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Tuesday, December 4, 1962  
Agrahayana 13, 1884 (Saka)

# LOK SABHA DEBATES

Third Session  
(Third Lok Sabha)



LOK SABHA SECRETARIAT  
New Delhi

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

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## LOK SABHA

Tuesday, December 4, 1962/Agra-  
hayana 13, 1884 (Saka).

—  
The Lok Sabha met at Twelve of the  
Clock.

[MR. SPEAKER in the Chair]

## ORAL ANSWERS TO QUESTIONS

### SHORT NOTICE QUESTIONS

#### Inland Water Transport Services to Assam

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S. N. Q. 4. { Shri Indrajit Gupta:  
                  Shri Daji:

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

(a) whether any moves have been made for early settlement of the strike by the Pakistani section of crews of the Joint Steamer Companies operating in Assam and West Bengal;

(b) whether alternative means of transporting essential goods to Assam by road has finally been decided upon; and

(c) if so, details of the scheme?

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A statement giving the information required is placed on the Table of the Sabha. [See Appendix I, annexure No. 91].

2340(Ai)LS—1.

**Shri Indrajit Gupta:** May I know whether it is a fact that during the two months' duration of this strike, the accumulation of essential goods, particularly of tea and jute in Assam, has mounted up to the value of over Rs. 5 crores or so, and if so, whether this is not having a serious effect on our foreign exchange position?

**Shri Raj Bahadur:** There is no doubt that there has been a certain accumulation of goods, of tea particularly in Assam. But, recently, we have taken steps to move the accumulated stocks of tea and other goods by train and by road.

**Shri Indrajit Gupta:** Has the Government's attention been drawn to the statement made by a Minister of the Assam Government to the effect that the strike has been engineered by the Pakistan Government itself in order to blackmail us and to disrupt our economy?

**Shri Raj Bahadur:** That might be an inference drawn by the Minister of the Assam Government. I have not seen that statement. But, so far as the strikers are concerned, the demands that they have put forth are not entirely of the nature of an industrial dispute. Some of those demands smack of politics behind the people who are supporting the strike.

**Shri Daji:** The statement says that the scheme to move the goods by road transport requires about 250 trucks. May I know how many trucks have up till now been made available by Government for the transport of goods to Bengal and vice versa?

**Shri Raj Bahadur:** At the moment, we have already acquired about eight or ten trucks, to begin with. But we are not getting sufficient quantities of goods to move, because the private trade is not yet sending goods in the required quantities. We have placed orders for 50 trucks, out of which 8 have been received, and 42 are in transit from Madras to Calcutta. We propose to place orders for 50 more.

**Shri S. M. Banerjee:** From the statement it appears that the Labour Commissioner had discussions with the Pakistan Deputy High Commissioner at Calcutta, and the negotiations have practically failed. In view of the serious situation prevailing there, will Government take this matter up at the Ministerial level, with Pakistan?

**Shri Raj Bahadur:** Our Deputy High Commissioner in Dacca has been contacting the Chief Secretary of the East Bengal Government in this matter, and the representatives of the company have also been meeting the authorities both in Rawalpindi and in Dacca. I think that whatever contacts can be established and should be established are being established.

**Shri Hem Barua:** In view of the fact that this strike by the Pakistani crew is a political move on their part, may I know whether Government have tried a political solution to this problem, pending which, may I know whether in order to avoid such situations in the future, because of the emergency, Government propose to Indianise the services, the ratings etc.?

**Shri Raj Bahadur:** So far as a move on one part is concerned, the representatives of the Joint Steamer Companies sent us a memorandum in which they asked whether the Government of India would be prepared to send a representative to join in the discussions for the solution of this problem, and we have signified our assent to that. A similar memorandum has been sent to the Pakistan Government.

So far as the question of Indianisation is concerned, our desire is that we should have more and more Indians on this service. We shall do that, taking into account the various circumstances that are prevailing now or that may be created because of this strike.

**Shri Ranga:** It is more than fifteen days since the hon. Minister announced in a very courageous manner that he was going to provide for alternative transport by road. How is it that Government have made arrangements now only for 8 trucks, and how is it that the private trade is not responding, and Government do not know how they can help in the transport of the accumulated stocks of tea and other things?

**Shri Raj Bahadur:** I can assure the hon. Member that courage is not lacking at all. If there is railway capacity sufficient for the purpose of movement of goods we make use of the rail capacity in the first instance because it is much cheaper compared to the road transport. We would like to place that number of trucks only that might be necessary on the road under the Government organisation. We are trying to see that the required number of trucks needed by the Assam Government for their civilian and other needs are acquired. That is why we are trying to acquire as many as 100 new trucks. Apart from that, 200 new trucks have been allotted to Assam Government and all these trucks will be pushed into service as and when required by the exigencies of traffic.

**Shri C. K. Bhattacharya:** Has the Minister's attention been drawn to reports in the Calcutta Press about the false tales circulated in Pakistan by the employees of the fifty held-up steamers that in Calcutta and in India they are being forced to donate blood for our soldiers and whether any attempt has been made to contradict these things?

**Shri Raj Bahadur:** I am not aware of the tales that the people who are behind the strike are spreading in Pakistan because we do not get the information from Pakistan.

**Shri C. K. Bhattacharya:** These are reported in the Calcutta Press.

#### Recruitment to the Army

**S. N. Q. 5, Dr. L. M. Singhvi:** Will the Minister of Defence be pleased to state:

(a) whether any recruitment targets have been fixed or finalised recently;

(b) if so, the details thereof;

(c) whether Government have received any complaints of favouritism in recruitment; and

(d) whether it is proposed to relax the prescribed requirements for recruitment in the present situation of emergency?

**The Minister of Defence (Shri Y. B. Chavan):** (a) Yes, Sir.

(b) It is regretted that it will not be in the public interest to give the details.

(c) No, Sir.

(d) Some relaxations have been made in the physical standards and upper age-limits for recruitment. No other relaxation is under consideration.

**Dr. L. M. Singhvi:** What concessions and facilities are to be provided by the Universities and other such institutions to those who may be wishing to join the Defence Forces and whether any attempts have been made to frame these proposals for Concessions and facilities on a uniform basis so that they may be available to all students of all universities equally?

**Shri Y. B. Chavan:** There are no such concessions. The question is not for giving students concessions as

such. The question was about the recruitment to the army in general.

**Dr. L. M. Singhvi:** Recently, the Vice Chancellor of the Madras University had announced that several concessions and facilities would be extended to those wishing to join the Defence Forces. Are these concessions to be implemented on a uniform basis all over the country?

**Mr. Speaker:** That may be done by the Vice Chancellors or other university authorities.

**Dr. L. M. Singhvi:** It is not to be done merely by individual universities. I am asking whether Government have decided to take any steps in the direction of making rules or giving concessions uniformly all over the country. It is not to be done by a single Vice Chancellor only; it is to be done by all the universities at the instance of the Government of India. Have the Government taken such a step?

**Shri Y. B. Chavan:** Whatever suggestions may be made by the different Vice Chancellors can certainly be considered.

**Mr. Speaker:** The hon. Member says that one Vice Chancellor makes some announcement or observation giving certain concessions. Can Government extend them to the others?

**Shri Y. B. Chavan:** I am not aware of any such statement and even if somebody makes a statement like that I do not know how it can be binding on the Government.

**श्री भक्त दर्शन :** श्रीमन्, क्या शासन के ध्यान में यह बात आई है कि यद्यपि रिजर्विंग आर्किस्म को यह आदेश दिया गया है कि अधिक से अधिक संख्या में भरती की जाए, फिर भी बहुत से सौजवानों को निराश होकर लौटना पड़ रहा है ? यदि हाँ, तो क्या हम सम्बन्ध में कुछ प्रकाश डाला जाएगा ?

**श्री यशवन्त राव चव्हाण :** हां, यह ठीक बात है। लेकिन उनको शारीरिक योग्यता के जो निर्बन्ध हैं, उनका तो पालन करना चाहिये।

**Shri Hari Vishnu Kamath:** Have any representations been received from either individuals or organisations requesting Government to raise the upper age-limit for emergency commissions from 35 to 40 and, if so, has Government considered the matter favourably or is considering it?

**Shri Y. B. Chavan:** Even at the present moment, really speaking, the age-limit for emergency commissions has been raised; it is 35 now.

**Shri Frank Anthony:** Is it a fact that although many universities do not have the Intermediate as a qualification, the Defence Ministry has fixed the Intermediate qualification as the minimum for an emergency commission, and thereby shutting out all the people who have done the PUC, Senior Cambridge and first-class material from the public schools?

**Shri Y. B. Chavan:** Intermediate or its equivalent is the minimum qualification.

**Shri Frank Anthony:** What I am asking is this; is it a fact that you have prescribed the Intermediate as the minimum qualification, although the Intermediate is not now subscribed to by many universities, and therefore you are now shutting out all the PUC people, the Senior Cambridge boys and all the first-class material from the public schools for emergency commissions?

**Shri Y. B. Chavan:** I will have to look into it.

**Shri Ranga:** What steps are being taken by Government in view of this emergency to get into touch with the universities and suggest to them the various concessions that are being made and ask for their co-operation in providing as many recruits as possible for the various ranks in the army?

**Shri Y. B. Chavan:** It is a suggestion for action and I would certainly look into it.

**Shri Ranga:** What is the answer? We would like the hon. Minister to be a little louder.

**Mr. Speaker:** I will ask him.

**Dr. L. M. Singhvi:** Sir, on a point of order. He must say whether any steps have been taken so far; not that he will look into it. If it is only a suggestion for action, then he can look into it. But the hon. Member is asking whether the Government have done anything in the matter. We want to know what the Government have done.

**Mr. Speaker:** If it is only a suggestion for action, certainly he will consider it. What else can he say at this moment?

**Shri Iqbal Singh:** May I know whether some examinations for the permanent commission were taken and the results have not yet been out and some examination is being cancelled, and whether some consideration will be given to those persons who have appeared in the examination and have passed?

**Shri Y. B. Chavan:** It is a different question, Sir.

12.14 hrs.

# CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

## SUPPLY OF MIGs

**श्री बागड़ों (हिसार) :** मैं नियम १६७ के अन्तर्गत रक्षा मन्त्री का ध्यान निम्न अविलम्बनीय लोक महत्व के विषय की ओर आकृष्ट करता हूँ और चाहता हूँ कि वह इस सम्बन्ध में अपना वक्तव्य दें :—

“भारत को मिग विमान देने में अपनी प्रसमर्थता व्यक्त करते हुए रुस



सरकार के सन्देश के बारे में कथित समाचार ।”

**प्रतिरक्षा मन्त्री (श्री यशवन्त राव चव्हाण) :** अध्यक्ष महोदय, भारत सरकार तथा सोवियत संघ सरकार के बीच किये गये इकरार-नामे के आधार पर लाइसेंस के अन्तर्गत भारत में इस वायुयान के बनाने के लिये मुख्यतया एक कारखाना स्थापित करने की बात थी । इसके अतिरिक्त कुछ मिग वायुयान दिसम्बर १९६२ में, कुछ अगले वर्ष और कुछ फिर उसके बाद देने का इकरार था ।

\* मास्को स्थित हमारे राजदूत सोवियत संघ सरकार से सम्पर्क बनाये हुये हैं और उन्होंने सूचना दी है कि कारखाना स्थापित करने का इकरारनामा निश्चित योजना के अनुसार आगे चलाया जाएगा और मिग वायुयान भी दिसम्बर, १९६२ या थोड़े समय बाद सप्लाई किये जायेंगे ।

**Shri Ranga (Chittoor):** He is not audible.

**Mr. Speaker:** Hon. Members say he is not audible.

**Shri Rana:** The loudspeaker seems to be defective. Even when the Prime Minister speaks, we are not able to follow.

**Mr. Speaker:** If there is any defect in the acoustics, it will be looked into.

**Shri Y. B. Chavan:** Mr. Speaker, Sir, the agreement between the Government of India and the Government the U.S.S.R. was principally for the building up under licence in India of a plant for the manufacture of aircraft. It was further agreed to supply a few MIGs in December, 1962, and some next year and some later.

2. Our Ambassador in Moscow has been in touch with the Government

of the U.S.S.R. and he has reported that the agreement for the building up of the plant will be proceeded with according to schedule. Also that the MIGs will be supplied in December, 1962, or a little later.

**श्री बागड़ी :** इन विमानों को देने के बारे में रूस सरकार ने समझौता किया था । लेकिन जब चीन ने हिन्दुस्तान पर हमला किया तो एन वक्त पर रूस का एक . . . . .

**अध्यक्ष महोदय :** सवाल कीजिये, दर्लाल देने की आवश्यकता नहीं है ।

**श्री बागड़ी :** इसके बिना सवाल कैसे समझ में आएगा ।

**अध्यक्ष महोदय :** वैसे भी सवाल हो सकता है ।

**श्री बागड़ी :** मिग विमानों को देने की बात पहले से ही पक्की हो चुकी थी । लेकिन जब चीन ने हिन्दुस्तान पर हमला किया और उस दौरान में कभी इंकार और कभी इकरार और इसको लम्बा ले जाना, यह सब क्या हिन्दुस्तान की गौरव के ऊपर एक चोट नहीं है ? और दूसरी बात यह है कि . . . .

**अध्यक्ष महोदय :** एक सवाल ही एक वक्त में हो सकता है । वह हो गया है ।

**श्री बागड़ी :** वही सवाल कर रहा हूं । क्या ऐसे मौकों पर जबकि हिन्दुस्तान को रूस लटका रहा है और इतना ही नहीं बल्कि उसकी गौरव को भी चैलेंज कर रहा है, क्या भारत सरकार इस बात को नहीं सोच रही है कि इस मिग विमानों के मोदे को वह कैसेल कर दे ?

**अध्यक्ष महोदय :** यह कोई सवाल नहीं है । इसका जवाब दे दिया गया है । बना दिया गया है कि वह हमको लटकाये नहीं रख रहे हैं । जां इकरार था उसके अनुसार कुछ मिग वायुयान दिसम्बर में या और कुछ बाद में दिये जायेंगे । इसमें लटकाने का सवाल कहाँ से आ गया ।

श्रम और कोई सवाल करना हो तो कर लीजिये ।

**श्री बागड़ी :** कितने मिग विमानों की व्यवस्था हुई है और किस तारीख को वे मिलेंगे ? क्या कोई निश्चित तारीख है या नहीं है ?

**अध्यक्ष महोदय :** तारीख बता दी है उन्होंने ।

**श्री बागड़ी :** दिमम्बर बताया है । पक्की तारीख नहीं बताई है ।

**अध्यक्ष महोदय :** पक्की तारीख है ही नहीं तो बतायें कहां से । यही लिखा हुआ है कि दिमम्बर के करीब मिलेंगे । और तारीख क्या बता दें ।

और कोई सवाल करना है, आपको ?

**श्री बागड़ी :** जी नहीं ।

**श्री प्रकाश बीर शास्त्री (बिजनौर) :** रूस से इन विमानों को भारत को दिये जाने की जो बात कही गई है कि दिमम्बर या दिगम्बर के पर्याप्त मिलने की सम्भावना है, इसके सम्बन्ध में मैं जानना चाहता हूं कि केवल मिग विमान ही भारत को मिलेंगे अथवा उनके स्पेयर पार्ट्स भी प्राप्त हो सकेंगे जिससे उनका सदुपयोग हो सके ?

**श्री यशवन्त राव चव्हाण :** स्पेयर-पार्ट्स बनाने के लिये कारखाना बनने वाला है ।

**Shri Hari Vishnu Kamath (Hoshangabad):** Has Government any evidence to show or reason to believe that China is putting pressure or has put pressure on Russia in respect of this deal between Russia and India, and while India appreciates . . .

**Mr. Speaker:** Order, order. He is making comments. Hon. Members know, and more so Mr. Kamath, that no inferences or arguments are to be introduced in the question. The question should come straight.

**Shri Hari Vishnu Kamath:** Has the Government's attention been drawn to the statement made by Mr. Duncan Sandys in the House of Commons yesterday. I believe, in respect of this deal, to the effect that his information is that the Russian Government is not prepared to honour its commitment to India regarding the sale of MIG aircraft and if so, while the Government and the country appreciate Russia's readiness to sell this aircraft to India, is Government contemplating an approach to other friendly countries also for increasing its air power and for the supply of aircraft to this country?

**Mr. Speaker:** So far as approaching other countries is concerned, that is a different question. This question only relates to MIGs. The hon. Member has referred to the statement of Mr. Duncan Sandys. Does he want the information that is with the Government or with Mr. Duncan Sandys?

**Shri Hari Vishnu Kamath:** You will pardon me, Sir. I crave your indulgence . . .

**Mr. Speaker:** There is one thing I would request hon. Members to observe. When Government gives a definite and positive information, why should they be confronted with the question that somebody else in some other place said something? Now, the information is being solicited from the hon. Minister. He positively says that this is the fact.

**Shri Surendranath Dwivedy (Kendrapara):** He only wants to know whether that information is not correct (*Interruption*).

**Mr. Speaker:** I have followed the hon. Member. It is not desirable that when the Government gives some information here, when the hon. Minister makes a definite statement, hon. Members should ask whether the information given by some other politician in some other Parliament is correct or not. If it is inconsistent with

the information given by the hon. Minister here, certainly we cannot say it is true.

**Shri Hari Vishnu Kamath:** May I submit in all humility, Sir, the Defence Minister said that the transaction will be completed either by the middle of December or a little later. It is rather vague. He said: "a little later". Could he tell us how much later?

**The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Jawaharlal Nehru):** I am afraid, Sir, many hon. Members have been misled by all kinds of reports appearing in the Press; not only the Press here but, rather, elsewhere, because many people have taken a great deal of interest in this transaction. But the fact is, there has been no question at any time of the Soviet Union backing out of the commitment they have made, and they have made it perfectly clear to us that they will proceed with this. There was, if the hon. Member wants to know it, some little difficulty, so we understand,—nothing to do with China or anything—in view of the world situation becoming rather critical because of what happened in the Caribbean. That was partly a reason for certain uncertainty about the time. But, apart from that, they have always said so. Our latest account is that they will do so. The main thing is the building up of the plant. The rest was really some for training purposes and samples. A few were to come in December, a few next year and a few in 1964. They said they will abide by that. There may be a little delay, they said is this quite authoritative. I do not see how what Mr. Duncan Sandys said or anybody else can say can take away the authority of the statement that we make on the information that we receive.

**Some Hon. Members rose—**

**Mr. Speaker:** I do not think there are any more supplementaries now required.

**श्री यशपाल सिंह (कैना):** क्या मैं जान सकता हूँ कि यह जो ऐग्रीमेंट हुआ था

वह किसी पोलिटिकल ऐंगल के मातहत हुआ था या कामर्शल के धीरे उसके टर्म्स क्या थे ? क्या वह ऐग्रीमेंट हाउस की मेज पर रक्खा जा सकेगा ?

**अध्यक्ष महोदय :** श्री कच्छवाय ।

**श्री कच्छवाय (देवान) :** क्या सरकार का ध्यान अमरीका में भारतीय राजदूत श्री वी० के० नेहरू के वक्तव्य की ओर गया है जिसमें उन्होंने कहा है कि मिग विमान के मिलने की आशा कम है या मिलने में देर हो सकती है ?

**अध्यक्ष महोदय :** कोई कुछ कहता रहे, आप से क्या मतलब ?

**Shri -Bade (Khargone):** The statement of Shri B. K. Nehru appeared in the Press this morning.

**Mr. Speaker:** They should believe more what is said here than what is said in the Press.

**Shri Bade:** Why should it appear in the papers.

**श्री राम सेवक यादव (बाराबंकी) :** मैं दो सवाल पूछना चाहता हूँ ।

**अध्यक्ष महोदय :** आप अगला कानिग अट्रेंशन नोटिस पढ़िये ।

**श्री राम सेवक यादव :** मेरा भी नाम है मिग वाले नोटिस में ।

**अध्यक्ष महोदय :** कोई जरूरी नहीं कि हर एक को मौका दिया जाये, आप कानिग अट्रेंशन नोटिस पढ़िये ।

**श्री राम सेवक यादव :** आप पहले मेरा निवेदन सुन लें उसके बाद आप जो आदेश देंगे मैं उसका पालन करूंगा ।

**अध्यक्ष महोदय :** मेरी दरखास्त है कि आप कानिग अट्रेंशन नोटिस पढ़िये ।

**श्री. राम सेवक यादव :** मैं उसे पढ़ रहा हूँ लेकिन यह बहुत महत्वपूर्ण प्रश्न है जो कि छुटा जा रहा है।

**अध्यक्ष महोदय :** इसके लिये हम कोई और माँका तलाश कर लेंगे।

**श्री राम सेवक यादव :** इसके लिये अब कौन सा मौका हम तलाश करेंगे ?

**अध्यक्ष महोदय :** अब दलीलबाजी से तो काम नहीं चलेगा।

#### FIRING BY CHINESE ON INDIAN SOLDIERS

**श्री राम सेवक यादव :** मैं प्रक्रिया तथा कार्य संचालन सम्बन्धी नियमों के नियम १६७ के अन्तर्गत प्रधान मन्त्री का ध्यान निम्नलिखित अविलम्बनीय लोक महत्व के विषय की ओर आकृष्ट करता हूँ और चाहता हूँ कि वह उस एक वक्ताव्य दें :

“हमारे लौटते हुए सैनिकों पर चीनी सैनिकों द्वारा आक्रमण तथा हताहत हुए व्यक्तियों की संख्या।”

**श्री जवाहरलाल नेहरू :** अध्यक्ष महोदय, खबरें हमारे पास यह आई हैं। आपको याद होगा कि चीनी फौजों की तरफ से जो यूनि-लैटरल सीज़ फायर कहलाता है वह २१ और २२ नवम्बर की रात को हुआ था। खबर यह आई है कि २२ नवम्बर को हमारे कुछ लोग लौट रहे थे, विथड्रा कर रहे थे, तीन जगहों से। उन पर गोली चलाई गई। अगर मैं उन तीन जगहों का नाम लूँ तो शायद आपको बहुत मदद न मिले, लेकिन साउथ आफ डरांग जॉंग में कुछ लोगों पर गोली चलाई गई। फिर ३०० सिपाही लौट रहे थे उन पर गोली चलाई गई लिगेला गोम्पा में जो डरांग जॉंग से आठ मील दक्षिण में है। और उसी के आस पास कुछ लोग सड़कें बना रहे थे; उन पर गोली चलाई गई। जहाँ तक हमें इल्म है, कोई मारा नहीं गया है और न घायल हुआ है। २३ नवम्बर को भी उसी इलाके में जो फौजें वापस आ रही थीं उन पर गोलियाँ चलाई गईं। २५ नवम्बर को ऐसा ही हुआ। सब उसी इलाके के आस

पास हुआ दरांग जॉंग के। वहाँ भी कुछ गोलियाँ चलाई गईं उन लौटते हुए स्ट्रैगलर्स पर जो इनके दुक्के आ रहे थे। लेकिन जैसा मैंने कहा, जहाँ तक हमें इल्म है, कोई कैजुअ-लिटी नहीं हुई।

**श्री राम सेवक यादव :** मैं जानना चाहता हूँ कि युद्ध विराम के बाद शान्तिमय सिपाहियों पर इस तरह से चीन का हमला क्या इस बात का प्रमाण नहीं है कि उनका जो युद्ध विराम का प्रस्ताव है वह धोखा मात्र है, और महज हमारे मनोबल को और हमारी तैयारियों को कम करने के लिये है ?

**अध्यक्ष महोदय :** यह तो राय की बात है।

**श्री राम सेवक यादव :** इस पर भारत सरकार की क्या प्रतिक्रिया हुई है ?

**श्री जवाहरलाल नेहरू :** इसका जवाब मेरी तरफ से है कि “नहीं है”। यह समझना कोई जरूरी नहीं है। यानी हो सकता है कहीं। एक रोज बाद उसके हुआ था। याद रखिये कि २२ और २३ नवम्बर को कुछ लोग वापस आ रहे थे, फौजी लोग। हो सकता है कि जान बूझ कर तंग करने को न हो, हो सकता है कि धोखा हो गया हो। कोई बहुत ज्यादा किया भी नहीं। गोली चलाई लेकिन किसी को लगी नहीं। हो सकता है कि उनको खतरा लगा हो। वह डर गये हों कि उन पर हमला न हो। हजार बातें हो सकती हैं। कोई तफसील मालूम नहीं है। यह खबर भी उसके दस रोज बाद हमारे पास आई है।

**श्री बागड़ी :** जब हमारी फौजें वापस आ रही थीं उस वक्त प्रधान मन्त्री के बयान के मुताबिक चीनियों ने हमारी फौजों पर हमला किया। मैं जानना चाहूँगा कि क्या हमारी फौजों को हमारी तरफ से यह हिदायत थी कि सीज़ फायर होने के बाद अगर उन पर फायरिंग हो तो व उस फायरिंग का जवाब न दें ?

यानी जब उन्होंने फायरिंग की तो हमारे भादमियों ने फायरिंग नहीं की ? या अगर फायरिंग की तो उसका रटो भ्रमल नहीं हुआ, और नहीं की तो क्या उस हुक्म के तहत नहीं की, क्या हिन्दुस्तान की सरकार ने यह हुक्म दिया था कि सीज फायर के बाद फायरिंग न की जाये ?

**श्री जवाहरलाल नेहरू :** हिन्दुस्तान की सरकार के हुक्म का कोई सवाल नहीं है क्योंकि वह लोग वापस आ रहे थे, स्ट्रैगलर्स थे । जो लड़ाई हुई थी उससे बच कर, निकल कर, आ रहे थे । उनसे हमारा कोई सम्बन्ध भी नहीं था ख़तरा देने का या लेने का । चुनांचे कोई सवाल ही नहीं था हमसे कि कुछ करो या न करो । जाहिर है कि अगर उन पर कोई हमला कर दे तो उन्हें पूरा अधिकार था अपने को बचाने का ।

**श्री बागड़ी :** जब चीनियों ने उन पर हमला किया तो हमारे फौजियों ने जवाब में फायरिंग की या नहीं की ?

**Mr. Speaker:** Did our soldiers fire in self-defence?

**Shri Jawaharlal Nehru:** No, Sir. There were stragglers, a little troops here and there.

**श्री यशपाल सिंह :** मैं सिर्फ इतना जाना चाहता हूँ कि भारत सरकार ने इस के जवाब में चाइना को कुछ लिखा या नहीं लिखा, और जब चाइना ने सीज फायर कर दिया तो हम ने भी कर दिया या नहीं कर दिया ?

**अध्यक्ष महोदय :** इस के लिखने का सवाल कहाँ उठता है ?

**Shri S. M. Banerjee (Kanpur):** May I know whether after the unilateral cease-fire was announced by the Chinese Government any incident has taken place? Also, what is the position of their withdrawal?

**Mr. Speaker:** That is a different thing altogether. Withdrawal does not come in here.

**Shri S. M. Banerjee:** My question was whether there had been any other incident after this firing. That comes under this.

**Mr. Speaker:** All that was known to the Government has been disclosed here. He is asking whether after that there has been any other incident. But, as I said, all that was known to the Government has been told.

**Shri Hem Barua (Gauhati):** Peking Radio has told us yesterday that when the Chinese troops were withdrawing from NEFA, the NEFA tribesmen with tears in their eyes described them as Buddhas. That is a propaganda, we know; but in the context of that may we know, because we are going to extend our civil administration to those areas vacated by the Chinese troops, whether Government are having any aerial or any other survey to see and to ascertain that some of these Buddhas with their clay feet do not stick on to the NEFA soil so as to repeat the firing on our administration or on our troops?

**Mr. Speaker:** That is a different thing altogether.

**Shri Hem Barua:** May I submit....

**Mr. Speaker:** Have I the authority to disallow or not?

**Shri Hem Barua:** My purpose in asking this is only this. This firing might be repeated on our people. We are going to extend our civil administration to those areas.

**Mr. Speaker:** That is to be seen afterwards.

**Shri Hem Barua:** Therefore I want to know whether some stragglers of the Chinese troops....

**Mr. Speaker:** Order, order. Papers to be laid on the Table.

12.32 hrs.

**RE: REPORTED RAILWAY ACCIDENT**

**Shri S. M. Banerjee** (Kanpur): Sir, I have a submission to make. It is most unfortunate that there has been a second train accident where three people have died.

**Mr. Speaker:** He can come to me. The rules of discipline and procedure that we have chalked out should not be thrown out at this moment because there is an emergency. Of course, I have been allowing certain concessions because passions are excited and there are unusual times so that hon. Members might ask those questions. But it is an established rule now and hon. Members have been doing that, that is, if there is a grievance that they have they can come to me and represent to me that any decision taken must be reviewed and I will be prepared to do that.

12.33 hrs.

**PAPERS LAID ON THE TABLE**

**ANNUAL REPORT OF THE STATE TRADING CORPORATION OF INDIA LIMITED FOR THE YEAR 1961-62**

**The Minister of Commerce and Industry (Shri K. C. Reddy):** Sir, I beg to lay on the Table a copy of Annual Report of the State Trading Corporation of India Limited, New Delhi, for the year 1961-62, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under subsection (1) of section 619A of the Companies Act, 1956. [Placed in Library. See No. LT-624/62].

12.33½ 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 3rd December, 1962, agreed without any amendment to the State-Associated Banks (Miscellaneous Provisions) Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 28th November, 1962."

12.33½ hrs.

**GIFT-TAX (AMENDMENT) BILL**

**The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha):** Sir, on behalf of Shri Morarji Desi, beg to move:†

"That the Bill further to amend the Gift-tax Act, 1958, be taken into consideration."

It is now about a year that this House considered in detail the position of the Income-tax Act, 1962. By that Act the Income-tax Act, 1922, was repealed and several changes of form and substance were made with a view to rationalise the procedures and checking avoidance and evasion of taxes more effectively.

As hon. Members are aware, the basic pattern of the Gift-tax Act is the same as that of the Income-tax Act. The administrative set-up for both taxes is practically the same. Some of the recommendations made by the Direct Taxes Administration Enquiry Committee are applicable to the other direct taxes including the Gift-tax. Having regard to both these it is considered expedient that the provisions of the Gift-tax Act, 1958, should also be brought in line with those of the Income-tax Act, 1961.

†Moved with the recommendation of the President:

Opportunity has also been taken here to introduce a few changes in the Gift-tax Act. It has been found to be necessary to meet the problems which have arisen during the course of the administration of this Act. The amendments proposed in this Bill are the following. They broadly fall into three categories. The first type of amendments are formal. That is to say, the references to the serial numbers of the sections in the Indian Income-tax Act, 1922, to be replaced by references to the corresponding sections of the Income-tax Act, 1961.

The second type of amendments proposed are about some re-drafting of existing sections with a view to clarify their intentions and introduction of a new clause to adopt the modified procedure of assessment, penalties to be levied, appeals and the recovery on the lines of the Income-tax Act, 1961.

Thirdly are the changes necessitated by the working of the Act itself as it has been experienced.

The amendments falling in the first category are very formal and do not require any explanation. The second category of amendments also do not require a detailed discussion on my part here because they were subjected to a comprehensive analysis and scrutiny by the Select Committee and the House when the Income-tax Bill, 1961 was under discussion in this House. Mention, however, may be made here about some important changes falling in the second category which I have proposed: (i) provision for charge of interest on delayed payment of taxes, which have been provided in the Income-tax Act, 1961; (ii) provision for payment of interest by the Government on delayed refund; (iii) recovery of gift tax under a self-contained code forming part of this Act; (iv) incorporation of a detailed schedule of penalties in the Act; (v) provision for an additional right of appeal for the assessee against the rectification order passed by the Gift-tax officer and also against the order

imposing fine for non-compliance with the summons; (vi) direct reference to the Supreme Court on questions of law on which different High Courts have given conflicting opinions; (vii) bar on representation of assessee in gift tax proceedings by former officers of the Income-tax department; and last but not least, assessment of persons leaving India in the year of assessment. These changes were recommended by the Direct taxation Inquiry committee.

I would now come to the changes which have been proposed to meet certain administrative difficulties which have been felt during the administration of this Act. Under the existing law, gift-tax assessment proceedings can be taken against the donor only and in the matter of recovery of tax, however, the donee may be made liable provided recovery cannot be made from the donor. This provision has been found inadequate to deal with a situation where the donor cannot be found or probably the donor has left the country and he is not available for even being served with notice of assessment. With a view to meet such a situation, which we have been coming across often, it is proposed to make the donee the assessee if the donor cannot be found. The liability of the donee will, however, be limited to the value of the gift received by him individually. As Members would appreciate, the donee is a beneficiary under the gift and it is not too much to treat him as an assessee where it is not possible to find the donor. This is not a novel provision because it is being found in the Gift tax Acts of countries like Australia and Japan. Recourse will, however, be had to it only in those cases—I would like to assure the House—only in those cases where all reasonable efforts to find the donor for the purpose of service of notice on him have proved to be of no avail. Then, also, at present, the liability of the donor for payment of the tax is limited to the proportionate amount of the tax on the value of the gift made to him. It is now proposed to

[Shrimati Tarkeshwari Sinha]

amend the existing provision by limiting the liability of the donee to the extent of the value of the gift made to him as on the date of the gift. Provision making the donor and the donee jointly and severally liable for payment of the tax under gift tax are found in Australia and Canada. In Japan, the donees alone are liable for assessment and payment of gift tax.

Sometimes, it becomes necessary for administrative reasons and also for convenience of assesseees to transfer a case from one Gift tax officer to another. Under the existing law, neither the Central Board of Revenue nor any Gift tax authority is competent to order such transfers and it causes lot of hardship to the assesseees. They can transfer, but they also have to transfer simultaneously the proceedings under the Income-tax Act. To remove the difficulties caused by the absence of such a provision, it is proposed to invest the Commissioner of Gift tax and the C.B.R. with power to transfer a case from one Gift tax officer to another.

From what has been stated above it would be clear that the proposed provisions, while bringing the provisions of the Gift Tax Act in line with the scheme of the Income-tax Act, 1961, do not operate harshly on anyone.

With these remarks, I move that the Bill be taken into consideration.

**Mr. Speaker:** Motion moved:

"That the Bill further to amend the Gift-tax Act, 1958, be taken into consideration."

**Shri Surendranath Dwivedy**(Kendrapara): How much time has been allotted for this Bill?

**Mr. Speaker:** It is for the House to decide that, because no time has been allotted by the Business Advisory Committee,

**Shri Bade** (Khargone): Let it be 3 hours.

**Shri Ranga:** (Chittoor): It would not take 3 hours.

**Mr. Speaker:** If we finish it sooner, then it would be all the better.

**Shri Daji** (Indore): I think we shall be able to finish this by 3 p.m.

We have before us for consideration this Bill to amend the Gift tax. At the very outset, let me say that we generally agree both with the purpose and with the reasons for this amending Bill, and we do not feel that the amendments suggested are either unjust or too harsh. In fact, a Bill of this nature, or rather I should say, a much more comprehensive amending Bill, has been long overdue. When once the principle of a tax has been accepted, there should be no valid argument left for any possible loophole for avoidance of the tax. Therefore, if we plug the loopholes more firmly, or if we plug the possible loopholes, there should be no objection. Therefore, we see no reason to take any objection to any of the principles on which this Bill has been formulated and placed before the House for its consideration.

Allow me to go on record that when the Gift Tax Bill was initially discussed in this House, certain important questions were raised and at that time it was thought that after the Act had worked for some time Government would review the whole matter, perhaps *de novo*, and bring forward the necessary amending legislation. From that point of view, I am constrained to remark that I am solely disappointed by this amending Bill. We support it as far as it goes, but it does not go as far as it ought to go. For, one should think that by now, Government have had sufficient experience of the working of the Act, and they have sufficiently understood how the tax is dodged and avoided, and also whether the expected results from the tax are forthcoming or not forthcoming.

