



Friday
12th March, 1954

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

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THE
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Friday, 12th March, 1954

The House met at One of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

OIL-SEED RESEARCH STATIONS

***941. Shri Hem Raj:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of Linseed or Oilseed Research Stations in India and the places where these are located; and

(b) the amount of expenditure incurred on each and the proportion in which it is met by the Centre and the States?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) There is no Linseed or Oilseed Research Station either under the Central Government or the Indian Central Oilseeds Committee. In States also, there are no Research Stations exclusively meant for linseed or other oilseeds. Experimental work on these crops is being carried out at Stations which deal with agricultural crops grown in rotation with oilseed crops.

(b) Does not arise.

Shri N. Somana: Is there any research station for cardamom?

Dr. P. S. Deshmukh: Not to my knowledge.

Shri S. C. Samanta: The hon. Minister stated that there is no research

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station in India, either under the Centre or in the States. May I know whether any development centres have been established?

Dr. P. S. Deshmukh: Research is being carried on in almost every State which grows considerable amounts of oil-seeds. There is a considerable amount of expenditure also incurred both by the States as well as by us under the schemes which are supported by the Oilseeds Committee.

Shri Raghavachari: May I know whether there is not an institution called the Oil Technological Institute meant for research in oilseeds, at Anantapur in Andhra?

Dr. P. S. Deshmukh: I do not have much information at the moment about this Institute, but I believe it is not entirely a research institute.

JAPANESE METHOD OF RICE CULTIVATION

***942. Th. Lakshman Singh Charak:** Will the Minister of Food and Agriculture be pleased to state the names of the States which have increased their paddy production per acre by the Japanese method of rice cultivation?

The Minister of Agriculture (Dr. P. S. Deshmukh): The following States have so far reported increase in yield of paddy per acre in the area brought under Japanese method of paddy cultivation:—

1. Assam.
2. Madhya Pradesh.
3. Orissa.
4. Uttar Pradesh.

5. West Bengal.
6. Pepsu.
7. Madhya Bharat.
8. Travancore & Cochin.
9. Mysore.
10. Tripura.

The required information from the remaining States is still awaited.

Th. Lakshman Singh Charak: Was there a uniform increase in all climates in the States?

Dr. P. S. Deshmukh: The increase varies from five maunds of additional produce to thirty-eight maunds.

Th. Lakshman Singh Charak: Was this experiment tried in Jammu and Kashmir State also?

Dr. P. S. Deshmukh: I have no report so far.

Shri Dabhi: May I know the production per acre and the cost per acre?

Mr. Speaker: This question was asked about a week or a fortnight ago.

Shri Dabhi: Here all the States have been mentioned.

Mr. Speaker: We will go to the next question.

W. H. O.

***943. Sardar Hukam Singh:** Will the Minister of Health be pleased to state:

(a) whether the 13th session of the W.H.O. Executive Board and also a meeting of all W.H.O. Regional Directors were held in Geneva in January 1954;

(b) if so, what problems of special importance to India were discussed at this session; and

(c) whether any increase in the regular budget of W.H.O. has been made?

The Deputy Minister of Health (Srimati Chandrasekhar): (a) Yes.

(b) The questions dealt with at the Regional Directors' meeting, which

was an informal conference, did not concern the health problems in India in particular. A statement indicating the important matters discussed at the Thirteenth Session of the World Health Organisation Executive Board is laid on the Table of the House. [See Appendix IV, annexure No. 1].

(c) The Executive Board has recommended an increase in the regular budget of World Health Organisation subject to approval by the World Health Assembly in May next.

Sardar Hukam Singh: Why was this increase in the budget necessitated, and will this addition to the budget affect our health schemes in India?

The Minister of Health (Rajkumari Amrit Kaur): The figure has been recommended on the basis of certain facts. The World Health Organisation is asked to take up a number of programmes by the so-called under-developed countries. It is unable to do so on the present basis of finances that it gets from the United Nations. Therefore, the Executive Board recommended that perhaps if Member-States subscribed a little more, that extra money could be made available. All schemes will be affected in India, as in any other country, if the budget is not brought up to what the Executive Board has recommended.

Sardar Hukam Singh: May I know what amount we shall have to contribute for this increased budget?

Rajkumari Amrit Kaur: We would certainly have to pay an increased amount, probably either of about six lakhs or about eight lakhs according to what decision is taken at the Assembly.

Sardar Hukam Singh: May I know whether the World Health Assembly, scheduled to meet in May next, is likely to accept any fresh scheme of ours so far as health is concerned?

Rajkumari Amrit Kaur: I have not got the agenda yet, but all schemes that are put forward by the countries concerned are considered, and considered very favourably.

हिन्दी के विशेषज्ञों की समिति

*९४५. **सेठ गोविन्द दास :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या रेलवे में प्रयोग किये जाने वाले अंग्रेजी पारिभाषिक शब्दों के हिन्दी पर्यायवाची शब्द निश्चित करने के लिये कोई विशेषज्ञ समिति नियुक्त की गई है ?

The Deputy Minister of Railways and Transport (Shri Alagesan): A Committee was appointed early in 1952 who have examined quite a good number of terms which have been sent to the Ministry of Education for final approval.

सेठ गोविन्द दास : १९५२ में जो यह कमेटी बनाई गई थी, उस ने क्या यह काम समाप्त कर लिया है और अब इस तरह की कमेटी की कोई आवश्यकता नहीं है ?

Shri Alagesan: This Committee has finalised Railway terms beginning with letters A, B and C and they have been sent to the Ministry of Education where they are being vetted by another Board of scientific terminology.

सेठ गोविन्द दास : उसके बाद के अक्षरों का जहां तक सम्बन्ध है, उसके विषय में क्या हो रहा है, क्या और कोई कमेटी बनायी जा रही है या वही कमेटी अभी आगे का भी काम करने वाली है ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : यह कमेटी अभी और कोई नई बनाने का विचार नहीं है, लेकिन जो हमारा हिन्दी सेक्शन है, वह कुछ शब्दावलि बना रहा है और उस को हमने स्थायी तौर पर इस्तेमाल करने का आदेश भी दे दिया है ।

Shri Veeraswamy: May I know whether it is not a fact that the expert committee find it very difficult to fix appropriate and proper Hindi equivalents for English technical terms?

Shri L. B. Shastri: That is not correct. They have already drawn up a list of names and that list has been submitted to the Education Ministry for approval.

Shri T. S. A. Chettiar: Has the Government accepted the principle that has been accepted generally that international terms will be adopted for these purposes?

Shri L. B. Shastri: I am sorry I cannot say anything on that. It is perhaps for the Education Ministry along with others concerned to discuss it and decide.

सेठ गोविन्द दास : जहां तक अन्तर्राष्ट्रीय शब्दावलि का सम्बन्ध है, क्या माननीय मंत्री जी यह जानते हैं कि अन्तर्राष्ट्रीय शब्दावलि जैसी कोई चीज नहीं है और जो शब्दावलि बाकी है वह कब तक बन जाने की सम्भावना है ?

Mr. Speaker: I think we are entering into an argument over the question. We will go to the next question now.

सेठ गोविन्द दास : मैं एक बात जानना भी चाहता था कि बाक़ी शब्दावलि कब तक तैयार हो जायगी ?

Mr. Speaker: This is raising a discussion over a question put by an hon. Member in this House. In fact, language will depend upon what the people will adopt.

सेठ गोविन्द दास : मैं ने यह भी पूछा था कि बाक़ी शब्दावलि कब तक बन जायगी, उन्होंने कहा था कि बाक़ी शब्दावलि तैयार हो जायगी ?

Mr. Speaker: We will go to the next question.

QUININE

*947. **Shri S. N. Das:** Will the Minister of Health be pleased to state:

(a) the present requirement of India of quinine;

(b) what part of this requirement is met by indigenous production and what part by imports, both in the form of natural products and in the form of synthetic anti-malarials; and

(c) whether, and if so, to what extent, the cultivation of cinchona has been affected by competition from the synthetic anti-malarials?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) The present requirement of quinine in India is estimated to be about 300,000 lbs. per year.

(b) Of the total requirement indicated above, the average percentages of quinine manufactured in the country, imported quinine and synthetics are as below:—

Indigenous quinine	12 p.c.
Imported quinine	21 p.c.
Imported Synthetics (in terms of equivalent quinine salts)	67 p.c.

At present there is no commercial production of synthetic anti-malarials in the country.

(c) During the last World War quinine held the field. Since the end of the War synthetic anti-malarials have been used in an increasing measure, because of their relatively lower cost. There has however, so far been no appreciable effect on the existing cinchona plantations.

Shri S. N. Das: May I know whether there is any plan to make India self-sufficient in the matter of quinine?

Shrimati Chandrasekhar: Yes, Sir.

Shri S. N. Das: What is the time fixed by which it is expected that India will be self-sufficient?

Shrimati Chandrasekhar: There is under consideration a factory at

Anaimalai Hills to produce more quinine. Then we will be producing nearly 150 lakh lbs. of quinine and we will be self-sufficient.

Shri S. N. Das: May I know whether there is any plan for the production of synthetic anti-malarials in India, and if so, what is the programme for that?

Shrimati Chandrasekhar: There is at present a plan to set up a factory at Rishra in West Bengal by the Imperial Chemical Industries.

Shri M. D. Joshi: Is any research being carried on to prepare anti-malarial drugs from Indian drugs?

Shrimati Chandrasekhar: Besides quinine, I do not know of anything.

Dr. Rama Rao: What steps are Government taking to take up the manufacture of synthetic anti-malarials in view of the hon. Minister's statement just now that there is increasing demand for it?

Shrimati Chandrasekhar: Not that I know of.

RICE AGREEMENT WITH BURMA

*949. **Shri Dabhi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Government have entered into a three-year agreement with Burma under which the latter will supply 2,30,000 tons of rice on Government-to-Government account basis and 1,20,000 tons through trade; and

(b) if so, whether any rice is proposed to be imported from Burma during the year 1954?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Under the Indo-Burma Trade Agreement of September, 1951, the Government of India were assured of a supply from Burma of 2,30,000 tons of rice on Government-to-Government basis and 1,20,000 tons through trade during every year from 1952 to 1955.

(b) Yes.

Shri Dabhi: In view of the fact that Government have stated that they are in a position to supply as much rice as is required by the Bombay State, have Government thought of advising that Government to deration rice as well as to remove the ban on inter-district movement in that State, and if so, whether the Government of Bombay are likely to accept that advice?

Mr. Speaker: He may put one question. He has put three questions. What is the reply of the hon. Minister.

Shri M. V. Krishnappa: As soon as the Burma rice arrives at Indian ports, we will consider this question. However, there is a proposal in Bombay to relax within a fortnight all the restrictions on rice movement, quantity of consumption etc., except in eleven cities which are under statutory rationing. So, after the arrival of Burma rice, we will consider that question also.

Shri N. M. Lingam: Is it a fact that the Tamil Nad Chamber of Commerce has represented to Government that this deal of Government with the Government of Burma will affect them adversely and that they will not be in a position to import rice for which permits have been given to them already?

Shri M. V. Krishnappa: That was not the contention. The South Indian Chamber of Commerce, as a matter of fact, have got a lot of hoarded rice with them and they thought that if we import rice from Burma they would not be able to get more money during the lean part of the year. That was one main reason. The second objection was that we may not be able to get good quality rice since Burma has got last year's stock. These were the only two reasons why they objected in their representation to the Central Ministry.

Dr. Rama Rao: Is Government aware that the Burmese authorities are repolishing deteriorated rice for supply to us?

Shri M. V. Krishnappa: We have laid down certain specifications regarding quality in the agreement, and we are going to exercise the utmost care and vigilance regarding the quality of this rice that will be supplied to India. If it is below specifications, we are going to reject that rice. There need not be any apprehension in the minds of hon. Members that we are going to accept rice which will be below our specifications.

Dr. Rama Rao: Excuse me, Sir. He has not answered my question.

Mr. Speaker: I have allowed one question. I am going to the next question.

Shri Shivananjappa: In view of this rice to be supplied from Burma, do Government contemplate decontrolling rice in the whole country?

Shri M. V. Krishnappa: That has been answered a number of times.

DECK PASSENGER COMMITTEE REPORT

***950. Dr. Ram Subhag Singh:** Will the Minister of Transport be pleased to state:

(a) whether the committee set up in 1950 to investigate and report on the hardships of people travelling as deck passengers has submitted its report; and

(b) if so, how far the recommendations made in that report have been given effect to?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) A statement showing the main recommendations of the Committee and the extent to which they have been implemented, is laid on the Table of the House. [See Appendix IV, annexure No. 2.]

Dr. Ram Subhag Singh: One of the main recommendations of this Committee was that ships on the India-Africa run should be provided with bunks for all deck passengers. But the B. I. S. N. Company, according

to the statement laid on the Table of the House, has successfully avoided the acceptance of this recommendation. May I know why Government have allowed them to avoid it?

Shri Alagesan: This Committee was appointed in 1950, and it reported some time later, and the order on the recommendations of this Committee was issued last October. The Company concerned is taking steps to implement that recommendation.

Dr. Ram Subhag Singh: From the statement, it appears that the same Company has asked for exemption from the provision of 25 per cent. bunks on the India-Persian Gulf run, and that Government are considering the question of granting exemption. May I know whether Government will ask this Company not to ask for exemption?

Shri Alagesan: It is true that this Company has asked for exemption from this provision on the India-Persian Gulf run. But that request is under consideration, and we have not come to any final conclusions.

Shri V. P. Nayar: May I know whether, in view of the terrible overcrowding of deck passengers in steamers going from Madras to Burma and other places, Government have taken any steps to requisition more services in these lines?

Shri Alagesan: There is no question of requisitioning more services.

TAKING OVER OF DELHI HOSPITALS

*551. **Shri K. P. Sinha:** Will the Minister of Health be pleased to state:

(a) whether the taking over of the two Hospitals in Delhi will bring about any change in the emoluments of the present staff; and

(b) if so, to what extent?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) and (b). The taking over of the Safdarjung Hospital by the Government of India for direct administration has not brought about any change in the

emoluments of the present staff of that hospital. In the case of the Willingdon Hospital and Nursing Home, New Delhi, however, the emoluments of some of the medical officers who act as the authorised medical attendants of Central Government servants and their families, have been revised with effect from the 1st February, 1954. A statement showing the pay and allowances formerly drawn by them and the emoluments, as now revised, is placed on the Table of the House. [See Appendix IV, annexure No. 3].

Shri K. P. Sinha: May I know the main reasons that led the Central Government to take these Hospitals under their direct control?

Shrimati Chandrasekhar: The Safdarjung Hospital has been taken over, to establish the All-India Medical Institute there.

Shri K. P. Sinha: May I know whether any compensation has got to be paid to the Municipal Committee, and if so, how much?

Shrimati Chandrasekhar: Safdarjung Hospital was under the Delhi State.

Shri S. N. Das: May I know whether the terms and conditions of all classes of servants working in the Willingdon Hospital will be considered by Government?

Shrimati Chandrasekhar: I could not follow the question.

Mr. Speaker: He wants to know whether the conditions of service of all classes of servants in the Willingdon Hospital will be taken up for consideration now.

The Minister of Health (Rajkumari Amrit Kaur): The question of what services are rendered to Central Government servants comes under the Contributory Health Scheme, and that ought to begin functioning very early in the new financial year.

Shri Nanādas: May I know the proposals of Government, for providing better conditions and for improving

the facilities for the patients in these two Hospitals?

Rajkumari Amrit Kaur: There are programmes for increasing the bed strength and also the staff.

MOVEMENT OF FOODSTUFFS IN MADRAS

*952. **Shri V. Muniswamy:** Will the Minister of Railways be pleased to state:

(a) whether Government are aware that the restriction on the movement of foodstuffs in Madras has been removed;

(b) whether the railway authorities are refusing to book foodstuffs from one district to another in Madras State; and

(c) if so, what are the reasons?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) By 'foodstuffs', the hon. Member apparently means 'foodgrains'. The restrictions on the movement of foodgrains within Madras State have been considerably relaxed by the Madras Government in recent months but they have not been completely removed by them.

(b) No, if the movements are not banned by the State Government.

(c) The Railways have to observe bans on movement, imposed by the State Governments.

Shri Muniswamy: May I know whether any representations were received from the Madurai and Salem Districts regarding these difficulties?

Shri Alagesan: Not to my knowledge. Does the hon. Member refer to something particular? There are certain bans still imposed by the State Government on the movement of foodgrains from one district to another, or from one zone to another. Barring that, there is no other ban imposed by the Railways as such.

Shri Venkataraman: May I know whether the Government are aware that the Madras Government have

stated that even though they have removed the restrictions on movement of foodgrains from Tanjore to Madras, the Railways have not removed the restrictions?

Shri V. P. Nayar: Natural!

Shri Alagesan: As far as movement is concerned, rice is moving to Madras, Chingleput, North Arcot, South Arcot, Tiruchirappalli, Salem, Coimbatore, Madurai, Ramanathapuram and Tirunelveli on railways on Government account.

Shri Venkataraman: My question was whether Government were aware that even though the Government of Madras had removed restrictions on transport of rice from Tanjore to Madras, the Railways had not removed the restrictions.

Shri M. V. Krishnappa: I may add, Sir, that for a fortnight it was so. Then the matter was brought to the notice of the Railway Ministry and set right. Now rice is freely moving from Tanjore to Madras.

Shri Muniswamy: May I know, Sir, whether the Government are aware that proper and adequate information was not given to the railway authorities with the result that people have suffered because of the non-removal of these restrictions?

Mr. Speaker: That is covered by the previous reply. He admitted that for fifteen days there was inconvenience.

SUPER-ANNUATED LOCOMOTIVES

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

(a) how many super-annuated locomotive engines are utilised on the Northern Railway; and

(b) what attempts are being made to replace them?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 544 overage locomotives have had to be kept in service on the Northern Railway.

(b) The rehabilitation programmes of all Railways, including the Northern Railway, have been accelerated as much as possible.

Shri D. C. Sharma: May I know, Sir, what is the normal age of a locomotive in terms of years and in terms of miles?

Shri Alagesan: It is 40 years.

Mr. Speaker: The next question is, what is the age in terms of miles.

Shri Alagesan: I think after every 1½ lakh miles there is overhaul.

Shri D. C. Sharma: May I know, Sir, how many of these locomotives run on the main lines and how many on branch lines?

Shri Alagesan: I do not have the figures.

RAILWAY THEFT

***954. Shri Bishwa Nath Roy:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there was a hold up of the 333 Dn. train coming from Pahleja Ghat to Sonapur Railway station in the North-Eastern Railway on the night of 30th December, 1953 and an iron safe containing Railway cash was removed from the brake-van of the train; and

(b) if so, what was the result of the investigations?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) There was no hold up of this train, but an iron Travelling Cash Safe containing railway cash was removed from its brake-van during its run.

(b) The Cash Safe was recovered intact about ½ mile away from the railway track at telegraph post No. 2/4 between Palezaghat and Sonapore.

The final report from the police is awaited.

Shri S. N. Das: In view of the fact that the safe was taken away when the train was running, may I know at what speed the train was running

at that time, and how it was possible to remove it?

Shri Alagesan: I do not have any information about the speed.

The Minister of Railways and Transport (Shri L. B. Shastri): Whatever may be the speed, it can be thrown out.

PAY SCALES ON RAILWAYS

***955. Pandit D. N. Tiwary:** Will the Minister of Railways be pleased to state:

(a) whether there is any difference in the pay scale of one and the same category of services in the different zones of the Railways;

(b) if the answer to part (a) above be in the affirmative, (i) the reasons for the same and (ii) the amount of differences in pay scale in each category; and

(c) whether there are cases of difference in pay scale within a zone itself?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). Uniformity in this regard as between zones and within a zone has been sought to be achieved by implementation of the recommendations of the Central Pay Commission and the Joint Advisory Committee. But if the hon. Member would like to bring any specific cases to our notice the Railway Board would be asked to look into them.

Shri T. B. Vittal Rao: May I know, Sir, if the proof readers on the Nizam's State Railway draw less salary than their counterparts on the Eastern Railway?

Shri Alagesan: We can look into it. But in these cases the duties and responsibilities differ, though the designation may be the same. If the hon. Member wants, we can certainly look into them.

Shri Veeraswamy: May I know whether it is not a fact that the pay-scales of the same category of staff

in the Golden Rock and Perambur workshops are different and it has created a lot of frustration among the staff?

Shri Alagesan: I would like to know to which category he is referring to. He can furnish details later.

Some Hon. Members rose—

Mr. Speaker: Order, order. Next question.

INDIAN FOREST COLLEGE, DEHRA DUN

***956. Shri Gidwani:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the recommendations of the Estimates Committee regarding reduction of the training fees of the students of the Indian Forest College, Dehra Dun and bringing the same to the level of those in other professional Colleges and selection of the students by open competition have been accepted by Government; and

(b) if not, the reasons therefor?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The recommendations of the Estimates Committee are under consideration.

Shri Gidwani: Is it a fact that students are selected and nominated by each State and their expenses are borne by those States?

Dr. P. S. Deshmukh: Yes; I do not know if any portion of the expenditure contributed by the State is taken from the students.

Shri Gidwani: What is the difference between the fees charged from the foreign students and those charged from the students from the States?

Dr. P. S. Deshmukh: In one case it is fees and in the other case it is a contribution for meeting the expenditure. If there is any doubt about our giving any extra concessions to the foreign students, I would like to

point out that the only foreign students that we have admitted here came from Nepal and Ceylon. Five came from Ceylon and 6 from Nepal.

Shri T. N. Singh: May I know, as the Estimates Committee Reports are made in time for the next Budget, whether in preparing the Budget any effort is made to see that the decisions of the Committee are incorporated in the Budget?

Dr. P. S. Deshmukh: During the course of the examination of the recommendations of the Estimates Committee, every effort is made to try and accept the Committee's recommendation and wherever we are in a position to accept them, the necessary economies will certainly be made.

POSTMEN IN GORAKHPUR DIVISION

***957. Shri Dhusiya:** Will the Minister of Communications be pleased to state:

(a) the total number of temporary and permanent postmen separately in the Gorakhpur Division; and

(b) the number of Scheduled caste persons among them?

The Deputy Minister of Communications (Shri Raj Bahadur):

(a) Temporary	12
Permanent	310
(b) Temporary	1
Permanent	4

श्री धूसिया : इन नम्बरों से जाहिर होता है कि शिड्यूल्ड कास्ट के लोगों की तादाद बहुत कम है। क्या यह जो नम्बर कम है तो यह कोई गवर्नमेंट आफिशियल्स की या गवर्नमेंट की गलती से है? अगर गवर्नमेंट की गलती से है जिस को दूर किया जा सकता है, तो उस में गवर्नमेंट क्या कर रही है?

श्री राज बहादुर : इस में कोई शक नहीं कि पूरी कोशिश नहीं की गयी, बरना जितने

उम्मीदवारों की हम को जरूरत है वह शायद हम को मिल जाते।

श्री भूसिया : इस में और क्या किया जा रहा है ? यह जो नम्बर कम है तो यह कब तक कम रहेगा ?

श्री राज बहादुर : जो भी कदम इस में उठाये जा सकते हैं वह उठाये जा रहे हैं, मसलन् यह भी किया जा रहा है कि जो reserved vacancies के एरियर्स एक साल से दूसरे साल को जाते थे वह तीन साल में जा कर खत्म कर दिये जाते थे। अब इस के लिये ऐसे कायदे बनाये गये हैं कि जब तक पूरी संख्या इन की न हो जाय तब तक एरियर्स ज्यों के त्यों रहें।

Shri Nanadas: May I know whether it is a fact that they are finding it difficult to get candidates for the post of postman even now?

Shri Raj Bahadur: Sir, in all cases we are not finding it difficult, but, sometimes, it happens that we do not get the required number of candidates for the seats reserved.

INDIAN CENTRAL JUTE COMMITTEE

*962. **Shri L. N. Mishra:** Will the Minister of Food and Agriculture be pleased to refer to the answer to starred question No. 715 asked on the 8th December, 1953 and state:

(a) whether any steps have been taken to give representation to the jute-growers' interest in the Indian Central Jute Committee;

(b) whether any increase has been made by Government in the annual grant to the Committee; and

(c) if so, the reasons therefor?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The Jute growers' interests are already adequately represented on the Indian Central Jute Committee.

(b) The annual grant of the Committee is Rs. 10 lakhs. For 1954-55.

it has been increased to Rs. 25 lakhs. But this is without any commitment for future.

(c) The enhanced grant of Rs. 25 lakhs has been given to the Committee to enable it to complete the construction of the Jute Agricultural Research Institutes Building, its staff quarters and to finance some of the schemes which were held up for want of funds.

Shri L. N. Mishra: May I know the principle followed in giving representation to the jute-growers' interests and the persons who represent the jute-growers' interest?

Dr. P. S. Deshmukh: Sir, I have got the analysis of the representatives here. There are *ex-officio* 2, Government of India nominees 4, representatives of the State Governments 5, Co-operative Movement of West Bengal 1, Jute Mills Association 2, Chamber of Commerce 4, Shipping and Jute Associations 1, Jute Trade, Bihar 1. Growers' representatives: West Bengal 3, Assam 2 and Bihar 2, in all 7.

Shri L. N. Mishra: What is the procedure followed in giving representation?

Dr. P. S. Deshmukh: For the time being, the procedure is selection out of the State Government's nominees.

Shri L. N. Mishra: May I know whether the Expert Committee has suggested the reorganisation of the body?

Dr. P. S. Deshmukh: I would like to have notice.

Shri Amjad Ali: In answer to question No. 715 on 8.12.53 the hon. Minister gave an undertaking for the reconstitution of this Committee. Has it been effected?

Dr. P. S. Deshmukh: No, Sir; I may say that a good many of the other Committees are also being looked into and this will also be borne in mind when the recommendations are received.

TICKETLESS TRAVEL

*963. **Shri Bibhuti Mishra:** Will the Minister of Railways be pleased to state:

(a) the number of special drives carried out to prevent ticketless travel on the North East Railway in 1953;

(b) the amount realised in this connection; and

(c) the number of persons sent so far to jail?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 5,755 checks against ticketless travel were carried out by Special Railway Magistrates.

Such checks were also conducted by the Flying Squads and Sectional Supervisors and Inspectors of Travelling Ticket Examiners but their number is not tabulated and is not, therefore, readily available.

(b) Rs. 5,28,358/-/-.

(c) 1,400.

श्री बिभूति मिश्र : क्या यह सही नहीं है कि बहुत से रेलवे स्टेशनों पर समय से टिकट नहीं दिये जाते हैं जिसके कारण मुसाफिर बगैर टिकट के यात्रा करते हैं ?

Mr. Speaker: Is it a fact that tickets are not issued in time at certain railway stations?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : मुमकिन है कि ऐसा नहीं होता हो कि बुकिंग विंडो जितनी पहले खुलनी चाहिये न खुलती हो, लेकिन सिर्फ वही एक कारण नहीं है जिसकी वजह से लोग बिना टिकट सफ़र करते हैं ।

श्री बिभूति मिश्र : क्या यह वाक्या नहीं है कि रेलवे के बहुत से गाड़ लोग मुसाफिरों को बगैर टिकट के गाड़ी में सवार कर लेते हैं और उन से पैसा ले लेते हैं तब जाने

देते हैं, अगर यह होता है तो सरकार इस के लिये क्या कार्रवाई कर रही है ?

श्री एल० बी० शास्त्री : मुझे खेद है कि अक्सर यह बिहार में ही होता है ।

श्री भागवत झा आजाद : सारे हिन्दुस्तान में होता है ।

Mr. Speaker: It is wrong on the part of hon. Members to address the Minister direct. They have to await their turn.

ठाकुर युगल किशोर सिंह : क्या यह बात सही है कि.....

Mr. Speaker: Order, order. I am going to the next Question.

उत्तर प्रदेश में सिंचाई के छोटे छोटे कार्य

*९६५. **श्री रघुनाथ सिंह :** क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे :

(क) क्या यह सच है कि केन्द्रीय सरकार ने उत्तर प्रदेश सरकार को सिंचाई के छोटे छोटे कार्यों के लिये १,४१,००,००० रुपया दिया है ;

(ख) यदि हां, तो क्या राज्य सरकार यह रुपया सिंचाई की नई योजनाओं पर खर्च करेगी या कि पुरानी योजनाओं को पूरा करने में ; और

(ग) यह सहायता कितनी योजनाओं के लिये दी गई है ?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The hon. Member has not mentioned the year or years in respect of which the information is desired. During the 3 years of the first Five Year Plan, the Government of Uttar Pradesh have received Central assistance in loans and grant up to a total of Rs. 802-828 lakhs for their minor irrigation schemes.

(b) In both.

(c) 79 schemes in all have been aided.

श्री रघुनाथ सिंह : इस बात को देखते हुए कि पूर्वी युक्तप्रान्त में नहर की योजना नहीं हो सकती, क्या कोई द्यूबवैल की योजना सरकार के विचाराधीन है ?

Dr. P. S. Deshmukh: I am not in a position to state.

Shri T. N. Singh: May I know whether the proportion of the grant paid for minor irrigation in Uttar Pradesh is very much in accordance with the area covered by this State?

Dr. P. S. Deshmukh: This is not one of the considerations we take into account. We give priority to those States which send schemes that meet with our approval. 'First come, first serve' is the principle and we do not go by the population or the area.

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): We do not have the Ganges and the Jumna flowing in our area.

Mr. Speaker: Let there be no side-talk.

FRUIT AND VEGETABLE DEVELOPMENT BOARD

*966. **Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether a Fruit and Vegetable Development Board, as proposed by the Planning Commission, has been set up; and

(b) if not, at what stage is the proposal?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) No.

(b) The proposal is still under consideration.

Shri S. C. Samanta: May I know whether any sum has been set apart from the Vegetable Development Board?

Dr. P. S. Deshmukh: To my knowledge, not so far.

Shri S. C. Samanta: May I know how the works that are to be executed by the Board are at present being done? May I know the medium?

Dr. P. S. Deshmukh: The Board is not there. Part of the work is being attended to by the Indian Council of Agricultural Research.

Shri S. C. Samanta: I wanted to know whether any organisations such as vegetable centres, etc., are in existence, and if so, how they are worked.

Dr. P. S. Deshmukh: There are vegetable seeds production centres and I am sure the hon. Member has full information about them.

Shri S. N. Das: May I know whether the proposal is under active consideration or under ordinary consideration?

Dr. P. S. Deshmukh: I am glad to say that it is under very active consideration.

TRANSFER OF CLERKS

*967. **Shri T. B. Vittal Rao:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that the powers of the Senior Superintendent and the Head of the Circle in the P. & T. Department are not interchangeable in the matter of transfers;

(b) whether transfers of clerks from one division to another is taking place in Hyderabad Sub-Circle without the concurrence of the Post-Master General, Madras or D.P.S. Hyderabad Circle; and

(c) if so, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The question is not very clear. The powers of the Senior Superintendent and the Head of the Circle in matters of transfers are different and the question of inter-changeability does not arise.

(b) Transfer of clerks from one Division to another in the interest of

service is carried out only under orders of the Director of Postal Services. Mutual exchanges, however can be permitted by Divisional Authorities direct.

(c) Does not arise in view of replies to (a) & (b) above.

Shri T. B. Vittal Rao: May I know if any cases have come to the notice of Government where the Senior Superintendent transferred certain clerks from one Division to another without the concurrence of the Director of Postal Services, Hyderabad?

Shri Raj Bahadur: As I said, the Senior Superintendent can transfer from one Division to another, subject to the concurrence of the Superintendent in charge of the other Division.

CENSUS OF LAND HOLDINGS

*968. **Shri R. S. Lal:** (a) Will the Minister of Food and Agriculture be pleased to state whether any directions have been given to State Governments for census of land holdings?

(b) If so, do Government propose to place a copy of the same on the Table of the House?

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

(b) A copy of the Government of India's letter No. F.5-27/53-PC.II, dated January 8, 1954 addressed to State Governments is placed on the Table of the House. [Placed in the Library. See Library Index No. S—78/54.]

Shri N. M. Lingam: How do Government reconcile their anxiety to solve the land problem and thereby the unemployment problem, with the tardy fashion in which State Governments move in the matter, as seen by their failure even to take a census of land?

Mr. Speaker: I do not think I can allow that question. It is full of so many insinuations.

Shri Thimmaiah: May I know, Sir, whether any proposal has been sent by the State Governments regarding the ceiling to be fixed on the holding of land?

Dr. P. S. Deshmukh: Some States are considering this question.

RAILWAY PAYMENT TO GENERAL REVENUES

*969. **Shri K. C. Sodhia:** Will the Minister of Railways be pleased to state:

(a) the total amount of interest due from the Indian Railways to the General Revenues during 1952-53;

(b) the amount that was actually paid; and

(c) the reasons of non-payment of the full amount?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). No interest was due to General Revenues from Indian Railways during 1952-53. But, the dividend at the rate of 4 per cent. on the Capital-at-Charge due and paid to General Revenues for 1952-53 was Rs. 33.99 crores.

(c) Does not arise.

Shri K. C. Sodhia: On what capital is this dividend due?

Shri Alagesan: About Rs. 857.4 crores.

Shri K. C. Sodhia: Does it include all the capital of the Railways?

Shri Alagesan: Yes, Sir, except for the late Bengal-Assam and North Western Railways whose accounts have not yet been settled.

Mr. Speaker: Order, order. I have to request hon. Members not to carry on talks, because under the sound arrangement, it interferes with my hearing. On the left as well as on the right benches I find that talks are continuously going on. I am not able to hear what the question is and what the answer to it is. Talks, even in low tone, are reproduced in loud tone. Hon. Members would do well to help the Chair in maintaining silence. If they have to talk anything, they may go out and do so.

Shri K. C. Sodhia: What is the length of those Railways?

Shri Alagesan: About 34,000 miles.

Shri K. C. Sodhia: What is the amount of capital invested in them?

Mr. Speaker: He perhaps means those railways in respect of which he did not show any return or dividend—the length of those railways.

Shri Alagesan: I do not have those figures with me.

Shri T. B. Vittal Rao: May I know if dividend is paid on Rs. 60 crores for which there are no tangible assets, as reported by the Indian Railways Enquiry Committee?

Shri Alagesan: Yes, Sir, that is a matter of record.

INDIAN TELEPHONE INDUSTRIES

***970. Shri V. P. Nayar:** Will the Minister of Communications be pleased to state whether Government are aware that the medical facilities given to the workers of the Indian Telephone Industries Bangalore are inadequate?

