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Friday, April 24, 1964
Vaisakha 4, 1886 (Saka)

LOK SABHA DEBATES

**Seventh Session
(Third Lok Sabha)**



सत्यमेव जयते

LOK SABHA SECRETARIAT
New Delhi

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LOK SABHA

Friday, April 24, 1964/Vaisakha 4, 1886
(Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Demand and Supply of Trucks

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*1153. { Shri P. Venkatasubbaiah:
Shri Maheswar Naik:
Shri S. C. Samanta:

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) the latest position of the demand and supply of trucks;

(b) whether the restrictions imposed on the supply for private purposes following the emergency are still in force; and

(c) the measures taken to meet the immediate and the increasing demands of trucks in the country?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) to (c). A statement is laid on the Table of the House.

STATEMENT

(a) The estimate of demand for trucks by the end of the 3rd Plan period is 60,000 Nos. per annum. The current demand may be of the order of 40,000 Nos. per annum. As against this, the supply corresponding to production in 1963 was about 27,000 Nos.

427 (Ai) LSD—1.

(b) Except for reservation of the entire production of Dodge/Fargo short wheel-base trucks and Jeep 1-ton trucks and of a small quota of TMB trucks for meeting defence requirements, the restrictions imposed on the sale of trucks following the emergency have since been lifted. However, the sale & distribution of Commercial Vehicles is now governed by the Commercial Vehicles (Distribution and Sale) Control Order, 1963.

(c) Expansion schemes of the existing truck manufacturers have been approved, and necessary facilities have been afforded to them for the import of capital equipment which will help them to step up indigenous content as also production of their vehicles. In addition, a scheme for the establishment of a new unit for the manufacture of trucks with an annual capacity of 12,000 Nos. per annum has been approved.

Shri P. Venkatasubbaiah: From the statement given there seems to be a huge variance between production and demand in the country. In that case may I know whether the Government propose to start a truck manufacturing industry in the public sector so as to meet the demand of the people?

Shri P. C. Sethi: There seems to be no proposal at the moment. Already the licensed capacity is much more than the required capacity. The Third Plan capacity was 60,000 and the licensed capacity is about 74,920.

Shri P. Venkatasubbaiah: In part (c) of the statement it has been stated that a licence has been issued for a new unit for production of 12,000 numbers annual capacity. Which is that company and when will it start production?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): This is for Simpsons in Madras. I do not know, when they are likely to get into production. It seems there are difficulties in the implementation of this.

Shri Ramanathan Chettiar: May I know whether it has been brought to the notice of the Government that a premium is demanded in respect of Mercedes trucks; if so, what steps are Government taking to put down this malpractice by the distributors of Mercedes trucks?

Shri C. Subramaniam: There is a control order and to the extent possible this getting of the premium and other malpractices are being controlled. But ultimately the solution lies in increased production. That is why an expansion to the extent of 24,000 vehicles per annum has been given to this concern and they are implementing this programme of expansion.

श्री अचल सिंह : रशिया ने छोटे ट्रैक्टर तैयार किए हैं जो बहुत सस्ते हैं और अच्छे भी हैं। क्या गवर्नमेंट उन को यहाँ आने की इजाजत देगी ?

अध्यक्ष महोदय : यह ट्रक्स के बारे में सवाल है, ट्रैक्टर के बारे में नहीं ?

श्री राज बिहारी मेहरोत्रा : देश में जो शक्तिमान ट्रक्स बने हैं, उन का उत्पादन क्या नहीं बढ़ाया जा सकता है ?

श्री प्र० चं० सेठी : शक्तिमान ट्रक्स तो डिफेंस डिपार्टमेंट के हैं ।

Shri Joachim Alva: Is it not true that Government has an extremely confused and conflicting mind in the matter of production of cars and trucks?

Mr. Speaker: Cars are not concerned here.

Shri Joachim Alva: Is it not true that Government knows that produc-

tion of 60,000 trucks is a feasible proposition and it can be done by one unit quickly and expeditiously and the prices will also come down? Why is it that Government cannot hand over this entire business to any one single unit instead of these four units?

Shri C. Subramaniam: There are already four units in existence. We cannot ignore facts which exist.

Dr. L. M. Singhvi: May I know whether the Minister is in a position to reveal the total number of chassis requisitioned after the promulgation of the emergency for our defence purposes, how many bodies were built over these chassis and how many remained idle and for how long?

Shri C. Subramaniam: I think, this question should be addressed to the Defence Ministry.

Shri Shinkre: In view of the fact that the shortage of foreign exchange accounts for the shortage of supply of trucks in the country, what steps are the Government contemplating to ensure that all the licensed units also get the required or requisite amount of foreign exchange?

Shri C. Subramaniam: This is a big question. Ultimately the foreign exchange available for each sector will depend upon the total pool available. We are trying to increase this pool as far as possible. In that connection the international trade is doing well to increase our exports.

Shri Shinkre: Why do Government not issue licences.....

Mr. Speaker: That is a general question. Shri Yashpal Singh.

श्री यशपाल सिंह : इम्पोर्टेड ट्रक्स में और यहाँ तैयार किए हुए ट्रक्स में प्रोपोर्श-नेटली कितना कीमत में फर्क है ? कौन सी चीपर है और कितनी ?

Shri C. Subramaniam: I am sorry, I do not have comparative figures

with regard to the imported price but we do not import anything now. We manufacture the commercial vehicles indigenously.

श्री श्रीकार लाल बेरवा : इस वक्त जो ट्रक्स बनाये जा रहे हैं उन में आधा सामान विदेशी लगाया जा रहा है। कब तक यहां के ही पूरे सामान से ट्रक तैयार होने लगेंगे ?

श्री प्र० चं० सेठी : इस समय आधा नहीं आधे से ऊपर कोई ७४ या ७६ परसेंट तक इंडीजिनस सामान लग रहा है और आशा की जाती है कि इस वर्ष के आखिर तक ६० प्रतिशत स्थानीय सामान लगने लग जायेगा।

Trade Agreement with Bulgaria

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- *1154. { **Shri Bibhuti Mishra:**
Shri P. C. Borooah:
Shri Onkar Lal Berwa:
Shri Vishwa Nath Pandey:
Shri Maheswar Naik:
Dr. Ranen Sen:
Shri Dimen Bhattacharya:
Dr. Saradish Roy:

Will the Minister of **International Trade** be pleased to state:

(a) whether it is a fact that a trade agreement has recently been concluded with Bulgaria; and

(b) if so, the main outlines of the agreement?

The Minister of International Trade (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

Yes, Sir. A new Trade and Payments Agreement operative from the beginning of January, 1964 upto the end of December, 1968 was concluded and signed at New Delhi on 14th February, 1964. Copies of the Agreement have been placed in the Parliament Library. The Agreement envisages increased and diversified trade between the two countries. The list of exportable commodities from

India has been enlarged so as to include engineering goods, electric motors, diesel engines, pumps, sewing machines, rolled steel products etc., drugs and pharmaceutical products, chemicals and chemical products, cotton textiles, leather footwear including ladies chappals and sandals, tyres etc. apart from such traditional items as tea and coffee, jute manufactures, shellac, groundnut and cashew-nuts.

Under the Agreement, Bulgaria will continue to supply India with items like electric hoists, cranes, power cables, transformers, steel products, Machine tools, Ball bearings, locomotives, automatic looms, battery-operated fork-lift trucks, pig iron, zinc, heavy chemicals like caustic soda ash and capital goods.

The trade agreement provides for overall balanced trade of Rs. 10.5 crores (both ways) in 1965 as compared to Rs. 1 crore in 1961 and Rs. 4 crore in 1962.

श्री विमूति मिश्र : स्टेटमेंट में कहा गया है कि दोनों तरफ से दस साढ़े दस करोड़ का आयात और निर्यात होगा। हिन्दुस्तान से जो चीजें एक्सपोर्ट होंगी उन में मंत्री जी ने ये बताई हैं

chemicals and chemical products, cotton textiles, leather footwear including ladies chappals and sandals, etc.

इसी तरह से वहां से यहां जो चीजें आयेगी

electric hoists, cranes, power cables, transformers, steel products, etc.

मैं जानना चाहता हूँ कि साढ़े दस करोड़ में कौन कौन सा सामान कितने कितने रुपये का यहां से जायेगा और कौन कौन सा कितने कितने रुपये का वहां से यहां आयेगा ?

श्री मनुभाई शाह : यह पैक की डिटेल्स से सम्बन्ध रखता है जिस को दोनों कंट्रीज़ कान्फिडेंशल रखती हैं। लेकिन कस्टम्स

सर्टिफिकेट से फौरन पता लग जायगा कि कितना भाल गया और ओवर आल ट्रेड की बात जाहिर हो सकती है ।

श्री विभूति मिश्र : दोनों कंट्रीज की तरफ से ट्रेड का मामला तय हुआ तब यह भ्रंदाजा जरूर लगाया गया होगा कि कौन सामान कितने रुपये का जायगा और कौन सामान कितने रुपये का आयगा । इस में ट्रेड सीक्रेट की बात कहां से आती है । मंत्री महोदय को चाहिए कि वह ब्रेक अप बता दें ताकि हम लोगों को पता चल सके कि हमारे यहां से जूट कितने का जायगा या दूसरी कोई चीज कितने की जायगी, इस से जूट के ऊपर क्या असर पड़ेगा, किसान को कितना फायदा होगा ?

श्री मनुभाई शाह : ट्रेड पैक्ट की सभी आइटम्ज इंटरनैशनल कन्वेंशन के नीचे इस तरह से जाहिर नहीं की जा सकती हैं । १२२ दुनिया के देश हैं जिन के बीच व्यापार चलता है । एक कंट्री को करोड़ सवा करोड़ रुपये का भाल चला जाय तो उस से किसान को कोई फर्क नहीं पड़ता है । अगर माननीय सदस्य को जूट में दिलचस्पी है और उस के बारे में जानना चाहें तो मैं जरूर दे सकता हूं । ट्रेड प्रोटोकाल की सब आइटम्ज जाहिर नहीं की जाती हैं ।

श्री श्रींकार लाल बेरवा : यह जो व्यापार है यह रुपये में होगा या विदेशी मुद्रा में होगा या किस आधार पर होगा ?

श्री मनुभाई शाह : मुद्रा तो इंटरनैशनल ही रहती है । सदस्य महोदय देख सकते हैं कि १९६१ में ५० लाख रुपये का व्यापार दोनों देशों में हुआ, ५० लाख आने का और ५० लाख जाने का । लेकिन १९६५ में वह सवा पांच करोड़ का होगा यानी दस गुना बढ़ेगा ।

Productivity Council

*1155. **Shri Harish Chandra Mathur:** Will the Minister of Industry be pleased to state:

(a) the extent to which the benefit of Productivity Council has gone to large scale industry;

(b) number of the persons sent abroad during the last 2 years who belonged to the industry other than small scale and what was spent on them;

(c) what has industry itself contributed to the Productivity Council and if it has not contributed adequately, why not; and

(d) when Government propose to have an independent evaluation of the work of this organisation?

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

STATEMENT

(a) The training and other programmes and facilities of the National Productivity Council (NPC) and Local Productivity Councils (LPCs) are open to and are availed of by all types of industry including large scale industry.

(b) During the last two years National Productivity Council sent abroad ten study teams comprising 79 members of whom 73 were from industries other than in the small scale sector. For training abroad National Productivity Council sponsored 137 candidates during the same period of whom 130 came from industries other than in the small scale sector.

The entire expenditure on these study teams and training schemes was met from aid given by external agencies and information about the amount spent is not available with the Government.

(c) Industry's contribution to the National Productivity Council and Local Productivity Councils is made

in various forms. During 1962-63 National Productivity Council collected about Rs. 2 lacs as specialists' fee and Local Productivity Councils collected Rs. 4.59 lacs as membership fee. An additional sum of Rs. 4 lacs was paid by industry to the Local Productivity Councils as participation fee for the various productivity programmes.

(d) The Government have no such proposal under consideration. It may, however, be stated that the National Productivity Council is engaged in a constant and continuous process of evaluation of its activities.

Shri Harish Chandra Mathur: It is obvious from the statement that this benefit from the foreign study teams to increase productivity is monopolised by the large-scale industries. Out of 79 members, 73 were from industries other than the small-scale industries and out of 173 sponsored candidates 130 came from industries other than the small-scale industries. How does the hon. Minister explain this position? Does he not believe that the small-scale industry is also in the competitive market and it must increase its productivity and take the benefit out of it?

Shri Kanungo: That is why one of the earliest teams, in 1960, was sent to a large number of countries consisting exclusively of small-scale industrialists, not entrepreneurs but technicians.

Shri Harish Chandra Mathur: My question is about the imbalance. Out of 79 members, 73 did not belong to the small-scale industries. How does he explain this imbalance? That is my question.

Shri Kanungo: It is very difficult for me to clear this doubt in the form of a question. I would suggest that if this matter is taken up at the time of the discussion of the annual report or somewhere else, the whole thing can be gone through. The whole purpose of productivity is not industry-wise or according to the size of

the industry. It is a question of the technique of productivity.

Dr. L. M. Singhvi: The statement laid on the Table of the House shows that Government do not propose to evaluate the activities of the Productivity Council. Are we to understand that this is because of the autonomy accorded to this institution or because Government are completely satisfied with the evaluations made by the Productivity Council or because they want to turn a deaf ear to the various representations made to Government on the floor of this House?

Shri Kanungo: The National Productivity Council has been working on evaluation from time to time, and the results of such evaluations are published in the journals, which are available in the Library of the House. At the moment, Government do not think that there is any necessity for it.

Shri P. Venkatasubbaiah: May I know whether it is a fact that there is a dearth of people who have got good training in business management, and if so, whether on behalf of the National Productivity Council, Government are going to sponsor some candidates to get training in this?

Shri Kanungo: These are not for training exactly. Here, the emphasis is particularly on increased productivity in the matter of production, and not on management.

Shri Daji: In view of the statement and the question put by my hon. friend Shri Harish Chandra Mathur, may I know whether Government are considering any steps to reorientate the working of the National Productivity Council so as to benefit more positively the small-scale industries?

Shri Kanungo: The benefit of the whole programme today is available to all industries, and I would suggest it to the hon. Member to read through the annual report and some of the journals.

Shri S. N. Chaturvedi: Are Government satisfied or is the National Productivity Council satisfied with the productivity of the small-scale industries, and is that the reason why so few people have been sent out to study this matter?

Shri Kanungo: I would say that it is a subjective thing. Government are not satisfied and they would like the improvements to be much better. But, in the circumstances, I suppose the productivity movement has an impact, and it has an impact largely on the small-scale industries, and, therefore, the membership is more in the small-scale industries than elsewhere.

Shri Harish Chandra Mathur: The hon. Minister admits that the membership is more from the small-scale industries. The Productivity Council gets most of its benefits from the small-scale industries, and yet, the benefit goes least to the small-scale industries. Does the hon. Minister not realise that the pattern of production and the problems of small-scale industries are entirely different from those of the large-scale industries? Does he not remember that on the floor of this House, in the course of an earlier answer, he had said that the time had not yet come for an independent evaluation? What did he mean by saying that the time had not come? What more does he want in order that the time for evaluation might come?

Mr. Speaker: The hon. Member is arguing the matter.

Shri Harish Chandra Mathur: He had himself given this answer in this House on an earlier occasion.

Mr. Speaker: The hon. Member is entering into arguments. He has asked 'Does he not know?' Does he not agree?', and so on. All that would mean that he is arguing it out. The hon. Minister might answer the question if he likes.

Shri Harish Chandra Mathur: If a satisfactory answer had been given to Dr. L. M. Singhvi's question, I would not have asked this question. The hon. Minister says that the hon. Members may read the report. Does he not realise that we have read the report already?

Dr. L. M. Singhvi: It is a studied effort not to answer the questions. That is why we have to put the same question again and again.

Shri Harish Chandra Mathur: And the facts are patently against the policy of Government.

Shri Kanungo: It is a question of opinion, and in any case....

Shri Harish Chandra Mathur: It is not a question of opinion.

Dr. L. M. Singhvi: It is certainly not a question of opinion....He should not treat us so lightly in this House.

Mr. Speaker: Is this the way in which information should be elicited? The hon. Member has asked 'Does he not know?', 'Does he not realise?', 'Does he not appreciate?', and so on. These questions are only by way of arguments. If hon. Members could sit with the hon. Minister and discuss, then perhaps they can do all this, or if there is a regular discussion, these questions can be raised at that time. But, now, only information has to be elicited, and if the information given is not complete, then there are other methods.

Shri Ranga: The difficulty is that the hon. Minister says that it gives some satisfaction. He himself invites all these things. What does he mean by saying that it has given satisfaction?

Shri Harish Chandra Mathur: A straight question was put, and yet there was no satisfactory answer; moreover, the answer was in contradiction to what was said here on the floor of the House earlier. So, we are left with no alternative but to ask this question.

Let the hon. Minister at least answer this straight question, namely whether the pattern of production in the small-scale industries and their problems are not very much different from those of the large-scale industries, and if so, how they are being catered to by the National Productivity Council.

Shri Kanungo: I would submit that the effect of the productivity movement has been well spread out in the small-scale industries, and that will be clear from the journals published by the National Productivity Council.

Bokaro Steel Plant

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*1156. { **Dr. L. M. Singhvi:**
Shri Jashvant Mehta:

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether the financial and technical collaboration of Japanese steel industry has been sought for the Bokaro Steel Plant;

(b) if so, what would be the nature, extent and terms of such collaboration; and

(c) whether a statement would be laid on the Table indicating the progress of the Bokaro Steel Plant and the developments in respect of securing foreign technical assistance?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) No, Sir.

(b) Does not arise.

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

STATEMENT

A new Company, Bokaro Steel Limited, has been formed to own and operate the plant. The Technical Committee set up to examine the detailed project Report at Bokaro has submitted its Report, which is under

consideration of the Bokaro Steel Limited. The terms and conditions of the consultancy agreement are in the final stages of negotiation with Dastur and Company. They are expected to be finalized very shortly. Land is being acquired. Enabling works like survey and investigation are under way. The township construction is about to begin.

No firm offer has been received from any foreign Government for assistance in the setting up of this plant. However the possibility is being explored of purchasing such equipment from abroad as cannot be manufactured indigenously, by such additional credits as may be forthcoming for this purpose.

Dr. L. M. Singhvi: What are the reasons which have held up the finalisation of the project report under the contract with Dastur and Company? What specific obstacles are there in the way of finalisation of the report?

Shri C. Subramaniam: There are no obstacles. The document is being drawn up by the solicitors and as soon as it is completed, it will be signed.

Dr. L. M. Singhvi: May I know whether it is not a fact that the Minister stated in one of his speeches that the chances of securing Russian collaboration in this project were very bright? Is there any element of truth in this or this was only a case of misreporting?

Shri C. Subramaniam: I do not think I said that the chances are bright. I said there are chances of getting aid from Russia.

Shri Jashvant Mehta: It is stated in the statement that no firm offer has been received from any foreign government for assistance. With how many countries are negotiations going on and which are the countries which have proposed offers?

Shri C. Subramaniam: I won't say that negotiations as such are going on with any country. But interest has

been shown by various commercial interests in USA, France, Germany, Japan and other countries.

Shri Hem Barua: It has been reported in newspapers that Russia is interested in this project. Have Government come to know about it directly from the Government there or it is only guesswork on the part of Government that Russia is interested in this project?

Shri C. Subramaniam: It is not guesswork. It is based on some facts.

Shri Kapur Singh: Have the US delegation of private businessmen in their recent talks with government functionaries made any concrete suggestions for collaboration in this plant? If so, what is their nature?

Shri C. Subramaniam: There is no question of private collaboration as far as the steel projects are concerned. It will be completely in the public sector. Therefore, whatever we want to get should be by way of loans.

Shri Daji: Is it a fact that the offers we have got for the Bokaro plant far exceed our requirements of foreign aid for the Bokaro type plant and are sufficient to have another plant also?

Shri C. Subramaniam: These are all not definite offers. Of course, if offers come forward which would be more than the requirements at Bokaro, we are now planning two other plants and we are currently studying the prospects of those two plants.

Shri S. M. Banerjee: It is stated that no firm offer has been received from any foreign government for assistance. Has the US Government made the position clear that they are not going to give anything for this plant if it is in the public sector?

Shri C. Subramaniam: I thought this was past history. We first sought US Government foreign aid for this purpose. Then we withdrew that

request. Therefore, that question does not arise at all now.

Shri Harish Chandra Mathur: What is the nature of interest shown by the different countries and what advance has been made since the request for US aid was withdrawn?

Shri C. Subramaniam: Various private interests in the countries I mentioned have shown interest. Some of them are forming themselves into a consortium for the purpose of supplying Bokaro equipment on the basis of either commercial credit or commercial credit of which a part is covered by government credit. There are two or three combines like this which have shown interest.

Shri D. C. Sharma: It is mentioned in the statement that it is being explored how much of equipment will be required from abroad and how it will be acquired by suitable credits from abroad. May I know what is the approximate value of the equipment we will require from abroad and whether we have entered into any correspondence with private companies or governments for obtaining those things which are not available in India?

Shri C. Subramaniam: An exact assessment of what would be indigenously possible to fabricate is being attempted. Therefore, the exact extent of indigenous fabrication cannot be immediately indicated.

As far as the other things are concerned, whether we have entered into correspondence, those people have wanted to know the various requirements of equipment, and we have supplied the details of our requirements.

Shri Morarka: As we are behind schedule in the Bokaro plant, may I know what steps are being taken now to expedite whole project, and whether the schedules have been revised i.e., by what time will the orders be placed, and by what time will the plant be actually erected?

Shri C. Subramaniam: After we found that US aid would not be available, we formed another schedule of actions or targets, we are sticking to that. By the middle of this year, if it becomes necessary, we may go in for global tenders.

Shri Ramanatham Chettiar: From the answers given by the hon. Minister to the various supplementaries, are we to understand that Government being averse to foreign equity participation in this Bokaro steel plant, the American investors are not showing any interest in this project?

Shri C. Subramaniam: Our policy is quite clear. With reference to this policy, if any party shows interest, we shall take advantage of it. We are not going to change our policy for the purpose of somebody else taking interest in it.

Shri Joachim Alva: We acquired a lot of experience in building up Rourkela and Bhilai. In view of the experience acquired, will our financial responsibility become less in putting up this plant?

Shri C. Subramaniam: To the extent our efficiency has improved, to that extent we will have advantages also.

Shri Shinkre: What are the reasons that prompted the Government to form a new company, the Bokaro Steel Ltd., instead of bringing this project also under the purview of Hindustan Steel Limited?

Shri C. Subramaniam: Hindustan Steel Ltd. has already wide responsibilities, running three plants, expanding three plants and building one special steel plant. Therefore, considering the volume of work they have to turn out, we thought a separate corporation would be able to devote its sole attention to the Bokaro problem.

Coal Quotas for States

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*1157. { **Shri Ramachandra Ulaka:**
Shri Dhuleshwar Meena:

Will the Minister of Steel, Mines

and Heavy Engineering be pleased to state:

(a) whether Government have revised the allocations of coal quotas to different States;

(b) if so, the basis of this revision; and

(c) the quota allocated to different States for 1964-65 and what was for 1963-64 and how much of it was actually utilised by them?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) to (c). With increased production of coal and easy transport position, it is possible to meet the entire demand of coal for various categories of consumers. At present there are no quota restrictions, and, subject to grade-wise entitlement, consumers can ask for additional quantities of coal irrespective of their quota. A statement indicating the quotas of coal allocated to different States during the year 1963-64 and the despatches of coal to these States during the period April 1963 to February 1964 is laid on the Table of the House [Placed in Library, See No. LT-2773/64]. For 1964-65, although there are no quota restrictions, for purposes of bulk allotment of wagons on a regular basis, the existing quotas are being continued.

Shri Dhuleshwar Meena: Are the quotas allotted to the various States sufficient for the year 1964-65; if not, what are the reasons thereof and steps taken by the Government to fulfil the requirement.

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): As stated in the main answer, there is no question of quota now. Even if the requirements are more, over and above the quota, coal will be available.

Shri Dhuleshwar Meena: Have some State Coal Controllers complained of rigidity in rationalisation of coal transport? What are the steps the Government is going to take to introduce further relaxation in movement?

Shri C. Subramaniam: There is no difficulty even with regard to the movement now. As a matter of fact, wagons are being surrendered because there is not sufficient demand.

Shri Nambiar: May I know whether the Government are aware that in spite of the improved position in wagons, sufficient coal is still not made available to the industries in the South, and they have made repeated complaints about it?

Shri C. Subramaniam: I think this should have been some time in the past. All their requirements, whatever their demand, are being met now. As far as the South is concerned, we also move coal by coastal shipping.

Shri S. M. Banerjee: May I know whether, after this relaxation, the coal will be supplied in adequate quantities for filling the coal dumps which, according to the Minister's predecessor, were established for having coal to supply coal regularly? I would like to know whether coal will be available there, and the extra coal will be given to the dumps, or the dumps, on which money has been spent, are going to be closed?

Shri C. Subramaniam: The dumps were to be brought into existence for the purpose of meeting scarcity, so that the various requirements of a region could be met. But now that the transport position is also easy, there is no necessity for the dumps. As a matter of fact, any consumer can get his coal direct.

Mr. Speaker: They will remain there; they are not needed now.

Shri S. M. Banerjee: At that time there was no coal at the dumps; now coal is available. Government spent a lot of money on them. Will they be used for any purpose?

Mr. Speaker: He has explained it. Mr. Yashpal Singh.

श्री यशपाल सिंह : क्या सरकार जानती है कि उत्तर प्रदेश की डिमांड सब से ज्यादा है और वहां की प्राबादी भी सब से ज्यादा

है, पर उस प्रदेश को जो क्वांटिटी दी गई है वह बहुत कम है। इस को बढ़ाने के लिए सरकार क्या कर रही है ?

अध्यक्ष महोदय : वह कहते हैं कि सारा मिलेगा, जितना चाहिए उतना लो।

Shri D. N. Tiwary: May I know whether the Minister is aware that there is a place on the map called North Bihar and in spite of the relaxation in wagons position, the transport bottleneck is so much there that coal does not reach that place in sufficient quantity, and the Minister in answer to a question said that he would look into the matter but so far no arrangement had been made.

Mr. Speaker: The question should not be so long.

Shri C. Subramaniam: I have heard of this region; I have not visited this region. There are some difficulties and we are trying to tackle and solve them.

Shri Basappa: May I know whether there is larger production of inferior type of coal and if so, how this inferior type of coal is used?

Shri C. Subramaniam: The surplus is mainly in the lower grade coal but lower grade coal is allowed to be used more and more for brick kilns, etc.

Shri S. N. Chaturvedi: May I know if the relaxation of the restriction has resulted in more coal being lifted from the pit heads and transported to various parts of the country?

Shri C. Subramaniam: Initially there was more movement of coal. The users have built up stocks and, therefore, there is now some hesitancy to purchase more coal. That is why there is some slump.

श्री तुलशीदास जाधव : देश में जितना चाहिये क्या उतना कोयला निकलता है या उस से कम ज्यादा निकलता है ?

अध्यक्ष महोदय : अब तो काफी ज्यादा है, जितना चाहिए उतना है।

Shri Kapur Singh: Sir, I request that 1164 and 1167 may be answered along with 1158 as they are allied questions and can be discussed together.

Shri Manubhai Shah: The party seems to have withdrawn question No. 1164; and 1167 is a different question.

Iron Ore Price

*1158. **Shri P. R. Chakraverti:** Will the Minister of International Trade be pleased to state:

(a) whether it is a fact that there has been a continuing fall in the price of iron ore in the international market;

(b) whether Brazil and Sweden have brought down their prices, thereby putting India at a disadvantage;

(c) the extent to which India had to reduce the price of iron ore last year and this year; and

(d) the steps taken to reduce freight costs which come to nearly 60 per cent of the price of ore?

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

(c) The reduction varies from 4.92 per cent to 10.80 per cent depending on the grade of ore.

(d) In regard to railway freight, Iron Ore is subjected to a reduced railway supplementary charge of 5 per cent on total freight as compared to 12 per cent levied on general merchandise. Rebate is also allowed on low grade iron ore moved for export from Rajasthan to Kandla. The possibility of further relief is being examined. For achieving reduction in Shipping freight, ports capable of receiving large ore carriers with provision for stepping up the loading rate are being developed.

Shri P. R. Chakraverti: Taking into account that the freight charge comes

to nearly two-thirds of the total cost of iron ore, is the Govt. trying to improve the capacity of ports to take in heavy freighters?

Shri Manubhai Shah: Yes, Sir; that is in the master plan on the development of export of iron ore which I had laid on the Table of the House. It is clearly stipulated that the freighters' size will be increased from the present 20,000 tons to almost 65,000 tons and the discharge capacity to about 2000 to 2500 tons per hour from the present 20 tons per hour. For that we are investing Rs. 305 crores in the next seven years on the entire development of the master plan for export of iron ore.

Shri P. R. Chakraverti: A delegation from India visited eastern parts of Europe recently. What is the result?

Shri Manubhai Shah: As a result of the tour of Eastern Europe, additional sale of iron ore to the extent of 2.1 million tons has been accomplished.

Shri Basappa: Since the reduction of railway freight is the most important thing in the export of iron ore, what is being done in co-ordination with the Railway Minister to re-arrange and expand the railway lines?

Shri Manubhai Shah: The first thing is dieselisation and packed trains. Larger type of BOX wagons are being introduced. It will be a whole-sale packed train. It will move through diesel engine so that it is not to stop at intermediate stations and directly embark at the port. All the steps are being taken. Many changes are made. Loops are being added. Many times, loops are being added; somewhere the gauge is being changed, and in some cases additional parallel lines are being constructed. More than Rs. 150 crores programme is involved in the rail transport development.

श्री ह० च० सोय : क्या मंत्री महोदय को इस बात की जानकारी है कि बिहार क्षेत्र में जो माइंस हैं और उड़ीसा के क्षेत्र में

जो माइंस हैं इन दोनों की इंटरनल ट्रान्सपोर्ट फैसिलिटी में बहुत डिफेंस है और इस के कारण बिहार बहुत डिस्पेंडवांटेज में रहता है ?

श्री मनुभाई शाह : इस की जानकारी तो है लेकिन माननीय सदस्य का क्वेश्चन बहुत ज्यादा ब्रॉड हो गया है। अब यह जाहिर है कि रेलहेड से कोल पिटहेड्स का फासला ज्यादा होगा तो ट्रान्सपोर्ट चार्ज ज्यादा होंगे और वह महंगा पड़ेगा। हमारी कोशिश है कि जहां तक संभव हो सके हम फ्रेट को रैशनेलाइज कर सकें और उस को इक्वलाइज करने की दिशा में हम जाने की कोशिश कर रहे हैं।

श्री ह० च० सोय : मैं यह पूछ रहा था कि उड़ीसा क्षेत्र में जो ट्रान्सपोर्ट फैसिलिटीज़ क्रीएट की गई है उस के हिसाब से बिहार के क्षेत्र में बहुत कम की गई है और ऐसा क्यों है ?

अध्यक्ष महोदय : यही तो उन्होंने बतलाया।

Shri Ranga: Can any effort be made to bring about an international agreement between iron ore suppliers in different parts of the world in view of the fact that this price really forms a very, very small percentage of the price of iron so that a minimum remunerative price can be maintained?

Shri Manubhai Shah: I am glad that the hon. Member has raised this very important question. This is one of the things which we mentioned at Geneva, that there should be an international commodity agreement on iron ore between the world suppliers.

Shri Kapur Singh: Apart from Japan, what other foreign markets do we have for our iron ore and which of them have been worst-affected by this recent action of Brazil and Sweden?

Shri Manubhai Shah: We are selling iron ore to 37 countries of the

world. Japan is our principal buyer. 50 per cent of the ore goes to Japan. The rest of the ore goes to East European countries and West European countries and something to the United Kingdom.

Mr. Speaker: Which of them have been worst-affected?

Shri Manubhai Shah: There is no question of being worst-affected. It is going up and up. I may say that somewhere the development is slower than in other areas. In Japan we have sold more. But nowhere we have sold less.

Shri Daji: How have the mines in the Goa region been affected because of the fall in iron ore prices, and how does the minimum price fixed by the Goa Administration for export of iron ore compare with the world market price?

Shri Manubhai Shah: When Goa got integrated with the motherland in the natural course of history, we were afraid that there would be a fall in export of iron ore, but those fears have been belied. The exports have gone up. The minimum prices have been maintained, and still we are selling more.

Shri Nambiar: May I know whether the mismanagement of the small-scale operators in mining in the iron ore field is also responsible for the high cost of production?

Shri Manubhai Shah: There are many factors contributing to this, including the one which the hon. Member has indicated. But the historical things cannot be reversed in a day. We want to rationalise the method of mining by bringing modernisation. Therefore, in the export scheme of iron ore, we have built in incentives for modernisation of mines.

Shri Firodia: Is there any high-powered co-ordinating body in the different Ministries which deal with this problem?

Shri Manubhai Shah: The Ministry of International Trade has been assigned this task of development of iron ore in all aspects for the export of iron ore. There is going to be an Inter-ministerial Board with its Chairman who will be on the level of the Secretary to the Government, with three representatives from the Ministry of Mines, Ministry of Transport and the Ministry of Railways. These four people will constitute the high-powered Inter-ministerial Board, with the status of each officer being almost like the Additional Secretary to Government or Secretary to Government. They will supervise and co-ordinate all aspects. Of course the implementation will be done by the Ministries concerned, but the Board will co-ordinate the work.

Dr. Sarojini Mahishi: May I know whether the high cost of production of iron ore is also due to the fact that iron ore is transported at uneconomic rates and exported to distant ports, for example, the iron ore in Bellary is exported to Bombay and Madras?

Shri Manubhai Shah: Actually, what we are trying to do is, there is so much of regional pull for every area being developed, which is natural, but, at the same time, we have got perforce to move the ore from one area to another in order to save in costs.

Shri Harish Chandra Mathur: Is it a fact that the Minister visualises an export of 25 to 30 million tons of iron ore and has he been assured by the Ministry of Mines that they will be able to do it?

Shri Manubhai Shah: Yes, Sir.

Shri Joachim Alva: In regard to part (d), has the Mining Board come to any conclusion or made any recommendation that if iron ore from Bellary could be carried to Hubli-Karwar, if the Karwar Port is developed and if a railway line is constructed from Hubli to Karwar, transport will be cheap and the freight will be much less?

Shri Manubhai Shah: This is a highly problematic question. At the same time, we are for connecting that particular section by a metre gauge. There have been suggestions thrown up that it should be broad gauge. But the availability of ore in that area so far has not shown that it would be economically justifiable to undertake further expenditure for conversion of that section. But I can assure the hon. Member and the House that wherever the connecting gaps are to be linked, we shall be the first to give priority to it.

Amalgamation of Small Collieries

***1159. Shri Yashpal Singh:** Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether Government propose to bring forward a legislation for the amalgamation of small collieries as suggested by the Indian Mining Association;

(b) if so, whether contrary views have been expressed by the Indian Mining Federation; and

(c) when a final decision will be taken in the matter?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) to (c). During the course of their speeches delivered at their respective annual functions, the Chairmen of the Indian Mining Association and Indian Mining Federation have made a reference to the existence of a large number of small collieries. The former suggested the importance of large-sized economic units, and the latter, on the contrary emphasised that even small coal producing units had their place in the Indian economy.

Government have not yet decided to bring forward legislation for the compulsory amalgamation of small collieries, though voluntary amalgamation has been allowed where parties put forward technically sound schemes. The matter is under consideration of Government.

श्री यशपाल सिंह : क्या सरकार यह बतला सकती है कि ४०० से ज्यादा जो एमैलगेमेशन कमेटी के सामने केसज पड़े हुए हैं वे कब तक यूही अनडिसाइड्ड रहेंगे ?

इस्पात, लान और भारी इंजीनियरिंग मंत्रालय में उपमंत्री (श्री प्र० चं० सेठी) : उन केसज को जल्दी से अल्टी डिसाइड कराने की कोशिश की जा रही है लेकिन मुश्किल यह है कि अभी तक कमेटी ने ४६ केसज एड्व किये थे जिनमें से ३२ केसज का ही एमलगेमेशन हो पाया है

श्री यशपाल सिंह : एक तरफ तो सरकार कहती है कि हम थर्ड फाइव डायर प्लान में इम्प्लायमेंट का ओरियंटेशन कर रहे हैं लेकिन वहीं सरकार दूसरी ओर स्मोल कोइलएरीज का एमैलगेमेशन कर के लाखों मजदूरों को बेकार कर रही है तो आखिर वह लाखों मजदूर कहां जायेंगे ?

श्री प्र० चं० सेठी : इस कमेटी में जिसमें कि दोनों एसोसियेशंस के मेम्बर्स भी थे यह तय किया गया था कि दस हजार टन की या उससे कम सात हजार टन की एक स्मोलर एकोनामिक यूनिट होनी चाहिए और जितनी भी उस हिसाब से अनैकोनामिक यूनिट्स हों उनका एमैलगेमेशन कर देना चाहिए । वह कमेटी जो कि श्री बलवन्त राय मेहता की चेयरमैनशिप में बैठी थी उस की रिपोर्ट के आधार पर यह सब तय किया जा रहा है ।

Shri Jashvant Mehta: May I know whether the Government have chalked out any phased programme for the amalgamation so that the production and employment potential may not suffer?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): Till now there has been only a programme of voluntary amalgamation and we have not made much progress. Therefore, we have now to

review the whole position and if amalgamation is necessary for the purpose of economic production, then a certain amount of compulsory amalgamation will have to be brought about.

Shri K. C. Pant: May I know the reasons for the slow disposal of cases by the amalgamation committee and what steps Government propose to take to expedite the disposal of these cases?

Shri C. Subramaniam: Applications are made and parties later on have second thinking on it. That is why there has not been quick disposal of these cases. But even then, out of 49 proposals, 32 proposals have been disposed of and only 17 are pending. But there has not been any enthusiasm shown by the small mine-owners to come together and amalgamate.

Shri D. N. Tiwary: In view of the fact that the scheme of voluntary amalgamation has become a failure and this question of bringing amalgamation has been pending with the Government for the last three or more years, may I know what stands in the way of Government coming to any conclusion in this matter?

Shri C. Subramaniam: As I stated, the matter is under the consideration of the Government. Formerly the decision was taken that three or four years should be given to find out how far voluntary amalgamation will work and it was thought that we should take up the matter again in the third year of the Third Plan. Now it has been taken up and it is under consideration of the Government.

Shri D. C. Sharma: May I know whether this voluntary amalgamation has taken place in the form of private limited companies or co-operatives?

Shri C. Subramaniam: No, it is in private companies and not co-operatives.

Shri P. R. Chakraverti: Does the Government appreciate the fact that it is a strange anomaly that in a

country with more than 850 collieries, we produce only 65 million to 70 million tons of coal; if so, may I know whether the Government, in the light of past experience of voluntary amalgamation, think that we should now immediately impose some form of compulsion?

Shri C. Subramaniam: Yes, Sir; I completely agree with the hon. Member that a solution will have to be found to this. We cannot have 850 collieries for the purpose of producing 60 million to 70 million tons of coal. The Government intend first tackling the coking coal problem and then take up the other non-coking coal.

Shri Ranga: Have the Government made any plan for these amalgamations in different areas; if so, may I know whether their plans also include the necessary steps to be taken to provide alternative employment to those workers who would come to be unemployed as a result of these amalgamations?

Shri C. Subramaniam: I do not think there will be any unemployment because of these amalgamations.

श्री शिव नारायण : मैं यह जानना चाहता हूँ कि इस एमलगेमेशन से जो मजदूर बेकार हो जायेंगे, गवर्नमेंट उनका क्या इन्तजाम करेगी।

अध्यक्ष महोदय : इसका जवाब दिया जा चुका है ।

Czech-Trade Mission to India

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*1160. { **Shri Yashpal Singh:**
 Shri P. C. Borooah:
 Shri Vishwa Nath Pandey:

Will the Minister of International Trade be pleased to state:

(a) whether a Czech Trade Mission recently visited India; and

(b) if so, how far the prospects of Indo-Czech trade development have

improved with the visit of this team?

The Minister of International Trade (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

Yes, Sir. A Czech Trade Mission headed by Mr. Frantisek Ruzicka, Vice-Minister of the Czechoslovak Ministry of International Trade visited India during March, 1964. The object of the visit was to make a thorough survey of all varieties of consumer goods available for export from India and to explore possibilities of purchase of non-traditional consumer goods such as, tinned fruit, juices, fish and fish products, ladies chappals, footwear, cigarettes and razor blades. The Trade Mission has also shown interest in Cotton textiles, readymade garments, socks, pullovers, sweaters, knitting wool and yarn etc. Although it is too early to assess the results of their investigations, it is expected that as a result of the visit, a sizeable quantity of non-traditional goods of the kind mentioned above will be exported to Czechoslovakia.

