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LOK SABHA DEBATES

Tenth Session
(Second Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT

New Delhi

CONTENTS

[Second Series, Vol. XLIII—April 18 to 29, 1960/Chaitra 29 to Vaisakha 9, 1882 (Saka)]

COLUMNS

No. 51—Monday, April 18, 1960/Chaitra 29, 1882 (Saka)—

Oral Answers to Questions—

Starred Questions Nos. 1542 to 1544, 1546, 1548 to 1552, 1555 to 1563 and 1565 **12147-86**

Written Answers to Questions—

Starred Questions Nos. 1545, 1547, 1553, 1554, 1564, and 1566. **12186-89**

Unstarred Questions Nos. 2199 to 2261 **12189-230**

Papers laid on the Table **12231-32**

President's assent to Bill **12232**

Demands for Excess Grants, 1957-58 (Railways) **12232**

Estimates Committee —

Eighty-Sixth Report **12232**

Correction of reply to half-an-hour discussion held on 10-3-60 **12232-33**

Statement re: Food Supply position in Mizo Hills District of Assam **12233-38**

Election to Committees—

1. Estimates Committee **12239**

2. Public Accounts Committee **12239-40**

Correction of Statement by Minister **12240-48**

Public Accounts Committee—

Association of Members of Rajya Sabha **12248-49**

Representation of the People (Amendment) Bill—Introduced **12249**

Business Advisory Committee—

Fiftieth Report. **12249-50**

Demands for Grants—

Ministry of Finance **12250-384**

Appropriation (No.2) Bill—Introduced **12385-86**

Daily Digest **12387-92**

No. 52—Tuesday, April 19, 1960/Chaitra 30, 1882 (Saka)—

Members Sworn **12393**

Oral Answers to Questions—

Starred Questions Nos. 1567 to 1569, 1571 to 1574, 1576 to 1578, 1580 and 1582 to 1584 **12393-428**

Written Answers to Questions—

Starred Questions Nos. 1570, 1575, 1579, 1581 and 1585 to 1590 **12428-33**

Unstarred Questions Nos. 2262 to 2310 **12433-59**

Point of Procedure—

Defence Audit Report **12459-62**

Papers laid on the Table **12462-63**

Public Accounts Committee—

Twenty-seventh Report **12463**

Statement re: Movement of Civilian Traffic of India and Pakistan **12463-64**

	COLUMNS
Appropriation (No. 2) Bill, 1960	12465—70
Motion to consider	12465—70
Clauses 1 to 3	12470
Motion to Pass	12470
Bombay Reorganisation Bill	12471—632
Motion to consider, as reported by Joint Committee	12471—546
Clauses 2 to 96, the Schedules, Clause 1 and the Long Title	12547—604
Motion to Pass	12604—32
Daily Digest	12633—36
<i>No. 53—Wednesday, April 20, 1960/Chaitra 31, 1882 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1592, 1593, 1611, 1594 to 1597, 1599, 1600 1602 to 1604 and 1607 to 1609	12637—75
Written Answers to Questions—	
Starred Questions Nos. 1591, 1598, 1601, 1605, 1606, 1610 and 1612 to 1614	12675—80
Unstarred Questions Nos. 2311 to 2374	12680—720
Calling Attention to Matter of Urgent Public Importance	12721—27, 12736
1. Election to South Calcutta parliamentary constituency.	12721—27
2. Closure of hosiery factories in Ludhiana	12736
Re: Motion for Adjournment—	
Alleged failure to meet demands of Manipur people	12727—29
Re: Motion of Privilege	12729—34
Papers laid on the Table	12734—35
Message from Rajya Sabha	12735
Committee on Private Members' Bills and Resolutions—	
Sixty-third Report	12735
Estimates Committee—	
Seventy-fifth Report	12735—36
Finance Bill—	
Motion to consider	12736—898
Daily Digest	12899—904
<i>No. 54—Thursday, April 21, 1960/Vaisakha 1, 1882 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1615 to 1629	12905—41
Short Notice Question No. 13	12941—46
Written Answers to Questions—	
Starred Questions Nos. 1630 to 1638	12946—52
Unstarred Questions Nos. 2375 to 2416	12952—78
Motions for Adjournment—	
Jeeps case.	12978—93
Papers laid on the Table	12993
Message from Rajya Sabha	12993
The Hindu Marriages (Validation of Proceedings) Bill—	
Laid on the Table as passed by Rajya Sabha	12994
Estimates Committee—	
Eighty-eighth Report	12994
Election to Committee—	
Indian Central Sugarcane Committee	12994—95
Estate Duty (Amendment) Bill—Introduced	12995

	COLUMNS
Finance Bill, 1960	12995—13160
Motion to consider	12995—13112
Clauses 2 to 23, the Schedules, and clause 1	13112—25
Motion to Pass	13125—60
Business Advisory Committee—	
Fifty-first Report	13160
Daily Digest	13161—66
<i>No. 55—Friday, April 22, 1960/Vaisakha 2, 1882 (Saka) —</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1639 to 1653	13167—13200
Written Answers to Questions—	
Starred Questions Nos. 1654 to 1664	13200—06
Unstarred Questions Nos. 2417 to 2487	13206—45
Papers laid on the Table	13245—46
Public Accounts Committee—	
Twenty-eighth Report	13246
Estimates Committee—	
Eighty-seventh Report	13246
Calling Attention to Matter of Urgent Public Importance—	
Murder of Police Officer in Delhi	13247—48
Business of the House	13248—51
Reserve Bank of India (Amendment) Bill—Introduced	13251
Business Advisory Committee—	
Fifty-first Report	13252—55
Resolution re: Appointment of a Committee to review rate of dividend Payable by Railway Undertaking to General Revenues.	13255—95
Demands for Excess Grants (Railways), 1957-58	13295—324
Committee on Private Members' Bills and Resolutions—	
Sixty-third Report	13324
Resolution Re: Establishment of various Defence Councils—Negatived	13325—36
Resolution Re: Withdrawal of Kashmir Case from U.N.O.—Withdrawn	13336—13420
Discussion re: Photographs of voters of Calcutta South-West Parliamentary Constituency	13420—62
Daily Digest	13463—70
<i>No. 56—Monday, April 25, 1960/Vaisakha 5, 1882 (Saka) —</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1665 to 1670, 1672, 1674, 1675, 1679 to 1683 and 1685	13471—511
Written Answers to Questions—	
Starred Questions Nos. 1671, 1673, 1676 to 1678, 1684 and 1686 to 1691.	13511—16
Unstarred Questions Nos. 2488 to 2533	13516—47
Re: Motion for Adjournment	13548
Papers laid on the Table	13548—49
Messages from Rajya Sabha	13549—50
Estimates Committee—	
Eighty-fifth Report	13550
Calling Attention to Matter of Urgent Public Importance—	
Strike by mica dealers in Bihar	13550—53
Statement re: Finance Minister's reply to General Discussion on Budget.	13553—77
Demands for Excess Demands (Railways) 1957-58	13577—93

Representation of the People (Amendment) Bill—	
Motion to consider	13593—639
Motion re: Annual Report on the Working and Administration of Companies Act	13639—86
Daily Digest	13687—92
<i>No. 57—Tuesday, April 26, 1960/Vaisakha 6, 1882 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1692, 1694, 1695, 1697 to 1699 and 1701 to 1707	13693—728
Written Answers to Questions—	
Starred Questions Nos. 1693, 1696, 1700 and 1708 to 1719	13728—37
Unstarred Questions Nos. 2534 to 2607	13737—1
Motion for Adjournment—	
Situation in Manipur	13781—91
Papers laid on the Table	13791—805
Message from Rajya Sabha	15806
Committee on Absence of Members—	
Twentieth Report	13806
Estimates Committee—	
Ninetieth Report	13806
Appropriation (Railways) No. 3 Bill—Introduced	13807
Representation of the People (Amendment) Bill	13807—86
Motion to consider	16807—59
Clauses 2 and 5 and 1	13859—85
Motion to pass	13885
Estate Duty (Amendment) Bill	13885—907
Motion to consider	13885—904
Clauses 2, 3 and 1	13904—05
Motion to pass	13905—07
Reserve Bank of India (Amendment) Bill	13908—32
Motion to consider	13908—32
Clauses 2 and 1	13932
Motion to pass	13932
Business of the House	13932—33
Half-an-Hour discussion re:	
Interception of coal wagons on Railways	13933—54
Daily Digest	13955—62
<i>No. 58—Wednesday, April 27, 1960/Vaisakha 7, 1882 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1720 to 1732, 1732A and 1733	13963—98
Short Notice Question No. 14	13998—14000
Written Answers to Questions—	
Starred Questions Nos. 1734, 1735, 1735A, 1736 to 1752, 1752A, 1753, 1753A, 1754, 1755, 1757 to 1759, 1759A, 1760 to 1768, 1768A, and 1769 to 1777	14000—30
Unstarred Questions Nos. 2608 to 2684, 2686 to 2752, 2754 to 2781, 2781A to 2781I	14030—134
Papers laid on the Table	14135, 14138
Point re: Discussion on Sino-Indian relations	14135—37
Committee on Private Members' Bills and Resolutions—	
Sixty-fourth Report	14138
Estimates Committee—	
Ninety-third and Ninety-fourth Reports	14138

Calling Attention to Matter of Urgent Public Importance—	
Road Transport Operators strike in Bombay	14139—43
Appropriation (Railways) 3 No. Bill, 1960—passed	14143—44
Supreme Court (Number of Judges) Amendment Bill	14144—236
Motion to consider, as passed by Rajya Sabha	14144—232
Clauses 2 and 1	14232—36
Motion to pass	14236
Indian Boilers (Amendment) Bill	14236—57
Motion to consider, as passed by Rajya Sabha	14236—56
Clauses 2 to 21 and 1	14257
Motion to pass	14257
Delhi Primary Education Bill—	
Motion for concurrence to refer to Joint Committee	14257—62
Half-an-Hour Discussion re: Doubling of Vijayavada-Gudur Section	14262—72
Daily Digest	14273—84
<i>No. 59—Thursday, April 28, 1960/Vaisakha 8, 1882 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1778 to 1785, 1787 to 1789, 1791, 1793, 1793-B, 1794 to 1796 and 1798	14285—320
Written Answers to Questions—	
Starred Questions Nos. 1782-A, 1786, 1790, 1792, 1793-A, 1797, 1798-A, 1799 to 1801, 1801-A, 1802, 1802-A, 1802-AA, 1802-B, 1803 to 1808, 1808-A, 1809-A, 1810, 1810-A, 1810-B, 1811 to 1814, 1814-A and 1814-B.	14320—40
Unstarred Questions Nos. 2782 to 2870, 2870A, 2870-B, 2870-C, 2870-D.	14340—99
Papers laid on the Table	14399—408
Minutes of Parliamentary Committees	14409
Estimates Committee—	
Ninety-second and Ninety-fifth Reports	14409
Calling Attention to Matter of Urgent Public Importance—	
Reported danger to water transport on Brahmaputra	14410—12
Business of the House	14413, 14414—15
Delhi Primary Education Bill	14413—14, 14415—508
Motion for concurrence to refer to Joint Committee	14415—508
Children Bill—	
Motion for concurrence to refer to Joint Committee	14508—31
Hindu Marriages (Validation of Proceedings) Bill as passed by Rajya Sabha	14532—35
Motion to consider and pass	14532—35
Half-an-Hour Discussion re: Bolani Ore Mines	14535—50
Daily Digest	14551—60
<i>No. 60—Friday, April 29, 1960/Vaisakha 9, 1882 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 1815 to 1828 and 1832	14561—96
Short Notice Questions Nos. 15 and 16	14597—600
Written Answers to Questions—	
Starred Questions Nos. 1829 to 1831, 1833, 1834, 1834A, 1834B, 1835 to 1839, 1841 to 1847, 1847A, 1848 and 1850 to 1852	14600—14
Unstarred Questions Nos. 2871 to 2949 and 2951 to 2975	14614—85
Re: Motion for Adjournment	14686—87
Papers laid on the Table	14687—91
Committee on Absence of Members—	
Minutes	14691

LOK SABHA DEBATES

13693

13694

LOK SABHA

Tuesday, April 26, 1960/Vaisakha 6,
1882 (Saka)

*The Lok Sabha met at Eleven of the
Clock*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Defective Construction of Ship "Andaman"

*1692. **Shri Ram Krishan Gupta:** Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 72 on the 17th November, 1959 and state:

(a) whether the negotiations with the French firm to secure compensation for defective construction of ship "Andaman" have since been completed; and

(b) if so, the result thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). It is understood that an agreement has been reached between A.C.L. and the Hindustan Shipyard Limited which is at present under the consideration of the Board of Directors of the Hindustan Shipyard Limited. A report has been asked for from the Board and the information will be placed before the House as soon as it has been given by the Board to the Government.

Shri Ram Krishan Gupta: May I know what is the compensation suggested in the agreement?

Shri Raj Bahadur: The amount to be received by the Shipyard by way 330 (A1) LSD—1.

of compensation will be one of the terms of the agreement. As soon as we get the information formally from the Board, I will place it on the Table.

Shri Basappa: May I know whether the amount of compensation will have any relation with the amount required for the rectification of the defect?

Shri Raj Bahadur: That will be a factor to be taken into consideration. I think that is one of the points which has been discussed between the representatives of the company and the representatives of the Board or Government.

Shri Ram Krishan Gupta: May I know whether this ship is in service at present or not?

Shri Raj Bahadur: This ship is in service.

Tourist Facilities at Chilka Lake

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*1694. { **Shri Sanganna:**
Shri Chintamani Panigrahi:

Will the Minister of **Transport and Communications** be pleased to state:

(a) what developmental measures have been undertaken so far to provide facilities to the tourists visiting Chilka Lake in Orissa; and

(b) whether the proposed rest house has been constructed by now?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) A provision of Rs. 2.00 lakhs for providing a rest house, swimming and boating facilities etc. at Chilka lake was included in the revised Second Five Year Plan for Tourism. The scheme formed part of the State Plan and was to be executed by them with 50 per cent

subsidy from the Centre. The State Government have since informed that they have decided to drop the scheme during the current Plan period and consider a more modest scheme for development of Chilka lake from the tourist point of view during the Third Five Year Plan.

(b) Does not arise.

Shri Sanganna: May I know whether Chilka Lake has been included in the tourist programme?

Shri Raj Bahadur: That was what I was referring to. It was included in the Second Plan. But because it was in Part II of the Plan, the State Government decided to drop it. Now they are considering the inclusion of a more modest plan of development of the Chilka Lake as a tourist centre or tourist resort in the Third Plan.

Shri C. R. Pattabhi Raman: Are Government going to have a game and bird sanctuary there?

Shri Raj Bahadur: The idea is to provide a modest low income group rest house plus boating and swimming facilities. As regards having a sanctuary, I am not aware of it.

Shri Venkatasubbaiah: May I know whether any similar representation has been made by the Andhra Pradesh Government to include the Kolleru Lake as a tourist lake?

Shri Raj Bahadur: I am not aware of any such proposal. If a separate question is tabled, I shall find out.

Shri Sanganna: What are the details of the programme sent by the Government of Orissa?

Shri Raj Bahadur: I have just indicated that there will be a low income group rest house plus boating and swimming facilities.

Shri C. R. Pattabhi Raman: In view of poaching and the destruction of animals and birds there, are Government going to have a sanctuary there?

Shri Raj Bahadur: From the tourist angle, we will try to examine that.

But essentially that will come within the province of the Wild Life Board.

Tinnevely-Cape Comorin Line

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*1695. { **Shri Vasudevan Nair:**
Shri Nagi Reddy:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1495 on the 23rd September, 1958 and state:

(a) whether the survey report has been received by the Railway Board regarding the proposed rail link from Tinnevely to Cape Comorin;

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

(c) the nature of decision taken in the matter?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir. The Traffic survey report which has been received is under examination by the Board;

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

Shri Vasudevan Nair: May I know what is the estimated cost of this project?

Shri S. V. Ramaswamy: It is Rs. 4.6 crores.

Shri Vasudevan Nair: May I know whether this line will touch Trivandrum and then go to Cape Comorin?

Shri S. V. Ramaswamy: The line will go along Nagercoil—from Tinnevely to Nagercoil and Trivandrum. There will be a branch line from Nagercoil to Cape Comorin.

Shri Sampath: May I know whether there is any likelihood of this project being included in the Third Five Year Plan?

Shri S. V. Ramaswamy: All new lines depend upon the availability of funds in the Third Five Year Plan.

Shri Palaniyandy: Are Government aware that recently there appeared a statement in the *Hindu* to the effect

that so far there has not been any investigation for railway lines in the southern region?

Shri S. V. Ramaswamy: There are so many schemes under investigation. There is no dearth of investigation at all.

Shri Tangamani: May I know whether the Madras State Government has made proposals about the construction of lines under the Third Plan and this is one of them?

Shri S. V. Ramaswamy: Not only the Madras Government, but the Kerala Government also have recommended this line.

Shri Tangamani: Recently in the Madras State Assembly, it was stated that.....

Mr. Speaker: I am not going to allow any general question. The simple question is whether the construction of this particular line is being proceeded with or not. It cannot be converted into a general question about the number of railway lines in a particular State.

Shri Tangamani: I only want to know whether the Madras Government has requested the Central Government to include this particular line in the Third Plan.

Shri S. V. Ramaswamy: This is one of the lines recommended by the Madras Government.

Shri Warrior: The answer given by the Deputy Minister is very general. Every plan should necessarily have resources. The question is whether this particular project will be given priority in consideration of the importance of Cape Comorin.

Shri S. V. Ramaswamy: I was very general in my reply because I am not able to be more particular.

Shri Sampath: Last time when the Minister was replying to a question regarding this issue, he spoke about 6 alternative proposals they were contemplating. I want to know whether they are still considering these

alternative proposals regarding this particular line from Tinnevely to Cape Comorin.

Shri S. V. Ramaswamy: Six alternatives were considered, but the last alternative has been recommended by the Railway for acceptance, namely, from Tinnevely to Nagecoil and Tri-vandrum with a branch line from Nagercoil to Cape Comorin, making a total of 115 miles.

Shri Palaniyandy: How many new lines has the Madras Government recommended to the Central Government for inclusion in the Third Plan?

Mr. Speaker: I am not going to allow it. Next question.

Chittaranjan Locomotive Works

*1697. { **Shri Daljit Singh:**
Shri N. R. Muniswamy:

Will the Minister of Railways be pleased to state:

(a) whether production in Chittaranjan Locomotive Works has gone up during 1959-60;

(b) if so, to what extent; and

(c) the number of locomotives manufactured during the same period?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) 8 Locos more than the number produced during 1958-59.

(c) 173 Locomotives during 1959-60.

Shri Daljit Singh: May I know whether the cost price of a locomotive has increased or decreased?

Shri Shahnawaz Khan: It has decreased considerably since we started production. At present, it is in the neighbourhood of Rs. 4½ lakhs.

Shri Vidya Charan Shukla: May I know whether the management of the Chittaranjan Locomotive Works proposed to Government the manufacture of diesel and electric locomotives, and whether this request has been considered?

Shri Shah Nawaz Khan: The House knows very well that the manufacture of diesel engines has been left to the private sector. Chittaranjan has already started on the manufacture of electric locomotives. We have 10 D.C. electric locomotives under construction at Chittaranjan now.

Shri Vidya Charan Shukla: May I know whether it is a fact that Chittaranjan had proposed the manufacture of diesel locomotives there.....

Mr. Speaker: The hon. Member will kindly read the main question. It is whether the production has gone up or not. The hon. Minister has said that the production has gone up and the price has gone down. The question cannot be further expanded to cover everything about locomotives in the world.

Shri D. C. Sharma: May I know what is the number of locomotives required annually due to renewal or the scrapping of superannuated locomotives and what is the number being produced now? If there is a surplus, are any efforts being made to export these locomotives?

Mr. Speaker: What will be done otherwise? Obvious questions are put; I do not know what the object is. The hon. Minister may reply.

Shri Shah Nawaz Khan: At present we have stabilised the production of steam locomotives at Chittaranjan at 14 locomotives per month. Over and above that, the TELCOS are manufacturing the metre gauge locomotives. The present production of steam locomotives is enough to meet our present-day requirements and replacements and additional traffic. In case there is some likely market, we shall be very glad to export some of our locomotives.

श्री विभूति मिश्र : यह चितरंजन में जो लोकोमोटिवस तैयार होते हैं तो मैं जानना चाहता हूँ कि उनका कितना हिस्सा हिन्दुस्तान के सामान से तैयार होता है और कितना बाहर से मंगाते हैं ?

श्री शाहनवाज खाँ : जिस किस्म का इस्पात या स्टील हमें चाहिये वह अभी तक हिन्दुस्तान में नहीं बनता है इसलिये थोड़ा सा उसका हिस्सा बाहर के सामान से बनता है लेकिन ज्यादातर उसका हिस्सा यहीं बनता है ।

Some hon. Members rose—

Mr. Speaker: Two hon. Members speak together. I cannot hear them. As soon as one hon. Member gets up other hon. Members say sit down. What does Shri Assar want to ask?

Shri Assar: We want to know what percentage of the components of the locomotives are imported.

Mr. Speaker: That was not the question put. The question was whether we are manufacturing them all here or not. Percentage in terms of money may be available.

Shri Shah Nawaz Khan: I have not got the exact figures. Over 70 per cent is indigenous and the remainder is imported.

Shri Braj Raj Singh: How does the price of a locomotive now compare with the cost of the locomotives produced last year?

Mr. Speaker: He has said that it has become cheaper

Shri Shah Nawaz Khan: Progressively it is coming down. But, for the exact figure I shall require separate notice.

Shri Tangamani: May I know whether in Chittaranjan the thousandth steam locomotive has been manufactured? If so, what has Government done for the initiative of the employees and others who have completed this?

Mr. Speaker: That does not arise out of this question.

Shri Jaipal Singh: The production of steam locomotives has been stabilised at 14 locomotives per month. What is the target of the electric engine?

Mr. Speaker: If it is 14 for the steam locomotive, the hon. Member wants to know what is the target for electric locomotives.

Shri Shahnawaz Khan: Actually, no definite targets for the production of electric locomotives have been fixed. That will be during the Third Five Year Plan.

Shri Damani: May I know whether it is a fact that the Chittaranjan Locomotive authorities approached Government for giving them sanction to start production of diesel locomotives and that the Government refused sanction? May I know the reasons for that?

Mr. Speaker: We are not going into that.

Shri Narasimhan: May I know whether the locomotives that are now being produced are capable of drawing longer trains which the Ministry contemplates to have in course of time? Are they of a type that can draw longer trains; or can they not be used?

Mr. Speaker: The hon. Member wants to know whether with the increased production heavier locomotives than those which were originally manufactured are now being manufactured?

Shri Shahnawaz Khan: At present our locomotives are capable of hauling 70 to 80 wagons; and we find that that is quite enough to cope with the traffic requirements. In the steel belt area it is intended to run very heavy traffic and there we are using coupled diesel engines. Sometimes we have carried out experiments with 4 locomotives pulling one train with a load of over 6,500 tons.

Shri Sinhasan Singh: May I know the total capacity of this Chittaranjan works and how much they can produce with full capacity? May I also know whether the locomotives that are produced are used only for goods traffic and not for passenger traffic?

Mr. Speaker: What is the total capacity of production?

Shri Shahnawaz Khan: We have stabilised it, as I said, at 14 locomotives per month.

Mr. Speaker: If we utilise all the capacity?

Shri Shahnawaz Khan: We are utilising the full capacity.

Shri Bimal Ghose: That cannot be. The hon. Minister had stated that production was 173. 14 X 12 is 168. Is that the full capacity?

Mr. Speaker: Hon. Members are too critical. I shall proceed to the next question.

Track Renewals

*1698. **Shri Ajit Singh Sarhadi:** Will the Minister of Railways be pleased to state:

(a) whether it is proposed to accelerate the work of track renewals due to the increased production of steel from the plants here; and

(b) the extent of renewal envisaged in the rest of the Plan period?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir, to the extent of availability of rails from indigenous sources.

(b) About 1,800 miles of Complete Track Renewals and 750 miles of Through Rail Renewals are proposed to be carried out during 1960-61, the final year of the Second Plan, if the necessary rails become available.

Shri Ajit Singh Sarhadi: Is any target fixed for total renewals and is it proceeding according to schedule?

Shri S. V. Ramaswamy: The total according to the Second Five Year Plan was 8,000 miles, both rails and sleepers. We were a bit slow in the first 3 years owing to shortage of rails and sleepers. We are trying to make up. In 1959-60, we made up 1,550 miles complete track, 550 miles rail renewals and 400 miles of sleeper renewal. In 1960-61, we hope to make

up 1,800 miles of complete track, 750 miles of rail renewals and 500 miles of sleeper renewals. But, then, the whole thing will depend upon the availability of rails. If, as has been promised, we get 1.65 lakh tons from indigenous sources, then, we will be able to complete 7,900 miles complete rails renewals and 8,200 miles of sleeper renewals; and more or less the target will be fulfilled.

Shri Vidya Charan Shukla: May I know what is the total amount of track renewals due in the Indian Railways up to date?

Shri S. V. Ramaswamy: A separate question may be put.

Shri Basappa: May I know whether any priority in the matter of track renewals has been fixed and whether it has come to the notice of Government that a large number of derailments are taking place between Poona and Bangalore—a number of times in the course of a month?

Shri S. V. Ramaswamy: The priority depends upon the importance of the line. The main lines are there which are more or less the life-line of the railway system. They are attended to first. If my hon. friend is talking of small metre gauge lines, the branch lines, of course, they take a low priority.

Shri Yadav Narain Jadhav: May I know whether discarded rails are used again for the production of rails?

Mr. Speaker: Are they used so that they may be renewed?

Shri S. V. Ramaswamy: Sometimes it happens that if 70 lb. broad gauge rails are released they are used in metre gauge.

Mr. Speaker: The hon. Member probably wants to know whether these are melted and sent back as rails or used for house building purposes etc.

Shri S. V. Ramaswamy: It all depends upon the damage done to the

rails and for what purpose they are utilised. We utilise them properly.

Shri C. K. Bhattacharya: Considering the increase in the volume of traffic, may I know whether the Government has any plan to double all the railway tracks?

Shri S. V. Ramaswamy: It is a fantastic thing to double all the lines. It all depends upon the importance. Where it is warranted, we will double a line. If doubling is not warranted, we will think of loop lines and so on.

Parlakimedi Light Railway Line

*1699. **Shri Sanganna:** Will the Minister of Railways be pleased to state:

(a) whether the scheme for the renovation of the Parlakimedi Light Railway Line on the South Eastern Railway Zone has been completed;

(b) if so, the details thereof; and

(c) if the answer to part (a) above be in the negative, the reasons therefor?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) to (c). 26 miles out of a total length of 56 miles have been renewed so far. The remaining length is being programmed for renewal in 1960-61.

Shri Sanganna: When the development of the railway lines on the South Eastern Railway is taken up, why is this line singled out?

Shri S. V. Ramaswamy: No line is singled out. It all depends upon the importance. This is a branch line and a narrow gauge line. We are unable to get the necessary rails for this. We depend upon some rails being released consequent upon heavier rails being put upon the main lines. If those rails are available, we shall look into that.

Shri Surendranath Dwivedy: Is there any target date fixed in 1960-61 when it will be completed?

Shri S. V. Ramaswamy: It is in the supplementary projects programme

for 1960-61. Whether it will be completed or not depends upon the availability of rails.

Shri Sanganna: As this line is subjected to floods every year by the river Vamsadhara at many places, what precautions have been taken by the Railways to protect the railway lines from the ravages of the floods?

Shri S. V. Ramaswamy: It is a general question. Whenever there is rain and there is threatened damage to the railway lines, protective measures will necessarily have to be taken.

Medium Projects in Andhra Pradesh

*1701. **Shri M. V. Krishna Rao:** Will the Minister of Irrigation and Power be pleased to state:

(a) the amount of financial assistance asked for and proposed to be given towards the construction of Medium Projects in Andhra Pradesh during 1960-61; and

(b) the names of the projects sanctioned?

The Deputy Minister of Irrigation and Power (Shri Hathi): A statement is laid on the Table of the House.

STATEMENT

(a) An amount of Rs. 20.5 crores has been proposed as Central Assistance to the Government of Andhra Pradesh for their 1960-61 Development Plan. Sector-wise and Project-wise break-up of the Central Assistance have not yet been decided.

(b) The following medium irrigation schemes of the Second Plan of Andhra Pradesh have been approved so far by the Planning Commission for execution:

1. Paleru
2. Paidigam
3. Torrigedda
4. Zurreru
5. Jutpally
6. Lakhnapur

7. Suwarna (Jowhi Nala)

8. Salivagu

9. Doripallivagu

Shri M. V. Krishna Rao: What is the total estimated cost of these medium projects?

Shri Hathi: I have got a list of the individual projects with their costs. I may have to total them up.

Shri Venkatasubbaiah: In the statement part (a) of the question has not been answered. It refers to the financial assistance asked for by Andhra Pradesh whereas the statement says that Rs. 20.5 crores has been proposed as Central Assistance. What is the amount asked for by the State Government?

Shri Hathi: Every year, the State Government and the Central Government working group meet together and discuss this thing and ultimately final allotments are made. This is the agreed decision.

Shri Venkatasubbaiah: May I know whether these medium projects include the projects in the scarcity areas?

Shri Hathi: They also include scarcity area projects.

Shri Rami Reddy: Nine projects have been sanctioned so far. In some the progress may be as per schedule while in some the progress may be far ahead of the schedule while in still some others it may be behind schedule. Is the State Government free to divert funds from one project to another within the amounts allotted?

Shri Hathi: In certain cases the Planning Commission approves of internal adjustments.

Shri Hem Barua: What is the total number of irrigation schemes in the Andhra Pradesh submitted for consideration by the Planning Commission out of which only 9 had been sanctioned?

Shri Hathi: We are talking about the Andhra Pradesh. The total number of schemes included in the Second Plan is 21 out of which the project reports for about 8 or so have not been sent. They are small schemes and they can be finished in a year or so costing Rs. 10, 14 or 15 lakhs. Some are under examination and nine have been approved.

Sanitex Chemical Industries Ltd.

*1702. **Shri Vajpayee:** Will the Minister of Health be pleased to lay a statement showing:

(a) whether it is a fact that a number of drugs produced by M/s. Sanitex Chemical Industries Ltd., Baroda, are not of the standard quality as defined in the Drugs Act, 1940 and rules made thereunder;

(b) if so, the names of drugs which have been found of sub-standard quality after analysis by Government Analyst under Section 25(1) of the Drugs Act;

(c) whether it is a fact that such products have been finding their way in Government hospitals and other such institutions;

(d) whether Government is aware that the aforesaid Company is in the habit of frequently withdrawing its products from the market on the ground that they were likely to deteriorate on storage;

(e) if so, whether any enquiry has been made to ascertain the reasons for such withdrawal;

(f) whether it is a fact that there are no quality control arrangements made by the Company; and

(g) the steps Government propose to take in the matter?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) A statement of the names of drugs found to be not of standard quality after analysis by the Government Analyst is laid on the Table of

the Sabha. [See Appendix IV, annexure No. 65.]

(c) Yes.

(d) No.

(e) The question does not arise.

(f) No. The company has adequate staff, equipment and laboratory facilities for carrying out the tests of drugs manufactured by them as per the provisions of the Drugs Rules, 1945.

(g) Necessary action has already been taken against the Company.

Shri Vajpayee: Apart from declaring the drugs manufactured by this company as being of sub standard quality, may I know whether any other action has been taken against the company so as to prevent it from playing with public health?

Shri Karmarkar: In respect of those items found faulty, the company was asked to withdraw the products from stockists and dealers to whom the drugs were sold. The company was also advised by the State drug licensing authority to study the stability of the products declared to be not of standard quality and to print suitable date of expiry on the labels. Permission for manufacture was withheld in the case of those products which deteriorated very fast and which were repeatedly reported to be not of standard quality till such time as adequate data on stability studies on such products were collected by the company. That is the action taken.

Shri Vajpayee: May I know whether the raw materials purchased by this company are subjected to rigid quality control before they are processed and whether record is kept by the drug authorities?

Shri Karmarkar: Whenever any product is faulty in respect of any company which manufactures such products, the State controller of drugs takes such action as is necessary. He has all the powers to enter upon the premises and examine the raw products and take all such action as is

necessary to ensure that they are properly manufactured by the company.

Shri Assar: Is the hon. Minister aware that an unqualified man is working as a technical adviser in this firm and if so, what steps do the Government propose to take in this matter?

Shri Karmarkar: I am not aware of that. I shall make enquiries from the Bombay State controller and supply that information if and when he supplies it to me.

Shri C. R. Pattabhi Raman: What effective steps are Government taking to prevent these drug coming into the market?

Shri Karmarkar: The company was asked to withdraw the products.

Shri Vajpayee: What about the harm caused by these drugs?

Shri Karmarkar: I shall finish with my hon. friend here first.....(Interruptions.) The company has been asked to withdraw these drugs from circulation.

Shri Vajpayee: Are they being destroyed?

Shri Karmarkar: Whether they have been actually destroyed or not, we have not ascertained. If my hon. friend is particular, I shall ask the State controller about this.

Shri Nanjappa: There are some 32 drugs in the statement which are of sub standard quality. May I know the number of drugs produced by them and when this company was established?

Shri Karmarkar: I should like to have notice for both the questions.

Shri Surendranath Dwivedy: May I know whether the Government is in a position to tell us that the drugs asked to be withdrawn had not come to the market at all?

Shri Karmarkar: I shall make that enquiry. In such matters the State controllers are seized of the problem.

We come by way of co-ordination and answering questions here.

Shri P. R. Patel: May I know whether the production of sub standard drugs is an offence under the drugs law and whether the company has been prosecuted?

Shri Karmarkar: My information shows that the majority of the drugs declared to be sub standard contains vitamins and other biological products which deteriorated on storage because of climatic conditions and in view of this only administrative action was taken by the Drug control administration, Bombay against the company.

Shri Punnoose: What steps are taken to warn the public from buying these drugs?

Shri Karmarkar: I shall make an enquiry from the Bombay controller.

Shri Vajpayee: Is it not a fact that the Government of Madhya Pradesh declared a particular drug manufactured by this company as of sub standard quality and even then that drug was used in other States, even in Government hospitals?

Shri Karmarkar: I do not carry all the information, real or imaginary. I shall make an enquiry from the Madhya Pradesh Government, although it is not concerned with this question.

Sugar Factories in Mysore State

††

*1703. { Shri Agadi:
 { Shri Sugandhi:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the private sugar factories in Bellary District of Mysore State have applied for expansion of their factories to increase crushing capacity;

(b) if so, the names of the factories and the expanding capacities applied for;

(c) whether any applications have been received for licences for establishing Co-operative Sugar Factories from the same area; and

(d) if so, with what results?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). Yes, Sir. The one private sugar factory in Bellary District, namely, the India Sugars & Refineries Ltd., Hospet, has applied for grant of licence to increase its daily cane crushing capacity from 1,000 to 1,500 tons.

(c) No, Sir.

(d) Does not arise.

Shri Agadi: May I know whether any complaints have been received from the sugarcane growers about the recovery of sugar?

Shri A. M. Thomas: So far as I know, no complaint has been received.

Shri Ranga: Has this sugar factory been given permission to expand its capacity?

Shri Sugandhi: May I know the percentage of sugar recovery shown by this particular mill during the last two years?

Shri A. M. Thomas: The recovery is satisfactory in this particular sugar factory. There are two sugar factories in Bellary. One is a co-operative sugar factory, the Bellary Central Co-operative Stores Ltd., Kampli, and the other is the India Sugars and Refineries Limited. Both have applied for expansion of capacity. We have referred the matter to the Mysore Government, and on receipt of their recommendation we will do the needful.

Shri Wodeyar: May I know whether there are any special considerations to sanction the expansion of any existing sugar factory when many new co-operative factories have applied for permission in this particular locality?

Shri A. M. Thomas: I have already said in my main answer that no co-operative sugar factory has so far applied. Sir, we understand that attempts are being made for setting up a co-operative sugar factory there, but no application has been received by my Ministry.

Shri Basappa: May I know whether it has come to the notice of the Government that there is another co-operative sugar factory which is registered and which has applied for expansion? May I also know whether it is a fact that out of the two sugar factories there one is a proprietary concern and the other is a co-operative concern and both have applied for expansion of their capacity. Is it not also a fact that whereas in one case the yield that is shown is only 9 per cent. just to see that the cane-growers do not get much benefit from it, the co-operative sugar factory shows a recovery of 11 per cent. sugar?

Shri A. M. Thomas: As far as the applications for expansion are concerned, I have already answered that the Mysore Government has been requested to investigate in detail and indicate if adequate supplies of sugarcane would be available in the Bellary District to meet the requirements of these factories with the proposed expansion from 1,800 tons to 3,100 tons. It is true that the Mysore Government is considering a proposal for the establishment of a co-operative sugar factory at Kamalapur in Hospet Taluk of Bellary District. But, as I said, no formal application has been received by my Ministry.

Shri Jhunjunwala: May I know what is the policy of the Government when there are two applications, one for the expansion of an existing factory and the other for starting a new factory?

Shri A. M. Thomas: That will depend upon the circumstances of the case. Expansion, of course, will be given preference. In the matter of setting up of a new sugar factory, between the private sector and the

co-operative sector the co-operative sector will be given preference.

Shri B. K. Gaikwad: May I know when the sugar factory applied for expansion of their factory and how long it will take to reach a decision?

Shri A. M. Thomas: It has been applied for on 6th November, 1959. The India Sugars and Refineries Limited has applied on 14th October, 1959. I have already said that the applications have been referred to the Mysore Government.

Some hon. Members rose—

Mr. Speaker: Order, order. If I call all hon. Members on every question I will have to elbow them out when a question relating to their own States comes up.

Shri Yadav Narain Jadhav: It is not a question of any State, it is a question of policy.

Mr. Speaker: I am not going to expand each question into an all-India question. This relates to Mysore. There are a number of hon. Members who have come from Mysore.

Shri T. Subramanyam: Is it not a fact that a sugar factory at Kamalapuram has been registered with the Mysore Government and the matter has been referred to Central Government for disposal?

Shri A. M. Thomas: I have already said that the Mysore Government is considering the question of a co-operative sugar factory, but no formal application has been received either by the Commerce and Industry Ministry or the Food and Agriculture Ministry.

Shri Yadav Narain Jadhav: May I know what will be the estimated cost of additional machinery that will be required for this factory, and what will be the foreign exchange component of this?

Shri A. M. Thomas: The House already knows that the sugarcane crushing machinery is now being sought to be manufactured in this

country and we import only such quantity of material or machinery as are absolutely necessary for fabricating the machinery here. If we import Rs. 20 lakhs worth of material or machinery from outside we may be in a position to manufacture in our indigenous sugarcane crushing machine factory about Rs. 84 lakhs worth of sugarcane crushing machinery which will be enough for setting up 12 factories of a capacity of 1,000 tons each.

Shri Braj Raj Singh rose—

Mr. Speaker: Order, order. I am not going to allow this to be made into an all-India sugar question.

Shri Braj Raj Singh: Sir, a question was asked about recovery. I think Shri Basappa wanted to know whether it is a fact that a private sugar factory is showing a sugar recovery of 9 per cent. whereas a co-operative sugar factory is showing a recovery of more than 11 per cent. That was not answered.

Shri A. M. Thomas: The question of recovery does not arise here. All sugar factories in Mysore or, for that matter, in the south are showing a satisfactory performance with regard to sugar recovery. In this particular case we have referred the matter to the Mysore Government, we have not taken any decision on the matter. Of course, as I have already said, co-operative sugar factories will be given preference. It is our declared policy also to increase the installed capacity to more than 30 lakh tons in the Third Five Year Plan, so that we will of course, encourage setting up of new factories as well as expansion of existing factories.

Mr. Speaker: Next Question—
Shrimati Sahodrabai Rai.

श्रीमती सहोदराबाई राय : प्रश्न संख्या
१७०४।

प्रत्यक्ष महोदय: खड़े हो कर सवाल करना चाहिये। बैठ कर कभी नहीं करना चाहिये।

यहां पर एक ही रिवाज मर्दों और औरतों के लिये है ।

श्रीमती सहोदरा बाई राय : क्या परिवहन तथा, संचार मंत्री यह बतलाने की कृपा करेंगे कि :

(क) विभाजन के पूर्व पंजाब के डाकघरों में सरकारी कर्मचारियों ने प्रतिभूति के रूप में जो धन जमा किया था क्या वह उन्हें सेवा निवृत्त होने के बाद भी

Mr. Speaker: It is enough if she reads the number of the Question.

डाकघरों में जमा की गई प्रतिभूति की धन-राशि

*१७०४. **श्रीमती सहोदराबाई राय :** क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) विभाजन के पूर्व पंजाब के डाकघरों में सरकारी कर्मचारियों ने प्रतिभूति के रूप में जो धन जमा किया था क्या वह उन्हें सेवा निवृत्त होने के बाद भी लौटाया नहीं जा रहा है ;

(ख) क्या इसके लिये पाकिस्तान के अधिकारियों से किसी प्रकार की पूछ-ताछ करने की आवश्यकता है ;

(ग) यदि हां, तो इसके क्या कारण हैं; और

(घ) क्या प्रतिभूति के ऐसे धन के लिये भी यह पूछताछ आवश्यक है, जो पूर्वी पंजाब के डाकघरों में जमा किया गया था और जमा करने वाले भी पूर्वी पंजाब के निवासी थे ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) इस प्रकार की प्रतिभूतियां (Securities) तब तक नहीं लौटाई जाती जब तक कि बंधक ग्राहियों (pledgees) द्वारा उक्त बन्धक के दावे न छोड़े जायें ।

(ख) जी हां । प्रतिभूतियां की केवल उन्हीं राशियों के सम्बन्ध में जो विभाजन-

पूर्व उन डाकघरों में जमा की गई थीं जो कि अब पाकिस्तान में आ चुके हैं अथवा उन राशियों के मामले में जिनके बंधकग्राही इस समय पाकिस्तान में मौजूद हैं ।

(ग) विभागीय नियमों के अन्तर्गत प्रतिभूति राशियां हमेशा बंधकग्राही के अधीन होती हैं और जमाकर्ता बंधक राशि या इसके किसी अंश की वापसी का दावा बिना बंधकग्राही की लिखित मंजूरी के नहीं कर सकता । इसके अलावा ऐसी प्रतिभूति राशियों को—जो पाकिस्तान-स्थित डाकघरों में हैं—निपटान करने से पहले भारत-स्थित डाकघरों में स्थानान्तरित करना आवश्यक है ।

(घ) जी हां; किन्तु केवल उन्हीं मामलों में जिनके बंधकग्राही पाकिस्तान में हैं ।

(a) Such securities are not refunded till the pledge is released by this pledgees.

(b) Yes. Only in respect of security dispoisits which were deposited before partition in Post Offices now in Pakistan, or in cases where the pledgees are in Pakistan.

(c) Under the departmental rules the Security deposits always stand pledged to the pledgees and the depositor cannot claim repayment of the amount pledged or any part of it without the written sanction of the pledgee. Besides such Security Deposits in the Post Offices now in Pakistan are required to be transferred to the Post Offices in India before payment can be made.

(d) Yes; but only in cases where the pledgees are in Pakistan.

श्रीमती सहोदराबाई राय : क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि विभाजन के पूर्व पंजाब के डाकघरों में सरकारी कर्मचारियों ने प्रतिभूति के रूप में जो धन जमा किया था क्या वह उन्हें सेवा निवृत्त होने के बाद भी लौटाया नहीं जा रहा है और क्या

इसके लिये पाकिस्तान के अधिकारियों से किसी प्रकार की पूछताछ करने की आवश्यकता है, यदि है तो इसके क्या कारण हैं ?

श्री राज बहादुर : इसका उत्तर मैं मुख्य उत्तर में दे चुका हूँ ।

Shri D. C. Sharma: May I know what is the amount of security that has been left in Pakistan by the Indian nationals now and what is the amount of security that has been left in India by those who are now in Pakistan?

Shri Raj Bahadur: In the first instance, claims for these securities were not registered with in the given time. As a matter of fact, it was only subsequent to a particular arrangement arrived at with the Government of Pakistan later on that these claims could be registered or some arrangement could be made for the refund or the repayment of amounts due on such securities. But, as I said just now, the essential requisite for any payment is, firstly, that the pledge must be released by the pledges, and secondly, the amount of the pledge concerned must be transferred to the Government of India from post offices in Pakistan. Now, these two have got to be done, because of that we do not know exactly the number of claims and the amount also cannot be found.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूँ कि पाकिस्तान सरकार के पास पार्टिशन के समय जो सिक्कोरिटियां थीं, उन में से अब तक पाकिस्तान ने कितनी सिक्कोरिटियां वापस की हैं ?

श्री राज बहादुर : अभी निश्चित रूप से यह नहीं कहा जा सकता कि कितनी सिक्कोरिटियां वापस की हैं, लेकिन जैसा मैंने कहा वह उस समय तक वापस नहीं हो सकती जब तक कि जो प्लेजी हैं यानी कोई डिपार्टमेंट या आफिसर जिस के पास प्लेज किया है, वे उस को छोड़ न दें ।

श्री रघुनाथ सिंह : इस बीच में हिन्दुस्तान ने अपनी कितनी सिक्कोरिटिज पाकिस्तान को वापस की हैं ?

श्री राज बहादुर : १९५५ या ५६ से दूसरा अर्रेंजमेंट हुआ है जिसके द्वारा काम हो रहा है। मैं समझता हूँ कि अभी समय लगेगा यह बतलाने में कि हिन्दुस्तान ने सिक्कोरिटिज वापस की हैं या नहीं ।

Shri Ajit Singh Sarhadi: May I know whether there is any proposal under consideration that these securities should be refunded on the execution of the indemnity bonds pending verification by the Pakistan authorities?

Shri Raj Bahadr: In certain cases that has been done, because the required security deposits or the security deposit certificates were received as transferred from Pakistan although the pledgees had not released them. And in such cases we accepted or allowed them the repayment on the condition that they execute the required indemnity bond for the purpose.

श्री प्रकाश वीर शास्त्री : सरकार के पास ऐसे कितने केसेज आये हैं जिनका धन अभी पाकिस्तान द्वारा लौटाया नहीं जा सका है ?

श्री राज बहादुर : मने अभी निवेदन किया कि उनकी गिनती अभी नहीं दी जा सकती । हमारी जो इत्तला है, उसके आधार पर इतना ही कहा जा सकता है ।

Shri P. R. Patel: May I know the reasons why the claims are pending even though the partition had been done 12 years before?

Shri Raj Bahadur: In many cases, it is a fact, and as I said.....

Mr. Speaker: He wants to know the reasons.

Shri Raj Bahadur: I have already given the reasons. The security pledge has got to be released by the

pledgee in Pakistan. That has got to be done first. And then the pledge has got to be transferred from the post offices in Pakistan to the post offices in India. Then and then alone it can be made; because there was delay in arriving at the arrangement and because no claims were registered within the dates allowed for other claims to be registered at that time, therefore this delay and complication has occurred. I think that with the new arrangements arrived at, it might be possible for us to expedite the process.

Shri D. C. Sharma: May I know if the Government has any negotiating machinery with Pakistan or the Pakistan Government has any negotiating machinery with India for the settlement of these claims?

Shri Raj Bahadur: As a matter of fact, in the financial negotiations that take place from time to time, this latest arrangement has been found out. In either case, the pledgee will first release and then the pledges will be transferred to the other country.

Reclamation of Waste Land

*1705. **Shri P. K. Deo:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether a cheap method of reclamation of waste land, particularly alkaline variety of land has been discovered at the Nantional Botanical Garden, Banthra farm, Lucknow;

(b) whether the dried and crushed powder of common weed "agremore" is used in this reclamation work; and

(c) the cost of reclaiming one acre of such waste land?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) Yes.

(c) The cost varies according to the locality and the nature of *usar* land. The estimated cost of reclamation near Banthra Farm has been reported to be Rs. 100 per acre.

Shri P. K. Deo: May I know if this new method of reclamation of the alkaline lands has been experimented only at the laboratory stage or, whether it has been extensively used in actual cultivation, and, if so, may I know whether this know-how has been passed on to the various community developmmt projects and the national extension service blocks also?

Dr. P. S. Deshmukh: For the present, it is confined to the National Botanical Garden in Lucknow, and the I.C.A.R. has sanctioned a sum of Rs. 4,59,000 for experiments on a larger scale in Uttar Pradesh.

Shri P. K. Deo: May I know if this new treatment of the alkaline soil would be a permanent one or an annual feature—that is whether the dried and crushed powder of common weed "agremore" will be used every year for the reclamation of lands, and to make the lands cultivable?

Dr. P. S. Deshmukh: All these results are yet to be determined definitely.

Shri P. K. Deo: Sir, I could not follow the answer.

Dr. P. S. Deshmukh: This fact has not yet been definitely investigated and no results are available.

श्री बजरज सिंह : नई जमीन को तोड़ने की आवश्यकता को देखते हुए क्या सरकार के सामने ऐसा कोई प्रस्ताव है कि इस अनुभव को तृतीय पंचवर्षीय योजना में बहुत बड़े पैमाने पर नई जमीन तीड़ने के काम में लाया जाय ?

