to withdraw the Bill?

Several Hon. Members: Yes.

The Bill was, by leave withdrawn.

15. 12 hrs.

CRIMINAL LAW AMENDMENT BILL

by Shrimati Lakshmikanthamma

Shrimati Lakshmikanthamma (Khammam): I beg to move:

"That the Bill further to amend the Indian Penal Code and Code of Criminal Procedure. 1898, be taken into consideration."

Mr. Deputy-Speaker, Sir, the law regarding obscene publications is contained in section 292 of the Indian Penal Code. According to this section, the possession, sale, hire, distribution, exhibition etc. of any obscene publication as also the import and export of and business in such publications is made punishable. Section 293 prescribes a more severe punishment when the recipient of such a publication is of an impressionable age. Although these provisions may be said to be adequate so far as they go, the fact remains that they do not go far enough.

I would like to say a word here about journalism. Journalism is supposed to be very sacred. Great writers used to write certain works and when they used to be asked to dedicate their works to kings, they used to refuse. We have an instance of Pothanna who translated Bhagvatam in Telugu where a king asked him to dedicate his works to him, but he refused. He went before the deity Saraswati saying, he will rather live in jungles starving rather than selling his works to such people.

Here, it is a sad state of affairs. Even for a paltry sum of a few rupees, people resort to write whatever others would like them to write. For the sake of black-mailing some people, they write certain obscene things of

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which they ought to be ashamed of themselves and we are ashamed of such people. This kind of writings which in modern times became notorious as yellow journalism has invented many new forms of indecency. It is a matter of deep concern that yellow journalism has been growing unchecked and has been indulging very freely in scurrilous attacks against persons of status and standing with impunity. There are several motives behind these writings. If we just go into the reason why these people resort to such writings, we find the motive, firstly, is to create sensationalism. A few years back we had in Madras the famous editor called Lakshmikanthan who used to write all sorts of things against various persons. Just to create sensationalism, he used to write such things and the people, even rikshaw-walas, used to wait for the publication to come into the market and go about reading and all that. Of course, the times have changed. Now there is less and less aptitude on the part of the people to read such writings because they know the motive behind this. So, as I said, one motive is sensationalism.

Another motive is character assassination and the black-mail. People feel that they can make an easy living by resorting to this sort of writing. They go and threaten people that they will write such and such a thing on them and these people beg to them and pay them a few rupees. This is the way they make their living.

And lastly there is a sheer sadistic pleasure in this sort of writing. There are also some political motives. Out of jealousy or political enmity or rivalry, people go and approach journalists who own a paper like this, give them some money and ask them to write what they would like them to write. These writings are grossly indecent, obscene and are intended to blackmail persons. Generally, these writings often create the desired effect by lowering the prestige of some

high placed persons. If we are attacked, if they write something bad or good, we can be indifferent. As is stated in Gita, one should rise above praise or dispraise and one should have equanimity of mind in victory or defeat and so on. It is all right for politicians. But what about others? We are so much used to these things. But the other people who attach so much importance to these fellows would not like to be condemned or talked of low. They will be worst affected either psychologically or even sometimes it may lead to committing suicide, etc. Any amount of protection would not help them, nor any legal action can remedy these matters. These people who are attacked are afraid to go to a court of law because they feel that undue publicity is given to these indecent writings. Though they have the protection under the ordinary law to go to a court of law against such a publisher, still because they are afraid of undue publicity, they are reluctant to go to a court of law.

I also know of instances where women's education has suffered due to this yellow journalism. Certain Women's Education Councils in States have passed a resolution as to how yellow journalism has adversely affected women's education. There were also some time back—I do not have the cuttings from papers at present with me—letters to the editors where they said that Government should come forward and take steps against such persons who indulge in indecent and scurrilous writings. It is only now that more and more women are going to schools and colleges and get educated. The parents are now boldly coming forward to send their girls to schools and colleges. I know of an instance where a girl was admitted in a college and because of some political rivalry, somebody wrote something bad without any base at all and a loose bundle of it was sent for distribution. The

father of that girl got so much perturbed because of the social conditions that we live in in our country, that he got the girl to discontinue her education, and with great difficulty he could get her married.

When feelings are so bitterly roused, sometimes, even murders and suicides take place. I was saying a little while ago about Lakshmikantan, the editor of a paper in Madras. He was murdered and there was so much of sensationalism at that time. There are also innocent people who, when they get involved in these kinds of writings, sometimes commit suicide.

It is all right if such writings and counter-writings go on in our country; if they occur even in respect of the biggest men in the country, it is all right, but sometimes, even foreign dignitaries are involved in such scurrilous attacks in the press. Shrimati Renu Chakravarty had referred some time back to a paper in Bengal which had written such indecent things about some foreign dignitary; the hon. Prime Minister while referring to that in the course of his reply to the debate on the resolution regarding Chinese invasion said that it was all right as long as they attacked the people here, and one could put up with any amount of that kind of writing, but when foreign dignitaries were involved in such matters, then it was a matter which should be taken up seriously and effective steps should be taken to check that kind of thing. Such attacks if allowed to go on unchecked are likely to have an adverse impact on our country's relations with other countries.

There is at present no Central Act to effectively deal with such writings, after the repeal in 1957 of the Press (Objectionable Matter) Act, 1951. Therefore, in the interests of healthy journalism and also the sense of decency to be observed in our society, it is desirable that Parliament should undertake suitable legislation to combat this evil throughout the

country. If the growth of such writings is not curbed effectively, Government would be failing in their duty to protect the elementary rights of the citizens in a welfare State.

The present Bill, therefore, seeks to devise effective measures to combat the evils of obscenity, scurrility, gross indecency and blackmailing in writing. And it has been stated in the Statement of Objects and Reasons how effectively we can combat these evils by—

- (1) providing for the enhancement of the penalty under section 292 of the Indian Penal Code from three months to two years and also by providing for more deterrent punishment for a second or subsequent offence;
- (2) penalising printers, publishers, writers etc. of scurrilous matter which is grossly indecent or intended for blackmail;
- (3) penalising not only sale etc. of obscene objects but also sale etc. of scurrilous writings or writings which are grossly indecent or intended for blackmail, to young and unwary persons or to those of impressionable age;
- (4) enhancing the maximum term of imprisonment specified in section 293 I.P.C. from six months to three years;
- (5) penalising persons who indulge in talk which is scurrilous, grossly indecent or intended for blackmail;
- (6) demanding security for good behaviour from person disseminating defamatory matters; and
- (7) forfeiting to Government publications containing matters which are defamatory

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within the meaning of section 499 I.P.C.

It is also proposed to make consequential amendments to the Code of Criminal Procedure and to repeal the corresponding laws in force in any of the States. This again is sought to be provided for by amending section 292 of the I.P.C. so as to prescribe enhanced punishment and also by providing for a still more severe punishment for a subsequent offence of the same kind. It is also proposed to insert a new section 292A which lays down in detail the punishment for writings which are grossly indecent, scurrilous or intended for blackmail. The necessary details regarding the offences have been elaborately set out in sub-sections (a) to (g), and there is also provision for enhanced punishment in the case of a subsequent offence. Explanations have also been added in order to make the intention of the section clear and precise.

Consequential amendments in section 293 of the I.P.C. also have been provided for. The relevant sections of the Code of Criminal Procedure bearing on the above sections of the I.P.C. have also been suitably amended, and the repeal of the State laws, if any, corresponding the present statute, has also been provided for.

In view of the necessity of undertaking such legislation, I have brought forward this Bill before the House for its consideration and acceptance. I hope that the provisions of the Bill will be found useful and effective in plugging the loopholes in the law relating to obscenity, scurrility, indecency, blackmail and similar defamatory writings that are slowly but surely developing in the so-called yellow press of the country.

So, I request the House to consider the Bill and pass it.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be taken into consideration."

**Shri D. C. Sharma (Gurdaspur):** I congratulate my sister Shrimati Lakshmikanthamma for having brought forward this Bill. I think that it is a very timely Bill. It is a Bill which not only deserves favourable consideration at the hands of Government but also calls for immediate implementation. It demands an amendment of the IPC in the shortest possible time. It wants that some of the evils which are creeping into our social organism and some of the defects which are corrupting our public life, and some of the malpractices which are becoming the bane of our Indian journalism should be removed and be done away with as early as possible.

I look at this whole Bill in the context of the growth of Indian journalism. Our Indian journalism has been a matter of pride for our country and a source of great gratification so far as my countrymen are concerned. It has had very glorious traditions. It has produced great missionaries of freedom, great campaigners for human dignity and great crusaders for human rights. The history of Indian journalism is one of the most glorious chapters of which any Indian can be proud.

There was a time when Indian newspapers used to be held up before the whole world as examples of clean writing, decent thinking, national ardour and social and political fervour. Of course, there were a few papers used to be a kind of dark spot on the fair face of Indian journalism, but they were not to be taken seriously, and their number was very insignificant and very small. They were not taken notice of by anybody and they were ignored and rightly ignored. But, unfortunately, the freedom that we have got has also meant freedom for the press of India. Of course, I would be the last person to curtail the freedom of the press in India.

15.30 hrs.

[DR. SAROJINI MAHISHI in the Chair]

You can understand what has happened in Pakistan where they have put some curbs on the press. The journalists there have gone on a token strike. They are trying to combat that attack on the freedom of the press. I think a thing like that can be done only under a fascist regime, under a totalitarian regime, and Pakistan is nothing but a specimen of political absolutism. But in a free country, we have different codes for journalists, different practices for newspapers, and I am glad that my country has very wholesome enactments for preserving the freedom and dignity of the press. Most of the Indian press conforms to those traditions.

I say this as a member of the Congress Party. I know we are very much under discussion in the Indian press. We also know that very often we have not come out very favourably from that discussion. We know that sometimes all kinds of criticisms are made about us. All the same, I would be the last person to say that since the Congress Party is ruling the country, ruling the State, Congressmen should not be criticised or that the Congress Government should not be criticised. No. Criticism is something which promotes, helps, democracy. But criticism should also be healthy and wholesome. It should be motivated by the best possible considerations. It should subserve the purpose of democratic functions in this country. But unfortunately, we have started copying some countries of only the west and also of the east—I do not say that the west has specialised in it. We have started emulating some countries in this world where a particular kind of journalism is practised on a large scale and that journalism is called yellow journalism. I do not know why it is called yellow journalism.

Shrimati Yashoda Reddy (Kurnool): Jaundice.

Shri D. C. Sharma: Gold is yellow and I think gold has got a very high price. So I do not know why it is called yellow journalism. Anyhow, I do not want to quarrel with the name which has been given. But I would call it gutter press journalism. It is journalism of the drainage, journalism which in public life is something which can be described as equivalent to those things which we do not generally mention in polite society.

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): Why mention it here?

Shri D. C. Sharma: This kind of journalism has come into being. Fortunately, I do not see much of it at the national level, though even at the national level, we have some specimens of it. But unfortunately, we have this kind of journalism more in evidence at the state level, and still more unfortunately, we have its specimens working more at the district level. Therefore, I think this disease is common to all the levels of journalism, though it goes from top to bottom in a kind of arithmetical progression—it increases as the level declines. That is what is happening. I feel that something should be done to check it.

My sister has referred to three things—obscenity, scurrilousness and indecency. We are all familiar with these. We all know what is obscenity though it is very difficult to define it. I think anyone can know what is scurrility even though he be illiterate. So far as the third thing is concerned, I think that is also well known. Who does not know what blackmail is. But the difficulty arises when you have to define these terms in legal phraseology. But I think it would not be difficult for anybody to do so. After all, we can give approximate definitions of these things. For instance, it has been said that nobody has so far been able to define aggression. But we all know what it is. It is not necessary to define a thing in order to deal with it. The most essential thing

[Shri D. C. Sharma]

is that you should know what it is and how it affects us.

We all know how these three things affect us—indecency, obscenity and blackmail. Whatever you may say, there are two types of persons who are the victims of these three vices. Who are they? The politician and the prosperous man. These two types of persons are generally unfortunate persons because they are very often subjected to this three-pronged attack. What happens when we fight our elections? What happens when our Ministers go about, when some official is doing his duty in a way which is not to the taste of somebody? What happens to some of these businessmen? All these types of persons are subjected to these three things. But the politician is the victim of this kind of attack much more than anybody else. Therefore, in sheer self-defence, the Minister, who is the custodian of the good name of this House, the good name of this country and the good name of the politicians of this country—whether they belong to this party or that—should stand up and say 'I congratulate Shrimati Lakshmikanthamma on having drawn my attention to this very wholesome measure'. He should say that in sheer self-defence. But sometimes self-defence is overridden by laziness. But Ministers whether in the Centre or in the States tend to acquire the occupational disease of becoming mentally lazy. They want that things should take care of themselves. They believe in the dictum that sufficient unto the day is the evil thereof. They want that things should go on as they are. This may be the attitude of this Minister also. He may say they would consider it, or give some kind of assurance which will never be fulfilled.

