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Thursday, August 4, 1960
Sravana 13, 1882 (Saka)

LOK SABHA DEBATES

Eleventh Session
(Second Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT
New Delhi

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

LOK SABHA

Thursday, August 4, 1960/Sravama 13.
1882 (Saka)

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Displaced Persons' Camps in Eastern
Zone

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126. { Shri Ram Krishan Gupta:
Sardar Iqbal Singh:
Dr. Ram Subhag Singh:
Shri Ajit Singh Sarhadi:
Shri Subiman Ghose:
Shri Chintamani Panigrahi:

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether any co-ordinated programme of closure of camps and dispersal of inmates under proper rehabilitation scheme in Eastern Zone has been drawn; and

(b) if so, the details thereof?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) and (b). A statement is placed on the Table of the Sabha. [See Appendix I, annexure No. 23.]

Shri Chintamani Panigrahi: Question No. 158 may also be taken up along with Question 126.

Mr. Speaker: It deals with a different matter, I think.

Shri S. M. Banerjee: It is absolutely the same thing, Sir.

Mr. Speaker: Are they connected with each other? Will the hon. Minister answer that question also along with this?

657 (Ai) L.S.D.—1.

Shri P. S. Naskar: I am at your disposal, Sir. If you ask me, I shall answer that too.

Mr. Speaker: If the hon. Minister feels that that question also can be answered conveniently together, I will allow that question to be taken up along with this. Otherwise, I shall call that question separately.

Shri P. S. Naskar: I shall answer Question No. 158 also.

दण्डकारण्य परियोजना

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- { डा० राम सुभग सिंह:
श्री चिन्तामणि पारिणग्रही:
श्री अजित सिंह सरहदी:
श्रीमती रेणु चक्रवर्ती:
श्री सुपकार:
श्रीमती रेणुका रे:
श्री प्र० गं० देव:
श्री हल्वर:
*१५८. { श्री रामेश्वर टाटिया:
श्री अ विन्द घोषाल:
श्री सुरेन्द्रनाथ द्विवेदी:
श्री महलती:
श्री स० मो० बनर्जी:
श्री बि० बासगुप्त:

क्या पूर्वान तथा अल्पसंख्यक-वार्य मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या दण्डकारण्य परियोजना के बारे में नई दिल्ली में प्रधान मंत्री और पश्चिमी बंगाल के मुख्य मंत्री के साथ उनकी कोई विशेष बातचीत हुई थी; और

(ख) क्या इस बातचीत के फलस्वरूप दण्डकारण्य परियोजना के स्वरूप और क्षेत्राधिकार में कोई परिवर्तन किया जायेगा?

पुनर्वास उपमंत्री (श्री पू० शे० नास्कर):

(क) जी हाँ, १६ जून, १९६० को बातचीत हुई थी।

(ख) बातचीत के परिणामस्वरूप जो निर्णय किए गए थे, वह प्रधान मंत्री के सचिवालय द्वारा जारी किए गए प्रेस नोट दिनांक १७-६-६० में घोषित किए जा चुके हैं, जिसकी एक प्रतिलिपि सभा की मेज पर रख दी गई है। [बै.सं. पार. शिष्ट १, अनुबन्ध संख्या २४] दण्डकारण्ड्य विकास सत्ता का अब पुनर्गठन उपरोक्त प्रेस नोट के अनुसार किया जा चुका है।

Mr. Speaker: The hon. Minister may as well read the answer in English. Whichever hon. Minister cannot easily and freely read in Hindi, he can't read the English answer.

Dr. Ram Subhag Singh: They should practise Hindi!

Shri P. S. Naskar: I am trying to learn.

Mr. Speaker: Is it the desire of hon. Members that the hon. Minister should practise here? (*Interruptions*).

Shri P. S. Naskar: I shall read the answer in English.

(a) Yes, discussions were held on the 16th June, 1960.

(b) The decisions arrived at as a result of the discussions were announced in a Press Note issued from the Prime Minister's Secretariat on the 17th June, 1960, a copy of which is laid on the Table of the Sabha. [See Appendix I, annexure No. 24.]

The Dandakaranya Development Authority has since been reconstituted on the lines indicated in the Press Note.

Shri Ram Krishan Gupta: In the statement I find that out of 41.17 lakhs persons, 1.48 lakhs are living in camps and other homes. May I know what arrangements are being made to settle them permanently?

Shri P. S. Naskar: In the statement that has been laid, it has been said that the Dandakaranya scheme is to rehabilitate the remaining families of displaced persons who are living in camps. Out of 1.48 lakhs, 1.02 lakhs are in camps and the rest are in homes and infirmaries. That is a long-term liability.

Shri S. M. Banerjee: I want to know what will be the fate of those displaced persons who were forcibly evicted from the Mikir Hills in Assam. My information is that 4,000 people have come from Calcutta, and....

Shri P. S. Naskar: I would draw the attention of the hon. Member to the answer to the question in this House on the 1st of August, 1960.

Shri Chintamani Panigrahi: May I know whether, while reconstituting the Dandakaranya Development Authority, the concerned States, namely, Orissa and Madhya Pradesh, were consulted before any decision was taken by the Prime Minister?

Mr. Speaker: Were the Ministers of those States consulted before a decision was taken? The hon. Member says that the hon. Prime Minister took a decision regarding Dandakaranya. Did the hon. Prime Minister consult the Chief Ministers of those two States, Orissa and Madhya Pradesh? That is his question.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I think, Sir, that they were not informed of this particular decision when it was taken. They knew that we were considering these matters, but when the decision was taken they were not present. Only the Chief Minister of West Bengal was present.

Dr. Ram Subhag Singh: In the statement it is mentioned that the Dandakaranya Development Authority have asked the West Bengal Government to arrange to send 500 families to Dandakaranya between 15th August and 15th September, 1960. May I know why

the Government are asking them to do so after 15th August, when the agricultural season starts there from June or at the latest by July?

Shri P. S. Naskar: I would draw the attention of the hon. Member to the press note issued by the Dandakaranya Authority on the 27th July, 1960. There, the very point has been explained. Now, it is not the working season there; it is the monsoon there. Those families who are already there are being put on the land and the families who will be taken on the 15th August will be put on the rehabilitation site and also on the reclaimed land. That is why the movement has been postponed till August.

Shrimati Renu Chakravartty: May I know whether it is a fact that the lands which were given to those who were sent to the camps and rehabilitation sites in Rajasthan and Orissa have proved to be so infertile that they have not been able to eke out a living, and whether the Government proposes to see that they are properly rehabilitated on these two areas?

Shri P. S. Naskar: So far as Rajasthan is concerned, on the 1st of this month, a question was put and an answer given. I would draw the attention of the hon. Member to it. About the unsuitability of land in Rajasthan and Orissa, we have not received any complaint from the State Governments to that effect.

Dr. Ram Subhag Singh: The hon. Deputy Minister drew our attention to the press note of 27th July, and said that it is the monsoon season there and that therefore they would not be invited. That was precisely my point. If they had cared about all these things prior to the 27th July and not around 27th July, the refugees might have been taken there early in June or at the latest by the end of June or 1st July for starting agricultural operations.

Shri P. S. Naskar: I will just read the press note which will explain the matters. This is the monsoon season

there and it is very difficult for the DDA to make any housing arrangements at the moment. So, the DDA thinks that these families would be sent to the village site, the Parlakoke and Umarkote zone—the rehabilitation sites—and they will be initially engaged on the construction of their own houses and the preparation of their own agricultural land.

Shri Ranga: Is construction of the houses facilitated in the rainy season?

Shri P. S. Naskar: No, Sir. It is after August.

Shrimati Renuka Ray: In view of the fact that the Dandakaranya scheme carried out in the past under the Ministry of Rehabilitation did not succeed and there were many internal conflicts, may I know whether any steps are being taken to put the Dandakaranya scheme under some other Ministry?

Shri Jawaharlal Nehru: I do not think it is quite correct to say that the Dandakaranya scheme has been a failure. It is true there have been impediments and delays, because of certain internal troubles. Now, therefore, these new arrangements have been made. The question of putting it under another Ministry has not arisen and does not arise, because the real question is, what is done there and not some kind of supervisory work. At the present moment, it is an autonomous authority which has been created, in which, hon. Members may remember, the three States of West Bengal, Orissa and Madhya Pradesh are concerned. Their Chief Secretaries are put in and a very competent chairman, and all that. The work is to be done there. The Ministry here really is only some kind of supervisory authority.

Shrimati Renuka Ray: In view of the past experience, will it not be better to have it under some other Ministry, say, the External Affairs Ministry, (Laughter) under the Prime Minister, or the Home Minister?

Mr. Speaker: That is a suggestion for action.

Shrimati Ila Palchoudhuri: The question relates to the co-ordinated programme of closure of camps. In that case, have the people from the camps who do not want to go to Dandakaranya been screened to go to the Andamans where very many of them want to go under the colonisation scheme, and how far has this co-ordination been effective?

Shri P. S. Naskar: So far as Andamans is concerned, the scheme is under the Home Ministry. As far as I understand, whatever families are sent from West Bengal to Andamans, they are refugee families. But Andamans also has its own capacity to take the people there.

Shri Jaipal Singh: In view of the fact that so many Ministries are involved in this, may I know whether it would not be appropriate for this task to be committed to the Works, Housing and Supply Ministry?

Shri Surendranath Dwivedy: The Prime Minister was kind enough to say just now that the Governments of Orissa and Madhya Pradesh were just informed about the reorganisation of the Dandakaranya Development Authority. The Chief Minister of West Bengal was invited at the time of consultation. Since these two States would ultimately have the responsibility of running this entire area, may I know why the Chief Ministers of these two States were not consulted at the time of considering the reorganisation of the Development Authority?

Shri Jawaharlal Nehru: They have been constantly consulted. Just previous to that, the Chief Ministers had actually met round about Dandakaranya. Hon. Members will notice that the changes made are in favour of bringing those two States in.

Shri Surendranath Dwivedy: The two States were there as members.

Shri Jawaharlal Nehru: This was an old proposal. It was not suddenly produced there. It was a two or three-month-old proposal. I am not quite sure if it has been circulated to them, but no basic change took place

in regard to Orissa and Madhya Pradesh. They are there and they have a right to be there to be consulted; that right and everything remains; Difficulties had arisen in regard to sending the displaced persons from Bengal. Therefore, they were discussed from the Bengal point of view. There was no further burden placed on Orissa or Madhya Pradesh.

Shri Sadhan Gupta: May I know whether it will be the policy to force any family to leave the camps when they are not assured of land or house in Dandakaranya and adequate wages to earn their living, if they are employed on development works?

Mr. Speaker: This is a suggestion for action. Nobody will be thrown out of the camp before he is settled.

Shri Supakar: May I know if important policy decisions about Dandakaranya are taken without consulting or without informing the Government of Orissa and if the Government of Orissa have written to the Centre about this state of affairs?

Shri Jawaharlal Nehru: I have answered it just now, Sir.

Mr. Speaker: It has been answered. This is going on again and again. Dandakaranya is coming almost every second day.

Some Hon. Members rose—

Mr. Speaker: How many times is it to be discussed? There is a discussion and question and again question and discussion. Next question.

Cannes International Film Festival

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*127. { **Shri A. M. Tariq:**
Shri Assar:
Shri Punnoose:
Shri Dinesh Singh:
Shri Indrajit Gupta:

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

(a) whether India's short film entry at the Cannes International Film

Festival "Shringar" was booed and ridiculed; and

(b) if so, the reason why a better short film was not sent to the Festival?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). An enquiry has been made into some reports of this kind which appeared in a section of the Press and it has been found that these reports had no foundation in fact.

Shri A. M. Tariq: If it is so, may I know whether any contradiction was issued by the Ministry of Information and Broadcasting on this point?

Dr. Keskar: We did not think it worth-while to contradict it. But I may draw the attention of the hon. Member to the fact that it was contradicted by another section of the Press saying that the report does not appear to be well-founded.

Shri A. M. Tariq: May I know if the Government of India is aware of the fact that some Indian film producers are responsible for publicising this news item in the world press and if so, what action Government have taken against such producers?

Dr. Keskar: It is very difficult for me to say as to who might have done it. I do not know what action I can take if some person, whether *bona fide* or *mala fide* has circulated such a report.

Shri Assar: May I know how the films are selected and whether any film producers are consulted?

Dr. Keskar: In selecting the documentary, there is no need to consult any film producer, unless the documentary in question is produced by that person. There is a committee for selection, but as far as documentaries are concerned, the Government makes the selection.

Shrimati Renu Chakravartty: May I know if the notice of the hon. Minister has been drawn to the fact that one of the leading world magazines has mentioned that 'Shrinagar' was all right for a hairdressers' convention,

but not for an international film festival? We have not seen it, but is it at all a fact?

Dr. Keskar: It is easy and everyone has the liberty to express his own opinion, including the leading film papers. If the hon. Member takes the trouble, she can read other leading papers which have contradicted the opinion quoted by the hon. Member.

Shri Indrajit Gupta: May I know whether the selection of this documentary film for exhibition at the festival was done by the same committee which is also responsible for selecting feature films for exhibition?

Dr. Keskar: Yes, Sir; it is so. I would like hon. Members to remember this that these film festivals have certain rules. One of the rules is no documentary or feature film can be entered, which has been entered for any other festival. Also, it must not have been produced before a particular date. So, it must be produced last year and it must not have been entered for any other festival. That is one of the reasons why certainly we have difficulties in getting films to be entered in many international festivals. This film was originally produced for and under the guidance of the tourist department specially to be shown abroad. As far as our reports go, there has been no such adverse comment as some papers have reported to have been made.

Shri Assar: May I know if some leading film producers are of the view that the failure of Indian films is due to the lack of adequate publicity and if so, may I know Government's reaction to this?

Mr. Speaker: We are going away from one thing to another.

Shri Indrajit Gupta: May I know whether the Minister will kindly arrange a special show of the film for the benefit of the Members of this House, so that they can judge for themselves?

Dr. Keskar: The film has been shown many times, because every

Saturday, there is a show for Members and this has been twice shown. If the hon. Member is so much interested, I can arrange a special show.

Fertilizer Plant at Bombay

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- *128. { Shri Ram Krishan Gupta:
Sardar Iqbal Singh:
Shri A. M. Tariq:
Shri Pangarkar:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 201 on the 17th February, 1960 and state:

(a) whether the negotiations with the Oil Companies on the prices and availability of refinery gases for the fertiliser plant at Bombay have since been finalised; and

(b) if so, the result thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). The agreement has not yet been signed.

Shri Ram Krishan Gupta: May I know what are the prices quoted by the companies and how far they differ from the prices suggested by Government?

Shri Satish Chandra: The prices of the gas and naphtha which are to be purchased from Burmah-Shell and Stanvac respectively will be based on the heat content or the calorific value of those gases. The principles for it have been decided. The agreement has not yet been signed.

Shri T. B. Vittal Rao: This whole negotiation has been going on for well over 2½ years. May I know when it will reach the stage of finality and gas will be utilised instead of being wasted.

Shri Satish Chandra: The project was sanctioned by the Government of India only a little over a year ago. It is only after that that various attempts have been made to come to some agreement. The agreement has

been reached in principle. It is being drafted and it is expected to be signed shortly.

Cost of Industrial Production

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- *129. { Shri Nek Ram Negi:
Shri Ram Krishan Gupta:
Sardar Iqbal Singh:
Shri A. M. Tariq:
Shri Pangarkar:
Shri Madhusudan Rao:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1601 on the 20th April, 1960 and state at what stage is the proposal to set up Study Groups to examine the high cost of Industrial production?

The Minister of Industry (Shri Manubhai Shah): The matter is now under consideration of the Government.

Shri Ram Krishan Gupta: In reply to a previous question, it was said that the matter is under examination by the National Productivity Council. May I know what are the main recommendations made by that committee?

Shri Manubhai Shah: The Productivity Council is now ready to undertake the studies in respect of about half a dozen industries and as soon as Government gives its approval the study teams would be set up.

श्री म० सा० द्विवेदी: मैं पूछना चाहता हूँ कि क्या भारत सरकार अपने उद्योगों को इस आधार पर नहीं लगा सकती जिस तरीके से कि जापान के लोग अपने यहां चलते हैं और बहुत सस्ते में उनका उत्पाद हो जाता है?

श्री मनुभाई शाह: यह और ही किस्म का सवाल है कि जापान का कौन उद्योग कैसा है और यह तो प्रोडक्टिविटी और इंडस्ट्रीज के स्टडी करने के लिए है। इसके लिए ५, ६ इंडस्ट्रीज को पसन्द किया जाएगा जैसे सीमेंट है, शूगर है, और बाइसिकिल इंडस्ट्रीज हैं और उनमें देखेंगे कि क्या क्या करने से उत्पादन के दाम कुछ कम हो सकते हैं?

Shri Tangamani: Which are the industries proposed by the National Productivity Council to be brought in the special study?

Shri Manubhai Shah: Cement, sugar, bicycles, some of the engineering industries and textiles. Then the Government will indicate which they should take up first so that the studies may be worthwhile and we can consider the recommendations of the study group.

Shri Ramanathan Chettiar: Apart from the National Productivity Council studying this problem is there any proposal in the Ministry to have a cell to study the problem from time to time of the various industries?

Shri Manubhai Shah: These studies are of a highly specialised nature in productivity and for that we are having a competent body in the National Productivity Council. We need not have a parallel cell in the Ministry. But, as far as the Tariff Commission is concerned, it is a statutory commission which goes into the economics of all protected industries from time to time, periodically, once in three years.

श्री रामसिंह भाई वर्मा : क्या श्रीमन् को यह ज्ञात है कि नेशनल प्रोडक्टिविटी कौंसिल के अतिरिक्त गवर्नमेंट के सामने ऐसी बातें आई हैं कि एक ही इंडस्ट्री में और एक ही कंपैसिटी की और एक ही क्वालिटी का माल बनाने वालों में किन्हीं में नाजायज तौर से और गलत तौर से कोस्ट आफ प्रोडक्शन बढ़ जाता है और उससे प्राइसेज के ऊपर बुरा असर होता है ?

श्री मनुभाई शाह : अब वह तो हमेशा हर एक डट्टी का दुनिया का अनुभव है कि दो यूनिट एक ही कंपैसिटी की हों लेकिन अगर उसके मैनेजमेंट में फर्क हो, उसकी

लेबर में फर्क हो, प्राइक्टिविटी में फर्क हो और उनके सारे इन्तजाम में फर्क हो तो उसका कुरदती तौर पर कोस्ट आफ प्रोडक्शन पर असर पड़ता है लेकिन एक ऑप्टिमम कंपैसिटी तय किया जाये और उस ऑप्टिमम से जब किया जायेगा कि कौन इंडस्ट्री और कौन सी यूनिट ऐसी है जो कि नियर एफिशिएंसी है या कौन उससे ज्यादा अच्छी है अथवा कम अच्छी है ।

Shri Heda: May I know whether for such commodities which are in short supply and, therefore, the margin of profit is greater, there is going to be special study groups for cost of production?

Shri Manubhai Shah: This is not a study for occasional scarcities which occur in a big country like ours where consumption could not be always ascertained with any degree of rectitude or firmness. Here it is a question of specialising in the studies first to see what should be the size of the unit, what should be considered the optimum economic unit, what should be the productivity per man per hour, what should be the productivity per rupee invested, and so on. This is a specialised kind of study.

श्री रामसिंह भाई वर्मा : क्या श्रीमन् यह बताने का कष्ट करेंगे कि क्या यह सच नहीं है कि यह जो प्रोडक्शन कोस्ट बढ़ती है उसमें मिसमैनेजमेंट बहुत हद तक जिम्मेदार है ?

श्री मनुभाई शाह : वह तो मैंने पहले भी कह दिया कि जहां और नीजें है वहां यह मिसमैनेजमेंट भी आ जाता है ?

श्री रामसिंह भाई वर्मा : इसके लिए क्या किया गया है ?

श्री मनुभाई शाह : इसके लिए बहुत से रीतियाँ लीं गयी हैं । गवर्नमेंट

ग्राफ इंडिया एक नेशनल इंस्टीट्यूट ग्राफ मैनेजमेंट साइंस ट्रेनिंग के लिए भी इंस्टीब्लिश करने जा रही है। जितने मैनेजमेंट इंस्टी-यूशंस हैं उन के अन्दर टॉप मैनेजमेंट, मिडिल मैनेजमेंट और फ्लोर मैनेजमेंट के लिए अलग अलग ट्रेनिंग क्लासिज होंगे। छोटे छोटे सर्विस इंस्टीट्यूट्स के अन्दर भी बिजनेस मैनेजमेंट की ट्रेनिंग दी जाती है। अब यह जो सारा ट्रेडिशन है उस को ठीक करने में कुछ समय तो लगेगा।

Shri Indrajit Gupta: May I know whether the terms of reference which are going to be framed for the proposed study groups will require them to study whether the cost of industrial production is high or not or whether it will be taken for granted that the cost is high?

Shri Manubhai Shah: That is the fundamental part of any terms of reference because there is no use studying when the group is convinced that the costs are normal. When we find from the broad studies that the costs of certain units are not normal a probe is required.

Shri C. D. Pande: May I know if the Government considered the feasibility of having some corrective factories so that their cost may be standard one and comparison could be made on the basis of these factories.

Shri Manubhai Shah: That is exactly what is being done. Out of the 43 textile mills in Coimbatore in the case of 8 to 10 it is very normal and their cost of production can be compared with their counterparts anywhere in the world. In the case of other 35 units they were either lower or higher. It is exactly to focus attention on those comparative costs and to apply the corrective wherever necessary that these steps are being undertaken.

Atomic Power Stations

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Shri Rameshwar Tantia:
Shri Naval Prabhakar:
Shri Vidya Charan Shukla:
Shrimati Ila Palchoudhuri:
Shri D. C. Sharma:
Shri Kadiyan:
Shri Supakar:
 *130. **Shri Ram Krishan Gupta:**
Shri Assar:
Shri Bibhuti Mishra:
Shri Raghunath Singh:
Shri Ajit Singh Sarhadi:
Shri S. A. Mehdi:
Shri Bhakt Darshan:
Shri Achar:
Shri Arjun Singh Bhaduria:

Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 292 on the 22nd February, 1960 and state:

(a) whether Government have now finally decided about the location of the proposed Atomic Power Stations other than the first one;

(b) the total number of Atomic Power Stations proposed to be established;

(c) the names of places where those stations are to be located; and

(d) the basis on which such selection has been made?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Not yet.

(b) to (d). As explained earlier, the setting up of power stations in other regions remote from coal fields, such as Delhi-Punjab, Madras and Rajasthan is under consideration. No decision in the matter has so far been taken.

Shri Rameshwar Tantia: May I know whether this power station will be established by our own scientists or help will be taken from foreign scientists also?

Shri Jawaharlal Nehru: It will be established by our own scientists. I

cannot say whether on a particular matter some help might be taken but this is done by our own people.

Shri Harish Chandra Mathur: May I know whether in the absence of any decision any allocation has been made in the Third Five Year Plan? Has any estimate been prepared?

Shri Jawaharlal Nehru: Yes, I think some allocation has been made. It is not quite finalized yet. That is to say, while the allocation has been made, an attempt has been made to increase the allocation.

Shri Nath Pai: Will Government take into consideration the experience of United Kingdom, which was leading in the peaceful use of atomic energy, and which had embarked upon a very ambitious scheme of generating sufficient quantum of atomic power? Now they have revised their programme by considering the comparative cost of generating power by atomic energy and by conventional means. The Indian Council of Applied Economic Research has also produced a brochure on the subject. I want to know whether before finally deciding on more such stations Government are evaluating the comparative costs of generating power by atomic energy and conventional methods?

Shri Jawaharlal Nehru: Naturally, all these factors have been very carefully considered and are being considered. Conditions are different in the United Kingdom and in India. In India, we feel—that is, in parts of India, not every part, for near the coal fields it is very different—even now it is practically admitted that the cost of production of power through atomic energy is an economic proposition and from day to day becomes somewhat cheaper relatively. There are, of course, other considerations too. I cannot go into that matter now.

Shri Ranga: In view of the fact that only one power station has come to be started now, how does the Government come to the conclusion that it is comparatively cheaper or economical?

Shri Jawaharlal Nehru: Through the mental apparatus of thinking and calculation.

Shri Ranga: The Prime Minister said economical.

Mr. Speaker: That is what is estimated.

Shri Ranga: Living in a dream land.

Shri Tyagi: Have they experimented on any one such station in India before embarking on the scheme of setting up these stations?

Shri Jawaharlal Nehru: The hon. Member must see that thus far it has been decided to start one station definitely. Even there the exact location has not been decided. You cannot experiment now because that station will be ready for proper functioning in four years' time. It takes a long time. Therefore, one cannot postpone these things as then we will be completely left behind in these matters. The work has to go on and we have to make preparations for future.

Shri Tyagi: Will it amount to this that all the stations will simultaneously be built when the actual experiment has not been made on the one station which is going to be put up for the first time?

Shri Jawaharlal Nehru: I have not said simultaneously. They will be one after the other though they will overlap. There is no question of experimenting. We have passed the experimental stage a long time ago. What might be said to be experimental is the precise cost of it. That, of course, may be so. It depends on so many factors. The factors that had been studied showed that while the initial cost at present is rather heavy the other cost then becomes cheaper.

श्री विभूति मिश्र : अभी प्रवान मंत्री ने राजस्थान, पंजाब और दिल्ली का नाम बताया। मैं यह जानना चाहता हूँ कि बिहार का नाम कब तक आयेगा, जो कि मिनरल्स के बारे में रिपेस्ट है।

श्री जवाहरलाल नेहरू : बिहार तो इस गिनती में पड़ता ही नहीं, इस लिए कि बिहार में कोयला है और जहाँ कोयला है वहाँ वह ज्यादा सस्ता पड़ता है।

Shri Narasimhan: May I know whether while considering the case of the various places including Madras State the non-perennial character of the rivers in Madras State will also be taken into consideration?

Shri Jawarhal Nehru: May I point out that at the beginning the major consideration is where such a station will be successful. For instance, it requires vast quantities of water. The first one is going to be constructed somewhere between Ahmedabad and Bombay on the sea coast. We want sea water for this. We want other things. So, all these factors have to be considered. We cannot afford to have the first one or two stations to be placed in such conditions that are not fully advantageous.

नई दिल्ली में भूमिगत पानी की सतह

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१३१. { श्री प्रकाश बीर शास्त्री :
— श्री ए० एम० तारिक :

इया निर्माण, आवास और संभरण मंत्री यह बताते की कृपा करेंगे कि :

(क) क्या नई दिल्ली के कुछ स्थानों में भूमिगत पानी की सतह बढ़ रही है;

(ख) यदि हाँ, तो किन बस्तियों में;

(ग) क्या यह सच है कि संसद भवन में, जहाँ एक लिफ्ट बदली जा रही है, थोड़ी सी जमीन खोदते पर पानी आ गया है और पानी निकालते का प्रयत्न करते के बावजूद पानी की सतह कम नहीं हो रही है; और

(घ) यदि हाँ, तो सरकार इस सम्बन्ध में क्या कर रही है ?

निर्माण, आवास तथा संभरण उपमंत्री (श्री अनिल कुं० चन्दा) : (क) से (घ).

इस सम्बन्ध में जानकारी देते के लिये एक विवरण सदन को मेज़ पर रख दिया गया है।

विवरण

(क) और (ख). नीचे लिखे कुछ स्थानों में मार्च से लेकर जून, १९६० तक की अवधि में ०.१५ से लेकर ०.४१ फुट तक की थोड़ी सी वृद्धि दर्ज की गई है :—

स्थान	वृद्धि
१. अशोक रोड और पालिया मेट स्ट्रीट का संगम	०.२५ फुट
२. गोल डाकखाना	०.३३ फुट
३. महादेव मार्ग के पास महादेव मन्दिर, सो० पो० डब्ल्यू० डी० हाल	०.३१ फुट
४. इतिन मार्ग और पार्क स्ट्रीट का संगम	०.१५ फुट
५. विडसर प्लेस	०.४१ फुट
६. कैनिंग मार्ग और कर्जन मार्ग का चौराहा	०.१७ फुट

(ग) और (घ). लिफ्ट लगाने के लिये खोदे गये गड्ढे में तहखाने से २॥ फुट नीचे और भूमि की सतह से लगभग ६ फुट नीचे पानी पाया गया है। इस गड्ढे में हो रहे काम को भुविवापूर्वक करने के लिये भूमिगत पानी को निकालने के बास्ते एक पम्प लगाया गया है। जब पम्प काम न कर रहा हो, तब गड्ढे में पानी इकट्ठा हो जाता है। लिफ्ट लगाने का काम पूरा हो जाने पर गड्ढे और फर्श की दीवारों का विशेष उच्चार करके ऐसा कर दिया जायेगा कि गड्ढे में पानी न आये।

श्री प्रकाश बो : शास्त्री : इस विवरण को देखने से प्रतीत होता है कि नई दिल्ली के अधिकांश भागों में पानी की सतह बहुत ऊपर उठती चली जा रही है। विशेष कर पालिया-मेट हाउस में जहाँ यह लिफ्ट बदली जा रही है, वहाँ ड्राई फीट नीचे जाने पर पानी का स्तर इतना ऊपर आ गया प्रतीत होता है कि जब पम्प से पानी निकाला जाना बन्द कर दिया जाता है, तो वहाँ गड्ढे में पानी

पानी भर जाता है मैं यह जानना चाहता हूँ कि पानी की सतह ऊपर उठने से क्या बड़े बड़े भवनों को कोई खतरा उठने की सम्भावना है और यदि हाँ, तो उसको रोकने के लिये क्या उपाय किये जा रहे हैं।

Shri Anil K. Chanda: There are 91 observation holes in New Delhi. Of these, 85 have recorded a fall in the sub-soil water level. Only in the case of six there has been a slight rise. So far as the lift in Parliament House is concerned, for the purpose of installation of a new lift a pit two and a half feet below the basement—and the basement is 6½ feet below ground level—had been dug and water seeped in. After the lift has been installed, waterproofing coating will be given to the sides and to the base of the pit and it is certain that there will be no seepage after that.

श्री म० सा० द्विवेदी : पार्लियामेंट के सदस्यों के लिए विंडसर प्लेस में जो मकान हैं, पहले उनकी दीवारें तीन फीट तक पानी से भीग जाती थीं और अब वे सिर के ऊपर तक भीग जाती हैं। मैं यह जानना चाहता हूँ कि क्या इसके बारे में कोई जांच-पड़ताल की जा रही है और इसके लिये क्या उपाय किये जा रहे हैं।

Shri Anil K. Chanda: Windsor Place is a badly affected area. The House is aware of the fact from the report which was placed before the House by the high-power committee which was set up in 1958 under the Chairmanship of Shri Reddy that 287 more tubewells are to be planted for draining out the sub-soil water. The plan is being implemented. 16 wells are already working.

श्री प्रकाश चौर शास्त्री : क्या मैं जान सकता हूँ कि सरकार की ओर से जो बड़े बड़े भवन बनाए जा रहे हैं, या जो बनाये जाने वाले हैं, उनके स्थानों का पहले से निरीक्षण कर लिया जाता है कि भविष्य में पानी की वृद्धि उनको कोई हानि न पहुंचा पाए ?

Shri Anil K. Chanda: Yes, Sir; it is always done and where it is considered necessary pile foundations are also made. So far as these buildings here are concerned, the Parliament House building and the Secretariat buildings are mostly on rocky soil and there is no danger whatsoever to them.

श्री म० सु० तारिक : श्री भानुबल मेम्बर ने कहा है कि विंडसर प्लेस में पानी दीवारों तक आ गया है। मैं यह जानना चाहता हूँ कि पेश्वर इसके कि यह पानी भानुबल मेम्बरों के सिरों से ऊपर गुजर जाये, इसकी रोक-थाम के लिये क्या किया जा रहा है।

(अभी अन्रिबल मेम्बर ने कहा है कि विंडसर प्लेस में पानी दीवारों तक आ गया है। मैं यह जानना चाहता हूँ कि पेश्वर इसके कि यह पानी भानुबल मेम्बरों के सिरों से ऊपर गुजर जाये, इसकी रोक-थाम के लिये क्या किया जा रहा है।)

Shri Anil K. Chanda: There is no such danger.

The Hague Court's Judgment

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*132. { **Shri Radha Raman:**
Shri Shree Narayan Das:
Shri M. L. Dwivedi:
Shri Ram Krishan Gupta:
Shri Rameshwar Tanti:
Sardar Iqbal Singh:
Shri Assar:
Shri N. E. Munkswamy:
Shri Kodiyan:
Shri Rami Reddy:
Shri D. C. Sharma:
Pandit D. N. Tiwari:
Shri Goray:
Dr. Ram Subhag Singh:
Shri Parulekar:
Shri H. N. Mukerjee:

Will the Prime Minister be pleased to state:

(a) whether the implications of the judgment of the International Court

of Justice in the dispute between India and Portugal on the right of passage over Indian territory have been studied; and

(b) if so, with what results?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) and (b). Government have further examined the judgment of the International Court of Justice in the case filed by the Portuguese Government against India concerning certain rights of passage over Indian territory to Dadra and Nagar Aveli. The verdict of the World Court is substantially in India's favour. The Court has held that India acted correctly and in accordance with her international obligations. A more significant aspect of the Court's decision is that there can be no question of India being obliged to permit passage of any kind in the present circumstances. In other words, the present position obtaining in the enclaves has been stabilised and cannot change without the permission of the Government of India. Government are generally satisfied with the decision of the World Court in this case.

Shri Radha Raman: In view of the International Court having accepted India's claim on this territory, has the dispute between the two Governments been finally settled and has Portugal ceased to lay its claim on the right of passage over this territory?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am unable to understand this question.

Some Hon. Members: We too have not been able to follow it.

Shri Jawaharlal Nehru: But I will just remind the hon. Member that between the two Governments, so far as we are concerned, it does not relate to Dadra and Nagar Aveli but to Goa.

Shri H. N. Mukerjee: Could I know what special hindrances are there to

the integration of Dadra and Nagar Aveli into the Indian Union in view of the judgment making a definite implication that the *de facto* rising in Dadra and Nagar Aveli against Portugal's colonialism has been successful and it can be followed up by whatever voluntary action the people of that area want to take in regard to their association with India?

Mr. Speaker: He wants to know if any attempt is being made to incorporate them into India.

Shri Jawaharlal Nehru: There are no major impediments to that. It is a question of judgment as to when and how and what to do.

An Hon. Member: What?

Shri Hem Barua: In view of the fact that this judgment of the Hague Court is in our favour and now there are no impediments in the matter of incorporating these Portuguese pockets into the Indian territory, may I know whether Government has taken up this matter with the Portuguese Government on the basis of the Hague Court judgment?

Mr. Speaker: Ask them to consent to it?

Shri Jawaharlal Nehru: The hon. Member should remember that we are not on good terms with the Portuguese Government. We are not on talking terms or writing terms.

Shri Hem Barua: May I know....

Mr. Speaker: Shri Mukerjee had asked as to why independently of the Portuguese Government they have not been absorbed into India by virtue of the judgment. The hon. Member wants to go behind the judgment and ask the Portuguese Government to consent to it.

Shri Hem Barua: In view of what the hon. Prime Minister has said, would it mean that this problem would continue to remain like that in a stalemate?

Mr. Speaker: The question does not arise.

Shri Tridib Kumar Chaudhuri: May I know whether Government has taken account of the fact that even the majority judges who have delivered the judgment have recognised that the Portuguese authority over Dadra and Nagar Aveli has been overthrown? What is the position of these two enclaves now? Are they just independent and sovereign enclaves, outside India? What is their exact position in the opinion of the Government of India?

Shri Jawaharlal Nehru: It is rather difficult for me to define in terms of international law. But technically they are a free territory dealing with itself, raising revenues and spending them. In actual fact, of course, they are surrounded by Indian territory. They are part, in effect, geographically of India and they will no doubt be so constitutionally also whenever we feel like taking them in. It is not a question of some permanent decision. Even now we have been giving them some kind of help in the sense of some trained people going there helping them in particular matters. They have been doing fairly well and I believe during the last two years they have accumulated a considerable sum in reserve from their own revenues after spending a good bit for hospitals, schools etc.

Pandit D. N. Tiwari: May I know whether it is a fact that these two enclaves, Nagar Aveli and Dadra, have approached the Government to be incorporated into the Indian Union?

Shri Jawaharlal Nehru: I have no doubt that they have felt like this all the time. As I said in answer to Prof. Mukerjee, there are no major impediments. There may be perhaps some minor impediments, but they do not count really. It is one for our judgment as to what is the best time and what is the best way of taking a particular step.

Shri Nath Pai: The hon. the Prime Minister just now made two statements in one of which he said that they are a free territory, and in reply to Prof. Mukerjee's earlier question he said that "when and how to incorporate them we shall consider". These are contradictions. If it is a free territory, the people will have to be asked whether they are integrating themselves, or otherwise already they are integrated and a special status is accorded to them. These two things cannot be said, that they are a free territory and we shall decide when to incorporate them. The people want to be integrated with the rest of the Union of India, and therefore that contradiction could be removed by asserting that the people will be given the right to decide. How do we decide if they are a free territory?

Shri Jawaharlal Nehru: There is no contradiction. We have not included them in India, and they are not under anybody else. Therefore they are a free territory. And further, they have repeatedly expressed their desire in the past to be incorporated with India. There is no difficulty about that. It is only a question of the proper time to do it and the proper way.

Mr. Speaker: Next question.

Shri Nagi Reddy: Sir, may I suggest that Question Nos. 143 and 154 may also be taken up along with Question No. 133? They relate to the same subject.

The Minister of Commerce (Shri Kanungo): They are rather different.

Mr. Speaker: No. 133 is about rise in price of cloth. No. 143 is about price control on cotton. No. 154 is shortage of cotton supplies. Price control on cotton is another matter, and cotton supplies is different from rise in price of cloth.

Is the hon. Minister willing to answer all these questions together?

Shri Kanungo: Sir, the questions are different, though there is some similarity between them.

Mr. Speaker: Very well, he may answer Question No. 133.