डा० पं० शा० बेशमूल : यह अभी एक्सपेरिमेंटल स्टेज में ही है। कहीं कहीं अच्छा नतीजा निकला है। अगर यह बहुत बड़े पैमाने पर हो सके तो जरूर गवर्नमेंट उसको हाथ में लेगी।

Shrimati Renuka Ray: As the Minister has said that this experiment has proved successful there, may I know

whether any attempt has been made to try it in other parts of the country also on an experimental basis?

Mr. Speaker: Experiments are made only for the purpose of trying it.

Shrimati Renuka Ray: But if the experiment has proved successful there, I want to know why it should not be tried on a larger scale and be widespread.

Dr. P. S. Deshmukh: The results have not been finally established. We will make endeavours to try it elsewhere also.

Pandit D. N. Tiwari: May I know whether the Minister is aware that in the recent World Agriculture Fair there was a propaganda by the Agricultural Department for using this sort of experiment in every field in every State and, if so, may I know whether it was done after due checks and experiments or done half-heartedly?

Dr. P. S. Deshmukh: Whatever publicity was given was on the basis of the success achieved. But we ourselves are trying to extend the scope of the experiment and trying it on a larger scale, and that is why the I.C.A.R., as I said, has sanctioned a large sum, a sum of Rs. 4,59,000, for trying it on a larger scale.

Shri Vidya Charan Shukla: May I know if the President of India recently wrote to the Agriculture Ministry to try and reclaim the Chambal area of waste-land and, if so, what action has been taken by the Government on that letter?

Dr. P. S. Deshmukh: More intense attention has to be given to this problem, and we are also considering a large-scale drainage to reclaim this land and the Punjab Government is very keen about it.

Shri Kalika Singh: May I know if there was a similar scheme of reclamation of waste land and *usar* land near Kanpur which was taken up on an experimental basis by the Uttar Pradesh Government and that has

failed, and after that, this Banthra scheme has been taken up?

Dr. P. S. Deshmukh: The only experiment of Uttar Pradesh Government that I know of is this present one which was started as early as 1956. I have no information about the other experiment.

Dr. Sushila Nayar: Is the hon. Minister aware that the Director, Botanical Gardens, has put forth a proposal for a sum of Rs. 5 lakhs on a revolving basis with which he could reclaim 24,000 acres or more of land, saline land, in Uttar Pradesh and, if so, has the Government of India taken any decision to see to it that this experiment is taken in hand at the earliest possible moment?

Dr. P. S. Deshmukh: This request has not reached me; probably it will be investigated and enquired into.

Pandit K. C. Sharma: Is there any scheme for turning the waste-lands into pasture lands, after reclamation, and what is the step that the Government are taking towards this scheme on an all-India basis?

Dr. P. S. Deshmukh: As soon as the land is reclaimed and something can be grown, the best possible crop will be grown which will be either for food or for pasture.

श्री ५० ला० बारूपाल : राजस्थान में बहुत सी बंजर जमीन पड़ी है जो कि काश्त के योग्य है और उस के अन्दर काफी अन्न पैदा हो सकता है। उस जमीन को राजस्थान सरकार भूमिहीन किसानों को नहीं दे रही है। उसको किसानों को दिलाने के लिये क्या भारत सरकार राज्य सरकार के सामने कोई सुझाव रखेगी ?

डा० पं० शा० देशमुख : भले ही वह जमीन काश्त के काबिल हो, लेकिन यह बात राज्य सरकार के अख्यार में है, हम उसमें क्या कर सकते हैं ?

श्री ५० ला० बारूपाल : ऐसे काश्तकार जो कि भूमिहीन हैं और जिनके कि पास

जमीन नहीं है और हालांकि काफी वेस्ट लैंड पड़ा हुआ है लेकिन राज्य सरकारों के जिम्मेदार अधिकारी लोग ऐसी जमीनों को उनके द्वारा प्रार्थनापत्र देने पर भी उनमें डिस्ट्रिब्यूट नहीं करते हैं ?

Dr. P. S. Deshmukh: The Government of India's policy is, wherever land suitable for cultivation is there, it should be brought under cultivation.

Dr. Sushila Nayar: May I know whether the hon. Minister has had time to look at the report of the Estimates Committee on the Ministry of Scientific Research and Cultural Affairs dealing with the National Botanical Gardens and if not, will the hon. Minister kindly study those recommendations and take action on them?

Dr. P. S. Deshmukh: I shall certainly do that.

Procurement of Wheat from Madhya Pradesh

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*1706. { **Shri Nathwani:**
Shri Morarka:
Shri Rajeshwar Patel:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) what is the price at which wheat is procured from cultivators in Madhya Pradesh for supplying it to the fair price shops in Bombay;

(b) whether any profit is paid to the Madhya Pradesh Government; and

(c) what is the price at which it is sold through the fair price shops in Bombay?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) The Madhya Pradesh Government have so far supplied to the Bombay Government only grade—I and grade—II varieties of wheat which they purchased from the cultivators at Rs. 16 and Rs. 15 per maund respectively for naked grain.

(b) The Madhya Pradesh Government supplied wheat to the Bombay Government in two instalments of 15,000 tons and 10,000 tons. For the first instalment they charged Rs. 19 per maund for grade—I wheat and Rs. 18 per maund for grade—II wheat for supply f.o.r. despatching station. For the second instalment they charged their economic price of Rs. 18·68 nPs. per maund for grade—I wheat and Rs. 17·64 nPs. per maund for grade—II wheat. Thus, for the first instalment of 15,000 tons the Madhya Pradesh Government got a small margin of 32 nPs. per maund for grade—I wheat and 36 nPs. per maund for grade—II wheat.

(c) In Bombay city the issue price for both grade I and grade II wheat is Rs. 22·80 per maund and in the districts the price for grade—I is Rs. 22·80 per maund and for grade II Rs. 22 per maund.

Shri Nathwani: May I know whether the Government has received any complaint from farmers in M.P. about their being compelled to sell their wheat to the M.P. Government?

Shri A. M. Thomas: The House knows that M.P. State has been cordoned off and the procurement prices for the wheat that is being voluntarily offered to the State Government have also been fixed. Of course, there have been complaints from the growers that the price given to them is inadequate.

Shri Chintamoni Panigrahi: After the scheme of State-trading in food-grains has been given up by the NDC, may I know whether M.P. Government will directly supply wheat to the Bombay Government or it will be supplied through trade agencies?

Shri A. M. Thomas: This is done on a State Government to State Government basis between the M.P. and Bombay Governments. They are mainly concerned with it. Of course, we also come in the picture.

Shri Chintamoni Panigrahi: My question was, recently the Food Minis-

ter has insisted on the N.D.C. to give up State-trading in foodgrains. I want to know whether it has been given up and if so, how it will be channelled from M.P. Government to Bombay Government.

Mr. Speaker: This contains three or four questions. Has State-trading been given up?

Shri A. M. Thomas: The policy with regard to State-trading has been discussed on the floor of the House and the stand of the Central Government in this respect has been explained on many occasions. I do not know how the question of State-trading comes into the picture here.

Shri Ranga: Why is it that when the M.P. Government was supplying wheat at Rs. 18 and odd per maund, the Bombay Government is allowed to charge Rs. 22 and odd even in the fair price shops?

Shri A. M. Thomas: I have got the break-up. To the Bombay Government it costs about Rs. 3.12 nP per maund for distribution and they add that amount to the cost that they incur by the purchase that is effected from M.P.

Shri Ranga: Are we to understand that the M.P. Government is retaining for itself, after charging Rs. 18 from the Bombay Government, over and above that Rs. 3 per maund, or is it that the Bombay Government is making a profit of Rs. 4 per maund?

Shri A. M. Thomas: The costs of various items are included in the cost for supply at the f.o.r. despatching station. The M.P. Government incur a cost of Rs. 18.68 nP for Grade I wheat and Rs. 17.64 nP for Grade II wheat. I have already told the House with regard to the small margin that they get on the sales effected to the Bombay Government.

As far as the Bombay Government is concerned, according to the break-up of the various items that they have given to us, they incur cost to the extent of Rs. 3.12 nP per maund. They add that to the cost they pay

to the M.P. Government and then supply it to the fair price shops.

Shri Morarka: Is it not a fact that wheat is procured from the cultivator at Rs. 12 to Rs. 14 per maund and it is sold in Bombay at Rs. 22.18 nP per maund? If that is so, may I know who makes the profit of Rs. 10 per maund?

Shri A. M. Thomas: I have already said that it is not correct to say that it is being procured at the rate of Rs. 12. Grade I is procured at Rs. 16 and Grade II at Rs. 15. Of course, after adding the various costs incurred by the State Governments, it comes to that figure.

Mr. Speaker: Both Shri Ranga and Shri Morarka put the same question. The hon. Minister says it is procured at Rs. 15 and not at Rs. 12 or Rs. 13, and they have got other incidental charges amounting to Rs. 3 and odd. They add it and therefore sell it for Rs. 18. What is the good of going into further details?

Shri Ranga: Is it not also the function of the Government of India to see whether this charge made by the Bombay Government on the basis that their incidental expenses come to as much as or more than Rs. 3 per maund after having paid only Rs. 18 and odd for the producers as well as the M.P. Government, is reasonable? Has that been looked into? Does it not smack of so much of profiteering?

Shri A. M. Thomas: I shall give the break-up: Freight Re. 1.00, town duty Re. 0.15, handling, storage, transit loss, etc. Re. 1.00, interest on investment Re. 0.07, administration overheads Re. 0.30, margin for contingencies like additional cleaning, transport charges for interim godown movement Re. 0.60; total Rs. 3.12.

Shri Morarka: May I know whether the attention of the hon. Minister has been drawn to a letter from a farmer published in the *Times of India* dated the 29th March, 1960, in which the farmer has complained that while they are compelled to sell their wheat

at Rs. 12 to Rs. 14 per maund, the same is marketed in Bombay at Rs. 22, whereas the expenses involved are not more than Rs. 2.32? If not, may I request the hon. Minister to study that letter and give some redress to the farmer?

Mr. Speaker: Every farmer will try to get more price. Next question.

Railway Accident in Bombay

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*1707. { **Shri Assar:**
Shri U. L. Patil:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that in Bombay recently an accident took place when six passengers were killed on Western Railway while they were travelling by local trains to see Air Display on the I.A.F. Day; and

(b) if so, the details thereof?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). On the I.A.F. Day, on 3rd April, 1960 there was phenomenal overcrowding in the suburban trains of the Western Railway going to and coming from Churchgate station. In spite of elaborate arrangements made and repeated warnings given, a very large number of people indulged in travelling on footboards windows and buffers. There was utter disregard for discipline and order amongst the passengers. The result was that 14 cases of injuries to passengers due to falling out of trains were reported from different places and of these, 4 proved fatal.

Shri Assar: May I know why additional trains were not run by the railway authorities anticipating heavy rush due to the Air Display?

Shri S. V. Ramaswamy: 4 extra trains were run. But even the normal trains could not be run, because there was so much of chain-pulling and the trains went out of schedule.

Shri Assar: May I know whether ad hoc compensation has been paid to the families of those who were killed by this accident?

Shri S. V. Ramaswamy: There have been no claims and no compensation has been paid.

Shri Tyagi: Have any instructions been issued recently to the station staff of railways to allow beggars and other vagabonds on the platform without any platform ticket to beg in the trains?

Shri S. V. Ramaswamy: How does it arise out of this question?

Shri Tyagi: It arises because it is they who get into the platform first without any ticket.

Shri S. V. Ramaswamy: This I.A.F. display attracted about 7 lakh people, and at least half of them travelled by train. It is a stupendous number that we had to carry and because the crowd was not disciplined and was disorderly this has happened.

WRITTEN ANSWERS TO QUESTIONS

Purchase of Railway Stores

*1693. { **Shri Abdul Salam:**
Shri Subodh Hansda:
Shri R. C. Majhi:
Shri S. C. Samanta:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railway Board has agreed to purchase stores from the small industries sector with assistance of the National Small Industries Corporation; and

(b) if so, the value of purchases made by the Board so far in 1959-60?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) The present procedure is in the course of implementation on Railways. However, the value of purchases of stores falling under the category of Cottage and Small Industries' Products is Rs. 1,47,39,729 (during the

period from April, 1959 to December, 1959).

Bridges on National Highway No. 29

*1696. **Shri Kalika Singh:** Will the Minister of Transport and Communications be pleased to state:

(a) at what stages are the constructions or reconstructions of bridges on the National Highway No. 29 Varanasi-Gorakhpur road;

(b) whether there was any proposal to set up pontoon bridge in place of any bridge on this National Highway;

(c) if so, what happened to the pontoon proposals;

(d) whether the scheme of reconstruction of bridge at Mau on Tons river is proceeding according to plan; and

(e) if so, at what stage is the implementation of the scheme?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (e). A statement is laid on the Table of the Sabha. [See Appendix IV, annexure No. 66.]

Clash between Railway Sainiks and Gangsters

*1700. **Shri Subiman Ghose:** Will the Minister of Railways be pleased to state:

(a) whether a band of gangsters snatched away a gun and several cartridges from Railway Sainiks from Barakar station, Eastern Railway on the 2nd March, 1960;

(b) if so, what was the approximate number of gangsters and the number of Sainiks;

(c) whether the gangsters were looting Railway property at that time;

(d) whether any enquiry has been held; and

(e) what steps Government have taken in the matter?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir. One Musket without any ammunition was snatched away from the custody of a Rakshak while he was on duty near Barakar station on 2-3-1960.

(b) There was a gang of 10-12 criminals while the number of Rakshaks was only 2.

(c) This was a case of an attempt to commit theft.

(d) Yes, Sir.

(e) Immediately after the incident, raids were held in the neighbouring areas and search parties were sent to different directions with the result that the stolen musket was recovered intact. One of the local criminals has also been arrested and vigorous police investigation is afoot to trace out all the accused persons.

Chemical Fertilizers for Madras

*1708. **Shri Tangamani:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of chemical fertilisers allotted to Madras State during the year 1959-60 and the quantity supplied during the same period;

(b) the reasons for the short supply;

(c) what is the demand for the year 1960-61; and

(d) how much Government propose to supply during the current year?

The Minister of Agriculture (Dr. P. S. Deshmukh): A statement is laid on the Table of the Sabha. [See Appendix IV, annexure No. 67.]

रामपुर-हल्द्वानी रेलवे लाइन

*१७०९. श्री प्रकाशबीर शास्त्री : क्या रेलवे मंत्री २८ मार्च, १९५९ के तारकित प्रश्न संख्या १५१६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) रामपुर से हृदपुर होते हुए हल्द्वानी तक नई रेलवे लाइन बनाने के सम्बन्ध

में अब तक और क्या प्रगति हुई है; और

(ख) क्या यह लाइन तृतीय पंचवर्षीय योजना में रखी जायेगी ?

रेलवे उपमंत्री (श्री शाहनवाज खाँ) :

(क) रामपुर से रुद्रपुर होत हुए हल्द्वानी तक बड़ी लाइन बनाने के लिये प्रारम्भिक इंजीनियरिंग और यातायात सर्वे (Preliminary Engineering and Traffic Surveys)

किय जा चुके हैं और सर्वे रिपोर्ट की जांच की जा रही है ।

(ख) नयी लाइन बनाने के सम्बन्ध में इस तरह के कुछ दूसरे मुझाव भी आये हैं । उनके साथ इस मुझाव को भी नोट कर लिया गया है और तीसरी पंचवर्षीय आयोजना में इन पर विचार किया जायगा ।

Western Shipping Corporation

*1710. **Shri P. C. Borooah:** Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the State-owned Western Shipping Corporation have taken over the Mogul Line, a British Shipping line engaged in the Haj traffic to Jeddah; and

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

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The Western Shipping Corporation have acquired controlling interest in the Mogul Line Limited. A statement is laid on the Table of the Sabha, giving the important features of the deal.

STATEMENT

The Mogul Line Limited is a shipping company with rupee capital registered in India. The majority shares in the equity capital of this company have hitherto been held by foreigners. The Western Shipping Corporation have now purchased 80,180 shares, out of a total of 1,01,190 shares, and have thus acquired con-

trolling interest in the Company. These shares were acquired by the Corporation from the British Indian Steam Navigation Company Limited and the Asiatic Steam Navigation Company Limited, both of London, at the rate of Rs. 360 per share of rupees 100 fully paid. The entire price was paid in pounds sterling at London on 14th March, 1960.

रेलवे में हिन्दी का प्रयोग

*१७११. **श्री श्री नारायण दास :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या विभिन्न रेलों में हिन्दी के प्रयोग एवं प्रगति में एकरूपता लाने के लिये रेलवे अधिकारियों ने कोई योजना तैयार की है ;

(ख) यदि हां, तो उसकी मुख्य रूप-रेखा क्या है ; और

(ग) क्या रेलवे में इस काम की प्रगति को देखने और इसमें एकरूपता लाने के लिये निरीक्षक नियुक्त किये गये हैं जो इसके लिये विशेष रूप से उत्तरदायी हैं ?

रेलवे उपमंत्री (श्री से० बे० राम-स्वामी) : (क) से (ग) तक एक बयान सभापटल पर रख दिया गया है । [देखिये परिशिष्ट ४, अनुबन्ध संख्या ६८]

प्रश्नेजी-हिन्दी अनुवाद की देख-भाल के लिये हर रेलवे में एक 'हेड आफ हिन्दी सेक्शन' की व्यवस्था की गयी है । रेल-कर्मचारियों के लिये हिन्दी कक्षाएं संगठित करने और उन कक्षाओं की देखभाल के लिये हर रेलवे में एक 'हिन्दी सुपरवाइजर' की जगह भी मंजूर की गयी है ।

Smuggling of Rice to Tibet

*1712. **Shri P. G. Deb:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that rice and paddy is being smuggled from

West Bengal to Tibet due to high prices in that area; and

(b) the steps taken to avert this smuggling?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). No large scale smuggling of rice from West Bengal to Tibet has come to Government's notice. However, West Bengal Government are making detailed investigations in the matter and a report from them is awaited.

Silo-cum-Elevator in Calcutta

***1713. Shri Ram Krishan Gupta:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 931 on the 16th December, 1959 and state the further progress since made in installing a Silo-cum-Elevator in Calcutta port area?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): Work on diversion of road, etc. has been completed on 23-12-1959. Work on pile driving has been completed in the beginning of March, 1960. Work on sub-structure of the Silo is in progress and is expected to be completed by the end of May, 1960. After that, the super-structure of prefabricated material will be erected and the completed Silo-cum-Elevator is expected to be ready for test run by December, 1960.

Steel for Railways

***1714. Shri Ajit Singh Sarhadi:** Will the Minister of Railways be pleased to state:

(a) whether any possibility has been explored to meet steel requirements of Railways from Bhilai and Rourkela in order to save the foreign exchange; and

(b) to what extent would the import lessen in the rest of Second Five Year Plan period when Bhilai and Rourkela have gone into production?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) Information is being collected from the Steel Mines and Fuel Ministry.

Cancer Hospital in Orissa

***1715. Shri Chintamani Panigrahi:** Will the Minister of Health be pleased to state:

(a) whether the Government of Orissa requested the Union Government for giving grants for setting up a Cancer Hospital in Orissa;

(b) whether Government have considered this request; and

(c) if so, with what result?

The Minister of Health (Shri Karmarkar): (a) Yes, Sir.

(b) and (c). The State Government's request was considered during 1959-60 but as the funds provided for this purpose had already been allocated, their request could not be acceded to.

Supply of Foodgrains

***1716.** { Shri Nagi Reddy:
Shri Halder:
Shri A. K. Gopalan:
Shri Warrior:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that some official of the Ministry entered into a contract with a non-existent firm of former Madhya Bharat for the supply of 10,000 tons of millets in 1953;

(b) if so, whether an enquiry has been made in this regard; and

(c) if so, with what results?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) No formal contract was entered into by any official of this Ministry but only a letter of authority was given to the party to purchase jowar for the Bombay Government. A formal

contract was entered into with the firm by the Bombay Government.

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

Undelivered Wagons

*1717. **Shri P. C. Borooah**: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that about 800 wagons carrying essential commodities including foodstuffs are lying without being taken delivery of by the consignees between the stations Pandu and Alipurduar on the North-east-Frontier Railway;

(b) if so, the reasons therefor; and

(c) the steps taken to deliver the goods to the consignees?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) An average of about 240 wagons intended for destinations beyond Amingaon had to be stabled daily between Alipur Duar and Amingaon Jn. during the period 1st March to 15th April, 1960. Some of these wagons contained food stuffs.

(b) The reasons for the hold-up was serious congestion at stations on South Bank of the Brahmaputra, specially at Pandu, Gauhati and Lumding caused by heavy receipts of wagons for Gauhati, Shillong and Lumding-Badarpur hill section having limited capacity and poor release by the consignees.

(c) The merchants as well as the State Government were approached to effect quick release of wagons. Further, to reduce the congestion, restrictions were imposed on booking to Gauhati from 17-3-1960 to 7-4-1960 and to Shillong O/A from 15-3-1960 to 29-3-1960. Loading for stations on South Bank has also been controlled.

Bridge on River Ravi to connect Jammu and Himachal Pradesh

*1718. **Shri P. K. Deo**: Will the Minister of Transport and Communications be pleased to state:

(a) whether a bridge is going to be

constructed over River Ravi at Basohti to provide a direct link between Jammu and Himachal Pradesh; and

(b) what is the estimated cost of the Centre's participation in the project?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The Government of India have no proposal for the construction of a bridge over River Ravi at Basohti. As this bridge will fall on a State road within the Jammu and Kashmir State, the State Government are primarily responsible for its construction.

Transport in Delhi

*1719. **Shri Ajit Singh Sarhadi**: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the Delhi Transport Undertaking had been authorised and permitted to run service in the entire Union territory;

(b) if so, whether it is a fact that despite this permission, the State Transport Authority was putting hurdles in the way of Delhi Transport Undertaking; and

(c) if so, what steps are being taken to effect co-ordination between the two?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): A statement giving the information required is placed on the Table of the House.

STATEMENT

(a) to (c). The Delhi Transport Undertaking has been authorised by the State Transport Authority, Delhi, to operate its buses in the entire Union territory of Delhi subject to the condition that the Authority's approval will be obtained before operating buses on routes on which private buses are already operating. This condition cannot be termed as

a hurdle, because the State Transport Authorities/Regional Transport Authorities are expected under the Motor Vehicles Act, 1939, to prevent uneconomic competition among transport operators. The Delhi Transport Undertaking has already obtained the permission of the State Transport Authority, Delhi, to operate buses on certain routes on which private buses are also operating.

Service Co-operatives

2534. { Shri Ramji Verma:
 Shri Amjad Ali:
 Shri Hem Barua:
 Shri P. C. Borooah:
 Shri Bhagavati:

Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether it is a fact that the State Governments have started Service Co-operatives;

(b) if so, what progress has been made State-wise; and

(c) when are they expected to start functioning?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Yes.

(b) The information is being collected and a statement showing the number of Service Co-operatives set up upto 31st December, 1959, state-wise will be laid on the Table of the House shortly.

(c) The Service Co-operatives are normally expected to start functioning soon after registration. From information so far received it appears that about 15,000 Service Co-operatives had been organised by 30th November, 1959 and these Societies are now functioning. Steps are also being taken to convert existing primary agricultural credit societies into Service Co-operatives.

Re-modelling of Kazipet Yard

2535. Shri Madhusudan Rao: Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1130 on the 8th December, 1959 and state:

(a) the progress since made in regard to the re-modelling of the Kazipet Station Yard; and

(b) the details of the works to be undertaken there?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). Kazipet Goods Yard Re-modelling scheme is under review in the light of the necessity for providing longer loops for handling longer trains. However, the upper-class waiting room for gentlemen 469 sq. ft. in area, and another for ladies, 364 sq. ft. in area, already provided, are being altered to have a floor area of 652 and 279 sq. ft. respectively. More than half of the work has been completed.

Loudspeakers and a double-faced clock at the station will also be provided after the work of additions and alterations to the station building is completed. These will approximately cost Rs. 19,000.

The work of extending the main line platform will also be taken in hand shortly at an approximate cost of Rs. 12,000.

New Post Offices

2536. Shri D. C. Sharma: Will the Minister of Transport and Communications be pleased to state:

(a) the total number of new Post Offices opened during 1959-60 all over the country;

(b) the total amount spent thereon;

(c) the total number of Post Offices opened in Punjab (District-wise) during 1959-60; and

(d) the total amount spent thereon?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) 5,353.

(b) Approximately Rs. 6,91,000.

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 69.]

(d) Rs. 21,012.35 nP.

Loco Workshops on Southern Railway

2537. Shri Madhusudan Rao: Will the Minister of Railways be pleased to state:

(a) the total number of Loco Workshops on Southern Railway at the end of 1959;

(b) the total number of employees in each workshop;

(c) the total number of engines repaired in each workshop during 1959;

(d) the total amount of money spent in each workshop for (a) Primary, and (b) Secondary education during 1959; and

(e) the number of Primary and Higher Secondary Schools in each Workshop Centre?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (e). A statement furnishing the required information is laid on the Table. [See Appendix IV, annexure No. 70].

Agricultural Colleges in Andhra Pradesh

2538. Shri Madhusudan Rao: Will the Minister of Food and Agriculture be pleased to state:

(a) the names of the various Agricultural Colleges in Andhra Pradesh; and

(b) the amount of grant given to each of them by Central Government during 1959-60 and 1960-61?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). A statement furnishing the required information is laid on the Table. [See Appendix IV, annexure No. 71.]

Steel for Bridges in Punjab

2539. Shri D. C. Sharma: Will the Minister of Transport and Communications be pleased to state:

(a) the quantity of steel allotted to Punjab for the construction of bridges on National Highways during 1959-60;

(b) the quantity actually supplied during the years;

(c) whether the construction of any bridge has been held up on account of short supply of steel;

(d) if so, the names of the bridges held up;

(e) whether Punjab Government have made representation in the matter; and

(f) if so, the action taken thereon?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) 5071 tons of steel was allotted for construction of bridges on various roads including National Highways. No separate allotment was made for National Highways but the Punjab Government was requested to meet National Highway requirements in full.

(b) Quota certificates for supply of 1950 tons of steel have already been received and certificates for the remaining 3121 tons are likely to be received shortly.

(c) No.

(d) Does not arise.

(e) No.

(f) Does not arise.

Hindu Rao Hospital, Delhi

2540. Shri D. C. Sharma: Will the Minister of Health be pleased to refer to the reply given to Unstarred

Question No. 1824 on the 21st December, 1959 and state the further progress made so far in the construction of a 100-bed surgical ward in Hindu Rao Hospital and to co-ordinate this Hospital with the Irwin Hospital in Delhi?

The Minister of Health (Shri Karmarkar): The construction of the building for the 100-bed Surgical Ward in the Hindu Rao Hospital was started in January 1960 and is expected to be completed by the end of January, 1961.

The cases which cannot be dealt with at the Hindu Rao Hospital are being referred to the Irwin Hospital for treatment as usual.

Robberies on Railways

2541. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) the number of robberies committed in running passenger trains between Delhi and Amritsar on the Northern Railway during 1959-60;

(b) the estimated loss sustained thereby;

(c) the results of the investigations held into these accidents; and

(d) measures taken for security of railway passengers in future?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) 5 cases of robberies were reported in running passenger trains between Delhi and Amritsar on the Northern Railway during 1959-60.

(b) Cash and property worth Rs. 2,005 was involved in 3 cases and some jewellery and a wrist watch in one, and no loss in the fifth case.

(c) In 2 cases, 4 culprits were arrested and stolen property recovered. In the third case 2 accused were arrested and sentenced to 5 years R.I. each. In the remaining 2 cases no clue of the culprits could be found.

(d) The following measures have been taken for security of Railway passengers:

- (i) patrolling is intensified;
- (ii) escorts are detailed with all important night trains;
- (iii) reservation of accommodation for the G.R.P. escorts is arranged in the centre of the train, as far as possible next to ladies' compartment;
- (iv) surprise checks of patrols and trains are carried out by special night squads and senior officers at night;
- (v) police pickets are arranged at important check points and large scale raids are carried out;
- (vi) the G.R.P. and platform staff are instructed to ensure that safety catches are applied by lady passengers occupying ladies compartments before the departure of a train;
- (vii) passengers are dissuaded from occupying solitary compartments after dark and are persuaded to occupy other compartments where other passengers are also travelling;
- (viii) instructions have been issued to all T.T.Es. and Conductor Guards, to check 1st and 2nd class Ladies compartments in respect of safety fittings and presence of intruders, before a passenger train leaves the station;
- (ix) frequent joint meetings with G.R.P. and Civil Police are being held to take suitable preventive measures to check crime on running Trains.

Closing of Gates at Level Crossings

2542. Shri Rami Reddy: Will the Minister of Railways be pleased to state:

(a) what is the duration of time before and after the passing of any train.

during which the gates are closed at level crossings;

(b) whether complaints have been received that the gates are closed for an unduly long time before and after the passing of trains at level crossings;

(c) whether any action has been taken to minimise the duration of time; and

(d) if so, the details of the action taken in this regard?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Instructions exist to the Railway Administrations to the effect that level crossing gates should be kept closed only for the minimum necessary time, consistent with the essential needs of railway traffic. The ordinary maximum limit for closure of level crossing gates for railway requirements is a period of 10 minutes, this period being, however, exceeded in exceptional cases where many lines and busy yards are involved to a maximum of 15 minutes. This relaxed limit of 15 minutes is to be permitted only after verifying that such an extended period is unavoidable.

(b) Complaints about closure of level crossing gates and consequent detention to road traffic are received by Individual Railways. Necessary action is taken by the Railways in such cases. Some complaints have also been received by the Board.

(c) and (d). As already stated in reply to part (a), as far as possible level crossing gates are not to be closed more than 10 minutes in the normal course but even this limit of 10 minutes has been laid down to cover those cases where a period of 5 minutes is not sufficient to deal with the movement of essential rail traffic. Only in exceptional cases and where it is unavoidable the limit of 15 minutes has been permitted.

The Railways have been advised that at the level crossings, where there are heavy detentions to the road traffic and consequently complaints, the desirability of providing automatic warning arrangements, as well as improving communication and interlocking facilities, with a view to assisting the gateman so that the level crossing gates are not closed too early and are opened as soon as a train passes the level crossing, should be examined and suitable action taken as expeditiously as possible.

Ex-grainshop Employees on Railways

2543. { Shri H. N. Mukerjee:
Shri Prabhat Kar:

Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 3042 on the 15th April, 1959 and state what has been the result of examination of the cases of a large number of ex-grainshop employees of Eastern Railway, alleged to have been prejudicially affected on account of disparities in procedure adopted for absorbing surplus grainshop staff and determining their seniority?

The Deputy Minister of Railways (Shri Shahnawaz Khan): The matter has since been more than once discussed with the two Railway Federations and revised instructions on the subject are expected to be issued to the Railway Administrations shortly.

Tungabhadra High Level Canal Scheme

2544. **Shri Rami Reddy:** Will the Minister of Irrigation and Power be pleased to state:

(a) at what stage was the Pulivendla Canal and Chitravati anicut removed from the Tungabhadra High level canal scheme;

(b) what are the reasons for their removal;

(c) at what stage were the Papagni regulator and Papagni canal removed from the Tungabhadra High Level canal scheme; and

(d) what are the reasons for their removal?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (d). The Pulivendla Canal, the Chitravati anicut, the Papagni regulator and the Papagni canal were removed from the Tungabhadra High Level Canal Scheme at the time of technical scrutiny. This was done because these items included the ayacut to be benefited by the supplemental supply from the Pennar catchment. Government felt that the High Level Canal Scheme should be confined to the ayacut to be benefited by the Tungabhadra waters. The Andhra Pradesh and Mysore State Governments agreed with this view.

Village Panchayat Road Scheme in Punjab

2545. **Shri Ram Krishan Gupta:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 1296 on the 11th December, 1959 and state:

(a) whether the modified proposals regarding the construction of roads under Village Panchayat Road Scheme have since been received from the State of Punjab and approved; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [See Appendix IV, annexure No. 72.]

Huts near Vinay Nagar Railway Station

2546. { **Shri Ram Krishan Gupta**
Shri Ram Garib:

Will the Minister of Health be pleased to refer to the reply given to

Unstarred Question No. 1330 on the 11th December, 1959 and state:

(a) whether the work relating to providing amenities to the residents of kutchra huts constructed near the Nullah right from the Vinay Nagar Railway Station upto the Safdarjang Airport has been taken in hand;

(b) if so, the progress of the work; and

(c) when it will be completed?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) and (c). The New Delhi Municipal Committee has provided six filtered water taps in the Camp. The Committee has also sanctioned estimate for the construction of a latrine block there. Tenders are being invited and the work will be executed as soon as the tenders are accepted by the Committee.

Hospitals under the Ministry of Health

2547. **Shri Ram Krishan Gupta:** Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 1297 on the 11th December, 1959 and state at what stage is the proposal to constitute a non-official Advisory Committee for the hospitals directly administered by the Ministry of Health?

The Minister of Health (Shri Karmarkar): An Advisory Committee consisting of nine members including the Medical Superintendent *ex-officio* has been constituted for each of the two hospitals in New Delhi under the administrative control of the Ministry of Health viz. Willingdon Hospital and Nursing Home and Safdarjang Hospital Members have not yet been nominated to the Committee.

Willingdon Hospital, New Delhi

2548. **Shri Ram Krishan Gupta:** Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 1526 on the 16th Decem-

ber, 1959 and state the nature of progress made so far in the expansion of the Willingdon Hospital, New Delhi?

The Minister of Health (Shri Kar-markar): In addition to the construction of Ward Block in the Lawrence Square and Out-Patient Department on the Irwin Road, expansion of the existing kitchen and the construction of a paying ward in the Willingdon Hospital have been approved.

Amateur Radio Society of India

2549. **Shri P. K. Deo:** Will the Minister of Transport and Communications be pleased to state:

(a) whether the Amateur Radio Society of India are being permitted to establish and operate a low powered radio transmitter of 50 watts on the Island of Andamans;

(b) whether Government are giving any financial aid for this scheme; and

(c) whether similar facilities will be extended to private parties to establish such radio transmitter sets in other parts of the country?

The Minister of Transport and Communications (Dr. P. Subbarayan):

(a) No, Sir. No such request has so far been received in this Ministry from the Amateur Radio Society of India.

(b) The question does not arise.

(c) Amateur Radio station licences are granted, under the rules, for operation in any part of the Indian Union. No financial aid is given by the Government to such stations.

Minor Irrigation in Bombay State

2550. **Shri Pangarkar:** Will the Minister of Food and Agriculture be pleased to state whether the Government of India have received any new scheme for minor irrigation projects from the Government of Bombay for the year 1960-61?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): As de-

tails of individual schemes are not being received, the required information is being collected and will be placed on the Table of the Sabha in due course.

Cultivable Waste Land in Tripura

2551. **Shri Bangshi Thakur:** Will the Minister of Food and Agriculture be pleased to state the total acreage of cultivable waste land available at present in Tripura?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): The exact information about the total acreage of cultivable waste land in Tripura is not available. The extent of such land is, however, expected to be about 21,000 acres.

Cooperative Marketing Societies

2552. { **Shri B. Das Gupta:**
Shri Aurobindo Ghosal:

Will the Minister of Community Development and Cooperation be pleased to state:

(a) the number of cooperative marketing societies formed by 1957-58;

(b) the quantities of seed and manure stocked by them; and

(c) the number of primary credit societies affiliated who drew their supplies from them?

The Deputy Minister of Community Development and Cooperation (Shri B. S. Murthy): (a) 1841 Marketing Societies.

(b) Quantities of seed and manure stocked by Marketing Societies, as reported by some State Governments in terms of value and by others in terms of quantity aggregate as under:

(i) Seeds—230800 maunds plus worth Rs. 35,14,000.

(ii) Manures—308114 tons plus worth Rs. 22,90,000.

(c) 15147 primary credit societies affiliated drew their supplies in various States excluding Madras, Uttar Pradesh, West Bengal, Himachal Pre-

desh, Tripura, Andamans and Laccadives in which case information is not readily available.

दिल्ली की नजफगढ़ रोड पर बिजली की बतियां

२५५३. श्री वाजपेयी : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली की नजफगढ़ रोड पर तिलकनगर तथा शादीपुर के बीच बिजली के प्रकाश की व्यवस्था न होने के कारण अनेक दुर्घटनायं होती रहती हैं; और

(ख) यदि हां, तो इस सम्बन्ध में क्या व्यवस्था की जा रही है ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) और (ख) आम तौर पर सड़क पर गाड़ियों की दुर्घटना अनेक कारणों से होती हैं इसलिये यह कहना उचित नहीं है कि दिल्ली में नजफगढ़ सड़क पर तिलक नगर और शादीपुर के बीच कोई दुर्घटना सिर्फ रोशनी की व्यवस्था न रहने के कारण ही हुई । फिर भी यहां सड़क पर बिजली लगाने का प्रवन्ध किया जा रहा है ।

सरकारी दूध की डेरी के पास शादीपुर और रेलवे क्रासिंग के बीच बिजली लगाने के लिये ३०,१२५ रुपयों का तस्मीना मंजूर किया जा चुका है । यह काम दिल्ली इलैक्ट्रिक सप्लाय अण्डरटेकिंग को सौंप दिया गया है । रेलवे क्रासिंग से तिलक नगर तक बाकी सड़क पर बिजली लगाने के खर्च का तस्मीना तैयार किया जा रहा है और यह जल्दी ही तय कर दिया जायगा ।

Loan for Development of Agricultural Land in Delhi

2554. Shri Daljit Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) the amount of loan distributed

during 1959-60 for development of agricultural land in Delhi territory; and

(b) the measures taken by Government to obtain information regarding proper utilisation of such loans?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Rs. 97,400.

(b) The following measures are taken for proper utilisation of such loans:

- (i) When giving the loan, the loanee is assured that, if he utilises the amount within the prescribed period, he will be granted remission to the extent of 25 per cent.
- (ii) After giving the loan, the field staff of the Community Development Block makes personal contact with the loanee and persuades him to utilise the loan at the proper time so that he may get the maximum benefit. He is also reminded that the loan is liable to be recovered in lumpsum with penalty in the event of non-utilisation.
- (iii) The work for which the loan is given is then inspected by the Revenue Officers and the Block Development Officers to satisfy themselves that the loan has been utilised in full for the purpose for which it was granted. Failing completion of the work within the stipulated period, the loan is recovered in full.
- (iv) In the case of irrigation works, entries are made in the revenue record by the village Patwari that a particular work was completed by the loanee with the aid of loan at a particular time and that it was utilised for irrigating certain acreage in the village in question.

Distribution of Milk-Powder in West Bengal

2555. Shri Aurobindo Ghosal: Will the Minister of Health be pleased to state:

(a) whether the Government of India have received any complaint from UNICEF about the failure of the West Bengal Government to render accounts of distribution of milk-powder for the last three years;

(b) if so, whether any enquiry has been made;

(c) if so, when; and

(d) what is the finding?

The Minister of Health (Shri Karmakar): (a). No.

(b) to (d) Do not arise.

इं० ए० का० के डकोटा विमान की दुर्घटना

२५५६. श्री म० ला० त्रिवेदी : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) ३ जनवरी १९६० को पूर्वोत्तर श्रीमान्त एजेन्सी क्षेत्र में इंडियन एयरलाइन्स कारपोरेशन के डकोटा विमान के गिरकर नष्ट होने के कारणों की जांच का ब्योरा क्या है ; और

(ख) इस दुर्घटना के फलस्वरूप आठ व्यक्तियों की मृत्यु के अतिरिक्त अनुमानतः कितनी क्षति हुई है ?

अर्त्तनिक उड्डयन उपमंत्री (श्री मोही-उद्दीन) : (क) दुर्घटना की जांच अभी तक पूरी नहीं हुई है ।

(ख) इस दुर्घटना में नौ आदमियों की जानें गईं और हवाई जहाज बिल्कुल नष्ट हो गया । इस जहाज की खरीद की कीमत ६५,४०६ रुपया थी और इसकी घटी हुई कीमत यानी रिटनडाउन वैल्यू १-४-५९ को २१९ रुपया थी ।

Waters of Damodar River

2557. Shri Subman Ghose: Will the Minister of Irrigation and Power be pleased to state:

(a) how many cusecs of water the Damodar river used to discharge in the Hooghly river before the dams were constructed;

(b) how much of such water is being discharged or expected to be discharged after the construction of the four dams;

(c) whether there is any river whose discharge of water in the Hooghly river has become less after the dam project; and

(d) if so, which is that river?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) About 6 million acre feet below Rhondia.

(b) About 3.7 million acre fee below Rhondia.

(c) and (d). Information is being collected.

बरहालगंज बलरामपुर लाइन

२५५८. श्री राम शंकर लाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) बरहालगंज से मेंडवाल और बंसी होते हुए बलरामपुर तक एक रेलवे लाइन बनाने की मांग कितने अर्से में की जा रही है ।

(ख) इस सम्बन्ध में किस प्रकार के अभ्यावेदन प्राप्त हुए हैं ; और

(ग) इस विषय में क्या कार्यवाही की गयी है ?

रेलवे उपमंत्री (श्री सें० वें० रामस्वामी) :

(क) और (ख) यह सुझाव अलग-अलग दो हिस्सों में मिला था : (१) बरहालगंज-बांसगांव-सहजनवां १९४८ में और (२) सहजनवां

मेहनवल-बांसी-डुमरियागंज-उतरीला-बलराम-पुर १९५५ में ।

(ग) आयोजना आयोग ने दूसरी आयोजना में नयी रेलवे लाइनें बनाने का जो कार्यक्रम मंजूर किया है उसमें ये लाइनें शामिल नहीं है ।

Grants for Sanatoria

2559. **Shri A. M. Tariq:** Will the Minister of Health be pleased to state:

(a) whether grants given by the Central Government are being rightly utilised for the treatment of T.B. patients at Lady Linlithgow Sanatorium, Kasauli, and King Edward Sanatorium, Dharampore; and

(b) if so, whether the accounts of these institutions have ever been checked by Government?

The Minister of Health (Shri Karmarkar): (a) and (b) For administrative purposes the two institutions function as one unit. The T.B. Association of India maintains the Institution and controls it administratively. The Ministry of Health have reserved beds in the Lady Linlithgow Sanatorium only for the treatment of Central Government servants and indigent T.B. patients displaced from West Pakistan on payment of agreed reservation charges. The Government receive the annual report of the T.B. Association incorporating the audited accounts of the Lady Linlithgow Sanatorium, Kasauli, together with the utilisation certificates.

Land Acquisition in Delhi

2560. { **Shri A. M. Tariq:**
Shri Vajpayee:
Shri Ram Krishan Gupta:

Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 659 on the 7th March, 1960 and state:

(a) how much land in Delhi has since been released;

(b) names of the House Building Co-operative Societies whose lands have been released;

(c) names of the Societies whose cases are still under consideration; and

(d) what action is being taken or proposed to be taken in regard to those Societies whose land has come in green belt or other public purposes or industrial areas?

The Minister of Health (Shri Karmarkar): (a). Nil.

(b) Does not arise.

(c) The cases of all the Societies are under consideration.

(d) The Delhi Administration have been acquiring land for the Co-operative Societies only when they are furnished 'no objection' certificate from the competent Authority viz. the Delhi Development Authority or the Delhi Municipal Corporation after satisfying themselves about the land use. In such cases there is no likelihood of the land acquired for the Co-operative Societies falling in Green belt, industrial area, etc. However, if any society has purchased land on its own without following this practice, they will not be entitled to any relief. Therefore, in their cases no action on the part of the Government is called for.

/// Road Bridge in Andhra Pradesh

2561. **Shri Madhusudan Rao:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 159 on the 15th February, 1960 regarding construction of a road bridge across a stream near Gajpathi-Narain in Visakhapatnam district of Andhra Pradesh and state the progress since made?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): The estimate for the work has been technically scrutinised and is expected to be sanctioned shortly.

11

Civil Hospital, Imphal

2562. Shri L. Achaw Singh: Will the Minister of Health be pleased to state:

(a) whether it is a fact that medicines worth about rupees half a lakh are lying unused and ineffective in the Government stock at Imphal Civil Hospital because they are either unwanted or the dates have expired;

(b) if so, whether quotations were invited at the time of purchasing the medicines; and

(c) if the reply to part (b) above be in the affirmative, the names of the firms which offered them?

The Minister of Health (Shri Kar-markar): (a) No.

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

Telephone Connections in Andhra Pradesh

2563. Shri Madhusudan Rao: Will the Minister of Transport and Communications be pleased to state:

(a) the number of applications pending for telephone connections in Andhra Pradesh till February, 1960;

(b) the number of applications pending for telephone connections in Warangal city; and

(c) the number of persons who have been provided telephone connections in respect of part (a) and (b) above during 1959?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) 4520.

(b) 66.

(c) 1502 and 4 respectively.

Irrigation and Power Development in Andhra Pradesh

2564. Shri Madhusudan Rao: Will the Minister of Irrigation and Power be pleased to state:

(a) whether the programme regarding irrigation and power development in Andhra Pradesh during 1960-61 has been finalised;

(b) if so, what are the details thereof; and

(c) the amounts sanctioned under different heads?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The answer is in the affirmative.

(b) and (c). An amount of Rs. 1664.84 lakhs has been allocated for major and medium irrigation and power projects in Andhra Pradesh for 1960-61 as per details given below:

	(Rs. in lakhs)
Multipurpose ..	1000.00
Irrigation ..	300.00
Power ..	364.84
Total:	1664.84

National Highways

2565. Shri Madhusudan Rao: Will the Minister of Transport and Communications be pleased to state:

(a) how many roads have been declared as National Highways during the Second Five Year Plan period so far; and

(b) the particulars of these roads?

The Minister of State in the Ministry of Transport and Communications (Shri Raj ahadur): (a) and (b). The Dhanbad-Jamshedpur road was declared as a National Highway in April 1958 and three other roads, viz., the Agra-Jaipur-Bikaner road, the Jabalpur-Bhopal-Biaora road, and the Sholapur-Chitaldrug road will be shortly declared as National Highways.

Power Research Institute, Bangalore

2566. Shri Madhusudan Rao: Will the Minister of Irrigation and Power be pleased to refer to the reply given to Unstarred Question No. 1372 on the 23rd March, 1960 and state:

(a) whether the research work on High Voltage Engineering, Electrical Engineering, Mechanical Engineering and Hydraulic and Civil Engineering proposed to be taken up in the proposed Power Research Institute at Bangalore cannot be undertaken in

the various National Laboratories; Institutes set up by the Government of India under the Council of Scientific and Industrial Research; and

(b) if so, the reasons therefor?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). The problems on which research is intended to be conducted at the Power Research Institute at Bangalore, are of a special nature pertaining to the generation, transmission, and utilization of electric power, and the development of the allied equipment. The existing Research Laboratories in India do not have facilities for this specialized work. The only place where some equipment for such a work is available is the Indian Institute of Science, Bangalore. The Power Research Institute is being established at Bangalore with a view to availing of the facilities available in the Institute.

Landing of A.I.I. Plane at Nairobi

2567. Shri Raghunath Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that on the 27th March, 1960 night Air India plane ran into storm and landed safely at Nairobi saving the lives of its 50 passengers; and

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

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes, Sir. The incident, however, took place on the night of the 26th March, 1960.

(b) An Air India International Super-Constellation air craft VT-DGM while operating a scheduled service from Bombay to Nairobi via Aden on 26-3-1960 took off from Aden at 13:52 G.M.T. During the flight to Nairobi, engine No. 1 suddenly lost power. The engine was feathered and the flight was continued on three engines. A little later, a fire warning on Nos. 2 and 3 zones of No. 4 engine came on and glow of flame was noticed

on the inboard side. The fire was immediately extinguished and this engine was also feathered. With only two engines working the aircraft was losing height. The Commander therefore dumped 2,500 lbs. of fuel from one of the tanks. Since this did not make appreciable difference in the handling of the aircraft, the Commander decided to dump all available loose articles overboard through the main cabin door. This dumping operation was carried out efficiently and the aircraft was able to gain both speed and altitude before arriving over Nairobi. In the meantime, weather conditions in the Nairobi area including the airfield suddenly deteriorated due to thunder storm. The aircraft was, however, able to effect a two-engine landing safely.

Timber from Andamans

2568. Sardar A. S. Saigal: Will the Minister of Food and Agriculture be pleased to state:

(a) the total tonnage of timber despatched in the form of logs and scantlings by the Andaman Forest Department to Calcutta and Madras Depots during the tenure of the present Chief Conservator of Forests, Andamans;

(b) what has been the corresponding reduced tonnage received in those depots;

(c) the reasons of such shortage;

(d) whether the sanction of the Government of India has been taken to write off the shortage;

(e) whether any enquiry has been made in this regard; and

(f) if so, with what results?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). During the tenure of the present Chief Conservator of Forests, Andamans and Nicobar Islands, from December 1955 up to March 1960, the quantities of logs and sawn timber despatched from Andamans to the Timber Depots at

Howrah and Madras and the quantities received at these depots are indicated below:

Name of Depot	Quantity		Shortages
	Despatched from Andamans	Received at Depots	
	Tons	Tons	Tons
LOGS			
Andamans Govt. Timber Depot, Howrah.	53237	53003	234
Andamans Govt. Timber Depot, Madras.	17089	17059	30
SAWN TIMBER			
Andamans Govt. Timber Depot, Howrah.	20200	20281	19
Andamans Govt. Timber Depot, Madras.	13752	13560	192

(c) The shortages were due to short deliveries by the carriers at Calcutta and Madras Depots.

