

Wednesday,
24th November, 1954

LOK SABHA DEBATES

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सत्यमेव जयते



EIGHTH SESSION, 1954

LOK SABHA SECRETARIAT
NEW DELHI

417

LOK SABHA

Wednesday, 24th November, 1954.

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The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

अखिल भारतीय सहकारी परिषद्

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

(क) अखिल भारतीय सहकारी परिषद् की स्थापना के सम्बन्ध में अब तक क्या प्रगति हुई है;

(ख) यह परिषद् क्या काम करेगी; और

(ग) अब तक कौन उन कामों की दृष्टि भाल करता था जिन्हें अब यह परिषद् करेगी?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). The proposal is still under consideration and the details of its form and functions have not yet been finalized.

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता था कि रूरल फाइनेन्सिंग के लिए जो एक कमेटी मुकर्रर की गयी थी और इस सिलसिले में जो रिजर्व बैंक ने रिपोर्ट पेश की है, क्या उसका सम्बन्ध इस विषय से है, और यदि है तो उस पर गवर्नमेंट की क्या प्रतिक्रिया है ?

डा० पी० एल० ईशामुख : हां जी, दूरी इस सब से भी हुई कि हम यह जानना चाहते थे

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कि उसकी रिकमेंडेशन का इसके ऊपर कुछ असर होगा या नहीं।

श्री एम० एल० द्विवेदी : उनकी क्या रिकमेंडेशन हैं ?

डा० पी० एल० ईशामुख : वह अभी हाल ही आई हैं। इसलिए बतलाना मुश्किल होगा।

Shri N. M. Lingam: The statement laid on the Table of the House says that the functions of this All-India Co-operative Council are to co-ordinate the activities of the Marketing Societies in the various States, and to promote their sales activities. May I know the number of Co-operative Marketing Societies in the States, and whether their number warrants the constitution of an All-India Council at this stage?

Dr. P. S. Deshmukh: I think my hon. friend's question is more relevant to the other question which is coming up with regard to the Marketing Board. This relates to Co-operative Council. Of course, co-ordination is the intention behind the constitution of this Council also. But that particular Marketing Board will co-ordinate the marketing activities.

श्री एम० एल० द्विवेदी : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि कब तक इसकी स्थापना हो जायगी ?

डा० पी० एल० ईशामुख : ज्यादा बक्त नहीं लगेगा। दो तीन महीने में हो जायगी।

TREATMENT OF TIMBER

* 308. **Shri V. P. Nayar:** Will the Minister of Food and Agriculture be pleased to refer to para. 100 (Page 88) of the Progress Report on the Five Year Plan for 1953-54 and state

what steps Government have taken to use the "hitherto less known timbers" after suitable treatment with preservatives in Government constructions in view of the emphasis in the plan on popularising such material?

The Minister of Agriculture (Dr. P. S. Deshmukh): The matter was discussed by the Standing Committee of the Central Board of Forestry held at Poona in August, 1954. The Committee recommended that well seasoned and preserved secondary timbers should be used by all the Government departments as a means to conserve our timber resources and to maintain steady supplies to meet timber requirements of the various development schemes that are being undertaken under the Five Year Plan. To increase the supply of such treated timber, the Committee also recommended the setting up of four or five wood seasoning and preservative plants. The recommendation has been accepted by Government and the Forest Research Institute, Dehra Dun, has been instructed to prepare a detailed scheme for setting up such seasoning and preservative plants.

Shri V. P. Nayar: May I know whether the Forest Research Institute at Dehra Dun has made a list of the less known timber, which on treating, could be used with as much advantage as the well-known varieties of timber?

Dr. P. S. Deshmukh: They have just been instructed. I do not think they have submitted this.

Shri V. P. Nayar: May I know whether Government have insisted upon the various Departments which are using timber for construction works, that they should confine to the less known but treated timber, in preference to the well known varieties of timber, in so far as Government works are concerned?

Dr. P. S. Deshmukh: I believe the suggestion made by my hon. friend is kept at the back of the mind, while executing such works.

Shri V. P. Nayar: It is seen from the *Progress Report on the Working of the Five Year Plan* that the need for popularising the timber emphasized in the Plan has not made much progress. May I know the specific reasons for that?

Dr. P. S. Deshmukh: It is due naturally to the fact that the trade has not come in, and if we want to do anything, it is the Government activity alone which will have to take over the responsibility.

Shri Sarangadhar Das: May I know whether the method of treatment is the same as the old Ascu method or something better than that?

Dr. P. S. Deshmukh: There are various methods. I do not think it is confined to only one particular method.

RAILWAY TRIBUNAL

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

(a) whether the Tribunal which was asked to go into the grievances of railwaymen has submitted its recommendations to the Government;

(b) if not, the reasons therefor; and

(c) when the Tribunal is likely to finalise its recommendations?

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

(b) It is understood that the Tribunal has been unable to hold any regular sittings so far, as it is awaiting the receipt of a comprehensive Written Statement of the demands of Railway Labour.

(c) It is not possible to state this at present.

Shri T. B. Vittal Rao: May I know whether it is a fact that the National Federation of Indian Railwaymen have submitted their memorandum as long ago as May, and it was rejected.

Shri Alagesan: Rejected? They did submit a provisional memorandum, which they themselves said was subject to alteration. They have not yet filed the written comprehensive statement which they promised. They have been taking extension after extension.

Shri T. B. Vittal Rao: May I know whether the Tribunal will receive any memoranda from associations of unions other than the National Federation of Indian Railwaymen?

Shri Alagesan: If other associations are anxious to place any point of view, they can route it through the Federation.

Shri T. B. Vittal Rao: May I know whether the Tribunal is going to visit the headquarters of various zones?

Shri Alagesan: I do not think that is necessary.

Shri P. C. Bose: May I know the names of the Chairman and the other members of the Tribunal, and the place where the Tribunal will have their sittings?

The Minister of Railways and Transport (Shri L. B. Shastri): There is only one member on the Tribunal, and his name is Shri Shankar Saran.

Shri P. C. Bose: The place where it will hold its sittings?

Shri L. B. Shastri: Here in Delhi.

ANTI-MALARIA MEASURES IN STATES

*312. **Dr. Ram Subhag Singh:** Will the Minister of Health be pleased to refer to the reply to starred question No. 1389 asked on the 27th September, 1954 and state:

(a) whether any emergency aid was given to any other State for anti-malaria measures in the flood-affected areas of the country so far during 1954;

(b) if so, the names of the States to which aid has been given; and

(c) the amount given to each State?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) to (c). In addition to Bihar, the Government

of India have made available the following supplies for anti-malaria measures in the flood-affected areas in Uttar Pradesh:

Estimated cost.

- (i) 50 tons of 75 per cent. D.D.T. dispersible Powder. Rs. 1,75,000
- (ii) Spraying equipment. Rs. 25,000
- (iii) Mepacrine tablets—Two lakhs in number.

Dr. Ram Subhag Singh: May I know whether the use of these equipments is confined to certain areas, or are they being used throughout the flood-affected regions?

The Minister of Health (Rajkumari Amrit Kaur): That depends on the State. We give them the equipment and the help that they need, and the State use it according to where they think best.

Dr. Ram Subhag Singh: Are Government aware that as a result of the steps taken under these anti-malaria measures, any area of the flood-affected region has been cleared of the mosquito menace?

Rajkumari Amrit Kaur: I would have to ask the State to give me the detailed information on that point. But I have no doubt that malaria has been controlled in the flood-affected areas by this help.

Shri Bishwa Nath Roy: May I know whether the attention of Government has been drawn to the fact that in the areas affected by flood in the Ghagra, Tapti and Gandak rivers in U.P., the present anti-malaria measures are not adequate and that still there is much demand for these equipments and supplies?

Shrimati Chandrasekhar: From what we know from the Bihar Government, they propose to organise three to four additional units...

An Hon Member: He is asking about U.P.

Rajkumari Amrit Kaur: I may say that U.P. asked for five extra units. We have already given them three, and two more are being considered for 1955-56.

Shri M. L. Dwivedi: May I know how many units have been supplied to the Delhi Government, and whether the Delhi Government are to look after the New Delhi area also?

Rajkumari Amrit Kaur: I do not know how many units, but Delhi Government have been given their requirements.

DARBHANGA MEDICAL COLLEGE

*315. **Pandit D. N. Tiwary:** Will the Minister of Health be pleased to state:

(a) whether Government are aware that the Darbhanga Medical College students who passed their final examination in 1952, have not yet received recognition by the Indian Medical Council;

(b) if so, the reason therefor; and

(c) whether they are eligible for Government service?

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

(b) Medical Council of India recognised the M.B.B.S. Degree granted by the Bihar University when granted after the 1st April, 1953, after the Council had satisfied itself about the sufficiency of the standard of courses and examinations held by the Bihar University.

(c) No, so far as the Medical Services under the Central Government are concerned.

Pandit D. N. Tiwary: May I know whether the course in M.B.B.S. in 1952 is not recognised by Government or the Medical Council and if not, the reasons therefor?

Shrimati Chandrasekhar: Only after 1953, the Medical Council examined the College, and their degree has been recommended for recognition. For 1952, we have requested the Medical

Council of India to reconsider and help the students.

Pandit D. N. Tiwary: May I know whether those students who passed in 1952 are all sitting idle or serving at some places because the Central Government does not recognise their degrees nor is it going to employ them and what will happen to those persons?

The Minister of Health (Rajkumari Amrit Kaur): The All India Medical Council have been asked to reconsider their decision and their reply is awaited.

Pandit D. N. Tiwary: When the whole question has been re-examined and the degrees recognised, will the age limit which expires after a certain period be considered?

Rajkumari Amrit Kaur: I may assure the hon. Member that the Government of India will consider with the greatest sympathy the cases of those students.

Shrimati Tarkeshwari Sinha: May I know the number of students who have not been granted the degree of M.B.B.S.?

Rajkumari Amrit Kaur: I have not got the number here.

TICKETLESS TRAVELLING

*316. **Shri Dabhi:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that ticketless travelling has considerably increased on the Western Railway, especially at small stations; and

(b) if so, what steps Government have taken to remedy this state of affairs?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Statistics of ticketless travelling are not maintained separately for small stations only.

On the whole, there has been some increase in the number of passengers

detected travelling without tickets on the Western Railway. But this is attributed to increased efficiency in ticket checking and not to an increase in ticketless travelling as such.

(b) The various measures adopted by the Western Railway to tighten up ticket-checking, include:—

- (i) the appointment of a special officer to be in charge of ticket-checking;
- (ii) the appointment of increased number of Travelling Ticket Examiners; and
- (iii) provision of fencing and other facilities to assist ticket checking at stations.

Shri Dabhi: May I know whether it is a fact that the questioner himself has written to the hon. Minister giving specific details of ticketless travelling at small stations?

Mr. Speaker: If the questioner has written a communication, of course, he knows the reply. What is the point?

Shri Dabhi: I myself have written to the Minister about it.

Mr. Speaker: What is the information he wants?

Shri Dabhi: I have already written to the hon. Minister giving details of this ticketless travelling at small stations and I want to know what steps Government have taken on that.

The Minister of Railways and Transport (Shri L. B. Shastri): I do not exactly remember the details but those cases are being examined.

Shri Dabhi: May I know whether Government is aware of the fact that ticket collectors at small stations entrust the work of collecting tickets to the porters and other unauthorised persons who do not insist upon demanding tickets from their acquaintances and friends?

Shri L. B. Shastri: I have received no such complaint so far.

Sardar A. S. Saigal: May I know whether it is a fact that ticket collectors charge the ticketless travellers under section 113 of the Railway Act and the G.R.P. authorities refuse to take them in their custody to be produced before the court?

Shri L. B. Shastri: Unless there is a specific case brought to my notice, I cannot say anything in a general way.

Sardar A. S. Saigal: Sir, I am giving information.....

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

CENTRAL COMMITTEE FOR LAND REFORMS

*317. **Shri A. M. Thomas:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Central Committee for Land Reforms have considered the land reforms proposals received from the Travancore-Cochin State; and

(b) whether any enquiry has been instituted into the conditions obtaining in Travancore-Cochin with a view to advise the state Government in the matter of land legislation?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The Planning Commission have examined the Bills of the State Government regarding land reforms and their comments have been circulated to the members of the Central Committee for Land Reforms for their consideration. The Committee has not yet met to discuss these Bills.

(b) **Shri S. V. Ramamurthy,** Adviser Programme Administration, Planning Commission visited the State and discussed the Bills with officers of the State Government and representatives of the various interests concerned.

Shri A. M. Thomas: It has been laid down in the latest progress report that the limit of holdings should be fixed by each State having regard to its own agrarian history after a census of land holdings. May I enquire whether a census of land holdings is

going to be conducted in Travancore-Cochin and whether an enquiry has been conducted into the agrarian history of Travancore-Cochin?

Dr. P. S. Deshmukh: I would ask for notice of this question.

Shri Kottukappally: May I know whether representations have been received from various interests in the States and what has the Government done about it?

Dr. P. S. Deshmukh: A very large number of representations have been received and they will all be considered by the Planning Commission.

Shri A. M. Thomas: On a previous occasion, in answer to a question, it was stated that the Travancore-Cochin Government has been addressed in the matter of taking a census of land holdings. May I enquire what has been the result of that communication addressed to that Government and whether that Government has agreed to the taking of the census of land holdings?

Dr. P. S. Deshmukh: These papers are not with me and that is why I asked for notice.

Shri Velayudhan: May I know whether the Central Government have issued any directive regarding this Land Reform Bill which was brought before the Travancore-Cochin Assembly or whether it has raised any objection that it should not be brought before the coming session of the local Legislature?

Dr. P. S. Deshmukh: Sir, the various bills that have been submitted to the Government are under the consideration of the Land Reforms Committee.

Shri Thimmajah: May I know whether other States have also submitted proposals for land reforms?

Dr. P. S. Deshmukh: Yes; almost every State is submitting proposals about land reforms.

VEGETABLE BREEDING STATIONS

*318. **Shri Bibhuti Mishra:** Will the Minister of Food and Agriculture be pleased to state:

(a) the names of the places where Vegetable Breeding Stations have been opened so far;

(b) the main criterion for starting a Vegetable Breeding Station;

(c) whether Government propose to start any such station during the current year in North Bihar; and

(d) if so, when?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A statement is laid on the Table of the Sabha. [See Appendix II, annexure No. 36.]

(b) Apart from availability of land and labour, the main criterion is climate suitable for evolving and multiplying nucleus seeds of improved, high-yielding varieties, especially of European-type vegetables.

(c) and (d). No, Sir.

श्री बिभूति मिश्र : दहातों में भिन्न भिन्न प्रकार की सब्जियाँ पैदा की जायें, इसकी जांच करा के सरकार द्वारा क्या कोई शिक्षा गांव वालों को दी जाती है कि फलानो जगह फलानी तरह की सब्जी उगायी जाय ?

डा० पी० एस० देशमुख : स्टेट गवर्नमेंट इस बात की तरफ ध्यान देती है । हमारा काम सिर्फ न्युकलस सीड्स बनाने का है ।

श्री बिभूति मिश्र : अब तक कौन कौन तरह के बीज सरकार की तरफ से बिचे गये हैं ?

Mr. Speaker: What kinds of seeds have been distributed?

Dr. P. S. Deshmukh: The question really refers to the evolution and multiplication of nucleus seeds and I have stated the number of places where it is done. So far as distribution is concerned, it is the work of the State Government and it is difficult for me to give any information.

श्री विश्वरूप मिश्र : मेरे एडन का मतलब है कि कौन कौन तरह के बीज आपने पैदा किये हैं ?

डा० बी० एच० वंसनमूल : यह जितने हमारे सेंटर्स हैं, जैसा मैंने अपने जवाब में कहा यूरोपियन टाइप वेजीटबुल्स काली फ्लावर वर्गों में पैदा किये हैं ।

Shri V. P. Nayar: It has been said that evolving new varieties was one of the purposes of the Vegetable Breeding Station. May I know whether in doing work in the evolution of new varieties, the research workers are confining themselves only to the lines indicated by the outmoded theories of Mendelism-Morganism or whether they have also been instructed to follow the new and modern theories in Agrobiology followed in Soviet Russia?

Dr. P. S. Deshmukh: It is a very technical question that my hon. friend has asked. All that we ask our various centres to do is to evolve as good and disease-resisting seed as possible.

ग्रामीण क्षेत्रों में डाकघर

*३२२. श्री नवल प्रभाकर : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि ग्रामीण क्षेत्रों में बहुत से डाकघर पाठशालाओं में चलाए जाते हैं तथा पोस्ट मास्टर का कार्य स्कूल मास्टर करते हैं ; और

(ख) यदि हां, तो भारत में ऐसे कितने डाकघर हैं ?

संचार उपमंत्री (श्री राज बहादुर) : (क) हां ।

(ख) ६,६६६ ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि इन अध्यापक या पोस्टमास्टरों के संबंध में इस प्रकार की शिकायत आई है कि मास्टर बच्चों की पढ़ाई में लगे रहते हैं और पोस्ट संबंधी सामग्री लेने खाने वाले लोगों को परेशानी उत्पन्न पड़ती है ?

Shri Raj Bahadur: I should have a specific complaint about any post-master behaving in that manner. All individuals are not alike.

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ इस प्रकार के डाकघर दहली राज्य में कितने हैं ?

श्री राज बहादुर : मैंने निवेदन किया कि अगर कोई इस संबंध में निश्चित रूप से शिकायत आए तो उसकी जांच की जायगी, वैसे सब पोस्टमास्टर अध्यापक नहीं होते ।

Shri M. D. Joshi: May I know the number of such post-masters in the Bombay State—that is, where school teachers act as post-masters?

Shri Raj Bahadur: The number is 1,440.

INCIDENCE OF PLAGUE

*323. **Shri Jhulan Sinha:** Will the Minister of Health be pleased to state:

(a) the position with regard to the incidence of plague in the country during the last three years; and

(b) the steps taken or being taken in this regard?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) A statement showing the number of cases and deaths recorded from plague during the years 1951, 1952 and 1953 is laid on the Table of the House. [See Appendix II, annexure No. 37.]

(b) Besides the usual Plague control measures taken by the State Governments such as insufflation of rat burrows with D.D.T., destruction of rats with Cyanogas, preventive inoculations, appointment of special plague officers and establishment of anti-plague units, a survey of the plague situation in Uttar Pradesh has been undertaken with the assistance of the World Health Organisation.

Shri Jhulan Sinha: May I know if in the 19 States where the incidence of plague has been completely eliminated during 1953, Government are

taking care to see that the good result so far achieved is maintained?

Shrimati Chandrasekhar: They are maintained.

Shri Jhulan Sinha: May I know if in the five States where the incidence of plague still remains, special care is taken by Government to completely eliminate it?

The Minister of Health (Rajkumari Amrit Kaur): Every effort will be made and that is why this survey has been undertaken.

RAILWAY EMPLOYEES

*324. **Shri Nambiar:** Will the Minister of Railways be pleased to state:

(a) whether any change has been brought about in the State Railways Establishment Code introducing provisions to reduce the special contribution to Provident Fund of Railway Employees at the time of retirement; and

(b) if so, what are the new provisions and the reasons for such cuttailment?

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

(b) Does not arise.

Shri Nambiar: May I know whether any cut in the special contribution is imposed as a matter of punishment for commissions and omissions during the entire service of an employee?

Shri Alagesan: Special contribution is made for good, efficient and faithful service. In the case of those who retire with a poor record of service, this may be liable to cut.

Shri Nambiar: May I know whether there are instances wherein such cuts have been made and whether Government are aware of such cases?

Shri Alagesan: It might have been made in cases where the employees do not have this good, efficient and faithful service to their credit. If they have been removed from service or

there have been some charges against them, cuts are certainly made.

Shri Nambiar: At the time of the commissions or omissions they are punished. May I know whether this cut in the special contribution is not a double punishment on the servants?

Shri Alagesan: Then there is no need to enunciate that this will be granted only in cases of good, efficient and faithful service.

STANDING COMMITTEE FOR ROADS

*325. **Shri Bheekha Bhai:** Will the Minister of Transport be pleased to state:

(a) whether Government have constituted a Standing Committee for Roads in pursuance of a Resolution passed by the Constituent Assembly (Legislative) and amended by Parliament on the 14th April, 1950; and

(b) if so, the personnel and composition thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A standing Committee for Roads used to be constituted every year upto the year 1951-52; but no Committee has been constituted after that in accordance with the general decision of Government regarding the formation of Standing Committees of Parliament.

(b) Does not arise.

Shri Bheekha Bhai: May I know the main recommendations made by the Standing Committee?

Shri Alagesan: The Committee was constituted every year, as I said, and it was administering the Central Road Reserve Fund and making allocations and grants out of this. Now that function is being discharged by the Minister himself.

Shri Bheekha Bhai: May I know whether the Committee recommended to bring in a legislation for the nationalisation of roads?

