

Third Series, No.11

Wednesday, November 21, 1962  
Kartika 30, 1884 (Saka)

# LOK SABHA DEBATES

Third Session  
(Third Lok Sabha)



LOK SABHA SECRETARIAT  
New Delhi

# CONTENTS

[Third Series, Volume X—November 21 to December 4, 1962/Kartika 30 to Agrahayana 13, 1884 (Saka)]

COLUMNS

No. 11.—Wednesday, November 21, 1962/Kartika 30, 1884 (Saka)—

Oral Answers to Questions—

Starred Questions Nos. 290 to 300, 302 to 306 and 308 2609—50

Written Answers to Questions—

Starred Questions Nos. 301, 307 and 309 to 318 2650—57

Unstarred Questions Nos. 642 to 697 2657—89

Statement re: reported Chinese offer of Cease-fire 2689—2702

Papers laid on the Table 2703—05

Messages from Rajya Sabha 2705—06

Public Accounts Committee—

Second Report 2706—07

Customs Bill 2707—2802

Motion to consider 2707—48

Clauses 3 to 101, 103 to 122, 124 to 130, 132 to 161 and Clause 2, 102, 123, 131 and 1 2748—2802

Motion to pass 2802

Defence of India Bill—

Motion to consider 2802—24

Business of the House 2824—26

Daily Digest 2827—34

No. 12.—Thursday, November 22, 1962/Agrahayana 1, 1884 (Saka)—

Oral Answers to Questions—

Starred Questions Nos. 321—323, 325, 327—336, 338 2835—71

Written Answers to Questions—

Starred Questions Nos. 320, 324, 326, 337, 339 2871—74

Unstarred Questions Nos. 698-700, 702-771 2874—2921

Re. Cease-fire on India-China border 2922—26

Papers laid on the Table 2926—30

Public Accounts Committee—

Third-report 2930

Arrest of Member 2930

Leave of Absence from sittings of the House 2931

Ponjicherry (Administration) Bill 2932—44

Motion to consider 2932—43

Clauses 2 to 20 and 1 2943—44

Motion to pass 2944

Business of the House 2944, 2969—75, 3068—70

Indian Tariff (Amendment) Bill 2945—56, 2958—68

Motion to consider 2945—56-2958—67

Clauses 1 and 2 2967



Motion to pass . . . . .	2968
<i>Re.</i> Extension of Session . . . . .	2956—58
Defence of India Bill— . . . . .	
Motion consider . . . . .	2968—69, 2976—3068
Daily Digest . . . . .	3071—78
<i>No. 13.—Friday, November 23, 1962/Agrahayana 2, 1884 (Saka)—</i>	
Oral Answers to Questions—	
Starred Questions Nos. 341 to 361, and 363 . . . . .	3079—3120
Short Notice Question No. 1 . . . . .	3121—22
Written Answers to Questions—	
Starred Questions Nos. 340, 362 and 364 to 369 . . . . .	3122—26
Unstarred Questions Nos. 772 to 857 . . . . .	3126—76
Papers laid on the Table . . . . .	3177—79
Message from Rajya Sabha . . . . .	3180
Estimates Committee Report—	
Eleventh Report . . . . .	3180
Business of the House . . . . .	3180—86, 3240
Bills introduced—	
1. Taxation Laws (Amendment) Bill . . . . .	3187
2. Constitution (Fifteenth Amendment) Bill . . . . .	3188
3. Major Port Trusts Bill . . . . .	3187
4. Textiles Committee Bill . . . . .	3188
<i>Re.</i> Note on publicity in connection with Chinese aggression. . . . .	3188
Defence of India Bill—	
Motion to consider . . . . .	3189—3239
Resolution <i>re.</i> Economy during emergency . . . . .	3240—3310
Resolution <i>re.</i> Ayurvedic system . . . . .	3310—14
Daily Digest . . . . .	3315—22
<i>No. 14.—Monday, November 26, 1962/Agrahayana 5, 1884 (Saka)—</i>	
Calling Attention to Matter of Urgent Public Importance—	
Cracker explosion in Delhi . . . . .	3323—25
Papers laid on the Table . . . . .	3325—26
Message from Rajya Sabha . . . . .	3327
Manipur (Sales of Motor Spirit and Lubricants) Taxation Bill— <i>Introduced</i> . . . . .	3327
<i>Re:</i> Cease-fire . . . . .	3328—36
Defence of India Bill . . . . .	3337—3512
Motion to consider . . . . .	3337—3421
Clauses 2 and 3 . . . . .	3421—3512
Daily Digest . . . . .	3513—14
<i>No. 15.—Tuesday, November 27, 1962/Agrahayana, 6, 1884 (Saka)—</i>	
Oral Answers to Questions—	
Short Notice Question No. 2 . . . . .	3515—17
Papers laid on the Table . . . . .	3517—18
Defence of India Bill—	
Clauses 3, 4, 7 to 12, 16, 17, 5, 6, 13, 14, 15 and 18 . . . . .	3518—89
Motion <i>re.</i> Price of Sugarcane . . . . .	3589—3662
Daily Digest . . . . .	3563—64

*No. 16.—Wednesday, November 28, 1962/Agrahayana 7, 1884 (Saka)—*

Orai Answer to Question—	
Short Notice Question No. 3 . . . . .	3665—70
<i>Re: Cease-fire</i> . . . . .	3671
Papers laid on the Table . . . . .	3671—72
Message from Rajya Sabha . . . . .	3672
Committee on Private Members' Bills and Resolutions—	
Eleventh Report . . . . .	3672
Defence of India Bill . . . . .	3673—3753, 3754—66
Clauses 18 to New clauses 49 and 1 . . . . .	3673—3728
Motion to pass, as amended . . . . .	3728—53, 3754—66
Arrest of Member . . . . .	3753—54
State-Associated Banks (Miscellaneous Provisions) Bill . . . . .	3767—81
Motion to consider . . . . .	3767—81
Clauses 2 to 6 and 1 . . . . .	3781
Motion to pass . . . . .	3781
Employees' Provident Funds (Amendment) Bill . . . . .	3781—3808
Motion to consider, as passed by Rajya Sabha . . . . .	3781—3808
Clauses 1 and 2 . . . . .	3808
Motion to pass . . . . .	3808
Warehousing Corporations Bill—	
Motion to consider . . . . .	3809—12
Daily Digest . . . . .	3813—14

*No. 17.—Thursday, November 29, 1962/Agrahayana 8, 1884 (Saka)—*

Papers laid on the Table . . . . .	3815—16
Message from Rajya Sabha . . . . .	[3816
Hindi Sahitya Sammelan (Amendment) Bill—	
Laid on the Table as passed by Rajya Sabha . . . . .	3816
Warehousing Corporations Bill . . . . .	3817—3918
Motion to consider . . . . .	3817—3914
Clauses 2 to 43, and 1 . . . . .	3914—18
Motion to pass . . . . .	3918
Workmen's Compensation (Amendment) Bill—	
Motion to consider . . . . .	3918—42
Daily Digest . . . . .	3943—44

*No. 18.—Friday November 30, 1962/Agrahayana, 9, 1884 (Saka)—*

Paper laid on the Table . . . . .	3945
Business of the House . . . . .	3945—50
<i>Re: Calling Attention Notice</i> . . . . .	3950
Workmen's Compensation (Amendment) Bill . . . . .	3950—59, 3959—73, 3978—91
Motion to consider . . . . .	3950—59, 3959—73, 3978—89
Clauses 2 to 12 and 1 . . . . .	3989—91
Motion to pass, as amended . . . . .	3991
Calling Attention to Matter of Urgent Public Importance	
Proposed talk between India and Pakistan on Kashmir . . . . .	3973—78

Multi-Unit Co-operative Societies (Amendment) Bill . . . . .	3991—4000
Motion to consider . . . . .	3991—99
Clauses 2, 3 and 1 . . . . .	3999—4000
Motion to pass . . . . .	4000
Delimitation Commission Bill—	
Motion to consider . . . . .	4000—14
Committee on Private Members' Bills and Resolutions—	
Eleventh Report . . . . .	4014—15
Bills introduced—	
1. Compensation (Amendment) Bill ( <i>Amendment of sections 15, 30 etc. by Shri P. L. Barupal</i> . . . . .)	4015
2. Income-tax (Amendment) Bill ( <i>Amendment of section 2 by Shri C. K. Bhattacharyya</i> . . . . .)	4015—16
Constitution (Amendment) Bill— <i>Negatived (Amendment of Article 226) by Shri D C Sharma—</i>	
Motion to consider? . . . . .	4016—21
Delhi Rent Control (Amendment) Bill— <i>Withdrawn (Amendment of sections 14 and 20 and insertion of new section 48A) by Shri Naval Prabhakar—</i>	
Motion to consider . . . . .	4021—58
Daily Digest . . . . .	4059—60
No 19.— <i>Monday, December 3, 1962/Agrahayana, 12, 1884 (Saka)—</i>	
Calling Attention to Matters of Urgent Public Importance—	
(i) Reported existence of Chinese Espionage ring in Assam and NEFA and	4061—66
(ii) Reported attack on Dr. Gopal . . . . .	4066—70
President's assent to Bills . . . . .	4070
Statement re. location of Third Nuclear Power Station . . . . .	4071—73
Re: Cease fire . . . . .	4073—79
Bills introduced—	
(1) Delhi Motor Vehicles Taxation Bill . . . . .	4079
(2) Personnel Injuries (Emergency Provisions) Bill; and . . . . .	4080
(3) Indian Tariff (Second Amendment) Bill . . . . .	4080
Delimitation Commission Bill . . . . .	4081—4210
Motion to consider . . . . .	4081—4142
Clauses 2 to 11, and 1 . . . . .	4142—4209
Motion to pass, as amended . . . . .	4209—10
Detention of a Member . . . . .	4210
Daily Digest . . . . .	4211—12
No. 20.— <i>Tuesday, December 4, 1962/Agrahayana 13, 1884 (Saka)—</i>	
Oral Answers to Questions—	
Short Notice Questions Nos. 4 and 5 . . . . .	4213—20
Calling Attention to Matters of Urgent Public Importance—	
(1) Supply of MIGs . . . . .	4220—27
(2) Firing by Chinese on Indian soldiers . . . . .	4227—31
Re: Reported Railway accident . . . . .	4231
Papers laid on the Table . . . . .	4231
Message from Rajya Sabha . . . . .	4232
Gift Tax (Amendment) Bill . . . . .	4232—89
Motion to consider . . . . .	4232—89
Clauses 2 to 36 and 1 . . . . .	4289

	COLUMNS
Motion to pass . . . . .	4289
Taxation Laws (Amendment) Bill—	
Motion to consider . . . . .	4289—94
Motion re: Report on Indian and State Administrative Services .	4294—4384
Business Advisory Committee—	
Tenth Report . . . . .	4384
Daily Digest . . . . .	4385—86

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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 DEBATES

2609

2610

### LOK SABHA

Wednesday, November 21, 1962|  
Kartika 30, 1884 (Saka).

—  
The Lok Sabha met at Eleven of the  
Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Pakistani Infiltration

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- \*290. { Shrimati Savitri Nigam:  
Shri P. C. Borooah:  
Shri Bhagwat Jha Azad:  
Shri Bhakt Darshan:

Will the Minister of Home Affairs be pleased to state:

(a) whether General Secretary of the Council of Action of the Hill Leaders Conference has stated recently in one of his statements that about one thousand Pakistani Nationals are entering Indian Territory daily without valid travel permits through the Shello border and near Khasi Hills; and

(b) if so, what action has been taken to stop this illegal entry?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):**

(a) and (b). There have been some press reports to this effect. However, according to the information available with Government, only 972 Pakistani nationals were detected entering illegally across the Assam-East Pakistan border during the period from January to September 1962. Adequate measures have al-

ready been taken by the State Governments to check illegal infiltration of Pakistani nationals.

**Shrimati Savitri Nigam:** May I know whether these people have been cross-examined; if so, may I know what was the motive behind their coming into India without regular passports?

**Shri Datar:** This question was answered by the Chief Minister of Assam, and he pointed out that they came mostly for the purpose of earning their livelihood.

**Shrimati Savitri Nigam:** May I know if any of them has been found guilty of indulging in any anti-national activity?

**Shri Datar:** I am not sure whether out of these 972 persons there were some, but most of them, I may point out, were prosecuted and almost of all of them have been turned out of India.

श्री भक्त दर्शन : श्रीमन्, मैं यह जानना चाहता हूँ कि हाल में चीन के आक्रमण से जो नयी स्थिति पैदा हुई है, क्या उसके बाद पाकिस्तान से आने वालों की संख्या में बढ़ोतरी हुई है या कमी ?

**Shri Datar:** That question I have already answered a number of times. We found that there was a large increase of Muslim population in Assam larger than.....

**Mr. Speaker:** He wants to know whether with the recent developments.....

**Shri Datar:** After the emergency?

**Mr. Speaker:** Yes.

Shri Datar: No, Sir.

Shri Bhagwat Jha Azad: May I know whether according to the latest report the infiltration, as the hon Minister said just now in reply to Shri Bhakt Darshan, has been on the decrease or on the increase?

Shri Datar: It is very difficult to say whether there is a decrease or increase, but the Government are vigilant.

### पाकिस्तानियों का अवैध प्रवेश

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- \*२६१-
- श्री प्रकाश बीर शास्त्री :
  - श्री जगदेव सिंह सिद्धांती :
  - श्री प्र० चं० बरुआ :
  - श्री ब० कु० दास :
  - श्री स० चं० सामन्त :
  - श्री सुबोध हंसवा :
  - डा० प० मंडल :
  - श्रीमती सावित्री निगम :
  - श्री बी० चं० शर्मा :
  - श्री यशपाल सिंह :
  - श्री कोन्ला वेर्क्या :
  - श्री हेम बरुआ :
  - श्री रा० गि० दुबे :
  - श्री प्र० रं० चक्रवर्ती :
  - श्री भागवत झा आजाद
  - श्री भक्त दर्शन :
  - श्री सख्तू भवानी :
  - श्री श० ना० चतुर्वेदी :
  - श्री बिशनचन्द्र सेठ :
  - श्री प्र० क० वेध :
  - श्री तन सिंह :
  - श्री स० मो० बनर्जी :
  - श्री हिम्मतीसहका :
  - श्री बरवा कोटा :

क्या गृह-कार्य मन्त्री यह बताने की कृपा करेंगे कि :

(क) असम, त्रिपुरा, पश्चिम बंगाल में जो पाकिस्तानी राष्ट्रजन अवैध रूप से प्रवेश कर गये हैं, उन्हें हटाने की दिशा में अब तक और क्या प्रगति हुई है ;

(ख) क्या यह भी सच है कि इन पाकिस्तानी राष्ट्रजनों के कारण त्रिपुरा की जनसंख्या में पिछली जनगणना में ७८.७१ प्रतिशत वृद्धि हुई है ;

(ग) यदि हां, तो इस सम्बन्ध में क्या दृढ़ पग उठाने का सरकार का विचार है ?

गृह-कार्य मन्त्रालय में राज्य मन्त्री (श्री दातार) : (क) इधर जो सूचना मिली है उसके मुताबिक ऐसे पाकिस्तानी, जो गैर-कानूनी तरीके से भारत में आये और जो सन् १९६२ में फिर पाकिस्तान वापस चले गये, अपनी मरजी से या यहां के आदेशानुसार, उनकी संख्या इस प्रकार है :—

असम	८,६०० (सितम्बर तक)
त्रिपुरा	लगभग १०,०००
पश्चिम बंगाल	७७६ (अप्रैल तक)

(ख) जनगणना के आंकड़ों के मुताबिक सन् १९५१ से १९६१ तक त्रिपुरा की मुस्लिम आबादी में लगभग ६७.६६ प्रतिशत बढ़ोतरी हुई ।

(ग) मौजूदा संकटकाल में एक विशेष स्थिति पैदा हो गयी है । लेकिन फिर भी प्रान्तीय सरकार आवश्यकतानुसार कार्यवाही करेगी । भारत सरकार स्वभावतः प्रान्तीय सरकार के इस सम्बन्ध में निकट सम्पर्क बनाये रखेगी ।

श्री प्रकाश बीर शास्त्री : क्या मैं जान सकता हूं कि भारतवर्ष में चीन के आक्रमण से जो नयी स्थिति उत्पन्न हुई है, उसको ध्यान में रखते हुए सरकार ने उन पाकिस्तानी नागरिकों को, जो कि यहां आ कर बस गए हैं, निकालने के कार्य को कुछ ढीला कर दिया है या उस में तेजी लाई है ?

Shri Datar: As the hon. Member has rightly pointed out, the emergency has also to be taken into consideration. All the same so far as the

question of illegal entrants is concerned, Government are pursuing the policy.

**श्री प्रकाश वीर शास्त्री :** जो पाकिस्तानी नागरिक असम, त्रिपुरा और पश्चिमी बंगाल में आ गए हैं, उनके कारण विशेष रूप से असम की आन्तरिक स्थिति इतनी खराब हो गई है कि वह किसी समय भी सरकार के लिए भय का कारण बन सकती है। क्या मैं जान सकता हूँ कि क्या सरकार को कुछ ऐसे भी सुझाव प्राप्त हुए हैं कि जब तक यह संकट कालीन स्थिति रहे, तब तक असम का शासन केन्द्र को अपने हाथ में ले लेना चाहिए? यदि हाँ, तो सरकार का इस बारे में क्या विचार है?

**Shri Datar:** It would not be proper to answer questions in the manner that he wants.

**Mr. Speaker:** He wants to know whether any suggestions have come

**Shri Datar:** Yes it is a suggestion which will not be acceptable.

**श्री जगदेव सिंह सिद्धान्ती :** जब त्रिपुरा में पूर्वी पाकिस्तान से अवैध रूप से कुछ पाकिस्तानी घुसे थे, तो उस समय भारत सरकार ने उनको बाहर निकालने का विचार प्रकट किया था। इस पर पाकिस्तानी विदेश मन्त्री ने कहा था कि अगर ऐसा किया गया, तो हम सब इस मामले को सुरक्षा परिषद् में ले जायेंगे। मैं यह जानना चाहता हूँ कि क्या भारत सरकार ने इस बारे में कोई प्रगति की है, या वह मामला वहीं पर है।

**Shri Datar:** This question has been answered by the Prime Minister once on the floor of this House. The question is already being pursued.

**Shri S. M. Banerjee:** In the statement it is stated:

"The present emergency has created a special situation and yet the State Government will do the needful. Government of India will naturally keep in close touch with the State Government."

What positive steps have been taken by the State Government to avoid further infiltration into Assam?

**Shri Datar:** May I point out that Government are anxious to avoid further infiltration? The question is as to what should be done about those who are already there. I have already answered in this House that Government are taking steps in that respect.

**Shri Koya:** Will Government undertake some steps to see that genuine citizens are not harassed?

**Shri Datar:** Yes, that is the point that Government have to take into account.

**श्री यशपाल सिंह :** क्या यह ठीक है कि जो पाकिस्तानी सिटिजन एक एक महीने के परमिट लेकर आए थे, उनके एक एक महीने के पासपोर्ट एक एक साल तक बढ़ाए गए हैं? यदि हाँ, तो उनकी कितनी तादाद है?

**Shri Datar:** No, Sir. Sometimes they do come on a passport for a limited period. Then they exceed that period, when Government take action for prosecuting them.

**Shri Hem Barua:** On a previous occasion we were told that the Prime Minister has instructed slowing down of the process of expatriation of Pakistanis who have been proved to be illegal entrants into this country? May I know whether that order still stands or it is linked up with the threat of the Foreign Minister of Pakistan to the effect that if they are repatriated serious reprisal would follow?

**Shri Datar:** So far as the talk of the Prime Minister of India with the President of Pakistan is concerned, the question was answered here when the Prime Minister stated that there was only a casual reference to it during the course of a five-minute chat with him in London. So far as the general question is concerned,

Government have to take into account the question as to how these illegal infiltrants should be sent as soon as possible, consistent with the desire not to cause any harassment to the local population.

**Shri Bhakt Darshan:** In reply to a supplementary question the hon. Minister has stated that Government is pursuing the matter. What exactly does he mean by that? What special steps are being taken?

**Mr. Speaker:** What detail does he want?

**Shri Bhakt Darshan:** Have any special steps been taken in the matter? And what does he propose to do for the future?

**Shri Datar:** I have answered this question already. What I have pointed out was that instead of having a mass exodus, there will be a phased programme of exodus.

**Shri Bhagwat Jha Azad:** Does what is mentioned in the statement mean that restrictions will be placed on the movement of such people?

**Shri Datar:** Government are taking all necessary steps in this regard.

**Shri D. C. Sharma:** In Tripura there has been an increase of about 68 per cent in the Muslim population, when the normal increase should have been only 10 or 12 per cent, but only 10,000 people have been served with quit India notices. May I know what phased programme the Government of India and the Assam Government have drawn out so that all these illegal entrants go back as early as possible?

**Shri Datar:** As I stated, Government are anxious to send away these illegal infiltrants as early as possible. At the same time, Government are anxious to see that no harassment is caused to the local population. So, the mass exodus has to be managed on a phased basis.

**Mr. Speaker:** The hon. Minister has referred to the phased programme. What does it mean?

**Shri Datar:** It means that they will not be sent in one batch immediately, but it will be done extending over a period of time.

**Shri S. N. Chaturvedi:** What is the actual number that has been repatriated to Pakistan during the period of three months?

**Shri Datar:** From which State?

**Shri S. N. Chaturvedi:** From all the three States.

**Shri Datar:** So far as Assam is concerned, about 8,600 have already left after quit notices have been served. About 10,000 have already left Tripura. A small number has left West Bengal.

**श्री कमल नयन बजाज :** आनरेबल मिनिस्टर ने कहा है कि जो लोग पाकिस्तान में आते हैं और उनको एक महीने के लिये जो परमीशन दी जाती है, अगर वे उसको एक्स-टेंड करते हैं, तो उन को पनिशमेंट दी जाती है। मैं यह जानना चाहता हूँ कि उन को क्या पनिशमेंट दी जाती है और मैक्सिमम तथा मिनिमम पनिशमेंट क्या है ?

**Shri Datar:** The minimum punishment is fine. The maximum punishment is imprisonment. After the period is over, they are sent out.

**श्री तुलशीदास जाधव :** मैं जानना चाहता हूँ कि उनका नम्बर कितना है जो अवैध रूप से आए हैं ?

**अध्यक्ष महोदय :** इसका जवाब उन्होंने अभी दिया है।

**श्री शिव नारायण :** मैं जानना चाहता हूँ कि इस वक्त कैद में कितने हैं ?

**Shri Datar:** The number there is very small.



## Gujarat Refinery

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 \*292. { Shri Yashpal Singh:  
 Shri P. C. Borooah:  
 Shri Morarka:  
 Shri Bishanchander Seth:  
 Shri Warrior:

Will the Minister of Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 1398 on the 21st August, 1962 and state:

(a) whether a detailed project report for setting up of the Gujarat Refinery has been prepared; and

(b) the further steps that have so far been taken towards the implementation of the scheme?

The Parliamentary Secretary to the Minister of Mines and Fuel (Shri Thimmalah): (a) No, Sir. This is under preparation by Messrs. Tiazpromexport, Moscow.

(b) A statement is laid on the Table of the House. [See Appendix I, annexure No. 70].

श्री यशपाल सिंह : प्राज की जरूरियात को देखते हुए इस कारखाने को एक्सपीडाइट करने के लिये सरकार ने क्या कदम उठाये हैं ?

श्री तिम्मल्ला : रिपोर्ट रशिया से इस महीने आ सकती है। उसके आने के बाद काम होगा।

श्री यशपाल सिंह : सरकार ने क्या देख लिया है कि डिफेंस प्वाइंट आफ व्यू से, मिलिटरी प्वाइंट आफ व्यू से यह जगह कहीं ऐसी साबित नहीं होगी, जैसे कि असम में साबित हुआ है ?

लान और ईथन मन्त्रालय में उपमन्त्री (श्री हजरतबीस) : यह कोयली जगह जो है बड़ोदा के पास है। वहां तक तो कोई खतरा नहीं है।

## Cracker Explosions in Delhi

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 \*293. { Shri Bibhuti Mishra:  
 Shri Bhakt Darshan:  
 Shri Bhagwat Jha Azad:  
 Shri Bishanchander Seth:  
 Shri D. N. Tiwary:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government have succeeded in tracing the persons who were behind the cracker blasts in Delhi for the past few years; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). 27 cases have been worked out so far of which 20 have ended in conviction, 2 in acquittal and 5 are under trial. Efforts are being made to work out the other cases also.

श्री बिभूति मिश्र : पिछली दफा गृह मन्त्री जी ने बताया था कि सरकार इसके बारे में बड़ी सजग है। मैं जानना चाहता हूं कि सरकार ने कहां से इनका सूत्रपात होता है, इसका क्या पता लगा लिया है ?

Shri Datar: The Government have appointed a special squad for this purpose. But all these questions proceed on the assumption that behind all these cases there is a common agency. That common agency is not found. Secondly, a large number of cases are of a minor character.

श्री बिभूति मिश्र : अध्यक्ष महोदय, जो प्रश्न मैंने पूछा था उसका जवाब नहीं दिया गया है। मैं यह जानना चाहता हूं कि इस कांस्पिरेसी में कौन है और किन के जरिये से विस्फोट होते हैं, उनका क्या सरकार ने पता लगाया है और अगर लगाया है तो क्या बात मालूम हुई है ?

अध्यक्ष महोदय : उन्होंने कहा है कि इसके पीछे कोई एक बाडी नहीं है जिसने सारे जुर्म किए हों। बीस को सजा हुई है। दो छूट

गए हैं और कोई ऐसी बाड़ी नहीं निकली है जिसने कांस्पिरेसी करके सारे केसिस किए हैं।

**श्री विभूति मिश्र :** कोई न कोई तो होगी जो इतने दिनों से इनको करती आ रही है। अगर बाड़ी नहीं है तो पचास या कुछ कम या ज्यादा आदमी होंगे। क्या सरकार ने पता लगाया है कि क्या कोई इस तरह का संगठन है ?

**अध्यक्ष महोदय :** उन्होंने कहा है कि नहीं है।

**Shrimati Savitri Nigam:** Recently a very big haul of explosives was organised and it had been seized. May I know whether any clue has been found from that haul as to from where these explosions have been organised?

**Shri Datar:** The clue has been about anti-social elements in general and not about a common element pursuing all of them.

**श्री भक्त दर्शन :** श्रीमान माननीय मन्त्री जी ने कहा है कि इसके बारे में एक विशेष स्क्वैड नियुक्त किया गया है। मैं जानना चाहता हूँ कि पिछले वर्ष जितने मामले हुए थे, इस वर्ष में क्या उनमें कोई कमो हुई है ? यदि नहीं हुई तो इसका क्या कारण है ?

**Shri Datar:** After the appointment of the squad serious incidents are very few.

**Shri Bhagwat Jha Azad:** While appreciating the large number of convictions could we know as to what the hon. Minister means by 'common agency' and whether some agency is behind all these cases?

**Shri Datar:** That is what I made clear. Most of the hon. Members who have been asking questions were perhaps of the view that there was a common agency at the back of all these explosions. No clue to that effect has been found.

**Shri D. N. Tiwary:** May I know whether any of these agencies have been found linked up with any foreign country or foreign power?

**Shri Datar:** It is very difficult to answer this question.

**श्री प्रकाश वीर शास्त्री :** माननीय मन्त्री जी ने अभी कहा है कि यह कहना बहुत कठिन है कि कुछ विदेशी तत्वों का इसमें हाथ है और सम्भव है कि उनकी तरफ से भी ये किये जा रहे हों। लेकिन अभी इसी विभाग के माननीय मन्त्री श्री लाल बहादुर जी शास्त्री ने पिछले अधिवेशन में इस बात को स्वीकार किया था कि . . . . .

**अध्यक्ष महोदय :** लम्बा चौड़ा सवाल न करें। जो सवाल आपको पूछना हो पूछें।

**श्री प्रकाश वीर शास्त्री :** सवाल करने के लिये यह कहना आवश्यक है . . . . .

**अध्यक्ष महोदय :** आप सवाल कीजिये, पिछली कहानी न बताइये।

**श्री प्रकाश वीर शास्त्री :** मैं जानना चाहता हूँ कि जब सरकार बार बार इस प्रकार की घोषणाएँ करती रहती है कि विदेशी तत्वों का हाथ भी हो सकता है, राजनीतिक दलों का हाथ भी हो सकता है तो यह क्या वह अपनी असफलताओं को छिपाने के लिये करती है अथवा सरकार अभी तक किसी तथ्य पर पहुँच नहीं पाई है ?

**Shri Datar:** What was pointed out was, a number of alternative suggestions were made to the Home Minister.

**Mr. Speaker:** He wants to know, in view of the observation of the Minister that it is not possible to say that there was any foreign agency, whether the Government has not been able to trace that agency or whether there was none.

**Shri Datar:** No, Sir. There is no question of our failure to pursue the matter because a foreign agency was

there. That was one of the clues that was being followed.

**Shri Maheshwar Naik:** On a previous occasion we were told on the floor of the House that a flying car was suspected to have perpetrated the crime of throwing crackers. May I know whether the source has been traced through this channel?

**Shri Datar:** I have already pointed out that that was one of the clues that was followed.

### शारीरिक शिक्षा और युवक कल्याण सम्बन्धी समन्वय समिति

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\*२६४. { श्री भक्त दर्शन :  
श्री भागवत झा आजाद

क्या शिक्षा मन्त्री २६ अगस्त, १९६२ के अतारंकित प्रश्न संख्या १६३० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या शारीरिक शिक्षा मनोरंजन व युवक कल्याण की विभिन्न योजनाओं के समन्वय के लिये सुझाव देने के लिये नियुक्त समिति ने इस बीच अपना काम पूरा कर लिया है ;

(ख) यदि हां, तो क्या उस समिति की रिपोर्ट अथवा उसके द्वारा की गई सिफारिशों का संक्षिप्त विवरण सभा पटल पर रखा जायेगा ;

(ग) यदि अभी तक उस समिति का काम पूरा नहीं हुआ है, तो देर के क्या कारण हैं ; और

(घ) समिति अपनी रिपोर्ट कब प्रस्तुत कर देगी ?

**The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna):** (a). No, Sir.

(b) Does not arise.

(c) Due to the illness of the Chairman.

(d) It is difficult to set any target date for the completion of the work of this Committee.

**श्री भक्त दर्शन :** श्रीमन्, क्या इसका यह अर्थ लगाया जाए कि जैसी विषम परिस्थिति पैदा हो गई है, उसमें इस कमेटी का कार्य बिल्कुल समाप्त हो गया है, अर्थात् इसको सदैव के लिए स्थगित कर दिया जाएगा ?

**Shri M. R. Krishna:** This Committee had several sittings. They also visited various States and institutions. In a recent meeting of the committee, they have entrusted the responsibility of preparing the report to one of the members. Now, it is awaiting the arrival of the Chairman. The moment the Chairman is well, the committee may finalise the report.

**श्री भक्त दर्शन :** श्रीमन् इस कमेटी के चैयरमैन, जो एक आदरणीय व्यक्ति हैं, उनके होते हुए भी क्या मैं यह पूछ सकता हूँ कि जब वह इतने दिनों से बीमार थे तो क्यों नहीं किसी दूसरे व्यक्ति को इसका अध्यक्ष नियुक्त करके इसकी रिपोर्ट प्राप्त की जाती है ?

**अध्यक्ष महोदय :** क्योंकि आस है कि वह जल्दी अच्छे हो जायेंगे ।

**Shri Bhagwat Jha Azad:** May I know whether in the light of the present circumstances, the Government propose to refer to this committee questions like rifle training and civil defence for an integrated report to be submitted to the Government and if so, when?

**The Minister of Education (Dr. K. L. Shrimall):** Though the committee has not submitted its report, the Government propose to take several measures to strengthen physical education and the National Discipline Scheme. In fact, we are at present considering a proposal to introduce physical education and the National Discipline Scheme on a compulsory basis in all the educational institutions throughout the country.

**Shri Maheshwar Nalk:** Without waiting for the submission of the report of the committee, may I know whether the Government is proposing to go ahead with whatever programme is necessary for the defence of the country at the moment?

**Dr. K. L. Shrimall:** I have answered that question.

**श्री भक्त दर्शन :** श्रीमन् क्या माननीय मन्त्री जी यह बतलाने की कृपा करेंगे कि इस कमेटी के जो अध्यक्ष हैं, वह आदरणीय व्यक्ति होते हुए भी और बीमार होते हुए भी और कितनी कमेटियों के अध्यक्ष हैं ?

**Dr. K. L. Shrimall:** I have no idea about this matter. As I said, our work has not been affected in any way because of the delay in submission of this report. As I just pointed out, the Government are taking necessary steps to strengthen the National Discipline scheme and the physical education programme. As I said, we have at present a proposal to introduce physical education and the National Discipline scheme on a compulsory basis throughout the country.

#### Limited I.A.S. Examination

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- \*295. { **Shri Bhakt Darshan:**  
**Shri Surendra Pal Singh:**  
**Shri Bhagwat Jha Azad:**

Will the Minister of Home Affairs be pleased to state:

(a) whether Government have since taken final decision regarding the limited I.A.S. competitive examination; and

(b) if so, what are the details thereof and by what time Government propose to hold the said examination?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) and (b). The scheme is still under consideration.

**श्री भक्त दर्शन :** क्या यह बताया जा सकता है कि देर से देर कब तक इस बारे में फैसला हो जायेगा ?

**Shri Datar:** It will take a few months. We shall have to consult the State Governments also.

**श्री भक्त दर्शन :** क्या यह बतलाने की कृपा की जाएगी कि किस आधार पर यह विशेष भरती की जा रही है यानी कौनसी इसमें विशेषतायें होंगी ? अर्थात् जो साधारण रिज्यूटमेंट होती है, यूनिवर्स पब्लिक सर्विस कमिशन के द्वारा, उसमें और इसमें क्या अन्तर होगा ?

**Shri Datar:** I may invite the hon. Member's attention to the Central Pay Commission Report. They suggested that there ought to be, in addition to the annual competitive examination, a limited competitive examination open to the State and Central Government servants of classes II and III so that we can have experienced people at a higher level.

**Shri Bhagwat Jha Azad:** May I know whether the State Governments, when they were referred to, have expressed their opinion on this scheme?

**Shri Datar:** We have yet to receive the opinions of all the State Governments. Some State Governments are in favour.

**श्री राखेलाल व्यास :** मैं यह जानना चाहता हूँ कि अभी जो जोग भालरेडी सर्विस में हैं, उनमें से जो लोग लिये जाते हैं उनके अनुपात को बढ़ाया क्यों नहीं जाता है ?

**Shri Datar:** As at present, we have already increased the number of direct recruits as the hon. Member will be aware. Secondly we also take about 25 per cent from the State services. It was considered that a third avenue should also be pursued with a view to get people of a higher age with greater experience.

**Shri Vishram Prasad:** Since it was declared some time back that the Medical and Economic Services will also be constituted as all-India services, may I know whether Government are proposing to conduct examinations for these Services?

**Shri Datar:** This question relates to the IAS not to the Medical and Economic Services.

**Shrimati Lakshmikanthamma:** Is it a fact that the age relaxation differs as between the different departments and the people from the Central Ministries and Department have a different age rule?

**Shri Datar:** There is no question of any difference.

**Shri Abdul Ghani Goni:** In view of the fact that seats have been reserved for the various States, may I know whether the Central Government have issued any direction to the Public Service Commission to fix the number of candidates to be selected from various States?

**Shri Datar:** We are fixing the number so far as the cadres in the various States are concerned after ascertaining their requirements.

#### Gauhati Refinery

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- \*296. { **Shri D. C. Sharma:**  
**Shri Bishanchander Seth:**  
**Shri Y. D. Singh:**  
**Shri P. Venkatasubbaiah:**  
**Shri Lakhmu Bhawani:**  
**Shri Rameshwar Tantia:**  
**Shri Ram Ratan Gupta:**

Will the Minister of Mines and Fuel be pleased to state:

(b) whether it is proposed to withdraw Rumanian experts working at the Gauhati refinery;

(b) whether personnel to work in their place have been sufficiently trained;

(c) whether a proposal to expand the refinery is under consideration; and

(d) if so, the details thereof?

**The Parliamentary Secretary to the Minister of Mines and Fuel (Shri Thimmaiah):** (a) Yes, Sir. They will leave by the middle of 1963 progressively.

(b) and (c). Yes, Sir.

(d) Expansion of the refinery is under discussion with the Oil India Limited, who are investigating the question of availability of crude oil in the light of the latest development in the oil fields.

**Shri D. C. Sharma:** How many Rumanian technicians are there in this refinery, and how many of them are going away, and are some of them still going to stay here for some time?

**Shri Thimmaiah:** There were 48 Rumanian technicians. Now, there are only 14 technicians who will also be progressively sent back, and all of them will be sent back by the middle of 1963.

**The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajaravis):** I may add that that was our intention some time back, I cannot vouchsafe that that is the position now or the programme now. More than that I cannot say.

**Shri D. C. Sharma:** May I know whether any arrangements for the training of the different cadres of refinery experts exist at this refinery and elsewhere, and if so, what they are?

**Shri Thimmaiah:** The training is continuously given to our officers. Now, there are about 53 officers who have been trained, and they are working side by side with the Rumanian technicians.

### Whitley Councils

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- \*297. { Shri Bhagwat Jha Azad:  
Shri Rameshwar Tantia:  
Shri Ram Ratan Gupta:  
Shri Basumatari:  
Shri S. M. Banerjee:  
Shri Daji:  
Shrimati Savitri Nigam:  
Shri Shree Narayan Das:  
Shri Bhakti Darshan:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 138 on the 8th August, 1962 and state:

(a) whether a final decision has been taken to establish Whitley Councils for Central Government employees; and

(b) if not, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) No.

(b) The issues involved are of a complicated nature and require very careful consideration before a final decision is taken.

Shri S. M. Banerjee: During the emergency, industrial harmony is the need of the hour. May I know when a final decision is likely to be taken in this matter?

Shri Datar: It is likely to be taken early. That is all that I can say today.

Shri S. M. Banerjee: The hon. Minister had stated previously that before taking a final decision or before approving the constitution of the councils, if necessary, the Central Government employees' unions will be consulted. May I know whether he still stands by that promise?

Shri Datar: It was considered advisable that the Minister of Labour and Employment might have a further consultation with the service associations. Such informal consultations have been completed, and the

matter is now nearing final consideration.

Shri Priya Gupta: May I know the direct or indirect impact of establishing these Whitley Councils on the recognised unions in respect of resolving the disputes by a body like the permanent negotiating machinery in the railways, and any other Central Government establishments and terms of reference of employees' unions or organised labour unions?

Shri Datar: I would only like to answer this question in a general way that Government are trying to bring about the largest measure of co-ordination to bear upon the solution of this question. That is the reason why the matter is being pursued.

Shrimati Savitri Nigam: When did the Pay Commission recommend the formation of these Whitley Councils and why so much delay has taken place?

Shri Datar: That is what I have pointed out. Government thought that a further consultation with service associations would be desirable with a view to evolve a common agreement.

Shrimati Savitri Nigam: When did they recommend this?

Mr. Speaker: Order, order.

श्री भक्त दर्शन : क्या माननीय मन्त्री जी यह आश्वासन देने की स्थिति में हैं कि युद्ध की विषम स्थिति होते हुए भी इस मामले को जल्दी से जल्दी तय किया जायेगा और ये कौंसिलें बनाई जायेंगी ?

Shri Datar: I give that assurance in a general way.

Shri Bhagwat Jha Azad: After going into this matter after the Pay Commission's recommendation and on the basis of our experience in different departments in regard to the negotiating machinery what other methods are Government going to consider? What are those great difficulties in the way?

**Shri Datar:** The hon. Member will kindly wait for a few months.

**Shri D. C. Sharma:** In view of the fact that the Whitley Councils have not yet come into being has the Government of India any machinery at present to settle any differences between Government and its staff?

**Shri Datar:** So far as the present machinery is concerned, we have got Staff Councils—Junior Staff Councils and Senior Staff Councils—where questions of common interest are always discussed.

**Shri S. M. Banerjee:** If I heard the hon. Minister right, he said in reply to a supplementary that the hon. Member should wait for a few months. Since the emergency and the passage of the Bill, the Unions will not go on strike, thus keeping industrial harmony. I therefore want to know why a few months are required to finalise this since we have already taken two years on this?

**Shri Datar:** Government are trying their best to come to a final conclusion in the light of the consultations that they had recently.

#### Motels in Delhi

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\*298. { **Shri Subodh Hansda:**  
          **Shri S. C. Samanta:**  
          **Shri N. R. Laskar:**  
          **Shri M. L. Dwivedi:**  
          **Shri P. C. Borooah:**  
          **Shri Yashpal Singh:**  
          **Shri D. N. Tiwary:**  
          **Shri Indrajit Gupta:**  
          **Shri Mate:**

Will the Minister of Mines and Fuel be pleased to state:

(a) whether it is a fact that the Indian Oil Company propose to set up a few motels in Delhi;

(b) if so, whether the proposal has been finalised;

(c) whether the Delhi Administration has approved this scheme; and

(d) if not, what steps are being taken to expedite the matter?

**The Parliamentary Secretary to the Ministry of Mines and Fuel (Shri Thimmaiah):** (a) At the present moment there is no proposal for setting up motels in Delhi.