(d) to (f). The value of the short-landed timber has not been written off and efforts are being made to recover the amounts from the ship owners. To safeguard Government interests, the Andamans Administration has withheld payment of the value of short-landed timber from the bills of the clearing agents at Calcutta and Madras.

Dispute over Irrigation Water in Himachal Pradesh

2569. **Shrimati Sucheta Kripalani:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that in December, 1956, a Committee, with revenue Assistant as Convener, was constituted in district Mahasu, Himachal Pradesh, to enquire into the dispute between the Zamindars of Khekhar and of Kepu and Sainj-Paranu with regard to distribution of irrigation water drawn from Sawari Khud;

(b) when did the Committee submit its report and what were its recommendations; and

(c) what action has been taken by Government on these recommendations?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Yes. The Committee was constituted by the Himachal Pradesh Administration in October, 1958 and not in December, 1956.

(b) The report of the Committee was received by the Himachal Pradesh Administration in September, 1959. The main recommendations of the Committee are as under:—

(a) A discharge of 1.5 cusecs should be allowed in each of the Pranu and Khekhar channels in the month of June leaving the remaining water for requirements of other channels including the Kepu channel as heretofore.

(b) The flow should be continuous as the stoppage of supply for any period is bound to affect the growth of the paddy crops, specially in the month of June when the plants are tender and heat is scorching.

(c) In July, the area under paddy cultivation increases to 450 bighas on the Kotgarh side and to 371 bighas on the Kumarsain side. The supply of water in the channels may then be augmented in the ratio of 3:2 in the Kepu and Khekhar channels, subject to

the availability of water in the Sawari Khud.

- (d) The regulation of the discharge should be assigned to the Public Works Department (Irrigation).
- (e) Surplus water, if any, in the Sawari Khud should be reserved for future plans of irrigation and development of the area which the Administration may desire to undertake and the Zamindars be restrained from constructing any channels other than those in existence without the prior permission of the Administration.
- (f) The construction of any dams or reservoirs at the moment may not be considered as the water in the Sawari Khud is sufficient to meet with the requirements of the Zamindars.

(c) The Himachal Pradesh Administration has accepted these recommendations. They will be implemented by declaring Sawari Khud as a canal under the Himachal Pradesh Minor Canals Act of 1955 and then arranging proper distribution of water under the provisions of this Act.

Co-operative Sugar Factory in Andhra Pradesh

2570. Shri Madhusudan Rao: Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether the Labour Welfare Advisory Council of the Government of Andhra Pradesh has recommended to the Government of India to advance a loan of Rs. 75 lakhs to the proposed co-operative sugar factory to be established at Palakole in Andhra Pradesh;

(b) whether it is a fact that the State Government has promised to advance a loan of Rs. 9 lakhs to the society;

(c) if so, what is the decision of the Government and progress of the project; and

(d) what is the output envisaged and income anticipated?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) No, Sir; but the Palakole Co-operative Sugar Factory has applied to the Industrial Finance Corporation of India for a loan of Rs. 75 lakhs on the guarantee of the State Government and Central Government. The loan application is under the consideration of the Industrial Finance Corporation.

(b) and (c). State Government have reported that there is no proposal for advancing a loan of Rs. 9 lakhs to this co-operative Factory. The State Government have so far contributed a sum of Rs. 20 lakhs to the share capital of this society.

(d) According to the financial forecast furnished by the Co-operative Sugar Factory in its loan application to the Industrial Finance Corporation, it expects to produce nearly 12,000 tons of sugar every year and earn a net profit of Rs. 2.89 lakhs.

रिसर्च डिजाइन एण्ड स्टैंडर्ड्स प्रागेनाइजेशन को अन्यत्र ले जाना

२५७१. श्री रा० स० तिवारी : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि रिसर्च डिजाइन एण्ड स्टैंडर्ड्स प्रागेनाइजेशन को लखनऊ, दिल्ली और चित्तूरंजन से शिमला ले जाने पर कितना अतिरिक्त व्यय होगा ?

रेलवे उपमंत्री (श्री शाहनवाज खां): अनुसंधान, खाका और मानक संगठन के सिविल और यांत्रिक स्कन्ध दिल्ली और चित्तूरंजन से शिमला ले जाये जा रहे हैं। लेकिन इस संगठन का अनुसंधान निदेशालय लखनऊ में ही रहेगा।

कर्मचारियों को जो भत्ते दिये जायेंगे उनकी वजह से हर साल लगभग २.५ लाख रुपये का अतिरिक्त आवर्ती खर्च होगा।

Seniority of Railway Engineers

2572. Shri Tangamani: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railway Board has issued an order on the 15th February, 1960 refixing the seniority and pay of Jamalpur trained Assistant Mechanical Engineers;

(b) if so, the reasons for this order;

(c) whether it is also a fact that these orders will adversely affect the seniority of direct recruits of Engineering Graduates in the Ex-M.S.M. and Ex-S.I. Railways and also Jamalpur Trainees before 1942; and

(d) what steps Government propose to take to remove this discrimination?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Orders were issued on 15-2-1960 regarding refixation of the pay of Jamalpur trained Asstt. Mech. Engineers who were recruited after 1-1-1942.

(b) The Jamalpur trained Asstt. Mech. Engineers when posted to a working post were receiving Rs. 350 under CPC Scales of pay whereas directly recruited engineers were receiving under the same scales of pay Rs. 380 when posted to working posts. The orders dated 15-2-1960 were issued to remove this disparity.

(c) Under examination.

(d) Does not arise.

Homoeopathy

2573. Shri Mohan Nayak: Will the Minister of Health be pleased to state:

(a) what amount has been sanctioned by the Central Government for the development of Homoeopathy in India for the year 1959-60;

(b) for what items the grant is sanctioned; and

(c) how much amount has been sanctioned for each item?

The Minister of Health (Shri Kar-markar): (a) to (c). An amount of Rs. 2,60,000 has been sanctioned by the Central Government as cash grant for the development of Homoeopathy in India for the year 1959-60. The items for which the grant is sanctioned are as under:—

- (i) For research beds—Rs. 40,000.
- (ii) For teaching institution—Rs. 2,20,000.

In addition an amount of Rs. 15.75 lakhs was allocated to State Governments for expenditure and adjustment against "ways and means" advances for the development of Indigenous Systems of Medicine including Homoeopathy. The amount adjusted by the State Governments as expenditure on Homoeopathy is not known.

Telephone Rates

2574. Shri Aurobindo Ghosal: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that a case has been started in the High Court of Calcutta against the increase in the telephone rates; and

(b) if so, by whom and when?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Government is not aware of any such case.

(b) Does not arise.

Appointments in Kharagpur

2575. Shri Aurobindo Ghosal: Will the Minister of Railways be pleased to state:

(a) whether applications were invited by the South Eastern Railway for one thousand posts in Kharagpur in the month of August, 1957;

(b) if so, how many applications were received; and

(c) how many candidates have been appointed?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) 42,990.

(c) 229.

Passenger Amenities on Pathankot-Joginder Nagar Section

2576. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) the amount spent during 1959-60 for providing amenities for passengers on all the stations on Pathankot-Joginder Nagar section of the Northern Railway; and

(b) the nature of amenities provided station-wise?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Rs. 19,000.

(b) (i) Provision of Electric installations at Guler, Nurpur Road, Baij Nath Mandir and Sulah stations.

(ii) Provision of a tube well at Barmar.

(iii) Improvements to the goods approach road at Jaginder Nagar.

Passenger Amenities on Rupar-Nangal Dam Section

2577. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) the amount spent during 1959-60 for providing amenities for passengers at the stations on Rupar-Nangal Dam section of the Northern Railway; and

(b) the nature of amenities provided station-wise?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Nil.

(b) Does not arise.

Accidents on Ferozepore Division

2578. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) the number of goods train accidents in the Ferozepore Division of Northern Railway during 1959; and

(b) the loss incurred by the Railway due to accidents during the same period?

The Deputy Minister of Railways

(Shri S. V. Ramaswamy): (a) During the year 1959-60 (i.e. from 1-4-1959 to 31-3-1960) twelve goods train accidents occurred on the Ferozepore Division of Northern Railway.

(b) The approximate cost of damage to Railway property due to these accidents was Rs. 2,600.

Trains Running on Vijayawada-Gudur Section

**2579. { Shri Narapa Reddy:
Shri Rami Reddy:**

Will the Minister of Railways be pleased to state:

(a) the number and names of the passengers trains running between Gudur and Vijayawada stations before 1947;

(b) the number and names of additional trains introduced since 1947 (year-wise); and

(c) whether there is a proposal to introduce a diesel train in this section to reduce congestion?

The Deputy Minister of Railways

(Shri Shahnawaz Khan): (a) A statement furnishing the information is laid on the Table. [See Appendix IV, annexure No. 73.]

(b) A statement furnishing the information is laid on the Table. [See Appendix IV, annexure No. 73.]

(c) No. Spare line capacity is also not available, particularly on the Bitragunta-Vijayawada section for an additional train.

Cancer Research Institute, Madras.

**2580. { Shri Tangamani:
Shri Sampath:**

Will the Minister of Health be pleased to state:

(a) whether the Cancer Research Institute at Madras run by the

Women's Association has requested for grant of subsidy;

(b) if so, the amount demanded for the years 1959-60 and 1960-61 and the amounts granted so far; and

(c) whether there is a proposal to take over the Institute as was done in Bombay and Calcutta?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) Requests for Central assistance amounting to Rs. 4.5 lakhs for the year 1959-60 and Rs. 8.25 lakhs for the year 1960-61 were received. So far, the following grants have been paid to this institution:—

Year	Amount.
	Rs.
1953-54.	1,00,000
1955-56.	1,00,000
1956-57.	2,65,000
1957-58.	2,50,000
1958-59.	3,00,000
1959-60.	2,00,000

(c) No such proposal is under consideration.

Hospital at Kharagpur

2581. { Shri Prabhat Kar:
Shri S. M. Banerjee:
Shri Muhammed Elias:

Will the Minister of Railways be pleased to state:

(a) whether Government of West Bengal have decided to construct a hospital at Kharagpur;

(b) whether the Railways have agreed to give land for this purpose;

(c) if so, whether a final agreement has so far been reached with West Bengal Government; and

(d) if not, reasons for the delay?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). The State Government of West Bengal have asked for a plot of railway land measuring about 3 acres for the construction of a hospital at Kharagpur. It has since been decided to hand over

this land to the State Government by outright sale. There are some unauthorised structures on this plot of land and arrangements are being made to remove these structures.

(d) Does not arise.

Railway Official robbed near Shakrullapur

2582. { Shri Vajpayee:
Shri Assar:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that an Assistant Station Master was robbed at the point of pistol near Shakrullapur Station of the N.E. Railway on the night of the 2nd April, 1960;

(b) if so, the details thereof;

(c) whether it is a fact that information of robbery was communicated two days late by the Railway Police to the district authorities;

(d) if so, the reasons for this delay; and

(e) whether any person has been arrested in this connection so far?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). On the 2nd April evening, an A.S.M. of Dariaoganj station was returning from Karimganj station in a third class compartment of 24 Dn. passenger train. At Shamshabad station all the passengers got down from that compartment except the A.S.M. and one R.P.F. Rakshak who was on official duty. Soon after 4 other passengers came and took their seats in the same compartment. The R.P.F. Rakshak also got down at the next station Shakrullapur. On departure from this station, 2 persons drew out and loaded their pistols. They then threatened the A.S.M. to surrender his belongings worth about Rs. 400 including cash and wrist watch. After getting the property all the 4 miscreants decamped without causing any injury to the A.S.M. after pulling the alarm chain between Shakrullapur and Farrukhabad.

(c) Yes Sir, as reported by the Superintendent of Police Fatehgarh.

(d) Reasons for the delay are not yet known.

(e) No arrests have been made so far.

U.S.S.R. Pavillion at World Agriculture Fair

2583. **Shri Madhusudan Rao:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Unstarred Question No. 1823 on the 6th April, 1960 and state:

(a) how the exhibits displayed by U.S.S.R. Government at the World Agriculture Fair and since presented to Government of India have been distributed;

(b) whether they have been given to some society or State Governments; and

(c) if so, the details thereof?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). A statement is laid on the Table. [See Appendix IV, annexure No. 74.]

Central Council of Ayurvedic Research

2584. **Shri Madhusudan Rao:** Will the Minister of **Health** be pleased to state:

(a) the amount of grant given to Central Council of Ayurvedic Research during 1959-60 and 1960-61;

(b) the total amount sanctioned to the Council for further research in Ayurveda during the same period; and

(c) the number of Research Institutes, if any, of the Council?

The Minister of Health (Shri Karmarkar): (a) and (b). The Central Council of Ayurvedic Research was set up by the Government of India in October, 1959 replacing the Ayurvedic Advisory Committee. The expenditure in connection with this council is met from the sanctioned budget

provision for the development of Indigenous Systems of Medicine.

(c) There are no Research Institutes directly functioning under the Council.

चौनरा और कालपी के बीच रेल का पुल

२५=५. श्री खुशबक्त राय : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मध्य रेलवे के चौनरा और कालपी स्टेशनों के बीच के रेल के पुल की आयु समाप्त हो चुकी है ;

(ख) क्या इस सम्बन्ध में कोई इंजीनियरिंग सर्वेक्षण किया गया है ; और

(ग) यदि हां, तो उसका व्योरा क्या है ?

रेलवे उपमंत्री (श्री सें० वें० रामस्वामी)

(क) जी, नहीं ।

(ख) विशेष सर्वेक्षण की जरूरत नहीं समझी गयी है ।

(ग) सवाल नहीं उठता ।

Cases of Corruption on Railways

2586. **Shri Dharmalingam:** Will the Minister of **Railways** be pleased to state:

(a) the number of cases of corruption on the part of the Railway employees investigated by the Vigilance Department during 1958-59 and 1959-60; and

(b) the category of officers involved, Class-wise?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a)

	1958-59	1959-60
	2644	2157
(b)	1958-59	1959-69
	Gaz. Non-gaz.	Gaz. Non-gaz.
	109 2526	101 2215

वाराणसी स्थित उत्तर रेलवे के कार्यालयों में हिन्दी में पत्र व्यवहार

२५८७. श्री उमराव सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) वाराणसी स्थित उत्तर रेलवे के मुख्य वाणिज्यिक अधीक्षक के कार्यालय में गत छः महीनों में जनता से हिन्दी में कितने पत्र प्राप्त हुए ;

(ख) उनमें से कितने पत्रों का उत्तर हिन्दी में दिया गया ; और

(ग) यदि प्रश्न के उपरोक्त भाग (ख) का उत्तर नकारात्मक हो, तो इसके क्या कारण हैं ?

रेलवे उपमंत्री (श्री शाहनवाज खां) :

(क) से (ग). उत्तर रेलवे से सूचना मंगायी जा रही है और लोक-सभा पटल पर रख दी जायेगी ।

रेलवे में हिन्दी

२५८८. श्री उमराव सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १ मार्च, १९६० तक विभिन्न रेलवे के प्रथम, द्वितीय और तृतीय श्रेणी के कितने कर्मचारियों ने मैट्रिक के स्तर तक हिन्दी का ज्ञान प्राप्त कर लिया था ; और

(ख) विभिन्न श्रेणियों के कितने कर्मचारियों ने अब तक हिन्दी का उपरोक्त स्तर तक ज्ञान प्राप्त नहीं किया है ?

रेलवे उपमंत्री (श्री शाहनवाज खां) :

(क) और (ख): रेलों से सूचना मंगायी जा रही है और लोक-सभा पटल पर रख दी जायेगी ।

Caning of Railway Employees

2589. Shri Assar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there was caning by Railway Police on

Western Railway employees on 1st March, 1960 between Andheri and Churchgate Stations;

(b) if so, the reasons therefor;

(c) whether there was any demand from Railway employees to enquire into the matter;

(d) if so, the nature of the demand; and

(e) the action taken by Government in the matter?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) It is not a fact that Railway Police resorted to cane charge on Western Railway employees on 1st March, 1960 between Andheri and Churchgate stations.

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

Rail Concessions to Primary Teachers

2590. Shri Assar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Railways have relaxed terms of concessions to primary teachers for Bharat Darshan; and

(b) if so, the details thereof?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). The teachers of primary schools were allowed the concession of first class travel on payment of second class mail fares, second class travel on payment of third class mail fares and third class travel on payment of half-third class mail fares when travelling on educational tours to visit places of historical, geographical and cultural importance, in parties of not less than four. From 1-6-1959, this concession is granted even when they travel singly, on production of the requisite certificates.

Accident near Poona

2591. Shri Assar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there was accident to a goods-train on Southern Railway between Adarki and

Wathar Station 50 miles from Poona on the 31st March, 1960;

(b) if so, the causes thereof;

(c) the total amount of loss;

(d) whether it is a fact that passengers were put to great inconvenience on account of the accident; and

(e) if so, the details thereof?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, the accident took place at about 01.30 hours on 1-4-1960.

(b) The cause of the accident is under investigation.

(c) The approximate cost of damage to Railway property was Rs. 5,580.

(d) and (e). As a result of the accident the train services on the section were affected and arrangements had to be made not only for the transhipment of passengers and their luggage at the site but also for regulation of the traffic at some other important stations on the section. Everything possible was, however, done to mitigate the inconvenience to the passengers including by way of running a special train from Poona to Bombay and also by serving refreshments and food to the passengers at some stations

Derailment of Train at Dhutra

2592. Dr. Samantsinhar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that one shunting rail engine was derailed with four goods wagons on the 30th March, 1960 at Dhutra Railway Station of South-Eastern Railway;

(b) if so, the causes of the accident;

(c) the details of the casualties and the total amount of loss suffered as a result of this accident; and

(d) the action taken against those held responsible for this accident?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes,

the engine and only two wagons next to it derailed.

(b) The cause of the accident is under investigation.

(c) The Guard and Driver of the train sustained minor injuries. The approximate cost of damage to the Railway property was Rs. 6,500.

(d) Suitable action will be taken by the Railway Administration on finalisation of the Enquiry Proceedings.

Tramways in Delhi

2593. Shri Kamalnayan Bajaj: Will the Minister of Transport and Communications be pleased to state:

(a) the number of tramway lines in Delhi;

(b) the number of lines operating at present;

(c) whether it is a fact that sufficient transport is not provided for, specially in areas where tramway lines are there;

(d) whether there is any plan to replace those out-dated mode of public conveyance by modern and efficient conveyance;

(e) whether it is a fact that Delhi Corporation is considering the question of reconditioning the depleted tramways at a huge expense;

(f) since how long this problem is under consideration before Delhi authorities; and

(g) whether any solution to the problem has been reached?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Three.

(b) Three.

(c) No. Tram services are supplemented by the Bus services of the Delhi Transport Undertaking.

(d) and (e). The question of reconditioning or replacement of Tramways in Delhi was referred to a sub-Committee appointed by the Delhi Transport Committee of the Delhi:

Municipal Corporation. The sub-Committee has since submitted its report to the Delhi Transport Committee. The latter has passed on the report, together with its views thereon, to the Delhi Municipal Corporation.

(f) Since 1953.

(g) The Delhi Municipal Corporation is expected to take a decision in the matter shortly.

Delhi Milk Supply Scheme

2594. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have examined the possibility of introducing home-delivery of milk under the Delhi Milk Supply Scheme; and

(b) if so, with what results?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). Home delivery is undertaken in respect of hospitals, hostels and canteens where supply is made in bulk. Milk is sold to the public from depots only and it is not possible to undertake home delivery for the public as, firstly that will make milk more expensive and, secondly, there is a danger that milk may be adulterated, during transit from depots to residences.

रेलवे कर्मचारियों के लिये हिन्दी

२५६५. { श्री श्रीनारायण दास :
श्री राधा रमण :
श्री उमराव सिंह :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उन रेलवे कर्मचारियों को, जिन्होंने हिन्दी में अपना प्रशिक्षण पूरा कर लिया है, प्रमाण-पत्र और पुरस्कार दिये गये हैं ;

(ख) यदि हां, तो प्रमाण-पत्र और पुरस्कार पाने वालों की संख्या कितनी है ; और

(ग) यदि उपरोक्त भाग (क) का उत्तर नकारात्मक हो, तो इसके क्या कारण हैं ?

रेलवे उपमंत्री (श्री शाहनवाज खां) :
(क) से (ग). सम्भवतः माननीय सदस्यों का तात्पर्य रेल कर्मचारियों के लिए रेल-मंत्रालय द्वारा संचालित हिन्दी परीक्षाओं से है। यदि ऐसा है, तो स्थिति इस प्रकार है :-

रेल प्रशासनों को हिदायत है कि रेल-मंत्रालय द्वारा संचालित हिन्दी परीक्षाओं का परीक्षा-फल ज्यों ही तैयार हो जाये, उसको रेलवे गजट में प्रकाशित कर दिया जाये और नहीं तो उसकी सूचना कर्मचारियों को दे दी जाये। यह भी तय किया गया है कि इन परीक्षाओं में उत्तीर्ण कर्मचारियों को प्रमाण-पत्र दिये जायें। छपे हुए प्रमाण-पत्र भारत सरकार के प्रेस से आ गये हैं और उन्हें शीघ्र जारी किया जायेगा।

कर्मचारियों को प्रोत्साहन देने के उद्देश्य से इन परीक्षाओं के उम्बन्ध में कुछ समय पहले एक नकदी पुरस्कार-योजना चलायी गयी है। इस योजना के अनुसार हर रेलवे में परीक्षा के हर ग्रेड के कुछ सर्वोच्च परीक्षार्थियों को पुरस्कार दिया जाता है। अब तक कुल कितने कर्मचारियों को पुरस्कार दिये जा चुके हैं, इसकी सूचना रेलों से मंगायी जा रही है और लोक सभा-पटल पर रख दी जायेगी।

Bridge on National Highway No. 6

2596. Shri P. G. Deb: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government have decided to have temporary bridges made permanent on National Highway No. 6 from Barakot to Sambhalpore; and

(b) if so, when the bridges are likely to be completed?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) In the Third Five Year Plan if sufficient funds are available.

School Teachers as Postmen

2597. Shri P. G. Deb: Will the Minister of Transport and Communications be pleased to state:

(a) whether school teachers in Orissa are to work as postmen in the villages; and

(b) if so, why and the amount to be paid to them for the purpose?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) No.

(b) Does not arise.

Vizianagaram-Raipur Section

2598. Shri Madhusudan Rao: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Vizianagaram-Raipur section of the S.E. Railway has been neglected in regard to train services and improvement at the Railway stations;

(b) if so, the reason therefor; and

(c) if the reply to part (a) above be in the negative, the nature of improvements made and various facilities provided during 1959-60?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). The section between Vizianagaram and Raipur, is at present, served by two passenger trains each way. These trains stop at all stations and serve the interests of not only the through passengers but also the short distance passengers travelling from station to station. With their schedules, the Waltair-Raipur passenger trains provide convenient services between Vizianagaram and Raipur. Timings of these trains have, as far as possible, been adjusted to provide connections at Vizianagaram and Raipur, with the Mail, Express and Passenger trains of the East Coast and Main line sections of S.E. Railway respectively. There is no overcrowding on these trains.

All the stations on Raipur-Vizianagaram section are provided with basic

amenities. The annual programme of amenity work is drawn up by the Railway User's Amenities Committee keeping in view the total amount of funds available and the relative importance, urgency and need for works at different stations. Works have been sanctioned during the Second Plan period designed to effect further improvements at stations on the Vizianagaram-Raipur section.

Railway Over-Bridge near Keeling Road, New Delhi

2599. Shri D. C. Sharma: Will the Minister of Health be pleased to state:

(a) whether there is a proposal to construct an over-bridge connecting Keeling Road and Rahjit Singh Road in New Delhi;

(b) if so, whether the proposal has been finalised;

(c) the cost to be incurred on the overbridge; and

(d) when it will be ready?

The Minister of Health (Shri Kar-markar): (a) A proposal for the construction of an over-bridge connecting Keeling Road and Ranjit Singh Road has been made in the draft studies for the Master Plan for Greater Delhi now under consideration of the Delhi Development Authority.

(b) No.

(c) Does not arise.

(d) A decision on this recommendation will be taken when the final Master Plan for Greater Delhi is considered by the Government of India.

Lady Hardinge Hospital, New Delhi

2600. { Shri Ajit Singh Sarhadi:
Shri Ram Krishan Gupta:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that radium treatment is not being prescribed or given in the Lady Hardinge Hospital for the last two months; and

(b) if so, the reasons therefor?

The Minister of Health (Shri Kar-markar): (a) and (b). Yes. It has been suspended as there is no fully qualified person at present to attend to this work.

A.I.I. Trans-Atlantic Record

2601. Shri Raghunath Singh: Will the Minister of Transport and Communications be pleased to state whether it is a fact that Air India on the 11th April, 1960 claimed a new Trans-Atlantic record for flight from New York to London in 5 hours and 26 minutes beating the record established by a Pan American Boeing 707 Jet on the 30th November, 1959?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): The Air India International have reported that they had a Boeing flight from New York to London on the 9th April 1960 and not on the 11th April and that they had not claimed a new Trans Atlantic record for that flight. The time taken by the flight was actually five hours and forty three minutes.

Wheat for Punjab

2602. Shri P. C. Borooah: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that an assurance has been given to the Punjab Government for supply of sufficient quantity of imported wheat to build up an adequate reserve for State trading operations; and

(b) if so, the details thereof?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). The Punjab Government had asked for supply of 50,000 tons of wheat from Central stocks and the Government of India have so far allotted 25,000 tons.

Railway Quarters at Ratlam

2603. Shri Kunhan: Will the Minister of Railways be pleased to state:

(a) the number of quarters constructed for Railway employees at Ratlam during 1959-60;

(b) the number of quarters allotted; and

(c) the number of employees on the waiting list as on the 1st April, 1960?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) 56 units of type I and 36 units of type II quarters.

(b) 56.

(c) About 500.

Tobacco Cultivation in Kerala

2604. Dr. K. B. Menon: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Central Tobacco Committee is operating a scheme for the cultivation of tobacco in Kerala State;

(b) what are the results of the experiment; and

(c) what are the varieties of tobacco grown there?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) It is too early to assess full scale results, since the scheme commenced only in November, 1958.

(c) Local types of Chewing and Snuff tobacco, besides Jaffna tobacco.

Wheat Mission

2605. Shri Halder: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1239 on the 1st April, 1960 and state:

(a) whether any proposals have been submitted by the Wheat Mission to the Government of India; and

(b) if so, what are those proposals?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). No proposals have been

received by the Government of India. The Mission will report to the Wheat Utilisation Committee in Washington.

Welfare Officers for P. & T., Orissa Circle

2606. Dr. Samantsinhar: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the welfare of the Posts and Telegraphs Department Staff in Orissa Circle is now being looked after by one Welfare Officer stationed at patna in Bihar;

(b) whether the Government propose to appoint a separate Welfare Officer at Cuttack for the Staff of Orissa Circle; and

(c) the details of the staff welfare activities in Orissa since 1951?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Yes.

(b) No.

(c) 2 Cooperative Societies, 3 Canteens, 6 Tiffin Rooms, 10 Recreation Clubs, 14 Cycle Stands and 32 Welfare Committees have been established.

Quarters for Post and Telegraph Employees

2607. Shri Maniyangadan: Will the Minister of Transport and Communications be pleased to state:

(a) whether there is any proposal to construct residential quarters in Munnar and other places in the high range areas in Kothayam District of the Kerala State for Post and Telegraph employees; and

(b) if so, when?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) and (b). It is proposed to construct quarters at Munnar, Vandiperiar and Peermade. The demarcation of the Post Office sites at these places has yet to be done by the State Government. On its completion, the building proposals will be taken up.

12 hrs.

MOTION FOR ADJOURNMENT

SITUATION IN MANIPUR

Mr. Speaker: I have received two adjournment motions relating to the situation and firing in Manipur. I am asking the hon. Minister to state what exactly the situation is.

Shri Raghunath Singh (Varanasi): I have given notice of a short notice question.

Mr. Speaker: The Short notice question will also be answered now. Some time ago, Shri Hem Barua and Shri Braj Raj Singh tabled an adjournment motion that there is going to be a *sathyagraha* in Manipur, they want Hindi to be used in Manipur and so on and so forth. In that connection, I said that whether they want Hindi, or non-Hindi or responsible government, adjournment motion is not the means and that constitutional methods have to be adopted. But it seems that they did not stop with that; they seem to have gone and occupied some places which resulted in firing and so on. I am really sorry to hear that people want to force the issue on the Government and take the law unto their hands. I was about to say that it is purely a matter of law and order, and nobody can force himself on the Government. Anyhow, as there has been firing, I have requested the hon. Minister to say what exactly has happened.

Shri Braj Raj Singh (Firozabad): Since Manipur has no Legislature, this is the only forum where their grievances can be ventilated.

Mr. Speaker: That is not my point. The hon. Members tabled an adjournment motion here, giving a charter of demands, saying they want Hindi, they want a Legislature, they want this and they want that and if these demands are not conceded they are going to launch *sathyagraha*. I disallowed it on the ground that constitutional remedies have to be adopted. Now they have come forward with an

[Mr. Speaker]

adjournment motion that these people have gone on *sathyagraha*, there has been firing and so on. Actually, this is a consequence of the earlier action.

Shri Hem Barua (Gauhati): No, Sir. People have not resorted to the use of force on the Government. These demonstrations are peaceful demonstrations and even the news items in the papers that have dubbed the demonstrators as the agitators have not mentioned a single case of violence on the part of the people. Even if there is violence on the part of the people, the violence on the part of the people against the bovine violence of the Government is something like the violence of the mouse against the cat. These peaceful demonstrators have been fired upon and lathi charged injuring many people including 29 women. Some of them are very seriously injured.... (*Interruptions*).

Shri Braj Raj Singh: Why should they go on firing and lathi charging the people?

Mr. Speaker: I am not going to allow this uncontrollable talk in the House. Now, the hon. Minister.

The Minister of Home Affairs (Shri G. B. Pant): I am sorry that in spite of the request that has been repeatedly made by me, and others also, that Parliament alone is seized of constitutional matters and that no changes in the Constitution can be brought about by unconstitutional means and also that if we are to maintain democracy in our country then we must abjure violence.....

Shri Braj Raj Singh: Nobody has used violence.

Shri G. B. Pant: I am sorry, that the Socialist Party, is going to launch the All India *Sathyagraha* from the 1st of May.... (*laughter*).

Shri Braj Raj Singh: Why should they laugh?

The Minister of Mines and Oil (Shri K. D. Malaviya): It is an all-India *sathyagraha* that they are launching

Shri G. B. Pant: They made a number of fantastic demands and made their first experiment in Manipur.

Shri Surendranath Dwivedy (Kendrapara): May I say that in Manipur all other parties have joined together in the demand for responsible government? It is not one party alone.

Shri G. B. Pant: Not only the PSP, or the Congress, but even the Naga Council, the Kukis and others have dissociated themselves from the present so-called *sathyagraha* movement. When I referred to the Socialist Party, of course, I was not referring to the PSP. We have greater confidence in PSP's sense of perspective and I did not mean anything....

Shri Surendranath Dwivedy: PSP has not dissociated from the Manipur *sathyagraha*. That they have done only in the case of the all-India *sathyagraha*.

Shri G. B. Pant: Even in Manipur the PSP has declined to join the movement.

Shrimati Renu Chakravartty (Basirhat) All parties have joined the movement.

Shri G. B. Pant: That is hardly correct. Well, I considered what. I said as a compliment to the PSP and I do not see why there should be any caveat in this connection.

Since about the 1st of April there has been a demand for the immediate establishment of responsible Government in Manipur. They selected the 1st of April for starting this.

Shri Braj Raj Singh: May I say that it was on the 10th of April and not 1st? (*Interruptions*).

Shri G. B. Pant: Well, any date that may serve the purpose can be, I think, welcomed by those who are interested in a movement. So, they started on the 1st of April. Well, the processions and meetings etc., they went on and

the administration allowed them to do what they liked. But, on the 11th of April, after they had all these meetings etc., about 1,000 persons, including also a few women, blocked all roads leading to Imphal and also the bridges within that town in the Imphal river in between. The road to the airport was blocked at three places and the IAC passenger bus was not allowed to proceed to the airport. All trade and business were brought to a standstill. To prevent the IAC daily service plane from landing about 150 heads of cattle were driven to the airport so that on that particular day no aircraft with the passengers or goods could land there. The Chief Commissioner had to advise the plane to go back as otherwise it might lead to some very unfortunate consequences.

After that, the offices were picketed. The Secretariat was picketed from day to day, not by one or two but by hundreds of people. The offices virtually ceased to function. The Officers did not disturb these people; but only tried to persuade them to let them work, and patiently watched these activities which to some, whether here or outside, may appear to be very commendable, but I think to every sensible people would seem to be something abominable.

Shri Nagi Reddy (Anantapur): You encouraged it. . . . (Interruption).

Shri Hem Barua: The word 'abominable' should not be there. . . . (Interruption).

Shri Nagi Reddy: If it was not abominable to remove a Government in one place, how could it become abominable to ask for a responsible government? They are only asking for a responsible government. . . . (Interruption).

Shri G. B. Pant: Many people may want responsible government and some of those with different ideologies may want to replace the present system of democracy by other methods. . . . (Interruption).

Shri Braj Raj Singh: There is no question of that sort of thing (Interruption).

Shri Nagi Reddy: The system does not. . . . (Interruption).

Shri G. B. Pant: But if they were to picket roundabout (Shri Nagi Reddy: Why not?) the Secretariat and the offices here (Shri Nagi Reddy: Why not?) and not allow them to function, I imagine that the responsible members of the Communist Party, who are here, would condemn such a course of action on the part of such people.

Shri Nagi Reddy: We learnt it from you in Kerala. To offer *satyagraha* and to picket Government offices is the right of the people who want a responsible government.

Shri G. B. Pant: So far as Kerala is concerned, I think let us not talk about the past (Shri Nagi Reddy: Why not?) though, if I were to unravel the whole story (An Hon. Member: Oh! yes) it would not redound very much to your credit. But let us leave that alone. Let us talk of Manipur.

That is, Sir, what happened on the 11th. Then, after that, as I said, the offices, the Secretariat, the Deputy Commissioner's and the Chief Commissioner's residences at a time were all picketed and, as I have already said, all official work was virtually paralysed. This went on for days and days continuously till yesterday.

On the 14th April several persons went and surrounded some of the offices as they had done previously. Then there was a procession of students. They wanted the examinations, which were to start the next day, to be postponed. The Administration even got those examinations postponed so that the boys might not get irritated and might not be misled.

On the 16th April again 3,000 students went round in a procession, but nobody interfered because these young men were supposed to be led by others. Then there was some damage also in

[Shri G. B. Pant]

certain places to which I would not like to refer. On the 17th April it was decided to intensify the so-called, I think altogether misconceived, *satyagraha*. Then, from the... (*Interruption*) 20th April vigorous and intensive picketing was carried out in all offices on this particular day and the vehicles of the Manipur State transport were prevented from leaving the garage... (*Interruption*). About 600 persons surrounded the Imphal Police Station and immobilised 80 policemen inside. Even then, the Police refrained from doing anything in order to be able to regain their own liberty and suffered silently. On the 21st April hundreds of women squatted in the Chief Commissioner's compound and threatened not to leave until their demands were conceded, that is, the immediate establishment of responsible government or the recognition of Manipur as a State. The Chief Commissioner with great tact succeeded in extricating himself.

Then, some persons were supposed to be carrying with them certain things to which too I would not refer, and trucks (An Hon. Member: What are they?) on their way to Dimapur to fetch supplies of rice and kerosene were stopped by the agitators some eleven miles from Imphal. The IAC bus was again prevented from proceeding to the Imphal Airport on the 23rd April. At about 9-30 p.m. a mob 300 strong tried to break open the shop of Amar Singh and Man Singh and that of another Punjabi. Then the clashes within the town itself began to increase. Forcible collection of funds has been made by the agitators from passers-by on public thoroughfares. Certain sections of the people were being abused and prevented from moving about the town. Movement of transport was also being interfered with. Work in Government offices had come to a standstill, particularly from the 20th April because of this intensive picketing. The bazar was forcibly closed on many occasions and the prices of

essential commodities were rising. In the circumstances the Administration was forced to issue an order under section 144 very early on the morning of the 25th prohibiting among other things the assembly of five persons.

Then, in spite of that crowds of picketers collected at the Secretariat and the Chief Commissioner's office and they would not disperse till the Police had to take recourse to a mild lathi charge.

Shri Braj Raj Singh: Only mild!

Shri G. B. Pant: A determined mob of about 3,000 strong collected and took up a menacing attitude for about two hours. Women were placed in front of the mob and also surrounded the Police Station. In the circumstances tear gas and lathi charge had to be resorted to. At about 4 p.m. violence started aimed at damaging the Police wireless station and the vehicles of the Manipur State transport. The District Magistrate rushed to the spot. The mob there also started pelting stones. One Manipur Rifleman was injured seriously as also another Policeman. The District Magistrate had only about ten men with him. Finding his party vastly outnumbered and in grave danger, he had to order firing and, according to the information available, six persons were injured in the course of this firing. A number of men have been arrested and some have also gone to the hospital.

Shri Nagi Reddy: How many women have gone to the hospital?

Shri G. B. Pant: So far as I have this information before me is concerned, 20 women have been admitted to the hospital.

Shri Nagi Reddy: And it was mild lathi charge! (*Interruption*).

Shri G. B. Pant: But if brave men put women in front... (*Interruption*).

Shri Nagi Reddy: Does the hon. Home Minister think that the women have no right to fight for democracy and only men have it... (*Interruption*)?

Shri G. B. Pant: So far as this question is concerned, in the circumstances I wonder if the Administration has not exercised commendable restraint and forbearance, and whether any responsible person in this House would like campaigns of such violent nature . . . (*Interruption*).

Shri Braj Raj Singh: There was no violence. Violence was from your side.

Shri G. B. Pant: . . . lawlessness, disorder and so on. So far as this Manipur State is concerned, it has an income about Rs. 35 lakhs. Its population is no more than about six lakhs. It is less than half the population of perhaps most of the districts in the country. The Central Government with the approval of Parliament is spending about Rs. 5½ crores apart from what is being allotted to the State for the projects included in the Plan for the betterment and welfare of the people of the State. The set-up under which the territory is functioning was approved by Parliament only about three years ago.

Shri Braj Raj Singh: What about Bombay-Gujarat?

Shri G. B. Pant: So I appeal to this House to take a charitable, and a just, view of the thing, and would request them not to countenance such steps, or to give such an impression to the people who are carrying on such lawless activities that they have the sympathy or support of anyone here. I hold that these adjournment motions have absolutely no substance and they should be disallowed.

Shri Braj Raj Singh: May I put one question.

Mr. Speaker: Order, order.

330 (Ai) LSD—4.

Shri Braj Raj Singh: With regard to responsible Government, I have nothing to say, but what has the Home Minister to say with regard to the other demands which have been made by the people of Manipur?

Shri G. B. Pant: Immediate replacement of English by Hindi in Manipur?

Shri Braj Raj Singh: And that is a demand of the people of Manipur, not by me or anybody else.

Shri G. B. Pant: I am not aware at least of that.

Mr. Speaker: An elaborate statement has been made by the hon. Home Minister.

On the 20th instant when an adjournment motion was tabled here saying that satyagraha was going to be started if the demands for establishing a Legislative Assembly there, introduction of Hindi as the official language etc., were not granted, I said there were legitimate methods of persuading this House to change the Constitution. Any hon. Member can bring a Bill for amending the Constitution, making Manipur an autonomous State like other States. Instead of that, unfortunately the people there seem to make it impossible for the administration to carry on. In the circumstances, I would not be well-advised to allow even a discussion of this matter here. If picketing goes on harmlessly, that is one way of expressing their view, but it is quite a different thing if they picket and make it impossible for the officers to enter the offices and carry on the administration, or if they send cattle to the aerodromes to prevent passengers coming. These are all unfortunate events.

Shri Braj Raj Singh: Why can't they meet them peacefully?

Mr. Speaker: Hon. Members want to have democracy, they can have it by persuading, by moving and amendment of the Constitution.

Shri Braj Raj Singh: The Government refuse to be persuaded.

Mr. Speaker: I would certainly advise the persons in charge not to carry on this kind of movement. There are other methods open. I cannot give my consent to this motion.

12.24 hrs.

PAPERS LAID ON THE TABLE

JOINT COMMUNIQUE OF THE INDIAN AND CHINESE PRIME MINISTERS

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to lay on the Table of the House a copy of the joint communique issued last night as a result of the conversations that I have been having with Prime Minister of the People's Republic of China. [*Placed in Library, See No. LT-2123/60*].

Shri Braj Raj Singh (Firozabad): In view of the joint communique which has already appeared in the press, may we know from the Prime Minister what immediate steps he proposes to take now to get the territory which is already occupied by the Chinese vacated?

Shri Hem Barua (Gauhati): I would like to know the trend of the discussions that the two Prime Ministers had, because the whole country is anxious to know about it, and the newspapers are not capable of giving the information. The Chinese Prime Minister has already held a press conference.

Shri Vajpayee (Balrampur): I want to say the House should be given an opportunity to discuss the whole situation.

Shri Mahanty (Dhenkanal): The joint communique has already appeared in the press. Therefore, there is practically nothing very significant in laying that document on the Table of the House. What we would like to

know, and what we expect from the Prime Minister, is clarification about the six points which have been mentioned by the Chinese Premier. In fact, we find there enunciation of the principle of a plebiscite in the border areas.

Mr. Speaker: We are not having a discussion. What does he want? If there is a statement, let him read it properly.

Shri Mahanty: We want that there should be a full-fledged discussion of this.

Shri Braj Raj Singh: Before Parliament adjourns.

Shri Mahanty: Many crucial issues have been raised.

Shri Jawaharlal Nehru: Last night, soon after the issue of the joint communique, Premier Chou En-lai held a press conference. It was a very prolonged press conference which, I believe, lasted for about two hours and a half. There is some reference to it in this morning's papers, but they have been unable to give a full report, which possibly may appear tomorrow. I myself have not seen the full report of that, but such things as I have seen indicate that he had naturally stated and given expression to his point of view, which, very often, is not our point of view, of the Government of India. It is possible some misapprehension might arise occasionally.

The hon. Member refers to the six points.

Shri Mahanty: But what are our reactions to these six points?

Shri Jawaharlal Nehru: We do not agree to them. The points were—I am reading from the script which he gave to the press:

"1. There exist disputes on the boundary between the two sides."

Of course, there exist disputes. That is the first point.

"2. There exists between the two countries a line of actual control up to which each side exercises administrative jurisdiction."

Shri Mahanty: This is very important.

Shri Khushwaqt Rai (Kheri): Because that is what the Defence Minister said.

Shri Jawaharlal Nehru: It may be very important, it is very obvious too. It is obvious, I do not know where the importance of it is.

Shri Mahanty: I may be pardoned for interrupting, but does the Prime Minister draw a line of distinction between the area under administrative control and the geographical area? That we would like to know. We have our sovereignty.

Shri Jawaharlal Nehru: There is no question of administrative control or any control. What it says is, not very happily, not correctly, but broadly, that there is a line of actual control broadly meaning military control.

Shri Hem Barua: That would mean that Long Ju and part of Ladakh would be in their hands, and the *status quo* should be maintained.

Shri Jawaharlal Nehru: Long Ju is in their hands, that is under military control. It is military control, it means military control.

"3. While determining the boundary between the two countries, certain geographical principles such as watershed, river valley and mountain passes could be applicable equally to all sectors of the boundary."

It is a principle laid down that watersheds are applicable, and we naturally agree that watersheds are very important factors; it is the most important factor in mountainous regions, river valleys etc. It does not carry us anywhere.

"4. A settlement of the boundary question between the two countries should take into account the national feelings of the two peoples for the Himalayas and the Karakorum mountains."

I take it as a response to the fact that the Himalayas are an intimate part of India and Indian culture and all that.

Shri Vajpayee: What about Karakorum?

Shri Jawaharlal Nehru: If the Chinese feel strongly about the Karakorum, they are welcome to do so, I have no objection to it.

Shri Hem Barua: Do they mean a plebiscite there?

Shri Jawaharlal Nehru: There is no reference to a plebiscite anywhere. I do not know where the hon. Member got hold of the plebiscite. We cannot have a plebiscite of the mountain peaks in the Himalayas.

Shri Hem Barua: Of the mountain people, I mean.

Shri Jawaharlal Nehru: Then,

"5. Pending settlement of the boundary question through discussions, both sides should keep to the line of actual control and should not put forward territorial claims as preconditions, but individual adjustments may be made."

Whatever the explanation of that may be, it is rather an odd way of putting it. Presumably it means that they will not discuss anything unless the territorial claim is accepted. It may be that; it is not quite clear.

"6. In order to ensure tranquility on the border so as to facilitate the discussions, both sides should continue to refrain from patrolling along all sectors of the boundary."

An Hon. Member: Which boundary?

Shri Jawaharlal Nehru: This is what he has said. This is not something that I agreed to. In fact, he said before stating this, that:

“On the boundary question, it is not impossible for the two sides to find common points or points of proximity, which in my view may be summarised as follows:”;

and then he has summarised them. He has given his view; it has not been clear, but there it is. Anyhow, I am not agreeable to this particular approach, but I should like to make one or two things clear.

I believe he was asked something like ‘Were you asked to vacate?’. In what form, I do not remember. He said, ‘No’ or something to that effect. I think his answer was.

Shri Vajpayee: He is reported to have said that the issue of Chinese aggression was not raised by India.

Shri Jawaharlal Nehru: He said that he was not asked to vacate or something like that.

The Prime Minister of the Chinese People’s Republic presumably came here because something important had happened, the important thing being that according to us, they had entered our territory, over a large area of our territory, which we considered aggression. That was the whole basis of his coming here. And if hon. Members may remember, in one or two public statements I made at the airport and at the banquet, I had repeatedly referred to something having been done which should be undone.

Shri Braj Raj Singh: Which we all appreciated.

Shri Jawaharlal Nehru: The whole argument was based, our argument was based, on the Chinese forces having come into our territory. Their argument was based on the fact that they have always been there, that is

to say, not those particular forces, but that the Chinese authorities either of Sinkiang in the north or of Tibet have been in constructive or actual possession of those areas, not now, but for two hundred years. That was such a variance, such a tremendous variance in the factual state that there was no meeting-ground, when, according to us, and we repeat that now too after all these talks, that their forces came into this area within quite recent times; naturally, they did not enter a broad area on one date, but in the main, they had come to this area in the course of the last year and a half or so. That is our position. Some may be even less than a year, some may be a little more than a year, and some may be a little more than that. I am talking about the western sector. That is our case, to which we hold.

Their reply to that was that they have been in constructive and actual possession or actual possession of this for two hundred years. Now, there is some difference, factual difference between the two statements, a very considerable difference, and there it is. And naturally, in the course of our long talks, we considered various things they had to say and I had to say. We listened to each other. May I remind the House that in talking with interpreters having to interpret Chinese into the English language, it is a very laborious process? Broadly, it takes three times the amount of time that a normal talk takes, that is to say, an hour’s talk will become a three hour talk with interpretation into Chinese, not double but three times. And so, very prolonged talks took place. And this basic disagreement about historical and actual facts came up again and again.

Now, we are quite clear in our minds about our facts, and we are prepared to, and we did state them, and we are prepared to establish them with such material as we have got. The Chinese position was, as I said, basically different facts; historically,

actually, practically, they are quite different.

Also, the attempt was made, it was frequently stated, to equate the eastern sector with the western sector. That is, according to the Chinese, although in the eastern sector, we had no right to be there, we had nevertheless advanced gradually in the course of the last few years, last six or seven or eight or ten years, to the present boundary line which we call the MacMahon Line. They equated it to the western sector, although the conditions are quite different and the facts are quite different.

So, the position emerged that apart from friendly sentiments and all that, the actual discussion came against a rock of an entirely different, set of facts. If facts differ, inferences differ, arguments differ; after all, every argument, every inference, depends on a certain set of facts. If the basic facts are different, then, there is no meeting-ground at all, unless some slight clarification takes place about certain basic facts.

Therefore, it was suggested and ultimately agreed to, that these facts should be explored from the material available with us and with the Chinese Government. I had suggested that it might be done here and now, but, to that, while we were prepared to do it, they said they did not have most of their material here, so that we could not advance much on that line.

Shri Braj Raj Singh: To gain time.

Shri Jawaharlal Nehru: Thereafter, it was suggested that this pure examination, factual examination might be done on an official basis later, that is, after our talks, and this was agreed to.