As I said, this is a political disease, an educational malady, a psychological ailment. It is a disease born of cupidity and jealousy and aims at sensationalism. Whatever its origin,

we have to stop it. The hon. Member does not want anything radical or revolutionary. She only wants the punishment under section 292 to be raised from three months to two years. If a man persists in that, give him more deterrent punishment. Penalise not only the editor, but also the printers, publishers and the writer. She says you should not allow such writings to fall into the hands of young persons of an impressionable age. Let not their minds be twisted, their psychology perverted, their character depraved. There is no harm in raising the punishment. In fact, we had another Bill today in which it is sought to raise the punishment.

It is not only the written word that is dangerous, but also the spoken word. Sometimes, the spoken word is, in fact, much more insidious than the words that appear in print. I think we should do something with regard to that.

She wants that we should take security from these wrongdoers, but I think it is a simple remedy for a desperate disease, a homoeopathic remedy when surgical operation is called for. This good lady has been very gentle and kind in this matter and I think that, given the situation, we must do it.

Finally, we are not doing this to protect politicians, businessmen or officers. We are doing it to protect the fair name of Indian journalism, of which every Indian citizen is proud.

श्री राम सेवक यादव (बाराबंकी) : सभानेत्री जी, मैं प्रस्तुत विधेयक का विरोध करता हूँ। इस विधेयक का एक महिला सदस्या की ओर से लाया जाना कुछ समझ में नहीं आता, स्त्रियों की ओर से यह सस्ती करना मेरी समझ में नहीं आता क्योंकि वे तो दुःख को जंयादा समझती हैं, कारण कि हमारे देश में महिलाओं को बहुत सताया गया है।

जो इस विधेयक का उद्देश्य हैं वह जनतंत्र की भावना के विरुद्ध है व्यक्तिकि इसके उद्देश्य में यह शुरू में ही दिया गया है ।

"It is a matter of deep concern that the yellow press in this country has been growing unchecked and has been indulging very freely in scurrilous attacks against persons of stautus, standing and influence."

जनतंत्र में लिखने, पढ़ने और बोलने की आजादी होनी चाहिए । बोलने और लिखने की आजादी जनतंत्र का सब से बड़ा अधिकार है ।

एक माननीय सदस्य : कुछ लोगों को गाली देने की आदत है.....

श्री राम सेवक यादव : गाली देने की आदत आप कानून से नहीं रोक सकते । गाली न दी जाए इसके लिए शिक्षा की जरूरत है, उसके लिए समाज में आप उचित व्यवस्था पैदा करें । आप उन कारणों को इँहें कि लोग गाली क्यों देते हैं, अगर आप उसकी जड़ में जाएंगे तो उसका इलाज कर सकेंगे और तब शायद उस उद्देश्य की पूर्ति हो सकेगी जो कि माननीय सदस्या ने इस विधेयक में रखा है । मैं माननीय सदस्या से पूछना चाहूंगा कि जुर्म और पाप को रोकने की कोशिश आदि काल से कानून द्वारा की जा रही है, लेकिन इसका नतीजा क्या हुआ है । क्या इस कार्रवाई से पाप या जुर्म रुक गया ? तो सजा की व्यवस्था कर देने से या जो व्यवस्था पहले से है उसको बड़ा देने से या सजा की अवधि बड़ा देने से इसका इलाज नहीं होगा । माननीय सदस्या इसी प्रकार इस दोष को दूर करने का उपाय करना चाहती है ।

एक माननीय सदस्य : अंग्रेजी में कहिए, वह नहीं समझती ।

श्री राम सेवक यादव : मैं अंग्रेजी में कह नहीं पाऊंगा, इसमें मैं अपनी मजबूरी स्वीकार करता हूं ।

श्रीमती लक्ष्मीकान्तमा : अंग्रेजी और हिन्दी में मिक्स करके बोलिए ।

श्री राम सेवक यादव : तो माननीय सदस्या ने सजा का विस्तार किया है, कुछ और चीजों को सजा के दायरे में शामिल करने का प्रयास किया है, और जो सजा कम है उसको बढ़ाने की तजीबीज की है । यहीं दो उद्देश्य हैं इस विधेयक के पहले से ही कानून में क्रिमिनिल ला अमेंडमेंट एकट के अन्तर्गत यह व्यवस्था है कि जो कोई गलत चीजें लापे । या ब्लैकमेल करेगा उस पर मुकदमा चलेगा, और उसको तीन महीने की सजा या सजा और जुरमाना दोनों हो सकेंगे । माननीय सदस्या ने इस तीन महीने के बजाय दो साल कर दिया है या ६ महीने कर दिया । इसके अनिरिक्त और इसमें कुछ नहीं है ।

श्रीमती लक्ष्मी कान्तमा : इससे ज्यादा है, आपने सुना नहीं ।

श्री राम सेवक यादव : मैं जानता चाहूंगा कि जो मौजूदा कानून है उसके अन्तर्गत कितने मुकदमे चले, कितने मामले आए और क्या कार्रवाई हुई है । केवल कानून को बड़ा देना काफी नहीं है । उस कानून पर कितना अमल हुआ और उसमें क्या क्यरंवाही हुई दर असल यह चीज महत्व की है । अगर माननीया सदस्या आंकड़े इकट्ठा करें और मंत्री महोदय आंकड़े दें तो पता चलेगा कि इस कानून का कोई उद्देश्य भी है या नहीं । इसलिए मैं चाहूंगा कि जो यह विधेयक माननीय सदस्या ने पेश किया है वह पास न होना चाहिये । मुझे डर है इससे बोलने और लिखने की आजादी पर हमला होगा ।

आप कहते हैं कि गालियां देने की आजादी मैं गालियों का कायल नहीं और न मैं उसे पसन्द करता हूं, लेकिन यह तो बतायें कि गाली होती क्या चीज है । इस में उसकी डेफीनीशन नहीं दी है । इसलिए हम लोग जो कहेंगे उसको गाली कहा जा सकता है ।

## [श्री राम सेवक यादव]

इसके अलावा जो लोग राजनीतिक दलों में नहीं और जिनको लिखने पढ़ने का शौक है, और अगर व समाज में चलने वाली राजनीति में दोष देखते हैं और उस पर अपने विचार प्रकट करते हैं और लिखते हैं तो वे इस कानून की जद में आ सकते हैं। अभी तक तो यह जद तीन महीने की थी लेकिन अब तो इसको बढ़ाया जा रहा है उनको दो साल से ज्यादा की सजा हो सकती है। तो मेरा निवेदन है कि इससे जनतंत्र को नुकसान पहुंचता है और पढ़ने, लिखने और बोलने की आजादी छिन जाएगी। मैं तो इस हद तक जनतंत्र में जाना चाहूंगा कि अगर कोई गाली भी दे तो सिर्फ उस पर एक रोक होनी चाहिये। अलबत्ता मैं यह चीज मानता हूँ कि किसी भी आदमी को हाथ उठाने की आजादी नहीं होनी चाहिये, मारने पीटने की आजादी नहीं होनी चाहिये लेकिन हर एक को लिखने और बोलने की पूरी आजादी होनी चाहिये ...

**एक माननीय सदस्य :** बोलने की बात नहीं है बल्कि सलीके से बोलने की बात है।

**श्री राम सेवक यादव :** माननीय सदस्य सलीके की बात कह रही हैं। अब हो सकता है कि कोई बात उनकी नजर में सलीके की न हो लेकिन सभापति महोदया, आपकी नजर में वह सलीके की बात हो, तो इसको तय कौन करेगा कि यह सलीके की बात है कि नहीं? अब उस सलीके की बात को लेकर इतना जबरदस्त कानून बना करके लोगों को सजा देना और उन को जेल में डलवाना और उन पर मुकदमा चलाना, मैं समझता हूँ कि यह जनतंत्र के लिये बहुत घातक है। अब क्या बुरा है और क्या बुरा नहीं और किसे गाली कहते हैं और किसे नहीं, इसका फैसला कौन करेगा? इस के लिये मैं आपको मिसाल देकर बतलाऊं कि जब हम लोग और

खास तौर से सोशलिस्ट पार्टी के लोग सरकार की नुकताचीनी करते हैं और यह कहते ये कि इस जनतंत्र में और इस धौर गरीब देश में जहां कि प्रति व्यक्ति की औसत आमदानी ३ या ४ आने प्रतिदिन भी नहीं पड़ती है, ऐसे देश में प्रधान मंत्री के ऊपर २५००० रुपया दैनिक खर्च हो, यह एक बहुत बड़ा अन्याय है, पाप है और पाजीपन है, तो ऐसे शब्दों को माननीय सदस्य कह देंगे कि यह गाली हैं लेकिन यह गाली नहीं हैं अपितु वस्तु स्थिति का वर्णन है। इसलिये ऐसा बड़ा अधिकार देना जनतंत्र के लिये बहुत हानिकारक होगा और मैं माननीय सदस्या से कहना चाहूंगा कि उनको इस तरह का विधेयक नहीं जाना चाहिये था।

जैसा कि मैंने शुरू में कहा कि स्त्रियां इस देश में बहुत सताई जाती हैं तो यह जो विधेयक प्रस्तुत किया गया है इसमें उनके लिये कुछ नहीं है। जहां तक इस विधेयक के कोई बहुत बड़े मकसद का सवाल है, वह कोई मकसद नहीं है। इस विधेयक में केवल सजा बड़ा देने और उसकी परिधि बड़ा देने की बात कही गई है। इसके अलावा इसमें और कुछ नहीं है। अन्त में मैं फिर यही कहूंगा कि विधेयक का उद्देश्य जनतंत्र विरोधी होने के सिवाय और कुछ नहीं है। अगर वर्तमान रूप में जैसा कि विधेयक द्वारा चाहा गया है कानून पास हो जाता है तो फिर इसमें बहुत से लोगों को जो कि सत्तारूप दल के विपरीत राजनीतिक विचारधारा रखते हैं उनको इसका शिकार होना पड़ेगा।

एक बात इसमें और कही गई है कि कुछ विदेशी लोग, फौरन डिग्नेट्रीज जो कि इस देश में आते हैं उनके विशद्ध प्रेस आदि में अपमानजनक बातें लिखी और छापी जाती हैं और चूंकि वे इसके विशद्ध अदालत में नहीं जाना चाहते हैं इसलिये ऐसी व्यवस्था होनी चाहिये कि उनकी मानवानि न होने पाये। अब इसके लिये चूंकि वे अदालत में जाना

नहीं चाहते हैं इसलिये ऐसी व्यवस्था होनी चाहिये कि उनका बचाव हो सके, समाप्ति महोदया, मैं निवेदन करूँगा कि चाहे यह देश हो या कोई दूसरा देश हो, जहां भी जनतन्त्र है, राजनीति में रहने वाले लोग ऐसे पदों पर आते हैं। आज फौरेन डिगेनेटरीज कौन होते हैं? यह वही हमारे आपके जैसे राजनीति में काम करने वाले होते हैं? चाहें हिन्दुस्तान के हों या किसी दूसरे देश के हों। जब हम और आप राजनीति के अन्तर्गत आते हैं तो हमारे दिल और भावियां चौड़ी होनी चाहिये। अगर हम दूसरों की नुकताचीनी करें तो दूसरों द्वारा अपनी नुकताचीनी को सुनें और सहें भी। यह नहीं कि हम तो दूसरों की नुकताचीनी कर लें और जब हमारे राजनीतिक विपक्षी हमारी नुकताचीनी करें, हमें क्रिटिसाइज करें तो हम उसे बर्दाशत न कर पायें और अगर हम सत्तारूढ़ दल के हों तो हमारी यह इच्छा हो कि हमारे पास कोई कानूनी हितियार ऐसा होना चाहिये, हमारे तरकस में कोई ऐसा बदिया तीर होना चाहिये जिससे कि हम विरोधियों की आवाज और उनकी क्रिटिसिज्म को दबा सकें। इसलिये मैं समझता हूँ कि इस विधेयक को पास कराने के लिये जो तर्क समाप्ति महोदया ने दिये थे वे बिल्कुल योग्य हैं। मेरा ख्याल है कि यहां पर मंत्री जी मेरा साथ देंगे और प्रस्ताव का विरोध करेंगे कि और यह बिल गिर जायगा। इस बिल के लिये मैं मंत्री जी का साथ दूंगा और इसका विरोध करूँगा ताकि यह विधेयक गिर जाय। अगर स्वयं माननीय सदस्या इसको वापिस ले लें तो ज्यादा अच्छा होगा।

**श्री शिव नारायण (बासी) :** माननीय चयरमैन महोदया, मैं इस बिल का समर्थन करने के लिये बड़ा हुआ हूँ। अपनी भारतीय संस्कृति की दुहराई देकर कहता हूँ कि भारत का मस्तक उसके लिये सबैब ऊचा रहा है लेकिन आज अखबारों में हमारी बहनों पर,

