

**Third Series Vol. XLV - No. 17**

**Wednesday, September 8, 1965  
Bhadra 17, 1887 (Saka)**

# **LOK SABHA DEBATES**

**(Twelfth Session)**



***(Vol. XLV contains Nos. 11 - 20)***

**LOK SABHA SECRETARIAT  
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LOK SABHA

Wednesday, September 8, 1965/Bhadra  
17, 1887 (Saka).

The Lok Sabha met at Eleven of the  
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS  
Exploration of Oil in Off-shore  
Areas of Iran

- +  
\*479. { Shri D. C. Sharma:  
Shri Heda:  
Shri Ram Harkh Yadav:  
Shri Yashpal Singh:

Will the Minister of Petroleum and  
Chemicals be pleased to state:

(a) the progress made by the  
Hydro Carbons India Limited, a  
subsidiary of the Oil and Natural  
Gas Commission in their work of  
exploration and digging for oil in  
the off-shore areas of Iran; and

(b) whether they have met with  
any success?

The Minister of Petroleum and  
Chemicals (Shri Humayun Kabir):

(a) and (b). Off-shore drilling opera-  
tions have been taken on hand and  
drilling of the first off-shore well is  
in progress.

Shri D. C. Sharma: May I know  
how long these exploratory drillings  
are going to last and what is going  
to be the expenditure on this?

Shri Humayun Kabir: On this par-  
ticular well, the expenditure will  
be somewhere of the order of Rs. 70  
lakhs. How long it will go on it is  
difficult to say. But we hope to find  
results fairly soon. The total cost will

depend on how many exploratory  
wells we have to drill.

Shri D. C. Sharma: When this work  
has been completed, what will be our  
share so far as the Oil and Natural  
Gas Commission is concerned in terms  
of money?

Shri Humayun Kabir: It is diffi-  
cult to say in terms of money. I can  
describe the share in terms of crude  
oil. The structure of this international  
company is, 50 per cent is held by  
National Iranian Oil Company which  
is the State company of Iran, and the  
other 50 per cent is held equally by  
Philips Petroleum Company of U.S.A.,  
Agip Mineraria of Italy and the Oil  
and Natural Gas Commission.

श्री यशपाल सिंह : जो घापने देहरादून  
में एक्सप्लोरेशन किया उसमें पता लगा कि  
घापके एक्सपेंडिचर एकीजेंट नहीं है । दो क्या  
में जान सकता हूँ कि चार करोड़ रुपया  
बरबाद करने के बाद जो नतीजा बहा निकला  
है उसको देखते हुए इस वेस्टेज को रोकने  
के लिये घाप क्या कर रहे हैं, और किस के  
कोन्सोलिडेशन में घाप बहा काम कर रहे हैं ?

Shri Humayun Kabir: The first as-  
sumption of my hon. friend that our  
experts are not experts, I deny. Our  
experts have in fact done very well  
and the degree of success in oil ex-  
ploration is almost unprecedented. As  
for the expenditure of Rs. 4 crores,  
many more Rs. 4 crores will have to  
be spent if we want to find oil. All  
over the world very large amounts  
have to be invested and one cannot be  
sure actually there has till been drill-  
ing and oil has been found. If the  
hon. member's advice were to be fol-  
lowed, we would just not explore at  
all.

**Mr. Speaker:** Huge sums have been spent in Australia and no oil has been found at all!

**Shri Kapur Singh:** Have Government taken due note of the emergent geo-political trend favouring high political understanding between countries from Lahore to Constantinople? If so, have the Government re-examined our economic adventure on the off-shore of Iran in this context?

**Shri Humayun Kabir:** My hon. friend is a great expert in geo-political philosophy. But even from that point of view, this venture has to be welcomed by India.

**Shri Kapur Singh:** I wanted information, and not a compliment.

**Mr. Speaker:** He has said, from this point of view also it is a welcome venture.

**Dr. Ranen Sen:** Sometime ago it was reported that oil has been found in the off-shore areas of the Bay of Bengal.

**Mr. Speaker:** This is about Iran; Bay of Bengal is not here.

**Dr. Ranen Sen:** Please let me finish the question and you will know, Sir. May I know why instead of trying to explore that area, our government takes interest in exploring the off-shore areas of Iran?

**Mr. Speaker:** Bay of Bengal is not in this question. Shri Yadav.

श्री राम हरक दास : वहाँ पर ज़िलिंग में घोर तेल निकालने में जो ताखीर हुई क्या उसकी वजह यह थी कि शुरू में ईरानियन गवर्नमेंट ने इस काम में रुकावट डाली थी ?

**Shri Humayun Kabir:** No, Sir; whether we find oil or not does not depend on the action of any government.

**Shri Sham Lal Saraf:** How exhilarating it is to know that our experts are second to none in their scientific knowledge of drilling! May I know

to what extent our experts share with other experts in the technological and other processes of oil exploration and drilling in Iran?

**Shri Humayun Kabir:** When I referred to our experts, I also included the international experts who are associated with the Oil and Natural Gas Commission. That team has done wonderfully well. Similarly the team working in Iran is also international and it is of the highest competence.

#### Summer Institutes

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\*480. { Shri Yashpal Singh:  
Shri R. S. Pandey:  
Shri D. C. Sharma:  
Shri Vishwa Nath Pandey:  
Shri Ram Harkh Yadav:  
Shri Raghunath Singh:  
Shri Solanki:  
Shri P. K. Deo:  
Shri Narasimha Reddy:

Will the Minister of Education be pleased to state:

(a) whether the Summer Institutes organized by the University Grants Commission, the National Council of Educational Research and the United States Agency for International Development during the current summer season have proved to be a success;

(b) if so, the broad features thereof; and

(c) the steps under consideration to organise such institutes every year?

**The Minister of Cultural Affairs in the Ministry of Education (Shri Hajarnavis):** (a) Yes, Sir.

(b) The Summer Institute Programme is organised to assist teachers in schools and colleges in India to help them to keep themselves abreast of modern developments in their subjects.

The teacher-participants are introduced to the latest curricular text and laboratory materials produced in

the United States of America by prominent study groups, under the aegis of the National Science Foundation.

(c) The number of institutes is proposed to be progressively increased with increasing enrolment in each, from year to year, so that every teacher gets an opportunity to attend a summer institute once in 7-8 years.

**श्री यशपाल सिंह :** क्या मैं यह जान सकता हूँ कि वहाँ कितने ट्रेनीज को प्रशिक्षण दिया गया और कितनों को उन में से डिप्लोमा दिया गया है ?

**श्री हजरतबीस :** सालाघों से 1850 शिष्य प्राप्त हुए थे और विद्यालयों से 1150 प्राप्त हुए ।

**अध्यक्ष महोदय :** उनको डिप्लोमा दिया गया ?

**श्री हजरतबीस :** डिप्लोमा दिया गया था नहीं इस की तफसील हमारे पास नहीं है, लेकिन उन्होंने, पूरा कार्यक्रम पूरा किया, जो कि बालीस दिन का था ।

**श्री यशपाल सिंह :** उनके लिए जो टीचर बुलाए गए वे यूनीवर्सिटीज या बालीज के थे । या एकस्ट्रा टीचर बुलाए गए थे, और उनके टी ए डी ए और वेतन में कितना खर्च करना पड़ा ?

**श्री हजरतबीस :** खर्च की तफसील तो इस वक्त मेरे पास नहीं है । इस काम को यूनीवर्सिटी ग्रांट्स कमिशन ने किया था ।

**श्री विश्वनाथ पांडेय :** मैं यह जानना चाहता हूँ कि इन ग्रीष्मकालीन संस्थाओं के व्यय में अमेरिकन एजेंसी ने कितना धन व्यय किया है और भारत सरकार ने कितना धन व्यय किया है ?

**श्री हजरतबीस :** जो कुछ खर्च हुआ है वह यूनीवर्सिटी ग्रांट्स कमिशन की तरफ

से हुआ है । यह मैं इस वक्त नहीं बतना सकता कि अमेरिकन ने कितना दिया और ए आई डी ने कितना दिया । यह जानकारी, यदि माननीय सदस्य लिखेंगे तो दी जा सकती है ।

**Shri D. C. Sharma:** The development of the science of pedagogy is not confined only to U.S.A., there are other countries also in the world which are making lot of progress in that science—for instance, the Soviet Union and other countries. May I know what makes the Government hitch its wagon to the pedagogical star of U.S.A., is it because of the money that comes or is it because of some other reasons?

**Shri Hajarnavis:** Sir, as a matter of policy we shall indeed be happy and grateful for assistance from any quarter. The moment it comes we shall welcome it. But I might also inform the hon. House that the British Council itself conducted four institutes for teaching of English this year. Not only that, our own organisation of Principals of Technical Institutions conducted 16 institutes, eight for engineering colleges and eight for polytechnics.

**श्री राम हरण दास :** मैं यह जानना चाहता हूँ कि जो ये इंस्टीट्यूट खुले हैं इन में मिर्क साइंस और मैथेमेटिक्स की तालीम दी जाती है या और मजामीन के मुतालिक भी तालीम और ट्रेनिंग दी जाती है ?

**श्री हजरतबीस :** जिनके बारे में सवाल पूछा गया है वह तो मिर्क शास्त्रीय विषय थे । और जैसा कि मैं ने कहा ब्रिटिश काउंसिल की तरफ से जो वर्ग खुले थे वे अंग्रेजी के पढ़ाने के लिये थे ।

**श्री डा० ना० तिवारी :** वहाँ से जो प्रशिक्षित लोग निकले हैं क्या उन्हें इमेटिव के रूप में कुछ इनकीमेंट प्राप्ति दिया गया है या नहीं ?

**Shri Hajarnavis:** No, Sir, it is not a part of the programme. But, certainly, if they improve their competence they will be eligible for it automatically they do not qualify for it.

**Shri Warior:** May I know whether some of our senior scientists are also consulted in this matter in fixing up the curricula or nature of studies and whether the subjects are related to our developmental necessities or only abstract science?

**Shri Hajarnavis:** These institutes are conducted by a Director who is appointed by the Vice Chancellor of the University where the course is conducted. The Director is a college teacher of a university from this country. Naturally, he consults every kind of authority and he must be ensuring that the course conducted is useful to our teachers.

**Dr. Sarojini Mahishi:** May I know whether the results of research carried out in the State educational institutes and other laboratories are being implemented in the summer institutes and whether any effort is made to bring about co-ordination among these different institutes and laboratories?

**Shri Hajarnavis:** There were two courses for teachers' training, one in Mysore and the other in Ajmer. At Ajmer, teachers from U.P. and Delhi went and to Mysore teachers from all over the country went. I am quite sure that research results must have been made available to them.

**राज्य विश्वविद्यालयों में अनियमितताएं**

+

\* 481. **श्री प्रकाशवीर शास्त्री :**  
**श्री जगदेव सिंह सिद्धाप्ती :**

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि विश्वविद्यालय अनुदान आयोग को कुछ राज्यों के विश्व-

विद्यालयों में घोर अनियमितताओं का पता चला है; और

(ख) यदि हां, तो विश्वविद्यालयों में घष्टाचार और कदाचार दूर करने के लिये क्या कार्यवाही की गयी है ?

शिक्षा मंत्रालय में सांस्कृतिक कार्य बंजो (ओ हजरनबीस) (क) और (ख). विश्वविद्यालय अनुदान आयोग को, विश्व-विद्यालयों और कालेजों के खिलाफ, बहुत से मामलों के बारे में शिकायतें मिलती रहती हैं। आयोग ने विश्वविद्यालयों में घष्टाचार और कदाचार को दूर करने के लिये आवश्यक विभिन्न उपायों पर विचार करने के लिये एक समिति बनाई है।

**श्री प्रकाशवीर शास्त्री :** केन्द्रीय सरकार राज्य सरकारों के अधीन चलने वाले विश्व-विद्यालयों को करोड़ों रुपये अनुदान के रूप में विश्वविद्यालय अनुदान आयोग के माध्यम से देती है तो इन विश्वविद्यालयों में जो राजनीति प्रवेश कर गयी है जैसा कि शिक्षा मंत्री ने उपकुलपतियों की नियुक्ति आदि के सम्बन्ध में भी कुछ संकेत दिया था तो मैं जानना चाहता हूँ कि क्या सरकार इन विश्वविद्यालयों पर भी केन्द्रीय सरकार का प्रत्यक्ष या अप्रत्यक्ष नियंत्रण रह सके इस दिशा में भी कुछ निर्णय लेने जा रही है ?

**श्री हजरनबीस :** इस के बारे में जो विधि है उस में विश्वविद्यालय अनुदान आयोग को यह अधिकार नहीं है कि प्रत्यक्ष कोई आज्ञा करें और उस आज्ञा का पालन कराने के लिये किसी तरीके से मजबूर करें। विश्वविद्यालय अनुदान आयोग जब उनको अनुदान देता है तो उनको यह कह कर देता है कि अगर फलानी शर्तें आप धमल में ले लाये तो आपको अनुदान दिया जायगा और अगर उनको वे धमल में नहीं लाये तो अनुदान उनको नहीं दिया जायगा। इस के अलावा अनुदान आयोग को और कोई दूसरा अधिकार नहीं है। फिर भी अभी तक किसी

विश्वविद्यालय को अनुदान नामंजूर नहीं किया गया है वैसे जहाँ तक मेरी जानकारी है जो भी सूचना यहाँ से जाती है विश्वविद्यालय उसका पानन जरूर करने है।

श्री प्रकाशचौर शास्त्री : क्या यह सत्य है कि बिहार राज्य में कुछ इस प्रकार के विश्वविद्यालय हैं कि जिनकी अनियमितताओं के सम्बन्ध में कुलपति महोदय प्रार्थित राज्यपाल महोदय को हस्तक्षेप करना पड़ा भयंकर अनियमितताओं को देख कर, यदि हाँ, तो विश्वविद्यालयों में भ्रामे इस प्रकार की अनियमिततायें न हों उन को रोकने के लिये विश्वविद्यालय अनुदान आयोग या शिक्षा मंत्रालय क्या कोई कदम उठायेगा ?

श्री हजरतबीस माननीय सदस्य के ख़ास को जवाब देते हुए मैं ने कहा था कि इस के लिए एक समिति बनाई गई है जिसके कि डा० पावटे कर्नाटक यूनिवर्सिटी के उसके सदस्य है, एक शिवराव है जो कि मैम्बर यूनिवर्सिटी ग्रान्ट्स कमिशन है, जूरी है, सचानम साहब हैं प्राग् रतनम है। यह कमेटी विश्वविद्यालयों में भ्रष्टाचार और घनाचार को दूर करने के लिए आवश्यक विभिन्न उपायों पर विचार करेगा और उसकी रिपोर्ट आने के बाद गवर्नमेंट उस पर और करके जरूर कदम उठायेगा।

श्री जगदेव सिंह सिद्धान्ती : क्या पंजाब विश्वविद्यालय के प्रबोध जो महाविद्यालय बन्द रहे हैं प्रथवा विश्वविद्यालय अनुदान आयोग के द्वारा जिस प्रयोजन के लिये सहायता दी गई, मान लीजिये कि बिल्डिंग के लिये मनायता दी गई तो उन्होंने उस में न लगा कर दूसरे काम में पैसा खर्च किया है, क्या ऐसी शिकायत भी आप को मिली है ?

श्री हजरतबीस अगर उस की सूचना आई होगी तो वह विश्वविद्यालय अनुदान आयोग के पास आई होगी, मेरे पास तो इसकी सूचना आई नहीं है लेकिन अगर

कोई इस तरह की शिकायत होगी और उसकी सूचना दी जायेगी तो उस पर अवश्य जरूरी जांच पड़ताल की जायेगी और उसके उपरान्त उचित व आवश्यक कार्यवाही की जायेगी।

Shrimati Ramdulari Sinha: May I know whether the chancellors of such universities are proving effective to prevent universities from committing such mistakes?

Shri Hajarnavis: I have no reason to suppose that the chancellors are not exercising the powers vested in them by law.

श्री काशी राम गुप्त : जो कमेटी बनाई गई है उस कमेटी की रिपोर्ट कब तक आ जाने की सम्भावना है और क्या सरकार यह भी विचार कर रही है कि उस आयोग के अधिकार बढ़ाये जायें ताकि इस प्रकार की गड़बड़ियां न चले ?

श्री हजरतबीस : उन्होंने प्रस्तावनी बनाई है और उसे भेजा है और उस का उत्तर आ जाने के बाद इस समिति द्वारा सब चीजों पर विचार करके अपनी रिपोर्ट दी जायेगी और तब अगर जरूरत पड़ी.....

श्री काशी राम गुप्त : उस की रिपोर्ट कब तक आ सकेगी ?

श्री हजरतबीस : उसके बारे में कोई प्रबधि मुकर्रर नहीं हुई है।

श्री सिंहासन सिंह : उत्तर प्रदेश सरकार ने इन विश्वविद्यालयों के बारे में और उन की जांच पड़ताल के सम्बन्ध में एक कमिशन बैठाया था जिस कमिशन ने लखनऊ, गोरखपुर और इलाहाबाद यह जितने विश्वविद्यालय हैं उनकी जांच पड़ताल की और उसके परचाह अपनी रिपोर्ट दी तो गवर्नमेंट ने उस जांच कमिशन की रिपोर्ट पर जो कि विश्वविद्यालयों की अनियमितताओं के बारे में थी क्या कार्यवाही की है ?

**अध्यक्ष महोदय** अब एक, एक यूनि-  
वर्सिटी का कैसे दे सकते हैं ?

**श्री सिंहासन सिंह :** उत्तर प्रदेश की  
यूनिवर्सिटी के बारे में मैं जानना चाहता  
हूँ ।

**Shri Hajarnavis:** The report was  
presumably submitted to the U.P.  
Government. It was a committee of  
the U.P. Government and possibly the  
government concerned is the U.P.  
Government.

**Shri Ranga:** Is it not a fact that  
excepting for the national universi-  
ties, all other universities have come  
into existence as a result of State  
legislation and the Chancellors happen  
to be the Governors and they have  
their own machinery in order to keep  
down the irregularities and, therefore,  
there is no need for the Union Gov-  
ernment to think of interfering in  
their affairs?

**Shri Hajarnavis:** Certainly, that  
is the strict legal position.

**Shri Ranga:** Then where do you  
come in?

**Shri Hajarnavis:** The UGC under  
the Act is empowered to maintain  
certain standards.

**Shri Ranga:** You may refuse to  
give money, that is a different thing,  
but you cannot interfere in their  
affairs.

**श्री म० ला० द्विवेदी :** जिस समिति  
का निर्माण सरकार ने किया है मैं जानना  
चाहता हूँ कि उसका कार्यक्षेत्र यानी टर्म्स  
घोष; रेफरेंस क्या हैं और उस के द्वारा अपनी  
रिपोर्ट देने की कोई अवधि क्यों नहीं नियत  
की गयी ताकि उसका वह प्रतिवेदन समय  
पर आ सके ?

**Shri Hajarnavis:** I do not have the  
precise terms of reference with me.  
Generally, they will go into the ques-  
tion of irregularities about which com-  
plaints are made, namely, unsatisfac-

tory appointments, interference with  
the examinations, party politics, ser-  
vice condition etc.

**Shri Ranga:** They should all go to  
their legislatures instead of coming  
here.

**Shri Hajarnavis:** These are some  
of the matters which the committee is  
looking into. I am quite sure that  
they would not regard themselves as  
unduly restricted and that they will  
make useful suggestions.

**श्री भागवत झा आजाद :** जिन राज्यों  
में यूनिवर्सिटी के घोर अनियमितताओं  
के खिलाफ वहाँ के चांसलर ने बहुत शक्ति-  
शाली कमेटीयाँ बनाईं और जिनकी कि  
रिपोर्ट प्रकाशित हुई और उन रिपोर्टों के  
आधार पर यूनिवर्सिटी ग्रांट्स कमिशन  
जिसको कि अधिकार ऐक्ट में दिया हुआ  
है कि वह ऐसी यूनिवर्सिटी के ग्रांट्स  
को बन्द कर सकता है, उन पर आज तक  
कोई कार्यवाही नहीं हुई और क्या गवर्नमेंट  
आज फिर एक नई कमेटी बनाने की बात  
कर के अपनी लाचारी को छिपाना चाहती  
है या दरमसल कुछ काम करना भी चाहती  
है ?

**श्री हजरतबीस :** गवर्नमेंट जरूर काम  
करना चाहती है लेकिन यूनिवर्सिटी ग्रांट्स  
कमिशन द्वारा किसी यूनिवर्सिटी की ग्रांट  
बन्द करने के पहले जो एक उसका प्रोसीज्योर  
दिया गया है और जो कि ऐक्ट में...

**श्री भागवत झा आजाद :** इन तमाम  
बातों को मैं ने देखा है । मेरा प्रश्न तो यह  
है...

**अध्यक्ष महोदय :** माननीय सदस्य जवाब  
तो पूरा सुन लें ।

**श्री हजरतबीस :** जिस यूनिवर्सिटी के  
बारे में माननीय सदस्य बोले रहे हैं उस के  
बारे में जानकारी मेरे पास नहीं है लेकिन  
अगर माननीय सदस्य के ध्यान में कोई इस  
तरह की यूनिवर्सिटी है तो वे उस सम्बन्ध

में लिख कर भेज दें और मैं उस और यूनिवर्सिटी ग्रांट्स कमिशन का ध्यान आकर्षित करूंगा।

**Dr. Chandrabhan Singh:** The Minister has stated just now that UGC is concerned with the question of maintaining standards. I would like to know whether that reply is correct. I want the Minister to tell us correctly what is the function of UGC?

**Shri Hajarnavis:** If the hon. Member reads section 12 of the University Grants Commission Act and still finds I am incorrect, I will apologize.

**श्री हुसम चन्द बख्शाय :** ऐसे विश्व-विद्यालय जिनके कि विषय अनियमितताओं की शिकायतें रही हैं और जिसके कि सम्बन्ध में विशेष कर बिहार के राज्यपाल श्री धनन्त-लक्ष्मणन धार्यंगर ने की थी तो मैं जानना चाहता हूँ कि वह नियुक्ति के सम्बन्ध में पी. परीक्षा के सम्बन्ध में थी या प्राथमिक सम्बन्ध में थी ? वह शिकायतें कौन कौन थीं ?

**श्री हजरतबांस :** मैं ने कहा कि शिकायतें तो प्राचीन होती हैं और उन शिकायतों की जाँच भी की जाती है लेकिन धामतीर से जो शिकायतें प्राचीन हैं उन शिकायतों के लिये कौन सी कार्यवाही करनी चाहिये इस के लिये एक समिति बनाई गई है।

**श्री बड़े :** बिहार के गवर्नर, श्री धर्म्यंगर, ने इस की शिकायत की है।

**श्री हुसम चन्द बख्शाय :** अध्यक्ष महोदय, मेरे प्रश्न का उत्तर दिया जाये।

**अध्यक्ष महोदय :** मिनिस्टर साहब एक एक यूनिवर्सिटी के बारे में कैसे जवाब दे सकते हैं ?

**Shri Badi:** There is dissatisfaction. The Governor has reported the matter.

**Shri Kapur Singh:** Is it true that in some of our newly established universities high academic degrees, such as, a doctorate, are obtainable on the basis of regulated money payments, if so, has the prior approval of the UGC been obtained?

**Mr. Speaker:** Shri Hem Barua.

**Shri Kapur Singh:** The Minister might answer my question.

**Mr. Speaker:** What should I ask him to answer? The hon. Member should answer it himself rather.

**Shri Kapur Singh:** If prior approval is obtained, I would like to obtain a degree myself.

**Mr. Speaker:** If the facts are true, there is no information to be sought.

**Shri Hem Barua:** Apart from what the University Grants Commission can do, is it not a fact that our Constitution also gives certain right to the Central Government, the Education Ministry, to ensure standards in the universities; if so, has Government applied this provision of the Constitution?

**Shri Hajarnavis:** Which Constitution?

**Mr. Speaker:** The constitution of the universities.

**Shri Hajarnavis:** I do not think, at a moment's notice I can answer a question on the interpretation of law; but if the hon. Member has any such provision in his mind, he will certainly draw my attention to it.

**श्री शिव नारायण :** मैं यह जानना चाहता हूँ कि सरकार की तरफ से जो 95 परसेंट रुपया दिया जाता है, क्या उस की प्राप्ति जांच कराई जाती है या नहीं; यदि नहीं, तो क्यों नहीं।

**अध्यक्ष महोदय :** यह स्टेट सबजेक्ट है।

प्रादेशिक भाषाओं का विकास

+

श्री विभूति मिश्र :

श्री क० भा० तिवारी :

श्री रामेश्वर टाट्टा :

\* 482. श्री स० चं० साधन :

श्री सुबोध हंसबा :  
 श्री बलजीत सिंह :  
 श्रीमती लक्ष्मी बाई :  
 डा० महादेव प्रसाद :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या चौथी पंचवर्षीय योजना में आधुनिक भारतीय भाषाओं का विकास तथा उन्नति करने के लिये सरकार ने कोई योजना बनाई है,

(ख) यदि हां, तो वह क्या है, और

(ग) उन भाषाओं में से प्रत्येक पर कितना व्यय होगा ?

शिक्षा मंत्रालय में सांस्कृतिक कार्य मंत्री (श्री हजरतबीस) : (क) जी, हां।

(ख) सभा पटल पर विवरण रख दिया गया है [पुस्तकालय में रखा गया—बेलिये संख्या LT 4781/65]

(ग) भाषावार अनुदानों का नियतन सम्भव नहीं है। तो भी अनुदानों की उपलब्धता तथा योजना आयोग की सहमति के अनुसार सब भाषाओं पर लगभग 6 करोड़ खर्च करने का प्रस्ताव है।

श्री विभूति मिश्र : क्या यह सही है कि हिन्दुस्तान के बड़े बड़े राजनीतिज्ञ, वकील, प्रोफेसर और व्यापारी क्लास के लोग अपने अपने घरों में अपनी देशी भाषाओं में न बोल कर अंग्रेजी भाषा का प्रयोग करते हैं, जिस के कारण देशी भाषाओं का प्रचार नहीं हो रहा है; यदि हां, तो सरकार इस के लिए क्या इन्तजाम कर रही है ?

अध्यक्ष महोदय : क्या सरकार इस बात पर नियंत्रण लगाये कि घरों में बच्चे अंग्रेजी न बोल कर अपनी अपनी भाषा में बोलें ?

श्री विभूति मिश्र : अध्यक्ष महोदय, रिजनल भाषाओं की उन्नति का सवाल है। आज हमारे देश के बड़े बड़े राजनीतिज्ञ अपने घरों में अपनी देशी भाषा न बोल कर अंग्रेजी में बात करते हैं। इस से देशी भाषाओं की उन्नति नहीं हो पाती है।

अध्यक्ष महोदय : माननीय सदस्य का देशी भाषाओं का प्रचार कर के सरकार की मदद करनी चाहिए। उन्होंने जो कहा है, उस में सरकार क्या कर सकती है ?

श्री विभूति मिश्र : हमारे मंत्री नांग अपनी देशी भाषाओं में बात करें।

अध्यक्ष महोदय : माननीय सदस्य अब सवाल करें।

श्री विभूति मिश्र : मेरा सवाल यही है कि क्या मंत्री लोग और दूसरे बड़े बड़े राजनीतिज्ञ अपनी भाषा का प्रयोग न कर के अंग्रेजी में बात करते हैं।

श्री हजरतबीस : मैं अपने घर की बात कह सकता हूँ कि मैं अपने घर में मराठी बोलता हूँ।

अध्यक्ष महोदय : मिनिस्टर साहब का कहना है कि उन के घर में ऐसा नहीं होता है, जैसा कि माननीय सदस्य का श्रुत है।

श्री विभूति मिश्र : मैं केवल मंत्री महोदय की बात नहीं पूछ रहा हूँ। यह सवाल सारी सरकार में सम्बन्धित है।

अध्यक्ष महोदय : मैं इस का क्या जवाब दूँ या मिनिस्टर साहब से इस का क्या जवाब दिलाऊँ कि मंत्री लोग घरों में अंग्रेजी बोलते हैं ? सरकार इस का क्या जवाब दे ? माननीय सदस्य यह पूछें कि सरकार रिजनल लैंग्वेजिज के



ज्यादा प्रचार के लिए क्या कर रही है ? मंत्री लोग घरों में देशी भाषाएँ बोलते हैं या नहीं, इस का क्या जवाब दिया जाये ? अगर वे अंग्रेजी में बोलते हैं, तो मैं क्या कर सकता हूँ ?

**श्री विभूति मिश्र :** क्या यह सही है कि देशी भाषा को बोलने वाला चाहे कितना भी पंडित हो, उस को कम तनक्वाह दी जाती है और अंग्रेजी जानने वाले को सरकार ज्यादा तनक्वाह देती है ?

**Shri Hajarnavis:** It hardly arises out of this question.

**अध्यक्ष महोदय :** माननीय सदस्य के सवाल का कोई ना जवाब प्राना चाहिए ।

**Shri Hajarnavis:** What the salary is depends upon the various cadres in which they are. I do not think between two officers any discrimination is made because one speaks in Hindi and the other speaks in English.

**Mr. Speaker:** What he means by that is that equally qualified persons who have to teach languages are paid less and those who teach English are paid higher salaries.—श्री तिवारी

**श्री विभूति मिश्र :** अध्यक्ष महोदय, प्राप ने जो कुछ कहा है, मंत्री महोदय से उस का जवाब मांगिये ?

**अध्यक्ष महोदय :** इस वक्त उन के पास जवाब नहीं है ।

**श्री क० ना० तिवारी :** इस स्टेटमेंट के प्राइम 14 पर कहा गया है : “स्कीम फार फिनागन एसिस्टेंस टु स्कालरज एंड राइटर्स प्राफ माडुन इंडियन जेम्बेजिज इन इन्डिजेंट सर्कमस्टांसिज” । क्या मैं जान सकता हूँ कि 1963, 1964 और 1965 में कितने ऐसे स्कालरज और राइटर्स ने मदद के लिए एप्लाई किया, उन को क्या मदद दी गई, उस

मदद की क्या रकम थी, और क्या इस के लिए कोई सेपरेट फंड है, जिस से उन को मदद दी जाती है ?

**श्री हजरनबीस :** जी हा, जो योजना इस में दी गई है, वह चौबीस पंच-वर्षीय योजना के लिए है, लेकिन इस वक्त भी मदद दी जाती है, जिस की शर्तें इस तरह हैं कि मदद 150 रुपये महीना तक दी जाती है और उस की सिफारिश प्रादेशिक सरकार की तरफ से प्रानी चाहिए । प्रादेशिक सरकार उस में एक-तिहाई रकम देती है और दो-तिहाई भारत सरकार देती है । बहुत से सज्जनों को इस तरह से मदद दी गई है । मैं माननीय सदस्य को विश्वास दिलाता हूँ कि प्रादेशिक सरकार से सिफारिश प्राने के बाद यहां पर हम उस को चौबीस घंटे भी नहीं रोकते हैं ।

**श्री सरजू पाण्डेय :** इस स्टेटमेंट में एक प्राइम यह भी है : “प्राधुनिक भारतीय भाषाओं के विश्व-कोषों का निर्माण” । मैं जानना चाहता हूँ कि “प्राधुनिक भारतीय भाषाओं” से क्या मतलब है । क्या इस में रिजनल जैम्बेजिज भी शरीक है ? ये “प्राधुनिक भारतीय भाषाएँ” कौन सी भाषाएँ हैं ?

**श्री हजरनबीस :** सिड्यूम में जितनी भाषाएँ हैं, वे सब इस में हैं । संस्कृत और हिन्दी के लिए एक दूसरा खाम डिपार्टमेंट है । सिन्धी भी इस में शामिल है ।

**Shri S. Kandappan:** I would like to know whether the Government is helping or proposes to help the scientific journals and periodicals which are published for the propagation of scientific knowledge in regional languages.

**Shri Hajarnavis:** Yes, Sir; certainly, that would be one of the objectives.

May I inform the hon. Member how much was given to Madras?

**Mr. Speaker:** That has not been asked.

**श्री प्रकाशवीर शास्त्री :** सरकार ने चतुर्थ पंच-वर्षीय योजना में भारतीय भाषाओं की प्रगति के लिए छः करोड़ रुपये निर्धारित कर के एक शुभ निश्चय किया है। सब भारतीय भाषाओं और राज्य भाषा में परस्पर भ्रंजला मिली रहे और इस के लिए सब भारतीय भाषाओं का मूल जो संस्कृत भाषा है, उस के साथ उन की भ्रंजला बनी रहे, क्या इस का भी कोई कार्यक्रम इस योजना में रखा गया है ?

**श्री हजरतबीस :** जैसा कि माननीय सदस्य ने कहा है, संस्कृत का बहुत महत्व है, इस लिए उस के लिए एक चलन योजना है और उस के लिए धन दिया जायेगा। उस को इस योजना में शामिल नहीं किया जायेगा।

**Shri Warrior:** May I know whether the Government has received any representation from the language teachers that the Travancore University is discriminating against them and that that must be done away with?

**Shri Hajarnavis:** I am not aware of that.

**Shri A. P. Sharma:** Part (c) of the main Question asks about the amount to be spent on each of these languages. I want to know what is the specific difficulty in the way of the Government in allocating the amount for each language.

**Shri Hajarnavis:** I am glad the hon. Member has given me an opportunity to elucidate this point. Firstly, assuming we wanted to allocate the amounts language-wise, unless the final figures is approved, it would be difficult to do so. Secondly, the main function of the scheme will be dis-

charged by the voluntary organisations, and the voluntary organisations often undertake the work in more than one languages. For instance, recently, we gave some grant for the Vivekananda Centenary Celebrations. They brought out the things not only in Bengali but in various other languages also. The other day we were discussing the question as to the voluntary organisations undertaking the work in territories in the language which is not spoken there. So, it would be difficult for us to allocate the amounts separately language-wise.

**Shri Kapur Singh:** Is there any substance in the suspicion that the amount allocated for development of Punjabi is the least of all such allocations?

**Mr. Speaker:** He says that he cannot give it for each language.

**Shri Kapur Singh:** He might be able to answer whether it is the least of all such allocations.

**Shri Hajarnavis:** There has been no allocation to Punjabi separately.

**Dr. Ranen Sen:** Just now the hon. Minister said that an amount of Rs. 6 crores would be allocated in the Fourth Plan for the development of the regional languages and that too, if available. May I know how much money has been spent for the development of regional languages in the Third Five Year Plan?

**Shri Hajarnavis:** Rs. 55 lakhs were allocated, but it is expected that we shall spend about Rs. 39 lakhs.

**Dr. Ranen Sen:** What a generosity shown by allocating Rs. 55 lakhs!

**Shri D. J. Nalk:** May I know whether assistance will be given to the Universities and States for undertaking the work of translation in regional languages of text books in medicine, engineering and science?

**Shri Hajarnavis:** That certainly would be a point which will be considered.

**Mr. Speaker:** Order, order. On all sides there are so many talks going on. I cannot follow the proceedings.

**An hon. Member:** All about all raids.

**Mr. Speaker:** As soon as the siren is sounded, I shall certainly adjourn the House. But now let us proceed as we normally do. If there is something, then we shall see.

### Koyali Refinery

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\*482. { **Shri Bagri:**  
**Shri P. C. Borooah:**  
**Shri Madhu Limaye:**  
**Shri Ram Sewak Yadav:**  
**Shri Narendra Singh Mahida:**

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) the progress so far made in the construction of the Koyali Refinery;

(b) the proposed refining capacity with the completion of the first stage; and

(c) the broad details for the training of Indian technical personnel to man this refinery?

**The Minister of Petroleum and Chemicals (Shri Humayun Kabir):**

(a) The refinery is likely to be commissioned by October 1965.

(b) One million tonnes per year.

(c) Most of the personnel for operation and maintenance of the refinery have been recruited from the experienced staff employed during construction. Ten engineers have been trained in U.S.S.R. for a period of 6 months. Some operators/chemists are being given "on the job" training at Gauhati and Barauni refineries and National Technical Institute.

**श्री बागड़ी :** यह जो तेज साफ कच्चे का कारखाना है इसके ऊपर कितना खर्चा खर्च होगा और इन में से कौन से मुक्त से हमदाद मो गई है ?

**Shri Humayun Kabir:** The total expenses will be of the order of about Rs. 30.5 crores, of which about Rs. 8.79 crores would be in foreign exchange offered by the Soviet Union.

**श्री बागड़ी :** रूस ने जो आपकी इसके लिए हमदाद दी है विदेशी मुद्रा के रूप में वह कर्ज की सूरत में है या किसी दूसरी सूरत में ?

**Shri Humayun Kabir:** Their aid is always in the form of long-term loan.

**Shri Narendra Singh Mahida:** May I know whether it was announced in the papers and by the Koyali Refinery authorities that the Koyali Refinery would start working from the 15th August, 1965? If so, what is the cause of delay?

**Shri Humayun Kabir:** It is true that we were expecting that the trial run would start on the 15th August 1965. There has been a delay of about one month because of very heavy rains which made it difficult to take the pipeline across the Narmada river.

**Shri Jashvanti Mehta:** Recently we discovered the biggest oil find in Gujarat. May I know whether, in the light of this, Government have any scheme for the expansion of the Koyali Refinery or for setting up another refinery in the vicinity?

**Shri Humayun Kabir:** This question does not arise.

**Shri D. J. Naik:** It has been stated that the Koyali refinery would be commissioned by the end of 1965 now. May I know when it will reach its fullest capacity?

**Shri Humayun Kabir:** As I have said, the first million tonnes operation would begin within a few days. I said that that would begin by October, 1965, which means in another 20 days or so. The second million tonnes operation will be about the middle of next year and we expect the third million tonne operation by the end of 1966 or early 1967.

बी ना० नि० पटेल : क्या यह सच है कि प्रकल्पद्वर से कोयली तक प्रायल लाने के लिए जब पाइप लाइन डाली गई तो रेलवे के ब्रिज के ऊपर से जब पाइप लाइन डाली जानी थी तो रेलवे ने बाधा डाली और उस कारण से इसके प्राप्ति के अन्दर डिले पैदा हुआ ?

**Shri Humayun Kabir:** It was not a question of competition with the railways, but certain measures had to be taken, and we had to discuss them with the railway authorities, and now the pipe-line has been laid.

श्री भागवत झा : कोयली तेल शोधक कारखाने के आसपास लगभग तीस मील के भीतर जो बड़े तेल का हमें स्ट्रक्चर मिला है, उसका कोई अनुमान लगाने के बाद क्या यह कहा जा सकता है कि इसका कोयली कारखाने की कैपेसिटी पर क्या प्रभाव पड़ेगा ?

**Shri Humayun Kabir:** The structure to which my hon. friend is referring is not within 30 miles of Koyali refinery.

**Shri Bhagwat Jha Azad:** I said that it was near about 30 miles from that place. The hon. Minister wants to escape under that proviso. I am asking a simple question. I want to know whether the big structure that has been found near Koyali about 30 miles from it will have any effect on the capacity of the Koyali refinery. The hon. Minister should reply to that.

**Mr. Speaker:** I think the answer has been given. Probably the hon. Minister meant that it would not have any effect because this structure is not within that sector. Was that what he meant to say?

**Shri Bhagwat Jha Azad:** He said that it was not within 30 miles. I said that it was round about 30 miles from that place.

**Shri Humayun Kabir:** It is neither round about nor anywhere near Koyali. It is quite far away and it will be examined separately . . .

**Shri Bhagwat Jha Azad:** I only said round about 30 miles. The hon. Minister should not evade answering this question on that ground.

**Shri Humayun Kabir:** I am giving the answer. If my hon. friend would not listen to the answer, what can I do?

**Shri Bhagwat Jha Azad:** I have listened to the answer and the whole House has listened to the answer. The hon. Minister should try to pacify the House and not merely point his finger at one place.

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

**Shri Bhagwat Jha Azad:** He is evading the answer.

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

**Shri Bhagwat Jha Azad:** He wants to challenge, and I am prepared to accept it. He is showing his ignorance, and he is telling me that I do not know . . .

**Mr. Speaker:** Order, order. . . am very sorry; it is a pity that according to the hon. Member, most of the Ministers are ignorant; but what should I do in that case? I can only ask the hon. Minister to answer.

**Shri Humayun Kabir:** My answer is this that the question of the bigger structure will be examined independently if we find oil there.

**Shri Bhagwat Jha Azad:** That is what the hon. Minister should have said earlier. Then, we would have been satisfied.

**Shri Kashi Ram Gupta:** I find that the loan aid given by the U.S.S.R. is for a long period. I want to know the period of this loan, the interest thereon, and whether it is in the form of machinery or something else.

**Shri Humayun Kabir:** The loan is to cover all the foreign exchange

requirements of the refinery. As regards the terms and the period and the interest etc. I shall lay the information on the Table of the House.

### भ्रष्टाचार-विरोधी भ्रान्दोलन

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- \*484. { श्री म० ला० द्विवेदी :  
श्रीमती सावित्री निगम :  
श्री स० चं० सामन्त :  
श्री सुबोध हंसदा :  
श्री बागड़ी :  
श्रीमती तारकेश्वरी सिन्हा :  
श्री कृष्णपाल सिंह :  
श्री मा० ल० जाधव :  
श्री बेचे :  
श्री काजरोलकर :  
श्री गुलशन :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) उन्होंने कुछ समय पहले जो योजना घोषित की उसके अनुसार भ्रष्टाचार विरोधी भ्रान्दोलन में सरकार को कितनी सफलता मिली है ;

(ख) क्या इस काम के लिए किये गये उपाय पर्याप्त सिद्ध हुए हैं ; और

(ग) यदि नहीं, तो इस काम के लिये क्या उपाय तथा व्यवस्था की गई है और उसकी कौन सी नई अन्तिम तारीख निश्चित की गई है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हाथी) : (क) सरकारी प्रशासन में भ्रष्टाचार निवारण के उपायों में पहले ही पर्याप्त प्रगति हो चुकी है ।

(ख) और (ग). सदन के सभा पटल पर एक विवरण रख दिया गया है । [पुस्तकालय में रखा गया—रेखिये संख्या LT—4782/65]

श्री म० ला० द्विवेदी : हमारे गृह-मंत्री श्री नन्दा जी ने कुछ समय पूर्व एलान किया था कि भ्रष्टाचार को दो वर्ष के अन्दर समाप्त कर दिया जाएगा । प्रश्न में यह पूछा गया है :

'if not, the measures taken and the machinery set up for the purpose and the new deadline fixed therefor?'