It is obvious that the officials who might do it have no authority or competence to deal with this problem in the sense of suggesting anything, in the sense of dealing with the political aspect of the problem or suggesting any solution or recommending any-

thing; they cannot do it. It is not their function. All they can do is to examine such facts, and as is stated in the communique, to more or less list the facts that are agreed to, the facts on which there is a difference of opinion or such on which perhaps some further inquiry may be necessary. Anyhow, I do not imagine that this process will clarify the situation and make it easy of solution. I do not think so, but it might somewhat make some basic facts clear or at any rate, we would know exactly on what evidence their case stands. For the moment, we do not know that except what they state. They know to some extent our evidence, not all of it, because when they could not produce all their evidence, there was no reason why we should produce all of it. Anyhow, that is the position in this communique that a committee or a set of officials,—to call it is committee was not correct—some of our officials are going to meet some of their officials with our set of facts, material, documents etc. and to examine their set of material, maps, documents, and all these—there are such things as revenue reports, revenue records, collection of taxes and all kinds of things. They will give an objective report which, presumably, would not be a report in which both agree. But anyhow they will draw up a list.

That is as far as we have gone at present—to present that report. Then presumably that report will be considered by the two Governments and they will decide what other steps might be taken.

There are two things which I would like to clear up. As I said, I have not seen the full report of Premier Chou En-Lai's Press Conference.

Shri Surendranath Dwivedy (Kendrapara): Is there a time-limit fixed for the discussion and submission of the report?

Shri Jawaharlal Nehru: Yes, the hon. Member will find that mentioned in the Joint Communique.

Shri Ranga (Tenali): The earlier discussion took more than a year!

Shri Jawaharlal Nehru: In the Communique itself, a period of four months has been fixed for this process, for the meetings which are going to take place in Peking and New Delhi—two centres—for examining these papers. Probably the first meeting will take place right at the beginning of June, the first week of June. No exact date has been fixed.

Broadly speaking, the position, therefore, is that after these prolonged talks, which consisted of our stating fully whatever we thought about our respective stands and positions, we were unable to convince each other and we—both parties—remained unconvinced at the end of it—we standing for what the House knows we stand for, and they standing for something entirely opposite and based on an entirely different set of facts. We thought that in the circumstances it was desirable from many points of view to pursue this line of inquiry at the official level, without any authority to the officials to come to any decisions, and then take this up. Meanwhile, obviously when this is being done—and otherwise too—we have to avoid clashes on these border areas, because these clashes do not help anybody.

That is the position. I would gladly have answered any further question that is asked of me but for the fact that we are very much short of time for discussing these various things.

Shri Vajpayee: We want a discussion on the question.

Shri Khadilkar (Ahmednagar): Apart from these claims and counter-claims based on either historical data or actual possession, as the Prime Minister suggested in his speech of welcome, namely, that the primary issue was the restoration of the atmosphere of peace which had absolutely disappeared, was there any reciprocation of that sentiment from

the other side during the course of the talks?

Shri Jawaharlal Nehru: How am I to answer that? As far as I remember, I said 'good faith'. Obviously when there is a conflict, one of the elements which helps in removing it is good faith and, of course, peace. We were always coming against this hard rock of an entirely different set of facts. This House accepts a certain set of facts which we have ventured to place before it with some confidence that they are correct and which we have believed. Now they produce an entirely different set of facts relating to what had happened for 200 or 300 years plus what has happened in recent years.

So it becomes a little difficult to discuss. If one is fairly clear about some basic facts, one can draw inferences and discuss. But when the basic facts are so completely different, some kind of an attempt should be made to find out what the basis is for those facts.

Shri Braj Raj Singh: In view of what has been said by the Prime Minister about our attitude—he also said that both have remained unconvinced on these matters—I want to know whether he is convinced that these meetings of the officials at Peking and New Delhi, our officials and the Chinese officials, will bring in any fruit? Or will it be some sort of a roving commission which will not bring about any result? Does he not propose to take some immediate steps?

Shri Jawaharlal Nehru: How can I say? I just said that they may—I hope they will—throw some light on the factual situation. But by themselves they cannot take us very far. That is all they can do. But in a state of affairs of this kind, one naturally tries every method which might prove helpful.

Shri Tyagi (Dehra Dun): I wonder if it would be possible at any stage during these negotiations to make the

people of India aware of their facts and their claims.

Shri Jawaharlal Nehru: Neither their facts nor our facts are secret. Our facts are well-known; so are theirs except in minor matters. In two or three sentences, I will place it before the House now.

Their case is that from immemorial times, you might say, or at any rate, for hundreds of years, their border has been the Karakoram Range upto the Kanakla pass. Unless you have maps, you will not be able to understand it. If you accept that border, a large area of Ladakh is cut off. They say that of this area, the northern part pertained to Sinkiang, not to Tibet at all, and the little lower part to Tibet. That is, broadly, their case. They say that they came there—not the present Government but the previous Chinese Government—previously. They referred to something that I had said in Parliament here which some hon. Members perhaps did not like. They took advantage of that from their own point of view. They said, 'How is possession there in an area which is an arid area where nobody lives?'

Shri Hem Barua: We pointed it out.

Shri Jawaharlal Nehru: They said that most of this area is like the Gobi desert. You do not have normal administrative apparatus in such areas. You have constructive control; in addition, sometimes an administrative officer goes there, occasionally some tax collector goes there. They do not sit there. It is because it is so deserted. During winter periods, nobody can go there at all; nobody can move about there. They said, 'But we have been in constructive and actual possession of this all along, long before the present People's Government came, before that too'. That is their case, and they gave this boundary.

But one thing which is worth noticing is that throughout our correspondence or talks, the boundaries have never been given precisely by them, as we have latitude, longitude, mountain peaks, this and that hon. Members will see how even in the White Paper we have given very precise boundaries. But in spite of our efforts to get a precise boundary we did not succeed except these broad ranges.

An Hon. Member: Did Chou En-lai invite you to Peking? (*Interruptions*).

Mr. Speaker: Order, order.

Shri Vajpayee: I may be allowed to put a question.

Shri Surendranath Dwivedy: Let us fix some time. (*Interruptions*).

Shri Kalika Singh (Azamgarh): There is one important point about Dalai Lama. (*Interruption*).

Dr. Ram Subhag Singh (Sasaram): What is the distance between our territory which has been occupied by China and our administered area in the remaining part of Ladakh? As it has been agreed, and as our Prime Minister has also said that we have agreed to avoid clashes, does it mean that our patrol personnel will not go to patrol our territory?

Shri Jawaharlal Nehru: I did not understand the questions of hon. Members. But I will try to answer them to the extent I understood. There was a question—I think somebody asked about Premier Chou En-lai's invitation to me. My answer to that was that it is not time when I can give an answer. In fact, I said that we must await developments, await the report of this official committee, then we can consider that.

The hon. Member asked me, as far as I understood, about patrolling.

Dr. Ram Subhag Singh: Yes.

Shri Jawaharlal Nehru: If the hon. Members will see, in this communique it is said that every effort should be made by the parties to avoid friction and clashes in the border areas. That is a general direction which we take and which we give. We found that it is very difficult and partly undesirable to be precise about it. I think we cannot immobilise people so that they can go and sit and not go to the right or left. I think it was right anyhow to tell them that they should not take any step which obviously brings them into conflict.

Dr. Ram Subhag Singh: That is not my point. My point is this. There is a long distance between the Chinese occupied area of Ladakh and our actually administered area in the terms of what the Government of India has been saying. Therefore, I want to know, if that is possible, what will be the situation, if our patrol personnel are not allowed to go to patrol the territory because whenever they went to patrol our territory they were arrested by the Chinese.

Shri Jawaharlal Nehru: Our people will be completely free to move about these areas without coming into conflict.

Shri Vajpayee: Does it mean that Government has committed itself that pending factual investigation, no steps will be taken to eject the Chinese from Indian soil?

Shri Jawaharlal Nehru: I should think that it was absolutely clear. Is there any doubt about it in the hon. Member's mind?

Shri Vajpayee: Yes, Sir.

Shri Jawaharlal Nehru: I am very sorry. If there is one point that should be clear even to an average mind—and the hon. Member is not average; he is a super-average mind—it is this that you either have war or you have some kind of, call it talks or steps; you cannot have something in between the two. We cannot declare war on the frontier and, at the

same time, talk about discussions or sending official teams. The two cannot go together.

Shri Vajpayee: That does not mean war.

Shri Kalika Singh: The Chinese Premier talked about Dalai Lama. *(Interruptions).*

Mr. Speaker: I find that a number of hon. Members are interested. This is a very important matter. We have fixed up some No-Day-Yet-named motions for these days. I will avoid one of those and fix up a discussion on this matter for a couple of hours.

Some Hon. Members: One full day, Sir.

Mr. Speaker: Either tomorrow or on the 29th as is found convenient to the hon. Prime Minister.

Shri Jawaharlal Nehru: I am in your hands, Sir. But I think it is quite impossible for me to come tomorrow or the day after. On the 29th I am in your hands and it is the last day. There is a tremendous deal to be done here and elsewhere. But if you say so I shall present myself on the 29th.

Mr. Speaker: Very well. Papers to be laid on the Table.

Shri Ranga: Has any date been fixed?

Mr. Speaker: 29th.

ANNUAL ACCOUNTS OF THE ALL-INDIA
INSTITUTE OF MEDICAL SCIENCES

The Minister of Mines and Oil (Shri K. D. Malaviya): Sir, on behalf of Shri Karmarkar, I beg to lay on the Table a copy of the Annual Accounts of the All India Institute of Medical sciences for the years 1956-57 and 1957-58 along with the Audit Report thereon, under sub-section (4) of Section 18 of the All India Institute of Medical Sciences Act, 1956. *[Placed in Library. See No. LT-2124/60].*

PREVENTION OF FOOD ADULTERATION
RULES

Shri K. D. Malaviya: Sir, on behalf of Shri Karmarkar, I beg to lay on the Table a copy of Notification No. G.S.R. 425 dated the 16th April, 1960 making certain further amendments to the prevention of Food Adulteration Rules, 1955, under sub-section (2) of Section 23 of the Prevention of Food Adulteration Act, 1954. [Placed in Library. See No. LT-2125/60].

AMENDMENT TO DELHI MOTOR VEHICLES
RULES

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): Sir, I beg to lay on the Table, under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, a copy of each of the following Notifications, making certain amendments to the Delhi Motor Vehicles Rules, 1940:—

- (i) No. F. 12(159)/57—Transport, published in Delhi Gazette dated the 11th February, 1960.
- (ii) No. F. 12(197)/58—Transport, published in Delhi Gazette dated the 3rd March, 1960.
- (iii) No. F. 12(15)/59—Transport, published in Delhi Gazette dated the 24th March, 1960. [Placed in Library. See No. LT-2126/60].

AMENDMENTS TO RICE (UTTAR PRADESH) PRICE CONTROL ORDER

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): Sir, I beg to lay on the Table under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of Notification No. G.S.R. 428 dated the 16th April, 1960 making certain further amendments to the Rice (Uttar Pradesh) Price Control Order, 1959. [Placed in Library, See No. LT-2127/60].

12.57 hrs.

MESSAGE FROM RAJYA SABHA

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

'In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 23rd April, 1960, agreed without any amendment to the Bombay Reorganisation Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 19th April, 1960.'

COMMITTEE ON ABSENCE OF
MEMBERS

TWENTIETH REPORT

Shri Mulchand Dube (Farrukhabad): Sir, I beg to present the Twentieth Report of the Committee on Absence of Members from the Sitzings of the House.

I also lay on the Table a copy of the statement showing names of members who have been absent for 15 days or more continuously from the 8th February, to the 18th March, 1960 during the Tenth Session.

ESTIMATES COMMITTEE

NINTIETH REPORT

Shri Dasappa (Bangalore): Sir, I beg to present the Nintieth Report of the Estimates Committee on the Ministry of Labour and Employment—Part III (Social Security Schemes and Miscellaneous).

12:58 hrs.

APPROPRIATION (RAILWAYS) No.
3 BILL*, 1960.

The Minister of Railways (Shri Jagjivan Ram): Sir, I beg to move for leave to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for those services and for that year.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for those services and for that year."

The motion was adopted.

Shri Jagjivan Ram: Sir, I introduce the Bill.

12:59 hrs.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL—Contd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Hajarnavis on the 25th April, 1960, namely:—

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 26-4-1960.

†Introduced with the recommendation of the President.

Three hours were originally allotted for this and the time that has been taken already is 1 hour and 50 minutes; and there is a balance of 1 hour and 10 minutes. With the co-operation of the House I propose to get through all these Bills, the Estate Duty Bill and the Reserve Bank of India (Amendment) Bill; today.

Shri Braj Raj Singh who was in possession of the House may continue. Let him be brief.

13 hrs.

श्री ब्रज राज सिंह (फिरोजाबाद): अध्यक्ष महोदय, मैं कल निवेदन कर रहा था कि यदि अपने देश में जनतंत्र को मजबूत बनाना है तो उसके लिए आवश्यक हो जाता है कि जनतंत्र की भावनाओं का आदर किया जाये। अभी भी गृह मंत्री महोदय ने जनतंत्र की बहुत अधिक दुहाई दी है और यह दिखाने की कोशिश की कि संभवतः वह और उनकी पार्टी देश में जनतंत्र को मजबूत करना चाहती है। लेकिन यदि जनतंत्र के विषय में उस की मजबूती का कोई प्रश्न है तो जो बिल हमारे सामने इस वक्त है उसकी जो धाराएं हैं उन से पता लग जाता है कि सरकार न तो जनतंत्र को मजबूत करना चाहती है, न जनतंत्र की भावनाओं का आदर करना चाहती है और न किसी तरीके से किसी कानून को ही मानना चाहती है। अध्यक्ष महोदय, मैं साफ कहना चाहता हूं कि लालस ला जिसका कि कोई अर्थ न हो उसका तोड़ना कानूनन जुर्म नहीं हुआ करता लेकिन यहां तो दूसरी स्थिति है। हमारा अपना संविधान है और संविधान में कहा गया है कि कुछ लोग होंगे जो कि कौंसिल के लिए मैम्बर चुनेंगे। उसके खिलाफ आप ऐसे लोगों को अधिकार देते हैं जिस का कि संविधान में कहीं जिक्र नहीं है। आखिर अन्तरिम जिला परिषद् जिस की कि बात

की जाती है उस अन्तरिम जिला परिषद् को अपने संविधान में या पीपुल्स रिप्रेजेंटेशन ऐक्ट में कहीं पर यह लिखा कि अन्तरिम जिला परिषद् के सदस्य होंगे वह कौंसिल में वोट देने के अधिकारी होंगे, उसके लिए वोटर होंगे। कल जब डिप्टी ला मिनिस्टर साहब इस बिल को पेश कर रहे थे तो उन्होंने यह कहा कि संविधान की धारा १७१ की उपधारा ३ में यह कहा गया है :—

“As early as may be, one third shall be elected by electorates consisting of members of the municipalities, district boards and such other local authorities in the State as Parliament may by law specify.”.

उनके कहने का ऐसा मतलब मालूम पड़ा कि म्यूनिसिपैल्टीज और डिस्ट्रिक्ट बोर्ड्स के तो लिखने की जरूरत है ही नहीं लेकिन रिप्रेजेंटेशन आफ दी पीपुल्स ऐक्ट को अगर हम गौर से देखें तो पता चलता है कि इस ऐक्ट में उत्तर प्रदेश में उन्होंने म्यूनिसिपैल्टीज को लिखा, कैंटोनमेंट बोर्ड्स को लिखा, टाउन ऐरिया कमेटी को लिखा और नोटीफाइड ऐरिया कमेटी को लिखा है जिनके कि मेम्बर कौंसिल के चुनाव में वोटर हो सकते हैं कौंसिल के लिए उम्मीदवार को चुनने का जिन्हें हक है। मैं कानून मंत्री महोदय से पूछना चाहता हूँ कि यदि संविधान का यह मतलब न होता कि जो म्यूनिसिपैल्टीज और डिस्ट्रिक्ट बोर्ड्स के मेम्बर्स हैं उनको लेजिस्लेटिव कौंसिल के लिए मेम्बर्स चुनने का हक होगा तो वह ऐसा साफ तौर से उसमें क्यों कहते। रिप्रेजेंटेशन आफ दी पीपुल्स ऐक्ट में इसका जिक्र किया गया है। साफ तौर से पता

लगता है कि उस वक्त सरकार का यह दृष्टिकोण था और संविधान का भी यही कहना था। दफा १७१ यह नहीं कहती कि किसी म्यूनिसिपैल्टी या डिस्ट्रिक्ट बोर्ड के मेम्बर को आप लेजिस्लेटिव कौंसिल की मेम्बरी में वोट का अधिकार देना चाहें तो उसको कानून के द्वारा आप न कर सकें और उसमें कह दिया गया है कि पार्लियामेंट द्वारा उसके वास्ते कानून बनाया जा सकता है। मुझे अफसोस है कि सरकार ने उधर कोई ध्यान नहीं दिया और बड़े ताज्जुब की बात तो मुझे यह लगती है कि यह मुल्क अब तानाशाही की ओर जा रहा है। हम जनतंत्र की भावनाओं का आदर करना भूल गये हैं। उनका आदर करना हम ने छोड़ दिया है। हमारी पार्लियामेंट फरवरी में बैठ गयी थी लेकिन फरवरी से ले कर अब तक इस तरह का कोई बिल हमारे सामने नहीं लाया जाता है और अब जब बिल आता है तो कानून मंत्री महोदय कहते हैं कि उत्तर प्रदेश की अन्तरिम जिला परिषद् के सदस्यों को कौंसिल में वोट देने का अधिकार दे दीजिये और पहली फरवरी से हम उन को वोटर मान लेंगे। मैं आपसे पूछना चाहता हूँ कि यदि आप अन्तरिम जिला परिषद् के सदस्यों को पहली फरवरी से वोट देने का अधिकार देना चाहते हैं तो उसके लिये वे पहले सदन ने सामने बिल क्यों नहीं लाये? अब मंत्री महोदय इसके लिए यह कह सकते हैं कि उनके पास ऐसा करने के लिए वक्त नहीं था क्योंकि हम बजट पर बहस कर रहे थे। बम्बई और गुजरात के निर्माण के हेतु बिल लाने के लिए हमारे पास समय था और उनके बिल हम यहां लाये लेकिन इसके लिए बिल लाने का आपके पास समय नहीं था। मैं इस विषय में अधिक बहस नहीं करना चाहता कि आपके पास समय था कि नहीं लेकिन इतना जरूर कहूंगा कि जैसी ही पार्लियामेंट बैठी थी आप अगर चाहते तो उसके लिए एक बिल ला सकते थे लेकिन कानून मंत्री महोदय

[श्री ब्रजराज सिंह]

तो दूसरी बात कहते हैं। वह कहते हैं कि उन्हें विश्वास है कि इस में कोई गैर कानूनी बात बर्ती नहीं गई है और एलेक्शन कमिशन ने जो राय दी थी वह सही बात है। मैं यह निवेदन करना चाहता हूँ कि जिस वक्त भी कोई मंत्री महोदय यह दिखाने की कोशिश करेंगे कि इस सदन के ऊपर एलेक्शन कमिशन है तो उसी वक्त हमारे देश से जनतंत्र खत्म हो जायेगा। उससे जनतंत्र कमजोर होगा और उससे उनका खात्मा हो सकता है। पार्लियामेंट देश की सर्वोपरि सत्ता है और देश में कोई ऐसी एथारिटी नहीं है जो कि पार्लियामेंट से ऊपर हो लेकिन आपके कार्य से यह गारंटी हो जाता है कि आपको पार्लियामेंट को जो रिस्पेक्ट देना था और पूछना था उसके लिए आप तैयार नहीं हैं। आप कहते हैं कि एलेक्शन कमिशन ने राय दे दी थी इसलिये हमने उसको कर लिया। अब एलेक्शन कमिशन ने राय दी कि देश में मान्यता प्राप्त पार्टियों को मान्यता दी जायगी और मान्यता के नाम पर उन्हें रिश्वत देंगे, उन्हें कुछ मुविधाएं देंगे, एलेक्टोरल रोल्स देंगे और दूसरी दूसरी चीजें देंगे और वही एलेक्शन कमिशन कुछ पार्टियों को मान्यता नहीं देगा.....

श्री त्यागी (देहरादून) : इसमें एलेक्शन कमिशन द्वारा मान्यता दिये जाने का क्या सवाल है ?

श्री ब्रजराज सिंह : जी मैं जरा दूसरी बात कह रहा हूँ। एलेक्शन कमिशन कहता है कि देश में कुछ मान्यता प्राप्त पार्टियां हैं उन मान्यता प्राप्त पार्टियों को आधिकार होंगे सारे मुल्क में एक निशान दिया जा सकेगा। उन को एलेक्टोरल रोल फ्री दिया जायगा और दूसरी चीजें दी जायेंगी और यह बिना किसी नियम के दी जायेंगी। मेरी राय में उस तरह का नियम और सिद्धान्त बनाने का अधिकार

एलेक्शन कमिशन को नहीं होना चाहिए और इस सदन को उसका अधिकार होना चाहिए कि हम इस तरह का कोई कानून बनायें कि नहीं लेकिन कानून मंत्री महोदय तो अब किसी बात को सुनने को तैयार नहीं है उन्हें विश्वास है कि एलेक्शन कमिशन जो भी करता है सही करता है। मैं इसमें नहीं जाना चाहता कि वह सही करता है या गलत करता है लेकिन अगर सही भी करे तो इस पार्लियामेंट को हमेशा अधिकार होना चाहिए कि वह इस बात को देखे कि कहां गलती होती है और वह उस गलती को दुरुस्त करे।

अध्यक्ष महोदय, मेरा निवेदन यह है कि रिप्रेजेंटेशन आफ दी पीपुल ऐक्ट का जो यह संशोधन करने जा रहे हैं उसमें कभी अन्तरिम जिला परिषद् के सदस्यों को लेजिस्लेटिव कौंसिल के मੈम्बरों के चुनाव में वोट करने का अधिकार नहीं मिल सकता था। मैंने कल यह दिखाने की कोशिश की थी और मेरे मित्र श्री त्यागी ने भी इस बात का जिक्र किया था कि आपने इसमें ऐसे लोगों को वोटिंग का अधिकार दिया है जो कि सरकारी लोग हैं। अन्तरिम जिला परिषद् ऐक्ट ने १९५८ में उत्तर प्रदेश में डिस्ट्रिक्ट बोर्डों का खात्मा कर दिया और उसकी बजाय अन्तरिम जिला परिषदें बनी थीं जिनको कि वोटिंग का हक दिया गया था लेकिन हालत यह है कि २० अप्रैल १९६० तक यह तय नहीं हो सका है कि अन्तरिम जिला परिषदों के कोई चुनाव हो सकेंगे और अब उत्तर प्रदेश के मंत्री कहते हैं कि अब हम कोई दूसरे तरह का बिल लायेंगे और दूसरे तरह का बिल यदि आता है तो मुझे विश्वास नहीं है कि १९६२ से पहले हम चुनाव करा सकेंगे। वहां उत्तर प्रदेश में २४ अप्रैल को वोट पड़े हैं और उसके फलस्वरूप २०, २४ आदमियों को उत्तर प्रदेश की लेजिस्लेटिव कौंसिल

के लिये चुना गया है। सन् १९६२ में एक तिहाई मेम्बर रिटायर होंगे। मुझे आगरे के बारे में मालूम है कि वहां पर ६६ सदस्य हैं जिनमें से ४० ऐसे लोग हैं जो कि सरकारी नौकरी में हैं जैसे कि पुलिस कप्तान, कमांडेंट पी०ए०सी० और इसी तरह के सरकारी लोग हैं १५ ऐसे लोग हैं जो कि सरकार द्वारा किसी प्रकार नामजद हैं। ६६ आदमियों में से ५५ आदमी ऐसे हैं जो कि सरकारी अधिकारी हैं आप ऐसे सरकारी लोगों को वोटिंग का अधिकार देना चाहते हैं मेरा कहना है कि अगर आपने यह अधिकार उनको दे दिया तो जनतंत्र का क्या हाल होगा। लोग चाहते हैं कि वोट स्वतंत्रता और निष्पक्षता के साथ दिये जायें। मैं यह नहीं कहता कि वह सब आपको ही वोट देंगे लेकिन आपकी इच्छा यही थी और उत्तर प्रदेश सरकार की ऐसी इच्छा थी। उत्तर-प्रदेश की सरकार ने जब यहां से राय चाही और एलेक्शन कमिशन ने बिना पार्लियामेंट को इस बात में विश्वास में लिए हुए अपने आप राय दे दी तो यह सही चीज नहीं थी। पार्लियामेंट के सामने यह चीज पहले आनी चाहिए थी। उत्तर प्रदेश की सरकार ने जो राय चाही तो सम्भवतः अन्तरिम जिला परिषद् ऐक्ट की धारा ४ की तरफ उनका इशारा है:—

“Official members of the antarim zila parishad shall have no right of vote at its meetings, anything contained in the U.P. District Board Act 22 or any other law notwithstanding.”

इसके होते हुए सम्भवतः उत्तर प्रदेश की सरकार की राय यह थी कि जो सरकारी मेम्बर हैं अन्तरिम जिला परिषदों के उन्हें वोट देने का कोई अधिकार होना चाहिए। इसके लिए आप कहते हैं कि नहीं हम जरूर सरकारी लोगों को वोट का अधिकार देंगे और आपने कलक्टर, पुलिस कप्तान, ए०डी० एम० आदि को वोट बना दिया है। मैं

निवेदन करना चाहता हूँ कि इससे उत्तर प्रदेश की जनता में जनतंत्र के प्रति और खास तौर पर आपके प्रतिनिधियों के प्रति अविश्वास पैदा हुआ है और लोग ऐसा सोचने लगे हैं कि सरकारी पक्ष किसी न किसी तरह अपनी शक्ति को बनाये रखना चाहता है। इसलिए मैं निवेदन करूंगा कि यह जो अर्मेंडिंग बिल आपने रिप्रेजेंटेशन आफ दी पीपुल्स ऐक्ट को संशोधित करने के लिए पेश किया है इसको आप प्रतिष्ठा के साथ वापिस ले लीजिये और अगर आप उसको प्रतिष्ठा के साथ वापिस लेने को तैयार न हों तब मेरा इस सदन के माननीय सदस्यों से आग्रह होगा कि इसमें किसी पार्टी बाजी के सवाल को न उठाते हुए इस बिल को थोड़ा आउट कर देना चाहिए। इसको पास करने की आवश्यकता नहीं है। इसमें हुआ यह है कि उत्तर प्रदेश की अन्तरिम जिला परिषद के सदस्यों ने आज से दो दिन पहले अर्थात् २४ अप्रैल को २४ आदमियों को कौंसिल की मैम्बरी के लिये चुना है। आप उसके दो दिन बाद हमारे पास यह बिल ले कर आ रहे हैं कि उनको वोटिंग का अधिकार दे दीजिये। पहली फरवरी से इस कानून को लागू हो जाना चाहिए था।

Mr. Speaker: When was the election?

Shri Tyagi: On Sunday last the elections were held. Elections have already been held by an electorate which is not yet recognised by this Parliament. Now, we are going to recognise it retrospectively.

श्री बजराम सिंह: यह बिल कहता है कि हमें पहली फरवरी से अधिकार दे देना चाहिए।

Mr. Speaker: There seems to be a difference between U.P., and Andhra. So far as zilla parishads in Andhra Pradesh are concerned there are no government servants whereas in

[Mr. Speaker]

Uttar Pradesh there are a number of government servants.

Shri Braj Raj Singh: Not only that.

Shri Khushwaqt Rai (Kheri): In the Antarim Zilla Parishads of Uttar Pradesh there are many officials.

Shri Tyagi: Sir, there is another point which you might take notice of. My hon. friend has just now read out a section from the Antarim Zila Parishad Act, wherein it is said that the official members of the zila parishads shall have no right of vote in the functioning of the zila parishads. That means they have no right of vote in the day-to-day functioning. How are we giving the right of vote in the matter of elections?

Mr. Speaker: All that I want to say is, though this Bill is comprehensive and includes both Andhra Pradesh and Uttar Pradesh, there seems to be a difference of opinion. Therefore, in putting it to the vote of the House I shall put the amendment relating to Andhra Pradesh separately from the amendment relating to Uttar Pradesh.

श्री ब्रजराज सिंह : अध्यक्ष महोदय, आन्ध्र प्रदेश के बारे में तो ला मिनिस्टर का यह कहना है कि वहां की जिला परिषद् डिस्ट्रिक्ट बोर्ड नहीं है और उत्तर प्रदेश के जो जिला बोर्ड या डिस्ट्रिक्ट बोर्ड जो भंग कर दिए गए हैं उनकी जगह यह अन्तरिम जिला परिषद् है। उनका फंक्शन अलग है, उनका कम्पोजीशन अलग है, उसमें प्लानिंग का काम भी होता है। इसलिए मैं कहना चाहूंगा कि उत्तर प्रदेश की अन्तरिम जिला परिषद् डिस्ट्रिक्ट बोर्ड नहीं है और इसका आन्ध्र प्रदेश से मुकाबला नहीं किया जा सकता। मेरा निवेदन है कि वह एक गैर-कानूनी बात करने जा रहे हैं। मेरा अनुरोध है कि इसको न किया जाए क्योंकि यह जनतंत्र की भावना के खिलाफ जाता है।

अध्यक्ष महोदय : एक ही मेम्बर को इतना अधिक समय ले लेना ठीक नहीं होगा। अब माननीय सदस्य को खत्म करना चाहिए।

श्री ब्रजराज सिंह : मैं खत्म करने जा रहा हूँ।

मैं अन्त में कानून मंत्री महोदय से पूछना चाहूंगा कि क्या वह उस पत्र को सदन की मेज पर रखने के लिए तैयार हैं जो उत्तर प्रदेश की सरकार ने भेजा था और जिसमें इलेक्शन कमिशन की राय पूछी गयी थी कि उनको वोट देने का अधिकार है या नहीं या उस पत्र को सदन की मेज पर रखने को तैयार हैं जिसमें मंत्री जी ने इलेक्शन कमिशन से पूछा था कि क्या उत्तर प्रदेश की अन्तरिम जिला परिषद् के सरकारी मेम्बरों को भी वोट का अधिकार दिया जा सकता है।

अन्त में मैं निवेदन करूंगा कि यह ऐसा कानून है कि इसका इस सदन में लाकर सदन की प्रतिष्ठा को कम करने की कोशिश नहीं की जानी चाहिए थी। इसको वापस लिया जाना चाहिए क्योंकि यह जनतंत्र की भावना के खिलाफ जाता है। यह कानून लैस कानून है और जनतंत्र की भावनाओं के खिलाफ है। इसलिए मेरा अनुरोध है कि इसको वापस ले लिया जाए।

Some Hon. Members rose—

Mr. Speaker: Shri Muchand Dube. Now, what shall we do? Out of 1 hour 10 minutes 15 minutes have already been taken. One hour was given for the consideration stage of the Bill.

Shri Tyagi: The amendments have yet to be made.

Mr. Speaker: Shall I allow the amendments to be moved now so that all the amendments and the clauses

will be before the House and hon. Members can speak on all of them?

Shri Tyagi: Sir, we would like to take each amendment into consideration in the regular manner.

Mr. Speaker: I agree. What I say is let us proceed straight away to the clauses and the amendments. Whatever hon. Members want to say now they may speak on the clauses.

Shri Sinhasan Singh (Gorakhpur): There are only two clauses on which amendments have been tabled. Hon. Members may be allowed to express their opinion on them now.

Pandit Thakur Das Bhargava Hissar: Sir, the amendments are based on the general clauses of the Bill. After clarification of the general clauses I do not think the amendments will take much time.

Mr. Speaker: My fear is, though everything that is to be said on the clauses is said in the general discussion our habit is to once again make submissions on clauses. After all, the point is clear. What is sought to be covered by general discussion is the same thing as in clauses. We shall proceed to clauses and hon. Members may speak on them.

The Deputy Minister of Law (Shri Hajarnavis): Sir, may I make a submission? The point of controversy between hon. Members opposite, Shri Tyagi and the sponsors of this Bill is about the interpretation of the phrase "members of a district board". In the Constitution under article 171, it has been stated that the electorate shall be formed of members of a district board. Now, the words "district boards" have not been defined anywhere, either in the General Clauses Act or anywhere else, just as the word "municipalities" has also not been defined.

Mr. Speaker: Is there a District Board Act?

Shri Tyagi: There was.

Shri Hajarnavis: In Uttar Pradesh there was a District Board Act. In 1958 an Ordinance was promulgated and district boards were dissolved. In their place Antarim Zila Parishads were created.

Pandit Thakur Das Bhargava: No, Sir, it is wrong.

Shri Hajarnavis: The Act goes on to say: "The Antarim Zila Parishad shall be deemed to be a District Board, it will have all functions of a District Board". Therefore, we say that it is a like case as the House of the People is now called Lok Sabha. It is only a change in nomenclature.

Shri Khushwaqt Rai: It is not a change in name.

Shri Hajarnavis: This is according to my opinion, you may have your own opinion.

Shri Sinhasan Singh: District Boards and Antarim Zila Parishads are two quite different things.

Shri Hajarnavis: That being the position, if a person was a member of the District Board under the Constitution he was to be included. (*Interruption*).

Mr. Speaker: Order, order. I will take up the clauses now. I shall put the motion to the vote of the House and proceed to the clauses. Hon. Members may then say what all they want to say. We shall clinch the issue on the clauses. Would that be all right?

Pandit Thakur Das Bhargava: May I submit, Sir, that in this case it is not only the clauses or the substance of the term "District Board" that is involved, it is a question of fundamental importance so far as the Constitution is concerned. They are contravening the Constitution itself. Unless and until the Constitution is changed they cannot change the word "District Board". After all, they are referring to an Act which has been

[Pandit Thakur Das Bhargava]

passed by the State Legislature. An Act of the State Legislature has no precedence over the Constitution itself.

Mr. Speaker: It comes under clause 5; "under the heading 'Andhra Pradesh', for the entry '2. District Boards', the entry '2. Zilla Parishads' shall be substituted."

Pandit Thakur Das Bhargava: My hon. friend, the Deputy Law Minister says that under this Act "District Boards" have been replaced by "Antarim Zila Parishads". But this is only an Act of the State Legislature. We have got to see the Constitution. The Constitution speaks of District Boards and other bodies which are specified by Parliament. We have not yet specified that District Boards are Zila Parishads. Therefore, the Constitution is being contravened here. My hon. friend is not looking into it.

Mr. Speaker: It is a matter of substance. He says that at the time we passed the Constitution we had the District Boards in view, but now they want to change it to Zilla Parishads.

Shri Tyagi: That has not been the case in Uttar Pradesh.

Mr. Speaker: I am not referring to U.P. alone, wherever it may be it is merely a change of name. If it is only a change in name there is no need to change the Constitution.

Shri Sinhasan Singh: It is not merely a change of name.

Mr. Speaker: It is the Representation of the People Act that is being amended here. Under the Constitution the right to vote is given only to members of particular bodies when election to the Council is held. If there is any new institution that is brought into existence, without the Constitution being amended it cannot be included. If it is only a change of name from "District Board" to

"Antarim Zila Parishad", there cannot be any difficulty.

Pandit Thakur Das Bhargava: It cannot be changed by the State Legislature; there is a difference between the two.

Shri Tyagi: May I invite your attention, Sir, to article 171(3) of the Constitution, where it is said:

"(3) Of the total of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;"

Now under Section 27(2) of the Representation of the People Act, 1950, we have specified district boards etc. under the Schedule. Against U.P. we say: "municipalities, district boards, cantonment boards, small-town committees and notified area committees". These are the bodies which the Parliament has by law specified, and therefore, according to the Constitution, these and these bodies alone can participate in the elections to the Legislative Council.

Mr. Speaker: I would ask Shri Tyagi one thing. The wording in the Constitution is:

"and such other local authorities in the State as Parliament may by law specify."

This is what is intended by Shri Tyagi. So, his point is an Act of Parliament or the Bill placed before Parliament must specify the Zilla Parishad.

Shri Tyagi: Parliament is authorised to specify and Parliament might add, besides the district board, any other organisation. Therefore, we are entitled to specify it. But the ques-

tion is, so long as we have not specified any extra body or given recognition to any other organisation, they cannot hold election with such a body. It does not exist and we have not specified it, and still they want to give retrospective effect.

Mr. Speaker: What the hon. Member wants to know is whether this can be given retrospective effect. At the time when the election took place, he says, it was illegal and they had no right.

Pandit Thakur Das Bhargava: Apart from that, there is another point also. They want that the district board should be substituted by these words. The district board has been specified in the Constitution, and as long as the Constitution is there, we cannot have any other body other than the district board. They want to substitute "district boards" by "Zilla Parishads". The district board, according to the Act of the State of Uttar Pradesh, may or may not have been replaced, but we are not concerned with it. We are not concerned with the State legislature. They can add one more, namely, the Zilla Parishads, if they like by specifying under 171(3). But we cannot take away the district board without changing the Constitution.

Mr. Speaker: When the hon. Member says that the words can be added, cannot the words be subtracted also?

Pandit Thakur Das Bhargava: There is no provision in the Constitution.

Mr. Speaker: The Constitution says:

"members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;"

Now, we are discussing a law which intends to specify Zilla Parishad, which can come under "such other local authorities". Now, we will assume that in a particular State, a local board under the law in the State is superseded and an executive authority

appointed both for the municipality and the local board. Then, they have in their place, "such other bodies" or some other local authorities. Are they not entitled to proceed?

Shri Tyagi: We shall have to specify.

Mr. Speaker: It is open to the State Governments or the provincial Governments to keep a district board or supersede a district board and vest the entire management in the hands of a single authority in which case there is no district board, and therefore, there are no 'members there. What they want to say is, in the State of Uttar Pradesh, after this Bill is passed by Parliament here, there will be the Zilla Parishads and there would not be the district boards.

Shri Braj Raj Singh: The Uttar Pradesh Act says: "This shall be deemed in law to be the district board".

Mr. Speaker: This Zilla Parishad will be deemed to be the district board.

Shri Braj Raj Singh: They should change the Constitution then. They cannot change the name by bringing an amendment to the Representation of the People Act.

Mr. Speaker: Let me not decide the matter. It is for the House to decide it. All that I am anxious about is to keep the time-limit that has been prescribed for the Bill and get along with the work. I have no objection to extend the time because so many other Members are interested. Let me know the mood of the House: whether they want to continue to discuss the Bill on the motion for consideration or take up the clauses.

Shri Tyagi: Sir, there is another point which I request you to decide. Are we entitled to just legalise an action which has been taken in violation of the very spirit of the Constitution, because we have not specified any other body in the Constitution. They have allowed the Zilla Parishads

[Shri Tyagi]

to participate in the elections of a constitutional organisation, namely, the legislative council, of a State. Further, 45 per cent. of them are district magistrates, superintendents of police, etc.

Pandit Thakur Das Bhargava: There is another question. If you see clause 5, it would appear that they want to substitute for the words "District Boards" the words "Zilla Parishads", whereas the Zilla Parishads are entirely and absolutely different bodies and in U.P. no Zilla Parishad is in existence.

Mr. Speaker: The Constitution says, "such other local authorities". Shri Tyagi has raised the point as to whether it is open to the authorities to put these words in, whether it is *ultra vires* or *intra vires*, and whether this can have retrospective operation. In all such cases, after all, the Speaker does not take the responsibility on himself to decide whether this ought to be done or ought not to be done. It is for the House to decide what ought to be done or ought not to be done in the circumstances.

So far as the Bill is concerned, it is an amendment, and it is for the House to accept or not to accept. Therefore, I do not propose to give any direction as to whether it is legal or illegal. The House is competent to pass any legislation. It is for others to decide whether it is legal or illegal.

I will extend the time by one hour. Originally, it was three hours. We started at about 1 o'clock. According to the original schedule, 1 hour and ten minutes remained. Now, it will be two hours and ten minutes. Thus, the debate will be concluded by 3.10. For the clauses, how much time do hon. Members want?

Shri Sinhasan Singh: Half an hour.

Shri Braj Raj Singh: One hour.

Mr. Speaker: After all this discussion that has taken place, I think half an hour will be sufficient for clause-by-clause consideration. We will start clause-by-clause consideration at 2.30 unless the general discussion is completed earlier than that. I would request hon. Members to state the points only, in view of the shortness of time at our disposal.

Shri Mulchand Dube (Farrukhabad): I would like to read to the House article 171 of the Constitution. to begin with Article 171(1) says as follows:

"The total number of members in the Legislative Council of a State having such a Council shall not exceed one-third of the total number of members in the Legislative Assembly of that State:

"Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty."

13.28 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Then, sub-clause (2) says:

"Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3)."

Clause (3) (a) reads as follows:

"Of the total number of members of the Legislative Council of a State—

- (a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;"

So, it will be clear that clause (3)(a) is subject to clause (2), that is, Parliament has got the power to amend sub-clause (a) also. Parliament has got the right or the power to amend all these sub-clauses, namely, (a), (b), (c), (d) and (e). The point that has been raised by my hon. friend, Shri Tyagi, namely, that we shall be amending the Constitution by this process, is not correct. It is the duty of Parliament to amend the manner in which a legislative council should be elected. If this power lies in Parliament, namely, to amend the manner in which the council is to be elected, it has also got the power to amend clause (3) (a) and to substitute Antanim Zilla Parishads for the "District Boards". There is no difficulty about that. The question, therefore, as far as I can see, is clear to me. The Antanim Zilla Parishad is not a district board constituted under the Act of 1922. But I have no doubt that, while it is not the district board under the District Boards Act of 1922, it is a local authority constituted by the Antanim Zilla Parishads Act of 1958. There is no doubt about the fact that it is a local authority.

The question, therefore, arises whether that local authority can or cannot be given the power to elect 39 members to the State Legislative Council. My submission is that that power can be given, and there can be no difficulty about it so far as the law is concerned. The point is whether these official members should or should not be given the right to vote in the election of members to the Legislative Council.

Mr. Deputy-Speaker: If it had been included in the other local authorities, the Parliament must have specified that by law beforehand.

Shri Mulchand Dube: It is specified by the Bill that is before the House where it is said, instead of 'district boards', substitute 'Antanim Zilla Parishads'. So, it is specified by law.

Mr. Deputy-Speaker: The hon. Member means that this is district board?

Shri Mulchand Dube: When this Bill specifies it, there is no difficulty about that. It is a local authority.

Shri Tyagi: But the High Court has given a distinct ruling.

Shri Mulchand Dube: Of course, I admit that it is a different thing altogether. The Antanim Zilla Parishad is a different body; it is not a district board constituted by the Act of 1922. The question is whether it is a local authority or not and if it is a local authority, whether or not Parliament has got power to substitute this for the district board. My submission is, according to article 171(2), Parliament has got that power.

Pandit Thakur Das Bhargava: It is only a question of substitution, not of specification.

Ch. Ranbir Singh (Rohtak): The words 'district board' can be amended only in a constitutional way.

Mr. Deputy-Speaker: All the hon. Members who are interrupting desire to speak. They will have that opportunity to participate and express their opinion.

Shri Mulchand Dube: Article 171(2) says:

"Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3)."

My submission is Parliament provides by this Bill that the composition of the Council shall be as modified by this Bill and district board will be substituted by the Antanim Zilla Parishad so far as the Legislative Council is concerned. This does not in any way go counter to the Constitution. In fact, it is in accordance with the Constitution that the Bill is being introduced.

The question, however, arises as to whether it is at all proper to give this right of vote to the official members

[Shri Mulchand Dube]

of the Antarim Zila Parishad. This may or may not be a proper thing to do, but the further question arises, which was the better course to follow? If district boards had been dissolved in U.P., what about the members who are sitting at the present moment? Their constituency has disappeared. (Interruption). When a constituency has disappeared, another constituency is substituted by this Bill and it is perfectly correct.

With these words, I support the Bill.

श्री श्रीनारायण दास (दरभंगा) :
उपाध्यक्ष महोदय, जो विधेयक अभी हमारे सामने विचारार्थ आया है, उस विधेयक के पीछे जो भावना है उसको देखते हुए मैं समझता हूँ कि उसको ठीक तरह से विचार करके पेश नहीं किया गया है।

जैसा कि कई माननीय सदस्यों ने कहा है, संविधान की धारा १७१, उपधारा ३ के मुताबिक एक निर्वाचन क्षेत्र बनता है राज्य के अन्दर जो म्युनिसिपैलिटीयां, डिस्ट्रिक्ट बोर्ड और भी जो दूसरी लोकल आथारिटीज हों उनके सदस्यों से। इस विधेयक में दो राज्यों के सम्बन्ध में संशोधन किया जा रहा है। एक संशोधन आन्ध्र प्रदेश के सम्बन्ध में है। वहाँ पर उन्होंने डिमाक्रेटिक डिसेंट्रलाइजेशन के मुताबिक जिला परिषद की स्थापना की है, पर वहाँ अभी चुनाव नहीं हुआ है। लेकिन उत्तर प्रदेश में जिला परिषदों की अभी स्थापना नहीं हुई है, पर उन्होंने कानून बना कर अन्तरिम जिला परिषद के नाम से एक संस्था कायम कर दी है। अब सवाल यह उठता है कि संविधान की धारा १७१ की उपधारा ४ के मुताबिक पार्लियामेंट को यह अधिकार है कि राज्य विधान परिषद के लिए चुनाव क्षेत्रों का निर्माण करे, और उसी अधिकार के मुताबिक सन् १९५० में रिप्रेजेंटेशन आफ पीपल्स ऐक्ट बनाया गया

जिसकी धारा २७ में कहा गया है कि इलेक्टोरल रोल को किस तरह से बनाया जाये। इस कानून में संविधान की धारा १७१, उपधारा ४ के मुताबिक एक शिड्यूल का निर्माण किया गया है जिसमें संविधान में जिन संस्थाओं: जैसे म्युनिसिपैलिटी, डिस्ट्रिक्ट बोर्ड आदि को दिया गया है उनको तो शामिल किया ही गया है, उनके अलावा दूसरी लोकल आथारिटीज को भी जोड़ने की कोशिश की है। इस शिड्यूल में जो कि धारा २७ की उपधारा २ के मुताबिक है, यह दिया हुआ है :

“Local authorities for purpose of elections to the Legislative Council”.