From a study of the published documents, one would suppose that



what was expected of the gift tax has not been fulfilled, and, therefore, it is time that Government tell the House why the expectations have not been fulfilled, and to what extent they have been belied. We would also like that Government should bring forward a sufficiently comprehensive amending Bill to help in fulfilling the objective with which the original Bill was introduced and debated upon in this House.

It is from this angle that we find that this Bill is rather disappointing. Government should also have taken into consideration the added fact that we are passing through an emergency, a period of emergency or war conditions, when greater national efforts are required for raising the resources of Government. This Bill as has been presented before us would have come forth even if this emergency had not existed. How far has it been reflected in this Bill? It is a pertinent question. If you view the Bill from that angle, you will be disappointed. I have here with me some figures of the arrears which the Government were unable to collect.

**Shri Tyagi** (Dehra Dun): Are they income-tax arrears?

**Shri Daji**. Both income-tax as well as gift tax. On 1-4-1962 the income-tax arrears are Rs. 149.42 crores. On 1-3-1961—later figures are not available—the gift tax arrears are Rs. 16 lakhs. These are a standing indictment of the inefficiency and inability of the Government even to collect tax which is due legally. This is so even at a time when every penny is required; every rupee can be converted into a bullet to push back the Chinese across our frontiers. Even if one single rupee is held back from payment at this time it is an anti-national act and such a person should be punished even under the Defence of India Act. The House has a right to know what energetic steps are being taken in order to collect the tax arrears and accumulations. We certainly wel-

come the new idea. If the donor is not available the donee should be made responsible because he has taken advantage of the gift. He has partaken of the cake but he could not refuse to foot the bill. Even if the donor does not choose to...

**Shri Tyagi**: Not only he, she also.

**Shri Daji**: He includes she also.

**Mr. Speaker**: So far as Shri Tyagi is concerned, it does not include.

**Shri Daji**: I was saying that this provision was necessary. Are all the arrears only because of this reason or is this the sole or the main reason why arrears have accumulated? If not what are the other reasons or difficulties which the Government are faced with? If there are other difficulties why not the Government plug them also? The Bill ought to have been much more comprehensive. We are all engaged in a mighty effort and it is time the Finance Minister came with bold measures telling the nation about the necessary resources to be tackled at this time. This Bill or the other Bills given notice of are really timid and are out of tune with the times through which we are passing. The other day we had unanimously adopted the Defence of India Bill. Rules will be framed thereunder. I strongly urge that this is the time when the Finance Minister should come with the Defence of India tax or you may call it a national defence tax, so that the extra profits being earned in this emergency could be mopped adequately. Even otherwise, in war conditions, all the Governments levy excess profits tax. Government should not hesitate to do that. Gifts and donations are welcome. From the boot polishing boy to a factory owner, everyone is donating. That is what it ought to be. But one is constrained to remark that those who have abundance are not giving abundantly. From my own province, I am reporting that the textile workers of my State have given Rs. 2.50 lakhs cash down. The workers have given

[Shri Daji]

Rs. 2,5,000 but the millowners have come forward only with a paltry sum of Rs. 1 lakh. And then, despite the best efforts of the hon. Labour Minister who said that when the workers work for an extra Sunday for national defence, that day's profit should go to national defence, in many places including my own, the owners of factories and mills are refusing to donate that extra day's profit to the national defence. So, while the workers work and donate their wages and create values, and while they donate their wages to the national defence, the owners are reaping profits. This shows their psychology and mentality. So, while voluntary donations should be welcome, such a big responsibility, such a huge liability which the nation has today professed or taken up cannot merely be based on voluntary contributions. I welcome it, but, at the same time, let the Government come forward with a bold measure, levying a tax, as I said, called the national defence tax. To begin with, at least you should tax 50 per cent of the profits of industrial enterprises which are not covered by the small-scale industries. Leave aside the small-scale industries but for those industries which cannot be said to be small industries, the Government should levy at least 50 per cent tax. Let them all sacrifice, if not their blood, their toil. Blood will be sacrificed by the common man, the workers, the peasants and the labourers. Therefore, while welcoming the general tenor of the measure, I would rather say that this is a halting measure. I am sure that the House of the People has given the Government a much stronger sanction than this Bill warrants, and therefore, a much bolder measure should have been brought forward and it should be expected. In that sense, it is rather disappointing to see that this measure is a halting one. I would expect that even in reply to this debate, the Finance Minister should announce that such a bold measure as I suggest is at least on the anvil of

the Ministry or the Department, so that the nation may know that the wherewithals of this mighty national effort are also thought of and planned by the Government. While the people have put their shoulders to the wheel, while they stand shouldered to shoulder, I want the Government to rise to the occasion and not grudge to utilise fully the mighty sanction that the House has given, and to see that they utilise it fully in order that we can effectively fulfil the national responsibility.

**Shri Ranga:** I have only a very few things to say about this measure. I wish that the Government, instead of continuing their vain effort—

**Shri Bade rose—**

**Mr. Speaker:** The Swatantra Party has informed me that Prof. Ranga was to be called first. I have got it in writing.

**Shri Ranga:** I only wish to say that the Government should have learnt, from their bitter experience, about the failure of this gift tax as also the expenditure tax to raise adequate sums through the implementation of these measures. They have raised so far only Rs. 89 lakhs in 1960-61, Rs. 85 lakhs in 1961-62 and they expect to raise only Rs. 85 lakhs in 1962-63. Is it really worth-while to have this on the Statute-Book and thereby troubling their administration in regard to its implementation and causing inconvenience and trouble and worry to lakhs and lakhs of people who would like to make some gifts but whose charitable instincts and incentives are being inhibited by the existence of this tax? They are able to reach a much smaller number in order to collect this tax. A batch of these taxes was introduced as a result of the suggestions made by an English professor and economist, and at that time, our Government was thinking that by the introduction of these taxes they would be promoting their socialist pattern of society. But now, in actual practice, so far as the expen-

diture tax is concerned, they have themselves confessed that it has been a failure, and it would be better for the Government and the nation as a whole that this tax should also be dropped.

**Shri Surendranath Dwivedy:** It is wrong for them to have dropped it.

**Shri Ranga:** That is your view. But anyhow the Parliament has given its sanction, and that tax was dropped. I personally feel that the time has come when, especially during this emergency, this tax should be dropped, for the very same purpose for which my hon. friend wanted the incidence of this tax to be increased and its mischief to be spread to larger and larger groups of people. I would like this tax to be dropped at the earliest possible moment. Even as it is, Government has come forward with the suggestion that so far as the contributions to the national defence fund and various other funds that will come to be started hereafter in order to augment the resources for our national war effort are concerned, they want to exempt those contributions from the gift-tax. The incidence of taxation in general is going to be increased very soon. In what taxes, to what extent the incidence is going to be increased is a secret in the possession of the Finance Minister, which we would not know. But I am sure most of these taxes would not escape their attention. Anyhow, people have to pay so much more than what they are paying today. Under these circumstances, I think, it would not be proper to harass them by this tax also, which has yielded so little in the past and which is likely to yield so little in future also.

There were some advocates of a single tax only. I do not agree with them. But that does not mean that we should go on having a proliferation of different kinds of taxes and in that way increase the bureaucracy on one side and lessen its efficiency on the other, creating various other incon-

veniences, embarrassments and troubles to the tax-payers. That is why I am keen that Government should drop this tax.

My hon. friend (Communist) was talking about the tax evaders. Tax evasion begins from the moment the final decision is given and not from the moment the decision is given by the original income-tax officer or the tribunal. Above the tribunal if there is an appeal lying with the High Court and above that if there is an appeal lying with the Supreme Court, then only from that stage onwards I would consider that taxes which have been assessed properly according to law are not being paid. We would like information to be given at the appropriate moment, not necessarily now, by the Minister concerned as to how much money is now in arrears in regard to taxes that have been finally settled to be paid by the assesseees and yet have not been paid and for what reason. It is only thereafter that we can take the department to task for not having collected it expeditiously.

**Mr. Speaker:** The law requires that payment should be made soon after the assessment within the prescribed period, even if an appeal is pending.

**Shri Ranga:** I am thankful for the information. But how is it that once assessment is made and that fact is notified to the payees, money is not being collected? If the money cannot be collected because of some circuitous legal processes, then it cannot be treated as having been assessed properly. There are legal processes; what they are, it is not for me to go into now. If there are legal processes which the assesseees can take advantage of in order to delay payment to the Ministry concerned, then they are entitled to do that, because the law gives them that permission. On the other hand, if there are no such facilities and yet, there are arrears, there is something wrong with the Government and I

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would like Government to look into that matter.

**Shrimati Yashoda Reddy (Kurnool)**  
Mr. Speaker, Sir, just now the hon. Member who preceded me has said, "Please do away with this tax". I would like to say at the very outset that the introduction of gift-tax was one of the measures to integrate our tax-structure, as far as direct taxation was concerned.

13 hrs.

Sir, when the Estate Duty was levied it was felt that there were many loopholes left, and to plug those loopholes this gift tax was introduced. I know there are many people—a certain section of those people are also represented here—who think that all taxes are harassing in nature, they stop investments and they serve as a sort of check on the initiative spirit. And, as all taxes are unpopular, even this tax seemed to be unpopular at the time of introduction.

Just now my hon. friend there was saying that there should have been one tax and not a set of hundred different taxes. It may be that what he meant was that one graded income tax is sufficient to establish equity. They think that this gift tax, this wealth tax and other taxes have caused unnecessary irritation and harassment. But, Sir, in a developing economy as in India where all financial resources are required to be tapped, we may have any amount of indirect taxation but we feel that the heavy burden of it usually falls on the masses and on the wealthy minority, sometimes we feel, the taxation is not enough.

Sir, in a developing economy privately owned wealth grows rapidly and sometimes even very unevenly. Professor Kaldor said, if I remember right, somewhere, that in India the bulk of national wealth is and will continue to be in the private hands.

Even if the Government takes in some industries or some property into the public sector, the money that is paid by way of compensation is so great that the growth of public property is compensated by, this public indebtedness.

Sir, the savings of a community are sometimes more unevenly distributed than the income. Unless it is checked by some public policy, the wealth of the largest property holders tends to grow faster and faster. It is with this principle in view that the Government has brought this gift tax. My hon. friend Shri Daji said that when we have accepted this in this House we have accepted the principle and we should not now question the principle or the validity of this tax. I certainly agree with him, and I congratulate the Ministry for having brought this amending Bill.

But there is one thing that I would like to suggest. It is very correct that when the donor cannot be brought to book the donee should be taxed. The suggestion that I would like to make is, when they make a donee liable to pay the tax—of course, they have given a concession saying that the tax should not exceed the gift that he gets—let not all donees pay the same flat rate. Supposing there is a rich man who gets a gift and there is a poor man who also gets a gift of an equal amount, let not the two donees pay the same amount of tax. Let the taxable capacity of a rich man who owns properties worth a lakh of rupees and getting a gift of Rs. 1 lakh and a poor man who owns nothing of his own and who gets Rs. 1 lakh as gift be assessed. The taxable capacity of these two persons is not the same even though the same amount would have been taken by them from the donors. When you tax the donee, let not a flat rate be introduced. Let the taxable capacity considering his total wealth including the gift be taken into consideration and the tax fixed. That is the only practical suggestion that I would like to offer in this.

**Mr. Speaker:** How will that be possible at all?

**Shrimati Yashoda Reddy:** The Government should take an assessment of his property.

**Mr. Speaker:** It is only because the donor cannot be found that the amount is being taxed in the hands of the donee.

**Shrimati Yashoda Reddy:** The income-tax officer can find out what property is held by the donee and he can proportionately fix the rate. There is no justification for introducing a flat rate on all the donees. That is what I feel. I feel that there should be a slight discrimination between taxing a rich donee and a poor donee. That is one humble suggestion that I would like to make. Otherwise, this amending Bill which the Minister has introduced is quite welcome.

Then, as has been stated by others, since India is faced with an emergency today, Government should be a little more strict and careful in recovering all the taxes. They should not excuse anybody, no matter what the position such a person would be holding. Every pie of tax evaded today means that much of additional taxation for meeting the emergency.

Shri Ranga suggested the abolition of the gift tax because we need a lot of money for the national defence fund. Instead of abolishing the tax, I would suggest that if any rich man wants to give a gift to the national defence fund, let it be tax-free. Let him donate as much money as possible in the form of gift to the national defence fund; let it not be taxed; let it be tax free.

That is all that I have to submit. I whole-heartedly welcome this measure. The Gift-tax Bill is a welcome measure in the present social and economic set up of the country.

**Mr. Speaker:** The second Lady Member from Andhra.

2340 (A) LS—2.

**Shri K. C. Sharma (Sardhana):** Mr. Speaker, Sir....

**Mr. Speaker:** How did he get the idea that he was a lady Member from Andhra?

**Shri K. C. Sharma:** I am sorry.

**श्रीमती लक्ष्मीबाई (सिकन्दराबाद)**

अध्यक्ष महोदय

**अध्यक्ष महोदय :** जरा आगे आ जाइये सुनाई नहीं पड़ेगा ।

**श्रीमती लक्ष्मीबाई :** मैं जोर से बोलूंगी ।

इस गिफ्ट टैक्स बिल को जिस लेडी मिनिस्टर ने यहां पर पेश किया है, मैं उनको बधाई देती हूं ।

इस में बहुत सी दिक्कतें हैं । हमारे भाई जो अफोर्जिट में बैठते हैं, उन्होंने उन दिक्कतों का जिक्र किया है । जहां तक इस टैक्स को वसूल करने का सम्बन्ध है, पहले तो बहुत दिक्कतों का सामना करना पड़ता है और इसकी वसूली में भी बहुत ज्यादा खर्चा हो जाता है । आमदनी तो बहुत कम होती है लेकिन खर्चा बहुत ज्यादा हो जाता है । इसमें कई लूपहोल्स भी हैं, जिन के कारण जिसको यह टैक्स भ्रष्ट करना होता है, वह बच कर निकल जाता है । आसानी से यह टैक्स वसूल नहीं किया जा सकता है ।

मैं आपको बतलाना चाहती हूं कि आप अपने बजट पपर्स को ही देखें । आपको पता चल जायगा कि बहुत ज्यादा रुपया इस टैक्स की वसूली में लग जाता है । आपने अपने बजट में ८० लाख का एस्टीमेट किया था । लेकिन रिवाइज्ड बजट ८ ८५ लाख वसूल हुआ । लेकिन ५ लाख वसूल करने में आपका १ लाख १६ हजार रुपया खर्च हो गया । यह उचित नहीं है । आप बिल को एमंडमेंट तो लाये हैं और इससे सहाय्य भी होगी । लेकिन आपको अपने आफिसस

[श्रीमती लक्ष्मी बाई]

के एडिप्टुड में भी तबदीली लाने की आवश्यकता है। उनमें भी एमेंडमेंट लाने की आवश्यकता है। इस संकटकाल में जो कोलैक्टिंग डिपार्टमेंट है, उनके जो आफिसर्स हैं, उनको चाहिये कि वे अच्छी तरह से टैक्सों की वसुली करें। उनके लिये कोई बिल लाने की जरूरत नहीं है। लेकिन अगर उन्होंने अच्छी तरह से अपने कर्तव्य को निभाया तो टैक्स कोलैक्ट करने में सहायित होगी और बहुत सा काम बन सकता है। इसमें लूपहोल ज्यादा है। एक केस में कितना खर्चा होता है इसका अन्दाजा नहीं लगता क्योंकि इसका प्रोसीज्योर बहुत पेचीदा है।

इसमें यह प्रोवीजन है कि एक आदमी अपनी बीवी को एक लाख का गिफ्ट दे सकता है जिस पर टैक्स नहीं लगेगा। लेकिन अगर किसी के एक से ज्यादा बीवियां हों तो क्या वह उनमें से हर एक को एक एक लाख गिफ्ट दे सकता है जिस पर टैक्स नहीं लगेगा, यह बात इसमें साफ नहीं की गयी है। यह ठीक है कि सरकारी कर्मचारी एक से ज्यादा शादी नहीं कर सकते, लेकिन मेरे गांव में ऐसे लोग हैं जिनके दो दो और तीन तीन बीवियां हैं। तो यह साफ होना चाहिये कि क्या ऐसा आदमी अपनी हर बीवी को एक लाख गिफ्ट दे सकता है और उस पर टैक्स नहीं लगेगा। अगर वह हर एक को इतना रुपया दे सकेगा तो फिर एस्टेट ड्यूटी में बहुत कम रुपया वसूल होगा। इस लिये मेरा सुझाव है कि इसमें ऐसा प्रावीजन होना चाहिये कि एक आदमी अपनी बीवी को एक लाख तक दे सकता है जिस पर टैक्स नहीं लगेगा। लेकिन अगर उसके एक से ज्यादा बीवियां हों तो भी इतने से ज्यादा नहीं दे सकेगा और वे बीवियां उसी में से बांट लें।

एस्टेट ड्यूटी में इस साल ६ लाख १२ हजार वसूल होने का एस्टीमेट था लेकिन १२ लाख ४ हजार वसूल हुआ। इस पर

खर्च का एस्टीमेट ६ लाख ३२ हजार था जो कि बढ़ कर ८ लाख ७८ हजार हो गया। इसका मतलब यह हुआ कि आपने एस्टीमेट से दो लाख ६२ हजार ज्यादा वसूल किया लेकिन ऐसा करने में आपने २ लाख ४३ हजार रुपया खर्च किया। तो यह खर्चा बहुत ज्यादा है। इसको कम करना चाहिये।

इसमें आपने यह प्रावीजन रखा है कि अगर डोनर भाग जाय और न मिले तो डोनी से टैक्स वसूल किया जाये। अब आप गरीब और अमीर दोनों प्रकार के डोनोज से बराबर टैक्स वसूल करेंगे। मेरा सुझाव है कि जो अमीर डोनी है उससे उसकी और प्रापर्टी को ध्यान में रख कर टैक्स वसूल किया जाना चाहिये ताकि गरीब और अमीर पर बराबर टैक्स न पड़ जाये। इस बिल को इसके लिये अमेंड करना चाहिये।

आपने अपील के लिये चार साल की मुद्त रखा है यह अच्छा है, लेकिन इसमें यह प्रावीजन है कि जब तक पूरे केस के डिटेल्स न दे दिये जायें तब तक उसको दस रुपया रोज देना पड़ेगा। यह बहुत ज्यादा है। इसको कम किया जाये।

अगर कोई अफसर ज्यादा टैक्स ले लेता है उसका रिफंड मिलने की व्यवस्था है और उसके लिय आप खर्चा भी नहीं लेते। और उस पर ६ परसेंट सूद भी देते हैं। यह बहुत अच्छा है। इस वास्ते में गवर्नमेंट ब्रो बंधाई देती हैं।

एक छोटी सी बात यह है कि एक आदमी अपनी लड़की को दस हजार तक गिफ्ट दे सकता है जिस पर कोई टैक्स नहीं लगेगा। लेकिन मैं जानना चाहती हूं कि अगर किसी के कई लड़कियां हों तो क्या वह उनमें से हर एक को दस हजार गिफ्ट दे सकता है और उस पर कर नहीं लगेगा। यह बात समझ में नहीं आती। इसको साफ किया जाना

चाहिये कि वह कितनी लड़कियों को दे सकता है ।

एक भाई कहते हैं कि गिफ्ट टैक्स हटा दिया जाये । यह ठीक नहीं है । इसको रखना चाहिये । आपने जो सहायित्वें दी हैं वे ठीक हैं । अगर कोई आदमी गवर्नमेंट को कालिज आदि के लिये देता है या लोकल सेल्फ गवर्नमेंट को गिफ्ट देता है तो उस पर टैक्स नहीं लिया जायेगा, यह अच्छी बात है ।

इसमें बैचलर के लिये कोई गिफ्ट देने का प्रावजन नहीं है । मेरा सुझाव है कि जिस प्रकार शादी वाले को अधिकार है उसी प्रकार बैचलर को भी कुछ गिफ्ट देने का अधिकार होना चाहिये ।

इतना कह कर मैं लेडी मिनिस्टर को धन्यवाद देती हूँ कि वह इस प्रकार का बिल लायीं । यह बहुत अच्छा है । इसके प्रोसीज्योर को और छोटा करना चाहिये और अफसरों को ज्यादा एफीशेंट होना चाहिये । अभी तो कुछ अफसर लोगों को बताते हैं कि वे किस प्रकार इस टैक्स से बच सकते हैं । ऐसा होगा तो फिर इस कानून को लाने से क्या फायदा होगा । ऐसा नहीं होना चाहिये ।

श्री ० ला० वर्मा (सीतापुर) : माननीय अध्यक्ष महोदय, आज जो बिल आया है मैं उसका समर्थन करता हूँ ।

आज सरकार का कर्तव्य है कि देश के हर वर्ग को, हर प्राणी को खुशहाल बनावे, न कि ऐसा कानून बनाये और ऐसी धारायें लगाये जिससे जनता में वैचैनी फैले और लोग बेईमानी के रास्ते पर चलने के लिये तैयार हो जायें । इस बात को सामने रखते हुये

सरकार का ध्यान गिफ्ट टैक्स अमेंडमेंट बिल की धारा ६ पेज २१ की ओर दिलाना चाहता हूँ । उसके अनुसार टैक्स डोनर और डोनी दोनों को देना होगा, दूसरे विधवाओं और नाबालिगों से भी शत प्रतिशत टैक्स

वसूल किया जायेगा और तीसरे डोनर न मिलने पर सारा टैक्स डोनी से वसूल किया जायेगा । ये तीनों बातें अनुचित हैं ।

इस सम्बन्ध में सुझाव हैं कि टैक्स डोनर से ही वसूल किया जाना चाहिये, डोनी से नहीं और उसकी दर २५ परसेंट से ज्यादा नहीं होनी चाहिये, दूसरे विधवाओं और नाबालिगों से भी, जिनकी कोई आमदनी वा जरिया न हो, टैक्स न लिया जाये, और तीसरे अगर डोनर न मिले तो डोनी से आधा टैक्स वसूल किया जाये, उससे ज्यादा नहीं ।

यह माना कि इस वक्त सरकार को पैसे की जरूरत है क्योंकि देश में काफी रक्षा कार्य हो रहा है । लेकिन इसके लिये जनता स्वयं ही उचित ढंग से ज्यादा से ज्यादा दे रही है । मुझे अपने देशवासियों पर विश्वास है कि अगर सरकार को और ज्यादा धन की इस काम के लिये आवश्यकता होगी तो वे देंगे और सरकार की मांग को पूरा करेंगे । मैं सरकार को चेतावनी देना चाहता हूँ कि वह कोई ऐसा कदम न उठाए कि जिससे जनता का विश्वास कम हो जाये ।

श्री मोहन स्वरूप (पीलीभीत) : अध्यक्ष महोदय, मैं इस बिल का स्वागत कर रहा हूँ । यह बिल दो चीजों को रेगुलेराइज करने के लिये रखा जा रहा है । एक तरफ तो इनकम टैक्स एक्ट, १९६१ के संदर्भ में गिफ्ट टैक्स में जो कमियां रह गई हैं उन को पूरा करने के लिये और दूसरे जो डाइरेक्ट टैक्स है उन में जो लूपहोल्स रह गये हैं उन को प्लग करने के लिये । यही इस बिल की मंशा है ।

जैसा कि स्टेटमेंट आफ आन्जेक्ट्स एंड रीजन्स में दिया गया है इस से यह होगा कि एक गिफ्ट टैक्स आफिसर का मुकदाम दूसरे गिफ्ट टैक्स आफिसर के पास ट्रांसफर हो सकेंगे और दूसरे इस बिल में जो खास चीज रखी

### [श्री मोहन स्वरूप]

गई है वह ४ परसेन्ट इन्टरेस्ट के बारे में है। अगर कोई अमेसी अपना टैक्स देने में देर करता है तो उस पर ४ परसेन्ट इन्टरेस्ट देना होगा। उसी के साथ साथ रिफंड का भी प्राविजन इस में रक्खा गया है। अगर किसी तरह से कोई गलती हो गई है असेसमेंट में और उस का सुधार किया गया है किसी अपील की तह, और उस के फलस्वरूप जो रिफंड देना है अगर उस में देरी हो जाये तो गवर्नमेंट को उसे ४ परसेन्ट इन्टरेस्ट देना होगा। इस तरह से हम देखते हैं कि जो प्राविजन्स हमारे सामने हैं वे बहुत अच्छे हैं, मुनासिब हैं, लेकिन इन बिल में जो परिवर्तन होना चाहिये था, गिफ्ट टैक्स में जो आधारभूत परिवर्तन लाने चाहिये थे, वे नहीं लाये गये हैं।

इस बिल में एग्जम्पशन बहुत दिये गये हैं। मसलन् अगर किसी की तरह से अपनी पत्नी को १ लाख रुपये का गिफ्ट दिया जाये तो उस पर छूट है। इसी तरह से कंपनियों को और दूसरी चीजों को छूट दी गई है। मैं चाहता हूँ कि यह छूटें कम की जायें और इस तरह के परिवर्तन आइन्दा इस में लाये जायें जिस से कि एग्जम्पशन्स कम हों। अगर यह एग्जम्पशन्स कम नहीं होते हैं तो इस एक्ट की जो मंशा है वह खत्म हो जायेगी। इस की मंशा यह है कि जिन के पास बड़ी बड़ी जायदादें हैं वह अपनी जायदादों को छोटे छोटे हिस्सों में तब्दील न कर दें और इनकम टैक्स से बच न सकें। इस में जो एग्जम्पशन्स की लम्बी लिस्ट दी गई है उन को मैं पढ़ना नहीं चाहता, लेकिन अगर उस में परिवर्तन नहीं किया जाता है तो मैं समझता हूँ कि इस एक्ट की मंशा बिल्कुल खत्म हो जायेगी। यही नहीं, इसी के साथ साथ इस में इंडिविजुअल और कंपनियों में फर्क रक्खा गया है। वह फर्क खत्म होना चाहिये।

दूसरी चीज जिस की तरफ मैं तबज्जह दिलाना चाहता हूँ वह रिलिजस चेरिटीज के मुनालिक है। मैं इस के विरुद्ध नहीं हूँ कि चेरिटीज दी जायें। मेरी यह मंशा नहीं है। लेकिन आज हमारी देश सेकुलर है। इस में मजहब की बात चीत होना, सिख, हिन्दू या मुसलमान की बात चीत होना और इस तरह की चेरिटीज को ज्यादा महत्व देना अच्छी बात नहीं है।

इसी के साथ साथ मैं यह चाहता था कि इस में कुछ और चीजें भी आ जातीं। चूंकि यह डाइरेक्ट टैक्सेशन है इस लिये सब से पहले मैं चाहता हूँ कि इनकम की परिभाषा हो जाये, मुस्तकिल तौर पर। आखिर इनकम किस को कहते हैं। इसी के साथ साथ जो टैक्स विरा इनकम है उस की भी मुस्तकिल तौर पर परिभाषा होनी चाहिये। हमारे सामने जो डाइरेक्ट टैक्सेज है उन की मंशा यह है कि बजटरी डिफिशिएन्सी जो है उन को पूरा किया जाये और सरकार के लिये ज्यादा से ज्यादा साधन पैदा किये जायें। लेकिन अगर कोई परमानेंट स्ट्रक्चर टैक्स का नहीं बनता तो आगे के लिये दिक्कत होगी और हमें इस में और परेशानी होगी। इस मिलमिने में प्रोफसर काल्डोर लिखते हैं :

"I am strongly of the opinion that India should not at the present stage impose taxation on capital and income at heavier rates than I have suggested here."

उस रेट का भी सवाल होना चाहिये। प्रोफसर काल्डोर ने कहा है कि रुपये में ७ आ० से अधिक का रेट नहीं होना चाहिये किसी डाइरेक्ट टैक्सेशन में या किसी भी टैक्सेशन में। इस के साथ साथ प्रोफसर काल्डोर ने एक इम्पार्टेंट बात कही है :

"In India the number of persons liable to income-tax is probably less than one million or a little over 1 per cent of income earners."



१ परसेन्ट ही मालदार लोग हैं। अगर उन पर किसी तरीके से कुछ ज्यादा भार पड़ जाता है तो उस से कोई बहुत ज्यादा असर उन पर पड़ने वाला नहीं है। लेकिन जो छोटे दर्जे के लोग हैं या जो औसत दर्जे के लोग हैं उन पर अगर टैक्स का प्रभाव ज्यादा पड़ता है तो उन की आमदनी पर बड़ा असर पड़ेगा। अभी हमारे सामने मुल्क में इम-प्रेन्सी है। मुल्क बड़ खतरे से गुजर रहा है हम देखते हैं कि बहुत मामूली मामूली लोग जूते पर पालिश करने वाले और दूसरे छोटे छोटे कार्य करने वाले अपनी जेबों से पैसा निकाल कर दे रहे हैं और अपनी आवश्यकताओं को कम कर के डिफेंस फंड में रुपये दे रहे हैं। उसी के साथ साथ जो औसत दर्जे के लोग हैं वे बड़ी मात्रा में रुपये दे रहे हैं, लेकिन जो मालदार लोग हैं, कैपिटलिस्ट हैं, जिन के पास घरों खरबों रुपये भरे हुए हैं, उन की तरफ से जो सहायता होनी चाहिये थी वह नहीं हो रही है और जो रुपये आने चाहिये थे वे नहीं आ रहे हैं। इस लिये मैं समझता हूँ कि जो हमारा टैक्स स्ट्रक्चर है उस में आधारभूत परिवर्तन होना चाहिये और महज छोटे लोगों को या औसत दर्जे के लोगों को दिक करने से काम नहीं चलेगा। जब तक जो बड़े लोग हैं उन पर आप का प्रभाव न हो और उन्होंने जो सम्पत्ति इकट्ठी कर रखी है, वह उन के पास से नहीं निकलेगी, उस वक्त तक कोई लाभ इस ऐक्ट का नहीं होगा। इस लिये यहाँ तक डाइरेक्ट टैक्सेशन का सवाल है, उस पर अच्छी तरह से सोच विचार कर के हम को कदम उठाना चाहिये।

इसी के बाद हमारा एक्स्पेंडिचर टैक्स है। पिछले बजट में हमारे फाइनेन्स मिनिस्टर साहब ने उसे खत्म कर दिया था क्योंकि उस से कोई ज्यादा लाभ नहीं हो रहा था, लेकिन जो नये टैक्स हैं, इनकम टैक्स और दूसरे टैक्स, उन को हमें अच्छी तरह से सोच समझ कर लागू करना होगा।

इसी के साथ हम देखते हैं कि टैक्स इवेजन बहुत हो रहा है। टैक्स इवेजन के लिये मौजूदा बिल में कोई सुझाव नहीं रखा गया है। अभी श्री त्यागी जी ने टैक्स इवेजन के सिलसिले में एक बहुत मोटा किताब लिखी है। उन्होंने टैक्स इवेजन के काजेंज बतलाये हैं और उन को दूर करने के लिये सुझाव दिये हैं। उन्होंने टैक्स इवेजन को दूर करने के लिये जो चीजें बतलाई हैं उन की तरफ मैं सरकार का ध्यान दिलाऊंगा। इस इवेजन को रोकने के लिये अधिक से अधिक प्रयत्न किये जाने चाहियें।

इसी के साथ साथ जो टैक्स कलेक्टिंग मशीनरी है उस को भी हम को स्ट्रीमलाइन करना चाहिये इवेजन को रोकने के लिये और टैक्स की वसूलयावी के लिये। डाइरेक्ट टैक्सेशन को ठीक तरह से चलाने के लिये निहायत आवश्यक है कि हम टैक्स कलेक्टिंग मशीनरी को नये सिरे से आर्गनाइज करें। यह जो टैक्सेज का मामला है वह बहुत काम्प्लेक्टिड है और उस के असेसमेंट में और वसूल करने में जो टैक्स पेअर हैं उन्हें बड़ी दिक्कत होती है, इस लिये जो टैक्स कलेक्टिंग स्टाफ है उस को अच्छी तरह से हमें आर्गनाइज करना होगा।

मैं अर्ज कर रहा था कि वास्तव में यह जो प्राविजन्स हैं हमारे सामने में उन का स्वागत कर रहा हूँ। उन पर मुझे कोई ऐतराज नहीं है। लेकिन मैं यह जरूर चाहता हूँ कि डाइरेक्ट टैक्सेशन पर सरकार फिर से विचार करे और गिफ्ट टैक्स ऐक्ट में जो कमियाँ हैं उन को दूर करने के लिये अगर कोई अमेंडमेंट लाने हों तो उन पर अच्छी तरह से विचार किया जाये ताकि हमारा मतलब हल हो सके और जो मंशा इस ऐक्ट की है वह खत्म न हो।

**Shri Himatsingka (Genda):** Mr. Speaker, Sir, The Gift Tax (Amendment) Bill is a necessary measure in order to bring it in line with the

[Shri Himatsingka]

Income-tax Act that has been passed by this House. I am glad, Sir, that opportunity has now been taken to introduce one or two salient measures which were thought necessary.

Sir, I just want to draw the attention of the Hon'ble Minister to Clause 16, introducing a new section, namely, Section 21A. A suggestion was made by Hon'ble Member, Shrimati Yashoda Reddy that the tax when realised from the donee should be dependent on the position of the donee. That cannot possibly be provided in the Act. But, I suggest that the amount that will be realised from the donee should be limited proportionately to the tax on the value of the gifts made to a particular donee. Sir, supposing a donor gives to a number of persons different amounts of money, say, if the tax amounts to Rs. 10,000 and certain gifts are of bigger amount, then, the whole tax should not be realised from one donee but it should be realisable only to the extent of the proportionate amount of tax that is leviable on the amount given to him. Then, there will be no injustice and no heart-burning also. Therefore, if there is a possibility of that suggestion being accepted by the Hon'ble Minister, I request that that might be taken into consideration, to limit the amount of tax that can be realised from the donee proportionately to the amount that would be leviable on the amount paid to the particular donee.

As regards certain remarks made by Shri Daji, in season and out of season certain Members want to condemn the Government for not realising taxes. The present set-up of the Act itself is such that there is no question of the taxes that are being levied from time to time being in arrears at all. As soon as an assessee files a return, the officer is entitled to accept it and tax the assessee on the amount of the return filed by him and realise that amount and later on make the final assessment. Apart from that, an assessee has to pay in advance

the amount on the basis of the last assessment. Therefore, there is no question of arrears being allowed to accumulate unnecessarily.

The hon. Minister has often explained the figures that are trotted out from time to time as arrears. A very large amount included in that figure represents taxes imposed years ago on persons who have now got nothing and the taxes are unrealisable. The sooner the Ministry writes them off the better for them, so that they can show a cleaner picture. And I would suggest that whenever a person offers to settle such old cases by payment of some reasonable amount, steps should be taken to come to some sort of a settlement. This big amount of Rs. 149 crores represents, I am sure, a very large amount of that. Moreover, to call Rs. 16 lakhs arrears in Gifts Tax as a very big amount is a remark which must have been made on account of ignorance of facts.

There are cases, and I know of a case pending in the Supreme Court which involves an amount of Rs. 6 lakhs. Unless the case is decided upon, the tax could not be realised. There are certain provisions in the Act itself which give the appellate authorities powers to stay the realisation. So the Department cannot realise those taxes where the higher appellate courts have stayed the realisation. That explains, I think, the amount of Rs. 16 lakhs which is said to be in arrears.

Therefore, I support the principle of this Bill and request the hon. Minister to accept my suggestion to limit the amount that can be realised from the donee proportionately to the tax on the gift made to him.

Shri K. C. Sharma (Sardhana): I congratulate the hon. the Deputy Minister on bringing this amending Bill: it is necessary and it will have a salutary effect.

I would, however, like to make one observation, that this tax evasion has

a very significant effect not only on the finances of a country but also on the stability of a government. There was the time in the medieval ages when the stability of a State was jeopardised by restless feudal law. That time passed on. Education had its influence, and the stability of a State was jeopardised by the number of crimes and the nature of the crimes. Now has come a stage where the stability of a State is jeopardised by the number of tax evasions. Because, according to modern criminology the worst criminal against society is the tax evader because he employs intelligent people, who are destined to help the social progress and the cultural advancement of the educated classes, to help him to evade the taxes to the detriment of the progress of the people.