इसका उत्तर नहीं दिया गया है । मैं जानना चाहता हूँ कि जो दो वर्ष का समय निर्धारित किया गया था उस में भ्रष्टाचार उन्मूलन हो चुकेगा ? यदि नहीं, तो कौन सा समय रखा जाएगा । यह प्रश्न पूछा गया था लेकिन जवाब नहीं दिया गया है ।

श्री हाथी : उन्होंने भ्रष्टाचार उन्मूलन के लिये पूरी तरह से नहीं कहा था उन्होंने यह कहा था

'There will be sufficient impact on the anti-corruption drive. We have never said that it would be absolutely eradicated in two years'.

The Minister of Home Affairs (Shri Nanda): I was engaged in something else. When I heard my name being mentioned, I rushed from my place to the chamber.

Shri Hari Vishnu Kamath: He is welcome.

Mr. Speaker: If the answer has already been given, it is not necessary that he should answer it. Let him hear the second question.

Shri Hari Vishnu Kamath: Reference was made to his pledge.

श्री म० ला० द्विवेदी : मैं ने यह पूछा था कि श्री गुलजारीलाल नन्दा ने ...

अध्यक्ष महोदय : श्री हाथी ने बताया है कि उन का कहना यह नहीं था कि रिश्तन बिल्कल खत्म जायेगी

यहां से, बल्कि उस का इम्पैक्ट होगा और उनका कहना है कि वह दुम्मा है ?

श्री म० ला० द्विवेदी : मैं तो यही जानना चाहता था कि वह दुम्मा है या नहीं ।

Shri Nanda: Nobody is more conscious of the responsibility that I undertook, and the obligation I incurred I remember this everyday.

Shri Hari Vishnu Kamath: November 1963.

Shri Nanda: I do not know; one cannot judge himself as to one's own part, whether it is a full rendering of the account or not. My colleague stated that it has made that impact. I personally will not be able to make any claim at all. I think in a little while, there will be a full survey of the activity during this period to be placed before Parliament because what I said was said on the floor of this House. I have already placed in the hands of the Prime Minister my offer to resign on a certain day. But it will have to be judged on that record which will be placed before Parliament. You, Sir, can make arrangement for any evaluation that has to be made. For my part, my mind is very clear.

Shrimati Yashoda Reddy: That was not what we wanted.

श्री म० ला० द्विवेदी : यह जो बयान सभा पटल पर रखा गया है उस में बतलाया गया है कि सन् 1961 में करप्शन के 1091 केसेज पकड़े गये...

Mr. Speaker: I should assure the Minister that there is no one here who wants him to resign. They only wanted to draw his pointed attention to the commitment he had made. Again and again, they want to draw his attention to what he had committed himself to.

Shri Ranga: He need not have made that statement on that occasion, and he should not have repeated it. It is true this is a deep disease of this Government. He himself has stated that it has got deep roots. After he had made that very bold and reckless statement, he need not take all the responsibility himself. The whole Government should take that responsibility. If anybody is to go, this whole Government should go. We have already stated that.

Some hon. Members rose—

श्री म० ला० द्विवेदी : जो बयान सभा पटल पर रखा गया है उस में बतलाया गया है कि सन् 1961 में 1091 केसेज भ्रष्टाचार के पकड़े गये । लेकिन सन् 1964 में यह 1875 से घटकर 80 की संख्या की वृद्धि हुई । मैं जानना चाहता हूँ कि भ्रष्टाचार उन्मूलन के लिये कदम उठाने के बाद इन केसेज में वृद्धि हुई या घटने घाप हुई, या रुकावट होने पर भी यह वृद्धि हुई । इस वृद्धि के कारण क्या है ।

Shri Hathi: The reason is clear. It is because of the greater number of detection of such cases.

श्री बागड़ी : इस भ्रष्टाचार को मिटाने के लिये श्री नन्दा ने ऐलान किया था लेकिन उन की कोशिश के बावजूद भ्रष्टाचार नहीं मिटा । क्या श्री नन्दा ने इस के कारण सोचे हैं । अगर सोचे हैं तो क्या इस मुख्य कारण यह नहीं है कि जो भ्रष्टाचार है वह ऊँची जगहों के लोगों के जरिये होता है और ऊँची जगहों पर उन का हाथ नहीं पड़ता है । इस के लिये क्या तरकीब की गई है ।

श्री हाथी : जो विवरण सभा पटल पर रखा गया है उस में बहुत से कारण दिये गये हैं । और उन का उपाय किया गया है यह भी लिखा गया है ।

**Shrimati Tarkeshwari Sinha:** The hon. Minister just now said that the question whether corruption has been reduced or decreased is to be determined by the impact. What is the criterion of judging the impact? If there is more detection, does it mean that there is less corruption, and if there is less detection, does it mean that is more corruption? I want to know what it is specifically.

**Shri Hathi:** Impact neither means more detection nor more corruption nor more cases, but it certainly means that there is a certain drive in the Government and also a popular movement, that there is a greater awareness among the officers and people that there is some machinery geared up for this purpose. That is the meaning of impact.

**Shri Nanda:** I would like to add that so far as this impact of any measures that are adopted is concerned, they must lead to certain results, and, therefore, in the first instance, when the arrangements are strengthened and the approaches are made from various directions, it must lead to a larger percentage of detection of cases, and then, later on, other things follow. But then at some stage it must be evident that actually the incidence has decreased. With the help of statisticians, we have introduced a method of sample survey etc., and it is being found in certain departments that, taking a proper statistical sample as to how many irregularities are detected, taking the whole range, there has been some improvement, for example in Customs. I cannot say off-hand exactly to what extent. Therefore, there is a way of finding the impact in both ways—detection as well as improvement.

**Shri Banga:** Two Chief Ministers had to go out.

**अध्यक्ष महोदय :** श्री बागड़ी आपने कहा, या कि भ्रष्टाचार का कारण यह है कि वह ऊंची जगह से चलता है और वहाँ तक 1196 (A) LSD—2.

गबनेमेंट का हाथ नहीं पहुँचता है। यही सवाल था न।

श्री बागड़ी: वहाँ हाथ पहुँचा ही नहीं है।

**अध्यक्ष महोदय :** जो स्टेटमेंट दिया है उस में लिखा है कि जो ऊंची जगह हैं उन पर भी हाथ डाला है।

श्री ना० नि० पटेल: क्या यह सच है कि कुछ दिनों पहले गुजरात के एक सज्जन ने लिखा था कि भ्रष्टाचार बढ़ रहा है और अगर उस को खत्म नहीं किया जायेगा तो वह प्रणि स्नान करके धारम हत्या कर सेमें, और उन सज्जन ने धारम हत्या की। अगर सरकार को इस के बारे में मालूम था तो उसने उस धारम हत्या को रोकने के लिये कुछ प्रबंध क्यों नहीं किया।

**अध्यक्ष महोदय :** यह सवाल नहीं उठता।

**Shri S. M. Banerjee:** I want to know whether it is a fact that the main root of corruption is the handsome political donations taken by the ruling party from the big industrialists, and if so, whether the hon. Home Minister has evolved some method to see that such political donations are avoided in the larger interests of avoiding pollution in politics.

**Shri Nanda:** Corruption, wherever it occurs, and whatever the sources of the pollution must be tackled, and I do not think there is any particular place only in which it is found.

**Shri S. M. Banerjee:** My question is whether it is a fact that the main source of corruption both in the administration and in the ruling party is the fact that handsome political donations are taken by the ruling party, with the result that these industrialists create corruption in various places. I would like to know what

steps Government contemplate taking to stop taking political donations from these people.

**Shri Nanda:** I am quite sure in my mind that no political party should be dependent for their sustenance on any such sources, but I am not bringing in free donations given to one party or another.

**Shri Bhanu Prakash Singh:** Is the hon. Home Minister aware of the fact that a person who has been compulsorily retired by the President of India on proved charges of corruption and who was not thought fit enough even to be a collector has been appointed as a Vice-Chancellor of a university in India and, if so, what steps have the Government taken in this matter?

**Mr. Speaker:** I will not allow individual cases to be discussed.

**Shri Bhanu Prakash Singh:** That is corruption.

**Shri Ranga:** He has not mentioned any names. Are they aware of it?

**Mr. Speaker:** Does the name remain hidden after all this statement? I cannot allow it to be discussed here, whether it has been proved or not, what the Minister has to say. Instead of helping in that direction, probably we do more harm.

**Shri Bhanu Prakash Singh:** He has been removed by the President.

**Mr. Speaker:** I am not going into individual cases on this question.

**Shri Surendranath Dwivedy:** In the long list given in the statement, there is a code of conduct for ministers. It seems that the States like Mysore and Assam have not accepted the code of conduct. May I know whether the Ministers of States which have accepted it have submitted or disclosed their assets and liabilities, the business connections of the families, etc. and, if so, whether the Government is in a position to place a copy of this statement on the Table of the House?

**Shri Hathi:** The names of States which have accepted the code are given in the statement; the others which have not accepted it are considering it and I hope they would accept it. The Ministers have to furnish the statements *prima facie* to the Chief Minister of the State concerned; they are not to be submitted here.

**Shri Surendranath Dwivedy:** Can you not get the statements and place them on the Table of the House for the Central Ministers and Chief Ministers? It is said here that the Chief Ministers have to submit their statements to the Prime Minister. Can they not get that, statement and give it to us?

**Mr. Speaker:** The hon. Member has put a question about the States.

**Shri Hathi:** The Central Ministers have all submitted their statements to the Prime Minister.

**Shri Surendranath Dwivedy:** Will you place them on the Table?

**Shri Hathi:** It is not to be placed . . . (Interruptions).

**Shri Krishnapal Singh:** Sir . . .

**Mr. Speaker:** I have been looking to that side; he has stood up now. I have noticed him; he should not be impatient; I will call him.

**Shri R. S. Pandey:** To eradicate corruption from the country how many official and non-official agencies are working, and what is the result?

**Shri Hathi:** About any particular agency, in a government department at the State and the Centre, it should be impossible to mention any particular machinery because each department by itself has to be vigilant and active to see that the cases are disposed of without delay, because delay is one of the causes which lead to corruption. Therefore, the primary business of the Government should be to see that there is efficiency in the administration and less of delay, and these are all the departments which by themselves are the agencies which are functioning. (Interruption).



**Shri Ranga:** May I know, in view of the fact that several references were made to the Finance Minister's dealings with various concerns and in view of the Finance Minister's own reply both here and in the other House, would the Government consider the advisability of placing on the Table of the House, a statement made by all the Central Ministers to the Prime Minister, in regard to their contacts with business, directly by themselves and through their relatives and others who are very closely associated with them, and if they are not prepared to do so, is it because they are afraid of the truth?

**Shri Hathi:** There is no question of being afraid of the truth. But, as I said, so far as the present position stands, the Government has no intention of doing so. (Interruption).

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

**Shri H. N. Mukerjee:** The Government seems to be disinclined to place before this House, that is to say, before the country, the statements submitted already by the Ministers to the Prime Minister here. May I know if the Government have taken this decision when this appears to go against creating an anti-corruption atmosphere in the country? Has Shri Nanda himself any answer to this charge which the people are bringing up against the Government?

**Shri Nanda:** I did not quite follow the question, but. . .

**Mr. Speaker:** The answer has been that the Government is not prepared to put that statement—the answers that they have received or the assets that the Central Ministers have disclosed to the Prime Minister. The question was whether that is going to be placed on the Table of the House. The answer was “No.” The question now is, why is not the Government prepared to put it on the Table of the House.

**Shri Nanda:** The Prime Minister is fully competent and is capable of

looking after the integrity of his Ministers.

**Shri Ranga:** No, Sir. (Interruption). I wish to draw your attention to one fact. The Cabinet Sub Committee kept that report in regard to Biju Patnaik and those people as secret. It was this House which had the privilege of exposing the hollowness of the claim made by my hon. friend that the Government can be trusted and the Government is fully capable of keeping public integrity intact. We question their claim for maintaining public integrity. (Interruption).

**Mr. Speaker:** Hon. Members must be alive to the high responsibilities so far as I can exercise them.

**Shri Ranga:** They make too much of a claim.

**Mr. Speaker:** Whether it is right or wrong, what further can I do? The question was put, and the Minister has answered. During the Question Hour, I can get only the information. If they have further to argue or question them, they may do it in some other way, but not during the Question Hour.

**Shri Surendranath Dwivedy:** It is not a question of any argument. The question was why they are not inclined to put it on the Table of the House. Without giving a direct reply to that, he said the Prime Minister is the custodian of their integrity, etc. We are not interested in that. They have decided that the Ministers will submit their reports to the Prime Minister. That is all right. But why is it they are afraid of placing the statement on the Table of the House? Is there any hanky-panky about that or any fear of exposing anything? What is the matter?

**Shri Hari Vishnu Kamath:** Party interest; not public interest.

**Shri Nanda:** I have previously stated very clearly in the House that if there are any complaints about a Minister, certainly a certain course will be fol-

lowed which, I said, was going to be different from that which led to the situation regarding the Orissa affair. There will be, if there is any kind of enquiry needed, it will be through an independent agency. Having done that, I do not think there can be any need for any statement of assets to be submitted by the Government. So, that should be a complete answer to that question. As to the independent question whether, if there is anything against a Minister, it is going to be looked into or not, I have already made that clear.

Several hon. Members rose—

**Mr. Speaker:** Order, order. They can raise it in a different manner. They have so many other occasions.

**Shri H. N. Mukerjee:** The question has not been answered, Sir. At the same time, the sanctity of the Question Hour is something which I am sure you will be pleased to uphold. If in the process of asking a question we do not elicit information which is not virtually forthcoming, then the point of the Question Hour is completely lost. My submission is this: please bear with me for one moment. We are all prepared to believe in the *bona fides* of the Home Minister, Shri Nanda, in regard to his campaign against corruption. We have been asked to serve on footling little and anti-corruption committee and that kind of thing. But the country wants to know certain things in regard to the assets of ministers. Because of the country's demand, ministers are having to supply this to the Prime Minister. We want that this matter is made public to the country, so that the misgivings are removed. The Minister stands on ceremony and you are bound by the rules of procedure or whatever that may be. The result is that the country does not get to know the facts of the case and does not get satisfaction. This is a most undesirable state of things.

12.00 hrs.

**Mr. Speaker:** I have explained my position. I have already told the hon.

members that there might be other ways of having a discussion and trying to find out the reasons, etc. All those things, of course, can be discussed, but that would be a different discussion altogether. So far as the question hour is concerned, I have no authority to compel a minister to say something which he does not want to say. He says, we don't think there is any need and we are not prepared to put it on the Table of the House.

**Shri Surendranath Dwivedy:** He has not said that there is no need. We wanted specifically that answer, which he evaded.

**Mr. Speaker:** He has said that.

**Shri Surendranath Dwivedy:** It is not the question, what would be the form of enquiry if complaints are made against ministers....

**Mr. Speaker:** The question was put and the answer has been given. It may not satisfy hon. members, but that is a different thing altogether. I have only to regulate the questions and answers here. I cannot go beyond that. There are other ways of raising a discussion if they are not satisfied with the conduct of the ministers.

**Shri Surendranath Dwivedy:** You should come to our protection if the question is one thing and the answer is something different.

**Mr. Speaker:** In that respect, information is wanted and the information is given that they do not think there is any need to place it on the Table of the House.

**Shri Hari Vishnu Kamath:** On a point of order, Sir. As far as I am aware, whenever a minister refuses to give the answer to a question, he takes usually the plea of public interest. Does he take that plea now or does he take the plea of party interest?

**Mr. Speaker:** It is no question of public interest. The statement has come from them that they are not

prepared to place it on the Table of the House.

**Shri Hari Vishnu Kamath:** For what reasons?

**Mr. Speaker:** That may be raised in a different manner.

**Shri Krishna Pal Singh rose—**

**Mr. Speaker:** Mr. Krishnapal Singh. I have to apologise to you that on account of these interruptions, I could not call you.

# SHORT NOTICE QUESTION

**Strike by Workers in Cashew Factories**

+  
S.N.Q.—4. { **Shri Warior:**  
                  { **Shri Vasudevan Nair:**

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

(a) whether 80,000 workers of Cashew factories in Kerala State have resorted to strike;

(b) if so, what are the issues involved; and

(c) what steps Government have taken to settle the dispute?

**The Minister of Labour and Employment (Shri D. Sanjivayya):** (a) There was a strike by Cashew workers in Kerala.

(b) The main issues were Bonus for 1964-65 and other general demands presented by different unions.

(c) The Labour Commissioner, Kerala Government held series of conciliation conferences. The final conference was held on the 1st September 1965 when the parties arrived at a settlement and the strike was called off from the 2nd September, 1965.

**Shri Warior:** What are the agreed points in the settlement that has been reached?

**Shri D. Sanjivayya:** They have agreed to pay 8-1/3 per cent of the annual earnings of the workers as bonus for 1964-65. So far as the staff are concerned, they are to be paid two

months' wages as bonus. The other terms will be settled later.

**Shri Warior:** May I know whether the employers' organisation is contesting that they are not liable to pay 8-1/3 per cent, but they have only to pay 4 per cent, which is the minimum put in the bonus ordinance?

**Shri D. Sanjivayya:** Whatever the contention might have been, now the employers and the workers both have agreed and they have come to a settlement that the bonus will be 8-1/3 per cent.

**Shri S. M. Banerjee:** I would like to know what is the machinery there to see that the particular agreement which has been reached between the workers and employers is properly implemented and they do not change from 8-1/3 per cent to 4 per cent?

**Shri D. Sanjivayya:** The hon. Member knows very well, being a veteran trade union leader, that there is the State Implementation and Evaluation Committee which would look into all cases relating to violation of agreements, settlements and awards.

## WRITTEN ANSWERS TO QUESTIONS

### Extradition of Walcott

\*485. { **Shri Vidya Charan Shukla:**  
          { **Shri R. S. Pandey:**  
          { **Shrimati Savitri Nigam:**  
          { **Shri Vishwa Nath Pandey:**  
          { **Shri Surendra Pal Singh:**

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 362 on the 10th March, 1965 and state the action taken so far for initiating extradition proceedings against Walcott?

**The Minister of state in the Ministry of Home Affairs (Shri Hathi):** The arrest warrants with the original depositions and exhibits obtained from the Court of the Additional Chief Presidency Magistrate, Bombay, have been forwarded to the Indian High Commission, U.K., for initiating extradition proceedings against Walcott and two others.

**Natural Gas Found in Port Canning Area**

- \*486. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri Indrajit Gupta:  
Shri Yashpal Singh:  
Shrimati Jyotsna Chanda:  
Shri H. V. Koujalgi:  
Shri A. N. Vidyalkar:  
Dr. Mahadeva Prasad:  
Shri Narendra Singh Mahida:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that natural gas has been struck in Port Canning area in West Bengal;

(b) if so, at what depth;

(c) whether it indicates any oil reserve in that area; and

(d) if so, to what extent?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) and (b). Gas was struck by the Indo-Stanvac Petroleum Project at about 13,000 f. depth in a well drilled near Port Canning.

(c) and (d). This calls for further investigation which is being undertaken.

**Biggest Oilfield Found in Gujarat**

- { Shri Rameshwar Tantia:  
Shri S. C. Samanta:  
Shri Subodh Hansda:  
Shri Bibhuti Mishra:  
Shri P. R. Chakravorti:  
Shri P. C. Borooah:  
Dr. L. M. Singhvi:  
Shrimati Tarkeshwari Sinha:  
Shri Hukam Chand Kachhavalaya:  
Shri Bado:  
Shri Brij Raj Singh:  
Shri D. D. Puri:  
Shri Mohammad Elias:  
Shri Jashvant Mehta:  
Shri P. Venkatasubbalah:  
\*487. { Shri Ravindra Varma:  
Shri Hem Raj:

- { Shri Kindar Lal:  
Shri Vishwa Nath Pandey:  
Shri Yashpal Singh:  
Shrimati Renuka Barkataki:  
Shri Onkar Lal Berwa:  
Shri Bagri:  
Shri H. V. Koujalgi:  
Shri A. N. Vidyalkar:  
Dr. Mahadeva Prasad:  
Shri Raghunath Singh:  
Shrimati Sharda Mukerjee:  
Shri S. M. Banerjee:  
Shri D. J. Naik:  
Shri Narendra Singh Mahida:  
Shri Madhu Limaye:  
Shri Ram Sewak Yadav:  
Shri Chhotubhai Patel:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that one of the biggest oil-bearing structure has been found in Gujarat;

(b) if so, its details and potentiality; and

(c) when the drilling in the area is likely to be started?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) to (c). Indications of large structures have been found in the Gulf of Cambay but whether these are oil bearing will be known only after detailed seismic survey and exploratory drilling. It is proposed that subject to results of further seismic surveys, such drilling will start in January, 1966.

**Central Police Forces**

- { Shri Indrajit Gupta:  
Shri Bagri:  
Shri Yashpal Singh:  
Shrimati Renuka Ray:  
\*488. { Shri Warior:  
Shri Surendranath Dwivedy:  
Shri Ram Sewak Yadav:  
Shri Madhu Limaye:

Will the Minister of Home Affairs be pleased to state:

(a) whether it has been decided to set up two Central Police Forces specially for industries and for ports and docks;

(b) if so, whether the State Governments have been consulted in the matter and whether all of them have given their approval; and

(c) the reasons for divesting the State Governments of their responsibility in these spheres of law and order?

**The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):** (a) There is no proposal to set up Central Police Forces as such. However, a proposal to set up an Industrial Security Force is under consideration.

(b) State Governments have been consulted about constituting the Industrial Security Force and most of them have agreed to the scheme.

(c) This Force is meant mainly for the better protection of the property of the Central Government, its corporate undertakings and also vital plants in the private sector. It is not intended to take away the responsibility of the State Government in regard to the maintenance of law and order.

#### Separation of Judiciary From Executive

- \*489. { Shri Surendra Pal Singh:  
Shri Bagri:  
Shri Hem Raj:  
Shri Kindar Lal:  
Shri Vishwa Nath Pandey:  
Shrimati Tarkeshwari Sinha:  
Shri S. N. Chaturvedi:  
Shri H. C. Linga Reddy:

Will the Minister of Home Affairs be pleased to state:

(a) the steps taken to bring about separation of the judiciary from the executive in pursuance of Article 50 of the Constitution of India;

(b) whether the separation of judiciary from the executive has been done in all the States;

(c) if not, the names of the States which have not done so and the reasons therefor; and

(d) whether the Central Government have laid down any criteria for judging the separation of the executive from the Judiciary, and if so, what are they?

**The Minister of State in the Ministry of Home Affairs (Shri Hathl):** (a) The States which are responsible for the administration of Justice are aware of the requirements of Article 50 of the Constitution. The question of the Central Government taking steps in that connection does not arise.

(b) Not yet, Sir.

(c) and (d). A statement is laid on the Table of the House. [Placed in Library. See No. LT-4783/65].

#### राज्यों के मुख्य मंत्रियों का सम्मेलन

- +
- \*490. { श्री बागड़ी :  
श्री रा० बरका :  
श्री यशपाल सिंह :  
श्री कनकराम :  
श्री राम सहाय पाण्डेय :

क्या गृह-कर्म मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या जुलाई में राज्यों के मुख्य मंत्रियों का एक सम्मेलन हुआ था;

(ख) यदि हां तो उसमें किन विषयों पर चर्चा हुई;

(ग) क्या बहते हुये मुद्दों के विषय पर भी चर्चा हुई थी; और

(घ) यदि हां, तो उसका क्या परिणाम निकला?

**गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी):** (क) 6 और 7 जून 1965 को राज्यों तथा संघ राज्य क्षेत्रों के गृहमंत्रियों का एक सम्मेलन नई दिल्ली में हुआ था। कुछ ऐसे मुख्य मंत्रियों ने भी इस सम्मेलन में

भाग लिया जिनके पास अपने राज्य में गृह कार्य का प्रभार था।

(ख) इस सम्मेलन में आंतरिक सुरक्षा, नागरिक प्रतिरक्षा तथा सीमा सुरक्षा पर विचार किया गया।

(ग) जी, नहीं।

(घ) प्रश्न तो नहीं उठता।

#### Production of Lubricants

\*491. Shri M. R. Krishna: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that Government have entered into an agreement with the private oil companies for the production of lubricants; and

(b) if so, the companies that have agreed to collaborate with Government and on what terms?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) and (b). Discussions are continuing with Esso and Burmah-Shell for setting up two lubricating plants.

#### Transport of Crude Oil

\*492. Shri Tridib Kumar Chaudhuri: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that due publicity was not given to notices inviting tenders for tanker contracts for carrying crude oil for the Cochin Refinery and as a result thereof, the contract went to a foreign shipping firm;

(b) whether this lapse had adverse effects of Indian shipping; and

(c) the amount of foreign exchange that will have to be paid for this contract?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

(c) This will depend upon the quantity of crude oil transported.

#### Petro-Chemical Industries

\*493. { Shri Himatsingka:  
Shri P. Venkatasubbalah:  
Shri Ravindra Varma:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether the Japanese team which visited India last year for studying the potentialities of the development of petro-chemical industries has submitted its report; and

(b) if so, the broad features thereof?

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): (a) and (b). It is understood that the survey team organised in 1964 by Japan Consulting Institute to study development of petro-chemical industries in India has submitted its report to the Indian Investment Centre.

#### Machinery to settle Inter-State Disputes

\*494. { Dr. L. M. Singhvi:  
Shri Madhu Limaye:  
Shri Ram Sewak Yadav:  
Shri Basappa:

Will the Minister of Home Affairs be pleased to state:

(a) whether any proposal for setting up a Governmental machinery to settle Inter-State disputes is under consideration; and

(b) if so, the broad details thereof?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). The matter is under consideration.

#### Haldia-Barauni-Kanpur Pipeline

\*495. { Shri Ram Sewak:  
Shri P. G. Sen:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that the

Betchel Asian Corporation have given up the construction of the Haldia-Barauni-Kanpur pipeline;

(b) if so, the reasons therefor, and

(c) how the remaining work will be carried out?

**The Minister of Petroleum and Chemicals (Shri Humayun Kabir):** (a) to (c). The construction was entrusted to Snam-Saipem, a subsidiary of ENI of Italy and not Bechtel Asian Corporation. The Bechtel Corporation were appointed as consultants and their contracts expired on the 30th June, 1965. The responsibility for the supervision of the remaining work of construction has been taken over by the Indian Oil Corporation Limited, (Pipelines Division).

#### Awards to Freedom Fighters

\*496. **Shri Rajdeo Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government are considering the grant of awards to the Freedom Fighters; and

(b) if so, when the scheme is likely to be announced?

**The Deputy Minister in the Ministry of Home Affairs (Shri L.N. Mishra):**

(a) No such proposal is under consideration.

(b) Does not arise.

**वामपंथी साम्यवादियों का फिर से वक़्फ़ा आना**

\*497. श्री सरजू पाण्डेय: क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि प्रवस्त, 1965 के पहले सप्ताह में वामपंथी साम्यवादी बहुत बड़ी संख्या में छोड़े गये थे परन्तु उन्हें बरक़ान फिर गिरफ़्तार कर लिया गया;

(ख) ऐसे व्यक्तियों की कुल संख्या कितनी है; और

(ग) उन्हें फिर गिरफ़्तार करने के क्या कारण हैं?

**गृह-कार्य मंत्रालय में उप-मंत्री (श्री ल० ना० मिश्र):** (क) और (ख). 76 वामपंथी साम्यवादी 31 जून 1965 को उत्तर प्रदेश की राज्य सरकार द्वारा छोड़े गये थे। इनमें से 55 को केन्द्रीय सरकार ने पहली प्रवस्त 1965 का नज़रबंद कर लिया।

(ग) इन लोगों को केन्द्रीय सरकार ने भारत सुरक्षा नियमों के नियम 40(1) (ख) के अधीन हानिये नज़रबंद किया था ताकि वे कोई ऐसा कार्य न कर सकें जो भारत की सुरक्षा और नागरिक सुरक्षा जन-सुरक्षा तथा शान्ति और व्यवस्था को बनाये रखने के लिये हानिकारक हो।

#### Papers found in left C.P.I. Leader's House

\*498. **Shri Baghunath Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the West Bengal Government have deciphered some papers found from the house of a Left C.P.I. leader, and were able to decipher only two words 'Mao Tse Tung' and 'Gulzari Lal'; and

(b) if so, whether any progress has been made to decipher other words in the documents?

**The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):** (a) West Bengal Government have been able to reconstruct the document which was torn and thrown by a Left C.P.I. leader, into a well, at the time of his arrest. It does not, however, contain the word "Gulzari Lal".

(b) Does not arise.

अध्यापकों द्वारा प्रदर्शन

\* 499. { श्री द्रुतम चन्द कछवाय :  
श्री जसवन्त मेहता :  
श्री लखमू भवानी :

{ श्री वं० सि० बिष्ट :  
श्री द्रुतम चन्द कछवाय :  
श्री निगा रेड्डी :  
श्री वं० चं० शर्मा :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि आखिल भारतीय उच्चतर माध्यमिक विद्यालय अध्यापक संघ ने 24 अगस्त 1965 को संसद भवन के सामने प्रदर्शन किया था;

(ख) क्या यह भी सच है कि उन्होंने यह मांग की है कि सारे देश में अध्यापकों के समान वेतन क्रम होने चाहिये तथा शिक्षा पर पंचवर्षीय योजना में नियत की गई धन-राशि से अधिक धनराशि खर्च की जानी चाहिये; और

(ग) यदि हां, तो सरकार का इस बारे में क्या कार्यक्रम करने का विचार है?

शिक्षा मंत्रालय में उप-मंत्री (श्रीमती सीनियर रामचन्द्रन): (क) जी हां। प्रदर्शन 23-8-65 को आयोजित किया गया था न कि 24-8-65 को।

(ख) जी हां।

(ग) केन्द्रीय सरकार देश के सभी अध्यापकों के लिये समान वेतन मान निर्धारित नहीं कर सकती। सरकार शिक्षा के लिये यथासंभव अधिक से अधिक राशि नियत करने के लिये प्रयत्न कर रही है।

भारतीय प्रशासन सेवा के अधिकारियों के वेतन में वृद्धि

\* 500. { श्री सिहासन सिंह :  
श्री हेडा :  
श्री भागवत झा आजाद :  
श्री वं० रं० कुण्ड :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारतीय प्रशासन सेवा के सचिवों, प्रतिरिक्त सचिवों तथा संयुक्त सचिवों के वेतन में क्रमशः 500 रुपये, 300 रुपये तथा 250 रुपये की वृद्धि की गई है; और

(ख) यदि हां तो क्या अन्य सरकारी कर्मचारियों के वेतन में भी इसी क्रम तथा अनुपात में वृद्धि की जायेगी ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : (क) और (ख). भारतीय प्रशासन सेवा तथा अन्य ऊँचे स्तर की सेवाओं के वेतन क्रमों को पहली सितम्बर से इस प्रकार संशोधित किया गया है :—

संशोधित  
वेतन

(i) भारत सरकार के सचिवों तथा उसके बराबर के अन्य पद जिनका वेतन 3000 रु० था 3500

(ii) भारत सरकार के प्रतिरिक्त सचिव / मुख्य सचिव तथा इसके समान अन्य पद जिनका वेतन 2750 रु० था 3000

(iii) वित्तायुक्त तथा उसके बराबर के अन्य पद जिनका वेतन 2500 रु० था 2750

(iv) भारत सरकार के संयुक्त सचिव, राज्य सरकारों में आयुक्त तथा उसके समान पद जिनका वेतन 2250 रु० था 2500—  
125/2—  
2750



पांडिचेरी में प्ररविन्दु आश्रम की क्षति

- \* 501. { श्री प्रकाशबीर शास्त्री :  
श्री जगदेवसिंह सिद्धान्ति :  
श्री स० मो० बनर्जी :  
श्रीमती तारकेद्वरी सिन्हा :  
श्री हेम राज :  
श्री राम हरल्ल यादव :  
श्री रा० बबसा :  
श्री डारका वास मंत्री :  
श्री बसुमतारी :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भाया सम्बन्धी दंगों के कारण पांडिचेरी में प्ररविन्दु आश्रम को हुई क्षति के बारे में की जा रही जाच अब पूरी हो गई है ?

(ख) यदि हां, तो उसका क्या परिणाम निकला है; और

(ग) क्या इस आश्रम की सुरक्षा के लिये कोई विशय उपाय करने का विचार है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : (क) जी, हां ।

(ख) और (ग) . सरकार इस क्षेत्र में विधि तथा व्यवस्था बनाये रखने के लिये प्रशासनिक व्यवस्था को, जिसमें पुलिस भी शामिल है, मजबूत बनाने के लिये कार्य-वाही कर रही है ।

विद्यार्थियों के लिये दोपहर का खाना

- \* 502. { श्री विभूति मिश्र :  
श्री क० ना० तिवारी :  
श्रीमती मंमूना सुस्तान :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या विभिन्न राज्यों में विद्यार्थियों

को दोपहर का भोजन देने की योजना जुलाई, 1965 से चालू कर दी गई है;

(ख) यदि हां, तो किन श्रेणियों के विद्यार्थियों को भोजन दिया जाएगा;

(ग) क्या इस योजना में केन्द्रीय सरकार भी भ्रंगदान देती है;

(घ) केन्द्रीय सरकार कितनी वित्तीय सहायता देगी; और

(ङ) योजना से कितना लाभ हो रहा है ?

शिक्षा मंत्रालय में उपमंत्री (श्रीमती सौन्दरम रामकृष्णन) : (क) योजना 1962-63 में शुरू की गई थी और इस समय 11 राज्यों और 2 संघीय क्षेत्रों में इस पर प्रयत्न किया जा रहा है ।

(ख) प्राथमिक स्कूलों के बच्चों को ।

(ग) जी, हां ।

(घ) किसी राज्य सरकार द्वारा किए गए कुछ खर्च का प्रति-तिहाई खर्च भारत सरकार वहन करती है ।

(ङ) 1965-66 में इसके लगभग 90 लाख बच्चों को लाभ पहुंचेगा ।

### Cochin Refinery

- \* 503. { Shri P. C. Borooah:  
Shri Subodh Hansda:  
Shri Ram Harkh Yadav:  
Shri Murl Manohar:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) the progress so far made in the construction of the Cochin Refinery;

(b) how far it is behind the schedule;

(c) when it is likely to go on stream;

(d) the amount spent on its construction so far; and

(e) the total cost of the project?

**The Minister of Petroleum and Chemicals (Shri Humayun Kabir):** (a) and (c). It is expected that the Refinery will go on stream by March, 1966.

(b) About three months.

(d) Rs. 11.06 crores upto 30-6-1965.

(e) About Rs 22.00 crores.

#### Economic Pool

- \*504. { Shri Vidya Charan Shukla:  
Shri R. S. Pandey:  
Shri Indrajit Gupta:  
Shri Yashpal Singh:  
Shrimati Tarkeshwari Sinha:  
Shri M. R. Krishna:  
Shri Sinhasan Singh:  
Shri Gauri Shankar Kakkar:  
Shri Ramshekhar Prasad Singh:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 568 on the 3rd March, 1965, and state:

(a) whether any decision has since been taken regarding the formation of an economic pool for staffing various managerial positions in the Public Sector Undertakings; and

(b) the manner in which the selection and recruitment to this pool will be regulated?

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** (a) and (b). The various aspects connected with the formation of Central Economic Pool are still under consideration.

#### New College for Women in Delhi

- \*505. { Shri D. C. Sharma:  
Dr. Mahadeva Prasad:

Will the Minister of Education be pleased to state:

(a) whether the Delhi Administration has been asked to open a new College for women during this year;

(b) whether it is a fact that there is an acute shortage of seats for girls in the colleges in Delhi;

(c) how far this college is going to meet the requirements; and

(d) the steps taken or proposed to be taken to provide seats to rest of the girl students?

**The Minister of Cultural Affairs in the Ministry of Education (Shri Hajarnavis):** (a) Yes, Sir. The Delhi Administration has opened a new college for women at Timarpur.

(b) and (c). The shortage of seats for girls was met by providing 700 seats in the first year in the new college and accommodating about 300 women students under the scheme of Advisory Board of Women (Non-Collegiate) Education of the University of Delhi.

(d) Does not arise.

#### नई दिल्ली जेल में अपराध

- \*506. { श्री हुकम चन्द कश्यप :  
श्री बड़े :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नई दिल्ली जेल में अपराधों की संख्या निरन्तर बढ़ रही है;

(ख) क्या यह भी सच है कि 13 अगस्त को एक कैदी जहर खा कर मर गया और एक अन्य व्यक्ति को घने ही दिन छुरा भोंक दिया गया; और

(ग) यदि हाँ, तो ऐसी घटनाओं की रोकथाम के लिय सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में उपचुकी (श्री ल० ना० मिश्र) : (क) जी, नहीं ।

(ख) जी, नहीं । फिर भी, एक विचार-धीन व्यक्ति ने साबुन और सोडे को चोल गटक कर 13 अगस्त को आत्महत्या कर ली । 14 अगस्त को एक सगड़े में दो कैदियों को चोट लग गई ।

(ग) प्रश्न ही नहीं उठता ।

### Integrated Development of Special Areas

- \*507. { Shri Vidya Charan Shukla:  
Shri A. S. Saigal:  
Shri J. P. Jyotishi:  
Shri Chandak:

Will the Minister of Rehabilitation be pleased to state the progress so far made in the matter of completion of survey of special areas selected for integrated development of resources?

**The Minister of Rehabilitation (Shri Tyagi):** The survey of Andaman and Nicobar Islands has been completed, and Development work has already commenced and is likely to gather momentum during the next working season. The survey in Chanda (Maharashtra) is nearing completion; a preliminary survey of availability of land for reclamation in areas of Orissa and the Chambal Ravine area of Madhya Pradesh and Rajasthan has also been made. The survey of the other areas in Madhya Pradesh and the areas in Mysore has not commenced.

### Peace and Security in Border Areas

\*508. **Shri P. C. Borooah:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 87 on the 18th August, 1965 and state the steps taken so far and contemplated to be taken to deal with the various specific problems threatening the peace and security of Assam and other border areas mentioned therein?

**The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):** The specific problems of this region are illegal infiltration of Pakistani nationals, activities of hostile Nagas and the threat to security posed by Pakistan's designs on the borders. A Border Security Force has already been created and the operational control of the border vests with the army. Measures to tighten up security, check further infiltration, expand and equip the police and to ensure adequate protection of vulnerable areas have been initiated. It is inadvisable to go into further details.

### Manufacture of Activated Carbon

1691. **Shri Ram Harkh Yadav:** Will the Minister of Education be pleased to state:

(a) whether Government propose to set up a plant at Hyderabad to manufacture activated carbon on commercial basis as a venture of the Council of Scientific and Industrial Research; and

(b) if so, the details of the project and its annual production?

**The Deputy Minister in the Ministry of Education (Shrimati Soundararam Ramachandran):** (a) The plant which was designed by the Regional Research Laboratory, Hyderabad and fabricated locally, was put into commission on 19-6-1965.

(b) The details of the plant are given below:—

- (i) It is a prototype semi-commercial plant having a capacity of 2 tonnes of activated carbon per day. The production rate this year is 500 tonnes.
- (ii) Activated carbons with a wide range of application can be produced from the plant.
- (iii) Experiments conducted on this plant will provide useful data for designing commercial plants.
- (iv) The production from the plant may replace the activated carbons at present imported.

### Junior Technical School at Badagara (Kerala)

1692. { Shri A. V. Raghavan:  
Shri Pottakkatt:

Will the Minister of Education be pleased to state:

(a) the progress made in the matter of establishing a Junior Technical School at Badagara in Kerala during 1964-65 and 1965-66;

(b) when the school will start functioning; and

(c) the total number of such schools opened or proposed to be opened in Kerala and the locations thereof?

**The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan):** (a) and (b). According to information received from the Government of Kerala, the starting of a Junior School at Badagara has been deferred for the present.

(c) 20 Junior Technical Schools have so far been opened in Kerala at Attingal, Manakkala, Pampadi, Shertalli, Perumbavoor, Kunnamkulam, Shoranur, Manjeri, Cheruvathoor, Palai, Koratty, Cranganore, Chittur, Nedumangad, Krishnapuram, Mathanur, Ezhuffone, Trichur, Calicut and Cannanore. No more Junior Technical Schools are proposed to be opened in Kerala during the current year.

#### Deaths by Thunderbolt in Kerala

**1693. Shri A. K. Gopalan:** Will the Minister of Home Affairs be pleased to state:

(a) the number of persons who died in Kerala due to thunderbolt last year; and

(b) whether Government have given any relief to their dependants?

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** (a) 28.

(b) Relief has been given in deserving cases.

#### Tourist Development Corporation for Kerala

**1694. Shri A. K. Gopalan:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government propose to have a Tourist Development Corporation for Kerala; and

(b) if so, when it is going to be started?

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** (a) Yes, Sir.

(b) The Corporation will start functioning shortly.

#### Petro-Chemical Factory in Kerala

**1695. { Shri A. K. Gopalan:  
Shri A. V. Raghavan:  
Shri Pottakkatt:**

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that the proposal to start a petro-chemical industry in Kerala is being dropped;

(b) if not, whether Government propose to have it in Cochin; and

(c) if so, when?

**The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan):** (a) to (c). In view of the high priority given to the fertilizer industry it has been decided to utilise as much of the naphtha available at the Cochin Refinery as possible for the manufacture of ammonia and nitrogenous fertilizer. A large-sized naphtha-based fertiliser plant will be located at Cochin. The question of starting some other units of petrochemicals will be considered in due course depending on the availability of naphtha.