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

#### Sports Inquiry Committee Report

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\*299. { **Shri Bhakt Darshan:**  
          **Shri P. K. Deo:**  
          **Shri Bhagwat Jha Azad:**  
          **Dr. L. M. Singhi:**

Will the Minister of Education be pleased to state:

(a) whether the Committee to report on the improvement of sports has submitted its report;

(b) if so, its main recommendations; and

(c) whether reasons for the failure of Indian Hockey team in the Asian games at Jakarta have been enquired into and, if so, the finding thereon?

**The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna)** (a). No, Sir.

(b) Does not arise.

(c) No, Sir.

**श्री भक्त दर्शन :** यह प्रश्न इस सदन के सामने कई बार आ चुका है। तो क्या माननीय मन्त्री जी इस पर कुछ प्रकाश डालने की कृपा करेंगे कि आखिर इस देरी का कारण क्या है ? श्री जयपाल सिंह भी आप मौजूद नहीं है उन्होंने भी आश्वासन दिया था कि जल्दी से जल्दी इसे पूरा किया जायेगा।

**Shri M. R. Krishna:** The Committee was constituted by the All India Sports Council and not by the Government of India. It has been given a lot of time to prepare its report.

It has visited various States and promised to submit its report. Unfortunately, so far the report has not been submitted.

**श्री भक्त दर्शन :** क्या गवर्नमेंट इस बात को अनुभव करती है कि रोम में जो हमारी पराजय हुई थी और उसके बाद जकार्ता में भी हमें हार का मुंह देखना पड़ा, और अब दूसरे इंटरनेशनल गैम्स होने वाले हैं, ऐसी हालत में जब इसमें इतनी देरी की जा रही है तो कब रिपोर्ट आयेगी और कब उस पर अमल किया जायेगा ?

**Shri M. R. Krishna:** The All India Hockey Federation has taken all possible steps to strengthen the hockey team. I do not think it would have made very substantial difference if the report were to be submitted.

**Shri Bhagwat Jha Azad:** Apart from the All India Sports Council, have Government on their own initiative enquired as to what were the reasons for the dismal failure of our team in the Asian Games?

**Mr. Speaker:** It is a different question.

**Shri S. M. Banerjee:** Since the submission of the report is taking a long time, will the Committee be asked to submit an interim report, specially about our reverses in hockey?

**Mr. Speaker:** He has answered it.

**Shri S. M. Banerjee:** I was asking about an interim report.

**Shrimati Savitri Nigam:** Is the hon. Minister aware that because of the delay in submission of the Report, a dispute is going on in the Hockey Association of India as well as other associations and the hockey game is suffering a lot?

**Mr. Speaker:** She is giving information.

**Shri Vidya Charan Shukla:** What kind of improvements, and in which sphere, are contemplated by Govern-

ment, recommendations regarding which are expected from this Committee?

**Shri M. R. Krishna:** The All-India Hockey Federation is an independent organisation, and it has taken stock of our performance in the Rome Olympics. On that they have made various improvements. They had intensive training, and also picked up very young players. Unfortunately in Jakarta, one of our players was injured, therefore we could not do better.

**Shri Fatehsinhrao Gaekwad:** Is it a fact that some important members refused to appear as witnesses before this committee, and if so, why?

**Shri M. R. Krishna:** I will not be able to give that answer, because the committee's report is not yet before the Government.

**Shri Hari Vishnu Kamath:** Is the scheme known as the Rajkumari Coaching Scheme still actively functioning, and if so, what steps has that scheme taken in this direction so far?

**Mr. Speaker:** That has nothing to do with it.

**Shri Hari Vishnu Kamath:** It is a matter of sports.

**Mr. Speaker:** It is not a matter of sports, it is one particular committee.

**Strike by Students of Delhi School of Planning and Architecture**

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\*300. { **Shri Bhagwat Jha Azad:**  
**Shr Bhakt Darshan:**  
**Shrimati Savitri Nigam:**  
**Shri Yashpal Singh:**  
**Maharajkumar Vijaya**  
**Ananda:**

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether a strike was resorted to by the students of the Delhi School



of Planning and Architecture in August last;

(b) when the strike was called off; and

(c) whether any investigations have been made into the complaints of the students and their grievances redressed?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Yes, Sir.

(b) On the 28th September, 1962.

(c) The students did not make any complaint before they went on strike, but later circulated an unsigned memorandum of alleged grievances. The Board of Governors of the School has appointed a four-man Committee to examine them as well as the working of the School with particular reference to the Architecture Department and to suggest measures for its smooth and efficient working.

**Shri Bhagwat Jha Azad:** May I know whether to maintain good relations between the teachers and the taught, this four-man committee has made any recommendations and, if so, have they been implemented?

**Shri Humayun Kabir:** The committee has not yet submitted its report. It is still making investigations.

**श्री भक्त दर्शन :** श्रीमान्, क्या कोई ऐसी व्यवस्था की गयी है कि भविष्य में ऐसी घटनाएं न होने पाएँ ?

**श्री हुमायून् कबिर :** जैसा मैंने बतलाया, इसकी पहले से कोई इतला नहीं दी गयी थी। स्टूडेंट्स ने यह नहीं बतलाया कि उनका क्या ग्रीव्स है और कुछ स्टूडेंट्स स्ट्राइक पर चले गए। वह लोग अब अच्छी तरह काम कर रहे हैं। लेकिन आयन्दा स्ट्राइक न हो इसके लिये कमेटी नियुक्त की गयी है।

**Shrimati Savitri Nigam:** What were the main points in the unsigned memorandum given by the students?

**Shri Humayun Kabir:** There were three points. One was that the

school should be administered directly by the Delhi University and not by its governing body. The second point was that they thought that the Principal was not very sympathetic. The third point was that they thought the teachers were not very sympathetic.

**श्री राम सेवक यादव :** मैमोरेण्डम की जो तीन शिकायतें श्री मन्त्री महोदय ने बतायीं, उनकी जो अब तक जांच हुई है क्या उससे पता चलता है कि उनमें कुछ सत्य है ?

**श्री हुमायून् कबिर :** इसमें जो पहली बात है वह सच नहीं है। वह दिल्ली यूनीवर्सिटी से एफिलिएटड है, और जैसे दूसरे कालिजों में गवर्निंग बाडी होती है वैसे ही उसमें भी है जिसमें यूनीवर्सिटी के भी रिप्रजेंटेटिव हैं। अब कोई स्कूल या कालिज डाइरेक्ट यूनीवर्सिटी के ग्रन्डर में रहे, यह मामला स्टूडेंट्स का नहीं है, यह मामला तो आथॉरिटीज और यूनीवर्सिटी का है। दूसरी जो दो शिकायतें टीचर्स और प्रिंसिपल के सिम्पैथेटिक न होने की हैं उनके बारे में कोई एक्जेंडेंस नहीं है। मेरे ख्याल में वे बिल्कुल गलत हैं।

**श्री दशराम सिंह :** क्या यह सही है कि अभी भी विद्यार्थियों में असन्तोष है और उन्होंने अक्तूबर में भी एक रिप्रजेंटेशन दिया था ?

**श्री हुमायून् कबिर :** जैसा मैंने कहा, यह खत्म हो गया और वे लोग क्लासों में काम कर रहे हैं। अब इस मामले को उकसाइए मत। वे अच्छी तरह काम कर रहे हैं और उनको बतला दिया गया है कि स्टूडेंट्स के लिये स्ट्राइक से खराब कोई दूसरी चीज नहीं हो सकती। वे लोग दो बार मुझ से मिले थे और मैंने उनको बताया कि उनके लिए स्ट्राइक से ज्यादा गलत कोई चीज नहीं हो सकती क्योंकि इसमें उनका ही नुकसान होता है किसी दूसरे का नुकसान नहीं होता। उन्होंने इस बात को मान लिया है अब इसको मत उकसाइए।

### Coal in Singrauli Colliery

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\*302. { Shri Bishwanath Roy:  
Shrimati Maimoona Sultan:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether work regarding exploration for coal in Singrauli area is going on satisfactorily; and

(b) if so, whether any new coal seam of importance has been recently discovered there?

**The Parliamentary Secretary to the Minister of Mines and Fuel (Shri Thimmaiah):** (a) Yes, Sir.

(b) A new coal seam about 74 metres thick has recently been proved by exploratory drilling by the Geological Survey of India.

**Shri Bishwanath Roy:** May I know whether some arrangements have been made for exploitation of the coal deposits there?

**Shri Thimmaiah:** At present two drilling machines have been employed by the Geological Survey of India, and a total of four drilling machines will eventually be used in this field in future.

**Shri Bishwanath Roy:** May I know whether any time has been fixed for starting exploitation of the coal deposits?

**Shri Thimmaiah:** No, Sir.

**Shri Vidya Charan Shukla:** Is it not a fact that Andhra Pradesh Government asked for greater allotment of funds to take up this colliery exploration work so that the coal position not only improves but there is no unnecessary movement of coal from the North?

**Shri Thimmaiah:** It does not arise out of this question.

**Shri Hari Vishnu Kamath:** Will you decide it, Sir; or the Minister?

**Mr. Speaker:** It is not decided by the Minister he puts it to me and he

gives his opinion. If I agree I pass on to the next question.

**Shri Hari Vishnu Kamath:** There should be more courtesy to the Chair.

**Mr. Speaker:** The question was whether Andhra Pradesh has demanded funds: the relevant answer may not be ready. Next question.

**Shri Harish Chandra Mathur:** Sir, I want to rise on a point of order. This report by Shri VTK was placed on the Table by the Planning Minister. I gave notice that it should be discussed. That motion has been admitted and that will also be replied to by the Planning Minister. But this question is replied to by the Home Minister and we do not know where we stand. What is the distribution? How is it done? Should the question be put to the Home Minister or the Planning Minister?

**Mr. Speaker:** I cannot answer it straightaway unless I see the distribution list but I will look into it just now.

### V. T. Krishnamachari's Report on Administrative Services

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\*303. { Shri Daji:  
Shri S. M. Banerjee:  
Shri Bhakt Darshan:  
Shri Bhagwat Jha Azad:  
Shri Bibhuti Mishra:  
Shri Sonavane:  
Shri E. Madhusudan Rao:

Will the Minister of Home Affairs be pleased to state whether Government have taken any decision to implement the recommendations of Shri V. T. Krishnamachari's report on administrative services?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** The Ministry of Home Affairs is concerned with Part I of the Report. A statement showing the action taken on the various recommendations contained therein is placed on the Table of the House. [Placed in the Library. See No. LT-572/62.]

**Mr. Speaker:** Can he answer the objection taken up by Shri Mathur? If he can, he may just say that.

**Shri Datar:** We received this question and we found that Part I concerned the Home Ministry and therefore, we have answered it. I have no objection if it goes to the Planning Commission.

**Shri Daji:** It is better to send it to the Planning Commission as we will get a good reply. Only one part has been given.

**Mr. Speaker:** I will see what we have done with the second part.

**Shri Daji:** I would like to know whether these three points have all been implemented. What about the first point? Why is it still under consideration?

**Shri Datar:** One point with which we are directly concerned is the raising of the age of retirement of the All India Service Officers. The other was about having an advisory council for the National Academy of Administration. With regard to the latter, Government have accepted the position that there ought to be such an advisory council. Government are also considering sympathetically the question of having refresher courses. So far as the age of retirement is concerned, it is a larger question and Government have to consider the matter first so far as the Central employees are concerned. Then this question will have to be taken into consideration in consultation with the State Governments because these are All-India Service Officers.

**Shri Daji Sir,** I crave your protection. My question is a simple and straight question. Only two points have been accepted and the remaining are under consideration. My question was whether those points which have been accepted have been implemented.

**Shri Datar:** In respect of the other question, it is the State Governments which come into the picture.

**Mr. Speaker:** He asks about the points that have been accepted. Have they been implemented?

**Shri Datar:** That is what I stated. Government have been taking steps to implement the points which have been accepted.

**Shri Daji:** I want to have a clarification, Sir. I want to put only one question.

**Mr. Speaker:** I will allow him another opportunity.

**Shri S. M. Benerjee:** The hon. Minister stated that one of the recommendations was to raise the age-limit of retirement for all-India service officers from 55 to 58 or whatever it is. I want to know whether the Government of India has accepted this in respect of the Central services or whether they are still awaiting a decision of the State Governments.

**Shri Datar:** This question was already answered. The Home Minister, the other day, answered in this House and the other House that this question was under the active consideration of the Government, namely, whether the age of retirement should be raised from 55 to 58. He pointed out certain considerations in favour thereof. The Government have not come to a final decision and the question of the age of retirement of all-India service officers will be considered after the Government have come to a decision and in the latter case the State Governments also will have to be consulted.

**Shri S. M. Banerjee:** May I seek your protection, Sir?

**Mr. Speaker:** I do not see any danger to him.

**Shri S. M. Banerjee:** The hon. Minister stated in this House what the Government are proposing to do. In this House there were certain Members who expressed the view that because of this emergency some good people may retire. So, I want to know, when a decision is likely to be taken

and whether it will have retrospective effect.

**Mr. Speaker:** How can he say that if the decision has not yet been taken? Before a decision is taken on this question, how can he say what they are going to do in the future?

**श्री भक्त दर्शन :** श्रीमन्, अनी बताया गया है कि केन्द्रीय सरकार के कर्मचारियों के रिटायर होने, अर्थात् उनके अवकाश ग्रहण करने की आयु को बढ़ाने के प्रश्न पर विचार किया जा रहा है, लेकिन कुछ ही दिन पहले माननीय गृह मन्त्री जी यह घोषणा कर चुके हैं कि अवकाश ग्रहण करने की आयु को बढ़ाने के बारे में करीब करीब निश्चय हो चुका है अतः मैं यह जानना चाहता हूँ कि क्या सरकार ने देश की बेरोजगारी और इस निर्णय का राज्यों के कर्मचारियों पर क्या प्रभाव डेगा, इन पहलुओं पर विचार कर लिया है ?

**Shri Datar:** The Home Minister made the whole position clear and also pointed out certain considerations which were in favour of it, and he stated that a final decision is yet to be taken.

**Mr. Speaker:** Members are only arguing the same case and are not asking for any fresh information.

**Shri Bhagwat Jha Azad:** Since the raising of the age-limit for retirement of the Central Government officers will have its effect upon the State Governments also, may I know whether in coming to a conclusion the Central Government will take a decision *suo motu* or will consult the State Governments and then decide the question?

**Shri Datar:** I have already answered it.

**Mr. Speaker:** It has been already answered. He said that the State Governments would be consulted.

**Shri Bhagwat Jha Azad:** The hon. Minister says that for the Central Government servants, the age of

retirement will be raised and then the State Governments will be consulted in regard to their own sphere. Because this will have an effect on the State sphere also, I want to know whether the Central Government will consult the State Governments or not.

**Shri Datar:** So far as the Central Government servants are concerned, it is true that the Central Government can take a decision on its own initiative. So far as the all-India service is concerned, the Government have to consult the State Governments. But generally, in all these respects, even though not technically or formally, the Government takes into account the views of the State Governments.

**श्री विभूति मिश्र :** माननीय मन्त्री जी ने अपने बयान में बताया है :

"Rural development may be included as a subject of study in the foundational course.

Visits to one or two rural development centres and study in the Planning Commission for two or three days may be included in the programme of Bharat Darshan."

मैं यह जानना चाहता हूँ कि चूंकि रूरल डेवलपमेंट का काम बहुत महत्वपूर्ण है, इस लिये क्या इस कोर्स से ही काम चल जायेगा, या सरकार इसमें इजाफ़ा करेगी, ताकि गांव वालों को वह पूरी मदद दे सके।

**Shri Datar:** The Government are anxious to consider this question as sympathetically as possible. They are anxious that there ought to be such courses.

**Shri Tyagi:** In view of the past experience where extensions had been sanctioned to Government servants liberally and Government servants lost their initiative because they had to cater to the will of the Ministers or somebody else, will the Government see to it that this time extension is made absolute and not discretionary, based on efficiency etc.?

**Mr. Speaker:** It is a suggestion for action.

**Shri Daji:** May I know whether those points which have been sent to the State Governments are for implementation or whether the States are free to consider them and reject or accept them?

**Shri Datar:** Some of them concern the State Governments directly, and there, they have their initiative.

**Shri Tyagi:** My question was perhaps not understood. I want to know whether it will be an absolute extension or whether it will be left to the discretion of the Government.

**Mr. Speaker:** When the hon. Member put it earlier, that was clearly a suggestion for action. I said it was a suggestion for action. He has now improved upon it and put it in a different form, whether it would be absolute, and so on.

**Shri Tyagi:** Will it be still discretionary or absolute?

**Shri Datar:** These are details with regard to the finalisation about the age of retirement. I would request the hon. Member to wait for sometime.

**Dr. L. M. Singhvi:** May I know what is the extent of shortage in the IAS cadre and to what extent it would be met by raising the age of retirement?

**Shri Datar:** There was some shortage, and therefore the number has been increased. The hon. Member will find that already we have taken action so far as this question is concerned. The number has been increased. In 1959 we took 73 in the IAS cadre and in 1961 another 99 have been taken. Still there is a general shortfall.

**Dr. L. M. Singhvi:** Sir, I seek your protection. I want an answer to the second part of my question. I want to know to what extent it would be met by the increase in the age of retirement. After all, that position must be before us.

2171 (Ai) LSD—2.

**Shri Datar:** That is a hypothetical question regarding the increase in the age of retirement.

**Mr. Speaker:** He wants to know whether Government have considered that aspect or not.

**Shri Datar:** The Government will consider that aspect at a proper time, not now.

**Mr. Speaker:** That means the Government have not still considered it.

**Shri A. P. Jain:** The question relates to raising the age of retirement. In reply to a supplementary the hon. Minister did not give an unequivocal answer whether it would be optional or it would be compulsory. How does that question arise? When the age of retirement is being raised it must be compulsory.

**Shri Datar:** The question has got certain implications as to whether the age of retirement has to be increased as a matter of course in the case of government personnel or whether certain conditions have to be laid down before it is allowed to be raised.

**Shri Tyagi:** This is a policy which will upset the whole administration, if it is left discretionary. Therefore, may I know if the Government will take the House into confidence when they take a final decision?

**Mr. Speaker:** Order order—Shri Harish Chandra Mathur.

**Shri Harish Chandra Mathur:** The hon. Minister just now stated that they would consult the State Governments so far as the All-India Services are concerned. May I know whether they have already consulted and, if so, what is the reaction of the various State Governments regarding the raising of the superannuation age and, more particularly, in the context of the reaction which it is to have in their own States?

**Shri Datar:** I have made it clear that the State Governments would be consulted in respect of the All India Services after the Union Government

have taken a decision about the Central Government employees.

**Mr. Speaker:** Shri Venkatasubbaiah:

**Shri Harish Chandra Mathur:** They have not yet been consulted?

**Mr. Speaker:** Order, order. If any discussion is wanted that could be had, but how can we go on indefinitely? The hon. Minister has given whatever answer he has. If hon. Members are not satisfied they know how to get a discussion over the whole matter.

**Shri Tyagi:** Sir, my question has not been answered. May I know whether in coming to a final decision in the matter of making it absolute or discretionary the hon. Minister will take the House into confidence?

**Mr. Speaker:** As the hon. Minister did not answer that part the hon. Member is complaining. He wants to know whether the House would be taken into confidence.

**Shri Datar:** Is it a general question or regarding the age of retirement.

**Mr. Speaker:** Age of retirement.

**Shri Datar:** The question with which we are concerned is the report of Shri Krishnamachari. That is a general question. So far as the age of retirement is concerned, the Government will take a decision in due course.

**Shri Tyagi:** What about the House?

**Mr. Speaker:** He wants to know whether Parliament would be taken into confidence?

**Shri Datar:** I do not think it might be possible.

**Shri Tyagi rose—**

**Mr. Speaker:** Order, order. I cannot allow any further discussion on that.

**Shri P. Venkatasubbaiah:** From the statement laid on the Table I find that

as per recommendation No. 12 the State Governments have been requested to appoint IAS officers in charge of districts only after seven years.

**Mr. Speaker:** What is his question?

**Shri P. Venkatasubbaiah:** May I know whether it is a fact that many State Governments are not acting up to the recommendation contained in No. 12, with the result that there is inefficiency in the administration at the district level?

**Shri Datar:** We received the report only a few months ago and we have consulted the State Governments. It is still for the State Governments to send their replies.

#### Education of the Handicapped

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\*304. { **Shri D. C. Sharma;**  
**Shrimati Maimoona Sultan;**  
**Shri Sham Lal Saraf;**

Will the Minister of Education be pleased to state:

(a) whether the All India Federation of the Deaf at a meeting held in September, 1962, in Delhi stressed the inadequacy of Educational facilities for the handicapped;

(b) if so, what main demands were voiced at the meeting in regard to improvement of the educational facilities for the handicapped; and

(c) whether Government have included a comprehensive scheme for the purpose in the Third Plan; if so, the details thereof?

**The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran):** (a) and (b). The Federation convened a meeting on the 23rd September, 1962 to observe the Fifth International Day of the Deaf. The resolutions adopted at this meeting have not yet been formally communicated to the Government of India.

(c) A statement showing the schemes included in the central sector of the Third Plan for the education of the handicapped is laid on the

Table of the House. [See Appendix I, annexure No. 71].

**Shri D. C. Sharma:** What is the amount of money set apart in the Third Plan for the deaf and the handicapped? Will it be distributed to all the States?

**Shrimati Soundaram Ramachandran:** Yes, Sir. It is a little less than Rs. 1 crore, part of which has already been distributed. All the needs of the States will be taken into consideration.

**Shri D. C. Sharma:** May I know whether any break-up can be given of the assistance given to the different States in this respect, either for this year or for the whole Third Plan?

**Shrimati Soundaram Ramachandran:** No, Sir, there is no separate break-up, but the Plan has been worked out for the blind, deaf and orthopaedically handicapped. It is meant for the development of Model School for Blind Children, Dchra Dun, expansion of training centres for women, adult deaf training centres, voluntary organisations, workshop for blind, library and general scholarships for all the categories. We give assistance wherever there is a reasonable demand. Of course, we have not set apart amounts for each category.

**Shrimati Savitri Nigam:** Is the Education Ministry aware of the actual number of handicapped in the country? What is the percentage of the handicapped which is getting any education, technical or vocational, from the money set apart by the Education Ministry?

**Shrimati Soundaram Ramachandran:** The correct statistics of each category separately is certainly not available. Ours is only a rough estimate. Out of that I am very sorry to say, we have done very little for each category of handicapped persons, either for education or for rehabilitation. The first serious attempt was made only in the Third Plan. States have also to co-operate in sending their plans

for training personnel as well as for implementing the Plan.

**Shri A. P. Jain:** What is the agency for the distribution of this money, the Social Welfare Board or the State Government? On what basis is the money distributed?

**Shrimati Soundaram Ramachandran:** Certain items relating to the welfare part of the handicapped have been transferred to the Social Welfare Board, but actual education, rehabilitation, running of workshops etc. are done by the State Governments. Then, certain voluntary institutions working for the education and rehabilitation of the handicapped, as recommended by the State Governments, are given building grants, scholarships etc.

**Shrimati Savitri Nigam:** May I know whether the recommendations made in the various seminars and conferences organised by the Education Ministry in the year 1956 and later on have been implemented or not?

**Shrimati Soundaram Ramachandran:** Yes, Sir. One of the recommendations is to constitute the National Board for the Handicapped. It has been implemented and a board has been constituted. Even the first meeting was due to be held on the 23rd but, unfortunately, because of the emergency condition, we have just now cancelled it. We are calling a few experts to chalk out a full plan for the rehabilitation, which is much more important than other things.

**Shrimati Sarojni Mahishi:** In view of the fact that no active measures are being taken to rehabilitate the handicapped people even after the completion of their training, may I know whether any active measures are now being contemplated in this direction?

**Shrimati Soundaram Ramachandran:** Yes, that is one of the items on the agenda for our new

Board, that is, approach varieties of employment agencies to take them in their respective departments. Even now we have created employment exchanges in various States, including Delhi and other States, to find employment for these handicapped people. They are doing it—not as much as we want, but certainly they are taking into consideration for finding jobs for them.

#### Oil in Punjab

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- \*305. { Shri Rameshwar Tantia:  
Shri Bhagwat Jha Azad:  
Shri Basumatari:  
Shri Ham Raj:

Will the Minister of Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 269 on the 8th August, 1962 and state:

(a) the progress of drilling operations in Janauri (Punjab);

(b) whether the Oil and Natural Gas Commission has given any consideration to re-start the drilling operations at Jawalamukhi; and

(c) if so, what is the decision arrived at?

**The Parliamentary Secretary to the Minister of Mines and Fuel (Shri Thimmaiah):** (a) Drilling of Janauri well No. 1 was completed in October, 1961 and the well has been under test since then. Testing of the well is nearing completion. There are no indications of oil or gas so far.

(b) and (c). There has been no change in the position since 8th August, 1962 when this question was answered. The matter is being reviewed and a decision will be taken in due course.

**Shri Rameshwar Tantia:** What are the reasons for which the Jawalamukhi operation have been abandoned and are we still considering whether it should be started again when there is so much more demand for oil?

• **The Deputy Minister in the Ministry of Mines and Fuel (Shri October-**

**navis):** The programme has not been finally abandoned. We have not gone deep but there are possibilities that if we go deeper still we may get oil. Whether we should go deeper or not is something which we are still considering. So, the programme is not finally abandoned.... (Interruption).

**Mr. Speaker:** There is a demand that hon. Members should speak more loudly during the emergency?

**Shri Hajarnavis:** I said that the programme has not been finally abandoned. So far we have not struck any oil there but still there is reason to suppose that if we go deeper we may strike oil.

**Shri Bhagwat Jha Azad:** With reference to parts (b) and (c) of the question could we know the reasons why the question still stands where it was at the time of the last reply in this House? Was no action taken, or if action was taken did no result come out of it?

**Shri Hajarnavis:** We have gone upto the depth of about 4,500 metres. In the mean time there was the rainy season during which drilling could not be continued. But in about a month's time after a review of the facts that we have gathered together we shall decide whether we should go deeper or not.

**Shri D. C. Sharma:** Some drilling was being done in a place near Dasuya. What has been the result of the drilling there?

**An Hon. Member:** Sand was found there.

**Shri Hajarnavis:** I am not familiar with the topography of that place. This question is about Janauri Well No. 1.

#### Students Homes for Day Scholars

\*306. **Shri Yashpal Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the University Grants Commission has



decided to set up a committee to study the possibility of starting "students homes" for day scholars in all the Universities; and

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

**The Minister of Education (Dr. K. L. Shrimali):** (a) The University Grants Commission has already set up a Committee.

(b) The details of the scheme have not been worked out yet.

**श्री यशपाल सिंह :** क्या सरकार को यह पता है कि हजारों स्टूडेंट्स को कालिजों की कमी के कारण दाखिला नहीं मिलता है और इसलिये पहले कालिज बनाने चाहियें या यह स्टूडेंट्स होम्स बनाने चाहियें ?

**डा० का० ला० श्रीमाली :** सब काम साथ साथ होने चाहियें ।

#### Lubricating Plant

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\*300. { **Shri Bishanchander Seth:**  
          **Dr. Ramen Sen:**  
          **Shri Dinen Bhattacharyya:**

Will the Minister of Mines and Fuel be pleased to state:

(a) whether the establishment of a lubricating oil plant has been considered by Government;

(b) whether it is also a fact that an adequate quantity of lubricating oil has been found in the Kalol oil field;

(c) if so, the details thereof; and

(d) what are the basic materials that are proposed to be manufactured at the subsidiary industries?

**The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis):** (a) Yes, Sir. One lubricating oil plant is being set up along with the Barauni refinery in the Public Sector.

(b) Lubricating oils are not found in natural state in oil fields but the crude oil found in Kalol field appears to be promising for the production of lubricating oils.

(c) As regard possibilities of producing lubricating oils from Kalol crude oil, the question is still in a

preliminary stage of consideration and it would take some time to work out the details.

(d) It is proposed to manufacture a range of finished lubricating oils of different grades, both automotive and industrial.

**श्री बिशनचन्द्र सेठ :** मैं पूछना चाहता हूँ कि यह जो कार्य हो रहा है वह विदेशी कम्पनी के साथ हमारी सरकार कर रही है या हिन्दुस्तान इस कार्य को स्वतः कर रहा है ?

**श्री हजरनबीस :** कुछ हम भी कर रहे हैं, भारत सरकार भी कर रही है और कुछ विदेशियों के साथ मिल कर भी कर रहे हैं ।

**श्री बिशनचन्द्र सेठ :** मैंने यह जानना चाहा था कि जो प्रागे कार्य कर रहे हैं, वह फारेन कम्पनियों के साथ कर रहे हैं, या भारत की सरकार स्वतः कर रही है ?

**श्री हजरनबीस :** जैसा मैंने कहा है कि कुछ हम भी कर रहे हैं, भारत सरकार कर रही है और कुछ विदेशियों के साथ भी कर रहे हैं ।

**Dr. Ramen Sen:** Is it a fact that our Government is entering into an agreement with the Government of the Soviet Union for establishing a plant for the production of lubricating oil?

**Shri Hajarnavis:** The oil refinery which is being established with the help of the Soviet Government will produce lubricating oil also.

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

#### WRITTEN ANSWERS TO QUESTIONS

##### Nationalisation of Text Books

\*301. **Shri Umanath:** Will the Minister of Education be pleased to state:

(a) whether any advice has been given to the States on Nationalisation of text books and uniform syllabus for the primary schools so as to foster emotional integration and National Unity; and

(b) if so, what are the details of the advice?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). The Emotional Integration Committee appointed by the Government of India has submitted its report which contains several recommendations on syllabi and textbooks. It is now under the consideration of Government.

#### Archival Legislation Committee Report

**\*307. Shri J. B. S. Bist:** Will the Minister of Education be pleased to state:

(a) whether legislation to implement the recommendations of the Archival Legislation Committee is being brought forward;

(b) if so, when; and

(c) what are the reasons which have delayed Government's decision on the subjects?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). The matters is under consideration.

(c) Views of State Governments, Central Ministries and interested institutions, are being obtained.

#### Coal Production

**\*309. { Shri P. Kunham:  
Shri P. C. Borooah:**

Will the Minister of Mines and Fuel be pleased to state:

(a) whether certain measures, including adoption of a 7-day working week, have been taken by the coal producers in the country to boost up production;

(b) if so, details of the measures adopted; and

(c) how far the yield has increased on account of these measures?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) Yes.

(b) In order to boost up coal production, the coal industry has decided to work on a 7-day basis round the

clock, the labour strength being increased and over-time payments being made where necessary. The relevant provisions of the Mines Act have been relaxed by Government to facilitate this. Other measures include adequate supply of power, explosives, and stores, such as cement and steel. These requirements are being watched carefully and the necessary priority is being given to the coal industry to facilitate these supplies.

(c) There are indications that there is an upward trend in production. A correct estimate will be possible only after a couple of months when these measures will have had their impact.

#### दिल्ली में अपराध

\*३१०. { श्री प्रकाशवीर शास्त्री :  
श्री यशपालसिंह :  
श्री कजरोलकर :  
श्री बिशनचन्द्र सेठ :  
श्री हरिश्चन्द्र माधुर :

क्या गृह-कार्य मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली में अपराधों की संख्या को बढ़ने से रोकने के लिये कोई विशेष कार्यवाही की गई है ;

(ख) यदि हां, तो उनका विवरण क्या है; और

(ग) क्या इस सम्बन्ध में पुलिस संहिता में कुछ परिवर्तन करने की आशा है ?

गृह-कार्य मन्त्रालय में राज्य मन्त्री (श्री बातार) : (क) और (ख). पुलिस के गश्ती दस्तों के लिये गाड़ियों की संख्या पर्याप्त मात्रा में बढ़ाने का निश्चय किया गया है। इसके अतिरिक्त प्रत्येक पुलिस स्टेशन के पास एक पिक-अप वैन होगी। पुलिस मोटर साइकल तथा रेडियो संचार गाड़ियों के लिये भी प्रबन्ध किए गए हैं। इसके अतिरिक्त यह भी प्रस्ताव है, कि प्रत्येक पुलिस स्टेशन

एक डिप्टी सुपरिन्टेंडेंट आफ पुलिस अथवा इन्स्पेक्टर के अधीन हो, तथा अपराधों की छानबीन यथा-सम्भव ऐसे अधिकारियों द्वारा ही की जाए, जो सब-इन्स्पेक्टर के पद से कम न हों।

(ग) जी नहीं।

**प्रशासन की राष्ट्रीय अकादमी का स्थानान्तरण**

\*३११. { श्री भक्त दर्शन :  
श्री भगवत झा आजाद :

क्या गृह-कार्य मन्त्री ८ अगस्त, १९६२ के अतारंकित प्रश्न संख्या २५४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि मसूरी से प्रशासन की राष्ट्रीय अकादमी को अन्यत्र हटाने के प्रश्न के सम्बन्ध में इस बीच क्या प्रगति हुई है ?

गृह-कार्य मन्त्रालय में राज्य मन्त्री (श्री दातार) : मसूरी से अकादमी को हटाने का प्रश्न अभी सरकार के विचाराधीन है और अभी कोई अन्तिम निर्णय नहीं किया गया है।

**I.O.C. Petrol Service Stations in Delhi**

\*312. { Shri Surendra Pal Singh:  
Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri N. R. Laskar:  
Shri M. L. Dwivedi:  
Shri D. N. Tiwary:  
Shri E. Madhusudan Rao:

Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether it is a fact that the Indian Oil Company has put forward a scheme of sponsoring co-operative petrol pumps and service stations in Delhi;

(b) if so, what is the response of the car owners and taxi owners of Delhi to this scheme; and

(c) whether any such cooperative societies have already been formed?

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajar-navis): (a) No. Sir, The Indian Oil Company chooses its dealers of petrol after considering all relevant factors, and gives preference to Cooperatives over individuals, if the former fulfil the required conditions and qualifications.

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

**Memorial for Pant**

\*313. { Shrimati Savitri Nigam:  
Shri Lakhmu Bhawanil:  
Shri J. B. S. Bist:  
Shri Bhakt Darshan:

Will the Minister of **Home Affairs** be pleased to state whether a committee having the Prime Minister as its Chairman has been formed to raise a befitting memorial to the veteran national leader, Shri Govind Ballabh Pant?

The Minister of State in the Ministry of Home Affairs (Shri Datar): There is no proposal on behalf of the Government to constitute such a Committee.

**Oil Refineries**

\*314. Shri P. C. Borooah: Will the Minister of Mines and Fuel be pleased to refer to the reply given to Unstarred Question No 940 on the 17th August, 1962 and state:

(a) whether agreements have since been concluded with the major private sector Oil Refineries in India for the conversion of the distributing companies into rupee companies; and

(b) if so, on what terms?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) These matters are still under examination.

(b) Does not arise.

**High Price of Coal**

- \*315. { Shrimati Maimoona Sultan:  
 Shri Bhagwat Jha Azad:  
 Shri Bhakt Darshan:  
 Shri S. N. Chaturvedi:  
 Shri Y. D. Singh:  
 Shri P. Venkatasubbaiah:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether the attention of Government has been drawn to the news item in the *Times of India* of 24th September, 1962 captioned "Consumers forced to pay high price for poor quality coal";

(b) if so, what is Government's view about the situation as mentioned therein; and

(c) what action has been taken by Government to improve the situation?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) to (c). The prices of coal and coke are controlled and supplies of domestic coke for Delhi being adequate, there is no question of consumers being forced to pay a higher price. The complaint in question presumably refers to the quality of coal and coke. The procurement of coal and coke is done by the quota holders and it is upto them to secure the proper quality of coal. The Coal Controller's Organisation conducts inspections, to the extent possible, to check cases of despatches of inferior qualities of coal.

**Wagons for Coal**

- \*316. { Shri Bhagwat Jha Azad:  
 Shri Bhakt Darshan:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether the demand of wagons in the Bihar-Bengal coal-field area is now being fully met;

(b) whether some collieries in this area were unable to load all the wagons allotted to them; and

(c) whether the shortage of wagons is no problem in this coal-field area now?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) and (b). Supply of wagons in the Bengal|Bihar fields has improved considerably and on the average, the demands are more or less fully met. There are occasions when for various reasons collieries are not able to load all the wagons allotted but this is a normal feature during the slack season of the collieries which lasts from July to October.

(c) During the period July to October there has been no wagon shortage in the Bengal|Bihar fields.

**British Empire and Commonwealth Games**

\*317. **Shri Bishanchander Seth:** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 385 on the 17th August, 1962 and state:

(a) whether a final decision has been taken on the proposal of the Indian Olympic Association to hold the 1966 British Empire and Commonwealth Games in Delhi;

(b) what terms and conditions have been made by the British Empire and Commonwealth Games Federation;

(c) how far they have been accepted by the Central Government; and

(d) whether the conditions of the Central Government were accepted by the Indian Olympic Association?

**The Minister of Education (Dr. K. L. Shrivastava):** (a) India has withdrawn the offer in view of the present emergency.

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

**UNESCO aid for Development of Science Education**

- \*318 { Shri Surendra Pal Singh:  
Shri Bhagwat Jha Azad:  
Shri Bhakt Darshan:  
Shri P. R. Chakraverti:  
Shrimati Malmoona Sultan:  
Shri Daji:  
Shri Indrajit Gupta:  
Shri S. M. Banerjee:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that an Advisory Mission of the UNESCO visited India recently to advice the Indian Government regarding the scheme of developing science education at the secondary level and about the establishment of research centres in selected universities; and

(b) if so, what were the main recommendations of that mission?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) The report of the Advisory Mission has not yet been received from UNESCO.

**Explosion near Jama Masjid**

**642. Shri D. C. Sharma:** Will the Minister of Home Affairs be pleased to state:

(a) the upto-date position with regard to the investigations in the explosion behind Harey Bharey Mazar, Opposite Jama Masjid Delhi on the 12th February, 1962; and

(b) if finalised, the result thereof?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) and (b). The case is still under investigation.

**Merit Scholarships to Poor Students for University Education**

**643. Shri D. C. Sharma:** Will the Minister of Education be pleased to state:

(a) the amount of assistance given to the Punjab State Government for

the grant of merit scholarships to poor students to conduct their university education during 1961-62 under the National Scholarships Scheme;

(b) the amount spent out of this by the State Government; and

(c) whether it has come to the notice of the Central Government that most of the students who were sanctioned scholarships have not received the money even though the educational year is coming to a close?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Rs. 92,100.

(b) Rs. 63,990.

(c). No, Sir.

**Gandhian Philosophy**

**644. Shri Sham Lal Saraf:** Will the Minister of Education be pleased to state:

(a) the steps his Ministry has taken to interpret in a common man's language, the Gandhian Philosophy; and

(b) what steps have been taken to publicise and popularise the same among the masses?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). The Ministry of Education has brought out two publications—one containing Gandhiji's views on education, and the other dealing with his thoughts and experiments in education. A publication, 'All Men are Brothers' containing selections from Gandhiji's speeches has been distributed free of cost to all secondary schools in the country to popularise Gandhiji's thoughts and a set of selected Gandhian literature has been distributed free of cost to all Indian Universities and selected women's colleges. Lectures for secondary school students have been arranged on

Gandhiji's teachings and way of life in several States and Union Territories. Lectures on Gandhian philosophy are also being arranged by different Indian Universities through financial assistance from Government of India. A grant of Rs. 1 lakh has been paid to the Gandhian Institute of Studies, Varanasi, for the development of its activities.

#### **Auditoria in Schools and Colleges in Andhra Pradesh**

**645. Shri E. Madhusudan Rao:** Will the Minister of Education be pleased to state:

(a) the amounts sanctioned for the construction of auditoria in various colleges and schools in Andhra Pradesh during 1962-63; and

(b) the break-up thereof?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Rs. 58,255.

(b) Name of the institution	Year in which the project was approved	Amount sanctioned during 1962-63 so far
1. Lutheran Multi-purpose School, Guntur.	1958-59	Rs. 19,255/- (2nd and final instalment)
2. Sri Vivekananda H.S. School Giddalur.	1959-60	Rs. 17,000 (2nd instalment)
3. Andhra Jatheyra Kalasala, Masulipatnam.	1960-61	Rs. 10,000 (2nd instalment)
4. Akkineni Nageswara Rao College Gudivada.	1960-61	Rs. 12,000/- (2nd instalment).

#### **Practical Training**

**646. Shri Sham Lal Saraf:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) what sort of stipends are being offered to deserving students for

undergoing practical training outside the country; and

(b) what procedure is being adopted for selecting suitable candidates for such stipends?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). Attention of the Hon'ble Member is invited to the brochure, "Scholarships for Study Abroad and at Home" (Third Edition, 1961), published by this Ministry, a copy of which is available in the Parliament Library.

#### **Botanical Gardens**

**647. Shri Sham Lal Saraf:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) how many properly organised Botanical Gardens are being maintained in the country, Government owned and privately owned separately; and

(b) what assistance or encouragement by way of incentives is being offered to private parties for setting up such well-organised Botanical Gardens?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) The following Botanical Gardens, Parks, and Agri-horti Gardens, are being maintained by the State Governments, Universities and Autonomous Bodies:—

(i) Gardens	19
(ii) Parks	6
(iii) Agri-Horti Gardens	7

No Botanic Garden is being maintained directly by the Central Government.