श्री यशपाल सिंह : क्या सरकार के पास इस तरह का कोई ब्यौरा है कि चेकोस्लोवाकिया के रास्ते से हमारा कितना माल चीन में पहुँच जाता है ?

श्री मनुभाई शाह : हमारा पूरा खयाल है कि कुछ भी नहीं जाता है। इस सदन को पता है कि आजकल उनके रिलेशनज कैसे हैं।

श्री यशपाल सिंह : क्या सरकार बता सकती है कि चेकोस्लोवाकिया से हमारे किस तरह के माल की माँग बढ़ रही है—चेकोस्लोवाकिया कौन सी चीजें चाहता है ?

श्री मनुभाई शाह : मैंने उत्तर में तफसील से काफ़ी नाम दिये हैं। मैं दोबारा बता दगा हूँ कि चाय, काफ़ी, जूट गुड्ज, कायर यार्न,

गोदस स्किन, टेन्ड हाइड्र एंड स्किन, आयरन और, मैगनीज और, कैंशू कर्नल, आयल केक्स, इंजीनियरिंग गुड्स, कैमिकल्स, फार्मासियुटिकल्स बगैरह काफ़ी जा रहे हैं ।

Shri Kapur Singh: What proportion do the manufactured goods which we export to Czechoslovakia bear to our total exports to that country?

Shri Manubhai Shah: 62 per cent of our total exports now—it has risen from Rs. 5 crores in 1960 to Rs. 20 crores in the current year—are manufactured goods.

श्री धोंकार लाल बेरवा : चैकोस्लो-वाकिया के साथ हमारा जो व्यापार होगा, वह विदेशी मुद्रा के द्वारा होगा या माल के बदले माल भेजा जायेगा ?

श्री मनुभाई शाह : माल के बदले माल ।

Shri P. Venkatasubbaiah: After the survey has been made by the Czech Trade Mission, may I know whether any agreement has been reached by our Government and, if so, when this will be put into operation?

Shri Manubhai Shah: Up till now Czechoslovakia was doubtful whether India can supply engineering goods and modern goods or machinery. The recent tour has convinced them that all these are within the practical possibilities of India supplying to them, and those results will flow from their visit.

Shri Tulshidas Jadhav: What are the articles imported from Czechoslovakia in exchange for our articles?

Mr. Speaker: It is given in the statement.

Shri Manubhai Shah: There is a list of 80 items. Broadly speaking, they are: power turbines, transformers, large industrial machinery, fertilisers and various other types of goods.

Ship-Breaking Industry

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•1161, { **Shri Subodh Hansda:**
Shri S. C. Samanta:
Shri B. K. Das:
Shri P. C. Barman

Will the Minister of Industry be pleased to state:

(a) whether any attempts have been made to set up a ship-breaking industry in India;

(b) whether scraps of Liberty ships and other condemned ships can be broken in order to use the ship plate for making small boats for coastal shipping, barge making and fishing; and

(c) if so, whether any proposal has been made to establish such an industry at Haldia?

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

STATEMENT

I am advised that ship plates recovered from such condemned ships are not suitable for making small boats for coastal shipping, barges or fishing vessels. Such plates can only be sold as scrap for re-rolling purposes. Due to greater availability of prime materials, the demand for industrial scrap has also shown a tendency to come down. Besides, only a very few re-rolling mills in the country would be able to utilise the types of scrap that would be available from the dismantling of the ships. The payment for these condemned ships also involves foreign exchange. No special attempt has been made, in the circumstances, to set up a ship-breaking industry in the country.

No proposal has been received for the setting up of such an industry at Haldia.

Shri Subodh Hansda: From the statement I presume that there is a demand for these ship plates. May

I know what is the total quantity of scrap at present utilised by re-rolling mills?

Shri Kanungo: The scrap that would be available from breaking up of ships will not be of any use in our country.

Shri Subodh Hansda: In the statement it has been said that . . .

Mr. Speaker: Order, order. There are so many talks going on with the result that the proceedings are being disturbed. I am not able to listen to what is being said.

Shri Subodh Hansda: It has been clearly mentioned in the statement that there is demand for the utilisation of scraps. What is the total demand of scraps in the country?

Shri Kanungo: There is no demand for this particular type of scrap.

Shri Subodh Hansda: It has been stated that it involves the payment of foreign exchange. I would like to know whether there are such cases where Government had to pay foreign exchange for these ships.

Shri Kanungo: Yes, there have been some proposals. The Transport Ministry is not in favour of setting up an industry for the dismantling of ships.

Heavy Electricals Plant, Bhopal

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•1165. { **Shri D. D. Mantri:**
 Shri D. C. Sharma:

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether Government have decided to have a separate Company for managing the Bhopal Heavy Electricals Plant;

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

(c) the reasons for the decision?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering:
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neering (Shri P. C. Sethi): (a) to (c). A statement is laid on the Table of the House.

STATEMENT

The Heavy Electricals (India) Limited is, at present, managing the existing Heavy Electrical Factory at Bhopal and the new Units namely, the Heavy Electrical Equipment Project, Hardwar, the Heavy Power Equipment Project, Hyderabad and the High Pressure Boiler Plant, Tiruchi. Its responsibilities are growing and the problems of administration, labour, construction and production are diverse. A single management may not prove equal to the task of administering all these big units. It has, therefore been decided to entrust the implementation of the new heavy electrical projects at Hardwar, Hyderabad and Tiruchi to a new Company to be formed. The Board of Directors of this Company has not been finalised yet.

श्री द्वारका दास मंत्री : सरकार को किन कारणों के आधार पर अलग कम्पनी बनाने की राय कायम करनी पड़ी ?

श्री प्र० च० सेठी : इसका कारण यह है कि हैवी इलेक्ट्रिकल्स कम्पनी पर काम का बहुत भार था । उसको हरिद्वार का बिजली का प्लांट और हैदराबाद का प्लांट भी मँनेज करना था । इसलिए सैपरेट कम्पनी बनाने की आवश्यकता पड़ी ।

श्री द्वारका दास मंत्री : क्या सरकार अन्य हैवी इन्डस्ट्रीज के लिए भी अलग कम्पनी बनाने के बारे में सोच रही है ?

Shri P. C. Sethi: That does not out of this question. This relates to the formation of a company.

Mr. Speaker: Is there any proposal to form separate companies?

Shri P. C. Sethi: Wherever it is necessary, it is being done. In the case of HSL, the Bokaro Steel Company has been formed.

Dr. L. M. Singhvi: May I know whether any detailed study has been made of the quantum of work that can be handled in a single management? If so, what are the details of the study? May I know whether this decision has been determined on the basis of the detailed study or it is only a guess work?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): It is based on experience.

Dr. L. M. Singhvi: Another name for guess work.

Shri S. M. Banerjee: Apart from having a separate company for managing the three units of HEL at Hardwar, Hyderabad and Tiruchi has any definite policy about industrial relations been chalked out by the Government to see that the other plants also function efficiently?

Shri C. Subramaniam: This question relates to the formation of a separate company.

Shri Joachim Alva: The Bhopal Heavy Electricals is a mighty project. When there are so many troubles in regard to its directorship and management you are going to form a separate company for the other units. Why is it not possible to have a single unit for manufacture in Hardwar, Hyderabad and Tiruchi apart from Bhopal?

Shri C. Subramaniam: I have given the answer why it has been bifurcated.

श्री यशपाल सिंह : सरकार ने अपनी मर्जी से भोपाल के हैवी इलेक्ट्रिकल्स के कारखाने को बन्द किया। मैं यह जानना चाहता हूँ कि उस कारखाने के बन्द रहने से उत्पादन में कितना नुकसान हुआ।

Shri C. Subramaniam: That is a separate question, I think.

Shri Daji: I would like to know whether from experience it has been found that every plant once it started functioning under a single corporation it tends to become more efficient

than when it is under different corporations.

Shri C. Subramaniam: It depends upon the size of the plant. If it is a huge plant involving production of various categories then perhaps a single unit management would be better.

Shri Ranga: So, they have no definite policy.

Shri P. Venkatasubbaiah: May I know whether it is a fact that it is want of proper management on the part of Bhopal Heavy Electricals Limited that has necessitated the constitution of a separate company for Hardwar, Hyderabad and Tiruchi?

Shri C. Subramaniam: As I have already said, the management has to devote attention to the construction of the three plants and the running of this plant. This plant itself is a huge one. So, we thought that a separate management which will devote its sole attention to the various problems arising out of this would be more efficient.

Mr. Speaker: Does any hon. Member want any particular question to be taken up now?

Shri Ranga: While you were on Question No. 1165, we wanted to ask questions about the strike in Heavy Electricals, Bhopal. But, then, the hon. Minister said that another question on that subject would be coming up today. It is also in the Order Paper. Unfortunately the hon. Member who has given notice of it is absent and so it was not taken up. It is Question No. 1166—Strike in Heavy Electricals Ltd., Bhopal.

Mr. Speaker: Yes, it might be answered.

Strike in Heavy Electricals Ltd., Bhopal

*1166. **Shri D. C. Sharma:** Will the Minister of Steel, Mines and Heavy Engineering be pleased to state the extent of loss sustained by the Heavy

Electricals Limited Bhopal as a result of the recent strike?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): As a result of the frequent stoppages of work from the 18th March to the 28th March, 1964 and the shut-down of the Bhopal Plant from the 30th March to the 17th April, 1964, the estimated loss of production is Rs. 100 lakhs approximately.

Shri Nath Pai: Is it a fact that according to the technical consultants appointed to this firm it has been estimated that even before this strike trouble started the factory or this complex was working only to 70 per cent of its rated capacity because of very many faults and weaknesses in the working of the management?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): I am not prepared to say that the management has been 100 per cent efficient, but the main trouble here has been the labour difficulty, the indiscipline there. That has caused us a good deal of difficulties in the working of this plant. That is why it could not be worked to the full capacity; but still, taking into account the detailed project reports and the targets of production fixed by the consultants, we are doing better. As a matter of fact, the consultants had laid down a very conservative target and we had to revise those targets.

Shri Shinkre: With regard to question No. 1160, I would like to know . .

Mr. Speaker: About 1160? Shri S. M. Banerjee.

Shri S. M. Banerjee: According to the newspapers, the plant has started functioning; production has started. I would like to know whether the hon. Minister has considered the main demand of the workers on which the agitation had started, that is, dearness allowance according to the Central Pay Commission's Report. I would like to know his reaction and whether any orders have been issued or are likely to be issued?

Shri C. Subramaniam: Here the real difficulty was that the HEST Union which made this demand is not the representative union. It is only the representative union which can raise the demand regarding the entire labour conditions. But, apart from that, whether dearness allowance is being properly paid to the various employees there is under the consideration of the management.

Shri Daji: Is the Government aware, even now after the reopening and restarting of production, that over 100 employees are still in jail and over a 100 employees have been suspended and virtually a rule of terror prevails there? Will the Government take steps to normalise it so that normal production can be continued?

Shri C. Subramaniam: When a person commits an offence the law will have to take its own course. Why they are in jail is a judicial matter and is going before the court. I suppose, the courts will decide it.

Shri Daji: The report is wrong. There is no case pending in the courts. This information is absolutely wrong. There is no case pending; therefore, the courts cannot do anything. They are detained under the DIR and section 151 IPC.

Shri C. Subramaniam: Only a few cases are under detention; the others are for offences committed under the Defence of India Rules. They are being prosecuted.

श्री यशपाल सिंह : माननीय मंत्री जी के ध्यान से जाहर हुआ है कि एक करोड़ रुपये का नुकसान हुआ है। मैं जानना चाहता हूँ कि इस नुकसान के लिए कौन जिम्मेदार ठहराया गया है और उसके खिलाफ क्या एक्शन लिया गया है ?

Shri C. Subramaniam: In an enterprise like this when there is a labour dispute, these are bound to happen and we have to line with these troubles.

Shri P. Venkatasubbaiah: May I know whether it is a fact that still

some loyal workers are being intimidated by the leaders of the other rival organisation which was responsible for this strike; if that is so, what safety has been provided to these workers?

Shri C. Subramaniam: There were charges of intimidation also. It is for these charges that some persons have been arrested and that would be taken care of by the law.

श्री प्रकाशबीर शास्त्री : क्या सरकार का ध्यान मध्य प्रदेश के मुख्य मंत्री के उस वक्तव्य की ओर गया है जिसमें उन्होंने कहा है कि इस भारी नुकसान का मुख्य कारण यह है कि कम्युनिस्ट पार्टी का वह गुप जो चीनी विचार धारा से प्रभावित है, उसने यह हड़ताल करवाई है और वही इस प्रकार की हड़तालें सरकारी कारखानों में करवाता है। उसकी इस प्रकार की गतिविधियों को रोकने के लिए क्या किसी प्रकार की कोई कार्रवाई की जा रही है ?

Shri C. Subramaniam: In these matters only the State Governments which are on the spot will have better information and better intelligence. Their information is that some sections belonging to the Peking Group of the Communist Party are responsible for the trouble there. I suppose, their assessment is correct.

Mr. Speaker: Shrimati Renu Chakravartty.

Shrimati Renu Chakravartty: I wanted to ask another question.

Mr. Speaker: Shri Ranga.

Shri Nath Pai rose—

Mr. Speaker: I have already allowed Shri Nath Pai.

Shri Nath Pai: We take some interest in this matter.

Mr. Speaker: Shri Ranga.

Shri Ranga: In the light of the experience gained, are the Government trying to evolve, as was suggested by several of us, in the House, a labour

policy by which they could ensure a greater cooperation and more constructive relationship between the employing authority and the labour concerned and would they also institute an inquiry into the causes and also the manner in which this strike and these disturbances had taken place which resulted in the lock-out so that we would know who was more responsible and how they are to be looked at?

Shri C. Subramaniam: As far as the reasons for the lock-out are concerned, they are very well known. That was mainly due to the indisciplinary acts of the labourers belonging to the HESTU. The lock-out was the direct result of that. With regard to the policy, first of all we have to find out whether the policy which is already in existence is wrong or the implementation of it; and of course better relationships will have to be built in each industrial unit.

Shri Harish Chandra Mathur: Now that the hon. Minister is aware that there is the Peking group in this particular project, may I know how the Government proposes to deal with it here and elsewhere?

Shri C. Subramaniam: Many persons have been arrested by the Madhya Pradesh Government on the basis of the information they have. Perhaps they have arrested them on the basis of that information and many of them who are inside the prison belong to this group.

Shri S. M. Banerjee: I want to know whether it has been brought to the notice of the hon. Minister that three representatives of the HESTU came here and met some Members of Parliament to explain their position and they were arrested under D.I.R. the moment they went outside the Parliament House precincts and, if so, whether they were arrested because of the intervention of the Central Minister here or of the State Government.

Shri C. Subramaniam: I am sorry I have no information about that.

Shri S. M. Banerjee: My submission is . . .

Mr. Speaker: He says that he has no information. What can I do?

Shri S. M. Banerjee: That is much more serious.

Mr. speaker: I cannot do anything.

Shri S. M. Banerjee: I tabled a Calling Attention Notice and that might have been misplaced somewhere.

Mr. Speaker: No. I refused it because that was concerning the law and order in the State. They were arrested on the warrant issued by the State Government.

Shri S. M. Banerjee: I was not given the information.

Mr. Speaker: Order, order. Next Question.

Shrimati Renu Chakravartty: I request Q. 1160 may be taken up.

Mr. Speaker: All right.

Indian Bureau of Mines

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*1169. { **Shri Indrajit Gupta:**
 Shri Vasudevan Nair:

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether the Coal Section of the Indian Bureau of Mines is being shifted from Nagpur to Ranchi;

(b) if so, whether this has adversely affected employment and service conditions of about 1,000 employees;

(c) the number of employees of the Indian Bureau of Mines served with notices of retrenchment so far; and

(d) whether any action is being taken to protect the employees interests?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): (a) The coal prospecting work, which was hitherto being done by the Indian Bureau of Mines on behalf of the

National Coal Development Corporation has since been taken over by that Corporation with effect from 1st April, 1964.

(b) to (d). No regular employee of the Coal Scheme of the Indian Bureau of Mines has been declared surplus.

Shrimati Renu Chakravartty: In view of the fact that there are a very large number of work-charged staff and casual labour who have been working in this prospecting field for the last 10 or 12 years, may I know whether it is not the policy of the Government to make these people permanent as there will be still large prospecting of coal going on in the N.C.D.C.?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): There are 1200 casual labourers. Out of them, 700 are skilled and semi-skilled and 500 unskilled labourers. It is our intention to absorb the 700 skilled and semi-skilled labourers. But nothing can be done regarding the unskilled labourers because they cannot be moved to any other place.

Shrimati Renu Chakravartty: In view of the fact that the N.C.D.C. is taking over the prospecting of coal in Madhya Pradesh and other areas, will it not be possible to keep these people who are the poorest of the poor, coming from Kerala and other parts of India and working for so many years, in the N.C.D.C.?

Shri C. Subramaniam: To the extent possible, they will be absorbed. But I cannot give the assurance that all of them will be absorbed.

Shri S. M. Banerjee: May I know whether it is a fact that these casual workers have put in more than one year's service or two years' service in certain cases, and in any case more than six months' service, whether they were not decasualised before termination of their service, and if so, the reasons for the same, and whether they will be included in the common pool of unskilled workers?

Shri C. Subramaniam: The term 'casual labour' means that as and when required they have got to be employed. If the work is over, we cannot carry the burden of employing these people. But if there is work available, we shall certainly absorb them.

WRITTEN ANSWERS TO QUESTIONS

Export of Spices

*1152. { **Shri Shree Narayan Das:**
 Shri P. Kunhan:

Will the Minister of **International Trade** be pleased to refer to the reply given to Unstarred Question No. 1628 on the 13th December, 1963 and state:

(a) whether the special Export Promotion Scheme to provide facilities for stepping up the export of spices has been finally considered; and

(b) if so, the result thereof?

The Minister of International Trade (Shri Manubhai Shah): (a) and (b). A final view on the scheme will be taken after the Spices Export Promotion Council have furnished the necessary data which they are in the process of collecting.

Matching Steel for Engineering Industry

*1162. **Shri Indrajit Gupta:** Will the Minister of **Steel, Mines and Heavy Engineering** be pleased to state:

(a) whether an acute shortage of matching steel for the engineering industry still continues;

(b) if so, the steps taken to improve the supply position; and

(c) whether there is any rationalisation scheme under consideration to reduce the existing range of over 500 sections of matching steel?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subrama-

niam): (a) to (c). Yes, Sir. Government have taken steps to meet the shortage by imports and by rationalising the existing range of matching sections. A small committee consisting of concerned interests was set up last year to examine the various proposals/recommendations about rationalisation of sections. The committee is now finalising the report which will be submitted shortly.

Rourkela Steel Plant

*1163. **Shri Hari Vishnu Kamath:** Will the Minister of **Steel, Mines and Heavy Engineering** be pleased to state:

(a) whether it is a fact that a German technical team has suggested certain measures for the proper undisturbed functioning of the Rourkela Steel Plant;

(b) if so, the details thereof; and

(c) whether Government have accepted the same?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): (a) to (c). Yes, Sir. The German Technical team which visited Rourkela in January, 1964, was by and large satisfied with the operation and maintenance of the Plant. The report of the technical Team has just been received and is under consideration.

Supply of Iron Ore for Steel Plants

*1167. **Shri Maheswar Naik:** Will the Minister of **Steel, Mines and Heavy Engineering** be pleased to state:

(a) the existing level of consumption of Iron ores by each of the three public sector Steel Plants and the level to which consumption is estimated to go up at the end of the period when the plants will work to their full expanded capacities;

(b) the sources of supply of iron ores for each of the plants; and

(c) how long is it likely to take these Plants to dispense with their

dependence on the outside sources for the supply of ores?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): (a) The existing level of consumption of iron ore at Bhilai and Durgapur is about 2.3 million tonnes a year. At Rourkela the rate of annual consumption is about 1.4 million tonnes. After the completion of their Third Plan Expansions requirement of iron ore has been estimated at 4.5 million tonnes for Bhilai, 3.3 million tonnes for Durgapur and 2.7 million tonnes for Rourkela.

(b) Bhilai draws its entire requirements from Dhallai Rajhara mines, Durgapur from Bolani and Barajamda area and Rourkela from Barsua and Barajamda area.

(c) Durgapur and Rourkela may continue to draw some of their high grade iron ore requirements from Barajamda area.

Trade Agreement with South Korea

***1168. Shri P. C. Borooah:** Will the Minister of **International Trade** be pleased to state:

(a) whether a long-term trade agreement has been concluded recently with South Korea;

(b) if so, the main terms of the agreement; and

(c) the commodities to be imported from and exported to that country?

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

(b) and (c). Talks were, however, held in January 1964, in New Delhi with a South Korean Trade Delegation regarding a long-term Trade Arrangement between the two countries, and an aide memoire indicating the nature of the proposed arrangement drawn up. The main commodities proposed to be exchanged are non-ferrous metals and concentrates from South Korea and engineering goods and drugs and pharmaceuticals products from India. No formal

agreement was considered necessary at this stage.

Private Sector Coal Industry

***1170. Shri P. C. Borooah:** Will the Minister of **Steel, Mines and Heavy Engineering** be pleased to state:

(a) whether a delegation of the private sector coal industry called on him on the 6th February, 1964 to press their demands;

(b) if so, the nature of their demands; and

(c) Government's reaction thereto?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): (a) to (c). The representatives of the private sector of the coal industry met the Minister of Steel, Mines and Heavy Engineering on the 6th February, 1964 to discuss some of their problems.

The main point raised in the meeting were broadly as follows:

- (i) incentives for increased production and neutralisation of increased costs;
- (ii) increase in rates of stowing subsidies and of subsidy for difficult mining conditions;
- (iii) assessment of demand for coal and fixation of target of production for the Fourth Plan period;
- (iv) introduction of grading of coals on the basis of heat content, and
- (v) the grant of concessional rate of import duty on more items of coal mining machinery.

Coal prices have since been increased with effect from 3-3-1964 as a measure of incentives to encourage production of superior grades of coal. The Coal Board is examining the question of revising the rates of subsidies. An assessment of the demand for coal during the fourth plan and matching of this demand with production have been undertaken. The

question of introduction of grading of coals on their heat value is under consideration of the Government. So also the question of extending the concessional rate of import duty on a few more items of mining machinery is being examined.

Textile Mills in Orissa

2401. Shri Ramachandra Ulaka: Will the Minister of Industry be pleased to state:

(a) whether Government have any proposal to expand the capacities of spindles of the existing textile mills of Orissa during 1964-65; and

(b) if so, the details thereof?

The Minister of Industry (Shri Kanungo): (a) and (b). Government have no such proposal. However, all textile mills having less than 25,000 spindles are allowed to expand their capacities upto 25,000 spindles.

Ferro Chrome Plant in Orissa

2402. Shri Ramachandra Ulaka: Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether there is any proposal to establish a ferro chrome plant at Jaipur Road (Orissa) during the Third Plan period; and

(b) if so, the details thereof?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): (a) and (b). Yes, Sir. A letter of intent has been issued to the Industrial Development Corporation of Orissa Ltd. for the setting up of a plant in Orissa for the production of low carbon ferro chrome with a capacity of 10,000 tons per annum.

Steel and Alloy Plant in Orissa

2403. Shri Ramachandra Ulaka: Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether there is any proposal to establish a steel and alloy plant in

Orissa during the remaining period of the Third Five Year Plan; and

(b) if so, the details thereof?

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

(b) Does not arise.

Expenditure on Invention Promotion Board

2404. Shri Bhagwat Jha Azad: Will the Minister of Industry be pleased to state:

(a) the amount of grant sanctioned in 1963-64 for the Invention Promotion Board;

(b) the total amount spent during the period;

(c) the amount spent during 1963-64 towards the salary of (i) officers, (ii) stenographers, (iii) assistants and clerks, and (iv) class IV employees, separately; and

(d) how much was spent on (i) office rent, (ii) electricity, (iii) telephone charges, and (iv) other allowances and honoraria?

The Minister of Industry (Shri Kanungo): (a) Rs. 2,77,700.00.

(b) Rs. 2,73,000.00

(c) (i) Officers 56,660.00

(ii) Stenographers 7,396.00

(iii) Assistants & Clerks 23,296.00

(iv) Class IV Employees 6,597.00

(d) (i) Office Rent 19,360.00

(ii) Electricity & Water 1,825.00

(iii) Telephone Charges 2,208.00

(iv) Other allowances and honoraria 27,565.00

Rates for Iron Ore

2405. Shri Sivamurthi Swamy: Will the Minister of **International Trade** be pleased to state:

(a) whether any representation has been received from the mine owners of Bellary District requesting Government to take into consideration the distance of the mines to the loading railway stations in fixing the f.o.r. rates for iron ore;

(b) if so, the action taken thereon;

(c) whether it is a fact that preferential rates have been paid to certain mine owners in Hospet area; and

(d) if so, the reasons therefor and the names of such firms and how much higher rates are paid to them?

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

(b) The distance from the mines to the loading railway stations has, among other things, been kept in view always in fixing the procurement rates station-wise.

(c) No, Sir.

(d) Does not arise.

Export of Iron Ore

2406. Shri Sivamurthi Swamy: Will the Minister of **International Trade** be pleased to state:

(a) the quantity of iron ore exported from Bellary District in 1963-64;

(b) the quantity fixed for export from Bellary District during 1964-65;

(c) the basic rate given per ton of iron ore by the State Trading Corporation in 1963-64; and

(d) the rate settled between the mines owners and the Minerals and Metals Trading Corporation for 1964-65?

The Minister of International Trade (Shri Manubhai Shah): (a) Statistics on the export of iron ore are not maintained district-wise.

(b) The targets for export are fixed port-wise and not district-wise.

(c) and (d). It is not in the public interest to disclose the information.

Industrial Project for Gas Production

2407. Dr. L. M. Singhvi: Will the Minister of **Industry** be pleased to state:

(a) whether it is proposed to license any major industrial project for the production of gas generally and allied or ancillary industries in the remaining period of the Third Five Year Plan; and

(b) if so, the capacity to be licensed, the location of such projects and the size of the capital outlay?

The Minister of Industry (Shri Kanungo): (a) and (b). It is not clear as to which particular gas is being referred to. In respect of industrial gases like oxygen and dissolved acetylene, however, it may be mentioned that sufficient capacity has already been licensed and for the present there is no scope for creating any additional capacity for these gases.

Coal Industry

2408. Shri D. C. Sharma: Will the Minister of **Steel, Mines and Heavy Engineering** be pleased to state:

(a) whether it is a fact that the number of Coal Producing Units which are going to form co-operatives is not adequate; and

(b) if so, the reasons therefor?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) There is no proposal in regard to coal producing units forming themselves into co-operatives.

(b) Does not arise.

अगरबत्तियां

२४०६. श्री प्रकाशबीर शास्त्री: क्या अन्तर्राष्ट्रीय व्यापार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारतीय अगरबत्तियों की मांग बढ़ती जा रही है ;

(ख) क्या इसके निरमाताओं ने कुछ और आवश्यक सुविधाओं की भी सरकार से मांग की है ; और

(ग) यदि हां, तो इस बारे में सरकार की क्या प्रतिक्रिया है ?

अन्तर्राष्ट्रीय व्यापार मंत्री (श्री मनुभाई शाह) : (क) और (ख). जी, हां ।

(ग) अगरबत्तियों के निर्यात पर कुछ कच्चे माल का आयात करने की सुविधा देकर प्रोत्साहन दिया जा रहा है । विदेशों में भारतीय दूतावासों/व्यापार केन्द्रों के प्रदर्शन-कक्षों में अगरबत्तियों के प्रदर्शन का प्रबन्ध किया गया है । भारत तथा अन्य देशों के बीच व्यापार करारों की बातचीत करते समय इन करारों में अगरबत्तियों को भी शामिल करने के प्रश्न पर सदा विचार किया जाता है ।

Khadi Bhandars

2410. { Shri Kapur Singh:
Shri Yashpal Singh:

Will the Minister of Industry be pleased to state:

(a) whether Khadi Bhandars in various parts of the country are managed by the Khadi and Village Industries Commission;

(b) if so, whether the Khadi and Village Industries Commission is an autonomous body subsidised by the Central Government; and

(c) whether it is a fact that the Congress Party Flag still flies over the Khadi Bhandar Premises?

The Minister of Industry (Shri Kanungo): (a) The Khadi and Village Industries Commission directly runs 5 Emporia one each in Delhi, Madras, Calcutta, Bangalore and Goa.

(b) Yes, Sir.

(c) No, Sir, in so far as the Emporia managed by the Commission are concerned.

Raniganj Coal

2411. { Shri Rameshwar Tantia:
Shri Ram Ratan Gupta:

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether any of the industries and plants have been using Raniganj coal with ash and moisture contents exceeding 28 per cent., i.e. ungradable coal;

(b) if so, what are these industries and plants; and

(c) whether Government are considering any proposal to check downgrading and upgrading due to slight variation in ash and moisture contents so as to avoid wasteful consumption in inferior uses?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) and (b). Coal with ash and moisture content exceeding 28 per cent in Raniganj series is not graded by the Coal Board or any Government authorities, and no sanctions are issued by the Coal Controller for the movement of such coal by rail. As such no information is available about the consumers who take coal with ash and moisture content exceeding 28 per cent. This variety of coal is mainly used in small quantities for local consumption and the Brick Kilns in and around the coal-fields.

(c) Checking of grades by drawing loading samples is a continuous process. If the analysis of these samples calls for downgrading or up-grading this is done. Government have no intention to stop this process of checking of grades.

Powerloom Industry

2412. { Shri M. L. Jadhav:
Shri Jedhe:
Shri Lonikar:

Will the Minister of Industry be pleased to state:

(a) whether it is a fact that the powerloom industry has been singled out from the list of small scale industry;

(b) if so, the reasons therefor;

(c) the criteria applied, for including any industry in the small scale industry; and

(d) the sources from which the powerloom industry can get loans and advances?

The Minister of Industry (Shri Kanungo): (a) to (d). Industrial units with a capital investment of not more than Rs. 5 lakhs, irrespective of the number of persons employed, are generally regarded as falling within the category of small scale industries, eligible for consideration under the scheme for development of small scale industries, if they do not belong to groups of industries, the development of which is helped by special All-India Boards/Commissions, e.g., Handloom Board, Silk Board, Coir Board, Khadi and Village Industries Commission, etc. Having regard to the nature and development of powerloom industry, it has not been regarded as a small scale industry for the purpose of any assistance by the organizations of the Development Commissioner of Small Scale Industries or the National Small Industries Corporation.

The powerloom industry can get loans and advances from the existing ordinary financial institutions.

Terylene Fibre Production

2413. { Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:

Will the Minister of Industry be pleased to state:

(a) whether the production of terylene fibre in India has gone down;

(b) if so, the reasons therefor; and

(c) the steps taken by Government in this regard?

The Minister of Industry (Shri Kanungo): (a) There is no production yet.

(b) Does not arise.

(c) One unit has been licensed and a letter of intent has been issued in another case.

मोटर कारों की कीमत

२४१४. श्री सिद्धेश्वर प्रसाद : क्या इस्पात, खान और भारी इंजीनियरिंग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पिछले दस वर्षों में भारत में निर्मित मोटरकारों की कीमतों में असाधारण वृद्धि हुई है ;

(ख) यदि हां, तो भारत में निर्मित मोटरकारों की कीमतें १९५०-५१ में क्या थी और १९६३-६४ में क्या हो गई ; और

(ग) क्या मोटरकार निर्माण उद्योग में एकाधिकार के कारण ऐसा हुआ है ?

इस्पात, खान तथा भारी इंजीनियरिंग उपसंजी (श्री प्र० च० सेठी) : (क) पिछले कुछ वर्षों में भारत में निर्मित कारों की कीमतों में कुछ वृद्धि ई है ।

(ख) १९५०-५१ में देश में कारों का निर्माण नहीं होता था । सुव्यवस्थित

दंग से देश में कारों का निर्माण केवल १९५४ में आरम्भ हुआ। उस समय की प्रवर्तमान

कीमतों की वर्तमान कीमतों से तुलना नीचे की गई है :

कार का मॉडल	एक्स फैक्टरी १९५४	फुटकर मूल्य १९६४	
	रुपये	रुपये	
हिन्दुस्तान	१०,४७५	१३,६८६.७३	(उत्पादन-शुल्क और अधिभार के १४९७.७३ रु० शामिल कर के)
फोयट	६,३५५	११,७४१.३३	(उत्पादन-शुल्क और अधिभार के १३३३.३३ रु० शामिल करके)
स्टेडंड	६,४५० (१९५५ में)	१२,१९८.६०	(उत्पादन-शुल्क और अधिभार के १३५७.६० रु० शामिल करके)

(ग) जो नहीं।

राजभाषा आयोग

२४१५. श्री सिद्धेश्वर प्रसाद : क्या विधि मंत्री यह बताने की कृपा करेंगे कि :

(क) राजभाषा आयोग की सदस्यता के रिक्त स्थानों की पूर्ति के लिये क्या कदम उठाये गये हैं ; और

(ख) रिक्त स्थानों पर किस आधार पर और किन व्यक्तियों की नियुक्ति की गई है ?

विधि मंत्रालय में उपमंत्री (श्री विभूषेन्द्र मिश्र) : (क) राजभाषा (विधायी) आयोग के सदस्यों में से एक के सिवाय सभी नियुक्त किये जा चुके थे। कुछ सदस्यों की पदावधि समाप्त हो गई और एक अंशकालिक सदस्य ने इस्तीफा दे दिया। इसके परिणामस्वरूप होने वाली रिक्तताओं में से कुछ भर दी गई हैं और बाकी नियुक्तियां भी जल्दी ही कर दिये जाने की आशा है।

(ख) आयोग में इस समय निम्नलिखित सदस्य हैं अर्थात् :—

१. श्री सी०पी० सिन्हा —सभापति

२. श्री बी० जी० मुद्गेश्वर—उप सभापति

३. श्री बालकृष्ण—सदस्य सचिव
पूर्ण कालिक सदस्य :

१. श्री घनश्याम सिंह गुप्त
२. श्री मौलिकन्द शर्मा
३. श्री बी० जी० रामचन्द्रन

अंशकालिक सदस्य :

१. श्री राधानाथ रथ
२. श्री पी० शिव शंकर
३. श्री के० पी० खेतान
४. श्री तेजा सिंह

विभिन्न राज्यों से लिये गये और विभिन्न राज भाषाओं का प्रतिनिधित्व करने वाले विधि विशेषज्ञ आयोग में नियुक्त किये जाते हैं।

Canadian Trade Team

2416. Shri Ram Harkh Yadav: Will the Minister of International Trade be pleased to state:

(a) whether Government have invited a Canadian Trade Team to visit India;

(b) if so, when the team is expected to arrive; and

(c) the purpose of the visit?

The Minister of International Trade (Shri Manubhai Shah): (a) to (c). I presume that the Hon'ble Member has in view the recent visit of a mission of the Vancouver Board of Trade to India. This Mission arrived in India on the 27th March, 1964 and left on the 31st March. It is a practice of the Vancouver Board of Trade to arrange visits of missions to some foreign countries every year. This year they visited India at our request. Meetings were arranged with Senior Government officials and with representatives of the Trade and Industry. It is expected that more interest will be created in trade with India; it is also hoped that investment will result from the contacts which have been established with the Vancouver Board of Trade.

Indian Standards Institute

2417. Shri Yashpal Singh: Will the Minister of Industry be pleased to state:

(a) whether it is a fact that the Indian Standards Institute does not have standards for various cosmetics;

(b) if so, the reasons therefor; and

(c) whether any company had approached for ISI mark in the past?

The Minister of Industry (Shri Kanungo): (a) and (b). No Indian Standard for cosmetics has so far been laid down. A technical Committee for the formulation of Indian Standards for cosmetics & Toilet Goods was set up by Indian Standards Institution in 1962. The Committee is collecting data from within the country and abroad and simultaneously it started preparing Indian Standards for raw materials used in the manufacture of cosmetics & toilet goods. So far, 10 Indian Standards for such raw materials have been published and three more draft Indian Standards have been finalised for publication. In ad-

dition 11 Indian Standards are being suitably modified to cover their use in cosmetic industry.

Foreign standards on cosmetics which are available to a limited extent meet only physico-chemical requirements. The most important aspect of standardisation in respect of cosmetics should relate to ensuring freedom from health hazards such as dermatological disorders of the skin and cumulative effect of various ingredients used in the formulation of cosmetics. Moreover, their performance as to the specific function expected of them keeping quality in tropical and sub-tropical conditions etc. is also to be taken care of. As no authentic data covering the important aspects of the standardization is available, I.S.I. has been studying the whole field of cosmetics critically to evolve some suitable standards. Work has been started in the first instance on Skin Powders; and with the accumulation of technical data in respect of various cosmetics, the work will be extended to other items in the near future.

(c) Enquiries have been received by the Indian Standards Institution from some manufacturers for ISI Certification Mark. As a result of a recent amendment to the Indian Standards Institution (Certification Marks) Act, it will now be possible for ISI to issue licences for issuing the ISI Certification Mark on the basis of standards provided such Indian Standards do not exist.

बैलादिला में लोह पिण्ड कारखाना

२४१८. श्री विश्वनाथ पाण्डेय : क्या इस्यात, खान तथा भारी इंजीनियरिंग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राष्ट्रीय खनिज विकास निगम ने सरकार से अनुरोध किया है कि बैलादिला पहाड़ियों पर लोह पिण्ड कारखाना की स्थापित की जाये ;

(ख) यदि हां, तो इस पर अनुमानतः कितना धन व्यय होगा ; और

(ग) इसके सम्बन्ध में सरकार की क्या प्रतिक्रिया है ?

इस्पात, खान तथा भारी इंजीनियरिंग उपमंत्री (श्री प्र० चं० सेठी): (क) नहीं।

(ख) और (ग) प्रश्न नहीं उठता।

Lloyd Tested Plates

2419. { **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri S. K. Das:
Shri P. C. Barman:

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) how much Lloyd Tested Plates are now imported and how much indigenously manufactured;

(b) the foreign exchange involved;

(c) whether by starting ship-breaking yards such foreign exchange can be saved; and

(d) if so, whether any survey can be conducted?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): (a) As separate figures of import of Lloyd Tested Plates are not recorded, it is not possible to indicate the exact quantity imported. However, it is estimated that about 20,000 tons of Lloyd Tested Plates were imported in 1963-64.

The indigenous production of these plates was about 13,500 tons.

(b) Approximately Rs. 1 crore.

(c) Plates recovered from condemned ships cannot be utilised again for ship building, if they are to adhere to the rigid specification prescribed under the Lloyds test. Such plates can only be used as scrap.

(d) Does not arise.

Stainless Steel for Punjab

2420. Shri Daljit Singh: Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) the total quantity of stainless steel allotted to Punjab during 1963-64; and

(b) the quantity of stainless steel proposed to be allotted during 1964-65 to that State?

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): (a) and (b). No allotment of Stainless Steel Sheets was made to any State including the Punjab during 1963-64. During the current year, it is proposed to make an allotment of some quantity (approximately 180 tonnes) to Punjab along with other States from the sheets which are being imported against barter deals.

Khadi and Village Industries Board, Punjab.

2421. Shri Daljit Singh: Will the Minister of Industry be pleased to state:

(a) whether the Khadi and Village Industries Board, Punjab have forwarded any scheme for the development of village industries in the State during 1964-65;

(b) if so, the details thereof; and

(c) the decision taken thereon?

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

(b) and (c). Schemes for the development of Khadi and Village industries in various States are discussed between the representatives of the Khadi and Village Industries Commission and the State Boards along with budget proposals. A statement showing tentative allocation to the Punjab Khadi and Village Industries Board for the purpose during 1964-65 is laid on the Table of the House. [Placed in Library. See No. LT-2774/64].

Chairman of the Heavy Engineering Corporation, Ranchi

2422. { Shri P. R. Chakraverti:
 Shri A. P. Sharma:
 Shri S. M. Banerjee:
 Shri Daji:
 Shri Warrior:

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether it is a fact that a new appointment has been made in the office of Chairmanship of Heavy Engineering Corporation, Ranchi;

(b) if so, when the person concerned will take charge; and

(c) the special qualifications and record of past services of the new incumbent?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) to (c). Shri T. R. Gupta, General Manager (Works) of Jay Engineering Works, Calcutta and a Director of the Heavy Engineering Corporation has been appointed as Chairman of the Heavy Engineering Corporation. He took over charge with effect from the 24th March, 1964. The long and varied experience of Shri Gupta in the management of Engineering Concerns has been the main consideration for his appointment.