कपड़े के मूल्य में वृद्धि

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- *१३३. श्री म० ला० द्विवेदी :
 श्री दी० चं० शर्मा :
 श्रीमती इला पालचौधरी :
 श्री सं० अ० मेहता :
 श्री रामी रेड्डी :
 श्री हरिश्चन्द्र माथुर :
 श्री महन्ती :
 श्री नागी रेड्डी :
 श्री वासुदेवन माथुर :
 श्री कुन्हन :
 श्री मो० ब० ठाकुर :
 श्री भास्कर :

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने कपड़े के मूल्य में वृद्धि की और ध्यान दिया है ;

(ख) वृद्धि के क्या कारण हैं ; और

(ग) मूल्यों को कम करने के लिये क्या कदम उठाये जा रहे हैं ?

वाणिज्य मंत्री (श्री कानूनगो) : (क) से (ग). सभा की मेज पर एक नोट रखा जाता है जिसमें अपेक्षित जानकारी दी गई है ।

विवरण

(क) जी हां ।

(ख) मूल्य में वृद्धि होने के अनेक कारण हैं । इनमें रुई के भाव चढ़ जाना, कपड़ा मिलों के मजदूरों की मजदूरी बढ़ जाना, और कपड़ा औद्योगिकों तथा व्यापारियों द्वारा सट्टेबाजी करना उल्लेखनीय है ।

(ग) २६ जुलाई, १९६० को हुई सूती कपड़ा सलाहकार बोर्ड की बैठक में इस मामले पर विचार किया गया और यह प्राणा प्रकट की गई थी कि सरकार ने रुई का उदारता-पूर्वक आयात करने की जो घोषणा की है

उससे स्थिति काफी सुधर जायेगी और मूल्य कम हो जायेंगे । मिलों के प्रतिनिधियों ने सरकार को आश्वासन दिया है कि वे उचित मूल्य पर काफी परिमाण में कपड़ा उपलब्ध करेंगे और अगले कुछ दिनों में ही इस बारे में सभी आवश्यक कदम उठा लेंगे । उन्होंने खुदरा बिक्री की अपनी दुकानें खोलना और मूल्यों की सूचियां टांगना स्वीकार कर लिया है । उन्होंने हथ-करघे के बुनकरों को, जहां कहीं भी उनकी सहकारी समितियां बन गई हैं उन समितियों द्वारा और अपनी खुदरा बिक्री की दुकानों से सूत देना भी स्वीकार कर लिया है ।

श्री म० ला० द्विवेदी : क्या माननीय मंत्री जी बतायेंगे कि कपड़े के दामों में उतार-चढ़ाव एक दम कैसे हो जाता है और इसके रोकथाम के लिये जो उपाय किये जा रहे हैं उनकी वजह से क्या ऐसा उतार-चढ़ाव नहीं होगा ?

Shri Kanungo: The reasons are stated in the statement which has been laid on the Table, and it has also been stated that we are expecting that there will be no further rise and there will be reduction also because of the steps that are being taken.

श्री म० ला० द्विवेदी : सूत के दामों में बढ़ोतरी हो रही है जिसकी वजह से कपड़े के दाम बढ़ रहे हैं । सरकार ने सूत के दामों में कमी करने का क्या विचार किया है, कोई उपाय किये हैं और अगर किये हैं तो क्या किये हैं ?

Shri Kanungo: The larger import of cotton will result in the reduction of prices and higher production.

श्री रामेश्वर टाटिया : मैं जानना चाहता हूं कि क्या सरकार चीनी मिलों की तरह कपड़ा मिलों को भी एक्साइज ड्यूटी में कुछ छूट देने की बात सोच रही है जिससे कपड़े का उत्पादन बढ़े और जो मिलें बन्द पड़ी हैं या कम चलती हैं वे ज्यादा उत्पादन कर सकें ?

Shri Kanungo: No, Sir, definitely not.

Shri Nagi Reddy: May I know whether it is a fact that even though cotton supplies have been less by only 1 or 2 per cent, the shortage in the production of medium and coarse cloth has been to the extent of 31 per cent which has led to the rise in prices? May I know what action Government propose to take to see that the production of cloth is in consonance with the supplies of cotton?

Shri Kanungo: The percentages mentioned by the hon. Member are not quite correct. As has been stated in the statement, the larger import of cotton of short staple will result in larger production of yarn and cloth of the categories which are now in short supply.

Shri Nagi Reddy: My question is different. My question was: In view of the fact that coarse and medium cloth prices have been going up by 40 per cent, and in view of the fact that production of medium and coarse cloth has gone down by 31 per cent even though the supply of indigenous cotton has been equivalent to the supplies of last year, except probably by 1 per cent, what steps do Government propose to take to see that the medium and coarse cloth prices do not rise above the proportion of the supplies of cotton?

Mr. Speaker: Does the hon. Minister accept all these propositions?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The production of indigenous cotton has definitely been much less than in the year 1958. In fact we have had bad crops for the last three years. And in 1958 the total production was of the order of 48 lakh bales, whereas in 1959 it has gone down to 37 lakh bales. Therefore, the reduction has been of a sizable nature.

The second point is, because of the bad crops for the last two or three years, the carryover by the mills has also been going down, and it has

gone down to a very low level, about 12 to 13 lakh bales, which has never happened during the last few years.

It is in these circumstances that the supply of cotton has not been adequate for the mills. Especially, the real difficulty has arisen because there has been short supply of short-staple cotton. We generally used to import long-staple cotton. But the production of short-staple cotton has gone down, and therefore, there has been reduced production of medium variety of cloth which is generally consumed most by the people. Therefore, the prices of medium cloth have gone up.

Shri Nagi Reddy: What is the percentage of the shortage of cotton in the 1959-60 season in comparison with the supply of cotton in 1958-59, and what has been the shortage in the production of indigenous cotton cloth in comparison with the supply of cotton?

Shri Lal Bahadur Shastri: From the figures that I gave it can be calculated. The reduction is about 25 per cent.

Shri Nagi Reddy: And the production of cloth?

Shri Lal Bahadur Shastri: In coarse there has been reduction—I cannot give the exact percentage. But, as I said, mostly in coarse and medium. The total production—if the hon. Member will see the figures—has not gone down much, because there has been larger production in other varieties, whereas in the production of medium A and B there has been less of production.

Shri Nagi Reddy: How much less?

Shri Lal Bahadur Shastri: Now, it is true that the proportion of rise in the prices is more if it is compared to actual increase in prices of cotton No. 1, increase in the wage bill No. 2 and increase on account of some other factors. The rise is certainly higher than what it should be in proportion

to the rise in the price of cotton, the wage bill and others.

Shri Rami Reddy: May I know whether it is a fact that the increase in the price of mill cloth is far higher, compared to the rise in the price of handloom cloth and, if so, the reasons for the same?

Shri Kanungo: The proportion is certainly as the hon. Member says. But the reason is that the handloom weaver has less of holding capacity and the demand is less, because the prices are always higher.

Shri Jinachandran: In view of the shortage of short-staple yarn, will Government consider the question of stopping the export of yarn?

Shri Lal Bahadur Shastri: At the present moment there is no export, but we have taken the same step in regard to the production of yarn as in the case of cloth, and I do hope that the situation in so far as yarn is concerned will definitely improve in about three or four months' time.

Several Hon. Members rose—

Mr. Speaker: A number of hon. Members seem to be interested in this. On this along with the other two questions relating to cotton, I will allow a Half-an-hour discussion tomorrow evening.

Some Hon. Members: Half an hour?

Mr. Speaker: Let us see if half an hour is not sufficient.

Shri Harish Chandra Mathur: In a Half-an-hour discussion, it becomes difficult for Members to ask questions because you will allow only two or three to raise questions.

Mr. Speaker: Then the Question-hour is sufficient. If half an hour is not sufficient, the question hour is not adequate at all.

Shri Harish Chandra Mathur: At least those Members who have given notice should be allowed to ask questions.

Mr. Speaker: No hon. Member wanted a discussion of this matter. Next question.

श्री तारिकाडस क्लब

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श्री नवल प्रभाकर :
*१३४. } श्री भक्त दर्शन :

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

(क) आकाशवाणी के विभिन्न केन्द्रों के निदेशकों का जो सम्मेलन मई, १९६० में हुआ था क्या उसमें श्री तारिकाडस क्लबों के गठन की सिफारिश की है;

(ख) ये क्लब किस प्रकार के होंगे; और

(ग) इस सम्बन्ध में क्या कार्यवाही की गई है अथवा की जायगी ?

सूचना और प्रसारण मंत्री के सभा-संविद (श्री प्र० चं० जोशी) : (क) से (ग). एक विवरण सभा की मेज पर रखा जाता है ।

विवरण

आकाशवाणी रिकार्डस क्लब के बनाने का प्रश्न कुछ समय से विचाराधीन रहा है और इसके ऊपर मई, १९६० में हुए केन्द्र निदेशकों के सम्मेलन में भी चर्चा हुई थी । इस सम्मेलन ने इस बात का समर्थन किया कि ऐसी क्लब बनाई जाय और इसके सदस्यों को आकाशवाणी द्वारा तैयार किये गये संगीत, शिक्षा, भवि और अन्य कार्यक्रमों सम्बन्धी रिकार्डों के सेट जो कि सामान्यतः बाजार में उपलब्ध नहीं होते, दिये जावें । यह भी महसूस किया गया कि ऐसा करने से श्रोताओं को आकाशवाणी द्वारा निर्मित विविध उच्च स्तर की सामग्री पर ठीक प्रकार से विचार-विमर्श करने का प्रोत्साहन मिलेगा और इससे शास्त्रीय तथा सुगम संगीत में रुचि उत्पन्न करने में मदद मिलेगी ।

ताहम इस क्लब के क्रियाकलापों को शासित करने वाले नियम अग्री प्रारूप-भवस्था में हैं और यह कहना सम्भव नहीं है कि क्लब के ढांचे और प्रकायों का आखरी रूप क्या होगा ।

श्री नवल प्रभाकर : क्या यह सत्य है कि इस तरह के क्लब पहले दिल्ली और बम्बई में बनाये जायेंगे ?

श्री आ० चं० जोशी : यह क्लब कहां पर बनाये जायेंगे यह अग्री निश्चित नहीं किया गया है ।

श्री भक्त दर्शन : जैसा इस विवरण में बताया गया है, इस बारे में कुछ समय से विचार किया जा रहा है तो मैं जानना चाहता हूं कि कब तक इसके बारे में निश्चय हो जायगा ?

सूचना और प्रसारण मंत्री (डा० केसरकर) : यह बात सही नहीं कही जा सकती कि इस प्रकार के क्लबों पर बहुत दिनों से विचार किया जा रहा है । ऐसे कुछ क्लब हों, ये सुझाव कई बार दिये गये, लेकिन जिस प्रकार के क्लब बनाने का सुझाव इसमें है, उसके बारे में पिछले साल से ही बात हो रही है । उनमें किस प्रकार की चीजें सुनने वालों को दी जायें, इस सम्बन्ध में ही अग्री बातचीत हो रही है और इसी पर विचार हो रहा है । मुझे आशा है कि जल्दी ही इस पर निश्चय हो जायगा ।

श्री भक्त दर्शन : इन क्लबों के जो सज्जन सदस्य होना चाहेंगे, उनके लिये कौन से गुणों की आवश्यकता होगी ?

डा० केसरकर : सुने की इच्छा ही इसमें सब से बड़ा गुण चाहिये ।

Shri Tanagamani: Because the members are going to be supplied with sets of processed records which will not be available to the public generally, may I know whether the rule which is still in the draft stage will be finalised and the giving of these records to the Club starts immediately?

Dr. Keskar: I would like hon. Members to remember one thing.

657 (Ai) LSD.—2.

The main object of the Clubs is that the listeners will listen carefully and given their critical opinion about the programmes. In fact, we want to utilise these Clubs for getting considered opinion about the various items of the programmes and in that way improve the programmes. Naturally, membership will be restricted, because only those people who will give time and considered opinion carefully will be able to listen and give their considered judgment.

Administrative Reforms

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- { Shrimati Ila Palchoudhuri:
Shri Vidya Charan Shukla:
Shri Harish Chandra
Mathur:
*136. Shri D. C. Sharma:
Shri P. K. Deo:
Shri A. M. Tariq:
Shri Hem Barua:

Will the Prime Minister be pleased to state:

(a) whether he has directed that the administrative reforms to promote efficiency and economy should be introduced, spread over a period of years;

(b) if so, what steps have been taken to implement his directives;

(c) whether any scheme has been drawn up for the administrative reforms; and

(d) if so, whether a copy of the scheme will be laid on the Table?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (d). I have issued no separate directive on the subject, but my colleagues and I have devoted considerable attention to these matters in the past few months. As I stated in the debate on the subject in the House in February last, these are matters not so much of broad principles as of detailed and continuous study. Since it would have been impracticable to take up all the offices of Government at once, Secretaries of Ministries have been asked to select sectors which need special attention,

particularly those which bring Government organizations in contact with the public and to have detailed work study done of these sectors. Arrangements have been made for training staff in work study methods. Similarly, joint study with representatives of industry is being organized to simplify procedures affecting industry and Government. Two industries, namely, coal and textiles, have been selected for such study to begin with. Also, financial procedures have been examined with a view to greater delegation to Administrative Ministries. Apart from these steps, suggestions were invited from all the Ministries on the wider aspects of the problem. These suggestions, which deal not merely with simplification of rules and regulations or procedures, but also go into the more basic problems of training and attitudes, are at present being studied by the Planning Commission. I shall be glad to lay a statement on the Table of the House to indicate the final decisions.

Shri Hem Barua: May I know whether it is a fact that the Government propose to evolve some machinery on the lines of the Whitley Councils in the U.K. in order to ensure increased efficiency and good relations between the Government and the employees?

Shri Jawaharlal Nehru: That has nothing to do with work study methods. But, I may inform hon. Member that we have been considering this Whitley Council method of dealing with such matters.

Shri S. M. Banerjee: The hon. Prime Minister mentioned the Whitley Council method. May I know whether Whitley Councils will be formed in all the administrative offices in accordance with the recommendations of the Pay Commission?

Shri Jawaharlal Nehru: I have said that this question was somewhat different. But, I have said that we are considering the establishment of some machinery on the lines of the Whitley Council as recommended by the Pay Commission.

Shri Tyagi: To what extent have the Administrative Ministries been made independent of Finance Ministry's control in the matter of expenditure?

Shri Jawaharlal Nehru: How can I measure the extent? It is more than it used to be and lesser it is likely to be.

Shri Hem Barua: May I know how far this information that the Government propose to invite some British experts to advise the Government on the constitution of a machinery on the lines of the Whitley Councils in this country, correct?

Mr. Speaker: Is there a proposal?

Shri Jawaharlal Nehru: There is none. A suggestion to that effect was made to us. For the moment, we do not see the exact need for this. If the necessity arose, we shall certainly invite. There are plenty of people here in our administrative service who have been specially trained in this work, partly in England, so that they know a great deal about it.

Shri Tyagi: Internal financial control which was introduced about two years ago, I understand, has been withdrawn now. I, therefore, want to know to what extent are the Ministries now independent of the Finance Ministry, because this control has been withdrawn?

Shri Jawaharlal Nehru: I have an idea that greater control has been given to the Administrative Ministries. But, as usual, they want still greater powers in devolution.

Shri Tyagi: No, Sir. Internal financial control which was given to the Ministries has been withdrawn.

Shri Jawaharlal Nehru: The Finance Minister says it has not been withdrawn. Perhaps, the Finance Minister.....

Mr. Speaker: The Finance Minister.

The Minister of Finance (Shri Morarji Desai): That is not withdrawn

at all. What has been done is that in certain cases now the officers are the same instead of different officers. For the purpose of the Ministry concerned, what has to be decided by themselves, the officer works with them and does not report to the Finance Ministry. But, for the preparation of the Budget, when things have to be scrutinised, he serves both the purposes so that two officers are not required. The independence which the Ministries enjoy is to the extent to which it was given. That is, for all schemes which have been previously scrutinised and the Finance has agreed and have been included in the Budget, they have full freedom. It does not come back to Finance at all. Where there has not been a preliminary estimate properly done, they have got to come back again when the estimates are finally made. Otherwise, there is no necessity of coming to the Finance Ministry.

Shri S. M. Banerjee: I want to know whether this administrative reform would also mean minimising if not eliminating red tapism in administration and if so, what positive steps are being taken to eliminate that?

Shri Jawaharlal Nehru: The whole method of work study is to avoid red tape and unnecessary gestures, movements, etc. That is the whole purpose of it. Wherever it has been applied, it has resulted in considerable retrenchment and saving in time and expenditure.

Shri Harish Chandra Mathur: May I know if the hon. Prime Minister is aware that the severest critics of the administrative machinery are the government servants themselves? May I know if this factor has been brought to notice and has been probed into, and if any attempt has been made to have an *inter se* adjustment between the various classes of officers?

Shri Jawaharlal Nehru: It is natural they should be the critics because they know most about it, and in this work study business, all these factors are considered.

Shri Harish Chandra Mathur: May I know whether you are aware of the criticism and the nature of their criticism about the administrative machinery and about the lack of adjustment between the various types of officers working, and if it has received your attention and the action that has been taken in this matter?

Shri Jawaharlal Nehru: How can I say? I am aware of some type of criticism; may be there are some other types of which I am not aware, but an attempt should be made to find what the criticism is especially from those who themselves work there.

12 hrs.

SHORT NOTICE QUESTION

Pay Committee for Armed Forces

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	Shri Feroze Gandhi:
	Shri Ram Krishan Gupta:
	Shri Nek Ram Negi:
	Sardar Iqbal Singh:
	Shri A. M. Tariq:
S. N. Q.	Shri D. C. Sharma:
No. 1.	Shri T. C. N. Menon:
	Shri Hem Raj:
	Dr. Ram Subhag Singh:
	Shri Birendra Bahadur Singhji:
	Shri Aurobindo Ghosal:

Will the Minister of Defence be pleased to state:

(a) whether the Raghuramaiah Committee appointed to consider the application of the Jagannatha Das Commission's recommendations to the personnel of the Armed Forces has made its recommendations to Government; and

(b) whether, and if so, what decisions Government have taken on those recommendations?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha. [See Appendix I,

annexure No. 25.] I would like to add that in the statement, the expression "combatants" in Para 2, items (ii) & (v) includes combatant personnel of the Army, Navy and Air Force also below officer rank.

Secondly, so far as emoluments referred to in the statement are concerned, they cover the basic pay, dearness allowance, city compensatory allowance and bad climate allowance.

The statement does not cover any other emoluments now being received by the defence services below officer rank which will continue to be admissible subject to the rules which obtain.

Shri Feroze Gandhi: According to item (ii) of the statement, the basic pay drawn by the combatant trained infantry soldier is Rs. 30 per month, and in the revised scale the basic pay remains the same and the dearness allowance has been increased. May I know whether this dearness allowance is going to be integrated with the basic pay as in the case of the other employees?

Shri Krishna Menon: Yes, Sir.

Shri Feroze Gandhi: May I know whether the new dearness allowance of Rs. 6 will also be integrated?

Shri Krishna Menon: That will not be integrated.

Shri Feroze Gandhi: May I know what considerations the Raghuramaiah Committee had before it to fix these salaries in this manner, and is it possible for us to have a copy of the Raghuramaiah Committee's Report?

Shri Krishna Menon: So far as this Committee is concerned, there are some matters on which Government have not yet come to a decision. In that sense, the Committee's Report is still pending, and it is not possible now to say whether that Report can be laid on the Table or not.

Shri Feroze Gandhi: That part of the Report on which Government have taken decisions may be laid.

Mr. Speaker: The Minister is still on his legs. He has not finished his reply.

Shri Krishna Menon: In reply to the request which came just now, we cannot separate the Report like that. It will not take very long time, it is a matter of calculations of various kinds.

The question is asked how these scales were reached. This Rs. 30 is a calculation of what the pay of a soldier would be after he has had three years of training. Then he becomes a skilled workman, and this is what would apply to him on the analogy of the civil servant under the Jagannadha Das Commission. To that is added the dearness allowance. Formerly half was given to him, now two-thirds will be given, the principle being that the Jagannadha Das Commission has said that a family may be taken as three units and the soldier alone gets a unit's rations. The other people must be provided for. Therefore, instead of getting Rs. 52.50, which is what he is getting now, he would get Rs. 66.

Shri S. M. Banerjee: I want to know when these recommendations are to be implemented, whether they will be implemented with effect from the same date as the Pay Commission's recommendations?

Shri Krishna Menon: That is in the statement.

Dr. Ram Subhag Singh: May I know whether at the time of considering the Jagannadha Das Commission's recommendations, the Raghuramaiah Committee had in mind the conditions of officers and men who will now be asked to work in difficult and hazardous areas; if not, whether that fact will be considered *de novo* and their pay and dearness allowance finalised?

Shri Krishna Menon: In the normal arrangements in the army, there is a distinction made regarding the allowances of soldiers and officers in what are called Forward Areas, but they

are special circumstances which do not pertain to civilians in the Jagannadha Das Commission's Report. That would not be reflected in this report, because the purpose of this Committee is to apply in real terms the essential content of the report pertaining to the civilians.

Dr. Ram Subhag Singh: I have not had a reply to the latter part of my question.

Shri Aurobindo Ghosal: A report has appeared in the Bombay press a portion of the Committee's Report is not being implemented because of the opposition of the Finance Ministry. Is that true?

Shri Krishna Menon: Government is one, it has only one mind.

Dr. Ram Subhag Singh: My point was that at the time the Pay Commission's recommendations were being considered by the Raghuramaiah Committee, the conditions which obtain today in difficult and hazardous areas were not there, and the Committee, therefore, naturally could not review the pay and dearness allowance to be given to the officers and men who will now be required to work in these areas. May I know whether any fresh consideration will be made by the Government regarding the pay and dearness allowance of these persons?

Shri Krishna Menon: I said at the beginning that even in the normal rules of the army, there are certain favoured allowances in regard to troops that move forward or take on special duties and so on. That is normal, but the question whether in the special conditions anything should be done in regard to certain other people is not covered by the Pay Commission or this Committee. It is an entirely separate matter. That has to be dealt with, if at all, separately.

Shri Hem Raj: In the border areas the Punjab and other police get 100 per cent. compensatory allowance. Will

the army people posted there also get the same allowance?

Shri Krishna Menon: Not under these recommendations. That is a separate matter. The Commission was appointed to deal with changes that have come about on account of changes in the economic and social conditions. And the different way in which remuneration is paid to the army required different calculation. In other words, it may be said almost that this departmental Committee had to work on a technical basis more or less to apply the real content to army conditions. These are special conditions, whether they are border areas or anything else, and that has to be specially considered, if the Government thinks it should be considered. It is a separate matter.

Shri Birendra Bahadur Singhji: Since the officers and the army personnel have to do multifarious duties, is there any proposal to give them any separation allowance or educational allowance?

Shri Krishna Menon: That is a larger question. That was not covered by this Commission.

Shri Braj Raj Singh: What will be the monetary effect of these recommendations on the Exchequer? How much more will we have to spend on the services?

Shri Krishna Menon: As I said, the statement does not cover the entire change in the remunerations. While we cannot give an accurate estimate, the effect on the Exchequer, as reflected by the Report, would be Rs. 8 to Rs. 9 crores. Government does not want at the present moment to put down a definite figure. It will be between Rs. 8 and 9 crores. That is in respect of the increase on paper.

Shri Ram Krishan Gupta: From the statement I find that the other recommendations of the Raghuramaiah Committee are being examined by Government. May I know by what time a final decision will be taken regarding them, and also the probable

date by which the decisions already taken will be enforced?

Shri Krishna Menon: As was stated before, most of it has been dealt with. What remains is in regard to certain levels of officers. That requires consideration in detail. It will not take very long. That is all that I can say. I cannot give you the date, but it will not take very long. It will be when the Parliament is sitting.

Shri S. M. Banerjee: In regard to the dearness allowance portion, nothing has been mentioned as to whether this dearness allowance will be linked with the cost of living index. May I know whether if Government propose to revise the present dearness allowance of the civilian employees on the basis of the Pay Commission's Report, the dearness allowance in respect of the Army People will also be revised and linked with the cost of living?

Shri Krishna Menon: That is a general question covered by the Finance Minister's statement yesterday.

Shri S. M. Banerjee: It is not clear.

Shri Tangamani: May I know the special reasons which have led Government to give only two-thirds of the city compensatory allowance to these employees instead of the full amount that is being paid to the others?

Shri Krishna Menon: It is the same reason that applied to two-thirds in the other case, because there are certain special allowances given to service personnel in the way of rent facilities and things of that character. All this is taken into account, and it is assumed that this two-third is a fair estimate of what will be the real returns which are equal for both the civilians and the others. That is an improvement on the present half.

WRITTEN ANSWERS TO QUESTIONS

Foundry Forge Plant, Ranchi

***135. Shri Warior:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether experts and technicians for the Foundry Forge Plant, Ranchi, who are to be trained in Czechoslovakia, have been selected;

(b) if so, from which States these selectees have come; and

(c) when will they be proceeding to Czechoslovakia?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The first batch is expected to leave for Czechoslovakia in July, 1961 and therefore the experts and technicians will be selected in due course.

Nangal Fertilizers and Chemicals Ltd.

***137.** { **Shri D. C. Sharma:**
Shri Rami Reddy:
Shri Daljit Singh:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 113 on the 12th February, 1960 and state the up-to-date progress made in the setting up of the Fertilizers Factory Plant at Nangal?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): A statement is laid on the Table of the Sabha. [See Appendix I, annexure No. 26].

Office of the Regional Provident Fund Commissioner, Kerala

***138.** { **Shri A. K. Gopalan:**
Shri Kunhan:

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

(a) whether the Government of India have received a memorandum

signed by over fifty M.L.As. of Kerala requesting the shifting of the Office of the Regional Provident Fund Commissioner (Kerala) from Trivandrum to Ernakulam;

(b) whether it is a fact that the majority of the industrial workers covered by the Provident Fund Scheme are situated in the Central districts of Kerala adjoining Ernakulam; and

(c) if so, whether Government have considered the question of shifting the Office?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) and (c). Information is being obtained from the State Government and the question will be considered on receipt of their report.

Fertilizer Factory at Kothagudium

*139. { **Shri Rami Reddy:**
Shri Madhusudan Rao:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 523 on the 1st March, 1960 and state the progress made so far in the establishment of a Fertiliser Factory at Kothagudium in Andhra Pradesh?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): A statement is laid on the Table of the House.

STATEMENT

A licence under the Industries (Development and Regulation) Act has been issued for the establishment of the fertilizer factory. Consent has also been given for the issue of capital to the extent of Rs. 8 crores. A suitable site has been selected for the location of the factory and action to acquire the land is being taken. Global tenders for the supply of 7 main sections of equipment required for the Fertilizer Factory have been invited and last date for receipt of

tenders is 30th September, 1960. The State Government have also invited offers from some of the Civil Engineering Consulting firms in the country for the preparation of detailed designs, construction drawings and supervision of the civil engineering works of the fertilizer factory. The last date for receipt of offers was July 31, 1960.

Cochin Dock Labour Scheme

{ **Shri Kodiyan:**
*140. { **Shri Narayanankutty Menon:**

Will the Minister of Labour and Employment be pleased to state that the further progress made in the implementation of the Dock Labour Scheme in Cochin Port?

The Deputy Minister of Labour (Shri Abid Ali): Medical examination of the workers is in progress since the 17th June, 1960. Thereafter, the Board will take up the question of their registration. A Piece Work Rate Scheme is also being evolved by the Board.

Companies Law

{ **Shri B. Das Gupta:**
*141. { **Shri Aurobindo Ghosal:**

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

(a) whether any delegation has been sent abroad to study the companies law of different countries; and

(b) if so, what is the composition of the delegation and what are the countries visited?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir. The delegation has since returned to India.

(b) The delegation consisted of Shri D. L. Mazumdar, I.C.S., Secretary to the Government of India, Department

of Company Law Administration, and Shri R. G. Saraiya, a former President of Federation of Indian Chambers of Commerce and Industry.

The countries visited were: Japan, U.S.A., U.K., West Germany and Switzerland.

Arrest of Chinese

- *142. { Shri Assar:
Shri Ajit Singh Sarhadi:
Shri Balkrishna Wasnik:
Shrimati Mafida Ahmed:
Shri Rameshwar Tantia:
Shri Hem Barua:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that one Chinese was arrested at Amguri Gate of the Sibsagar-Naga Hills border while he was attempting to cross over to Mokakchung in Naga Hills;

(b) whether it is a fact that he possessed certain identification papers in the name of a Gorkha; and

(c) if so, the details thereof?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Yes.

(b) Yes.

(c) One Chinese national named Koo Fook Sen alias Fokhing etc. who was born and brought up at Tikok (Ledo) in the Assam State, was arrested by the Police at Amguri Gate on the border of the Sibsagar district of Assam with the Naga Hills Tuensang Area on the 27th May, 1960 while on his way to Mokokchung in the Naga Hills Tuensang Area. He was posing as a Nepali and a permit issued to a Thapa of Ledo was found in his possession. Except for this permit, nothing incriminating was found on him.

Price Control on Cotton

- *143. { Shri Bhawanji A. Khimji:
Shri Rami Reddy:
Shri Agadi:
Shri Sugandhi:

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

(a) whether it is a fact that the East India Cotton Association Limited, the Cotton Buyers Association and the Bombay Cotton Merchants and Muccadams Association Limited, have jointly represented to Government for the removal of price control on cotton and in case decontrol is not possible have as an alternative suggested raising the ceiling prices to a realistic level for the next cotton season; and

(b) if so, what is the reaction of Government to their suggestion?

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

(b) The suggestions have been considered carefully and it has been decided that control on prices should be maintained and prices should not be raised from the existing levels.

Expansion of T.V.

- *144. { Shri Goray:
Shri Ram Krishan Gupta:
Shri A. M. Tariq:
Sardar Iqbal Singh:
Shri Supakar:
Shri P. K. Deo:

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

(a) whether Government have any programme for setting up of T.V. service in other parts of the country;

(b) if so, the details thereof; and

(c) whether the big cities will be included in that plan?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). There is a proposal in the Third Five-Year Plan to set up one Television Centre, i.e., in Bombay. It is also proposed to expand the experimental service in Delhi into a regular educational service for the secondary schools in Delhi area. The setting up of the Centre at Bombay is, however, subject to the condition that foreign exchange becomes available for the purpose.

There is no proposal to extend television to any other centre during the Third Five-Year Plan.

Bonus Scheme in Government Presses

- *145. { Shri R. C. Majhi:
Shri Subodh Hansda:
Shri S. C. Samanta:

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

(a) whether Government have considered the question of extending the incentive bonus scheme to other Government of India presses after the introduction of this scheme in Government Press, New Delhi; and

(b) if so, to how many Government presses this scheme will be extended to?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) The Incentive Bonus Scheme was introduced in the Government of India Press, New Delhi, on an experimental basis for a period of 2 years in the first instance. The question of extending it to the other Government of India Presses will be considered in the light of the results achieved in that Press.

(b) The question does not arise at this stage.

तिब्बती शरणार्थी

- { डा० राम सुभग सिंह :
श्री अजीत सिंह सरहदी :
श्री प्र० गं० देव :
*१४६. { श्री प्र० चं० बरूआ :
श्री अर्जुन सिंह भदौरिया :
श्रीमती इला पालचीधरी :
श्री हेम बरूआ :

क्या रघुन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कुछ तिब्बती शरणार्थी पंजाब में लाहौर और स्पति आये हैं;

(ख) यदि हाँ, तो कितने; और

(ग) यह शरणार्थी इन दिनों कहाँ रह रहे हैं ?

विदेश उपमंत्री (श्रीमती लक्ष्मी मेनन) :

(क) जी हाँ ।

(ख) इस साल १५ जुलाई १९६० तक ४२७ शरणार्थी पंजाब में आए ।

(ग) ये शरणार्थी रायसन, पंजाब के एक अस्थायी शिविर में ले जाए जा रहे हैं ।

Former French Possessions

- *147. { Shri H. N. Mukerjee:
Shri M. L. Dwivedi:
Shri Tangamani:

Will the Prime Minister be pleased to refer to his speech made on the 17th March, 1960 in reply to the Debate on the Demands pertaining to the Ministry of External Affairs and state what steps have been taken to extend the jurisdiction of the Supreme Court to the former French possessions in India?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): The constitutional and legal position for extension of the jurisdiction of

the Supreme Court to the French Establishments have been examined and the action required to be taken in this regard is now under study.

Delhi Shops and Establishments Act

- *148. { Shri Tangamani:
Shri Prakash Vir Shastri:
Shri Ram Krishan Gupta:
Sardar Iqbal Singh:
Shri Naval Prabhakar:

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

(a) whether there have been demands from shop employees in Delhi for the amendment of sections 10, 11 and 15 of the Delhi Shops and Establishments Act;

(b) if so, whether Government have considered these demands; and

(c) what is the attitude of Government to these demands?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

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

Fertilizer Factory in Assam

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

(a) the progress made so far in setting up the fertiliser factory in Assam; and

(b) the details thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). It has been decided to establish a fertilizer factory at Namrup in Assam based on the utilisation of natural gas. M/s Hindustan Chemicals & Fertilizers Ltd. have been entrusted with the execution of the project. The Company is preparing a detailed project report.

Indo-Pakistan Limited Payments Agreement

- { Shri Ram Krishan Gupta:
*150. { Shri Harish Chandra Mathur
Shri Raghunath Singh:

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

(a) whether the attention of Government has been drawn to reports appearing in Pakistani Press recently accusing India of non-fulfilment of the Indo-Pakistan Limited Payments Agreement; and

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

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

(a) Yes, Sir.

(b) Our High Commission in Karachi issued a Press Note on the 7th May 1960 contradicting the reports appearing in the Pakistan press. A copy of the Press Note is laid on the Table of the House. [See Appendix I, annexure No. 27].

Barter Deal with U.S.A.

- { Sardar Iqbal Singh:
Shri Ram Krishan Gupta:
*151. { Shri A. M. Tariq:
Shri Chintamani Panigrahi:
Shri Pangarkar:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 398 on the 25th February, 1960 and state:

(a) whether the negotiations with the U.S.A. regarding quantity of commodities to be exported to and imported from the U.S.A. under the Barter Deal have been concluded; and

(b) if so, the result thereof?

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

(a) Yes, Sir.

(b) A statement showing the commodities and the quantities to be exported to and imported from U.S.A. is placed on the Table of the House.

STATEMENT

Against the import of 4.6 lakh tons of wheat and about 48,000 bales of cotton the commodities to be exported from India to U.S.A. against the link arrangement are as under:—

(1) 1,12,000 tons of Indian Ferro-Manganese for delivery by 1-4-1961.

(2) A quantity of 75,250 tons of Ferro-Manganese converted from Indian manganese ore in U.S.A. or other countries.

Attack by Pakistanis

*152. { Shri A. M. Tariq:
Shri S. M. Banerjee:
Shri Rameshwar Tantia:
Shri Ajit Singh Sarhadi:
Shri Pahadia:
Shri N. R. Muniswamy:
Shri Assar:
Shri Raghunath Singh:
Shri P. K. Deo:
Shri Bangshi Thakur:
Shrimati Mafida Ahmed:

Will the Prime Minister be pleased to state:

(a) whether one Indian constable was killed and another was seriously injured by the Pakistani nationals who trespassed into the Indian territory at Radhanagar on the East Pakistan border on the 16th May, 1960; and

(b) if so, the steps taken by Government in this connection?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Yes, Sir. The Indian Police party had arrested some Pakistani nationals who had trespassed into Indian territory. While they were still near the border, about 50 Pakistanis, armed with deadly weapons, crossed the

border and attacked them killing one constable and injuring two others.

(b) The Tripura Administration requested for an immediate joint enquiry at the District Magistrate level and our Deputy High Commissioner in Dacca and our High Commissioner in Karachi drew the attention of the Pakistan Government to this incident. A joint enquiry at border security forces level was held on May 17, 1960, but no agreement could be reached as the Pakistanis maintained that the Indian police party had illegally trespassed into Pakistan territory. We are continuing to press the Government of Pakistan for an enquiry into the incident at the District Magistrate level to which they have not yet agreed.

Labour Management Co-operation

*153. { Shri Shree Narayan Das:
Shri Ram Krishan Gupta:
Sardar Iqbal Singh:

Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No. 2820 on the 28th April, 1960 and state:

(a) whether the recommendations of the Seminar on Labour Management Co-operation have since been considered and decisions thereon taken; and

(c) if so, the nature thereof;

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) (i) A cell has been set up at the Centre and the Tripartite Committee hitherto looking after the scheme is being reconstituted. The State Governments are also being requested to set up suitable machinery at the State level;

(ii) The Central Organisations of Employers and Workers have been requested to suggest suitable units where the scheme may be introduced.

Shortage of Cotton Supplies

- *154. {
 Shri Rameshwar Tantia:
 Shri M. L. Dwivedi:
 Shri Ram Krishan Gupta:
 Shri Rami Reddy:
 Shri Subodh Hansda:
 Shri Nek Ram Negi:
 Shri R. C. Majhi:
 Shri Harish Chandra Mathur:
 Shri Nagi Reddy:
 Shri Vasudevan Nair:
 Shri Kunhan:

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

(a) whether it is a fact that the textile mills are facing shortage of cotton supplies; and

(b) if so, what steps have been taken to meet this shortage?

The Minister of Commerce (Shri Kanungo): (a) The Textile Mills have passed and may continue to pass through a somewhat difficult situation regarding supplies of cotton, particularly short staple cotton. This is due to an unprecedented failure of the country's crop last year and also due to a comparatively low carry-over stock of cotton at the beginning of the current season (September 1959—August 1960).

(b) A Note giving the required information is placed on the Table of the House.

NOTE

The following steps have been taken to meet the shortage in the supplies of cotton during the current season:—

- (1) In order to distribute the available supplies of Indian cotton among the various mills in the country a quota system of distribution has been introduced with effect from January, 1960.
- (2) Substantial quantities of foreign cotton are being permitted for import. During

the current season, so far 11·8 lakh bales of foreign cotton has been released for import. Over and above the quantity released so far an agreement with U.S.A. for the import of an additional quantity of 4 lakh bales of Cotton under PL 480 programme has been signed on 29th July, 1960. Apart from this a further quantity of 2 lakh bales of cotton would be licensed from free resources.