Information regarding privately maintained Gardens is not available.

(b) The Botanical Survey of India and the Council of Scientific and Industrial Research through the National Botanic Garden Lucknow, provide advisory services and supply

materials and literature in connection with setting up of Gardens lay out, type of plants to be propagated, gardening, research activities in Botany, horticulture, plant chemistry and allied subjects etc., whenever asked for by parties.

National Botanic Garden, Lucknow supplies plants and plant material to private parties at nominal price and also imparts training in advanced Horticulture and Botany in order to produce trained personnel to set up and man Botanical Gardens in the country.

#### Employment Exchange for Handicapped Persons

648. **Shrimati Savitri Nigam:** Will the Minister of Education be pleased to state:

(a) whether the newly opened employment exchange in Delhi for the employment of handicapped and crippled people has proved successful; and

(b) the number of placements which have been made during the last six months?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) 84.

#### Class IV School Employees Union in Delhi

649. **Shri D. C. Sharma:** Will the Minister of Education be pleased to state:

(a) whether the Class IV School Employees' Union of Delhi has demanded a rise in the salaries of the Class IV employees in Government Schools in Delhi; and

(b) if so, the reaction of Government thereto?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Representations were received from the Delhi State IV Division Government Employees Association and the Laboratory Assistants Union for the revision of the scales of pay of Laboratory Assistants.

(b) Government do not see any justification for the revision of pay scale of the Laboratory Assistants, which has recently been revised on the basis of the Second Pay Commission's recommendations.

#### Oil and Natural Gas Commission

650. **Dr. L. M. Singhvi:** Will the Minister of Mines and Fuel be pleased to state:

(a) how many posts carrying a salary of Rs. 500 p.m. and more have been filled up by the Oil and Natural Gas Commission during the last 3 years-break up figures year-wise separately for technical and non-technical posts;

(b) whether it is a fact that in many of the above cases the vacancies were not duly notified through advertisements in the press or otherwise; and

(c) what is the criteria and machinery for selection of officers for deputation to Oil and Natural Gas Commission?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) The information regarding the number of technical and non-technical posts, carrying a scale of pay whose maximum is Rs. 500 per month or more, filled up by the Oil and Natural Gas Commission during the last three years is as under:

Year	Technical Posts	Non-Technical posts	Total
1959	40	4	44
1960	119	41	160
1961	146	39	185
Total	305	84	389

(b) No, Sir. All posts were filled up from the open market through advertisements in the press except where posts were filled by officers on deputation from Government or where these were filled up through Departmental Promotions.

(c) In cases where suitable officers are not likely to be found from open market, State Governments or the appropriate departments of the Central Government are approached for sparing the services of their experienced officers on deputation to the Commission. The particulars of officers sponsored by State Governments etc. are carefully looked into and selections made on the basis of their suitability in the light of their qualifications and experience.

### Probation of Offenders

**651. Shri Yashpal Singh:** Will the Minister of Home Affairs be pleased to state:

(a) how many States are working on the principle and system of Probation to reform the offenders under Probation of Offenders Act;

(b) whether this system has proved advantageous; and

(c) if so, the details thereof?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) Eight States, viz. Assam, Bihar, Kerala, Madhya Pradesh, Mysore, Punjab, Rajasthan and West Bengal.

(b) and (c). The State Governments have been addressed to furnish their assessment of the working of the Act and after information is collected, a statement will be laid on the table of the House in due-course.

### Institutes for Training Hindi Teachers

**652. Shri Surendra Pal Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Central Government are pursuing a scheme of establishing institutes to train Hindi teachers in the non-Hindi speaking areas; and

(b) if so, in how many states such institutes have already been established, and with what success?

**The Minister of Education (Dr. K. L. Shrimall):** (a) Yes, Sir.

(b) Training Colleges for Hindi Teachers have so far been set up in four States and according to the sanctioned programme 360 Hindi teachers are to be trained in these Colleges every year.

### Special Police Establishment

**653. Shri D. C. Sharma:** Will the Minister of Home Affairs be pleased to state:

(a) the number of enquiries instituted against Government employees during July, August, and September, 1962 by the Special Police Establishment;

(b) the number of gazetted officers involved;

(c) the number of cases in which enquiries have been completed and the punishment awarded;

(d) the number of cases pending and the steps taken to expedite the same; and

(e) the steps taken or proposed to be taken to check the number of such cases?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) 259.

(b) 58.

(c) 13. (In two cases investigations were not pursued). Further steps on the basis of the investigation report are being taken and the stage of imposing punishment has not yet been reached.

(d) 244. Every effort is being made to complete the investigation in the pending enquiries as early as possible.

(e) These have been reported in the Annual Report of the Administrative Vigilance Division for the year 1961.



**Suppression of Immoral Traffic Act**

654. **Shrimati Savitri Nigam:** Will the Minister of **Home Affairs** be pleased to state the number of persons convicted under the Suppression of Immoral Traffic Act in 1961-62 in Delhi?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** 42 persons.

**Spitz Planetarium in Madras Museum**

655. { **Shri A. K. Gopalan:**  
**Shri P. Kunhan:**

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether Government have received any proposal from the Madras Government for starting a spitz planetarium in the Madras Museum; and

(b) if so what decision has been taken in this respect?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) No Sir.

(b) Does not arise.

**Industrial Design Training Centres**

656. **Shri Surendra Pal Singh:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that an Industrial Design Expert has been invited from the U.K. to advise Government on the establishment of industrial design training centres in this country; and

(b) if so what are his main recommendations?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Yes Sir. The services of Sir Gordon Russell, an eminent British

Industrial Design Expert, were secured under Colombo Plan in this respect.

(b) His main recommendations are that training centres should be started only after teachers have been trained for the purpose. They should be phased in a proper way so that not more than one centre is established in a year. To avoid duplication of efforts each should specialise in certain industries relating to local needs. The Head of a centre should be sent abroad for at least six months to acquaint himself with the latest development.

A national organisation on the pattern of Council of Industrial Design in U.K. may be set up to act as Co-ordinating Body.

**Art Purchase Committee**

657. { **Shri Bhagwat Jha Azad:**  
**Shri Bhakt Darshan:**

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether Government have constituted any "Art Purchase Committee"; and

(b) if so, what are the functions of this Committee?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) There are two Art Purchase Committees, one for the National Museum, and the other for the National Gallery of Modern Art.

(b) To make recommendations to Government for the purchase of art objects for these institutions.

**Economic and Statistical Service**

658. **Dr. L. M. Singhvi:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 75 on the 23rd April, 1962 and state:

(a) whether the Selection for Economic and Statistical services has since been made;

(b) if not the reasons for delay; and  
(c) whether rules governing seniority etc. have been framed?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) No.

(b) The particulars of the departmental candidates eligible for appointment to the Indian Statistical Service and the Indian Economic Service at the initial constitution have been furnished to the Union Public Service Commission recently and the Commission will take some time to make selections.

(c) The rules governing seniority of officers to be appointed to the two Services will be framed after they are appointed to the services. The question of evolving rules for the fixation of pay of officers to be appointed to these Services at the initial constitution is under consideration. Other rules have already been issued in the Gazette of India, Extraordinary, dated the 1st November, 1961.

**Committee on University Examinations**

659. { Shri Umanath:  
Shri D. C. Sharma:

Will the Minister of Education be pleased to state:

(a) whether Government have received the views of State Governments and University Vice-Chancellors on the recommendations of the Committee on University Examinations;

(b) if so, which are the States and Universities that have sent the views and what are the views; and

(c) which of the Universities have implemented and which recommendations?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). The Report of the Committee on Examination Reform has been circulated for comments by the University Grants Commission to Universities only. Com-

ments have so far been received from eight Universities viz.:

- (1) M. S. University of Baroda.
- (2) Patna University,
- (3) Calcutta University,
- (4) Delhi University,
- (5) Allahabad University,
- (6) Kerala University,
- (7) Roorkee University,
- (8) S. V. Vidyapeeth.

They are in general agreement with the recommendations made by the committee.

(c) The Vice-Chancellors at a conference held in New Delhi from 11th to 13th October, 1962 have generally accepted the recommendations made by the Committee, except those relating to (i) the introduction of two additional papers at the school leaving examination, (ii) changing the present system of awarding marks and (iii) delay in announcing examination results. The implementation of the recommendations will take time.

**Police Patrol System in Delhi**

**660. Shri P. C. Borooah:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a new beat system has been introduced in Delhi on the pattern of the London system where-under the police patrol parties would visit every part of the capital after every one hour;

(b) if so, what are the salient features of the system; and

(c) what are the reasons that prompted Government to introduce the new system in the Capital?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) No.

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

**Stipends to Tribal Students of Subroom (Tripura)**

**661. Shri Dasaratha Deb:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that monthly stipends awarded to Tribal students of

Subroom Tribal Boarding House have not been regularly remitted to them;

(b) if so, the reasons therefor; and

(c) what steps Government propose to take to ensure the payment regularly every month?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir, but occasionally.

(b) Due to occasional delay in receipt of the bills and some delay in processing them.

(c) Steps have been taken by the Administration to process the bills well ahead of the month in which the stipend is due.

#### **Redefining of Boundaries of Manjas**

**662. Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) if the regrouping or redefining of the boundaries of the Manjas has been held in Tripura recently;

(b) if so, whether the Tribal Reserve Areas of Tripura are formed in the same units or bifurcated and included in the maygas which embrace the non-reserved areas also; and

(c) if so, what steps Government propose to take to preserve the compactness of tribal reserve areas in Tripura?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):**

(a) Yes.

(b) Villages in the Tribal Reserve Areas will also be demarcated in accordance with principles applicable to the demarcation of villages boundaries elsewhere.

(c) fixation of the geographical boundaries of a village has no bearing on the Tribal Reserve Areas which continue to be intact.

#### **Transfer of Lands from Tribals to Non-Tribals**

**663. Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) if by way of transfers of land from tribals to non-tribals or allotment by Government or otherwise, any infiltration of non-tribals in the tribal reserved land in Tripura has taken place since the inception of the "Tribal Reserve" declared by His Highness the Maharaj of Tripura; and

(b) if so, what steps are being taken in respect of those lands?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) and (b). The information is being collected and will be laid on the Table.

#### **Hostel for Tribal Girl Students at Khowai**

**664. Shri Dasaratha Deb:** Will the Minister of Education be pleased to state:

(a) whether any steps have been taken to provide hostel to the Tribal girl students of Khowai; and

(b) if so, when the hostel facilities are likely to be provided to them?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) A hostel for girl students has already been constructed in the premises of the present Boys School in Khowai. This hostel will be available for accommodation as soon as the Boys School is shifted to another place.

#### **National Council for Rural Higher Education**

**665. Shri P. R. Chakraverti:** Will the Minister of Education be pleased to state:

(a) whether Government propose to dissolve the National Council for Rural Higher Education;

(b) if so, what alternative arrangement is going to be made for looking after the future development of rural institutes for Higher Education;

(c) whether Government have consulted the University Grants Commission in the matter; and

(d) if so, what is their reaction?

**The Minister of Education (Dr. K. L. Shrimall):** (a) and (b). The proposal to set up an autonomous organisation to replace the National Council for Rural Higher Education has been deferred. It has, however, been decided to constitute an Autonomous Board of Examinations. Necessary action in this regard is being taken.

(c) and (d). Does not arise.

### केन्द्रीय मद्य निषेध समिति

६६६. { श्री भक्त दर्शन :  
श्री भागवत झा आजाद :

क्या गृह-कार्य मन्त्री ६ मई, १९६२ के अतारंकित प्रश्न संख्या ५४८ और ८ अगस्त, १९६२ के अतारंकित प्रश्न संख्या ३०० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय मद्य निषेध समिति की जो सिफारिशें विचाराधीन थीं, उनके बारे में क्या निश्चय किया गया है ;

(ख) उस समिति ने विगत ४ व ५ सितम्बर, १९६१ को जो सिफारिश संख्या VI की थी, उसके अनुसार नियुक्त की गई छोटी विभागीय समिति ने क्या अपना कार्य पूरा कर लिया है ; और

(ग) यदि हां, तो उस छोटी समिति ने औषधियां, श्रृंगार व अन्य वस्तुओं का नशे के लिये दुरुपयोग रोकने के बारे में किस प्रकार की सिफारिशें की है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बहादुर) : (क) जैसा कि अतारंकित प्रश्न संख्या ३०० के उत्तर में कहा गया था ,

IV, VI, VII, IX, X और XI सिफारिशों को अगर लागू कर दिया गया है। जहां तक गांजे के अनीषधिक उपयोग के निषेध से सम्बद्ध सिफारिश V का सम्बन्ध है राज्य सरकारों ने बहुत सी कठिनाइयों की ओर ध्यान दिलाया है जिन पर केन्द्रीय मद्य निषेध समिति अपनी अगली बैठक में विचार करेगी। I, II, III और VIII सिफारिशों पर अभी विचार किया जा रहा है।

(ख) जी हां।

(ग) विभागीय समिति के प्रतिवेदन को अन्तिम रूप दिया जा रहा है और उसे केन्द्रीय मद्य निषेध समिति की अगली बैठक में विचार के लिये पेश कर दिया जायेगा।

### इण्डियन आयल कम्पनी का पेट्रोल डिपो

\*६६७. { श्री भक्त दर्शन :  
श्री भागवत झा आजाद :

क्या खान और ईंधन मन्त्री २१ अगस्त, १९६२ के अतारंकित प्रश्न संख्या १३२२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि नई दिल्ली नगरपालिका द्वारा इण्डियन आयल कम्पनी का एक पेट्रोल डिपो खोलने के बारे में इस बीच क्या निश्चय किया गया है ?

खान और ईंधन मंत्रालय में उपमंत्री (श्री हजरतवास) : नई दिल्ली नगरपालिका द्वारा इण्डियन आयल कम्पनी को नई दिल्ली में एक पेट्रोल पम्प। फुटकर बिक्री को स्थापित करने के सम्बन्ध में किय जाने वाले निर्णय की अभी कोई सूचना नहीं दी गई है।

### Admission to Delhi University

668. Shrimati Maimoona Sultan: Will the Minister of Education be pleased to state:

(a) whether the Delhi University had appointed in August, 1962 an expert committee to study the problem of expansion of the University

and to suggest ways to cope with the heavy rush of students' admission to different courses;

(b) whether the Committee has since submitted its report; and

(c) if so, what are the main recommendations of the Committee?

**The Minister of Education (Dr. K. L. Shrimall):** (a) A committee was set up for the purpose by the University of Delhi as per their Academic Council Resolution No. 158 dated October 3, 1961.

(b) No, Sir.

(c) Does not arise.

#### **Pragati Vidyalaya, Agartala**

**669. Shri Dasaratha Deb:** Will the Minister of Education be pleased to state:

(a) the total amount so far given to Pragati Vidyalaya, Agartala (Tripura) as grant-in-aid out of Tribal Welfare Fund for construction of hostels or for other purposes;

(b) the total number of tribal students residing in the said hostel at present; and

(c) the amenities and privileges that are being received by tribal students in the hostel?

**The Minister of Education (Dr. K. L. Shrimall):** (a) Rs. 15,000.

(b) 6.

(c) Besides the usual amenities available in a hostel stipends and book grants are enjoyed by deserving candidates.

#### **Wastage of Bitumen in Port Blair**

**670. { Shri Bhagwat Jha Azad:  
Shri Rameshwar Tantia:**

Will the Minister of Home Affairs be pleased to state:

(a) whether a large number of drums containing Bitumen are lying 2171(Ai) LS—3.

open in rain and sun for a considerable time on Aberdeen-Haddo road in front of match factory manager's bungalow at Port Blair;

(b) whether most of them have been eaten away by rust and are leaking;

(c) whether the freight charge alone would amount to several thousand rupees; and

(d) if so, who are responsible for such wastage?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) About 2702 drums containing bitumen are stockpiled on the site in question for construction of roads etc., in the Island;

(b) No.

(c) The freight works out to Rs. 39,750 approximately.

(d) Only about 80 drums are leaking to varying extent. The bitumen that leaks out is recollected and used. The net wastage of bitumen has been negligible and so the question of fixing responsibility does not arise.

#### **Stones in Ken River (Banda)**

**671. Shrimati Savitri Nigam:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether stones of good quality used in the manufacture of gold and silver ornaments abound in the Ken River (Banda); and

(b) whether Government propose to take necessary steps to explore the potentiality of these stones for commercial purposes?

**The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajar-navis):** (a) and (b). Agates which are locally called "Banda stones" occur as pebbles in the Ken river bed in the Banda district. These stones are derived from the disintegration of Deccan trap rocks occupying the upper reaches of that river. As these are only semi-precious stones of

limited economic use no detailed prospecting is considered necessary.

### Survey of India Employees

**672. Shri S. M. Banerjee:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether some of the pay scales recommended by Pay Commission for Survey of India employees are to be modified by Government;

(b) if so, whether this revision will be upward;

(c) if so, in what categories; and

(d) when final orders are likely to be issued?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) to (d). No pay scales were recommended by the Pay Commission specifically for the Survey of India employees. However, a proposal for improving the pay scales in respect of various categories of employees of the Department is under consideration of the Government and a decision thereon is likely to take some time.

### M.B.B. College, Tripura

**673. Shri Biren Dutta:** Will the Minister of Education be pleased to state:

(a) whether any representation has been received by Government for opening LL.B. and M.A. classes in M.B.B. College at Tripura; and

(b) if so, what decision has been taken on this representation?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) The matter is under consideration in consultation with the Calcutta University.

### Boarding House Stipends for S.C. and S.T. Students in Tripura

**674. Shri Biren Dutta:** Will the Minister of Education be pleased to state:

(a) whether Government have received any representation from the

privately-managed Higher Secondary Schools of Tripura to provide them with funds for boarding house stipends for the Scheduled Caste and Scheduled Tribe students;

(b) whether it is a fact that Government managed schools cannot accommodate a large part of Scheduled Tribe and Scheduled Caste students; and

(c) if so, whether Government contemplate to provide funds to those privately managed schools for the said purpose?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

### Soviet Collaboration for Oil and Coal Development

**675. Shri Yallamanda Reddy:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether there is any proposal for increased Indo-Soviet collaboration in regard to oil and coal development; and

(b) if so, the details thereof?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) and (b). In regard to coal, there are, no new specific projects to be established with Soviet assistance during the Third Plan period, except those already agreed upon, namely, the two open-cast mines, one underground mine, and one workshop at Korba, and a washery at Kathara.

In regard to oil development programme also there is no proposal, at present, for its enhancement.

### Children's Book

**676. { Shri Warior:  
Shri Bishanchander Seth:**

Will the Minister of Education be pleased to state:

(a) whether Government have taken any steps to print and distribute those "Children's Books" which

the Children's Literature Committee selected for award of prizes; and

(b) if so with what results?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). The Government of India do not undertake the printing of the prize-winning manuscripts under the Scheme of National Prize Competition of Children's Literature. It, however purchases not more than 2000 copies each, of the prize winning printed books (and also manuscripts when published) for distribution to the schools, children's libraries etc. through the State Governments concerned.

#### Foreign Language Scholarships Scheme

**677. Shri Warior:** Will the Minister of Education be pleased to place on the Table a State-wise break-up of the candidates selected under Foreign Languages Scholarships Scheme for each year from 1959-60 onwards?

**The Minister of Education (Dr. K. L. Shrimali):**

Name of the State	Number of candidates selected	
	1959-60	1960-61 *
1. Jammu & Kashmir	1	..
2. Kerala . .	1	..
3. Madras . .	1	1
4. Maharashtra . .	3	..
5. Punjab . .	1	4
6. Uttar Pradesh	4	1
7. West Bengal	..	2
8. Delhi . .	2	2
TOTAL . .	13	10

Scholarships were not awarded during 1961-62, nor yet during 1962-63.

#### Leakage in Oil Pipeline in Rudrasagar Well

**678. { Shri P. K. Ghosh:  
Shri Kapur Singh:**

Will the Minister of Mines and Fuel be pleased to state:

(a) whether it is a fact that leakage through casing pipe was found sometime back in Rudrasagar Well No. 4;

(b) if so, the reason therefor;

(c) whether production test work was hindered on this account; and

(d) how much more money and time had to be spent on account of this leakage?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) and (b). No, Sir. There was no leakage through the casing pipes. However, due to defective cementation, there was some leakage through the cement behind the casing pipes.

(c) Production testing was hindered for a period of about three months;

(d) Extra expenditure on this account has not been worked out.

#### Billiards Team for World Championship

**679. Shri P. K. Deo:** Will the Minister of Education be pleased to state:

(a) whether the Billiards Association Control Council sought Government's permission to send an Indian team to Australia to participate in World Championship;

(b) the amount of foreign exchange involved;

(c) the composition of the team; and

(d) the result of the tour and Indian participation in the World tournament?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) An amount equivalent to Rs. 1,040 was released by the Government.

(c) Wilson Jones and S. N. Banerjee

(d) S. N. Banerjee defeated Tom Cleary, a former World Champion and also New Zealand and Pakistan. Wilson Jones reached the finals but was defeated by Bob Marshall of Australia.

### Training of Indian Cricketers

680. **Shri P. K. Deo:** Will the Minister of Education be pleased to state

(a) whether Government have been approached to give permission to the Board of Control for Cricket in India to invite West Indies pace bowlers to give Training to Indian Batsmen;

(b) on what condition the West Indies pace bowlers are being invited; and

(c) who have accepted the invitation to come to India?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir. The permission was granted.

(b) The Board of Control for Cricket in India have agreed to meet the following expenses on each player:—

- (1) £100 per month for five months from 15-10-1962
- (2) Boarding and lodging expenses during five months' stay in India, and
- (3) Return air passage by economy class.

(c) Messrs Roy Gilchrist, S. C. Stayers, C. Watson and L. King.

### U.P.S.C.

681. **Shri Krishnapal Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the strength of the Union Public Service Commission;

(b) how the appointments of its Chairman and members are made;

(c) what is the salary of each; and

(d) how many members belong to rural areas?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):**

(a) As against the sanctioned strength of nine members including the Chairman, the actual strength of the Union Public Service Commission is at present eight.

(b) The appointments of the Chairman and members are made by the President in accordance with the provisions of Article 316 of the Constitution.

(c) The Chairman receives a salary of Rs. 4,000 p.m. One of the members receives a salary of Rs. 3,500 p.m. as he was an ICS officer at the time of his appointment to the Commission. Three others receive a salary of Rs. 3,000 p.m. each, while the remaining members receive a salary of Rs. 3,000 p.m. less the amount of pension which each one of them gets.

(d) None.

### Teaching in Bengali in Andamans

682. **Shrimati Renu Chakravartty:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that in Andamans where almost all the Children's mother tongue is Bengali they are not permitted to learn in that language in the high Schools;

(b) if so, the reasons therefor; and

(c) the efforts made to teach in Bengali in high Schools?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):**

(a) to (c). Out of a total of 255 students in secondary classes, 27 only have Bengali as mother tongue; and, in no class do Bengali speaking pupils number 15 or more which is



the minimum requirement under the Statement issued by the Chief Ministers' Conference held in August 1961.

### Employees in Tribal Blocks and Areas

**683. Shrimati Renuka Ray:** Will the Minister of Home Affairs be pleased to state what steps have been taken to formulate a separate training and service conditions for those who are employed in Tribal Blocks and other Tribal areas?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** The executive responsibility for administration and for execution of welfare programmes under the Third Five Year Plan for Scheduled Tribes including the Scheme of Tribal Development Blocks is that of the respective State Governments. The Ministry of Home Affairs give financial assistance to the States for execution of Welfare programmes for the benefit of Scheduled Tribes. The various functionaries in the tribal areas are the employees of the respective State Government and are accordingly governed by the conditions of service prescribed by them. The Government of India do not therefore, propose to prescribe any conditions in this regard.

A Tribal Orientation and Study Centre is functioning at Ranchi to give tribal orientation training to Block Development Officers, Agricultural Extension Officers, Social Education Organisers and Mukhia Sevikas working in Tribal Development Blocks. The question of opening another training centre is under consideration. Arrangements have also been made for the special training of Gram Sevaks and Gram-Sevikas for work in Tribal Development Blocks at suitable training centres located in or near the tribal areas in each State/Union Territory.

### Bazars Guttled in Tripura

**684. Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) the number of bazars in Tripura gutted by accidental fire from 1960 to 1962 yearwise;

(b) total loss involved in such fire accidents; and

(c) whether fire brigades would be set up in all the towns of Tripura for protection of markets from fire-accidents?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):**

(a) No. of Bazars in Tripura gutted by fire:

1960	1961	1962
13	9	9

(b) Total loss incurred:

1960	1961	1962	Total
Rs. 7,14,000	3,44,000	2,25,000	12,83,000

(c) There are at present three fire service units in Tripura viz. at Agartala, Udaipur and Dharamanagar. Proposals to open a fire service unit each at Kailashahar, Khowai and Belonia are under examination.

दिल्ली के स्कूलों में फीस

{ श्री सरजू पाण्डेय :  
६८५. श्री बूटा सिंह :  
श्री गुलशन :

क्या शिक्षा मंत्री ६ सितम्बर, १९६२ के तारांकित प्रश्न संख्या ८३३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली के छात्रों से अनधिकृत रूप से जो फीस वसूल करने की शिकायतें थीं उनकी जांच हो गई है ; और

(ख) इस विषय में आगे क्या कार्यवाही की गई है ?

शिक्षा मंत्री (डा० का० ला० श्री-माली) : (क) जी हां ।

(ख) दिल्ली प्रशासन द्वारा की गई जांच के परिणामस्वरूप जहाँ यह पाया

गया है कि अनधिकृत रूप से फॉस वसूल की गई है, तो इस प्रकार से वसूल किये गए धन को स्कूल को मिलने वाले सहायक अनुदान के हिसाब में सम्मिलित किया गया है।

#### Rumanian Oilmen in India

686 { Shri Bishanchander Seth:  
Shri Mohan Swarup:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether it is a fact that a team of Rumanian oilmen have come to India to drill wells with the three Rumanian made drilling installations,

(b) if so, the places where these wells will be established;

(c) whether any survey was conducted by the Rumanian oilmen before this; and

(d) how far they have succeeded?

The Minister of Mines and Fuel, (Shri K. D. Malaviya): (a) Yes, Sir.

(b) At Kalol near Ahmedabad and at Ankleshwar near Broach in the Gujarat State.

(c) No, Sir.

(d) Does not arise.

#### Correspondence in Hindi

687. Shri J. B. S. Bist: Will the Minister of Home Affairs be pleased to State:

(a) whether Government have taken a decision that inter-State language of correspondence in between the Hindi speaking States and the Central Government should be Hindi in future; and

(b) if so, from what period this will come into force?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The use of Hindi, in addition to English, for correspondence with States which have adopted Hindi as their official language has

already been permitted in the Constitution (Hindi language for Official purposes) Order, 1955, a copy of which is placed on the Table of the House. [See Appendix I, annexure No. 72].

#### Scholarships to Scheduled Caste Students

688. Shri Daljit Singh: Will the Minister of Education be pleased to state the total number of Central Government scholarships awarded to the scheduled caste students of Punjab State during 1962-63 so far?

The Minister of Education (Dr. K. L. Shrimali): 2445.

#### Espionage activities of Chinese

689. Shri Maheswar Nalk: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Chinese Nationals and agents are secretly engaged in large-scale espionage activities particularly in Calcutta, Gangtok and the border regions of Northern India;

(b) how many such cases have come to the notice of the Government since the Chinese attack on the border posts of India; and

(c) whether any effective steps have been or are proposed to be taken to eradicate this menace?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). Government are fully alive to the situation. Suitable action has been taken in all cases which have come to notice.

#### Indian Oil Company

690. { Shri P. C. Borooah:  
Shri Kolla Venkalah:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether Government's attention has been drawn to a letter addressed by the Sindh Chamber of Commerce and Industry to the Chief Minister of Mysore levelling grave charges of corruption, nepotism and favouritism against the Indian Oil Company's Administration;

(b) if so, whether Government have enquired into the charges; and

(c) if so, with what results?

**The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis):**

(a) Yes, Sir.

(b) and (c). The enquiry disclosed that the charges are vague and not supported by facts.

#### **National Geophysical Institute at Hyderabad**

**691. Shri Bishanchander Seth:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that the Council of Scientific and Industrial Research has approved a ten-year programme of the National Geophysical Research Institute at Hyderabad;

(b) if so, when it is likely to be started;

(c) the total amount sanctioned for the purpose; and

(d) the details of the ten year Programme?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Yes, Sir.

(b) Research work has already been initiated in laboratories of Osmania University through the good offices of the Vice-Chancellor.

(c) Rs. 50 lakhs during the 3rd Plan period.

(d) Research will be organised and conducted in five research divisions: (i) Gravity and Magnetism; (ii) Electrical and Electromagnetism; (iii) Seismology and Seismic Crustal Studies;

(iv) Physical Properties; (v) Geochronology, Geochemistry and Petrology. A Oceanography Research Wing is being organised in Cochin.

#### **Gandhian Philosophy**

**692. Shrimati Renuka Barkataki:** Will the Minister of Education be pleased to state:

(a) whether Kumari Manuben Gandhi undertook lecture tours of schools for promotion of Gandhian philosophy under a Government scheme during Second Five Year Plan;

(b) if so, how many schools she visited up till now under the scheme and the names of the schools she visited; and

(c) what is the total expenditure incurred up till now under this scheme?

**The Minister of Education (Dr. K. L. Shrimall):** (a) Yes, Sir.

(b) The information is being collected and will be placed on the Table of the House.

(c) An expenditure of Rs. 12,380/- has been incurred so far in arranging Kumari Gandhi's lecture tours in different States/Union Territories.

#### **Post Matric Scholarships to Backward Class Students**

**693. Shri Siddiah:** Will the Minister of Education be pleased to state:

(a) how many applications were received from the students of Scheduled Castes, Scheduled Tribes and Other Backward classes (separately) for the award of the Post-matric scholarships in 1962-63 in Mysore State;

(b) how many from them have been awarded scholarships so far in each category; and

(c) by which time all the awards will be finalised?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Scheduled Castes: 2,950.

Scheduled Tribes: 27  
Other Backward Classes: 2,564.

(b) Scheduled Castes: 1,198  
Scheduled Tribes: 24  
Other Backward Classes: 518

(c) Scheduled Castes:

All applications will be finalised by 30th November, 1962.

*Scheduled Tribes:*

All applications have been finalised.

*Other Backward Classes:*

All 'Renewal' cases have been finalised. Fresh cases will be finalised as soon as the list of Other Backward Classes is finalised by the State Government.

**Legal Aid to Scheduled Castes and Scheduled Tribes in Mysore**

**694. Shri Siddiah:** Will the Minister of Home Affairs be pleased to state:

(a) whether legal aid has been given by the Government of Mysore to the Scheduled Castes and Tribes in 1962-63 so far; and

(b) if so, the amount spent so far?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) and (b). The information has been called for from the Government of Mysore. A statement will be laid on the Table of the House when the information becomes available.

**Coal Reserves near Kothagudam**

**695. Shri E. Madhusudan Rao:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether it is a fact that some new coal reserves have recently been found near Kothagudam in Andhra Pradesh;

(b) the total coal that will be exploited from the new site; and

(c) the cost of extraction thereof?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) Drilling being done to the dip of the existing workings, beyond the line where previous working had stopped due to a major fault, has revealed two coal seams at depths varying from 1200 ft. to 1400 ft. Further drilling is being done.

(b) and (c). More boreholes are needed before reserves can be computed. The cost of extraction too can be estimated only after prospecting has been completed.

**Languages in Delhi**

**696. Shri A. S. Saigal:** Will the Minister of Home Affairs be pleased to state:

(a) Percentage of persons speaking Hindi-Punjabi-Urdu in Delhi; and

(b) whether Punjabi has been accepted as one of the regional languages of Delhi.

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) Precise figures are not available. Figures for these languages were not compiled separately in 1951 Census, and 1961 Census tables relating to language have not yet been prepared.

(b) The Delhi Administration have been instructed to encourage the growth of all languages in use in Delhi. Reference is invited in this connection to Home Ministry's letter No. 13/157-OL dated 30th July, 1958 of which a copy was laid on the Table of the House on 19th September, 1958.

**Fire Accident in Najafgarh Road**

{ Shri Raghunath Singh;  
697. { Shri Himatsingka;  
      { Shri Kamalnayan Bajaj;

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that fire at Najafgarh Road, Delhi destroyed six factories on 11th November, 1962; and

(b) if so, the cause of fire?

## Offer of Cease-fire

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) and (b). The fire at Najafgarh Road, Delhi on 11th November, 1962 had engulfed the entire premises which were housing eight different kinds of industries. A large number of machines, lathes, overhead power transmission by belt drive etc. were also affected. Investigations could not locate the cause of fire with certainty. Perhaps the fire was caused by "Electrical Short Circuit".

12 hours.

**Mr. Speaker:** I had suspended the House to see whether the talks could discontinue. Members did not take notice of that.

**The Prime Minister, Minister of External Affairs and Atomic Energy (Shri Jawaharlal Nehru):** Mr. Speaker, may I sir, introduce to you and to the House our new Defence Minister Mr. Yashwant Rao Chavan?

**Mr. Speaker:** The House has heartily welcomed him already. I also, on my behalf, extend to him our hearty welcome.

# STATEMENT RE: REPORTED CHINESE OFFER OF CEASE-FIRE

**Shri Jawaharlal Nehru:** Sir, I should like to make a brief statement in regard to certain developments that have taken place.

The Government of the Peoples Republic of China, it appears from Radio broadcasts, has announced that they will have a cease fire from midnight of 21/22 November and will start withdrawing their forces from the positions they occupy from the 1st December. This is a unilateral announcement. We have thus far received no official confirmation of it. As soon as we receive any official message from the Chinese Government, we shall give it full consideration. Till then I would not like to express any opinion in regard to the Chinese proposals. Our position is

regard to any negotiations continues to be what we have previously stated, that is, that the position as it existed prior to September 8, 1962 shall be restored. We shall continue our efforts to obtain aid from friendly countries and strengthen our country's defences and its economic potential.

We should like to express again our gratitude to the many friendly countries who have offered us aid and sympathy and support during the time of our distress.

We have made it clear previously and we repeat that we have no desire for any territorial expansion in any direction and our aim is to live in peace and amity with our neighbours.

श्री प्रकाशवीर शास्त्री (विजनीर) : चीन ने युद्ध विराम की घोषणा की है और उस सम्बन्ध में जो भारत की प्रतिक्रिया है वह अभी प्रधान मंत्री जी ने बताई है। क्या इन तमाम बातों को देखते हुए, यह सम्भव प्रतीत होता है कि निकट भविष्य में आप इस प्रकार की भी कोई योजना बनायेंगे कि जिस आधार पर कुछ मध्यस्थ देशों द्वारा समझौते के प्रयास किये जा रहे थे, उनको आगे बढ़ाया जाए, अथवा आप तैयारियों को जिस स्तर पर वे चल रही थीं, उसी स्तर पर बराबर बनाये रखेंगे ?

**अध्वक्ष महोदय :** इसका जवाब तो दे दिया गया है।

**Shri Hari Vishnu Kamath (Hos-tingabad):** Mr. Speaker, on a point of clarification or rather information, the Chinese Government seems to be an adept at their game of fraud and deception and when the situation continued to be so fluid, I would request you and the Leader of the House will agree, I am sure, that in this parliamentary democratic set up, the Parliament of the nation must continue to be in session and have the privilege of advising and guiding the Government in this emergency.

That is the first point.

[Shri Hari Vishnu Kamath]

Secondly, may I suggest that notwithstanding the fact that the Prime Minister had earlier offered, or made the offer of withdrawal to the September 8th line as conditional to talks or negotiations, latterly, the day before yesterday, in his broadcast, very heartening broadcast, and inspiring broadcast to the nation on Monday night, he declared categorically that there would be no talks and no negotiations unless and until every inch of our territory, of our sacred land, our sacred Motherland—that was the word used by him—is cleared of the Chinese invaders? And Parliament has had the privilege of endorsing wholeheartedly that declaration, and I hope that he will today give a categorical assurance to Parliament and to the nation that he will stand firm by that policy which has been clearly enunciated by Government and endorsed by the Parliament of the nation, and there will be no departure from that policy. Now, there ought not to be any departure. . . .

**Mr. Speaker:** The hon. Member wanted to make only one point. But, now he has made two. Now he should conclude.

**Shri Hari Vishnu Kamath:** It is all part of one. The Prime Minister has said that the flow of arms will be kept up. May I also request him to see that these friendly countries who have rushed to our aid will be kept in close touch with the developments from day to day and will be taken into confidence before any concrete move is taken in the matter?

**Shri S. M. Banerjee (Kanpur):** I want to ask whether the Government of India have received any communication containing the full text of their suggestions and whether its implication has been analysed.

**Some Hon. Members:** No, no.

**Mr. Speaker:** Members should only put such questions as those in respect of which information has not been

given. Why should they repeat the same thing again?

**Shri S. M. Banerjee:** It appears in the newspaper that our Charge d'affairs also met Premier Chou En-lai.

**Shri Raghunath Singh (Varanasi):** That is old news.

**Shri S. M. Banerjee:** Let not my hon. friends be hasty about it. I want to know this because the details were not known. Our officer had a talk with the Chinese Premier. I want to know whether any letter was sent by us, and if so, what the details of that letter were.

**Mr. Speaker:** That answer had been given yesterday.

**Shri Shivaji Rao S. Deshmukh (Parbhani):** Yesterday, the Prime Minister answered that question and said that a note from us was delivered to them.

**Mr. Speaker:** I have also said that. Where was the necessity for the hon. Member to get up and give this reply?

**Shri Tyagi (Dehra Dun):** I am glad that the hon. Prime Minister has not made any commitment at this stage. India is, I think, by now. . . .

**Mr. Speaker:** I would ask hon. Members to give only their reactions or any suggestions and not to press the Prime Minister to make any statement at this time. That is what I would advise hon. Members that they should also restrain themselves.

**Shri Tyagi:** That is true. We thank you for this. We all agree to that idea. This is not the state for that. But let us give our reactions and say how we react to this. India is too well experienced by now to be hoodwinked by any such gestures.

**Shri Frank Anthony (Nominated—Anglo-Indians):** Not gesture, but trick.

**Shri Tyagi:** I have also heard that radio news, and it was not in good taste, I am sure; all that they said immediately before this. and all that

they said afterwards were quite adverse to the gesture that they have made. India knows very well....

**Mr. Speaker:** I would request the hon. Member to be very brief.

**Shri Tyagi:** I am not going to make a speech. I would only make one suggestion.

I also agree with my hon. friend Shri Kamath that Parliament might just continue in session for some time more, because we all would like to know, and everyone of us is interested in knowing, what will come off of these things. Of course, we are quite sure that the Prime Minister is quite further acquainted with the reactions of the Army as well as of the people in this regard, and the strategic position today which they occupy. What is the meaning of their keeping time till 1st December to retire? Why do they want all this time? Do they want to build roads?

**Mr. Speaker:** Order, order. The hon. Member said that he would not make any speech, but at the same time, he is making it.

**Shri Tyagi:** I have only one request to make. I hope that that too must be in the mind of the hon. Prime Minister. Now, since quite big countries and friendly countries have come out openly to help us, and they have also, after all, bracketed themselves with us, as far as the relationship with China is concerned, I hope that they will also be taken into confidence before any final decision is arrived at.

**Mr. Speaker:** I will allow one Member from each Group to give his reaction.

**Shri Hem Barua:** My name is there.

**Mr. Speaker:** I will call him, if his name is there. I will call one Member from each Group. More than that it is not possible to do.

**श्री बागड़ी (हिसार) :** एक पार्टी से दो मेम्बर भी बुलाये जा रहे हैं ।

**Mr. Speaker:** No, no.

**Dr. L. M. Singhvi (Jodhpur):** Apart from the broadcast, do we definitely know through our own sources of information whether the Chinese have actually and in fact ceased fire?

**Mr. Speaker:** That has been answered. I find that Members are putting questions that are answered. I only want that each one of them might, in a minute, give his reaction only to the news, nothing further.

**Shri Hem Barua:** I wanted to submit that the Chinese are not in a position to wage a long-drawn war because of their economic situation and all that. But then she has announced a unilateral cease fire and all that. At the same time, she has humiliated us sufficiently in the whole of South-East Asia, and all over the world. By this, her influence in South East Asia, which she wants to build up meticulously, would be growing. Then, judging from the broadcast she wants to make a difference between the line of actual control and some other line and all that. It is because of all this that I want to request the Prime Minister that while coming to a conclusion or decision, all different aspects should be taken into consideration and the House should be taken into confidence.

