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Friday, March 24, 1961  
Chaitra 3, 1882 (Saka)

# LOK SABHA DEBATES

**(Thirteenth Session)**



***(Vol. LII contains Nos. 21 - 30)***

**LOK SABHA SECRETARIAT  
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## LOK SABHA DEBATES

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### LOK SABHA

Friday, March 24, 1961/Chaitra 3,  
1883 (Saka).

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

[MR. SPEAKER in the Chair]

### MEMBER SWORN

**Mr. Speaker:** Secretary may call out the name of the Member who has come to take the oath or affirmation under the Constitution.

**Secretary:** Shri Daying Ering.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** Sir, I am glad to introduce to you and to the House through you, Shri Daying Ering, who has been nominated by the President and who comes from the North East Frontier Tract in Part B Tribal Areas in Assam.

[Shri Daying Ering then made and subscribed an oath in English and took his seat in the House].

### ORAL ANSWERS TO QUESTIONS

#### Efficiency and Performance Audit

\*1081. **Shri Harish Chandra Mathur:** Will the Prime Minister be pleased to state what steps, if any, have been taken to introduce Efficiency and Performance Audit in Government Administration and public sector enterprises?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** Efficiency audit is primarily the responsibility of the normal line of supervision in administration. Extra-departmental agencies, such as, the Committee on Plan Projects and Programme Evaluation Or-  
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ganisation, have also been established. Ad-hoc arrangements for evaluation, covering specific sectors of administration, are also made occasionally. Improvements in the existing arrangements, whether by strengthening the existing supervisory machinery or by extending the scope of extra-departmental agencies, are continuously under examination.

**Shri Harish Chandra Mathur:** May I know whether the proposal made by the Estimates Committee and also by the Planning Commission has been accepted in full and whether it has been found feasible to implement it? I want to know whether this proposal is for efficiency and performance audit and to what extent this proposal has been accepted and is being introduced.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The principle has been accepted and an attempt has been made to give effect to it. I cannot precisely say the exact form or the detail of how it will be done but we accept that broad principle.

**Shri Harish Chandra Mathur:** What thought has already been given to this matter by the Cabinet? Has the suggestion of having independent units to carry out checks of performance been accepted?

**The Minister of Industry (Shri Manubhai Shah):** If I may say, actually speaking, I had informed the hon. Member last time that in four concerns already efficient audit is under implementation. Three have been audited already in some way and it is our intention that every unit in the public sector should have a periodical efficiency audit. The principle has been accepted and the details also are being implemented to work it out for different projects.

**Shri Kasliwal:** This question relates to two different matters: administration and public sector enterprises. I will confine my question to the efficiency audit in public sector enterprises.

**Mr. Speaker:** Is the hon. Member making a speech?

**Shri Kasliwal:** I am not making a speech. I am putting a question.

**Mr. Speaker:** Why all this introduction?

**Shri Kasliwal:** The Prime Minister is aware that there are varying interpretations of efficiency and as one great authority has said, efficiency is mainly a pragmatic virtue. May I know what are the standards by which efficiency is proposed to be judged in the public sector enterprises?

**Shri Jawaharlal Nehru:** Pragmatic standards.

**Shri Ranga:** May I know whether the officers appointed to carry on this audit of performance are subject to the disciplinary control of the enterprise concerned or are independent of them and are dependent upon the Finance Ministry?

**Shri Manubhai Shah:** They are in the Ministry itself and not in the individual enterprises because after all it is efficiency audit and it would normally be outside the scope of the Corporation.

**Shri Ram Krishan Gupta:** May I know whether the Government have considered the view expressed in the recent report of the Company Law Administration about audit and accountability and if so what action is going to be taken?

**Shri Manubhai Shah:** As I had the privilege to inform the House several times, the entire matter of the Krishna Menon Committee report, accountability to Parliament and Galbraith Report and the various other observations and studies made by the Indian Institute of Public Administration are under the active consideration of the Cabinet and when decisions are taken we shall lay them before the House.

**Shri P. C. Borooah:** How many public sector enterprises are there in the country and how many auditors are appointed?

**Shri Manubhai Shah:** 45 which are under the Company Law Administration, 13 which are statutory corporations and 19 different forms of departments. There cannot be one auditor for all. Each corporation under the company law or the statute is authorised to select somebody out of the well-known chartered accountants to audit their accounts.

**Shri Kasliwal:** The hon. Minister in his reply to previous question said that efficiency audit had taken place in three of the public sector enterprises. May I know whether this audit was confined to the internal efficiency unit audit or to the efficiency audit by an external unit, that is to say, external audit?

**Shri Manubhai Shah:** The distinction made by the hon. Member is totally ununderstandable. Efficiency means efficiency. Industrial relations, relations with labour, production, commercial profits, cost of production—all are there. This is generally understood by the term efficiency rather than divide it into too many compartments. That is the overall efficiency of every public sector undertaking.

**Shri Harish Chandra Mathur:** Apart from these general and vague assurances, the Planning Commission has definitely made certain specific suggestions. May I know whether those concrete suggestions have received the consideration of the Government and have been implemented? I would draw your attention to one particular suggestion. It has been suggested by the Planning Commission that all public enterprises should develop suitable tests or indicators of efficiency in productivity. A concrete suggestion has been made. May I know whether any direction had been given to all the public sector enterprises according to this suggestion of the Planning Commission and whether any steps

are being taken in any of the public enterprises?

**Shri Manubhai Shah:** That is what exactly I am suggesting. What the hon. Member thinks to be too precise is not as precise as one thinks it to be. There are instructions of the Central Government to all public sector undertakings that they have to work with efficiency and measure their productivity. That is exactly efficiency audit on which this question is based. Steps are being taken and as we go along he reports submitted by the efficiency audit can be furnished to the Members who desire to read these reports.

उत्तर प्रदेश में छलबारी कागज का कारखाना

+

\*१०८२. { श्री भक्त वंशुन :  
श्री रामकृष्ण गुप्त :

क्या वाणिज्य तथा उद्योग मंत्री ५ दिसम्बर, १९६० के अंतरांकित प्रश्न संख्या १२६७ के उत्तर के सम्बन्ध में यह बताने की कृपा करग कि :

(क) उत्तर प्रदेश में छलबारी कागज का कारखाना स्थापित करने के जिस प्रस्ताव पर विचार किया जा रहा था, इस बीच उसके बारे में क्या निर्णय किया गया है ; और

(ख) उस कारखाने के कब तक स्थापित हो जाने की आशा की जाती है ?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). The position regarding the availability of adequate quantities of necessary raw materials is yet under examination by the State Government.

श्री भक्त वंशुन : उत्तर प्रदेश सरकार इस बारे में जांच पड़ताल में इतना समय क्यों ले रही है, क्या मैं यह जान सकता हूँ ?

श्री मनुभाई शाह : बात यह है कि पहले तो जो रा-मैटीरियल १०० टन की बड़ी न्यजप्रेट फैक्ट्री के लिए चाहिय वह वहां नहीं है, ऐसा सुबहा है। दूसरी बात यह है कि वहां

से इकट्ठा करने के बाद वह इकोनोमिक प्राइकेशन होगा या नहीं, वह भी प्वाइंट पक्का करने का है।

श्री भक्त वंशुन : पिछली बार उत्तर देते समय माननीय मंत्री जी न बतलाया था कि उत्तर प्रदेश की सरकार स्वयम् कुछ नहीं करना चाहती, लेकिन शायद कोई प्राइवट कैपिटलिस्ट उस में रुपया लगाना चाहता है। तो क्या इस सम्बन्ध में कोई आशा की जा सकती ?

श्री मनुभाई शाह : अभी कोई खास इंडस्ट्रियलिस्ट तैयार नहीं है क्योंकि उन को भरोसा नहीं है कि उन के लिये जितना कच्चा माल चाहिय वह वहां से अच्छी तरह हासिल हो सकता है।

**Shri C. D. Pande:** In view of the fact that experiments have proved that 20 per cent of soft wood-spruce and fir—mixed with bagasse can make good newsprint, may I know whether Government will take up this work because there is enough of bagasse in the country and also enough of soft wood for mixing?

**Shri Manubhai Shah:** That is a good suggestion, and actually two newsprint factories which are coming up in the large-scale sector of 100 tons each—now it will be raised to 200 tons per day each—are to work with partial use of bagasse and partially machanical pulp which comes from fir and spruce.

**Shri Ram Krishan Gupta:** May I know whether there is any proposal to set up such plants in other parts of the country where there is a huge amount of raw material available?

**Shri Manubhai Shah:** Yes, Sir. One is in the Beas and Sutlej Basin in the Punjab about which the hon. Member fully knows.

लेठ अचल सिंह : क्या माननीय मंत्री महोदय बतलाने की कृपा करेंगे कि उत्तर प्रदेश की जो फैक्ट्री बतलाई जाती है उस का प्लान्ट कब तक लग जायेगा ?

श्री मनुभाई शाह : जिन तीन प्लान्ट्स का मैं न जिक्र किया है व ठाई या तीन सालों में प्रोडक्शन शुरू करेंगे ।

श्री विभूति मिश्र : मैं जानना चाहता हूँ कि चूकि ईस्टर्न यू० पी० और उत्तर बिहार में शुगर फैक्ट्रीज का कंसेंट्रेशन ज्यादा है और वहां ज्यादा आसानी हो सकती है इसलिये क्या सरकार चाहती है कि वह वहां पर कोई कागज का कारखाना लगावे ?

श्री मनुभाई शाह : जी हां, बिहार में दरभंगा और मज्जफरपुर में दो स्कीम्स १००, १०० टन की सोची जा रही हैं । गोरखपुर में एक स्कीम १०० टन की मंजूर की गई है, और ईस्टर्न यू० पी० की और जगहों के लिये दो और स्कीमों पर विचार हो रहा है ।

श्री भवत वर्मन : क्या उत्तर प्रदेश की सरकार न केन्द्रीय सरकार को यह बतलाया है कि कब तक यह जांच पड़ताल पूरी होगी और कब तक इस के बारे में निर्णय किया जा सकेगा ?

श्री मनुभाई शाह : मैंने बार बार बतलाया है कि यह जानना इतना आसामन नहीं है कि जंगलात के अन्दर कितनी लकड़ी है जिस से कि न्यूजप्रिंट बन सकता है । यह दिक्कत का काम है । इसलिये जब जांच पड़ताल हो जायगी तभी इस के बारे में सोचा जा सकता है । इस में ७ या ८ करोड़ रु० का इन्वेस्टमेंट है, इसलिये पूरी जांच पड़ताल के बाद ही इस काम को किया जा सकता है ।

Shri Goray: Is there a plan to start a factory which will be using bagasse in Maharashtra?

Shri Manubhai Shah: Yes, Sir the two plants which I mentioned are in Maharashtra.

श्री पद्म देव : क्या मंत्री महोदय को मालूम है कि हिमाचल प्रदेश में पल्प और दूसरी चीजें बहुत मिलती हैं जिन से आसानी के साथ पेपर बन सकता है ? क्या वहां

कोई ऐसी योजना नहीं हो सकती जिस से इस इंडस्ट्री को लाभ हो ?

अध्यक्ष महोदय: १४ स्टेट्स हैं ।

This refers only to U.P. Hon. Members cannot go on referring to other States.

### Indians in Ceylon

+  
\*1083. { Shri Ram Krishan Gupta:  
Shri Tangamani:  
Sardar Iqbal Singh:  
Shrimati Ila Palchoudhuri:  
Shri Muhammed Elias:

Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 327 on the 22nd November, 1960 and state:

(a) whether the Indian High Commission in Ceylon has ascertained the effects on Indian Nationals in Ceylon of the levy proposed to be imposed on foreigners;

(b) if so, what are they; and

(c) action taken in this regard?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Our High Commission in Ceylon, which has examined the effects of the proposed enhancement of the residence visa fee, has indicated that an estimated 34,000 Indian nationals resident in Ceylon would be affected. Of these, such persons as petty traders and hawkers, who ply their trades independently, will be the most hit financially. Legislation to implement the proposal for an enhanced visa fee has not yet been presented to Parliament; the details of the scheme, are therefore, not known.

(c) It has been suggested to the Government of Ceylon that the desirability of granting exemption from the payment of the enhanced fee to (i) such persons as have been registered as Indian citizens after October, 1954,

and have been assured continued employment till the age of 55, in accordance with the Indo-Ceylon Agreement of October, 1954 and (ii) wives, children and others who are not gainfully employed may be considered. The Government of India and the High Commission in Ceylon continue to keep in touch with developments.

**Shri Ram Krishan Gupta:** May I know whether Government have received any reply from the Government of Ceylon regarding the suggestions made?

**Shri Sadath Ali Khan:** No, Sir.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The Government of Ceylon has not made any precise proposals. As far as I can remember, there was a reference in the Finance Ministers' speech there, a broad reference, practically amounting to the fact that the visa fee of non-Ceylonese, non-national, should be raised to Rs. 400 per annum. It is a very heavy rise from, I think, Rs. 2 to Rs. 400 per annum—with the exception of some people to whom it will not apply, some people engaged in some undertakings.

**Mr. Speaker:** He wants to know whether any reply has been received.

**Shri Jawaharlal Nehru:** No, Sir.

**Shri Hem Barua:** In view of the fact that India and Ceylon are both members of the Commonwealth, may I know whether this imposition of tax on resident visa holders does not go counter to the Commonwealth principles?

**Shri Ranga:** Common citizenship.

**Shri Jawaharlal Nehru:** There is no such understanding among Commonwealth countries about one Commonwealth country not raising its visa fees or other fees. Hon. Member can hold his own opinion about the propriety of it, but it does not go counter to it.

**Shri Tangamani:** On a previous occasion we were told that out of the 38,000 residents in Ceylon who are non-Ceylonese 36,000 are Indian nationals. We were also told, as it was mentioned by the Parliamentary Secretary also, the small hawkers, tailors, barbers, domestic servants, toddy tappers, waiters etc. will be affected. I would like to know how many persons are there belonging to this category, and whether Government will now, in addition to the representation that has been made about the others who are employed in the Ceylon Government, make a special representation about the case of these people?

**Shri Jawaharlal Nehru:** We have already made representations. The hon. Member wants us to send a special one about certain persons included in the larger category. If the occasion arises, when we know more about the scheme, we may do so.

**Shri Tangamani:** There was a similar case which arose in Burma also. Here the visa fee has been increased from Rs. 2 to Rs. 400. I would like to know whether the hon. Prime Minister had any occasion to discuss this matter when the Prime Minister of Ceylon was over here during the inter-session period?

**Shri Jawaharlal Nehru:** No, Sir.

**Shri Hem Barua:** May I know whether any Indians—visa holders living there—have left Ceylon as a result of the imposition of this tax so far?

**Mr. Speaker:** Have any come away as a result of this?

**Shri Jawaharlal Nehru:** Many Indian nationals have come away in the past for various reasons. Unless we investigate from each person what is the particular reason for his coming away, I cannot say whether it was due to this particular tax or due to the general economic conditions there—whatever the reason was.

**Shri Jinachandran:** May I know whether the persons sent out of

Ceylon will be treated as evacuees and aid will be given to them?

**Shri Jawaharlal Nehru:** No, Sir, no such question arises.

**Shri Tangamani:** I would like to know whether those persons who do not have these visa permits will also be affected if they happen to be persons of Indian descent?

**Shri Jawaharlal Nehru:** If they do not hold proper visas, possibly they have come in there in some illegal manner, not legally, and they will be treated as such as illegal immigrants.

**Shri Tangamani:** There are so many persons there who have not been given citizenship rights. In their case uncertainty is there. May I know whether they will also be governed by this.

**Shri Jawaharlal Nehru:** This applies to aliens, to non-nationals. It does not apply, obviously, to the larger number of people of Indian descent who are not Indian nationals.

**Shri Ranga:** Have Government received any representation from any of the associations of these Indians there in Ceylon, and has their High Commissioner any information about the representation that they have made to the Ceylon Government in this regard?

**Shri Sadath Ali Khan:** We have not received any representation directly, but some of these associations have been in touch with the High Commission in Ceylon.

**Shri Ram Krishan Gupta:** What is the visa fee imposed on the Ceylonese who visit India, and may I know whether there is any proposal to enhance it?

**Shri Jawaharlal Nehru:** No, Sir, there is no such proposal. I do not quite know the fees, but it is a small fee, same as for other countries; there is no differentiation about it.

## Congo

**Shri Shree Narayan Das:**  
**Shri Radha Raman:**  
 \*1084. **Shri S. M. Banerjee:**  
**Shri M. B. Thakore:**  
**Shri Bibhuti Mishra:**

Will the **Prime Minister** be pleased to state:

(a) the present situation in Congo and the nature of work that the U.N. forces in general and the Indian Contingent in particular are doing there;

(b) whether there has been any change towards the stabilisation of uncertain political situation prevailing there; and

(c) if so, the details thereof?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) to (c). Government have little information to add to the reports appearing in the press on the situation in the Congo. As is known, Indian combat troops have been sent to the Congo in response to the request from the United Nations Secretary-General under the Resolution adopted by the Security Council on the 21st February. Several hundreds of our men have already arrived in the Congo without any incident and more are on their way. Along with other contingents at the disposal of the United Nations, the Indian troops, which are essentially on a mission of peace, will assist in the implementation of the Security Council Resolution.

**Shri Shree Narayan Das:** May I know what is the reaction of the people in general in Congo about the Indian forces that have been sent there?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** Reaction of whom?

**Mr. Speaker:** The reaction of the people in Congo.

**Shri Jawaharlal Nehru:** It is rather difficult for me to say about all people

in general. I imagine that many people are peaceful; some are criticising. I cannot exactly say, because Congo is faction-ridden at the present moment.

**Shri Shree Narayan Das:** May I know the extent of success attained by the United Nations Conciliation Commission to bring about conciliation among the different factions working there?

**Shri Jawaharlal Nehru:** I do not think they succeeded in any large measure. They have recently submitted a report to the United Nations in which they have criticised many things that have happened in the Congo and criticised also many of the present factional authorities.

**Shri Brajeshwar Prasad:** May I know whether our forces will be employed if the forces of Stanleyville government invade other provinces of the Congo?

**Shri Jawaharlal Nehru:** Is it something about the forces of the Stanleyville Government? I have not quite followed it.

**Mr. Speaker:** If those forces invade other territories of the Congo, what are our forces to do?

**Shri Brajeshwar Prasad:** Will our forces be employed to drive them out?

**Mr. Speaker:** He assumes that those forces are invading other territories and wants to know if our forces will be used to drive them out from those occupied territories.

**Shri Jawaharlal Nehru:** The first premise is not correct—they have invaded other territories. A small group of them, I think about 200 to 300 persons, did enter into another territory about three weeks ago, but they went back into some crags. But anyhow that has nothing to do with the Indian forces who are nowhere near Stanleyville or other provinces. They are at present in Leopoldville. But I may say that one among the various factors on which we laid stress when we sent our forces, was that they

should not be employed against any popular movement in the Congo.

**Shri Radha Raman:** May I know whether any enquiry committee is set up in order to enquire into the murder of Lumumba, the ex-Prime Minister of Congo?

**Shri Jawaharlal Nehru:** The latest information I have—it is not very up-to-date—is that the Secretary-General has asked the Hague Court to nominate some judges for this purpose.

**Shrimati Maimoona Sultan:** May I draw the attention of the Prime Minister to the statement made by President Tshombe that the landing of Indian troops is tantamount to declaration of war, and may I know the reaction of the Government to this statement?

**Shri Jawaharlal Nehru:** I have seen the statement in the press. I have nothing to say except that it is a very irresponsible statement of an irresponsible person.

**Shri S. M. Banerjee:** The Prime Minister said that the statement is very irresponsible, and made by an irresponsible man, I believe. I want to know whether the attention of the Secretary-General has been drawn to such irresponsible statements when our forces are there?

**Shri Jawaharlal Nehru:** Yes Sir. We are in constant touch with them—with the Ambassador there—and drawing his attention to developments.

श्री बिभूति मिश्र : श्री मंत्री महोदय ने बतलाया कि हिन्दुस्तान की फौज कांगो में गई है तो हालत यह है कि एक तरफ तो रूस सेक्रेटरी जनरल श्री हैमरशोल्ड की शिकायत करता है, दूसरी तरफ कांगो के घन्वर एक पार्टी है जो कि श्री राजेश्वर दयाल की शिकायत करती है और तीसरी तरफ यू० एस० ए० है जो कि किसी ओर नहीं देखता है तो मैं यह जानना चाहता हूँ कि जो हमारी फौज भेजी गई है और जबकि वहाँ इस तरह की गड़बड़ी है तो हमारे प्रधान



मंत्री जी अभी विलायत गये थे तो उन्होंने कम से कम रूस, अमरीका, इंग्लैंड और फ्रांस ये चार देश हैं इन से मिल कर कोई बातचीत की कि जिससे यह कांगो का मामला निबट जाय क्योंकि अगर यह मामला नहीं सुलझता है तो हिन्दुस्तान की फौज आफत में पड़ जायगी ?

**श्री जवाहरलाल नेहरू :** माननीय सदस्य ने जो बातें कही हैं वे कुछ सही हैं, काफी पेंच हैं इन सब बातों में लेकिन वहां लंदन जा कर तो मैं यह बात रूस वगैरह से नहीं कर सकता था । लेकिन यह सवाल वहां कांगों कांसेस में उठे थे और इस के बारे में शायद थोड़ी देर बाद में कुछ भ्रज करूं ।

**Shri Achar:** May I know whether it is a fact that the employees of some Western legations and embassies are carrying on a propaganda against the Indian army that has been sent there, saying that this amounts to Indian colonialism and so on?

**Shri Jawaharlal Nehru:** Employees of whom?

**Shri Achar:** Of Western legations and embassies.

**Shri Jawaharlal Nehru:** It is rather unfortunate that some of the representatives in the embassies there have been carrying on propaganda against the United Nations itself, and to some extent against the Indian forces that have been sent there.

**Shri Tyagi:** Since the bulk of the armed forces in the Congo is our Indian army, has any effort been made with the United Nations Organisations to see to it that an Indian is appointed as the commander-in-chief of the United Nations armed forces in the Congo?

**Shri Jawaharlal Nehru:** I do not know. We have not made any such definite effort, but we have made it clear that the forces that we have sent should be kept as a unit under their own command.

**Shri Ajit Singh Sarhadi:** One of the conditions under which Indian troops have been sent is that they will not be used against the popular movement there. Who will be the judge to decide whether a movement is popular or not? Is it the Secretary-General or the commander-in-chief there or is it the commander of our brigade?

**Shri Jawaharlal Nehru:** Obviously, about this, I cannot answer this question, because this is the broad outlook how they should be used. When the occasion arises it will have to be examined then by the various parties concerned. Normally speaking, a question like that will not arise. We have made it clear because we do not wish any misunderstanding to remain on that issue.

**Shri M. B. Thakore:** May I know whether our contingent of combat troops will be scattered all over Congo or will remain at one place under our commander?

**Shri Jawaharlal Nehru:** We have clearly said that they should not be scattered too much. I cannot of course say—some parts of them may be stationed somewhere and they need not be all together—but broadly, they should not be scattered.

**Some Hon. Members rose—**

**Mr. Speaker:** I have allowed a number of questions. Next question.

### Sugar Machinery

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\*1085. { **Shri Subodh Hansda;**  
**Shri R. C. Majhi;**

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

(a) whether the production of Sugar Machinery as estimated to be in 1960 has been achieved;

(b) whether the first four factories scheduled to start in the beginning of this year have started; and

(c) if not, the reasons therefor?



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

# STATEMENT

(a) Yes, Sir.

(b) The position regarding the establishment of the first four Sugar Factories which were scheduled to start production in the beginning of this year, is as follows:—

- |  |   |  |
|--|---|--|
| <p>(1) Krishna Sahakari Sakhar Karkhana Ltd., Rethare, Maharashtra State.</p> <p>(2) Hiranyakeshi Sahakari Sakhar Karkhana Ltd., Sankeshwar (Mysore State)</p>   | } | <p>The erection of the factories is almost complete and they are expected to work during the current season.</p> |
| <p>(3) Chodavaram Co-operative Sugar Factory, Chodavaram, (Andhra Pradesh)</p> <p>(4) Amadalavalasa Co-operative Sugar Factory, Amadalavalasa Andhra Pradesh</p> | } | <p>These factories are expected to go into production during the season 1961-62.</p>                             |

(c) The main reason for the last mentioned two factories not going into production according to schedule are the delay in the selection of the site in the case of the Chodavaram Factory and delay in the opening of letter of credit in the case of the Ambadalavalasa Factory.

**Shri Subodh Hansda:** From the statement, I find that erection of machinery for four factories for the production of sugar has already been completed. May I know whether Government contemplates to produce more machinery for sugar factories and, if so, the number of the machinery during the year 1961-62?

**Shri Manubhai Shah:** Actually speaking, our programme is that the present licensees and manufacturers of these machines will produce 21 complete sugar factories every year: 12 for the new plants and nine for the replacement of the existing sugar factories.

**Shri Subodh Hansda:** May I know whether Government have advanced any loan or subsidy to the four sugar factories that are now proposed and, if so, what is the amount of loan or subsidy?

**Shri Manubhai Shah:** On the side of the co-operative sugar factories, the answer is 'yes'; but on the side of the manufacturers, the answer is 'no'. The loans are being advanced to co-operative sugar factories to enable them to buy these machinery and plants.

**Shri Yadav Narayan Jadhav:** May I know how much time is taken up for manufacturing a unit of sugar factory? May I also know whether a unit is given to one concern or distributed among different concerns?

**Shri Manubhai Shah:** Normally it takes about 18 months. Regarding all the components being made under one roof, it is a consortium. Different people make specialised items, but one party takes the entire guarantee. He delivers it as a package deal to the co-operative sugar enterprise.

**Shri Bishwanath Roy:** Was there any delay in supplying some parts of machinery for setting up a sugar factory in Naini Tal District in U.P.?

**Shri Manubhai Shah:** There was no delay in supplying the parts. There was delay because the gentleman had no money to pay for it and we are trying to advance some money.

**Shri Subodh Hansda:** The hon. Minister stated that two sugar factories will start working during the current season. Only a few days are left for the ending of this current session. May I know whether they will actually start working during the current season?

**Shri Manubhai Shah:** Already they have started trial production. They are working well so far. One does not know what will happen in future. But these are the first two plants built entirely with 100 per cent. Indian machinery made in this country.

**Shri Viswanatha Reddy:** May I know the quantum of foreign exchange allotted to each of the consortia for each of the sugar factories?

**Shri Manubhai Shah:** In the early stages, it was Rs. 20 lakhs. Now we have reduced it to Rs. 20 lakhs. We have given notice to them to reduce it to Rs. 10 lakhs or less.

**Shri S. C. Samanta:** May I know whether ancillary industries for the production of spare parts will be set up?

**Shri Manubhai Shah:** More than 60 are already working and we are encouraging more and more.

**Shri K. N. Pande:** In view of the fact that the country is suffering from excess production of sugar, may I know whether the situation requires more factories to be installed for some time to come?

**Shri Manubhai Shah:** A nation's industrial programme and economic needs are not judged by temporary upsets or a little excess or scarcity occasionally. As the country advances and the living standard is raised, much more sugar will be required in the country.

**Shri Tangamani:** May I know the exact date by which the two factories in Andhra Pradesh will go into production?

**Shri Manubhai Shah:** No exact date can be given, but they are bound to go into crushing by 1962-63.

**श्री विभूति मिश्र :** अभी मंत्री जी ने बतलाया कि देश में शुगर का प्रोडक्शन हो रहा है वह और भी बढ़ेगा। मैं जानना चाहता हूँ कि हमारे देश में जो शुगर तैयार होती है उसका कास्ट ग्रॉफ प्रोडक्शन कम पड़ और वह दूसरे देशों की शुगर के साथ कम्पीट कर सके, इसके सम्बन्ध में हमारी सरकार क्या सोच रही है ?

**श्री मनुभाई शाह :** यह सही है कि हमारी शुगर काफी महंगी बनती है। उसके लिए

हम काफी रिसर्च कर रहे हैं कि किस प्रकार प्रति एकड़ ज्यादा गन्ना पैदा हो सके। और माननीय सदस्य को जानकर आनन्द होगा कि महाराष्ट्र आंध्र, मद्रास, और मैसूर में, चूंकि वहां की साइल इसके लिए ज्यादा सूटबिल है, गन्ने का उत्पादन प्रति एकड़ ४५ टन से लेकर ७५ टन तक हो रहा है।

**Shri Yadhav Narayan Jadhav:** May I know whether there has been any representation by the members of the consortium that instead of distributing this fabrication of machinery to different units, it may be done by one unit?

**Shri Manubhai Shah:** There is no such representation. Actually it is being done that way. The delivery is the responsibility of one man. But he does not manufacture every article. So, he has to buy from the others.

**Shri Tangamani:** From the statement I find that the two factories in Andhra Pradesh at Chodavaram and Amadalavalasa will go into production by 1961-62. But the hon. Minister says they will go into production only in 1962-63. When will they actually go into production—in 1961-62 or 1962-63?

**Shri Manubhai Shah:** I have been to Hyderabad only 10 days back and I met the Chief Minister for this purpose. It is unfortunate that there was a quarrel between the co-operative societies and the site could not be selected. Even though our undertaking is for 1961-62, the safe guess will be they would go into production early in 1962, i.e. in the 1962-63 season.

**Shri Ranga:** Is it not the accepted policy of the Government not to concentrate the manufacture of various parts of the machinery that are needed in any one particular manufacturing centre, but to disperse them in different parts of the country?

**Shri Manubhai Shah:** Yes; that is the policy.

**Pandit K. C. Sharma:** What is the total number of sugar factories?

**Shri Manubhai Shah:** At present the number is about 197; another 43 are under cotemplation.

### Export of Textiles to Ceylon

\*1087. **Shri Ajit Singh Sarhadi:** Will the Minister of Commerce and Industry be pleased to state:

(a) the position regarding the export of Textiles to Ceylon during 1960-61 so far; and

(b) what steps are being taken to improve the position?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). A note is placed on the Table of the House.

### NOTE

(a) From the movement of export of cotton textiles from India to Ceylon during the first nine months of 1960-61 it is expected that exports during the year would almost be equal to the exports during 1959-60 which was of the order of 25 million yards.

(b) With a view to promoting export of textiles to Ceylon the Cotton Textiles Export Promotion Council sponsored the India-Ceylon Textile Festival in Colombo during the third week of December, 1960. In connection with the festival, a display of Indian cotton textiles was organised at the India Show Room. The entire show was a great success and it is likely that this will stimulate enquiries for Indian textiles from Ceylon. Besides the various export incentive schemes are being continued.

**Shri Ajit Singh Sarhadi:** May I know if a suggestion has been made by the Cotton Textiles Export Promotion Council to the Indian Textile Manufacturers' Association to have a permanent emporium there?

**Shri Manubhai Shah:** That is the suggestion which is being acted upon.

**Shri Ajit Singh Sarhadi:** Has it been opened?

**Shri Manubhai Shah:** Not yet.

**Shri Kasliwal:** From the note, it is not possible to know how much of the 25 million yards that would be exported would be hand-spun and how much mill-made. May I know whether the Minister can give the break-up?

**Shri Manubhai Shah:** That is the over-all figure. I can give the separate break-up.

**Shri Hem Barua:** In view of the fact that the export of sarang constitutes almost 80 per cent of our export of handlooms, may I know what effect the decision of the Ceylon Government to cut down by half the import of sarang from our country will have on our exports?

**Shri Manubhai Shah:** This does not arise out of this question. The hon. Member has asked about overall exports of cloth to Ceylon. About Ceylon also, we have paid special attention. We are in correspondence with the Government concerned to see that they do not put such restrictions.

### Internal Resources for Third Five Year Plan

\*1088. **Shri S. M. Banerjee:** Will the Minister of Planning be pleased to state:

(a) what positive steps have been and are being taken to mobilise internal resources for the Third Five Year Plan;

(b) whether some schemes have been chalked out; and

(c) if so, what are those schemes?

**The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra):** (a) to (c). The Central and State Budgets for 1961-62 indicate the measures to be undertaken during the coming years. The problem is not one of devising schemes but of securing progressive increases in investible resources through taxation, through enlargement of surpluses of public enterprises, through market loans,

small savings, etc. The broad lines along which the effort has to be organised have been indicated in the Draft Outline.

**Shri S. M. Banerjee:** May I know whether there is any proposal that the Government wish to take a portion of the high profits earned by the capitalists for the Third Plan?

**Mr. Speaker:** Taking means taxation or by hand?

**Shri S. M. Banerjee:** Taking of excess profits—a portion of it.

**Mr. Speaker:** That is also some kind of tax.

**The Minister of Labour and Employment and Planning (Shri Nanda):** Taxation is a normal feature which appropriates a portion of the profits. So far as the other question is concerned, it has been adequately dealt with in the course of the discussion on the budget.

**Shri Chintamani Panigrahi:** What was the estimate of the internal resources to be made available at the Centre and in the various States in 1961-62 and how far they have been made available?

**Mr. Speaker:** That is all in the budget.

**Shri Chintamani Panigrahi:** In the State budgets, they have not provided for adequate resources. I would like to know what is the short-fall in respect of the various States.

**Shri L. N. Mishra:** After the budget of this year, all the State Governments excluding Orissa, have raised Rs. 16 crores of additional resources through additional taxation. I cannot say what was their own estimate.

**Shri S. M. Banerjee:** In view of the meagre internal resources, may I know if Government would consider nationalisation of any of the industries including banks and general insurance?

**Mr. Speaker:** The hon. Members will have an opportunity in the discussion on Finance Bill.

## पिछड़े क्षेत्रों का विकास

**\*१०८६. श्री विभूति मिश्र :** क्या योजना मंत्री यह बतान की कृपा करेंगे कि :

(क) क्या सरकार ने प्रथम और द्वितीय पंचवर्षीय योजनाओं के पश्चात् यह पता लगाया है कि देश के अन्दर अब कौन-कौन से पिछड़े हुए इलाके हैं जहाँ पर उद्योग शिक्षा और स्वास्थ्य सेवाओं को तृतीय पंचवर्षीय योजना का न में विकसित करने की आवश्यकता है ; और

(ख) यदि हां, तो वे कौन-कौन से पिछड़े हुए इलाके हैं और उन के विकास के लिए क्या-क्या किया जायगा ?

**श्रम रोजगार तथा योजना उपमंत्री (श्री ल० ना० मिश्र) :** (क) और (ख). प्रादेशिक विकास की समस्याओं के सम्बन्ध में गठित कार्यकारी दल इस समस्या का अध्ययन कर रहा है ।

**श्री विभूति मिश्र :** मैं यह जानना चाहता हूँ कि थर्ड फाइव-यियर प्लान का कार्य-कलाप शुरू हो गया है और हमारी सरकार अभी स्टडी ही कर रही है, इसके क्या माने हैं ?

**श्री ल० ना० मिश्र :** जैसा कि माननीय योजना मंत्री ने पहले दिन बताया था, तृतीय पंचवर्षीय योजना बनाने में इस का ख्याल रखा गया है और स्टेट गवर्नमेंट्स के जो लोग यहां आये थे हमने उन से कह दिया था कि योजना बनाते समय वह पिछड़े इलाकों का ख्याल रखें ।

**श्री विभूति मिश्र :** जिस प्रकार दिल्ली एरियाज के लिये एक परामर्शदात्री समिति-एडवाइजरी कमेटी बनाई गई है, क्या सरकार बैकवर्ड एरियाज के लिये भी उस तरह की कोई कमेटी बनायेगी, ताकि उस से राय ले कर काम चलाया जाये ।

**श्रम और रोजगार तथा योजना मंत्री (श्री नन्दा) :** माननीय सदस्य ने जो सुझाव दिया है, उस के अनुसार काम कर दिया गया

है और एक वकिंग ग्रुप कान्टीन्युअसली—  
सतत— इस बाब पर विचार कर रहा है ।

**Shrimati Renuka Ray:** Have the Working Group come to any decision as to what will be the criterion of backwardness?

**Shri Ranga:** Utter Pradesh.

**Shri Nanda:** Various criteria have been developed and are being developed.

**श्री सिंहासन सिंह :** गवर्नमेंट ने इस विषय में डिफरेंट क्राइटेरियन बनाए हैं । देश के कौन से भागों की बैकवर्ड एरियाज करार दिया गया है, क्या इस विषय में कोई सूची तैयार हुई है और यदि हुई है, तो क्या माननीय मंत्री उस को बताने की कृपा करेंगे ?

**Shri Nanda:** There are degrees of backwardness. Some areas are advanced in certain matters and backward in other matters.

**Mr. Speaker:** He wants to know whether Government have a list of backward areas.

**Shri Nanda:** So far as States are concerned, we have requested them to map out their own backward areas and make special arrangements for them.

#### Revival of Karaikal Port

\*1090. **Shri Achar:** Will the Prime Minister be pleased to state:

(a) whether the businessmen and merchants of Pondicherry have submitted for revival of Karaikal as a free port;

(b) if so, the special claims they have urged for a free port in the former French possessions;

(c) the main reasons and conditions that are necessary for establishing a free port in any place in India; and

(d) the decision taken in the matter?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) Yes.

(b) They have urged that Karaikal which had been a free port during the French regime deserved to be revived as a free port in preference to any other port in India and that its revival was essential for the resuscitation of commerce and industry, rehabilitation of unemployed labour and augmentation of the resources of Pondicherry State.

(c) and (d). Government do not propose to establish any free port in India. Hence the question of reviving Karaikal as a free port does not arise.

**Shri Achar:** May I know whether Kandla has been declared as a free port?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** It is not a free port. It is a free zone, which is different.

**Shri Achar:** May I know whether there is considerable unemployment and also difficulties of trade in Pondicherry and Karaikal? If so, will Government do anything to help them?

**Mr. Speaker:** Is it because it is not declared a free port?

**Shri Jawaharlal Nehru:** I do not think it has anything to do with the free ports. Naturally, the Government at Pondicherry and the Central Government are trying to do their best to meet these questions.

**Shri Tangamani:** Kandla has been declared as a free zone. May we know whether some such provision will be made in the case of other ports, particularly Pondicherry and Karaikal, in view of their certain past traditions?

**Shri Jawaharlal Nehru:** Regarding declaring them as free zones, we want to experiment with the Kandla zone, how it progresses. Then, if necessary, we can extend it to other areas.

# **Production of Documentaries by Films Division**

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\*1091. { Shri Bibhuti Mishra:  
Shri Osman Ali Khan:  
Shri Aurobindo Ghosal:

Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have taken a decision that the Films Division of the Ministry of Information and Broadcasting should undertake production of Documentaries of local interest for State Governments; and

(b) if so, the details thereof?

**The Parliamentary Secretary to the Minister of Information and Broadcasting (Shri A. C. Joshi):** On 13th March, 1961 Starred Question No. 787 was put concerning this subject. I would like to repeat the answer then given:—

(a) There is a proposal to produce documentary films of local interest for the various State Governments.

(b) The proposal is still in the initial stages of consideration. All the State Governments have been addressed to ascertain their views on the proposal.

**श्री बिभूति मिश्र :** माननीय मंत्री ने अभी यह बताया है कि स्टेट गवर्नमेंट्स के विचार के लिये लिखा गया है। स्टेट गवर्नमेंट्स ने भी इस बारे में कुछ जवाब दिया होगा। यदि उन्होंने जवाब दिया है, तो वह क्या है ?

**सूचना और प्रसारण मंत्री (डा० केशकर) :** जवाब का सवा ल नहीं है। स्टेट गवर्नमेंट्स अगर फिल्म बनवाना चाहें, तो उन के लिये फिल्म बनाई जायेगी। अगर माननीय सदस्य यह जानना चाहते हैं कि कौन कौन सी स्टेट गवर्नमेंट्स फिल्म बनवाना चाहती हैं, तो उस के लिये नोटिस चाहिए।

**श्री स्थानी :** क्या गवर्नमेंट ने इस तबजवीज पर गौर किया है कि हिन्दुस्तान के लोगों को

दुनिया भर से बाकिफ करने के लिये एम्बेसीज से या फिल्मज सैक्शन से डायरेक्ट दुनिया भर की फिल्मज मंगा ली जायें और उन को जगह जगह लोगों को दिखालया जाये कि कौन से मुल्क में तरक्की हो रही है और वहां क्या हालत है ?

**डा० केशकर :** यह इस सवाल से नहीं उठता है, हालांकि हो सकता है कि माननीय सदस्य के सुझाव पर हम विचार करें।

**Shrimati Maimoona Sultan:** In view of the fact that these films leave a certain impression on the minds of the people, may I know if the Government has any scheme to produce films on subjects like communal harmony, co-operation or co-existence? Have any arrangements been made by the Government for exhibiting these films in places like Madhya Pradesh and other areas and, if so, what is the scheme?

**Dr. Keskar:** There is no need for a scheme. Films on subjects like those mentioned by the hon. Member have been taken up. For example, on communal harmony a film is being produced.

**Shri M. B. Thakore:** May I know whether there is any proposal to produce a documentary film on Netaji Subhas Chandra Bose?

**Dr. Keskar:** Not at present.

**Shri Aurobindo Ghosal:** What will be the language of the film that will be taken for State purposes?

**Dr. Keskar:** It is obvious that a film produced for a particular State will be in the language of that State.

**Uranium Mine at Jaduguda (Bihar)**

\*1092. **Shri P. C. Borooah:** Will the Prime Minister be pleased to state:

(a) whether Government have decided to develop the uranium mine at Jaduguda in Bihar and establish a processing plant there;

(b) if so, what is the cost of the scheme;

(c) by what time the scheme will be fully implemented; and

(d) what progress has been achieved so far?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) Yes.

(b) The total cost of the scheme is estimated at Rs. 8.5 crores of which about Rs. 5 crores is for development and mining and Rs. 3.5 crores for setting up of the plant for processing of uranium ore.

(c) The processing plant is expected to go into operation by about the end of 1963 and the scheme (including mining, development and production of uranium) will be worked up to full production thereafter.

(d) Underground exploratory mining work upto 8,800 ft., including development of two levels and starting of a new level, has so far been carried out in the Jaduguda Mine. Extensive surface and underground core drilling has been undertaken and the work is in progress.

As regards the processing plant, the run of the mine ore has been tried out on a laboratory scale as well as on ton scale to establish optimum conditions for the recovery of uranium. A complete process flow-sheet has been drawn up and process conditions have been laid down. Investigations have also been carried out for selecting a suitable site for the supply of water to the mine, the mill and the housing colony.

**Shri P. C. Borooah:** What is the estimated reserve of uranium in that place? What is the requirement of our country of uranium at present and at the end of the Third Plan?

**Shri Sadath Ali Khan:** The estimated output of uranium from the mine, when fully developed, will, I believe, be about 700 tons per day.

**Shri P. C. Borooah:** I wanted to know also our requirements of uranium at present and also at the end of the Third Five Year Plan.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** Regarding our requirements I cannot give any figure. It depends upon how we develop atomic energy in this country.

**Shri Chintamani Panigrahi:** May I know whether this mine is being worked out by the Government themselves or by any private company?