The Deputy Minister of Communications (Shri Raj Bahadur): No, the medical facilities are not considered inadequate. It is, however, proposed to provide further facilities by establishing a hospital in the residential area of the Factory. The work on this is expected to be taken up during the current year. It is also proposed to provide a creche for children of the women employees as the demand for it arises.

Shri V. P. Nayar: Are Government aware, Sir, that in this Factory where hundreds of women are working there is no lady doctor?

Shri Raj Bahadur: The number of women is 167 and we have got one nurse, a midwife and one medical officer, who are looking after and rendering them adequate medical facilities. So far the rule was that only unmarried women and widows were allowed to be employed.

Shri V. P. Nayar: Is it on account of lack of proper medical facilities that the management has placed restrictions on the marriage of working women there?

Shri Raj Bahadur: There is no restriction on marriage as such. As a matter of fact, till now only unmarried women were allowed. Now we have changed the rules and married women also will be allowed to be employed, and consequently whatever medical facilities are required will be provided.

TOBACCO RE-DRYING MACHINE AT GUNTUR

***971. Shri C. R. Chowdary:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Guntur District Tobacco Marketing Committee requested that the Tobacco Re-drying Plant purchased by the Central Tobacco Marketing Committee be given to it;

(b) the reply that was given by Government; and

(c) what decision has been taken by Government for disposal of the Plant?

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

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

Shri C. R. Chowdary: How long will it take to take a decision on this matter?

Dr. P. S. Deshmukh: I believe it will be finalised within the course of the next few weeks.

Shri C. R. Chowdary: Is it not a fact that many parts of this plant are missing already?

Dr. P. S. Deshmukh: I have no information.

Shri Nanadas: May I know when this plant was purchased and how long was it lying idle there?

Dr. P. S. Deshmukh: It was purchased a few years ago and it is a fact that it has been lying idle because in the meantime there were adequate arrangements for curing made by private agencies and therefore, this plant could not be used.

OVERAGED LOCOMOTIVES

*972. **Shri H. S. Prasad:** Will the Minister of Railways be pleased to state :

(a) the number of overaged locomotives running on line in the North Eastern Railway that require replacement; and

(b) the time within which these are expected to be replaced?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) At present there are 294 overaged locomotives running on line.

(b) Replacement is being planned over a period of about five years.

Shri H. S. Prasad: May I know whether the replacement of locomotives will be made by those manufactured in India or by those purchased from outside?

Shri Alagesan: It is both.

Pandit D. N. Tiwary: Is Government aware that due to the troubles given by these engines, passengers often miss their connections and are put to inconvenience?

Shri Alagesan: There might have been such cases.

Shri Muniswamy: May I know which kind of locomotive—whether it is the indigenous manufactured or that imported from foreign countries—that gives better service?

Shri Alagesan: They are equally good, both.

Shri T. B. Vittal Rao: May I know if the average life—average age of locomotives utilised on these Railways is twenty years?

Shri Alagesan: I do not have the figure.

AIR-CONDITIONED COACHES

*973. **Shri M. D. Joshi:** Will the Minister of Railways be pleased to state the number of air-conditioned coaches that are at present running on the different zones of the Indian Railways?

The Deputy Minister of Railways and Transport (Shri Alagesan): Central 11, Eastern 12, Northern 5, Southern 7, Western 17.

Shri M. D. Joshi: Is the number going to be augmented?

Shri Alagesan: Yes, we have got a programme of construction.

Shri M. D. Joshi: How much expenditure will it involve?

Shri Alagesan: I cannot give the figure off-hand.

Shri S. V. Ramaswamy: Are air-conditioned coaches introduced in all trains where first class has been abolished?

Shri Alagesan: Not in all trains but in most of the trains where first class has been abolished we have got these coaches.

Shri S. V. Ramaswamy: How many air-conditioned coaches do the Railway Administration propose to put in every year?

Shri Alagesan: We propose to construct about 228 broad gauge and 126 metre gauge coaches.

Shri K. K. Basu: What proportion of these air-conditioned coaches are manufactured or assembled in India and what proportion imported from outside?

Shri Alagesan: All the coaches are made here.

रेल के किराए

*९७५. श्री आर० सी० शर्मा : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) ऐसी कितनी रेलवे लाइनें हैं जिन पर किराया प्रति मील पर डेढ़ मील के हिसाब से लिया जाता है;

(ख) ऐसी रेलवे लाइनें कुल कितने मील लम्बी हैं; और

(ग) किन सिद्धान्तों के आधार पर इस प्रकार किराये का हिसाब लगाया जाता है ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Four.

(b) Actual mileage of these railway lines is as follows:—

	Miles.
Hardwar-Dehra Dun.	32.25
Gwalior-Shivpuri.	74.45
Gwalior-Sheopur-Kalan.	124.15
Ujjain-Agra.	41.50

(c) Higher fares are charged on account of special factors, such as, higher cost of construction, maintenance and working.

Shri R. C. Sharma: May I know whether on Gwalior-Sheopur line there is no such condition as to charge enhanced rate of fare?

Shri Alagesan: It is because the conditions that I just mentioned obtain that the enhanced fare is being charged.

Shri R. C. Sharma: May I know how many miles long there is hilly track in this on account of which there is this enhanced charge?

Mr. Speaker: He wants to know for what length of any track this enhanced charge is made—is there any standard rule, that is what he means—and if there is so much of mileage of hilly track to justify the additional charge.

The Minister of Railways and Transport (Shri L. B. Shastri): It does not depend upon the mileage.

Shri U. M. Trivedi: Is it a fact that this enhanced fare has been abolished on other railways recently?

Shri Alagesan: On sixteen sections they were abolished. Now they are being retained on fourteen sections on the whole.

"ASHA" CARGO SHIP

***976. Shri L. Jageswar Singh:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that fifty-three Indian crew of the Cargo Ship "Asha" with 5,000 tons of scrap iron for Japan, owned by the Jhajaria

Trading Company of Calcutta, refused to continue their voyage to Japan beyond Singapore and demanded return to India;

(b) whether it is a fact that the ship was old and unseaworthy;

(c) whether it is a fact that the ship will now be towed to Japan and sold there as scrap; and

(d) what steps Government have so far taken or propose to take against this Company for using unseaworthy ship?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. Fifty-four members of the crew (8 officers and 46 men) and the Master of the ship refused to continue their voyage to Japan beyond Singapore and asked for repatriation to India.

(b) Though old, the ship was in possession of all Certificates in respect of seaworthiness when she sailed from Bombay on 24th December, 1953.

(c) Yes.

(d) Does not arise in view of the reply to part (b) above.

Shri L. Jageswar Singh: May I know whether the crew have arrived in India?

Shri Alagesan: Perhaps they will be arriving tomorrow.

Shri Amjad Ali: Before the ship left Indian waters was there a certificate of its seaworthiness? -

Shri Alagesan: Yes, it was in possession of all the certificates.

BARSI LIGHT RAILWAY

***978. Shri H. G. Vaishnav:** Will the Minister of Railways be pleased to state the value of the rolling stock on the date of taking over the Barsi Light Railway?

The Deputy Minister of Railways and Transport (Shri Alagesan): The book value is Rs. 47,70,745/-.

Shri H. G. Vaishnav: May I know the number of the locomotives?

Shri Alagesan: I do not have figures as to the rolling-stock.

Shri H. G. Vaishnav: What was the amount of compensation paid to the company for these rolling-stock?

Shri Alagesan: It is not a question of paying compensation. The company has been taken over, and as per the agreement we have paid the price.

Shri H. G. Vaishnav: Was not the rolling-stock separately valued?

Shri Alagesan: No.

Shri K. K. Basu: May I know whether the value shown in the books of the company were scrutinised by physical assessment of the stock left when the Government took it over?

Shri Alagesan: It was only as regards the deficiency of the stock that there was inspection.

TELEPHONE EXCHANGES IN RAY SEEMA

***979. Shri Lakshmayya:** Will the Minister of Communications be pleased to state:

(a) whether any new telephone exchanges are proposed to be opened in Rayalaseema; and

(b) how many such exchanges are working in that area at present?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) 10.

Shri Lakshmayya: What are the factors that will be taken into consideration in opening these new telephone exchanges at different places?

Shri Raj Bahadur: To begin with, we propose to provide telephone exchanges for all district headquarters and towns with a population of over 30,000 and over.

Shri Lakshmayya: May I know whether representations are being made by the people of Uravkonda for the opening of a telephone exchange in that commercial town?

Shri Raj Bahadur: Representation was received and the opening of a public call office was sanctioned. It will be opened as soon as the requisite stores are available.

R PURCHASE OF FERTILIZERS

***980. Shri S. N. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total amount of short-term loans sanctioned to the various States, for the purchase and distribution of ammonium sulphate, during the year 1953-54; and

(b) to what extent the various State Governments were able to utilise these loans?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Rs. 586.81 lakhs upto 6-3-54.

(b) It is expected that a substantial portion of these loans have been utilised by the State Governments. The actual amount utilised will be known only sometime after the close of the financial year.

Shri S. N. Das: May I know whether any efforts were made during this period when loans were granted to the various States, to see whether they were utilised and if so, to what extent?

Dr. P. S. Deshmukh: These are not, in fact, cash loans. We give them quantities of fertilizers. There is no possibility of any money being utilised for any other purpose. Why I say we are not in a position to state whether the whole sum is utilised or not is because we do not know whether the quantity of fertilizers have been actually consumed.

Shri S. N. Das: May I know whether the various States have put forward their demands for the coming year and if so, what is the total quantity that they have required?

Dr. P. S. Deshmukh: We have provided a sum of Rs. 10 crores for the current year. We have had a conference of the officers concerned with

the distribution and they have given their requirements.

Shri K. K. Basu: May we know whether the fertilizers loaned out to the various States were distributed to the actual cultivators on a cash basis or as a loan?

Dr. P. S. Deshmukh: It was merely fertilizer that was given as a loan. The actual cost will be recovered in the month of June or some time before.

Shri K. K. Basu: My question was whether the States on their part also loaned out the fertilizer to the cultivators or sold it on a cash basis?

Dr. P. S. Deshmukh: We expect them to give by way of loans.

SENIORITY OF RAILWAY OFFICERS

*981. **Shri Muniswamy:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the seniority of Class I Officers of Railways is borne on an all-Railway basis;

(b) how often these Class I Officers are transferred from one Railway to another;

(c) what is the policy that is pursued by the Railway in transferring these Officers;

(d) whether it is a fact that Class III staff are transferred once in five years to maintain efficiency; and

(e) whether the same policy is pursued for Class I and II Officers?

The Deputy Minister of Railways and Transport (Shri Alagesan):
(a) No Sir.

(b) and (c). Apart from mutual transfers at the request of particular officers, transfers of officers from one Railway to another are arranged to suit the public interest.

(d) Though such instructions were issued sometime back in respect of staff coming in contact with the general public, they have not been

strictly enforced on account of certain difficulties under existing conditions. Transfers are generally made, however, for administrative reasons.

(e) These officers are liable to be transferred for administrative reasons and when it is in the public interest to do so.

Shri Muniswamy: May I know whether individual representations or representations through the Union have been made from the Southern Railway that the policy framed and the instructions issued by the Government to the Southern Railway are not being followed by the authorities there?

Shri Alagesan: Is the hon. Member referring to the five-year rule?

Mr. Speaker: What are the instructions that are not being followed?

Shri Muniswamy: Instructions regarding transfers, promotions, etc., have not been followed.

Shri Alagesan: They do not go together.

TOURIST PUBLICITY

*982. **Shri D. C. Sharma:** Will the Minister of Transport be pleased to state:

(a) how many booklets in pictures have been published by the Tourist Traffic Branch of the Ministry of Transport in the current financial year; and

(b) to what uses these are put?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Eight.

(b) The publicity material is designed to promote tourist traffic. These are distributed free to different agencies connected with the travel trade. Copies of the priced publications are also put on Sale in India.

Shri D. C. Sharma: May I know if they are produced departmentally or whether outsiders are commissioned to do that?

Shri Alagesan: They are produced departmentally.

Shri D. C. Sharma: May I know the subject matter of these eight booklets?

Shri Alagesan: It is a long list and.....

Mr. Speaker: The hon. Member may refer to the book list.

Shri N. M. Lingam: If documentaries have been prepared of some Himalayan hill stations in furtherance of tourist publicity, may I know why no hill station in South India has been selected for this purpose?

Shri Alagesan: If the hon. Member is particular about his hill station, I can promise to consider it.

Shri D. C. Sharma: In what languages all these booklets are produced?

The Minister of Railways and Transport (Shri L. B. Shastri): Hindi and English.

SENIORITY IN RAILWAY SERVICES

***983. Pandit D. N. Tiwary:** Will the Minister of Railways be pleased to state:

(a) whether seniority in Railway services is considered zone-wise, or on the basis of old divisions of Railways, viz., O.T.R., E.I.R., etc; and

(b) whether services in regions or zones are interchangeable and transferable?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Seniority in respect of higher grade posts is determined on an all-railway basis.

(b) Inter regional transfers are made ordinarily in posts which are filled on a zonal basis; inter-zonal transfers are not ordinarily made.

Pandit D. N. Tiwary: May I know in how many cases the seniority in one zone was affected by transfer from another zone?

Shri Alagesan: As I said, generally inter-zonal transfers are not made.

Pandit D. N. Tiwary: When transfers were made, may I know whether the seniority in the other zone was affected?

Shri Alagesan: When made at the request of the person concerned, he goes at the bottom.

Shri Venkataraman: May I know what is the rule followed by the Railway Administration where there is a question of seniority to be decided between a confirmed employee and an employee with larger service? Supposing there are two persons, one is a confirmed employee and the other has a larger service, which of the two will be considered senior for the purpose of classification of seniority?

The Minister of Railways and Transport (Shri L. B. Shastri): Of course, the confirmed employee.

Shri Venkataraman rose—

Mr. Speaker: I do not want any argument on this question.

RAILWAY ACCIDENT

***984. Shri Gidwanji:** Will the Minister of Railways be pleased to state:

(a) whether there was any accident to a goods train on the Guntakal to Hubli section of the Southern Railway on the 17th January, 1954;

(b) what was the number of people killed and what was the number of people injured;

(c) what was the other damage sustained;

(d) whether any enquiry has been made; and

(e) if so, what is the result of the enquiry?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. At about 1-50 hours on the night of the 17th/18th January, 1954, while

No. 3111 Up Goods train was running between Bantanahal and Virapur stations on the Gantakal-Hubli section, the four rearmost vehicles capsized and fell into the river bed over a bridge and the next three capsized beyond the bridge.

(b) Four railway servants died and two others, also railway servants, were injured.

(c) The approximate cost of damage to railway property was Rs. 60,650.

(d) An enquiry was held by a Committee of Regional Officers of the Railway.

(e) *Prima Facie* the derailment was caused due to the excessive speed of the train and the brakes of a vehicle on it being 'ON'.

नलकूप

*१८५. डा० राम सुभग सिंह : क्या साद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार की नलकूप लगाने की योजना जिस पर २५ करोड़ रुपया खर्च होगा, किसी राज्य में प्रारम्भ की गई है;

(ख) यदि हां, तो किस किस राज्य में; और

(ग) किस कम्पनी को ये नलकूप लगाने का ठेका दिया गया है ?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). Yes. This work which is expected to cost nearly 23 crores is already proceeding in the States of UP., Bihar, Punjab and PEPSU.

(c) The names of the firms who have been given contracts are:—

- (i) M/s. Associated Tubewells Ltd.
- (ii) M/s. Harold T. Smith Inc.
- (iii) M/s. German Water Development Corporation.

(iv) M/s. French Group of Drilling Cos.

Dr. Ram Subhag Singh: By what time do Government expect the tubewell construction operation to be completed, and will the States in which this work has been undertaken also bear any portion of this expenditure?

Dr. P. S. Deshmukh: Most of these are loans to the States, and a part of them comes from T.C.M. funds. The contract states every time the period that is to be taken for the completion of the work. It is not more than two years from the start.

Dr. Ram Subhag Singh: May I know whether the Government of India have any say in the matter of determining the water rates of these tubewells which are going to be constructed from the loan advanced by the Government of India?

Dr. P. S. Deshmukh: Yes. It is entirely in our power to determine the rates and the contracts.

Dr. Ram Subhag Singh: May I know whether the States in which the existing water rate is going on will allow the Government of India to have another water rate?

Dr. P. S. Deshmukh: These tubewells are going to be constructed at a specified rate which is given in the contract. If there are any tubewells outside this, there is no binding that this rate should be followed.

Shri V. P. Nayar: May I know the number of tubewells for which contracts have been given to the American firm, Messrs. Harold T. Smith Inc., and may I also know how their rates compare with the rates of other firms?

Dr. P. S. Deshmukh: I would like to have notice. The details are not available, and I would have to give a somewhat lengthy reply.

Shri Lakshmayya: Do Government propose to construct any tubewells in Rayalaseema?

Dr. P. S. Deshmukh: It will depend upon the exploratory work we are trying to do. If as a result of the same, any portion of Rayalaseema is considered suitable for sinking tube-wells, then alone we will be able to venture on it.

संठ गोविन्द दास : हमारे माननीय मंत्री जी ने कहा कि चार प्रदेशों में, चार राज्यों में, यह काम चल रहा है। मैं पूछना चाहता हूँ कि और किस किस राज्य में इसके चलने की सम्भावना है और कहां कहां इस की खोज हो रही है कि यह नल कूप वहां पर सुभीने से बन सकते हैं या नहीं ?

डा० पी० एस० देशमुख : हमारे पास ३५० एक्सप्लोरेटरी वेल्स का इन्तजाम होने वाला है और काफी स्टेटों में हमारी कार्रवाई होने वाली है।

WRITTEN ANSWERS TO QUESTIONS

इण्डियन फारेस्ट कालिज, देहरादून

*९४४. श्री एम० एल० द्विवेदी : क्या स्नातक तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कारण है कि देहरादून के इण्डियन फारेस्ट कालिज में विद्यार्थियों को प्रतियोगिता के आधार पर नहीं लिया जाता;

(ख) क्या कारण है कि इस कालिज को किसी विश्वविद्यालय से सम्बद्ध नहीं किया गया है; और

(ग) क्या कृषि स्नातकों को इस कालिज में लिया जाता है ?

The Minister of Food and Agriculture (Shri Kidwai): (a) The students admitted to the Forest College are probationers to the State Forest Services. They are selected on the basis

of competitions held by the State authorities in consultation with the State Public Service Commissions.

(b) The College is more in the nature of or analogous to the I.A.S. and I.P.S. Training Colleges. The question of affiliating it with any University does not, therefore, arise.

(c) Candidates holding at least a Second Class Bachelor's or Master's degree in natural Science, mathematics or agriculture are eligible.

RAILWAY USERS' CONSULTATIVE COMMITTEE

*946. **Shri A. K. Gopalan:** (a) Will the Minister of Railways be pleased to state whether any representations or memoranda have been received by Government about the necessity for associating fish merchants on the West Coast of Madras, in the Railway Train Users' Consultative Committee?

(b) If so, what action do Government propose to take in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The Southern Railway have been asked to consider this representation along with others in consultation with the State Government when a vacancy arises.

RAILWAY WORKSHOP AT MYSORE

*948. **Shri Keshavaiengar:** (a) Will the Minister of Railways be pleased to state how many bogies are being produced every year in the Railway Workshop, Mysore?

(b) What is the life of a wooden bogie?

(c) What is the difference in price between a wooden bogie with third class compartments and a metallic one imported from abroad?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 12 bogie vehicles.

(b) Approximately 30 years.

(c) An imported all metal Metre Gauge Bogie Shell after it has been

furnished in Railway Workshops costs about Rs. 13,000/- more than timber bodied third class coach.

SUGAR-CANE CULTIVATION

*958. **Shri S. C. Singhal:** Will the Minister of Food and Agriculture be pleased to state:

(a) the average percentage of the recovery of sugar from sugar-cane and the yield of sugar-cane per acre; and

(b) what was the area under sugar-cane cultivation during each year, for the last five years?

The Minister of Food and Agriculture (Shri Kidwai): (a) The All India percentage of recovery of sugar from cane during the season 1952-53 was 9.97. The average yield of sugar-cane per acre during that year was 2,693 Lbs.

(b) The area under sugar-cane during the years 1948-49 to 1952-53 was as under:

(figures in '000 acres)

1948-49	1949-50	1950-51	1951-52	1952-53
3,752	3,624	4,217	4,792	4,376

INDIAN LABOUR CONFERENCE

*959. **Shri B. S. Murthy:** Will the Minister of Labour be pleased to state the important subjects discussed and conclusions arrived at the 13th session of the Indian Labour Conference held at Mysore from the 7th to 9th January, 1954?

The Deputy Minister of Labour (Shri Abid Ali): The subjects discussed were:—

- (1) Review of I.L.O. Conferences and Committees held recently;
- (2) Technical Assistance;
- (3) Problems of women labour;
- (4) Wage-fixing machinery;
- (5) Implementation of the Industrial Statistics (Labour) Rules;

- (6) Gorakhpur Labour Scheme;
- (7) Uniformity in legislation relating to Maternity Benefits; and
- (8) Payment of Provident Fund dues to a subscriber before retirement.

The two resolutions which were adopted at this conference have already been placed on the Table of the House. The Conference made several suggestions with regard to the other items.

RAILWAY CLEARING ACCOUNTS STAFF

*960. **Shri T. K. Chaudhuri:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that about 240 repatriated staff of the Railway Clearing Accounts Officer, Delhi who were sheltered in one-roomed accommodation in June, 1948 as a temporary arrangement, have not been provided with any alternative accommodation up till now;

(b) whether these persons forfeit their full-house rent allowance over and above half of the standard rent, or 10 per cent. of the pay, whichever is less;

(c) the reasons therefor; and

(d) whether Government have any plans in the near future to provide them with suitable accommodation?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. Sir. 10 employees have, however, since been provided with separate accommodation.

(b) Yes, Sir.

(c) The House rent allowance is paid to the staff who are not provided with any Government accommodation and is not admissible to those who occupy accommodation provided by Government.

(d) Yes, Sir. Shortage of quarters is being made up every year, on a programmed basis. Independent

accommodation would be allotted as and when opportunity occurs keeping, of course, in view the demand of other staff as well.

DEEP-SEA FISHING

***961. Shri Gopala Rao:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the experiments in deep-sea fishing have proved profitable; and

(b) if the reply to part (a) above be in the negative, what steps Government propose to take in the matter?

The Minister of Food and Agriculture (Shri Kidwai): (a) Yes, in providing information about fishing grounds, fishing gears and training of personnel.

(b) Does not arise.

RENT OF RAILWAY QUARTERS

***964. Shri Raghavaiah:** Will the Minister of Railways be pleased to state:

(a) whether the railway workers at Hubli have protested against the increase in house rent;

(b) if so, the reasons for the same; and

(c) the steps Government have taken to redress their grievances?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The increase in the rents was due to the introduction of a uniform system for the whole of the Southern Railway on the same basis as exists on other Government Railways.

(c) It has been decided to give effect to the increase in rent in four half yearly instalments commencing from 1-10-53. In no case is rent recoverable in excess of 10 per cent. of the emoluments of an employee.

PALAR BRIDGE

***977. Shri Kachroyar:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that the construction of an overbridge on the river Palar (Madras State) between Ranipet and Arcot has been included in the Five Year Plan;

(b) if so, the estimated expenditure that is proposed to be incurred in this connection; and

(c) when the work is to be started and when it will be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Rs. 21.00 lakhs roughly.

(c) The work is expected to be started during 1954-55 and completed within two to three years.

टेलीग्राफ तार की चोरी

***९८६. श्री रघुनाथ सिंह :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५३ में कितनी टेलीग्राफ तार चुराई गई और उसका मूल्य कितना था; और

(ख) इस चोरी के कितने मामले पकड़े गये और कितने चालान किये गये ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a)

Quantity 257,738 lbs.

Value Rs. 8,41,205

(b) Detected 3,689

Challaned 80 cases.

OVERTIME ALLOWANCE FOR POSTAL STAFF

***987. Shri Raghavaiah:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that some categories of postal employees are obliged to work on postal holidays; and

(b) if so, are they paid any over-time allowance?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, only those connected with the receipt, despatch and delivery of mails.

(b) No, but Postmen and Packers are paid a fixed allowance of Re. 1/- for each holiday on which they work.

VEGETABLE SEED BREEDING STATION, KULU

***988. Shri Hem Raj:** Will the Minister of Food and Agriculture be pleased to state:

(a) the area of land under the Vegetable Seed Breeding Station, Kulu (Punjab); and

(b) the annual expenditure incurred on it?

The Minister of Food and Agriculture (Shri Kidwai): (a) and (b). The information in so far as the Central Vegetable Breeding Station at Kulu is concerned, is:—

(i) Area of land 23 acres (approx.)

(ii) Annual expenditure:—

1950-51	1951-52	1952-53
Rs.	Rs.	Rs.
49,064	58,334	60,805

WAR INJURIES COMPENSATION INSURANCE ACT

***989. Shri K. C. Sodhia:** (a) Will the Minister of Labour be pleased to state the total amount spent so far towards labour welfare under the War Injuries Compensation Insurance Act?

(b) What is the nature of these measures and at how many centres is this work being carried on?

(c) What is the total number of persons benefiting thereby?

The Deputy Minister of Labour (Shri Abid Ali): (a) A sum of about Rs. 2,34,000/- has been sanctioned so far; the amount actually spent is not known at present.

(b) Copies of the two schemes under which grants are made are placed on the Table of the House. [Placed in the Library. See Library Index No. S—79/54.]

(c) 42 workmen in the case of the scheme for the award of scholarship and about 6,500 workmen in the Central sphere in the case of the other scheme. In the State sphere, the number will be large but the exact figures are not known.

VANAMAHOTSAVA

***990. Shrimati Kamlendu Matj Shah:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of trees planted so far under the Vanamahotsava Scheme;

(b) the number of trees that have survived so far; and

(c) the amount of money spent on the Scheme?

The Minister of Food and Agriculture (Shri Kidwai): (a) and (b). Attention is invited to the reply given to parts (a) and (b) of Question No. 55 on the 17th February, 1954.

(c) Rs. 49,708/- since its start over four years ago.

COLLISION OF "JALAMOTI"

***991. { Shri Bishwa Nath Roy:
Shri H. S. Prasad:
Sardar A. S. Saigal:**

Will the Minister of Transport be pleased to state:

(a) whether it is a fact that the Indian Freighter "Jalamoti" was involved in a collision in February, 1954 in the Elbestuary; and

(b) the amount of loss due to the collision?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) This has not yet been assessed.

INTERNATIONAL WHEAT COUNCIL

***992. Shri C. R. Chowdary:** Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the International Wheat Council has been informed by the Government of India that they are not taking the quota of one million tons of wheat under the International Wheat Agreement for the year from July 1953 to June 1954?

The Minister of Food and Agriculture (Shri Kidwai): Yes, Sir. The first crop year under the revised and renewed International Wheat Agreement is from 1st August, 1953 to 31st July, 1954 and not from July, 1953 to June, 1954 as stated by the hon. Member. It is correct that the International Wheat Council has been informed by the Government of India that they are not taking the quota for the 1st year of the International Wheat Agreement which is from 1st August, 1953 to 31st July, 1954.

RADIO LICENCES

***993. Shri L. Jogeswar Singh:** Will the Minister of Communications be pleased to state:

(a) how many cases of possession and working of radio receiving sets without a proper licence have so far been detected since January 1953;

(b) how many persons were prosecuted in this connection; and

(c) the steps taken to ensure registration of radio sets?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 12,436 from 1st January, 1953 to 31st December, 1953.

(b) 1,575.

(c) The antipiracy staff employed by the Department arranged antipiracy drives throughout the year for checking and licensing radio sets.

ELECTION CONTEST BY EXTRA-DEPARTMENTAL STAFF

***994. Pandit D. N. Tiwary:** Will the Minister of Communications be

pleased to refer to starred question No. 413 asked on the 30th November, 1953 and state:

(a) whether any decision has been taken about allowing the extra-departmental postal staff to contest panchayat and other local elections; and

(b) the categories of other Government employees who will be given this latitude?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. They can contest the elections referred to.

(b) Any person who is not a whole time Government servant and does not belong to any regular civil service will be eligible.

SUBSTITUTE FOR PETROL

***995. Shri Gidwani:** Will the Minister of Transport be pleased to refer to reply to starred question No. 714 asked on the 8th December, 1953 regarding an apparatus running on water and kerosene instead of petrol, and state:

(a) whether it has been tested; and

(b) if so, the results thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

EQUIPMENT FOR POST OFFICES

***996. Shri Raghavalah:** Will the Minister of Communications be pleased to state:

(a) whether Government are aware of the absence of clocks, record boxes and such other minimum necessities in branch post-offices, permanent as well as experimental; and

(b) if so, the steps Government propose to take in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Clocks or Time pieces are supplied only to important branch offices which are in direct communication with the R.M.S.

or exchange mails with mail buses and such other offices where the supply of a Time piece is considered to be necessary by the Inspecting officers. All Branch offices are supplied either with record boxes or iron chests. Branch offices, both permanent as well as experimental have been supplied with such items of furniture and accessories as are absolutely necessary, except that in the case of a few newly opened offices, record boxes have yet to be supplied.

(b) Instructions have already been issued to the officers of the department that any equipment necessary for running a branch office should be supplied without any delay and that no new office should be opened unless the furniture and accessories necessary are available.

R. M. S. MAIL VANS

175. **Shri Ramananda Das:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that in many R.M.S. Sections 3rd Class Compartments having no safety devices are being utilized as mail vans;

(b) if so, the reasons therefor; and

(c) when such compartments are expected to be replaced by proper mail vans?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, in some cases.

(b) Shortage of equipped vans. Also existing mail vans are at times withdrawn for repairs and overhaul.

(c) The question is already receiving earnest attention. Every effort is being made to construct additional mail vans as early as possible.

TELEPHONE EXCHANGE AT AMROHA

176. **Shri Ram Saran:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that a telephone exchange was sanctioned for Amroha in the district of Moradabad

several months ago and it has not yet been installed; and

(b) when it is likely to start working?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The scheme sanctioned earlier for a 50 line Exchange has been cancelled due to poor demand for telephone connections. A modified scheme for a 20 line Exchange is under examination.

STOP AT MOKAMEH GHAT

177. **Shri S. N. Das:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that out of a number of mail and express trains passing between Patna and Howrah, only one express train passes through and halts at Mokameh Ghat on the Eastern Railway;

(b) whether representations have been received or requests have been made to allow all the mail and express trains to pass through and halt at Mokameh Ghat, for the convenience of the passengers of North Bihar and Eastern U.P.; and

(c) if so, whether this matter has been considered and a decision taken thereon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, out of a total of six mail and express trains touching Patna on their run from and to Howrah and Sealdah, three Down and four Up trains are scheduled to halt at Mokameh Ghat.

(b) Yes, when during the period 9th November, 1953 to 16th November, 1953 and 6th December, 1953 to 27th January 1954 the ghat station at Mokameh Ghat had to be shifted to Hathda Ghat.

(c) With the shifting of ghat station back to Mokameh Ghat, the normal routing of train services as indicated in reply to part (a), was resumed from 28th January 1954.

SELF-SUFFICIENCY IN FOODGRAINS

178. Shri A. N. Vidyalkar: Will the Minister of Food and Agriculture be pleased to state:

(a) the foodgrains in the supply of which India has already attained self-sufficiency, giving latest figures of their production;

(b) the foodgrains in respect of which India expects to be self-sufficient during the current year, the quantity of their production last year, and the estimated quantity of their production this year; and

(c) how long it will take to attain complete self-sufficiency in wheat and rice?

The Minister of Food and Agriculture (Shri Kidwai): (a) and (b). In view of the good crop prospects for 1953-54, we hope to be self-sufficient during the current year in rice and coarse foodgrains. Production estimates for 1953-54 are not yet available. The production of these cereals according to the final estimate of 1952-53, which is subject to revision, is given below:—

(Thousand tons)

Rice	23,424
Jowar	6,038
Bajra	2,922
Maize	2,607
Ragi	1,235
Small Millets	1,932
Barley	2,664

(c) The position regarding rice and coarse foodgrains has already been stated above. As regards wheat, our internal production is not yet considered to be sufficient to meet all our requirements. Much will, however, depend on the coming rabi crop, which will be harvested in about 2 months' time.

NATIONAL HIGHWAYS

179. Shri Dabhi: Will the Minister of Transport be pleased to state:

(a) whether it is a fact that during the Five Year Plan period Government are going to spend Rs. 27 crores on National Highways;

(b) if the answer to part (a) above be in the affirmative, how much of this amount will be spent in each State;

(c) how much would be spent on the construction of (i) new roads, (ii) missing links, and (iii) new major bridges, and on the improvement of existing roads in Bombay State; and

(d) in which areas of the State?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) and (c). A statement giving the required information is attached [See Appendix IV, annexure No. 4]. The amounts shown against each State are however, tentative and the actual allotments will depend on the progress of the sanctioned works.

(d) The works lie mainly on the Bombay - Ahmedabad-Udaipur-Ajmer-Delhi and the Bombay-Poona-Belgaum-Bangalore-Madras National Highways in Bombay State.

CENTRAL TRACTOR ORGANISATION

180. Shri K. P. Sinha: Will the Minister of Food and Agriculture be pleased to state:

(a) the total area reclaimed, State-wise by the Central Tractor Organisation in the years 1951, 1952 and 1953;

(b) the total area under cultivation State-wise and year-wise; and

(c) the total quantity of wheat and paddy grown during the above period?

The Minister of Food and Agriculture (Shri Kidwai): (a) The required information is given below:—

State	Acreage reclaimed during the reclamation seasons of			Total
	1950-51	1951-52	1952-53	
U.P.	42,175	57,496	50,648	1,50,319
Madhya Pradesh	99,624	72,004	63,030	2,34,658
Madhya Bharat	39,090	44,526	88,712	1,72,328
Bhopal	1,03,713	79,420	60,563	2,44,696
TOTAL	2,84,602	2,53,446	2,63,353	8,01,401

NOTES: (1) The above figures include 36,251 acres of jungle clearance

in U.P. The rest of the acreage represents the area of land from which kank weeds have been eradicated.

(2) Operations have been confined to the State mentioned above as only in these States large contiguous blocks of land, which admit of economical reclamation operations, are available.

(b) A statement giving the latest available State-wise information regarding 'net area sown' and 'gross area sown' for 1950-51 is laid on the Table of the House. [See Appendix IV, annexure No. 5].