**श्री रामसेवक यादव (बाराबंकी) :**  
 अध्यक्ष महोदय, कम्यूनिस्ट चीन के रेडियो पर जो युद्ध विराम की खबर आई, उसका मेरे ऊपर और दूसरे बहुत से लोगों के ऊपर जो असर हुआ वह यह कि पहली बात तो यह हो सकती है कि वह भोखा हो । जान पड़ता है कि उन्होंने जो समय मांगा है उसमें अपनी स्थिति को मजबूत कर के वे हमें और ज्यादा परेशानी में मुक्तला करेंगे । दूसरी बात यह भी हो सकती है कि शायद वह ईमानदारी की बात हो, लेकिन दोनों सूरतों में, चाहे वह ट्रिक भ्रमवा भ्रंखा हो या ईमानदारी हो, हमें अब किसी तरह से अपने प्रयत्नों में रिलेक्सेशन नहीं करना है । हमें पूरी तैयारी करनी चाहिये ।

**अध्यक्ष महोदय :** यह तो उन्होंने कहा ही है ।

**श्री राम सेवक यादव :** दूसरी बात यह कि प्रधान मंत्री के रेडियो भाषण, इस सदन के कल के बयान और आज की मौजूदा स्थिति के बाद फिर २ नितम्बर की बात आज मेरे जैसे लोगों को थोड़ी खटकनी है ।

तीसरी बात यह कि मैं श्री कामत के इस मुझाब से सहमत हूँ कि मौजूदा स्थिति में पार्लियामेंट का चलना नितांत आवश्यक है ।

**Shri Frank Anthony** (Nominated-Anglo-Indian): I did not intend to say anything, but since you have asked for our reactions, may I put my reaction briefly? I feel that it is a typical piece of calculated Chinese trickery. According to the newspaper report, they are purported to have once again repeated their proposal of October 24 which they know we have rejected. What I feel is this. We now know enough of Chinese strategy—the Prime Minister knows better than we do; take a base, prepare it, seek a breathing space; take another base, prepare it. They are wanting to prepare another base.

I am glad that the Prime Minister has left no illusions in our minds that whatever they may do, we are committed now to building up our armed strength and to retaking every inch of our own soil.

**Shri H. N. Mukerjee** (Calcutta-Central): I had no intention of intervening, but after my hon. friend, Shri Frank Anthony, I wish only to say one thing. Only the other day, we passed by acclamation a unanimous Resolution which has been seconded unequivocally by the country outside, and that Resolution presupposed that the Government, led by our Prime Minister, would have, as far as is possible in the parliamentary set-up, a free hand in the conduct of the proceedings which are now going on. I feel, therefore, when the Prime Minister

comes forward himself to say that he has not yet studied the material sufficiently to be able to make any commitment, it is necessary and important . . . (Interruptions).

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

**Shri H. N. Mukerjee:** We are not going to win or to lose on account of the Three Musketeers of a particular party or the Four Horsemen of another . . . (Interruptions).

**Shri Hari Vishnu Kamath:** For the stooges of a particular party (Interruptions).

**Mr. Speaker:** The hon. Member should not provoke others. I would request the hon. Member, as well as other hon. Members, to have in mind the unanimity that was shown recently.

**Shri Hari Vishnu Kamath:** He is upsetting that.

**Mr. Speaker:** I should rather now advise the hon. Member to desist from such temptations of criticising others.

**Shri Tyagi:** Let them betray their inner feelings.

**Shri Hem Barua:** He should withdraw his remarks on the three musketeers of a particular party the four horsemen and all that.

**Mr. Speaker:** Would he kindly resume his seat?

**Shri Hem Barua:** I would ask him to withdraw those words.

**Mr. Speaker:** Certainly it would be advisable now for him to withdraw those words.

**Shri H. N. Mukerjee:** We have put an embargo on speaking, so to speak. We know that it is not necessary in this House to speak over much. That is why I make a submission to you. . .

**Mr. Speaker:** I have said this was not advisable at this moment to refer in such a manner. Therefore I would advise him to withdraw those phrases.

**Some Hon. Members:** He must withdraw.



**Shri H. N. Mukerjee:** If you ask me to withdraw, I do not mind, but I do beseech you, and through you the House, that it is very necessary in the interests of national solidarity, if not for anything else, that we behave in this House in a manner which will show that behind the Government there is unity in the country.

**Shri Ranga (Chittoor):** I want to be as brief as possible. Reference has been made to the resolution that has been passed by this House. If any one were to look into the reports of the debates. . . .

**Mr. Speaker:** Why should he go into that?

**Shri Ranga:** It is under great stress, we have to express ourselves because you have stipulated certain provisions subject to which alone we have to make our observations. If any one were to go through the debate, he would be able to see how wrong my hon. friend is in his statement that everything is left to the Prime Minister.

It is left to the national leadership; of which this sovereign Parliament is the spearhead. And then we made it very clear that we should not accept the Chinese proposal that we should go back again, that we should accept their dates. Only yesterday the hon. Prime Minister was good enough to state in this House as well as in the other House that we are not going to enter into any negotiations with the Chinese Government until our country is vacated of their aggression.

Our friends have already made those points. I am in agreement with all the points made, including the point made by Shri Tyagi. It is all the more reason why there should be a secret session of this Parliament, and the sooner the better.

Secondly, I do not want Parliament to be adjourned. We are extremely anxious to see that the Prime Minister will take care to take not only the friends from outside, (all those friends

outside, our country into his consultations,) but also this Parliament into his constant consultation, and to stand by the declaration that he has made yesterday, and would see to it that this country's honour is sustained in spite of all these tricks, Ravana's tricks, that are being played now.

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

**Shri Ranga:** It is about the Chinese I am saying, I am not referring to these friends here to my right. There was a hero, son of Ravana, known as Indrajit; he used to go into the clouds and play mischief. In the same manner, this new offer has come. There is no precedent in history for a thing like this. Even Hitler could not think of it, but here are these people making a peace offensive, when?—soon after their victory. Hitler did it, but never before was there a direct offer like this of cease-fire. Cease-fire since when?—from the 1st December.

**Mr. Speaker:** He has said enough.

**Shri Ranga:** Therefore, it is most essential that Parliament should be kept in session, and you should co-operate with us, and the hon. Prime Minister should co-operate with us, in seeing that no proposal is made to the Chinese until Parliament is taken into confidence by them in the open session, and if necessary in the secret session also.

**Shri Bade (Khargone):** Our impression is that the reported Chinese offer of cease-fire and withdrawal of its troops could well be a deceptive move to confuse world opinion and again lull India into inaction. And the proposal in the cease-fire is in no way different from the earlier one rejected by India. If China really wants to return to civilised and peaceful ways, it should straightaway clear out of Indian territory. The preparations that we are making, we shall continue to make and that is our suggestion. I want to ask the Prime Minister whether it is not a fact that the proposals of cease-fire made in Peking radio have been rejected by our Prime Minister.

**श्री मोर्य (अलीगढ़) :** आदरणीय अध्यक्ष महोदय, यह जो सूचना पीकिंग से आई है कि सीज फायर किया जायेगा, यदि यह सूचना सही होती तो मुझे खुशी होती। लेकिन वास्तव में यह हमारी मनोवृत्ति को जानने के लिए उनकी एक चाल की तरह से है। यह मैंने अपनी छोटी बुद्धि से सोचा है। अभी अभी इस सदन में उसका एक असर था। मैं सोचता हूँ कि यह जो सीज फायर की सूचना है यह एक शान्ति भरे सागर की तरह है। जब सागर में शान्ति होती है तो वह बहुत बड़ी अशान्ति की सूचक होती है। हम अभी तक जिस ताकत से तैयारी कर रहे हैं हमको उससे भी ज्यादा ताकत से तैयारी करनी चाहिए। हमें इस सूचना से आराम तलबी में नहीं पड़ना चाहिए।

साथ ही साथ मेरी एक और बिनती है कि जो हमारे बीच में इस जग सी खबर के आने से यह असर हुआ है यह नहीं होना चाहिए। मैं सोचता हूँ कि हम अपनी ही मातृभूमि में बीस किलोमीटर पीछे कैसे हट सकते हैं। यह तो समझमें आने की बात नहीं। हमें अपनी तमाम ताकतों का पूरी तरह लगाये रखना चाहिए। मानूँ होता है कि यह किसी प्रेशर के अन्तर्गत हो रहा है, जिसके बारे में मैं कुछ नहीं कहना चाहता। इन चालों से होशियार रह कर हमें पूरी ताकत के साथ मुकाबले के लिए तैयार रहना है।

**श्री बिशन चन्द्र सेठ (एटा) :** मैं यह बहुत छोटी सी बात कहना चाहता हूँ। जैसा कि हमारे आदरणीय प्रधान मंत्री जी ने कहा, अभी उनके पास कोई आफिशियल सूचना पीकिंग से नहीं आई है। मैं समझता हूँ कि जब तक कोई आफिशियल सूचना न आ जाए तब तक गवर्नमेंट का कोई रिएक्शन इसके बारे में होना भी नहीं चाहिए। लेकिन जैसा कि श्रीर लोगोंने भी कहा है, मैं आदरणीय प्रधान मंत्री जी से कहना चाहता हूँ कि हमें सतर्क होना जरूरी है।

चाइनीज की बात सत्य मानना बड़ा दुखद होगा क्योंकि अब तक का हमारा अनुभव बहुत विपरीत रहा है।

**डा० गोविन्द बास (जबलपुर)**  
मैं एक बात कहना चाहता हूँ।

**अध्यक्ष महोदय :** अगर मैं आपको इजाजत दे दूंगा तो श्रीर मेम्बर भी बोलना चाहेंगे। आपकी तरफ से प्राइम मिनिस्टर साहब बोल देंगे।

**Shri Jawaharlal Nehru:** In the little statement that I made a little while ago, I have stated that we shall consider any communication from the Chinese Government carefully and then express an opinion about it. I have not gone into it and there is much that can be said in regard to it. Other hon. Members have given their first reactions and I have listened to them. But in a matter of this kind or any serious kind Government has to think carefully all aspects of it and then form an opinion and give effect to it. I do not wish to say more. There is only one matter the hon. Member Shri Kamath talked about my broadcast the other day as if there has been any change in my submission to this House here or broadcast anywhere. We said sometime ago, after careful thought that the position prior to the 8th September should be restored; to that we have stuck all along; to that we stick even now. . .

**Shri Priya Gupta:** 8th September? People of India do not want that. In the main Resolution the hold Prime Minister never said so . . .

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

**Shri Jawaharlal Nehru:** I am merely stating what our position has been in regard to this matter and we do not shift it about every 24 hours. I think it is a good position and strong position and, as I have said before, we do not propose to consider negotiations till that position is resorted. Negotiations themselves will be in

*Offer of Cease-fire*

various stages and when it comes the first thing will be how to create the conditions which will enable negotiations . . . (Interruptions).

**Shri Priya Gupta:** It has cost us. There can be no negotiations at the cost of our country's prestige and honours.

**Mr. Speaker:** Order, order. Does he belong to any party or not?

**Shri Priya Gupta:** Yes, Sir.

**Mr. Speaker:** Then I cannot accommodate each member of the party. He should not stand up in this manner. I warn him about it.

**Shri Priya Gupta:** I prayed for time all through and I submitted call attention notice to the Prime Minister.

**Mr. Speaker:** Everyone cannot be given time. If the hon. Member belongs to no party, I said I would not give time to individuals.

**Shri Jawaharlal Nehru:** A suggestion has been made by one or two hon. Members that before we communicate any reply to the Chinese Government we should have it discussed here. I am afraid this is a very novel procedure. General principles are discussed here and we are guided by whatever the House may decide. But to discuss these communications between one Government and another would be a very extraordinary thing; and it is a very undesirable and harmful thing. We cannot carry on communications with Governments in that way.

Fourthly, an hon. Member has suggested that Parliament may be prolonged. That is entirely for you and the House to decide. It is not for me to say. But I would suggest this,—we have not only to consider carefully any communication that comes to us from the Chinese Government, but also to find out and watch how they are giving effect to it before we can form an opinion. Even according to them, they say—apart from the cease fire which will be from tonight onwards—that they will start withdrawing on the 1st December, and there-

fore, in order to watch what they do, it will involve some little time. It is not a question of extension by a few days, of Parliament. That is all I wish to submit.

**Shri Hari Vishnu Kamath:** I crave your pardon, Sir. The resolution that the House adopted the other day made no reference to the 8th September line. That is all that I want to say.

**डा० गोविन्द दास :** मैं एक बात कहना चाहता हूँ जो अभी तक किसी ने नहीं कही है। इसके लिए मुझे एक मिनट का समय दिया जाए।

मैं यह कहना चाहता हूँ कि यहां पर जितने भाषण हुए उन भाषणों में श्री हीरेन मुखर्जी के भाषण में कितना फर्क है इसका भी ध्यान रखा जाना चाहिए। हमारे देश के अन्दर हमारे साथ कितने लोग हैं और कितने अन्दर ही अन्दर हमारे खिलाफ काम कर रहे उसका कुछ आभास श्री हीरेन मुखर्जी के भाषण से मिलता है। इसलिए हमको उन के दल से बहुत आगाह रहने की आवश्यकता है। मैंने पहले भी यह कहा था और आज भी कहता हूँ।

**Mr. Speaker:** Order, order. This is not the occasion to say all that, and make such observations at this moment.

**Shri H. N. Mukerjee:** Sir, the hon. Member has used those words which I do not want to be on record. I wish that either those words are withdrawn or are taken out of the record.

**Mr. Speaker:** I do not think I can order the withdrawal of those words. I have only advised him that those words ought not to have been said. That should be enough.

**Shri Daji:** Shri H. N. Mukerjee has only said, "three musketeers." That is not so objectionable as the words of the hon. Member who just now made his observations.

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

## PAPERS LAID ON THE TABLE

## NOTIFICATION UNDER OIL AND NATURAL GAS COMMISSION ACT

**The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajar-navis):** On behalf of Shri K. D. Malaviya, I beg to lay on the Table a copy of the Oil and Natural Gas Commission (Third Amendment) Rules, 1962, published in Notification No. G.S.R. 1444 dated the 3rd November, 1962, under sub-section (3) of section 31 of the Oil and Natural Gas Commission Act, 1959. [Placed in Library. See No. LT-562/62.]

## UNIVERSITY GRANTS COMMISSION (BUDGET AND ACCOUNTS) RULES

**The Minister of Education (Shri K. L. Shrivastava):** I beg to lay on the Table a copy of the University Grants Commission (Budget and Accounts) Rules, 1962, published in Notification No. G.S.R. 1218, dated the 29th September, 1962, under sub-section (3) of section 25 of the University Grants Commission Act, 1956. [Placed in Library. See No. LT-563/62.]

## NOTIFICATIONS UNDER COPYRIGHT ACT

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** I beg to lay on the Table a copy each of the following orders under section 43 of the Copyright Act 1957:—

- (i) The International Copyright (Sixth Amendment) Order, 1962, published in Notification No. S.O. 2600 dated the 18th August, 1962.
- (ii) The International Copyright (Seventh Amendment) Order, 1962 published in Notification No. S.O. 2878 dated the 18th September, 1962.
- (iii) The International Copyright (Eighth Amendment) Order, 1962 published in Notification No. S.O. 2944 dated the 25th September, 1962.

- (iv) The International Copyright (Ninth Amendment) Order, 1962 published in Notification No. S.O. 3195 dated the 18th October, 1962.

[Placed in Library. See No. LT-564/62.]

## STATEMENTS RE ACTION TAKEN BY GOVERNMENT ON VARIOUS ASSURANCES, PROMISES AND UNDERTAKINGS GIVEN BY MINISTERS DURING THE VARIOUS SESSIONS

**The Minister of Defence Production (Shri Raghuramaiah):** Sir, on behalf of Shri Satya Narayan Sinha, I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each:—

- (i) Supplementary Statement No. I Second Session, 1962 (Third Lok Sabha). [See Appendix I, annexure No. 73].
- (ii) Supplementary Statement No. IV First Session, 1962 (Third Lok Sabha). [See Appendix I, annexure No. 74].
- (iii) Supplementary Statement No. IV Sixteenth Session, 1962 (Second Lok Sabha). [See Appendix I, annexure No. 75].
- (iv) Supplementary Statement No. VII Fifteenth Session, 1961 (Second Lok Sabha) [See Appendix I, annexure No. 76].
- (v) Supplementary Statement No. VIII Fourteenth Session, 1961 (Second Lok Sabha). [See Appendix I, annexure No. 77].

## NOTIFICATIONS UNDER THE ALL INDIA SERVICES ACT, 1951

**The Minister of State in the Ministry of Home Affairs (Shri Datar):**

- (i) Sir, I beg to relay on the Table a copy each of the fol-

lowing Notifications under sub-section (2) of section 3 of the All India Services Act, 1951, making certain further amendments to Schedule III to the Indian Administrative Service (Pay) Rules, 1954:—

- (a) G.S.R. No. 678 dated the 19th May, 1962.
- (b) G.S.R. No. 702 dated the 26th May, 1962.
- (c) G.S.R. No. 755 dated the 9th June, 1962.
- (d) G.S.R. No. 996 dated the 28th July, 1962.

[Placed in Library. See No. LT-437/62.]

- (ii) Sir, I beg to lay on the Table a copy of Notification No. 140/1/62-M, published in Manipur Gazette dated the 29th June, 1962 containing the Manipur Land Revenue and Land Reforms (Allotment of Land) Rules, 1962, under section 169 of the Manipur Land Revenues and Land Reforms Act, 1960. [Placed in Library. See No. LT-570/62.]

- (iii) Sir, I beg to lay on the Table a copy each of the following Declarations of Exemption, under the Proviso to section 6 of the Registration of Foreigners Act, 1939:—

- (a) No. 1/16/62-F.1 dated the 23rd June, 1962 (2 Declarations).
- (b) No. 6/31/62-F.1, dated the 28th August, 1962 (10 Declarations).

[Placed in Library. See No. LT-571/62.]

Secretary of Rajya Sabha:—

- (i) "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 20th November, 1962, agreed without any amendment to the Metal Tokens (Amendment) Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 19th November, 1962."

- (ii) "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 20th November, 1962, agreed without any amendment to the Petroleum Pipelines (Acquisition of Right of User in Land) Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 19th November, 1962."

- (iii) "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 20th November, 1962, agreed without any amendment to the Foreigners Law (Application and Amendment) Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 19th November, 1962."

12.30½ hrs.

# MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the 2171 (Ai) L.S.D.—4.

## PUBLIC ACCOUNTS COMMITTEE SECOND REPORT

Shri Tyagi (Dehra Dun): Sir, I beg to present the Second Report of the

[Shri Tyagi]

Public Accounts Committee on the Appropriation Accounts (Posts and Telegraphs), 1960-61 and Audit Report (P. & T.), 1962.

12.31 hrs.

#### CUSTOMS BILL—contd.

**Mr. Speaker:** We shall now take up further consideration of the following motion moved by Shri B. R. Bhagat on the 20th November, 1962, namely:—

“That the Bill to consolidate and amend the law relating to customs, as reported by the Select Committee, be taken into consideration.”

Shri Bade may continue his speech. He has already taken 14 minutes. He will try and finish his speech within the next six minutes.

**Shri Bade (Khargone):** I may be given ten minutes.

**Mr. Speaker:** 20 minutes is the maximum.

**Shri Bade:** Yesterday more than 25 minutes were given to some hon. Member.

**Mr. Speaker:** Because there were no other speakers. He may proceed now.

श्री बाड़े : अध्यक्ष महोदय, कल मैं डिलेज के बारे में बतला रहा था कि कलक्टर्स आफिस और सेंट्रल बोर्ड आफ रेवेन्यू में एपेलेट प्रोसीडिंग्स के कम्प्लीशन में सीरियस डिलेज होती है। उन के बारे में बचवार कस्टम्स रिआर्गनाइजेशन कमेटी ने अपनी रिपोर्ट में यह लिखा है :—

“Serious delays occur in the completion of appellate proceedings, both in the Collector's office and in the Central Board of Revenue. The same is the case with the disposal of revision petitions. As in such

proceedings, which are based on facts already on the record, the party cannot possibly contribute to the delay, the full force of public criticism is naturally directed against the Customs Department, the Central Board of Revenue and Government. We understand that these delays take place mainly because of the heavy incidence of appeals and revision petitions, and that Government have already taken several steps and propose to take more, to remedy the situation.”

इसी प्रकार से कस्टम कमिशनर और एपेलेट एयारिटी के यहां बहुत डिले होती है और बचवार कमेटी ने उसके बारे में जिक्र किया है।

क्लाज 142(1) में यह लिखा हुआ है :—

“142 (1) (a): the proper officer may deduct or may require any other officer of customs to deduct the amount so payable from any money owing to such person which may be under the control of the proper officer or such other officer of customs;”

इसके लिए भी मैंने अपना नोट आफ डिस्टेंस दिया है। मैंने इस पर अपना आब-जैक्शन दिया है।

“147 (3): When any person is expressly or impliedly authorised by the owner, importer or exporter of any goods to be his agent in respect of such goods for all or any of the purposes of this Act, such person shall, without prejudice to the liability of the owner, importer or exporter, be deemed to be the owner, importer or exporter of such goods for such purposes.”

इस के अनुसार जो एजेंट होगा वह उस सोने के प्रोनर, इम्पोर्टर और एक्सपोर्टर के किसी भी ऑफिस और ड्यूज के लिए कस्टम आफिस द्वारा जिम्मेदार ठहराया जायगा और उससे कस्टम ड्यूज वसूल किया

जायगा । जैसा कि मैंने अपने मिनिट ग्रीफ डिस्टेंट में भी कहा है कि क्लिअरिंग एजेंट किसी नियत समय के लिए भी जिम्मेदार समझा जाना चाहिए । इसमें यह नहीं दिया है कि वह ६, ८ या ९ महीने अथवा कितने समय तक के लिए जिम्मेदार ठहारा जायगा । इसके अलावा घोरन की गलती के लिए एजेंट लाएबिल टु पनिशमेंट नहीं होना चाहिए ।

क्लाज १०२(१) सर्व वारंट्स के बारे में है । उसके बारे में श्री कामथ ने जो नोट ग्राफ डिस्टेंट दिया है उसमें मैं भी सहमत हूँ । १०२(१) में यह दिया हुआ है :—

"When any officer of customs is about to search any person under the provisions of section 100 or section 101, the officer of customs shall, if such person so requires..."

if such persons so requires पर मेरी आपत्ति है, यदि अपराधी इस प्राविजन से अनभिज्ञ है तो जहां ८० परसेंट जनता अशिक्षित है ऐसी सूरत में अपराधी की इच्छा पर नहीं होना चाहिए । इस क्लाइज में दिया हुआ है कि किसी व्यक्ति की तलाशी लेते समय उसकी बगैर देरी के नजदीक के गजेटेड आफिसर आफ कस्टम्स या मजिस्ट्रेट के सामने ले जाया जायगा । अब इसमें कस्टम आफिसर को जो सर्व लेने का अधिकार दिया गया है उसमें मेरी आपत्ति है । कस्टम्स आफिसर को सर्व लेते वक्त मजिस्ट्रेट के सामने जाना ही चाहिए अपराधी को लेकर । जो विटनेसेज आई थी उन्होंने भी इसके बारे में आपत्ति की थी ।

इसी तरह से सेक्शन १०५(१) जो कि पावर टु सर्व प्रीमिसेज के बारे में है लिखा हुआ है :—

"If the Assistant Collector of Customs, or in any area adjoining the land frontier or the coast of India an officer of customs specially empowered by name in this behalf by the Board, has reason to believe

that any goods liable to confiscation, or any documents or things which in his opinion will be useful for or relevant to any proceeding under this Act are secreted in any place, he may authorise any officer of customs . . ."

इसमें कोई भी आफिसर आफ कस्टम्स सर्व ले सकता है । एनी आफिसर ग्रीफ कस्टम्स को जो सर्व वारंट लेने और सर्व करने का आप अधिकार देते हैं यह कुछ उचित नहीं जंचता है । अब अगर कोई बदला लेना चाहता है तो वह उस आदमी का सर्व ले सकता है । इसके बारे में हमने प्रीबजेशन दिया है । यह जरूरी है कि इसमें एगारिटी के पीसिबिल मिसयूज के खिलाफ सेफगार्ड प्रोवाइड हो । मजिस्ट्रेट, जज या किसी जुडिशिएल आफिसर से सर्व वारंट लेने के बाद आफिसर आफ कस्टम्स सर्व ले सके, ऐसा इसमें प्राविजन जोड़ा जाना चाहिए । पावर का मिसयूज इसी तरह से रोका जा सकता है कि हम इसमें यह व्यवस्था कर दें कि कोई भी सर्व बगैर मजिस्ट्रेट के वारंट के नहीं कंडक्ट की जा सकेगी । लेकिन इसमें यह प्राविजन न रख कर यह लिखा हुआ है कि मजिस्ट्रेट के सामने जाने की जरूरत नहीं है । विदाउट गोइंग टु मजिस्ट्रेट कोई भी नोन गजेटेड आफिसर ग्रीफ कस्टम्स सर्व ले सकता है । मेरी आपत्ति इस बारे में है और मैं तो चाहता हूँ कि इसमें a wholesome restraint to the effect that no such search shall be made without a magisterial warrant, प्रोवाइड कर दिया जाय ।

इसके बाद मैं १२०(२) की बाबत कहना चाहता हूँ कि इसमें जो दिया हुआ है कि स्मगलड गुड्स दूसरे गुड्स के साथ इस तरह से अगर मिले हों कि वे दूसरे गुड्स से अलग न किये जा सकते हों तो वह तमाम के तमाम गुड्स कौनफिसिकेट हो जायेंगे । इसके बारे में बुलियन मर्चेंट असोसियेशन की तरफ से जो लोग आये थे उन्होंने कमेटी के सामने अपनी गवाही में

[श्री बड़े]

इस पर आपत्ति की थी। यदि कोई स्मगलड गोल्ड किसी ऐसे गोल्ड में मिक्स कर दिया जाय जो कि स्मगलड नहीं है लेकिन चूंकि उन दोनों को अलग भ्रम नहीं किया जा सकता है इसलिए वह पूरा का पूरा गोल्ड जब्त किया जायगा। १२०(२) में दिया हुआ है :—

"Where smuggled goods are mixed with other goods in such manner that the smuggled goods cannot be separated from such other goods, the whole of the goods shall be liable to confiscation."

सोने के व्यापारियों ने इस बारे में यह आपत्ति उठाई थी कि वर्तमान संकशन के कारण यदि कोई गोल्ड प्राप्त किया जाय और उसे वह अपने पास के दूसरे सोने में मिक्स करके गहना बना ले और बाद में मालूम पड़े कि जो सोना उसने लिया था वह स्मगलड है तो उसका पूरा का पूरा औरनामेंट जब्त कर लिया जाएगा। चूंकि इस प्राविजन पर हमने ओबजेक्शन दिया इसलिए महज आईवाश की गरज से गवर्नमेंट ने उन में यह डाल दिया है :—

"Only such part of the goods the value of which is equal to the value of the smuggled goods shall be liable to confiscation." इस तरह का सब-संश्लेषण उसमें डाल दिया है। लेकिन इस प्राविजन से मेरा समाधान नहीं होता है।

ए. आई. आर. १९६१ बम्बई पेज ४८ पर सोनावाला केस में लिखा हुआ है :—

"No Government can confiscate any property which is mixed with smuggled gold."

उस सोनावाला केस में बम्बई हाईकोर्ट ने जो जजमेंट दिया है उसका नलिफाई करने के लिए प्राविजन रखा गया है। पहले इसमें इस तरह का प्राविजन नहीं था। सेलेक्ट कमेटी में मैंने और दूसरे बहुत से मेम्बरों ने

इस पर आपत्ति की थी कि इस तरह का प्राविजन नहीं रखा जाना चाहिए लेकिन जैसा मैंने कहा सोनावाला केस में बम्बई हाईकोर्ट ने जो जजमेंट दिया है उसको नलिफाई करने के लिए यह प्राविजन रखा गया है। चूंकि यह नेचुरल जस्टिस और जुरिसप्रुडेंस के खिलाफ जाता है इसलिए ऐसा प्राविजन नहीं होना चाहिए।

१२६(१) जो कि डिपार्जिट्स के बारे में है और जिसमें कहा है कि बिना ड्यूटी या पैनाल्टी डिपार्जिट करायें अपील नहीं कर सकता। मैंने यह ओबजेक्शन लिया था कि ऐसा प्राविजन इसमें नहीं होना चाहिए।

इसके साथ में सुप्रीम कोर्ट जजमेंट १९६२ रिपोर्टेड इन ए. आई. आर. १९६२ पेज ३१६ कलक्टर आफ कस्टम्स वरसेज नयैला चेट्टी, इसको मंत्री महोदय ने रेफर किया है। उन्होंने कहा है कि यह बर्डन ऑफ प्रूफ अल्ट्रा वायर्स नहीं है। लेकिन मेरा कहना है कि यह नेचुरल जस्टिस के खिलाफ है। मेरा कहना है कि माननीय मंत्री ने सुप्रीम कोर्ट जजमेंट के ऊपर ठीक से ध्यान नहीं दिया है और इसलिए उनका इस तरह का प्राविजन इसमें रखना यह नेचुरल जस्टिस और जुरिसप्रुडेंस के विरुद्ध है।

सुप्रीम कोर्ट का जजमेंट में यहां ले आया है . . . . .

श्री ब० रा० भक्त : जजमेंट में क्या है ?

अध्यक्ष महोदय : जजमेंट को माननीय सदस्य हाउस में पढ़ने का एरेंज करे। उसको वह मंत्री महोदय के पास आन कर दें।

श्री बड़े : अब यह सीजर की तरह से कि जो सीजर अपराध इनवैस्टिगेट करे और वही सीजर जजमेंट दे इसके बारे में



कलकत्ता हाईकोर्ट का सन् ६१ का जो जजमेंट है उसमें उन्होंने कहा है :—

"The rule that 'no man should be a Judge in his own cause' is so well established and so often reiterated by the wisdom of Judges that it is unnecessary to cite authorities. The principle enshrined in the maxim 'Nemo Debet Esse Judex in Casus Propria Sua' is of the highest importance and any infraction of it would render the proceedings wholly unsustainable."

इस प्राविजन के विरुद्ध मेरा कहना है कि ऐपलेट अथॉरिटी अलग रखना चाहिये और रिबीजन ट्रिब्यूनल अलग रखना चाहिये और कम्पटम्ब्रू कमिशनर या कस्टम्स आफिसर उस में नहीं होने चाहिये। मेरी विनती है कि यह हाउस हमारे मिनिट आफ डिसेंट को पढ़े। हमारे सामने चेम्बरज आफ मरचेंट्स और ट्रेडज एंसेलेशनन्ज के लगभग चालीस पचास मेमोरेण्डम आये, जिन में उन्होंने सर्व वारन्ट, कान्फिस्केशन आफ गोल्ड और वर्डन आफ प्रूफ के बारे में प्राविजन के खिलाफ अपने विचार प्रकट किये हैं। मैं प्रार्थना करना चाहता हूँ कि हाउस को इस बिल को पास करने से पहले इस ओर ध्यान देना चाहिये।

**Shri Fatehsinhrao Gaekwad** (Baroda): Mr. Speaker, Sir I heartily welcome the introduction of the Customs Bill, 1962. It seeks to consolidate the provisions relating to the sea, land and air customs into a single comprehensive measure. Such a measure, I feel, was long overdue, and I wish to congratulate Government for bringing it before Parliament at least now.

The Bill before us has many redeeming features. It seeks to plug many a loophole in the existing laws. Severe punishments for both the law enforcer and the law breaker are introduced by this Bill. But I have my own doubts as to whether this Bill will solve the problem completely. I am afraid, the age old adage that

laws are made to be broken will still stand good. Smuggling, as we all know, is one of the oldest trades in the world and any number of laws, I am afraid, is not going to stop it.

I would like to exclude hon. Members of Parliament before I make the next few remarks. I believe, to smuggle is an inherent quality in the human frame. Broadly speaking, we are all smugglers at heart basically and, some time or other, we have all stooped to a little smuggling.

**Mr. Speaker:** Is that a lapse or is that the nature?

**Shri Fatehsinhrao Gaekwad:** Human nature.

**Mr. Speaker:** It would say that it is a lapse. Basically, a man is quite sound.

**Shri B. R. Bhagat:** Lapse of human nature.

**Shri Fatehsinhrao Gaekwad:** Sometimes it may be a small insignificant fountain pen, or may be a couple of lipsticks for your wife, but no one can deny the almost childish pleasure it gives one after smuggling these small insignificant items out of the customs shed.

Our country has both a huge land frontier as also an extensive sea frontier. Therefore, our country is a veritable paradise for smugglers. Although gold and liquor take pride of place in the items brought in illegally into this country, almost all either banned or restricted goods are smuggled, and that too through our official customs barriers. It is impossible for us to guard every inch of our frontiers, land or sea. Therefore, I shall refer only to our official customs barriers.

It is stated, and I am very sorry to say it, especially on the floor of this House, that the word "corruption" is more or less accepted as a synonym for our customs official. I know that there are always two sides to the picture. It is a fact that he is not entirely to blame. The job of a

[Shri Fatehsinhrao Gaekwad]  
 customs official is a very difficult one, a thankless one, especially for an honest man. After all, he too is a human being, and no one can doubt that the job offers tremendous temptations.

There is one other cause which makes his job even more difficult, and that is orders from above. One may be caught attempting to smuggle, as I said, a small insignificant fountain pen worth Rs. 100 and be punished, may be, with imprisonment or with severe fine. But it is an open secret that if you have the right contact in the right place or, as I said, a foster parent somewhere in the right place again, you can even smuggle a full-grown elephant and get away with it! If some one out of jealousy reports this and the customs official is asked if he saw a particular gentleman smuggling a full-grown elephant, he will say that he never saw it, when in fact he has probably actually fed it with a couple of sweets as it passed through the customs shed.

I have one or two small suggestions to make. I am not too sure whether they are enforced at the moment, but I am pretty sure that they are not. I am about to suggest that no customs official, small or big, should be posted at any one place for more than a year. If he remains longer in any one place, he seems to settle down to business. If frequent transfers, sometimes even at short notice, are made, I think a lot of corruption could easily be avoided.

**Mr. Speaker:** Is there not another aspect also to it? If an official is transferred so soon, he would not have the time to learn the tactics adopted in that locality.

**Shri Fatehsinhrao Gaekwad:** It is not necessary, Sir, Large-scale smuggling, I personally believe, is tackled mainly through information. I think, the main asset of a customs official would be his grasp on psychology. There are women present here in this House, but, I think, women make the better of smugglers.

**Mr. Speaker:** Then they would say that they are employed by men.

**Shri Fatehsinhrao Gaekwad:** Possibly.

**Shrimati Yashoda Reddy (Kurnool):** We do not want it to go unchallenged.

**Mr. Speaker:** I have already pleaded their cause.

**Shri Fatehsinhrao Gaekwad:** What happens when a customs official remains too long at one post is that the frequent passenger gets to know him well and he seems to know the wants of the customs official. I have myself come across a gentleman who at the Geneva Airport bought two watches in my presence. I told him that he was not allowed to take in two watches and he said, "Well, I will see you in Bombay". He landed at the Santa Cruz Airport with two watches. That I know. But when he came out of the customs shed he had only one. He knew a particular customs official and apparently that official had told him what he wanted.

**Mr. Speaker:** Then he had paid the customs duty.

**Shri Fatehsinhrao Gaekwad:** No, Sir; obviously not.

Another point which I would like to bring to the notice of the hon. Minister is the effect of our customs and their regulations on the tourists coming into this country. A vast majority of the tourists that I have met and talked to have complained of three things in this country. In order of precedence they are Customs, IAC and prohibition. Customs seem to take the pride of place. The majority opinion was that as soon as they came into the customs shed they were looked upon as smugglers. That was the start. They had to prove that they were not. I submit that as far as an Indian national coming back into the country is concerned I have no objection whatsoever to this, but when we

put up these large posters welcoming tourists providing them with facilities, a little laxity in the rules should be observed. I hope the hon. Minister will look into this and do something in the matter.

Tourists specially are worried when they bring in things like cameras. What is the harm in giving them a receipt or some sort of a certificate which bears the make and the registered number of the cameras which they should be allowed to present on exit?

**Shri Hari Vishnu Kamath** (Hoshanabad): That has been provided for by the Select Committee. In this Bill that has been provided for.

**Shri Fatehsinhrao Gaekwad**: I am very happy that this has been included in it. I do not have very much more to say and I do hope that Government will consider what I have said.

I once again welcome this Bill.

**Shri Shankaraiya** (Mysore): Mr. Speaker, Sir, I support this Bill. The Bill is one which is to consolidate three Acts that are in existence having various separate provisions with so many amendments that neither the Members of Parliament nor the merchants nor the public could readily lay their hands upon for comprehending the provisions or the implications of those Acts. The Select Committee has endowed its best thought upon it and has tried to improve the provisions through various amendments. After hearing the version representations and the difficulties of the various associations and different sections of the trade, the Select Committee has even gone to a very great extent to accommodate their wishes and liberalise some of the stringent provisions in it.

No doubt, my hon. friend, **Shri Bade**, and other hon. friends have brought to criticism some of the pro-

visions with regard to the burden of proof, confiscation, the payment of customs, the smuggling of these things, the question of fixing the price and all that. But my fear is that in spite of all these stringent provisions the Government will not be able to implement the provisions of this Bill fully and neither smuggling nor the evasion of taxes could be completely handled. As is admitted, smuggling has become the greatest trade as there are easy means in it of making money and getting rich. From what I understand it is going on on such a large scale that Government are not able, at present, to detect more than 5 per cent or, at the most, 10 per cent of it. Nearly 90 per cent of it is still going on without being detected. According to the statement of the hon. Finance Minister himself, the amount of gold that is being smuggled every year comes to Rs. 40 crores to Rs. 50 crores—leaving alone the other article, such as diamonds, transistors, fountain pens, watches and so many other articles. If gold itself comes to the extent of Rs. 40 crores to Rs. 50 crores every year and if, according to the customs authorities themselves, detection is not more than 10 per cent, the Government and the country knows to what extent smuggling is going on. So, my fear is that in spite of these stringent provisions the Government will not be able to prevent smuggling unless some other stringent actions are taken apart from the provisions of this Bill. The provisions of this Bill will not by themselves be enough.

With regard to the smuggling of gold, for example, even though the burden of proof is on the person smuggling it and even though confiscation and all the other things are there, the fact is that Government which has been forced, under the circumstances of this emergency, to prohibit forward trading in gold which has brought a salutary effect on the market. This itself has not shaken the smugglers and the gold dealers to a very great extent. Apart from preventing this

[Shri Shankaraiya]

forward trading, they must take further stringent action. In fixing up the rate and in the collection of the duty it is not merely the Finance Ministry or the customs officers who will be responsible.

The co-evil of overinvoicing and underinvoicing is also, to a very great extent, connected with this in fixing the rate of the customs duty. Most of these traders have got the habit of overinvoicing and underinvoicing. Overinvoicing is done in the case of imports and underinvoicing in the case of exports. It also differs according to commodities. When they underinvoice and export more and when they collect money in foreign money outside, they must find some means to bring it into the country the money that has been earned over and above the invoice amount. Smuggling is one of the methods. There is a correlation, a combination between these two things. According to the criticism that has been levelled in the country and on the floor of this House by several hon. Members, it is also known that many of the industrialists and business people are having accounts in foreign banks. The Government is not in a position to lay its hands and find out the culprits. In spite of their being asked to declare their accounts, even in a time of emergency, they have not been doing it. This is one of the ways in which these people get back the amounts of foreign surpluses in foreign banks by means of smuggling.

In this smuggling, it is not the big financier that is caught. It is only the small persons who are the media for smuggling and bringing it, that are caught and punished. The man who finances these things, who is responsible for employing the smugglers will be completely left out. While fixing the rate of import duty, the Finance Ministry must be in touch with the Commerce and Industry Ministry to find out the exact rate at which some

of these goods are permitted to be exported or imported. Unless effectively this under-invoicing and over-invoicing is tightened both by the Ministries of Commerce and Industry and Finance, this question of smuggling will also not be completely dealt with and prevented.

We have to be vigilant in the coast line in the south and also in the east and west. More so on the land border in the north western frontier province, because most of the gold is being smuggled by land. It is also easy by way of land movement. Because, as we know, there have been instances to the knowledge of all, more particularly to the customs authorities, that in the Arab countries where there is a good deal of oil trade, they have got plenty of money and they try to do smuggling in gold by the land quarters. It has got a vast area and it will be difficult for the Customs authorities unless they take special precautions to see that this blockade is complete. Unless they have got vigilance squads and other things, in the normal course of things, it will not be possible even for the Finance Department or for the Customs authorities, with the limited provisions, to prevent smuggling. Particularly in the south, and in east and west coasts, a lot of smuggling is going on. Only the other day, we read in the papers, within one week, the Customs authorities were able to find out one crore rupees worth of gold smuggled, removed from the bottom of the sea.

This is the magnitude of smuggling. If these stringent provisions were relaxed as my friends plead for liberalisation of burden of proof, confiscation of the things or distinction between smuggled gold and other gold, it will be very difficult.

Apart from these suggestions, in the Select Committee itself, I wanted to know from the several representatives who represented these Associations to say whether they would help and co-

operate with the Government to prevent smuggling, which has been admitted by them also to exist to a very great extent, whether by any professional conduct or their associations themselves putting any restriction and help the Government to see who are the honest customers, who are the honest dealers and who have to be punished and all that, because, it is only these people who are in the know of it and who can give the information. They know who is a black-marketier and who is the person who deals with smuggled gold. They were reluctant to give any suggestion. Of course, they gave an assurance that they would help. Till today they have not tried to give out who is the smuggler, who is an honest trader, who deals in smuggled gold and who is not, who is an honest merchant and who is not an honest merchant. It is often said that India is consuming so much of gold for purpose of ornaments, for purposes of marriages and other things. The quantity that is required or that is purchased by the small people will be about 4 tolas or 10 tolas or 20 tolas. When so much of gold is coming in to the extent of Rs. 40 or 50 crores, it is not the small people that purchase it. It is those people who have got black market money, who are not coming out, who want to conceal their money, that try to purchase this gold and try to hoard it. It is the rich people, it is not the small people who buy 2 tolas or 10 tolas that smuggle gold. It may be. Most of the smuggling in gold is done through businessmen who have foreign exchange. It is the rich people who have black money who hoard the gold. The Government must try to take stringent action and see that there is no hoarding of gold and hoarding wherever it is, is brought out by means of stringent steps. They should not hesitate or linger or try to show any mercy towards them. That is why, in respect of some provisions, I do not agree with my friends when they say that those provisions should be relaxed as regards burden of proof, or in the case of

search or other precautions that have to be taken. The Select Committee has bestowed great thought and have given the greatest amount of security that could be possible. If any relaxation of these provisions were to be made, smuggling will be allowed to be perpetuated and it will continue.