**Shri Sadath Ali Khan:** It is worked by Messrs. Indian Rare Earths Limited, a Government of India undertaking.

**Shri S. C. Samanta:** May I know whether the operation will be open air mining or underground mining?

**Shri Jawaharlal Nehru:** Presumably both.

**Shri P. C. Borooah:** May I know whether any foreign collaboration was sought for working the mine or for establishing the plant and, if so, from where?

**Shri Jawaharlal Nehru:** So far as I know, not in this particular matter.

दिल्ली प्रशासन के एम्प्लायमेंट अफसर  
+

\*१०६३. { श्री जे० रा० पट्टाभिरामन् :  
                  { श्री प्रकाशवीर शास्त्री :

क्या अब और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली प्रशासन के अधीन एम्प्लाय-मेंट अफसरों की नियुक्ति किस आधार पर होती है ;

(ख) क्या पड़ोसी राज्यों से भी ऐसे अफसरों को डेपुटेशन पर बुलाया जाता है ;

(ग) यदि हां, तो अधिक से अधिक कितने समय तक के लिये उनको डेपुटेशन पर रखा जा सकता है ;



(घ) क्या कुछ ऐसे भी अफसर हैं जो कि अपनी अवधि समाप्त कर चुकने के पश्चात् भी काफी समय से कार्य कर रहे हैं ; और

(ङ) यदि हां, तो क्या सरकार उनको अपने पुराने कार्यालयों में वापस भेजने का विचार कर रही है ?

**अम उपमंत्री (श्री आबिद अली) :**

(क) जहां तक डेपुटेशन पर आये हुये अफसरों का सवाल है उनका चुनाव राज्य सरकारों द्वारा दिये गये कामकाज के रिक्वाडों पर निर्भर होता है। बाकी अफसरों की तरक्की विभागीय तरक्की समिति की सिफारिश पर होती है।

(ख) जी हां।

(ग) आमतौर पर चार साल।

(घ) जी हां।

(ङ) जी हां, अगर इन ग्रीहवों के लिये योग्य अफसर मिल जायें।

(a) Selection based on record from out of those suggested by State Governments in the case of officers appointed on deputation and on the recommendation of the Departmental Promotion Committee concerned in the case of officers appointed by promotion.

(b) Yes.

(c) Normally four years.

(d) Yes.

(e) Yes, provided suitable substitutes become available.

**Shri C. R. Pattabhi Raman:** In view of the cosmopolitan composition of the population here, would the Government consider building up a panel of employment Officers in Delhi itself?

**Shri Abid Ali:** Because it is a small office it becomes necessary to have more experienced officers from the adjoining States also.

**Shri Radha Raman:** In view of the fact that Delhi and Himachal Pradesh, the Union territories, will have a separate service cadre hereafter, will this new change completely avoid importing of officers on deputation from neighbouring States?

**Shri Abid Ali:** Perhaps not.

**Shri Tangamani:** May I know whether the panel of officers will include officers from at least the major States and not only from the neighbouring States? That was the question asked by Shri Pattabhi Raman and I would like to ask this question again.

**Mr. Speaker:** In view of the cosmopolitan nature of the population here, is there a proposal to include some representatives of the major States also in the panel?

**Shri Abid Ali:** Yes, Sir, that is the scheme at present.

**श्री रामसिंह भाई बर्मा :** मैं जानना चाहता हूं कि क्या ऐसे अफसरों का परीक्षण होता है या राज्य सरकारें जिनके नाम पेश कर देती हैं, उन्हीं में से इनको ले लिया जाता है ?

**श्री आबिद अली:** राज्य सरकार से हम फेहरिस्त मंगाते हैं और उस फेहरिस्त में जो हमें मुनासिब मालूम होते हैं, उन्हें ले लेते हैं।

**Shri C. R. Pattabhi Raman:** Will they continue to have a lien on their former Governments?

**Shri Abid Ali:** Of course.

### Price Control

\*1094. **Shri Chintamani Panigrahi:** Will the Minister of Planning be pleased to state:

(a) whether the Planning Commission has appointed a price Sub-Committee for considering the question relating to price control in the Third Five Year Plan; and



(b) if so, what progress has been achieved so far in this respect?

**The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra):** (a) Yes. A Committee of the National Developmental Council was set up last year to consider problems relating to price policy for the Third Plan.

(b) The Committee has met a number of times and its deliberations will be taken into account in presenting the report on the Third Five Year Plan.

**Shri Chintamani Panigrahi:** May I know whether the sub-committee has suggested any short-term or long-term measures for price control and, if so, whether any of these measures have been accepted and implemented during the first year of the Third Plan?

**Shri L. N. Mishra:** They have not made any specific recommendation so far. When they recommend their report will be considered during the Third Plan finally.

**Shrimati Renuka Ray:** Has any decision been taken regarding setting up a price stabilisation board for essential goods as suggested by the Foodgrains Enquiry Committee? That is also a part of prices.

**Shri L. N. Mishra:** No, Sir.

**Shri Ranga:** Is any effort being made to stop inflation and thereby make a substantial contribution to price stabilisation and prevention of rise on controls instead of depending on controls alone?

**The Minister of Labour and Employment and Planning (Shri Nanda):** We have before us the problem of development, of raising the standard of living of the people and of raising production. Therefore we have to try to find the resources for investment. All the time we keep in view the need for having price stability and for preventing inflationary pressures.

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**श्री बिभूति मिश्र :** खेती की पैदा होने वाली चीजों और फैक्ट्री से पैदा होने वाली चीजों की कीमतों पर कंट्रोल लगाने के लिये, इस कमेटी के जिम्मे सरकार ने कोई काम दिया है या नहीं दिया है ?

**श्री ल० ना० मिश्र :** इस तरह की कोई स्पेसिफिक बात नहीं है। मोटी मोटी बातें दी गई हैं और उन पर वह विचार कर रही है।

**श्री सिंहासन सिंह :** मैं जानना चाहता हूँ कि कब यह कमेटी कायम हुई थी और इस कमेटी की रिपोर्ट देने के लिये क्या कोई भववि मुकर्रर की गई है या नहीं की गई है ?

**श्री ल० ना० मिश्र :** जी नहीं, कोई समय नहीं दिया गया है। नेशनल डिवेलपमेंट काउंसिल की यह कमेटी है और रिपोर्ट देने के लिये कोई समय निर्धारित नहीं किया गया है।

**श्री सिंहासन सिंह :** कितने बरस कायम हुये इसको हो गये हैं ?

**श्री ल० ना० मिश्र :** लास्ट एप्रिल में।

**Shri Chintamani Panigrahi:** The committee had been set up last year and we are told by the hon. Minister that no final decision has yet been taken. When we are already framing the Third Plan, what exactly is the decision that the Government has taken and when are we going to get the report of the committee?

**Shri Nanda:** There is no question of any exact decision on any particular matter. The whole question of price policy has been considered several times. The deliberations of the committee are being taken into consideration in formulating the price policy for the Third Plan.

**Shri Tyagi:** The policy of the Government is well-known. It has been publicised number of times. The House is anxious to know as to what has been done to implement their policy. Has any action been taken so far with regard to price control or other things?

**Shri Nanda:** The action is evident in whatever changes are taking place in prices. As for the steps that are being taken, for example, my hon. colleague here has done something to stabilise the price of wheat.

**Shri Tyagi:** I wanted to be enlightened on the floor of the House.

**Shri Nanda:** As I said, the prices of foodgrains have been controlled fairly well.

श्री रामसिंह भाई वर्मा : जिन चीजों की कीमतों को कंट्रोल करने का विचार है, वे चीजें जिन चीजों में पैदा होती हैं, पहले उन पर भी कंट्रोल किया जायेगा ?

**Shri Nanda:** It is a very relevant question. The reason for the recent rise in prices of some manufactured articles is that there was an increase in the prices of raw materials.

**Mr. Speaker:** Is there a proposal to control the prices of raw materials also?

**Shri Nanda:** There are no specific proposals before us.

श्री रामसिंह भाई वर्मा : एक और सवाल में पूछना . . .

**Mr. Speaker:** Next question.

**Shri Hem Barua:** May I submit that Q. 1097 be taken up?

**Mr. Speaker:** He has not written to me about that. Shri Achaw Singh—Absent. We may possibly come to it. Shri Gaikwad—Absent Shri Manay—Absent. Shri Hem Barua.

**Tibet Issue before the U.N.O.**

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\*1097. { Shri Hem Barua:  
Shri P. C. Borooah:  
Shrimati Malmoona Sultan:

Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to the statement made by the Dalai Lama, published on the 10th March, 1961 in newspapers, asking the Members of

the U.N.O. to support the vacation of China from Tibet—a question which is to be discussed in the World Body on a resolution jointly sponsored by some member nations; and

(b) if so, the reaction of the Government of India in this matter?

**The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika):** (a) The Government have seen the reported statement of the Dalai Lama.

(b) The Government of India's attitude, to the proposed resolution will be decided as and when the question comes up again before the U.N. General Assembly.

**Shri Hem Barua:** May I know whether Government consider this occupation of Tibet by China as a normal extension of the Chinese administrative jurisdiction to that area or as a conquest of Tibet by China? If it is the latter, why is it that Government have not been able to make up its mind as yet?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** Government has all along considered that Tibet was in the past an autonomous part of the Chinese State. It was a part of it. It had autonomy, but internationally speaking it is part of the Chinese State. That is the basic position. At some periods that autonomous part even had the right and exercised that right to make treaties. Nevertheless, it was a part of the larger Chinese State. From that the various policies of the Government of India flow in relation to this matter.

12 hrs.

**Shri Hem Barua:** May I draw the attention of the hon. The Prime Minister to his glimpses of World History where he writes categorically that Tibet is independent? And may I know what are the specific grounds for the hon. the Prime Minister to withdraw from that position?

**Shri Jawaharlal Nehru:** I do not know to what part of my book the hon. Member is referring.

**Shri Hem Barua:** To page 842.

**Shri Jawaharlal Nehru:** The hon. Member is referring to my book which is dealing chiefly with other matters, not with Tibet. I do not know in what connection it came up; and if I have made any such remark there it was due to absence of full knowledge.

**Shri H. N. Mukerjee:** I recall that when the Dalai Lama was given asylum in this country, he had given an assurance to Government that as long as he was on Indian soil he would not take part in propaganda of a political sort. May I know if this kind of statement issued from Indian soil is not contradictory to that understanding, particularly in view of the fact that this might lead to an unnecessary acerbation of this business?

**Shri Jawaharlal Nehru:** The kind of assurance we asked for was that India should not be made a base for activities outside. But it is rather difficult to draw a line between making a statement about one's views and making it a base for activities. On the whole, in these matters we take a fairly liberal line.

**Some Hon. Members rose—**

**Mr. Speaker:** The Question Hour is over.

#### SHORT NOTICE QUESTION

#### Modern Satgram Collieries

**S.N.Q. 9. Shri Keshava:** Will the Minister of Labour and Employment be pleased to state:

(a) whether any open day light murders have been committed by the Communist unruly elements in Modern Satgram Colony between 9th and 12th March, 1961;

(b)....

**Shri Tangamani:** I protest against the wording of the question. What does he mean by saying "the unruly Communist elements"? And it was admitted in that manner. (*Interruptions*).

**Mr. Speaker:** Order, order. I must hear them also. I thought the word "unruly" might be there for the reason that he does not make an aspersion that all Communists are unruly; he says there are some Communists.

**Shri Indrajit Gupta:** There are unruly Congressmen also.

**Mr. Speaker:** He might have put the word "some" also, that is "some Communist unruly elements". There is no aspersion. There could not be any objection because there is no aspersion against the Communist Party as a whole. There will be unruly elements here and there. That is all that was meant.

**Shri H. N. Mukerjee:** I know, Sir, that this question passed through your scrutiny. I know also that it is the usual convention, when anything is said about people who might stand trial under the law, to use the adjective "alleged". If you say "alleged Communist assailment" or \*\*\* I can understand. But without the word "alleged", for a question to be asked in this manner. (*Interruptions*)

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

**Shri Tyagi:** Sir, on a point of order. We are sister parties, after all. It does not look well that he should be calling \*\*\*. This is not the language to be used in Parliament. I would protest very humbly. I have never called Communists by any word. It is not fair that he should say \*\*\*.

**Shri Prabhat Kar:** We will pay you back in your own coin.

**Shri T. B. Vittal Rao:** This is a short notice question. . .

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\*\*\*Expunged as ordered by the chair.

**Mr. Speaker:** Short notice questions are accepted from all sides. Let these words be added there. At the end of clause (a) of the question, the words "as alleged" will be added.

**Shri T. B. Vittal Rao:** Sir, you must advise the Secretariat to read these things more carefully.

**Mr. Speaker:** I am always careful about that.

**Shri Prabhat Kar:** We are paying you back in your own coin.

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

Hon. Members ought not to get excited. Hon. Members have a right to represent, as they have represented in this case. There is no good in this, and one abuse does not justify another abuse. All that I would say is. . .

**Shri H. N. Mukerjee:** If you please permit me to explain, there is no question of abuse. You can expunge the word.

\*\*\*I am only illustrating the position that the use of the word "alleged" will exonerate employment of many expressions which are not necessarily unparliamentary. That is my point, mainly from the parliamentary point of view.

**Mr. Speaker:** All that I would say is that one wrong does not justify another wrong. If hon. Members are taking exception to the word "unruly", I have accepted the suggestion of Shri H. N. Mukerjee that the words "as alleged" might be added at the end, because until a thing is proved it is only alleged. I added those words. But to use an expression, merely because some hon. Members puts a question, and it appears in the newspapers, there is some trouble over it, then to say that others also may be like that—I do not think it does any justice.

I am adding these two words "as alleged" at the end of clause (a) of the question. Until there is a conviction and final judgement in the court, hon. Members ought to take care to use the words "as alleged". Let us not go merely by whatever appears in the newspapers, but say "as alleged" until a proof is made.

**Shri Keshava:** So I shall read it again, Sir.

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

(a) whether any open day light murders have been committed by the Communist unruly elements in Modern Satgram Colony between 9th and 12th March, 1961, as alleged;

(b). . .

**Mr. Speaker:** "by some Communist unruly elements" will be better.

**Shri Indrajit Gupta:** Let this precedent stand. We don't mind.

**Mr. Speaker:** To whatever party a man may belong, if he commits a murder or commits any unsocial act, he is an unruly element. I would only say that instead of tarnishing the whole party, because nobody has got a right to say that the whole party is wrong, it could be said that there may be some bad elements here and there. So "some Communist unruly elements" may be said. I will add the word "some" there. And hereafter hon. Members will try to avoid any description of any Member of any party.

**Shri Keshava:** Very well, Sir.

**Shri T. B. Vittal Rao:** It is very unfortunate that care was not taken in admitting such questions.

**Mr. Speaker:** I am thoroughly justified in having allowed this question for the reason that I do not want to allow any aspersion to be cast on the Communist Party. I know, hon. Members are exceedingly nice. But there may be some unruly elements in some party. What he wants to allege is that some people have taken

\*\*\*Expunged as ordered by the chair.

advantage of it, and those are unruly elements. To say "unruly Communist Members" will be wrong. Every Communist Member is not bad. But there may be some bad men. "Unruly" is for the purpose of restricting the scope. There may be bad men. In God's creation there are some bad men. What can be done? There is nothing wrong in it.

**Shri Keshava:** Sir, I shall now read the question as amended.

**Mr. Speaker:** Yes, he may do so. \*

### SHORT NOTICE QUESTION

#### Modern Satgram Collieries

**S.N.Q. 9. Shri Keshava:** Will the Minister of Labour and Employment be pleased to state:

(a) whether any open day light murders have been committed by some Communist unruly elements in Modern Satgram Colony between 9th and 12th March, 1961 as alleged;

(b) whether this feature was apprehended by the loyal workers and information to the police was furnished even a week earlier and, if so, why no action was ever taken by the police to prevent this murder; and

(c) what steps, if any, Government are taking to bring about normalcy in the colony area?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) It is reported that some persons belonging to a loading sirdar attacked the workers of another loading sirdar with spears, when they were sleeping in a workers' dhowrah on the afternoon of March 10, 1961, as a result of which two persons died and one was seriously injured.

(b) and (c). Although some threats are reported to have been held out to non-strikers previously, the incident of murder is said to have taken place all of a sudden. As it is primarily a law and order problem investigations

are being made by the local police; some persons have already been arrested. The police pickets in Modern Satgram Colliery have also been re-inforced after this incident.

**Shri Keshava:** In view of the fact that coal production is very vital for our planning purposes and these recurring incidents of killing in these localities are a defiant challenge to law and order, may I know whether the Central Government are thinking of any alternative arrangement to take suitable measures to reassure a sense of safety to the workers in that locality?

**Shri Abid Ali:** That is what the State Government authorities are doing.

**Shri S. M. Banerjee:** Since some incidents have taken place in this colliery and still about five hundred people are out, may I know whether the Central Government will institute any impartial enquiry to go into the merits of the working of the colliery.\*\*

**Mr. Speaker:** I am afraid the hon. Member is committing a greater mistake than what he has complained against.

**Shri S. M. Banerjee:** Is there anything wrong in what I have said?

**Mr. Speaker:** That kind of aspersion against any Minister is wrong. If hon. Members are not satisfied about any Minister, there are ways in which they can get rid of that Minister, but they cannot go on making casual aspersions against Ministers, who are responsible persons. I would not allow such aspersions against Members or Ministers.

**Shri S. M. Banerjee:** How can we get rid of him? He is a Member of the Rajya Sabha.

**Shri Keshava:** Is it a fact that negotiations were held...

**The Minister of Labour and Employment and Planning (Shri Nanda):** I have to answer that question. Of

\*\*Expunged as ordered by the Chair.

course, my colleague has only given the bare facts. As regards action there, there was trouble in that colliery for several months. I went there personally...

**Shri Abid Ali:** I did not go there.

**Shri Nanda:** It was not my colleague who went there, but I went there, and I tried to bring the parties together and arrange for conciliation, and a settlement has been reached there, so that, so far as the industrial part of it is concerned, it is out of the way altogether.

**Shri S. M. Banerjee:** May I make one submission? I want to know whether this particular fight between *sirdar* and *sirdar* was of a personal nature or of a political nature. May I know whether this short notice question is aiming politically, or it was a fight in which it was only a question of law and order?

**Mr. Speaker:** Was it a personal quarrel or a general quarrel? Government may take note of that.

**Shri Nanda:** In view of the fact that the question had certain implications and certain things had appeared in the press also, we thought it necessary, or rather, we owed it to our friends to see that this should be cleared so that all these implications have been removed in the answer.

**Shri K. N. Pande:** Only the word '*sirdar*' has been mentioned here? Is it a fact that these *sirdars* belonged to a union affiliated to the AITUC, that is, the Communist Party? If so, when criminal action is being taken by the State Government, do the Central Government think that under the Code of Discipline, some action should be taken against those people also?

**Shri Nanda:** It may have been alleged that a certain *sirdar* belongs to a certain union. We are not able to make any identification like that here, and the loyalties also go on changing there.

**Shri Tyagi:** Could it be made clear that the word '*sirdar*' does not mean Sikhs? (Laughter).

## WRITTEN ANSWERS TO QUESTIONS

### Coir Industry

\*1086. { **Shri Kodiyar:**  
**Shri Warrior:**

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 470 on the 25th November, 1960 and state:

(a) whether the question of modernising and mechanising the manufacturing sector of the coir industry has since been examined by Government;

(b) whether any scheme has been formulated by Government in this respect;

(c) if so, the main features of the scheme; and

(d) the total estimated cost of the scheme?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (d). The matter is still under consideration of the Coir Board. As soon as their recommendations are received, Government will expeditiously examine the same.

### Soda Ash Factory at Sambhar

\*1095. **Shri L. Achaw Singh:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 471 on the 25th February, 1960 and state:

(a) whether Government have sanctioned the starting of the Soda Ash Factory at Sambhar, Rajasthan;

(b) if so, the estimated capacity of the factory; and

(c) the cost of production of soda ash per ton?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (c). No, Sir. So far no formal project has been received. The Rajasthan Government have expressed their desire to prepare such a project and the same is awaited.

**Shops Constructed in New Delhi**

\*1096. { Shri B. K. Gaikwad:  
Shri Manay:

Will the Minister of Works, Housing and Supply be pleased to state:

(a) the number of shops constructed in (1) East Vinay Nagar (2) West Vinay Nagar (3) Kidwai Nagar (4) Moti Bagh in New Delhi by Government and handed over to the New Delhi Municipality for disposal;

(b) whether it is a fact that there are some local shop-keepers who are running the shops for the last several years;

(c) whether it is also a fact that these shops are allotted only to displaced persons and local Backward class people and scheduled caste people who are running their stalls are refused allotment of these shops; and

(d) whether Government are aware that some displaced persons are having more than one such shop and earn money by sub-letting them to other people?

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** (a) East Vinay Nagar 58  
West Vinay Nagar 67  
Kidwai Nagar 100  
Moti Bagh I 82

(b) Yes Sir.

(c) Priority for allotment is given to displaced persons. There is however, no objection to accommodate non-displaced persons if shops are available after meeting the requirements of displaced persons.

(d) Some cases of sub-letting have come to the notice of the New Delhi Municipal Committee and necessary action is being taken by them.

**Press Council**

\*1098. Shri Indrajit Gupta: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the Indian Journalists' Association at its conference in May

1960 adopted a resolution expressing the working journalists' willingness to have a Press Council on the lines recommended by the Press Commission;

(b) if so, whether Government are now prepared to reintroduce legislation for the appointment of a Press Council; and

(c) whether Government have decided to call a conference of newspaper proprietors and working journalists to discuss the question?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) to (c). Government have seen newspaper reports about a resolution passed by the Indian Journalists' Association regarding the formation of a Press Council on the lines suggested by the Press Commission. As stated in reply to Question No. 2788 dated the 28th April, 1960, Government will consider the matter further when it is satisfied that there is a favourable atmosphere.

**Brass-ware Industry**

\*1099. Shrimati Maimoona Sultan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Handicrafts industry of India has of late been suffering from shortage of zinc and copper required for the manufacture of brass-ware;

(b) if so, whether these materials are imported under an export incentive scheme and if so, what is the scheme; and

(c) what is the idle capacity of the industry at present?

**The Minister of Industry (Shri Manubhai Shah):** (a) It has been reported that the manufacturers of artistic brass-ware have been experiencing shortage of Zinc and Copper.

(b) Import of raw materials for artistic brass-ware is being allowed under the Export Incentive Scheme. Briefly, the Scheme provides for the import/entitlement of raw materials



to the exporters of art Brass and Copper-ware, to the following extent:

- (i) Virgin Copper and Zinc together 36½ percent (in the ratio of 60% copper and 40% zinc) where the product exported is an alloy copper and zinc.
- (ii) Tissue of Paper . 1 per cent.
- (iii) Polishing materials 2½ per cent.

The Indian Handicrafts Development Corporation Ltd., has also been allowed to import Copper and Zinc, etc. of the value of Rs. 10 lakhs on an ad-hoc basis, for release to such exporters/manufacturers of handicrafts who are entitled to import raw materials under the Export Incentive Scheme mentioned above.

(c) As far as Government is aware, there is no idle capacity of the artistic Brass and Copper ware Industry.

#### Export of Cardamom to Sweden

\*1100. **Shri Assar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the export of Cardamom from India to Sweden has been continuously decreasing since 1957;

(b) the reasons why the export of Cardamom to Sweden is going down; and

(c) whether Government are taking any steps to avert the fall in export?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) No, Sir.

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

#### Report of Wage Board for Jute Industry

- \*1101. { **Shri Ram Krishan Gupta:**
- Shri Subiman Ghose:**
- Shri Pangarkar:**
- Shri S. M. Banerjee:**
- Shri Tangamani:**
- Shri Tridib Kumar**
- Chaudhuri:**
- Shri Muhammed Elias:**
- Shri Aurobindo Ghosal:**
- Shri S. L. Saksena:**
- Shri P. C. Borooah:**

Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No. 178 on the 17th November, 1960 and state:

(a) whether the Wage Board for Jute Industry has submitted its report;

(b) if so, the main recommendations; and

(c) if not, the reason for delay?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) to (c). The Wage Board submitted its recommendation for grant of interim relief to workers in Jute mills in January, 1961, and the same has been accepted by Government. The final report is awaited.

#### Nuclear Power Station

\*1102. **Shri P. C. Borooah:** Will the Prime Minister be pleased to state:

(a) whether India is now in a position to build its own nuclear power stations;

(b) if so, what is the programme chalked out for this purpose during the Third Five Year Plan; and

(c) what is the allocation of funds for the same?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) India is in a position to design and build *without external help* small nuclear power stations of up to 25 MWe electrical output. Large nuclear power stations of an installed capacity of 100 MWe or more will be built in the Third Plan Period in cooperation with foreign organisations having the necessary experience.

(b) Apart from a nuclear power station of 300 MWe to be located at Tarapur, studies in the Atomic Energy Establishment at Trombay are in an advanced stage for a nuclear power station of about 20 MWe based on a reactor using natural uranium as fuel, heavy water as moderator, and organic as coolant. A project for the



construction of such a station will be started shortly. The Planning Commission has also authorised the Department of Atomic Energy to search for a site for the location of a nuclear power station of 150 MWe in the Delhi-Punjab-Rajasthan area, though no decision to go ahead with such a station has yet been taken. In addition, heavy water moderated and cooled natural uranium stations and fast breeder reactor stations are under study.

(c) The draft Third Five Year Plan envisages an expenditure of Rs. 51 crores on the setting up of the first Atomic Power Station at Tarapur. Funds for a prototype 20 MWe power station have been provided under the research and development programme of the Department. No funds have been earmarked for the other projects but will be provided when they have reached a mature state, as it has been decided that the atomic energy programme should be one of continuous development.

#### **Rebate on Handloom Cloth**

\*1103. **Shri Chintamani Panigrahi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the rate of rebate on sales of handloom cloth is uniform for all the States in India; and

(b) the rate of rebate allowed for the different States, State-wise, at present?

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

(b) There is a uniform rate of rebate on sales of handloom cloth throughout the country as per details given below:—

#### **Rebate on export sales:**

(i) A rebate at the rate of 5 nP. (Five Naya Paise) in the rupee will be allowed on genuine retail sales of handloom cloth worth rupees two or more from:

(a) weavers co-operative societies and/or State owned depots, and

(b) consumers co-operative societies which purchase handloom cloth only from weavers cooperative societies and which deal, so far as cloth business is concerned, only in hand-woven cloth.

#### **Special additional rebate:**

(ii) A special additional rebate at the rate of 5 nP. (five naya paise only) in the rupee will be allowed on genuine retail sales of handloom cloth for a total period of 15 days in the year i.e. for eight days during the Annual All India Handloom Week celebrations and for seven days on suitable festival occasions to be chosen by the individual State Governments/ Union Territories concerned with the prior approval of the Ministry of Commerce and Industry.

#### **Rebate on wholesale sales:**

(iii) A rebate at the rate of 3 nP. (Three Naya Paise) in the rupee will be allowed on wholesale of handloom cloth by weavers' co-operative societies. For this purpose, sale of handloom cloth worth Rs. 100 (one hundred) or more at a time in a single transaction will constitute a wholesale sale. The State Governments will have the option of allowing or not allowing this rebate on wholesale sales, having due regard to the need for limiting the expenditure on rebates within the ceiling shares allotted to them.

#### **Rebate on retail sales:—**

(iv) A rebate at the rate of 5 nP. (five naya paise) in the rupee will be admissible to:—

(a) Co-operative societies or state trading organisations on sales for export of handlooms cloth purchased from Weavers' Cooperative Societies; and

(b) Co-operative Societies exporting handloom cloth direct.

*In no case will control assistance be given for expenditure on the rebate scheme in excess of the ceilings. If considered necessary, the scheme of rebate as modified above may be so regulated further by the State Governments by restricting the categories*

of sales of cloth or by reducing the rate of rebate either wholly or partly so as to keep the expenditure within the prescribed ceilings of the States concerned.

**Manufacture of Lathes by H.M.T. Factory, Bangalore**

**\*1104. Shrimati Maimoona Sultan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Hindustan Machine Tools Factory, Bangalore have for the first time in India designed and built new high production turret lathes;

(b) if so, what is their present production capacity for the same, and

(c) what is the present approximate demand of the country for these lathes?

**The Minister of Industry (Shri Manubhai Shah):** (a) Indigenous design of machine tools has been encouraged in the H.M.T. A new high production turret lathe has recently been tested.

(b) The capacity of production of the new design is about 60 numbers per year.

(c) The demand is anticipated to be between 225 and 240 numbers.

**Hunger-strike by Employees of the Hindustan Machine Tool Factory, Bangalore**

**\*1105.** { Shri S. M. Banerjee:  
Shri Chintamani Panigrahi:  
Shri Prabhat Kar:  
Shri Indrajit Gupta:  
Shri Sampath:  
Shri Braj Raj Singh:  
Shri Jagdish Awasthi:  
Shri Thimmiah:

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

(a) whether it is a fact that the State-owned Hindustan Machine Tool Factory Employees' Association Bangalore has decided to start a hunger-strike campaign in case the

outstanding demands of the employees are not conceded latest by the 1st April, 1961;

(b) if so, what are those demands;

(c) whether these demands are outstanding for the last two years;

(d) the steps taken by Government to avert this impending labour unrest; and

(e) whether any negotiation is likely to be held to have a settlement?

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

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

**Release of Phizo's Brother**

**\*1106.** { Shri P. C. Borooah:  
Shri Assar:

Will the Prime Minister be pleased to state:

(a) whether Mr. Kovi Ali, brother of Mr. Phizo, the Naga rebel leader, alongwith others has been released from detention; and

(b) if so, the reasons therefor?

**The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika):** (a) and (b). Shri Keviyale, brother of Phizo, was deported by the Burmese authorities. On arrival in Calcutta, he was arrested and taken to Kohima for police investigation. No *prima facie* case was established against him. He was, therefore, released on 26-2-1961 on giving an undertaking to keep peace.

Megoseiso Savino and L. A. Dally Namo, who were detained under the Preventive Detention Act for indulging in subversive activities against the State were released from detention on the 18th February, 1961. With the improvement in the situation, the continued detention of these persons was considered no longer necessary.

**Export of Handicrafts Goods**

**\*1107. Shrimati Maimoona Sultan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it has been experienced that Japanese and Italian handicrafts are driving Indian handicraft goods out of many markets on account of better packaging; and

(b) if so, what step have been taken to improve the conditions?

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

(b) Steps are, however, being taken to improve the packaging of Indian handicrafts meant for export by imparting training in packing techniques, import of tissue paper for packing certain items of handicrafts, etc. etc.

**Indian Textile Market in Middle East**

**2207. Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that India is losing her textile market in the Middle East countries;

(b) if so, the reasons therefor; and

(c) the steps taken or proposed to be taken to increase the export?

**The Minister of Industry (Shri Manubhai Shah):** (a) Yes, Sir. There is a declining trend in the exports of Mill-made Cotton Textiles to middle East countries.

(b) The reasons are varied but the decline in exports has been largely due to the import restrictions imposed in these countries to protect the local industry and the severe competition from other exporting countries.

(c) The various export incentive schemes are being continued. The Cotton Textiles Export Promotion Council has its own office with headquarters at Baghdad, the jurisdiction of which extends to all the Middle East Markets. This Office has been making concerted efforts to promote

exports of Indian cotton textiles to the individual markets.

**Production of Khadi in Mysore**

**2208. Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of khadi produced in Mysore State during the year 1959-60;

(b) the number of weavers and spinners in Mysore by the end of 1960; and

(c) the estimated cost of khadi produced during the same period?

**The Minister of Industry (Shri Manubhai Shah):** (a) 17.35 lakh square yards.

(b) 41,600 spinners and 5,000 weavers.

(c) Rs. 39.19 lakhs.

**Cottage Industries in Maharashtra**

**2209. Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the financial help given to Maharashtra for the development of cottage industries during 1960-61 so far; and

(b) the names of industries developed during the same period?

**The Minister of Industry (Shri Manubhai Shah):** (a) Financial assistance to the various States (including Maharashtra) during 1960-61 for industrial development will be sanctioned only towards the close of the current financial year on the basis of the expenditure actually incurred by the respective State Governments.

(b) The industries developed are:

- (1) Khadi (Traditional and Ambar).
- (2) Village Industries
- (3) Small Scale Industries (including Industrial Estates)
- (4) Sericulture.

- (5) Handloom
- (6) Handicrafts
- (7) Coir.

#### **Plantation of Mulberry Trees**

**2210. Shri Hem Raj:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of subsidy or grant given to the Punjab Government for the plantation of Mulberry trees during the years 1959 and 1960; and

(b) the amount of subsidy or grant given for the rearing of cocoons during the same period?

**The Minister of Industry (Shri Manubhai Shah):** (a) Grants amounting to Rs. 64,610 and Rs. 69,310 were approved during the years 1959-60 and 1960-61 respectively for schemes connected with mulberry cultivation.

(b) Grants of Rs. 21,040 and Rs. 14,220 were approved during 1959-60 and 1960-61 respectively for the production of cocoons.

#### **Resin Industry in Punjab**

**2211. Shri Hem Raj:** Will the Minister of Commerce and Industry be pleased to state the amount of subsidy or grants given to the Punjab Government for the starting of resin industry in that State during the years 1959 and 1960?

**The Minister of Industry (Shri Manubhai Shah):** No subsidy or grant was given to the Punjab Government for the starting of Resin Industry in the State during the years 1959 and 1960.

#### **Manufacture of Cement**

**2212. Shri Anirudh Sinha:** Will the Minister of Commerce and Industry be pleased to lay on the Table statement showing:

(a) the number of units engaged in the manufacture of cement as on the 31st December, 1960;

(b) the total quantity of cement manufactured in the country during the year 1960 (in tons); and

(c) the average annual requirements of cement (in tons) for domestic consumption?

**The Minister of Industry (Shri Manubhai Shah):** (a) There were 33 cement factories in production on 31-12-60.

(b) A total quantity of 7.84 million metric tons was produced in 1960.

(c) The total demand for 1960 was 9.22 million metric tons for domestic consumption.

#### **Production of Coffee**

**2213. Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have any plan to increase the production of coffee by undertaking or encouraging new planting of coffee;

(b) whether the Coffee Board has submitted any scheme or proposal; and

(c) what are its features?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) to (c). Yes, Sir. The Coffee Board's loan scheme is already in operation since 1956. Plans are now under consideration to extend coffee plantings to new areas during the III Five Year Plan period. The target proposed is 50,000 acres and the estimated cost is Rs. 8.19 crores. Planning Commission have provisionally agreed to an allotment of Rs. 5 crores as development loan for this purpose. Details of the loan scheme are yet to be worked out in consultation with the Coffee Board and the State Governments concerned.

#### **Industrial Estates in Delhi**

**2214. Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to state the up-to-date progress made in the different Industrial Estates in Delhi?

**The Minister of Industry (Shri Manubhai Shah):** The up-to-date progress made in the different Industrial Estates in Delhi is given below:

### 1. Industrial Estate Okhla:

Out of 35 sheds constructed in the first phase, 2 sheds are occupied by Small Industries Service Institute and All India Handicrafts Board. The other 33 sheds occupied by Small Industrialists have gone into production. In the second phase, 40 sheds are proposed to be put up. Of these 32 sheds are expected to be ready by June 1961; the remaining 8 sheds which are being built by the Bharat Sevak Samaj are expected to be ready by October, 1961.

### 2. Industrial Estate at Badli:

About 4 acres of land have been acquired and possession handed over to C.P.W.D. Detailed estimates have been prepared. One tube well has been sunk by the Exploratory Tube Wells Organisation and sample of water received by the Community Projects Officer (Industries) Delhi. The sample is being referred for examination. After results are known, actual construction work will be taken up.

### Paper Mill in Mirthal (Punjab) \*

2215. **Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal under consideration of the Central Government to set up a paper mill in Mirthal, District Gurdaspur (Punjab) where raw material is available;

(b) whether the Forest Research Institute have made investigations in this regard; and

(c) if so, the result thereof?

**The Minister of Industry (Shri Manubhai Shah):** (a) One scheme for the manufacture of 100 tons of newsprint per day has been licensed recently in Kangra District.

(b) and (c). The Forest Research Institute have made a general study of the availability of cellulosic raw materials for the paper industry all over the country including the area in question and they are of the

opinion that Silver fir can be used for newsprint and mixture of conifers can be used for both bleached and unbleached kraft papers.

### Scooter Factory at Ludhiana

2216. **Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have given a licence for a scooter factory at Ludhiana; and

(b) whether it is also a fact that the scooter proposed to be manufactured in this factory would cost Rs. 650 and would be able to give a mileage of 225 miles per gallon of petrol?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). A proposal from a firm in Ludhiana has been accepted on experimental basis for the manufacture of 50 cc. 78 cc. scooters in collaboration with a Japanese firm. The proposal envisages import of component parts to the extent of Rs. 150 per scooter. The scooter is expected to give a mileage of 180 miles per gallon of petrol.

### "Adi Mising Students' Union"

2217. **Shri Rameshwar Tanti:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the "Adi Mising Students' Union" in Subansiri Division of NEFA has come under the influence of outsiders;

(b) whether it is also a fact that the Students' Union has tried to interfere in the administrative matters; and

(c) if so, the steps taken to curb the influence?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) The Adi Mising Students' Union has its headquarters in Pasi-

ghat in the Siang Frontier Division of NEFA. Some of its members have been making efforts to enlist the support of tribal students from other Divisions including the Subansiri Frontier Division. Recently, this Union affiliated itself to the newly formed Eastern Frontier Hills Youth Social and Cultural Organisation with headquarters at Shillong which has its leadership from amongst the students' of the hill areas of Assam.

(b) The Union has not directly interfered in administrative matters. At the various meetings organized by the Union, its members have, however, expressed opinions and passed resolutions having a bearing on administrative matters.

(c) The NEFA Administration have not given any formal recognition to this Union. The students and the youth of the NEFA are being encouraged to take part in healthy extra-curricular and cultural activities under the supervision of their elders and teachers.

हैदराबाद हाउस नई दिल्ली

२२१८ { श्री भक्त बंशन :  
श्री नवल प्रभाकर :  
श्री रामकृष्ण गुप्त :

क्या निर्माण, आवास और संभरण मंत्री ८ दिसम्बर, १९६० के अतिरिक्त प्रश्न संख्या १५२३ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि नई दिल्ली स्थित हैदराबाद हाउस का खरीदने के बारे में आंध्र प्रदेश की सरकार के साथ जा बातचीत चल रही थी, उसका क्या परिणाम निकला है ?

निर्माण, आवास तथा संभरण मंत्री (श्री के० सी० रेड्डी) : इस विषय पर अभी तक आंध्र प्रदेश की सरकार के साथ बातचीत चल रही है ।

### Visa Rules between India and Pakistan

2219. { श्री राम Krishan Gupta:  
श्री D. C. Sharma:  
श्री Inder J. Malhotra:  
श्री Ajit Singh Sarhadi:  
श्री Nek Ram Negi:

Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 361 on the 22nd November, 1960 and state the progress made in the matter of relaxation of visa rules between India and Pakistan?

The **Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru)**: There has been no further progress as the Government of Pakistan appear to be opposed to any liberalisation. Recently our Acting High Commissioner in Pakistan has drawn the attention of the Government of Pakistan to recent restrictions imposed by them making it normally impossible for a Pakistani to come to India more than once a year. He has told them that this is against the Indo-Pakistan Passport and visa scheme.

### Safety Measures in Mines

2220. { श्री राम Krishan Gupta:  
श्री Ajit Singh Sarhadi:

Will the **Minister of Labour and Employment** be pleased to refer to the reply given to Starred Question No. 9 on the 14th November, 1960 and state:

(a) whether the views of the employers and mines managers, organisations etc. on measures for the promotion of safety in mines through education and propaganda have been ascertained; and

(b) if so, the details thereof?

The **Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra)**: (a) and (b). Of the mine owners', workers' and mine managers' organisations address-

sed, only three organisations have forwarded their views. Two of these organisations have expressed general agreement with the recommendations of the Committee on Safety Education and Propaganda. The third has suggested that the National Mines Safety Council, proposed by the Committee, should not be under the control of, or an adjunct to, the office of the Chief Inspector of Mines.

#### Evacuee Agricultural Land in Punjab

2221. **Shri Ram Krishan Gupta:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Unstarred Question No. 24 on the 14th November, 1960 and state:

(a) whether Government have since examined the allotment of evacuee agricultural land to the remaining cultural and religious institutions in Punjab which have not started functioning as yet; and

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

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) and (b). Out of a total of 473 institutions, the cases of only 14 institutions are pending for review by the Punjab Government. In regard to the 459 cases which have already been reviewed, only in 50 cases it has been found that the institutions have started functioning in India.

#### तृतीय पंच वर्षीय योजना

२२२२. श्री स० सा० द्विवेदी : क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) तृतीय पंचवर्षीय योजना की प्रस्तावित लागत में अल्पिम रूप से कितनी और लागत बढ़ाने का निश्चय किया गया है और क्यों ;

(ख) जबकि राज्यों ने अपनी योजनाओं में लगाई जाने वाली पूंजी में ३१५ करोड़ की वृद्धि कर दी थी, तो किन मदों में कमी की जा रही है ;

(ग) किन मदों के अन्तर्गत राज्यों द्वारा मांगी गई धन राशियां स्वीकृत की जा रही हैं और कितनी-कितनी ;

(घ) क्या भारत सरकार के विभिन्न मंत्रालयों और विभागों एवं उनके अन्य एजेंसियों में भी धन राशि बढ़ाने की मांग आई है ;

(ङ) यदि हां, तो क्या योजना ने इन पर विचार किया है; और

(च) केन्द्र द्वारा सूत्रपात की गई कितनी और कौन सी योजनाएँ हैं जो राज्यों के हवाले कर दी गई हैं और इनके लिये कितनी अधिकतम धनराशि मंजूर करने का प्रस्ताव किया गया था ?

**अस और रोजगार तथा योजना उपसमूह (श्री ल० ना० मिश्र) :** (क) में (च). तीसरी योजना में सार्वजनिक क्षेत्र में कुल पूंजी-विनियोग का अनुमान अब ७५०० करोड़ रुपये है जबकि योजना के प्रारूप में यह ७२५० करोड़ रुपये दिखाया गया था। यह साधनों के संशोधित अनुमान के अनुरूप है। राज्यों की योजनाओं में २०० करोड़ रुपये और केन्द्रीय मंत्रालयों की योजनाओं में ५० करोड़ रुपये की वृद्धि हुई है। तीसरी योजना के पूंजी-विनियोग तथा साधनों के सम्बन्ध में राष्ट्रीय विकास परिषद् द्वारा स्वीकृत प्रस्ताव की एक प्रति सभा-घटन पर प्रस्तुत है [देखिये अनुबन्ध ४, संख्या १]

राज्यों की योजनाओं में विनियोग की राशि को विकास के विभिन्न मदों और स्कीमों पर किस प्रकार बांटा गया है इसकी जानकारी भेजने के लिये योजना आयोग राज्य सरकारों को लिख चुका है।

केन्द्र तथा राज्यों के बीच विकास के विभिन्न मदों के अनुसार पूंजी-विनियोग का जो बितरण होगा उसका अल्पिम चित्र तीसरी योजना की रिपोर्ट में मिलेगा। यह रिपोर्ट तैयार हो रही है।



### Manufacture of Big Clocks

**2223. Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any factory has been set up in India for manufacturing big clocks; and

(b) if so, location and the capacity thereof?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). There are five firms producing clocks in the large scale sector. Three of the firms are located at Bombay and one each in Calcutta and Morvi. Their total production capacity is 66,000 Nos. per annum.