Aluminium Plant at Koyana

2423. Shri Firodia: Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether Government have taken a decision on establishing an aluminium plant at Koyana in Maharashtra State in Public Sector;

(b) the total expenditure involved and capacity of the plant; and

(c) whether foreign private parties will be allowed to have interest in the same?

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

(b) Details are being worked out.

(c) Yes; foreign collaboration is envisaged.

उत्तर प्रदेश को तांबा दिया जाना

{ श्री हुकमचन्द कछवाय :
 २४२४. } श्री सू० ला० वर्मा :
 { श्री यशपाल सिंह :

क्या उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश को १९६३-६४ में कितना तांबे का कोटा दिया गया ;

(ख) क्या वह कोटा वहां की खपत के अनुपात में कम है ; और

(ग) यदि हां, तो राज्य सरकार की समस्त आवश्यकता पूरी करने के लिये क्या कदम उठाये गये हैं ?

उद्योग मंत्री (श्री कानूनगो): (क) २५२७ मीट्रिक टन ।

(ख) जी, हां ।

(ग) विदेशी मुद्रा की स्थिति खराब होने के कारण तांबे समेत अलौह-धातुओं की आजकल आम कमी है । लघु क्षेत्र की मांग को पूरा करने के लिये अलौह धातुओं के आयात के लिये विदेशी मुद्रा उपलब्ध करने के प्रयत्न किये जा रहे हैं, तथा उत्तर प्रदेश और अन्य राज्यों की तांबे की मांग को वर्तमान पूर्ण उपलब्ध राशि में से अधिक से अधिक मांग देकर पूरा किया जा रहा है ।

Allied Products Export Promotion Council

2425. Shri P. C. Borooah: Will the Minister of International Trade be pleased to state:

(a) whether a delegation of the Allied Products Export Promotion Council sponsored by Government visited some East Asian Countries including Burma recently to study the market for glassware and ceramics; and

(b) if so, the result thereof?

The Minister of International Trade (Shri Manubhai Shah): (a) Yes, Sir. The Delegation of Chemicals & Allied Products Export Promotion Council visited some countries of East Asia during March, 1964; but they did not visit Burma.

(b) The report of the Delegation is yet awaited.

Cost of a Standard Cement Plant

2426, Shri P. C. Borooah: Will the Minister of Industry be pleased to state the present average cost of setting up a standard cement plant with a capacity of 2 lakh tons per annum and its average foreign exchange content?

The Minister of Industry (Shri Kanungo): The present average cost of setting up a standard cement plant with a annual capacity of 200,000 tonnes is about Rs. 3.5 crores including working capital; the foreign exchange required for the import of components which are not at present indigenously available is about Rs. 40 to Rs. 45 lakhs for the main plant and about Rs. 15 to Rs. 20 lakhs for quarry and mining equipment.

प्रदर्शनी निदेशालय में सहायक निदेशक

२४२७. श्री हुकमचन्द कछबाय : क्या अन्तर्राष्ट्रीय व्यापार मंत्री २० सितम्बर, १९६३ के अतारांकित प्रश्न संख्या २२६८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि प्रदर्शनी निदेशालय में अनुसूचित जाति के उम्मीद-

वार के लिये रक्षित सहायक निदेशक का एक स्थान अभी तक खाली रखा हुआ है ;

(ख) यदि हां, तो क्यों ; और

(ग) यह स्थान कब भरा जायेगा ?

अन्तर्राष्ट्रीय व्यापार मंत्री (श्री मनुभाई शाह) : (क) जी, नहीं । अनुसूचित जाति के उम्मीदवार के लिये रक्षित सहायक निदेशक के स्थान पर नवम्बर १९६२ में नियुक्ति हो गयी है ।

(ख) और (ग). प्रश्न ही नहीं उठते ।

खेतड़ी तांबा खान

२४२८. श्री ओंकार लाल बेरवा : क्या इस्पात, खान और भारी इंजीनियरिंग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या खेतड़ी (राजस्थान) में तांबे की खान का विस्तार करने के लिये सरकार ने अमरीका से ऋण की मांग की है ;

(ख) यदि हां, तो उसमें कितना रुपया व्यय किया जाएगा ; और

(ग) अमरीका से कितनी राशि की मांग की गई है ?

इस्पात, खान तथा भारी इंजीनियरिंग उपमंत्री (श्री प्र० चं० सेठी) : (क) से(ग). खेतरी तांबा खानों की कोई विकास योजना नहीं बनाई गई है, अतः इस के लिये अमरीका से ऋण के निवेदन का प्रश्न नहीं उठता । खेतरी तांबा परियोजना जिसको अब कार्यान्वित किया जा रहा है, के विदेश विनिमय के खर्च को पूरा करने के लिये संयुक्त राज्य अमरीका के निर्यात-आयात बैंक को सितम्बर, १९६३ में ६ करोड़ रुपये के ऋण के लिये प्रार्थना पत्र दिया गया था । प्रार्थना पत्र अभी बैंक के विचाराधीन है ।

Invention Promotion Board

2429. Shri Bhagwat Jha Azad: Will the Minister of Industry be pleased to state:

(a) whether re-employments after retirement are made as a rule in the Invention Promotion Board;

(b) the number of officers in the Invention Promotion Board and the number of them re-employed after retirement (superannuated); and

(c) the special qualification of the re-employed officers?

The Minister of Industry (Shri Kanungo): (a) No, Sir. In the formative stage, however, the Board preferred having experienced personnel amongst its staff.

(b) Of the six officers of the Board, two were re-employed after retirement.

(c) Experience in their respective fields of specialization.

Assistance to Inventors

2430. Shri Bhagwat Jha Azad: Will the Minister of Industry be pleased to state:

(a) whether prizes and financial assistance are given to the inventors by the Invention Promotion Board; and

(b) if so, the amount given in 1963-64?

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

(b) Rs. 59,355.00. .

The Case of Shri Priya Gupta, M.P.

2431. Shri Hari Vishnu Kamath: Will the Minister of Law be pleased to refer to the statement made by him on the 8th April, 1964 regarding the case of Shri Priya Gupta, M. P. and state:

(a) the date on which the President signed the order;

(b) the date on which it reached him or his Ministry;

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(c) whether there was abnormal delay in transmission; and

(d) if so, the reasons therefor?

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra):

(a) and (b). The Order was signed by the President on Friday, the 27th March, 1964. It was transmitted to the Ministry of Law on Saturday, the 28th March, 1964, and was received in the Ministry of Law on Monday, the 30th March, 1964.

(c) No, Sir.

(d) Does not arise.

Manufacture of Telecommunication Cables

2432. { Shri M. Rampure:
 { Shri D. D. Mantri:

Will the Minister of Industry be pleased to state:

(a) whether Government propose to set up a plant for the manufacture of aluminium sheathed tele-communication cables; and

(d) if so, when a decision is likely to be taken?

The Minister Of Industry (Shri Kanungo): (a) Yes.

(b) The foreign exchange aspect of the project is under consideration.

Plant for Special Grade Paper

2433. { Shri M. Rampure:
 { Shri D. D. Mantri:

Will the Minister of Industry be pleased to state:

(a) whether it is proposed to set up a plant for manufacturing special grade paper for tele-communication cables; and

(b) if so, when a decision is expected?

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

(b) Government had set up a Committee to examine the possibility of the establishment of a unit for the manufacture of paper for tele-communication cables. Report of the Committee has since been received and the feasibility study regarding this project is being taken up by National Industrial Development Corporation Ltd.

Salt Plant at Kharaghoda

2434. { Shri D. D. Mantri:
Shri M. Rampure:

Will the Minister of Industry be pleased to state:

(a) whether it is a fact that a plant to manufacture salt is likely to be installed at Kharaghoda;

(b) if so, when its actual work is likely to be taken up;

(c) what would be the capacity of the plant; and

(d) whether there will be any foreign collaboration?

The Minister of Industry (Shri Kanungo): (a) No, Sir.

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

Export of Salt

2435. { Shri D. D. Mantri:
Shri M. Rampure:

Will the Minister of International Trade be pleased to state:

(a) whether Government were negotiating with the Philippines, Nigeria and Malaysia for export of salt; and

(b) if so, the outcome thereof?

The Minister of International Trade (Shri Manubhai Shah): (a) The State Trading Corporation has made offers of Indian Salt to prospective buyers in the Philippines, Nigeria and Malaysia.

(b) No business deal has resulted so far.

Illegal Trading in Commodities

2436. { Shri Shree Narayan Das:
Shri Yashpal Singh:

Will the Minister of International Trade be pleased to state:

(a) whether it is a fact that illegal trading is going on in the banned items under the guise of free commodities on a large scale; and

(b) if so, the steps taken to stop these malpractices?

The Minister of International Trade (Shri Manubhai Shah): (a) Yes, Sir, at certain places in northern India.

(b) Stern warnings have been issued, police raids have been carried out and prosecutions launched; the question of regulating forward trading in free commodities is under consideration and permission to trade in fresh contracts in these commodities is not being granted.

Enrolment as Advocates

2437. Shri Jedhe: Will the Minister of Law be pleased to state:

(a) whether under the present provisions of the Advocates Act and the Bar Council rules a Government employee, who otherwise satisfies the conditions prescribed, is eligible for enrolment as advocate;

(b) whether persons who earlier practised as pleaders but later joined and continue in Government services are eligible for enrolment on their satisfying other conditions; and

(c) if the replies to parts (a) and (b) above are in the negative, the exact position regarding enrolment of persons who are in the Government service as advocates?

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra): (a) to (c). There is no specific prohibition in the Advocates Act against enrolment of Government employees as advocates. Under Section 24(1)(e) read with Section 28(2)(d) of the Act, State Bar Councils are empowered to

make rules imposing conditions subject to which a person may be admitted as an advocate. In pursuance of this power, rules have been framed by various State Bar Councils which *inter alia* provide that persons who are in full or part-time employment or engaged in trade or profession shall not be admitted as advocates. Exception, however, has been made in respect of certain categories of persons including persons who are Law Officers of Central Government or of a State Government. Thus an employee who is a law officer of a Government may be enrolled as an advocate.

The fact that the person who seeks enrolment was a pleader prior to taking up service does not make any difference.

Cotton from Tanganyika

2438. Shri Ram Harkh Yadav: Will the Minister of Industry be pleased to state:

(a) whether it is a fact that Government have decided to import a large quantity of cotton from Tanganyika; and

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

The Minister of Industry (Shri Kanungo): (a) No, Sir. Cotton from Tanganyika is imported, as usual, against our global quotas.

(b) Does not arise.

Lignite Deposits in Madras State

**2439. { Shri Yashpal Singh:
Dr. P. Srinivasan:**

Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) whether it is a fact that deposits of lignite have been found in an area between Karaikudi and Devacottai in Ramanadhapuram District of Madras; and

(b) if so, the estimated quantity of the deposits?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) and (b). Occurrences of lignite near Karaikudi have recently been reported by the geologists of the Government of Madras. The mineral is reported to have been struck in bore wells for water in the State Agricultural Seed Farm at Managiri. Two seams (25 feet) 7.62 metres and (15 feet) 4.57 metres thick were recorded within a depth of 115.82 metres (380 feet). No estimate of the quantity can be made till explorations are carried out. Investigation by drilling is proposed to be undertaken shortly by the Geological Survey of India.

Cement Price in Delhi

2440. Shri D. C. Sharma: Will the Minister of Industry be pleased to state:

(a) whether the price of cement has been raised in Delhi; and

(b) if so, the reasons therefor?

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

(b) The Delhi Administration which is concerned with the fixation of retail price of cement in Delhi, considered the element of incidental charges included in the retail price as inadequate and increased the price by 13 nP. per bag of 50 Kilograms.

World Seminar on Raw Material for more Papers

2441. Shri Ram Harkh Yadav: Will the Minister of Industry be pleased to state the recommendations of the World Seminar on raw material for more papers held in Delhi in April, 1964?

The Minister of Industry (Shri Kanungo): The Seminar held on the 11th and 12th April, 1964 was arranged by the Indian Pulp and Paper Technical Association, a newly constituted private professional body. No specific recommendations have so far been received from that Association.

Iron and Manganese Ores in Goa

2442. Shri Alvares: Will the Minister of Steel, Mines and Heavy Engineering be pleased to state:

(a) the approximate amount of Iron Ore and Manganese Ore deposits in Goa;

(b) the number of pig iron and pelletisation plants sanctioned for Goa and their annual capacity; and

(c) whether an estimate has been drawn up and a division made of the type of iron ore for export and for local consumption for use in the plants?

The Deputy Minister of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) The reserves of iron ore and manganese ore are estimated by the Indian Bureau of Mines at 525 million tonnes and 6 million tonnes respectively. The reserves of ferromanganese are estimated at 10 million tonnes.

(b) (i) A letter of intent has been issued to a private firm for establishing a pig iron production unit with an annual capacity of 300,000 tonnes.

(ii) The Government have approved the scheme of a private party for the establishment of a pelletisation plant for iron ore fines of a capacity of 500,000 tonnes per annum.

(c) No, Sir.

Low Temperature Carbonisation Plant at Kothagudam

2443. Shri R. N. Reddi: Will the Minister of Steel, Mines and Heavy Engineering be pleased to refer to the reply given to Starred Question No. 694 on the 3rd April, 1963 and state:

(a) whether it is a fact that the party named Shri Hashim Mehdi to whom a letter of intent has been issued for setting up of a low temperature carbonisation plant at Kothagudam (Singareni) Andhra Pradesh has not shown any interest; and

(b) if so, whether Messrs. Singareni Collieries Company has been asked to undertake the same?

The Deputy Minister in the Ministry of Steel, Mines and Heavy Engineering (Shri P. C. Sethi): (a) Shri Hashim Mehdi does not seem to have taken any tangible steps so far to set up the low temperature carbonisation plant since the letter of intent was issued to him.

(b) The question of setting up a low temperature carbonisation plant by the Singareni Collieries Company is under consideration.

12.00 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF SINGARENI COLLIERIES COMPANY LIMITED, AND REVIEW BY GOVERNMENT ON WORKING THEREOF

The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam): I beg to lay on the Table a copy each of the following papers:—

(i) Annual Report of the Singareni Collieries Company Limited, Hyderabad, for the year 1962-63 along with the Audited Accounts and the comments of the Comptroller and Auditor-General thereon, under sub-section (1) of section 619A of the Companies Act, 1956.

(ii) Review by the Government on the working of the above Company.

[Placed in Library. See No. LT-2767[64].

HALF-YEARLY REPORT ON ACTIVITIES OF COIR BOARD AND

CORRIGENDUM TO ANNUAL REPORT OF RUBBER BOARD

The Minister of International Trade (Shri Manubhai Shah): I beg to lay on the Table a copy each of the following papers:—

(i) Half-yearly Report on the activities of the Coir Board and the working of the Coir Industry Act, 1953 for the period from the 1st April to 30th September, 1963, under sub-section (1) of section

19 of the Coir Industry Act, 1953. [Placed in Library. See No. LT-2768/64].

(ii) Corrigendum to the Annual Report of the Rubber Board for the year 1961-62 laid on the Table on the 13th March, 1964. [Placed in Library. See No. LT-2769/64].

COTTON TEXTILES (CONTROL) AMENDMENT ORDER, AMENDMENTS TO KHADI AND VILLAGE INDUSTRIES COMMISSION RULES, AND

AUDIT REPORT ON ACCOUNTS OF CENTRAL SILK BOARD

The Minister of Industry (Shri Kanungo): I beg to lay on the Table—

(i) a copy of the Cotton Textiles (Control) Amendment Order, 1964, published in Notification No. S.O. 457 dated the 8th February, 1964, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-2770/64].

(ii) a copy each of the following Rules under sub-section (3) of section 26 of the Khadi and Village Industries Commission Act, 1956:—

(a) The Khadi and Village Industries Commission (Amendment) Rules, 1964, published in Notification No. GSR. 125 dated the 17th January, 1964.

(b) The Khadi and Village Industries Commission (Second Amendment) Rules, 1964, published in Notification No. GSR. 1093 dated the 17th March, 1964. [Placed in Library. See No. LT-2770/64].

(iii) a copy of Audit Report on the accounts of the Central Silk Board for the year 1961-62. [Placed in Library. See No. LT-2772/64].

DRUGS (FIRST AMENDMENT) RULES

The Deputy Minister in the Ministry of Health (Dr. D. S. Raju): On behalf of Dr. Sushila Nayar, I beg to lay on the Table a copy of the Drugs

(First Amendment) Rules, 1963, published in Notification No. SO. 2092 dated the 27th July, 1963, under sub-section (3) of section 33 of the Drugs Act, 1940. [Placed in Library. See No. LT-2295/64].

COMMITTEE ON GOVERNMENT ASSURANCES

MINUTES OF SEVENTH SITTING

Shri Morarka (Jhunjhunu): I beg to lay on the Table the Minutes of the Seventh Sitting of the Committee on Government Assurances held during the current Session.

MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Indian Railways (Amendment) Bill, 1964, which has been passed by the Rajya Sabha at its sitting held on the 21st April, 1964."

INDIAN RAILWAYS (AMENDMENT) BILL

LAI D ON THE TABLE AS PASSED BY RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the Indian Railways (Amendment) Bill, 1964, as passed by Rajya Sabha on the 21st April, 1964.

PRESENTATION OF PETITION

श्री राम सेवक यादव (बाराबंकी) : अध्यक्ष महोदय, मैं जिम्ह अपराध (दार्द) के राज्य के उत्तरदायित्व के बारे में एक याचिका कार द्वारा हस्ताक्षरित एक याचिका पेश करता हूँ ।

RESIGNATION OF MEMBER

(SHRI LAL SHYAMSHAH)

Mr. Speaker: I have to inform the House that Shri Lal Shyamshah, an

[Mr. Speaker]

elected Member of Lok Sabha from Chanda constituency, has resigned his seat in Lok Sabha with effect from the 24th April, 1964.

INDIAN COINAGE (AMENDMENT) BILL*

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): On behalf of Shri T. T. Krishnamachari, I beg to move for leave to introduce a Bill further to amend the Indian Coinage Act, 1905.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Coinage Act, 1905."

The motion was adopted.

Shrimati Tarkeshwari Sinha: I introduce the Bill.

12.03 hrs.

CONSTITUTION (EIGHTEENTH) AMENDMENT BILL*

Mr. Speaker: Now, Shri A. K. Sen may move for leave to introduce his Bill.

Shri Surendranath Dwivedy (Kendrapara): Before the hon. Minister is called upon to move for leave for the introduction of his Bill, I have to make a submission to you.

As you know, this is a very controversial Bill about which we have already . . .

Mr. Speaker: That will be seen after the hon. Minister has moved for leave.

Shri Surendranath Dwivedy: I am only making a submission before that, about which all of us had written to the hon. Prime Minister also, namely that it would be better if this Bill

was not introduced now, because at the introduction stage, we have a convention in this House that ordinarily we do not oppose the introduction of Bills.

Mr. Speaker: I have received notices from some hon. Members that they want to oppose the introduction.

Shri Surendranath Dwivedy: We shall have to oppose it if it is sought to be introduced. I am only submitting even at this last moment, that the hon. Minister may choose not to introduce the Bill.

Mr. Speaker: That is not for me to say.

The Minister of Law (Shri A. K. Sen): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Speaker: Motion moved:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

Shri N. C. Chatterjee (Burdwan): I want to oppose this.

Mr. Speaker: I have received intimation from Shri H. N. Mukerjee, Shri S. M. Banerjee, and Shri N. C. Chatterjee.

Shri Ranga (Chittoor): We all oppose this Bill.

Shri Kapur Singh (Ludhiana): We oppose this.

Shri Surendranath Dwivedy: We oppose this.

Mr. Speaker: I have received intimations from those hon. Members. I can only allow one Member to speak. If the hon. Members concerned could agree among themselves as to who should speak, that would be better.

Shri S. M. Banerjee (Kanpur): Last time, in the case of the Preventive

* Published in the Gazette of India extraordinary Part II, Section 2, dated 24-4-1964.

Detention (Continuance) Bill, you had allowed opportunity to everyone of us.

Shri Ranga: You have mentioned that you have received intimation from some hon. Members. If you would give me permission, I would also like to associate myself with those hon. Members.

Shri Surendranath Dwivedy: We all oppose it. There are many more hon. Members who want to oppose it.

Mr. Speaker: I have received intimation from some hon. Members, and I shall have to select one from among them. If they could agree among themselves as to who should speak, I shall have no objection.

Shri Kapur Singh: You may give half a minute to each Member. I also want to say something.

Shri H. N. Mukerjee (Calcutta Central): I have a submission to make on this. I have a feeling that this motion might be opposed among other grounds, on the ground that the Bill initiates legislation which is outside the legislative competence of the House.

In that case, under Rule 72. . . .

Mr. Speaker: I can permit that. Let me first hear one Member. After that question is raised, I will listen and then I can decide whether we can allow it.

Shri Mukerjee or Shri Chatterjee: They can agree among themselves.

Shri H. N. Mukerjee: Whoever you call?

Mr. Speaker: Let it be Shri Chatterjee. He has been defending some of those cases.

Shri N. C. Chatterjee: Mr. Speaker, Sir . . .

Mr. Speaker: It would be a brief statement.

Shri N. C. Chatterjee: Yes.

This is the blackest day in the history of this country when the Government, headed by Prime Minister Nehru, who is known to be a true democrat, comes before this Parliament with this kind of measure which shows that the Government has flouted the guaranteed freedoms and also the guaranteed rights of the citizens under the Constitution. Therefore, they want to amend the Constitution, to condone the violations of the Constitution by the Government which was pledged to uphold the Constitution.

I oppose the introduction of this Bill because the Government, constituted under this Constitution, can claim no moral or legal right to amend the Constitution for the purpose of covering up their violations of the fundamental rights.

Any Member of Parliament bound by his oath to uphold the Constitution will, I submit, be failing in his duty to his country and to the Constitution if he does not demand the resignation of the Government which persists in such unconstitutional and undemocratic actions, specially when it admits that it has flouted the Constitution and demands the condonation of such violations, and specially when it demands that in future it will have the right to violate the Constitution and to escape the effects of such violation. If a State Government had behaved in this manner, if it had admitted that it has flouted the Constitution and has trampled upon basic human rights guaranteed to the citizens of India, then this Parliament and the President would have been justified in demanding the dismissal of that Government.

The most tragic feature today is that the highest law officer of the State, the Attorney-General of India, had to concede before the Chief Justice and the Judges of the Supreme Court on the Constitution Bench that the arrests and detentions under the Defence of India Act and Rules were—wholly illegal and unconstitutional. May I read to you the judgment...

Mr. Speaker: That is all right. He has referred to it.

Shri N. C. Chatterjee: At that time, Justice Gajendragadkar asked him that question . . .

Mr. Speaker: But. . .

Shri Nath Pai (Rajapur): For the edification of the House, he may be allowed to read it. That is the pronouncement of the highest Judge . . .

Mr. Speaker: At this stage, we cannot go into the details of arguments.

Shri N. C. Chatterjee: I am not doing that.

Shri Nath Pai: It is the pronouncement of the Chief Justice . . .

He may be allowed to read it.

Shri N. C. Chatterjee: I am pointing out that Justice Gajendragadkar records that—

"It appears that as regards the validity and constitutionality of the impugned provisions of the Defence of India Act and the Rules, the Attorney-General was not in a position to challenge the contentions of the appellants that the Act contravened article 14, article 21, article 22 (4), (5) and (7) of the Constitution".

Therefore all these articles were violated. I am submitting that this is a crude attempt really to cover up the violations of these articles which were consciously incorporated in order to effect equality in the eye of law, afford equal protection and minimum protection for all citizens deprived of their liberties.

Another Judge said:

"Three courses are open to the Government and to Parliament. Parliament can make a valid law without infringing fundamental rights other than article 19"—

You know under article 358, only article 19 is suspended, but under ar-

ticle 359 other fundamental rights continue to be in full force and they are not at all to be affected. The learned Judge said:

"The second course open is that Parliament can amend section 491, of the Criminal Procedure Code in order to take away the right of *habeas corpus*, or thirdly, Parliament can do both".

But Shri Sen, the Law Minister, is today pursuing an extraordinary course. He is pursuing a course really to amend the Constitution. Why? He wants to bend the Constitution to fit in with his unconstitutional laws. On the other hand, he ought to have bent the laws in order to fit in with the guarantees of the Constitution.

Therefore, I am submitting that this is a course which Parliament should avoid.

We have been told by a distinguished lady, for whom we have some respect, that the Prime Minister of India, Mr. Nehru, is "the greatest living democrat". I want that democrat not to preside over the liquidation of democracy in this country today. If we allow this kind of amendment of the Constitution, then the rule of law is finished. The result is that in spite of the Supreme Court's clear judgment, and in spite of their pronouncement, all fundamental rights from tomorrow can be completely violated and trampled under foot. I submit the Executive should not be given such uncontrolled power.

The Constitution-makers deliberately and consciously made it the law that only one article 19 could be affected during an emergency. Under the plea of emergency, you cannot violate article 14, article 21, article 22, which are very important rights given to the citizens. We are proud of our Constitution, we are also proud that we have not merely guaranteed rights but they are not meant to be

platitudes, we want them to be effective rights. Therefore, as Mr. Justice Patanjali Sastri, as you may remember, had stated in a leading case, we had made one departure which is not to be found in any other Constitution in the world. We have given a remedy, which is also a guaranteed fundamental right. The remedial right has been made a guaranteed right. The effect of this amendment would be not only to vest the Executive with complete, uncontrolled and uncanalised power to set at nought any of the fundamental rights, apart from article 19, but also to give it retrospective effect. I think that it is wholly illegal and wholly unconstitutional, and therefore it should not be permitted.

Shri H. N. Mukerjee: It is unusual to oppose at this time, but this is, even for this Government, which has shown monumental ineptitude in regard to legislation about law and the Constitution, a most unusual Bill.

I notice prevarication, sheer prevarication, in the Statement of Objects and Reasons, where the Minister suggests that doubts arising from difference in language between articles 358 and 359 are very innocently being sought to be resolved, but the real intention, as we shall have occasion to say later, and as Mr. Chatterjee has suggested, is to extinguish the fundamental rights.

Government has very thoughtfully supplied us with copies of the judgment of the Supreme Court, and I hope Government had also thoughtfully assumed that Members of Parliament would not take the trouble of going through it. But if one does go through it, one discovers that the real game is something very different from what the Minister has stated in the Statement of Objects and Reasons.

Mr. Justice Gajendragadkar, apart from saying so many other things, to which I need not make a reference, has stated very clearly that if Parliament legislates in order to afford in-

demnity to the Executive in respect of illegal acts of detention, then, I am quoting his words, "the validity and the effect of such legislative action may have to be carefully scrutinised." This is, in the characteristically guarded language of our judiciary, a warning administered by the Supreme Court regarding the liability of the Executive for wrongful detention after the emergency is going to be lifted.

I remember that the Law Minister in the other House possibly, tried to pooh-pooh Members of the Opposition who had pointed this out and said that Government could afford to pay compensation, Government did not bother about indemnification of actions done in violation of the Constitution. He is now trying to circumvent the position, and the only weapon he knows is the bludgeon of a constitutional amendment.

And in regard to this, I wish to submit to you for your very serious consideration the fact that he is proposing retrospective operation of the amendment, he is trying to indemnify the executive in regard to actions, illegal actions, of detention. But article 34 of the Constitution lays down very clearly that such indemnification would be provided only in relation to acts done during a Martial Law period. An emergency, however, is by no means tantamount to Martial Law. Yet that sort of an attempt at indemnification is going to take place. Instead of following the advice given to Government by Mr. Justice Gajendragadkar and his brother judges, instead of coming before Parliament to rectify the defects in the Defence of India Act and the rules so that it did not militate against the Constitution, Government has chosen this course which is the most dangerous procedure. After all we have a written Constitution which puts an obligation on our judges to interpret and after all it is only in our judiciary that we can expect that independence, real and true, to be in operation. This right of the judiciary is sought to be taken

[Shri H. N. Mukerjee]

away, not even on a plea that the country is socio-economically to advance the fundamental interests of our country's development; this might be some warrant for deviation from a rigid interpretation of the law. Nothing of that sort of formulation is being put forward by the Government, but Government tries only to expand the power of the executive, an executive which is pilloried every day of its existence, in this House and outside, for its acts of omission and commission ranging from corruption and in efficiency to God-knows—what other default. This is the Executive which is trying to arrogate to itself powers in violation of the rights of the judiciary, in violation of the fundamental tenets of the Constitution and it is therefore that we wish to oppose with all our strength the introduction of the Bill which the Law Minister wishes to bring up before the House.

Mr. Speaker: He told me that he was objecting to the legislative competence of Parliament.

Shri H. N. Mukerjee. I referred to article 34 where it is laid down that indemnification of acts done in violation of some provision of the Constitution could only be offered by means of legislation if those acts referred to a martial law period, in a region where martial law was in application. Declaration of emergency is very different kettle of fish, very different from the operation of martial law. Therefore, indemnification with retrospective effects is something which goes against the spirit and the letter of article 34 and it is from that point of view that you and this House should consider this matter.

Mr. Speaker: I cannot agree there... (Interruptions.) Hon. Members only want to associate themselves. There ought to be some rules which should guide us. They will have an opportunity to speak later.

Shri S. M. Banerjee: They are to be used against us not against them.

Shri Ranga: It may be used against them when these friends here come into power.

Mr. Speaker: I do not think it is necessary that every one should speak. If they want to associate themselves, I shall take down their names; they can stand up.

Shri Ranga: Sir, this is a kind of a battle axe which they are placing on the heads of all of us in this House and all over India. It is only now that we can say something. Once this Bill is allowed to be introduced, of course their majority is there and we are at their mercy. This is the only occasion when we can possibly say something against this.

Mr. Speaker: But even at the introduction stage, such a majority is there.

Shri Ranga: That is a different matter.

Shrimati Renu Chakravartty (Barrackpore): A letter was written by all the leaders of the opposition to the Prime Minister, he should also say something.

Mr. Speaker: If the House wants to suspend the rule I can allow all the hon. Members.

Shri Kapur Singh: A couple of sentences, Sir—not more than that.

Mr. Speaker: I can put in the names of those who want to associate themselves.

Shri Kapur Singh: No, Sir; vocal association by just saying one or two sentences.

Mr. Speaker: There ought to be some justification for suspending the rule or not.

Shri Kapur Singh: It will only give us some satisfaction that we associated ourselves with the people, and so, may say two sentences?

Mr. Speaker: Let him have that satisfaction.

Shri Kapur Singh: The principle of this Bill is that—the unconstitutional lawlessness of the Government should be. . . .

Shri S. S. More (Poona): Sir, on a point of order. Under the rules of procedure, there is no procedure for association.

Mr. Speaker: I am only allowing the Members, who want to oppose this, to have their say.

Shri S. S. More: But they are making speeches.

Mr. Speaker: I know that

Shri Kapur Singh: I want to say that the very principle of this Bill is that the unconstitutional lawlessness perpetrated by the Government should be constitutionally approved. In simple, plain and non-technical language, this is an act of banditry and I say that banditry is not within the competence of this House.

Mr. Speaker: I suppose he is satisfied now.

Shri S. M. Banerjee: We oppose this Bill, because, in my opinion and in the opinion of my friends, it destroys the democratic foundation of the sovereign democratic republic of India. It is a fraud on the Indian Constitution sought to be practised by Government constituted under the Constitution. I feel that the provisions of this Bill will make the people of this country defenceless and then this Government in power wants to apply the Defence of India Rules. I would request the hon. Prime Minister for whom there is some respect and confidence left in this country to rise as a democrat, and see that the fundamental rights of the people are not crucified on the cross of unconstitutionality that is being practised by the Law Minister, and as such I oppose this Bill tooth and nail, lock, stock and barrel.

Shri Nath Pai. Sir, I will be extremely brief. I would like to point out to you, to the Government, the Prime Minister and the Law Minister

the very dangerous precedent which we are about to set up in complete violation of the oath they took to uphold the Constitution. As Shri N.C. Chatterjee pointed out, they have very lightly come before the House, proceeding with the amendment. In the past, they have been guilty of maltreating the Constitution. But today, I am saying that they are bringing a Bill here which is nothing short of mauling and maiming the Constitution. What you are bringing today is not an amendment.

Shri Kapur Singh: Murdering the Constitution.

Shri Nath Pai. If this amendment is allowed to be passed, it will be substituting something very different from the Constitution to which we have pledged our allegiance when we became the Members of this House. I want to point out particularly to the Prime Minister a very dangerous anomaly—because the other points have been made—and it is this: that inadvertently an Act called the Enabling Act was allowed to be passed by the Reichstag; it had a retrospective effect, and it gave power to do away with the basic guarantees of the Constitution. That was the beginning and the end, of the Republic of Germany. I do not like that odious analogy to be brought here, particularly before a man who prided himself upon being the wanted opponent of that kind of rule. But unknowingly, we may be going down if so lightly we will be tampering with the basic guarantees of the Constitution. May I therefore, plead with them that they do not make it a matter of prestige, particularly the Congress back-benchers—(*Interruption*) am concluding; I have a right to make my point—and the Whip of the party should not be allowed to smother their conscience and allow them to forget the oath they took, that they will be here to enhance the rights of the citizen and not to curtail them. The Bill which the Law Minister is bringing is precisely calling upon you to do something which you have pledged yourself to fight.

श्री बजरज सिंह (बरेली) : अध्यक्ष महोदय, यह हमारा सदन भारतवर्ष के नागरिकों के मूल अधिकारों की सुरक्षा के लिये यहां बैठा हुआ है। जब भी कोई इमरजेंसी आई हम ने उन मूल अधिकारों को काटने के लिये पूरा अधिकार इस सरकार के हाथ में सौंप दिया परन्तु हम ने यह आशा नहीं की थी कि इमरजेंसी खत्म होने के बाद सरकार अपने इस तरह के इमरजेंट अधिकार कम करने के बजाय इस तरह से उलट पलट कर इस तरह का १८वां संशोधन संविधान का लाकर नागरिकों के मूल अधिकारों को समाप्त करने का जो अधिकार सरकार को डी०आई० आर० के मातहत मिला था उस अधिकार को वह इस तरह से हमेशा हमेशा के लिये लागू रखने और बरकरार रखने की चेष्टा करेगी। मैं इस बिल का विरोध ही नहीं करता बल्कि यह बता देना चाहता हूँ कि यह सरकार इस प्रकार से अपना कार्य कर के जनता के मस्तिष्क में एक अपनी घोबेबाजी को स्पष्ट कर रही है। जनता आयन्दा से यह समझने लगेगी कि यह पार्लियामेंट भी इस तरीके से घोबा देकर और भुलावे में डाल कर अपने अधिकारों को इस तरीके से बनाती है कि वह हमारे मूल अधिकारों पर हमला कर सके। इस कारण मैं इस का पूरी तौर से विरोध करता हूँ।

Mr. Speaker: The hon. Law Minister.

Shri H. P. Chatterjee (Nabadwip): They are sowing the wind and they shall have to reap the whirlwind.

The Minister of Law (Shri A. K. Sen): Sir, may I at the very outset correct the impression which is sought to be created by some that this is a Law Minister's Bill.

An Hon. Member: You are a helpless spokesman.

Shri A. K. Sen: It is a Government Bill and Government stands fully. . .

Shri S. M. Banerjee: You are a Shikhandi of the Government (*Inter-ruptions*).

Mr. Speaker: He has had his say; let us hear the Law Minister.

Shri H. P. Chatterjee: He is not the Law Minister; he has thrown law to the winds.

Mr. Speaker: Then too we have to listen to him.

Shri A. K. Sen: As I said, this is a Bill introduced by the Government after full consideration of all the circumstances and conditions which have to be taken into account. (*Inter-ruptions*). Mr. Ranga will at least extend to me the same courtesy which I have extended to him, and listen to me, even if he has to condemn me later on.

I quite anticipated a heated discussion even at this stage. It is necessary to explain clearly the object which has prompted the Government to introduce this amendment. A perusal of articles 358 and 359 would convince anyone that these articles are meant to be applied after the emergency has been declared. When an emergency is declared, *ipso facto* the powers of the Legislature and of the Government are extended. Article 358 completely abrogates article 19 of the Constitution. The purpose is, when an emergency is declared, the framers of the Constitution knew that even to maintain the Constitution and the free Government which it creates, it may be necessary for the Government to be invested with extraordinary powers and if the fetters of article 19 still operated on the Legislature and the Government, it would be impossible to meet the demands of an emergency.

With regard to article 359, the framers of the Constitution contemplated that all the other fundamental rights need not be abrogated automatically like article 19, but that the President should be invested with power to declare from time to time by an order which other articles are

to be specified by him in the orders in question, so that all remedies for the enforcement of the fundamental rights covered by the orders in question would be barred. The purpose is obvious. The legislators thought that as soon as there is an emergency, article 19 must go. So far as the other articles are concerned, they felt that they need not go all at once, but the President should be the guardian to see which of the articles should be barred, so far as the enforcement of remedies are concerned, and when the President makes an order, such order should be subject to review by Parliament, because the President is a constitutional President.

If that is so, the purpose of article 359 is also clear, as the Chief Justice of the Supreme Court in his judgement in the latest case has said, that no remedies are open to challenge a Government action or legislation passed by Parliament on the ground that they contravene any of the articles other than article 19 so long as the emergency operates. The point taken was a point which was left open completely by the Supreme Court, on behalf of the Government that when remedies were barred in regard to particular fundamental rights, those rights must be deemed to be suspended also during the period, because it was a trite principle of law that there was no right without a remedy and if there was no remedy, there was no right. That point was left completely open by the Supreme Court.

Shri Nath Pai: I think you are misquoting the Supreme Court. They said the remedy is barred.

Shri A. K. Sen: I am reading those words.

They said:— Page 7, last paragraph

"Before proceeding further, we may, at this stage, in parenthesis, observe that there has been some

argument before us on the question as to whether the fundamental rights specified in the Presidential order issued under article 359 are even theoretically alive during the period specified in the said order. The learned Attorney General has contended that the enforcement of the said rights in law amounts to the suspension of the said rights themselves for the said period. We do not propose to decide this question in the present case."

They left the question open.

Shri H. N. Mukerjee: Read further. They said:

"We will assume in favour of the appellants that the said rights are in theory alive."

Shri A. K. Sen: Any lawyer would tell Shri Mukerjee that that means the question has been left open and it has not been decided. Therefore, the point is not correct, when made by Shri Chatterjee, that the Attorney General conceded that the orders were invalid.

Shri N. C. Chatterjee: I read the very language. I was present there in the Supreme Court. I can assure the House that the Law Minister has been thoroughly misinformed. He did concede that the law is unconstitutional (*Interruptions*).

Shrimati Renu Chakravartty: Why are you not being honest Read the whole thing.

Shri A. K. Sen: I hope Shrimati Renu Chakravartty will not impute dishonesty to anyone. The entire judgment has been printed for perusal. I am very sorry Shrimati Renu Chakravartty used that expression.

An Hon. Member: That remark should be expunged.

Shri A. K. Sen: I do not take any notice of it. The question is, what the Attorney General conceded was, if those articles were in operation, namely, articles 21, 22 and others, these

[Shri A. K. Sen]

orders would certainly be in contravention of those articles. There was no question that....

Shri N. C. Chatterjee: It is not correct. May I read the exact language? The Chief Justice said:

"As regards the validity of the impugned provisions of the Defence of India Act and rules the Attorney General was not in a position to challenge the contention of the appellants (Mr. Setalwad's contention and my contention) that the Act contravened articles 14, 21 and 22(4)(5) and (7)."

Mr. Speaker: That is in the latter portion. It was put down: "we need not go into that question; we will assume in favour of the appellants".

Shri A. K. Sen: On page 30 what was contended was that those orders which were challenged would certainly, from a very perusal of them, show that they were in conflict with article 20 and others. But the whole contention of the Government was that in an emergency when those very articles are specified in the Presidential order, the remedy is completely barred and those articles must also be deemed to be barred during the period of the emergency. That is the whole question. It is a curious interpretation, in my submission, if I may say so with respect to Shri Chatterjee and others, to say that remedies for enforcement would be barred and Government would be entitled to act in a particular manner notwithstanding the limitations of those articles during an emergency, and the moment the emergency revives there would be right of action (against the officers who had carried out those orders because it is well known that the Government is not liable at all and it is only the officers who are. It is a curious interpretation of the framers of the Constitution that, when they gave this power to the President to bar remedies as regards particular articles, they were contemplating that action under these very articles,

remedies of which would be barred during an emergency, can be taken immediately after the emergency against officers who would be faithfully carrying out these very orders. It is only to clarify the position which, according to us, is quite clear, namely, that when remedies are completely barred as regards particular rights during an emergency, the rights themselves must be deemed to be in suspense. This is the purpose of the present amendment.