Shri Alagesan: It was not dealing with road transport.

Shri T. N. Singh: May I know whether the Resolution, which was amended by Parliament on the 14th April 1950, has been cancelled or superseded by any other Resolution of Parliament?

Shri Alagesan: It was felt by the Law Ministry that there was no need to amend the Resolution because it did not relate to a statutory fund.

FLOODS

***327. Shri Ibrahim:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any reserve of food-grains maintained by the Government has been washed away due to the recent floods in the country; and

(b) if so, the quantity thereof?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The answer is in the negative.

(b) Does not arise.

DRUG FACTORY

***330. Shrimati Tarkeshwari Sinha:** Will the Minister of Health be pleased to state:

(a) whether any drug factory has so far been started in the country on a co-operative basis;

(b) if so, what is the cost of the factory so established; and

(c) whether that factory will manufacture Allopathic as well as Ayurvedic medicines?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) to (c). The required information is being collected and will be laid on the Table of the House.

Shrimati Tarkeshwari Sinha: May I know if any of the State Governments have asked for any subsidy from the Central Government in the shape of loan or grant?

Shrimati Chandrasekhar: No.

Shrimati Tarkeshwari Sinha: May I know when Government propose to lay on the Table of the House the required information?

Shrimati Chandrasekhar: As soon as it is collected.

Shri L. N. Mishra: May I know whether it is a fact that the production of drugs in the country is far below the targets of the Plan, and if so, what steps Government are taking in the matter?

The Minister of Health (Rajkumari Amrit Kaur): Government is doing its best to encourage pharmaceutical production in the country.

Shri L. N. Mishra: What is the result?

Shrimati Tarkeshwari Sinha: May I know whether the Bayer Company of Germany have had an agreement with a private party in India to start a drug factory in Kolhapur? Is Government aware of it?

Rajkumari Amrit Kaur: I have no information.

NATIONALISATION OF B.P. RAILWAY

***334. Shri Tushar Chatterjee:** Will the Minister of Railways be pleased to state:

(a) whether Government have made any enquiry into the financial and other conditions of the Bengal Provincial Light Railway; and

(b) if so, what are the findings of the enquiry and what steps Government propose to take thereon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir. An enquiry was conducted in 1950.

(b) The findings of a Committee which was constituted under the Chairmanship of the Chief Minister of Bengal were, that the Railway would be in a position to rehabilitate itself sufficiently to carry on with normal efficiency for some years with financial assistance to the tune of Rs. 1.5

lakhs. This sum was accordingly advanced as a loan by the Government of West Bengal.

Shri Tushar Chatterjea: May I know whether Government is aware that the minimum total emolument of the employees of the B. P. Railway is as low as Rs. 23 per month, and if so, do Government consider the desirability of taking over this Railway for all-round improvement?

Shri Alagesan: I am not aware of the actual scales of pay or emoluments of the employees, but there is no intention to acquire this small narrow gauge line.

Shri Tushar Chatterjea: May I know whether Government are aware that there is going on a long-drawn strike by the employees of that railway for demand of nationalisation of the railway?

The Minister of Railways and Transport (Shri L. B. Shastri): That is correct and we have been informed that the points of dispute have been referred to adjudication.

Shri Tushar Chatterjea: May I know whether the Tribunal's award in respect of increments of salaries has not been implemented, and if so, what protection do Government propose to give to the employees?

Shri L. B. Shastri: Probably, my colleague the Labour Minister might reply to that question, but he says that even those points have been referred to adjudication.

Shri T. B. Vittal Rao: The hon. Minister just stated that there is no intention to take over the railway. Does it conform to the policy of nationalisation of railways in India, according to which all private owned railways have to be taken over? It amounts to a special privilege accorded in the case of the B. P. Railway.

Shri Alagesan: Nationalisation does not mean acquisition of obsolete assets.

CENTRAL MECHANISED FARM, SULTANPUR

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

(a) the names of the States from which families of landless labourers will be drawn for settling them on the Central Mechanised Farm at Sultanpur; and

(b) the categories of persons who can apply for settlement there?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Five hundred from the Bhopal State and the same number from outside that State. The number from outside Bhopal has not been allocated to individual States but so far 100 families from Travancore-Cochin State have been selected.

(b) The intention is to take only bonafide landless agricultural labourers.

Shri Hem Raj: May I know whether other States were intimated about this scheme?

Dr. P. S. Deshmukh: No, Sir, not so far.

Shri Hem Raj: Will intimation be given to the other States as well?

Dr. P. S. Deshmukh: It would be given in due course. We are taking families as required. We are trying to experiment with one hundred families from Travancore-Cochin first.

Shri Hem Raj: May I know whether political sufferers also will be included in that category?

Dr. P. S. Deshmukh: Not so far; we have not put them down as a category.

Shri T. N. Singh: May I know whether any attempt at Co-operative farming or collective farming is being made on the newly reclaimed lands?

Dr. P. S. Deshmukh: This is an experiment in that direction.

BREEDING RESEARCH

*336. **Shri Morarka:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have considered the recommendation of the Estimates Committee contained in their Tenth Report that research on cattle-breeding on scientific lines should be undertaken in a larger number of Institutes distributed over various centres as also that research work in the various branches of dairy economy should also be carried on with a view to improve the quality of milk products; and

(b) if so, the action taken or proposed to be taken in the matter?

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

(b) Research on cattle breeding dairy economy and improvement of the quality of milk products is already being carried on in the four Institutes, namely the Indian Dairy Research Institute, Bangalore, the Indian Agricultural Research Institute, New Delhi, the Indian Veterinary Research Institute, Izatnagar and the Cattle-cum-Dairy Farm, Karnal under the administrative control of the Government of India. In addition to these, most of the larger States are doing similar work on their Farms. The Indian Council of Agricultural Research, New Delhi too is sponsoring a number of schemes on a regional basis with particular reference to, investigations on cross breeding and assessment of the relative value of grading up selective breeding. No further Institute is, therefore, proposed to be started in the near future as the existing Institutes are considered sufficient to meet the present needs. The question of the expansion of the activities of the Indian Dairy Research Institute is, however under consideration.

Shri Morarka: May I know what is the total amount spent by Government on these research centres every year?

Dr. P. S. Deshmukh: I think the total amount would be about a crore and a half.

Shri Morarka: May I know whether Government propose to start any such research station in the State of Rajasthan?

Dr. P. S. Deshmukh: Not so far.

सैठ गोविन्द दास : अभी तक इस सम्बन्ध में जो खोजें हुई हैं, उन खोजों के अनुसार स्थानीय नस्लों का सुधार कहाँ तक हो सका है और उससे किसानों को कितना लाभ पहुँच सका है ?

डा० पी० एस० ईशमुख : यह पूरा अन्दाजा तो नहीं लगाया गया है और पूरा अन्दाजा लगाना भी मुश्किल है। मगर अच्छा काम हो रहा है और उसको बढ़ाने की भी कोशिश हो रही है।

सैठ गोविन्द दास : क्या माननीय मंत्री जी इस बात को जानते हैं कि जहाँ तक किसानों का सम्बन्ध है उनकी यह शिकायत है कि इन खोजों से अब तक उन्हें कोई लाभ नहीं पहुँचा है और स्थानीय नस्लों की भी तरक्की जिस प्रकार वर्धा में हुई इस प्रकार का कोई कार्य इन संस्थाओं में नहीं हो रहा है ?

डा० पी० एस० ईशमुख : मैं समझता हूँ यह कहना दुरुस्त नहीं है।

श्री राधेलाल व्यास : क्या मैं यह जान सकता हूँ कि डेअरी के सम्बन्ध में सन् १९३० से अब तक कोई ऐसी कार्रवाई नहीं की गयी है जैसी कि डा० राइट और डा० के ने गवर्नमेंट आफ इंडिया के सामने रखी थी, और अभी भी डेअरी को बढ़ाने के सिलसिले में और रिसर्च को बढ़ाने के सिलसिले में योजनायें ही चल रही हैं पर कोई कार्यान्वित नहीं की जा रही है ?

डा० पी० एस० ईशमुख : मैं नहीं समझता यह भी कहना दुरुस्त है।

STRIKE OF BOMBAY DOCK WORKERS

*337. **Shri M. S. Gurupadaswamy:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that about one thousand Dock Workers of Bombay went on an indefinite strike from the 2nd November, 1954;

(b) if so, the reasons therefor;

(c) whether any agreement between the workers and the management has been arrived at; and

(d) the steps taken by Government in the matter?

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

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

Shri M. S. Gurupadaswamy: May I know whether the workers have sent a list of demands to the Minister and if so, whether they have been considered and action taken?

Shri Alagesan: Part (a) of the main question was "whether it is a fact that about one thousand dock workers of Bombay went on an indefinite strike from the 2nd November 1954" and the answer I have given is 'No'.

Mr. Speaker: He wants to know whether the demands submitted by them to Government have been considered. The demands may not have resulted in strike; but what were the demands?

Shri Alagesan: Evidently there was a strike by some workers employed by the contractors. I think the reference is to that. There was an amicable settlement arrived at between the contractors and the workers subsequently. It did not concern the port or the Government of India.

Shri M. S. Gurupadaswamy: I am not referring to contract of casual workers at all. There are certain demands of the dock workers which have been pending for a long time and for the acceptance of which they have been agitating. I want to know from the Minister whether Government would agree to set up a Tribunal to enquire into the whole matter?

Shri Alagesan: The question referred to the strike on a particular date. With reference to the general question of demands by dock workers, certain demands have been made by them and

they are now being considered by an adjudicator.

Mr. Speaker: Let us now go to the next question. The hon. Member may table a specific question.

अखिल भारतीय सहकारी क्रय विक्रय बोर्ड

*२२८. श्री एम० एस० द्विवेदी : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अखिल भारतीय सहकारी क्रय विक्रय बोर्ड की स्थापना की योजना की रूप रखा सभा पटल पर रखी जायगी ;

(ख) इस बोर्ड की स्थापना से सहकारिता आन्दोलन को क्या लाभ पहुँचेंगा ; और

(ग) राज्य सरकारों तथा भारत सरकार से इस बोर्ड का क्या सम्बन्ध रहेगा ?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). The scheme for the establishment of an All-India Cooperative Marketing Board is more or less on the lines of the Resolution passed at the conference of the State Ministers of Agriculture and Co-operation held at Srinagar on the 14th and 15th July, 1954. A copy of the Resolution is placed on the Table of the House, which indicates the functions of the Board and by implication the advantages which it is hoped will accrue to the Cooperative movement, and also its relation to the Central and State Governments as an advisory and coordinating body. [See Appendix II, annexure No. 38.]

श्री एम० एस० द्विवेदी : मैं जानना चाहता हूँ कि इस मार्केटिंग बोर्ड के लिए फाइनेन्स कहां से आयेगा और इसके लिए कितने फाइनेन्स की आवश्यकता होगी ?

डा० पी० एस० देशमुख : अभी फाइनेन्स का कोई अन्दाजा नहीं लगाया गया है । जब यह बोर्ड मीट करेगा और कार्रवाई शुरू होगी तब मालूम होगा ।

श्री एम० एस० हिबेरी : मैं यह जानना चाहता हूँ कि इस बोर्ड की स्थापना कब हो जायगी और यह कब से काम शुरू करेगा ?

डा० पी० एस० ईशमुख : एक या डेढ़ महीने के अन्दर काम शुरू हो जायगा ।

श्री बिभूति मिश्र : मैं यह जानना चाहता हूँ कि क्या सरकार इस मार्केटिंग बोर्ड को बनाने में उन गलतियों का ध्यान रखेगी जो कि कोआपरेटिव सोसाइटीज के सिलसिले में हुई थीं और क्या सरकार उन गलतियों को यथा-शक्ति दूर करने का उपाय करेगी ?

डा० पी० एस० ईशमुख : जी हाँ, वही इरादा है कि जो भी नुक़्स पहले पाये गये वह इनके अन्दर न हों और कुछ मार्ग दर्शन भी हो ।

Shri L. N. Mishra: May I know whether it is within the scope of the Marketing Board to give price-support to agricultural commodities that stand in need of such support?

Dr. P. S. Deshmukh: This will be one of the things they will be examining.

सरदार ए० एस० सहगल : क्या यह सच है कि भारतीय सहकारिता व्यापार बोर्ड में हर प्रान्तीय सहकारिता बोर्ड के एक एक सदस्य को सम्मिलित करने का विचार इस बोर्ड ने किया है ?

डा० पी० एस० ईशमुख : फिलहाल हमने जो जो अच्छी स्टूड्स हैं, जहाँ पर यह कार्रवाई अच्छी तरह से हो रही है, उन्हीं के ऊपर ज्यादा ध्यान दिया है । उन्हीं के नुमायन्द लिये हैं । आगे चलकर अगर आवश्यकता होगी तो औरों को भी लिया जायगा ।

ANTI-BIOTICS

*339. Shri V. P. Nayar: Will the Minister of Health be pleased to state:

(a) whether in any of the Central or State managed institutes any specific research work is being done with respect to Anti-biotics; and

(b) if so, the total number of scientific personnel employed on such research work?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). The required information is being collected and will be laid on the Table of the House in due course.

Shri V. P. Nayar: As far as State Government undertakings are concerned, I can understand the answer of the hon. Minister. But I would like to know what has been done by the Central Government in this matter?

Rajkumari Amrit Kaur: Certain researches are being carried out. The Central Drug Research Institute at Lucknow is carrying out some research; the National Chemical Laboratory in Poona is carrying out some research. Then there is the Vaccine Institute in Bangalore, the Medical Colleges of both Gwalior and Indore and in addition certain schemes of anti-biotic research under the Council of Scientific and Industrial Research are in progress in certain private institutions in Calcutta, Bombay and Delhi.

Shri V. P. Nayar: May I know the approximate number of scientists working in the various Central institutes, in view of the fact that research in anti-biotics requires very immediate attention?

Rajkumari Amrit Kaur: I am absolutely in agreement that this research is very vital. But I have not got the number of scientists engaged in the work in my possession here.

RAILWAY CORRUPTION ENQUIRY COMMITTEE REPORT

*340. Shri T. B. Vittal-Rao: Will the Minister of Railways be pleased to state whether any interim report has been submitted by the Railway Corruption Enquiry Committee?

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

Shri T. B. Vittal Rao: May I know when the report is likely to be submitted, in view of the fact that the

Committee was appointed some twenty-one months ago?

Shri Alagesan: I think the Committee has been doing very good work. They have visited so far 25 places and held meetings on 75 days. They hope to submit the report sometime during the Budget session.

Shri T. B. Vittal Rao: May I know if any fresh term of reference has been added to the original terms of reference requesting the Members to go about the country moralising the railway employees to be honest, as if they have been dishonest?

Shri Alagesan: They will be doing very good work if they do such moralising. I think we stand in need of such moralising. Of course that does not come under any specific term of reference.

Shri Velayudhan: May I know whether the Committee is having freedom to call any higher employee of the railways, for instance, the General Manager or the Chief Engineers and Commercial Managers, and to ask from them their earnings when they were appointed and their present earnings and all these in detail?

Shri Alagesan: I cannot go into the details of the enquiry. All that will be available when the report is submitted, what were the question that were put by them and the answers they got.

INDIAN RAILWAYS DELEGATION TO U.S.S.R.

*341. **Shri Nageshwar Prasad Sinha:** Will the Minister of Railways be pleased to state:

(a) whether the report submitted by the Delegation of the Indian Railways Officers which visited U.S.S.R. recently to study the working of the Russian Railway system has been examined; and

(b) if so, what are the main suggestions that are proposed to be implemented?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). An interim report has been submitted by the Delegation and the final report is expected to be received soon.

Shri Nageshwar Prasad Sinha: When did the Delegation come back to India?

Shri Alagesan: I do not remember the date. They came back, I think, by the end of August.

Shri Nageshwar Prasad Sinha: Will it be possible for the hon. Minister to place a copy of the report on the Table of the House when received; and will the report be received before the next Budget session or not?

The Minister of Railways and Transport (Shri L. B. Shastri): It will certainly be received before the next Budget session. But whether it will be placed on the Table of the House will have to be decided when the report is actually received.

Shri N. M. Lingam: May I know if any recommendations have been made in the interim report and if the Ministry has implemented them? If so, may I know what those recommendations are?

Shri Alagesan: Yes, Sir. The practice of providing separate exists to upper class and lower class passengers has been abolished and a common exit has been ordered to be provided. The use of dining cars has been thrown open to all classes of passengers. Also, as the House is aware, sleeping accommodation—though I should say it has been under our consideration for a long time—sleeping accommodation for third class passengers has been recently introduced on three lines, namely, Delhi—Bombay, Delhi—Calcutta and Delhi—Madras.

NUTRITIONAL DISORDERS AMONGST BOYS

*342. **Pandit D. N. Tiwary:** Will the Minister of Health be pleased to state:

(a) whether the Nutrition Advisory Committee of the Indian Council of

Medics' Research has completed the examination of boys in all the States for ascertaining nutritional diseases; and

(b) in which State this deficiency is most prevalent?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) No such examination was conducted by the Nutrition Advisory Committee of the Indian Council of Medical Research.

(b) Does not arise.

OILSEED CRUSHING INDUSTRY

***343. Shri Dabhi:** Will the Minister of Food and Agriculture be pleased to refer to the reply to starred question No. 1153 asked on the 21st September, 1954 and state:

(a) whether Government have since appointed the Committee for carrying out a survey of the oilseed crushing industry; and

(b) if so, the personnel of this Committee?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The terms of reference and the composition of the Committee to go into the question of oil crushing industry have not yet been finalised.

Shri Dabhi: Is the Committee appointed already?

Dr. P. S. Deshmukh: No, Sir, it is about to be appointed.

Shri Dabhi: When is it likely to be appointed?

Dr. P. S. Deshmukh: It would not take very long; about six weeks or so.

AIR INDIA INTERNATIONAL

***344. Shri Ibrahim:** Will the Minister of Communications be pleased to state:

(a) the amount advanced to the Air India International Ltd. for the purchase of Super Constellation Aircraft; and

(b) the terms and conditions on which this advance has been made?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) A loan of Rs. 25 lakhs was granted to the Air India International Ltd. in February, 1953, to enable the company to meet part of the expenditure involved in the purchase of two Super Constellation, aircraft of the type 1049-C.

(b) The loan carried interest at $4\frac{1}{2}$ per cent. per annum, the amount of the principal and interest being repayable in eight equated instalments, the first instalment falling due a year after the date of drawal of the loan. Consequent on the passing of the Air Corporations Act, 1953 the question of revising these terms is under consideration.

श्री एस० सी० सामन्त : क्या मैं माननीय मंत्री से जान सकता हूँ कि अब तक कितने सुपर कंसटलेशन एयरक्राफ्ट चालू हैं और भविष्य में कितने और चालू किये जाने हैं ?

श्री राज बहादुर : दो सुपर कंसटलेशन एयरक्राफ्ट जो पिछली मई जून में पहुंचे थे वह चालू हैं और तीन के वास्ते आर्डर दिया जा चुका है और वह भी थोड़े दिन में आ जायेंगे ।

डा० सुरेश चन्दा : क्या यह सत्य है कि यह जो सुपर कंसटलेशन खरीदे गये हैं उनमें कुछ इंजन में खराबी होने की वजह से इनको कुछ समय के लिये चालू नहीं रक्खा गया ?

श्री राज बहादुर : एक दो बार ऐसी शिकायत सुनने में मिली थी और उसके बारे में उचित उपाय किया जा रहा है ।

श्री टी० एन० सिंह : यह जो इसमें उधार दिया जाता है, एक साथ दिया जाता है या नई मशीनों की तरक्की के लिये रुपया अलग और उनका नुकसान मिलाने के लिये रुपया अलग है, इस किस्म का उधार देते हैं या एक साथ देते हैं ?

श्री राज बहादुर : एयर इंडिया इंटरनेशनल लिमिटेड को पिछले वर्ष नुकसान नहीं हुआ है बल्कि २६ लाख का फायदा हुआ है । नुकसान से ऐसे लोन का कोई सम्बन्ध नहीं है । लोन

जिस प्रकार कम्पनी को दिया गया है उसका व्योरा इस प्रकार है : १९५२-५३ के लिये २५ लाख का लोन कम्पनी को साढ़ चार परसेंट इंटरेस्ट की दर पर गारुन्ट किया गया था । १९५३-५४ के लिये लोन २५ लाख रुपये हैं और कैपिटल के रूप में १९५३-५४ के लिये ५७ लाख रुपये हैं । १९५४-५५ के लिये ५९.०० और ६०.०० लाख का प्राविजन है ।

The Deputy Minister of Railways and Transport (Shri Alagesan): The original notice of the question has been received in Hindi. I think I can reply in Hindi as well as in English.