Besides, a number of small scale units are also manufacturing wall clocks. Information regarding their location and capacity is not available.

### Copper and Brass Allocations

**2224. Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state the details of the allocations of copper and brass that have been made to the various States by the State Trading Corporation in the years 1959-60 and 1960-61 so far?

**The Minister of Industry (Shri Manubhai Shah):** Distribution of brass is not under control. As regards copper, distribution is made not on State-wise basis but on actual user basis depending on number of factories. The State Trading Corporation only imports the metal and distribution is made by the Controller of Non-Ferrous Metals on the basis of the recommendations of the State Directors of Industries. Allocations are made to the individual units on the basis of past performance and consumption. If the Hon'ble Member would like to have figures for the allocation of copper to any particular units, I will be glad to furnish the same.

### दिल्ली की चर्म उद्योग बस्ती

**२२२५. श्री नवल प्रभाकर :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली हरिजन कल्याण बोर्ड ने सर्वसम्मति से यह प्रस्ताव स्वीकार किया है कि दिल्ली में एक चर्म उद्योग बस्ती का निर्माण किया जाये; और

(ख) यदि हां, तो इस विषय में दिल्ली प्रशासन ने क्या कदम उठाये हैं ?

**उद्योग मंत्री (श्री मनुभाई शाह) :**

(क) जी नहीं ।

(ख) प्रश्न ही नहीं उठता ।

### Trade Routes between India and Tibet

**2226. Shrimati Ila Palchoudhuri:** Will the Prime Minister be pleased to state:

(a) whether the Government of India's attention has been drawn to recent newspaper reports that Tibetan traders have discovered a new trade route from Tibet to India through West Nepal border area and Nautanwa on the border of Gorakhpur District in U.P.;

(b) if so, what is the actual fact of the matter;

(c) how many Tibetans have entered India during this winter so far through the new route; and

(d) the details of trade transactions done?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) to (d). Between Nepal and Tibet there are a number of traditional routes but these routes are not the concern or within control of the Government of India. As regards trade between Nepal and India there are no restrictions on movement.



**Village Housing Project Scheme in Punjab**

**2227. Shri Ajit Singh Sarhadi:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) what is the total amount allotted to Punjab for 1960-61 under the Village Housing Project Scheme;

(b) whether Government have paid the entire amount to Punjab; and

(c) the progress achieved so far?

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** (a) A sum of Rs. 24.85 lakhs (including a sum of Rs. 0.35 lakhs as 'grant' for the State Rural Housing Cell) was allocated to the Government of Punjab for 1960-61.

(b) Yes.

(c) According to the reports received from the Government of Punjab, all the 200 villages allotted to them for the Second Plan period had been selected. The State Government have drawn a sum of Rs. 32.17 lakhs since the inception of the Scheme in October, 1957, as against an allocation of Rs. 34.30 lakhs. Loans sanctioned to beneficiaries till the 31st December, 1960 amount to about Rs. 17.5 lakhs, out of which about Rs. 7.15 lakhs had actually been disbursed to them.

**Quarters in Andrews Ganj, New Delhi**

**2228. Shri Ram Garib:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that a number of quarters have recently been allotted to Class IV staff in the Andrews Ganj, New Delhi without levelling the ground in front of the quarters and without removing the debris lying inside the quarters;

(b) whether electricity fittings were not completed before allotment;

(c) whether the flooring is uneven and there is no suitable outlet for water;

(d) whether the drain water pipe is not laid underground; and

(e) if so, what action has been taken in this connection?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) No.

(b) To avoid pilferage, electric fittings were not provided before the occupation of the quarters. They were provided soon after occupation.

(c) to (e). The flooring of these quarters is not uneven. Outlets for water are provided in the cooking verandah and the open balcony. For draining water from the living room, it is proposed to drill a hole through the sill of the door of the living room. The rain water pipe of the first floor balcony discharges water at the ground level from where no underground connection to the storm water drain has been provided. Saucer drains along the open courtyard to carry the discharge from the rain-water pipes to the storm water drains, are proposed to be provided.

**C.P.W.D. Staff at Madhopur**

**2229. Shri Tangamani:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that compensatory allowance was sanctioned to the C.P.W.D. staff working in the Madhopur circle and its divisions and sub-divisions in 1955;

(b) whether it is a fact that this allowance has been paid to the work-charged staff of these circles, divisions and sub-divisions from July, 1960; and

(c) if so, the reasons therefor?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) Compensatory allowance was sanctioned to the regular staff (excluding Class IV staff) working in the Madhopur Circle, its Division and Sub-Divisions from the 1st October, 1954.

(b) and (c). The orders sanctioning the allowance to workcharged staff were issued on the 11th July, 1960. According to the general practice these orders took effect from the date of issue. However, they were subsequently modified so as to take effect from the 1st July, 1959, as a special case.

**C.P.W.D. Workcharged Staff at Passighat Airfield**

2230. **Shri Tangamani:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that compensatory allowance was sanctioned to the workcharged staff of the C.P.W.D. posted at Passighat airfield with effect from July, 1960;

(b) whether it is a fact that the compensatory allowance is being paid to the Staff of Civil Aviation and meteorological Departments working in Passighat and other airfields of NEFA with effect from 1955; and

(c) if so, the reasons for this discrimination?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) Compensatory allowance was sanctioned to the workcharged staff of Central Public Works Department working at Passighat Airfield from the 1st July, 1959.

(b) The compensatory allowance is being paid to the staff of Civil Aviation and Meteorological Departments working in Passighat and other airfields of NEFA with effect from the 25th January, 1954.

(c) The orders sanctioning the allowance to workcharged staff of the Central Public Works Department were issued on the 6th July, 1960. According to the general practice of Government, these orders took effect from the date of issue. However, they were subsequently modified so as to take effect from the 1st July 1959, as a special case.

**Landed Property in Delhi**

2231. { **Shri D. C. Sharma:**  
**Sardar Iqbal Singh:**

Will the Minister of Works, Housing and Supply be pleased to state:

(a) what landed property (i) Punjab Government and (ii) Punjab princes have in Delhi; and

(b) how this property is utilised by the Central Government and what return it gives to the owners? \*

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** The information is confined to the property held under lease by Central Government.

(a) (i) Kapurthala House and Jind House.

(ii) Faridkot House, Pataudi House and Nabha Plot.

(b) Property	Used as	Rent paid
		Rs. nP.
Kapurthala House.	Office accommodation	8,688 per annum.
Jind House	Allotted to the Chinese Embassy	6,000 per annum
Faridkot House	Office accommodation.	31,806-96 per annum.
Pataudi House	Main building as Hostel and hutments as office cum residential accommodation.	10,848 per annum.
Nabha Plot	Residential accommodation (42 hutments)	1,387 per annum.

**Import of Race Horses**

2232. **Shri Raghunath Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether turf clubs are once again approaching the Government of India to grant import licences for the import of race horses, stallions and breed mares; and

(b) if so, the steps intended to be taken in this connection?

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

(b) The matter is under consideration.

### भारतीय उद्योग

२२३३. श्री विभूति मिश्र : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५६-६१ में भारत सरकार ने उन भारतीय उद्योगों के संवर्धन के लिये क्या कदम उठाये हैं, जिन का व्यापार विदेशों में बढ़ रहा है ; और

(ख) उन के परिणाम स्वरूप कहा तक सफलता मिली है ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) तथा (ख). एक विवरण पटल पर रखा जाता है। [See Appendix IV, annexure No. 2.]

दिल्ली के उच्चतर माध्यमिक स्कूलों में टेलीविजन सेट

२२३४. { श्री प्रकाशबीर शास्त्री :  
श्री विभूति मिश्र :

क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली के उच्चतर माध्यमिक विद्यालयों में अब तक कितने दूरदर्शन (टेली-विजन) लगाये जा चुके हैं ; और

(ख) क्या इस वर्ष कुछ और भी दूरदर्शन यंत्र अन्य विद्यालयों में लगाने का विचार है ?

सूचना और प्रसारण मंत्री (डा० केसकर):

(क) आकाशवाणी द्वारा दिल्ली के उच्चतर माध्यमिक विद्यालयों में ४५ दूरदर्शन (टेली-विजन) लगाये जा चुके हैं। इस के अनतिष्ठित

७ विद्यालयों ने अपने सेट प्राप्त कर लिये हैं।

(ख) जी, हां। शिक्षा-सम्बन्धी टेली-विजन योजना जुलाई १९६१ में प्रारम्भ हो जायेगी।

### Road to Bhutan

2235. Shri Assar: Will the Prime Minister be pleased to state:

(a) what progress has been made in the construction of Jalpaiguri to Parro (Bhutan) road uptill now;

(b) when it will be completed;

(c) whether it is a fact that construction work of the road is behind scheduled; and

(d) if so, the reasons therefor?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Fifty miles of the road have been constructed.

(b) Before the end of the year.

(c) and (d). No.

### Persons registered at Employment Exchanges

2236. Shri P. C. Borooah: Will the Minister of Labour and Employment be pleased to state:

(a) the number of persons registered in the Employment Exchanges for (i) clerical, (ii) skilled labour and (iii) unskilled labours' jobs during each of the years in the Second Five Year Plan; and

(b) how many were put in employment during each of the years in each category of jobs?

The Deputy Minister of Labour (Shri Abid Ali): (a) The number on the Live Register as at the end of each

year is given below: (the number registered during the period, occupation-wise, is not available).

Year/period	No. of applicants on the Live Register at the end of year/period.		
	Clerical	Skilled & semi skilled.	Unskilled
1	2	3	4
1956-57	2,09,043	58,342	3,88,594
1957-1958	2,58,140	71,717	4,72,321
1958-1959	3,09,968	96,150	6,43,174
1959-1960	3,40,945	1,01,386	7,45,017
April to Dec. 1960	4,30,674	1,12,724	7,84,431

(b)

Year/period	No. of placements effected during the year/period.		
	Clerical	Skilled & Semi-skilled	Unskilled
1	2	3	4
1956-57	37,673	21,683	81,491
1957-1958	45,594	24,947	84,407
1958-1959	46,268	30,648	97,029
1959-1960	51,792	31,486	1,19,946
April to Dec. 1960	39,296	21,413	89,502

### Indian Standards Institution

2237. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the services of a U.K. steel expert have been obtained by the Indian Standards Institution under the programme for technical cooperation in South and South East Asia;

(b) if so, on what terms; and

(c) the name of the expert?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) to (c). The services of Mr. S. Barraclough, an U.K. Steel Expert have been obtained for a total period of 9 months through the Colombo Plan Council for Technical Co-opera-

tion in South and South East Asia. The terms of service applicable to him are the same as those applicable to other experts of the Colombo Plan.

### Colour Film on Queen's Visit

2238. **Shri Aurobindo Ghosal:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether any colour film on Queen's visit has been taken; and

(b) if so, what are the expenses incurred in this connection?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) Yes, Sir.

(b) The details of expenditure have yet to be worked out.

### Textile Mills

2239. **Shri Tangamani:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government propose to make the Textile units as Economic Units of 25,000 spindles or 500 Looms;

(b) if so, how many such units will be so raised during the year, 1961-62; and

(c) the position in regard to the supply of spindles and looms to various mills State-wise for the current year and the year 1961-62?

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

(b) Does not arise.

(c) Allocations of spindles and looms during the Third Five Year Plan period including the year 1961-62 are under consideration. As regards the year 1960-61, the licensing of spindles and looms State-wise is indicated below:—

State	Spindles and looms licensed from 1-4-60 upto date.	
	Spindles	Looms.
Assam	24,500	..

State	Spindles and looms licensed from 1-4-60 upto date.	
	Spindles	Looms.
Delhi		96 Automatic looms under Export Promotion Scheme.
Gujarat	48,192	731 looms and 528 Automatic looms under Export Promotion Scheme.
Kerala	24,000	..
Madras	1,11,078	192 Automatic looms under Export Promotion Scheme.
Madhya Pradesh	17,506	380 looms and 144 Automatic looms under Export Promotion Scheme.
Maharashtra	26,602	1,440 Automatic looms under Export Promotion Scheme.
Mysore	13,000	144 Automatic looms under Export Promotion Scheme.
Punjab	36,396	25 looms.
Rajasthan	59,428	1,315 looms.
Uttar Pradesh	37,400	288 Automatic looms under Export Promotion Scheme.
West Bengal	55,376	129 looms.

#### Detention of Dr. Savino and Mr. Namo

**2240. Shri L. Achaw Singh:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Dr. Savino and Mr. Dally Namo of N.H.T.A. have been under detention in the Assam Jail for the last three years under the Preventive Detention Act; and

(b) if so, whether new grounds have been supplied to them for their continued detention since 1958?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** a) and (b). Shri Megoseiso Savino of the Kohima District of Nagaland was arrested in February, 1956, under the Assam Maintenance of Public Order Act, 1953, for indulging in subversive activities against the State. With the declaration of general amnesty and assurances from him that he would abstain from participation in such subversive activities, he was released in September, 1957. He was again arrested on the 14th January, 1959, under the Preventive Detention Act, together with Shri L.A. Dally Namo, for entering into a conspiracy with the immediate object of obtaining assistance in the form of arms and money for the furtherance of the cause of the hostile Nagas engaged in acts of violence against the State.

Sarvashri Savino and Dally Namo were further detained in January, 1960, as it was considered that their presence would give a stimulus to the hostiles to persist in their acts of violence and lawlessness and would adversely affect progress towards the peaceful settlement of the Naga problem besides jeopardizing the law and order situation and endangering security.

With the improvement in situation, the detention orders against both these persons have been revoked from the 18th February, 1961, and they have been released from detention.

#### Fertilizer Plant

**2241. Shri L. Achaw Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a U.S. consortium will have 51 per cent. of the share holdings of a company to run a fertilizer plant in West Bengal with Government participation; and

(b) whether the scheme is within the general frame-work of the Third Five Year Plan?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). A factory at Durgapur

is included in the general scheme for the production of fertilizers during the 3rd Five Year Plan. Negotiations for financial participation in such a project are in progress between the West Bengal Government and a consortium of American firms. The scheme which emerges from these discussions will be considered by the Government of India and the point whether it is necessary and appropriate to permit majority shareholding to foreign collaborators in this particular case will have to be examined at that stage.

#### **Cooperative Societies for Government Employees**

**2242. Shri D. C. Sharma:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether there is any proposal to provide funds for co-operative societies recently formed for Government Employees to construct houses for members on hire-purchase for solving the housing problem in Delhi; and

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

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** (a) and (b). There is no proposal under the consideration of the Ministry of Works, Housing and Supply for providing funds exclusively to cooperative societies of Government servants in Delhi. The co-operative societies of Government servants, like other co-operative societies can, however, avail themselves of the loan-facilities, to the extent admissible, under the Low Income Group Housing Scheme and the Middle Income Group Housing Scheme. The Central Government servants, in their individual capacity, can also obtain house-building loans under the "Rules to regulate the grant of advances to Central Government servants for building etc. of houses."

#### **Spinning Mills in Madras State**

**2243. Shri Subbiah Ambalam:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of handlooms in the co-operative sector in Madras State at present and the quantity of yarn required per month;

(b) the number of co-operative spinning mills in Madras State, their spindleage and quantity of yarn provided per month;

(c) whether assessment of yarn requirements during the Third Plan period have been made;

(d) if so, the details thereof;

(e) whether Madras Government have asked for permission for starting new spinning mills in co-operative sector during the Third Plan period; and

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

**The Minister of Industry (Shri Manubhai Shah):** (a) There are 2,01,990 handlooms in the co-operative sector in Madras State and the quantity of cotton yarn required per month is 7,240 bales of 400 lbs. each.

(b) Four co-operative spinning mills with total spindleage of 52,000 have been licensed in Madras State. Their monthly cotton yarn manufacturing capacity is estimated to be 3,000 bales of 400 lbs. each. Of these one mill with a capacity of 587 bales per month has gone into production.

(c) and (d). The requirements of yarn for the Third Plan period has been estimated at 2,250 million lbs. per year.

(e) and (f). The Government of Madras have requested for reservation of adequate capacity for starting four or five new spinning mills in the co-operative sector.

#### **Documentaries in Kashmiri and Dogri Languages**

**2244. Shaikh Mohammad Akbar:** Will the Minister of Information and

**Broadcasting** be pleased to state the total number of Documentaries produced by his Ministry in Kashmiri and Dogri languages during 1960-61 so far?

**The Minister of Information and Broadcasting (Dr. Keskar):** No documentaries have been produced in Kashmiri and Dogri during 1960-61. Films are now being produced in simple Urdu for exhibition in Jammu and Kashmir.

#### **Funds for Scheduled Castes in Manipur**

**2245. Shri L. Achaw Singh:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that a sum of Rs. 6.49 lakhs has been proposed for allotment as funds for the welfare of Scheduled Castes in Manipur for the Third Five Year Plan by the Local Administration;

(b) whether the Planning Commission has approved and sanctioned the amount; and

(c) whether the Scheduled Castes Advisory Board for Manipur has recommended the allotment of the entire amount and not slicing it off?

**The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra):** (a) The Manipur Administration proposed Rs. 6.47 lakhs for Third Five Year Plan for the Welfare of Scheduled Castes.

(b) and (c). The matter is under consideration.

#### **Quarters in Old Rajendra Nagar Delhi**

**2246. Shri L. Achaw Singh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that quarters in the old Rajendra Nagar, Delhi having an area of 86 sq. yards with one bath and one kitchen as well as boundary walls have been transferred to two displaced persons irrespective of the size of the family;

(b) whether one displaced person has been allotted a plot of 100 sq. yards in the colony; and

(c) whether the quarters of old Rajendra Nagar were classified as of one unit for one family each?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Yes. 15 quarters by the Multiple Allotment Committee because of subletting by the original allottees.

(b) Yes.

(c) Yes.

#### **Export of Fish, Fruits and Vegetables**

**2247. Shri Ajit Singh Sarhadi:** Will the Minister of Commerce and Industry be pleased to state:

(a) what are the main recommendations of the Delegation which visited West Asia, Africa and certain Western countries in August, 1959 about the possibilities of large scale export of Indian processed foods, such as fish, fruits and vegetables; and

(b) Government's reaction thereto?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). A statement is laid on the Table. [See Appendix IV, annexure No. 3].

#### **दिल्ली में सिनेमा घर**

२२४८. श्री नवल प्रभाकर : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली प्रशासन की ओर से दिल्ली में गत पाँच वर्षों में कितने सिनेमा-घरों को लाइसेंस दिये गये ;

(ख) क्या उक्त अवधि में न्यूनतम नियम बदले गये हैं; और

(ग) यदि हाँ, तो इसका क्या कारण है ?



**सूचना और प्रसारण मंत्री (डा० केतकर):**  
(क) छ: ।

(ख) और (ग). जी, हां । समय समय पर जनता की भलाई, सुरक्षा और सुविधा की खातिर नियमों में संशोधन किये गये हैं ।

#### **Reorganization of Divisions and Circles of C.P.W.D.**

**2249. Shri Tangamani:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that consequent on the creation of new zones in the Central Public Works Department the existing Divisions and Circles have been reorganised;

(b) whether it is a fact that as a result of it, the seniority of work-charged staff for purposes of promotion and retrenchment has been disturbed;

(c) if so, whether any steps are being taken not to disturb this seniority of the workers; and

(d) if not, the reasons therefor?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) Yes.

(b) It is possible that the seniority of some workers has been affected.

(c) and (d). As a result of the re-organisation of Divisions and Circles, some of the workcharged staff have been transferred from one unit to another. The seniority of such workers transferred along with the works has been protected to the extent that their past service will count for seniority in the new units. The position of a worker in the seniority list of the new unit to which he is transferred may not, however, be the same as that in the unit to which he belonged earlier.

#### **Handloom Weavers' Central Co-operative Association at Hyderabad**

**2250. Shri Rami Reddy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the State Government of Andhra Pradesh propose to participate in the share capital of the Handloom Weavers' Central Cooperative Association at Hyderabad;

(b) whether the State Government have submitted any scheme in this regard to the Centre with a request for Central assistance;

(c) what are the details of the scheme; and

(d) the action taken by the Centre in the matter?

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

(c) and (d). In accordance with the accepted pattern of assistance to the Handloom Industry State participation in the Share Capital structure of the handloom weavers co-operative societies is 51 per cent. of the paid up capital of the societies. Andhra State Government have been allowed as a special case to participate in the share capital structure of the Handloom Weavers' Central Co-operative Association at Hyderabad upto 75 per cent.

#### **Raid by Pakistani Nationals**

**2251. Shri Muhammed Elias:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that an armed gang of Pakistani nationals raided Gahi, a village 16 miles from Jammu in the second week of February, 1961; and

(b) if so, what action has been taken in this matter?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) A dacoity was committed in the house of a resident of

village Gahi, Police Station Kana Chak, on the night of February 14/15, 1961. The miscreants are suspected to have come from Pakistan.

(b) A case has been registered by the Jammu and Kashmir Police for investigation.

#### House Rent

2252. **Shri Radha Raman:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government have received any representations from the allottees of Government quarters, Associations and Staff Councils for the reduction of house rent from 10 per cent. to 7½ per cent. due to merger of full dearness allowance in the basic pay; and

(b) if so, what decision has been taken thereon by Government?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) and (b). On the recommendations of the Pay Commission, it was decided that standard rent limited to 7½ per cent. of their emoluments should be charged from Central Government servants whose pay is below Rs. 150 per mensem. Representations were received wherein it was urged that this concession should be extended to certain categories of Government servants drawing Rs. 150 or more per mensem. The request was not accepted.

#### Export of Japanese Paper-making Plant

2253. **Shri Ramakrishana Reddy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a Tokyo machinery firm (of Okomoto Takkow) has agreed for a technical tie-up agreement for the export of Japanese paper making plant and know-how to India;

(b) whether the firm has made agreements with an industrial concern in Bihar and other paper manufacturing firms in India to export nearly Rs. 200 lakhs worth of paper making machinery to be set up in India; and

(c) if so, the details thereof?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (c). M/s. Rohtas Industries Limited, Dalmianagar (Bihar) who are licenced for the manufacture of paper mill machinery have sent to Government a proposal for technical collaboration with M/s. Okamoto Tekko Co. Ltd., Japan for the manufacture of paper mill machinery. This proposal is under consideration of Government. Government have no knowledge of this Japanese firm having made arrangements with paper manufacturing firms for the supply of paper making machinery to them. Some Indian paper mills have however placed contracts for the supply of machinery with a Japanese firm who are said to be the agents of M/s. Okamoto Tekko.

#### Co-operative Housing Colony for Weavers in Orissa

2254. **Shri Chintamani Panigrahi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the co-operative housing colony for weavers has been constructed by Khurda Society in the district of Puri in Orissa;

(b) if so, for how many families and at what cost;

(c) whether it is also a fact that after the tenders were called for the construction of the co-operative housing colony at Sanapadar in Puri District, the scheme was abandoned; and

(d) if so, the reasons therefor?

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

(b) Two colonies, one for 40 families and the other for 60 families at a cost of Rs. 1,44,000 and Rs. 2,16,000 respectively.

(c) Yes, Sir.

(d) It has been reported by the State Government that housing colony allotted to Sanapadar Weavers' Co-operative Society was cancelled as certain allegations against the society

were brought to the notice of the State Government.

#### **Export of Cotton from Tripura**

**2255. Shri Bangshi Thakur:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that due to excessive export of cotton from Tripura, the ginning mills of Tripura are on the point of stand-still and for this reason the labourers of ginning mills are being thrown out of jobs; and

(b) if so, the reason for such excessive export and action taken to solve the unemployment problem?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). The cotton grown in Tripura State is a variety called Comillas, which is not utilised for consumption in mills in India. It is normally exported almost entirely to foreign countries. There is, therefore, no question of excessive export of this cotton as referred to in the question.

Cotton ginning and pressing factories in Tripura work only during ginning season, that is, the period September to January each year, and they remain idle for the rest of the year. This is a normal feature. With a view to keeping the labour in the pressing factories employed during the off periods measures such as provision and ancillary industries and increased production of the cotton (which is a good foreign exchange earner) are already under contemplation.

#### **Licences for Industries**

**2256. Shri Morarka:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of industrial licences, category-wise for different industries, issued both for new schemes and schemes for substantial expansions in the calendar year 1958, 1959 and 1960;

(b) how many of these schemes licensed as in part (a) above have al-

ready their import licences issued for capital goods, plant and machinery to be imported from abroad;

(c) total value of import licences for capital goods, plant and machinery issued as in part (b) above, category-wise for different industries; and

(d) how many of these schemes for which industrial licences have been issued as in part (a) above are still without their import licences for capital goods, plant and machinery from abroad not issued or applied for?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (d). Information is being collected and will be laid on the Table of the House.

#### **All India Handicrafts Board**

**2257. Shri A. M. Tariq:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the All India Handicrafts Board is giving financial Assistance to any institution;

(b) if so, the names of such institutions; and

(c) the amount granted during the year 1960-61 so far?

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

(b) and (c). A statement is laid on the Table. [See Appendix IV, annexure No. 4].

#### **Export Promotion**

**2258. Shri Achar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have any proposals to constitute a committee of Secretaries and other officials to decide matters bearing on export promotion; and

(b) if so, the scope, nature and powers of the Committee?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) Yes, Sir.

(b) The proposed Committee will deal with such matters in relation to expansion of our exports as require inter-ministerial consultations. Its function will be to expedite the process of taking decisions through personal discussions at a high administrative level. There is no intention to define its powers in precise terms.

#### **Misappropriation of Tripura Sales Emporium Funds**

2260. **Shri Dasaratha Deb:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that misappropriation of fund of the Tripura Sales Emporium has been detected recently;

(b) if so, the amount misappropriated and the persons involved in it;

(c) the steps taken against the suspected persons; and

(d) whether any persons have so far been arrested in this connection?

**The Minister of Industry (Shri Manubhai Shah):** (a) Presumably, the reference in the question is to a Sales Emporium being run by the Tripura Administration. If so, then no case of misappropriation has been detected in any of the Sales Emporia being run by that Administration.

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

#### **Export of Engineering Industry Goods**

2261. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Chairman of the Engineering Export Promotion Council, recently urged the Government to offer incentives to promote export of engineering industry goods;

(b) if so, what incentives were demanded; and

(c) what is Government's decision;

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) The Chairman of the Engineering Export Promotion Council is, in a recent Press Conference, reported to have urged the Government to give more incentives for export.

(b) According to the Press Report, the incentives demanded included the reduction in the price of pig iron and steel, reduction in shipping freights, income tax relief and increase in import entitlement under the Export Promotion Scheme.

(c) Several incentives are already granted to the manufacturers of engineering goods. Government decisions on specific demands made by the Council through formal communications are announced publicly soon after these are arrived at.

#### **Allotment of Land to Colleges in Delhi University**

2262. **Shri C. K. Bhattacharya:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether lands have been allotted to some colleges affiliated to the Delhi University; and

(b) if so, what are the names of these colleges and in what areas are they situated?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) Yes, Sir.

(b) The Ministry of Works, Housing and Supply have allotted lands at Delhi to the Dayal Singh College on Lodi Road, P.G.D.A.V. College also on Lodi Road, Shrimati Janki Devi College in Poorvi Marg and Sanatan Dharm College on Ring Road.

#### **Lacquering Plant at Moradabad**

2263. **Shrimati Maimoona Sultan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal to set up a lacquering plant at Moradabad for polishing etc. of brass and copper ware; and

(b) if so, at what cost?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). We have not received any proposal to set up a lacquering plant at Moradabad for polishing etc. of brass and copper ware.

#### Kiln for Handmade Pottery

**2264. Shrimati Maimoona Sultan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is proposed to set up a common Kiln for baking hand made pottery at high temperatures to encourage the handicraft industry; and

(b) if so, where and at what cost?

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

(b) Does not arise.

#### Import of Ivory

**2265. Shrimati Maimoona Sultan:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of ivory imported so far, during each of the years since the beginning of the Second Five Year Plan;

(b) whether it was not sufficient to meet the requirements of the cottage industry; and

(c) whether any arrangements are being made to augment the supply of ivory to the industry in the forthcoming year and, if so, what?

**The Minister of Industry (Shri Manubhai Shah):** (a) The quantity of Ivory (Unmanufactured) imported during each of the years 1956-57 to 1960-61 (April—November) is as follows:—

Year	Quantity in '000' of lbs.	Value in '000' of Rs.
1956-57 . . . . .	276	4244
1957-58 . . . . .	258	3346
1958-59 . . . . .	88	1494
1959-60 . . . . .	177	3488
1960-61 . . . . . (April—November)	133	2970

(b) It has been reported that the ivory manufacturers had been experiencing shortage of raw ivory.

(c) A special scheme for allowing import of unmanufactured ivory against export of ivory articles is being considered.

#### Raw Materials for Cottage Industry

**2266. Shrimati Maimoona Sultan:** Will the Minister of Commerce and Industry be pleased to state: .

(a) whether the cottage industry is suffering from shortage of raw materials;

(b) if so, to what extent; and

(c) whether this shortage can possibly be met indigenously and if so, to what extent?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (c). There is no shortage of raw material in respect of the Coir, Handloom and Khadi and Village Industries. In regard to handicrafts and Sericulture, some dearth of raw material has been felt. For handicrafts, the shortage is felt in respect of the materials required for Art-metalware, Ivory goods, Zari goods and carpets. The extent of the shortage is being assessed. Most of the shortage has to be met by imports. In the case of Sericulture, the shortage is estimated at 6 to 9 lakh lbs. of raw silk and 1.35 to 2 lakh lbs. of spun silk. The shortage cannot at present be met through indigenous resources.

#### Handicraft Goods

**2267. Shrimati Maimoona Sultan:** Will the Minister of Commerce and Industry be pleased to state:

(a) how many emporia are at present selling out Handicraft goods in the country; and

(b) what was the income from the sale of these goods during the last five years separately?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). As far as Government is aware, about 142

emporia are selling handicraft goods in the country. These emporia are being run by various agencies such as State Governments, private institutions traders etc. etc., and no information is available in regard to their income from the sale of handicraft goods.

**Rent of Residences Allotted to Government Employees in New Delhi**

2268. { Shri Vajpayee:  
Shri Assar:

Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that 10 per cent. rent is being deducted even in respect of the compensatory allowance from the Government employees in occupation of Government residences in New Delhi;

(b) if so, whether the said compensatory allowance is not taken into account for the purpose of the allotment of the quarters in New Delhi; and

(c) if the answer to part (b) above be in the affirmative, the reasons for the same?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) Yes.

(b) Yes.

(c) "Emoluments" for the purpose of recovery of rent for Government accommodation include *inter alia* compensatory (city) allowance in accordance with the provisions of Fundamental Rule 45-C. Eligibility of officers for various classes of accommodation is determined with reference to the "emoluments" as defined in the allotment rules. For this purpose the compensatory (city) allowance is not taken into consideration in determining the emoluments. The allowance is paid to Government servants only in certain cities where the cost of living is high and is related to the expensiveness of the city.

The class of accommodation to which an officer is entitled is co-related to his status normally determined by pay. Moreover, the inclusion of this allowance in "emoluments" for the purpose of allotment is not likely to be of much practical benefit to the officers concerned in securing allotment of higher class accommodation.

**Houses Built on Nazul Land in Paharganj, New Delhi**

2269. { Shri Vajpayee:  
Shri Assar:

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that displaced persons who have built houses on the nazul land left by the evacuees in Paharganj, New Delhi, are being asked to pay something as "goodwill" for the land to Government;

(b) whether it is also a fact that the Custodian is charging the cost of this nazul land at between Rs. 50 to 80 per sq. yard though the land has never been acquired or developed by the Rehabilitation Ministry;

(c) whether tenders are being invited for the sale of properties built by displaced persons on this land resulting in further displacement of refugees; and

(d) if so, whether there is any proposal to resettle the refugees thus rendered homeless?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) to (d). The matter is under examination in consultation with the Delhi Development Authority and other connected Departments Pending examination all action to dispose of the property has been stayed.

12.04 hrs.

STATEMENT RE: COMMONWEALTH  
PRIME MINISTERS' CONFERENCE

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** Mr. Speaker, Sir, I should like to place on the Table of the House a copy of the final communique issued by the Commonwealth Prime Ministers' Conference.

A great part of this probably has appeared in the press, but I think it would be desirable to have a correct and full copy of it for reference by hon. Members.

I went to this Conference with considerable hesitation. Normally, I do not like to be away from India, when Parliament is meeting, more especially, during the Budget Session. Also, at that time, a very dear and valued colleague of ours was lying seriously ill. Nevertheless, ultimately, I thought that I ought to go, as this was an unusually important meeting of the Commonwealth Prime Ministers, and as events proved, it was an important meeting, and it came to several decisions which have a much wider significance than normally our decisions had previously.

This meeting was held, not in the normal course, but for special reasons, and it was confined to the consideration of certain specific major problems, among them being disarmament, the structure of the United Nations, and certain constitutional problems affecting the Commonwealth itself. In addition, we considered a matter of urgent importance, that is, the Congo situation. We confined our attention to these matters.

But, one matter, in a sense, overshadowed all our proceedings. This was the question of South Africa. We discussed it at some considerable length there, but apart from our discussions, it was a matter which was in the minds of all of us present

there, even when we were discussing other matters, because the whole future of the Commonwealth depended upon that.

It came up, as perhaps the House knows, because of an application of the South African Union Government for continuing its membership of the Commonwealth, even though it is becoming a Republic on the 31st May this year. Normally, internal matters are not considered by this Commonwealth Conference. Also, the fact that a country becomes a Republic has ceased to be a novelty in the Commonwealth; and for us, especially, to oppose a country becoming a Republic would be rather odd. There was no question of our opposition to that matter.

Nevertheless, all this was connected in people's mind with the racial policies of the South African Union Government, and it was not possible, even though technically it might not perhaps have fitted in, to ignore this major fact in considering any matter related to the South African Union Government.

As a matter of fact, the Prime Minister of South Africa, who was present, himself agreed to this matter being considered or taken up, and it was discussed at some length. All the other Prime Ministers present there felt that one of the basic conditions of the Commonwealth continuing or surviving was a strict adherence to the policy of racial equality, and that the policy of the South African Government was not compatible with it. In fact, it was definitely opposed to it, as we all know. And, therefore, this deadlock arose and as the South African Government, that is, its Prime Minister, was completely unwilling to make the slightest change in the policies pursued by them in South Africa, there was no way out of the deadlock, except some kind of cleavage in the Commonwealth itself. It was clear that if these policies were pursued even by one Member-Government of the Commonwealth,



they would react on many other Members who would find it difficult possibly to continue in the Commonwealth. I need not go into this matter, because everyone here, not only in this House but in this country, feels strongly about these matters; it is a question not only of fundamental human freedoms, but of national self-respect. And it seemed quite improper for us to be a member of an organisation which itself tolerated this kind of racial policies which are pursued by the South African Union Government. On the other hand, the Prime Minister of the South African Union was equally certain about his own position and justified it. There was no meeting ground at all on that issue. There had, therefore, to be some kind of a break.

Now, no one likes—at least most people do not like—breaking something. It is always easier to break than to construct. It was not easy for us therefore, to view the prospect of breaking this up, but events were such that there was no alternative left, and ultimately the Prime Minister of the South African Union withdrew his application for continuing membership. Thus this question, in so far as the Commonwealth is concerned, was solved for the moment.

This was a very significant step that the Commonwealth took, but I believe that has strengthened it and certainly not weakened it. It has even a wider significance than it might appear at first sight, because thereby the question of racial equality has been put on the highest level in the world context. As a matter of fact, the United Nations Charter itself contains this, and what the South African Government has been doing was in direct violation of that Charter.

So this decision itself in regard to South Africa has made this session of the Commonwealth Prime Ministers' Conference a very special and unique one. This has attracted world attention, and its consequences

will be far-reaching. It must be realised, however, that by South Africa going outside the Commonwealth, the South African policy of apartheid or segregation or racial discrimination does not diminish at all. In fact, the Prime Minister of South Africa made it quite clear that he would pursue it as vigorously as ever. In fact, it was because of that that the break came.

So that the evil continues and will continue in an aggravated form. The only satisfaction we can have is that we are not associated with it in any form through any organisation. That is some satisfaction, no doubt; here it is not a question of India only when I say 'we', but many other countries also. And the fact that this has evoked comment in almost every country in the world favourably to the Commonwealth insisting on racial equality to the extent even of South Africa leaving it itself shows that in this matter at least, the South African Union Government is almost completely isolated from world opinion.

It is not right for me to say what happened inside the meetings of the Commonwealth Conference. But it is well-known that the issue, as it came up there, was not an issue supported on the one side by Asian and African members only, but it was supported really by all the members in varying degrees, and the South African representative stood alone by himself in his particular views.

Therefore, while this, I think, has been a good development from every point of view, we must remember that the policies under which vast numbers of Africans as well as people of Indian descent suffer in South Africa are continuing, and will continue till other developments take place or other pressures of world opinion or world organisations result in changes being brought about. We have, therefore, to be wide awake in these matters and not be complacent. It is surprising that in Africa which is today in a state of great ferment

[Shri Jawaharlal Nehru]

and change and where many independent countries have emerged in the last few months even, and will continue emerging in the next year or two, that in that great Continent which is undergoing such vast changes, in South Africa these policies of racial segregation and suppression should still continue. It is impossible for me to imagine how this can continue for long without bringing about conflicts, and vast conflicts, involving many countries, because it is quite intolerable for the new countries of Africa, as indeed of Asia too, to tolerate such a situation.

So far as the Commonwealth is concerned, this odd fact emerged, that these independent countries of Africa which are members of the Commonwealth will not even be permitted—and I suppose that applies to Asia too—to have their Missions in South Africa, normal diplomatic Missions, because, apparently, they belong to a different race. The Prime Minister of South Africa pleading for or trying to explain his own policy, denied that this was racial inequality at all. He said this is a policy of separate development of different races.

**An Hon. Member:** Co-existence!

**Shri Jawaharlal Nehru:** I was almost expecting him to say—I do not know why he did not say it—that this was a policy of peaceful co-existence!

Now, looking at this South African development in the context of events in Africa specially, it has the greatest importance. In this connection, may I add that South West-Africa, which was a mandate given by the old League of Nations to the South African Government through the British Government, has been practically absorbed governmentally and otherwise by the South African Union? That has been a violation of that mandate. This question only recently came up, was going to come up, before the United Nations, and it is an important matter that this mandate should be honoured.

Then looking at Africa again in another context; in the context of the continuation of colonialism, we find that while great progress has been made, and is being made there and free countries are emerging, there are still some countries which are not only completely under colonial domination but are probably experiencing the worst forms of colonial exploitation, more particularly the Portuguese colonies there.

Africa indeed today in a variety of ways is attracting a great deal of world attention. There is the situation in the Congo which we discussed there at some length, and the House, no doubt, has been following those developments in the Congo. In the Communique, there is a brief reference to the Congo where it says that they approve of the recent resolution of the Security Council passed, I think, on February 21, and want it to be implemented fully and rapidly. The general impression in the Conference there, and elsewhere, indeed wherever I went was one of great appreciation of the Indian action in sending our armed forces there, sending them more particularly at that particular time when the United Nations were facing very great difficulties in the Congo.

I should like just briefly to mention that in discussing the Congo, the affairs of the Congo, we pointed out quite frankly our own opinions on the subject, and how the United Nations had not been allowed to function properly by not only people in the Congo, but people outside, great countries outside and their representatives in the Congo. The United Nations even now is in the extraordinary position of being condemned and criticised by various countries which are opposed to each other in world politics, but which, to some extent, agree in criticising the United Nations; or, if they do not criticise it, they act against the working of the United Nations in the Congo.

What the United Nations is doing in the Congo is itself a rather new adventure for the United Nations. If that fails, it will be a bad day certainly for the United Nations, and possibly for the world as a whole. If it succeeds, it will enhance the prestige of the United Nations, and make it clear that the kind of things that have happened in the Congo in the past cannot happen because there is this great world organisation to come and deal with it. So, it is a very important matter that the United Nations should succeed, and should succeed, of course, in the right way.

It was this consideration that led us to send our forces abroad. We did so with great reluctance, because, as the House knows, we have never done this kind of thing before. It was a novel enterprise, an enterprise full of difficulties and even risks, but because of this, and because of the fact that the resolution passed by the Security Council was one with which we agreed, we felt in honour bound to go to its support, and we have sent them.

Some of our troops have landed there, and some are on the way. I may point out, however, that even now there are all kinds of risks involved in this, and difficulties, because only recently one of the principal ports there, Matadi, was forcibly taken by some of the factional authorities in the Congo, by Mr. or Gen. Mobutu, I think. That is a serious matter for us and for our forces in the sense that the ships carrying supplies from India for the Congo have to go to that port, and if that port is not fully in the occupation of the U.N., there may be trouble; there may be difficulties in landing our people or our supplies. It is essential for a proper carrying out of the U.N.'s work there that the airports and the ports should be in their possession and under their control. We have pointed that out, and we are watching the situation very carefully.

We sent these forces naturally, if necessity arises, to take armed action,

but in the hope that this will not be necessary. They have gone there really on a mission of peace, and to help the U.N. in preserving order there, in establishing peace, and allowing the Congolese Parliament to meet, and then decide about its Government etc.

We have thus far not recognised any Government in the Congo. We have dealt with the authorities as they are. Most of these Governments in the Congo have appeared on the scene through some kind of coup d'etat, which hardly has any constitutional or legal basis. The only legal basis there was originally was to the Government of which Mr. Kasavubu was President and Mr. Lumumba was Prime Minister. Jointly, they had a certain basis. Singly, their powers were limited. Anyhow, with the assassination of Mr. Lumumba, and even before that, Mr. Kasavubu started functioning by himself as if he was the entire Government, which had no legal justification. Nevertheless, he was supported in this attitude, and was then taken into the United Nations as representing the Congo. It is not for me to criticise the United Nations General Assembly, but that was an unfortunate step that was taken then, and it resulted in unfortunate consequences. I think step by step it led to the deterioration of the position in the Congo.

Now, I believe that the crux of the question in the Congo is not so much armed forces, although they may be necessary, but the presence of the Belgians there, of Belgian mercenaries, or call them what you like, supporting some of those factions there, especially in Katanga province and in Leopoldville, Mobutu and some others. Right from the beginning, the United Nations have asked for the withdrawal of the Belgians. In spite of their demand some six months ago, they are still there, and they are in much larger numbers than they were ever before. It is true they withdrew to begin with, to some extent, but

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they came back rapidly thereafter, and not only came back, but sent arms, armoured cars, armour, and even, I believe, aircraft. Now, when I say "they", I do not mean to say that the Belgian Government did this, but chiefly Belgians and some other nationalities who did it. But I cannot myself understand how this can be done in a large way without the Belgian Government being aware of it, or conniving at it. They did not do it directly, but certainly they must have known about it, if not encouraged it. Large-scale recruitment took place to send these people, not only in Belgium, but elsewhere too, and at present we find thousands and thousands of Belgians even in the army, and of course in other capacities also. They have trained them, they have trained them in the use of modern weapons, and they have incited them, I believe, not to co-operate with the United Nations, but to work against it. That has been the chief difficulty. If the Belgians had not been there, if the Belgian and some other mercenaries had not been there, then the opposition to the United Nations on the part of these factional leaders would not have any effect or much effect.