#### Amenities for Schools in Kerala

**1697. Shri A. K. Gopalan:** Will the Minister of Education be pleased to state:

(a) whether Government are aware that there is a lack of minimum required space, furniture, sanitation and playgrounds in a majority of primary and secondary schools in Kerala;

(b) the result of the enquiry conducted by the Kerala University into the existing facilities in such Schools;

(c) the measures Government propose to take to improve these conditions;

(d) the number of school buildings which collapsed in Kerala since 1963; and

(e) the number of children who died as a result thereof?

**The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran):** (a) to (e). Information is being collected from the State Government and will be placed on the Table of the House.

**National Academy of Administration,  
Mussoorie**

1698. Shri Ram Harkh Yadav: Will the Minister of Home Affairs be pleased to state:

(a) whether Government have set up an Advisory Council for the National Academy of Administration at Mussoorie; and

(b) if so, its composition and functions?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Yes.

(b) The Advisory Council is headed by Dr. D. G. Karve and twenty-three members of eminence (both official and non-official). The Council will advise on the suitability of courses provided at the Academy and other important matters concerning the arrangements for the training of the higher services. A copy each of the Government Resolutions, setting up the Council is placed on the Table of

the House. [Placed in Library. See No. LT-4784/65].

**महाराष्ट्र की पुनर्वास योजनाएं**

1699. { श्री डे० शि० पाटिल :  
श्री कांबले :

क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि महाराष्ट्र सरकार ने पूर्वी पाकिस्तान से आने वाले शरणार्थियों के पुनर्वास के लिये कुछ औद्योगिक योजनाएँ पेश की हैं;

(ख) यदि हाँ, तो क्या उन योजनाओं पर विचार कर लिया गया है; और

(ग) इस विषय में क्या निर्णय किया गया है ?

पुनर्वास मंत्री (श्री श्यामी) : (क) से (ग) . महाराष्ट्र सरकार द्वारा प्रस्तुत की गई योजना के बारे में स्थिति निम्न है :—

योजना का नाम	घन राशि की लागत	बसाये जाने वाले परिवारों की संख्या	टिप्पण
1. चन्दा तथा भंडारा जिलों में मछुए परिवारों के पुनर्वास की योजना ।	1,29,000	200	6-4-1965 को मंजूर की गई ।
2. भारतीय रेड क्रॉस समिति की पंजाब शाखा द्वारा दान दी गई सिलाई मशीनों वाले शिविरों के कार्य केन्द्र ।	1,600	20	17-8-65 को मंजूर की गई ।
3. शिविरों में सिलाई, बड़ईगरी तथा तथा बुनाई के प्रशिक्षण तथा उत्पादन केन्द्र ।	31,000	47	राज्य सरकार से बातचीत चल रही है और योजना विचाराधीन है ।
4. नये विस्थापितों को मूर्खी पालने के लिये ऋण देने की योजना ।	1,25,000	250	राज्य सरकार से बातचीत चल रही है और योजना विचाराधीन है ।

महाराष्ट्र की माध्यमिक शिक्षा के लिए अनुदान

1700. { श्री डे० शि० पाटिल :  
श्री कांबले :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि महाराष्ट्र सरकार को माध्यमिक

शिक्षा के लिए 1963-64 तथा 1965-66 में अब तक अनुसंधान तथा ऋण के रूप में कितनी राशि दी गई है ?

शिक्षा मंत्रालय में उपमंत्री (श्रीमती सौम्यराज रामचन्द्रन्) : 1963-64 के दौरान

24,230 रुपए का कुल अनुदान दिया गया था और माध्यमिक शिक्षा के सुधार के लिए चालू वर्ष के दौरान अब तक 34.155 लाख रुपए की रकम नियत की गई है। कोई ऋण नहीं दिया गया है।

#### Cargo-cum-Passenger Vessel for Laccadive

1701. { Shri A. V. Raghavan:  
Shri Pottekkatt:

Will the Minister of Home Affairs be pleased to state:

(a) the progress made in constructing the cargo-cum-passenger vessel for the Union Territory of Laccadive;

(b) when it will be completed;

(c) when the contract to construct the ship was given; and

(d) the reasons for the delay in commissioning the ship?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Laying of the keel and framing of the vessel has been completed; and the hull work is in progress.

(b) Expected to be completed by April, 1966.

(c) In February, 1963.

(d) Delay in completion of the vessel due to late receipt of main machinery and equipment from abroad.

#### Land Reforms in Mahe

1703. { Shri A. V. Raghavan:  
Shri Pottekkatt:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 1484 on the 24th March, 1965 and state:

(a) whether Government of Pondicherry have taken any final decision in the matter of introducing suitable legislation on Land Reforms in Mahe; and

(b) if so, when the same will be introduced?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a)

and (b). The necessary Legislation is expected to be introduced in the Pondicherry Legislative Assembly soon.

#### Write Petitions Filed in Mysore High Court

1704. Shri Siddiah: Will the Minister of Home Affairs be pleased to state:

(a) how many writ petitions were filed before the High Court of Mysore from 1st January to 1st August, 1965;

(b) the number of them disposed of; and

(c) the number of cases in which decisions were against the State Government or the Central Government?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) to (c). The information is being obtained and will be laid on the Table of the House.

#### Members of U.P.S.C.

1705. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Dr. P. N. Khan:  
Shri M. L. Dwivedi:  
Shrimati Savitri Nigam.

Will the Minister of Home Affairs be pleased to state:

(a) whether there is any procedure laid down to appoint members of the Union Public Service Commission;

(b) whether the question of superannuation does not stand in the way of appointing Members of the Commission; and

(c) how many members of the Commission at present are superannuated persons?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) No. But, by convention, members are appointed by the President on the recommendations of the Home Minister and the Prime Minister, keeping in view the requirements of the proviso to article 316(1) of the Constitution.

(b) No. The age limit for membership of the Commission is 65 years.

(c) Four out of the six present members, including the Chairman, belong

to the category of officials and not superannuated persons, but none of them is above the age of 65 years.

#### Academy of Scientists

1706. { Shrimati Savitri Nigam:  
Shri Rameshwar Tanti:  
Shri S. C. Samant:  
Shri Subodh Hansda:

Will the Minister of Education be pleased to refer to reply given to Starred Question No. 121 on the 24th February, 1965 and state:

(a) the final decision taken in establishing the Academy of Scientists;

(b) the main functions of the Academy; and

(c) when it is likely to be started?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) to (c). The matter is still under consideration.

#### Complaint Cells in the Ministries of Government of India

1707. Shrimati Savitri Nigam: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 255 on the 24th February, 1965 and state the number and names of the remaining Ministries which have opened complaint cells?

The Minister of State in the Ministry of Home Affairs (Shri Nathi): No other Ministry has opened a complaints cell since February, 1965.

#### Scholarships for Higher Education in Occupational Physiotherapy

1708. Shrimati Savitri Nigam: Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 253 on the 24th February, 1965 regarding the Commonwealth Scholarship Scheme and state:

(a) whether scholarships are given for higher education in occupational physiotherapy subjects; and

(b) if so, the details thereof?

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The Minister of Cultural Affairs in the Ministry of Education (Shri Harnavis): (a) and (b). Under the Commonwealth Scholarship and Fellowship Plan a number of Commonwealth countries offer scholarships to Indian Nationals for higher studies in their respective countries. While in the offer of the scholarships made by the Government of Australia, New Zealand and the United Kingdom, there has been no restriction on the selection of subjects by the intending candidates in the case of other Commonwealth countries, such as, Canada, Malaysia, Hong Kong, Nigeria, Ghana, Ceylon, Malta and Cyprus, the scholarships have been restricted to those fields for which suitable facilities exist in the respective countries.

The Government of India have so far been advertising Commonwealth Scholarships mainly for study and research in Engineering, Technology, Sciences including Medicine and Surgery, Humanities and Fine Arts. Candidates interested in higher studies in Occupational Physiotherapy are free to apply for these scholarships and have to compete with applicants in other subject fields.

Scholarships are tenable normally for two years and provide for the cost of passage to and from the country of study, adequate maintenance allowance, grant for books and apparatus, tuition and laboratory fees, cost of internal travel connected with studies, and in some cases a clothing allowance.

#### House Collapses in Delhi

1709. { Shrimati Savitri Nigam:  
Shri Kajolikar:

Will the Minister of Home Affairs be pleased to state the number of houses which collapsed and the casualties resulting therefrom in the capital due to rains during June and July, 1965?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): There were eight incidents

of house collapses causing death to three persons and injuries to nine persons during the months of June and July, 1965. The reasons for collapse of houses cannot specifically be attributed to rains.

#### Supply of Natural Gas for Cooking Purposes

1710. **Shrimati Savitri Nigam:** Will the Minister of Petroleum and Chemicals be pleased to state:

(a) the arrangements being made to supply natural gas for cooking purposes to the domestic consumers; and

(b) the steps being taken to get the price of Burshane Gas reduced?

**The Minister of Petroleum and Chemicals (Shri Humayun Kabir):**

(a) At present natural gas in Assam is being supplied for cooking purposes to:

- (i) employees of Oil India Ltd., and
- (ii) workers in certain tea gardens.

It is also proposed to supply gas to employees of Assam Oil Company, Assam State Electricity Board, etc. The Assam Gas Company is examining the possibility of instituting a gas distribution scheme for supplies to domestic and small industrial consumers.

As for natural gas in Gujarat, the Oil and Natural Gas Commission is not at present making any arrangements to supply natural gas for cooking purposes to consumers as the Commission's prior commitments are for power generation and industrial use.

(b) The question of fixation of price of Liquefied Petroleum Gas has been considered by the Working Group on Oil Prices. Their report is under consideration.

#### Clandestine Activities of Unsocial Elements in Railway Premises in Delhi

1711. { **Shri Surendra Pal Singh:**  
**Shri Mohammed Koya:**

Will the Minister of Home Affairs be pleased to state:

(a) whether Government are aware that a number of well-organised gangs of miscreants and bad characters run clandestine gambling dens and pubs in empty railway carriages on the sidings of the Delhi railway station and the Delhi Police are unable to apprehend them as the railway sidings fall outside their jurisdiction and the Railway Police have also not been able to check these nefarious activities of these gangs; and

(b) if so, whether Government propose to end this dual control over this area so that the Delhi Police can take adequate steps to eliminate these gangs altogether?

**The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):** (a) and (b). The administrative control of the railway police in the Union Territory of Delhi has since been transferred from the Government of Punjab to the Delhi Administration with effect from 16-7-1965.

#### Seminar on Education

1712. **Shri Yashpal Singh:** Will the Minister of Education be pleased to state:

(a) whether a seminar on education was held in Nainital in May, 1965;

(b) if so, the subjects discussed; and

(c) the recommendations made in the seminar?

**The Deputy Minister in the Ministry of Education (Shrimati Soundararam Ramachandran):** (a) to (c). A statement is laid on the Table of the House. [Placed in Library. See. No. LT-4785/65].



**Declaration of Urban Areas in Delhi**

1713. Shri Shree Narayan Das: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that about 100 villages in South Delhi are going to be declared urban areas;

(b) if so, the circumstances under which this is going to take place;

(c) whether a statement giving the names of these villages will be laid on the Table; and

(d) whether the residents of those villages have objected to this proposal?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):

(a) No such proposal is under consideration of Government.

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

**जस्त किये गये सामान की बिक्री**

1714. श्री बारङ्ग : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि चोरी छिपे लाया गया और जस्त कर लिया गया सामान केन्द्रीय सरकारी कर्मचारी उपभोक्ता सहकारी स्टोर, नई दिल्ली, में बेचा जाता है;

(ख) क्या यह भी सच है कि ये वस्तुएं बहुत अधिक लाभ पर बेची जाती हैं और इनमें कुछ वस्तुओं की कीमतें तो बजार भाव से भी अधिक होती हैं; और

(ग) इन वस्तुओं को कौन व्यक्ति खरीद सकते हैं ?

गृह-कार्य मंत्रालय में उपमन्त्री (श्री स० ना० मिश्र) : (क) जी, हाँ ।

(ख) जी, नहीं ।

(ग) केन्द्रीय सरकारी कर्मचारी उपभोक्ता सहकारी सोसाइटी लिमिटेड, नई दिल्ली के सदस्य ।

**केन्द्रीय सरकारी कर्मचारी उपभोक्ता सहकारी स्टोर, नई दिल्ली**

1715. श्री बागड़ी : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नई दिल्ली के केन्द्रीय सरकारी कर्मचारी उपभोक्ता सहकारी स्टोर को एक सरकारी संगठन में परिवर्तन करने का प्रस्ताव है;

(ख) यदि हाँ, तो उसके कारण क्या हैं; और

(ग) प्रसधारियों के हितों की रक्षा की जायेगी ?

गृह-कार्य मंत्रालय में उपमन्त्री (श्री स० ना० मिश्र) : (क) जी, नहीं ।

(ख) और (ग). प्रश्न ही नहीं उठते ।

**Grih Kalyan Kendra (Family Welfare Institute), New Delhi**

1716. { Shri R. S. Pandey:  
Shrimati Savitri Nigam:  
Shri M. J. Dwivedi:  
Shri S. C. Samanta:

Will the Minister of Home Affairs be pleased to state:

(a) whether the employees of Grih Kalyan Kendra are not being paid their salaries regularly; and

(b) if so, whether Government have taken or propose to take any steps to ameliorate the grievances of the employees of this organisation?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):

(a) The payment of honorarium to the staff is sometimes delayed due to late sanction of the Grant-in-aid.

(b) The Organisation has recently been registered under the Registration of Societies Act, 1860. As a separate legal entity, it will be in a position to manage its own affairs and it is expected that payments will be made regularly.

### Explosions in Delhi

1717. { Shri Rameshwar Tantia:  
Shri S. C. Samanta:  
Shri Subodh Hansda:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 272 on the 24th February, 1965 and state:

(a) whether the proposal to organise and strengthen the special staff in the CID to prevent explosions in Delhi and to apprehend those responsible for them has been considered by Government; and

(b) if so, the broad details thereof?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) and (b). The proposal is still under consideration by the Delhi Administration.

### Administrative Reforms

1718. { Shri Rameshwar Tantia:  
Shri S. C. Samanta:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 377 on the 10th March, 1965 and state:

(a) whether the various proposals for reform of the Central Administrative Services have been considered by Government; and

(b) if so, the result thereof?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). Certain proposals for the revision of the Central Administrative Pool Scheme, to which presumably the Hon'ble member refers, have been circulated to the State Governments and their views are now under consideration.

### Director General, Tourism

1719. { Shri S. C. Samanta:  
Shri Rameshwar Tantia:  
Dr. Sarojini Mahishi:

Will the Minister of Home Affairs be pleased to refer to the reply given

to Unstarred Question No. 528 on the 3rd March, 1965 and state:

(a) whether the enquiry into the allegation of corruption made against the incumbent of the post of Director General, Tourism, has since been completed;

(b) if so, the broad findings of the corruption charges enquired into; and

(c) the action Government propose to take in the matter?

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

(a) to (c). The enquiry is at the final stage.

### Education of Girls and Women in Uttar Pradesh

1720. Shri Vishwa Nath Pandey: Will the Minister of Education be pleased to state:

(a) the amount allotted to the Government of Uttar Pradesh for the education of girls and women during 1963-64 and 1964-65;

(b) the amount actually spent by the Uttar Pradesh Government during the above period; and

(c) the amount proposed to be allotted for the purpose during 1965-66?

The Deputy Minister in the Ministry of Education (Shrimati Soudaram Ramachandran): (a) The following amount was allotted to the Government of Uttar Pradesh for special programmes relating to the education of girls and women:—

Rs. in lakhs
1963-64—41.88
1964-65—78.48.

(b) 1963-64—41.232  
1964-65—110.295

Over and above this, a certain portion of amount allotted for General Education has also been spent on the education of girls and women, but separate account of this is not available.

(c) (i) Special programmes:—  
74952.

(ii) Advance Action Programme  
for the 4th Five Year Plan  
(Acceleration of girls' educa-  
tion). Rs. 600

उत्तर प्रदेश के प्रकाशकों की सहायता

1721. श्री विश्वनाथ पंडेय : क्या  
शिक्षा मंत्री यह बताने की कृपा करेंगे  
कि :

(क) 1963-64 तथा 1964-65  
में समाज शिक्षा सम्बन्धी तथा नवसाक्षरों  
सम्बन्धी साहित्य या मुद्रण करने के लिये  
उत्तर प्रदेश के प्रकाशकों, मुद्रकों, तथा पुस्तक-  
विक्रेताओं को कितनी सहायता दी गई; और

(ख) क्या 1965-66 में उत्तर प्रदेश  
सरकार को इस प्रयोजनार्थ सहायता देने  
के लिये सरकार ने कोई योजना बनाई है ?

शिक्षा विभाग में उत्तरांचल (श्री भरत  
वर्मा) : (क) ऐसी सहायता देने की सरकार की  
कोई योजना नहीं है और इसलिए उत्तर प्रदेश  
के प्रकाशकों, मुद्रकों और पुस्तक-विक्रेताओं  
को कोई सहायता नहीं दी गई है। नव-साक्षरों  
के लिए लिखी पुस्तकों की एक पुरस्कार योजना  
है—इन योजना के अन्तर्गत उत्तर प्रदेश में  
प्रकाशित कुछ पुस्तकों को पुरस्कार मिले हैं  
और उन्हें खरीदा गया है। इसके प्रतिरूप,  
मेसर्स एंडी विश्वभागी, लखनऊ को हिन्दी  
विषय कोश के प्रकाशन के लिए, 1963-64 के  
दौरान 20,000 रुपये की एक किस्त दी गई  
थी।

(ख) जी नहीं।

Discovery of Chinese Cartridges near  
Indian Military Academy, Dehra Dun

1722. { Shri Vishwa Nath Pandey:  
Shri Hukam Chand Kach-  
valya:

Will the Minister of Home Affairs  
be pleased to refer to the reply given  
to Unstarred Question No. 1472 on the

24th March, 1965 and state:

(a) whether any investigation into  
the recovery of cartridges, believed  
to be of Chinese origin, near the  
Indian Military Academy, Dehra Dun,  
has since been made; and

(b) if so, the result thereof

The Minister of State in the Min-  
istry of Home Affairs (Shri Nathi):

(a) and (b). Yes, Sir. It has been  
established that the cartridges were  
of Chinese origin. However the in-  
quiries made have not suggested  
their connection with saboteurs or  
chinese agents.

Oil in Ankleshwar

1723. { Shri Vishwa Nath Pandey:  
Shri Kinder Lal:  
Shri Ram Sewak:

Will the Minister of Petroleum and  
Chemicals be pleased to refer to the  
reply given to Starred Question  
No. 675 on the 31st March, 1965 re-  
garding oil in Ankleshwar and state  
the progress made in this matter since  
then?

The Minister of Petroleum and  
Chemicals (Shri Humayun Kabir):  
Five more wells have been drilled of  
which four have been tested and  
found oil bearing.

It will be necessary to drill addition-  
al wells before prospects can be  
properly assessed.

State Establishment Board, Punjab

1724. { Shri P. R. Chakravarti:  
Shri P. C. Borooah:  
Shri Bagri:

Will the Minister of Home Affairs  
be pleased to state:

(a) whether Government have  
received a representation from the  
State Establishment Board, Punjab  
which was wound up early in June,  
1965;

(b) the main points made in the  
representation; and

(c) whether Government have ad-  
vised other State Governments to set  
up similar Boards in the context of

the experiences gained by the Punjab Board?

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

(a) No, Sir.

(b) Does not arise.

(c) No, Sir.

# Home Minister's Appearance in Court

1725. { Shri P.R. Chakravarti:  
Shri P.C. Borooah:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that several detenus challenging their detention have demanded the appearance of the Union Home Minister in the court as a witness;

(b) whether affidavits have been filed showing the grounds for detention on behalf of Government; and

(c) whether it is a fact that the Centre had to cancel the detention orders passed by the State Governments on certain occasions and issue fresh detention orders on its own?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Some detenus filed applications before the High Courts hearing their habeas corpus petition, praying that the Minister of Home Affairs be summoned as a witness.

(b) The counter-affidavits filed by the Home Minister or the Union of India as the case may be, were not intended to contain grounds of detention nor it is necessary to furnish such grounds under the law.

(c) The Central Government considered it necessary to detain, under rule 30 of the Defence of India Rules, certain persons who had been earlier detained by the Governments of Kerala, Maharashtra and Uttar Pradesh, but orders against whom were revoked under rule 30(A) (10) by the President in the case of Kerala, and

by the State Governments of Maharashtra and Uttar Pradesh.

# Diversification of Courses

1726. { Shri P.R. Chakravarti:  
Shri P.C. Borooah:

Will the Minister of Education be pleased to state:

(a) whether Government have decided, as a matter of policy, to have diversification of courses beyond every terminal point at which students give up formal studies and take to occupational training or actual occupation;

(b) what are the proposed terminal points opening out different forms of training for young learner; and

(c) whether any Expert Committee has been appointed to go into the question and evolve a pattern leaving room for variations suited to local requirements?

The Deputy Minister in the Ministry of Education (Shrimati Soundararam Ramachandran): (a), (b) and (c). Diversification which was introduced in the secondary education system on the recommendation of the Mudaliar Commission starts after the period of elementary education, i.e., after the primary and middle stage. No fresh decision has been taken to have diversification at every terminal point in school education; the decision is to increase the practical content in the diversified courses so that on completing these courses the students can take up those occupations for which they will have received education in their secondary schools. This matter is being looked into by the Education Commission also.

# गुडगांव में बिस्फोट

1727. श्री ठाकुर लाल कच्छवाय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गुडगांव जिले के सोहना तथा नूह गांव के मकान एक भीषण बिस्फोट के कारण हिल गये थे;

(ख) क्या यह भी सच है कि उसी समय गुडगांव में एक भ्रमात वायुयान भी मंडराता देखा गया;

(ग) यदि हां, तो विस्फोट के क्या कारण थे; और

(घ) भ्रमात विमान कहाँ से आया था ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हाथी) : (क) से (घ). पंजाब सरकार द्वारा दी गई सूचना के अनुसार 7 जून, 1965 को प्रातः 10.30 बजे ऐसा प्रतीत हुआ कि गृह तथा फीरोज़पुर शिरगा के बीच धराशली पर्वत भूखला में विस्फोट जैसे हुआ था। इसके परिणामस्वरूप पर्वत-श्रृंखला के साथ के गांवों में मकान तथा झोंपड़े कुछ देर तक झटके महसूस करते रहे। उसी समय पर्वत-श्रृंखला के उस क्षेत्र के ऊपर एक वायुयान मंडराता देखा गया। अब ध्वनि की गति से तेज उड़ने वाला वायुयान ध्वनि की गति को पार कर जाता है तब घनत्व का एक ऐसा धमाका होता सकता है जिसकी तुलना उससे भी की जा सकती है जो यहां हुआ था। इसलिये उस धमाके की झटक में कोई प्रसाधारण बात नहीं थी। फिर भी दुरे इतमीनान के लिये इस बात का निष्पद्य करने की दृष्टि से कि यह बाहरी तत्वों की साजिश से उत्पन्न गड़बड़ नहीं थी उस क्षेत्र की पूरी तरह तलाशी ली गई। कोई भी संदेहजनक बात नहीं मिली। इसलिये यह ज्ञात करना जरूरी नहीं समझा गया कि वायुयान कहाँ से आया था।

#### Recruitment to I.A.S.

1728. { Shri Rameshwar Tantia;  
Shri Bagri;  
Shri P.R. Chakraverti;  
Shri P. R. Chakraverti;  
Shri Ram Hakh Yadav;  
Shrimati Tarkeshwari Sinha;

Will the Minister of Home Affairs

be pleased to state:

(a) whether it is a fact that there is a proposal under consideration to increase the quota to the annual recruitment to the Indian Administrative Service;

(b) if so, whether views of the State Governments had been sought in the matter;

(c) what will be the total increase; and

(d) when it is likely to take effect?

The Minister of State in the Ministry of Home Affairs (Shri Hathii): (a) and (b). After a review of the likely requirements over the next 5 years, a proposal to increase the annual rate of recruitment to the I.A.S. is under consideration in consultation with the State Government and the Union Public Service Commission.

(c) The proposal under consideration is to increase the annual intake from about 130 per annum to about 160 per annum.

(d) After consultations with the Union Public Service Commission and the State Governments have been completed.

#### Pension to Widows

1729. Shri Mohammed Koya: Will the Minister of Home Affairs be pleased to state:

(a) the number of widows who applied for pension from the Kerala State during the last two years;

(b) the number of those who got the pension; and

(c) whether any memorandum ask-

ing for the simplification of the rules for the grant of pension has been received?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) 48,111.

(b) 6,420.

(c) No, Sir.

### Complaints Box in Raj Bhavan, Kerala

1730. Shri Mohammed Koya: Will the Minister of Home Affairs be pleased to state:

(a) whether any complaint box was installed at the Raj Bhavan, Kerala;

(b) the number of complaints received; and

(c) the number of complaints found to be genuine?

The Minister in the Ministry of Home Affairs (Shri Hathi): (a) Yes, Sir.

(b) 810 petitions were received upto the 7th August, 1965.

(c) 632 complaints which appeared to be genuine have been forwarded to the authorities concerned for appropriate action.

### Loans to Delhi Municipal Corporation

1731. { Shrimati Tarkeshwari Sinha:  
Shri Surendra Pal Singh:

Will the Minister of Home Affairs be pleased to state:

(a) whether the Delhi Municipal Corporation has requested the Union Government that the loans given to

it must be converted into subsidy; and

(b) if so, the decision taken by Government in the matter?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) Yes, Sir.

(b) The Corporation has been advised to refer its request to the Commission of Inquiry appointed to enquire into the financial resources and requirements of local bodies in Delhi.

### Expenditure on Sheikh Abdullah

1732. { Dr. L. M. Singavi:  
Shri Daljit Singh:  
Shri Inder J. Mahotra:  
Shri P. C. Borah:  
Shri Raghunath Singh:  
Shri R. Barua:  
Shri D. D. Mantri:  
Shri Basumatari:

Will the Minister of Home Affairs be pleased to state:

(a) the monthly expenditure on Sheikh Abdullah and his co-prisoners in Ootacamund under the different heads; and

(b) the total expenditure incurred on them so far after his return from his recent foreign tour?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). A statement which gives details of the monthly expenditure incurred on Sheikh Abdullah and Mirza Afzal Beg under the different heads, and the total expenditure incurred on them during their

stay Ootacamund, is as follows:

## STATEMENT

Item of Expenditure	May	June	July
Articles of food, toilet, medicines, transport etc. . . . .	1,127-00	1,340-87	2,026-80
Expenditure on beddings, warm clothings, furniture and miscellaneous . . . . .	4,999-67	2,022-87	1,022-14
Rent of the building	550-00	550-00	550-00
	6,606-67	3,963-74	3,658-94
GRAND TOTAL		Rs. 13,019-35	

## New Delhi Courts Buildings

1733. Shrimati Savitri Nigam: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the New Delhi Court Building was declared unserviceable in 1943; and

(b) whether Government have taken any decision to construct new court building?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):

(a) No, Sir.

(b) No, Sir.

## Archaeological Excavation Works in Punjab

1734. Shri Daljit Singh: Will the Minister of Education be pleased to State:

(a) whether any financial assistance has been given to the Punjab Government for archaeological excavation works in Punjab during 1964-65 and 1965-66 so far; and

(b) if so, the amount thereof?

The Minister of Cultural Affairs in the Ministry of Education (Shri E. M. Hajarnavis): (a) No, Sir; no such

request has been received from the Punjab Government so far.

(b) Does not arise.

## Writ Petitions by Left Communist Detenus

1735. Shri Kolla Venkalah: Will the Minister of Home Affairs be pleased to state:

(a) whether writ petitions have been filed before the Supreme Court of India by the Left Communist detenus;

(b) if so, the details thereof;

(c) whether they have been admitted;

(d) whether any legal aid was given to them and any legal consultation allowed; and

(e) if answer to (d) above be in the negative the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Yes, Sir.

(b) and (c). A statement is as follows:

## STATEMENT

S. No.	Name of State	Detail of petition	Whether admitted or not
1.	Bihar	1. W. P. No. 57 of 1965 by Shri Mangal Prasad	Admitted for hearing.
2.	Kerala	1. W. P. 51 of 1965 by Shri A.K. Gopalan. 2. W. P. No. 59 of 1965 by Shri A. K. Gopalan 3. W. P. No. 59 of 1965 by Shri M. M. Cheriyan.	Admitted for hearing. Admitted for hearing by Admitted for hearing
3.	Madras	1. W. P. No. 47 of 1965 by Shri. K. Ananda Nambiar 2. W. P. No. 61 of 1965 by Shri R. Umanath.	Admitted for hearing. Admitted for hearing.
4.	Mysore	1. W. P. No. 41 of 1965 by Shri M. S. Dhareshwar.	Admitted for hearing.
5.	Orissa	1. W. P. by Shri Jagannath Misra.	Not known.

Note : All these petitions question the validity of the detention of the detenu under Rule 30 of the Defence of India Rules.

(d) while no legal aid was asked for by detenu, legal consultation was allowed upon request.

(e) Does not arise.

“ज्ञान सरोवर” विश्वकोष का प्रकाशन

1736. श्री हुसम खन्व कछुशाय : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने “ज्ञान सरोवर” नामक विश्वकोष के प्रकाशन का कार्य किसी निजी शिक्षा संस्था को 1951 में सौंप दिया था; और

(ख) यदि हाँ, तो उपर्युक्त विश्वकोष के कितने खण्ड प्रकाशित हो चुके हैं और इस कार्य पर कितना व्यय किया गया ?

शिक्षा मंत्रालय में उप-मंत्री (श्री भक्त वर्धन) : (क) जी हाँ, 1952 में ।

(ख) ज्ञान सरोवर खण्ड I, खण्ड II (द्वितीय संस्करण) और खण्ड II प्राइवेट

संस्था द्वारा प्रकाशित किए गए थे । खण्ड III, जिसकी पाण्डुलिपि उस संस्था द्वारा तैयार की गई थी वास्तव में सूचना और प्रसार मंत्रालय के प्रकाशन प्रभाग द्वारा प्रकाशित किया गया है ।

इन खण्डों पर 2,05,396.87 रुपये खर्च हुए हैं ।

“विज्ञान प्रगति” पत्रिका का नेहरू स्मृति धनक

1737. श्री प० ला० बालूपाल : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद द्वारा प्रकाशित “विज्ञान प्रगति” के नेहरू स्मृति धनक के पृष्ठ 47, 48 तथा 49 पर दिय गये फोटो हिन्दी एवम् के प्रबन्धक तथा उसके परिवार के लोगों के हैं; और

(ख) यदि हाँ, तो इन फोटों को किस संदर्भ में छापा गया है ?



शिक्षा मंत्रालय में उपमंत्री (श्रीमती सोनवरम रामचन्द्रन) : (क) जी, हाँ।

(ख) जीवन के विभिन्न क्षेत्रों में स्वर्गीय, प्रधान मंत्री की रूचि दर्शाने के लिए, बहुत बड़ी संख्या में एकत्रित किए गए छायाचित्रों में से 150 छायाचित्र, विज्ञान प्रगति पत्रिका के नेहरू स्मृति प्रक में प्रकाशन के लिए पत्रिका के तत्कालीन संपादक तथा प्रोडक्शन अधिकारी द्वारा चुने गए थे। यह संयोग मात्र है कि हिन्दी एबक के व्यवस्थापक तथा उनके परिवार के सदस्य इन छायाचित्रों में शामिल हैं।

#### Primary and Middle School Text Books in Delhi

1738. Shri Maheswar Naik: Will the Minister of Education be pleased to state:

(a) whether Government's attention has been drawn to an article published in the "Statesman" of 18th June, 1965 in which it has been stated that 'Over a million text books are bought annually in the capital by children in primary and middle schools alone;

(b) whether it is also a fact that these text books are of poor quality and have bad printing and yet big profits are made; and

(c) if so, whether any action is proposed to be taken in the matter?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) Yes, Sir.

(b) and (c). There is scope for improvement in the quality and printing of text Books. As a step in that direction, a Central Committee has been set up under the aegis of the National Council of Educational Research and Training to prepare model text books for all stages of school education.

#### Withdrawal of D.I.E. Act

1739. Shri Yashpal Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether a review for the desirability of withdrawing the Defence of India Act has been made; and

(b) if so, the result thereof?

The Minister of State in the Ministry of Home Affairs (Shri Nathi): (a) and (b). The working of the Defence of India Act, 1962 has been reviewed from time to time and Government have come to the conclusion that in view of the persisting threat to the security of the country the law should continue.

दिल्ली और कलकत्ता में नागरिक चलती-फिरती घापात-सेना

1740. श्री बागड़ी : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार दिल्ली और कलकत्ता में एक चलती-फिरती घापात सेना संगठित करने की योजना बना रही है; और

(ख) यदि हाँ, तो उसका व्योरा क्या है ?

गृह-कार्य मंत्रालय में उपमंत्री (श्री ल० ना० मिश्र) : (क) दिल्ली और कलकत्ता में चलते फिरते घापात दल पहले ही मौजूद हैं।

(ख) यह सूचना देना जन-हित की दृष्टि से ठीक नहीं है।

पाकिस्तानी राइफुजनों का निष्कासन

1741. श्री प्रकाशबीर शास्त्री : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि आसाम की विधान सभा के कुछ सदस्यों ने उन पाकिस्तानी

राष्ट्रपति के निष्कासन का विरोध किया है जो आखिर में अर्बन रुबो वुग आये थे ;

(ख) क्या कुछ संसद सदस्यों ने भी इसी प्रकार उनके पास विरोध व्यक्त किया है अथवा उन्हें इस बारे में ऊपर कोई पत्र-व्यवहार किया है; और

(ग) यदि हाँ, तो सरकार की इस पर क्या प्रतिक्रिया है ?

गुजरात नगरपालिका में राज्य-मंत्री (श्री हाथी) : (क) आखिर में कुछ विधान सभा सदस्यों ने एक सम्भाषण प्राप्त हुआ था जिसमें अर्बन रुबो वुग आये वाले पाकिस्तानियों के निष्कासन की प्रक्रिया में कुछ परिवर्तन सुझाये गये थे ।

(ख) नहीं ।

(ग) प्रक्रिया में कुछ संशोधन कर लिये गए हैं ताकि इस बात का निश्चय हो सके कि कोई भारतीय नागरिक निष्कासित नहीं हो जाता ।

#### Drilling operations in West Bengal

1742. { Shri Heda;  
Shri Kindar Lal;  
Shri Vishwa Nath Pandey:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether Government have decided to start drilling operations for oil at Netra and Bodra in West Bengal; and

(b) if so, the programme for the operation and estimated expenditure thereon?

b) if so, the amount thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) and (b). Yes, Sir. For the present, one deep well is proposed to be drilled near Netra. The drilling is likely to start before the end of this year and estimated expenditure is

about Rs 31 lakhs. Further programme will depend upon the results of the first well.

#### American Plane at Santa Cruz

1743. Shri P. C. Borooah: Will the Minister of Home Affairs be pleased to state:

(a) whether a twin-engineer American plane piloted by one Mr. W.E. Comer was cordoned off and searched by the police as it landed at Santa Cruz Airport on the 1st July, 1965;

(b) if so, under what circumstances it was searched; and

(c) the result thereof?

The Minister of State in the Ministry of Home Affairs (Shri Nathi): (a) Yes, Sir.

(b) The aircraft was searched by the Customs authorities acting on the information given by the pilot of a plane which force-landed at Ehubanagar to the effect that another plane of the same design and belonging to the same company was likely to arrive in India.

(c) Nothing objectionable was found.

#### Desalinization of Sea Waters

\*1744. { Shri Jashvant Mehta;  
Shri Raghunath Singh;  
Dr. P. Srinivasan:

Will the Minister of Education be pleased to state:

(a) the progress made so far in the research regarding desalinization of sea waters; and

(b) whether Government propose to set up a desalting plant in the Fourth Five Year Plan?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) Based on the laboratory data for production of 0.1 gallon of fresh water per square foot per day from sea water, the Central Salt and Marine Chemicals Research Institute, Bhavnagar, has designed one solar still pilot plant of 500 gallons per day capacity.

(b) The Institute has proposed to set up demonstration solar stills of higher capacity at suitable locations in Gujarat State during the fourth plan.

### Discoveries by Indian Scientists Abroad

1745. Shri Krishnapal Singh: Will the Minister of Education be pleased to state:

(a) whether it is a fact that a young Indian Scientist, Mr. Gurdev Singh, has recently attained distinction by his discovery of the LASER Ray which can be used for both defence and peaceful purposes;

(b) whether it is also a fact that another young Scientist, Dr. Narlikar, has also attained distinction in another branch of Physics; and

(c) whether Government propose to persuade such scientists to return to India and work here and also to provide adequate facilities to them for research work?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) It is not correct to say that Shri Gurdev Singh had discovered LASER. The first operating LASER was a solid state design by T. H. Maiman in 1960. The Press release in "Statesman" regarding Shri Gurdev Singh relates only to his experience in one of the laboratories in U.K. in making crystals.

(b) Yes.

(c) The Government have been taking measures to assist Indian Scientists and technologists working abroad to find suitable jobs in India so that they might contribute to and participate in the scientific and technical development of the country. The Scientists' Pool administered by the Council of Scientific and Industrial Research provides temporary placement to well-qualified Indian Scientists and technologists returning from abroad until they are absorbed

in suitable posts on a more or less permanent basis. Approved scientific institutes have been authorised to create a certain number of supernumerary posts to which temporary appointments could be made quickly from among the scientists working and studying abroad.

### Small-Scale Industries in Dandakaranya

1747. { Shri Solanki:  
Shri P. K. Das:  
Shri Narasimha Reddy:

Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that Government have sounded friendly countries specialising in small-scale industries to give assistance in setting up small-scale industries in Dandakaranya for the rehabilitation of the refugees;

(b) the types of industries for which assistance has been sought for and the response received; and

(c) the employment opportunity that these industries will offer?

The Minister of Rehabilitation (Shri Tyagi): (a) to (c). In connection with an offer for aid from the Danish Government, preliminary discussions were held about exploring the scope for assistance in setting up small industrial units in Dandakaranya. No definite indication has, however, been received so far as to whether any aid from Denmark will actually be available and if so, for what schemes.

### Petro-Chemical Industries

1748. Maharajkumar Vijaya Ananda: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether there is a proposal to set up petro-chemical industries one in the East and the other in the South;

(b) whether the locations thereof have been decided;

(c) if so, the particulars thereof; and

(d) the priority attached to these projects?

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): (a) Yes.

(b) No.

(c) Does not arise.

(d) These projects are envisaged for implementation during the Fifth Five Year Plan period, except for some items for which action will be taken in the Fourth Plan period.

#### Sculpture found in Kashmir

1749. { Shri Raghunath Singh:  
Shri Ram Harkh Yadav:

Will the Minister of Education be pleased to state:

(a) whether a 9th Century sculpture at Devasar Area of Kulgam in Kashmir has been discovered; and

(b) if so, what light it throws on the history of Kashmir?

The Minister of Cultural Affairs in the Ministry of Education (Shri Hajirnavis): (a) and (b). A small plaque of stone measuring 6.4 cms. X 3.8 cms. is reported to have been discovered by the Department of Archaeology, Museum and Libraries, Srinagar, at Devsar in Kulgam Tehsil and details of the discovery have been called for from the State Government.

#### Death of a Political Detenué of Maharashtra in Jail

1750. { Shri Dinen Bhatlacharya:  
Dr. Ranen Sen:

Will the Minister of Home Affairs be pleased to state:

(a) whether a Political detenué under the D.I.R. recently died in a prison in Maharashtra; and

(b) if so, whether Government have ascertained the causes of his death?

The Minister of State in the Minis-

try of Home Affairs (Shri Nathi): (a) and (b). Two detenus detained under D.I.R. in Maharashtra died due to illness despite adequate medical aid. One of them, who had been detained by the Central Government, died of left ventricular failure due to Myocarditis. The other, who had been detained by the State Government, died of coronary thrombosis.

#### आसाम में तेल के कुतों की ख़्वाह

1751. { श्री हिन्दर लाल :  
श्री विश्वनाथ पांडेय :  
श्री प्र० च० बड़गा :  
श्री प्र० र० चक्रवर्ती :

क्या वेस्ट्रिलियम और रसायन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि तेल तथा प्राकृतिक गैस आयोग ने आसाम के तेल वाले क्षेत्रों में तथा नये तेल क्षेत्रों में भी भूतुलान के उद्देश्य से बड़े पैमाने पर कुतों खोदने का कार्यक्रम आरम्भ किया है; और

(ख) यदि हाँ, तो अब तक उसके क्या परिणाम निकले हैं ?

वेस्ट्रिलियम और रसायन मंत्री (श्री हुमायून कबिर) : (क) जी हाँ ।

(ख) आसाम के कुछ क्षेत्रों में तेल या गैस मिली है । गुजरात में उदासन शुरू हुआ है । अन्वेषण व्ययन कार्य कई राज्यों में किया जा रहा है ।

#### Ernakulam Backwaters

1752. Shri Mohammed Koya: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a portion of the Ernakulam backwaters was given to a private hotel owner on lease;

(b) whether this has affected the natural beauty of Ernakulam;

(c) whether the Harbour Board and the Ernakulam Municipal Council have protested against this; and

(d) if so, Government's reaction thereto?

The Minister of State in the Ministry of Home Affairs (Shri Hathl): (a) No Sir.

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

#### Application Forms for Engineering and Medical Colleges

1753. Shri Mohammed Koya: Will the Minister of Education be pleased to state:

(a) whether the attention of Government has been drawn to an E.N.S. news-item appeared in the 'Indian Express' (Madras) of 11th July, 1965 about a query in the application form for admission to Engineering and Medical Colleges about the membership of Congress Seva Dal; and

(b) whether it was included under the instructions of the Central Government?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) Yes, Sir. The news-item appeared in the 'Indian Express' on 10th July, 1965.

(b) No, Sir.