हमारी महिला समाज पर और अन्य भाइयों पर जो छीटाकशी होती है और जिस अश्लील भाषा का प्रयोग किया जाता है उसको पढ़ कर और सुन कर मेरा मस्तक मारे शर्म के झुक जाता है। मिनिस्टरों और गवर्नरमेंट की किसी छीछालेदर की जाती है उसको आप छोड़ दीजिये लेकिन छोटे छोटे अखबार महिलाओं पर, महिला समाज पर और अन्य संभ्रात विदेशी अतिथियों के लिये जिस अश्लील भाषा का प्रयोग करते हैं, ऐसी ऐसी गालियां बकते हैं जिनको कि पढ़ कर मारे शर्म के सिर नीचा हो जाता है।

यहीं दिल्ली में एक औबजरवर अखबार निकलता है वह ऐसी अश्लील कहानी लिख रहा है कि उसको पढ़ कर सिर नीचे हो जाता है। मुझे तो दुःख होता है कि ऐसे अखबारों और ऐसे एडीटर्स को गवर्नरमेंट अखबार निकालने की परमिशन किस तरह से दे देती है और किस तरह से उनको यह गन्द उछालने देती है। इसलिए यह जो कानून पास करने की मांग की जा रही है वह बिल्कुल समयोचित है कि ताकि आज जो गन्दगी उछल रही है और अश्लील और अपमाननक बातें छपी रही हैं वह बन्द हों।

श्री यादव जी ने कहा कि इस तरह का कानून पास करके जनतन्त्र का गला धोंटा जा रहा है और सरकार की नुकताचीनी पर ब्रेक लगाया जा रहा है तो मेरा कहना है कि उनका ऐसा ख्याल सही नहीं है। यह किसने कह दिया कि तीन आने वाली बात का गवर्नरमेंट विरोध करती है इसलिए वह चाहती है कि इस तरह की चीजें पब्लिश न हों? यहां पर डा० लोहिया ने तीन आने की औसत आमदनी की बात कही, हालांकि सरकार उससे सहमत नहीं थी, तो भी उन्होंने जिस तरह से सरकार की आलोचना की, वह सब पूरी नुकताचीनी ज्यों की त्यों छपी। उसके छपने पर सरकार ने किसी तरह का प्रतिबन्ध नहीं लगाया। आप तीन आने छोड़ कर एक आना कहें,

## [श्री शिव नारायण]

कोई इसके लिए आपको रोकता नहीं है और आप जो कहें वह पूरा छपेगा भी। सरकार उसके लिए कोई प्रतिबन्ध नहीं लगाती है। अगर लोहिया साहब या उनके और कोई साथी प्राइम मिनिस्टर साहब पर अटैक करते हैं उनकी नुकताचीनी करते हैं तो वह पूरी छापी जाती है, उसको यहां व और हम सब लोग बैठ कर सुनते हैं। हम उस पर कोई एतराज नहीं करते हैं। लेकिन यह सब एक मर्यादा के अन्दर रह कर करना होता है। अब यह नहीं कि गम्भीर और जाती दोषारोपण किये जायें कि अमुक ने यह किया और अमुक ने यह किया और जिसका कोई प्रूफ न हो तो यह चीज अनुचित है और अगर इस पर कोई प्रतिबन्ध लगाया जाता है तो वह उचित ही लगाया जाता है। अब यह तो इस गवर्नमेंट के मिनिस्टरों की शराफ़त है कि हर तरह के जाती अटैक वह लोग चुपचाप सुनते हैं, सब कुछ छपता है और वे उनके विरुद्ध मान हानि का दावा नहीं करते हैं। माननीय सदस्यों को याद होगा कि बम्बई के बिलट्रैक अखबार ने इसी तरह से एक आपत्तिजनक सामग्री छापी थी जिस पर उसके विरुद्ध कॉटमेंट औफ़ कोट चला और उसको माफ़ी मांगनी पड़ी थी। उन्होंने जुर्म किया था जिसके लिए उन्हें क्षमा मांगनी पड़ी।

मुझे यह बड़े अफसोस के साथ कहना पड़ता है कि हमारे देश के अखबार अपना दायित्व ठीक प्रकार से नहीं निभा रखते हैं। मैं जानता हूं कि कुछ अखबारों में वैस्टड इंटरेस्ट्स काम कर रहे हैं। मैं नाम नहीं लेना चाहता लेकिन मैं जानता हूं कि हमारे कुछ दोस्त जो कि बड़े ठाटबाट के साथ बैठे हैं उनकी जबों में फौरनस का पैसा धूम रहा है और वे पैसे के लोभ में आकर और स्वार्थ के बश हो कर देशब्रोह का काम करते हैं। यह अखबार वाले जो कि किसी भी प्रजातन्त्र के आधार होते हैं, आज अपने कर्तव्य का पालन करने में कोताही कर रहे हैं। मेरी

बड़े बड़े पत्रकारों से बात हुई है और प्राइवेट में उन्होंने मेरी इस बात को माना भी है कि कुछ अखबार अपने कर्तव्य का पालन नहीं कर रहे हैं और ऐसे दोषी अखबारों को सही रास्ते पर लाने और देशब्रोहात्मक कार्यवाहियों पर रोक लगाने के लिए जो यह कानून लाने की मांग की जा रही है वह ठोक ही है और मेरी बहन ने यह बिल लाकर एक सही राह दिखाई है। मैं समझता हूं कि यह कानून उनको सही रास्ते पर लायेगा, उनको तभी ज सिखायेगा और उनको अनुशासन सिखायेगा। भारत जो सदा से अनुशासन का पालन करता रहा है, मान मर्यादा का पालन करता रहा है, जहां हमने सदा अपनी बहनों की इज्जत की है, श्री राम के जमाने से लकर आज तक कभी भी इस देश में स्त्रियों का निरादर नहीं हुआ है, हमेशा उनका सम्मान किया है, आज जब मैं इन छोटे छोटे अखबारों में उनके प्रति इस तरह की अश्लील सामग्री और खबरें छपते देखता हूं तो मुझे बड़ी लज्जा आती है कि आखिर यह देश जा कहां रहा है? हमारे याद जी जिन्होंने कहा कि इस बिल में केवल समय बढ़ा दिया गया है और इसका कुछ उद्देश्य नहीं है, उन्होंने इसको समझा नहीं है। मुझे दुःख है कि वे इतने पढ़े लिखे आदमी हैं, वकील हैं लेकिन सच है आदमी अपनी गरज के आग दूसरी चीज नहीं देख सकता। ठीक ही तो यह कहा गया है:—

“लघुता से प्रभुता मिले, प्रभुता से प्रमुहूर चीटी ले शक्कर चली, हाथी के सिर धूर”

वे हमसे चश्मा मांग लेते तो मैं उनको पेश कर देता और उससे देकर कर पढ़ते और समझ लेते। अरे भाई साहब यह एक ब्रेक है, यह कानून नहीं है। यह सोसाइटी को ठीक ढंग से चलाने के लिए ब्रेक का काम देगा। इस देश में हमने एक प्रजातांत्रिक ढांचा स्थापित किया है, डैमोक्रेसी की हम वर्क कर रहे हैं, उसमें हमारा विश्वास है और यह डैमोक्रेसी की बदीलत ही आप लोग यहां बैठे हुए हैं।

और हमारे सिर पर इस तरह की कीचड़ उछाल रहे हैं। आप एक अपोजीशन सुप में होने के नाते सरकार की नुकाचीनी कीजिये, इसका आपको पूरा अधिकार है और आप यहां रोज करते भी हैं लेकिन इसका यह तो मतलब नहीं हो जाता कि आप सलीके की सीमा को भंग कर दे, अश्लीलता की हद पर उतर आयें और इस तरह की गन्दगी उछालें जो कि किसी दृष्टि से भी वांछनीय नहीं हो सकती है। इसलिए आज यह बहुत ज़रूरी हो गया है कि हम देश में मर्यादा और अनुशासन के स्तर को न गिरने दें और इसी हेतु माननीय सदस्या यह बिल लाई है और यह स्वागत योग्य है।

मेरा निवेदन है कि जिस तरह से हम यह सर्टिफिकेट लिखा करते हैं कि दे बियर ए गुड एंड मोरेल करेक्टर आज देश में बास्तव में ऐसे सुच्चरित, अनुशासित और सुयोग्य नागरिकों की जरूरत है। हम चाहते हैं कि इस देश के अन्दर हमारे पत्रकार लोग भी सुयोग्य हों, अनुशासित हों और सुसंस्कृत हों ताकि विदेशों में हमारा नाम हो और पत्रकारों का भी नाम हो। इस तरह से पत्रकारों का भी स्टैण्डर्ड बढ़ेगा और संसार यह समझेगा कि इस देश के लोग सम्म हैं, सुशिक्षित और सुसंस्कृत व विद्वान हैं। भारत सदा से संसार का गुरु रहा है, कल या, आज है और आगे भी रहने वाला है। भारत आज भी प्रगति पथ पर अग्रसर है। यह देश का सौभाग्य है कि इस देश की बागडोर सुयोग्य और पूज्य नेता श्री जवाहरलाल नेहरू के हाथों में है जिन्होंने कि संसार को पंचशील का नारा दिया। आज वे संसार को पंचशील का प्रकाश दे रहे हैं, अब यह दूसरी बात है कि कोई गलती कर जाये और अपने कर्तव्य से च्युत हो जाये। लेकिन हमारा आदर्श ऊँचा है। भगवान बुद्ध के समय से लेकर आज तक भारत ने सत्य, अर्हिसा का पूर्ण-रूपेण पालन किया है और वह संसार को सत्य अर्हिसा का पाठ पढ़ा रहा है। यह बिल उसके लिए अवसर प्रदान कर रहा है।

श्री यादव जी ने दो अल्फाज कहे और खिसक गये। यह नमूना अपोजीशन करने वालों का है। गालियां दी और चलते बने। जवाब सुनने को वे तैयार नहीं हैं। लेकिन हम उनकी बात सुनने को तैयार हैं, हम बर्दाश्त करते हैं।

अभी कुछ दिन पहले की बात है कि एक बकील साहब से दो, तीन नौजवान लड़के बहस कर रहे थे। मैं पहुंच गया मैंने कहा लड़के ठीक ही तो कहते हैं कि चूंकि हम गवर्नरमेंट चलाते हैं इसलिए जिम्मेदारी और जवाबदेही हमारी है। जब हिन्दुस्तान का शासन चलाने की जिम्मेदारी हमने ओढ़ी है तो उनकी गालियां भी हम ही सुनेंगे। उनकी क्रिटिसिज्म भी हम ही सुनेंगे और उनकी मालायें भी हम ही पहुंचेंगे। मैं ने शान्ति से उनकी बातों को सुना और फिर जब उन्हें ठीक से समझाया तो वे नौजवान शान्त व सन्तुष्ट हो गये। यह कांग्रेस में ही सहन शक्ति है कि वह और उसके नेता सब कुछ उलटी सीधी सुनते हैं, धैर्यपूर्वक सुनते हैं और फिर लोगों को शान्ति से समझाने और कनविस करने का प्रयत्न करते हैं। यह नहीं कि हमारे यादव जी ने दो गालियां दी और बर्येर जवाब सुने खिसक गये। सरकार और कांग्रेस वाले इस तरह की बेर्येर जिम्मेदारी से काम नहीं करते हैं। यह बिल इसी लिए लाया जा रहा है कि देश में मर्यादा कायम रहे, स्तर गिरने न पाये और अनुशासन का भाव बना रहे। इस बिल द्वारा यही सन्देश हमको मिल रहा है कि हम मुसंस्कृत बनें, सम्म रहें, स्तर हमारा गिरने न पाये और अनुशासन का हम सदैव पाला करते रहें। यह सन्देश इस बिल के अन्दर है। यह सन्देश नहीं है कि गाली दी और खिसक गये। मैं अन्त में फिर इस बिल का समर्थन करता हूँ।

यह सन्देश कांग्रेस वाला ही दे सकता है। कांग्रेस के सदस्यों की ओर से ऐसा नहीं किया जाता है कि अपनी बात कही और चले

[**श्री शिव नारायण]**

गए, दो लफज़ कहे और चल दिए। इस समय सारा अपोजीशन गायब है।

16 hrs.

मैं चाहता हूँ कि अनन्वेसेसरी और अनर्गत बातें छापने वाले अखबारों को सख्त सख्त सजा दी जाये, उनको सजा ३ वर्ष नहीं बल्कि ४ वर्ष कर दी जाये। गवर्नरमेंट उनको डी० आइ० आर० के मातहत बन्द करे। गवर्नरमेंट से मेरी यह सिफारिश है।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ। मैं आपका अनुश्वारी हूँ कि आपने मुझ बोलने का अवसर दिया।

**Shri Himatsingka (Godda):** Madam Chairman I/wholeheartedly support this Bill that has been introduced in this House and it is a very wholesome measure which should receive the support of the whole House. I was surprised to note the opposition /put forward by the hon. Member Shri Yadav. He said that only the punishment has been enhanced and that it is not necessary; he added that this might be misused for the purpose of suppressing honest criticism of the Government or the Ministers or the Government measures like the bringing in of the question of income of persons and so on. I wonder how he can make that suggestion or insinuation, because the amendments that have been proposed are so clear and so explicit that there is no room for any doubt as to what the intentions of the Mover of the Bill are. As a matter of fact, she wants that indecent and scurrilous writings intended for blackmail or for humiliating persons unnecessarily of wrongly and otherwise for the purpose of blackmail should be curbed. There is no reason why a Bill like this should not be supported.