It has come to this as appeared in a question asked today I think, one of the questions, that we have been challenged by, I think, Mr. Tshombe that if Indian forces go to Katanga, there will be war. Well, the Indian forces will do, within the ambit of their, whatever they are told to do by the U.N., subject to the conditions we have laid down. If it is necessary for us to go to Katanga, they will be sent there, and the threat of Mr. Tshombe will not deter them from going there, but the fact is that we do not, as far as possible, want to get entangled in these internal conflicts. There will be no reason for any internal conflicts at all if our advice, given six months ago, had been followed, that is, the summoning of the Congolese Parliament, and the Parlia-

ment deciding about their Government. I especially mentioned this in the General Assembly myself when I was there. It has been an extraordinary fact that in spite of this obvious way of dealing with the situation, this has not been adopted. Now I can understand Mr. Mobutu not adopting it. Mr. Mobutu was the outcome of a coup d'etat, he has no legal position. But the surprising part is that great and important powers have encouraged Mr. Mobutu, Mr. Tshombe and Mr. Kasavubu in maintaining an attitude of this kind which was directly opposed to what the United Nations was going to do. Now, it is surprising that some of these gentlemen, Mr. Mobutu and others, do not like the idea of Indian forces going there.

It may be remembered that when Mr. Lumumba was assassinated and brutally killed, many charges were made against these very leaders, the local leaders, of having been involved in this murder. And, the Security Council Resolution of the 21st February specially lays down that an inquiry should be held—investigations should be held—into Lumumba's murder. If such an inquiry is held, it is possible that it may not come out to the advantage of some people and authorities in the Congo today. And, if they dislike any such inquiry or any shift in power in the Congo, it is not surprising. So, the conditions there are rather complicated. But, essentially, they are complicated because of foreign intervention; and the foreign intervention, in the main, has been of Belgians.

Originally, 6 or 7 months ago, some other countries also came in. The Soviet Union sent some people, I think about 500 or so, not soldiers but they were supposed to be technicians. I do not know if there were a few military officers or not; but, they were mostly technicians. Anyhow, they sent them; but they did not remain there long because of the

Mobutu coup d'etat taking place. He had sent them all back so that, in the past 6 months or so, there has been no one from the Soviet Union or any of their allied countries there as they have not been allowed there. That disposes of—whatever they may do outside Congo—any charge of their having done anything in the last 6 months in the Congo itself because they are simply not there—whatever their intentions might have been previously. But those who are there, the representatives of powers who are there, have a certain responsibility for these conditions; and I regret to say that they have not functioned rightly or in aid of the United Nations. Even though their governments support the United Nations, their representatives in the Congo have worked with different aims, which is very surprising and even indulged in some kind of campaign against India. And it is this really that encourages those elements like Mr. Mobutu, Mr. Tshombe and others to take up these strong attitudes.

This is what the Security Council Resolution says in its very first paragraph that the Belgian withdrawal is essential before any improvement can take place. If the Belgians withdraw, not only their armed and para-military forces, but individuals or their political advisers also, then the situation changes immediately. Then the whole strength and background of these elements there which are opposing the U.N. weakens; and I do not personally think any need arises then for strong military action. Petty action there might be. That is in regard to the Congo which was considered at some length.

Going back to South Africa, may I remind this House, that it is almost exactly 50 years ago that Mahatma Gandhi started his first campaign in South Africa against racial discrimination? This was in 1911; about the middle of the year. And this fact

was before me all this time and I reminded the Prime Minister of South Africa about this.

Therefore, if I may add about the Congo, as I have said, the Belgian withdrawal is the most important. How is that to be brought about? Obviously, we do not want this to be a warlike measure, forcible. But Belgium is an ally of many countries like the United States and the United Kingdom and other countries. And, I am quite sure, if these great powers wanted to and were keen about it, they could bring adequate pressure on Belgium to withdraw its people from there. I know, to some extent, that has been done; and the reply of the Belgian Government has been that these people who have gone there have not gone on their behalf; they are adventurers not under their control. Possibly, it might be true to some extent in regard to a few persons who formed foreign legions and the like. But I find it difficult to believe that the Belgian Government cannot exercise its authority on a large number of its nationals who go abroad and create these international situations. I trust, therefore, that these great powers, the allies of Belgium or Belgium will exercise their authority and will bring pressure to bear on the Belgian Government and on the Belgians to withdraw from the Congo, because until that withdrawal takes place there will be no peace in the Congo. --

In the last 6 months attempts were made somehow to consolidate these people, Kasavubu, Mobutu and Tshombe etc. They have failed simply because they have really no popular backing. And, this habit of trying to put up people without any popular backing, with external help, may succeed for a while but does not succeed in the long run.

I come to the third important point considered by us. That is disarmament. Now, in regard to disarmament, there is an Appendix attached

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to this final Communiqué on Disarmament. If the Members have examined the various proposals for disarmament put up before the United Nations or the Disarmament Conference, proposals by the Soviet Union, the U.K. and the U.S.A. Governments, by the Canadian Government, by India and 10 other countries which is called the Eleven Power Resolution, if you read them fairly rapidly, you will feel that there is a very great deal of agreement in all these proposals. And yet the fact is that agreement has been lacking because somewhere or other, in so-called minor matters, there is so much disagreement—minor or major matters—and agreement escapes us.

Anyhow, after careful consideration and consultation, we had put forward a Resolution in the U.N. in common with ten others, called the Eleven Power Resolution. We hold by it still, though it is not a solution of the problem. It is the approach to the problem laying down certain principles and hoping that, if an advance is made on these lines, an agreement will, probably, come. Ultimately, an agreement on this matter depends, primarily, on two countries, the United States of America and the Soviet Union. If they agree, then the others will probably fall in line. I do not ignore the others because all of us are interested. I do not accept the proposition that if the United States and the Soviet Union agree, all of us must necessarily agree I mean all the countries of the world. But the fact is in this matter it is they who count principally in this stage of the world's history and therefore, we have always suggested that they should discuss this matter among themselves and find some way of agreement. The others will come in later. There has been some talk of a larger disarmament conference and larger committees. India's name has been mentioned. Well, India has played a fairly important part in the UN in regard to disarmament discussions.

Our part has always been not a destructive one of criticising or condemning but trying to put forward constructive proposals and even the proposal we have put forward with ten other countries was one which was largely agreed to, I believe I am correct in saying so, by the other powers concerned, like the United States and the Soviet Union. They did not wholly agree with it here or there but they were not totally opposed to it in any vital matter. So, we discussed this disarmament matter and the proposals—you may call them resolutions or proposals are given in the appendix to the communiqué. They are not the same as our resolution but they are not in conflict with it and partly they cover the same ground because our resolution goes into much greater detail and I think what the Commonwealth has said in this is a good approach in so far as it goes and it is to be worked out a little more. One can go into the details in this resolution. But because we want principal countries to come to an agreement, if we make a rigid approach, it makes it difficult for these countries to come together. I hope that the two super powers, as they are called, will come together on this basis.

We know that there has been a change of administration in the United States and the old rigidity has gone and they are making every effort to have a common approach in regard to many matters including disarmament to which, I believe, President Kennedy attaches great importance. We know also that the Soviet Union has been exceedingly anxious to get some agreement on disarmament. If there is this anxiety on both sides, it should not be too difficult to find some way out and some agreement.

But I should like to make one thing clear. Disarmament today must aim at complete disarmament. The talk of partial disarmament today is almost out of date. That does not mean



that complete disarmament will take place overnight; it has to be phased but that is a different matter. That has to be phased and we have to go step by step. But any partial disarmament does not put an end to the tensions and fears that exist today. If we reduce, let us say, the number of nuclear bombs—you give fifty per cent less; there is, suppose, a fifty per cent disarmament in regard to nuclear weapons—the dangers of nuclear warfare still remain. Instead of, let us say, 1000 bombs, each will have 500 and the dangers remain and the fears remain and they can be manufactured rapidly again.

Therefore, one must aim at complete disarmament and that is a very big thing and it has powerful reactions. It will apply of course to conventional weapons as well as nuclear weapons. The House knows that for some 3½ years past, a committee of scientists has been sitting in Geneva, I think, considering the banning of nuclear tests. There is strong hope now that in the course of the next few weeks, they may come to an agreement. Anyhow, every effort is being made to come to an agreement and if that is done, it will not only be a good thing in itself but it will help in changing the tensions of the world and reducing them and improving the whole international atmosphere. So, let us hope that this will happen.

Apart from these matters, there are some other matters considered by the Commonwealth Conference. There were some domestic matters. Cyprus was taken in as a Member and that was to be welcomed, because there has been bitter war in Cyprus for many years and the ending of it in a friendly and co-operative way was a good thing. The President of Cyprus later joined the conference. Another member, not now but in the next five week's time, would be Sierra Leone.

13 hrs.

Finally, one other subject was discussed—Laos and Indo-China, where the situation continues to be critical. Recently one leader of Laos, Prince Souvanna Phouma was here and we had some talks and some proposals have been made. There is some reference to them in today's papers. Some proposals were made by the UK Government with the concurrence, I believe, of the United States. Now, the UK and the Soviet Union have a particular place in this matter because they are the two co-chairmen of the old Geneva Conference. We, India, which was the Chairman of the International Commission in Indo-China, have to get our constructions from the two Co-Chairmen. If the two Co-Chairmen ask us to do something, that is our authority for doing it. Long ago, we suggested that there should be a revival of the Commission in Laos; it had been suspended about two or three years ago. Mostly, they did not agree but gradually they have been coming round to that. This proposal was made for a conference after the pattern of the old Geneva Conference. This was made by Cambodia and later on supported by the Soviet Union. Now, the proposals that the U.K. Government made appear to be very near the proposals made by the Soviet Government—not precisely the same, but they have suggested a meeting of the Commission first and then of the conference too, after that. All this is dependent on the immediate and early cease fire. This has been communicated, I believe, to the Soviet Government and if they also agree with this, then presumably, they will ask India to take action about convening the Commission and we shall, in that event, do so, probably, to begin with, in Delhi itself but later the Commission will have to go to Laos and at some time later, probably, the international conference meet, at some place and time which have not been fixed yet. I hope that these efforts would meet



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with success and the fighting there will end and there will be a cease fire. It must be remembered that the whole basis of the Geneva agreement was that the countries in Indo-China must not join any military bloc and must be more or less neutral because the moment they try to do so, the other side came into the picture and challenged it. This applies to Laos. And the difficulty in Laos has been the attempt of various sides to push them or to pull them into some kind of policy which is more allied to one or of the policies or military blocs on either side, and that has led to fighting there. The only solution of Laos can be that Laos should be what is called the "neutral country"—I do not like the word "neutral" as applied to India, I reject it, but so far as Laos is concerned that would be a correct description—in which the various parties or groups are represented in the Government and they follow a policy of not committing themselves to any of these military alliances. Unless that is aimed at I do not think there will be any solution. That is what Prince Souvanna Phouma who came here stood for. He was Prime Minister sometime, but ultimately he was more or less pushed out by other developments and by these different pulls by different military factions, one on one side and another on the other side. As soon as that happens arms come in from outside. There have been plenty of arms coming in from both sides of these military blocs, and that makes the situation very serious. One of the things that should happen for the cease fire is stoppage of arms coming in from outside, from both sides of the conflicting parties.

Sir, I am sorry to have taken so much time to deal with this matter. Now, I shall hand over this paper to the Table. [See Appendix IV, annexure No. 5].

**Shri Braj Raj Singh** (Firozabad): Sir, may we be allowed to have some

clarification from the hon. Prime Minister?

**Mr. Speaker:** Hon. Members will have ample opportunity when we have the debate on External Affairs. They will read the statement in detail and clear up all their doubts then.

13.03 hrs.

# PAPERS LAID ON THE TABLE

REPORT OF THE INDIAN DELEGATION TO THE 17TH SESSIONS OF THE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** Sir, on behalf of Shri Kanugo, I beg to lay on the Table a copy of the Report of the Indian Delegation to the 17th Session of the Contracting Parties to the General Agreement on Tariffs and Trade held in Geneva from the 31st October to the 19th November, 1960. [Placed in Library. See No. LT-2769/61].

## REHABILITATION INDUSTRIES CORPORATION

**The Minister of Industry (Shri Manubhai Shah):** Sir, I beg to lay on the Table a copy each of the following papers:—

- (i) (a) Annual Report of the Rehabilitation Industries Corporation Limited for the year 1959-60 along with the Audited Accounts and the Comments of the Comptroller and Auditor General thereon, under sub-section (1) of Section 639 of the Companies Act, 1956.
- (b) Simplified Annual Accounts of the above Corporation for the year 1959-60.
- (c) Review by the Government on the working of the above Corporation. [Placed in Library. See No. LT-2770/61.]

- (ii) The Jute (Licencing and Control) Order, 1961 published in Notification No. S.O. 538 dated the 10th March, 1961, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-2771/61.]

**NATIONAL PROJECTS CONSTRUCTION CORPORATION**

**The Deputy Minister of Irrigation and Power (Shri Hathi):** Sir, I beg to lay on the Table a copy each of the following papers:—

- (i) Annual Report of the National Projects Construction Corporation Limited for the year 1959-60 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 639 of the Companies Act, 1956.
- (ii) Review by the Government on the working of the above Corporation. [Placed in Library. See No. LT-2772/61.]

**INCIDENCE OF INDIRECT TAXES ON THE CONSUMER PRICE INDEX**

**The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra):** Sir, I beg to lay on the Table a note entitled "Incidence of indirect taxes on the Consumer Price Index (A limited analysis)". [Placed in Library. See No. LT-2773/61.]

13.04.

**ESTIMATES COMMITTEE  
HUNDRED AND NINETEENTH REPORT**

**Shri Dasappa (Bangalore):** Sir, I beg to present the Hundred and Nineteenth Report of the Estimates Com-

mittee on the Ministry of Works, Housing and Supply—The Ashoka Hotels Limited (Reports and Accounts).

13.05 hrs.

**BUSINESS OF THE HOUSE**

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** Sir, with your permission, I rise to announce that Government business in this House during the week commencing 27th March, will consist of:

- (i) Further discussion and voting of the Demands for Grants relating to the Ministry of Home Affairs.
- (ii) Discussion and voting of the Demands for Grants in respect of the Ministries of—  
Works, Housing and Supply, Irrigation and Power, External Affairs, Labour and Employment.
- (iii) General discussion on the Orissa Budget for 1961-62 on 28th March.
- (vi) Submission of Demands on Account (Orissa) to the vote of the House.

I may also inform the House that the Budget for the State of Orissa for 1961-62 will be presented on Monday, the 27th March.

**Shri Surendranath Dwivedy (Kendrapara):** Are we to take it that the General Discussion on the Orissa Budget will be held on 28th March?

**Shri Satya Narayan Sinha:** Presentation on the 27th and General Discussion on the 28th.

**Shri T. B. Vittal Rao (Khammam):** Only vote on account.

**Shri Satya Narayan Sinha:** The whole thing. We want to finish the General Discussion and also vote on

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account and take it to the other House.

**Shri Surendranath Dwivedy:** Is it only vote on account?

**Mr. Speaker:** We have been following this practice even with respect to our General Budget. The General Budget is presented so that the whole picture may be known. The General Discussion also takes place on the General Budget. Thereafter, for a month or a month and half as may be necessary, a vote on account is taken without any further discussion. I intend following the same practice in this case also. The Orissa Budget will be placed before the House, opportunity will be given to hon. Members to discuss the entire Budget and then a vote on account will be taken. The detailed Demands will be taken up later on.

**Shri Satya Narayan Sinha:** That is all right.

**Shri T. B. Vittal Rao:** I am glad, Sir, that you have clarified the position. But there is one more point. I want to know which hon. Minister has been responsible for this bungling as a result of which Rajya Sabha adjourned and it has to be re-convened now. Some responsibility should be there. This is a very irresponsible way or doing things resulting in the wastage of tax-payer's money. This should have been done one week ago.

**Shri Surendranath Dwivedy:** There was some consultation amongst us and it was decided that on the 7th or 8th of this month this Budget should be placed before this House before Rajya Sabha adjourned. I do not know why that was not done.

**Mr. Speaker:** All that can be asked when we take it up.

**Shri T. B. Vittal Rao:** Some statement should be made by the hon. Minister of Parliamentary Affairs. This is a very serious issue. The

Government cannot waste the tax-payer's money in this fashion.

**Mr. Speaker:** Hon. Members will have an opportunity to speak on the Orissa Budget. Let them put their questions then.

**Shri T. B. Vittal Rao:** Sir, in any other democracy the Minister would have gone for this sort of bungling. With a brute majority they think they can do anything here.

**Mr. Speaker:** Let us see if he goes that day.

**The Minister of Law (Shri A. K. Sen):** What bungling, Sir?

**Mr. Speaker:** They say that the Rajya Sabha is being reconvened now and too much of the tax-payer's money is wasted that way.

**Shri A. K. Sen:** I do not think there has been any bungling in this matter. If the Government decides that Parliament should actually pass the Budget, I think this is the only proper course to be taken.

**Shri T. B. Vittal Rao:** That should have been done earlier.

**Shri A. K. Sen:** Hon. Members think, unfortunately, that budget is a thing which can be prepared in a second.

**Shri Surendranath Dwivedy:** It was going to be presented before the Assembly.

**Shri Satya Narayan Sinha:** In the first place, Sir, the budget was not ready. You know, Sir, in 1956, when the former Travancore-Cochin came under similar circumstances this House passed the budget when the other House was not in session and by an Ordinance we had to do it. This time the Law Ministry, which agreed to that procedure then,—you know lawyers sometimes give different opinions—said that that was not

regular. We have to listen to them. What can we do?

**Mr. Speaker:** I am sure such mistake: would not occur hereafter.

13.09 hrs.

# DEMANDS FOR GRANTS—Contd.

## Ministry of Law—Contd.

**Mr. Speaker:** The House will now take up further discussion on the Demands for Grants under the control of the Ministry of Law. Shri Braj Raj Singh may continue his speech. He wanted only one more minute, I shall give him five minutes.

**श्री ब्रजराज सिंह (फिरोजाबाद) :** अध्यक्ष महोदय, कल मैं राजनीतिक पार्टियों की मान्यता के प्रश्न पर निवेदन कर रहा था। उसी सन्दर्भ में मैं एक और तथ्य कानून मंत्री महोदय के ध्यान में लाना चाहता हूँ। सन् १९५७ के चुनावों के बाद चुनाव कमिशन ने तै किया कि जिन लोगों की जमानतें जब्त हो गयी हैं उनके वोटों को राजनीतिक पार्टियों को मान्यता देने के सिलसिले में नहीं गिना जायेगा। इसके पहले सन् १९५६ में यह निश्चित किया गया था तो यह बात ध्यान में नहीं रखी गयी . . .

**एक माननीय सदस्य :** ला मिनिस्टर साहब नहीं सुन रहे हैं।

13.10 hrs.

[MR. DEPUTY SPEAKER in the Chair]

**Mr. Deputy-Speaker:** The hon. Law Minister's attention is being invited.

**The Deputy Minister of Law (Shri Hajarnavis):** I am listening.

**The Minister of Law (Shri A. K. Sen):** The difficulty is that so many things happen simultaneously.

**श्री ब्रजराज सिंह :** सन् १९५६ में जब मान्यता के प्रश्न पर विचार किया गया था तब एलेक्शन कमिशन ने निर्णय किया

था कि सन् १९५२ के चुनावों में जिन लोगों की जमानतें जब्त हो गयी हैं उनके वोटों को किसी राजनीतिक पार्टी को मान्यता देने के लिए न गिना जाय। मैं निवेदन करना चाहता हूँ कि यदि ५७ के चुनावों के बाद एलेक्शन कमिशन को यह सिद्धान्त तय करना था तो उसका राजनीतिक पार्टियों को पहले से नोटिस दे देना चाहिए था कि ५७ के बाद राजनीतिक पार्टियों को मान्यता प्राप्त करने के लिए, मान्यता के प्रश्न पर विचार करने के लिए जिन लोगों की जमानतें जब्त हो जायगी उनके वोटों को हम नहीं गिनेंगे ऐसी बात नहीं हुई। अब ५७ के बाद जिन राजनीतिक पार्टियों की मान्यता के प्रश्न पर विचार किया गया है तो चुनाव कमिशन ने इकतरफा इस तरह का निश्चय ले लिया कि जिन लोगों की जिन राजनीतिक पार्टियों के उम्मीदवारों की जमानतें जब्त हो गयी थी उनके वोटों की गिनती नहीं होगी। मैं निवेदन करना चाहता हूँ कि ऐसे प्रश्नों पर जिन पर कि देश का और प्रजातंत्र का भविष्य निर्भर करता है इस तरह से इकतरफा निर्णय नहीं लेना चाहिए। इसलिए कल जो मैं ने निवेदन किया था उसमें कानून मंत्री महोदय इसे भी जोड़ लें कि चुनाव कमिशन इन सब तथ्यों को ध्यान में रखते हुए इस पर पुनर्विचार करे।

एक बात जो कि मान्यता प्राप्त पार्टियों के लिए होती है वह यह है कि उनको मतदाता सूचियां फ्री दी जाती हैं। यह एक ऐसी चीज है जोकि एक पक्षपातपूर्ण व्यवहार हो जाता है उन लोगों के विरुद्ध जिन्हें कि मान्यता प्राप्त नहीं होती है। इसलिए मैं निवेदन करना चाहूंगा कि इस प्रश्न पर गम्भीरतापूर्वक विचार किया जाय और यदि आप और कुछ नहीं कर सकते तो कम से कम यह तो कर सकते हैं कि ऐसे अखिल भारतीय संगठन जिनको कि किन्हीं राज्यों में मान्यता प्राप्त है और किन्हीं में उनको मान्यता प्राप्त नहीं है, यह तो ठीक है कि जहां उनको मान्यता प्राप्त नहीं है वहां की मतदाता सूचियां उनको न दें

[श्री ब्रजराज सिंह]

क्योंकि मनदाता सूचिया, मान्यता प्राप्त होने से मिलती हैं। लेकिन इतना तो अवश्य कर दें कि जो इस तरह के अखिल भारतीय संगठन हैं उनको उन राज्यों में भी जहां कि उनको मान्यता प्राप्त नहीं है उनका सम्बल उनको जरूर दे दिया जाये। ऐसे अखिल भारतीय संगठनों को हर एक राज्य में जहां उनको मान्यता प्राप्त है और जहां मान्यता नहीं भी प्राप्त है, उनका निशान उनको जरूर दे दिया जाये। यदि आप इस पर पुनर्विचार करेंगे तो इससे जातंत्र के मजबूत होने में मदद मिलेगी।

मैं ने कन भी निवेदन किया था कि इस निर्णय के पीछे न कोई पंचायत व्यवस्था है, न कोई संसद् का कानून है और न कोई नियम ही है सिर्फ एलेक्शन कमिशन का एक नोटिफिकेशन है।

केवल एक मिनट में मैं आपका ध्यान एक और बात पर आकर्षित करके अपना भाषण समाप्त कर दूंगा। काश्मीर हिन्दुस्तान का एक हिस्सा है भारत का अविभाज्य अंग है। इसी की दो रायें नहीं रखीं और मारा मुल्क इस पर एक है न कि आरोग्य की बात यह है कि बारबार हमारे यह कदमों के बावजूद भी हमारे इस संसद् द्वारा पास कानून वहां उसी शक्ति में लागू नहीं होते हैं। उनके लिए एक अलग व्यवस्था है कि जो भी कानून यह संसद् पास करे उस पर अगर काश्मीर सरकार अपनी सहमति प्रकट कर दे तो वह कानून वहां पर भी लागू हो जायगा। सन् १९५६ में क्रिमिनल ला अमेंडमेंट ऐक्ट जो यहां से पास हुआ था उसको काश्मीर की सरकार ने स्वीकृति दे दी है, सदरे रियासत की स्वीकृति प्राप्त हो चुकी है उसके बावजूद भी अभी तक वह कानून वहां पर लागू नहीं है। मैं चाहता हूं कि जरा इस पर ध्यान दिया जाय। आखिर यह कानूनी स्थिति है कि हम किन्हीं खास व्यक्तियों को या लोगों के समूहों को उनके

खिलाफ काम करने के लिए या किन्हीं को कोई विशेष सुविधा देने के लिए कानून का अपल ३, ३ और ४, ४ साल के लिए टाले रहें? यह उचित बात नहीं होगी और उसका नतीजा यह हो रहा है कि काश्मीर में जो कुछ राजनैतिक किस्म के केंस चल रहे हैं उनमें काफी देर हो रही है खास तौर से वहां का हजरतबलगंज का पड़यंत्र केंस इसकी साफ मिसाल है। मुझे किसी पक्ष के बारे में नहीं कहना है। लेकिन यह जरूर है और एक माना हुआ सिद्धान्त है कि जब न्याय देर से मिलता है तो वह एक तरह से अन्याय हो जाता है। एक केस जिसकी तीन साल तक उसकी सुनवाई शुरू न हो तो उसका नतीजा यह निकलता है कि जो उसमें अपराधी और मुजरिम होते हैं उनको यह विश्वास नहीं रहता कि उनके साथ कोई न्याय न्याय हो सकेगा। मैं चाहूंगा कि सरकार इस प्रश्न पर विचार करे और काश्मीर सरकार को यह राय दे कि जब वह इस कानून को मान चुकी है और अपनी स्वीकृति दे चुकी है तब उसको पूरे तरीके से लागू किया जाना चाहिए।

श्री राधामोह सिंह (बलिया) : उपाध्यक्ष महोदय, मैं आपका बड़ा आभारी हूं कि आपने मुझे इस विषय पर कुछ निवेदन करने का अवसर दिया। शासन का यह एक बहुत महत्वपूर्ण कर्तव्य है कि इंसफ का ऐसा प्रबन्ध करे ताकि जनता को सस्ता और त्वरित इंसफ मुलभ हो सके। आज मुझे खेद के साथ कहना पड़ता है कि ऐसी व्यवस्था मौजूद नहीं है और जनता को इंसफ मंहगा मिलता है और देर से भी मिलता है। यहां पर इस सदन में और राज्यों के विधान मंडलों में भी बार बार इसके लिए आवाज उठाई जाती है और शासन की तरफ से यह आश्वासन दिया जाता है कि इस बात का प्रयत्न किया जायगा लेकिन मुझे यह देखने में आता है कि शासन की तरफ से ऐसा कोई सक्रिय कदम नहीं उठाया गया है जिससे कि जनता को न्याय सस्ता मिले और

जल्दी मिले। न्यायालयों में मुकद्दमों का वर्षों तक चलना और उनके फैसले में देर लगना यह एक पुराना किस्सा है और जब मैं एक विद्यार्थी था तब भी इसके बारे में सुनता था और हालांकि तब से न्यायाधीशों की संख्या में काफी वृद्धि हो चुकी है तब भी देखने में यही आता कि मुकद्दमे कचहरियों में सालों लटके रहते हैं और उनकी अपीलें हाईकोर्ट और सुप्रीम कोर्ट में पड़ी रहती हैं और उनका निबटारा नहीं होता है। मैं अपने व्याय मंत्री महोदय से जानना चाहूंगा कि वे संसद को यह बतलायें कि शासन की तरफ से कौन से उपाय काम में लाये गये ताकि यह इराफा जल्दी से जल्दी प्राप्त हो सके और हम तब यह कहने के योग्य होंगे कि जो आप ने प्रयत्न किया है जो कदम आपने उठाया है वह कहां तक कारगर हुआ है।

मैं आपसे निवेदन करना चाहूंगा कि सदन में और अन्यत्र भी यह कहा गया है कि इसके लिए न्यायाधीशों की संख्या में और वृद्धि की जाय। लेकिन मेरा कहना है कि खाली न्यायाधीशों की संख्या बढ़ाने से यह चीज किस तरीके से दूर हो सकती है? हमारी आबादी निरन्तर बढ़ती चली जा रही है। हम यह कहते हैं कि हमारे पास खाना पर्याप्त नहीं है और आबादी बढ़ने पर अंकुश लगाने के लिए हम परिवार नियोजन की शरण लेते हैं तो क्या यहां पर भी फैमिली प्लानिंग जैसी कोई चीज नहीं कर सकते हैं? बजाय जजों की न्यायाधीशों की संख्या बढ़ाने के अगर हम यह प्रयत्न करते कि मुकद्दमों की संख्या कम करें तो मैं समझता हूं कि यह अधिक कारगर सिद्ध होता मैं आपसे निवेदन करना चाहता हूं कि इधर भी ध्यान दिया जाय। अगर हम इस बात का प्रयत्न करें कि आज जो बड़ी तादाद में हर प्रकार की अपीलें ऐडमिट हो जाती हैं उनको स्वीकार करने के पहले उनकी छानबीन की जाय तो किसी हद तक इन अपीलों की तादाद कम करने में सफल हो सकते हैं।

पूर्व वक्ताओं में बहुत से लोग सुप्रीम कोर्ट और हाईकोर्ट्स में प्रैक्टिस करते हैं और उन्होंने न्याय को सस्ता और त्वरित बनाने के लिए बहुत सी बातें रखी हैं। लेकिन मैं तो एक सामान्य जन होने और जनता का एक मामूली प्रतिनिधि होने के नाते यह कहना चाहूंगा कि क्या ऐसा प्रबन्ध नहीं हो सकता है कि आज वकील लोग अपनी फीस बढ़वाने के लिए एक दिन के मुकद्दमे के लिए ४, ४ दिन बहस करते हैं तो वह ऐसा न करने पायें और उन पर कोई उचित प्रतिबंध लगा दिया जाय? आखिर यहां सदन में हम एक टाईम लैम्प रखते हैं कि प्रमुख बिल प्रथवा सेजिस्लेशन पर हम इतना समय देंगे और उसको इतने समय के अन्दर हम पास कर देंगे तो क्या इसी तरह का कोई एक इंजाम या टाईम लैम्प मुकद्दमों के लिए नहीं तय कर सकते हैं कि प्रमुख किस्म के मुकद्दमों को हमें इतनी प्रवधि के भीतर निबटा देना होगा? क्या हम यह व्यवस्था नहीं कर सकते हैं कि किसी मुकद्दमे में कितना समय दिया जाय? अभी होता यह है कि अगर कोई बड़े वकील साहब हैं और उनकी फीस बड़ी लम्बी चौड़ी है तो वह ५ दिन बहस करते हैं और ७ दिन बहस करने हैं और इस कारण भी मुकद्दमों के फैसले में देर होती है। मैं यह नहीं कहता कि न्यायाधीशों की संख्या बढ़ाने से कोई लाभ नहीं होगा, मुमकिन है कि उससे कुछ लाभ हो जाय लेकिन पिछले २०, २५ वर्षों से मैं देखता रहा हूं कि खाली न्यायाधीशों की संख्या बढ़ाते रहने से हमें अपेक्षित सफलता नहीं मिल पायी है और इसीलिए मेरा सुझाव यह है कि हम ऐसा प्रबन्ध करें कि अपीलों की संख्या कम हो और साथ ही वहां जो समय दिया जाता है बहस के लिए और मुकद्दमों का फैसला करने में उनमें भी कुछ एक प्रतिबंध लगा कर कमी करने का प्रयत्न करें। इसके साथ ही हमें इस ओर भी ध्यान देना है कि न्याय जहां जल्दी सुन हो वहां वह सस्ता भी हो। आज कहा जाता कि न्याय को प्राप्त करना इतना महंगा हो गया है कि गरीब लोग उसको

[श्री राधामोहन सिंह]

प्राप्त नहीं कर सकते। हमारे बहुत से माननीय सदस्यों ने भी इस चीज को कहा है कि कोर्ट फीस बढ़ती जाती है, वकीलों की फीस बढ़ती जाती है और आज हालत यह है कि जहाँ पहले मुकद्दमे में एक पैसा खर्च होता था वहाँ अब दस पैसा खर्च होता है। आज समय आ गया है जबकि हमको न्याय को सस्ता, सरल और जनता को जल्दी मिलने वाला बनाना चाहिए अन्यथा न्याय इतना मंहगा हो चला है कि गरीब और साधारण लोगों के लिए न्याय प्राप्त करना असंभव हो जायगा। मैं माननीय मंत्री महोदय से यह जानना चाहता हूँ कि इस दिशा में क्या रुकम उठाया गया है, ताकि लोगों को न्याय की प्राप्ति सस्ती और जल्दी हो सके।

मैं नहीं कह सकता कि यह कहाँ तक सही है, लेकिन मैं समझता हूँ कि डिस्पेंसेशन आफ जस्टिस का जो पुराना प्रोसीड्यर है, न्याय को प्रदान करने की जो पुरानी प्रणाली है, वह कम्बरसम हो गई है और उस तरफ सरकार को ध्यान देना चाहिए। एविडेंस एक्ट या इंडियन पीनल कोड में कोई गलती नहीं है। वे बहुत अच्छे कानून हैं, लेकिन प्रोसीड्यर के बारे में यह बात नहीं कही जा सकती है। उस को और सस्ता और शीघ्रतापूर्ण किया जा सकता है। मैं ला मिनिस्टर साहब से प्रार्थना करना चाहता हूँ कि सरकार की ओर से प्रोसीड्यर की ओर, अदालतों के बैठने और न्याय वितरण करने की प्रक्रिया की ओर खास ध्यान दिया जाये।

मैं एक सुझाव यह देना चाहता हूँ कि ऐसा प्रबन्ध किया जाये कि किसी भी मुकद्दमे में थर्ड अपील की इजाजत न दी जाये। मैं जानता हूँ कि जितनी अधिक अपीलें होती हैं, उन में फ़ैसलों के रिवर्स होने, बदलने की सम्भावना उतनी अधिक होती है। इस का परिणाम यह होता है कि लोगों के मन में न्याय के सम्बन्ध में सन्देह पैदा होता है और

उन को यह समझने में बहुत मुश्किल होती है कि आखिर न्याय क्या है। डिस्ट्रिक्ट कोर्ट एक फ़ैसला करती है, हाई कोर्ट दूसरा फ़ैसला करती है और सुप्रीम कोर्ट कोई और फ़ैसला करती है—हर एक अपील न्यायालय दूसरा फ़ैसला करता है। इस कारण मैं चाहता हूँ कि अगर किसी मुकद्दमे में दो अपीलें हो गई हैं, हैं, तो उस में थर्ड अपील कभी भी एलाऊ नहीं होनी चाहिए—उस को सुप्रीम कोर्ट में नहीं आने देना चाहिए। मैं समझता हूँ कि ऐसा करने से बहुत से मुकद्दमे ख़त्म हो सकते हैं और ज्यादा मुकद्दमे ऊपर नहीं आ पायेंगे।

यह कहा गया है कि रिटायर्ड जजिज को—जो जज अपने स्थान से अवसर प्राप्त करते हैं, उन को—फिर से प्रैक्टिस करने की इजाजत नहीं देनी चाहिए, लेकिन मैं ऐसा ख्याल नहीं करता हूँ। मैं समझता हूँ कि ऐसा करना उन पर अपनी इच्छा के पेशे को प्रतिबन्ध करने पर प्रतिबन्ध के समान होगा। मैं नहीं समझता कि उन पर अविश्वास करने का कोई आधार है। उन पर इतना प्रतिबन्ध लगाया जा सकता है कि जिस उच्च न्यायालय से वे अवसर प्राप्त करते हैं, उस में वे फिर प्रैक्टिस न करें, लेकिन उन पर मुकम्मल प्रतिबन्ध लगा देना मुनासिब नहीं होगा। उन का जो अनुभव है, कानून का जो ज्ञान है, उन को उस को उपयोग करने का अवसर प्रदान करना चाहिए। मैं समझता हूँ कि यह कोई ऐसी बड़ी चीज़ नहीं कि जिस के लिये हम को कानून बनाना पड़े।

हम देखते हैं कि वकीलों और डाक्टरों की फीस के बारे में कोई प्रतिबन्ध नहीं है। जिस अवस्था में हम रह रहे हैं, उस में देखा जाता है कि हर प्रकार के मृत्यों पर प्रतिबन्ध है और हम मुनाफाखोरी को रोक रहे हैं, बाज़ार में कीमतों पर सीलिंग है। लेकिन पुराने डाक्टर और वकील जो इतनी ज्यादा फ़ीस लेते हैं, उन पर कोई सीलिंग नहीं है।



में ला मिनिस्टर सहाब से प्रार्थना करना चाहता हूँ कि उनको इस तरह ध्यान देना चाहिए और बड़े बड़े वकीलों और रिटायर्ड जजिज से परामर्श ले कर ऐसा तरीका निकालना चाहिए कि वकीलों की फीसों पर कुछ नियंत्रण लगाया जा सके। सस्ता न्याय प्राप्त करने की दिशा में यह एक बहुत बड़ा कदम होगा।

जो दो तीन सुझाव मैंने रखे हैं, मैं आशा करता हूँ कि हमारे ला मिनिस्टर साहब उन पर विचार करेंगे और ऐसा प्रबन्ध करेंगे कि सस्ता और शीघ्र न्याय प्राप्त करने में हम को आसानी हो सके।

**Shri Tyagi:** (Dehra Dun): Mr. Deputy-Speaker, Sir, my remarks are of a laudanatory and therefore I should be pardoned if I go somewhere against the spirit of the law, but I will abide by the constitutional and parliamentary procedure. As regards the present Law Ministry of the Government of India, I am afraid we are using the best talents both in the secretariat as well as in the Treasury Benches. I feel that this Ministry has very little to do and not worth the name. I congratulate them for the manner in which they have conducted the elections twice with the Election Commissioner and also for the work rendered by the Law Commission. That was wonderful work done by both these bodies under this administration. But what has this Ministry to do? They have nothing to administer.

I have got personal knowledge of what they do. They give interpretations. It is not a Minister's or Ministry's job. Any expert can give that. This Ministry could be as well decentralised, each Ministry having some person to give legal opinion. That is what they do. They sometimes give original drafts of Bills and sometimes they look into the drafts made by others. That is not the job of a Ministry. I am afraid our Government has not been positive enough in their policies. They are just carrying on humdrum. This Law Ministry could

be entrusted with something which the other Ministries are unnecessarily holding on. For instance, I am quite sure that judiciary can be transferred from the Home Ministry to the Law Ministry. That should have been done.

May I sound a note of warning to the nation through the Parliament? With my little humble experience of 40 years of political career, I see that the country is going fast towards disintegration. If there can be any plan of integrating the country, it can be the unification of the machinery of justice alone. Innocently you can do that without causing any alarm or annoyance to any Government. If the judiciary is integrated in the sense that there is one Indian Judicial Service, as has been suggested by the conference of High Court and Supreme Court Judges yesterday, that will lead to integration of the country. The Indian Judicial Service must be an all-India service and High Courts must be given administrative powers over judges and other judicial bodies.

I know it for a fact that the Government are having some type of influence over the judiciary. After all, I represent the people and I am voicing the reactions of the people. People know it that sometimes instructions are issued on a general basis to the States, because in one State I find similar treatment was given to all the accused arrested within a week by all the judges. It is not possible unless there is some central machinery doing the job. With this strife in political career....

**Mr. Deputy-Speaker:** Treatment being afforded to the accused or sentencing them?

**Shri Tyagi:** I am talking of the bail application. Supposing the bail applications are decided on the very same level and everybody demands Rs. 5,000 or Rs. 50,000 in each case, that is proof positive of the fact that there is somebody sitting at the centre trying to influence the judiciary.

**Shri Tangamani (Madurai):** Exorbitant bail bonds are demanded in Delhi for all the accused, although later on, they turn out to be ordinary bailable cases.

**Mr. Deputy-Speaker:** That is all hearsay, I suppose.

**Shri Tangamani:** Rs. 100,000 are taken.

**Shri Tyagi:** If only the Indian judicial Service is organised and the whole of India comes under one service, that would be one good positive step towards the integration of the country. In spite of all damage done so far to the integration, this will be one very positive step.

I feel in due course things will go bad. The society is fast becoming one in which our human relationship is becoming more contractual; I am using the word in the literal sense. Previously it used to be sacramental and in society a sort of sacred relationship was established. Society in India was more duty conscious than society anywhere else in the world. Today, on account of the impact of lawyers, litigation, delay in courts and the manner in which the judiciary is working, our social climate has fast become right-conscious rather than duty-conscious. There is a lot litigation. What is the main criterion to judge what the condition of the society is? Now the number of litigation is increasing and all types of cases are registered in various courts. How did the British make their influence felt here? It was through their Diwans that the British became popular. Therefore, governments may be judged by the merits of the justice they give.

Our justice is very badly delayed. There is no doubt about that. I remember, I put a question to the Home Ministry about the pendency of cases and the answer given was that in the Allahabad High Court there were 41,834 cases pending. These cases have

been pending for the last 12,13 or 15 years. Though one generation has ceased to exist, still the cases go on pending. That was the position in 1957. I do not know what the position is today. In 1957, in Allahabad High Court alone there were 41,000 cases. In Andhra Pradesh there were 23,000 cases; likewise, in other High Courts also. The total number of cases pending judgment in all High Courts in 1957 was 1,82,947. What is this? If justice cannot be dispensed early in the existing circumstances what have the Government done to expedite the disposal of cases? Are they only thinking of political rivalries, regional jealousies and communal disturbances which are now visible in various parts of the country?

My fears are that there can be no democracy so long as the judges are put under the administrative control of particular State Governments. In such a set up there will be cases where election petitions will be decided, not on the basis of merits, but on the basis of expectations of becoming High Court judges. District Judges become High Court Judges because the Governor makes a recommendation, and Governor means the Government. To keep democracy safe from all political influences I say, let judiciary be independent of the State Governments at least. Let their administrative powers be vested in the High Courts so that the judiciary is free from executive interference. If you vest that power in the Governor, it amounts to vesting it in the Government, which is run by a political party which can influence the judiciary. So let the judiciary be independent. Once that is guaranteed, I think society's best security is guaranteed and also the fundamental rights. I do not want to dilate on this any more.

Apart from the increase in litigation, there is a feeling among the people, by and large, that corruption is creeping into the judicial system. First I was afraid of talking in these terms.

But last night when I went through the Report of the Law Commission I found that they have also taken notice of it. In the Report they say:

"If dishonesty is to be rooted out from this branch of judiciary, it is vital that it be immediately brought under the administrative control of the High Court."

This is the view of a body of learned people, the Law Commission. What are the Government doing? Grabbing powers? What do we, the politicians of this generation, want? Do we want to grab more and more powers and keep them in our hands? Why should there be delay in the implementation of the Law Commission's Report? I am afraid there is confusion. Otherwise, why cannot action be taken? Parliament wants that action be taken, public wants that action be taken and your Ministry wants that action be taken. Then who is standing in the way to see that no action is taken? Committees, commissions and all those considerations. Have we lost all our brains? When would we take a decision? So, my submission is that before this Parliament dissolves, let us take some decision of which at least we might be proud of when we go to our constituencies and we can say that some good decision has been taken.