- (3) Substantial quantities of cotton stapling 1" and below, are being allowed to be imported specially in order to make good the short supplies of Indian cotton.
- (4) Mills capable of using foreign cotton stapling 1-1/16" and above have been required to use more of such cotton so that the pressure on the supplies of Indian cotton might be relieved. For this purpose, increased allocations of such cotton have also been made to mills.
- (5) On the 13th May, 1960, Government issued an Order requiring the trade to sell Indian cotton to textile mills nominated by the Textile Commissioner at the statutory prices. This Order came into force from the 1st August, 1960.

Drug Plants and Drug Farms

- *155. {
 Shri D. C. Sharma:
 Shri Ram Krishan Gupta:
 Shri Padam Dev:
 Shri Madhusudan Rao:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 179 on the 17th February, 1960 and state the progress made so far in regard to the establishment of drug

plants at six places and also in starting drug farms for growing medicinal plants in six regions?

The Minister of Industry (Shri Manubhai Shah): A statement is laid on the Table of the House. [See Appendix I, annexure No. 28.]

रंग रोगन का निर्माण

*१५६. { श्री नवल प्रभाकर :
श्री रामो रेड्डी :

क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने रंग रोगन के निर्माण के लिये नये कारखाने खोलने की अनुमति दी है ;

(ख) यदि हाँ, तो कितने कारखाने खोलने की अनुमति दी गयी है ; और

(ग) यह कारखाने किन-किन स्थानों पर खोले जायेंगे ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) से (ग). हाल में ही सरकार ने जो सर्वेक्षण किया है उसके फलस्वरूप ऐसा महसूस किया जा रहा है कि इस समय उत्तरी तथा दक्षिणी क्षेत्रों में रंग-रोगन बनाने के कारखाने खोलने की गुंजायश है। उत्तरी क्षेत्र में उत्तर प्रदेश, पंजाब, राजस्थान, जम्मू और काश्मीर, हिमाचल प्रदेश और दिल्ली शामिल हैं। दक्षिणी क्षेत्र में मद्रास, आन्ध्र प्रदेश और केरल राज्य हैं। इसलिये सरकार ने निश्चय किया है कि तीसरी योजना में विस्तार का जो प्रस्ताव है उसके अन्तर्गत इन दोनों क्षेत्रों में दस-दस हजार टन की नयी क्षमता स्थापित की जाय। इसी के अनुसार इस उद्योग में दिलचस्पी रखने वाले व्यक्तियों से उद्योग अधिनियम के अन्तर्गत आवेदन पत्र मांगे गये हैं। रंगों का निर्माण करने के लिये अभी कोई लाइसेन्स नहीं दिया गया है।

Prime Minister's Visit to Turkey

{ Shri A. K. Gopalan:
Shri Kunhan:
Shri Assar:
Shri Raghunath Singh:
*157. { Shri Ajit Singh Sarhadi:
Shri P. K. Deo:
Shri H. N. Mukerjee:
Shri Nath Pal:
Shri Amjad Ali:

Will the Prime Minister be pleased to state:

(a) whether the Government of India had any information about the situation in Turkey when the Prime Minister agreed to visit that country;

(b) when was the invitation to visit Turkey received by him; and

(c) when the decision to accept the invitation was taken?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes, Sir. Government had received full reports on the political situation in Turkey.

(b) The invitation from the Prime Minister of Turkey was first received by our Prime Minister in October 1958. It was renewed in October 1959 and again in April 1960.

(c) The invitation was accepted in principle when it was first received in October 1958. In April 1960 the intention of the Prime Minister to visit Turkey for a few days from May 20, 1960, while on his return from the Commonwealth Prime Minister's Conference in London, was conveyed to the Turkish Government and the proposed dates were accepted by them.

Manufacture of Cheap Radio Sets

{ Shri Ram Krishan Gupta:
Shri A. M. Tariq:
Sardar Iqbal Singh:
*159. { Shri Rameshwar Tantia:
Shri Assar:
Shri B. Das Gupta
Shri Aurobindo Ghosal:

- *159. { Shri Raghunath Singh:
Shri Ramakrishan Reddy:
Shri Ajit Singh Sarhadi:
Shri D. C. Sharma:
Shri Muhammed Elias:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1865 on the 8th April, 1960 and state:

(a) when the report of the Committee appointed by Government in connection with the manufacture of cheap radio sets will be submitted;

(b) what is the range of price within which cheap radio sets are proposed to be manufactured;

(c) whether there is going to be any foreign collaboration and technical assistance; and

(d) where the manufacturing centre will be located?

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

STATEMENT

The Committee had made certain recommendations. In order to expedite the production of cheap Radio sets, a meeting of the radio manufacturers was called on the 26th May, 1960 to discuss the question of production of cheap radio receivers. As a result of discussion in the meeting, it was decided that:—

- (a) a production of 50,000 to 60,000 cheap radio sets should be aimed at in one year.
- (b) every manufacturer would produce at least up to 10 per cent. of his production in cheap radio receivers within the existing foreign exchange allocation.
- (c) for every 5 per cent. additional production of cheap radio sets over the 10 per cent. the manufacturer will be given 5 per

cent. additional foreign exchange for import of components and raw materials, subject to a maximum production of 20 per cent. sets over and above the production of 10 per cent. as in (b) above.

- (d) the manufacturers should make an all-out attempt to put cheap radio receivers in the market by 1st December, 1960, and
- (e) It was agreed that the sale price of the cheap radio receivers should be Rs. 225 including all taxes except total State Sales Tax.

No special foreign collaboration and technical assistance is necessary for the manufacture of cheap radio sets as the manufacturers are already producing radios.

Rayon Pulp Factory in Kerala

- *160. { Shri A. M. Tariq:
Shri Ram Krishan Gupta:
Sardar Iqbal Singh:
Shri Pangarkar:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1677 on the 25th April, 1960 and state the progress since made regarding setting up of a Rayon Pulp Factory in Kerala?

The Minister of Industry (Shri Manubhai Shah): The firm has made the following progress towards establishment of the new undertaking in Kerala for the manufacture of Rayon Grade Pulp;

- (1) Orders for the purchase of major items of equipment have been placed.
- (2) The possession of the land at Mavoor Village, Kozhikoda District has been taken for the factory. The work for clearing and levelling of the site has already been started.

(3) Negotiations regarding the purchase of power from the Kerala State Electricity Board have been completed.

(4) An agreement has been concluded with the Government of Kerala for the supply of required quantity of Bamboo.

Razor Blades Manufacturing Units

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

(a) the number of razor blades manufacturing units in India and their production capacity;

(b) whether Government consider it necessary to stop further increase in the manufacturing units of razor blades; and

(c) if so, the reasons for the same?

The Minister of Industry (Shri Manubhai Shah): (a) There are 5 units with an annual production capacity of 629 million Nos. razor blades.

(b) and (c). The exact demand for razor blades has not yet been assessed, but according to a rough estimate it is about 1,000 million Nos. per annum. There is, therefore, scope for new units. In view of this, two more schemes in the large scale sector with a total production capacity of 132 million Nos. per annum have recently been approved.

रेडियो उत्पादन के प्रशिक्षण केन्द्र

*१६२. डा० राम सुभग सिंह: क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सब ई कि पोरैण्ड ने हमारे देश में रेडियो उत्पादन व प्रशिक्षण केन्द्र खोलने का प्रस्ताव किया है;

(ख) यदि हाँ, तो ये केन्द्र कब और कहाँ खोले जाएंगे; और

(ग) इन केन्द्रों को खोलने पर कितना खर्च होगा ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) से (ग). रेडियों के पुर्जों के आयात पर रोक बरने के लिये एह संस्था स्थापित करने के प्रश्न पर पोलिश प्रतिनिधियों के साथ बातचीत चल रही है। यह संस्था भारत और पोलैंड के मध्य होने वाले प्रशिक्षक और आर्थिक सहयोग के कार्यक्रम का एक हिस्सा होगी। बातचीत का कोई अन्तिम निष्कर्ष निकलने की संभावना की मेज पर इसके बारे में एह विवरण उपलब्ध कर दिया जायेगा।

Export of Indian Textiles

243. Shri Madhusudan Rao: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1682 on the 25th April, 1960 and state:

(a) the salient features of the recommendations contained in the report submitted by Prof. Maria May, a West German Fashion Expert in regard to the promotion of the export of Indian Textiles to the Federal Republic of Germany;

(b) the measures taken by Government in this regard; and

(c) the expenditure the Government of India incurred on her tour of the country during her stay here?

The Minister of Commerce (Shri Kanungo): (a) A statement is laid on the Table [See Appendix I, annexure No. 29.]

(b) The various recommendations are under examination.

(c) No expenditure was incurred by the Government of India except contingencies.

Export of Sewing Machines

244. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state the total number of

sewing machines exported during the first half of 1960?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): Total number of sewing machines exported during January-May, 1960, is 10,298.

Statistics for June 1960 are not yet available.

Export of Tea

245. Shri Nagi Reddy: Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of tea exported in 1959;

(b) the amount of foreign exchange earned thereby;

(c) the total estimated production in 1959;

(d) the percentage of exports on account of Indian firms during 1969; and

(e) the percentage of exports by non Indians and Indians sent through British Exchange banks during the above period?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):
(a) 472.5 million lbs.

(b) Rs. 126.6 crores.

(c) 719.7 million lbs. (Estimated).

(d) 20.82% (Estimated).

(e) It is understood that approximately 76 per cent was put through the British Exchange banks. The share of Indians and non Indians in this percentage is not known.

Import of Catechu

246. Shri Madhusudan Rao: Will the Minister of Commerce and Industry

be pleased to refer to the reply given to Unstarred Question No. 2171 on the 16th April, 1960 and state the value of Cutch (Catechu) imported during December, 1959 to March, 1960?

The Minister of Commerce (Shri Kanungo): Total value of Cutch (Catechu) imported during December, 1959 to March, 1960 was Rs. 5,000 only.

Export of Cement to Pakistan

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

(a) the quantity of cement despatched to Pakistan during the period from January to April, 1960 (month-wise); and

(b) whether any increase in the quantity of export to Pakistan is likely during 1960?

The Minister of Industry (Shri Manubhai Shah): (a) Exports to Pakistan during January, February, March and April 1960 were 10,896 tons, 11,596 tons, 8,350 tons and 13,492 tons respectively.

(b) Yes, Sir. As against 23,657 tons exported during 1959 the exports during 1960 (upto September) are likely to be 1,02,340 tons.

Industrial Development of Punjab

248. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state the total amount granted to the Government of Punjab by the Central Government for the Industrial development of the State during the Second Five Year Plan upto the end of the financial year 1959-60?

The Minister of Industry (Shri Manubhai Shah): Rs. 2,99,65,894.

Production of Khadi in Delhi

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

(a) the quantity of Khadi produced in Delhi during 1959-60 and 1960-61 so far (month-wise); and

(b) the target fixed for the production of Khadi during 1960-61?

The Minister of Industry (Shri Manubhai Shah): (a). Monthwise production of Khadi in Delhi.

Month	1959-60 (Sq. Yds)	1960-61 (Sq. Yds)
April	16,434	7,712
May	12,996	12,682
June	8,932	12,573
July	16,632	..
August	13,158	..
September	18,362	..
October	16,985	..
November	19,166	..
December	16,325	..
January	12,878	..
February	13,059	..
March	15,465	..

(b). Rs. 21.10 lakhs.

Unemployed Persons

250. Shri D. C. Sharma: Will the Minister of Labour and Employment be pleased to state:

(a) the number of unemployed matriculates, intermediates and graduates registered in the Live Register of the Employment Exchanges in the year 1960 as on the 30th April, 1960; and

(b) the number of each category of persons among them who were given employment?

The Deputy Minister of Labour (Shri Abid Ali): (a) As this information is collected quarterly, the statistics are available only as at the 657 (Ai) LSD—3.

end of March, 1960. These are given below:

Category	No. on Live Register as on 31-3-1960
(1)	(2)
Matriculates	3,35,487
Intermediates	43,477
Graduates	37,841
Total	4,16,805

(b)

Category	No. Placed in 1960 (January-March).
(1)	(2)
Matriculates	18,311
Intermediates	2,586
Graduates	3,346
TOTAL	24,243

Resinous Composition from Coconut

251. Shri P. K. Deo: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Forest Research Institute, Dehra Dun has developed a process for making a resinous composition from coconut and like shells to be used for making moulded articles and plywood boards etc.; and

(b) whether this composition is produced on a commercial scale?

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

(b) Not yet, Sir.

Resin Bonded Plywood

252. **Shri P. K. Deo:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Forest Research Institute has developed protein adhesives for the manufacture of resin bonded plywood;

(b) whether it has been found to be less costly than casein which is conventionally used as plywood adhesives;

(c) whether this new process is used by the Indian plywood manufacturers; and

(d) if not, the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). The Forest Research Institute has developed certain protein adhesives but these adhesives, developed by that Institute, have so far not been used in the plywood industry mainly because of the non-availability of the suggested protein in commercial quantities. It is, therefore, not possible to compare the prices of protein adhesives with those of casein adhesives. It may also be added that even casein adhesives have more or less been completely replaced by synthetic resins in recent years due to certain performance advantages.

Battery Separators

253. **Shri P. K. Deo:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether a new industry of making battery separators has been established in this country as a result of research work done in the Forest Research Institute;

(b) the name of the industry and where it is located;

(c) what is the total requirement in the country of these battery separators yearly, and

(d) whether we are self-sufficient in this regard?

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

(b) This industry is known as the Wooden Battery Separator Industry.

Out of five big factories two are located in Dehra Dun and one each at Dalhousie, Srinagar and Delhi. In addition, there are small scale manufacturers also.

(c) The total requirement of battery separators for motor car type of batteries is worth Rs. 20 lakhs per year. In addition wooden battery separators are used in railway carriage batteries also.

(d) Yes, Sir.

Jute Mill and Cotton Mill Bobbins

254. **Shri P. K. Deo:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether all the Jute Mill bobbins and Cotton Mill bobbins are manufactured in this country; and

(b) the total requirement of Jute Mill and Cotton Mill bobbins in the country every year?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir, excepting for plastic/metallic jute bobbins which are imported in small quantities. Fibre top bobbins which are being manufactured indigenously are, however, considered good substitutes for imported plastic/metallic bobbins.

(b) The annual requirements of jute bobbins and cotton bobbins are estimated to be of the order of 4.1 million pieces and 4.5 gross lakh pieces, respectively.

Unemployed Women

255. **Shri Amjad Ali:** Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that there is growing unemployment among women workers in the country; and

(b) if so, what action Government propose to take to meet the unemployment among the women workers where they are traditionally employed?

The Deputy Minister of Labour (Shri Abid Ali): (a) The number of women applicants registered with the Employment Exchanges in the country has shown an increase.

(b) The various development schemes under the Five Year Plans are expected to absorb an increasing number of women also.

Displaced Persons' Markets in Lucknow

256. Shri Sarju Pandey: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether markets have been constructed in Lucknow for the displaced persons;

(b) if so, the amount spent on these markets;

(c) the number of shops in these markets; and

(d) the terms on which shops are allotted?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) Yes.

(b) Rs. 35,98,582.

(c) 608.

(d) 90 shops built by the State Government have been disposed of under the Compensation Scheme and 518 shops constructed by the Lucknow Nagar Mahapalika out of loans advanced by Government have been let out on monthly rental basis. The rent varies from shop to shop.

Evacuee Buildings in U.P.

257. Shri Sarju Pandey: Will the Minister of Rehabilitation and Minority Affairs be pleased to state the number of evacuee buildings in U.P. which have been given to the displaced persons against their claims so far?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): 24,589, upto May 1960.

Optical and Ophthalmic Glass Plant

258. { Shri Ram Krishan Gupta:
Shri A. M. Tariq:
Sardar Iqbal Singh:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 322 on the 22nd February, 1960 and state:

(a) whether the revised project report relating to the Optical and Ophthalmic Glass Plant has since been received from Soviet experts;

(b) if so, the progress made in its consideration;

(c) whether the project report has been accepted by Government; and

(d) if so, the steps taken or proposed to be taken for its implementation?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). The project for ophthalmic glass has now been finally accepted by Government of India and the Government of U.S.S.R. The detailed project report will be received from Soviet experts in due course.

Commission of Inquiry into Dalmia Affairs

259. { Shri Ram Krishan Gupta:
Shri A. M. Tariq:
Sardar Iqbal Singh:
Shri D. C. Sharma:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 269 on the 22nd February, 1960 and state the progress since made by the Commission of Inquiry in the investigation of the affairs of Dalmia concerns?

The Minister of Commerce (Shri Kanungo): The Commission at its public hearings on 8th April and 27th/28th May, 1960 further handed over to the

concerned parties "Statements of Matters" relating to the remaining three companies and to the individuals belonging to Dalmia-Jain group viz. Sarvashri R. K. Dalmia, Shanti Prasad Jain and J. D. Dalmia. With the delivery of the last batch of "Statements of Matters" the Commission has completed the "Investigation Stage" of the inquiry into the affairs of all the ten companies. The "Statements of Matters" which run into 1018 pages and which have been served in four batches, deal with the *prima-facie* existence of matters and inferences therefrom set out in as many as 184 items of 'charges' and are supported by 776 documents, files and books of accounts brought on record as 'exhibits'. The Commission has fixed the dates for filing the replies to the "Statements of Matters" from 15th June, 1960 to 31st August, 1960 depending upon the date of delivery of the different sets of 'statements' and the amount of work involved in the preparation of the replies thereto.

The next stage i.e., the 'Inquiry' or the 'Trial' stage will begin after the replies to the "Statements of Matters" are received. The report of the Commission will be drawn up after the completion of this stage.

Six sets of each of the "Statements of Matters" have already been placed in the Parliament library.

Export of Iron Ore

260. { Shri Ram Krishan Gupta:
Shri A. M. Tariq:
Sardar Iqbal Singh:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 89 on the 12th February, 1960 and state:

(a) whether additional facilities for shipment at Paradip Port have become available; and

(b) if so, the nature of steps taken to increase the quantity of iron ore for export.

The Minister of Commerce (Shri Kanungo): (a) Not yet, Sir.

(b) (i) A proposal to link up iron ore mines by rail with the main line is being examined.

(ii) The State Government of Orissa are building badges, boats and tugs for moving larger quantities, to the port by the existing canal route.

(iii) Provision for building up port facilities to handle larger quantities of ore at Paradip is also being made in the Third Five Year Plan.

Tibet Ladakh Border

261. { Shri Ram Krishan Gupta:
Sardar Iqbal Singh:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that a number of important historical documents including old letters addressed by Tibet's Dalai Lamas to the Rajas of Ladakh have been secured by Government.

(b) if so, whether these letters have been examined; and

(c) if so, whether these letters throw any light on the border between Tibet and Ladakh?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) Yes.

(c) The letters in question are those carried by the Lopchak and Chhoba missions. These are formal communications which refer to the mission and the gifts carried by it. These letters do not throw any light on the boundary question.

Survey of Unauthorised Power Looms

262. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1667 on the 25th April 1960, and state the nature of progress made so far in

completion of survey of unauthorised powerlooms working on cotton and artificial silk yarn?

The Minister of Commerce (Shri Kanungo): A survey of unauthorised powerlooms working on cotton and artificial silk yarn has been completed in all States except Assam. Reports of the result of the survey have been received from all States except Rajasthan, Mysore, U.P. and Assam.

Central Drug Re-control Institute

263. { **Shri Ram Krishan Gupta:**
Sardar Iqbal Singh:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1524 on the 16th April, 1960 and state at what stage is the proposal to set up a Central Drug Re-control Institute?

The Minister of Industry (Shri Manubhai Shah): The proposal is still under consideration.

Explosion at Deogarh

284. { **Shri Ram Krishan Gupta:**
Shri Nek Ram Negi:
Sardar Iqbal Singh:

Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No. 1808-A on the 28th April, 1960 and state:

(a) whether investigation regarding explosion at Deogarh, Samabalpur District, Orissa has been completed; and

(b) if so, the cause of the explosion?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes.

(b) According to the Magistrate who enquired into the accident the explosion occurred due to ignition of gunpowder while its efficacy was being tested by igniting a portion of it inside

a room. In the course of the experiment the bulk of the powder stored nearby in the same room caught fire accidentally, resulting in the explosion. There is no evidence to show that the contractor or the man engaged by him for blasting had any license for the purpose as required under the Explosives Rules, 1940.

दस्तकारी का विकास

२६६. श्री म० ला० द्विवेदी: क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) फोर्ड फाउण्डेशन के अनुदान की सहायता से दस्तकारी के विकास के लिये जो दो श्रीर विशेषज्ञ नियुक्त किये जाने वाले थे क्या वे नियुक्त कर दिये गये हैं; और

(ख) यदि हां, तो वे किस देश के निवासी हैं ?

उद्योग मंत्री (श्री मनुभाई शाह): (क) और (ख). फोर्ड फाउण्डेशन के अनुदान की सहायता से दस्तकारी के विकास के लिये दो फ्रान्सीसी विशेषज्ञ नियुक्त किये गये हैं। कुछ प्रारम्भिक प्रबन्ध, जैसे स्त्रियों के कलात्मक बटुओं के उत्पादन केन्द्र के लिये आवश्यक मशीनों का आयात इत्यादि हो जाने के बाद ही ये विशेषज्ञ कार्य भार ग्रहण करेंगे।

सतर्कता के मामले

२६७. श्री म० ला० द्विवेदी: क्या निर्माण, आवास और संभरण मंत्री अपने मन्त्रालय के १६५६-६० के वार्षिक प्रतिवेदन के पृष्ठ १० पर अन्तिम पैराग्राफ के सम्बन्ध में यह बताने की कृपा करेंगे कि विशेष पुलिस संस्थान ने विभागीय कर्षवाही के लिये जिन २५ मामलों का निर्देश किया था उनमें घूस के कितने थे, और दोषी पाये गये व्यक्तियों को क्या दण्ड दिया गया ?

निर्माण, आवास और संभरण मंत्री (श्री क० ज० रेड्डी): विशेष पुलिस संस्थान

द्वारा वैभाषिक कार्रवाई के लिये जिन २५ मामलों का निर्देश किया गया था, उनमें से घूस का केवल एक था। सम्बन्धित अफसर को नौकरी से हटा दिया गया है।

अनियमितताओं के मामलों में की गई कार्यवाही

२६८. श्री म० ला० द्विवेदी : क्या निर्माण, आवास और संभरण मंत्री अपने मन्त्रालय के १९५६-६० के वार्षिक प्रतिवेदन के पृष्ठ २१ पर पैराग्राफ २.२६ के सम्बन्ध में यह बताने की कृपा करेंगे कि अनियमितताओं के जिन मामलों को मुख्य इंजीनियर और संव लोक सेवा आयोग को उनकी सलाह के लिये सौंपा गया था उनके बारे में क्या निर्णय किया गया ?

निर्माण, आवास और संभरण मंत्री (श्री क० च० रेड्डी) : प्रतिवेदन तैयार होने के समय जो मामले अनिर्णीत थे, उनमें से तीन मामलों का, जिनमें पाँच अफसर फसि थे, फैसला हो चुका है। एक अफसर को पेंशन की कमी का दण्ड दिया गया है, तीन को चेतावनी दी गई है, और एक को उस पर लगाये गये आरोपों के सम्बन्ध में निर्दोष ठहराया गया है।

Coir Industry in Orissa

269. { **Shri Chintamoni Panigrahi:**
Shri Agadi:
Shri Wodeyar:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 2039 on the 12th April, 1960 and state:

(a) whether the Coir Board has undertaken an economic and statistical survey of coir industry in Orissa; and

(b) whether the survey has been completed in any other State?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The Coir Board has undertaken an econo-

mic and statistical survey of coir industry only in Kerala State and Kanyakumari district of Madras State. This survey is in progress. The survey in rest of the cocoanut producing areas including Orissa State is to be undertaken by the Indian Statistical Institute, Calcutta. They have not yet started the survey.

Expenditure on Accommodation for Dalai Lama

270. Shri Chintamoni Panigrahi: Will the Prime Minister be pleased to state the amount of money which has been spent in providing accommodation to Dalai Lama and party at Dharamsala?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The amounts spent on accommodation are:—

Rs. 57770—Non-recurring; and

Rs. 6400—Per annum—recurring.

The latter figure is provisional.

Small Scale Industries in Delhi

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

(a) how many people from rural area in Delhi applied for loan for the development of Small Scale Industries during 1959-60; and

(b) how many of them got the loan during the above period?

The Minister of Industry (Shri Manubhai Shah): (a) There were 303 applications for loan from rural areas in Delhi for the Development of Small Scale Industries during 1959-60.

(b) 115 of the applicants were granted loans.

Slum Clearance in Delhi

272. { **Shri D. C. Sharma:**
Shri A. M. Tariq:
Shri Naval Prabhakar:
Shri Ajit Singh Sarhadi:
Dr. Ram Subhag Singh:

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

reply given to Starred Question No. 111 on the 12th February, 1960 and state what further progress has been made in the schemes for slum clearance in the city of Delhi which have been sanctioned by the Central Government so far?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): A statement indicating the progress achieved against the Slum Clearance projects included in the statement laid on the Table of Lok Sabha in answer to Starred Question No. 111 on 12th February 1960 is laid on the Table I [See Appendix I, annexure No. 30] This statement does not indicate progress in respect of projects mentioned against items No. 1 to 10, 12 to 14 and 17 to 19 of the previous statement, which have already been completed.

Pre-partition Deposits of Contractors

273. Shri D. C. Sharma: Will the Minister of Rehabilitation and Minority Affairs be pleased to refer to the reply given to Starred Question No. 118 on the 12th February, 1960 and state the up-to-date progress made in the payment of pre-Partition deposits of the contractors held up in Pakistan?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): 30 more claims have since been settled in addition to 842 claims settled before the 12th February, 1960.

Displaced Persons at Sealdah Station

274. Shri D. C. Sharma: Will the Minister of Rehabilitation and Minority Affairs be pleased to refer to the reply given to Starred Question No. 273 on the 22nd February, 1960 and state the number of displaced persons who have since been shifted from Sealdah Station?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): Out of 392 displaced families squatting at Sealdah Station premises on the 22nd February, 1960, 134 families have been dispersed.

Cultivation of Rubber

275. { **Shri Punnoose:**
Shri A. K. Gopalan:
Shri Warior:

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

- (a) whether the Kerala Government have submitted any scheme for extending the cultivation of rubber; and
(b) if so, what are the main features of the scheme?

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

(b) Does not arise.

Production of Synthetic Rubber

276. Shri Punnoose: Will the Minister of Commerce and Industry be pleased to state:

- (a) the quantities of raw and synthetic rubber produced in the country at present; and
(b) the quantity of rubber imported and its cost?

The Minister of Commerce (Shri Kanungo):

(a) Raw Rubber

1959 . . . 23,772 Tonnes
1960 (Jan.
to March) . . . 4,888 Tonnes

Synthetic rubber is not produced in the country.

(b)

Quantity in '000' Cwts.
Value in '000' rupees.

	Raw Rubber	Synthetic Rubber	Reclaimed Rubber
	Qty	Value	Qty Value Qty Value
1959	307	51497	92 13315 46 2336
1960 (Jan. to March)	81	16678	34 4898 16 827

Atomic Energy

277. Shri D. C. Sharma: Will the Prime Minister be pleased to state:

(a) the total targets fixed for production of atomic energy during the Second Five Year Plan;

(b) how far these targets have been achieved; and

(c) whether the targets will be achieved during the remaining period?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Atomic power will not be available during the Second Five Year Plan period. The first Atomic Power Station proposed to be set up on the West Coast of India is expected to start functioning during the Third Plan period.

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

Import of Newsprint

278. { Shri Inder J. Malhotra:
Shri Bahadur Singh:

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

(a) the names of newspapers published in the State of Jammu and Kashmir which are being allowed to import newsprint;

(b) the quantities allowed to each newspaper in the last year; and

(c) the procedure for the allotment of newsprint quota?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement giving the requisite information is laid on the Table. [See Appendix I, annexure No. 31].

(c) The entitlement of newspapers is worked out on the basis of page area, average number of pages published in 1957 and the average circulation for the year 1958.

Pay Scales of Coffee House Workers

279. { Shri A. K. Gopalan:
Shri Kunhan:

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

(a) what are the scales of pay of Coffee House workers now employed by the Coffee Board; and

(b) what were the comparative scales of pay earlier?

The Minister of Commerce (Shri Kanungo): (a) and (b). A statement is laid on the Table. [See Appendix I, annexure No. 32].

विस्थापित व्यक्तियों को तकावी ऋण

२८०. { श्री ५० ला० बाहूपाल :
श्री १० चं० व्यास :
श्री दीनबन्धु परमार :

क्या पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) जिला गंगानगर में कितने शरणार्थियों को तकावी ऋण दिया गया है और उनमें कितने हरिजन हैं;

(ख) इन तकावी ऋणों की कितनी राशि की वसूली शेष है; और

(ग) क्या यह सच है कि हरिजनों से कुछ धन वसूल किए जाने के बाद वसूली नहीं की गई और अब उन्हें पूरा ऋण ब्याज सहित लौटाने को दंहा जा रहा है और कुर्की के लिये बहुत सी डिग्रियां जारी कर दी गई हैं ?

पुनर्वास उपमंत्री (श्री पू० शे० नास्कर) :

(क) ७०२३ जिसमें १६५१ हरिजन परिवार भी शामिल हैं ।

(ख) १४,२६,४५२ रुपये ।

(ग) हरिजनों से वसूली बन्द करने के बारे में कोई आदेश नहीं दिया गया । वसूली सभी शरणार्थियों से जिनमें हरिजन भी शामिल हैं, की जा रही है ।

Dredging Equipment

281. { Shri Aurobindo Ghosal:
Shri B. Das Gupta:

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

(a) whether any firm of India has been permitted to make dredgers; and

(b) if so, what is the name of the firm?

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

(b) M/s. Hooghly Docking and Engineering Co. Ltd., Calcutta.

Purchase of Electrical Equipment from Yugoslavia

282. { **Shri Ram Krishan Gupta:**
 Shri D. C. Sharma:
 Shri Ajit Singh Sarhadi:

Will the Minister of Commerce and Industry be pleased to state the result of negotiations held in Yugoslavia for purchase of electrical equipment and machinery under the recently offered \$ 40 million credit?

The Minister of Industry (Shri Manubhai Shah): A delegation led by the Chairman, Central Water and Power Commission, recently went to Yugoslavia to make technical assessment of the capabilities of the manufacturing undertakings in Yugoslavia and also the quality of the products produced by them in order to enable the Government of India to determine the equipment and machinery that could be purchased under the recently offered 40 million dollar credit.

The report of the delegation is expected to be submitted to the Government shortly.

Contract Labour in Coal Mines

283. { **Shri Ram Krishan Gupta:**
 Shri S. M. Banerjee:

Will the Minister of Labour and Employment be pleased to state at what stage is the proposal to set up a Court of Inquiry to go into the employment of contract labour in coal industry?

The Deputy Minister of Labour (Shri Abid Ali): Notification appointing a Court of Inquiry will be issued shortly.

Floating Fair

284. **Shri Hem Raj:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1212 on the 31st March, 1960 and state:

(a) the number and names of the countries visited by the 'Floating Fair'; and

(b) the time spent on the voyage?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). The s.s. Jyoti carrying the Floating Fair left Bombay on the 8th March, 1960 and after visiting ports in the following countries returned to Bombay on the 4th May, 1960:

1. Iraq
2. Iran
3. Kuwait
4. Bahrein
5. Aden
6. French Somaliland
7. Ethiopia
8. Sudan
9. Saudi Arabia.

Reorganisation of Ministry of External Affairs

285. **Shri Dinesh Singh:** Will the Prime Minister be pleased to state:

(a) how many sections in the Ministry of External Affairs have been reorganised under the re-organisation scheme; and

(b) whether the scheme has been found satisfactory?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Altogether 28 Sections have been reorganised. The new structure has been found to be more suited to the needs of the Territorial Divisions than the Administrative Divisions. Suitable adjustments are being made as a result of periodic reviews.

Per Capita Income

286. **Shri Mohammed Imam:** Will the **Prime Minister** be pleased to state:

(a) whether any evaluation has been made separately of the *per capita* income of—

- (1) government employees;
- (2) industrial class;
- (3) industrial labour;
- (4) agriculturists;
- (5) agricultural labour; and

(b) if so, *per capita* income of each class?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). No Sir.

The Central Statistical Organisation estimates the income originating in the Government sector by analysing Government budgets and the income originating in organised industry and agriculture by evaluating the output by using data on production and prices. The estimation does not require information about the persons employed in these sectors or the persons among whom the income originating in these sectors is distributed. It is also not possible to classify the income receivers into mutually exclusive classes since the same person may be receiving income from more than one of these sources.

पाकिस्तानी डाकू

२८७. **श्री नवल प्रभाकर :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सब है कि जून, १९६० के पहले सप्ताह में पाकिस्तानी डाकू जिला गंगानगर के एक भारतीय गांव में घुस आये थे ;

(ख) यदि हाँ, तो इसके फलस्वरूप अनुमानतः कितनी हानि हुई; और

(ग) गांव वालों की सुरक्षा के लिये सरकार ने क्या कदम उठाये हैं ?

प्रधान मंत्री तथा वैदेशिक-कार्य-मंत्री

(श्री जवाहरलाल नेहरू) : (क) २-३ जून १९६० को रात को भारतीय प्रदेश के जिला गंगानगर, थाना हिन्दुमलकोट, ग्राम औरकी में दो पाकिस्तानी राष्ट्रिक घुस आये थे ।

(ख) लगभग ५०० रुपये कीमत की एक ऊटनी और उसका एक बच्चा ।

(ग) राजस्थान पुलिस ने पश्चिम पाकिस्तान पुलिस का ध्यान इस मामले की ओर दिलाया है और उनसे कहा है कि वे अपराधियों का पता लगाएं, इस प्रकार की घटनाएं फिर न होने दें और चुराई हुई सम्पत्ति को वापस दिलाएं । इस लम्बी रेगिस्तानी सीमा की सामान्य सुरक्षा के लिये सभी आवश्यक कदम उठाए गए हैं ।

Colour Bar in Southern Rhodesia

288. **Shri Rameshwar Tantia:** Will the **Prime Minister** be pleased to refer to the reply given to Unstarred Question No. 219 on the 17th February, 1960 and state:

(a) whether Government have since received any reply from the Government of Southern Rhodesia regarding the protest lodged by our representative at Salisbury in connection with refusal of accommodation to an Indian businessman in seven Bulawayo hotels in Southern Rhodesia; and

(b) if so, the details thereof?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) The Federal Government of Rhodesia and Nyasaland have tendered their apologies for the distress caused to the Indian national and have stated that they will do everything possible to prevent the recurrence of such incidents.

Manufacture of Mattresses

289. { Shri Subodh Hansda:
 { Shri R. C. Majhi:
 { Shri Nek Ram Negi:

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

(a) whether any action has been taken by State Governments on the report of the delegation which went to Ceylon to study the method of manufacture of mattresses; and

(b) if so, the States which have taken action and the nature of action taken in this regard?

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

(b) The Governments of Andhra Pradesh, Orissa and West Bengal had submitted schemes for the manufacture of mattress and bristle in their States. Technical approval for these schemes has been given. The State Governments are now going ahead with the schemes.

The scheme submitted by the Madras Government is under examination.

The Governments of Kerala and Maharashtra have proposed schemes for manufacture of mattress and bristle fibre for inclusion in the Third Five Year Plan. The Government of Mysore is drafting schemes for implementation during 1960-61.

**Out-of-turn Allotments in
Srinivasapuri**

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

(a) whether it is a fact that many Government servants belonging to higher categories are generally allotted Government accommodation out-of-turn in quarters of lower categories;

(b) whether it is a fact that persons eligible for Government accommodation in lower categories are denied the benefit of allotment of

Government accommodation in such cases; and

(c) if so, in how many cases such allotments have been made in Srinivasapuri?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b). In cases of genuine hardship, Government accommodation on out-of-turn basis is allotted to officers of all categories. These allotments are made generally in one or more classes below the class to which an officer is entitled by virtue of his emoluments. Only officers eligible for 'G' class of accommodation, which is meant for those drawing between Rs. 55 and Rs. 149 p.m., are allotted accommodation in their own entitled class, because there is no class next below it other than the quarters intended for Class IV staff.

(c) The only accommodation (other than Class IV quarters) available in Srinivasapuri is of 'G' class. Uptil now, 214 effective allotments have been made on out-of-turn basis in Srinivasapuri, out of which 5 were to officers drawing more than Rs. 150 p.m. and the remaining 209 to officers drawing between Rs. 55 and Rs. 149 p.m.

Press Information Bureau

291. Shri Rameshwar Tantia: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that there has been an increase in the administrative expenditure of the Press Information Bureau;

(b) if so, the reasons thereof; and

(c) the amount spent for the administrative and Press Section respectively during 1956-59, 1959-60 and up to June, 1960?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). The Press Information Bureau serves the Indian Press and foreign press correspondents stationed in

India with news material and photographs concerning the activities of the Government of India, arranges Press Conferences and maintains Press Cutting and Press Analysis services for official use. The administrative work and the expenditure connected therewith are a part and parcel of the Press services. It is not, therefore, practicable to show separately the expenditure incurred on administration alone. The total expenditure has, however, been given below which does not show that there has been an increase.

	(Rs. in Lakhs)
1958-59	.. 36.96
1959-60	.. 35.90*
1960-61	.. 7.14

(April—June 1960)

*Figures have yet to be finalised by audit.

Export of Monkeys

292. **Shri Subiman Ghose:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether monkeys have been sent to San Francisco from Calcutta by Pan American World Airways for research or experiment purpose on the 6th June, 1960 or nearabout that date;

(b) if so, the number of monkeys exported and the age of those creatures; and

(c) what is the foreign exchange earned by exporting monkeys to foreign countries in 1959 and 1960?