(c) —

All India production of Wheat and Rice:—

(^{000 tons})

Year	Wheat	Rice
1950-51	6,360	20,251
1951-52*	6,039	20,741
1952-53*	6,762	23,424

I. C. A. O.

181. Shri S. C. Samanta: Will the Minister of Communications be pleased to state:

(a) what have been the benefits derived from International Civil Aviation Organisation by India since the nationalisation of Air Transport Services in India;

(b) how many persons and in what subjects have been trained abroad since nationalisation;

(c) whether services of foreign experts have been availed of; and

(d) if so, from what sources?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The benefits derived from the International Civil Aviation Organisation are of a continuing nature and it is therefore difficult to specify the benefits which India received since the nationalisation of her air services. The important benefits derived from the Organisation include the laying down of technical standards and procedures

for adoption uniformly by the Contracting States, facilitation of operation of international air transport services, deputation of experts on Aviation matters from the Organisation to the Contracting States and the training of their nationals under the Organisation's Technical Assistance Programme.

(b) Five officials of the Indian Airlines Corporation have been deputed for training abroad under the International Civil Aviation Organisation Technical Assistance Schemes. Their subjects of training are as follows:—

- (1) Air Transport Economics and Management;
- (2) Repair, overhaul and maintenance of aircraft engines;
- (3) Overhaul and repair of aircraft instruments;
- (4) Flight operations; and
- (5) Airline statistics and analysis.

(c) and (d). The services of three foreign experts were made available to the Civil Aviation Department by the International Civil Aviation Organisation. One of these experts was an official of the Civil Aeronautics Board, United States of America to advise on the introduction of a common system of operational and financial statistics by airlines and on air transport costing, the second a national of Belgium to advise on the organisation and equipment in the field of aeronautical communications and the third one an official of the Civil Aeronautics Administration, United States of America to advise on the organisation of Aeronautical Inspection, Research and Development. The services of another expert on training of flying and ground personnel, which were offered by the Organisation, were not availed of by the Civil Aviation Department.

ASSISTANT STATION MASTERS

182. Pandit D. N. Tiwary: Will the Minister of Railways be pleased to state:

(a) whether the seniority of Assistant Station Masters on the O.T. Section of the North East Railway is counted from the date of passing of

*Subject to revision.

all examinations or from the date of recruitment; and

(b) whether the seniority of those who came from other Railways is counted from the date of their working as Assistant Station Masters while that of the Assistant Station Masters of this Railway is counted from the date of their appointment as permanent Assistant Station Masters?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The seniority of Assistant Station Masters appointed before 1st March, 1945 has been determined on the basis of rate of pay as on 1st March, 1945 and those appointed after 1st March, 1945 on the basis of date of appointment to the grade.

(b) Assistant Station Masters coming on transfer from other Railways on administrative grounds are given seniority in accordance with the length of service as Assistant Station Masters and those coming on transfer at their own request or on mutual exchange are normally placed at the bottom of the seniority list. On the N. E. Railway Seniority is now counted as explained in the reply to part (a) from the date of appointment to the grade and not date of confirmation therein.

EASTERN SHIPPING CORPORATION

183. Shri Gidwani: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have considered the recommendation of the Estimates Committee that the work relating to the chartering of steamers for the carriage of food grains should be entrusted to the Eastern Shipping Corporation which is a joint undertaking of Government and private enterprise, instead of entrusting the same to foreign agencies; and

(b) if so, what is their decision?

The Minister of Food and Agriculture (Shri Kidwai): (a) and (b). The recommendation is still under the consideration of the Government of India.

MICA MINES LABOUR WELFARE COMMITTEE NELLORE

184. Shri Raghavaiah: Will the Minister of Labour be pleased to state:

(a) whether the Chairman of the Welfare Committee asked Labour Unions to send their representatives to the Mica Mines Labour Welfare Fund Advisory Committee, Nellore;

(b) if the answer to part (a) above be in the affirmative, the names of those Unions and their reply thereto; and

(c) whether the nominations of the Labour Unions were accepted by the Chairman?

The Deputy Minister of Labour (Shri Abid Ali): (a) The Chairman invited suggestions from the Unions for the appointment of two persons to represent the interests of workers.

(b) The Andhra Rashtra Mica Mazdoor Panchayat, forwarded a panel of three names. The Nellore District Mining Labour Union, declined to submit a panel unless 51 per cent. of the seats were given to the nominees of the Union.

(c) One of the members from the panel submitted by the Andhra Rashtra Mica Mazdoor Panchayat was appointed by Government. The question of accepting the recommendation of the Nellore District Mining Labour Union did not arise as that union declined to forward any names.

भोपाल डाक जाने में नियुक्तियाँ

१८६. श्री सूर्य प्रसाद : क्या संचार मंत्री यह बतान की कृपा करेंगे कि :

(क) १९५२-५३ में मध्य भारत में भोपाल डाक जोन में कितने लोगों को नियुक्त किया गया; और

(ख) इन में अनुसूचित जाति के कितने लोग थे ?

The Deputy Minister of Communications. (Shri Raj Bahadur): (a) The

number of appointments made during 1952-53 in the ex-Princely State of Bhopal (which presumably is what is meant by Bhopal Postal Zone) is 4 in Class III and 3 in Class IV.

(b) One in Class III and none in Class IV.

PRICES OF WHEAT

185. Shri Barman: Will the Minister of Food and Agriculture be pleased to state:

(a) the market price of wheat in different States after decontrol and in Delhi; and

(b) the off-take of wheat in West Bengal prior to control and after the imposition of control during 1944 to 1953 in each year?

The Minister of Food and Agriculture (Sri Kidwai): (a) and (b). Two statements showing (i) the market prices of wheat in different States and in Delhi after decontrol from November, 1953 to February, 1954, and (ii) the off-take of wheat in West Bengal prior to control and on imposition of control during 1944 to 1953 are laid on the Table of the House. [See Appendix IV, annexure No. 6.]

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THE Date.....
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

1953

1954

HOUSE OF THE PEOPLE

Friday, 12th March, 1954

The House met at One of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I).

2 P.M.

CONVICTION OF SHRI BHAJAHARI MAHATA

Mr. Speaker: I have to inform the House that I have received the following communication from the Magistrate 1st Class, Purulia. This is the second communication which I have received in respect of a second conviction.

"In continuation of my letter No. 98 dated the 22nd January, 1954, I am to inform you that I have convicted Sri Bhajahari Mahata, M.P. and sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs. 1000 in default to undergo simple imprisonment for three months under section 9(5) of the Bihar Maintenance of Public Order Act, 1949, today. He has been placed in class I."

3 P.S.D.

PAPER LAID ON THE TABLE

REVISED BUDGET ESTIMATES FOR 1953-54 AND BUDGET ESTIMATES FOR 1954-55 FOR THE EMPLOYEES STATE INSURANCE CORPORATION.

The Deputy Minister of Labour (Shri Abid Ali): Sir, I beg to lay on the Table a copy of the revised Budget Estimates for the year 1953-54 and Budget Estimates for the year 1954-55 of the Employees State Insurance Corporation, under section 36 of the Employees State Insurance Act, 1948. [Placed in Library. See No. S-69/54.]

PRESS (OBJECTIONABLE MATTER) AMENDMENT BILL—contd.

Mr. Speaker: The House will now proceed with further consideration of the following Motion moved by Dr. Katju on the 10th March, 1954, namely, "That the Bill to amend the Press (Objectionable Matter) Act, 1951 be taken into consideration." Out of the total allotted time of twelve hours, the House has taken till now nine hours, or to be exact, eight hours and fifty-nine minutes. The time available now is therefore only three hours, of course, for all the stages. Out of that we will get two and a half hours today, from now to half past four, and half an hour tomorrow. Dr. Katju will now continue his reply.

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): I want to raise a point of order. Sir. Yesterday, during the course of the speech, the

[Shri Veeraswamy]

hon. Minister casually mentioned some paper in the South which contained an article to incite the people to commit murder. He did not mention the name of the paper, but he mentioned "Dravidian" and one hon. Member on the other side said "Dravida Kazhagam". I want to know the name of the paper and also I insist that the hon. Minister place it on the Table of the House.

Mr. Speaker: This is hardly a point of order. I do not think I will deal with it any more.

Shri Veeraswamy: I want to know from the.....

Mr. Speaker: Order, order. Will the hon. Member resume his seat? He may want to know many things, but it is not necessary for me to give him the facilities of knowing them. It is not a point of order but he wants to have some other information. I do not want to encourage that.

The Minister of Home Affairs and States (Dr. Katju): Mr. Speaker, when the House rose yesterday, I was dealing with one particular aspect of this Bill, namely, that it was all through a judicial process. This is an important matter, because time and again reference was made to me and to my conduct in relation to the Preventive Detention Act. The slogan raised was that that was detention without trial, something extremely obnoxious.

[MR. DEPUTY-SPEAKER in the Chair.]

But, here is a demand of security, or action being taken after trial. And yet the House is not satisfied. I do not want to detain the House more on this—what I may call the judicial aspect—but it is desirable to emphasize that all the Acts which are referred to in section 3 of this Press Act deal with criminal offences—not mere matters of expression of opinion or political comments or anything like that. They are matters of criminal offences which are al-

ready punishable under various sections of the Indian Penal Code—section 292 relating to obscene matters; section 153(a) relating to causing enmity between different classes of the community; section 131 trying to seduce the loyalty of the Armed Forces of the State; section 505 trying to create an atmosphere of violence and all that. I say with confidence that every one of the six clauses which you find in section 3 deals with criminal offences and has nothing to do with political parties, nothing to do with expressions of political opinion, and does not in any way curtail the opinion of the citizen or the freedom of the Press to comment in as strong a language as they like upon political activities and other matters of political importance. But I think you will agree with me that there can never be any freedom either in a citizen or freedom in the Press to advocate crimes—commission of crimes—or to encourage conduct which is criminal. I leave this matter there.

My hon. friend from Calcutta said about forfeitures of books or other printed matter which contains objectionable matter, and he said: "Where is the judicial procedure about this? Look at it." Now, that is dealt with by section 11, and, Mr. Deputy-Speaker, you will remember that in the previous legislation on this point, executive discretion was supposed to be good enough for initiating proceedings. Here in section 11 Parliament said in 1951 that would not be enough, you must have a sort of certificate from your Law Officer—the Attorney-General, so far as the Central Government is concerned, or the Advocate-General so far as the State Governments are concerned. There must be a certificate from them, an expression of their opinion—they are not Government servants—that *prima facie* these books and leaflets and newspapers do contain objectionable matter. It is only after lawyers of eminence, (who are appointed Attorney-General and Advocate-General,

who are supposed to give their opinion after due circumspection and very careful consideration,) have given their opinion that action can be taken. Well, you take action. The judicial process is not necessary there because the very object will be defeated. The action may be demanded urgently. But the House will remember that under section 24 of the Act there is liberty given to the person, whose literature or whose books have been forfeited, to move the High Court—and I remind the House of the language in this Act and in the previous Acts. In the previous Acts it was said that the burden was upon the man whose books had been forfeited to show that from cover to cover there was not one word which could be considered to be objectionable matter. That particular clause has now been removed, and as soon as an application is made, complete discretion is given to the High Court to do whatever it thinks fit—cancel the order, confirm the order, modify the order, do whatever it likes. Therefore, I suggest to you that it is patent on the face of the Act that it is not abnormal action. It is very carefully considered judicial process.

I shall come to the amendments and the jury trial a little later on.

A good deal has been said on the fact that I have not quoted instances to show how the Act has worked. I did give instances, and perhaps hon. Members did not attach sufficient weight to that. I shall mention the figures now.

Section 3 of the Act has been divided into two compartments. Sub-clause (vi) deals with what we may call obscene matters, while sub-clauses (i) to (v) deal with incitement to violence, murder, seducing the loyalty of the armed forces etc.

I have got with me here the figures for the period beginning from the 1st February 1952 when the Act came into force, right up to 31st October 1953. Under Section 3(vi), proceedings were launched suggesting the taking of security, in 53 cases,

covering a period of eighteen months. Out of these, security was demanded by the sessions judge, viz. the action was confirmed in 13 cases. The complaint of the State Government was dismissed in 4 cases. Government themselves dropped the action and withdrew the complaint in 2 cases, and there are undecided cases still pending, which number 34.

One after another, the State Governments have said that the procedure is exceedingly dilatory, and that this judicial process takes an enormous length of time. I shall deal now with what I had intended to do, but what I had refrained from doing earlier. But the House will remember that out of these 53 cases, only 17 have been decided, while 34 are still pending.

Under sub-clauses (i) to (v) of section 3, there were altogether 33 cases. Out of these, one was disposed of by the sessions judge, after administering a warning. In the case of 3, security was demanded. In 16 cases, the court held there was no sufficient cause for demanding a security—I am not in a position to say whether the matter was considered objectionable or not, but security was not demanded. 13 cases are still pending. This means, out of a total of 86 cases, 47 are still pending in the court.

Then comes action under section 11 relating to forfeiture of documents containing objectionable matter. In pursuance of the action under sub-clauses (i) to (v) of section 3, 15 documents were forfeited—news-papers or periodicals. In pursuance of the action under section 3 (vi), 33 were forfeited. So, out of 86 cases in which action was taken by launching prosecutions, in 48 cases the books or newspapers were confiscated.

I would say that the action taken was very cautious. The State Governments have complained that they would rather do away with this thing, and that they would rather not take any action, except in most urgent and

[Dr. Katju]

emergent cases. They have said that even though the matter is urgent, and security should be taken, nothing is done, and simply time elapses, because these judicial proceedings are dilatory.

I do submit, Sir, that when my hon. friends asked me 'What is the material', I gave the figures. I have given you the details. Now, we have 88 plus 48. You cannot expect me to lay all those papers on the Table of the House. These are judicial cases. One of my hon. friends rose just now and said something about Dravidian newspapers. He asked: what is the material? Now, it so happens, Sir, that as I was coming here today, just now, I got from my office a sheet—I do not know Tamil but I will send it to you.

Shri Veeraswamy: I will read it out, Sir.

Dr. Katju: This is for the purpose of being laid on the Table of the House.

Mr. Deputy-Speaker: He may hand it over.

Dr. Katju: I have got the translation. This is a cutting from a Tamil newspaper—if I can pronounce the name rightly—*Dina Tanti*.....

Mr. Deputy-Speaker: *Dina Tanti*. 'Dina' means daily and 'Tanti' means telegraph, i.e. 'Daily Telegraph'.

Shri Veeraswamy: It is not a *Dravida Kazhagam* newspaper.

Dr. Katju: It does not matter. This is dated the 25th February 1954, and the gist, according to my comprehension, is that "if the demand for Dravidistan is not granted, a certain individual"—whose speech is reported—"would invade North India from the South at a time when India is embroiled in a struggle with Pakistan. Pandit Nehru should send an individual to negotiate for the formation of Dravidistan immediately" and something of that sort running to one big column. Now, do hon.

Members like it? Is it suggested that the freedom of the Press should be allowed to reach this extent?

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): What are the contents of it? We cannot understand.

Mr. Deputy-Speaker: It reads like this.

* "Vada India meedu padai eduppom"

"We are going to invade Northern India....."

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): That has already happened.

Dr. Katju: Now, that is one thing.

An Hon. Member: They have already invaded the Delhi Secretariat.

Dr. Katju: There is another paper. I shall lay it on the Table if I can get it, but I have got the translation. Here again, the name is 'Viduthalai'.

Mr. Deputy-Speaker: *Viduthalai* means 'release'!

Dr. Katju: It says:

"Is there any heroism in breaking these brass gods".
There is a movement, I am told, of breaking images—a very non-violent, patriotic thing! Then the speaker says:

"What should we raid? Shall we not raid the Government at Delhi?"

Shri S. S. More (Sholapur): Yes.

Dr. Katju: "Shall we break the Government at Delhi?"

Babu Ramnarayan Singh (Hazari-bagh West): Very nice.

Dr. Katju: "How can G. D. Naidu expect that this thoughtless demonstration of breaking images will have any effect on the authorities? Instead of breaking these images with hammers, would it not be better for every

one of us to take a pair of scissors and cut the tufts of Brahmins?" (Interruptions). This is preaching non-violence, a patriotic endeavour outside Parliament!

Pandit Balkrishna Sharma (Kanpur Distt. South cum Etawah Distt.—East): Beware, Dr. Khare.

Dr. N. B. Khare (Gwalior): My tuft is not there. (Interruptions).

Dr. Katju: My hon. friend Dr. Khare is taking advantage of his baldness!

"Why should we not arise against our oppressors, namely, the Government of the Northerners? What is the Northerner's business here; why should we permit him here; why should we permit his Banks here; and, similarly, why should we permit a single Brahmin here?"

And so on.

This is the sovereign Parliament; I think there are many Tamil Members. I do not know what they say about it.

Then, here is another choice sentence—I do not want to take up the time of the House—which says:

"If in Burma it was possible to shoot to death ten Ministers, would it not be possible here, in South India, to shoot Ministers? What injustice! The Government has been seized by Brahmins through wickedness, evil design, and dishonesty and the rulers behave without restraint. This rule has, however, been called Democracy and 'people's rule' by our Hanuman."

Then comes another choice sentence at the end. This is not a matter for laughter. You are taking it very lightly. I think my hon. friends share these sentiments.

Shri S. S. More: The Congress people are laughing more than we.

Dr. Katju: "We would not mind however great the pain is; we shall fight with daring and see that heads roll."

I would ask every hon. Member with a sense of proper perspective and a little seriousness for the integrity of this country as to what action should be taken in cases like this.

Several Hon. Members: Ignore them.

Dr. Katju: Can it be said that if Government takes action to demand security it is wrong? I submit, it is the most merciful or lenient action.

Mr. Deputy-Speaker: Has any action been taken against these papers?

Dr. Katju: This is dated 31st January, 1954.

Therefore, I say all this is happening and we have to guard against them. I am rather sorry, I do not see Mrs. Sucheta Kripalani here; I imagine there are several members of the Praja Socialist Party present in this House. I should like to read a sentence or two. If I were to use that language, probably it would not appeal to them, but, it does come from one of their leaders—a most respected leader—and what does he say?

Shri S. S. More: What is his name?

Dr. Katju: Let me read him first and let me see what re-action there is first; then, I will give the name. This leader says:

"Today the world was passing through a crisis. There was all round discord and disorder, chaos and conflict in human affairs. Great upheavals were shaking the foundations of the present order, wrecking old values and fashioning new."

An Hon. Member: Very progressive.

Dr. Katju: Who has used this language? Acharya Narendra Deva.

Shri M. S. Gurupadaswamy (Mysore): On a point of order. May I know whether speeches delivered regarding certain other issues may be made a justification for this Bill?

The Deputy Minister of Communications (Shri Raj Bahadur): It is an expression of the state of affairs.

Mr. Deputy-Speaker: It is a matter on all fours in this Parliament on this 12th day of March. They can only quote something which is relevant and this seems to be relevant.

Dr. N. B. Khare: This is the same Acharya Narendra Deva who has been elected to the Council of States by the Congress.

Shri T. N. Singh (Banāras Distt.—East): Is it permissible to make any insinuation like this against a person who is not present here?

Mr. Deputy-Speaker: Let the House come to the point; let the Minister proceed.

Dr. Katju: There are so many points of order, or points of interruption mis-named points of order. I ventured to submit to the House yesterday and also the day before when I opened the debate that today the condition is very grave. I do not want to go over the same ground again and again, internationally, nationally and patriotically and all that sort of thing. We have to protect ourselves. When I read this last night I came across this. I have been trying to put in my own infirm language what has been beautifully put by a great orator and I think I better read it.

Shri Sarangadhar Das (Dhenkanal-West Cuttack): If Acharya Narendra Deva is quoted in this context, does he advocate the passing of this Bill?

Dr. Katju: You had better ask him.

Mr. Deputy-Speaker: Order, order. Will the hon. Minister kindly address the Chair?

Dr. Katju: That is the position on this Bill. I have got instances of

cases that have been lodged, and one is rather relevant on the point of the modification which is sought to be made for the jury trial. One hon. friend became very eloquent and said that the power from the jury is being taken away. What is the general law of the land? The general law is that, while the trial is proceeding, the jury is the judge of facts, and the judge is the judge of law. He directs the trial as to what evidence is admissible or not admissible and so on, but the jury's function is to pronounce as to whether the accused is guilty or not guilty and then the jury walk out—they become *functus officio*. The question as to what should be the punishment, whether the accused should be discharged with a warning, or whether the imprisonment should be till the rising of the court or whether there should be a farthing fine or whether the punishment should be 20 years and Rs. 20,000 fine, is the function of the judge. In this Act what we find is something extraordinary. When the then Home Minister inserted that provision, he probably did not realise what might happen and he said that the jury was to become not only the judge of facts, namely, whether the matter was objectionable or not, but the jury was also to see as to what should be the punishment. I submit that, of course, Parliament has done so and Parliament is entitled to do whatever it likes, but it is opposed to all precedents; it is opposed to the system followed in countries where jury system prevails. I have now inserted in the Bill a provision clearly demarcating the functions of the jury and the functions of the judge, and I have been led to make this proposal before the House because of the experience gained. My hon. friend, Shri Chatterjee, who is here, spoke about Delhi cases. There was one case which caused me the greatest pain, but I would not name the newspaper and would not give it undue publicity. There was a short paragraph in it which stated that an

Indian Ambassador, accredited to a country, was a man whose conduct required investigation,—I am using the words in that paragraph—that he had raped a woman, had abducted her and afterwards had undergone a due process of marriage. The paragraph ended by saying “this requires investigation.” Is it correct? It is a most abominable stuff, wholly false, and not a word of it is true. The people had been happily married for about twelve years. A complaint was lodged and the jury after investigation said that it was an objectionable matter and being judge of law also, it said that no action need be taken. Can we imagine a thing like this?

Shri Sadhan Gupta (Calcutta South-East): I rise on a point of order. The hon. Minister is casting a reflection on the jury who gave their verdict in a case. The jury had the right to decide not only as to whether it was an objectionable matter, but also whether there was sufficient ground for taking action against the party concerned. We cannot reflect on the character of the judges, and so in this case, could the hon. Home Minister reflect on the way the jury had dealt with it?

Pandit Balkrishna Sharma: The jury had behaved shamelessly.

Mr. Deputy-Speaker: Let there be no reflection on anybody. The jury is part of the judicial system. I have heard the point of order. There is a small difference which the hon. Member who raised it has not noticed. There is absolutely no reflection on the jury or their impartiality—nothing whatever. This is what has happened. The procedure of clothing the jury with dual functions—which is not quite natural in all the other courts—of deciding on facts as also pronouncing judgment is novel to this Act. The experiment has been tried for a couple of years. The hon. the Home Minister now says that this has not worked properly and therefore there is need to separate and take away that function from the jury and give it to the judge as is the case in all other criminal trials.

We are entitled to observe from time to time as to how courts interpret; and according to the best lights, in the interest of the community, it is for Parliament to decide whether we should continue a law which was enacted, or modify that law. In trying to persuade Parliament to modify a law, the manner in which the law has worked is quite relevant.

Dr. Katju: When the measure was before Parliament on the last occasion, some hon. Members at least said they did not want any professional juries at all, and that they wanted common jurists. If that is the intention, they might be appointed. But whether you get a common jury, or a professional jury, I submit that proceedings like this are not to be put on a pedestal of their own. Either you have the jury system or you do not have the jury system. A Bill, I think, is now before the House seeking to abolish the jury system. But if you have the jury system, then I ask, why should there be any discrimination between a jury sitting upon this matter which is not of very vital importance—as to whether a man should give a security of Rs. 2,000 or more—and a jury which sits on a murder trial, where a question of life and death is involved. Everybody knows that in a criminal trial the life of a jury comes to an end when it pronounces its verdict—guilty or not guilty. The question of sentence is always left to the judge. I think it would be really imposing an undue burden upon the professional jury of this kind to leave to them the responsibility of saying what the sentence should be. It is not a reflection on any jury at all. I only say that the procedure must be brought in conformity with the existing procedure in relation to all criminal cases. I am certain that the House would not share the view that criminal proceedings under the Press (Objectionable Matter) Act stands on a footing of exceptional importance and therefore Sessions Judges and High Courts cannot be trusted to pronounce the sentence. What is the sentence—

[Dr. Katju]

if it is an objectionable matter whether it should be Rs. 1,000 security, whether it should be a warning or whether there should be Rs. 2,000 security? It was from that point of view that this amendment has been proposed; there is no sinister motive behind it at all. That is one thing.

Then comes the right of appeal. I do not know what my hon. friends have discovered in it. I come back to it again. Do you want to treat this proceeding as a class apart? Under the Criminal Procedure Code, rightly or wrongly, for the last hundred years the practice has been that in the case of a jury trial there is an appeal—appeal on facts. The High Courts have said over and over again that unless and until it is proved to their satisfaction that the verdict is perverse, that no sane man could arrive at that verdict, they would uphold it. Not only for every citizen who goes into the dock but also for the Government the right of appeal is there. Are you going to say that the so-called freedom of the Press is such a sacred right that while in cases of persons who are being tried for their life Government may have an appeal against them, against acquittal—the Press people should not have it? I say this is again an example of discrimination; quite contrary to the spirit underlying the Constitution. As I said it is rather curious. This paper—I am referring to the *Leader* paper from Allahabad which I generally read at night—I read it yesterday night.....

Mr. Deputy-Speaker: What is the hon. Minister's suggestion? Shall we adjourn to the night?

Dr. Katju: I got that admirable passage from Acharya Narendra Deva. And then see these banner headlines—"Government appeal against acquittal allowed"—quite a coincidence. Then referring two Judges of the High Court setting aside the order of acquittal passed by the Sessions Judge of Gorakhpur and so on...

sentencing the accused respondent to death. They said that the Sessions Judge's judgment was entirely wrong. Remember it. Then, another column—it is really perverse—"Verdict of jury set aside—that is another case. As I said either you have the Criminal Procedure Code amended.....

Pandit Thakur Das Bhargava (Gurgaon): The hon. Minister is looking towards me; may I submit for his consideration.....

Dr. Katju: You do not submit anything now; let me finish.

Mr. Deputy-Speaker: I would only suggest to hon. Members not to take that merely because the hon. Minister turns to one side, that hon. Member is being addressed; he turns to all sides.

Pandit Thakur Das Bhargava: He is replying to what I said. This Criminal Procedure Code does not countenance any appeal in prevention cases; it is impossible to cite any instance of provision for appeal by Government from anywhere in the world in preventive cases.

Dr. Katju: My hon. friend, I am very sorry to say this, sometimes goes quite off the track. Here is a case under this Act. The proceedings are started on a complaint. They are tried under certain—what is called—summons process. A right of appeal is given. Is the right of appeal given against security cases? I do not know; probably there may be a revision or something. But it is a judgment and the judgment is Rs. 2000 security, or release. My hon. friends said; appeal against acquittal is barbarous, is inhuman and should be done away with.

Some hon. Members there were blown off their feet by anger against appeals against acquittal: it is an uncommon feature; get rid of it. But why make a distinction in this particular case, in this small matter? I say this again, that experience has shown that

sometimes very mild views are taken. I do not blame anybody, neither the judge nor the jury. But I do say that there should be no distinction recognised between this type of case and millions of other cases. That is the justification for approving this. There is no sinister object at all. The object is that justice might be done. While there is the interest of the accused to be protected, there is also the interest of the Government to be protected. I do not want to take any further time. I shall.....

Shri U. M. Trivedi (Chittor): On a point of information.....

Some Hon. Members: No information.

Mr. Deputy-Speaker: The hon. Member does not give in. (*Inter-ruption*). He nodded his head against. We have spent sufficient time over this. If the hon. Member has not been enlightened so far he will not be enlightened now.

Shri U. M. Trivedi: It is not that he has not enlightened me because there is nothing for him to enlighten me. I can enlighten him on many matters.

Mr. Deputy-Speaker: In either case this interruption is useless.

Dr. Katju: Sir, there is an old saying—I do not apply it to my learned friend—which says: I can give only reasons, I cannot give under standing.

I want to conclude this speech of mine by saying that we have got a good Press, we are most anxious to preserve the freedom of the Press. I want to protect it from its own producers. (*Shri Frank Anthony:* God save us from our protectors). And I want to see that the Indian Press does not become in any way the vehicle for advocating violence, murder, overthrow of the government, sabotage, seducing the loyalty of the armed forces, creating discontent amongst people, creating a sense of enmity between different classes. I am doing something for their benefit.

I say to you, Sir, with a sense of great responsibility that this is the mildest Act imaginable. Of course my hon. friends may hold other opinions. Who are the people? The writer, the publisher, the printer. All the three of them, collectively or individually, can be prosecuted in a court of law for publishing matter which is enumerated in section 3. I make a fair offer. Do you want prosecution or this? It is not a question of suppression of any political opinion. That is my submission before you.

Then my hon. friend said eloquently that journalists are being treated like a criminal tribe. I think this assertion was made in a spirit of levity. It should never have been made. If security is demanded from a publisher, I have not been able to understand how the working journalists suffer; if security is demanded from the keeper of a press, how people who make their bread by writing in the newspaper suffer at all.

There are many other amendments which have been tabled. I respectfully submit that the House may go into them. I have read them and considered them. But really, it will be very difficult to accept any one of those.

Mr. Deputy-Speaker: I will put the amendment to the vote of the House. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th March, 1954."

The motion was negatived.

Mr. Deputy-Speaker: I will now put the motion for consideration to the vote of the House. The question is:

"That the Bill to amend the Press (Objectionable Matter) Act, 1951, be taken into consideration".

The House divided; Ayes, 226; Noes, 67.

AYES

[Division No. 4]

[2-55 P.M.]

Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agarwal, Shri S. N.
Agrawal, Shri M. L.
Ajit Singh, Shri
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Asthana, Shri
Azad, Shri Bhagwat Jha
Balasubramaniam, Shri
Balmiki, Shri
Bansal, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Dass
Bhatt, Shri C.
Bhawanji, Shri
Bhonsle, Shri J. K.
Bidari, Shri
Birbal Singh, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chaudhuri, Shri R. K.
Chavda, Shri
Chettiar, Shri T. S. A.
Choudhuri, Shri M. Shafee
Dabhi, Shri
Damar, Shri
Das, Dr. M. M.
Das, Shri B. K.
Das, Shri Beli Ram
Das, Shri N. T.
Das, Shri S. N.
Datar, Shri
Deb, Shri S. C.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Dube, Shri Mulchand
Dube, Shri U. S.
Dubey, Shri R. G.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Elayaperumal, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.

Ganpati Ram, Shri
Garg, Shri R. P.
Gautam, Shri C. D.
Ghulam Qader, Shri
Gopi Ram, Shri
Gounder, Shri K. P.
Govind Das, Seth
Gupta, Shri Badshah
Hari Mohan, Dr.
Heda, Shri
Hem Raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iyyani, Shri E.
Iyyunni, Shri C. R.
Jain, Shri A. P.
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jyashri, Shrimati
Jena, Shri Niranjan
Jhunjhunwala, Shri
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi Shri, M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Kakkan, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Keskar, Dr.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappe, Shri M. V.
Kureel, Shri B. N.
Lal, Shri R. S.
Lallanji, Shri
Laakar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madiah Gowda, Shri
Mahtab, Shri
Majhi, Shri R. C.
Maiti, Shri
Malliah, Shri U. S.
Malvia, Shri B. N.
Mandal, Dr. P.
Masuodi, Maulana
Mathew, Shri
Matthen, Shri
Mehta, Shri Balwant Sinha
Mehta, Shri B. G.
Mishra, Shri S. N.]

Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri R. D.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
Mudaliar, Shri C. R.
Mukne, Shri Y. M.
Muthukrishnan, Shri
Narasimhan, Shri C. R.
Naskar, Shri P. S.
Natawadkar, Shri
Nathwani, Shri N. P.
Nehru, Shrimati
Neawi, Shri
Nevatia, Shri
Palchoudhury, Shrimati Ila
Pande, Shri C. D.
Pannalal, Shri
Paragi Lal, Ch.
Parikh, Shri S. G.
Pataskar, Shri
Patel, Shri B. K.
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Prabhakar, Shri Naval
Prasad, Shri H. S.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Rahman, Shri M. H.
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.
Rane, Shri
Rao, Diwan Raghavendra
Roy, Dr. Satyaban
Roy, Shri Bishwa Nath
Roy, Shri Patiram
Rup Narain, Shri
Sahu, Shri Rameshwar
Samanta, Shri S. C.
Sanganna, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sewal, Shri A. R.
Shah Shri, R. N.
Sharma, Pandit Balkrishna
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri K. R.
Sharma, Shri R. C.

AYES—contd.

Shivananappa, Shri
Shobha Ram, Shri
Shukla, Pandit B.
Siddananappa, Shri
Singh, Shri D. N.
Singh, Shri Babunath
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri B. P.
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.

Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarakeshwari
Sinhassen Singh, Shri
Snatak, Shri
Sodhia, Shri K. C.
Somana, Shri N.
Subrahmanyam, Shri T.
Sunder Lal, Shri
Suresh Chandra, Dr.
Suria, Prashad, Shri
Swaminadhan, Shrimati Ammu
Syed Ahmed, Shri
Telikar, Shri
Tewari, Sardar R. B. S.
Thomas, Shri A. M.

Tivary, Shri V. N.
Tiwar, Shri R. S.
Tiwar, Pandit D. N.
Tripathi, Shri K. P.
Tripathi, Shri V. D.
Uikey, Shri
Upadhyay, Shri Shiva Dayal
Upadhyay, Shri S. D.
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Varma, Shri B. B.
Varma, Shri B. R.
Venkataraman, Shri
Vishwanath Prasad, Shri
Wilson, Shri J. N.
Wodeyar, Shri

NOES

Achalu, Shri
Amjad Ali, Shri
Anthony, Shri Frank
Bahadur Singh, Shri
Banerjee, Shri
Barrow, Shri
Basu, Shri K. K.
Biren Dutt, Shri
Boovaraghasamy, Shri
Chatterjee, Shri Tushar
Chatterjee, Shri N. C.
Chowdary, Shri C. R.
Chowdary, Shri N. B.
Das, Shri B. C.
Das, Shri Sarangadhar
Deogam, Shri
Deshpande, Shri V. G.
Gadilingana Gowd, Shri
Gam Malludora, Shri
Gidwani, Shri
Giridhari Bhoi, Shri
Gopalan, Shri A. K.

Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Hukam Singh, Sardar
Jaipal Singh, Shri
Jeyaraman, Shri
Jena, Shri Lakshmidhar
Kachiroyar, Shri
Khardekar, Shri
Khare, Dr. N. B.
Krishnaswami, Dr.
Majhi, Shri Chaitan
Mishra, Pandit S. C.
Missir, Shri V.
More Shri S. S.
Mukerjee, Shri H. N.
Murthy, Shri B. S.
Nambiar, Shri
Nayar, Shri V. P.
Pandey, Dr. Natabar
Patnaik, Shri U. C.
Raghavachari, Shri
Rameshchandra, Shri

Ramnarayan Singh, Babu
Rao, Dr. Rama
Rao, Shri P. Subba
Rao, Shri Mohana
Rao, Shri Seshagiri
Rao, Shri T. B. Vittal
Reddi, Shri Eswara
Reddy, Shri R. N.
Rishang Keishang, Shri
Saha, Shri Meghnad
Shastri, Shri B. D.
Singh, Shri R. N.
Sinha, Th. Jugal Kishore
Somani, Shri G. D.
Subrahmanyam, Shri K.
Sunderam, Dr. Lanka
Swami, Shri Sivamurthi
Trivedi, Shri U. M.
Tulsidas, Shri
Vallatharas, Shri
Veeraswamy, Shri
Velayudhan, Shri
Verma, Shri Ramji

The motion was adopted.

Mr. Deputy-Speaker: The House will now take up the clause by clause consideration.

Shri Raghavachari (Penukonda): Is the recommendation of the Business Advisory Committee binding only on the House or on the Chair also? In fact, we have exhausted much of our time and very little time is left for other stages of this Bill.

Mr. Deputy-Speaker: True. Each hon. Member belongs to one party

or the other. The hon. Member belongs to the P.S.P. party. I call Shrimati Sucheta Kripalani, Shri Gurupadaswamy, Shri Vallatharas and so on. Again and again I have to remind hon. Members that they are exceeding their time. Shri Vallatharas goes on speaking for forty minutes and still I have to say that I will hear him for twelve hours. Therefore the entire burden lies on hon. Members and their leaders. The leaders must put pressure on their followers. The question is now

[Mr. Deputy-Speaker]

being put to me whether the recommendation of the Business Advisory Committee is binding on the Chair also. I am naturally bound hand and foot by what the hon. Members do in the House. Let us proceed. It is not as if the hon. Members and leaders have no responsibility over their followers, can allow them to go on speaking, and it is up to me to go on pulling up hon. Members and get all sorts of odium.

3 P. M.

Shri Raghavachari: With great respect I have to submit that the point that I mentioned was that the Government was given three-quarters of an hour for reply, and they have taken more than an hour, and a half.

Mr. Deputy-Speaker: Every hon. Member exceeded the time, Government also exceeded it.

Clause 2—(Amendment of section 1).

Mr. Deputy-Speaker: Amendment No. 21 of Mr. K. K. Basu is not in order because it says "It shall come into force on such date, as Parliament by resolution appoint..." whereas it has already come into force. It further says: "...and shall remain in force for a period of one year from the date of its commencement." The Act commenced long ago. This is only an extending Act.

Amendment No. 10 Mr. Vallatharas.

Shri Vallatharas (Pudukkottai): I am not moving.

Mr. Deputy-Speaker: As I understand it, his amendment is that he wants this Act to become perpetual. What is the object of the hon. Member?

Shri Vallatharas: No, Sir. Not at all. I am not moving the amendment.

Mr. Deputy-Speaker: All right. He does not move.

Shri N. L. Joshi (Indore): I beg to move:

In page 1,-

- (i) in line 6,—for "two years" substitute "a period of two years"; and
- (ii) in line 7,—for "four years" substitute "such period as Government think fit".

Shri N. C. Chatterjee (Hooghly): I beg to move:

In page 1, line 7—*for* "four years" *substitute* "three years".

Mr. Deputy-Speaker: Amendments moved:

In page 1,-

- (i) in line 6,—*for* "two years" *substitute* "a period of two year"; and
- (ii) in line 7,—*for* "four years" *substitute* "such period as Government think fit".

In page 1, line 7—*for* "four years" *substitute* "three years".

श्री एन० एल० जोशी : उपाध्यक्ष महोदय, मेरा संशोधन आपने पढ़ कर सुना ही दिया है, इसलिये मैं उसको समा भवन के सामने पढ़ कर नहीं सुना रहा हूँ। मेरा निवेदन यह है कि जब इस विषयक पर विचार हो रहा था, उस समय जो विचार व्यक्त किये गये, उनसे यह बात बिल्कुल स्पष्ट हो जाती है कि इस विधान का बनाना बड़ा आवश्यक है। इस के कई कारण हैं। उन में से प्रमुख कारण यह है कि समय समय पर कुछ समाचार पत्रों में जो बातें प्रकाशित होती रहती हैं, उनसे यह बात बिल्कुल स्पष्ट है कि वे समाचार समाज में या तो हिंसा का प्रचार करते हैं या देश में और समाज में एक जाति को दूसरी जाति के विरुद्ध भड़काते हैं। जब इस प्रकार के समाचार प्रकाशित होते हैं तो यह बात

बड़ी आवश्यक हो जाती है कि उन पर प्रतिबन्ध लगाया जाय । अगर उनको बिना किसी प्रतिबन्ध के छोड़ दिया जाता है तो उसका परिणाम यह होता है कि देश की शान्ति और सुव्यवस्था को बड़ा भारी खतरा पहुँचता है । इसलिये इस विधान को जैसे कि माननीय गृह मंत्री जी ने आगे बढ़ाने के लिये रखा है, इस विधेयक की मिआद को बढ़ाने का जो प्रस्ताव रखा है, वह मिआद अवश्य बढ़ा दी जानी चाहिये ।

अब सवाल यह है कि वह मिआद कितनी हो ? एक बात जो कही जाती है वह यह है कि यह बहुत गैर मौजू है कि और ज्यादा मिआद इस विधेयक की बढ़ाई जाय । मेरा ख्याल है कि इस की मिआद इस प्रकार बढ़ाने की कोई जरूरत नहीं है । अगर जितने भी अखबार हैं, जितने भी समाचार पत्र हैं, वे यह निश्चय कर लें कि हम कोई भी बात इस प्रकार की नहीं छापेंगे जिससे कि देश में हिंसा का प्रचार हो, या जिससे कि एक जाति के विरुद्ध दूसरी जाति को भड़काने का किसी तरह का कोई लेख हो तो मेरा सुझाव यह है कि गवर्नमेंट कल ही से यह कह दे कि इस विधान को लागू करने की आवश्यकता नहीं होगी। दो साल की मिआद तो बहुत होती है । आज ही अगर देत के तब समाचार पत्र यह निश्चय कर लेते हैं कि ऐसी कोई भी बात वे नहीं छापेंगे तो कल ही शासन इस पर विचार कर सकता है कि एक दिन से भी अधिक इस को और लागू रखना आवश्यक है या नहीं ।

इसलिये, उपाध्यक्ष महोदय, मेरा निवेदन यह है कि इस में जो दो साल की मिआद रखी गयी है, उस को न रखते हुये और आगे को बढ़ाने के लिये ४ साल न करते हुये, इस को ऐसे समय तक के लिये रखा जाय कि जिस समय तक के लिये शासन ऐसा करना ठीक या उपयुक्त समझे । इस तरह से अब शासन

यह बात जान लेगा कि इस की मिआद बढ़ाना जरूरी नहीं है, आगे इस तरह के कायदे की आवश्यकता नहीं है, तो उसी समय इस विधान को वह स्पष्ट कर सकता है । इसी-लिये मैंने यह अपना इस तरह का संशोधन रखा है ।

Shri N. C. Chatterjee: I want to say only one thing. The Statement of Objects and Reasons says that it is not desirable that the Act should lapse. I take it that it is the decision of the House that the Act should not lapse. The only question before the House is how long it should be extended. The only ground put forward in the Statement of Objects and Reasons is that it is only fair that Parliament should wait till the Press Commission's report is available. That report will be available in the month of May or June 1954. Government can easily make up their minds and formulate their final decision on their recommendations in the month of September or October or November 1954. I am therefore suggesting that there is absolutely no justification for extending the operation of the Act, till 31st January 1956. If you want to have the Act in force at all, if you want to extend the operation of the Act at all, extend it till 31st January 1955, for you will have ample time for the purpose of considering the recommendations, deliberating upon them fully, and finally coming to a conclusion on them. If the Statement of Objects and Reasons is *bona fide*, and if you believe that this is the only good ground for extending this Act, there is no justification for postponing the examination of the issues involved in the light of the recommendations of the Press Commission till the end of 1955 or 31st January 1956. Finalise the whole thing by the end of this year or early in January next year. There is ample time for Government, for this Parliament and for the public at large to make up their minds on the important issues involved.

Pandit Thakur Das Bhargava: So far as the question of extension is concerned, my humble suggestion is that it ought to be extended to the minimum possible time. So far as this Act is concerned, if you look to the background and the circumstances under which it was enacted, it would be absolutely clear that it was not meant to meet any emergency. Even now, no case has been made out that there is an emergency and therefore this Bill is required. The life of the Act was restricted to two years, and this period was fixed under the special circumstances of the case. I shall refer you to column 4539 of the Parliamentary Debates, dated 6th October 1951, where the then Home Minister, Shri Rajagopalachari said:

"Let me now answer the question with reference to how long the Bill should be in force. I am quite prepared to accept the two years proposed by Pandit Kunzru and Mr. Shiva Rao, for this reason: it is because that I have made a positive suggestion that they should form their own Council for discipline and they should put it in order, shape it, and ask Government to get statutory powers for that body, and Government will have to get through a Bill to that end."

A new Bill was contemplated then, and he said further:

"The two years' period will be the time given for all this. Then probably there will be the Press Commission also. So, I quite agree to the two years' period, and no discussion is necessary."

On that occasion, I submitted as follows:

"There is no question of encomiums—I am only submitting why I am not moving my amendment. Because, according to me this Bill was unnecessary even for one year—when we pass a Bill it could not be for less

than one year—but I accept the reasoning given by the hon. Minister and support the amendment."

I did not move my amendment then, though I wanted the Bill only for a year, if at all. I did not move my amendment then, because I thought the hon. Minister agreed to the period of two years. During those two years, no emergency was to be met, no new things were to come into existence, but only an experiment was going to be tried; and that experiment has failed. How has this experiment succeeded? The hon. Minister told us that the States have acted very moderately. I understand that it was the desire of the hon. Minister that the States should have acted with more alacrity, more readily and with greater consequences. And what was the reason that he gave to explain why the States have not been so ready to take action under this Act? He said the States regarded this Act as something dilatory cumbersome and disgusting, and therefore they did not want to take any action. If that is the opinion of the State Governments, then it is quite clear that it is something which the States do not want to touch with a pair of tongs, and it is not useful for the States. The States wanted that they should have a more effective measure. But the then Home Minister was legalistic, and he wanted to carry the whole country with him, by giving something by way of gilded toy—the jury, which was something unknown to the Indian Press. He thought that he would be able to carry the country with him, but he was quite wrong. Our present Home Minister who wants good consequences should be very ready to enforce a weapon which will be effective. There is a proverb in Bihar:

"मात भी नहीं लाया मजा भी नहीं आया"
जिसे फारसी में कहते हैं "गुनाह बेलज्जत"

Now we have got an Act. We cannot show our face to the whole world, we have got something which no other country has got (*interruption*). There is no question of shame here. If the country's requirements are that we should have more drastic measures, we will have them. We should look to the circumstances in our country also, but I do not like a measure which is absolutely ineffective. What has it done? In the whole of India with its twenty-eight States, only **eighty** six cases were there, out of which a large number was in respect of obscenity. This shows that this Bill is not necessary at all. It is not required. That is one factor to be borne in mind. Secondly, if we accept the reasons given by our hon. friend, this Bill is ineffective. Whether it is ineffective or useless, both ways there is no reason why we should continue this Act which has given us a bad name, and has also not given us any good results. There is one other cogent reason. I submitted it yesterday, but I do not know how many hon. Members of this House appreciated it then, and how many are going to appreciate it today, but I shall place it for what it is worth.

Shri N. C. Chatterjee: All sensible Members appreciated it.

Pandit Thakur Das Bhargava: The position of law in our country is in a fluid state, and I made an appeal to the hon. Minister yesterday, that he being a jurist of an eminent order, could give us a good and a new law. Efforts have been made for a very long time to give us a good law, but we have not got that good law so far. Now what is the position of law today? As I submitted yesterday, there is no authoritative pronouncement or law on the subject of sedition now. After the

Federal Court gave us that ruling in Mazumdar's case, the matter went to the Privy Council, and they confirmed the previous ruling given in *Bala Gangadhar Tilak*, and thereafter, when the matter came up before the High Court of Simla, in Master Tara Singh's case, they said sections 124B and 153 of the I.P.C. were *ultra vires*. Then, we passed legislation here, according to which those pronouncements are ineffective, and those cases should be regarded as having lapsed, unless those pronouncements are repugnant to the Constitution, as amended. This we passed under section 3 (2) of the Constitution (First Amendment) Act, 1951. My humble submission is that we do not know where we stand after that. I submitted it several times in this House, to the Law Minister Dr. Ambedkar and to Government, kindly find out what the basis of the law of sedition is in this country. The word 'sedition' has been taken away from the Constitution, and now the only words that exist are 'public order', according to the Constitution (First Amendment) Act. The entire law of America and Great Britain is also based only on these words 'public order'. If there is present danger to public order, then only it is considered as sedition, and not otherwise.

So, my humble submission is that we must have a definition of the word 'sedition'. What is this talk about the Press Act and the people in the press etc? It is only in regard to sedition. In regard to other matters, such as incitement to murder, sabotage etc. or obscene publications, nobody in this House is saying that there should not be a law to check all that. The only question on which there is a difference is about the political situation. Unless and until Government adopt a law giving a definition of 'sedition' as they understand it, somewhere in the realm of law, and in substitution

[Pandit Thakur Das Bhargava]

of sections 124A and 153A of the Indian Penal Code, we do not know where we stand. Until some case is taken to the High Court or the Supreme Court, and there is an authoritative pronouncement by them, we do not know where we stand. So, we are in a fluid state now, and therefore this law cannot be made here. I would say that we cannot have any law, so far as the question of sedition is concerned, unless the word 'sedition' is defined as such. You are not doing it in this Bill. The result is that we are in a fluid state in regard to our law at present.

So far as the Act of 1931 is concerned, it stands cancelled by virtue of this Act, and I congratulated the then Home Minister that he had taken away a bad law. I shall be very happy if this Act also goes away, and then our law would be quite safe and quite good, and we shall be in a very blessed condition. At the same time, if the situation in the country requires, according to the hon. Home Minister, according to the views of Government, that we should have a law, let us have it either according to the report of the Press Commission—if the Government accepts the report of the Press Commission—or if it does not—because it is not that Government is bound by the report of the Press Commission, Government has to form its own opinion—then Government may bring in a new law. But I humbly request the hon. Minister that it should be a good law regarding sedition by adaptation of 124A and 153A under article 372 of the Constitution. Unless that is done, we will never be able to meet the situation. We have had this for two years as an experiment. I am submitting to the Government that they should not insist on their pound of flesh. Now another two years are not necessary; they are absolutely

unnecessary and the country will not gain by it. I do not think the hon. Minister had anything to say when he made this recommendation as regards two years. He only wanted time. He said the Press Commission was there and unless the report of the Press Commission was with Government, they could not make up their mind. It is perfectly right. He was wrong in thinking that I asked him to withdraw the Bill. I submitted yesterday that I am not willing to see this Act extended a day longer than is absolutely necessary. I do not want to go any further than that, because, according to me, this Bill is opposed to the fundamental rights in the Constitution, 19(1), 19(2) and many other articles—I do not want to go into these questions now. If the hon. Minister will give me the honour of reading all those debates he will then realise how our minds are working. He was wrong in suggesting by way of taunt that I would not get sleep and that my conscience would be pricked and all that. I can just tell him that in the Constituent Assembly, as a matter of fact, we passed sleepless nights over this question. I for one fought for this word 'reasonable' which is put in article 19(1) and (2) of the chapter on Fundamental Rights. I am the author of that word. Without that word, your fundamental rights in the constitution would be barren and infructuous. And it was really in a sleepless night for solving the enigma of the constitution that I got something in my brain—something was injected into the cranium of this humble self, as the hon. Member, Shri Mukerjee said—an inspiration which really saved the core of the Constitution. Then I went to Dr. Ambedkar and asked him, because he was with us in the House. My hon. friend is not aware of all that. It is no use taunting us that we pass sleepless nights and that our conscience is pricked. There is a great difference between the

Home Minister and humble Member of this House. I look at this from the standpoint of a citizen; I only want that the law of the country should not be disfigured. But the hon. the Home Minister is more likely to care for good government, for law and order and all those things. I look at it only from one standpoint, that the law of my country will be consistent with the fundamental rights to which we are pledged. As all of us put our signatures to that document, the Constitution is sacred to me, in the words of Dr. Syama Prasad Mookerjee—words which he quoted last time when the Bill amending the Constitution was being passed. I will present that quotation to the hon. Minister. It is in that light that we look at this. It is perfectly true that we will have to pass sleepless nights if Bills of this kind are brought forward. Our conscience is pricked. But it is entirely wrong to say that we are saying all this in order to get reported in the Press. The Press people never report us correctly as many of them do not fully appreciate what is being said and I never care how and what they report. Therefore, let the hon. Minister not proceed on this assumption that every Member of this House speaks here because he wants to get reported. It is entirely a misinterpretation on his part. I humbly suggest that we look at this measure as citizens and we are only guided by one purpose: that the liberties of our country may be safeguarded. So I protest against the insinuations which the hon. Minister made against me yesterday and against us all when he stated that we were only looking to the gallery and that we were not looking to the facts. *Interruptions*. So far as our laws are concerned, there is only one purpose with us, that we should have good laws that our country may thereby be prosperous, the Press may be quite independent. I think these are the ideals to which the hon. Minister also subscribes. There is no differ-

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ence. It is only a difference in outlook. He administers law. He is so much worried that a criminal may not be acquitted. I also do not want that if he is a real criminal he may not be acquitted. But if legally he should not be convicted he must be acquitted. That is a point of outlook. I do not attribute any motives to the hon. Minister. I respect him very highly. He is an esteemed friend. I almost worship him, as I worship and love all of my friends here in this House who have made sacrifices for the country. They are all my countrymen. At the same time, do not attribute motives to Members of Parliament who are really sincere. You should not for a moment think that we are out for some position here, that we gain something—either pecuniary or by way of reputation—by speaking there. This is an aspersion which should not have been cast against us.

I humbly submit that the Bill should not be there on the statute-book a minute longer than it is absolutely necessary.

Some Hon. Members rose—

Mr. Deputy-Speaker: I will allow five minutes to each hon. Member. We must finish this early.

Shri M. D. Joshi (Ratnagiri South): Sir, I thank you very much for giving me sometime to express my support to this clause. Hon. Members opposite may deride me or may go on in their usual disorderly fashion. But I deem it my duty to express my approbation and hearty support to this clause.

Sir, Mr. Mukerjee said yesterday that he was an editor for three generations. I have not got that privilege. I have got the privilege of being an editor for only one generation—the generation that is my own. I have been an editor for the last 23 years. I have suffered at

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the hands of the British bureaucracy. I was called upon to pay security to the extent of Rs. 2000 for one single sentence and yet, I find it my duty, my bounden duty, to give support to this clause if we value the integrity and the security of this country today. I have the highest regard for Pandit Thakur Das Bhargava. He is one of our veteran leaders. Yet I disagree with him very strongly when he says that there is no necessity for this Bill. I very respectfully urge for his consideration the fact that scurrilous writings are appearing in papers in season and out of season, writings which are calculated to promote communal enmity, writings which are calculated...

Pandit Thakur Das Bhargava: May I correct him? I never said that no measure is necessary. I said that this Bill is unnecessary. The measures that we have already got, if put into effect, will stop all this, e.g. sections 99A to 99G of the Criminal Procedure Code, section 108 of the Criminal Procedure Code, sections 292 to 295 of the Indian Penal Code and other provisions of law.

Shri N. C. Chatterjee: Why don't they use them?

Shri M. D. Joshi: I thank the hon. Member for correcting me. He at least partially agrees that there is a certain necessity, though he does not say that there is necessity for this Bill. I submit there is necessity, not only of section 292 which is inadequate to meet the needs of the situation. I do not think that section 499 or section 500 is adequate. I do not think that the Contempt of Court Act is adequate to meet the situation. I think that a special legislation of this kind was called for and not only was it necessary in the year 1951, but circumstances and the particular explosive conditions in which we are

living today make it absolutely necessary that the life of the Act be extended for a longer period than is mentioned in the clause. I therefore beg to support the amendment moved by my friend, Mr. Nandlal Joshi, that the life of the Act be extended to such period as Government deem necessary.

Sir, yesterday much wind was blown in venting their anger against the Bill. I submit that it was all pure doctrinaire politics; or it was complete blindness to the situation. The present state of things demands some action at the hands of Government. I do agree with my friend, Mr. Deshpande who said yesterday that Government have been too lenient. They should have dealt with the Press—the objectionable Press, I mean—very severely. But it is their leniency which is coming in the way and, therefore, the question is flung in the face of the Government: how many prosecutions and how many convictions? But Sir, I think if Government do not want this situation to develop, they ought to take note of the conditions and they ought to adopt a stern attitude towards the delinquents of the Press. I am as proud of the Press as any other Member of the House. In fact, I have the privilege of belonging to that class and, therefore, I shall fight for the liberty of the Press if it is being attacked. It is not the liberty of the Press that is being attacked. It is the licence or the extra liberty or 'libertinism', if I may use that word, that is objectionable.

I have got here the particular matters which were mentioned by the Press Enquiry Committee. What do they say? They say that the right to freedom of speech carries with it duties, liabilities and obligations; restrictions

limiting this right, therefore, be imposed for causes clearly defined but only with regard to the following:

"(a) Matters which must remain secret in the vital interests of the State;

(b) Expressions which incite persons to alter by violence the system of Government;

(c) Expressions which directly incite persons to commit criminal acts;

(d) Expressions which are obscene ;

(e) Expressions injurious to the fair conduct of legal proceedings;

(f) Expressions which infringe rights of literary and artistic propriety;

(g) Expressions about other persons which defame their reputations or are otherwise injurious to them without benefiting the public."

I submit that the necessity to check all these kinds of activities and expressions does still exist. In fact, the situation in the political field and other fields has deteriorated considerably since 1951. I am sorry to note the objections to the Bill voiced by the hon. lady Member, Mrs. Sucheta Kripalani, who was herself a signatory to this report. She has signed this report without a minute of dissent: Perhaps because she has changed sides, because she has crossed the floor, well, her views seem to have changed. I do not want to comment in her absence, but, I was sorry to hear those remarks from her.

What is sought to be checked is not the liberty of the Press it is not the freedom of the Press, but it is that tendency to create mischief, the tendency to break up the solidarity and integrity of this country that is sought to be punished.

Dr. Rama Rao (Kakinada): The British also said the same thing.

Shri M. D. Joshi: You will say some different things if at all you are in power. I know what to expect if you ever come into power.

Mr. Deputy-Speaker: Let the hon. Member address the Chair.

Shri M. D. Joshi: I am sorry. Sir, I submit this Bill should have been harsher. After all, what has the Government done? Government has surrendered all its rights or authority. The executive formerly used to demand security as soon as they were satisfied that there was ground for doing so. Now, the executive does not do it; the executive approaches the court like an ordinary complainant and makes a request that the particular newspaper may be proceeded against for a particular lapse or for a particular succession of lapses. Then there is the jury to protect the interests of the person proceeded against; not only ordinary lay people but people with experience of journalism are there. Is there anything more that is required for the protection of the liberty of the Press? I submit that this is a very innocuous Bill. This does not attack anybody's rights and the great hubbub, the great row that is made is made not on the merits of the case but from political motives. I therefore support this clause.

Dr. S. N. Sinha (Saran East): Sir, I would like to speak just a few words about the point which our hon. friend Pandit Bhargava has developed in his speech; that is—, there is no emergency in the country today, and that is why there is no necessity for this Bill. With all due respect to him and also to our Home Department, I must say that they are unaware of what is happening in the country today. They do not see a growing tendency in a section of the Press which indulges in meanness. Perhaps, they are over-gentlemanly and never look at such papers. I cannot help reading, if I just bump against them I do not mind when I read something against myself or against our leaders; but, when I read

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slanders about the Armed Forces of our country and the mud thrown against them, I cannot imagine how such things are tolerated in this country. This growing tendency of slander indicates to what extent this Bill is necessary. I am very reluctant to quote or to say anything about the Communists, but, I feel helpless in this matter, because they are the only people who are indulging in this mischief. I am just reading from *Crossroads*. Here they write:

"INDIAN TROOPS IN NEPAL MISBEHAVE

The behaviour of the Indian troops and air pilots in Nepal who accompanied the Indian Military Mission are being compared by the people here to the atrocities of the American GIs in Indian cities during war days.

One incident occurred in the woods near the aerodrome here when a Nepali girl collecting firewood was reported to have been assaulted by some Indian pilots. When some Nepali soldiers who were on duty nearby protested, twenty of them were arrested.

Another similar incident happened in the main thoroughfare in the capital when Indian soldiers made obscene remarks at every girl passing by. This led to strong resentment among the public who assembled in large numbers but a clash was averted by the retreat made by the soldiers.

The presence of the Indian Military Mission in the country has aroused the indignation of the Nepali people who see it as an open intervention by the GOI in their affairs. Action Committees are being formed with the representatives of different political parties."

It is a slander on our Armed Forces. Every one knows—and I have the honour of studying the armed forces of a number of countries,—I dare say—the moral standard of the Armed Forces of our country is much higher than of any country in the world. Our soldiers who went to Korea have also been held in very high esteem internationally—by Sweden, Switzerland and several other civilised countries of the world. But, here are the people who sit in this House, belong to our country, and they are throwing this rotten mud on the Armed Forces of our own country. We have to depend a lot—in the growing international situation today—on the morale of our Forces. If someone slanders them, if he pulls their legs or puts a slur on their character, it is wrong. Such slur they do not deserve.

But this is not the end of the story. These reports are written from here for consumption behind the Iron Curtain countries. If you happen to read the Russian, Czech or Polish papers, you will see that they quote this *Crossroads*, or some other gutter Press of the Communists here in India, and that is considered to be gospel truth in those countries about matters relating to our country. I am aware of what international complication it creates. Many of us do not read foreign papers; few read papers published in foreign languages. That is why, we do not realise how shameful it is when we hear such things about our Armed Forces and read them in the foreign papers.

Here is something from another paper *Blitz*. It says something about America; and it is quoted as gospel truth. I will not read it, but I mention this because I have to connect the story. This quotation from *Blitz* is published in an organ of the Communist cominform of which the Communist Party of India is a branch. They have never denied that they are a branch of the Cominform. They are their agents and send news to iron-curtain countries. They are paid

for it. The remuneration they get from other countries goes to the party pockets. Such slanders and slurs emerge from their Press for this very reason. So far they say something about me or our leaders, I do not mind, though we feel it very much.

I have myself been a journalist, I have earned my livelihood as a journalist for a number of years in the foreign countries as well as in India, and I know, the standard of our Press in general, is very praiseworthy, no doubt. But it is the section of the Communist Press which is very sinister. The way it functions in our country—which everybody overlooks, needs to be checked. There is no necessity to check a paper like the *Hindustan Times*. We have nothing to say against it. Its standard is high indeed, but in comparison a paper like *Crossroads* is thoroughly bad. I just took it up at random, and found that in every page it contains matter which shows that they are master slanders in their vocabulary. Their lie factory is being financed by Moscow and tons of material comes from there free. Not a penny is being sent outside India on that account.

Dr. Rama Rao (Kakinada): Ask the Llyods Bank.

Dr. S. N. Sinha: They want to demoralise us when a grave situation is developing very fast. If you have read today's paper, you will see what Marshal Bulganin has stated. The international situation is now very tense, and in this international situation it is not proper to allow such a paper to function, because it is a disgrace to the country. For this very reason I support this amendment,—that the life of this Bill should be prolonged for another two years.

These Communists have called themselves men of high principles. I say—these are the people who are principally against any princi-

ple. Knowingly and most responsibly I use these words against them. They call themselves patriots but the extracts which I read to you will show what they really are.

We have today a delicate situation on our frontiers, and so we must maintain good-neighbourly relations with Nepal in order to safeguard our frontiers. But when our armed forces are there at the invitation of the Nepalese Government, these people cast a slur upon our soldiers. They say that the Indian troops are there just for molesting girls. If such a publication appears anywhere in the world, it will not go unpunished. I have not come across a country tolerating such a dirty paper. In Germany or Russia, such people who slander their army are hanged perhaps even for much lesser offences of this kind they will be hanged. No country will tolerate a slur to be cast upon their armed forces.

Mr. Deputy-Speaker: The object of the Bill, in extending its life, is to punish such people as commit the offences mentioned now, but if you have not inflicted any punishment in those cases, what is the purpose of continuing this Bill?

Dr. S. N. Sinha: I am just telling you that something stronger is required than the ordinary punishment. The point that I am developing is on what Shri Thakur Das Bhargava said, namely, that there is no emergency now in the country, and therefore, there is no necessity for prolonging this Bill.

Pandit Thakur Das Bhargava: By all means, take more vigorous action if there is an emergency.

Dr. S. N. Sinha: Whatever it is, our Home Ministry is aware of the fact? Why should not the Government ask for security from such newspapers? Every time when they put a caricature, I was happy to see that it was very similar to themselves, and it was the voice of Moscow. It is proved by their paper itself. So, I suggest that there should be some

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systematic method of studying the procedure which they are following in our country for publishing most rotten news in their newspapers—the most stinky gutter newspapers that I have ever come across or the world has ever seen. You cannot read even four lines in that paper together without bumping into hypocrisy and degenerate substance.

There is another paper which most people here do not know or do not read, and that is *Swadhinata* of Calcutta, which is also a Communist paper. Last July when the tram strike was going on in Calcutta—I myself was there, and read the Bengali paper *Swadhinata*. The paper published accounts in such a way that one's blood boiled when one read them. It lost no opportunity to create chaos and anarchy, because then only it could flourish. Extracts from this paper were published in Moscow papers. There are a number of papers in this country, but Moscow does not publish extracts from the other papers of India.

The hon. Members have come to know about *Swadhinata* and *Crossroads*. There is another paper, *Blitz* allied to them. It is most disgraceful to see that whatever news is published in the Iron Curtain countries is only taken from these papers and from no other papers in India. About the Calcutta incident also, these papers displayed the news in such a way that it created the impression outside, that Indians are very degraded, and their soldiers are anything but brave and noble. Here lies the danger to the country, and so I support the Bill with all the force at my command.

Sardar Hukam Singh (Kapurthala-Bhatinda): We heard the hon. Home Minister remarking against the hon. Members that the whole debate had been unreal and the real issues had been set aside, and I have the same complaint to make about the Home Minister himself that he had been wandering in things that had no re-

levancy to this matter. The original objection was that a special measure is not required when we have got a law to punish these offences. Nobody disputes that obscene publications should be suppressed and must not be allowed to continue writing in such a way as to incite one to violence, etc., and we must have measures for this purpose. My point is whether the law that we have already can punish these offences or not. The Home Minister asks "Would you like to punish the Pressmen or editors with death sentences? If you do not want us to do that, would you like to punish them with imprisonment for two years?" That is the question that confronts us, that is, would you like to have opium or strychnine?

Mr. Deputy-Speaker: The hon. Member will discuss the clauses as the House has accepted the principle of the Bill. The only point in clause 2 is the time-limit.

Sardar Hukam Singh: I am making a suggestion in regard to Shri Chatterjee's amendment, and that is, if at all we do require this Bill to be continued, it shall not be beyond a period of one year. We have been told that the States have been very cautious in dealing with this measure, but at the same time all of them complain that it is very onerous and cumbersome to proceed with it. They do not want to proceed. I say that out of disgust they have not used it because it was cumbersome, or they were cautious and so they did not use it. We have been told that it has not served its purpose. If it has served its purpose, certainly there is no need for the Bill to be kept for a longer period, and if it has not served its purpose, then certainly it should go and the ordinary law must remain. Certain extracts which were being read from the papers show that such and such things, objectionable things, are being published even now. That means that this Bill has not been able to check that tendency which it was required to do. If that

is the case, there is no necessity at all for the Bill and it cannot serve the purpose. Why then should we have it extended for two years? There is no justification for extending it. As in the previous Bill regarding preventive detention, our hon. Home Minister is astonished to find moderation with which this Bill has been used. This is not moderation. The States say that because it is cumbersome, they do not want to use it. If that be the case then they cannot rely upon this measure for a very long time. If the ordinary law is not able to cope with this evil, we should be definitely told to that effect, so that it may be made more stringent. We are not in a position to make out whether this is in substitution of the ordinary law or in addition to it. Our main objection is that the choice in this respect is left to the States—whether they want to use the ordinary law or this stringent law.

We have more than once been asked this question: what do you want? Do you want to have this or that. It is not a matter of choice for the editor or the publisher who is brought in the dock to exercise his choice. It is for the Government to decide. If the Government feel that a prosecution under the ordinary law would succeed they proceed under it; if they find that guilt cannot be proved under the ordinary law they resort to this convenient measure.

The other objection that was made to this extension is that the whole question is before the Press Commission and this the most inopportune time to give an extension to this Act. But if it is contended that Government must have this power for some time, till they get the report of the Commission, then we feel that it should not be allowed to be on the Statute Book for more than six months. Since the amendment puts it at one year, we support it.

Shri U. M. Trivedi (Chittor): Sir, I rise to support the amendment of Mr. Chatterjee and support all the

views that have been expressed by my friend Pandit Thakur Das Bhargava on this point. The unfortunate position in this case is that our Home Minister, the hon. Dr. Katju, always gets away with his forensic ability and does not care a farthing for the views of the people here. He has reminded me of a small couplet in Sanskrit, of which he is fond. I might repeat it for his benefit and enlightenment.

Dr. Katju: I do not know Sanskrit: you will have to translate it.

Shri U. M. Trivedi: I know you do not know it.

It is like this:

ददत् ददत् गालीगाली भन्तो भवन्तः

वयम् पितृभान्नात् गालीदानेऽसमर्थाः ।

जगती विदितमेतद् दीयते विद्यमानं

नहि शशक विचारणं कोऽपि कर्मैः ददाति ॥

Nobody can give the horns of a hare to anybody, because they do not exist. If he wants us to give us reasons he can do it; but he cannot give us understanding. Unfortunately that happened is this. Reasons we are all trying to find out. What are the reasons for extending the life of this measure for another two years? We have searched carefully the Statement of Objects and Reasons. This is the only thing which indicates to us why the life of this measure should be extended. But there we draw a blank. He has not given any reasons: understanding he has none. I submit that he must, whenever he wants extension of life of any measure, give us adequate reasons.