My hon. friend Mr. Ranga said that there should be only one tax....

**Shri Ranga:** I did not say that; I said I do not agree with that proposal.

**Shri K. C. Sharma:** You are a good legislator then.

So, tax evasion in India has taken two forms. In other countries too similar is the story but to a lesser extent. One is tax avoidance, and the other is tax evasion. Tax evasion is, of course, a crime all over the world, and it should be taken as a much more serious crime in India, because here it is the intelligent people who help in it. All over the world the Bar does not help tax evasion; in India it does. No Lawyer of some respectability, some eminence in his profession, would help in the matter of tax evasion or help the tax evader in a court of law. It is considered below something, against the ethics of the profession, because it badly tells against the progress of a country. But here in India....

**Shri Bade (Khargone):** Sir, my submission is that it is very bad to say like that against the whole class of lawyers in India.

**Shri Harish Chandra Mathur (Jalore):** He represents that.

**Mr. Speaker:** He himself represents that class.

**Shri K. C. Sharma:** Here in India, unfortunately, the profession has not developed to that extent, though certain classes of people refuse to help.

So my respectful submission is that in India, the tax avoidance, if it comes to the verge of tax evasion, should be made punishable. Because, what happens is this. Suppose a man having an ordinary shop is caught. The shop is somewhere about a hundred paces from his house. And he keeps a car as being necessary for carrying out his business. That car is not needed to carry the owner to ten or hundred paces. That is one of the ways of tax evasion. Actually he keeps the car to take his children to the school etc.

**Mr. Speaker:** It may be that the car is needed by him to carry those articles which are purchased to the residences of the purchasers.

**Shri K. C. Sharma:** As regards the expenditure on the schoolmaster, he is simply shown as a typist for the shop. This sort of thing is a common instance in Indian tax evasion. It comes, as a matter of fact, to the verge of tax evasion. Actually it is tax evasion, not avoidance.

Therefore, another offence should have been introduced, namely of tax avoidance, because it is so very rampant and it badly affects the realisation of taxes.

With these words I support the Bill.

**श्रीमती शशांक मंजरी (पालमड) :**  
प्रधक्ष महोदय, उपहार ऐक्ट के बारे में जो गवर्नमेंट बदली करना चाहती है उस में मुझे कोई ऐतराज नहीं है। अभी तक ऐसा है कि जो उपहार देता है गवर्नमेंट टेक्स उस से लेती है। लेकिन पिछले चार वर्षों में ऐसा मामू मझा है कि उपहार देने वाले

[श्रीमती शशांक मंजरी]

की हालत ऐसी नहीं रहती कि गवर्नमेंट उस से टैक्स वसूल कर सके। कभी कभी ऐसा होता है जैसा कि बिल में बतलाया गया है कि उपहार देने वाला कहीं चला जाता है या उस की मृत्यु हो जाती है तो गवर्नमेंट वह टैक्स वसूल नहीं कर सकती है। इसलिये यह फैसला किया गया है कि उपहार जिस को दिया गया हो उस से टैक्स वसूल किया जाये। गवर्नमेंट को तो उपहार टैक्स के जरिये करीब ८० लाख रुपया सारे हिन्दुस्तान से वसूल होता है लेकिन उस के ऊपर खर्च भी ३ लाख करना पड़ता है। मैं यह समझती हूँ कि यह उपहार टैक्स घरेलू और निजी मामला है। गवर्नमेंट को तो कुछ विशेष टैक्स मिलता नहीं है। अभी मुझे यह नहीं पता है कि ८० लाख में से असल में कितना वसूल हुआ है और कितना पैसा चार साल में लेना बाकी है। इस के बारे में कल मेरी तरफ से फाइनेंस विभाग के कर्मचारियों से पूछ-ताछ की गई थी। लेकिन उन लोगों ने इस बारे में कुछ बताने से इन्कार कर दिया। इस के बारे में मेरा कहना यह है कि यह जो उपहार टैक्स है, यह तो घरेलू मामला है। इस लिये इस को खत्म कर देना चाहिये, क्योंकि हिन्दुस्तान में हम लोग जो धर्म-कार्य करते हैं, उन में दान दिया जाता है और इस टैक्स से उन में भी बाधा पड़ती है।

प्रध्यक्ष महोदय, इन शब्दों के साथ मैं आपको धन्यवाद देती हूँ।

**Shri Shankaralya (Mysore):** I welcome this Bill. Most of the provisions of this Bill are intended to bring the Gift-tax Act in conformity with the Income-tax Act. But I wish that Government had brought forward a comprehensive Bill with some more stringent powers to prevent the loopholes and evasions.

The Gift-tax Act has been in force for the last three years now and if we look into the working of that Act, we

find that the income derived by way of gift-tax has not been enough or has not been up to the expectations when the Gift-tax was introduced. It falls far short of our expectations.

When the Gift-tax Act was enacted, it was enacted along with the Expenditure Tax Act and certain amendments to the Income-tax Act. The main object with which the Gift-tax Act was enacted along with the Expenditure Tax Act etc. was to prevent evasions and to plug the loopholes and to see that income is equally distributed among the people and that income does not concentrate in the hands of the rich. These were the three main objectives which we had. We have to see how far we have succeeded in achieving these objectives, and whether we have not completely failed in realising those objectives. That is why I say that Government ought to have brought forward a comprehensive Bill. We have now abolished the expenditure tax, and we have given liberty to persons to spend as much as they like. That is to say, one of the avenues which was contemplated for plugging the loopholes and for the prevention of evasion of taxes has been given up, and now only the Gift-tax Act and the Income-tax Act have been working. Of course, there is the Wealth Tax Act also.

13.43 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

As I said earlier, the income derived from the Gift-tax has not been enough, and it has not been in accordance with the estimates that we had made when the measure was first enacted by the House.

The main object in bringing forward the original Bill was, as I said, to see that the higher income groups were not allowed to concentrate money in their hands, and that the higher income groups did not take undue advantage of the economic situation in the country to make more and more

money or accumulate money in their hands.

According to the reports of the Reserve Bank and the Ministry of Finance themselves we see that according to their estimates, the money is concentrated in the hands of the richer people. The percentage or ratio is increasing. Instead of decreasing, the higher income group is increasing in ratio. So, I believe that there must be some defect in the working of the Income-tax Act and the Gift-tax Act. If Government had come out openly with the reasons why there has been an increase in the concentration in the higher income group, why there has been so much of evasion, and why there has not been a consistent increase in the income-tax or gift tax collections in view of the accelerated development that we are having in the country, that would have been better. I wish that Government had brought forward a more comprehensive Bill which would have been more fitting in with the times, especially during this period of emergency. I do not know how Government are thinking in regard to this matter. But it is high time that they should see that there is no concentration of money in the hands of the richer people, and that the goal of socialist pattern of society, where the income will be distributed over as wide an area as possible is put into effect.

In conclusion, I would submit that the working of the Gift-tax Act and the Income-tax Act has not been on proper lines. There are bound to be loopholes. I am sure Government must be aware of them, but they are not coming out openly with the facts. In the interests of the State and in the interests of the economic development of the country, strict and stringent measures should be taken by introducing amendments in the Gift-tax Act as well as in the Income-tax Act in order to see that the higher income group does not get concentrated, and that the provisions of the Gift-tax Act are implemented properly.

**Shri Surendranath Dwivedy:** I welcome this measure. I wanted to speak because I was inspired so to say, by the speech made by my hon. friend Shri Ranga, the leader of the Swatantra Party.

The arguments advanced by him against this Bill were rather very peculiar. He does not say that there has been no tax evasion. He does not deny that in this country there are rich people who have concentrated almost the entire economic power or the entire economic wealth in their hands, and he does not suggest how to break it, and whether the break is necessary or not. He does not go into those matters. The only argument that he advances is that since the administration is not efficient enough to check tax evasion, therefore, measures like this have no reason to be in the statute-book. That is rather a strange argument.

In this country, the gift tax, the expenditure tax and other taxes were imposed because we wanted to reorient the entire taxation system of the country. Therefore, we were all against the proposal to abolish the expenditure tax, and it was not as if the nation agreed to the proposal to abolish the expenditure tax. There was considerable opposition in this country to that proposal. As the previous speaker has pointed out, these are measures which should not be judged from the amount of collection that we have been able to make by taking recourse to the administrative machinery, but they were intended to act as a deterrent on the concentration of wealth in a few sections. If the machinery has not acted quite efficiently, it is because the executive which is in charge of this measure being worked successfully has not applied its mind to this to the extent necessary; perhaps there may be inhibitions in its mind also, or other influences may be working at that level. Therefore, in my opinion,

[Shri Surendranath Dwivedy]

to argue at this time that we should withdraw this measure is not proper.

On the other hand, I think that this is a golden opportunity. The emergency provides us with a golden opportunity to adopt and initiate measures to reorganise and reorient our entire economic system in such a manner that a real socialist economy can be established in this country. At present what is happening is that when we are trying to establish this economy, we are taking very halting measures. Sometimes, we are doubtful. And we do not want to annoy a section of the people whose support we want. But now, in this emergency, when we want more money, when crores of rupees would be needed, I do not know what other source is left in this country except borrowing from foreign countries or levying more burden on our peasants. I do not like any burden on the peasants at this juncture, because agricultural production has to be increased, and there is also resistance amongst the peasants to any increased burden on them. In some States, where they had a proposal to levy more agricultural taxes, rightly they have withdrawn it.

When the entire question of financial resources and how to raise money in this country should be seriously considered now, we should not do anything which will act as a deterrent so far as agricultural production in this country is concerned.

Therefore, it is necessary that we should divert our attention to other sources of taxation in this country, and this policy should be followed rigidly that people who are able to pay must be taxed and not those who are not able to pay. Which is the section which is in a position to pay? It is that section which will be hit by this tax. I think it is well and proper. Rather the Government, as has been stated earlier, should have come forward with a more comprehensive proposal as to now they are

going to tackle this since this Bill gives no other power. It is an amending Bill brought forward to make it conform to the Income tax Act as has been stated in the *Statesman of Objects and Reasons*. I do not think there should be any objection to this Bill and I welcome it.

**श्री गौरी शंकर कक्कड़ (फतेहपुर) :**

उपाध्यक्ष महोदय, यह विधेयक का जो संशोधन आया है, इसको पढ़ने से केवल यह पता चलता है कि चूंकि सन् १९६१ में इनकम-टैक्स में बढ़ोतरी हुई है और उसका सीधा सादा सम्बन्ध इस से है, इस कारण यह भी आवश्यक हुआ कि इस में भी इस तरह से संशोधन किया जाये। इसको पढ़ने से यह बिल्कुल पता नहीं चलता है कि किसी तरह का प्रयास इस और किया गया कि इस संकटकालीन समय में अधिक से अधिक रुपया कहां से मिल सकता है, और इन से टैक्सों का रुपया वसूल किया जाना है, उन पर नियंत्रण रखा जाये?

इस संकटकाल के पूर्व अक्सर देखा गया है कि इस प्रकार के सभी टैक्सों में बहुत बड़ा प्रोत्साहन ऐसे लोगों को मिलता रहा है जिन्होंने टैक्सों का वकाया अदा नहीं किया या जिन्होंने टैक्स अदा न करने के बहुत से रास्ते ढूँढ लिये थे। यह कहने में मुझे कोई संकोच नहीं है कि इस तरह के अधिकतर व्यक्तियों का सीधा सम्बन्ध हलिया पार्टी से होने के कारण उनको इस प्रकार का प्रोत्साहन मिलता रहा है। परन्तु अब इस संकट में मेरा यह विचार है कि कोई भी ऐसा विधेयक जिस का सम्बन्ध आर्थिक व्यवस्था से हो, जब तक कि गदन में रखा जाये तो विशेष तौर से इस और ध्यान दिया जाये कि ऐसा तबका जिसके पास धन संग्रह हो गया है और जो रोज-रोज धनी होता जा रहा है, उसको किसी प्रकार का प्रोत्साहन न दिया जाये। उनकी तरफ से कोई भी इस प्रकार की कोशिश नहीं हो

रही है कि वे इस संकटकाल में विशेष तौर से सरकार को सहायता दे। सारे देश में धन इकट्ठा हो रहा है, तमाम देश में एक प्रकार की जागृति उत्पन्न हो गई है। परन्तु मैं आपके द्वारा अपने शासकों का ध्यान इस ओर आकर्षित करना चाहता हूँ कि जो साधारण प्रजा है, उस में तो विशेष तौर से आकर्षण पैदा हुआ है, वह सभी कुछ दे रही है, धन दे रही है, खून दे रही है और हर प्रकार से सहायता प्रदान कर रही है परन्तु मुट्ठी भर जो कैपिटलिस्ट हैं, उनकी तरफ से जितने सहयोग की आशा की जाती थी, वह सहयोग प्राप्त नहीं हो रहा है।

मेरे कहने का अभिप्राय यह है कि यह बात तो देखी जा चुकी है कि वॉलेंटरी बॉर पर, अपनी इच्छा से, अपने ही मत से, वे इस बात के लिये तैयार नहीं कि अपने धन को इस संकटकाल में लगायें। जब यह बात साफ हो गई है तब तो हमारे कदम बहुत सीधे उठने चाहियें। इस संकटकालीन समय में जो कानून भी आर्थिक व्यवस्था के सम्बन्ध में बनाया जाये, उस में विरोध तौर से इस बात पर विचार कर लिया जाये कि अगर कोई किसी प्रकार से भी टैक्स अदा न करने की बात को सोचता है, या इसके लिये कोई बहाना निकलाता है या उसके ऊपर टैक्स का बकाया रह जाता है, तो वह भी उमी प्रकार से दंडनीय है, जिस प्रकार से जान्ना फौजदारी की धारा ३०२ के मातहत अपराध करने वाला दंडनीय है या जिस को डकैती के जुर्म में दण्ड दिया जाता है, दण्डनीय है। मैं समझता हूँ कि इस समय इस प्रकार के जो अपराध करते हैं, जो इस प्रकार से धन बचाते हैं, इस प्रकार से टैक्स न देने की बात सोचते हैं उसको बहुत ही गम्भीर जर्म माना जाना चाहिये। वे बहुत ही गम्भीर जुर्म कर रहे हैं। केवल अन्तर यह है कि डकैत रात को छिप कर किसी के मकान पर जा कर डाका डालता है परन्तु ये लोग दिन दुपहरे राष्ट्र के खिलाफ डाका डाल रहे हैं और उन पर

किसी प्रकार का कोई अंकुश नहीं लगाया जा रहा है। हम गम्भीर समय से हो कर गुजर रहे हैं। इस समय हमारी सरकार को देश-रक्षा के लिये धन की आवश्यकता है। इस दृष्टिकोण को सामने रखते हुए, पुराने कानूनों में, पुराने नियमों में और विशेष तौर पर पुरानी पालिसी जिन लोगों के हक में थी, उस में एक प्रकार की तबदीली आनी चाहिये।

अभी हमको वार-बजट बनाना है। हमारे फाइनेन्स मिनिस्टर साहब ने इस बात को जाहिर कर दिया है कि अपना वार-बजट हम दो तान महीने के बाद बनायेंगे तो उसमें टैक्सेशन की आवश्यकता होगी। यह राष्ट्र इस समय टैक्सों को अदा करने के लिए तैयार है, जान तक देने के लिए तैयार है। परन्तु राष्ट्र इस बात के लिये तैयार नहीं है कि सरमायेदार लोग टैक्सों से बचते चले जायें, बकायादार बनते चले जायें और फिर भी उनको प्रोत्साहन मिलता चला जाये, ऐसे लोगों को फिर भी राजनीति में आ करके बड़ी से बड़ी जगहों में पहुँचाया जाए। इस चीज को हम सहन करने के लिये तैयार नहीं हैं।

ऐसे तो यह संशोधन बहुत सीधा सादा सा है। परन्तु जो बातें मैंने अभी निवेदन की हैं, उन पर ध्यान दिया जाना चाहिये। विशेष तौर से इस संकटकालीन समय में आर्थिक व्यवस्था से सम्बन्ध रखने वाले विधेयक का जब संशोधन किया जाए, तो इन सब चीजों पर अच्छी तरह से विचार कर लिया जाये। इसमें जो प्रोसीजरल सुविधायें दी गई हैं, वे तो उचित ही हैं। मैं उनका स्वागत करता हूँ। इसमें जो यह प्रोवाइड किया गया है कि डोनी से भी लिया जाए, यह भी उचित है। वास्तव में फायदा तो ऐसे श्रमिकों पर डोनी को ही होता है। इसलिये जो लाभ वह उठाता है, उसका टैक्स उससे वसूल करना उचित ही है।

[श्री गोरी शंकर कक्कड़]

अन्त में मैं फिर इस बात पर जोर दूंगा और यह कहूंगा कि दो तीन चीजों पर विशेष तौर पर सख्ती से कदम उठाये जाने की जरूरत है। अगर ग्रॉप टैक्स लगाते हैं और उससे बचने की तदबीर लोग निकालते हैं, तो उनको कड़ा दण्ड दिया जाए। दूसरी बात यह है कि जो बकायादार हैं, जो जान बूझ कर करोड़ों रुपया टैक्स का भ्रदा नहीं करते हैं, उनके बारे में भी विशेष तौर से यह प्रोवाइड किया जाए, उनके लिए भी ऐसा कानून बनाया जाए जिससे उनको सख्त दंड मिल सके। कोई भी भ्रवसर इस प्रकार का न अये कि जिसमें जो सरमायेदार तबका है, शोषण करके जिसने ग्रपार घन संग्रह कर लिया है, वह इस संकटकाल को एक मुनहरा भ्रवसर समझ कर अपने सरमाये को और ज्यादा बढ़ाने में लग सकें। ऐसे लोगों के साथ काफी जोर के साथ और काफी सख्ती के साथ डील किया जाना चाहिये, उनके खिलाफ सख्त कदम उठाये जाने चाहियें।

**Shri Prabhat Kar (Hooghly):** Mr. Deputy Speaker, most of the clauses of the Bill seek to put the gift tax administration on a par with the requirements of the income-tax. That amendment had been made in 1961. One or two new clauses have been incorporated. One clause is to recover the gift tax and make assessment from the donee in the absence of the donor, where the donor cannot be found. As far as this Bill goes it is welcome. But we expected a more integrated amendment. Many of the exemptions granted under ordinary circumstances should be revised in a time of national emergency like this when revenue is more important.

This Bill will only affect the persons who have enough money to spare. Prof. Ranga suggested that this Bill must go; his suggestion was because the collection was small—it was less than Rs. 1 crore for the last three years—and also because it causes ha-

arrassment to the people, it should go. I would say that my grouse is also the same: why the collection is so small.

14 hrs.

**Shrimati Tarkeshwari Sinha:** Not during the last three years; it was Rs. 30 lakhs for one year.

**Shri Prabhat Kar:** I would rather say that we would have expected a better collection. But I know that the persons to whom this Act is applicable, those who have to pay the gift-tax, are persons who have got the best brains, who can manoeuvre—as Shri K. C. Sharma has said—to avoid payment of tax and also escape tax-payment. This is one of the reasons perhaps to show why the tax-collecting machinery is not quite intelligent enough to find out what the manoeuvre is and to collect the taxes. But then the harassment of the collecting machinery is not such a big thing at all to those persons who pay the taxes. To the big money-interests, the harassment is not big at all. If today we are in the midst of this national emergency, it is more important that the exemptions in respect of the gift-tax should be removed or at least revised and also the incidence should be increased.

A point has been made that the big, rich persons make gifts to some good causes, but the gift-tax does not debar them from making gifts. The only thing is that they should pay some money to the Government, and the money that they have earned is either through exploitation of the workers or the common men or by evading taxes. That is why they are in a position to make the gifts. Therefore, so far as this Bill is concerned, the question of taking it back does not arise.

Shri Himatsingka was mentioning about the arrears of tax to which a reference was made by Shri Daji also. It must be understood that some of those people in respect of whom there were arrears have gone away. But I



would only remind the House that our Finance Minister, Shri Morarji Desai, has introduced a new word which is known as "effective arrears." Shri Daji referred to the sum of Rs. 149 crores as being the effective arrears. With the introduction of this expression, Rs. 149 crores still remains, because, according to the Government, they were not in a position to cover those arrears or collect them, because, as Shri Himatsingka said, they have gone out, and therefore it was not possible to collect this amount. Rs. 149 crores is the effective arrears which is due to the Government, and it should have been collected; when today we are in need of that money and when everyone in this country is contributing his mite, it is essential that at least the dues which are due to the Government must be collected. The Government machinery should function in a manner which will enthuse the people that all the revenues due to the Government are collected in proper time. This is not only a question of national emergency; even the fundamental rights of the people have been curtailed and curbed. I do not understand how so much of arrears can be left over by saying that those cases are pending! This is something which, I think, at this moment should not be said when we are making—and we should make—an all-out effort to collect the money.

**Shri Himatsingka:** I never suggested that it should not be realised. I would be the last person to suggest that it should not be realised. If it can be realised, it should be realised even today.

**Shri Prabhat Kar:** I never mentioned like that. I only corrected you in respect of the statement that you made about the collection of effective arrears.

This gift-tax was introduced as part of the integrated scheme to plug the loopholes in the expenditure-tax and the wealth-tax. Whatever be the reason, the time has come, I think, to reconsider the imposition of the expenditure-tax, because those who are

to pay tax at a higher rate are those persons who have got at their command intelligent persons. I do not want to cast any aspersion or any of the professions, but I would like to point out that the Taxation Enquiry Committee has laid down that it is a pity that the best brains of this country are being utilised by those persons who indulge in tax evasion. It is a fact, and therefore it is necessary that not only this Bill should be passed, but I would like the hon. Finance Minister to consider the re-introduction of the expenditure tax and also the exemptions in the gift-tax.

**Shri Mohsin (Dharwar South):** I support this measure. This amending Bill has not introduced any new measures for taxation, but is only meant to plug the loopholes which were found in the Gift-tax Act. As the previous speakers have already pointed out, the gift-tax and the expenditure-tax were introduced here to plug the loopholes in the income-tax law, but now we have to find out the ways and means to plug the loopholes in the Gift-tax Act itself, and this amending Bill seeks to plug those loopholes.

One of the provisions in this Bill is intended to tax the donee who was hitherto not taxable unless the gift-tax was not recovered from the donor himself. The assessing or the recovery officers found it impossible to recover that amount which was legally due from the donor as the donors absconded; and so, now the amount could be recovered from the donee if the donor was not found. Many a time, it happens that the donor, in order to evade tax, goes away, and avoids assessment and even the payment. In such cases, there were no remedies open for the collecting machinery; and this Bill makes the donee also liable to payment of the tax along with the donor himself. If the Bill is adopted, the taxation machinery will be armed with the measures for taking recovery proceedings against the donee also.

[Shri Mohsin]

Another provision is this. The present law had some limitations as regards the amount recoverable from the donee. It was in proportion to the property that was held by the donee himself, but now it has broadened the scope and the amount could be recovered to the extent of the property gifted to him. Of course this is in line with the general law that when the tax is considered as a debt and the debt is to be recovered and in the meanwhile when the person gifts away the property it has to be recovered from the person to whom the property passes and to the extent of the property that passes. So, it is in order to be in line with that concept that this Bill has been brought forward, and now the donee is liable to the extent of the property gifted to him. It is a welcome measure.

The third provision is about empowering the Commissioner of Gift-tax and the Central Board of Revenue to transfer the case of the gift-tax assessee without simultaneously transferring the income-tax cases. In a way, this will help—if not comprehensively—the recovery officers to recover effectively the taxes due from the assessee. In this respect, I am fully in agreement with the sentiments expressed by Shri Daji and another Member from that party. They were of the opinion that we have to put great stress on the tax-evaders and the persons who always keep away from taxation. I am also of the opinion that, looking into the heavy tax arrears, if the machinery becomes very effective and the laws are such that no evasion of tax is possible, much of our needs in this emergency will be met. We have seen that even the poor man gives all the money that he has for national defence. But looking to the Rs. 149 crores that are still due, I feel that the recovery machinery will have to be geared up.

While there are hundreds of persons who avoid payment of tax, still more is the number who evade tax-

tion itself. These people manage to evade tax, sometimes even with the connivance of the officers of the income-tax department. I know some officers who have made lakhs of rupees. Even a clerk in the income-tax office has got larger property than an IAS officer. I do not accuse the entire machinery, but there are some like that. Appointment in the income-tax department is said to be a very lucrative job. I am of the opinion that the Government will have to keep a watch on these dishonest and corrupt officers who help in the avoidance of taxation. If proper precautions are taken to see that no person avoids or evades taxation, I think much of our problems will be solved. The Finance Minister has already warned us that he will come with new taxation proposals. If strict measures are taken for recovering the arrears and for preventing avoidance of taxation, I think new taxation measures may not be necessary at all.

With these words, I whole-heartedly support the Bill.

**बी बड़े (खारगोन) :** उपाध्यक्ष महोदय, गिफ्ट टैक्स (अमेन्डमेंट) बिल को जब मैंने देखा तो ऐसा मानूस पड़ा कि शासन ऐसा नहीं समझता कि देश में आज कोई इमरजेंसी है क्योंकि अगर शासन इमरजेंसी को महसूस करता तो यह गिफ्ट टैक्स का बिल जब ओरीजनली आया था तो उसके मुताबिक गिफ्ट टैक्स को एग्जम्पशन नहीं देना चाहिये। उसके बारे में काफी चर्चा हुई थी और उस सम्बन्ध में डिस्सैटिंग नोट भी दिया था।

गिफ्ट टैक्स कितना आयेगा इसके बारे में भार्गव की किताब में ६८ पेज पर लिखा है :—

"Secondly, Prof. Ka'dor himself has estimated a revenue income of Rs. 30 crores a year by the introduction of the gifts tax, but the Government itself by means of the Bill as it is introduced have an estimate only of Rs. 3 crores.

By means of the changes the Bill has undergone in the Select Committee, we fear quite justifiably that even this estimate of Rs. 3 crores might itself be slashed down to a considerable extent. Therefore, the Bill does not satisfy even a shadow of the requirements and expectations."

पहले जब यह बिल आया था तभी इसके बारे में चर्चा हुई थी कि ३० करोड़ रुपया आने वाला है, ३ करोड़ के आने की सम्भावना थी लेकिन सेलेक्ट कमेटी में जाने के बाद अब ८० लाख रुपया ही इसके तहत आता मालूम पड़ता है। आज जब कि देश एक संकट काल से गुजर रहा है और इस देश की अपनी सुरक्षा व्यवस्था को ठीक करने के लिये अधिक से अधिक रुपये की जरूरत है तब गिफ्ट टैक्स बिल इस तरह का आना चाहिये था जिसमें कि सेलेक्ट कमेटी में जितने एक्सेप्शंस दिये गये हैं वे एक्सेप्शंस निकालने चाहिए थे। वह एक्सेप्शंस क्या क्या हैं मैं हाउस के सामने रखना चाहता हूँ। पहला एक्सेप्शन gifts made by

Government Companies है। आजकल जब कि इनकमटैक्स लगने का ज्यादा जोर चलता है और इनकमटैक्स आफिसर ज्यादा पैसा मांगते हैं तब ६, ७ या ८ जनों की कम्पनी तैयार कर के, क्योंकि ६ की करनी होती है वह गिफ्ट दिया जाता है। फिर एक्सेप्शंस फ्रीम दी चार्ज (४) में गिफ्ट्स इन कंटेम्प्लेशन ऑफ डेथ आता है। मेरी वृद्धावस्था हो गई है मृत्यु आने वाला है इसलिए इसके द्वारा गिफ्ट को नोन-टैक्सेबल कर दिया है। नम्बर (१४) में bonafide gifts made in the course of and for the purpose of a business, profession or vocation, अर्थात्

बिज़नेस, प्रोफेशन या वोकेशन के लिए गिफ्ट नोन टैक्सेबल होगा। इसी तरह (१६) में gifts made by a ruler out of his privy purse, in accordance with the practice, usage or tradition of his family, for the maintenance of any dependant re-

lative or for the performance of official ceremonies, के लिए एक्सेप्शन है। इनके अलावा और भी बहुत से एक्सेप्शंस हैं लेकिन मुख्यतः यह हैं जिनके कि बारे में सेलेक्ट कमेटी में भी कहा था कि यह एक्सेप्शन नहीं होने चाहिए। लेकिन चूंकि मेजारिटी व्यू यह था कि यह एक्सेप्शन होने चाहिए इसलिए यह रखे गये। सेलेक्ट कमेटी में डिस्सेंटिंग नोट श्री खादिलकार और श्री बी० सी० घोष ने दिया था कि यह एक्सेप्शंस नहीं होने चाहिए लेकिन चूंकि मेजारिटी व्यू सेलेक्ट कमेटी का इन के रखने के फेवर में था इसलिए यह तमाम रखे गये। इसी का यह परिणाम है कि ३० करोड़ रुपया जो आना चाहिये था, केवल ३ करोड़ के आने की संभावना रहती है लेकिन वह ३ करोड़ भी नहीं आता है। वक्त का तकाजा तो यह था कि एक ऐसा कम्प्रीहेंसिव गिफ्ट टैक्स (ग्रमेंडमेंट) बिल लाया जाता जिसमें वह तमाम एक्सेप्शंस दूर कर दिये जाने ताकि सरकार को आज जो काफी पैसे की जरूरत है वह पूरी हो जाती।

उन दोनों माननीय सदस्यों ने अपने डिस्सेंटिंग नोट में लिखा है :

"We are in particular against the exceptions of gifts made to spouse and even if Parliament might be unable to accept this view, we would strongly urge that the exemption limit in case of spouses should be brought down to Rs. 25,000. We also could not endorse provisions in the Bill granting exemption of gifts made by companies and see no reasons whatsoever why individuals and companies should be viewed differently in this regard."

इंडिविजुअल ने गिफ्ट दिया वह टैक्सेबल है लेकिन ६ या ८ आदमियों ने एक कम्पनी तैयार कर ली और गिफ्ट दे दिया तो वह नोन

[ श्री बडे ]

टैक्सबुल हो जाता है, उचित यह होता अगर इस तरह की कल्पना और यह एक्सपेंस बिल में से निकाल दिये जाते और यदि यह टैक्सबुल किये जाते और इस तरह का एक कम्प्रीहेन्सिव अमैडमेंट बिल लाया जाता तो इस इमरजेंसी के जमाने में जब कि सरकार को बहुत पैसे की जरूरत है काफ़ी पैसा मिल सकता था । लेकिन मौजूदा अमैडिंग बिल को देख कर तो ऐसा लगता है कि मानों सरकार यह महसूस ही नहीं करती है कि देश में संकटकाल है ।

"Under the existing law the donees are liable to pay the tax determined as payable by the donor if it cannot be recovered from the donor. This liability is subject to the limitation of proportionate amount of tax on the value of gift received by the donee. It is proposed to amend the existing provision by limiting the liability of the donee to the extent of the value of the gift received by him as on the date of the gift."

मौजूदा कानून में जो मुश्किल है उसी डिफिकल्टी को प्रोसीज्योर में से अमैडिंग बिल द्वारा निकाला जा रहा है और हाउस का टाइम लिया है । शासन यह अमैडिंग बिल यह समझ कर नहीं लाया है कि अभी इमरजेंसी है, शासन मुश्किलों में फंसा है, अपने ऊपर चीन का अतिक्रमण हुआ है और देश की सुरक्षा के लिये पैसे की जरूरत है । केवल प्रोसीजरल डिफिकल्टीज को दूर करने के वास्ते लाया गया है । कम से कम बिल के जो प्रोविजन्स और रीजंस दिये गये हैं उनको देखने से तो ऐसा मालूम नहीं देता है ।

डा० भा० श्री अग्ने (नागपुर) : क्या माननीय सदस्य यह बतलायेंगे कि यह डिस्टिंगुइशिंग नोट लिखने वाले कितने आदमी हैं ?

श्री बडे : यह जो नोट मैंने पढ़ा इसको लिखने वाले दो ही व्यक्ति थे लेकिन १०, १२ लोगों ने अलग अलग अपने डिस्टिंगुइशिंग नोट लिखे हैं । अगर माननीय सदस्य चाहेंगे तो मैं उनको वह किताब देखने को दे दूंगा ।

एक माननीय सदस्य ने अभी कहा कि एक बीबी हो तो १ लाख रुपया हो, २ बीबी हो तो २ लाख रुपया हो, और चार बीबियां हों तो ४ लाख रुपया हो वह इस के बारे में सफाई चाहती थीं तो मैं बतलाना चाहता हूँ कि स्पाउस के माने एक वाइफ या वाइफ्स है और किसी हालत में भी वह एक लाख से ज्यादा नहीं होगा ।

मैं इस संशोधन विधेयक का समर्थन करते हुए अन्त में सरकार से चाहूंगा कि यह जो एक्सपेंस इनमें दिये गये हैं उनको निकाला जाये ताकि सरकार को पैसा मिल सके । जरूरत इस बात की है कि इनकमटैक्स और वैन्यू टैक्स में जो लूपहोल्स हैं उनको बन्द किया जाय ताकि सरकार को इस संकटकाल में जो पैसे की जरूरत है वह उसकी पूरी हो सके ।

Shri Sham Lal Saraf (Jammu and Kashmir): Mr. Deputy-Speaker, Sir, while supporting this Bill I would like to submit that the Government has tried to bring this tax in line, as far as administration is concerned, with that of the Income-tax Act of 1961. I can very well understand how much it will facilitate the working of this Act and how the staff already working in the Income-tax Department will be in a position to function.

I do recognise that some of the provisions have been made a little clearer here about which one of my hon. friends here have not been in a position to speak with some clarity. Though I had no mind in the beginning to speak on this Bill, I feel that now I am prompted to speak about those provisions also

I would tell Shri Bade, who was speaking just now, that we must not forget the conditions through which we are passing, our social conditions and our religious beliefs and susceptibilities. It is mostly seen that gifts are made for some purpose. Gifts are made, for instance, in order to perform some *dharmaic* ceremony. I know a number of cases where gifts have been made by elders, by near relations or sometimes even distant relations, who have no progeny, in order to see that those ceremonies are performed afterwards. Gifts are made in order to carry out the wishes of the donors. Gifts are made for certain philanthropic purposes. Gifts are made in order to contribute towards certain institutions like educational, health and other institutions which the donor may not have got time to look into. Gifts can be made otherwise also, where perhaps the purpose may not be a very *bona fide* purpose of the donor.

That being so, I am one with the mover of this Bill in saying that the way in which certain clarifications have been drawn out here has made things very very clear. Firstly, the definition of "assessment year" creates convenience for the assessee as well as the department. This is very welcome. With the definition given for "charitable purposes" it is open for the donors to give money or other assessable gifts in order to help charitable institutions. The administration of this Act by the Department has been, I should say, straightened. Certain provisions have been included which will help the assessee in getting things done. Provisions have been made by which the inspectors can work, help and assist the assessee in the way they ought to.

As far as other aspects are concerned, for example, the question of evasion of tax, it is a question which is engaging or exercising the minds of the people of the country as a whole. I have to say a few things with regard to that. I am happy that the hon.

Minister is also present in the House at the moment. Firstly, there is a section of people in our country who have become, I should say, tax evaders. They would like to evade tax at any time and take advantage of any opportunity that they can get. At the same time, there are one or two things which I have myself observed. Much depends upon the behaviour of the income-tax officer concerned. Much depends upon his honesty and how he deals with his clientele. I say this from my personal experience for the last so many years. Whenever an officer has been good tempered, co-operative and honest, he has been able to collect much more revenue to the Government than others who lacked in those qualities. What happens is, some officers sit like demi-Gods in their offices caring very little to what the assessee has to say. Some of the big businessmen or business magnates in big cities might not have felt any difficulty, but as far as the country as a whole is concerned, as far as thousands of other people outside in the mofussils are concerned, they are not treated well by the officers. The officers may not be corrupt, but it is the sort of arrogance that is coming out of them that creates such an impression among the people and which sometimes perforce makes people resort to evasion. My submission would be that in the departments such conditions should be created by which the officers at all levels treat the people as they ought to.