**Shri Chintamani Panigrahi (Puri):** Otherwise, there will be no votes.

**Shri Tyagi:** I do not want to take much time on this. I hope some thought will be given to this aspect.

My hon. friend was saying that there must be some curb on the fees of lawyers. I am sorry, everywhere, all round my friends are all lawyers. Therefore, where to go to appeal against them? Sir, since you are in the Chair, I appeal to you that the lawyers.....

**Mr. Deputy-Speaker:** But I am a lawyer.

**Shri Tyagi:** But you are the ideal person occupying the Chair, and that is why I am appealing to you, despite your being a lawyer.

You are applying ceiling on small peasants. You are applying ceiling on income. But is all that socialism meant only for the small and poor villagers? Will socialism ever come to the urban areas, municipalities etc. or not? Now lawyers enjoy all the fruit. There is no limit to their income. They can charge Rs. 10 000 or Rs. 20,000, as they like. There is no curb on these. I do not know how far they submit accurate returns to the income-tax department. Nobody knows that. So, I feel that there must be some curb, and I support that suggestion. I think the time has come when the lawyers themselves must feel that they have also a duty to perform. People's general complaint is that it is the lawyers who have the reins in their hands and they are the custodians of their destinies. So, let the lawyers not have that name for ever. There must be some ceiling on their income. My friends, the Law Ministers, both of them, are eminent lawyers. I am sorry for the hon. Deputy Law Minister, because I was responsible for bringing him into this Parliament. I am sorry that I have done him a wrong by putting him to a very great financial loss, because, when I went to his constituency I found that he was a very successful lawyer, earning a lot. Most probably, he would be suffering now.

**Mr. Deputy-Speaker:** The hon. Member is putting limits on his fees. So, when he goes back, he will suffer again.

**Shri Tyagi:** Then I want to come to my next point, and that is the manner in which jurisprudence is conducted in India. That must now change. Law has become more of fiction, based on fiction from end to end, because fact is discarded deliberately in law. I can well understand that a large number of things have to be decided on facts, because sometimes

there may be personal knowledge, or other prejudices might crop up. But there must be some limit to rejecting facts. Now the decisions of judiciary are based on fictions, arguments and all that, and not on facts at all. Facts are taken into account only when evidence come in. So, what I suggest is that some change must be effected, because delays are occurring. There are cases on very small matters which are postponed for years together. There must be some curb on this activity and the manner in which we are giving justice has to be thoroughly examined.

Then, there are some Centrally-administered areas. It is not the fault of the people living there that they are Centrally administered. Every citizen in this country enjoys the freedom of representation and having their own elected Ministers, people who have been living in their own vicinity. But there are certain sections of the people who have not got that benefit. They are ruled by the Home Minister of India. What? Does the Home Minister of India expect that an ordinary citizen can have easy approach to him? After all, he is busy with so many things. Why retain all the powers with him? Why not hand over at least the local administration to the Law Ministry? If not the people, at least their judiciary must be handed over to them, so that the people in that area might at least have some satisfaction that it is not the police, it is not the district magistrate, who will try their cases, but there is some separate agency which is looking after their interests and that agency will be impartial. Even that little thing is not done.

What is the meaning of the Home Minister exercising his judgment over such matters? Of course, there is joint responsibility in Government. Still, I suppose it must be Law Ministry's job. Now the final selection or promotion of judges to the High Court or Supreme Court is done in consultation with the Governor, which means the local government. Governor is only a titular head, as the President

is here. So, the use of the name Governor is only just to safeguard the Government so that there may not be any criticism. For that purpose, the word "Governor" is used. Otherwise, whatever the Governor does, that is actually done by the government of the State. So, it is the State Government which initiates proposals or makes recommendations regarding promotion, selection etc. If that is so, after some time you will see that those judges who favour the politicians in their election petitions will generally be appointed as High Court judges.

**An Hon. Member:** It is happening now.

**Shri Tyagi:** The High Court judges are losing their old reputation for ability to a great extent. I remember, 20 or 30 years ago judgments of the Allahabad High Court, the Lahore High Court or of other High Courts were quoted not only as judicial authority but as pieces of literature. They were looked upon as if there was nothing wrong in them. Now the judgments are fast becoming cheap, both in language and in substance. It is on account of the fast promotions being given without due considerations. I would, therefore, again emphasise that the Indian Judicial Service (IJS) be organised soon as recommended by the judges collected together. The whole judiciary was here in Delhi. In their judgment they have decided that it would be the fairest thing to safeguard democracy for the future and to give relief to the people. I think those recommendations should be accepted.

**Mr. Deputy-Speaker:** Shri U. L. Patil. I will request that hereafter hon. Members may condense their remarks so as to finish within ten minutes. There is very little time and there are many hon. Members who want to speak.

**Shri Tyagi:** When is the hon. Minister going to reply?

**Mr. Deputy-Speaker:** I will call him at 2:30. We will conclude this at 3:30. I suppose the hon. Minister desires one hour.

**Shri U. L. Patil (Dhulia):** Mr. Deputy-Speaker Sir, I am in agreement with my hon. friend, Shri Tyagi, when he says that the judiciary should be separated from the executive at an early stage. Strictly speaking this is not the function of the hon. Minister of Law, even then it was expected that during these last 13 years the Law Ministry would exercise its good offices over the various State ministries in this respect. The executive should get rid of the judiciary and there should be a complete separation. But so far it has not been done in a number of States. It has been tried in some States, for example, in Maharashtra, where there is complete separation of the judiciary from the executive. But even then we find that this separation has not completely removed the apprehensions that were created in the mind of the common man. For example, we find that though the Public Service Commissions interview candidates for appointment to judicial posts, like that of magistrates or civil judges, and final appointments are effected by Government, still politics has become all-embracing.

Not only that, having separated the judiciary from the executive we find that there is a tendency on the part of various State Governments to put limitations on the judiciary by enacting special laws. I can understand that for the sake of speedy justice certain enactments need an altogether different treatment and under those enactments special tribunals are created. But there are certain tribunals which have assumed a permanent nature, for example, the revenue tribunals. Then we have the co-operative tribunals. Such tribunals are to be found almost in every State. The appointment of members of these tribunals is done purely by the executive government. These tribunals, in fact, do not have to do any sort of administrative work, but it is purely judicial work that they have to do. They hear appeals, revision petitions, review petitions and references. They decide cases. There is practically no administrative work done by these tri-

bunals. That being so, we find that these appointments are kept out of the purview of the Public Service Commissions and are effected only by the executive government. Therefore some sort of political considerations do creep in and, as has been said on the floor of this House yesterday, this sort of atmosphere has crept in even in regard to appointments of judges of High Courts. Government should, therefore, evolve certain form whereby these appointments will be kept completely out of the purview of the Public Service Commissions and of the executive government also. In each State there should be a commission consisting of two High Court judges and one senior officer of the Law Department. This commission alone should effect all appointments of judges to tribunals, of magistrates and of civil judges. Then, promotion also should be left to this particular commission. Not only that, this commission should also deal with rules, regulations and procedures and in that way advise the various High Courts. The appointments of such a commission is highly needed in the present atmosphere and as things have developed. Government should therefore at least consider this suggestion and take away the system of appointment, promotions and terms and conditions of service from the executive.

My next submission would be with regard to the tendency to which a reference was made by my learned friend Shri Sarhadi yesterday. There is an increasing tendency on the part of the various State Governments to earn by enhancing court fees and to gain through litigation. Even though it might be pressed on the floor of the House that the average income of an average man is being increased day by day as our Plans are being implemented, still we find that over litigation the average man suffers a lot and practically for all purposes his entry into the law courts is beyond his capacity. In the circumstances, therefore, this sort of tendency should be curbed.

We talk of legal aid, but no system has as yet been evolved. The Central

[Shri U. L. Patil]

Government should at least evolve an ideal aid system for the Centrally administered areas. We have a certain idea regarding legal aid societies. Then there are certain provisions made by the State Governments regarding legal aid to the poor. But then its implementation is completely out of the reach of a number of people. Not only that, it has not inspired confidence also. The poorest man does not behave in the poor aid that is given to him so far as legal matters are concerned. Therefore for extending legal aid to the poor some ideal system should be worked out by the Ministry of Law and that alone should be put into practice. It might also serve as an ideal for the various State Governments.

Yesterday my learned friend, Shri Bharucha, suggested some changes in the conduct of elections. I quite agree that our Election Commission has done a very commendable job. Not a single political party has any axe to grind against the Election Commission. India being one of the biggest democracies, our Election Commission has conducted our affairs, so far as elections are concerned, in so nice a way that there is unanimity all over regarding its commendable job. This time the Election Commission is introducing the system of putting a mark on or of stamping the ballot paper. Yesterday my hon. friend, Shri Bharucha, suggested that instead of stamping the ballot paper, it should be punctured. Probably he might be thinking that because of the high standard of illiteracy that is still prevalent, people would not be able either to stamp or to mark the ballot paper. The system of stamping the ballot paper was not in vogue, but the system of marking it was in vogue since a number of years and our voters are in touch with that system for a long time. Illiterate voters also are practically aware of the system and they are to some extent acclimatised to it. On the contrary, if the system of puncturing the ballot paper is introduced,

it might lead to some corrupt practices. When a ballot paper is issued, it would be possible to puncture it somewhere, and if there are two punctures then that ballot paper might be rendered invalid. It is possible. Let us try in the direction of stamping it and see the result. This system was introduced in a number of by-elections and it was found that this system is a sound one.

**Shri Naushir Bharucha** (East Khandedesh): Is it not a fact that under this system the number of invalid votes run to the extent of 10 per cent of the total votes cast?

**Shri U. L. Patil**: I do not know exactly. What I was submitting was this. The system of marking the ballot paper has been there for a long time. Now the system of stamping the ballot paper can be tried in the coming elections and then suggestions can be made.

Then there was a suggestion of the exchequer being taxed to the tune of the expenses incurred by a successful candidate.

**Shri Naushir Bharucha**: Instead of political contributions.

**Shri U. L. Patil**: That is, that Government should defray the expenses of the successful candidates. My submission would be that instead of the expenditure being less in elections, this system might provoke the expenses being incurred to a larger extent. The election arena will almost be reduced to that of a race-course. Any possibility of a candidate....

**Mr. Deputy-Speaker**: Is it that a socialist system might be applied, that a certain amount might be given as *ex gratia*? Is that the intention?

**Shri Naushir Bharucha**: It has to be worked out fully. I had no time to develop it.

**Shri U. L. Patil**: It would not be practical. Anyhow, it is for the Law Minister to deal with. My submission



is that the system of stamping may be followed so far as the elections are concerned.

**Shri Kalika Singh** (Azamgarh): Law and justice are the biggest casualties of our planned economy today. In the Five Year Plans that we have been having here for the last ten years there is no mention of law and justice in the whole Plan, and therefore it is a non-Plan expenditure, that is being incurred in respect of the Departments connected with law and justice. Opinions might differ whether, when we are giving top priority to development, we should for some time ignore law and justice. Because, essentially it is a welfare State, and not a police State, and there might be an argument that in a welfare State we have to devote all our energy, all our economy and all our resources towards finding out some means to rehabilitate our people and to bring their standard above the present level. But because this Plan has now come to stay and it might remain here for 25 or 50 years in that case there must be some line of demarcation. There must be some stage at which we will have to bring law and justice in the Plan expenditure. In the Plan we find that agriculture, industry, irrigation, power, transport, all these have been given a place, and under the head "social services" so many other things are lumped together.....

**Mr. M. S. Aney** (Nagpur): Is there any reference to Defence and External Affairs also in that plan?

**Shri Kalika Singh**: No, that is also non-Plan expenditure. Because, some time back when our country required to be strengthened in the matter of defence, Rs. 50 crores were found and it was with difficulty that we decided that for some time we should think of defence also as a very essential expenditure. In the non-Plan expenditure Police, Justice, Defence and so many things come. But I think that law and justice are essentially con-

nected with development. And therefore now, when we are going to have the Third Five Year Plan, we should include this also, if not under Social Services, under some separate head. Because, we find in our districts and States that the subordinate judiciary or even the High Courts, are very much neglected. While the officers of the development departments, even the petty officers, get State bungalows and colonies and all arrangements and amenities are provided by the State, we find that the judicial officers when they are transferred to some district have to find some accommodation for themselves and have to live under very bad conditions. And compared to the development officers, the pay and salary scales of these officers are also low. Therefore, my emphasis is that this should now be included as Plan expenditure in the Third Plan.

Regarding the crime situation, we find in our districts that crimes have increased. And it is because of the fact that for every one lakh of population there is one police station—I am talking of Uttar Pradesh—and in one police station there are at the most twelve or thirteen constables, including the sub-inspector. That is the whole police force there. To imagine that one lakh of population can be controlled by ten or fifteen constables is too much. It is only because we have not got money for these departments. We have not got money for the Police. Therefore we cannot increase the numbers. But considering the proportion of the police personnel to the total number of population in other countries of the world, we have to increase the number of police personnel in India also, in due proportion to the number of population here. For every twenty or twenty-five thousand of the population one police station should be established. There should be beats of five or ten villages in which there should be a constable or two constables who should go and visit all the villages at least once a week.

I have to say something about discipline. Article 311(2) of the



[Shri Kalika Singh]

Constitution provides that—"No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him." Now, we have seen in Law reports that so many cases of discipline have been coming up to the High Courts and the Supreme Court, and the number has multiplied to such an extent that I feel there is something wrong either with this article or with the discipline. Many officers are being dismissed, but they find some shelter behind this constitutional provision. Therefore, the Ministry should reconsider the whole thing. Previously, that is, in Government of India Act 1919, this very provision was provided for only in the rules. At that time, the Privy Council had just held that it was a mere moral or a political question to give this opportunity or not to an officer. But, this rule was incorporated in the Act itself, when the Government of India Act, 1935 was framed. Now, that provision had been bodily lifted and put in the Constitution of India. We should now consider whether this provision should remain in the Constitution or it should find a place again in the rules, so that the discipline of the officers and the Government servants may improve, and there may not be any confusion and delay in the disposal of cases.

14 hrs.

Another important thing that has been coming up lately is about the powers of the President. This was discussed by some of the Members here also. I believe that the Law Ministry should give their full attention to this matter. I might just read out a portion from *Fundamental Law of Pakistan* by Mr. A. K. Brohi, an eminent jurist of Pakistan. At page 133 of this book, he has written:

"The constitutional position in India may now be briefly advert-

ed to. Article 74 of the Indian Constitution provides for a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions. There is no provision corresponding to article 37 (7) of our Constitution which makes that advice constitutionally binding upon the President."

Then, he goes on to say:

"There is thus in India a glaring disparity between the position as it is reflected in the letter of the Constitution, on the one hand, and the actual working of the Constitution on the other."

The Constitution of Pakistan has not yet come into being, because there is no elected democracy there, but they have read into our Constitution this defect, and they have tried to remedy that defect in article 37 (7) of their Constitution.

Mr. Brohi has also quoted one Mr. Alan Gledhill in Vol. 6 *Republic of India. Commonwealth Series*, pp. 108-109. It reads like this:

"Today in India with a powerful Congress Party in the saddle, the President of India, has to submit to the advice of the Cabinet, but tomorrow with the change in the climate of political opinion, its docility may give way to a more aggressive outlook, and at least one of the well-known commentators on the Indian Constitution, of the fame of Alan Gledhill has little difficulty in contemplating the possibility of the Indian President becoming a dictator by disregarding the very convention of Constitution which makes the advice of his Ministers binding on him and thus succeed in bringing about, within the letter of the Constitution a *coup d'état*."

That is a very important thing. And that point has been even mentioned by the President of India himself, and it is being discussed in the papers and everywhere else. So, why should that confusion remain, and why should the people in India go on discussing the possibility of some *coup d'état*? Of course, that may not be there today because really the Congress Party is in a majority, and so long as one party has got an overwhelming majority in the Centre and in the States, there can be no difficulty in running the Government and we can even amend the Constitution. But, tomorrow, we may just imagine the possibility of there being two parties just as in England with equal numbers and one party ruling by only some nominal majority; then, the Constitution also cannot be amended. Therefore, we should take the earliest opportunity to consider this matter and amend the constitutional provision and provide the same wording as is provided in article 37 (7) of the Constitution of Pakistan where they have said that the President will act in accordance with the advice so given. That is a very important thing which must be considered.

Then, I would like to say a word about the Election Commission. I had put in a petition also before the Election Commission, and I had said that the Swatantra Party should be asked to modify its name before it is allowed to qualify even for getting 3 per cent votes, because the name 'Swatantra' is liable to create great confusion among the electorate. We have to provide some fool-proof law. In any constituency, there may be so many Swatantra candidates standing. The Swatantra Party candidate also will be in the same lot, and he will not be given a party symbol so long as he qualifies only within the 3 per cent of votes; so, he will also be like one of the 'Swatantra' candidates. Now, there are so many electors in a constituency who do not want to vote for any party candidate. They say that they will give their votes to a

candidate who obeys their constituency and who does not owe allegiance to any party. Now, the Swatantra Party candidate can equally go to any electorate and say that he also is 'Swatantra', and he does not owe allegiance to any party.

**Mr. Deputy-Speaker:** He will be double 'Swatantra' then.

**Shri Kalika Singh:** If an elector really wants to enquire into the fact of whether this man is a Swatantra Party candidate or a Swatantra candidate, he has got no means to verify it. Even if he were to go to the election office, there also, the symbol will be an 'Independent' symbol. Therefore, I would submit that the Swatantra Party should not be allowed even to qualify for the 3 per cent votes, unless it changes its name suitably; it may add to its name the word 'Praja' and say 'Praja-Swatantra' or something like that, but it cannot be 'Swatantra' by itself.

**Shri A. K. Sen:** Does the hon. Member mean Raja-Swatantra?

**Shri Kalika Singh:** Finally, I would say a word about the elections. The elections are coming shortly. But there is one great difficulty about the return of election expenses that the candidates have to file. Everybody knows that the return of expenses, that is filed before the returning officer does not contain the true state of affairs. Therefore, the law should be so modified by amending the Representation of the People Act that at least a correct return may be filed, and it should not also be very technical.

**Shri Rami Reddy (Cuddapah):** There are so many subjects which can be dealt with when we are discussing the Demands for Grants relating to this Ministry, but since the time at my disposal is very limited, I would like to confine myself to only a few points.

The first thing that I would like to deal with is about the elections. I

[Shri Rami Reddy]

fully associate myself with the compliments paid to the Election Commission by the several speakers who have already participated in the debate. While saying so, I would like to suggest one thing to the Election Commission in regard to the coming general elections. The elections in 1957 were spread over a period of fourteen to fifteen days and they were conducted in four stages. In a parliamentary constituency in my State, namely Andhra Pradesh, there are seven Assembly constituencies. In the first stage, the elections in two Assembly constituencies will be held; in the second stage, the elections in two other constituencies, and in the third stage, in still two other constituencies, and in the fourth and last stage, in the seventh constituency. This means that the candidate who is contesting for Parliament has to contest the election at four stages. This is a very severe strain on a candidate who is contesting for Parliament. Therefore, I would like to suggest that the election in a parliamentary constituency may be held in one day. The Election Commission now seem to be thinking of reducing the duration of the elections from fourteen to fifteen days, to about seven or eight days; they are also probably thinking of reducing the number of stages. But I would suggest that at any rate the election in a parliamentary constituency might be concluded in one stage in one day. That would reduce the strain that the candidate has to undergo. That would also reduce the expenditure that has to be incurred both by the candidate and also by the party.

**Mr. Deputy-Speaker:** That would shift the strain on to the administration of the Election Commission.

**Shri Rami Reddy:** It is not so. After the election is completed in one parliamentary constituency, they can go to another. In every district, there are more than one parliamentary constituency. Therefore, in one parliamentary constituency they

could conclude the election in one day in one stage and then for the second stage, they could go to the second parliamentary constituency. They could also adjust the administrative machinery like the police bandobast deployment of polling officers and other things.

In this connection I would like to say that I do not agree with the extraordinary suggestion made by Shri Naushir Bharucha that the expenditure of a successful candidate should be reimbursed from the exchequer to the extent of Rs. 10,000 in the case of a parliament candidate and Rs. 5,000 in that of an assembly candidate. I do not think anywhere in the democratic world such a system prevails. I do not know what is the rationale behind it, paying some amount to the successful candidate and not paying anything to the unsuccessful candidates. Further, as I said, such a system does not exist anywhere in the world, and to me it does not stand to reason at all that the exchequer should pay something towards the expenses of a candidate.

Coming to the administration of justice, the first thing I would like to mention is about the enormous cost of litigation. It has been mentioned by several speakers and it has been urged that the cost of litigation should be reduced. Of course, the administration of justice is a purely State subject. But court fees have been increasing enormously. This aspect has been considered by the State Governments, not for reducing the expenditure on litigation but as a source of revenue. I would in fact go to the extent of saying that dispensation of justice is being sold and that at a very high price. There is no doubt that State Governments are finding it very difficult to meet their expenditure in other activities. So in their anxiety to find revenue, to secure as much revenue as possible, they are not hesitating to tap this source also. This is highly regrettable. The Minis-

ter should bring pressure to bear on the State Governments to see that the cost of litigation is reduced to a very considerable extent.

While on the subject of surplus revenue by collecting court fees and other things, I regret to say that the State Governments are not paying any attention to the equipment in courts, the court building and other things. In the subordinate judiciary, they are not even supplied with text-books and law reports. The court houses are very old. Even the chairs are rickety. I have seen that in many courts the State Government do not care to cater for the needs of these subordinate courts in respect of chairs text-books, law reports and other things. So much so, in the absence of text-books and law reports, I have come across very many instances where incorrect decisions are given.

Therefore, I would appeal to the Law Minister to impress on the State Governments the necessity of providing more allocation to the subordinate courts so that they may be supplied with text-books and law reports. This would ensure that they will give correct decisions and appeals over incorrect decisions are be avoided.

There is another aspect. Yesterday Shri Raghbir Sahai was saying that the latest amendment to the Code of Criminal Procedure made while Dr. Katju was Home Minister dispensing with the examination of all the witnesses during the preliminary inquiry had not in any way reduced the delay in disposal of cases. In my experience it has really helped in disposing of criminal cases quickly. Before this amendment, even during the preliminary stage in a judicial sub-magistrate's court, cases used to be pending for over a year. Now under the new procedure, from the date when copies of documents are supplied by the public prosecutor to the accused, within the course of four to six weeks, the cases are disposed of in a magistrate's court. The long delay is not on account of the courts

being hesitant to dispose of the cases. It is the responsibility purely of the police; I do not mean to say even the police, but it is the responsibility of the executive. The executive is not providing sufficient funds to the police department or the other departments to supply copies of documents to the accused. Under the new procedure, the accused has to be supplied with copies of all the documents on which the prosecution is going to rely. But the Government have not provided any additional clerks for preparing these copies. Therefore, I would appeal to the Minister to impress on the State Governments to provide more allocation to them.

As regards the retirement age of High Court Judges, I suggest that it might be enhanced to 65 years. There is no reason why we should lose the ripe experience of the Judges. Under the Constitution, the High Court Judges should now retire at 60, but the Supreme Court Judges, who could be recruited from the High Courts, can under the Constitution continue till 65. In England and USSR, there is no age of retirement fixed for judges. So there is absolutely no reason why we should also not fix the age of retirement of High Court Judges at 65. The Law Commission has recommended it. I read in the papers yesterday that the Chief Justices Conference has also recommended it. Therefore, I suggest, the Constitution may be amended to enhance the age of retirement of High Court Judges to 65 years.

Then I would request the Law Minister to consider holding a Circuit Bench of the Supreme Court somewhere in the south. Recently the Advocates' Association of Madras has also passed a resolution suggesting this. There are several advantages in this. Now people in the south have to come far away, about 1300 or 1400 miles. They want to reduce the expenses of litigation.

**Shri Kalika Singh:** What about east and west?

**Shri Rami Reddy:** In regard to *nyaya panchayats* for disposing of cases where the stakes involved are not of a high pecuniary value and where the cases are simple in nature, it is better that they are entrusted to panchayat courts. I have gone through the recommendations made by the Law Ministers' Conference. They also seem to be interested in that. They seem to have recommended that a Sub-Committee might be appointed to consider this. So I would appeal to the Government to see that these *nyaya panchayats* are established as quickly as possible.

**Shri M. B. Thakore (Patan):** It is very kind of you to give me time to speak on the Demands of the Ministry of Law. I am glad that Shri Tyagiji has come before I could reply to the wonderful points raised by him about the judiciary.

**Shri Tyagi:** My hon. friend seems to be a practising lawyer.

**Shri M. B. Thakore:** Our judiciary is the best in the world, and let me tell him that, as a practising lawyer, I have great regard for our judiciary. I had been to England, I have attended the courts there, and I can easily compare our judicial system with the English system.

**Shri A. K. Sen:** That is not saying very much.

**Shri M. B. Thakore:** Tyagiji is a very experienced man, but he proved himself to be a lay man commenting on the judiciary as a whole.

**Shri Tyagi:** I must say I never said that our judiciary was inferior. I only said there must be a ceiling on the income of lawyers. My hon. friend should not be annoyed at the suggestion.

**Shri M. B. Thakore:** He said there was corruption even in the judiciary.

**Shri Tyagi:** I said corruption was also creeping into it now.

**Mr. Deputy-Speaker:** Those who feel affected must feel offended. Why should Tyagiji be offended?

**Shri Sadhan Gupta (Calcutta East):** I wish as many lawyers as possible could be annoyed with his suggestion.

**Shri Tyagi:** It is a regular trade union in India.

**Shri M. B. Thakore:** You would very well know, Sir, having been a Judge and a lawyer, that many of them are starving. About 70 per cent are starving. May be 30 per cent are earning. So, our elder's suggestion is not quite correct.

It may be correct that there is some recent intervention of the executive at the State level, in the lower judiciary, on the question of promotions or appointments. Otherwise, I think our judiciary is the best, I would again repeat, in the world. As an Opposition Member, I would say that I have the greatest regard, and I can safely rely upon the judiciary, rather than all the departments of the Government of India.

**Shri Tyagi:** Hear, hear.

**Shri Kalika Singh:** There is no question of the Government of India.

**Shri M. B. Thakore:** Beg your pardon.

**Mr. Deputy-Speaker:** He should not mind what does not reach him.

**Shri M. B. Thakore:** The point is, I have some instance to give you regarding intervention in promotions, and appointments, but I do not wish to go into details about that.

Regarding the Kashmir Conspiracy Case and the Hazaratbal case, I have to request the Law Minister through you to expedite them. For more than two years now these cases have been going on in the Sripagar Court.

**Mr. Deputy-Speaker:** Just now the hon. Member was praising the judiciary. Does he mean that the Law Minister should intervene?

**Shri M. B. Thakore:** Not at all, Sir. What I want to say is this. The delay may be due to some procedure, or

long statements by the accused in the case. I would request the Minister, through you, to expedite the cases.

I appreciate the excellent work done by the Election Commission, but I have my own bitter experience in the last General Elections. I have written about it to the Law Commission, and a copy has been sent to the Law Minister also. On the day of election, at Delvada village in Chansma Taluka, in Gujarat State, I saw 20 to 25 military personnel in a lorry with helmets on. In the village the lorry was standing just near the polling station. I objected to the commander, and asked: "Why have you come? There is nothing here to be complained about." Then they started off. I also complained to the presiding officer on the spot. I also complained to the Collector. He was election officer, I think the Chief Polling Officer in the District, and he assured me that nothing like that would happen. When I asked him if he admitted that they were military personnel, he said: yes. But no steps were taken.

**Mr. Deputy-Speaker:** Were they called in by the civil authorities, or they were only spectators, just to satisfy their curiosity?

**Shri M. B. Thakore:** They had guns with them, they had helmets on their heads. They came there because I do not belong to the Congress Party, that is my presumption, just to terrorise the people.

**Shri Tyagi:** It may be on account of curiosity to see an election, on the way they might have stopped.

**Mr. Deputy-Speaker:** That was what I put to the hon. Member, but he did not reply.

**Shri Sadhan Gupta:** It should not be armed curiosity, that is all!

**Shri A. K. Sen:** Voters do not vote by coercion in this country.

**Shri M. B. Thakore:** Certainly if you go to the villages in Gujarat, they are terrorised if they see the

police. Now it is a different matter, but ten years ago or even three or four years ago, if a policeman went there, they would hide themselves.

**Shri A. K. Sen:** Sardar's country?

**Shri M. B. Thakore:** I am talking a North Gujarat, which is most backward and undeveloped.

**Shri A. K. Sen:** Sardar's country has fought the military long ago.

**Shri M. B. Thakore:** Sardar's place is Kaira, not my part of Gujarat.

**Mr. Deputy-Speaker:** The hon. Member would concede that they could not influence the voters; otherwise, the hon. Member would not have been here. With his presence here, we can presume that they could not influence anybody.

**Shri M. B. Thakore:** I thought that my rival would lose his deposit, but he got about 90 per cent of the votes that I got.

The next point I want to make is regarding free legal aid to the poor. I fully support my learned friend, Shri Ajit Singh Sarhadi. He being a very practical lawyer and very experienced, knows that many a time these poor people do not get time even to appeal. I know one case where the police brought up the case. They were actually prosecuted and sentenced for two years, and they were in jail. They could not get time to appeal in the district court. Again, they went to the High Court, and, being poor, they could not appeal. So, they appealed through the jailor. Being a practical lawyer and Judge, you know, Sir, that jail authority <sup>must</sup> perform the ceremony. It was summarily dismissed in the High Court. I know definitely many of them were innocent. About five or seven were sentenced to two years for nothing absolutely. So, I would request that there should be some kind of all-India legal aid corporation or something like that to help and assist the poor persons who are sentenced and who want to appeal, or



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to have legal assistance. Instead of political contributions the candidates may be given assistance or election expenses from the Central Exchequer was a suggestion of my learned friend Shri Bharucha and I fully support it. The details may be worked out. (*Interruption*). I do not understand why they oppose it. The Congress will be benefited more than any other party.

**Pandit Thakur Das Bhargava** (Hisar): It may come to about Rs. 3 crores.

**Shri M. B. Thakore**: It will not be more. Shri Braj Raj Singh also pointed out that it may be Rs. 2 crores. It may be lesser; may be one crore.

**Mr. Deputy-Speaker**: The hon. Member should conclude.

**Shri M. B. Thakore**: Would you allow me some time more, Sir?

**Mr. Deputy-Speaker**: I am sorry. The hon. Minister.

**Shri A. K. Sen**: Mr. Deputy-Speaker, Sir, I am much obliged to the House for the keen interest taken. It has been the good fortune of our Ministry that every year since I have assumed charge of this Ministry, we have come up before Parliament, and we have discussed the affairs of this Ministry, a position which, I understand, did not obtain previously. That shows the keen interest which Parliament takes in the working of our Ministry, which, as I have said often, deals, more or less, with non-controversial matters, technical matters, though the debate has disclosed that even in regard to our Ministry there are matters which, certainly, do not rise above the pale or level of controversy. (*Interruption*).

Several points have been raised in which, certainly, the country is interested but which, certainly, at the same time, do not concern our Ministry, either directly or indirectly. As Shri Tyagi has rightly pointed out,

the functions of the Law Ministry follow a pattern which is the result of historical accidents. Much of the work concerning the administration of justice which either in the States which came into being after dyarchy was introduced in this country or which, in other countries, pertained to the Ministry of Justice in this country by reason of historical factors were assigned to the Home Ministry because, during British days, the entire question of administration of justice was considered so important and so necessary for the maintenance of law and order that this function was assigned exclusively to the Home Ministry. And, in olden days, only the Law Ministry was thrown open to the Indian personnel and the Home Minister was never an Indian. Therefore much of the functions which possibly by logic should have belonged to this Ministry came to be assigned to the Home Ministry and we are still working under that tradition.

**Shri Sinhasan Singh** (Gorakhpur): Why so?

**Shri A. K. Sen**: It is not for me to answer; it is for the Prime Minister to answer.

**Shri Tyagi**: So, I take it that independence has not affected this. (*Interruption*).

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

**Shri Tangamani**: Subordination.

**Shri A. K. Sen**: Whether you call it subordination or not, the words do not matter much so long as the functions are understood. Ever since independence the Home Ministry which has been bearing the burden of much of the work concerning the administration of justice has done it very ably and impartially. We have had great men in charge of the Home Ministry who have not only shouldered the responsibility well but have discharged their functions in fairness and with impartiality.

My own personal connection has been with our late Home Minister,



our revered colleague whose death we all lament, Shri G. B. Pant. I have seen him working from very close quarters and I have had more intimate contacts with him. Naturally, the Home Ministry and the Law Ministry work very closely in all matters and I can say that in all matters concerning the administration of justice and the courts of law, I have never seen a greater champion of the independence of the judiciary than our late colleague, Shri G. B. Pant. He was very jealous in protecting and preserving the independence of the judiciary, of the High Courts and the Supreme Court. And, the Chief Justices of India who have come since independence have all spoken unanimously to that effect to me personally. Without indulging in any comparison between Shri G. B. Pant and his predecessors—I do not want to do so—I can say this from the personal experience of at least two Chief Justices who had occupied the high office of Chief Justice during the tenure of Shri G. B. Pant, that they never found Shri G. B. Pant trying even to affect the great independence of the judiciary on which our Constitution rests and without which our Government and system of administration will founder. Therefore, we are all agreed that we have to have not only an independent judiciary but a fearless judiciary, a judiciary which does not fear anyone and does not favour anyone; at the same time, a judiciary which does out justice to the common man as it should.

And there I agree with a good deal of the argument which has been addressed by Shri Anthony, our friend opposite. I am a firm believer in enabling the ordinary citizens to go to the court of law without having to pay anything. I do not think any country can boast of its administration of justice if the cost of justice is such that, though theoretically it is open to everyone yet practically it shuts the door of the courts to the common man. And, though Government had nothing to do with the im-

sition of this heavy of Rs. 2,500, which is more or less a levy if I may say so, for the purpose of enabling a petitioner to approach the Supreme Court with an application under article 32 for the enforcement of his fundamental rights, yet I personally believe the sooner that levy goes the better for us. I, certainly, would make the wishes of the House known to the Chief Justice of India.

After all, the Chapter on Fundamental Rights really represents one of the finest periods of our history when the representatives of the people, the representatives of the Nation met together after the withdrawal of foreign rule and framed what they thought was the free Constitution for the people of India which would guarantee for ever some of the basic rights which are necessary for the common man, not only to enjoy freedom but also to attain that fullness of life which is the object of every democratic society.

**Shri Achar (Mangalore):** Why not have an enactment on the point?

**Shri A. K. Sen:** I am coming to that. Although article 145 says that the rules of the Supreme Court are subject to laws made by Parliament, there again, we are trying to build up healthy conventions not only here but also outside. Where courts of law are concerned, we should not readily jump into the arena and clamp down rules which commend to ourselves without consulting the judiciary who, for their own reasons, have thought it fit to frame certain rules. Parliament will justify the retention of these transcendental powers only if those powers are exercised rarely, not if they are exercised frequently. That has been the history of great parliamentary institutions. It is not the fullness of power or the abundance of power which is so important as the caution with which such powers are exercised. It is the rule of prudence which marks the progress of democracy and of a demo-

[Shri A. K. Sen]

cratic government as opposed to the rule of ruthlessness and to the rule of one mind pervading the entire field of administration which is so characteristic of dictatorships. If we, here, establish healthy conventions not only for our country but also for all countries which have earned freedom in recent years and are struggling to build up democracy and democratic institutions, then, we must not always inflict our power all around us but we should only use those powers for good purpose and with caution, especially when those powers are directed against the judiciary.

I, therefore, humbly submit that the criticism, which was been levelled against Government for not acting under article 145 in initiating legislation in Parliament trying to supersede certain rules framed by the Supreme Court, it not justified. If the Government have not acted immediately it is because they want to establish a tradition of deference to the judiciary, a tradition of consultations and negotiations in arriving at conclusions in regard to matters with which the judiciary has as much concern as the Government, that Parliament should not enact rules or laws unilaterally without consulting the views of the judiciary.

**Shri Frank Anthony** (Nominated—Anglo-Indians): I did not want to criticise and at no point in my speech had I actually said so; I had not put down a cut motion. I am only suggesting that these things could be done in a friendly way; I never even hinted at legislation in the matter.

**Shri A. K. Sen:** If that is so, then we are at one. Shri Anthony is a great champion of the judiciary and an advocate of standing and I thought it was rather odd that it came from a person like him—the suggestion that we should act unilaterally and not settle these matters in a friendly way, through the process of consultation and negotiation, I agree whole-

heartedly with the criticism that the door of the court should be closed by indirect methods for the ordinary man, specially when the question of the enforcement of Fundamental Rights is concerned. These are great and basic rights of which we are proud and it is open for every citizen to walk across the road and enter the doors of every court to see that these Rights granted under the Constitution are not only protected but are enforced . . .

**Shri Khadilkar** (Ahmednagar):... as open as the Asoka Hotel, you mean?

**Shri A. K. Sen:** I think the hon. Member mentioned Asoka Hotel. It is not open even for me except as an invite. I mean . . . as open as the edict of the great emperor Asoka Priadarsana.

**Shri Tangamani:** What is the Ministry going to do about it?

**Shri A. K. Sen:** Without trying to initiate legislation to supersede the rules of the Supreme Court, we can only make the wishes of the House known to the Supreme Court and that, I assure the House, I shall do without delay.

One of our most important functions lies in advising the entire Central Government, a work which has assumed great proportions with the passage of years. As our Governmental activities are increasing in every field, in External Affairs, in national undertakings and trading activities and in so many other ways, our advisory functions are also increasing in the same proportion. Naturally, no legal adviser, however high he may be, not even the highest judge can boast of always being correct in his pronouncements. In fact it is not unknown that even the judgments of celebrated judges get upset either in the court of appeal or the judgment of a court of appeal gets upset by full bench of the Supreme Court or the pronouncement of a smaller

bench of the Supreme Court gets reversed by the pronouncement of a full bench of the Supreme Court. Errors in pronouncing opinions, therefore, are inherent in the judicial process, especially because conclusions do not follow according to the rules of mathematics and they are not guided by the natural laws of science, in regard to which relationship of cause and effect is discernible more easily. Therefore, if there had been errors in certain matters, these errors have only been natural and one should wonder how the errors had been so few, especially with the volume of work turned out by the Law Ministry. I am myself dealing with some of the important matters and I invite any hon. Member who is interested in this matter to come with us and see how our advisory section functions.

But I shall certainly answer some of the criticisms based on alleged individual instances which according to me are based on erroneous assumptions and wrong premises. The instance of Berubari was taken up by Shri Gupta. If I had heard him rightly, he said that if we had advised the External Affairs Ministry, that means the Prime Minister, properly at the time the agreement was entered into, it would not have been entered into. This Ministry, Sir, does not advise voluntarily and I hope it will never inflict its advice where they are not sought. Advice is given only when it is sought. Especially in matters of international negotiations, discussions go on at the highest level in regard to matters which are strictly political and there is hardly ever a legal adviser, though it is the custom with regard to many countries to associate one before the final agreement is arrived at. But in India there was no one from the Law Ministry either to assist the Prime Minister or to advise him at that stage. It is only after the agreement was entered into that the Parliament and ourselves came to know of it. I am only stating it as a fact, not as a complaint against the way in which it was done because it is

natural for the Prime Minister to choose the way he wants to adopt in such matters....

**Shri M. B. Thakore:** Whether it was discussed in the Cabinet before the said agreement was arrived it?

**Shri A. K. Sen:** I hope the hon. Member would not want me to divulge what goes on in the Cabinet. But it can only be discussed after it is entered into; it is common sense that it cannot be discussed before it is entered into.

**Shri Tyagi:** It was left to a lay man to question its validity.

**Shri A. K. Sen:** Whether it is the Cabinet or Parliament, it must be placed before either of these two bodies after the agreement is entered into; it cannot be thrown up either before the Parliament or the Cabinet as a nebula in the stage of formation. The question of its legal enforcement could only arise after the agreement as such was entered into, because if the agreement was something else the question of its legal enforcement would have never arisen. But it lies to the credit of the Law Ministry that according to the advice of the Law Ministry the Government first approached the Supreme Court before it adopted any course, and it is one of the few instances where in enforcing an important agreement, notwithstanding the party in power having such a large majority in Parliament, this Government took the course of approaching the highest court in the country for its advisory opinion as to the manner in which this agreement could be enforced.

**Shri Sadhan Gupta:** That was because writs were pending.

**Shri A. K. Sen:** The reference was made long before any writ was made. My learned friend's history is wrong. The reference order was made and a decision arrived at before any writ was made before the Supreme Court. Now, in any event, I can tell you that so far as I was concerned the writs had nothing to do in influen-

[Shri A. K. Sen.]

cing my views in the matter. Therefore, the Government did not proceed in this matter at all with the advice of the Law Ministry but, if at all, with the advice of the Supreme Court and the Attorney-General. That is what the Prime Minister said on the floor of this House. The matter was discussed threadbare and the Parliament as such has ratified that agreement. That is the end of the matter. I suppose even after the rectification by Parliament there were applications filed in the Supreme Court and they were not successful.

That shows that so far as the legal position is concerned there was hardly anything worth mentioning either here or outside and the procedure followed by the Government must have been the correct in accordance with the views of the Supreme Court.

The next instance given by Shri Gupta was that of the Auditor-General. I take full responsibility for that opinion because it was on my opinion that the appointment was made. What is the function, Sir, of the Finance Commission? It is one of the most responsible bodies whose existence is created by the Constitution and whose functions and procedure are laid down by the Constitution and by the Act of Parliament. It is my considered opinion, Sir, based on earlier precedents, that this is not an office under the Government of India because—the hon. Member is a lawyer and he knows it—the criterion by which the courts have always decided whether a relationship of master and servant exists between two parties or not is the question of control exercised by one over the other. Where there is no question of control exercised by one over the other, there is no relationship of master and servant obtaining. Is the Finance Commission a servant of the Government of India? Is that what he thinks? Is the Finance Commission whose recommendations are of vital importance for the allocations of revenue as bet-

ween the Centre and the States and the States *inter se*, a servant of the Government of India?

**Shri Tangamani:** Is the body appointed on its own? It is the President who appoints.

**Shri A. K. Sen:** If it was a question of mere appointment by the Government of India making one the servant of the other, then of course the hon. Member would have been right. Then the Chief Justice would have been a servant of the Government.

**Shri C. R. Pattabhi Raman** (Kumbakonam): Or the Election Commission.

**Shri A. K. Sen:** Yes, in that case the Election Commission is also a servant of the Government. I am very sorry our view is correct, that it is not the mere appointing authority that matters but it is a question of control exercised by the appointing authority. The relevant provisions in the Act of Parliament and the Constitution say that the procedure, functions and everything is laid down by the Constitution and the Parliamentary Act. The President merely appoints as the President appoints the Chief Justice, the Election Commission and various other offices.

**Shri Tyagi:** According to his analogy even the Linguistic Commission is an office.

**Shri A. K. Sen:** I personally thought, even as a matter of policy, Shri Ashok Chanda who was the Auditor General and who was intimately connected with the finances of the States and of the Centre was admirably suited for doing the job for which he was selected.