Now, Mr. Deputy-Speaker, it is quite true that there are scurrilous writers all over. We all know that. We do not deny their existence. If your object is to curb such scurrilous writers by all means, have a stringent measure. You do not want to punish such people under the ordinary law. You have a soft corner for them, and so you do not want that they should be punished heavily.

[Shri U. M. Trivedi]

Heavy punishments are provided for under the ordinary law. But you are the choosers.

There are certain matters which are *sub judice* and it is difficult to bring them before the House. A certain paper wrote certain things—a very small affair it was. But the whole machinery of the Uttar Pradesh Government was directed against that paper; it was not prosecuted for publication of this objectionable matter under this Act. Section 153A was resorted to. They can pick and choose. This liberty should not be given to them. If there is a different type of Press, they say: "All right, we will excuse you; but let us make a show of it." If that is your objective, it is worthwhile having this measure. But if there is honesty behind all those things you do there and you treat everybody alike, I see no reason to proceed with this Bill. As I have already said, there are adequate provisions in the ordinary law of the land.

I do not wish to take a long time, but I am unable to see any reason why an extension of two years is asked for, unless it is patterned on the lines of the Preventive Detention Act. Is there any magic behind it: is there any magic in having two years? If there is no such thing, why not have it for two months? Why have it for two years?

Mr. Deputy-Speaker: The hon. Member himself is not able to get out of "two".

Shri U. M. Trivedi: If there is no magic in it why have it for two years? Have it for two months, two weeks, two days—if you like—but why two years?

Dr. Katju: Have it for two centuries!

Shri U. M. Trivedi: There is no sanctity behind the suggestion that it should be for two years.

Therefore, I say that even one year is more than enough. I would say that it should not go beyond the

31st of March. But if you want to have it, have it for one year. We do not want to have such measures on our Statute Book which bring a bad name to the whole country. We are now trying to live in a democratic country. We are preaching to the world at large that we are great democrats. We are internationally believed to be great democrats. It is in this great democratic country that this undemocratic measure is being enacted. Dr. Katju may not like to swallow any suggestion that comes from me. But when it comes from a sane and sober legislator like my hon. friend Pandit Thakur Das Bhargava, he should be in a position to accept the suggestion and extend the life of this measure only by one year.

4 P.M.

श्री बी० जी० देशपांडे (मुना) : उपाध्यक्ष महोदय, इस द्वितीय धारा का मैं विरोध करने के लिये खड़ा हुआ हूँ। दो वर्ष तक इस क़ानून को बढ़ाने के लिये मैं इस लिये विरुद्ध हूँ कि मैंने देखा है कि किस प्रकार से यह क़ानून पिछले दो वर्ष तक हमारे हिन्दुस्तान देश में बरता गया है। इस बरताव को देखने के पश्चात् मुझे इस के लिये समाधान नहीं हुआ है। यहाँ वक्ता के बाद वक्ता खड़े हुये। मुझे पता नहीं है कि कांग्रेस दल का विचार क्या है, विशेषतया साम्यवाद के विरोध में और कम्युनिज्म के विरोध में जब कांग्रेसी सदस्य बोलना शुरू करते हैं तो मेरे हृदय में उन के लिये बड़ी दया उत्पन्न होती है। इसका कारण यह है कि कम्युनिज्म का विरोध इन की सरकार कर नहीं रही है। यह मैं जानता हूँ कि अन्तर्राष्ट्रीय क्षेत्र में हमारे प्रधान मंत्री और इस सदन के नेता कम्युनिस्टों के साथ हैं। हमारे नेता चाइना की तारीफ करते हैं। हमारे शिष्ट मंडल वहाँ जाकर उन की तारीफ करते हैं। और हमारे यहाँ बेचारे संसद् के बहुत से सदस्य खड़े हो कर उन के

खिलाफ़ बोलते हैं । । आगे चल कर यहां यह भी कहा गया है

Shri P. C. Bose (Manbhum North): On a point of Order, Sir, the speaker from this side was speaking against Indian Communists, not International communism and the speaker now raises the question. (*Interruptions*).

Mr. Deputy-Speaker: Evidently, he wants to say when we are concerned with Indian Communists, why not with international communism? (*Interruptions*.)

श्री बी० जी० देशपांडे: कांग्रेस पक्ष के लोग इंटरनेशनल कम्युनिस्ट्स का ही विरोध कर रहे थे, इंडियन कम्युनिस्ट्स का नहीं कर रहे थे । यहां बहुत सारी बातें कही गयीं, मैं भी मानता हूँ कि देश की परिस्थिति बड़ी नाजुक हो रही है । देश के सामने संकट है, कहां कहां से संकट है, यह मैं कहना नहीं चाहता हूँ, लेकिन इस देश के अन्दर जो उत्पात और संकट की स्थिति हमारे होम मंत्री ने बताई, उसे देख कर तो मेरा भी हृदय कांपता है । हमारे माननीय त्रिवेदी जी का क्या मत है, उनका कहना है कि हमारे माननीय मंत्री रीजनेबुल तो हैं लेकिन रीजन देते ही नहीं । जहां तक मेरा सम्बन्ध है मुझे तो उन की तरफ से प्रिजन के सिवाय और कुछ मिला नहीं है । अब आज यह जो उत्पात की परिस्थिति का देश में निर्माण हो रहा है, और पाकिस्तान की ओर से भी संकट हमारे देश के लिये आ रहा है, यह सब तो हमें बतलाया जाता है लेकिन उस के लिये जो सरकार की तरफ से योजना हो रही है और उपाय हो रहा है, मुझे खेद के साथ कहना पड़ता है कि वह उपाय और योजना संकट की स्थिति को टालने और उसका मुक़ाबिला करने के लिये सर्वथा अनुप-युक्त है, देश को इस संकट और उत्पात से बचाने के लिये शस्त्र तैयार कर रहे हैं लेकिन उन की छुरी बेचारे निरपराध व्यक्तियों पर

चल रही है, मैं मंत्री महोदय से पूछना चाहता हूँ कि जिन जिन पत्रों के बारे में उन्होंने बत-लाया, उन के खिलाफ़ आपने क्या किया है ? जिस चीज़ पर आपत्ति की थी वह जनवरी के महीने में पब्लिश हुई थी, लेकिन मैं उन को बतलाना चाहता हूँ कि ये खबरें उन के पहले भी उन पत्रों में आई थीं । कोई रूल तोड़ता है, कोई उत्पात करता है अथवा बम फेंकता है या पेपर में ऐसी आपत्तिजनक बातें लिखता है, तो इस काम को बन्द करने के लिये जो ताकत चाहिये वह ताक़त कांग्रेस सरकार में नहीं है । किसी पेपर को बन्द करने की ताक़त इस सरकार में नहीं है । साथ ही इस सरकार में ऐसे निरपराध लोगों को जो इस प्रकार के उत्पात और आन्दोलन नहीं करते, उनको बचाने की उदारता भी नहीं है । They have neither the strength to suppress the lawlessness nor the generosity to spare the innocent people.

ये दोनों ही बातें न होनी चाहियें । पिछले दो वर्षों में हमने देख लिया है कि शरीब बेचारे निरपराध लोगों के विरुद्ध केवल राजनीतिक प्रतिस्पर्धा के कारण इस प्रेस ऐक्ट क़ानून का इस्तेमाल हुआ है जो अत्यंत अवांछनीय और निन्दनीय है । और मैं इस बात को साबित करने के लिये आपके सामने एक केस बताने वाला हूँ । यहां दिल्ली के अन्दर और इस सदन में भी बहुत दफ़ा आक्षेप किया गया है और इल्ज़ाम लगाया गया है कि यहां कुछ बस्तियां ऐसी हैं जिनको कि पाकिस्तानी दिल्ली कहते हैं, वहां कोई हिन्दू जा कर नहीं रह सकता और वहां अत्याचार भी होता है । हमारे पास इस बारे में शिकायत पटुंची और मैं स्वयं मिलाप के संपादक के साथ वहां की हालत देखने गया । मिलाप के संपादक ने उस के खिलाफ़ तीन आर्टिकल लिखे और उन्होंने अपने अख़बार में लिखा कि एक सेकुलर राज्य में केवल मुसलमानों के लिये

[श्री वी० जी० देशपांडे]

एक बस्ती नहीं होनी चाहिये, इस के लिये उनकी सेशन जज के सामने ले जाया गया, उन के पत्र से सीक्योरिटी मांगी गई और मैं अपने माननीय मंत्री महोदय को बताना चाहता हूँ कि दिल्ली के सेशन जज ने उन को छोड़ दिया, acquitted him with honour और छोड़ते वक्त यह कहा कि राजनैतिक विरोध के कारण ही इन लोगों पर इस प्रकार के इल्जाम लगाये जाते हैं। हग तो देख रहे हैं कि दो वर्ष के अन्दर जिस प्रकार से इस देश में यह चीज चलाई जाती है, उस से देश के अन्दर लालेसनेस और उत्पात बन्द नहीं हुये हैं। हाँ, यह जरूर हुआ है कि गरीब और निरपराध लोगों पर अत्याचार किया गया है और उन को सताया जा रहा है। मैं तो प्रार्थना करूंगा कि इस ऐक्ट की अवधि दो वर्ष बढ़ाने के बजाय हम थोड़े दिन के लिये बढ़ायें, क्योंकि पेस कमीशन की रिपोर्ट जल्दी हमारे सामने आने वाली है, हाँ देश की परिस्थिति को देखते हुये यदि सरकार चाहती है तो उस के लिये चार महीने, छः महीने या एक साल का समय देने के लिये हम तैयार हैं। सरकार का कहना है कि आज के दिन समाचार पत्रों में औबसीन और अश्लील सामग्री निकलती है। हमको दुःख होता है कि नेताओं के खिलाफ और खास कर मिनिस्ट्रों के खिलाफ इस तरह की बातें लिखी जाती हैं। हालां कि मैं देखता हूँ कि जितने भी अभियोग चले हैं खास तौर पर मिनिस्टर्स के खिलाफ लिखन पर ज्यादा चले हैं। मेरा कहना है कि अगर कोई मिनिस्टर के खिलाफ आक्षेप करता है तो उस के लिये डीफेंशन, तोहीन, का कानून है। उसके अन्दर उसके खिलाफ आप प्रोसीड कर सकते हैं। हम नहीं चाहते कि कोई इस तरह का आक्षेप करे अथवा अश्लील सामग्री छापे, हम इस में उन के साथ नहीं हैं। लेकिन उन का मुकाबिला करने

के लिये इतनी बड़ी भारी तैयारी की जरूरत हमारी समझ में नहीं है, और आपकी इस तरह की तैयारी करना, हाइड्रोजन बम, मशीनगन और एटम बम के मुद्दे करने के समान होगा और इन शस्त्रों से खटमल और मच्छर मारने का प्रयत्न करना होगा और इसी प्रसंग में मुझे पंचतंत्र की एक कहानी याद आ गई। एक राजा ने एक बन्दर को बड़े प्यार से अपने यहां पाला था। राजा के दरबारी लोगों ने बतलाया कि इस बन्दर के हाथों में कुछ नहीं देना। राजा ने माना नहीं और उसको अपना दाडीगाई अंगरक्षक नियुक्त कर लिया। एक दिन राजा बगीचे में सोया पड़ा था और उस समय वह बन्दर राजा के अंगरक्षक का काम अंजाम दे रहा था। इतने में एक मक्खी कहीं से आ कर राजा के मुँह पर बैठ गई। बंदर तलवार ले कर चला, तो उसको बताया गया कि मक्खी को हटाने के वास्ते तलवार की नहीं पंखे की जरूरत होती है। लेकिन बंदर ने नहीं माना और उस ने कहा कि तुमको पता नहीं राजा की जान कितनी मूल्यवान चीज है और ऐसा कह कर उस ने तलवार मक्खी मारने के लिये राजा के मुँह पर चलाई जिसके कारण राजा मर गया।

हमें जो यहां बतलाया जाता है कि देश की परिस्थिति भयंकर है, या कोई मिनिस्टर साहब पर अटक करता है सो ठीक है और यह जो अश्लील बातें लिखी जाती हैं इन को हमें रोकना है। देश को हमें बचाना है। मैं बिल्कुल सहमत हूँ और हमें उसके लिये उचित व्यवस्था करनी चाहिये, लेकिन यह मक्खियों और मच्छरों को इतनी बड़ी तलवार से मारना जिससे प्रेस की स्वतंत्रता और मुद्रण की स्वतंत्रता नष्ट हो, इस तरह की चीज नहीं होनी चाहिये। मैं प्रार्थना करूंगा कि देश का कल्याण और सुरक्षा आप चाहते हैं, मैं भी चाहता हूँ, और इसी कारण मैं आपसे अनु-

रोष करूंगा कि इस प्रकार का ऐक्ट न लाते हुए आप ऐसा विधेयक लाइये जिस से कि आप देश का बचाव कर सकें और जिससे निरपराध लोगों को सजा न हो सके।

Dr. Katju: Mr. Deputy Speaker, I am indebted to the hon. Member who spoke last. He has in a way given a very effective reply to the observations made by my hon. friend Mr. Bhargava. He has—the last speaker—indicated in a very graphic language the emergency which he thinks we are all living in.

I do not want to travel over all the ground again. The only question today, at this moment, is the period. My hon. friend, Mr. Joshi, says 'you better have it as long as you like'. I think there is great force in this point of view because—let me be quite frank about it—I am not quite satisfied with the various provisions of this Bill—of the Act—and we have been considering for some time as to how it could be improved and altered in order to make it more effective and more compulsory.

The fact is that the Press Commission was appointed some time last year and it struck us that the Act was going to remain in force upto 31st January 1954 and the House may not like to consider a new Act altogether suitably altered pending the deliberations and recommendations of the Press Commission. But there has been some delay and their report has not been forthcoming. Over and over again, hon. friends have said in a mild or in a sarcastic way or in an angry tone: 'Look at the Statement of Objects and Reasons'. I really do not know—I am a lawyer—what is expected of the Statement of Objects and Reasons. Is it going to be a thesis—a sort of a communist thesis that you have—or what do you want in the Statement of Objects and Reasons? It states that the Press Commission is deliberating over it; it may take some time; it would not be desirable to let this Act completely

lapse; therefore, we will extend it for two years. What more do you require? Do you want some sort of a thesis or a vague narrative? What more do you require? The Statement of Objects and Reasons gives some sort of a key-note with which the lawyers are very familiar. Key-note, just three lines—finished; you get a gist of it.

What is the situation? The Government is determined and has proposed to bring in a comprehensive Press legislation, by no means intending to curb the freedom of the Press at all.

My hon. friend Pandit Thakur Das Bhargava has pointed out that sedition should be defined. It may be necessary, as I suggested, to add some sections in the Indian Penal Code, and so on and so forth. I do not know when the Press Commission's report would be available. It might take three months. It might take a little longer. When the report comes, as of course, it will have to be sent to the State Governments. We will ask them to ascertain public opinion and to be expeditious. But, please remember, Mr. Deputy-Speaker, that there are about twenty-three or twenty-four States, A, B and C. All these take time. Months elapse before opinions are received. Then the Government takes its decision, and the matter comes before Parliament. The Bill may have to be circulated for public opinion. There is bound to be a Joint Select Committee, and so on and so forth. I do not know how long all this will take. If some astrologer were to tell me definitely that it will all be over within twelve months I will have no objection whatsoever. But as I do not know it I have taken these two years so that I may not have to come to this House again. I repeat what I ventured to say on the Preventive Detention Bill discussions. When we had that discussion whether it should be one year or two years I said that the Government will give the House a chance of discussing the merits of

to this

[Dr. Katju]

the Act by presenting a report upon it, thereby saving an enormous, lengthy discussion. Parliamentary discussion, Mr. Deputy-Speaker, is very precious. Somebody said that every minute of Parliament costs the taxpayer something like eighty or hundred rupees. Suppose I accept this time-limit of one year and suppose the new Bill does not come into existence, there is some delay or something like that. Well, I will have to bring this again for re-extension by another year. My hon. friend will say that there should be twelve hours' solid discussion on that. What is the good of wasting all this time?

The understanding is this, namely that as soon as the Press Commission submits its report and it is duly considered by the country at large, by the State Governments, by the Press itself—the Editors' Conference, the Working Journalists' Conference, everybody interested—Government will bring in a Bill. And that Bill will be a comprehensive Bill. It will be in supersession of this Act. If it is enacted within one year, this Act goes. If it is enacted within fourteen months, this Act will go. I only want that we may not have prolonged discussions again, pending the passage of that Bill. The House may take this as an assurance, that there will be no delay in the preparation of that Bill, in the submission of that Bill to Parliament, and in the Government saying that the whole ground should be covered. That is the position as it stands.

I do not want to go into the various points that have been raised in the course of this debate. I am conscious of the existing situation. The Act has to be enforced by the State Governments. They have been very cautious. They have had some legal opinion given to them that "you cannot move in this direction, you cannot move in that direction". I shall do one thing. I am taking you into confidence. I shall send a copy of the whole debate here to the

State Governments and say, "These are the opinions that have been expressed, there have been very strong, vigorous opinions that you have been very slow, much too slow, and you must go ahead, take greater advantage of the provisions of this Bill." That is what is wanted, because they cannot possibly tolerate the passages, the sort of virulent press.

I do not want any impression to go abroad that any particular party or any particular kind of opinion is, so to say, above the law, that nobody can touch them. Nobody is above the law. This Act, as it stands, merely refers to, what I have been saying over and over again, criminal offences, something which was read just now from the *Crossroads*. I did not read it. I only ventured to mention the names yesterday—*Crossroads*, *Spotlight*, *New Age*. I read them for the sake of instruction—good English, very well written, and so on and so forth. They cannot run away with the idea that they cannot be touched. My friend Shri V. G. Deshpande spoke very vigorously. He has his own papers. My friend Sardar Hukam Singh has his own papers, he knows very well *Prabhat*. What is published there? It is not as if we are ignorant of what is happening. The State Governments have been rather careful, as I said, rather lenient about this matter. When I send them a copy of the debates here, probably they will wake up and say that their leniency has been misplaced and they should be a little more strict in these matters in order to preserve the country from disunion. I would like to say to my friend Pandit Thakur Das Bhargava that the times have changed. The situation as it prevailed in the country in October or November 1951 when the Bill was passed, that situation has gone. We are in more critical times now, in 1954. You know it.

I do not want to dilate upon these features of the case, and I do not

want to take your time. I hope what I have said will satisfy my friend Mr. Chatterjee and that they will be pleased to accept four years.

Mr. Deputy-Speaker: Need I put the amendments to vote?

Shri N. L. Joshi: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: I shall now put Shri Chatterjee's amendment. The question is:

"In page 1, line 7—for "four years" substitute "three years".

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.

Clause 3.—(Amendment of section 2)

Mr. Deputy-Speaker: I find that all the amendments to clause 3 are out of order.

Shri K. K. Basu (Diamond Harbour): Why, Sir?

Mr. Deputy-Speaker: I am only giving my reaction, and if there are any points to make me change my view I will certainly hear them.

The point is that clause 3 refers to the definition section and only to one portion of it. That is, the section contains various definitions. Not one definition is associated with another. Instead of being contained in separate sections they have all been strung together as clauses (a), (b), (c) etc. of section 2. And 'unauthorised news-sheet' is defined under clause (k) of section 2. There are provisions for forfeiture, etc. Clause (k) says: "unauthorised news-sheet" means any news-sheet in respect of

which security has been required under this Act but has not been furnished as required." That is one kind of unauthorisation. This Bill, in clause 3, says:

"in clause (k), the following words shall be inserted at the end, namely:—

'or any news-sheet which does not contain the name of the printer and the publisher.'"

That is, not only the person from whom security has been demanded or who has refused to furnish security, but also any news-sheet which does not contain the name of the printer and publisher—that is sought to be included. Therefore, this amendment in clause 3 of the Bill relates only to a small matter. To reopen the whole thing and say, we shall start from the beginning, is not correct. You say "book". Book is not referred to here. "Code", "competent authority", etc., these are not matters of clause 3. Therefore, I do not know how the hon. Member will justify it. Let me see.

Shri K. K. Basu: Whenever we have tried to amend a particular section of the parent Act, it is open to us to move amendments to that particular section. Therefore, when the Government try to extend the scope of a particular section, it is open to us to give our definitions which should be embodied in the parent Act, concerning that particular section. We have not gone beyond that. We have suggested an amendment to the section which this particular enactment seeks to amend. We cannot go beyond the amendment. When this particular section is sought to be amended, we are entitled to move amendments.

Mr. Deputy-Speaker: I agree. But, there is this difference which the hon. Member has not noted. If a particular section of an Act is touched and it is so inter-related with the other portions of that section that one cannot be affected or ought not to be allowed to be affected because

[Mr. Deputy-Speaker]

it affects other portions also, and there is such an integral connection between one portion and another, he is correct. The mere fact that a number of clauses relating to various different matters are brought under the definition section does not entitle the hon. Member to move amendments to the other sub-clauses when there is an amendment to any of the sub-clauses. Otherwise, we will have 20 definition sections. The hon. Member Shri K. K. Basu knows that in the Indian Penal Code, every definition is a separate section. Like that they could have as well put it here, in which case advantage cannot be taken by the hon. Member. In cases where, notwithstanding the fact that a number of matters come under a particular section, one portion which has no relation to the other portions, which has no integral connection with the other portions, is touched or affected by a Bill, that would not authorise any hon. Member to touch any other portions. It cannot mean that because one portion which has no bearing on the other sub-clauses is touched, the whole clause is thrown open for amendment. I rule it beyond the scope of the Bill.

Shri K. K. Basu: There is an amendment to that particular sub-clause.

Mr. Deputy-Speaker: Of course I allow it. The amendment reads:

"'unauthorised news-sheet' means any news-sheet in respect of which security has been required under this Act but has not been furnished or no appeal has been preferred against such order for security;"

I do not know. I have no objection. But, even this according to me seems to be beyond the scope of the Bill. Anyhow, let him say what he wants to say. I will allow that portion: (k) in amendment No. 22, standing in the name of Shri K. K. Basu.

Shri Sadhan Gupta: I have an amendment No. 26.

Mr. Deputy-Speaker: Likewise amendment No. 26. This is not a mere definition. This is a substantive provision as to what has to happen regarding an unauthorised news-sheet. It wants to say that an unauthorised news-sheet, notwithstanding the fact that it comes under the definition, shall not be touched. This amendment is out of order. As to what should happen to an unauthorised news-sheet would really come within the operation portion. That other portion is not touched. The hon. Member wants to modify this and also to include the operative portion in the definition. This ought not to be allowed.

Shri K. K. Basu: It is really a definition.

Mr. Deputy-Speaker: It is really, worded as a definition. But, it is an operative provision; it is not a definition. What happens to an unauthorised news-sheet has been put into this as a definition. Therefore by merely calling it a definition, it would not become a definition.

Shri Sadhan Gupta: May I make a submission, Sir, regarding unauthorised news-sheets? An attempt has been made to define unauthorised news-sheet.

Mr. Deputy-Speaker: True. You know it is only adding something more to it. They are bringing in some other categories also under the category unauthorised news-sheet. We will assume that instead of putting this as an amendment to sub-clause (k) it was said, this will be added as sub-clause (k-1): "unauthorised news-sheet includes any news-sheet which does not contain the name of the printer and the publisher", what will be hon. Member do? Can he add all the other things?

Shri K. K. Basu: The whole point is this. The original Act defined what should be called an unauthorised news-sheet. The definition was that it was a news-sheet in respect of

which security has been required under this Act but has not been furnished as required. Government now wants to add that if the names of the printer and publisher are not found, it will be an unauthorised news-sheet. Instead of that amendment, we want the definition of unauthorised news-sheet to be, even if security is not furnished, if he prefers an appeal, whatever the period may be, that should not be considered as an unauthorised news-sheet. We feel that by defining we can say, whatever be the position so far as the appeal is concerned, if a news-sheet which has been asked by the Government to furnish security, does not furnish security but prefers an appeal, it should not be considered to be unauthorised news-sheet. That is the short point that we want to make by this amendment.

Mr. Deputy-Speaker: That is a substantive portion. You say that it should not be considered an unauthorised news-sheet so long as the appeal is pending. Suppose there is no appeal. Or, what happens if the appeal is rejected?

Shri K. K. Basu: Immediately after the decision, it will become unauthorised.

Mr. Deputy-Speaker: There is no such thing here in the definition.

Shri K. K. Basu: During the pendency of the appeal, it should not be considered unauthorised news-sheet. If the appeal is rejected, we are allowed to pay the security.

Mr. Deputy-Speaker: But, there is no such provision here. I am afraid, an operative portion as to what should happen to an unauthorised news-sheet is sought to be included here. This does not relate to definition only. Now, I will put clause 3 to the vote of the House. There are no other amendments.

Shri Sadhan Gupta rose—

Mr. Deputy-Speaker: I have said enough about this.

Shri Sadhan Gupta: I want to speak on this clause.

Mr. Deputy-Speaker: On this portion?

Shri Sadhan Gupta: I am opposing clause 3 because this clause under an innocent garb seeks to make a very great incursion on the liberty of the Press. The definition of 'unauthorised news-sheet' surreptitiously seeks to introduce into the original definition something which clearly extends beyond the scope of the original Act. In addition to the definition that already was there in the parent Act, it is sought to be defined also as a news-sheet on which the name of the printer and publisher does not appear. The effect of the definition is this. Under section 15, the Government is enabled to forfeit an undeclared press which has printed a news-sheet, a news-sheet which has no other fault except the small one that it does not contain the name of the printer and publisher. It may be an innocent thing. Yet, because it does not contain the name of the printer and publisher, it is sought to be penalised by forfeiture of the press. My objection is this. Already the Press and Registration of Books Act contains provisions for penalising an undeclared press and for penalising publications which do not contain the name of the printer and publisher. So, what reasons have we got to enhance this penalty, and that by way of surreptitiously amending a particular Bill? In such a matter as this, a Bill should be brought forward before the House and a full discussion should take place, and the Government should give us all the reasons showing that there is ample necessity for providing for forfeiture of an undeclared press instead of the much lighter penalties which they are subject to under the Press and Registration of Books Act, 1867.

Let us not forget that it is our confirmed enemies, the British imperialists, who are now the bosom friends of the Government of this country—the confirmed enemies of the people

[Shri Sadhan Gupta]

of this country—who enacted this Press and Registration of Books Act, a penal Act, an incursion on the liberty of the Press.

Shri M. L. Dwivedi (Hamirpur Distt.): It is now 4-30.

Shri Sadhan Gupta: And even they did not consider that any greater penalty was required for the undeclared Press or for the withholding of the name of the printer and publisher. So, why should we seek to enhance these penalties many times, to impose the most serious penalty of forfeiture for merely non-printing of the name of the publisher?

Mr. Deputy-Speaker: The hon. Member will kindly resume his seat. Now it is 4-30. Now, there is only another half an hour which will be available for this Bill, and it will be taken up tomorrow.

Is it the desire of the House that I should put all these clauses now by way of guillotine and then start the third reading tomorrow?

Some Hon. Members: No, Sir.

Shri N. C. Chatterjee: There is one clause which is important, i.e., taking away the function of the jury. You know, Sir, in the original Bill of Rajaji the jury had to decide the whole thing.

Mr. Deputy-Speaker: What is the suggestion of the hon. Member?

Shri N. C. Chatterjee: We want to discuss that clause.

Mr. Deputy-Speaker: Whatever time is taken for that will be taken in that half an hour.

Further discussion on this Bill will stand adjourned till tomorrow.

Now, the House will take up non-official Bills.

GOVERNMENT OF PART C STATES (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 1, 3, ETC.
AND OMISSION OF SECTION 23, ETC.)

Shri Biren Dutt (Tripura West): I beg to move for leave to introduce a Bill further to amend the Government of Part C States Act, 1951.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Government of Part C States Act, 1951."

The motion was adopted.

Shri Biren Dutt: I introduce the Bill.

UNEMPLOYMENT RELIEF BILL

Shri A. K. Gopalan (Cannanore): I beg to move for leave to introduce a Bill to provide relief to unemployed workers.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide relief to unemployed workers."

The motion was adopted.

Shri A. K. Gopalan: I introduce the Bill.

PUBLIC FINANCED INDUSTRIES CONTROL BOARD BILL

श्री एम० एल० द्विवेदी : (जिलाहमीर पुर) मेरा यह प्रस्ताव है कि सरकारी उद्योगों के नियन्त्रण और निरीक्षण के लिए एक केन्द्रीय संगठन की व्यवस्था के सम्बन्ध में एक विधेयक पुरःस्थापित करने के लिए मैं सदन की अनुमति चाहता हूँ।

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for a Central Organisation for the purpose of general supervision and control of public industries."

The motion was adopted.

श्री एम० एल० द्विवेदी : मैं विधेयक को
पुरस्चापित करता हूँ ।

INDIAN PENAL CODE AMENDMENT BILL

(INSERTION OF NEW SECTIONS 295B,
295C AND 295D).

Shri V. G. Deshpande (Guna): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Deputy-Speaker: The question is:

That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860.

The motion was adopted.

Shri V. G. Deshpande: I introduce the Bill.

INDIAN CATTLE PRESERVATION BILL

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Seth Govind Das on the 27th November, 1953:

"That the Bill to preserve the milch and draught cattle of the country be taken into consideration."

[Shri Krishnappa]

Shri V. G. Deshpande (Guna): I might mention that closure was moved and passed by the House.

The Minister of Agriculture (Dr. P. S. Deshmukh): So far as this Bill is concerned, a point was raised that the Bill is *ultra vires*. I suggested that the Law Minister may be pleased to give his views so far as this point is concerned.

Shri V. G. Deshpande: A ruling was given that it is not *ultra vires* and it can be introduced, and therefore why should we go on taking time over it?

Pandit Thakur Das Bhargava (Gurgaon): This point was raised and the
8 P.S.D.

Chairman²⁵⁴ had given the ruling that according to the precedents in the House this question of validity has to be decided by the House and the Bill was declared as *intra vires*. Therefore that point cannot be raised.

Seth Govind Das (Mandla-Jabalpur South): This ruling has been given by you.

Mr. Deputy-Speaker: The ruling is consistent with my calling upon the Law Minister to give his opinion to the House. My calling upon the Law Minister to give his opinion is for the purpose of persuading the House to vote one way or the other. It is not inconsistent with my ruling. It is the right of the House to hear the Law Minister. The Law Minister is entitled to address the House. Therefore, he will speak.

Dr. P. S. Deshmukh: May I intervene for a minute? It was our desire that the Attorney-General should give his views on this point, but unfortunately he is not available. If the hon. Mover or yourself is agreeable, I would like that we postpone consideration of this to another day.

Mr. Deputy-Speaker: Then some hon. Member should formally make a motion.

Pandit Thakur Das Bhargava: According to the provisions of the Constitution, the Attorney-General has the right to address the House. I submit it will be better if we adjourn further consideration of the Bill to some other official day because now this Bill has got priority, and the whole country is interested in the Bill. I would respectfully ask the Government to give priority to this Bill so that when this Bill is taken up on an official day, it will not take more than half an hour.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): On any official Legislative Business day Government will be prepared to provide time for it.

Shri N. C. Chatterjee (H. C. S.): May I have an idea on what day of official legislative business?

Shri Satya Narayan Sinha: After the Demands for Grants are finished we shall get about 15 or 16 clear working days for official business. We can provide time on any one of those days.

Pandit Thakur Das Bhargava: If this Bill gets priority by virtue of the ballot, it comes up earlier than the official day, need not be given. If it is not balloted, then also it should get time on an official day.

सेठ गोविन्द दास : मुझे यह कहना है कि अगर आप इस विषयक को किसी गैर सरकारी दिन के लिए मूलतः करवा चाहते हैं तो वह मुझे मंजूर नहीं है क्योंकि गैर सरकारी दिन के लिए इस को बिल्ट में लाना होगा, लेकिन अगर मुझे सरकारी दिन मिलता है और वह भी इसी सेशन में, जल्दी से जल्दी, तो मुझे कोई आपत्ति नहीं है।

Shri V. G. Deshpande: On a point of order. Closure was moved and passed.

Mr. Deputy-Speaker: The hon. Member is rising to a point of order, just when I am getting up. So far as this Bill is concerned, there need be no difficulty, because it is part-heard, and therefore it will be given priority over any other Bill.

Seth Govind Das: But according to the Rules, that is not done. I had consulted the Secretary, and he told me that if it is adjourned for any non-official day, it will have to be sent to the ballot. I do not want any ballot on this Bill.

Mr. Deputy-Speaker: The hon. Minister is agreeable to having it, immediately after the Demands for Grants are passed.

Shri N. C. Chatterjee: If he is agreeable, let us have an early date, after the Budget is passed.

Shri Satya Narayan Sinha: We have given that assurance. What else do they want?

Shri N. C. Chatterjee: We want that it should not be only half an hour. If the Law Minister and the Attorney-General are going to talk on the ultra vires character of the Bill, I submit we should also be given the chance to make our submissions in this regard.

Dr. P. S. Deshmukh: We have no desire to restrict the time.

Mr. Deputy-Speaker: Some hon. Member must make a formal motion that the further consideration of this Bill be postponed.

Seth Govind Das: For some official day.

Mr. Deputy-Speaker: No such assurance can be given by the House.

Pandit Thakur Das Bhargava: May I move a formal motion in this regard, viz., that this Bill be adjourned for some other day? If in the ballot for a non-official day, we get a date earlier than the official day...

Mr. Deputy-Speaker: There cannot be a condition like that.

Pandit Thakur Das Bhargava: There is no condition. You have been pleased to observe just now that this Bill will get priority. I am only anxious that this Bill may be taken up as soon as possible. If it does not get the priority in the ballot, we shall have it on the first official day. I beg to move:

"That further consideration of the Bill be postponed."

Seth Govind Das: Kindly add, till the first official day, after the Budget discussion is over.

Mr. Deputy-Speaker: I cannot fix up a date here. The Rules are there, and they will take care of it.

Dr. P. S. Deshmukh: Our assurance is there.

Seth Govind Das: According to the Rules also, if the Chief Whip of the Government party assures us that he is ready to take it up on an official day, earlier than a non-official day, I think there should not be any objection to it.

Shri Satya Narayan Sinha: I have given that assurance already. I do not know what else they want.

Mr. Deputy-Speaker: The hon. Minister has given the assurance that some official time will be allotted for the consideration of his matter—official time meant time for legislative business, and not for Budget discussion.