Secondly, efficiency should, of course, be there. I am happy that in the matter of taking decisions and hearing of appeals the Government have earmarked maximum periods. That is a welcome provision. That will also help in a number of ways to smoothen the working of this department.

Another thing is, where evasion is noticed, previously only the maximum punishment was provided in the Act when the tribunals or the authority concerned gave their awards. But

[Shri Sham Lal Saraf]

in this Bill they have provided the minimum and the maximum punishment. This means that a person who evades will be given at least the minimum punishment. Previously we never knew what sort of punishment was given by the appellate authority or the tribunal. I am glad that they have provided a minimum punishment.

They have taken care of one more thing. While assessing the tax, the donee has also been brought in. Sometimes, in order to evade the tax the donor used to give some of his property or cash in the name of some donee. But now the donee also has been made responsible from whom this tax can be collected. One important provision is, tax will be collected from him only to the extent he has been benefited from the gift. That is, if the donor is in arrears for much more tax, the donee will be taxed only to the extent of the gift that he received. Therefore, I should say, it has been made really more realistic.

Steps have also been taken to see that these taxes are assessed in such a way that it does not disrupt a Hindu joint family or a business concern.

Keeping these things in view, I would again submit, if the department is galvanised in the proper way and it is inculcated among the officers from top to bottom that they should deal with the assessee in the proper manner, I am absolutely sure that a lot of evasion can be avoided. As I said, in a number of cases people resort to evasion only because of the behaviour that our officers show to the people.

With these observations, Sir, I support the Bill.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, गवर्नमेंट ने जो बिल इस सदन के सामने रखा है, उस में १० तीन खासियाँ हैं, जिनकी ओर मैं आपका ध्यान आकर्षित करना चाहता हूँ ।

इस बिल की क्लॉज ७ के द्वारा जो नया सेक्शन ११ रखा जा रहा है, उसमें कहा गया है :—

"A Commissioner of Gift-tax may empower any Inspector of Income-tax to work as an Inspector of Gift-tax under any Gift-tax authority, and when he is so empowered, he shall perform such functions in the execution of this Act as are assigned to him by the said Gift-tax authority."

मैं निवेदन करना चाहता हूँ कि अगर एक आफिसर दो काम करेगा, तो इनफ्लेक्शनी और कम्प्लेन बढ़ेगी । उदाहरण के लिए अगर मुझे लोक सभा का भी मेम्बर बना दिया जाये और राज्य सभा का भी मेम्बर बना दिया जाये, तो मैं दोनों जगह काम नहीं कर सकूंगा । वन थिंग एट ए टाइम । प्रशासन में इनफ्लेक्शनी और कम्प्लेन को रोकने के लिए यह सब से ज्यादा जरूरी है कि इनकम-टैक्स के आफिसर को गिफ्ट-टैक्स का काम न सौंपा जाये ।

डावरी को आज तक गिफ्ट में शामिल नहीं किया गया है । दयानन्द से लेकर गांधी तक और गांधी से लेकर गोखले तक सब लोगों ने डावरी के खिलाफ आवाज उठाई है । डावरी अर्थात् दहेज प्रथा हमारी सोसाइटी के लिये सब से बड़ा अभिशाप है । अगर डावरी को भी गिफ्ट में शामिल कर दिया जाता, तो इस बिल के द्वारा हिन्दू जाति और मुल्क के इस कलंक को हटाया जा सकता था । इसलिये मैं निवेदन करूंगा कि दहेज को भी गिफ्ट में शामिल कर दिया जाये और सौ रुपये से ज्यादा दहेज देने और लेने वाले, इन दोनों, पर टैक्स लगाया जाना चाहिये ।

इवेशन आफ टैक्स जो होता है, उस को रोकने के लिये कोई कदम नहीं उठाये

गये हैं। मैं फिर किसान हूँ। गवर्नमेंट ड्यूज रह जायें तो मुझे हर छः महीने वाद जेल में डाल दिया जाता है। अगर एक पैसा भी मेरी तरफ टैक्स का वाकी रह जाता है तो मेरे बिलों की कुरकी की जाती है, मेरी गाड़ी की कुरकी की जाती है, मेरी भैंसों को पकड़ा जाता है, मेरी गायों को पकड़ा जाता है और मुझ को जेल में डाल दिया जाता है। मेरे साथ कुरकी और नीलामी का खेल खेला जाता है। लेकिन मिल मालिक जो डेढ़ सौ करोड़ रुपया दबाये बटे हैं, उन के खिलाफ कोई एक्शन नहीं लिया जाता है। मेरा कहना है कि उन के खिलाफ भी मुक्त एक्शन लिया जाना चाहिये। जो मिल मालिक आज टैक्स इवेड करता है, जो टैक्सों से बचता है, वह देश के साथ धोखा करता है और उस को नेशनल डिफेंस रुज के मातहत सजा मिलनी चाहिये, उस को जेल में डाल दिया जाना चाहिये।

उस के अलावा जो गरीब लोग हैं, उन को थोड़ी राहत दी जानी चाहिये। गरीब लोगों को उस तरह से गिरफ्तार कर के जेल में नहीं भेज दिया जाना चाहिये।

नेशनल डिफेंस का आज सब से बड़ा मसला हमारे सामने है। इस के लिये हमें विद्याल धनराशि की जरूरत है। मैं समझता हूँ कि अगर सिर्फ़ गन्ना मिर्चों को नेशनलाइज कर दिया जाये तो देश के डिफेंस का मसला हल हो सकता है।

**अध्यक्ष महोदय :** यह अलग मसाला है।

**श्री यशपाल सिंह :** मैं इतना ही कहना चाहता हूँ कि जहाँ तक गिफ्ट टैक्स का ताल्लुक है, यही नहीं बल्कि जो भी टैक्स मिल मालिकों की तरफ बचे हुए हैं, उन को वसूल करने के लिये सख्ती बरती जानी चाहिये, सख्त कदम उठाये जाने चाहियें। उन सख्त कदमों की इस बिल में व्यवस्था की जानी चाहिये। यह भी घोषणा की जानी चाहिये कि जो टैक्सों को इवेड करेगा,

उस के साथ बहुत सख्ती से पेश आया जायेगा।

गिफ्ट टैक्स और इनकम टैक्स के डिपार्टमेंटों को अगर अलग अलग नहीं रखा गया तो इस से कुरप्शन बढ़ेगा। इन को अलग अलग रखा जाना चाहिये।

इन सख्तों के साथ मैं इस बिल की स्पिरिट का अनुमोदन करता हूँ, समर्थन करता हूँ लेकिन जो टैक्सों से बचने वालों के खिलाफ कोई कदम नहीं उठाये गये हैं, वे भी उठाये जाने चाहियें, इतना मेरा निवेदन है।

**Dr. M. S. Aney:** I had no intention to intervene in this debate at all, but having heard the speeches of three or four hon. Members I do think that I should say a few words.

Many hon. Members have probably not read the Statement of Objects and Reasons attached to the Bill which mentions the objects clearly. The first object is to bring it in line with the Income-tax Act in certain respects. The second object is to remove an anomaly that exists in the law that whereas a donor can be proceeded against for the recovery of gift tax, the donee cannot be proceeded against. The third is a procedural one to remove certain defects in the existing enactment to invest the gift-tax officers with the power to transfer cases. These are the three objects with which this Bill is brought before the House. Every other thing that is being spoken here by most of my friends is outside the scope of this Act. It may be that in their opinion Government should have brought a Bill including all those matters which they consider as proper for taxation but not included in this Act. Therefore, the debate is going on matters which are not covered by this Act rather than on matters which are covered here. That is my first objection.

Then, my hon. friend, Shri Bade, who has no doubt a very studious

[Dr. M. S. Aney]

mind, who goes into all the previous literature about any matter that is brought before this House, has gone through the proceedings of the Legislature regarding gift tax when it was first enacted here, the report and so on. But what was the result of it? The view which he puts forth was not supported by more than three or four persons in the Joint Committee. Then the matter was brought before the House. None of those amendments was brought before the House and, if any were brought forward, they were rejected by the House. It means that the House has given its opinion only a few years ago, some time ago, that these are matters which, in the opinion of the majority of this House, which is representative of the country, are not liable to be taxed at all under the Gift Tax Act. With this clear verdict or view by the nation, and particularly by this House, Government was right in not taking those matters into consideration when they thought of introducing certain other provisions for making this Act more workable and more vigilant. Therefore, in my opinion, those are matters which are outside the scope of this Bill. If they feel that more revenue is to be raised by Government, they should discuss this matter with the Government and try to make the Minister introduce some other Bill for that purpose. So far as this Bill is concerned, their objections are not at all valid. Therefore, so far as I am concerned, I give my whole-hearted support to this Bill.

In view of the emergency, it may be that there are other things which should be taxed or can be taxed. The Finance Minister is sitting here. He is very vigilant. Every day he is looking very carefully into every matter from which he can pick up some money and put it in his pocket. That work he is doing very vigilantly. It would be of great help to him if our friends go and have a private talk with him and suggest some other way and, at this critical time, strengthen

his hands in getting more money for the nation to help the Government in this crisis. Sir, I whole-heartedly support this Bill.

**Shrimati Tarkeshwari Sinha:** Mr. Deputy Speaker, Sir, I agree with the last speaker when he said that the hon. Members, when they went into the entire structure of taxation system, were speaking much beyond the scope of the present Bill. This amending Bill is incorporating provisions on income-tax which are applicable to the gift tax and also some of the procedural matters. So, I would not like to waste the time of the House by going to reply to those arguments which have been raised here and which are much beyond the scope of this Bill, but I would certainly inform the House about the arrears, as they are under the Gift Tax Act.

The total amount of gift tax right from its inception at the end of 1952 to the 31st March 1962 comes to Rs. 3.67 crores. The small amount of Rs. 15 lakhs of effective arrears which is now pending forms only 4 per cent of the total collection. It is not such a big amount as to say that there is no efficiency in running the Gift Tax Act by the department. It does not prove that. Then, as the hon. Member who is sitting behind me has pointed out, a big sum of Rs. 6½ lakhs cannot be paid to the Department because the High Court has ordered otherwise. We have moved the Supreme Court for a decision. If the Supreme Court favours us, we shall be able to realise that amount.

The original estimate of gift tax was Rs. 2 crores. A gift is really an uncertain factor. If nobody makes a gift, how can we assess the amount? So, if an overall estimate is made, that estimate cannot all the time prove to be correct hundred per cent. We made an estimate of a particular amount, taking so many factors into account. It did not come up to that expectation not because there has



been any lack of collection or there has been some evasion. In fact, no case of evasion of gift tax has come to our notice so far. Therefore, hon. Members should bear with me when I say that less collection is primarily due to the fact that proportionately lesser gifts were made. The collection figures given by the hon. Member, Shri Daji is wrong. He referred to Rs. 80 lakhs. It is not Rs. 80 lakhs; this year it is Rs. 97.86 lakhs or nearly Rs. 98 lakhs.

Then there is another point about the arrears. Even in his last budget speech the Finance Minister, who is sitting here, indicated in detail what the effective arrears of income-tax are. Members have quoted effective arrears of Rs. 149 crores, but when we go into the details of total arrears we shall find that some of these arrears may be effective in the sense that we hope some time or other to recover part of them, but they are not effective immediately.

Take, for example, the pending appeals. That comes to nearly Rs. 28.38 lakhs. How can we collect it because they are before the courts? We cannot collect it. Then, another amount which looks a big amount like Rs. 64.32 lakhs indicates the demand which has not yet fallen due. Until and unless the demand falls due and it is recoverable, though we count that in the estimate collection, we cannot take cognisance of this in the returns as actually with the Government or as revenue earned by the Government or in the possession of Government. So, before hon. Members really come to such a hasty conclusion, I would like that they should not conveniently forget the past figures which have been quoted time and again in the House. They come prepared with so many arguments but I would beg of them also to take note of those figures which have been given to the House and which have not been challenged by any authority. They cannot be challenged because they are figures given by the Government

which has got the fullest authority to give those figures.

Regarding companies under liquidation, howsomuch effective methods we may adopt—that really brings nearly Rs. 6,23,00,000—how can we collect those arrears? Maybe, we are hoping against hope that the condition of the person may improve and he may be able to give some tax as is charged on his income or wealth. But until and unless the financial position improves and so long as the companies do not have a second life, how can we collect this amount?

Then, double income-tax reliefs which are yet pending cover nearly Rs. 6,24,00,000. They also are not recoverable. This really does not indicate that all the arrears are going to come to the Government by taking all steps. But may I assure the House that this Ministry is very vigilant about collecting all such arrears which can be collected. Whatever organisational improvement is possible, we are adopting those ways and means to collect the arrears on which we can lay our hands.

Only some time back a meeting was called of all the officers of the Department to go into this specific question of how to improve the administrative machinery and how really to take into cognisance this problem as also to adopt those methods by which the whole administrative system may show improvement in the collection work. I might say that the hon. Finance Minister is very particular about two things in his Department. One is that the arrears must be reduced and the second thing is that the public may not be inconvenienced, that is, the refunds which are due to the public should be given to them immediately after the refunds are due.

The hon. lady Member referred to donations to the National Defence Fund. The next Bill is going to provide for that. The House knows that donations to the National Defence Fund are exempt from taxes including the Gift-tax.

[Shrimati Tarkeshwari Sinha]

Then the hon. lady Member again said that it may be Rs. 4 lakhs for four wives. The hon. Member sitting opposite has already explained that it does not matter whether it is 'spouse' or spouses'. One may have four wives but the relief is only Rs. 1 lakh for the spouse. So, she is under a mistaken notion.

**Shri Daji:** That too is high.

**Shrimati Tarkeshwari Sinha:** I do not know. Sometimes a person who receives that has to maintain the entire family and nobody, I think, is taking the responsibility of maintaining that family. No guarantee is given by the Government. I do not accept that in all such cases it is misused.

**Shrimati Lakshmi Bai:** You mention only 'wife' and not 'wives'.

**Shrimati Tarkeshwari Sinha:** It is 'spouse' and spouse means wife or wives or husband.

It has been pointed out that the expenditure is very high. But the expenditure is so low that we are proud of our low proportion of expenditure to the collection work that we do. It is not even 2 per cent. The expenditure on this is 1.8 per cent. This Department can really take pride of the fact that though the collections have gone up very much and the arrears have been reduced rapidly, our expense ratio has not increased at all. It is very low compared to the increase in collections. I can also take pride in the fact that the whole brunt of the burden is being shouldered by the existing staff of the Department in spite of the fact that so many new taxes have been levied. We are quite satisfied.

The hon. Member probably does not quite understand the working of the Income-tax Department and therefore he came to this conclusion. The Gift-tax and the Wealth-tax form part of

the total integrated system of taxation in collection as well as in administration. Therefore certainly our officers have to take an extra burden. But this is not an anomaly that if they have to do the income-tax work they are not capable of doing Gift-tax work. Actually these two works are complementary and not contradictory.

**Shri Daji:** He said that if he is also elected to the Rajya Sabha he cannot function both in the Rajya Sabha and in the Lok Sabha.

**Shrimati Tarkeshwari Sinha:** That is why I say that the comparison is not quite correct.

**Shri S. M. Banerjee (Kanpur):** Ministers are functioning.

**Shri Daji:** Ministers can function.

**Shrimati Tarkeshwari Sinha:** Yes.

So, this contention that the expense ratio is very high is not quite correct.

I would not like to repeat what the hon. Member who spoke last suggested that hon. Members who talked about exemption have not been very relevant to this Bill, more so because this has been the decision of the House. It is not within the scope of this amendment Bill to object to the decision which has been taken by the House and that includes the Select Committee also.

The last point which Shri Himatsingka raised was in regard to the responsibility of the donee in giving this tax. We can assure the House that the responsibility of the donee will only be in a case where the donor is not available for paying the tax and even if the responsibility of the donee is taken into consideration it will be proportionate to the amount of the gift that he has received and it will not be unproportionate. In our administrative procedures we shall see that no hardship is caused to the donees and that the tax is proportionate to the gift that he has received.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Gift-tax Act, 1958, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** The House shall now take up the clauses. There are no amendments. So, I shall put all the clauses together to the vote of the House.

The question is:

"That clauses 2 to 36 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 36 were added to the Bill.*

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

**Shrimati Tarkeshwari Sinha:** Sir, I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

14.49 hrs.

# TAXATION LAWS (AMENDMENT) BILL

**The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha):** Sir, on behalf of Shri Morarji Desai, I beg to move:

"That the Bill further to amend the Income-tax Act, 1961 and the

Wealth-tax Act, 1957, be taken into consideration."

As the House is aware, Government have recently set up a National Defence Fund and have also issued Gold Bonds, National Defence Bonds and various other small savings certificates with a view to mobilising the financial resources of the people in the present emergency. In order to facilitate and encourage donations to the National Defence Fund the Government had announced certain tax reliefs and concessions for persons making contributions to the National Defence Fund or subscribing to the Gold Bonds and the National Defence Bonds. The object of the Bill under consideration is to amend the relevant provisions of the Income-tax Act, 1961 and the Wealth-tax Act, 1957, for providing the necessary tax reliefs and concessions.

The Gold Bonds, which are issued against subscriptions in gold or gold ornaments have been instituted with a view to harness the resources in gold which are lying idle with the people and which form a huge amount of foreign exchange, which will be of immense help to the Government in securing equipment, machinery and materials from abroad, if we can mobilise at least a part of that huge amount of gold lying idle in the country. They will also be of great assistance in checking smuggling by bringing down the price of gold. Such mobilising of gold is also of great use for a number of other objectives. It is desirable to wean away our people from the habit of hoarding gold and using gold as a display of wealth. For various reasons, the Government could not offer for this gold a price higher than the international price of Rs. 62.50 per tola. However, to make this issue attractive, besides fixing the interest thereon at a liberal figure of 6½ per cent per annum, it is proposed to exempt them from the Wealth tax and any capital gains resulting from their sale afterwards and these sales are proposed to be

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exempt from capital gains tax. For this purpose, it is proposed to add in section 5 of the Wealth-tax Act, the Gold Bonds as an item of exempted asset. Further, it is proposed to remove from the category of "capital assets" defined in section 2(14) of the Income-tax Act, 1961 the above Gold Bonds. This amendment will secure that the capital gains or losses arising on the sale of the Gold Bonds will be left out of consideration for the purposes of the Income-tax Act.

As hon. Members are aware, it was announced by the Government that the donors to the National Defence Fund will be entitled to a tax rebate on their donations in the same manner as was admissible under the Income-tax Act, 1961 in respect of donations to charitable institutions, funds, etc. To secure this purpose, section 88 of the Income-tax Act is proposed to be amended in order to provide specifically that the sums paid to the National Defence Fund shall also qualify for the rebate. The donations qualifying for the tax rebate under the provisions of the law, are subject to a ceiling limit of 10 per cent of the total income of the assessee or Rs. 2 lakhs, whichever is lower. These limits will, however, have the effect of unduly restricting the donations to the National Defence Fund. It is, therefore, proposed to amend section 88 of the Income-tax Act further to provide that the sums paid as donations to the National Defence Fund shall not be taken into account in applying these limits. The limits will, of course, continue to apply to other donations.

Under the existing law, persons responsible for paying any interest on securities to any person are required to deduct tax therefrom at the prescribed rate before making the payment. There is a provision in the Income-tax Act enabling the assessee having no assessable income or a small income to obtain from the Income-tax Officers a certificate entitling him to receive the interest without any

deduction of tax or authorising deduction at a rate lower than the prescribed general rate of taxation. However, as a measure of encouragement to persons in the small income groups to subscribe to the National Defence Bonds and the Gold Bonds and thus to enable them to play their legitimate and proud role in the country's all-out effort in the war in the emergency, it is proposed to dispense with this procedure for getting exemption certificates for individuals resident in India, and to pay interest to them on these Bonds without deduction of tax at source. For this purpose, section 193 of the Income-tax Act is proposed to be amended so as to enable individuals resident in India to receive interest on the National Defence Bonds without any deduction of tax at source, and also to provide a similar relaxation to such individuals holding Gold Bonds, on their making a declaration that the nominal value of Gold Bonds held by them or on their behalf does not exceed Rs. 10,000/-. The relevant amendments are contained in clause 4 of the Bill.

I have dealt with all the provisions in this short Bill, and I hope the House will give unanimous approval to this.

I move.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Income-tax Act, 1961 and the Wealth-tax Act, 1957, be taken into consideration."

Time has not been fixed. One hour for this Bill.

**Some Hon. Members:** Two hours.

**Mr. Deputy-Speaker:** We will see. If necessary, we will extend the time by one hour. We will see how it develops.

**Some Hon. Members:** Two hours.

**Mr. Deputy-Speaker:** If necessary.

**Shri Harish Chandra Mathur**  
 (Jalore): Will this Bill bring them  
 out?

**Shri Prabhat Kar** (Hooghly): Mr. Deputy-Speaker, I welcome this Bill and I particularly thank the Government for introducing Gold Bonds at this moment. I think we are all aware that due to the exorbitant price of gold in this country, which is out of proportion to the international price, there has been a continuous flow of smuggled gold in this country to the detriment of the nation's economy. Moreover, one of the ways of evading taxes and utilise the black money was to purchase gold and keep it hoarded inside the vaults. Thus, the Government was deprived of its due revenue and also money which otherwise could have been utilised for the development of the country was lying idle. The Government, to-day, has introduced these bonds and granted interest at  $6\frac{1}{2}$  per cent for 15 years, and through this Bill, is granting exemption from the Wealth tax and the provisions of the Income-tax Act. This is just a bait to those persons who have been hiding their black money in gold bars to come out and deposit the gold to be utilised by the nation at this critical juncture. So far as the Government's effort is concerned, Sir, it is most welcome. No doubt, the price is Rs. 62.50 which is the international price, but at  $6\frac{1}{2}$  per cent interest for the 15 years, it will be  $97\frac{1}{2}$  per cent. The price they will get per tola will be Rs. 125 which is almost nearabout the present price, which is out of proportion to the international price prevailing in this country. But, no doubt, if this bait would not have been given,—although we hear of the talk of the rational crisis, the talk of the national feeling etc.—we know that these people would not have come out with their hidden gold. At this juncture when we are mostly in need of this, the gold bars would have been filled in the private vaults of those blackmarketeers.

**Shri Prabhat Kar:** This is a bait. The amount is Rs. 62.50 with  $6\frac{1}{2}$  per cent interest for 15 years which is equal to  $97\frac{1}{2}$  per cent. That will be after 15 years.

**Mr. Deputy-Speaker:** The hon. Member will continue tomorrow. We will take up the Motion of Shri Harish Chandra Mathur.

15 hrs.

# MOTION RE: REPORT ON INDIAN AND STATE ADMINISTRATIVE SERVICES

**Shri Harish Chandra Mathur**  
 (Jalore): Mr. Deputy-Speaker, Sir, I beg to move:

"That this House takes note of the Report on Indian and State Administrative Services and Problem of District Administration by Shri V. T. Krishnamachari, laid on the Table of the House on the 7th September, 1962".

I move this Motion standing in my name on this report by the grand old man, Shri V. T. Krishnamachari. He is an experienced administrator and is now a valued colleague in the other House. We have respect for him, and the subject of this Report, namely, Indian and State Administrative Services and Problems of District Administration is rather very important. This subject was examined in the context of the needs of the Third Five year Plan at the instance of the Planning Commission and assumes, I believe, a still greater importance today in the context of this emergency when the Services, particularly the Administrative Services, have to

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play a very great role. My criticism should not be equated with the person whose hallmark this report carries. It is, of course, a little embarrassing, I venture to submit, Sir, that this report is rather very disappointing. It does not even touch the real hard core of the problem. Even the periphery which it touches is rather disappointing, as I have submitted. It is perfunctory in manner and I am afraid there is too much dependence on somebody else's information, given and passed on in this report, and nothing beyond it.

Sir, this Report is divided into two parts. Part I deals with the Administrative Services. Part II deals with the District Administration, particularly in the context of the Panchayati Raj institutions which have come into being. I think, Sir, there is no subject more important than this. Now, in the first part of the report what recommendation has been made is that the strength of the I.A.S. cadre will have to be revised possibly from what it is to 2,400, that, for the training programme a slight modification is necessary, that the academy at Mussoorie may have an advisory body—an idea which you will remember I stressed very much on the floor of this House when the Demands of the Home Ministry were being discussed—and then, certain very insignificant recommendations regarding training. This report covers recruitment, strength and training.

Now, Sir, let us take the strength which has been recommended as 2,400. I think there is absolutely no justification and no rationale behind it. If you will look into the demands of the various States you will find that the State of Mysore, which is a fairly progressive State, has got the strength of only 100 I.A.S. officers. It has not increased its strength for the last four years and it does not propose to increase it even now in 1962. Here is another State, Madras

State. I have very great respect for their administration and their administrative efficiency. Their Secretariat working is one of the best. Here is that State which has cut down the number of the I.A.S. officers from 141 to 136. The same is the case with Rajasthan—I am very proud to mention Rajasthan also. They have cut down the number from 133 to 126. It is a new State and still it has cut down the number, whereas we have got another State which has taken more, namely, Andhra. Andhra State wants 178, Bihar 188, Punjab 160 and Gujarat has jumped from 110 to 144 I.A.S. officers. What is the necessity for the increase in strength? I see absolutely no reason for this. The States simply want to make certain local adjustments, want to have this man or that man, provided the whole strength is fixed up, and we have now got here this report which has endorsed what has been said by the States. It gets now the endorsement on this report. There is no rationale for it. If we examine the strength of each individual State, we will find that there is no justification for it.

Then, Sir, there is no mention in this report as to how many officers are, as a matter of fact, on deputation and how many officers have grabbed the posts which should not be held by one from I.A.S. cadre but which are the right of somebody else which block the avenues of promotion for certain other people and which affect the technical people who ought to be there. So, even in the recommendation which they have made, I see absolutely no rationale, no justification.

I will now deal with the matter of training at the National Academy. It is unfortunate that I have not been able to go and pay a personal visit in spite of an invitation from them. But, knowing as I do, the main problem at the National Academy is now not that they should have an advisory committee only. Of course, that is very necessary and that should

have been done long ago. We made a demand in that respect on the floor of the House. But this National Academy—I wish my hon. friend to understand this—has got to completely change. They made certain changes in the syllabus. I don't dispute that. But there has to be a change in their entire outlook and they have got to be reorientated to meet the situation today. Even the senior I.A.S. officers who have written on the subject in the context of the Panchayati Raj have said that it is absolutely necessary that there is a complete reorientation. How is it to be brought out? Simply, certain suggestions have been made that for three months he may work as B.D.O. or he may visit certain places. It is like child's play. Now, I have before me the special number of the Indian Journal of Public Administration brought out by the Institute of Public Administration. What I say here bears full support from the experienced servicemen themselves. They have stressed this point that there should be complete reorientation. This much I wish to say about training.

Then, Sir, about the administrative services I wish to say something. It is said that the special recruitment should not be there; we may have to raise the superannuation age so that people may stay on. Well, Sir, I do not wish to deal with this subject because I have no time to waste upon it, but I have my strong views on the subject. I am not against the superannuation age being raised, but I have certain views which I will give when we discuss the particular subject when the Home Minister brings a Bill to that effect, as he has already indicated.

I wish to deal with another matter. Today's editorial of the *Times of India* states very clearly how the administrative machinery in the Secretariat is functioning and how it takes 140 days or 150 days for a file to travel up. Now, the main problems are one, the indifference and delays of the

Secretariat, and two, the weakness of administration in the districts. This should have been dealt with. There is no word, Sir, in the report as to how they are going to strengthen the district administration. There is no word about it. We have seen what has happened. We know how we have to put our administrative machinery into good shape if they have to deliver the goods, not only in the context of the Third Five Year Plan, but now, more particularly, when we are faced with this emergency. We have to put the administrative machinery in good shape, but there is not a word about this in the report. There are various problems of Secretariat indifference and inordinate delays in the working of our district administration because of which the district administration is faced with various difficulties. I have to make certain suggestions in this regard, and I shall make them when I am dealing with the second part of the report which deals with the district administration and the role of the district magistrate.

There are certain basic questions which must be considered when we are considering the entire administrative gamut. The first thing which I want to impress upon the House is that the administrative services should be put in the proper focus. By 'administrative services' I mean particularly the IAS. That should be put on a proper focus *vis-a-vis* the technical services, and the engineering and scientific services. That is very important. Then, the IAS should be put in a proper focus in relation to the State administrative services. At present, there is almost too much of an overshadowing, and that creates a very wrong reaction, a chain reaction, and that has got to be looked into.

This report has not touched upon that subject at all. I do not deny that the IAS forms almost the backbone of the administration. I have very great respect for quite a number of officers who are patriotic and who are very capable, but they are very few in number; there are not many of

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that type; not all are of that type. We have got to see what we can do to give incentive to these services also and to draw out the best out of them. There is not one word in this report to indicate whether we are having the best out of the services. There is not one word in this report to tell us whether if we have the 2400 people required, the whole game can be played well. How do you draw out the best out of the services?

The present method of promotion on the basis of the subjective remarks in the confidential reports is one of the most demoralising factors for the services. Let this be clearly understood. There must be a record of performance which should go into the confidential reports. The secretary to the Ministry who is drawing Rs. 3500 or more must be made responsible for it. There must be something wrong if the secretary cannot pull his weight in his own branch of the secretariat. There must be something wrong if he cannot pull his due weight and get the files disposed of. I have examined quite a number of files, and I can say that there is something wrong somewhere. I need not analyse the reasons, but it is absolutely clear that if the secretary or the joint secretary or the deputy secretary pulls his weight, there is no reason why any file should be pending like this for so many days. They do not create confidence in the minds of the clerks and other staff in the lower establishment. They do not give them any guidance.

Therefore, I submit that instead of only the subjective remarks, there should be a record of performances entered in the confidential reports, so far as the services are concerned, if we want that they should deliver the goods.

Unfortunately, the Ministers are rather busy and they cannot give time to this matter. Those who are not too busy are persons who are unfortunately not competent enough to

have a grip over the administration and the secretariat. There are top people, I know, in the Ministries, for whom everyone has respect. But they are far too busy to give any time to the administrative matters. This is one of the reasons why the administration has deteriorated all these years. It has deteriorated because the top Ministers who have great talent do not have the time to devote; and those who have some time have not got the grip and the competence to play the role. Anyhow, the result is the same.

**An Hon. Member: No.**

**Shri Harish Chandra Mathur:** That unfortunately is the position, and we shall have to take note of this. Thus, when there is incompetence either at the one end or at the other there starts a very unfortunate factor which is called mutual exploitation; the services exploit the politician and the politician exploits the services. This is an unfortunate thing which has to be guarded against. There is not even a mention of it in the entire report, though this is one of the important factors which has got to be taken note of.

Since I shall have to deal with a vaster subject, I cannot devote much more time to this. I shall now pass on to the second part of the report which deals with the district administration, and district administration particularly, in the context of panchayati raj administration. Here, again, unfortunately, my feeling is that the basic problems have not been tackled. What is the basic problem? We must be clear about it in our minds. The mind of the Cabinet and the mind of Government should be very clear about it.

What are these panchayati raj institutions? What place do Government want to give to these panchayati raj institutions? These panchayati raj institutions have not been formed after certain deliberations by the Central



Cabinet; they have not been discussed in this House, and they have not been formed because of any Directive Principle. The panchayati raj institutions are just the legitimate child of the Ministry of Community Development, I would say, legitimate child; some time back, I had a misapprehension that it was an illegitimate child of the Ministry of Community Development. But I am now convinced of the parentage, because the panchayati raj institution was born under an emergency. We are living in an emergency today, but these panchayati raj institutions were born in an emergency to save community development, and to fulfil the objectives of the Ministry of Community Development.

Those people who have given any thought to it and we who think about it consider these panchayati raj institutions to be governments at different levels, government at the village level—you may call it village republic or anything else—government at the district level or government at the block level.

Here is a very interesting thing. The author of this report who has written a foreword to this journal himself says regarding these panchayati raj institutions that "all analogies drawn from local governing bodies in other countries and in India prior to 1947 are, therefore, apt to be misleading when applied to them." because these panchayati raj institutions are much more than local bodies, according to him, since they cover the entire gamut.

Then, we have the editorial note by a very experienced secretary to Government, Mr. Singh, who also subscribes to this view and he says, let us take note of this fact that through these panchayati raj institutions that we are now establishing, "we are establishing governments at different levels," and that is a revolutionary step which we are taking.

So, it is a revolutionary step which we are taking. Therefore, we have to

be very clear in our mind in determining their role properly. I would like to know clearly whether this idea has been accepted by the Planning Commission; I would like to have a clear reply from the Planning Minister and from the Cabinet whether they accept these panchayati raj institutions to be governments at different levels or not, and if they accept them as governments at different levels, whether they consider them to be also political bodies or not. These are two fundamental issues which have got to be settled first in our minds.

If we say that these are governments at different levels, if we say that politics does come into these local bodies, then the district administration and the pattern of administration and the relationship of the collector etc. will have to be governed by our conception of these panchayati raj institutions. That is the most fundamental thing. I am afraid I have to say that not a word has been mentioned in this report about this fundamental and basic thing.

In this journal, there are three articles on this subject. I happen to be one who has contributed an article. My view is absolutely clear; howsoever much we might wish that politics should be kept out of them, it will come in. I may tell the Ministry of Community Development that it is absolutely futile to think that politics will be kept out of it; they are deceiving themselves and they are deceiving others when they say that political parties will be kept out of it. Political parties cannot be kept out of it. This is the fundamental basis of it, that if we want these panchayati raj institutions to be connected with each other, then it is absolutely impossible to keep politics out of it. What is politics, after all? Politics and power can never be kept separated. I think that power and politics always go together. Wherever there is power, politics will go there, whether one wants it or not. This is a fundamental thing, so far as

[Shri Harish Chandra Mathur]

I can see it. Wherever there is democracy, there will be elections. Wherever there are elections, parties will come into play, and when the parties come into play, politics does come in.

Mr. Namboodiripad is another person who has written on the subject. He is also absolutely clear in his mind, and he says that:

"Since this is the perspective, political parties will naturally be averse to any step that will keep them away from the seats of power. For, the institutions of the panchayati raj as envisaged now would be sharing with the State Legislatures, the Central Parliament and Ministries corresponding to them the powers that they are exercising. The use of the power transferred to the organs of panchayati raj is, therefore, as much a political question as the exercise of power at the Centre and in the States."

There is another and much more illuminating and really good article by Myron Weiner who is a professor on this subject.

**Mr. Deputy-Speaker:** You have taken twenty minutes.

**Shri Harish Chandra Mathur:** I will take another ten minutes.

**Mr. Deputy-Speaker:** There will be no time left for others. Two hours were allotted to this by the Business Advisory Committee.

**Shri Harish Chandra Mathur:** I think we can extend the time. If the House so desires, it can be done. It is an important subject and I will take another ten minutes with your permission. Here is Namboodiripad, a communist; Harish Chandra Mathur, a Congressman and a third person, an American professor. He says:

".....the conditions of local government are such that it is

virtually inevitable that political parties do enter the local scene on an even more active scale than they have thus far. ... The tiered structure of Panchayati Raj virtually forces the local parties to enter village politics..... 'who gets what' is a crucial question in any political system, democratic or authoritarian, and whatever institution has the power to decide is invariably a target for those who want political power.... Wherever there is power, there must be politics—a law as fundamental in Political Science as supply and demand is in Economics.... In India as in other democratic countries, political parties have built themselves on a local government base. Long before the Labour Party in Great Britain assumed national power, it had won power in many municipalities."