#### Miss Universe

1754. { Shri M. N. Swamy;  
Shri Kolla Venkalan;

Will the Minister of Home Affairs be pleased to state:

(a) whether Government's attention has been drawn to the photos recently published in the 'Patriot' and 'Blitz' of the international beauty queens assembled in America for the final selection of 'Miss Universe'; and

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

The Minister of State in the Ministry of Home Affairs (Shri Hathl): (a) and (b). The Government have come

across the issue of the Patriot and the Blitz which have published the photographs but do not consider that they call for any action.

#### Fraudulent Court Decrees in Delhi against Government Servants

1755. Shri R. S. Pandey: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that some complaints have been made to the District Magistrate, Delhi for offences relating to the obtaining of fraudulent court decrees in Delhi against the Government Servants;

(b) whether it is also a fact that certain complaints are pending decision for about a year; and

(c) if so, the action taken to expedite the prosecution in such cases?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) The District Magistrate has not received any complaint from any court for offences relating to the obtaining of fraudulent decrees against Government Servants.

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

#### Liquidation of Kerala Water Transport Corporation

1756. { Shri Wazior;  
Shri Vasudevan Nair;  
Shri Prabhat Kar;

Will the Minister of Home Affairs be pleased to state:

(a) whether the Kerala Water Transport Corporation has been ordered to be liquidated;

(b) whether more than five hundred workers had been retrenched from this Corporation; and

(c) if so, the retrenchment benefits given to these workers?

The Minister of State in the Ministry of Home Affairs (Shri Hathl): (a) and (b). Yes, Sir.

(c) The question of payment of compensation benefits to the retrenched employees is under consideration.

**कलकत्ता क्षेत्र में पाकिस्तानी एजेंट**

1757. { श्री यागड़ी :  
श्री रामहरण यादव :  
श्री हिमन्त सिंहका :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सब है कि संकटकाल में पाकिस्तानी एजेंट गुप्त तथा महत्वपूर्ण सैनिक सूचनाएं पाकिस्तान भेजते रहे हैं;

(ख) क्या यह भी सच है कि संकटकाल में कलकत्ता के गिफ्ट हबियार बनाने वाले कारखाने में बहुत से पाकिस्तानी मुसलमान अपने बनावटी हिन्दू नाम रख कर काम करते रहे हैं तथा गुप्त और महत्वपूर्ण सूचनाएं पाकिस्तान भेजते रहते हैं; और

(ग) यदि हाँ, तो दूरा मामले में सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में उपमंत्री (श्री ल० बा० मिश्र) : (क) पिछले कुछ वर्षों में कुछ जामूसी मामलों का पता लगा जिनमें कुछ सैनिक सूचनाएं पाकिस्तान भेजने का प्रयत्न किया गया था ।

(ख) हबियार बनाने वाले कारखानों में नियुक्तियाँ, पुलिस से चाँज पड़ताल की संतोषजनक रिपोर्ट प्राप्त होने के बाद की जाती है । इसलिये पाकिस्तानी मुसलमानों के बनावटी हिन्दू नाम रख कर वहाँ नियुक्त होने की कोई संभावना नहीं है ।

(ग) प्रश्न नहीं उठता ।

**Appointment of I.O.C. Distributors at Calcutta**

1758. Shri C. K. Bhattacharyya: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether M/s. Indian Oil Co.

advertised in the Calcutta dailies in March, 1964 inviting applications for appointment of distributors for their Liquefied Petroleum Gas;

(b) if so, whether any Distributors have been appointed so far; and

(c) if not, the reasons therefor?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):

(a) and (b). Yes Sir. Two distributors have been appointed.

(c) Does not arise.

**Distribution of Petroleum Products**

1759. { Shri Himatsingka:  
Shri Onkar Lal Berwa:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether any arrangements with private companies for distribution of petroleum products imported from the Soviet Union and other rupee payment countries have been made; and

(b) if so, the details thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):

(a) and (b). Lubricating base oils from Yugoslavia are being imported by Burmah-Shell, Esso, and Caltex. As regards bulk refined products, Hindustan Organizers Ltd., and Burmah Oil Company (India Trading) are distributing small quantities out of imports made by the Indian Oil Corporation.

**Drive against Blackmarketeers**

1760. Shri Rameshwar Tantia: Will the Minister of Home Affairs be pleased to state:

(a) whether any drive against blackmarketeers was launched by the New Delhi Police in July, 1965;

(b) if so, the result thereof; and

(c) whether there is any proposal to launch such drives in other localities in Delhi?

**The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):** (a) No, Sir.

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

#### Drilling Technicians

1761. { Shri Ram Sewak:  
Shri P. G. Sen:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether the Indian technicians have mastered the techniques of drilling from the Soviet oil experts; and

(b) if so, the places where they have drilled without the help of Russian experts especially in Assam?

**The Minister of Petroleum and Chemicals (Shri Humayun Kabir):** (a) and (b). The Indian technicians have mastered normal techniques and have drilled independently a number of wells in Gujarat, U.P. and Assam.

#### Inter-State Seniority of Gazetted Officers

1762. Shri Sivamurthi Swamy: Will the Minister of Home Affairs be pleased to state:

(a) whether the inter-State seniority list of the Gazetted Cadre, particularly of the Department of Agriculture, has been published in the Mysore State;

(b) if not, the reasons therefor;

(c) whether it is a fact that many writ petitions have been filed against the Government of Mysore, particularly by the staff of the Department of Agriculture, Mysore State; and

(d) if so, the number thereof?

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** (a) The final inter-State seniority lists of the Gazetted Cadres in the Department of Agriculture and in some other Departments have been published.

(b) Does not arise in view of (a) above.

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(c) and (d). Yes. About 150 writ petitions including 16 from the employees in the Agriculture Department have been filed.

#### Cut in Allocations for C.S.I.R.

1763. { Shri S. M. Banerjee:  
Shri J. B. S. Bist:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Director General, Council of Scientific and Industrial Research, New Delhi, has expressed his desire to resign because of cuts in the allocation of funds for the C.S.I.R. by the Ministry of Finance; and

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

**The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran):** (a) The D.G.C.S.I.R. had expressed his sense of helplessness at the situation created by the inadequacy of the budget grants.

(b) Does not arise.

#### लोहा ऐश और गंधक के तेजाब के मूल्य

1764. { श्री मधू लिमये :  
श्री रायसेवक दास :

क्या पेद्रोलियम और रसायन मंत्री यह बताने की कृपा करेंगे कि :

(क) मोहा ऐश, गंधक के तेजाब तथा अन्य बुनियादी रसायनों की लागत तथा उनके विक्रय मूल्यों में भारत तथा पश्चिमी देशों में कितना अन्तर है; और

(ख) सरकार इन रसायनों की मागत तथा उनके मूल्य कम करने के लिए क्या उपाय कर रही है ?

**पेद्रोलियम और रसायन मंत्रालय में राज्यमंत्री (श्री धनशेखर) :** (क) उत्पादन-मूल्य के बारे में सूचना उपलब्ध नहीं है। भारत और कई पश्चिमी देशों के कास्टिक

सोडा, सोडा ऐश और गन्धक के तेजाब की लागतों [उत्पादन शुल्क (Excise Duty) और स्वामित्व करों को छोड़ कर] निम्न-लिखित सारणी में दिखाया गया है :—

(प्रति मीटरी टन में)

क्रम संख्या	देश	कास्टिक सोडा	सोडा ऐश	गन्धक के तेजाब
		र०	र०	र०
1	भारत	800	430	175
2	यू० के०	366	188	135
3	बर्लिन	408	209	135
4	फ्रांस	345	157	145
5	इटली	—	—	155
6	अमरीका	543	162	—
7	जर्मनी	345	209	—

(ख) नाइर्वेस के रूप में जो उपाय किये जा रहे हैं उनमें मितव्यय, प्राकारों तक वर्तमान यूनियों का विस्तार, मितव्यय प्राकारों के नये यूनियों का चुनना और यथासम्भव उपोत्पाद के उपयोग का प्रोत्साहन शामिल है ।

#### Scientific Personnel Committee

1765. { Shri R. Barua:  
Shri E. S. Pandey:

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 861 on the 14th April, 1965 and state the reasons for winding up the Scientific Personnel Committee?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandaran): The Committee was wound up on account of its inability to finalise its deliberations and submit a report during almost 10 years of its functioning.

बिद्रोही नागाओं का खतरा

1766. श्री श्रीकार लाल बेरवा  
क्या गृह-कार्य मंत्री यह बताने की कृपा

करेंगे कि :

(क) क्या यह सच है कि मनीपुर में नागाओं का खतरा अभी भी बना हुआ है तथा वे छापामार युद्ध की तैयारी में लगे हुए हैं और उन्हें पूर्वी पाकिस्तान से हथियार भी प्राप्त हो रहे हैं ; और

(ख) यदि हाँ, तो सरकार इस बारे में क्या कार्यवाही कर रही है ?

गृह-कार्य मंत्रालय में उपसंजी (बी हाथी) : (क) नागा बिद्रोही मनीपुर में सक्रिय हैं और प्रंत्यधर्म, हिंसा तथा खबरन गैली के कार्यों में लगे हैं । इस बात के सबूत भी मिले हैं कि उन्हें पूर्वी पाकिस्तान में हथियार बन्द तथा प्रशिक्षित किया गया ।

(ख) सरकार द्वारा समय-समय पर परिस्थितियों के अनुसार आवश्यक मुद्रात्मक पग उठाया जाना जारी है ।

#### Museum of Vijayanagar Empire

1767. Shri Basappa: Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 699 on the 27th November, 1961 and state:

(a) whether the decision for the construction of the Museum of Vijayanagar Empire period at Kamalapuram, Hospet Taluk, Bellary District, Mysore State was taken in 1957 and land was acquired in 1960 for the same; and

(b) if so, the reasons for the delay in starting construction of the building?

The Minister of Cultural Affairs in the Ministry of Education (Shri Hajarnavis): (a) Yes, Sir.

(b) Due to the ban imposed by Government on all new constructions with a view to effecting a sizeable reduction in governmental expenditure.



### Death of Communist Detenues in Jails

1708. { Shri Kolla Venkiah:  
Shri Laxmi Dass:  
Shri M. N. Swamy:  
Shri Indrajit Gupta:

Will the Minister of Home Affairs be pleased to state:

(a) the number of left communist detenues who died in jails during this year so far (State-wise);

(b) whether any enquiry has been held into the conditions of the health of the detenues in jails and the medical facilities given to them; and

(c) if so, the result of the findings?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Two; both in the State of Maharashtra.

(b) Such an enquiry has not been considered necessary.

(c) Does not arise.

नई दिल्ली में बापु सेना की केन्द्रीन में एक दुकान पर छापा

1769. श्री मोहन स्वर्ण : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को पता है कि हाल ही में दिल्ली पुलिस ने बापु सेना की एक केन्द्रीन में एक दुकान पर छापा मारा और विदेशी शराब की एक हजार बोतलें पकड़ीं;

(ख) क्या यह सच है कि दुकानदार सैनिकों से मित्र लोगों को भी खुलेआम शराब बेचता है ;

(ग) क्या यह भी सच है कि वह अपना हिसाब किताब उत्पादन-शुल्क विनियमों के अनुसार नहीं रखता; और

(घ) यदि हां, तो इस मामले में क्या कार्यवाही की जा रही है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : (क) हां । 1 अगस्त, 1965 को दिल्ली पुलिस ने सैन्ट्रल विस्टा में, नई दिल्ली की प्रोसरी शोप पर छापा मारा था और 901½ बोतल शराब पकड़ीं थी ।

(ख) से (घ). दिल्ली पुलिस को सूचना मिली थी कि सैनिकों के द्वारा वाणिज्य लोगों को शराब बेची जा रही थी और ठेकेदार को जारी किए गए लायसेंस को कुछ शर्तों का उल्लंघन करने में लगे हुए रहता था । पुलिस ने एक मामला दर्ज कर लिया है और उसकी जांच की जा रही है ।

### एवरेस्ट अभियान

1770. श्री श्रीकार लाल बेरवा : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि 1965 के सफल एवरेस्ट अभियान पर श्रीकार की कुल कितनी राशि व्यय हुई है और कितनी विदेशी मुद्रा खर्च हुई है ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त बंसन) : लगभग सात लाख रुपये, जिस में एक लाख रुपये की विदेशी मुद्रा भी सम्मिलित है ।

### हिन्दी फिमिस्टेंट

1771. श्री जगदेव सिंह सिद्धान्ती : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) ऐसे हिन्दी फिमिस्टेंटों की संख्या क्या है जिन्होंने संप्रदायिक सेवा आयोग की परीक्षा पास की और जिन्हें प्रवृत्त, 1964 में प्रथम श्रेणी में स्थायी कर दिया गया है ;

(ख) क्या ऐसा कोई मंत्रालय प्रथम विभाग है जहाँ अभी तक हिन्दी फिमिस्टेंटों को स्थायी नहीं किया गया है ; और

(ग) यदि हां, तो उन मंत्रालयों प्रथम विभागों के क्या नाम हैं और इसके क्या कारण हैं ?

गृह-कार्य मंत्रालय में उपमंत्री (श्री स० ना० मिश्र): (क) हाँ ।

(ख) और (ग). हाँ, खाद्य तथा कृषि मंत्रालय (कृषि विभाग), सूचना तथा प्रसारण मंत्रालय, इस्पात तथा खान मंत्रालय- (लोह तथा इस्पात विभाग), नागरिक उड्डयन, पुनर्वास तथा डाक व तार के महानिदेशालय में काम करने वाले हिन्दी सहायकों को स्थायी करने का प्रश्न विचाराधीन है ।

#### Equipment for Technical Institutes

1772. **Shri Vishwa Nath Pandey:** Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 958 dated the 10th March, 1965 and state:

(b) whether it is a fact that Government are negotiating for a loan from the Government of U.S.A. to meet the requirements of Technical Institutes in respect of procurement of equipment manufactured in U.S.A.; and

(b) if so, the outcome of these negotiations?

**The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan):**

(a) Yes, Sir.

(b) The negotiations are still going on.

#### Nagaland Independence Day

1773. **Shri Hem Barua:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that "Nagaland Independence Day" was celebrated on the 14th August, 1965 by the Naga Federal Government of the hostiles somewhere in the Naga area of Manipur; and

(b) whether Government took any steps to stop the celebrations because they go against our national aspirations?

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** (a) The Naga hostiles celebrated their so-

called "Independence Day" on 14th August, 1965, in some places in the three Sub-divisions of Mao Maran, Ukhrul and Tamanglong. All these celebrations were held in the interior and not at any one of the administrative headquarters of the Manipur Government.

(b) The plans of Naga Hostiles were brought to the notice of members of the Peace Mission in order that their impropriety may be impressed on the Naga Underground.

#### Whitley Councils in Public Undertakings

1774. **Shri K. N. Pande:** Will the Minister of Home Affairs be pleased to state:

(a) the progress made so far with regard to the formation of Whitley Councils in the undertakings owned by Government;

(b) the area of coverage of such Councils; and

(c) how the activities of these Councils and the machinery cropping up as a result of application of other labour laws in such undertakings will be co-ordinated?

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** (a) The scheme does not apply to public undertakings in the corporate sector. For the other undertakings, some of the employees' organisations had raised certain points about the scheme. They were discussed in a series of meetings held by Home Minister with the employees' organisations in May, 1965. The few points that remain to be settled are being examined and it is proposed to have further discussions to arrive at an agreement.

(b) The joint consultation and compulsory arbitration scheme is applicable to all regular civil employees of the Central Government except—

(i) the Class I Services;

(ii) the Class II Services, other

than the Central Secretariat Services and the other comparable services in the headquarters organisation of the Government;

(iii) persons in industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in supervisory capacity draw salary in scales going beyond Rs. 575/- p.m.;

(iv) employees of the Union Territories; and

(v) police personnel.

As stated above, the scheme is not applicable to Government undertakings in the corporate sector.

(c) Any provisions of the Industrial Dispute Act, etc. which may be in conflict with the scheme would go into disuse.

#### Statue of Teachers

1775. { Shri P. C. Borooah;  
Shri Vishwa Nath Pandey:

Will the Minister of Education be pleased to state:

(a) whether Government have received a report issued jointly by the International Labour Organisation and the UNESCO about the status of teachers in the World;

(b) if so, the main recommendations contained therein; and

(c) the reaction of Government thereto?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan):  
(a) Yes, Sir.

(b) A statement is laid on the Table of the House. [Placed in Library. See No. LT-4786/65].

(c) The Government of India is in general agreement with the principles embodied in the draft Recommendation proposed by UNESCO and I.L.O. The text of the Recommendation is under study and minor alterations may be proposed.

#### महामहोपाध्याय की उपाधि

1776. श्री मुकुंदबीर सिंह : क्या गृह-कार्य मंत्री 31 मार्च, 1965 के भूतारंकित प्रश्न संख्या 1778 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि 1920 से 1946 तक भूतार्क मध्य प्रान्त तथा बरार और भजमेर-मारवाड़ में कितने व्यक्तियों को महामहोपाध्याय की उपाधि दी गई थी ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : इस सूचना को एकत्रित करने में लगने वाले श्रम और व्यय की तुलना में उससे प्राप्त होने वाला परिणाम नगण्य होगा ।

#### प्रादेशिक भाषाओं में एटलस

1777. श्री हुकम चन्द कक्षबाय : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने देश की सभी प्रादेशिक भाषाओं में एक एटलस प्रकाशित करने का निश्चय किया है; और

(ख) यदि हाँ, तो इस एटलस की प्रतियाँ कब तक छप जायेंगी ?

शिक्षा मंत्रालय में उपमंत्री (श्रीमती सीमरम रामचन्द्रन्) : (क) जी, नहीं ।

(ख) प्रश्न ही नहीं उठता ।

#### Maithili as a Regional Language

1778. Dr. L. M. Singhvi: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that recognition is proposed to be accorded to Maithili as a regional language;

(b) if so, on what basis and considerations; and

(c) whether recognition is also proposed to be extended to some other

regional languages for which demands have been made?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) No, Sir.

(b) Does not arise.

(c) No, Sir.

#### Oil Exploration in Ganga Valley

1781. Shri Vishwa Nath Pandey: Will the Minister of Petroleum and Chemicals be pleased to refer to the reply given to Unstarred Question No. 2229 on the 14th April, 1965 and state:

(a) whether the geophysical exploration for petroleum in the Ganga Valley has since been completed; and

(b) if so, the result thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): No, Sir.

(b) Does not arise.

#### O.&N.G.C. Files

1782. Shri Hari Vishnu Kamath: Will the Minister of Petroleum and Chemicals be pleased to refer to the reply given to Unstarred Question No. 546 on the 3rd March, 1965 and state:

(a) whether the police inquiry into two missing folders of Oil and Natural Gas Commission found at a pan shop in New Delhi has since been completed; and

(b) if so, the result thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) Yes, Sir.

(b) The Police authorities concerned have informed the Oil & Natural Gas Commission that in spite of their best efforts, no clue of the culprit could be found. The case has accordingly been sent up as untraced on 21-2-1965.

#### Recognition of Urdu as Second Official Language

1783. { Shri Koya:  
Shri Vishwa Nath Pandey:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government have received a memorandum from 104 Members of Parliament demanding the recognition of Urdu as the Second Official Language in U.P., Bihar, Madhya Pradesh, Delhi, Punjab and Rajasthan; and

(b) if so, Government's reaction thereto?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) and (b). Yes, Sir. Government do not propose to advise the President to issue directions under Article 347 of the Constitution on this subject.

#### केन्द्रीय सरकार के आदेशों पर टिप्पणियाँ

1784: { श्री बड़े :  
श्री नृसिंह चन्द कछवाय :

क्या गृह-कार्य मंत्री वह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय मंत्रिमंडल के एक मंत्री ने सरकार के इस निर्णय का विरोध किया है कि केन्द्रीय सरकार के आदेशों सम्बन्धी टिप्पणियों के साथ उनका हिन्दी अनुवाद भी लगा होना चाहिए; और

(ख) यदि हां, तो इस सम्बन्ध में सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में उपमंत्री ( श्री ल० ना० विषय ) : (क) जी, नहीं ।

(ख) प्रश्न ही नहीं उठता ।

12.06 hrs.

## TIMINGS OF THE HOUSE

**Mr. Speaker:** The hon. Minister of Defence would be making a statement on the Indo-Pak. border situation at 4.00 p.m. today.

**The Minister of Communications and Parliamentary Affairs (Shri Satya Narayan Sinha):** Mr. Speaker, Sir, it has been suggested to me by many hon. Members that it would suit their convenience and also the convenience of others if we curtail the sitting hours of our House by adjourning the House every day at 4.00 p.m. I do not think it is necessary for me to explain any further the desirability of such a step. I have just put their suggestion before you, Sir, to obtain the consensus of the House and take a decision (*Interruptions*).

**Shri Nath Pai (Rajapur):** Mr. Speaker. Sir, I submit that we should have a six-hours sitting. We should be functioning normally and show that Pakistan's threat has not disturbed the working of our Parliament. We should have our regular six-hour working. Therefore, I propose that the House should begin at 10.00 A.M. and continue working till 4.00 p.m.

**Shri D. C. Sharma (Gurdaspur):** Sir, I support Shri Nath Pai, that the normal working of our House should in no case be suspended. If you like you can have it from 9.00 to 3.00 even. I think we should meet from 10.00 to 4.00 and do our normal work.

**Shri Satya Narayan Sinha:** If that is the consensus of opinion of the House, Sir, I have no objection in having the sitting from 10.00 to 4.00.

**Shri S. M. Banerjee (Kanpur):** Sir, I do not know who has suggested this change in our working hours. We are Members of the House responsible to the people of this country. We should not create any impression of scare. Let us work normally. If necessary we will work for more hours. We have to protect the interests of the people and defend our country. We

should not be afraid of the air raids. Therefore, let us work in the normal way.

**डा० राम मनोहर लोहिया (फर्रुखाबाद):** अध्यक्ष महोदय, मैं यह तजवीज करता हूँ कि हो सके तो लोक सभा के वक्त को कुछ बढ़ाना चाहिए और उस का कारण मैं बतलाये देता हूँ। कुछ लोगों के मन में डर है कि इस वक्त लोक सभा की बैठकें होना और इन में खल कर बातें करना कुछ देश के लिए अहितकर हो सकता है।

(नी-नी की आवाज)

मैं समझता हूँ कि यह लोक सभा उतना ही बड़ा हथियार है बल्कि ज्यादा बड़ा हथियार है जितने हवाई जहाज या टैंक, या कोई और चीज, क्योंकि यह हमारा एक हथियार है जो पाकिस्तान के पास नहीं है और इस लोक सभा में अगर हम खल कर बात करें, मैं खाली वक्त के लिए नहीं कह रहा हूँ, मुझे कुछ ऐसा लगता है कि खल कर बातें नहीं होती, खल कर अगर हम बातें करें और हिन्दुस्तान व पाकिस्तान के मामले में जो तह में छिपा है उसका ज्ञान हम करायें तो हो सकता है कि पाकिस्तान की जनता ...

**अध्यक्ष महोदय :** माननीय सदस्य और बातों में चले जा रहे हैं। उन्हें सिर्फ वक्त के ऊपर इस वक्त अपनी बात कहनी चाहिए।

**डा० राम मनोहर लोहिया :** मैं कोई चीज दोहरा नहीं रहा हूँ और न ही मैं इस वक्त बाकी चीजों में जा रहा हूँ मैं तो सिर्फ वक्त के सम्बन्ध में ही निवेदन कर रहा था।

**अध्यक्ष महोदय :** अब गवर्नमेंट ने यह मान लिया कि हमें इस में कोई ऐतज नहीं कि लोक सभा की बैठक 10 बजे से 4 बजे तक रहे। यह टाइमिंग करने के लिए मुमकिन है किसी माननीय सदस्य के

## [प्रध्यक्ष महोदय]

दिमाग में इसका ख्याल आया हो और इस के बारे में मिनिस्टर प्राक् पार्लियामेंटरी प्रफे-यर्स को उन्होंने कह दिया हो और ऐसा सुझाव उन्होंने मेरी समक्ष में इसलिये दिया होगा कि चूंकि सात बजे हम कहने हैं कि सब लोग अपने अपने कमरानों में चले जायें और इस हालत में चूंकि मौजूदा टाइमिंग रखने से थोड़ा वक़्त रह जाता है इसलिए यह सुझाव उन्होंने मिनिस्टर साहब को दिया होगा बाकी इसके अलावा और कोई बात इसके पीछे नहीं है।

डा० राम मनोहर लोहिया : मैं कहना चाहता हूँ कि कुछ लोगों के मन में इस बारे में डर है। इस डर को हमेशा के लिये खत्म कर देना चाहिए। लोक सभा हमारा सब से बड़ा हथियार है। वह हथियार बंटवारे के खिलाफ इस्तेमाल होना चाहिए ताकि पाकिस्तान और इंडिया दोनों का नाश हो और हिन्दुस्तान बने। इस के लिए इस लोक सभा को प्रयत्न करना चाहिये।

Shri H. N. Mukerjee (Calcutta Central): Sir, I was a little surprised when the Minister of Parliamentary Affairs made an announcement and asked the House to give its view in the matter. We here are functioning as Members of Parliament representing different groups and parties. I consulted my hon. friend on the left, the leader of the Praja Socialist Party, and he did not know anything about it. It is undesirable, Sir, to come to the House and to take it by surprise with a suggestion which is supposed to be unanimously adopted. This is an extremely reprehensible practice. Sir, what I feel is that if you think it necessary we can meet, some of us, with you in the Chamber and discuss this matter. I quite understand the difficulty of members of the Lok Sabha and the Rajya Sabha Secretariat who have to prepare the documents for the next day. That is, perhaps, the pri-

mary consideration, it is not a question of fear of Pakistan or that kind of thing at all—at least I wish to think in that way. That is why I want, before we take a decision, that we discuss this matter. But after, of course, the time of the House having been already wasted unnecessarily, if the House is agreeable to a six-hour sitting every day from 10.00 to 4.00, I have no objection. But I have very serious objection to the manner in which the Minister of Parliamentary Affairs has brought it up.

Shri Ranga (Chittoor): I do not know, Sir, whether he has consulted anybody else. I was not consulted. I do not know how he has made this proposal.

Mr. Speaker: We are all agreed that we will continue to sit for six hours. The only question, as Shri Mukerjee has put it, is that the Secretariat people have to do a lot of work after we rise and there is little time left. Therefore, it was suggested that instead of sitting up to 5.00 we may sit up to 4.00. If it is agreeable, we may sit from 10.00 to 4.00.

Several hon. Members: Yes, 10.00 to 4.00.

Mr. Speaker: All right. Then we will sit from 10.00 to 4.00.

12.14 hrs.

## PAPERS LAID ON THE TABLE

STATEMENT re: SECOND AFRO-ASIAN CONFERENCE

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): Sir, I beg to lay on the Table a statement regarding Second Afro-Asian Conference. [Placed in Library. See No. LT-4780/65].

12.14½ hrs.

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**SEVENTIETH REPORT**

**Shri S. V. Krishnamoorthy Rao** (Shimoga): Sir, I beg to present the Seventieth Report of the Committee on Private Members' Bills and Resolutions.

12.14½ hrs.

**PAYMENT OF BONUS BILL—contd.**  
**Clause 20 —contd.**

**Mr. Speaker:** The House will now take up further clause-by-clause

consideration of the Payment of Bonus Bill. There is an amendment moved by Shri Indrajit Gupta to clause 20 which I am now putting to the vote of the House. The question is:

Page 12,—

for clause 20, substitute—

"20. The provisions of this Act shall be applicable to all establishments and factories in public sector and all employees of the public sector shall be entitled to bonus under the provisions of this Act." (24).

*The Lok Sabha divided:*

**[Division No. 20]**

**AYES**

12.23 hrs]

Alvares, Shri  
Aney, Dr. M.S.  
Bade, Shri  
Banerjee, Shri S.M.  
Barua, Shri Hem  
Bheel, Shri P.H.  
Buta Singh, Shri  
Dandekar, Shri N.  
Deo, Shri P.K.  
Dwivedy, Shri Surendrenath  
Oulshan, Shri  
Gupta, Shri Indrajit  
Gupta, Shri Kashi Ram  
Joshi, Shrimati Subhadra

Kachhavaia, Shri Hukam Chand  
Kamath, Shri Hari Vishnu  
Kandeppan, Shri S.  
Kapoor Singh, Shri  
Krishnapal Singh, Shri  
Lahri Singh, Shri  
Lakhan Das, Shri  
Mahananda, Shri  
Masani, Shri M.R.  
Mukerjee, Shri H.N.  
Murmu, Shri Sarkar  
Nath Pal, Shri  
Neamony, Shri  
Pandey, Shri Sarjoo

Ranga, Shri  
Sen, Dr. Ranen  
Seshiyar, Shri  
Shastri, Shri Prakash Vir  
Siddhanti, Shri Jagdev Singh  
Singh, Shri J.B.  
Srinanki, Shri  
Tao Singh, Shri  
Verma, Shri S.L.  
Vimla Devi, Shrimati  
Vishram Prasad, Shri  
Warior, Shri  
Yadav, Shri Ram Sewak  
Yalnik, Shri

**NOES**

Abdul Rashid, Bakshi  
Abdul Wahid, Shri T.  
Achal Singh, Shri  
Alagesan, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Bal Krishna Singh, Shri  
Berman, Shri P.C.  
Berupal, Shri P.L.  
Berra, Shri  
Bhagat, Shri B.R.  
Bhagwati Shri  
Bhatkar, Shri  
Bis, Shri J.B.S.  
Boroach, Shri P.C.  
Braham Prakash, Shri  
Brajeshwar Prasad, Shri  
Brij Basi Lal, Shri  
Chakraverty, Shri P.R.  
Chandak, Shri

Chandrabhan Singh, Shri  
Chandrasekhar, Shrimati  
Chaturvedi, Shri S.N.  
Chaudhury, Shri Chandramani Lal  
Chaudhuri, Shrimati Kamala  
Chavda, Shrimati Joraben  
Chuni Lal, Shri  
Dafle, Shri  
Daljit Singh, Shri  
Das, Dr. M.M.  
Das, Shri D.K.  
Das, Shri N.T.  
Das, Shri Sudhanwa  
Desai, Shri Morarji  
Deshmukh, Shri B.D.  
Deshmukh, Shri Shivaji Rao S.  
Dey, Shri S.K.  
Dhuleshwar Meena, Shri  
Dighe, Shri  
Dinesh Singh, Shri  
Dixit, Shri G.N.  
Doria, Shri Kailash

Dubey, Shri R.C.  
Dwivedi, Shri M.L.  
Ering, Shri D. 9  
Gajraj Singh Rao, Shri  
Ganapati Ram, Shri  
Gandhi, Shri V.B.  
Ganga Devi, Shrimati  
Goni, Shri Abdul Ghani  
Govdh, Shri Veeranna  
Gupta, Shri Shiv Charan  
Hajarnavis, Shri  
Harwan, Shri Anwar  
Heda, Shri  
Jagjivan Ram, Shri  
Jamir, Shri S.G.  
Jannadevi, Shrimati  
Jena, Shri  
Jha, Shri Yogendra  
Joshi, Shri A.C.  
Jyotishi, Shri J.P.  
Kajrohar, Shri  
Kannamwar, Shrimati Tai

## NOES—contd.

Kayal, Shri P.N.  
 Kaderia, Shri C.M.  
 Keishing, Shri Rishang  
 Khan, Dr. P.N.  
 Khan, Shri Osman Ali  
 Khanna, Shri Mehr Chand  
 Khanna, Shri P.K.  
 Kindar Lal, Shri  
 Kotoki, Shri Liladhar  
 Koujalel, Shri H.V.  
 Kripa Shankar, Shri  
 Krishna, Shri M.R.  
 Krishnamachari, Shri T.T.  
 Kureel, Shri B.N.  
 Lakshmikanthamma, Shrimati  
 Lalit Sen, Shri  
 Laskar, Shri N.R.  
 Maleichami, Shri  
 Malaviya, Shri K.D.  
 Mallick, Shri Rama Chandra  
 Manaan, Shri  
 Mandal, Dr. P.  
 Maniyangedan, Shri  
 Marandi, Shri  
 Methur, Shri Shiv Charan  
 Mehrotra, Shri Braj Bihari  
 Mengi, Shri Gopal Datt  
 Minimata, Shrimati  
 Mirza, Shri Bakar Ali  
 Mishra, Shri Bibhuti  
 Misra, Shri Bibudhendra  
 Misra, Shri Shyam Dhar  
 Mohanty, Shri Gokulananda  
 Mohiuddin, Shri  
 More, Shri K.L.  
 Mukerjee, Shrimati Sharda  
 Musafir, Shri G.S.  
 Muthiah, Shri  
 Naik, Shri D.J.  
 Nanda, Shri  
 Neekar, Shri P.S.

Nayar, Dr. Sushila  
 Niranjan Lal, Shri  
 Oza, Shri  
 Paliwal, Shri  
 Pandey, Shri R.S.  
 Pandey, Shri Vishwa Nath  
 Panna Lal, Shri  
 Pant, Shri K.C.  
 Parashar, Shri  
 Patel, Shri N.N.  
 Patel, Shri Rajeshwar  
 Patil, Shri D.S.  
 Pattabhi Raman, Shri C.R.  
 Prabhakar, Shri Naval  
 Raghunath Singh, Shri  
 Raghuramsiah, Shri  
 Rai, Shrimati Sahodra Bai  
 Raj Bahadur, Shri  
 Rajdeo Singh, Shri  
 Raju, Dr. D.S.  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Ramaswamy, Shri S.V.  
 Ramdhani Das, Shri  
 Ramshankar Prasad Singh, Shri  
 Rane, Shri  
 Rao, Shri Jagannatha  
 Rao, Dr. K.L.  
 Rao, Shri Krishnamoorthy  
 Rattan Lal, Shri  
 Reur, Shri Ilhola  
 Reddi, Dr. B. Gopala  
 Reddiar, Shri  
 Reddy, Shri Linga  
 Reddy, Shrimati Yasboda  
 Sadhu Ram, Shri  
 Saha, Dr. S.K.  
 Sahu, Shri Rameshwar  
 Sanii Kupji, Shri  
 Saraf, Shri Sham Lal

Satyabhama Devi, Shrimati  
 Sen, Shri A.K.  
 Seth, Shri Bishanchander  
 Shah, Shri Manabendra  
 Sham Nath, Shri  
 Sharma, Shri A.P.  
 Sharma, Shri D.C.  
 Sheo Narain, Shri  
 Shinde, Shri  
 Shree Narayan Das, Shri  
 Shukla, Shri Vidya Charan  
 Siddananjappa, Shri  
 Sidseshwar Prasad, Shri  
 Singh, Shri D.N.  
 Singha, Shri G.K.  
 Sinha, Shrimati Ramdulari  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Tarkeshwari  
 Snatak, Shri Nardeo  
 Srinivasan, Dr. P.  
 Subbaraman, Shri  
 Sumat Prasad, Shri  
 Surendra Pal Singh, Shri  
 Swaran Singh, Shri  
 Thengondar, Shri  
 Thevar, Shri V.V.  
 Thomas, Shri A.M.  
 Tiwary, Shri D.N.  
 Tiwary, Shri K.N.  
 Tiwary, Shri R.S.  
 Tripathi, Shri Krishna Deo  
 Tula Ram, Shri  
 Tyagi, Shri  
 Uikay, Shri  
 Upadhyaya, Shri Shiva Dutt  
 Valvi, Shri  
 Veerabasaappa, Shri  
 Vidyalkar, Shri A.N.  
 Virbhadra Singh, Shri  
 Yadav, Shri Ram Harkh  
 Yadava, Shri B.P.

**Mr. Speaker:** The result of the division, as recorded by the machine, is: Ayes 42, Noes 189.

**Shri Birendra Bahadur Singh (Rajnandgaon):** My vote, which is for Noes, has not been recorded.

**The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran):** My vote for Noes has not been recorded.

**डा० राम सरोदर लोहिया (कलकत्ता-बाद) :** प्रत्यक्ष महोदय, मशीन ने काम नहीं किया है। मेरा वोट "हां" के लिए है।

**श्री प्रिय गुप्त (कटिहार) :** मेरा वोट "हां" के लिए है। मशीन ने रिकार्ड नहीं किया है।

**श्री बागड़ी (हिसार) :** मेरा वोट भी "हां" के लिए है। मशीन ने काम नहीं किया है।

**Mr. Speaker:** So, 3 will have to be added to Ayes and 2 to Noes.

*The motion was negatived.*

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

"That clause 20 stand part of the Bill."

*The Lok Sabha divided:*



## [Division No. 21

## AYES

12. 25 hrs]

Abdul Wahid, Shri T.  
 Achal Singh, Shri  
 Alagesan, Shri  
 Alva, Shri A.S.  
 Alva, Shri Joachim  
 Aney, Dr. M.S.  
 Azad, Shri Phagwat Jha  
 Babunath Singh, Shri  
 Bal Krishna Singh, Shri  
 Barman, Shri P.C.  
 Barupul, Shri P.L.  
 Bersa, Shri  
 Bhagat, Shri B.R.  
 Bhagavati, Shri  
 Bhatkar, Shri  
 Bist, Shri J.B.S.  
 Borooah, Shri P.C.  
 Brahm Prakash, Shri  
 Brajeshwar Prasad, Shri  
 Brij Basi Lal, Shri  
 Chakraverti, Shri P.R.  
 Chandak, Shri  
 Chandrabhan Singh, Shri  
 Chandrasekhar, Shrimati  
 Chaturvedi, Shri S.N.  
 Chaudhury, Shri Chandramani Lal  
 Chaudhuri, Shrimati Kamala  
 Chuni Lal, Shri  
 Daffe, Shri  
 Dailit Singh, Shri  
 Das, Dr. M.M.  
 Das, Shri B.K.  
 Das, Shri N.T.  
 Das, Shri Sudhansu  
 Desai, Shri Morarji  
 Deshmukh, Shri B.D.  
 Deshmukh, Shri Shivali Rao S.  
 Day, Shri S.K.  
 Dhuleshwar Meena, Shri  
 Dighe, Shri  
 Dinesh Singh, Shri  
 Dixit, Shri G.N.  
 Dorari, Shri Kasinatha  
 Dwivedi, Shri M.L.  
 Ering, Shri D.  
 Geiraj Singh Rao, Shri  
 Ganapati Ram, Shri  
 Gandhi, Shri V.B.  
 Ganga Devi, Shrimati  
 Goni, Shri Abdul Ghani  
 Gupta, Shri Shiv Charan  
 Hajarnavis, Shri  
 Harvani, Shri Anwar  
 Heda, Shri  
 Jagjivan Ram, Shri  
 Jamir, Shri S.G.  
 Jamun-devi, Shrimati  
 Jena, Shri  
 Jha, Shri Yogendra  
 Joshi, Shri A.C.  
 Jyotishi, Shri J.P.  
 Kajrolkar, Shri

Kayal, Shri P.N.  
 Kedarla, Shri C.M.  
 Keishing, Shri Rishang  
 Khan, Dr. P.N.  
 Khan, Shri Osman Ali  
 Khanna, Shri Mehr Chand  
 Khanna, Shri P.K.  
 Kindar Lal, Shri  
 Kotaki, Shri Liladhar  
 Koujalai, Shri H.V.  
 Krishna, Shri M.R.  
 Krishnamachari, Shri T.T.  
 Kureel, Shri B.N.  
 Lakhan Das, Shri  
 Lakshmikanthamma, Shrimati  
 Lalit Sen, Shri  
 Laskar, Shri N.R.  
 Mahtab, Shri  
 Malnichami, Shri  
 Malaviya, Shri K.D.  
 Mallick, Shri Rama Chandre  
 Manan, Shri  
 Mandal, Dr. P.  
 Maniyangaden, Shri  
 Marandi, Shri  
 Mathur, Shri Shiv Charan  
 Mehrotra, Shri Braj Bihari  
 Melkote, Dr.  
 Mengi, Shri Gopal Datt  
 Minimata, Shrimati  
 Mirza, Shri Bakar, Ali  
 Mishra, Shri Bibhuti  
 Mitra, Shri Bibudhendra  
 Mitra, Shri Shyam Dhar  
 Mohanry, Shri Gokulananda  
 Mohiuddin, Shri  
 More, Shri K.L.  
 Mukerjee, Shrimati Sharda  
 Musafir, Shri G.S.  
 Muthiah, Shri  
 Naik, Shri D.J.  
 Nanda, Shri  
 Naskar, Shri P.S.  
 Nayar, Dr. Sushila  
 Niranjan Lal, Shri  
 Oza, Shri  
 Paliwal Shri  
 Pandey, Shri R.S.  
 Pandey, Shri Vihara Nath  
 Panna Lal, Shri  
 Pant, Shri K.C.  
 Parashar, Shri  
 Patel, Shri Chhotubhai  
 Patel, Shri N.N.  
 Patel, Shri Rajeshwar  
 Patel, Shri D.S.  
 Pettabhi Raman, Shri C.R.  
 Prabhakar, Shri Naval  
 Raghunath Singh, Shri  
 Raghuramiah, Shri  
 Rai, Shrimati Sahodra Bai  
 Raj Pa adur, Shri  
 Rajdeo Singh, Shri

Raju, Dr. D.S.  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Ramaswamy, Shri S.V.  
 Ramdhani Das, Shri  
 Ramshekhar Prasad Singh, Shri  
 Rane, Shri  
 Rao, Shri Jaganatha  
 Rao, Dr. L.K.  
 Rao, Shri Krishnamoorthy  
 Rattan Lal, Shri  
 Raut, Shri Bhola  
 Reddi, Dr. B. Gopala  
 Reddiar, Shri  
 Reddy, Shri Linge  
 Reddy, Shrimati Yashoda  
 Sadhu Ram, Shri  
 Saha, Dr. S.K.  
 Sahu, Shri Kameshwar  
 Sanji, Rupji, Shri  
 Saraf, Shri Sham Lal  
 Satyabhama Devi, Shrimati  
 Sen, Shri A.K.  
 Shah, Shri Manabendra  
 Sham Nath, Shri  
 Sharma, Shri A.P.  
 Sharma, Shri D.C.  
 Sheo Narain, Shri  
 Shinde, Shri  
 Shree Narayan Das, Shri  
 Shukla, Shri Vidya Charan  
 Siddananjappa, Shri  
 Siddheshwar Prasad, Shri  
 Singh, Shri D.N.  
 Singha, Shri G.K.  
 Sinha, Shrimati Ramdulari  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Tarkeshwari  
 Snatak, Shri Nardeo  
 Srinivasan, Dr. P.  
 Subbaraoan, Shri  
 Sumat Prasad, Shri  
 Surendra Pal Singh, Shri  
 Swarn Singh Shri  
 Thegondar Shri  
 Thevar, Shri V.V.  
 Thomas, Shri A.M.  
 Tiwary, Shri D.N.  
 Tiwary, Shri K.N.  
 Tiwary, Shri R.S.  
 Tripathi, Shri Krishna Deo  
 Tula Ram, Shri  
 Tyagi, Shri  
 Ukey, Shri  
 Upadhyaya, Shri Shiva Dutt  
 Valvi, Shri  
 Veeraswappa, Shri  
 Vidyalankar, Shri A.N.  
 Virbhadra Singh, Shri  
 Vyas, Shri Radhela  
 Yadav, Shri Ram Harish  
 Yadava, Shri B. P.