I shall now put the question to the vote of the House.

The question is:

"That further consideration of the Bill be postponed."

The motion was adopted.

MUSLIM WAKFS BILL

Mr. Deputy-Speaker: The House will now take up the consideration of the Muslim Wakfs Bill, 1952, as reported by the Select Committee.

Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West): I beg to move:

"That the Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis' management of them, in India, as reported by the Select Committee, be taken into consideration."

Hon. Members will remember that when this Bill came up before the House on the previous occasion, it was referred to a Select Committee. In the Select Committee, most of the provisions of the Bill that were the subject-matter of criticism were very calmly considered by all the Members, and they have arrived at certain decisions which have almost taken away the objections to the Bill.

The first objection that was raised was that there was no proper representation for all classes of people. That was the difficulty felt by the Select Committee also, for it was not an easy matter to decide upon the various electoral colleges from which the representatives should come. Ultimately it was thought that the matter might better be left to Government, who may consider the various categories mentioned in the Bill, for nominating persons to the Board.

The other important matter was whether the whole power should vest in one person or in the Board. Under the present circumstances, everybody will concede that to have the power vested in a number of persons is much better than to have it vested in one particular person. Even though the administrative work is to be done by the secretary of the Board, and his appointment is to be made by Government, still he will be under the administrative control of the Board itself. That is a very important change that brings into prominence the aspects of representation and administration under the control of the Board itself.

There are certain powers given to the Board, such as that of determining the surplus funds of a wakf and the uses to which such funds should be put, in accordance with the cypres doctrine. If on this matter, the Board is required to go to court, it will mean a dilatory procedure, and also litigation without any purpose. So, the Select Committee have provided that the Board will have the power to decide the whole thing, but it will be open to any person to go to court and dispute the decision of the Board, and the decision of the court shall be final.

We have given thought to all these matters in the Select Committee. We have also decided that this Bill, as it stands, should apply to all the States, excepting those States, where some wakf Acts are already in force. The reason for doing so was that they were based mostly on an election basis, a basis which has really not

[Shri Kazmi]

been found to be successful in practice. Still, we have left it to the various States to take their own decision, and after consideration, they came to the conclusion that they should also adopt this particular piece of legislation, they are authorised to do so.

With these changes that have been made, the Bill embodies in its provisions almost all the various safeguards and powers that a Board must have for the proper management and maintenance of the wakfs, and for the supervision of the Mutawallis' management of them.

Now, there is one thing more that remains to be submitted to the House and it is that has been provided that State Governments will have the power to suppress the Board in case its work is not found to be satisfactory. There was one other provision which was the subject of very great comments from the various people and it was about the constitution of the Central Board. In the original Bill, it was provided that there must be a Central Board which must represent the various State Boards. Now, as a matter of fact, it has been considered by the Committee and they think that the expense of having a Central Board would be inconsistent with the results which are likely to be attained, because persons would be coming from the various States who would, after all, be representing the States themselves and there will not be a proper controlling authority, and if we want to have an effective Central Board which should really look after the work of all the State Boards, then the machinery will be too cumbersome and more expensive than can be easily borne by the Boards themselves. Therefore, in place of this a new provision has been added and it is to the effect that the Central Government will have the power to call for reports from various State Boards, call for explanations from them and give them general directions. That

to a certain extent, fulfils that object, which was, from the very beginning in our view that there must be one uniform policy that is to be carried on throughout the whole of India.

These are the few changes which take away much of the objections to the Bill and I move that it may be taken up for consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis' management of them, in India, as reported by the Select Committee, be taken into consideration."

Shri Mohanlal Saksena (Lucknow Distt. cum Bara Banki Distt.): I would like to point out that there is an omission in my Minute of Dissent. In the last sentence it is stated:

"In any case, it should not be made applicable automatically."

"To the State of Bombay" has been left out. It should be:

"In any case, it should not be made applicable to the State of Bombay automatically."

Mr. Deputy-Speaker: That is an omission by inadvertence. That will be included as part of it.

Shri V. P. Nayar (Chirayinkil): I do not want to go into the merits of this Bill. But I would like to get some information from the hon. Mover. I find that in the proviso to clause 1 it is stated:

"Provided that in respect of any of the States of Bihar, Delhi, Uttar Pradesh and West Bengal, no such notification shall be issued except on the recommendation of the State Government concerned".

I find that about 12 States did not consent to this Act being extended to

*The Speaker after having considered the facts has directed that the corrections need not be carried out in the report.

them. I also find that in the Report of the Select Committee it is stated that 4 States, viz., West Bengal, Bihar, Uttar Pradesh and Delhi are exempted on the ground that there are existing Acts there relating to Wakfs. What I want to know is whether the Wakfs Acts in these States have been functioning properly. If they are not functioning properly, what is the necessity to exclude them? If they are functioning, why don't we have those Acts? I would like some information either from the Law Minister or from the hon. Mover of this Bill.

The Minister of Law and Minority Affairs (Shri Biswas): If the opinions which were circulated are read, it will be found that some of the States where such Acts are in operation have reported that the Acts have been working satisfactorily. In respect of those States, it is not proposed to extend this Act, unless at a future date any of them should wish that it should be extended. In that case, it may be done by notification.

As regards the other States, of course, this Act will apply.

Shri V. P. Nayar: My point was not answered.

Shri Biswas: I suppose the hon. Member wanted to know if the Acts had been functioning successfully in those States where they were in operation. The answer is: according to the reports received from those States, the Acts were functioning satisfactorily.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis' management of them, in India, as reported by the Select Committee, be taken into consideration".

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to clauses except to clause 1. I will, therefore, put all

the other clauses together and come to clause 1 later on. It seems to be a formal one.

Clauses 2 to 69 were added to the Bill.

Clause 1—(Short title, extent and commencement).

Shri Amjad Ali (Goalpara-Garo Hills): I beg to move:

In page 1, omit lines 12 to 14.

The effect of this omission would be that this Act would apply to the whole of India and the States of Bihar, Delhi, Uttar Pradesh and West Bengal are not excluded. I have also stated this in my Minute of Dissent. In the Statement of Objects and Reasons, it was intended that one model Act for the whole of India should have to be made and it would uniformly apply to the whole of India, including all States. It was sent out for eliciting public opinion. On the opinions received, the Select Committee bestowed a lot of consideration and thought and they felt that these four States where such Acts obtained could be exempted. You will find from the Statement of Objects and Reasons:

"The management of Wakfs, though it vests immediately in a Mutawalli, is a subject which requires the supervision of the State. The need for supervision has been felt, and in addition to various enactments dealing with the subject of charitable endowments, the Musalman Wakf Act 1923 was enacted for the whole of India. This Act merely provides for the submission of audited accounts by the Mutawallis to the district judges. This Act did not prove of much practical value".

From time to time, some Muslim Wakfs Acts in different States had to be passed. The Musalman Wakf (Bombay Amendment) Act 1905 amended the Musalman Wakf Act 1923. The Bengal Wakf Act 1934 was enacted to create a machinery for the supervision of wakfs in

[Shri Amjad Ali]

Bengal. The U.P. Muslim Wakfs Act was passed creating a Central Wakf Board. Similarly, Bihar also passed a legislation almost on the same lines. The working of these Acts has brought out the necessity of bringing in some amendment. In the different provinces there were Wakfs Acts and they thought that with the help of those Acts they could better govern and supervise the Wakfs. The necessity for a uniform and Central Act was felt because it was found locally that misgovernment and mismanagement was rampant wherever wakfs were in large numbers and Local Wakf Acts were unequal to the task. So, this was framed in the nature of a model Act.

5 P.M.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

It is true that the Governments of as many as 9 States objected to this being applied to those States and out of these only 4 have been exempted because the Wakfs Acts in vogue there were thought to be sufficient to deal with the matter. It is just the contrary. My object in moving this amendment is that this should apply uniformly and there is no valid reason why this should not apply to the whole of India without any exception, just to give no more opportunity to the interested for mal-practice and misgovernment.

Mr. Chairman: Amendment moved: In page 1, omit lines 12 to 14.

Shri Kazmi: Sir, he was a member of the Select Committee ...

Mr. Chairman: I will call upon the hon. Member to make his speech subsequently.

Shri Mohanlal Saksena: Mr. Chairman, with your permission and the permission of the House, I would like to move an amendment that the words 'State of Bombay' should also be added, where they have exempted the U. P., Bihar and other States.

I have affixed a Minute of Dissent; but, unfortunately, I was not here and could not move an amendment in time. So, I would like to move the amendment with the permission of the House.

Mr. Chairman: The hon. Member knows the rules about new amendments. If the Government and other Members do not object, then alone he can move it.

Shri Biswas: It is not a Government Bill and it is not for the Government to say whether they have any objection or not. I have no objection to the moving of this amendment but it will have to be put to the vote of the House. It is not to be supposed that the Government accepts the amendment.

Mr. Chairman: The point is not whether the Government accepts the amendment or not. If notice of a new amendment is given on the same day, unless it is accepted by the Mover of the Bill or the Government and nobody objects, only then will I allow the amendment. Otherwise, I will not allow it as there is no sufficient notice.

Shri Biswas: I have no objection to his moving the amendment. So far as the question of merits is concerned, it will be subsequently taken up.

Mr. Chairman: It appears there is no objection from any quarter so far as notice is concerned. I will request the hon. Member just to pass on his amendment.

Shri Kazmi: I am very sorry; I have a personal objection so far as this amendment is concerned because it has not been moved in time and the rules should not be suspended.

Mr. Chairman: That is exactly what I have been asking; and, now, when I have decided and asked the hon. Member to pass on his amendment, the hon. Member objects. I am sorry it is now too late.

Shri Kazmi: I do object.

Mr. Chairman: It is very late. Before the amendment is passed on, let us now discuss the amendment of Shri Amjad Ali.

Shri Biswas: So far as this amendment is concerned, all that I can say is this. This matter was considered at great length in the Select Committee and the decision which was come to is now embodied in the Bill as reported to the House. If you refer to the report of the Select Committee you will find that the question is dealt with there at length. In four of the States, namely, West Bengal, Bihar, Uttar Pradesh and Delhi, there are already State Acts relating to Wakfs. The Committee considered that the Central Act should not be applied to those States against the wishes of the State Governments. Provision has, therefore, been made that the Central Act may be applied to those States only on the recommendation of the States concerned.

So far as Bombay is concerned, there is a special paragraph in these terms:

"In Bombay there is no such special legislation relating to wakfs, but there is the Bombay Public Trusts Act, 1950, which in the opinion of the Committee, does not adequately meet the special problems of wakfs. They consider that the Central Act should be made applicable to Bombay also."

Sir, this is how this question has been dealt with. My hon. friend's amendment is based on the assumption that the wakfs are not being properly managed anywhere. That is a question of fact on which Government have no independent information beyond what is contained in the reports which had been received from these States. They were asked to send in their opinions about this Bill and they categorically stated that so far as the administration of wakfs was concerned in these States—the present Acts were working very successfully. Thereupon, the Select Committee came to the conclusion that

the Central Act should not be imposed on those States except at their own request. That is why the Select Committee did not accept the suggestion that the Act should be made applicable to the whole of India irrespective of there being any State Acts already in force in any of these areas. So, I do not think the House will be justified in accepting the amendment of Mr. Amjad Ali.

Shri Mohiuddin (Hyderabad City): I oppose the amendment moved by Mr. Amjad Ali as well as the one moved by Mr. Mohanlal Saksena.

Shri Kazmi: It has not been moved.

Mr. Chairman: I only waived notice; let it be now moved.

Shri Kazmi: May I know the position with regard to this amendment?

Mr. Chairman: The objection is too late now. Of course, I asked the hon. Member at that time but he did not object to it at all.

Shri Kazmi: Before you made your final pronouncement, I said I objected to it.

Mr. Chairman: Shri Mohanlal Saksena may read it himself and move it.

Shri Mohanlal Saksena: My amendment is:

That in clause 3 of the Bill, in the proviso, add "the State of Bombay" after the words "West Bengal".

As I have already stated in my minute of dissent, there was opposition from a number of States to the Centre passing a Bill for all of them...

Mr. Chairman: If the amendment relates to clause 3, it is out of the question now. That section was already put to the House and accepted. So far as clause 3 is concerned, it has been passed by the House. I thought the hon. Member was referring to clause 1. I am sorry it is too late to

[Mr. Chairman]

say anything against clause 3, which is accepted by the House.

Shri Mohanlal Saksena: Then, I would like to oppose clause 1 if I cannot move my amendment that the proviso should be modified so that in addition to the four States mentioned therein, the State of Bombay is also included. That is the amendment that I wish to place before the House to the proviso to clause 1.

Mr. Chairman: The position is quite clear. So far as the clauses from clause 2 to the end are concerned, they have all been considered and accepted. We are now on clause 1 and an amendment has been moved to clause 1 by Shri Amjad Ali. If the hon. Member wants to say anything on it, he may do so.

Shri Mohanlal Saksena: I might be permitted to move that amendment.

Mr. Chairman: Now Shri Kazmi is opposed to it and so I am not going to allow any other amendment. If the hon. Member wants to speak, he may speak on clause 1 or the amendment moved by Shri Amjad Ali.

Shri Mohanlal Saksena: We are now considering the amendment of Shri Amjad Ali that the proviso should be deleted. My amendment to that proviso is that the State of Bombay should be added to the list of four States mentioned therein. My reason for it is that there is already an Act in force in Bombay which deals with all Public charitable trusts irrespective of whether they belong to one community or another. We are exempting those States where they have got Muslim Wakfs Acts and it does not stand to reason why we should not allow an important State like Bombay to have discretion in applying this Act. Why should it be made applicable automatically to the State of Bombay? After all, we have got a local legislature there and the administration of wakfs will be taken up under the Act by the States. We must, therefore, presume that the States will be interested in making the Act applicable if they find that it will serve the best interests of the

Muslim wakfs. After all, the administration of the Act will be left to the Bombay Government and our over-all policy is that we must not have the Act applied community-wise. Bombay is one of the States where they have enacted a progressive measure. I am told that the Muslim community is not satisfied with that, but we have not got any details about it or representation from the Muslim members of the Bombay Legislature. On that ground I do not think it is fair to make it applicable to Bombay automatically. In the case of the smaller States too, I think it is not fair to apply it automatically, particularly when we have had representations from 10 or 11 of the State Governments saying that they did not want this Act. For one reason or another the Government is not prepared to give the discretion of applying the Act to the States other than those mentioned in the proviso. I want that this right should not be taken away at least from the State of Bombay, which is as important as any other. Further, they have got an Act which covers charitable endowments belonging all communities. I have also put in a minute of dissent. Unfortunately I was not here when this question was taken up and I apologise to the House for not having given notice of my amendment at the proper time. I expect that some other hon. Members will take it up. I know Shri Pataskar if he were here would have told you that the Bombay members were opposed to the measure being made automatically applicable to the State of Bombay.

With these words I beg leave to move my amendment, but if it is not possible, I would then oppose the whole Bill.

Mr. Chairman: The question is:

In page 1, omit lines 12 to 14.

Mr. Chairman: It is not clear and let me put the motion to vote a second time.

Shri M. Shafiee Choudhuri (Jammu and Kashmir): rose—

Mr. Chairman: Does the hon. Member want a division?

Some Hon. Members: Yes.

Mr. Chairman: The division must be called for at the time as soon as the occasion is ripe for it. Since the hon. Member wants a division now, I am bound to allow it.

Before putting the motion to the vote of the House I will just explain what the matter is in respect of which vote is being asked. There is a proviso to clause 1 which runs thus:

"Provided that in respect of any of the States of Bihar, Delhi, Uttar Pradesh and West Bengal, no such notification shall be issued except on the recommendation of the State Government concerned."

The amendment is meant to omit this proviso.

Shri Biswas: Will you kindly point out that "notification" means notification by which the Central Act may be extended to those States?

Mr. Chairman: If Bihar, Delhi, Uttar Pradesh and West Bengal make a recommendation and the Central Government issues a notification, then this Act will apply to those States. Otherwise this measure will not apply to those States.

To this an amendment is sought to be moved that this Act should be an all-pervading one.

Shri Biswas: In spite of the fact that there are States with Wakfs Acts of their own.

Mr. Chairman: I want the whole position to be understood. Several hon. Members who have just come to the House would not have followed the discussion.

Shri K. K. Basu (Diamond Harbour): Unless the State Governments ask for it, the Act will not be made applicable to them?

Mr. Chairman: The fact is that there are various States in which particular laws of those States are in operation today. They are deemed to be good so far as their States are concerned, as they have been in existence there since some time. These States will be governed by these laws, unless the Central Government issues a notification on the request of the States concerned.

Shri K. K. Basu: If the proviso is dropped, what is the position?

Mr. Chairman: In those four States their particular laws will not be operative; they will be governed by this Bill. If the proviso is passed their laws will continue as they are; if the motion is passed this law will apply to all those States.

I will now put the amendment to the vote of the House again.

The question is:

In page 1,

omit lines, 12 to 14.

House Divided: Ayes, 23; Noes 117.

AYES

Division No. 5

Amjad Ali, Shri
Basu, Shri K. K.
Chowdhury, Shri C. R.
Chowdhury, Shri N. B.
Das, Shri Sarangadhar
Deogam, Shri
Gopalan, Shri A. K.
More, Shri S. S.

Nambiar, Shri
Nayar, Shri V. P.
Raghavachari, Shri
Randaman Singh, Shri
Rao, Dr. Rama
Rao, Shri T. B. Vittal
Reddi, Shri Madhao
Reddi, Shri Eswara

Shastri, Shri B. D.
Singh, Shri R. N.
Sinha, Th. Jugal Kishore
Subrahmanyam, Shri K.
Sundaram, Dr. Lanka
Swami, Shri Sivamurthi
Velayudhan, Shri

5-23 p. m.

NOES

Achint Ram, Lala
 Agrawal, Shri M. L.
 Aivis, Shri Joachim
 Asthana, Shri
 Balmiki, Shri
 Bansal, Shri
 Barupal, Shri P. L.
 Basappa, Shri
 Bhargava, Pandit M. B.
 Bhawanji, Shri
 Chanda, Shri Anil K.
 Charak, Th. Lakshman Singh
 Chatterjee, Dr. Suallranjan
 Chaturvedi, Shri
 Chaudhary, Shri G. L.
 Chavda, Shri
 Choudhuri, Shri M. Shafiee
 Dabhi, Shri
 Demar, Shri
 Das, Dr. M. M.
 Das, Shri B. K.
 Das, Shri K. K.
 Das, Shri S. N.
 Deshmukh, Shri C. D.
 Deshpande, Shri G. H.
 Dhulekar, Shri
 Dhusiya, Shri
 Dube, Shri U. S.
 Gandhi, Shri M. M.
 Ganga Devi, Shrimati
 Ganpati Ram, Shri
 Guha, Shri A. C.
 Hyder Husein, Ch.
 Iyyani, Shri E.
 Jagjivan Ram, Shri
 Jajwale, Shri
 Jena, Shri K. C.
 Jena, Shri Niranjan
 Jethan, Shri

Joishi, Shri Jethalal
 Joishi, Shri M. D.
 Joishi, Shri N. L.
 Kabe, Shrimati A.
 Kasliwal, Shri
 Katham, Shri
 Katiya, Dr.
 Kaxmi, Shri
 Keskar, Dr.
 Khongmen, Shrimati
 Krishna Chandra, Shri
 Kureel, Shri B. N.
 Lallanji, Shri
 Lotah Ram, Shri
 Mahodaya, Shri
 Malliah, Shri U. S.
 Malvia, Shri B. N.
 Mandal, Dr. P.
 Mathew, Shri
 Mathen, Shri
 Mehta, Shri B. G.
 Mishra, Shri Bibhuti
 Mohd. Akbar, Sofi
 Mohiuddin, Shri
 Morarka, Shri
 More, Shri K. L.
 Mukne, Shri Y. M.
 Muthukrishnan, Shri
 Naakar, Shri P. S.
 Netswadi, Shri
 Nehru, Shrimati Uma
 Neswi, Shri
 Palchoudhury, Shrimati Ila
 Pannalal, Shri
 Paragi Lal, Ch.
 Patel, Shri B. K.
 Prabhakar, Shri Naval
 Prasad, Shri H. S.
 Rachish, Shri N.

Radha Raman, Shri
 Raghubir Sahai, Shri
 Raghunath Singh, Shri
 Rahmon, Shri M. H.
 Raj Bahadur, Shri
 Ram Dass, Shri
 Ramnand Shastri, Swami
 Ramaswamy, Shri P.
 Ramaswamy, Shri S. V.
 Rambir Singh, Ch.
 Rane, Shri
 Roy, Shri Bishwa Nath
 Rup Narain, Shri
 Sahu, Shri Rameshwar
 Samanta, Shri S. C.
 Sanganna, Shri
 Satyawadi, Dr.
 Sharma, Pandit K. C. J.
 Sharmis, Shri K. R.
 Shivananappa, Shri
 Shobha Ram, Shri
 Shukla, Pandit B.
 Singh, Shri H. P.
 Sinhasan Singh, Shri
 Snatak, Shri
 Suresh Chandra, Dr. J.
 Suriya Prasad, Shri
 Swaminadhan, Shrimati Amma
 Syed Ahmed, Shri
 Thomas, Shri A. M.
 Tiwari, Shri R. S.
 Tripathi, Shri K. P. J.
 Upadhyay, Shri Shiva Dayal
 Upadhyay, Shri S. D.
 Vaishya, Shri M. B.
 Varma, Shri B. R.
 Varma, Shri M. L.
 Venkataraman, Shri
 Vidyasankar, Shri A. N.

The motion was negated.

Mr. Chairman: I shall now put clause 1 to the vote of the House. The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Kaxmi: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Shri Raghavachari (Penukonda): I wish to say just one point, and it is this. This Bill is an attempt to bring the Muslim religious institutions under one uniform law. But the proviso to clause 1 exempts particular States. We stand for, and the purpose of the Government also is that there must be a uniform law in the whole country. That is why they are busy with abolishing all differences in Hindu Law and every other Law. So

the ideal, the aim and the much-talked-of object is to have uniformity of law for all States. This amendment was meant to serve that purpose. The law, as it emerges, defeats that particular principle which they want to adopt in every branch of law. Therefore I oppose the Bill.

Shri N. B. Chowdhury (Ghatal): I have only to make one request. I would request the hon. Minister to send a copy of the Bill, as it would be passed, to all the States...

Mr. Chairman: Order, order. This Bill will be published in the Gazette, it will be sent to all the States, and any person can obtain a copy of the Gazette. What is the point he wants to make?

Shri Syed Ahmed (Hoshangabad): He does not know the procedure.

Shri Biswas: The copies will be available for a few annas.

Shri N. B. Chowdhury: My intention was to request the hon. Minister to send a copy of the Bill, or the Act as it would become, to the States to which it is not going to be applied, for their opinion so that they may consider the Act and then, if they think that it is an improvement upon the existing Act, they may come forward with a request to the Central Government.

Shri Syed Ahmed: Yes, yes, sit down.

Shri S. S. More (Sholapur): Has he become the Minister in charge?

Shri Mohanlal Saksena: I do not want to waste the time of the House, but I want to point out one thing because this matter is going to come up before the other House as well and it may take notice of it.

This Bill is going to enact a uniform law for Muslim wakfs and charitable endowments in all the States except four which have been mentioned where they have already got their own laws and they can, if they so choose, apply this Act after

it has been passed. For the reasons I have already stated in the Minute of Dissent I would like to state once again that I am only for enacting a model Act which might be adopted by the different States. After all, the States are autonomous, and this is a Concurrent subject. In the original scheme of the Bill there was a provision for a Central Board which was to supervise the working of all the State Boards. But that scheme has been given up. There was a provision for election of the members of the Central Board. That has also been given up. The only thing left is that we are enacting a law and we expect the States to administer it. The best course would have been to have passed the law and to have given them an opportunity of considering it and deciding as to whether this law was to be enforced in their respective States or not. That was not acceptable to the majority of the members of the Committee. Therefore my suggestion was that at least States like Bombay, where they have got a general law applicable to charitable trusts belonging to all the communities, should also have the same right to decide whether this law was necessary for the State or not. That was not accepted. And today, as I have already stated, for reasons over which I had no control, I was not in a position to move an amendment in time. An objection was taken by the hon. Member and I could not move it. Otherwise I am sure if there was a division on my amendment, the verdict would have been quite different.

Therefore, I want to state at this stage for the information of the Members in the other House that they have to consider this aspect of the question before the measure is passed. On this ground I would like to oppose the Bill as a whole.

شری ایم - ایچ - رحمان (فلم)

مراد آباد سیکٹرل : چورسوں صاحب -

شری موہن لال جی نے اپنی جو

دائے اس بارے میں دی ہے - میں

[شرعی اہم - ایچ - رحمان]

سمجھتا ہوں کہ جب یہ بل پیش ہوا تھا اس وقت بھی یہی بحث آئی تھی - اور جہاں تک مجھے یاد ہے - مولانا آزاد نے اور میں نے اس بات کو صاف کر دیا تھا کہ جہاں تک چیریٹیبل ٹرسٹ کا تعلق ہے گورنمنٹ خود بھی اپنی جگہ سوچ رہی ہے کہ ایسا کامن لا بلائے جس میں سب مذاہب کے جو اوقاف ہیں ان کا ایک مشترک بورڈ کی حیثیت میں مشترکہ انتظام ہو اور ہر فرقہ کے اپنے اوقاف کے لئے جدا جدا سب کمیٹیاں یا سیکشن بنا دئے جائیں اور وہی الگ الگ سٹیٹوں میں تسلیم کئے جائیں - لیکن ہم یہ چاہتے تھے کہ ہمارے پارلیامینٹ کم سے کم اس وقت سے پہلے ہمیں اتنی مدد دے کہ لاکھوں کروڑوں کے وقف جو مسجیدوں - درگاہوں - دینی اور مذہبی مدرسوں اور بیوؤں اور بچوں کے اسکالرشپس کے لئے ہیں ان میں متولی جس قسم کی حرکتیں کر رہے ہیں ان سے ہم ان کو محفوظ کر دیں - اس وجہ سے یہ بات کہی گئی تھی کہ ایسا وقف ایکٹ بن جائے اور وہ قانون کی شکل اختیار کر لے - جس سے ہم اس بارے میں مدد لے سکیں - اس وقت سے پہلے ایسا ایک ایکٹ بن جانا ہمارے لئے مفید پڑے گا - ان لوگوں کے لئے جو ایک پارٹ ہیں - ایک حصہ ہیں -

اپنے ملک - اپنے وطن میں بسنے والوں کا - اگر موہن لال جی بمبئی چیریٹی ٹرسٹ کو پروگریس سمجھتے ہیں تو آپ کامن چیریٹیبل ٹرسٹ کے نام سے جب آپ قانون بنائیں گے اس وقت مسلم نقطہ نظر سے جو ضروریات ہوں گی ان کو ہم اس وقت پیش کریں گے - بمبئی کو اس قانون میں اس لئے مستثنیٰ نہیں رکھا گیا کہ کمیٹی میں شری موہن لال جی کے علاوہ سبھی نے متفق ہو کر یہ بات سوچی اور وہ بہت غور کے ساتھ سوچی کہ وہاں جس قسم کا پبلک ٹرسٹ ایکٹ بنایا گیا ہے وہ اس مقصد کے خلاف جاتا ہے جس کے لئے ہم نے یہ بل پیش کیا ہے - اسی لئے وہاں کے مسلمانوں نے - چھٹی بھائیوں نے - پارسیوں نے - سبھی نے اس کی مخالفت کی - اور اس کی بنا پر اس کو ان لوگوں پر لاگو نہیں کیا گیا - تو ایک ایسے ٹرسٹ کو جس کو خود وہاں کی مختلف کمیونٹیز کے آدمی اپوز کر رہے ہیں - اس کو ہم جیوں کا تھوڑا سا حصہ دیں اور اس بل کو بمبئی پر عائد نہ کریں - تو اس سے تو بہتر ہے کہ یہ وقف بل بنایا ہی نہ جائے - یہ باتیں صاف سامنے آ چکی تھیں اس لئے میں جہاں تک سمجھتا ہوں کہ موہن لال جی کو یہ مناسب نہیں تھا کہ وہ اس بل کی مخالفت کریں کیونکہ

سچی اور حقیقی بات تو یہ ہے کہ
ہاؤس نے ان تمام باتوں کو سوچ کر
ہی اس بل کو لانے کا موقع دیا -
شری ٹلڈن جی نے یہ بھی کہا تھا
کہ اگر کوئی قانون مسلمانوں کے نام
سے آ جائے کہ یہ مسلم وقف ہے تو
یہ ایسی چیز نہیں ہے جو سکیولرزم
کے خلاف ہو بلکہ ایسی چیز یہ ہے
جس کی بنیاد اچھی باتوں پر ہے اور
اس سے صرف متولیوں کی زیادتیوں
کو روکنا ہی مقصود ہے - اس میں
کوئی بھی سکیولرزم کے خلاف بات نہیں
ہے - البتہ چار صوبوں - اتر پردیش -
دہلی - بہار اور ویسٹ بنگال کو اس
لئے اس رپورٹ میں مستثنیٰ کیا کہ
ان چاروں اسٹیٹوں میں مسلم وقف
ایکٹ اسی مقصد کو پورا کرنے کے لئے
بنایا گیا جس مقصد کے لئے پارلیمنٹ
میں یہ بل پیش کیا گیا ہے - اور
اسی لئے منظور کیا کہ وہاں مسلم
وقف ایکٹ بلے ہوئے ہیں اور ان
چاروں جگہوں پر وہ مقصد پورا ہو
رہا ہے - پھر ہمارے لاء منسٹر صاحب نے
توجہ دلائی تھی کہ پارلیمنٹ کے
لئے یہ صورت حال مناسب نہیں ہے
کہ وہ اس کو کسی سٹھٹ کے اوپر
فورس کرے -

اس لئے چار جگہوں کو مستثنیٰ
کر دیا جائے اور باقی پر لاگو کیا
جائے - میں سمجھتا ہوں کہ جس
مقصد کے لئے یہ پیش کیا گیا اس
کو دیکھتے ہوئے سلیبیک کمیٹی نے

بہت سوچ بوجھ کے ساتھ اور پوری
سمجھ کے ساتھ - پورے غور و فکر کے
ساتھ جس طرح کی رپورٹ پیش
کی ہے وہ بہتر ہے - وہ ایک
بہترین مقصد پیدا کرتی ہے -
جس مقصد کے لئے ہم مذہبی اور
دعوم کی چیزوں کے لئے تحفظ چاہتے
ہیں وہ سب اس میں آ جاتا ہے -
اس لئے میں ہاؤس سے گزارش کروں گا
کہ وہ اس کو منظور کرے اور ہمارے
ان بہترین کاموں کے لئے مدد کرے
کہ جن کو ہم سمجھتے ہیں کہ وہ
زیادہ سے زیادہ مفید ہیں -

(English translation of the above
speech).

Shri M. H. Rahman (Moradabad
Distt.—Central): Sir, the opinion
given by Shri Mohanlal in this con-
nection is, I understand, the same as
said by him in the debate when the
Bill was introduced. So far as I re-
member, Maulana Azad and myself
had made it clear that with regard to
the Charitable Trust the Government
thought of making a common law
which would bring under its purview
the wakfs of all religions, and as a
Board carry on their combined
management, and that separate sub-
committees or sections for wakfs of
each sect be made and recognised in
the various States. The help that we
want to seek at this time from the
Parliament is that the wakfs worth
crores of rupees for mosques, holy
places, religious and sectarian schools
and for scholarships of widows and
children be saved from the nefarious
activities of Mutwalis. This was the
reason why we insisted on converting
this wakf Bill into an Act, a law which
would help us at this juncture. To
have such an Act would have been
useful for those who form a part of
the people of our land. If Bombay
Charitable Trust is thought to be pro-
gressive by Shri Mohan Lal, we shall
present the needs from Muslim point.

[Shri M. H. Rahman.]

of view whenever a law in the name of Common Charitable Trust is framed. Bombay was not excluded from the purview of this law because all the members of the Committee other than Shri Mohan Lal were agreed on the decision that the Public Trust Act framed there was contrary to the object with which the Bill was introduced. This was the reason why Muslims, Jainis and Parsis of Bombay opposed it, and hence it was not applied there. How can we allow such a Trust to continue as it is when the people of different communities are opposing it there? It is better not to frame the wakf Bill at all. All these things were clear to us, and so far as I understand it would not be proper on the part of Shri Mohan Lal to oppose the Bill. The fact remains—reality as it is—that the House introduced the Bill after considering all these things. Shri Tandon in his speech said **this much** also that this Muslim Wakf was not a thing opposite to secularism, but was a measure based on good principles as its object was mainly to stop the excesses committed by the Mutwallis. There is nothing pugnacious to secularism in it. The four provinces, viz., Uttar Pradesh, Delhi, Bihar and West Bengal were not purviewed in this report as the object of making Muslim Wakf Act in all the four provinces was the same with which the Bill was introduced in the Parliament and as such it was agreed to because the Muslim Wakf Act framed there fulfilled this object. Our Law Minister invited our attention to it and said that it was not proper for the Parliament to force this on any State, and so this Act should be applicable to all the places other than these four provinces. Looking to the object of the Bill, I understand, the report, as it has been submitted after full consideration and proper thought by the Select Committee, is quite apt. It inspires in us the over-all object—an object for which we want to protect the religious sanctuaries; and that is covered in this Bill. With these words I will request

the House to accept it and help in noble task so useful to us.

Shri Pataskar (Jalgaon): I wish to say a few words with respect to this Bill, not because I am opposed to the principle of the Bill, but because I think there is something, which, to my mind, is wrong so far as the Bombay State is concerned. In Bombay we have the Public Charitable Trusts Act. The history of that Act is that that Government appointed a Committee consisting of an eminent High Court Judge as Chairman to consider the question from all points of view. That Committee went through all possible formalities, collected all statistics, consulted all manner of people and then that Government passed the Act, which is applicable not only to a particular community, but to all Muslims, Hindus, Christians, Parsis, etc. I would make it clear here that that Act does not interfere with what you do. Wakfs are dealt with under that Act. Under that Act, there is no interference with what they do. It provides that all manner of public charitable trusts have to render accounts as to whether moneys are properly spent.

We have that legislation in the Bombay State, which is already in force. Of course there may have been a few complaints here and there: I do not know. But, the Act is in force. I am surprised to find that in the Select Committee, they have exempted four States, Bihar, West Bengal, etc. because they have got a Wakf Act. Why is not Bombay exempted? The report of the Select Committee says:

"In Bombay there is no such special legislation relating to wakfs, but there is the Bombay Public Trusts Act, 1950, which, in the opinion of the Committee, does not adequately meet the special problems of wakfs."