I would suggest one thing more in this connection. The question was raised as to how many prosecutions have been started in respect of wri-

tings of this nature. At the present moment the law is that the person who is defamed or is attacked must himself go to court to file a complaint. I feel that if the law is going to be amended, there should be some provision whereby some representative of the person who is abused or defamed or attacked should also be entitled to go to court on his behalf. Take, for instance, a very big or busy person who is attacked very harshly or unjustifiably in a manner which cannot be justified under any circumstances. Unless he goes and files a complaint himself, he cannot move the court. It is impossible for him to go to court and attend every time the case is called up. Therefore, the law should provide that anybody on his behalf or anybody interested in that person may also file a complaint and take proceedings in court.

The provision that has been suggested, namely, "grossly indecent or is surrillous or intended for blackmail" should be included, and the persons concerned roped in. As a matter of fact, nowadays, if you open your dak, or even if you are not a subscriber of papers, the papers come in every week or almost every day which contains such writings which no decent person would like to read. Still, they go on pouring in with your dak every day without being paid for, because they want that such writings should spread. Therefore, I feel that this Bill should receive the support of the House. I hope Government will also support this Bill. If they want that some additional provisions should be introduced, they can make some suggestions, or they can refer it to the Select Committee. But it should certainly find a place in our statute-book, so that scurrilous writings which are finding place in every newspaper of that type are checked. I wholeheartedly support this Bill and I hope the whole House would support the same.

श्री कृ० कृ० वर्मा (सुल्तानपुर) : माननीय चेयरमैन महोदया, जो बिल माननीय सदस्या, श्रीमती लक्ष्मीकान्तमा, ने प्रस्तुत किया है, मैं उस का स्वागत करता हूँ।

सोशलिस्ट पार्टी के माननीय सदस्य ने अभी इस बिल के विरोध में कुछ एतराज किये। उन की यह शंका है कि इस बिल की मंशा यह है कि हमारे देश के समाचारपत्रों की स्वतंत्रता पर बंधन लगाया जाये, समाचार और वाक्यात छापने की उन की स्वतंत्रता में कमी की जाये और हमारे राष्ट्र में हमारे देशवासियों के मौलिक अधिकारों में भी कमी की जाये। इस आधार पर उन्होंने इस बिल का विरोध किया और इस पर उन को सज्ज एतराज है।

उन का यह भी कहना है कि पहले अपराध के लिए जो सजा रखी गई थी, इस बिल के द्वारा उस को जो योड़ा ज्यादा किया गया है और सख्ती बरतने की तरफ कदम उठाया गया है, वह एक महिला के लिए शोभनीय नहीं है, जिन का हृदय नरम होता है। उन्होंने पूछा कि माननीय सदस्या ने कैसे यह कदम उठाया। लेकिन इस के साथ ही साथ उन्होंने यह भी कहा कि महिलाओं को परेशान किया गया है और उन का दिल दुखी हुआ है। मैं समझता हूँ कि ये दोनों बातें परस्पर-विरोधी हैं।

अगर वाकई में इतनी आजादी ली गई है, तो मैं कहूँगा कि जिस को माननीय सदस्य मौलिक अधिकार कहते हैं, उस को मेरी समझ में लाइसेन्स समझना चाहिए, जिस की आजादी, इजाजत, हमारा संविधान या और कोई कानून नहीं देता है। अगर हमारा देश, भारतवर्ष, स्वतंत्र हुआ है और हम लोगों को मौलिक अधिकार दिये गये हैं, तो उस के मानी ये नहीं हैं कि हम अपने देश की संस्कृति और सम्मता को खो बैठें और जब भी जो चाहें, सो बकें, लोगों को गालियां दें, लोगों

का अपमान करें और बेहुदा बातें पब्लिक में उठालें। प्रश्न यह है कि अगर हमारा देश स्वतंत्र हुआ है, तो इस के पहले हमारा जो कुछ भी स्टैंडर्ड रहा है, क्या हमें वही स्टैंडर्ड रखना है या उस को ऐसी ऊँचाई पर ले जाना है कि विश्व के दूसरे राष्ट्र हमारे स्टैंडर्ड की प्रशंसा करें। हमारे देश भारतवर्ष का पुराना इतिहास इतना बड़ा रहा है कि लोग इस की तरफ रुख़ करते थे, इस की तरफ देखते थे कि इस के स्टैंडर्ड की नकल करें और इस स्टैंडर्ड तक पहुँचें। यहाँ की संस्कृति और यहाँ की सम्मता को यह मान्यता सारे विश्व में मिली थी। प्रश्न यह है कि क्या हम इस पर पहुँचे, या यह कि जैसा हमारे सोशलिस्ट सदस्य ने कहा कि हमें पूरी आजादी होनी चाहिए, जो कुछ भी चाहें वह कहते सुनते रहें। मुझे इस बात के लिये माननीय सदस्य क्षमा करेंगे यदि मैं कहूँ कि स्वतंत्रता प्राप्त होने पर यहाँ पर बहुत सी राजनीतिक पार्टियां बनीं, लेकिन सोशलिस्ट पार्टी के लिये यह भी कहा जाता है कि वह नीचे स्तर की बातें, गन्दी बातें उठालने में बड़ ताक हैं। मैं समझता हूँ कि इसी मनोवृत्ति के अनुसार जो यह बिल यहाँ लाया गया है उस का उन्होंने विरोध किया क्योंकि शायद वे यह समझते हैं कि जिस मनोवृत्ति से और जो वाक्य सोशलिस्ट पार्टी अक्सर निकालने की आदी है, उस के विरुद्ध थोड़ी सी सख्ती आती है, अगर इस कानून के चंगूल में वे फंसते हैं। लेकिन मैं समझता हूँ कि ऐसे मामलात में हमारा राष्ट्र अगर सज्ज कदम उठाता है तो उस के माने यह नहीं हैं कि हम किसी की स्वतंत्रता पर या मौलिक अधिकार पर कोई कुठाराधात करते हैं या इस पर कोई बन्धन लगाते हैं। यह चीज तो बहुत साफ है कि अगर अपराध है तो है, अगर नहीं है तो कोई बात नहीं। अगर आप ने अपराध किया है, अगर आप ने स्टैंडर्ड को नीचे गिराया है, अगर यहाँ की सम्मता और संस्कृति के स्टैंडर्ड को आप ने गिराया है तो आप उस दंड के भागी हो जाते हैं, सज्ज सजा के भागी हो जाते हैं। अगर आप ने कोई अपराध नहीं किया, तब तो कोई सजा की

## [श्री कृ० कृ० यर्मा]

बात ही नहीं आती है, लेकिन अगर वाकई आप ने अपराध किया है और हमारे राष्ट्र की मर्यादा को आप ने गिराया है तो फिर अगर आप को सजा मिलती है तो वह ठीक है। आप को वह चीज बुरी नहीं लगनी चाहिये। मैं समझता हूँ कि इस में हमारे माननीय सोशलिस्ट सदस्य को कोई ऐतराज नहीं होना चाहिये।

यह जरूर है कि इस में दो एक शब्द ऐसे आये हैं जिन के लिये एक्स्प्लेनेशन होना चाहिये था कि उन के माने क्या हैं। मैं सरकार से इस बात के लिये कहूँगा कि अगर वह किसी कारण जिस रूप में बिल आया है उस को मानने के लिये तैयार नहीं हैं, तो वह अपनी तरफ से इसी आशय का एक दूसरा बिल ले आये ताकि हमारे देश की मर्यादा कायम रहे और उस में कोई कमी न होने पाये।

श्री अंकितलाल बंरवा (कोटा) : सभापति महोदय, मैं इस बिल का समर्थन करता हूँ। जैसा यह बिल आया है वह ठीक है। लेकिन इस बिल के लाने से कहीं ऐसा न हो जाय जैसे कि डिकेन्स आफ इंडिया बिल आया था और रूलिंग पार्टी ने उससे विरोधी पार्टियों को ही कुचला। अभी हमारे माननीय सदस्य कह रहे थे कि विरोधी दल का एक भी सदस्य यहाँ बैठा हुआ है। कोई ऐसा कानून तो नहीं बनाया गया कि कोई न कोई यहाँ बैठा रहे, लेकिन क्या उन की आंखों पर पर्वा पड़ गया कि उन्हें कोई नहीं बहाँ पर दिखाई दिया? जनसंघ का एक आदमी ही बहुत होता है। हीरा एक ही होता है पर्वर चाहे कितने ही पड़े हों। उस समय मैं अकेला था। लेकिन चूँकि मैं जनसंघ का था इसलिये उनको नहीं दिखाई दिया। ठीक है, लेकिन मैं इन बातों में अधिक नहीं जाऊँगा।

इस बिल को पढ़ने से यह मालूम होता है कि इस बिल के अन्दर गाली की व्याख्या

कहीं नहीं लिखी है कि गाली किसे कहते हैं। क्या गाली इसे कहते हैं कि हम प्रधान मन्त्री की अवहेलना करें ये किसी मन्त्री के भ्रष्टाचार को बतलायें। क्या गाली इसे कहते हैं कि हम रूलिंग पार्टी के भ्रष्टाचार को जाहिर करें? इसमें पेपर की कोई गलती नहीं है। पेपर वाले तो जैसा लोग कहेंगे, जैसा लोग बोलेंगे या जैसा दुनिया में होगा उसकी न्यूज उसके पास पहुँचेंगी उसे वह अखबार में देंगे। इसमें अखबार वाले की कोई गलती नहीं है। गलती उन की है जो आग होकर भ्रष्टाचार करते हैं। उनको इसका डर क्यों है कि यह बिल लाया जा रहा है। यह बिल विरोधियों को बदाने के लिये लाया गया है क्योंकि हम क्रिटिसिज्म करते हैं और हमारी जवान पर ताला लगाया जायेगा। हम ज्यादा क्रिटिसिज्म नहीं कर सकेंगे, लेकिन चोर की दाढ़ी में तिनका नहीं होना चाहिये क्योंकि हम इससे डरेंगे नहीं। आप कोई भी बिल लायें, जो भ्रष्टाचार करेगा हम उसका क्रिटिसिज्म करेंगे। भ्रष्टाचार करने वाले का क्रिटिसिज्म होता है, जो नहीं करता है उसके लिये कुछ भी नहीं होता। आप अगर शुद्ध हैं तो कोई बात नहीं है, क्रिटिसिज्म होगा ही नहीं। इसलिये इस बिल के लाने से मझे ऐसा प्रतीत होता है कि जो भाषण करने वाले लोग हैं अगर वे भाषण देंगे तो उनको पकड़ कर बन्द कर दिया जायेगा। इसमें गाली की व्याख्या कोई नहीं है, कोई सीमा नहीं है कि गाली कैसी होनी चाहिये तो मैं सहमत हूँ कि इस बिल को लाना चाहिये, लेकिन जो अधूरा बिल है उसे न ला कर अगर पूरा बिल लाया जाय तो ज्यादा अच्छा होगा। उसमें गाली की व्याख्या कर दी जाये और पेपर वालों को बतलाया जाये कि इस को गाली कहते हैं। इस बिल को लाना जरूरी है, लेकिन मैं तो यह समझता हूँ कि इस बिल को अब लाया भी नहीं जायेगा, उनकी हिम्मत नहीं है कि इसे पास करवा दें। वल्कि अभी इसे वापस ले लिया जायेगा। इसलिये इस पर ज्यादा कहना बेकार है।

मैं तो कहूँगा कि इस बिल को वापस ले लें और दूसरा बिल इसकी सपोर्ट के साथ लायें जिसमें गाली की व्याख्या हो। इसमें पेपर वालों का कोई कम्सूर नहीं है। आपको इन बातों से नहीं डरना चाहिये। मामला साफ है और गाली से हम को डरना नहीं चाहिये।