रैलवे कर्मचारी :

*३४६. श्री एम० एल० द्विवेदी : क्या रैलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि चलती हुई गाड़ी में टिकटों की जांच करने वाले कर्मचारियों को उसी प्रकार का भत्ता नहीं मिलता जैसा कि चलती रैलों पर काम करने वाले दूसरे कर्मचारियों को मिलता है ;

(ख) क्या कारण है कि उन्हें मीलवार भत्ता नहीं मिलता जब कि अन्य कर्मचारियों को मिलता है ; और

(ग) इस असमानता को दूर करने के लिये रैलवे मन्त्रालय क्या उपाय कर रहा है ?

रैलवे तथा परिवहन उपमंत्री (श्री अलगेशन):

(क) नहीं, उन्हें उतना ही दैनिक भत्ता मिलता है जितना चलती गाड़ियों पर दूसरे रैलवे कर्मचारियों को, सिवाय उन रैल कर्मचारियों के जिनकी दख-रख में गाड़ी चलती है ।

(ख) मीलवार भत्ता केवल उन कर्मचारियों को ही दिया जाता है जिनकी दख-रख में गाड़ी चलती है । इनमें ड्राइवर, फायरमैन, गार्ड और बुक्समैन शामिल हैं । दूसरे सभी रैल कर्मचारी, जो चलती गाड़ियों पर काम करते हैं, जैसे टिकट परीक्षक, पास्सल क्लर्क, हम्माल, निरीक्षक आदि नियमानुसार सामान्य दैनिक भत्ता पाते हैं ।

(ग) इसमें असमानता का कोई प्रश्न नहीं उठता ।

[**The Deputy Minister of Railways and Transport (Shri Alagesan):** (a) No. They get the same rate of daily allowance as other railway personnel on duty on running trains, except the train crew who are in charge of the running of the train.

(b) Mileage allowance is given only to the train crew, which consists of the driver, firemen, guard and brakeman, who are in charge of the running of the train. All other railway staff, who perform their duties on running trains, such as ticket examiners, parcel clerks, hamals, inspectors, etc., get the normal daily allowance in accordance with the rules.

(c) There is no anomaly involved.]

Shri M. L. Dwivedi: Is it not a fact that the duties of a Railway Ticket Checker involve more risk, more activity and vigilance in comparison to those of a Guard or any other person of the running staff? If so, why is discrimination being exercised in the case of Ticket Checkers in comparison to others?

Mr. Speaker: I am afraid this is not asking for information but arguing the matter.

Shri M. L. Dwivedi: What is the difference between the allowance given to a Guard and that of a Ticket Checker?

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

Shri M. L. Dwivedi: What is the difference?

Shri Alagesan: I do not have the figures.

Shri Nambiar: May I know whether it is not a fact that the ticket checking staff on the Southern Railway are given less allowances when compared with those on other Railways?

Shri Alagesan: It should not be.

Shri Nambiar: It is not a fact that they are paid Rs. 32 as a consolidated

allowance when others are getting Rs. 2-4-0 per day?

Shri Alagesan: Perhaps, they should have opted for it.

FAMILY PLANNING

*347. **Shri V. P. Nayar:** Will the Minister of Health be pleased to state whether, under the Family Planning and Population Control Research undertaken by Government, any specific research has been conducted to find out the effect of malnutrition on human fertility amongst the different income groups?

The Minister of Health (Rajkumari Amrit Kaur): No such specific research has been conducted so far.

Shri V. P. Nayar: May I know whether Government are aware whether it has been established that deficiency in proteins is conducive to increase in human fertility?

Rajkumari Amrit Kaur: Government are aware that that opinion is held, especially in the book called *Geography of Hunger*. The Nutrition Advisory Committee of the Indian Council of Medical Research actually appointed a Committee in November, last year, to do some specific research and we are trying to collect data to establish results in our country.

Shri V. P. Nayar: May I know whether Government are aware that the latest *Census Report* of the Government of India indicates that in State like the Punjab where the average consumption of meat and milk products is much more than in Madras and Travancore-Cochin, fertility is much lower than in Madras and Travancore-Cochin where the average of protein consumed is considerably less?

Rajkumari Amrit Kaur: That is the data so far available.

Shri V. P. Nayar: In view of this revelation in the *Census Report* and in view also of the fact that population research is being conducted at

the instance of the Central Government, may I know whether the Government would consider the desirability of conducting research on animals like rats, guinea pigs and rabbits with particular reference to the effect of protein deficiency on fertility?

Rajkumari Amrit Kaur: One of the recommendations of this Committee is that careful animal experimentation is necessary.

Shrimati Jayashri: May I know whether any research is undertaken in fertility Statewise?

Rajkumari Amrit Kaur: This Committee undertook research purely in regard to rice diets. We have done that so far. We will try to get more research done in the various States also.

SHAH NAWA COMMITTEE REPORT

*348. **Shri T. B. Vittal Rao:** Will the Minister of Railways be pleased to refer to the reply given to unstarred question No. 185 on the 1st September 1954 and state:

(a) whether the examination of the report of the Shah Nawaz Committee which enquired into the causes of accidents on the Railways, by another Committee has since been concluded;

(b) if so, whether Government propose to lay a copy of the same on the Table of the House; and

(c) if not, what are the main recommendations and to what extent they have been implemented?

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

(b) The report of the Reviewing Committee is under examination and a copy will be placed in the Library of the House after the examination is over.

(c) Does not arise in view of reply to part (b).

Shri T. B. Vittal Rao: May I know if the Government propose to expedite examination, because during the

last Budget, the Railway Minister said that he wanted the original Shah Nawaz Committee Report by one month, that it took about 5 months to send the report and later that it was sent to this Committee? I want to know the specific reason why the original Shah Nawaz report was referred to the subsequent Shah Nawaz Committee?

Shri Alagesan: The Committee of the National Railway Users Consultative Council met subsequently and wanted to be associated with the examination of the report. So some Members of that Committee were associated with the examination. That is the reviewing Committee's report which is at present under examination. We propose to expedite the examination and take action.

Shri T. B. Vittal Rao: By what time will these recommendations be finalised?

The Minister of Railways and Transport (Shri L. B. Shastri): I do not think it should take more than a month. I may also add that the Shah Nawaz Committee were asked to submit their report in three months and they submitted their report. They did not delay.

Shrimati Tarkeshwari Sinha: May I know whether the recommendations concerning departmental catering in railways have also been implemented by the Railway Board, and if so, in how many stations departmental catering has been started?

Shri L. B. Shastri: These are two entirely different things. This question relates to the Accidents Enquiry Committee. The hon. Member is asking about the Catering Committee.

THERMAL ENVIRONMENT HEALTH CONSULTANT

***349. Pandit D. N. Tiwary:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that an American Expert by name Dr. W. F. Ashe has been appointed as Thermal Environment Health Consultant; and

(b) if so, the terms of his appointment?

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

(b) His appointment is for a period of two years. The pay, cost of passage and allowances will be borne by the U.S. authorities and the cost of internal travel and secretarial assistance only will be met by the Government of India. I may however add that as Dr. Ashe had to attend to some important work in the U.S.A., he has already left India and may come back as and when required.

Pandit D. N. Tiwary: Has he given any proposal to increase the efficiency of textile labourers? He came here in order to ascertain whether Indian labourers, in certain conditions, work better. Has he given any report?

The Minister of Labour (Shri K. K. Desai): This question will be examined from the environment point of view. If the proper specifications laid down for good working conditions are ensured, efficiency will rise.

Pandit D. N. Tiwary: May I know whether the Government proposes to have a new data prepared for the workers to compile a new code of behaviour or something like that?

Shri K. K. Desai: We will await the report of this expert.

FAMILY PLANNING CENTRES

***350. Shri Ibrahim:** Will the Minister of Health be pleased to refer to the reply to unstarred question No. 927 given on the 30th September, 1954 and state the number of Family Planning Centres opened in different States and the progress made by them so far?

The Deputy Minister of Health (Shrimati Chandrasekhar): The information is still being collected from the State Governments and will be laid on the Table of the House as soon as it is available.

Shri Ibrahim: May I know the number of persons served by these centres?

Shrimati Chandrasekhar: I would not be able to state the number of persons. The States that have asked for funds, Cutch, Orissa, West Bengal, Madhya Pradesh, Madras, have been sanctioned funds. A few more States have come in. Thirty-four such centres are to be established and that is under the consideration of the Government.

Shri Nageshwar Prasad Sinha: What efforts have so far been made to combat the shyness of the rural folk so far as propagation of family planning is concerned?

The Minister of Health (Rajkumari Amrit Kaur): Health education is being carried on as far as we can. The centres that are being opened are catering to the rural population also.

Shri S. C. Samanta: May I know whether any State-wise grants for training centres have been made? If so, how much out of the sum of Rs. 30 lakhs allotted by the Planning Commission has been given?

Rajkumari Amrit Kaur: It all depends upon how much the States ask for. As my colleague said just now, five States had asked for moneys and Rs. 1,50,000 have been sanctioned. Other proposals for a sum of Rs. 1,50,000 have come and sanction is going to be issued shortly.

RAILWAY EMPLOYEES

*314. **Shri Sadhan Gupta:** Will the Minister of Railways be pleased to state:

(a) whether Railway employees whose services are terminated on account of their suffering from tuberculosis, are eligible for re-appointment, if and when they recover; and

(b) if so, whether such employees on such re-appointment are given the benefit of their past services?

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

(a) Yes, on their being certified by T.B. Specialists after treatment as non-infective and fit for work.

(b) When such persons are re-employed in permanent posts they are confirmed out of turn provided they were permanent before. If they were only temporary before, they are confirmed in their turn counting their previous service also for this purpose only. Pay on re-appointment is so fixed that as far as possible there is no sharp diminution in emoluments from what they were drawing at the time of their discharge from Government service.

Shri Sadhan Gupta: May I know what is the reason for not giving them all the benefits of their past service, since they did not quit service on account of any fault of theirs?

Shri Alagesan: It cannot be any fault of theirs. They were definitely unfit because they were suffering from T.B. This refers to cases where the maximum leave has been availed of. That would be five years in the case of permanent employees. After return, if they are certified to be fit, this concession is shown to them and if they are taken back their past services are counted. They are promoted out of turn.

Shri Namblar: May I know.....

Mr. Speaker: The Question-Hour is over.

Shri Namblar: There is half a minute more.

Mr. Speaker: Order, order. I have said that it is over.

Short Notice Question and Answer

STRIKE BY D.T.S. WORKERS

S.N.Q. No. 2. Shri Dabhi: Will the Minister of Transport be pleased to state:

(a) whether it is a fact that public transport in Delhi was paralysed on Sunday, the 21st November, 1954, and that most of the Delhi Transport Service buses did not ply in the city;

(b) whether the above state of affairs still continues;

(c) the reasons therefor; and

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

The Deputy Minister of Railways and Transport (Shri Alagesan): Sir, with your permission, I shall make a small statement.

From the 21st to the 23rd November, 1954, there was a partial cessation of operation of the Delhi Transport Service as the majority of drivers, who reported for duty, refused to take the vehicles on the road on the ostensible ground that they were defective and did not conform to the requirements under the Motor Vehicles Act, 1939. About 130 vehicles out of a total of 226 vehicles scheduled to be operated were affected by this refusal.

2. The management arranged for an *ad-hoc* inspection of all the vehicles involved in the dispute by the Motor Vehicles Inspectorate of Delhi State. Upto the 23rd November 172 vehicles in all have been certified to be fit and road-worthy.

3. The Delhi Transport Service Workers Union recently made a number of demands on the management covering various matters. These demands have been under negotiation between the management and Union and even before the management could consider them finally the Union apparently considered it desirable to force the pace by suddenly stopping from work.

4. The main handicap, which prevented more efficient operation of the Service in Delhi, was the absence of proper depots and a good workshop. Two big depots have since been constructed and one of them is already in use. Operation will start from the second new depot as soon as the workers resume duty. A big workshop building has practically been completed and the equipment will be transferred to this building during the next few days. The workshop will begin operation in the new premises by the end of December, 1954. 140 new buses have been ordered for

already and the Service will have a total fleet of 400 buses by the middle of 1955.

5. The question of resumption of work by the drivers has been under discussion between the management and the representatives of the Union in the presence of a Conciliation Officer on the 22nd and 23rd November and normal operation has been restored today.

6. It is unfortunate that this sudden stoppage of work should have occurred causing great inconvenience to the public. I am glad that wiser counsels have prevailed and the workers have resumed duty.

Shri Dabhi: May I know whether it is a fact that several of the D.T.S. buses including some of the new ones are defective without such parts as speedometers, front and rear lights etc., that their window panes and windscreens constantly break down, and that they do not run efficiently in a regular and punctual way?

Mr. Speaker: I do not think we need go into those details. Now the strike is over.

Shri Dabhi: May I ask one question?

Mr. Speaker: Yes.

Shri Dabhi: May I know whether, in view of the fact that several complaints have been made against the D.T.S. service as well as regarding the efficiency and non-co-operation of the workers, Government intend to make any enquiry into the matter.

The Minister of Railways and Transport (Shri L. B. Shastri): I think the hon. Member should advise the employees and drivers to take into account the general interest of the people of this city and avoid entering into such lightning strikes.

Shri Namblar rose—

Shri Dabhi: I wanted to know....

Mr. Speaker: Order, order, Mr. Namblar.

Shri Nambiar: May I know whether the implementation of certain collective agreements previously entered into by the management with the workers' union has been held up due to delays in the Transport and Finance Ministries?

Shri L. B. Shastri: Most of the demands have been met and a few were referred to the Finance Ministry and they are still under consideration.

Shri Nambiar: May I know whether it is a fact that the Government have exempted the D.T.S. management from the operation of the Industrial Employment Standing Orders Act thereby making it compulsory on the part of the management to consult the labour union when standing orders are issued?

Shri Alagesan: The management has been in consultation with the labour union. Even the latest demands have been under discussion between the management and the union.

Shri T. B. Vittal Rao rose—

Mr. Speaker: We will proceed now with the other business.

WRITTEN ANSWERS TO QUESTIONS

CHECKING OF RADIO LICENSES

***207. Sardar Iqbal Singh:** Will the Minister of Communications be pleased to state:

(a) when the radio-licence screening was done last;

(b) the number of cases detected so far during 1954 where the radio sets have been used without licence; and

(c) whether any action has been taken against persons possessing unauthorised radio sets?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Screening is done throughout the year by the special anti-piracy staff employed to check the unauthorised

possession of Wireless Telegraphy apparatus and the use of Receivers for broadcast reception.

(b) During the six months (January to June 1954) 9,532 persons were found using their sets without licenses.

(c) Yes.

CENTRAL AID TO STATE MEDICAL INSTITUTES

***217. Sardar Iqbal Singh:** Will the Minister of Health be pleased to state:

(a) the number of States which have requested the Government of India for financial aid to specified hospitals and medical institutions during the current year;

(b) how many of them are being aided and to what extent; and

(c) whether the Government of India have received any special requests from the Punjab Government for the above purpose and how far they have been met?

The Minister of Health (Rajkumari Amrit Kaur): (a) Five.

(b) It has been decided so far, to sanction a non-recurring grant of Rs. 80,500, during the current year, to one of these institutions. No financial aid was given to any of them previously.

(c) No.

INTERNATIONAL TELEPHONE CONSULTATIVE COMMITTEE

***307. Sardar Hukam Singh:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that a Sub-Committee of the International Telephone Consultative Committee met at Lahore in December 1953 and considered the "formulation of an interconnection of the telegraph and telephone networks of the Middle East and South Asian Countries";

(b) if so, the concrete steps taken in this direction; and

(c) whether the requisite number of circuits are available whereby India

could become the transit centre for traffic with those regions?

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

(b) and (c). The recommendations of the Sub-Committee had to be considered and approved by the General Trunk Switching Committee of the International Telephone Consultative Committee. The General Trunk Switching Committee and the 17th Plenary of the International Telephone Consultative Committee during their session recently (September/October 54) considered these recommendations. The official report from that Committee is awaited. Only on its receipt, the question of taking concrete steps for the implementation of the plan could be taken up.

INSURANCE EMPLOYEES

***310. Pandit S. C. Mishra:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that there are no specified pay scales or universally binding service conditions for the Insurance Employees; and

(b) if so, the measures Government propose to take to improve the working condition of these employees?

The Minister of Labour (Shri K. K. Desai): (a) and (b). So far as Government is aware there are specified pay scales for the staff in the larger Insurance Companies. If, by the expression "universally binding service conditions", the Hon'ble Member means an all-India Code applicable to insurance employees, the answer is in the affirmative. Government do not propose to take any steps on an all-India basis.

RE-GROUPING OF RAILWAYS

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

(a) whether the question of re-grouping of Indian Railways is being re-considered in the light of the experience gained from this work; and

(b) if so, whether any conclusions have been arrived at?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir, but the various aspects of performance of the Regrouped Railways are being closely examined by the Railways and the Railway Board.

(b) Does not arise at present.

PLASTIC SURGERY

***313. Shri S. K. Razmi:** Will the Minister of Health be pleased to state:

(a) the number of hospitals in the country where arrangements for plastic surgery exist;

(b) whether there is any hospital where facial plastic surgery is also done;

(c) if not, whether there is any proposal to start the same;

(d) whether any invitation has been sent to foreign experts to demonstrate the same in India; and

(e) if so, who are the persons invited?

The Minister of Health (Rajkumari. Kaur): (a) and (b). Plastic surgery, including Facial Plastic Surgery, is practised in most of the larger hospitals in the country. In view of the fact that there are no special hospitals dealing in Plastic Surgery alone, it is not possible to give the number.

(c) There is no such proposal at present.

(d) and (e). Yes. Dr. B. K. Rank, Australian Plastic Surgeon has been invited to demonstrate the methods and techniques of plastic surgery.

MINING BOARDS AND COMMITTEES

***320. Shri Nanadas:** Will the Minister of Labour be pleased to state whether any Mining Boards and Committees have been constituted under the Mines Act, 1952 for the Mica Mines in Andhra?

The Minister of Labour (Shri K. K. Desai): Not so far. The necessity for setting up such Boards and Committees is being examined.

THORACIC SPECIALISTS FROM U. K.

***321. Shri C. R. Iyyunni:** Will the Minister of Health be pleased to state how many thoracic specialists have come to India from United Kingdom under the Colombo Plan?

The Minister of Health (Rajkumari Amrit Kaur): None.

SOIL CONSERVATION

***326. Shri K. C. Sodhia:** Will the Minister of Food and Agriculture be pleased to state:

(a) the programme undertaken by the various Regional Research and Training Centres for Soil Conservation; and

(b) the total number of trainees at each centre?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Two Regional Research and Training Centres at Dehra Dun and Kotah have already been established. Two more Centres are in the process of being established at Bellary and Ootacamund. The Desert Afforestation Research Station at Jodhpur, established earlier, has also been taken over by the Central Soil Conservation Board. A statement of programme to be undertaken by these regional Centres and the Research Station at Jodhpur is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 39.]

(b) Arrangement will be made at each of these Centres to train about 20 trainees each year.

IMPORT OF PAKISTAN RICE

***328. Shri Tulsidas:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether rice has been recently imported into India from Pakistan;

(b) if so, the total quantity imported and the reasons therefor;

(c) whether it was imported by private agencies or by Government; and

(d) the price at which it was bought?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). A quantity of 26,000 tons of Sind Joshi Boiled rice is being imported from Pakistan by the Travancore-Cochin Government on their own account. Nothing has arrived so far, but supplies are expected shortly. This import is being made to meet the requirements of boiled rice and to enable the Travancore-Cochin Government to avoid loss in the sale of rice to consumers in the State. In addition to this quantity, about 800 tons were imported by private trade during the present year.

(c) This import is being made by the Travancore-Cochin Government through the trade.

(d) We have no information about the price paid to Pakistan by the trade.

DELHI IMPROVEMENT TRUST

***329. Dr. Rama Rao:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the Delhi Improvement Trust allotted, on perpetual lease, quarters in Andha Mughal Refugee Colony, Delhi, to displaced persons;

(b) if so, when the quarters were allotted;

(c) whether the title deeds in respect of these quarters have been made over to the occupants; and

(d) if not, the reasons for the delay?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). No such allotment has been made so far, but the Trust has decided to liquidate certain quarters in Andha Mughal Colony which were occupied unauthorisedly by displaced persons to the occupants thereof on certain terms and conditions including perpetual lease of the land. Such occupants would, however, be deemed to have taken possession of these quarters

with effect from the 1st December, 1947.

(c) Not yet.

(d) Account sheets of the money paid by the occupants are under preparation.

CEMENT INDUSTRY

***331. Th. Jugai Kishore Sinha:** Will the Minister of Labour be pleased to state:

(a) whether the Board set up to prescribe the basic minimum (standard) rates of wages in the Cement Industry have submitted their report;

(b) if so, what are their recommendations; and

(c) when these recommendations will be implemented?

The Minister of Labour (Shri K. K. Desai): (a) No. The Board has been set up only recently.