इसमें विभिन्न राज्यों के लिए विभिन्न लोकल आथारिटीज का जिक्र आया है। बिहार के लिए म्युनिसिपैलिटीज हैं, डिस्ट्रिक्ट बोर्ड हैं, कॅटोनमेंट बोर्ड हैं और नोटीफाइड एरिया कमेटीज हैं। इसी तरह से दूसरी जगहों के लिए भी हैं। पार्लियामेंट को यह स्पेसीफाई करने का अधिकार है कि किसी भी राज्य में निर्वाचन क्षेत्र में कौन कौन सी संस्था के सदस्य मतदाता होंगे। रिप्रेजेंटेशन आफ पीपल्स ऐक्ट के शिड्यूल में म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, कॅटोनमेंट बोर्ड, नोटीफाइड एरिया कमेटी दी गयी हैं। मैं यह बताना चाहता हूँ कि संविधान में जिन संस्थाओं को दिया गया है, उनको भी इस शिड्यूल में रखा गया है साथ ही यह भी रखा है कि अगर पार्लियामेंट किसी और संस्था को जरूरी समझे तो उसको भी इस में शामिल कर सकती है। बम्बई में उन्होंने म्युनिसिपैलिटी, डिस्ट्रिक्ट बोर्ड और कॅटोनमेंट बोर्ड को रखा है, मद्रास में इन तीनों संस्थाओं के अलावा पंचायतों को भी रखा है। तो यह अधिकार पार्लियामेंट को है कि म्युनिसिपैलिटी और डिस्ट्रिक्ट बोर्ड और कॅटोनमेंट बोर्ड के अलावा, और भी जिस संस्था को आवश्यक समझे उस निर्वाचन क्षेत्र में शामिल कर सकती है।

अब आप देखें कि बिहार में डिस्ट्रिक्ट बोर्ड अबालिश कर दिये गये हैं। और वहां बाइ एनियल इलेक्शन हो रहे हैं। वहां पर सरकार ने डिस्ट्रिक्ट बोर्ड की जगह जिला डेवेलपमेंट कमेटी और ब्लाक डेवेलपमेंट कमेटी बनायी हैं, लेकिन उनको किसी कानून के मातहत नहीं बनाया है, केवल एक सरकुलर के द्वारा उनका निर्माण किया गया है। लेकिन उनके मेम्बरों को वोट देने का अधिकार नहीं दिया गया है। इस समय बिहार में इस इलेक्शन के लिए केवल म्युनिसिपैलिटी, कैंटोनमेंट बोर्ड और नोटीफाइड एरिया कमेटी के मेम्बरों को ही अधिकार है। डिस्ट्रिक्ट बोर्ड तो वहां टूट ही चुके हैं। इसी प्रकार से उत्तर प्रदेश में भी डिस्ट्रिक्ट बोर्ड टूट चुके हैं। मैं समझता हूँ कि उत्तर प्रदेश की अन्तरिम जिला परिषदों के सदस्यों को मत देने का अधिकार देकर इलेक्शन कमीशन ने गलती की है। इलेक्शन कमीशन को यह सोचना चाहिए था कि जब तक पार्लियामेंट स्वीकृति न दे दे और रिप्रेजेंटेशन आफ पीपल्स ऐक्ट में संशोधन करके अन्तरिम जिला परिषद को लोकल आया-रिटीज की सूची में शामिल न कर दे तब तक उसके सदस्यों को वोट देने का अधिकार नहीं दिया जा सकता। जिस समय उत्तर प्रदेश की सरकार ने इलेक्शन कमीशन से पूछा था कि अन्तरिम जिला परिषद के सदस्यों को वोट का अधिकार दिया जाये या नहीं, उस समय इलेक्शन कमीशन को केन्द्रीय सरकार से कहना चाहिए था कि वह ऐक्ट में इस तरह का संशोधन कर दे ताकि अन्तरिम जिला परिषद के सदस्यों को वोट का अधिकार दिया जा सके। लेकिन उसने ऐसा नहीं किया और उनको वोट का अधिकार दे दिया और उत्तर प्रदेश में चुनाव भी सम्पन्न हो गये। मैं समझता हूँ कि यह गैर मुनासिब बात हुई है। पार्लियामेंट के अधिकार को न तो उत्तर प्रदेश की विधान सभा अपने हाथ में ले सकती है और न इलेक्शन कमीशन पार्लियामेंट के अधिकारों को अपने हाथ में

ले सकता है। इसलिए जो चीज मंत्री जी कहते हैं, मैं उसको अनुचित समझता हूँ।

अगर यह सदन की राय हो कि उत्तर प्रदेश की अन्तरिम जिला परिषद के सदस्यों को वोट देने के सवाल पर विचार किया जाये तो वह ऐसा कर सकती है और वह अधिकार दे सकती है। लेकिन इन अन्तरिम जिला परिषदों का जो कम्पोजीशन है, उसको देखते हुए मैं समझता हूँ कि इनके सदस्यों को वोट का अधिकार देना गैर मुनासिब होगा और हमारे संविधान के पीछे जो भावना है उसके भी यह खिलाफ होगा। जो सूची श्री त्यागी जी ने सुनायी है उसमें ट्यूब वेल इंस्पेक्टर जैसे अधिकारी तक इस परिषद के मेम्बर हैं। मैं समझता हूँ कि उन को वोट का अधिकार देना गैर मुनासिब होगा। जब उत्तर प्रदेश में कानून के अनुसार जिला परिषदें कायम हो जायें तो उनके सदस्यों को वोट का अधिकार देने के सवाल पर विचार किया जा सकता है। उस समय पार्लियामेंट के सामने वह बिल विचार के लिए पेश हो सकता है। जहां तक मेरा ख्याल है, इस विषयक में जहां तक आन्ध्र का सवाल है, वह तो हम को मान लेना चाहिए। आन्ध्र प्रदेश में जिला परिषद का कांस्टीच्यूशन कैसा है, यह मैं नहीं जानता, लेकिन उस में ये शब्द जरूर जोड़ देने चाहिए कि जिला परिषद के इलैक्टड मेम्बरों को कौंसिल के चुनाव में वोट देने का अधिकार दिया जाये। अगर यह मान लिया जाये, तो फिर यह संविधान की स्पिरिट के खिलाफ नहीं होगा।

कल माननीय सदस्य, श्री खुशवक्त राय, ने यह सवाल उठाया कि सिद्धान्ततः कांस्टीच्यूशन के मुताबिक इलैक्टड मेम्बरों को ही वोट देने का अधिकार होना चाहिए। कांस्टीच्यूशन की यह भावना होगी, लेकिन उस में ऐसी कोई बात नहीं है। मैं बिहार के डिस्ट्रिक्ट बोर्ड और म्युनिसिपल कमेटीज के बारे में

[श्री श्रीनारायण दास]

जानता हूँ। वहाँ पर अभी भी दो तरह के सदस्य होते हैं—तीन-चौथाई सदस्य ऐसे होते हैं, जो कि बिल्कुल जनता के द्वारा चुने जाते हैं—तीन-चौथाई नहीं, कुछ ज्यादा होते हैं और छटवाँ हिस्सा सदस्य नामजद होते हैं, कुछ नामजद सदस्य होते हैं। संविधान में इस सम्बन्ध में यह कहा गया है :—

“as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State.....”.

यहाँ पर “इलैक्टिड” शब्द नहीं लिखा हुआ है। जो भी मेम्बर होंगे, चाहे नामिनेटिड हों और चाहे इलैक्टिड हों, दोनों को वोट देने का अधिकार होगा। लेकिन मैं समझता हूँ कि संविधान की स्पिरिट यह है कि ज्यादा से ज्यादा सदस्य इलैक्टिड होने चाहिएँ।

श्री त्यागी : मैं माननीय सदस्य की इत्तला के लिए कह दूँ कि यू० पी० ने जो अन्तरिम जिला परिषद् एक्ट पास किया है, उस में एक धारा है कि जितने आफिशियलज हैं, वे इस में वोट नहीं कर सकेंगे, वे इस के मेम्बर होंगे।

श्री श्रीनारायण दास : अगर इस सदन के बहुमत की यह राय हो कि यू० पी० की अन्तरिम जिला परिषद के सदस्यों को भी वोट देने का अधिकार दिया जाये—मेरी यह राय नहीं है, मैं नहीं चाहता कि उन को वोट देने का अधिकार हो—तो वह डिस्ट्रिक्ट बोर्ड को हटा कर उस की जगह पर जिला परिषद् को रख कर नहीं होगा। इस पार्लिमेंट को किसी स्थानीय अथारिटी का नाम दर्ज करने का अधिकार है। तो उस के मुताबिक अन्तरिम जिला परिषद् को स्थानीय अथारिटी समझ कर उस के सदस्यों को वोट देने का अधिकार दिया जा सकता है। ऐसा हो सकता है। मैं इस बात को मानता हूँ।

श्री खुशबक्त राय : ग्रान ए प्वायंट आफ़ पर्सनल एक्सप्लेनेशन। कल मैं ने जो भाषण

दिया था, उस में मैं ने यह नहीं कहा था कि कांस्टीच्यूशन में यह है, बल्कि मैं ने उस की भावना की बात कही थी।

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, जो बिल हमारे सामने है, उस को पढ़ कर मुझे थोड़ी सी हैरानी हुई। वह इस तरह हुई कि

Shri Rami Reddy: He may speak in English so that we can also get the benefit of his speech.

Pandit Thakur Das Bhargava: All right. So far as the provisions of this Bill are concerned, they gave me a great surprise. So far as the Law Ministry is concerned, which has brought this Bill, it appears that it has not appreciation why article 171 was passed by the Constituent Assembly. In fact, if you kindly look at the article, a close perusal of the article will show that there were several ideas in the background which weighed with the Constituent Assembly in incorporating this article. In the first place, you will be pleased to see that while considering, apart from Parliament how the State Legislatures were to be constituted, so far as the Assemblies are concerned, they have specifically provided that they will all be elected. The essence of democracy is that the legislature should consist of elected members. What did we do in the case of Legislative Councils? We provided that one third of the members shall be elected by the elected representatives in the Assembly, one-third of the members shall be elected by the elected representatives of district boards and municipalities—of course, the words “elected members” are not used in the article, but I will just submit for your consideration that this was the underlying idea—and out of the rest one-third, one-twelfth shall be elected by graduates, one-twelfth shall be elected by the teachers and the rest shall be nominated by the Governor. So, if you look into it closely you will find that predomi-

nantly the State Legislature was to be elected body so that democracy may be complete in the States also

Legislatures is concerned. Even the composition can be changed only by Parliament and not by State Legislature.

Now, when the words "members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify" were used, the Constitution-makers were having in view the set-up existing at that time. They knew that the municipalities are generally all elected, not that there is not a single member who is not elected but, at the same time, they are predominantly elected. Similarly the district boards throughout India were predominantly elected. So far as U.P. is concerned, all members were elected. Not only that, but even the non-official chairman was also elected, not by the members of the board but by another kind of suffrage which includes the whole district. So, even the non-official chairman was elected by the whole district. That was the system prevailing in U.P., which was different from that of Punjab and other places.

Now I shall have occasion to show that this State Legislature of Uttar Pradesh is usurping the powers of the Parliament itself. Otherwise, they cannot even alter the composition—and that too not directly, because this Bill is not meant for that purpose. The net result of this will be that even the composition of the Council will be changed. Because, if you kindly look at sub-clause (3)—I will refer to sub-clause (3) before I refer to sub-clause (2)—the words are:

"Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;"

My hon. friend, Shri Dube, read out clause (2) of article 171 also. May I humbly suggest in reply that this Bill is not meant to alter the composition of the Legislature. You will be pleased to find that in article 171(2) the words are:

This is how sub-clause (3) reads, and that is the crux of the matter.

Now the hon. Minister has stated that the Election Commission is supposed to have passed an order, so far as the election is concerned.

"Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3)."

Under the provisions of the Representation of the People Act, the Election Commissioner and those working under him decided as to who are to be electorates. Who is the Election Commissioner to decide? Under article 171(3) the electorates were to be those mentioned there. It says:

This Bill is not meant to alter the composition of the Council. This Bill is only brought with a view to see that in clause (3) some change is made; it is not brought here for the purpose of altering the composition of the Legislature. Now, these words have only one meaning and that is this, this Parliament alone and no other body on earth can enact a law, so far as the constitution of the State

"Of the total number of members of the Legislative Council of a State—

as nearly as may be, one-third shall be elected by elec-

[Pandit Thakur Das Bhargava]

torates consisting of members of municipalities, . . .”

Now, this is all right; I have no quarrel with that.

“ . . . district boards . . .”

Even there I have got no quarrel.

“ . . . and such other local authorities in the State as Parliament may by law specify;”

Now, my simple question is this. Has the Parliament specified them? Has the Parliament ever held that these Antarim Zilla Parishad members shall constitute the electorate? Who is this Election Commissioner to decide? Who is this Law Ministry? Who are they compared to the Parliament? Parliament alone can decide as to what the electorate should be. It is not by an executive order that they can change the entire electorate of the country. These electorates could only consist of members of district boards, municipalities and all other local bodies which are specified by the Parliament. So far the Parliament has not specified any other body except these two, namely, the municipalities and the district boards. Except under section 27(2) of the Representation of the People Act they have specified three other bodies, namely, the cantonments, the notified areas and one other so far as U.P. is concerned. You kindly consult that.

Then, under section 27(2) of the Representation of the People Act the names of five bodies are given. District boards and municipalities were there by the very words which are used in article 171(3) and three more were specified under the residuary power of Parliament. So the Parliament specified three bodies. Now I am given to understand that on such and such a date in February, this electorate was formed. By whom? It was not by the order of the Parliament but by the order of the Election Commissioner or the local authority,

or perhaps the Law Ministry or somebody else. They put these persons—members of Interim Zilla Parishad in the electorate and they were asked to elect those people.

Shri Tyagi: On the 17th March.

Pandit Thakur Das Bhargava: On the 17th March. I say it is strictly illegal. It is usurping the power of Parliament. Therefore it is entirely illegal to do that. They could not be members of the electorate unless the Parliament ordered that Zilla Parishad should be included as specified in exercise of the Powers of Parliament under 171(3).

Now there is another point which has practically been conceded very rightly by the hon. Minister. I am very thankful to him. I really thought that he is a Minister who is a man of his convictions and courage when he admitted it. Yesterday he admitted, “Left to myself, I would not like that these members of the Antarim Zilla Parishads who are in the service of the Government should have a vote”. That is left to himself, but he pleaded his inability. I fully see what he meant. He said, “as long as the words ‘district board’ are there and they are members of the district board as the U.P. Government has passed a law under which these district boards have been replaced by the Antarim Zilla Parishads, I have got no option in the matter.” So he thinks that his hands and feet are tied and he has no option in the matter. I am certainly bound to tell him that this is absolutely a fallacious and a wrong argument.

Now, some arguments have been put forward about the constitution of these Zilla Parishads and the district boards. He even made one more admission which, it must be said to his credit, was a right one. I do not think that even a single hon. Member of this House is desirous of seeing that so far as these Antarim Zilla Parishads

are concerned, those persons who are in the service of the Government should be given the right to elect these persons. Out of 96 or 80 persons, 30 or more—the list is given in this Bill of 1958 and if I read it out to you some time will be taken; I will request you to kindly go through it—are nominated or are official members. They have given the list of persons who are the members. Almost all of them are nominated. Then the official members are the district magistrate, district planning officer, all the sub-divisional officers, district supply officer, district animal husbandry officer, district employment officer—a full list is given of about 30 or 40 men. All those persons will be members of the planning committee. Now that planning committee is the Antarim Zilla Parishad. The planning committee and the members of that committee are now constituted in the Zilla Parishads. In the Zilla Parishads all the members are there. Apart from that, only five or ten persons are there who can be said to have any elected status. Now it is a planning committee. Presumably, it is not a district board.

My hon. friend has said in the Bill itself also that this is a new body. There can be no manner of doubt that this Antarim Zilla Parishad is certainly a new body. It is not a district board. Who can say that it is a district board? My hon. friend says that this Act says that it is a district board. Is the State legislature to be our guide? This Act is regarded as a scrap of paper so far as the Parliament is concerned. It is the Parliament who alone can say whether it can be said to be a district board and whether within the meaning of the Constitution a district board is not a district board. Here the claim is that the word 'Zilla Parishad' be substituted for the words 'district boards'. So it cannot be a district board. It is a substitute and a person and a substitute which is going to be substituted can not be identical. That is common ground in the Bill also. They say these are new local bodies.

I am just referring him to the ruling which was read out to the House by Shri Tyagi yesterday. The High Court judge has also said that these are distinct bodies and quite different bodies. Now, look at the Constitution itself. The Constitution has said that in the district board every person including the President is an elected person, whereas in this I should say except for some people more than 40 per cent. are persons who are in the service of the Government or are not elected but are nominated. Very few are elected persons. Now what is the result?

I must submit that if you kindly look at the whole thing and how it is going to result, you will come to the conclusion that we will be committing a fraud of the Constitution if we said that the words 'district board' used in the Constitution which have so far not been changed mean Zilla Parishad. What will be the effect? There are 52 districts in U.P. Suppose that 50 persons in every place were in the service of the Government and they take into their head to combine—under the order of the Government they can vote for certain persons who belong to a particular party . . .

Shri Narasimhan (Krishnagiri): Though they have no vote in the Zilla Parishad itself.

Pandit Thakur Das Bhargava: To that I am coming. But now see the result of it. It is a one-third part of the Council . . .

Shri Tyagi: 40 per cent.

Pandit Thakur Das Bhargava: . . . which ought to have been sent there by municipalities, who should be elected persons. Members of these district boards are all elected. They will nominate such persons about half of whom will be in the service of the Government. The Government people can combine very easily. The Government can issue a circular saying, "All right. All the Government servants should do like that". It means that this Council will not

[Pandit Thakur Das Bhargava]

consist of elected people but will consist of persons who will not be independent and who will not be democratically elected. Therefore this Council, one part of the legislature, will be a sham legislature in my opinion. It is entirely wrong to allow these persons to vote. It is against the accepted principles on which this Article 171 was passed by the Constituent Assembly. Now by saying that we are usurping the powers of the Constituent Assembly. After all who can decide this? So far as the legislature is concerned, as I have read out to you, even now if the composition is to be changed it is to be changed by the Parliament alone. In this indirect way they are changing the entire composition of the Legislative Council there. Therefore . . .

Shri Thirumala Rao (Kakinada): Has the Government of India Act defined in any way as to what constitutes a district board, a local area committee or a municipality? Under whose authority do we constitute these local bodies? Is it the recognised authority of the State legislature to constitute these bodies?

Pandit Thakur Das Bhargava: When the words 'district board' were used here, we knew what district board was. So far as U.P. was concerned, it was constituted under the Act of 1922 . . . (Interruption).

Shri Sinhasan Singh: Only half an hour is left for the clause by clause consideration.

Mr. Deputy-Speaker: I am to call the hon. Minister at 2:10.

Pandit Thakur Das Bhargava: At 2:10?

Shri Sinhasan Singh: I am afraid the hon. Member will take away all the time.

Mr. Deputy-Speaker: Yes, at 2:10 because at 2:30 the next stage is taken up and he has to have 20 minutes.

Shri Sinhasan Singh: I also wanted ten minutes to place my view.

Mr. Deputy-Speaker: If he wanted to make a request to Panditji he could have whispered this into his ears instead of interrupting . . . (Interruption). Order, order now.

Pandit K. C. Sharma (Hapur): Let Panditji exhaust himself.

Shri Hajarnavais: I object.

14 hrs.

Pandit Thakur Das Bhargava: You yourself see that now I am not taking so much time of the House. My only apology for taking part in the debate as a matter of fact is the importance of the subject. I feel that it is a most important question. It is an all-India measure. The powers of the Parliament are sought to be invoked. Tomorrow there will be other States having such *parishads*, and they will be affected. If you pass this Bill, Punjab, for instance, will be affected, and we shall lose democratic legislatures. In our legislatures we will have only those persons who are elected by persons in the service of Government. What will happen to section 123(7) of the Representation of the People Act, whereby elections become void if there is the influence of Government servants, but here they are allowed to vote in the elections. Who is the nominated person who will not vote for his choice if he knows that the Collector is the President? This is a Bill of such a fundamental importance, that no person should grudge time for its discussion. It is the very essence of democracy that we should have the Councils elected through elected people. This is my apology for taking sometime. At the same time, I do not want to deprive other Members of their chance, and therefore, though I have tabled two amendments, I shall not expatiate on them.

Mr. Deputy-Speaker: The amendments have been received today at 12 O'clock.

Pandit Thakur Das Bhargava: They are amendments to amendments, and are of such a nature that they go to the root of the matter.

Mr. Deputy-Speaker: But unless the Government are prepared to accept them, I cannot waive notice.

Pandit Thakur Das Bhargava: I am therefore giving a solution to the Government. The Speaker also pointed out that the powers of Parliament have not been exhausted by this or that Act. Even now Parliament is capable of specifying that only such members in the Antarim Zilla Parishad will be entitled to vote as are not in the service of the Government, as do not come within the mischief of section 123(7).

Mr. Deputy-Speaker: Would it be *intra vires* then?

Pandit Thakur Das Bhargava: It will be *intra vires* in the sense that this Parliament has got the right to specify the other local committees also.

Mr. Deputy-Speaker: We can only specify the local authorities, but cannot go further and say that such and such members of the local authority only shall have the right of vote, and the others shall not have.

Pandit Thakur Das Bhargava: When we enacted section 171(3) we only mentioned district boards and municipal boards, but their members were then all elected.

Mr. Deputy-Speaker: Unless we amend the Constitution, it would not be possible by an Act of Parliament to say that only the elected members of the local authority shall be competent to vote.

Shri Tyagi: I differ from my hon. friend in this matter. May I point out that article 171(2) of the Constitution states that until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause

(3) of that article? That means we can by law provide otherwise than what is provided in article 171(3).

Mr. Deputy-Speaker: This is not a Bill for composition of the Legislative Council. It is a different Bill.

Pandit Thakur Das Bhargava: If you go through the Act, you will see that the Zilla Parishad has not yet come into existence, and they are providing for a body which is yet to come into existence. The Antarim Zilla Parishads are going to be dissolved very soon because the permanent bodies will come into existence soon. Therefore, they are making provision for a thing which is temporary in nature.

Pandit K. C. Sharma (Hapur): Because elections are taking place, that is the only question. It is to regularise that.

Dr. M. S. Aney (Nagpur): I would like to ask one question of the hon. Member. There is reference to "such other local bodies". Did such bodies have any nominated members or not? That is what I want to know.

Shri Tyagi: They are non-voting members.

Shri Hajarnavis: Dr. Aney has raised a question of fundamental importance, and I am going to refer to it in detail. I do not want to intervene at this stage.

Pandit Thakur Das Bhargava: Parliament should not be deprived of its powers. It is the sole and ultimate authority to decide what other local bodies etc., are to be specified. I will not say that there is no force in the argument that we may have to amend the Constitution, but I am absolutely clear that the High Court will say that the Antarim Zilla Parishads are existing bodies, though my hon. friend says they are new bodies. The point is they are not identical with district boards, and simply because the State Government says so, they cannot become identical with district boards,

[Pandit Thakur Das Bhargava]

because in their constitution, ideology, voting and everything else they are different. Therefore, so far as this Bill is concerned, giving the right of election under section 27 was a wrong thing. After giving this right, now they want us to regularise it. This is like calling a woman your *begum* and then installing her as your wife. This is entirely wrong in principle. Why did you give the right? You have made the mistake, and so you must suffer the consequences. Therefore, from the point of view of constitutionality, this Bill is misconceived, and they should have first got the permission of this House for these Zilla Parishads to be specified, and if we agreed, then the elections could have been held.

On merits also, I am not in favour of recognising or specifying these Antarim Zilla Parishads. If all the 30 members are allowed to vote, they will vote for none but those whom the Government want to see elected. This will be negation of democracy if we pass this. Therefore, we ought not to allow this also.

Mr. Deputy-Speaker: Shri Sinhasan Singh. He asked Pandit Thakur Das Bhargava to be brief. Now I will ask him to be very brief.

Shri Sinhasan Singh: I will be very brief, and not repeat a single word.

I am sorry the previous Members have wrongly understood the provisions of the U.P. Antarim Zilla Parishad Act and so a long time has been taken to say that something wrong has been done, and that officers should not be allowed to vote.

Article 171 of the Constitution only says that members of the District Board or such other local bodies have the right to vote. What has been done in U.P. is this. The U.P. Government suspended the District Boards and in their place constituted the Zilla Parishads and Antarim Zilla Parishads for the time being, and that by ordinance. They superseded the dis-

trict boards, and appointed the District Collector to take over all the powers of the district board. Thereafter they formed the Antarim Zilla Parishads under section 4 of the Act, which says the the Antarim Zilla Parishad of a district shall consist of all the members of the District Planning Committee of the district and five members of the existing district board to be elected by members of the district board. In that section they have only said:

"The official members of the Antarim Zilla Parishad shall have no right of vote at its meetings anything contained in the U.P. District Boards Act, 1922 or any other law . . ."

That means that at a meeting of the district board, the official members, who were members of the planning committee and thereby became members of the Antarim Zilla Parishad, would not have the right to vote. The consequences of the constitution of the Antarim Zilla Parishads are given in a section of that Act. They have said therein that all the powers that were till that time exercised by the district boards would be exercised by this Antarim Zilla Parishad. It reads:

"(1) all powers, functions and duties of the District Board, or any committee thereof in respect of all matters including funds and property, whether under the enactment of the aforesaid or any other law, shall be vested in the Antarim Zilla Parishad, and shall, for the purposes of the administration of the U.P. District Boards Act, 1922 and any other law, be exercised, performed and discharged by or under the authority of the Antarim Zilla Parishad, which shall be deemed in law to be the District Board or Committee, as the occasion may require;"

This means that as the occasion may require, when the election to the Council of States and the Legislative Council of the State comes, the members of the Antarim Zilla Parishad will be deemed to be district board members for that purpose. Article 171 provides that the members of the district board will have the right to vote. As such, it has been stated that the members of the Antarim Zilla Parishad will have the right to vote as members of the district board. That is quite clear. As and when occasion arises, they will have the same rights as members of the district board. It is said that the officer-members form a majority, and if they are also allowed to vote, it may change the very function of the elections. I am sorry to hear this kind of argument, because that does not mean that we should deprive the official members of their franchise. They have the right to vote even today. Only, they have no right, so long as they are in service, to stand as candidates, but they have a right to choose and cast their votes. So, when they are sitting as members of the district boards, why should they be deprived of their right to vote? Where they should not vote and where they are deprived of their right to vote is provided for in section 4 of the Uttar Pradesh Antarim Zilla Parishad Act, 1958. As for their right to vote, section 6 lays down that they shall have the same rights as members of the district board.

In this connection, I would like to draw your attention to section 27 of the Representation of the People Act, wherein it is provided that the electoral rolls are to be changed as and when there is any change in the local bodies. Section 27(2) (d) reads thus:

"In order to enable the electoral registration officer to maintain the electoral roll corrected up-to-date, the chief executive officer of every local authority (by whatever designation such officer may be known) shall immediately inform the electoral registration officer about every change in the

membership of that local authority; and the electoral registration officer shall, on receipt of the information, strike off from the electoral roll the names of persons who have ceased to be, and include therein the names of persons who have become, members of that local authority;"

So, when the U.P. Antarim Zilla Parishad was constituted, the members of the previously existing district board ceased to be members of the district board, and, thereafter, the members of the Zilla Parishads should have their names entered in the electoral rolls, and accordingly, the electoral rolls were corrected, and they all became members.

Ch. Ranbir Singh: Voters.

Shri Sinhasan Singh: And they all become voters. Anybody who had any right objection could have raised the objection at the time the electoral rolls were corrected. But after their names have once been entered in the electoral rolls, it is difficult to say that they have no right to vote.

What Government are doing now is that they are only observing the provision of law, because U.P. is going to replace the English words 'district board' by the Hindi word 'Zilla Parishad'. There is nothing much in that.

Pandit Thakur Das Bhargava: The words 'district board' are Hindi words.

Shri Sinhasan Singh: No, they are not Hindi words. They are English words. In fact, the U.P. Act itself has used the words 'district board'. If I had the time, I shall be able to convince the hon. Member. For the very purpose for which they words 'district board' have been used, they have used the words 'Zilla Parishad'. So, these Zilla Parishads have the same functions as the former district boards. And how have these parishads come about? They came about as a result of the Mehta Committee's report. The Mehta Committee suggested certain changes in the constitution

[Shri Sinhasan Singh]

of the local authorities. In accordance with this, in U.P., they have used the words 'Zilla Parishads' instead of the words 'district boards'. And the zilla parishads are functioning now in place of the former district boards.

Now, what they have done is that they have included some more members from other sides, in addition to the original members of the district board. All of them have now become the members of the *zilla parishad*. All that the U.P. Act contemplates is the words 'district board' should be replaced by the words '*zilla parishad*' including '*Antarim Zilla Parishad*'.

In this connection, I would like to say one other thing, namely that the Constitution also should be amended to that extent. Article 171 says 'district boards and such other local authorities'. So, the words '*zilla parishads*' also should find a place in the Constitution. The new provision must read 'district boards or *zilla parishads* or any other local bodies'.

Pandit Thakur Das Bhargava: Even non-existing local bodies should be included?

Shri Sinhasan Singh: That is quite different. I agree with him. Local committees are only for notified areas or some towns. But so far as *zilla parishad* is concerned, it is equivalent to the district boards in other States. So, the words 'district board' should be amended to include '*zilla parishads*' also. In my opinion, there is nothing wrong which is going to be done. Whatever is being done is rightly going to be done.

Shri Hajarnavis: Mr. Deputy-Speaker, Sir. Listening to the debate, I have been impressed by the honour and privilege which I enjoy in being a Member of a House which sets such a high store by the principles of democracy. So long as we are subjected to the criticism and scrutiny as was done in this particular case, I am quite sure the Ministers will not be allowed to err.

I would again express my gratitude to those Members who have found that the Government's action was in accordance with the provisions of the Constitution. I shall not repeat what they have said, and they have said it so ably and so convincingly.

But there are a few matters which I must place before the House; several Members have raised doubts, out of whom Shri Tyagi was one. My hon. friend Shri Tyagi is an elder of the House, and personally I hold him in very high esteem, and it is my duty, if I can allay the doubts which have assailed him, to do so.

Firstly, he is concerned with the fact that we have created an electorate or that we have allowed an electorate to be created in which the officials form such a large component. I have myself said that and the Government and personally I myself were equally concerned with this aspect. Unless Government felt themselves compelled to include these names, I can assure the House and also my hon. friend Shri Tyagi that we would have certainly eliminated them. But if anyone in this House were to claim that Parliament has accepted either expressly or implicitly the principle that an official, even if he is otherwise qualified, must be excluded from an electorate, then I submit that that is a proposition which will not bear examination at all.

Coming to article 171, again, you will find Sir, that there are three or four categories of constituencies. The first is the one which we are dealing with, namely municipalities and district boards. The second is the graduates' constituency, and the third is the teachers' constituency. Now, it is not suggested that the officers who have got to be graduates—and all of them, I think, in all the States, are graduates—are excluded from the graduates' constituency, solely on the ground that they are employees of the State.

Shri Raghubir Sahai (Budaun): They are not excluded.

Shri Hajarnavis: The teachers also are very often employees of the State. They are also not excluded. Therefore, there is no warrant for any suggestion that when the question of formation of electorate is being considered, we have got to exclude a person from the role solely on the ground that he happens to be an official; if in our interpretation we come to the conclusion that the person is otherwise included, but must be barred from vote because he is an official then that kind of interpretation that they should be excluded is inadvisable.

Apart from this, I shall come to another provision which has been made by this Parliament, and which is being acted upon. I would refer to the Fourth Schedule to the Act.

My hon. friend Shri Khushwaqt Rai is a Member for whom I have very great regard:

Shri Khushwaqt Rai: Thank you.

Shri Hajarnavis: I know how sincere he is, and how serious he is in making his submissions in the House. He went through section 27(2) of the Act, and pointed out, and I think rightly, that we have included municipalities in the Fourth Schedule, and district boards also in the Fourth Schedule. That was his first point. In his second point, he adverted to my contention that the Antarim Zilla Parishads are District Boards and said that so far as the members of Municipalities and District Boards were concerned, if their right of vote depended upon the provision of the Constitution and did not depend upon the law made, namely, such local authorities as were specified by law made in Parliament, there was no point in introducing the Bill. He asked why we introduced the Bill.

That is a very important question and I must answer him.

Coming to section 27(2), you will find that it has been drafted with a view to create a constituency. Section 27(1) says:

"In this section, 'local authorities' constituency' 'graduates' constituency' and 'teachers' constituency' mean a constituency for the purpose of elections to a Legislative Council under... article 171".

Then 27(2) says:

"For the purpose of elections to the Legislative Council of a State in any local authorities' constituency—the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth Schedule".

Therefore, what section 27(2) creates is set out in the Fourth Schedule, those bodies the members of which will qualify for being electors in the local bodies' constituencies. We are not specifying, saying that in addition to the institutions which are mentioned in article 171 we are putting additional local authorities. That is not the expression that we have adopted in drafting it. What we say is that these institutions shall form a local bodies' constituency. We could not exclude either Municipalities, by whatever name they are called or, as I was at pains to point out yesterday, District Boards.

There are mentioned some other local bodies also. Coming back to the point which I had in mind when I started—the bodies mentioned are Municipalities, District Boards and Cantonment Boards—I am quite sure my hon. friend, Shri Tyagi, is familiar with the constitution of the Cantonment Boards and is also familiar with the fact that the members of the Cantonment Boards are voters in the constituencies of the Legislative Council.

An Hon. Member: There are Town Area Committees also.

Shri Hajarnavis: First I will deal with the Cantonment Boards. He read out an impressive list of officials and I almost squirmed because it is contrary to the general notion that we have, that officials as a class ought to be kept away from the electoral constituencies. But have we always accepted and acted upon that principle? Is it something which is always accepted by us? Yesterday, my hon. friend Shri Tyagi, referred to the District Magistrate. He was at pains to point out that even the Superintendent of Police was there. Now, I will read out the names of the members of the Cantonment Boards. One is the Officer Commanding or if the Central Government so directs in respect of any Cantonment, such other military officer as may be nominated in the place of the Officer Commanding. Then we have a Magistrate of the First Class nominated by the District Magistrate. Then there is a Health Officer, then an Executive Officer. Again there are four military officers nominated by the Officer Commanding the Station by order in writing. Then seven members are elected.

Dr. M. S. Aney rose—

Shri Hajarnavis: I intended to express my gratitude to the hon. Member after I finished for pointing this out earlier in the Debate.

Pandit Thakur Das Bhargava: Three or four persons are a drop in the ocean.

Shri Hajarnavis: Therefore, if anybody were to contend that officers ought not to form a component of the electorate, it is a proposition which Parliament by law has expressed opposition to. I might mention at this stage that there are 22 cantonments in U.P., not one.

Coming back again to the point, it is not something, as in the case of the Antarim Zilla Parishads, which occurs

only in U.P. In Andhra Pradesh, Cantonment Boards are mentioned. In Bihar, Bombay and Madhya Pradesh they are mentioned. In Madras, they are mentioned. So that in every State where there are Cantonment Boards, there are nominated members who are officers of the Army and who, I submit, are liable, if at all, to such criticism than with greater qualifications the district officers. They are allowed by law to be there. So I think we were justified in saying that the proposition that an officer if he was otherwise qualified, should be excluded from membership being an officer, would not hold water at all.

Then there are several other institutions also—I will not dilate upon them—like the Town Committees. There are municipal bodies in which there is an official element; there are other bodies in which there are officials. As long as the Constitution stand, if it is a local body of that description and if a person happens to be a member we have got to give him the right of vote. It cannot be denied to him.

At this stage, I might mention that long before these elections were held—17th March 1960 was the date which was mentioned—long before the nominations were filed, the electoral rolls were prepared and published. Under rule 29(2), once the electoral roll has been prepared by the electoral registration officer, it shall be the electoral roll for the constituency. Was a single objection raised at that time? Was this controversy taken to the proper authorities? Why is it that it is only when the election is being held—say, a day or two later—that an approach is made to the High Court. If we had committed an error, it was not something like a sinister conspiracy between the Government of Uttar Pradesh and ourselves and we were going to condone at the last moment whatever they have done clandestinely. It is something which we are doing openly. If it was an error, that error was being proclaimed

from the office of every electoral officer, from the office of every district officer. Therefore, the intention was quite clear—that these persons are voters. Why was no objection raised at that time? All these questions of principle could have been taken up at that time.

So I submit that it is too late in the day to say that it is something which is being done because the U.P. Government had committed a mistake or someone else had committed a mistake and in order to regularise that, this Bill has been brought forward. I stated once, and I say it once again explicitly, that whatever is being done is being done in the light of the law as we understand and for which we take the responsibility. It is not being done to accommodate any other authority or any other Government. The Government of Uttar Pradesh are in no way concerned in this matter at all. We take up the responsibility for something which we have done. We are here in this House to canvass the support of the House for doing what we regard as our duty under the Constitution.

I might assure the House that in giving an opinion on matters of law I conceive it my duty to give my opinion and we have not given any opinion in order to.....

Pandit Thakur Das Bhargava: Who is doubting your *bona fides*?

Shri Hajarnavis: I am responsible as a Minister....

Pandit Thakur Das Bhargava: It is quite true; nobody is doubting your *bona fides*.

Shri Hajarnavis: I am responsible for whatever happens in the Ministry of Law.

Then, my hon. friend Shri Tyagi referred to a judgment of the High Court. As I indicated yesterday, if that judgment was binding on us nothing would give us greater pleasure than to give effect to it. Under the Constitution we are bound to give effect to the law as has been declared by our courts. They are our courts. It is quite possible that our interpretation may not be approved by the courts. We do not take upon ourselves the duty of interpreting the Constitution finally. Under the Constitution, every authority, whether it is Parliament, whether it is the Executive or whether it be the Judges, all are bound to conform to law. If anyone transgresses the limits, if there is any complaint that there is any breach of the provisions of law, then the controversy shifts to the courts and the courts will determine whether what is being done is in accordance with the law or not.

So far as this particular judgment is concerned, we are quite clear in our minds that where the Judge dismisses a case on the ground of lack of jurisdiction, whatever he has said in passing about the merits of the case—though it is entitled to high respect—is not a judgment which is binding. If the report read by my hon. friend yesterday is correct, then the petition was dismissed on the ground that the High Court said that it had no jurisdiction, at that stage, to intervene. Under those circumstances, though what fell from His Lordship is entitled to respect it is not binding.

If the matter was decided by the hon. Judge after listening to both sides, then, of course, the judgment has much greater strength and much greater authority than an opinion which the Court has expressed after hearing only one party and that too in dismissing the prayer.

About retrospective action I will only speak after my hon. friend has

[Shri Hajarnavis]

made his motion. I will keep my mind open till the last and then I will make my submission to the House.

I must also advert to the observations of Pandit Thakur Das Bhargava, who is an erudite lawyer and who is fierce in upholding the democratic rights of the citizens. He observed that when the Constitution came into force in 1950 we used the words 'district board' and so the words 'district board' will have the significance or signification which they had in 1950. If that is his proposition I find myself completely unable to agree. As I submitted yesterday, jurisdiction in respect of local self-government is given to the State Legislature, it is in the State List. What exactly is the form the district boards or the municipalities will take or the local authorities will take is for the State Legislature to determine. And, if they have erected a district board, it is not for us to say that it is not a district board or a district board to our liking....

Dr. M. S. Aney: If they abolish the district boards altogether, what is the position?

Shri Hajarnavis: The position is that they will not be entitled to vote at all.

I am thankful to my hon. friend Dr. Aney. If what my hon. friend, Pandit Thakur Das Bhargava says is correct not only are we bidden by the Constitution—enjoined by the Constitution—to keep a district board in the same form in which it was in 1950, but, if what he says is correct, then, we cannot without interfering with the Constitution or without interfering with the electoral right of the people abolish the district boards at all, as Dr. Aney points out. They

must be preserved as if in a vacuum in order that this particular constituency may be created.

Supposing, additional rights are given, additional electorates are created and additional constituencies are created, surely, there is a change in the composition of the district board. Would it be suggested that what is incorporated in Article 171 of the Constitution would prevent the State Legislature from exercising its undoubted functions under the Constitution? (*Interruptions*).

Shri Tyagi: If the functions are changed?

Shri Braj Raj Singh: The only solution is that the Constitution might be changed first—article 171—and then....

Shri Hajarnavis: I entirely agree with that. But we have got to see if whether the functions are the same or not. And, I have not yet heard here any argument which would show that the functions of the Antarim Zilla Parishad are different. The Act which created the Antarim Zilla Parishads clearly says that the powers, functions and duties of the district boards are vested in the Zilla Parishads.

Shri Khushwaqt Rai: But it is something more than a district board.

Pandit Thakur Das Bhargava: In the Act itself it is given.

Shri Hajarnavis: It was suggested by my hon. friend, Pandit Thakur Das Bhargava that the electorate was formed by the Election Commission

or by the Law Ministry. I submit, 'No'. As I read the Constitution, the electorate is formed by the Constitution itself.

Shri Tyagi: By the State Government.

Shri Hajarnavis: It is done by the Constitution itself. The moment the district board is created, it does not lie within the power of any other authority to deprive the member of any such right at all.

Lastly, I will mention about Andhra Pradesh. In the Andhra Pradesh the whole function of the district board is changed. So far as the Zilla Parishads in Andhra Pradesh are concerned they do not conform to the concept of district boards as we have understood them in 1950. Therefore, we are legislating for....

Shri Braj Raj Singh: Is that not true also in U.P. that they are totally different from district boards?

Mr. Deputy-Speaker: Should the hon. Member give his own concept of the thing?

Shri Tyagi: In what way does it differ?

Shri Hajarnavis: Therefore, I submit this motion for consideration to the acceptance of the House.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

Those in favour, will please say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will please say 'No'.

Some Hon. Members: 'No'.

Mr. Deputy-Speaker: I think the 'Ayes' have it.

Shri Khushwaqt Rai: The 'Noes' have it, Sir.

Mr. Deputy-Speaker: Then, let the lobbies be cleared.

Mr. Deputy-Speaker: Every hon. Member should be in his own seat. I would also request every hon. Member to refresh his memory as to the working of the apparatus. I will not take notice of any mistakes committed. The question is:

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

The Lok Sabha divided: Ayes 112; Noes 29.

AYES

Division No. 8]

Aney, Dr. M. S.
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhattacharya, Shri C. K.
Bidari, Shri
Chandra Shankar, Shri
Chettiar, Shri Ramanathan
Dasappa, Shri
Desai, Shri Morarji
Dubey, Shri Mulchand
Gautam, Shri C. D.
Ghosh, Shri M. K.

Hem Raj, Shri
Laskar, Shri N. C.
Malliah, Shri U. S.
Manjula Devi, Shrimati
Mishra, Shri L. N.
Morarka, Shri
Nanjappa, Shri
Narasimhan, Shri
Padalu, Shri K. V.
Raghubir Sahai, Shri
Rajiah, Shri
Shri Ramasamy K. S.
Rane, Shri

[14.43 hrs.
Rao, Shri Jaganatna
Rao, Shri Thirumala
Sahu, Shri Rameshwar
Sangananna, Shri
Sharma, Shri R.C.
Singh, Shri Daljit
Sinha, Shrimati Tarkeshwari
Tantia, Shri Rameshwar
Tariq, Shri A.M.
Upadhyay, Pandit Munishwar
Datt
Wasnik, Shri Balkrishna

Noes

Assar, Shri	Kamble, Shri B. C.	Rai, Shri Khushwaqt
Chandramani Kalo, Shri	Kar, Shri Prabhat	Ram Garib, Shri
Choudhry, Shri C. L.	Kunhan, Shri	Ramam, Shri
Das Gupta, Shri B.	Majhi, Shri R. C.	Shree Narayan Das, Shri
Dharmalingam, Shri	Misra, Shri B. D.	Singh, Shri Braj Raj
Dige, Shri	Mohammed Imam, Shri	Sugandhi, Shri
Gaikwad, Shri B. K.	Padam Dev, Shri	Tangamani, Shri
Godsora, Shri S. C.	Parvathi Krishnan, Shrimati	Tyagi, Shri
Iyer, Shri Easwara	Patil, Shri Balasaheb	Valvi, Shri
Jadhav, Shri	Punnoose, Shri	Warior, Shri

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up clause-by-clause consideration. The question is:

"That clause 2 stand part or the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri Braj Raj Singh: Sir, I beg to move:

Page 1,—

after line 14, insert—

"2A. Amendment of section 27.— In section 27 of the principal Act, to clause (a) of sub-section (2), the following proviso shall be added, namely:—

"Provided that official members of the Antarim Zilla Parishads as defined in the Uttar Pradesh Antarim Zilla Parishad Act, 1958, shall have no right of vote for the elections of the State Council." (4)

Shri Khushwaqt Rai: I beg to move:

Page 1,—

after line 14, insert—

"2A. Amendment of section 27.— In section 27 of the principal Act, to clause (a) of sub-section

(2) the following proviso shall be added, namely:—

"Provided that the official members of the Zilla or Antarim Zilla Parishads of Uttar Pradesh shall have no right of vote." (3)

श्री ब्रज राज सिंह : उपाध्यक्ष महोदय, मैं इस के बारे में ज्यादा कुछ नहीं कहना चाहता हूँ। मेरी एमेंडमेंट का तात्पर्य यह है कि जिला परिषदों के उत्तर प्रदेश में जो सरकारी मेम्बर हैं, उनको वोट करने का अधिकार नहीं होना चाहिए और न ही पहले उनको होना चाहिए था जैसा कि वहाँ कर दिया गया है। मेरा कहने का तात्पर्य केवल इतना है कि यदि हम जनतंत्र को सफल बनाना चाहते हैं अपने देश में तो सरकारी लोगों को, उनके सरकारी कर्मचारी होने के नाते, वोट का अधिकार नहीं मिलना चाहिए और अगर उनको ऐसा कोई अधिकार दिया जाता है तो उनके राजनीति में आने का खतरा है यह एक ऐसा सिद्धान्त है जिसको कि कोई भी पसन्द नहीं कर सकता। लेकिन जो कुछ भी अभी उत्तर प्रदेश में किया गया है, उससे इस सिद्धान्त की हत्या होती है। इसलिए मैं चाहता हूँ कि क्लॉज २(ए) नई जोड़ दी जाये जिससे कि सरकारी अधिकारियों को वोट का अधिकार न रहे। ये लोग सरकारी कर्मचारी हैं, सरकारी मेम्बर जिला परिषदों के हैं और उनको कोई भी ऐसा अधिकार नहीं मिलना चाहिए।

श्री खुशबक्त राय : जो संशोधन मैंने उपस्थित किया है, उसके बारे में मैं केवल इतना ही कहना चाहता हूँ कि जिन साथियों ने इस सदन में अपने विचार प्रकट किये हैं, उनमें से अधिकतर ने इस बात को माना है कि जो सरकारी आदमी हैं उनको काउंसिल के लिए होने वाले चुनावों में वोट का अधिकार नहीं होना चाहिए। मैं समझता हूँ कि माननीय मंत्री जी भी इस बात से सहमत होंगे और समझते होंगे कि यह ठीक सी बात है। चूँकि यह जनतंत्र के हित की चीज है, इस वास्ते मैं समझता हूँ कि वह मेरे इस संशोधन को स्वीकार कर लेंगे।

Shri Tyagi: Sir, I beg to move:

Page 1,—

after line 14, insert—

"2A. Amendment of section 27.—

In section 27 of the principal Act, in clause (a) of sub-section (2), before the words "members of such local authorities", the words "Non-official" shall be inserted. (1)

Sir, I again appeal to the House to see that the hon. Members are not just led by party considerations in this matter. It is a measure which affects the very structure of the Constitution and therefore, I would like the House to consider it absolutely dispassionately. My friend has just now argued that the cantonment boards have also official members. No doubt, they have. But they are the officers of the Government, the Central Government. I make a distinction between the officers who act directly under the orders of the Central Government and the officers who are directly under the State Government of India. The legislative councils we are electing are legislative councils of the State. With this pocket borough of 40 or 45 per cent of official members in the electo-

rate of the district boards, this will be too bad and that is my fear Government may any day have them at their command. It will be a bad precedent in democracy to allow such a bulk of officers to vote, particularly when even under the Antarim Zilla Parishad Act, they are banned from voting in the day-to-day activities. They are not allowed to vote, even on smaller matters, by the U.P. legislature. In their wisdom they have decided to deprive the officials of their votes in respect of the day-to-day activities. When such is the case, how is it that we want to permit them to vote for a very responsible body like the legislative council? If, in the opinion of the Government, the antarim zilla parishad is a substitute to the district board and it is automatically entitled to vote, why bring this Bill at all? Why bring an amendment. Let the law courts decide whether they are district boards or not.

There is one more thing. In section 3 of the Antarim Zilla Parishad Act, it is said that until some other arrangement is made, the District Magistrates shall be the district Boards. For sometime, the charge of the district boards was vested in the District Magistrate himself for a number of months. From the logic of my hon. friend, it will follow that he alone will exercise the right of vote. Even if the U.P. Legislative Assembly had decided or if the U.P. Government decided to constitute the Antarim zilla parishads manned totally by officials and no non-officials were there, would our hands remain tied? I do not agree to it. My fear is that the Ministry has erred and erred seriously in interpreting the Constitution and my fears are that the Election Commission too had done so. It has to be seen. I want to cry an alarm here that it is a matter of the Constitution. Sir, if interpretations from the Election Commission become so cheap as to allow elections to go that way, important matters to be proceeded in that way where High

[Shri Tyagi]

Courts also differ, my fears are—we should think twice before we allow it—as to what is going to happen in the next elections. It is a very serious matter, I attach a great importance to this. I would pray to the Government not to be led by circumstances they should boldly confess that illegal elections have been held.

Who are the gentlemen responsible for these illegal elections? They are illegal no doubt, otherwise there was no necessity for them to bring a Bill to retrospectively recognise the Antarim Zilla Parishad. So they are doing it only because it is plain, every man in the street knows it, that retrospective effect is being given to the Antarim Zilla Parishad not from the date when the Antarim Zilla Parishads were formed, not from the date when the Antarim Zilla Parishads came into being, but from 1st February 1960 so that the elections held illegally may be covered.

That is what is going to happen. Is our Parliament now required to go so cheap as to accommodate these blunders committed on even the matter of Constitution? Those persons who have blundered must face the nation, and it is for the Parliament, if you want to raise the authority of law, if you want to raise the authority of democracy, to punish those persons if they are at fault. I am not quite sure of my opinion because I am not a student of law.

Mr. Deputy-Speaker: He is very sure, otherwise he would not have said it in such emphatic terms.

Shri Tyagi: Sir, the logic is there. It is being applied retrospectively. Why? It is because they know that the elections have been illegal and, therefore, they now want to legalise it. Illegal elections to be legalised is something which I cannot really tolerate as an individual. I feel it is my duty as a Member of Parliament to just raise my voice in this matter and protest.

Therefore, I appeal that the Parliament, only for the sake of upholding the dignity of Parliament, must stick to the law and not allow them to go astray in this matter. I have moved my amendment and I pray that the Parliament may just agree to this. It is not because the U.P. Government themselves have not given the power of vote to their officials. As I said the other day, these are the officers in whose contact the public comes practically every day. If these officers are to be pulled one way or the other, if all types of parties are to canvass them and they become the target of criticism by all the parties, my fears are that the law and order situation in the country will become worse. It has already gone worse. If you go and ask the people they will give you their reactions about the manner in which the law and order situation in the country exists today. The condition in which it is obtaining today will become worse if officers are brought into the controversy in elections, into political controversies. One officer will vote on one side and another will vote on another side. Even the U.P. Government would not allow that.

What will happen if tomorrow or after some time the U.P. Government in their wisdom choose to call these officials, this official block as associate members, as non-members?

Mr. Deputy-Speaker: The hon. Member may try to conclude now.

Shri Tyagi: I, therefore, plead, Sir, to the House—I have no time at my disposal—with all the emphasis at my command that all the Antarim Zilla Parishad people should not be given the right to vote. Only non-officials should be given the right to vote, because at the time of framing the Constitution we had that point in mind. We knew that the members of district boards were non-officials and therefore we included them.

Mr. Deputy-Speaker: Shri Kalika Singh may have two or three minutes.