**श्रीमती लक्ष्मीबाई** (विकारावाद) : मैं इस बिल को सपोर्ट करने के वास्ते आई हूँ। अभी एक आनंदेबल मेम्बर कह रहे थे कि यह लाल बहनें लाई हैं। इससे मालम होता है कि बहनों को यह पसन्द है कि भाइयों के लिये सजा ज्यादा करवाई जाये। एसी बात नहीं है। हिन्दुस्तान की बहनें एसा नहीं चाहेंगी। जो बोलने वाले भाई हैं सिर्फ उनको ठीक तरह से बोलने का तरोका सिक्काने के वास्ते हिन्दुस्तान की बहनें आगे आती हैं। यहां पर कहा गया है कि एक नारी ऐसा बिल लाई है। मैं इसका जवाब देना चाहती हूँ। हम हमेशा देखते हैं कि पेपर्स में, पिक्चर्स में, गाना बजाना, नाटक, तमाम के तमाम में ऐसी अश्लील बातें होती हैं, एसी कहानियां होती हैं जिनका बड़ा खराब प्रभाव पड़ता है। इसको रोकने के वास्ते यह बिल लाया है। उनमें बहनों के बारे में दुरी दुरी धार्ते होती हैं इस वास्ते बहनों को तकलीफ लगी, और उसको सुधारने के वास्ते इस बिल को उन्हें लाना पड़ा है। मैं बहुत धन्यवाद देती हूँ श्रीमती लक्ष्मीकान्तमां को कि वे यह बिल लाई हैं।

इम बिल में बात यह है कि मेरी बहन ने कहा है कि मेरी बहन से बड़ा कर तीन साल तक की सजा करने का सुझाव दिया है। मैं कहना चाहती हूँ कि सजा बड़ाने से अपोजीशन के भाइयों को डरने की क्या बात है? हम हिन्दुस्तान के रहने वाले हैं, यहां की संस्कृत हमें मालूम है, यहां की संस्कृत हमें मालूम है कि कैसे मिलना चाहिये, कैसे बात करनी चाहिये, कैसे सिनेमा हमें देखने चाहिये। यह जो भी बातें आजकल होती हैं उसमें कोई रुकावट नहीं है। आजादी होने के बाद सब कुछ आजाद हो गया। लेकिन यह बाज़िब नहीं है। हमारा कल्चर बतलाता

है कि हिन्दुस्तान में पुराने जमाने से, हजारों माल गुजर गये, पुरानी किताबें लोग पढ़ते हैं और खुग होते हैं और उस संस्कृति को बनाये रखने की कोशिश करते हैं। लेकिन क्या आज आजादी इसी में है कि किसी का मजाक उड़ाया जाय, जबान खोल कर बातें करें। यह बात जो होती है, उस को रोकने के वास्ते यह बिल लाया गया है। मैं दो भाइयों को देखती हूँ कि बहुत नाराज हैं। लोग आज नाराज क्यों होते हैं? इस में नाराजी होने की गोई बात नहीं है। आज तो आजादी है। लेकिन जो चोरी करेंगे वे पकड़े जायेंगे, जो बोलेंगे इस तरह से उन को सजा मिलेगी। अच्छे आदमियों को डरने की कोई बात नहीं है। छोटे छोटे बच्चों के, नहीं नहीं बच्चों के आगे इस तरह से बोलने से उनका दिमाग खराब होता है, और इस को रोकने के लिए यह बिल लाया गया है।

**यत्र नाया:** पूज्यने रमन्ते तव देवता : जहां बहिनों की इज्जत की जाती है वहां देवता खुश होत है। हम देखते हैं कि इलक्षनों में लोग अश्लील बातें करते हैं, उनको रोकने के लिए यह बिल बहुत जरूरी है और हमारे होम भिन्स्टर साहब इसमें उचित संशोधन करेंगे। अगर ऐसा न किया गया तो आजकल के नौजवानों के दिमाग में अच्छी संस्कृति नहीं आवेगी और उनके बिगड़ने का अन्देशा है। इसलिए इस विधेयक को लाना बहुत जरूरी था। मैं माननीय मंत्री महोदय को मुझाव दूंगी कि वह इसको कबूल करें।

**श्री रामेश्वरानन्द** (करनाल) : अनें नय सुप्ता राये ग्रस्मान्, विश्वानि वृन्नानि विद्वान्, भयोध्यस्मत् जहराणमेनों, भू इष्टान्त नमः उक्तिम् विद्म ।

अध्यक्ष महोदय, मैं इस संबंध में कुछ कहना चाहता हूँ। यह अच्छा है कि इस प्रकार का विधेयक लाया गया जिससे जगह जगह पर जो गन्धी तस्वीरें लगायी जाती हैं उन पर रोक लगे। यह बहुत अच्छा है। इस में यह भी

## [श्री रामेश्वरानन्द]

है कि किसी को किसी के प्रति अपशब्द न बोलना चाहिये, यह भी बहुत अच्छो बात है। हमारे यहां शास्त्रों में कठोर भाषण करने को और अश्लील भाषण करने को बड़ा पाप कहा गया है। मैं मानता हूं कि इस पर प्रतिबन्ध होना चाहिए। परन्तु प्रतिबन्ध कहां हो अगर आप वास्तव में चाहते हैं कि लोगों की बाणी में सुधार हो तो यह शिक्षालयों में किया जा सकता है। वहां बच्चों को अच्छा बोलने की शिक्षा दी जा सकती है। उनको सिखाया जा सकता है कि वे मधुर भाषण करें। ऐसा किया जाए तो इस विधेयक का उद्दय पूरा हो सकता है। हां कोई राजनीतिज्ञ किसी को कड़ी बात बोलते हैं:—

श्री शिव नारायणः स्कूलों में यह शिक्षा नहीं दी जाती . . . .

श्री रामेश्वरानन्दः आपने पढ़ा नहीं है। उनको पता नहीं, वह अनपढ़ आदमी हैं। मेरा तो सारा जीवन पढ़ने पढ़ने में गया है। मैं ने चारों बेद पढ़े हैं, दर्शन पढ़े हैं, ब्राह्मण पढ़े हैं। जो कुछ मैं ने पढ़ा है वह मैं उनको बर्थों तक पढ़ा सकता हूं।

तो मैं कह रहा था कि यदि शिक्षालयों में इसका यत्न किया जाए तो यह चीज बन सकती है।

आज हम देखते हैं कि स्थान स्थान पर गन्दे चित्र लगे हैं। परन्तु उनको लगवाने वाला कौन है, उस में किसका हाथ है। वह सब कुछ सरकार की तरफ से चलता है। सरकार चाहे तो इसे क्षण भर में बन्द कर सकती है। मैं देखता हूं कि जब सांस्कृतिक कार्यक्रम होते हैं तो अर्थात् लड़कियां नाचती हैं, आप चित्रों की बात करते हैं। मैं ने तो पढ़े लिखों को कलबों में नगे नाचते देखा है। उनके लिये कोई प्रतिबन्ध

नहीं लगाया गया, अगर उन पर प्रतिबन्ध लगाया जाए तो बहुत अच्छा हो।

मैं मानता हूं कि अपशब्दों का प्रयोग किसी को नहीं करना चाहिए, इसकी किसी को भी छूट नहीं होनी चाहिए। लेकिन जो सत्ता प्रोप्र के सज्जन हैं वे अपने भाषणों में दूसरों को गालियां देते रहते हैं। उन पर भी प्रतिबन्ध लगाना चाहिए। यह न हो कि उन पर तो प्रतिबन्ध न हो और दूसरों पर हो। मैं तो मानता हूं कि अपशब्द किसी को नहीं बोलना चाहिए। वदों में लिखा है:

16.24 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

बाचते शुद्धामि, प्राणन्ते शुद्धामि,  
चक्षुस्ते शुद्धामि,  
श्रोत्यस्ते शुद्धामि, नामिस्ते शुद्धामि,  
मंधन्ते शुद्धामि, पायन्ते शुद्धामि,  
चरित्रस्ते शुद्धामि।

सबस पहले बाणी को शुद्ध करना चाहिये। बाणी के चार प्रकार के पास हैं:

मनूत्, पूरुष, सूचन, और असम्बद्ध। जो बाणी के ये पास करते हैं उनके लिए मनु-स्मृति में लिखा है:

शरीर जै मर्म दोषैः याति स्थावर तान्नरः  
बाचक जेइ मृग पक्षिताम्, मनौजै रन्ति  
जातिताम्।

जो शरीर से या बाणी से खोटे काम करते हैं उनको पशुपक्षी की योनियों में जाना पड़ता है।

मैं कहना चाहता हूं कि यदि सरकार इस विधेयक को स्वीकार करना चाहती है तो मैं इसका स्वागत करूँगा। इस प्रकार का प्रतिबन्ध होना चाहिये।

लेकिन हम आज बाजारों में क्या देखते हैं । स्त्रियां कपड़ा तो जरूर पहने हैं, कपड़े के लाए उन्होंने पैसे भी खर्च किये हैं, लेकिन वे नग्न चलने की कोशिश करती हैं । कोई न देखना चाहे उनको तो उसे आकर्षित किया जाता है कि क्यों नहीं देखता हमारी तरफ । तो केवल चित्रों पर रोक लगा कर क्या कर लेंगे । तो मैं कहता हूँ कि आप विद्येयक को लाइए लेकिन इसमें सक्रियता होनी चाहिये । उसमें समानता होनी चाहिये ।

और उपाध्यक्ष महोदया, मैं कहता चाहता हूँ कि अनपढ़ स्त्री पुरुष इस प्रकार का आचरण नहीं करते । जो कुछ हो रहा है पढ़ी लिखी दुनिया में हो रहा है । जो एक अनपढ़ स्त्री घर में रहती है वह कभी सिर से कपड़ा नहीं उतारती । लेकिन पढ़ी लिखी देवियां इस प्रकार से आपके सामने आती हैं कि आप चित्रों में भी क्या देखेंगे । आप उनको साक्षात् चल कर देख सकते हैं । शरीर को पंच तत्व का विकार माना गया है । जो केवल इसको सजाने में लगा रहता है उसको असुर माना जाता है । आज की शिक्षा के कारण स्त्री पुरुष अधिकांश जो उस शिक्षा में दीक्षित हैं असुर बन चुके हैं । नहीं तो अनपढ़ लोग तो अपने सिंह को ढके रहते हैं । पुरुष साक्षी सिर पर रखते हैं और स्त्रियां अपनी साड़ी सिर पर रखती हैं । लेकिन पढ़ी लिखी लड़कियां घुटनों से ऊपर के पकड़े पहनती हैं और पेट खुला रहे एसे वस्त्र पहनती हैं । मैं अधिक समय नहीं लेना चाहता ।

श्रीमती सकमीकान्तम्भा : मैं भी सन्यासी बनना चाहती हूँ ।

श्री रामेश्वरानन्द : पहले पढ़ी लिखो, वेद पढ़ो, शास्त्र पढ़ो । आप हिन्दी में बोलीं इसके लिए धन्यवाद देता हूँ । लेकिन आप तो अंग्रेजी में बोलती हैं । और जब तक आप अंग्रेजी बोलती हैं तब तक चक्कर में पड़ी रहेंगी । सन्यासी बनना कोई सरल काम नहीं है ।

Shri Hajarnavis: Mr. Deputy-Speaker, Sir, I am prepared to accept, on behalf of Government, a motion for circulation of the Bill to elicit public opinion. For one thing, I do not believe that it is only the function or the responsibility of the Government to come to the House for change in legislation. I believe that a great deal of initiative there has been in evidence so far should come from private Members. If private Members have not so far utilised the opportunities available to them, a considerable portion of the blame of course attaches to our attitude. But in the field of social reform in the field which impinges upon our literature, arts and upon other spheres of freedom of thought and freedom of expression, I believe, Government shall be grateful if our laws are continuously under the examination of the private Members and we receive from them suggestions which we can circulate for ascertaining what the public reaction is to the proposed amendments. I, therefore, invite hon. Members of the House to favour us, the House and the Government, with suggestions for amendments of law, especially that part of the law which, as I said, concerns itself with social reform and changing social values and again, as I said, where restrictions on freedom of thought or freedom of expression are sought to be either tightened or relaxed.

Coming to the subject of the Bill, at this stage, I do not think it is proper for me to express any opinion on the merits of the Bill. That would be pre-judging the issue. Since I am accepting the motion for circulation, I think it would not be quite correct for me to express any kind of preference as to one part of the Bill and also indicate my opposition to the other. But trying to ascertain the law, as it is now being administered, we find that the present Penal Code is being interpreted, is being based upon, what is called Hicklin test for determining whether the writing is obscene or not. That test was thus described by the great Chief Justice

[Shri Hajarnavis]

Cockburn and that test was followed for so long till a couple of years ago in England, in United Kingdom, and it is still being followed in our Code.

"A writing was said to be obscene when there is a tendency to deprave and corrupt those whose minds are open to such immoral influences and into whose hands the publication of this sort may fall."