So, it is nothing peculiar to India. I need not develop the point further. I wish we do a clear thinking on this issue. Let us consider what is going to be the pattern and the content of the panchayati raj. It is only then that you can determine the role of the services. The absence of full realisation of these factors creates a conflict and confusion. It also means waste and frustration.

Unfortunately, another subject introduced here is the relationship with Parliamentary institutions. We have also to decide whether these panchayati raj institutions are supplementary to this Parliament or they are alternative to the Parliament and the legislatures and will eventually take the place of the State legislatures and of Parliament. It is a theory enunciated by a school of thought like that of Shri Jayaprakash Narainji. Even then the subject has got to be considered. The Central Cabinet has failed to take note of this revolutionary change and they have never been able to give any thought to it. Slogan mongering or fads and fancies cannot bring about a

good administration. They may have their places somewhere else. But only clear thinking is necessary for this purpose. Maharashtra Government has given some thought to this matter and I congratulate them. They have given real content to the panchayati raj institutions at various levels. Gujarat proposes to do so. But in most States there is diarchy and duplication with attendant evils and conflict and confusion and demoralisation for the officials. They do not know where they stand. They belong to the States Services under the thumb of the panchayati raj. The non-officials also feel frustrated. The result has been that there is waste of time, money and energy. You cannot work these institutions without adequate power or finances. We may appoint a finance commission to go into the financial resources of the panchayati raj institutions. I wish we also appoint committee for only two months' time so that it will examine all these major aspects.

What is happening with regard to district magistrates? The unfortunate tendency now-a-days is to send junior officers to the districts and the situation is becoming extremely difficult. I said earlier that more than sixty of the district magistrates have not put in even five years of service. One of the Chief Secretaries who had contributed an article says that this unfortunate tendency must be reversed. May I remind you that I made this point very strongly when I took up an occasion to discuss the special pay question. I discussed it purposely not because I was interested whether a particular officer got special pay or not. This special pay is one of the contributing factors or reasons why senior officers do not go out to the districts. I will show how strongly this viewpoint has been supported.

"Finally, it will be the duty of the Collector to secure the efficient and co-ordinated working of the various departments charged with the execution of programmes set by local elected bodies and also

to see that these departments work without interruption or fear of improper pressures. The role will be a very difficult one, since the smallest mistake might damage him either in the eyes of local political leaders or of the services and may also bring him into disfavour with the Government. It would follow that the Collector of the future will have more considerations to weigh, and factors to allow for, than a Collector of the past. In consequence, the recent tendency to post junior officers to these posts in some States will have to be reversed. Equally the reluctance of senior officials to accept district assignments is to be deplored and discontinued. Quite clearly the time has come to recognise the importance of these posts and render them more attractive than posts in the Secretariat or in the Heads of Departments where isolation from pressures of politics add to the attractions of the special pays which these posts carry from the days when officers had to be induced to give up posts in the districts (which they generally preferred) and work in the cities."

15.29 hrs.

[SHRI SURENDRANATH DWIVEDI in the Chair]

The whole thing has changed. The whole context, whole climate and the whole circumstances had changed. In spite of our hammering it here and trying to persuade the Home Minister, I do not see why he does not see light. If the district administration has to be strengthened, if the district magistrate is to pull his weight vis-a-vis this Government at different levels, if he has to be anything, you will have to see that he is a senior man. What is the justification? I shall finish now, and I thank you very much for allowing me enough time. But I would like to conclude by saying that these are all basic and weighty considerations which cannot

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be ignored if you want really to see that the administration delivers the goods and if you want to create respect for the administration in the minds of the general public.

One last word. I wish the hon. Minister for Planning particularly to pay attention. I think he himself, during the elections, felt that there was something very wrong in the district administration. He felt that in spite of the welfare activities of the Government, in spite of all that they were doing, the people were up against the Congress party and up against the Government. Wherever he went, he himself felt that pinch. I understand that as a result of that pinch, he asked that certain studies should be made in the districts to analyse the reasons which were the causes for this discontent. Let us hope the studies will be complete and that the hon. Minister will be able to tell us what are the causes and what is wrong in the district administration, and particularly to see whether we can afford to have that district administration now, in this context of emergency. I hope the Government will be awakened to the situation and to the need, and give some consideration to these problems and set matters right.

**Shri H. N. Mukerjee** (Calcutta Central): Mr. Chairman, Sir, I am glad that my hon. friend Shri Harish Chandra Mathur took the initiative in order to have a discussion on the floor of the House of the report prepared by Shri V. T. Krishnamachari. I am afraid, however, that like Shri Mathur I have also to express my disappointment that the report does not appear to give any indication of the kind of approach which is very necessary in the context of today. It is a kind of report which any bureaucrat could perhaps have produced, but we had higher expectations from a person of the eminence of Shri V. T. Krishnamachari. I also add my voice to that of Shri Mathur in regard to the grouse which he has expressed about this report not including any-

thing at all that is significant: about the problems of today, the perspectives of today, the possibilities of today.

In this connection, I found in one of the magazines published by the Ministry of Community Development and Co-operation, *Kurukshetra*, some very interesting observations by Prof. D. R. Gadgil, who points out how the administrative structure of our country remains absolutely unchanged. Our country is free. The aspirations of our people are so very different from what they possibly could have been before 1947, but the structure of the administration remains more or less, with very minor adjustments here and there, with additions rather than permutations and combinations, what it used to be before Independence. During the British rule, there had been developed a structure of administrative service which combined the rigid separation characteristic of a caste society with the careful gradation characteristic of a class society. Hardly anything has been done since Independence in order to bring about that qualitative change in our administrative services which were so very much wanted. Prof. Gadgil very aptly remarked that a colonial regime is concerned chiefly with maintenance of power, and welfare aspects of governmental activity cannot receive much attention from it, but, as a matter of fact, even though there has been a proliferation of welfare activities, the administrative structure has not been geared to the tasks which have been performed in a very different way, and that is why I support Shri Mathur when he said how in regard to the orientation which should be given to our administrative services very little has been done and that is why I am sorry to have to say that this report does not tell us very much which is worthwhile.

Like everybody else in this House I appreciate the quality of our administrative cadre, the higher as well as

the lower ranks of our services, and I do not wish to give an impression that we are trying to single out any portion of the services and saying things to their detriment, but in regard to the Indian Administrative Service, which is by and large an unexceptionable service, I do have a feeling that enough is not being done to make it really and truly different from what the Indian Civil Service used to be: neither Indian, nor civil nor a service, but which thought itself entitled to all the privileges of being Heaven-born. I do not say that the same condition persists, but whatever smacks of the kind of caste and class differentiation which we have got as a legacy of the administrative structure of the British period should now be very drastically changed if not entirely overturned. It is very necessary to bring about that sort of change, and that is why I was a little surprised when I found in Shri V. T. Krishnamachari's report, opposition to the idea that we should get promising officers in Class II and Class III to have more opportunities of appearing in some special examination and getting into the higher rung of the administrative ladder. We do have our social hierarchy differentiated into so many rungs. It is very difficult to say anything which would be very precise, but even so, I do believe that those who are already in the service might perhaps be given more opportunities of advancement. But here, at page 11 of this report and page 12 also, Shri V. T. Krishnamachari points out that there are certain arguments in favour of the scheme which wishes to give promising young officers in Class II and Class III services an additional opportunity to enter Class II by some kind of competitive examination modified in certain ways, but it says that this argument is not enough—that we should have only a special kind of examination which we have already for the Indian Administrative Service. This is being said at a time when there is a great deal of demand for more people to come into the service. From this report I learn that by April, 1966 there would

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be 525 new people in the Indian Administrative Service. But that would not be enough, and Shri V. T. Krishnamachari recommends that every year during the next four years, at least 115 persons have got to be recruited by the examination held by the UPSC. So, there is scope for more people being taken on and I believe that opportunity should be given to those who are in Class II and Class III who, because of their special experience, would perhaps fit into the higher rungs of the administrative structure and who perhaps would be free of some of the caste feeling which may be attaching to some people higher up.

My hon. friend Shri Mathur referred to the provisions regarding the training of IAS people—how we have the National Academy of Administration, then the Central Institute of Study and Research for the Community Development Ministry, the Staff College at Hyderabad, and in New Delhi itself we have the Institute of Public Administration and so on and so forth. I have no doubt that all these institutes do very good work. I personally had some opportunities of coming in contact with the work of a few of these institutions, but sometimes I have a very uncomfortable feeling that perhaps these institutions are run in a way which is again reminiscent of the bad old past in so far as environs are concerned. I cannot for the life of me understand why an academy of administration has to have its situation in Mussoorie. I do not know why. What is the reason for insulating people from all parts of the country, so to speak, and putting them on an elevation where they can study at leisure perhaps, but is it so very necessary to get our administrators to study in that kind of leisure where leisure is almost embalmed into luxury and that sort of thing? I have been very disturbed to know of one institution in Delhi, for instance, run by the Government, where the building—I do not know how long it will actually last, but the frills and frapperie are quite magnificent,—you could hardly walk with

[Shri H. N. Mukerjee]

the usual pair of shoes; you will be afraid to slip because it is almost like a dancing room floor, because it is also magnificently upholstered. Everything is furnished wonderfully. I do not know, perhaps in order to impress some foreigners who come on a visit to New Delhi and we have to take them to some of these places. But if an Indian Academy of Public Administration has for its premises a building where a common man can hardly hope to walk with a fair amount of confidence, because he might very well slip on account of the nature of the floor, it shows something is wrong somewhere. There is no doubt about it.

I do not quite understand why there should be so many academies stowed away in some of the out of the way corners of the country. Maybe for very comfortable study and contemplation, but perhaps that is not the sort of thing that is necessary. It is very necessary to put first things first. In regard to training, a great deal has to be done in a very different way. I know the Ministry of Community Development and Cooperation sets store on training and a great deal of very valuable material is coming out as a result of the training courses which they are pursuing. I do not say one syllable to cavil at that sort of effort. But the environments and the manner in which it is done are also important. What is the kind of feeling which we would like to see that our administrators imbibe in these academies? If you go and study in the kind of environment where we send them to study, surely they would not be fit for those jobs for which Mr. Mathur and everybody in this House are so very anxious that our country should have the right kind of personnel. The same thing perhaps holds good in regard to the State cadre also, but I do not think I shall have the time to refer to it.

This report deals largely with village, block and district level problems. At one point, it sets out very

clearly what is the central issue. At page 62, it is pointed out:

"The central issue is not the relative roles of the officials and non-officials, but the manner in which all agencies working together can bring about the widest possible participation and common endeavour in the making of plans at different levels and in their efficient implementation."

That is the central issue. Having that central issue in mind, we have to think of what we ought to do. It is exactly there, when you remember the central issue, that you come up against problems and I am sure the problems which were mentioned by Mr. Mathur are extremely important. There is no doubt about it.

About panchayati raj, for instance. I know it is easy to have panchayati raj as one's target. A thing like basic education, which is so important, has become a very cheap target in the present day. People say, it is a farce and so on and so forth. Very highly placed people in the Government make that kind of observation. I do not wish to make that kind of observation. I do not wish for a moment to pooh-poo the idea of panchayati raj. On the contrary, I should say that the concept which we have in this country "*Panchme Parameswar*" has got to be implemented at every level of our social living. I say that. I say at the same time that we have to have the maximum possible amount of decentralisation in our country, decentralisation consistent with the needs of centralised planning, which is the essence of our economic policy. It is very necessary to have that kind of decentralisation. It is necessary to have devolution of powers as much as possible. Therefore, this concept of panchayati raj is not something to be pooh-pooed or something to be made fun of. This is a concept which we have got to try and implement as much as we possibly can.

There are problems, of course, which will have to be tackled. But

how so far have we set about it and how far have the administrative jobs been actually done? It is from that point of view that we discover that the administration falls short, because the policies of the Government also have not been properly clarified. There is no doubt about it. The administration in the panchayati raj apparatus, in the different rungs of the Community Development and Co-operation Ministry's proliferations the administrative apparatus works more or less in the old bureaucratic way. This is being said not by people who are hostile to the idea, but by people who are actually trying to work it.

I discover in this Special Number of *Kurukshetra*, from which I quoted Prof. D. R. Gadgil's article, the tenth anniversary number, which came out on Gandhiji's last birthday—2nd October, 1962—several articles in which this very point is sought to be made. There is an article, for instance, by Evelyn Wood in pages 36 and 37. He is one of those who is most intimately associated with the development of the community development idea and so on and so forth. He tries to point out how things have been wrong in very many respects and how the old ideas continue in spite of an effort being made to bring about a difference in the administration. He refers, for instance, to the idea of "The Triumph of Hierarchy". That is the heading which he gives to his article and says:

"The triumph of hierarchy has gone so far that the Block Development Officers are always being hampered in their work... The idea of having a number of targets which you can conveniently specify has taken hold of people to such an extent that the number of targets is being multiplied without any reference to the actual work which is being done."

He then emphasises how field work must utilise feed back; that is to say, there must be an objective examination of the results of the work which

has been done. Actually nothing of the sort is being done and the Ministry is not being able to undo what he calls the sacrosanctity of its targets. I find also in another article at page 42:

"When the community development movement began, it was the boast of the community development programme in the earlier days that even the village level worker could aspire to become a Development Commissioner. This has not materialised in all its full implications, though some village level workers have risen to be Block Development Officers."

The idea is that we have not utilised the experience of the people at the lower level, pushing them up, so that there might be a creative combination of the experience of different administrators at different levels.

This brings me to the idea which I have said so many times here, the idea of the exclusion from our services, particularly from the higher rungs of our services—the IAS—of the scheduled castes and scheduled tribes people and other backward sections of the population. I have a number of figures to show how these people are still being kept out of the light. Here is the report given by Shri U. N. Dhebar, who was the Chairman of the Scheduled Areas and Scheduled Tribes Commission, which points out how even now, in regard to the representation of the scheduled castes and scheduled tribes in the services, particularly in the higher rungs of the services, so much remains to be done. I have no time unfortunately to refer to these figures, which came out in the most scandalous fashion during the Question Hour, as to the extremely insignificant number of people who belong to the handicapped sections of the community in our services. Even in Class II, Class III and Class IV, the representation of these people is so much lower. Why should this happen? If this country is going to have a socialist kind of society, if this

[Shri H. N. Mukerjee]

country is going to have a new orientation in its administrative services, are these administrators going to be drawn in the main from the upper classes? I know there are certain difficulties. Those who have been so long kept out of the light and kept in the shadow, cannot pass all your examinations. Are we giving any special assistance and encouragement to these people, so that they can come forward and take charge of this country? NEFA is threatened today. Who live in NEFA? Tribal people. When we think of the expansion of educational opportunities in our country, do we think of the tribals of our country coming up and taking positions like that enjoyed by Dr. Bhabha in Bombay? They are not in our mind at all; these people who do not belong to the community so to speak, because they are not rich enough to share all the prerogatives of civilisation. We have done little about it. I wanted that the report on the administrative services at different levels, from the Indian Administrative Service level to the panchayat level, should have included certain ideas, certain suggestions, certain practical recommendations which would bring about a real orientation of our services which would really improve and help in the creation of that context in which socialistic economy can possibly generate. But nothing of that sort has been done. That is why I beseech of the Government to give a great deal more time to this problem than has been given in this report.

**Dr. L. M. Singhvi (Jodhpur):** Mr. Chairman, Sir, I welcome this opportunity to discuss a subject of very considerable importance not only for the better governance of our country but also for the progress of the difficult experiment that we are engaged in today.

The two speakers before me have pointed out that the report has failed inasmuch as it has not dealt with many of the aspects with which it was expected to deal. In particular,

the disappointment of my hon. friend, Shri Mathur, was very great. I feel that it is rather uncharitable to express a sense of dire disappointment with the report and to condemn it, more or less, as a very inadequate piece of work. I should like to draw the attention of this House, particularly, to the factors which confined the scope of the work of Shri Krishnamachari. According to his terms of reference, he had to limit his study to questions relating to administrative personnel at different levels and States and the administrative issues arising from the introduction of democratic institutions at the district and block levels. It was hardly for him to go into the question of whether a party system should be allowed to function at the village level in the panchayats. It was not for him to go into the more pronouncedly political aspects of our institutions. Therefore, I do not think that the sense of disappointment which has found expression in Shri Mathur's and Shri Hiren Mukerjee's speeches is really justified.

I feel that Shri V. T. Krishnamachari has certainly done an excellent piece of work and he deserves to be congratulated for a really profound study which is imbued with a large number of practical suggestions. I only hope, however, that the Government would bestow its earnest attention and consideration to many of the suggestions which have been made by Shri V. T. Krishnamachari. I hope that these suggestions are not merely paraded and then shelved. I hope they will find a practical expression in the policies to be adopted by the Government. I hope the policies to be adopted by the Government will be based on the various suggestions made by Shri Krishnamachari.

Mr. Chairman, Shri V. T. Krishnamachari has particularly drawn the attention of this House and the Government to the fact that there is the



problem of shortages in the administrative cadre of this country. According to him the total gap which is to be filled by 30th April, 1966 is of the order of 525. Now, he has suggested that there should be an increase in the annual intake in respect of recruitment. But he has also very rightly observed that the annual intake should not be increased to a level at which the quality of selected candidates is likely to suffer. This is indeed a very important consideration for us to bear in mind.

I would like to suggest that apart from the proposed increase in the annual intake of administrative officers, we should resort to emergency recruitments more often than we have done in the past. As a matter of fact, there is a large number of very able people who do not for various reasons enter the administrative service at the ages in which it is permissible for them to do so. It would be very proper, and it is very much to be expected from the Government that they would utilise this source of supply for the administrative cadre in the country, that is, the recruitment of those people who are not within the age group which qualifies for the routine administrative service examinations.

I would also, in this connection and in this context, welcome the raising of the age of retirement for administrative officers to 58, a decision which has been recently taken and which, I think, in certain circles, has not been sufficiently appreciated. The reasons for this particular decision are to be found in various reports. As a matter of fact, the decision, in my opinion, was long overdue. In no other advanced country would you find the age of retirement as low as 55. Although I would not advocate the raising of the age of retirement to 65 or 70 as in various countries of the west, I certainly think that the raising of the age of retirement to 58 is very much to be welcomed.

I would like to submit that there should be a 25 per cent or so reserved for promotion from the State administrative service cadres to the all-India services. This should be done in a progressive scale so that a time may come when we may have as many as 50 per cent of the people promoted from the State cadres to the all-India cadres, and there should grow an increasing cohesion, an increasing oneness in the services within the State and the services on the all-India level.

In this connection, I would like to submit that though three new all-India services are to be brought into existence shortly according to a Bill which is being introduced in the House, more and more of these services should be brought into existence. I would particularly like to mention the Indian Educational Service and the Indian Economic Service which have long been under the contemplation of the Government, which the Government has long conceived but has not yet delivered. There are also certain similar services like the Indian Agricultural Service, the Indian Extension Service and others. I think if you introduce service cadres like this it would certainly help the unity of the country, it would not only help in bringing about a greater cohesion in the administrative structure of the country, but it would also bring the best people in the jobs appropriate for them.

15.59 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

So far as training is concerned, I would prefer that the training period is prolonged even beyond 18 months that is recommended by Shri V. T. Krishnamachari. I should think that the kind of training required for administrative personnel has to be a detailed and intensive training. In the very nature of things, because of limitation of time the training that is at present imparted is generally

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rather sketchy. Therefore, if the training period is increased it would very much profit the trainees, the new administrators in the country.

The report also makes another very useful suggestion, and I hope the Government would implement it before too long. It relates to the establishment of an advisory council for the Academy of Administration at Mussoorie. This Advisory Council could very fruitfully guide the activities and curriculum and give proper direction about the training imparted there. I would like similar advisory councils to be constituted at the State and zonal levels also.

16 hrs.

I would like to submit that the need for short refresher courses for senior officials in this country is very great. Quite often it is laughed out as something which means nothing but a vacation for the senior officials. I think it is a very wrong way to approach this question. Refresher training for senior officials is a prerequisite for their continued vitality and for their continued competence to perform the new tasks that face them. I think it would inject greater vigour and greater imagination in our administration if we were to resort more and more to these refresher courses of short durations.

Time does not permit me to go into many of the things that I wish to talk about, because a very great limitation has been prescribed by you, Sir, in this regard, but I should like to say that the training institutes for State Services should be not on a State basis but on a zonal basis. I regret very much to say that the Zonal Councils and the zonal structures which were devised are today more or less a dead letter. As a matter of fact, I should like to suggest that rather than establishing these training institutes for each State separately, we should establish them for each zone.

There is an excellent Officers' Training School at Jodhpur which happens to be a part of my constituency. It is functioning in a remarkably successful manner and I think the training imparted there is of a very high order. I would like to suggest to the Government that a Zonal Officers' Training School for the zone to which Rajasthan belongs, and which includes Punjab, Kashmir and Delhi, should be established at Jodhpur because there already exists an excellent nucleus for such an institution. As a matter of fact, I understand that there has been such a proposal for a long time. So, it is time now to implement this proposal and to give it shape.

I should like also to emphasize that it is necessary, if our Plan is to acquire real content and mass backing, to prepare the Plans not only at the Central level or at the State level but at the village level and, therefore, it is very necessary that we should try to take up this recommendation which has been made by Shri V. T. Krishnamachari among others that plans should be prepared at the village level and that the plans should be sought to be implemented not only State-wise but also village-wise.

I hope that we have a proper re-orientation in the administrative machinery of our country, both at the Union and in the States, to face up the challenge that the new institutions of Panchayati Raj confront them with.

Shri Gajraj Singh Rao (Gurgaon): Mr. Deputy-Speaker, this is a very important report that we are now discussing and I am very sorry to say at this juncture on the testimony of the general public that the administrative service has degenerated and is doing much less work than was expected of it when it was transformed from ICS to IAS. In the olden days we used to curse the district administration and say that they are bureaucrats but all the same, they

acted efficiently according to their policy. Now, are the IAS officers working as efficiently and in the spirit in which we laid down the policy of national development? That is the criterion for judging their work. If they are working so efficiently, there was absolutely no need for a report by so eminent a person with suggestions from certain Chief Secretaries and certain Chief Ministers.

Firstly, I would like to suggest that the posting of IAS officers should be to those States to which they do not belong, instead of posting them to their own States. The integration of the country also requires it. When a Britisher coming thousands of miles away from us used to be posted to Madras or Punjab, he used to learn the South Indian language or Punjabi and function efficiently in that State. In fact, wherever he was posted, he used to discharge his functions well. So, why can't our officers also function so well when they are posted in other States? This will also help national integration. Further, it will eliminate corruption, political pressures and other evils and the officers would be left alone to do their job well.

In the olden days the same officer had the three capacities of Deputy Commissioner, Collector and the District Magistrate. Now, under the Constitution, judiciary has been separated and so those officers have been freed from that work. I can say from personal experience that when I was the Chairman of a district board many ICS officers have got training under me. Then, if an officer is put in charge of rural uplift he used to go to the village with that spirit. If manure is to be applied, they will remove their hat and do that work willingly. Now we have created bigger *sahebs* who hate the rural people, the people living in the villages.

This Report says that there should be a rural bias in the administration. It also refers to the BDO, village

panchayats and so many other things. But what is happening now? If proper training is not imparted to the BDO and the higher officers, what would be the fate of the people? There is a saying that there was a report of a fire in a village and after a month or so an order came to extinguish the fire. The administration functions like that. If a request is made to the administration by a villager without any backing, without any recommendation from an MLA, MP or other politician, no order on that request would be passed for two or three years. That is the state of the administration today.

Coming to BDO training, in my own State one village was selected for certain reasons by a certain Deputy Commissioner and a certain BDO has been promoted. I am not contesting that promotion. What development has taken place in that village? It is only twenty miles from here. I request my friends in the House to come and see for themselves whether the people there are happy. If this is the type of training that they are going to receive, I do not know how they will be benefited. IAS trainees from all over the country were brought there to see the training imparted. They came in jeeps, there was a tea party and they stayed with some higher officers. That is the training that they received. I would say that the basic training, if it is to be real training—I may be laughed upon, I do not mind; I am a villager; I am rural minded....

**Shri Harish Chandra Mathur:** We are all appreciating your point.

**Shri Gajraj Singh Rao:** If India is to progress, the rural India must progress, and the administration must be adapted to rural India. It is only rural India which can lift us up.

We talk of competition. What are the subjects in the competition? Have you a bias towards anything connected with rural life? I can today say at least about Punjab. As the Chief

[Shri Gujaraj Singh Rao]

Minister or anybody there as to who the best Deputy Commissioner is. He is a man coming from a village. He has put in the whole of his life in the border and even during this emergency he is considered as the best man. So, to say that people who can just do certain things in an examination and get some marks can be the best administrators is a wrong idea altogether, according to me

**Dr. L. M. Singhvi:** I hope the hon. Member does not wish to reserve all these posts for people coming from the villages only.

**Shri Gajraj Singh Rao:** I do not say that they should be people from the villages only. But the idea that people from the villages are to be slaves for ever and are to be at the behest and command of certain capitalists should be ignored. They should ignore it altogether from their minds. Those days are gone. If they persist in this, there would perhaps be no administration remaining at all, that is, if that is the conception. Certainly, the capitalists can spend Rs. 2,000 or Rs. 5,000 a month and send them abroad to America and other places and the people in the villages cannot send them. But I would say on principle, and not as a class as my hon. friend has suggested, that if they have to administer as an administrator 80 per cent of the population, they must be adapted to that part. It was a rule in the Punjab and, I submit, it was a sound rule that unless an ICS officer had undergone full training in settlement for five years, he could not be posted as a Deputy Commissioner.

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Gajraj Singh Rao:** I will take two or three minutes more.

**Mr. Deputy-Speaker:** Only ten minutes are given to each hon. Member. He has already taken nine minutes

**Shri Gajraj Singh Rao:** I might have taken, but I rarely speak.

**Mr. Deputy-Speaker:** He can take one or two minutes more.

**Shri Gajraj Singh Rao:** So, my submission is that it is good that there is a bias in this Report on rural training. But I would again repeat the first thing that I have submitted that they should be posted all over India and not in their own States. Then, for selection and training, mathematics, history etc. alone should not be the subjects. They may be for academic people, professors in colleges etc., but for administration some other thing is required. Stamina is also required. They should be given real training and not this partial training. They should know what a village is and what village life is. They should know even what a town is, what kind of poor people live there, how they live and how the administration is to be carried on.

I would submit that from these points there are certain good aspects in this Report. They should be implemented in the spirit in which they are made. If it is taken as the basis that being a BDO is the best thing and that he would learn the best administration, from my experience I can say that it would be great fallacy. They should be given real and true training so as to serve the people and to be nearer the people. The administration should be accessible to the people. They should realise their difficulties and they should be their voice and their helpers in their difficulties. It should not be that when a Minister is coming they are arranging for it and are running about the whole day. That is the only job with the administration these days. That should be avoided altogether. They should be administrators in the true sense of the term.

श्री भक्त दर्शन (गढ़वाल) : उपाध्यक्ष महोदय, मैं अपने आदरणीय मित्र श्री माधुर जी को धन्यवाद देना चाहता हूँ कि उन्होंने

इस महत्वपूर्ण विषय की ओर इस सदन का ध्यान आकर्षित किया है। चूंकि समय बहुत कम है इसलिये मैं केवल दो-तीन बातों की ओर ही माननीय मंत्री महोदय का ध्यान दिलाऊंगा।

श्री वी० टी० कृष्णमाचारी ने अपनी रिपोर्ट में कहीं यह बात नहीं कही थी कि सरकारी कर्मचारियों की उम्र बढ़ा दी जाय। जहां तक मैं ने इस का अध्ययन किया है, उन्होंने नै यह कहा था

**एक माननीय सदस्य :** उम्र कहां बढ़ाई गई है ?

**श्री भक्त दर्शन :** अवकाश ग्रहण करने की उम्र। उन की उम्र तो भगवान् ही बढ़ा सकते हैं। अवकाश ग्रहण करने की आयु के सम्बन्ध में द्वितीय वेतन आयोग ने जो सिफारिश की थी, श्री कृष्णमाचारी ने कहा था कि उस पर विचार किया जाय, और कि जब तक इस पर निर्णय नहीं हो जाता है तब तक उन में से जो योग्य व्यक्ति हों उन को काम करने का अवसर दिया जाय। लेकिन मुझे यह जान कर बहुत आश्चर्य हुआ कि हमारी सरकार ने बड़ी जल्दी में इस के सम्बन्ध में घोषणा कर दी और इस सदन को और इस पर अपने विचार प्रकट करने का अवसर भी नहीं दिया। मैं यह समझता हूं कि जब इस के बारे में यहां विस्तारपूर्वक विचार होगा तो इस सदन के सभी सदस्यों को अपने विचार प्रकट करने का अवसर दिया जायेगा। लेकिन मैं निवेदन करना चाहता हूं कि क्या सरकार ने कभी इस पहलू पर भी विचार किया है कि राज्य सरकार के कर्मचारियों पर इस का क्या प्रभाव पड़ेगा और हमारी आने वाली पीढ़ी जो है उस के अन्दर की बेरोजगारी पर इस का क्या प्रभाव पड़ेगा ?

श्री वी० टी० कृष्णमाचारी ने अपनी रिपोर्ट में यह भी सिफारिश की है कि जो

आई० ए० एस० के लोग हैं वे छः वर्ष पुराने होने के बाद जिलाधिकारी या डिस्ट्रिक्ट मजिस्ट्रेट बना दिये जायें। इस सम्बन्ध में मैं शासन से यह अनुरोध करना चाहता हूं कि उन की यह सिफारिश मुझे बहुत ही अनुपयुक्त मालूम होती है। जहां तक मुझे जानकारी है, अंग्रेजों के शासनकाल में पन्द्रह पन्द्रह और बीस बीस साल का जब उन को अनुभव हो जाता था तब जा कर उन्हें जिलाधिकारी के पद पर नियुक्त किया जाता था। डिस्ट्रिक्ट मजिस्ट्रेट की पोस्ट कोई साधारण पद नहीं है। वह आज कल और भी बहुत महत्वपूर्ण हो गया है, खास कर इस असाधारण परिस्थिति में युद्ध प्रयत्नों में सामंजस्य स्थापित करने का, विभिन्न विभागों के जो जलाधिकारी हैं उन के बीच में सहयोग और समन्वय स्थापित करने का, सारे जिले में शान्ति और सुरक्षा व्यवस्था को बनाये रखने का, और सरकार के जितने विकास कार्यक्रम हैं उन के एक अग्रगण्य नेता के रूप में काम करने का। इसलिये जिलाधिकारी का पद जो छः या सात वर्ष की नौकरी करने वाले नौसिखिये कर्मचारियों को देने की सिफारिश की गई है, मेरी समझ में उसे सरकार को स्वीकार नहीं करना चाहिये। मुझे इस तरह के उदाहरण मालूम हैं उत्तर प्रदेश के कि ऐसे कुछ जिलाधीशों की नियुक्ति कर दी गई है जिन को अभी आई० ए० एस० में आये हुए पांच वर्ष भी पूरे नहीं हुए थे। मैं उन व्यक्तियों के बारे में कोई व्यक्तिगत आक्षेप नहीं करना चाहता। वे उत्साही भी हो सकते हैं, उन के अन्दर नया उत्साह भी हो सकता है, यह सब ठीक है। लेकिन जिलाधीश के लिये केवल इस बात की ही आवश्यकता नहीं है, बल्कि बहुत बड़े प्रशासनिक अनुभव की आवश्यकता है। जब तक उन्हें विभिन्न विभागों के भीतर सामंजस्य स्थापित करने के लिये तरह तरह के कामों का व्यावहारिक अनुभव न हो जाय, जब तक वे कम से कम दस-बारह सालों तक पूरी तरह से काम न

[श्री भक्त दर्शन]

कर लें तब तक मेरी सिफारिश है कि उन की जिलाधीश के पद पर नियुक्ति नहीं की जानी चाहिये ।

श्री कृष्णमाचारी साहब ने जो एक अन्य सिफारिश की है वह है स्पेशल लिमिटेड काम्प्यूटिव एक्जामिनेशन के बारे में, यानी सीमित प्रतियोगिता । उस के बारे में इस सदन में कुछ प्रश्न भी पूछे गये थे और माननीय गृह मंत्री जी ने इस बारे में आश्वासन दिया था कि मामले पर विचार किया जा रहा है । मैं समझता हूँ कि इस समय जो लोग आई० ए० एस० में लिये जाते हैं वे तीन तरह से लिये जाते हैं । कुछ तो मंघीय लोक सेवा आयोग के द्वारा, कुछ राज्य सरकारों के जो कर्मचारी होते हैं, प्राविशियल सिविल सर्विस के, उन में से जो योग्य मान जाते हैं उन्हें ले लिया जाता है, और एक तीसरी श्रेणी नई की जा रही है उन लोगों की जो सेंट्रल सेक्रेटेरियट में या दूसरे विभागों में काम कर रहे हैं । उन को भी इस के लिये अवसर दिय जाने की बात चल रही है । मैं समझता हूँ कि इस के बारे में शीघ्र निर्णय किया जाना चाहिये । मुझे एक उदाहरण ऐसा मालूम है । बहुत से लोग जोकि यूनिवर्सिटी में प्रथम और द्वितीय आया करते थे, किसी वजह से वे पहले आई० ए० एस० में नहीं आ सके । इस के बाद उन्होंने आई० ए० एस० परीक्षा दी और काफी ऊँची पोजीशन उस में प्राप्त की । लेकिन चूँकि उन के ऊपर यह प्रतिबन्ध लगा हुआ था कि वे सेंट्रल सेक्रेटेरियट के कर्मचारी हैं, इसलिए उन्हें ज्यादा से ज्यादा सेक्रेटेरियट में सेक्शन आफिसर बना दिया गया । यह नहीं किया गया कि उन्हें आई० ए० एस० की तरह से जिला मैजिस्ट्रेट के पदों पर नियुक्त किया जाता । इसलिये मैं शासन से अनुरोध करना चाहता हूँ कि श्री वी० टी० कृष्णमाचारी की जो सिफारिश है उसे जल्दी से जल्दी स्वीकार किया जाय और इस तरह के जो

कर्मचारी केन्द्रीय सचिवालय में या दूसरे विभागों में कार्य कर रहे हैं और योग्य हैं, जो सब शर्तों को पूरा करते हैं, उन की नियुक्ति कर के इस कमी को पूरा किया जाय ।

श्रीमन्, मैं अधिक समय न लेते हुए एक अन्तिम बात कहना चाहता हूँ । ट्रेनिंग के बारे में यह बताया गया है कि रूलर डेवलपमेंट को उस के बेसिक कोर्स में रखा जाय । मैं समझता हूँ कि किताबों को पढ़ाने का जमाना तो अब चला गया । यूनीवर्सिटीज में विद्यार्थियों को एम० ए० में इकानमिक्स और सोशल साइन्सेज पर काफी पुस्तकें पढ़ायी जाती हैं । तो यह बात नहीं है कि उन को जानकारी नहीं है । लेकिन उस पर अमल कितने लोग करते हैं । हमारे ब्लाक डेवलपमेंट आफिसरों से हम आशा करते थे कि वे कम से कम ग्रामीणों के साथ उन की भाषा में बात करेंगे, उन की तरह का उन का रहन-सहन होगा और जो अब तक नौकरशाही का आतंक जनता में रहा है उस को वे दूर कर सकेंगे । लेकिन मुझे कहते हुए दुःख होता है, डे साहब मुझे क्षमा करेंगे, हमारे बहुत से विकास खण्डों के अधिकारी ऐसे हैं कि वे अपनी पेंट की श्रीज का ज्यादा खयाल रखते हैं । जिन को अपनी पेंट की श्रीज का खयाल रहेगा कि वह कहीं बिगड़ न जाय, जो इस कदर फीसन-परस्ती में लगे रहते हैं, वे किसी तरीके से जनता के बीच घुल-मिल कर काम कर सकेंगे—यह समझ में नहीं आता है ।