Pandit Thakur Das Bhargava: Sir, may I move my amendment?

Mr. Deputy-Speaker: I have been enquiring from hon. Members the amendments that they wanted to move.

Pandit Thakur Das Bhargava: You asked about clause 2.

Mr. Deputy-Speaker: Clause 2 has already been passed. Afterwards I asked with regard to the insertion of this clause 2A the amendments that the hon. Members wanted to move.

Pandit Thakur Das Bhargava: Shri Tyagi has just finished his speech. After that I proposed to move my amendment.

Mr. Deputy-Speaker: In the beginning I enquired from hon. Members whether they wanted to move their amendments for the insertion of clause 2A. Certain hon. Members stood up and indicated their intention to do so, but Panditji did not rise at that time. Then again, there is another objection that he has not given notice in time, he has only sent it today.

Pandit Thakur Das Bhargava: I have given notice of it only today. On that point if you are pleased to disallow it I have no objection.

Mr. Deputy-Speaker: I cannot condone that delay. If he wants to say something on this I can allow him two or three minutes.

Shri Kalika Singh (Azamgarh): Sir, the impression that has gained ground here, that the Antarim Zilla Parishad in U.P. substitutes the district board is quite wrong. In all the districts of U.P. practically there were three bodies: the panchayats under local self-government, the district boards under local self-government and planning committees

under the planning administration controlled by the Chief Minister. There was, therefore, a proposal to integrate these three bodies into one and form one body, which is now called the Antarim Zilla Parishad. Later on, when the Act is passed there it will become Zilla Parishad. According to the Antarim Zilla Parishad Act only 5 members out of the 60 members of the present district boards were taken in the new body and the rest of the 55 members ceased to be members. Also, according to that Act, the officials who were members of the planning committees and the District Magistrate who was presiding over those planning committees became automatically members because the planning committees were integrated into that body. Then, lots of members were sent up from the villages elected by the *pradhans* from their panchayat samitis.

Mr. Deputy-Speaker: That we have already discussed. The only question now is whether the elected members alone should be given the right to vote or others also.

Shri Kalika Singh: As I said, this is an integrated body formed out of three bodies. If somebody is a member, then the membership carries with it the right to vote. Therefore, every member of this body has a right to vote. I know the situations that have arisen in U.P. The officials had referred this matter to the Government. The Government wrote down to them that voting is not compulsory, every officer has got discretion to vote or not. I know that during all this time although they had the right to vote they have not exercised their right to vote. Whenever there was any controversy they did not exercise their right to vote in their own discretion. Therefore, on that ground I oppose this.

Then there is another point. This measure is designed to de-officialise the officials. This is because we are now running a democracy. There is the question of bringing the officials

[Shri Kalika Singh]

also into the present democratic set-up, and to de-officialise the officials is, I think, a very good measure. When the officials are also there to represent the public opinion, they will try to incorporate what is there in the democratic set-up. On that score, Sir, I congratulate the Ministry for the Bill.

Shri Hajarnavis: Sir, I oppose the amendments. I have very little to add to what I have already said, except that I may point out that so far as other local authorities are concerned the State Governments in various States nominate large numbers and then they are also subject to the criticism to which my hon. friend, Shri Tyagi referred. Are they not people on whose loyalty the State Government may count? If that is the objection....

Shri Tyagi: What I say is that Government servants should not be drawn into this.

Shri Hajarnavis: There are 216 in municipalities in Bihar, 434 in notified area committees, 133 in district boards in Punjab nominated by State Governments.

Shri Tyagi: In the Parliament also there are nominated Members.

Mr. Deputy-Speaker: May I put all these amendments together?

Shri Braj Raj Singh: No. 4 is something different.

Mr. Deputy-Speaker: I shall put that separately. The question is:

Page 1,—

after line 14, insert—

'2A. Amendment of Section 27.—In section 27 of the principal Act, in sub-section (2), before the words "members of such local Authorities", the words "Non-official" shall be inserted.' (1).

The motion was negatived.

15 hrs.

Mr. Deputy-Speaker: The question is:

Page 1,—

after line 14, insert—

'2A. Amendment of section 27.—In section 27 of the principal Act, to clause (a) of sub-section (2), the following proviso shall be added, namely:

"Provided that the official members of the Zilla or Antarim Zilla Parishads of Uttar Pradesh shall have no right to vote." (3)

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1,—

after line 14, insert—

'2A. Amendment of section 27.—In section 27 of the principal Act, to clause (a) of sub-section (2), the following proviso shall be added, namely:

"Provided that the official members of the Antarim Zilla Parishads as defined in the Uttar Pradesh Zilla Parishad Act, 1958, shall have no right of vote for the elections of the State Council." (4)

Those who are for the motion will please say 'Aye'.

Some hon. Members: Aye.

Mr. Deputy-Speaker: Those who are against the motion will please say 'No'.

Some hon. Members: No.

Mr. Deputy-Speaker: The Noes have it.

Shri Braj Raj Singh: The Ayes have it.

Mr. Deputy-Speaker: Is the hon. Member serious? Then I will allow him.

An hon. Member: He is not serious.

Shri Braj Raj Singh: Who is not serious? I was very serious about these amendments.

Pandit Thakur Das Bhargava: The ruling of the Chair cannot be revised. What is the use of having a division?

Mr. Deputy-Speaker: Then I might ask the hon. Members who are in favour of the amendment to rise in their seats. If I do that, even in that case, hon. Members may know what would be the fate of the amendment.

Shri Braj Raj Singh: I do not know the fate. But we were serious about the amendments. We wanted to press the amendments.

Mr. Deputy-Speaker: Then, I request hon. Members who are in favour of the amendment No. 4 to rise in their seats.—I find 17 hon. Members standing. Now, hon. Members who are against the amendment may rise in their seats.—I find a large majority standing. So, the amendment is lost.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clauses 3 and 4 stand part of the Bill.”

The motion was adopted.

Clauses 3 and 4 were added to the Bill.

Mr. Deputy-Speaker: Now, we take up clause 5.

Clause 5—(Amendment of Fourth Schedule)

Shri Braj Raj Singh: I beg to move:

Page 2,—

for lines 11 to 15, substitute—

“(b) under the heading “Uttar Pradesh” for the entry “2. District Boards”, the following entry shall be substituted, namely:—

“2. Zilla Parishads including Antarim Zilla Parishads.” (5)

Shri Tyagi: I beg to move:

Page 2, lines 12 to 14, for

“the following entry shall be deemed to have been substituted with effect from the 1st day of February, 1960, namely:—”

substitute—

“the following entry shall be substituted, namely:—” (2)

Shri D. C. Sharma: Sir, I should like to know what business the House takes up after this Bill is over.

Mr. Deputy-Speaker: The Estate Duty Amendment Bill. Not the motion about the Hindustan Shipyard.

Pandit Thakur Das Bhargava: So far as this clause is concerned, sub-clause (a) says that under the heading “Andhra Pradesh,” for the entry, “District Boards,” the words, “Zilla Parishads” shall be substituted. Similarly, under sub-clause (b), under the heading “Uttar Pradesh,” for “District Boards”

“the following entry shall be deemed to have been substituted with effect from the 1st day of February, 1960, namely:—

“2. Zilla Parishads including Antarim Zilla Parishads.”

Apart from the objection of my hon. friend, Shri Tyagi, which he may or may not repeat now, namely, the retrospective effect,—it is a very serious matter. In a matter like this, we should not allow a law to be substituted in this manner, because we are doing things which are illegal. Apart from that point, my submission is, under article 171 of the Constitution, we have got the words “district boards”. My objection lies in this way, namely, in consequence of that article, under section 27(2) of the Representation of the People Act, they have included five bodies. The words “district board” have been

[Pāndit Thakur Das Bhargava]

taken from the Constitution. The real purport of the amending Bill is the substitution. If the words have not been substituted or if the Constitution has not authorised the use of such words, then, we cannot have in a circumlocutory manner amend the Constitution in this way. The real purpose or the purport of this law is that our Constitution should be amended. But under the Constitution, unless all the provisions of article 368 are fulfilled, the Constitution cannot be taken to have been amended. The district boards will remain there. In the schedule to the Representation of the People Act, this amendment is sought to be made. As a matter of fact, so far as the Representation of the People Act is concerned, it cannot also over-ride the Constitution. The words "district boards" are there in the Constitution itself. Therefore, this attempt to amend the Constitution in a roundabout manner is not right and not correct.

For the purpose of these elections, five bodies have been mentioned. Two of them were already there and the remaining three were added later on by Parliament. The words that are now sought to be included cannot be substituted in the manner desired. My submission, there is no case for a substitution. If the Government wanted to have an addition, I would not have objected to it, because then, they will be going only against the spirit of the Constitution and not against the Constitution itself. But now, they are going against the Constitution itself. Therefore, the whole question revolves round the one question as to whether a district board is the Zilla Parishad or not.

First of all, apart from the question whether it may or may not be the same body, this amendment should not be allowed, because, it is against the Constitution and is tantamount to an amendment of the Constitution.

Secondly, several opinions have been voiced by other hon. Members

also to the effect that Zilla Parishads and the district boards cannot be identical. They were never thought to be identical. You will see what the Act which constituted the Zilla Parishads says:

"The State Government shall, with a view to facilitate the establishment of the Zilla Parishads for the co-ordinated administration of the affairs concerning economic and social planning and local self-government in the district and to ensure the smooth transition..." etc.

"by notification published in the official Gazette..." etc.

"constitute the Zilla Parishads... which shall be called by the name of Antarim Zilla Parishads, a body corporate having a particular seat..." etc.

So, this Zilla Parishad is not, as a matter of fact, in its aim, and in its object, in its constitution and in its structure, the same thing as the district board. Therefore, if we want to substitute the words "Zilla Parishads" for "district boards", we are not only going against the accepted meaning of the words "Zilla Parishads" or the accepted notions behind them, but, at the same time, we are doing something which is violently against the Constitution. Zilla Parishad, by its very nature, is not the same as the district board. According to the Act passed by the U.P. Legislature, the Antarim Zilla Parishads shall consist of all members of the district planning committee. And there are five extra members also. If you see the constitution of the planning committee, you will realise that there a large number is indicated. Most of them are nominated officials. There are 30 of them. To say that the planning committee and the Zilla Parishad and the district boards are the same is to use a word which is absolutely unjustified.

Supposing there was a competition between the district planning com-

mittee and the old district board. What is the parent body of these two bodies? The powers of the planning committee are quite distinct from those given to the district boards. Formerly, the district boards were the only self-governing institutions. Now, the Zilla Parishads are sought to be made perennial institutions. They are to cater, according to their constitution, to the economic and social and planning aspects of the country. The district boards were in relation to the self-governing aspects only. The district planning committee can certainly say that the district board is my parent and I am the legitimate son! The Zilla Parishad is not. So, the Antarim Zilla Parishad in no sense be called a district board.

Therefore, my submission is that the argument of my hon. friends that the district boards should be replaced or displaced is absolutely wrong. Even if they are replaced, it is not right to say that the district boards and the Antarim Zilla Parishads are the same. So, we shall be going against the Constitution if we allow this change to be made. Therefore, I oppose this amendment very seriously and I submit that if the Government are in a fix and want to substitute the Antarim Zilla Parishad, they ought to accept the view that the words ought to be specified by the law. If they want the Zilla Parishads to be given the right, they should not simply say that the Constitution is a sacred thing and so on. If they even now like to see that the Zilla Parishads should be substituted, let them include the Antarim Zilla Parishad now by law. They should not say that the words should be substituted in the Representation Act. Who is going to substitute them? The words cannot be substituted. The Constitution cannot be changed in this way.

My hon. friend made an argument that according to me the district boards must be kept for all time. But he forgets that they cannot be kept for all time since they cease to

exist, When they cease to exist, there would be no members. The Constitution would be quite safe if there are no district boards and when there are no members, because, then, the district boards will go out of the picture, as soon as they are abolished!

Now, supposing, an ass is to be a member of the district board, will the ass represent the district board? Therefore, if you want the powers to be given to these bodies, there must be elected members. Nominating the officials, say, the collectors, as has been done in section 3 of the Act constituting the Zilla Parishads, is not proper. We gave elected members to the district boards because we recognised those powers and the boards which were in existence and whose constitution we knew and because we wanted to give the powers to the elected members of the district boards, when we constituted those boards. Now, we are going against the Constitution and substituting something else which is not correct. Further, this formation of the Zilla Parishad is also a temporary measure. We do not know what will be the real shape of the Zilla Parishads which are coming. Therefore, this is behaving violently towards the Constitution. It is an insult to the Constitution; it is a disgrace to the Constitution. Therefore, I submit very strongly that I am opposed to it, unless it is provided that Interim Zilla Parishads may also be specified under 171(3).

Shri Braj Raj Singh: My amendment is:

Page 2,—

for lines 11 to 15, substitute—

“(b) under the heading “Uttar Pradesh” for the entry “2. District Boards”, the following shall be substituted, namely:—

“2. Zilla Parishads including Antarim Zilla Parishads.”

[Shri Braj Raj Singh]

उपाध्यक्ष महोदय, इस संशोधन का तात्पर्य यह है कि कानून मंत्री महोदय जो पीछे से एक अस्तर को लाना चाहते हैं, १ फरवरी से अन्तरिम ज़िला परिषदों को अस्तित्व में ला कर और उनके सदस्यों को वोट का अधिकार दे कर, यह बाकी सब बातों के रहते हुए भी ऐसी चीज़ है जो कि सारी जनतंत्र की भावना के खिलाफ है। क्लॉज़ ५ के संशोधन द्वारा आप जो वोट का अधिकार अन्तरिम ज़िला परिषदों के मेम्बरों को देना चाहते हैं, उस वोट के अधिकार का प्रयोग वे कर भी चुके हैं। उन्होंने वोट के अधिकार का इस्तेमाल करके २० से लेकर २४ तक उत्तर प्रदेश की काउंसिल के मेम्बरों का जो चुनाव होना था, वह चुनाव कर लिया है। अब प्रश्न यह है कि यदि सरकार को इस बारे में शंका थी तो जिन लोगों को आज पहली फरवरी से वोट का अधिकार देने की बात चल रही है, उनको जब से पार्लियामेंट बैठी है, तब से अधिकार देने की बात क्यों नहीं की गई। अगर सरकार को इसके बारे में कोई शंका नहीं है, तो मैं समझता हूँ कि मेरे संशोधन को मान लेने में सरकार को कोई एतराज नहीं होना चाहिए।

अभी अपने भाषण में विधि उपमंत्री महोदय ने कहा है और कल भी कहा था कि वह जो रिट्रास्पेक्टिव इफ़ैक्ट देने की बात है, इसके बारे में सम्भवतः वह पुनर्विचार करेंगे और उनका इसके बारे में दिमाग खुला हुआ है। मुझे खुशी है कि उन्होंने अपने इस विचार को प्रकट किया है और कहा है कि इसके बारे में उनका दिमाग खुला हुआ है। अगर उनका दिमाग खुला हुआ है तो मैं उनसे निवेदन करना चाहता हूँ कि अगर कोई गलती हो गई है तो उसकी व्याख्या अदालत को, हाई कोर्ट को या सुप्रीम कोर्ट को या दूसरी अदालतों को करने दीजिये और न आप खुद बीच में आयें और न ही पार्लियामेंट को लायें। जिस ताकत का इस्तेमाल किया जा चुका है अन्तरिम जिला

परिषदके सदस्यों द्वारा काउंसिल के चुनाव में, उस ताकत को हम इस बिल के द्वारा एक लीगल शेप देने जा रहे हैं। अगर आप समझते हैं कि वह लीगल चीज़ थी तो हमें कोई एतराज नहीं है और इसकी व्याख्या अदालतों को करने दीजिये। अगर वह लीगल चीज़ नहीं थी तो उसका जो भी अस्तर हो, जो भी उसका नतीजा हो, उसको उनको जो इसके लिए जिम्मेदार हैं, भुगतने दीजिये, आप बीच में न आयें।

इसलिए मैं इतना ही निवेदन करना चाहता हूँ कि जैसा कि माननीय उपमंत्रीजी ने कहा है कि वह इस पर पुनर्विचार करने के लिए तैयार हैं वह इस पर पुनर्विचार करें। अगर उसके बाद भी आप उनको वोट का अधिकार देना चाहते हैं तो हालांकि वह कांस्टीट्यूशन की बात है, फिर भी मैं बड़े ही विनम्र शब्दों में कहना चाहता हूँ कि वह उसकी हत्या करना है, कांस्टीट्यूशन की भावना की हत्या करना है और उस सारी चीज़ को पलटना है जो कि हम ने पिछले दस बारह सालों में पैदा की है और उस इतिहास को भी पलटना है जो इतिहास कि हमारा आजादी का ७०-८० वर्षों का रहा है। अगर आप और कुछ नहीं कर सकते हैं तो इतना तो कीजिये कि पहली फरवरी से जो ताकत देते की बात है, उसको तब से न दे कर आज से दें। इसके नतीजे के तौर पर यह हो सकता है कि चुनाव वायड करार दिये जा सकते हैं तो चुनाव दुबारा हो सकते हैं। इसलिए मैं कहना चाहता हूँ कि आप संसद् को बीच में न लायें। यह संसद् एक जिम्मेदार संस्था है जिससे कि लोगों को बड़ी बड़ी आशाएँ हैं और इससे आशा की जाती है कि वह देश के लिए अच्छे ढंग के कानून बनायें। अगर कोई गैर-कानूनी बात हो गई है, उसको यदि आप कानूनी शकल देना चाहें तो यह उचित नहीं है। यह संसद् की प्रतिष्ठा के खिलाफ है, जनतंत्र की भावना के खिलाफ है और इस तरह की बात करके हम आगे के लिए कोई अच्छी परम्पराएँ

कायम नहीं करेंगे इतना ही मैं निवेदन करना चाहता हूँ ।

Shri Tyagi: I beg to move:

Page 2, lines 12 to 14, for

“the following entry shall, be deemed to have been substituted with effect from the 1st day of February, 1960, namely:—”

substitute—

“the following entry shall be substituted, namely:—” (2)

Sir, my amendment is practically the same as that of Shri Braj Raj Singh. I want one clarification from the Government. What is their definite view now? The Law Ministry is at their disposal and all the the learned people are available. What do they say? Do they think that this election was legal and that the Antarim Zilla Parishad was legally authorised to vote and that the electoral roll was legitimately made? If that is so, why are they bothering about retrospective effect? Otherwise, let them confess before Parliament that they are in doubt about it and they want to give legal shape to the elections which were illegally held. If they were honest in that matter, I would have some satisfaction. When they say that the Zilla Parishad had the right to vote and if that interpretation was rightly given, where is the need for retrospective effect? I cannot understand this.

I appeal to the Government not to treat this House with this type of contempt. I have never in this House seen such a lot of deterioration. The manner in which Government are really dealing with this Bill is extremely significant, I must say, of the deterioration.....

Mr. Deputy-Speaker: He might see any amount of deterioration in the Government, but not in the House.

Shri Tyagi:...that has set in the body politics of the Union.

Mr. Deputy-Speaker: He might say anything against Government, but not against the House.

Shri Tyagi: We are fast tending to lose the sharpness and the grip over events and have left it to the vagaries of nature. Whatever overtakes us, we are overtaken. That seems to be the policy today. Otherwise, to give retrospective effect to elections held is something I cannot understand.

Therefore, I submit, let us not go down to the level of giving legal shape to the illegal elections. Perhaps tomorrow other people might give another interpretation and we might all become a laughing stock of the world. I, therefore, appeal to the Minister. He might consult some other closer friends, if he chooses. But for God's sake, withdraw that retrospective effect from this Bill, so that it may be a frank and free thing. We are entitled by the Constitution to point out what are the authorities which are entitled to vote. We can squarely recognise the Antarim Zilla Parishad.

Pandit Thakur Das Bhargava: Recognise a thing which does not exist? Zilla Parishad does not exist now.

Shri Tyagi: At least Antarim Zilla Parishad can be recognised by us, because the House in its wisdom, has chosen to give them the right of vote. So, we can openly say that we recognise it. Let them be electorates, I do not mind. But do not give them retrospective effect.

चौ० रणवीर सिंह (रोहतक) : उपाध्यक्ष महोदय, मुझे इस में कोई ऐसी बात नहीं लगी जैसी कि त्यागी जी कहते हैं । जहां तक मतदाताओं की फेहरिस्त का वास्ता है वह पहले ही बन चुकी थी और हर एक को मौका दिया गया था एतराज करने का । श्री त्यागी को भी मौका था, उस वक्त वह चाहते तो एतराज कर सकते थे । श्री बृजराज सिंह जी

[श्री० रणवीर सिंह]

को और खुशवक्त राय जी को भी मौका था, अगर वह चाहते तो उस वक्त एतराज कर सकते थे। इसलिए इस में कोई ऐसी बात मुझे नहीं दिखाई देती कि किसी के कुसूर को छिपाने के लिए इस धारा को शामिल किया गया है। जहां तक मैं समझता हूं इस में कोई ऐसी बात नहीं है। यह जो धारा यहां रखी जा रही है, मैं समझता हूं कि आगे आने वाले खतरे को महसूस कर के किया जा रहा है। अगर इस दृष्टिकोण से देखा जाय तो मैं समझता हूं कि पंडित ठाकुर दास भार्गव ने जो रास्ता दिखलाया था वह शायद ज्यादा अकलमन्दी का रास्ता है। पता नहीं है कि कोर्ट्स जो अन्तरिम जिला परिषदें हैं या जिला परिषदें हैं उन को डिस्ट्रिक्ट बोर्ड्स के बराबर माने या न माने।

पंडित ठाकुर दास भार्गव : वह हैं नहीं।

Not in existence.

श्री० रणवीर सिंह : तो फिर इस को डिस्ट्रिक्ट बोर्ड्स को जगह लाना कोई अकलमन्दी नहीं है। अच्छा होता कि इन को "एनी अदर लोकल अथारिटीज" वाली फेहरिस्त में अन्तरिम जिला परिषद् को रखा जाता। तब कोई खतरा नहीं आ सकता था।

इस के अलावा मैं एक अर्ज और करना चाहता हूं। लोक-सभा ने जब यह कानून पास किया उस के अन्दर जो फेहरिस्त थी उस में हर एक स्टेट की एनी अदर लोकल अथारिटी की फेहरिस्त मुखतलिफ रखी गई थी के खिलाफ भी। उस वक्त भी यह बात मेरी समझ में नहीं आई थी, और आज तो बिल्कुल नहीं आई। आज के हालात बिल्कुल बदल गये हैं और समस्त देश के अन्दर हम ब्लाक समितियां बनाना चाहते हैं या जिला परिषदों जैसी जमात बनाना चाहते हैं। तो आंध्र और मद्रास के अन्दर तो एक पंचायत के मेम्बर को अधिकार हो बोट देने का, अगर वह ५,००० की आबादी की पंचायत का सदस्य है, इसी तरह से

मैसूर में भी अस्त्यार हो, लेकिन पंजाब में यह अधिकार न दिया जाय, यह बात मेरी समझ में नहीं आती। हां, पंजाब की असेम्बली कोई कानून पास कर दे तो हो सकता है। तो यह जो डिस्ट्रिक्मिनेशन है वह मुझे पसन्द नहीं आया। इसलिए मैं चाहता हूं कि बदलते हुए जमाने को देख कर इस के लिए ऐसा बिल लाया जाये जो सब जगह पर लागू हो सके। हम देखते हैं, श्री त्यागी जी को इस बात पर गुस्सा और गिला भी है, कि हम ऐन वक्त पर जब मामला सिर पर आ जाता है तब कानूनों के अन्दर तब्दीली करना चाहते हैं। मैं समझता हूं कि अब वह वक्त है कि हम जल्दी इस किस्म का कानून लायें और उस के अन्दर सारे देश में जितनी ब्लाक समितियां हैं उन के सदस्यों को इस एलेक्टोरेट में शामिल करें।

Shri Hajarnavis: I regret that I cannot accept the amendment.

Shri Braj Raj Singh: What? You said you have an open mind? Is it closed now?

Mr. Deputy-Speaker: He has opened it already.

Shri Tyagi: He is going by what he feels, not by the dictates of others.

Shri Braj Raj Singh: Yesterday his mind was open but not today.

Shri Hajarnavis: While replying to the debate I may say that this amendment is not an amendment which, for the first time, tries to introduce district boards in the list of those institutions, the members of which are entitled to be included in the electorate. Going back to the structure of section 27(2), we will find it, and this is what I indicated earlier so that I might hear some argument to the contrary which will enable me to accept the amendment. I drew the attention of the House to this sub-section, which says:

“for the purpose of election to the Legislative Council of a State in any local authority constituency the electors shall consist of members of such local authorities exercising jurisdiction in any sphere or area within the limits of that constituency as are specified in relation to the State in the Fourth Schedule.”

Therefore, we could proceed in two ways. Having said “municipalities and district boards”, we could have said “add the following institutions” under law made under Article 171. Having done that, we could have added another section saying that municipalities, district boards plus these institutions will form the local authorities constituency. We adopted, for the sake of compactness, another method of drafting. The difference of opinion, if at all, can arise only on account of the method of drafting. This amendment in the Fourth Schedule does not for the first time try to introduce Antarim Zilla Parishad in the place of the district board. What it tries to do is to give the contours of the constituency which is known as the local authorities constituency. This constituency was, in fact, formed on the 1st February, 1960. As I said in my opening remarks, this clause is only a declaratory clause which says that this change came into effect on the 1st February, 1960. It has no larger potency than this.

Shri Tyagi: Why the 1st of February?

Shri Hajarnavis: If I had put the 1st March, then I would have been asked “Why the 1st of March?”.

Shri Braj Raj Singh: Why not the 25th of February?

Shri Hajarnavis: There is no amendment to that effect.

Shri Braj Raj Singh: In that case, you have not read my amendment.

Shri Tyagi: I want to know the reason why retrospective effect is given.

Shri Hajarnavis: It is a fact on the basis of which we have done it.

Shri Tyagi: What is the fact?

Shri Hajarnavis: On the 1st February the constituency was like this.

Shri Tyagi: It is not a constituency.

Shri Hajarnavis: What else is section 27 for?

Shri Tyagi: We are not deciding about the constituency.

Shri Hajarnavis: The Fourth Schedule is referred to in section 27. I consider it as one of the essential duties of the draftsman to see that the law should be absolutely clear so that whoever reads the amendment knows as to the date on which the particular section or particular law came into effect. I am quite sure that by mentioning the date we gain in point of precision and in point of clarity. Therefore, I oppose this amendment.

Shri Tyagi: I want to ask only one question. I want to know why retrospective effect is given. Otherwise, will the making of the electoral roll and the election become illegal? Is that so?

Shri Hajarnavis: No.

Shri Tyagi: Then why give retrospective effect?

Mr. Deputy-Speaker: Will the removal of that doubt alone give satisfaction to the hon. Member? I will now put amendment No. 5 to the vote. The question is:

Page 2,—

for lines 11 to 15, substitute—

“(b) under the heading “Uttar Pradesh” for the entry “2. District

[Mr. Deputy-Speaker]

Boards", the following entry shall be substituted, namely:—

"2. Zilla Parishads including Antarim Zilla Parishads."(5)

Those in favour may say 'Aye'.

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against may say 'No'.

Some Hon. Members: No.

Shri Braj Raj Singh: The 'Ayes' have it.

Mr. Deputy-Speaker: He ought to have waited till I gave my decision. Perhaps, I might have stated 'Ayes' have it! Now, the 'Noes' have it.

Shri Braj Raj Singh: 'Ayes' have it.

Mr. Deputy-Speaker: Let the lobbies be cleared.

Division No. 9]

Aney, Dr. M. S.
Das Gupta, Shri B.
Dwivedy, Shri Surendranath
Gaikwad, Shri B. K.
Ghosal, Shri Aurebindo
Godsora, Shri S. C.
Iyer, Shri Easwara
Jadhav, Shri

Majhi, Shri R. C.
Nayar, Shri V. P.
Patil, Shri Balasaheb
Punnoose, Shri
Rai, Shri Khushwaqt
Ram Garib, Shri
Ramaul, Shri S. N.
Reddy, Shri T. N.

AYES

NOES

Achar, Shri
Agadi, Shri
Ambalam, Shri Subbiah
Arumugham, Shri S. R.
Bajaj, Shri Kamalnayan
Bangshi Thakur, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhogji Bhai, Shri
Bidari, Shri
Brajewar Prasad, Shri
Chettiar, Shri Ramanathan
Choudhry, Shri C. L.
Das, Shri S. N.
Dasappa, Shri
Desai, Shri Morarji
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Ganapathy, Shri
Ghosh, Shri M. K.

Ghosh, Shri N. R.
Gounder, Shri Doraiswami
Hajarnavis, Shri
Harvani, Shri Ansar
Hansda, Shri Subodh
Jinachandran, Shri
Kamble, Dr.
Kasliwal, Shri
Keshava, Shri
Krishna, Shri M. R.
Kureel, Shri B. N.
Laakar, Shri N. C.
Laxmi Bai, Shrimati
Malhotra, Shri Inder J.
Malliah, Shri U. S.
Malviya, Shri Motilal
Mehta, Shrimati Krishna
Mishra, Shri B. D.
Morarka, Shri
Munisamy, Shri N. R.
Muthukrishnan, Shri
Nadar, Shri Thanulingom
Nair, Shri Kuttikrishnan
Narasimhan, Shri

Singh, Shri Braj Raj
Singhji, Shri Karni
Soren, Shri
Sugandhi, Shri
Tangamani, Shri
Tyagi, Shri
Warior, Shri

Nayar, Dr. Sushila
Nehru, Shri Jawaharlal
Neswi, Shri
Pande, Shri C. D.
Patel, Shri Rajeshwar
Pattabhi Raman, Shri C. R.
Pillai, Shri Thanu
Radha Raman, Shri
Raj Bahadur, Shri
Rajiah, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri
Ramakrishnan, Shri P. R.
Rampure, Shri M.
Rangarao, Shri
Rao, Shri Jaganatha
Rao, Shri Thirumala
Rao, Shri Vinayak
Ray, Shrimati Renuka
Reddy, Shri Nagi
Reddy, Shri Narapa
Reddy, Shri Rami
Reddy, Shri Viswanatha
Sadhu Ram, Shri

The question is:

Page 2,—

for lines 11 to 15, substitute—

'(b) under the heading "Uttar Pradesh" for the entry "2. District Boards", the following entry shall be substituted, namely:—

"2. Zilla Parishads including Antarim Zilla Parishads."(5)

The Lok Sabha divided:

Dr. M. S. Aney: I have wrongly voted.

Mr. Deputy-Speaker: Is it the mistake of the machine or wrong voting?

Dr. M. S. Aney: It is my mistake.

Mr. Deputy-Speaker: The result of the division is follows:

Ayes 23; Noes 110.

[15.29 hrs.

Samanta, Shri S. C.
Sanganna, Shri
Satyabhama Devi, Shrimati
Selku, Shri
Shah, Sarimati Jayaben
Sharma, Shri D. C.
Shastri, Swami Ramanand
Shobha Ram, Shri
Siddiah, Shri
Singh, Ch. Ranbir
Singh, Dr. Ram Subhag
Singh, Sardar Swaran
Singh, Shri Birbal

Singh, Shri D. N.
Singh, Shri Daljit
Singh, Shri Dinesh
Singh, Shri H. P.
Singh, Shri Kalika
Singh, Shri Raghunath
Sinha, Shri Anirudh
Sinha, Shri B. P.
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadhara

Subbarayan, Dr. P.
Subramanyam, Shri T.
Subbiah, Shri J.P.V.
Tantia, Shri Rameshwar
Tewari, Shri Dwarikanath
Tiwari, Shri R. S.
Tiwary, Pandit, D. N.
Uike, Shri
Upadhyay, Pandit Munishwar
Datt
Upadhyaya, Shri Shiva Datt
Vyas, Shri Radhelal
Wasnik, Shri Balkrishna

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

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

Shri Hajarnavis: Sir, I move that the Bill be passed.

Mr. Deputy-Speaker: The question is:

“That the Bill be passed.”

The motion was adopted.

15. 31 hrs.

ESTATE DUTY (AMENDMENT) BILL

Mr. Deputy-Speaker: Now we take up the next item.

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): Mr. Deputy-Speaker, Sir, I beg to move:

That the Bill further to amend the Estate Duty Act, 1953, be taken into consideration.

As the hon. Members are aware, the Estate Duty (Amendment) Bill, 1958, was passed by Parliament in September, 1958... (Interruption).

Mr. Deputy-Speaker: Hon. Members should not be seen standing in 330(Ai)LSD—7.

the passages. They might move out quietly.

Shrimati Tarkeshwari Sinha: During the discussions on the Bill in Parliament in 1958 it was explained that after the Bill was passed steps would be taken to consult the State Governments with a view to get resolutions passed by the State legislatures under article 252(2) of the Constitution and that the Act should be brought into force in respect of agricultural lands as well as non-agricultural properties only after the receipt of the views of the legislatures concerned. Copies of the Amendment Act, a memorandum explaining the important changes made by that were sent to all the State Governments concerned with the levy of estate duty on agricultural lands and they were requested to get resolutions passed by the State legislatures in terms of article 252(2) of the Constitution. It was suggested to them that they could follow either of the following alternatives:—

- (i) Get a resolution passed by the State legislatures authorising Parliament to make the Amendment Act of 1958 applicable to the levy of estate duty on agricultural lands in the State; or
- (ii) Get a resolution passed by the State legislature authorising Parliament to exclude agricultural lands in the State from the purview of the parent Act itself.

The legislatures of all the States excepting West Bengal, Orissa and

[Shrimati Tarkeshwari Sinha]

Jammu and Kashmir have passed resolutions in terms of the first alternative, that is, authorising Parliament to make the Amendment Act of 1958 applicable to the levy of estate duty on agricultural lands in the respective territories. The short Bill that is now placed before the House is intended to give effect to the Resolutions passed by the various legislatures. I may mention here that the opportunity has also been availed of for clarifying the position with regard to the application of certain earlier amendments of a comparatively minor nature to estate duty on agricultural lands.

I shall now briefly refer to the position in the three States of West Bengal, Orissa and Jammu and Kashmir. It will be recalled by the hon. Members that the West Bengal legislature had not adopted the principal Act with respect to estate duty on agricultural lands. There could, therefore, have been normally no question of applying the Amendment Act to agricultural lands in that State. Further certain areas of Bihar were transferred to West Bengal from the 1st November, 1956, under section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956. Since the legislature of Bihar had originally adopted the provisions of the Estate Duty Act, 1953 in respect of levy of estate duty on agricultural lands in that State, the Estate Duty Act continued to apply to agricultural lands in the transferred territories even though the Act did not apply to the rest of West Bengal. Both the Houses of the West Bengal legislature have now passed resolutions to the effect that with effect from the 1st April, 1959, the Estate Duty Act, 1953 should cease to apply in the transferred territories also just as in the case of the rest of the State of West Bengal. It has been accordingly provided in the present Bill that the principal Act will not apply to the levy of estate duty on agricultural lands in the transferred

territories with effect from the 1st April, 1959.

Even before the passing of the principal Act, the Orissa legislature had passed a resolution requesting Parliament to legislate for the levy of estate duty on agricultural land in that State. Hence, right from its commencement the Estate Duty Act, 1953, applied to agricultural lands in that State. However, last year the Orissa legislature passed a resolution to the effect that the principal Act should not apply to agricultural lands in that State from the 1st April, 1959. The present Bill gives effect to this resolution of the Orissa State legislature.

The principal Act does not apply in respect of agricultural lands in the State of Jammu and Kashmir and since in that State the *status quo* continues no resolution has to be passed by the legislature of that State in respect of the Amendment Act.

The changes made by the Amendment Act of 1958 are expected to bring in an additional revenue of Rs. 70 lakhs in a full year. In the current year the additional revenue is likely to be Rs. 15 lakhs and the total collection is expected to be Rs. 3 crores as against the actual collection of Rs. 270 lakhs in 1958-59 and Rs. 285 lakhs in 1959-60.

Before I conclude I must refer to a small matter concerning relief to the taxpayer. Originally, the Gift Tax Act, 1958 and the Estate Duty (Amendment) Act, 1958 were expected to come into effect from the same date, that is, 1st April, 1958. In order to ensure that the same property was not subjected to gift tax as well as to estate duty as part of the donor's estate it was provided in the Estate Duty (Amendment) Act, 1958 that credit should be given in such cases to the gift tax paid. Unfortunately, however, because of the delay in

bringing the Estate Duty (Amendment) Act, 1958 into force, this relief from double taxation will not be available in cases where the liability to estate duty arose prior to the commencement of the Amendment Act. As this would result in hardship to the legal heirs, it is proposed to give relief from double taxation in such cases by means of a notification issued in exercise of the powers conferred on Government by subsection (2) of section 33 of the Estate Duty Act, 1953.

As I have already pointed out the scope of the short Bill before the House is limited to the purpose of giving effect to the resolutions passed by the State legislatures concerned. I do hope that the House will pass the Bill soon so that the provisions of the Estate Duty (Amendment) Act, 1958, could be brought into force with effect from the 1st July, 1960.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Estate Duty Act, 1953, be taken into consideration."

Shri Punnoose (Ambalapuzha): Mr. Deputy-Speaker, Sir, I rise to support this Bill, of course with a few words in explanation. When the Estate Duty Bill was first introduced in this House and long speeches were made, it was held to be a very progressive piece of legislation. It was claimed that it was a socialistic measure. It was claimed on behalf of this Bill that it will reduce economic inequalities and it was also claimed that it will bring in large revenues. But looking back to the experience of all these years, it is quite clear that it has not worked as a socialistic measure.

I remember during that long debate in this House in 1953, against the Bill it was said that as a result of this measure rich men will not be permitted to die in peace. But years have passed and our rich men, those of whom who had to say good-bye went out in peace.

Shri V. P. Nayar (Quilon): Without paying a copper.

Shri Punnoose: The net result is that it has not reduced inequalities, nor produced any large amount of revenue to the country.

In 1953 the Finance Minister, of course, declined to assess the possible revenue that would accrue from the tax, but said that it would not be a negligible portion of the revenue, but the facts show that our income from this measure has been very small. In 1956-57 it was Rs. 11 lakhs, in 1957-58 it was Rs. 12 lakhs and in 1958-59 it was again Rs. 12 lakhs. Now again a larger amount is being promised, but the fact is that this measure which was supposed to bring in at least revenue to the country is not doing that. With regard to bringing about social equality also, we find it has not been effective.

Now this measure is going to be applied to agricultural land. Though I support it, I am sorry to say that it is not going to be effective in the sense of reducing economic inequalities or bringing in a large amount of revenue. The past is in my favour in this respect.

Everybody is aware of the large amount of tax arrears and tax evasions in the country, and this has been mentioned several times in the House. Finance Ministers in the past used to regret it, used to be rather ashamed of it, but unfortunately for us the present Finance Minister looks upon it as a very normal thing. He also stated some days back that he was anxious not to introduce measures or steps likely to create distrust in the country, to create an atmosphere of disbelief in the country. He would rather allow large amounts of tax arrears as a result of tax evasion. Therefore, in this context, however much the measure may be praised, it is not going to bring in revenue or achieve the socialist objective.

But then there is one benefit, and that is that we know that as long

[Shri Punnoose]

as the administration is prejudiced in favour of the rich, as long as the wealthy classes can influence it and control it, no matter what legislation we pass, however attractive a particular measure may appear to be, it cannot bring us nearer socialism, it cannot reduce social inequalities.

Shri Karni Singhji (Bikaner): On the occasion of the amendment of the Estate Duty Act I wish to make an appeal to the hon. Finance Minister regarding the question of exempting the police from estate duty if killed in service, while patrolling our Himalayan and other borders.

I have brought this question before the House on numerous occasions and part of my suggestion was accepted during the last amendment of the Act in 1958 when the armed forces were exempted. However, now, with the problem of our borders getting worse and the situation of our relations with China deteriorating, I feel that this question has to be reviewed.

Our borders are very long and we have to patrol them not only against China, but against Pakistan also, and we hear of cases that our policemen are killed in discharging duties almost akin to those of the armed forces. The recent episode of Shri Karam Singh who was taken prisoner, of a brave man who might have been slain, brings this question to the forefront with even greater force. In the event of a brave man like him being killed in service, would it be fair for us to charge estate duty from his children because he died fighting for the country? I therefore wish to appeal to the hon. Finance Minister to find some way by which he can exempt the policemen if they are killed on active service.

I wish to make two suggestions. There may be two categories. The first is those policemen killed while patrolling the Indian border and carrying out duties very similar to

those of the armed forces; the second is those policemen killed in fighting dacoits, or while curbing anti-social activities. I have no doubt that with the present conditions as they are, with our brave men fighting on the various borders and patrolling them, any concession that the House is pleased to give them will boost their morale and help them to serve the country better and bravely.

Shri Surendranath Dwivedy (Kendrapara): So far as I see, this is a consequential legislation, but I wish to make a few observations.

I really fail to see what the plan before this Government is. Of course, when a State legislature has passed a resolution like this to exempt agricultural lands from the levy of this duty, they had no alternative, but in this country we wish to have economic planning, and where the Constitution does not provide us powers, we should avail of the opportunities of informal discussions between the State and Central Governments. We have the N.D.C., the Planning Commission etc.

There is no dispute about this being a very legitimate levy, because land has been accepted as property. It is no longer as it was during the British days, merely a source of revenue. Therefore, when the property is inherited, the State has the right to get a certain portion for the development of the country.

I was listening to the Deputy Minister very carefully. She stated that from the very beginning the West Bengal Government was opposed to it, and that they did not pass a resolution supporting the application of this duty to agricultural lands in West Bengal. At the same time, she stated that in 1951 the Orissa State Legislature passed a resolution supporting this Bill. In September, 1959 they passed another resolution asking for exclusion, the Act was made more

progressive, because on experience it was found that when the limit was Rs. 1 lakh the revenue was very meagre, and therefore in the amendment passed it was reduced to Rs. 50,000 and that was expected to bring in more revenue to the State. As is known, Orissa is a poor State, and there is not much of industrial development. A major or substantial part of the revenue must be expected from land resources. When actually there was possibility of collecting more revenue, and when the State Legislature had passed a resolution, I would very humbly ask our Finance Minister

Shri V. P. Nayar: Why very humbly to the Finance Minister?

Shri Surendranath Dwivedy: I am prepared to be humble towards every Member, not only the Finance Minister, because that is the procedure in the House that we have to follow, and I make no exception. I mentioned him because he is responsible to see that, if a policy is accepted for the entire country, it is implemented by all concerned, and all influence should be brought to bear upon the parties concerned. He has been responsible, not as the Finance Minister, but I would say, as a leader of the Congress Party, in bringing about a Coalition Government in Orissa—he was one of the prime movers of that Government.

Shri Morarji Desai: I was not the prime-mover.

Shri Surendranath Dwivedy: which had negatived the very policy which he wanted to make a success. I do not find any other reason behind it. I have gone through the proceedings of the Orissa Assembly, and I find that it has actually been pointed out that it would give us more revenue. That being the case, I would like to know the reason why it is being excluded now. When it had been urged originally that it should

be applicable to every State, what is the reason now for excluding Orissa? There is no reason for this except perhaps the reason that there is a landed aristocracy in Orissa today integrated in the administration, and they do not want either the land legislation or this legislation imposing estate duty on agricultural land. In Orissa, you will find hundreds of acres are still remaining in the hands of a few persons who have managed, anticipating land legislation and land ceilings, to have tractors and to have big farms, so that those lands may not be affected. Moreover, in the legislation that is under, a high ceiling has been proposed on lands. Thousands of acres owned by these feudal elements and big zamindars are not being affected at all under this high ceiling. Over and above that, now by means of this Bill they are going to be excluded from the levy of estate duty also and this deprives the State exchequer of the very small revenue that the State would have got from them. That is what is happening. I want to know, therefore, whether or not the Central Government have any duty in this regard, in face of this, all talk of Nagpur resolution and socialistic pattern etc. is all mere bunkum and nothing else. If really they claim to belong to a party which is serious about that resolution, then the Congress Party which is in power, and which is also a ruling partner in Orissa, should have seen to it that such a good legislation should have been approved by that Assembly and by the party as well. But they have not done so. Therefore, my fears are that however good a legislation may be, and to whatever good purpose it may be designed, it is the State Governments and other elements which are influencing the entire Government machinery in different spheres, who are really defeating, or acting in a manner which defeats, the very purpose for which we want this kind of legislation. There should be no objection to a legislation like this. We want more and more legislation of this type in this country, so that the social and

[Shri Surendranath Dwivedy]

economic disparities are removed as rapidly as possible.

15.53 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Therefore, while I cannot oppose a legislation of this sort, yet, I would beg of the hon. Finance Minister to explain the reason why Orissa is being excluded from this. For, I could find no reason behind this argument. I would like to know whether he has discussed this matter with the State Government and reasoned with them as to why they have at this time decided to exclude the levy of estate duty on agricultural land, though they had previously agreed to this.

श्री राम कृष्ण गुप्त (महेन्द्रगढ़) : सभापति महोदय, यह जो बिल पेश किया गया है मैं उस के हक में हूँ क्योंकि इस के पास होने से जिन स्टेट्स ने एस्टेट ड्यूटी के बारे में रेजोल्यूशन पास किया है, उन के रेजोल्यूशनों पर अमल हो सकेगा और उन स्टेट्स में एग्रिकल्चरल लैंड पर एस्टेट ड्यूटी लगाई जा सकेगी। यह मामला काफी सालों से चल रहा है। जो पिछले साल की हमारी सालाना रिपोर्ट है उस में भी इस बात का जिक्र किया गया है। उस में कहा गया है :

"The Estate Duty (Amendment) Act, 1958 which was passed in September, 1958 has not yet been brought into force as Government have not received resolutions under article 252 of the Constitution from all the States."

इस से स्टेट्स की आमदनी पर, उन की रेबन्यू पर काफी असर पड़ा है। मुझे आशा है कि इस बिल के पास होने से और उन स्टेट्स पर एस्टेट ड्यूटी लागू होने से उन की इनकम में और इजाफा होगा।

इस के साथ ही साथ इस बारे में मेरी दूसरी तजवीज भी है, जैसाकि बिल में कहा गया है जम्मू और कश्मीर को छोड़ कर दो स्टेट्स ऐसी हैं यानी वेस्ट बंगाल

और उड़ीसा, जिन पर इस बिल के प्राविजन्स लागू नहीं हो सकेंगे क्योंकि वेस्ट बंगाल की असेम्बली ने अभी तक ऐसा प्रस्ताव पास नहीं किया और उड़ीसा की जो असेम्बली है उस ने यह रेजोल्यूशन पास किया है कि वहां पर १ अप्रैल, १९५९ से जो एग्रिकल्चरल लैंड है उस पर एस्टेट ड्यूटी नहीं ली जायेगी। इस बारे में मेरी तजवीज यह है कि इन दोनों स्टेट्स को भी पर्सुएड करने की कोशिश की जाये क्योंकि मैं चाहता हूँ कि इस किस्म का जो कानून है वह यूनिफार्म हो। उस में हमारी इनकम और ज्यादा बढ़ सकेगी।

तीसरी तजवीज इस के बारे में यह है, और इस रिपोर्ट में भी इस बात का जिक्र किया गया है कि एस्टेट ड्यूटी इकट्ठी करने के लिये कुछ नये सकिन बनाये गये हैं। तजुबों में हम देखते हैं—अभी इस बात का जिक्र भी किया गया है—कि एस्टेट ड्यूटी जितनी इकट्ठी हानी की आशा थी उतनी इकट्ठी नहीं हुई। मेरा ख्याल यह है कि अगर इसे इकट्ठा करने की कोशिश की जायेगी और सकिन ज्यादा क्रिएट करने की कोशिश की जायेगी तो वह काम ज्यादा आसानी से हो सकेगा :

आखिर में एक बात और कहना चाहता हूँ। अभी हमारे माननीय सदस्य श्री कर्ण सिंह जी ने जो तजवीज पेश की थी मैं उस के हक में नहीं हूँ कि जो लोग हमारे फंड्स पर लड़ते हैं, जो हमारे सोलजर्स हैं हम उन पर एस्टेट ड्यूटी न लगायें। मैं यह नहीं कहता कि हम उन लोगों की मदद न करें, लेकिन जो इस किस्म का कानून है वह यूनिफार्म होना चाहिये। ला की सब से बड़ी खासियत यह है कि वह यूनिफार्म हो। एक स्टेट के अन्दर जितने भी सिटिजेन्स हों सबों पर वह बराबर ऐप्लाई करे। इसलिये मैं इस तजवीज के हक में नहीं हूँ। हां, जहां तक ऐसे लोगों की मदद करने का सवाल है, कोई शक़्स ऐसा

नहीं है जो यह न चाहता हो कि उन लोगों की मदद की जाय। लेकिन उस के और भी तरीके हो सकते हैं। जहाँ तक इस कानून का सवाल है, इस में कोई एम्प्लान्स नहीं होने चाहिये और जो हमारा कानून है वह सब स्टेट्स पर इक्वली ऐप्लाइ हो।

Shri P. K. Deo (Kalahandi): The scope of this Bill is very much limited. It only relates to some resolution that has been passed in the Orissa Legislative Assembly, which is going to be given effect to by this piece of legislation. I had the privilege to hear some of the speeches that were delivered in this House, and from those speeches, I could understand that they were more of a political character than expressing a real appreciation of the situation.