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

(a) Yes, Sir.

(b) 160 monkeys. Information in regard to the age of the monkeys is not available.

(c) Rs. 89 lakhs and Rs. 36 lakhs during 1959 and 1960 (Jan—May), respectively.

(Export statistics beyond May, 1960 are not yet available).

Ambar Charkha Scheme in Punjab

293. **Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state the amount placed

at the disposal of the Government of Punjab for the development of Ambar Charkha, by the Central Government during 1958-59 and 1959-60?

The Minister of Industry (Shri Manubhai Shah): No amounts were placed at the disposal of the Government of Punjab during these two years. However, Rs. 54.88 lakhs and Rs. 20.37 lakhs respectively were disbursed during 1958-59 and 1959-60 to the State Board and various institutions for the development of the Ambar Charkha programme in Punjab.

Aluminium Plant in Mysore State

294. { **Shri Agadi:**
Shri Sugandhi:

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

(a) whether it is a fact that a plan has been submitted for setting up an aluminium plant in Mysore State with foreign collaboration; and

(b) if so, the location, capital investment and capacity of the Plant?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The Government of India have received a preliminary proposal for the setting up of an aluminium smelter. The actual location and the state are not finally indicated. Full details regarding foreign collaboration, exact location, power supply etc. have not been received. The authorised and issued/paid up capital of the proposed undertaking would be known after the proposal is finalised.

Manufacture of Newsprint

295. { **Shri Agadi:**
Shri Sugandhi:
Shri D. C. Sharma:
Shri Subodh Hansda:
Shri R. C. Majhi:
Shri Nek Ram Negi:

Will the Minister of Commerce and Industry be pleased to refer to the

reply given to Starred Question Nos. 1786 and 1808 on the 28th April, 1960 and state:

(a) whether Government has since finally examined the economic aspect of manufacturing Newsprint from sugarcane bagasse;

(b) if so, the details thereof;

(c) the number of factories and in which States such factories are allowed to start; and

(d) the total capital investment of such factories?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). After final examination of the economic and technological aspects of the project, Government have finally decided not to go ahead with the project.

12.03 hrs.

PAPERS LAID ON THE TABLE

AMENDMENTS TO DISPLACED PERSONS
(COMPENSATION AND REHABILITATION)
RULES

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): On behalf of Shri Mehr Chand Khanna, I beg to re-lay on the Table a copy of Notification No. GSR. 430 dated the 16th April, 1960 making certain further amendment to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954. [Placed in Library. See No. LT-2139/60].

I beg to lay on the Table a copy of each of the following Notifications under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, making certain further amendments to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955:—

- (a) G.S.R. 524 dated the 7th May, 1960;
- (b) G.S.R. 676 dated the 18th June, 1960;
- (c) G.S.R. 715 dated the 25th June, 1960;
- (d) G.S.R. 801 dated the 16th July, 1960. [Placed in Library. See No. LT-2217/60].

NOTIFICATIONS UNDER KHADI AND OTHER
HANDLOOM INDUSTRIES DEVELOPMENT
(ADDITIONAL EXCISE DUTY ON CLOTH)
ACT, TRADE AND MERCHANDISE MARKS
ACT, AND INDUSTRIES (DEVELOPMENT
AND REGULATION) ACT

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

- (i) A copy of Notification No. S.O. 837 dated the 31st March, 1960, issued under section 5 of the Khadi and other Handloom Industries Development (Additional Excise Duty on

Cloth) Act, 1953 together with an explanatory note; [Placed in Library. See No. LT-2218/60].

- (ii) A copy of Notification No. S.O. 1339 dated the 28th May, 1960 making certain amendment to the Trade and Merchandise Marks Rules, 1959, under section 134 of the Trade and Merchandise Marks Act, 1958; [Placed in Library. See No. LT-2219/60].
- (iii) A copy of each of the following Notifications issued under section 15 of the Industries (Development and Regulation) Act, 1951:—
 - (a) S.O. 1493 dated the 8th June, 1960;
 - (b) S.O. 1494, dated the 8th June, 1960;
 - (c) S.O. 1499, dated the 14th June, 1960;
 - (d) S.O. 1600, dated the 25th June, 1960. [Placed in Library. See No. LT-2220/60].

REPORTS OF COIR BOARD, TARIFF COM-
MISSION AND HINDUSTAN MACHINE-
TOOLS LIMITED

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

- (i) A copy of the Report on the working of the Coir Board for the half-year ending the 30th September, 1959, under sub-section (1) of section 19 of the Coir Industry Act, 1953. [Placed in Library. See No. LT-2221/60].
- (ii) A copy of each of the following papers under sub-section (2) of section 16 of the Tariff Commission Act, 1951:—
 - (a) Report (1960) of the Tariff Commission on the continuance of protection to the Automobile Hand Tyre Inflator Industry.

- (b) Government Resolution No. 21(1)-T.R./60 dated the 22nd July, 1960.
- (c) Notification No. 21(1)-T.R./60 dated the 22nd July, 1960.
- (d) Report (1960) of the Tariff Commission on the continuance of protection to the Wood Screw Industry.
- (e) Government Resolution No. 35(1)-T.R./60 dated the 22nd July, 1960.
- (f) Notification No. 35(1)-T.R./60 dated the 22nd July, 1960.
- (g) Report (1960) of the Tariff Commission on the continuance of protection to the Calcium Lactate Industry.
- (h) Government Resolution No. 37(1)-T.R./60 dated the 28th July, 1960. [Placed in Library. See No. LT-2222 to 29/60].
- (iii) A copy of each of the following papers:—
 - (a) Annual Report of the Hindustan Machine-tools Limited for the year 1959-60 along with the Audited Accounts and Comments of the Comptroller and Auditor-General thereon under sub-section (1) of section 639 of the Companies Act, 1956.
 - (b) A review by the Government of the working of the above Company. [Placed in Library. See No. LT-2230/60].

the attention of the Prime Minister to the following matter of urgent public importance and I request that he may make a statement thereon:—

"The anti-Indian propaganda by Mr. Phizo in the U.K. and the steps taken by the Government of India in the matter".

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): In addition to this calling-attention notice by the hon. lady Member, I have received notices of a large number of motions and questions relating to Mr. A. Z. Phizo and his activities in the United Kingdom. It would be convenient if I make a statement before the House summarising the information available to us.

According to our information, Phizo left the Naga Hills-Tuensang Area some three years ago. Occasionally, we received some information about his movements, but as this was not precise or reliable, I shall not refer to it. We did not know who was financing his activities.

On the 16th June last, the U.K. High Commission in Delhi informed the Ministry of External Affairs that Phizo had arrived in London from Zurich on the 12th June. He was accompanied by the Rev. Michael Scott, who apparently testified to his claim as a Commonwealth citizen. We were informed by the High Commission that the Immigration Office had given permission to Phizo to land for fourteen days under the Aliens Order. The Rev. Michael Scott volunteered the information that Phizo had with him a forged San Salvador passport, but offered the clarification that he was not seeking to enter the United Kingdom on the strength of this passport. We have no precise information as to whether Phizo has been finally accepted as a Commonwealth citizen by the U.K. authorities.

An air of mystery surrounded Phizo's residence and activities in England. It was indicated that he had some startling disclosures to make against the

12.07 hrs.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

ANTI-INDIAN PROPAGANDA BY MR. PHIZO
IN U.K.

Shrimati Ila Palchoudhuri (Nabadwip): Under rule 197, I beg to call

[Shri Jawaharlal Nehru]

Government of India and the Indian Army. We could not understand this air of mystery, and we had no fear of any disclosures. We considered the question of his extradition but decided against it. We did not wish to take any step which might appear to be aimed at preventing him from saying what he had to say. So far as we were concerned, there was nothing to hide.

Some days after the arrival of Phizo in London, some persons on his behalf requested an interview for him with our High Commissioner. It was not quite clear what the purpose of the interview was. Nevertheless, these intermediaries were informed that a senior officer of the High Commission would see him if he so wished. There was, of course, no question of any negotiation with him on any matter. What he said, however, to the officer of our High Commission would be reported to Government. Later, the High Commissioner was informed by the Rev. Michael Scott that Phizo had decided to take time to prepare a full statement of his views, and the suggested interview did not take place.

On the 19th July, I received a telegram direct from Phizo from London. In this, he asked me if he could have safe conduct to visit me in Delhi accompanied by the Rev. Michael Scott to discuss cease-fire in Nagaland and the appointment of an Indian-Naga public commission to enquire into allegations of atrocities and to discuss the constitutional future of Nagaland, without prejudice to existing basic positions of either side. While I am always prepared to see any Indian national, I could not agree to the conditions laid down by Phizo. Our High Commissioner was, therefore, asked to inform him that I was unable to accept the proposals made by him, and in view of the reckless allegations against the Government of India and the Indian Army that he had made, I was unable to receive him, further, that in any case I could not discuss the

constitutional future of the Naga territory with him and that, in fact, I was going to meet the properly elected representatives of the Nagas soon. Phizo was again informed that if he wished to meet an officer of our High Commission, there would be no objection to his being received.

On the 26th of July, Phizo gave a press conference in London. Apart from making a statement, he also released a booklet giving his version of the Naga problem. This booklet contains a list of supposed atrocities by the security forces of the Government of India.

Any person reading this booklet and not acquainted with the real facts would be horrified by what it contains. Apart from general and vague charges, there are listed specific instances of so-called atrocities by the Indian security forces. We have examined this list. Some of the instances quoted were examined by us previously and found to be baseless, some are completely distorted, some had never been previously brought to our notice, even though these charges used to be made from time to time. I do not propose to go into an examination of these charges here, but I shall give some indication of their nature.

One important fact to remember is that the list of charges begins in November, 1954 with the so-called 'Yengpang massacre' and ends on August 4th, 1956, that is, exactly four years ago. It is significant that Phizo could not find anything to complain of even from his own point of view, during the last four years.

The Yengpang massacre, which took place in November, 1954, was a horrible affair, but it had nothing to do with any of the Indian security forces, who were not present there. The facts are that a group of tribal people from Yengpang or Yimping village in the Tuensang Area, probably associated with Phizo, killed a dak runner who was the son of the village headman of

Pangsha village. The people of Pangsha village in retaliation, raided Yengpang village and killed a large number of villagers there including a Government school teacher, his wife and baby. Our forces had nothing to do with this raid and our Political Officer was not present there. Soon after, the local authorities took punitive action against the offending village according to tribal custom and usage. I might mention that both these villages are very near the Burmese frontier. I to this Yangpang massacre were stat-might add that these facts in regard ed in answer to a question in Parliament on the 2nd December 1954, that is, within two or three weeks of the incident. The matter was raised by a question in the Rajya Sabha and the facts were given.

It will thus be seen that this Yengpang raid and killing was entirely a conflict between two tribes and had nothing to do with our forces. In the same way, other murders and similar crimes which resulted from tribal conflicts precipitated by the activities of Phizo's followers, have been falsely attributed by Phizo to our security forces.

The Indian Army went to the help of the civil administration for the first time in April 1955—that is to say, 7 or 8 months after the Yengpang massacre—in the Tuensang Frontier Division, which was then part of NEFA. Our instructions to our Armed Forces, both the Army and the Assam Rifles, were to treat the Nagas as Indian citizens and to try to win them over. Force, when it had to be used, was to be the minimum necessary. It must be remembered that our Armed Forces had to function in very difficult terrain and under extremely trying circumstances. Whenever any charges of misbehaviour on the part of our Armed Forces came to us, they were invariably inquired into. There were a few, indeed very few, cases of individual members of our security forces having misbehaved. After investigation, suitable punishment was ordered in proved cases of misbehaviour.

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Throughout these years of trouble in the Naga areas, I have been particularly anxious that our forces should behave according to our high standards. I have, therefore, tried to keep in touch with events, and whenever I have had a complaint, I ordered an inquiry. I think I can say with a measure of confidence that, on the whole, our Indian Army have functioned with discipline and credit to themselves and in accordance with their own high traditions.

More than two years ago, we declared an amnesty for all offences committed previous to that date. That was evidence of our desire to treat the Naga people, and even those who had been hostile to us, with leniency. Where, however, raids and murderous attacks on our forces as well as on Naga villages continued to be made by the hostile elements, we had to take action and protect our people. There has been a case of murder pending against Phizo himself. The person killed was one of his own intimate associates who once came to see me with Phizo some years ago. This man, Sakhrie, was killed because he refused to associate himself any further with Phizo's violent and terroristic activities.

These past few years in the Naga territory have been distressing in the extreme to us. I hope that this chapter has ended and another chapter of peace and progress and self-development will now open out for the Naga people in accordance with the agreements arrived at a few days ago.

Several Hon. Members rose—

Shri Hem Barua (Gauhati): I just want to seek a clarification.

Shri H. N. Mukerjee rose—

Mr. Speaker: An exhaustive statement has been made. I have already sent all the questions that have been tabled on the subject and they have all been dealt with, as the Prime Minister said, in his statement (*Interruptions*).

Shri Braj Raj Singh (Firozabad): What action has been taken against the activities of Phizo in U.K.?

Shri Jawaharlal Nehru: I do not mind giving information—not argument but information.

Shri H. N. Mukerjee (Calcutta—Central): In view of Phizo being permitted by the Government of the U.K. to conduct with impunity propaganda through Press conferences and otherwise, may I know if the Prime Minister has taken up this matter in whatever way he thinks fit? May I know also if our publicity officers with our High Commission are doing something in order to counteract the effect of this kind of malicious propaganda which is in itself an atrocity?

Shri Jawaharlal Nehru: I do not think it will be quite correct to say that the United Kingdom Government have, in any sense, encouraged Phizo; I do not think they have done so. But they have to work within the terms of their own constitution and conventions. As I said in my statement, I do not exactly know the position of Phizo there now, that is, whether he is acknowledged as a Commonwealth citizen who has come in and who under the provisions of the law can come in even without a passport. But my own impression is that the U.K. Government have given no encouragement to Phizo. They cannot, so long as he is there, prevent him forcibly from holding a Press conference; but it was not through any encouragement on their part.

As far as our publicity agents and others in the High Commission are concerned, it is rather difficult for me to tell the House exactly all the details that happened, because much of all this, as I said, has been shrouded in some kind of mystery. Those people who have been, if I may say so, sponsoring Phizo, have created a most peculiar impression of mystery about it. In fact, nobody is supposed to know where he stays in London—where he is. If anybody sees him, he

is mysteriously brought in there. So it was not, strictly, easy to deal with this situation with dignity and without coming in the way of other people. I mean to say, without interfering with other people's freedom.

I think our people there in the High Commission dealt with it with considerable tact and credit. The Press conference that Phizo held there, from all accounts—which hon. Members may themselves have read in the Press—was far from being a success, was almost a total failure, even though, as I said, these charges that Phizo brought against us were for the first time brought there. It was not particularly easy suddenly to give an answer to them. The general facts were known. It is a fairly long list of individual cases. But the most horrifying of these is the Yengpang massacre. It is a terrible thing. If our Army, if any of our persons had done it, they should be punished with extreme severity. But the fact is that we had nothing to do with it, a tribal affair right on the borders of Burma. One of these villages, Pangsha, till two years before this, was indulging in the rather exciting pastime of head-hunting, and when the son of the village headman was killed, they went and put and end to the other village, no doubt cut off many people's heads. An unfortunate thing, but nothing to do with the Indian Army or the Indian Government. The Political Officer went there some days later, when he heard of it. As I have said here, within two or three weeks, an hon. Member, not of this but of the other House,—a Member from Assam—put a question to me. Of course, all these facts were given there. They are not manufactured for me for the occasion. They can be seen in the records of that time.

All this has led to trouble there because of Phizo's men coercing and bringing pressure on others to join them or pay them money, and tribal

feuds have arisen and so on and so forth.

Mr. Speaker: Evidently, the hon. Member wants to know what steps are being taken to clear it up in U.K. where he has gone and is carrying on propaganda.

Shri Jawaharlal Nehru: How can I give the list of steps to be taken? I say whatever steps have been taken have succeeded remarkably. Is not that enough? And steps will continue to be taken because now that this pamphlet or booklet by Phizo has been distributed for the first time—we got it two or three days ago here—it was examined and we have sent such information as we had immediately in our possession to our High Commission, and they will, no doubt, deal with it adequately. But the fact of the matter is that as far as one knows, practically nobody in London or in England is interested in this question now. It is not for us to revive interest all over.

Shri Tyagi (Dehra Dun): What is the nationality of Rev. Michael Scott who is accompanying Phizo? Was he in India and is he accompanying him from India?

Shri Jawaharlal Nehru: Rev. Michael Scott is an Englishman who has played a very notable part in exposing South Africa and West Africa. Indeed he was very much opposed to racialism and apartheid; and we have all admired his activities in that matter. In this case, he went, so far as we know, to a place in Switzerland, Zurich and got Phizo with him to London.

Shri Hem Barua: May I know whether our Government tried to establish it from the British Home Office—which is usually very vigilant when Indians try to enter Britain on false passports—why they did not take any steps when Phizo openly declared to the customs officials, as reported, at the London airport that he was there on an unorthodox passport? May I also know whether it is

a fact that he was originally given a permit to stay for 14 days? May I know from the Prime Minister whether he has been allowed political asylum there?

May I also draw the attention of the Prime Minister to the publicity given to the statement of Phizo in the *Sunday Observer* and *London Times* while our Defence Minister's statement was relegated to a back date?

Shri Jawaharlal Nehru: In fact, in the statement just made here I have stated that Phizo had a San Salvador passport obtained through dubious methods. (*Interruptions*).

Shri Hem Barua: Is it that Britain was a party to a conspiracy hatched in East Pakistan, Sir? (*Interruptions*). May I know whether Phizo went from East Pakistan? When a question was put here whether he was in Dacca, on the information obtained from Pakistan, it was said that he was not there. So, a sort of conspiracy was hatched in East Pakistan. May I know whether Britain was a participant in that conspiracy that was hatched in East Pakistan?

Shri Jawaharlal Nehru: I do not wish to make any statement here about matters I do not know anything about. I can only speak about matters that I know of. When Phizo arrived there, Mr. Michael Scott said he had this passport; but it was not used. He claimed to come in as a Commonwealth citizen. This, of course, raises other issues because he can only be a Commonwealth citizen by virtue of his being an Indian citizen. He cannot be a Commonwealth citizen in the air (*Interruptions*). However, leave that out. He claimed, or rather Mr. Michael Scott claimed on his behalf that he was a Commonwealth citizen and, under British laws, every Commonwealth citizen can go there and cannot be pushed out unless they hold that he is not a Commonwealth citizen. (*Interruptions*).

Shrimati Renu Chakravartty (Basirhat): But he must have the passport. (*Interruptions*).

Shri Jawaharlal Nehru: No; the police may stop him. But if a man is there they cannot. (*Interruptions*). There was Mr. Michael Scott standing sponsor for him. So, they said, 'All right you can come in; we shall examine your case in the next fortnight'. Well, what they have done after this examination, I do not know except that Phizo is still there. So, they must have either extended his period of stay or, otherwise, allowed him to stay. That I do not know. But, I do not think you can bring in the British Government in this, as I said, as far as I can see. They had been much embarrassed by Phizo's going there. They did not want him there; they do not know what to do about him. So, they left matters to take their course. (*Interruption*).

An Hon. Member: The British Government had the information on the 16th.....

Mr. Speaker: Order, order. Only one question by one Member. Shri Nath Pai.

Shri Nath Pai (Rajapur): Mr. Speaker, Sir, while fully respecting the sanctity of the right of political asylum of everybody, as we do it in the case of somebody sitting here, may I ask the Prime Minister whether the question of extradition and repatriation, in the light of the serious offences with which Mr. Phizo is charged, is being taken up with the United Kingdom Government and (b) whether any information is available as to who helped Mr. Phizo to reach Zurich—any neighbouring country?

Shri Jawaharlal Nehru: No. We have no definite information as to how he reached Zurich. As for the other thing, it is a very doubtful legal matter—I mean about extradition. Strictly legally, it is rather doubtful. But, apart from the legal aspect of it, we considered it carefully and we

thought that it was not necessary for us or desirable for us to ask for extradition. We have no desire to have Mr. Phizo. (*Interruptions*).

Shri Rraj Raj Singh: He has been charged with murder etc.

Shri Jawaharlal Nehru: The question legally is whether we have the right of extradition or not. We have examined to know about it. That would involve, in any event, a kind of a petty trial in England itself before we can establish the right. Complicated proceedings have to be gone through. We have decided to allow him to live at peace in England if he wants to.

Shri Tridib Kumar Chaudhuri (Berhampore): May I know whether Government knows or has any reliable information as to the intentions of Phizo or his sponsors to take this Phizo case or his case of the so-called Naga people to the United Nations or has any move been made in that direction?

Shri Jawaharlal Nehru: I should imagine, for the last 3 or 4 years, Phizo has been saying that he would take this to the United Nations. Now he would like to. Maybe he might make an attempt to. But it is not clear to me how he can possibly do so. On what ground or basis? (*Interruptions*).

Mr. Speaker: Shri Vajpayee.

Shri Vajpayee (Balrampur): In view of the fact that Phizo is wanted by the police on a charge of murder and in view of the fact that he has been carrying on treasonable activities, may I know why he should be given the honour of being received by a senior official of the Indian High Commission?

Shri Jawaharlal Nehru: I cannot answer that. It becomes a complicated matter. It is not a question of

honour. First of all, he did not get the honour; he was offered the honour but he did not take it. It became complicated because important persons in England were sponsoring him and were creating this atmosphere of mystery and secrecy all over; and we could not afford to allow this atmosphere to remain as if we were trying to hide anything. (Interruptions).

Shrimati Renu Chakravartty: Regarding the Press Conference Mr. Phizo held, besides giving a list of atrocities did he reiterate the demand for an independent Nagaland or did he leave that out of the Press Conference?

Shri Jawaharlal Nehru: I have not seen the full report; but, in that pamphlet, in the kind of historical section, he said that he stood for that and he stuck to it. For the rest, he dealt chiefly with the so-called atrocities.

Shrimati Renuka Ray (Malda): May I ask a question, Sir? In view of the fact that we have given our explanations about Phizo, and Mr. Scott must have heard about them by now, has Mr. Scott who is well-known for his activities in West Africa and other places, withdrawn from that position in any measure?

Shri Jawaharlal Nehru: I do not know. There has not been much time for even Mr. Scott to know all these things. He may know now, perhaps. (Interruptions).

Mr. Speaker: Order, order. Shrimati Mafida Ahmad.

Shrimati Mafida Ahmad (Jorhat): In view of the fact that Mr. Phizo, the rebel Naga leader is solely responsible for the death of hundreds of Indian Army men and officials on duty and others, may I know the reason why Government are hesitating to demand his return as a wanted criminal?

Mr. Speaker: The same kind of question again.

श्री अ० मु० तारिक (जम्मू तथा काश्मीर):
मैं यह जानना चाहता हूँ कि क्या वजीर आजम अपने ध्यान में इस बात का जिक्र करना भूल गये कि लन्दन में फीजो और हमारे जय प्रकाश नारायण जी के दर्शन जो मुलाकात हुई और उस के बाद मि० जय प्रकाश नारायण की वजीर आजम से जो बात हुई वह क्या बात चीत थी। क्या वह कोई खास पैगाम लाये थे फीजो की तरफ से?

[شری اے۔ ایم۔ طارق (جـمـو اور کشمیر) میں یہ جاننا چاہتا ہوں کہ کیا وزیر اعظم اپنے بیان میں اس بات کا ذکر کرنا بھول گئے کہ لندن میں فیضو اور ہمارے جے پرکاش ناراین جی کے درمیان جو ملاقات ہوئی اور اس کے بعد مسٹر جے پرکاش ناراین کی وزیر اعظم سے جو بات ہوئی وہ کیا بات چیت تھی۔ کیا وہ کوئی خاص پیغام لائے تھے فیضو کی طرف سے۔]

श्री जवाहरलाल नेहरू: यह सही बात है कि जय प्रकाश नारायण जी वहाँ फीजो से मिले थे। उन का तो फीजो से कोई खास ताल्लुक नहीं था, लेकिन मि० माइकेल स्काट और उन के कुछ दूसरे अंग्रेज मित्र थे, उन के जरिये से मिले और जो कुछ फीजो ने कहा उस उन्होंने सुना। उन्होंने कहा कि मुझे तो कुछ मालूम नहीं है। जब बाद में वे वापस आये और मुझ से कहा कि फीजो से यह यह बातें हुई तो मैं ने उन्हें कुछ और वाक्यात बतलाये। उन्होंने कहा, ठीक है मुझे कुछ मालूम नहीं था।

श्री अ० मु० तारिक: यह ताल्लुक कैसे पैदा हुआ? हमारे हाई कमिश्नर को तो

[श्री अ० मु० तारिक]

मालूम नहीं है कि फीजो कहाँ हैं तब मि० जय प्रकाश नारायण ने यह ताल्लुक कैसे पैदा किया ?

[शरी अ० - अम - طارق : یہ تعلق]

کیسے پیدا ہوا - ہمارے ہائی کمیشنر

کو تو معلوم نہیں ہے کہ فیوز کہاں

ہیں تب مسٹر جے پرکاش ناراین نے

یہ کیسے پیدا کیا -]

श्री जवाहरलाल नेहरू : आसान है ।

फीजो जय प्रकाश नारायण जी से मिल के लिये उन के हॉटल लाये गये ।

Maharajkumar Vijaya Anand (Visakhapatnam): May I know how Phizo was able to get foreign exchange? Is he being helped by Pakistan or by China?

Shri Jawaharlal Nehru: I can assure the hon. Member that he did not get it through the Reserve Bank of India.

Maharajkumar Vijaya Anand: Is he being helped by China or Pakistan? Is there any information to that effect?.... (Interruptions).

Shri Ranga (Tenali): Now that agreement has been reached and very soon Nagaland will emerge as one of the integral States of the Union of India, are Government considering the possibility of declaring an amnesty for all those who have got themselves involved in this movement?

Shri Jawaharlal Nehru: There is a kind of continuing amnesty. One of the difficulties that we have to face is the tribal feuds. We may not do anything but a tribe which has suffered wants to take vengeance. I am informed that if Mr. Phizo by any chance went back to the Naga area, it will be difficult to protect him from those who have suffered from his

activities and who want to take vengeance. It becomes a difficult situation.

Shri Ranga: Are we then to understand that when the self-governing Nagaland comes into existence, we would allow these inter-tribal feuds to continue among themselves and allow them to go back again head-hunting?

Shri Jawaharlal Nehru: Head hunting has stopped already. There has been no head-hunting for the last, I think, six or seven years. The last case took place, I think, in 1954 or perhaps 1953. That was very near the place called Pangsha and Yengpang. The head hunters came from the other side of the Burma border to our village and went back after scalping some people. That was the occasion when I went across the border to this area with Mr. U Nu. But this has nothing to do with head-hunting. It is a question of tribal feud and people want to revenge themselves. It sometimes happens outside the tribal areas too; probably it happens there a little more.

Mr. Speaker: We shall take up legislative business.

Shri Vajpayee: Mr. Speaker,.....

Mr. Speaker: This business is over and I have proceeded to some other item.

Shri Vajpayee: I have not given notice of any adjournment motion.

Mr. Speaker: Order, order.

Shri Vajpayee: I am within my rights to make a submission at this stage; I am very sorry to say this.

Mr. Speaker: Not every minute.

Shri Vajpayee: Before the legislative business is taken, this is the right time.

Mr. Speaker: No, no. Hon. Members have no right, except when I call them, on their own to make a statement in this House. They must give me notice and if I considered that that matter ought to be brought up here I would allow it. So far as this question is concerned, I called him as I called the various other hon. Members.

Shri Vajpayee: I am not putting any question in regard to this matter now. I have already given notice of a motion seeking to raise a discussion on the Government's decision to create a separate Naga State. The motion is there. You are to consider that motion.

Mr. Speaker: Very well. I will consider that motion, but not today.

12.43 hrs.

BANKING COMPANIES (AMENDMENT) BILL*

The Minister of Finance (Shri Morarji Desai): Sir, I beg to move for leave to introduce a Bill further to amend the Banking Companies Act, 1949.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Banking Companies Act, 1949."

The motion was adopted.

Shri Morarji Desai: I beg to introduce the Bill.

12.44 hrs.

BUSINESS ADVISORY COMMITTEE FIFTY-SECOND REPORT

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House agrees with the Fifty-second Report of the

Business Advisory Committee presented to the House on the 3rd August, 1960."

Shri Braj Raj Singh (Firozabad): May I make a submission in respect of item No. 7? 18 hours are allotted for the discussion on the Third Plan. I submit that it is not sufficient.

Mr. Speaker: Hon. Member has not tabled any amendment. What is the good of it? Only ten hours were originally allotted. Was the hon. Member in the Business Advisory Committee meeting? I think he was not present. There was a desire that we should have four days fully. I suggested fifteen hours—three days and then I said that we might sit every day for one hour more and thus have three hours more. Shrimati Renu Chakravarty said that it was very difficult to have quorum. Therefore, I said that these three hours might be added to the 15 hours. Thus, the time has been extended to 18 hours. I think it would be sufficient. The question is:

"That this House agrees with the Fifty-second Report of the Business Advisory Committee presented to the House on the 3rd August, 1960."

The motion was adopted.

12.47 hrs.

RELIGIOUS TRUSTS BILL—contd.

Mr. Speaker: The House will take up further consideration of the following motion moved by Shri R. M. Hajarnavis on the 3rd August, 1960, namely:—

"That the Bill to provide for the better supervision and administration of certain religious trusts, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely, Shrimati Mafida Ahmed, Pandit Braj Narayan "Brajesh", Shri V. Eacharan, Shri S. C. Gupta, Shri

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 4-8-1960.

[Mr. Speaker]

R. K. Khadilkar, Shri Krishna Chandra, Dr. Pashupati Mandal, Shri C. Krishnan Nair, Shri Ghanshyamlal Oza, Shri Chintamani Panigrahi, Shri C. R. Pattabhi Raman, Shri Khushwaqt Rai, Shri N. G. Ranga, Shri Jaganatha Rao, Shri M. Thirumala Rao, Shri K. R. Sambandam, Shri Bholi Sardar, Shri Ajit Singh Sarhadi, Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal, Shri Prakash Vir Shastri, Shri Mahendra Nath Singh, Shri N. Siva Raj, Shri Nardeo Snatak, Shri V. N. Swami, Shri Ram Shai Tiwari, Shri Manikya Lal Verma, Shri Pendekanti Venkatasubbaiah, Shri Radhelal Vyas, Shri K. G. Wodeyar, and Shri Asoke K. Sen

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next Session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Shri Hajarnavis may continue his speech.

The Deputy Minister of Law (Shri Hajarnavis): Mr. Speaker, I was dealing yesterday with the definition of a 'person interested'. I mentioned that this person was an important figure in the functioning of this Act because upon his zeal, upon his sense of responsibility and integrity will depend the successful working of the scheme underlying the Act. We will meet

this person when we deal with clauses 7, 17, 18, 19 and 21. The definition is:

"any person who has a right to worship or to perform any rite, or to attend at the performance of any worship or rite in any religious institution connected with such trust, or to participate in any religious or charitable ministrations made under such trust,

(ii) the founder or any descendant of the founder or such trust, and

(iii) the trustee."

The other main definition is 'religious trust'. It has been defined to mean—

"any express or constructive trust existing or created for public purposes of a religious nature, whether associated with purposes of a charitable nature or not, but does not include a private endowment for religious purposes in which the public are not interested."

I may mention that there is a peculiar feature of Hindu law that there can be a private religious trust though such a concept is foreign to English law. In this definition, unlike the definition under the Bihar Act, we have expressly mentioned the word "for public purposes" so as to remove any kind of doubt and make it clear that the private religious trusts are not sought to be controlled or brought within the functioning of this Act. There was an analogous definition in the Bihar Act but there were no words like 'public purpose'. Yet on an interpretation of the definition and also consideration of the scheme of the Act which is like our scheme, the Supreme Court in the *Ram Swarup* case came to the conclusion that what was sought to be supervised under the Bihar Act was the public trust. We do not intend to take any chance and we do not want to leave any room for doubt. Therefore, in the definition we have said that these trusts must be for public purposes. I also mentioned that a

Commissioner is appointed under clause 3.

Under clause 4, it is said that an Advisory Board shall be appointed to advise the State Government in relation to the administration of religious trusts. The composition of this Advisory Board is given in sub-clause (2), where it is said:

"(2) The members of the Advisory Board shall be chosen from amongst one or more of the following categories of persons, namely:—

- (a) members of the State Legislature and members of Parliament representing the State;
- (b) persons connected with religious activities in the State;
- (c) persons connected with social, charitable or educational activities in the State; and
- (d) persons having special knowledge of administration, finance or law."

It is also said in sub-clause (3) that the Commissioner shall be an *ex officio* member of the Advisory Board.

Clause 5 of the Bill gives the jurisdiction of the Commissioner. It says:

"(1) Subject to the provisions of this Act, the Commissioner may do all such things as may be reasonable and necessary to ensure that all religious trusts within his jurisdiction are properly administered and that the income thereof is duly appropriated and applied to the objects of such trusts and in accordance with the purposes for which such trusts were founded or for which they exist, so far as the objects and purposes can be ascertained."

While I am at it, I hasten to point out that there is a right of appeal to the High Court against every order of

the Commissioner. Under clause 23 of this Bill, it is said:

"An appeal shall lie to the High Court from every order of the Commissioner made under this Act within a period of sixty days from the date of the order."

So the Commissioner in exercising his functions is subordinate to the full appellate jurisdiction of the High Court. So far in many of the State Acts, there has been no provision for appeal to anybody outside the Commissioner. Therefore, if the High Court had to be brought in at all, it could only be brought in under the supervisory jurisdiction under article 226 or article 227. But here we have provided that every order made by the Commissioner shall be subject to an appeal to the High Court.

Shri Kalika Singh (Azamgarh): There must be a definition of the word "order", otherwise even summoning a witness may come under appellate jurisdiction.

Shri Hajarnavis: My learned friend, who is a distinguished and acute lawyer, knows that the word "order" has a definite signification and it is not necessary to define it at all. Even in the Civil Procedure Code, the word "decree" has been defined and every other order that is made is said to be an order. The Civil Procedure Code has been functioning without that definition of the word "order". An order is, I believe, a pronouncement of the court or authority which creates rights or imposes obligations on the party. This is its well-known significance and every lawyer is aware of this significance.

Shri Kalika Singh: Every lawyer is confronted with that difficulty everywhere.

Shri Hajarnavis: Not if he knows the law.

Shri Khushwaqt Rai (Kheri): There are lawyers who do not know law.

Shri Hajarnavis: Then, sub-clause (2) of clause 5 says:

[Shri Hajjarnavis]

"(2) without prejudice to the generality of the provisions of sub-section (1), the powers and duties of the Commissioner shall be—

- (a) to maintain a record containing full information relating to the origin, nature, extent, income and objects of all religious trusts in the State;
- (b) to ensure that the accounts of religious trusts are properly maintained and audited;
- (c) to ensure that the income from every trust property is properly applied to the objects of the religious trust and the surplus is invested in accordance with the provisions of this Act;
- (d) to give directions, wherever necessary, for the proper administration of any religious trust in accordance with the law governing such trust and the wishes of the founder, in so far as such wishes can be ascertained;
- (e) to settle schemes of management for religious trusts in accordance with the provisions of this Act;"

Then, by clause 6 a duty has been imposed upon the trustee of every religious trust to make an application to the Commissioner for the registration of the trust. In that application for registration, he will mention the designation by which the religious trust is or shall be known or the name of the trust, the names and addresses of the trustees and the manager, the mode of succession to the office of the trustee, the movable and immovable properties forming the subject matter of the trust and a description thereof sufficient for their identification, the approximate value of the movable and immovable trust-property, the gross annual income from such property, an

estimate of the expenses annually incurred in connection with such religious trust etc. It is also said that every such application shall be accompanied by a copy of the trust deed or, if no such deed has been executed or a copy thereof cannot be obtained, the application shall contain full particulars, as far as they are known to the applicant, of the origin, nature and object of the trust.

Then, in clause 7, it is said:

"On receipt of an application under section 6, the Commissioner shall, in the prescribed manner, make such inquiries as he thinks fit in respect of the application and the correctness of the particulars therein and may, in particular, make an inquiry in respect of all, or any of the following matters, namely:—

- (a) whether there is a trust and whether such trust is a religious trust;"

Therefore, when a dispute arises or a controversy is raised between any person who is administering a trust and the other party, whether it is a public trust or not, the Commissioner in the first instance will give a finding whether it is a trust, whether it is a religious trust. On that, as I have already pointed out, there is a good first appeal to the High Court on this question. Then the sub-clause further says:

- "(b) whether any property is the property of such trust;
- (c) whether the whole or any substantial portion of the trust property is situated within his jurisdiction;
- (d) the names and addresses of the trustees and the manager;
- (e) the mode of succession to the office of the trustee;
- (f) the origin, nature and object of such trust;"

When these things mentioned in (e) and (f) are determined, there shall be very little room for any kind of dispute arising later on.

Shri Tyagi (Dehra Dun): In case the trustee does not give a full list of the properties of the trust, will there be any clause to penalise him for it?

Shri Hajarnavis: I will deal with that question also.

Then, the other matters also may be enquired into. Clause 8 says that a register shall be maintained and whatever information is obtained as a result of the enquiries they may be entered in the register. Now, on this point, I may draw the attention of the House to clause 27 which says:

"The Commissioner may, on an application made to him in this behalf by any person, furnish to the applicant copies of any extract from the register maintained under section 8, on payment of such fee as may be prescribed and subject to such conditions as may, from time to time, be determined by the Commissioner."

Therefore, whatever information there is relating to the trust and which has been finally ascertained by the Commissioner after enquiry, subject to such appeals to the High Court as may have been filed by the parties, it is open to public scrutiny. If anyone wants to have the information as to who the trustees are, what the property is, what the objects of the trust are, any person can have it immediately by obtaining a certified copy under clause 27.

Clause 9, naturally, provides for amendments also to be entered in the register. Clause 10 prescribes that where there are State Acts and under the State Acts a religious trust has been already registered that registration would be regarded as having been done under this Act and it is not necessary to go over the whole process once again.