As regards the appellate tribunals, my hon. friend Shri Bade was pleading that there should be a Judge of a High Court and this tribunal should not consist of any other Customs officers and all that. It has been made clear that apart from the Judge, the Customs officer who is appointed to the tribunal should be divested of executive work. The Customs officer who sits in judgment over appellate cases of smuggling or wrong assessment or any such thing should not be an executive officer. That is a question of executive officers being on the one side and those persons in the Customs department exercising judicial functions should be separate: that has been agreed to. If that is implemented, there will be full justice meted out to the culprits. Anyway, the implementation of these things depend upon the action that the Government is going to take.

One more suggestion that I would like to make is with regard to gold dealers. The Government should take immediate steps to see that they are licensed. The number should be minimised as far as possible: Not that the trade should be hunted; licensing system should be introduced in consultation with the State Governments, because it is a State subject and they have the function of licensing trade. The Central Government should see that a system of licensing is introduced and they should have a watch over this business. When they keep a watch, they will be able to know who is passing on large quantities of gold and full materials will be available to them. Unless licensing is introduced along with prohibition of forward trading, the provisions of the Act will not be complete. I hope the Finance

[Shri Shankaraiya]

Ministry, in consultation with the Ministry of Commerce and Industry will introduce the licensing system with regard to gold and then, the provisions will be fully effective.

**Shri Hari Vishnu Kamath** (Hoshangabad): Mr Speaker, Sir, the Bill before the House is a belated attempt at consolidation and codification of the law and the rules relating to land, sea and air customs of the country. Even so, even though it is belated, it is welcome.

Government appointed a Customs Reorganisation Committee headed by Shri Badhwar in 1957, and the committee presented their report some time late in 1958. If Government were expeditious with the disposal of their business, they could have brought a Bill before the House at least two years ago. But Government machinery moves slowly, as we all know, and the Bill has emerged finally in 1962, the year of destiny for our country in other ways.

The customs provide the largest chunk of Central revenues, as is well known to my colleagues and to everyone outside the House too. I do not know the exact figure, but I suppose that it is the biggest and largest single item in the Central revenues. Therefore, it behoves the House to look closely into this Bill because it is the first Bill of its kind before the House. And I would have been glad, and so would have been my colleagues in this House, I am sure, if more time had been allowed for the consideration of this Bill which would, as the Finance Minister told the House, help to tighten up the rules and perhaps yield a few crores more, at least tens of crores, if not more than that, to the exchequer.

The provisions of the Bill in so far as they relate to the earlier chapters thereof do incorporate certain improvements upon the existing law and rules, and to that extent, the House will be glad to approve of them and ultimately pass them into law.

But there are certain other provisions to which I have made a reference in my minute of dissent, and to those I shall come a little later. But before I pass on to those with which I am not in wholehearted agreement I would submit to you and to the House that the entire outlook and the attitude to the problem of smuggling has been awakened and rigorously tightened up only a few years ago.

We must examine why and how this climate for smuggling was created. It is perhaps too large a question to go into at this stage when we are considering this Customs Bill, but if that climate for smuggling, congenial and favourable climate for smuggling had not been created in this country, perhaps we would not have had to deal with a problem of such magnitude. But we are faced with it, and we have to adopt certain drastic measures to prevent it.

It is not a new problem in that sense. It is as old as the hills, as the old adage has it. Even Kautilya has referred to this smuggling in his *Artha Shastra*. I do not want to read the entire portion, because I am racing against time, but the Customs Reorganisation Committee's report contains the observations of Kautilya with regard to customs duties and to smuggling, at page 5 of the report in chapter 2. We can, therefore, easily see how clear-minded he was with regard to dealing with this problem of customs toll, as it was called then,—as it was called then not in English but in Sanskrit—and with the problem of smuggling.

**Shri Yashpal Singh** (Kairana): It may be read in Sanskrit.

**Shri Hari Vishnu Kamath**: It is unfortunate that this report gives only the translation in English. The Sanskrit words are not there. I would request my hon. friend Shri Yashpal Singh to go into the Library and get hold of the original Kautilya's

*Artha Shastra* and look into the sutras and slokes very closely, if he is keenly interested therein.

The problem of smuggling assumed such gigantic and formidable proportions that, as the House is aware, some time ago, I think, three or four years ago, a special officer was deputed on a trip to Europe to track down the smugglers. That question has figured during question time and even during debates in this House, the tragic death of Shri Ajoy Mitra in Vienna. Even the latest answer to the question was that the report submitted by the Austrian Government is not conclusive, that is to say, whether it was a case of murder or of suicide. If it was a case of murder, then it is really a grievous tragedy. From some of the European and some of the British papers which wrote on the subject, it may appear, that is, from the articles that appeared in the British papers, particularly, that he was almost on the track of the smugglers, he was almost within an ace of success, and submitted an *ad interim* report to the Government of India where he had implicated certain high-placed persons in the country. And what happened subsequently is known. He died. And the paper, the weekly *Topic*, to which I referred the other day also, categorically made a charge that certain high-placed persons were involved directly or indirectly in this tragedy. If that is so, it is high time that Government woke up to this problem a little more vigorously and energetically, because as has been truly said, as in many other fields, here also, the small fish get caught, and the big fry goes scot-free.

You may kindly turn your attention to Chapter XI on the search of the baggage of persons entering or leaving India, and see the provisions with regard to this. This was discussed elaborately and in detail by the Select Committee, and the question was raised there also as to how

to prevent smuggling of goods by certain privileged persons.

I find that the Deputy-Minister is the only Minister here at the moment, and he too is discussing with someone else and is not listening to me. This is not the way to treat the House.

**Mr. Speaker:** He might be getting information in connection with the reply that he has to give to the hon. Member's arguments.

**Shri Hari Vishnu Kamath:** That will come later on. Let him get the information later on, not side by side.

He might have asked his Parliamentary Secretary or some other Deputy to come and sit here; he has got another Deputy Minister in the Ministry of Finance, and he could have asked her to come and take her seat here. This is not the way to treat the House and to treat this Parliament, that is, to carry on conversation with someone else and not listening to the speech which is being made.

**Shri B. R. Bhagat:** I am sorry. My hon. friend wants that I should not get even some information which I can get, I do not mind it.

**Shri Hari Vishnu Kamath:** I only requested you that you should direct the Minister to collect it later on and not immediately. He must listen to what other points I am going to make. Otherwise, how can he reply to all the points.

**Mr. Speaker:** He must have been listening.

**Shri Hari Vishnu Kamath:** With one ear, perhaps. May I request you, therefore, to direct the hon. Minister to collect that information later on.

**Mr. Speaker:** I promise him that the hon. Minister would give both ears when he speaks. Therefore, both ears must be given.

**Shri Hari Vishnu Kamath:** God has made us in such a manner that we cannot listen with one ear, but we have got to listen with two ears.

The House may note this provision with regard to search of baggage. It is well known, though it is not well-proved, it is morally true though it is not legally proved, that in many cases privileged persons like diplomats and their crew, that is, their office assistants and other members of the diplomatic mission, and sometimes, unfortunately, members of the air crew, that is, the crew of the aircraft which ply between India and other foreign countries, the air pilots and people of that kind or category as well as the ship's crew, are adepts at smuggling. The Finance Minister did admit that he was cognizant of this evil, of this growing evil, and Government were taking measures to curb this evil, this crime, because as a matter of fact, it is a crime in law, practised by high-placed persons who are more or less immune, or some of whom are in toe with or in collusion with the customs staff, that is, the staff at the customs office. I am sorry to say that but that is, I think, very true, though it may be difficult to prove it legally in any court of law. Those persons are not searched. Some perhaps are immune to search, some of the rank of diplomats or Ambassadors. But members of the diplomatic mission, below a certain rank should be liable to search, and air pilots and ship's pilots and all those who go in and come out should be thoroughly searched just as the other ordinary passengers are searched. There is a provision here that rules may be made for different classes of persons, and when rules are made, I hope the House will examine them very closely.

In this connection, I will only cite a personal experience. I know that it happened days before independence. But after all, the same human material is there. We have got Indian officers of the same character and

complexion. To a certain extent, what was true then may be true to-day. I will refer to the harassment that is caused to certain passengers. I happened to be at that time in the Indian Civil Service; this was in 1935, more than a quarter of a century ago. I had gone on a tour of Europe including Russia in more or less defiance of the wishes of the British Indian Government at that time. When I came back and landed in Bombay, at the sea customs, the baggage of my companion, who was also my colleague, was not searched. It was passed off. When it came to my turn, he asked me to open all my suitcases and other things. I did not mind it; he had the right under the law to ask me to do so. But what I am drawing attention to is the procedure and the manner in which they did it. I had nothing but books and clothes, no smuggled goods of any kind. He did not want clothes; apparently, he had enough. But as regards the books—ranging from those on Fascism, capitalism, socialism and communism; I was interested in reading and studying them—apparently he thought that I was bringing contraband stuff from Russia, which was perhaps fatal and dangerous to the British Empire. There were some books in non-English languages also. There was a very well-known book on philosophy, Plato's *Republic*. Apparently, he was frightened by the word 'Republic'. In the British Empire, how could one talk about 'Republic'? He seized it. Then he came to *Mussolini's Italy* by Finer. That also was seized. Then Hugh Dalton's *Socialism*, a very innocuous book—also seized. Finally, he came to a little catalogue of vegetarian restaurants in Germany and Austria, place by place. I was a bit of a vegetarian in those days—and more so now—and I had kept that catalogue so as to facilitate my eating during the tour. Unfortunately, it was in German, not in English. The customs officer of the lower rank asked me what that was. He could not understand it. I said: 'You find out for yourself. Why should I tell you?



You can read and find out'. Then he called a superior officer. He also could not make head or tail out of it. He asked me. I told him: 'It is for you to find out'. So they kept that also—the catalogue of vegetarian restaurants, that means, all the books including this catalogue. All the books on socialism, fascism, communism—everything was seized. And I was told that they would be kept for examination.

I went and saw the Collector of Customs on that very day afternoon and told him: 'You should employ at least a little more intelligent people at the Customs who will know what is what'. He expressed his apology. I said: 'Anyway, whatever has been done has been done. The books which are not objectionable may be returned as soon as the examination is over'. About six weeks later—it took them as long as that; that is why I want to refer to it—I got a letter from the Collector of Customs along with all the books minus one, and that one book was a compilation of the writings of Marx, Engels and Lenin entitled *Handbook of Marxism* by Emile Burns. I was amused when I got that letter and the books minus this one. I was interested in this academically. So I wrote to the Collector of Customs saying: 'I am thankful to you for returning the books. I hope you and your subordinates will benefit by reading the book kept back. I can tell you on a point of information that this book was bought not in Russia, nor in France nor in Germany, but in the hub of the British Empire, in London itself. I had bought the book in London. That was confiscated and I have not got it back even till today. Be that as it may.

Therefore, I would like to state that the guilty, the really big fish, must be caught and punished drastically and severely and poor people should not be harassed whether by way of search of a baggage of a person or his house. Power being what it is—it inebriates—and human

nature being what it is, in a parliamentary democracy with all our fundamental rights in the Constitution, we must see to it that there are safeguards against possible abuse of authority. Who is the officer who can lay his hands on his heart and say, 'I am immune to all these temptations, abuse of power, of exercise of authority'?

Therefore, in this parliamentary democracy, the task of conscientious legislators is to strike a balance between executive power and the safeguards, to see that exercise of power by the executive does not make any inroads upon the civil rights and liberties, fundamental rights, of individuals. With that end in view, I have approached this Bill before the House and I have ventured to table a few amendments for the consideration of the House.

It has been provided for in this Bill that the search of premises, business premises and perhaps also residential premises, where it is suspected that smuggled goods have been hidden or concealed, could be carried out by any customs officer who is authorised under this Act. You have been a very eminent Judge.

**Mr. Speaker:** Judge I was but I cannot say whether 'eminent'.

**Shri Hari Vishnu Kamath:** It is your modesty that precludes you from admitting that. It is for us, to judge; I am just an individual in that world and I am sure the world will agree with me that you have been an eminent,—and may I add?—wise Judge too. You are well aware of the safeguards provided in law against executive excesses. The House would do well to provide for some sort of restraint on possible abuse of authority. Therefore, it is very incumbent upon us, legislators, to see to it that no search is conducted by a customs officer without arming himself with a warrant from a Magistrate who after questioning, after examining and after satisfying himself has issued that warrant to him.

[Shri Hari Vishnu Kamath]

There also, it should be only search of business premises. As has been said, one's house should be one's castle and there should be no illegal, unwarranted entry, no trespass into one's house by anybody without proper and strong authority. How is this to be provided for? How is this to be ensured, seeing to it that the Magistrate after satisfying himself authorises the customs officer in this respect?

We are all at one with Government either on this side or on that side of the House, to see that the crime and evil of smuggling is put down with a stern hand and there may be no quarter given to any smuggler. But may I entreat you and the House and request Government to ensure that while they are curbing and crushing the evil of smuggling, the poor, honest, innocent citizen or trader should not be harassed and persecuted. That is the motive, the background and the bedrock of the amendments that I will move later on.

One more point and I have done. My hon. friend, Shri Shankaraiya, referred to the burden of proof. The Bill provides that where smuggled goods have been seized, the burden of proving to the contrary shall lie upon the person from whom the goods were seized or confiscated. I know the Government is only actuated by the objective of putting down smuggling. Imagine how difficult it will be for me or for you, if, God forbid, we are in that predicament. Suppose I am wearing a gold watch. I do not have one at present, but suppose a friend like Shri Mahida gifts it to me, and I am wearing it. A customs officer comes and says: "You are wearing a gold watch. It is a smuggled thing." Then, he will seize it, and the burden of proof will lie upon me to show that it is not smuggled. You can imagine it, you who have been a Judge, I may reiterate. Suppose I come before you as an accused, and then the prosecution asks me to prove that the watch is not smuggled.

**Shri Bade:** He is not a High Court judge.

**Shri Hari Vishnu Kamath:** He was.

**Mr. Speaker:** In many laws we have provided now.

**Shri Hari Vishnu Kamath:** Two wrongs do not make a right.

**Mr. Speaker:** In certain laws it has become necessary to do it. Previously that was really the basic foundation of the law that a man must be presumed to be innocent, and the burden of proof must lie on the prosecution, but we have departed from that for some time in certain laws.

**Shri Hari Vishnu Kamath:** I know that in a growing, complex, modern State, we have made departures from the fundamental principle of jurisprudence that a person should be presumed to be innocent unless he is proved to be guilty. I know we have been compelled to make a departure from that fundamental position. Here also, if we do make such a departure, we should provide some sort of safeguard as to when, at what stage and in what manner the burden of proof shall be deemed to have been discharged by the person from which the confiscated goods were seized. Therefore, with that end in view also, I have submitted an amendment.

Then I come to the appellate and revisionary machinery. The Badhwar Committee, at page 81 of its report, has made certain concrete suggestions for setting up an independent appellate machinery, in the same way as in the case of the Income-tax Appellate Tribunal, and I and my hon. colleagues on the Committee, Shri Bade, Shri Mahida and some others too, are in wholehearted agreement with the recommendations made by the Badhwar Committee. Unfortunately, yesterday it was my fault perhaps that I misunderstood your directive or the latitude given by you, when I raised the point with regard to amendments. I had requested you to waive the rule

with regard to notice of amendments, and I thought—it was my fault, perhaps I did not follow you clearly when you waived the rule—that 24 hours would mean that if we had given it yesterday morning, it may come to this morning also.

**Mr. Speaker:** Amendments in the ordinary course which had been given.....

**Shri Hari Vishnu Kamath:** Up to 3 o'clock yesterday.

**Mr. Speaker:**..... day before yesterday. ..

**Shri Hari Vishnu Kamath:** Because of the inverting of the Order Paper.

**Mr. Speaker:** Therefore I waived the the rule, and said they could be given up to 3 o'clock yesterday, because the sequence in the Order Paper had been changed, and this Bill had been made the first item before the others.

**Shri Hari Vishnu Kamath:** I am sorry to argue with you, I would be very reluctant, but the Order Paper told us only on Tuesday morning, yesterday morning, that the Customs Bill would be taken up first.

**Mr. Speaker:** Therefore, the amendments could not have been received or given day before yesterday. Therefore, I waived notice and allowed them to be handed over up to 3 o'clock yesterday.

**Shri Hari Vishnu Kamath:** We were busy in the House. How can we participate in the debates here and also give amendments.

In the Land Acquisition Bill, for instance, you did permit Members, even the Ministers gave it in the morning and it was circulated to the Members. I am sorry to point this out to you.

**Mr. Speaker:** That instance might have been different, but in all cases it cannot be done. Now that the

Members, so many, have spoken already....

**Shri Hari Vishnu Kamath:** The clause by clause consideration will come later on.

**Mr. Speaker:** Some Members spoke yesterday, some have spoken today. It cannot be circulated till the evening. Now, what is the way out?

**Shri Hari Vishnu Kamath:** It could have been circulated in one hour. It is a small amendment. Big amendments in the other case were circulated in one hour.

**Mr. Speaker:** The hon. Member does not allow the Minister even to talk to his Secretary to get the information. He gives amendments now. The hon. Minister does not know what he should say in connection with those amendments that have been handed over to the office. They would be circulated only after some time, even if an attempt is made, and then the Minister will know what the amendments are.

**Shri Hari Vishnu Kamath:** We do bear a part of the blame, but I am sure, I am confident, you will be fair enough to apportion a portion of the blame to the Minister also, because the Ministers have changed the order of the Bills.

**Mr. Speaker:** Yesterday he had opportunity to give the amendments up to 3 o'clock. In the morning he had asked me whether I would waive notice. Therefore, he had that opportunity up to the evening. If he had given those amendments, they could have been circulated in the morning. Whatever he gave yesterday even, were circulated.

**Shri Hari Vishnu Kamath:** We have to participate in the debates here, and the rest of the work we do at home. I am sorry this has happened this time. Anyway, when the clauses come, I hope you will allow me to support some of the amendments.

**Mr. Speaker:** That I will do.

**Shri Hari Vishnu Kamath:** I therefore welcome the major part of this Bill, but I cannot welcome it wholeheartedly, the entire provisions. If the amendments are accepted, it will go a long way to making the law on customs more wholesome and more salutary and stronger to deal with this evil of smuggling.

**Shri M. Ismail (Manjeri):** I want to make a short reference at this stage not to the provisions of the Bill, but to the manner in which the customs inspection is being carried out in certain ports of the country.

You may know that hundreds of thousands of our people are in foreign countries like Malaya, Burma and Ceylon. They are working there mostly as coolies, as clerks and petty shopkeepers. After a number of years they come back to their motherland, to our country. When they come, they bring with them small luggages like articles of clothing, some knick-knacks and a few things like that. But then, when they arrive at the port, the customs examination begins. It does not take one, two or three hours. It takes a whole day, and even goes on to the next day. There are no facilities for these passengers, who are mostly deck passengers. No facilities are afforded to them in the customs shed or in the premises. These people are put to a lot of physical hardships and disabilities during the examination by the customs authorities. Then finally after five or six hours or even 15 hours of waiting, certain luggages are chalk-marked and they are allowed to go.

13.39 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

It is mostly the poor people whom I am talking about. It does not end there. When they reach the gate which is far away from the customs shed they are again caught hold of by cer-

tain officials and then again a re-examination of their goods begins. In this way, poor people who do not know how to manage these things are suffering, not for a short while but for years and years now. Passenger associations and chambers of commerce have made representations to the authorities about this matter. Still no relief is in sight for these poor people. Some years ago the free allowance for such passengers was round about Rs. 5,000. It has gradually been reduced to Rs. 500 now. Many of these poor working men and clerks come home with their lives' earnings in the shape of articles and keep-sakes. Those people are caught hold of and they are assessed to an amount which they could not afford to pay at that moment because of the small amount of money that they are bringing with them out of the savings they have been able to effect over a large number of years and which they are bringing in the shape of articles. That cash is exhausted by paying duty that is assessed. When they come out of the harbour many of them are penniless or are left with very little cash which will not take them to their homes. Then again when they go home they are left without any means to be in their motherland to which they have been looking forward over a number of years. They have to borrow and eke out some kind of livelihood for a few months and then again they have to go back. This is the position to which the poor people have been reduced and I want that some consideration should be given to these people and in the course of the examination some courtesy and some consideration should be given to these people. They do not bring these articles for trade or for effecting a gain. They bring it for their own use and for the use of their family; mostly this is the case. I know there are cases in which even a new set of clothes which these people have been wearing were assessed to customs duty. These things deserve the consideration of the authorities and some provision must be made in the case of these poor people. I am not speaking of the

smugglers of whom Shri Kamath and others spoke. They have to be put down; it is not only the smugglers or people who co-operate with them but also the officials. The officials also must be above board and must make it a point to bring such people to book. The people as a whole are with the Government in such efforts and I only urge some consideration, human and humane consideration, might be given to the poorest of the poor who eke out their livelihood in the other countries for years and years and who return to this country with very small belongings. With these words, I give my support to the Bill before the House.

**Shri B. R. Bhagat:** Mr. Deputy-Speaker, I am glad that the hon. Members who participated in this debate have supported this Bill as it has emerged out of the Select Committee. Some of the provisions modified or added by the Select Committee have found favour with the House. It is true that they have raised objections regarding some items, to which I referred in my opening speech. These clauses were thoroughly discussed in the Select Committee and we could not accept the contention of some hon. Members who have chosen to append their minutes of dissent. Before I deal with them, I would like to refer to some of the small points raised by some Members.

For instance, Shri Warier wanted the clearing agents' liability to be for a period of six months only. Clause 28 lays down a time-limit of six months. In case of collusion or fraud, it is five years and I am sure the House will agree that six months is not a sufficient time limit in such cases. He also said that the provision is clause 120 is not equitable. He did not think much of the proviso to this clause which says that where the owner of such goods proves that he had no knowledge or reason to believe that they included any smuggled goods, only such part of the goods the value of which is equal to the value of the smuggled goods shall be liable to confiscation. This gives clearly the needed relief to an innocent person.

Some hon. Members, notably Shri Kamath, have pointed out that there is corruption in the customs department which often leads to harassment and any undue power given to the customs authorities is liable to be abused or is being abused.

**Shri Hari Vishnu Kamath:** ...As in every other department or sphere of life.

**Shri B. R. Bhagat:** Therefore, they felt that the proposed powers will lead to harassment of innocent traders and others. He has given the dramatic instance of his own experience 27 years ago. He tried to show how ignorant these officers could be. As he himself says this state of affairs is not only in this department but in others. Corruption in Government departments and in other spheres of life had been discussed generally in this House more than once and it has been emphasised that we should see this from the real perspective. Instead of deriding the state of affairs in a general way, it would be better if you pinpoint or make it more specific. On behalf of the Government we have been saying that it is all a matter of administrative control. We have to find out the bad officers, the corrupt officers and separate them from the good ones. It is also being recognised in the House by the Members and I think Shri Kamath will also recognise that by and large the officers are good, efficient and honest. It is only some of them who are corrupt or who are dishonest, and some of the smuggling, particularly in the matter that is under consideration results as a result of their collusion with dishonest traders, smugglers and others. This is exactly the problem. So far as the dishonest or corrupt officers are concerned, it should be our endeavour, particularly in the department and also by the House, to put them down with a heavy hand, to fine them and isolate them. There are no two opinions about that. The customs department or any other department that deals with it must be streamlined, and the inefficiencies, or doing of things in a callous way and a casual

[Shri B. R. Bhagat]

way should be put down and should be discouraged. But the point is, when we are dealing with very important or serious matters of public life—and this has been emphasised by many Members—smuggling has assumed a proportion which is to be taken note of seriously, particularly, the smuggling of gold or of certain items like watches, diamonds and other things. We have to take a serious note of them and therefore, whatever powers we propose to give to the officers are those power which we consider are necessary. It is necessary to clothe those authorities with these powers so as to see that they could deal with this problem effectively.

This problem has many manifestations. Some of the hon. Members who have visited the customs department have seen the intricacies and complexities and the advantages, that the smuggler has, over the administration or the officers concerned, in this matter. So, the matter is not only tricky but is very complicated. One thing must be remembered when Members object to the routine, technical method of dealing with smuggling—whether it is the power of seizure or the power to search the premises or the burden of proof. On the one hand, Members want that smuggling should be put down heavily and should be stopped absolutely because it is a dangerous drain on our foreign exchange and other vital resources. On the other hand, while it is good that we must see that each one of the officers does his duty properly and that the law is administered efficiently, if we deny them these powers, I think, in our considered opinion, we will be defeating the very purpose of the law.

**Shri Hari Vishnu Kamath:** I am sorry to interrupt; but none of us want to deny those powers to the officers nor do we object to those provisions. But we want certain safeguards against the abuse of authority. That is all.

**Shri B. R. Bhagat:** Clause 136 provides for prosecution of the officers

who knowingly misuse their authority. It has been inserted by the Select Committee. When officers abuse their authority knowingly, deliberately, we have provided a provision for prosecution.

**Shri Hari Vishnu Kamath:** That will come later on.

**Shri B. R. Bhagat:** We can do it as a matter of departmental control. It is our duty to do it and we are trying to do as much as is possible.

**Shri Hari Vishnu Kamath:** After damage is done, you prosecute. We want safeguards on the spot.

**Shri B. R. Bhagat:** I think it is wrong to suppose that every customs officer will try to harass...

**Shri Hari Vishnu Kamath:** The Minister himself has admitted that some officers are corrupt. I am trying to clarify it.

**Mr. Deputy-Speaker:** There should not be running commentary.

**Shri Hari Vishnu Kamath:** I do not think it is fair, Sir, to say like that, to use the words "running commentary." It is not that. This is much different. You listen to the running commentary on the radio!

**Shri B. R. Bhagat:** I do not know whether the rules, the parliamentary procedure, which Shri Kamath prescribes, are only meant for others and not for him! Then, the hon. Member, Shri Warrior, mentioned that he could not find any provision in the Bill to check under-invoicing. He said that under-invoicing has assumed dangerous proportions and it must be checked particularly in certain items of trade. But if he looks to the provisions of the Bill, particularly clauses 111 and 113, he will find that cases of under-invoicing or over-invoicing have been amply taken care of. For example, clause 111 provides that if any dutiable or prohibited goods do not correspond in any material parti-

cular with the entry made by him earlier, the goods are liable to confiscation. Any material difference, either upward or downward, whether under-invoicing or over-invoicing, would be taken care of. Then section 113 provides that if the value of any exported goods is not correctly declared, the goods shall be liable to confiscation. Similarly, clause 114 provides that any person concerned with any such offence shall be liable to a penalty not exceeding five times the value of goods. Then, clause 135 says that such persons are liable to be sentenced by a magistrate to a maximum of two years' imprisonment. So, by various clauses, by way of penalty or imprisonment or trial by magistrate or confiscation, we have tried to see that under-invoicing or over-invoicing is prevented.

Then, the hon. Member said that all punishment should be deterrent. The Bill provides that in ordinary cases of smuggling the maximum imprisonment would be two years. The evidence shows that this is a good deterrent except for internationally organised smuggling gangs, some dangerous gangs which are operating on a big scale. In such cases, we have provided, or the Select Committee have provided, for the raising of this period of imprisonment to five years. The minimum imprisonment is six months in such cases. So, these are sufficiently deterrent punishments.

Then the hon. Member said that the court procedure is very lengthy. He strikes the opposite chord here. He said that there should be provision for speedy and summary trials in these cases. I would draw his attention to clause 138 of the Bill which specifies that except in cases where the maximum term of imprisonment is five years which under the Code of Criminal Procedure are known as warrant cases which have to be gone through in a proper judicial manner, other offences may be tried summarily by a magistrate. So, all these things are being provided for.

Then, Shri Warrior described this Bill as an anti-smuggling Bill and not

as a piece of customs legislation. I think this description is erroneous, because, as I had tried to explain earlier while making the motion for reference to the Select Committee and even yesterday, there are two objects of the Bill. One object is to streamline the customs laws—this has been welcomed by the Select Committee and all hon. Members—and to give facilities to honest traders so that trade may develop and export develops and honest and good trade and industry in the country develops. Facilities have been given in the provisions of the new law and they have been welcomed by hon. Members. While trying to give all facilities to the trade, we have also tried to tighten the anti-smuggling measures, though some of these measures are being objected to by some hon. Members. While agreeing with the objective that smuggling must be prevented, to prevent smuggling we have to tighten the anti-smuggling measures, and in their wisdom, some of the hon. Members think that whatever powers we propose to give to the customs officers will lead not for the prevention of smuggling but to harassment.

**Shri Hari Vishnu Kamath:** I said: "may" not "will".

**Shri B. R. Bhagat:** Therefore, it has to be described as a more consolidated law for customs which will take care to give all facilities to the trade, develop it and promote it as far as the customs law can help, and also prevent all smuggling.

Mention was made about clause 105 which empowers the Assistant Collector of Customs and, in border areas, special selected officers to search premises. This has been objected to because it has been said by some hon. Members, notably Shri Kamath, that it is likely to cause harassment to innocent persons. It has been stated in the Bill itself and the notes on clauses that officers not only in the Customs Department—this power we are taking for the first time—but other revenue departments like

[Shri B. R. Bhagat]

income-tax, central excise, State excise and sales tax, have already got the power to search premises, and it cannot be said that, barring an odd instance here or there, the grant of such power has led to harassment of innocent persons. Therefore, this fear is being tried to be maximised out of all proportion. And, may I mention here, again, that the Taxation Enquiry Commission has itself recommended this change in the customs law.

Some hon. Members suggested that if it is necessary to give these powers to the customs officers proper safeguards should be provided. This has already been done. For example, in sub-clause (2) of clause 105 it is said that the provisions of the Code of Criminal Procedure, 1898, relating to searches made by customs officers would apply under this sub-clause, but a record showing the reasons which led to that search has to be forwarded to the Collector of Customs so that it may be ensured at the level of the highest field officer that there is no abuse of this power. Therefore, we have tried to introduce all reasonable safeguards that we can think of.

Reference was made to clause 118. It has been said that if in a packet of ten diamonds only one is smuggled even then under this clause all the ten will be liable to confiscation. The House will be aware that in the Bill which was referred to the Select Committee we made this provision that the entire lot will be confiscated. The Select Committee went into this matter and a critical examination of clause 118 showed that there need to be some relaxation in this clause. The Select Committee has made this change. After a search is made of the premises of a trader or a broker it is possible that in a packet of ten diamonds one may be smuggled and nine may not be smuggled diamonds. These nine diamonds may have been obtained from a different source—seizures in the towns. But the clause as amended does not apply to such

cases of seizures, it applies only to cases of importation. Supposing ten diamonds are imported in a packet, either the entire thing is smuggled or the entire thing is not smuggled. It cannot be that while somebody is bringing a packet five of them are smuggled and five are genuinely imported against proper licences. So we have made this distinction. Supposing in a packet there are ten diamonds out of which one is smuggled and nine are from other sources, we have made this distinction. It is not correct to provide that it should apply to actual importation where all or none would be smuggled.

Shri Warior mentioned that he could not find similar provisions in any other country. This also is not true. I want to invite his attention to Section 277 of the Customs and Excise Act, 1952 of the United Kingdom where a similar provision is there.

Much has been made about clause 123. Certain hon. Members have felt that the clause would lead to a lot of harassment of innocent traders because the burden of proof will be on them. May I remind them that this clause has been on the statute-book since 1955, because even in the existing Act in certain cases the burden of proof has got to be on the smugglers. That has been there for more than seven years, and the traders have continued to flourish in spite of this proviso. This measure was introduced in 1955 on the recommendation of the Taxation Enquiry Commission, and after its enactment the Government have applied it with the utmost circumspection.

I have mentioned in my speech that some of the bullion merchants have recently represented before the Supreme Court that this provision is *ultra vires* of the Constitution as it imposes unreasonable restriction. Some hon. Members said that although they have said that it is *intra vires* of the Constitution, they have criti-



cised it that it infringes natural justice. I ask the hon. Member to quote it from the judgment of the Supreme Court. May I mention for the benefit of hon. Members that they did not say any such thing? On the other hand, the Supreme Court decided that considering the magnitude of the evil of gold smuggling the restriction imposed was in its judgment reasonable. They considered it reasonable.

**Shri Bade:** The hon. Speaker did not allow me to read the judgment. The point was whether it was *ultra vires* or not. The Supreme Court decided that it was not *ultra vires*.

**Mr. Deputy-Speaker:** His point was that the Supreme Court while holding it *intra vires* made some criticism.

**Shri B. R. Bhagat:** They considered such restrictions reasonable in the context of the evil of smuggling. That is the specific finding of the Supreme Court. I may also add for the benefit of hon. Members that the Speaker himself said that not only in this law but in certain other matters also there has been a departure from the concept of natural justice in the interest of society, in the interest of social well being.

It has been said—actually an amendment has been tabled by Shri Kamath—that if the source of this importation is proved the burden of proof should have been discharged. I think this is a very tricky matter, and this puts us in a trap, although it looks very innocent. Actually this suggestion was made to the Supreme Court by the same people who appealed and it did not find favour with the Supreme Court.

**Shri Hari Vishnu Kamath:** Have you got the Supreme Court's judgment? Would you kindly produce the Supreme Court's judgment where it is said that it did not find favour with them?

**Mr. Deputy-Speaker:** He is quoting from the judgment.

**Shri B. R. Bhagat:** If he wants we will produce it. But I think the hon. Member should take my words as I take what he says here.

**Shri Hari Vishnu Kamath:** He was not quoting from the judgment.

**Shri B. R. Bhagat:** I said that this point was referred to the Supreme Court by the same people who appealed, and the judgment was quoted by the hon. Member.

**Shri Hari Vishnu Kamath:** So he was not quoting.

**Shri B. R. Bhagat:** Let him come to the substance. According to Shri Kamath's amendment trader A, for example, if he receives some smuggled goods he will be able to sell them to another trader B immediately. For example, gold can be sold in a matter of few hours. If he sells it to B, it is smuggled gold. Then, according to Shri Kamath, supposing B says that he has bought it from A—he will naturally say that he has bought it from A—then the burden of proof is discharged although the gold remains smuggled gold and we cannot do anything if the proviso is accepted. So, we will not be able to trace any smuggled gold and we will not be able to prevent smuggling in gold. For these reasons, we are not in a position to accept the suggestion. If we want to put down smuggling in gold or such other matters as are mentioned here....

**Shri Hari Vishnu Kamath:** You are confiscating the gold all right. Only the accused may not be punished.

**Shri B. R. Bhagat:** Then the case of stolen goods was cited in this connection. It is stated that an innocent purchaser of stolen goods is not punished. But may I remind them that the stolen property in the hands of an innocent purchaser is, nevertheless, taken away and handed over to the person from whom it is stolen? Similarly, if smuggled gold is found with a person and it is proved that he did not know that it was smug-

[Shri B. R. Bhagat]

gled, the only thing is that the gold would be taken away from him; he would not be penalised. He would be penalised only if he has done it knowingly or deliberately or in collusion with somebody.

Some hon. Members referred to clause 131 and suggested that an appellate tribunal should be appointed. While presenting the report of the Select Committee, I gave a long statement as to why we should not have an appellate tribunal in such cases. They have referred to the recommendations of the Taxation Enquiry Commission. When the Commission made this recommendation, the issue was very carefully considered by the Government and it was decided not to accept it on account of a number of considerations. As the Commission itself has pointed out, if the customs department were to function efficiently, it must not be tied down too scrupulously with technicalities. As I mentioned in my speech yesterday, the smuggling of gold, import of banned or partially-banned articles and under-valuation of exports are major problems which the Customs Department had to contend with. In the case of income-tax and other direct taxes, matters referred to such tribunal are mostly matters of law where judicial mind is exercised because the judicial process is necessary. In customs cases there is hardly any question of law; mostly, they are matters of fact where judicial technicalities should not be allowed to go very far. Further, these are cases where very many incidental matters have to be looked into. Here I would like to say that an analysis of the decisions taken by the Central Board of Revenue will reveal that in appeal and revision by Government revenue has never entered as a consideration at all in deciding these matters and the benefit of doubt has always gone in favour of the assessee. Furthermore, in most indirect revenue cases, unlike in direct revenue cases, questions have mostly been of the appre-

ciation of facts and not of law. For example, in the case of appeals to the Central Board of Revenue of the Government from Collectors, in 1960 out of 421 appeals decided 160 were rejected; that is 38 per cent, whereas 62 per cent were accepted and refund given. In 1961 out of 394 cases 155, that is, 39 per cent were rejected and in the case of 239 cases, that is, 60 per cent, the appeals were accepted and refund given. In 1962 upto June 196 appeals were decided, out of which 50 per cent were rejected and 50 per cent were accepted. In the case of appeals which went in revision to the Government, the percentages are 42, 39 and 32.

So, if you see the working of this process, you will find that ample justice is done, no harassment was caused by charging excess revenue and people have been given the necessary relief and refund. The facts bear out that the process is working satisfactorily and at least there is no harassment to the traders; if at all, they are working in their interests. Therefore, the demand for an independent tribunal for customs is out of place and should not be pressed.

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

"That the Bill to consolidate and amend the law relating to customs, as reported by the Select Committee, be taken into consideration."

*The motion was adopted.*

**Clause 2.— (Definitions)**

**Shri Hari Vishnu Kamath:** I beg to move:

Page 2, lines 21 and 22,—

omit "with its grammatical variations and cognate expressions".(13)

Page 3, lines 1 and 2,—

omit "with its grammatical variations and cognate expressions".(14)

I will be very brief. It would appear that the draftsman of this Bill wants to be extremely punctilious with regard to grammar and linguistic nuances. I do not know whether he exercised the same care with regard to the body of the Bill and other Bills, but here he has been extra careful with regard to the linguistic nuances and grammatical nuances. For instance, take the words "import" or "export". In English language and every other language, every word has got its grammatical variations and cognate expressions. But when we define a word, we do not include this phrase "with its grammatical variations and cognate expressions" in every case. Or, take any other definition. We do not always say "together with its grammatical variations and cognate expressions". If we include that, it would only be extra labour. Therefore, I do not see any need for this phrase. It was discussed in the Select Committee and the Minister was almost inclined to agree with me; I hope, I am not disclosing any secret of the Select Committee. My amendments seek to omit these words from the definitions of "export" and "import" to make them simpler. I am for simplification of the law, as the Minister is. He says that he is very much for the simplification of the law. But now he has come under the influence of the draftsman in this case. Even now, if he has a free hand, I am sure, he will accept my amendment and agree to delete the words "with its grammatical variations and cognate expressions". If my amendment is accepted, the definition of "export" will read as follows:

"'export' means taking out of India to a place outside India;"

Why should you insert the phrase "with its grammatical variations and cognate expressions"? It is absolutely unnecessary, superfluous, redundant and meaningless.

**Shri Morarji Desai:** All these words of the hon. Member are superfluous.

**Shri Hari Vishnu Kamath:** Because you asked for trouble, you have got it. He has invited trouble.

**Shri Morarji Desai:** I have not invited it.

**Shri Hari Vishnu Kamath:** He has invited trouble and now he wants to get out of it. And the only way to get out of it honourably is to accept my amendment.

**Shri Morarji Desai:** I have great respect for the tenacity of my hon. friend.

**Shri Hari Vishnu Kamath:** I am glad.

**Shri Morarji Desai:** He wants me to be objective, but I find that he is the most subjective person. He does not want to be objective at any time; once he has got something in his mind, he is not prepared to give it up. But the moment I do not give up my view, I become less objective. Is this a proper and reasonable attitude to adopt?

**Shri Hari Vishnu Kamath:** Did you or did you not accept it in the Select Committee?

**Shri Morarji Desai:** I did not agree.

**Shri Hari Vishnu Kamath:** You almost agreed. I said you "almost" agreed.

**Shri Morarji Desai:** Well "almost agreed" is not the same as "agreed". If my hon. friend thinks that I am under the influence of my draftsman and that I am not a free person....

**Shri Hari Vishnu Kamath:** In this particular matter.

**Shri Morarji Desai:** ...he is very much mistaken. I am guided by the draftsman, but I have more common sense to accept what the draftsman understands and I do not understand, and even my hon. friend does not understand.

**Shri Hari Vishnu Kamath:** It is an open question. The draftsman is not infallible.

**Shri Morarji Desai:** Nor Shri Kamath.

**Shri Hari Vishnu Kamath:** Nor are you.

**Shri Morarji Desai:** I am not infallible. Therefore, I accept the advice of the draftsman. Therefore, I oppose the amendment.