## NOES

Alvares, Shri  
Bade, Shri  
Bagri, Shri  
Banerjee, Shri S.M.  
Barua, Shri Hem  
Bhecl, Shri P.H.  
Buta Singh, Shri  
Dandekar, Shri N.  
Deo, Shri P.K.  
Dwivedy, Shri Surendranath  
Gowdh, Shri Veeranna  
Gulshan, Shri  
Gupta, Shri Indrajit  
Gupta, Shri Kashi Ram

Gupta, Shri Priya  
Kachhavaia, Shri Hukam Chand  
Kamath, Shri Hari Vishnu  
Kandappa, Shri S.  
Kapur Singh, Shri  
Krishnapal Singh, Shri  
Lahri Singh, Shri  
Lohia, Dr. Ram Manohar  
Mahananda, Shri  
Masani, Shri M.R.  
Mukerjee, Shri H.N.  
Murmu, Shri Sarkar  
Nath Pal, Shri  
Pandey, Shri Sarjoo

Ranga, Shri  
Sen, Dr. Ranen  
Setti, Shri Bishanchander  
Senhayan, Shri  
Shastri, Shri Prakash Vir  
Siddhanti, Shri Jagdev Singh  
Singh, Shri J.B.  
Solanki, Shri  
Tan Singh, Shri  
Verma, Shri S.L.  
Vimala Devi, Shrimati  
Vishram Prasad, Shri  
Wadlor, Shri  
Yadav, Shri Ram Sewak  
Yajnik, Shri

**Shrimati Soundaram Ramachandran:**  
My vote has not been recorded. I am  
for "Ayes".

**Shri Birendra Bahadur Singh:** I  
am also for "Ayes".

**Mr. Speaker:** These two would also  
be noted down. The result of the  
division is: Ayes—188; Noes—43.

*The motion was adopted.*

*Clause 20 was added to the Bill.*

**Clause 21—** (Recovery of bonus due  
from an employer).

**Shri Indrajit Gupta** (Calcutta South  
West): Sir, I beg to move:  
Page 12, line 30,—

after "employer" insert—

"under the provisions of this Act  
or". (26)

Clause 21 relates to the recovery of  
bonus which is due from an employer  
and the relevant part which I wish to  
amend reads as follows in the Bill:—

"Where any money is due to an  
employee by way of bonus from  
his employer under a settlement  
or an agreement or award"

and then the procedure is laid down as  
to what the employee will have to do.  
Strangely enough—I am not able to  
follow—why this clause excludes any

reference to bonus due under this  
Act itself. All that is laid down here  
is that bonus which is due under set-  
tlements or agreements or awards can  
be recovered according to this proce-  
dure, but if bonus is due to an em-  
ployee under this Act and a particular  
recalcitrant employer refuses to pay  
that, there is no provision in this Bill  
to say how that bonus will be recove-  
red from him. This is a point which I  
raised earlier during the general dis-  
cussion. There is a provision for  
penalty of course in a different place  
but there is no provision made for the  
recovery of the moneys which are due  
by way of bonus under this Act itself.  
I do not think this needs a long ex-  
planation. I would like to know from  
the hon. Minister actually whether this  
omission was due to inadvertence or  
something else. If my amendment is  
accepted, it will read:—

"under the provisions of this  
Act or a settlement or an agree-  
ment or award".

**Dr. Ranen Sen** (Calcutta East): I  
want to speak on another point. On  
page 13 in the same clause there is a  
provision which says that every such  
application shall be made within one  
year from the date on which the  
money became due to the employee.  
My submission is that the Minister  
should think over it again and make it  
"two years" instead of "one year,"  
because what happens after the date

on which the money becomes due is that there will be long negotiations with the employer and there will hardly be any time left for the individual worker if he is not a member of the trade union; or, if he dies; his successors or inheritors will hardly get any time to apply within that period. Of course, there is another provision saying that the appropriate Government will think over if any such application comes later. So, I say, instead of one year, it may be made two years. It is a small amendment. This may be accepted by the Minister.

**The Minister of Labour and Employment (Shri D. Sanjivayya):** So far as the first point is concerned, it is not as though we have omitted this inadvertently. It was considered very carefully and we have come to the conclusion that we do not come across any case of any payment by the employer to the employee straightway under this Act. Everything will have to be settled either by a settlement or an agreement or an award. Even if it is the question of calculation of minimum, there may be a dispute and it has to be settled. Therefore, we thought that it should be better like this instead of mentioning "money due under the Act". If the hon. Member is prepared to quote any instance which goes to show that payment will be due right under the Act without any settlement or an award, I am prepared to reconsider it.

**Shri Indrajit Gupta:** How can I quote an example when the Act has not been enacted yet? This is for the first time in this country. Once it becomes an Act on the statute book, there will be automatically a guarantee to the employees that in any event they will get the minimum irrespective of the profit or loss of the company.

**Mr. Speaker:** No. The Minister says that either it would be through an agreement or a settlement or an award. Directly, there is no provision...

**Shri Indrajit Gupta:** That means the Minister is visualising this....

**Mr. Speaker:** He says, he is prepared to reconsider it if the hon. Member can point out any case.

**Shri Indrajit Gupta:** Is he visualising that in every case there will have to be a dispute?

**Shri D. Sanjivayya:** Let me explain it. Even about this 4 per cent of the annual earnings, the annual earnings are dependent on the number of days worked. Some days may be covered by leave; some days may be covered by a sort of employment injury; some days may be covered by some other things. All these complications are there. It is not as though it is a simple formula suggested under any clause of this Bill according to which straightway some money is due. If that is so, I am prepared to concede. That was considered very carefully.

**Dr. Ranen Sen:** I made a suggestion that instead of one year, it may be made two years.

**Shri D. Sanjivayya:** In other Acts also, similar provision exists that in case the appropriate Government or any authority under them are satisfied that more time should be given, that is given. That is there.

**Mr. Speaker:** I shall now put Amendment No. 26 to the vote of the House.

*Amendment No. 26 was put and  
negatived*

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

"That clause 21 stand part of the Bill".

*The motion was adopted.*

*Clause 21 was added to the Bill.*

*Clause 22—(Reference of disputes under the Act)*

**Shri N. Dandekar (Gonda):** I move:

(i) Page 13, line 12,—

for "or" substitute "including".  
(176)

[Shri N. Dandekar.]

(ii) Page 13,—

after line 19, insert—

“(2) Where an establishment consists of different departments or undertakings or has branches, whether situated in the same place or at different places, any such dispute as is referred to in sub-section (1) of this section arising at any such department, undertaking or branch shall be deemed to arise at the place where the head office or the principal place or business of the establishment is situated.” (218).

Sir, my first Amendment to clause 22 namely, Amendment No. 176, will, I am sure, be acceptable to the Government. The clause, as it reads, would permit the reference to adjudication of the two types of disputes arising under this Act between an employer and his employees namely, in respect of the bonus payable under this Act or with respect to the applicability of this Act to an establishment in public sector. As it reads, it would seem that the only question in relation to public sector enterprise that may be referred to settlement under the Industrial Disputes Act is with respect to the application of this Act and nothing else. My amendment is to clarify that, by substituting for the word “or” the word “including”. And, therefore, as so amended it would read:

“...with respect to the bonus payable under this Act including with respect to the application of this Act to an establishment in public sector..”

I hope that will be accepted because surely the employees in relation to an establishment in the public sector ought to have the right to go up for adjudication on two matters, firstly, as to whether the Act is applicable and, if applicable, then also as regards the amount of bonus payable.

The second amendment that I have got to clause 22 is in two parts. I am

not pressing the first part because, on further consideration, I find that it may lead to greater confusion. The second part of it, namely, “no cognisance shall be taken of any such dispute as aforesaid to which a trade union is not a party”, is important. I do suggest that it is very necessary if we are not to have state of utter confusion in regard to disputes, whether under this Act or any other Act,—though I am, of course, concerned only with this Act;—disputes to be referred, that is to say, to be taken cognisance of by the appropriate government, and going on from there to conciliation and, if necessary, for adjudication. If disputes under this complicated legislation could be undertaken and initiated by every single individual employee in a factory or establishment to which this Act applies, I think the whole thing will end in utter confusion. My suggestion in the second part of Amendment No. 218, which is the only part I am pressing now, is that no cognisance shall be taken of any such dispute as aforesaid to which a trade union is not a party.

**Shri D. Sanjivayya:** The clause reads like this:

“Where any dispute arises between an employer and his employees with respect to the bonus payable....”

This is generally applicable to all employees to which this Act applies, namely, those who are in the public sector as well as those in the private sector. We also go a step further and say that, if there is a dispute with regard to the fact whether to a particular public sector undertaking this Act applies or not. We have specified the categories—it should not be a departmental concern and if it is not, it must compete with 20 per cent of its production in the private sector, etc., etc. Therefore, we thought that the other thing should also be there.

**Shri N. Dandekar:** The word “or” is not to be read in a conjunctive way.

**Shri D. Sanjivayya:** Whatever the intention is, the first portion should apply to all the employers and employees, both in the public sector and in the private sector, who are covered by this Act. That is, with regard to the payment of bonus. The second point is that, whenever there is a dispute as to whether a public sector is covered by this Act or not, that should also go to a Tribunal under the Industrial Disputes Act. I got the advice of the Legal Department and our legal pandits say that the intention is very clear.

With regard to the other point that has been raised by Mr. Dandeker, I would request the hon. Member to look into clause 23(2), which says: "When an application is made to the said authority by any trade union being a party to the dispute or where there is no trade union, by the employees being a party to the dispute . . .". The intention of the Government is that it will not be by a trade union, but the dispute can be raised by workers who are affected by that. They should not be denied this opportunity. I am not prepared to accept this amendment.

**Mr. Speaker:** I now put amendments Nos. 176 and 218 to the vote of the House.

*Amendments Nos. 176 and 218 were put and negatived.*

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

"That clause 22 stand part of the Bill."

*The motion was adopted.*

*Clause 22 was added to the Bill.*

**Clause 23—**(Presumption about accuracy of balance-sheet and profit and loss account of corporations and companies).

**Shri N. Dandeker:** I beg to move:

(1) Page 13, line 31,—

for "may", substitute "shall". (177)

(2) Page 13, line 36,—

after "satisfied", insert—

"on adequate evidence adduced before it". (178)

(3) Page 13, line 38,—

for "are not accurate", substitute—

"are inaccurate in material particulars". (179)

(4) Page 14,—

after line 10, insert—

"Provided that nothing contained in this sub-section shall be deemed to empower the said authority to make any investigation regarding matters such as—

(i) valuation of stocks;

(ii) classification of any expenditure as revenue expenditure or capital expenditure;

(iii) adequacy or otherwise of remuneration paid to directors and managing agents;

(iv) expenditure on travelling allowance; and

(v) propriety or otherwise of any expenditure relating to a previous accounting year incurred by the employer towards increase in salary or wage effected by an award.

shown in the balance-sheet or the profit and loss account of the company." (180)

Sir, as regards my first amendment to clause 23, I may begin by saying generally that sub-clause (1) in the first place, with the circumstances in which the balance-sheet and the profit and loss account of the employer may or may not be accepted. And sub-clause (2) is then concerned with in-

[Shri N. Dandekar]

dicating what information can be called for in the accepted cases.

My amendment No. 177 seeks to substitute the word 'shall' for the word 'may' in sub-clause (1) in line 31 at page 13. The effect would be this. Where the balance-sheet and the profit and loss account of an employer, being a corporation or a company, duly audited either by the Comptroller and Auditor-General or in the case of ordinary companies, by the statutory auditors who are duly qualified to act as auditors are produced, then I suggest the said authority, "shall" presume the statements and particulars contained in such balance-sheet and profit and loss account to be accurate. I do not think that that proposition should need much argument. The obligations of the Comptroller and Auditor-General in respect of public sector enterprises and the obligations of the auditors in respect of private sector companies are respectively laid down by statutes of various kinds. The Auditor-General's responsibilities are laid down under the Constitution and various orders and so forth issued under it. And so far as the auditors of private sector companies are concerned, they are exhaustively laid down in the Companies Act, and they are in fact being extensively extended by the Companies (Amendment) Bill that was passed recently by this House. I suggest, subject to the portion of sub-clause (1) that is coming in later, namely the circumstances provided in the "proviso" where even these may be challenged, that in all other cases, that is to say, where the proviso does not apply adjudicators must really be put in a position where they 'shall' presume the statements and particulars contained in such balance-sheets, whether after the Comptroller and Auditor-General's audit or after the ordinary company law audit, to be accurate, whereupon it shall not be necessary for the corporation or the company to prove the accuracy of such statements and particulars by filing affidavits or by any other mode.

Amendment No. 178 is in relation to the proviso to sub-clause (1). The proviso says quite rightly, that where the said authority is satisfied that the statements and particulars contained in the balance-sheet or the profit and loss account of the corporation or the company are not accurate, it may take such steps as it thinks necessary. I am suggesting the insertion of the words 'on adequate evidence adduced before it'. Judicial authorities must act in a judicial way. It would therefore be desirable to put down here, as has always been the case, in terms of various decisions of the Supreme Court, that where on adequate evidence adjudicators or tribunals find that balance-sheets and things like that are inaccurate, then, of course, they need not accept them as correct. So, while accepting the principle of this sub-clause, and in particular, the proviso thereto, I am merely clarifying and saying that the proviso should read thus:

"Provided that where the said authority is satisfied on adequate evidence adduced before it that the statements and particulars contained in the balance-sheet or the profit and loss account of the corporation or the company are not accurate it may take such steps as it thinks necessary to find out the accuracy of such statements and particulars."

that is to say in such case, it can go ahead to make investigations and so on.

Sub-clause (2) is concerned with the consequential position where accounts and so forth are accepted and where, in the course of a dispute, some further information etc. is desired. The sub-clause says that the tribunal or whatever is the adjudicating authority may after satisfying itself that such clarification is necessary by order direct the corporation which is in the public sector, or as the case may be, the company, in the private sector, to furnish to the trade union or the em-

employees such clarification within such time-limit as may be specified. I am suggesting two amendments to this. Amendment No. 179 is concerned with preventing a mere roving inquiry. And in Amendment No. 180, I suggest, in order to prevent a roving inquiry, that the following proviso ought to be inserted, namely:

"Provided that nothing contained in this sub-section shall be deemed to empower the said authority, to make any investigation regarding matters such as (i) valuation of stocks, (ii) classification of any expenditure as revenue expenditure or capital expenditure, (iii) adequacy or otherwise of remuneration paid to directors and managing agents, (iv) expenditure on travelling allowance, and (v) propriety or otherwise of any expenditure relating to a previous accounting year incurred by the employer towards increase in salary or wage effected by an award, shown in the balance sheet or the profit and loss account of the Company".

Perhaps I ought to explain why I am excluding these. The first two, valuation of stocks and classification of any expenditure as capital expenditure are matters covered in specific terms by the responsibility of auditor, irrespective of whether he happens to be the Comptroller and Auditor General or the statutory auditor under the Companies Act. If these are not excluded from this kind of inquiry, it is quite possible by the backdoor to throw out the balance sheet and the profit and loss account which under sub-section (1) may not be thrown out.

As regards items (iii) and (iv), item (iii) is a matter for determination and constant review by the company law administration, whose previous sanction is necessary in the matter of fixing or charging remuneration to be paid to directors and to managing agents. I suggest that if the matter has once for all been dealt with by Government itself in terms of the provisions of the Companies Act, the same matter should not be open

for agitation before a tribunal or any other adjudicating authority.

Apropos items (iv) and (v), travelling allowance and so forth are subject to considerable scrutiny not merely by the auditors but also by the income tax authorities. And the other matter about previous years' wages etc. is merely a consequence of awards that may have been passed relating to earlier accounting years under which the company is bound to pay. I suggest therefore that these items may not be called in question at all under the provisions of sub-section (2).

I may add that the Bonus Commission was unanimous about this. The Government have accepted all the unanimous recommendations subject only to one or two modifications. This recommendation is contained on p. 91 which I will take the liberty to read:

"But we consider that tribunals and arbitrators should not embark upon investigations into questions such as whether stocks have been properly valued, whether a portion of revenue expenditure which has been passed by the auditors as revenue expenditure should be considered as capital expenditure the adequacy of remuneration to directors and managing agents of companies, whether the expenditure on travelling allowance is excessive etc. The Companies and other Acts provide ample safeguards against malpractices. There are also provisions under the Companies Act for directing investigations into the affairs of companies in certain circumstances".

Finally, I would like to say that in the last draft of this Bill that was circulated, there was in fact a provision of the kind I have now suggested.

Shri D. Sanjivayya: Amendments Nos. 177, 178, 179 relate to sub-clause (1) of clause 23. If we change 'may' into 'shall' and also insert 'on adequate evidence adduced before it' and substitute 'are not accurate' by 'are inaccurate in material particulars', this will be fettering the authority of the tribunal which would be a judicial body.

[Shri D. Sanjivayya]

No doubt, this particular recommendation of the Bonus Commission, which the hon. Member quoted, we had put in the draft Bill in the initial stages for discussion before the tripartite conference, but later on, after the discussion in the tripartite conference, we felt that it would be advisable to delete these categories to which the hon. Member made a reference and to which the Bonus Commission also made a reference. We felt, as I said earlier, that we should give unfettered power to the judicial body, so that the entire thing would be gone into and the true facts arrived at.

**Shri Bade (Khargone):** Does the hon. Minister mean to say that "may" means "shall" and "shall" means "may", as Pandit Jawaharlal Nehru said once?

**Shri D. Sanjivayya:** I did not refer to "may" alone. This will have the cumulative effect of fettering the authority of the judicial body.

**Mr. Speaker:** I now put amendments Nos. 177 to 180 to the House.

*Amendments Nos. 177 to 180 were put and negatived.*

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

"That Clause 23 stand part of the Bill."

*The motion was adopted.*

*Clause 23 was added to the Bill.*

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

"That Clauses 24 to 26 stand part of the Bill."

*The motion was adopted.*

*Clauses 24 to 26 were added to the Bill.*

*Clause 27— (Inspectors)*

**Shri Kashi Ram Gupta (Alwar):** I beg to move:

for clause 27, substitute—

"27. Such registers, records and other documents connected therewith, as prescribed under clause 26, shall be liable for inspection by,—

- (a) in case of factories, by Inspector of Factories;
- (b) in case of mines, by Inspector of Mines; and
- (c) in case of other establishments by Labour Inspectors." (70)

**Shri Bade:** I beg to move:

Page 16,—

for lines 6 to 11 substitute—

"(5) Nothing contained in section 34(a) of the Banking Companies Act, 1949 shall prevent an Inspector from requiring a banking company to furnish or disclose any statement or information or to produce or give inspection of any of its books of account or other documents." (277).

**Shri N. Dandekar:** I beg to move:

(i) 15, line 18,—

for "the limits", substitute—

"the territorial limits". (181).

(ii) Page 15,—

Omit line 40 (182).

(iii) Page 15,—

after line 40, insert—

"Provided that nothing in this sub-section shall be deemed to empower the Inspector to require the employer to furnish any such balance-sheet and profit and loss account, whether audited or not, or any such particulars, information, statements or clarification in relation thereto as is referred to in sections 23, 24 and 25." (183).

**Shri Bade:** Clause 27(5) reads:

"Nothing contained in this section shall enable an Inspector to



require a banking company to furnish or disclose any statement or information or to produce, or give inspection of, any of its books of accounts or other documents..."

My amendments want this to be substituted by the following words:

"Nothing contained in section 34(a) of the Banking Companies Act, 1949 shall prevent an Inspector from requiring a banking company to furnish or disclose any statement or information or to produce or give inspection of any of its books of account or other documents."

Why are banking companies favoured by the Clause like this? All the other companies and industries will be inspected by the inspector, while the banking company is exempted. My contention is that all the banking companies, whether big or small, should be allowed to be inspected by the Inspector. Hence my amendment.

**Shri Kashi Ram Gupta:** In Clause 26 Government has mentioned certain registers to be maintained. In Clause 27 lays down the powers of inspectors. Actually speaking, bonus relates to a very simple accounting system. There will be set on and set off, nothing else. Therefore, I have suggested that instead of having separate inspectors, the factory inspectors, labour inspectors and mines inspectors can be authorised to see these registers. Going away to other accounts is not a very good thing in this respect. After all, there will be audited accounts. Then, there are income-tax rules, and all these things are there, and on the basis of the profit and loss account we have to find out the surplus for bonus.

Therefore, apart from whatever is mentioned in clause 26, if there is anything remaining behind that can also be inserted in that. The inspector whether he is the mining inspector or the labour inspector or any other inspector, must be entitled to see what is mentioned in clause 26. Then there

is a contradiction between clauses 26 and 27. You put something in clause 27 and you authorise him to do something which is not mentioned in clause 26. Seeing all these, it will be very proper if the House accepted this amendment so that whatever is mentioned in clause 26 shall have to be inspected by the inspectors concerned.

**Shri N. Dandekar:** Sir, in regard to clause 27, the first amendment which I have is No. 181 which is merely to clarify what is there in clause 27(1) which reads:

"The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the limits within which they shall exercise jurisdiction."

It may mean that they can be empowered to do practically everything, even that which no other authority can do under this Act. On a reading of sub-clause (2), however the meaning appears to be merely to define the territorial limits of jurisdiction. That is a normal feature in any Act which appoints authorities, among other things what has to be defined is the territorial jurisdiction of those authorities. Therefore, I suggest this amendment in sub-section (1) of clause 27 is necessary. We should say "the territorial limits within which they shall exercise jurisdiction", so that these inspectors may not run amock all over the State or run amock as regards all other things under the Act.

Next, I take great exception to para (e) of sub-clause (2) because it is extra-ordinary. Sub-clause (2) is concerned with indicating what the Inspectors appointed under section 27(1) may for the purpose of the Act, do. It says that an inspector appointed under section sub-section (1) may, for the purpose of ascertaining whether any of the provisions of this Act has been complied with, require an employer to furnish such information as he may consider necessary; second-

[Shri N. Dandekar]

ly he may at any reasonable time enter premises and make inspections, thirdly, he may examine the employer, etc.; and fourthly, he may make copies or take extracts from any book, register or other document. These are perfectly reasonable powers, subject to the proviso which I have suggested in my amendment No. 183. But para (2) of this sub-clause says: "such other powers as may be prescribed." What in heaven's name is contemplated under (e)? Can he be authorised to dismiss anybody or appoint anybody or do anything at all that he may be authorised to do? This seems to me to be going much too far. I do not mind in what detail and in what extensiveness the Inspector's powers are specified; but they must be specified. I submit that this is one of those omnibus autocratic provisions that are beginning to appear in legislations in our country; after providing for a whole lot of specific powers, they go on to add in case they have forgotten something "such other power" as may be prescribed. The House would recall that in connection with the Companies Amendment Bill, I had objected to a similar phraseology in relation to the duties of auditors, namely "such other duties" as the company law administration may think fit to add, apart from a whole lot of powers specified. This amounts to legislation by executive departments, of a kind that must be objected to.

Finally, Sir, I come to my amendment No. 183 to sub-clause (2), which is very important:—

"Provided that nothing in this sub-section shall be deemed to empower the Inspector to require the employer to furnish any such balance-sheet and profit and loss account, whether audited or not, or any such particulars, information, statements or clarification in relation thereto as is referred to in sections, 23, 24 and 25."

Now, clause 23 is concerned with limiting the powers even of a tribunal

or any other adjudicating body as to the circumstances in which it may accept or reject the balance-sheet and profit and loss account, and the circumstances in which the adjudicating body may call for certain further information. I suggest that these powers under clause 23, which the Minister just now explained, as giving adequate and extensive discretion to judicial authorities ought not to be capable of being conferred upon non-judicial executive authorities like inspectors, and should be specifically excluded.

Similarly, clause 24 refers to certain things which even adjudicating bodies may not question or call for, namely, certain information in relation to banks or the accuracy of the accounts of banking companies. This is a very important provision, which says:

"the said authority shall not permit any trade union or employees to question the correctness of such accounts, but the trade union or the employees may be permitted to obtain from the banking company such information as is necessary for verifying the amount of bonus due under this Act."

Sub-clause (2) is even more important; it says:

"Nothing contained in sub-section (1) shall enable the trade union or the employees to obtain any information which the banking company is not compelled to furnish under the provisions of section 34A of the Banking Companies Act, 1949".

These are very necessary provisions. Banks are credit institutions and anything that might tend to question or injure their credit or reduce their creditworthiness would be dangerous. That is why even the powers of a judicial authority, when concerned with disputes under the Act relating

to banking companies, are so carefully limited. It is only because of that, that very limited discretion has been given. Therefore, the proviso that I am suggesting in relation to the powers of Inspectors is necessary, and I shall read it again:

"Provided that nothing in this sub-section shall be deemed to empower the Inspector to require the employer to furnish any such balance-sheet and profit and loss account, whether audited or not, or any such particulars, information, statement's or clarification in relation thereto as is referred to in sections 23, 24 and 25."

**Shri Bade:** I want to know whether Shri Dandekar wants to black out everything from the inspectors, that no information should be given?

**Shri N. Dandekar:** I am blacking out—if that is the right word—these particular powers from the inspector. I am not prepared to give these powers to the Inspector.

**Mr. Speaker:** Today, that is the right course!

**Shri N. Dandekar:** The inspector should not have the power which only a judicial authority has been expressly conferred upon in a limited way. The other powers, yes.

**Shri D. Sanjivayya:** Amendment No. 70 contemplates to give or to notify Inspectors of Factories and Inspectors of Mines and Labour Inspectors as inspectors under this Act; their duties are different; probably they will have to perform different duties in respect of the enactments which they have to enforce and the Government will have to notify under this Act certain officers to be inspectors. Probably, Government may have to appoint special staff for any other duties. They will have only the duties that they perform as inspectors. Therefore, I am not prepared to accept amendment No. 70.

**Shri Kashi Ram Gupta:** My point was that the registers of the establishments which were mentioned in clause 26 should be entrusted to them. Otherwise, it would be contradictory to clause 22.

**Shri D. Sanjivayya:** Factory Inspectors and Mines Inspectors have certain statutory functions to perform under those statutes. Therefore, if we ask them to do this work also, it will be too much for them. So, I am suggesting that Government should appoint special staff, or wherever they find that certain other officers who are doing some other duties could find some time, they may also do it.

**Shri Kashi Ram Gupta:** I have no objection to the appointment of inspectors. But my point is that those authorities should be entrusted with this duty as mentioned in clause 26. Otherwise, this clause will be contradictory to clause 26.

**Shri D. Sanjivayya:** I have not been able to follow it.

**Shri Kashi Ram Gupta:** Special powers have been mentioned in clause 27.

**Shri D. Sanjivayya:** About amendment No. 181, it is stated that instead of "limit", it should be territorial limit. By limit and jurisdiction we define the limits within which they shall exercise jurisdiction. It is so obvious; when we say "limits" it means the limits within which one has to exercise one's jurisdiction. It means territorial jurisdiction.

**Shri N. Dandekar:** It is not so obvious. A first-class magis rate's limits of jurisdiction are not merely territorial limits also, higher limits of punishments that he may impose; similarly sessions judges have certain territorial limits also, higher limits of punishment such as death penalties and so on. High Courts have still higher powers. "Limits of jurisdiction" covers a very wide field. It is not

[Shri N. Dandekar]

merely a question of territorial jurisdiction. If you merely talk of 'limit a jurisdiction', it implies both territorial and substantive jurisdiction. I suggest that if the Minister agrees with me that what is so obvious to him is not quite so obvious to me, if it is merely territorial jurisdiction, that he has in mind, it would be better say so expressly in clause 27(1).

**Shri D. Sanjivayya:** Anyway, I am satisfied that this means that, and probably by notification also, when appointing inspectors, we will say that an inspector will be in charge of such and such districts and so on. That will be done in the rules, so that the ambiguity will not be there.

By his amendment No. 182, he wants line 40, i.e. sub-clause (e) to be deleted. It says "exercise such other powers as may be prescribed". Clause 38 gives powers to the government to make rules. It is not as though government are free to make any rule they like. All the rules made have to be placed before the parliament and approved. So, I am not prepared to delete that clause.

13 hrs.

Coming to amendment No. 277, it is really very astonishing that an enlightened member like Mr. Dandekar . . . .

**Shri N. Dandekar:** Amendment 277 is not mine.

**Shri Bade:** It is mine. Let him deal with my amendments also.

**Shri D. Sanjivayya:** I am coming to that. The last amendment of Shri Dandekar says, "Provided that nothing in this sub-section . . . ." etc. I would draw his attention to sub-clause (2). It says:

"An Inspector appointed under sub-section (1) may, for the purpose of ascertaining whether any of the provisions of this Act has been complied with . . . ."

Unless the documents are supplied, how can the inspector find out whether the provisions of this Act have been complied with?

**Shri N. Dandekar:** But he should not ask for disclosure of secrets by way of returns from banks which even the Reserve Bank will not disclose to anybody.

**Shri D. Sanjivayya:** When there is any enactment under which an employer is not obliged to disclose something, he cannot ask for it. For instance, under section 34A of the Banking Companies Act, banking companies are not expected to disclose certain secret information.

**Shri Indrajit Gupta:** They are well protected.

**Shri N. Dandekar:** Please don't mislead the House. Under clause 24(2), only what is mentioned in sub-clause (1) of clause 24 is protected; nothing else.

**Shri D. Sanjivayya:** Sub-clause 24(2) says:

"Nothing contained in sub-section (2) shall enable . . . ." etc.

Here clause 27(5) says:

"Nothing contained in this section shall enable an Inspector to require a banking company to furnish or disclose any statement which a banking company cannot be compelled to furnish, disclose, produce or give inspection of, under the provisions of section 34A of the Banking Companies Act, 1949."

So, section 34A of that Act protects the banking companies. Mr. Bade wants that this embargo should not be there.

For these reasons, I am not in a position to accept any of the amendments to this clause.

**Mr. Speaker:** I shall put all the amendments to the House.

**Amendments Nos. 70, 181 to 188 and 277 were put and negatived.**

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

"That clause 27 stand part of the Bill."

*The motion was adopted.*

*Clause 27 was added to the Bill.*

**Clause 28— (Penalty)**

**Shri Kashi Ram Gupta:** I beg to move:

**Page 16,—**

for lines 18 to 20, substitute—

"He shall be punishable with fine, which may extend to rupees one thousand." (71)

**Shri Indrajit Gupta:** I beg to move:

**Page 16,—**

(i) line 19,—

for "or" substitute "and"; and

(ii) line 20,—

omit "or with both". (29).

**Dr. Ranen Sen:** I beg to move:

**Page 16, line 19,—**

for "one" substitute "three" (72).

**Shri Bade:** I beg to move:

(i) **Page 16, line 19,—**

for "or" substitute "and" (278).

(ii) **Page 16, line 20,—**

omit "or with both". (279).

**Shri N. Dandekar:** I beg to move:

**Page 16,**

after line 20, insert—

"Provided that failure to comply with any direction given or requisition made by an Inspector under sub-section (2) of section 27 shall be punishable with a fine only." (184).

**Dr. Ranen Sen:** My amendment and Mr. Indrajit Gupta's amendment have the object of making the punishment deterrent. We seek to substitute 'and' instead of 'or' in line 19. As I said, the main object is to have a deterrent punishment. We know—that must be the experience of the minister also—that the employers, powerful as they are, try to find out loopholes and soft corners in the laws and get away with this small punishment of fine. We want to provide not only for fine, but for imprisonment also. We want to put a little fear in the hearts of employers, so that they may not contravene these provisions of the law. It will have a little deterrent effect on the employers. They will save lakhs of rupees as part of bonus of which they will deprive the workers and so easily they will pay Rs. 3000 fine and get away with it. So, if they are to undergo imprisonment, that will have a deterrent effect.

**Shri Bade:** My amendment is also just like Dr. Ranen Sen's. Instead of six months' imprisonment or fine, it should be both fine and imprisonment for six months. I know there was a case of a person who beat another person with a shoe. He was fined Rs. 25. He told the magistrate,

"मैमिस्ट्रेट साहब, मैं पचास रुपये और देवल पर छत्राढ़. मुझे एक जूता और माने की इजाजत दीजिए।"

**Mr. Speaker:** Were you the lawyer defending him? That might have been your advice.

**Shri Bade:** He said, I have paid Rs. 25; because he abused me, bringing in the names of my forefathers, I will give him one more beating with the shoe, for which I am paying Rs. 25 more. So, here also, the employers who make lakhs of rupees will easily pay the fine of Rs. 1,000 and get away with it. So, if you want to penalise anybody, it must be deterrent punishment. Otherwise, it will defeat the very provision of the law. Therefore, I request the hon. minister to accept my amendment.

**Shri Kashi Ram Gupta:** My amendment is quite opposed to that of Mr. Inderjit Gupta, Dr. Sen and Mr. Bado. I tried to find out from Dr. Sen's speech whether there could be any justification for combining both imprisonment and fine, but I found none. We have to see the effect of this and how it will function. If there is a default, it can be dealt with under the Companies Act or the Income-tax Act or the Minimum Wages Act and so on. But this is about bonus. They have to have audited accounts. When gross profit is to be calculated on a certain basis and there is to be set off and set on, what is there which would make a man commit a big crime and undergo a punishment like this? After all, they are big industrialists who are responsible persons. When a punishment is provided, a large number of people are expected to evade this law. If a large number of people are expected to evade this law, there is no use of having this law. So, when a large number is not expected to evade the law, there is no justification for combining both fine and imprisonment. After all, we live in this country as free citizens and we must see to our prestige. Those days are gone when the people used to do all these things in a big way. There are so many Acts which provide for exemplary punishment for other malpractices. So far as bonus is concerned, their chances to do mischief are limited. Therefore, the punishment also should be limited. Therefore, I suggest that it will not be good to provide both imprisonment and fine. I suggest that it will be quite enough if the punishment is limited to fine only.

**Shri Solanki (Kaira):** Sir, there is no quorum in the House.

**Mr. Speaker:** The Bell may be rung.

**Shri N. Dandekar:** They will only come to vote; they do not even listen to what it is all about.

**Mr. Speaker:** They may be reading the latest bulletin. The latest bulletin has been put up just now on the notice board. 20 copies have been supplied to the Notice Office, and those hon. Members who want a copy can have it from there. Others may read from the copy that has been put up. As I have already announced, the Defence Minister will be making a statement at 4.00.

**Shri Bado:** Let the bulletin be read here, Sir.

**Mr. Speaker:** I can give him a copy.

**Dr. M. S. Aney (Nagpur):** Will you allow him to circulate it?

**Mr. Speaker:** He might read it and then pass it on.

**Shri Hari Vishnu Kamath (Hoshangabad):** Sir, yesterday it was agreed that some Minister, not necessarily the Defence Minister, would come and make a statement here on the war situation.

**Mr. Speaker:** Earlier we had agreed—Shri Kamath had not known it and probably the Deputy-Speaker also had not known it—that such bulletins would be placed in the Notice Office so that hon. Members can get them and whenever it was necessary the Defence Minister would be making a statement, but not on other occasions.

**Shri S. M. Banerjee (Kanpur):** How many times will this bulletin be issued, Sir?

**Mr. Speaker:** I have not specified the number of times.

**Shri S. M. Banerjee:** We are already getting the spot news. If there is something that is not there, then it is a different matter.

**Mr. Speaker:** If hon. Members are satisfied with the spot news, that is a different matter. I should rather think that there should be as many

copies as there are Members inside the House and they should be distributed here. Those who are outside the House can get it from the Notice Office. Now there is quorum—Shri Dandekar.

**Shri N. Dandekar:** Sir, I would begin by saying that I am sorry my hon. friend disturbed some of my hon. friends from their afternoon siesta. I do not think they are particularly concerned with what is happening with this Bill.

Sir, a clause such as clause 28 is obviously necessary.

**Mr. Speaker:** My apprehensions are that tomorrow at 10.00 there may not be quorum in the beginning. We have put down 10.00 A.M.

**Shri Hari Vishnu Kamath:** Let us give it a trial

**Shri N. Dandekar:** Sir, the amendment that I am proposing to clause 28 is not really concerned with the substance of whether or not contraventions of the provisions of the Act or directions given or requisitions made under the Act should or should not be visited with a penalty of six months imprisonment, nine months imprisonment, or imprisonment for a year, or a fine or both. Obviously, there has to be punishment of an adequate kind and the clause provides for it. But I am concerned with that part of this clause which says that if any person to whom a direction was given or a requisition was made under this Act fails to comply with the direction given or requisition made he may be punishable with imprisonment. I feel concerned with that because I find that the Inspector to be appointed under clause 27 has also certain powers of the kind that might be perhaps regarded as coming within the ambit of clause 28. My suggestion therefore, is that the following be added:

"Provided that failure to comply with any direction given or re-

quisition made by an Inspector under sub-section (2) of section 27 shall be punishable with a fine only."

My reason is that an executive authority is not a judicial authority. I can quite understand and accept that directions given by a judicial authority have to be treated seriously or rather, that they cannot be allowed to be treated lightly and they must be backed by sanctions and penalties of a serious nature. But please see the level of the executive authority that is contemplated here. If we were somebody higher up, if it had been said that he might issue requisitions or directions, with the prior consent, sanction or approval of the appropriate government that would perhaps be acceptable. But here a fairly low echelon officer has been provided. An inspector can run wild and issue any directions or make any requisitions. He may not deliberately do it. But he may not be able to grasp the complexity of this whole bonus scheme. After all, he cannot be as knowledgeable about all this as would be, say, the Commissioner of Labour or some other authority of that kind. Therefore, my suggestion is that, if at all this clause is attracted by failure to comply with requisitions made or directions given by an inspector under clause 27, then, only a fine may be imposed and not imprisonment.

**Shri Bade:** Sir, I support Shri Dandekar. I forgot to give an amendment to this. Here it is said: "directions given or requisitions made". These are very loose words. I have seen that these two words used in many enactments are considered to be capable of covering a very vast ground. Supposing an inspector asks a manager or a head of a particular industrial undertaking that he should do something and that direction is not obeyed, do you mean to say that the proprietor is punishable for that? Then I fail to understand the difference between the words "directions" and "requisitions". This clause is, there-

[Shri Bade]

fore, very loosely worded. I do not know whether the hon. Minister has consulted the law experts. These two words can include so many things. Therefore, to punish the proprietor for the fault of the head of the department is a wrong thing to do. This clause, I suggest, may either be deleted or some amendment, as suggested by my hon. friend, Shri Dandeker, may be accepted.

**Shri D. Sanjivayya:** Sir, both Dr. Ranen Sen and Shri Bade in their amendments want that the punishment should be both imprisonment and fine, whereas in the clause it is said:

"imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

Therefore, we have made provision for both to be levied. I do not think they should be so harsh on the employers who might commit certain offences under the Act.

Coming to the amendment moved by my hon. friend, Shri Kash Ram Gupta, which is quite a different one and which seeks to do quite the opposite thing, he wants completely to delete the provision relating to imprisonment and he says that it should be only fine. In most of our enactments both these things exist and, therefore, it should continue as it is.

Coming to the amendment moved by Shri Dandeker, I would like to say that it is not acceptable to me for this reason. The clause reads like this:

"If any person—

- (a) contravenes any of the provisions of this Act or any rule made thereunder; or

- (b) to whom a direction is given or a requisition is made under this Act fails to comply with the direction or requisition,

he shall be punishable...."

Now, the punishing authority will certainly take into consideration the nature of the offence, whether it is merely non-submission or non-production of documents or something serious. So, taking into consideration the nature of the offence, the judicial authority, the first class magistrate or city magistrate as the case may be, will certainly impose such punishment as is justifiable. Therefore, we did not make a separate provision for non-compliance. That is not necessary. After all, these cases are not filed just by an inspector. I would like to draw the attention of hon. Members to clause 30 which says:

"No court shall take cognizance of any offence punishable under this Act save on complaint made by or under the authority of the appropriate Government."

Similar provisions exist in the Motor Transport workers Act also. So, I do not accept any of the amendments.

**Mr. Speaker:** Shall I put all the amendments together?

**Shri N. Dandeker:** As my amendment is contradictory to the other amendments, it may be put separately.

**Mr. Speaker:** All right. I will now put amendment No. 71, moved by Shri Kashi Ram Gupta, to the vote of the House.

Amendment No. 71 was put and negatived.

**Mr. Speaker:** I will now put amendment No. 29 by Shri Indrajit Gupta, 72 by Dr. Ranen Sen, and 278 and 279 by Shri Bade to the vote of the House.

Amendments Nos. 29, 72, 278 and 279 were put and negatived.



**Mr. Speaker:** I will now put amendment No. 184 moved by Shri Dandekar to the vote of the House.

*Amendment No. 184 was put and negatived.*

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

"That clause 28 stand part of the Bill."