Clause 11, I submit, is again a salutary provision. It says:

"The trustee of every religious trust shall prepare every year, in such form and within such time as

may be prescribed, a budget of the estimated income and expenditure of such trust for the next financial year and shall forthwith send a copy thereof to the Commissioner:

Of course, this will not apply to very small trusts where the income is less than Rs. 5000. In sub-clause (2), it is said:

"The Commissioner may, after giving notice to the trustee in the prescribed manner and after considering his representation, if any, make such alterations or modifications in the budget as the Commissioner thinks fit."

This is subject to a very important limitation under sub-clause (3). Sub-clause (3) says as follows:

"Nothing contained in sub-section (2) shall be deemed to authorise the Commissioner to restrict or prohibit the observance of any religious practice or the performance of any act in pursuance of any religious belief to alter or modify any budget in a manner or to an extent inconsistent with the wishes of the founder of the trust so far as such wishes can be ascertained or with the provisions of this Act."

So, whatever power he might have to alter the budget, he cannot question any sum which is set apart for religious purposes or which is proposed to be expended in accordance with the wishes of the founder of the trust.

13 hrs.

Then the trustee shall keep regular accounts and the accounts shall be in the form which may be prescribed and will contain such particulars as may be prescribed so that the Commissioner may find it easy to see what the income of the trust is and in what manner it is being expended and so on.

Sub-clause (3) of clause 12 says:

"For the purpose of ensuring the proper maintenance of accounts of any religious trust, the Commissioner may, after consulting

[Shri Hajarnavis]

the trustees of the religious trust, appoint a person to keep accounts for the trust."

But this shall not be exercised unless the annual income of the trust is Rs. 25,000 or more.

Then I submit that clause 13 is again a wholesome provision. It says that wherever there is no immediate use for any money, then it shall be secured, that is, it shall be invested in securities. This provision is in line with the provisions under the Trusts Act which applies to private trusts with which I am sure every Member of the House is acquainted. So, the money shall be invested in securities of the Central Government or the State Governments, and also:

"stocks, shares or debentures of companies, the interest or dividend on which has been guaranteed by the Central Government or any State Government; and

debentures of other securities for money issued by or on behalf of any local authority or corporation in exercise of the powers conferred by any Central Act or any Provincial or State Act."

So, any money which is not immediately required to be expended shall be secured by being invested in what we call approved securities. But this of course does not apply to any investment made before the commencement of this Act. In the absence of such a provision, the trustee may keep the money in deposit with a firm which he thinks is quite solvent but probably may be unable to return the money when the money is called for. Therefore, it is necessary to secure the trust funds and this is a provision analogous to the provisions contained in the Trusts Act.

Now, keeping the accounts leads logically to the auditing of accounts. Auditing is provided for in clause 14. Under clause 14, if the income is not less than Rs. 5,000, then one of the

chartered accountants shall be appointed, as usual, after consultation with the trustee. The auditors shall have access to the accounts and get all facilities for the purpose of effecting the audit. The cost of audit shall be borne by the State Governments. This of course comes out of the fee which the Government collects from all the States, but the cost will be borne by the State Governments.

Clause 15 confers the usual power, enabling the Commissioner to go into and enter upon and inspect any property or to call for or inspect any book, records or correspondence.

Mr. Speaker: Are we going clause by clause at this stage? What is expected at this stage is to make a general statement as to what exactly the principle is, how it has to be worked out, etc.

Shri Hajarnavis: I am grateful to you, Mr. Speaker, for your kind direction. I was about to come to clause 16 which is an important feature of this Bill, by which no transfer, by a trustee, of any immovable property can be made by way of sale, mortgage, gift or exchange for a term exceeding three years, and it shall not be valid, unless it is made with the previous sanction of the Commissioner.

These are the basic requirements of the Bill. We are not in any way trying to interfere with the management of the religious trusts in accordance with the tenets of religion or denomination which has created the trusts. The trustees will also carry out the will of the founder of the trust. As a matter of fact, all these provisions are intended to ensure that the whole machinery created by this Bill will work in aid of carrying out the objects of the Trust. The other provisions are merely ancillary to this scheme, and I commend the principles of this Bill to the acceptance of the House.

Sardar A. S. Saigal (Janjgir): On a point of information. I want to know

from the Minister a clarification about clause 34. Sub-clause (a) of clause 34 says:

"(a) any Sikh Gurdwara to which the Sikh Gurdwaras Act, 1925, applies;"

That is, the provisions of this Bill will not apply to any Sikh Gurdwara to which the Sikh Gurdwaras Act applies. As the Sikh Gurdwaras Act applies only to Punjab, may I know if the provisions of this Bill will apply to the gurdwaras outside Punjab?

Mr. Speaker: Wherever the Sikh Gurdwaras Act does not apply, this religious Trusts Bill, if it is enacted, will apply.

Sardar A. S. Saigal: But there is no provision like that in this Bill,—that this Bill will apply to gurdwaras which are situated outside Punjab.

Mr. Speaker: The provisions of this Act shall not apply to any "Sikh Gurdwara to which the Sikh Gurdwaras Act, 1925, applies." For all the others, to which the Sikh Gurdwaras Act does not apply, the provisions of this Bill, if enacted, will apply. Motion moved:

"That the Bill to provide for the better supervision and administration of certain religious trusts, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House namely, Shrimati Mafida Ahmed, Pandit Braj Narayan "Brajesh", Shri V. Eacharan, Shri S. C. Gupta, Shri R. K. Khadilkar, Shri Krishna Chandra, Dr. Pashupati Mandal, Shri C. Krishnan Nair, Shri Ghanshyam Lal Oza, Shri Chintamani Panigrahi, Shri C. R. Patabhi Raman, Shri Khushwaqt Rai, Shri N. G. Ranga, Shri Jaganath Rao, Shri M. Thirumala Rao, Shri K. R. Sambandam, Shri Bhola Sardar, Shri Ajit Singh Sarhadi, Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garhwal, Shri Prakash Vir Shastri, Shri Mahen-

dra Nath Singh, Shri N. Siva Raj, Shri Nardeo Snatak, Shri V. N. Swami, Shri Ram Sahai Tiwari, Shri Manikya Lal Verma, Shri Pendekanti Venkatasubbaiah, Shri Radhelal Vyas, Shri K. G. Wodeyar, and Shri Asoke K. Sen and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee.

I have received notices of two amendments: one from Shri Naushir Bharucha and the other from Shri Khushwaqt Rai. The amendment of Shri Naushir Bharucha says that the Bill be circulated for the purpose of eliciting opinion while the amendment of Shri Khushwaqt Rai says:

"that the Joint Committee may also consider the question of applying the provisions of the Bill to the Charitable Trust,".

For charitable trusts, there is a separate entry in the seventh schedule to the Constitution. In the concurrent list, "Trust and Trustees" is a separate entry. Charitable trusts and charitable institutions come under another entry. The hon. Member wants to enlarge the scope of

[Mr. Speaker]

the Bill by the addition of charitable trusts. Therefore, his amendment is out of order. All the same, I will give him an opportunity to speak.

Shri Khushwaqt Rai: May I say a few words?

Mr. Speaker: I will allow him later.

Shri Khushwaqt Rai: I only want to say something in favour of the amendment which I gave notice of I do not want to speak.

Mr. Speaker: I have ruled it out.

Shri Khushwaqt Rai: But I wanted to say a few words before you ruled it out.

Mr. Speaker: I will allow him to say afterwards.

Shri Kalika Singh: About the charitable endowments, the position is clear. Clause 37 of the Bill says:

"The following enactments, namely:—

(i) The Religious Endowments Act, 1863;

(ii) The Charitable Endowments Act, 1890;" etc.

shall not apply to any religious trust to which this Act applies."

So, the point is clear.

Shri Naushir Bharucha (East Khandesh): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1960."

Shri Khushwaqt Rai: May I say a few words now? I do not want to speak at length as I am on the Joint Committee. I only wanted to enlarge the scope of the enquiry by the Joint Committee.

Mr. Speaker: I have ruled out his amendment. I will allow him later.

Shri Khushwaqt Rai: It cannot be helped then.

Raja Mahendra Pratap (Mathura): I would also like to speak a few words about the trusts.

Mr. Speaker: Yes; hon. Members who are on the Joint Committee will not be allowed to speak. Others may speak. Shri Bharucha's amendment is before the House with the motion.

Shri Naushir Bharucha: While I have moved that the Bill be circulated for purposes of eliciting public opinion thereon by the 31st October, 1960, let me make it clear at the outset that I fully welcome the provisions of this Bill. There is no doubt that there has been considerable mismanagement of religious trusts and misappropriation of funds. As far back as 1950, the Bombay State took up this matter and enacted the Bombay Public Trusts Act, the provisions of which are much more severe and stringent than the provisions of this Bill. As you, Sir, have rightly pointed out, it will not be possible for us to enlarge the scope of this Bill so as to include charitable trusts, though I wish it had been possible for this House to entertain the amendment to this effect moved by my hon. friend, Shri Khushwaqt Rai.

So far as the scheme of the Bill is concerned, it appears to be on the whole well thought-out. There is provision for a Commissioner, Deputy Commissioners and Assistant Commissioners of religious trusts, but the powers that have been given to these Commissioners, to my mind, for ensuring the proper administration of the trusts, do not appear to be adequate. For instance, clause 5 defines the powers of the Commissioner. Clause 7 relates inquiries for registration. There are also certain powers given under clause 19, to which I will come later on. These powers are inadequate and I hope the Joint Committee will arm the Commissioner and his Deputy and Assist-

ant with adequate powers to deal with mismanagement of trusts and malpractices.

Naturally, for the purpose of this Bill, registration of trusts becomes necessary. But I am here doubtful about this point that there will be numerous border-line cases where a trust may be participating of the character either of a religious trust or of a charitable trust. For example, clause 7 deals with this type of trusts. Where there is a trust which participates even of charitable objects which are not of a religious character, but if such charitable objects are associated with religious objects, then it is regarded as a religious trust.

There may be many composite trusts and it will be extremely difficult to find out whether a trust is a religious or charitable trust. I submit, therefore, that the definition of a religious trust may be suitably amended and the Joint Committee might look into it and remedy it by some such amendment that a religious trust means:

"any express or constructive trust existing or created for public purposes of a religious nature, whether associated incidentally with purposes of a charitable nature or not...." etc.

The word 'incidentally' should be there. If it is substantially associated with purposes of a charitable nature and if the religious object is merely incidental, then I really doubt whether we have power to enact such a type of legislation merely by enacting the definition of 'religious trust' in a particular way. I desire that this aspect may be looked into.

One other defect, which is a serious matter, relates to clause 10, dealing with special provisions for trusts where trusts have been registered under other enactments. In Bombay State—if I may confine my observations to that State—we have got a separate Public Trusts Act and all

charitable as well as religious trusts have been registered under it. Under clause 10, it is pointed out that registration under, for instance, the Bombay Public Trusts Act, would be deemed to be registration under this Act. So, actually you are subjecting one trust to dual authority. Is the trust to comply with the directive issued by the Commissioner in Bombay or with the directive issued by the Commissioner of Religious Trusts under this Act?

Secondly, should such trusts also again pay the contribution required to be paid by the trusts? Already in Bombay we are paying 2 per cent. on the gross value of the trust. I should like to know whether in addition, they have to pay 3 per cent. more, which would really mean an intolerable burden. So, I hope the Joint Committee will look into it in greater detail and see whether there is any purpose served by means of clause 10 by exposing the trusts to dual control, dual registration and dual contribution. I think that point requires to be clarified. Otherwise, the trusts will be unnecessarily burdened. So far as Bombay State is concerned, our Act is much better than this Act which is proposed to be enacted. What is the charm in having an Act which is less stringent for a purported better administration when the trust is already working under a better Act? I submit that this dual control, dual supervision and dual contribution will create difficulties and put an unnecessary burden on the trusts.

Shri Kalika Singh: The Central Act will not apply where there is already a State Act.

Shri Naushir Bharucha: There is no such provision in this Act. In fact, clause 10 is very clear. It says:

"Where any religious trust has been registered in a State before the commencement of this Act under any other enactment relating to trusts in force in that State, the religious trust shall be

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deemed to have been registered under this Act as from such commencement."

That point has to be carefully looked into.

There is another rather serious defect to my mind, though I wish it would be possible for us to enact clause 11, providing for budgets being submitted. When an Act requires the preparation of a budget which should be submitted to the Commissioner and empowers the Commissioner to alter or amend the budget....

Dr. M. S. Aney (Nagpur): Under clause 35, power is given to the Commissioner to exempt from this Act any religious trust for which there is some other enactment.

Shri Naushir Bharucha: I do not think clause 35 includes power to the Commissioner to exempt trusts in violation of clause 10. The fact must remain that as soon as this Act comes into force, it will be applicable to all these trusts registered under other Acts. What may happen subsequently is different.

Shri Hajarnavis: Clause 1 (3) seems to have escaped the hon. Member's attention. It says:

"It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint."

13.18 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair].

Shri Naushir Bharucha: That does not cover my point, because once it is brought under the purview of this, you are subjecting it to dual control.

Shri Hajarnavis: If they want to retain their own Act, they may not make the notification.

Shri Naushir Bharucha: What is the charm in enacting an Act when

there is a much better Act in force already?

Shri Hajarnavis: At present certain States do not have these provisions. Certain States have more advanced provisions. It is certainly not the intention of the Government or the House that more advanced law should be replaced by one which does not go far enough. It is left to the State Government.

Shri Naushir Bharucha: Supposing the Bombay Government chooses to apply this Act?

Mr. Chairman: This may be clarified by the Joint Committee whether we should allow two jurisdictions to compete with one another.

Shri Hajarnavis: We will keep that in mind in the Joint Committee, but we have not been oblivious of this difficulty.

Shri Naushir Bharucha: Clause 11 requires that the trustees of a religious trust should prepare every year the budget and the Commissioner may, after giving notice to the trustees, make such alterations or modifications as the Commissioner thinks fit. The hon. Minister in charge of the Bill, while making his motion, said that they do not want to interfere with the religious affairs of any denomination. May I point out that article 26 of the Constitution provides that every religious denomination shall have the right to manage its own affairs in the matter of religion? Now when we give the Commissioner the power to alter the budget of a trust, we are really giving him power very effectively to interfere with the management of the trust. He can dictate saying that he will approve of this policy and not that policy, he will approve of this religious practice and approve money to be spent on this and disapprove another religious practice where permission to spend money may not be given. That is absolutely within the purview of the Commissioner. If the trustees, rightly or wrongly, differ

from the opinion of the Commissioner, they cannot spend money on any religious practice or ceremony or on whatever they think fit.

Shri Hajarnavis: Is that not covered by sub-clause (3)?

Shri Naushir Bharucha: It says:

"Nothing contained in sub-section (2) shall be deemed to authorise the Commissioner to restrict or prohibit the observance of any religious practice or the performance of any act in pursuance of any religious belief to alter or modify any budget"

He will say "according to my opinion that practice is not a religious practice covered by this and so you shall reduce that expenditure". Who decides that? Therefore, giving power to the Commissioner to alter or amend the budget, which he may do extensively, is not proper. Assume for a moment that there is a religious practice which has to be followed for ten days. He may say "you may follow it for one day". He can do this by restricting the amount to be spent on this. Therefore, my submission is that this clause will have to be very carefully looked into, and sub-clause (3) will have to be worded much more comprehensively. The point I am making is that anybody who has got the control over the budget, in this case the Commissioner, can effectively interfere with the affairs of the trust. They may not be interfering in form but they may be interfering in fact. So, all these things require to be looked into very carefully.

Mr. Chairman: This interference can be brought about by exercising powers under clause 18 also. Suppose a *mahant* or somebody else is extravagant in his personal expenses. When the budget is sent for approval his personal expenses are curtailed. So, both these provisions empower the Commissioner to interfere with the expenses of a particular institution. Suppose clause 11 is taken

away. Even then, clause 18 gives power to the Commissioner to interfere and modify the budget by setting a new scheme. He can settle a scheme which is not liked by the institution and entails expenses or increases them on particular activities. These are really safeguards against extravagant expenditure on unnecessary items.

Shri Naushir Bharucha: So far as settlement of schemes is concerned, that is a different point. My submission is that unless clause 11 is suitably amended it will be possible, for instance, for a Commissioner by so controlling the purse-strings of the trust that he may effectively interfere with the religious practices though not in form. That is all what I wanted to say.

Coming to the provisions relating to maintenance of accounts, investment of trust money, audit of accounts, inspection and returns and alienation of immovable property, they are all right and acceptable.

Coming to the doctrine of *cy pres*, here it is provided that all persons interested may make an application—I am referring to clause 17—to the Commissioner. But I think that in order to prevent frivolous applications being made additional safeguards are necessary. For instance, I would put down "not less than five persons of the same denomination".

Shri Hajarnavis: "person interested" is defined. It is not simply one who says he is interested.

Shri Naushir Bharucha: We should provide that not less than five persons should make an application. Secondly, provision should be made, in order to discourage frivolous applications, for deposit by the applicant for costs. Otherwise, what would happen is that there would be long litigation where the costs involved would be heavy. Subsequently, the burden will fall on the religious trust to recover the costs and when it files an application it will

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find that the applicant is a bankrupt. These things do happen and so I submit that some such provision should be there for safeguarding the trusts from frivolous applications.

Then, the phrase used in clause 17 is "in the opinion of the Commissioner". It reads:

"Where on an application made in this behalf by two or more persons interested in a religious trust or otherwise, the Commissioner is of opinion that any object of the religious trust has ceased to exist or is incapable of achievement....".

I would submit that the interpretation of the word "is of opinion" is not a justiciable issue. Where the words "is of opinion" are used, it means that absolute discretion is given to the Commissioner. I think there should be some such words as "the Commissioner has reasonable grounds to believe".

Mr. Chairman: If "is of the opinion" is taken away and the word 'finds' is substituted, absolute discretion would be taken away.

Shri Naushir Bharucha: My submission is, so far as I understand when the expression used is "is of the opinion" no court can interfere to find out whether the Commissioner has sufficient grounds for forming that opinion. That has been repeatedly held by the courts. Therefore, I want some such words as "reasonable grounds" introduced so that light-heartedly an enquiry should not be started. Because, these are very long drawn out cases and when they are fought the expenses are extremely heavy and they will be ruinous so far as small trusts are concerned.

Coming to clause 19, it reads:

"Where on receipt of any report of the auditor in respect of a religious trust or on an application made in this behalf by two or more persons interested in the

trust or otherwise, the Commissioner has reasons to believe that the affairs of the religious trusts are being mismanaged...."

I am of the opinion that some greater power should be vested in the Commissioner. In cases where affairs are mismanaged if a show cause notice is issued there is every possibility of the trustees doing away with incriminating evidence, or suppressing evidence which might go against them. I do not see why the Commissioner should not be given power, on a affidavit filed by persons, to order seizure or search of the trust premises. It is very desirable that power is there. Otherwise, what might happen is that in many cases of mismanagement the moment a trustee is made wiser of it by the issue of show-cause notice, it will do away with the incriminating evidence and this provision will not be of any use.

Then I come to clause 20, which relates to the power to remove trustees. There again the wording is rather vague. It says:

"Notwithstanding anything contained in the deed of a religious trust, the Commissioner may.... if the Commissioner is satisfied that the trustee—

(a) has been convicted more than once of an offence punishable under this Act;...."

The offence may be of a trivial nature as not filing returns. A trustee may err in this respect. Surely there is not a ground for removal. So, just saying "more than once of an offence punishable under this Act" is not quite fair. Then, sub-clause (b) reads:

"has been convicted of an offence of criminal breach of trust or any other offence involving moral turpitude".

What may be moral turpitude from the religious point of view may not be moral turpitude from the secular

point of view. It is very difficult to find what is moral turpitude. I think this clause requires to be recast in a more precise form.

Shri Hajarnavis: Which clause is it?

Shri Naushir Bharucha: Clause 20.

Then regarding the appointment of trustees, the Commissioner is rightly given the power to appoint them. But what has been done is that trustees as far as possible of that religious denomination may be appointed. I cannot reconcile myself with sub-clause (2) of clause 21 which says :

"In appointing a trustee under sub-section (1), the Commissioner shall, as far as possible, select a person of the religious denomination or section to which the trust belongs."

I do not see why the words "as far as possible" should be inserted here. Surely in any community or religious denomination half a dozen people can be found for this purpose of acting as trustee.

Shri Hajarnavis: Suppose, they are not willing.

Shri Naushir Bharucha: You cannot find men in the whole community?

Shri Hajarnavis: Suppose, in case they are not willing.....

Shri Naushir Bharucha: It is most surprising that in the whole community there would not be anyone. I am not prepared to accept it. This may give a handle to somebody to play mischief and import some person who is not of the same religious denomination as the trust is. It is not that I am personally against this type of management, but after all we have got to respect the sentiments of people in a type of trust where religious questions are involved. Surely, speaking of my community, I would like the trustees to be Parsis of Zoroastrian religion. That is

natural. It is not that I would object to anybody coming in, but he would not understand the spirit of the religion and the traditions of the community as well as one belonging to the same denomination would. So, my submission is that that also requires revision.

One more point that I shall take up before concluding is that under clause 30 it has rightly been laid down that the Commissioner shall be made a party to certain suits of certain character, not the ordinary suits for arrears of rent or other things. It says:

"In every suit or proceeding.... in respect of any religious trust or property belonging to such trust, whether instituted by a trustee or by any other person, the court shall issue a notice of the institution thereof to the Commissioner."

This is necessary. But, I think, a simpler and more convenient provision achieving the same purpose can be inserted. It should be provided that whenever a suit is filed against a religious trust the plaintiff filing a suit should automatically serve upon the Commissioner a copy of the plaint and proceedings and if the Commissioner so desires he may apply then to the court for being made a party to the suit. Now, what would happen here is that every time the court will issue a notice. In most of the cases the Commissioner may not be interested but he will have to go and explain this to the court every time. Therefore all this unnecessary procedure and unnecessary delay is avoided if the procedure is simplified by making it obligatory on any plaintiff filing a suit against a religious trust to furnish to the Commissioner a copy of the plaint and proceedings and leaving it to the Commissioner whether he would like to be made a party to it or not.

These are some of the things that require revision. I think on the

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whole the Bill has been well drafted. But it will require certain careful scrutiny at the Joint Committee stage. The Bill, in my opinion, does not go far enough. The Commissioner should have some more power. But at the same time I also feel that in a matter of this type the Centre should also have the view point of the trusts and it is very desirable that the Bill should be circulated for eliciting public opinion. I do not say that you should surrender your main principle. The trusts should be controlled. But surely there are many things on which the trustees of different types of religious trusts would have viewpoints to offer. Those viewpoints should be understood so that we may reconcile their viewpoints without abandoning our principles. I therefore submit that my motion for eliciting public opinion should be accepted.

राजा महेन्द्र प्रताप : सभापति महोदय, मैं मथुरा से आया हूँ और मथुरा तथा वृन्दावन धर्म केन्द्र हैं, इस लिये आवश्यक है कि मैं आप की सेवा में वहाँ के लोगों के विचार प्रकट करूँ। मथुरा वृन्दावन में मन्दिर बहुत हैं। खास तौर से वृन्दावन में कोई पांच हजार मन्दिर हैं। हर एक घर में आम तौर से मन्दिर हैं। आम तौर पर मन्दिरों के लिये नियम हैं और कुछ ट्रस्ट भी हैं जो उन का काम चलाते हैं। बड़े ट्रस्ट भी हैं। जैसे रंग जी का मन्दिर है, उस में करीब लाख डेढ़ लाख रु० आमदनी है। वहाँ पर यह भावना है कि सरकार बिना बात हमारे धर्म के कामों में हस्तक्षेप करती है। बिहारी जी का वहाँ पर मन्दिर है। उस में अब सरकारी इन्तजाम है। जहाँ तक मुझे मालूम है वहाँ के लोग उस इन्तजाम से सन्तुष्ट नहीं हैं। ऐसी हालत में क्या यह अच्छा नहीं होगा कि हमारी सरकार, जो कि सेकुलर स्टेट होने का दावा करती है, धर्म के कामों में हाथ न डाले और यह कौशिश करे कि जो जिस धर्म के मानने वाले हैं वही इकट्ठे हो कर अपने आप अपने नियम बनायें।

मैं यहाँ अपने ही यहाँ की बात कहता हूँ। अगर आप मेहरबानी कर के वृन्दावन, मथुरा, गोकुल और गिरिराज में ऐसी संस्थाएँ बनायें जिन में वहाँ के पुजारी हों, महन्त हों, गोस्वामी हों और वही मिल कर वहाँ काम चलायें, तो बड़ा अच्छा हो। वहाँ पर एक मन्दिर नहीं है, बहुत से मन्दिर हैं, उन में ट्रस्ट नहीं हैं, लेकिन उन में चढ़ावा आता है और उन की काफी आमदनी होती है, उन के बारे में मेरा निवेदन यही है कि ज्यादा अच्छा होगा कि तीर्थ स्थानों के जो बड़े पुजारी, महन्त और गोस्वामी वगैरह, हैं उन्हीं लोगों का इकट्ठा किया जाये और उन को सारे अधिकार दे दिये जायें।

इस के साथ मैं यह भी निवेदन करूँगा कि आज इस बात की बड़ी आवश्यकता है, और मैं स्वयम् भी मानता हूँ, कि जो धार्मिक स्थान हैं उन में सदाचार बहुत ऊँचे दर्जे का होना चाहिये। मुझे दुःख के साथ कहना पड़ता है कि हमारे त्रज में बहुत सी बातें गलत होती हैं, जैसे होली का हुल्लाह है, इसी तरह की और भी बातें होती हैं। अभी मथुरा में एक वारदात हो गई। कोई आदमी आया था, उस को कुछ पन्डे अपने घर ले गये, वहाँ पर उन्हें पता चला कि उस आदमी के पास बहुत रुपये हैं। इस पर उन्होंने उसे मार डाला। अब इस बारे में मुकदमा चल रहा है। जो इस तरह की बातें हो रही हैं, वह इस जगह पर आप के कानून बनाने से नहीं रक सकती। इस के लिये मैंने पहले भी कई दफा अर्ज किया है कि ऐसी समितियाँ हूँती चाहियें जो कि सदाचार सिखलायें। मैंने श्रीमान् पंडित पन्त की सेवा में भी अर्ज किया था, मैंने भी एक चीज बनाई हुई है जिसे कहते हैं "सदाचार गुट"। आप कृपा कर के लोगों का यह अधिकार दें कि वे अपना सदाचार गुट बनायें और पुलिस की भी मदद करें। पुलिस कोई हमारी दुश्मन थोड़े ही है। मगर आज भी वह ही भावना है जो अंग्रेजों के जमाने में थी कि पुलिस तथा सरकार हमारी शत्रु हैं।

यह गलत भावना है। तो देखना होगा कि किन घरों में कौन सी बुराई होती है, कौन सी खराबियाँ चल रही हैं, इस की लोग पुलिस को इत्तला देंगे और अगर पुलिस में भी कोई बुराई है तो वे उस की बड़े अधिकारियों को इत्तला देंगे। मेरा मतलब यह है कि हमारा समाज सुधरे, धर्म बड़े और सदाचार बढ़े, विशेष रूप से धर्म केन्द्रों के द्वारा यह बड़ी आसानी से किया जा सकता है। इस लिये इस तरह के नियम नहीं बनाये जाने चाहियें जैसे कि आज बनाये जा रहे हैं। इस में दूसरे धर्म वालों को भी आपत्ति हो सकती है। जैसे कि हमारे पारसी भाई हैं जो कि पारसी धर्म के मानने वाले हैं। भले ही इस धर्म के मानने वाले बहुत थोड़े लोग हैं, मगर यह बड़ा प्राचीन धर्म है, बड़ा ऊँचा धर्म है। फिर पारसियों में अक्ल भी ज्यादा होती है, दिमाग भी ज्यादा होता है, जहाँ जाते हैं वहीं पर पैसा बनाना भी खूब जानते हैं। इसलिये अगर पारसियों के अन्दर से ही पारसियों को संगठित किया जाय तो वह ज्यादा अच्छी तरह पारसी धर्म के नियम बना सकते हैं। आज हमारे पंजाब में बड़ा अन्धेर मचा हुआ है। कुछ सिख कहते हैं कि पंजाबी सूबा चाहिये, कुछ सिख कहते हैं कि गुरुद्वारों में किसी को जाना ही नहीं चाहिये। कोई कहते हैं कि गुरुद्वारों में अपराधी घुसे हुए हैं। यह हालत है। लेकिन आखिर यह हालत क्यों है? यह इसलिये है कि सिख धर्म वाले सिख धर्म के सिद्धान्तों पर संगठित नहीं हैं, कोई सिख चला गया कांग्रेस में, कोई चला गया स्वतन्त्र पार्टी में और कोई चला गया जनसंघ में। आखिर यह क्या अन्धेर है? जो सिख भाई हैं, जिन को सिखों का पुराना इतिहास मालूम है, उनको इस समय यह काम करना है कि सिख इकट्ठे हों और कोई खराबी सिखों में न आये। मैं आपसे कहूँ कि मैं तो वृन्दावन का हूँ। मैं तो खास तौर से वैष्णव लोगों की तरफ से बोल रहा हूँ कि हमारे वैष्णव धर्म में कुछ ऐसी बातें रखी हैं कि उसमें मुसलमान भी बड़ी खुशी से आये और धर्म का मान किया है।

आपको मालूम होगा कि हमारे वृन्दावन में बड़े बड़े मुगल बादशाह आए और उन्होंने धर्म को जब देखा तो मंदिरों में गांव चढ़ा कर चले गए। ऐसी अजीब चीज है इस धर्म में। तो मैं कहता हूँ कि आप मेहरबानी करके धर्मों में हस्तक्षेप मत कीजिये। जैन धर्म है, और भी धर्म हैं। जैन धर्म बड़ा प्राचीन धर्म है। दूसरे लपजों में कहने का मतलब यह है कि हिन्दू धर्म के नेतागण हिन्दू धर्म के कानून बनाएं हिन्दू धर्म के लिये, अपने मंदिरों का अच्छा प्रबन्ध करने के लिये। इसी तरह से सिख धर्म के सब लोग मिल कर सिख धर्म के लिये ऐसे नियम बनाएं कि ये जो झगड़े आज मचे हुए हैं, राजनीतिक या अराजनीतिक, वह दूर हों। मैं तो यह कहने को तैयार हूँ कि सिख धर्म राजनीति से अलग नहीं रह सकता। हमारे गुरु गोविन्द सिंह साहब ने राजनीति में कदम उठाया और राज बनाया। तो मैं कहता हूँ कि अगर कोई गुमराह सिख कांग्रेस के नाम पर यह कहे कि राजनीति और चीज है और धर्म अलग चीज है, तो वह ऐसा नहीं कह सकता। मेरा तो ऐसा विश्वास है। तो मेरे कहने का मतलब यह है कि सिख धर्म मानने वाले गुरुद्वारों के लिये नियम बनाएं। हमारे मुसलमान भाई इकट्ठ होकर इस्लाम के लिये कुछ कानून बनाएं। इस संसद् में तो हमारे मुसलमान भाई बहुत थोड़े हैं। क्या हक है हमको कि हम मुसलमानों के धार्मिक ट्रस्टों के लिये वहाँ नियम बनायें। तो मेरे कहने का मतलब यह है कि हर धर्म वाले अपने अपने धर्म के सुधार के लिये, अपने अपने समाज के सुधार के लिये नियम बनायें। क्या अच्छा हो कि मसजिदों में ऐसे लोग हों जो रोज इस बात का विचार करें कि हमारे यहां मुसलमानों में कोई चोर तो नहीं पैदा हो गया, कोई डाकू तो नहीं हो गया, कोई दय्यभ्रवारी तो नहीं हो गया, कोई शराबखोर तो नहीं हो गया। इस तरह का विचार उन लोगों को करना चाहिये। तो मेरे कहने का मतलब यह है कि हमारी सरकार मेहरबानी करके इधर ध्यान दे और धार्मिक प्रश्नों में

[राजा महेन्द्र प्रताप]

अपना हाथ न डाले। और यह कोशिश करे कि प्रत्येक धर्म वाले अपने अपने धर्म के सुधार के लिये वह आप ही धार्मिक नियम बनायें।

सरदार अ० सि० सहगल : धार्मिक ट्रस्टों का जो यह कानून लाया गया है यह बहुत उपयोगी है और भिन्न भिन्न प्रदेशों की सरकारें इसके पास होने के बाद इसको अपने यहां लागू करेंगी। जो अधिकार चैप्टर ३ में और क्लॉज ६ में दिए गए हैं यानी Application for registration of of religious trust और accompanied by such fees का जो प्रावीजन दिया गया है उसके बारे में कुछ अर्ज करना चाहता हूं। जहां तक फीस का सवाल है वह उस हिसाब से होनी चाहिये कि जितनी किसी धार्मिक जगह की आमदनी हो। यह फीस आमदनी के आधार पर लगायी जानी चाहिये। जहां तक लैजिस्लेशन का सवाल है वह धार्मिक स्थानों के लिये कम्पलसरी होना चाहिये। अगर कोई इस कानून से बचना चाहे तो हमारे पास ऐसी पावर होनी चाहिये कि ऐसा न होने दें।

इसके बाद मैं आपका ध्यान क्लॉज १३ की तरफ दिलाना चाहता हूं जिसमें कि Investment of trust money क जिक्र किया गया है। यह पेज ८ पर है। मैं चाहूंगा कि यह बिल जो सिलेक्ट कमेटी के सामने जाए तो उसके माननीय सदस्य इस बात पर गौर करें कि इसका कितना हिस्सा या कितना फी सैकड़ा उपयोगी कामों पर लगाया जाए। मान लीजिये कि किसी एक ट्रस्ट की आमदनी एक लाख रुपये है तो उसमें से ४० फीसदी के हिसाब से एजुकेशन के लिये और इंडस्ट्रीज के लिये देना चाहिये ताकि जो पैसा हो उसका शुभ कार्य के लिये उपयोग हो सके। आज होता यह है कि वह पैसा जिस कार्य में लगाना चाहिये उसमें नहीं चगाया जा रहा है। इसलिये हम चाहते हैं

कि जितना पैसा खर्च के बाद बचे उसका ४० फीसदी उपयोगी कामों में लगाया जाए। इससे फायदा यह होगा कि हम इस पैसे को एक अच्छे काम में और देश के लोगों की भलाई के लिये लगा सकेंगे।

इसी तरह से क्लॉज ३४ जो है उसमें यह लिखा है :

"The provisions of this Act shall not apply to—

(a) any Sikh Gurdwara to which the Sikh Gurdwaras Act, 1925, applies."

अब यदि आप गौर करें तो आपको मालूम होगा कि १९२५ का जो कानून है वह पूरे पंजाब पर लागू है। मेरी इस सिलसिले में अर्ज है कि गवर्नमेंट के सामने पहले से ही एक आल इंडिया गुरुद्वारा बिल पेंडिंग है। और इसलिये मेरा निवेदन है कि उस बिल को भी अपने सामने रख कर सिलेक्ट कमेटी इस बिल पर विचार करे। सिखों का एक ऐक्ट पंजाब में लागू है। आप हजूर साहब गुरुद्वारे को देखें। वहां के इन्तजाम के लिये अलग ही कानून है। उसी के साथ साथ पटना साहब का जो गुरुद्वारा है उसको बहुत सेक्रेड माना जाता है। खास कर नादेड़ और पटना साहब के गुरुद्वारों के लिये भी अलग कानून हैं। ये हमारे तत्त्व गुरुद्वारे माने जाते हैं। इनके अलावा हिन्दुस्तान में बहुत से गुरुद्वारे हैं जिनकी आमदनी काफी है। मेरी अर्ज है कि जो सिख गुरुद्वारे हैं उन पर आप इस कानून को न लावें। अगर आप ऐसा करेंगे तो इससे दूसरी समस्याएँ उपस्थित हो जाने की सम्भावना है। इसलिये मैं अर्ज करना चाहता हूं कि इन सब बातों से बचने के लिये यह जरूरी है कि जब गुरुद्वारों के लिये अलग कानून है तो उनको इस कानून में नहीं लाना चाहिये। अगर आप ऐसा करना चाहते हैं तो आप से मैं यह निवेदन करूंगा कि आप आल इंडिया गुरुद्वारा बिल को भी अपने सामने रखें और दोनों के लिये एक

कमेटी बनायें जोकि इस पर विचार करे तो मुझे कोई एतराज नहीं होगा। अगर आप ऐसा नहीं करेंगे तो मेरी ऐसी धारणा है कि हमारे गुरुद्वारे भी आप के रिलीजस ट्रस्टों में आ जायेंगे। हो सकता है कि यह धारणा और दोस्तों की न हो। लेकिन यदि मेरी धारणा सही है और ये गुरुद्वारे रिलीजस ट्रस्टों में आ जाते हैं तो आप का और हमारा फर्ज है कि जब इस बिल पर विचार किया जाये तो आप आल इंडिया सिख गुरुद्वारा बिल को भी अपने सामने रखें और दोनों को साथ ले कर चलें। गवर्नमेंट का फर्ज है कि जितनी चीजें उस के सामने हों उन सब पर गौर करते हुए विचार करे। ऐसी समस्या नहीं पैदा होने देना चाहिये जिस से कि किसी खास धर्म के मानने वालों के प्रति पूरा न्याय न हो सके।

इसी तरह से मैं आप का ध्यान एडवाइजरी बाडीज की तरफ दिलाना चाहता हूँ। इस में दिया हुआ है :

"The members of the Advisory Board shall be chosen from amongst one or more of the following categories of persons, namely".