**Mr. Deputy-Speaker:** Does the hon. Member press his amendments?

**Shri Hari Vishnu Kamath:** Under the convention, it cannot be put to vote before 2.30 P.M. I want it to be put to the vote of the House.

**Mr. Deputy-Speaker:** If he does not press it, it can be put to vote now.

**Shri Morarji Desai:** If it is a voice vote, there is no need to wait till 2.30 P.M.

**Dr. M. S. Aney (Nagpur):** Sir, I have to say something on this amendment. I think, the amendment seems to be very reasonable and the retention of these words, which carry no meaning except what the word 'export' means, will mean nothing. If they mean something else, it is necessary for the hon. Minister to explain to us what the possibility would be if these words are taken away. If for the word 'export' the words 'exporting' or 'exported' come in, which are its grammatical variations the words are not likely to have any meaning other than what the word export has.

The hon. Minister said that he relies upon the wisdom of the draftsman. But when the matter comes up for consideration in the court, nobody would see what the meaning of the draftsman was but what the meaning of the House and the hon. Members of the House was. That is the only matter for consideration to ascertain the meaning. Therefore the hon. Minister must point out that there is a possibility of this word being misinterpreted or misunderstood if these words grammatical or cognate variations are not kept there. If he cannot

say that, I think, as a reasonable man as he always is, he should be prepared to accept the amendment rather than oppose this amendment.

**Shri Hari Vishnu Kamath:** I will warn you before-hand, Sir, that with the powerful support that I have got from Dr. Aney, I will press it to a division.

**Mr. Deputy-Speaker:** We will hold it over. We will then go to the other clauses.

There are no amendments to clauses 3 to 100.

The question is:

**Shri Hari Vishnu Kamath:** But we can speak on the clauses. You cannot rush like that. There is no need to hustle the House.

**Mr. Deputy-Speaker:** On what clause does he want to speak?

**Shri Hari Vishnu Kamath:** On clauses 74 and 90.

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

"That clauses 3 to 73 stand part of the Bill."

*The motion was adopted.*

*Clauses 3 to 73 were added to the Bill.*

**Clause 74—***(Drawback allowable on re-export of duty-paid goods)*

**Shri Hari Vishnu Kamath:** Clause 74 provides for drawback.

**Shri B. R. Bhagat:** We had agreed to 98 per cent.

**Shri Hari Vishnu Kamath:** We had agreed but the hon. Deputy Minister will also recollect that at a subsequent stage at which he was present, that is, in the last meeting of the Select Committee, there was a suggestion made to the effect that this 98 per cent might be and should be raised to 99 per cent, that is almost complete drawback. He is entitled to a hundred per cent drawback but because a little percentage should be

provided for in the case of certain matters and because this practice should not be encouraged, we wanted to provide for less than hundred per cent drawback. In the initial stage the Committee had agreed to increase it to 98 per cent.

**Mr. Deputy-Speaker:** It was an agreed proposition.

**Shri Hari Vishnu Kamath:** Yes, Sir. But then a suggestion was made later on, in a subsequent meeting of the Committee, by myself and by Shri Bade also, I think, that to encourage exports it might be increased from 98 per cent to 99 per cent. Of course, the hon. Minister said in that eventuality he would go back to 95 per cent. That is why it was dropped. But he was not opposed to it in a sense to that. As a matter of fact, some hon. Members thought that hundred per cent should be given as a drawback. So, as a compromise, if it could be agreed to by the House—it was not agreed to in the Committee—99 per cent should be given as drawback. It would be a very salutary provision.

**Shri Bade (Khargone):** May I submit that in the Committee there was a discussion about its being 100 per cent, 98 per cent or 95 per cent? At that time I had quoted some rules and laws of different countries under which 100 per cent drawback was given. Of course, the Government was able to compromise and keep it at 98 per cent; but even now I think that it should be 100 per cent.

**Shri B. R. Bhagat:** I think, what the hon. Members have recalled of the discussion in the Select Committee strengthens my point that it should remain at 98 per cent. It was almost a gentlemen's agreement. The original provision was 95 per cent; they said, "Make it 100 per cent" and the Select Committee agreed to a compromise figure of 98 per cent. So, I will appeal to hon. Members that they should not break that gentlemen's agreement and should leave it at 98 per cent.

**Shri Hari Vishnu Kamath:** There are gentlemen in the House also. We are all gentlemen here.

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

"That clause 74 stand part of the Bill."

*The motion was adopted.*

*Clause 74 was added to the Bill.*

*Clauses 75 to 89 were added to the Bill*

*Clause 90—(Concessions in respect of imported stores for the Navy)*

**Mr. Deputy-Speaker:** Shri Kamath.

**Shri Hari Vishnu Kamath:** Now that clause 74 is passed, I have nothing to say on clause 90. It would have been consequential.

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

"That clause 90 stand part of the Bill."

*The motion was adopted.*

*Clause 90 was added to the Bill.*

*Clauses 91 to 100 were added to the Bill.*

*Clause 101—(Power to search suspected persons in certain other cases)*

**Shri Y. S. Chaudhary (Mahendragarh):** Sir, I beg to move:

Page 34,—

*after line 13, insert—*

"Provided that the Collector of Customs shall not empower an officer under this section who is not a gazetted officer."

इस क्लॉज में, जो कि पावर टु सर्च सस्पेक्टिड पर्सन्स के बारे में है, यह व्यवस्था की गई है कि कलेक्टर किसी भी आदमी को सर्च करने के लिये एम्पावर कर सकता है। अगर किसी आर्डिनरी आदमी, क्लर्क

[श्री यु० सि० चौधरी]

के लेवल के किसी व्यक्ति या किसी कांस्टेबल, को इस काम के लिये नियुक्त किया जाता है, तो उसके द्वारा कोई गैरजिम्मेदाराना हरकत किये जाने का खतरा रहेगा, जिससे शक पैदा होगा और इन्फोर्सेंट लोगों को तकलीफ होगी। मेरे एमंडमेंट का मतलब यह है कि सिर्फ गजेटेड आफिसर्स को ही सच करने के लिये भेजा जावे, जिन पर यकीन किया जा सकता है और जो इस काम को ज्यादा अच्छी तरह अंजाम दे सकते हैं।

श्री ब० रा० भगत : माननीय सदस्य ने जो तरमीम रखी है, मैं उस को मंजूर करने से लाचार हूँ। अगर माननीय सदस्य की तरमीम को मान लिया जाय, तो बहुत बड़ी संख्या में गजेटेड आफिसर्स को बहाल करना पड़ेगा। हमारा वांडर बहुत लम्बा है और इस लिये हम को बहुत सी जगहों पर, जो कि बहुत दूर हैं, जो शहरों से दूर हैं, गजेटेड आफिसर्स को रखना पड़ेगा। इस के लिये हम को वहाँ भी गजेटेड आफिसर्स को रखना पड़ेगा, जहाँ उन की जरूरत नहीं है और इस पर बहुत खर्चा पड़ेगा। इस क्लॉज में कलेक्टर को यह अधिकार दिया गया है कि वह सच करने के लिये कस्टम्स के किसी आफिसर को अघायराइज करे। वह आफिसर जिम्मेदार हो, इस के लिये यह प्राविजन रखा गया है कि वह कलेक्टर के द्वारा इयली अघायराइज हो। इस में सिद्धांत का कोई झगड़ा नहीं है कि गजेटेड आफिसर न हो। अगर सब जगहों पर रखने के लिये गजेटेड आफिसर्स मिलें, तो रखने में कोई आपत्ति नहीं है। लेकिन प्रशासन की व्यवहारिक दिक्कत यह है कि हम ऐसे आफिसर्स को हर जगह नहीं रख सकते। इस लिये काम्प्रोमाइज के तौर पर यह इन्तजाम किया गया है।

Mr. Deputy-Speaker: Does he press his amendment or does he withdraw it?

Shri Bade: He presses it.

Mr. Deputy-Speaker: The question is:

Page 34,—

after line 13, insert—

“Provided that the Collector of Customs shall not empower an officer under this section who is not a gazetted officer.”

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 101 stand part of the Bill.”

The motion was adopted.

Clause 101 was added to the Bill.

Clause 102— (Persons to be searched may require to be taken before gazetted officer or customs or magistrate)

Shri Y. S. Chaudhary: I beg to move:

Page 34, line 16,—

omit “if such person so requires” (2).

Page 34, line 17,—

omit “the nearest gazetted officer of customs or” (3).

Page 34, lines 19 and 20,—

omit “the gazetted officer of customs or” (4).

श्री यु० सि० चौधरी : उपाध्यक्ष महोदय, मैंने पेज ३४, लाइन १६ में से ये शब्द प्रोमित करने के लिये एमंडमेंट दिया है :

“if such person so desires”

जैसे इसको रखा गया है उसका मतलब यह होता है कि अगर कोई आदमी चाहेगा तो उसको मैजिस्ट्रेट के सामने बेश

किया जायगा बर्ना नहीं। उपाध्यक्ष महोदय, आप अच्छी तरह से जानते हैं कि हमारे देश में ८०-९० परसेंट आदमी देहातों में रहते हैं और आम तौर से अनपढ़ होते हैं उनको कानून की तमाम पेचीदगियों का पता नहीं होता है। जिस तरह से यह क्लब है, इस में उनका कोई दखल नहीं हो सकेगा और सारे के सारे जाल के अन्दर आ जायेंगे अगर इसको उसकी मर्जी पर छोड़ दिया जायेगा कि अगर वह चाहे तो उसको मैजिस्ट्रेट के सामने ले जाया जायेगा अन्यथा नहीं। मेरी एमेंट का मतलब यह होगा कि उसको मैजिस्ट्रेट के सामने तो ले जाया ही जायगा जो आदमी कानून को लागू करते हैं, वे तो इसकी बारीकियों को अच्छी तरह से समझते हैं और वे इसके लिये जिम्मेदार भी हैं लेकिन जो आम आदमी है, उसको अगर मैजिस्ट्रेट के सामने ले जाया जाता है तो उसके साथ ज्यादा अच्छी तरह से इंसाफ हो सकता है बजाय इसके कि इस चीज को उसकी इच्छा पर छोड़ दिया जाये। जहां तक इच्छा का सम्बन्ध है, वह बात कभी भी नहीं हो सकेगी।

एक और भी चीज है, जिस पर आपको ध्यान देना चाहिये। जो कस्टमज के आदमी हैं, उनके दिमाग में तो यह रहेगी कि किसी तरह से केस को डिपार्टमेंटल केस बनाया जाये और उस में डिपार्टमेंट के दखल को ही कायम रखा जाये और मैजिस्ट्रेट के सामने वह पेश न हो। जिस तरह से पुलिस की टैंडेंसी होती है कि लोगों को मुकदमों की शक्ल में फंसाया जाये, अगर यही टैंडेंसी यहां भी दिखाई गई तो किस तरह से उसको इंसाफ मिल सकता है। इस वास्ते अगर यहां पर कर दिया जाये कि उस को मैजिस्ट्रेट के सामने ले जाया ही जायेगा उसके सामने पेश किया ही जायेगा और ऐसा करने के बाद कार्रवाई चलेगी जो मेरे ख्याल में यह ज्यादा अच्छा होगा।

**Shri Bade:** Sir, I support this amendment, because this was discussed in

the Select Committee also. There may be certain illiterate people or the common man in the street. They do not know the law. Therefore this should not be left to the option of the officer who takes the search warrant. It should be the duty of the officer to take the man to the magistrate. And if these words "if he so requires" are omitted the provision will stand like this that as soon as the officer wants to search him, he will have to take the man to the magistrate. There is provision in the Criminal Procedure Code, but even then the common man does not know what his rights are. Therefore, this is very essential and I also support this amendment.

**Shri Hari Vishnu Kamath:** I have got two amendments, Nos. 15 and 16.

I beg to move:

Page 34, line 16,—

omit "if such person or requires". (15).

Page 34, lines 16 and 17,—

for "without unnecessary

delay" substitute "forthwith". (16).

**Mr. Deputy-Speaker:** No. 15 is the same as amendment No. 2.

**Shri Hari Vishnu Kamath:** But No. 16, you will agree, is different.

**Mr. Deputy-Speaker:** Yes.

**Shri Hari Vishnu Kamath:** In regard to No. 15, while supporting my hon. friends, Mr. Chaudhary and Mr. Bade, I wish only to add that in this vast country where the great majority of citizens are at best semi-literate, it is too much to presume that they will know the law, with all its intricate details, and every provision of the law. It is true that Government seeks to provide here that if a person so requires he may be taken before a magistrate; he will be taken before a magistrate. But I do not know, I myself am not quite conversant with the rapid changes that go on in our laws and Acts from time to

[Shri Hari Vishnu Kamath]

time. There is a saying that you enact in haste and amend at leisure. That is what is happening in our country today. And here it is a small provision, "if he so required". Can you imagine, Sir, that a customs officer, when he arrests somebody, will tell him, "Well, if you want, I can take you"? In the natural course, human conduct is somewhat against this sort of action on the part of the customs officer. He will arrest and take him for searching straightway. And when he goes to a court of law, in a court of law he can always say, "He never wanted to be taken before a magistrate and so I searched him". The poor man will have nothing in writing and will be in a fix and hard put to prove that he wanted to be taken before a magistrate. We must therefore safeguard against abuse of authority on the part of the customs officer. Therefore, this phrase "if he so requires" should be completely deleted, and it should be made obligatory on the part of the customs officer to take him in every case before a magistrate or a gazetted officer of customs.

And then I sought to substitute the word "forthwith" for the words "without unnecessary delay" which is the amendment that has been made by the Select Committee. I suggested in the Committee itself this word "forthwith". But a big dictionary was not available at that time. There was only a small dictionary at hand at that time. The Committee did not produce, the officers present there could not get hold of big dictionary. We got a small or pocket Oxford dictionary, I do not remember which.

**Mr. Deputy-Speaker:** Is there a bigger one now?

**Shri Hari Vishnu Kamath:** I have got no dictionary here. But I looked it up in the Library. It said "forthwith" means without a second's delay.

**Mr. Deputy-Speaker:** Immediate.

**Shri Hari Vishnu Kamath:** But the dictionary does not say that. The dictionary says "without delay". And another dictionary said "without undue delay" or something like that.

**Shri Daji:** The word is known to law.

**Shri Hari Vishnu Kamath:** Yes. In some Acts it is "forthwith". It is used in many enactments. So I seek to substitute the word "forthwith" for the words "without undue delay". "Undue delay" may mean anything.

**Mr. Deputy-Speaker:** "Without unnecessary delay".

**Shri Hari Vishnu Kamath:** The officer may say that one day or two days were not unnecessary. Therefore, for how long will the person be detained after he is arrested? Therefore, to safeguard against abuse of authority and to ensure a safeguard against unlawful detention of the person concerned, it is better to use the word "forthwith" rather than the words "without unnecessary delay". I hope the Deputy Minister will not stand on a sort of false prestige and stick to his amendment like a leech and will be reasonable enough to accept this amendment.

**Shri Narendra Singh Mahida:** I also support that move.

**Shri B. R. Bhagat:** Sir, I am sorry that it is not possible for me to accept the amendments for the simple reason that they are completely divorced from the facts of the case and it is rather strange that hon. Members should equate the smugglers with illiterate, innocent, common people. It is a known fact of life that all these smugglers are very clever people and they know the law much better than we do. This clause only deals with the power to search. Innocent persons who have nothing to hide or conceal—every day people pass through the customs—are searched, their baggage is searched in part or full. But the smuggler, although he may be illiterate or semi-literate is a



very clever person. To say that this will lead to harassment is a very illusory fear.

And then, if we take out the words "if such person so requires", what will it lead to? It will mean that in all cases, wherever a person is apprehended or asked to declare or is searched, he will have to be taken to a magistrate or to the nearest gazetted officer. Sometimes it may be twenty-five miles, sometimes it may be fifty miles. It may be varying. We know the nature of the posts on our border. So this will in addition lead to delay. At present, if he is to be searched, and if the person does not object, he can be cleared, if he is innocent, immediately and without any delay or loss of time. But if these words "if he so requires" are omitted he would have necessarily to be taken thirty, forty or fifty miles, involving harassment or other inconvenience to him as well as to the administration. So, if a man wants it, he would be taken to the gazetted officer or to the magistrate.

Similarly, as regards this question of substituting the word "forthwith" for the words "without unnecessary delay", when the hon. Member has no good argument to advance he may say that the other man is unobjective or sticking to false prestige. These are only substitutes for arguments. It only proves that hon. Members have no arguments. This matter was discussed in the Select Committee.

**Shri Hari Vishnu Kamath:** Have you any against?

**Shri B. R. Bhagat:** I am putting forth some sound arguments. . . .

**Shri Hari Vishnu Kamath:** I am listening.

**Shri B. R. Bhagat:** . . . for the consideration of the hon. Member.

**Shri Hari Vishnu Kamath:** House.

**Shri B. R. Bhagat:** This expression 'without unnecessary delay' which has been used here is the same as in sec-

tion 60 of the Code of Criminal Procedure. That provides:

"A police officer making an arrest without warrant shall, without unnecessary delay . . . send the person arrested before a magistrate. . . ."

This is on a similar basis. If we substitute 'forthwith', as the hon. Member said, it has also a connotation in law. It should be 'without unnecessary delay'. If there is the slightest delay, it will be declared illegal. Sometimes a delay of one hour or two hours which may be absolutely essential or a few hours will create a situation in which it may be declared illegal. It would be very difficult to function in that situation. The word 'forthwith' should not be there. The expression 'without unnecessary delay' is all right for the purpose.

**Mr. Deputy-Speaker:** I shall now put amendments 2, 3 and 4 to the vote of the House.

*The amendments were put and negatived.*

**Mr. Deputy-Speaker:** Shri Kamath's amendment No. 15 is barred. The House has rejected it. I shall now put amendment No. 16 to the vote of the House. The question is:

Page 34, lines 16 and 17, for "without unnecessary delay" substitute "forthwith".

Those in favour may kindly say 'Aye'.

Some Hon. Members: 'Aye'.

**Mr. Deputy-Speaker:** Those against may kindly say 'No'.

Some Hon. Members: No.

**Mr. Deputy-Speaker:** The 'Noes' have it.

**Shri Hari Vishnu Kamath:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** Do you want a Division?

**Shri Hari Vishnu Kamath:** Yes.

**Mr. Deputy-Speaker:** Division. The question is: Mr. Kamath's amendment No. 16.

**Shri Hari Vishnu Kamath:** Please read the amendment.

**Mr. Deputy-Speaker:** I am reading it. The question is:

Page 34, lines 16 and 17, for "without unnecessary delay" substitute "forthwith".

*The Lok Sabha divided:*

**Mr. Deputy-Speaker:** Any corrections?

**Shri Narendra Singh Mahida:** No. 468 for 'Ayes'.

**Shri Kapur Singh:** No. 452 for 'Ayes'.

**Shri Priya Gupta:** No. 460 for 'Ayes'.

**Shri Koya:** No. 396 for 'Ayes'.

**Shri A. S. Alva:** No. 312 for 'Noes'.

**Dr. P. N. Khan:** No. 337 for 'Noes'.

**Dr. P. Mandal:** No. 307 for 'Noes'.

**Shri Subbaraman:** No. 263 for 'Noes'.

**Shri V. K. Ramaswamy:** No. 262 for 'Noes'.

**Shri Badshah Gupta:** No. 227 for 'Noes'.

## AYES

### *Division No. 1*

[14.47 hrs.]

Aney, Dr. M. S.  
Bade, Shri  
Banerjee, Shri S. M.  
Barua, Shri Hem  
Berwa, Shri  
Bhawani, Shri Lakshmu  
Biren Dutta, Shri  
Chaudhary, Shri Y. S.  
Daji, Shri  
Gauri Shankar, Shri  
Gupta, Shri Indrajit, Shri

Gupta, Shri K. R.  
Gupta, Shri Priya  
Himmatsinhji, Shri  
Ismail, Shri M.  
Jha, Shri Yogendra  
Kachhavaia, Shri  
Kamath, Shri Hari Vishnu  
Kapur Singh, Shri  
Koya, Shri  
Mahida, Shri Narendra Singh  
Mukherjee, Shri H. N.

Nambiar, Shri  
Pattnayak, Shri K.  
Ranga, Shri N. G.  
Reddy, Shri Narasimha  
Shashank Manjari, Shrimati  
Singh, Shri J. B.  
Singh, Shri Y. D.  
Soy, Shri H. C.  
Utiya, Shri  
Yadav, Shri Ram Sewak

## NOES

Akkamma Devi, Shrimati  
Alva, Shri A. S.  
Anjanappa, Shri  
Arunachalam, Shri  
Babunath Singh, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Barupal, Shri P. L.  
Basappa, Shri  
Baswant, Shri  
Bhagat, Shri B. R.  
Bhargava, Shri M. B.  
Bhatkar, Shri  
Bist, Shri J. B. S.  
Brajeshwar Prasad, Shri  
Brij Raj Singh, Shri  
Chanda, Shrimati Jyotsna  
Chavan, Shri D. R.  
Chuni Lal, Shri  
Daffe, Shri  
Das, Shri B. K.  
Das, Shri N. T.  
Das, Shri S. B.  
Dasappa, Shri

Dass, Shri C.  
Desai, Shri Morarji  
Deshmukh, Dr. P. S.  
Deshmukh, Shri B. D.  
Deshmukh, Shri Shivaji Rao S.  
Deshpande, Shri  
Dube, Shri Mulchand  
Dubey, Shri R. G.  
Dwivedi, Shri M. L.  
Elayaperumal, Shri  
Firodia, Shri  
Ganapati Ram, Shri  
Gupta, Shri Badshah  
Gupta, Shri Shiv Charan  
Hansda, Shri Subodh  
Jadhav, Shri Tulshidas  
Jain, Shri A. P.  
Jamir, Shri S. C.  
Jamunadavi, Shrimati  
Jedhe, Shri  
Jyotishi, Shri J. P.  
Kabir, Shri Humayun  
Kadadi, Shri  
Kanungo, Shri

Khan, Dr. P. N.  
Kureel, Shri B. N.  
Lakhan Das, Shri  
Lakshminanthamma, Shrimati  
Lalit Sen, Shri  
Laskar, Shri N. R.  
Laxmi Bai, Shrimati  
Mahadeo Prasad, Shri  
Malliah, Shri U. S.  
Mallick, Shri  
Manna, Shri  
Mandal, Dr. Pashupati  
Miniyangadan, Shri  
Musuriya Din, Shri  
Mathur, Shri Harish Chandra  
Mehrotra, Shri Braj Bihari  
Minimata, Shrimati  
Mishra, Shri Bibhuti  
Mohanty, Shri G.  
Mohsin, Shri  
More, Shri K. L.  
Naik, Shri Maheswar  
Niranjan Lal, Shri  
Pandey, Shri R. S.

## NOES—Contd.

Anas Lal, Shri  
 Patel, Shri P. R.  
 Patel, Shri J. S.  
 Patil, Shri M. B.  
 Patil, Shri S. B.  
 Patil, Shri T. A.  
 Patil, Shri B. C.  
 Patil, Shri Nataraj  
 Patil Singh, Shri  
 Patil, Shri D. B.  
 Patil Subhag Singh, Dr.  
 Patilwamy, Shri V. K.  
 Patil Singh, Shri  
 Patil, Shri  
 Patil, Shri Ramapathi

Reddiar, Shri  
 Roy, Shri Bishwanath  
 Sadhu Ram, Shri  
 Saha, Dr. S. K.  
 Sahu, Shri Rameshwar  
 Saigal, Shri A. S.  
 Sen, Shri A. K.  
 Sen, Shri P. G.  
 Shankaraiya, Shri  
 Sharma, Shri D. C.  
 Shashi Ranjan, Shri  
 Shastri, Shri Ramanand  
 Shree Narayan Das, Shri  
 Sidheswar Prasad, Shri  
 Singh, Shri D. N.

Singha, Shri G. K.  
 Srinivasan, Dr. P.  
 Subbaraman, Shri  
 Tiwary, Shri K. N.  
 Tiwary, Shri R. S.  
 Tula Ram, Shri  
 Valvi, Shri  
 Varma, Shri Ravindra  
 Venkatasubbaiah, Shri  
 Vyas, Shri Radhela  
 Wadiwa, Shri  
 Yadav, Shri Ram Harkh  
 Yadava, Shri B. P.  
 Yusuf, Shri Mohammad

Mr. Deputy-Speaker: The result of the division is as follows:

Ayes 32; Noes 113.

*The motion was negatived.*

Mr. Deputy-Speaker: The question is:

"That clause 102 stand part of the Bill."

*The motion was adopted.*

Clause 102 was added to the Bill.

Clause 2— (Definitions)

Shri Hari Vishnu Kamath: There are my amendments on clause No. 2.

I move:

Page 2, lines 21 and 22,—

omit "with its grammatical variations and cognate expressions". (13).

Page 3, lines 1 and 2—

omit "with its grammatical variations and cognate expressions". (14).

Mr. Deputy-Speaker: The question

Page 2, lines 21 and 22,—

omit "with its grammatical variations and cognate expressions". (13).

Page 3, lines 1 and 2—

omit "with its grammatical variations and cognate expressions". (14).

*The Lok Sabha divided:*

Dr. M. S. Aney: My vote has not been recorded. I want to vote for 'Ayes'.

Shri G. S. Musafir (Amritsar): I want to vote for 'Noes'. My division No. is 197.

Shri Mulchand Dube (Farrukhabad): My division No. is 149. I want to vote for 'Noes'.

Shri B. R. Bhagat: I want to vote for 'Noes'. My vote has not been recorded. My division No. is 105.

## AYES

## Division No. 2]

[14.55 hrs.

Aney, Dr. M. S.  
Bade, Shri  
Banerjee, Shri S. M.  
Berua, Shri Hem  
Berwa, Shri  
Biren Dutta, Shri  
Brij Raj Singh, Shri  
Chaudhary, Shri Y. S.  
Daji, Shri  
Guari Shankar, Shri  
Gupta, Shri Indrajit  
Gupta, Shri Kashi Ram  
Gupta, Shri Priya

Himmatsinhji, Shri  
Ismail, Shri M.  
Jha, Shri Yogendra  
Kachhavaia, Shri  
Kamath, Shri Hari Vishnu  
Kapur Singh, Shri  
Karjee, Shri  
Keishing, Shri Rishang  
Koya, Shri  
Mahida, Shri Narendra Singh  
Mukherjee, Shri H. N.  
Nambiar, Shri  
Omkar Singh, Shri

Patnaik, Shri K.  
Raghavan, Shri A. V.  
Ranga, Shri N. G.  
Reddy, Shri Narasimha  
Singh, Shri J. B.  
Singh, Shri Y. D.  
Soy, Shri H. C.  
Utiya, Shri  
Venkaiah, Shri Kolla  
Vishram Prasad, Shri  
Yadav, Shri Ram Sewak

## NOES

Akkamma Devi, Shrimati

Alva, Shri A. S.  
Anjanappa, Shri  
Arunachalam, Shri  
Azad, Shri Bhagvat Jha  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Barupal, Shri P. L.  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Bhagat, Shri B. R.  
Bhargava, Shri M. V.  
Bhatkar, Shri  
Bhawani, Shri Lakshmu  
Bist, Shri J. B.S.  
Brajeshwar Prasad, Shri  
Brij Raj Singh Kotah, Shri  
Chanda, Shrimati Jyotsna  
Chavan, Shri D. R.  
Chuni Lai, Shri  
Dafle, Shri  
Das, Shri B. K.  
Das, Shri N. T.  
Das, Shri S. B.  
Dasappa, Shri  
Dass, Shri C.  
Desai, Shri Morarji  
Deshmukh, Shri B. D.  
Deshmukh, Shri Shivaji Rao S.  
Deshpande, Shri  
Dube, Shri Mulchand  
Dubey, Shri R. G.  
Dwivedi, Shri M. L.  
Elayaperumal, Shri  
Pirodia, Shri  
Gackwad, Shri Patchesinhrao  
Ganapati Ram, Shri  
Gupta, Shri Badshah  
Hansda, Shri Subodh  
Harvani, Shri Anwar  
Jadhav, Shri Tulshidas  
Jain, Shri A. P.  
Jamir, Shri S. C.  
Jamunadevi, Shrimati

Jedhe, Shri  
Jyotishi, Shri J. P.  
Kabir, Shri Humayun  
Kadadi, Shri  
Khan, Dr. P. N.  
Kindar Lal, Shri  
Kureel, Shri B. N.  
Lakhon Das, Shri  
Lakshmikanthamma, Shrimati  
Lalit Sen, Shri  
Laskar, Shri N. R.  
Laxmi Bai, Shrimati  
Mahadeo Prasad, Shri  
Mahadeva Prasad, Dr.  
Maitab, Shri  
Malichami, Shri  
Malaviya, Shri K. D.  
Mallish, Shri U. S.  
Mallick, Shri  
Mansan, Shri  
Mandal, Dr. P.  
Mandal Shri Yamuna Prasad  
Maniyangadan, Shri  
Masuriya Din, Shri  
Mathur, Shri Harish Chandra  
Mehrotra, Shri B. B.  
Minimata, Shrimati  
Mishra, Shri Bibhuti  
Mohanty, Shri G.  
Mohin, Shri  
More, Shri K. L.  
Musafir, Shri G. S.  
Naik, Shri D. J.  
Naik, Shri Maheswar  
Nayak, Shri Mohan  
Niranjan Lal, Shri  
Oza, Shri  
Pandey, Shri R.S.  
Panna Lal, Shri  
Patel, Shri Man Singh  
Patel, Shri P. R.  
Patil, Shri J. S.  
Patil, Shri M. B.  
Patil, Shri S. B.  
Patil, Shri T. A.

Patnaik, Shri B. C.  
Pillai, Shri Nataraja  
Pratap Singh, Shri  
Rai, Shrimati Sahodrabai  
Raja, Shri C. R.  
Raju, Shri D. B.  
Rama Subhag Singh, Dr.  
Ramaswamy, Shri V. K.  
Rane, Shri  
Rao, Shri Ramapathi  
Reddiar, Shri  
Roy, Shri Bishwanath  
Sadhu Ram, Shri  
Saha, Dr. S. K.  
Saha, Shri Rameshwar  
Saigal, Shri A. S.  
Seindia, Shrimati Vijaya Rajee  
Sen, Shri P. G.  
Shankaraiya, Shri  
Sharma, Shri D. C.  
Shashi Ranjan, Shri  
Shastri, Shri Ramnand  
Shoo Narain, Shri  
Shree Narayan Das, Shri  
Siddheshwar Prasad, Shri  
Singh, Dr. B. N.  
Singh, Shri D. N.  
Singha, Shri G. K.  
Sinhason Singh, Shri  
Srinivasan, Dr. P.  
Subbaraman, Shri  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Tiwaray, Shri D. N.  
Tiwaray, Shri R. S.  
Tula Ram, Shri  
Varma, Shri Ravindra  
Venkatasubbaiah, Shri P.  
Verma, Shri K. K.  
Vyasa, Shri Radhelal  
Wadiwa, Shri  
Yadav, Shri Ram Harkh  
Yadava, Shri B. P.  
Yusuf, Shri Mohammad

**Mr. Deputy-Speaker:** The result of the division is as follows:

*Ayes: 37; Noes: 134.*

*The motion was negatived.*

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

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Mr. Deputy-Speaker:** Now, I come to clause 103. There is an amendment to this clause.

**Shri Y. S. Chaudhary:** That is barred.

**Mr. Deputy-Speaker:** There are no amendments to clauses 103 and 104 now. So, I shall put them together to vote. The question is:

"That clauses 103 and 104 stand part of the Bill".

*The motion was adopted.*

*Clauses 103 and 104 were added to the Bill..*

**Clause 105—** (Power to search premises)

**Shri Hari Vishnu Kamath:** The House will see that this clause provides for the search of premises where the customs officer suspects that the smuggled goods have been concealed; 2171(Ai)LSD—6.

of course, if he has reason to believe. on reasonable grounds, that those goods are concealed in the premises, whether business or residential, he can conduct the search himself or have it conducted by some other customs officer.

I believe that under other enactments, no search can be conducted without a valid search warrant issued by a magistrate who issues it, and who does so after satisfying himself that the evidence is sufficient for conducting the search. Therefore, I would request the Government to consider this matter.

I am sorry that because of the inversion of priorities of the Bills, I could not give my amendment yesterday; I gave it this morning only, but the Speaker has ruled that it is too late. But the Government business was rearranged. In the notice to us, the defence of India Bill was first at the top and the Customs Bill was at the bottom. Then, the Customs Bill came on the top, and the Defence of India Bill got a lower priority. Therefore, we could not attend to these Bills expeditiously. It is unfair to the House that business should be rearranged; priority should not be rearranged in this manner in the future. I hope that you, Sir, will kindly direct the Minister of Parliamentary Affairs to be more watchful and more respectful to the House and to the Members. We cannot go on preparing for two or three Bills at one time; because we have got no secretarial assistance, and we have to work single-handed, therefore, we could not go on preparing for two or three Bills at one time. I hope that this will be conveyed to the Minister of Parliamentary Affairs by his deputy Shri Rane who is here now.

[Shri Hari Vishnu Kamath]

I do not know if my hon. friend Shri Bade has got an amendment with regard to this, and I wish that if he has one he moves it. But even if it is not there, the hon. Minister may even now at this late hour exercise his wisdom and intelligence and see to it that some salutary safeguards are inserted in this provision against the abuse of authority by the customs officer.

**Shri Narendra Singh Mahida:** I too request the hon. Minister to consider this matter even now at this late stage. We have said in our minute of dissent that this infringes the right of a citizen. We want the judiciary to take all the proceedings in its hands, and we want to be saved from the executive; if they get unnecessary and wrong powers, we should be saved by a magistrate. That is why we have said in our minute of dissent that before the house of any person is searched, a warrant by a magistrate should be issued for that purpose.

I would once again request the Deputy Finance Minister to reconsider our request.

**Shri Bade:** I have also signed that minute of dissent. My request is that Government should reconsider this clause, because according to the provision here the search will be not only of the goods but of documents and other things. Whatever things there are, and whatever documents there may be including the account books etc. of the trader may be searched anywhere and at any place. The place also is not mentioned there. It is not also clear whether the search will be made only in the place of the accused or in the place of any third person.

Therefore, my submission is that before conducting the search of any particular house or residence, a warrant from a magistrate should be

taken just as it is taken in all other cases under the Criminal Procedure Code. It is for this purpose that I have given my minute of dissent.

I would request Government to reconsider this provision.

**Shri B. R. Bhagat:** This matter has been considered more than once and in my reply today also, I referred to it. In the Explanation, it has been mentioned in great detail why such power is necessary. The main reason is that matters connected with search of premises etc. are more for executive decision than a judicial one.

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

"That clause 105 stand part of the Bill".

*The motion was adopted.*

*Clause 105 was added to the Bill.*

*Clauses 106 to 110 were added to the Bill.*

**Mr. Deputy-Speaker:** Then we come to clause 111.

**Shri Y. S. Chaudhary** (Mahendragarh): I am not moving my amendment.

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

"That clauses 111 and 112 stand part of the Bill".

*The motion was adopted.*

*Clauses 111 and 112 were added to the Bill.*

**Clause 113.—** (Confiscation of goods attempted to be improperly exported etc.)

**Clause 114.—** (Penalty for attempt to export goods improperly etc.)

श्री काशीराम गुप्त (अलवर) :  
उपाध्यक्ष महोदय, दुर्भाग्य की बात है कि मुझे

इस पर अमेंडमेंट देने का समय न मिल सका क्योंकि कस्टम्स बिल अचानक आ गया और इस से भी आश्चर्यजनक बात यह है कि जनरल डिस्कशन के समय मैंने इस पर बोलने के लिये अपना नाम भेजा था लेकिन पता नहीं किसी तरह मेरा नाम बुलाने में रह गया और तब मुझे इस पर बोलने का समय नहीं मिला ।

क्लाज ११३ और ११४ पर मुझे कुछ बोलने की आवश्यकता इसलिये पड़ी क्योंकि मालूम ऐसा होता है कि हमारे अधिकारीगण और हमारे माननीय सदस्यों के दिमागों में सोने, जवाहिरात और घड़ी इत्यादि की बात मगहूर हो गयी है । और एक्सपोर्ट के मामले में वह शायद यह समझते हैं कि इन के अलावा कोई और ऐसी अहम चीज नहीं है जिसके लिये कोई बड़ी सजा दी जाती । मैं सदन के सामने और आप के द्वारा मिनिस्टर महोदय के सामने एक बात लाना चाहता हूँ और वह यह है कि अफीम में स्मगलिंग होती है और उसका भी जो एक्सपोर्ट होता है वह एक बहुत बड़ी चीज है ।

अभी कल ही श्री वारियर बतला रहे थे कि सोने से लोगों का पतन होता है । मेरा निवेदन है कि जो अफीम की बाहर स्मगलिंग होती है और जिसका कि केवल सरकार ही व्यापार करती है और दूसरा कोई नहीं कर सकता है, उस के कारण भी नीचे से ऊपर तक जो लोग होते हैं उनका नैतिक पतन होता है । किसानों का पतन होता है और सारी जनता का पतन होता है ।

एक स्टेट से दूसरी स्टेट में हमारे देश के भीतर अफीम की स्मगलिंग हो रही है और यह मगहूर है कि किस प्रकार से बाहर स्मगल होती है और किस प्रकार से उस का रेट यहां से वहां तक बढ़ता चला जाता है ।

मुझे आश्चर्य हुआ जब माननीय सदस्य श्री बड़े जिनके कि क्षेत्र में से बहुत अफीम जाती है वह सेलेक्ट कमेटी में होते हुये भी इस बात को भूल गये और इस लिये मैं उन्हें भी याद दिलाना चाहता हूँ कि केवल अफसरों द्वारा जो बातें रखी जाती हैं और बिल बना कर रख दिये जाते हैं केवल उन्हीं पर विचार नहीं करना चाहिये बल्कि जो बातें उन में रह गयी हों और जो कि शामिल की जानी चाहियें उन के बारे में भी विचार करना चाहिये । इसलिये मैं अधिक समय न लेकर माननीय मंत्री से निवेदन करूंगा कि अब भी हालांकि अब बहुत समय नहीं रहा तो भी वह इस के बारे में सोच लें । मेरा तो कहना यह है कि अफीम का तस्कर व्यापार करने वाले से आप बतौर जर्मना पांच गुना पैसा भी वसूल कर लें तो भी उसका कुछ नहीं बिगड़ता है जब तक कि उसे काफी सजा न दी जाय । मेरी तो मान्यता है कि सोने के बजाय अफीम का तस्कर व्यापार करने वाले धादमी को उस से भी कड़ी सजा देना चाहिये खासकर जब कि एक्साइज इयूटी वाले देश के भीतर उन लोगों को सजा करवाते हैं तो कोई बजह नहीं है कि जो अफीम को देश से बाहर ले जाने वाले हैं वह सजा से बचें और केवल उन पर जुर्माना हो जाय । यह एक अहम संबाल है । करोड़ों रुपया बाहर से इसमें आत है इस लिये मेरा निवेदन है कि इस बारे में आप पुनर्विचार करें और अफीम के तस्कर व्यापार को उसी स्थिति लाना चाहिये जैसे कि दफा १११ के तहत ५ वर्ष की सजा आपने रखी है वह पांच ५ वर्ष की सजा इसमें भी होनी चाहिये । बस इतना ही कहना है ।

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

"That clauses 113 and 114 stand part of the Bill".

*The motion was adopted.*

*Clauses 113 and 114 were added to the Bill.*

*Clauses 115 to 117 were added to the Bill.*

[Mr. Deputy-Speaker]

Clause 118 (Confiscation of packages and their contents).

**Shri Y. S. Chaudhary:** I beg to move:

Page 43,—after line 35, insert—

"Provided that other goods shall be confiscated only if the owner thereof knowing that any goods are smuggled goods, places the goods with them but not otherwise.

**Explanation.**—The package in this section means the bundle in which the extra hand goods have been packed before being smuggled".