A lot of things have been said about the Prime Minister, about us. The Prime Minister needs no defence by me or by others. It has been said that we are all presiding over the liquidation of the Constitution.

Shri Ranga: Quite right.

Shri Nambiar (Tiruchirapalli): Democracy (*Interruptions*).

Shri A. K. Sen: I am very glad to hear voices of devotion from the other side about democracy. But we believe, unlike them, that there should be more parties than one and that democracy has to work with the action and inter-action of opposing parties and not by the action and inter-action of one single party. In order to preserve that very democracy, it is necessary in an emergency to act in a certain manner. But the Parliament is always the guardian of the rights of the citizens.

श्री रामेश्वरानन्द (करनाल) : यदि केवल बहुमत की ही बात मानी गई, तो फिर प्रजातन्त्र क्या हुआ - वह तो डिक्टेटरशिप ही हुआ, वह तो सामन्तशाही ही हो गई ।

अध्यक्ष महोदय : स्वामी जी अब बैठ जायें ।

श्री रामेश्वरानन्द : मैं तो बैठ जाता हूँ लेकिन आप इन कों कुछ भी नहीं कहते ।

अध्यक्ष महोदय : इस वक्त कौन खड़ा है दूसरा, जिस को मैं कहूँ ?

Shri A. K. Sen: The emergency does not abrogate parliamentary control over the executive. Democracy means parliamentary democracy so far as our concept goes, and so long as the government has to account for its actions even in the exercise of these powers with which it is invested, democracy continues. The moment an emergency is declared by the President certain rights are barred by the Presidential Order. Even during that emergency we are accountable for every action in Parliament and so long as parliamentary control continues, I deny, repudiate the suggestion that democracy ceases to function. All that happens is that Parliament is freed from some of the limitations imposed by Parliament by reason of this constitutional guarantee. Parliamentary control is untouched. For every little action that is taken in exercise of these emergency powers, parliamentary control still continues in its old form and Parliament remains as supreme as ever in its field as a guardian of the liberties and freedoms of our citizens. . . .

Shri J. B. Kripalani (Amroha): Parliament has been created by the Constitution.

Shri A. K. Sen: . . . and in seeing that the executive does not transcend the limits which Parliament would think proper for the executive to be confined to.

Shri Ranga: This Bill comes in the way.

Shri A. K. Sen: Therefore, in my submission, though these high-sound-

ing phrases about democracy, rights and so on sound quite pleasant, when we make a cold analysis we find these phrases appear to be quite empty of meaning; when the larger objective is fighting the aggression with which the country is threatened, when we know the large-scale espionage activities with which this country is faced from one end of the country to another, when all sorts of subversive activities are to be tackled . . .

An hon. Member: China lobby.

Shri A. K. Sen: Well, I do not want to mention any lobby myself. But we have the perils to face. Because the perils have to be faced, we cannot keep within the limits prescribed by the fundamental rights in exercise of our duties to defend the Constitution itself and it is, therefore, in an emergency, our framers thought it necessary that the legislature and the government should be freed from the fetters of these constitutional limitations. But the rights of Parliament still remain and the voices of the people are still capable of being expressed on the floor of this House, and the Government has to account for every action that it takes even in an emergency.

With these words, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Lok Sabha divided.

Division No. 25]

AYES

[12.44 hrs~

Achal Singh, Shri
Akkamma Devi, Shrimati
Alagesan, Shri
Alva, Shri A. S.
Alva, Shri Joachim
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Balakrishnan, Shri
Barkataki, Shrimati Renuka
Barman, Shri P. C.

Barupal, Shri P. L.
Basumatari, Shri
Baswant, Shri
Bera, Shri
Bhagavati, Shri
Bist, Shri J.B.S.
Brajeshwar Prasad, Shri
Brij Raj Singh Kotah, Shri
Chakravarti, Shri P. R.
Chanda, Shrimati Jyotana
Chandrasekhar, Shrimati

Chandrikeri, Shri
Chatter Singh, Shri
Chaudhuri, Shrimati Kamala
Chavda, Shrimati
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Das, Shri N. T.
Das, Shri Sudhansu
Dasappa, Shri
Deo Bhanj, Shri P. C.
Desai, Shri Morarji

Deshmukh, I., Dr. P. S.
 Deshmukh, Shri B. D.
 Dhuleshwar Meena, Shri
 Dwivedi, Shri M. L.
 Ering, Shri D.
 Firodia, Shri
 Gajraj Singh Rao, Shri
 Guha, Shri A. C.
 Gupta, Shri Shiv Charan
 Hansda, Shri Subodh
 Himataingka, Shri
 Jadhav, Shri Tulshidas
 Jain, Shri A. P.
 Jamir, Shri S. G.
 Jamunadevi, Shrimati
 Jedhe, Shri
 Jyotishi, Shri J. P.
 Kabir, Shri Humayun
 Kadadi, Shri
 Kamble, Shri
 Kanungo, Shri
 Karuthiruman, Shri
 Kayal, Shri P. N.
 Keishing, Shri Rishang
 Khan, Dr. P. N.
 Khan, Shri Shah Nawaz
 Khanna, Shri Mehr Chand
 Kotaki, Shri Liladhar
 Konjalgi, Shri H. V.
 Kripa Shankar, Shri
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Lonikar, Shri
 Mahtab, Shri
 Mahishi, Shrimati Sarojini
 Maimoona Sultan, Shrimati
 Majithia, Shri
 Malaichami, Shri
 Malhotra, Shri Inder J.
 Mandal, Shri J.
 Mantri, Shri
 Marandi, Shri
 Maruthiah, Shri
 Mathur, Shri Harish Chandra
 Mehdi, Shri S. A.
 Mehrotra, Shri Braj Bihari

Mergi, Shri Gopal Datt
 Menon, Shri P. G.
 Mishra, Shri Bibhuti
 Mishra, Shri Bibudhendra
 Misra, Shri Mahesh Dutta
 Mohsin, Shri
 Morarka, Shri
 More, Shri K. L.
 More, Shri S. S.
 Murli Manohar, Shri
 Muthiah, Shri
 Naik, Shri D. J.
 Naskar, Shri P. S.
 Nehru, Shri Jawaharlal
 Nesamony, Shri
 Niranjana Lal, Shri
 Panna Lal, Shri
 Paramasivan, Shri
 Patel, Shri Chhotubhai
 Patel, Shri P. R.
 Patel, Shri Rajeshwar
 Patil, Shri D. S.
 Patil, Shri M. B.
 Patil, Shri S. B.
 Patnaik, Shri B. C.
 Pillai, Shri Nataraja
 Pratap Singh, Shri
 Raghunath Singh, Shri
 Raghuramaiah, Shri
 Raj Bahadur, Shri
 Raja, Shri C. R.
 Rajdeo Singh, Shri
 Raju, Dr. D. S.
 Raju, Shri D. B.
 Ram, Shri T.
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramaswamy, Shri V. K.
 Ramdhani Dass, Shri
 Rane, Shri
 Ranjit Singh, Shri
 Rao, Shri Krishnamoorthy
 Rao, Shri Muthyal
 Rao, Shri Thirumala
 Reddi, Dr. B. Gopala
 Reddi, Shri K. C.

NOES

Alvares, Shri
 Aney, Dr. M. S.
 Anthony, Shri Frank
 Bagri, Shri
 Banerjee, Shri S. M.
 Barrow, Shri
 Barua, Shri Hem
 Barus, Shri R.
 Basant Kunwari, Shrimati
 Berwa, Shri Onkarlal
 Bhanu Prakash Singh, Shri
 Bheel, Shri P. H.
 Brij Raj Singh, Shri
 Chakravarty, Shrimati Renu

Chatterjee, Shri H. P.
 Chatterjee, Shri N. C.
 Daji, Shri
 Dharamalingam, Shri
 Dwivedi, Shri Surendranath
 Gulshan, Shri
 Gupta, Shri Kashi Ram
 Gupta, Shri Priya
 Jha, Shri Yogendra
 Kandappa, Shri S.
 Kapur Singh, Shri
 Kohar, Shri
 Kripalani, Shri J. B.
 Lahri Singh, Shri

Sadhu Ram, Shri
 Saha, Dr. S. K.
 Sahu, Shri Rameshwar
 Sarma, Shri A. T.
 Sen, Shri A. K.
 Shah, Shri Manubhai
 Shakuntala Devi, Shrimati
 Shankaraiya, Shri
 Sharma, Shri A. P.
 Sharma, Shri D. C.
 Shahstri, Shri Lal Bahadur
 Sheo Narain, Shri
 Shinde, Shri
 Siddanajappa, Shri
 Singh, Shri R. P.
 Sinha, Shri B. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Ramudulari
 Sinha, Shrimati Tarkeshwari
 Sinhasan Singh, Shri
 Sivapraghessan, Shri Ku.
 Sonavane, Shri
 Soy, Shri H. C.
 Srinivasan, Dr. P.
 Subbaraman, Shri
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Surendra Pal Singh, Shri
 Swamy, Shri M. P.
 Tiwary, Shri K. N.
 Tombi, Shri
 Tula Ram, Shri
 Tyagi, Shri
 Upadhyaya, Shri Shiva Dutt
 Valvi, Shri
 Varma, Shri Ravindra
 Veerabasappa, Shri
 Veerappa, Shri
 Venkatasubbaiah, Shri P.
 Verma, Shri Balgovind
 Vidyalkar, Shri A. N.
 Vijaya Ananda, Maharajkumar
 Virbhadr Singh, Shri
 Wadiwa, Shri
 Wasnik, Shri Balkrishna
 Yadava, Shri Ram Sewak
 Yadava, Shri B. P.

Manoharan, Shri
 Mehta, Shri Jashvant
 Mukherjee, Shri H. N.
 Nair, Shri N. Sreekanthan
 Nair, Shri Vasudevan
 Nambiar, Shri
 Nath Pai, Shri
 Pottakkatt, Shri
 Raghavan, Shri A. V.
 Ram Singh, Shri
 Rameshwaranand, Shri
 Ranga, Shri
 Reddy, Shri Narasimha
 Sezhian, Shri

Shashank Manjari, Shrimati
Shastri, Shri Prakash Vir
Singha, Shri Y. N.
Singhvi, Dr. L. M.

Solanki, Shri
Swamy, Shri M. V.
Swamy, Shri Sivamurthi

Vimla Devi, Shrimati
Vishram Prasad, Shri
Yashpal Singh

Shri Ram Sewak Yadav: rose—

12.45 hrs.

Mr. Speaker: Did he try his machine?

ARMED FORCES (SPECIAL POWERS) CONTINUANCE BILL—
Contd.

श्री रामसेवक यादव : (धाराबंकी) :
गलती से मशीन पर हाथ पड़ गया ।

Shri Muhammad Ismail (Manjeri):
The machine did not work; the light
has not turned up. I am for 'Noes'.

Shri Kisan Veer (Satara): I tried
the machine, but my vote has been
wrongly recorded. I am for 'Ayes'.

Mr. Speaker: The statements of
these hon. Members have been re-
corded. The result of the Division is:

Ayes 172; Noes 52.

The motion was adopted.

Shri Surendramath Dwivedy (Ken-
drapara): We cannot be a party to
it; so, as a protest, we walk out . . .
(Interruption).

Mr. Speaker: I have given them
that opportunity. If they want to
stage a walk-out, they might go out
silently . . . (Interruption).

श्री रामसेवक यादव : **

Mr. Speaker: Nothing need be re-
corded. The press should also note
that they do not take note of this.

Shri Surendranath Dwivedy, Shri
Ram Sewak Yadav and some other
hon. Members then left the House.

Shri A. K. Sen: Sir, I introduce the
Bill.

Mr. Speaker: The House will take
up further consideration of the fol-
lowing motion moved by Shrimati
Lakshmi Menon on the 22nd April,
1964, namely:—

"That the Bill to continue the
Armed Forces (Special Powers)
Regulations, 1958, for a further
period, be taken into considera-
tion."

Shri Ranga might continue his speech.

Shri Ranga (Chittoor): Mr.
Speaker, Sir, in continuation of what
I said the other day I would like to
sound a note of warning in regard to
what is happening in the border areas.
There has been either continuous or
intermittent reports of weapons com-
ing from our enemies across the bor-
der to be utilised by their agents on
our side. There is also a possibility
. . . .

श्री रामेश्वरानन्द (करनाल) : रंगा
साह, बाहर

Mr. Speaker: Order, order; he is
speaking now.

Shri Ranga: Also, we have heard
reports of quite a number of aliens
having come within our borders, mix-
ing with our people and carrying on
their nefarious activities. Not enough
care has been taken to weed out these
people or to capture the weapons that
are coming into our territory and in
that way minimise the danger.

If we are to tackle this problem
with the help of the Army, we will

**Not recorded.

[Shri Ranga]

also have to see that the occasions on which the aid of the Army would have to be invoked would be and should be minimised and that could be done only when our civil arm is made effective and strengthened and their morals also is raised. Unfortunately, for a very long time the people who have been employed there, namely, the frontier constabulary and various other cadres that have been maintained there, in order to protect us in that area have not been properly treated. There is very great need for not merely increasing or providing an additional allowance but for offering them a special pay or allowance and also something more in order to look after their families and so much more of compensation and allowances in case they meet with accidents and other troubles which are incidental in the risky responsibilities that they have to discharge. So little has been done. Special care has got to be given to this aspect of it. I hope, very soon Government would come forward with their proposals for improving the service conditions of our frontier constabulary and other officers and other ranks who are being employed there, not only because their functions involve so much of risk but also because it is so much more costly for them to have to live there and at the same time maintain their families here and go through all the other incidental troubles.

Then, there is also very great need for improving the relations between the local people and our own administration. For a very long time there have been complaints that our civil officers who had been sent there had not been able to win the confidence and friendship of the local people, but, on the other hand, had behaved in an arbitrary or undemocratic manner towards them as also unsympathetically.

Communications are the most important need. They say that they have done so much. They have spent crores of rupees; it is true. But there has been so much of corruption there

and so little has been done in order to put down that corruption that there is so much of delay in providing these communications, even in completing the projects that they have themselves undertaken. So much greater need there is in that area for developing community development institutions than in the rest of India and I hope Government would give special attention to this.

Lastly, when the invaders came, I was told there were certain sections who welcomed them. When they were going away, there were certain elements who gave them warm send-off as if their own relatives were going. I do not know who was responsible for it. I do not know whether the people themselves felt like that or whether they were *agent provocateurs* who misled some of our people and made them behave in such an unpatriotic manner. What is more is, I would like to know whether there is anything to justify these symptoms, undemocratic manner, inefficient manner and unpatriotic manner in which our own civil arm has behaved and has been behaving in that area. So, in conclusion, I would like to appeal to the Government not to be satisfied merely with obtaining the powers that are being given to them by this piece of legislation but also to try to do all that is humanly possible for them to do their best, to win the confidence of the local people and to gain their support so that they will accept the activities of our civil arms as well as our military arms as a God-given protection for their own protection and for the protection not only of this generation but also the generations to come.

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Mr. Speaker, Sir, I regret to say that most of what Prof. Ranga has said is not at all relevant to the Bill. The Bill only contemplates giving certain powers to the army in their functioning so that they will be able to fulfil their duties

effectively. The only relevant point that he raised on Wednesday was . . .

Shri Ranga: The only relevant point?

Shrimati Lakshmi Menon: Yes, Sir.

Shri Ranga: How brave of you!

Shrimati Lakshmi Menon: The only relevant point that he raised was about the working of the regulation. Sir, the troops, after the promulgation of the regulations . . .

Shri Ranga: Very irresponsible people.

Shrimati Lakshmi Menon: . . have been constantly operating against hostiles by virtue of the powers given to them under the regulations. So far, we have been able to destroy hide-outs and 45 camps out of 350 and 700 persons were apprehended and about 260 weapons of all types were seized.

Shri Ranga: They were there.

Shrimati Lakshmi Menon: Also we have been able to coordinate the activities of the Armed Forces with the Intelligence as a result of which we have been able to pursue the hostiles who escaped to Pakistan and harass groups of them and thus you will find that one of the groups was not even able to reach Pakistan.

Then, Sir, I was rather surprised at a statement that the hon. Member made about the fifth column activities.

Shri Ranga: Are they not there?

Shrimati Lakshmi Menon: No, Sir. As far as the Nagaland is concerned, we have no information at all to confirm what the hon. Member has said. There have never been any fifth column activities in the Nagaland either in the civil forces or in the armed forces. There might be some activities by the Naga hostile groups when they went to Pakistan to collect arms. But such a possibility is there and our administration is very vigilant about it.

Shri Ranga: Irresponsible statement she makes.

Shrimati Lakshmi Menon: I have nothing more to add except that I hope that the Bill be passed.

Mr. Speaker: The question is . . .

Shri Ranga: I have raised this particular point of the manner in which the civil army has been treating these people. I want to know whether anything has been done to improve the situation.

Shrimati Lakshmi Menon: Which people?

Shri Ranga: The local people there, the Nagas themselves. They have got their own local Government. But what is it that is being done in order to improve the conditions between them and ourselves? Nothing.

Shrimati Lakshmi Menon: This does not arise out of the Bill. The Bill only gives certain powers to the army so that in areas which are regarded as disturbed they will be able to manage their work without difficulty, such as, they will be able to arrest people without warrants or search houses without warrants. These are the extra-ordinary powers given to the army under the Bill. It has nothing to do with the conditions or the terms of service of the forces employed there or the conditions or relationship with Naga people, etc.

Mr. Speaker: The question is:

"That the Bill to continue the Armed Forces (Special Powers) Regulation, 1958, for a further period, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take up clause-by-clause consideration of the Bill. Are there any amendments?

Shrimati Lakshmi Menon: There is one Government amendment, that is, insertion of new clause 5.

Mr. Speaker: There are no amendments to clauses 2, 3 and 4.

The question is:

"That clauses 2, 3 and 4 stand part of the Bill."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill

New Clause 5—(Repeal and Saving)

Shrimati Lakshmi Menon: I beg to move:

"Page 1, after line 12, insert—

"5. (1) The Armed Forces (Special Powers) Continuance Ordinance, 1964 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 2nd day of April, 1964." (1).

Sir, this is to repeal the continuance of the Ordinance. The House is already aware how the Government was compelled to have the Ordinance because there was no time to introduce this Bill. Because the Regulation expired on the 4th of April and as both the Houses of Parliament were not in session and also the Lok Sabha was dealing with the Demands for Grants during which period no other Bill could be passed, an ordinance was introduced. This amendment is to repeal that ordinance.

Mr. Speaker: The question is:

"Page 1,—after line 12, insert—

"5. (1) The Armed Forces (Special Powers) Continuance Ordinance, 1964 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as

if this Act, had commenced on the 2nd day of April, 1964."

The motion was adopted.

Mr. Speaker: The question is:

"That new clause 5 be added to the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Mr. Speaker: The question is:

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

The motion was adopted.

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

Shrimati Lakshmi Menon: I move that the Bill, as amended be passed.

Mr. Speaker: The question is:

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

The motion was adopted.

13.00 hrs.

DEMANDS FOR EXCESS GRANTS (GENERAL),* 1961-62

DEMAND NO. 1—MINISTRY OF COMMERCE AND INDUSTRY

Mr. Speaker: Motion moved:

"That a sum of Rs. 60,803 be granted to the President to make good an excess on the grant in respect of 'Ministry of Commerce and Industry' for the year ending the 31st day of March, 1962."

DEMAND NO. 10—DEFENCE SERVICES, EFFECTIVE—NAVY

Mr. Speaker: Motion moved:

"That a sum of Rs. 61,79,516 be granted to the President to make good an excess on the grant in

*Moved with the recommendation of the President.

respect of 'Defence Services, Effective—Navy' for the year ending the 31st day of March, 1962."

DEMAND NO. 12—DEFENCE SERVICES,
NON-EFFECTIVE

Mr. Speaker: Motion moved:

"That a sum of Rs. 20,32,181 be granted to the President to make good an excess on the grant in respect of 'Defence Services, Non-Effective' for the year ending the 31st day of March, 1962."

DEMAND NO. 13—MINISTRY OF EDUCATION

Mr. Speaker: Motion moved:

"That a sum of Rs. 20,497 be granted to the President to make good an excess on the grant in respect of 'Ministry of Education' for the year ending the 31st day of March, 1962."

DEMAND NO. 16.—TRIBAL AREAS

Mr. Speaker: Motion moved:

"That a sum of Rs. 31,57,964 be granted to the President to make good an excess on the grant in respect of 'Tribal Areas' for the year ending the 31st day of March, 1962."

DEMAND NO. 24—TAXES ON INCOME INCLUDING CORPORATION TAX, ETC.

Mr. Speaker: Motion moved:

"That a sum of Rs. 11,19,304 be granted to the President to make good an excess on the grant in respect of 'Taxes on Income including Corporation Tax, etc.' for the year ending the 31st day of March, 1962."

DEMAND No. 32—MISCELLANEOUS DE-
PARTMENTS AND OTHER EXPENDITURE
UNDER THE MINISTRY OF FINANCE

Mr. Speaker: Motion moved:

"That a sum of Rs. 14,13,760 be granted to the President to make good an excess on the grant in respect of Miscellaneous Departments and other Expenditure

under the Ministry of Finance' for the year ending the 31st day of March, 1962."

DEMAND No. 47—CABINET

Mr. Speaker: Motion moved:

"That a sum of Rs. 87,278 be granted to the President to make good an excess on the grant in respect of 'Cabinet' for the year ended the 31st day of March, 1962."

DEMAND No. 50—POLICE

Mr. Speaker: Motion moved:

"That a sum of Rs. 23,476 be granted to the President to make good an excess on the grant in respect of 'Police' for the year ended the 31st day of March, 1962."

DEMAND No. 69—LABOUR AND EMPLOYMENT

Mr. Speaker: Motion moved:

"That a sum of Rs. 52,95,047 be granted to the President to make good an excess on the grant in respect of 'Labour and Employment' for the year ended the 31st day of March, 1962."

DEMAND No. 86—MINISTRY OF TRANSPORT AND COMMUNICATIONS

Mr. Speaker: Motion moved:

"That a sum of Rs. 1,09,698 be granted to the President to make good an excess on the grant in respect of 'Ministry of Transport and Communications' for the year ended the 31st day of March, 1962."

DEMAND NO. 88—POSTS AND TELE-
 GRAPHS—DIVIDEND TO GENERAL REVENUES AND APPROPRIATIONS TO RESERVE FUNDS

Mr. Speaker: Motion moved:

"That a sum of Rs. 2,96,63,517 be granted to the President to make good an excess on the grant in respect of 'Posts and Telegraphs—Dividend to General Revenues and Appropriations to Reserve Funds' for the year ended the 31st day of March, 1962."

DEMAND No. 90—LIGHTHOUSE AND LIGHTSHIPS**Mr. Speaker:** Motion moved:

"That a sum of Rs. 6,63,496 be granted to the President to make good an excess on the grant in respect of 'Lighthouse and Lightships' for the year ended the 31st day of March, 1962."

DEMAND No. 95—COMMUNICATIONS (INCLUDING NATIONAL HIGHWAYS)**Mr. Speaker:** Motion moved:

"That a sum of Rs. 15,61,541 be granted to the President to make good an excess on the grant in respect of 'Communications (including National Highways)' for the year ended the 31st day of March, 1962."

Does the hon. Minister want to say anything?

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): No, Sir.

Shri Yashpal Singh (Kairana): I beg to move:

"That the Demand for an Excess Grant of a sum of Rs. 20,497 in respect of Ministry of Education be reduced by Rs. 100."

(Excessive expenditure incurred on telephones).

अध्यक्ष महोदय, सरकार ज्यादा से ज्यादा मांग करती है पहले, उस को हम लोग मंजूर कर देते हैं लेकिन फिर भी सरकार ज्यादा खर्च करती है। यह इस सरकार के लिये बड़ी अशोभनीय चीज है कि जितना रुपया सरकार मांगती है हम उतना मंजूर करते हैं फिर दो साल के बाद वह यह कहती है कि हम ने ज्यादा खर्च कर दिया इस लिये हम को और ज्यादा रुपया दिया जाय।

मंत्रियों के भत्तों के लिये हम से रुपया मांगा गया था, हम ने एक एक पाई, एक एक पैसा सरकार को दिया। उस के बाद फिर सरकार ने और मांगा, हम ने और ज्यादा दिया, लेकिन अब सरकार ने जो भत्ते लिये हैं वह बिल्कुल खिलाफ कायदा हैं और इस गरीब देश के लिये शोभा नहीं देते। मेरी समझ में नहीं आता कि किस तरह से सरकार ने ८७,२७८ रु० अपने टी० ए० में बढ़ा लिये हैं। एक तरफ तो वह कहती है कि यह गांधी जी का देश है, जो गांधी जी लंगोटी बांध कर वकिषम पैलेस में जा सकते थे, जो गांधी जी उंची से ऊंची जगह लंगोटी लगा कर जा सकते थे, उन के चेले, दूसरी तरफ जब एक एम०पी० को साल भर में कुल ४,८०० रु० मिलते हैं तन्खाह के तब एक मिनिस्टर को सिर्फ चाय पिलाने के लिये ५,००० रु० मिल जाते हैं, यानी एक एम० पी० की तन्खाह से ज्यादा एक मिनिस्टर चाय पिलाने में खर्च कर देता है। तो सरकार एक दफा ही क्यों नहीं मांग लेती और क्यों नहीं कह देती कि हमें इस के लिये अनन्त राशि चाहिये और उस पर कोई चैकिंग न हो। आखिर यहाँ तो पार्लियामेंट है, प्रेसिडेंट है, पब्लिक है, सब कुछ है। सरकार साल भर बाद आ कर कहती है कि हम से ८७,२७८ रुपया ज्यादा खर्च हो गया है। मेरी दख्खास्त है कि यह रुपया इन मंत्रियों की तनखाहों में से काटा जाय, भारत देश की जनता पर इस का बोझ न लादा जाय।

इस के अलावा मिनिस्टर लोग जो टेलीफोन काल करते हैं उन पर कोई नियंत्रण नहीं है। हम देखते हैं कि किसी के लिये १५०० काल निश्चित हैं, किसी के लिये १८०० काल निश्चित हैं, किसी के लिये २८०० काल निश्चित हैं, लेकिन मिनिस्टर साहिबान के लिये कोई रिस्ट्रिक्शन नहीं है। मैंने यहाँ देखा कि एक मिनिस्टर साहब ने अपने धोबी के यहाँ टेलीफोन लगवा रखा

था, भंगी के यहां एक टेलीफोन लगवा रखा था, अपने स्टेनों के यहां टेलीफोन लगवा रखा था, अपने सबके के यहां टेलीफोन लगवा रखा था। मैंने यहां इस बारे में सवाल किया जब उसका जवाब देते का मौका आया तो उसके २४ घंटे पहले उन कनेक्शन्स को कटवा दिया गया। इन मिनिस्टर्स को अगर किसी का डर हो सकता है तो या तो आप का हो सकता है या प्रेसीडेंट का हो सकता है। जब तक ये दोनों आया रिट्रीड इन के सामने यह बात नहीं रखेंगे कि इस तरह से लाखों रुपया बह रहा है, इसको रोका जाय, तब तक ये इस फिजूलखर्च से बाज नहीं आवेंगे। हमारे देश में एक आदर्श रहा है कि हमारा प्राइम मिनिस्टर किस प्रकार रहे।

उपलक्षकलभेतत् भेदकं गोमयानाम्, बटुभिः
उपहृतानां बहिषां स्तोमेषु ।

हमारा यह आदेश रहा है कि शौपड़ों में बैठ कर हुकूमत चलायी जाये। आज देश की वह दशा है कि इस ४४ करोड़ के देश में ७ करोड़ इन्सान एक वक्त भूखे सोते हैं, एक वक्त पेट पर पत्थर बांध कर सोते हैं। इसी सब में सरकार ने यह बयान दिया था कि दिल्ली में ३७ आदमी बर्फ से ठिठुर कर इस लिये मर गए कि उनके लिए कोई चटाई का इन्तिजाम नहीं था, कोई बोरिंग का इन्तिजाम नहीं था। उनके पास कोई ओढ़ने का इन्तिजाम नहीं था। एक तरफ तो यह हालत है और दूसरी तरफ एक एक मिनिस्टर भत्ता उड़ा रहा है और चाहे जितना रुपया खर्च कर रहा है। यह आज देश के लिए कितने दुर्भाग्य की वान है।

अध्यक्ष महोदय : माननीय सदस्य धीर कर के देखें, यह तो बिलेटिड एडस्टमेंट की बात है। सात लाख पहले था, उन्होंने एक लाख इन्क्रीज किया है।

श्री यशपाल सिंह : लेकिन हम यह एग्जेंस कहाँ से दें, हमारा देश इस काबिल नहीं

है। मैं तो निवेदन करता हूँ कि आप का भी यह फर्ज है कि मिनिस्टर्स से कहें कि यह एक्सेस का ८७,२७८ रुपया क्यों मांगते हैं। यह रुपया मिनिस्टर्स की तनख्वाहों में से काटा जाना चाहिये। और यह एक्सेस रुपया मंजूर नहीं करना चाहिये।

सरकार कहती है कि देश में भुवनेश्वर का रिजोल्यूशन पास हो गया है। लेकिन उस से क्या फायदा जब कि सरकार के मिनिस्टर्स की ये फिजूलखर्चायाँ नहीं रुकतीं। हम दूसरे देशों के राजदूतों को देखते हैं कि उन के कोटों में पैबन्द लगे हैं। लेकिन हम अपने किसी मिनिस्टर को ऐसा नहीं देखते कि जो कल वाला कपड़ा आज पहन कर आवे। वे अच्छे से अच्छे तरीके से रहते हैं और साथ ही कहते हैं कि देशके ४४ करोड़ इन्सानों का प्रतिनिधित्व करते हैं। यह बात नहीं चल सकती। गांधीवाद और समाजवाद का नारा या तो बन्द किया जाए, और अगर यह नारा चलता है तो हम इस बात की इजाजत नहीं दे सकते कि इस प्रकार ८७,२७८ रुपयेकी एक्सेस की मांग की जाए और उसको मंजूर किया जाए। इसलिये मेरा निवेदन है कि इस बारे में मंत्रियों पर कोई मारल या लीगल नियंत्रण होना चाहिए।

मैं कहता हूँ कि मिनिस्टर लोग क्यों सैलूनो में यात्रा करते हैं। वे सारी गाड़ी में भी जा कते हैं जैसे कि उस वक्त करते थे जब कि वे मिनिस्टर नहीं थे। उन को उस वक्त फर्स्ट क्लास का पास मिलता था। उसी तरह आज भी सफर कर सकते हैं। सैलून की कोई जरूरत नहीं है। उन्होंने ऐसा कौन सा किला फतह किया है कि हम उन को चलने के लिये सैलून दें। अगर सरकार कोई ऐसा काम दिखलाती, चीन का कोई किला फतह करती, या पाकिस्तान की ज्यादातियों को रोकती जो कि रोज चल रही हैं, या जैव मार्केटिंग और रिश्वतखोरी को रोकती तो।

[श्री यशपाल सिंह]

हम समझते कि इस ने बड़ा काम किया है और इस के मंत्रियों को सैलून मिलने चाहिये। लेकिन आज जो देश का वातावरण है उस में यह शोभा नहीं देता कि इस प्रकार की फिजूल खर्ची की जाए। आज देश की दशा यह है कि यहां २८ करोड़ आदमी ऐसे हैं जो कि रोजाना ७ या साढ़े ७ आने खर्च करते हैं। और ये आंकड़े मैं डा० राम मनोहर लोहिया के नहीं दे रहा हूं। ये आंकड़े तो हमारे गृह मंत्री श्री गुलजारी लाल नन्दा ने दिये हैं कि देश में २८ करोड़ आदमी रोजाना सात साढ़े सात आने खर्च करते हैं। जब देश के लोगों की यह दाशा है तो मिनिस्ट्रों को यह शोभा नहीं देता कि वे तीन तीन हजार रुपया तनख्वाह लें और दो दो हजार रुपया भत्ते का लें, हवाई जहाज में यात्रा करें और उन के टेलीफोनों पर कोई नियंत्रण न हो। इस के अलावा मेरा निवेदन है कि मंत्री सैलूनों में यात्रा न करें। केवल उन लोगों को सैलून दिये जायें जो अपाहिज हों या जहां अनएवाइडेबिल सरकार्सटान्सेज हों।

मेरा सुझाव है कि यह एक्सेस रुपया मंजूर न किया जाए, यह मंत्रियों की तनख्वाहों से काटा जाए, इन के टेलीफोन काल पर नियंत्रण लगाया जाए, इन के लिये सैलूनों में चलने की इजाजत न हो और ये लग भारत के आदर्श के अनुसार सादगी से रहें।

Shri Ranga (Chittoor): I wish to add my word of dissent to what the Public Accounts Committee has said in recommending to the House that these excesses may be granted.

I do not know for what reason the control that the Finance Ministry has been exercising over the spending Departments has been weakening during recent years. Generally, these excesses run into a total of a few lakhs of rupees, and in any case, not exceeding a crore of rupees. But this

time, Government have come forward with these Demands for Excesses amounting to more than Rs. 5 crores. Even if we were to make an allowance of about Rs. 3 crores on account of Posts and Telegraphs, we find at least Rs. 86 lakhs to have been spent in excess of the Demands as originally passed by this House and also the Supplementary Demands granted later on. Ordinarily, most of these things are expected to be anticipated by Government, if not when they make the original Demands, at least when they come forward before the House with Supplementary Demands. If in excess of the original as well as the supplementary Demands, they were to go into excess expenditure, then we would expect that excess expenditure to be the minimum possible. But, unfortunately, Parliament has been so very liberal in continuing to grant more and more money to Government and they have presented us with a budget which involves not hundreds of crores but more than a thousand crores of rupees.

It seems that the spending Departments have begun to consider not lakhs but crores as the usual sums that they could be expected to spend and that they have the right to spend, so much so that lakhs seem to have lost their earlier meaning and their impact also on the minds of these spending Departments.

In conclusion, I would like the Finance Minister and the Finance Ministry to go back again to their earlier habit and also custom of being the watchdogs on behalf of Parliament and the people and try to put the fear of God into the spending Departments, and see that these spending Departments do not run away with our crores and lakhs and do not try to deal with public funds in what appears almost to be—I do not want to say 'what appears to be', but I would only say 'what almost appears to be'—a light-hearted manner.

The Minister of Finance (Shri T. T. Krishnamachari): By way of explanation, I should first submit my apology to the House for these large excess demands that we have introduced. In some cases they are actually expenditures. In many other cases, the defects arise out of accounts. I hope to be able to come to the House some time with a Bill defining the powers and duties of the Auditor General and then suggest to the House to give Government permission to take over the accounts.

During my previous term of office as Finance Minister, I had, with the permission of the then Auditor General, gone and looked into some of the accounts kept by the Accountants-General. It may well be that the system of accounts that is followed was evolved before I was born. It is a system under which there is nothing that reveals whether they are kept current. We do not know exactly what is the amount spent and what is the amount unspent. In fact, we have been trying, as far as possible, to put this question of responsibility for maintaining accounts on the particular Ministries. It is only when they maintain accounts that they can be called into question as to why expenditure is not made and why accounts are not kept. It is an old system that we have followed. In the old days, the entire thing was done by devolution by the Government of India to the Provinces. The present system of accounting by the Auditor General belongs to those days. The ultimate responsibility was that of the Government of India. They were devolving powers to the various Provinces, and therefore, they kept accounts in their hands. While the Auditor General's powers should be kept intact as the ultimate arbiter in regard to the legitimacy of the expenditure, I think this throwing the responsibility of accounts also on him really takes away a certain amount of responsibility from the particular Ministries themselves.

That, I think, is the main reason why adjustments are not made quick-

ly. They come later and we have to come with excess demands. In fact, the criticism of my hon. friend, the leader of the Swatantra Group, would be even more legitimate in regard to the supplementary demands, not in regard to these excess demands. Excess demands reveal accounting lapses more than excess expenditure. Most of it is authorised expenditure, but the accounting is not properly done. That is why it is not incorporated within the supplementary demands and there is variation of particular demands of particular Ministries.

As I said, the remedy is in overhauling the system of accounts, not to centralise accounts under the Finance Ministry but to make every Ministry responsible for its own accounting department. If the Finance Ministry interferes with the accounts, the same position will obtain. Every Ministry must be made responsible for its accounts and day to day the Secretary or somebody responsible should know what expenditure has been incurred and what has not been incurred, so that budgeting becomes easy. They will know how much has been spent, how much is not spent. Even now, I have taken the liberty of asking Ministries to submit to me proposals involving expenditure over Rs. 25 lakhs from 1st January to 31st March. For the other period, the Ministries are permitted to spend upto Rs. 1 crore. But I know that there is a spending spree in the last quarter of the year. Therefore, I said over Rs. 25 lakhs expenditure must come to Finance Ministry and their permission should be obtained, because we can then say that this amount need not be expended.

Also there is a little misconception in our accounting. With a plan for 5 years or even for 15 years, this question of lapsing of money is something wrong. If any money lapses, the legitimate expenditure which we have conceded should flow into the next year. Then the spending spree will not be there.

I would also like to say that check on expenditure could be tightened

[Shri T. T. Krishnamachari]

considerably. In fact, one of the difficulties of the Finance Minister is this. He is Finance Minister. He is a member of the Cabinet and a colleague of the other Ministers. He is certainly in a difficult position. He has a certain amount of responsibility to the House because he comes forward with financial proposals covering nearly Rs. 4,000 crores. But every Minister thinks that what he wants is the most important. Sometimes it also happens that posts are created which are unnecessary, where somebody has to be provided. The question is where exactly to draw the line. How far the Finance Minister can be impersonal is getting increasingly difficult.

Shri Sinhasan Singh (Gorakhpur): If posts are created unnecessarily, just to provide some people with jobs, why not check it?

Shri T. T. Krishnamachari: It is not always so. But it sometimes happens.

Shri Ranga: He is frank.

Shri T. T. Krishnamachari: While on the one hand, the idea behind financial control is that the Plan must be furthered, that money should be spent and people should be benefited...

Shri Ranga: Spent well.

Shri T. T. Krishnamachari: and there should be no check on good spending, on the other there should also be some check on what is called excess spending.

There is the question of proliferation of department and posts. Often-times, hon. Members have told me that we are probably increasing the number of posts in the higher levels. An hon. Member of the Communist Party was telling me that we are increasing the number of posts in the income-tax departments in the higher grades. I think it is right. In fact, if we can make an officer responsible for assessment and not depend upon a clerk,

that would be better; I hope this year with the financial proposals I have put forward, it will be easy for the officer to say to an assessee, 'This is your tax' adding surcharges and so on. This will be without increasing in the lower levels the number of posts, for which we have not enough accommodation, for which we do not have enough housing. The way in which we deal with that sort of thing is not to send them away, but to see that they are upgraded. When superior posts are created, some of them can be tested, given refresher courses and taken on into them.

All these reforms are urgently called for. From the point of view of the Finance Minister, he is quite prepared to consider himself a servant of the House and get support from whatever quarter is available in regard to greater financial control and stringency over unnecessary expenditure. I am grateful for the suggestions made by hon. Members. I know the House generally would support anything that the Finance Minister comes forward with. As I have said, the remedy for these defects lies in remedying the system of accounts. The system of accounting is wrong. That is the reason, rather than any patent desire to overspend. I take into account whatever remarks had been made and shall try to set things right to the extent of my ability.

Mr. Speaker: I shall now put Shri Yashpal Singh's cut motion to vote.

The cut motion was put and negatived.

Mr. Speaker: The question is. . .

Shri B. N. Mandal (Sarsa): Is there quorum, before passing this budget?

Mr. Speaker: Is he enquiring from me or is he challenging the quorum?

Shri Hathi: He has only enquired:

Mr. Speaker: He has not raised objection.

The question is:

That the respective excess sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President to make good the amounts spent during the year ended 31st day of March, 1962, in respect of the following demands entered in the second column thereof:

Demands Nos: 1, 10, 12, 13, 16, 24, 32, 47, 50, 69, 86, 88 90 and 95.

The motion was adopted.

13.19 hrs.

PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) AMENDMENT BILL

The Minister of State in the Ministry of Home Affairs (Shri Hathi): I beg to move:

"That the Bill to amend the Public Employment (Requirement as to Residence) Act 1957 be taken into consideration".

This is a very small measure and seeks to amend the existing Act, the Public Employment (Requirement as to Residence) Act, 1957.