मैं आप से अर्ज करना चाहता हूँ कि आप जो भी एडवाइजरी बोर्ड दनयें उस को ईश्वर के नाम पर राजनीतिक क्षेत्र से दूर रखें।

इनको राजनैतिक क्षेत्र का अखाड़ा न बनने दें। मैं आप से अर्ज करना चाहता हूँ कि जिस वक्त यह बोर्ड बनाय जाते हैं तो वहां पर राजनैतिक चीजें आती हैं। धार्मिक स्थानों में राजनैतिक चीजों को लाना मैं समझता हूँ कि यह वाजिब नहीं है। हम यदि धार्मिक स्थानों में पूजा करते हैं, धार्मिक स्थानों में रहते हैं, और धार्मिक स्थानों में जाते हैं तो हमारा यह कर्तव्य होना चाहिये कि जो भी बोर्ड के मेम्बर

हों या जो भी बोर्ड बनें उन के लिये इस बिल में एक इस तरह का क्लॉज रख देना चाहिये कि वहां पर धार्मिक चीजों के अलावा और कोई राजनैतिक वातावरण बगैरह उपस्थित नहीं किया जायेगा। इस तरह की व्यवस्था की बहुत अधिक आवश्यकता इसलिये प्रतीत हो रही है क्योंकि आज हम जो वहां वातावरण देखते हैं और जो चीजें वहां पर चल रही हैं उन को देख कर मुझे दुःख मालूम होता है। मैं आप से अर्ज करना चाहता हूँ कि इन धार्मिक स्थानों को आप इन चीजों से बालाये ताक रखें तो ज्यादा अच्छा होगा।

इस बिल का क्लॉज नम्बर १४ ओडिट औफ़ एकाउण्ट्स के बारे में है। इसमें आपने लिख दिया है कि हर एक वह रैलीजस ट्रस्ट जिसकी कि सालाना आमदनी ५००० रुपये से ऊपर होगी या ५००० होगी उसके एकाउण्ट्स का आडिटर द्वारा सालाना आडिट होगा। आप उनका सालाना आडिट करायें मुझे इसमें कोई एतराज नहीं है। लेकिन मैं आपसे पूछता हूँ कि बहुत से ऐसे ट्रस्ट्स हैं, बहुत ऐसे से धार्मिक स्थान हैं जिनकी कि ४००० रुपये की इनकम है, ४५०० रुपये की इनकम है या ३००० रुपये की इनकम है और जहां पर कि आमदनी कम होती है उनके लिये आप कम से कम दो साल का आडिट रखिये या तीन साल का आडिट रखिये। मैं चाहता हूँ कि ज्वायंट कमेटी जिसको कि यह बिल जा रहा है वह क्लॉज में इस तरह की व्यवस्था रखने के बारे में अवश्य विचार करे। ज्वायंट कमेटी को इस बारे में विचार करके इस तरह का प्राविजन इसमें शामिल करना चाहिये। धार्मिक स्थानों में जो भी पैसा आता है वह ठीक तरीके से खर्च किया जाता है या नहीं किया जाता है इसकी सारी जिम्मेदारी हमारे सिर पर है और यह जो आपका आडिटर होगा उसके ऊपर है। अब यदि दो या तीन साल के बीच में हमने यह तय किया कि हमें आडिट करना चाहिये तो आप बेशक आडिट कर सकते हैं लेकिन इसका क्लॉज इसमें जरूर रहना चाहिये कि

[सरदार अ० सि० सहगल]

ऐसे रैलीजस ट्रस्ट जिनकी कि आमदनी कम हो, ५००० रुपये से जिनकी कि आमदनी कम हो और जो कि ५००० के नीचे आते हों उनके एकाउण्ट्स को दो या तीन साल में ऑडिट करायेंगे।

इस बिल के १६ नम्बर क्लॉज में यह दिया हुआ है :—

"No transfer by a trustee of any immovable property of a religious trust by way of sale, mortgage, gift or exchange or by way of lease for a term exceeding three years shall be valid,....."

अब सभापति जी चूँकि अखबारों में इस तरह का लेजिस्लेशन आने की चर्चा थी इसलिये लोगों ने इस कानून के आने से पहले ही अपनी अपनी चीजों को जैसे उन्हें सेल, ट्रान्सफर या डिस्पोज़ औफ़ करना था वे कर चुके हैं। मेरा कहना यह है कि आप यह तीन साल की मियाद क्यों लगाते हैं। आप कहिये कि हम फंलाने साल से लेंगे और जब तक आप इस तरह की व्यवस्था इसमें नहीं रखेंगे वे लोग आपके इस कानून के नीचे नहीं आ पायेंगे। इसलिये मेरी आप से यह अर्ज है कि इन सारी चीजों पर विचार करते हुए आपको इस तरह का कानून बनाना चाहिये ताकि इसके शिकंजे से कोई निकल न सके।

इसके अलावा मैं तो यही कहूँगा कि इन सारी चीजों पर विचार करते हुए हमें इस कानून को दूसरे धर्म वालों पर जिन पर कि यह लागू नहीं होना है उनको हमें अगर वे चाहें तो स्वयं इसमें शामिल हो जाने की छूट देनी चाहिये लेकिन आपको इस बात का सदा ध्यान रखना चाहिये कि उनके जो धार्मिक खयालात हों उनको किसी किस्म का कोई धक्का न पहुँचे। इन शब्दों के साथ मैं इस बिल को ज्वाइंट कमेटी में भेजने के लिये समर्थन करता हूँ।

Shri Vasudevan Nair (Thiruvella): Mr. Chairman, I am glad that the Government has come forward with a Bill like this. Perhaps, such a legislation was long overdue. Why is it necessary that there should be such a piece of legislation covering the whole of the Indian Union? It is quite obvious that various religious trusts are not functioning in a satisfactory way. I do not make any general allegation against religious trusts as such. But, it is a fact that on several occasions, it has come to the notice of the public that many trusts are not managed well. So, Government has found it necessary to bring forward a comprehensive legislation like this in order to have efficient supervision and better management of the religious trusts in our country.

I would very much like to support the idea suggested by some of the previous speakers that it would have been better to have a more comprehensive Bill covering charitable trusts also. Unfortunately, now, in this Bill we cannot bring it as the hon. Speaker has ruled out the amendment which was moved by my hon. friend on this side. Because, the dividing line between religious trusts and charitable trusts is so thin that on many occasions, the scope of both overlaps. It would have been much better even from the point of view of legislation to have a comprehensive Bill for both.

I am not a lawyer. I do not propose to approach this legislation from that point of view. I propose to suggest certain things from the layman's point of view. Such a legislation is necessary in the interests of the large number of people, millions of our countrymen and women who are so much interested in these religious trusts. They are to be benefited by these religious trusts. So, it is in their interests that there should be such a legislation.

At the same time, from another angle also, I welcome this Bill. Unfortunately, there were many instances where the trustees or managers or those who are controlling these trusts are so powerful and have a lot of money with them and they have dabbled in unnecessary things. There were many occasions when the trustees or managers or those who are in possession of this large wealth have used these funds for political purposes. There were such allegations all over the country. I hope that this legislation will help a lot in preventing such misuse. Also in a secular State like ours, it is very essential to prevent the mis-use of funds belonging to religious institutions, especially trusts like these. From all these points of view, I have great pleasure in welcoming this legislation.

I come to the proposed machinery for the better management and supervision of religious trusts. In clause 3, there is provision for appointing the Commissioner of Religious Trusts. In clause 4, there is a provision for constituting an Advisory Board in the States. I think these are the two main limbs of the administrative machinery proposed in this Bill as far as religious trusts are concerned. But, unfortunately, I found throughout this Bill that the role of the Advisory Board is not specifically mentioned. What is it for? I should say that virtually this Advisory Board will have no function to perform as the Bill exists at present. I would like a provision to be made in this clause for the Advisory Board to have more responsibilities. I will come to certain details about that later.

14 hrs.

In Clause 3(3) it is said that a person shall not be qualified for appointment as the Commissioner unless he is, or has been, a district judge or is qualified for appointment as a Judge of a High Court. I have an objection to this and would like the Minister to explain why the Government is trying to restrict the

scope of persons who can be appointed as Commissioners for Religious Trusts. Of course, I appreciate the necessity of the Commissioner possessing a lot of legal knowledge etc., but that alone should not be the guiding principle, because there may be other people who are devoted to such institutions and very much interested in such kind of work, whose services can be made use of. So, I hope the Joint Committee will enlarge the scope of persons who can be appointed.

Coming to the Advisory Board, I have a doubt whether it will be possible for a single composite Advisory Board in a State to look after the problems of religious trusts which belong to various regions and various denominations. I am not looking at the problem from a narrow point of view, but fortunately or unfortunately, in our country we have to take into consideration the sentiments of the people and such other things. So, is it not better that there is a provision for more than one Board mainly for the major religious denominations? That point should also be considered by the Joint Committee.

I was very much concerned about Clause 13 of the Bill, dealing with investment of trust funds. The Clause has to be redrafted because I feel that there is a lot of restriction here again. It is stated that subject to any direction contained in the deed of trust, the surplus money can be invested in three categories. We know there are instances where the trust deeds are drafted in such a way that it is not easily possible to get those funds for other useful purposes. There are cases of even religious trusts, and of course many charitable trusts, where some clever rich people, in order to dodge Government taxes, prefer to put their money in a trust, speculate with it in the market and make a lot of profit. These things are, I should say, even common features in our present-day society. I am sure the hon. Deputy

[Shri Vasudevan Nair]

Minister of Finance who is now in charge of the Bill....

The Deputy Minister of Finance (Shri B. R. Bhagat): Temporarily.

Shri Vasudevan Nair:.....for his colleague, is in the know of such practices. Naturally, such people, when they prepare a trust deed, will be very careful to see that the money that they put in the trust to avoid income-tax etc., is not taken away for other useful purposes. So, this proviso, "subject to any direction contained in the deed of trust", is a very dangerous one and should be looked into.

Coming to the three categories in which such money can be invested, I am opposed to such money being invested in private companies. Of course, it is said that the Government will stand guarantee as far as the dividend or other things are concerned, but we have a lot of experience with regard to other kinds of investments where, with all the inspection from the Government side, people have bungled and gone wrong and money has been utilised in wrong channels resulting in heavy loss by such investments. When we are in need of resources, internal and external, for our development, why not we mobilise such resources entirely for State purposes? I suppose these trusts are not hungrily running after high dividends, and we know that the money deposited in such trusts runs into millions and millions of rupees. If we can, without doing harm to the religious purposes for which these trusts are formed, use the surplus money for our development projects, then I am for it. Instead of that, there is a provision in sub-clause (b) that this money can be invested in stocks, shares and debentures of private companies.

Then I come to Clauses 19 and 20 about mismanagement, misappropriation etc., by trustees or managers. I would like the Government to have

more stringent provisions with regard to the people who mismanage such funds or misappropriate them. In clause 19, the Commissioner is given various choices of dealing with such people :

"...the Commissioner may, without prejudice to any other action that may be taken against the trustee, make an order giving directions to the trustee for the discharge of the obligations imposed on him by the deed of trust or for the proper management of the trust, or removing the trustee from his office, or directing the trustee to pay to the trust fund such amount not exceeding the amount of loss caused to the trust as the Commissioner thinks fit."

When a case of misappropriation especially comes to the notice of the Commissioner,—mismanagement and misappropriation have to be differentiated—he should immediately remove the trustee from that position. There is no question of retaining him or asking him to deposit the money he has misappropriated, or asking him to act according to the instructions given by the Commissioner, because these funds belong to the public, and public trusts cannot be treated like this. So, we should have stringent provisions to deal with proved cases of misappropriation. Of course, I know the normal procedure of going to the courts, and I hope this is subject to that, but such a gentleman should not be allowed to continue in the trust as manager or trustee after the case of misappropriation is proved.

Coming to clause 21, I find that there is power to appoint a trustee when a vacancy occurs. I agree with my hon. friend Shri Naushir Bharucha when he says that there should not be a clause like this, especially sub-clause (2) which reads thus:

"...the Commissioner shall, as far as possible, select a person of the religious denomination or

section to which the trust belongs.”.

It will be a very mischievous sub-clause, if it is going to be kept there. In our country, as the situation exists at present, we cannot afford to have such luxuries, for, we all know that the backward sections of our people will not be able to appreciate such a thing. It will create trouble, if we appoint a gentleman belonging to another region or another denomination to a trust belonging to a particular denomination or religion. Of course, the hon. Minister has raised the point that nobody may be prepared to take up the post. In that case, I think there should be some provision in this Bill for Government to run such a trust for some time. That will be better than entrusting the trust to be run by somebody who belongs to a different denomination or religion or community.

There is another point that I have to draw the attention of the House to in this connection. I am for stringent provisions. I am for giving powers to the commissioner, but there should be a limit to giving powers to a particular individual or a particular officer. But, here, I find that the ultimate authority to appoint a new trustee in a vacancy is given to the commissioner. I am against it. There, the role of the advisory board should come in. In the very beginning of my speech, I was referring to the provision for the appointment of an advisory board, and I was pointing out that practically the advisory board will have no powers or responsibilities, according to the Bill as it is framed now. Why should we not ask the commissioner to send a panel of names to the advisory board, so that the advisory board may advise the commissioner to choose a particular gentleman? Or, I am even prepared to accept the formula that the commissioner can send a panel to Government, and Government can choose one from that panel.

Shri Ranga (Tenali): That is where the trouble comes. Why does

my hon. friend want Government to come in?

Shri Vasudevan Nair: Of course, my hon. friend is always against Government interference in anything. But, unfortunately, in the present circumstances, we have to put up with Government.

Shri Ranga: Perhaps, my hon. friend wants Government to step in, so that they may give him a chance.

Shri Vasudevan Nair: Of course, I agree with my hon. friend that there will be a lot of harm by way of nepotism and other things. Of course, I am speaking in that framework. I am not one who feels that with a Bill of this character everything will be all right. But, even then, I would say that the power to appoint a new trustee should not be given to a particular officer. Let there be some other check on him. Let the advisory board be brought into the picture, or, if that is not possible, let Government be brought into the picture. Some such safeguard should be there, and that power should not entirely be left to the commissioner but it should be left to Government.

I now come to clause 34 where large exemptions are made. I do not know why entire communities and entire religions are exempted from the scope of this Bill. Religious trusts belonging to Christians, Jews and Parsis and so on are completely exempted from the provisions of this Bill. The hon. Minister may enlighten us in his reply why Government have chosen to exempt such communities or religions from the scope of this Bill. Are Government of the view that all the religious trusts belonging to these communities are running quite well, that the people there do not misbehave, that there is no misappropriation and that the funds are all used for religious purposes only? If that is Government's view, then I submit that I cannot at all agree with the position of Government. I do not see any reason why such exemptions should be made,

[Shri Vasudevan Nair]

when we are making a legislation to cover the entire country.

All these points have to be taken into consideration by the Joint Committee, and I hope a better Bill will emerge out of the deliberations of the Joint Committee.

Shri Aurobindo Ghosal (Uluberia):
In spite of the fact that there are many Trusts Acts in various States and there are separate Acts to govern the administration of those trust properties, I welcome this Bill, because this Bill contains some salient features. In spite of the various Acts, we have been hearing of complaints in regard to the administration of the trust properties and corruptions therein. Therefore, some sort of legislation for better supervision of these trust properties is necessary, and it is for that reason that this Bill has been brought forward before this House.

But this Bill is very restricted in its scope. For, as has been pointed out by my hon. friend Shri Vasudevan Nair, Sikh Gurdwaras, the Durgah Khawaja Saheb, wakf properties of Muslims, and the trust properties of the religious institutions of Christians, Jews and Parsis have been excluded. It is well known that the management of these trust properties is not free from corruption, and yet, it is inscrutable why the trust properties of these religious denominations have been excluded. Especially, in my State, in spite of the Bengal Wakf Act, we have found mismanagement of the wakf properties, and though there is a wakf commissioner, the annual returns are rarely submitted, and rarely expenditure is incurred in a proper manner; and the mutawalis rather misappropriate the funds or the earnings of these trust properties. So, I would request the Joint Committee to consider whether the wakf properties could also be brought within the purview of this Bill.

As regards the Christian trusts also, the same thing is applicable. For, we

have heard complaints several times both within the House and outside that much of the income sometimes is diverted for political propaganda and other purposes which are completely secular and political. So, for the proper management and supervision of these trusts and for having a check as to whether the income of these trust properties is being spent for the purpose for which the trust was created, these trust properties should also be brought within the purview of this Bill.

Regarding the right of the beneficiary, of course, in the Trusts Act, the definition of the word 'beneficiary' is there, and also the rights and duties have been provided there. In this Religious Trusts Bill also, there are some beneficiaries. The commissioner should be empowered to look after the interests of the beneficiaries and see whether the moneys of the trust are being spent for the ideals and purposes of the trust. That has also to be looked into by the commissioner.

The commissioner has been given wide powers in this Bill. Though there is provision for the appointment of an advisory board, I do not know why it has been treated as a non-entity. It has not been given any powers at all in this Bill. There is only a provision laying down how this advisory board will be formed. I do not object to the composition of the advisory body, but I object to the status that has been given to it. It should have been given more powers to look after trust properties. Specially points like the removal of trustees and appointment of new trustees, provided for in clauses 20 and 21, should be looked after or decided by this advisory body which should be composed of public men. If you want to maintain the 'trust' character of the trust management, you must give powers to the advisory body on important points like removing trustees and appointing new trustees, for better supervision and better judgment. It should not be left to the sweet will of one government officer.

Fourthly, regarding the appointment of a person under clause 12(3) for looking into the accounts of the trust properties, the condition for such appointment has been laid down there. A trust must have an annual income of at least Rs. 25,000. In my opinion, this is a big amount and the limit should be reduced to Rs. 10,000. I request the Joint Committee to consider whether the appointment of an accountant will not be necessary for those trust properties which will have an annual income of Rs. 10,000.

Fifthly, in clause 14(5), it has been provided that the cost of this audit would be borne by the State Government. When the trust properties will have some income, I do not know why the State Government should be saddled with the responsibility of these audit expenses.

Shri Supakar (Sambalpur): The State Government will realise 3 per cent.

Shri Aurobindo Ghosal: Because there are other expenses like the appointment of Commissioner, Deputy Commissioner and so on, which will be met from the 3 per cent which has been levied here, naturally the audit expenses should also have been borne by the trust from the earning of the trust properties.

The next point I want to make is about the appeal against the order of the Commissioner. It has been provided in clause 23 of the Bill that the forum should be the High Court. But to my mind, this will be very costly. There is also no necessity for spending a big sum of public money in expensive High Court litigation. Specially in my State where the system of solicitorship exists, if the trustees go to the High Court on the Original Side, a huge amount of money will have to be spent for even small things. Naturally, even if there is any real grievance against the Commissioner's order, they will, for financial reasons, not be able to go to the High Court. For that reason, I submit that the civil courts, the courts of District Judges,

should be given the power of entertaining cases. Already in section 34 of the Trusts Act and section 4 of the Charitable and Religious Trusts Act, provision is there for having the decision or direction or advice of the civil court by a petition. That has been provided for because the main purpose is not to saddle the trust properties with expenses of litigation. Naturally, here also District Judges should be empowered to entertain petitions or cases at least when important disputes on title matters crop up.

Then I would say that private trusts which also suffer from bad supervision, which are rather considered as private properties of the trustees, should also come within the purview of this Bill.

I would also submit that there are so many Trust Acts in different States and at the Centre. There are Religious Endowments Acts and Charitable Endowments Acts and Charitable and Religious Trusts Acts as also Trusts Acts. All these should be consolidated and a definite policy regarding trust properties in general should be laid down by Government. So I would request Government to consider whether the time has not come to see that all the trust properties of different types which are being mismanaged and the income of which is being misappropriated by the trustees, should be considered together and general principles laid down for a comprehensive legislation on trust properties.

Lastly, I would request the Joint Committee to consider the question of the composite character of trust properties. Where religious and charitable trusts are combined in one trust or the character of a trust is both religious and charitable, what would be the attitude of the Government, or what would be the nature of interference by the Commissioner? This has not been provided for in this Bill. So I request the Joint Committee to take this also into account.

Shri Mohammed Imam (Chitaldrug): I have heard with interest the elaborate speech of the Minister advocating supervision and effective control of religious trusts. I regret I have to strike a different note. I feel that this Bill or enactment is unnecessary and uncalled for.

In the first place, I have no disapprove of the practice of the Central Government to legislate for the States laws which have to be implemented and administered by the States. I feel this is rather an encroachment on the rights and responsibilities of the States. I may also state that such legislation casts a reflection on State administrations indicating that the States are incapable of managing their affairs or taking such action as is necessary. It is desirable that in such matters the States are consulted as they are the best judges as to whether such laws should be implemented in their States or not. I am not sure if the hon. Minister consulted the various States and what their opinion is.

It has been pointed out by previous speakers that there are local laws enacted by the State Governments wherein they have the power of supervision and control without interference in religious matters. The State of Mysore has its own law, the Religious and Charitable Endowments Act passed long ago. So far as I know, this Act has been working satisfactorily without giving offence to any institution; and there are no complaints of interference by the State in religious matters.

Shri Hajarnavis: May I make a submission for the consideration of the hon. Member that this Act will not be applied unless the State Government notifies its intention to do so? It is the decision of the State Government to apply or not to apply this. If they are quite satisfied with their own laws and are implementing them, then, this shall not be regarded as an obstacle at all. They will have to repeal their own Acts and apply this.

Shri Mohammed Imam: Then I fail to see why this House should take such pains to enact this law when there are already local laws.

Shri Ranga: On all subjects you can have model laws made here.

Shri Hajarnavis: All States do not have this law; there are States which do not have such a law.

Shri Ranga: But they have their legislatures.

Shri Hajarnavis: It should not be forgotten that there are Union territories also for which we have to enact.

Shri Ranga: Then, why not have a law for the Union territories just as we are having so many other laws? Why make ourselves the legislature for all other States and turn those legislatures into city corporations?

Shri Mohammed Imam: When a piece of legislation is passed by the Centre, the States, rightly or wrongly, feel that it is their obligatory duty to implement it and they adopt that law. Otherwise, they will be displeasing the Central Government. Anyhow, as it is, there was no need for this legislation when most of the States have their own laws which empower them to supervise these trusts effectively. If there are States which do not have such a law, then, we could have asked them to enact their own laws. Anyhow, I submit, this Act casts an extra burden and extra financial liability on the States. To implement this law they have to create a new department; they have to appoint a Commissioner, a Deputy Commissioner, and Assistant Commissioner and a full network of officials. And that cost has to be borne by the State Governments. I cannot understand why there should be such a huge machinery and such an elaborate arrangement. The States have to incur extra expenditure which they cannot, taking into consideration their present slender resources.

Secondly, I must submit that this Bill aims at maximum interference in

religious affairs. It is true that there are a number of trusts, both big and small, throughout the country. It is true that most of these trusts at present are managed efficiently and to the satisfaction of the public. We have not heard any complaint either through the Press or from the platform that the money of these trusts is being misused or misappropriated. There is no public demand for such a piece of legislation, that the Government should step in and exercise control. When there is no such public demand and when the States have not asked for it. I cannot see the logic of the Central Government in bringing in this legislation.

It is true that there may be some instances of mal-practice here and there. But that does not mean that the whole system must be condemned and Government must take power to interfere to the maximum extent so as to convert all these religious institutions into quasi-government institutions. In fact, that will be the case if this legislation is going to be enforced. The gentleman or the authority who formed the trust took care to appoint trustees. Society also takes care to see that the trustees behave properly and honestly. And, these trustees are invariably men of standing, with integrity and character. They know their business very well. So far as I know, they have been behaving very well and managing the trust properties to the satisfaction of the public. In spite of these Acts, there might be some isolated instances here and there. But to brand the entire system and trustees as dishonest, whose dishonesty has provoked the Central Government to bring in this legislation seems rather unfair.

Shri Hajarnavis: Do I understand the hon. Member as advocating, for instance, the repeal of the Muslim Waqf Act where the provisions are even more stringent than this?

Shri Mohammed Imam: For some institutions where it is necessary, the Muslim Waqf Act is going to be ap-

plied, where the local laws do not apply. Anyhow, I must submit that apart from this Bill, there are ordinary remedies open or ordinary laws under which a trustee who misbehaves or commits an offence may be punished. For example, if a trustee commits a breach of trust or commits misappropriation, he can be prosecuted under the ordinary penal laws and can be convicted or a suit may be filed against him.

Again in many States they have got what we call the Muzari department which effectively controls and supervises these trusts. They are vigilant and if any trustee commits an offence or if any trustee forfeits the confidence of the public this department takes action. But this piece of legislation is such that it practically makes the trustees the servile tools of the Commissioner. All their powers have been taken away. In fact, I do not think any trustee with some self-respect would care to serve under these circumstances under a Commissioner.

What are the powers given to the trustees? They cannot prepare their own budgets. And, if they prepare the budget the Commissioner has the power to alter it. And, whatever the Commissioner dictates has to be accepted. The Commissioner can impose his own schemes; and if his wishes are not carried out, he can apply the doctrine of cypres. He can appoint an accountant and what is more, on flimsy grounds, he can dismiss a trustee. These are really very humiliating circumstances under which no decent man or no man with some self-respect can work under the Commissioner.

Shri M. C. Jain (Kaithal): All these orders are appealable.

Shri Mohammed Imam: If this Bill becomes law, I am afraid, it will give rise to more litigation and more friction. It empowers that any two persons who are interested can appeal to

[Shri Mohammed Imam]

the Commissioner. If the commissioner takes sides, he can do havoc and this will certainly give rise to a lot of litigation and create a lot of unhealthy complications. The mere fact that an appeal is provided to the High Court does not protect the trustees; it does not in any way protect the people who act with bona fide intentions. But the fact is that the commissioner under this Act is all powerful; he can do anything; he can dismiss a trustee. In many cases, I can point out that a trustee enjoys a better status than the commissioner himself and I am afraid that all these are going to become quasi-government institutions under the commissioner who will be under the Government and advantage may be taken by the ruling parties or the political parties to divert the resources and energies for the advantage and advancement of the party or for political advantage.... (An Hon. Member: No). It may be wrong. Implement this Bill and perhaps the future will show what it is. Anyhow that fear and apprehension is there that these religious institutions and religious trusts which till now enjoyed a sort of autonomy are going to become quasi-government bodies and they will be entirely under the patronage, protection and guidance and supervision of the Commissioner and other officials. There is a feeling that these institutions and their reserves and funds might be diverted to purposes other than those to which they were intended. Let us see the experience of some trust Acts that were passed. I speak subject to correction and I think the Gurudwara Act that was passed recently did give rise to a lot of litigation, friction and partisanship. If this law is applied to important and big institutions where till now respectable persons and persons of some standing are working, no man with any self-respect will agree to serve as a trustee and the institution will go into the hands of people without means or standing or character and it will become the hot-bed of intrigues and conspiracy.

Again, it is proposed to impose—I may call it—a tax of three per cent on the gross income. Many religious institutions were exempt from the income-tax and now the Government wants to take a slice of that income which is rather unfair. Apart from this, it is going to cast an extra burden on the State exchequers. I submit that this Bill is not in consonance with modern spirit and modern times. In a democracy you must trust the people. Unless we trust the people, no institution or democracy will work. Every religious trust is being managed by people with character and with some means, why not trust them. If you go on distrusting democracy will not work.

Shri Hajarnavis: That is exactly what we say: do not distrust the Government.

Shri Mohammed Imam: After all the Ministers are sitting here and they are the trustees of the country.. (Interruptions).

Shri Ranga: We have no fears about the Ministers. What about their officers?

Shri Mohammed Imam: The Ministers are the trustees of the country; they are as good or as bad trustees that had been appointed. We trust them. In a democracy, it is trust that plays an important part. If you go on distrusting or view everybody with suspicion, no democracy can work.

This Bill casts a reflection on our public. It says that our public, however eminent or efficient they may be, are unfit to manage even a small institution like a religious trust. That is why the Government wants to step in and have effective control. Why do we not trust them? The presumption seems to be that everybody is a criminal until the contrary is proved. On the other hand, I submit that the Government must trust the people and give them due credit and the presumption should be that every

citizen of India is an honourable fellow and a patriot and a man with character until the contrary is proved. For the reasons that it makes for interference in religious matters which it ought not to, it casts additional financial burdens and it casts a reflection on the people of India, I feel that this Bill should not be passed and I regret I have to oppose the spirit of this Bill.

श्री रामकृष्ण मुन्त (महेन्द्रगढ़) : सभा-पति महोदय, रैलीजस ट्रस्ट्स बिल इस मकसद के लिये पेश किया गया है कि रैलीजस ट्रस्ट्स का बेहतर इंतजाम किया जाये, उन के इंतजाम में जो डिफिकल्टी और खामियां हों उन को दूर किया जाये। जहां तक इस मौजूदा बिल के मकसद का ताल्लुक है वह सही है और ठीक है और इस की सब से ज्यादा जरूरत थी लेकिन मैं यह महसूस करता हूं कि इस बिल के पेश करने से यह मकसद पूरा नहीं होगा और सब से ज्यादा दुःख इस बात का है कि जिस बात की सब से ज्यादा जरूरत थी उस को तो बिलकुल छोड़ दिया गया है। मेरे कहने का मतलब यह है कि हिन्दुस्तान के अन्दर रैलीजस ट्रस्ट्स का मामला इतना संगीन नहीं है जितना कि चैरिटेबिल ट्रस्ट्स का मामला है। हर एक राज्य के अन्दर जितने भी बड़े बड़े बिजनेसमैन हैं उन्होंने बड़े बड़े इस तरह के ट्रस्ट्स बनाये हुए हैं। यह मामला दो, चार दफे पहले भी हाउस में आया था और इसी मकसद को महेनजर रखते हुए मैंने चैरिटेबिल एंड रैलीजस ट्रस्ट्स ऐक्ट १९२० के लिये अमेन्डमेंट बिल पेश किया था। मेरे कहने का मकसद यह था कि जो यह चैरिटेबिल एंड रैलीजस ट्रस्ट्स बनाये जाते हैं वे ज्यादातर इसलिये बनाये जाते हैं कि वे अपनी इनकम का काफी बड़ा हिस्सा छिपा कर रख सकें और उस को आर और कामों में खर्च करें। इसलिये मैं महसूस करता हूं कि आज सब से ज्यादा जरूरत इस बात की है कि इस मामले को हाथ में लिया जाये। मुझे पूरा भरोसा है कि ज्वाइंट कमेटी इस बात पर विचार करेगी

और इस बिल को इस ढंग से अमेन्ड करेगी ताकि यह चैरिटेबिल ट्रस्ट्स पर भी लागू हो जाय

Mr. Chairman: Order, order. The hon. Member was perhaps not present in the House then. An amendment to include charitable trusts was moved and the hon. Speaker ruled it out. This matter now cannot be sent to the Joint Committee.

श्री रामकृष्ण मुन्त : दूसरी बात जो कि मैं इस सिलसिले में कहना चाहता हूं वह यह है कि इस बिल के जो ३४ और ३५ सेक्शन हैं उन को देखने से पता चलता है कि बहुत सी कम्युनिटीज को इस से एग्जैम्प्ट कर दिया गया है। मैं इस के हक में नहीं हूं क्योंकि मैं यह महसूस करता हूं कि ऐसा करने से देश के अन्दर कम्युनल और सेक्शनल फीलिंग्स बढ़ने का अन्देश है। आज जरूरत इस बात की है कि ऐसा बिल पास किया जाये जोकि युनिफार्म हो और वह तमाम कम्युनिटीज पर एक सा लागू हो। मैं यह भी महसूस करता हूं कि इस वक्त इस से यह भी भ्रम फैला लाया जा सकता है कि एक हिन्दू कम्युनिटी के अलावा दूसरी कोई ऐसी कम्युनिटी नहीं है जिस के कि रैलीजस ट्रस्ट्स के इंतजाम में कोई खामियां हैं और इसलिये भी यह बहुत जरूरी हो जाता है कि इस बिल को अमेन्ड किया जाय और ज्वाइंट कमेटी इस बात के ऊपर भी विचार करे ताकि इस बिल का मौजूदा स्कोप ज्यादा बढ़े।

इस बिल के क्लॉज ३५ में यह भी कहा गया है :-

"The State Government may, by notification in the Official Gazette, exempt any religious trust or class of religious trusts to which any special enactment applies from the operation of all or any of the provisions of this Act."

मैं समझता हूं कि स्टेट गवर्नमेंट को इतनी बसीय पावर्स देना और यह अधिकार देना कि वह जिस रैलीजस ट्रस्ट को चाहे उस को

[श्री रामकृष्ण गुप्त]

इस कानून से एगजम्प्ट कर दे, यह भी प्रच्छा नहीं होगा। इसलिये मेरी सब से ज्यादा अपील यह है कि इन तीन चार बातों पर पूरा विचार किया जाय और इस बिल का जो स्कोप है, उस को बढ़ाया जाये, ताकि यह ज्यादा इफेक्टिव साबित हो सके।

Shri Supakar: Sir, I think Government should have thought twice before bringing forth a legislation of this type without taking into consideration the Acts that are in force at present in the different States and without consulting the various State Governments about the desirability of introducing such a Bill which, to my mind, is rather defective and does not compare favourably with some of the State Legislations.

Therefore, my first question would be, what would be the effect of passing this Bill so far as the State laws are concerned some of which, the Deputy Minister rather conceded, are much better than the present proposed legislation? Though the Deputy Minister has said that the different States are free to bring into force this Bill whenever they are pleased to do so and so long as they do not choose to bring into force this piece of legislation in their respective States the State laws would prevail, I would most respectfully submit that this raises a very important constitutional issue.

I would, first of all, refer you, Sir, to clause (1) of article 254 of the Constitution. Admittedly, this is a subject matter under the concurrent jurisdiction of the States and the Centre. Therefore, so far as State legislations and the present legislation are concerned clause (1) of article 254 of the Constitution will immediately come into operation as soon as this Bill is passed into an Act. Sir, I would take the liberty of reading out the provision in clause (1) of article 254. It says:

"254(1). If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2)...."—clause 2 does not apply to the present case—"...the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void."

Now, Sir, my submission would be that as soon as this piece of legislation is passed and it becomes a law it would make the existing laws that are in vogue in the States void, and if the case is brought before a court of law it cannot be argued by the respective State Governments that since they have not invoked the provision under sub-clause (3) of clause (1) of the present Bill, namely, inasmuch as they have not brought into force the central law in their States, their laws would prevail as against the central law. If that were the position it would be easy for the States to evade the provisions of the Constitution and it would also be easy for the Centre to evade the provisions of the Constitution by encroaching unnecessarily on the State legislations, which are perhaps better, by merely stating that the States may bring into force the central law as and when they desire. I hope when the hon. Deputy Minister replies to this discussion he will reply to this very important question relating to the Constitution.

Apart from the constitutional aspect, my submission would be that this Bill is only giving some responsibility to the States. The Centre has nothing to do with the actual implementation

of the Act. The Commissioner will be appointed by the State. The actual implementation of the law will be done through the State by the Commissioner. The States will have even the option to bring into force this Act as and when they please. Therefore, instead of bringing such a Bill, if the Centre think that there is a good deal of merit in this Bill, they should have persuaded the State Governments, especially in those States where there are a large number of religious trusts, to adopt such a measure as their own and bring these things into force. That would have been more logical, I would submit. Merely passing an Act with some pious wish that the States will adopt that as against their own Act, where there may be conflict, is not, I would submit, a very wise thing to have done.

Another point that I wish to bring to your notice is, this is not the opportunity moment to bring this Bill before this House. On 1st March, 1960 the Government of India appointed a Commission of Enquiry to enquire into the affairs relating to Hindu religious endowments, and that Committee is expected to submit its report by early 1961. I do not know whether the hon. Deputy Minister will try to make a fine distinction between religious trusts and religious endowments, but it is quite evident that there is very little difference between religious trusts and religious endowments in our country. Therefore, it is inevitable that a Commission of Enquiry like the C. P. Ramaswami Aiyar Enquiry Commission is bound to make certain very important observations and recommendations regarding religious trusts. It would have, therefore, been better if a Bill of this nature were brought before this House after the accumulated experience of the different religious trusts and endowments throughout the country were pooled together by that Commission of Enquiry and their recommendations made available to the Members of this House who could

have then made a more effective contribution to the debate.

Now, as I have stated, many of the States have their laws on Hindu religious endowments. Many States also have their Wakfs Acts. What is the intention of Government so far as this Bill is concerned? Is it their intention that over and above the Commissioner of Religious Endowments who functions in many of the States, it is proposed to ask the State Governments to have another Commissioner for Religious Trusts. As was rightly pointed out by some hon. Members, particularly Shri Khushwaqt Rai and Shri Rama Krishan Gupta is this measure intended to be applied only to religious trusts and not to charitable endowments also. Even if we concede that, is it the intention of Government to have another Commissioner, namely, Commissioner of Charitable Endowments or Charitable Trusts?

15 hrs.

As the House knows most of the trusts in the different States do all these functions. I personally do not find any distinction between religious trusts and religious endowments or charitable trusts. But even supposing for the sake of argument that there is some legal distinction between these three types, it is evident that most of the endowments, by whatever name we may call them, temples for example, mutts for example, they carry on the same functions. They are religious endowments, they do charity and they discharge the functions of religious trusts. So should we say that each of these mutts or temples which fulfil these three requirements should be under the jurisdiction of three different Commissioners; a Commissioner of Religious Endowments, a Commissioner of Religious Trusts and a Commissioner of Charitable Endowments or Charitable Trusts, as it may be. I have the experience of the state of Orissa. There there is a Commissioner of Religious Endowments and to meet

[Shri Supakar]

the expenses of his office and to enable him to discharge his functions properly and efficiently all these charitable endowments have to pay 3 per cent of their income for defraying the expenditure of the establishment of the Commissioner of Religious Endowments. This Bill also provides that religious trusts will have to pay 3 per cent of their income for defraying the expenses of the establishment of the Commissioner of Religious Trusts. If they pay three plus three plus three per cent, one to the Commissioner of Religious Endowments, one to the Commissioner of Religious Trusts and one to the Commissioner of the Charitable Endowments, who is likely to come into the picture in the near future.....

Shri Ranga: And to a lot of middlemen.

Shri Supakar:.....what religious work, or charitable work will they be doing?

Apart from the fact that the trust or the endowment has to pay 3 per cent to the Commissioner, the trustees or the persons in charge of such religious endowments or religious trusts have to incur a lot of other expenditure like litigation, appearing before the endowments commissioner, engaging lawyers etc., etc. The expenditure is not really 3 per cent, but much more. If they have to go through this process, I do not know what will be the fate of charities or religious endowments after all that.