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

RICE PRODUCTION

***332. Shri Bhagwat Jha Azad:** Will the Minister of Food and Agriculture be pleased to state:

(a) what is the target of production of rice reached in the current year;

(b) whether the maximum limit fixed under the Five Year Plan has been reached; and

(c) if so, the quantity in tons produced?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). The estimate of rice production during the current agricultural year ending June, 1955 is expected to become available only towards the end of February, 1955. During 1953-54, India produced 27.1 million tons of rice against the target of 27.2 million tons envisaged for 1955-56 under the Five Year Plan.

AGRA RAILWAY STATION

***333. Shri Radha Raman:** Will the Minister of Railways be pleased to state:

(a) whether Government have a programme to increase amenities at the main stations which serve Agra;

(b) if so, the detailed programme of improvement of all the main stations of Agra;

(c) the amount sanctioned;

(d), how much of it will be shared by the U.P. Government and how much by the Government of India; and

(e) when the construction work will be completed?

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

(b) and (e). A statement giving the details is placed on the Table of the Sabha. [See Appendix II, annexure No. 40].

(c) Approximately Rs. 22 lakhs.

(d) Nil.

SLEEPER RENEWALS

***345. Pandit S. C. Mishra:** Will the Minister of Railways be pleased to state:

(a) the total mileage of sleeper renewals completed during the current year till the 30th September 1954;

(b) what is the target fixed for the current year;

(c) whether it is a fact that the work is done much behind the Schedule;

(d) if so, the reasons therefor; and

(e) the steps taken for early execution of this work?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 393 miles.

(b) About 1,500 miles.

(c) Proportionately yes, Sir, but the major portion is done in the period October-April each year.

(d) Non-availability of sleepers in time.

(e) All possible arrangements are being made to procure sleepers from indigenous sources and abroad to meet requirements.

RAILWAY TRAINS

280. Shri N. A. Borkar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the people of Kuhi area Nagpur made a representation for running an extra train from Nagpur to Bhiwapur on the narrow-gauge lines in Madhya-Pradesh; and

(b) if so, the decision taken by Government in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, but representations have been received for the introduction of an additional train between Nagpur and Umrer.

(b) Nagpur-Umrer section is at present served by two trains each way, which are considered adequate for the requirements of the traffic offering on the section.

CASHEWNUTS

281. Sardar Hukam Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) the total acreage under cashew-nut cultivation during 1953-54 in India;

(b) the quantity of raw cashewnuts produced in the country during the same year; and

(c) the amount in dollar earned by India by exporting processed cashew-nut in the same period?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). Estimates for the year 1953-54 are not yet available. Data on cashewnut crop are not estimated on a regular basis by the States; *ad hoc* estimates available for some States for the year 1952-53 are given below:—

States	1952-53	
	Area (acres)	Production* (tons)
I	2	3
Andhra . . .	2,534	720
Bombay . . .	4,687	2,865
Orissa . . .	1,504	1,470

I	2	3
Mysore . . .	509	20
Travancore-Cochin .	67,276	45,052
Coorg . . .	306	55

*Raw nuts in shell.

(c) Information has been called for and will be placed on the table of the House as soon as received.

INDUSTRIAL DISPUTES

282. Sardar Hukam Singh: Will the Minister of Labour be pleased to state:

(a) the total number of disputes that have taken place during the months of September and October 1954 between Industry and workers;

(b) the total number of workers involved in such disputes; and

(c) the number of man-days lost on account of these disputes?

The Minister of Labour (Shri K. K. Desai): (a) to (c). The statistics of disputes that took place during the months of September and October 1954 are being collected and will be laid on the Table of the House as soon as they are ready.

TELEPHONE FACTORY AT BANGALORE

283. Pandit Munishwar Datt Upadhyay: Will the Minister of Communications be pleased to state:

(a) the names of the articles lying in the stores of the Telephone Factory at Bangalore for over a year being surplus to its requirements;

(b) the number of years during which these articles would be consumed by the Factory; and

(c) the estimated loss likely to be incurred by the Factory on account of such excess purchases of stores?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The articles in surplus stock are mainly:

- (1) Steel angles, bars and rods;
- (2) Aluminium strips and rods;
- (3) Copper bars, rods and tubes;

- (4) Nickel silver sheets, strips and rods;
- (5) Brass and phosphor bronze sheets and rods;
- (6) Ebonite sheets, tubes and rods;
- (7) Phenol fibre;
- (8) Wax; and
- (9) Switch Board wire and enamelled and silk covered copper wire;

(b) Articles in excess of two years' requirements are being disposed of;

(c) It is not possible to frame reliable estimates of loss until the surplus stock is disposed of.

VANASPATI FACTORIES

284. Pandit Munishwar Datt Upadhyay: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of Vanaspati factories working in the country at present;

(b) the quantity of Vanaspati produced by them annually;

(c) the capital invested so far in Vanaspati factories and the number of employees working in them at present;

(d) the effect on produce and quality of Vanaspati after the removal of control on its price; and

(e) whether it is a fact that the production of Vanaspati has increased although the Government hydrogenation factory at Kozhikode has not yet gone into production?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The total number of Vanaspati factories in existence is 49, of which about 15 to 20 factories are not working regularly.

(b) The total production of Vanaspati in the past three years was as

under:—

1951.....	1.72 lakh tons
1952.....	1.90 " "
1953.....	1.92 " "

(c) The total investment is about Rs. 23 crores and about 8,000 workers are employed in this industry.

(d) The removal of control on prices of Vanaspati in June 1952 has had no significant effect on the volume of production.

Control on quality continues and has since been tightened up. With a view to increasing the nutritive value of Vanaspati it is being fortified with synthetic Vitamin "A" to the level of 300.I.U. per oz.

(e) Yes.

INCIDENCE OF MALARIA AND T. B. IN INDIA

285. Shri V. P. Nayar: Will the Minister of Health be pleased to state:

(a) the success achieved so far in minimising the incidence of Malaria and Tuberculosis as a result of the Anti-Malarial and Anti-T.B. Drives of the Central and State Governments under the Five Year Plan;

(b) the number of cases of Malaria and T.B. estimated in 1950-51 and 1953-54; and

(c) the total amount spent under the Plan for various schemes, projects and measures to fight these two maladies?

The Minister of Health (Rajkumari Amrit Kaur): (a) It is too early to estimate the success achieved as a result of the various anti-tuberculosis measures under the Five Year Plan. The results will be known only after several years from now. The anti-malarial measures under the Five Year Plan have, so far as information is available, succeeded in minimising the incidence and endemicity of the disease, but statistical data about the success achieved are not available.

(b) No reliable statistics regarding the incidence of T.B. and Malaria are available.

(c) Upto 1953-54, the Central Government spent Rs. 20,86,835 on Anti-Tuberculosis Schemes etc., and Rs. 2,17,51,000 on Anti-malaria schemes etc., under the Five Year Plan. Information regarding the expenditure incurred by the State Governments is not available with the Government of India.

ROAD INVESTMENTS

286. Sardar Hukam Singh: Will the Minister of Transport be pleased to state:

(a) the total investment by the Government of India on the 31st March, 1954 in the Bombay Road Transport Corporation;

(b) the percentage it bears to the total investment of the Corporation on that date; and

(c) the net profits that have accrued to the Central Government on their investment during each of the years 1951-52, 1952-53 and 1953-54?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Rs. 335.75 lakhs.

(b) 33½ per cent.

(c) 1951-52 Rs. 7,60,320.

1952-53 Rs. 9,98,018-4.

1953-54 Rs. 12,89,573-10.

RAILWAY ACCIDENTS

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

(a) the number of accidents which took place from the 1st January to the 31st October, 1954;

(b) whether Government have received enquiry reports in respect of all the railway accidents that occurred during this period;

(c) whether the scrutiny of reports reveals any common defect responsible for these accidents;

(d) the number of cases of deaths, and serious injuries, and the amount

of losses sustained by Government and the public as a result of these accidents; and

(e) the steps taken to remove the causes of the accidents?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 2772 train accidents including 24 cases of collisions and 177 of derailment of passenger trains and 43 cases of collisions and 810 of derailments of other than passenger trains and the remaining 1718 cases comprise of averted collisions, parting of trains, reception on blocked or wrong lines, trains running against signals, accidents at level crossings, fires in trains and trains running without any or proper authority.

(b) Reports have been received in 2549 cases and in the remaining 223 cases they are awaited.

(c) Yes, out of the 2549 cases, failure of the human element accounted for 947 and failure of mechanical equipment for 1205 cases.

(d) (i) Deaths ... 289.

(ii) Grievous Injuries ... 135.

(iii) Approximate cost of damage to Railway property ... Rs. 26,06,333.

(iv) The damage to public property is not known.

(e) Steps taken include—

Effective disciplinary action against railway staff held responsible for accidents.

Systematic examination of the working of stations.

Education of staff in the safety rules through periodicals, circular letters etc.

Tightening up of supervision and control.

Frequent warnings to staff to remain vigilant and cautious and making them more safety minded.

Provision of refresher courses at training schools at regular intervals.

Progressive provision of mechanical devices to minimise failure of the human element, such as, interlocking the Block Instruments with Signals, replacing Paper Line Clear System of working especially on the Metre Gauge sections, by Token Working with Block Instruments, Lock and Block Instruments on double line sections, conversion of 'Free' Block Instruments into Lock and Block Instruments, and so on.

Frequent and intensive inspection of Permanent Way and rolling stock.

Grant of special priority for works required to enhance the safety element.

TREATMENT OF LEPROSY

288. { Shri D. C. Sharma:
Shri Karni Singhji:

Will the Minister, of Health be pleased to state the number of centres for the treatment of leprosy which are functioning in India at present?

The Minister of Health (Rajkumari Amrit Kaur): There are 129 colonies, homes, asylums and hospitals for the treatment of leprosy patients in addition to 644 clinics where facilities for out-door treatment of the disease exist.

ELECTRIC LOCOMOTIVES

289. Shri Nageshwar Prasad Sinha: Will the Minister of Railways be pleased to state:

(a) whether tenders have been invited for the supply of Electric locomotives and coaches;

(b) the number of tenders received so far and the names of the parties from which they were received; and

(c) how many miles of Railway route will be electrified in the first instance in different zones?

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

(b) No offers have yet been received for the supply of electric locomotives and coaches for the Calcutta area. The last date for the receipt of offers for these items is 3rd January, 1955. 20 offers for the supply of electric coaches for the Bombay area have been received. As these offers are under confidential examination, it would not be in the public interest to disclose the details asked for at this stage.

(c) Approximately 88 route miles between Howrah and Burdwan via main line and Tarakeshwar Branch of the Howrah Division on the Eastern Railway.

RAILWAY CLAIMS

290. Shri S. C. Singhal: Will the Minister of Railways be pleased to lay on the Table of the House a statement giving the following information:—

(a) the number and amount of compensation settled by the Railway Administration in connection with the claims for damages and lost articles for the last three years;

(b) the number of claims with their values preferred during that period;

(c) the number of cases with their values filed in courts and the decisions of the courts thereon;

(d) the expenses incurred by Government on litigations;

(e) the establishment and other expenses of the Claims Section of the Railways for the last three years; and

(f) the procedure which the Department adopts on receiving the notices of claims?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (f). A statement showing the requisite information is attached. [See Appendix II, annexure No. 41.]

CHEQUE SYSTEM IN SAVINGS BANK ACCOUNTS

291. Pandit D. N. Tiwary: Will the Minister of Communications be pleased to refer to the reply to starred

question No. 666 asked on the 5th March, 1954 and state:

(a) the number of Post Offices in which the cheque system for operating Savings Bank Accounts has been introduced; and

(b) how this system is working?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The system has not yet been introduced in any Post Office.

(b) Does not arise.

TOBACCO RE-DRYING PLANT AT GUNTUR

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

(a) whether the Tobacco Re-drying Plant at Guntur has been disposed of; and

(b) if so, for what amount?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Not yet.

(b) Does not arise.

RAILWAY ENGINES

293. Shri C. R. Iyyunni: Will the Minister of Railways be pleased to state:

(a) the number of engines and boilers manufactured in Chittaranjan Locomotive Factory in 1953 and in the first half of the current year; and

(b) how they compare in quality and price with those purchased from other factories?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 1953....54 complete locomotives.

First half of 1954....40 complete locomotives.

(b) There is no difference in the general design, workmanship and quality of locomotives produced in Chittaranjan Locomotive Works and those purchased from other countries. The cost of a locomotive produced in the Chittaranjan Locomotive Works is

now Rs. 5.32 lakhs approximately excluding interest on the capital cost of the factory, whereas the estimated landed cost of a similar type of a locomotive ordered recently from foreign countries is Rs. 5.25 to 5.50 lakhs.

रंलबे स्टोर

२९४. श्री नवल प्रभाकर : क्या रंलबे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि शकूर बस्ती जनरल स्टोर में रंलबे का माल बरसाती पानी के कारण खराब हो रहा है ;

(ख) क्या माल को स्टोर करने का ठीक प्रबन्ध नहीं किया गया ; और

(ग) इस प्रकार खराब होने वाले माल का न्यौरा क्या है ?

रंलबे तथा परिवहन उपसंघी (श्री अल्लगेशान):

(क) नहीं ।

(ख) और (ग) । प्रश्न नहीं उठता ।

QUARTERS AT BHULI

295. Ch. Raghunath Singh: Will the Minister of Labour be pleased to state:

(a) whether it is a fact that some quarters have been constructed for labourers at Bhuli;

(b) if so, their number; and

(c) whether they are occupied and if not, the reasons therefor?

The Minister of Labour (Shri K. K. Desai): (a) Yes.

(b) 1566.

(c) 709 houses are occupied. The remaining quarters have not been occupied because the colliery companies are generally reluctant to take houses in the Township as they have to pay a rent of Rs. 6 per house per month on behalf of the worker or, in case the colliery is beyond two miles of the Bhuli township, they have to provide free transport.

पंचायतें

१६६. सैठ गोविंद दास : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि किन किन राज्यों में पंचायतें नहीं हैं ?

The Minister of Health (Rajkumari Amrit Kaur): Ajmer and Tripura.

यात्रा की सुविधाएँ

२६७. सैठ गोविंद दास : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि निम्नीलिखित श्रेणियों के एकाकी यात्रियों को गाड़ियों में क्या क्या सुविधाएँ दी गई हैं :

- (क) पत्रकार
- (ख) विद्यार्थी
- (ग) अध्यापक
- (घ) तीर्थयात्री

(ङ) प्रदर्शनी को देखने के लिये जाने वाले, और

(च) सम्मेलनों में भाग लेने वाले प्रतिनिधि तथा प्रेक्षक ।

रेलवे तथा परिवहन उपमंत्री (श्री अलगोशान): रेल में अकेले यात्रा करते समय प्रश्न में दी गयी विभिन्न श्रेणियों को रेल-भाड़ के सिवाय और कोई विशेष सुविधा नहीं दी जाती है ।

रियायत देने के सम्बन्ध में स्थिति इस प्रकार है :

(क) भारत सरकार द्वारा प्रमाणित किल्ली के प्रेस संवाददाताओं को पहले और दूसरे दर्जे के लिये रियायती दर पर मील-कूपन दिये जाते हैं ।

(ख) और (ग) । अकेले यात्रा करने पर विद्यार्थियों और अध्यापकों को कोई रियायत नहीं दी जाती है ।

(घ) यदि व्यवसायिक दृष्टि से उचित हो और यातायात की सुविधाएँ दी जा सकती हों, तो उत्सवों और मेलों में जाने वाले यात्रियों को हवाई और तीसरे दर्जे के रियायती वापसी टिकट दिये जाते हैं ।

(ङ.) केवल कुछ विशेष स्थितियों को छोड़ कर साधारणतया प्रदर्शनी देखने जाने वालों को कोई रियायत नहीं दी गयी है ।

(च) शिक्षा, संस्कृति और समाज-सम्बन्धी दृष्टि से महत्वपूर्ण कुछ विशेष अखिल भारतीय संस्थाओं के वार्षिक अधिवेशनों में जाने वाले लोगों को रियायती वापसी टिकट दिये जाते हैं ।

रेलवे दुर्घटनाएँ

२६८. सैठ गोविंद दास : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) सितम्बर, १९५४, में कितनी ऐसी रेलवे दुर्घटनाएँ हुईं जिनमें जन-हानि हुई, और

(ख) इन में कितनी दुर्घटनाओं के बारे में विशेष रूप से जांच की गई ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगोशान): (क) तीन रेल दुर्घटनाएँ, अर्थात् मध्य, उत्तर और पश्चिम रेलों पर एक एक ।

(ख) सरकारी रेलवे इन्स्पेक्टरों द्वारा इन तीनों दुर्घटनाओं की जांच की गयी थी ।

POSTS AND TELEGRAPHS DEPARTMENTAL EXAMINATIONS

299. Shri Tushar Chatterjee: Will the Minister of Communications be pleased to state:

(a) whether there are uniform rules governing all the departmental examinations under the Posts and Telegraphs Department;

(b) if so, whether such rules apply to the Posts and Telegraphs Accountants' Service Examination and also to the Subordinate Accounts Service Examination;

(c) whether it is a fact that in the matter of securing exemption marks in a particular subject, some difference is maintained between the above two examinations; and

(d) if so, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No. Different rules are prescribed for the various examinations for recruitment in the Posts and Telegraphs Department according to the requirements of each cadre;

(b) The question does not arise, in view of the reply to part (a) of the question. Though the P & T Accountants' Service Examination is generally modelled on the lines of the Subordinate Accounts Service Examination in the Audit Department, it is not considered invariably necessary to modify the rules for the former, simply because modifications have been made in the rules for the latter, unless circumstances demand such modifications;

(c) Yes. The difference has come to notice only recently, and the question of revising and reducing the exemption limit is under consideration;

(d) In view of reply to (c) the question does not arise.

RAMKOLA STATION

300. Shri Bishwa Nath Roy: Will the Minister of Railways be pleased to state whether there is any proposal for the construction of a Third Class Passengers' Hall, Waiting Room and Godown at Ramkola Station on the North Eastern Railway?

The Deputy Minister of Railways and Transport (Shri Alagesan): A passenger hall measuring 24' x 16' for lower class passengers, and a small godown for safe custody of inward packages already exist at Ramkola Station. Construction of a waiting room at this station is not considered necessary in view of the small upper class traffic there. The extension of the existing goods shed at Ramkola station has been included in the Railway's tentative plan of works to be constructed during the Second Five Year Plan.

FERTILIZERS

301. Shri Sarangadhar Das: Will the Minister of Food and Agriculture be pleased to state:

(a) whether phosphates and potassic fertilizers are also manufactured at Sindri;

(b) if not, whether there is any other factory in India engaged in the production of these fertilizers;

(c) whether these are marketed through the 'Fertilizer Pool';

(d) if not, which other course is adopted for this purpose;

(e) whether these are also imported;

(f) if so, from which countries;

(g) what are the F.O.R. prices at shipping points; and

(h) how the Indian prices compare with those prevailing in London, Hamburg, and New York?

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

(b) Yes, Sir; A list of the superphosphate manufacturers in the country is enclosed. [See Appendix II, annexure No. 42.] Potassic fertilisers are manufactured in India by about 12 concerns on a cottage industry basis.

(c) No, Sir.

(d) These are sold in the open market. Some State Governments purchase superphosphate from the manufacturers for sale to cultivators.

(e) Potassic fertilisers are imported. Import of phosphatic fertilisers is not permitted except for certain grades for experimental purposes.

(f) Potassic fertilisers are imported from the following countries:—The U.K., Germany (both Eastern and Western), France, Belgium, Hungary and the Netherlands.

(g) Presumably the Hon'ble Member is referring to the landed cost (cost, insurance and freight) of these fertilisers at Indian Ports. If so, the average price has been as follows:—

Average c.i.f. value for the imported fertilisers work out to:—

	Rs. As.
Super phosphate	188 13 - per ton.
Other phosphatic fertilizers	140 - - "
Muriate of potash	213 5 - "
Other potassic fertilizers	292 15 - "

(h) A statement will be laid on the table of the House when the foreign prices, which are being ascertained, are known.

VANASPATI

302. **Shri Jhulan Sinha:** Will the Minister of Food and Agriculture be pleased to state:

(a) the average price per ton (ex-factory) of the raw edible oils used in the manufacture of Vanaspati during the year 1953-54;

(b) the cost of manufacture of Vanaspati per ton during the above period; and

(c) the average ex-factory price of Vanaspati per ton during the above period?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Groundnut Oil forms more than 90 per cent. of the oils used in the manufacture of Vanaspati. Of the balance more than 5 per cent. is covered by sesame oil and the rest mainly by cottonseed oil. The prices of these oils vary from region to region. The average wholesale prices of groundnut, sesame and cottonseed oils in Bombay during 1953-54 were Rs. 1733/-, 1593/-, 2160/-, per ton respectively.