एक और बात मैं उदाहरण के लिए कहना चाहता हूँ । कुछ वर्ष पहले हमारे गृह मंत्रालय की ओर से केन्द्रीय सरकार के कर्मचारियों को आदेश दिया गया था कि व

खुले गल के कोट को जगह बन्द गले का कोट पहन कर आए। मैं पूछता चाहता हूँ कि उसका कितना पालन किया जा रहा है? मैं केवल यह दिखाना चाह रहा हूँ कि हमारे आदेन तो बहुत सुन्दर है, और कोसंज भी बहुत सुन्दर है और बहुत सुन्दर बनाए जाते हैं, लेकिन उनको जिस भावना से अमल में लाना चाहिये वह नहीं किया जा रहा है।

श्रीमन्, मैं अधिक समय नहीं लेना चाहता। मैं आशा करता हूँ कि हमारी सरकार इन सब पहलुओं पर विचार करके तब अन्तिम निर्णय लेगी।

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, मुझे दो चार सजेन देने हैं।

सब से पहली बात तो मैं यह कहना चाहता हूँ कि जो रिटायरमेंट की उम्र ५८ साल की गयी है इससे हमारे नौजवानों का हक मारा गया है। हमारे जो नौजवान यनिवर-सिटियों में तैयार हो रहे हैं उनका इससे हक मारा जाता है।

दूसरे जो वायदा किया गया था एग्जीक्यूटिव और जूडीसियरी के सेपेरेशन का वह वायदा अभी तक पड़ा हुआ है। उसी के हाथ में इन्साफ है और उसी के हाथ में वारंट है। वह वायदा पूरा नहीं हो सका है।

इसके अलावा मैं यह कहना चाहता हूँ कि यह कलेक्टर की जो पोस्ट है—जिसे कहीं डिस्ट्रिक्ट मजिस्ट्रेट कहते हैं, कहीं डिप्टी कमिशनर कहते हैं—यह अब ब्राउट आफ डेट हो चुकी है। कलेक्टर किसी जमाने में वह व्यक्ति होता था जो कि हमारी रेवेन्यू कलेक्ट करता था। उस जमाने में भारत का दारो-मदार लैण्ड रेवेन्यू पर ही था। आज हमारे देश में इंडस्ट्रियलाइजेशन हो रहा है, देश में जगह जगह बांध बन रहे हैं, नए नए उद्योग खड़े हो रहे हैं। इसलिये आज कलेक्टर की पोस्ट कोई मानी नहीं रखती। आज तो वह एक टाई है जो व्यूरोक्रेसी को कायम किये हुए है। सब

लोग काम करते हैं लेकिन डिस्ट्रिक्ट मजिस्ट्रेट कोई काम नहीं करता। वह सिर्फ व्यूरोक्रेसी को कायम रखे हुये है और जनता पर दहशत कायम किये हुये है। मैं अपनी आंखों की देखी हुई बात कहता हूँ। देहात के लोग आये और उन्होंने डिस्ट्रिक्ट मजिस्ट्रेट से कहा कि हमारे यहां इतने आले पड़े हैं कि दम मोल के अन्दर अनाज का दाना नहीं बचा है, आप चल कर देख लीजिए। तो डिस्ट्रिक्ट मजिस्ट्रेट ने कहा कि मैं तुम को हवालात में बन्द करवा दूंगा, तुम बिना समय नियत किये हुए कैसे मिलने चले आये।

आज हालत यह है कि जलसा होने जा रहा है म्यूनिसिपैलिटी के टाउन हाल में और उसको इजाजत देते हैं कलेक्टर साहब। आप मेरे साथ चलिए। अगर कलेक्टर साहब को पता न हो कि आप हिन्दुस्तान की लोक-सभा के उपाध्यक्ष हैं, तो आपको उनके यहां बरामदे में घंटों बैठना होगा और मिलने की नौबत नहीं आएगी। हो सकता है कि आपका नम्बर ही न आए। तो यह पोस्ट ब्राउट आफ डेट हो चुकी है। मेरा सुझाव है कि इस पोस्ट को एवालिश कर दिया जाए और जो ४०० के लगभग डिस्ट्रिक्ट मजिस्ट्रेट बैठे हैं उनको नेफा के मोर्च पर भेजा जाए और जो रुपया इनको दिया जाता है, उसको बचा कर नेशनल डिफेंस में लगाया जाए।

एग्जीक्यूटिव इंजिनियर काम करता है और दूसरे अफसर अपनी अपनी जगह पर काम करते हैं, लेकिन कलेक्टर कोई काम नहीं करता। आप इनके बंगलों पर जाएं तो वहां लिखा है “बिबेयर आफ डाम्स” यानि कुत्तों से सावधान रहो। मैं इसका यह मतलब लगाता हूँ कि वहां पर रहने वाले कुत्ते हैं। मैं यह मतलब नहीं लगाता कि कोई उन से सावधान रहे, बल्कि मैं यह मतलब लगाता हूँ कि वे शिष्टाचार से गिर चुके हैं, वे इतने असम्य हो चुके हैं कि इन्सान को कुत्ता समझते हैं। कहां तो यह होना चाहिये था कि आज

[श्री यशपाल सिंह]

देश के ४४ करोड़ इन्सान प्रेम की गंगा में स्नान करते होते, आपस में मिल कर रहते, लेकिन हो यह रहा है कि आज भी उस ग़ुलामी की भावना को कायम रखा जा रहा है।

मैं बड़े अदब से कहना चाहता हूँ कि सब से बड़ी एजुकेशन शिष्टाचार है।

न हो जिसमें अदब और हो किताबों से लदाफिरता, जफर उस आदमी को हम तमब्वर बैल करते हैं।

चाहे कोई लाखों किताबें पढ़ ले लेकिन अगर उसमें शिष्टाचार न हो तो वह इन्सान नहीं है और इससे बड़ी कोई डिस्क्वालिफिकेशन नहीं हो सकती। सबसे बड़ी डिस्क्वालिफिकेशन यह है कि आदमी का मातमी चेहरा बना रहे। सब से बड़ी डिस्क्वालिफिकेशन यह है कि इन्सान इन्सान से नफरत करे। गीता में कहा है :

प्रसन्न चेतसो लयाशु बुद्धिः पर्यवतिष्ठति

जिसका मातमी चेहरा रहता है, जो प्रसन्न नहीं रहता उसे भगवान भी दर्शन नहीं देते। तो मेरा सजेशन है कि ये जो ४०० आफिसर्स पड़े हैं इनको हटाया जाए और इस डिस्ट्रिक्ट मजिस्ट्रेट के ओहदे को एवालिश किया जाए और उनकी जगह पर काम करने वाले अफसरों जैसे एम० डी० आज, को, एग्जीक्यूटिव इंजिनियर्स को और पी० डब्ल्यू० डी० के इंजिनियरों को रखा जाए। लेकिन आज उन अफसरों को जिनको पांच साल से भी कम तजर्बा होता है कलक्टर बना दिया जाता है, और उनका काम क्या होता है? उनका काम यह होता है त्रिभूक्त मिनिस्टर साहब जिले में जाते हैं तो वह सुपरिंटेंडेंट पुलिस और पुलिस दल को ले कर मिनिस्टर को लेने स्टेशन पर जाते हैं। ऐसा किसी और देश के अन्दर नहीं होता जहां डिमाक्रेसी है। एटली ने, चा कनेडी हो या चर्चिल कोई भी हो प्रीमियम टिकट खरीद रहा हो, अगर उसका

चौदहवां नम्बर है तो कोई ताकत नहीं है जो उसका नम्बर तेरहवां कर दे। लेकिन यहां पर मिनिस्टर पुलिस के दस्ते के बीच में चलते हैं। एस० पी० और कलक्टर मिनिस्टर को लेते आते हैं। पुलिस के बीच में तो मानसिंह और मुलताना जैसे डाकू चलते हैं। मिनिस्टर लोगों को नहीं चलना चाहिये। उनके लिए तो जनता में प्रेम होना चाहिए, उनके लिए तो जनता दूध की बाल्टियां और फूलों की मालाएं ले कर आए और उनको अपनी छाती से लगाता चाहे ऐसा होना चाहिए। लेकिन आज वे कलक्टर और एम० पी० जी साथ में चलते हैं जो उनसे जनता को मिलने की इजाजत नहीं देते। जनता को उनके पास जाने से रोक दिया जाता है। यह डिमाक्रेसी की परम्परा नहीं है। आज से लोकतंत्रवाद के साथ यह चीज फिट नहीं होती। और आज जिसके अन्दर जनतंत्रवाद की भावना नहीं है वह इस लायक नहीं है कि वह देश का अफसर बन सके।

माननीय बापू जी ने कहा था कि अगर हिन्दुस्तान की आजादी चाहते हो तो फाइलों को जला डालो। चार चार साल हो जाते हैं, फाइल मोटी होती रहती है पर काम नहीं होता। पंडित नेहरू ने यह बात कही है कि मैं एक डाइरेक्टर जनरल से काम लेना चाहता था लेकिन उसकी फाइल इतनी मोटी हो चुकी है कि वह काम आज तक नहीं किया जा सका। काम में विलम्ब नहीं होना चाहिए। हम देखते हैं कि आज एक मेज से दूसरी मेज तक, जो मेजों कि पास पास लगी हैं, कामज जाने में दो दो माह लग जाते हैं।

मैं आपको इसी मिलमिले में एक उदाहरण देना चाहता हूँ। हरदोई के एक एम० एल० ए० हैं, जो कि लाखों आदमियों का प्रतिनिधित्व करते हैं। उन्होंने एक बन्दूक के लाइसेंस की दरखास्त कलक्टर को दी थी। कलक्टर ने कहा कि वे हम से मिलने नहीं आए,



उन्होंने हमारी हाजिरी नहीं दी। और उनकी लाइसेंस की दरखास्त नामंजूर कर दी गयी। जब यह मामला बढ़ा तो हमने शोर मचाया, तब उनकी दरखास्त मंजूर हुई। मेरा सजेशन यह है कि जो अफसर आज डिमाक्रेसी में फिट नहीं हो सकते उनको अलग किया जाए।

हमारी जूडीशियरी हमारे कांस्टीट्यूशन की गारंटीज है। अगर कोई एम० एल० ए० या एम० पी०, चाहे वह किसी भी दल का हो, जूडीशियरी से मुकदमों में सिफारिश करे तो इसको जुर्म करार दिया जाए। अगर मुकदमों में सिफारिशें चलेंगी और पार्लिटिव्स चलेंगी तो देश आगे नहीं चल सकेगा। मुकदमों में सिफारिशें बन्द की जाएं ताकि जनता को जूडीशियरी में विश्वास कायम रहे। होना यह चाहिए कि किसी एम० पी०, एम० एल० ए० को इस बात का पता भी न लग सके कि कौन मुकदमा करता है, कैसे करता है आदि। आज यह होता है कि जिले के क्लर्क या एम० डी० ओ० या तहसीलदार पर जोर डाला जाता है और सिफारिशें पट्टीचायी जाती हैं। इससे जनता के मन में दहशत होती है और वह डिमाक्रेसी को नहीं समझ पाती। इसलिए मेरी दरखास्त है कि जिन सरविसों का सिफारिशों से ताल्लुक न हो उनको खत्म किया जाए।

इन के अलावा जो लड़के कम्पिटीशन में बैठते हैं उनसे वे ही सवाल लिए जाये करे जो कि उनके काम से ताल्लुक रखते हों। आप मुझ से सवाल कर सकते हैं कि लड़ाई कैसे लड़ी जाए, पुलिस का काम कैसे किया जाए, पार्लियामेंट में भाषण कैसे दिया जाए आदि। लेकिन अगर आप मुझ से कोई ऐसा सवाल पूछ लें जिसका ताल्लुक मुझ से न हो तो मैं जवाब न दे सकूंगा। अगर हमारे गृह मंत्री जी से कोई यह पूछ ले किन एक एकड़ में कितने तिल बोए जाते हैं, हवा चल रही हो तो ब्राडकास्ट करके बोए जाते हैं या हल के साथ चलकर बोए जाते हैं, तो शायद गृह मंत्री जी सौ साल तक भी इसका जवाब नहीं दे सकें।

मेरा सुझाव है कि उन लड़कों से बैसे सवाल न पूछे जाएं जिनका उनके काम से कोई ताल्लुक नहीं है। आज पृच्छा जाता है कि मुरैया कौन है, उसकी एज क्या है, वह कहाँ रहती है आदि। इससे ज्यादा और डिमाक्रेसी की क्या डिस्पेस हो सकती है।

एक्ट्रेसज का और उन कुलटाओं का चरित्र हम से पूछा जाय तो यह कहाँ तक उचित होगा? इसलिए मेरी दरखास्त है कि सवाल जिस से ताल्लुक रखता है उससे वह सवाल पूछा जाये और ठीक व्यक्ति से जब आप ठीक सवाल करियेगा तभी वह आपको जवाब ठीक दे सकेगा। जनता की बिल का पालन करना होगा। डेमोक्रेसी में अगर जनता की बिल का पालन नहीं होगा तो हमारा जनतंत्र आगे नहीं चलेगा। मैं इस बात को जानता हूँ और इसे मनीषियों ने और कांस्टीट्यूशनलिस्ट्स ने कहा है:—

"Law is nothing but the will of people expressed in terms of law."

जनता की जो इच्छा है उसी को कानून कहते हैं। अगर इस तरह से आज काम किया गया तो वाकई यह देश की सेवा होगी लेकिन गुलामी के बंधनों को मजबूत करने से देश की सेवा नहीं होगी।

श्री वें० शि० पाटिल (यवतमाल): उपाध्यक्ष महोदय, मैं इस प्रस्ताव पर बोलने से पहले श्री माथुर का अभिनन्दन करता हूँ जिन्होंने कि महाराष्ट्र को पंचायती राज्य का कारोबार चलाने पर बधाई दी।

हमारे कांस्टीट्यूशन की धारा ४० जिस में कि डाइरेक्टिव प्रिंसिपल्स दिये हैं, वह अमेंडमेंट से आई है। कांस्टीट्यूशन जिस वक्त बना उस वक्त आर्टिकल ४० नहीं था। यह बाद में अमेंडमेंट में आया है। सेंट्रल सबजेक्ट्स और स्टेट सबजेक्ट्स की जो लिस्ट है उन दोनों को यदि आप देखियेगा तो आप को पता चलेगा कि यह जो पंचायती डेवलपमेंट का

[श्री दे० शि० पाटिल:]

काम है, सी० डी० प्रोग्राम का जो काम है वह स्टेट्स पर सौंपा गया है। आर्टिकल ४०-बी स्टेट शेल टेक स्टेप . . . में हाउस में वह पूरा आर्टिकल पढ़ना नहीं चाहता हूँ। उस में इस काम को करने के लिए स्टेट्स पर पूरी जिम्मेदारी डाली गई है और इसलिए यह कहना कि भारत सरकार के दिल में सी० डी० प्रोग्राम, कम्युनिटी डेवलपमेंट और पंचायती राज्य का प्रोग्राम चलाने के बारे में कोई शक है यह गलत है। उन्हें जो कोशिश करनी चाहिए वह पूरी की है। जिस स्टेट में उस के काम का प्रोग्राम बना और कानून जो बना उसका उद्देश्य पूरा सफल हुआ।

महाराष्ट्र स्टेट के बारे में जो यह कहा गया है :—

"In Maharashtra there is the dyarchy system of Government in the Panchayat and cooperative institutions where Government officials are under the thumb of non-officials."

यह चीज गलत है कि जो वहाँ के जो टेक्निकल कर्मचारी हैं वह नान-आफिशियल्स के थम्ब के नीचे हैं। मैं उनको बतलाना चाहता हूँ कि क्लास २ और क्लास ४ के कर्मचारी स्टेट गवर्नमेंट के अधीन हैं। वे जिला परिषद् के अधीन नहीं हैं लेकिन खाली उनकी सविसेज उनको दी गई है। उनके लिये डिजिटल सेलैक्शन बोर्ड है जो सविसेज कमीशन सरीखा काम करता है। उनका स्टेट में ट्रांसफर हो सकता है और प्रमोशन हो सकता है। उनको काफी बेंनीफिट्स दिये जाते हैं।

उपाध्यक्ष महोदय, मैं इस थोड़े से समय में जोकि मुझे दिया गया है बतलाना चाहता हूँ कि भारत दहातों में रहने वाला भारत है और इसलिए भारत की ग्रामीण जनता को डेवलपमेंट के लिए और

प्रशासन कार्य चलाने के लिए सभी अधिकार देने चाहिए, इस बारे में दो मत तो हो ही नहीं सकते हैं। महाराष्ट्र स्टेट में डिस्ट्रिक्ट लवल पर जो कुछ अधिकार गवर्नमेंट को थे वे सभी अधिकार जिला परिषदों को दे दिये गये हैं, ला एंड आर्डर को छोड़ कर सभी अधिकार का इस्तेमाल वहाँ की जिला परिषदें करती हैं। वहाँ के थर्ड क्लास और फोर्थ क्लास के जितने कर्मचारी थे वे सब जिला परिषदों के अधीन हैं। ऊपर के जो क्लास फर्स्ट और क्लास सेकण्ड के सर्वेंट्स हैं वे स्टेट गवर्नमेंट के अधीन हैं। विलेज सर्वेंट्स पंचायत सर्वेंट्स और जिला परिषद् के सर्वेंट्स जिला परिषद के अधीन होते हैं। माथुर साहब ने ठीक ही कहा कि इन जिला परिषदों और ग्राम पंचायतों को फायनेंस देना चाहिए। फाईनेन्स देने की बात कांस्टीट्यूशन में भी दी गई है। मैं यह कहना चाहता हूँ कि उनको पूरा पूरा फायनेंस दिया गया है, जितना फंड दे सकता है वह दिया गया है। उनको पावर्स भी बहुत ज्यादा दी हैं। उदाहरण के लिए मैं बतलाना चाहता हूँ कि एक स्मोल २५० एकड़ का डीरगेशन का है प्रोजेक्ट वह खुद चला सकती है और इस तरह के छोटे प्रोजेक्ट्स के लिए स्टेट की अनुमति की कोई जरूरत नहीं है। जिला परिषद् खुद ही अपने अधिकार में वह प्रोजेक्ट ले सकती है।

Perior approval of the State Government should be obtained, इसकी ऐसे केमेज में बिलगुल जरूरत नहीं है। इसलिए इस तरह से उनको काफी सत्ता दी गई है।

जहाँ तक एजुकेशन का सवाल है मैट्रिक तक वह व्यवस्था करती है। इसलिए श्री वी० टी० कृष्णमाचारी की रिपोर्ट में जो प्रिंसिपल्स दिये हैं उनका पूरा-पूरा इम्प्लीमेंटेशन करने का महाराष्ट्र में

प्रयत्न किया गया है। जैसा कि माथुर साहब ने बतलाया कि डेमोक्रेसी रहती है वहां तो एलेक्शन आता है, एलेक्शन आता है तो पार्टी आती है और फिर उसके साथ पार्टी पालिटिक्स आती है। मैं सुदन को इनफार्मेशन देना चाहता हूं कि महाराष्ट्र स्टेट में जिला परिषद का एलेक्शन पार्टी बेसिस पर लड़ा गया है। ग्राम पंचायत का इलेक्शन पार्टी बेसिस पर नहीं लड़ा गया। लेकिन मैं साफ कर दूं, कि जिसे गुड पालिटिक्स कहते हैं वह गुड पालिटिक्स हम चाहते हैं, देहातों में हम बूंद पालिटिक्स को नहीं आने देना चाहते हैं। इसके लिए यह आवश्यक हो जाता है कि जितनी भी पोलिटिकल पार्टीज हैं उनकी मिल कर पंचायत राज्य संस्था के इलेक्शन पार्टी बेसिस पर लड़ना या नहीं लड़ना इस बारे में विचार करना चाहिए और डेवलपमेंट का काम जहां तक बन पड़े आपस में एका कर के और कुछ कम्प्रो-माइज करके किया जाय। प्लानिंग का जो उद्देश्य है कि हमारी सब प्लानिंग देहात से चले और देहाती परिवार अपना खुद विकास कर सकें उसको सही मानों में क्रियान्वित किया जाना चाहिए।

स्टेट गवर्नमेंट सर्वेड्स के बारे में मुझे यह कहना है कि जिला परिषद से जिनका कोई सम्बन्ध नहीं होता वह जिला परिषद में नहीं आते हैं। वहां के कलक्टर का जिला परिषद से कोई सम्बन्ध नहीं है। जिला परिषद का जो एग्जीक्यूटिव आफिसर होता है वह पूरा काम करता है। डिप्टी एग्जीक्यूटिव आफिसर जिला परिषद् का काम करता है और कलक्टर खाली ला एंड आर्डर के बारे में अपना काम करता है और यदि कोई ऐसा सवाल आ जाय जिसमें जांच की जरूरत महसूस हो तो वह जिला परिषद् के बार में इन्स्पेक्शन या इन्क्वायरी करता है।

जहां तक गवर्नमेंट सर्वेड्स की बात है वह बिलकुल निष्पक्षतापूर्वक निर्भयपूर्वक और जनता की राय से काम करें। जैसा कि अनेक माननीय सदस्यों ने बतलाया कि सरकारी कर्मचारियों में बिलेज वाएस आना चाहिए तो मेरा कहना है कि वह उनमें आ रही है। जब से जिला परिषद् का कानून बना है इस कानून के अनुसार प्रतिनिधि लोगों को रोजाना जिला परिषद में जाना पड़ता है, उनको अपना टाइम देना पड़ता है और उनको वहां रहना पड़ता है। अगर वह एक महीने तक गैरहाजिर रहते हैं तो उनकी पोस्ट आटोमैटिकली खाली हो जाती है। इस तरह का जहां कड़ा कानून बनाया गया है वहां सुभीता भी दिया गया है। जिला परिषद् के लोगों को बहुत सी सुविधाएं भी दी गई हैं। कृष्णमाचारी रिपोर्ट के दो तीन उद्देश्य जो कि प्रस्ताव में बतलाये गये हैं उनका मुताबिक महाराष्ट्र स्टेट में एक कमेटी ऑन एडमिनिस्ट्रेटिव रीआर्गनाइजेशन नियुक्त की गई है जिसमें एक जज है और कुछ दूसरे लोग हैं जो कि डिस्ट्रिक्ट एडमिनिस्ट्रेशन के बारे में कुछ सुझाव देंगे।

आखिर में मैं माथुर साहब को धन्यवाद देता हूं कि उन्होंने एक ऐसा प्रस्ताव सदन के सामने लाया है जिसका कि देहातों से गहरा ताल्लुक है और देहात के लोगों के बारे में, गांव पंचायत, समिति और जिला परिषद् और जिला परिषद् के ऊपर का जो स्टेट और सेंटर एडमिनिस्ट्रेशन है उसके बारे में यहां कुछ सुझाव देने का अवसर दिया। मैं, उपाध्यक्ष महोदय, आपका आभारी हूं कि आपने मुझे इस पर अपने विचार प्रकट करने का समय दिया।

**Shri Jashvant Mehta (Bhavnagar):**  
Mr. Deputy-Speaker, Sir, I will pay a compliment to my friend Shri Mathur who has raised this discussion on this important problem. Shri V. T. Krishnamachari has given a

[Shri Jashwant Mehta]

report on this important problem of district administration and the Indian administrative services. I agree with my hon. friend Shri Mathur that the report does not reflect what is the aspiration of the people, what are the problems of the district administration? The report is in two parts, and I will deal with the second part, namely, the district administration problem. What was the intention of the Government when we decided to launch on the programme of democratic decentralisation? At that time, a committee of the Planning Commission reported that the Government should take the initiative in organising the democratic decentralised institutions. The time has come now when we have to look further and see how these democratic, decentralised institutions have worked.

In this report, Shri V. T. Krishnamachari has dealt with the different aspects of the problem. But the main problem is administration—how the administration is reflecting the voice of the people. We want that the administration should be streamlined. What the common man wants is, the speediest solution of the problem, whether the administration can deliver the goods or not, that is the most important problem. How have the different institutions which have been organised under this scheme worked? What are the present resources of the institutions? What are the problems before the institutions? First there is the vital issue of the services. The report has not touched on the aspect whether there should be a common cadre or not. What are the relations of the district administrative services with the democratic decentralised institutions and the State machinery? The problem is important. Why do the efficient and honest men like to go to these democratic institutions? There is no security. If there is a common cadre, then the efficient and honest men will go to the services. The democratic institutions are also

suffering owing to lack of efficient technical personnel. How are they going to get all this technical personnel?

So, the original problems of the district administration are not reflected. Shri V. T. Krishnamachari had visited two or three districts, but if the Government had appointed some people working at the district and taluka level, they would have seen what are the difficulties experienced in the day-to-day administration, and then they would have been able to know the crux of the problem. What is the position in the local body institutions.

The second point that my hon. friend has raised is, what is the relation of politics with the institutions: whether the politic should be there or not. Sometimes, some people are talking that there should not be party politics in the institutions. Sometimes, people say there should be politics. These institutions are suffering from these things. As far as the politics is concerned, the report is silent on this point, namely, whether the political issues may come or may not come. But, as my hon. friend said, when there is an election, the political parties will come. Then the problem comes in. We are talking day in and day out from house-tops that we should avoid politics. There was a school of thought—there is a school of thought in India also—the Sarvodaya Group of Jaiprakashji—who believes that there should not be politics at village level. Then, Government should change the law.

**Shri Harish Chandra Mathur:** Ask them to contest the elections and become Sarpanches. They will then know it better.

**Shri Jashwant Mehta:** It is more difficult to run a gram panchayat than the Central Government. To run the Central Government is easier. If you go and sit in a village, you will realise the problems of the villages. It is

direct democracy and people will catch hold of the man. Here people will not catch hold of Ministers. So, it is the difficult task to run a small village panchayati. (*Interruptions*).

.If a theory is propounded in the country, and if you go put that theory to test by mass contact, if you go and approach the masses, you will realise what is truth and what is not truth, because 50 per cent is mass work and 50 per cent theory. The recent theory about democratic decentralisation is propounded in such a way that people who report about it have never worked in the field. If they had worked in the field, they would have realised what the problems are and how to tackle those problems.

Then, district administration should be streamlined. What are the problems, why there is delay, what are the reasons—these are not reflected in this report. Government should also decide that technical services, administrative services and accounts should be included in the State cadre, if they want democratic decentralisation to be a success.

In this report, there is mention about village level planning. How can it be done without technical personnel? There can never be planning at village level, in spite of our desire that democratic aspirations should be reflected in the village level. You can have planning at taluka level at the most, but you cannot have planning at village level. Government should give thought to that point. Actually planning should be either at district level or maximum at taluka level.

Then, the report deals about the relation between cooperation and democratic decentralisation. If you want to make the cooperative movement a success, then it should be out of the purview of the decentralization scheme. Otherwise, if you entrench the cooperative movement with this democratic decentralisation scheme, again politics will enter into the co-

operative movement. The recent report of the Reserve Bank of India Study Group about rural credit shows that about two-thirds of the credit is advanced by private moneylenders and only one-third is advanced through these agencies. So, I would like to tell frankly that if Government want to strengthen the cooperative movement in this country, they should not indulge in the cooperative movement. Let it run on economic and commercial lines. Otherwise, politics will enter into it and the co-operative movement will suffer a great deal. So, this point also should be taken into consideration.

**Mr. Deputy-Speaker:** The Business Advisory Committee has decided that the House will sit till six o'clock today and finish all the speakers. The hon. Minister for Planning will reply tomorrow.

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** Mr. Deputy-Speaker, Sir, I am intervening in the debate only with regard to a portion of question No. 1 that was referred to Shri V. T. Krishnamachari. Question No. 1 was relating to administrative personnel at different levels and States. The hon. mover of this motion as also others had not referred to Shri V. T. Krishnamachari. He dealt with the whole question of administrative personnel at different levels, and one of the most important recommendations that he made was that there ought to be a direct recruitment in the State services on a larger scale. He also indicated that in certain States there was no direct recruitment for a number of years. That is one of the most important points to which I would like to invite the attention of this hon. House.

When the recommendations were received from Shri V. T. Krishnamachari, we have brought these recommendations, especially regarding the need for having a larger intake of direct recruitment, to the notice of the various State Governments. As

[Shri Datar]

you are aware, just as in the Indian Administrative Service, similarly, in respect of the State services also there ought to be a direct recruitment so that fresh blood would be available there. That is the most important point to which I should like to invite the attention of this hon. House.

After the report was received, we have requested the various State Governments to do it, because this is a matter which falls within their own purview. We have said that the State services have to be improved to the fullest extent and it will have a bearing, also, on the all-India services because, as the House is aware, a certain percentage of the State civil and police personnel can be taken by promotion into the Indian Administrative and the Indian Police Services. That is the reason why we are anxious that the State civil services also are manned properly and fresh blood is recruited there from time to time as we are doing so far as the Indian Administrative Service and the other all-India services are concerned.

The next question with regard to which there was considerable misconception in the minds of certain hon. Members was regarding the training of the Indian Administrative Service and the other services. So far as this point is concerned, may I make it clear that we are having a National Academy of Administration at Mussoorie where there are two types of courses through which all the probationers or the trainees have to go. It is only during the last three years that the new courses have been fully introduced, and in the report itself, in the statements that have been added to the report, we have been given the syllabi so far as the two courses are concerned. One course is known as the foundational course. This foundational course is meant not only for the IAS or the IPS or the IFS but also for the Central Services Class I. They have also

to go through, what is known as, the foundational course within a period of five months. That has been made very clear. My hon. friend, the mover of this motion admitted that he had not visited the Mussoorie Institute. I wish he had gone there and he had seen the type of instruction, the type of training that was being given and also the type of the new personnel that we are taking for manning our district services throughout the length and breadth of the land.

Now I would invite the attention of the House to statement No. 5, which deals with the fundamental courses. If, for example, you will go through these courses, you will find that we have tried to make the fundamental course as up to date and as necessary and desirable from every point of view as possible. I would invite the attention of the hon. House especially to item No. 6 in the syllabus where it has been stated "study of social serives, socialism, welfare State, Sarvodaya, Gandhian philosophy and other subjects". Thus, you will find that this is what is known as the foundational course of the trainees, whose number is more than 300. So far as the all India and Central Services are concerned, they have to go through these functional courses. We have tried to make these courses as progressive and as modern as possible.

After this course is over, we have got what is known as professional course extending over seven months, so far as the IAS officers are concerned—that also has been noted in statement No. 7—where a number of important subjects that have a great bearing administratively and also from the welfare point of view are fully taken into account.

May I further add that after this one year's training course, functional course and professional course are fully gone into, it is the duty of the State Governments to provide a further training, so far as the all

India officers are concerned, at the State level, which may be at the Secretariat level or at the district level in the States.

My hon. friend, Shri Mathur, complained that inexperienced officers were being put in charge of districts. In that respect he had asked a question and I had pointed out to him that, on the whole, IAS officers can be district officers after a period of six years. There may be some exceptional cases here and there but so far as the general rule is concerned, and that is what Shri V. T. Krishnamachari has himself pointed out, in the sixth year or after the sixth year an IAS officer can be placed in charge of a district administration. Therein he has pointed out how a further training has to be received by him, and we have accepted that particular statement.

In this respect, may I invite the attention of the House to one particular point of view, a very important point to which certain hon. Members from both sides of the House made a reference, and that is the rural touch that was necessary to the training? A number of hon. Members have rightly pointed out that India consists almost wholly of villages—the number of towns is very small—and, therefore, there ought to be a proper rural touch to the training that our officers receive. Shri V. T. Krishnamachari has stated that:

“rural development may be included as a subject of study in the functional courses.”

Government are taking steps, so far as this particular point is concerned, so that the advantage of functional course would further be extended by having a rural touch, so far as the general administrative courses are concerned.

Then, my hon. friend made certain general observations and stated that proper attention was not focussed upon important points. Let him go through these courses of training and

see how our young boys and girls, our trainees, are being trained at the Institute. After knowing how they are being trained if at all there are any complaints, Government are prepared to look into them.

17 hrs.

My hon. friend, Shri Mukerjee, complained that this Institute was an academic one and was being run at a place like Mussoorie. So far, as that is concerned, he will also take into account the other side of the picture. Such intensive training has to be at a place like Mussoorie where the whole training has to be gone into as carefully as possible followed by a tour throughout the country. That should be noted.

**An Hon. Member:** Why in Mussoorie?

**Shri Ranga (Chittoor):** Is this the whole reply on behalf of the Government or is somebody else going to reply at the end?

**Mr. Deputy-Speaker:** He is only intervening.

**Shri Ranga:** When will the other hon. Members get a chance?

**Shri Datar:** I have replied so far as one question is concerned and my hon. friend should not take exception when I am explaining the whole position specially when this particular point was taken up. I was pointing out that to a certain extent Mussoorie satisfies the requirement of a locality where you can have peaceful and intensive study of certain types of training.

**Shri Tyagi (Dehra Dun):** My hon. friend has not been to Mussoorie. If only he had seen Mussoorie, he would not object.

**Shri Datar:** Then one point that Shri Mathur made out was that the strength of the cadre in certain States was not increasing while it was

[Shri Datar]

increasing in certain other cases. He mentioned specially Mysore and Madras. So far as Madras is concerned, he ought to have noted that certain areas were taken away from Madras and given over to Mysore.

**Shri Tyagi:** Madras is very hot.

**Shri Datar:** Bellary was given once and Malabar and South Kanara were given subsequently.

**Shri Surendranath Dwivedy (Kendrapara):** So also U.P. should be divided.

**Shri Datar:** That is why the strength has fallen from 151 to 141, that is on account of other areas going to other States, like, Mysore.

Secondly, so far as Mysore is concerned, you will find that when the IAS cadre was formed in Mysore in about 1951, it was 45 and now the strength is 100. Let it be noted that the strength is 100 and according to the requirements, administrative and developmental, this figure is naturally bound to increase. At present we find it difficult to have the full strength because we require about 2,400 people. We are having round-about 1,900. That is the reason why we are trying to have more.

One more point that my hon. friend made was that the number of the members from the Scheduled Castes and Scheduled Tribes was not increasing proportionately. It has no direct bearing on this question, still this was his point. To some extent that was true. May I point out to him that it is therefore that we have purposely opened in the Allahabad University a pre-examination training class for training candidates from the Scheduled Castes and Scheduled Tribes? It has given excellent results and the hon. Member will see that the intake of the candidates of the Scheduled Castes and Scheduled Tribes has been substantially increasing. Government are anxious to open one more centre in the South.

Under these circumstances, when certain courses of study and certain specific problems had been referred to him, it was his duty to have made certain suggestions. As I stated, the most important point, which was not touched upon by hon. Members, was the need to introduce fresh recruitment so far as the States civil services were concerned. That is the most important point and we are bringing it to the attention of the various State Governments. We are also trying to see that the intake so far as the IAS is concerned is gradually rising. From 1959 we were taking 73 persons. In 1961, we have taken 99. That would show that a larger number is required. We are anxious to take still more. Under these circumstances, to the extent that specific questions were referred to him, he has given very valuable suggestions which, generally, the Government of India have accepted. To the extent that their implementation depends upon the State Governments, we have requested them to follow them to the fullest extent and to see that State services also have fresh blood, have competent blood on the same lines as we are having in the I.A.S.

**Mr. Deputy-Speaker:** May I know how many Members are anxious to speak?

Some Hon. Members rose—

**Mr. Deputy-Speaker:** Six or seven minutes each. Shrimati Savitri Nigam.

**Shri Harish Chandra Mathur:** The hon. Minister just now made reference to what I said. I think it is. . . .

**Mr. Deputy-Speaker:** He will have a time to reply.

**Shri Harish Chandra Mathur:** I am seeking a clarification.

**Mr. Deputy-Speaker:** Not now; I have called another hon. Member.

श्रीमती सावित्री निगम (बांदा) :  
उपाध्यक्ष महोदय, . . . .



**Shri Harish Chandra Mathur:** There will be no opportunity to seek a clarification from the Minister who has intervened.