The House will recall that the Act of 1957 was passed with a view to avoid certain constitutional difficulties with regard to employment from the Telengana area and in the Territories of Himachal Pradesh, Manipur and Tripura. Under article 16(1) of the Constitution, there should be discrimination in matters relating to employment or appointment on the ground of caste, creed, sex, religion or residence. Article 16(3) enable Parliament to make any law prescribing in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment. Under article 35(a) (i) only Parliament has,

and the Legislature of a State does not have power to make laws under article 16(3). Unless Parliament makes such a law, the ban on discrimination and giving preference to people in a particular area remains. It was therefore, that the Act of 1957 was passed and rules and notification to that fact were issued in 1959.

13.21 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I would not like to go into details, but I may say that before the passing of the Act there were several laws in different States which imposed condition of residence for being employed in that State service. The States Reorganisation Commission said that these restrictions should go, and that there should be no preference or discrimination on the ground of residence in a particular area. But, as the House know, when Andhra Pradesh was formed, some concession had to be given to the Telegana area because of its backwardness. Therefore, as an interim arrangement it was thought that five years might be given to the people of the Telegana area during which they should be given preference in employment. Accordingly, the Public Employment (Requirement as to Residence) Act, 1957 was enacted by Parliament in 1957 repealing all the laws in force in the States and Union Territories with regard to requirement as to residence for purposes of any employment or appointment under the State or under any local or other authority, but section 3 of the Act empowered the Central Government to make rules prescribing requirements as to residence within Telengana area or within the Union Territories of Himachal Pradesh, Maipur or Tripura for appointments in subordinate services or posts (non-gazetted posts including Tehsildars) under the control of the State Government, but not the higher Class I or IAS services, or to any service or post under a local authority in these areas. Section 5 of the Act fixed a duration of five years from the commencement of the Act

[Shri Hathi]

for the special provisions under section 3.

This Act actually came into being on 21st March, 1959. In the meantime, some private Members brought a Bill. They thought that five years was not enough, that the period should be extended. That is the feeling even now. But as the five year period had not expired then, we said that at the proper time we should assess the situation, enquire the wishes of the State and in the area, and if it was found that the people there still had not progressed economically, educationally and otherwise and that concessions had to be given, we would look into this question. Accordingly, we have enquired of the States concerned. Andhra Pradesh, Manipur, Tripura and Himachal Pradesh have said that this concession should be continued in order to reserve employment for local residents, and it is not likely that this feeling will disappear in the next five years. But the progress of education, improvement of communications and all-round economic growth may bring about a change after a few years. The Andhra Pradesh Government also desired the extension of the period of protection for Telengana residents, and this shows that there is need for this concession to be extended.

As I said earlier, we had told the House that we would consider this question in due course. It is in accordance with that promise that the present Bill is brought. Clause 3 is really the operative part of the Bill, which says that instead of five years the words ten years be substituted.

Then there is clause 4. As I said the Act expired on 21st March, 1964. It will take some time before this Bill is passed by both the Houses. Therefore, under this clause all appointments made on the basis of the previous Act from 21st March to the

date when this Act comes into force, are validated.

Clause 2 is a formal clause, which is a usual clause, that all the rules made under the Act will be laid before both Houses of Parliament.

This is the main object. I am sure that this House will give its support to this measure, which has been brought here having regard to the backwardness of the areas, and having regard to the wishes of the people in the area.

I move.

Mr. Deputy-Speaker: Motion moved;

"That the Bill to amend the Public Employment (Requirement as to Residence) Act, 1957, be taken into consideration."

Shri Ranga (Chittoor): I am glad to associate myself with my hon. friend in supporting this Bill.

It is true that these areas continue to be backward, but the unfortunate thing is that, though it has been more than seven years since Andhra Pradesh was brought into existence, the backwardness continues to be just as heavy and unsatisfactory. True, efforts are being made by the Andhra Pradesh Government to spend more and more for the social and economic development of the people of Telengana, as per the recommendations made by the sub-committee which came to be constituted as one of the by-products of the States Reorganisation Act. But what is happening is that sometimes, for their own reasons, the State Ministries do not find it possible, unfortunately, to agree with the recommendations of that sub-committee, the Telengana Regional Committee, and implement its recommendations, and owing to various political upsets and divisions and differences within the ruling party itself, which has been predominantly

represented on this regional committee, differences arise between the regional committee and the Ministry of the day, with the result that the schemes that should be taken up, the funds that should be granted, and the manner in which these funds should be spent and results should be achieved are not as satisfactory as they should be.

My fear is that the same things may be happening in Himachal Pradesh also. About Tripura and Manipur I cannot say, but Himachal Pradesh has been suffering from similar political and partisan and personal differences and quarrels, so much so the developmental works of that area are also being delayed.

I am glad my hon. friend has referred to the earlier difficulty of domicility. Because it was there, that restriction on domicility, in many of the States—not only here but in various other States like Orissa and Bihar for instance, quite a lot of injustice was being perpetrated against the linguistic minorities. Some time ago a report of the Linguistic Commissioner, I think, was placed on the Table of the House. Through him the House was made aware of the troubles and disabilities of linguistic minorities. It is good that the condition of domicility has been dispensed with. Yet various kinds of discriminations are being devised and discovered and experimented not only by the State Governments but by various Ministers also; all these troubles are being created by the Ministers in such a way that the linguistic minorities are, even today, at a very great disadvantage. It does not matter to which particular State they belong or particular language they speak; their difficulty is still there and I would like the hon. Home Minister and the Home Ministry to pay special attention to this particular aspect of it so that the rights of the linguistic minorities are properly safeguarded.

Coming to the particular question of employment in regard to all these

people, special efforts should be made to reserve certain percentage of seats or places not only in those States but also in the All India Services so that the people of those States are given some additional opportunity of getting themselves recruited and making their contribution to their own State as well as All India cadres. Sometime ago, a formula was offered to the tribal people in Assam by the Prime Minister and we are glad to learn that they have at long last, through their organisation, accepted the Prime Minister's proposals. When they are implemented through administrative or legislative proposals, I request the Home Ministry to keep in mind the need for the same kind of protection, for instance, in the Assam political set-up, and also in the administrative set-up, such protection as has been offered to the people of Telangana, Tripura, Manipur and Himachal Pradesh. During the next four years, it should be possible for the Government to so implement these proposals and help these people that they should come back to this House and say that there is no longer any need for further extension of this legislation as those people have reached parity with other people.

Shri Hathl: Mr. Deputy-Speaker, Sir, I thank Prof. Ranga for his support and I appreciate also his feelings that after five years we should be able to develop these areas in such a way as to need no more extension of them. This is only an interim measure. We do not want to keep this area backward for all time to come and even now it is with some reluctance that I have come with this measure to give five years because in these five years we should have been able to do something. But five years or a short period for educational or industrial development; it takes some more time before young men reach the age of employment and it is, therefore, that I have brought forward this measure. I absolutely agree with my hon. friend that after five years we should be in a position to bring our friends in Telangana, Himachal Pra-

[Shri Ranga]

des, Manipur and Tripura to a level that they may be able to compete with any other man from the other areas.

I find that in these areas it has not been possible to fill all the posts from local people. In Homachal Pradesh, out of 13218 posts, 6151 were filled by persons on residential qualifications and the number of posts filled by non-entitled persons in only 984. Some posts are vacant as we could not find local people. It shows that local, qualified people are not available. This concession will not have much meaning unless we give facilities for training in industries, for education, for development, etc. It should be our endeavour to see these backward areas so developed within the next five years that they may come up to the level with the rest of the country. If, as suggested by Prof. Ranga, we reserve posts in the All India cadre, there will be some difficulty in the sense that the enthusiasm will be missing because they will be assured of this quota fixed for them. That will be the minimum and the maximum. Once we give that concession, that enthusiasm will be slackened. I can assure my hon. friend that we shall take all possible measures to see, in the Home Ministry, that these areas are properly looked after. I am thankful to Prof. Ranga for his support and I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Public Employment (Requirement as to Residence) Act, 1957, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 1, Enacting Formula and Title were added to the Bill.

Shri Hathi: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

13.40 hrs.

ADVOCATES (AMENDMENT) BILL

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra): Sir, on behalf of Shri A. K. Sen, I beg to move:

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

It will be recalled that when the Advocates Act was passed by Parliament in the year 1961, its sole purpose, to put it briefly, was that there should be only one class of legal practitioners in this country, namely, advocates, and secondly, that instead of the right of practice for the advocates being restricted to the particular high court where they are enrolled, it should be extended to the whole of India. That means, there should be a common roll of advocates entitled to practice throughout the territory of India including the Supreme Court; and thirdly, to create autonomous Bars with full powers to have full control over the advocates. Experience has shown, and numerous representations were received from various bodies and other associations, also from the State Bar Councils, about the practical difficulties that were involved, mainly in the functioning of the State Bar Councils and in the all-India Bar Council. Representations were received and they

were all considered by the Bar Council of India and also by the Attorney-General who by virtue of his position happens to be the President of the Bar Council of India. It is only after consulting the Bar Council of India, and according to their suggestions, that this Bill has been brought before the House.

I will only briefly summarise the main amendments that are now being sought to be incorporated in the Advocates Act. It will be recalled that the Advocates Act contemplates that everybody who had taken his law degree before the 28th February, 1963 will automatically be enrolled as an advocate, and after taking the law degree, after the 28th February, 1963, has to undergo a course of training and to appear in an examination prescribed by the Bar Council. It was thought necessary then that only taking a law degree probably would not qualify a person to discharge the onerous responsibility that he has to discharge. Therefore, it was thought that some course of training was necessary if a person can effectively discharge his duties as an advocate. Unfortunately, it has not been possible so far to frame common rules as to how and what the course of studies should be, or what sort of examination will be held, who will undertake to give guidance to the trainees and all that. Attempts are being made to do that, but, at the same time, representations have been made from those who have passed after the 28th February, but since no rules have been framed and since the Act stands as a bar, they are not entitled to practice. Therefore, it is now proposed to extend the date from the 28th February, 1963 to 31st March, 1964. So, in effect, it will mean that any law graduate who passes the examination prior to the 31st March, 1964 will be entitled to be enrolled as an advocate without appearing in any test. We hope that after this period probably by the time the next batch comes up, the Bar Councils will be in a position to frame the necessary rules for

giving the new entrants the necessary training.

Then, as I have already said, the Act intends that there should be only one class of advocates throughout the country; it has been found from experience that certain other persons who are qualified to be advocates or who had the right to practise as advocates but who have not got the necessary qualifications to be advocates under the Act should not be debarred from being advocates and that their experience in the field of law should be taken into consideration. I need not go into the list which has been specified in the Bill. Therefore it is proposed that certain classes of practitioners in different parts of the country should also be admitted or permitted to be enrolled as advocates if they so choose.

Then, so far as the common roll of advocates is concerned, it will be seen that the Act contemplates a common roll of advocates who will be entitled to practise throughout the territory of India as well as in the Supreme Court, and it has been specified in the Act that the common roll should be maintained according to the seniority of advocates. It has been pointed out by the Bar Council of India that, first of all, to have a common roll of advocates by itself is a very huge task and also, preparing it on the basis of seniority will involve quite a long time. And, therefore, it is now proposed to authorise the Bar Council of India to make rules for the purpose to determine how the common roll should be maintained.

Then, so far as the advocates of the Supreme Court are concerned, when this Act came into force from 31st December, 1961, you will remember that there are two classes of practitioners in the Supreme Court, designated as senior advocates and junior advocates. When this Act came into force on the 31st December, 1961, senior advocates who were then

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senior advocates were also considered under the Act to be senior advocates; but the senior advocates work under certain disability, because they are precluded from taking up certain kinds of work in the Supreme Court. Therefore, now it is sought to give them the option, to exercise the option if they would like to be treated as junior advocates and not as senior advocates. That right is given here.

So far as the functions of the Bar Councils are concerned, it is the Bar Council of India that is representative of the State Bar Councils, and the State Bar Councils are represented in the all-India Bar Council. It is only fair; it was not made clear that the term of office of a member of Bar Council of India must be synonymous for the same period as he is a member of the State Bar Council which he represents. Therefore, it is now provided that the term of office of a member who represents a State Bar Council in the All-India Bar Council, as a member of the All-India Bar Council, will cease when he ceases to be a member of the State Bar Council.

As I have said, it is intended to create an autonomous Bar and an all-India Bar. It has been thought necessary to give the all-India Bar Council certain jurisdiction so as to give direction, to have the power of revision, to call for the records of the State Bar Councils for properly exercising or laying out an all-India policy; and it has been thought necessary to invest the all-India Bar Council with some more powers and it is only with the object of having a common roll, to have an autonomous Bar and to have a uniform policy. Therefore, the powers of the all-India Bar Council have been extended over the State Bar Councils.

These are in short the amendments that are proposed to be incorporated now. With your permission, Sir, I move.

Mr. Deputy-Speaker: Motion moved;

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

Shri S. M. Banerjee (Kanpur): Mr. Deputy-Speaker, Sir, I rise to support the Bill moved by the hon. Deputy Minister of Law. I remember when the first amendment was made, there were representations on behalf of the Bar Associations and specially those law graduates who thought that they were not entitled to get this concession or advantage because of certain restrictions in the Bill. I was a bit surprised or rather worried when the previous Bill was withdrawn. But later on when I got information from the hon. Minister that he was introducing this Bill, I was extremely happy to know that it has embodied exactly what was demanded by the law graduates.

As very ably explained by my hon. friend the Deputy Minister of Law, even those graduates who would become law graduates after 31st March, 1964, if I understand it correctly, will not be denied of this advantage under this particular Bill. It says: . . ."

"the term of office of the member of the Bar Council of India elected by the State Bar Council should normally be for the same period for which he holds office as member of the State Bar Council."

Then, powers have been given to all-India Bar Council and naturally some powers will be given to the State Bar Councils too. Then, in the Statement of Objects and Reasons, they have said that for the efficient and smooth working of the Act it is also considered necessary to vest in the Central Government powers to make rules in respect of matters which may be considered necessary. I would like to know whether the rules have been framed or are likely to be

framed soon, and whether this House will be entitled to have the rules discussed because there is a feeling that the framers of the rules under this Act may not include certain things which were demanded by the law graduates. I should be happy if the Deputy Minister throw some light on the proposals in his mind and how the rules are going to be framed in this connection.

I would again congratulate the Deputy Minister for bringing this amendment. It has given an opportunity to all and I do not think any complaint will be there no representations will be pouring either to us or to the Deputy Minister. With these words, I support this Bill and request the Minister to explain to us what will be the salient features of the rules that are likely to be framed.

Mr. Deputy-Speaker: Any hon. Member who would like to speak? 4 hours have been allotted to this Bill.

Shri Oza (Surendranagar): Sir, this Bill has come by surprise. It has brought into discussion this Act which has been amended from time to time. My attention has been drawn to several law graduates from my area, who have their practical difficulties. Some persons who have passed the law examination have to undergo some training because the degrees are not conferred before a particular date otherwise, they do not have to undergo it. The hon. Deputy Minister, who is piloting the Bill, said that some persons do require some training after they take their law degrees. The actual conferment of the degree should not be material. Whether they have passed the appropriate examinations should be the deciding factor. Some Universities may delay the conferment of degrees for some time. That is no fault of the candidates, who have taken the courses prescribed by the universities and passed the examinations. If the universities had conferred the degrees in time, they would not have to undergo further training. So I would request my hon. friend to determine the date not in res-

pect of the actual conferment of the degrees and the date of convocation, but in respect of the dates of the examination. They should go by the dates of the examination and should keep the course in view.

The law graduates have also brought to my notice several difficulties. In some centres, it has been found that it is not possible to find out lawyers under whom they can take training. It has been laid down by rules and appropriate laws that a candidate who has passed the examination after a particular time has to take practical training under advocates who have put in ten years' practice. In some centres, there is a limited number of senior practitioners who are eligible to give such training, with the result that the juniors who have passed the examination cannot do the chambering. So, they are out to further expenditure. I would request the hon. Minister to take this into consideration and to relax the rule, because it has been said that not more than two lawyers can be taken into the chamber of a senior advocate. That would work to the hardship and detriment of several graduates who cannot find appropriate places for training in several mofussil areas.

These are the points which I would like to put before the Minister, because they have struck me at once. I wanted to contribute much to the discussion on this Bill. But it has come only this morning. When I came to the House I found that the discussion was going on. These are the points which came to most to my mind. I would earnestly request the Deputy Minister to keep these practical difficulties in view and if necessary bring appropriate amendments.

Shri Daji (Indore): Sir, I want to raise two points in connection with this Bill. One is, I do not appreciate that the question of qualifications and disqualifications for membership of Bar Councils and who can stand for election and vote should be left to the rules to be framed under the Act. This is an important matter and it

[Shri Daji]

cannot be left to the rule-making power of any authority for the matter of that. At least such an important matter should have been specified in the Bill itself or at least the outlines and limits should have been laid down. Within which the rule-making power may be exercised by the Bar Councils, because one does not envisage what qualifications or disqualifications might or might not be brought in the exercise of the rule-making powers.

Then, the whole scheme as envisaged under this Act about new advocates is rather unclear even now. We have been stumbling from position to position and changing dates, sometimes to accommodate the results of this university or that university and sometimes because the whole machinery is not ready. But for this amendment, I do not know what the position would be. In August a whole bunch of fresh advocates are due to take their examinations under the Bar Councils. Whereas they have been required to do chamber work, to maintain the diary and to work under a senior, actual several State Bar Councils have yet been unable to help these youngsters. The purpose with which the Parliament initiated this legislation was that mere law graduation does not make a man fit to become a lawyer. So, some sort of practical training was supposed to be there, supplemented by lectures and other help from the Bar Council. In the absence of these, what is left is only the onus of the examination without the benefits accruing therefrom.

Also, it is very difficult to fit in the whole pattern of law studies which different universities have got. There are variations in the curricula for the law course in the different universities. The dates for examinations are different. Some universities hold six-monthly examinations and some yearly. Some hold supplementary examinations and some do not. The result is whereas in some cases a fresh law graduate may have

to go on working under the Bar Council rules for 18 or 20 months, in other cases it may be 13 or 15 months only. So, what I submit is that all these matters have to be examined in detail. These new conditions should not be enforced till rules have been framed, proper conditions have been created and the whole machinery is ready, so that the benefits we want to flow from this may actually go to the law graduates and uniformly to all the law graduates of different universities. Merely passing the Act will not help unless the machinery is created simultaneously. I would like to know what steps Government have taken for that. Next session, again some State Bar Council may be failing in its duty and again we may be asked to accommodate them. How long shall we go on in this *ad hoc* manner? That is the difficulty to which the Government should apply its mind.

Mr. Deputy-Speaker: Dr. Aney.

Shri S. M. Banerjee: Before Dr. Aney speaks, we should have quorum in the House.

Mr. Deputy-Speaker: The bell is being rung.

There is quorum now. Dr. Aney may proceed.

Dr. M. S. Aney (Nagpur): Sir, the All India Bar Council is, in my opinion, an important institution which, if properly conducted, will play a very important part. The rights given to the All India Bar Council, if properly exercised, will mean a good deal of improvement in the formation of the judiciary itself. It has got this importance. Therefore, all laws regarding the Bar Council and the advocates who are to be members of the Bar Councils deserve to be very carefully considered.

14 hrs.

I am glad that the hon. Minister of Law, in this Bill, has tried to

incorporate the various suggestions which have been made by this House before. One important thing is, the difficulty which was felt in the enrolment of advocates has been removed by this Bill. Secondly, the Bar Councils are given wide powers under this Bill, in respect of various matters. Therefore, the proper formation of the Bar Councils is a matter of great importance.

I am glad that in the formation of State Bar Councils special care has been taken to see that a certain percentage of advocates of certain standing is included. The provision is:

"Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll....."

considering the importance of the duty of Bar Council advocates with standing and experience are necessary there and a legal provision for that has been made now. In my opinion, it is very good. When we create Bar Councils we have to give them disciplinary control also. So persons with sufficient experience of Bar have to be there. If they have not got sufficient experience, instead of being useful they are likely to be a source of trouble also. Therefore, this provision for associating certain advocates of certain standing with the Council is a matter that will lead to proper discussion and deliberation by the Council which, in my opinion, is a matter which is very necessary.

Lastly, I want to say only this. Bar Councils or any other councils can work satisfactorily only if there is a certain important outlook before them. The judicial system in this country is, in my opinion, the bed-rock on which democracy stands. The Bar Councils in course of time should be so powerful as to give proper recruits. It should claim the rights

of appointing proper judges on the judiciary. When this is done judges would be elected only from the members of the Bar. Then only we will get independence of the judiciary. These are potentialities of the Bar Council. At present we are only making a beginning of it. If these potentialities are to be properly developed, proper care has to be taken in the initial stages. I believe, the Bill that is before us shows that the framers of this Bill have taken into consideration most of the suggestions which have been made in regard to this matter by various members of the Bar Associations. I am sure the Bill that is before us can certainly make a good beginning in that direction, and I support it.

Shri Bibudhendra Misra: Sir, a question has been raised, by Shri Banerjee, about the rule-making powers. He wants to know why Government is taking these rule-making powers. I would like only to say that it is not the intention of the Government to frame rules in supersession of the powers of the Bar Councils. The whole idea of taking this extraordinary power is to frame rules wherever there are no rules so as to see that effect is given to the provisions of the Act. The All India Bar Councils are having rules on all matters arising out of the Advocates Act. When all the rules are made by All India Bar Councils, it will not be necessary for the Government, simply because it has assumed these powers under the Act, to make rules. Whenever a rule is framed by the Central Government, if at all necessary, if Shri Banerjee will kindly look to the provision under sub-clause (5) of clause 21, he will find that therein it has been expressly stated that it will be laid before the Houses of Parliament.

Then, an apprehension has been voiced about permitting a law graduate to be enrolled without waiting for his obtaining the degree in a convocation from a university. There

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is no apprehension on that score as will be seen from the explanation appended to Section 24 of the Act. It has been clearly stated that for purposes of this section a person shall be deemed to have obtained a degree of law from a university in India on the date on which the results of the examinations for that degree are published by the university on its notice board or otherwise declared him to have passed that examination. Therefore, that right accrues to a person who passes that examination under the Act he need not wait for obtaining a degree from the university in which he studied.

Shri Daji suggested that there should be, as far as possible, uniform legal education in India. That is a point, also, of which notice has been taken by the Bar Council of India. I am told the Bar Council of India has appointed a Legal Education Sub-Committee to find out what should be the courses of studies and all that. Since under the Advocates Act itself the Bar Council of India has a right to recognise the universities that are imparting legal education, the Bar Council of India will also come in close touch with the universities and the universities also will be guided by the advice of eminent counsels that represent the Bar Council of India.

With these words, Sir, I move that the Bill may be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take the Bill clause by clause.

Shri Sinhasan Singh (Gorakhpur): Sir, I want to speak on clause 2. I have not given any amendment but I would like to speak on this clause.

Mr. Deputy-Speaker: Let us take up clause by clause.

Clause 2.—(Amendment of section 3)

Shri Sinhasan Singh: This clause seeks to give a kind of representation to members of the Bar Council dividing them into two halves. The original provision was for election of 20 members by proportional representation.

It provides:

"Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Councils Act, 1926."

Sub-clause (4) refers to disqualification. By this provision what we are making is we are providing certain reservation amongst the members of the advocates themselves—certain persons will be enrolled on certain qualifications and the rest on some other qualifications. Rather, we are making two water-tight compartments amongst the advocates themselves—those who were enrolled for ten years or more and those who have less of experience. This will create some jealousy between the two sections. If the older generation will go by this reservation, the younger generation will feel jealous that the older generation are getting half of the seats merely by reservation. So, why have this reservation? The Constitution provides reservation only for scheduled Castes and Backward Classes. Therefore, this provision in the Bill for reservation amongst the advocates themselves is a novel one. I do not know what prompted the Government in bringing forward this amendment.

Then, before this amendment, there was no question of renewal of membership. Now we are providing that an advocate shall be disqualified for being a member of the State Bar Council unless he possesses some qualifications as may be prescribed by the Bar Council. The clause reads:

"An advocate shall be disqualified from voting at an election under sub-section (2) or for being chosen as, and for being, a member of a State Bar Council, unless he possesses such qualifications or satisfies such conditions as may be prescribed in this behalf by the Bar Council of India, and subject to any such rules that may be made, an electoral roll shall be prepared and revised from time to time by each State Bar Council."

It amounts to an annual revision of the rolls of the State Bar Council. It may well happen that in a State a member may be removed from the roll. He may contest saying that it is wrong or unlawful. The result will be that it will also become like Parliament or State Assembly elections.

When we passed the original Act, we made it an all-pervading one, covering all the legal practitioners of India under one roll. What difficulty has arisen between the passing of the Act and now to necessitate the bringing in of this amendment? Why this apportionment of membership between junior and senior advocates? What is the necessity for prescribing disqualification now? I hope we are entitled to know from the Government the reasons which prompted them to bring forward these amendments.

Then, the Bar Councils Act itself is a voluminous one. Also, its amendment has not been infrequent. Every time we are coming forward with one or two amendments. There is also an amendment given notice of by a

private Member, and I think it is coming up today. I feel that an Act which refers to the legal luminaries should have some sanctity attached to it and it should not be tampered with lightly. If we are bringing forward amendments to the same Act every now and then, it only shows that we are not considering the subject in all its aspects when we try to amend it. I feel that we should not bring forward amendments in such lighthearted fashion. An Act should be amended only when it is absolutely essential.

श्री द्वारका दास मंत्री (भीर) : क्लोज २ के प्रोवीजों में कहा गया है : "प्रवाइडिड टैट एज नीयरली एज पासिबल बन-हाफ सच इन्क्विटड मेम्बरस." । मैं निवेदन करना चाहता हूँ कि जब हम कोई कानून बनाते हैं, तो उस में कुछ क्लैरिटी होनी चाहिए, ताकि उस का इन्प्टरप्रेटेशन सही और साफ़ तौर से हो सके । जब हम ने इस प्रोवाइजो में "बन-हाफ़ आफ सच इन्क्विटड मेम्बरस" लिख कर स्पेसिफाई कर दिया है, तो फिर "एज नीयरली एज पासिबल" शब्दों की आवश्यकता मझूस नहीं होती है । इन शब्दों से इन्टर्प्रेटेशन में गलतियाँ होने की सम्भावना रहेगी । इसलिये बेहतर है कि ये लक्ज यहाँ से हज़फ़ (डिलीट) कर दिये जायें ।

The Minister of Law (Shri A. K. Sen): Mr. Deputy-Speaker, the new clause (2) has been proposed at the suggestion of the All India Bar Council and senior members of the bar like Shri N. C. Chatterjee and others. There is a similar provision for reservation of a minimum number of seats for senior advocates in the Bar Councils Act of 1926. We did not put it in the original Bill but during the working of the Advocates Act it has been found rather unpleasant that senior advocate do not propose to go into the din and bustle of the elections with the result that only junior advocates with little experience get elected. The result is that the mature

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experience of the senior advocates does not come to play in the deliberations of the Bar Council. Therefore, we have thought it proper, at the suggestion of the Bar Council of India, the Attorney-General and other senior members of the Bar, that we should re-introduce the provision which was in the Act of 1926.

With regard to the point on "as nearly as possible", sometimes it may be a fraction. The hon. Member does not know that it is a special law where we may come across a case where there is a possibility of a fraction is eliminated. It is an expression of drafting which is absolutely necessary in such cases when we fix the minimum percentage.

With regard to the point raised by Shri Sinhasan Singh about the qualifications being prescribed for standing for election and for voting on elections, at the present moment, we have no All India Bar; we have Bar Councils in the States. But might happen is that different Bar Councils may prescribe different qualifications and then it will become very difficult. In fact, such cases have occurred. We find that the All India Bar Council cannot enforce a uniform qualification because it has no power to do so. That is why we have introduced this provision so that there may be uniform prescription of qualification all over the country.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 5.—(Disciplinary committees).

Shri K. L. More (Hatakanangle): I wish to say one or two things regarding clause 5 Under section 9 the disciplinary committee of a Bar Council

is to consist of five members. Now, under the present clause 5, the number is to be reduced to three and the reason given is that the committee would be unwieldy. But I do not support this and the committee should consist of five members, instead of three. So, I oppose this clause.

Shri A. K. Sen: This is also one of the suggestions of the All India Bar Council; it is not a suggestion of the Government at all, and I am sure the hon. Member will give more weight to the experienced view of the Bar Council. In fact they have found it difficult to gather five members, particularly when they are spread out all over the State. Therefore, they have found it that three would possibly be a practical number for the purpose of holding a sitting of the disciplinary committee, because they should be senior qualified members, respected by the members of the profession and who do not want to stand for election. That is why this provision has been inserted.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 10 were added to the Bill.

Clause 11.—(Amendment of section 20).

Shri Parashar (Shivpuri): Mr. Deputy-Speaker, Sir, in clause 11, sub-clause (A) (ii) (a) reads:—

"the words 'after such training' shall be omitted;"

In the original section 24.....

Shri A. K. Sen: Where is the hon. Member reading from? There is no sub-clause (A) or (B) in clause 11. I think he must be reading from the Bill which has been withdrawn.

Shri Parashar: I am reading from the Bill which has been supplied to me, I do not know if it has been withdrawn.

Mr. Deputy-Speaker: Have you got anything to say on clause 11 of the new Bill?

Shri Parashar: No.

Mr. Deputy-Speaker: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill.

Clause 13.— (Amendment of section 24).

Shri H. V. Koujalgi (Belgaum): Sir, the original Act was amended by Act 32 of 1962 according to which some of the law graduates who passed their examination before the 28th February, 1963, were exempted from further training. As some of the Bar Councils could not frame the rules, this training could not be given. According to the Bill which has now been withdrawn, the concession was to be given up to the 31st December, 1963 and now the concession is to be extended to those students who pass before the 31st March, 1964. Of course it is said further namely,—

"or to such other later date as may be prescribed". But this "such other later date as may be prescribed" will remain inoperative. We do not know who is to move, or even if it is moved that the date should be extended to some other date, it would take a long time.

What I want to urge is that the benefit goes only to those students who pass before the 31st March, 1964 but in many universities the examinations are held in the month of April and the results are declared in the month of May. That is the case in most of the States. So, it is better that this advantage should be given

to all students who pass during the year 1964. After that this concession may not be given. So, instead of giving a particular advantage only to particular universities who declare their results by the 31st March, 1964, it is better that the advantage is given to all students.

Shri A. K. Sen: I can assure the hon. Member that if there is a good case of any university, we will consider it. That is why instead of coming up to Parliament each time we are taking the power to extend the date by an appropriate notification.

Shri K. L. More: I wish to add nothing; I only wish to congratulate the hon. Law Minister for widening the scope of section 24.

It says:—

"It is also considered necessary to enlarge the scope of section 24 to cover certain other classes of persons as well who by reason of their training or experience should be eligible for enrolment whether they are law graduates or not."

So, the benefit is extended to certain classes of pleaders or legal practitioners and I congratulate the hon. Law Minister.

Shri S. M. Banerjee: Sir I support the contention of my hon. friend who spoke just now. This particular point about the 31st day of March, 1964 was also brought out by my hon. friend. Shri Homi Daji and in reply to that the hon. law Minister just now stated that if there is a good case, it will be seen that those cases are covered under the rules, if I heard him correctly now rules are yet to be framed.

Shri A. K. Sen: Not rules. The language is:—

"or to such other later date as may be prescribed".

Shrimati Renu Chakravartty (Barackpore): By rules.

Shri A. K. Sen: By rules, of course.

Shri S. M. Banerjee: I expressed my apprehension about this while I was initiating the debate on this. We do not know what the rules are and the hon. Deputy Law Minister when he replied could not give us an idea about them. There is a fear lurking in the minds of hon. Members as also of the advocates because the dates of examinations are different in different States. So, what I suggest is that some provision should be there. Though an amendment has not been moved, an amendment can be moved. It is not too late because this Bill is not going to conclude today. A suitable amendment can be brought on behalf of Government which should allay the fear which is lurking in the minds of those advocates about this particular date.

What does it say? It says:—

"before the 31st day of March, 1964, has, for at least three years, been a vakil or a pleader or a mukhtar, or was entitled at any time to be enrol under any law then in force as an advocate of a High Court (including a High Court of a former Part B State) or of a Court of Judicial Commissioner in any Union territory;"

I put this pertinent question to my hon. friend, the Deputy Law Minister whether the "31st day of March, 1964" would cover all cases or again some lacuna will remain. It does not look nice that every time this House is asked to pass certain amendments to the original Act. Sometimes the Act is amended in such a way that all the original sections are amended and it becomes a new Act.

So, I would only request that a proviso may be given. It is my earnest request to the Law Minister, through you, because both the Law Minister and the Deputy Law Minister have taken enough pains to adjust our young, energetic advocates. There

were representations after representations, on their behalf, addressed to all the Members of Parliament and to the Law Minister. So, I would only request him kindly to see if there is a way out and if this can be adjusted and a proviso can be added. I do not want further amendments of this. There may be a proviso saying either the 31st day of March, 1964, or the date of announcement of result, whichever is earlier". It can be said like this. A proviso must be there so that it may safeguard the interests of all those who wish to be lawyers and wish to join the bar. We cannot possibly ignore their genuine demand.

With these words, I request the Law Minister kindly to throw some light on this.

Shrimati Renu Chakravartty: Mr. Deputy-Speaker, Sir, I must say that this Amendment Bill to the Advocates Act is a welcome change from the point of view of the State of West Bengal. As you know, in the original Bill actually the mukhtars were completely left out and while mukhtars of West Bengal were left out, in many of the Part B States and in other erstwhile princely States those who had been practising, not as degree-holders of law but with lesser qualifications, were going to be recognised. But the mukhtars were not going to be recognised. The strength of mukhtars practising in all the different courts of West Bengal is about 1,400. About nine hundred or more have been practising for fifteen years. Some of our most eminent lawyers have been mukhtars. And certainly in every sub-divisional court it is these mukhtars who are the backbone of the entire Bar, and they are the poor man's lawyers. They are an important body of lawyers about whom it was stated by no less a person than Sir Trevor Harris in the report of the Reforms Committee in 1952:

"It appears to us that the possession of law degree is not

absolutely necessary for the work of mukthar”.

Mr. Deputy-Speaker: Will the hon. Member take some more time?

Shrimati Renu Chakravartty: Yes, Sir.

Mr. Deputy-Speaker: She may continue tomorrow.

We will now take up non-official business. There is a motion to be moved. Shri S. M. Banerjee.

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

“That this House agrees with the Forty-second Report....”

Shri A. K. Sen: May I only appeal to you to take up this particular clause, clause 13, today, because I shall not be here tomorrow?

Mr. Deputy-Speaker: There is no time now.

Shri A. K. Sen: Only one minute.

Shrimati Renu Chakravartty: It is a fundamental clause.

Shri S. M. Banerjee: You have such an able Deputy, he can reply.

Mr. Deputy-Speaker: Yes, Mr. Banerjee. You may move the motion.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS (FORTY-SECOND REPORT)

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

“That this House agrees with the Forty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1964.”

Mr. Deputy-Speaker: The question is:

“That this House agrees with the Forty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1964.”

The motion was adopted.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL* (Insertion of new Section 6A) by Shri Prakash Vir Shastri.

श्री प्रकाशवीर शास्त्री (विजनौर):
 उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि लोक प्रतिनिधित्व एक्ट, १९५१ में आगे संशोधन करने वाले बिल को पेश करने की अनुमति दी जाये।

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951.”

The motion was adopted.

श्री प्रकाशवीर शास्त्री: मैं बिल को पेश करता हूँ।

FIXATION OF RESPONSIBILITY (OF PERSONS IN AUTHORITY) BILL* by Shri Parashar

Shri Parashar (Shivpuri): I beg to move for leave to introduce a Bill to provide for fixation of individual responsibility of persons in authority with reference to national defence and development of the country.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for fixation of individual responsibility of persons in authority with reference to national defence and development of the country."

The motion was adopted.

Shri Parashar: I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of article 85) by Shri Prakash Vir Shastri.

श्री प्रकाशवीर शास्त्री : मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले बिल को पेश करने की अनुमति दी जाये ।

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

श्री प्रकाशवीर शास्त्री : मैं बिल को पेश करता हूँ ।

CONSTITUTION (AMENDMENT) BILL*

(Omission of article 370) by Shri Prakash Vir Shastri.

श्री प्रकाशवीर शास्त्री : मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले बिल का पेश करने की अनुमति दी जाये ।

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

श्री प्रकाशवीर शास्त्री : मैं बिल को पेश करता हूँ ।

Shri Raghunath Singh (Varanasi): We are unanimous in this matter.

PROTECTION OF CIRCUS EMPLOYEES BILL—contd. by Shri Nambiar

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Ananda Nambiar on the 10th April, 1964:

"That the Bill to protect the Circus employees by bringing them under the operation of the Industrial Disputes Act, 1947 and the Workmen's Compensation Act, 1923, etc., be taken into consideration."

Fifty-five minutes are left. Shri S. M. Banerjee may continue his speech.

Shri S. M. Banerjee (Kanpur): Sir, I rise to support the Bill moved by my hon. friend Shri Nambiar. This particular Bill had the support of all the Members who spoke. Mr. Alva, when he supported the Bill, mentioned in this House the pathetic story of those young boys and girls who are forced to work in a circus and about the treatment meted out to them.

It is really a tragedy in this country that those labour legislations which were passed in this House after so much of discussion, which according to me and according to the

workers gave relief to the working people of this country to some extent, are not applicable to the circus employees.

Recently, when the Russian Circus came here, I saw there one of the managers or the person who was managing the show of that circus in Kanpur. I put a question to him, "Don't you employ or don't you train the small boys and girls in your country for such acrobatic feats?" And he told us, "In our country we do not allow the young boys and girls or children to take part in circus unless their parents are also there". And there was a small girl whose parents, both the father and mother, were working in the circus, and they always used to safeguard the interests of that poor girl.

But in our country what happens? Those children are taken out from their homes and they are trained; and they are trained in such a harsh manner that they are beaten almost to death. My friend Shri Nambiar has brought certain glaring instances and he has proved by those facts, quoting from articles various statements, how these young boys and girls or children are treated by the circus authorities.

In the statement of objects and reasons to his Bill Shri Nambiar has clearly mentioned:

"The artistes and employees on whose labour, sweat and lives the success of circus depends are treated very badly. Children, even below 10 years of age, sometimes destitutes, are employed and given very harsh treatment and training and are kept in perpetual terror by some unscrupulous managers. Female employees are not looked after properly and there are a number of instances of extreme outrageous behaviour. Wages are also not properly paid.

Therefore, it is necessary to prevent such ill-treatment meted

[Shri S. M. Banerjee]

that resulted in abortions and the death of the women. What will happen to those destitute and small children who really become a tool in the hands of the managers to earn money? Therefore, I humbly submit that all those artistes who are working in circus companies should get the benefit of all our labour laws, whether it is the Minimum Wages Act or the Provident Fund Act or the Workmen's Compensation Act or any other Act, which are applicable to other workers in the country.

With these words, I support this Bill and I congratulate Mr. Nambiar for bringing forward this piece of legislation. I request the hon. Deputy Minister of Labour to accept this Bill.

Shri Manoharan (Madras South): Mr. Deputy-Speaker, Sir, my hon. friend Mr. Nambiar has introduced the Protection of Circus Employees Bill.

Mr. Deputy Speaker: The hon. Member is not in his seat.

Shri S. M. Banerjee: He is speaking about circus!

Shri Nambiar (Tiruchirapalli): He wanted to be near the mike.

Shri Manoharan: Of course, I am not in a position to oppose the spirit of the Bill. I think it is my duty to bring to the kind attention of the House certain difficulties the circus management is undergoing. My hon. friend, Shri S. M. Banerjee, has pointed out so many things, the difficulties and the tribulations, from which the employees of the circus companies suffer. I must confess that I definitely support all the sentiments expressed by Mr. Banerjee as well as Mr. Nambiar. But as regards certain sections of the Bill which Mr. Nambiar wanted the House to accept, I am sorry to say I cannot openly accept

them. Personally speaking, Mr. Nambiar is noted for the genuine understanding and the correct appraisal of things and, what is more, his appreciation of files. Here in the Bill, he has stated that an employee of a circus establishment shall be treated as a workman within the meaning of section 2 of the Industrial Disputes Act, 1947 and he shall be entitled to all the rights, privileges and obligations thereof. Sir, as you know, the fate of circus purely depends upon the seasons. During the rainy seasons, circus is virtually finished and the management suffers a lot. They are driven from pillar to post. My hon. friend, Mr. Nambiar, suggested that boys below 5 years of age or 8 years of age should not be included in the circus company and all that. But, I hope, Mr. Nambiar knows fully well that the very art requires correct training, proper training, from early childhood, from the age of 5 years. If Mr. Nambiar wants through this Bill the complete abolition of circus, I can understand it. But on one hand, he wants the circus to grow because it is one of the cultural institutions of the country, and on the other he wants to introduce restrictions on the employees of the circus which will virtually paralyse the circus company. At the age of 5, proper training can be given because that is the age of flexibility. Therefore, the flexibility aspect should be taken into consideration. After 12 years or 14 years or 16 years, what will happen? Automatically, the muscles will get stiff and so the desired effect cannot be there. So, all these restrictions will virtually paralyse the circus company and the circus company cannot exist at all. Therefore, I cannot openly accept that aspect of the issue.