(b) The cost of manufacture of Vanaspati works out to approximately Rs. 310/- per ton including cost of containers. Vanaspati is also subject to an Excise duty of Rs. 140/-, per ton.

(c) The average ex-factory price of Vanaspati in Bombay State during 1953-54, was Rs. 2,227/-, per ton.

SLAUGHTER HOUSE

303. **Shri Jhulan Sinha:** Will the Minister of Food and Agriculture be pleased to state the total number of cows and calves slaughtered for food and other purposes in the recognised slaughter houses at (a) Bombay, (b) Calcutta, (c) Madras and (d) Delhi during the years 1953 and 1954?

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

Name of city	The total No. of cows and calves slaughtered for food and other purposes in recognised slaughter houses.	
	1953	1954 (January to October)
(a) Greater Bombay	157	230
(b) Calcutta	The information is being collected and will be laid on the Table of the Lok Sabha when available.	
(c) Madras		
(d) Delhi		
	Nil.	Nil.

NEW RAILWAY LINES

304. **Shri Karni Singhji:** Will the Minister of Railways be pleased to state:

(a) whether there is any proposal for extension of railway lines in the

area to be covered by the network of Bhakra Canal in the Bikaner Division; and

(b) whether there is a proposal to connect Nohar with Churu via Taranagar and Sahwa in the Bikaner Division for the opening of the interior of this undeveloped part of Rajasthan?

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

PURCHASE OF MYSORE RICE

305. Shri Thimmalah: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Mysore Government offered their surplus rice to the Central Government for purchase;

(b) if so, the quantity that has been offered for purchase; and

(c) whether Government propose to purchase the same?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). The Government of Mysore have offered their surplus stocks of 25,000 tons rice and the Centre have agreed to take over this quantity.

मास की चोरी

३०६. श्री बी० एस० चारुवास: क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १ जनवरी, १९५२, से ३१ अक्टूबर, १९५४ तक रेलवे गोदामों से मास चोरी करत हुये कितने व्यक्ति पकड़े गये ;

(ख) कितनों को सजा हुई, और

(ग) अभी कितने व्यक्तियों पर मुकदमे चल रहे हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री. अलगासन):

(क) से (ग)। सूचनाएं प्राप्त की जा रही हैं और यथाशीघ्र सदन में प्रस्तुत की जाएंगी।

COAL LABOUR

307. Shri K. C. Sodhia: Will the Minister of Labour be pleased to state:

(a) what are the agencies (i) to suggest and put up schemes for welfare and housing of Coal labour, and (ii) to finally sanction them;

(b) the total cost of such schemes (i) put up and (ii) sanctioned during 1953-54;

496 LSD.

(c) the total amount of savings made out of the Fund during the above year; and

(d) the total savings at the credit of the fund?

The Minister of Labour (Shri K. K. Desai): (a) (i) The different Coal-fields Sub-Committees, the Coal Mines Welfare Commissioner and the Ministry of Labour.

(ii) The Vice-Chairman of the Coal Mines Labour Welfare Fund Advisory Committee, the Chairman and the Government of India.

(b) (i) Rs. 50,47,000/-.

(ii) Rs. 27,85,000/-.

(c) Rs. 72,55,000/-.

(d) Rs. 4,35,35,000/-.

WATCH AND WARD STAFF

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

(a) the total expenditure incurred by Government on the Watch and Ward Department of the Indian Railways during 1953-54; and

(b) the number of employees of this Department proceeded against (i) departmentally and (ii) in Criminal Courts for thefts or incitement thereof of goods in charge of Railways during the same year and with what results?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Rs. 3.25 crores, approximately.

(b) (i) 1830 of whom 1725 were punished. It has been decided not to take any action against 27. The cases of 78 are being finalised.

(ii) 368 of whom 46 were convicted, 167 were acquitted and 155 cases are pending trial.

राज्यों में परीक्षण कार्य (टैस्ट वर्क्स)

३०९. श्री आर० बल० सिंह : क्या साधु तथा श्रीव मंत्री यह बताने की कृपा करेंगे कि :

(क) किन किन राज्यों में परीक्षण कार्य चल रहे हैं ,

(ख) इन कार्यों में काम करने वाले मजदूरों की एक दिन की मजदूरी कितनी है ;

(ग) ऐसे परीक्षण कार्यों को चलाने के लिये केंद्र ने किन किन राज्यों को सहायता दी है ;

(घ) दी गई सीस की, तन्बहार भाषा कितनी है ;

(ङ) क्या यह सच है कि उत्तर प्रदेश सरकार इन कार्यों में लगे हुए दबोरिया बिले

के मजदूरों को ५ आना प्रति मजदूर के हिसाब से मजदूरी दे रही है ; और

(च) यदि हां, तो कब से और कितने मजदूरों को उपरोक्त मजदूरी दी जा रही है ?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) So far as is known, test works are being carried out in the States of Vindhya Pradesh, Rajasthan, Madhya Bharat, and U.P. Information in respect of other States are being collected and will be laid on the Table of the House.

(b)—

		Rs.		Per day
		Man	Woman	
Vindhya Pradesh	Digger	0 12 0	0 8 0	Do.
	Carrier	0 12 0	0 10 0	Do.
	Child	0 8 0	0 8 0	Do.
Rajasthan	Man	0 9 0	0 12 0	
	Woman	0 6 0	0 9 6	
	Child	0 3 3	0 8 0	

Uttar Pradesh	Basti	Deoria	Azamgarh	Gonda
Digger	0 6 0	0 7 3	0 6 0	0 10 0
Carrier	0 5 0	0 6 0	0 5 0	0 8 0
Child	0 4 0	0 5 0	0 4 0	0 6 0

(c) Central Government does not give any grant to the States for carrying out test works. But the expenditure incurred on test works by the State Governments are taken into account while advancing loans for relief purposes.

(d) Does not arise.

(e) No.

(f) Does not arise.

RAILWAY OVERBRIDGES IN DELHI

310. Shri Radha Raman: Will the Minister of Railways be pleased to state:

(a) whether a proposal for providing a foot overbridge across Railway lines between Minto Road Bridge and Hardinge Bridge in New Delhi is under consideration of Government;

(b) if so, when the construction is to start; and

(c) the estimated cost of construction of this bridge?

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

(b) The design is in hand. The work will be taken up after the design has been approved by the New Delhi Municipal Committee and is expected to be completed during the current financial year.

(c) The work is estimated to cost Rs. 27,000/-.

TELEPHONE EXCHANGE BUILDING IN BIKANER

311. Shri Karni Singhji: Will the Minister of Communications be pleased to state when the construction of the Telephone Exchange Building at Bikaner will be started?

The Deputy Minister of Communications (Shri Raj Bahadur): The construction of the building is expected to commence by the end of 1955.

COACHES FROM SWITZERLAND

312. Shri Keshavaiengar: Will the Minister of Railways be pleased to state:

(a) the number of railway bogies received from Switzerland up to the 31st October, 1954;

(b) the number among them in use in each zone; and

(c) the basis adopted for the allotment of bogies to the several railway zones?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 132.

(b) Central Railway	20
Western Railway	55

(c) The need for replacement and additions for each Railway and the desirability to limit them to as few Railways as possible, when introducing new types, especially in the early stages for economy and ease of maintenance.

NON-SCHEDULED AIR SERVICES

313. Shri T. K. Chaudhuri: Will the Minister of Communications be pleased to state:

(a) the number of non-scheduled air freight and passenger services which are in operation at present in different States and the points which they serve;

(b) the number of concerns which operate these services;

(c) how many of these concerns own and maintain aircrafts of their own and have their own aircraft maintenance arrangements;

(d) whether any permission of Government is required to operate these services; and

(e) what checks Government exercise on the operation of these services as regards the following matters:

(i) proficiency test and training of pilots;

(ii) aircraft maintenance;

(iii) passenger amenities in ports and in aircrafts on flight;

(iv) safety arrangements; and

(v) freight and passenger carriage rates?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Non-Scheduled air transport flights are operated as and when required. The field of operation is dependent on the availability of traffic.

(b) Including the two Corporations, 11 concerns have permits to operate non-scheduled air transport services. Apart from these, the 11 flying clubs hold non-scheduled permits. With a view to help unemployed 'B' licensed pilots, non-scheduled permits are issued to individuals also for giving joy-rides and making the public air-minded. At present, only one such individual holds a permit.

(c) 7 concerns own and maintain their aircraft. One concern owns aircraft but maintains it through another agency. The remaining three concerns do not own any aircraft.

(d) Yes, Sir; before a non-scheduled air transport service is operated, permission from the Director General of Civil Aviation is required to be obtained under the Indian Aircraft Rules, 1937.

(e) Supervision on proficiency and training of pilots is carried out in accordance with the provisions of the Indian Aircraft Rules, 1937. Aircraft maintenance is undertaken by licensed ground engineers under supervision of Government Inspectors. Passenger amenities provided in aircraft are dependent on the requirements of the non-scheduled flights. Passenger amenities at aerodromes are dependent on the places to which such

flights are operated. Supervision on the passenger amenities provided at aerodromes is under the direct control of the Director General of Civil Aviation. Freedom in the fixation of freight rates and passenger fare is given to the operator.

INTERNATIONAL STAMP AND POSTAL EXHIBITION

314. Th. Jugal Kishore Sinha: Will the Minister of Communications be pleased to lay on the Table of the House a list of the prize-winners with particulars of the prizes awarded to them on the occasion of the International Stamp and Postal Exhibition held at New Delhi?

The Deputy Minister of Communications (Shri Raj Bahadur): Lists of prize winners in the International Philatelic and Postal Exhibition as well as in the International Children's Stamp Designing Competition are placed on the Table of the House. [See Appendix II, annexure No. 43.]

TELEGRAPH OFFICES IN SITAMARHI SUB-DIVISION

315. Th. Jugal Kishore Sinha: Will the Minister of Communications be pleased to state:

(a) the progress so far made for opening a Telegraph Office in each Thana of the Sitamarhi Sub-Division;

(b) whether any suggestion has been made for the installation of telegraph and telephone lines through the main Bazars leading to each Thana so as to enable the important places to have such connections without any heavy additional cost; and

(c) if so, whether the feasibility of such a proposal has been examined?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Of the nine Thana stations five are already provided with telegraph offices. Of the remaining four, sanctions have already been issued for provision of telegraph offices in three. The remaining one is expected to be sanctioned during the month.

(b) Yes.

(c) Yes. The suggestion would be adopted to the extent possible in consultation with the State Government.

MUZAFFARPUR-SONBARSA RAIL LINK

316. Th. Jugal Kishore Sinha: Will the Minister of Railways be pleased to state the action taken on the proposals made by the Bihar State for opening of a Railway line between Muzaffarpur and Sonbarsa via Sitamarhi?

The Deputy Minister of Railways and Transport (Shri Alagesan): Owing to limited resources, attention has till now been confined to top priority projects connected with the agricultural, mineral and industrial development of the country envisaged under the 1st Five Year Plan. This project would be considered along with others, if recommended by the State Government for construction during the 2nd Five Year Plan Period.

LATE RUNNING OF TRAINS

317. Th. Jugal Kishore Sinha: Will the Minister of Railways be pleased to:

(a) lay on the Table a statement showing the details of the late running of the 333 Up and 334 Down trains on the North Eastern Railway during the last six months with reasons therefor; and

(b) state the steps taken to see that the trains run according to schedule?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The performance of Nos. 333 Up and 334 Dn. during the last six months has not been satisfactory. Taking the aggregate of 286 occasions on which the trains ran in the period excluding the period of suspension of service during breaches, these trains ran late on 266 occasions, out of which, on 19 occasions they were late by not exceeding 30 minutes. The main reasons for the late running of No. 333 Up were late arrival of the connecting steamer at Paleza Ghat as it took excessive time in crossing the

river. The late running of No. 334 Down was mainly due to the late arrival of the connecting train at the starting station, excessive pulling of alarm chain and temporary engineering restrictions due to heavy floods.

(b) Punctuality 'drives' have been instituted on all the Railways which will be continued and intensified till the position improves appreciably. Special supervision is being arranged to reduce all avoidable detention and senior supervisory officials have been specially instructed to watch the running of these trains.

CONFERENCE ON RICE

318. **Shri V. Missir:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is any proposal to hold any conference in the near future to consider the rice problem in this country;

(b) if so, whether any date has been fixed for this purpose; and

(c) what main items are on the agenda of the meeting?

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

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

PASSENGER AMENITIES

319. **Pandit S. C. Mishra:** Will the Minister of Railways be pleased to state:

(a) the number of new waiting rooms and waiting halls constructed on different stations of the Northern Railway, year-wise, during the years 1952-53, 1953-54 and 1954-55 (till the 30th September); and

(b) the number among them which are for third class passengers?

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

	1952-53	1953-54	1954-55.
(a)	23	17	8
(b)	18	15	8

496 L.S.D.

गाड़ियों के चलने में देरी

३२०. **श्री राधे लाल ग्वांस :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) उज्जैन से भोपाल जाने वाली यात्री गाड़ियाँ इस वर्ष १ जनवरी से २९ अक्टूबर, १९५४ तक कितने दिन नियत समय के बाध पड़ चुकीं तथा औसत देरी कितनी रही, और

(ख) भोपाल से दिल्ली जाने वाली यात्री गाड़ियों से जिनसे कि उज्जैन-भोपाल चलने वाली गाड़ियों का मेल रखा गया है, उनमें से इस अवधि में किन किन गाड़ियों का कितनी बार भोपाल में मेल न हो सका ?

रेलवे तथा परिवहन उपमंत्री (श्री अलमोहन):

(क) १ जनवरी और २९ अक्टूबर १९५४ के बीच ५०२ अप और १०६ अप सवारी गाड़ियाँ भोपाल में क्रमशः १६० और १५९ बार देर से पड़ चुकीं, उनके विलम्ब से पड़ चुकने के औसत घण्टा क्रमशः एक घण्टा और ४५ मिनट थे ।

(ख) सम्बन्धित गाड़ियाँ ५०२ अप उज्जैन-भोपाल और १०६ अप रतलाम-उज्जैन-भोपाल सवारी गाड़ियाँ हैं । इन दिनों के बीच ५०२ अप भोपाल में दिल्ली जाने वाली ९ डाउन पंजाब मेल से १५९ बार मिलान न कर सकी और १०६ अप २ डाउन पठानकोट एक्सप्रेस से १५४ बार मेल नहीं हो सकी ।

इन दोनों गाड़ियों पर समय की पाबन्दी रखी जा रही है और जब तक स्थिति में पर्याप्त सुधार नहीं होता इसे जारी रखा जायगा । क्षेत्रीय और प्रधान कार्यालयों से इन गाड़ियों पर प्रतिदिन निगरानी की जा रही है और जिन कर्मचारियों की असावधानी से इन गाड़ियों के समय की पाबन्दी पर प्रभाव पड़ता है उनके विरुद्ध तुरन्त कार्यवाही की जाती है ।

DELIVERY OF MAILS IN TRIPURA

321. **Shri Biren Dutt:** Will the Minister of Communications be pleased to state:

(a) whether any complaint has been received by Government regarding the inordinate delay in the despatch of registered parcels to Tripura from Delhi;

(b) whether it is a fact that weekly magazines take about a month to reach there; and

(c) if so, the steps taken to obviate such delays?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. Only two complaints were received of delay to mails which was due to dislocation caused by floods.

(b) Reply is in the negative.

(c) Does not arise.

TRIPURA MEDICAL SERVICE

322. Shri Biren Dutt: Will the Minister of Health be pleased to state:

(a) whether it is a fact that two M.B.B.S. doctors belonging to Scheduled Tribes of Tripura, who were trained with the aid of Government have been refused employment in the State service of Tripura; and

(b) if so, the reasons therefor?

The Minister of Health (Rajkumari Amrit Kaur): (a) No.

(b) Does not arise.

TOURISTS TO AGRA

323. Seth Achal Singh: Will the Minister of Transport be pleased to state:

(a) the functions of the Tourist Information Office that has been opened in Agra;

(b) the nature of the publicity and propaganda work that is being done by this office to attract more tourists to Agra;

(c) what facilities are provided to the tourists by this office; and

(d) the number of tourists who visited Agra during the last year and this year up to the 31st October, 1954?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (c). The functions of the Tourist Information Office, Agra include the following:

- (i) To compile up-to-date information required for the tourists, such as details of

accommodation available with hotels, rates, road routes and conditions, rail, air and bus time-tables and fares, informative notes on places of tourist interest;

- (ii) To give information required by tourists, make itineraries etc;

- (iii) To give any assistance required by tourists in the nature of obtaining permits, etc; in cases of difficulty help them in getting rail and hotel reservations, make arrangements for transport, provide guide service;

- (iv) To keep in touch with local rail authorities, hotels and other Government offices with a view to develop tourist traffic and giving all possible assistance to tourists;

- (v) To bring to the notice of the Government of India or the local authorities complaints regarding lack of amenities, etc. which cannot be settled on the spot.

(b) Distribution and sale of tourist literature, supervision and display of folders and posters at various hotels, clubs, cultural institutions, arranging of film shows etc.

(d) The number of tourists who visited Agra during the year 1953 was estimated at roughly ... 9,645

During 1954 upto 31-10-54 ... 11,418

(Note): The above figures were collected from a few hotels and dak bungalows and do not take into account the tourists who do not spend the night.

RICE STOCKS

324. Shri Hem Raj: Will the Minister of Food and Agriculture be pleased to state the quantity of rice in stock at present?

The Minister of Agriculture (Dr. P. S. Deshmukh): On 6th November Government had about 14.5 lakh tons of rice in their stocks.

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LOK SABHA

Wednesday, 24th November, 1954

The Lok Sabha met at Eleven of the Clock.

[Mr. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I).

12-4 P.M.

RUBBER (PRODUCTION AND MARKETING) AMENDMENT BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):
I beg to move:

"That the Bill further to amend the Rubber (Production and Marketing) Act, 1947, as reported by the Select Committee, be taken into consideration".

The Report of the Select Committee is with the hon. Members, and they will find therein that the Select Committee which went exhaustively into the various provisions of this Bill and also heard evidence from representatives, have recommended certain changes.

They have taken up this question of the small grower, and a definition has been made of the small grower. They have also recommended that small rubber growers whose estates do not exceed 50 acres should be given proper representation on the Rubber Board. They have also suggested that the labour representatives must be increased from three to four, and have brought down the number of persons

to be nominated by the Central Government by one. It has also been suggested that the Houses of Parliament should be represented—the Lok Sabha as well as the Rajya Sabha—by three Members.

The pattern of Government representation on these Boards has been followed in this case also. The Select Committee has suggested that Government officers can attend and take part in the proceedings of the Board, but would not be entitled to vote.

The Select Committee has made the Vice-Chairmanship of the Board an elective office. And finally, provision has been made that membership of this Board shall not disqualify a person from being a Member of Parliament.

An important provision has been made in clause 9. The Committee has felt that it should be within the competence of the Board to secure better working conditions for workers engaged in the rubber industry and to see that they are provided with amenities and incentives.

Another provision has been inserted to enable the Board to import rubber. In this connection, I would like to say that while our present production of rubber is about 22,000 tons—it might increase a little more—our consumption is rising very rapidly. It is estimated this year the consumption will be somewhere about 27,000 tons. Any slight improvement in the position of the public transport and automobile transport in this country would mean an augmentation of the demand for raw rubber, and it is envisaged that probably during the next Five Year Plan we might be needing somewhere about 40,000 tons. And it

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takes a long time to grow this rubber. So, the question of imports is a very important consideration. While we are producing rubber and fixing a particular price to the grower, we cannot afford to allow him to be left to the tender mercies of the market forces operating elsewhere in the world for getting his price.

[MR. DEPUTY-SPEAKER in the Chair]

Therefore, the Select Committee has decided that the Board might be authorised to import rubber to fill up the gap in our requirements of rubber.

Provision has been made for two funds. The funds at the disposal of the Board will be raised by means of augmentation of the present cess, and any profits that are made out of imports of rubber, if such profits should eventuate, should also go to the fund. And the method of utilising this fund has also been laid down.

Clauses 16 and 17 have broadly laid down the method of the Government control over accounts. I might, in this connection, mention that I have in mind the ruling of the Chair yesterday, and I shall not move my amendment inserting a new clause empowering the Auditor-General to inspect the accounts, but I shall take an early opportunity of bringing in a comprehensive Bill to permit the Auditor-General to have access to all accounts and be able to send his officers in regard to all the Boards under the management of the Ministry of Commerce and Industry.

In this connection, I would like to say that following the pattern of representation this House has agreed to in regard to the Coffee Board, I have tabled amendments to provide for election of the representatives of the two States of Madras and Travancore-Cochin, and rules to provide for election. Even my hon. friend Shri Punnoose who comes from the other side, has in his Minute of Dissent recognised that it might be necessary for some time to provide nomination

for representation of the small grower. It is, therefore, our intention that in the case of those people who cannot provide an elective machinery, we should probably have to resort to nomination. Otherwise, the rules will provide for election of the representatives from the two States of Travancore-Cochin and Madras.