**Shri Chintamani Panigrahi:** He has taken up jobs with the Calcutta Jute Mills Association.

**Shri A. K. Sen:** I was not concerned with what other jobs he had taken,

but I was concerned with his experience in relation to the function which he would be called upon to discharge as the Chairman of the Commission.

**Shri Tangamani:** On a prior occasion where the Chairman of the U.P.S.C. was involved the opinion of the Attorney-General was sought. We want to know whether the opinion of the Attorney-General was sought in this particular case. Though there is no similarity between the two things, we want to know whether his opinion was sought because here it is the Auditor-General and there it was the Chairman of the U.P.S.C.

**Shri A. K. Sen:** If there is any doubt in the matter it has been our practice to consult the Attorney-General. If there is no doubt in the matter we never consult the Attorney-General.

**Shri Tangamani:** If the Minister refers to the discussion we had in this House on this point and the observations made then.....

**Shri A. K. Sen:** It has been the uniform policy of the Law Ministry that it is only matters where doubt is felt that are referred to the Attorney-General. The hon. Member must appreciate that it must be so. We cannot send every case to the Attorney-General. In that case the Attorney-General's life will be miserable and ours will also be miserable. It is only matters where genuine minor importance according to him?

**Shri Tangamani:** Are we to take it that the re-appointment of the Auditor-General after retirement is of minor importance according to him.

**Mr. Deputy-Speaker:** He says that there was no doubt. He did not say that it was of minor importance.

**Shri A. K. Sen:** The hon. Member is open to challenge it in any court of law. The court of law is not bound to accept our interpretation, but we are entitled to have our own views.

The hon. Member cannot cast doubts on us when we do not feel any doubts ourselves. But if there is any doubt in the mind of anyone he is free to test it in a court of law by a writ of *quo warranto*.

Therefore, it is really premature to characterise this opinion as erroneous. The Law Ministry is not concerned with the policy. The policy is entirely that of the Government as a whole. But if the legality of the opinion is challenged then, I was submitting, we have no doubts in the matter and those who have doubts may test it by approaching the highest courts in the land with a petition for the issue of a writ of *quo warranto*.

**Shri Sadhan Gupta:** Sir, on a point of explanation. I said that the Law Minister might have been right technically in his opinion that it was not an office of profit under the Government. But the point is, the reasons for which the Constitution made these provisions and the spirit of these provisions were violated through a technical loophole, because what was obviously intended by the Constitution was that such a high official after he had a job should not look up to the Government for further prospects after retirement. That is the thing that should have been guarded against. I specifically stated that if errors are to be made they should be made on the side of strictness rather than on the side of liberality.

**Shri A. K. Sen:** I am thankful to the hon. Member for having conceded this point. If technically, Sir, this advice is correct, then the attack is not really on the correctness of the legal opinion, as you will appreciate, because you are a lawyer yourself, and the hon. Member will appreciate.

**Mr. Deputy-Speaker:** Then the attack is on the policy.

**Shri A. K. Sen:** Then the attack is against the policy. As I said, the Government is entitled to have its own policy.

**Shri Sadhan Gupta:** As we are entitled to.

**Shri A. K. Sen:** Then the attack should be on some other Ministry. For the policy of it the Finance Ministry is responsible.

The next point that arose was the Orissa Ordinance. Ever since I have assumed charge of this Ministry, whatever might have been the opinions in the past, we have uniformly tried to hold that the Parliament must be consulted in all matters concerning the voting on Grants or the appropriation of money from the Consolidated Fund, whether of the State in which the Presidential rule has been imposed or of Parliament; and that this business cannot be achieved by the ordinance-making power either of the governor or of the President. I think that opinion is not only in consonance with common sense but also in accordance with the best traditions of constitutional law, and in any democracy, in all matters concerning money, no ordinance should be resorted to. In fact, there is no power to resort to any ordinance and everything concerning money must be done through the machinery of the elected legislature.

15 hrs.

**Shri Chintamani Panigrahi:** May I point out that at the press conference in which the governor addressed, the governor had said that he had also consulted the Law Ministry in the Central Government before issuing that ordinance? He said it. Is that not true?

**Shri A. K. Sen:** I do not know about that. I do not think he could have said so, because he saw me only after we had declared the ordinance as invalid. (*Interruption*)

**Shri Surendranath Dwivedy (Kendrapara):** He said that they are informing the Law Ministry.

**Shri A. K. Sen:** The press must have reported him wrongly.

**Shri T. B. Vittal Rao (Khammam):** The Central Government did not send him any advice for two days.

**Shri H. N. Mukerjee (Calcutta-Central):** I have got a cutting from the newspaper, and if the Law Minister will bear with me, . . .

**Mr. Deputy-Speaker:** How can he be sure that it is correctly reported?

**\* Shri H. N. Mukerjee:** Here is the statement reported to have been made by the Governor of Orissa, saying that he had written to the Centre on a particular day.

**Mr. Deputy-Speaker:** It is only purported to have been made by the Governor. The Law Minister says that probably it was incorrectly reported.

**Shri H. N. Mukerjee:** This is the report about the press conference which the Governor was addressing, and in very respectable papers, the reports have appeared. Is it your ruling that we should never put any credence on this kind of thing, when the Minister is . . .

**Mr. Deputy-Speaker:** I have not said so. I am only pointing out the position of the Minister. I am only repeating that.

**Shri H. N. Mukerjee:** If the Minister does not object, here is a statement reported to have been made before the press conference by the Governor, which he may deny, . . .

**Shri A. K. Sen:** I have not heard it.

**Shri H. N. Mukerjee:** . . . regarding the dates on which he had communicated to the Centre; and he had not got a reply till the 25th February.

**Shri A. K. Sen:** I shall be obliged if the hon. Member reads it out.

**Mr. Deputy-Speaker:** The hon. Member may read it out if he wants.



**Shri H. N. Mukerjee:** This is the report from Bhuvaneshwar dated the 18th March:

"The Governor of Orissa, Mr. Y. N. Sukhthankar, told a press conference here today that he would not have issued the February 23 ordinance authorising the supplementary expenditure of over Rs. 4.4 crores during the current financial year if the Government of India had warned him earlier against doing so."

Then, after one paragraph, it is said thus:

"On February 21, he sent a telegram to the Centre stating that he was issuing an ordinance although he was very unhappy about it. If the Centre had warned him then he would not have issued the ordinance on February 23. It was only on February 25 that the Secretary of the Union Home Ministry informed him that the validity of the ordinance was open to doubt and that steps were being taken to set things right. The ordinance, he said, was issued on the advice of the former Chief Minister and in consultation with the officials of the State Government."

Then he talked about mid-term elections.

**Shri A. K. Sen:** It is more in accordance with the facts as we know them to be, but I am not quite certain about the language employed.

**Shri H. N. Mukerjee:** I read the exact language as reported.

**Shri A. K. Sen:** I am not in a position to contradict it. But the substance of it is more in accordance with the facts. The facts are that on the 25th February a telegram was sent by the Governor of Orissa to the Home Ministry and it reached in the evening, and actually, unfortunately it was that very evening that the late Home Minister took ill, as the House is aware. The telegram stated that the Governor has been advised to

prorogue the Assembly and to pass an ordinance of the type which he in fact passed. Before the matter could be examined and the firm views of the Central Government could be communicated—on the 23rd he had passed the ordinance—for reasons which I do not know—there must have been certain reasons which impelled him to do so without getting any views of the Central Government—on the 23rd he informed the Central Government that he had already passed the ordinance. Perhaps by that he means that during these two days the Central Government had not warned him—"warning" may not be the appropriate expression—the Central Government did not communicate it—it takes time—and the telegram came only on the 21st, and the communication from the Central Government went very soon after that. The telegram of the 23rd came on the 24th and I think the communication of the Central Government went on the 25th. So, unfortunately, this was the position. But I do not see how the correctness or otherwise of the Law Minister's advice in regard to this matter comes into the question. Naturally the Governor also is not to blame very much. He got the advice of the local officials there and said—(Interruptions).

**Mr. Deputy-Speaker:** Let us hear him.

**Shri T. B. Vittal Rao:** Who has advised?

**Shri Tyagi:** It is a matter for the Home Ministry.

**Shri A. K. Sen:** There is the question of the Home Ministry or the Law Ministry. As I said, it is all a question of trying to shift the blame from one Ministry to another. What I said was that even the local officials cannot be blamed very much because, as I said, on these matters, to commit an error is not a very rare thing.

**Shri Chintamani Panigrahi:** The Law Department of the Orissa Government have said that they are not



[Shri Chintamani Panigrahi]

responsible for it. They have also stated it.

**Mr. Deputy-Speaker:** They feel that they gave an honest opinion but it turned out to be wrong! (*Interruption*).

**Shri A. K. Sen:** I think something was said about the Orissa election. We have heard nothing from the Election Commissioner yet about the election.

**Shri Sadhan Gupta:** I said that the Government seems to have determined on a mid-term election, and I added that the Election Commission should over-rule the Government in this matter in the interests of fairness of the elections.

**Shri A. K. Sen:** Apparently the hon. Member seems to be knowing more about the mind of the Government than I myself know. But I can honestly tell the hon. Member that nothing could have been decided before the Prime Minister had returned, and the hon. Member knows that the Prime Minister returned only two days ago.

**Acharya Kripalani:** (Sitamarhi): Does everything hang upon him or what?

**Shri A. K. Sen:** I think Acharya Kripalani knows more about this than myself? (*Interruptions*). I do not have the pretention to enlighten the Acharya on this most well-known feature of our administration!

**Shri Chintamani Panigrahi:** The time-table of the election has already appeared in one Orissa daily newspaper.

**Shri A. K. Sen:** I do not know how they have forestalled all of us and I do not think even the Chief Election Commissioner knows anything about it.

**Shri Chintamani Panigrahi:** Even when the Election Commissioner was going to Orissa and visiting places,

everything about the elections appeared in the papers.

**Shri A. K. Sen:** The difficulty is, the hon. Member puts more faith in newspaper-cuttings than he should really do. If the paper-cuttings are to be relied upon always, I should be somewhere else today!

With regard to these elections, it is well known that the Government never interferes in these matters. I make bold to say that during my experience of being in charge of the Law Ministry under whose administrative jurisdiction the Election Commission comes, there has not been a single instance where I or the Government had tried to interfere with the discretion of the Chief Election Commissioner. Fortunately, our Chief Election Commissioners have been tough men and they would not readily tolerate interference from the Government.

**Shri Chintamani Panigrahi:** Let us see how it happens in the case of Orissa now.

**Shri A. K. Sen:** I can assure the hon. Member that the decision is made by the Chief Election Commissioner. But what is open to Government is to decide whether it will extend the Presidential rule for another two more terms or not, and that can only be done with the concurrence of the Parliament. The hon. Member knows that if the Presidential rule is not extended twice, we cannot have the elections in Orissa in March, 1962, because six months will take us to August and another six months to February. Even then it will need a short extension beyond that, if we have to have general elections in Orissa in March, 1962.

It is, therefore, an important question of policy which certainly cannot be decided all at once as to whether a State should be put under Presidential rule for over a year just to avoid a mid-term election. The hon. Member is aware that when the Presidential rule was imposed on

Kerala, we had decided to hold elections immediately and not to extend the Presidential rule. It might have been argued even then that the Presidential rule be extended until March, 1962.

**Shri Sadhan Gupta:** Unfortunately Kerala does not have 120 degrees of heat.

**Shri A. K. Sen:** I can assure the hon. Member that I had been to Kerala more often than him and it is pretty hot.

**Shri Tyagi:** It also causes inconvenience to the electorate.

**Shri A. K. Sen:** The date and everything else will have to be decided by the Chief Election Commissioner. I can assure the hon. Member that no decision has yet been arrived at, so far as I know, as to when the elections will be held, as to whether the programme has been already settled by the Chief Election Commissioner or not. All that is news to me. I have not read it in any paper myself.

**Shri H. N. Mukerjee:** Could the programme be settled before the bifurcation of constituencies?

**Shri A. K. Sen:** Bifurcation of constituencies is for all the States; it is not merely for Orissa. It is for every State that bifurcation is going on, because if we have to hold the general elections in March 1962 on the basis of single-member reserved constituencies, then bifurcation must proceed very very quickly. If the hon. Member thinks that bifurcation is going on only in Orissa, he is wrong. It is going on simultaneously in every State. Therefore, bifurcation has nothing to do with the question of holding mid-term elections in Orissa or not. That is a common question for every State, because it is necessary for the general elections in March, 1962 whether we hold the elections in Orissa in June or not. Therefore, the criticism in regard to Orissa elections is a little premature and I am sure when the question

comes, there will certainly be a debate in this Parliament if the Government decide not to extend the Presidential rule. The debate will be replied to not by the Law Minister, but either by the Home Minister or by the Prime Minister.

**Shri Gupta** has unfortunately raised the question of the President's powers. Naturally when we discuss President's powers, the personality of the President is automatically brought in, specially having regard to the recent controversy which we have had in the newspapers and also outside. I would rather the hon. Member had not raised it so soon after the controversy had been raised; it might have been raised long after the controversy has become a thing of the past. Since it has been raised, it needs an answer. I do not see what the hon. Member would like the Government, or the Law Ministry to do.

**Shri Sadhan Gupta:** Apparently he has not read the debates. I said, have a reference to the Supreme Court and have the matter settled.

**Shri A. K. Sen:** It is not a question of my reading the debates. I was present when the hon. Member was speaking. The hon. Member need not be so caustic in his remarks. A little more gentleness would not be out of place, specially when I was not caustic. I am not in the habit of replying to the debates without listening to the debates. The hon. Member knows me in the Calcutta Bar and here also; I do not reply to debates without understanding or knowing what was said in the debates. In fact, if he had waited for a short while, I would have just touched on this question of reference to the Supreme Court. The hon. Member thought that this matter might be completely settled by a reference to the Supreme Court. I hope that courts should not be brought into the picture of political controversies.

**An Hon. Member:** It is not a political controversy. It is domestic.

**Shri A. K. Sen:** If it is not a political controversy, what else it is I do not know. It is universally agreed that this is one of the most important political controversies which has arisen since the Constitution.

**Shri Tyagi:** Not only in this country, but in other countries also.

**Shri A. K. Sen:** If the Government feel that there is no doubt in this matter, a reference under article 143 is completely out of question. The hon. Member had no doubt apparently when he quoted the relevant sections of the Constitution and he has no reason to suppose that if he has no doubt about the matter, the Government has any. In fact, those who have taken the trouble to pursue the records of the Constituent Assembly debates concerning this particular provision would have no doubt in the matter. There are certain things which can be best solved by being allowed to be developed as healthy conventions, rather than be adjudicated upon by courts of law. I have no doubt that during the last ten years, since the commencement of the Constitution, this Parliament and this Government have given ample proof to demonstrate that conventions on healthy lines are being developed.

**Acharya Kripalani:** Within ten years, what conventions can be made in this important matter? It is too short a time.

**Shri A. K. Sen:** For you, not for others. The Acharya should not commit the mistake of equating him with others.

**Shri Sadhan Gupta:** After all these 10 years, they are pulling in two directions.

**Shri A. K. Sen:** If they are pulling in two directions, it will be an unhappy thing. I hope the hon. Member will be proved to be wrong. This is not really a vital issue; this is more academic than real. In fact, I had the occasion to speak on it myself and I had quoted the words that fell from our respected President when he was

also the President of the Constituent Assembly and those words should be taken as the authoritative pronouncements of the President's powers under the Indian Constitution.

...**Shri Kasika Singh** has pointed out from the Pakistan's Constitution, which was adopted before the Constitution was thrown overboard and said that the framers of the Pakistan Constitution discovered the flaw in the Indian Constitution and they inserted a provision in the Pakistan Constitution to the effect that the President will be bound by the advice of the Council of Ministers. What was the practical effect of such a provision? The President, as he then was, dismissed the Ministry and dismissed himself within a few days, leading to military dictatorship.

It is not the written word of the Constitution which maintains the Constitution, but it is the faith in the Constitution and the democratic process which the Constitution embodies which sustains the Constitution. If the people lose that faith, the Constitution cannot be proposed up by the written words of the Constitution, whereas if they had, the written words assume flesh and blood and will become vital limbs of a powerful democratic Constitution.

**Shri Kalika Singh:** I read the opinion of one Mr. Allan Gladhill.

**Shri A. K. Sen:** He is a writer, but not an authority to be quoted, either in courts or in Parliament, with all respect to him. If the hon. Member had quoted Coke or Dicey, I would have understood it, but to quote Professor Gladhill is a thing with which I cannot concur.

But, as I said, the history of these written words, or section 37 of the Pakistan Constitution, are so fresh in our minds and they themselves prove the futility of this.

**Shri Kalika Singh:** But they have suspended the Constitution.

**Shri A. K. Sen:** That disposes of most of the criticisms on the general aspect of the debate.

With regard to the question of expensive litigation and the question of legal aid to the poor, I entirely agree with Shri Kasika Singh....

**An hon. Member:** Shri Kalika Singh.

**Shri A. K. Sen:** Yes, Shri Kalika Singh, I am sure, the hon. Member has got the generosity to excuse my lapse. It was really a slip of the tongue.

**Acharya Kripalani:** In other respects too.

**Shri A. K. Sen:** Yes, like you, Acharyaji.

Now, I agree with him whole-heartedly that one of the facts of planned development, in which the stress and emphasis is entirely on economic and social reconstruction, is this aspect of justice which to the lawyer and to the litigant is of great importance, and yet to the country as a whole is not of such importance. In fact, the hon. Member must be aware from the answers we have given, from time to time, in this House that during the past two years, we have framed a model scheme for legal aid to the poor, which was circulated amongst the different States. A beginning was made only by Kerala and Bombay. No beginning has been made by any State, excepting with regard to assisting litigants of Scheduled Castes, for whom 50 per cent. assistance goes from the Centre. With regard to other litigants, not belonging to Scheduled Castes, the Law Ministers of the States felt that unless the Centre came again with a grant of 50 per cent. of the total expenses, they would not be able to implement any scheme for legal aid to the poor. They are certainly masters of their own finances, and if they, in their scale of priorities, legal aid to the poor comes rather at a very low level, we cannot possibly take exception to it. Possibly, they have other priorities. And

if those in charge of finance here feel that it is impossible for the Centre to assist the States to the extent of 50 per cent. of their total expenses for legal aid to the poor, that again is matter on which we cannot pick up a quarrel with those in charge of the Central finances.

**Shri Tyagi:** What about a planned ceiling on the fees of lawyers?

**Shri A. K. Sen:** The only effect will be that the open fees taken will be less while the real fees....

**Shri Braj Raj Singh:** That is happening even today for purposes of income-tax and all that.

**Shri A. K. Sen:** If that is there, it is not on a very large scale now. But if a ceiling is put, I am sure that will be ineffective. The fact of the matter is that in such matters, as in the case of doctors, it is the eminent men who are always most sought after.

**Shri Sadhan Gupta:** What about a minimum wage for lawyers?

**Shri A. K. Sen:** It is not a case where there is equal competition, that out of ten who are equally good you choose one. That is one of the peculiarities of the legal profession—those who do well do still better and still better and those who do not do well never do well. That is one of the misfortunes or the peculiarities of the legal profession. Therefore, those who command fees command very good fees and even if you put a ceiling on their fees, they will continue to command that fees. It reminds me of a very good story of one of our very popular advocates, who might not have been an advocate in the ordinary sense of the term. One day a client came to him from the mofussil and wanted to find out what his position was, what his seniority was and so on, and he found out that he was called to the bar in the same year in which Sir Hussain Imam was called. So, he said: Hassan Imam is charging 30 gold mohars but you are not charging that much. He replied:

[Shri A. K. Sen]

“अरे बई, मेरी भी फीस ३० गोल्ड मोडर है, लेकिन मुझे यह देता कौन है ?

**Shri Sadhan Gupta:** The hon. Minister has omitted the unparliamentary part in this connection.

**Shri A. K. Sen:** Yes, I have omitted the unparliamentary part.

**Mr. Deputy-Speaker:** Order, order. The omitted words should not come from the hon. Member.

**Shri A. K. Sen:** I do not think it is feasible or practicable. Who will enforce it? If you put down a ceiling on lawyers' fees, it is impossible of enforcement and it will only create underhand dealing in a profession where standards are still, by and large, fairly high.

**Shri Tyagi:** Then they can be convicted for breach of law.

**Shri A. K. Sen:** No evidence. He will never be convicted for want of evidence. Will the lawyer who takes more keep any proof of it. Impossible. And the devoted client will be the last man to lodge a complaint. That ends this part of the discussion.

With regard to elections, a lot has been said by Shri Amjad Ali and also hon. Members on this side. Shri Amjad Ali's point is that election expenses of parties should also be shown. I do not know how it is feasible. Parties function in such a way that excepting absolutely set expenditure, it will be difficult to level any particular expenditure as relatable to election, because propaganda, meetings and various other things are the normal activities of any political party. What are to be regarded as the election expenses of a party unless that party actually prints posters as a party or does many other things which may be strictly relatable to the work of elections? And, secondly, as it is, it is difficult to find out the election expenses of the individual candidates. It will be far more difficult to actually discover or scrutinise, or even

verify the election expenses of political parties.

**Shri Kalika Singh:** What about modifying the name of the Swatantra party?

**Shri A. K. Sen:** I am coming to that. Therefore, it is impossible to accept the suggestion that we should have some positive provision similar to the one we have relating to the election expenses of individuals.

With regard to the question of not allowing Swatantra party to have the name "Swatantra", there is force in this argument, because I personally think that there is likelihood of confusion arising in many cases where there have been independent candidates. Independent candidates are known, at least in the north India, as Swatantra. In the south too, I suppose, in Andhra, Malabar and other places, they would be called Swatantra. I do not know about the Madras State—how they are designated there.

**Shri Naushir Bharucha:** He will get votes from both sides.

**Shri A. K. Sen:** By and large, in the whole of India independent candidates are called Swatantra candidates.

**Shri Tangamani:** In Madras they are called *Suyechai*.

**Shri A. K. Sen:** In Madras, possibly, this difficulty will not arise. But in the rest of India, the difficulty will be there. I know in Kerala they are called Swatantras. In Andhra too they call them swatantra. (Interruption).

**Acharya Kripalani:** Tamilnad is always separate. (Interruption).

**Shri A. K. Sen:** All that I can do is to pass on the suggestion and apprehensions of this House to the Chief Election Commissioner. (Interruption) and request him to devote his attention closely with regard to this matter without doing anything that may be regarded as unfair by members of the Swatantra Party because

we do not want at all to be unfair to any party.

With regard to the question of drafting, I am very obliged to my hon. friend, Shri Bharucha, for the compliments he has paid to our draftsmen.

**Shri Braj Raj Singh:** Have you finished with elections?

**Shri A. K. Sen:** Does he want anything else?

**Shri Braj Raj Singh:** Yes.

**Shri A. K. Sen:** I thought I had answered Shri Braj Raj Singh when I answered a question yesterday or the day before about the recognition of political parties. The recognition of political parties has been the subject matter of discussion in the last conference called by the Chief Election Commissioner on the 18th February. We cannot do anything more than what the parties have themselves agreed to before the Chief Election Commissioner. The decision taken there was that there must be some objective criterion for determining which party would be regarded as a recognised State party and which party would be regarded as a recognised all-India party. There cannot be any better criterion which we can think of than the one we have namely, that the parties must at least poll 3 per cent. of the total number of votes.

**Shri Braj Raj Singh:** The point which I made this morning has not perhaps been taken note of by the hon. Law Minister. I said that after the 1957 elections, the Election Commission devised a new procedure. It said that the votes of candidates of parties who forfeited their security deposits in the 1957 elections should not be counted for the purpose of recognition. It was not the practice in 1952. After the 1952 elections they had taken into account all the votes polled by any candidate of the party whether he forfeited his deposit or not.

**Shri A. K. Sen:** I was coming to that. The post-election possibility does not concern the period preceding the general elections. As to what will happen after the general elections as a result of the polling results, it is a matter which will again be reviewed by the Chief Election Commissioner. We will have to await his report. How can I commit either the political parties or the Chief Election Commissioner on the basis of hypothetical results that may be revealed by the general elections of 1962?

**Shri Braj Raj Singh:** I have again been misunderstood. I am talking of the 1957 elections. Votes of people who belonged to certain political parties and who forfeited their deposits have not been counted towards the recognition of that party. It has happened in respect of my party.

**Shri A. K. Sen:** I cannot say so but at the deliberations of all the different parties who gathered at different conferences at the instance of the Chief Election Commissioner this point was either raised or was not raised. If it was not raised, it is an end of the question. If it was raised and disposed of, then again it is an end of the question. I cannot say in which particular case the votes collected by a candidate of a party who forfeited his security deposit were counted or not. I cannot say that off-hand now. But I should certainly imagine that if there was a genuine point to be made, it should have been raised by the Socialist Party to which the hon. Member belongs because they were represented at all the conferences, even at the last conference. If there was any particular omission in this respect, they should have pointed it out. All that I can do is to forward what the hon. Member has said again to the Chief Election Commissioner. How can I off-hand commit either the Government or the Parliament or the Chief Election Commissioner to any particular course of action? I have not misunderstood the hon. Member at all.



**Shri Kalika Singh:** Parties whose candidates generally forfeit their security deposits should be disqualified for ever.

**Shri A. K. Sen:** As I said, I do not know what has actually happened, but I have no reason to suppose that if it was a valid consideration it was not taken into account by the Chief Election Commissioner. As I said, the hon. Member's own party which was represented at all these conferences should have raised it. If they had not raised it, they are to blame themselves. If they had raised it, the matter has been disposed of. That again is the answer. How can I standing here, off-hand commit either the Government or the Parliament or anyone for a future course of action on certain complaints made *ad hoc*?

**Shri Braj Raj Singh:** I am sorry I am again interrupting the hon. Minister, but I have to submit again that a notification was issued by the Election Commission after the 1957 elections giving out a decision saying that the votes polled by candidates who forfeited their deposits shall not be counted towards the recognition of the party. Now this was a notification issued by the Election Commission superseding the notification issued previously. My point is that this is a question which affects the fundamental right of a citizen and therefore whether it is within the purview of the Commission to do this without the concurrence of Parliament.

**Shri A. K. Sen:** I have followed the point. There was no difficulty in following it. What I have said is that if the hon. Member thought that it was such an important point, it must have been raised in that conference. If it was raised, the conference must have dealt with it. The hon. Member can say whether he had raised that point or not.

**An Hon. Member:** It was raised.

**Mr. Deputy-Speaker:** The hon. Minister might now take up the next point.

**Shri A. K. Sen:** I was coming to the question of drafting. I am obliged to my hon. friend, Shri Bharucha, for the compliments he has paid to our draftsmen. I think, considering the tremendous increase in legislation and the terrible number of Bills, Ordinances, regulations and rules which the Drafting Section has had to handle since Independence, the job turned out by them has been of an excellent standard. It has not only evoked the praise of all who appreciate this type of technical work in India but also of people from outside. I have got compliments paid to our draftsmen by specialised agencies in England, Poland, Soviet Russia and other countries. I particularly remember the three new taxation laws which were enacted in 1957 for the first time for which there was no precedent in England or elsewhere. I mean the Wealth Tax Act, the Expenditure Tax Act and the Gift Tax Act. With regard to the Gift Tax Act, possibly there was some precedent available elsewhere. But the standard of draftsmanship of these laws was of such an order that it had evoked the admiration of all and sundry.

**Tn Hon. Member:** Sundry?

**Shri A. K. Sen:** They really thought that our draftsmen had made a perfect job of a legislation which was absolutely of a novel kind and which concerned matters of first rate importance.

**Shri C. R. Pattabhi Raman:** They are the hardest worked men.

**Shri A. K. Sen:** I agree that those who are in our Drafting Section are the hardest worked.

**Shri Tangamani:** I do not think anyone criticised them.

**Shri A. K. Sen:** Somebody said that the standard has gone down. Shri Aurobindo Ghosal—he is not here—has said that our standard of draftsmanship has fallen considerably. I should say that it is the other way about. He is just coming in. I wish he were here earlier.



**Shri Tyagi:** There is no scope for their promotion.

**Shri A. K. Sen:** Then Shri Ghosal has raised the question of abolition of solicitors in Calcutta and Bombay. This subject was enquired into by two high-powered commissions and both the commissions had expressed their views in favour of the retention of solicitors in these two cities where commercial litigation is of such a nature and where commercial firms and companies are so intimately concerned with legal work that it is impossible to set up only one type of advocates to whom clients can go and get their work done. In fact, firms of solicitors even work for courts, like the city civil courts, small causes courts and so on. Big firms always send their files to the solicitors. Two expert commissions have said that all the Chambers of Commerce had uniformly expressed their views that they will be seriously handicapped if the system of solicitors were abolished in these two cities. It is they really who are more concerned than any of us because it is they who form the litigant public in these two cities. It is no use setting up these high-power commissions and not accepting their recommendations. What the Government did was only to accept the recommendations of these commissions while framing the Legal Practitioners Bill. And in any event the Legal Practitioners Bill is before Parliament. The Select Committee has dealt with it and it will be before the House for being passed finally.

I think this disposes of all matters.

**Shri Tyagi:** What about the establishment of the Indian Judicial Service?

**Shri A. K. Sen:** It is really a question which ought to be addressed to the Prime Minister. It is for the Prime Minister to allocate business among the different Ministries. Shri Tyagi's point was that we should handle the Courts and various other matters. That is really a matter on which I am not competent to say anything.

**Shri Tyagi:** What is the hon. Minister's view with regard to the establishment of an Indian Judicial Service on an all India basis, with a view to bring about a real integration of the country?

**Shri A. K. Sen:** That is a different point. As the House is aware, the Law Commission had recommended the creation of an All-India Judicial Service. There are certain weighty arguments in favour of such a service one of them being, which Shri Tyagi has pointed out, that it will help integration of the entire country if, like Administrative officers, judicial officers are also taken from outside the States up to a particular percentage. At the same time, in the last Law Ministers' Conference, all the Law Ministers from the States were opposed to the Creation of an All-India Judicial Service.

**Shri Tyagi:** All the more important for Parliament to take notice of it.

**Shri A. K. Sen:** The hon. Member will appreciate that administration of justice, under our Constitution, is primarily a State subject, and without the concurrence of the States...

**Mr. Deputy-Speaker:** Order, order. Hon. Members are moving about as they like. I find every hon. Member is becoming *swatantra*!

**Shri C. R. Pattabhi Raman:** Mr. Masani is not here!

**Shri A. K. Sen:** All the States opposed the creation of an All-India Judicial Service. One of the main recommendations of the Law Commission was the creation of an All-India Judicial Service. And all of them, without an exception, voted against the creation of an All-India Judicial Service. In the face of the opposition of all the States it is hardly feasible either for Parliament or the Government to impose such a service on the States. It will then be a matter of persuasion and gradual development of public opinion in favour of such a service, rather than an imposition.

Sir, these are my suggestions.

crave your permission to put in.....

**Shri Amjad Ali (Dhubri):** Sir, I

**Mr. Deputy-Speaker:** No, not now. We have already taken much time on this.

**Shri Amjad Ali:** Some of us had raised the question of delay in the disposal of judicial cases....

**Mr. Deputy-Speaker:** Some points have not been answered. They might be discussed with the hon. Minister. The hon. Member can discuss it with the hon. Minister.

**Shri Amjad Ali:** The hon. the Deputy Minister said that we could raise them and they will be answered.

**Shri A. K. Sen:** Sir, if you will permit me, I will answer it in two minutes. With regard to the disposal of election petitions....

**Mr. Deputy-Speaker:** He is talking of judicial cases.

**Shri A. K. Sen:** The Kashmir cases. I think, Sir, I should have really dealt with it, because it is of great importance.

**Shri C. R. Pattabhi Raman:** There is one case in Delhi, filed in 1953, the claim of an Editor for damages against a newspaper. Still it has not reached the stage of hearing at all.

**Shri Amjad Ali:** The Kashmir case started in 1958. Till now no evidence has been taken.

**Shri A. K. Sen:** The court that tries the question and the case is the only competent authority to decide how quickly or slowly it should carry on its work. Government never interferes in the question of administration of justice. And let that be made quite clear. If the Government tried to do it, I think we will be guilty of the accusation that we are interfering with the course of justice. The Kashmir conspiracy case has proved one thing to the whole world, that in Kashmir there is the fullest of liberty, even to an accused in a conspiracy case. Each accused has taken months to make his statement under section

342, and everyone knows how abusive those statements have been against the highest in the land.

**Shri Ram Krishan Gupta (Mahendragarh):** What about my point?

**Mr. Deputy-Speaker:** Can I ask him to answer every one individually? That would be difficult.

**Shri Ram Krishan Gupta:** Since the last General Elections an election petition has been pending.

**Mr. Deputy-Speaker:** Am I desired to put any particular cut motion separately?

**Shri Tangamani:** Yes, Sir, No. 1039.

**Mr. Deputy-Speaker:** The question is:

"That the Demand under the head 'Ministry of Law' be reduced by Rs. 100. (Failure to consult Attorney General before former Comptroller and Auditor-General was appointed Chairman of the Finance Commission.)" (1039)

I think the 'Notes' have it.

**Shri T. B. Vittal Rao:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** Let the Lobbies be cleared.

I will now put the motion. Every hon. Member may be in his own seat and refresh his memory about the actual working of the machine—both the hands to be used simultaneously.

The question is:

"That the Demand under the head 'Ministry of Law' be reduced by Rs. 100. (Failure to consult Attorney-General before former Comptroller and Auditor-General was appointed Chairman of the Finance Commission.)" (1039).

**Some Hon. Members:** No.

**Some Hon. Members:** Aye.

**Shri V. P. Nayar (Quilon):** (in a loud voice): Aye.

**Mr. Deputy-Speaker:** Order, order. It is very bad. That should not be resorted to.

**Shri V. P. Nayar:** I had no control over my voice, Sir. I beg your pardon.

**Mr. Deputy-Speaker:** Those who have come here must have control over their voices. Division.

15.50 hrs.

*The Lok Sabha divided:*

राजा महेंद्र प्रताप (मयुरा) : इस की विजली नहीं जली ।

**Shri Tyagi:** In case the machine is operating properly and the Member has made a mistake, I think we must establish a convention that the vote should be deemed to have been lost. Otherwise, there will be no end to this kind of thing.

**Mr. Deputy-Speaker:** The only difficulty is that the Hon. Speaker took a decision last time, and he allowed those mistakes to be rectified. Therefore, I have no option but to follow that procedure.

**Shri Sadhan Gupta:** But on how many occasions can this go on? I know that it happened in West Bengal.

**Shri Tyagi:** After all, it is a human mistake.

**Shri Ram Krishan Gupta (Mahendragarh):** My vote has not been recorded. I want to vote for 'Noes'.

राजा महेंद्र प्रताप (मयुरा) : घाप ने ही मजबूर कर दिया है कि मैं घापोजेशन में रहूँ, वैसे मैं तो कहता हूँ कि सब हाउस एक रहे ।

## Division No. 1]

## AYES

Awasthi, Shri Jagdish  
Banerjee, Shri S. M.  
Braj Raj Singh, Shri  
Gupta, Shri Sadhan

Jadhav, Shri Yadav Narayan  
Kunhan, Shri  
Mahendra Pratap, Raja  
Nayar, Shri V. P.

Panigrahi, Shri Chintamani  
Rao, Shri T. B. Vittal  
Singh, Shri L. Achaw  
Tangamani, Shri

## NOES

Achar, Shri  
Aney, Dr. M. S.  
Bangshi Thakur, Shri  
Barupal, Shri P. L.  
Basappa, Shri  
Bhargava, Pandit Thakur Das  
Bhattacharya, Shri C. K.  
Bidari, Shri  
Birbal Singh, Shri  
Bist, Shri J. B. S.  
Brajeshwar Prasad, Shri  
Chettiar, Shri Ramanathan  
Daljit Singh, Shri  
Dasappa, Shri  
Datar, Shri  
Desai, Shri Morarji  
Dube, Shri Mulchand  
Eacharan, Shri V.  
Elayaperumaj, Shri  
Ganapathy, Shri  
Ganga Devi, Shrimati  
Gupta, Shri Ram Krishan  
Hajarnavis, Shri  
Jagjivan Ram, Shri  
Jhunjhunwala, Shri  
Jinachandran, Shri  
Joshi, Shri A. C.

Kalika Singh, Shri  
Kashiram, Shri V.  
Khwaja, Shri Jamal  
Kurool, Shri B. N.  
Lachman Singh, Shri  
Laxmi Bai, Shrimati  
Malhotra, Shri Inder J.  
Maneen, Shri  
Mandal, Shri J.  
Maniyangaden, Shri  
Masuriya Dtn, Shri  
Mathur, Shri Harish Chandra  
Mishra, Shri Bibhuti  
Miera, Shri B. D.  
Miera, Shri R. D.  
Mohiddin, Shri  
Muniswamy, Shri N. R.  
Nehru, Shrimati Uma  
Pandey, Shri K. N.  
Pattabhi Ramen, Shri C. R.  
Raghubir Sahai, Shri  
Raj Bahadur, Shri  
Ram Shankar Lal, Shri  
Ramul, Shri S. N.  
Rao, Shri  
Raut, Shri Bhola  
Reddy, Shri Rami

Roy, Shri Bishwanath  
Rungsung Salsa, Shri  
Rup Narain, Shri  
Sahu, Shri Rameshwar  
Saments, Shri S. C.  
Samentinhar, Dr.  
Sarhadi, Shri Ajit Sing  
Satyabhama Devi, Shrimati  
Selku, Shri  
Sen, Shri A. K.  
Sen, Shri P. G.  
Shakuntala Devi, Shrimati  
Sharma, Shri R. C.  
Singh, Shri K. N.  
Sinha, Shri Gajendra Prasad  
Sinha, Shri Jhulan  
Sinhaan Singh, Shri  
Subbarayan, Dr. P.  
Subramanyam, Shri T.  
Tarik, Shri A. M.  
Tewari, Shri Dwarikanath  
Thimmaiah, Shri  
Tyagi, Shri  
Umrso Singh, Shri  
Upadhyay, Pandit Munishwar  
Dutt  
Varma, Shri Ramsingh, Shri

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

Ayes: 12; Noes: 80.

The 'Noes' have it. The cut motion is lost.

*The motion was negatived.*

**Mr. Deputy-Speaker:** I shall now put the other cut motions to vote.

All the other cut motions were also put and negatived.

**Mr. Deputy-Speaker:** The question is:

"That the respective sums not exceeding the amounts shown in the fourth column of the Order paper, be granted to the President, to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1962, in respect of the heads of demands entered in the second column thereof against Demands Nos. 71, 72 and 73 relating to the Ministry of Law."

*The motion was adopted.*

[*The motions for demands for the Grants which were adopted by the Lok Sabha are reproduced below—Ed.]*

#### DEMAND NO. 71—MINISTRY OF LAW

"That the sum not exceeding Rs. 34,71,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Ministry of Law'."

#### DEMAND NO. 72—ELECTIONS

"That the sum not exceeding Rs. 26,08,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Elections'."

#### DEMAND NO. 73—MISCELLANEOUS EXPENDITURE UNDER THE MINISTRY OF LAW

"That the sum not exceeding Rs. 1,27,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Miscellaneous Expenditure under the Ministry of Law'."

15.53 hrs.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### EIGHTIETH REPORT

**Shri Jhulan Sinha (Siwan):** I beg to move:

"That this House agrees with the Eightieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd March, 1961."

**Mr. Deputy-Speaker:** The question is:

"That this House agrees with the Eightieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd March, 1961."

*The motion was adopted.*

15.54 hrs.

#### RE: ESTATE DUTY (AMENDMENT) BILL

**Mr. Deputy-Speaker:** Now, Bills to be introduced. The first Bill, namely the Estate Duty (Amendment) Bill, stands in the name of Shri Ram Krishan Gupta.

**Shri Ram Krishan Gupta (Mahendragarh):** I do not want to introduce this Bill.

**Shri Braj Raj Singh (Ferozabad):** How can he not introduce it?

**Mr. Deputy-Speaker:** If he does not want to introduce the Bill, what can I do? Should I ask the hon. Member to introduce it?

**Shri Ram Krishan Gupta:** It deals with a State subject.

15.54½ hrs.

**GIFT TAX (AMENDMENT) BILL\***

(Amendment of section 22, 23, 25, 26 and 35) by Shri Ram Krishan Gupta.

**Shri Ram Krishan Gupta** (Mahendragarh): I beg to move for leave to introduce a Bill further to amend the Gift Tax Act, 1958.

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted.*

**Shri Ram Krishan Gupta:** I introduce the Bill.

15.55 hrs.

**INDIAN POST OFFICE (AMENDMENT) BILL\***

(Amendment of sections 68 and 69) by Shri Ram Krishan Gupta.

**Shri Ram Krishan Gupta** (Mahendragarh): I beg to move for leave to introduce a Bill further to amend the Indian Post Offices Act, 1898.

**Mr. Deputy-Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Indian Post Office Act, 1898."

*The motion was adopted.*

**Shri Ram Krishan Gupta:** I introduce the Bill.

15.55½ hrs.

**SUBSIDIARY BANKS MERGER BILL\***

*By Shri Ram Krishan Gupta.*

**Shri Ram Krishan Gupta** (Mahendragarh): I beg to move for leave to introduce a Bill to merge all subsidiary Banks with State Bank of India.

**Mr. Deputy-Speaker:** The question is:

"That leave be granted to introduce a Bill to merge all subsidiary Banks with State Bank of India."

*The motion was adopted.*

**Shri Ram Krishan Gupta:** I introduce the Bill.

15.56 hrs.

**CONSTITUTION (AMENDMENT) BILL\***

(Amendment of article 226) by Shri C. R. Pattabhi Raman.

**Shri C. R. Pattabhi Raman** (Kumbakonam): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted.*

**Mr. Deputy-Speaker:** Leave is granted.

**Shri Tyagi** (Dehra Dun): On a point of order. In the case of a Bill seeking to amend the Constitution of India, should not the article in the Constitution regarding amendments

[Shri Tyagi]

to Constitution apply, that is, should not a particular number of votes be necessary?

**Mr. Deputy-Speaker:** Not for introduction.

**Shri C. R. Pattabhi Raman:** I introduce the Bill.

15.56½ hrs.

# INDUSTRIAL DISPUTES (AMENDMENT) BILL—contd.

(Insertion of new Chapted VAA) by Shri T. B. Vittal Rao.

**Mr. Deputy-Speaker:** The House will now resume further discussion of the motion moved by Shri T. B. Vittal Rao on the 10th March, 1961, namely:

"That the Bill further to amend the Industrial Disputes Act, 1947 be taken into consideration."

Out of 1½ hours allotted for the discussion of the Bill, 13 minutes were taken up on the 10th March, 1961, and 1 hour and 17 minutes are now available. Shri T. B. Vittal Rao may now continue his speech.

**Shri T. B. Vittal Rao:** (Khammam): Fourteen days ago, when I moved for consideration of this Bill further to amend the Industrial Disputes Act, to make provision for gratuity to be paid to the workers at the rate of one month's total emoluments for every completed year of service, I had shown how the industrial production during the past decade had increased. I had also shown how the internal resources had been used for capital formation during the course of the past ten years.