This test has been approved by our own High Courts and was recently applied in the judgment of a High Court in a case, in a prosecution, which arose out of circulation of the famous novel by D. H. Lawrence *Lady Chatterley's Lover*. Just before our own prosecution, about the same time, the book was also a subject of prosecution in the United Kingdom. But the two laws were different. Ours was under the old law which is based upon Hicklin test, whereas the prosecution in England was under the Roy Jenkins Act. That arose out of an attempt made by a group of authors headed by Sir Allan Herbert, the famous private member, an independent member, who has added such valuable portions to the English statute book. Now, there they tried and found the test which was prescribed in Cockburn's judgment was a rigid test and required amplification. For instance, it was held in the case of a remarkable book, a book of very great literary merit, called *Well of Loneliness* where the author was defended by a very famous lawyer Mr. Norman Birkett who later on became a Lord Justice in England. The attempt of Mr. Norman Birkett was to lead the evidence to show that there may be passages which are obscene, but the book should be judged as a whole and it should be found out whether the dominant effect is that of literary merit; it may be, certain portions may appear to contravene *prima facie* certain standards of decency; it may be that obscene parts of the book may relate to investigation which may have been

undertaken in order to elucidate certain scientific principles. Now, that kind of defence, namely, that the book though apparently obscene, contravening our standards of normal decency, yet may be a book of literary merit and of scientific value, is a defence which Mr. Birkett intended to lead; but it was ruled by the magistrate that that defence was not proper and that the court was concerned only to see whether there were any obscene passages in it or not. And if it contained some obscene part, then the rest of the matter did not fall to be considered at all, and on that view, conviction followed. So, there was a great deal of discontent, and there was a considerable amount of activity on the part of the private Members, and as a result of the efforts of that journalist Member of Parliament, the famous journalist and Member of Parliament, Mr. Roy Jenkins, there has now been put on the English statute-book an amendment of the law which goes under the name of Obscene Publications Act. I am glad to find that portions of that Act are incorporated in the proposed Bill, so that when the question comes to be decided whether a particular article contravenes the penal provisions, it will be a defence open to the printer, publisher and author, that in spite of those portions which are dubbed as obscene, and which are objected to as obscene, if the effect of the whole book is taken, it is found to be a book having real literary merit, or, as I said, of scientific value. On these questions, as I said, we have an open mind, and we shall certainly like this Bill to be circulated.

Shri Ram Sewak Yadav thought as usual that I would oppose the Bill. For once, I hope he is not sorry that I have disappointed him.....

Shri Sham Lal Saraf (Jammu and Kashmir): He has agreed to the compromise.

**Shri Hajarnavis:** He apprehends that under the guise of this Bill freedom of expression is being stifled. Nothing if farther than that. One of the 'most priceless possessions which all of us possess, and which the Indian people possess is the right of freely expressing our opinion. Sometimes, we abuse this freedom, but that freedom must not be curtailed unless it is absolutely necessary. It does not matter whether I am on this side or my hon. friend Shri Ram Sewak Yadav is on this side....

**Shri Ram Sewak Yadav:** Sometimes, it may be this side also.

**Shri Hajarnavis:** Most certainly. Sometimes, when I hear his speeches which contain so many *gaalees* to us, —I feel if he is throwing *gaalees* to us—I sometimes wish that he were at the receiving end. I certainly look forward to the day when I shall exercise my right of freedom of expression in the House more freely than I do now. But there is nothing farther from our mind than what the hon. Member has suggested or hinted at. Therefore, if there is any attempt in this Bill to curtail that freedom, I, for one, would certainly resist it.

In matters of tests and in matters of propriety, I do not think that we can set any standards, we cannot regulate any conduct by making law. We must depend upon the sense of responsibility. Take our professions, for instance, the medical profession, the lawyers' profession or the advocates' profession, or the engineers' profession. Each one of these things has an association of its own, an autonomous and self-regulating association. And we try to impose certain standards and certain rules of conduct, and if anyone transgresses those rules or contravenes those rules, then we put him out of caste. If the press, which is alive to its responsibility, and which has a great heritage and great responsibilities were to constitute a kind of association for itself and evolve a code of conduct, then, I believe, that the freedom of

expression in this country is quite safe. I know that if I have to argue a case in a court, I cannot refer to a fact which is not on record, and which is not true, and the judge will come down with a heavy hand on me if I refer to something which is not on record and which I cannot substantiate. If I quoted a decision which had been overruled subsequently, and the Judge finds it out, he would certainly say that I am not acting up to the rules of conduct which my profession prescribes, I do not come up to the level expected of me, I am doing something improper.

Similarly, so far as the press is concerned, an autonomous self-regulated press alive to its own responsibility is the only method of dealing with abuses in which some people indulge. There will always be a black sheep or two. In spite of the best regulations, in spite of the most stringent provisions in the Indian Penal Code, there will always be infractions of law. There ought to be a Press Council. We shall not take away from a man that which is his most precious treasure, namely, his privacy and his reputation, unless it is absolutely necessary in the public interest. I think public life in this country will be very much purer and better by if we do this.

The Mover referred to the yellow press. It is true that Gresham's law applies to currency as well as to literature, that bad literature drives out the good. But just as in economics no one collects bad coins—he throws them away, he may use them for some time to his advantage, but he does not store them—similarly what remains even in literature is a work of everlasting quality, permanent quality, never of ephemeral value.

Therefore, I rely upon the good sense of the people; I rely entirely upon the sense of responsibility of our journalists; I rely entirely upon the rising educational level of this

[Shri Hajarnavis]

country to see that merely because you have a pen and there is a press to print, you will not take away from another what I said is his most valuable possession, the most valuable property, namely, his good name and his reputation, and you will not pry into his privacy more than is absolutely necessary to serve the public interests.

These are some of the thoughts which occurred to me on this. As I said, I will express no opinion on the merits of this.

श्री शोकार लाल बेरवा : उपाध्यक्ष महोदय, सदन में कोरम नहीं है ।

**Mr. Deputy-Speaker:** The bell is being rung—Now there is quorum. The hon. Minister may continue.

**Shri Hajarnavis:** As I said, I express no opinion. But if there is any defect pointed out in any provision of the Bill which has the effect of curtailing unduly freedom of speech or of the press, then I for one will certainly resist any such attempt made in the Bill. I, therefore move with your permission, and with the permission of the Mover, the following amendment:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December 1963."

**Mr. Deputy-Speaker:** The amendment is before the House. Does the hon. Mover accept the amendment?

**Shrimati Lakshmikanthamma:** Yes, I accept it. I would like to say a few words.

I am very glad that the hon. Minister has agreed to the circulation of the Bill for eliciting public opinion thereon by the 31st December.

I am also grateful to the hon. Members who have participated in this discussion. Except one Member, they have all spoken in favour of this Bill. I am particularly grateful to Shri D. C. Sharma who clarified the clauses of the Bill so beautifully.

Shri Yadav said: "कानून क्यों नहीं बनाते?" कानून तो पहले था। We are only introducing a clarification. He also said that this curtails liberty and is harmful to the working of democracy. But he will realise that certain curbs are necessary for the proper functioning of democracy. For instance, though the Zamindari and Jagirdari abolition measures and other land reforms introduced certain curbs, they were very necessary for the proper and healthy functioning of democracy.

Shri Sheo Narain gave strong support and came out as the champion of women's rights, while Shri Himatsingka said that either the person who is maligned or any one interested in him might be allowed to file a complaint. If the person affected is willing, it will be all right. If he is not willing, I do not know if it will be proper for somebody else to take up his case and go to a court of law.

**Shri Himatsingka:** He will go as a witness.

**Shrimati Lakshmikanthamma:** Shri Verma pointed out how delicate women feel when something wrong is written against them, and how it may lead to dangerous consequences, while Shri Onkar Lal Berwa feared that the powers might be misused. After all, if somebody writes something against Shri Berwa, he will be equally punishable. It is not as though people will write only against certain people.

I agree with Swamiji when he said that some bad things are going on, that girls are made to dance naked in certain opera houses etc. It may be proper or they may not find it wrong in western countries, but it is not in consonance with our traditions and culture, and these things should be

checked. But I do not agree with him when he says that educated women are not behaving properly.

**Shri Sham Lal Saraf:** He did not say all, he had a complaint only against some of them.

**Shrimati Lakshmikanthamma:** It is not due to education. Whether they are men or women, educated or uneducated, it is in the minds of the people. I may remind him that the greatest of Indian women, Gargi and Maitreyi, were highly educated and were the beacon lights for great Swamis also.

I express my thanks to the hon. Minister again for agreeing to the circulation of this Bill. It shows that Government has recognised the importance of bringing forth such a Bill and I once again thank him for that. I request the House to accept the motion that the Bill be sent for eliciting public opinion.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1963."

*The motion was adopted.*

—  
16.51 hrs.

**CONSTITUTION (AMENDMENT)  
BILL**

*(Amendment of articles 136, 226, etc.)*

**Shri Shree Narayan Das (Darbhanga):** Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

This Bill seeks to amend five or six articles of our Constitution. It is intended to exclude the jurisdiction of

the High Courts and Supreme Court in election disputes save as provided by or under any law made by the appropriate authority. In this regard, article 329. says:

"Notwithstanding anything in this Constitution (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

The whole scheme of this chapter of our Constitution was to make elections in India fair and free. It was for that purpose that an independent body like the Election Commission was created by the provisions contained in this Chapter. Because an elected assembly or House is a supreme body by itself the constitution and other matters relating to that body should be decided by that body itself. In many countries the provision is that if anything had to go before the court regarding elections, the court's jurisdiction could be exercised only to the extent to which powers are given by the Representation of the People Act. So, when the time came, before the first general elections, for this House to enact a law for the representation of the people in Parliament and State legislatures, the Act provided that no ordinary court could have jurisdiction with regard to election; it specifically stated in that Act that the decisions with regard to elections, of the Election Tribunal, constituted under article 329, would be conclusive and final. There shall be no appeal to any court, either high court or the Supreme Court, of the country. But after

the first general election was over, the Election Commission constituted a number of election tribunals to deal with election petitions. As soon as they were constituted, some aggrieved persons, aggrieved with the decision of the returning officers, approached the courts, and in some cases they approached the high courts also against the decision of the returning officer. These cases were in regard to the elections, rejection of nomination papers and acceptance of nomination papers. On some grounds or other,—and they were taken to the court. There were various kinds of decisions, but in course of time, practically everything went to either the high courts or the Supreme Court.

The articles which I intend to amend through this amending Bill are those which give a special power to the high courts and the Supreme Court. Article 136 gives over-riding powers to the Supreme Court. I would like to quote it, though hon. Members might be knowing it. It reads like this:

"Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgement, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India."

Under this article, a large number of cases against the decisions of the returning officers and against *ad interim* orders of the election tribunals were accepted by the Supreme Court. In similar circumstances, the provisions of article 226 give the high courts the power to issue certain writs, and under the provisions of articles 227, the high courts get the power of superintendence over all courts.

We found that the objective of the Representation of the People Act,

1951 in which we have made provisions—the Constitution had made provisions—was to see that the election matters are decided by the Election Tribunals, and the courts having nothing to do with them. But, as I have pointed out, under the provisions of the articles I have just mentioned, they were entertained by the courts. Ultimately, what happened? In some cases it took two or three years before the cases pending before the tribunals were taken to the high court, and it took a long time when a decision was made by the high courts, and it took a long time in the Supreme Court also in cases of appeal under article 136.

**Mr. Deputy-Speaker:** The hon. Member might continue on the next non-official day. We will now take up half-an-hour discussion.

—  
16.59 hrs.

INDIAN MISSIONS ABROAD\*

**Mr. Deputy-Speaker:** Shri Hem Barua. Other hon. Members will be allowed only to put a question each. No speech.

**Shri Hem Barua (Gauhati):** I do not want to discuss the political aspects of our diplomatic missions abroad, although it concerns us vitally. I would like to discuss only the financial aspects of the working of these missions abroad, for due to the lack of vigilance on the part of those who are responsible for the work it has resulted in huge losses to our public exchequer.

I would very briefly catalogue the financial irregularities and the lapses committed in some of these missions. I would try to avoid identification of the missions as far as possible. Let me point out that one of our High Commissions purchased four plots of land measuring 10,470 sq. yards at a

\*Half-an-hour Discussion.

cost of Rs. 3.03 lakhs. That was in May 1952 for the purpose of constructing the chancery building and other offices. Ground rent at the rate of Rs. 2,547 per annum was being paid to the municipal corporation on this account. Subsequently in April, 1955, it was discovered that this land purchased at Rs. 3.03 lakhs in May 1952 for which ground rent at the rate of Rs. 2,547 per annum was being paid to the municipal corporation was considered as unsuitable for the chancery building. I am not concerned about the suitability or otherwise of this particular plot of land, but what I am concerned with is the infructuous expenditure involved in the whole matter.

17 hrs.

The High Commission purchased another plot of land in August 1955 at a cost of Rs. 2.69 lakhs. Remember, Sir, it was in August 1955. In September the same year, the High Commission decided to purchase three buildings and dispose of the land originally purchased in May 1952. But what happened? Unfortunately, this could not be done. The original plot purchased at Rs. 3.03 lakhs could not be disposed of, because a clear title thereto was not obtained by the Mission. As far as I know, that position continues till now.