*The motion was adopted.*

*Clause 28 was added to the Bill.*

**Shri S. M. Banerjee:** I think the Minister should bring in some amendment so that Members could also be paid bonus for their attendance. Now there is no quorum in the House.

**Mr. Speaker:** The bell is being rung.....Now there is quorum. I am very sorry that I have to put hon. Members who were in the Central Hall to this inconvenience and discomfort.

**Clause 29—(Offences by companies)**

**Shri N. Dandekar:** I beg to move:

Page 17, line 2,—

after "includes", insert—

"an establishment in the public sector" (185)

Sir, this clause 29 is very necessary clause which defines or indicates who are the persons to be regarded as having committed offences when the offending employer is a company. I am suggesting that in order to make it clear that officers of public sector companies are not exempted from the scope of this clause, my amendment may be accepted. If my amendment is accepted, it will read: "company" means any body corporate and includes an establishment in the public sector, a firm or other association of individuals. I presume it is the intention that any one of the officers

in the public sector companies who commits an offence, of the kind for which officers in the ordinary companies can get pushed around, should also get pushed around. I hope the minister will agree that the recalcitrant people in the public sector enterprises should get the same punishment which officers in the private companies can get for similar offences.

**Mr. Speaker:** Will not "body corporate" include public sector companies?

**Shri N. Dandekar:** If they had simply said "body corporate" it would have been a different matter. But in clause 2(16) the Bill contains a very specific definition of establishment in the public sector. Consequently, it will not apply to public sector companies unless you include the words "establishments in the public sector"

**Shri D. Sanjivayya:** I would invite the attention of the hon. Member to clause 2(9) which reads:

"'company' means any company as defined in section 3 of the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act;"

Our legal advice is that public sector is also covered.

**Shri N. Dandekar:** Then, why is "establishment in the public sector" separately defined? I find that an "establishment in the private sector" has been defined as that which is not the public sector. Consequently, I am unable to accept that some other definition for some other purposes necessarily includes this particular thing for a particular purpose. I am concerned with this particular purpose; that is that the establishments in the public sector covered by the Bill should be covered by this particular clause also.

**Shri D. Sanjivayya:** I have nothing more to add.

**Mr. Speaker:** I will now put amendment No. 185 to the vote of the House.

*Amendment No. 185 was put and negatived.*

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

"That clause 29 stand part of the Bill".

*The motion was adopted.*

*Clause 29 was added to the Bill.*

*Clauses 30 and 31 were added to the Bill.*

**Clause 32—**(Act not to apply to certain classes of employees)

**Shri D. Sanjivayya:** I beg to move:

(i) Page 18, line 20,—

omit "and" (82).

(ii) Page 18,—

after line 21, insert—

"(g) any other financial institution (other than a banking company), being an establishment in public sector which the Central Government may, by notification in the Official Gazette, specify having regard to—

(i) its capital structure;

(ii) its objectives and the nature of its activities;

(iii) the nature and extent of financial assistance or any concession given to it by the Government; and

(iv) any other relevant factor;" (83)

(iii) Page 18, line 23,—

for "in". substitute "under". (84)

(iv) Page 18,—

after line 23 insert—

"(xi) employees employed by inland water transport establishments operating on routes passing through any other country". (85)

**Shri N. Dandekar:** I beg to move:

(i) Page 17,—

after line 35, insert—

"(d) an association or institution having as its object the control or encouragement of the control, supervision, regulation profession of law, medicine, accountancy, industrial and business management, engineering or architecture, or such other profession as the Central Government may specify in this behalf from time to time, by notification in the Official Gazette:

Provided that the association or institution applies its income, or accumulates it for application, solely to the objects for which it is established;" (186).

(ii) Page 17, lines 36 and 37,—

for "building operations", substitute—

"building, construction, loading and unloading or other operations". (187)

(iii) Page 18,—

omit lines 14 to 17. (188)

(iv) Page 18,—

omit line 20. (189)

(v) Page 17,—

after line 37, insert—

"(via) employees employed by an employer (other than a company) whose capital invested in the establishment as evidenced from his books of accounts does not exceed one lakh rupees at the commencement of the accounting year;" (219).

**Shri D. S. Patil (Yeotmal):** Sir, I beg to move:

Page 17,—

omit lines 22 to 24. (271)

अध्यक्ष महोदय, खंड 32 में लिखा है कि यह ऐक्ट गोदी फर्मचारियों को लागू नहीं होगा। मेरा सुझाव है कि बोनस का कानून उनको भी लागू किया जाए।

13.31 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

उपाध्यक्ष महोदय : बोनस कमीशन ने अपनी रिपोर्ट में इन के बारे में सिफारिश की है कि इन फर्मचारियों को बोनस स्कीम लागू की जाए। बम्बई में यह स्कीम लागू है, लेकिन कलकत्ता में कोई स्कीम लागू नहीं है। बम्बई में जो स्कीम लागू है उस में भी कई दोष हैं। तो मेरे कहने का मतलब यह है कि मिनिमम और मैक्सिमम बोनस देने के जो इस में प्रावजन हैं उनको कम या ज्यादा करते हुए यह कानून उनको भी लागू किया जाए।

बम्बई में जो इनफर्म होती है उससे कहीं ज्यादा इनफर्म कलकत्ता में होती है। इतना होते हुए भी कोई भी बोनस की स्कीम वहां लागू नहीं है। इसलिए मैं ने यह छोटा सा प्रमोडमेंट दिया है। प्रमोडमेंट छोटा है लेकिन उसका महत्व बहुत है और मैं चाहता हूं कि मंत्री महोदय इस संशोधन पर गौर करें और इसको मान्य करें।

Shri N. Dandekar: Sir, first of all, I will take my amendment No. 168 to clause 32, whereby I am endeavouring to put in after line 35 a page 17 the following. I better begin by referring to what is already excluded under sub-clause (v), namely, 'the Indian Red Cross Society or any other institution of a like nature; universities and other educational institutions; and institutions (including hospitals, chambers of commerce and social welfare institutions) established not for purposes of profit. I am now suggesting that we should add to that list one more category, namely,—

"an association or institution having as its object the control, supervision, regulation or encouragement of the profession of law, medicine, accountancy, industrial and business management, engineering or architecture or such other profession as the Central Government may specify in this behalf, from time to time, by notification in the Official Gazette:

Provided that the association or institution applies its income or accumulates it for application solely to the objects for which it is established;"

I have taken the wording almost entirely from the recent Finance (No. 2) Bill where associations of this kind have been exempted from tax subject to the condition that they accumulate their incomes for applications only to objectives for which they are intended. I hope, the hon. Minister will agree that these associations of professional bodies which regulate at present the profession of accountancy, such as cost accountancy and general accountancy, engineering, architecture and so forth, ought not to be within the ambit of this Act in the same way as universities and other educational institutions.

Then, Sir, amendment No. 187 is concerned with extending the scope of sub-clause (vi)—employees employed through contractors on building operations. Exactly the same considerations which apply to the problem of bringing in employees employed through contractors, the Bonus Commission found, really extended also to the whole field of contract workers. The proper thing here should be that the clause should be extended to cover employees employed through contractors not merely on buildings but also on construction, loading and unloading or other operations; in other words, contract labour as a whole ought to be excluded because it just is impracticable really to apply these sorts of laws to them.

[Shri N. Dandekar]

Then, I come to my amendment No. 219 because logically that comes next. At page 17, I suggest the insertion of one more category for exclusion. This is in line with the intention of exempting the smaller establishments. The way by which the Bill goes to exempt small establishments is that it will apply to a factory, meaning an establishment of ten or more workers using power; it will also apply to other establishments, that is, any other establishment, not a factory, employing 20 or more workers. That is one way of limiting the scope. I suggest another way—a necessary way,—which certainly in the Bonus Commission we did not think of. This is just one of those many matters which comes to one's mind when one goes into it more and more. I suggest the insertion of only this category, namely,—

“employees employed by an employer (other than a company) whose capital invested in the establishment as evidenced from his books of accounts does not exceed one lakh rupees at the commencement of the accounting year”.

This will exclude a whole lot of small, little people who in many ways constitute an important element in our industrial development today,—particularly in places in and around the cities in Punjab, in and around some of the cities of Maharashtra and Gujarat, and in many of the cities in Madras and UP—very small men, small industrialists, and entrepreneurs, little firms and small families, who are embarking upon ancillary industries of all kinds, taking a good deal of risk but making a fairly good job of it on the whole. I suggest that this is also a necessary way of excluding that kind of small-scale industries, other than those that operate as companies. And I, therefore, press this amendment for consideration by the Minister.

Then, I will go back to the other amendments concerning which I have

not spoken of yet, namely, Nos. 188 and 189. These are concerned with eliminating from the exemption list certain public sector enterprises, in respect of which I see no reason whatever for their exclusion. The general line and, indeed, the terms of reference, if I may say so, which limited the Bonus Commission in respect of public sector enterprises is interesting reading and I will take the liberty to read it out. The first term of reference was:—

“To define the concept of bonus and to consider in relation to industrial employments, the question of payment of bonus based on profits” etc.

The courts have held that “industrial employment” includes also employment in banking and financial institutions etc. But in so far as the public sector is concerned the Bonus Commission was hamstrung by this limiting “note”, namely,—

“The term, ‘industrial employments’ will include employment in the private sector and in establishments in the public sector not departmentally run and which compete with establishments in the private sector.”

Even accepting those limitations, I see no reason why the Industrial Finance Corporation of India, which is sub-item (a) under sub-clause (ix), or any State Financial Corporation established under section 3, or any Joint Financial Corporation established under section 3A, of the State Financial Corporations Act, 1951, should be excluded. They are not departmentally run concerns; they are also concerns which in fact, compete with the banking industry, money-lending industry, financiers etc. I personally am quite clear that neither the Industrial Finance Corporation nor any State Financial Corporation ought to be honestly be excluded from the application of this Act.

The same applies in regard to my Amendment No. 189 which is concerned with similarly suggesting that the Unit Trust of India should not be entitled to any exemption. The Unit Trust of India operates like any other investment house. There are any number of investment houses, investment corporations and concerns. This is one such and it offers a certain kind of investment while others offer other types of investment. They are all competitive enterprises. Indeed, today, the Unit Trust of India is the most powerful competitive enterprise in this field. It is one which is taking timid people's money for investment in industrial enterprises and it is operating as a channel through which such investments can take place. I am not saying it has no place in the economic structure. But what I do suggest is that it is a competitive enterprise like others; that it is not departmentally run; and that, therefore, there is no case for its exclusion.

Now, I turn to the Minister's own amendments, particularly Amendments No. 82 and 83. He has not taken any pains to explain them. But I would venture to make a few observations on them. Amendment 82 is merely a formal one. Amendment 83 is intended to insert yet another category of financial institutions to be exempted, namely,

"any other financial institution (other than a banking company), being an establishment in public sector, which the Central Government may, by notification in the Official Gazette, specify 'v-ing regard to—

- (i) its capital structure;
- (ii) its objectives and the nature of its activities;
- (iii) the nature and extent of financial assistance or any concession given to it by the Government; and

(iv) any other relevant factor;".

The moment I read this, the State Trading Corporation came to my mind, the Mining Corporation and others, which are now mushrooming both at the Centre and at the State levels. These are competitive enterprises. They are not departmentally run bodies. Consequently I see no justification whatever for the Minister's additional items for exemption from the public sector enterprises that might otherwise be subject to this Act.

**Dr. Ranen Sen:** Sir, under the provision of this clause, the Government seeks to exclude not only a large number of workers but also various categories of people employed in different spheres of activity.

The first exclusion is the employees employed in insurance business, including the L.I.C. employees. I fail to understand why the employees of the L.I.C. have been excluded. If we consider it from the point of view of the public sector, even then the L.I.C. is not a monopoly concern in that respect. In the field of general and life insurance, the L.I.C. has got a place for itself. Therefore, this is also an industry, an establishment.

**Shri Alvares (Panjim):** At least the general insurance scheme.

**Dr. Ranen Sen:** It is a competitive body. Therefore, to debar thousands and thousands of L.I.C. employees under the provision of this clause is totally unjust. So, from any point of view, this should not be brought in by the Government.

Secondly, they have tried to debar the dock workers from this. One can understand about seamen because there is an explanation given in the Bonus Commission's Report which purports to say that seamen are mostly going outside and all that. But

[Dr. Ranen Sen]

as regards the dock workers, they have got the Dock Labour Board. They should not be excluded. Lakhs and lakhs of people are employed in our docks and the number is increasing every year. So, the Government is doing injustice to this category of workers who have no means to get bonus.

Then, I come to the category of employees of the Universities and educational institutions. Merely saying that these institutions are not profit-making bodies would not do justice. Firstly, the people employed in the Universities and educational institutions are very low-paid employees. They do not enjoy any of the facilities or privileges that are enjoyed by other workers in other industries or institutions. They are not covered by any labour law. We are not linking up this bonus issue simply on the question of profit. If an establishment incurs some loss, then also the employees get some benefit, some bonus. Therefore, it will be wrong to exclude this category of employees who are working in the Universities and educational institutions. They should at least get the minimum.

Then, again, in the category of institutions established not for purpose of profit, the chambers of commerce are mentioned. I must say this is a wonderful thing. The chambers of commerce are the central organisations of all profit-making institutions, organisations, industries, and so on.

**Shri D. Sanjivayya:** But the chamber itself does not make profit.

**Dr. Ranen Sen:** But they derive the benefit from those profit-making organisations and they employ thousands of people. Take, for example, the Bengal Chamber of Commerce, the F.I.C.C.I., the Associated Chambers of Commerce, etc. etc. All these are the organisations of

big businesses. You are not only debarring thousands of workers who are working in the chambers of commerce but you are also showing a little soft corner for the big business people who represent these chambers of commerce.

With regard to the contract labour also, there are large bodies of engineers and contractors who are engaged in the construction work. They are really like private organisations who employ many workers for building purposes. There are big organisations of the contractors who are engaged in building operations. I have myself seen it in Varanasi where big Government buildings are being constructed through those contractors and they are employing thousands of people. Those workers are also being excluded.

Various categories of workers have been excluded from the purview of this Act. The hon. Minister has said that some 45 lakhs of people will be getting the benefit. But when several lakhs of people are being debarrd from the benefit of this Act, only a few lakhs of people will be getting the benefit. Therefore, I submit that at least these categories of workers should not be excluded from the purview of this Act.

**Shri Bade:** Sir, I want to move my Amendment Nos. 281, 282 and 283.

**Mr. Deputy-Speaker:** Not now.

**Shri Bade:** I want to move them now with your permission, Sir. I had gone out for just two minutes and I could not move them at that stage. The Speaker has allowed it many times. It is only a technical thing. I may be allowed to move them.

**Mr. Deputy-Speaker:** You can speak on this clause. But I cannot allow you to move them now.

**Shri Bade:** I know there is no use of moving them because they will not be accepted.

**Mr. Deputy-Speaker:** You can have your say but I will not allow you to move them now.

**Shri Bade:** Sir, I support the amendments of Dr. Ranen Sen and Shri Patil. The Government have excluded the workers employed in the insurance business. At the same time, they have excluded the building contractors. As the hon. Minister knows, the Bharat Sewak Samaj takes the contracts of building constructions. What is the specific reason for excluding the building contractors from the purview of this Act? So many building contractors have got permanent employees with them, say, for example, the carpenters and other labourers also. They move from one place to another. They take contracts of huge buildings and construct them. There is one more thing. I agree with Mr. Dandekar regarding the employees of the Industrial Finance Corporation of India, Deposit Insurance Corporation, Unit Trust of India, and Industrial Development Bank of India. Why should these employees be deprived of the bonus? Because they are in competition with other lending companies, other companies which do banking business, they should not be exempted.

**Mr. Deputy-Speaker:** All these have been explained by the previous speaker. There should not be repetition.

**Shri Bade:** Repetition is not an offence.

I want to bring one more point before this House. The amendment moved by the Government is this:

"any other financial institution (other than a banking company), being an establishment in public sector, which the Central Government may, by notification

in the Official Gazette, specify, having regard to—

- (i) its capital structure;
- (ii) its objectives and the nature of its activities;
- (iii) the nature and extent of financial assistance or any concession given to it by the Government; and
- (iv) any other relevant factor".

They want to exempt these companies. That is, they want to grab more powers in their hands. It is like a dictator. Whatever the dictator wants to do, one line is passed and he is given the power to dictate. Here also the Government wants to grab more powers in this way. At the same time they are blind to the fact that this provision is overlapping another provision in the same Act, i.e., the provision under Section 36.

"If the appropriate Government, having regard to the financial position and other relevant circumstances of any establishment or class of establishments, is of opinion that it will not be in public interest to apply all or any of the provisions of this Act thereto, it may, by notification in the Official Gazette, exempt for such period as may be specified therein and subject to such conditions as it may think fit to impose, such establishment or class or establishments from all or any of the provisions of this Act".

That is, the Government has got power under Section 36 to exempt any establishment from the provisions of the Bonus Act. Why then a special provision is made now? These two provisions overlap each other. When it goes to the Court, the judges will laugh in their sleeves. They will say: "This is what Parliament has done; one section overlaps

[Shri Bade]

another section; the same provision is made without looking to the general provision that already appears in Section 36". I would, therefore, request the hon. Minister to think over the matter again and not press this amendment.

**Shri Alvares:** I oppose this entire clause and in particular support the amendment moved by Shri Patil. This clause seeks to define the categories of employees that will not be covered by this Bonus Act. Let me take exception to my friend Dr. Ranen Sen's justifying the exclusion of seamen. I do not see any reason why seamen who are employed in a profit-making industry should be excluded from the provisions of this Bonus Act. It is immaterial whether they work in the air or sea or land. The seamen also perform an economic function of normal type as others do of earning money, earning foreign exchange. Why should this category of employees be exempted from the provisions of this Act? In regard to stevedore labour, there is a specific recommendation in the Bonus Act. These people are not employed in the public or semi-public sectors. Even, for that matter, they perform all manual labour which the other people were performing hitherto. They belong to the private sector. If, at the slightest suspicion, they perform some sort of a very public duty which is akin to that in the public sector undertakings in this country, it should not be taken as a public sector duty. Therefore, I recommend that stevedore labour also should qualify for bonus.

Now, in regard to employees employed through contractors on building operations, I do not know why they have been excluded. It is not as if the Government wants to keep down the cost of construction. The cost of construction is soaring up. Some of the biggest corporations or companies or institutions that have sprung up of late are those of contractors who undertake construction

work of big type. If anybody examines the structure of employment in these corporations or institutions or organisations, one will come across the fact that there are thousands of labour who are perennially employed on many projects, and the employment has been continuous for many years. Take, for instance, the Bharat Sevak Samaj. It is undertaking construction of buildings in this country. They get a more favourable rate and the employment is continuous. Why should these employees, whether they are in private organisation or Bharat Sevak Samaj, be denied any participation in the profits of their companies, which is really of a very high order. Therefore, I say that it is a bad labour practice for the labour Ministry to keep on discriminating and adding to the number of people who will not be entitled to the provisions of this Bonus Act. Therefore, not only seamen, but also stevedore labour, contract labour, the employees of insurance companies, etc. should qualify for bonus.

**Dr. M. S. Aney:** I join my hon. Friend in demanding that the exemptions made under Section 32 should be removed and they should also be brought within the purview of the provisions of the Bonus Act. I particularly draw attention to sub-clause (iii) of Section 32 which excludes the operation of this Act to employees registered or listed under any scheme made under the Dock Workers (Regulation of Employment) Act, 1948, and employed by registered or listed employers. This, in my opinion, is in utter disregard of the recommendation of the Bonus Commission. Under 'Stevedore Labour', the Bonus Commission has made the following observations:—

"There are about 18 stevedoring firms in Bombay and about 34 in Calcutta. The figures for other ports are not readily available. In Bombay, stevedore labour has been paid profit bonus



at a uniform rate, but stevedore labour in other ports is not paid any profit bonus....".

Then the historical circumstances are given, which I do not want to read here.

"We are of the opinion that stevedore labour should not, per se, be ineligible for bonus. It has not been suggested that stevedoring is less profitable in Calcutta than in Bombay. The circumstance that employment is from a pool, in rotation and intermittent, is not a good argument against giving bonus and there should be no practical difficulties since a record is regularly maintained of the persons who have been employed under each stevedore".

My point is that the benefits of the provisions of the Bonus Act should be extended to these persons also. Therefore, the clause which makes a distinction by excluding certain employees from the purview of the Bonus Act should be removed, more particularly that part which goes against the recommendation of the Bonus Commission.

**Shri S. M. Banerjee:** I oppose the whole clause, especially with regard to the employees employed by any insurance carrying on general insurance business and employees employed by the Life Insurance Corporation of India. My point is this. After a heroic struggle, the employees of the L.I.C. entered into an agreement with the L.I.C. and got bonus. Previously it was told to them that the employees of the public sector projects should not get any bonus because those were not profit-making concerns. The insurance employees were told by their corporation that the future negotiations would depend on the recommendations of the Bonus Commission and on the legislation that was likely to be brought forward in this House. Now, a situa-

tion has arisen where this Bill is not going to be applicable to the general insurance employees, the life insurance employees, the dock workers, the Indian Red Cross Society, and universities and other educational institutions, and institutions including hospitals, Chambers of Commerce and social welfare institutions. Persons who are responsible for social welfare activities in this country will not have any social security or anything else; they will be deprived of even bonus. I do not know whether these omissions are with a view to minimising or making the total number of employees entitled to bonus the minimum possible in the country.

14 hrs.

The hon. Minister has said that about 35 to 45 lakhs of organised labour will be able to get bonus. I say that the organised labour in this country is more than a crore; I do not say that it runs to crores, but it is one crore and some lakhs. If more than 60 per cent of them are not going to be entitled to bonus, then I would like to ask what we are aiming at.

The result of this Bill will be that even those concerns which were paying bonus up to this time would stop paying it. For instance, the Chamber of Commerce people in Calcutta were paying bonus to their employees, known as the Puja bonus. As you know, in Calcutta and other places in West Bengal, bonus is paid only once a year, and that is during the Puja holidays. And that is known as the Puja bonus. After this Bill is passed, those Chamber of Commerce people who are paying bonus now to their employees will no more pay it, and they would take shelter under this clause. I am sure the hon. Minister may refer us to clause 34 in this connection. I shall come to that a little later.

[Shri S. M. Bannerjee]

So far as the LIC is concerned, that is owned by Government. But what about the general insurance employees? We had asked for nationalisation of general insurance but that had not been agreed to because of certain big business interests. The general insurance companies are now paying bonus in some cases, while some are not paying at all. During the recent negotiations, which the general insurance employees had with the general insurance companies, the latter told them that they should wait for the bonus Bill. Now, the bonus Bill is before 30 or 40 of us who are sitting at the moment in this House, and we are going to pass it also.

Then, I come to the case of the employees employed by contractors for building operations. In this country we are expanding and we are constructing many new buildings, in Delhi, Calcutta and other big places. Even the rural development schemes are now before us, and in all these, we shall be employing a lot of contract labour. These contractors have minted fabulous sums of money out of the sweated labour of the working people but they would not pay a single pie to the workers. I may remind the House that they are neither paying the minimum wage according to the Minimum Wages Act, nor any dearness allowance or city compensatory allowance or overtime. Actually, the condition of the contract labour today is very pitiable. I want to know whether the exclusion of contract labour is due to the fact that the beloved organisation of the ruling party, namely the Bharat Sewak Samaj has got to undertake or has undertaken contract work in Delhi and other places and they will also be obliged to pay bonus if this Bill were to be made applicable to contract labour engaged in building operations. I am sure that that is one of the principal reasons why contract labour has been excluded from the purview of this Bill. Let it be made clear,

if that is the only reason, that the bosses of the ruling party who are ruling this country will take care of the Bharat Sewak Samaj. If Shri Nanda is no longer associated with it, another Nanda will come who will take care of the interests of the Bharat Sewak Samaj. The mere fact that Bharat Sewak Samaj will be obliged to pay some amount out of its abundance to contract labour should not be a ground for excluding contract labour.

I would submit that the Labour Minister must react like a Minister in charge of labour. Otherwise, his name will go down in history as one of the champions of the interests not only of the big business bosses but even of the petty contractors who want to please the ruling party by giving them Rs. 500 or Rs. 1,000 by way of donation.

Shri A. P. Sharma (Buxar): Why is my hon. friend bringing in donations here?

Shri S. M. Banerjee: My hon. friend Shri A. P. Sharma represents the railway workers, and so far as the Railway Board is concerned, that is not going to pay any donation to him, but I am talking of the contractors and others who really thrive under this.

Shri Alvares: There are contractors in the railways also.

Shri S. M. Banerjee: So, I oppose the entire clause. I hope the hon. Minister will safeguard the interests of these working people who are actually engaged in expanding our country.

Shri N. Dandekar: May I be permitted to move my amendment No. 190? In the confusion, that has been been left out.

Mr. Deputy-Speaker: I had already disallowed Shri Bade's amendment.

Shri N. Dandekar: He was not present then. But I was present and

I thought that that would make some difference.

**Shri Indrajit Gupta:** I would like to know whether the hon. Minister is going to make any submissions in support of his amendments, because I would like to oppose his amendments.

**Mr. Deputy-Speaker:** He will say what he wants in his reply.

**Shri Indrajit Gupta:** Is he not going to explain his amendments before we say whether we support them or oppose them? If he is going to explain his amendments, then I shall withhold what I have to say in opposition until after I have heard him.

**Mr. Deputy-Speaker:** The hon. Member wants to oppose those amendments?

**Shri D. Sanjivayya:** Does he mean that I shall first have to speak and explain my amendments, and then a second time by way of reply? If he wants me to explain my amendments and speak now, I am prepared to do so.

**Shri Indrajit Gupta:** If he is not going to speak now, then I shall start opposing just now.

**Mr. Deputy-Speaker:** Let the hon. Member oppose it now.

**Shri Indrajit Gupta:** But the hon. Minister has not explained why he has brought forward his amendments.

**Mr. Deputy-Speaker:** He will say that in his reply.

**Shri Badi:** On a point of order. The practice in this House for the last three or four years has been that whenever an amendment is moved, the Mover moves it and then we criticise it. Otherwise, we shall have no opportunity to reply to what he says.

**Mr. Deputy-Speaker:** Dr. Ranen Sen has opposed those amendments already. If the hon. Member wants to oppose them he may also do so.

**Shri Indrajit Gupta:** The procedure is that when anybody moves an amendment he first explains it while moving it and then we speak on it.

**Mr. Deputy-Speaker:** I cannot allow him to make two speeches.

**Shri Indrajit Gupta:** I would beg of you to consider whether double standards should be applied here. When we move amendments, we have to make our submissions first, and then the hon. Minister will reply to them, but when the Minister brings forward amendments, he would simply move the amendments, and we would not know why he has brought forward those amendments, but we would have to express our opinions on them all the same....

**Shri D. Sanjivayya:** I am prepared to speak. Perhaps if I speak now, the hon. Member may give up his idea of opposing the amendments. It is with that intention that I am prepared to speak now.

**Shri Indrajit Gupta:** But before that, I would just like to say one word about clause 32....

**Mr. Deputy-Speaker:** The hon. Member can say what he wants to say once and for all. I cannot allow two speeches for the same hon. Member.

**Shri D. Sanjivayya:** Amendment No. 82 is only consequential to my amendment No. 83. As far as amendment No. 83 is concerned, I would like to say that clause 32 contemplates the exclusion of certain classes of employees from the purview of this enactment. We as a Government feel that one more category should be added through amendment No. 83. In sub-clause (ix) of clause 32 we have enumerated quite a number of institutions like the Deposit Insu-

[Shri D. Sanjivayya]

rance Corporation, the Agricultural Refinance Corporation and so on. We want that the employees in all these financial institutions should be excluded from the purview of this Bill. In a similar way, if on any future date, Government decide to establish similar financial institutions, the employees thereof should similarly be excluded. The apprehension in the minds of hon. Members, particularly of Shri N. Dandekar, seem to be that institutions like the STC and MMTC and mining corporations etc. would come under this category. I would like to say categorically that they are not financial institutions and they will not come under this. Moreover precaution has been taken to see that all financial institutions are not excluded by notification by Government. That is why we say, 'having regard to its capital structure, its objectives and the nature of its activities, the nature and extent of financial assistance or any concession given to it by the Government, and any other relevant factor'. Unless all these are looked into, we are not going to just exempt any particular institution or the employees thereof from the operation of the Act.

**Shri Alvares:** It means that if any institution is helped by Government, that is a liability and its employees will not get bonus.

**Shri D. Sanjivayya:** No, what Government are thinking of is institutions which are in the interest of the general public. There is in the country a housing scarcity. Suppose Government starts a corporation to advance loans to help lower middle income groups or other lower income groups to build their own houses. The corporation might be excluded. Similarly other corporations which are intended for the general benefit of the public.

**Shri Priya Gupta:** But they will function in competition with private contractors.

**Shri D. Sanjivayya:** Amendment No. 84 is merely a drafting change. Amendment No. 85 specifies another category we are adding. Here we have in our mind the route from Calcutta to Assam. There are various difficulties. Therefore, we thought it would be in the public interest to exclude this category.

**Shri Priya Gupta:** A canal is being constructed to connect the Brahmaputra with the Ganges circumventing Pakistan territory. So why this permanent exclusion of inland water transport workers now?

**Shri Indrajit Gupta:** When we were having the general discussion, I had occasion to remark that the number of exemptions which the Minister was seeking to bring into this Bill would eventually result in a state of affairs whereby this Bill would have to be called not the Payment of Bonus Bill but the Non-payment of Bonus Bill. I had in mind the whole of cl. 32 which, if passed, will amount in fact to a greater number of employees being deprived of bonus than those who are brought under the scheme.

**Shri S. M. Banerjee:** That is their socialism.

**Shri Indrajit Gupta:** The Minister always tells us that 40 or 45 lakh workers would come under the scheme.

**Shri D. Sanjivayya:** Yes.

**Shri Indrajit Gupta:** Has the Ministry worked out.....

**Shri D. Sanjivayya:** Definitely.

**Shri Indrajit Gupta:** ...how many lakhs are covered by all these exemptions?

**Shri D. Sanjivayya:** Yes.

**Shri Indrajit Gupta:** Will he tell us the figures? He says he has worked

out the figures very definitely. But he has omitted to tell us how many lakhs are excluded by means of these exemptions and exclusions.

**Shri D. Sanjivayya:** I have not worked out the exclusions. Those who are covered, are about 45 lakhs workers—those figures I have got.

**Shri Indrajit Gupta:** You will find that many more are being excluded under the clause.

**Shri D. Sanjivayya:** I am not sure.

**Shri Indrajit Gupta:** You may not be sure,—you should make sure, but we are sure.

Does the Minister know that the Bombay Dock Labour Board has provided for payment of bonus for the dockers in Bombay? What will happen to that when this is passed? The Calcutta Dock Labour Board and the Madras Dock Labour Board have for sometime now been considering adoption of the Bombay scheme for their dockers. But suddenly you bring forward a Bill which has a provision to exclude this category of workers. So, I do not follow what is the purpose of this. The dock workers who are working at our docks and harbours are, I think, doing a very important strategic job, handling foodgrains and other things. But they are sought to be denied bonus. Similarly the case of seamen, and so many other people. I am therefore totally opposed to this clause 32.

As regards his own amendments, the expression 'any other financial institution' sought to be introduced in sub-cl. (g)—a new sub-clause—he said just now that in future we might set up some institution to give loans for housing or something like that. I say when such an institution is set up in future, we can deal with it then. He can always come forward with an amending Bill and extend the Act to cover it. But he is seeking to provide for some speculative future. We

do not know whether such an institution will be set up.

**Shri D. Sanjivayya:** It is going to be the immediate future.

**Shri Indrajit Gupta:** When it comes, the Act can be extended, if necessary, if the House permits. Why should there be this blanket provision covering all financial institutions? I do not follow why the employees should suffer because of that.

A word about the exclusion of inland water transport workers. I could not follow his argument, though I was waiting to be convinced.

**Shri D. Sanjivayya:** I am not in a position to disclose some of the arguments in the interest of the security of the country.

**Shri Indrajit Gupta:** Security of the country. I know this clause relates to only one company in the country, there is no other company coming under the definition of inland water transport operating on routes passing through any other country. He knows it as well as I do. There is only one company and that is the River Steam Navigation Company which operates a river route between Bengal and Assam, part of which passes through Pakistan waterways. They are employing some Pakistanis also today, although it is the declared objective of that company to Indianise as soon as possible—I think they ought to do it; there is no doubt about it—the staff. But the point is, why are these people being excluded? We could not follow.

There is a copy of a notice with me which the management in Calcutta has put up at their dockyard and their office on 31st August. In this the management has clearly stated to the employees that they have applied to Government for exemption under section 36 of the Payment of Bonus Ordinance, and it is receiving the attention of the Central Government. Why has the management applied?

[Shri Indrajit Gupta.]

They have stated the reasons. There are no secret reasons to be hidden, as he says. The reasons are stated in the notice of the company itself. I have no time to read the whole thing out. But I summarise them by saying that they are pleading that they have been suffering losses, the financial condition of the company is not at all sound, it has been undergoing losses for the last three years, figures are given and so on. That is the reason put forward by them.

The management and control of this company has recently been taken over by Government. The capital invested by the Inchcape family in England remains intact. The House has sanctioned it. Questions have repeatedly been asked by me and other members during the last three years about the huge loans which have been sanctioned by this Government to this company. Rs. 2½ crores were given as loans which they have not yet repaid. Those loans were given on the understanding that they would rehabilitate their old vessels and reorganise the company and improve the operation in this waterway linking two of our states. But nothing was done. Finally, Government came forward because the private investors in order to protect their capital approached Government 'You please take over the management; we cannot manage it any more'. But their capital is kept intact. Now the company is pleading that it made losses for the last three years.

**Shri D. Sanjivayya:** I am told there are some other companies also.

**Shri Indrajit Gupta:** Where?

**Shri D. Sanjivayya:** Operating on that route.

**Shri Indrajit Gupta:** Give me two names—I would like to know.

This company is seeking exemption on the ground of losses suffered over the last three years. I say those

losses, if they were real losses, are entirely due to the mismanagement made by the British-owned company. It has been taking huge loans from Government and doing nothing. It is disorganising the whole work on that water route. Now Government has taken over the management and control. In fact, we would like Government to nationalise it completely.

But what is the excuse for coming forward with a provision to deprive the employees of the bonus? I can tell the Minister from my own personal experience that there is going to be grave unrest and a lot of trouble over this. People may have the impression that this relates only to ships plying on this route. Not at all. They have a ship-building and ship-repairing works employing 2,000 people. Are these people to be excluded under cl. 32. Are ship-building and ship-repairing workers to be excluded from bonus? There is the Rajabagan works employing 2,000 people. They have a dockyard in the eastern coast doing ship-repairing and ship-building. They have got their installations all along the river Hooghly, what are called ghats, where loading and unloading is done. All these people are excluded. It is not only the crew of the boats which pass through the Pakistani waters. This is a very serious state of affairs. I oppose this totally. I am not at all satisfied by the argument which he takes shelter under, saying that there is something which he cannot disclose. This is not an argument. The argument is contained here in the General Manager's notice that because of losses they will not pay. I say that that is no argument. Even if they make losses, they should pay the minimum bonus, and they should not be excluded.

**Shri D. Sanjivayya:** First I would like to deal with the question of dock workers since it was referred to by quite a large number of Members. Dr. Amey referred to the recommendation

of the Bonus Commission. I have also gone through it. It only says that a system of bonus is available to the dock workers of Bombay, and similar systems should be tried in other ports for dock workers, and that if an agreed solution is not found to this problem, i.e., if the bonus issue is not settled amicably between the dock workers and the employers there, other methods should be explored by referring the dispute to arbitration or adjudication for the purpose. Therefore, we have already addressed all the Chairmen of various dock labour boards to examine this question and to help in finding a solution for it. In fact, I have reports with me that almost all the Chairmen of the various dock labour boards apart from Bombay have taken up this question in right earnest and consultations and negotiations are going on between dock workers and the employers there. I hope and trust this will be settled amicably, falling which the recommendation of the Bonus Commission, namely that the issues should be settled through arbitration or adjudication, would be considered.

Secondly, I go to the next item, namely the one relating to seamen because that also was referred to by quite a large number of Members.

**Shri Bade:** Only say you do not accept the amendments.

**Shri D. Sanjivayya:** The Commission themselves have pointed out—Dr. Ranen sen pointed out the specific recommendation made by the Bonus Commission—that it would create difficulties if recommendations were made applicable to seamen and therefore they have said that they should be excluded. In a similar way, various other categories, insurance etc., are all excluded in the light of the recommendations made by the Bonus Commission.

Thirdly, I come to the workers employed through contractors or in building operations. Here again, the Bonus

Commission said that it was very difficult. They said:

"We think that the problem relating to workers on building construction engaged through contractors is one of evolving and enforcing a proper wage structure. It is not feasible to apply the bonus formula to such workers engaged through contractors."

I know that there are quite a large number of workers engaged in this industry. We had a conference, a tripartite meeting, and we have taken a decision to have special legislation so far as the construction workers are concerned. So, firstly we have to think of their wages and allowances and welfare facilities to be provided for them. Thereafter, probably we may think of other facilities for this category of workers.

There are various amendments proposed by hon. Members, some to delete certain categories, some to delete the whole clause. I am not willing to accept any one of them.

Coming to Amendment No. 186 moved by Shri Dandekar, I think this is covered by clause (c), which reads:

"institutions (including hospitals, chambers of commerce and social welfare institutions) established not for purposes of profit;"

I think the institutions mentioned by Shri Dandekar are those which are not for profit, in which case they will all be exempted.

In the end, I would like to say that I am not willing to accept any of the amendments proposed by the hon. Members, and I press my amendments.

With regard to construction workers, of course, this does not practically re-

[Shri D. Sanjivayya]

late to any issue here but they made it a sort of political issue. They say that probably the Government has exempted, or they do not want that the benefits of the law should flow to construction workers, because there is the Bharat Sevak Samaj which is engaging itself in construction etc., that probably the ruling party wants bonus from the capitalists etc. This is a unanimous recommendation of the Bonus Commission, and unfortunately their own representative, Shri Dange, was a member of this Commission and he also agreed to this. Am I to presume that the Communist Party headed by Shri Dange also wanted a bonus from the capitalists?

**Dr. Ranen Sen:** It was a package deal, that is why Shri Dange agreed to many things, because majority opinion was to be arrived at.

**Shri D. S. Patil:** Is it not a fact that the Bonus Commission has said that they are of opinion that stevedore labour should not be ineligibile for bonus?

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

(1) Page 18, line 20.—

omit "and" (82)

(2) Page 18,—

after line 21, insert—

“(g) any other financial institution (other than a banking company), being an establishment in public sector, which the Central Government may, by notification in

the Official Gazette, specify, having regard to—

- (i) its capital structure;
- (ii) its objectives and the nature of its activities;
- (iii) the nature and extent of financial assistance or any concession given to it by the Government; and
- (iv) any other relevant factor.”.

(3) Page 18, line 23,—

for “in”, substitute “under”. (84)

(4) Page 18,—

after line 23, insert—

“(xi) employees employed by inland water transport establishments operating on routes passing through any other country”. (85)

*The motion was adopted.*

**Mr. Deputy-Speaker:** I shall now put amendment Nos. 186, 187, 188 189 and 209 to the House.

*Amendments Nos. 186 to 189 and 219 were put and negatived.*

**Mr. Deputy-Speaker:** I now put amendment No. 271 to the House.

*Amendment No. 271 was put and negatived.*

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

“That clause 32, as amended, stand part of the Bill.”

*The Lok Sabha divided:*

## Division No. 22]

## AYES

[14.37 hrs.]

Bel Krishna Singh, Shri  
Berman, Shri P.C.  
Barupal, Shri P.L.  
Basappa, Shri  
Bears, Shri  
Bhatkar, Shri  
Bist, Shri J.B.S.  
Brajeshwar Prasad, Shri  
Chakraverti, Shri P.R.  
Chandrabhan Singh, Shri  
Chaturvedi, Shri S.N.  
Chaudhury, Shri Chandramani Lal

Chaudhuri, Shrimati Kamala  
Dafte, Shri  
Das, Shri Sudhansu  
Deshmukh, Shri B.D.  
Dhuleshwar Meena, Shri  
Harvani, Shri Anasir  
Jha, Shri Yogendra  
Kedaria, Shri G.M.  
Keishing, Shri Rishang  
Kinder Lal, Shri  
Kotaki, Shri Liladhar  
Krishna, Shri M.R.

Lalit Sen, Shri  
Malhotra, Shri Inder J.  
Maniyangadan, Shri  
Masuriya Din, Shri  
Mathur, Shri Shiv Charan  
Mehrotra, Shri Braj Bihari  
Mehta, Shri J.R.  
Malkote, Dr.  
Mengi, Shri Gopal Datt  
Mishra, Shri Bibbuti  
Mohammed Yusuf, Shri  
More, Shri K.L.  
Munzini, Shri David



Muthiah, Shri  
Patil, Shri D. S.  
Raghunath Singh, Shri  
Rai, Shrimati Sahodra Bai  
Rane, Shri  
Rattan Lal, Shri  
Reddy, Shri Linga  
Reddy, Shri R. S.  
Sadhu Ram, Shri

Saha, Dr. S. K.  
Sahu, Shri Rameshwar  
Sharma, Shri A. P.  
Sharma, Shri D. C.  
Sheo Narain, Shri  
Shree Naryan Das, Shri  
Shukla, Shri Vidya Charan  
Singha, Shri G. K.  
Snatak, Shri Naradeo

Subbaraman, Shri  
Sumat Prasad, Shri  
Tiwary, Shri D. N.  
Tiwary, Shri K. N.  
Tiwary, Shri R. S.  
Tula Ram, Shri  
Upadhyaya, Shri Shiva Dutt  
Wanik, Shri Balkrishna  
Yadava, Shri B. P.