These are some of the points which strikes one at first sight. Another important aspect is the exemption of Mohammadan wakfs, institutions governed by the Sikh Gurdwara Act of 1925, the Parsees, the Jews and the Christian community. We were reassured in the morning when we learned that so far as the Sikh Gurdwara Act of 1925 is concerned, that is confined to the state of Punjab and there-

fore those gurdwaras which are outside that State will come under the purview of this piece of legislation. So far as Mohammadan wakfs are concerned there is another law, but no reason has been put forward either in the Statement of Objects and Reasons or in the opening speech of the hon. the Deputy Minister why the Christian, the Parsee and the Jew communities were exempted from the provision of this Act.

Shri Ranga: This is only a beginning.

Shri Supakar: We know that the Bombay Act which was passed in the year 1950 did not exempt the Christian, Parsee and Jew religious community in spite of the fact that there is a large section of them living in that State. If Government want to make an exception in the case of these three communities I wish to know for certain the reason behind it. If Government contends that their religious trusts are better administered and there is no lacuna so far as the administration of their trusts is concerned, I have no quarrel, because I do not know the details of the trusts of these communities. But theoretically speaking, even if we agree with the contention that their trusts are very well managed, still there is no reason why an exception should be made in their favour. Government should come out with very strong reasons why an exception is being sought to be made. As we have seen during the past decade or so, even before India attained independence, though our Government poses itself to be a secular State and caters to the needs of all the communities of India, we feel that it is only the Hindu community and the Jains, because they are governed by this Act, are guilty of mismanaging their religious or charitable endowments and the other communities are not so. If that contention is true, I wish to know the reasons, with statistics, if any available, to justify such an assumption. I stand wholeheartedly for secularism, but secularism must

mean even justice for all communities and not only justice but equal treatment. If the Government wants to be the guardian or the patron for best management of such religious trusts or charitable endowments, there is no reason why such a guardianship and such an overall auditing and principles of good management should not be extended to other communities.

I had many other points to make but I would not press them at the present moment. I do hope that the Deputy Minister, at the time of reply, will make it a point at least to reply to the point made about the applicability of article 254 of the Constitution and satisfy this House whether after the passing of this Bill, the State Acts which are in force in the States now will not be repealed or become void to the extent of the repugnancy and also whether any such repugnancy could be avoided or the State laws becoming void could be avoided by merely saying that they will not bring into force the present measure after this is passed.

Shri Maniyaganadan (Kottayam): As regards this Bill, I am of the view that in a secular State like India, where all religions and religious institutions are expected to be protected, it is rather a dangerous ground for the Government to step in to bring in a legislation for controlling religious activities. This Bill is confined purely to religious trusts. Religious trust has been defined in sub-clause (e) of clause 2. The "person interested" in relation to a religious trust has also been defined in clause 2 (c). The definition is:

"any person who has a right to worship or to perform any rite, or to attend at the performance of any worship or rite in any religious institution connected with such trust, or to participate in any religious or charitable ministration made under such trust."

If these things are going to be controlled by a Commissioner or other

officer appointed by Government in a country like India where there are various religious customs, I am afraid the action of the Commissioner is likely to be mistaken or even objected to. Anyhow, I do not say that this Bill is unnecessary. There are other pieces of legislation which will cease to exist by the passing of this Bill. It was stated here that there are other pieces of legislation now in force in various States in India. Maybe there were very serious complaints regarding the management of religious trusts. The only justification for the Government to step in would be the receipt of very serious complaints by persons belonging to those religious or beneficiaries of the trusts that the trusts are being mismanaged and that some protective measures are necessary. Maybe there were such complaints and the Government might be justified in bringing in such a legislation. But, all the same, I would submit that certain provisions of this Bill are very stringent.

15.14 hrs.

[SHRI MULCHAND DUBE in the Chair]

Take, for example, clause 11 which deals with the budget. The Commissioner is given powers, of course subject to sub-clause (3), to modify the budget. Here we must remember that the object of the trust is only concerning religious matters, and the trustees who are generally persons interested in carrying out the objectives of the trust prepare the budget, and power is being given to a Government officer to modify it. It may happen that that person has no interest in the trust; he may belong to another religion. In the circumstances, such wide powers given to the Commissioner are, according to me, too much.

There is provision for a board. As regards the personnel of the board, they are respectable people, but how much they are interested in carrying out the objectives of the trust has not been mentioned in the Bill. If the budget has to be modified, my submission is that it must be modified on

[Shri Maniyangadan]

the advice of the board but there must be a provision in the Bill to the effect that the board is really interested in carrying out the provisions or the objects of the Bill.

Take next clause 19 of the Bill. When there is mismanagement, the Commissioner is given certain powers but the term "mismanagement" has not been defined in the Bill. What exactly is mismanagement must be specifically mentioned. Otherwise, the Commissioner may be exercising his powers unnecessarily. Among other things, clause 19(1) says:

"...the Commissioner has reasons to believe that the affair of the religious trusts are being mismanaged or that the trustee is neglecting or failing to discharge the obligations imposed on him by the deed of trust,..."

So, if the trustee fails to discharge the obligations imposed on him by the trust, I can admit his mismanagement, but something more is contemplated by this provision. Over and above the failure, mismanagement is also included. I would like to know what exactly is mismanagement by a trustee of a religious trust contemplated under this provision.

Regarding clause 34, some of my hon. friends expressed their disapproval to certain provisions whereby certain religions have been exempted from the provisions of this Bill. As I submitted earlier, a law of this nature should be brought into force or the Government should contemplate the bringing into force such a piece of legislation only if there is a demand from persons who are interested in such things. My hon. friend from Thiruvella stated that there are complaints both inside and outside this House that certain religious trusts have mismanaged their powers and they have funds at their disposal for political and other purposes. I do not know to which religion he referred.

We come from the same State, and I do not know if he refers to the religion to which he claims he belongs or to some other religion.

Shri Vasudevan Nair: To all religions.

Shri Maniyangadan: That is why many wild and vague allegations without any specific reason can be made against any person or community or religion or party. But that should not be the basis for legislation. There must be specific allegations and they must be based on facts.

Another friend said certain missions use their funds for political purposes. I have heard that allegation in this House and also outside. Here it is not for me to refute it or go into the function of missionaries. But I may submit it has been established beyond doubt that no mission utilise their funds for political purposes. Assuming for the sake of argument that some missionaries are utilising the funds at their disposal or their position for political purposes, I do not understand how it can be controlled by bringing the religions to which those missionaries belong under the purview of this Act.

This Bill as at present is only concerned with religious trusts. Funds may be at the disposal of persons from other sources. The question is whether those funds belong to religious trusts. I can understand my friend from Thiruvella pleading that all religions should be brought under the purview of this Act. There is a tendency in certain quarters to curtail the present freedom enjoyed by several religions in India. I must respectfully submit that if the religious activities of minority communities in India are interfered with by bringing legislations like this, it will be interference with religious freedom guaranteed by the Constitution.

Complete religious freedom, religious worship and religious propaganda are guaranteed by the Constitution. If in the name of religious trusteeship, these persons are attempted to be brought under the purview of Government legislation and Government officers are allowed to control their activities, I submit it is interference with religious affairs and it will be against the spirit and the provisions of the Constitution.

I submit that the exemptions provided for in the Bill should be retained. There has never been any complaint from any Member of the religions which are exempted that their affairs are being mismanaged, whether it be the Jew, Christian or Parsi community. There has been no complaint that their religious heads are mismanaging the affairs and the funds are being utilised for any purpose other than the purpose for which it has been intended. So, these exemptions are placed here with the best of intentions.

Personally I am of the view that no religious trust should be brought under the control of Government. But of course, if it is necessary, I am not objecting to it, but I only submit that religions which have hitherto given no reason for such interference should be exempted, and it has been rightly accepted in the provisions of this Bill.

The question is whether there has been any allegation of mismanagement. There may be vague allegations due to political motives. Anybody can make such allegations. But is there any demand from persons who are the beneficiaries of the trusts? For example, take the Christian religion. Is there any person belonging or claiming to belong to Christian religion who has hitherto demanded that their religious institutions should be brought under the control of Government? To my knowledge, no such instance has hitherto occurred. So, unless there is a strong public demand, Government should never interfere with the affairs of

other religions, in the name of religious trusts. These exemptions which are there in the Bill should be retained. I also submit that certain other provisions should be made more lenient. Also, the powers given to the Commissioner should not be so great as contained in some of these provisions.

I hope the Joint Committee will look into all these matters.

Dr. M. S. Aney: Sir, the Bill before this House is one which has evoked considerable interest and a very interesting debate also. Probably the mover of the Bill might not have thought that it will raise a storm of opposition to the extent which we have seen today. Member after Member has attacked this Bill on the ground that this Bill amounts to an interference with the religious actions of the people. Of course, the hon. Deputy Minister in charge of the Bill will no doubt give his own reply also.

I was one of those diehards in the old days—one of my old colleagues is sitting by my side and he will bear testimony to it. Whenever there used to be a Bill to legislate on any religious or social matter, I used to stand to oppose it invariably on the ground that it was a religious matter, which under an unwritten law, the British Government had admitted to be outside its jurisdiction. I used to feel pained when our own men used to bring in non-official Bills which would give them jurisdiction over these matters, which they never claimed. I did not allow the foreign Government to do anything of that kind as I did not want by bringing Bills of that kind to place before the whole world that we are unable to manage our own affairs. That was the ground on which I used to take strong objection to this interference by means of legislation in matters, religious and social.

Things have changed, times have changed and those dark days through

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which we have lived have also ended. We have now a Government of our own creation. What strikes me most is that still we find that the general attitude of the people towards this Government is the same as it was towards the British Government. Why is it so? It is a reflection to a great extent that having ourselves ruled for nearly 12 years and run the administration of the country for 12 years, we have not been able to inspire among the people a sense that it is their own Government. It is more like the Government which we have fought against. We still feel that the Government is something like a foreign body, which should be kept aloof, particularly from the religious and social activities of the people. Let them dabble with economic and other matters, but at least the religious sphere should be kept sacrosanct and free from their encroachment. That tendency is still in our minds. At least the opposition now is a kind of proof of the old tendency of sticking to the practice, that is, non-interference in matters of religion by the Government, still surviving in the minds of all. Let us see.

I was really thinking of giving my whole-hearted support to this Bill but when I read the Bill I found, after all, the scope of this Bill is reduced to such an extent that it has remained for the Hindus of such States as might like to have it. That is what it has come to. If you read the clauses, in the first clause it has been stated: "It shall come into force in a State on such date....." It is all right. Then it says "It extends to the whole of India except the State of Jammu and Kashmir". I do not know why the "State of Jammu and Kashmir" was excluded but I find that in all our legislation we make it a point to exclude "Jammu and Kashmir".

An Hon. Member: Nagaland also.

Dr. M. S. Aney: That will come later on. That has not found even a place in the statute book yet. That will come later on. In the old laws we generally used to find it said "It shall not apply to Santhal Parganas and some other States". That used to be the invariable practice. When the scope of a Bill that was passed by the Imperial Legislative Council was defined it used to say "It shall come into force all over India except Santhal Parganas and some other States" because they were thought to be outside the scope of the legislative authority of the Legislative Councils of the Government of India.

Shri Hajarnavis: It is a political fact, not a legal argument.

Dr. M. S. Aney: The hon. Minister need not explain. It explains nothing more than our unwillingness to make laws for them for such time as our present understanding exists there. However, that is immaterial.

Secondly, I thought that at least for the whole of India for the first time a Bill is being brought, which was being introduced as a uniform law. Then I found, later on, it was not so. There were clauses 34 and 35 which reduce the scope of the Bill. It shall not apply to Sikh Gurdwaras to which the Sikh Gurdwaras Act, 1925 applies. It shall not apply to the Durgah Khawaja Saheb, Ajmer, to which the Durgah Khawaja Saheb Act, 1955 applies or to any other wakf as defined in the Wakfs Act, 1954 or in any Provincial or State Act relating to wakfs in the State. Then again, for any religious trust existing or created for the purpose of Christians, it shall not apply; for Jews it shall not apply; for Parsis it shall not apply. The only section that remains is Hindus and Neo-Buddhists. They are the new elements and these are the old things, whose religious endowments and trusts are going to be governed by this Act. Even in their case there has been room left here. In the first place, there is power in

the hands of the Commissioner to exempt a religious trust or class of religious trusts to which a special enactment applies from the operation of any other laws. Besides, other provincial or State laws are also mentioned here. My hon. friend himself has stated that it shall come into force only if any State Government wants to have it. Otherwise, it does not come into force there. So, this sovereign legislative body is making a law without knowing to whom it will apply and who are likely to get the benefit of it. In that position we are dealing with a very important question with which the Indian people are really concerned.

However, having said something about the very narrow and limited scope of this Bill, I shall deal with one or two other points which, in my opinion, are important. I admit the necessity of having some kind of central legislation to control matters which are religious. That is my own conviction nowadays. I think our country consists of so many people, divided among themselves in the name of religion, and if there is going to be any unifying force at all, it shall be only by the exercise of the power by the sovereign government. Then only can a unifying force be created among them so that they can have and practise religion and its usages and act up to their religion and carry on their religious activities in such a way as not to create any clash among themselves in a spirit of harmony. That spirit of harmony is to be introduced among the people of all religions if this democracy is to work properly in the country. If India is a democracy and this democracy has to work properly in this country in a true democratic spirit, a spirit of harmony among people professing different religions has to be created. Each religion left to itself without any guiding force, has a tendency to run away from the other. That is the tendency of religion. So, this tendency of running away from each other in the name of being more and more reli-

gious has to be curbed. Therefore, a central organisation under the control of the Central Government has to be created which shall bring about a kind of machinery that shall keep all these different religious forces in their proper position and make them work in a spirit of harmony and friendliness. I am of that opinion now.

That is one of the reasons why on more than one occasion I pleaded a Ministry of Religion should be established. Religion is such a big subject which covers so many matters that a Ministry of Religion should be established. It shall be the duty of the Ministry of Religion to tackle all the religious subjects in such a way as to create a situation convenient and congenial to all people following different religions. That has to be created.

I do not want to enter on this matter at length at this stage but one of the things I have been thinking for the last few years is that if this modern democracy is to be run and the ancient spirit of Indian culture is to be preserved then it has to be saved from foreign and alien ideas that have been coming into the country and if Indian culture is to be kept true and pure then some Ministry which shall be in a position to take a comprehensive view of the religious faiths and practices is necessary. It should devise and find out means so that all may be able to practise different religions without feeling or entertaining any bad feeling about the other and creating, on the other hand, a sense of harmony so that the existence of different religions, instead of being a source of impediment, will be a source of new strength and progress in the country. Some such thing is wanted.

Being of that view, the old attitude of mine of opposing any measure that amounted to some kind of interference with religious practice has considerably changed. I give this as my explanation for the support which

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I am going to lend to the measure which my friend, the hon. Deputy Law Minister has brought before you now. But even while giving my support I want to know how they are going to have trusts registered, how are they going to appoint the Commissioner and give him an advisory body? These are the things that I want to know. The Commissioner is given all the powers. His powers in this case are—I do not want to use the word 'despot'—very wide and he is the sole master there.

Mr. Chairman: He may resume his seat if he has finished.

Dr. M. S. Aney: I will take only five minutes.

Mr. Chairman: He can take two more minutes.

Dr. M. S. Aney: The powers of the Commissioner, as defined in clauses 17, 18, 19 and 20, are such as shall have to be looked into very carefully by the Joint Committee.

Secondly, you have got these various advisory boards. I want to know as to what will be the function of these advisory boards? This whole Bill does not define that. It has been left to be defined by rules to be framed. I believe when you are going to give an advisory board to assist the Commissioner in carrying on the administration of these religious trusts, it is fair that this House should know as to what the functions are which the advisory board is going to exercise. Those are not mentioned here. At least an indication of those functions should be made clear in the Joint Committee which is to consider this Bill.

Thirdly, about the composition of the advisory board, I would like to say, having explained to you that the Bill virtually deals with Hindu religious trusts and nothing else, that it should be made incumbent upon the Commissioner, whoever he may be,

not to have on that advisory board anybody who does not belong to the faith of the trust to which it shall belong. If they are governing only Hindu religious trusts, the members of that board should be Hindus only, none else.

I am not enunciating a new principle. When this Buddhist affair was discussed as regards the Buddhist Temple at Gaya, our Buddhist friends insisted upon having only Buddhist members there but I succeeded in getting somehow or other one Hindu member on that board because at that time I happened to be the Governor.

So this being a religious body or religious concern, men who have got sympathy with the religion of the Hindus should be there. I shall give you one example and shall then resume my seat. There is a trust like that of a well-known religious institution in Vidarbha. I do not want to name the institution. It used to manage the affairs all right, but it used to collect every year some money which was lying with them in balance. There was a considerable amount of money. It so happened that there was an idea of having a church there. The missionaries wanted a church. The Commissioner was one of the members of that trust and it was decided that some portion of that surplus which they had should be given for this work because it was also building a temple of God, never mind whether it was a God which was not understood by people of other religions. All I would have said about this is that it was a kind of misappropriation that was being made by that board of which one of the big officers was the head.

Therefore, if you want to keep this trust with a view to see that it is carried on on the lines which the founders of that trust had in their mind, see that those men share in those convictions and those beliefs. This is another point which, I hope, the Joint Committee shall bear in mind. If you do not do that the

objects of the trust would be defeated because I find from the speeches of some of my hon. friends here that they oppose that the doctrine of *cypres* can be applied. Even that they do not like. Religious funds may be used for any good purpose which should be understood as a religious purpose in spite of the fact whether that purpose is consistent with the original purpose with which the trust was founded or not. Somebody may create a fund and say that out of this an *atithishala* should be run. Now you may think, "Let me give this money to some other charitable institution mentioning some other religious purpose". It may be good work, but that kind of thing will defeat the object itself.....

Mr. Chairman: The hon. Member's time is up. Even the extra two minutes are over.

Dr. M. S. Aney: I will sit down. This will be the last sentence

My submission is that these advisory boards or their members should be there to promote the objects with which the original trust was founded and not to do anything which will be inconsistent with it. I hope these remarks will be borne in mind by the hon. Members who are in the Joint Committee and they will see that the scope of the Bill, though narrow, does some good and that it will make things better.

Shr Kalika Singh: Mr. Chairman, Sir, the Constitution of India in article 26 provides a fundamental right which reads as follows:

"Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law."

In clause (c) above, there is a provision that every institution shall have the right to own and acquire immovable property. Clause 16 of this Bill provides as follows:

"No transfer by a trustee of any immovable property of a religious trust by way of sale, mortgage, gift or exchange or by way of lease for a term exceeding three years shall be valid, unless it is made with the previous sanction of the Commissioner."

If the right of transfer is curtailed, the right of ownership is extinguished.

After the Madras Religious Endowments Act was passed, in 1953 the Supreme Court declared many of its sections as *ultra vires* and invalid only because they contravened the provisions of article 26 of the Constitution.

Shri Hajarnavis: May I assure the hon. Member that when the Bill was drafted every aspect was considered in the light of the pronouncement of the Supreme Court? If there is any particular aspect which, according to him, we have not taken into consideration it may be brought to our notice.

Shri Kalika Singh: The point that I was making was that in drafting this Bill and in enforcing its provisions we should always be reminded of the provision in article 26 of the Constitution.

Shri Achar (Mangalore): I may point out that there is such a provision in the Madras Religious Endowments Act and the Supreme Court has not held that as *ultra vires*. There is exactly the same provision in the Madras Act.

Shri Kalika Singh: The Madras Act has been passed again and now that has been held to be valid.

Here the Commissioner has been empowered to administer the religious trust; throughout India in all the States. Every State will now have a Commissioner and there will be Assistant Commissioners and Deputy Commissioners appointed under this Bill by the State; or by the Central Government. All the religious trusts shall have to apply to the Commissioner for registration. One thing is not made very clear here. The difficulty that crops up always is about public and private endowments. There is no distinction between the two because seldom have we trust deeds. In 95 per cent. of the cases of religious endowments—even in the case of very big ones—they are just oral and they have to be enquired into. Now, if the Commissioner calls upon the persons under this Bill to apply for registration, it will be very difficult for those persons to distinguish between public and private endowments because this Bill covers only public endowments and a 'religious trust' has been defined as a trust existing or created for public purposes of a religious nature. This question is always investigated by the courts of law and the test to determine whether a trust is a public trust or a private trust is so difficult that a volume of documents are produced on both the sides and then the court comes to the conclusion that it is a private trust or a public trust. But here there is a sweeping provision under clause 6 which says that "it shall be the duty of the trustee of every religious trust to make an application to the Commissioner for the registration of the trust".

Shri Hajarnavis: May I read for the hon. Member's benefit the very clear statement of law by Mulla about what constitutes a private endowment:

"When property is set apart for the worship of a family god in

which the public are not interested, the endowment is a private one".

This is a very simple question depending upon the facts which the Commissioner will enquire into, and if there is any one aggrieved by that order he can move the High Court. The matter is not complicated at all.

Shri Kalika Singh: That is not the point I am making out. I say that under clause 6 it will now be the duty of every person to get the trust registered. And clause 25 provides that if any person fails to apply for the registration of a religious trust within the time specified, he shall be punishable with fine which may extend to even one thousand rupees. It is that penal provision to which I am drawing attention to. And when the case goes to the court of law—the cases go up to the Supreme Court—it is very difficult for the courts to find out whether it is a public trust or a private trust. Now, suppose a general notification is issued and a person does not apply. He thinks that it is a private trust and therefore, why should he apply for registration? And some officer goes and says, "you did not apply within six months and so you are punished under this law". It is very difficult for a person to point out to the court that it is a private trust or a private religious endowment, that the provisions of the Religious Trusts Act do not apply and that therefore, he should not be punished. Therefore, that provision should be made more clear, that the Commissioner should find out, he should have some data, some criterion and only then the court should have a right to punish that person if he does not apply for registration.

Then there is another provision about the removal and the appointment of trustees. Section 92 of the Civil Procedure Code and section 14 of the Religious Endowments Act were the two provisions under which the States, which had not got their

own special laws, used to apply in the courts of principal jurisdiction. And the district judge used to remove the trustee for mismanagement or appoint a trustee. But here the provision for the appointment of a trustee is very stringent. Clause 21 which deals with this says:

"When there is a vacancy in the office of trustee of a religious trust and there is no one competent to be appointed as trustee under the terms of the deed of such trust or where there is a bona fide dispute as to the right any person to act as trustee or where there is a vacancy caused by the removal of the trustee under section 19 or section 20, the Commissioner may... appoint" etc.

Whether it is a vacancy caused by death or by removal or by resignation, all of them now come under this clause, and the Commissioner will appoint the trustee—like Lord Dalhousie. In those days, whenever a State had a vacancy, the power of appointment vested in the Governor. So here also I find that even if it is a case of a vacancy caused by death or by resignation, even then the Commissioner will have to appoint. It is a very large power that has been given. So far it has been the function of the courts to find out if there is any vacancy: so many heirs come and fight in the court of law, they prove their claim and they are declared as heirs of the last trustee. But here the jurisdiction of the civil courts is barred everywhere. Clause 29 says, "Notwithstanding anything contained in any other law for the time being in force, no civil court shall entertain any suit or proceeding in so far as it relates to any question or matter which the Commissioner is empowered by this Act to decide." So everywhere, where the Commissioner now functions, the jurisdiction of the civil courts is barred. If there is a question of succession or a question of transfer, if the Commissioner says that

"this properly shall not be transferred" it means that that matter also cannot be taken to the court. The deed may provide that for such and such beneficial measures the trustee may have the right to transfer. In that case the jurisdiction of the courts ought not to have been barred, because barring the jurisdiction of the courts or controlling it too much may contravene the provisions of article 26 of the Constitution of India.

Then, clause 34 says that the provisions of this Act shall not apply to any Sikh Gurdwara to which the Sikh Gurdwaras Act, 1925, applies or any religious trust existing or created for the benefit of Christians, Jews or Parsis or any section thereof. I think clause 35 would have been sufficient. Clause 35 states that "the State Government may, by notification in the Official Gazette, exempt any religious trust or class of religious trusts to which any special enactment applies from the operation of all or any of the provisions of this Act." Clause 35 is already there under which the Government can exempt any class of trust or trusts. Therefore, by the provision of that very clause you could have excluded Christians, Jews, Parsis and Sikh Gurdwaras. But to legislate here in Parliament by clause 34 that the provision of this Act shall not apply to this and that community—some of my hon. friends pointed out rightly that we are again legislating only for Hindus, and not legislating for Muslims, Sikhs, Jains or Christians, Jews or Parsis—introduces an element of communalism. Therefore, Parliament should make a uniform law. There should be a safeguard and it should be for the Government under notification to exempt any trust under clause 35. Therefore, I suggest that clause 34 should be deleted.

Shri Tyagi: I have not much to say except that I congratulate the Government on such a nice measure that they have put before the House for their consideration. It was a much needed measure: the country as a whole was feeling its need for a long time past.

[Shri Tyagi]

But it is a pity indeed that there are some unnecessary provisions. I will take only one point. Clause 34 says that the provisions shall not apply to any Sikh Gurdwara to which the Sikh Gurdwaras Act, 1925, applies. I think it was not necessary to mention this. We could have said in vague terms that they would not apply to any such trusts as have been covered by other laws. That would have been much better, rather than mentioning that they do not apply to Sikhs, so that they may not get annoyed. And then it says that it shall not apply to the Durgah Khawaja Saheb, Ajmer. Very good. Logically it is all right, because we have already enacted a law for it. Therefore, two laws cannot apply to one institution. But why mention all that here? You could easily say that this shall not apply to any such charitable institution as is governed by any other law. That would have been better. It looks rather bad to say that "it will not apply to the Durgah Khawaja Saheb Act, 1955, applies or to any other wakf as defined in the Wakf Act, 1954, or in any Provincial or State Act relating to wakfs in any State"—then worse it is—"or any religious trust existing or created for the benefit of Christians, Jews or Parsis or any section thereof". What is this? Are we not the guardians of the interests of the Christians? Are we denying ourselves the honour of legislating for the Jews or Parsis? Are we a Hindu Parliament that we should enact only for the Hindus? It looks rather bad; it smacks of a sense of cowardice. This is something, every time trying to appease every section . . .

Shri Naushir Bharucha: If my hon. friend will not mind my intervention, so far as the Parsi community is concerned, there are about a thousand trusts which are already operating under an Act which is far more stringent than this Act, in Bombay. And ninety-nine per cent are covered.

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Shri Tyagi: Therefore, it would have been better if we had mentioned that it will not cover such charitable institutions as are covered by other Acts. Parsis, everybody would be covered.

Shri Naushir Bharucha: That is true.

Shri Tyagi: Because, they are already governed by some other Act of Parliament. We cannot have two Acts for one institution. Therefore, my suggestion is—I hope the hon. Minister would kindly consider this—not to mention by name Sikh Gurdawara. We may say, all those institutions which are covered by other Acts.

Then, it is said, not only those which are existing for the benefit of Christians, Jews or Parsis, but also those which may come hereafter. They too will not be governed. That does not look quite well in a State which we claim to be secular. If we at all enact, we must enact in such terms as may at least look secular in meaning or reading of it.

I have to point out only one thing. Otherwise, the rest of the Bill, I wholeheartedly welcome because the provisions are good and the State Governments are given enough power to exercise their discretion in all matters which they will do according to the Constitution and according to the conditions of each trust. There is one thing to which my hon. friend also referred that is about oral trusts. There are some religious trusts like *mandirs*. There are big *mandirs*. There is one Paspupathi *mandir* in the South,—I do not know what its name is—about which it is known that it has crores of rupees worth of gold put into a well. People go on making presents and they go into the well. There is the Nathdwara *mandir* in Rajasthan, a much reputed *mandir* for

its thefts. Many people are involved and quite a lot of scare was created in the press about the Nathdwara mandir. I do not know whether such trusts whose objects are not fully defined or mentioned in so many words will be covered. Will they also be covered? I do not know whether these mandirs will come under the definition of trusts at all. That may be made clear. It is not clear to me as a layman. I am doubtful about it.

There are other institutions where there are lots of properties entrusted to mahants who get it from father to son, hereditarily. Their functions are not at all defined. They carry on as if it is their private property. Will they be treated as trusts or will they continue as private property?

There is another thing which might might well be defined. The Commissioner may be in a position to make definite allotments for the personal use of the trustees. Could any provision be made that sum exceeding a certain percentage of the annual income of a trust cannot be used by a trustee for his own private purposes and the rest of the amount must go for charitable purposes? Because, in many institutions this distinction does not occur and it is left to the goodwill of the trustee, mahant or anybody in charge of such religious trust and he can spend as much as he chooses on his children or he may spend anything on charity or not at all spend. Is this Commissioner not going to have the right of defining as to how much will go to the trustee himself? At present, a trustee enjoys lakhs worth of income. Trustees are income-tax free. Their personal expenditure is also practically income-tax free because it is trust money. Trusts do not come under the Income-tax Act. Therefore, I suggest that further authority may be given to the Commissioner to authorise the States to define as to how much a trustee can utilise for his own personal purposes.

श्री शंकर देव (गुलबर्गा-रक्षित-अनुसूचित जातियाँ) : सभापति महोदय, इस रिलिजस ट्रस्ट बिल को देखने के पश्चात् मैं इस नतीजे पर पहुँचा हूँ कि इस बिल को लाने की कोई आवश्यकता नहीं थी और गवर्नमेंट की तरफ से धार्मिक स्वतंत्रता को कायम रखने के बारे में कुछ किया जाना चाहिये था। अब तक ऐसा समझा जाता रहा है कि धार्मिक क्षेत्र में भगवान निवास करता है और कानून का बंदा वहाँ पर नहीं है। वहाँ पर अगर कोई किसी प्रकार का पाप करने के लिए आता था तो वह खुद परमात्मा से डरता था और पाप नहीं करता था। वहाँ पर भी अगर कानून का डंडा अब पहुँच गया तो मैं समझता हूँ कि वहाँ से भगवान भी डंडे के डर से भाग जाएगा। इसलिए मैं समझता हूँ कि वहाँ पर धार्मिक स्वतंत्रता रहनी चाहिये और उसमें कानून का दखल नहीं होना चाहिये। जब यह कानून पास हो जाएगा तो जो इंस्पेक्टर इत्यादि हैं वे वहाँ जायेंगे, हिसाब किताब पूछेंगे और जो जो चंदा देते हैं उनके नाम इत्यादि भी जानने की कोशिश करेंगे और हो सकता है कि गुप्तदान देने वाले भी दान देना बन्द कर दें। अब उनको तमाम एकाउंट्स इत्यादि रखने पड़ेंगे और धार्मिक स्थानों में भी वही तमाम खराबियाँ आ जाएंगी जो कि किसी कम्पनी इत्यादि में आती हैं। सके बाद आगे चल कर हो सकता है कि कम्पनियों की तरह वहाँ भी टैक्स इत्यादि लगाने जैसी चीजें आ जाएँ और वह भी एक बिजनेस की तरह से हो जाए। जब ऐसा हुआ तो इन स्थानों की पवित्रता जाती रहेगी, धार्मिक भावना खत्म हो जाएगी जो कि हमारे देश के लिए अच्छी चीज नहीं होगी। मैं समझता हूँ कि धार्मिक क्षेत्र के अन्दर किसी भी प्रकार का इंटरफीयरेंस नहीं होना चाहिये और इसको यहाँ पर पेश करने से पहले इन सब बातों पर विचार किया जाना चाहिये था और इसको पेश नहीं करना चाहिये था। यह एक ऐसा क्षेत्र है जहाँ पर गवर्नमेंट का हस्तक्षेप कम से कम होना चाहिये।

[श्री शंकर देव]

आज विनोबा भावे यही कहते हैं कि हम शासन रहित शासन चाहते हैं। शासन रहित राज्य की अगर स्थापना करनी है, अगर शासन रहित राज्य का प्रारम्भ करना है तो हम इसकी शुरूआत टैम्पल्स से, रिलिजस इंस्टीट्यूशंस से ही कर सकते हैं। वहां पर भी अगर गवर्नमेंट अपना शासन प्रारम्भ कर देगी तो मैं नहीं समझता कि शासन रहित राज्य की स्थापना कभी भी हो सकेगी।

मैं समझता हूँ कि अगर वाकई में वहां पर कुछ बुराबियां थीं, और उन बुराबियों को दूर करने की आवश्यकता थी तो इसके दूसरे उपाय हो सकते थे और उनको अपनाया जा सकता है। अगर वहां पर कुछ कौरप्टन है, मिसप्रोप्रियेशन वगैरह है, तो उसका अन्त करने के लिए कानून की आवश्यकता नहीं थी, कमिश्नर को एवाइंट करने की आवश्यकता नहीं थी, इस बिल को मूव करने की आवश्यकता नहीं थी। उन चीजों को दूर करने का एक उपाय यह हो सकता था कि धार्मिक भावना रखने वाले जो बड़े बड़े लोग हैं, जो सन्यासी लोग हैं, विनोबा भावे जैसे लोग हैं, वे वहां पर जा कर प्रवचन करते और लोगों के अन्दर धार्मिक भावना जागृत करते और इन बुराइयों का इस तरह से अन्त अपने आप हो जाता। इस तरह से यदि कार्य होता तो उसके परिणाम जल्दी निकलने की आशा की जा सकती थी और वे स्थायी भी होते। इस तरह के कानून पास कर देने से हो सकता है कि उन स्थानों को भी पोलिटिकल अगुआ बना दिया जाए। हम देखते हैं कि गुड्डाहों के अन्दर आज क्या हो रहा है। मास्टर तारा सिंह यही कह रहे हैं कि उनके प्रबन्ध में गवर्नमेंट स्वाहम्साह दखल दे रही है। इसलिए मैं अनुभव करता हूँ कि इन स्थानों में जहां पर पालिटिक्स अभी तक पहुंच नहीं पाया था, पालिटिक्स पहुंच जाएगा, इसका प्रारम्भ हो जाएगा। इसलिए मैं इस बिल का अपने दिल से विरोध करता हूँ और चाहता हूँ

कि इस बिल को मूव करने से पहले गवर्नमेंट हज़ार बार इस पर गौर करती।

मेरी समझ में नहीं आया है कि गवर्नमेंट की क्या पालिसी है। एक तरफ तो म्युनिसिपल बोर्डों के अन्दर, लोकल बोर्डों के अन्दर, शासन के अन्दर अधिक से अधिक विकेन्द्रीकरण की, डिसेंट्रलाइजेशन की बात बह सींच रही है और कर भी रही है और दूसरी तरफ वह धार्मिक क्षेत्र के अन्दर घुस कर अपना दखल बढ़ाना चाहती है और उनके प्रबन्ध में भी अपना हाथ रखना चाहती है। एक तरफ तो विकेन्द्रीकरण का वह नारा लगाती है और दूसरी तरफ केन्द्रीकरण की प्रवृत्ति इतिगोचर हो रही है। उस क्षेत्र में जहां पर किसी भी प्रकार का शासन का इंटरफीरेंस होना ही नहीं चाहिये, जहां पर पालिटिक्स घुसना तक नहीं चाहिये वहां पर इंटरफीरेंस भी हो रहा है और पालिटिक्स भी घुसेगा। मैं समझता हूँ कि इस मामले में हम जवदस्ती करने की कोशिश कर रहे हैं और यह बात देश हित में नहीं होगी। हमें चाहिये कि जिस क्षेत्र में हमारा कार्गेंस, हमारा अन्तःकरण काम करता है उसमें हम लोगों को अधिक से अधिक स्वतंत्रता दें और उसमें धार्मिक स्वतंत्रता हर प्रकार की होनी चाहिये। ऐसी शूरत में मैं समझता हूँ कि इस बिल का कोई भी फायदा नहीं होगा।

जैसा पूर्व वक्ताओं ने कहा है कि इस बिल में डिफेक्ट हैं और उनको रिमूव किया जाना चाहिये। इस बिल को डाफ्ट करते समय मालूम पड़ता है कि हिंदुओं का ही ध्यान रखा गया है, हिंदु धर्म को ही दृष्टि में रखा गया है और उनके धार्मिक स्थानों के सुधार को ही ध्यान में रखा गया है। हमारे त्यागी जी ने कहा कि दूसरों कर्मों में शायद वह कुछ डर रहे थे और मैं समझता हूँ कि यह बात दुस्त भी है। इस तरह के बहुत से डिफेक्ट बहुत सी कमियां गिनाई जा सकती हैं लेकिन फेडरल तौर पर मैं यही कहूंगा कि दूसरे

क्षेत्रों के मुकाबले में धार्मिक क्षेत्र में कम से कम कोरप्शन है। यह ठीक हो सकता है कि मिसएप्रोप्रिएशन बहुत सी जगहों पर होता है लेकिन उसको खत्म करने का यह तरीका बिल्कुल नहीं है। जहाँ पर कानून पहुँचेगा वहाँ पर कोरप्शन और मिसएप्रोप्रियेशन और भी अधिक बढ़ेगा और कम होने की तो आशा ही नहीं की जा सकती है।

इन शब्दों के साथ मैं इस बिल का विरोध करता हूँ और समझता हूँ कि इस बिल को यहाँ पर लाने की कोई आवश्यकता नहीं थी और उनकी स्वायत्तता को नष्ट नहीं होने दिया जाना चाहिये।

श्री अ० मु० तारिक (जम्मू तथा काश्मीर): जनाब चेयरमैन साहब, इस बिल को मैं, जिन मकासिद को पेशेनजर रखते हुए पार्लियामेंट में पेश किया गया है, खुशआमदीद कहता हूँ। लेकिन मुझे इंतहाई अफसोस है कि उस हिन्दुस्तान में जिस हिन्दुस्तान में महात्मा गांधी ने हमको यह सबक दिया था कि "ईश्वर अल्ला तेरे नाम, रघुपति राघव राजा राम" इस तरह के बिल को, जिसके मानी यह होते हैं कि इसका एक हिस्सा मुसलमानों पर लागू नहीं होगा, दूसरा हिस्सा पाँसियों पर लागू नहीं होगा, तीसरा हिस्सा सिखों पर लागू नहीं होगा, यहाँ पेश किया गया है। इसमें कहा गया है कि यह ईसाइयों पर लागू नहीं होगा और दूसरों कुछ और पर लागू नहीं होगा। मैं अर्ज करना चाहता हूँ, इल्तजा करना चाहता हूँ कि कम से कम इस बिल को लाते वक्त हमें अलफाज और अलफाज के मकासिद को तो पेशेनजर रखना चाहिये था और देखना चाहिये था कि दूसरी कौमों पर इसका किस कदर असर पड़ सकता है। आप किस वजह से मुझ पर एहसास कमतरी लाना चाहते हैं? क्या मैं इस मुल्क का बाशिन्दा नहीं हूँ, क्या हिन्दुस्तान की आजादी में मेरा हाथ नहीं है? अगर हूँ तो फिर क्यों आप मुझ पर यह हावी करना चाहते हैं कि त्यागी जी सुपीरियर हैं और मैं इनफीरियर हूँ या भरूचा साहब इनफीरियर हैं। भरूचा साहब ने अभी कहा कि पाँसियों के

यहाँ एकट है जो बहुत अच्छा है। मैं समझता हूँ कि वजीरे कानून का यह फर्ज था कि वह ऐसे तमाम एकट्स को जमा करते और जो उनमें अच्छी अच्छी बातें हैं, उनको इस बिल में जगह दे कर, इसको हाउस में पेश करते। एक नाकिस एकट जो मुझ पर हावी नहीं होता, भरूचा साहब पर हावी नहीं होता, सिर्फ त्यागी जी पर हावी होता है लाकर आप ठीक काम नहीं कर रहे हैं। उस सूरत में आप इसको हिन्दू एकट कह सकते थे, आप इसको जमहूरियत का एकट नहीं कह सकते हैं क्योंकि आप इसको गलत मानों में पेश करते हैं।

श्री त्यागी: इसको हिन्दू ट्रस्ट एकट कहा जाय।

श्री अ० मु० तारिक: हिन्दू ट्रस्ट बिल कहें, तो मुझे कोई एतराज नहीं होगा। मुझे एक एतराज है तो यह कि यह सिर्फ हिन्दुओं के लिए है।

मैं बहुत सी जयारतों के बारे में जानता हूँ जिन में हिन्दू पैसा देते हैं। मैं जानता हूँ कि अजमेर की दरगाह में मुसलमानों से ज्यादा हिन्दू जाते हैं और पैसा देते हैं, अकीदत रखते हैं। एक ऐसा एकट जो कि हिन्दू, सिख, मुसलमान ईसाई वगैरह सब पर हावी हो सकता इस हाउस में लाया जाना चाहिये था।

Shri Naushir Bharucha: Why not apply it to Jammu and Kashmir first?