**Some Hon. Members:** She does not yield.

**Mr. Deputy-Speaker:** Order, order; two Members cannot speak. She has begun her speech.

**Shri Harish Chandra Mathur:** Do you mean that after she finishes, I can ask?

**Mr. Deputy-Speaker:** All right; yes.

**Shri Harish Chandra Mathur:** All right; I will yield.

**श्रीमती सावित्री निगम :** उपाध्यक्ष महोदय, एडमिनिस्ट्रेटिव सर्विसि एंड प्रोब्लेम्स आफ डिस्ट्रिक्ट एडमिनिस्ट्रेशन की जो रिपोर्ट आज सदन के सम्मुख है, मैं इसका हार्दिक समर्थन करती हूँ। मैं भी उन लोगों का साथ देना चाहती हूँ जिन्होंने श्री माथुर साहब का अभिनन्दन किया है, जिनके प्रयत्नों से सदन कि सामने इतने महत्वपूर्ण विषय को आज लाया जा सका है।

यह बात हम सब लोग जानते हैं कि आज डिस्ट्रिक्ट एडमिनिस्ट्रेशन और स्टेट एडमिनिस्ट्रेटिव सर्विसि के सामने और देश के सामने एक बहुत ही परिवर्तनशील समय आ गया है। लोक सभा से लगाकर ग्राम सभा तक जो एक नई क्रान्ति डेमोक्रेटिक डिस्टेंडलाइजेशन द्वारा आई है, इसने कई समस्याएँ खड़ी कर दी हैं। अभी कुछ माननीय सदस्यों ने इस बात को सदन के सम्मुख रखा है कि आज डिस्ट्रिक्ट लेवल पर जिस प्रकार का कोऑर्डिनेशन होगा चाहिये, वह नहीं हो रहा है। इसमें सन्देह नहीं है कि यह समस्या आज न केवल डिस्ट्रिक्ट के जो बड़े अधिकारी हैं और जो बड़े नेता हैं, उनके सामने है, वरन् यह समस्या देश के सभी बड़े बड़े नेताओं के सामने भी है।

इस सम्बन्ध में मैं यह निवेदन करना चाहूंगी कि यदि दो, तीन बातों के ऊपर ध्यान दिया जाये और उनमें कुछ संशोधन ला दिये जाय तो बहुत सुविधाएं हो सकती हैं।

अभी इस बात की यहां चर्चा हुई कि आई० ए० एस० और आई० पी० एस० आफिसर्स की ट्रेनिंग की व्यवस्था त्रुटिपूर्ण है। लेकिन मुझे उस ट्रेनिंग की व्यवस्था के सम्बन्ध में कुछ नहीं कहना है क्योंकि मैंने स्वयं ट्रेनिंग स्कूल में जाकर देखा है और मुझे उससे बहुत संतोष हुआ है लेकिन इसके साथ ही साथ मैं यह जरूर कहना चाहती हूँ कि वहां से कुछ ट्रेनिंग पाने के पश्चात् यदि इन सारे यंग आई० ए० एस० आफिसर्स को कम से कम पांच साल के लिए ब्लाक डेवलपमेंट का काम दे दिया जाय तो यह सारी शिकायतें कि इनमें अभी रूरल बायस नहीं होती है, दूर हो जायेंगी। इस व्यवस्था के अभाव में उनको एडमिनिस्ट्रेशन का और अपनी जो भी ग्राम की समस्याएं हैं, पंचायती राज की जो समस्याएं हैं, उनका उन्हें पता नहीं रहता और उनमें कोऑरडिनेशन नहीं कर पाते। अगर इस प्रकार का एक परिवर्तन ला दिया जाय और इसकी व्यवस्था कर दी जाय कि कोई भी आई० ए० एस० आफिसर सीधा डिस्ट्रिक्ट का इंचार्ज न बन कर पहले ४ या ५ साल के लिए ब्लाक डेवलपमेंट आफिसर का काम करे तो यह विलेज बाएस की शिकायत नहीं रहेगी। मैंने देखा कि राजस्थान में कुछ ऐसे आफिसरों की नियुक्ति हुई और उनको वहां पर ट्रेनिंग मिली। मैंने उन आफिसरों में और उन आफिसरों में, जो कि नियुक्त हो कर सीधे एडमिनिस्ट्रेशन के कामों में रख दिये जाते हैं, और उन दोनों के एप्रोच में जमीन आस्मान का फर्क देखा।

**श्री हरिश्चन्द्र माथुर :** श्री वी० टी० कृष्णमाचारी ने उसको अपोज किया है।

**श्रीमती सावित्री निगम :** मुझे अफसोस है कि माननीय सदस्य, श्री माथुर, कह रहे हैं कि उन्होंने अपोज किया है। मैं तो कहती हूँ कि उन्होंने अपोज नहीं किया है, बल्कि उन्होंने उसको इतना एम्फासाइज नहीं किया है, जितना कि उनको करना चाहिए था।

जहां तक एडमिनिस्ट्रेटिव डीलेज का सम्बन्ध है, मैं कहना चाहती हूँ कि राजस्थान में एक डेमोक्रेटिक डीसेंट्रलाइजेशन फंड बनाया गया है दो करोड़ रुपए का और उस फंड से, जो भी ग्रांट्स बगरह होती हैं, वे तुरन्त दे दी जाती हैं और बाद में कार्यवाही होती रहती है। इसी तरह से अगर सब स्टेट्स में डेमोक्रेटिक फंड बनाने की व्यवस्था कर दी जाय और प्लानिंग कमिशन से उनको ग्रांट्स मिल जायें, तो मैं समझती हूँ कि एडमिनिस्ट्रेटिव डीलेज की बहुत कुछ शिकायतें दूर हो सकती हैं।

इसके बाद मैं यह कहना चाहती हूँ कि...

**उपाध्यक्ष महोदय :** अब माननीय सदस्या समाप्त करें, क्योंकि बहुत से माननीय सदस्य बोलना चाहते हैं।

**श्रीमती सावित्री निगम :** उपाध्यक्ष महोदय दस मिनट तो मिलने चाहिए।

**उपाध्यक्ष महोदय :** नहीं, सात मिनट से ज्यादा समय नहीं दिया जा सकता है। माननीय सदस्या सात मिनट ले चुकी हैं।

**श्रीमती सावित्री निगम :** मैं अभी समाप्त करती हूँ।

यदि तमाम डिपार्टमेंटल हेड्स डेमोक्रेटिक डीसेंट्रलाइजेशन की जिला परिषदों वगैरह में रख दिये जायें, जिस तरह से कि और टेक्निकल डिपार्टमेंट्स तथा पी०

समझती हूँ कि बहुत अच्छा को-ऑर्डिनेशन हो सकेगा और काम में जल्दी आ सकेगी।

एक बात और कह कर मैं समाप्त कर दूंगी।

**उपाध्यक्ष महोदय :** यह तो दूसरी बात हो गई। माननीय सदस्या अब समाप्त करें।

**श्रीमती सावित्री निगम :** मैं सिर्फ एक बात और कहूंगी।

यह कहा गया है कि डेमोक्रेटिक डीसेंट्रलाइजेशन की इस्टीम्युशन्स को फंड देने की व्यवस्था की जाय। यह बहुत आवश्यक है। इसके अतिरिक्त एक और बात ध्यान में रखनी चाहिए, जो सबसे अधिक प्रमुख है, और वह यह है कि जितने भी डिस्ट्रिक्ट्स के अधिकारी हों, यदि उनको एक प्रकार की ओरियंटेशन की ट्रेनिंग दे दी जाय, तो वे सब समस्यायें, जो कि आज उनकी नावाकफियत की वजह से पैदा होती हैं, कम हो जायेंगी।

जिन पंचायतों में यूनिनिमस इलैक्शन हो, उनको कुछ विशेष सुविधा देनी चाहिए।

जहां तक इस बात का ताल्लुक है कि वहां पर पोलिटिकल सवाल लाया जाये या नहीं, .....

**उपाध्यक्ष महोदय :** माननीय सदस्या अब समाप्त करें। श्री माथुर।

**श्रीमती सावित्री निगम :** थैंक यू।

**Shri Harish Chandra Mathur:** The hon. Minister has explained that in Madras, because certain districts were transferred to Mysore, the strength of the IAS has been reduced. But then, that should automatically increase the strength in Mysore.....

**Mr. Deputy-Speaker:** He has said that it has increased.

**Shri Harish Chandra Mathur:** That is not mentioned in this report.

**Mr. Deputy-Speaker:** He has said that it has gone up from 45 to 100.

**Shri Harish Chandra Mathur:** 45 was the strength in 1952. But since 1958, the strength of the IAS cadre in Mysore has remained at 100. In 1958, it was 100, and in 1962 also it is 100. What is the use of quoting the figures during the period 1952-58?

**Shri Datar:** May I give the figures? It was 45 in 1952, 56 in 1955, and then it became 91 in 1957, and in 1959 it became 100.

**Shri Harish Chandra Mathur:** Since 1958, it continues to be only 100. It has not gone up at all.

There is one other point also which the hon. Minister has not dealt with, and that was about the junior officers not being posted at the district collectorate. I have quoted this from the Chief Secretary himself. The question is whether there is a concentration of all senior officers as departmental heads and in the secretariat or not. The hon. Minister has not covered that point at all.

**Mr. Deputy-Speaker:** The hon. Minister will reply to these points later on.

**श्री काशी राम गुप्त (अलवर) :**  
उपाध्यक्ष महोदय, सब से पहले तो मुझे यह निवेदन करना है कि समय के बंटवारे के बारे में जो पूँजीवादी व्यवस्था इस सदन में चलाई गई है, उस को समाप्त करना चाहिये। पहला माननीय सदस्य आध घंटा लेता है, दूसरा पच्चीस मिनट, तीसरा बीस मिनट, फिर बीस मिनट, फिर पंद्रह मिनट और फिर दस मिनट और उस के बाद आप सात मिनट पर आ जाते हैं। मैं निवेदन करना चाहता हूँ कि इस के माने तो यह हुए कि जो सदस्य ज्यादा देर

बैठे, उस को सजा मिलनी चाहिये। मैं इस तरीके का विरोध करता हूँ और आशा करता हूँ कि आप इस तरफ़ ध्यान देंगे।

डेमोक्रेटिक डीसेंट्रलाइजेशन में राजनीति की बात कही जाती है। माननीय सदस्य, श्री माथुर, ने जिस बात को उठाया, वह तो कुछ विषयान्तर की बात थी। मैं तो यह कहूँगा कि यह एक बहुत लम्बा-चोड़ा झगड़ा है। अगर आप गांवों वालों से पूछें, तो वे सीधी बात कहते हैं कि खाद, पानी और बीज में राजनीति नहीं आती है—उस में न तो कांग्रेस आती है, न सोशलिस्ट आते हैं और न कम्युनिस्ट आते हैं। अगर इस बारे में बड़े बड़े लोगों की मिसाल ली जाय, इंग्लैंड की मिसाल दी जाये, तो वे मिसालें यहां लागू नहीं होतीं, क्योंकि वहां पर फ़ेड्रल गवर्नमेंट नहीं है। अगर नम्बूदरीपाद साहब की मिसाल दी जाये, तो वह मिसाल भी लागू नहीं होती है, क्योंकि वह पार्टी सिस्टम एक दूसरे तरीके का है।

अगर व्यवहार की दृष्टि से देखा जाय, तो आज गांवों में यह स्थिति है कि चाहे कांग्रेस का ही ज़िला-प्रमुख हो, लेकिन अगर कांग्रेसी आपस में लड़ पड़ते हैं, तो कांग्रेस वाले ही उस के खिलाफ़ अविश्वास-प्रस्ताव ले आते हैं, चाहे वह कितना ही अच्छा काम क्यों न करता हो। इसी लिये श्री वी० टी० कृष्णमाचारी इस झगड़े में नहीं पड़े, हालांकि अगर वह चाहते, तो पड़ सकते थे।

जो लोग वहां से सीख कर आते हैं, उन को सब कुछ सिखाया जाता है, लेकिन अमल करने में जो सब से बड़ी कठिनाई और बाधा उन के सामने आती है, वह राजनीतिक पार्टियां हैं। अभी वे स्वयं ठीक ढंग से काम नहीं कर रही हैं। पंद्रह साल के बाद भी यह फ़ैसला नहीं हो सका है कि किस कन्वेंशन के अनुसार कलेक्टर किन पार्टियों से किस तरह से मिलें। रूलिंग पार्टी का प्रैजिडेंट कहता है कि कलेक्टर को टेलीफ़ोन पर ही

[श्री काशी राम गुप्त]

मेरी बात को मान लेना चाहिये, जबकि दूसरी पार्टियों वाले विरोध प्रकट करते हैं, लेकिन उन को समय नहीं मिलता है। हम देखते हैं कि जो कलेक्टर इन बातों में नया है, उस के लिये सारी श्रृंखला पोलिटिकल पार्टियाँ पैदा करती हैं।

ग्रंथों के जमाने के कलेक्टर के बारे में कहा जाता है कि किसी आफिसर को दस पंद्रह साल तक काम करने के बाद कलेक्टर मुकर्रर किया जाता था। मैं कहना चाहता हूँ कि वह तरीका दूसरा था। आज कलेक्टर बनने के लिये किसी आफिसर को दस पंद्रह साल तक काम करने की जरूरत नहीं है। वह पांच सात साल में कलेक्टर बन सकता है। लेकिन आज ट्रेनिंग में कमी है। उस को यह अभ्यास नहीं कराया जाता है कि उस को अपने खुद के जीवन में कितना परिवर्तन लाना है। हम देखते हैं कलेक्टर या एस० डी० ओ० बनने के बाद वह आफिसर वही बढ़िया कपड़े पहनेगा और गांव के सादा कपड़े नहीं पहनेगा, क्योंकि उस को ज्यादा तनख्वाह मिलता है। इसलिये उस के जीवन पर यह कंट्रोल किया जाये कि उस की तनख्वाह तो ज्यादा रहे, लेकिन उस के खर्च पर कंट्रोल हो और वह गांव के एक साधारण आदमी से अधिक खर्च न कर सके। यदि ऐसा किया जायगा, तो उस को अनुभव होगा कि वह सही काम करता है या नहीं। हम सार्वजनिक क्षेत्र में देखते हैं कि एक मामली दुकानदार से हम पचास रुपये बंदा ले लेते हैं, लेकिन अगर किसी कलेक्टर से पांच रुपये मांगे जायें, तो उस को पसीना आ जाता है और वह कहता है कि मैं कैसे दूँ। आज रूरल वायस लाने की बात कही जाती है। रूरल वायस कैसे आये? वह नहीं आ सकता है, जब तक कि बेमिक बातों के बारे में हम उस के जीवन को सही तरीके से कंट्रोल न करें।

आज हमारे आफिसर इतने कमजोर हो गये हैं कि उन को यह डर रहता है कि हालांकि राजनीतिक लोग हमारा और कुछ नहीं बिगाड़ सकते हैं, लेकिन सत्ताधारी पार्टी हम को ट्रांसफर करवा देगी। जो लोग ट्रांसफर से डरते हैं और जो लोग संघर्ष में नहीं पड़ना चाहते हैं, निश्चित रूप से उन की ट्रेनिंग में कहीं न कहीं खराबी है। वे लोग ट्रेनिंग पढ़ने के दृष्टिकोण से लेते हैं। अगर वे कार्य के दृष्टिकोण से ट्रेनिंग लें, तो उन की जवाबदारी हो जाती है।

जहां तक राजनीतिक पार्टियों का संबंध है, इस देश में एक एक हाउस में बारह बारह, तेरह तेरह पार्टियाँ होती हैं। किसी भी प्रजातांत्रिक देश में दो तीन से ज्यादा पार्टियाँ नहीं होती हैं। यह दिशा एक हैल्दी डेमोक्रेसी की निशानी नहीं है। इस के लिये कौन जिम्मेदार है? क्या इस के लिये अकेली सर्विसिज जिम्मेदार है, या अकेली पार्टीज या अकेली जनता जिम्मेदार है। या सब जिम्मेदार हैं।

उन्होंने ने स्टेट्स की सर्विसिज के बारे में जो रीजमेंटेशन की है, वह सही है। वहां पर तो कोई काम्पीटीशन से नहीं लिया जाता है। वहां पर तहसीलदार का कैंडिडेट नहीं होता था। केवल नायब-तहसीलदार से प्रमोशन हो जाना शुरू हो जाता था। उन्होंने लोगों के हाथ में हम ने विकेन्द्रीकरण किया हुआ है। उस विकेन्द्रीकरण को सही रूप से चलाने के लिये उन की ट्रेनिंग की बहुत बड़ी आवश्यकता है।

17.18 hrs.

[MR. SPEAKER in the Chair]

एडवाइजरी कौंसिल बनाने के बारे में एक खास बात यह लिखी हुई है कि उस में एग्मिनेंट पब्लिक मैन होने चाहियें।

वे एग्मिनेंट पब्लिक मैन कौन हैं और उन की परिभाषा क्या है, यह उस रिपोर्ट में नहीं है। आज एग्मिनेंट पब्लिक मैन की अलग अलग और अजीब अजीब परिभाषा दी जाती है। अगर पालिटेशन से पूछा जाये, तो वह अपनी परिभाषा करेगा। अगर सर्वोदय वालों से पूछा जाये, तो वे अपनी परिभाषा देंगे। जो लोग राजनीति में भाग नहीं लेते हैं और उस क्षेत्र में काम करते हैं, जिस को रचनात्मक काम कहा जाता है चाहे वे सर्वोदयी न हों, अगर उन से पूछा जाय, तो वे कोई और ही परिभाषा देंगे। सारा जगड़ा एग्मिनेंट पब्लिक मैन की परिभाषा का है।

मेरा कहना है कि इस रिपोर्ट में तीन बातों की कमी है। इस में एक व्यावहारिक दृष्टिकोण से इस समस्या का विश्लेषण नहीं किया गया है, बल्कि उन्होंने केवल कागजी बातें रख दी हैं। अगर वह एक व्यवहारिक दृष्टिकोण रखते, तो उन को इन मुद्दाओं पर कुछ अन्तर लाने की आवश्यकता पड़ती।

दूसरी कमी यह है कि इस रिपोर्ट में कहा गया है कि आई० ए० एस० कैंडर के लोग इंडस्ट्रियल अंडरटेकिंग में काम करें। वे फेल्योर साबित हुए हैं। आज के युग में इंडस्ट्रियल अंडरटेकिंग का तौर-तरीका बिल्कुल भिन्न है। उस के लिये एक सेपरेट ट्रेनिंग की आवश्यकता है। अगर कोई समझता हो कि उन को जो ट्रेनिंग दे दी गई है, वह काफी है और वे सब जगह काम कर सकते हैं, तो वह गलती पर है। ग्रंथ के जमाने में वे यह काम कर सकते थे और हमारी पंच-वर्षीय योजनाओं के प्रारम्भिक काल में भी कर सकते थे। लेकिन चूँकि अब सरकार इंडस्ट्रियल अंडरटेकिंग को चलाने लगी है, इसलिये उन में विशेष टेक्निकल तरीके के लोगों को रखना चाहिये। इस रिपोर्ट में इस बारे में ध्यान नहीं दिया

गया है। उस की तरफ विशेष ध्यान देना चाहिये।

एक मूल बात जो उन के सामने रखी गई थी वह यह थी कि कितने आदमी हम को आई० ए० एस० कैंडर में इस वक्त चाहिये। उस में उन्होंने ने एक महत्व की बात कही है कि बिना स्टैंडर्ड को गिराये हुए इतने परमैन्ट आदमी आ सकते हैं। इस का मतलब यह है कि उन्होंने ने यह भी अंदाजा लगाया है कि हमारे लोगों में से कितने लोग प्रतिवर्ष ऐसे मिल सकते हैं कि जो स्टैंडर्ड के हों, जो योग्य हों। रिपोर्ट पेश करते वक्त बहुत सूझबूझ से काम लिया गया है। लेकिन जो राजनीति का असर उस में आता है वह इतना बड़ा सबजैकट है, इतना बड़ा विषय है कि उस के बारे में अलहुदा से बहस करने की आवश्यकता है। मैं निवेदन करना चाहता हूँ कि हाउस के जो सदस्यगण हैं वह इस विषय पर बहुत गहराई से अध्ययन करें, केवल भाषण ही न करें, केवल बहस से ही न कर, बल्कि थिसिस लिखें, कैम्प लगावें और फिर सब कुछ गांव वालों के पास जा कर करे क्योंकि इस का आखिरी फैसला गांव वाले ही कर सकते हैं। राजनीति गांव में किस तरह से टिक सकती है और किस तरह से टिक नहीं सकती है, इस का गांव वाले ही सब से अच्छा फैसला कर सकते हैं।

इस विषय को हमें यहीं समाप्त नहीं कर देना चाहिये। इस विषय पर हमें निरंतर सोचते विचारते रहना चाहिये, इस को अनुभव करते रहना चाहिये, और ग्रामों में करते रहना चाहिये और गांव वालों को खुद अपना मार्ग निश्चित करने का मौका देना चाहिये।

**श्री शिव नारायण (बांसी) :** अध्यक्ष महोदय, मैं आप की इजाजत से सरकार से निवेदन करना चाहता हूँ कि कराची में हम ने जो एक रेजोल्यूशन पास किया, कराची में कांग्रेस ने जो एक रेजोल्यूशन पास किया था, उस पर अगर आज अमल हो तो

[श्री शिव नारायण]

में कहता हूँ कि एडमिनिस्ट्रेशन ठीक हो सकता है। आज बड़ा झगड़ा इस बात का है कि सेंट्रल में जो सेक्रेटरी है, उस को ज्यादा तनख्वाह मिलती है, यहां का जो चपड़ासी होता है, उस को ठीक तनख्वाह मिलता है लेकिन दूसरों जगहों पर ऐसा नहीं होता है। इसको ले कर एक बड़ा कन्फ्लिक्ट चलता है।

मैं जिले की बात कहना चाहता हूँ। आज आप ने जिला परिषद् और तमाम अफसरों का एमलगामेशन कर दिया है, सब को मिला दिया है और इस से एडमिनिस्ट्रेशन में बड़ा घपला हुआ है। लेकिन आज उन सब में आपस में सहयोग नहीं है। मैं जिला परिषद् का मੈम्बर हूँ। मैं आप को इजाजत से कहना चाहता हूँ कि उन में आपस में कोई कोओप्रेशन नहीं है, कोई कोओर्डिनेशन नहीं है। असल बात जो है वह यह है कि स्केल आफ जजमेंट जो है, वह सही होनी चाहिये। जो कम्पीटीशन हो वह विडाउट कास्ट आर फ्रीड का ख्याल किये हो। जो भी चाहे उसको उस में बिठा दीजिये। हिन्दू, मुसलमान, ब्राह्मण, नान-ब्राह्मण का कोई डिस्टिंक्शन नहीं होना चाहिये। उस कम्पीटीशन में जो लड़का निकल आये उसको आप ले लीजिये। मुझे इस में कोई शिकायत नहीं होगी। मैं यह बात ईमानदारी के साथ कह रहा हूँ। एक पैमाना निश्चित होना चाहिये। दातार साहब ने कहा है कि एक्स्पेशनल केसिस में कोई दूसरा पैमाना होगा। मैं पूछना चाहता हूँ कि इस एक्स्पेशनल का क्या मतलब है। जब आदमी छः बरस के बाद डिस्ट्रिक्ट मैजिस्ट्रेट हो जाता है तब एडमिनिस्ट्रेशन कैसे ठीक हो सकता है। ग्रंथों के जमाने में मैंने देखा है कि कानूनगो से पहले तहसीलदार बनता था, तहसीलदार से डिप्टी बनता था और डिप्टी से कलैक्टर बनाता था। पहले एडमिनिस्ट्रेशन अच्छा होता था। उनको अनुभव होता था जो इन ओहदों पर लगाये जाते थे। आज लड़के डिस्ट्रिक्ट मैजिस्ट्रेट

बन गये हैं। बायज बन गये हैं। तब बयाज कलैक्टर नहीं हुआ करते थे। यह सब घपला है। उन से सीनियर पड़े हुये हैं लेकिन उनको बना दिया गया है।

माननीय यशपाल सिंह जी ने जो कहा है उससे मैं एग्री नहीं करता हूँ। हमारे पास भी बहुत अच्छे एडमिनिस्ट्रेटर हैं। मेरे जिले में एक कलैक्टर थे जो आज दिल्ली में हैं और उनका नाम मलिक बोस है। ही वाज कलैक्टर आफ माई डिस्ट्रिक्ट। पैदल गांव गांव में वह घूमा करते थे। आज भी हमारे पास अच्छे नौजवान हैं काम करने वाले हैं। लेकिन मान्यवर, उन को उंगलियों पर गिना जा सकता है। आज उनमें सहयोग की भावना होनी चाहिये, उनमें कोओप्रेशन होना चाहिये, उन में कोओर्डिनेशन होना चाहिये। सादा जीवन व्यतीत करने की उनको शिक्षा दी जानी चाहिये। हम यह नहीं कह सकते हैं कि हम जो गांधी टीपी पहनते हैं, उन्हीं ने सब बातों का ठेका ले रखा है। मुझे मालूम है कि आफिसर्स में भी ईमानदार लोग हैं, लेकिन कम हैं।

मैं तो कहूंगा कि जो कराची रजोल्यूशन था, उसको लागू किया जाय। आज एमरजेंसी का पीरियड है। दो हजार और ढाई हजार और तीन हजार किसी को तनख्वाह नहीं मिलनी चाहिये। पांच सौ रुपये में हमारे मिनिस्टर काम करें और हम दो सौ रुपये में वकं करें। एक पैमाना रख दीजिये। देश का हर आदमी एग्री करेगा। किसान हो या कोई दूसरा बड़ा आदमी, सब के लिये एक पैमाना होना चाहिये। अगर आप ऐसा नहीं करेंगे तो जो आपकी पालिसी है, उस पर आप टिक नहीं पायेंगे। जो एडमिनिस्ट्रेशन है यह सख्ती से चलता है। इस में किसी से किसी प्रकार की रियायत नहीं होनी चाहिये। मान्यवर, चाणक्य ने कहा था "षष्ठे पाट्यम् समाचरेत्"। हमारे हिन्दुस्तान में चाणक्य से बड़ा एडमिनिस्ट्रेटर आज तक कोई नहीं

हुआ है। हमें भी इस पालिसी पर अमल करना चाहिये।

मान्यवर मैं उस जिले से आता हूँ जिस के बारे में कहा गया है कि सब से बैकवर्ड डिस्ट्रिक्ट है। इसकी रिपोर्ट आपके पास है। शायद इससे और ज्यादा बैकवर्ड डिस्ट्रिक्ट सारे भारत में दूसरा नहीं है। लेकिन वहाँ पर प्लानिंग मिनिस्टर नहीं गये हैं, प्लानिंग कमिशन नहीं गया है। क्या वजह है? किस तरह से लोगों में उत्साह पैदा हो सकता है। रफी साहब जब फ़ड मिनिस्टर थे तो एक बार जब हम बस्ती में बैठे हुये थे, एकाएक पहुंच गये चैकिंग करने के लिये। उन्होंने देखा कि कन्ट्रोल किस प्रकार चल रहा है और क्या गड़बड़ी है। जब इस तरह से किया जाता है, तभी एडमिनिस्ट्रेशन चल सकता है। इससे लोगों में डर रहता है। आज कोई चैकिंग नहीं होती है। एक मिनिस्टर जब चलता है तो सभी तरफ़ तारें पहुंच जाती हैं, वायरलेस के जरिये मैसेज पहुंच जाते हैं और बड़े ठाठ बाट से वह वहाँ पहुंच जाता है। मैं चाहता हूँ कि आप सरप्राइज विजिट करें। आप यहां बैठे हुये हैं, देखें कि दफ्तरों में क्या काम हो रहा है। मैं आपको बतलाना चाहता हूँ कि लखनऊ सैक्रेटेरियट से यहां के सैक्रेटेरियट में कम काम होता है। आज एमरजेंसी का पोरियड है। हमें केवल मिलिटरी पर निर्भर नहीं करना है। आज जो जहाँ बैठा हुआ है, उसको वहीं पर बैठे रह कर डट कर काम करना है। मैं यह नहीं कहता हूँ कि जो आठ घंटे काम करता है, वह नौ घंटे काम करें। लेकिन आठ घंटे ही जम कर वह काम करें। आज तो आठ घंटे भी काम नहीं हो रहा है। इस तरह की बातें जब मैं कहता हूँ तो बुरा मना लिया जाता है, लोग फील कर जाते हैं। लेकिन ऐसा नहीं होना चाहिये। जो भी जिस सर्विस में आया है वह अपनी खुशी से आया है, किसी के साथ किसी प्रकार की जबरदस्ती नहीं हुई है। किसी की निमंत्रण नहीं दिया गया है। जो पालिटिक्स में आया है, वह खुशी से आया

है, जो डाक्टर बना है, खुशी से बना है, जो इंजीनियर बना है खुशी से बना है। हर आदमी जहाँ भी है, जिस डिपार्टमेंट में भी है, वहाँ खुशी से गया है।

मैं समझता हूँ कि एडमिनिस्ट्रेशन को ठीक करने के लिये स्केल आफ जजमेंट ठीक होना चाहिये, लोगों को ग्रान्टेड होना चाहिये। ये बहुत जरूरी हैं। साथ साथ किसी भी प्रकार का भेदभाव नहीं होना चाहिये। गुस्ताखी माफ़ की जाय अगर मैं कहूँ कि इस भेदभाव के कारण ही बहुत सी बाधाएँ खड़ी हो जाती हैं, काम ठीक नहीं हो पाता है। इन सब का मुकाबिला आज हम को करना पड़ रहा है। हमारे देश में आज जो परिस्थिति उत्पन्न हुई है वह भेदभाव के कारण ही उत्पन्न हुई है। इसी के कारण हम पिछड़े रह गये हैं। मैं सरकार से कहना चाहता हूँ कि आज अगर स्केल आफ जजमेंट सही हो जाये तो कल को एडमिनिस्ट्रेशन ठीक हो जायेगा।

**Shri Krishnapal Singh (Jalesar):**  
Sir, I started life as an honorary Deputy Collector and was fortunate in having a very kind Collector to impart the training. I recollect the condition of the administrative machinery in those days and I can compare it with what it is now. When I was appointed as honorary Deputy Collector, there were only three regular Deputy Collectors in the district and one Collector. That was in Etah district, which is one of the small districts of my State. Now I find that there are at least three revenue or judicial officers in addition to four or sometimes five Deputy Collectors. So, one point which strikes anybody who is acquainted with the old system of administration and the present one is the vast increase in the number of officers and that point has been touched by the able mover of the motion.

When Government appointed judicial officers, probably they had in mind the separation of administrative and judicial functions. But in spite of

[Shri Krishnapal Singh]

the appointment of judicial officers, the number of Sub-divisional Officers at the district level has not been reduced. I quote this as an example and I feel that more or less this is happening at every level of the administrative machinery in our country. That is one reason why the cost of administration and the budget of our Central and State Governments is increasing every day. New departments are being opened and new posts are being created. Nobody takes the trouble of satisfying himself whether there is any need for more administrative or judicial officers; they are appointed because somebody makes a suggestion. I think a stage has been reached where Government should think seriously of appointing a high-level commission for investigation into the causes of this rapid growth in the expenditure on administration and recommending certain cuts. At present, we need money for the defence services. I think this is a very proper time when we should think of curtailing our fabulous administrative machinery on the civil side.

The second point I would like to mention is that whereas we have some very bright officers—somebody suggested here that the present day officers do not take much interest in their work; I do not agree—we have some blacksheeps among the officers. On the other hand, we have very nice and intelligent people. But one thing which is really lacking is a liking for out-door work. As many hon. Members have pointed out, our country consists of vast rural population and, therefore, we need officers who can go out into the villages, study the needs of the people and do whatever they can to satisfy those needs. In the old days, a district officer or a sub-divisional officer was required to spend three or four months every winter in touring. I do not know whether that amount of time is spent by any officer now to tour the district. People try to do that, but very often they are called back because some Minister comes to visit the district or

some meeting is being held or there is some other work, out of the regular course, demanding their presence at the headquarters.

Sir, I shall not take much time. I would just like to mention that one thing which is required in selecting our officers at the time of recruitment is some kind of a test for character. We have very intelligent people and we test their intellectual abilities. But where we fail is that we have no method by which we can test the character of a young man whom we are recruiting for public service. I think that is very essential in our present conditions. Even our President, the other day, when he opened a conference, complained that we need people who can remove spiritual blindness. The country has reached a stage when we want people of better character more than people of high intelligence. I, therefore, venture to suggest that the Government should consider some method by which the character of a person can be tested. It may be through the Universities or through the colleges who can maintain a record about the character of every student. This may be included in the test for recruitment to public services. They may introduce some other method also. But I have no doubt that if that is done we shall be recruiting much better officers to our public services.

Lastly, I will mention the Panchayati Raj which has recently been introduced. That has a very important function these days. But we should not lose sight of the fact that that is an institution which existed in ancient India. If we read the books which were published on the subject by eminent persons like the late Mrs. Annie Beasant and other scholars, we will find that it was the panchayats which were really at the bottom of contentment and prosperity of our people. Because they are ancient institutions they should not be mixed up with modern politics. The mover of the motion, unfortunately, wanted



to suggest that politics should be introduced or, if I have not failed to understand him, he said that we could not keep politics out of the panchayats. As the condition is at present, I think the present day panchayats in the villages are responsible for more broken heads, broken skulls, and litigation than anything else with the only possible exception of land consolidation proceedings. I think, therefore, that politics should not be allowed to enter the panchayats. There should be elections. In fact, it would be better if they are held in a different way than the elections for other institutions under our present political system. It would be better if we allowed them to choose some of the older people. In any case it would be in the interests of better working of the panchayats if politics is not allowed to enter them.

**Shri Mansinh P. Patel (Mehsana):**  
Mr. Speaker, Sir, in view of the reply regarding the first term of reference by the Planning Commission and the other two Ministries, I would not dilate upon the first term of reference. But my hon. friend, the mover of the motion, has taken an uncharitable view of the report without looking at the terms of reference. The hon. Member of the other House, the ex-Vice-Chairman of the Planning Commission, had to guide the two Ministries in a specific work assigned to him, and he has summed up his own suggestions to be implemented over a period of five years. I take this report as a very necessary step at a time when the districts are likely to be assigned the new panchayati raj institutions. We can call it a misfortune, if we like, but the implementation of panchayati raj is going to be circumscribed and delayed because of the emergency.

I will confine myself to the system of panchayati raj in relation to the new administrative services of the State or of the Centre which may be working together in this new form of panchayati raj institutions. I have experience of the past when the Com-

munity Development Projects were started at the taluka level. Just like a confederation there is no common pattern at each taluka of the panchayati raj implementation. I come from a State where the block samitis are not formed in the block pattern but the taluka pattern. So, we had experienced much difficulty during the last elections regarding the working of Taluka pattern. My hon. friend, Shri Mathur, quoted the example of the district of the hon. Minister of Planning.

Now the main complaint of the people is that there is no co-ordination between the different heads of departments at the district level. If we have to do away with that there should be an institution at a level where all these heads of departments will be responsible to one body.

Then the question will be: who will work it out? We have got districts of various sizes, varying from 7 lakhs of population to 35 lakhs of population. I am told that in UP the districts are as big as that. If there is going to be one zilla parishad then all the heads of the departments could come together, see the actual needs of the people at that level and try to satisfy them. The same thing can be said about the taluka or block institutions.

I come from a Taluka where the population is as much as 2½ lakhs. If this institution is going to be there it will mean a sort of diarchy with a senior mamlatdar in Panchayat samiti and another official assigned to each taluka who will function directly under the panchayati raj. I am afraid, the needs of the people cannot be met like that. So, if this report is really to be implemented to meet the needs of the people in the new environment, there should be a transformation of the present administration to all other activities, social, economic and planning.