## NOES

Alvares, Shri  
Aney, Dr. M. S.  
Bade, Shri  
Banerjee, Shri S. M.  
Bheel, Shri P. H.  
Dandekar, Shri N.  
Gupta, Shri Indrajit

Gupta, Shri Kashi Ram  
Gupta, Shri Priya  
Krishnapal Singh, Shri  
Mitra, Dr. U.  
Mukerjee, Shri H. N.  
Pandey, Shri Sarjoo  
Sen, Dr. Ranen

Sexhayan, Shri  
Solanki, Shri  
Trivedi, Shri U. M.  
Warior, Shri  
Yadav, Shri Ram Sewak  
Yajnik, Shri

**Mr. Deputy-Speaker:** The result of the division is: Ayes 64; Noes 20.

*The motion was adopted.*

Clause 32 as amended, was added to the Bill.

**Clause 33.**—(Act to apply to certain pending disputes regarding payment of bonus)

**Shri D. Sanjivayya:** I beg to move:

Page 18, line 24,—

for "2nd September, 1964" substitute—

"29th May, 1965" (2)

**Shri Indrajit Gupta:** I beg to move:

Pages 18 and 19,—

for clause 33, substitute—

"33. (1) Minimum bonus under section 10 of this Act shall be paid in all cases relating to any accounting year ending on any day in the calendar year 1962 where claims have been dismissed because no surplus was available according to the formula of the Labour Appellate Tribunal.

(2) This Act shall apply to all bonus matters relating to accounting year ending on any day in calendar year 1962 other than those cases in which settlements have

been reached or decisions have been given except as provided in sub-section (1)." (31)

**Shri Alvares:** I beg to move:

Pages 18 and 19,—

for clause 33, substitute—

"33. The Act shall have retrospective effect from the accounting year ending on any day in the year 1962". (272).

**Shri Bade:** I beg to move:

Page 19,—

after line 2, insert—

"Explanation II—A dispute shall also be deemed to be pending if the payment of bonus was not made due to the non-availability of surplus." (286).

**Shri N. Dandekar:** Sir, I am not moving No. 191, but I am moving my amendments Nos. 192, 220, 221, 222 and 223.

I beg to move:

(i) Page 18, line 36,—

omit "and any subsequent accounting year." (192).

(ii) Page 18, lines 28 and 29,—

for "the appropriate Government or before any tribunal or other authority",

[Shri N. Dandeker.]

substitute—"and tribunal or other adjudicating authority" (220).

(iii) Page 18,—

omit lines 34 and 35. (221).

(iv) Page 18,—

omit lines 36 to 41. (222).

(v) Page 19,—

omit lines 1 and 2. (223).

**Shri D. Sanjivayya:** Sir, my amendment No. 2 is a simple one. Firstly we said, 2nd September, 1964, because on that day the Government resolution was issued on the Bonus Commission's recommendations. But we thought that 29th May, 1965 would be a better date, because it was on that day that the Ordinance was promulgated.

**Shri N. Dandeker:** Sir, my amendments Nos. 192 and 221 to clause 33 go together. They are for deleting certain words in line 33 and the entire lines 34 and 35. The point of it is quite simple. It is perfectly understandable that where a dispute arises, it should be settled in accordance with the provisions of this Act. But it seems to me really odd that subsequent years, even if they have been settled, should be unsettled; but that is the effect of these particular provisions that I am suggesting the deletion of. (Interruptions).

Sir, would you kindly ask them to discuss the war in the Coffee House?

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

**Shri Raghunath Singh (Varnasi):** He is practising for the war!

**Shri N. Dandeker:** Sir, clause 33 says that bonus in respect of certain disputed years shall be payable in accordance with the provisions of this Act. This is alright in relation to the accounting year to which the dispute relates. But the clause goes on to add, "and any subsequent accounting year, notwithstanding that in respect of that

subsequent accounting year no such dispute was pending". That, it appears to me, Sir, is an odd provision. Where a thing has been settled, no law subsequently passed ought to unsettle settled matters; and frankly I am unable to appreciate the reason why this has been put in where no dispute is pending. Where a dispute is pending, it is perfectly correct that it should be settled in accordance with the provisions of this Act.

Then, Sir, as regards my amendments Nos. 220, 222 and 223, they are concerned with the Explanation. And the Explanation reads this way:

"A dispute shall be deemed to be pending before the appropriate Government where no decision of that Government on any application made to it under the said Act"

—that is, where the Government have gone to sleep—

"or such corresponding law for reference of that dispute to adjudication has been made or where having received the report of the Conciliation Officer under the said Act or law, the appropriate Government has not passed any order refusing to make such reference."

This, really, is incredible, that a dispute is supposed to be pending because the Government have gone to sleep. I am suggesting that if this "Explanation" is to have any meaningful meaning, the wording ought to be changed. I suggest that the word "the appropriate Government or before any tribunal" ought to be deleted and ought to be substituted by the words "any tribunal or other adjudicating authority" and that the rest of the stuff ought really to go; so that a dispute shall be deemed to be pending only if it was pending before any tribunal or other adjudicating authority. That is all. In other words, a dispute is pending only when the

dispute is pending, and not when somebody has gone to sleep and has not done anything about it. So that if a dispute was pending before any tribunal or adjudicating authority it should be regarded as a pending dispute; if it was not so, it should not be regarded as a pending dispute. Otherwise, it will open up any number of cases on which all kinds of letters may have been written, but no action had been taken by the Government; all kinds of things the Conciliation Officers might have recommended, but no action might have been taken. Uncertainty of that kind as to what is a pending dispute ought not to exist. A dispute ought to be said to be pending when it was in fact pending before an adjudicating authority.

That is all that I have to say.

**Shri Indrajit Gupta:** Sir, the whole of clause 63 is extremely cumbersome. As has been found in the course of the discussion, it is difficult for any one to understand what it is. And it may lead to a lot of differing interpretations, and consequently to a lot of disputes and litigation. We want to avoid that. So I wish to substitute that by what I consider to be a much simpler clause, or rather two sub-clauses.

The first one is this. In the existing Bill there is no explanation or there is no provision made for those bonus disputes which were settled or which were dismissed, let us say, prior to this Ordinance coming into force, and relating to any accounting year ending on any day in the calendar year 1962—but dismissed on the sole ground that there was no available surplus in terms of the yardstick then available, that is to say the LAT formula. That yardstick no longer holds good. Once the Act is enacted there is no question of there being any criterion for minimum bonus irrespective of profit and loss.

Therefore, the provision I wish to make is that in all those cases relating to any accounting year ending on any

day in the calendar year 1962 where the workers' claims have already been dismissed only on this particular ground that no surplus was available according to the formula of the Labour Appellate Tribunal, in all such cases the minimum bonus under section 10 of the Act should be paid.

**Dr. M. S. Aney:** Even when the cases are pending?

**Shri Indrajit Gupta:** The case is not pending; cases were pending but they were dismissed on the ground that no surplus was available under the LAT formula. Since this Bill seeks to put in retrospective consideration for such disputes which related to accounting year ending on any day in the year 1962, on that same basis those cases which have already been dismissed because of non-availability of surplus under the LAT formula should be considered afresh. The minimum bonus available under section 10 of the Act which we are going to legislate should be made available and it should be paid in all such cases.

Secondly, I want to introduce an amendment to sub-clause (2) which would read as follows:

"This Act shall apply to all bonus matters relating to accounting year ending on any day in calendar year 1962 other than those cases in which settlements have been reached or decisions have been given except as provided in sub-section (1)."

I think this makes it much more straightforward and clear. There is much less scope for misinterpretation. Cases where decisions had been given by a Tribunal or any such statutory body or where agreements had been reached, could not be reopened but in all the other cases which relate to accounting year ending 1962, this Act should apply and that should be the straightforward interpretation given to it.

**Shri Alvares:** My amendment seeks to substitute this clause by a very simple proposition. My first object is to avoid all the complications and the various ways through which this clause seeks to deny bonus from those who seek it with retrospective effect from 1962. The second point is to re-establish a healthy practice that the Government had adopted hitherto of giving bonus from the time it had been referred to a tribunal. I could recount any number of instances where it had been implemented with retrospective effect. The Bonus Commission was set up in 1961 and the award came much later. Now, all tribunals and commissions, because of the special circumstances in which they function, because of the delays to which they are subject, have agreed to make it a practice of making their awards retrospective from certain prior date so that there should not elapse a long measure of time from the time the issue was first referred till the time the issue was finally settled. We have the instance of the Railways where a tribunal was set up under Justice Saran in 1955 or 1956 and the award came in 1962. An unconscionable delay resulted and the railwaymen were deprived of not merely promotion but also the benefit of the award for six years and also its cumulative effect. The same principle must be applied here as the Government applies to other awards, that the Acts or benefits must be deemed to have come into effect from the accounting year 1962.

**Shri D. Sanjivayya:** Two points were raised by Mr. Dandekar one that the phraseology 'subsequent years' must be deleted. If the bonus formula is made applicable to a bonus dispute relating to any accounting year ending on any day in 1962 and if that does not apply to subsequent years, clause 15 of this Bill will not work out because according to clause 15 we have to evolve a formula called set off and set on; that should go on continuously for four years. Therefore, we have added the words 'subsequent years' so that if once the

bonus formula is made applicable it should continue for subsequent years also.

Secondly, with regard to the word 'pending', pending before whom is the question. He feels that it should be pending before a tribunal alone. The Government feels that if it is pending before the Government or a tribunal or a labour court or any authority contemplated under the Industrial Disputes Act, it should apply. That is how we have been thinking about it.

The apprehensions of Shri Indrajit Gupta and Peter Alvares are correct. In fact what they want to be covered will not be covered by this clause. The intention according to the Bonus Commission recommendation was that the recommendations should have retrospective effect from the accounting year ending on any day in 1962. But as the House is aware, this particular recommendation was modified by a decision of the Government that it will be applicable only to pending cases.

**Dr. Ranen Sen:** Why modify this recommendation?

**Shri D. Sanjivayya:** Because if we say generally in a bold way that all the disputes will be covered, then disputes relating to bonus which relate to the accounting year 1961-62, 62-63, and 1963-64 even if they were settled earlier than 29th of May will all be reopened. By this time their accounts would have been closed and profits would have been distributed and it may be difficult even for the employers to find out the money. The other point is that if old disputes which had been settled are reopened, probably there will be industrial unrest.

**Shri Priya Gupta:** It could be paid from future surpluses, set off and set on.

**Mr. Deputy-Speaker:** I shall put Government amendment No. 2 to the

vote of the House. The question is:  
Page 18, line 24,—

for "2nd September, 1964" substitute—

"29th May, 1965" (2).

*The motion was adopted.*

**Mr. Deputy-Speaker:** I shall now put amendment No. 31 to the vote of the House.

*Amendment No. 31 was put and negatived.*

**Mr. Deputy-Speaker:** I shall put amendments Nos. 192, 220, 221, 222 and 223 to the vote of the House.

*Amendments Nos. 192 and 220 to 223 were put and negatived.*

**Mr. Deputy-Speaker:** I shall put amendment No. 272 to the vote of the House.

*Amendment No. 272 was put and negatived.*

**Mr. Deputy-Speaker:** I shall put No. 286 to the vote of the House.

*Amendment No. 286 was put and negatived.*

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

"That clause 32, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 33, as amended, was added to the Bill.*

**Mr. Deputy-Speaker:** We shall now take up clause 34. There are some amendments.

**Clause 34.**—(Effect of laws and agreements inconsistent with).

**Shri D. Sanjivayya:** I beg to move that:—

(i) Page 19, lines 34 and 35,—

for "2nd September, 1964" substitute—

"29th May, 1965". (3).

(ii) Page 20, line 2,—

for "in which" substitute—

"in respect of which" (4).

(iii) Page 20,—

after line 12, insert—

"Provided that any such agreement whereby the employees relinquish their right to receive the minimum bonus under section 10 shall be null and void in so far as it purports to deprive them of such right". (5).

(iv) Page 19, lines 19 and 20,—

for "of his salary or wage for the accounting year", substitute—

"of the salary or wage earned by him during the accounting year". (211).

**Shri Alvares:** I beg to move:

Page 19,—

omit lines 18 to 20. (273).

**Shri Solanki:** I beg to move:

(i) Page 19, line 12,—

after "contract of service", insert—  
"referred to in sub-section (1)".  
(194).

(ii) Page 19, line 19,—

for "twenty per cent.", substitute—

"eight and one-third per cent".  
(195).

(iii) Page 19,—

omit lines 21 to 25 (196).

(iv) Page 19, line 35,—

for "any dispute of the nature specified", substitute—

"any such dispute as is specified". (197).

(v) Page 20, lines 5 to 7,—

for "gross profits as reduced by the direct taxes payable by

[Shri Solanki]

the employer in respect of that year",

substitute—

"the gross profits calculated under section 4 and as reduced by the sums specified in clauses (a) and (c) of section 6". (199).

(vi) Page 19, line 15,—

for "the same ratio to the gross profits",

substitute—

"the same proportion to the net profits". (225).

(vii) Page 19, line 17,—

for "gross profits", substitute—  
"net profits". (226).

(viii) Page 19,—

omit lines 26 to 31. (227).

(ix) Page 20,—

for lines 4 to 7, substitute—

'(b) "net profits" in relation to the base year or, as the case may be to the accounting year, means the gross profits of that year as reduced by the following sums, namely:—

(i) depreciation in respect of that year, computed in accordance with the provisions of clause (a) of section 6; and

(ii) any direct tax payable by the employer, computed in accordance with the provisions of clause (c) of section 6 but without making any deduction for any amount in accordance with clause (b) of that section.' (228).

Shri N. Dandekar: I beg to move:

Page 20, line 11,—

for "formula", substitute—

"scheme". (229).

Dr. Ranen Sen: I beg to move:

Page 19 and 20,—

for clause 34, substitute—

"34. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement or contract of service whether made before or after the commencement of this Act;

Provided that where under any such award, agreement or contract of service, employees employed in an establishment are entitled to bonus under a formula which is more favourable than that under this Act, then, the employees shall continue to be entitled to the bonus under that formula.

(2) Nothing contained in this Act shall be construed to preclude employees employed in any class of establishments from entering into an agreement with their employer for granting them an amount of bonus under a formula which is more favourable than under this Act". (32).

Shri N. Dandekar: I beg to move:

Page 19, line 11,—

after "base year", insert—

"in accordance with a formula". (224).

Mr. Deputy-Speaker: Clause 34, together with all these amendments, are before the House. Has the Minister got anything to say on his amendments?

Shri D. Sanjivayya: With regard to amendment No. 3, I would like to say that it is only a consequential amendment made to clause 33, where we have substituted 29th May, 1965 for 2nd September, 1964. So, to be in conformity, in this clause also I propose, that 2nd September, 1964 may be substituted by 29th May, 1965.

About amendment No. 4, it is only a sort of drafting change; we say "in respect of which" for the words "in which".

About amendment No. 5, I would like to say that it is really a substantive amendment in the sense that it gives protection to the workers. According to clause 34(3), the employers and employees are free to enter into an agreement with regard to bonus according to a formula different from the formula contemplated by this Bill. But we do not want that the workers should forego their minimum bonus. A similar provision exists in various enactments like the Minimum Wages Act, Payment of Wages Act and the Workmen's Compensation Act, etc. Therefore, I propose that the following proviso may be inserted:

"Provided that any such agreement whereby the employees relinquish their right to receive the minimum bonus under section 10 shall be null and void in so far as it purports to deprive them of such right."

Then, about amendment No. 211, this is also a sort of drafting change. Instead of the words "of his salary or wage for the accounting year" it should be "of the salary or wage earned by him during the accounting year."

Shri N. Dandekar: I will speak on all our amendments to clause 34.

Mr. Deputy-Speaker: Is he speaking on the amendments of Shri Solanki also?

Shri N. Dandekar: Yes, Sir. I shall first take amendment Nos. 224 and 194 together; their purport is to overcome the objection which I had raised in my speech on the motion for consideration of the Bill. This is the clause where one does not really know what particular awards or arrangements or this or that and the other that one is talking about in sub-clause

(2). My amendment No. 224 is to insert the words "in accordance with a formula" after the words "base year", so that it will read "in respect of the base year in accordance with a formula under any award". This is to make clear that what is involved here is a comparison of a formula and not ad hoc settlements arrived at, at a time when there was no Act governing the payment of bonus, at a time when things were governed by custom, or usage, or industry-wise agreements, or Supreme Court decisions, as modified by agreements or by practice, and sometimes under considerable pressure from labour interests and so on. What I am trying to suggest is that all vague things of that kind ought really to go out, and what we ought to be concerned with, even if we wished to resurrect these old awards, agreements, settlements and contracts, etc., is that we should say in a specific way, that grants should be paid to the employees in the old way if, in that establishment, in respect of the base year it was paid in accordance with a formula under an award, etc.

My next amendment is amendment No. 1194. It is to point a finger at the kind of awards, settlements, etc., that we are concerned with. Let me read sub-clause (1) of clause 34 which says:

"Save as otherwise provided in this section, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award agreement settlement or contract of service...." etc.

My amendment gets over the other difficulty I had over sub-clause (2) as it now stands namely that what we were presumably trying to resurrect in respect of the base year, were such an award agreement etc., as is referred to in sub-clause (1). What I am

[Shri N. Dandekar]

trying to do is just to say all this in one sentence, if the total bonus payable in any year is less than double the total bonus paid to the employees in any establishment in respect of the base year in accordance with the formula under any old award agreement etc., then, the relief provided in rest of the clause will follow.

Then Sir, I will go to the substantive amendments—Nos. 225 and 226. The operative wording in sub-clause (2) is rather an odd one. If the amount payable under this Act is less than the amount paid under the earlier awards, then, the employees in the establishments shall be paid bonus in respect of the accounting year as if the allocable surplus for that accounting year were an amount which bears the same ratio to the profits as in the base year, and so on. I suggest that it should read: "the same proportion to the net profits". Instead of the word, "gross profits", it should be "the same proportion to the net profits". That is another point I would like the hon. Minister's attention to be drawn to. You cannot begin an act by defining gross profits and then start using the same words for net profits, and then again use the words "gross profits", all of which causes utter confusion. I, therefore, suggest that the words should be "net profits"; and so, when for the words "gross profit", The words "net profits", are substituted, then, you will get the sensible proposition "the same proportion to the net profits" instead of the "same ratio". To summarise, it is an amount "which bears the same proportion to the net profits of the said accounting year as the total bonus paid or payable in respect of the base year bears to the net profits of the base year." Thus you get some sensible proposition instead of a complex mixture. "One does not speak of a ratio"; one ought to speak of a proportion.

Then I turn to amendment Nos. 196 and 197. As it stands, it is a confused set of provisos. The first proviso reads thus:

"Provided that nothing contained in this sub-section shall entitle any employee to be paid bonus exceeding twenty per cent. of his salary or wage for the accounting year."

If the amount payable under this Act happens to be less than under a formula applied to the base year, I agree we have to do something about it. But I suggest that we should not jump to the other extreme so as to provide for something that can only come under the normal scheme. Therefore, after a great deal of thought, I have put 8 1/3 per cent, as the upper limit, remembering that, unlike in the base year, this is a limit not merely of wages, but it is eight and one-third of wages or salary as defined, which includes dearness allowance. If you introduce this kind of substituted arrangement, it should be limited to the amount of one month's wage and dearness allowance taken together. The second proviso is the most remarkable one, and I am suggesting its deletion by my amendment No. 196—omit lines 21 to 25.

Sir, as for "Explanation I" to clause 34(2). The sub-clause begins by saying that if the total bonus payable in the accounting year is less than the total bonus payable in the base year, etc. certainly we can understand this proposition. The total bonus payable in the accounting year is known; and it is easy to ascertain whether it is less than the total bonus payable in the base year, which is also known. In other words, if x which is payable in the bonus year, is less than y which is the bonus payable in the base year, then such and such thing follows. But, Sir, we then have in "Explanation" here which throws simple arithmetic out of the window. It says that this amount 're' shall be deemed



to be less than the amount 'y' if a certain ratio in that year is less than a certain ratio in the other year. I do not know how far "Explanations" of this kind that "2 plus 2 shall make 5", or that "3 shall be deemed to be less than 2, because  $1/3$  is less than  $2/5$ " even though solemnly enacted by this elected parliament, can be a valid piece of legislation.

15 hrs.

To give an example, suppose the bonus payable in the bonus year is Rs. 3 lakhs and the bonus payable in the base year is Rs. 2 lakhs, so that plainly Rs. 3 lakhs is really more than Rs. 2 lakhs. Nevertheless, Rs. 3 lakhs must be deemed to be less than Rs. 2 lakhs, if Rs. 3 lakhs is a proportion of Rs. 9 lakhs, namely one-third, whereas Rs. 2 lakhs is a proportion of Rs. 4 lakhs, namely half. I do not think provisions of this kind that the relative values of numbers and the validity of arithmetic are to be thrown out of gear merely because some ratios do not tally would be sustainable in law. I suggest this ought really to be deleted, because it makes non-sense of the whole thing, for it says that 3 shall be regarded as less than 2 if 3 bears a certain ratio to some other figure, which ratio is less than the ratio which 2 bears to some other figure. I do not think I need say more about this. I hope, Sir, the minister has not misunderstood all this argument about ratios which applies to "Explanation I" and not to the second proviso. My amendment to the second proviso is a different one, which is to omit lines 21 to 25, because otherwise you have carry forwards and so on in relation to a completely fictitious situation, really rendering the thing even more fictitious than it already is. All my argument about ratios is relative to my amendment No. 227, which seeks to delete "Explanation I", i.e. lines 26 to 31.

Turning to page 20 of the Bill, I have moved amendment No. 228 to

what appears as para (b) under "Explanation II." I suggest that we should substitute for that para something that makes some sensible reading, namely,

"'net profits' in relation to the base year or, as the case may be, to the accounting year, means the gross profits of that year as reduced by the following sums, namely,

- (i) depreciation in respect of that year, computed in accordance with the provisions of clause (a) of section 6 and
- (ii) any direct tax payable by the employer, computed in accordance with the provisions of clause (c) of section 6, but without making any deduction for any amount in accordance with clause (b) of that section."

Sir, what is sought to be protected is clear enough, despite all the verbosity, or clause 34(2). If the amount payable in the bonus year, if I may so call it, is less than the amount payable in the base year, protection is necessary. I accept it, cutting out all the rest of it. Secondly, if protection is necessary, what is to be the mechanism of this protection? Here again, what is suggested in sub-clause (2) is correct in principle that you compare the ratio of this to that if the amount is less but not otherwise. You cannot fictitiously say that the amount is less, when it is not. But granting that the amount is less, it is right that you have to have a base for deciding what is to be done. The base I suggest is that you compare the bonus to net-profit proportion of the base year with the bonus to net-profit proportion of the bonus year; and if by adopting the base year proportion or bonus to net-profit you get a better result, that ought to be the proportion to be applied to the

[Shri N. Dandekar]

bonus year. And of course, net profit should be defined in some sensible fashion. What I suggest is, it should be defined in relation to the base year or, as the case may be, to the accounting year, in the words I have just read out. Firstly, gross profit is already defined in the Act. So, gross profits less depreciation admissible for that year again already defined under section 6(a) and less the direct tax, but without any development rebate, development allowance on anything of that kind, gives us the net profit.

Lastly, Sir, I have a suggestion about sub-clause (3). That is a very important sub-clause, which has really nothing to do with what is contained in sub-clauses (1) and (2). Really it should be an entirely independent clause. I would like the House to regard it as an independent clause. It says:

"Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act."

The intention is clear. It is a proposition on its own, which one could readily support, except for the use of the word 'formula'. I cannot find any formula in this Bill. I can find a scheme. So we should really substitute the word 'formula' by the word 'scheme'. There is a scheme in this Act and clearly anyone else working out a different scheme—the workers and employers together—ought to be free and entitled to do that.

In that connection, however I must strongly oppose the amendment no. 5 to clause 34 (3) moved by the Minister. He is seeking completely to defeat this sub-clause by his

amendment. If he really intends that employers and employees should get together and say, "This scheme under this Act is too cumbersome; let us get down like sensible people and work out an alternative scheme", he is defeating that purpose entirely by his amendment no. 5 which says:

"provided that any such agreement whereby the employees relinquish their right to receive minimum bonus under section 10 shall be null and void".

But why? should not the employees and employers get together and say, "we want to take a larger view of the situation as a whole; we are going to take a larger view over the years as a whole instead of just this year or that?"

It may well be that the employers and employees sitting together can work out a better scheme, if not fettered in this way, which the workers might well be willingly agreeable to accept. I suggest with the utmost seriousness that the whole propose of this admirable provision, which ought to be a separate section, which is in accordance with the recommendations of the bonus commission, namely, that the parties should be entirely free to work out a completely different scheme satisfactory to both of them will be totally defeated by the minister's amendment. Every endeavour to achieve workable alternatives will be completely defeated if this kind of a proviso is put round the neck of both the parties which says:

"Provided that any such agreement whereby the employees relinquish their right to receive the minimum bonus under section 10 shall be null and void in so far as it purports to deprive them of such right."

I, therefore, oppose it.

**Shri Indrajit Gupta:** Sir, it has become clear for some time that this clause is a sort of the core of this Bill, in the sense that all the assurances which were given to us for the last year or two by the hon. Minister as to the right of the worker to maintain his existing rights and privileges, the assurance that he would be given protection, are sought to be embodied in this clause. It has also become clear that whether it be the workers or employers including even the State Governments, they are all, I can say, most apprehensive about the consequences which are likely to follow from this section because it is, as Shri Dandekar said, so confused and so difficult to interpret. I know in my State the Labour Commissioner himself said that if interpretations of this clause arising out of bonus disputes become a common feature in the future and they have to be dealt with by his office he will just have to close the doors of his office because he does not know how to deal with them. The employers are also saying that they are unable to make head and tail of it. The workers are apprehensive that the Bill will somehow or other work to their disadvantage. Therefore, this amendment which has been suggested by my hon. friend, amendment No. 32 . . .

**Shri D. Sanjivayya:** Are employers agreeable to your formula?

**Shri Indrajit Gupta:** I am not interested whether they are agreeable or not. If they are agreeable there is no need of any legislation. But the point is, clarification and simplification are required. Otherwise, this section will become the death-knell of this whole Act. I am sure the Minister does not want that there should be endless litigation and disputes. We should attempt to simplify and clarify it as far as possible. With that object in view Sir, his amendment has been moved.

My amendment seeks substitution of the whole clause. As far as the

first part of my amendment is concerned, the only change suggested here is—I am not pressing this particular one very much—that in the last sentence of the clause where it says: "... of any award agreement, settlement or contract of service made before the 29th May, 1965." instead of "29th May, 1965" it may read "before or after the commencement of the Act." I think once this become a statute, then with relation to this particular clause the date 29th May has no particular validity. Once this Act comes into force, in this particular context it is better to say: "made before or after the commencement of this Act".

Then, this so-called protection clause, which the Minister took great pains to explain, though I have not understood anything of it nor was Shri Dandekar, as far as I could make out, able to understand . . .

**Shri N. Dandekar:** Sir, the Minister asked whether I would be agreeable to this amended version of the entire clause 34. I would like to say at once that Mr. Indrajit Gupta's amendment No. 32 is far more acceptable than the present clause.

**Shri Indrajit Gupta:** So you are getting agreement from the two main parties to the dispute.

**Shri A. P. Sharma:** Such agreement will be there sometimes.

**Shri Indrajit Gupta:** You make some unions in the private sector too; then you will know (*Interruptions*).

Sir, the Minister had explained yesterday that the protection which is sought to be given here is not protection of any quantum of bonus but protection of the ratio. He said it is not possible to protect the quantum. He wants to protect the basis or the ratio. I also want to protect the basis—call it a formula or call it a

[Shri Indrajit Gupta]

scheme. The proviso that we have put in our amendment is:

"Provided that where under any such award, agreement or contract of service, employees employed in an establishment are entitled to bonus under a formula which is more favourable than that under this Act, then, the employees shall continue to be entitled to the bonus under that formula."

You may call it 'scheme' or 'formula', I do not mind. I am also asking for protection of the basis, the scheme or the formula. I am not asking for the protection of any particular quantum. My contention is that wherever there is an existing formula or a scheme arrived at generally by agreement with the employers—they agreed to it because they felt that they had the capacity to pay according to that formula or scheme, it is not something imposed or thrust on them, it was an agreement entered into voluntarily by them—and where such a formula or scheme is more favourable to the workers than the formula provided for in this Bill that previous formula should continue. Why should not that previous formula continue to hold good in such cases. I would like to know? This is not asking for protection of any quantum. Why should you put it in this cumbersome, complicated way?

**Shri D. Sanjivayya:** What about the maximum 20 per cent, the "set off" "set on".

**Shri Indrajit Gupta:** You want to make it as complicated as possible. If the quantum is less, then the ratio has to be worked out and the ratio has to be maintained. Why do you want to go about it in this round-about way. All employees and workers are having apprehensions about disputes arising because they are afraid that where they have been getting

bonus under some other existing formula or agreement that basis will be removed. I am only seeking, by my amendment, to protect that basis. The quantum may, according to the formula, work out to be more in some years and less in some other years because it all depends upon the working of that establishment from year to year.

Thirdly, with regard to sub-clause (3), there also, in the last line, I have said: "Nothing contained in this Act shall be construed to preclude employees employed in any class of establishments from entering into an agreement with their employer for granting them an amount of bonus under a formula which is more favourable than under this Act." In the existing clause it is said: . . . "which is different from that under this Act". The question is, what are you excluding. Already the Minister has brought forward an amendment which means that they cannot enter into an agreement which is unfavourable to the workers. It has to be in relation to the minimum bonus. It cannot be less than the minimum bonus. That means, this facility or opportunity that you are giving to employees and employers to enter into an agreement different from that under this Act means that they can enter into a more favourable agreement and not a less favourable agreement. Then why not put it in a straightforward way, instead of saying 'different from that under this Act.' I only want that these words be changed into: "granting them an amount of bonus under a formula which is more favourable than under this Act". That is the real issue. That is the provision you want to make. If they can enter into a mutual agreement and arrive at a formula which is more favourable than that under this Act they can do so.

**Shri D. Sanjivayya:** It may be less, but not less than the minimum.

**Shri N. Dandekar:** Sir, may I speak in support of this amendment?

**Mr. Deputy-Spraker:** The amendment was before the House when he spoke. He has already spoken on the amendments.

**Shri Alvares:** My amendment does not go into such details because I do not entertain any hopes, as Shri Indrajit Gupta does, about the fate of those amendments. Before I speak on this amendment I would like to say that this Labour Minister will have the invidious distinction of going down in the history of labour legislation as one who has taken away the maximum benefit from labour which they were enjoying.

While giving statistics in his speech he said that 45 lakhs workers will come under the provisions of minimum bonus getting Rs. 18 crores. But he has kept silent on this issue as to how many will be deprived by removing certain employers from the liability to pay and how many more will be deprived by excluding certain categories from qualifying under the Bonus Act. What is the total quantum of bonus reduced by increasing the tax on dividend from 7 to 8.5 per cent and on reserves from 4 to 6 per cent and other measures? What is the number of seasonal workers and others who have been deprived of this bonus under this Act? Finally, what is the number of people who were getting bonus under existing agreements prior to this Bill and which agreements will no longer have currency, and what is the quantum of bonus involved there? If an assessment is made of all this, one will find that this Labour Minister's Government has given to industries crores of rupees worth of concession simply by denying labour, which were entitled hitherto to the benefit of this bonus agreement and bonus practice by introducing certain disqualifying provisions in this Bill.

**Shri Kashi Nath Pande** referred to the agreements entered into by the employees of the sugar mills with the

management under which they were getting a larger quantum of bonus. Now their bonus will be reduced because of the limitation placed by this Bill. Similarly, in the Bombay textile industry there were agreements of far-reaching consequence which, I am sure, had set the model in the matter of participation by workers in the profits of a particular industry. Now, I do not understand why there should be this set on and set off. If the Bonus Bill had accepted the liability to pay the minimum bonus of 4 per cent and maximum of 20 per cent, its obvious implication is that the Bonus Bill does concede the principle of deferred wage. Now, instead of participation being free and unhindered, why should there be a limitation? If we examine the provisions we will find that in spite of all these things, in every conceivable manner the Government has put restrictions upon the quantum of bonus. Under clause 34(1) all progressive agreements in the field of happy industrial relationship between labour and employers have been thrown to the wolves as of no consequence; all India agreements which should have been encouraged and which are more progressive now come under the guillotine of this Act.

In section 34(2) there is a suggestion about ratio. Now, what is the meaning of this ratio? Why should you say that in the accounting year the ratio of bonus to the profits should be the same as in the base year when you have the overall guillotine of 20 per cent and nothing more can be paid? Suppose in the base year the ratio is more than in the accounting year, will they say that the ratio should be maintained even if the quantum of bonus is more than 20 per cent of the wages paid? No, they would not. So, this provision has no meaning, no relevance because you are ultimately applying the guillotine that whatever ratio applies, favourable or unfavourable, nobody can get more than 20 per cent of the wage.

[Shri Alvares]

Then there is a pious hope. I do not know why Shri Indrajit Gupta, in spite of his experience of trade unionism, now holds out the possibility of any employer giving the workers a better formula or more money than the Act specifies. Which employer will do it?

**Shri Indrajit Gupta:** I can quote many instances.

**Shri Alvares:** I am referring to the future, after the Act comes into force. Even though the Labour Minister cynically hopes, which employer would now offer a new formula which is better than the Act, after the Minister has given an absolute protection to the employers that in no case it will be more than 20 per cent of the total wages? I would like to dream of the day when any employer would be so silly as to forget his own interest, which the Government have safeguarded, and offer bonus which is greater than 20 per cent of the total wages. Therefore, I recommend my amendment to the House, which suggests that the limit of 20 per cent should be removed and all existing agreements should have currency.

**Shri Bade:** I want to support the amendment moved by Shri Indrajit Gupta. Sub-clause (3) says:

"Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act."

It is a pious wish or hope that the employers will, after the Act comes into force, enter into an agreement which has a formula different and more favourable than the existing one or what the Act provides. A criticism was made by the employees that this Bonus Bill is really a Bogus Bill and I was rather surprised to hear that criticism. But after reading sub-

clause (3) it appears that our Labour Minister is labouring for and is making all efforts to protect the employers and not the employees. The employers have been given the exemption of six years, exemption of super profits tax, development rebate and all sorts of other exemptions. So, if the hon. Labour Minister wants that there should be no labour disputes in future and the labour disputes which are already settled should not be re-opened, I think he should think over the matter afresh. In the end at least the Labour Minister should sing some song which is in favour of the employees.

**Shri S. M. Banerjee:** I want to support the amendment moved by Shri Indrajit Gupta. If this amendment is not accepted, what will happen is that no employer will enter into any agreement and give more than what is provided in the Bill. The minimum will be 4 per cent and the maximum 20 per cent. I will give you some illustration. Concerns like Cooper Allen and JK Rayon used to pay their workers 4½ per cent or more according to the agreements that they have arrived at with their employers. Now, when this Bill becomes an Act they will pay only 4 per cent. Even though this Bill has not become an Act, under the Ordinance, under the Bonus Commission Report and the various statements issued by the hon. Minister, the employees have taken shelter and they are prepared to pay only 4 per cent, even though they used to pay 6, 8 or even 10 per cent in the past. The proviso to this amendment reads:

"Provided that where under any such award, agreement or contract of service, employees employed in an establishment are entitled to bonus under a formula which is more favourable than that under this Act, then, the employees shall continue to be entitled to the bonus under that formula."

Nothing is going to be lost by accepting this amendment. After all, Shri

Dandeker, who is representing the employer . . . .

**Shri N. Dandeker:** I am not.

**Shri Hari Vishnu Kamath:** The people of Gonda.

**Shri S. M. Banerjee:** He is representing them.

**Shri N. Dandeker:** I ought to know better whom I represent.

**Shri S. M. Banerjee:** Shri Dandeker says that the amendment of Shri Indrajit Gupta is much better, much more favourable . . . .

**Shri N. Dandeker:** I said much better; not more favourable.

**Shri S. M. Banerjee:** I was referring to it comparatively. So, in this particular case, if the amendment is acceptable to Shri Dandeker, I do not know what the hon. Minister will lose if it is accepted. After all, he has taken all the trouble just to please the employers. So, I think, if a Member who was also a member of the Bonus Commission agrees, let him accept that.

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri S. M. Banerjee:** Why should you hurry over Bills?

**Mr. Deputy-Speaker:** We have taken three days over this Bill.

**Shri D. Sanjivayya:** We have taken more than 18 hours.

**Shri Hari Vishnu Kamath:** Time can be extended by the House. It is an important Bill.

**Shri S. M. Banerjee:** Generally all our Acts are declared *ultra vires* the next day by the Supreme Court because we do not attach any importance to these. The Minister should also become sensible. What is the use of passing this Bill if it is to be declared *ultra vires* tomorrow? So, we should read every line of it whe-

ther in English or in Hindi. The Congress Members should also read it. I am speaking for their education also.

So, I say that this amendment is a harmless one and this should be accepted. If he does not accept this amendment also, definitely there is nothing left for us but to ask for a division. So, we request that he will consider it and try to give some benefit to the employees.

**Dr. Melkote (Hyderabad):** Mr. Deputy-Speaker, Sir, in clause 34, line 7, there are these words, namely, "in respect of the base year". It is said here:—

"If in respect of any accounting year the total bonus payable to all the employees in any establishment under this Act is less than the total bonus paid or payable to all the employees in that establishment".

It is in respect of payment and not in respect of—

"under any award, agreement, settlement or contract of service".

This may lead to a certain amount of ambiguity and if it goes in a court of law how it will be interpreted in the court cannot be said. I, therefore, plead with the Minister to clarify that the provision is very clear. The words "in respect of the base year" should come after the words "under any award, agreement, settlement or contract of service" and not before. This clarification should come from the Minister so that the intention of the Government may be known to everybody and the law courts may not interpret it as they like.

**Shri A. P. Sharma:** I also wanted to point out the same thing, namely, whether the words "in respect of the base year" apply to bonus payable to all the employees in an establishment or they apply to award etc. We sug-

[Shri A. P. Sharma]

gest that it should apply to awards etc. and not to the payment of bonus. That is what the Labour Minister should take care of.

**Shri D. Sanjivayya:** Sir, this is really a very important clause and that is why several hon. Members have taken a lot of time. Straight-away let me consider the amendment proposed by Shri Indrajit Gupta and supported by other hon. Members. I would also like to say that this substitute clause, if accepted, will upset the whole scheme of the Bill, namely, the set-on and set-off. Unless the set-on and set-off is there, the workers will not get even the minimum bonus. Some of the hon. Members feel that there should be no restriction with regard to the maximum and that sky should be the limit. I would like to ask them then why the minimum should be there and why a minimum of 4 per cent should be paid even when there is a loss.

**Shri Priya Gupta:** Because that is the socialistic theory. The minimum should be pinned down.

**Shri D. Sanjivayya:** That is why we have accepted that we should fix a minimum bonus of 4 per cent or Rs. 40 whichever is higher in spite of the fact that there is a loss. We should also have a maximum. It was recommended by the Bonus Commission and was accepted. Therefore I am not in a position to accept this amendment.

**Shri Indrajit Gupta:** My amendment only says, "by agreement". In a particular case, they might agree. How does it affect your minimum bonus, the general clause?

**Shri D. Sanjivayya:** Suppose, in a particular year their bonus issue is settled in accordance with the provisions of the bonus law and later on, in the second year, they enter into an agreement and decide upon bonus according to a formula which is different from that of this Bill, then the set-on and set-off will be disturbed.

**Shri Indrajit Gupta:** They know that also.

**Shri D. Sanjivayya:** There is also another aspect which I would like to place before the House. If the ratio between the bonus paid and gross profits is less than the ratio between the allocable surplus and gross profits in the accounting year, the basis is protected. I will give an example. Suppose, in the base year the gross profit was Rs. 100 lakhs and the bonus paid was Rs. 20 lakhs, the percentage is 20. Now, if in the accounting year they earn Rs. 100 lakhs, they must pay Rs. 20 lakhs and if they earn Rs. 200 lakhs, they must pay Rs. 40 lakhs; so that the ratio is kept up.

Then with regard to the fact where the quantum was less in the accounting year than in the base year, probably my hon. friend, Shri Dandeker, might have misunderstood Explanation I after the second proviso. Suppose, in the base year the profit was Rs. 6 lakhs and the bonus paid was Rs. 2 lakhs, it is one-third or 33.1/3 per cent. Suppose, in the accounting year the gross profit is Rs. 12 lakhs and the bonus paid is Rs. 3 lakhs, the quantum is higher in the accounting year. In the past year it was Rs. 2 lakhs and in the accounting year it is Rs. 3 lakhs; so, the quantum is higher. Even then, it is considered less because . . .

**Shri N. Dandeker:** It is simple arithmetic.

**Shri D. Sanjivayya:** Let me complete my sentence. Even before my completing my sentence, if hon. Members were to interrupt me, I will sit down. Let them speak or let me complete my sentence.

Even then, it is considered less because Rs. 2 lakhs is one-third of Rs. 6 lakhs, that is, 33.1/3 per cent and Rs. 3 lakhs is only one-fourth of Rs. 12 lakhs, that is, 25 per cent; so, 25 per cent is less than 33.1/3 per cent though the quantum is certainly



higher. Rs. 3 lakhs is higher than Rs. 2 lakhs. Even then this basis is protected, that is, the ratio is protected and out of Rs. 12 lakhs also they will get one-third or 33.1/3 per cent, that is, Rs. 4 lakhs. That is the meaning of Explanation I to the second proviso.

**Shri Indrajit Gupta:** If it is more than the ratio then the ratio will not be protected.

**Shri D. Sanjivayya:** This is what I feel; hon. Members can have their own interpretation. I am sure, my interpretation is correct and they also feel that it should be correct.

Then the other amendment which Shri Dandekar moved was that it should be . . .

**Shri Indrajit Gupta:** So, you will not accept this amendment?

**Shri D. Sanjivayya:** No, Sir.

The other amendment is that it should be according to a formula. Suppose, there is no formula. The employer comes forward and says, "I give three months' bonus" and it is accepted by the employees without any dispute—there is no dispute—it should be protected. It is a sort of unwritten agreement, an unwritten settlement, I would say. If it has been there, that also should be protected. Therefore I am not accepting that amendment which says that it should be according to a formula.