Then, I was on the point of productivity. I quoted some two examples where it has been shown that the productivity of the workers has increased. The Speaker then inter-

rupted me and he remarked that I had quoted only examples from the public sector, whereas my Bill pertained to the private sector. I shall now deal with some of the industries.

Take, for example, the coal industry. The productivity per worker, which was 0.33 in 1951 has risen to 0.43 tons. So, there has been an enormous increase not only in the production but in the productivity of the worker.

Several times, when we have asked for benefits for our industrial workers, the Deputy Minister of Labour Shri Abid Ali has pointed out that when one is faced with the prospect of closure of a mill or a factory on account of certain benefits to be conferred on labour, then one has to choose between the two things; and he chooses to keep the factory going rather than close it down.

I have been trying to get hold of some figures to show how the number of our industries and factories has been increasing. I shall only quote one or two examples which I have taken from the latest Reserve Bank Bulletin, I think, of February, 1961. There is an article there on capital issues, which gives the figures regarding the consent given for capital issues during these few years. For the formation of new companies or for the expansion of the existing companies, the consent of the Controller of Capital Issues has to be obtained. So, these figures will give us an indication as to whether the industries have really increased or expanded their capital, and will indicate where we stand in this great economic development that is taking place in our country.

16 hrs.

I have got figures here for the period 1951—59. During these eight

years, the total consent granted by the Controller of Capital Issues for the issue of shares other than bonus shares, and debentures, amounted to Rs. 555 crores, comprising of Rs. 460 crores, or 83 per cent for shares, and the balance for debentures. I do not contend that every concern for which consent has been issued capital has been floated; there is some percentage. None the less, these figures clearly show that in our country factories have grown and industries have developed, and some factories have expanded, thereby increasing the total national income. Therefore, the argument that we will be faced with closure of factories if we confer any additional benefits on labour is absolutely untenable and I would request to House to reject it if such an argument is put forward.

Then where are we with regard to wages? Are our wages such that the industrial worker could put something by for his use when he is unable to work either due to old age or when he retires? Could he put something by to his dependents in case of deaths? I will only refer to an important judgment delivered recently by the Supreme Court. It was judgment of a Supreme Court Bench composed of Justices P. V. Gajendragadkar, K. N. Wanchoo and K. C. Das Gupta. This is what they have to say about a living wage, minimum wage and fair wage. They have argued this matter at great length. The Supreme Court finally observed:

"We feel no hesitation in holding that the said average of Rs. 370.11 is much below the standard of living wage. The said average is much above the need-based minimum and may fall in the medium level of a fair wage, but that itself would show that it is much below the standard of a living wage".

16.03 hrs.

[SHRI MULCHAND DUBE in the Chair]

This is the judgment of the Court. I will presently give a brief analysis of what is a fair wage, what is a need-based wage and what is a living wage according to the various experts, ILO experts and others. This has a bearing on my Bill.

The second para runs as follows:

"Similarly Rs. 274.65, which is the average of the operatives as well as Rs. 301.16 which is the average of the operatives and the clerical staff taken together may be regarded as constituting a wage structure which is above the need-based minimum structure and may be treated as approximating to the lower level of the fair wage."

Even a monthly pay of Rs. 300 and above is considered not be a living wage. Living wage is one where the worker after meeting all his present needs can put by something which he can utilise when he retires or which his family can use in case of a calamity befalling the bread winner. When we take Rs. 300, it comes to Rs. 3,600 per annum—I am giving it roughly. But what is the average per industrial worker in India? According to the latest statistics—statistics for only 1958 are available—it is Rs. 1,284 per annum. That is, Rs. 100 is the average. There are several other workers who get below this. Even in the case of a coal-miner, whose wage has been revised two times, he only gets something near to that. Rs. 300 and above is not to be called a living wage, but today the average wage is Rs. 100. This is in the case of an industrial worker. In the case of plantation labour, it is worse. It is far far below and he gets about Rs. 50—60 per month. So the worker who gets this wage cannot put by anything for his old age.

What does our Constitution say? Under the Constitution, the Govern-



[Shri T. B. Vittal Rao]

ment has to provide for a living wage and undertake legislation for the purpose. But where are we? We are not even near need-based minimum wage. We are very far from a fair wage and far far away from a living wage. When I read the Constitution and when I think of the wages for an industrial worker or miner now, I feel that the prospect of a living wage for the worker in India under the present Government seems to be so distant that it is almost a mirage. Therefore, I say that a worker who is getting this much cannot put by anything for his old age.

Now, I want to speak about the misery of the workers when they retire. These are days of acute unemployment. Only a few months ago, several workers came to me at my place. One worker who has put in 35 years of service was superannuated. On reaching the age of 60. He has five children. The eldest son is 18 or 19 and has studied only up to Second Form. What did he get after superannuation from the Singareni collieries where he was working? Half the wage for every completed year of service. He got Rs. 400 on that account. From the coal mines provident fund, he got about Rs. 300. In all he got Rs. 700. Can anybody imagine how long a worker who has got five children could carry on in these days of acute unemployment with that sum? He was only pleading with me to somehow request the management to provide employment even as a mazdoor, that is, the lowest unskilled worker, for his son. This is what is happening.

My Bill is a very simple one. It is not going to entail a lot of expenditure. It is the least that an industrial worker deserves. In the Second Plan, it is stated that part of the benefit of the increase in production is to be shared by the workers. Therefore, I want that that part should go into the pocket of the worker. I had discussions in connec-

tion with the question of gratuity for industrial workers. In the coal mines, it was referred to an arbitrator. The learned arbitrator said that since the Government were thinking of an integrated social security measure, he was not going into it and the Government should take it up. We have been thinking of an integrated social security measure for the industrial worker for a very long time. It was formulated in the beginning of the Second Plan. Now we are at the lag end of that Plan and there is no prospect of any integrated scheme coming. They only say that they will discuss it further at the Labour Conference.

With regard to labour, unfortunately this Government does not behave in the manner enjoined on them in order to fulfill the directives laid down by the Constitution or even by their own professions. With regard to the increase of provident fund contribution from 6½ per cent to 8-1½ per cent—which will also provide Government with a good investment, money for capital formation—they referred the matter to a technical committee. I do not know what that committee is doing and when its report will come. But I dare say that this technical committee has been appointed by Government in order to evade the obligation of increasing the rate of provident fund from 6½ per cent to 8-1½ per cent. Their strange argument is that they want the committee to go into the question of their paying capacity. In the case of the paper industry, if they wanted it, they could easily have done it. When the Tariff Commission was seized of the question with regard to the paper industry, they came to the conclusion that the profits were so high that they should reduce the price by 10 per cent. Here we cannot increase the provident fund rate, which is going to be nothing. If you are sincere about it, you would have done it and implemented the assurance that has been given. What has

been stated in the Plan has not been done.

With regard to the Employees' State Insurance Scheme, what have you done? The employer's contribution is half the employee's contribution. There are Rs. 17 crores there, but the hospitals are not being constructed. There is a provision in the Act that the employer's contribution should be equal to 4½ per cent of the total wage bill, but, though the Act has been in force for the last eight years, the worker is still paying more than what the employer is paying. This is how our Government is acting. There is no question of increasing that.

Is this is the way the industrial worker, who has been responsible to a great extent for the success in fulfilling the targets laid down in the Second Plan, should be treated? Is this the way he is going to be enthused for the task ahead of us in the Third Plan? Small concessions for labour, small concessions for the industrial worker who is responsible for industrial growth, who is ultimately responsible for contributing to increase in our national income. May I ask very humbly whether the Government has moved in the correct direction in all these things? Certainly not.

What I ask through my Bill is a very small thing—one month's wage for every year of completed service. I have shown, I have tried to prove, that the climate for giving one month's wage of the total emoluments for every year of completed service can be given. I have proved with facts and figures. I have not raised any ideological issues at all. I have shown how industrial production has grown, I have given the figures, I have shown that according to the Controller of Capital Issues, factories have grown. Production has increased and industrial profits have grown. Taking all this into consideration, I only want this to be done.

Let not the Minister say that he is not in a position to accept this Bill

for any reason. The industrial work-look to us, look to this Parliament, to do them justice. If my Bill is not going to be accepted, I am sure the workers will take up the challenge in right earnest, and they will see what action they should take for the enforcement of their legitimate demands.

With this, I close.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Industrial Disputes Act, 1947 be taken into consideration."

श्री रामसिंह भाई बर्मा (निमाड़) : सभापति महोदय, बिल के प्रस्तावक की मंशा बुरी नहीं है, बल्कि मैं तो कहूंगा कि बहुत अच्छी है, और गवर्नमेंट को भी इसे स्वीकार करने में एतराज नहीं होना चाहिये। इस संबंध में हमें थोड़ा विचार करना है। श्रमिकों के लिये ग्रेबुइटी का सवाल बहुत महत्वपूर्ण बनता जा रहा है। कुछ जगहों पर एग्जीमेंट के द्वारा श्रमिकों को ग्रेबुइटी मिल रही है, कुछ जगह झगड़ा फसाद करके मिल जाती है, कुछ जगहों पर मिन्नतों से भी मिल जाती है, पर कुछ जगहों पर अब भी नहीं मिल रही हैं। इस लिये यह जरूरी है कि श्रमिकों के बारे में एक ऐसी नीति होनी चाहिये। जब एक नीति नहीं होती है, अलग अलग जगहों पर अलग अलग नीति का इस्तेमाल किया जाता है, तो इंडस्ट्रियल रिलेशन्स खराब होते हैं, स्ट्राइक होते हैं, झगड़े फसाद होते हैं, जिस से उत्पादन गिरता है और देश को घबका पहुंचता है। इसलिये मेरा यह निवेदन है कि ग्रेबुइटी का सवाल मजदूरों के लिये बहुत महत्वपूर्ण है। वैसे तो बरसों पहले रिट्रैक्टमेंट कम्पेन्सेशन और ले-आफ कम्पेन्सेशन का कानून बनाया गया था लेकिन जहां पर एम्प्लायर्स वांग श्रमिकों को कम करना चाहते हैं, मजदूरों की छंटनी करना चाहते हैं, वहीं के लिये वह कानून बना था। परन्तु ऐसे भी श्रमिक हैं जो कि अब बूढ़े हो गये हैं और बच्चों से कारखाने

[श्री रामसिंह भाई वर्मा]

के अन्दर काम कर रहे हैं तथा अपना काम छोड़ना चाहते हैं। लेकिन वे इसलिये नहीं छोड़ पाते हैं कि अगर छोड़ेंगे तो उन के बाल बच्चों का क्या हाल होगा। अगर उन्हें ग्रेचुइटी मिलती है तो वे रिटायर होने के लिये तैयार हैं, और उनकी जगह दूसरे नौजवान श्रमिक आ सकते हैं। जो नौजवान श्रमिक नये आयेंगे वे बुढ़े श्रमिकों से अधिक काम भी करेंगे। कहने का मतलब यह है कि आज प्रैक्टिस में यह चीज है कि नौजवान श्रमिकों की जिस जगह जरूरत है वहां बुढ़े श्रमिक काम कर रहे हैं। आज बुढ़ों की जितनी एफिशिएंसी है उस से कम से कम १५ फी सदी ज्यादा एफिशिएंसी नौजवानों में होगी और यह एम्प्लायर्स के लिये भी बहुत अच्छा होगा। जिस काम को बुढ़ा अधिक समय में काम करेगा, उसी जगह नौजवान श्रमिक थोड़े समय में कर लेगा। इस लिये एम्प्लायर्स को इस पर ऐतराज नहीं होना चाहिये। इस से हमारी एफिशिएंसी बढ़ेगी। एफिशिएंसी बढ़ेगी तो प्रोडक्शन बढ़ेगा तो और प्रोडक्शन बढ़ेगा। हमारी प्रोडक्टिविटी बढ़ेगी।

लेकिन मुझे ऐतराज एक बात पर है। हमारे मित्र ने केन्द्रीय शासन और राज्य शासन के कर्मचारियों को क्यों छोड़ दिया है, यह मेरी समझ में नहीं आता। जब हम श्रमिकों के संबंध में एक सी नीति इस्तेमाल करना चाहते हैं तो ट्रेड यूनियन के सामने सेंट्रल गवर्नमेंट, स्टेट गवर्नमेंट, प्राइवेट सेक्टर और पब्लिक सेक्टर में कोई फर्क नहीं होना चाहिये। उस के सामने एक ही चीज होनी चाहिये कि अगर एक श्रमिक काम करता है, वह भाषे बंदे के लिये ही श्रम करता है तो भी उस को उसकी मेहनत का पूरा मुआवजा मिलना चाहिये और जो बेनिफिट दूसरे श्रमिकों को मिलता है वह सब को समान

रूप से मिलना चाहिये। मेरी समझ में नहीं आता कि सेंट्रल, गवर्नमेंट, स्टेट गवर्नमेंट वगैरह की जो इंडस्ट्रीज हैं उन में काम करने वाले श्रमिकों को क्यों अलग कर दिया जाय। यह बहुत गलत तरीका है और मैं इसका विरोध करता हूं।

साथ ही साथ मैं इस मामले में मंत्री महोदय का ध्यान दिलाना चाहता हूं कि हमारे श्रमिकों के अन्दर भी एक गृह युद्ध जैसी चीज न भड़क उठे, इस का ध्यान रखने की जरूरत है। एक इंडस्ट्री के अन्दर, एक कंसर्न के अन्दर एक जैसा काम करने वाले जो अलग अलग श्रमिक हैं उन में भेद नहीं करना चाहिये। मुझे बड़ा दुःख होता है जब मैं देखता हूं कि हम बात करते हैं इंडस्ट्रियल लेबर की, हम बात करते हैं श्रमिकों की, लेकिन जो आज दबा हुआ वर्ग है, जो मध्यम श्रेणी के लोग हैं, जो पढ़े लिखे लोग हैं और दूकानों पर काम करते हैं, उन के लिये किसी कानून का पालन नहीं होता है। सभी लोगों को बहुत से बेनिफिट मिल रहे हैं। इस मामले में इंडस्ट्रियल डिस्प्यूट्स एक्ट के अन्दर जहां पर ५० श्रमिक काम करते हैं वहां पर श्रमिकों के लिये रिट्रैवमेंट कम्पेन्सेशन और ले-आफ कम्पेन्सेशन की व्यवस्था की गई है। मैं समझता हूं कि अगर इस व्यवस्था को मध्यम वर्ग के कर्मचारियों पर भी लागू किया जाय तो ठीक होगा। जहां पर ५० से ज्यादा अधिक श्रमिक काम करेंगे उनको इस कानून के अन्तर्गत न्याय मिलेगा, इस बात को रखना उचित नहीं है। इस चीज को देखने की जरूरत है कि चाहे २-४ श्रमिक काम करें, चाहे ५-१० श्रमिक काम करें या ४०-५० काम करें, दूकान पर काम करने वाले हों, प्राइवेट

सेक्टर में काम करने वाले हों, या पब्लिक सेक्टर में काम करने वाले हों, जो भी उचित योजना हो वह सब पर लागू होनी चाहिये। आज आप ने रिट्रैक्टमेंट आफ कम्पेन्सेशन और ले-आफ कम्पेन्सेशन का कानून बनाया है उस के बावजूद अहमदाबाद और बम्बई के अन्दर कानून के द्वारा प्रेचुइटी मिल रही है, इंडस्ट्रियल कोर्ट ने जजमेंट दिया है, उस के द्वारा बम्बई और अहमदाबाद में प्रेचुइटी मिल रही है। मैं अभी एक ऐग्रीमेंट करके आया हूँ, हमारे यहां टेक्स्टाइल इंडस्ट्री में काम करने वाले जो टेक्नीशियन्स और क्लेरिकल स्टाफ है उस के बारे में ऐग्रीमेंट कर के आया हूँ, कि भले ही यह कानून के अन्तर्गत न हो, लेकिन जो श्रमिक बुझा हो जाता है या बीमार हो जाता है या मर जाता है उसे एक साल की सर्विस के ऊपर एक महीने का ऐवरेज वेतन प्रेचुइटी के तौर पर दिया जायेगा। मैं निवेदन कर रहा हूँ कि बम्बई, अहमदाबाद और इन्दौर में इस तरह से हम आगे बढ़ रहे हैं तो जहाँ पर ट्रेड यूनियन स्ट्रांग नहीं हैं, वहाँ कमजोर लोगों को क्या मिलेगा और वे क्या करेंगे? वे वहाँ पर झगड़े बढ़ावेंगे और हम झगड़ों को खत्म करना चाहते हैं। मैं जानता हूँ कि मंत्री जी एक सहारा लेंगे और वह सहारा लेंगे कि पंद्रहवीं लेबर स्टैंडिंग कमेटी में इस बारे में विचार हुआ था और यह तय हुआ था कि जिन को संश्लेष सिन्डिकेटि मिलती है उन का इंटेग्रेशन कर दिया जाय। मैं जानता हूँ कि यह सन् १९५६-५७ की बात हो गई है और आज सन् १९६१ बन रहा है। तो आप या लेबर स्टैंडिंग कमेटी जो सारी बातें करना चाहते हैं उन को करते क्यों नहीं। प्रेचुइटी जैसी चीज इंडस्ट्री के लिए बहुत फायदे मन्द है और इसे करना चाहिये। हमारे भाई इंडस्ट्रियल डिसप्यूट्स ऐक्ट में प्रेचुइटी को माना चाहते हैं

और इस के लिये उन्होंने बिल पेश किया है। लेकिन इस में जो कटीन्यूड सर्विस का सवाल है यह हमको बहुत अखरता है। कटीन्यूड सर्विस को आज के स्टैंडिंग आर्डर्स के अनुसार गिना जाएगा। उस के अनुसार अगर कोई देर से आता है या छुट्टी में पिछड़ जाता है और दरखास्त देता है तो मैनेजमेंट कहता है कि हमको मिली नहीं, उस हालत में उसकी सर्विस में ब्रेक हो जाता है, और चाहे उस की २५ साल की सर्विस हो उस को ब्रेक कर देते हैं और फिर उस को बदलियों में रखते हैं और उस की कुल सर्विस को नए सिरे से गिना जाता है। तो मैं मानता हूँ कि आपको सारे इंडस्ट्रियल डिसप्यूट ऐक्ट पर विचार करना होगा। इंडियन लेबर कानफरेंस में भी इस के संबंध में चर्चा हुई थी। मेरे दूसरे साथी भी बालने वाले हैं इसलिए मैं ज्यादा समय नहीं लेना चाहता, लेकिन मेरा निवेदन है कि जो श्रमिकों की प्रेचुइटी का मसला है इस पर आप को विचार करना चाहिए और कोई ऐसा तरीका निकालना चाहिए कि यह प्रेचुइटी न केवल इंडस्ट्रियल श्रमिकों ही को मिले, बल्कि जो भी लोग श्रमिकों की व्याख्या में आते हैं, भले ही वह चाय बागानों में काम करें, खानों में काम करें, दूकानों में काम करें, सब्जी मंडी में काम करें, या होटलों में काम करें, जो भी मजदूरी करके अपनी रोजी कमाने वाले लोग हों उन सभी को इसका फायदा मिले। यही मेरा निवेदन है।

Shri S. M. Banerjee (Kanpur): Mr. Chairman, Sir, I rise to support the Bill which has been moved by my friend, Shri Vittal Rao. In the Statement of Objects and Reasons, he clearly says:—

'The Industrial Disputes Act, 1957, as amended in 1953, does not deal with the right of workers for

[Shri S. M. Banerjee]

gratuity and retirement benefits when they are forced to retire and quit service due to their reaching the age of superannuation or due to ill-health or death."

I am working in the trade union field for the last 20 years; and every time we have been pleading, whether we are working in the public sector or working in the private sector, for social security. This Government have also made too many promises. But I am really surprised the way industrial security problem is moving in the country. The pace is so slow that I am afraid that this particular movement is not going to help the industrial workers, or as my hon. friend, Shri Ramsingh Bhai Varma put it, those who are working in different industries.

My friend, Shri Vittal Rao has proved after giving full statistics supplied to us by Government that production has increased in most of the industries. And, I am sure, the hon. Minister will bear me out when I say that the profits have also increased. Now, the question arises whether a portion of the profit should also go into the pockets of those who produce.

This is a fundamental problem. When we talk of minimum wage, when we talk of a living wage, when we talk about commissions and wage boards appointed to go into the various service conditions of the industrial or non-industrial workers, we have in our mind that he must have some savings in his life. I know that even in the public sector, where this provident fund scheme or the scheme of gratuity has been introduced because of the break in service, as ably pointed out by my hon. friend, Shri Varma, the workers are denied the benefit of gratuity or provident fund.

Instances have been brought to our notice while working in the trade union field that the industrial worker who is absent for more than 90

days throughout his service does not get the benefit of government contributions to the provident fund.

Previous to 1947, there were no rules absolutely. There was no question of permanency or quasi-permanency. They were not even temporary. They were actually borne on the muster roll and anybody who wanted to give an application to regularise his leave was denied this benefit. Naturally, during that period there were many absentees, which has today become a problem with the Central Government employees, especially the industrial employees who are working in the Central Government undertakings. I am touching the public sector because this question has been raised by my friend Shri Varma.

I can give a number of cases to the hon. Minister that even after retirement, the claimant if he is alive, or his nominee, if he is dead, patiently waits for six months, one year, 2 years. And, in certain cases, even after the lapse of three years the man is not paid.

In Delhi itself, in the engineering department of the C.O.D. Delhi Cant. you will find so many employees actually begging in the streets though the amount is due to them because there is a break in service, because services were not regularised, and they have not been paid the amount.

So, I would request the hon. Minister to kindly consider the point seriously—for the public sector also—and see whether some expeditious method or procedure could be evolved by which the provident fund amount or the gratuity amount could be paid at least within 3 months, if not within 2 months or 1 month after retirement. Otherwise, it loses its significance and its value. When a man is forced to starve and he does not get anything at that time, I do not know whether it is the intention of the Government to allow him like that. In the private sector industries,

for which this Bill has been specially brought forward, there is no social security. If you consider their wages, their housing conditions and social security and other things, a thorough enquiry should be made into the working of the industry. I am referring here to the workers who are working in horrible conditions. I remember that the hon. Minister Shri Nanda and the Deputy Minister also went to Kanpur to attend one conference, and I know at least, Shri Nanda went and saw the horrible conditions in which the workers lived. After retirement none of them, I was told, are paid anything. Now the provident fund scheme has been introduced but a restriction has been placed that unless six months pass away he will not be entitled to anything. The restriction about six months should be done away with; it should be paid immediately after retirement.

A question was asked the other day whether the Government would start unemployment dole during the Third Plan. Why do we demand it? We know some cotton textile units have been closed not for *bona fide* reasons but they were *mala fide* closures due to the mismanagement by mill-owners. Even in such cases, the workers do not get anything. I am happy that the Labour Ministry is considering the matter whether there should be a fund jointly run by the millowners and the Government to give some amount as a dole to these people—you may call it unemployment relief—when the mills do not work. This Bill has raised a very good point and it says that average pay should be taken into account. The rules say that he will be paid fifteen days' salary for each completed year of service, subject to a maximum of 15 months salary. Now, what is the salary in some of these industries? Rs. 30, or Rs. 26 or even less in some cases. That means that fifteen times of Rs. 15—that is the maximum. The total will not come to even three months or four months living wage.

I would request the hon. Minister to consider these points seriously. I do not say they are not interested in such things. We want to give social security to the old workers who have spent a major part of their life in serving and developing a particular industry. They should consider this matter and accept this Bill. When we move a non-official Bill we all wish that such a Bill should come from the Government which is said to be moving towards socialism. We are surprised that from the Government side they do not move such Bills. When such Bills are moved from this side, because of the majority in the House it is supposed to be voted down. I would request him to appreciate the idea of this Bill. I am sure, if this Bill is viewed objectively, the Deputy Minister will not try to reject this Bill with his usual stereotyped arguments; he should try to do something more than that.

Shri K. N. Pande (Hata): Mr. Chairman, I also feel that a Bill of this type is required. A comprehensive Bill is required for this purpose so that the idea with which this Bill has been brought before the House may be achieved. So far as the old Act is concerned, if a man is forced to retire and go out of the factory, according to the Industrial Disputes Act, he is entitled to get something as retrenchment relief. But there is no such provision if a man on grounds of ill-health wants to retire himself. I can say that recently the Central Government has accepted the recommendations of the sugar wage board where this thing has been provided. If a man retires on grounds of ill health or disease he is entitled to get some gratuity so that his family may be compensated, so that the old man may live comfortably, as will be the case with a man who is super-annuated. But as Shri Ramji Bhai has said, the Bill should be brought forward in such a way that it should cover the public undertakings also. Provident fund is applicable in public sector, if a provision for gratuity is created then it



[Shri K. N. Pande]

should equally be applicable to all the private industries as well as all the public undertakings.

The other thing is, the way this Bill has been drafted is such that I think if it is accepted it will leave so many things which are desirable to be incorporated. Therefore, my request to the Ministry is that even if they are not inclined to accept this Bill they should themselves make an effort to call the parties and try to bring a Bill which may serve the purpose of giving protection to the workers in their old age or in a condition when they are not able to serve any more in a factory. I want that a comprehensive Bill of this type should be brought by the Ministry so that the desired purpose may be achieved. This Bill also may be taken into consideration when a Bill of that type is brought before this House.

**Shri Tangamani (Madurai):** Mr. Chairman, Sir, the object of this Bill has been explained very ably by the mover of this motion. He has also given the special reasons why he wants this principle of gratuity be accepted and extended to the industrial employees. In this connection, I would like to say how certain tendencies which have been accepted by the tribunals are gradually incorporated or have to be gradually incorporated in the legislative measures also. In the year 1953, in the State of Madras there were lot of closures or partial unemployment due to electricity cut which affected not only the textile industry but also the cement industry. So the question arose as to whether the workers will be entitled to any compensation for this period of involuntary unemployment. A special tribunal was set up and that tribunal considering the justice of this claim felt that some compensation should be given.

It was during this period that the Indian Labour Conference or the Standing Labour Committee—I am not sure—considered this question. Then

they decided that in such cases compensation should be paid. That briefly is the history of payment of compensation for involuntary unemployment. An Ordinance was passed, and this Ordinance was subsequently followed by a legislation which is Act 43 of 1953. That Act 43 of 1953 amends the Industrial Disputes Act by including a new chapter, namely, Chapter VA, and after having gained experience this chapter also had to be extended. Without developing this point further, I would say that this has been extended by two subsequent legislations: Act 48 of 1954 and Act 41 of 1956. The most important section here is 25(F) which reads:

“No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government.”

In other words, they have fixed the quantum of compensation for those workers who are thrown out because of involuntary unemployment or those who have been retrenched. This prin-



ciple has been accepted. There are certain industries where due to mutual agreements or as a result of the awards another benefit is conferred on the workers which is generally known as gratuity. Gratuity is also based on the number of years of service that a worker has put in. It may be ten days' average wage per each year of service or it may be 15 days' or even one month's wage. In such cases the question arose whether,—when a particular industry closes, and when a particular worker is thrown out and there is no guarantee that he would be able to get back his job,—he would be entitled to compensation under Chapter VA and also gratuity which has been his due because of the agreement. This question arose—I think I am unable to put my finger on that particular decision—and was argued very ably before the Supreme Court. The Supreme Court held that retrenchment compensation is one thing and gratuity is another. Retrenchment compensation is paid because the worker is thrown out of employment for no fault of his. He is prepared to serve for, say, another 15 years. So, to compensate for this loss of service or to compensate for the delay in securing a new employment, he must be given a certain compensation. That compensation is half a month's salary for each year of service. The gratuity that he gets is for the work that he has already done. He has put in ten years' service. The employer says: 'I have not paid you fully; and even if I have paid you in full, for the work that you have done, when you go out of the job you are entitled to some kind of lump sum payment.' That is the gratuity. The difference between retrenchment compensation and gratuity has been accepted by no less a tribunal than the Supreme Court itself. So, there is absolutely no difference of opinion between these two items at all.

The purpose of Shri Vittal Rao's Bill is, we have reached a stage where not only has the retrenchment compensation to be provided statutorily but

gratuity also should be provided statutorily. Of course I was not able to follow the points of the hon. Member who preceded me because he was speaking in Hindi but I could gather from his speech that gratuity is being paid in the textile industry in Ahmedabad and Bombay and in a large number of textile units in Madras State also. In the private sector too,—take iron and steel for instance—in the Tatas, generally there is a gratuity scheme. In small units also it is gradually coming up. So, it is necessary that some kind of protection is given statutorily. One might argue that it is not necessary to give statutory protection and that the best thing would be mutual agreement. I do agree, but then experience has shown that wherever certain statutory enforcement is brought in, and if the unions are strong, at least within a period of three or four years we are able really to enforce it.

I will give you one instance. In the year 1952, the Employees' Provident Fund Act was passed. Under this Act, a schedule was included whereby some industries would be covered by this provident fund. Gradually we find those industries which are covered by this Provident Fund Act are now enforcing this provident fund. It has become a very popular thing, although as a trade unionist, I would not like this kind of incentive for compulsory saving. After all, the provident fund scheme is nothing but compulsory saving. You induce a worker to save by saying that if you save Rs. 10, I shall give you Rs. 10. But I think on the other hand there must be consolidated payment made to the worker after he retires. Anyway, at least this question of provident fund has met with the approval of the entire trade union movement in this country. That is the stage to which we have grown, although when we look at the industrially developed countries or socialist countries we find that on this question of social security there is to be no contribution from the worker. Here, the worker has to contribute and all honour to the worker; all honour to

[Shri Tangamani]

the trade union movement in this country. They say they are prepared to contribute more. Who is now resisting. It is the employer who is resisting. The worker contributes a certain amount to the provident fund and the employer has to contribute an equal amount. This amount goes to a central fund and that becomes part of the resources for the third Plan. The worker is prepared to contribute more. This is one of the ways of increasing the resources. In the discussion on the general budget, our leader, Shri Mukerjee also referred to this particular point that this could be also one of the ways of increasing the internal resources. That is probably going a little away from the point at issue.

So, the time has come when we have to clinch certain aspects of social security legislation. What has happened to the Menon's report? It says the employees' contribution should increase and also the employers' contribution should increase. Nothing has come out of it. At least now let us clinch a particular issue where courts have held that gratuity is something which ought to be paid to the worker for the services he has done in the past. The easiest way to do it will be the way in which this legislation is brought in.

The trend in which the development is going has also been made clear by Shri Vittal Rao. He also referred to the judgment by Justices Gajendra-gadkar, Wanchoo and Das Gupta in the case of Standard Vacuum Oil Company (India) Limited, delivered on 20th January, 1961. There the whole question was whether the five months' bonus awarded by the tribunal is right or not. Particularly in these oil companies, we are not able to get the entire balance sheet and we are not able to calculate according to the LAT formula. So, the principle accepted is, where there is a gap, where the worker has been receiving a living wage and if there is a gap, to that extent it should be filled up. That principle has been more or less accepted in the case

of oil companies. Their Lordships went into the whole question of living wage and they have accepted the suggestions made at the XV Indian Labour Conference. They said, if a clerk is getting Rs. 370.11nP, which was the contention of the employers and which was not denied by the employees also, it is nowhere near the living wage in this country. This is a pronouncement made by the Supreme Court. On the basis of the rich material supplied by the Government of India and by the Standard Vacuum Oil Company, the judges have come to this conclusion. Ultimately they said, because the employees are not getting this living wage, they are entitled to five months bonus. They left this question open. The whole question of bonus is something different.

In this country, bonus is a share in the profits. That is not something which is given *ex gratia*. If we are really thinking about a socialist form of society, whatever profit is earned by the employer will have to be shared by the employee also. So, even after attaining this living wage, their Lordships say, it is an open question. In other words, even after the living wage is paid, the employee in the lowest rung, the Class IV employee, will be still entitled to bonus, i.e. a share in the profits. That is more or less the trend in which even the Supreme Court is developing. So, the time has come when a suitable legislation should be brought in for conceding this principle of gratuity.

In the first instance, it may be given to the industrial workers, as it was done in the case of retrenchment compensation, numbering about 50 in a particular unit. It may be reduced to 20 as in the case of the amendment to the Employees' Provident Fund Act. There was an observation by a very eminent man about our workers:

"Given the same equipment and initial period of training and reasonable working conditions, an Indian workman has the capacity

to be as good a workman as anywhere else in the world."

This is the pronouncement of a very eminent person, who is neither a Communist nor a trade unionist. He gives two instances of production, in the Perambur workshop and also in the Hindustan Machine Tools. In the Perambur workshop, initially nearly 19,648 man hours were required for production of one coach. Now it has gradually come down to 6,750, which is the man hour required for building up a coach in Switzerland. The same is the case in the case of Hindustan Machine Tools. He has given the instances of two precision factories. That shows that not only is productivity increasing, but the efficiency of the worker is also increasing. When the position is that productivity is increasing, production is increasing and profits are increasing, certainly it follows that the benefits to the worker during his employment and after his retirement should also be increased. This is not even socialism but really social justice. This amending Bill is a social justice legislation, and I hope Government will see that this aspect is not forgotten when the hon. Minister replies or when the Ministry takes into consideration the question of amending the Industrial Disputes Act.

**The Deputy Minister of Labour (Shri Abid Ali):** While discussing the Bill which is before the House, some of the hon. Members who have participated in the debate have referred to the items which had very little to do with the provisions mentioned in the Bill. Especially, the last speaker was mentioning about bonus, wages etc., and he quoted from some eminent writers about the capacity of Indian workers. I do not know where was the necessity for such a mention, because everyone who has even a little to do with the working of the various industries all over the country is convinced that, given opportunity, workers here also have got capability of doing big jobs with efficiency, and our friends who have come here from foreign countries have nothing but

praise for them. So, there is nobody here who needs to be convinced, or who remains yet to be convinced, about this question. Productivity has gone up very much because there is peace in the industry, and the workers have become enlightened and responsible. The rise in productivity is also partly due to the mechanised system of working. There also, Indian workers have made a substantial contribution.

Of course, workers should get their dues and we are working on that line. Every reasonable minded person, I am sure, is convinced that after the achievement of independence our workers have been benefited and they have got social security. Recently, the trend for the appointment of wage boards in various industries has given workers substantial benefits without strikes and strife and has also reduced possibilities of litigation, because the wage boards are tripartite. Up to this time, fortunately, all the decisions have been unanimous and, with the efforts of the State and Central Governments, the recommendations of these wage boards are being implemented to a substantial degree. There have been some failures also, but there are failures with regard to implementation of the award of the industrial tribunals as well. To that extent the scheme of the wage boards has been very much successful.

Then, we introduced the provident fund scheme for workers in the coal mines. They have also got the bonus scheme. Then, the employees' provident fund scheme which was introduced in 1952 has covered a very large number of workers both in factories and in plantations. In Assam there is a separate Act for plantation workers with regard to provident fund. Then, retrenchment compensation, lay-off compensation, Employees' State Insurance and so many other schemes will convince, as I was submitting, every reasonably-minded person that the charge that we are slow with regard to bringing social security for workers or

[Shri Abid Ali]

that we are, as some hon. Member has said, indifferent about it, has no basis.

With regard to the statement made by the hon. Mover of the Motion, namely, that whenever these questions arise I say that we should be cautious and should not risk the closing down of any establishment. That was particularly when I was pressed for taking immediate action against a defaulting employer about the dues of provident fund which were not being received from the employer. There I said that the workers themselves had been suggesting not to insist upon immediate payment of the overdue amount because that would result in the closing of the establishment. Therefore, we were giving the facility to employers to that extent so that the establishment may continue, employment may continue, workers may get their wages and also the overdue amount of the provident fund may come by instalments. That was my plea. It was not for other things.

About the technical committee, the hon. Member said that we have appointed the committee because of our mentality of dilatory tactics. That is very unfair because this matter came up before the industrial committee. I do not remember whether the hon. Member was himself present there or not, but certainly the organisation which he represents was represented on that committee and its decision was unanimous that there should be such a committee. Its terms of reference, functions and everything was fixed up there. Therefore, my submission with regard to the increase of the quantum of provident fund from 6½ per cent. to 8-1/3 per cent, which is being considered by this particular committee is that it is not because we desired it but because there were some difficulties and a plea was put in that if it is enforced some of the establishments may close down. Certainly, we do not want that. Nobody would want that because of this any establishment or industry should be put into jeopardy. That will be against the interests of the workers

and also against the interests of the country itself.

It is true that in some places, as the last hon. speaker mentioned, gratuity also has been obtained for the workers. He mentioned Bombay and Ahmedabad. There is a system of trade unionism. When I refer to such things, hon. Members say that I am supporting the employers and all that. Certainly, we do support the employers to the extent to which they should be supported because if there is no management existing it means that there is no factory existing. Where is production and employment then? The trade union with which I had the honour to be connected to for a long number of years, organises workers in such a way that they work systematically and there is no strike and strife—at least it is avoided to the extent possible—so that the industry may prosper and workers may get their dues with regard to wages, provident fund and gratuity. Therefore, it will be seen that in Ahmedabad and Bombay not only wages are standardised for a large number of workers but dearness allowance is also much more than compared with any other part of the country and they have got a gratuity scheme as well.

17 hrs.

A complaint was made with regard to delay in the payment of provident fund. I am one with those who want to ensure quick payment. The hon. Member who mentioned it said that workers should get their provident fund dues within three months. No, I say they should get them within a week. So far as the employees' Provident Fund scheme is concerned, by and large, it is paid within a week. And in the majority of the cases, those who are not getting it within a week, get it within a fortnight. There is delay with regard to the cases of those workers who have unfortunately died and who have not endorsed in their forms about the next of kin who should be entitled to receive payment, or

there may be other irregularities or non-fulfilment of the requirements. But the payment of provident fund to the workers or to their families should be within a week or fortnight and certainly within a period which is not more than a month. That should be the aim everywhere and it should be implemented without any argument. And if there are any defects about it they should be removed and every one, including those in the trade union field, should be kind enough to ensure that workers do endorse their forms in respect of these preliminaries and there is no delay about it.

About this particular item of gratuity, my submission is that, first, the intention should be that workers everywhere, in every industry, in every sector should get provident fund, and with dearness allowance. The Employees' Provident Fund scheme entitles the workers to have provident fund both for the basic wage and the dearness allowance. When the scheme was introduced in 1952, dearness allowance was added to it which almost doubled in a large number of cases, and in some cases more than doubled. The provident fund which the workers were getting at that time was not on the dearness allowance. So, as I was saying, first of all, every one should get provident fund. And then the next step is that this provident fund quantum should be increased from 6½ per cent. to 8-1/3 per cent. Thereafter gratuity should come. It has been mentioned—there is a proposal to have a comprehensive scheme for integrated social security; all the social security measures which are prevalent at present should be integrated, and from that a comprehensive scheme should emerge. Hon. Members know that it will be a pension-cum-gratuity scheme, as the proposal is, for which two committees were appointed. The matter was discussed in tripartite committees and it was to be, first of all, increase of quantum of provident fund from 6½ per cent. to 8-1/3 per cent. And then when we wanted to do that this difficulty of the industry, as I have mentioned earlier, came in which necessitated the appointment of the

Technical Committee, which was appointed, as I have submitted earlier on the basis of the decision which was taken with the unanimous vote of the tripartite committee. So, this has been the scheme.

I am certainly in favour, not today but since years and I am confirmed in that view, that workers should get, in addition to provident fund, gratuity as well; and wherever I have been working in the trade union field I have been struggling for this also. I have not changed; on the other hand, as I said, my opinion is confirmed that they should be entitled to it. At the same time, as I have submitted already, we should ensure that by enforcing this on the industry, we are not putting it into jeopardy. Therefore, the procedure that I have enumerated here is being followed, and let us hope that it will be possible to have the report of the technical committee soon, and then, it will go before the tripartite committee, and it should be possible to finalise this scheme so that a comprehensive and integrated social security scheme is introduced.

From this, the hon. Member will see that I am not raising any technical objection. I am accepting the principle, but only this procedure is there, and it has to be followed. We follow the democratic system, and it has got its own ways, and they have to be honoured.

After having this assurance from me, I am sure the hon. Member's anger will be reduced, and he will also agree that all that is possible is being done and he would agree to withdraw this Bill. Otherwise, I would request the House to reject it.

**Shri T. B. Vittal Rao:** I am very grateful to hon. Members who have participated in this discussion, namely Shri Ramsingh Bhai Varma, Shri K. N. Pande, Shri S. M. Banerjee and Shri Tangamani. Some more hon. Members could have supported this Bill, but owing to limitation of time, they could not participate in the discussion.

[Shri T. B. Vittal Rao]

I would like to explain one or two points which have been made in the course of the discussion. Shri Ram-singh Bhai Varma mentioned that this Bill should have been applicable to the public undertakings also. While moving the motion for consideration about a fortnight ago, I made it clear why I was restricting the application of this Bill only to the private sector industries. One of the reasons was that I did not want the Bill to be delayed. If it were to be applicable to the public undertakings, that is, the undertakings in the public sector, that would have meant that I would have had to obtain the sanction of the President for the discussion of the Bill. So, I was in a hurry to move the Bill for consideration, and, therefore, I restricted its scope only to the private sector undertakings. However, I want that the same thing should be applied to the public sector undertakings as well. Even in the Second Plan and the Draft of the Third Plan, we have made it very clear that there should be no discrimination in this matter between private sector undertakings and public sector undertakings.

Shri K. N. Pande has said that the drafting of the Bill is not satisfactory. I agree with him. I am not a draftsman nor am I a big advocate. I drafted the Bill in my own way. If the drafting is bad, it can be improved.

I am grateful to all the Members who have supported this Bill. I am very happy to have the assurance that the hon. Deputy Minister gave in the course of his reply. That is rather encouraging. When he gives an assurance, it is an assurance from Government. It being a governmental assurance, I welcome it, and I am very happy about it. But he made one point with regard to the increase in the rate of provident fund contribution from 6½ to 8-1½ per cent. Fortunately, I was the representative of the AITUC on the Standing Labour Committee when this question came up as to whether a technical committee should be appointed to go into the

paying capacity of the industry. I would very humbly request the hon. Deputy Minister to kindly refer to the verbatim report of the proceedings of the meetings of the Standing Labour Committee on 24th and 25th April, 1960. He will find therefrom that I had opposed that also. I said that my organisation would not be a party to that decision and I was going to boycott this, because I made it very clear that I was convinced beyond any doubt that this was not going to put any industry in jeopardy and I was convinced of the paying capacity of several industries. Then I quoted from the *Indian Labour Statistics, 1960*, a publication of the Ministry of Labour and Employment, the profit figures. I even said that they may not give in the case of all industries, but at least in the case of those industries where the profits are very high, they should do it. I pointed out the cases of the woollen industry, paper industry and so forth. Then my organisation had written a letter to the Secretary to the Ministry of Labour and Employment pointing out that we are not going to participate in the technical committee, because we were asked to nominate one or two persons to be appointed to that committee. That is the position. My organisation never supported it.

**Shri Abid Ali:** Having remained silent, our feeling was that he had consented. When nothing was said when the appointment was decided, we took it that he had no objection.