Mr. Nambiar's Bill wants to give compensation and Mr. Banerjee also pointed out that particular aspect of the matter. Of course, I have no objection at all to that.

Another thing that Mr. Nambiar has pointed out in his Bill is that the employees should be given the fullest liberty possible. So far as I am concerned, I am entirely for the liberty of the employees of the circus company but there is one fact which we should not forget and that is when the small kids at the age of 5 or 6 are completely entrusted to the circus management, they will have to treat them fraternally and they will have to see that they are nursed and groomed and that they are given proper training. Therefore, it is the duty of the circus management to see that morality prevails, responsibility prevails and discipline prevails all over. When the circus is moving from one place to another, automatically it is the duty of the management to take care of them. If they are allowed to go anywhere they like, then the circus company cannot flourish. These are certain things which we should not forget. It is not like a cinema. It should be treated on a different footing. It is a circus company which purely depends upon the personalities, the age of the employees and also on the climatic conditions and the vagaries of nature. Even in Soviet Russia, boys of 5 years or 6 years of age are given training. I mean what I say with the necessary significance. Probably Mr. Nambiar may not agree now because of so many other political considerations and so many other things. But the fact remains that they are given training even from the age of 5 or 6. I doubt very much whether what Mr. Nambiar has brought out in this Bill, including that particular section which says people above 12 years of age only should be included, will give enough fillip to the circus company to grow.

Another thing that I would like to point out is that our circus company is not looked after by the Government. In so many countries, circus companies are nationalised. Here it is not nationalised. To a certain extent,

after having understood the significance of nationalisation by our Government, I think it is better it is not nationalised though I am for nationalisation of anything. But here, on behalf of the Government, no incentive is given to the circus company and no subsidy is given to the circus company and also no financial help is given to the circus company. Nothing is coming from the Government, either from the Centre or from the States or from anywhere else. They are, therefore, purely depending on their strength for their development. Nobody wants to see the circus which is one of the cultural institutions of our country to grow. We should see that in the name of certain provisions or in the name of certain Bills the circus company is not paralysed. Therefore, I request the House, agreeing with certain provisions of Mr. Nambiar's Bill, that certain provisions which he wanted to include should be deleted completely from the Bill and to see that the circus company is thoroughly protected. In the name of certain provisions to the effect that this should not be done or should not be done and all that, the circus company should be paralysed. In conclusion I request the House to see that the circus company is protected and certain sections which Mr. Nambiar wanted to include should be deleted, and thereby to see that one of the important cultural institutions of our country is not disturbed or paralysed through hasty legislation.

Mr. Deputy-Speaker: Now, the hon. Deputy Minister of Labour.

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): Mr. Deputy-Speaker, Sir . . .

Shri Kishen Pattanayak (Sambalpur): Is he the Minister for circus?

Mr. Deputy-Speaker: He is the Deputy Labour Minister.

Shri Yashpal Singh (Kairana): There is still plenty of time at your disposal. Some more Members could speak.

Mr. Deputy-Speaker: The hon. Deputy Minister wants about 20 to 25 minutes. Then, I have to give some time for Shri Nambiar also for reply. The debate on this Bill has to conclude by 3.30 p.m.

Shri R. K. Malviya: I am happy that my hon. friend Shri Nambiar has brought the grievances of the circus employees to the notice of the House. Probably, while moving the Bill for consideration, he did not know that as in the case of other employees in other industries, the employees in the circus industry also were very well protected. In his opening remarks he had stated that if these circus employees were found protected under the existing legislation, he would not press his Bill.

I shall proceed clause by clause and show how these employees are covered by the existing labour legislations and absolute protection is available to them as for the other employees.

Unfortunately, the circus employees are not organised. Only very recently, I think, a month or two back, for the first time, they had registered a union, and after registration, some of the circus employees came to the Ministry and ventilated their grievances.

I shall point out presently how the various clauses of the Bill are covered by the provisions of the existing Labour Acts, and I shall do so taking the clauses one by one.

Clause 3 of the Bill seeks to provide that an employee of the circus establishment should be treated as a workman within the meaning of section 2(S) of the Industrial Disputes Act, and he should be entitled to all rights, privileges and obligations thereof.

Section 2(S) of the Industrial Disputes Act reads as under:

"Workmen 'means' any person (including an apprentice), employed in any industry to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment are express or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute includes any such person who has been dismissed, or discharged or retrenched in connection with or as a consequence of that dispute or whose dismissal, discharge or retrenchment has led to that dispute."

The employees of the circus establishment would be covered by this definition and deemed as workmen for the purposes of the Act.

The term 'Industry' as defined by sub-section (j) of section 2 of the Industrial Disputes Act reads as under:

"'Industry' means any business, trade, undertaking or calling, service, employment, handicraft, or industrial occupation or avocation of workmen."

This definition has been put to scrutiny by courts on many occasions. Thus, the term has a very wide concept and would cover the circus establishment as well, for, a circus establishment would constitute a business or an undertaking or a calling of employers within the meaning of this clause. The distinguishing feature of an industry namely the production of goods or the rendering of services by the co-operation between capital and labour or between employer and employee in a direct manner would be satisfied in the case of the circus establishments. As such, these establishments would already fall within the scope of the Industrial Disputes Act, 1947. The question of extending this Act to the circus employees

does not, therefore, arise. If, however, any practical difficulty is experienced, Government would consider the matter further in consultation with the State Governments.

Shri Nambiar: If necessary, an amendment can be brought forward later.

Shri R. K. Malviya: The State Governments have enacted legislation to regulate the conditions of work in shops and establishments. The definition of the term 'establishment' embraces *inter alia*, theatre or other places of public amusement or entertainment, and includes such other establishments as the State Governments may by notification in the official gazette declare to be an establishment for the purpose of the Act. Thus, the State Governments are fully empowered to enforce the statutory provisions to regulate the conditions of the workers employed in circus companies, if it is necessary to do so.

The various objectives embodied in the draft provisions of clauses 4, 5, 6 and 7 of the Bill are already being achieved under the various Shops and Establishments Acts enacted by the State Governments. The provisions of the Bill are discussed below with reference to the Delhi Shops and Establishments Act. These Shops and Establishments Acts are there in every State, and it will not be possible for me within the short period to give details of every State enactment, but let us take the Delhi Shops and Establishments Act as the model Act and examine the provisions of this Bill in the light of that Act.

Clause 4 of the Bill provides that the management of the circus establishment should maintain a muster-roll, showing the names of all the employees employed in it either temporarily or permanently. Rule 14 of the Delhi Shops and Establishments Rules, 1954, provides that every employer shall maintain a register of employment and wages in Form G. particulars about hours of work,

interval for rest and meals, hours worked with the employees, overtime, casual or sick leave availed, privilege leave, remunerations due, deductions and payments of wages in respect of such employees are to be given.

Clause 4 of the Bill also provides that the muster-roll should be open to inspection by the labour inspector of the State Government in whose jurisdiction the circus establishment in then engage in private and public shows.

Shri S. M. Banerjee: Is circus not a Central subject? It is not a theatre.

Shri R. K. Malviya: It is an establishment for entertainment.

Section 35 of the Delhi Shops and Establishments Act provides that it shall be the duty of every occupier of a shop or establishment to provide for inspection of all accounts or records required to be kept for purposes of this Act and to give any further information in connection therewith as may be required.

Clause 5 (1) of the Bill provides that no employee of a circus establishment should be required to work in excess of 8 hours a day or 48 hours a week.

Section 8 of the Delhi Shops and Establishments Act, 1954, provides that 'no adult shall be employed or allowed to work about the business of an establishment for more than 9 hours on any day or 48 hours in any week and the occupier shall fix daily period of work accordingly'.

Shri S. M. Banerjee: That is true. But has he ascertained that inspectors who go to check whether somebody was working more than 8 hours do really check? What happens is that they are given a circus pass and they just sit inside and see the circus.

Shri R. K. Malviya: But the provision is there. If the inspector is not able to do his job properly, a complaint may be made and it will be looked into.

[Shri R. K. Malviya]

Clause 5(1) of the Bill also provides that no circus employee shall be required to work in excess of 8 hours. Clause 5(1) of the Bill also provides that for every additional hour of work an employee should be paid an amount equal to double the normal rates treating it as an overtime work.

15.00 hrs.

Sections of the Delhi Shops and Establishments Act provides that 'any person employed on overtime shall be entitled to the remunerations for such overtime work at twice the rate of his normal remuneration calculated by the hour'. For purposes of calculating the normal hourly wage, the day shall be reckoned as consisting of 8 hours.

With regard to time, cl. 5(2) of the Bill provides that in the case of employees under training, the hours spent on training should be counted as hours of work. Sec. 2 (7) of the Delhi Shops and Establishments Act defines employee as 'any person employed whether directly or indirectly, about the business of an establishment for the owner or occupier thereof, even though he receives no reward for his labour, and includes for the purpose of any matter regulated by this Act, a person discharge or dismissed whose claims have not been settled in accordance with this Act, and persons employed in any factory but not governed by the Factories Act, 1948'. According to this definition, the trainees can also be treated as employees and hence the provisions regarding hours of work etc. automatically apply to them.

Clause 5(3) of the Bill provides that the time spent by the employees on rehearsal exercises should be counted as duty hours. Sec. 2(14), of the Delhi Shops and Establishments Act defines 'hours of work' or 'working hours' as the time during the persons employed are at the disposal of the employer, exclusive of any interval allowed for rest and meals and 'hour worked' has a corresponding meaning.

Thus it will be seen that the interval allowed for rest and meals only is not treated as working hours and all other time during which the persons employed are at the disposal of the employer, including time spent on rehearsal exercises is to be treated as working hours.

Clause 6 of the Bill provides that an employee when not on duty should be free either to stay in his respective camp in the circus tent or to move about outside the tent without let or hindrance by the management. There is no specific provision in this regard in the Delhi Shops and Establishments Act but when the hours of work have been prescribed, the freedom of movement to the employees after duty is implied. Moreover, if the circus employers deny freedom of movement to the employees not on duty, they render themselves liable to action under the provisions of the Indian Penal Code relating to wrongful restraint and wrongful confinement (sections 339-342, IPC).

Cl. 7(1) of the Bill provides that no management should employ a child below 12 years of age. Sec. 2(2) of the Delhi Act defines 'child' as a person who has not completed his 12th year of age. This has been dealt with by other speakers also. Sec. 12 of the said Act provides that no such child shall be required or allowed to work whether an employee or otherwise, in any establishment notwithstanding that such child is a member of the family of the employer. Thus, an employer cannot even employ his own child in the industry.

Cl. 7(2) of the Bill provides that a circus establishment employing children in the age group of 12 and 18 years should do so after securing written consent from the parents of the said children and cl. 7(3) provides that monthly wages and allowances due to the said children should be sent to their parents every month after deducting the expenses for boarding and lodging as admissible under the terms of employment.

There are no similar provisions in the Shops and Establishments Act. The Factories Act also does not provide for such a thing. Therefore, it is not advisable to single out the circus employees for special treatment as envisaged in the Bill. When there is no provision, it is very clear. All labour legislation have to be on par. If employment of children is allowed in this case, as my hon. friend wants, then that provision may have to be made in other Acts—which is not desirable.

Sec. 2(34) of the Delhi Shops and Establishments Act defines young person as a person who is not a child and has not completed his 18th year of age. The young persons have been given protection by sections 13 and 14 of the said Act in regard to hours of work. Sec. 13 provides that no young person shall be required or allowed to work about the business of an establishment for more than 6 hours and that no young person shall be employed continuously for more than 3½ hours without an interval of at least ½ hour of rest for meals and spread over shall not exceed 8 hours of any day. Sec. 14 provides that no young person shall be allowed or required to work as an employee or otherwise in any establishment between 9 p.m. and 7 a.m. during the summer season and between 8 p.m. and 8 a.m. during winter season. Since circus is not excluded from an establishment, these provisions apply to the circus industry as well.

Clause 8 of the Bill provides that all employees should be entitled to 15 days casual leave and 30 days full leave every year.

Sec. 22 of the Delhi Act provides that every person employed in an establishment shall be entitled—(a) after twelve months of continuous employment, to privilege leave with full wages for a total period of not less than fifteen days; (b) in every year, to sickness or casual leave with wages for a total period not exceeding

twelve days. These are the provisions made for leave.

Clause 8 provides that a register showing the leave account should be maintained by every management and kept open for inspection by the Labour Inspector at any time during the normal working hours of the circus establishment.

The employers are required to maintain a register in Form 'G' under Rule 14 of the Act. This form contains adequate provision for the maintenance of accounts of casual or sickness leave.

Clause 9 of the Bill provides that if personal injury is caused to an employee by accident arising out of and in the course of his employment, his employer should be liable to pay compensation in accordance with the provisions of Chapter II of the Workmen's Compensation Act, 1923.

Persons employed in a circus drawing monthly wages not exceeding Rs. 500 are already covered by the Workmen's Compensation Act. vide item XXXII of Schedule II of the Act. There is no vagueness about this entry, and it affords complete protection of the Act to circus employees. The circus employers are already liable to pay compensation in accordance with the provisions of Chapter II of the Act.

Shri Nambiar has stated that he has got cases in which no compensation was given, and there is no possibility either. This fact has also been referred to by other hon. friends. If Mr. Nambiar or other friends bring these particular cases to our notice, the State Governments concerned can be asked to look into the matter.

There is one important privilege which has been given to the workers with regard to compensation. The shifting of a circus from one place to another does not mitigate the liability of the employers as the venue of proceedings under the Act is before the

[Shri R. K. Malviya]

Commissioner for Workmen's Compensation, who has jurisdiction in the local area in which the accident occurred. This is section 21 of the Workmen's Compensation Act. But there is also provision for transfer of proceedings from one commissioner to another. Apart from this, the Act also provides that appearances or application to be made before a Commissioner may be made on behalf of the claimant by a legal representative, an official of a registered trade union, a Factory or Mines Inspector or any other authorised person. This is section 24 of the Act.

The Act already contains safeguards against squaring up the question of compensation, as section 17 provides that any contract or agreement whereby a workman (or in case of death, his dependants or any of them) relinquishes any right to compensation shall be null and void. It comes to this, that even if the employer settles the claim with the relatives or the dependants of the man injured or killed, that amount cannot be taken into consideration unless it is settled in the presence of the Commissioner, and if any amount has been paid, it becomes null and void and a second claim can be filed before the Commissioner for recovery of compensation.

Clause 10 of the Bill provides that payment of compensation in respect of an employee whose injury has resulted in death, should be made to his or her parents or next kin.

The mode of payment of compensation of a deceased worker is already laid down in the Workmen's Compensation Act. Section 8(1) of the said Act provides that no payment of compensation in respect of workmen whose injury has resulted in death shall be made otherwise than by deposit with the Commissioner and no such payment made directly by an employer shall be deemed to be a payment of compensation. Section 8(5) of the said Act also provides that compensation deposited in respect of a deceased workman shall apportioned among the

dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner be allotted to any one of the dependants.

Certain other points were also raised which are not covered by the Bill. The work of persons employed in a circus is no doubt of a hazardous nature, but this is the very reason for the existence of this industry. To ensure that the compensation is available in a mishap, the employees have already been brought within the purview of the Workmen's Compensation Act. It seems, however, that some safety measures compatible with the nature of the industry are taken by the companies, as it is in their own interest also to ensure maximum safety for their employees; otherwise, they will have to pay not only compensation, but also suffer from loss due to dislocation of programme.

This Ministry is not concerned with this subject. This is the concern of the State Governments. If specific cases of lawlessness are cited, they can be brought to the notice of State Governments, and they will definitely be asked to take action.

There was a point raised about the education of the circus employees. It was said that they are illiterate, they cannot know their wages. Shri Nambiar said that sometimes they are paid only Rs. 30 or Rs. 35 whereas the record shows Rs. 200 or Rs. 300. But the actual conditions are very different. It is not a fact that everybody in the circus industry is illiterate. There are other persons who can help the illiterate person. The only difficulty is that of organising the workers of the circus. I may submit that all these troubles which have been instanced by Shri Nambiar and other friends are due to the unorganised state of trade unions in the industry. Some of the circus employees had come to me. If Shri Nambiar or

The provisions of the Bill, as I have stated, are covered by existing legislation. The clarifications that I have offered, I think, should satisfy him, and I hope he will not press the Bill.

Shri Raghunath Singh (Varanasi):
Shri Nambiar has forgotten it.

Shri R. K. Malviya: I think they are taken care of properly. Otherwise, the circus is going to lose the business.

Shri R. K. Malviya: Shri Nambiar has not made any mention about the animals.

Shri R. K. Malviya: For clarification I say that every State has got this Act. I have taken the Delhi Shops and Establishments Act because if I argued about the other Acts, it will take a long time.

Shri R. K. Malviya: There is no necessity for any notification.

There has been some misunderstanding of what I said. It is not my intention that circus industry must be deprived of children. My point was that though children below 12 years of age were employed, there was no protection to them. For instance, destitute children from Kerala are brought and made to stay in tents which goes on shifting from place to place. What is the protection that law offers to these children? If hon. Deputy Minister feels that any provision of the existing law gives protection to them, I shall be the happiest. If you cannot protect them by law, you will have to ban the employment of such children below 12 years of age and protection should be given to children between 12-18 years of age. The hon. Minister said that he could not guarantee any protection to children below 12 years of age. There is a lacuna in that respect and it is for Government alone to decide how it could be removed.

Shri Nambiar: While what the Deputy Minister says is reassuring, I ought not to be accused that I am provoking some sort of an action

[Shri Nambiar]

whereby the circus industry will be at a disadvantage because it will be deprived of the service of children; I should not be attacked in that way. Mr. Manoharan said that this industry cannot have all its glamour, etc. if small children are not there to do feats. If what they are doing is illegal, as per what the hon. Deputy Minister says, that illegality must be stopped. If by doing so the industry is going to be affected adversely, Government should come to the rescue of that industry and to help them. I could suggest how Government could help them, just as, by exempting them from the operation of entertainment tax, by giving them other facilities. My purpose was never to do any harm to the industry and I made it clear. It is an industry which is built by the private sector and poor people had to suffer untold hardship to build an industry of that type and our circus industry is second to none, in any part of the world. That is a great achievement and this industry must flourish. Therefore, whatever lacuna is there, it may be removed so that these employees are protected.

The hon. Deputy Minister said that where compensation was not paid he would go through those cases brought to his notice and we shall certainly bring to his notice. But any lapses by way of time may be condoned by him.

Shri R. K. Malviya: The hon. Member has to apply to the Commissioner direct.

Shri Nambiar: We will represent these cases to the Labour Commissioner concerned. But there is the time factor. No circus employee knew that he was having the benefit of all the labour laws. Even I could not find out whether they would come under the provisions of these Acts. That difficulty should be removed and the employees should be helped. I am however satisfied with the reply given. But there is this difficulty.

Certain lacuna still remains in the labour legislation and the hon. Deputy Minister should bear with me if I press the Bill for a voice vote. I shall certainly bring the cases to his notice and shall offer my fullest co-operation in this respect.

Mr. Deputy-Speaker: The question is:

"That the Bill to protect the Circus employees by bringing them under the operation of the Industrial Disputes Act, 1947 and the Workmen's Compensation Act, 1923, etc. be taken into consideration."

The motion was negatived.

15.28 hrs.

SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL

(Amendment of sections 3 and 5) by Shri Raghunath Singh

Mr. Deputy-Speaker: I have to inform the House that the following communication dated the 23rd April, 1964 addressed to the Secretary, Lok Sabha has been received today from Shri Satya Narayan Sinha, Minister of Parliamentary Affairs:

"Having been informed of the subject matter of the Salaries and Allowances of Members of Parliament (Amendment) Bill, 1964 introduced by Shri Raghunath Singh in Lok Sabha, the President has been pleased to recommend under Article 117(3) of the Constitution, the consideration of the said Bill."

"I am to inform you that it is not proposed to advise the President to recommend the moving of amendments Nos. I and No. 4 sponsored by Shri C. H. Mohd. Koya and Shri M. K. Kumaran and Shri Kashi Ram Gupta to

amend the Salaries and Allowances of Members of Parliament (Amendment) Bill by Shri Raghunath Singh. This may kindly be brought to the notice of the Speaker, for in the absence of President's recommendation the amendments cannot be moved under Article 117(1) of the Constitution.

It may also be brought to the notice of the Speaker that the proposed amendments attract the Provisions of Article 110(1)(a) of the Constitution as well as Article 274 of the Constitution."

Shri Kashi Ram Gupta (Alwar): I have sought the President's permission for my amendments. I think it has been received.

Mr. Deputy-Speaker: It has not been received.

Shri Raghunath Singh (Varanasi): Sir, I beg to move . . . (*Interruptions*).

Shri Priya Gupta (Katihar): The poor Central Government employees are asking for allowances. . .

Shri S. M. Banerjee (Kanpur): Sir, on a point of order. This Bill cannot be moved.

Rule 69(1) says:

"A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

My submission is only this. The financial memorandum is attached and it says:

"The provisions of the Bill if enacted would involve an additional expenditure of approximately Rs. 13, 50,000 in Daily Allowance and approximately

Rs. 9,00,000 on account of increase in salary. It is difficult to assess expenditure on account of the provision of intermediate air journeys; it is, however, likely that an expenditure of about Rs. 10,00,000 may have to be incurred on this account."

My submission is that the rule clearly provides that the financial memorandum shall invite particular attention to the clauses. Since the clauses have not been mentioned here. I feel that this requires amendment by Members, or, the Bill cannot be moved unless as the clauses are mentioned in the financial memorandum.

The second point is this. As announced by you, the sanction of the President has been obtained only on the 23rd April, 1964, if I heard him aright. It means that the sanction of the President was not obtained at the introduction of the Bill. It is an after thought. I would like to know who is responsible for not getting the sanction in time. For these two reasons I feel that the Bill should not be allowed to be moved.

Mr. Deputy-Speaker: The financial memorandum has been given in the Bill. The clauses have also been given. I think the provisions of the rule have been complied with. So far as the other point is concerned, it requires sanction only to the consideration stage. Now, we are at the consideration stage, and the President's sanction has been obtained. There is no point of order.

Shri S. M. Banerjee: You have correctly mentioned it but you have not read the other part which says:

"Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics. . ."

I have relied on rule 69(1) and not on rule 69(2).

Mr. Deputy-Speaker: The relevant clauses are also in thick type. The rules have been fully complied with. I have given my ruling.

Shri S. M. Banerjee: More time may be given.

Mr. Deputy-Speaker: That is a different matter.

Shri Raghunath Singh: I beg to move*:

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration."

उपाध्यक्ष महोदय, मैं इस विधेयक को उपस्थित करते हुए सदन को सूचित करना चाहता हूँ कि हमारी भारतीय संसद में हमें जो एलाउन्स और वेतन मिलता है वह दुनिया की किसी भी अन्य संसद से कम है। इस से कम दुनिया की किसी संसद में नहीं मिलता। मैं आप को दो चार उदाहरण इस के देना चाहता हूँ। पहले मैं कामन वेल्थ देशों को लेता हूँ। कनाडा में संसद के सदस्यों को प्रति मास २०८० रुपया मिलता है। (Interruptions). सीलोन में ६७५ रुपया प्रति मास, न्यूजीलैंड में ६०० रुपया प्रति मास, मारीशस में जो कि एक छोटा सा देश है, केवल ३० मील लम्बा है, उस की पार्लियामेंट के मेम्बरों को प्रति मास १०० रुपया मिलता है, यू० के० में हाउस आफ कामन्स के सदस्यों को केवल सेलेरी में १६४४ रुपया प्रति मास मिलता है।

अब आप अरब देशों को देखें। ईजिप्ट में संसद के सदस्यों के प्रति मास ५५० रुपया मिलता है, ईराक में ६६० रुपया प्रति मास मिलता है।

15.34 hrs.

[DR. SAROJINI MAHISHI in the Chair]

आप यूरोप के छोटे छोटे देशों को लें। मैं उनके कुछ उदाहरण आप के सामने रखना चाहता हूँ। बेलजियम में संसद के सदस्यों को ११०० रुपया प्रति मास मिलता है, चैकोस्लोवाकिया में ११४६ रुपया चार आना प्रतिमास मिलता है।

श्री प्रिय गुप्त : बेलजियम में मजदूर को कितना मिलता है, क्या वहाँ कोई भूखा रहता है ?

श्री बागड़ी : (हिसार) : यहाँ किसान भूखा मरता है और आप अपनी संसरी बढ़वाना चाहते हैं।

श्री रघुनाथ सिंह : अगर ऐसा है तो आप चार सौ रुपया क्यों लेते हैं, साढ़े सान आना रोज लीजिये। (Interruptions). अमरीका में हाउस आफ रिप्रेजेंटेटिव्स के सदस्यों को ५००० रुपया प्रति मास मिलता है, अरजेंटायना में १५०० रुपया प्रति मास मिलता है और ब्राजील में करीब ३००० प्रति मास मिलता है।

इसके अलावा जो हिंदुस्तान में असेम्बलीज हैं उन का मैं आप को उदाहरण देना चाहता हूँ। हम लोग कुछ असेम्बलियों के सदस्यों से भी कम तनखाह और एलाउन्स पाते हैं। आप देखें कि आसाम में ४०० रु० प्रति मास मिलता है और २१ रुपया प्रति दिन डेली एलाउन्स, पंजाब में ३०० रुपया प्रति मास और २५ रुपया डेली एलाउन्स उत्तर प्रदेश में ३०० रुपया प्रति मास और फी बंगला या ७५ रुपया हाउस रेंट और १५ रुपया डेली एलाउन्स, बैस्ट बंगाल में हाल ही में लेजिस्लेशन पास हुआ है, जिसके अनुसार वहाँ असेम्बली के सदस्यों को ३०० रुपया प्रति मास और

१७ रुपया डेली एलाउंस मिलता है, जम्मू काश्मीर में ३०० रुपया प्रति मास और १५ रुपया डेली अलाउंस। (Interruptions.)

श्री राघोलाल व्यास (उज्जैन) : इस तरह अगर बीच बीच में ऐतराज किये जायेंगे तो कैसे काम चलेगा।

Shri Koya (Kozhikode): I rise to a point of order.

सभापति महोदय : आप सुन लीजिये बाद में आपको भी बोलने का मौका मिलेगा।

श्री रामेश्वरानन्द (करनाल) : जब यह बोलेंगे तब क्या आप औरों को रोक सकेंगे ?

Maharajkumar Vijaya Ananda (Visakhapatnam): On a point of order. Those who are not inclined to accept this need not draw it. (Interruption).

श्री रघुनाथ सिंह : इसके अलावा आस्ट्रेलिया में एक सदस्य को पार्लियामेंट में एक कमरा मिलता है, एक स्टेनो टाइपिस्ट मिलता है, एक पी० ए० मिलता है और ऊपर से आने जाने का खर्च मिलता है।

मालाया में, जो कि एक बहुत छोटा सा देश है, कनवेएंस के लिए एक कार मिलती है एक पी० ए० मिलता है, एक स्टेनो मिलता है और साथ ही साथ उनकी तनखाह हम से ज्यादा है।

अब मैं आप को यह बताना चाहता हूँ कि आखिरकार हम लोग क्यों चाहते हैं कि हमारा वेतन और भत्ता बढ़ाया जाये। मैं इस पार्लियामेंट का बहुत दिनों से मेम्बर हूँ। मेरा अपना अनुभव है कि मुझे तीन महीने से एक पैसा नहीं मिलता। हाउस रेंट, कांटी-ब्यूटरी हेल्थ स्कीम का चन्दा, इनकम टैक्स और बिजली आदि का पैसा काटने के बाद जो बचता है उसमें यहाँ रहना बड़ा मुश्किल है। और दूसरे हमारी सबसे बड़ी दिक्कत यह है कि हमें दो एसटेबलिशमेंट रखने पड़ते हैं।

आप राज्यों को लें या यू० के०, बेलजियम या फ्रांस जैसे देशों को लें, जो कि छोटे मुल्क हैं वहाँ आदमी देश के किसी कोने से पार्लियामेंट में तीन या चार घंटे में पहुँच सकता है। लेकिन केरल के आदमी को यहाँ आने में तीन दिन लगते हैं, बनारस से आने में एक दिन लगता है, असम से आने में चार दिन लगते हैं, नागालैंड से आने में पांच दिन लगते हैं। और हम लोगों के यहाँ, जो कि लोक सभा के सदस्य हैं, कांस्टीट्यूएँसी के भी दो चार आदमी रोज आते रहते हैं। कम से कम मेरा बंगला तो हमेशा भरा रहता है। इस वास्ते आप देखें कि इस थोड़े से एलाउंस में और इस थोड़ी सी तनखाह में ईमानदारी के साथ सच्चाई के साथ न तो हम काम कर सकते हैं अगर हम पार्लियामेंट में ठीक से काम करना चाहें और हम अपना समय देना चाहें अपनी कांस्टीट्यूएँसी में और यहाँ भी तो हम को अपने वेतन और डी० ए० को जरूर बढ़ाना चाहिए। इन शब्दों के साथ मैं इस संशोधन बिल को उपस्थित करता हूँ और मैं आशा करता हूँ कि माननीय सदस्य किसी भावना के कारण प्रेरित होकर सका विरोध नहीं करेंगे बल्कि सच्चाई का मुकाबला करेंगे सच्चाई यह है कि इतनी छोटी तनखाह से हमारा काम नहीं चल सकता है। हमारी तनखाह है क्या ? हम लोग एम० ए० बी० ए० पास करके यहाँ आये हैं, हम में से डाक्टर्स हैं वकील हैं और अगर हम से यह अपेक्षा की जाती है कि हम बारहों महीने अपने उत्तरदायित्व को ठीक से निबाहें और अपना पूरा समय पार्लियामेंटरी काम के लिए दें तो यह मौजूदा ४०० रुपये की तनखाह जोकि आज एक मामूली कर्मचारी को मिलती है, वह नाकाफ़ी है। इस के अलावा हम लोगों को अपनी कांस्टीट्यूएँसीज में भी बक करना पड़ता है और हम को एलेक्शन लड़ना पड़ता है और एलेक्शन लड़ने के वास्ते भी हमें रुपया चाहिए (इंटरप्शंस)

एक माननीय सदस्य : नौकरी कर लीजिये।

श्री रघुनाथ सिंह : माननीय सदस्य नौकरी करने के लिए कहते हैं लेकिन नौकरी के लिए हम लोग ओवरएज हो गये हैं और हम को नौकरी कहीं मिल नहीं सकती है।

एक माननीय सदस्य : तो साधू बन जाइये।

श्री रघुनाथ सिंह : ठीक है साधू बन सकते हैं और कुछ नहीं हो सकता है। मैं और अधिक न कह कर इस विधेयक को सदन के सम्मुख उपस्थित करता हूँ और आशा करता हूँ कि सदन इसे पास करेगा।

Mr. Chairman: Motion moved:

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration."

There are two amendments. The first amendment by Shri Ram Sewak Yadav and Swami Rameshwaranand is ruled out as frivolous. I will read the amendment:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th March, 1967."

So, it is ruled out as frivolous.

Is Mr. Banerjee moving the second amendment?

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 10th August, 1964".

श्री प्रिय गुप्त : इस "फ्रिबलस" शब्द का हिन्दी में क्या मतलब होता है ?

श्री रामसेवक यादव (बाराबंकी)
सभापति महोदया आपने अभी जो निर्णय दिया है उस के बारे में मैं

Mr. Chairman: It is quite obvious. He cannot challenge the ruling.

मेम्बर लोगों से मेरी प्रार्थना है कि बीच में इस तरह से वे रनिंग कमेंटरी न चलायें। क्योंकि इस तरह से मुख्य वक्ता की बात समझना मुश्किल होती है। जब उन्हें समय मिले तो वे अवश्य इस बारे में जो भी उन्हें कहना हो कहें।

श्री रामसेवक यादव : मेरा एक व्यवस्था का प्रश्न है

Mr. Chairman: The ruling of the Chair cannot be challenged.

Shri S. M. Banerjee: Before the discussion started, I gave a motion that as many Members want to speak, the time may be extended. That motion should be placed before the House and the time should be extended by an hour.

Mr. Chairman: If there are more Members who want to speak, we shall consider at the right time.

Shri S. M. Banerjee: You may just ascertain how many Members want to speak.

Mr. Chairman: It is not necessary at this stage. At the proper stage, of course, the motion may be moved and put to the House. (Interruptions). I learn that at 2.30 Mr. Banerjee himself moved that particular motion that this particular report be adopted.

Some Hon. Members: Shame!

Mr. Chairman: If more members want to speak, the motion may be moved at the proper time and put to the House.

Shri Daji (Indore): I want to make a solemn appeal to the House. We are discussing this Bill about our own salaries and allowances. Let us discuss it in a good atmosphere. Let it not go out in the country that we were shouting at each other and entering into frivolous arguments. If there cannot be decorum during this

discussion we shall be holding ourselves up to ridicule. We shall hear each other patiently, argue without imputing motives and come to a conclusion. Why should there be excitement?

Mr. Chairman: That is the opinion of the whole House. Shri Vidyalankar.

श्री अ० ना० विद्यालंकार : (होशियारपुर) : सम्पाति महोदया, जहां तक इत बिल के सपोर्ट का ताल्लुक है मैं इस से सहमत हूं और जो कुछ मेरे दोस्त श्री रघुनाथ सिंह ने कहा है, जिन हालात का उन्होंने जिक्र किया है, उन तमाम चीजों को मैं स्वीकार करता हूं। लेकिन मैं समझता हूं कि जिस वक्त हम इस बिल के ऊपर विचार कर रहे हैं और इसे पास करने जा रहे हैं, उस समय हमें देश के हालात को और जो आम लोगों की इस वक्त भावना है, साइकोलजी है, उसका भी खयाल रखना चाहिए। यह उस समय और भी आवश्यक हो जाता है जबकि हम मेम्बर्स खुद ही एक कानून को पास करने वाले हैं, और खुद ही बेंनाफिशियरीज भी हैं, हम स्वयं ही उस कानून से फायदा उठाने वाले हैं, वहां हमें इस बात पर जरा ज्यादा ध्यानपूर्वक खयाल करना चाहिए कि कोई चीज जोकि हम कर रहे हैं उसका जनता पर प्रभाव कैसा पड़ता है। जब तक जनता के ऊपर पड़ने वाले प्रभाव का हम पूरी तरह से अंदाजा न लगा लें तब तक मैं समझता हूं कि हमें जल्दी में कोई इस तरह की चीज पास नहीं करनी चाहिए। इसलिए मैं समझता हूं कि बावजूद इस बात के कि जो कुछ मेरे दोस्त श्री रघुनाथ सिंह ने कहा, जो कुछ मेम्बर्सों के हालात हैं जिनसे कि मैं भी बखूबी धाकिए हूं कि यहां पर मेम्बर्स को करीब करीब सारे साल काम करना पड़ता है अगर वह अपने काम और जिम्मेदारी के साथ ईसाफ़ करना चाहें, मैं जानता हूं कि अधिकतर मेम्बर्स इस सदन के ऐसे हैं जोकि बहुत अमीर नहीं हैं और उन को काफ़ी मुश्किल होती है जबकि उन्हें अपनी कांस्टोड्यूंसी में भी जाना

हो और यहां का भी खर्चा उन्हें चलाना हो, दो जगह अपना इस्टैबलिशमेंट चलायें, लेकिन इन तमाम चीजों के बावजूद मैं समझता हूं कि हमें जनता की भावनाओं का खयाल करते हुए और यह समझते हुए कि हमारे देश में बहुत अधिक लाखों की संख्या में जनता ऐसी है जोकि बहुत ही बुरी हालत में गुजारा करती है, खासतौर पर आजकल के महंगाई के जमाने में, इसलिए ऐसा महसूस करता हूं, कि उस बिल की स्प्रिट के साथ सहमत होते हुए भी, मैं ऐसा समझता हूं कि हमें इस तरह का बिल अभी पास नहीं करना चाहिए। हमें इस बात की जिम्मेदारी लेनी चाहिए कि जब तक हम उन शिकायतों को जोकि मोटी मोटी शिकायतें जनता की हैं, ख़ास कर बढ़ती हुई महंगाई की और हमारी वेल्य के अनइक्वैल डिस्ट्रिब्यूशन की, यह जो जनता की मोटी मोटी शिकायतें हैं जब तक यह सदन उन शिकायतों को रफ़ा न कर ले तब तक हमें इस तरह का फ़ायदा उठाने की कोशिश नहीं करनी चाहिए। मैं मानता हूं कि यह फ़ायदा लेना ठीक है लेकिन मैं समझता हूं कि जो जनता के लीडर हों, जनता के प्रतिनिधि हों, उन्हें यदि तकलीफ़ उठाने का मौका आये तो उस उठाने के लिए सबसे आगे होना चाहिए और जब फ़ायदा उठाना हो तो सबके बाद में उन्हें फ़ायदा उठाना चाहिए। इस दृष्टि से मैं समझता हूं कि अभी मौका नहीं है कि इस तरह के बिल को पास किया जाये। हमें इस वक्त इस बिल को पेंडिंग रखना चाहिए और इस को अभी पास नहीं करना चाहिए।

Shri Daji: Madam, this Bill has been moved and supported by Shri Raghunath Singh. I feel a little awkward to ask why, if this was the intention of the Government, if this was the intention of the party in power, this Bill was not brought forward as an official Bill. Why should the Government evade the issue? Why should the Government not face the country and bring this as an official Bill? Why was it so

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manoeuvred and brought here as a non-official Bill with the full support, not only full support but extra-vociferous support, of the party in power as we are witnessing today? Such support we have not even seen for some of the most public policies of the Prime Minister. Even during the debate on such policies this vociferous support has not been coming forth in this House. (*Interruption*). Have they no patience, Madam, to hear one who speaks so soberly?

Shrimati Yashoda Reddy (Kurnool): Madam, I rise to a point of order. I object to the hon. Member saying that this has been brought by the back-door. Even when this was moved in the meeting of the Executive, the Prime Minister opposed it. If at all it will be accepted, it will not be because the Government brought it by the back-door but because the hon. Members here wanted it.

Mr. Chairman: Order, order. There is no point of order. The hon. Member may resume her seat.

Shri Daji: I had pleaded, Madam, that the Bill should be considered more dispassionately. It should be considered in a more cool atmosphere. Let us discuss it in a dignified way. Let us not hurl motives at each other. Let us not hurl words at each other. That will not do any credit to the House, to the dignity of the House.

The hon. Mover has mentioned certain reasons in his Statement of Objects and Reasons. No one will dispute the reasons that he has given. No one will dispute that we have to maintain more than one establishment. No one will dispute that the prices have risen. In fact, the rising prices have been one of the major issues on which we of the Opposition have always arraigned the Government. We do not say that the prices have not risen. We do not also deny that in the countries which he has listed the Members of Parliament get more. But I would like to put one

pertinent question. If in Australia, New Zealand or England the Members of Parliament get more salary and allowances, I would like to know what is the national income of those countries and what is the *per capita* income of the people in those countries whom we are comparing with a poor country like India. Sometime back we had a discussion here and Dr. Lohia said that the average income here was three annas whereas the Minister said that it was seven annas. I would only remind the House of that discussion.

An Hon. Member: What is your salary here?

Shri Daji: I am coming to that. When you are considering the question of an increase in salary to be given to Members of Parliament, please do not forget the background that more than 60 per cent of our people are living, according to the Government's own figures, on a mere seven annas. It is in this background, it is from this poor country, it is from these starving and semi-starving people, it is from these over-taxed people whose backs have broken by the burden of additional taxation which is continuing and mounting year after year, that we are demanding more salaries for ourselves.

Madam, may I beg of this House to ponder for one more minute and think on this point. Is it not a fact that we, Members on both the sides, have failed to impose upon the Government a policy to stop the rise in prices. We, Members on both the sides, have failed to impose upon the Government a policy to stop the tax burden. We, Members on both the sides, have failed to impose upon the Government a policy of justice to its own employees.