My question is, why was it that the land that was purchased in 1952 with the definite purpose of constructing our chancery building and offices there was not considered suitable in 1955? The Special Secretary of the Ministry had a very cogent answer to my question. This is what he says:

"Subsequently it was felt that that area was rather too distant to be suitable for chancery and office buildings."

Why is it that this light did not dawn upon the people when the original purchase was decided upon in 1952 and the land was purchased accordingly? These Buddhas of our diplo-

matic services take an inordinately long time to see light even under the shadow of Mr. Nehru's banyan tree!

Let me point out another instance. In renting premises for residential accommodation, an Indian Mission abroad incurred an extra expenditure of about Rs. 1.58 lakhs over and above the rent paid at the controlled rate according to the local rules for the premises. Besides this, the beauty of the entire episode is that Rs. 40,000 were paid to an intermediary to arrange the transactions. Just see how money is being wasted by our diplomatic missions abroad! In 1956, this mission took on rent two furnished houses for a period of ten years on a monthly rental of Rs. 1,500 and Rs. 650 respectively. But the local controlled rents for these two very houses are Rs. 150 and Rs. 65 respectively!

**Shri Joachim Alva (Kanara):** Has the hon. Member read the article published today in the *Hindustan Times* about the rackrenting landlords in Delhi?

**Shri Hem Barua:** I do not bother about that. Do not justify wastage of money by shouting. Two wrongs do not make one right. The extra payment on these houses amounted to Rs. 1.14 lakhs up to March, 1962.

Then I will point out another instance. An expenditure of Rs. 14 lakhs was incurred on purchase and maintenance of furniture during 1961-62. Defects in the maintenance of furniture accounts are mentioned in paragraph 71 of the Audit Report. In as many as 9 Missions stock registers of furniture are not maintained and, according to Audit, it could not be verified if the items of furniture had been brought to account.

Now, may I point out another? When the office of the Deputy High Commissioner at Lahore and the office of the Assistant Commissioner in Hyderabad were closed down in July,

[Shri Hem Barua]

1958, the furniture and other stores were transferred to Karachi. Then what happened? This would be very revealing if I quote from the Public Accounts Committee report of 1962-63. The report says:

"It was noticed during local audit, March, 1961, that a part of the surplus furniture was distributed for safe custody amongst the officers and staff and the rest were stored wherever space was available. The furniture was badly damaged in storage and had eventually been disposed of at a loss the extent of which has not been assessed".

It is also a fact that no proper accounts of those furniture were ever maintained. It is also a fact that no list was prepared at the time of the despatch of this furniture from these two stations, Lahore and Hyderabad, and no list was prepared at the time of the receipt of this furniture in Karachi. But in justification of this what does the Special Secretary say? He says a very fine thing. He says: "It was so because things had to be done in a hurry". You might swallow this profound statement, but I am not here to swallow such a profound statement, that because things were done in a hurry no accounts of furniture were kept.

Now, Sir, the rules require an annual physical verification of furniture and other stores. But it was never done. No physical verification was conducted in as many as 12 Indian Missions abroad, and I am sorry to say that our External Affairs Ministry has never considered it necessary that this should be done. I have the names of these 12 diplomatic missions with me. In Dacca alone because of this gross disregard of the rules and lack of periodic physical verification a total shortage of furniture valued at about Rs. 10,000 was discovered in 1957—please see Audit Report.

All furniture are to be recorded in stock registers distinguished with distinctive marks, and regarding costly items like radio sets, silverware, carpets etc., the record is to be kept in the stock register in detail. May I tell you that in as many as 13 Indian Missions abroad nothing of this sort was ever done? Possibly it was sacrilegious for them to do so. I have all the names with me.

In the maintenance of consular accounts there are grave anomalies and irregularities. The Mission at Karachi, for instance, have not kept any accounts whatsoever of the receipt books which they have received, the receipt books which they have utilized and the balance that is in their possession. Never, anything of that sort was done. Likewise, no proper account of the visa forms issued to the public has been maintained by this Mission. Now, the Special Secretary has offered a plea before the Public Accounts Committee. And what did he say? He said that it could not be done. Due to what? "Owing to the misunderstanding of the rules, no proper accounts of the visa forms sold to the public was kept." This is his argument. Is it not a ridiculous argument to say that there was no proper understanding of the rules, therefore, no account is maintained? And what about the telegram charges? That also is not maintained.

Then I come to misappropriation cases. In one particular Mission, misappropriation of consular fees committed by a single individual amounted to Rs. 11,380, and this fact was mysteriously enough discovered through an accident when investigation was conducted to find out the causes of a fire in a safe in a consular section; it is only then that this particular instance was discovered.

Now, the question is, how is this fraud possible? It is because of the utter lack of supervision on the part of those officers responsible for their

jobs. And I may tell you that as far back as November 1958, Audit pointed it out that the state of the consular accounts in this particular Mission was far from satisfactory. And yet, this state of things was allowed to be continued, and this came to light only through an accident in July 1960. Sir, I will require another five minutes at least.

**Mr. Deputy-Speaker:** Then it will cease to be a half-an-hour discussion. Three other hon. Members have expressed their intention to put questions.

**The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon):** Probably, he does not want a reply.

**Shri Hari Vishnu Kamath** (Hoshangabad): It may be 35 minutes instead of 30 minutes.

**Shri Hem Barua:** In another Mission, a sum of Rs. 1.54 lakhs was misappropriated—I have the report of the Public Accounts Committee with me here—

**Shri Raghunath Singh** (Varanasi): We believe what you say. Please do not refer to the report of the Public Accounts Committee.

**Shri Hem Barua:** A sum of Rs. 1.54 lakhs was misappropriated from July 1960 to September 1960, in the course of barely three months, this was brought to the notice of the External Affairs Ministry in December 1960 and yet it was only in February 1962 that the External Affairs Ministry reported this matter to the Accountant-General, Central Revenues. From 1960 to 1962 the External Affairs Ministry was comfortably sleeping over this scandal.

I would say that drastic action must be taken against all those people who are responsible for irregularities of accounts and financial lapses, because that alone can introduce some element of health into the administration, which it is at present badly lacking.

May I say that at the Mission at Bonn two messengers were entrusted during 1956—59 with the entire work, from obtaining stationery to the stage of getting postal receipts in connection with the despatch of bulletins prepared by this Mission? Now, what happened? In 1959 it was discovered that these two messengers have misappropriated Rs. 62,653 out of the advances given to them from time to time to buy postal stamps.

This might be brushed aside as a minor incident because incidents of this sort occur in our internal administrations also. But I would say that this particular incident pinpoints certain significant facts. One is the utter lack of supervision over years, from 1956 to 1959, making this scandalous state of things possible. Another is that these bulletins that were prepared for a purpose, and the very purpose of the preparation of the bulletins was defeated.

May I submit that our Missions abroad are not noted particularly for their mental and physical alertness in the dissemination of information? I would only cite two instances of two officers only. I shall mention two instances of officers involved in this sort of shady conduct.

An officer of the Indian Foreign Service drew advances of Rs. 8,000/- and Rs. 61 only in September 1959 and February 1960 respectively towards travelling allowance on his transfer from Ghana to Shanghai. The officer joined work at Shanghai on 25th February, 1960, but did not submit his adjusted travelling allowance bill till January, 1962. If it is not temporary misappropriation what would it be? I would say that it is temporary misappropriation.

**Shri Sham Lal Saraf** (Jammu and Kashmir): In legal language what is 'temporary misappropriation'?

**Shri Hem Barua:** Similarly, another officer drew advances of Rs. 7,383/- and Rs. 2,515/- in January 1960 and April 1960 respectively towards travelling allowance on his transfer from Addis Ababa to Bangkok. He joined work at Bangkok on 1st May 1960, but submitted the adjusted travelling allowance bill for Rs. 7,152/- only in March, 1961. The excess advance of Rs. 2,696/- was not refunded by him till March, 1962.

The non-submission of the adjusted bill for a long time is a clear violation of the rules. But who cares for rules? I have only picked up a few instances and placed them before the House, that is, instances of irregularities and all that. I am unhappy particularly to see that the hon. Prime Minister is not here because I expected the hon. Prime Minister to stand up, bang the table and tell us, that "I am thoroughly dissatisfied with the working of some of our Missions abroad particularly in financial matters". The hon. Prime Minister should know that there is something rotten in his State of Denmark and I would urge upon him not to stop at that but to work hard to cleanse our diplomatic stables of the dirt and dross that have accumulated in their portals over years.

**Shri Hari Vishnu Kamath:** Which is the machinery in the External Affairs Ministry—is it the inspectorate teams which visit the embassies and missions abroad periodically or some other machinery—which brings to the notice of the Heads of Missions abroad the various financial irregularities and other similar malpractices listed by the Public Accounts Committee of Parliament, and during the last five years, or a shorter period if she has got the figures, say for three years, how many officers or members of the staff in our Missions abroad who have been found guilty of irregularities by the Public Accounts Committee have been punished and how many, instead of being punished, have actually been promoted?

**Shri D. C. Sharma (Gurdaspur):** What is the total amount spent on

these Missions per year and is it a fact that....

**Mr. Deputy-Speaker:** Only one question.

**Shri D. C. Sharma:** I am coming to that.

**Shri Raghunath Singh:** He is copying Shri Hem Barua.

**Shri D. C. Sharma:** What is the very, very small fraction of the irregularities brought out by Shri Hem Barua in his very magnificent oration? What is the percentage of the irregularities?

**Shri Joachim Alva:** I do not think I will be able to finish it in one question but I will put it in one sentence if you like.

**Mr. Deputy-Speaker:** It should be short.

**Shri Joachim Alva:** Is it not true that work in Africa and South America has increased very much and that we had to spend a lot of money for counteracting the enormous amount of money poured for propaganda by China in Africa?

Secondly, is it not that our UN team that we have sent is smaller than that of many other countries though in accordance with our statute, commercial importance, political importance and other considerations, we should have had a larger UN team? We have sent out the smallest team compared to many other countries including Malaya, the next-door country.

**Mr. Deputy-Speaker:** We are here concerned with our Missions abroad.

**Shri Joachim Alva:** I am accounting for the expenditure for 1957-58 which had shot up from 1.8 per cent to 21 per cent in 1961-62.

Thirdly,....

**Mr. Deputy-Speaker:** Only one question.

**Shri D. C. Sharma:** Sir, if you give him a chance to put three questions, I would also put three questions.

**Shri Joachim Alva:** Thirdly, the work of the Commercial Attaché has increased very much on account of our increase in exports. We have shown a good progress during the last two or three years. Is it not that you had to increase the expenditure on the Commercial Attachés in order to increase our exports and step up the export promotion work?

Finally....

**Mr. Deputy-Speaker:** You have not put any question. You are making certain statements.

**Shri Joachim Alva:** Finally, I want to know from the hon. Minister whether these three types of engagements have not increased the expenditure enormously.

**Shrimati Lakshmi Menon:** Mr. Deputy-Speaker, Sir, two questions have been posed by the hon. Member. One is, the financial loss incurred by the Government due to the irregularities, like, embezzlement, lack of supervision in the Missions and also improper handling of furniture, etc. The hon. mover did a lot by repeating what is already found in the Public Accounts Committee's report. Nothing new has been said and, therefore, I recommend to the House to go back to the report so that we can....

**Shri Hem Barua:** I have also said something that is not to be found in the Public Accounts Committee's report.

**Shrimati Lakshmi Menon:** I will give an answer for those things. It is true that various irregularities have occurred in our various Missions and the reasons are also given by our officers when they were examined by the Public Accounts Committee. The reasons are obvious. To begin with, these Missions were started almost in a hurry immediately after we attained Independence. We did not have adequate number of trained personnel who could

run them in the way the Government of India is run at home. The way the Mission works is quite different from the way the Government at the headquarters works. There is a constant change of personnel and it is very difficult to detect even cases that the hon. Member mentioned till after a lapse of time or till an inspectorate goes there or till the audit takes control of it.

A question was asked by Mr Kamath as to whether there is a machinery for detecting these things. Yes there is one—the Comptroller and the Auditor General of India. He is ultimately responsible for detecting whatever irregularities happen in our Missions.

A question was also asked whether we have punished them or promoted them. Well, I cannot give you the exact number of people involved in it. But I can tell you in the case of the officer who was responsible for the Consul Office in Paris—the House will remember it was detected as a result of fire—he was dismissed from service.

**Shri Hari Vishnu Kamath:** What happened to him?

**Shrimati Lakshmi Menon:** He is no longer in service. He has been sent away. He was on probation. He was a probationer, a young man who did not know exactly what he was expected to do. He accumulated money in the Consul Office itself without remitting it to the Bank and when he was to be transferred to India and he needed some money, he thought he would open the safe and take the money and set fire to the rest of the documents. Further to what I have said about the normal established machinery for detecting irregularities, there is the Central audit, the A.G.C.R. Apart from this, we had the system of Foreign Service Inspectorate till 1959 when it was kept in abeyance, and we are now reviving the inspectorate again.