**Shri T. B. Vittal Rao:** This is how we function in the Indian Labour Conference and the Standing Labour Committee. There generally decisions are taken unanimously. We try to discuss things and arrive at a large measure of agreement. We try to eliminate differences and come to one unanimous conclusion and then the recommendations are put down. But even when one party is not willing to be a party to a decision, there is no question of writing a dissenting note. We say what we feel and then Government takes a decision on those things.



Anyway, I am very glad that this discussion has helped us very much. I am also very very happy that the Minister's reply was this time very reassuring. I welcome it.

**The Deputy Minister of Food and Agriculture (Shri A. M. Thomas):** As usual.

**Shri T. B. Vittal Rao:** With these words, if the House will permit me, I will withdraw this Bill.

**Mr Chairman:** Has the hon Member the leave of the House to withdraw the Bill?

*The Bill was, by leave, withdrawn.*

17.13 hrs.

#### PREVENTION OF HYDROGENATION OF OILS BILL.

by Shri Jhulan Sinha

**Shri Jhulan Sinha (Siwan):** I beg to move:

"That the Bill to provide for prevention of hydrogenation of oils in India and for matters connected therewith, be taken into consideration."

Before, I deal with the subject-matter of the Bill, I think I owe an explanation to this House for coming again with this Bill after a lapse of about four to six years. It was in 1954, that a Bill on practically the same subject was placed before this House. The Bill was discussed for two or three non-official days taking over 3 or 4 hours. When the House divided on the Bill, 49 were for and 52 against. This was the position in 1954. I contrast this position with the state of things that obtained in 1951 when a similar Bill was moved by Pandit Thakur Das Bhargava in the Provisional Parliament. He had the Bill circulated for eliciting public opinion. I went through the debates of that time and I find Pandit Thakur Das Bhargava quoting thousands and thousands of opinion in favour of the Bill. The then Agriculture Minister answering his points said that as

against thousands, he had millions in support of his case. So, the position in 1951 was millions against thousands. But in 1954, it came down in this House to 49 against 52.

So, I think in the democratic set-up of the country, when we have set before ourselves the ideal of popular support for our actions, this Bill seems to find greater support today. My own conviction, which I sincerely hold, is that the hydrogenation of vegetable oil is certainly harmful to human beings and in course of time it will die its own death, and if we can hasten that, it is so much the better.

This Bill really aims at the conservation of the fat resources of the country. The object of the Bill is explained in the Statement of Objects and Reasons. It is aimed at not only giving effect to the prevailing large body of opinion in this country that vanaspati is injurious to public health, but also at avoiding the use of vanaspati for adulterating ghee and incidental matters.

As I have said, this Bill deals with the fat resources of the country, and their utilisation in the best interests of the country. So, I will be excused for quoting certain figures dealing with the per capita requirement of fat in this country as well as in other countries, and how this requirement is being met by ghee, oil and hydrogenated oil. Here are the figures:

In Australia they consume margarine and vanaspati to the tune of 7.1 oz.; butter and ghee 30.5 oz.

**Shri V. P. Nayar (Quilon)** Per year, or per day?

**Shri Jhulan Sinha:** Per year. These are the latest figures available.

In Canada, the consumption is 16.5 oz. of margarine and vanaspati, and 20.9 oz. of butter and ghee. In Denmark, the figures are 40.1 and 18.5. The figures are available for Sweden and other countries also. In India, the figures are 1.6 oz. of margarine and vanaspati, and 2.5 oz. of butter and ghee.



[Shri Jhulan Sinha]

This poor consumption and availability of ghee and fat resources in this country . . .

**Shri Yadav Narayan Jadhav** (Malegaon): The figures are lbs. or ounces?

**Shri Jhulan Sinha:** Ounces.

**The Deputy Minister of Food and Agriculture** (Shri A. M. Thomas): No, no. Pounds.

**Shri V. P. Nayar:** I think they are kilograms, not lbs.

**Shri Jhulan Sinha:** This is the per capita consumption per day.

**An Hon. Member:** No, no. It will not be so much.

**Shri V. P. Nayar:** I think the figures are in kilograms.

**Shri A. M. Thomas:** The figures are in lbs. per year.

**Shri Jhulan Sinha:** I have no quarrel with the figures. My point is something else. Compared to other countries, the availability and consumption of fat in this country is so poor. If it is in lbs., for India, it is in lbs. for the other countries also. If it is in ounces here, it is ounces for the other countries also. These are the figures available from the Library. The important point is that the availability and consumption of fat resources in this country are so poor, and still they are being wasted in a different way.

I can very easily understand the availability of ghee and butter on the one hand and oils on the other, but I cannot understand the necessity of hydrogenating these oils into vanaspati. Everybody knows that this hydrogenation does not increase the fat content of the oil by even an ounce, or even a millionth part of an ounce. Vanaspati is defined by the manufacturers themselves as oils, especially groundnut oil, de-odourised, refined and hydrogenated.

**Shri V. P. Nayar:** And vitaminised.

**Shri Jhulan Sinha:** Of course, that has been added later on. Vitamin is added later on. It is de-odourised, hydrogenated and refined. I have no quarrel with de-odourisation: odour can be taken out if it is offensive and it can be refined if there are other things that are not helpful. My objection is only to hydrogenation and making it look like ghee. You are making the oil a little more costly without conferring any benefit whatsoever on the consumer correspondingly. I have here a book dealing with the losses which the consumer has to bear due to the hydrogenation of this oil. On the basis of calculations made when the production of hydrogenated oil in this country was only two lakh tons, Shri K. G. Mashruwala, a close associate of Gandhiji, gives us certain figures and he found that Rs. 600 was payable extra by the consumer per ton of vanaspati over the price of oil and he came to the conclusion that about Rs. 12 crores was the extra burden that the consumer had to bear. Now that the production had gone up to about 3.5 lakh tons, you can easily say that Rs. 18 crores is the extra burden that the consumers bear because of hydrogenation of oil. It is an unnecessary drain which does not afford any benefit whatsoever to the consumer. That is why I say that hydrogenation of oil should be prevented.

I shall also show how it affects the health of the consumers in this country. I am not concerned with those living in other countries; the position in other countries is different. We live in poor country where most of our people, inspite of the improvements during the last thirteen years, lack good food, not only in respect of quantity but also in respect of quality. The conditions in this country have to be taken in a different light from the conditions obtaining in other countries. What is the nutritive value of vanaspati I may be pardoned for quoting from the Father of the Nation, from Vinobaji,

from the resolution of the A.I.C.C. and also from the working Committee of the Congress, from Dr. P. C. Ghosh and also from some other persons who have dealt with this problem. I am just quoting that Gandhiji said on 14th April, 1946 (Vide Harijan of that date):

"Vanaspati is wholly superfluous. Oils may be refined of injurious property, but they do not need to be solidified nor they may be made to look like ghee. An honest manufacturer will not stoop to counterfeits. The market is flooded with them. Counterfeit coins are heavily punishable. Why not counterfeit ghee, since the genuine article is much more precious than ghee."

This is only one part. It is a long article and I do not want to take the time of the House by quoting at length. I shall now quote from Vinobaji and Mashruwala.

"On the other hand, while the article has proved very profitable to the business community, it has spelt great harm to the people in a variety of ways. It has seriously disturbed the economy of agriculture and almost killed the ghani industry. From the point of view of health, it has not been proved to possess any superior value whatever. And yet with its deceptive disguise, it successfully lures people into incurring superfluous expenditure and practise self-deception. It has made it difficult for the people to obtain pure oil and pure ghee. And what is most important of all, it has contributed in a very large measure for the loss of all business morality from industry and commerce."

This is the opinion of the late Mashruwala and also our living saint Vinobaji.

Then, there was a time when those who opposed vanaspati were satisfied if its colourisation could be done. I remember, while reading the pro-

ceedings of the 1951 Provisional Parliament I found out, that Pandit Thakur Das insisted on a suitable colour being found out for colouring it. Then—I am definite about my own memory—Shri Jairāmdas Daulatram said that a committee had been appointed, their report had been received and that in about three months time—I exactly remember the time—a suitable colour would be found out for colourisation of vanaspati. As against three months we have already had about ten years and no suitable colour has been found. Not only that, from a recent advertisement in a newspaper I find that the trend of mind of the manufacturers of vanaspati has been moving in a different direction. They are now sure of their position. They do not expect the manufacture of vanaspati to be banned. They have now even got the courage to preach that it need not be coloured at all. I have got here that advertisement of the manufacturers which appeared in one of our papers recently.

Shri A. M. Thomas: The heading of it is: "why coloured vanaspati".

Shri Jhulan Sinha: That was a different thing. In this advertisement it is said:

"Time and again, there's been a hue and cry for vanaspati to be coloured—to prevent its misuse in ghee by adulterators. But coloured vanaspati would worsen matters... because vanaspati is only one of many substances so misused."

So it seems now that the manufacturers are not in favour of colouring it. They have given a long list of grounds on which vanaspati need not be coloured according to them. There was a time when the Working Committee and A.I.C.C. would be satisfied by mere colourisation of vanaspati. They expected that by colourisation they could stop the baneful effect of this commodity on human beings. But now a time has come when those of us who have

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been thinking on those lines have given up the idea. Even we ourselves do not possess a suitable colour.

Sir,—I may be excused for a little strong language—we have been watching the performance of our laboratories, our scientific laboratories and others. We have so much admiration for their work. We have been proud of them. In spite of their performance for all these years, in spite of huge sums that we have been spending on them from year to year—Rs. 26 crores we passed only the other day—they have not been able to find a colour which will be pleasing to the eye, which will have no toxic effects and which will suit the convenience of the manufacturers and the Government. Those of us who have been thinking on these lines have given up the idea of expecting to find a colour which would colourise vanaspati and thus save the people from the effects of this deceptive oil.

I was just referring to the resolution of the working committee, and the A.I.C.C. I would just read the resolution, a copy of which I have got with me. I am quoting the resolution of the great organisation because this Government is composed of people who owe allegiance to that organisation, and we are all proud of belonging to it. The resolution is dated 22nd May, 1949. Shrimati Janki Bai Bajaj and Radhakrishna Bajaj (Go Sewa Sangh) met the working committee and explained the viewpoint with regard to vanaspati ghee and requested the working committee to use their influence in order to discourage the use of vanaspati as an adulterant to pure ghee. The following points were agreed to:

- “(1) Steps should be taken to stop further import of machinery for manufacturing vanaspati by regulating priorities.
- (2) No further licences should be given.

- (3) The colouring of the vanaspati product should be undertaken immediately regardless of fears of decolourisation.”

These were the points. The resolution of the A.I.C.C. was on the same times, and to save the time of the House, I am not reading it.

Then, we have to see how vanaspati affects the human health. I have so far quoted authorities to show that these are the views of the organisation to which we all belong, all of us sitting on this side of the House including those on the Treasury Benches. These are the ideas that our organisation once held and still holds. Now, I shall quote some opinions of doctors regarding the effect of vanaspati consumption on human health. Here is the opinion of Dr. P. C. Ghosh, a renowned chemist and a follower of Gandhiji. He has written a long article and I shall quote only some extracts from it. Today, the manufacturers are telling the constructive workers in plain words, “You do what you can; we shall do what we can.” They say so, because they know that their star is on the ascendant today. But this is not doing justice to the country.

17.33 hrs.

[MR. SPEAKER in the Chair]

Here is what Dr. Ghosh says:

“The question is purely a scientific one and should be viewed from that point without any passion or prejudice.”

So, he has tried to view this question without any passion or prejudice. He has come to the following conclusion:

“Taking all these things into consideration and making a most liberal interpretation it can be said that vanaspati is not deleterious but is nutritionally inferior to common vegetable oils.

Vegetable oils are much cheaper than vanaspati. To ask people to buy vanaspati is to ask them to buy nutritionally inferior stuff at a greater cost. I agree with Dr. Gilder that everybody cannot afford to take ghee nor there is so much ghee in the country. But the alternative is not vanaspati. But the alternative is cheaper and more nutritious than vanaspati, i.e., vegetable one, to which our countrymen have been accustomed for generations. I had been a student of chemistry and do take a lot of interest in nutritional science. I may tell my countrymen that it is dangerous to tamper with natural food-stuff."

This is what the learned doctor says.

There are other pamphlets issued by the American Oil Chemist Society. In a pamphlet issued by that society, Dr. B. Anjaneyula and Dr. B. Pullaish say:

"Therefore, the hydrogenation makes the oil indigestible to a large extent."

"And during the hydrogenation and de-colourisation process of these vegetable facts all these vitamins will be destroyed."

So, we need not maintain any doubt that in course of time, human beings will have the same fate as that of the rats tested at Izzatnagar Research Station with Vanaspati. These are the points as regards the effect of Vanaspati on human life.

I will now deal with adulteration of ghee with vanaspati. Everybody knows that even before vanaspati came into being in this country, ghee was found to be adulterated to some extent by other things like lard, chalk, lime, etc., which were not healthy. But the adulteration of ghee has certainly increased to an alarming extent after vanaspati came into the market. In answer to a question on the floor of the House giving to the extent of adulteration of ghee with vanaspati in

the country, it was said that in Bihar, out of 618 samples which were tested, 299 were found to be adulterated. The percentage of adulteration as worked out by the Government themselves is 48 per cent. In Bhopal, out of 47 samples tested, 29 were found to be adulterated.

**Mr. Speaker:** He has already taken 22 minutes.

**Shri Yadav Narayan Jadhav (Malegaon):** He may reply afterwards.

**Shri Jhulan Sinha:** How many more minutes should I take?

**Mr. Speaker:** He must stop immediately.

**Shri Jhulan Sinha:** I must have my say. 2 hours have been allotted for this Bill. I may be given half an hour. (Interruption).

**Mr. Speaker:** He can have half an hour he has already taken 23 minutes

**Shri Jhulan Sinha:** The extent of adulteration varies from 5 per cent to 95 per cent. This is the position that is created since vanaspati came into the market.

Another aspect I wish to bring to the notice of this House is this. I will not in this connection deal with general problems of adulteration. Adulteration has grown to such an enormous magnitude that it is very difficult to find anything worth taking in a very pure form. However, that will be a different matter. The adulteration of ghee with vanaspati has increased, as I have just shown.

Another thing is that it hurts the human psychology. It gives to the people a false sense of satisfaction of consuming ghee when what they are actually consuming is only oil. This sort of reception practised on the human mind has to be avoided. I have just now stated that this does not confer any benefit by any extra fat that is given to us. I have already quoted figures showing how much of this contribution goes to the hydro-

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generation works of this country without giving any extra benefit to the consumer in view of the extra price that he has to pay. There are other questions but I will not take them now. The question of colouring has also been dealt with already.

The only consolation or the only point which is weighing with the Government, and which should not weigh with them, is the question of finance or the tax derived from vanaspati. The latest figure of revenue from vanaspati is Rs. 5,43,27,000 per annum. It is not a good taxation when it is done at the expense of the health of the community. In answer to a question put by Shri Mathur some days back it was stated that they derive an income from advertising to the extent of Rs. 15,000 and last year the figure was Rs. 12,000. Rs. 15,000 or even Rs. 5 crores is not such a big sum as to weigh with the Government when this commodity has been doing injury to the health, mind and purse of the consumers in this country. With these words, I commend this motion to the acceptance of this House.

**Mr. Speaker:** Motion moved:

"That the Bill to provide for prevention of hydrogenation of oils in India and for matters connected therewith be taken into consideration."

**Shri V. P. Nayar:** Despite my great personal regard for the Mover and my warm appreciation for his preservation in this matter, I regret it is my duty to oppose this Bill. One would have thought that this was a measure which is primarily intended to do away with the hydrogenation of oils, edible and inedible, but the Statement of Objects and Reasons, as also the speech which the hon. Mover made in support of his motion, clearly reveal that his objection is against vanaspati. It is quite natural also, because I have found in this House that some of us. Members, have an unjustifiable aversion to vanaspati, which is the only medium whereby the common people of our country get cheap fat of stand-

ardised qualities. You know, Sir, that India is a country which produces the largest quantity of vegetable oils. India, fortunately or unfortunately, happens to be the country where lives the largest number of cattle also. It is essential that we must have in our diet a certain quantity of carbohydrates, a certain quantity of fats and also a certain quantity of proteins and vitamins. All the fat which we derive can be had either from vegetable sources or from sources of animals. In both of them, I mean, the sources, although we are a very rich country, unfortunately it happens to be, as the hon. Member himself has pointed out, that the intake of fats in our country is perhaps the lowest in the world.

In a balanced diet it is very essential that there should be some proportion between the intake of fat and of carbohydrates or proteins. This unfortunately we are lacking and the hon. Mover would say that it can only be got from the use of ghee.

My hon. friend, Shri Thomas, who may also intervene in this debate knows that to us from the South ghee is not known as a cooking medium at all. Perhaps some of us may flavour our food with a little ghee. Except perhaps in the case of Punjab I do not think anywhere people, except those who belong to the uppermost strata of society, can go in for ghee.

**Shri Harish Chandra Mathur (Pali):** What were you doing before this vegetable oil came in?

**Shri V. P. Nayar:** I will come to that. Perhaps, apart from the people of Punjab, the people of Rajasthan also may have some ghee.

**Shri Harish Chandra Mathur:** They know nothing except ghee.

**Shri V. P. Nayar:** I find that in the per capita average consumption of milk and milk products Rajasthan fortunately ranks second to Punjab. In Punjab the per capita average consumption of milk and milk products is about 15 ounces per day and in Rajas-

than it may be 10 ounces. But even 15 ounces is much below the minimum nutritional requirement of milk and milk products. Unfortunately, the average consumption of milk in the State of Kerala is only 1.8 ounces.

**Mr. Speaker:** In China there is no milk at all.

**Shri V. P. Nayar:** That may be true. But there is more of animal fat there. Here we have certain illusions and hallucinations about animal fat. I shall come to that later on.

My hon. friend was asking, "what were you doing before?" My hon. friend knows that oils, specially vegetable oils, have a very peculiar tendency that when any oil, whether it is vegetable oil or an oil like the liver oil, is exposed to air it soon gets oxidised. It is not like water. It gets rancid and rancidity deprives the oil of its possible content of vitamins. Rancidity destroys the vitamins completely. India, as he knows, is a country of distances. The man who produces oil takes a number of days to send it to the market from the village *ghani* and ultimately when it reaches the consumer there has been an unavoidable efflux of time. It is not necessary for the oil to get more than a few days to get rancid, and rancidity sometimes creates serious abdominal complications also. It has been found that rancidity results in cancer. I can give proof of that.

My hon. friend was reading from certain reports. In our country in the present conditions of our economy and in the present conditions of our transport it is impossible for the consumer to get fresh vegetable oil. We, in Kerala, were taking vegetable oil. Today I had an experience which I should not keep out from the House. I had to purchase some coconut oil. As you know, we have a particular taste for coconut oil which we use as a cooking medium. In other States probably it is not used as a cooking medium. It is used as a flavouring medium or for the bath. You rub

coconut oil on the head. Kerala produces that oil and it has to be transported to Delhi by goods train which takes a number of days. It cannot be hermetically sealed easily. When you have coconut oil, groundnut oil, sesamum oil, gingelly oil or some other vegetable oil and get it hydrogenated, you have necessarily to take it through a certain process.

What is hydrogenation? Hydrogenation is not that much of an abnoxious process. It is so common. It is the hydrogenation of oxygen which gives you water. When hydrogen combines with any substance it is hydrogenation. Hydrogen is a very, very essential ingredient not merely in our diet but in the drinking water also. There is nothing obnoxious about it. Hydrogen has a very peculiar property of thermodynamically effecting certain chemical changes. I do not want to go into the details of chemistry at all, but let us remember that hydrogenation on a scientific basis in a well-equipped factory is essential. For a moment I do not concede that the factories are running well. I also agree that the factories are making fantastic profits and it is up to the Government to control profits. I also say that a growing monopoly is seen in the field of manufacture of *vanaspati*. But, barring all that, vegetable oil before it is made into *vanaspati*, has necessarily to undergo certain processes. My hon. friend was mentioning about deodorization and decolorization. All these are necessary if the oil has to be refined. You know very well that when an oil is refined and kept, the chances of oxidation and rancidity are less. Therefore, it can travel a greater distance, and in a modern factory, you can have it hermetically sealed. If it is the contention of my hon. friend that whatever you do, you must do away with *vanaspati* even at the cost of our people getting only rancid oil and rancid ghee, then, I am at one with him for this Bill, but . . .

**Shri Jhulan Sinha:** May I tell my hon. friend that I am not against refining? I never said that.



**Shri V. P. Nayar:**..I would like the hon. Member to remember that a good portion of the ghee which is sold in the market also is rancid. I cannot get the figures. In 1958 I raised a debate on a half-an-hour discussion on the use of certain anti-oxidants, when I put the question to Dr. P. S. Deshmukh, as to whether he could give me an idea of the quantity of rancid oil and ghee sold in our country. In the ghee which is sold in the market, there is very little of vitamin A. And ghee happens to be the only source of vitamin A which is available; and in no other oil will you find it in such quantities. When the ghee gets rancid, naturally, the vitamins are destroyed, and that is the case with the ghee that is supplied right at the counter, that may not be the case with the ghee that is supplied right at the next counter, because that is perhaps prepared under modern and hygienic conditions, but, ordinarily, the ghee from the market is rancid ghee, and that rancid ghee has no vitamin A, and it has absolutely nothing of vitamins left.

And because the vegetable oils do not contain any vitamin A or B, the Government of India have now insisted upon it that in the manufacture of vanaspati, a certain pre-determined quantity of international units of vitamins should be put in. I cannot say what exactly the quantity is, but if I remember correctly, the Vegetable Products Control Order has laid down very definitely that one ounce of hydrogenated oil which is sold in the name of vanaspati should have so many international units of vitamin A and so many international units of vitamin B.

As you know, Sir, our people are suffering quite a good deal for want of vitamins in their food, let alone the question of fats. Our diet is so deficient in vitamins that vast numbers of our people suffer from the effects of malnutrition. I read the other day that even in the prosperous State of Uttar Pradesh, three million people were suffering from night-blindness

because of the deficiency of vitamin A. If you go south, you cannot find children in their normal health because of the deficiency of vitamins; you find bittot spots, angular stomatitis, pellagra and beri-beri, and a variety of other diseases which are due to defects in nutrition. At least to that extent, vitamins can be provided by adding them in the process of manufacture of vanaspati. I am not for a moment holding a brief for the present manufacturers. I am always for controlling the prices, because I find from the profit index, that vanaspati has recorded one of the highest indices for any industry in India. It has got to be curbed, but on that account—I am reminded of a saying in our language, namely '*Diya pedichchu Illam Chuduka*' (Fearing a rat, one should not burn down one's house at all)—if you insist on preventing hydrogenation of vegetable oils, I can only say that it is just like what is in the proverb that I have quoted.

I have heard that there is some controversy also—and probably that controversy has not been settled yet—that owing to the presence of certain substances in vegetable oils, the constant use of vanaspati might lead to coronary thrombosis. I have not so far had occasion to see any opinion which can be relied upon to that effect, but I find that our Government's view,—and that is backed by sufficient research at the hands of Government,—as was expressed by the hon. Health Minister the other day was as follows. He said on the 11th December, 1959:

"Recent short-term experiments on human beings have indicated that whereas buter, coconut oil and hydrogenated oils tend to increase serum cholesterol levels, vegetable and marine fish oils rich in poly-unsaturated fatty acids lower these levels when they are high because of the high fat intake."

Lower down, the hon. Minister, Shri Karmarkar, has stated that nothing special has been found to indicate any



deleterious effect by the continued use of this vanaspati. You may call it by any other name. As a matter of fact, I do not know how vegetable oil came to be known as vanaspati. If my memory does not fail me, Vanaspati like Brahaspati, was one of the ancient saints. I do not know.

**Mr. Speaker:** Vanaspati is a tree.

**Shri V. P. Nayar:** Sir, just now I looked up the Hindi dictionary meaning of vanaspati. It says vanaspati means an offering to Vanaspati, which shows that there must have been a saint or sage of that name. But I do not know. It cannot also be the oil takes the name of a tree!

But the point is that this happens to be the only cheap material where from you get at least the minimum requirement of fat which is essential from the nutritional point of view. Added to that, you have the advantage that whereas in vegetable oils you do not have vitamins to any desirable extent, it is possible by artificially adding vitamins to vegetable oils to supply that vitamin content.

One more point and I shall resume my seat. The hon. Mover says that because the production of vanaspati is increasing beyond proportion, the village dairy industry is destroyed. Nothing could be more fantastic than that.

**Shri Jhulan Sinha:** That is a basically wrong assumption. I am only opposed to the hydrogenation of vegetable oils and not their deodourisation and refining.

**Shri V. P. Nayar:** In his Statement of Objects and Reasons, it is very clearly stated that this tends to destroy the village dairy industry. On this I have to say something because our land was once considered to be a land in which milk and honey flowed. What is the situation today? Our

per capita consumption of milk is the lowest in the world, although we have about 310 million head of cattle. The other day the Minister of Agriculture answering a question of Shri Prakesh Vir Shastri said that today on a rough estimate, some 20 million head of cattle are good for nothing. We have got in our country over 300 million head of cattle, most of which are ill-fed, ill-bred, ill-maintained and ill-cared for. We have all devotion to the cow, but the devotion consists in making the cow fast throughout life, literally. When you see cattle in other countries, you will be amazed. Here they are specimens of living skeletons. That is just because, as the *Time* magazine has said, in a recent article, that in other countries people eat the cow and in India the cow is about to be eating men.

This is the situation in which we are placed. It is not because vanaspati has come, but because our policy of animal husbandry has been a policy of complete bungling to such an extent that we have not been able to raise the production of milk. It is amazing that we get one-fifth of the minimum requirement of milk, although our country has the largest number of cattle. The only solution according to me—and I know I will be inviting trouble upon myself if I voice my opinion honestly, is to destroy all the cattle which are useless for any other purpose. We may use some for draught purposes, some for bullock power, some for milk purposes, but still there remains in the country nothing less than 2 crores of cattle which cannot be used for any purpose, save for the purpose of beef for people who eat it, for the purpose of hides and skins and for the purpose of manure from their bones. If there is a policy, and if only there is a policy, to see, that this cattle which is not required for the country is done away with and utilised in the most profitable manner, a solution will have been found to this problem.

The dairy industry is not going to suffer by hydrogenation of oils. If it

[V. P. Nayar]

does not survive, it is not the fault of hydrogenation. The dairy industry is in a very pitiable plight, but for that we have to do something else.

Therefore, Sir, firstly the Bill is not supported by scientific data. Secondly, there is absolutely no justification to deny the people their only source of fat bought at a cheap rate. Ghee is sold next door at Rs. 7.50 a kilogram, which I cannot afford—most Members cannot afford. That is the situation.

I find in the *Who's Who* an account about the hon. Mover. It says that he is very keen on bettering the lot of kisans. Our kisans would be the most hit if this hydrogenation is stopped. Our kisans have no food at all worth the name. If you take away this small quantity of fat from a standardised product, I think it will be doing them the greatest harm. Therefore, my humble submission is that the House should not pay any serious attention to this Bill, despite the warmth with which my hon. friend spoke, and we must throw away the Bill without any mercy.

Some Hon. Members rise—

**Mr. Speaker:** What is the attitude of hon. Members: We started about 24 minutes late. Is the House willing to sit for 24 minutes or half an hour more?

Some Hon. Members: No, Sir.

**Mr. Speaker:** I shall call Ch. Ranbir Singh: I will call Shri Mathur later on.

**Shri V. P. Nayar:** One Punjabi and one South Indian should be called, because it is a question of ghee versus oil.

**Mr. Speaker:** Let Ch. Ranbir Singh start.

18 hrs.

**श्री० रणबीर सिंह :** (रोहतक) :  
अध्यक्ष महोदय, जो विवेक श्री झूलन सिन्हा साहब ने पेश किया है मैं उसका समर्थन करता हूँ ।

अभी मेरे साथी श्री नायर ने कुछ बातें कही। वह समझते हैं कि शायद कोई और चिकनाहट बनस्पति के मुकाबले में सस्ती नहीं है। ऐसा मैं उन के आरगूमेंट से समझा। मैं समझता हूँ कि यह बिल्कुल तथ्य से दूर की बात है। जैसा कि श्री झूलन सिन्हा साहब ने कहा, तेल सस्ता होता है और बनस्पति के मुकाबले में लोग तेल इस्तेमाल करें तो उस से काफी रुपया बच सकता है। नायर साहब ने पढ़ कर सुनाया कि झूलन सिन्हा साहब किसानों के दोस्त हैं, और फिर उन्होंने कहा कि बनस्पति को बन्द करने से किसानों को नुकसान होगा। मैं नहीं समझा कि किस बिना पर वह ऐसा कह गए। आज आप अगर दक्षिण भारत को भी ध्यान में रख कर देखें तो आप को मालूम होगा कि बनस्पति का इस्तेमाल पढ़े लिखे लोगों तक ही महदूद है। किसान और दूसरे देहात के लोग चाहे वे दक्षिण भारत के हों या उत्तर भारत के हों बनस्पति इस्तेमाल नहीं करते। यह ठीक है कि जहाँ तक राजस्थान, पंजाब और उत्तर प्रदेश का सवाल है, वहाँ शायद देहातों के अन्दर लोग भी और दूब ज्यादा इस्तेमाल करते हैं लेकिन दक्षिण भारत और दूसरे इलाकों का जहाँ तक ताल्लुक है वहाँ के देहाती भाई आज भी तेल को इस्तेमाल करते हैं।

उन्होंने कहा कि अगर तेल पुराना हो जाए तो उस में खराबी हो सकती है। ऐसे तो आप किसी भी चीज में बिघ डाल दें तो वह खराब हो जाएगी, लेकिन क्या इस वजह से उस को इस्तेमाल करने का इरादा छोड़ा जा सकता है। अगर उस के अन्दर कोई खराबी है तो उस को आप दूर कीजिए। बिनोबा जी ने लिखा है कि अगर छोटी छोटी घनियों से तेल निकाला जाए तो हर एक भाई चाहे वह दक्षिण भारत में हो या उत्तर भारत में हो उस को ताजा तेल मिल सकता है। बजाए इन इलाकों में तेल ले जाने के आप 'ज्यादा आसानी से रेल द्वारा तिलहन ले जा सकते हैं और उसका वहां ले जा कर तेल तैयार करवायें। इस से वहां के कुछ तेलियों और छोटे कारखाने वालों को कुछ काम भी मिल जाएगा और लोगों को ताजा तेल भी मिल जाएगा। इसी के साथ साथ जो खली निकलेगी उसको वहां जमीन में खाद देने के काम में लाया जा सकता है या पशुओं को खिलाया जा सकता है। तो यह सोचना कि वह तेल पुराना हो जाएगा और उस के अन्दर खराबी आ जाएगी यह सही नहीं है।

देश के अन्दर तीन ही किस्म के साथी हैं। एक वह भाई हैं जो घी खाना चाहते हैं, दूसरे वे भाई हैं जो घ्राज भी घी के बजाए तेल खाते हैं और तीसरे बीच के लोग हैं उन की हालत यह है कि जैसे पहनने को धोती बहुत अच्छी है, लेकिन वे उसका कोट और पतलून बना कर पहनते हैं, इसी तरह से वे बीच के भाई तेल तो खाना चाहते हैं लेकिन उसको बनास्पति की शक्ल में खाना चाहते हैं। कहा जाता है कि उस के अन्दर कुछ विटामिन डाला जाता है। लेकिन मैं पूछना चाहता हूं कि क्या विटामिन डालने के लिए एक यही चीज है, खुराक की और बहुत सारी

चीजें हैं जिन में विटामिन डाला जा सकता है। विटामिन डालने के लिये कौन इन्कार करता है। लेकिन सवाल यह है कि घ्राज जो भाई घी खाना चाहते हैं या जो भाई घी पैदा करना चाहते हैं उन के रास्ते में यह बनास्पति खड़ा हो गया है। सरकार ने इरादा जाहिर किया था घ्राज से घ्राठ दस साल पहले कि दो तीन महीने में कोई रंग तलाश करके इस में मिला दिया जाएगा। लेकिन उस वक्त के बहुत से सदस्य इस से भी सहमत नहीं थे कि तेल को बनास्पति बनाया जाए और फिर उस को रंगा जाए। उनका खयाल था कि तेल को बनास्पति बनाना ही नहीं चाहिए। उस वक्त भी बहुत से सदस्यों की यह राय थी कि तेल को जमाना बन्द होना चाहिये।

इस के अन्दर खास तौर पर पड़े-सिसे 'आदमी खास तौर के रंग और बेव-भूषा के पैटर्न में यकीन करते हैं, उन के हाथ में शक्ति है, झल्लवार भी हैं और दूसरी चीजें भी हैं। तो उन के खयालात को ध्यान में रख कर ही यह फैसला किया गया था कि सरकार कोई रंग तलाश करेगी। सरकार ने कोशिश की लेकिन सरकार कोई रंग तलाश नहीं कर सकी और इस देश के साइंटिस्ट कोई रंग तलाश नहीं कर सके जिस से बनास्पति को रंग दिया जा सके। दस साल के बाद हमें फिर मौका दिया झलन सिन्हा साहब ने उस बात पर गौर करने का और सोचने का। पिछले दस साल के इतिहास को ध्यान में रख कर मैं समझता हूं कि कि इस के सिवा कोई दूसरा रास्ता नहीं है कि जब तक इस देश के अन्दर कोई ऐसा रंग न निकाला जा सके जोकि बनास्पति में डाला जाए, कम से कम उस वक्त तक के लिए नेम को जमाना

[चौ० रणबीर सिंह]

और उसको बनास्पति बनाना बन्द कर दिया जाए । हमने कोशिश की और दयानत दारी से कोशिश की और साइ-टिस्ट्स ने कोशिश की लेकिन वह फेल हुए । तो उन के फेल होने के कारण क्या इस देश के आदमी हाथ पर हाथ धरे बैठे रहेंगे और इस देश के अन्दर पशुधन की उन्नति की तरफ आगे नहीं बढ़ेंगे ।

**Mr. Speaker:** He may continue his speech the next day. The House will now stand adjourned till Eleven of the Clock on Monday.

18.07 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 27, 1961, Chaitra 6, 1883 (Saka).*

[Friday, March 24, 1961/Chaitra 3, 1833 (Saka)]

ORAL ANSWERS TO  
QUESTIONS

S. Q. No.	Subject	COLUMNS 6955-97
1081	Efficiency and Performance Audit . . .	6955-59
1082	Newsprint plant in U.P. . . . .	6959-62
1083	Indians in Ceylon . . .	6962-65
1084	Congo . . . . .	6966-70
1085	Sugar machinery . . .	6970-75
1087	Export of textiles to Ceylon . . . . .	6975-76
1088	Internal resources for Third Five Year Plan . .	6976-77
1089	Development of backward areas . . . . .	6978-79
1090	Revival of Karalkal Port . . . . .	6979-80
1091	Production of documentaries by Films Division . . . . .	6981-82
1092	Uranium mine at Jaduduguda (Bihar) . . .	6982-84
1093	Employment Officers in Delhi Administration . .	6984-86
1094	Price control . . . . .	6986-89
1097	Tibet issue before the U.N.O. . . . .	6989-91
S. N. Q. No.		

9	Modern Stataram Collieries . . . . .	6991-97
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WRITTEN ANSWERS TO  
QUESTIONS . . . . . 6998-7044

S.Q. No.		
1086	Coir industry . . . . .	6998
1095	Soda ash factory at Sambhar . . . . .	6998
1096	Shops constructed in New Delhi . . . . .	6999
1098	Press Council . . . . .	6999-7000
1099	Brass-ware industry . . . . .	7000-01
1100	Export of Cardamom to Sweden . . . . .	7001
1101	Report of Wage Board for Jute Industry . . . .	7001-02
1102	Nuclear power station . . . . .	7002-03
1103	Rebate on handloom cloth . . . . .	7003-05
1104	Manufacture of lathes, by H.M.T. Factory, Bangalore . . . . .	7005

WRITTEN ANSWERS TO  
QUESTIONS—contd.

S.Q. No.	Subject	COLUMNS
1105	Hunger-strike by employees of the Hindustan Machine Tool factory Bangalore . . .	7005-06
1106	Release of Phizo's brother . . . . .	7006
1107	Export of handicraft goods . . . . .	7007
U. S. Q. No.		
2207	Indian Textile market in Middle East . . . . .	7007-08
2208	Production of Khadi in Mysore . . . . .	7008
2209	Cottage industries in Maharashtra . . . . .	7008-09
2210	Plantation of Mulberry trees . . . . .	7009
2211	Resin industry in Punjab . . . . .	7009
2212	Manufacture of cement . . . . .	7009-10
2213	Production of coffee . . . . .	7010
2214	Industrial Estates in Delhi . . . . .	7010-11
2215	Paper mill in Mirthal (Punjab) . . . . .	7011-12
2216	Scooter factory at Ludhiana . . . . .	7012
2217	'Adi Missing Students' Union . . . . .	7012-13
2218	Hyderabad House, New Delhi . . . . .	7013
2219	Visa Rules between India and Pakistan . . . . .	7014
2220	Safety Measures in Mines . . . . .	7014-15
2221	Evacuee agricultural land in Punjab . . . . .	7015
2222	Third Five Year Plan . . . . .	7015-16
2223	Manufacture of big clocks . . . . .	7017
2224	Copper and Brass allocations . . . . .	7017
2225	Leather-craft industrial colony in Delhi . . . . .	7018
2226	Trade route between India and Tibet . . . . .	7018
2227	Village Housing Project Scheme in Punjab . . . . .	7019
2228	Quarters in Andrews Ganj, New Delhi . . . . .	7019-20

# WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
2229	C.P.W.D. staff at Madhopur . . .	7020-21
2230	C.P.W.D. workcharged staff at Passighat Air-field . . .	7021
2231	Landed property in Delhi . . .	7022
2232	Import of race horses .	7022-23
2233	Indian industries .	7023
2234	Television sets in Higher Secondary Schools, Delhi . . .	7023-24
2235	Road to Bhutan . . .	7024
2236	Persons registered at Employment Exchanges .	7024-25
2237	Indian Standards Institution . . .	7025-26
2238	Colour film on Queens' visit . . .	7026
2239	Textile mills . . .	7026-27
2240	Detention of Dr. Savino and Mr. Namu . . .	7027-28
2241	Fertilizer Plant . . .	7028-29
2242	Cooperative Societies for Government employees . . .	7029
2243	Spinning mills in Madras States . . .	7030
2244	Documentaries in Kashmiri and Dogri languages . . .	7030-31
2245	Funds for Scheduled Castes in Manipur . . .	7031
2246	Quarters for Old Rajendra Nagar, Delhi . . .	7031-32
2247	Export of fish, fruits and Vegetables . . .	7032
2248	Cinema houses in Delhi . . .	7032-33
2249	Reorganisation of Divisions and Circles of C.P.W.D. . . .	7033
2250	Handloom Weavers' Central Cooperative Association at Hyderabad . . .	7034
2251	Raid by Pakistani Nationals . . .	7034-35
2252	House rent . . .	7035
2253	Export of Japanese paper-making plant . . .	7035-36
2254	Co-operative Housing Colony for weavers in Orissa . . .	7036-37

# WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
2255	Export of cotton from Tripura . . .	7037
2256	Licences for industries .	7037-38
2257	All India Handicrafts Board . . .	7038
2258	Export promotion . . .	7038-39
2260	Misappropriation of Tripura Sales Emporium Funds . . .	7039
2261	Export of Engineering Industry goods . . .	7039-40
2262	Allotment of land to colleges in Delhi University . . .	7040
2263	Lacquering plant at Moradabad . . .	7040-41
2264	Kiln for handmade pottery . . .	7041
2265	Import of ivory . . .	7041-42
2266	Raw materials for cottage industry . . .	7042
2267	Handicraft goods . . .	7042-43
2268	Rent of residences allotted to Government employees in New Delhi . . .	7043-44
2269	Houses built on Nazul land in Paharganj, New Delhi . . .	7044

# STATEMENT BY PRIME MINISTER . . . 7045-62

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) made a statement regarding the recent Commonwealth Prime Ministers' Conference held in London, and also laid on the Table a copy of the final Communiqué issued by the Conference.

# PAPERS LAID ON THE TABLE . . . 7062-63

(1) A copy of the Report of the Indian Delegation to the 17th Session of the Contracting Parties to the General Agreement on Tariffs and Trade held in Geneva from the 31st October to the 19th November, 1960.

PAPERS LAID ON THE  
TABLE—contd.

COLUMNS

## COLUMNS

- (2) A copy of each of the following papers:

(i)(a) Annual Report of the rehabilitation Industries Corporation Limited for the year 1959-60 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of Section 639 of the Companies Act, 1956.

(b) Simplified Annual Accounts of the above Corporation for the year 1959-60.

(c) Review by the Government on the working of the above Corporation.

(ii) The Jute (Licensing and Control) Order, 1961 published in Notification No. S. O. 538 dated the 10th March, 1961, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955.

- (3) A copy of each of the following papers:

(i) Annual Report of the National Projects Construction Corporation Limited for the year 1959-60 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon under sub-section (1) of Section 639 of the Companies Act, 1956.

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

- (4) A note entitled "Incidence of indirect taxes on the Consumer Price Index (A limited analysis)".

REPORT OF ESTIMATES  
COMMITTEE PRESENTED

Hundred and nineteenth Report was presented.

7063-64

## DEMANDS FOR GRANTS 7067-7138

Further discussion on Demands for Grants in respect of the Ministry of Law concluded. On the cur motion No. 1039 on Demand No. 71 moved by Shri Tangamani the House divided. Ayes 12; Noes 80. The cur motion was negatived. All the demands were voted in full.

REPORT OF COMMITTEE  
ON PRIVATE MEMBER'S  
BILLS AND RESOLUTIONS ADOPTED.

7138

Eightieth Report was adopted.

PRIVATE MEMBERS'  
BILLS INTRODUCED

7138-41

(1) The Gift Tax (Amendment) Bill, 1961 (Amendment of sections 22, 23, 25, 26 and 35) by Shri Ram Krishan Gupta.

(2) The Indian Post Office (Amendment) Bill, 1961 (Amendment of sections 68 and 69) by Shri Ram Krishan Gupta.

(3) The Subsidiary Banks Merger Bill, 1961 by Shri Ram Krishan Gupta.

(4) The Constitution (Amendment) Bill, 1961 (Amendment of Article 226) by Shri C. R. Pattabhi Raman.

PRIVATE MEMBER'S  
BILL WITHDRAWN

7141-71

Discussion on the motion to consider the Industrial Disputes (Amendment) Bill (Insertion of new Chapter VAA) moved by Shri Tangamani on 10-3-61 was resumed. Shri Tangamani replied to the debate. The Bill was by leave, withdrawn.



## COLUMNS

## COLUMNS

**PRIVATE MEMBER'S BILL  
UNDER CONSIDERA-  
TION . . . . .**

7171—94

Shri Jhulan Sinha moved  
that the Prevention of  
Hydrogenation of Oils  
Bill be taken into consi-  
deration. The discussion  
was not concluded.

**AGENDA FOR MONDAY,  
MARCH 27, 1961/CHAI-  
TRA 6, 1883 (Saka)—**

Discussion on Demands for  
Grants in respect of the  
Ministry of Home Affairs.