The Select Committee had in the rule-making powers made it obligatory for the Governments concerned to consult representative associations and obtain panels from them for purposes of election of representatives to the Board. Since this change has been made, that provision has also to be altered; that provision has been retained only in regard to labour representatives, but not in regard to growers' representatives. That is broadly the change that I propose to make, so far as this Bill is concerned, excepting one or two minor changes of a consequential character.

One thing I would like to mention is that with the changes that I have proposed, if they are accepted by the House, the pattern of the working of the Board would largely be modelled on that of the Tea Board, if the Coffee Market Expansion (Amendment) Bill is also passed in the other House and receives the assent of the President.

In this particular case, though there has been some objection to the nominated Chairman, by and large, the Members of the Select Committee agree on the need for a nominated Chairman, and the two Minutes of Dissent would indicate that this question has not been raised. In fact, Shri Velayudhan has raised a number of useful points in his Minute of Dissent, many of which, I suppose, it will be possible for Government to look into, as the Board starts functioning. Even in regard to the doubts expressed by my hon. friends Shri Punnoose and Shri Nanadas, I think with the action of the Board in the future with such control and advice that Government can give the Board, we might be able to meet some of those points.

Altogether, this Bill as it emerges from the Select Committee, has assumed a character of non-controversiality, which I think the House will recognise. In regard to the basic question of rubber, I hope the House will have the benefit of the views of my hon. friend Shri A. V. Thomas, who has been the Chairman of the Rubber Board, an office which he had to give up owing to reasons of ill-health. I think he would be able to tell the House what are the possibilities in regard to rubber. There are certain inevitable forces which restrict our development. It is possible that my hon. friend Shri V. P. Nayar might deal with that possibility. But climatic conditions, the contour of the land available, all these do restrict development at a very rapid pace. But I think it is a sizable ambition, and one which can also be achieved, if we think merely in terms of equating our production with that of our demand. We have so far not done much about it, and that is where I expect any advice that my hon. friend Shri A. V. Thomas might give to us would be of great value. I think it will not be beyond our ingenuity to provide that during the next seven or eight years, we shall produce enough rubber to meet our own demand. We are not looking to a state of things when we can export rubber and make money out of it. All that we want is to be more or less internally self-sufficient.

It is a very complicated problem, and the more I look into it, the more I realise how little I know about it. In fact, Government might even plead guilty to the charge that we have not been able to set up a research institution. The pattern of Government thinking, unfortunately, is one that is against it. I have told the Rubber Production Commissioner that there is no point in asking for a building, or going in for a building, but it is much better to have a couple of decent huts where research is done.

Shri A. M. Thomas (Ernakulam):
Has not one been sanctioned?

Shri T. T. Krishnamachari: It is being sanctioned. The other difficulty is that we have got no technical men at the present moment. I am trying to get a research person who will be in charge of research. We had got the name of a person from Malaya, but we found that we were not able to pay him adequately. But we are still negotiating. But I think in matters like these, I speak for myself, as an individual, when I say that the importance of research is so great that no price is big enough to get a proper man for doing this.

The significant fact which has to be recognised is the disparity in the production of the various estates. That is the main factor. We have to convince the owner of the rubber estate that it does pay to cut down a tree, instead of hugging on to the little that it will produce. These are all difficult, and the Board will have to take up a lot of educative work in making the small grower understand how best to improve his own position.

The other fact also is that we have not got an agency, in so far as the present Rubber Board is concerned, to keep in touch with the small grower. I think some such thing must be developed, because oftentimes, when we find that we fix the price at Rs. 1-6-0 per lb. of rubber, ultimately the small man does not get the benefit of it. Often, it is the man who has got the stock at port, who buys from the small man at varying prices of Re. 1 or Rs. 1-1-0 per lb, and has a holding capacity, that makes the profit. So there is a lot to be done in this direction. And everything has been put away merely because of the fact that the Act has to be amended, and until the Act is amended and the new Board comes into being, we cannot take it up. That is the whole trouble. If I go on putting off further, it will also mean retarding progress in the rubber industry, a matter in which there is absolutely no controversy between any section of the people interested in rubber. I do hope the House will accord its approval to this Bill, and with the help of people who are in the know of things, we should be

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able to bring into being an organisation which will be effective, and would render real service to the people who grow rubber, and who, on all considerations, do deserve some more help than what they are getting at the present moment.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Rubber (Production and Marketing) Act, 1947, as reported by the Select Committee, be taken into consideration."

There is an amendment standing in the name of Shri M. S. Gurupadaswamy. Is the hon. Member moving it? The amendment is for circulation of the Bill for eliciting opinion thereon.

Shri M. S. Gurupadaswamy (Mysore): Yes, Sir.

Mr. Deputy-Speaker: Before we proceed further, I would like to inform hon. Members that three hours have been allotted for all the stages of this Bill. I would like to know the opinion of the House, including that of the hon. Minister, regarding the allocation of time as between the various stages. I think there are some amendments tabled to about eight or nine clauses.

Shri M. S. Gurupadaswamy: Two hours for general discussion.

Shri A. M. Thomas: I think it will be enough if half an hour is devoted to the clause-by-clause discussion.

Shri Velayudhan (Quilon cum Mavelikkara Reserved—Sch. Castes): No third reading.

Shri A. M. Thomas: If there is any time left at the end, then we will speak.

Mr. Deputy-Speaker: So, we shall have two hours for the general discussion, and half an hour for the hon. Minister's reply....

Shri T. T. Krishnamachari: I do not think I shall need more than fifteen minutes.

Mr. Deputy-Speaker: So, we shall have two and a half hours for the general discussion and half an hour for both other stages; practically, there would not be any third reading.

Shri M. S. Gurupadaswamy: I beg to move:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

Mr. Deputy-Speaker: Is it not a dilatory motion?

Shri A. M. Thomas: That was what we were also thinking.

Mr. Deputy-Speaker: Was it suggested by anybody in the Select Committee that this ought to be recirculated? At any rate, if there had been any difference that it should be recirculated for eliciting opinion, we can consider that matter. Otherwise, it must be a dilatory motion. I would like to have some information.

Shri M. S. Gurupadaswamy: I do not know the mind of the Select Committee Members. I do not know what happened there. But there are two Minutes of Dissent.

Mr. Deputy-Speaker: Is it suggested in the Minutes of Dissent that the Bill after it went there had undergone such a change that it requires recirculation or is the hon. Member tabling a motion for circulation thinking this is the first consideration stage?

Shri M. S. Gurupadaswamy: The purpose of my amendment is this. Some changes have been made in the Rubber Board in the present Bill. Some changes were made even in the previous Bill. Many people have been very much upset over the way the whole thing is being done. And, I feel we do not lose much by referring the whole matter to public opinion and this motion is not dilatory in any sense.

Mr. Deputy-Speaker: Is rubber grown in Mysore? (Interruptions)

Amendment Bill

Shri M. S. Gurupadaswamy: I strongly take exception to this attitude.

Mr. Deputy-Speaker: Order, order. The hon. Member cannot take exception. It was not meant to say that he was not competent to speak. Any hon. Member here can do so. I understand Mr. Bogawat wants to speak on this. Therefore, in due time and at an appropriate occasion I will give the hon. Members an opportunity. I am not going to shut them out unless time shuts them out. I have got the right to decide the priority. Those who come from the rubber area and those who are producers have to be given the priority. Others are consumers and they may also represent particular trade interests. Under these circumstances, I want to decide whether I should allow this particular Member or that particular Member to speak. There are such large interests in a particular area and if an hon. Member comes from that area, though he is not a Member of the Select Committee, there may be a number of facts expressed by him. This is one of the facts that I have to take into consideration in allowing Members to speak. Therefore, the hon. Member need not misunderstand what I say, simply because I put a question whether rubber is grown in Mysore. The other day I asked whether tea is grown in Mysore. It is not that Mysore gentlemen are not entitled or competent to speak. But, certainly, the Chair would be expected to give a preference to those areas, or those hon. Members who come from such areas or represent such interests where tea is grown. If I have no right to decide priority at all, I need not sit in the Chair at all. I can walk out. The hon. Member asks whether it counts. Yes, it counts, to find out whether it is dilatory or otherwise or whether it is a motion tabled merely for the purpose of having an opportunity to speak.

Shri M. S. Gurupadaswamy: It is not dilatory.

Mr. Deputy-Speaker: Therefore, the hon. Member need not hesitate to say that Mysore does not produce rubber.

Shri M. S. Gurupadaswamy: We produce rubber; after all, it is a small quantity.

Mr. Deputy-Speaker: That simple answer is enough.

Shri M. S. Gurupadaswamy: I was just making out that the motion is not dilatory in view of the fact that the Act is already there on the Statute Book and we would not lose much if we circulate it for eliciting public opinion.

Mr. Deputy-Speaker: Anyhow, to cut short further discussion on this, I am going to allow the hon. Member to speak on his motion as well as on the original motion. The House will decide whether this motion has to be accepted or not. Hon. Members will bear in mind that a number of hon. Members want to take part in the discussion and the time allotted is only 2½ hours for general discussion.

Shri M. S. Gurupadaswamy: Sir, the way in which the Government of India is pursuing the policy of setting up Boards for various commodities has been the subject of criticism in this House for long. Even yesterday, there was much criticism about the way the Boards are being constituted. By seeing the working of these Boards, by seeing the way that the Boards are formed, I feel that the Boards have no efficacy at all. There is no use in having such Boards. Today the hon. Minister was on his defensive. His speech was not offensive as it was yesterday and he was saying that the rubber industry needs rehabilitation, especially the small planters need Government help and urgent attention should be given to the small planters. So far as this is concerned, there is no disagreement between us and what the hon. Minister said.

The Minister of Commerce (Shri Karmarkar): That is very good.

Shri M. S. Gurupadaswamy: The main difference would be that nothing

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has been done so far in spite of the fact that those conditions prevailed for long. Nothing has been done by government to help the small planters and to rehabilitate their plantations.

If you look at the rubber industry, if you look just at the history of the rubber industry, you will realise that we have been making some headway both in the production of raw rubber as well as in the production of finished goods—utilisation of rubber. For nearly three decades, since the beginning of the century, we used to export the entire rubber produced in this country. But, only recently, we have been able to establish some manufacturing plants to consume indigenous rubber. But, in this connection, I will state that the position of rubber production, raw rubber production is not equal to the demand that is made on rubber. It is far short of the demand, it is far short of the requirements of the industry. Though the production has increased in recent years, it has not increased considerably. It has not increased to the extent that is expected. The main reasons have been given by the hon. Minister. But, to my mind, the most important reason for lack of production or the most important reason for the slow pace in increasing production is that no attempt has been made to organise small planters. If you look at the figures, you will find that nearly 60 per cent. of the rubber plantation is owned by small planters, that is plantations below 100 acres. It is near about 40 per cent. and the average yield of Indian rubber is about 280 or 294 pounds but the average of small plantations is about 250 pounds. Generally, the average yield of rubber itself is small and the yield of small plantations is still less, the smaller plantations occupying very nearly about 40 per cent. of the total area.

Another reason, and the main reason why the production is so low is that the rubber plantations have not been successful in having higher yielding strains. Replanting is very slow, and

the small growers have been very much handicapped because of the ignorance that prevails among them. They do not know the benefit that will accrue by the planting of high strains. As a result of it they have not been able to rehabilitate the yield of those plantations. The yield in those plantations naturally is very small. There may be other reasons, as the hon. Minister said, like the climatic conditions, the soil conditions, the maintenance being bad, cultivation not being properly done. All these things are contributory causes for the low yield of rubber. Rubber being a very strategic material and in view of the fact that other countries, in particular the U.S.A. and U.S.S.R. are making huge stock-piles of rubber, the demand for rubber is growing more and more, and so you must think of a plan or a scheme for increasing or augmenting our rubber resources. The only way is to give financial and other aids for rehabilitation of the rubber industry. In this respect, big estates are in a better position; they have been able to rehabilitate their estates by getting better strains, but the smaller estates have been handicapped. So, financial help is urgently necessary for the small estate owners and some scheme has to be devised by which small owners are benefited.

Then, there has been demand from some responsible quarters that it is very necessary at this stage to have a research board or scientific laboratory for this purpose, but no attempt has been made by Government so far to set up a scientific laboratory. The most important thing that we have to consider about the rubber industry is that the small growers should not be left as they are today. Some attempt should be made to organise them under co-operatives, that is, on a co-operative basis. In all industries in the case of small growers the problem is common; the small growers are suffering under so many hardships—financial and otherwise—and it is very urgent that all small holdings should be combined and made to work on a co-operative system. It is ideally

suggested that we should start a co-operative plantation industry. We are talking of co-operation; we are talking of introducing co-operative democracy in India. I want to know from the hon. Minister what are the hindrances or difficulties in the way of piloting co-operation or promoting co-operation in the plantation industry. Moreover, I want to know from him whether there are any difficulties in fixing any ceiling on individual holdings. For example, in rubber plantation, you find people holding nearly two to three thousand acres. These holdings are very large and very few people are controlling. Is it not time for us to fix a ceiling on such holdings, say, 500 or 600 acres or whatever it is? I think that the hon. Minister should take immediate steps to fix a ceiling and also to organise these holdings on a co-operative basis as much as possible.

Mr. Deputy-Speaker: Is this not a State subject—the fixing of a ceiling on holdings?

Shri M. S. Gurupadaswamy: The Centre can direct the State Governments to take steps in these directions. After all, the Centre has got control over the entire industry, and as a matter of fact, production, distribution and manufacture of rubber is entirely controlled by the Central Act. Since 1947, you may be aware that this industry is under the general purview of the Union Government, and so, the Union Government has got ample powers to take measures in this direction.

There are one or two small things which I wish to say in this connection. Today, the demand for rubber is about 25,000 tons per year and the production seems to be around 22,000 tons. Almost the entire rubber is consumed by three manufacturing concerns—Dunlops, Firestones and Bats—and all these three companies are entirely controlled and managed by foreign interests. There may be one or two Indian Directors, but mostly the policy, control and management is in the hands of the foreign interests, and foreign capital has got

a large share in these concerns. Almost all the rubber produced in India is consumed by these three concerns and the Government of India has not exercised much control over the activities of these concerns and their manufacturing processes, except that they have a nominal control over them. The total investment in rubber is about Rs. 3½ crores and I learn that they have built up now Rs. 2½ crores as fund for depreciation and they have been declaring nearly 15 per cent. dividend every year. That means that they are making good profits. Do you know why the prices of rubber tyres—Firestone or Dunlop—have not come down considerably? Though there is a gradual scaling down of the prices in tune with the general scaling down of prices of other commodities, the pace of this is very slow and still today we have to pay far higher prices for rubber tubes and rubber tyres. What is the reason? The reason is that these foreign interests do not want to give us rubber materials at a cheaper rate. The very fact that they have built up huge funds and that they have been declaring a high rate of dividend shows that they are making enormous profits and most of the profits is going to foreign interests, but no attempt has been made to take over these manufacturing industries—either Government-owned or Indian-owned industries. I am very strong on this because rubber is a very strategic material, and if that is under the control of foreign interests, in times of danger we cannot expect full co-operation from those interests, and national interests may suffer in those crucial times. So, I say that it is high time that we take over these foreign manufacturing concerns into Government hands, and if that is not possible, try to Indianise them. Let there be no foreign interests in this vital industry.

The price quoted in India for our rubber is a little lower than the world price—that is what I understand—but in previous years, the price was far higher than the world price. Anyway, because there is a great world demand, particularly from the U.S.A.

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and the U.S.S.R., the world price of rubber is higher than the Indian price, but when the Indian price of rubber was lower than the world price, neither the manufacturing concerns nor the Government authorities made any attempt to rationalise the prices. Though Government have the power to control the prices of rubber, nothing has been done so far to bring down the prices of rubber or rubber materials for the benefit of the consumers. Now, we are thinking of an expanding economy. In an expanding economy transport plays a very vital role and when we expand transport system in our land there will be a great demand for rubber goods, like tyres, tubes and other things. So, the question is how we are going to meet the demands of the expanding economy. Because foreign interests have entrenched themselves strongly in this industry, we are not able to produce more rubber materials, especially tyres and tubes. Why? They have enough installed capacity, but they do not want to produce more, because if they produce more, they are afraid the prices will go down. So, they have established a sort of monopoly over this industry and nothing could be done. People in India today need cheap tyres and tubes and other rubber goods. But it is not possible to produce them even after ten years. It is not possible because the manufacturers refuse to produce more. In view of this, I demand that these rubber manufacturing concerns should be immediately taken over by Government. No foreigner should be allowed to have anything to do with this industry.

Lastly, Sir, I say that the Board that has been constituted for rubber has not been working properly and I am doubtful whether the new Board that is being constituted now will work better than the previous Board. It is necessary for us to go into the reasons why these various Commodity Boards are not functioning properly. All of us are deeply interested

in the improvement of the position of these commodities. But the Boards that have been constituted under the various Acts are not working properly; our experience has been that these Boards have proved useless. So, is it not time for us to enquire into the whole question of the policy underlying the commodity boards—what should be the policy and the basis on which these boards should be constituted, and what are the reasons for their failure, or satisfactory working. I say it is time that we constituted a committee to enquire into the working of these Boards. None of the Boards has so far worked well; almost all these Boards have been only dummies and they have not produced any results. The help that has been given by the Boards to the various industries has only been nominal and the main purpose for which these boards have been constituted has not been realised. So, I hope that the hon. Minister will agree to my suggestion of setting up a committee of enquiry, a parliamentary committee, if possible. I am not enamoured of committees.

Shri Velayudhan: The Plantations Enquiry Committee is there to go into their working.

Shri M. S. Gurupadaswamy: The Plantations Enquiry Committee will go into the problems of the plantation industry and the boards constituted for them. I am referring to the Boards constituted for the various commodities, silk, for instance. It is now time for us to pause and enquire whether there is anything fundamentally wrong in the working of these boards. So, I suggest that a Committee of Parliament may be set up for the purpose of going into the working of these Boards. If we allow these boards to function as they are doing now they would not produce any results. They only consume a lot of money of the public exchequer.

Shri Karmarkar: So, one more Board!

Amendment Bill

Shri Velayudhan: A Committee.

Shri M. S. Gurupadaswamy: I am making this suggestion just to clear the dirty linen found in these Boards. If there is any other method of doing it, I will leave it entirely to the Minister. What I am interested in is that the whole matter should be gone into for us to decide whether these Boards have any efficacy or utility at all. So, I demand that there may be an immediate committee for enquiring into the whole question, and their report placed before the House for discussion. The entire question of the Boards may be discussed at one time. These questions are brought in a piecemeal manner at present. This is not the way to tackle this problem. Let us evolve a policy to govern the working of these Boards.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

Mr. A. V. Thomas: The hon. Minister said he was the Chairman; after that Mr. Nayar will have a chance.

Shri A. V. Thomas: I was the Chairman.

Shri V. P. Nayar (Chirayinkil): He is also another Chairman, but of the Select Committee.

Shri Velayudhan: Of the three Members who have recorded Minutes of Dissent, I am the only one present here now.

Mr. Deputy-Speaker: I fix fifteen minutes for speeches.

Shri A. V. Thomas (Srivaikuntam): I would like to clarify one point. I was the Chairman of the Rubber Board for a number of years, but resigned from it recently owing to reasons of health.

As the hon. Minister said there is practically no controversy about this Bill. I am speaking as a Member of Parliament and also on behalf of the

growers. There has been some discussion about some of the clauses of the Bill and there were no doubt some differences of opinion. But they have all been cleared now. We, of course, objected to the principle of nomination to the Board. But I am glad to say that the Minister was kind enough to concede that point and I think he is bringing in certain amendments whereby the representatives of the growers are to be elected, excepting in the case of small growers who have no organisation. On the whole we are quite satisfied.

Reference was made about the usefulness, or the work that has been done by the Board. I would like to go briefly into the history of this Board. This Board was formed in 1947 mainly with a view to safeguarding the interests of the growers, as is stated in the preamble to that Bill. At that time the growers were not getting adequate prices. The world prices were high and the growers were not satisfied with the prices they were getting in India. For some time it was really a flight between the grower and the manufacturer. The grower felt that the manufacturer was taking advantage of his difficulties. The matter was brought to the notice of Government who in 1948 asked the Tariff Board to go into the question and fix the prices. In 1949 the differences between the manufacturers and the growers still continued and then again the Tariff Board came in. They went into the question and fixed the prices. And the growers very readily accepted the prices, because there was a basic figure which allowed for a return to the grower based on the capital invested; that is the cost plus a return on the capital. The prices were fairly reasonable and we accepted those prices. That is the history as to how it started.