I do not know how the Select Committee have arrived at this conclusion. But, I find that the Bombay Government had clearly given its opinion that they have already an Act of this kind. It would be a retrograde step now to pass a measure the result of which will be that that Act will not be

applicable to wakfs in the State of Bombay, because this will be a measure passed by the Central Legislature. The subject is in the Concurrent List. I do not mind this if there are any hardships of which I am convinced. If the management of wakfs in the Bombay State are suffering in any way because the Public Charitable Trusts Act of Bombay governs them, I can understand that. I have not heard a word about that. Nor do I find from the report of the Select Committee what the difficulty is, except some sentiment or some such thing. I find the Bombay Public Charitable Trusts Act does not interfere in any way with the objects of the Trust. There are Jain trusts, Parsi trusts, etc. The Act does not propose to interfere with what the Parsis want to do by their trusts. It only says that the trustees should properly carry out the objects for which the trusts are made. It does not propose to interfere in any way with whatever they do so long as it is proper. Therefore, to my mind, so far as Bombay is concerned, this Act is not necessary. I would like my hon. Muslim friends not to misunderstand me for a moment. If this Act were not in existence in Bombay, I would not have objected at this stage to the passing of the Wakf Act which may be made applicable to Muslims all over India. At any rate, we have achieved some progress. We feel that there should be uniformity of laws so far as wakfs are concerned throughout the country. I think administration of public charitable trusts is a part of the civil law of the land. So far as the civil law is concerned, our Constitution lays down that our objective is to attain uniformity of civil law in its application. What we are doing here so far as the Bombay State is concerned, is exactly the reverse. At least, we should have left Bombay outside the scope of this Bill. I would still appeal to the hon. the Mover not to be guided by a few complaints here or there which may or may not be correct. So far as the Bombay State is concerned, I find that there are not only Muslim trusts; there are Parsi trusts, Jain trusts etc. They are governed by a uni-

form civil law. Except for a few complaints here and there, I do not think there is anything seriously wrong there. The passing of this law will amount to a retrograde step. This is a subject in the Concurrent List. That constitutional aspect also must be taken into account. In the Bombay State, after a good deal of consideration, after going through all the formalities—I claim that the Bombay State is very progressive in matters of social reform—on the report of a Committee presided over by an eminent Judge of the Bombay High Court, they have passed this Act and the law is in force for the last few years. The result of the passing of this legislation will be, at least by not exempting the Bombay State, so far as wakfs are concerned, they will be governed not by the Bombay Act which is already in operation, but by an Act which we will be passing. I have nothing more to say; I would only appeal to the hon. Members of this House to seriously take note of this. This is not good. In the Constitution we have laid down our objective. We may not be able to reach it. It may not be possible for India to have a uniform civil law for all the Muslims, Hindus, Christians, etc., for the time being. It may take some time before we reach that goal. But, in a small matter like this, where in a progressive State, there is already a piece of legislation which applies to all people, I do not understand why we should be a party to passing a legislation which will only introduce discrimination? What will be the result of this Act? Muslim wakfs will be excluded. Tomorrow, the Parsis may come forward and say, we may also be excluded. So also the Jains. We know that when once this process of disintegration starts, there is no limit to it. Already we are suffering from the fact that people do not think of India as a whole, but think of India in sections. That is our grievance and complaint. To the application of this Act to the rest of India, I do not grudge. I would say that in the whole of India there should be a legislation like the one we have in Bombay. If it is not possible, for the time

[Shri Pataskar]

being, at least do not disturb what has been there in Bombay. I would therefore make an appeal to the House, particularly to my hon. Muslim friends, because I am liable to be misunderstood. They may say we have been born and bred to think in terms of different communities. That is wrong. As a matter of fact, if I am convinced that the Bombay Act affects the Muslims in any way and that the money which is provided for the wakfs is being utilised for something else, I can understand that.

6 P.M.

I would warn hon. Members to think seriously of the results that will follow if we should interfere with such provisions as exist in the Bombay Act for all irrespective of whether they are Muslims, Christians or Jains, merely because we want a Wakfs Bill for all the Muslims in the whole of India. What is the direction in which we are proceeding? Are we making for progress or are we going in the reverse direction? I would appeal to the Mover that he should consent to make an exception so far as Bombay is concerned. If that is possible, I will have no objection to the Bill.

An Hon. Member: Is it not very late?

Shri Pataskar: It may be said that I am late, but I had raised this objection even at the time when the Bill was taken into consideration. It may be the third reading, but even then I believe we should not be a party to a measure which is not going to be a progressive one, but which is going to be a retrograde one. We should not be carried away by mere feelings and sentiments in this matter. It should not be difficult even at this stage to exempt Bombay.

Pandit K. C. Sharma (Meerut Dist.—South): I am one with Mr. Pataskar that there should be uniformity in legislation, and in the Select Committee I fought for this view point. But it was agreed that where there are wakf laws in operation exclusively dealing with Muslim wakfs, there this

should not operate. That is, U.P., West Bengal and Bihar have their own Acts in operation. Therefore, they were exempted. In the case of Bombay there is no Act exclusively dealing with Muslim wakfs as such. Now, the question arises that there is already a law in existence, but that law unfortunately is an optional law.

Shri Pataskar: No, no. Muslims are governed by that Act.

Pandit K. C. Sharma: Muslims have refused to be governed by that. So far as I understand there is an optional section in that Act.

Shri Pataskar: May I clear the impression? Last time I had read out the very section itself which makes it clear that it is not optional. It applies even at the present day to all sections of the citizens in Bombay.

Pandit K. C. Sharma: Anyhow, Sir, that Act was read by the Committee and it was found that it is proper that this present Act would be better and that it does not run counter to that Act. The provisions are almost the same, because it is a question of governing the property, giving the accounts and taking proper precautions to see that the property is rightly managed, that the account is rightly given etc. There is nothing in this Bill which goes specifically against any accepted principle about charitable disposition of property. It is a simple, innocent sort of legislation. Therefore at this stage I submit it is better that this Bill be passed, and we should wait till we get a uniform law dealing with all the charitable properties.

Shri Kazmi: The position that has been placed by Mr. Pataskar was placed before the Select Committee also. As a matter of fact, when this Bill was referred to the Select Committee, Mr. Pataskar had made that position clear. My hon. friend Mr. Mohanlal Saksena was of the same view, and it cannot be said that this view has not been considered. We were all in the hands of the Members of the Committee. I am perfectly in favour of one uniform law for the

whole country, but so far as the Bombay Act is concerned, I may just draw the attention of the House to the provision of giving all the powers to one man. This is a serious question that has to be considered by the House not only today, but also in the future when a common legislative measure for all the communities comes up before the House. The question is whether you are going to have all your powers of management, administration etc. in the hands of one single person, or you are going to appoint a Board. Personally I am not in favour of one person being nominated to carry on all the work with full powers.

Now, what is there in the Bombay Act, with due reference to the opinion of Shri Pataskar? I do not want to criticise his opinion or the Bombay Government. But all the powers are vested in the Charity Commissioner. Government appoint a Charity Commissioner and a Deputy Charity Commissioner, and they are the sole authorities for deciding anything, and if in any particular matter, they want some help, they can have assessors. While we see that everybody has been against assessors, the Bombay Charitable Trusts Act has once again brought in these assessors to the forefront, and it is provided in that Act, that due weight shall be given to the opinion of the assessors. So, I personally fail to understand whether that Act can be called a model Act at all. As a matter of fact, the Committee that was appointed was only for Hindu trusts.

Shri Pataskar: No, no, it is wrong. It was not for Hindu trusts.

Shri Kazmi: These are all controversies.

Shri Pataskar: It was not for Hindu trusts. It is a fact.

Shri Kazmi: It was. For that, I have the authority with me. The Tendulkar Committee was appointed for enquiring into Hindu trusts only, but when the measure came up before the Legislature, they wanted to include others. The Jaing said that they 8 P.S.D.

were not Hindus, because they did not want to be included in it; the Parsis protested against it, and the Muslims protested against it. I know personally well that representation after representation was made to the Home Minister of the Bombay Government saying that this measure should not be applied to the Muslims, the Parsis etc. If my hon. friend feels that it is a model measure, let it be brought before the House, and if the House accepts it, I am prepared to abide by it. But so long as a common measure has not been enacted, let us carry on the administration of the wakfs in the way it has been carried on up till now, viz. let there be some sort of management, board or trust, the persons on which may be either nominated by Government or elected. But there must be a number of persons who should carry on the management of the trust, and the powers should not be vested in one man, as the Charity Commissioner of Bombay.

I want to take this opportunity of thanking the Members of this House, and the Members of the Select Committee, and also the Chairman of the Select Committee, who has taken very deep interest in the measure and has brought it to a successful conclusion.

I thank the House once again.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(REPEAL OF SECTIONS 266, 267 ETC. AND
AMENDMENT OF SECTIONS 272, 375 ETC.)

Shri S. V. Ramaswamy (Salem)
rose—

The Minister of Home Affairs and States (Dr. Katju): Before my hon. friend makes the motion, I would like to make a statement that might be of some help to the House.

Mr. Chairman: I might submit that the motion may formally be moved and placed before the House. After that only, the occasion for the statement which the hon. Minister wants to make will arise.

Shri S. V. Ramaswamy: I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Hari Vinayak Pataskar, Shri Kotha Raghuramaiah, Shri Tek Chand, Shri Nemi Chandra Kasliwal, Shri Mukand Lal Agrawal, Shri A. M. Thomas, Shri Nageswar Prasad Sinha, Shri N. Somana, Shri R. Venkataraman, Shri Shankar Shantaram More, Shri Kamal Kumar Basu, Sardar Hukam Singh, Shri K. M. Vallatharas, Dr. Lanka Sundaram, Shri C. C. Biswas, and the Mover, with instructions to report by the last day of the first week of the next session."

In making this motion,.....

Mr. Chairman: I think it would be better if I place the motion before the House. The hon. Home Minister may make his statement first, and then the hon. Member may continue his speech, so that it may be possible for the whole thing to be solved in a manner which may not take more time of the House. Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Hari Vinayak Pataskar, Shri Kotha Raghuramaiah, Shri Tek Chand, Shri Nemi Chandra Kasliwal, Shri Mukand Lal Agrawal, Shri A. M. Thomas, Shri Nageswar Prasad Sinha, Shri N. Somana, Shri R. Venkataraman, Shri Shankar Shantaram More, Shri Kamal Kumar Basu, Sardar Hukam Singh, Shri K. M. Vallatharas, Dr. Lanka Sundaram,

Shri C. C. Biswas, and the Mover, with instructions to report by the last day of the first week of the next session."

Shri D. C. Sharma: This is the only Committee where no woman Member is represented.

Dr. Katju: I think the House very fully appreciates the great labour which my hon. friend, the Mover of this Motion, has bestowed upon this question, whether there should be any assessors or not and the more debatable question of the existence of the jury. The House is aware that this matter was fully discussed sometime ago, in the month of August, and Government have now taken upon themselves the task of amending the whole of the Code of Criminal Procedure in material respects. With the permission of the hon. the Speaker, I have already published a draft Bill in the *Gazette of India* and I expect to be able to introduce the Bill within a very few days, sometime before the end of this month, and then to make a motion for reference of that Bill to a Joint Select Committee.

Now, in that Bill, along with many other matters, there is also a relevant provision relating to trial with the aid of assessors and trial by jury. This Bill was circulated for eliciting public opinion. Public opinion relating to assessors is practically unanimous—that they do not serve any useful purpose and should go. But with reference to trial by jury, opinion is divided. So far as the Government Bill is concerned, as it has been published, the proposal is that trial with the aid of assessors should be abolished. So far as trial by jury is concerned, we have not made any change, which means that we leave it to every State whether to have trial by jury or not. Now, it occurs to me that this motion—the Government motion—for reference of the Government Bill—the Criminal Procedure Code (Amendment) Bill—to a Joint Select Committee is likely to come up sometime

in April and it may be convenient to my hon. friend if he were to connect his Bill with that Bill, and it may be that the House may decide two ways. Either my hon. friend on further consideration may say that his object having been served, he would withdraw his Bill and let the bigger Bill go before the Joint Select Committee, or, if he so desires, his Bill and the Government Bill may both be referred to the same Joint Select Committee so that there may be no divergence of opinion—one Select Committee working on one Bill and another Select Committee working on another Bill for the same purpose. So I would suggest to my hon. friend, the Mover, that he may ask the House to let this motion stand over, and I undertake that on the Government day for disposal of legislative business, when the Government motion for reference of the Government Bill to a Joint Select Committee comes up, his motion will also be tagged on to the Government motion so that both matters may be disposed of at one and the same time. That will enable the House to discuss the matter in a connected way, and a co-ordinated way, and I imagine it will also save some time of the House. That was the suggestion I wanted to make.

Shri S. V. Ramaswamy: Sir, I am deeply thankful to the hon. Home Minister for the kind reference he has been pleased to make to me and to the Bill. I wish I could accept the first alternative, namely, not to press the Bill, but I find this difficulty. In the opinions that have come (5 Papers in all), while the opinion is unanimous with regard to the abolition of the system of trial with the aid of assessors, I find, on an analysis, about 80 per cent. of the opinions are for the abolition of the jury system also. It is only about 20 per cent. who want the retention of the jury system. That is my only difficulty.

With regard to the second alternative, of course, I am thankful to the hon. Home Minister that this will also come on the official day so

that it may be committed to the same Joint Select Committee. I have no objection to accept that. But, you will please allow some other Members also to express their opinions on the opinions received so that we may know which way the opinions of hon. Members be. So far as I am concerned, I am prepared to accept the hon. Home Minister's suggestion, that this may be sent to the Joint Select Committee along with the official Bill.

Mr. Chairman: Virtually the speech of the hon. Minister is tantamount to a motion that further consideration of the Bill be postponed. I take it that the Mover of the Bill accepts it.

Shri S. V. Ramaswamy: I accept it on the understanding that this will be referred to the Joint Select Committee along with the other Bill.

Mr. Chairman: Is it the opinion of the House that further consideration of the Bill be postponed?

Hon. Members: Yes.

Mr. Chairman: The Bill is postponed.

INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 302)

Mr. Chairman: Mr. Kazmi. Does the hon. Member propose to move a motion about his Bill, item No. 11?

Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West): I beg to move:

"That the Bill further to amend the Indian Penal Code, 1860 be circulated for the purpose of eliciting opinion thereon by the 15th of May, 1954."

So far as this Bill is concerned, on a previous occasion when I placed this before the House—that was a motion for a Select Committee—I had an assurance from the Government that if I were to move for its

[Shri Kazmi]

circulation, then it would be acceptable. I may very briefly state the position as to what I want by this amendment.

Under section 302, only two alternative sentences are provided, (i) death sentence and (ii) sentence of transportation for life. So far as clear cases are concerned, the sentence of death is the usual sentence that is passed by all the courts. But, there are certain cases where, by the application of section 149 or by section 34, a number of persons may be involved. You know that offences under sections 395 and 379 involve a considerable amount of 'moral turpitude'. So far as section 302 is concerned, it may be moral turpitude or it may not be moral turpitude, because in a certain fit of anger or for certain reasons—a person may be in the right—a person might have committed that offence. When a person has killed another—whether the person who killed is a very good man and the person killed is a very bad man—the sentence of death will be passed on him, because he had no right to take the law into his own hands. So far as that aspect is concerned, there is no difficulty. But, in actual practice, what we find is that in certain cases members of one family fight with each other, ten persons on one side and nine persons on the other and one person is killed. They may be relations amongst themselves. The result is that it is possible that all the nine members of the family who are stated by the eye-witnesses to have been present on the spot might not have taken any active part in the affair, yet they would be liable to be sentenced to death. But, generally that is not passed on them and the only alternative is transportation for life. I do not say that in the right cases a sentence of transportation for life should not be given—it must be given—but what I say is that it must be left in the power of the courts to determine the amount of sentence in

cases where the transportation for life for nine members of the family would mean the killing of the whole family. The difficulty is about the words "transportation for life". What I say is these words should be substituted by "a sentence of fourteen years". The hon. Home Minister on the previous occasion said that in some States it is 20 years—it may be even more than that—and so far as that aspect is concerned, I have no dispute and let it be 20 years instead of 14 years. As soon as you put in the number of years, the result would be that the courts in awarding the sentence can reduce it in cases which they consider appropriate. If they do not think it proper, the sentence will remain. As a matter of fact, transportation for life is now an unknown thing. It could only be when India had Andamans and Nicobar outside it to which places people could be transported, but now they happen to be a State by themselves and so there is no place where the convict can be transported. Every person who is sentenced for transportation for life is still kept in jails here for a particular period. What I want is that the court itself may fix the period of sentence instead of saying transportation for life. It should not be left for the executive to determine the period, because I know that in many cases, the persons approach the Government with a petition of mercy and get a reduction of their sentence, sometimes a considerable reduction. What I want is, in proper cases, to give the power to the court to award appropriate sentence, and not to bind the hands of the court so far as sentence of transportation of life is concerned. If a man has committed a glaring murder, he must be hanged, but so far as other cases are concerned where in causing the death of one man, ten persons are involved and where there is no moral turpitude involved, then the court may consider the cases on merits and give proper sentences. It is for this reason that I have introduced the Bill.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Penal Code, 1860 be circulated for the purpose of eliciting opinion thereon by the 15th of May, 1954."

Shri Venkataraman (Tanjore): I rise to express a feeling of disappointment over this Bill. I am totally opposed to death penalty being imposed under any statute. The hon. Mover of the Bill has suggested that some consideration should be shown towards the persons who do not merit the sentence of transportation for life. He made it appear that there may be cases in which a sentence of transportation for life has got to be imposed under the present law, but which may be reduced in the circumstances of the individual case. If we are going to amend the criminal law of the country, let us do it in a systematic fashion. If we are going to do anything with the law that has been in existence for over 80 or 90 years, the only way we can do it is to have a separate law commission which will go into the Acts which have been passed decades and decades ago and which require to be brought into consonance with modern conceptions. Instead of that, if we try to tinker with the law which has been in existence for a long period, and make small changes here and there, it may happen that for a small offence, a great punishment is imposed and for a great offence, a small punishment is imposed. That would be totally against the concept of criminal jurisprudence. Sir, the ancient law of Indian Penal Code has stood the test of time. There are many sections in it which require modification. There are sections in the Indian Penal Code which are not in consonance with modern conceptions and modern times. As I said in the beginning, I am myself against the death penalty being imposed under any circumstances. I think, Sir, the taking away of the life of one man for a mistake, or even a crime of murder, does not in any way bring

to this society a better way of living. A tooth for a tooth and an eye for an eye is a barbaric conception. It is necessary that if we really want to have the law of this country modified, if we really want to have the Penal Code brought in consonance with modern conceptions, then, a systematic approach should be made, a law commission should be appointed and it should be asked to go into each one of the sections of the Indian Penal Code for the purpose of finding out whether it is in consonance with the spirit of the times.

Take, for instance, the punishment for adultery. I heard the other day a certain person arguing that the section with regard to adultery offends the Constitution itself, because under article 14 of our Constitution you must have equality before the law. Under the Penal Code only the man is punished and the woman is not punished for adultery. Therefore, it was argued that this is contrary to our Constitution. I am glad to say that the courts have been able to find a distinction between the offences committed by the persons and they said our Constitution itself provides for protection for women and children and therefore, it is not contrary or *ultra vires* of the Constitution.

But what I want to say in this connection is that it should not be an offence at all under the Penal Code. Adultery was in those days considered to be a criminal offence. Today it must be considered to be a civil matter. In England it is a civil matter, for which damages can be claimed. It ought not to be in the penal statute of the country. There are a number of instances which I would like to give, but the time is drawing near.

Mr. Chairman: I think the hon. Member will take some time?

Shri Venkataraman: Yes.

Mr. Chairman: Then the discussion on this Bill is adjourned to the next non-official day for Bills.

REPORT OF I.F.C. ENQUIRY COMMITTEE—concl'd.

Mr. Chairman: We will take up discussion on the Report of the Industrial Finance Corporation Enquiry Committee raised by Dr. Lanka Sundaram on the 4th March 1954. In regard to this, the time fixed is about an hour and I propose to give forty minutes to the hon. Deputy Minister and thirty minutes to three speakers—ten minutes each.

The Deputy Minister of Finance (Shri A. C. Guha): How many minutes for me, Sir?

Mr. Chairman: Forty minutes for him. We will adjourn at 7-40.

Shri Raghavachari (Penukonda): In the Order Paper that was circulated, it was stated that the discussion would be from 6-30 to 7-30; you now say—till 7-40.....

Mr. Chairman: This is not unusual.

Shri Raghavachari: I wanted to know whether you are extending the time.

Mr. Chairman: Yes, the House will adjourn at 7-40. Shri Bansal.

Shri Raghavachari: Have you ascertained the wishes of the House?

Shri Bansal (Jhajjar-Rewari): I thank you for allowing me this opportunity to participate in this debate. I must tell you that when I was listening to the speeches made the other day, a sense of pessimism and disappointment crept on me as regards the future of industrial development of our country. This Industrial Finance Corporation which has been working for the last few years has had, in my opinion, a very good record of service. When some complaints were brought to the notice of the Members of this House, they raised those points in the debate when the Act was being amended and subsequently a Committee was appointed and now that that Committee have had enough time to go

through all the points it is only proper that we consider the report impartially. I am sorry to say that those hon. friends who participated in the debate neither did carefully go through the Report of the Committee nor did justice to the opinions and views of the Board which were circulated along with the Report. The Committee has dealt with the complaints in four chapters—chapters 3, 4, 5 and 6. I will take chapter 3 later on because the bulk of the complaints are dealt with in chapter 4. In this chapter, the Committee has taken note of nine complaints and I have gone through all these complaints very carefully and in every one of them, excepting in one, the Committee have completely exonerated the Industrial Finance Corporation. I do not want to take the time of the House by reading the views of the Committee on these nine complaints but lest I am doubted, I will point out a few observations of the Committee in this chapter. I would particularly invite the attention of my hon. friend, Dr. Lanka Sundaram to these observations.....

Dr. Lanka Sundaram (Visakhapatnam): On what page?

Shri Bansal: If you read page 20, referring to complaint No. 1, the Committee says:

"The scrutiny of rejected loan applications carried out by us does not indicate that the Corporation entertains any bias against industries established or proposed to be established in backward regions".

About complaint No. 2, the Committee says:

"The Constituent Assembly recognised that the Central Corporation should confine its activities to comparatively larger industries only while the interests of smaller industries will be looked after by the State Financial Corporations..."

This was in reply to the complaint that the Corporation has given assistance to large industries only. I now come to complaint No. 3 that the Corporation has not helped in the dispersal of industries. The Committee's finding on this is:

"We do not think that it is a function of the Corporation to regulate the dispersal of industries....."

I can go on like this but I have only ten minutes and therefore, I request the hon. Members to go through this chapter very carefully themselves.

Dr. Lanka Sundaram: Will you read pages 8 to 12.....

Shri Bansal: I have read everything. You have had your say and please do not interrupt; I will come to that point also.

An Hon. Member: It is a waste of time.

Shri Bansal: In this very chapter the Committee referred to another complaint although they have not serialised it as a complaint. A complaint was made in this House that the co-operative societies were discriminated against. If he reads para 8 on page 28, he will find:

"Applications from co-operative institutions have not been forthcoming."

Even so one loan was granted to a co-operative institution.

Then in chapter 5, the complaint was made that in one case a loan was given where the managing agency did not have a substantial interest in the company. It is true that the managing agency, as suggested, did not have a substantial interest but the partners of the managing agency had substantial interests in that company and this is mentioned clearly in the reply of the Board to the Committee's allegations. A reference to that will be found on page 4 of the Report of the Board.

In Chapter VII—which should be actually Chapter VI because this is a misprint in the Report—the complaint is made that the Corporation did not apply uniform criteria to all the loan applications. Here I would respectfully submit for the consideration of the House that where financial transactions running into lakhs of rupees are involved it is not possible for any responsible institution to apply uniform criteria. It is not any dispersal of charity to displaced persons that uniform criteria have to be applied. I am sorry that my hon. friend the Chairman of this Committee is not here. But in cases where industries are concerned, where large loans have to be granted, a number of considerations have to be taken into account. And those considerations are bound to differ from persons to persons, from the nature of the concern, from the establishment, from the size of the establishment, and so on and so forth. I can quite well conceive that there may be two concerns of equal standing, but one may be managed by a managing agency firm which may not have a high reputation. I would think twice before giving a loan to it, even though on other grounds it may be equal or superior to the other applicant. Therefore, to say that this Corporation did not apply uniform criteria in every case is in my opinion not doing justice to the nature of work and responsibility of the Corporation.

The main gravamen of the charges against the Corporation is in Chapter III concerning the specific allegation that the bulk of the loans granted by the Corporation was to those people who were directors of the companies and also were directors of the Corporation. The sentence is: "From the list of names of Directors on the Boards of borrowing concerns, furnished to us by the Corporation, we are constrained to state that though the loans from the Corporation were not confined to any particular group of capitalists, there is no denying the fact that a large part of

[Shri Bansal]

the loan applications was from big business and their associates."

Sir, in this connection I have already read out the views of the Committee on page 21.

Again, when they are, in paragraph 52, dealing with this specific question at length they say it was not the business of this Corporation to deny loans to larger concerns, because this Corporation was actually constituted to help larger enterprises. And therefore I really do not understand why the Committee are "constrained to state". I should have imagined that it was a plain statement of fact; and why should they be constrained to point it out? I have come across similar contradictions in this Report, and I come to the conclusion that the Committee was suffering from a split personality. It had before it a number of complainants, and it was all the time listening to those complainants and not giving enough opportunity either to the Board or to the individual Directors of the Board to go into those complaints and reply to those specific charges. I should have imagined that if this Corporation was giving loans to big industrial enterprises, it was doing just the thing which this House, or the Constituent Assembly (Legislative) which preceded it, wanted that Corporation to do.

Another charge is made that in a number of cases—four cases are pointed out here—the loans were given to concerns in which the Chairman of the Board was interested, either in the managing agencies of the companies directly or was a director on their boards. There was nothing in the Act which debarred the Chairman or any Director of the Corporation from taking loans from the Corporation. Over and above that, these facts were in the knowledge of Government. They were brought to the notice of Government that these applications are from people who are directors of these companies and also happen to be

directors on the Board or is the Chairman of the Board.

Mr. Chairman: The hon. Member has already exceeded his time.

Shri Bansal: I will come to the concluding portion of my story. We are soon going to have two more Corporations more or less of this very nature in this country. If this House is thinking in terms of large scale industrialisation, in terms of progress, under the Plan, in the Plan period, it will not do to enter into such carping criticism and not to recognise the genuine work where it has been done? If this is the way we are going to deal with public men, Government servants, economists, leaders of the co-operative movement, I do not know what the future is going to be of these two corporations. Criticise. It is our right to criticise. I think genuine criticism helps. But to criticise without any sound reason, just to criticise for criticism's sake is not going to help anybody. We know that our Plan is falling short of the targeted figures. Why? Because the officials today are reluctant to take any responsibility. I know what the achievement of the Committee is. This Corporation was granting loans for the last five years. The loan granted was Rs. 3.42 crores in 1949, Rs. 3.77 crores in 1950, 2.38 crores in 1951, Rs. 4.4 crores in 1952. It came down to only 1.43 crores in 1953. This is the direct result of the Committee. Because, we take all initiative from the people who are carrying the responsibility. Therefore, I would appeal to the House to always maintain a sense of proportion when they are criticising things. If a man does wrong, do criticise; do go at him. But we must also recognise that we have to carry this country forward with the co-operation of everybody concerned, with the co-operation of our officers, with the co-operation of our economists, with the co-operation of the people who are in charge of the co-operative movement, and not

the least, with the co-operation of the businessmen.

Shri Morarka (Ganganagar-Jhunjhunu): I wish to begin my speech by saying a word about the rather unfair criticism made by the hon. Members in the Opposition, about the Managing Director of this Corporation. Apart from the well established traditions of this House not to make any personal criticism against anybody, much less against a person who is not a Member of this House, and who cannot answer the criticism, I think, even on the merits, the entire criticism was unfounded and had no relation to facts or reality. What was the criticism? The main criticism was that the Managing Director has a lot of powers, that he is the centre of gravity, and that he is all in all. Even assuming for a moment that this criticism is correct, whose fault is that? As the House knows, the Managing Director derives his power from three sources; firstly from the Corporation Act itself, secondly from the Board of Directors, and thirdly from the Executive Committee. If you feel that the Managing Director has powers which he should not have, I think the blame lies with one of the three sources or with all of them. The blame lies with the person giving the powers and not with the person to whom the powers are given. Sir, I ask a question of the hon. Members who have made the criticism: is there a single instance in which the Managing Director has exceeded his authority, or he has gone out of the way to do anything during the course of the discharge of his duty? I ask a second question: Is there anything that they could point out wherein the Managing Director is personally interested in any loan to any concern, which was sanctioned during the course of his regime? I am sure the answer to these questions is bound to be in the negative. Therefore, any criticism made against the Managing Director personally has no relation to truth or facts.

Sir, now coming to the report pro-

per, I think the Government have done the right thing in accepting some of the recommendations and suggestions of this Committee. I also appreciate that some other recommendations of the Committee, could not be accepted by the Government straightaway without changing the Act. But, there are some appreciably simple recommendations which, in my humble opinion, the Government could have accepted, and which the Government have not accepted. I say this because I feel that the acceptance of these conditions is very vital for the proper functioning of this Corporation.

I will first take paragraph 48 of the report which says:

"The right to appoint Directors on the Boards of loanee companies is a salutary provision and should be more generally observed."

To this the reply of the Government was that the Corporation does exercise the right of nominating Directors on the Boards of the loanee companies as and when they feel necessary.

A little analysis would make the point clear. Out of 103 companies which have been given loans, only 23 have nominated Directors of the Corporation on their Boards, and these 23 companies represent slightly more than Rs. 5 crores out of the total of Rs. 15.22 crores which have been given as loans. Then, Sir, a company which got a loan of only Rs. 70,000 has been given a Director to represent the Corporation, while a company which has been given a loan of Rs. 65 lakhs has not been given any Director. Even among these 23 companies, one Director represents eight companies, another Director represents six companies, the third Director represents four companies and the fourth represents three companies. In my humble opinion this rule should be uniformly applied to all loanee concerns without any discrimination. At the most some financial limit may be prescribed, and any company which is given a loan of more than that sum of money must

[Shri Morarka]

necessarily have a representative of the Corporation on its Board. I do not see any difficulty in the way of the Corporation asking the loanee company to have such a person on its Board. Once this law is laid down, I think it should be uniformly applied without any discrimination against any company, because I frankly feel that in the absence of such uniformity it does become delicate for the colleague Directors to nominate a Director on the Board of some of the Companies in which directors of the Corporation are interested. The report tells us that in the case of one company the Articles were changed and that the assets of another company were appreciated without the consent of the Corporation. Though these things may be minor, I think they could have been easily avoided if the Corporation had its representative on the Board.

Secondly, the Committee has reported that in order to enable Parliament to look more systematically into the working of this Corporation and similar other Corporations, a Committee of this House should be appointed. To this the answer of the Government is that for reasons already stated in this House the Government is of the view that the appointment of such a Committee would not be proper in the present stage of development. Sir I must confess that I have failed to understand how a Committee of this hon. House can stand in the way of any development programme of the Government. If anything, I feel that the appointment of such a Committee would be of great assistance to the Corporation, to the Government and to this House. I feel that in such Corporations where huge public amounts are involved, Parliamentary control of some type or other is inevitable. Not only that, I feel it is very vital and desirable. Apart from anything else it would curb the false feeling of sovereign ego.

Coming to the next point, the committee has recommended that those companies should not be given

loans the Managing Agents of which happen to be Directors of the Corporation. To say the least, I think that is a very mild recommendation or restriction that the Committee has proposed. I do not accept the argument which suggests that in this country you cannot find disinterested persons who can keep themselves away from the Managing Agency of the Companies to which they want to give loans. Apart from anything else, I personally feel that there are so many concerns where, if the Managing Agents are interested in them as Directors of the Corporation, then it would be very difficult for not only those directors, but even their colleagues to judge the whole question—the application for loan—purely on merits.

Having said this, I feel that this Committee has failed to investigate into the Managing Agencies of the companies, i.e. the interests of the Directors of the Corporation in the Managing Agencies of the present loanee companies. In the absence of that, one cannot make a very realistic criticism of the activities of the Directors.

Secondly, I feel that the Committee has also failed to investigate the causes of the failure of companies where companies have failed to pay either interest or instalments due. Last time when the amendment Bill was discussed, we were told that 13 companies had failed to pay either interest or the instalments. This report is conspicuously silent on that point. In my humble opinion that was the main issue on which the Committee should have commented, and the Committee should have said whether the Corporation has functioned well, has exercised its discretion properly, or whether they have failed to do so. Sir, rather than tackling the main and basic issues, the Committee has allowed itself to be led away into smaller issues, and has tried to find fault with small things here and there.