Next is the criticism of clause 34 (3) by Shri Indrajit Gupta which was ably answered by the hon. Member, Shri Peter Alvares, with whom I agree. No employer would enter into an agreement with the employees to pay higher quantum of bonus. Therefore I am pressing my own amendments and am not accepting any of the other amendments.

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

(1) Page 19, lines 34 and 35,—  
for "2nd September, 1964"  
substitute—

"29th May, 1965" (3).

(ii) Page 20, line 2,—

for "in which" substitute—

"in respect of which" (4).

(iii) Page 20,—

after line 12, insert—

"Provided that any such agreement whereby the employees relinquish their right to receive the minimum bonus under section 10 shall be null and void in so far as it purports to deprive them of such right". (5).

The motion was adopted.

**Mr. Deputy-Speaker:** I shall now put amendments Nos. 32, 194, 195, 196, 197, 199, 224, 225, 226, 227, 228 and 229 to the vote of the House.

Amendments Nos. 32, 194 to 197, 199 and 224 to 229 were put and negatived.

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

Page 19, lines 19 and 20,—

for "of his salary or wage for the accounting year",  
substitute—

"of the salary or wage earned by him during he accounting year". (211)

The motion was adopted.

**Mr. Deputy-Speaker:** I shall now put Amendment No. 273 moved by Shri Alvares to the vote of the House.

Amendment No. 273 was put and negatived.

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

"That clause 34, as amended, stands part of the Bill".

The motion was adopted.

Clause 34, as amended, was added to the Bill.

Clause 35 was added to the Bill.

**Clause 36—(Power of exemption)**

**Mr. Deputy-Speaker:** There are no amendments.

**Dr. Ramesh Sen:** I want to speak on this clause.

Sir, this clause gives wide powers to the appropriate Government to exempt certain categories of establishments and factories or even one factory or one establishment. I do not understand why this Government should take this wide power in their own hands or to give this power to the appropriate Government. Our experience in the trade union movement has been that often the Government, either the Central Government or the State Government, take this power to exempt certain categories of factories from the provisions of Factory Act and that results in serious difficulties for the workers. Even if his Bill is passed, there may be occasions—we are very suspicious of the Government's attitude—when the appropriate Government may take powers to exempt certain factories or establishments from the provisions of this Act thereby depriving a large number of workers from the benefit of this Bill. Therefore, I do not find any justification for the appropriate Government to take such wide powers as is provided in clause 36. Will the hon. Minister kindly explain why such wide powers have been given to the appropriate Government?

**Shri D. Sanjivayya:** I think such a provision is really necessary and desirable. In case the Government feels that in the interest of the country or in the interest of the economy of the country or for certain other reasons certain establishments have to be given exemption, it should be done.

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

"That clause 36 stands part of the Bill".

*The motion was adopted.*

Clause 36 was added to the Bill.

Clauses 37, 38 and 39 were added to the Bill.

**Mr. Deputy-Speaker:** There is Amendment No. 139—New Clause 39A.

This is by Shri Sreekantan Nair—he is not here.

The question is:

"That clause 40 stands part of the Bill".

*The motion was adopted.*

Clause 40 was added to the Bill.

**First Schedule**

**Shri N. Dandekar:** I beg to move:

(i) Page 22, line 14,—

for "Bonus", substitute—  
"Bonus to employees". (230)

(ii) Page 22, line 21,—

after "paid", insert—  
"to employees". (231).

Amendment No. 230 is concerned with making it clear that in the First Schedule, item 2 (a) to be added back in the computation of gross profits is "bonus to employees" and not just "bonus" because there are various types of bonuses, production bonus, bonus to employees not covered by the Act, all kinds of things; and I suggest this may be made clear by saying "Bonus to employees" and not just "bonus".

Similarly, Amendment No. 231 is concerned with adding back bonus paid to employees in respect of previous accounting year. The footnote reads, "If, and to the extent, charged to profit and loss account" and quite rightly this is to be added back. Here, too the bonus in question should be bonus to employees.

**Shri D. Sanjivayya:** I accept both the Amendments.

**Mr. Deputy-Speaker:** I shall now put Amendment Nos. 230 and 231 to the vote of the House.

The question is:

(i) Page 22, line 14,—

for "Bonus", substitute—

"Bonus to employees". (230)

(ii) Page 22, line 21,—

after "paid", insert—

"to employees". (231)

*The motion was adopted.*

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

"That First Schedule, as amended, stands part of the Bill."

*The motion was adopted.*

*First Schedule, as amended, was added to the Bill.*

#### **Second Schedule**

**Shri N. Dandekar:** I beg to move:

(i) Page 27, line 4,—

after "Capital expenditure", insert—

"that is to say, any expenditure which brings into existence any capital asset in respect of which depreciation is deductible under clause (a) of section 6 of this Act, or for the acquisition of freehold or leasehold land." (200).

(ii) Page 26, line 11,—

for "Bonus", substitute—

"Bonus to employees." (232)

(iii) Page 26, line 23,—

after "paid", insert—

"to employees". (233)

Sir, I will first deal with my Amendments Nos. 232 and 233. They are precisely to the same effect as the two amendments I moved earlier to the First Schedule.

**Shri D. Sanjivayya:** I accept them.

**Shri N. Dandekar:** Now, I shall deal with my Amendment No. 200.

Again, this concerns the question of computation of gross profit. Quite rightly, in computing the gross profit, one has to add back capital expenditure. However, as I was going through all this, I came to the conclusion that I should suggest some meaning to the expression 'capital expenditure' if we are to avoid unnecessary trouble in relation to the whole problem, particularly in relation to the questions that we dealt with earlier this afternoon, that is, about the acceptability of accounts and so on. I am suggesting that after the words "capital expenditure" should be added these words, namely,

"that is to say, any expenditure which brings into existence any capital asset in respect of which depreciation is deductible under clause (a) of section 6 of this Act, or for the acquisition of freehold or leasehold land."

I submit that would narrow down the possible scope for dispute as to what is capital expenditure. I may remind the Minister that this is concerned with capital expenditure only to the extent that it happens to be charged up in the profit and loss account. I have nothing more to add. This amendment should be easily understandable.

**Shri D. Sanjivayya:** Here, the hon. Member is trying to define "capital expenditure", as to what it means and all that. I have not defined it in the Bill and neither the Bonus Commission has given us any definition. So, I do not think we should try to define it here. Let us keep the expression "capital expenditure" as such which is very well understood. So, I am not in a position to accept Amendment No. 200. I am accepting Amendment Nos. 232 and 233.

**Mr. Deputy-Speaker:** I shall first put Amendment No. 200 moved by Shri Dandekar to the vote of the House.

*Amendment No. 200 was put and negatived.*

**Mr. Deputy-Speaker:** I shall now put Amendments No. 232 and 233 to the vote.

The question is:

(i) Page 26, line 11,—

for "Bonus", substitute—

"Bonus to employees". (232)

(ii) Page 26, line 23,—

after "paid", insert—

"to employees". (233)

*The motion was adopted.*

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

"That the Second Schedule, as amended, stand part of the Bill."

*The motion was adopted.*

*The Second Schedule, as amended, was added to the Bill.*

**Mr. Deputy-Speaker:** The Defence Minister will be making a statement at 4-30 P.M. and not at 4-00 P.M.

**Shri Indrajit Gupta:** I beg to move:—

(i) Page 30, line 42,—

for "7.5 per cent." substitute—

"6 per cent". (40)

(ii) Page 31, line 4,—

for "5 per cent." Substitute—

"2 per cent." (41)

(iii) Page 31, line 37,—

for "7.5 per cent." substitute—

"6 per cent." (42)

(iv) Page 31, line 43.—

for "5 per cent." substitute—

"2 per cent." (43)

(v) Page 32, line 13.—

for "8.5" per cent." substitute—

"6 per cent." (44)

(vi) Page 32, line 16.—

for "6 per cent." substitute—

"2 per cent." (45)

(vii) Page 32, line 22.—

for "8.5 per cent." substitute—

"6 per cent." (46)

(viii) Page 32, line 32.—

for "8.5 per cent." substitute—

"6 per cent." (47)

(ix) Page 33,—

after line 46, insert—

"Provided further that the sum so to be deducted shall not in any case exceed 6 per cent. of the capital invested." (50)

**Shri Kashi Ram Gupta:** I beg to move:—

(i) Page 33, line 5,—

after "firm" insert—

"whose capital investment in the establishment exceeds rupees one lakh". (79)

(ii) Page 33,—

after line 32, insert—

"Provided further that where a firm's capital investment in the establishment is rupees one lakh or below, the total remuneration of Partner's in such an establishment shall be forty per cent. of the gross profits". (80)

**Shri N. Dandekar:** I beg to move:—

(i) Page 30,—

for lines 11 to 13, substitute—

"(ii) An amount calculated at

4.5 per cent. above the Reserve Bank of India rate on its average paid-up equity capital plus its share premium account during the accounting year". (201)

(ii) Page 30, line 14,—

for "6 per cent. of", substitute—

"an amount calculated at 2 per cent. above the Reserve Bank of India rate on". (202)

(iii) Page 30, line 25,—

for "8.5 per cent.", substitute—

"calculated at 4.5 per cent. above the Reserve Bank of India rate". (203)

(iv) Page 30,—

after line 36, insert—

"Provided further that—

(i) where the employer, being a foreign company within the meaning of section 591 of the Companies Act, 1956, prepares no separate balance-sheet in respect of its Indian business, the total amount to be deducted under this item shall be calculated at 4.5 per cent. above the Reserve Bank of India rate on such amount of capital computed in such manner as may be prescribed;

(ii) where under the provisions of section 3 or of sub-section (2) of section 16 of this Act a department, undertaking or branch of an establishment is to be treated as a separate establishment for the purpose of computation of bonus, then the equity share capital, the share premium account and the reserves of the establishment as a whole shall be allocated to such separate establishment in the same proportion as its sales turnover bears to the total turnover of the establishment as a whole." (204)

(v) Page 30,—

for lines 42 to 45, substitute—

"(ii) an amount calculated at 3.5 per cent. above the Reserve Bank of India rate on its average paid-up capital and its average share premium account during the accounting year". (205)

(vi) Page 31, line 4,—

for "5 per cent. of", substitute

"an amount calculated at one per cent. above the Reserve Bank of India rate on". (206)

(vii) Page 31, line 37,—

for "7.5 per cent. of", substitute—

"an amount calculated at 3.5 per cent. above the Reserve Bank of India rate on". (207)

(viii) Page 30,—

(i) after line 19, insert—

"Provided that where the company has a branch, department or undertaking situated outside India, the profits of which are excluded from the gross profits of the company in accordance with Item 6(b) of the Second Schedule, then, the investment made in such department, branch or undertaking (being the total net debit balance in respect thereof appearing in the books of accounts of the company) at the commencement of the accounting year shall be excluded as follows, that is to say:—

the aggregate amount of such investment shall be deducted from the reserves of the company; and the balance, if any, shall be deducted from its paid-up equity capital"; and

(ii) line 20,—

after "Provided", insert "further". (234)

[Shri N. Dandekar]

(ix) Page 31,—

(i) after line 21, insert—

"Provided that where the banking company has a branch department or undertaking situated outside India, the profits of which are excluded from its gross profits in accordance with Item 6(b) of the First Schedule, then, the investment made in such department, branch or undertaking (being the total net debit balance in respect thereof appearing in the books of accounts of the banking company) at the commencement of the accounting year shall be excluded as follows, that is to say:—

the aggregate amount of such investment shall be deducted from the reserves referred to in para (iii) above; and the balance, if any, shall be deducted from its paid-up equity capital"; and

(ii) line 22,—

after "Provided", insert "further". (235)

(x) Page 32, lines 13 and 14,—

for "8.5 per cent. of its paid up capital as at the commencement of",

substitute—

"an amount calculated at 4.5 per cent. above the Reserve Bank of India Rate on its average paid-up capital during". (236)

(xi) Page 32, line 16,—

for "6 per cent of", substitute—

"an amount calculated at 2 per cent above the Reserve Bank of India Rate on". (237)

(xii) Page 32,—

for lines 22 to 26, substitute—

"4. Co-operative society.—(i) an amount calculated at 4.5 per cent. above the Reserve Bank of India Rate on the average capital invested by such society in its establishment during the accounting year as evidenced from its books of accounts;". (238)

(xiii) Page 32, lines 32 to 36,—

for "8.5 per cent. of the capital invested by him in his establishment as evidenced from his books of accounts at the commencement of the accounting year:".

substitute—

"an amount calculated at 4.5 per cent. above the Reserve Bank of India Rate on the average capital invested by him in his establishment during the accounting year as evidenced from his books of accounts, or a sum of fifteen thousand rupees, whichever is greater:". (239)

(xiv) Page 32, line 38,—

for "to whom", substitute—

"or a firm to whom or to the partners of whom.". (240)

(xv) Page 32, line 40,—

after "him", insert—

"or by its partners". (241)

(xvi) Page 33, line 5,—

after "a firm", insert—

"other than a firm engaged wholly or mainly in the profession of law, medicine, accountancy, industrial and business management, engineering or architecture or such other profession as the Central Government may notify in this behalf." (242)

(xvii) Page 33,—

omit lines 9 and 10. (243).

(xviii) Page 33, line 11,—

omit "clause (a) of section 6".

(xix) Page 33, line 34,—

after "an individual", insert—

"other than one who is engaged wholly or mainly in the profession of law, medicine, accountancy, industrial and business management, engineering or architecture or such other profession as the Central Government may notify in this behalf,". (245)

(xx) Page 33, line 36,—

after "per cent.", insert—

"or, in the case of a Hindu undivided family, 35 per cent.". (246)

(xxi) Page 33,—

(i) line 40,—

omit "after deducting depreciation";

(ii) omit line 41; and

(iii) line 42,—

omit "of clause (a) of section 6". (247)

(xxii) Page 33, line 43,—

add at the end—

"or, in the case of a Hindu undivided family, sixty thousand rupees". (248)

(xxiii) Page 33,—

after line 46, insert—

"Provided further also that where such employer is an individual or a firm, engaged wholly or mainly in the profession of law, medicine, accountancy, industrial and business management, engineering and architecture or such other profession as the Central Government may notify in this behalf, an amount calculated on the following scale by way of remuneration to such employer, that is to say—

for every such individual, or in respect of each partner of every such firm, who has been practising the profession:—

(i) for less than 5 years—  
Rs. 18,000.

(ii) for over 5 years, but less than 15 years—Rs. 36,000.

(iii) for over 15 years, but less than 20 years—Rs. 48,000.

(iv) for over 20 years—Rs. 60,000." (248)

(xxiv) Page 34,—

after line 9, insert—

"7. All employers.

By way of Rehabilitation Allowance in respect of Plant, Machinery, Equipment and Factory Buildings in respect of which depreciation is allowable in accordance with the provisions of clause (a) of section 6, an amount calculated at 5 per cent. of the original cost of only such of those assets as were acquired, installed, erected or built in any accounting year not earlier than twenty-five years, or later than ten years, preceding the accounting year,

8. All employers engaged in Mining and Quarrying Industries (including Coal and Ore Mining).

By way of Wasting Asset Allowance:—

- (a) at 4 per cent. of the original cost of acquiring the following rights and assets, namely:—

Freehold, leasehold or other forms of mining and quarrying rights, including surface rights connected therewith, regardless of whether the payment therefor are expressed as payments by way of Premium, Salami, Compensation, Goodwill, Ownership Right, Exploitation Right or otherwise, and irrespective of whether payments were made in lump sum or by instalments, and including Capital Expenditure incurred on the development of such rights, to the extent that—

- (i) the same are not admissible as expenditure under the Income-tax Act; and  
(ii) depreciation is not allowable in respect thereof in accordance with the provisions of clause (a) of section 6 of this Act.  
(b) in addition, the whole of the minimum royalty or dead rent paid in respect of mining and quarrying in the accounting year, to the extent such royalty or rent is inadmissible as expenditure under the Income-tax Act.

9. All employers engaged in Tea, Coffee, Rubber and other Plantation industries.

By way of Replantation Allowance, an amount calculated at 4 per cent. of the original cost (excluding the cost of land) of such plantations as were actually under plantation crop during the accounting year." (250)

**Shri Kashi Ram Gupta:** Mr. Deputy-Speaker, Sir, my amendments relate to a basic policy. What I have been experiencing uptill now is that the Government does not make any difference between the big man and the small man. When I see this Schedule,

particularly the list of firms, I find something more astonishing. I find that those people who invest more have to pay the least and the poor people have to pay the most. So far as the registered firms are concerned, I have made calculations and found



that those firms whose capital goes above Rs. 5,00,000 have to pay only the minimum according to this formula and I fail to understand how even the labour leaders could agree to this formula. It shows that they did not care to see the effects of calculations.

I would not have minded if this had stopped at that. But the difficulty is that the smaller man has to pay more. Take, for instance, a firm consisting of four technicians; their capital is small but they will have to pay one-third of their income. Suppose they earn Rs. 20,000; out of this, they shall have to pay Rs. 35 as income-tax and they have to part with Rs. 1,500 from their earnings of Rs. 5,000 each for bonus payment. I do not know how such a thing can be said as not amounting to exploitation. It amounts to exploitation on the other side. On one side when we defend those employees whose income goes upto Rs. 1,600 per month, naturally we shall have to see the other side also. My amendment is that those people whose capital investment in the establishment exceeds rupees one lakh should have 25 per cent. and those whose capital investment goes below Rs. one lakh should have 40 per cent. Even then they shall have to pay more than the minimum, say, about 10 or 12 per cent. So the basic thing is that, unless and until Government adopts a policy of protecting the legitimate interests of labour and the investors in the small sector by treating them on quite a different footing, this will adversely affect the growth of thousands of small industries that are springing up in this country. If we do not care to see as to how the labour works in these industries, we shall reach a stage when the small industries will either have to close down or the employers there would adopt malpractices and would not be called employers but as 'dacoits'. It will be very just if the Minister accepts my amendment that those having a capital of rupees one lakh or below, the partners may get more than 25 per cent. On the face

of it, it may seem that labourers will not benefit by this. But it is not so. We have to see the all-round picture of the whole thing and not one side of it. At the end, I may say that labour legislations uptill now have always been looking to the interests of small men. This is the first time that we see that the interest goes against the labour. Because labour is, more or less, mobile, they work at will and go from village to village, the calculations will be a tremendous task. The legitimate interests of all concerned should be protected and if we only say 'let him pay', he will be able to sustain himself? Can we think how a person who earns Rs. 5,000 and is asked suddenly to part with Rs. 1,500, can sustain himself with Rs. 3,500? It is not at all possible. Therefore, if the Labour Minister would take the trouble of calculating all these things, I think he will accept my amendment, which is a legitimate one.

**Shri Indrajit Gupta:** I do not want to say very much on my amendments because this matter has already been dealt with in the general discussion. All these amendments which I suggest relate to one single question, i.e., I wish that in all cases in the Third Schedule the rate of deduction which is being provided for paid-up equity share capital should be reduced to 6 per cent and in all cases the deductible percentage on reserves should be brought to 2 per cent. My contention is that, if we are asked to vote for the Schedule as it stands in the Bill, the Minister is really asking us to vote for the dissenting note of Mr. Dandekar to the Bonus Commission. It was not possible to do that then because we had our representatives on the Bonus Commission and the Government had also sent its representative; all of them got together and the majority of them recommended lower rates than those provided for in the Bill. Only because Mr. Dandekar had a note of dissent, it is incorporated in the Bill and we are asked to vote for it. Actually what

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the Minister is asking us to do is something which is totally contrary to the democratic principle of majority recommendation. Also I would like to point out that, since on this very vital question, which affects the size of the surplus which would become available for bonus, the Government has arbitrarily and unilaterally modified the majority recommendations of the Bonus Commission, in our amendments we are proposing deduction percentages which are the same as those which were incorporated in the formula previously. Now it is not a question of compromise on anything since the Bonus Commission's majority formula was itself a compromise. Since that was overthrown by the Government and they prefer to accept the recommendation of only the representative of the private employers, as a matter of principle we want to insist through the amendments that only that much deduction should be permitted which the Labour Appellate Tribunal itself had permitted in its previous formula which held good for so many years.

16 hrs.

I would also like to point out that in this Bill the employers are not called upon to give any proof as to whether their reserves are actually being utilised as working capital or not. Appropriation can be made, and deductions can be made, but as to whether those reserves are actually employed as working capital, and if so, for which period, they are not required to furnish any information or proof etc. Therefore, this is a most arbitrary provision, and I oppose it.

It is quite obvious that as a result of the concessions which are sought to be made here in those industries particularly which are capital-intensive industries, the trade unions have got every apprehension that a substantial portion of their surplus will be completely wiped out and as a result of this, there will be nothing left for payment of bonus at all.

Shri N. Dandekar also may again repeat his argument, and I am sure that it will be echoed by the hon. Minister, that unless a satisfactory rate of dividend is assured it is not possible for them to attract capital. That is the old hackneyed argument. But I wish to say that actually this is something out of its context, because what is provided in the Bill has nothing to do in fact with the actual rates of dividends. This is purely a notional thing. The actual rates of dividends are something quite different. What is being put in here is only a notional rate, and the notional rate does not bear any real practical relation to the actual rate of dividend which is being paid. So, this argument does not hold good at all. If the Bonus Commission members could decide, in a majority, on a particular figure or percentage, I do not see why Government should throw it overboard and ask us to accept Shri N. Dandekar's formula. It is quite obvious that this has been done simply under the pressure of big capital, and, therefore, we oppose this totally, and we are pressing for our amendment.

**Shri S. M. Banerjee:** I rise to support the amendment moved by my hon. friend Shri Indrajit Gupta, and in doing so, I wish to point out that the fear in the minds of the working classes in this country that as a result of this Bill they will not be entitled to anything more than 4 per cent has come true. We have said enough already to show how the allocable surplus will dwindle after all these deductions are made. Therefore, my hon. friend has moved an amendment which seeks to substitute '6 per cent' in place of '8.5 per cent' in page 32, line 13, and '2 per cent' in place of '6 per cent' in page 32, line 16. The reason for the suggested amendment is very clear. Unless the allocable surplus is a reasonable amount, no employer will pay more than 4 per cent. We have seen that the employers do not want to pay bonus. I know that there are certain employ-

ers who have not paid bonus since 1961 or 1962. Now, we are in the year 1965. All the big business-houses are just waiting for the passage of this Bill and after that they will declare boldly and firmly with the patronage of Government that they will not pay more than 4 per cent bonus. So, I would request the hon. Minister to kindly throw some light on this matter and tell us whether this aspect has been considered by them and whether the unanimous recommendation of the members of the Bonus Commission representing the working classes was at all considered.

I can understand the viewpoint of Shri N. Dandekar or the viewpoint of the employers. They want to keep reserves for various purposes. But have we ever assessed what fabulous profits they have earned either in the name of the emergency or even without the emergency? Have we assessed what their working capital was before and what it is now? Have we assessed whether they were paying dividends in the past or not and if they were paying to what extent? Since we are having a mixed economy in our country, I want that the employers should also flourish, but should they flourish at the cost of the employees or the workers? That is a matter to be considered. The employers are aiming at this Government with a double-barrelled gun. They want exemption from excise duty and other things and they also want these deductions. They want these for raising their capital or for raising their reserves.

That is why we earnestly appeal to the hon. Minister to consider this most vital problem affecting the workers. This was the only case where modification was made by Government, and which was resented to by all, whether in the INTUC or in the AITUC or in the HMS or in the HMP or the UTC. All of them were unanimous in their opposition. If Government go on tinkering with an award, if they

modify something merely on the basis of a note of dissent submitted by one of the members of the commission, then the award loses its sanctity. I am afraid this Government tinkered with the Pay Commission award. Our late-lamented Prime Minister Shri Jawaharlal Nehru had said that this might not be an award but it was tantamount to an award, and yet Government tinkered with the recommendations; certain favourable recommendations were not accepted by Government. In a similar manner, we find that in the case of the Bonus Commission, the workers' representatives unanimously decided about something, but merely on the basis of a note of dissent, just to please a handful of the big business or the big business-houses, Government have shamelessly modified the report of the Bonus Commission and brought help to the employers. Today when they are talking of socialism or moving towards the socialistic pattern of society, they have to weigh the working people against a handful of employers. After all, the contention and the ideology of the employers is one based on money. Do Government also subscribe to that ideology? If they really subscribe to that ideology, then I say that all the talks of socialism are nothing but a hoax. Therefore, I would make an earnest appeal to the hon. Minister to kindly reconsider this matter. I know he comes from the toiling millions, and his heart bleeds for the common people and for the working classes. If he has been compelled by the employers and by his Cabinet colleagues to do this in order not to displease the employers at this critical hour of national emergency, I would like to know whether Government are really counting on the employers who want this emergency to continue and who actually want that they should earn fabulous profits. In all fairness, I would submit that the hon. Minister should be fair to the working people, who are the backbone of this country. But if Government are going to behave like this and they are going to

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hit them below the belt, I do not know what the fate of this country is going to be and what the fate of democracy is going to be and last but not least what our tall talks of socialism mean.

**Shri N. Dandekar:** Sir, I have a large number of amendments on the Third Schedule in my name. I shall endeavour to be brief, but the problems are so difficult that I hope the House will show some indulgence in view of the difficulties in dealing with this. I would like to group these amendments into various types or categories so that I can take a number of them together.

The first group of amendments that I would like to take up consists of amendments Nos. 234 and 235 which are concerned mainly with certain problems of computation of capital not dealt with in Schedule III concerning which I imagine disputes will arise and concerning which, therefore, I feel that provision ought to be made.

My first amendment is amendment No. 234. This is concerned with an Indian company operating also abroad or having a branch abroad concerned with growth of exports and other means of overseas development. For instance, companies like the Associated Cement Company have factories outside India and a number of other companies having branches outside India. There is no provision in the third schedule, in the case of ordinary companies having branches outside India, as to how the capital engaged abroad is to be computed and so on. My proviso is to this effect—that where the company has a branch, department or undertaking situated outside India, the profits of which are to be excluded from the gross profits in accordance with item 6(b) of the Second Schedule,—the Second Schedule provides for companies having branches outside India,—such profits

are to be excluded. Item 6(b) reads:

“Profits of, and receipts relating to, any business situated outside India”.

They are to be excluded. Quite properly, therefore, from the capital of such concerns ought to be excluded their capital employed abroad. My suggestion is connected with this,—that where such gross profits are to be excluded, then the investment made in such departments, branch or undertaking (being the total net debit balance in respect thereof appearing in the books of accounts of the company) at the commencement of the accounting year shall also be excluded as follows: that is to say, the aggregate amount of such investment shall be deducted from the reserves of the company; and the balance, if any, shall be deducted from its paid up equity capital. Unless this adjustment is made, the company will have its profits diminished but not its capital. I suggest it is necessary in equity to reduce also its capital.

Then amendment No. 204 is concerned with other similar situations. It is in two parts, the first concerns foreign companies operating here having no separate balance sheet. I have found it difficult here to evolve a simple formula. I have merely suggested, in the first part of the suggested proviso, that the capital should be computed in such manner as may be prescribed. I would suggest here, however, that the manner to be prescribed should be that contained in the Schedule to the Companies (Profits) Surtax Act where also similar problems arise and there is a provision in that Act, in Schedule II I think, for the computation of capital in such cases. All that is necessary in adopting those Rules to Schedule Three's requirements and to the requirements of this Act would be to eliminate from the Second Schedule to the Companies (Profits) Surtax Act all references to borrowed moneys and debentures. Subject to this suggestion, I have left it merely in my amendment at merely suggest-

ing 'in such manner as may be prescribed'.

A third type of case is dealt with under amendment No. 204, the second part of it. Again here one has to take cognisance of the fact that under clause 3 of the Bill, in certain circumstances, branches of undertakings and departments of the same establishment situated at various places could be treated as if they were separate establishments in the same way as in certain circumstances, under clause 16, a new undertaking can also be treated as a separate establishment. No provision exists in Schedule Three for the separate computation of capital in such cases and the proviso I have put down, the second part of it, reads thus:

"Where under the provisions of section 3 of sub-section (2) of section 16 of this Act a department, undertaking or branch of an establishment is to be treated as a separate establishment for the purpose of computation of bonus, then the equity share capital, the share premium account and the reserves of the establishment as a whole shall be allocated to such separate establishment in the same proportion as its sales turnover bears to the total turnover of the establishment as a whole".

This is a rough and ready way, but a reasonably equitable way of making the appointment.

The third type in that particular group of amendments is amendment No. 235—concerned with the specific case of Indian banking companies having branches overseas. Again in the case of banking companies, as in that of ordinary companies, the First Schedule provides that the profits in such cases from the branches outside are to be excluded under item 6(b) of the First Schedule, which is practically in the same terms as item 6(b) of the Second Schedule, namely:

"Profits of, and receipts relating to, any business situated outside India".

These are to be excluded. I am suggesting in amendment No. 235 that it is necessary correspondingly to exclude from the bank's capital and reserves its investment in overseas branches. I have formulated a proposal in these terms:

"Where the banking company has a branch, department or undertaking situated outside India, the profits of which are excluded from its gross profits in accordance with item 6(b) of the First Schedule, then, the investments in such department, branch or undertaking (being the total net debit balance in respect thereof appearing in the books of accounts of the banking company) at the commencement of the accounting year shall be excluded as follows, that is to say: the aggregate amount of such investment shall be deducted from the reserves referred to in para (iii) above; and the balance, if any, shall be deducted from its paid up equity capital".

Unless this is done, there would be an anomaly in that the banking company's profits will be reduced but not its capital. I hope the Minister will find it possible to accept these amendments which are necessary and consequential upon the First and Second Schedules respectively and also consequential upon sections 3 and 16(2) of the Bill.

I turn now to another group of my amendments. They are: in respect of banking companies, Nos. 205, 206, 207 and 208; in respect of ordinary companies Nos. 201, 202, 203, 204; in respect of corporations Nos. 236/237; and in respect of co-operative societies Nos. 238. The burden of all these amendments is the same. I will therefore deal with all of them in just one series of observations without dealing with each of these separately. The

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burden of my amendments is concerned with this vexed question of how much should be the allowed by way of return on capital as a prior charge—as also on reserves. There has been a good deal of criticism about this. In particular, the Minister has been assailed for the fact that my minute of dissent was accepted in preference to the majority view which is also there. I hope by this time we,—at any rate those of us who are adults here,—will have accepted the possibility that the majority is not necessarily always right; that the majority can frequently be wrong, and that a reasoned view of a minority of one is often far more accurate than that of the majority. In fact, I believe someone said somewhere,—I do not know who it was that he always believed in the minority of one, which was frequently responsible for better thinking and more progress than was usually a majority, consisting of vast numbers of various kinds of person;—perhaps it was Mahatma Gandhi who said it.

Now, on this question of returns, let us face the facts squarely. There has got to be, if there is to be industrial growth, sustained industrial growth, a fair deal as between all the elements involved in the industrial nexus of the kind that is under consideration, the industrial nexus being the producers, the workers, the consumers, the country as whole and also the Government as interested in how profits are disposed of. In order to maintain the integrity of an enterprise and the growth of industrial activity, one of the essential things,—not the only essential thing, but one of several essential things—is that there should be a steady flow of capital into industrial concerns. For this purpose, it does not matter at all whether an industrial concern is a public sector concern, or a private sector concern or a cooperative society or any other. There has got to be a state of affairs in which a steady flow of capital into industry will take place. And that depends essentially

upon what return one can get on capital invested in these concerns. So much is agreed. The only difference between the majority view and the view I expressed in the Bonus Commission's report was merely this, that at least the old rates of 6 per cent, 4 per cent and so on ought to be modified to correspond to the major modifications in the corporate taxation structure which took place in this country in 1959. Actually there were several other circumstances which would justify an even higher return on capital than that resulting from such modification. Nevertheless, the only change that I suggested was consequential upon the changes in the taxation structure, namely that the 6 per cent should be raised to 8.5 per cent (which was the Taxable equivalent of the earlier 6 per cent tax free) and that the 4 per cent ought to be raised to 6 per cent (which was also the Taxable, equivalent of the earlier 4 per cent tax free). But now, today, I must go further. I submit that since the time this report was submitted and my minute of dissent was written, and since the time when the Government themselves took a decision in September, 1964, upon these questions, the circumstances relating to the structure of interest rates in this country has undergone a radical change. The Bank Rate which was then 4 or 4½ per cent., now stands at 6 per cent. The borrowing rates have gone up, and the lending rates have also gone up all along the line. Government's own borrowing rates have gone up, and even at these higher rates, Government have encountered considerable difficulty in floating their loans. It is in this present state of the money market and the capital market that I spoke of the need to ensure continuous flow of resources into the industrial sector to assist the developing growth, and also the existing structure, which is so necessary for the good of the country. The interest rate structure has now changed to such an extent that many of those things that I wrote about in the minute of dissent and the reasons why Government themselves

accepted my recommendations, have to be radically changed. On giving thought to this, I wondered whether the answer to this problem lay any longer in fixing yet another rate of return which would again have to be changed according as circumstances change, or in linking the thing to the basic factor in the monetary structure, which was the Reserve Bank rate. I have preferred the latter. Consequently, the amendments that I have moved in relation to the rate of return on capital and reserves are all concerned with a suggestion that the return in the case of concerns other than banking companies ought to be 4.5 per cent over the Bank Rate; so that if the Bank Rate goes down, this rate of return will also automatically go down, and if the Bank Rate goes up, the rate of return will also go up. Similarly, as regards the return on reserves, I have suggested that it ought to be two per cent above the Bank Rate.

Then, as regards banking concerns, corresponding to the recommendations of a lower rate of return in the Bonus Commission's report as well as in my minute of dissent, I have suggested a lower differential at which the return on capital in banking companies and the return on reserves in banking companies ought to be related to the Reserve Bank Rate. I would urge that that is now the only way of fixing these returns in terms of the money market rates. The present position is that one does not know what the Bank Rate is going to be in six months time. I therefore suggest that the return on capital and the return on reserves should be related to the Bank Rate; it would go up if the Bank Rate goes up, and go down if the Bank Rate goes down.

So far, on the subject of return, I have been dealing with what you might call the corporate sector as a whole, that is to say, banking companies, other companies, corporations and co-operative societies. I will now deal

with the question of return on non-corporate sector cases, that is to say cases described in item No. 5 on page 32 of the Bill, namely, "Any other employer not falling under any of the aforesaid categories." Here, there are two questions. In the first place, what should be the rate of return? As to that, I have no other suggestion than the suggestion I have made in the earlier amendment. The other question is in regard to various small concerns. I have suggested there that there should be a minimum return of Rs. 15,000.

16.36 hrs.

[MR. SPEAKER in the Chair]

The specific suggestion I have made in amendment No. 239 is this, that the allowance there by way of return on capital should be either at the rate I have suggested in all cases on the capital employed or a minimum of Rs. 15,000. This minimum of Rs. 15,000 is precisely for the purpose of meeting the kind of cases to which my hon. friend Shri Kashi Ram Gupta referred, that is, the small proprietary concerns. I am suggesting this for two reasons. In the first place, they have not the benefit which companies, have of limited liability. The difference between limited liability in the case of a company and unlimited liability in the case of an individual proprietor or family proprietor or a firm proprietor can often be very, very considerable in terms of its incidence upon the proprietors.

The second reason is that a company is in a position to pay adequate remuneration to its working directors, working shareholders and so on, whereas when you come to non-company cases, it is a matter of difficulty to provide anything that might not, on the one hand, be too much and, on the other, too little. Consequently, the services of the working proprietors are rather more likely to go inadequately rewarded than would be the case in the case of a company. I have, therefore, suggested this particular

[Shri N. Dandekar]

mode of approach to the return on capital.

Now, Sir, I have to go on to some other subject. I think I might stop now. I will continue tomorrow.

16.30 hrs.

#### STATEMENT RE. DEFENCE OPERATIONS

The Minister of Defence (Shri Y. B. Chavan): I would like to keep the hon. Members apprised of the developing situation in our efforts to contain and throw out the Pakistani aggression on our territory, since I made the statement on the floor of the House on 6th September.

2. Our Army which moved across the Punjab border to deal with the Pakistani forces who had invaded Kashmir and which were trying to open another front in the Punjab has gained certain positions which it has held despite vigorous counter attacks from the other side. Our Air Force has been giving very good support to our ground troops. Our air action to hit the bases from which Pakistan has been launching air attacks on our territory has been continuing.

3. In the Chhamb-Jaurian sector our forces have made the enemy retreat and captured substantial number of vehicles besides stores. There are signs of his making a stand again. In other sectors of Jammu and Kashmir our troops have given a very good account of themselves. In the Haji Pir area, our troops have captured another Pakistani post three miles west of the Pass and repulsed a Pakistani counter attack. Proceeding towards the north, from the Poonch side, our troops have, with great gallantry, captured three important hill features in the bulge where not only have they inflicted heavy casualties on the enemy, but they have made a record haul of arms and ammunition and stores. The Pakistanis were well entrenched in these posts and had obviously been using them as bases

for supporting and assisting infiltrations into J. & K. In other areas of J. & K. also our ground forces have been inflicting losses on the enemy.

4. The Indian Air Force has achieved remarkable success, not only in the role of support to our ground troops, but also in strikes at the bases from which Pakistan has been mounting attacks on our territory.

5. Our air strikes in support of the Army were made over the Dera Baba Nanak area. The Air Force also struck at Pakistani ground forces concentrated in Sulemanki Head Works area and poised for an advance into India. The Sargodha and Chaklala air-fields of the Pakistani Air Force have been attacked by our planes as they were being used as bases by the Pakistani Air Force to support the aggression by Pakistani ground troops on our territory. Our Air Force have also intercepted and fought with the Pakistani Air Force in the latter's attempts to bomb air-fields and civilian targets in wide-spread areas, ranging from Jammu in the west to Kalaikunda near Calcutta in the east. The Pakistanis had earlier bombed the civilian areas of Jaurian and Ranbirsinghpura. They have continued this process of bombing over Amritsar, Ferozepur and other civilian areas. No military target has been damaged in those areas, but there have been sizeable civilian casualties and damage to civilian property. Evidence has been collected to show that Pakistan had made plans to undertake these operations, as early as April.

In the ground fighting, apart from inflicting other losses on the enemy, our troops have destroyed three Pakistani tanks and captured two, complete with their crew. To arrest the advance of our forces, the Pakistanis blew up the Dera Baba Nanak bridge in Pakistan territory. The Air Force has knocked out thirteen other Pakistani tanks. In pursuance of the Army's overall plan to check attacks at the bases from which they are



mounted and sustained, our armed forces have crossed the Jammu-West Pakistan border and are advancing. Simultaneously, in order to forestall Pakistani attacks in the Barmer—Kutch sector, our troops have made a forward move in that area. Gadhra City which is 5 miles from the frontier has been occupied. As operations are still in progress, Hon'ble Members will appreciate that I am not in a position to give further details.

In air battles in our own territory and in strikes over West Pakistan airfields, our Air Force have in the past two days given a very good account of themselves. Their record is 11 American F-86 Sabre Jets destroyed, one F-104C aeroplane destroyed and two damaged, two B-57 bombers, two four-engined American transport aircraft and one C-130 aircraft destroyed. Pakistani aircraft destroyed by ground fire are one F-86, one F-104C, one B-57 bomber and one C-130 aircraft. In two days' fighting, 21 Pakistani aircraft have been destroyed and two damaged. Our own losses have been substantially less.

Hon'ble Members will no doubt have seen the details of the different aerial actions given out till last evening by the official spokesman. Last night, the Ha'wara airfield was bombed twice by Pakistani aircraft but no damage was done. An attempt was made by Pakistani aircraft to bomb Delhi. One C-130 aircraft was knocked out in the air and two others were chased away.

Pakistan has dropped a number of parachutists, some in uniform, others disguised, with a view to attack and disrupt our military installations, particularly the air bases. Many of these parachutists have already been rounded up by our security forces and others are in the process of being mopped up. In this task, the Security Forces have received considerable assistance from our people.

Last night, the Pakistan Navy bombarded, under air cover, the Port of Dwaraka in Gujarat State. A report just received shows that no military installations have been hit. None of our aircraft were involved in this incident and no aircraft has been lost as claimed by Pakistan.

Sir, to sum up, I should like to give the House a broad picture of our strategy. The conflict began with infiltrators coming across the cease-fire line. We restricted our action to measures along the cease-fire line. Pakistan, however, chose to extend the area of conflict by attacking in the Chhamb sector, across the international boundary, between the State of Jammu and Kashmir and Pakistan, using heavy tanks and heavy artillery. This was followed by an air raid on Amritsar as well as on points in the State of Jammu and Kashmir far from the frontier where the fighting was in progress. It was in these circumstances, and purely as a defensive measure, that our Armed Forces had no option but to take action against the bases in West Pakistan. Our advances in the Punjab have immediately achieved their objective of relieving the pressure on our troops in the Jaurian—Akhnur sector where the Pakistani forces have withdrawn and are being pursued by our troops. The enemy is still on our side of the Cease Fire Line and International frontier in certain places and have yet to be cleared from these areas. In the meanwhile, Pakistan has attempted to escalate the war in the Eastern sector. We have no quarrel with East Pakistan and while our troops have taken up positions within our territory in order to meet any threat of aggression by Pakistan, at the present moment I do not visualise our taking any action to escalate the war in that field except to the extent Pakistan's action compels us to do. If Pakistan's intention is to escalate the fighting in other fields, as evidenced by the naval bombardment of Dwaraka Port, our forces are prepared to meet the threats which may be posed by Pakistan. As far as we are concern-

[Shri Y. B. Chavan]

ed, our action is limited to make Pakistan realise that we will not tolerate any interference with the territorial integrity of India of which Kashmir is a part. We have to prevent the mounting of any attack by the Pakis-

tan military machine on our territories.

16.40 hrs.

The Lok Sabha then adjourned till Ten of the Clock on Thursday, September 9, 1965/Bhadra 18, 1887 (Saka).