As regards the work of the Board afterwards—till then of course we were entirely engaged over the question of prices—still, in spite of that, the Board did something for the small

[Shri A. V. Thomas]

grower also. The Board started supplying clonal seeds, the best variety of seed which if planted would give higher yields than what we were getting in India. With that in view, in 1949 the Board started supplying these clonal seeds, and in that year only 8,000 seeds were supplied which is sufficient to plant about forty acres. But since then the supplies have grown, and in 1950 1,60,000 seeds were supplied; in 1951 5,50,000 seeds; and in 1952 8 lakhs of seeds. And then of course in 1953 it was so much appreciated by the small growers, that is this service of supplying these seeds, that the demand rose to 19 lakhs of seeds. But unfortunately the Board could not obtain supplies of this seed to that extent. All they could get that year was about 6 lakhs of seeds which were supplied to the small growers.

In addition, the Board was investigating the possibility of getting a better type of seed and arranged for a consignment of 40,000 seeds from Malaya.

Apart from the supply of seeds, the Board also started two nurseries for supplying plants, selected good plants, and this was started in 1951. And in 1952 and 1953 about 1,20,000 plants were supplied from the two nurseries one situated in Travancore and the other in Malabar. So that, taking the total of the seeds and plants, on an estimated figure, plants and seeds sufficient to supply somewhere about 11,000 acres have been distributed. Also, there has been a concession in price to the smaller grower. In some cases it was supplied below cost, and in some cases at cost.

In addition to that, field service and advice was given to the small grower. The Board employed experienced men in the field and advised the small grower on the methods of proper planting, cultivation and curing and other things connected with the manufacture of rubber. In addition, they also supplied sprayers for spraying the trees and in some cases even spraying material at a very nominal cost.

So, from the figures and statements I have made you will see that a good bit of work has been done in the interests of the small grower. And you will realise also that the small grower appreciated the service done, by demanding more and more seeds and plants as the years passed on.

A reference was made regarding co-operation among the smaller growers. The Board tried its very best for two or three years to get the smaller growers to send their latex—that is before it is converted into rubber—the latex to a central factory where it could be manufactured at a lesser cost. But there was absolutely no co-operation amongst the smaller growers. They would not have it. Every small grower wanted to stick on to his property and would not trust the other fellow even if it meant lesser cost of production and a better price for the article produced. So we tried it for two or three years and then of course we had to give it up.

These are all the services done to the smaller grower. But the Board certainly was not satisfied in the matter of research and rehabilitation. Research work could not be undertaken to the extent that the Board desired, for various causes. As regards rehabilitation, out of 1,74,000 acres of rubber it is agreed that about a lakh of acres have to be replanted. These areas are very old or the rubber trees there give very low yield. As it is today we have areas in some of our places, that is newly planted areas, which are capable of yielding up to a thousand lbs., whereas, as Mr. Gurupadaswamy said, the Indian average—taken over the average—is only 280 to 300 lbs. So that it is absolutely necessary, if we are to cope with the demand or at least to satisfy the internal demands of our country, that we should do this research work, and about 1,00,000 acres have to be replanted, or rubber should be planted in other areas. There is no necessity to go in for new lands, because the existing area should be improved.

I think the Bill which is before the House gives sufficient power to the Board to compel, in case of necessity, the grower to cut down his trees and replant new ones. As a rule the grower, naturally, does not want to cut down his tree, as the hon. Minister said, even if it gives only a few lbs. of latex, he would not agree to improve it. This Bill gives all the power that is needed.

The production, as stated, has increased. In 1948 it was 15,000 tons and in 1954 (there is only one more month to go) it is 22,000 tons. It shows an increase of 44 per cent. This increase is mainly due to the new-planting that has been done during the past fifteen or twenty years. According to the figures available, about 35,000 acres of rubber have been planted with the best clonal seeds or plants then available. Advances have since been made that some of these clones which were supposed to be very good a few years ago have gone out of date or obsolete. As we go on every year we find new clones and new methods. For that of course research work is absolutely necessary. I understand a start is being made this year as a certain amount of money has been sanctioned. I hope as years go on, and as provision has been made in the Bill for the levying of cess etc., greater care would be taken in future to improve the research work and supply whatever material that may be needed to satisfy the requirements of the grower.

It is estimated that in a few years' time the consumption also will grow. It was 19,000 tons in 1948. Last year it was 22,200 tons, and it is stated that the estimated figure of consumption for 1954 is 27,000 tons. That shows an increase of about 50 per cent. in consumption from 1948. As I stated earlier, the production shows an increase of 44 per cent. while the consumption has gone up by 50 or 51 per cent. As I stated earlier, if a hundred thousand acres could be replanted with the latest available first-class material, the demand could be caught

up, and in fact in about ten or fifteen years' time, with proper plantation, we might have a surplus of rubber which might be available for export.

1 P. M.

As regards the Bill itself, as I said, the growers are quite pleased and they accept it as it stands subject to certain amendments proposed by the hon. Minister.

Mr. Deputy-Speaker: Shri V. P. Nayar. I will call Shri Bogawat if there is time after all the persons who come from rubber growing area are called.

Shri Kottukappally (Meenachil): I come from a rubber growing area in Travancore-Cochin.

Shri Bogawat (Ahmednagar South): I have made thorough enquiries. I must be given an opportunity.

Shri Velayudhan: I am one of the persons who have given Minutes of Dissent.

Mr. Deputy-Speaker: I have got down all the names.

Shri V. P. Nayar: Sir, as we are discussing a Bill covering a very elastic article, I hope you will allow some elasticity in discussion.

Mr. Deputy-Speaker: I am allowing all shades of opinion to be represented.

Shri V. P. Nayar: In recommending this Bill it has often been repeated by the Mover, that as matters stand at present, the interests of the small holders in rubber plantation are not well safeguarded in a measure which they deserve. It is for this reason that certain changes are sought to be introduced, although I contend that the actual reasons for introducing the suggested changes are to be looked into somewhere else. I shall come to the real object later on.

[Shri V. P. Nayar]

A survey of the rubber industry has been made. But, certain very vital points have been left out of consideration by the Mover as well as his supporters. What exactly is the position of the rubber industry? This is a matter which we should consider in order to appreciate how and why the small growers' interests are suffering today. It will be interesting to find that in the rubber plantation industry, about 55 to 60 big interests control a total of 66,000 to 70,000 acres. In other words, about 40 per cent. of the cultivation is controlled by 55 to 60 holders. I find that about 14,000 small interests together have only 30 or 32 per cent. of the rubber cultivation. Thus, a monopoly has grown in this industry and the small holder in his present position is not able to get a good yield. It is not a very easy matter. The Government merely says that the small holder has many difficulties, and we have got to do something. Why have the small holders been allowed to come to a stage of these difficulties? What was the policy of the Government for some time past in respect of these small holders? If we know that, then only we can appreciate the motive in bringing forward this piece of legislation.

I do not want to take much time in discussing the details about the plantation industry and the various figures. It has been established that rubber bearing trees in Travancore-Cochin and in other places in South India are all of one variety. We have not made any experiments with any other variety. It is also true that this important variety *Hevea brasiliensis* happens to be the most important rubber yielding plant. You will be surprised to find that for cultivating this, no special kind of land is required. In places where we have rubber cultivation, we can alternatively raise any crop: pepper, coconut, tapioca, ginger, lemon grass or any other cultivation.

Mr. Deputy-Speaker: In between?

Shri V. P. Nayar: Before planting. The land on which we raise rubber can be utilised for cultivating any other agricultural commodity.

Mr. Deputy-Speaker: How long does a tree last?

Shri V. P. Nayar: It must be about 50 years. Shri A. V. Thomas knows it better, Sir.

Shri A. V. Thomas: Fifty years.

Mr. Deputy-Speaker: Can it be tapped every year?

Shri V. P. Nayar: Yes; every day.

In this context we should understand the difficulties of the small holders. It is not as if the big holders about 55 to 60 who have 40 per cent. of the entire rubber cultivation have brought these difficulties to the small holders. The small holders have invested their all in their holdings. Once you raise rubber trees, it is not possible to cut them away because a large expenditure is involved. Also, a very careful and continuous nurturing of the plant is required. The domestic economy of the small holder is completely dependent upon the rubber price. What is the policy of the Government of India after the attainment of Independence in respect of rubber prices? This is the matter which will give the clue to the present difficulties of the small holder. If you go through the records you find that during the time of the Korean crisis, the price of rubber went up by several times. This particular article, which is of immense strategic importance to India, and the entire production of which is consumed by Indian industries at present, was offered prices far below the rates prevailing in the world markets. You may say that India did not go to war and so the price did not go up. That is entirely a different proposition. Government were in charge of fixing the price of rubber. My information is that when the world price of rubber in 1950 was Rs. 172, the corresponding price in India paid to the Indian producer, both big and small, was Rs. 90. In 1951, when the world price rose

up to Rs. 206 per cwt., the Government very graciously gave a price of Rs. 122-8-0. After the Congress Government came into power, only in 1953, the world price of rubber has been slightly below the price which was allowed to the Indian producer. That is not because of any gesture of kindness on the part of this Government. That is because the world price went down after the Korean armistice. That was not because the Government were magnanimous to the rubber growers.

About 85,000 people are depending on this industry. The workers get a maximum daily wage of Rs. 1-8-0 and no more. This has not changed because the small producer is not able to give more, and the big producer will not give. For the big producer, rubber does not form the only item on which he has to balance his domestic budget. For the small producer, that is the only thing. Government says that this is a strategic raw material and so every effort should be put in to increase the yield per acre. Government have also given the cultivator the impression that all that is produced will be consumed by the Indian industries, and also something more will have to be imported. I do not understand how the Government have not been able to give a proper price for rubber in these special conditions. It is not a case similar to that in rice, sugar or any other agricultural commodities. No agricultural produce can be said to be of so much strategic importance to our economy. After all, India grows only about 1 per cent. of the total world production of rubber. Our population is not 1 per cent. of the world's population. It is much more. It is time that the Government revise their policy in fixing the prices. You may say that in fixing a higher price for rubber, the 55 or 60 big interests in the plantation industry will get the advantage. Certainly not. You can take back the money in so many ways. I need not tell you that.

There is another aspect. It has always been baffling to some of us.

Here you say that the industry consumes all the rubber that is produced. At the same time, you find that the price of rubber is not raised to the desirable extent. I was looking at the balance sheets of one of the companies engaged in the rubber manufacturing industry. You will be surprised to find that when in 1949 we produced about 18,800 tons of rubber, 14,500 tons were consumed only by three companies. More than 75 per cent. of the rubber produced in India was consumed in the manufacturing industries by the international giant undertakings, Messrs, Dunlop Co., Firestone Rubber Co., and Bata Shoe Co. In no other country do you find this sort of stranglehold of foreign companies, with all the vested interests coming to India and exploiting the price situation which is deliberately created by the Government in order to help the industrialists on the ground that it is strategic material. It is strategic material. But, it is more strategic to foreign enterprises which were making more profits. I was going through the balance-sheets which were so kindly sent to me by the hon. Deputy Minister of Finance and I find that in one company, Messrs. Dunlop Co., India. Ltd., the total invested capital is Rs. 2.3 crores, out of which in all Rs. 1 crore is subscribed for in cash. The balance is for certain other considerations as it is brought out. The company has been making on the average a profit round about a crore of Rupees every year, and my calculations show that since the attainment of independence, or from 1948, the company has so far made a net profit of Rs. 5.77 crores. This is no small matter. And out of this they have set apart Rs. 2 crores for depreciation. In spite of the fact that out of Rs. 5.77 crores which they have earned as profits, they have set apart Rs. 2 crores for depreciation, we know that almost half the machinery of Dunlop and other manufacturing concerns were supplied on the lend lease arrangement during war days. They did not have to pay the price which others would have had to pay in normal days. Yet they have set

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apart Rs. 2 crores for depreciation and declared a 15 per cent. dividend on the ordinary shares. I ask the representatives of Government whether Government have any control, or any ceiling on the profits which are allowed to these undertakings which are foreign-controlled?

The Research and Reference Section of our House prepared a statement for me from which I find....

Mr. Deputy-Speaker: Has the hon. Member any figures to show how much of the rubber manufactured has been sold outside India and how much sold in India?

Shri V. P. Nayar: That is exactly the point I am coming to. That information is not readily available, but this information is available that if you take the index of price in 1939 at 100, the prices of tyres manufactured by Dunlops have risen this way: For 616, i.e., the tyre that we use for ordinary cars, Chevrolet and other cars, it is 316; and then Dunlop Fords is 310; Dunlop Giant—32" x 6" for lorries and heavy duty vehicles—336. But what is the corresponding index for the price of raw rubber. I do know exactly what it is, may be around 215, but I find that in all other agricultural commodities, the rise has been much more than what you find in rubber.

In the Tariff Commission's Report I find—I am emphasising this point because rubber is not grown on any special kind of land which is unsuitable for any other cultivation; rubber is grown on lands where other crops also could be raised. Just look at the fluctuations in the prices of other commodities. If you take the 1939 figures as the index at 100, rice itself has gone up to 455. Coffee has gone to 409 and 686. Ginger has gone to 1,115. Pepper has gone up to 3,985. So, my question is this, that when the Dunlop Rubber Co., having a monopolistic hold on the industry is able to make a profit of Rs. 5.77 crores in six years and when every other agricultural commodity has registered an increase several times that of rubber, why

should rubber prices alone remain at the very low level at which we find it now? There is a reason. Here it is that I say that the policy of the Government in fixing the price of rubber is intended more for increasing the profits of the monopolists. I could have understood if the manufacturing industry was scattered throughout India. It is not so. Seventyfive to 80 per cent. of the entire production is within the hands of three companies and they happen, unfortunately for the country, to be foreigners. The raw rubber which is used is made available to these companies at a very, very cheap rate. There is no question of rising price because it is a protected industry. We are not bothered about foreign competitions by import of rubber. And here, the single largest purchaser of rubber goods still happens to be the Armed Forces. The strategic importance can be gauged. In spite of all this....

Mr. Deputy-Speaker: Is rubber itself protected, or rubber manufacture?

Shri V. P. Nayar: Rubber plantation, raw rubber production. So that the actual position is that when Government themselves for the Armed Forces require a very large quantity of manufactured articles, when there are foreign interests which are entrenched and which control 75 to 80 per cent. entire manufacture in this country, and when Government have not chosen to impose any ceiling on the profits of those companies, Government have chosen to inflict the smallest price on the rubber grower. The price has been fixed by Government in such a way that here, employing one of the cheapest labour in the world and getting all the advantages of war-time machinery given by lend-lease, making a profit of Rs. 9 to Rs. 10 crores in five years, the Dunlop, Bata Shoe and other companies are allowed to operate freely and make as much profit as possible, not only by the sale of goods here in this country but also by allowing them not merely the export of manufactured articles, but even the export of profits. This is the point which I want the

House to understand, so that I want to say that it is not with a view to protect the small interests in the rubber plantation industry that this Bill is being brought up. If Government had a genuine desire....

Mr. Deputy-Speaker: Is excise charged on this?

Shri V. P. Nayar: That I do not know for certain.

If Government had a genuine desire to protect the small interests engaged in the rubber plantation industry, they should have made certain other arrangements.

We hear from Mr. A. V. Thomas that clonal selection is getting more popular. We know there are other methods which probably the Government may not care to know. Rubber is not produced only from this *Havea Braziliensis*. It is produced from ever so many other plants. In the Soviet Union, for example, rubber is taken from the roots of a plant which is known as the Russian Dandelion or *kok sagyz*.

Shri Velayudhan: Is it grown in India?

Shri V. P. Nayar: I do not know whether he understands as much of botany to understand what it is.

The Russian Dandelion could be improved in the course of three years. The yield of that could be improved to ten times merely by changing the sowing season. It is a seasonal crop. I do not say we have to adopt that method because we may have certain geographic difficulties. The content of rubber in the latex of a tree is decided by certain factors over which we have, as yet, no control. Rainfall has a very large part to play in the growth of rubber. Temperature also and other atmospheric conditions have their influence.

Shri Velayudhan: Has Russia a surplus of rubber products?

Shri V. P. Nayar: He will patiently hold his soul.

Mr. Deputy-Speaker: Let us not compare. He only says.....

Shri Velayudhan: The hon. Member mentioned a particular tree and because of that I thought there was a surplus.

Shri V. P. Nayar: I could have answered the question to an hon. Member who would understand the difference between a tree and a herb, but I do not think it is necessary.

Mr. Deputy-Speaker: Is it the root of a herb that is grown in Russia?

Shri V. P. Nayar: That is the difference, Sir. If you put that question.

Mr. Deputy-Speaker: We are not interested in going into all that matter. He only says that there are other plants also.

Shri V. P. Nayar: For the information of the hon. Member, I can off hand say that that milky white sticky latex as it is called is not given out only by the plant *havea braziliensis*, but two or three natural orders or families which are found in different species of India; especially *Euphorbeaceae*, *Asclepiadaceae* and *Apocynaceae* have got latex.

Shri U. M. Trivedi (Chittor): But it is the *havea braziliensis* that is useful latex for the purpose of rubber.

Shri V. P. Nayar: That is entirely different. *Euphorbeaceae* is also included in that.

Mr. Deputy-Speaker: The whole thing is Greek and Latin to me.

Shri V. P. Nayar: They are really latin names. That is exactly why I did not want to go into it.

Shri U. M. Trivedi: But this was known to us long ago.

Shri V. P. Nayar: It was not intended to edify Mr. Trivedi whose acumen I know, but it was intended only for Mr. Velayudhan.

Shri Velayudhan: You are also ignorant about it.

Mr. Deputy-Speaker: The hon. Member must be prepared to take a contradiction also.

Shri V. P. Nayar: I do not say I cannot be contradicted. That apart, my point in bringing forward this view is that the difficulty experienced by the small holder is not a matter which is accidental, but it is the result of the deliberate price policy of the Government of India in regard to rubber for some time past.

Then, there is another matter to which I would like to draw your attention. If, as I said before, Government were keen on protecting the interests of the rubber growers, there were, within the statutory limits, certain powers which Government could have exercised.

I ask the hon. Minister whether Government have made any arrangements by which the small grower, who has any difficulties, can get loans. Have the Government of India made any arrangements by which the small grower can get some long-term credits? It is easy to say that the small growers refuse to plant with clonal seeds and buds and all the rest of it. But it is very difficult for them because they have nurtured the trees for years and after indulging in 'slaughter tapping', as they call it, it is not easy to cut down the tree and plant afresh, waiting for years. The large estates may be able to do it, but so far as the small estates are concerned, I ask the hon. Minister whether Government have considered this question of providing some compensation for cutting down old trees. Have you induced the small producer to produce more by paying him adequate compensation to cut down the old trees and have clonal seedlings planted in their place, the compensation covering a period of the estimated yield of the tree which is cut down? Then, there are lean months.....

Shri A. M. Thomas: But a proportion is given in the price.

Shri V. P. Nayar: That is in the sale. I do not mean that. You may even supply clonal seedlings free. But that is not being done. It was only in very few cases that clonal seedlings were supplied at reduced rates. Government could have done it. It is not as if the small growers' interests have been protected—not at all.

There is also another aspect in which the hon. Minister could have done something. The marketing of rubber could be controlled under existing Law. I know of certain cases, and the hon. Minister also knows of certain cases. When there is a demand, do you expect that the actual producer gets the price that the Government have fixed at a particular level? Certainly not. There are certain agencies operating, who have also got into the Rubber Board. I can quote specific instances, without mentioning names. The year before last...

Shri T. T. Krishnamachari: If my hon. friend will permit me to interrupt, he is preaching to the converted. That is what I said in my opening speech. I have said that the price that we have fixed does not go to the small grower.

Shri V. P. Nayar: Yes, but I am pointing out to him another aspect. I am pointing out that this is a matter in which the hon. Minister, under the Law now in force which entitle Government to frame rules, could have done something, but the Government have failed to do it. It happens this way. Although the demand of the tyre companies and rubber companies are known even to the ordinary cultivator of our place—that about 20,000 tons of rubber will be sold—if I happen to be a small grower and if I happen to have 25 lbs. of rubber, the dealer will say: 'I am not interested in it. It is not the particular variety'. He may put off purchasing it until the time when he knows that he will get a very good price from where he sells. It happened

this way. I can give concrete instances also. In 1952, when we had a reference here about certain memoranda having been submitted by representatives of rubber producers, it so happened that Government exercised some pressure on the raw rubber consuming agencies with the result that the manufacturing industries were out in the market to purchase. But one or two persons who came with the representation of the growers and met the hon. Minister, and who got the tip that Government would exercise pressure, and also knew that this matter had been agitated in Parliament, and stocks would be relieved, went and collected stocks and did not pay the price which was fixed. Because for a long time stocks were accumulating, the poor cultivators could not hold over for a long time and naturally, therefore, they were obliged to sell at several rupees less per 100 lbs. than what was fixed by Government. Then, on the pressure of the Government, the companies started purchasing and made a colossal profit. I think it has been tacitly admitted in answer to one of my supplementaries the other day by the hon. Minister of Commerce also. I am not giving names, but I know that this is happening. I ask the hon. Minister of Commerce whether it was not possible to frame rules under which this could have been prevented. He always says that we are only criticising and we are not giving suggestions. I am giving him this suggestion, that if he wants that the entire price should go to the primary producer he can make this arrangement. The Rubber Board is there with an annual expenditure running up to Rs. 1,75,000. The Rubber Board can have technical staff. It can purchase some rubber. I do not say that all the stocks of rubber should be purchased and stocked by the Rubber Board and then sold to Dunlop or whatever company which requires it. But this can be done when the small grower experiences difficulty in selling his stuff, when the dealer does not take it and waits for the time

when he can get the maximum profit. The Rubber Board can certainly step in, take the stocks and keep the stocks and advance 50 per cent or even up to 90 per cent for sometime and thus accommodate the small producer so that he will not be obliged to undersell his product.