With regard to the other things about properties etc., it is true that in a

[Shrimati Lakshmi Menon]

number of cases, infructuous expenditure was involved, as a result of lack of knowledge of local laws or the disability of the Government concerned in giving us the proper paper. For instance, in Karachi the *sanad* was not given, and the regular papers were not handed over to the officer concerned, and the officer concerned was perhaps not aware of the rules etc., and the result was that we were . . .

**Shri Hem Barua:** What a sad commentary! The officers do not even know the rules, even when huge sums are involved.

**Shrimati Lakshmi Menon:** Then, a question was asked about the increase in expenditure. As was pointed out the other day, the total increase in expenditure has nothing to do whatever with the irregularities. The irregularities were losses which took place....

**Shri Hem Barua:** Has any action been taken against the officers concerned?

**Shrimati Lakshmi Menon:** The question that was asked the other day as well as today is whether the increase in expenditure is really due to the irregularities or due to other reasons. As was pointed out by Shri Joachim Alva, a number of missions have been....

**Shri Hem Barua:** That was not the subject of debate which I wanted to raise.

**Shri Joachim Alva:** The question is one of increase in expenditure.

**Shri Hem Barua:** No, that was not the subject of discussion which I wanted to raise.

**Shri Hari Vishnu Kamath:** Shri Alva has come to her rescue.

**Shri Hem Barua:** She has gone off the mark.

**Shrimati Lakshmi Menon:** As was pointed out the other day, increase in

expenditure has been due to various other reasons, and not as a result of these irregularities. It is true that these irregularities did take place and Government have incurred a lot of loss. Nobody is denying that. The whole thing is described in great detail in the reports of the Public Accounts Committee. Our officers have been examined and they have given the necessary answer. There is no point in repeating it.

But, I would like to say that to say that the Ministry or the Government do not take adequate care is wrong. We are taking adequate care. We learn by mistakes. It is true that these mistakes have occurred as a result of our inexperience, as a result of the special set-up of these missions, where, as I pointed out, there is no continuity and people go on changing, and naturally these things have happened, but we are taking the necessary steps to see that the culprits are punished, that these things do not occur again, and that instructions are issued to our Heads of Missions and to the various officers concerned that proper vigilance is kept so that these things do not occur again at all.

You will notice also that the work of our Missions has increased considerably. They do not only the political or diplomatic work, but they have also got to do educational work; they have also got to do information work; they have also got to do commercial work, and they have also got to do various other things, such as military work, defence work, purchasing work and many other things....

**Shri Hem Barua:** Does increase of work amount to increase of irregularities also?

**Shrimati Lakshmi Menon:** As has been pointed out, we did not have enough staff to cope with the expanded work, and naturally these things occurred. But, as I said, every care is taken according to the suggestions

made by the Public Accounts Committee to see that these things do not occur.

**Shri Hari Vishnu Kamath:** More work means more lapses?

**Shrimati Lakshmi Menon:** Then, the hon. Member said a lot about furniture. After all, when the missions were closed, the furniture had to be kept somewhere. Everyone of us who has to handle things like furniture knows that if a piece of furniture is kept unused for some time, it decays and its value goes down. So, what happened in Karachi was nothing new. Two missions were closed down, and the furniture had to be shifted somewhere. Some were distributed among the officers, and some were kept in storage, and those that were kept in storage had gone down in price and they were sold.

**Shri Hem Barua:** But no account of the furniture was maintained.

**Shri Raghunath Singh:** Were the stock-books kept or not?

**Shri Hem Barua:** There was nothing of that sort.

**Shrimati Lakshmi Menon:** Of the 90 missions that we have, the number of defaulting missions is about 12 or 13, and strict instructions have been issued by Government, and quarterly checks or half-yearly checks are being done now according to the instructions given by the Public Accounts Committee; periodic checking of our stock-books is being done. It is true that it was not done in the earlier years, but it is being done now. I want to assure the House that whatever recommendations have been made have been very strictly followed. Of course, there may be lapses, as I said earlier, not deliberately, but as a result of individual mis-handling or individual irregularities, but even these are being looked into.

Then, to say that people are promoted because they committed some offence is....

**Shri Hari Vishnu Kamath:** In spite of, and not because.

**Shrimati Lakshmi Menon:** It means the same thing.

**Shri Hem Barua:** She is very honest in her statement.

**Shrimati Lakshmi Menon:** They are not promoted. If an officer is found guilty of anything, the whole matter is referred to the UPSC and there is a long procedure. Every care is taken to see that justice is meted out. Therefore, the hon. Member has really no cause for complaint. Perhaps he wanted to focuss attention on the working of the missions.

**Shri Hari Vishnu Kamath:** I will table a separate question on that.

**Shri Hem Barua:** You have admitted it.

**Shrimati Lakshmi Menon:** Of course, I admit it.

**Shri Hem Barua:** That is a great thing.

**Shrimati Lakshmi Menon:** It is admitted in great detail in the Public Accounts Committee. There is nothing secret about it. I admit everything that he had said, I also want him to know that the Ministry takes every care to see that the recommendations of the Public Accounts Committee are implemented.

17.32 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, September 16, 1963|Bhadra 25, 1885 (Saka).*

[Friday, September 13, 1963/Bhadra 22, 1885 (Saka)]

ORAL ANSWERS TO QUESTIONS		COLUMNS 5927-71	WRITTEN ANSWERS TO QUESTIONS—contd.		COLUMNS
S.Q.	Subject No.		U.S.Q.	Subject No.	
652	Building for State Trading Corporation . . .	5927-29	1864	Small Scale Units in Orissa . . .	5973-75
653	Contract with individual firms . . .	5929-31	1865	Paper factories in Orissa . . .	5975
654	Heavy Pumps and Compressors Factory . . .	5932	1866	Fertilizer Factory at Rourkela . . .	5975-77
655	Aluminium plant in Mysore State . . .	5933-34	1867	Stainless Steel for Rajasthan . . .	5977
657	Trade with Burma, Ceylon and Indonesia . . .	5934-37	1868	Industrial estates in Rajasthan . . .	5977
658	Fertilizer factories . . .	5937-42	1869	Cement factory at Yeraguntha . . .	5977-78
659	Steel production . . .	5942-44	1870	Small Scale Industries in Madras . . .	5978-79
660	Indo-Soviet trade agreement . . .	5944-47	1871	Export of cotton textiles to U.S.A. . .	5979
661	Joint Stock Companies . . .	5947-49	1872	Export of textiles to Burma . . .	5980
662	Heavy Machine Building Plant . . .	5949-51	1873	Indo-German trade . . .	5980-81
663	Graduate Course in tea . . .	5951-52	1874	'Asha' liquor . . .	5981-82
664	Import of pig iron from Russia . . .	5952-54	1875	Improved agricultural implements . . .	5982
665	Public Sector Undertakings . . .	5955-58	1876	Rejected goods in steel plants . . .	5982-83
666	Jute mill in Orissa . . .	5958-61	1877	Trade agreement with Czechoslovakia . . .	5983
668	Oil milling industry in Kerala . . .	5961-62	1878	Black-marketing in raw materials . . .	5983-84
669	International Coffee Council's Plenary Session in London . . .	5962-64	1879	Import of phosphates from U.A.R. . .	5984-85
670	Aluminium plant in Jammu and Kashmir . . .	5964-65	1880	Coffee Board Depot workers . . .	5985
671	Parliamentary Committee on Public Undertakings . . .	5965-68	1881	Foreign exchange for Birla Planetarium . . .	5985-86
672	Hindustan Organic Chemicals Plant . . .	5968-70	1882	Small Industries Extension Centre . . .	5986
673	Raw Material for steel plants . . .	5970-71	1883	Manufacture of agricultural implements . . .	5987
675	Tariff Commission's Report on Cloth and yarn . . .	5971	1884	Industrial Units in Assam . . .	5987-88
WRITTEN ANSWERS TO QUESTIONS		5971-95	1885	Whisky . . .	5988
S.Q.	No.		1886	Departments of Supply and Technical Development . . .	5988-89
656	Advance deposit for scooters . . .	5971-72	1887	Production of alcohol . . .	5989
667	Pepper export . . .	5972	1888	Law Commission's recommendations . . .	5989-90
674	Export of tea to E.C.M. countries . . .	5972-73	1889	Handloom industry . . .	5990
			1890	Cottage industry . . .	5991
			1891	Guest Houses built by public undertakings . . .	5991

WRITTEN ANSWERS TO  
QUESTIONS—contd.

U.S.Q.	Subject	COLUMNS
1892	Output of iron and steel in private sector . . .	5991-92
1893	Production of pig iron . . .	5992
1894	Rehabilitation Industries Corporation . . .	5992
1895	Allotment of raw material . . . . .	5992-93
1896	Wool and Khadi production in Rajasthan . . . . .	5993
1898	Import of machine tools. . . . .	5994
1899	Oxygen and Acetylene Factory in Kerala . . . .	5994-95
1900	Amlai Paper Mills. . . . .	5995
CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE		5995-6012

(i) Shri Mahavir Tyagi called the attention of the Minister of Home Affairs to the judicial pronouncements made by the Supreme Court in its judgment dated the 4th September, 1963, regarding filing of an affidavit by a Delhi Magistrate on behalf of the Delhi Administration relating to the transfer of a criminal case pending in his court.

The Minister of Home Affairs (Shri Nanda) made a statement in regard thereto . . . . .

(ii) Shri Hem Barua called the attention of the Prime Minister to the reported fact of Chinese Embassy officials taking photographs of Communist flags on Government property in Delhi on the 12th September, 1963

The Prime Minister (Shri Jawaharlal Nehru) made a statement in regard thereto . . . . .

PAPERS LAID ON THE TABLE

6012

- (1) A copy each of the following papers:—
- Chinese note dated the 29th August, 1963
  - Government of India's reply dated the 4th September, 1963.

PAPERS LAID ON THE TABLE—contd.

COLUMNS

(2) A copy of the Rubber Board Service (Recruitment) Second Amendment Rules, 1963 published in Notification No. S.O. 2465 dated the 31st August, 1963, under sub-section (3) of section 25 of the Rubber Act, 1947 . . . . .

(3) A copy of the Certified Accounts of the Khadi and Village Industries Commission for the year 1961-62 together with the Audit Report thereon, under sub-section (4) of section 23 of the Khadi and Village Industries Commission Act, 1956 . . . . .

MESSAGE FROM RAJYA SABHA

6013

Secretary reported a message from Rajya Sabha that at its sitting held on the 10th September, 1963, Rajya Sabha agreed to the amendments made by Lok Sabha on the 29th August, 1963, in the Indian Sale of Goods (Amendment) Bill, 1963.

REPORT OF PUBLIC ACCOUNTS COMMITTEE PRESENTED

6013

Thirteenth Report was presented . . . . .

PETITION PRESENTED

6013-14

Shri A. K. Gopalan presented a petition from Shri Hari Om and others regarding rise in prices, taxes, and other matters . . . . .

MOTION RE: JOINT COMMITTEE ON BILL, UNDER CONSIDERATION

6030-71

Discussion on the motion for concurrence in the recommendation of Rajya Sabha to refer the Drugs and Cosmetics (Amendment) Bill moved on 12-9-63, continued. The discussion was not concluded . . . . .

## COLUMNS

## COLUMNS

PRIVATE MEMBER'S BILL  
INTRODUCED . . . . . 6070-71

Constitution (Amendment) Bill (*Amendment of article 171*) by Shri Era Sezhiyan.

PRIVATE MEMBER'S BILL-  
WITHDRAWN . . . . . 6071-92

Discussion on the motion to consider the Companies (Amendment) Bill, (*Amendment of sections 15, 30 etc.*) moved by Shri P. L. Barupal on 30-9-63, continued. Shri Barupal also replied to the debate. The Bill was, by leave, withdrawn . . . . .

PRIVATE MEMBER'S BILL ,  
AMENDMENT FOR CIR-  
CULATION ADOPTED 6091-6131

Shrimati Lakshmikanthamma moved that the Criminal Law Amendment Bill be taken into consideration. The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis) moved an amendment for circulation of the Bill for eliciting public opinion thereon. Shrimati Lakshmikanthamma replied to the debate. The amendment moved by Shri Hajarnavis was adopted . . . . .

PRIVATE MEMBER'S BILL  
UNDER CONSIDERATION

6131-34

Shri Shree Narayan Das moved for consideration of the Constitution (Amendment) Bill (*Amendment of articles 136, 226, etc.*). The discussion was not concluded . . . . .

HALF-AN-HOUR DISCUS-  
SION . . . . .

6134-48

Shri Hem Barua raised a half-an-hour discussion on points arising out of the answer given on the 2nd September, 1963 to Starred Question No. 421 regarding Indian Missions abroad . . . . .

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon) replied to the discussion . . . . .

AGENDA FOR MONDAY,  
SEPTEMBER 16, 1963/  
BHADRA 25, 1885 (SAKA)

Discussion on the motion re:  
Present International situa-  
tion . . . . .