In this connection, I beg to submit that while excluding estate duty on agricultural land in Orissa, we shall have to make a study of the various collections that have been made in previous years. In this connection, I would like to draw your attention to the proceedings of the Orissa Assembly, dated the 15th September, 1959. From this, you can see that in 1954-55, only a sum of Rs. 2000 was collected, so far as estate duty on land was concerned. In 1955-56 the collection was zero or nil. In 1956-57 it was only Rs. 10,000. In 1957-58 it was Rs. 3000.

Shri Jaipal Singh (Ranchi West-Reserved-Sch Tribes): How could the collections be zero?

Shri P. K. Deo: It was zero in 1955-56. The collection was only Rs. 5000 in 1958-59, and in 1959-60 it was estimated to be Rs. 5000. From this you can see that all these paltry collections have been due to the fact that there is no rich peasantry in Orissa. What all is said here, namely that there is large concentration of land in the hands of a few feudal elements in the State is absolutely far from truth.

Shri V. P. Nayar: What is the truth?

Shri P. K. Deo: Attributing motive to them and saying that because the Congress has been pledged to the Nagpur resolution and to the socialistic pattern of society therefore they should implement this, and there should be uniform application of this law through the country, is not proper.

16 hrs.

In this connection, I would draw your attention to the resolution passed in the West Bengal Assembly. In West Bengal also, where there is no rich peasantry, they did not think it wise to extend this piece of legislation to include agricultural land.

Shri Surendranath Dwivedy: They agreed to it from the very beginning in 1951.

Shri P. K. Deo: They might have agreed in 1951. But from the figures, it can be seen that the collections have been very few. Orissa has benefited from her own experience. When the taxable limit was reduced from Rs. 1,00,000 to Rs. 50,000, the question before the Orissa Legislature was whether the taxable limit should be reduced from Rs. 1,00,000 to Rs. 50,000 or there should be total exemption of all lands from the mischief of this Bill. By reducing the taxable limit from Rs. 1,00,000 to Rs. 50,000, I do not think the rich landlords would be affected. The persons who would be affected would be middle class peasants who are already being benefited by the taxable limit being fixed at Rs. 1,00,000. By the reduction of the limit to Rs. 50,000 it will be the middle class peasantry who would be hard hit, and it would be most improper to ask them to submit estate duty returns, be liable to tax and pass through the whole cumbrous procedure. For all these reasons, in their collective wisdom Orissa State Assembly passed that resolution requesting the Central Government to exempt Orissa from the levy of estate duty so far as agricultural land was concerned.

Some hon. Members raised the point that there should be uniformity

[Shri P. K. Deo]

of policy in this regard throughout the country. I respectfully submit that there can never be uniformity so far as land legislation is concerned, because it is a State subject. If you look at the land ceilings adopted in various States, you will find that Orissa is the most progressive in this regard....

An Hon. Member: Question.

Shri P. K. Deo:with having fixed a limit of 25 acres. It is very much less than that fixed in various other States. So there can never be uniformity when it is a State subject. In the best interest of the State and in the best interests of the peasantry, the Orissa Assembly wanted to exempt land from the mischief of the Estate Duty Act. I think according to the wish of the people of Orissa and according to the desire of the Government, which enjoys the confidence of the majority of the State people, it would be most proper to pass this legislation.

Shri Aurobindo Ghosal (Uluberia): It is unique to see that while this Act has been implemented in almost all the States, it has not been implemented in West Bengal. In the case of Orissa, after the experience of their poor collection, they might have changed their opinion. For argument's sake, I am accepting it. I agree with the point made by Shri Surendranath Dwivedy why in West Bengal, it was not implemented; it was not seen by experience whether any amount could be collected under the Estate Duty Act. The hon. Members who preceded me said that there was no rich peasantry in West Bengal and so the Act had not been implemented there. But, coming from the State, I know that there are still many rich peasantry and some feudal elements also who have got some influence with the Ministry so that, from the beginning, it was not even tried to see whether it can be imple-

mented and any money can be realised out of them.

As regards collection, we have been informed by Government that the Estate Duty collection is quite satisfactory and the total amount due on the 1st February, all over India, is Rs. 121 lakhs. In reply to a question for written answer the hon. Minister said yesterday that the collection is good and large amounts have been realised.

Naturally, if we can get some amount under this Act from persons who are enjoying the privilege of being exempted from taxation, that money can be utilised for the development of the State. When Government has made it a policy and it has been implemented in all the States, it is quite strange why it would not be implemented by West Bengal. Why should not Government see to it that this Resolution is passed by the West Bengal State also in order to bring uniformity in the policy?

Lastly, I wish to point out that though there are not so many feudal elements, still there are the plantations and other things. In order to exempt those interests the West Bengal Government might have avoided passing this Resolution. So, I would request the hon. Minister to see that this unfortunate State of Bengal may also accept the principle of the Estate Duty and implement it in the State also without its being singled out as not abiding by a policy which should be implemented in the interests of the country as a whole.

Shrimati Tarkeshwari Sinha: Mr. Chairman, I am very grateful to the hon. Members of this House who have given general approval to this Bill. Some points have been raised by some hon. Members not because they want to criticise the provisions of the Bill but, perhaps, because they are not aware of the full facts.

One hon. Member, Shri Punnoose referred to the low collection of Estate Duty. He said that the then Finance Minister declined to give an estimate of the yield but said that the yield will not be negligible. This is quite correct. The Finance Minister did make that statement at that time. But the figures that have been quoted by the hon. Member are not quite correct.

If I heard him correctly, he perhaps, said that the amount was Rs. 11 lakhs or Rs. 12 lakhs. For the benefit of the hon. Member who is not now here—but he can get this information through some of his other colleagues—I would give the actual figures.

Shri V. P. Nayar: You can yourself write to him.

Shrimati Tarkeshwari Sinha: I would like to tell the House that the actual collections during the last 3 years have been as follows:

In 1957-58	Rs. 231.46 Lakhs
In 1958-59	Rs. 270.24 Lakhs and
in 1959-60 till the end of March 1960	Rs. 285 Lakhs.

The reason for the discrepancy between the figures quoted by the hon. Member and these figures is that under the Estate Duty Act and the Railway Passenger Fares Distribution Act only 1 per cent of the collection is being retained by the Centre on account of the portion attributable to the Union territory. This comes to Rs. 3 lakhs approximately. Added to an amount of Rs. 8 lakhs which the Centre takes out of the total Estate Duty—that amount of Rs. 8 lakhs being the cost of collection which the Union takes from the total collection of Estate Duty—this comes to Rs. 11 lakhs. This is retained by the Centre and Rs. 274 lakhs are distributed among the States. So, the amount of Rs. 11 lakhs quoted by the hon. Member is not really correct.

Shri V. P. Nayar: Eleven lakhs to the Centre.

Shrimati Tarkeshwari Sinha: The Centre is entitled to keep this one per cent and the cost of collection. To say that only Rs. 11 lakhs is the Centre's proceeds does not paint the true picture and I would like to clear that misunderstanding. Out of a total collection of Rs. 285 lakhs, nearly Rs. 11 lakhs have been kept by the Centre.

Shri Karni Singhji had raised certain points. On an earlier occasion, as he himself knows, when the earlier amending Bill was being discussed in this House, he had moved an amendment and his amendment was accepted giving certain concessions to the Armed Forces. But the conditions under which the Armed Forces work are different from the conditions in other cases. The duration of the service in the Army is very short; much shorter than in the police force. Therefore, the same criteria cannot be applied to the Armed Forces and also the Police forces. I do understand that sometimes some hardship is caused to the police forces who have to protect the border or come into encounter with the dacoits. We have all sympathy for those people and we try to give them a lot of benefits and concessions. But this will amount to a discrimination between an ordinary service man and a policeman. Therefore, we do not want to create that impression that a department is favoured by the Government. Therefore, I am not in a position to accept the viewpoint of the hon. Member. Shri Surendranath Dwivedy is a veteran Member of this House and knows the rules and regulations and the provisions of the Constitution which regulates the functioning of this House. Article 274 clearly prescribes that no Bill or amendment which imposes or varies any tax or duty in which the States are interested or which varies the meaning of the expression 'agricultural income' can be passed by Parliament unless the State Governments allow Parliament to legislate.

Shri Surendranath Dwivedy: Did not the Orissa State agree that Parliament should pass legislation?

Shrimati Tarkeshwari Sinha: But by a later resolution, the same legislature withdrew that. We are here sitting as representatives of the people and we cannot go beyond the powers given to us by the Constitution. The State Governments were completely entitled under the articles of the Constitution to legislate in any way they like in certain matters. So far as our intentions are concerned, the very fact that we have brought this legislation before the House is clearly indicative of the fact that the Central Government has been very keen to bring this into enforcement. As the hon. Member is aware, since long this part of the legislation could not be given effect to because we had not taken the assent of certain State Governments. So, this measure had already been delayed. We have waited too long and we do not think it proper for us to wait any longer. Therefore, we have brought this legislation for the benefit of the entire country. We are not in a position to pass any judgment over the States who have not co-operated in this venture. It is their discretion to accept or not to accept. So, members cannot blame us that the Central Government has been very apathetic towards the whole issue.

Then, Sir, as the hon. Member who spoke just now, Shri Deo, pointed out, perhaps the low collections from agricultural land tax in Orissa was perhaps a guiding factor for the State Legislature to come to a decision not to really go on for this legislation or not to accept this.

Sir, I have nothing more to say on this. Shri Ghosal has raised the same objection and he has pleaded to the Government that they should try their best. I would like to assure the House that so far as the wishes of the House are concerned we shall certainly communicate them to the State Governments. But I also want to tell the House that we are absolutely in no position to bring forward any legisla-

tion unless and until desired by the State Government. Therefore, I am not in a position to assure the hon. Member that the Centre will be successful in persuading the Government of West Bengal to bring forward this amendment or change.

With these words, Sir, I think once again the hon. Members of this House for giving general approval to this Bill.

Shri Karai Singhji: Sir, I did not wish to interrupt the hon. Deputy Minister when she was speaking. May I ask one question? If you say that the police force killed on the border are in the same category as anybody else who dies in his bed in India, for argument's sake let us revert to Karam Singh. Supposing he had been, killed would we be justified as a nation to charge estate duty from his children. Would that not have been exactly the case, as far as the levy of Estate Duty was concerned if he had died fighting in Ladhakh?

Shrimati Tarkeshwari Sinha: As the hon. Member himself knows, such family should have been compensated in different ways. Otherwise, this will really bring discrimination between one service and another service and it will create a lot of complications.

Mr. Chairman: I shall now put the motion to the vote of the House. The question is:

"That the Bill further to amend the Estate Duty Act, 1953, be taken into consideration."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. Chairman: There are some amendments for insertion of New Clause 4. I find that Shri Ajit Singh Sarhadi is not present. The other amendment, amendment No. 2 is out of order. It is also barred by article 274 of the Constitution. So I rule it out.

Shri Jaipal Singh: I regret, Sir, I have to point out that there is no quorum.

Mr. Chairman: Let the bell be rung—There is quorum now.

The question is:

“That clause 1, the Enacting formula and the Title stand part of the Bill.”

The motion was adopted.

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

Shrimati Tarkeshwari Sinha: I beg to move:

“That the Bill be passed.”

Shri Surendranath Dwivedy: Sir, I only want to say a few words. I do not contradict what the Deputy Minister has said, namely, that they still have a right to pass a legislation and the Centre under the Constitution has to accept it and the right to exclude a particular levy which is applicable to the States. But here, I refer to the question which I repeatedly asked. In 1951, the State But here, I refer to the question which I repeatedly asked. In 1951, the State of Orissa agreed and gave permission to Parliament to pass a legislation to put a levy on agricultural land. Again, in September, 1959, when actually this Act was going to be implemented, they passed a resolution saying no. That is clear because there is a Government now functioning there, which is dominated by landed aristocracy. I congratulate my Ganatantra Parishad friends for their success. When the coalition ministry was formed in Orissa, it was said that the Congress policy would be carried out by the Ganatantra Parishad. Now, I find that actually the Ganatantra Parishad has been able to see that their policies are carried out by the Congress party! Socialists in reverse action.

Shri Mahanty (Dhenakanal): Mr. Chairman, Sir, at this stage, I have really nothing much to add except only to refute the insinuation that the impact of the coalition ministry in Orissa has really anything to do with this amendment. Now, for people for whom socialism is only a theory and a dogma,....

Shri V. P. Nayar: Here, socialism lies in coalition.

Shri Mahanty: ...they are perfectly entitled to view it from whatever angle they chose to. But socialism is not merely a theory and a dogma. It is also an empirical approach. Now, the effect of this Bill, had it been accepted in Orissa, would have been that the lower middle class people, owning small urban property in a town and also owning five to ten acres of land in a village would have been caught in the net of this amending Bill. That means, for a city clerk, or a petty businessman—

An Hon. Member: What about other States?

Shri Mahanty: I am not speaking for other States. I am speaking for Orissa. The effect of this amendment would have been that any lower middle class man, owning a small bit of urban property and also a few acres of land in the villages would have been caught in the net. I am sure the intention of my hon. friend is not to make the poor poorer in the scheme of socialism, but to see that the scheme is endowed with some rich meaning and purpose.

I do not hold any brief for West Bengal or for Jammu and Kashmir. So far as Orissa is concerned, it is not the impact of the coalition ministry or anything of that kind. It is just an empirical and practical approach to the problem which has persuaded the ministry there, the Assembly there, not to accept this amendment.

Then, the more fundamental question is, nobody has yet challenged the

[Shri Mahanty]

right of any State to accept a particular piece of legislation under article 252 of the Constitution. It is open to the States to accept a particular piece of legislation under article 252 or reject it. When this was brought to the Orissa Assembly, the amendment was to reduce the ceiling from 50,000 to 10,000. Under these circumstances, you can well realise that there is not an economical approach to this problem but something which is extra-economic; that is, if I may say so, a political approach. But I am happy to say that the coalition ministry in Orissa was not guided by this extra-economic approach which was a political approach, and it has done a thing which was mete and proper in the circumstances.

With these words, I welcome the passage of this Bill though we may not really like the underlying implications of what this Bill suggests.

16.24 hrs.

[SRI JAIPAL SINGH *in the Chair*]

Shri Ajit Singh Sarhadi (Ludhiana): Mr. Chairman, Sir, I would like to draw the attention of the hon. Minister to one thing. That is about the lacuna in the Estate Duty Act of 1953 in as much as there is no provision there for laying the rules before the House.

I have got an amendment

Mr. Chairman: It is too late now.

Shri Ajit Singh Sarhadi: I only want an assurance from the hon. Minister that next time an amendment is brought to the Act, this provision will be incorporated and the rules will be placed before the House.

Mr. Chairman: I do not think I need call upon the hon. Minister to reply any further.

The question is:

"That the Bill be passed".
The motion was adopted.

16.26 hrs.

RESERVE BANK OF INDIA (AM- ENDMENT) BILL

Mr. Chairman: The House will now take up the next item—the Reserve Bank of India (Amendment) Bill.

Shri D. C. Sharma (Gurdaspur): What about the discussion on the annual report of the Hindustan Shipyard?

Mr. Chairman: The next business on the agenda is the Reserve Bank of India (Amendment) Bill. After that we shall see.

Shri D. C. Sharma: How long will this Bill take?

Mr. Chairman: Let the hon. Member be patient.

Shri Braj Raj Singh (Ferozabad): In today's list of business, we do not find any time mentioned when the motion on the Hindustan Shipyard will be taken up. We are at a loss to know when that will come up, because there are so many Government Bills before that.

Shri Mahanty (Dhenakanal): It is a reflection on the Parliamentary Affairs Minister.

Mr. Chairman: There is no reflection. The next business before the House is the Reserve Bank of India (Amendment) Bill. After that we shall see.

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): I beg to move:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

This is a non-controversial Bill and the House, I believe, will not expect

me to make long speech. The object of the Bill is to add two minor enabling provisions to Section 17 of the Reserve Bank of India Act, which deals with the Bank's powers and duties. As the proposed sub-clause (11A), which will authorise the Bank to act as an agent of the Central Government for the purpose of guaranteeing the loans made to small-scale industries, is more important than the other provision, I might perhaps indicate very briefly the circumstances in which we have considered it necessary to entrust this function to the Reserve Bank.

The House is aware that it is the policy of the Central Government to assist the growth of small-scale industries in the country in all reasonable ways. With this object in view, we have now expanded very considerably the facilities and services available to such industries. Among the facilities which are now available. I might perhaps mention the various small industries service institutes, which offer technical assistance free of cost, the arrangements for the grant of loans on liberalised terms and at concessional rates of interest through the industries departments of the State Governments and Union territories, the hire-purchase scheme which is being operated by the National Small Industries Corporation and the assistance which is now being provided by that Corporation for the marketing of products either at the marketing depots which are now being set up in various parts of the country, or by means of special arrangements for the sale of the products to the Government departments.

The Government of India, as you are aware are also assisting the State Governments with loans for the establishment or expansion of industrial estates. Many of these estates, for example, those at Guindy, Rajkot and Okhla, have proved to be both popular and useful. I am glad to say that the financial outlays on the schemes for the development of small-scale industries have proved so far

to be fully justified and that this sector of Indian industry, has in consequence not only grown in size, but has also been enabled to improve its efficiency and organization.

On the banking side, that is to say, apart from the assistance which is being provided directly by the Central or State Governments, we have been considering for some time the question of granting increased facilities to small-scale industrial units in order to accelerate their growth.

Mr. Chairman, you are aware that shortly after the establishment of the State Bank, a scheme for the grant of liberalised assistance was undertaken by the Bank experimentally, at some of its offices. This scheme, which came into effect from the 1st April, 1956, was extended subsequently to all its branches with effect from 1st January 1959. The subsidiaries of State Bank, which have since come into being, have also formulated, or will shortly be formulating, similar schemes for assistance to small-scale industries in the areas in which they are operating.

Our experience in regard to the State Bank scheme has been both useful and informative. In a relatively short period, up to the end of December, 1959, more than 4,200 applications from various units were received and considered by the Bank, and the operations in the various accounts indicate that so many sound enterprises have been assisted. The limits sanctioned by the State Bank, at the end of December 1959, amounted to about Rs. 4.62 crores.

In order to provide some further incentives for the State Bank and its subsidiaries also for the other commercial banks in the private sector to extend still further the assistance to this sector of industries, we have, however, been examining a proposal to provide some sort of guarantee in respect of loans granted to similar concerns. These concerns, although they may be deserving and well-run, may not be able, because of the lack of readily marketable securities or for various other reasons, to obtain

[Shrimati Tarkeshwari Sinha]

financial accommodation from the banks in the existing conditions. The object of the present scheme is to relax the existing excessively onerous and burdensome conditions, if possible.

The Reserve Bank has naturally been taking a great deal of interest in this matter. In July 1959 the Bank convened at Hyderabad a seminar on the problems of the small-scale industries generally, and this seminar recommended, in the light of the experience in regard to similar problems in the USA and Japan, a scheme for guaranteeing the obligations of small-scale industrial units and selected commercial banks or certain other financial institutions.

The recommendations of the Hyderabad seminar were subsequently considered in greater details by the sub-committee constituted by the Small-Scale Industries Board, with which the Members of Parliament from both the Houses were associated. The scheme which was produced by the sub-committee was accepted by the Board when it met in Puri in October 1959.

With the modifications which have since been suggested, this scheme now contemplates that in the case of industrial establishments for capital investment not exceeding Rs. 5,000 a portion of the loan granted to it may be guaranteed by the Central Government on the payment of the concern of a small fee. The limits of the guarantee are intended to be adjusted to the size of the loans so that the relatively smaller units can be assisted to a greater extent.

The scheme which we have in view will be in force experimentally for a period of about two years, pending the consideration of more permanent arrangements. We hope to be able to finalise the various details in the near future, so that these proposals may be implemented immediately in selected districts situated in the various States.

As the Reserve Bank is closely connected with the commercial banks and other credit institutions, and as it is also the expert adviser or agent of the Central Government in financial matters generally, the Bank will look after, and be responsible to the Central Government, for the day-to-day operation of this scheme. I have, needless to say, every hope that the Reserve Bank will administer this scheme with sympathy and imagination, considering it in the general perspective of our economic and social policies.

I do not think that it is necessary for me to elaborate the other provisions which we are making in this Bill. The State Financial Corporations are not entitled to banking accommodation for a short-term period from the Reserve Bank. Our proposal is that they, or other financial institutions which may be notified, should be able to borrow from the bank for a longer period up to eighteen months. There is already a precedent for this in so far as the I.F.C. is concerned and I am sure that the Corporations concerned will find the new provision useful.

Sir, I move that the Bill be taken into consideration.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

Shri V. P. Nayar (Quilon): May I know at what time the motion regarding Hindustan Shipyard will be taken up?

Mr. Chairman: I shall consider that when the point arises.

Shri Ajit Singh Sarhadi (Ludhiana): Mr. Chairman, Sir, I agree with the hon. Deputy Minister that the Bill is of a very non-controversial nature. It is a very welcome measure. It indicates that Government of India has got an increasing appreciation of the importance of the

small scale industries in the developing economy of the country. In this connection, I hope and believe that the Government is alive to the regional disparities that exist in the country in the different regions.

Small scale industries have got a great part to play in the elimination of those regional disparities. While I do not want to make a long speech, I would certainly say that when the Reserve Bank is to give financial guarantees to the commercial banks for investments in small scale industries, they should also take into consideration those backward and underdeveloped regions where we have got to develop the small scale industries for the purpose of having regional industrial development. I hope that will be kept in consideration when the Reserve Bank authorities exercise the power which we are giving them.

With these words, I support the Bill.

श्री० रणबीर सिंह (रोहतक) : सभापति महोदय, मैं इस बिल का स्वागत करता हूँ और मानता हूँ कि जैसे वक्त बदला है उस के अन्दर यह बहुत जरूरी था क्योंकि इस देश के अन्दर सब से मजबूत और बड़ी कंसर्न है वह टाटाज की ममझी जाती है और टाटाज का भी काम चल नहीं सकता जब तक कि हिन्दुस्तान की सरकार उन को विदेशी रुपया लेने के लिये गारन्टी न दे। जो छोटे छोटे धंधे और गाव की विलेज इंडस्ट्रीज हैं उन का काम चल नहीं सकता जब तक कि रिजर्व बैंक या सरकार रिजर्व बैंक के द्वारा कर्ज के लिये गारन्टी न दे। लेकिन सभापति महोदय मैं समझता हूँ कि यह काफी नहीं है। अगर हम चाहते हैं कि विलेज इंडस्ट्रीज और कौटेज इंडस्ट्रीज बढ़ें तो हमें इस इरादे को हासिल करने के लिये काफी आगे जाना होगा और जैसाकि कुछ हम ने किया भी है कि रिजर्व बैंक कौटेज इंडस्ट्रीज को लोन देता है। कोम्पारेटिव

सोसाइटीज की मार्फत दो फीसदी बैंक रेट से नीचे सस्ते सूद पर कर्ज देता है और यह देना कौटेज इंडस्ट्रीज को बढ़ाने के लिये बहुत जरूरी है।

आज देश की आबादी का बहुत बड़ा भाग देहातों में बसता है। अगर देश की आबादी हम ३८ करोड़ की लगायें तो उस में से ३१.५ करोड़ आदमी देहातों में रहते हैं और जहां तक कि उन की आमदनी का सवाल है जहां हिन्दुस्तान के एक आम आदमी की आमदनी २८४ रुपये साल बैठती है वहां देहात के अन्दर बसने वाले भूमिहीन आदमियों की औसत आमदनी १०४ रुपये साल ही बैठती है। इस देश के अन्दर करीब २० करोड़ आदमी ऐसे हैं जिन का कि रोज का खर्चा ८ आने से ज्यादा नहीं है कम ही बैठता है। खेती का जहां तक वास्ता है आप जानते हैं कि खेती जो है वह कोई आबादी का बहुत ज्यादा भार नहीं उठा सकती है और जैसाकि दूसरे देशों ने भी किया अपने देश की तरक्की करने के लिये इंडस्ट्रीज को बढ़ाना बहुत जरूरी है और इंडस्ट्रीज को बढ़ावा देने के लिये खाम तौर से हिन्दुस्तान जैसे विशाल देश में जहां कि बेकारी बहुत ज्यादा फैली हुई है, छोटे छोटे धंधों को बढ़ावा देना बहुत जरूरी हो जाता है।

सभापति महोदय, मैं आप का ध्यान इस ओर दिलाना चाहता हूँ कि रिजर्व बैंक कोम्पारेटिव सोसाइटीज को जो कर्जा देता है तो उस में मैक्सिमम क्रेडिट लिमिट करने का जो तरीका रक्खा है उसे भी बदलने की जरूरत है। कर्ज दिलाने के लिये क्रेडिट गारन्टी वैसे बहुत अच्छी चीज है लेकिन जहां तक विलेज इंडस्ट्रीज का ताल्लुक है उस में वह कोई बहुत ज्यादा हद तक इमदाद नहीं कर सकती है। कुछ इमदाद अवश्य करेगी। अलबत्ता कौटेज इंडस्ट्रीज जो ५ लाख या १० लाख रुपये तक के सरमावे से चलाई जायेंगी उन के अन्दर

[चौ० रणवीर सिंह]

काफी इमदाद करेगी और इमदाद करनी चाहिये लेकिन विलेज इंडस्ट्रीज को बढ़ावा दिये बगैर इस देश के अन्दर जो हमारी इच्छा है वह पूरी नहीं हो सकती है खाम तौर पर बैरोजगारी का मुकाबला करने के लिये इस की बहुत ज्यादा जरूरत है क्योंकि आप अन्दाजा लगाइये कि ५ लाख देहात हैं और शहरों के अन्दर बैंकों की गारन्टी कौन उन को देगा और उन को कितनी महंगी पड़ेगी ताकि उन को रुपया सस्ता पड़ सके और उन का जो धंधा है वह आगे बढ़ सके और तरक्की हो सके। उस के लिये जरूरी है कि देहातों के अन्दर जो बैंक हैं और जो आप जानते हैं कि कोआपरेटिव सोसाइटीज के नाम पर ही उन को बैंक समझा जा सकता है उन तक असर पहुंचे और उस का असर तभी पहुंच सकता है जब हमारे रिजर्व बैंक की नीति कुछ बदले। अब हमारे देश में ३० जून सन् १९५८ की गिनती के हिसाब से १ लाख ६५ हजार सोसाइटीज हैं जिन को कि देहात का बैंक कहा जा सकता है और उन का जो अपना ओन्ड सरमाया है वह ३२ करोड़ और ३७ लाख है और रिजर्व बैंक ने दो फीसदी से कम सूद की दर पर जो रुपया दिया है वह मुश्किल से कोई साढ़े ४ करोड़ रुपया है। यह जो सोसाइटीज की मैक्सिमम क्रेडिट लिमिट मुकर्रर करते हैं तो उस के मुकर्रर करते वक्त अगर रिजर्व बैंक ऐपिक्स बैंक का सरमाया और देश के अन्दर जितनी सोसाइटीज हैं उन के सरमाये और अपने फंड्स को ध्यान में रख कर यह मैक्सिमम क्रेडिट लिमिट मुकर्रर करें तो जो छोटे छोटे धंधे चलते हैं उन को लाभ हो सकता है। ६ गुना रुपया वह मैक्सिमम सरमाये और अपने सरमाये के ऊपर देते हैं उस में से एक गुना छोटे धंधों के लिये देते हैं और ३२ करोड़ से ज्यादा छोटे धंधों के लिये पहुंच सकता है और वह भी २ फीसदी से कम सूद की दर के ऊपर पहुंच सकता है। हमारा जो मैक्सिमम क्रेडिट लिमिट करने का बसूल है

उस के अन्दर सिर्फ हम ऐपिक्स बैंक के सरमाये और उन के रुपये का ही ध्यान रख कर करते हैं इसलिये आज असली मुद्दा और जो असली फायदा है वह हमें पूरा नहीं पहुंच सकता है। मैं समझता हूं कि यह जो हम क्रेडिट गारन्टी देते हैं तो इस का असली तौर पर विलेज इंडस्ट्रीज को फायदा पहुंच सके और जिन को कि बढ़ावा दिया जाना बहुत जरूरी है और मैं यह मानता हूं कि आने वाले वक्त के अन्दर यह कोटेज इंडस्ट्रीज या स्मोल स्केल इंडस्ट्रीज बड़ी बड़ी इंडस्ट्रीज का मुकाबला कर सकती हैं। जापान का एक छोटा आदमी वहां जापान की ओपडी में बैठ कर यहां हमारी बड़ी बड़ी मिलों का मुकाबला कर सकता है तो हिन्दुस्तान के अन्दर भी देहात के अन्दर बैठा हुआ एक मजदूर अम्बर चर्वे से जोकि बिजली से चले या एक पावर लूम लगा कर बड़ी से बड़ी मिल का मुकाबला कर सकता है। यहां रिआयत देने की बात नहीं है। हम तो चाहते हैं कि जो रिआयत बड़ी बड़ी मिलों को और बड़ी बड़ी कम्पनियों और बड़े बड़े सरमायेदारों को है वही रिआयत उतने ही हिसाब से एक गरीब आदमी को भी मिले। उस के लिये जहां यह क्रेडिट गारन्टी स्कीम्स के वास्ते बिल रक्खा है वहां मैक्सिमम क्रेडिट लिमिट सोसाइटीज को पैसा कर्जा देने का बसूल है उस को भी बदलने की जरूरत है और उस के अन्दर यह माना जाना चाहिये कि जो सोसाइटीज हैं देश की उन का अपना सरमाया और रिजर्व फंड वगैरह है और उन का जो शेयर कैपिटल है उस को मिला कर उन के हिसाब से ही यह मैक्सिमम क्रेडिट लिमिट रक्खी जाय। उस का ६ गुना अगर मैक्सिमम क्रेडिट हम मान लें तो २५० करोड़ रुपया आज भी रिजर्व बैंक देहात के अन्दर खेती की तरक्की के लिये या छोटी छोटी दस्तकारियों की तरक्की के लिये दे सकता है और मैं मानता हूं कि इस से रिजर्व बैंक का कोई नुकसान होने वाला नहीं है।

धुनांचे आज अजीव हालत है। बड़े बड़े कारखानेदार जिन को कि समझा जाता है कि वह ऐतबार लायक हैं, बड़े बड़े शहरों के अन्दर जो कम्पनियां बनती हैं और जिन को कि ऐतबार लायक समझा जाता है उन की हालत क्या है? लोग ५०, ५० लाख रुपया अपने पास रख कर दीवाला निकाल देने हैं और यह जो हमारी मशीनरी है यह उस का कोई इलाज नहीं कर सकती है। एक आदमी एक कम्पनी एक नाम से चलाता है और फिर उस से हट कर हमारे नाम से चलाना शुरू कर देता है तो रिजर्व बैंक के पास कोई चारा नहीं है और उस से रुपया वसूल नहीं किया जा सकता। लेकिन देहातों के अन्दर भले ही एक आदमी किसी का कत्ल कर के बच जाय मगर वह सरकार के रुपये को मार कर नहीं बच सकता। अब बदकिस्मती इस बात की है कि विलेज इंडस्ट्रीज को जब बढ़ावा देने की बात आती है तो रिजर्व बैंक के अधिकारी कुछ इस तरह की आशंका करने लगते हैं कि अगर इस तरह से रुपये से देहातों की मदद की गई तो कहीं रिजर्व बैंक का दीवाला न निकल जाय। मैं समझता हूँ कि यह जो रिजर्व बैंक के चलाने वाले डाइरेक्टर्स हैं और जोकि आम तौर से उन आदमियों में से आते हैं जो कि बड़े बड़े कारखानेदार और बड़े बड़े धंधों के मालिक हैं वे उन गांव की छोटी छोटी इंडस्ट्रीज को प्रोत्साहन नहीं देना चाहते और उन की ओर उन की उपेक्षा वृत्ति रहती है। उन का इस तरह से शक करना कि उन का रुपया डूब जायेगा गलत है क्योंकि जैसे मैं ने कहा देहात का आदमी किसी को कत्ल कर के भले ही बच जाय लेकिन वह रिजर्व बैंक के रुपये को नहीं मार सकता। यह बड़े बड़े कारखानेदार और बड़े बड़े धंधे वाले ही लाखों रुपये रख कर दीवाला निकालते हैं। लेकिन गरीब रिजर्व बैंक का और सरकारी रुपया किसी तरह भी मार नहीं सकता उस की क्षोपड़ी तक नीलाम हो जाती है। मेरा निवेदन है कि जहां हम इस बिल को पास

करें वहां अगर हमारा इरादा गरीबों को क्रेडिट की सहूलियत देनी है और देश के अन्दर छोटे छोटे धंधों का बढ़ाना चाहते हैं तो जो मैं ने सुझाव दिये हैं उन को रिजर्व बैंक के लिये स्वीकार करना आवश्यक हो जाता है।

Shri Kalika Singh (Azamgarh):
Sir, the expansion of small-scale industries, cottage industries and village industries is the only programme of Government which can shift a substantial number of the population from agriculture to industries. That has been the main programme for all these ten or twelve years, but that could not be carried out because of the lack of finances.

So far, the district co-operative institutions were the only agencies through which credit facilities could be given to small-scale and cottage industries; and only very small loans used to be given under very strict terms with the result that they could not be utilised even for the purposes for which they were given.

In the First Five Year Plan, a sum of Rs. 50 crores was to be spent on small-scale industries, but that also could not be utilised fully. In the Second Plan, a sum of Rs. 200 crores was provided for this purpose. We are glad that the hon. Minister has announced that in the Third Plan, the sum will be more than Rs. 600 crores. Therefore, it appears that Government have now realised, when they are formulating their Third Plan, that unless they put a substantial percentage of the population on small-scale industries, they will not be able to solve the unemployment problem, at least, the educated unemployment problem that is very much perturbing the whole Government and the country itself.

Therefore, I felt that the Bill which has now been brought forward is a very beneficial measure, although a belated one. We know that the State Governments have been

[Shri Kalika Singh]

moving the Central Government for loans for small-scale and village industries, but the difficulty had been that the State Bank and the Reserve Bank never wanted to take the responsibility for agricultural loans under the respective Acts and the rules thereunder. But, now, because the programme itself is so much important that Government cannot do away with the expansion of small-scale industries, therefore, the Reserve Bank has now been asked to guarantee the loans, and for that purpose, this Bill proposes that the Reserve Bank will be utilised as the agent of the Central Government. The loan will be given to the small scale industries. The loan will be realised back from those very industries and paid over to the Reserve Bank. Therefore, it will be a sound financial proposition.

The difficulties are there, but now because all the States have established State Small Scale Industries Corporations, the loans have to be given to these Corporations. There are small scale industries financial corporations other than these State Small Scale Industries Corporation functioning in so many States. If the Reserve Bank gives loans to those Corporations which are themselves running under statutory provisions, there will be no risk of loss of money to the Reserve Bank as was suggested by an hon. Member. Therefore, if the Reserve Bank of India and the State Bank of India both utilise their finances to finance small scale industries through suitable channels, I think it will be a beneficial programme for the advancement of the country as a whole.

We spend heavy amount on large scale industries. We have spent more than Rs. 1000 crores on large scale industries in the Second Five Year Plan, although in the First Plan we spent only Rs. 176 crores. But we could not put any substantial percentage of the population in industries because large scale industries or

big factories or large companies are not employers of many people. In the sugar mills which have investments in terms of crores, they do not employ more than 1000 persons. But the cottage and small scale industries are the only industries by which we can shift the population from land to industries. The question of the shifting of population from and to industries is so important that Government cannot ignore it. During the last 50 or 100 years, we have been moving in the opposite direction. 50 to 60 years ago, 50 or 60 per cent of the population was depending on agriculture and the rest on industries and other services. But now about 75 per cent are depending on agriculture, because the population that is increasing has been coming more and more into agriculture since the industrial programme has failed and there has been no consistent policy of Government in this regard for such a long time. But now because Government have taken up a programme and the Reserve Bank and the State Bank are guaranteeing the loans, I think the country as a whole will welcome it. At least the policy of Government to help small scale industries will be made known to everyone.

श्री रघुनाथ सिंह (वाराणसी) : सभापति महोदय, जो विधेयक उपस्थित किया गया है उस का चारों ओर से स्वागत होगा। इस का इस तरह से स्वागत होगा कि जैसे यह शरीर है इस शरीर के ढाँचे के लिये बड़ी बड़ी अस्थियों की आवश्यकता होती है। लेकिन शरीर को जो शक्ति देती है, वह छोटी छोटी अस्थियाँ और छोटी छोटी शिरायें हैं। इसी प्रकार से हमारे यहां बड़ी बड़ी इंडस्ट्रीज हैं। हमारे यहां ६ बड़े बड़े स्टील प्लांट हैं। ये ६ स्टील प्लांट स्टील पैदा करेंगे उस का उपयोग कैसे होगा? अगर छोटी छोटी इंडस्ट्रीज को संगठित किया जाय तो उन के स्टील का उपयोग हो सकता है।

मैं आप को शिपयार्ड का उदाहरण देता हूँ। हम ने इंग्लैंड, अमरीका, जापान आदि के शिपयार्ड देखे हैं, पर वह हमारे यहां के शिपयार्ड से छोटे मालूम पड़ते हैं। हमारा विखाशापत्तनम का शिपयार्ड इंग्लैंड के शिपयार्ड से बहुत बड़ा मालूम पड़ता है। उसका कारण क्या है? जापान का शिपयार्ड जिस में साल में पच्चीस पच्चीस जहाज बनते हैं, या इंग्लैंड का शिपयार्ड जिस में साल में पन्द्रह पन्द्र जहाज बनते हैं हमारे शिपयार्ड से छोटे हैं। इस का कारण यह है कि वह अपने जहाजों के लिये बहुत सा सामान स्माल स्केल इंडस्ट्रीज से तैयार करवा लेते हैं। जैसे किसी छोटे उद्योग से ट्यूब बनवा लिये, किसी से छोटे छोटे इंजिन बनवा लिये और जो सामान इस तरह से छोटे उद्योगों से तैयार हो कर आता है उस को शिपयार्ड में जोड़ दिया जाता है। लेकिन हमारे यहां जो जहाज दो करोड़ का बनता है उस के लिये ६० लाख का सामान बाहर से आता है। जो यह ६० लाख का सामान बाहर से आता है उस को हम अपने यहां छोटे उद्योगों के द्वारा बनवा सकते हैं। किसी उद्योग से हम ट्यूब बनवा सकते हैं, किसी से वायर बनवा सकते हैं, किसी से छोटे इंजिन बनवा सकते हैं। इस प्रकार हम छोटे उद्योगों से और भी बहुत सा सामान बनवा सकते हैं। इसलिये यह जो विधेयक आप के सामने है यह छोटे उद्योगों को बढ़ावा देने की दृष्टि से बहुत उत्तम है।

साथ ही साथ मैं एक बात और कहना चाहता हूँ। हिन्दुस्तान एशिया के बीच में है। हिन्दुस्तान के हाथ में बर्मा, थाईलैंड, मलाया, पाकिस्तान, सीलोन को सेलिंग बैसिल सप्लाय करने का व्यापार आ सकता है। छोटे छोटे लांचेज का व्यापार उस के हाथ में आ सकता है। छोटे छोटे इंजिन जोकि नावों में फिट किये जा सकते हैं, उन का व्यापार हमारे हाथ में आ सकता है। इस प्रकार के व्यापार को हमें अपने हाथ में

लेना चाहिये। आज क्या हो रहा है? जापान ने पाकिस्तान आदि के साथ एक व्यापारिक समझौता किया है सेलिंग बैसिल देने के लिये। इसी प्रकार का समझौता शायद उस ने बर्मा के साथ किया है। ये सेलिंग बैसिल छोटे छोटे होते हैं। अगर हम इन बैसिल्स को बनायें तो जो स्टील हम पैदा करते हैं उस का बहुत अच्छा उपयोग हो सकता है। इसलिये मैं इस विधेयक का स्वागत करता हूँ। यह विधेयक ऐसे समय में आया है जबकि भारत-वर्ष को इस की आवश्यकता थी और इस के द्वारा हम को छोटे उद्योगों को ज्यादा मदद देनी चाहिये।

Shri Kasliwal (Kotah): Mr. Chairman, I should have hardly spoken on this Bill but I am constrained to make one or two observations.

The hon. Minister in her speech has mentioned that the Bill is primarily meant to help the small scale industries. But, if you will please see clauses 2(a) and (c), with regard to the State Financial Corporations, how the State Financial Corporations are going to advance loans and other things, you will find that it is not merely applicable to small scale industries but it is equally applicable to the medium scale industries and, perhaps, to large scale industries also. So, when the hon. Minister confined her speech primarily to the question of giving help to the small scale industries, I think, she was narrowing the scope of this Bill. Probably, she had only the last clause in her mind.

Now, I want to say something about the State Financial Corporations and their working. It has been found that in the working of these corporations there is a great amount of rigidity in their functioning. And, it is absolutely essential that, if the small scale industries are going to be helped, that rigidity has to go. There must be a good deal of liberalisation in the working of these Corporations.

[Shri Kasliwal]

17 hrs.

Take the case of the rate of interest. So many of these State Financial Corporations charge a high rate of interest; and for a small scale industry it is really not possible to pay such a high rate of interest as 8, 9 or 10 per cent.

I would like that the hon. Minister keeps this particular matter in her mind because if a small-scale unit is to be charged ten per cent, it is impossible for that unit to improve or to function.

Secondly, when these corporations advance loans they keep a margin of 50 per cent, which, I submit, is not fair. The margin should be reduced to 25 per cent if they are really keen that the small-scale industries should function. Again, take the case of the granting of working loans. Today they are granting working capital loans on the basis of the total loans granted. The total working capital loan shall not exceed 25 per cent. For a fair working of the small scale units, it is not a right proposition. There should be no linking of working capital loan with the total amount of loan granted to a small scale unit. That is my third point.

Then again, when security is demanded in so many respects, the small-scale unit suffers. They do not take into account the land, building and other things and machinery because that machinery is probably hire-purchase machinery. When security is demanded, all these things should also be taken into consideration.

With regard to the third clause, credit facilities guaranteed by the Reserve Bank, the Reserve Bank is acting as the agent of the Central Government. I very much welcome the suggestion. But I would like to draw your attention to a major point. If there is a small-scale unit and it is a limited company and the State becomes a participant in the equity capital, what will be

the position of that unit? Will the credit guarantee scheme continue to apply to such a unit in which the State has become a participant in equity capital. I hope the hon. Minister will clarify the position. I heartily welcome this Bill and I believe that the small-scale industries which suffer for want of funds will now improve if these schemes are applied properly and if the State corporations work out these schemes sensibly and are not rigid in their working. Then alone these schemes will be successful; otherwise not.

Mr. Chairman: Shall I call the hon. Minister?

Shrimati Tarkeshwari Sinha: I will take just ten or 15 minutes.

Shri Braj Raj Singh: This may be held over for tomorrow.

Mr. Chairman: We shall go ahead with this today. The hon. Minister.

Shrimati Tarkeshwari Sinha: I am very grateful to the House for giving a general approval to this Bill and for welcoming the proposal. It is a matter of extreme happiness that the House is so much enthusiastic about the growth and development of the small scale industries. I do appreciate the concern that has been expressed in this House just now about the growth of the small-scale industry. My hon. friend, Shri Kalika Singh, pointed out that he was happy to know that the Planning Commission was very much aware of the scope of the small-scale industries.

Therefore we expect that the scope of the small-scale industries will be very much expanded. As my hon. friend inform me, it is going beyond Rs. 600 crores. I hope the whole House would welcome this expansion.

Some hon. Members have raised certain fears about regional disparity. The Government is very much aware of this regional disparity. So far as

small-scale industries are concerned and also so far as bigger industries are concerned, the Government is very much aware of the regional disparities and we want to reduce these regional disparities. The expansion of bigger or basic industries depend on the cost of production, the availability of raw materials, nearness to ports or communication or other facilities and so on. Therefore, it is the Government's desire and Government's efforts have been that all these small-scale industries should be diverted to those areas where there is not much scope for the bigger industries to flourish or prosper. Therefore, this argument that the Government is not much concerned about mitigating the regional disparities in industries is not, I think, proper. Government is very much aware of the regional disparities in the economic status of the States and the people there, and all efforts are being made to see that more and more small-scale industries develop in those areas where the people have not much scope to develop bigger industries.

Some hon. Members, though they have supported the Bill, especially Ch. Ranbir Singh, have raised certain points about the development of co-operative industrial ventures. Well, we cannot say that we are satisfied with the progress that the co-operative industrial ventures have made in this country. There is much more scope for these industries to flourish and prosper. It will be the unanimous view of the Parliament, the Government and the people at large that co-operative industrial ventures should progress and more and more co-operative industrial units should come into existence and work successfully.

I would like to invite the attention of the hon. Members to the point raised about credit limits. So far as credit limit is concerned. So far as limits fixed by Central Government even as they now stand are not unreasonable. It is our experience that these limits are not being

exhausted. The total short and medium terms loans granted by agricultural co-operatives or primary societies are now of the order of Rs. 125 crores and a major part of this is financed by the Reserve Bank.

I would like to invite the attention of this hon. House to the discussion which was held at the last conference at Mysore of the Registrars of Co-operative Societies. In that Conference a proposal was put forward and accepted, that an expert committee should be constituted to study this problem further. That committee was constituted and it is studying the whole problem in detail. The House should await the report of that committee.

Apart from that, I would like to invite the attention of this hon. House to the report of the working group for industrial co-operatives set up in September 1957. This working group confined its enquiries to the six boards which are at present functioning in this country—the Coir Board, the Khadi and Village Industries Board and others. The entire scope of functioning of these six boards is being covered by that group. They submitted their final report in July 1958. That is quite a voluminous report and it consists of many recommendations relating to various items. There is not much time to give all the details. Hon. Members if they are interested can find out from the library the report which contains the recommendations of this working group. But I am sure the House is interested to know this, because, the hon. Member raised the point about the borrowing limit. He said that the limit should be liberalised still further. I would like to draw the attention of the hon. Member to the very important recommendation—it is recommendation No. 20—of that report, on which the Government took a decision. The working group recommended to the effect that the relaxation of the maximum borrowing limit fixed at eight times the paid-up share capital and reserve fund is not advisable. That was their recommendation. But

[Shrimati Tarkeshwari Sinha]

the Government did not accept that recommendation fully. Government was of the view that there need not be a rigid stipulation in the matter of the maximum borrowing limit of the industrial co-operative societies and that this should be best left to be decided by competent authorities from time to time, seeing to the requirements. I think that meets the objection of the hon. Member, Ch. Ranbir Singh, in regard to the scope of the maximum borrowing limit, because it is left to the competent authority or the institution, to see the individual cases and decide the borrowing capacity of the individual unit and the maximum limit of the borrowing for that institution to the merit of that institution. Therefore, this has been a very liberal rule and it is not at all a rigid approach to the problem.

Then, Shri Raghunath Singh went beyond the scope of the Bill. It is not the purpose of the Bill to cover all the small-scale industries. My Ministry is not very much concerned with the day-to-day deliberations of working of the Small Scale Industries Corporation, because it comes within the purview of the Ministry of Commerce and Industry. But because the House is interested in this and the Reserve Bank indirectly is very much interested in the growth of the small-scale industries, I might venture to say on my own, that though Shri Raghunath Singh, I believe, raised the points which did not come under the scope of the present Bill, his points are very much appreciated. It is really the need of the day to diversify these industries to provide incentive to the smaller units in the small-scale industries, and we must really develop our industries in such a manner that our industries should feed simultaneously the small-scale and the bigger industries. The small industries should act as a feeder to the big industries, if they can work properly, and if they can, without affecting the quality or the standard of the goods, or work without affecting productivity. So, I

appreciate that proposal. But I am not in a position to go into the details about what he suggested, because they do not come under the scope of this Bill.

Then, Shri Kasliwal raised certain points about the State Financial Corporations. All the points that he made do not come under the purview of this Bill. He questioned about the scope of the State Financial Corporations. I would like to point out one thing from my knowledge, and that is, the State Financial Corporations really do not cover the bigger industrial units. I may inform the House that the definition of the small-scale industries is that an industry with less than a capital investment of Rs. 5 lakhs, excluding the welfare or housing schemes, is a small-scale industry. Industries having a capital investment from Rs. 5 lakhs to Rs. 2½ crores are defined as medium-sized industries. Industries with a capital investment of above Rs. 2½ crores are defined as big industries. The hon. Member may be aware of the nature of the statutory provision that we have made in regard to the State Financial Corporations. A convention has been established since long, with the formation of the State Financial Corporation—and this convention has been working since 1954—that the loans up to Rs. 10 lakhs will be entertained by the State Financial Corporations, and loans above Rs. 10 lakhs will be entertained by the Industrial Finance Corporation. So, there is no duplication of the administration of the State Financial Corporations or the Industrial Finance Corporation. Therefore, that objection which the hon. Member has pointed out . . .