**श्री बड़े :** उपाध्यक्ष महोदय, चूंकि श्री गुप्त ने मेरा जिक्र किया इस लिये मुझे बोलने की आवश्यकता महसूस हुई। श्री गुप्त ने कहा कि बड़े साइब के यहाँ ब्रह्म अफीम होती है तो भी उन्होंने उसकी बाबत कुछ नहीं कहा। मेरा कहना यह है कि हमारे यहाँ एकमाइज एक्ट है। एकमाइज एक्ट के अन्तर्गत अफीम का एक्सपोर्ट नहीं हो सकता है। अफीम का जो एक्सपोर्ट होता है उसके वास्ते अलग प्राविजन है। उस के वास्ते एकमाइज एक्ट सेंटर का अलग है। यह शायद हमारे माननीय सदस्य को मालूम नहीं है कि यह केवल कस्टम बिल है यानी कस्टम्स की ड्यूटी ली जाती है। एक्सपोर्ट और इम्पोर्ट जब बढ़ता है या कम होता है तो उस के वास्ते टैरिफ या कस्टम ड्यूटी ली जाती है। अफीम में एक्सपोर्ट होता नहीं है। अफीम में अगर एक्सपोर्ट होता होगा तो उस के वास्ते भी इसमें कस्टम ड्यूटी ली जायेगी। ऐनी प्राहिबिटेड गुड्स भी इस में हैं और प्राहिबिटेड गुड्स में अफीम भी आती है। अफीम के केसेज बहुत पकड़े जाते हैं और अफीम के वास्ते इसमें विचार करने की जरूरत नहीं है। उस में कस्टम नहीं लिया जाता है। अब जिसके वास्ते सेंट्रल गवर्नमेंट से परमिशन है कि चीन को अफीम का एक्सपोर्ट या अकरोंका को हो उस के वास्ते

कस्टम लिया जाता है और इस वास्ते इस में हम ने उस पर विचार नहीं किया।

**श्री ब० रा० मगत :** उपाध्यक्ष महोदय, मुझे के इस जवाब में यही कहना है कि अफीम पर भी रूकावट है। उस में जो चोरी होती है और अफीम की चोरी छिपे ले जाते हैं उस के लिये हम ने कानून बनाया हुआ है और जैसा कि हमारे श्री बड़े ने कहा है उस कानून के अन्दर इस के लिये काफी रूकावट है और पूरी निगरानी है। इस में स्टेट सरकारें भी हैं और केन्द्रीय सरकार भी है।

**श्री यू० सिंह चौधरी (महेन्द्रगढ़) :** हमारे उपमन्त्री महोदय ने पहले भाषण देते समय बतलाया था कि अगर एक बंडल पकड़ा जाता है जिसमें कि डायमंड्स या गोल्ड आदि चीजें हों और अगर उस में एक चीज ऐसी हो जो कि स्मगलड की हुई है और बाकी चीजें स्मगलड नहीं करी हुई हों, अगर ऐसा बंडल पकड़ा जाता है तो हमारे पास ऐसा कोई हाई और फास्ट रूल नहीं है और हम किसी तरीके से यह पता नहीं कर सकते हैं कि वह सारी की सारी चीज तस्कर की हैं या यह कि सारी चीजें तस्कर की नहीं हैं इस लिये इस के अन्दर उन्होंने ऐसा कर रखा है कि अगर एक भी चीज उस बंडल के अन्दर ऐसी मिल जाती है जो कि स्मगलड है तो उस तमाम सारी की सारी चीज को पकड़ लिया जायेगा और तमाम चीज पर काबू कर लिया जायेगा। इस मिलसिले में मेरा कहना यह है कि जहां उन्होंने एक तरफ यह बात कही वहां इस बात का दूसरा पहलू भी है कि जिस तरह से आप यह कहते हैं कि हमारे पास इस बात का कोई इलाज नहीं है कि हम इस तरह की चीजों को अगल अलग कर के बांट सकें कि अमूक स्मगलड है और अमूक स्मगलड नहीं है और इस बारे में शक बना रहने से सही सही फैसला या निर्णय कहना मुश्किल होता है, तो दूसरी तरफ बात यह है कि अगर एक आदमी बेगुनाह



है और उस के पास केवल एक ही चीज ऐसी है जो कि उस को तस्कर व्यापार के द्राग मिलती है और बाकी १५०-२०० चीजें स्मगलड नहीं हैं और यह साबित हो जाता है और आपको इस बात का पता लग जाता है दरसल इस तरीके से स्मगलिंग से व चीजें नहीं आई हैं तो उन को आप छोड़ते हैं और केवल एक वही स्मगलड चीज लेकर आप उन बाकी तमाम चीजों पर कब्जा नहीं करते या बाकी चीजों के ऊपर यह तस्कर का लेबिल नहीं लगाते हैं तो इस तरह शायद ज्यादा इन्साफ रहेगा ।

इसी लिये क्लॉज ११८ के लिये हमने यह अमेंडमेंट दिया है :—

Page 43,—  
after line 35, insert—

“Provided that other goods shall be confiscated only if the owner thereof knowing that any goods are smuggled goods, places the goods with them but not otherwise.”

दूसरे गुड्स उसी हालत में जन्त किये जायेंगे जब कि उनका ओनर यह जानते हुये कि कुछ गुड्स स्मगलड हैं, उन के साथ उनको रखता है, अन्यथा नहीं । जैसा कि क्रिमिनल ला में भी प्रोवाइडेड है कि प्रायर नोलेज होना जुर्म साबित होने के लिये जरूरी है । सब जगह यह बात लिखी हुई है कि अगर आदमी को किसी बात का पहले से पता है तो वह फिर सेंट परमेंट जिम्मेदार है । लेकिन अगर उसको नोलेज नहीं है, वह इन्फोर्मेंट है और उसको इस बात का ज्ञान नहीं है तो उसको उसके लिये जिम्मेदार ठहराना इन्साफ का तकाजा नहीं होगा । अगर उसको इस बात का पता है कि यह सब चीजें तस्कर से सम्बन्धित हैं तब तो ठीक बात है और वह खतावार और मुजरिम साबित होता है लेकिन यदि उसका तस्कर व्यापार से कोई ताल्लुक और सम्बन्ध नहीं है तो उन को उससे अलग रखा जाय और ऐसा करके हम इन्साफ ही करेंगे ।

**Shri Narendra Singh Mahida (Anand):** Regarding this, I want to bring to the notice of the Deputy Minister the disparity between the treatment of diamond and gold. He wants to confiscate the whole package of diamonds while in the case of gold—clause 120—he says that only such part of the goods the value of which is equal to the value of the smuggled goods shall be liable to confiscation. In the case of gold, the whole of it is not confiscated, but only a part or its value will be taken, while in the case of diamonds, the whole of it will be confiscated. I want the hon. Deputy Minister to pay attention to this and even now I would suggest that he should define the word “package”.

**Shri B. R. Bhagat:** There is no disparity between clause 118 and clause 120. They refer to two separate matters. Gold can change form, and it can get mixed, and it cannot be extricted. It can be made into one lump, smuggled and non-smuggled. So, to provide that there is no harassment to the genuine bullion dealers, in such cases where the smuggled portion cannot be detected, provision has been made that such part of the goods of a value equal to the value of the smuggled goods, shall be liable to confiscation. Such problems do not arise in diamond. They are imported in numbers, ten, twenty-whatever it be. As I explained earlier, either the whole lot is smuggled or not; it will not be that while importing diamonds five would be smuggled and five would be against valid licence. So, that portion we have kept. Otherwise, in the towns where smuggled diamond is mixed with genuine diamonds, we have provided they can be separated.

As for the amendment of the hon. Member, if we accept his amendment which defines a package, it would mean that if some contraband gold is put in a small cloth bag and that bag is kept along with clothes etc., in a suitcase, according to his definition, the cloth bag and not the other clothes in the suitcase would be liable.

[Shri B. R. Bhagat]

to confiscation. Since the other contents make the task of detection of the gold more difficult, and that suitcase is a way to conceal the goods and facilitate smuggling, so, we cannot draw a distinction. This definition will create more difficulties.

**Shri Narendra Singh Mahida:** He says while the package will be confiscated, diamonds which are smuggled will be confiscated and the others would be returned. Under which clause will they be returned?

**Shri B. R. Bhagat:** That is in towns. Clause 118 provides for that. That is the relaxation which has been made by the Select Committee.

**Mr. Deputy-Speaker:** I put Amendment No. 7 to the vote of the House.

*The amendment was put and negatived.*

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

"That Clause 118 stand part of the Bill".

*The motion was adopted.*

*Clause 118 was added to the Bill.*

**Mr. Deputy-Speaker:** Clauses 119 to 122. There are no amendments.

The question is:

"Clauses 119 to 122 stand part of the Bill."

*The motion was adopted.*

*Clauses 119 to 122 were added to the Bill.*

**Clause 123—(Burden of proof in certain cases).**

**Shri Y. S. Chaudhary:** I beg to move:

Page 44,

after line 29, insert—

"Explanation.—If the person concerned indicates the source from which he had received or purchas-

ed the goods, the onus of proof shall be deemed to have been discharged."

उपाध्यक्ष महोदय, ओनस का सवाल बड़ा इम्पार्टेंट है। हर एक ज़रिस्प्रूडेंस में और सब कानूनों में ओनस हमेशा प्रासीक्यूशन के ऊपर रहता है। जिस आदमी ने गुनाह किया है, अगर उसको कहा जायेगा कि वह यह साबित करे कि उसने गुनाह नहीं किया है, तो यह बड़ा इनजस्टिस होगा। कानूनों की जो अलग अलग ब्रांचिज हैं, उनमें कहीं भी यह व्यवस्था नहीं है कि प्रासीक्यूशन के अलावा दूसरी पार्टी साबित करे कि उसने गुनाह नहीं किया है। अगर इस मामले में भी ओनस को क्रिमिनल और सिविल केसिज की तरह से प्रासीक्यूशन पर यानी करटम्ब अथकारियों पर ही रक्खा जाये, तो ज्यादा बेहतर होगा। मेरी अमेंडमेंट का उद्देश्य इस प्राविजन को बिल्कुल हटाना नहीं है, बल्कि उसमें यह एक्स्प्लेनशन दी गई है कि फर्ज कीजिए, कि ए यह साबित कर दे कि उसने सारा का सारा सामान बी मे खरीदा है और वह बात पूरी तरह से, कानूनी तरीके से, साबित हो जाये, तो समझना लेना चाहिए कि बर्डन आफ प्रूफ डिस्चार्ज हो गया।

**Shri Hari Vishnu Kamath:** I endorse the remarks made by my hon. friend Shri Chaudhury, but I may add that the instance or example quoted by the hon. Deputy Minister in the course of the debate was a wholly infructuous attempt to disprove our contention. He cited a case where a gold watch or a smuggled article had been found in the possession of Mr. A, and A proved that it was acquired or purchased from B, and B had acquired it from somebody else. Our point is, the point of the amendment, is, so long as A proves that it acquired it from somebody else, the burden of proof cast on him by this provision shall be deemed to have been discharged and shifted on to the prosecution or the officer who seizes that particular article.

We do not dispute this power under the law to confiscate those goods. That is where the Deputy Minister went wrong. It can be seized, but if the person prosecuted proves that he got it from another, let them arrest the other person if they are competent enough.

Suppose you have a gold watch, and God forbid it should happen to you or anybody, but it may happen, and the customs officers are now over-zealous, though their zeal should be in a better cause; suppose they say your watch is a smuggled watch.

**Mr. Deputy-Speaker:** I have never suffered like that.

**Shri Hari Vishnu Kamath:** Nor have I, but it may happen to somebody else. Once the law is there, it is no respecter of persons. Suppose you are arrested for having a gold watch or a gold fountain pen or some other article, how can you prove it is not smuggled. I am sure you will be able to prove in a court of law that somebody gave it to you. Or, you may have lost the receipt even, if you had purchased it five or ten years ago from a shop. I do not think we keep receipts unless we are business men and are keeping *bahi khata*. We do not preserve these receipts also. When we have no document to show the purchase, we may also be prosecuted. We do not mind the confiscation, it is bad enough, let them be enriched by the little wealth we have, it will go to the war effort, but prosecution is adding insult to injury to a person who has purchased it and is quite innocent. So, the burden of the proof should be deemed to have been discharged if he satisfies that he purchased it or got it as a gift or in any other manner from a particular source.

That is the explanation I want to add. We do not want to oppose the provision, but the explanation is salutary and a wholesome check on this provision of the Bill which is

liable to be abused. We should have a proper safeguard.

I hope the Minister will be sensible enough to accept this amendment.

**Shri Narendra Singh Mahida:** This clause is very objectionable, and I appeal to the House to appreciate that it infringes our fundamental rights, and goes against the fundamental principle of jurisprudence that a person should be considered innocent unless he is proved guilty. I therefore again request the hon. Deputy Minister to look into this and not take away our rights.

We had already suggested and our suggestion has been taken note of too, that instead of two years, he may make it five or even ten years. We are not against the enhancement of the punishment, but my objection to this clause, and I appeal to the House to consider it very carefully, that this takes away rights from the innocent citizen. The moment we are arrested, we are like thieves to any customs officer. They will take hold of us and ask us to prove our innocence. That is very difficult I do not think anybody in this country can agree to this sort of thing.

I wholeheartedly oppose this, and I request the Members of all parties to oppose this denial of rights to the citizen by the executive. I therefore request them to give fresh consideration to this which we have been opposing so far.

**Shri B. R. Bhagat:** Sir, I am sorry I fail to understand the objections of the hon. Members who spoke.

**Shri Hari Vishnu Kamath:** Sir, Dr. Aney stood up twice to say a few words on this.

**Mr. Deputy-Speaker:** Dr. Aney.

**Dr. M. S. Aney (Nagpur):** I want to make a few observations on this law. Clause 123 reads that where any

[Dr. M. S. Aney]

goods to which this section applies are seized under this Act in the reasonable belief that they are smuggled goods, the burden of proving that they are not smuggled goods shall be on the person from whose possession the goods were seized. What is required is that the officer who makes the complaint must have a reasonable belief that they are smuggled goods. I believe that the provisions should be so worded that the magistrate must be satisfied that the petitioner reasonably believes that the goods are smuggled. When the magistrate is satisfied that that belief is reasonable, the accused should be required to prove. There is no provision here that the judiciary, the magistrate should be satisfied. The admission of the petitioner should be made dependent upon the satisfaction of the magistrate. It should be basis of his jurisdiction to take the case on file. In the absence of that the provision as it is, is likely to be abused very much.

**Shri Hari Vihshnu Kamath:** May we request the hon. Law Minister to throw some light on this?

**Mr. Deputy-Speaker:** He cannot have a second speech now.

**Shri Hari Vishnu Kamath:** No, no, Sir. The hon. Law Minister seems to be anxious to throw some light on this question.

**Shri B. R. Bhagat:** Sir, as I said earlier, this provision is there since

1955 and this was introduced at the recommendation of the Taxation Enquiry Commission. There has not been any case in which the fears expressed by the hon. Members have proven true. It is rather strange to say that a customs officer will go and say that this watch is a smuggled watch and therefore somebody will be prosecuted like that. This has never happened and it can never happen. Hon. Members also forget clause 136 in which it says that the officer concerned will be prosecuted if there is not a reasonable belief. All that safeguard has been provided. I again request earnestly the hon. Members that in their anxiety to allay some imaginary or illusory fear they should not provide a loophole by which we will not be able to plug smuggling; it will be just like the foolish mother throwing out the baby along with the bath water.

**Mr. Deputy-Speaker:** I will put the amendment to the vote of the House. The question is:

Page 44,

after line 29, insert

"Explanation.—If the person concerned indicates the source from which he had received or purchased the goods, the onus of proof shall be deemed to have been discharged."

*The Lok Sabha divided.*

**Division No. 3]**

**[15.29 hrs.]**

## AYES

Aney, Dr. M. S.  
Bade, Shri  
Banerjee, Shri S. M.  
Berwa, Shri  
Brij Raj Singh, Shri  
Chaudhary, Shri Y. S.  
Gauri Shankar, Shri  
Gulshan, Shri  
Gupta Shri Kashi Ram

Ismail, Shri M.  
Jha, Shri Yogendra  
Kamath, Shri Hari Vishnu  
Kapur Singh, Shri  
Keishang, Shri Rishang  
Mahida, Shri Narendr Singh  
Marandi, Shri  
Omkar Singh, Shri  
Patnaik, Shri K

Pillai, Shri Nataraju  
Ranga, Shri N. G.  
Reddy, Shri Narasimha  
Shashank Manjari, Shrimati  
Shastri, Shri Prakash Vir  
Singh, Shri Y. D.  
Swamy, Shri Sivamurthi  
Yashpal Singh

## NOES

Akkamma Devi, Shrimati  
 Arunachalam, Shri  
 Barkataki, Shrimati Renuka  
 Basappa, Shri  
 Basumatari, Shri  
 Baswant, Shri  
 Bhagat, Shri B.R.  
 Bhakt Darshan, Shri  
 Bhargava, Shri M. B.  
 Bist, Shri J. B. S.  
 Brahm Prakash, Shri  
 Brajeshwar Prasad, Shri  
 Chanda, Shrimati Jyotsna  
 Chuni Lal, Shri  
 Daffie, Shri  
 Das, Shri B. K.  
 Daseppa, Shri  
 Desai, Shri Morarji  
 Deshmukh, Shri B. D.  
 Deshmukh, Shri Shivaji Rao S.  
 Deshpande, Shri  
 Dube, Shri Mulchand  
 Dubey, Shri R. G.  
 Elayaperumal, Shri  
 Ganapati Ram, Shri  
 Gupta, Shri Badshah  
 Harvani, Shri Ansar  
 Jadhav, Shri Tulshidas  
 Jain, Shri A. P.  
 Kabir, Shri Humayun  
 Kamble, Shri  
 Karjee, Shri

Kindar Lal, Shri  
 Kripa Shankar, Shri  
 Krishna, Shri M. R.  
 Lalit Sen, Shri  
 Mahadeo Prasad, Shri  
 Mahadeva Prasad, Dr.  
 Mahtab, Shri  
 Mallick, Shri  
 Mandal, Dr.  
 Maniyangadan, Shri  
 Mathur, Shri Harish Chandra  
 Mehrotra, Shri B. B.  
 Minimata, Shrimati  
 Misra, Shri Shyam Dhar  
 Mohanty, Shri G.  
 More, Shri K. L.  
 Musafir, Shri G. S.  
 Muthiah, Shri  
 Nayak, Shri Mohan.  
 Niranjan Lal, Shri  
 Panna Lal, Shri  
 Parashar, Shri  
 Patel, Shri Man Singh  
 Patel, Shri Rajeshwar  
 Patil, Shri J. S.  
 Patil, Shri M. B.  
 Patnaik, Shri B. C.  
 Pratap Singh, Shri  
 Rai, Shrimati Sahodrabai  
 Ram, Shri T.  
 Ram Subhag Singh, Dr.  
 Ramaswamy, Shri V. K.  
 Rane, Shri  
 Rattan Lal, Shri  
 Reddiar, Shri  
 Roy, Shri Bishwanath  
 Sahu, Shri Rameshwar  
 Saigal, Shri A. S.  
 Scindia, Shrimati Vijaya Rajee  
 Sen, Shri A. K.  
 Sen, Shri P. G.  
 Shankaraiya, Shri  
 Sharma, Shri D.C.  
 Shastri, Shri Ramanand  
 Sheo Narain, Shri  
 Shree Narayan Das, Shri  
 Shukla, Shri Vidya Charan  
 Siddananappa, Shri  
 Siddiah, Shri  
 Singh, Dr. B. N.  
 Singh, Shri K. K.  
 Singha, Shri G. K.  
 Sinhasan Singh, Shri  
 Sonavane, Shri  
 Subbaraman, Shri  
 Subramanyam, Shri T.  
 Sumat Prasad, Shri  
 Tiwary, Shri D.N.  
 Tiwary, Shri R. S.  
 Tula Ram, Shri  
 Valvi, Shri  
 Verma, Shri K. K.  
 Yadav, Shri Ram Sewak  
 Yada a, Shri B. P.  
 Yusuf, Shri Mohammad

Ayes 26; Noes 97.

*The amendment was negatived.*

**Mr. Deputy-Speaker:** The other amendment, No. 17, of Shri Kamath is barred. I will put clause 123 to the vote of the House. The question is:

"That clause 123 stand part of the Bill".

*The motion was adopted.*

*Clause 123 was added to the Bill.*

*Clauses 124 to 130 were added to the Bill.*

**Mr. Deputy Speaker:** We will now take up clause 131.

**श्री व० सी० चौधरी :** उपाध्यक्ष महोदय, एक्ट में प्रोवाइड किया गया है कि जो अपील, रिविजन या रैफ़ंस है, वह उन्हीं आर्थोरेटिज

को जाएगी जो उसी महकमे की है, यानी जो कस्टम्ज की है। इसमें १२ से लेकर २८ तक की लाइनों को हम सबस्टीट्यूट करवाना चाहते हैं। हमने चाहा है कि कम से कम एक मेम्बर जो हो, वह हाईकोर्ट का रिटायर्ड जज हो या कोई ऐसा व्यक्ति हो जोकि ज्यूडिशरी का मेम्बर रहा हो। अगर ऐसा कर दिया जाएगा तो उसको ज्यादा अच्छी तरह से इंसफ मिल सकता है।

उपाध्यक्ष महोदय, हर इनक्वायरी के अन्दर और हर किसी महकमे के अन्दर जिसका पब्लिक के साथ ज्यादा सम्बन्ध रहता है, यह देखा गया है और यह सारी दुनिया के कानून में प्रेक्टिस भी है कि जो आदमी कानून के महकमे में सम्बन्ध रखता है, जो आदमी ज्यूडिशरी से नाल्लुक रखता है,

[श्री ए. सि. चौधरी]

उसी के पास इस तरह की रिबिजंज, अपील या रेफरेंस आती है। अगर किसी गिल्टी आदमी को पकड़ा जाता है और उसको गिल्टी साबित किया जाता है, तो उसकी अपील को उसी महकमे के बड़े अफसर के पास भेजा जाता है तो उसके साथ ईसाफ नहीं हो सकता है। वह आदमी प्रेजुडिस हो जाएगा और जो बात महकमे के निचले अफसर ने कही है, उसी बात को वह डिटो कर देगा। इसलिये अगर १२ से लेकर २८ तक की लाइनों की जगह पर यह लाइनें सब्सिट्यूट कर दी जायें तो ज्यादा ईसाफ हो सकता है।

"131. (1) The Central Government shall constitute a tribunal which shall consist of at least one Judicial Member who should be a serving or a retired High Court Judge and one member who had had experience of customs Administrations and one representative of the Associations of the import and export trade. The Central Government shall ordinarily appoint a Judicial Member of the Appellate Tribunal to be the President thereof."

इसी में दूसरा भाग और भी है जिसका इन्हीं बातों से सम्बन्ध है। जब रिवीजन या रिकॉर्स ऊपर जायेगा तो वह आफिसर्स के पास नहीं जायेगा जो यहां पर पहले से थे। ट्रिब्यूनल जब अप्पाइंट हो जायेगा तो रिवीजन या रिकॉर्स उसी ट्रिब्यूनल के पास जाना चाहिए और जो ट्रिब्यूनल है उसी को इन बातों का फैसला करना चाहिये बजाय दूसरे आदमियों के।

**Shri Bade:** Sir, my point is that the Government have appointed the Customs Reorganisation Committee and that committee has recommended at page 81 of the report that there should be a tribunal at the revision stage. I do not know what was the purpose in appointing the Reorganisation Committee when the Govern-

ment is not accepting the proposals that that committee has made, the proposals which do not happen to be in Government's favour. The Government want all the power to vest in their own hand. Should not there be an independent judiciary? At page 81 of the report, it has been said as follows:

"We find that the Taxation Enquiry Commission examined this matter and came to the conclusion that, in the interest of the appellants, themselves, it would be unwise to disturb the appellate machinery provided at present."

I want to say that the Government have accepted a proposal of the Committee and have appointed a separate appellate collector, but at the revision stage, they have kept all the powers in their hands. The committee further says:

"But, the stage of revision by the Government of India of appellate orders, they recommended the setting up of a tribunal consisting of at least one Judicial member who should be either a serving or retired High Court Judge and one member who has had experience of Customs administration. We agree with the Commission's views except to the extent that we consider that the association of a suitable representative of the import-export trade as an additional, or third member of the tribunal would be an improvement and would help to secure more informed, and therefore, more objective decisions."

This is what the committee has said.

So, both the Taxation Enquiry Commission and the Customs Reorganisation Committee have agreed that an independent tribunal should be there. Both the reports are there before the Government, but the Government are obstinate and they do not want to budge an inch; they do not want to accept the recommendations given by these two bodies. I again appeal to

the Government to consider this matter. To go against the recommendations of two Commissions is a rather serious matter, and the Parliament should take serious note of this. I request the Government to accept the amendment moved by my hon. friend, **Shri Y. S. Chaudhary**.

**Shri Hari Vishnu Kamath:** Mr. Deputy-Speaker, I only wish to state that I support the amendment and I venture to assert that our very competent Minister of Law,—he does not agree with the provisions of this Bill—agrees with the spirit of this amendment. I venture to assert that. I hope he will throw some light on this matter, namely, whether the appellate tribunal should be an independent body or not an independent body. I suppose he supports the spirit of the amendment that we have moved.

**Shri Narendra Singh Mahida:** Though our suggestions have not been accepted by the Minister in this House, I would lastly appeal to him to consider at least the recommendations of the previous Commissions and our dissenting notes and our speeches on the floor of the House. He should at least concede to this very reasonable request which will only uphold the judiciary and retain its very high position. It seems that the executive is keen to have all the powers to themselves. My hon. friend **Shri Kamath** has appealed to the Law Minister and I am sure the Law Minister is himself an eminent person and he will probably agree with us that such absolute powers should not be given to the executive. I again request the Finance Minister to reconsider the suggestion of ours and accept it.

**Shri Hari Vishnu Kamath:** Don't you agree that the Law Minister's silence is tacit consent?

**Shri Bhagat:** This has been thoroughly replied to by me while replying to the general debate. In the Select Committee also we considered it and as a sort of compromise

the Select Committee has provided that there should be independent appellate collectors who will not have anything to do with the executive. *(Interruptions).*

**Shri Bade:** Thank you.

**Shri S. M. Banerjee:** Let the Prime Minister also hear us on this!

**Shri Hari Vishnu Kamath:** I am sure that the Prime Minister will agree to the spirit of this amendment, with his sense of independence, sense of wisdom and fairness.

**Shri Morarji Desai:** How does that arise at this stage?

**Mr. Deputy-Speaker:** It is a matter entirely for the Finance Minister. Now, I shall put amendment No. 9 first. Then, I do not think he will insist upon amendment No. 10.

The question is:

Page 47, for lines 12 to 28, substitute—

"131. (1) The Central Government shall constitute a tribunal which shall consist of at least one Judicial Member who should be a serving or a retired High Court Judge and one member who had had experience of customs Administration and one representative of the Associations of the import and export trade. The Central Government shall ordinarily appoint a Judicial Member of the Appellate Tribunal to be the President thereof.

(2) The Tribunal may of its own motion or on any application annul or modify any order passed under section 128 or section 130."

The Lok Sabha divided:

**Mr. Deputy-Speaker:** Any corrections?

**Shrimati Gayatri Devi (Jaipur):** I vote for Ayes.

**Shrimati Savitri Nigam (Benda):** I vote for Noes.

**Shri Sadhu Ram (Phillaur):** I vote for Noes.

**Shri Parashar:** My vote may be added to Noes.

# **DIVISION NO. 4]**

**[15.41 hrs.]**

## **AYES.**

Bade, Shri  
Banerjee, Shri S.M.  
Berwa, Shri  
Brij Raj Singh Shri  
Buta Singh Shri  
Chaudhary, Shri Y.S.  
Gayatri Devi, Shrimati  
Daji, Shri

Ismail, Shri M.  
Kamath, Shri Hari Vishnu  
Kapur Singh Shri  
Karjee, Shri  
Keishing, Shri Rishang  
Mahida, Shri Narendra Singh  
Marandi, Shri  
Omkar Singh Shri

Pattnayak, Shri K.  
Reddy, Shri Narasimha  
Shashank Manjari, Shrimati  
Singh, Shri Y.D.  
Soy, Shri H.C.  
Swamy, Shri Sivamurthi  
Utiya, Shri  
Yadav, Shri Ram Sewak  
Yashpal Singh. Shri

## **NOES**

Akkamma Devi, Shrimati  
Alva, Shri Joachim  
Aney, Dr. M.S.  
Arunachalam, Shri  
Barkataki, Shrimati Renuka  
Basumatari, Shri  
Bhagat, Shri B.R.  
Bhagavati, Shri  
Bhanja Deo, Shri L.N.  
Bhargava, Shri M.B.  
Bhawani, Shri Lakhmu  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Brij Raj Singh, Shri  
Chanda, Shrimati Jyotsna  
Chuni Lal, Shri  
Dafle, Shri  
Das, Shri B.K.  
Dasappa, Shri  
Desai, Shri Morarji  
Deahmukh, Shri B.D.  
Deshpande, Shri  
Dube, Shri Mulchand  
Dubey, Shri R.G.  
Dwivedi, Shri M.L.  
Elayaperumal, Shri  
Firodia, Shri  
Ganapati Ram, Shri  
Gopal Datt Shri  
Guha, Shri A.C.  
Gupta, Shri Badshah  
Gupta, Shri Ram Ratan  
Iqbal Singh, Shri  
Jain, Shri A.P.

Jamunadevi, Shrimati  
Kahir, Shri Humayun  
Kadadi, Shri  
Karuthiruman, Shri  
Kindar Lal, Shri  
Kureel, Shri B.N.  
Lakhan Das, Shri  
Lalit Sen, Shri  
Mahadeo Prasad, Shri  
Mahadeva Prasad, Dr.  
Malaviya, Shri K.D.  
Mallick, Shri  
Maniyangadan, Shri  
Masuriya Din, Shri  
Mehdi, Shri S.A.  
Mehrotra, Shri B.B.  
Minimata, Shrimati  
Mohanty, Shri G.  
More, Shri K.L.  
Mukerjee, Shrimati Sharda  
Musafir, Shri G.S.  
Muthiah, Shri  
Naik, Shri Maheswar  
Nayak, Shri Mohan  
Nehru, Shri Jawaharlal  
Nigam, Shrimati Savitri  
Niranjan Lal, Shri  
Paliwal, Shri  
Panna Lal, Shri  
Pant, Shri K.C.  
Parashar, Shri  
Patil, Shri J.S.  
Patil, Shri M.B.  
Patil, Shri S.B.

Patnaik, Shri B.C.  
Paratap Singh, Shri  
Rai, Shrimati Sahodrabai  
Ram, Shri T.  
Ram Subhag Singh, Dr.  
Ramaswamy, Shri S.V.  
Ramaswamy, Shri V.K.  
Rane, Shri  
Reddarii, Shri  
Sadhu Ram, Shri  
Sahu, Shri Rameshwar  
Scindia, Shrimati Vijaya Raie  
Sen, Shri P.G.  
Shankaraiya, Shri  
Sharma, Shri D.C.  
Shastri, Shri Ramanand  
Sheo Narain, Shri  
Shree Narayan Das, Shri  
Siddiah, Shri  
Singh, Shri R.P.  
Singha, Shri G.K.  
Sinhaan Singh, Shri  
Sonavane, Shri  
Subbaraman, Shri  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Surya Prasad, Shri  
Tiwary, Shri R.S.  
Varma, Shri Ravindra  
Vyas, Shri Radhelal  
Wasnik, Shri Balkrishna  
Yadava, Shri B.P.  
Yusuf, Shri Mohammad

**Mr. Deputy-Speaker:** The result of the division is as follows:

*The motion was negatived.*

Ayes—25; Noes—101.

**Mr. Deputy-Speaker:** I shall put amendment No. 10. The question is:



Page 47, line 29,—

for "The Central Government substitute—

"The Appellate Tribunal so appointed by the Central Government".

*The motion was negatived.*

**Mr. Deputy-Speaker:** I shall now put clause 131 to the vote of the House. The question is:

"That clause 131 stand part of the Bill."

*The motion was adopted.*

*Clause 131 was added to the Bill.*

*Clauses 132 to 158 were added to the Bill.*

**Mr. Deputy-Speaker:** There is one amendment to clause 159.

**श्री यु० सि० चौधरी (महेन्द्रगढ़) :**

उपाध्यक्ष महोदय, मेरा संशोधन इस प्रकार है :

Page 58,—

after line 3, insert—

"(2) All rules and notifications for regulations made under this Act shall be collected and arranged and published at interval of two years and shall be sold to public." (12).

अक्सर ऐसा होता है कि इस बारे में क्या क्लर्क और रेग्युलेशन है और क्या कानून है इसका लोगों को पता नहीं होता। अगर मेरा संशोधन स्वीकार कर लिया गया तो उनको पता लगना रहेगा कि आप क्या लागू करना चाहते हैं। यह जरूरी है। इससे मुहकमे के काम का बोझ भी ज्यादा नहीं बढ़ेगा और यह कोई ऐसी बात नहीं है कि जिसके लिए यह कहा जा सके कि मुहकमा अपनी जिम्मेवारी में बाहर जाकर यह काम कर रहा है। मेरा संशोधन यह है कि दो साल के अन्दर जो बातें आपके सामने आये और उनके बारे में आप जो नोटिफिकेशन आदि

निकालें और जो क्लर्क आदि लागू करें उनको छाप कर आप पब्लिक को बांटें ताकि लोगों को उसका ज्ञान हो सके और कोई यह न कह सके कि हमको जो चीज आपने लागू की उसका ज्ञान नहीं था।

15.43 hrs.

[*Mr. Speaker in the Chair*]

**Shri B. R. Bhagat:** Sir, this is a novel provision which does not obtain in any Act. There is some difficulty in doing it. Apart from laying it before the House and publishing it in the newspapers or gazette, if we specify a time limit of two years within which we should put it in a book form and sell it, that will create difficulty. Sometimes we may not be able to print it because the work is heavy in our printing presses and we may exceed the time limit. Therefore, it may create many difficulties, and I would appeal to the hon. Member to allow the present provision to remain as it is.

**Mr. Speaker:** Should I put it to the vote of the House?

**Shri Y. S. Chaudhary:** No, Sir. I withdraw it.

**Mr. Speaker:** Has he the leave of the House to withdraw his amendment?

*The amendment was, by leave, withdrawn.*

**Mr. Speaker:** Then we go to clauses 160 and 161.

**Shri Hari Vishnu Kamath:** Mr. Speaker, Sir, we are now in the fag end of the Bill as well as the discussion on this Bill, and I would like to speak very briefly on this clause 161, the very last clause of the Bill. The House will see that in clause 159 it has been provided that every rule made under this Act and every notification issued under particular sections shall be laid before the Parliament for such modification etc., that the Parliament may deem necessary—the usual provision is there. We have adopted it in several enactments that

[Shri Hari Vishnu Kamath]

have been passed by this House. Of course, I agree that clause 161 is not on all fours, is not wholly at par, with clause 159. Even so, I am sure, my hon. colleagues here will be happy if a similar provision is inserted here, a provision similar to what we have inserted in clause 159 just to say that every rule and notification shall be laid before Parliament, as it is a wholesome and salutary provision. I was a bit late in giving notice of this amendment, only this morning and so it was slightly ruled out. But what harm is there, I ask, what does the Government lose, by agreeing to the provision that every order made under this clause shall come before Parliament. In a democratic set-up Parliament is the supreme authority. In our democracy it is the supreme symbol. So, this body must be vested with the power to examine every rule and order and notification, as far as it is practicable and feasible. It is not something impossible. There is nothing which stands in the way of Government placing before Parliament such rules or orders. Parliament will wholeheartedly and readily approve them. In order to encourage and promote the spirit of the institution of parliamentary democracy in our country, we should foster this habit and practice of Government laying such rules, orders and notifications before Parliament.

**Shri B. R. Bhagat:** It is not possible for us to agree to this.

**Shri Hari Vishnu Kamath:** What is it?

**Mr. Speaker:** The reply is not audible to the hon. Member.

**Shri B. R. Bhagat:** We do not agree with the hon. Member. It is not possible to do so.

**Shri Hari Vishnu Kamath:** No reason is given to me. There is no argu-

ment or reason. Is this the way to treat Parliament?

**बिस् मंत्री (श्री मोरारजी देसाई) :**

वाह वाह ।

**Shri Hari Vishnu Kamath:** What is this "Oh! Oh!"? Is this the House or what?

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

**Shri Hari Vishnu Kamath:** He cannot simply say "Oh! Oh!". This is not his private residence; this is the Parliament of the nation. What is this exclamation for?

**Mr. Speaker:** Order, order. He cannot continue without listening to me.

**Shri Hari Vishnu Kamath:** I would appeal to you, Sir, because you are the symbol of Parliament.....

**Mr. Speaker:** The hon. Member does not give me time to explain.

**Shri Hari Vishnu Kamath:** May I make my appeal to you in all humility?

**Mr. Speaker:** I thought he has made it. He might make it again.

**Shri Hari Vishnu Kamath:** I submit to you in all earnestness that when a Member, on this side or that side, whichever side it may be, to whichever party or group he belongs, makes out a case according to his own satisfaction and according to his own judgment moves his amendment and says whatever he has got to say, it is not enough for the ruling party, even if it has got a brute majority, to say or do whatever they like. Is it not necessary for the Treasury Benches to treat the opposition with more respect here if at all democracy is to prosper in this country? If Government say "we do not accept the suggestion", let them give reasons and arguments. But the Minister says "Oh!" and we take serious objection to it. We are doing serious business

and so I appeal to you that you should try to restrain the Minister. We always keep our services at your disposal but, at the same time, the Treasury Benches should be have better. That is all I have to appeal to you in this regard.

**Mr. Speaker:** The hon. Member has raised the point that when in clause 159 it has been laid down that all rules, regulations and orders should be laid on the Table of the House, what was the difficulty for the Government laying down any orders that it might make under clause 161. That was his objection. My difficulty is that the hon. Member does not restrain himself even when I have heard him so patiently. When he gives us such high principles of democracy, he should also abide by them. Only one can speak at one time.

**Shri Hari Vishnu Kamath:** I am sorry, Sir.

**Mr. Speaker:** Really some further explanation must be given as to why Government finds it impossible to accept this. His plea is that even orders passed to remove those difficulties under clause 161 might be placed on the Table of the House. If there is some special difficulty or any handicap, that might be explained in the House so that the House might appreciate that such an order which is made to remove the difficulty cannot be placed on the Table of the House.

**Shri Kapur Singh (Ludhiana):** But what was that "Oh, oh!"? That must be explained.

**Mr. Speaker:** Sometimes exclamations come out without the person being conscious of it.

**Shri Morarji Desai:** May I say, Sir, that I did not say "Oh, oh" at all? I simply said, "Vah". I was simply appreciating the hon. Member..... (Interruptions).

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

**Shri Morarji Desai:** He does not even hear.

**Shri B. R. Bhagat:** Sir, I did not mean any disrespect to the hon. Member when I said that it was not possible for us to agree to this. In actual fact in many Acts such a provision exists, but the practice is that it is not laid before Parliament. That is the usual practice. That is what I meant when I said that it was not possible for me to agree to it.

**Shri Ranga (Chittoor):** Did we get any explanation now?

**Mr. Speaker:** He says that this practice exists in many other Acts also and it is not possible to place all those orders that are passed to remove difficulties before Parliament.

**Shri Hari Vishnu Kamath:** May I remind you and the House that in the last session when two Bills came up for discussion I myself and, I think, another hon. colleague of mine, moved an amendment to this very effect, namely, that it should be laid before Parliament? You insisted that they should be adopted and ultimately the Government accepted that.

**Mr. Speaker:** I put it to the hon. Minister that he should explain and give some reason. I said that. The reason that has come is before the House now and hon. Members should not expect that I can give any further direction. I have said that this, namely, that we do not agree or that we do not accept, should not be sufficient and that something must be said to explain that. Now, I have to put....

**Shri Ranga:** Sir, before you put it to the House, may I make an appeal to the hon. Minister himself who, fortunately for us, happens to be here? It may be true that in the case of so many other similar pieces of legislation this provision has not been there, namely, that these rules should be placed on the Table of the House, but that it is not the reason why they should not be prepared to make a departure in this case. In fact, as you are aware and as the House is aware, not only during this Parliament but

[Shri Ranga]

during the earlier Parliaments too, an effort has been made on the part of Government themselves to agree to the suggestion made from these Benches that such rules should be placed on the Table of the House. Again and again the Government were making an effort to accept this kind of a suggestion or this kind of a procedure. I do not know why my hon. friend, the Finance Minister, who is a senior member of the Cabinet, simply keeps mum and does not want to make a departure at all. He is also being fortified by the hon. Minister.

**Shri Hari Vishnu Kamath:** Silently.

**Mr. Speaker:** I would draw the attention of hon. Members to clause 159 wherein it is said:

"Every rule made under this Act and every notification issued under sections".

etc. If every rule made under this Act is to be placed on the Table of the House, any rule that is made under clause 161 will be covered.

**Shri Hari Vishnu Kamath:** It is 'order' here.

**Mr. Speaker:** I am coming to that.

So far as an order is concerned, I do not know what the Government might feel in actual experience. Certainly, the hon. Minister can tell us about some further difficulties that he might experience. But my apprehension is that probably it might be in the mind of the hon. Minister that to remove any difficulty in the day-to-day routine some order might have to be passed which might not have so much of consequence or which might not be so important that it might affect the working of the other rules and other things. They might be ordinary simple things to remove those difficulties and it might not be worth while placing them on the Table here or bringing them to the notice of the House. I do not know.

That was only my guess. I cannot say.

**The Minister of Law (Shri A. K. Sen):** May I explain this? As the hon. Deputy Minister of Finance has said and as you have noticed in many other legislations, this is a familiar provision which we introduce when a new legislation covers a field already covered by a very old law since the new legislation might cause various difficulties in a transition. Because many things may have been partly done under the old Act and partly to be done under the new Act. Many contingencies may arise which we cannot foresee now. That is why this sort of adaptation of power is being given to the Government to resolve difficulties in the course of actual working of the Act. Many individual cases might occur which it may not even be fair to the individual that it should be put on the Table of the House. If any order certainly is challenged or if any order is regarded as unfair, I have no doubt hon. Members will take up their case.

**Shri Hari Vishnu Kamath:** How can we find out?

**Shri A. K. Sen:** Normally, it does not occur. Removal of difficulty for the working of an Act which assumes an importance to be brought on the floor of the House occurs only in rare cases. In ordinary cases, many individuals themselves will object that they are just brought on the floor of the House of the entire Parliament just for the purpose of being laid before the House.