श्री मदनमोहन (भागलपुर मध्य): चेअर मैन साहब, इस रिपोर्ट के ऊपर काफी बहस हो चुकी और अब विशेष कुछ कहने की तो बात नहीं रह गयी है। हर तरह से यह रिपोर्ट यहां पर जांच ली गई है। रिपोर्ट में यह देखने की बात है कि कमेटी ने जो रिपोर्ट दी है उस में खुद उनका माइन्ड क्लोयर नहीं लगता है। एक दफा कमेटी कहती है कि उन लोगों का कोई दोष नहीं। फिर उसके बाद वह कहती है कि नहीं, कुछ बातें ऐसी हैं। बहुत सी बातें ऐसी हैं जिन में यह देखा गया है कि इस कमेटी ने, इस कारपोरेशन ने, ऐसे काम किये हैं जिन से यह मालूम होता है कि उन लोगों ने कुछ फर्मा को और कुछ अपने आदमियों को सहूलियतें दी हैं। यह दो तरह के जो कंटेडिक्शन की बातें उन्होंने की हैं, उन से मेरी समझ में नहीं आता कि उन के मन में असली बातें क्या थीं।

इसलिये अब हम लोगों की बड़ी मुश्किल हो जाती है कि इस में क्या करें। जो गवर्नमेंट ने उस के ऊपर आदेश दिया है वह भी हमको अच्छा नहीं जंचता। आप जानते हैं कि यहां एक बड़े जिम्मेवार इस हाउस के मेम्बर ने कुछ आरोप लगाये थे और एक बड़ी जिम्मेवार संस्था के विरुद्ध वह आरोप लगाये थे जब कि वह मेम्बर साहब इस ओर बैठते थे। मैं समझता हूँ कि वह इतने जिम्मेवार हैं कि जब उन्होंने वे आरोप लगाये तो जरूर कुछ असली बातें जान कर वे आरोप लगाये होंगे, बिना कुछ जाने हुये आरोप नहीं लगाये होंगे। अब कोई भी मेम्बर इस प्रकार का आरोप लगाये और वह पार्लियामेंट का मेम्बर हो तो मैं समझता हूँ कि इसी तरह से कोई बात कहीं से सुन कर आरोप लगा दे तो वह ठीक नहीं है। उसकी भी इतनी ही जिम्मेवारी है, जितनी कि एक मिनिस्टर की है। किसी के भी विरुद्ध, कारपोरेशन के विरुद्ध, या किसी दूसरे आदमी के विरुद्ध हम कोई आरोप लगायें

तो हमें दूरे तौर से जांच कर लेनी चाहिये उस के बाद हमको आरोप लगाना चाहिये।

अब कारपोरेशन के ऊपर आरोप लगाया गया, हमारी कमेटी बैठी। उसका भी मन कोई तरह से क्लीयर नहीं है। फिर गवर्नमेंट की जो फाईंडिंग है, उस के ऊपर मैं विचार कर रहा था तो वह भी हम को इतनी साफ नहीं मालूम हो ती है। वह यह है:

"In regard to the first term of reference, the Committee has not found that the allegations made in Parliament about partiality and favouritism were established, and has generally exonerated the Corporation."

उस के बाद कहा है :

"It has, however, made some unfavourable observations to the effect that applications in which the Chairman or other Directors take interest receive more expeditious and liberal treatment and that the Corporation carries a bias in favour of established concerns with which any prominent industrialist is associated."

इस तरह से यह है :

"The material on which these remarks are based is not given in the report although the Committee has made certain observations in its examination of individual cases, which might suggest that some favour or leniency was shown. Government have had every one of these cases most carefully examined and find it difficult to accept the view expressed by the Committee especially in regard to liberality of treatment meaning thereby larger loans or easier conditions not justified by business considerations."

अब मैं ने यह पढ़ा तो समझा कि बहुत ठीक है। रिपोर्ट भी पढ़ी तो वहां पर भी कोई इस प्रकार का ऐवीडेंस नहीं था कि जिससे

[श्री भुनभुनवाला]

में सोच सकता था कि यह सब बातें इस किस्म की हैं। परन्तु मिसेज सुचेता कृपलानी ने अपने व्याख्यान में कुछ बातें बताईं और उन्होंने एक बात अपनी स्पीच में कही कि उन्होंने यह सब एवीडेंस इस के साथ इस रिपोर्ट में नहीं लगाया। जैसी हमारी सरकार बराबर यह कह दिया करती है कि “इन पब्लिक इंटरैस्ट” हम फलां बात नहीं कहना चाहते हैं, इसी तरह से सुचेता कृपलानी ने भी कहा कि पब्लिक इंटरैस्ट में मैं कड़ी भाषा नहीं रखना चाहती और बहुत सी ऐसी बातें थीं कि जिन को मैंने रिपोर्ट में लिखना मुनासिब नहीं समझा। मैंने इस में कुछ तत्व देखा। परन्तु अन्त में वह कहती है :

“I even offered these notes to the hon. Finance Minister as part of the report”.

उन्होंने कहा कि मैंने जो मेरे पास नोट्स हैं, वह मैंने फाइनेंस मिनिस्टर साहब को देने के लिये कहा था।

तो मेरा केवल यही कहना है, जसा कि मैंने आरम्भ में कहा था, कि एक बड़े जिम्मेवार आदमी ने बड़े बड़े भारी आदमियों के विरुद्ध आरोप लगाये, बड़ी भारी जिम्मेवार संस्था के विरुद्ध आरोप लगाये। तो यहां पर हम लोग बहस मुबाहसा कर के जो कुछ भी चाहें तय कर लें। हम जो कुछ भी ठीक समझें वह कानूनी तरीके से जो चाहें कर लें। परन्तु इस तरह से एक तरह की हवा फैल जाती है कि जो कुछ भी सरकार करती है याने गवर्नमेंट करती है, वह सब खराबी को एक तरह से दबाने की नीति ही गवर्नमेंट की रहती है। तो यह सब नोट देख कर तथा कमेटी से यदि उन के पास और भी evidence थी उन्हें ले कर गवर्नमेंट अच्छी तरह से यह कह देती, साफ़ साफ़ कह देती, कि उन्होंने यह जो नोट्स दिये गये

हैं उन को भी अच्छी तरह देख कर अच्छे तरीके से तहकीकात करके देख लिया है, इन में कुछ भी नहीं है, और जितने आदमी हैं उन के विरुद्ध कुछ भी कहने को नहीं है। यह बात कहना बहुत जरूरी था। इस को मैं इसलिये कहता हूँ कि बहुत जिम्मेवार आदमी इसके अन्दर हैं, जो हमारी इंडस्ट्री में बहुत ही मुखिया समझे जाते हैं, वह इस के चयरमैन हैं। उन के खिलाफ़ इस प्रकार के आरोप थे और जो अच्छे अच्छे काम करने वाले देश के थे, उन के विरुद्ध भी ऐसे आरोप थे। मैं और किसी को तो उन में से नहीं जानता पर मिस्टर अम्बेगांवकर के साथ तो मेरा करीब चार पांच वर्ष का सम्बन्ध रहा है। वह बहुत ही स्ट्रिक्ट आदमी हैं। उन के प्रति भी व्यक्तिगत आरोप हमारे लंकामुन्दरम साहब ने लगाया जिस को मैंने पसन्द नहीं किया।

Dr. Lanka Sundaram: May I rise on a point of personal explanation, Sir?

श्री भुनभुनवाला : मेरे पास समय नहीं है।

Dr. Lanka Sundaram: I do not want to interrupt the hon. Member. I had made no personal aspersions on Mr. Ambegaokar. The record is clear.

श्री भुनभुनवाला : उन्होंने यह कहा कि अम्बेगांवकर साहब कमेटी के मेम्बर थे और पता नहीं शायद डाइरेक्ट का भी नाम लिया था नहीं, लेकिन कहा कि वही जजमेंट पर बैठे हैं और यह कि उन्होंने रिपोर्ट साइन की है। मेरा कहना यह है कि जजमेंट पर तो वह नहीं बैठे, कबिनेट बैठे है और उन्होंने जो रिपोर्ट को साइन किया है तो अगर सेक्रेटरी की हैसियत से रिपोर्ट साइन कर दी तो इस के लिये यह समझ लेना कि उन्होंने इस में किसी तरह का गोलमाल किया है, यह इस तरह की बात हम लोगों को,

जिम्मेवार आदमियों को, नहीं कहनी चाहिये।
यही मुझे कहना है।

अब जो कुछ सजशस् कमेटी की ओर से किये गये हैं, उन में एक बात यह बताई गई है कि यहां पर एक पेड चेयरमैन रहना चाहिये, होलटाइम चेयरमैन रहना चाहिये। ठीक है, होल टाइम पेड चेयरमैन रहने से यह ठीक है कि एक आदमी अपना सारा समय इस में लगायेगा। परन्तु क्या इस की आवश्यकता है जैसा हमारे भाई तुलसीदास जी ने कहा, सारा समय लगाने की कोई ऐसी आवश्यकता नहीं है और मैं तो समझता हूं कि हमारे सर श्रीराम जी ने जितना काम किया है और जितने अनुभवों वह हैं, उतना अच्छा आदमी मिलना मुश्किल है। उन के अगेन्स्ट में क्या है, क्या नहीं है, और क्या नुक्स हैं, यह तो मैं नहीं जानता, परन्तु जो कुछ उन्होंने किया वह बड़ी बुद्धिमानी से किया है। अगर आप पेड चेयरमैन रखेंगे और आई० सी० एस० लोगों को रखेंगे तो मैं नहीं समझता कि व्यापारी आदमी से अधिक ईमानदारी से वह काम कर सकेंगे। जैसे आरोप लगाये गये हैं, आरोप ठीक सिद्ध नहीं हुये हैं, और गवर्नमेंट ने भी अच्छी तरह जांच नहीं की, इस तरह की बातों को ध्यान में न रख कर अगर कोई व्यापारी काम करे तो वह कहीं ज्यादा अच्छा काम कर सकते हैं, बजाय इस के कि एक पेड आदमी को नौकर रख कर काम कराया जाय। अगर नैपोटिज्म और फेवरेटिज्म कोई व्यापारी कर सकता है तो मैं नहीं समझता कि कोई पेड आदमी उस से कहीं बरी रह सकता है। यह तो व्यक्ति की ईमानदारी पर निर्भर है, वह किस तरह काम करता है, कैसे निर्णय करता है, उस के ऊपर निर्भर है। पेड आदमी ईमानदार हो सकता है तो कोई आदमी आनरेरी काम करे तो वह भी ईमानदार हो सकता है। आप कोई पेड अफसर को पांच हजार या छः हजार की तनखा दे कर रख दें और

समझें कि वही ईमानदार होगा और जो सारा समय लगा कर काम करेगा वह ईमानदार होगा और जो केवल आनरेरी तरीके से अपना समय लगाकर काम करेगा वह ईमानदार नहीं होगा यह हमारी समझ में नहीं आता। अब यह कई एक सुझाव दिये गये हैं कि डाइरेक्टर्स जो हों, उन को लोन नहीं देना चाहिये, ये और इसी प्रकार की कई बातें कही गई हैं, मेरी समझ में ऐसा करने से एक बहुत रिस्ट्रिक्शन और दिक्कत हो जायेगी कि जो अच्छे फर्म हैं और जो तरक्की कर सकते हैं उन को लोन न मिले, और उस सूरत में तो जो इस कारपोरेशन का उद्देश्य है वह पूरा नहीं होगा। परन्तु जो काम करने वाले हैं उन को एक ऐसा रिवाज क्रायम कर देना चाहिये कि लोगों के मन में यह न हो कि चूंकि वहां पर अमुक डाइरेक्टर हैं इसलिये उनको वहां पर लोन और कर्जा आदि बड़ी आसानी से मिल जायेगा। हम लोगों को ऐसा ट्रेडीशन क्रायम कर देना चाहिये कि ऐसा नहीं होगा। बल्कि उन आदमियों के केस जिनके जानकारी आदमी वहां कारपोरेशन में होंगे, ज्यादा सक्ती और स्ट्रिक्टनेस से देखे जायेंगे, लोगों के मन में इस तरह की भावना पैदा होनी चाहिये और यह भावना वहां के जो अधिकारी हैं और काम करने वाले हैं वह यदि चाहें तो जनता के मन में यह भावना पैदा कर सकते हैं। दुर्भाग्यवश अभी हमारे देश में यह भावना विद्यमान है कि यदि कारपोरेशन के किसी अधिकारी और अफसर से किसी की दोस्ती है तो यह समझा जाता है कि बस अब तो यह जो कुछ काम करेंगे वह सब दबाव से करवा लेंगे। यह भावना आज हमारे मुल्क में फैली हुई है, इस तरह की भावना का रहना ठीक नहीं है और अधिकारी लोगों को चाहिये कि वह अपने आचरण और कार्रवाई से यह भावना उत्पन्न कर दें कि जो आदमी उन की जान पहचान के हैं उन के केस बहुत स्ट्रिक्टली जांचे जायेंगे।

7 P.M.

Shri A. C. Guha: Sir, the other day, Dr. Lanka Sundaram started this debate and he made some personal reference to me. He quoted some portions of my speech delivered some months ago—more than a year ago—and I am glad he did it (*Interruption*). Yes, I am also glad but, I do not think I have any reason to feel embarrassed. He has given some personal compliments to me, for which I am thankful to him. But, at the same time he has expressed some apprehension that because I have moved from that bench to this bench, there might have been some basic change in me. He has also said that it is unfortunate for them...

Dr. Lanka Sundaram: Not for you.

Shri A. C. Guha:.....Yes—according to him, not for me—that I have shifted here from there.

[MR. DEPUTY-SPEAKER in the chair]

There, I was sitting with my back turned towards him; here, I am sitting face to face with him. There, I was only in a position to hear his words and not to see him; here, I can also see him and I think his appearance is not so unimpressive as to make me...

Shri Bansal: It is more impressive day by day!

Shri A. C. Guha:..... somewhat obdurate and stolid to the finer sentiments which I used to entertain then. Simply because instead of sitting with my back turned to him, I am now sitting face to face with him, he need not apprehend that there might have been some mental *volte face* in me.

Dr. Lanka Sundaram: Oh, no, I did not say that.

Shri A. C. Guha: Then I refer to the quotations—what I said last time—last time when I made allegations,—“I know my responsibility and I expect that my Government will take this allegation seriously and make serious enquiries into this allegation.” At that stage, Mr. Ramnarayan Singh interrupted, ‘No, no’. I reiterated, “Surely

they will have to.” I am glad the Government, which even then I called my Government, vindicated my confidence in them: they did hold the enquiry.

I now stand by the result of that enquiry. If then I had any idea, right or wrong, from a distance, now I stand by the findings of the enquiry. I do not like to be in the herd of the traditional Bourbons who were never to unlearn anything old nor to learn anything new. Life is to learn new things and by experience we learn new things. So, I take my stand on the findings of the Enquiry Committee, for which I asked my Government. What are the findings of that Enquiry Committee?

Some definite terms of reference were given to the Committee and it was expected that the Enquiry Committee would give their opinion on those findings. The other day the Chairman of the Committee, Shrimati Kripalani, took part in the debate, but I regret I am not on that side. I am unable from this side to reply to the points she made out. On behalf of the Government, we have rendered our thanks to her and to the Committee. The Resolution is to the effect that Government wish to record their thanks to the Chairman and the Members of the Committee for conducting the enquiry and for the valuable assistance they have rendered.

Speaking on behalf of Government, I cannot take the role of criticising the report of the Committee. I accept the report of the Committee as it has been presented before us. I accept what has been stated in the Committee's report. Today Mr. Bansal has referred, and I think some other hon. Members also referred, to certain contradictory remarks in the report. Mr. Bansal also stated that the Committee was working with a sort of split personality. I do not like particularly to place before the House the contradictory remarks in the report. I appreciate that it may be quite difficult for them to come to any definite opinion on many matters. Shrimati Kripalani herself admitted the other

day "It is not always very easy to establish nepotism and favouritism" and thereby admitting how difficult it is to prove a case of favouritism, and I can take it that she said this in view of the wording and findings of the Committee's report. She knows that the Committee's report has not given any definite verdict that the charge of nepotism or favouritism has been established, and the language of the Government Resolution also simply says that the charge has not been established and the Committee has generally exonerated the Corporation of the charge. I would like the House to take note of the word "generally". The charge has not been proved to be definitely established, and the Chairman of the Committee, expressing her grievance over the Government Resolution, admits that it has not been possible to establish it or to prove it.

What are the findings of the Committee? Mr. Bansal referred to Chapter IV: That is really the chapter dealing with the different charges. Out of eight charges, only on one charge, that is, charge No. 7, which is of a very mild nature—(and not so much of a lapse on the part of the Corporation but of the Government, or ultimately of the Parliament),—the Committee has said, "Now the Government should indicate the sector of industry which should be encouraged by this Corporation." That is the only charge which the Committee has partially admitted to have been proved. If the hon. Members take care of reading Chapter IV dealing with the significant charges, they will find that the Committee has not been able to say anything against the Corporation, and in most cases they have categorically exonerated the Corporation—on seven charges out of eight. Then the Committee has mentioned certain cases where the Corporation has used its discretion—the discretion which the Corporation has inherently got as its right by the Act passed by this Parliament. One may disagree in certain respects about the use of the discretion in this place or that place. One may even admit that there are marginal cases, but I would humbly ask this

House to find one single sentence in the report where the Committee has said that the Corporation has acted *mala fide*, or a Director, or Managing Director or anybody connected with the Corporation has defalcated or misappropriated any money of the Corporation.

Sir, except Sodepur all the investments are sound. For the present I would like to exclude Sodepur from the discussion, because we have not been able to come to any decision about Sodepur. Mrs. Kripalani and some other hon. Members also made a grouse that without deciding Sodepur Government was anxious to publish their Resolution. Sir, we have no hesitation in saying that we are not happy about the Sodepur investment. Out of so many investments, out of about 130 or 135 loans, if one or two loans have not proved quite satisfactory, I do not think that is a serious lapse on the part of any organisation. Most of the commercial banks also might have got a few of their investments going wrong. At least when hon. Members have heard so much about bank failures in Bengal and other parts of India, they must have realised how many of the investments of these commercial banks have gone wrong.

The Minister of Finance (Shri C. D. Deshmukh): There is a column for "bad debts" in the balance-sheet.

Shri A. C. Guha: There is a column for 'bad debts' in the case of all commercial institutions. For the present I will exclude Sodepur from the purview of the discussion here.

Dr. Lanka Sundaram: What is the total investment in Sodepur today? Rs. 67 lakhs.

Shri A. C. Guha: Then, Sir, what are the cases mentioned here? I have said that one may call them marginal cases. But we should also remember that the Industrial Finance Corporation is a new experiment. We started on a new venture: to try a new thing. This House passed the Act setting up the Industrial Finance Corporation as an autonomous body. Naturally an autonomous body must have some in-

[Shri A. C. Guha]

initiative, some authority to regulate its own affairs.

I would have accused the Corporation if there had been so many cases of such investments. Dr. Lanka Sundaram has used certain language which would mean that some of the staff or the Directors or the Managing Directors of the Corporation should be sacked, that they were guilty of some criminal offence. I can enlighten this House that out of Rs. 1,17,00,000 due as interest—of course excluding Sodepur Glass Works—only about four lakhs are now pending. So Rs. 1,13,00,000 of interest has been realised. For any investment body, I think that would be taken as very sound working of that body. Similarly, of the instalments due. I think it is only Rs. 19,00,000 now outstanding; all the other instalments have been realised.

An Hon. Member: What is the total of the instalments?

Shri A. C. Guha: I think it is about Rs. 80 lakhs, or something like that. Considering the financial position of the Corporation, I think there is no occasion for this House to take an alarmist view. In the first report of the Corporation we find: "The field of industrial finance in India is relatively new and previous experiments in this field have not been encouraging as witnessed by the experience of the Tata Industrial Bank. Similarly the assistance given under the State Aid to Industries Act has not been encouraging and the Central Government in their report recorded the fact that in two provinces a substantial part of the advances proved irrecoverable", so on and so forth.

I should also like to state here that in United Kingdom there are two industrial corporations: one the Industrial and Commercial Finance Corporation catering to smaller industries and the other, the Finance Corporation for Industries catering to bigger industries. The Chairman of the latter corporation, at the second annual general meeting said: "The Corporation is not a philanthropic institution

with obligation to finance without any reference to the ultimate financial result but it is not suggested for a moment that the Corporation has been aiming to earn extravagant profits". I think I may claim that the Industrial Finance Corporation has acted neither as a philanthropic body, nor simply as a financial organisation to earn extravagant profits; it has been working a middle path with the sound principle of helping the industries as far as possible.

It has been said that so many concerns connected with the Directors of the Corporation have got accommodation from the Industrial Finance Corporation. During the last two or three days, I have tried to do some research work into the working of the different financial organisations of several other countries. I have looked into the working and constitution of the finance organisations of the United Kingdom, United States of America, Belgium, Australia and Canada, United States, of course, stands on an altogether different footing because there they have got many finance corporations and all are Government bodies, entirely under Government control and there is no question of there being any Director. I think the nearest approach would be the two corporations in the United Kingdom, and also perhaps in Pakistan which is more or less on the same lines as ours. Nowhere have I found any ban on directors, or any concerns connected with the directors, getting any loan from the corporations. Nor is there any ban in the Indian Act also on this. Nowhere in any country is there any ban on concerns connected with the directors getting an accommodation from the industrial finance corporation. Now, it is before this House to decide; if the House decides later on that there should be a complete ban, that is for the Industrial Finance Corporation to follow the mandate and there will be no option left to the I.F.C. But so long as the Act stands as it is, we cannot accuse them for having given some loans to concerns connected with the Directors.

Then, what is the connection of these Directors? At least three of these Directors, whose names have been mentioned by Dr. Lanka Sundaram, are not directors of any of the loanee concerns. Prof. Gadgil's name has been mentioned in this connection. He is not even a director of that co-operative company.

Dr. Lanka Sundaram: All this is from the Report, not from my imagination.

Shri A. C. Guha: At least three of them are mere shareholders of the loanee concerns. Except perhaps one gentleman.

Shri Bansal: That is a co-operative society.

Shri A. C. Guha: Except for one gentleman, the total value of the interest of these Directors in the loanee concerns would be only 0.105 per cent. of the total capital. So, simply because some Director might have been somehow connected with some concern, one cannot say it is giving some undue advantage to that concern.

Shri T. N. Singh: But what about the one exception?

Shri A. C. Guha: Sir, I do not like to be interrupted.

In the Banking Companies Act, to which much reference was made, the provision is that any concern connected with the director of any bank should not get any unsecured loan—and cannot; it should be a secured loan. The Industrial Finance Corporation never gives any unsecured loan. So from the point of view of the provision of the Banking Companies Act also, the Industrial Finance Corporation has not acted in any prejudicial manner or wrongly.

Then, Sir, another accusation is that uniformity has not been maintained. Shrimati Sucheta Kripalani herself said that day: "Uniformity of treatment had not been accorded by the Corporation. It is nothing very unusual. It happens all over the world."

8 P.S.D.

An Hon. Member: Taxpayer's money.

Shri A. C. Guha: It is not all taxpayer's money. That is what I am coming to.

Neither is it natural psychologically, nor is it possible materially. Material conditions, I should say financial conditions or commercial conditions, would vary from one concern to another concern. The application of a particular concern might have been rejected for seven reasons. For another concern, out of these seven only two might have been there, but there may be some other reasons which would extenuate for the presence of the two reasons. So there may not be uniformity of conditions to ensure uniformity of treatment. And as the Chairman of the Committee herself has admitted, it is not at all possible, not even psychologically, not even materially, and circumstantially.

Another thing that Shrimati Sucheta Kripalani has mentioned is that we have published the Resolution along with the report. I think Shri N. C. Chatterjee also mentioned this. I am sorry these two hon. Members, after making some accusations, are not present in this House.

Dr. Lanka Sundaram: May I just intervene, Sir? Shrimati Sucheta Kripalani has authorised me to convey through you to the House that she has to go to Calcutta to keep a prior engagement, not knowing that this debate will be coming today.

Mr. Deputy-Speaker: Whatever the hon. Minister says will be conveyed to her.

Shri A. C. Guha: I should have liked her presence; that would have given me some more inspiration.

The grievance against the Government is that the Government have published the decision along with the report. But, in most cases, the grievance has always been that some reports are published and Government

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are not able to formulate their policy and do not implement the recommendations. Here, the Government have been prompt and Government deserve commendation. That has now proved to be an offence of the Government!

Dr. Lanka Sundaram: You are there to defend, holding the baby.

Shri A. C. Guha: I should like the House to remember one thing. The Industrial Finance Corporation is a credit organisation and we do not like this body to be kept as if in the dock for any indefinite period with some accusations hanging over it, and without the Government coming to any decision. So, we thought that the Government should come to a decision and publish it along with the report. I regret very much that there was really some delay. I am not sorry intrinsically for the delay because we wanted to give this report due consideration. Really, this report was considered at several stages at the highest level and that was the cause for the delay. If we had allowed this report to be dealt with in a cursory and routine manner, the report along with the Resolution might have been published much earlier. But, we wanted to give proper importance to this report and to this Industrial Finance Corporation. We took care to go through the report carefully and consider it in different stages and in different levels. That was the cause of the delay.

Then, some hon. Members have taken exception to the wording of the Resolution, at least the first portion of it regarding the charge of nepotism and favouritism. I have already stated that the Chairman of the Committee herself said here that the charge is not so easy to be proved, admitting thereby that the Committee had not been able to prove the charge definitely. Further she said,

"We wanted to be moderate because we were dealing with the Industrial Finance Corporation which was new to us. Again—"

"It is in a state of infancy and so we were moderate in our language."

This is what she said. If for writing the report the Committee had, and wisely so, this consideration before them, how can she or any Member of this House expect the Government to use immoderate words? If the Committee thought it prudent to use moderate language because they were dealing with a credit organisation, how can they expect that the Government which is in a much more responsible position would use immoderate words?

Some Hon. Members: A very good argument.

Some Hon. Members: What an argument!

Shri A. C. Guha: I would like the House to rivet their attention more on the implementation of the recommendations. I shall deal with that portion later on.

Shri Nambiar (Mayuram): It is already 7-30. He says he will reply later on.

Mr. Deputy-Speaker: Hon. Members who have made a number of observations must be patient to hear the replies.

Shri A. C. Guha: I shall try to be as brief as possible. Other accusations have been about some of the deals or investments. I should like to state here that these five or six deals which have come under criticism here were almost the first few loans that were granted by the Corporation after it was set up. Just at the initial stage the Corporation or the Government were not so sure about the procedure or about the working of the Corporation. The Managing Director who was then in charge is no longer in the Corporation. And the Minister or the two Ministers—though, in fact, this Corporation functions under the Finance Ministry, both the Ministries of Finance and Industry are co-ordinating the work of this Corporation—who were then in charge are no longer even in the land of the living.

Dr. Lanka Sundaram: One of them is here on this side.

Shri A. C. Guha: No, no. He came at a later stage.

I think Dr. S. P. Mookerjee while speaking as the Industries Minister two years after the setting up of this Corporation paid some praise and commendation on the floor of this House to the work of this Corporation.

Dr. Lanka Sundaram the other day worked himself up to a high pitch, imitating almost Burke impeaching Warren Hastings or Clive. He said: "I accuse the Government", "I charge the Government", "Is it not a fact", "Is it not so" etc. In this way he went on. I will not have the time to deal with all those charges individually, but I can say he got only a distorted version of some of the things. I can say he only got a disfigured, discoloured one-sided picture of the shield.

I can only cite one case. There was one Karnik in the Corporation. Dr. Lanka Sundaram thought he was a relative of the Managing Director. The present Managing Director has got a relative Karnik but he is not in the Industrial Finance Corporation, but he is an Advocate in Poona. Dr. Lanka Sundaram was searching for onomatopoeic meaning, and correlating names and words to find out relations. Suddenly he grew eloquent about Ambegaokar, and said that he was ignorant about the identity or personality of Ambegaokar. He must have been under the impression that Ambegaokar must have some relationship with the Managing Director, whose name is Sonalkar.

Dr. Lanka Sundaram: On a point of personal explanation, the hon. Minister is suggesting that I have suggested that the Managing Director and Mr. Ambegaokar are related. I have got the record here. I said nothing like that.

Shri A. C. Guha: I have not said that he suggested it. I was simply saying that there might have been some such impression in his mind because of the similarity of names.

Then he asked how many of the staff are related to the Managing Director or to the Directors. I think I can say that none of the staff is related to the Managing Director or any of the Directors. Of course about the latter I am not so sure.

Dr. Lanka Sundaram: Make sure before you say.

Shri A. C. Guha: But I think I can say that none of the staff is related to any of the Directors—at least not to the Managing Director—though it is not possible for me to vouchsafe absolutely about the Directors. And that by itself should not be taken as a disqualification for any person. As far as I have been able to ascertain, none of the staff is related to any of the Directors.

Shri Nambiar: We want to know what will happen in the future.

Mr. Deputy-Speaker: Order, order. Enough with the present.

Shri A. C. Guha: Now I come to the implementation of the report.

Excluding Sodepur, there are.....

Dr. Lanka Sundaram: Will you please give us the total investment in Sodepur? The House is interested in that.

Shri A. C. Guha: Excluding the one relating to Sodepur, there are about thirty-four recommendations, and I can say we have accepted almost all of them.

An Hon. Member: Very good.

Shri A. C. Guha: What are the recommendations that have not been accepted. Shrimati Sucheta Kripalani had pointed out one recommendation to the effect that any concern taken over by the Industrial Finance Corporation should not be sold or disposed of, without the consent or approval of Government. The Government Resolution says that only one concern has so far been taken over by the Industrial Finance Corporation, and it is premature now to formulate a definite policy and impose it on the Industrial

[Shri A. C. Guha]

Finance Corporation, which is an autonomous body, and which should formulate its own policy. As for that one concern, the Sodepur Glass Works, I can assure the House that Government are very much seized of the matter, and nothing will happen without the full consent and knowledge of Government. We are very much serious about the Sodepur Glass Works, and I think the Corporation has recently set up a negotiating committee to go into this matter. I can frankly admit that about the investment in the Sodepur Glass Works, we are not so happy, but.....

Dr. Lanka Sundaram: What is the total? Why are you shielding that? What is the investment made up to date?

Shri A. C. Guha: The total loan given to the Sodepur Glass Works will be near about Rs. 50 lakhs.

Shri Nambiar: Very small.

Shri A. C. Guha: Compared to Rs. 15 crores, it is rather small.

Shri Tulsidas (Mehsana West): I think it is more than Rs. 50 lakhs.

Dr. Lanka Sundaram: On page 68 of the Report, the figure is given at Rs. 64 lakhs.

Shri A. C. Guha: That is not all loan. I am saying the total loan given to that concern is Rs. 50 lakhs. After it was taken over by the Corporation, they might have put some more money into it.

Dr. Lanka Sundaram: I am anxious to know the total investment.

Shri A. C. Guha: I have not got that figure with me now.

Some hon. Member from that side interrupted and asked,.....

Dr. Lanka Sundaram: What is the total investment?

Shri A. C. Guha: I have just got the figures. It is Rs. 85 lakhs, including interest.

Some hon. Member from that side interrupted and asked, what about the taxpayers' money. Here also, I think, most of the Members are under a misapprehension. When the Industrial Finance Corporation was first started, Government had only 20 per cent. of the shares, while 80 per cent. of the shares were held by other bodies, including the 20 per cent. of the shares held by the Reserve Bank, which then was not a nationalised institution. But now, 40 per cent. of the shares are held by Government, including the Reserve Bank's share of it; and 60 per cent. of the shares are held by private bodies, that are entitled to send their directors; and these directors are elected by the shareholders. So, it is not as if the Industrial Finance Corporation is handling only Government money or only the taxpayers' money.

Shri Raghavachari: Whosoever's money it is, it must be handled properly.

Mr. Deputy-Speaker: When hon. Members say that the taxpayers' money is wasted, is it not open to the hon. Minister to say that the taxpayers' money is only 60 per cent. and not 40 per cent.....

Shri A. C. Guha: Not 60 per cent. Only 40 per cent., including 20 per cent. shares held by the Reserve Bank.

Shri V. P. Nayar: Others do not pay taxes.

Mr. Deputy-Speaker: That is one piece of argument. He argues that way. Then why do hon. Members raise a particular point and are impatient when it is answered?

Shri Tulsidas: It is not correct also.

Dr. Lanka Sundaram: Mr. Tulsidas says it is not correct.

Mr. Deputy-Speaker: There cannot be a running commentary like this. If it is not correct, it is not correct.

Shri A. C. Guha: The loans which have been referred to frequently in the House were all transacted during

the first few months, in the later part of 1948 or early in 1949. Then the present Managing Director was not there. So he should not be the target of a special attack on the score of those investments. He came, I think, in June 1951 or thereabouts. There has been no suggestion in the Committee's report that the Managing Director or the Chairman or the Board has done anything dishonest. The Committee has rather definitely stated that there is no.....

Dr. S. N. Sinha (Saran East): We have no evidence about it.

Shri A. C. Guha: 'We have no evidence to indicate to what extent canvassing was done by members of the Executive Committee.' They have no proof—nothing—to indicate that canvassing was going on.

Shri Namblar: May I know, Sir, whether the clock is fast or we are sitting late?

Mr. Deputy-Speaker: There is no harm. Hon. Members have been saying that we are spending so much of the public money. Let us sit some time more.

Shri A. C. Guha: I think, Sir, the most significant recommendations of the Committee were: (1) the appointment of a whole-time Chairman, (2) the recommendation about the concentration of power in the hands of the Managing Director, and (3) the power of the Executive Committee. As regards the appointment of a whole-time Chairman, we have accepted that recommendation, and as such, the second automatically dissolves itself. That has been stated in the Resolution. As regards the third recommendation also, i.e. the power of the Executive Committee, there also we almost accepted it in the spirit. They have suggested that the name 'Executive Committee' should be changed to 'Loan Committee'. So we have said that this question of the change of nomenclature will be considered later on at the time of amendment of the Act. Sir, you know 8 P.S.D.

there is a provision in the Act for an Executive Committee, and some functions have been provided there. It is for the Board later on to regulate the functions and activities of the Executive Committee. We cannot on behalf of Government say that the Board should not act through any sub-committee or any committee of its own. That option should be left to the Board. So only in regard to that portion where the Committee have suggested that the Executive Committee should not be allowed to do something, have we said that that should be left to the Board to decide. We cannot put a blanket ban on the Board functioning through some sub-committee of its own. Otherwise, we have accepted all the three significant and relevant recommendations of the Committee.

I think I should now conclude. I should again refer to Dr. Lanka Sundaram. He has proceeded on a wrong logic.

An Hon. Member: Always.

Shri A. C. Guha: He has proceeded on a wrong premise and has come to a conclusion through a wrong syllogism. Sir, I can say that he has proceeded more or less on the lines of our classical Indian logic:

पर्वतो बान्धमाद् धूमात् "Parbato Vinhiman dhumat"—"The mountain is on fire; because of the smoke". Now, smoke can come from many other things, for example, from the pipe or cigar of Dr. Lanka Sundaram. So when we see some smoke coming out of Dr. Lanka Sundaram's pipe or cigar, we should not conclude that Dr. Lanka Sundaram is on fire. (Interruptions). So, I think, I can assure the House that the I.F.C. is not on fire, as apprehended by Dr. Lanka Sundaram, because of some smoke or smoke-screen there.

Dr. Lanka Sundaram: May I ask one question? How soon do Government propose to publish their resolution on the Sodepur Glass Works?

Shri A. C. Guha: I admit this is a difficult proposal; I cannot give any definite time. But, we are trying to come to a decision as early as possible. The Government, and I perso-

nally, are more anxious than Dr. Lanka Sundaram about this.

The House then adjourned till One of the Clock on Saturday, the 13th March, 1954.