Much has been said regarding the Panchayat institutions by the Report

[Shri Mansinh P. Patel]

itself, that they are expecting planning to come from below, that District plans should be earmarked which may be accepted at the State level and then at the Central level. But what is our experience? I have the experience of my own State. We have got the District Development Boards, no doubt in advisory capacity. The plans were to be evolved by the Village Panchayats and sent to the District Boards to be submitted to the State authorities. To my surprise we found that they were never taken as accepted and they took a different line. The only fruitful purpose which will be served by the Panchayat institutions will be that each District will frame its own plan in the pattern of the planning and there will be an indirect responsibility on them to execute the plan itself as also to find out the resources and to do the work of national savings or whatever may be assigned to them which will indirectly help the people's thinking also. But I am much afraid of the main hurdle which my hon. friend tried to point out.

What about this diarchy system? The Collectors are not going to be abolished. The Taluka Mamlatdars are not going to be abolished. So, there has to be co-ordination of the human mind. We normally find one thing and that is much of politics either in the elections or in the words of superiority and inferiority complexes and senior and junior officers. I would not like to quote some examples from somewhere else also. But, anyway, our senior officers are always ashamed of taking a seat in a conference where a junior is presiding. If this attitude of co-ordination between the different heads of the different departments is not there or if some solution is not found out for this, any guidance by any report is not going to help or be fruitful to the ulterior need of the local men. A man wants that at least he is properly governed and all the social welfare activities which have indirectly encouraged him

are carried out. But they are feeling that they are not being looked after properly and that some *burra sahibs* are working over them. If this fear is to be eliminated, this Report may be a guiding factor. But it is not sufficient. As I suggested, as a whole the administration has to be re-organised in so many ways, but at least the different Districts or the Talukas may be re-organised and co-ordination between the different departments may be brought about which will help the administration.

श्री श्रीनारायण दास (दरभंगा)

अध्यक्ष महोदय, हम सभी श्री माधुर जी के आभारी हैं जिन्होंने केन्द्रीय और राजकीय प्रशासन सेवाओं के बारे में और जिलों के अन्दर जो प्रशासनिक सेवा बनने वाली है उसके सम्बन्ध में माननीय श्री वी० टी० कृष्णमाचारी के प्रतिवेदन पर बहस करने का मौका दिया।

प्रजातांत्रिक प्रशासन में बहुत बड़ी बड़ी समस्याएँ समय समय पर खड़ी होती रहती हैं। जब से हिन्दुस्तान में हम आजाद हुए हैं, मेरा खयाल है तब से इस सदन में और इस सदन के बाहर बराबर इस बात पर जोर दिया जाता रहा है कि बदली हुई अवस्था में जब कि राज्य एक पुलिस स्टेट से बदल कर कल्याणकारी राज्य में परिवर्तित हो रहा है, और जब कि हम विकेन्द्रीकरण के माध्यम पर ग्राम से लेकर और केन्द्रीय सरकार तक इस तरह की पद्धति चलाना चाहते हैं, उस समय यह बहुत आवश्यक है कि इन तमाम समस्याओं पर गम्भीरतापूर्वक विचार करने के लिये एक बड़े आयोग की नियुक्ति की जाये। समय समय पर जब इस सदन में इस बात पर जोर दिया गया तो सरकार केवल एक आदमी की कमेटी बना कर और यह काम किसी एक अफसर के जिम्मे कर के इस काम को बराबर टालती रही। यह सही है कि जिन सरकारी अफसरों को इस काम का भार दिया गया

उन्होंने समय समय पर सुझाव दिये हैं और उनके अनुसार अभी तक, पूरे तौर पर तो नहीं, कुछ सुधार किये गये हैं। प्रजा-तांत्रिक जीवन में सरकार का या सरकारी कर्मचारियों का महत्व बहुत बढ़ गया है क्योंकि हम उनसे आज केवल प्रशासन या पुलिस का ही काम नहीं करवाना चाहते बल्कि हमारे सारे आर्थिक, तथा सामाजिक कामों की भी जवाबदेही उन्हीं पर है।

मैं इस बात से सहमत हूँ कि इस दिशा में बहुत सुधार हुआ है, लेकिन इस समस्या पर एक बड़े आयोग को गम्भीरतापूर्वक सारे पहलुओं पर विचार करने की जरूरत है। और जब तक ऐसा नहीं किया जायेगा तब तक इस सदन में और इस सदन के बाहर सरकारी प्रशासन की समालोचना होती ही रहेगी।

चूँकि समय कम है इसलिये इस रिपोर्ट के बारे में जहाँ तक आइ० ए० एस० और स्टेट सर्विस का सम्बन्ध है, मैं ज्यादा नहीं कहना चाहता। यह सही है कि विकेन्द्रीकरण के कारण जो सरकारी कर्मचारी पर जिम्मेवारी आ गयी है उसको पूरा करने के लिये जो उनकी शिक्षा संस्थाएँ हैं और जो उनके लिये सिलेबस है उसमें बहुत परिवर्तन कर दिया गया है और मैं समझता हूँ कि उससे कुछ सुधार हुआ है। लेकिन जब ये लोग ट्रेनिंग प्राप्त करके देहात में काम करने के लिये जाते हैं तो इनकी वही मनोवृत्ति अभी भी दिखायी देती है जो पहले थी।

मैं माननीय मंत्री जी से खास तौर से कहूँगा कि वे इस बात का पता लगावें कि जब किसी सरकारी अफसर को ब्लाक समिति के क्षेत्र में नियुक्त किया जाता है और उससे कहा जाता है कि दो चार वर्ष तुमको उस क्षेत्र में रहना पड़ेगा तो कोई सरकारी अफसर खुशी से देहात में काम करने नहीं जाना चाहता। वह इसलिये जाता है क्योंकि उसको वहाँ जाना जरूरी है। अगर उसकी मरजी

पर छोड़ा जाये तो वह देहात में जाना पसन्द न करे। जितने विकेन्द्रीकरण के काम हमने अपने ऊपर लिये हैं उनको पूरा करने की जो जिम्मेवारी है उसको लेने के लिये जिस तरह का रस और इंटरेस्ट होना चाहिये, मेरा खयाल है कि प्रशिक्षण संस्थाओं के प्रशिक्षण पाने के बाद भी वह रस उन लोगों में नहीं आता। मेरी समझ में नहीं आता कि उनकी यह मनोवृत्ति किस प्रशिक्षण या शिक्षा से दूर होगी।

साथ ही साथ मैं यह भी चाहूँगा कि जो लोग देहातों में काम करने के लिये भेजे जाते हैं और जो लोग कचहरी में बैठ कर या जिले के हैडक्वार्टर में बैठ कर काम करते हैं, उनके वेतन में कोई फर्क नहीं है। जो कर्मचारी जिले के हैडक्वार्टर पर रहते हैं उनके बच्चों के पढ़ने लिखने का इन्तिजाम रहता है और वे साधारण तरह से बिना कठिनाई का जीवन व्यतीत करते हैं और उसी तनखाह के कर्मचारी को जो ब्लाक सेविल पर काम करने भेजा जाता है तो न उसके बच्चों के पढ़ने का इन्तिजाम होता है और न किसी बात का और बराबर उसकी यह चाहना रहती है कि किसी प्रकार वह इस काम को छोड़ कर जिले के हैडक्वार्टर पर आ जाये।

मैं यह तो नहीं कहता कि स्वराज्य मिलने के बाद सरकारी अफसरों की मनोवृत्ति बिल्कुल नहीं बदली है। बहुत कुछ बदली है, लेकिन अभी भी उन में देहाती क्षेत्रों में जा कर मिशनरी जेल से काम करने की वृत्ति नहीं आ पायी है। श्री कृष्णमाचारी ने इस सम्बन्ध में कुछ सुझाव दिये हैं लेकिन मुझे उनसे सन्तोष नहीं हुआ। वह अफसर हैं, उनको एक काम दिया गया, थोड़े से समय में उन्होंने काम किया। यह ठीक है और प्रशंसा के लायक है। लेकिन मैं मंत्री महोदय से निवेदन करना चाहता हूँ कि इस काम का भार एक या दो लोगों को देने से समस्या का समाधान नहीं हो

[श्री श्रीनारायण दास]

सकता। जब हम केवल देश में एक कल्याणकारी राज्य ही कायम नहीं करना चाहते बल्कि सरकारी कर्मचारियों के द्वारा अपने सारे राजनीतिक, आर्थिक और सामाजिक काम करवाना चाहते हैं, तो उसके लिये एक बड़े आयोग को नियुक्त करने की जरूरत है जो कि समस्या के सब पहलुओं पर विचार करके एक काम्प्रीहेंसिव रिपोर्ट जनता की राय लेकर, अनुभवी लोगों की राय लेकर सरकार के सामने रखे। और उसे संसद के सामने विचारार्थ पेश किया जाये और उसे पूरी तरह लागू किया जाये जब ऐसा किया जायेगा तभी मेरा ध्यान है कि केन्द्रीय प्रशासन में, राज्यों के प्रशासन में और जिलों को विकेंद्रीकरण वाले संस्थाओं में जो समस्याएँ हैं उनका समाधान हो सकता है।

एक और बात मैं कहना चाहता हूँ जिसको कि मैं हमेशा बराबर कहता रहता हूँ कि पंचायती राज की जो संस्थाएँ हैं, जैसे कि कोऑपरेटिव सोसाइटीज, को ऑपरेटिव बैंस आदि, उनके एकाउंट्स की जांच के लिए इंडिपेंडेंट ऑडिट होना चाहिए। मुझे इस बात की खुशी है कि हमारे श्री बी० टी० कृष्णमाचारी ने अपनी रिपोर्ट में इस बात पर जोर दिया है कि कोऑपरेटिव सोसाइटीज आदि पंचायती राज की संस्थाओं के एकाउंट्स की जांच जैसे कि केन्द्रीय सरकार और राज्य सरकारों के हिसाब जांच करने के लिए स्वतंत्र ऑडिट विभाग है, उसी तरीके से इनके लिए भी ऑडिट विभाग होना चाहिए। सरकार को इसको जल्द से जल्द कार्यान्वित करना चाहिए।

Shri Warior (Trichur): The report submitted by Shri V. T. Krishnamachari has dealt with only certain aspects of the problem. But, at the same time, the problem and the mala-

dy behind are much deeper and wider. For instance when the objective of administration itself is changing basically there must be a change in the attitude or approach of the administration also.

Now, the technical personnel have come forward much more in our administration, and also much wider than at any other time. An ordinary IAS officer may not be able to appreciate or understand the difficulties on the technical side. In the same way, the technical personnel who are in charge of planning and running the various Government undertakings etc. may not be as good as the administrative personnel for management which is also becoming more and more specialised. Even the ordinary IAS officers may not be able to cope up with the responsibilities that are now coming on them.

For instance, suppose an IAS officer is placed in charge of a public undertaking as managing director or chairman etc., he will find it difficult to manage the undertaking, because the management problems are so specific now and so specialised now. An ordinary IAS officer may not know what is meant by cost accounting, or management accounting, or position accounting and so on. When that is the case, how can he take responsibility for failures in production or administrative failures or financial failures and so on?

On the technical side, those persons who are in charge of the technique of operations, the technique of production etc. are also well-versed in those processes, and they are also specialised people. In fact, the position in industry is not like that of olden times. In industry, daily new techniques of operations are coming. Unless we bridge the gap between the two so that our administrative cadre can fully cope with the new situation and in the same way the technical cadre also which is placed in responsible

conditions can cope with the management and administrative side of it, there will be this contradiction going on. That is the first point that I would like to make.

My next point is in regard to the secretariat and the field services. Some IAS officers are in the Secretariat, and some function as collectors or as deputy collectors in the districts who are responsible for the implementation of the plans. Apart from the routine revenue work or law and order work, etc. they are responsible for implementing the plans.

From my experience in the development councils. I can say that whenever a resolution or a demand or any scheme is submitted to the secretariat, it takes such a lot of time for them to go through them, to screen them, to prune them and so on that by the time it returns, in many cases, the whole plan has gone overboard. So, there is no proper coordination or understanding between the IAS officers in the secretariat and in the field services. Of course, the IAS officer sitting there may not be responsible; it may be going down to the lowest clerk who has to make the noting and then send it on to the section officer and so on, but the blame and the burden both rest upon the IAS officers. Naturally, there is some misunderstanding on this matter.

There is also another aspect. In the States I have found that those who by chance get into the secretariat never get out of it. It is almost a *sanctum sanctorum* for them, because there they have abundant power to rule over the whole land, and at the same time, there is absolutely not even an iota of responsibility. If a bridge or a hospital is constructed he will not be asked as orders must come from the Secretary. This must be decentralised in such a way that the Secretariat at the Centre and in the States must not have any power unless responsibility is also taken. If they take responsibility well and good. Whoever has not got responsibility should not have the power. That must be clearly understood.

About the delays, once our Prime Minister said in a conference that today delay means corruption. It may be intentional or unintentional. There are people who are scrupulous of course. It is not a question of selecting the best cadre or even bringing the best cadres. We must develop our own people; we cannot import cadres just as we import machinery from other places. My point is that even if an officer is very scrupulous and conscientious in the set up in which he is placed, by and large he is liable to corruption because of the delay and therefore, whoever wants something to be done by him naturally entices him and he has also to move along with the current. This problem must be tackled in such a way that the old administrative set-up should be reorganised and re-oriented to the present needs. The old manuals were not scrutinised till this time. The whole system of shifting the responsibilities from the bottom to the top must be changed. Then only we can produce a good effect.

श्री गणपति राम (मछली शहर):

अध्यक्ष महोदय, पन्द्रह वर्षों के बाद भी हम सदन के प्रंदर ही नहीं बल्कि सदन के बाहर भी यह महसूस करते हैं कि ऐडमिनिस्ट्रेटिव सर्विसेज में जितनी उनकी योग्यता में क्षमता आनी चाहिए, उस स्तर पर वह नहीं आ सकी है।

हम प्रस्तावक महोदय के आभारी हैं जिन्होंने जनता की भावनाओं का आदर करते हुए यह प्रस्ताव सदन सम्मुख रक्खा है। आज हमारे देखने में आता है कि चाहे वह स्टेट्स की सर्विसेज हों चाहे बाहर की हों, उन सब जगहों पर पालिटिक्स इंटर करती चली जा रही है। जहाँ हम एक तरफ देश में समाजवादी ढंग के सामाजिक ढांचे की स्थापना की कामना करते हैं और एक कल्याणकारी राज्य की कामना करते हैं वहाँ यह देख कर आश्चर्य होता है। वहाँ पर तो कम से कम यह बातें नहीं होनी चाहिए।

[श्री गणपति राम]

मुझे आश्चर्य के साथ कहना पड़ता है कि उत्तर प्रदेश में मुश्किल से पी० सी० एस० और आई० ए० एस० में शैड्यूल्ड कास्ट्स के ३०-४० अफसर होंगे लेकिन प्रमोशन का जहाँ मामला आता है, मुझे यह भी सुनने में आता है कि आपसे ज्यादा की कौन्सिलर रिपोर्ट इस नाते खराब कर दी गई है ताकि औरों के मुकाबले उनका कहीं प्रमोशन न हो जाय। अब इस तरह की बातें अगर देश के अंदर लें तो इसको इन्साफ नहीं कहा जा सकता है।

मुझे यह भी देखने में आता है कि कोई अफसर अगर किसी के यहाँ एप्रोच करता है, चापलूसी की उसकी आदत है तो उसका बड़ी आसानी से प्रमोशन होता चला जायेगा लेकिन जिसमें यह आदत नहीं है वह बेचारा नोचे ही रहता चला जायगा चाहे उसमें योग्यता और कमेंट्स भले ही बशों न हों। यह देश के लिए बहुत खतरनाक स्थिति होगी अगर हम इन स्तर पर चने। जबकि देश में प्रशासनिक योग्यता और क्षमता की काफी आवश्यकता है ऐसे समय में हमें हर एक स्तर पर क्षमता को बढ़ाना चाहिए। जिलों में हम ऐसा भी देखते हैं कि बहुत से अफसरान जॉब जिम्मेदार पदों पर व वे डिस्ट्रिक्मिनेशन करते हुए अपनी कोम और अपनी विरादरी के अफसरों को ब्लाक नोड्स भरते चले जाते हैं।

शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब्स के लिए एक रिजर्व कोटा रहते हुए भी उन लोगों को नहीं रखा जाता है। क्या यही हमारे प्रशासन और उसके अधिकारियों की योग्यता का प्रमाण है? इसको तो अयोग्यता समझा जाना चाहिए और जो लोग इस प्रकार पक्षपात से काम लें, उनके कैरेक्टर रोल और कान्फिडेंस

रिपोर्ट में इस बारे में एन्ट्री की जानी चाहिए।

18 hrs.

में निवेदन करना चाहता हूँ कि इस सदन में और विधान सभाओं में भी इस आशय के प्रश्न पूछे जाते हैं कि क्या हरिजनों और शिड्यूल्ड ट्राइब्स का क्वोटा हर जगह पूरा किया जा रहा है, अनटचैबिलिटी के सम्बन्ध में कितने कैसिज रजिस्टर किये जाते हैं, कितने लोगों पर मुकदमे चलते हैं, कितने छूट जाते हैं और बशों छूट जाते हैं, इत्यादि। इससे प्रकट होता है कि इस विषय में लोगों में बहुत संतोष है।

इस सदन में हर साल शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब्स के कमिशनर की रिपोर्ट पर विचार होता है और उसकी रीकमेंडेशन को यह सदन और माननीय मंत्री जी मंजूर करते हैं। लेकिन सरकार खुद उन रीकमेंडेशन के अनुसार कार्य नहीं करती है।

इस स्थिति में मेरा समझ में नहीं आता कि सर्विसिज का एडमिनिस्ट्रिव क्षमता में कर्मों कहां से शुरू होता है। क्या यू० पी० एस० सी० या स्टेट्स के सिलेक्शन बोर्ड आदि में तो कम नहीं हैं? जो आदम चुने जाते हैं, क्या उनमें कम तो नहीं हैं? क्या मैं समझूँ कि हमारा सरकार उस तरह का वज्र नहीं बना चाहता है? अगर सरकार आज भी आखें मूंद कर बैठ रहेगी, तो इस संकट के समय में देश की वर्तमान परिस्थिति के अनुरूप और जनता की भावनाओं का आदर करते हुये जो प्रशासनिक योग्यता हम चाहते हैं, वह देश में नहीं लाई जा सकेगी।

हम यह मानते हैं कि सरकार में कुछ योग्य और ईमानदार आफिसर हैं और उन्हीं

की वजह से प्रशासन का सब काम चल रहा है, लेकिन यह कहते हुये आश्चर्य होता है और हंसी आती है कि ऐसे लोग ऐसे जिम्मेदार पदों पर रखे गये हैं, जो कि अपने विषय को नहीं जानते हैं। आज प्रशासन और न्याय-व्यवस्था पर से जनता का विश्वास उठता जा रहा है। कुछ लोगों को यह कहते हुये सुना जाता है कि एडमिनिस्ट्रेशन में, एक्सीक्यूटिव में और जूडिशरी में भी चोर-बाजारी और घूसखोरी का बाजार गम होता जा रहा है। मैं निवेदन करना चाहता हूँ कि अगर न्याय और प्रशासन पर से जनता का विश्वास उठ जाता है, तो यह देश के लिये एक खतरनाक स्थिति होगी। इसलिये उन में एडमिनिस्ट्रेटिव क्षमता पैदा करना सरकार की जिम्मेदारी है। सरकार यह पता लगाये कि कहां पर कमी है। मैं यह नहीं चाहता कि सरकार किसी गलत आदमी को गलत तरीके से पनिसमेंट दे। लेकिन मैं इतना जरूर चाहूंगा कि जिन लोगों के सही हक हैं, इन्साफ के नाम पर वे उन को मिलने चाहियें।

मैं आप को बताना चाहता हूँ कि जिस आफिसर ने पी० सी० एस० और आई० ए० एस० में क्वालिफाई किया, जिस ने सेक्शन आफिसर की परीक्षा में क्वालिफाई किया, उससे जूनियर व्यक्ति को सुपरसाइड कर दिया गया। इस कारण उस ने उद्योग भवन से कूद कर आत्म-हत्या कर ली। यह घटना इस सदन के सामने और प्रेस तथा प्लेटफार्म पर भी आ चुकी है। मैं समझता हूँ कि इस तरह के सक्ड़ों और हजारों केस होते होंगे, लेकिन वे सामने नहीं आते होंगे। हम सरकार से प्रार्थना करना चाहते हैं कि वह इस तरह की बातों को न होने दे।

• स्टेट सरकारों में काम करने वाले अधिकारियों में इस बारे में असंतोष है कि अगर कोई आफिसर स्टेट सरकार के अंदर काम करता है, तो उस की रीम्युनेशन और

तनखाह तथा भत्ता आदि कम रहते हैं, लेकिन सेंटर में उसी रैंक के आफिसर को ज्यादा रीम्युनेशन और तनखाह तथा भत्ता मिलते हैं। इस तरह का डिफरेंस क्यों है? जब हम अपने देश में एक समाजवादी ढांचे के समाज की रचना करना चाहते हैं, तो हम को ऊपर से लेकर नीचे तक इस दृष्टि से कार्य करना होगा।

हम सब जानते हैं कि हमारा देश गांवों का है। इस लिये गांवों की भावनाओं का आदर करना चाहिए और गांवों की विकास योजनाओं आदि को प्राथमिकता देनी चाहिये। लेकिन अगर ऐसे आफिसरों को, ऐसे प्लानिंग आफिसरों और ब्लाक आफिसरों को, तरक्की मिल जाये, जो कि गांवों में कदम रखना ना-पसन्द करते हैं और जो आफसर सचमुच काम करते हैं और गांव के विकास के लिये बहुत मेहनत करते हैं, उन को तरक्की न मिले और उन की उपेक्षा की जाय, तो इस से वे लोग हतोत्साहित होते हैं। मैं सरकार से अनुरोध करना चाहूंगा कि इन कमियों को दूढ़ कर उन को दूर करने की कोशिश की जाये और एडमिनिस्ट्रेशन की क्षमता को बढ़ाने की कोशिश की जाये।

**श्री राम सेवक यादव (बाराबंकी) :** अध्यक्ष महोदय, १९६० के अन्त में योजना आयोग ने गृह-मंत्रालय और सामुदायिक विकास और सहकार मंत्रालय की सहमति से श्री बी० टी० कृष्णभाचारी को प्रशासन सम्बन्धी कुछ विशेष समस्याओं का अध्ययन करने और उन के विषय में अपना प्रयत्नवेदन देने के लिये कहा था। उन में से पहली समस्या यह थी कि आने वाले पांच वर्षों में आई० ए० एस० कैंडिडेट की प्रतिरिक्त आवश्यकताएँ क्या होंगी और उनकी भर्ती और ट्रेनिंग का तरीका क्या होगा। दूसरी समस्या यह थी कि अगले पांच वर्षों में राज्य स्तर पर कितने अधिकारियों की आवश्यकता पड़ेगी और उनकी भरती और ट्रेनिंग के लिये क्या तरीका अपनाया जाय। तीसरी समस्या यह थी कि राज्यों

## [श्री राम सेवक यादव]

में जो पंचायत राज व्यवस्था लागू की गई है और विकास-खंड इत्यादि का निर्माण किया गया है, उन को दृष्टि में रखते दूधे राज्यों में जिले का प्रशासन कैसे चलाया जाये।

जहाँ तक त.सरे सवास का सम्बन्ध है, मैं देखता हूँ कि इस प्रतिवेदन में हम को कोई खास बात नहीं मिलती है। इस प्रतिवेदन में हर जगह यही जोर दिया गया है कि आई० ए० एस० आफिसरों की संख्या कैसे बढ़ाई जाये, उन को ट्रेनिंग कैसे दी जाये और इस सम्बन्ध में क्या सुधार किया जाये। लेकिन मूल समस्या की तरफ इस रिपोर्ट में कोई ध्यान नहीं दिया गया है और मैं समझता हूँ कि शायद सरकार का यह मंशा भी नहीं है कि ऊपर ध्यान दिया जाये।

स्वतन्त्रता के बाद हम ने अपने देश में एक जनतांत्रिक प्रणाली वाला संविधान बनाया और यहाँ पर समाजवादी समाज की रचना का संकल्प लिया। इसलिये हम को उसी के अनुरूप अपने शासन में तब्दीली करनी चाहिये थी और उस तरफ कदम उठाना चाहिये था।

ब्रिटिश काल में जो अंग्रेज आई० सी० एस० में प्रबिष्ट होते थे, उन के दिमाग में यह भावना होती थी कि हम को इंग्लैंड के हित में इस देश पर हुकूमत करनी है और यहाँ के लोगों पर अपना रोब और आधिपत्य कायम रखना है। बाद में जो हिन्दुस्तानी आई० सी० एस० में जाने लगे, उन के दिमाग में भी यही बात थी कि हम अंग्रेजी पढ़ कर, अच्छी बोली बोल कर और कम्पीटीशन पास कर के आई० सी० एस० बन जायेंगे, तो हम को अच्छी तन्हा मिलेगी और हम भाट्ट बहलाने लगेंगे।

लेकिन स्वतन्त्रता-प्राप्ति के बाद भी हम यही देखते हैं कि आई० सी० एस० और आई० ए० एस० के आफिसरों के दिमाग में भी यही

चाह है कि आफिसर बनने के बाद हम को अच्छा वेतन मिलेगा, हमारा जीवन-स्तर ऊँचा उठेगा, लोगों पर हमारा रोब होगा और हमारा टाइट-बाट बढ़ेगा। मैं निवेदन करना चाहता हूँ कि ब्रिटिश-काल में हमारे आफिसरों के दिमाग में जो भावनाएँ थीं, वही आज भी देखी जाती हैं। अगर यह दिमागी कैफियत अब भी कायम रहती है, तो फिर हम ने अपने संविधान में जो लक्ष्य निर्धारित किया है, उस की प्राप्ति नहीं हो सकती है।

लेकिन इस प्रतिवेदन में तो केवल आई० ए० एस० आफिसरों को रेकटमेंट और ट्रेनिंग पर ही सारा जोर दिया गया है। अब तो आई० ए० एस० आफिसर एक ऐसा जन्तु बन गया है, जिस से छुटकारा नहीं होता है। मैं आप को बताना चाहता हूँ कि १९४८ में आई० ए० एस० आफिसरों की संख्या ८०३ थी और १९६२ में वह बढ़ कर २१४७ हो गई। हम देखते हैं कि हर जगह आई० एस० आफिसरों का महत्व बढ़ा जा रहा है। आज जिले का नियोजन अधिकारी भी कोई आई० ए० एस० आफिसर ही नियुक्त किया जाता है, चाहे उस को सड़क बनाने, नहरों का निर्माण करने और जिले की समस्याओं और आवश्यकताओं का कुछ भी ज्ञान न हो और उन में कुछ भी दिलचस्पी न हो। आज आई० सी० एस० या आई० ए० एस० आफिसर को सर्व-गुण-सम्पन्न माना जाता है, चाहे उस में कोई भी गुण न हो। मैं निवेदन करना चाहता हूँ कि यह मॅन्टैलिटी गलत है। अगर इस मनोवृत्ति को नहीं बदला जाता है, तो फिर उस उद्देश्य की प्राप्ति नहीं हो सकती है, जिस का जिफ हम ने अपने संविधान में किया है और जिस के लिए हम यह प्रशासन चलाते हैं।

इस रिपोर्ट में यह बहस की गई है कि आई० ए० एस० का कैडर कैसे बढ़ाया जाय, उन का इम्तहान कैसे लिया जाय और सरकारी आफिसरों की अवकाश ग्रहण करने की उम्र



५५ वर्ष हो या ५८ वर्ष । लेकिन बुनियादी बात की तरफ़, इस बात की तरफ़ कि प्रशासन में ऐसा मूल परिवर्तन किया जाय, जिस से हम अपने अभीष्ट की प्राप्ति कर सकें, कोई ध्यान नहीं दिया गया है ।

आज स्थिति यह है कि इंजीनियर, डाक्टरों और वैज्ञानिकों की अपेक्षा आई० सी० एस० और आई० ए० एस० आफिसर्स का महत्व ज्यादा है । इस का नतीजा यह है कि जिन बातों की ओर जिन व्यक्तियों की वाकई अहमियत होनी चाहिए, वह न हो कर अनावश्यक अफसरों की अहमियत बढ़ जाती है । इस के परिणामस्वरूप उन लोगों में जो देश-प्रेम और देश के निर्माण के प्रति जो श्रद्धा होती है, वह भी टूटती जाती है । ये सब चीजें होनी चाहिये थी । लेकिन आज तो आई० सी० एस० आफिसर्स का भी एक प्रकार से पोलिटिकल, राजनीतिक काम हो गया है । जो भी है, आज राजनीति से सम्बद्ध रहता है । केडर तो ऐसे अफसरों का तैयार किया जाना चाहिये, जो इंजीनियर हैं, जो डाक्टर हैं, जो वैज्ञानिक हैं । जब इस तरह की चीजें चलेंगी तो अपने आप काम ठीक चलेगा, अपने आप इनका महत्व घटेगा और इनके दिमाग की कैफियत जो है अफसराना, ठीक करने वाली वह बदलेगी । तब जा कर जो उद्देश्य आपने अपने सामने रखा है, उसकी प्राप्ति हो सकती है ।

आज हमारे देश में ग्राम सभायें बन गई हैं, विकास खंड बन गए हैं । वैसे तो हमारे संविधान ने साफ साफ यह निदेश दिया है कि पंचायतों को हम प्रशासनिक इकाई बनायेंगे। हम ने उस दिशा में कदम उठाया था । लेकिन वह कदम कैसा है ? हम ने पंचायतों को प्रशासनिक इकाई नहीं बनाया । बल्कि उसके बीच में हमने एक विकास खंड खड़ा कर दिया और विकास खंड में भी हमने अफसरों का जाल फैला दिया । जो हम चाहते थे कि जनतांत्रिक प्रणाली का निर्माण हो, सत्ता का विकेन्द्रीकरण हो और पंचायतें प्रमुख इकाई

बने, यह नहीं हो पा रहा है । बल्कि हम एक दूसरी दिशा में चल रहे हैं और यहां भी अफसरशाही चल रही है, अफसरशाही जगह ले रही है । आज सब से जटिल प्रश्न यह है कि जिला स्तर का प्रशासन कलेक्टर के जरिये चले या किसी जन-प्रतिनिधि के जरिये । यह एक उबर्दस्त प्रश्न है । इसका जवाब दूँगे वगैर आप देश में जनतांत्रिक प्रणाली का विकास नहीं कर सकते हैं । बहुत से मनीषी, बहुत से राजनीतिक विचारक, स्पष्टतः इस मत के हैं कि कलेक्टर के शासन का अन्त होना चाहिये और उसका स्थान जो चुन दूँ, उन जन प्रतिनिधि हैं, उनको लेना चाहिये । लेकिन अध्यक्ष महोदय आज जो दो-अमली चल रही है, डायरी चल रही है । एक तरफ अंतरिम जिला परिषद् के अध्यक्ष हैं और दूसरी तरफ कलेक्टर हैं । कलेक्टर को शासन का एक प्रमुख अंग माना जाता है । और अब तो उसका नाम भी बदल कर "जिलाधीश" रख दिया गया है । "जिलाधीश" का हिन्दी में अर्थ होता है, जिले का ईश्वर और भगवान । वही आज ठीक कर रहा है । आप सब उसके हाथ की कठपुतली हैं । जैसी रिपोर्ट वह दे देता है, जिस तरह से वह फाइल रख देता है, वही आप कर देते हैं । जिलाधीश कौन होता है ? जिलाधीश अच्छी तनख्वाह पाने वाला होता है, अच्छे बंगले में रहने वाला होता है । तीन साल तक वह एक जिले में रहता है और इस दौरान में चाहे जिले में डकैतियां पड़ती रहे, चाहे कत्ल होते रहें, चाहे चोरियां होती रहें, निर्माण का काम हो या न हो, उसकी कागज की नाव चलती रहती है । तीन साल के बाद वह उस जिले से चला जाएगा और जिले की हालत वैसी की वैसी चलती रहेगी । इस वास्ते नीति में आज बुनियादी परिवर्तन की जरूरत है ।

मैं निवेदन करूंगा कि आप एक ऐसा आयोग नियुक्त करें जो इन सारी चीजों की छानबीन करे, इन सब चीजों की जांच पड़ताल करे और अपना प्रतिवेदन दे । सरकार ने जो यह

[श्री राम सेवक यादव]

दृष्टिकोण अपनाया है कि उम्र को कैंद को बढ़ा दिया जाए, माई० ए० एस० का कैंडर खड़ा कर दिया जाए, इनको तादाद को बढ़ा दिया जाए, इससे प्रशासन सुधरने वाला नहीं है ।

**Mr. Speaker:** The hon. Minister might just begin.

**Shri Harish Chandra Mathur:** You want to shut out others, if there is anybody else to speak?

**Mr. Speaker:** Yes, yes. That is exactly the point.

**The Minister of Planning and Labour and Employment (Shri Nanda):** Mr. Speaker, Sir this discussion has proved to be very illuminating and it has also raised certain problems which were possibly not quite

relevant to the discussion on this report.

**Mr. Speaker** The hon. Minister may continue tomorrow. **Shri Rane** wanted to present a report.

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18.13½ hrs.

BUSINESS ADVISORY COMMITTEE

TENTH REPORT

**Shri Rane (Buldana):** Sir, I beg to present the Tenth Report of the Business Advisory Committee.

18.14 hrs.

*The Lok Sabha then adjourned till Twelve of the Clock on Wednesday, December 5, 1962|Agrahayana 14, 1884, (Saka).*

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[Tuesday, December 4, 1962; Agrahayana 13, 1884 (Saka)]

ORAL ANSWERS TO QUESTIONS	COLUMNS	BILL PASSED	COLUMNS
S.Q. Subject No.	4213—20		4232—89
4. Inland Water Transport Services to Assam . . .	4213—17	<p>The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha) moved that the Gift-tax (Amendment) Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.</p>	
5. Recruitment to the Army	4217—20		
CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE	4220—31	BILL UNDER CONSIDERATION	4289—94
(i) Shri Bagri called the attention of the Minister of Defence to the reported news about the communication from the Government of U.S.S.R. expressing their inability to supply MIGs to India.			
The Minister of Defence (Shri Y. B. Chavah) made a statement in regard thereto.		<p>The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha) moved for consideration of the Taxation Laws (Amendment) Bill. The discussion was not concluded.</p>	
(ii) Shri Ram Sewak Yadav called the attention of the Prime Minister to the reported Chinese firing on Jawans returning from the NEFA area.			
The Prime Minister (Shri Jawaharlal Nehru) made a statement in regard thereto.		MOTION RE : REPORT ON INDIAN AND STATE ADMINISTRATIVE SERVICES UNDER CONSIDERATION	4294—4384
PAPERS LAID ON THE TABLE	4231		
A copy of Annual Report of the State Trading Corporation of India Limited, New Delhi, for the year 1961-62, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under subsection (1) of section 619A of the Companies Act, 1956, was laid on the Table.		<p>Shri Harish Chandra Mathur moved the motion re : Report on Indian and State Administrative Services laid on the Table on 7-9-62. The discussion was not concluded.</p>	
MESSAGE FROM RAJYA SABHA	4232	REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED	4284
Secretary reported a message from Rajya Sabha that at its sitting held on the 3rd December, 1962, Rajya Sabha had agreed without any amendment to the State-Associated Banks (Miscellaneous Provisions) Bill, 1962, passed by Lok Sabha on the 28th November, 1962.			
		AGENDA FOR WEDNESDAY, DECEMBER 5, 1962/ AGRAHAYANA 14, 1884 (SAKA)—	
		<p>Further consideration of the Taxation Laws (Amendment) Bill and passing thereof; and also consideration and passing of the Working Journalists Journalists (Amendment) Bill.</p>	