**The Minister of Finance (Shri Morarji Desai):** May I say something in explanation? Shri Ranga said that I was deliberately keeping mum. I am keeping deliberately silent in order not to reply to Mr. Kamath, who made some uncharitable allegations, saying that we are not mindful of Parliament, and that we are not doing this. He knows, I have more respect for Parliament than even he has.

**Shri Hari Vishnu Kamath:** Show it.

**Shri Morarji Desai:** I have shown it amply. In the Select Committee, what I accommodated, no other person would have accommodated. He also has agreed. Yet, he comes here and because something is not accepted, immediately, he begins to say something. That is a very unfair proposition to my mind. But, I do not mind it. Therefore I remained silent. There is nothing else about it.

Sir, what you said was perfectly correct. But, there is another thing along with it. When these things have to be corrected, sometimes, one may not always notice that it is a correction. Then, if it is not put before the House, immediately it creates a difficult situation. I will be charged with breach of something. Then, it may be considered illegal. All sorts of things might happen. Therefore, it is very difficult to bring all these orders before the House. There is no other reason. There is no question of flouting. When we have accepted everything to be put before the House, all rules and notifications, why should we have any hesitation in doing this? It only creates difficulties for us. That is why we are not accepting it.

**Shri Hari Vishnu Kamath:** The hon. Minister has been unfair to me and to us here. I never said that he does not respect Parliament because they did not accept an amendment proposed by us. All our arguments, they summarily dismiss. If they do not agree, we cannot complain. They may not agree. But, they must give reasons why they are not accepting.

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

"That clauses 160 and 161 stand part of the Bill."

*The motion was adopted.*

*Clauses 160 and 161 were added to the Bill.*

*The Schedule was added to the Bill.*

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

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

*The motion was adopted.*

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

**Shri B. R. Bhagat:** I move:

"That the Bill, as reported by the Select Committee, be passed."

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

"That the Bill, as reported by the Select Committee, be passed."

*The motion was adopted.*

16 hrs.

# DEFENCE OF INDIA BILL

**The Minister of Law (Shri A. K. Sen):** On behalf of the Home Minister, Shri Lal Bahadur Shastri, I beg to move\*:

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith, be taken into consideration."

The principles of the Bill have already been endorsed unanimously, if I may say so with respect, by the adoption of the resolution which was moved by the Prime Minister on the 8th of November, 1962, and by the ratification by this House of the Proclamation of Emergency by the President.

The House will recall that before the House could assemble, the country was faced with a grave crisis when the Chinese launched a large-scale

\*Moved with the recommendation of the President.

[Shri A. K. Sen]

invasion of our country and poured thousands of their soldiers across the frontier at NEFA and at Ladakh. The House was, therefore, called even earlier than was scheduled, and before the House was called, several urgent, emergency measures had to be undertaken, including the proclamation of an emergency as also the passing of the Defence of India Ordinance.

It is unnecessary to recount how the emergency has arisen and why it is that the unanimous resolve of the country is there to stand united and to arm Government with all the necessary powers with which alone can we expect a successful termination of the hostilities which have been imposed upon us without our choice and without our wanting it.

This House has already resolved and pledged the entire nation not to relax any effort until victory is won, and if I may say so, Sir, victory can be won, not merely by resolve but by action to make the resolution a reality. One of the most important things that we have to do in carrying into effect that resolve of the nation is to assume all those powers necessary for the Government in every sphere of our national life, not only to increase the armed might of the country but also to increase the industrial and other resources of the nation, to mobilise them and to harness them for this one supreme necessity, namely the defeat of the Chinese soldiers and the Army. The purpose, therefore, is beyond dispute.

What may be of consequence would be the provisions which would certainly be considered by the House now, more particularly, the rules which have been framed already and which have to be framed from time to time. All the rules framed up till now have been laid on the Table of the House and will be laid in due course as and when they are framed.

The most important clause of the Bill is clause 3 which gives the fol-

lowing power to the Central Government, and it reads thus:

"The Central Government may, by notification in the Official Gazette, make such rules as appear to it necessary or expedient for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or for maintaining supplies and services essential to the life of the community."

Then follow particular items in amplification of this general power detailing the subjects in regard to which the Government may be called upon—and has already been called upon—to make rules necessary to meet the emergency, necessary to arm the Government, civil and military authority, to do things without being hampered by the ordinary fetters imposed by a democratic Constitution. As democracy rests on the consent of the people and derives its strength or its day-to-day work from the people themselves and from the voice of the people as reflected in this House of freely elected representatives and as democracy must, therefore, necessarily in normal times undergo voluntarily the limitations of written Constitution, subjects to certain fundamental rights and certain limitations which cannot be crossed or overcome by any authority, so does democracy function as effectively in times of war, because the necessary powers are given by the people themselves through this House to the Government to see that every effort to win the war does not suffer because of authority lacking any necessary power.

It is often said that a totalitarian government is always quick and efficient and a democracy is a weak and inefficient government in times of peace and certainly in times of war. It is not necessary to go into these academic questions. Possibly this enunciation is true because every action of the government in a democracy

has to satisfy the test which all government must satisfy, and therefore, its policies and actions have necessarily to be formulated and then translated into action through forms of procedure which naturally take some time and involve possibly some waste of energy also.

In times of war too, we know that we have to observe all the forms necessary to see that even the emergency powers which the Government claim to exercise are derived properly and have been sanctioned properly, and that even in the exercise of emergency powers, the limits given and prescribed by Parliament are not overstepped. The safeguards, therefore, even in the case of emergency measures like the present one are the safeguards which Parliament would choose to impose while granting these powers. The safeguards would no longer be safeguards of the Constitution, because many of the provisions of Part VIII of the Constitution would be abrogated or suspended. The specified lists of governmental powers and legislative authority under Schedule Seven, Lists I, II and III would be of no consequence because Parliament after the declaration of emergency would be competent to legislate on any sphere of our national life. And this action would not be challenged on the ground that what Parliament has done is within the State sphere, or that something has been done by way of rules and giving them to State functionaries which the State functionaries cannot discharge under the Constitution by reason of the limitations of List 1, 2 or 3. Today, therefore the supreme Constitution under which we shall function, so long as the emergency continues, would be the Constitution which Parliament will formulate in the form of the Defence of India Act and the rules which will be made thereunder. They will now be the sole constitutional limits and safeguards as also formulations under which our governmental authorities in every sphere would work and function.

**Shri Ranga:** Is the constitution conditioned by this?

**Shri A. K. Sen:** Not conditioned. The Constitution itself sanctions this. The Constitution provides for emergency powers being given to the Government. The whole of the chapter dealing with emergency provisions, starting from article 352 onwards provide for emergency powers, both legislative and administrative to be exercised irrespective of the normal pattern of the Constitution, or, in other words, the Constitution itself contains the seeds from which grow the emergency powers.

**Shri Ranga:** This tree!

**Shri A. K. Sen:** It is not really what you said, the abrogation of the Constitution. Even the emergency powers rest on the Constitution, but, as I said, the limits of governmental authority and functions would now have to be stated with reference to the rules which would be framed under the Defence of India Act and the Defence of India Act read together, and the authorities which would be discharging these emergency powers would be limited by the limits which we prescribed here today, and which the rules will prescribe as and when they are made, and as and when they are endorsed and laid on the Table of the House.

This, therefore, gives really the strength on which our Constitution rests, and for the first time in our history, this will be the greatest test to which our Constitution will be put. It will be tested whether a democracy like ours, a limited government like ours, which normally gives limited authority to its organs, can function effectively and efficiently, and, if I may say so, more effectively and more efficiently than the totalitarian government which we are facing today on our borders.

It is true that the totalitarian government which we are facing has certainly achieved initial successes in the

[Shri A. K. Sen]

border, and possibly those who believe in totalitarian regimes might feel a little elated at the prospect of these initial successes, but history is full of examples where such initial successes have ended in disaster, and history has repeatedly seen the doom of totalitarian regimes and has proclaimed that the only form of government which is permanent is the one which is based on consent, and that a government based on consent is imperishable in peace as in war because the national will on which it rests is imperishable.

It is, therefore, of the utmost importance that this House, as it will be arming the Government with multifarious activities in which we have to engage now, from the purely military to the purely domestic facets of our national life, should do so as a sovereign body. Parliament will not only formulate policies during the emergency but it will also prescribe the procedures and the forms which the governmental authority must necessarily observe in winning the victory for us. But it must nevertheless be emphasised that one supreme objective will underline all our efforts while we pass this law here and that is the supreme will of the nation, to win the war and to defeat the Chinese invader. Let us not forget that supreme objective even for a moment. That is why the hon. Members will see that we have made the objective very simple and we have said: "whereas only a proclamation has been made for the emergency and it is expedient. . ." That hardly expresses the the supreme objective which must underlie not only this measure but also every rule that will be framed under it and that is the supreme objective of victory. Whatever powers will be granted, whatever powers will be appropriated and whatever measures will be taken by and under the provisions of this Act would be done only for the purpose of achieving that supreme objective. I have no doubt that this House will endorse this mea-

sure as unanimously as it had done the earlier resolutions moved by the Prime Minister on the 8th of November.

As I said there may be only different points of view with regard to the particular provisions and that too will be only for the purpose of seeing which provision would be most suitable for the speedy termination of the war with which we are engaged today as also for the defeat of the Chinese. This is our only objective today. There any difference in our points of view would be only from that stand. As I said the most important provision is clause 3 detailing the steps in regard to which the Government may make rules by notification in the official Gazette. The type of rules which would have to be made would already be clear from the rules which have been made and placed on the Table of the House. We have provided for penalties for contravention by anyone of these rules which would be framed. We made certain necessary changes in certain laws such as the Indian Official Secrets Act, etc. to bring it in line with the Defence of India Act as also the Payment of Wages Act, the Motor Vehicles Act, and so on. We have also provided for the setting up of civil defence services which would be of utmost importance for the purpose of building up our civil defence to ward off any attacks that may be made on the civilian population because when the war comes across the Himalayas it will not be confined only to the military units fighting but it will cover the entire nation. Then we have provided for the setting up of special tribunal consisting of judicial officers in chapter IV and we have given jurisdiction to these tribunals to try such cases as may occur for contravention of rules made under clause 3, or for trial of offences which are punishable with death or imprisonment for life or for a term exceeding seven years. We have also provided for appeal in certain cases as a matter of course where the sentence passed is



one of death or one of imprisonment extending to ten years. We shall have occasion to move an amendment to that effect for the purpose of bringing the term of imprisonment from 10 to five years and provide a right of appeal automatically with regard to that also.

Then we have provided compulsory employment of persons for national service not only for military but also for civilian purposes so that the technical persons and other persons necessary for civilian work for production in industries and so on might be mobilised for the purpose of increasing our war production.

Then we have provided for speedy requisition and acquisition of property, because the normal law is more dilatory and would not satisfy the necessity of quick action in times of war.

This is the pattern of the Bill which I have the honour and the privilege to place before the House at a time when the nation faces the greatest peril in our history after Independence. Let the House pass it in the same spirit of solidarity and unity which has marked not only its deliberations here but also the action of the entire nation ever since it has been threatened.

With these words, I move.

**Mr. Speaker:** Motion moved:

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith, be taken into consideration."

We have seven hours for this. We might divide the time—what time should be given to the general discussion and what time for clauses. The clauses would be of greater importance here. Almost all Members or most of them—165 of them—took

part in the earlier discussion and most of those points would be repeated perhaps. I will give time for any group or others who want to speak. I am not asking them to shorten their speeches.

**Shri A. C. Guha:** Five hours for general discussion.

**Mr. Speaker:** Then there would be very little left for the clauses which would perhaps require greater scrutiny.

**Shri Ranga:** We would like to have an extension thereafter.

**Mr. Speaker:** Four hours for general discussion.

**Shri Ranga:** It may embarrass everybody.

**Mr. Speaker:** If it is desired that five hours should be allotted, I have no objection. Five hours for general discussion, and then we will see.

**Shri Ranga (Chittoor):** Mr. Speaker, Sir, as the hon. Law Minister has said, it is a very comprehensive Bill under which Government is to be entrusted with the powers which are calculated to make it more powerful, more effective and more competent than a totalitarian Government. These are sweeping powers which are sought to be given to the Government. Since we are all unanimous in our anxiety to strengthen our national resistance and the national will to throw away the aggressors and regain every inch of our sacred soil that has been desecrated by the Chinese communist government, it is natural for us to be willing to clothe the Government with as much power as can be considered to be necessary by the competent authorities. But, at the same time, we cannot also be blind to the fact that when we are giving such sweeping powers which ordinarily are being enjoyed by a totalitarian government, which when conferred upon this Government make this Government itself come to enjoy totalitarian powers and in that we install

[Shri Ranga]

it in a totalitarian position, one has to be extremely careful and circumspect indeed in agreeing to this Bill.

We have to agree to this Bill just because we are anxious to enable the nation to achieve success and victory in this war that has been thrust upon us. But this is also the occasion, Sir, when we have to examine whether we have a Government in our country and governments in the States which can really be expected to play fair with individuals, groups of individuals and various institutions of people in their efforts to live as law abiding citizens and also in their efforts to help the nation to achieve success in this war. These are the two objectives. We have to live as free citizens, we have also to discharge our duties towards the nation in its effort to achieve victory in this war.

I have been studying this Bill and, earlier, the Ordinance itself with very great care. I have gone over it several times, and I find that I have to give my general consent to the framework of this legislation. And, I do so with a heavy heart. It is a great sacrifice that we are called upon to make—all our civil liberties and all the fundamental rights that are enshrined in our Constitution and also all that goes to help our people to enjoy and to live as human beings.

I am not able, Sir, to say to myself that I have a Government which can be expected, not only momentarily but throughout this emergency, to show as much respect, as much consideration for the rights of citizens as well as ordinary persons in our country as the people are now expected to bestow all this authority on the Government. In other countries, where there are these parliamentary or representative institutions, the Opposition in their legislatures is much stronger than ours, more powerful, and, for that reason, more effective, and the Government of the day also

has been found to have been much more considerate towards not only the people at large and each individual therein, but also towards the representations that are made from time to time, when their legislatures are in session and also on other occasions, by their opposition parties. I am not able to say to myself that we have in our country that kind of an Opposition or that kind of a responsible government which is equally responsive to public opinion and to the attitudes of the Opposition. We know only too well that in a crisis like this as my hon. friend, the Law Minister has stated, and previously the Prime Minister, we have to bend all our resources to achieve one and only one national objective, and that is victory. But in the process of our efforts to achieve that objective of victory, we should also be extremely careful to see that the freedoms and fundamental rights of the people, their institutions, social, economic and political, do not come to be smothered, and they are able to stand on their own feet, to exercise their spirit of self-reliance and self-respect, and to continue not only to exist and live but also to come to be effective citizens, full-fledged citizens so that once victory is won they would be able to function as full-fledged citizens with all the experience of this war in a manner which would assure this country not only the continuation of parliamentary institutions but also the enjoyment of a fully representative government. I am not able to say myself that situated as we are, the present government here and the governments in the States can be trusted to help our citizen to achieve that desired objective, and that is why I speak with a heavy heart, because we have no other go but to depend upon this government, so long as this government is backed by the heavy majority, and the ruling party is willing to give us only this government and no better.

It can easily be asked: why not we have a better government and so on,

but, then, the minorities cannot possibly have a better government by themselves. It is the privilege of the majority party to assure the country and provide the country with that kind of government which it is necessary to have. If we are to learn anything from the experience of other democratic countries, it is for the majority party to assure the country, from time to time a government which would be responsible as well as responsive to public opinion, the personnel of which, the chieftainship of which may come to be changed by them from time to time, but, nevertheless, it is their primary responsibility to assure the country of such a government.

Now, what do we find in our country? There have been suggestions made, not only by several of us of the opposition side but also by some of the members of the ruling party in this House, as well as in the other House, that we need a more broad-based government, we need a government which would be more representative, a government which would be more effective, efficient and powerful, government which would be more representative of the nation than what we have today. If these are the opinions that have been expressed in regard to the Government here at the Centre, one can easily imagine how much more necessary indeed it is for a similar change to be made at the State levels (*Interruptions*) Even then, my hon. friends need not feel very much because it is their privilege whether they would give that kind of a better government or not; it is not for us. Therefore, they will have enough time for themselves to give consideration to the suggestions made not only by myself but also by various others from their own ranks, and then to satisfy themselves that they are giving to the country what the country expects of them.

Now one thing I know. When we give away all these powers we are

doing it not only on our own behalf but also on behalf of crores and crores of people who are behind them as well as behind us, who have voted for them as well as for us. Once all these powers are taken, we will have to see whether the Governments which have to exercise them would be competent, powerful, efficient, responsible and decent enough in their own turn to respect the wishes, the needs and the aspirations of the ordinary masses. Government is too powerful when compared to an individual, even when compared to a party, the various institutions and the people of which it consists. Whenever there is a conflict between the Government and these institutions, on the one side, and the institutions and the individuals on the other, it has always happened in history that the Government scores and the individual suffers, however big and noble he may be.

**Shri Harish Chandra Mathur** (Jalore): It has already happened.

**Shri Ranga:** It has happened in our country already. Therefore it is very necessary for us to see that we not only pass this legislation but that we also have a Government good enough to use these powers and not get itself intoxicated and corrupted. Power corrupts, as everyone knows, not only an individual but also a government. That is why Parliamentarians have been trying to safeguard the interests of the individual as against the Government. In all the countries every effort has been made by all the great philosophers as well as by political thinkers to restrict and limit the powers of the Government.

The fathers of our Constitution had foreseen the possibility of such an emergency.

**Shri A. K. Sen:** The hon. Member attracts the ladies more.

**Mr. Speaker:** If the hon. Member continues to address me, there would be less trouble.

**Shri Ranga:** Whom have I been addressing then, Sir? I have not been looking at anybody. I thought, I heard a delightful voice and I wanted to have the pleasure of having a look at the cuckoo.

**An Hon. Member:** He should talk something serious.

**Shri Hari Vishnu Kamath.** It is not for him to teach.

**Shri Ranga:** My hon. friend has achieved, I suppose, in some measure his objective of interrupting me and helping me lose a bit of the chain of my own thought, but then I can only congratulate him on it.

I can say that all over the world wherever there were political philosophers, thinkers and administrators who have really cared more for democracy and the rights of the masses than for the powers of the Government, they have always insisted that the Government should be given as little power as possible and the citizens should be enabled to enjoy as much freedom as possible. Therefore the area of freedom that has to be vouchsafed to individuals has got to be extended from time to time in a sedulous manner and it should be the sacred duty of Parliaments as well as Governments to promote that objective. But, yet, the founders of our Constitution had visualised the possibility of such an emergency as this and therefore they have given the power to Parliament in the Constitution itself to make such laws as this. But, when they were thinking of such a contingency, when they were giving that particular power to this Parliament, as my hon. friend had said the seeds for this power, (for this tree of tremendous power) to this Government were already sown or built in in the Constitution. It is true. But, when the tree rises, what sort of purpose does this tree serve? Does it grow only for its own benefit or does it grow in order to give shelter and protection and share for all the people who try to take shelter

under its extending branches and bows. That is where we have to pay special attention to the manner in which Governments come to be constituted anywhere and more particularly in our country. I cannot say to myself that we have that kind of a Government which could be expected to exercise these powers with that much of care and caution and circumspection as one would like. But, yet, one is obliged to give this power. What has one to do? That is my predicament. That is why we have thought it fit to make certain suggestions by way of amendments and I hope my hon. friend the Law Minister (and his colleague the Home Minister if and when he comes back—I hope he will come back in time)—would be willing to give proper consideration to the amendments that we have suggested and see that they would meet some of our fears and objections more than half-way.

Apart from that, there is also the danger of this power being utilised through the Government, but in a partisan manner. I do not mean to say that they are doing it today. I do not wish to say that now although in regard to the administration or enforcement of so many other laws and in the ordinary run of administration also I have enough and more evidence to prove that partisan use of governmental powers is being made in an un-ashamed manner in many a place in this country by many a governmental authority. So far as this particular Bill is concerned, I want you to sympathise with me when I say that we are giving so much power here that one shudders as to how this power is likely to be used against oneself and one's own people in areas, in various institutions, parties and so on.

Only the day before yesterday I think, my attention was drawn to a circular issued by the topmost office of the ruling party. It came to be reproduced in the daily papers also. According to that circular every one in this country—that is the essence

of it—every one in this country should hail Pandit Jawaharlal Nehru as the one and only leader and any one who tries to say anything against him, who does anything at all which can be looked upon by the ruling party as not being respectful enough, helpful enough and prayerful enough towards that leader—presently I will come to say what I have to say about the leader himself; that is a different matter—about that leader, that person has got to be treated as a traitor.

**Some Hon. Member:** Shame, shame.

**Shri Ranga:** They have even gone beyond.... (Interruption).

**Shri Bhagwat Jha Azad:** That is being quoted out of context.

**Shri Ranga:** I will tell you....

**Shri Bhagwat Jha Azad:** If any person challenges our stand on the border and says things which are against the interests of the nation and draw the Prime Minister in a bad way, he is a traitor. He is quoting out of context. That is shameful.

**Shri Ranga:**...it gives the names of the Swatantra Party and the Jan Sangh as being interested in discrediting Pandit Nehru and therefore they should be treated as traitors. Here is the extract, Sir. This extract, I hope, is not torn out of context. Campaign against Government: they have themselves said:

"A campaign against the Government.

Circular 23/OD-7/57/17491.—It is longer than even what you find in Government—

A campaign against the Government is carried on by some interested parties particularly the Jan Sangh and the Swatantra Party and sometimes even the Prime Minister is attacked. It is wrong to permit opposition parties to take advantage of the emergency for throwing mud against the Congress. Extensive tours

must be undertaken by prominent leaders, especially by the office-bearers of the Congress Committee."

**Some Hon. Members:** Shame, shame. (Interruptions).

**Mr. Speaker:** Shall we have something substantial or only shame on both sides?

**Shri Ranga:** Then it further reads:

"Meetings big and small throughout all the districts should be held. Positive stand against the criticism about the Prime Minister should be taken. It must be emphasised that those who criticise him are traitors."

Sir this is the attitude of the ruling party, and it is from the ruling party that we have this Government. And we are asked to entrust all these powers to this ruling party and to this Government. How can anybody be expected to believe that these powers are likely to be used by this Government here as well as by the State Governments in a responsible and responsive manner, in a respectful and decent manner, in a manner which will redound to the credit of our Constitution? How can we expect them to use these powers properly? And these are sweeping powers. They can get into a house; they can search; they can take anything they like; they can place anything they like also there; they can take charge of buildings and destroy properties; they can take charge of plants and other properties also. They can also take hold of a person and impinge upon his freedom, his ordinary personal freedom, and put him in jail, and for any number of years too. Then, even when we come to the ordinary procedure, we find that it is so difficult indeed for any ordinary individual to appeal against their judgments, their decisions, their punishments and their activities. All these powers are now asked for to be given to this Govern-

[Shri Ranga]

ment, and this is the Government which belongs to this ruling party which has got this attitude. And what is the Swatantra Party, Sir? Who has founded it? Many of my hon. friends on the other side, I suppose, were not born when Rajaji joined the Congress. That was about sixty-three years ago. He has founded it.

**Shri Bhagwat Jha Azad:** The nation has come of age now. Wisdom is not the monopoly of age. Age does not necessarily give knowledge and wisdom.

**Shri Ranga:** I have not said that patriotism is the monopoly of the Swatantra Party.

**Mr. Speaker:** There is one thing that I might be allowed to say. I have allowed the hon. Member to read that circular which he referred to as having been issued by the Congress Party, because he wanted to connect it with the statement that the Government has been chosen out of that party, and the attitude of the Congress Party is such that he feels apprehensive of giving these powers to Government. But now if he begins to praise or to say that such is the Swatantra Party, then, there would be, of course, criticism against that high personality also. And then I would be placing myself in difficulty. Therefore, I would request the hon. Member not to mention the great qualities that he has, though I believe he has many; but he would be exposing his leader to criticism also thereby. So, why should he go to that extent? Shri Ranga has the advantage that he can criticise here the Government or the Prime Minister or any Minister. But why should he bring in Shri Rajagopalachari here to be criticised also, because when he says something in his favour, then others might say something against him also?

**An Hon. Member:** Then you will not allow us because he is not present here to defend himself.

**Shri Ranga:** I hope that there would not be anyone here who would like to make any disparaging remarks about my leader who till the other day was your leader as well as everybody else's leader, and who was hailed as everybody's leader.

Anyhow, after having said something about my leader, I would now like to say something about the Prime Minister. I am not criticising him. . .

**Shri Sheo Narain (Bansi):** On a point of order, Sir. . .

**Shri Ranga:** I am not criticising him. If my hon. friends are so touchy and they think that perhaps their idol of the Prime Minister is so brittle, I cannot help them.

**Shri Sheo Narain:** I am rising to a point of order, Sir.

**Mr. Speaker:** Shri Ranga may resume his seat. I must hear the point of order.

श्री शिवनारायण (बांसी) : ग्रान ए प्वायंट ऑफ ऑर्डर, सर । सदन के समने डिफेंस ऑफ इंडिया बिल रखा गया है । इस वक्त उस पर बहस होनी चाहिये, न कि राजाजी या किसी पार्टी की तारीफ करनी चाहिए । जब इतने बड़े प्रोफेसर इस हाउस में बोल रहे हैं, तो उनसे उम्मीद की जाती है कि वह उस विषय पर बोलें, जो कि सदन के सामने है ।

**Mr. Speaker:** He cannot make a speech now.

**Shri Ranga:** We know that my hon. friend, the Prime Minister, has great respect and great love for civil liberties. He has been a great champion of civil liberties all over the world and also in our own country. Therefore, I do not have any fears that he is likely to misuse these powers by himself.

**Shri Shankaraiya:** On a point of order. My hon. friend has referred

to certain names. When we will have to speak later, we will have to make certain observations and since those persons are not here, what we say will be ruled out as out of order.

**Mr. Speaker:** I have stopped him from referring to that name already. He can refer to the Prime Minister. I cannot stop him there.

**Shri Ranga:** If my hon. friends are so sensitive that they are not prepared to accept a compliment to their Prime Minister from one who had been one of their own top people till the other day until I parted ways with them, I am only sorry for them.

The point is that we cannot expect that in every State there will be a leader like Shri Jawaharlal Nehru to restrain the impatience of the local Ministers to use these powers in a power-drunk manner. Since we cannot have such an advantage in every State, necessarily we have got to ask the ruling party what steps they would like to take to ensure that at the State level as well as here whenever these powers come to be used, they would provide this country such a leadership as would demonstrate in their activities and also through their faith, their love of civil liberties consistently with our responsibilities towards the nation in its effort to achieve victory at this stage. That is what my hon. friends of the ruling party have to consider. I would like them to give this consideration in a dispassionate manner, in a non-partisan manner. Surely, it must be possible for them to do so because I have had some experience of the working of their party in the past, and they would be capable of doing it, as they have displaced it on several other occasions. I trust they would do it even on this occasion.

But unfortunately, we do not know for how long this emergency is likely to continue.

**Shri Raghunath Singh:** As long as the Chinese aggression on our land lasts, it will continue.

**Shri Ranga:** My hon. friend is battling with the air, with imagined enemies of his.

We only know that the Prime Minister has already warned us that it is likely to take a long time. During this long period of time, we are not expected to have elections. Already bye-elections have been more or less suspended and we do not know whether we would have another general election in this emergency. It is all problematical. Therefore, for sometime to come, we do not know for how long, our present leadership in governmental circles will have to continue to be there, in order to provide a major portion, a major element, in our national leadership, and so, the responsibility of the ruling party comes to be all the more onerous, and I sincerely hope the ruling party will give some thought to all these suggestions that are being made in the press and the platform and from various political parties including some of their own important people in the different States and also in different circles, that there is need, as I have earlier said, for a more broadbased leadership in governmental circles, in various institutions that are associated with the Government at the State level as well as at the national level.

Then I come to some very important articles regarding agriculture and industry, sub-articles (23) and (25) of article (2) of clause 3. I find that Government seeks

"the control of trade or industry for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to articles or things of any description whatsoever which may be used in connection with the conduct of military operations or civil defence or for maintaining supplies and services essential to the life of the community;"

and also

"the control of agriculture (including the cultivation of agricul-

tural land and crops to be raised therein) for the purpose of increasing the production and supply of foodgrains and other essential agricultural products;"

Earlier sub-article (10g) refers to ensuring the safety of

"mines, oil-fields, factories or industrial or commercial undertakings generally, or any mine, oil-field, factory or industrial or commercial undertaking in particular."

They will have power not to control all these things, but also over their demolition, destruction, rendering them useless etc.

We have given relevant amendments in regard to these things, and we will go into them in detail when we consider the amendments.

I wish to sound a warning that on the pretext under the guise, and indeed because of this particular emergency, I do not want the Government to do anything to endanger the economic freedom and economic independence that our peasants today enjoy through their self-employment and their small holdings. I do not want the small holders in this country, and there are tens of crores of them, in any way to be harassed and be suppressed or even subverted. In State after State in the recent past legislation has been passed in order to increase the land revenue. It is an offence against the peasant. In some places it has been raised by 100 per cent, too.

I wish to make a suggestion, and I appeal to the Government, that just as they do not expect the workers or peasants or any other people to go on strike or satyagraha and thus take an offensive against the Government in this national emergency, so also the Government should not take this kind of offensive against peasants and impose upon them these additional burdens.

Similarly, I do not want the industrialists, small and big, medium and others engaged in cottage industries, to be branded in a reckless manner as profiteers, blackmarketeers and so on without any proper reason at all, but on the other hand, I want the Government to try and appreciate this emergency, win their co-operation, induce them to give maximum possible co-operation, and in that way maximise the totality of co-operation with the Government that would be forthcoming voluntarily without any coercion, from different sections of the people.

It is by the manner in which the Government deals with our masses in a friendly, in a co-operative and in a commonwealth manner, not as merely the wielder of authority, that Government would be able to maximise this co-operation from the people, which is absolutely necessary to ensure the success of our national struggle against communist China.

**Shri D. C. Sharma:** Mr. Speaker, Sir, I have always held Prof. Ranga in great esteem but this afternoon my esteem has gone much beyond what I had given before. I think he deserves my highest esteem today.

**Mr. Speaker:** He may express it tomorrow.

17 hours.

## BUSINESS OF THE HOUSE

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** Sir, with your permission I rise to announce a slight change in the order of Government Business for the 22nd and 23rd of November. The House will take up the Pondicherry (Administration) Bill, 1962 and the Indian Tariff (Amendment) Bill, 1962 as the first items on the 22nd of November, to be followed by further consideration of the Defence of India Bill and other Government business as already set down in the Order Paper.



This change in the order of business has become necessary to secure passing of the Pondicherry (Administration) Bill which is to replace an Ordinance, and the return of the Indian Tariff (Amendment) Bill which is a Money Bill from the Rajya Sabha on the 23rd, which has been specially converted into an official day.

**Shri Indrajit Gupta:** What is the position regarding the Session?

**Mr. Speaker:** I have received today a request by some of the hon. Members from the Opposition that this should be adjourned on the 23rd and we may call a session again. We shall see it tomorrow. Has the Government to say anything?

**Shri Satya Narayan Sinha:** Sir, you were very kind to send us the letter which you had received from some hon. friends. There are differing views. A large section of people want that the House should be adjourned on the 23rd and we may meet early in December. Some people say: let us sit through the whole of this month or till the 2nd or 3rd or 4th December. For resolving that difficulty I have invited the Leaders of the Groups in both the Houses to-

morrow at 12.30 P.M. for a discussion. So far as the Government are concerned, we are absolutely in their hands. If they want to sit through we have got enough business to carry on. In that case after the disposal of the business that we have in hand, it will be difficult for us to call a session in December because there is no other work for us. Otherwise, if they leave behind certain things, certainly we will be justified in calling a session, say, by the 10th December. So, I would place both these proposals before them.

**An Hon. Member:** 1st December.

**Shri Satya Narayan Sinha:** The Government will rather sit till the 1st of December rather than adjourning on the 23rd and then again meeting on the 1st. As I said, I would certainly like to place these two proposals before the hon. Members who are invited for tomorrow and Government will accept the consensus of opinion in favour of one or the other proposal.

**17.05 hours.**

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday the 22nd November, 1962|Agrahayana 1, 1884 (Saka).*

[Wednesday, November, 21 1962/Kartika 30 1884 (Saka)]

ORAL ANSWERS TO QUESTIONS—		COLUMNS 2605—50	WRITTEN ANSWERS TO QUESTIONS—contd.		COLUMNS
S.Q. No.	Subject		S.Q. No.	Subject	
290	Pakistani Infiltration	2609—11	316	Wagons for coal	2655—56
291	Pakistani infiltration	2611—16	317	British Empire and Commonwealth Games	2656
292	Gujarat refinery	2616	318	UNESCO aid for Development of Science Education	2657
293	Cracker explosions in Delhi	2617—21			
294	Co-ordination Committee on physical education and youth welfare	2621—23	U.S.Q. No.		
295	Limited I.A.S. Examination	2623—25	642	Explosion near Jama Masjid	2657
296	Gauhati refinery	2625—26	643	Merit Scholarships to poor students for University Education	2657—58
297	Whitley councils	2627—29	644	Gandhian Philosophy	2658—59
298	Motels in Delhi	2629—30	645	Auditoria in schools and colleges in Andhra Pradesh	2659
299	Sports Inquiry Committee Report	2630—32	646	Practical training	2659—60
300	Strike by students of Delhi School of Planning and Architecture	2632—34	647	Botanical gardens	2660—61
302	Coal in Singrauli colliery	2635—36	648	Employment exchange for handicapped persons	2661
303	V.T. Krishnamachari's Report on Administrative services	2636—44	649	Class IV school employees union in Delhi	2661—62
304	Education of the Handicapped	2644—47	650	Oil and Natural Gas Commission	2662—63
305	Oil in Punjab	2647—48	651	Probation of offenders	2663
306	Students Homes for Day Scholars	2648—49	652	Institutes for training Hindi teachers	2663—64
308	Lubricating plant	2649—50	653	Special Police Establishment	2664
WRITTEN ANSWERS TO QUESTIONS		2650—89	654	Suppression of Immoral Traffic Act.	2665
S.Q. No.			655	Spitz Planetarium in Madras Museum	2665
301	Nationalisation of text books	2650—51	656	Industrial Design training Centres	2665—66
307	Archival Legislation Committee Report	2651	657	Art Purchase Committee	2666
309	Coal Production	2651—52	658	Economic and statistical service	2666—67
310	Incidence of crimes in Delhi	2652—53	659	Committee on University Examinations	2667—68
311	Shifting of National Academy of Administration	2653	660	Police patrol system in Delhi	2668
312	I.O.C. Petrol services stations in Delhi	2653—54	661	Stipends to Tribal students of Subrocm (Tripura)	2668—69
313	Memorial for Pant	2654	662	Redefining of boundaries of Manjias	2669
314	Oil refineries	2654	663	Transfer of land from Tribals to Non-Tribals.	2670
315	High price of coal	2655	664	Hostel for Tribal Girl students at Khowai	2670

# WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
665	National Council for rural higher education .	2670-71
666	Central Prohibition Committee . . . .	2671-72
667	IOC petrol depot .	2672
668	Admission to Delhi University . . . .	2672-73
669	Pragati Vidyalaya, Agartala . . . .	2673
670	Wastage of Bitumen in Port Blair . . . .	2673-74
671	Stones in Ken River (Banda) . . . .	2674-75
672	Survey of Indian employees . . . .	2675
673	M.B.B. College, Tripura .	2675
674	Boarding House stipends for S.C. and S.T. students in Tripura . . . .	2675-76
675	Soviet collaboration for oil and coal development .	2676
676	Children's books . . . .	2676-77
677	Foreign language scholarships scheme . . . .	2677
678	Leakage in oil pipeline in Rudrasagar well . . . .	2678
679	Billiards team for world championship . . . .	2678-79
680	Training of Indian Cricketers . . . .	2679
681	U.P.S.C. . . . .	2679-80
682	Teaching in Bengali in Andamans . . . .	2680-81
683	Employees in Tribal blocks and areas . . . .	2681
684	Bazars gutted in Tripura .	2681-82
685	School fees in Delhi . . . .	2682-83
686	Rumanian oilmen in India . . . .	2683
687	Correspondence in Hindi .	2683-84
688	Scholarships to Scheduled Caste students . . . .	2686
689	Espionage activities of Chinese . . . .	2684
690	Indian Oil Company . . . .	2684-85
691	National Geophysical Institute at Hyderabad .	2685-86
692	Gandhian philosophy . . . .	2686
693	Post Matric scholarships to backward class students .	2686-87
694	Legal aid to Scheduled Castes and Scheduled Tribes in Mysore . . . .	2687-88

# WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
695	Coal Reserves near Kothagudam . . . .	2688
696	Languages in Delhi . . . .	2688
697	Fire Accident in Najafgarh Road . . . .	2688-89

# STATEMENT BY PRIME MINISTER . . . . 2689-2702

The Prime Minister (Shri Jawaharlal Nehru) made a statement regarding developments in respect of the Chinese aggression.

# PAPERS LAID ON THE TABLE . . . . 2703-05

The following papers were laid on the Table :—

(1) A copy of the Oil and Natural Gas Commission (Third Amendment) Rules, 1962, published in Notification No. G.S.R. 1444 dated the 3rd November, 1962, under sub-section (3) of section 31 of the Oil and Natural Gas Commission Act, 1959.

(2) A copy of the University Grants Commission (Budget and Accounts) Rules, 1962 published in Notification No. G.S.R. 1218 dated the 29th September, 1962, under sub-section (3) of section 25 of the University Grants Commission Act, 1956.

(3) A copy each of the following Orders under section 43 of the Copyright Act, 1957 :—

(i) The International Copyright (Sixth Amendment) Order, 1962 published in Notification No. S.O. 2600 dated the 18th August, 1962.

(ii) The International Copyright (Seventh Amendment) Order, 1962 published in Notification No. S.O. 2878 dated the 18th September, 1962.

(iii) The International Copyright (Eighth Amendment) Order 1962 published in Notification No. S.O. 2944 dated the 25th September, 1962.

PAPERS LAID ON THE  
TABLE—contd.

## COLUMNS

- (iv) The International Copyright (Ninth Amendment) Order, 1962 published in Notification No. S.O. 3195 dated the 18th October, 1962.
- (4) The following statements showing the action taken by the Government on various assurances, promises and undertaking given by Ministers during the various sessions show against each :—
- (i) Supplementary Statement No. I—Second Session, 1962 (Third Lok Sabha).
- (ii) Supplementary Statement No. IV—First Session, 1962 (Third Lok Sabha)
- (iii) Supplementary Statement No. IV—Sixteenth Session, 1962 (Second Lok Sabha)
- (iv) Supplementary Statement No. VII—Fifteenth Session, 1962 (Second Lok Sabha)
- (v) Supplementary Statement No. VIII—Fourteenth Session, 1961 (Second Lok Sabha)
- (5) A copy each of the following Notifications under sub-section (2) of section 3 of the All India Services Act, 1951, making certain further amendments to Schedule III to the Indian Administrative Service (Pay) Rules, 1954 :—
- (a) G.S.R. No. 678 dated the 19th May, 1962
- (b) G.S.R. No. 702 dated the 26th May, 1962
- (c) G.S.R. No. 755 dated the 9th June, 1962
- (d) G.S.R. No. 996 dated the 28th July, 1962

PAPERS LAID ON THE  
TABLE—contd.

## COLUMNS

- (6) A copy of Notification No. 140/1/62-M. published in Manipur Gazette dated the 29th June, 1962 containing the Manipur Land Revenue and Land Reforms (Allotment of Land) Rules, 1962, under section 169 of the Manipur Land Revenue and Land Reforms Act, 1960.
- (7) A copy each of the following Declarations of exemption, under the Proviso to section 6 of the Registration of Foreigners Act, 1939 :—
- (a) No. 1/16/62-F. 1 dated the 23rd June, 1962 (2 Declarations).
- (b) No. 6/31/62-F. 1 dated the 28th August, 1962 (10 Declarations).

MESSAGES FROM RAJYA  
SABHA

2705-06

Secretary reported the following messages from Rajya Sabha :

- (i) That Rajya Sabha had agreed without any amendment to the Metal Tokens (Amendment) Bill, 1962.
- (ii) That Rajya Sabha had agreed without any amendment to the Petroleum Pipelines (Acquisition of Right to User in Land) Bill, 1962.
- (iii) That Rajya Sabha had agreed without any amendment to the Foreigners Law (Application and Amendment) Bill, 1962.

REPORT OF PUBLIC AC-  
COUNTS COMMITTEE  
PRESENTED

2706-07

Second Report was presented.

## BILL PASSED

2707-2802

Discussion on the motion to consider the Customs Bill, 1962, as reported by the Select Committee continued.

## COLUMNS

BILL PASSED—*contd.*

The motion was adopted. After clause-by-clause consideration, the Bill was, as reported by the Select Committee, passed.

## BILL UNDER CONSIDERATION

2802—24

*The Minister of Law (Shri A.K. Sen)* moved that the Defence of India Bill, 1962 be taken into consideration. The discussion was not concluded.

## AGENDA FOR NOVEMBER

22, 1962/AGRAHAYANA 1, 1884 (SAKA)—

Consideration and passing of (i) the Pondicherry (Administration) Bill, (ii) the Indian Tariff (Amendment) Bill, and (iii) the Defence of India Bill.