Only in the beginning of this session to lakhs of government employees the dearness allowance was raised by

Rs. 2—*mia ko ex our bibi ko ek*. Now for ourselves we want Rs. 10 more per day and Rs. 100 more per month. Have we any moral ground to ask for it, even to move this Bill much less to pass it. Shall we be having any moral ground to face the people of our constituency, to face the employees there, to face the chaprasi of the collector or the patwari in our own district or constituency? We in our wisdom want for ourselves Rs. 10 more per day whereas we are not able to give them even Rs. 10 per month more.

Madam, this Bill cannot be considered by drawing a parallel with the salaries and amenities that members of Parliament and legislatures in other countries get. If a Bill had been brought giving more working amenities to Members of Parliament, amenities in connection with our work in our constituencies, we could have supported it. For example, there is the question of telephone charges. Each Member of Parliament may be given free telephone service in our constituency. Even free postal service can be given to us.

Shri Raghunath Singh: It will not cost money?

Shri Daji: Even if it costs money, it will be for the discharge of our work for which we are elected here.

Shrimati Renu Chakravartty (Barackpore): It will not be for putting in your bank.

Shri Daji: Supposing we want to write to the Minister representing the grievances of the people of our constituency, why should we affix stamps worth 15 naye paise? If such facilities are given, it will really help us in our work in our constituencies from which we have been elected. Then it would have been a different matter. But to ask for an increase in daily allowance from Rs. 21 to Rs. 31 and an increase in salary from Rs. 400 to Rs. 500 would be not only unjustifiable but also immoral and unconscion-

able in the conditions of abject poverty that prevails in our country today.

Madam, we all know the big battle that the working class of Bombay and Ahmedabad waged over the question of correction of the cost of living index. Even the cost of living index for the common people worked out by our Government is not correct. The Government is unable to work out even the correct cost of living index. There is fraud in the working out of this index, so that the dearness allowance may not be increased. There is a big conspiracy between the employers and Government which is itself a big employer employing lakhs of employees in the railways, postal department and in the civil service. Even according to the Pay Commission there is an increase of ten points in the cost of living index. Yet we have not given the required increase in dearness allowance to the government employees.

Therefore, if you consider the whole situation in the country, the impact of poverty, the failure to hold the price line, to lessen the tax burden and other things, I think this Bill ought not to have been brought. We are not opposing it in the spirit of opposition.

Madam, I am pained at the amendment moved by my hon. friend, Shri More, saying that those who do not want to take more should take less. If you pass this amendment, apart from this being discriminatory, I would only say, please do not try to mock at the principle of opposition. If you want to be so devoid of any consideration, if you are bent upon being devoid of any consideration of decency and you pass this Bill and this amendment, nothing can be a more monumental shame than this that the majority can impose on the minority. We are not going to be bludgeoned by such mocking amendments. Let the House remember that we are not opposing it for opposition sake. We are opposing it from the principle of

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opposition taken by my hon. friend Shri Vidyalkar with whom we fully agree. We agree that this should be considered dispassionately and that it should be postponed to a better day when we can give two square meals to every Indian.

We have no right to take more. As Shri Vidyalkar says, being the representatives of the people, we must be the first to suffer and the last to reap the benefit. As the captain of the ship we must be the first to face all the dangers and sufferings. We must set an example, an ideal. Particularly during this emergency, Madam, this will be treated as a mockery of the emergency and the determination to which this Parliament is pledged.

श्री स० मो० बनर्जी : सभानेत्री महोदया, मैं चाहता हूँ कि यह बिल सक्जुलेशन में भेजा जाये . . .

Shri S. S. More (Poona): Let there be some time limit for speeches.

Mr. Chairman: There is.

An Hon. Member: Only five minutes.

Shri S. M. Banerjee: In that case, the time may be extended. It should be not less than ten minutes.

Mr. Chairman: I will ring the bell at the end of the time. Then the hon. Member should conclude . . . (Interruptions). Order, order. I have called Shri S. M. Banerjee. I hope other hon. Members will give him a patient hearing.

श्री रामसेवक यादव (बाराबंकी) : कांग्रेस के सभी लोग चाहते हैं कि वेतन बढ़ जायें। उनको बोलना तो है नहीं इस वास्ते जो माननीय सदस्य इसका विरोध करना चाहते हैं उनको कम से कम दस मिनट दिये जायें। अगर ऐसा नहीं होता है तो वे अपनी पूरी बात आपके सामने रख नहीं पायेंगे।

श्री कपूर सिंह (लुधियाना) : दस मिनट में क्या कहना है। जो बात कहनी है वह पांच मिनट में ही कहो जा सकती है।

श्री स० मो० बनर्जी : मेरा एमेडमेंट है :

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 10th August, 1964."

इस एमेडमेंट को रख कर मैंने यह कोशिश नहीं की है कि १९६५ तक या १९६६ तक इसको पोस्टपोन कर दिया जाये। मैंने केवल यही चाहा है कि इसको अगर जनमत जानने के लिए प्रसारित किया जाये और दस अगस्त १९६४ तक यह बिल फिर इस सदन में वापिस आ जाये तो हमारे मित्र जो उधर बैठे हैं और वे भी जो उधर बैठे हैं, उनको मालूम हो जायेगा कि आखिर आम जनता हमारे बारे में क्या सोचती है।

एक माननीय सदस्य : खूब सोच रही है।

श्री स० मो० बनर्जी : बाहर जो छोटे छोटे बच्चे भी हमारे बारे में सोचते हैं, उसको देख कर हमें ताज्जुब होता है। मैं कोई कटाक्ष करने की गज्र से यह बात नहीं कह रहा हूँ और न ही किसी प्रकार का कोई आरोप लगा रहा हूँ। लेकिन बच्चों को कहते हुए हम सुनते हैं कि संसद् सदस्य की परिभाषा क्या है। छोटा बच्चा कहता है कि चार सौ रुपये माहवार, २१ रुपये रोज, हाँ, नाँ की नौकरी, राज भवन में भोज . . .

श्री रघुनाथ सिंह : आप छोड़ दीजिये।

श्री स० मो० बनर्जी : आप इत्मीनान रखिये, पांच बजे से पहले ही आप को यह मिलने जा रहा है, क्यों आप तब चिल्ला रहे हैं ?

मैं इस सदन के तमाम मित्रों के सामने एक चीज बड़ी ही संजीदगी के साथ रखना

चाहता हूँ। हममें से हर एक को अपने दिल पर हाथ रख कर यह सोचना चाहिये और यह देखना चाहिये कि लोक सभा के लिये चने जाने से पहले हमारी आमदनी क्या थी? मैं ढाई सौ रुपये का क्लर्क था, एक अपर डिविजन क्लर्क था। सिर्फ ढाई सौ रुपये माहवार मुझे मिलता था। मैं एक चीज . . . (इंटरप्रांज)

Shri Daji: Mr. Chairman I am constrained to remark that there is too much of noise. If the hon. Member is not given a patient hearing, the noise will be met by double noise. So, I request the Minister to control the Congress benches. Otherwise that noise will be met by double noise from our side.

Mr. Chairman: I request hon. Members from all sides to give him a patient hearing.

Shri Ram Sewak Yadav: Why all sides? Because the Congress Members are so impatient, they are making so much noise.

Mr. Chairman: That is why I request all other hon. Members to sit down and keep quiet.

श्री स० मो० बनर्जी : आखिर आज हम इस विल का विरोध क्यों करना चाहते हैं, इसको आप सुने। एक बात अभी इसी सदन में हमारे मित्र दाजी जी ने कही है। हमारे नन्दा जी ने गफ तरीके से एलान करके कहा था कि यह बात सच है कि २७ करोड़ लोगों की आमदनी यहां सिर्फ सात आने रोड है। मैं आप के सामने . . .

श्री विभूति मिश्र (मोतिहारी) : बनर्जी साहब का लास्ट इन्क्वेशन में कितना खर्च हुआ और जो खर्चा हुआ, वह पैसा कहां से आया, इसको वह बतायें।

श्री प० ना० कयास (जयनगर) : चाइना से आया।

16.00 hrs.

Shri S. M. Banerjee: I am strong enough to manage this crowd. I know that this is an assembly of those people who have won the elections cause of the mercy of Birlas and similar people.

Shri Sonavane (Pandharpur): Sir, on a point of order. The hon. Member has just now said that he is prepared to face this crowd.

Shri Raghunath Singh: He said "touts".

Shri Sonavane (Pandharpur): No, he said "crowd". Is it in keeping with the dignity of the Members of this House?

श्री बागड़ी : क्राउड ही कहना ठीक है। जो क्राउड करता है वह आप कर रहे हैं।

श्री स० मो० बनर्जी : मैं अपने मित्र श्री विभूति मिश्र की बहुत इज्जत करता हूँ। अगर तमाम राजनीतिक पार्टियां और इंडीपेंडेंट मेम्बर आपस में तय कर ले कि चुनाव किस तरह से लड़ा है, पैसा कहां से . . .

श्री विभूति मिश्र : मैं तीन चुनाव लड़ कर आया हूँ। आप देख लें कि मैंने कितना खर्चा किया है और कहां से मेरे पास रुपया आया है।

श्री रामसेवक यादव : आप झूठ बोलते हैं।

श्री विभूति मिश्र : मैं चैलेंज करता हूँ। १९५२ के इन्क्वेशन को देख लें, उनके बाद के इन्क्वेशन को देख लें कि किन कैपिटलिस्ट्स से कितना पैसा मुझे मिला है। मैं चैलेंज करता हूँ।

श्री रामसेवक यादव : विड़ना से चुनाव लड़ने के लिए पैसा ले कर आप लोग यहां बैठे हैं।

श्री विभूति मिश्र : इन्होंने कहा है कि मैं झूठ बोलता हूँ। मैं इनको चैलेंज करता हूँ कि वह अपने इस आरोप को साबित करें।

श्री राम सेवक यादव : पूछिये अपने नेता से कि किस के पैसे से चुन कर आते हैं ।

श्री रामेश्वरानन्द (करनाल) : जिस विषय पर विचार विमर्श चल रहा है, वह बहुत गम्भीर है । आप बीच में क्यों टोकते हैं ? जो माननीय सदस्य पक्ष में या जो विपक्ष में बोलते हैं, उन सब की बातें आपको शान्ति से सुननी चाहियें । देश के विभिन्न भागों से माननीय सदस्य चुन कर यहां आये हैं और इन तरह का प्रदर्शन करना उनको शोभा नहीं देता है । सारी बातें समाचारपत्रों में जाती हैं और पता नहीं कहां कहां जाती हैं । आपको शान्ति से बोलना चाहिये और शान्ति से सुनना चाहिये । जो व्यक्ति हम दें, शान्ति से दें । विशेषतः जें सत्ता प्राप्त पार्टी है, उसको तें बहुत ही शान्ति से काम लेना चाहिये, उस को तें गम्भीरता का परिचय देना चाहिये ।

सभापति महोदय : भाषण करने के लिये आप का समय नहीं दिया गया है । आप बैठिये ।

श्री रामसेवक यादव : सरकारी दल तो विशेष तौर से अपने खिलाफ कोई बात सुन नहीं सकता है ।

श्री स० मो० बनर्जी : मेरे मित्र श्री विमूर्ति मिश्र जी का इन्क्वेशन में अगर एक पैसा खर्च नहीं हुआ

श्री रामसेवक यादव : नोट खर्च हुए हैं, पैसा खर्च नहीं हुआ है ।

श्री स० मो० बनर्जी : जिस तरीके से वह किसानों के जले हुए दिल की पुकार को यहां तर्जुमानी करते हैं, उनको देखते हुए मैं विश्वासपूर्वक कह सकता हूं . . .

Shri S. S. More: Is he speaking on the Bill or on himself.

Shri S. M. Banerjee: Please try to follow something, Shri More. You are older to me.

Mr. Chairman: The time at his disposal is very short. He should conclude soon.

Shri S. M. Banerjee: My time was taken up mostly by interruptions.

Mr. Chairman: The interruptions are also counted against his time.

Shri Daji: That should not be done. If that is done, I will see to it that not a single member of the Government benches is able to speak. Then, what will be the result? Therefore, I am requesting the Chair to keep order so that the Member may be able to speak without interruptions.

श्री स० मो० बनर्जी : ऐसा मेटल इम्बैलेंस नहीं होना चाहिये । सौ डेढ़ सौ रुपये माहवार अगर बढ़ रहे हैं तो क्या बात है ।

जो देश की हालत है उसको आप देखें । हमारे रघुनाथ सिंह जी ने आस्ट्रेलिया की बात, न्यूजीलैंड की बात तथा दूसरे देशों की बात कही है । उनका अपनी कांस्टिट्यूएन्सी से काफी सम्पर्क है, इसको मैं मानता हूं । अभी परसों बनारस में ग्राम हड़ताल थी और बाजार बन्द थे । यह क्यों हुई, इस को क्या आप जानते हैं ? राइजिंग प्राइमिस के खिलाफ यह हुई । न्यूजीलैंड की खबर तो उन्होंने रखी लेकिन बनारस की खबर बतलाने में उन्होंने भूल कर दी । रोज बढ़ी हुई प्राइमिस के बारे में अखबारों में खबरें आ रही हैं ।

आज मैं अखबार पढ़ रहा था । स्टेट्समैन मेरे सामने था । उसके पहले वर्क पर ही यह चीज आई है : "Appalling poverty in rural areas. Debts exceed 3,000 crores Rural households in India are saddled with debts exceeding Rs. 3,000 crores. This rather depressing disclosure is made by the latest Reserve Bank survey of rural indebtedness."

An Hon. Member: We have read it.

श्री स० मो० बनर्जी : हम आखिर कुछ आदर्श ले कर यहां आए हैं। यह ठीक है कि हमारा खर्च अधिक है। लेकिन उसके साथ साथ यह भी ठीक है कि हम हिन्दुस्तान के केवल उन ४०-५० लाख या एक करोड़ लोगों में से हैं जो कि सुखी हैं, जिन को दो वक्त का खाना मिल जाता है या जो अपने बाल बच्चों को पाल सकते हैं। लेकिन मैं इस सदन का ध्यान उन २७ करोड़ या २८ करोड़ लोगों की निस्वत आर्कषित करना चाहता हूं जिनको केवल साढ़े सात आने रोज की आमदनी है। आज जब चीनी, आक्रमण हमारे देश में है, हमारी मातायें, बहने और भाई, बुजुर्ग लुट कर, पिटते हुए कटते हुए, मुश्किल से एक फटी साड़ी ले कर, हमारे देश में आ रहे हैं, और उनको बसाने के लिये रुपया ढूंढा जा रहा है, ऐसे मौके पर अगर हम कहें कि हमारी तन्खाह बढ़ाई जाय, तो यह क्या उनकी भुखमरी और उनके लुटे हुए सुहाग के साथ एक जबरदस्त मजाक नहीं होगा। श्री विद्यालंकार ने कहा है कि फिलहाल इस बिल को न पास किया जाय, मैंने भी यह कहा है कि १० अगस्त, १९६४ तक इस सम्बन्ध में जनमत संग्रह किया जाय। मैं यह नहीं कहना चाहता कि आप इस बिल को पास न करें, लेकिन फिर भी इस पर एक जनमत संग्रह किया जाय, जनता की राय भी इसके सम्बन्ध में पूछी जाए, ताकि ऐसा न हो कि पार्लियामेंट के मेम्बरों, लोक सभा के सदस्यों के, जो कि इस स्थान पर प्रजातान्त्रिक उमूलों के रखवाले हैं, बारे में एक मजाक हो इस देश में, ऐसे वक्त में जब कि करोड़ों रुपये के टैक्स, लोगों की हड्डियों में जोंक की तरह चिपट कर हम ले रहे हैं और लोग खून का आखिरी कतरा टैक्स की शक्त में दे रहे हैं।

मैं निवेदन करना चाहता हूं कि मैं यह नहीं कहना चाहता कि जो कुछ प्रस्तावक महोदय ने इस बिल में कहा है उसमें उन

का इरादा गलत है। इरादा ठीक हो सकता है। अगर उन्होंने अपने टेलिफोन के बिल दिखाये तो मैं भी निवेदन करना चाहता हूं कि छः या आठ महीने के बिल हमारे भी देख लिये जायें। यहां आने से पहले हम लोगों को भी आखिर २००-२५० रु० महीने तन्खाह मिला करती थी। अब आज ६०० या ७०० रु० मासिक मिलने के पश्चात् भी, गुजारा नहीं। हमारे देश के २७ करोड़ लोग भूख रहें, नंगे रहें साड़ेसात आने रोज पर गुजारा करें, हमारी माताओं और बहनों के सुहाग लुटवा कर आने के बाद भी, उनको किसी भी हालत में खाना न मिले, उनको कैम्प में रहना पड़े, सरकारी कर्मचारियों का मंहगाई भत्ता २ रु० बढ़े, ५ रु० बढ़े, २७ करोड़ लोग साढ़े सात आने रोज में गुजारा करें, ३००० करोड़ रु० हमारे यहां रूल एनडेटेडनेस हो, किसानों के आशियाने जलते हों, उनकी बस्तियों में आग लकती हों, उनके बालबच्चे भूख के शिकार होते हों, फिर भी अगर हम कहें कि हमारी तन्खाह बढ़ाई जाय, तो मैं कहूंगा कि हम लोग लोक सभा के सदस्य हैं, हम लोग इस देश के नीरों नहीं

16-13 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

हैं। बी कैननाट फ्लड व्हान एनटायर कंट्री इज इन फ्लेमस। मैं निवेदन करूंगा, मैं संसद सदस्यों से हाथ जोड़ कर निवेदन करना चाहता हूं कि वे आज अपने दिल पर हाथ रख कर सोचें, उसके बाद इस बिल को लायें।

केवल इतना ही नहीं कि यह बिल लाया गया है, अमेंडमेंट लाया गया है, श्री बारूपाल ने सोचा कि कहीं ऐसा न हो कि इसको प्रास्पेक्टिवली दिया जाय, कुछ एरियस भी मिलने चाहिये। उन्होंने कहा कि १० फरवरी, १९६४ से यह वेतन और भत्ता मिलना चाहिये ताकि जब घर जायें तो कुछ एरियस भी दिखा दें। मैं दिक्कतों को समझता हूं लेकिन विरोध इसलिये करता हूं कि जब तक देश में हम

[श्री स० मो० बनर्जी]

रोटी रोजी का सहारा न दे सकें, चीजों के ख़ाम न घटा सकें, तब तक यह चीज नहीं पास होनी चाहिये। इसको विदज्ञा कर लिया जाय।

श्री प० न० कयाल : आप के पाकेट में दो कलमें हैं और हाथ में घड़ी है।

श्री स० मो० बनर्जी : मेरे हाथ में घड़ी खरूर है, मेरे घर में फाउन्टेनपेन है। घड़ी से मैं देखता हूँ कि कौन सा वक्त ऐसा है जिस में आप अष्टाचार करते हैं और कलम से उसे लिखता हूँ इस लिये मेरे पास घड़ी और कलम दोनों हैं।

श्री रामसेवक यादव : उपाध्यक्ष महोदय, प्रस्तुत विधेयक असामयिक, अशोभनीय और मौजूदा परिस्थितियों में अनुपयुक्त है। श्री रघुनाथ सिंह ने जब विधेयक पेश किया तो तर्क दिये कि संसद सदस्यों का काम नहीं चलता। अच्छा होता कि इसके पहले कि श्री रघुनाथ सिंह लोक सभा के या संसद सदस्यों का वेतन ४०० रु० मासिक और २१ रु० दैनिक भत्ता के सम्बन्ध में कहते कि उसमें काम नहीं चलता कम से कम उन सरकारी कर्मचारियों की ओर देखते चाहे वे प्रदेश के हों या केन्द्र के हो, जिन का वेतन २ रुपया से लेकर ५ रु० तक बढ़ा और इस देश के २७ करोड़ लोगों की तरफ उनका ध्यान गया होता जिनकी एक दिन की आमदनी ३ आना है। मगर हम यहां पर अपनी उत्सुकता में यहां तक बढ़ गए कि इसी लोक सभा की चारदीवारी के अन्दर काम करने वाले छोटे छोटे कर्मचारियों, बाबुओं और यहां तक कि हमारे बेचारे मार्शल की जो स्थिति है उसकी तरफ भी ध्यान नहीं दे सके। अगर वे इस पर भी कुछ विचार करते तो भी मेरी समझ में आता, लेकिन इधर ध्यान नहीं दिया गया।

यह भी कहा गया कि महंगाई बढ़ी हुई है। लेकिन महंगाई का मुकाबला करने के लिये तृतीय श्रेणी और चतुर्थ श्रेणी के कर्मचारियों का वेतन अथवा भत्ता २ और ५ रु० बढ़े और संसद सदस्य का रोज का भत्ता १० रु० और वेतन १०० रु० बढ़े, जरा इन स्थितियों की हम तुलना करें। कहा जाता है कि हमको तत्काल बढ़ाने की इसलिये आवश्यकता पड़ती है कि महंगाई के समय में दो जगह हमारा रख रखाव है, एक तो यहां पर और एक घर पर, जरूरी है कि भत्ता में १० रु० रोज की और वेतन में १०० रु० मासिक को बढ़ि हो, कुछ हवा में उड़ने का भी मौका मिले। मैं निवेदन करूंगा कि घरेलू पर चलिये, जमीन से ताल्लुक रखिये, हवा में न उड़िये। हिन्दुस्तान गरीब है। फिर जब हम इस प्रश्न पर विचार करें तो बड़े सरकारी अफसरों के वेतन, भत्ते और सुविधा, उसके साथ साथ मंत्रियों के वेतन भत्ते और सुविधा उसके साथ साथ जो आप की लोक सभा है, राज्य सभा है, उसके सदस्यों के वेतन, भत्ते और सुविधा की तुलना में तीसरे, चतुर्थ श्रेणियों के कर्मचारियों के वेतन, भत्ते और सुविधा, जो लोग तीन आने रोज में जिन्दगी बसर करते हैं उनकी सारी परिस्थितियों को देखें। इसको देखने के बाद विचार करें कि क्या जो वेतन, भत्ते और सुविधायें उन लोगों को मिल रही हैं, उस परिस्थिति में यह उपयुक्त होगा कि हम अपने वेतन, भत्ते और सुविधायें बढ़ायें। अगर इन सारी परिस्थितियों पर गौर किया जायेगा तो मैं निवेदन करूंगा कि हमको यह मान कर चलना पड़ेगा कि जब तक इस देश के अन्दर ३ आने रोज की आमदनी वाले लोगों की आमदनी हम ८ आ०, १० आ०, १२ आ० या १ रु० रोज नहीं करते तब तक हम संसद सदस्यों को कोई अधिकार नहीं है कि अपने वेतन, भत्ते और सुविधायों में कोई बढ़ोतरी करें।

श्री क० न० तिवारी (बगहा) : ३ आ० रोज वाली बात गलत है।

श्री रामसेवक यादव : अगर ७ आने वाली बात ही को सही मान लिया जाये जो कि तिबारी जी कहते हैं या उनके मंत्री कहते हैं, तब भी ७ आ० रहते हुए भी यह उपयुक्त नहीं। जो ३ आ० और ७ आ० की बहस चलाते हैं उन के तर्क को मान लिया जाये तब भी यह चीज चलती नहीं।

मैं निवेदन करूँ कि सुविधाओं के बारे में डा० राम मनोहर लोहिया ने साफ साफ कहा और उसके बारे में कुछ गलतफहमी भी हो गई कि वह सुविधा तो लेना चाहते हैं लेकिन बेतन और भत्ते में वृद्धि नहीं चाहते। जहाँ तक सुविधाओं का मतलब है, मैं कहना चाहूँगा कि संसद् सदस्य जो काम करते हैं उस में कम से कम उन को एक एक सहायक मिले तो उस सहायक के जरिये उन की कार्यकुशलता बढ़ेगी और कुछ लोगों को काम मिलेगा। अगर इस तरह की सुविधा संसद् सदस्यों को दो जाती है तो वह उन की वैयक्तिक सुविधा नहीं होगी, उन के लिये तन्त्राह की सुविधा नहीं होगी।

श्री रघुनाथ सिंह ने यह भी कहा कि हम लोगों के चुनावों में पैसे ज्यादा खर्च होंगे, हम बिकेंगे और यह कि इधर राज्य सभा और विधान परिषद् के चुनावों में भ्रष्टाचार आया, विधान सभाओं के सदस्य बिके पैसे के सहारे। मैं निवेदन करूँ कि अगर पैसे से बिकने से बचना चाहते हैं, अगर आप देश से भ्रष्टाचार का उन्मूलन चाहते हैं, तो वैसे आप १००० रोज भत्ता और १००० मासिक वेतन तथा सुविधाओं को बढ़ा कर नहीं कर सकते क्योंकि तमाम भ्रष्टाचार है बिड़ला और टाटा की बदौलत। अगर सदाचार और ईमानदारी की बात आप केवल १००० रोज और १०० मासिक बढ़ा कर करना चाहते हैं तो आप धोखे में हैं। इस तरह से आप का उद्देश्य प्राप्त नहीं हो सकता है। इसलिये आप इस तर्क को मत दें।

कहा जाता है कि हम लोग विरोध के लिये विरोध करते हैं। मान लीजिये कि 427 (Ai) LSD—7.

यह विरोध विरोध के लिये होता है तो आप उसे असली विरोध मान लीजिये और मत पास कीजिये इस कानून को। जब कभी कोई गैरसरकारी विधेयक इस तरह का प्रस्तावित हुआ तो हमेशा सत्तारूढ़ दल की तरफ से वापस ले लिया गया। मैं उम्मीद करूँगा कि श्री रघुनाथ सिंह इस पुरानी परम्परा को कायम रखेंगे और इस वापस लेंगे।

मौजूदा परिस्थिति में जब कि संकट कालीन समय चल रहा हो, चन्दा मांगा जा रहा हो, एक एक पैसे का कर बढ़ाया जा रहा हो, लोग भूख से तड़प रहे हों, भूखाई से पीड़ित और वस्त्र हों, अगर आप इस प्रस्ताव को पास करेंगे तो दुनिया क्या कहेगी और देश क्या कहेगा।

यहाँ पर विदेशों के बड़े आंकड़े पेश किये गये, लेकिन वहाँ की राष्ट्रीय आमदनी, आस्ट्रेलिया, कनाडा की राष्ट्रीय आमदनी क्या है। हिन्दुस्तान में एक व्यक्ति की आमदनी क्या है। उन देशों में एक व्यक्ति की और औसत आमदनी क्या है और यहाँ क्या है? अच्छा होता यदि श्री रघुनाथ सिंह अमेरिका, कनाडा, आस्ट्रेलिया आदि के प्रति व्यक्ति की आमदनी के आंकड़े रखते और हिन्दुस्तान के भी प्रतिव्यक्ति की आमदनी के आंकड़े रखते। उससे पता चलता कि उनके तर्क में कहां खामी है। यह जो दलीलें उन्होंने दी हैं यह तो कुतर्क हुआ।

जो बात श्री बनर्जी ने कही है वह मैं भी दुहरा देना चाहता हूँ। हम अगर संसद् सदस्य बने हैं तो स्वेच्छा से बने हैं, हम सेवा की भावना से सदस्य बने हैं। इसलिये यह कहना उचित नहीं कि हमको बाजार में क्या मिल सकता था। मैं तो देखता हूँ कि हम में से बहुत से ऐसे सदस्य भी हैं जिनको बाजार में ढाई सौ रुपया तक नहीं मिलेगा। तो आर्थिक दृष्टि से अपनी कीमत आंकना उचित नहीं है।

[श्री रामसैवक यादव]

मैं निवेदन करूंगा कि जब हम लोग कहते हैं कि देश में आमदनी में एक और दस का अनुपात हो, किसी की आमदनी सौ रुपए से कम न हो और किसी की १००० रुपए से ज्यादा न हो तो उसका समर्थन नहीं किया जाता। हम जब कहते हैं कि तनखाहों पर रोक लगायी जाए, बैंकों का राष्ट्रीयकरण किया जाए, चीजों के दाम बांधे जाएं, तो उस पर ध्यान नहीं दिया जाता। याद रखिए इस विधेयक को पास करके आप उस लक्ष्य के पास नहीं जा रहे हैं। इसलिए मैं मौजूदा विधेयक का घोर विरोध करता हूँ और मैं निवेदन करना चाहूंगा कि जब हम महंगाई नहीं रोक सके, गरीबों को रोटी नहीं दे सके और १५ साल में भी समाजवाद नहीं ला सके, ऐसी स्थिति में यह काला कानून लाकर अगर हम अपनी सुविधाएं बढ़ाएंगे, तो हिन्दुस्तान की जनता हम को कोसेली और बुरा कहेगी, और हमारे लिए यह कलंक और शर्म की बात होगी कि हम अपनी सुविधाओं को बढ़ाएं।

आज देश के बहुत लोग परेशान हो रहे हैं। आज गांधी जी की आत्मा सरकार को कोस रही होगी। यहां कहा जा रहा है कि अगर सदस्यों को ज्यादा वेतन और भत्ता मिलेगा तो भ्रष्टाचार कम होगा। लेकिन हम देखते हैं कि मन्त्रियों को तो ज्यादा वेतन मिलता है, मुफ्त बंगला मिलता है, मुफ्त बिजली मिलती है, कार का एडवांस मिलता है, लेकिन फिर भी कितने मन्त्री हैं जो स्टाफ कार का उपयोग नहीं करते। तो कहां खत्म हुआ भ्रष्टाचार। वह तो चल रहा है।

लोग टाटा और बिड़ला की बात कहते हैं। मैं मानता हूँ कि मिश्र जी ने अपने चुनाव में एक सा खर्च न किया होगा लेकिन मैं कहता हूँ कि इस सरकार का कोई मन्त्री या सत्तारूढ़ दल कोई भी प्रभावशाली सदस्य ऐसा नहीं है जो किसी पंजीपति की जेब में न हो।

श्री रामेश्वरानन्द : मेरे समय का क्या हुआ ?

Shri Surendranath Dwivedy (Kendrapara): I have looked at the names of the sponsors of the Bill, and I quite realise the importance of the measure that we are discussing here. I find amongst the names of the sponsors of the Bill not only the name of the Secretary of the Congress Party, but also the names of the General Members of the Communist Party and the DMK and some independents. That means that Members have given some thought to the problem and I believe that probably before this measure was introduced in the House, there must have been some informal discussion. I do not quite know.

Shri Raghunath Singh: My hon. friend is quite right.

Shri Surendranath Dwivedy: So far as the principle of the Bill is concerned, I do not think that there is anything to object to, because Parliament has accepted the principle of a salary and an allowance to Members of Parliament. What is proposed to be done under this Bill is to increase the salary and allowance. The question is whether that is justifiable under the circumstances.

I am afraid that the approach given to this Bill is quite a wrong approach altogether. After all, why do you want an increase? I do not deny that so far as the requirements of MPs are concerned for the proper discharge of their duties, whatever is available to them is not adequate. There is no denying this fact which is the practical real fact we are facing in the day-to-day discharge of our duties. But does that mean that we should increase our remuneration in terms of money? I fail to understand this attitude and approach. As Shri Raghunath Singh himself has

said, even in the Assam Assembly they get the same allowance and salary as MPs get. His own argument is based on the fact that because we happen to be MPs who have to maintain two establishments, whereas in the States they do not have to do that, therefore, there is necessity for increase. And it will be connected with the higher cost of living.

What is the standard of living for MPs? If that was decided, I would agree that that minimum should be available to MPs. If by increasing it by Rs. 100 we are achieving that purpose, there will be no objection. But even if you give Rs. 500 in terms of money, I know there are families for whom it will be impossible even to maintain two establishments. That is no solution to the problem. We have to strike a balance between our requirements for discharging our duty and the situation prevailing in the country. We are likely to be misunderstood. There has been a consistent and persistent demand from many sections of the people that because the cost of living has increased their DA and salary should also be increased, but it has not been possible for reasons best known for Government to concede that demand. Therefore, what is necessary and what we really want is that we should strike a balance. We require some assistance. Facilities should be increased. It is not that facilities in terms of money should be made available to MPs. I support the proposal regarding travel facilities. We live at a great distance from here. I have no objection to that proposal embodied in the Bill that Members coming from beyond 750 kilometres should have that concession. I have to spend six days in train if I want to go to my constituency. If I have to pass two or three days in my constituency during session, I have to be away for about 8 or ten days. That means I will get only two days for any work to be done in any area or

place in India. Therefore, these travel facilities are necessary. In the original Act, as Shri Satya Narayan Sinha will remember, all sections of the House welcomed the introduction of railway pass because that would afford facilities for Members to go all over the country, meet people and do their duty. That is a thing one can understand. So far as telephone is concerned or even housing is concerned, we should consider it from that point of view, not in terms of money.

Therefore, I say that the whole approach to the question is wrong. Remember we are deciding for ourselves. The Government has been very careful; although they support this measure, they have not come forward with a Bill. They are throwing the entire responsibility on Members of this House. It is not only a question of the Congress Party. Every Member of the House will be answerable to the public outside, to justify the reason why they have at this moment thought it proper to increase their salary and DA.

Therefore, I would request the Mover that if it is possible, if all friends agree, let him drop this Bill. Let us discuss it. I am not very particular about the financial commitment involved. That is not the question to be discussed. The whole question is: what is necessary for MPs to discharge their duties as MPs? Let us discuss that along with the Minister also, and I think he will get the unanimous support of this House if a Bill is brought forward after such discussion.

I do not want that a controversy of this kind should arise and that it should appear to the outside world as if some Members do not want it, and that by a majority it is being pushed through. It would not add to our dignity or that of the House.

Even Shri Ram Sewak Yadav, who opposed it at the introduction stage itself, says that there should be an Assistant available to each Member

[Shri Surendranath Dwivedy]

to discharge his duty. If you get an Assistant, his salary may be Rs. 150 or Rs. 200, while here it is only Rs. 100 more. So, I say there is no opposition so far as the principles are concerned, but in what shape it should be available is the question before the House. I think it should receive earnest consideration, and so I would request Shri Raghunath Singh to withdraw this Bill.

Mr. Deputy-Speaker: Swami Rameshwaranand.

Shri S. S. More: May I make a slight intervention?

श्री रामेश्वरानन्द : ओ३म् ईशावास्यमिदं सर्वं यत्किञ्च जगत्याम् जगत्, तेन त्यक्तेन भुञ्जीया मागृध कस्यश्चिद्वचनं ।

उपाध्यक्ष महोदय, इस मन्त्र में सर्व-साधारण के लिए यह विधान है कि हमारा जीवन तप और त्यागमय होना चाहिए। विशेषतया जो राज्य-कर्मचारी और मन्त्री आदि हैं, उनके विषय में वेद ने बिल्कुल स्पष्ट कहा है, “ब्रह्मचर्येण तपसा राजारोष्यं विरक्षति।” (*Interruption*) उपाध्यक्ष महोदय, अगर ये लोग बोलना चाहते हैं, तो मैं बैठ जाता हूँ।

श्री बागड़ी (हिसार) : उपाध्यक्ष महोदय, आप इनको रोके तो सही। अगर ये ऐसा करते रहेंगे, तो फिर इन को कौन बोलने देगा ?

श्री रामेश्वरानन्द : मैं किसी के भाषण के बीच में बोला नहीं हूँ। मैं चाहता हूँ कि माननीय सदस्य मेरी बात भी सुन लें। अगर इन की यही सभ्यता है, तो मैं क्या कह सकता हूँ ?

मैं कह रहा था कि वेद ने जहाँ सब को त्याग और तप का जीवन व्यतीत करने के लिए कहा है, वहाँ राज्य-कर्मचारियों, मन्त्रियों और राजा के लिए यह कहा है कि वे ब्रह्मचर्य

और तप के द्वारा राज्य की रक्षा करें। यह वेद का विधान है।

जिन व्यक्तियों के हाथ में शासन-सत्ता है, उन को बड़ा त्यागी और तपस्वी होना चाहिए। “यद्यदा चरति श्रेष्ठः तदतदेव इतरांजनः” अर्थात् बड़े आदमी जो मार्ग अपनाते हैं, यही मार्ग छोटे अपनाते हैं। हम सब पार्लियामेंट के मेम्बर हैं, संसद् के सदस्य हैं। संसद्-सदस्य हों जाने के पश्चात् कुछ शेष नहीं रह जाता है—आगे मन्त्री या प्रधान मन्त्री बनना ही शेष रह जाता है। यदि संसद् के सदस्य त्याग और तप से काम करेंगे, तो सारे देश की जनता पर उसका प्रभाव पड़ेगा। उन देशों को छोड़ दीजिए, जिनके उदाहरण यहाँ पर दिये गये हैं। हमारा देश तो ऋषियों-महर्षियों का देश है, त्यागियों और तपस्वियों का देश है। इसलिए इस देश में हम लोगों को त्याग और तप की भावना से काम करना पड़ेगा।

पूज्य महात्मा गांधी कहा करते थे कि हमारा कोई मन्त्री पांच सौ रुपये से ज्यादा वेतन नहीं लेगा। क्या हम महात्मा जी की इस वचन को मान रहे हैं ? क्या हम को उनके वचनों का तरफ ध्यान नहीं देना चाहिए ? एक तरफ तो हम महात्मा गांधी के नाम का ढँढोरा पीटते हैं और दूसरी तरफ उनके बात की ओर ध्यान नहीं देते हैं, हमारे लिए यह कितनी शोभा की बात है, इसके बारे में मैं मैं कुछ नहीं कहना चाहता हूँ।

एक माननीय सदस्य : महात्मा जी ने मेम्बरों के बारे में क्या कहा है ?

श्री रामेश्वरानन्द : उन्होंने मंत्रियों के बारे में कहा है। मेम्बरों के बारे में महात्मा जी ने कुछ नहीं कहा है।

संसद्-सदस्यों की वेतन-वृद्धि का प्रश्न नहीं है, क्योंकि हम सब जनता से चुन कर आये हैं। वेतन उस का होता है, जो कि राज्य का नौकर होता है और उस को काम दिया जाता है। क्या पार्लियामेंट के मेम्बर का कोई काम भी है ? अगर पार्लियामेंट के मेम्बरों को वेतन दिया जाय, तो वे जनता के प्रतिनिधि नहीं हो सकते। अगर वे जनता के प्रतिनिधि हैं, तो वे वेतन की बात नहीं कर सकते।

अगर वे वेतन लेना चाहते हैं, तो वे राज्य का कोई भी काम सम्भाल लें और उस पद पर काम करने वाले को जो वेतन मिलता है, वही वेतन उन को भी दे दिया जाय। इस में मुझे कोई आपत्ति नहीं है। एक तरफ तो हमारे माननीय सदस्य अपने आप को जनता के प्रतिनिधि कहते हैं और कहते हैं कि हम प्रजातन्त्र को मानते हैं, और दूसरी तरफ वे वेतन की बात करते हैं। चौकीदार से ले कर बड़े बड़े अधिकारियों तक कितनी मेहनत करते हैं, तब वेतन पाते हैं। हमारे लिये वेतन का प्रश्न नहीं होना चाहिये। जितने दिन हम यहां पर काम करें, उतने दिनों के लिये हमारे भोजन और निवास आदि के लिये प्रबन्ध किया जाना चाहिये।

मैं कहना चाहता हूं कि यदि इस रूप में वेतन बढ़ाया गया, तो इस का परिणाम यह निकलेगा कि सरकार को टैक्स लगाने पड़ेंगे। आखिर लाखों करोड़ों रुपये कहां से आयेंगे ? राज्य की आय तो बढ़ती नहीं है। अगर राज्य की आय बढ़ जाती है, तब तो संसद्-सदस्यों की आय भी बढ़नी चाहिये, इस में मुझे कोई आपत्ति नहीं है। परन्तु राज्य की आय बढ़ती नहीं है और हमारे माननीय सदस्य अपने वेतन बढ़ाने की बात करते हैं। वेतन बढ़ाने का परिणाम यह होगा कि सरकार को टैक्स लगाने पड़ेंगे और उस से मंहगाई और बढ़ेगी और गरीब लोग और पिसेंगे।

जहां तक चुनावों का सम्बन्ध है, यह ठीक है कि माननीय सदस्यों को चुनाव के लिये खर्च करना पड़ता होगा। किन्तु जो व्यक्ति इतना व्यय कर के यहां आते हैं और यहां आ कर वेतन वृद्धि की बातें करते हैं, क्या ऐसे लोग ईमानदारी से काम करेंगे ? ऐसे लोगों को यहां आने की क्या आवश्यकता है ? ऐसे लोगों को चुनाव में नहीं खड़े होना चाहिये।

आज हमारे देश की यह स्थिति है कि वह भूखों मर रहा है। आज पूर्वी बंगाल से लोग उजड़ कर यहां आ रहे हैं। सरकार पंजाब के लोगों को बसा नहीं सकी है। एक तरफ उस ने सुनारों को बेकार कर दिया है और दूसरी तरफ वह व्यापारियों को बेकार करने जा रही है। आज देश में चारों तरफ हाहाकार मचा हुआ है। ऐसी अवस्था में हम लोगों के लिये अपने वेतन बढ़ाने का यत्न करना उचित नहीं कहा जा सकता है।

इस सम्बन्ध में मुझे कहा जाता है कि मैं साधु हूं, इस लिये ऐसे विचार प्रकट कर रहा हूं। क्या हमारे माननीय सदस्यों के सामने दीवार खड़ी हुई है कि वे साधु नहीं बन सकते हैं ? वे भी साधु हो जायें। वे पचास वर्ष के उपरान्त भी गृहस्थाश्रम में क्यों रह रहे हैं। उन को अब तप और त्याग का जीवन बिताना चाहिये। पचास वर्ष के पश्चात् भी संतान पैदा कर के वे सरकार के लिये क्यों सिरदर्द पैदा कर रहे हैं ? पहले ही देश की जन-संख्या में वृद्धि होती जा रही है और मंहगाई बढ़ रही है। वे संतान बढ़ा कर क्यों देश का दीवाला निकाल रहे हैं ? राज्य के जो कर्मचारी रात-दिन काम करते हैं, उन के वेतन में वृद्धि होनी चाहिये और माननीय सदस्यों को सब से पहले अपने वेतन में वृद्धि करने का यत्न नहीं करना चाहिये।

मैं इस विधेयक का घोर विरोध करता हूं और मैं चाहता हूं कि यह बिल किसी भी प्रकार से नहीं पास किया जाना चाहिये।

[श्री रामेश्वरानन्द]

जित जनता से हम लोग चुन कर आये हैं, यह बिल उसकी राय जानने के लिये भेज दिया जाये। अगर जनता कहती है कि संसद्-सदस्य भुखे मर रहे हैं, तो जरूर उन के वेतन में वृद्धि कर दी जाये।

Mr. Deputy-Speaker: Shri Satya Narayan Sinha.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir . . .

श्री बागड़ी : उपाध्यक्ष महोदय, हम ने भी बोलना है।

Shri Priya Gupta: Sir, I want to say a few words . . . (Interruptions).

Mr. Deputy-Speaker: There is no time now.

Shri S. N. Chaturvedi: Sir, time should be extended.

Shri Raghunath Singh: No, Sir; we oppose this move.

Shri S. M. Banerjee: Time should be extended.

Division No. 26]

AYES

[16.43 hrs.

Bagri, Shri
Banerjee, Shri S. M.
Barua, Shri Hem
Chaturvedi, Shri S. N.
Daji, Shri
Dwivedi, Shri Surendranath

Gupta, Shri Kashi Ram
Gupta, Shri Priya
Jyotishi, Shri J. P.
Mandal, Shri B. N.
Mukerjee, Shri H. N.
Nair, Shri Vasudevan

Pattnayak, Shri Kishen
Raghavan, Shri A. V.
Ramabadrana, Shri
Singh, Shri Y. D.
Yadav, Shri Ram Sewak

NOES

Akkamma Devi, Shrimati
Alva, Shri A. S.
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Barkataki, Shrimati Renuka
Barman, Shri P. C.
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Baswant, Shri
Beera, Shri
Bhanja Deo, Shri L. N.
Bhanu Prakash Singh, Shri
Bhat, Shri J. B. S.
Brajeshwar Prasad, Shri
Brij Basj Lal, Shri

Chakraverti, Shri P. R.
Chanda, Shrimati Jyotana
Chattar Singh, Shri
Chavda, Shrimati
Chuni Lal, Shri
Daljit Singh, Shri
Das, Dr. M. M.
Das, Shri N. T.
Das, Shri Sudhansu
Deo Bhanj, Shri P. C.
Deshmukh, Shri B. D.
Dharamalingam, Shri
Dighe, Shri
Dwivedi, Shri M. L.
Firodia, Shri
Gajraj Singh Rao, Shri

Ganapati Ram, Shri
Gandhi, Shri V. B.
Gounder, Shri Muthu
Guha, Shri A. C.
Hansda, Shri Subodh
Hanumanthaiya, Shri
Himatsingka, Shri
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Kadadi, Shri
Kajrolkar, Shri
Kamble, Shri
Kayal, Shri P. N.

Mr. Deputy-Speaker: By how much?

Shri S. M. Banerjee: By one hour. I beg to move:

"That the time allotted for the discussion of this Bill be extended by one hour."

श्री रामसेवक यादव : मैं प्रस्ताव करता हूँ कि समय बढ़ा दिया जाय।

Mr. Deputy-Speaker: Is it the pleasure of the House that time should be extended by one hour?

Some Hon. Members: Yes.

Some Hon. Members: No.

Mr. Deputy-Speaker: Hon. Members want a division on this?

The question is:

"That the time allotted for the discussion of this Bill be extended by one hour."

16.43 hrs.

[MR. SPEAKER in the Chair]

The Lok Sabha divided.

Keishing, Shri Rishang
Khadilkar, Shri
Khan, Dr. P. N.
Khan, Shri Osman Ali
Khanna, Shri P. K.
Kindar Lal, Shri
Kishan Veer, Shri
Kotoki, Shri Liladhar
Koujalgi, Shri H. V.
Koya, Shri
Kripa Shankar, Shri
Lalit Sen, Shri
Laskar, Shri N. R.
Lonikar, Shri
Malhotra, Shri Inder J.
Mallick, Shri Ram Chandra
Mandal, Shri J.
Mantri, Shri
Marandi, Shri
Maruthiah, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Menon, Shri P. G.
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Misra, Shri Mahesh Dutta
Mohsin, Shri
Morarka, Shri
More, Shri K. L.
Muhammed Ismail, Shri
Munzri, Shri David
Murlj, Manohar, Shri
Musafir, Shri G. S.
Muthiah, Shri

Nair, Shri N. Sreekantan
Nayak, Shri Mohan
Niranjan Lal, Shri
Panna Lal, Shri
Pant, Shri K. C.
Parashar, Shri
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Patnaik, Shri B. C.
Pillai, Shri Nataraja
Prabhakar, Shri Naval
Pratap Singh, Shri
Raghunath Singh, Shri
Rajdeo Singh, Shri
Raju, Dr. D. S.
Raju, Shri D. B.
Ram, Shri T.
Ram Sewak, Shri
Ram Swarup, Shri
Ramaswamy, Shri V. K.
Ramdhani Das, Shri
Rameshwaranand, Shri
Rane, Shri
Rao, Shri Krishnamoorthy
Rao, Shri Muthyal
Reddy, Shri K. C.
Reddy, Shri Narasimha
Sadhu Ram, Shri
Saha, Dr. S. K.
Sarma, Shri A. T.
Shakuntala Devi, Shrimati
Sharma, Shri A. P.
Shastri, Shri Ramanand

Sheo Narain, Shri
Shyamkumari Devi, Shrimati
Siddananjappa, Shri
Siddiah, Shri
Siddheshwar Prasad, Shri
Singh, Shri K. K.
Singh, Shri R. P.
Sinha, Shrimati Ramdulari
Sivapraghassan, Shri Ku.
Sonavane, Shri
Soy, Shri H. C.
Srinivasan, Dr. P.
Subramanyam, Shri T.
Surya Prasad, Shri
Swamy, Shri M. V.
Tan Singh, Shri
Tantia, Shri Rameshwar
Tiwary, Shri K. N.
Tula Ram, Shri
Uikey, Shri
Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M. B.
Valvi, Shri
Varma, Shri Ravindra
Veerasappa, Shri
Veerappa, Shri
Venkatasubbiah, Shri P.
Verma, Shri Balgovind
Vijaya Ananda, Maharajkumar
Virbhadra Singh, Shri
Vyas, Shri Radhelal
Wadiwa, Shri
Yadab, Shri N. P.
Yadava, Shri B. P.

Mr. Deputy-Speaker: The result of the decision is: Ayes 17; Noes 150.

The motion was negatived.

Mr. Speaker: The time is not extended. The hon. Minister,

श्री बागड़ी : मुझे समय नहीं मिला है ।

अध्यक्ष महोदय : मैं क्या कर सकता हूँ ।

श्री बागड़ी : हमारे इलाके में अकाल पड़ा हुआ है और यहाँ पैसा बढ़ाने की बात कर रहे हैं ।

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Mr. Speaker, Sir, I have listened with attention and respect to the speeches of the hon. Members on this Bill, for or against, and have benefited to the extent of understanding the reactions of different sections of the House to the question of the emoluments. The

Government would leave this matter to the House and would abide by its wishes. I have, therefore, to declare that I have advised my colleagues in the Council of Ministers not to participate in the voting on this Bill.

Sir, I would like to say one thing: the most unkindest cut of all against the Government came from my hon. friend Shri Daji. He hinted as if Government have manoeuvred the whole thing. For the information of my hon. friend, I would like to say that I received a representation—if I may call it so—signed by 300 or more Members of this House belonging to several parties and not only the Congress Party. As the House has seen, even though the mover of this Bill happens to be an important Member of the Congress Party, the Congress Party also is sharply divided on this issue. So is the party of those hon. Members who oppose it.

[Shri Satya Narayan Sinha]

I know it from my own personal knowledge—people may be taking here something on account of the discipline of the parity, here on this side and on the other side also. But some of them have come to me and told me, "What can we do? This is the decision of our party".

So, in a matter like this, Government have decided to leave the matter entirely to the House. No whip has been issued so far as our party is concerned. We have requested the Members of the Council of Ministers not to participate in the voting. What-

ever is the decision of the House, as democrats, we have got to accept it.

Mr. Speaker: There is an amendment by Shri Banerjee for circulating it.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 10th August, 1964."

The Lok Sabha divided:

16.48 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Division No. 27]

AYES

[16.51 hrs.]

Bagri, Shri
Banerjee, Shri S. M.
Daji, Shri
Gupta, Shri Priya

Mandal, Shri B. N.
Mukerjee, Shri H. N.
Nair, Shri Vasudevan
Pattnayak, Shri Kishen

Swamy, Shri M. V.
Vimla Devi, Shrimati
Yadav, Shri Ram Sewak

NOES

Akkan ma Devi, Shrimati
Aney, Dr. M. S.
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Barkataki, Shrimati Renuka
Barman Sh. P. C.
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Baswant, Shri
Bestra, Shri
Bhanu Prakash Singh, Shri
Bheel Shri P. H.
Bist, Shri J. B. S.
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri
Brij Raj Singh Kotah, Shri
Chakraverti, Shri P. R.
Chanda, Shrimati Jyotsna
Chattar Singh, Shri
Chavda, Shrimati
Chuni Lal, Shri
Daljit Singh, Shri
Das, Shri N. T.
Das, Shri Sudhansu
Deo Bhanj, Shri P. C.
Dharamalingam, Shri
Dighe, Shri
Dwivedi, Shri M. L.
Firodia, Shri
Gajraj Singh Rao, Shri
Ganapati Ram, Shri
Gandhi, Shri V. B.
Gounder, Shri Muthu

Guha, Shri A. C.
Gupta, Shri Kanshi Ram
Hansda, Shri Subodh
Hanumanthaiya, Shri
Himatsingka, Shri
Ismail, Shri M.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kadadi, Shri
Kamble, Shri
Kayai, Shri P. N.
Keishing, Shri Rishang
Khadiolkar, Shri
Khan, Dr. P. N.
Khan, Shri Osman Ali
Khanna, Shri P. K.
Kindar Lal, Shri
Kotaki, Shri Liladhar
Koya, Shri
Kripa Shankar, Shri
Lalit Sen, Shri
Laskar, Shri N. R.
Lonikar, Shri
Mahato, Shri Bhajahari
Malhotra, Shri Inder J.
Mallick, Shri
Mandal, Shri J.
Mantri, Shri
Marandi, Shri

Maruthiah, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Menon, Shri P. G.
Mirza, Shri Bakar Ali
Misra, Shri Mahesh Dutta
Mohsin, Shri
Morakra, Shri
More, Shri K. L.
More, Shri S. S.
Munzai, Shri David
Murli Manohar, Shri
Musafir, Shri G. S.
Muthiah, Shri
Nair, Shri N. Sreekantham
Nayak, Shri Mohan
Niranjan Lal, Shri
Panna Lal, Shri
Pant, Shri K. C.
Paramasivan, Shri
Parashar, Shri
Patel, Shri Chhotubhai
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Patnaik, Shri B. C.
Pillai, Shri Nataraja
Prabhakar, Shri Naval
Pratap Singh, Shri
Raghunath Singh, Shri
Rajdeo Singh Shri
Raju, Dr. D. S.
Raju, Shri D. B.

Ram, Shri T.
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramaswamy, Shri V. K.
 Ramdhani Das, Shri
 Rameshwaranand, Shri
 Rane, Shri
 Rao, Shri Muthyal,
 Reddy, Shri Narasimha
 Sadhu Ram Shri
 Saha, Dr. S. K.
 Sarma, Shri A. T.
 Shakuntala Devi, Shrimati
 Shastri, Shri Ramanand
 Sheo Narain, Shri

Shyam Kumari Devi
 Siddananjappa, Shri
 Singh, Shri K. K.
 Singh, Shri R. P.
 Sinha, Shrimati Ramdulari
 Sinhasan Singh, Shri
 Sivapraghassan Shri K.
 Sonavane, Shri
 Soy, Shri H. C.
 Srinivasan Dr. P.
 Surya Prasad, Shri
 Tan Singh, Shri
 Tania, Shri Rameshwar
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.

Tula Ram, Shri
 Uikey, Shri
 Upadhyaya, Shri Shiva Dutt
 Vaishya, Shri M. B.
 Valvi, Shri
 Varma, Shri Ravindra
 Veerabasappa, Shri
 Veerappa, Shri
 Verma, Shri Balgovind
 Vijaya Ananda, Maharsajkumar
 Virbhada Singh, Shri
 Vyas, Shri Radhelal
 Wadiwa, Shri
 Yadab, Shri N. P.
 Yadava, Shri B. P.

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

Ayes 11; Noes 145.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration.

The Lok Sabha divided:

Division No. 28]

AYES

[15.53 hrs.]

Akkamma Devi, Shrimati
 Alva, Shri A. S.
 Ancy, Dr. M. S.
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Barkataki, Shrimati Renuka
 Barman Shri, P. C.
 Barupal, Shri P. L.
 Basappa, Shri
 Basumatari, Shri
 Baswant, Shri
 Berwa Shri Onker Lal
 Beera, Shri
 Bhanu Prakash Singh, Shri
 Bist, Shri J.B.S.
 Brajeshwar Prasad, Shri
 Brij Basi Lal, Shri
 Brij Raj Kotah, Shri
 Chakraverti, Shri P. R.
 Chanda, Shrimati Jyotsna
 Chattar Singh, Shri
 Chavda, Shrimati Johrahes A.
 Chuni Lal Shri
 Daljit Singh, Shri
 Das, Shri N. T.
 Das, Shri Sudhansu
 Deo Bhanj, Shri P. C.
 Deshmukh, Shri B. D.
 Dheramalingam, Shri
 Dighe, Shri
 Firodia, Shri
 Gajraj Singh Rao, Shri
 Ganapati Ram, Shri
 Gandhi, Shri V. B.
 Gounder, Shri Murthu

Guha, Shri A. C.
 Hansda, Shri Subodh
 Hanumanthaiya, Shri
 Himatsingka, Shri
 Ismail, Shri M.
 Jadhav, Shri Tulshidas
 Jamunadevi, Shrimati
 Jedhe, Shri
 Jena, Shri
 Joshi, Shrimati Subhadra
 Kadadi, Shri
 Kajrolkar, Shri
 Kamble Shri
 Kayal, Shri P. N.
 Keishing, Shri Rishang
 Khadilkar, Shri
 Khan, Dr. P. N.
 Khan, Shri Osman Ali
 Kindar Lal, Shri
 Kisan Veer, Shri
 Kotoki, Shri Liladhar
 Koujalgi Shri, H. V.
 Koya, Shri
 Kripa Shankar, Shri
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Lonikar, Shri
 Malhotra, Shri Inder J.
 Mallick, Shri
 Mandal, Shri J.
 Mantri, Shri
 Marandi, Shri
 Maruthiah, Shri
 Mathur, Shri Harish Chandra
 Mehrotra, Shri Braj Bihari

Menon, Shri P. G.
 Mirza, Shri Bakar Ali.
 Mishra, Shri Bibhuti
 Misra, Shri Mahesh Dutta
 Mohsin, Shri
 Morarka, Shri
 More, Shri K. L.
 More, Shri S. S.
 Munzini, Shri David
 Murli Manohar, Shri
 Musafir, Shri G. S.
 Muthiah, Shri
 Nair, Shri N. Sreekanthan
 Nayak, Shri Mohan
 Niranjana Lal Shri
 Panna Lal, Shri
 Pant, Shri K. C.
 Paramasivan, Shri
 Parashar, Shri
 Patel, Shri P. R.
 Patel, Shri Rajeshwar
 Patil, Shri D. S.
 Patil, Shri S. B.
 Patnaik, Shri B. C.
 Pillai, Shri Nataraja
 Prabhakar, Shri Naval
 Pratap Singh, Shri
 Raghunath Singh, Shri
 Rejdeo Singh, Shri
 Raju, Shri D. B.
 Ram, Shri T.
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramaswamy, Shri V. K.
 Ramdhani Das, Shri

Rane, Shri
 Rao, Shri Muthyal
 Reddy, Shri K. C.
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Sakuntala Devi, Shrimati
 Shaema Shri A. P.
 Sheo Narain, Shri
 Shyam Kumari Devi, Shrimati
 Siddananjappa, Shri
 PShyharasad, Shri
 Singh, Shri K. K.

Singh, Shri R. P.
 Sinha Shrimati Ramdulari
 Sonavane, Shri
 Srinivasan, Dr. P.
 Subramanayam, Shri T.
 Surya Prasad, Shri
 Tantis, Shri Rameshwar
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Uikey, Shri
 Upadhyaya, Shri Shiva Dutt
 Vaishya, Shri M. B.

Valvi, Shri
 Varma, Shri Ravindra
 Veerabasappa, Shri
 Veerappa, Shri
 Venkatasubbaiah, Shri P.
 Verma, Shri Balgovind
 Vijaya Ananda, Maharaikumar
 Virbhadra Singh, Shri
 Vyasa, Shri Radhelal
 Wadiwa, Shri
 Yadav, Shri N. P.
 Yadava, Shri B.

NOES

Bagri, Shri
 Banerjee, Shri S. M.
 Chaturvedi, Shri S. N.
 Daji, Shri
 Gupta, Shri Priya
 Jyotishi, Shri J. P.

Misra, Dr. U.
 Mukerjee, Shri H. N.
 Nair, Shri Vasudevan
 Pattnayak, Shri Kishan
 Sarma, Shri A. T.
 Siddiah, Shri

Singh, Shri Y. D.
 Sivapraghassan, Shri Ku.
 Swamy, Shri M. V.
 Vidyalankar Shri A. V. N.
 Vimla Devi, Shrimati
 Yadav, Shri Ram Sewak

Mr. Deputy-Speaker: The result of the division is:

Ayes 141; Noes 18.

The motion was adopted.

Clause 2—(Amendment of section 3).

Mr. Deputy-Speaker: We shall now take the Bill clause by clause. There are some amendments to clause 2.

Shri Sonavane: Sir, I move:

"That the House sit up to 6.00 p.m. today".

Mr. Deputy-Speaker: Order, order. The motion for consideration has been adopted. All the amendments will be guillotined at 5:00 P.M. The business has to be finished at 5 P.M.

Shri S. M. Banerjee: What is the urgency about it?

Mr. Deputy-Speaker: The House has not given more time to this Bill. Is Shri Rameshwaranand moving his amendment?

Division No. 29]

Akkamma Devi, Shrimati
 Alva, Shri A. S.
 Aney, Dr. M. S.
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Barkataki, Shrimati Renuka
 Barman, Shri P. C.
 Barupal, Shri P. L.
 Basappa, Shri
 Basumatari, Shri

Baswant, Shri
 Beasra, Shri
 Bhanja Deo, Shri L. N.
 Bhanu Parkash Singh, Shri
 Bist, Shri J.B.S.
 Brajeshwar Prasad, Shri
 Brij Basi Lal, Shri
 Brij Raj Singh Kotah, Shri
 Chakraverti, Shri P. R.
 Chanda, Shrimati Jyotana

श्री रामेश्वरानन्द : मैं प्रस्ताव करता हूँ :—

पृष्ठ १, पंक्ति ७ और ८,—

“पांच सौ रुपये” के स्थान पर “दो सौ रुपये” रख दिया जाय। (५)

Mr. Deputy-Speaker: Is he accepting it?

Shri Raghunath Singh: No, Sir.

Mr. Deputy-Speaker: All right. I will put it to the vote.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

“That clause 2 stand part of the Bill”.

The Lok Sabha divided.

AYES

[16.57 hrs.

Chavda, Shrimati Johrabai A.
 Chuni Lal, Shri
 Daljit Singh, Shri
 Das, Shri N. T.
 Das, Shri Sudhansu
 Deo Bhanj, Shri P. C.
 Deshmukh, Shri B. D.
 Dharamalingam, Shri
 Dighe, Shri
 Dwivedi, Shri M. L.

Firodia, Shri
Gajraj Singh Rao, Shri
Ganapati Ram, Shri
Gandhi, Shri V. B.
Gounder, Shri Muthu
Guha, Shri A. C.
Hansda, Shri Subodh
Hanumanthaiya, Shri
Himatsingka, Shri
Ismail, Shri M.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Kadadi, Shri
Kajrolkar, Shri
Kamble, Shri
Kayal, Shri P. N.
Kelshing Shri Rishang
Khan, Dr. P. N.
Khan, Shri Osman Ali
Khananna, Shri P. K.
Kindar Lal, Shri
Kisan, Veer, Shri
Kotoki, Shri Liladhar
Koujalgi, Shri H. V.
Kripa Shankar, Shri
Lalit S'n, Shri
Laskar, Shri N. R.
Lonikar, Shri
Malhotra, Shri Inder J.
Mallick, Shri
Mandal, Shri J.
Mantri, Shri
Marandi, Shri
Maruthiah, Shri

Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Menon, Shri P. G.
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Misra, Shri Mahesh Dutta
Mohsin, Shri
Morarka, Shri
More, Shri K. L.
Munzni, Shri David
Murli Manohar, Shri
Musafir, Shri G. S.
Muthiah, Shri
Nair, Shri N. Sreekanth
Nayak, Shri Mohan
Niranjan Lal, Shri
Panna Lal, Shri
Pant, Shri K. C.
Paramasivan, Shri
Parashar, Shri
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Patnaik, Shri B. C.
Pillai, Shri Nataraja
Prabhakar, Shri Naval
Pratap Singh, Shri
Raghunath Singh, Shri
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram, Shri T.
Ram Sewak, Shri
Ram Swarup, Shri
Ramabedran, Shri
Ramaswamy, Shri V. K.

Ramdhani Das, Shri
Rane, Shri
Rao, Shri Muthyal
Sadhu Ram, Shri
Saha, Dr. S. K.
Sarma, Shri A. T.
Shakuntala Devi, Shrimati
Shastri, Shri Ramanand
Sheo Narain, Shri
Shyamkumari Devi, Shrimati
Siddananjappa, Shri
Siddheshwar, Prasad Shri
Singh, Shri K. K.
Singh, Shri R. P.
Sinha, Shrimati Ramdulari
Sinhasan Singh, Shri
Sivappraghassan, Shri Ku.
Sonavane, Shri
Srinivasan, Dr. P.
Subramanyam, Shri T.
Surya Prasad, Shri
Tantia, Shri Rameshwar
Tiwary, Shri K. N.
Tula Ram, Shri
Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M. B.
Valvi, Shri
Varma, Shri Ravindra
Veerasappa, Shri
Veerasappa, Shri
Verma, Shri Balgovind
Vijaya Ananda, Maharsikumar
Vyasa, Shri Radhelal
Wadiwa, Shri
Yadab, Shri N. P.
Yadava, Shri B. P.

NOES

Bagri, Shri
Banerjee, Shri S. M.
Daji, Shri
Gupta, Shri Priya
Jyotishi, Shri J. P.

Mandal, Shri P. N.
Nair, Shri Vasudevan
Patnayak, Shri Kishen
Rameshwaranand, Shri

Singh, Shri Y. D.
Swamy, Shri M. V.
Vimla Devi, Shrimati
Yadav, Shri Ram Sewak

Mr. Deputy-Speaker: The result of the division is:

Ayes 139; Noes 13.

The motion was adopted.

Clause 2 was added to the Bill.

New Clause 2A

Shri S. S. More: I beg to move:

Page 1,—

after line 10, insert—

"2A. Any Member, who communicates in writing to the

Speaker his unwillingness to accept the increased salary and allowances, shall be entitled to the salary and allowances at the old rates as if the original section of the principal Act has not been amended by the said Act, 1964." (10).

Shri Raghunath Singh: I accept this amendment.

Mr. Deputy-Speaker: Those in favour of this amendment may say 'Ayes'.

Several Hon. Members: Ayes.

Mr. Deputy-Speaker: Those against it may say 'Noes'.

Some Hon. Members: Noes.

Mr. Deputy-Speaker: The amendment is in favour of the view of Shri Ram Sewak Yadav, for it says that those members who communicate in writing to the Speaker of their unwillingness to accept the increased rates will continue to get the old rates. Yes, he is opposing it.

Shri Raghunath Singh: I am accepting it.

Mr. Deputy-Speaker: I will put it to the vote. The question is:

"Page 1,—

after line 10, insert—

"2A. Any Member, who commu-

Division No. 30]

nicates in writing to the Speaker his unwillingness to accept the increased salary and allowances, shall be entitled to the salary and allowances at the old rates as if the original section of the principal Act has not been amended by the said Act, 1964." (10).

Shri S. M. Bamerjee: Sir, I rise on a point of order. Please give us some time. Let the lobbies be cleared. You simply ask us to vote for 'Ayes' or 'Noes' . . . (Interruption).

Shri Daji: Let them go ahead with the Bill.

Shri Surendranath Dwivedy: This is not in good spirit.

The Lok Sabha divided:

[17 hrs.

AYES

Akkamma Devi, Shrimati

Alva, Shri A. S.

Ancy, Dr. M. S.

Azad, Shri Bhagwat Jha

Barman, Shri P. C.

Barupal, Shri P. L.

Basumatari, Shri

Baswant, Shri

Berwa, Shri Onkar Lal

Besra, Shri

Bhanja Deo, Shri N.

Bhanu Prakash Singh, Shri

Bist, Shri J. B. S.

Brajeshwar Prasad, Shri

Brij Banai Lal, Shri

Brij Raj Singh Kotah, Shri

Chakraverti, Shri P. R.

Chatter Singh, Shri

Chaturvedi, Shri S. N.

Chuni Lal, Shri

Daljit Singh, Shri

Das, Shri N. T.

Das, Shri Sudhansu

Deo Bhanj, Shri P. C.

Deshmukh, Shri B. D.

Dharmalingam, Shri

Dighe, Shri

Dwivedi, Shri M. L.

Firodia, Shri

Ganapati Ram, Shri

Gandhi Shri V. B.

Gounder, Shri Muthu

Guha, Shri A. C.

Hansda, Shri Subodh

Hanumanthaiya, Shri

Ijmatsingka, Shri

edhe, Shri

Jena, Shri

Joshi, Shrimati Subhadra

Kadadi, Shri

Kajrolkar, Shri

Kamble, Shri

Kayal, Shri P. N.

Keishing, Shri Rishang

Khadilkar, Shri

Khan, Dr. P. N.

Khan, Shri Osman Ali

Kindar Lal, Shri

Kisan Veer, Shri

Kotoki, Shri Liladhar

Lalit Sen, Shri

Laskar, Shri N.R.

Malhotra, Shri Inder J.

Mallick, Shri Rama Chandra

Mandal, Shri J.

Mantri, Shri

Marandi, Shri

Maruthial, Shri

Mathur, Shri Harish Chandra

Mehotra, Shri Braj Bihari

Menon, Shri P. G.

Mirza, Shri Bakar Ali

Mishra, Shri Bibhuti

Misra, Shri Mahesh Dutta

Mohsin, Shri

Morarka, Shri

More, Shri K. L.

Munzai, Shri David

Murli Manohar, Shri

Musafir, Shri G. S.

Muthiah, Shri

Nayak, Shri Mohan

Niranjan Lal, Shri

Panna Lal, Shri

Pant, Shri K. C.

Paramasivan, Shri

Parashar, Shri

Patel, Shri P. R.

Patel, Shri Rajeshwar

Patil, Shri S. B.

Patnaik, Shri B. C.

Prabhakar, Shri Naval

Pratap Singh, Shri

Rajdeo Singh, Shri

Raju, Shri D.B.

Ram, Shri T.

Ram Sewak, Shri

Ram Swarup, Shri

Ramabadran, Shri

Ramaswamy, Shri V. K.

Ramdhani Das, Shri

Rane, Shri

Rao, Shri Muthyal

Saha, Dr. S. K.

Sarma, Shri A. T.

Shakuntala Devi, Shrimati

Sharma, Shri A. P.

Sheo Narain, Shri

Shyam Kumari Devi, Shrimati

Singh, Shri R. P.

Sinha, Shrimati Ramdulari

Sinhasan Singh, Shri

Shivappraghassan, Shri Ku.

Sonavane, Shri

Srinivasan, Dr. P.

Subramanyam, Shri T.

Surya Prasad, Shri

Tantia, Shri Rameshwar

Tiwary, Shri K.N.

Tula Ram, Shri

Ulkay, Shri	Veerappa, Shri	Vyas, Shri Radhelal
Upadhyaya, Shri Shiva Dutt	Venkatasubbaiah, Shri P.	Wadiwa, Shri
Valvi, Shri	Verma, Shri Balgovind	Yadab, Shri N. P.
Varma, Shri Ravindra	Vijaya Ananda Maharajkumar	Yadava, Shri B. P.
Veerabasappa, Shri		

NOES

Daji, Shri	Nair, Shri Vasudevan	Vimla Devi, Shrimat
Gupta, Shri Kashi Ram	Raghunath Singh, Shri	
Jyotishi, Shri J. P.	Rameshwaranand, Shri	

Mr. Deputy-Speaker: The result of the division is:

Ayes .. 123; Noes .. 7.

The motion was adopted.

Clause 2A was added to the Bill.

Clause 3—(Amendment of section 5).

Shri Raghunath Singh: Sir, I accept Dr. Mahadeva Prasad's amendment to clause 3.

Shri Surendranath Dwivedy: But has it been moved?

Shri S. M. Banerjee: These amendments have not been circulated at all.

Shri Surendranath Dwivedy: How can an amendment be accepted without being moved?

Shri Sheo Narain (Bansi): Sir, I beg to move:

Page 1, line 14,—

for "750 kilometres" substitute—
 "700 kilometres" (7).

Shri Daji: What is the amendment?

Mr. Deputy-Speaker: It has been circulated.

श्री बागड़ी : तरमीम क्या है ।

17.00 hrs.

Shri Daji: The time is over.

Shri S. M. Banerjee: We can have the voting next time.

Mr. Deputy-Speaker: Now I have to put all the clauses together and guillotine them at 5 o'clock.

Shri S. M. Banerjee: 5 o'clock is over.

Mr. Deputy-Speaker: I am reading from the Rules. It says:—

"At the appointed hour . . ."
(Interruption).

Shri S. M. Banerjee: 5 o'clock is over.

Mr. Deputy-Speaker: I am now putting it to the House.

Shri Daji: Owing to this highly undemocratic manner of . . .

(Interruption . . . forcing the absolute majority)

(Interruption) we cannot be a party to it. *(Interruptions).*

Shri Daji and Shrimati Vimla Devi then left the House.

Mr. Deputy-Speaker: Order, order. You are obstructing the House.

Shri S. M. Banerjee: I am only requesting you that 5 o'clock is over.

Mr. Deputy-Speaker: It is just 5 o'clock now and I am putting it to the House.

Shri S. M. Banerjee: It is beyond 5 now.

Mr. Deputy-Speaker: Order, order. The question is:

Page 1, line 14,—

for "750 kilometres" substitute—
 "700 kilometers" (7).

The motion was adopted.

श्री बागड़ी : पांच बजे के बाद काम नहीं हो सकता ।

उपाध्यक्ष महोदय : आर्डर, आर्डर ।

श्री बागड़ी : पांच बज गया है । मेरा व्यवस्था का प्रश्न है ।

Mr. Deputy-Speaker: Order, order. There cannot be any point of order at this stage. There is one more amendment (No. 11) by Shri Rane. Does he move it?

Shri Rane: Sir, I beg to move:

Page 1,—

for clause 3, substitute—

3.—Amendment of section 5.—

In section 5 of the principal Act, after the existing proviso, the following further proviso shall be inserted, namely:—

“Provided further that nothing in the first proviso shall apply to a member whose usual place of residence is more than seven hundred and fifty kilometres by rail or road from the place where the session of the House of Parliament or the sitting of the Committee is being held, if the member visits his usual place of residence performing the journey by air not more than twice during a session or sitting lasting more than a seventy-five days, or not more than once, in any other case.”
(11).

Shri Raghunath Singh: I accept the amendment; but instead of 750 it should be 700.

श्री रामसेवक यादव : श्रीमन्, व्यवस्था का प्रश्न उठाया जाता है उसको तो सुन लिया जाय ।

श्री बागड़ी : मेरा व्यवस्था का प्रश्न है ।

अध्यक्ष महोदय : कोई व्यवस्था का प्रश्न नहीं है ।

श्री रामसेवक यादव : व्यवस्था का प्रश्न है । मेरा निवेदन है कि उसे सुन लें ।

उपाध्यक्ष महोदय : क्या व्यवस्था का प्रश्न है ?

श्री बागड़ी : पांच से ज्यादा समय हो गया है । इस के बाद हम सदन में बैठने के लिये

तैयार नहीं हैं । इस लिये इसको इल्टा किया जाय ।

उपाध्यक्ष महोदय : यह कोई व्यवस्था का प्रश्न नहीं है ।

Are you accepting the amendment?

Shri Raghunath Singh: Yes, with the exception that instead of 750 it should be 700.

Mr. Deputy-Speaker: I shall now put amendment No. 11—by Shri Rane, as modified by Shri Raghunath Singh just now, to the vote of the House.

The question is:—

Page 1,—

for clause 3, substitute—

3.—Amendment of section 5.—
In section 5 of the principal Act, after the existing proviso, the following further proviso shall be inserted, namely:—

“Provided further that nothing in the first proviso shall apply to a member whose usual place of residence is more than seven hundred kilometres by rail or road from the place where the session of the House of Parliament or the sitting of the Committee is being held, if the member visits his usual place of residence performing the journey by air not more than twice during a session or sitting lasting more than seventy-five days, or not more than once, in any other case.”
(11).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1— (Short title).

..Shri P. L. Barupal (Ganganagar):
rose—

Shri Basappa: I move my amend-
ment No. 8.

Shri Raghunath Singh: I accept it.

Shri Surendranath Dwivedy: The
amendment may be read out.

Mr. Deputy-Speaker: All right. The
question is:

"Page 1,—

after line 4, insert—

"(2) It shall come into force
immediately". (8).

The motion was adopted.

Mr. Deputy-Speaker: The question
is:

"Clause 1, as amended, stand
part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to
the Bill

Mr. Deputy-Speaker: The question
is:

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

The motion was adopted.

*The Enacting Formula and the Title
were added to the Bill.*

Shri Raghunath Singh: I beg to
move that the Bill, as amended, be
passed.

Shri S. M. Banerjee: It is more
than 5 O'clock . . . (Interruptions).

Mr. Deputy-Speaker: It is the con-
tinuation of the proceedings.

Mr. Deputy-Speaker: The question
is:

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

The Lok Sabha divided:

Division No. 31]

AYES

[17.07 hrs.]

Akkamma Devi, Shrimati
Alva, Shri A. S.
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Barkataki, Shrimati Renuka
Barman, Shri P. C.
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Baswant, Shri
Berwa, Shri Onkarlal
Batra, Shri
Bhanja Deo, Shri L. N.
Bhanu Prakash Singh, Shri
Bist, Shri J. B. S.
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri
Brij Raj Singh Kotah, Shri
Chakraverti, Shri P. R.
Chanda, Shrimati Jyotsna
Chatter Singh, Shri
Chavda, Shrimati Johrabai A.
Daljit Singh, Shri
Das, Shri N.T.
Das, Shri Sudhansu
Deo Bhanj, Shri P. C.
Deshmukh, Shri B. D.
Dharamalingam, Shri
Dighe, Shri

Dwivedi, Shri M. L.
Firodia, Shri
Gajraj Singh Rao, Shri
Ganapati Ram, Shri
Guha, Shri A. C.
Hansda, Shri Subodh
Hanumathaiya, Shri
Himatsingka, Shri
Ismail, Shri M.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Kadadi, Shri
Kajrolkar, Shri
Kamble, Shri
Kayal, Shri P. N.
Keishing, Shri Rishang
Khadilkar, Shri
Khan, Dr. P. N.
Khan, Shri Osman Ali
Khanna, Shri P. K.
Kishor Lal, Shri
Kisan Veer, Shri
Kotaki, Shri Liladhar
Koujalgi, Shri H. V.
Lalit Sen, Shri
Laskar, Shri N. R.

Lonikar, Shri
Malhotra, Shri Inder J.
Mallick, Shri
Mandal, Shri J.
Mantri, Shri
Marandi, Shri
Maruthiah, Shri
Mathur, Shri Harihar Chandra.
Mehrotra, Shri Braj Bihari
Mehta, Shri Jasvant
Menon, Shri P. G.
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Misra, Shri Mahesh Dutta
Mlohsin, Shri
Morarka, Shri
More, Shri K. L.
More Shri S. S.
Munzini, Shri David
Murli Manohar, Shri
Musafir, Shri G. S.
Muthiah, Shri
Nair, Shri N. Sreekantan
Nayak, Shri Mohan
Niranjan Lal, Shri
Panna Lal, Shri
Pant, Shri K. C.
Paramasivan, Shri
Patel, Shri P. R.

Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Patnaik, Shri B. C.
Pillai, Shri Nataraja
Prabhakar Shri Naval
Pratap Singh, Shri
Raghunath, Singh, Shri
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram, Shri T.
Ram Sewak, Shri
Ram Swarup, Shri
Ramabadrin, Shri
Ramaswamy, Shri V. K.
Ramdhan Das, Shri
Rane, Shri
Rao, Shri Muthyal

Sadhu Ram, Shri
Saha, Dr. S. K.
Sarma, Shri A. T.
Shakuntala Devi, Shrimati
Sharma, Shri A. P.
Shastri, Shri Ramanand
Sheo Narain, Shri
Shyamkumari Devi,
Siddhananjappa, Shri
Siddheshwar Prasad, Shri
Singh, Shri K. K.
Singh, Shri R. P.
Sinha, Shrimati Ramdulari
Sinhasan Singh, Shri
Sivapraghassan, Shri Ku.
Sonavene, Shri
Soy, Shri H. C.

Srinivasan, Dr. P.
Subramanyam, Shri T.
Surya Prasad, Shri
Tiworthy, Shri K. N.
Uikey, Shri
Vaishya, Shri M. B.
Valvi, Shri
Varma, Shri Ravindra
Veerabassappa, Shri
Veerappa, Shri
Verma, Shri Balgovind
Vijaya Ananda, Maharajkumar
Virbhadr Singh, Shri
Vyasa, Shri Radhelal
Wadiwa, Shri
Yadab, Shri N. P.
Yadava, Shri B. P.

NOES

Bagri, Shri
Banerjee, Shri S. M.
Chaturvedi, Shri S. N.
Gupta, Shri Priya
Jyotishi, Shri J. P.

Mandal, Shri B. N.
Misra, Dr. U.
Mukerjee, Shri H. N.
Nair, Shri Vasudevan

Pattnayak, Shri Kishen
Singh, Shri Y. D.
Vidyalankar, Shri A. N.
Yadav, Shri Ram Sewak

श्री रामेश्वरानन्द : उपध्यक्ष महोदय,

मेरे नहीं आया है। (Interruptions).

Mr. Deputy Speaker: The result of
the Division is:

Ayes	140.
Noes	13.

The motion was adopted.

17.08 hrs.

The Lok Sabha then adjourned till
Eleven of the Clock on Saturday,
April 25, 1964/Vaisakha 5, 1886
(Saka).