श्री अ० मु० तारिक: उस में मैं कुछ नहीं कह सकता हूँ, वह आप समझ लें, आप का मसला है।

मैं वजीर साहिब से यह तबक्कह रखता हूँ कि वह इस पर एक बार फिर गौर करें और कोशिश करें कि इस बिल को सैक्युलर शकल दी जा सके। मैं उनसे यह नहीं कहता कि वह मुसलमानों की सरपरस्ती करें। लेकिन मैं उन से और उन से ही नहीं बल्कि हकूमत चलाने वालों से यह तबक्कह रखता हूँ कि वे मुसलमानों, सिखों, ईसाइयों, पाँसियों वगैरह को अकलियतें तो मानें लेकिन इन सब को

[श्री श्री० म० तारिक]

बराबर समझने की कोशिश करें और समझें कि ये सब इस मुल्क के बाशिन्दे हैं ।

इन अलफाज के साथ मैं उम्मीद करता हूँ कि इस मसले पर गौर किया जायगा और साथ ही साथ दफा ३५ और ३६ के बारे में फिर से सोच विचार होगा ।

शरी अ- - - - - طارق - (जसों और कश्मिर) - - - - - जलपा चिपरमिन صاحب
 اس بل کے مقاصد کو پیش نظر رکھتے ہوئے پارلیمنٹ میں پیش کیا گیا ہے -
 میں خوش آمدید کہتا ہوں - لیکن مجھے انتہائی افسوس ہے کہ اس ہندوستان میں جس ہندوستان میں مہاتما گاندھی نے ہم کو یہ سبق دیا تھا کہ ایشور اللہ تیو نام رکھو پتی راگو راجا رام - اس طرح کے بل کو جس کے معنی یہ ہوتے ہیں کہ اس کا ایک حصہ مسلمانوں پر لاگو نہیں ہوگا - دوسرا حصہ پارسیوں پر لاگو نہیں ہوگا - تیسرا حصہ سکھوں پر لاگو نہیں ہوگا - یہاں پیش کیا گیا ہے - اس میں کہا گیا ہے کہ یہ عیسائیوں پر لاگو نہیں ہوگا اور دوسروں کچھ اور پر لاگو نہیں ہوگا - میں عرض کرنا چاہتا ہوں - انتخاب کرنا چاہتا ہوں کہ کم سے کم اس بل کو لاتے وقت ہمیں الفاظ اور مقاصد کو تو مد نظر رکھنا چاہئے تھا اور دیکھنا چاہئے تھا کہ دوسری قوموں پر اس کا کس قدر اثر پڑ سکتا ہے - آپ کس وجہ سے مجھ پر احساس کمترین لانا چاہتے ہیں - کیا میں اس ملک کا باشندہ نہیں ہوں - کیا ہندوستان کی

آزادی میں میرا ہاتھ نہیں ہے - اگر ہوں تو پھر کیوں آپ مجھ پر یہ حاوی کرنا چاہتے ہیں کہ تیلاگی جی سپریم ہیں اور میں انفریم ہوں یا بہروچا صاحب انفریم ہیں - بہروچا صاحب نے ابھی کہا کہ پارسیوں کے یہاں ایکٹ ہے جو بہت اچھا ہے - میں سمجھتا ہوں کہ وزیر قانون کا یہ فرض تھا کہ وہ ایسے تمام ایکٹس کو جمع کرتے اور جو ان میں اچھی اچھی باتیں ہیں ان کو اس بل میں جگہ دے کر اس کو ہاؤس میں پیش کرتے - ایک ناقص ایکٹ جو مجھ پر حاوی نہیں ہوتا - بہروچا صاحب پر حاوی نہیں ہوتا - صرف تیلاگی جی پر حاوی ہوتا ہے لاکر آپ ایک کام نہیں کر رہے ہیں - اس صورت میں آپ اسکو ہندو ایکٹ کہہ سکتے تھے - آپ اس کو جمہوریت کا ایکٹ نہیں کہہ سکتے ہیں - کیونکہ آپ اسکو غلط معنوں میں پیش کرتے ہیں . . .

شری تیلاگی - اسکو ہندو ٹرسٹ ایکٹ کہا جائے -

شری اے - ایم - طارق - ہندو ٹرسٹ بل کہیں تو مجھے کوئی اعتراض نہیں ہوگا - مجھے ایک اعتراض ہے تو یہ کہ یہ صرف ہندوئوں کے لئے ہے -

میں بہت سی ذہانتوں کے بارے میں جانتا ہوں جن میں ہندو پیسہ

دیتے ہیں - میں جانتا ہوں کہ اجمہر کی درگاہ میں مسلمانوں سے زیادہ ہندو جاتے ہیں اور پیسہ دیتے ہیں عقیدت رکھتے ہیں - ایک ایسا ایکٹ جو کہ ہندو - سکھ - مسلمان - عیسائی وغیرہ سب پر جاری ہو سکتا اس ہائوس میں لیا جانا چاہئے تھا -

Shri Naushir Bharucha: Why not apply it to Jammu and Kashmir first?

شری اے - ایم - طارق - اس میں میں کچھ نہیں کہہ سکتا ہوں - وہ آپ سمجھ لیں - آپ کا مسئلہ ہے - میں وزیر صاحب سے یہ توقع رکھتا ہوں کہ وہ اس پر ایک بار پھر غور کریں اور کوشش کریں کہ اس بل کو سیکولر شکل دی جا سکے - میں ان سے یہ نہیں کہتا کہ وہ مسلمانوں کی سرپرستی کریں - لیکن میں ان سے اور ان سے ہی نہیں بلکہ حکومت چلانے والوں سے یہ توقع رکھتا ہوں کہ وہ مسلمانوں - سکھوں - عیسائیوں پارسیوں - وغیرہ کو اقلیتیں تو مانیں لیکن ان سب کو برابر سمجھنے کی کوشش کریں اور سمجھیں کہ یہ سب اس ملک کے باشندے ہیں -

ان الفاظ کے ساتھ میں امید کرتا ہوں کہ اس مسئلے پر غور کیا جائیگا اور ساتھ ہی ساتھ دفعہ ۲۳ اور ۳۵ کے بارے میں پھر سے سوچ وچار ہوگا -

Shri Hajarnavis: I express my profound gratitude to the House for the reception which it has accorded to

this Bill. The one or two dissentient voices that have been heard opposing the principle of the Bill have only served to bring into bold relief the almost unanimous support which this measure has received from the House.

Some suggestions have been made to improve some provisions and the drafting. I am quite certain that the Joint Committee will take them into consideration. I will not carry long on them except to say that they will be placed before the Joint Committee.

One or two important points of criticism I must deal with. One was that this Bill seeks to trespass on the religious freedom of certain communities. I entirely deny the charge. If we concentrate our attention on the operative part of the Bill, Clause 5, we will find that not only does the Bill not try to interfere with any trust but it tries to safeguard them. It tries to place at the disposal of the trusts the whole power of the State so that the trusts are executed in accordance with the objects for which they have been created. I will read Clause (5) again:

"Subject to the provisions of this Act, the Commissioner may do all such things as may be reasonable and necessary to ensure that all religious trusts within his jurisdiction are properly administered and that the income thereof is duly appropriated and applied to the objects of such trusts and in accordance with the purposes for which such trusts were founded...."

So, the basic power that has been granted to the Commissioner is to see that the administration of the trusts is carried on in accordance with the objects of the trusts. So long as the trusts are being executed in accordance with the original objects, the Commissioner has no power to interfere at all. The Commissioner can step in only if there is dereliction in the execution of the Trust. Even this power of the Commissioner is subject, as I pointed out, to the

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jurisdiction of the High Court. If there is any wider assumption of jurisdiction by the Commissioner, surely any such irregularity will be corrected by the High Court.

Then, I will again read Clause 11(3). Clause 11(1) does give power to the Commissioner to suggest and make changes in the Budget, but Clause 11(3) says that this power has to be exercised only in accordance with the original objects of the trust. It is also made clear:

"Nothing contained in subsection (2) shall be deemed to authorise the Commissioner to restrict or prohibit the observance of any religious belief...."

Therefore, the whole purpose of the Bill is to safeguard the religious beliefs of the persons who have created the trust, who have set apart a portion of their property for the creation of the trust. The persons who will be hit by this Bill are only those who intend to divert the funds to their own purposes instead of applying them to the objects of the trust. Therefore, the purpose of the Bill is to safeguard religious freedom and to see that once a religious trust is created, it continues to be executed year after year under the supervision of the Commissioner and under the judicial superintendence of the High Court in accordance with the purpose of the trust.

It was said that if you give the Commissioner power to find what the objects of the trust are and whether breaches have been committed, you are encroaching upon religious freedom. I have not been able to understand that argument at all. When we know that a person owes a certain duty in accordance with rights created, then there must be an authority to determine if he is exercising those rights in accordance with law, in accordance with the objects of the trust. So, that authority will, in the first instance, determine if the exer-

cise of power granted to the trustees is in accordance with the terms of the trust. Otherwise, he becomes a judge in his own case. Simply because he is a trustee of a religious trust, we cannot leave it open to him execute the trust in his own way as a matter between his conscience and his God. We cannot leave it to him to say whether the real objects of the trust are being fulfilled or not. There must be an external authority. No one has suggested, nor have I read any text in any religion which would deprive the State of its responsibility to see that property which has been imposed with a religious trust is managed well or which would prevent supervision and control by the State. The supervision is only undertaken for the purpose of respecting the trust.

The question to which the Commissioner addresses himself first is this. What are the objects of the trust? Having determined them, and having made a record of them, he continuously watches the administration of the trust to see whether the actual expenditure of the trust is or is not in accordance with the objects of the trust. If there is any deviation, he can certainly take action. If there is any complaint in regard to the determination of the Commissioner, then we have placed him under the appellate jurisdiction of the High Court. Therefore, an honest trustee sincerely discharging his duties is fully protected. There is no provision in the Bill which empowers any authority or enables any governmental authority, so long as the objects of the trust continue to exist, to divert any part of the funds to any purpose other than the objects of the trust.

Therefore, I respectfully submit that the whole object of the Bill is to see that the religious freedom which every person in this country enjoys, and which is guaranteed to him by the Constitution, is fully protected for him. If I may say so, it would indeed be a contradiction in terms to

say that a person shall be a trustee and he shall be the sole judge to consider whether he is administering the trust or managing the trust in accordance with the original creation. What the trust should be is for the person who creates the trust to determine; as to how the trust should be executed, discretion may be vested in the trustee. But whether that discretion is being exercised properly or not is a question which must be determined by an independent authority, namely the courts, and, therefore, the courts cannot be deprived of their authority at all.

The next point that was made was this. We have provided an advisory board to advise the Commissioner. It has been said that what exactly the scope of the advice should be is left to be determined by the rules. My hon. friend Dr. M. S. Aney has said that the advisory board should have larger powers. Speaking for myself, I think that the matter may be left as it is, allowing conventions to be developed to govern the relations between the advisory board and the Commissioner. I am quite sure that a Commissioner who intends to work harmoniously will be guided in most cases by the advice which he receives from the advisory board which will be composed of such distinguished persons. To say that he will pay due regard to the advice that he receives from the board is one thing, and to say that this board shall sit with him in a judicial capacity is quite another. I am not quite sure whether many members of the advisory board would be prepared to serve on the advisory board, if it were expected that they should discharge the judicial functions of the Commissioner and that they should be associated with him each time. He goes and makes the enquiries into the various cases, which the Bill will require him to do. That would mean that it would be a tribunal consisting of the Commissioner and such members of the advisory boards as probably may be prescribed by the rules, and they will have to sit throughout. From

there, the appeal will lie to the High Court. The question which then arises is whether we are going to burden the members of the advisory board with such onerous duties, and whether they will undertake to attend day to day the Commissioner's office in order to be concerned in these judicial proceedings. I respectfully submit to the House that I do not think many members, especially when we have members of the State legislatures and other members of Parliament, would be prepared to be associated with the day-to-day administration of this Act. I, therefore, think that the provision that has been made is a very workable provision.

Another question was raised as to why in spite of the fact that there are various State Acts covering various regions in various States, we should undertake a Central legislation. In the first place, Parliament alone is competent to legislate for the Union Territories, and, therefore, we have to legislate. It is also a fact that many of the laws such as the law in Madras or the law in Bombay or the law in Mysore are far in advance of this particular measure.

I was really surprised when I heard my hon. friend Shri Mohammed Imam, whom I know to be a very progressive person, criticising, after all his experience as a legislator and as a Minister in Mysore who probably administered this Act in Mysore, that the control of the trust is somehow or other trespassing into a region of religious liberty. He is aware that so far as the Muslim trusts are concerned, which are called wakfs, they are governed by the Muslim Wakfs Act and these provisions have been in force for a long time.

I must also tell my hon. friend Shri A. M. Tariq that it is not a question of Muslims being treated in an inferior manner. I might tell him that under the Muslim Wakfs Act, there are provisions very similar to those contained in this Bill. It is the other communities which did not get

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the benefit of this law. Therefore, there is no question of Muslims being treated differently. It is the other communities that are trying to rise to the level of the Muslims, that is, the enlightened level of the Muslim community. The Muslims have all along submitted themselves to the control of the State and the supervision of the State, so far as their own trusts are concerned, and they have never objected. Therefore, I am surprised that such an objection should have come from my hon. friend Shri Mohammed Imam. The most important part of his observation was that religious trusts shall be quasi-judicial, and that they should be thoroughly independent, and that they shall continue to be administered by the Trusts. I might submit that there would be only a supervising authority trying to see whether the law is being properly administered or not.

Then, my hon. friend Shri Supakar raised an objection under article 254. I am surprised that such an objection should come from such an experienced lawyer and such a keen student of constitutional law as my hon. friend.

Shri Supakar: I do not claim to be that.

Shri Hajarnavis: He will see, by reading article 254 and the marginal heading, that the application of article 254 arises only if there is inconsistency between two laws. To start with, I would say, there is only one law which applies; there cannot be two laws being applied in the same territory. If there are two Acts or enactments operating in the same territory, then one yields to the other. It may be that when two Acts are put together, some provisions of the one may apply and some provisions of the other may apply. So, if we are asked the question as to what the law is, we have to see what provisions we are considering. Here, Article 254 gives the test, namely that if there is a repugnancy between

the two Acts, the law made by Parliament or the State Act, as the case may be, shall prevail. The Supreme Court and the Privy Council have said that repugnancy arises if the two laws are inconsistent with each other in the sense that they cannot both be executed together. So that the conditions for application of article 254 of the Constitution are, if I may say so, two in number. In the first place, both laws must apply. Secondly, they must be repugnant to each other. In the Bill we have drafted, clause 1(3) says that it shall come into force only after notification by a State. Till a State has notified, this law does not apply at all to that State. Therefore, no question of repugnancy arises under article 254 till this law is applied to a State.

As I said, there are State laws. The law in the Bombay State is much more progressive than the Central Act. We have not been able to go as far as the Bombay Act which is working exceedingly well and has given satisfaction to all the communities; we have not been able to do that. As I see it, the Government of Bombay will refuse to apply this law; they are bound to say that their Act is very much better than our Act. But in case they find some virtue in this law, they will first have to repeal their own Act. After that, they will have to notify this law. I do not think that any State Government is, if it is rightly advised—I am not going to say, if it is in the right mind—while its own Act, which it considers better law, continues to be in force, going to notify this Act. So no question of repugnancy can ever arise. I do not see any difficulty at all there.

Secondly, as I said, there are communities which have laws of this kind. There are regions which have laws of this kind, better laws on this subject. What we are trying to do is to bring the States which have been lagging behind, or even the Union Territories, in line with other

States. After all, let us not forget that under article 44 of the Constitution, we are bidden to have one uniform civil code for the whole of India. Uniformity of laws is one of the strongest forces which will consolidate any people, any community. Now there is a movement not only in the legal field but in other fields under which nearly all the laws are falling into the same pattern. We started with various land tenures in various States. But land tenures are being simplified. After some time, I think after about five or ten years, I am quite sure that there shall be only one kind of land tenure, that of a holder from a State. All the distinctions in land rights that we used to know of, between *kuccha maurisi* and *pucca maurisi*, sir and *Khud-kasht*, have already disappeared and shall further disappear.

As regards personal laws, similarly certain features are common to the whole society, irrespective of the community to which the members thereof belong. The Hindus did not recognise the right of a daughter to succeed. She has now been given that right. The point I am making is that there is now a movement afoot for unification or uniformity of law—subconsciously. This is one of the strongest elements of nationalism in this country. It ought to grow.

Therefore, the question, why we should have a Central legislation of this kind, is one which ought not to be asked. There should be more and more legislation of this type which would try to standardise the laws which are applicable to the whole of the country. After all, those subjects in which the States can have their autonomy are covered in List II. They have their own laws and their own patterns. Even in those matters, as I said, a new uniformity is emerging. One State profits by the experience of the other. If one State has industrial court of a particular type and finds that it works well, it will have legislation of the same type. So even unconsciously, even without

there being the necessity, uniformity is emerging. This is one country and one nation and we should have, as far as possible, one law. To make this a ground of criticism is something I have not been able to understand.

The other points are, if I may say so, suggestions in regard to drafting for which I am grateful to hon. Members. I am quite sure the Joint Committee will take due notice of those suggestions. I again express my gratitude to hon. Members who have extended support to the Bill; I am also thankful to them for drawing the attention of Government to the necessity for this Bill by their persistent interrogation. Though the goads were sometimes painful, we must acknowledge that but for them probably we would not have acted so promptly.

There is one other matter mentioned by one hon. Member to which I must refer before I close. We have now appointed a Committee under the chairmanship of that distinguished jurist and eminent public man, Dr. C. P. Ramaswami Iyer. It is only his high sense of duty and spirit of public service which have induced him to accept this office at this age. The law we are now trying to place before the House contains only the barest minimum. I am quite sure that when suggestions of the Committee come, we shall be able to place them before the House, take our decision and attempt to implement them. But we thought that having deliberated upon the question for so many years, we ought not to put off this elementary Bill which, as I explained earlier, is concerned only with registration and the maintenance of accounts which are basic duties which any trust may be expected to discharge.

Shri Supakar: May I ask one question? The idea of registration is apparently borrowed from the U.K. Act. But of what practical use, at least so far as statistical knowledge is concerned, will it be if we exclude

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Christian, Parsee, Jew and other religious trusts? We do not get full information.

Shri Hajarnavis: It is not merely for statistical purposes that this is done. Registration enables us to locate the institution with which we have to deal, just as registration and taking out of a licence by a motor driver enables us to locate him.

Mr. Chairman: I shall first put the motion for circulation to the vote of the House. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1960".

The motion was negatived.

Mr. Chairman: The question is:

"That the Bill to provide for the better supervision and administration of certain religious trusts, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely, Shrimati Mafida Armed, Pandit Braj Narayan "Brajesh", Shri V. Eacharan, Shri S. C. Gupta, Shri R. K. Khadilkar, Shri Krishna Chandra, Dr. Pashupati Mandal, Shri C. Krishnan Nair, Shri Ghan-shyamlal Oza, Shri Chintamani Panigrahi, Shri C. R. Pattabhi Raman, Shri Khushwaqt Rai, Shri N. G. Ranga, Shri Jaganatha Rao, Shri M. Thirumala Rao, Shri K. R. Sambandan, Shri Bholi Sardar, Shri Ajit Singh Sarhadi, Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garwal, Shri Prakash Vir Shastri, Shri Mahendra Nath Singh, Shri N. Siva Raj, Shri Nardao Snatak, Shri V. N. Swami, Shri Ram Sahai Tiwari, Shri Manikya Lal Verma, Shri Pende-kanti Venkatasubbaiah, Shri Radhela Vyas, Shri K. G. Wode-yar and Shri Asoke K. Sen and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint-Committee".

The motion was adopted.

16.10 hrs.

PLANTATIONS LABOUR (AMENDMENT) BILL

The Deputy Minister of Labour (Shri Abid Ali): Sir, I beg to move that the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration.

The proposed amendments are mostly based on the recommendations of the Industrial Committee on Plantations and have been drawn up in full consultation with the State Governments and the organisations of workers and employers.

One group of amendments relates to the scope and coverage of the Act. As hon. Members will recall, the principal Act is applicable to plantations of a prescribed minimum size as measured in terms of acreage and the number of workers employed. Unfortunately, there have been instances where estates have been split up into fragments smaller than the minimum

so as to make the Act inapplicable to them. In order to make such attempts of evasion ineffective, it is proposed to empower the State Governments to apply the Act to any plantations irrespective of size or the number of persons employed. Care has, however, been taken to ensure that no additional burden is placed on the small units which were outside the scope of the principal Act at the time of its commencement by providing that the Act would not be extended to them.

By another amendment it is proposed to modify the present definition of the term 'plantation' so as to cover the workers in offices, hospitals, schools, etc. It is the intention to extend the benefits of the Act to all persons who are employed in work connected with the plantation in one form or the other.

Factories situated on the plantations are already covered by the Factories Act. The definition of the term 'worker' is also being modified so as to include within its scope members of the medical staff whose salary does not exceed Rs. 300 per month.

Another important amendment relates to the extension of medical facilities to the workers' families. These facilities were already being enjoyed by them as a matter of practice. This is now being given a statutory basis.

Employers have already to provide housing facilities to the workers and their families. Now, they will be under an obligation to provide medical facilities also.

It has been found necessary to define the term 'family' in a clear manner. The principal Act did not specifically provide for giving workers the benefit of leave due to them or wages in lieu of such leave at the time of termination of their services. This gap is being filled through a specific provision in the amending Bill.

Some difficulties were also being experienced in the matter of calculation of wages that should be paid to

the workers during their leave. The provision in the principal Act was not quite clear. A specific provision in this respect is being made in clause 7 of the amending Bill. It is being provided that time-rated workers will be paid at the same rate at which they were earning at the time of commencement of leave; and, in other cases, workers will be paid at the rate of the average daily wage calculated over the preceding 12 calendar months.

Some doubts have, however, been expressed in regard to the wording of clause 7(1) (a) concerning the rate at which the time-rated workers are to be paid during their period of leave. I propose to move, in due course, an amendment which will clarify the position and place it beyond all doubts. I hope that the House will agree to take the amending Bill into consideration.

Sir, I beg to move.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration."

Shrimati Parvathi Krishnan (Coimbatore): Mr. Chairman, Sir, I welcome this Bill; but in welcoming this Bill I cannot but say that it has been delayed for a very long time by Government. This question of the fragmentation of estates—plantations—is most acute in the south of the country, even more than it is in Assam or West Bengal; and for a very long time we have been bringing it to the notice of the Government that fragmentation was taking place and it was the big companies, very many of them even foreign-owned companies, which were using this devious method of fragmentation of estates in order to evade the provisions of the Plantations Labour Act. But, knowing the general dilatoriness of Government in regard to labour, I am not surprised. Even the rules under the original Plantations Labour Act were delayed which delayed the implementation of the Act. However we have to be thankful for even small mercies and I am thankful to the Minister that he has

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at least brought this at this particular stage and it is possible now to see that the workers who are in those estates can be protected and brought under the protection of the Plantations Labour Act.

But, there is one clarification I would like to ask of the Minister. Here it is said that this will apply to estates that were more than the prescribed limit at the time of the Act. I want to know whether that reference is to the Plantations Labour Act of 1951 or whether it is to the date of passing of this particular Bill.

Shri Abid Ali: The principal Act.

Shrimati Parvathi Krishnan: If it is the principal Act, then, of course, there is no further clarification necessary.

Shri Abid Ali: So, you are satisfied.

Shrimati Parvathi Krishnan: But I hope that though this amendment has been delayed the Central Government will see to it that the State Governments take very speedy action in the matter and speedily notify those estates that now come under the purview of this Act as a result of the amendment being passed.

Secondly, the hon. Minister made some reference to housing facilities while he was speaking about medical facilities. I would like to take this opportunity of pointing out to the hon. Minister and to the Government that the housing facilities are not really being provided to the extent that the plantation owners have been claiming. This question has come up more than once in the Industrial Committee on Plantations. Apart from that, time and again, the All India Trade Union Congress and the unions that are affiliated to it have been pointing out to the respective State Governments that because of the relaxation and the leniency in seeking that the plantation labour laws are implemented—and particularly in my

State because of the leniency shown to the plantation owners—housing today continues to be more or less in the same position as it was even before the passing of the Plantations Labour Act. On the other hand, whenever the issue of wages is taken up, whenever the issue of bonus is taken up, the first thing that the owners or the managements talk about is that as a result of the various economic burdens being placed on them by the provisions of the Act and by the provisions of the rules, they are not in a position to bear the burden of an increased wage bill or to bear the burden of an increased amount of bonus. Therefore, I would take this opportunity of impressing upon Government that the facilities that are provided for in the Plantations Labour Rules, particularly with regard to housing, and with regard to canteens and so on should be speedily implemented and the State Governments should be asked to look into the matter.

For instance there are many provisions which say that State Governments will in their notifications indicate which provisions or rules are to be implemented. These rules will not be implemented or the managements will not be called upon to implement them unless and until a notification is made by the Government in the gazette. As a result we find that whereas the medical facilities are supposed to be expanded to a larger number under the Act, even those who are covered by the existing medical facilities do not receive them to the extent that is claimed by the management. The Minister would himself be aware of this because the matter has been brought up a number of times in the various tripartite committees for discussion.

I would like to remind the hon. Minister that the mere putting of this Bill on the statute book is not going to ensure that the facilities which the Government wants to guarantee for the plantation workers are going to be given to them. In concluding, I

would like to emphasize the fact that while you are providing for these facilities, the question of the wages of the plantation workers remains a burning issue and I would appeal to the Government that they should speedily see to the setting up of the plantation wage board and also to the implementation of the tripartite decisions taken earlier in this regard because unless that basic question is also settled all these other things are not going to bring such great benefit to the plantation workers.

Shri S. M. Banerjee (Kanpur): Mr. Chairman, I support the Bill. I must thank the Government for bringing in this piece of legislation, though belatedly. Some things are very good in this Bill. Especially, it is checking the fragmentation. I want to know from the hon. Minister as to what will happen to the tea gardens which have already been fragmented and what the number of such tea gardens is.

Many questions were raised in this House about the closure of the tea gardens and the hon. Minister who is in charge of this subject in the Commerce and Industry Ministry will bear me out when I say that the motive for the closure of the tea gardens was that the employers did not want to pay any retrenchment compensation. Now, what will be the fate of the tea gardens which have already been fragmented. There are a large number of workers with legitimate claims for retrenchment compensation.

My second point is about the definition of the family. It includes the workers' parents dependent upon him. It is a progressive legislation because according to the British rule family means only wife and legitimate children. That definition was being followed by our Government to a great extent... (An Hon. Member: Till now) even after Independence. In a joint family in our country, the family is so large. We cannot ask our old mother or father or even a widowed sister to go out of our house. This definition must be included in all legislation,

whether it is for plantation labour or some other industry. This will help the workers to a great extent in the matter of medical facilities or others.

I would like to have one clarification about the leave allowed to the workers under section 30 Clause 7(1) (b) says:

"In other cases, including cases where he is, during the preceding twelve calendar months, paid partly on a time-rate basis and partly on a piece-rate basis, at the rate of the average daily wage calculated over the preceding twelve calendar months."

I want to ask why he will be paid partly on a time-rate basis and partly on a piece-rate basis. How is it to be calculated? It will be extremely difficult. What is the basis of calculation and how will it be calculated?

I support what the hon. Member, Shrimati Parvathi Krishnan has said about the wages. The appointment of a plantation wage board has been delayed for nothing. These planters and the owners have the capacity to pay but unfortunately they indulge in politics everywhere. The foreign planters in this country have been practically trying to rule a particular Government. They did their best in the State of Kerala.

Shri C. K. Bhattacharya (West Dinajpur): Do the labourers indulge in politics?... (Interruptions.) Their leaders do.

Shri S. M. Banerjee: I do not know whether you agree with me or not but it is in our veins and it is in our life. We want everybody should indulge in politics; otherwise the present Government cannot be changed. Everybody should know politics. The plantation labour cannot any more be denied the benefit of wages according to the 15th Labour Conference. Medical and housing facilities should be considered realistically and sympathetically. For instance, they do not have any houses in Darjeeling; they have no place to stay. They come from a

[Shri S. M. Banerjee]

distance of 5, 6 or even 10-12 miles, work for the whole day and yet they have no shelters. The hon. Deputy Minister could give out some ideas as to when the wage board for plantation labour is going to be appointed because my information is that some decision has been taken to bring uniformity in the wages of plantation labourers in all the States. What is being paid in the south is not paid in the north, in Dehra Dun or say Darjeeling. The wages must be uniform and so there should be a wage board. With these words, I support the Bill.

Shri Tyagi: (Dehra Dun): Mr. Chairman, it is a queer coincidence that I find myself in the happy company of my communist friends...

Shrimati Parvathi Krishnan: We are happy.

Shri Tyagi: I agree with the sentiments expressed by them but at the same time I must congratulate the Ministry for having taken pretty good care of people working in such far away places. They needed protection. In fact their cause had been advocated by us for long time past because the foreigner had not been treating them fairly for decades together. There is a lot of difference in the conditions compared to what it used to be in the old days. I am glad that this Bill also gives some more amenities and the hon. Minister should also take care to see that they are also provided with shelter nearby. They are not given any travelling allowance when they come from long distances on foot. The labourers live in their respective villages and sometimes they come to work in the garden for the whole day and then they go back. It will be a good idea if in due course these tea gardeners were compelled to give them some housing facilities.

There are many other matters which may come up later on, but as regards this Bill it is a good idea that families

are also included in the matter of medical relief. It is very important. Actually speaking, the workers do not fall ill so very often as their children or other members of the family. Therefore, this was one of their very important demands. I am glad that that is being met.

17 hrs.

There are one or two matters on which I would like to have clarification of language.

Mr. Chairman: How much more time is the hon. Member likely to take?

Shri Tyagi: Hardly two minutes.

Mr. Chairman: He may go on.

Shri Tyagi: Here it is said:

"(4) It applies to the following plantations, that is to say,—

(a) to any land used or intended to be used..." The word "plantations" does not suit in this context. It is said: "to any land used or intended to be used". So it really applies to land and not plantations. In the previous Act that language was suitable because it was actually in the context, it referred to plantations. Here you intend to apply it to land which is used for such plantations. You may kindly look into it. Then, in (b) you say: "to any land used or intended to be used for growing any other plant..." It is rather vague. Wheat is also a plant, so also gram. I wonder if the lands nearby are used for the purpose of fodder or something because fodder is also a plant—they also will be included. I am suggesting this as a layman. I would like the hon. Minister to consult the Law Ministry, unless he deliberately means to include the lands on which wheat or some other plant is grown.

Shri Abid Ali: That is not the intention.

Shri Tyagi: "Plant" is never defined differently, "plant" here goes by the dictionary meaning unless it is defined otherwise. Therefore I suggest that it may be clarified.

Shri C. K. Bhattacharya: "Plant" also means "machinery".

Shri Tyagi: That is another matter. But that is not grown, here the question is of growing.

On the whole, Sir, the Bill is not objectionable at all, it must be welcomed by all quarters.

17.03 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, August 5, 1960|Sravana 14, 1882 (Saka).

[Thursday, August 4, 1960/Śravana 13, 1882 (Saka)]

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- (1) A copy of Notification No. G.S.R. 430 dated the 16th April, 1960 making certain further amendment to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, under sub-section (3) of Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 . . .
- (2) A copy of each of the following Notifications under sub-section (3) of Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, making certain further amendments to the Displaced Persons Compensation and Rehabilitation) Rules, 1955:—
 - (a) G.S.R. 524 dated the 7th May, 1960.
 - (b) G.S.R. 676 dated the 18th June, 1960.
 - (c) G.S.R. 715 dated the 25th June 1960.
 - (d) G.S.R. 801 dated the 16th July, 1960.
- (3) A copy of Notification No. S.O. 837 dated the 31st March, 1960 issued under section 5 of the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 together with an explanatory note.
- (4) A copy of Notification No. S.O. 1339 dated the 28th May, 1960 making certain amendment to the Trade and Merchandise Marks Rules, 1959, under Section 134 of the Trade and Merchandise Marks Act, 1958.
- (5) A copy of each of the following Notifications issued under Section 15 of the In-

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- dustries (Development and Regulation) Act, 1951:—
- (a) S.O. 1493 dated the 8th June, 1960.
 - (b) S.O. 1494 dated the 8th June, 1960.
 - (c) S.O. 1499 dated the 14th June, 1960.
 - (d) S.O. 1600 dated the 25th June, 1960.
- (6) A copy of the Report on the working of the Coir Board for the half-year ending the 30th September, 1959 under sub-section (1) of Section 19 of the Coir Industry Act, 1953.
- (7) A copy of each of the following papers under sub-section (2) of Section 16 of the Tariff Commission Act, 1951:—
- (1) Report (1960) of the Tariff Commission on the continuance of protection to the Automobile Hand Tyre inflator industry.
 - (b) Government Resolution No. 21(1)-T.R./60 dated the 22nd July, 1960.
 - (c) Notification No. 21(1)TR/60, dated the 22nd July, 1960.
 - (d) Report (1960) of the Tariff Commission on the continuance of protection to the Wood Screw Industry.
 - (e) Government Resolution No. 35(1)-T.R./60 dated the 22nd July, 1960.
 - (f) Notification No. 35(1)-T.R./60 dated the 22nd July, 1960.
 - (g) Report (1960) of the Tariff Commission on the continuance of protection to the Calcium Lactate Industry.
 - (h) Government Resolution No. 37(1)-T.R./60 dated the 28th July, 1960.
- (8) A copy of each of the following papers:—
- (a) Annual Report of the Hindustan Machine Tools Limited for the year 1959-60 along with the Audited Accounts and Comments of the Comptroller and Auditor General thereon under sub-section (1) of Section 639 of the Companies Act, 1956.

GMGIPND—LS II—657(Ai)

PAPERS LAID ON THE
TABLE—contd.

COLUMNS

- (b) A review by the Government of the working of the above Company.

CALLING ATTENTION TO
MATTER OF URGENT
PUBLIC IMPORTANCE . 899—915

Shrimati Ila Palchoudhuri called the attention of the Prime Minister to the anti-Indian propaganda by Mr. Phizo in the U.K. and the steps taken by the Government of India in the matter.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) made a statement in regard thereto.

BILL INTRODUCED . 915

The Banking Companies (Amendment) Bill, 1960.

REPORT OF BUSINESS AD-
VISORY COMMITTEE
ADOPTED . 915-16

Fifty-second Report was adopted.

BILL REFERRED TO JOINT
COMMITTEE . 916-1014

Further discussion on the motion to refer the Religious Trusts Bill to a Joint Committee was concluded and the motion was adopted.

BILL UNDER CONSIDERA-
TION . 1014-24

The Deputy Minister of Labour (Shri Abid Ali) moved that the Plantations Labour (Amendment) Bill be taken into consideration. The discussion was not concluded.

AGENDA FOR FRIDAY, AU-
GUST 5, 1960/SRAVANA
14, 1882 (Saka)—

Further consideration and passing of the Plantations Labour (Amendment) Bill and also consideration and passing of the following Bills:

- (i) The Rubber (Amendment) Bill, and.

- (ii) The Cotton Transport (Amendment) Bill, as passed by Rajya Sabha; and

consideration of the Private Members' Resolutions.

LSD—13-8-60—950.