Shri Kasliwal: The hon. Minister has completely missed the point. The point that I was making was, while she confined herself only to small-scale industries, now, when she says that even Rs. 10 lakhs can be given, the question of medium-sized industries also comes in..

Shrimati Tarkeshwari Sinha: The points raised by the hon. Member is not within the scope of the Bill. It was for the benefit of the hon. Member that I took the chance of replying to him. Otherwise, there was no need because clause 4A only says:

“(4A) the making to any State Financial Corporation established under the State Financial Corporations Act, 1951, of loans and advances payable on the expiry of fixed periods not exceeding eighteen months from the date of such loan or advance, against securities of the Central Government or of any State Government, of any maturity, or against bonds and debentures issued by that Corporation and guaranteed by the State Government concerned and maturing within a period not exceeding eighteen months from the date of such loan or advance.”

This is the purview of the Bill, on which the hon. Member could have raised certain objections. He has taken entirely different aspects.

Regarding the rate of interest, and the point that the rate of interest is yet high to cover that risk which the State Finance Corporation has to take, I would like to invite the attention of the hon. Members to the rate of interest on loans provided by the Small Industries Corporation. They provide loans with a very low rate of interest. Even the State Bank provides loans at a rate of interest which, though not very low, is quite reasonable. As I said in my earlier speech, 4,225 applications have been already received upto 31st December, 1959 by the State Bank of India office.

17.17 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Sarhadi raised the point that the scope of this should be extended.

I am in great sympathy and agreement with his point. Let me assure the House that though this scheme is to be brought into force only in a few important districts to begin with—21 districts—they have been chosen primarily for the implementation of small-scale industries in those areas. I may assure the House that we do not propose to confine the benefits of this scheme permanently to a few areas only. Our intention is to broad-base these activities and therefore, for this purpose, the Reserve Bank is creating a special cell for expanding these activities. That cell will review the position continuously and will be extending the scheme territorially as and when it is desirable or possible, because there are so many limitations like financial consideration. We have to see how far we can progress with the limited resources that we have.

It is really not necessary for me to emphasise that the small-scale industries by their very nature have to be treated on a special basis. They are being treated even in countries like USA and Japan on a very special basis and all possible help is being extended to them. And I do not think that in trying to solve some of the special problems of the relatively small and unorganised units in our country, we are providing State aid in a greater measure than what is being provided in USA or Japan.

But I would like to add a word of caution. Any assistance that we might provide can only be temporary or marginal, because once the industries have been established, they should make it a point to run these industries on economic and efficient lines. They should not go on depending on certain guarantees and state help. Even if they receive help, from the very start they should run their industries on economic and efficient lines and should not all the time depend on State help or institutional help.

Shri Kalika Singh: But the word "temporary" is not mentioned in the Bill.

Shrimati Tarkeshwari Sinha: I did did not mean "temporary" in that sense. All that I meant was that by the very nature of it, it cannot be a permanent measure. Every day some new industries might be coming up and they might be needing financial help. What I am saying is that an industry which is getting this guarantee from the Government should not make it a point to take this guarantee for an unlimited period. That is a word of caution to the industries themselves. There is no bar put by the law, by this amending Bill, against any industry taking a guarantee for a long time. I did not use the word "temporary" in that connection. What I meant to say is that the industries, when they get guarantee or help from such institutions, should not really make it a point to go on depending on that help or guarantee for an unlimited period. It is far better for the industries to start with certain help and then go on developing or extending their activities in such an economic and efficient way that they depend on the governmental help or guarantee less and less.

I would not like to take more time of the House. But before I conclude, I would like to say that the situation will be watched with great interest and where we find any lacuna or where we find difficulties in the working of this guarantee scheme we shall try to see that the lacuna is rectified. With these words, I once again thank the hon. Members and I am sure that the unanimous approval and encouragement that the House has given to this amending Bill will go a long way in encouraging small-scale industrialists who want to prosper or build up industries in this country.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

The motion was adopted.

Now the question is:

"That clause 2, clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clause 2, clause 1, the Enacting Formula and the Title were added to the Bill.

Shrimati Tarkeshwari Sinha: I beg to move:

"That the Bill be passed"

Mr. Deputy-Speaker: The question is:

"That the Bill be passed"

The motion was adopted.

BUSINESS OF THE HOUSE

Mr. Deputy-Speaker: We will now take up the next item in the agenda, the Report of the Hindustan Shipyard Limited for the year 1958-59. Is Shri T. C. N. Menon present in the House? No. Neither Shri Bhadauria nor Shri Badakumar Pratap Ganga Deb Bamra is present in the House. We will take up the next item.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Before you take up the next item, with your permission, I would like to make some announcement formally. Today morning the Speaker hinted that hon. Members have demanded discussion on the joint communique issued by the Chinese Premier and our Prime Minister and so time has to be found for that discussion. This can be done only if the two No-Day-yet-named-motions, for which time has been allotted tomorrow and the day after are cancelled.

Shri Braj Raj Singh: Today it has been cancelled already.

Shri Satya Narayan Sinha: One is cancelled. But tomorrow and the day after there are similar motions for discussion. I formally announce that these two motions, which I announced in the House earlier, have been cancelled.

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17.23 hrs.

*INTERCEPTION OF COAL WAGONS ON RAILWAYS

श्री जराज सिंह : क़िरोज़ाबाद उपा-
ध्यक्ष महोदय

The Deputy-Minister of Railways (Shri S. V. Ramaswamy): May I request him to speak in English?

Shri Braj Raj Singh: My whole difficulty is this. I want to very strongly protest against the manner in which the Minister of Railways is treating this House. Shri Jagjivan Ram, the Minister of Railways, was present just now here, and he knew very well that this discussion was coming up. Now he has gone away. I very strongly protest against the manner in which the Minister is treating this House, in this contemptuous manner.

Mr. Deputy-Speaker: One of the Ministers is present here. He would have some justification in saying this if the Ministry had not been represented. There is no Minister. If he cannot get a reply, or if he finds that his points are not answered, then he can legitimately complain . . .

Shri Braj Raj Singh: The point is this. I realise the difficulty of the hon. Deputy Minister. He is not conversant with the language in which I am usually speaking in this House.

Mr. Deputy-Speaker: That is his choice. He can speak in Hindi whatever he wants.

Shri Braj Raj Singh: If I speak in Hindi, the hon. Deputy Minister will be faced with difficulties. He will not be able to catch every point which I put up and reply to all the points. But the other Minister is conversant with this language. He should have anticipated this and been present in the House.

Mr. Deputy-Speaker: If the hon. Member wants to speak in Hindi, he might do it. Nobody prevents him from doing that, and the hon. Minister would manage somehow to understand him. Or, if he requires some help, he might get some help from somebody else. If he chooses to speak in Hindi, he is perfectly entitled to it.

Shri Braj Raj Singh: But you must devise some method by which these Ministers behave properly in the House. I would say only this.

Shri Rane (Buldana): If the hon. Members insist that the hon. Minister of Cabinet rank should be present here for every discussion

Shri Braj Raj Singh: That is not my point. My point is that the hon. Deputy Minister is not conversant with the language in which I usually speak in this House.

Mr. Deputy-Speaker: He may speak in whatever language he wants to. Now time is running out.

Shri Braj Raj Singh: Would you kindly manage to get somebody by your side?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): He may begin. Then I will see. I will get somebody by my side, if necessary.

Mr. Deputy-Speaker: Now perhaps he realises that he has no Justification.

Shri Braj Raj Singh: He was not here. He had gone away only three or four minutes ago. I would not have at all protested had the hon. Deputy Minister not said that.

Shri S. V. Ramaswamy: The hon. Minister is here. Now he has to apologise to the hon. Minister.

The Minister of Railways (Shri Jagjivan Ram): The hon. Deputy Minister was speaking.....

Shri Braj Raj Singh: I know that very well.

श्री ब्रजराज सिंह : उपाध्यक्ष महोदय, यह आष घंटे की बहस का प्रश्न तारांकित प्रश्न संख्या १३६४ के उत्तर से पैदा होता है जिस का उत्तर ६ अप्रैल १९६० को दिया गया था ।

उस समय माननीय उपमंत्री महोदय ने मवाल के भाग बी० का जवाब देते हुए कहा था कि तीस से अधिक कोयले के वैगन रेलवे ने रोक लिये हैं लेकिन जिन मामलों में ये वैगन रोके गये उन की खबर कंसाइनीज को दे दी गयी थी । उन्होंने ने कहा था :

"In all such cases the Coal Controller and the consignees had been advised telegraphically of the diversions"

मैं निवेदन करना चाहता हूँ कि जहां तक रेलवे उपमंत्री महोदय के उत्तर का सवाल है वह बिल्कुल झूठ है । मेरा कहने का मतलब यह कि कई मामलों में कंसाइनी को कोई खबर नहीं दी गयी थी । मुझे यह बताया गया है कि.....

श्री० रणवीर सिंह (रोहतक) क्या—
झूठ—पारलियामेंटरी है ?

श्री ब्रजराज सिंह : मैं इस को इस तरह भी कह सकता हूँ कि यह दुस्त नहीं है या सत्य नहीं है ।

Mr. Deputy-Speaker: There is a growing tendency to use violent language even if it is not warranted. How can he say *jhut*? It may be incorrect. That is a different thing altogether. But *jhut* implies a deliberate intention to mislead others or to say intentionally what is not a fact knowing it to be not a fact. The hon. Member can say that it is not correct or that it is incorrect or that it is not according to the facts. That will be perfectly right.

श्री० ब्रजराज सिंह : समय बहुत कम है इसलिये मैं इस झगड़े में नहीं जाऊंगा । आप ने जो यह कहा कि यह हाउस को मिसलीड करने की कोशिश है इस बारे में मैं इतना ही कहना चाहता हूँ कि मैं इस बारे में साफ हूँ कि जब माननीय उप मंत्री महोदय जवाब दे रहे थे तो वह पूरे तथ्य सदन के सामने नहीं लाना चाहते थे और इसीलिये उन्होंने ने यह बात कही वरना वह यह बात न कहते । लेकिन मैं इस झगड़े में नहीं जाना चाहता ।

मैं निवेदन करूंगा कि जो कोयले के वैगन रेलवे ने लिये उन के बारे में मुझे रेलवे उप मंत्री महोदय से यह जवाब मिला कि इस बारे में रेलवे के पास कोई इस तरह का नियम नहीं है कोई कानून नहीं है जिस के अन्तर्गत वह किसी प्राइवेट पार्टी के कोयले को अपन इस्तेमाल में ले लें । मैं आप से निवेदन करूंगा कि अगर कोई पार्टी किसी ट्रक वाले को अपना सामान दे और उस से कहे कि इतने किराय पर इस को फलां स्थान पर पहुंचा दो और अगर वह ट्रक वाला बीच में ही उस सामान को इस्तेमाल कर ले तो उस के ऊपर दफा ४०६ ताजीरात हिन्द के मातहत मुकदमा चलाया जा सकता और उस को सजा करायी जा सकती है । मैं पूछना चाहता हूँ कि रेलवे ने ये वैगन किस तरह से ले लिए जब कि इस के लिये उन को कोई अधिकार नहीं था । जब कि इस के लिये कोई कानून या नियम नहीं था ।

श्री जगजीवन राम : यह किस ने स्वीकार किया कि इस के लिये कोई कानून नहीं है ।

श्री बजरज सिंह : यह आप के उप मंत्री महोदय ने स्वीकार किया था । मैं आप को पढ़ कर सुनाता हूँ । मैं ने सवाल पूछा था :

"...It is disclosed that the Government do not possess any specific powers to intercept coal booked in the name of private parties. The railways are acting only as carriers. May I know why without giving notice to the private party, the railways intercept this coal and under what authority they do it?"

Shri S. V. Ramaswamy: It is a long-standing practice that whenever we run short of coal, in order to maintain the essential services, we divert the coal and intimate the Coal Controller and the parties. The Coal Controller will immediately despatch it."

उन्होंने ने स्वीकार किया था :

"No specific orders have been issued but some railways have had to resort to diversion of public coal to maintain the essential Railway services."

इस से साफ जाहिर है कि उन्होंने ने स्वीकार किया था कि इस तरह का कोई कानून या नियम नहीं है । जब कोई ऐसा नियम नहीं है और आप ने प्राइवेट पार्टी का कोयला इस्तमाल कर लिया तो क्या मंत्री महोदय के ऊपर दफा ४०६ के मातहत मुकदमा नहीं चलाया जा सकता । मैं यह जानता हूँ कि रेल को चलाना अत्यन्त आवश्यक है और इस मामले में सारा देश आप के पीछे है कि रेलों को चलाना चाहिये क्योंकि यह एक स्टेट एंटरप्राइज है और आप को हर तरह की सुविधा मिलनी चाहिये लेकिन ऐसा नहीं होना चाहिये कि बिना अधिकार के

आप किसी का कोयला ले लें । उस हालत में तो आप के ऊपर यानी मिनिस्टर साहब या डिप्टी मिनिस्टर साहब के ऊपर मुकदमा चलाया जा सकता है । उस समय क्या होगा ?

एक दूसरी बात यह कही गयी कि ३४ वैगन इस तरह लिये गये थे । मेरी खबर है कि सिर्फ फिरोजाबाद के ही आप ने ७५ वैगन दिसम्बर, जनवरी, फरवरी और मार्च के महीनों में इंटरसेप्ट किये हैं । आप ने स्वीकार किया कि सिर्फ ३४ वैगन आप ने लिये हैं । आप ने यह भी कहा कि इन के बारे में आप ने कंसाइनी को और कोल कंट्रोलर को खबर दे दी थी ।

कोल कंट्रोलर का हमें पता नहीं है कि उस को सरकार ने खबर दी है या नहीं । उस से हमें मतलब नहीं है । लेकिन जहां तक पार्टीज का सवाल है, सिर्फ तेरह चौदह पार्टीज को ही खबर तार से दी गई है, जैसा कि सरकार की ओर से बताया गया है । लेकिन उन को तार से भी नहीं, वैसे ही उन को खबर पहुंचाई गई है । दूसरे लोगों को खबर क्यों नहीं पहुंचाई गई ? कहा जाता है कि उन में से मिस्सिंग वैगन्ज हैं । जहां से ये वैगन चलते हैं, वहां से ले कर फिरोजबाद तक सिर्फ तीन यार्ड पड़ते हैं । मुगलसराय, गया और कानपुर लेकिन इस तीन यार्डज में भी सरकार इस बारे में पता नहीं लगा सकी है । अगर एक दो वैगन्स की बात होती, तो माफ किया जा सकता है । लेकिन यहां पर तो चालीस वैगन्ज ऐसे हैं, जिन के बारे में सरकार कहती है—इम्प्राइडली कहती है कि वे मिस्सिंग हैं, उन का कोई पता नहीं है । मैं यह निवेदन करना चाहता हूँ कि यह एक ऐसी स्थिति है, जिस के कारण प्राइवेट पार्टीज का विश्वास सरकार पर से हटता जा रहा है । लोग यह सोचने लगते हैं कि जब रेलवे लाइन वाले हमारे माल को इस तरह हड़प कर लेंगे, इस तरह ले लेंगे, तो फिर हम अपने माल को ट्रक्स से क्यों न

[श्री बजर्राज सिंह]

ले जायें। चूँकि सरकार के साथ कम्पीट करने वाला कोई दूसरा नहीं है, इस लिये वह चाहे जिस तरह व्यवसाय करे, यह तो उचित नहीं है। मुझे बताया गया है कि कानपुर में, और दूसरी जगहों में जो ट्रैफिक इंस्पेक्टर होते हैं जब इस तरह का कोई वैगन ले लिया जाता है, या जिस के बारे में कोई पार्टी सूचना चाहती है, तो वे उस से कुछ पैसा मांगते हैं। मुझे बताया गया है कि पचास रुपये प्रति वैगन के हिसाब से लिया जाता था और इस केस में भी मुझे इस बात की सूचना है कि पच्चीस रुपया प्रति वैगन वहाँ के ट्रैफिक इंस्पेक्टर ने मांगा कि अगर हम को यह पैसा दे दिया जाये, तो हम पता लगा सकते हैं कि वे वैगन कहां पर हैं। मैं नहीं कहता कि यह बात सही है—मैं आशा करूंगा कि यह बात सही न हो, लेकिन अगर यह सही है, तो कितनी बुरी बात होगी।

श्री जगजीवन राम: हम चाहेंगे कि मार्निय सदय खासकर इस प्वाइंट के बारे में वे डिटेल्स दे दें कि लोगों ने पैसा मांगा। हम इस की छान बीन करेंगे।

श्री बजर्राज सिंह : माननीय मंत्री जरूर छान-बीन करायें। मुझे जो सूचना दी गई है, वह मैं बता रहा हूँ। अगर वह चाहेंगे तो और सूचना उन के पास भेज दी जायगी कि ट्रैफिक इंस्पेक्टर ने पच्चीस रुपये प्रति वैगन के हिसाब से मांगा। जिन वैगन्स के बारे में कहा जाता है कि वे भिसिंग हैं, अगर उन को पैसा दिया जाये, तो वे उन का पता लगायेंगे। मैं यह कहना चाहता हूँ कि जहाँ पर प्राइवेट पार्टीज को यह खतरा हो कि किसी पक्षपात की वजह से रेलवे अधिकारियों की ओर से कोई ऐसी कार्यवाही की जा सकती है, जिस से उन को नुकसान हो, या वे यह अनुभव करें कि पैसा खर्च करने पर ही हमारा काम होगा, तो वहाँ पर रेलवे की प्रतिष्ठा को बढ़ी हानि होती है और रेलवे की प्रतिष्ठा के साथ सारी सरकार की प्रतिष्ठा

जुड़ी हुई होती है और जहाँ तक जनता का सवाल है, इस से उस को बहुत नुकसान हुआ करता है। अगर इस बारे में कोई कानून नहीं है, तो फिर रेलवे प्राइवेट पार्टीज के वैगन्स को लेना बन्द कर दे।

मुझे सूचना है कि कोल कंट्रोलर से तय है कि रेलवे को बिहार और बंगाल के कोल-फील्ड्स से १५०० वैगन्स प्रतिदिन दिये जायेंगे। १५०० वैगन्स प्रतिदिन के हिसाब से १ फरवरी से १३ फरवरी तक रेलवे को १६,५०० वैगन मिलने चाहियें। १६,५०० के बजाये रेलवे को १३ फरवरी तक २०,२५७ वैगन मिले और फिर भी उस दिन डिप्टी मिनिस्टर महोदय ने फरमाया कि मार्च में सिर्फ ६.४ दिन का स्टॉक रेलवे के पास रह गया था, जबकि अक्टूबर को १६.६ दिन का स्टॉक था और आम तौर पर दस दिन का स्टॉक रेलवे के पास रहना चाहिये। जितना सरकार ने तय किया हुआ है, उस से ज्यादा कोयला उस को मिला उस के बाद भी रेलवे के पास स्टॉक कम रह गया, इस की वजह क्या है? मैं चाहूंगा कि रेलवे मंत्री महोदय इस पर गम्भीरतापूर्वक विचार करें।

मुझे बताया गया है कि टुंडला में रेलवे का यार्ड है और ५०० मन सिंडर प्रति दिन के हिसाब से टुंडला से फिरोजाबाद जाता रहा है, जिस को वहाँ ढाई रुपये मन के हिसाब से बेचा जाता रहा है। बताया जाता है कि उस में होता यह है कि कोई इंजिन आता है, इंजिन में एक झोंका उन्होंने ने दिया और नीचे उतार दिया और नीचे उतार कर उस को सिंडर बना दिया और इस तरह बेच दिया। इस का सुबूत फिरोजाबाद की म्यूनिसिपैलिटी में मौजूद है। जो भी माल म्यूनिसिपैलिटी में जाता है, उस की धुगी चुकाई जाती है। अगर इस तरह का हाल है कि रेलवे को वो कोयला मिनता है उस को उस के

अधिकारी किसी तरह से कुछ और बना कर दूसरे लोगों को पहुंचा देते हैं उस को बेच देने हैं, तो उस में रेलवे को बहुत नुकसान होता है । मैं अन्दाज़ करता हूं कि सिर्फ टुंडला यार्ड पर रेलवे का जो कोयला इस तरह मिडर बन कर जा रहा है, उस से रेलवे को हजार रुपये रोज की हानि हो सकती है । मैं निवेदन करूंगा कि मंत्री महोदय इस की जांच करने की कोशिश करें, यह पता लगाने का प्रयत्न करें कि रेलवे का जो कोयला आ रहा है, कहीं ऐसा तो नहीं है कि उस का कुछ हिस्सा चोरी से दूसरी जगहों पर जा रहा है जहां कि उस को नहीं जाना चाहिये । आखिर यहां की एक गवर्नमेंट है और रेलवे मंत्री और कोयले के मंत्री में कोई ऐसी बात नहीं हो सकती है । तो फिर क्यों ऐसा होता है कि सोलह दिन से घट कर छः दिन पर स्टॉक आ जाता है, जबकि जितने वैगन का तय है उतने वैगन मिलता रहा है । मेरा निवेदन है कि इस में कुछ गड़बड़ियां हैं और उन को रोका जाना चाहिये । किसी प्राइवेट पार्टी को यह अनुभव नहीं होना चाहिये कि चूंकि सरकार रेलवे को चलाती है, इसलिये वह जो माल उस को देगी, उस को वह उस के घर में नहीं पहुंचायेगी । उस दिन उप-मंत्री महोदय ने कहा कि जिन लोगों का कोयला लिया गया है, उन के लिये अब कोयले के दूसरे वैगन भर दिये गये हैं और दे दिये गये हैं, उन को पहुंचाये जाने को हैं । मेरी सूचना है कि अब तक हिफ्त २३ वैगन वहां पहुंचे हैं, जबकि ३४ वैगन के बारे में सरकार ने स्वीकार किया है । उस ने ७५ वैगन लिये हैं और उन में से उस ने स्वीकार किया है ३४ वैगन का ; अगर वह ३४ वैगन का स्वीकार करती है, तो फिर ४१ का क्या हुआ, यह जनता को पूछने का अधिकार है । बीच में सिर्फ तीन यार्ड हैं । उन में वे वैगन मिसिंग हो कर कहां चले गये ? वैगन कोई ऐसी चीज़ नहीं है, जो कोई जैब में रख कर चला जायगा । वैगन होंगे, तो किसी यार्ड में होंगे ।

क्या रेलवे की एफ़िज़ेंसी, कुशलता, कार्य-क्षमता इतनी घट गई है कि इतने दिन तक वह इस का पता नहीं लगा सकी कि तीन यार्ड में वे वैगन कहां गये । मैं यह निवेदन करूंगा कि जितने वैगन सरकार ने लिये थे, उन को तुरन्त वह वापस पहुंचाये, वर्ना सिवल लाइबिलिटी तो उस पर है ही । पहले उस के खिलाफ इस सम्बन्ध में कुछ मुकदमे चले और एक अदालत ने एक वैगन के लिये जाने के लिये चार हजार रुपये हर्जाना दिलवाया । मैं यह पूछना चाहता हूं कि ये ७५ वैगन गैर-कानूनी तरीके से इंडस्ट्री के रेलवे ने छीन लिये, उन के लिये क्या वह मुआवज़ा देने के लिये तैयार है । एक वैगन के लिये जाने से छोटी इंडस्ट्री वालों को दो हजार रुपये का नुकसान हुआ और इस हिसाब से ७५ वैगन पर डेढ़ लाख रुपये का नुकसान होता है । फ़िरोज़ाबाद के मजदूर की ऐवेरेज अरनिंग—मजदूरी—दो रुपये से चालीस रुपये तक होती है, लेकिन वह पांच रुपये ऐवेरेज गिनी जा सकती है । एक वैगन से ७५० आदमियों को काम मिलता है । अगर आप हिसाब लगायें, तो मालूम होगा कि ७५ वैगन से करीब करीब ढाई लाख रुपये की मजदूरों की बेजिज़ चली गई । इस के साथ इंडस्ट्री की प्रोडक्शन को भी नुकसान हुआ है, जिस से अपने मुल्क को पैसा मिलता है, जिस से सरकार को कर मिलते हैं । क्या सरकार उस को पूरा करने के लिए तैयार है ? उस से यह गलती हुई है, उस के लिए गुड फ़्रेष में वह यह करे कि जिन लोगों के वैगन उस ने ले लिए हैं, उन को वह हर्जा दे, जिन लोगों की मजदूरी कट गई है, उन को हर्जा दे । अगर दोनों मंत्रालयों का आपस में कोई झगड़ा है—मैं आशा नहीं करता कि रेलवे मंत्री और कोयले के मंत्री में इस तरह का झगड़ा होना चाहिए, लेकिन अगर कोई वैसी बात है—तो उस झगड़े को अपने घर में ही तय कर लिया जाये, बाहर के आदमियों को उस के कारण नुकसान न पहुंचाया जाये । और फिर रेलवे कैरियर है और कैरियर के नाते वह किस तरह से इस चीज़ को ले सकती है, यह

[श्री ब्रजराज सिंह]

बात मेरी समझ में नहीं आती। मैं निवेदन करूंगा कि यह मामला ऐसा है, जिस पर बहुत हल्के तौर से सोचने से काम नहीं चलेगा, उस पर गम्भीरतापूर्वक विचार करने की जरूरत है कि रेलवे बिना किसी कानून के किसी के वैगन को पकड़ ले और उस को अपने इस्तेमाल में लाये, यह कहां तक उचित है। कहीं ऐसा तो नहीं है कि रेलवे के नीचे के अधिकारी किसी और उद्देश्य को पूरा करने के लिए ऐसा कर रहे हैं। हो सकता है कि उस आदमी से, जिस का वैगन रेलवे ले रही है, यह कहा जाये कि तुम्हारा वैगन नहीं लेंगे, दूसरे का लेंगे। जब ऐसा अस्तित्थार उन्हें मिल जायगा, तो उस अधिकार का बुरा इस्तेमाल भी हो सकता है, बेजा इस्तेमाल भी हो सकता है जो पैसा पैदा करने के काम में लाया जा सकता है। मेरा निवेदन है कि इस पर माननीय मंत्री गम्भीरतापूर्वक विचार करें।

९ अप्रैल से इतने दिन होने को आते हैं, लेकिन वे वैगन उन लोगों तक नहीं पहुंचते हैं। उसी दिन माननीय उपमंत्री ने यह एलान किया था कि वैगन उन को दे दिये गये हैं। अभी तक वे उन को क्यों नहीं पहुंचे हैं? उन को जल्दी पहुंचाने की व्यवस्था की जानी चाहिए। और फिर जैसा कोयला रेलवे ने लिया था, वैसा ही कोयला उन लोगों को नहीं मिला है। यह तो नहीं हो सकता है कि रेलवे किसी का माल अपने इस्तेमाल में ले आये और जब वह उसे देने बैठे, तो कोई दूसरा माल दे। यह कोई नीति नहीं है और न ही कोई नैतिकता है।

हर्जों का प्रश्न ऐसा है, जिस पर बहुत गम्भीरतापूर्वक मैं यह कहना चाहता हूँ कि अगर रेलवे यह तय नहीं करती है कि जिन लोगों का कोयला उस ने लिया है, उन को हर्जा दिया जाये, तो यह अच्छी बात नहीं होगी कि वे लोग अदालत का दरवाजा खटखटाते फिरें और रेलवे को भी पैसा खर्च

करना पड़े। रेलवे का पैसा जनता का पैसा है। अगर इस तरह से कोई गलती हो गई है उन लोगों का कोयला ले लिया गया है, तो माननीय मंत्री उन को उचित हर्जा देने का प्रयत्न करें और यहां पर आश्वासन दें कि उन को हर्जा दिया जायगा।

इन शब्दों के साथ मैं उन प्रश्नों की सफाई चाहता हूँ, जो कि मैं ने यहां पर उठाये हैं।

श्री सिंहासन सिंह (गोरखपुर): क्या मैं भी एक सवाल कर सकता हूँ ?

उपाध्यक्ष महोदय : पन्द्रह मिनट तो उन्होंने ही ले लिये हैं। अब वक्त नहीं है।

श्री सिंहासन सिंह : छोटा सा सवाल है।

उपाध्यक्ष महोदय : बहुत अच्छा।

श्री सिंहासन सिंह : क्या सरकार के पास उत्तर प्रदेश की सरकार की तरफ से पत्र आया है जिस में यह कहा गया है कि उत्तर प्रदेश में कोयले की काफी कमी हो गई है जिस की वजह से कई काम रुक गये हैं और बहुत सी कोयले की गाड़ियां जो आई भी थीं उन के बारे में पता चला कि उन्हें रेलवे ने ले लिया है? मैं जानना चाहता हूँ कि इस कमी को पूरा करने के लिए क्या कदम उठाये जा रहे हैं और किस तरह से और कब कोयला वहां पहुंचाया जायेगा ताकि काम बन्द न हों ?

श्री० रणवीर सिंह : इसको देखते हुए कि रेलवे के महकमे को भी दूसरों के कोयले की गाड़ियां लेने की जरूरत पड़ती है, रेलवे के महकमे के लिए जो कोयले के लदान का प्रोग्राम है, उस में तबदीली करने की आवश्यकता नहीं है ?

Shri S. V. Aamaswamy: The hon. Member, Shri Braj Raj Singh, read only one portion of the answers to

the questions on which this half-hour discussion is based. I quote the relevant portion from the proceedings:

"Shri Braj Raj Singh: . . . May I know why without giving any notice to the private party, the railways intercept this coal and under what authority they do it?"

"Shri S. V. Ramaswamy: It is a long-standing practice that whenever we run short of coal, in order to maintain the essential services, we divert the coal and intimate the Coal Controller and the parties".

Lower down, Shri Harish Chandra Mathur, another hon. Member, asked a question. Again I quote:

"Shri Harish Chandra Mathur: . . . under what provision of law it is done, whether it is a long-standing practice or not?"

"Mr. Speaker: He has already said that it is a long-standing practice.

"Shri Harish Chandra Mathur: Is it covered by any law?"

* * *

"Shri S. V. Ramaswamy: I am not aware of the legal position. That is for the Law Ministry to consider.

"Mr. Speaker: That is the age-long practice, and nobody seems to have complained. The hon. Minister will look into the question under what authority he is doing it".

I have looked into the question as per the hon. Speaker's direction. The Colliery Control Order was passed in 1945. It was a war-time order. But it is still in force. That gave power to the Coal Controller to authorise the diversion of coal according to the exigencies and necessities. Not merely that. He has the power to delegate

that power to any other authority he may like. I quote from paragraph 12 of that Order:

"The powers conferred upon the Coal Controller with the Government of India under this clause may be exercised in like manner and subject to like conditions by any officer authorised by him in writing".

The Railways have been authorised by the Coal Controller in pursuance of this Colliery Control Order of 1945. This stands to reason because 90 per cent of the country's coal is moved by the Railways. Unless the coal is moved, many other industries and services will be affected. Let us take an instance. A locomotive is hauling a coal train.

Supposing there is no coal in the engine; how can it be moved? That is a dire necessity. Under those circumstances, therefore, under the authority of this Order, we can divert the coal, fill in the engine and move the coal. Can you say, 'You cannot divert because it is private coal?' How then can the coal be moved? Under such circumstances, this power to divert has been conferred.

You may ask me why the Railways have been given these powers. The Coal Controller cannot know from day to day the difficulties of the Railways, where in any place the stock is good and where it is according to the standard limit or not. He may not know. Even before this power was conferred under this Order, this has been going on ever since the Railways came to this country.

It is not one-way traffic. If there is any difficulty for the Railways, we divert it; and then, when there is difficulty for the private sector or the industry for whom the coal was meant we give out of over stock.

[Shri S. V. Ramaswamy]

There has been no grumbling; it is a mutual adjustment. The basic thing, the essential thing, the fundamental thing is to maintain the services. Without the services the economic life of the country would be upset. That is the basic factor and that is why this power has been given to divert this coal.

My hon. friend wanted to know many things. He referred to the I.P.C. I believe my hon. friend is a lawyer.

Shri Braj Raj Singh: I am.

Shri S. V. Ramaswamy: He referred to section 406 of the I.P.C. I do not think we go anywhere near the I.P.C., much less section 406. It is duly authorised and it is essential to maintain the services; it is very necessary and we have been doing it.

Shri Braj Raj Singh: I do not want to interrupt the hon. Minister. But is the hon. Minister sure that the order which was passed in 1944 or 1946 is a constitutional one, this Colliery Control Order?

Shri S. V. Ramaswamy: My hon. friend is a lawyer. He knows that there is the Adaptation Order and all such orders continue until they are repealed by the President; and this is one such.

The hon. Member digressed into many other things, the payment to inspectors for the allotment of wagons, the payment of Rs. 25 and so on. That is all beside the point. The hon. Member may take some other occasion to talk about corruption or corrupt practices in the Railways. Even yesterday I submitted that we are looking into all these things and we are exercising strict control on the theft of coal.

Perhaps, hon. Members have an exaggerated view of the loss of coal by theft. He said that it was to the

tune of Rs. 2 crores. It is not so. I have submitted to the House that in 1957-58 the loss was of the order of 50,000 tons valued at Rs. 12 lakhs. Nothing more than that; and it came down next year to 30,000 tons, valued at Rs. 8 lakhs. We are taking very stringent measures, rigorous measures to prevent this theft; and I have no manner of doubt that the steps that we have taken will be very effective and the theft of coal will be brought further down. If the hon. Member puts a question next year, I shall be very happy to inform him that the theft has come down because we are taking such stringent measures.

The hon. Member said that the stocks had gone down. It is true that the stocks had gone down. That is why this difficulty. We are trying to make up this stock. Production itself was somewhat less; but, then, we are trying to work up in collaboration with the Iron and Steel Ministry to see that no industry suffers, that the Railways do not suffer and that the economic life of the country is not interrupted. We are at it. We are very much concerned about it. And, if there is a shortfall somewhere and there is some slight interruption somewhere or difficulty, it is not to be exaggerated.

The hon. Member, in order to strengthen his case, put a question whether it is not a fact that 15,000 workers have been thrown out of employment because factories have been closed. My humble submission is that it is an exaggeration. No factory has been closed and no employee has been thrown out of employment in Firozabad. In Firozabad the hon. Member said that a factory had been closed. It is not correct. I am not using the word 'lie' but I will only say that the hon. Member is misinformed. He may check up his information and he will find what he has told this House is not quite correct. The diversion has been so judicious that no industry has been

affected. We are not interested in starving the industries. What is the benefit we get? Unless the industries go on and more and more coal is needed, our traffic will suffer. It is not for pleasure that we divert. It is only when there is dire necessity that there is diversion to maintain the services. If we do not divert, it will effect the running of important trains and it will result in greater loss. This adjustment has been there and without understanding the significance and of the background of the whole case, I respectfully submit the hon. Member has tried to raise this issue and tried to magnify it. There is difficulty sometimes during this season. In the economic set-up of this country, there are seasonal demands and there are slack seasons. In some months there is terrific rush but our capacity to move is limited. In certain other months, there is slackness and goods are not offered and traffic is not available. It is a matter of constant planning and we have got to keep a watch every minute to keep the wagons moving and the passenger trains moving and see that the industries are supplied all the necessary things. He may think that because we are moving the coal, we take top priority and we take all the coal to ourselves. It is not so. For certain essential industries we give more coal than for ourselves. He said that a safe limit would be ten days for Railways. We have provided a very safe margin to some important industries. For instance, the steel plants had on 15th April, 1960 reportedly 15 days stock and the electric supply undertakings had 25 days stock and at cement works even 35 days stock. The Sindri Fertilisers had 90 days stock. We never have such big stocks.

Shri Braj Raj Singh: Why don't you have? That is my point?

Shri S. V. Ramaswamy: There is a limited capacity. The wagons are there; the production of coal is there and the movement is there. The

capacity of the line is there. These are all factors. We cannot blindly say: all right, dig it up and move it. It is not the only thing. There are other competing interests. The whole thing has got to be planned, adjusted and calculated. It is really a terrific job. If the hon. Member would care to know, it is a constant planning process. Perhaps the hon. Member does not know . . . (*Interruption*).

Shri Braj Raj Singh: I am not required to know; you are required to know.

Shri S. V. Ramaswamy: It is better that the House knows. Every day by 12 midnight, information is received as to how many wagons have moved from one zone to the other zone. We have got a complete record by 12 midnight. That is the deciding factor. We are taking all these things into consideration.

Shri Braj Raj Singh: What about the 75 wagons which you have intercepted.

Shri S. V. Ramaswamy: I forgot that. There again, I submit that my hon. friend is misinformed.

Shri Braj Raj Singh: Shall I place a statement on the Table of House, with your permission? Or please allow me to read out the names of the parties?

Mr. Deputy-Speaker: Whose statement is it?

Shri Braj Raj Singh: I have got it prepared myself.

Mr. Deputy-Speaker: If it is the statement of the hon. Member, he has already made it orally.

Shri Braj Raj Singh: He has said that I am misinformed.

Mr. Deputy-Speaker: By writing it down the hon. Member would not put force into it.

Shri Braj Raj Singh: I shall give the names of parties, RR numbers, etc.

Mr. Deputy-Speaker: He may pass it on to the hon. Minister.

The Minister of Railways (Shri Jagjivan Ram): It might be. I am not aware of those 75 wagons. But even in normal cases some wagons are mis-connected. They may be coal wagons or the general goods wagons. Well, I am not quite sure whether it is a case of misconnection where it becomes difficult to locate the wagons, but I will check that up.

Mr. Deputy Speaker: This may be passed on to him.

Shri Jagjivan Ram: But the standing practice is that as soon as a wagon is intercepted telegraphic information is given to the Coal Controller and the party concerned. Whether there has been any lapse in any case, I will check that up if particulars are supplied to me.

Shri Braj Raj Singh: It was not done in this case.

Shri Jagjivan Ram: If in certain cases intimation has not been given to the party concerned, I will see why this lapse has occurred. The intention is that the Coal Controller and the party should know so that the wagons should be replaced by the Coal Controller and additional supply may be made to the party concerned.

I may add only one thing, that during these three months we had some unprecedented difficulty. But so far as interception of coal of the private industry is concerned it has been in practice in cases of emergency. At the same time wherever we find that the industry is also in difficulty there have been cases and practically it happens every week or every day that we divert our own coal sometimes from our loco sheds themselves to the industry, and where

we find that we require coal we at times take it from industry. There have been occasions where we have taken it from the electric supply companies from their stock and where occasion has arisen we have supplied from our loco sheds to the electric supply companies. Shri Sinhasan Singh wanted to know about it.

Another thing I want to mention is that none of the Ferozabad factories was closed. If my information is not correct I would like to have further information on the matter from the hon. Member. So far as my information goes none of the factories at Ferozabad was closed even for a single day.

There is another interesting thing. I have examined it. During the last three or four months the total quantity of coal intercepted will be something like 70,000 to 80,000 tons. It is less than one day's consumption of all the industries in the country. Therefore, it is not a magnitude which can cause any anxiety.

About U.P. Government, I have received a letter from the Chief Minister. We have turned the corner and I think the difficulties will not be there.

Shri Braj Raj Singh: Sir, I would like to say a word by way of personal explanation, because the Deputy Minister and the Minister said that the factories in Ferozabad were not closed. I never said in my speech that they were closed. I said that they were compelled to divert to wood and it was not giving the same production.

Mr. Deputy Speaker: He said that on account of this interception so many thousands of workers were thrown out.

Shri Braj Raj Singh: With your permission, Sir, may I submit one thing?

Mr. Deputy-Speaker: At least I got the impression that factories have been closed and employees thrown out.

Shri Braj Raj Singh: Sir, each wagon gives employment to 500 or 750 workers. In January 1960, 33 wagons were intercepted out of which 16 have been . . .

Mr. Deputy-Speaker: Order, order. No new speech now, no fresh speech can be made just now. The discussion is over.

17.59 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 27th April, 1960|Vaisakha 7, 1882 (Saka).

[Tuesday, April 26, 1960/Vaisakha 6, 1882 (Sah)]

ORAL ANSWERS TO COLUMNS QUESTIONS . . . 13693-13728

S.Q. No.	Subject	Columns
1692	Defective construction of ship "Andaman"	13693-94
1694	Tourist facilities at Chilka lake . . .	13694-96
1695	Tinnevely-Cape Comorin line . . .	13696-98
1697	Chittaranjan Locomotive works . . .	13698-13702
1698	Track renewals . . .	13702-04
1699	Parlakimedi light railway line . . .	13704-05
1701	Medium projects in Andhra Pradesh . . .	13705-07
1702	Sanitex Chemical industries Ltd. . . .	13707-10
1703	Sugar factories in Mysore State . . .	13710-14
1704	Securities deposited in Post Offices . . .	13715-19
1705	Reclamation of waste land	13719-23
1706	Procurement of wheat from Madhya Pradesh	13723-27
1707	Railway accident in Bombay	13727-28

WRITTEN ANSWERS TO QUESTIONS . . . 13728-81

S.Q. No.	Subject	Columns
1693	Purchase of railway stores	13728-29
1696	Bridges on National Highway No. 29	13729
1700	Clash between railway Sainiks and Gangsters	13729-30
1708	Chemical fertilisers for Madras	13730
1709	Rampur-Haldwani Line	13730-31
1710	Western shipping corporation	13731-32
1711	Use of Hindi on railways	13732
1712	Smuggling of rice to Tibet	13732-33
1713	Silo-cum-Elevator in Calcutta	13733
1714	Steel for railways	13733-34
1715	Cancer Hospital in Orissa	13734

WRITTEN ANSWERS TO QUESTIONS—contd.

S.Q. No.	Subject	COLUMNS
1716	Supply of food-grains	13734-35
1717	Undelivered wagons	13735
1718	Bridge on river Ravi to connect Jammu and Himachal Pradesh	13735-36
1719	Transport in Delhi	13736-37
U.S.Q. No.		
2534	Service Co-operatives	13737
2535	Re-modelling of Kazi-pet Yard	13738
2536	New Post Offices	13738-39
2537	Loco workshops on Southern railway	13739
2538	Agricultural colleges in Andhra Pradesh	13739
2539	Steel for bridges in Punjab	13740
2540	Hindu Rao Hospital, Delhi	13740-41
2541	Robberies on Railways	13741-42
2542	Closing of gates at Level crossings	13742-44
2543	Ex-grainshop employees on railways	13744
2544	Tungabhadra High level canal scheme	13744-45
2545	Village Panchayat Road scheme in Punjab	13745
2546	Huts near Vinsay Nagar Railway station	13745-46
2547	Hospital under the Ministry of Health	13746
2548	Willington Hospital New Delhi	13746-47
2549	Amateur Radio Society of India	13747
2550	Minor Irrigation in Bombay State	13747-48
2551	Cultivable waste land in Tripura	13748
2552	Cooperative Marketing Societies.	13748-49
2553	Street lights on Najafgarh road, Delhi	13749
2554	Loan for development of Agricultural land in Delhi	13749-50
2555	Distribution of Milk Powder in West Bengal	13751

WRITTEN ANSWERS TO
QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
2556	Crash of I.A.C. Dakota	13751
2557	Waters of Damodar River	13752
2558	Berhalganj-Balrampur line	13752-53
2559	Grants for sanatoria	13753
2560	Land acquisition in Delhi	13753-54
2561	Road bridge in Andhra Pradesh	13754
2562	Civil Hospital, Im- phal	13755
2563	Telephone connections, Andhra Pradesh . .	13755
2564	Irrigation and Power Development in An- dhra Pradesh . . .	13755-56
2565	National Highways	13756
2566	Power Research Insti- tute, Bangalore . .	13756-57
2567	Landing of A.I.I. plane at Nairobi	13757-58
2568	Timber from Anda- mans	13758-60
2569	Dispute over irrigation water in Himachal Pradesh	13759-61
2570	Co-operative sugar factory in Andhra Pradesh	13761-62
2571	Shifting of R.D.S.O.	13762
2572	Seniority of railway engineers	13763
2573	Homoeopathy	13763-64
2574	Telephone rates . .	13764
2575	Appointments in Kharagpur	13764-65
2576	Passenger Amenities on Pathankot-Jogin- der Nagar section . .	13765
2577	Passenger amenities on Rupar Nangal Dam section	13765
2578	Accidents on Feroze- pore division . . .	13765-66
2579	Trains running on Vi- jayawada-Gudur sec- tion	13766
2580	Cancer Research Insti- tute, Madras . . .	13766-67
2581	Hospital at Kharagpur	13767-68

WRITTEN ANSWERS TO
QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
2582	Railway official robbed near Shakrullapur	13768-69
2583	U.S.S.R. Pavilion at World Agriculture Fair	13769
2584	Central Council of Ayurvedic Research	13769-70
2585	Railway bridge between Chaunrah and Kalpi	13770
[2586	Cases of corruption on railways	13770
2587	Hindi correspondence in N. Railway Offices at Varanasi	13771
2588	Hindi on railways . .	13771
2589	Caring of railway em- ployee	13771-72
2590	Rail concessions to Primary Teachers . .	13772
2591	Accident near Poona	13772
2592	Derailment of train at Dhutra	13773-74
2593	Tramways in Delhi . .	13774-75
2594	Delhi Milk Supply scheme	13775
2595	Hindi for railway em- ployees	13775-76
2596	Bridge on National Highway N. 6	13776
2597	School teachers as postmen	13777
2598	Vizianagram-Raipur Section	13777-78
2599	Railway over-bridge near Keeling Road, New Delhi	13778
2600	Lady Hardinge Hos- pital, New Delhi . .	13778-79
2601	A.I.I. Trans-Atlantic Record	13779
2602	Wheat for Punjab . .	13779
2603	Railway quarters at Ratlam	13779-80
2604	Tobacco cultivation in Kerala	13780
2605	Wheat mission	13780-81
2606	Welfare Officers for P. & T. Orissa circle	13781
2607	Quarters for Post and Telegraph employees.	13781

MOTION FOR ADJOURNMENT

COLUMNS
13781—91

The Speaker withheld his consent to the moving of four adjournment motions given notice of by Sarvasbri Hem Barua, T. Nagi Reddy, Arjun Singh Bhadauria and Braj Raj Singh and Shrimati Parvathi M. Krishnan regarding police firing in Manipur on the 25th April, 1960.

PAPERS LAID ON THE TABLE

13791—13805

- (1) A copy of the Joint Communique issued on the 25th April, 1960, on the conclusion of the talks between the Prime Ministers of India and China.
- (2) A copy of each of the following papers:—
 - (i) Annual Accounts of the All India Institute of Medical Sciences for the years 1956-57 and 1957-58 along with the Audited Report thereon, under sub-section (4) of Section 18 of the All India Institute of Medical Sciences Act, 1956.
 - (ii) Notification No. G.S.R. 425, dated the 16th April, 1960 making certain further amendments to the Prevention of Food Adulteration Rules, 1955, under sub-section (2) of Section 23 of the Prevention of Food Adulteration Act, 1954.
- (3) A copy of each of the following Notifications under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, making certain amendments to the Delhi Motor Vehicles Rules, 1940:—
 - (i) No. F. 12 (159)/59—Transport published in Delhi Gazette dated the 11th February, 1960.

PAPERS LAID ON THE TABLE—contd.

COLUMNS

- (ii) No. F.—12 (197)/58—Transport published in Delhi Gazette dated the 3rd March, 1960.
- (iii) No. F. 12(15)/19—Transport published in Delhi Gazette dated the 24th March, 1960.
- (4) A copy of Notification No. G.S.R. 428, dated the 16th April, 1960, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, making certain further amendments to the Rice (Uttar Pradesh) Price Control Order, 1959.

MESSAGE FROM RAJYA SABHA—

13806

Secretary reported a message from Rajya Sabha that at its sitting held on the 23rd April, 1960, Rajya Sabha had agreed without any amendment to the Bombay Reorganisation Bill, 1960, passed by Lok Sabha on the 19th April, 1960.

REPORT OF COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE PRESENTED

13806

Twentieth Report was presented.

REPORT OF ESTIMATES COMMITTEE PRESENTED

13806

Ninetieth Report was presented.

BILL INTRODUCED

13807

The Appropriation (Railways) No. 3 Bill, 1960.

BILLS PASSED

13807—13932

- (1) Further discussion on the motion to consider the Representation of the People (Amendment) Bill continued. On the motions for Consideration, the Lok Sabha divided, Ayes: 112; Noes: 29. The

COLUMNS

COLUMNS

motion for consideration was accordingly adopted. After the clause-by-clause consideration, the Bill was passed.

- (2) The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha) moved for the consideration of the Estate Duty Bill. The motion was adopted. After clause-by-clause consideration the Bill was passed.
- (3) The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha) moved for the consideration of the Reserve Bank of India (Amendment) Bill. The motion was adopted. After clause-by-clause consideration the Bill was passed.

HALF-AN-HOUR DISCUSSION

13933—54

Shri Braj Raj Singh raised a half-an-hour discussion on points arising out of the answer given on the 9th April, 1960 to Starred Question No. 1394 regarding interception of coal wagons on Railways.

The Deputy Minister of Railways (Shri S.V. Ramaswamy) replied to the debate.

AGENDA FOR WEDNESDAY, APRIL 27, 1960/VAISAKHA 7, 1882 (SAKA)—

Consideration and passing of the Appropriation (Railways) No. 3 Bill, the Supreme Court Judges Amendment Bill and the Indian Bailers (Amendment) Bill, as passed by Rajya Sabha.