Mr. Deputy-Speaker: What will be the total value of such rubber which will have to be purchased and for which accommodation has to be provided?

Shri V. P. Nayar: Government have immense financial backing and it will not be difficult for them to provide accommodation of Rs. 50 lakhs or Rs. 1 crore.

Shri A. M. Thomas: An enabling provision has been introduced in the Bill itself.

Shri V. P. Nayar: My argument is that even under the provisions which we have, you could have framed rules (*Interruptions*). Mr. Thomas is drawing my pointed attention to the fact that my time is running up.

Mr. Deputy-Speaker: There are a number of others who wish to speak.

Shri V. P. Nayar: Then there is another matter. Apart from all this. I do not believe, as I told you before that the real object of this Bill is the fostering of the interests of the small grower. The real object of the Bill, as I said before, has to be looked at somewhere else.

Mr. Deputy-Speaker: The hon. Member has taken 25 minutes.

Shri V. P. Nayar: I will finish in 2 minutes.

It happened this way. Why is it that we are having an elected Chairman in the Coffee Board and an elected Chairman in the Rubber Board? It happened that in the 1952 an appointment was made by the Central Government to the post of Secretary of the Board. Under the statute which was then in force, no such thing

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could be done except in consultation with the Board. The Board was not consulted, even though there was a mandatory provision of law making it incumbent upon the Government to consult the Board before the appointment was made. Mr. Kurian John, the Chairman of the Board, protested against it. Not only did he merely send a protest, but he also circularised this illegal act of the Government of India to the various other Members of the Board and created an opinion in the Rubber Board against this appointment. The Government of India in the Ministry of Commerce got upset. They did not expect that the Board, which had all the blessings of Government, would allow its members to turn against the dictators in the Secretariat. Then it happened that one of the members of this House, whose name I do not want to give, intervened and used his good offices and effected a compromise. From that date it became evident that Government could not inflict its decision on the Rubber Board or any other Board and they would not take such orders lying down. For that reason it was thought that the Act had to be amended. If, as I told you before, the real scope of the Bill, the real intention of the Government, was to foster and further the interests of the small growers who have very many difficulties—insurmountable difficulties—it would have been possible for Government to bring forward another piece of legislation covering all this—the ways and means of how to finance the small growers, how to sell their products, how to accommodate them with sufficient credit and how to improve the yield. It is idle to contend that the small growers' holdings are uneconomical. It is not a fact. On sufficient authority, I can say that before the introduction of the international rubber control one of the best rubber producing countries—Malaya—reported that the small holder's per acre yield was 131 per cent of the large holding's per acre yield. But in 1934 the

various imperialist interests came together—this rubber, significantly, is not produced in any country except a colonial country—and they wanted to favour the big interests, both in the industry and in the plantations. They set up some regulations and from next year there was a change. You find that in the year 1933 the small holder was producing 131 per cent of that produced by the large holding, per acre, in Malaya, but in 1935, one year after the introduction of the agreement, it fell down to 81 per cent and it has never risen after that to over 90 per cent. That is the experience in Malaya. So it is idle for anybody to say that the small holding is an uneconomic unit. They have been made so. Our cultivators do know how to raise the crop; only, they must be given a substantial price and unless that price is given, it is not possible for them to increase the yield. Our people may go on bleeding the rubber trees of their white blood, but here the Dunlops and other grant companies are continually bleeding our people white, and Government are allowing them to bleed our people white by fixing the price of rubber at a fantastically low scale.

Shri A. M. Thomas: The hon. Minister, while moving the motion for consideration, was pleased to invite suggestions concerning the development of the industry. There was a time when the whole position was viewed with a sense of disquiet in my part of the country. It was thought that Delhi being distant, the problems of the industry, on the fortunes of which the economy of the extreme south depended, were viewed with a sort of indifference and callousness. Shri V. P. Nayar invited the attention of the House to how companies like the Dunlop Rubber Company were in a position to exploit the growers with the result that the growers were not in a position to get adequate price for their produce.

The hon. Minister stated that in this matter it is not necessary to preach to

one who is converted. There is absolutely no necessity for the hon. Minister to be converted at all. I may say for the information of the House, that the industry has not forgotten the valiant stand that Shri T. T. Krishnamachari took as early as 1951, when the question of rubber prices was discussed on the floor of this House. It is good that I just quote the words that he said at that time. This is what he stated on 19th March 1951:

"Today the tyre prices in this country are more than 50 to 60 per cent higher than the prices in the United Kingdom where also Dunlops manufacture. Dunlops in U.K. buy rubber at the rate of 4s. 8½d. a pound in Malaya as against 13½ annas in India. So, it seems that there is a conspiracy on the part of somebody in his Ministry though he is not himself responsible, to see that the rubber prices in this country are kept down, and that the tyre manufacturers are given an advantage. As against the perilous state of rubber producing companies, Dunlops, as I have said, have given Rs. 50 lakhs as bonus shares, a 20 per cent dividend every year, depreciated their capital and added to their reserves. When they floated debentures last year for Rs. 1.33 crores, they were over-subscribed."

I have read these sentences just to show to my hon. friend Shri V. P. Nayar that the present Ministry of Commerce and Industry at least is not unaware of the problems of the industry.

Shri V. P. Nayar: That I never said also.

Shri A. M. Thomas: In May 1951, on the recommendation of the Tariff Board, the price of Rs. 128-8-0, which contained an element of Rs. 6-4-0 for rehabilitation, was fixed for 100 lb. An upward revision was subsequently made in October 1952, fixing the price level for best quality sheet rubber at Rs. 138 for 100 lb. which is the current rate.

The problem of the industry does not stop with the price structure alone. I may just bring to the notice of the House that the total acreage under rubber is 1,73,643 acres. Out of this, in Travancore-Cochin State, we have 1,37,353 acres. The next largest concentration is in Malabar with 29,994 acres. These are figures as on 31st December 1953. If small holdings are to be taken into account, that is to say, holdings below 100 acres are taken into account, the total acreage will be 71,400 acres, and that will form about 40 per cent of the entire acreage.

Shri V. P. Nayar: Below that, up to 50 acres.

Shri A. M. Thomas: As for holdings below that and up to 50 acres,—i.e. small holdings as has been considered by the Select Committee—nearly 57,606 acres are covered by small holdings.

Shri V. P. Nayar: Roughly 30 per cent.

Shri A. M. Thomas: It is said that the output of 40 per cent of the acreage is less than 28 per cent, while 60 per cent of the acreage in larger holdings produce more than 72 per cent. I do not want to embark upon the importance of the rubber industry, which is too well-known. It has just now been stated by my hon. friend Shri M. S. Gurupadaswamy that it is a strategic material, and an indispensable raw material in modern life.

Our problem now is to produce sufficient quantity of rubber to make us self-sufficient for our manufacturing requirements. There is our growing pace of industrialisation also, as a result of which a larger quantity would be required to meet our internal demands. So, it is very necessary that we should become self-sufficient in rubber. We are lagging behind many other countries in the matter of efficient production. We have not bestowed adequate attention on scientific study and experiments.

My hon. friend Shri M. S. Gurupadaswamy said that the Board has been

[Shri A. M. Thomas]

functioning as a dumb Board more or less, and it has no record at all to its credit. I beg to differ from him. Shri A. V. Thomas, who has been functioning as the Chairman for the Rubber Board for some time, was pleased to invite the attention of the House to some of the problems that faced the Rubber Board and how the Rubber Board has attempted to tackle them. The Rubber Board, as has been stated, was formed in 1947, and the Board is having its second term of office.

The real problem was the problem of prices, when the Rubber Board was formed as early as 1947. And there was a long fight, as has been pointed out by the hon. Minister himself, between the interests of the manufacturers on the one side, and the interests of the producers on the other. In respect of those problems which the Rubber Board has to face, I would say, some attempt has been made on the part of the Board in the matter of rehabilitation also. There has been expansion of the area under cultivation. There has been construction of new buildings, labour lines, etc. There has been improvement of breeds, and cutting out of exhausted trees.

When we look at the production figures, we find that the average production between the years 1948 and 1950, has only been 15,400 tons. But in 1951, it was 17,300 tons; in 1952, it was 19,600 tons; in 1953, it was 21,200 tons; and in 1954 the estimate is that it would be 22,000 tons. So, it cannot be said that the Board has been functioning as a dumb Board, or as a mummy Board, and that it has no achievement at all to its credit. However, I am not at all satisfied with the fact that the Board has done what it ought to have done, and that it had fulfilled the objects for which it was constituted. There is absolutely no doubt that there is substantial scope for improvement. As has been pointed out, the real problem is the problem of finance. Finding that pance is needed for carrying out the objective which Government have in view. they

have introduced a provision in the Bill to the effect that there can be an enhancement of the duty from what it is existing now to one anna per pound. That will bring a very substantial amount to the Rubber Board, which can be utilised for fulfilling the objects which it has in view.

Shri M. S. Gurupadaswamy referred to the necessity for forming co-operative organisations for growers. A report has been prepared on the marketing organisation for rubber, by the Rubber Board, and that report has been published also. It is a very valuable document and we get very useful information in that report. It is stated that the real difficulty in forming co-operative societies of growers has been the problem of finance and it is specifically stated, finance is the most important factor which decides the success or failure of any society. In that report, it has been recommended, on the lines of the recommendations that have been made by the commission on the Rubber Inquiry on Ceylon, that co-operative societies have to be formed and how they should be formed. It has been stated:

"The Report of the Commission on the Rubber Inquiry on Ceylon has recorded with appreciation the working of such societies in Ceylon and recommended the further expansion of the movement. I feel that most of the handicaps of the small growers can be overcome if such societies worked satisfactorily. The following are some of the advantages claimed for them."

I do not want to take the time of the House by just detailing the recommendations that have been made in the Ceylon report. For advancing loans to co-operative societies or anything like that, there must be the necessary provision in the Bill itself.

The problems of the small producer have been faced very well in the Bill that we are now considering. There is no doubt with regard to the fact that the small producer has a definite place

in this industry. He should have, necessarily, an assured place also. In the evidence that had been given before us, doubts were raised whether small holdings have a place in this industry. We will find from the report to which I have made reference some valuable observations which I would just read before this House:—

"Almost every rubber producing country has an appreciable percentage under small holdings and in a major producing country like Netherlands, Indies, it actually reaches 67.1 per cent. of the total. Small holdings rubber cannot be eliminated as it is one of the cash crops which give occupation and money to the producer all through the year. It is also a hardy crop and can come up even on steep slopes. Further, it is only the small holder who reacts to fluctuations in prices very quickly and is likely to respond to the call for increased production in a crisis, if necessary, even by slaughter tapping, provided enough incentive is forthcoming. Thus the small holder has his own place in the industry and it is necessary to improve his lot by affording all the technical help and protection required. Contrary to Indian yields it is the small holder that is reported to obtain better yields (though due to close planting only) in Malaya. The Indian small holder that now needs protection as well as real technical help to come up to the level of economic production and unless both are forthcoming he might before long disappear from the field."

Understanding the problems of the small grower, in the Select Committee, the Government itself brought forward necessary amendments and the Select Committee has been pleased to incorporate them in the Bill that we are considering now. You will see a definite provision has been made for constituting the pool fund for protecting the interest of the small growers and provision has been made in the Bill itself

to utilise the funds for making such grants to the rubber estates or for giving such assistance as the Rubber Board may think necessary for the development of such societies.

The other problem has been the problem of price control. I do not think anybody can question the wisdom of a price control for this rubber industry. But, in spite of the fixation of prices, as has been pointed out by the hon. Commerce Minister, the law of supply and demand used to have full play in the matter of the sale of rubber. It has been pointed out in the report itself to which reference has been made that where the market price should be really guided by the control price in force, we had fluctuations, and the market prices quoted in the report showed that the market was, in fact, guided by the conditions of demand and supply created by the various interests in the trade.

I may just invite the attention of this House to one difficulty which was experienced by the Government last year when the rubber growers were finding it difficult to dispose of their stocks although the country was in itself in short supply in the matter of this raw material. The Commerce Minister was finding it difficult to save the small grower. He had a proposal to authorise the Board to put some funds in the hands of the Board to purchase this rubber to relieve the small producer but that was not possible to be done for want of necessary provisions in the Act. To meet such a contingency, in the Bill that we are now considering, there is a specific provision just to authorise the Board to purchase rubber. It has been specifically stated that it would be lawful for the Board to purchase rubber in the internal market.

Shri V. P. Nayar: Otherwise, was it unlawful.

Shri A. M. Thomas: No, it was not unlawful; there was no necessary provision authorising the Board (Interruptions) so that, it was with that object in view that the Government

[Shri A. M. Thomas]

wanted such a provision also to be incorporated in the Bill. There was a lot of criticism from the side of the growers regarding grant of the import licence, how there was manipulation after getting the licence, and that rubber was not imported within a particular period. In order to get rid of these complaints there is another provision which enables the Board to import rubber also so that there is no possibility of any abuse of the import licences got by the manufacturers.

I say that many of the objections that have been raised by Shri Gurupadaswamy and Shri V. P. Nayar have been attempted to be met in this Bill and the Bill has to be worked out. It is only a means to an end and it is not an end in itself. With these objects in view, it has been provided that the small producer must have a dominant voice in the deliberations of the Board and with that object in view, out of the 7 growers' representatives 3 have been given to the small holders. How the small holders can be helped is a more important thing and the pool fund has been constituted and the problem of distress prices has been attempted to be met in this Bill.

I think that if the Bill is worked out in the proper way, it would be in a position to solve the problems of the industry. I am glad to find that the Central Government has attempted to tackle the problems of the industry, though, in all humility, the hon. Commerce and Industry Minister has stated that he is unaware of the problems of the industry. I would say that the Government is bestowing its attention on the right lines with regard to the problems of the industry and it is enough if these lines are pursued and effect is given to the various provisions of this Bill (*Interruption*).

Mention has been made with regard to the fact that a research station has not been formed. The Commerce Minister was fair enough to admit that the blame cannot be placed on the Board

itself or that Government itself was not acting speedily or that it has not been acting with sufficient quickness. We think that with the passing of the Bill and the constitution of a new Rubber Board, a new era will be introduced in the industry and that a fair price will be obtained by the grower and we will be self-sufficient in the matter of rubber.

Mr. Deputy-Speaker: There is no time for the others.

Shri A. M. Thomas: I will finish soon, Sir.

Shri V. P. Nayar pointedly drew the attention of the House that the manufacturing concerns have been really ruining the growers at a particular period. The real solution to that is that where the raw material is available, there should a manufacturing concern.

I have already given figures to the effect that the largest concentration is in Travancore-Cochin and Malabar but the factories consuming this raw rubber are situated in Bombay or Calcutta so that that is one of the reasons why the grower has been exploited. Shri V. P. Nayar has been pleased to refer to some of the misdeeds of Dunlops. With regard to that, I have also certain facts with me, which will indicate that the policy followed by the present management of the Dunlop Organisation will never enable Indians to acquire the technical knowledge which is required for the development of this industry. The policy pursued by them is really an eye-wash in the matter. The kind of technical training which the Dunlops have so often given a lot of publicity to is the sending of two candidates each year to the U.K. for what is called training in U.K. It can be said that there are no Indians in the staff of Dunlops who can claim to have the knowledge to make a tyre. The Dunlops have been on the Indian soil for the last twenty years now.

I would, in all humility, suggest that the problem can to a great extent be

solved if an industrial concern is located near to the place where the raw material is available.

One other point is that it was considered by the Committee and sufficient attention was devoted by the Government itself with regard to that aspect. Although the duty that is now being levied on rubber is very low, it is being found difficult for the Rubber Board to collect it. I think some machinery has to be devised which will fix the source at which this collection has to be made, so that some satisfactory arrangement with regard to that may also be come to. Otherwise, there is no use of levying duty at the rate of one anna per lb. if we are not in a position to realise the amount at the proper time and utilise it for the various objects which the Board has in view.

With these observations, I support the motion moved by the hon. Minister and oppose the motion for circulation moved by Shri Gurupadaswamy.

Shri Velayudhan: I was listening to the speeches made here on the Bill and also to the comments made by the hon. Commerce Minister regarding the dissenting note I have added to the Bill. This Bill, which is on similar lines of the Coffee Bill which we passed yesterday had one fundamental opposition from the producers or growers. I think that is to a great extent now ironed out by the amendment moved by the hon. the Commerce Minister. As one coming from a rubber-producing area—and most of the rubber estates are confined to the constituency from which I come—I had the occasion to study this industry. I am grateful to the Chairman of the Select Committee, Mr. A. M. Thomas, and also to the hon. the Commerce Minister for taking all of us to the Travancore-Cochin rubber plantations with a view to give us first-hand information regarding the industry. Rubber industry is a vital economy of our State. Not only that, it has contributed to a great extent to the national economy of this country also. There was a lot of criticism or

even confusion regarding the rubber industry's development and also about the Rubber Board in the past. It was thoroughly justifiable, in my opinion, on the part of the Commerce Minister to bring this amending Bill in the form in which it was presented here. We must see wherefrom the opposition to the nomination of the Chairman and other members came. It came, not from the labour representatives, because two hon. Members who represent the Communist Party, Mr. Punnoose and Mr. Nanadas, have practically accepted the suggestion of nomination by Government. Therefore, the criticism and opposition came mostly from the growers who were practically controlling the Board till now. What is the history of the Board? My own esteemed friend, Mr. A. V. Thomas, was the Chairman of the Board for many years but when I read the report of the Rubber Board, I was surprised to find that on many occasions perhaps the Board had not met when convened, and when it met, only very few representatives were present for the Board meetings.

Regarding the other functions of the Board, namely, licensing and collecting of cess and supplying of seeds and giving technical advice, I may tell him that in my dissenting note I have given a suggestion. The Rubber Board, as it is constituted today, has got only a very limited function, and I thought that there was no necessity for keeping such a Board—an expensive Board—like this with a limited function. The functions that are being carried on by the Board like licensing, etc., can be handed over to the Commerce Ministry so that the Board may go into the actual development aspect of the industry in the country. The Board can do wonderful service if they have a first-class research station as suggested by the hon. the Commerce Minister. He has suggested a research station even some years ago, but the Board itself said that it had not any suitable buildings. What a flimsy argument it is! How negligent the Board was towards the exploitation of the industry in this country! It said that it had not enough buildings to have a research station.

[Shri Velayudhan]

It is not a research station like the huge National Laboratory that was asked for and such a huge building is not required for as laboratory for Rubber Research.

Shrimati Kamlendu Mati Shah (Garhwal, Distt.—Western Tehri Garhwal Distt. cum Bijnor Distt.—North): On a point of order. There is no quorum in the House now.

Mr. Deputy-Speaker: Hon. Members know that during lunch time we do not raise the question of want of quorum and the proceedings go on. That is the convention of the House. Hon. Members, if they want to go away and take lunch, may go.

Shri Velayudhan: There is no scarcity of buildings if you want to have a research station started in the Travancore-Cochin State. We can have any number of buildings in order to start this station immediately. I am very happy that the Commerce Minister has taken a very practical view about this particular thing, and I hope we shall have a first-class research station in South India, preferably in my State very soon.

Another aspect which I want to deal with is about the small growers, and a lot of criticism was made by my friend, Mr. Nayar about the small growers. Of course, it has become very conventional on his party's part to raise voice on behalf of the small growers. We had visited some of the small estates. Who are these small growers? We must understand the legitimacy of the pleading for the small growers. What is their economic position? What is their status? Are they poor people? Are they humble workers? No. They themselves possess between 25 and 150 acres.

Shri Kottukappally: Those are only a few, but the others are poor.

Shri Velayudhan: It is a matter of comparison only. When we have to understand the small growers, we must understand their economic capacity. We went to a small estate,

which belongs to my hon. friend, Mr. Punoose's brother-in-law, and more than 20 acres—about 50 acres—are owned by him and it was run well also. I was at that time mentioning in a humorous way that in the big estates, there is the capitalistic exploitation and here in small estates, in a small way, in a novel way, in a middle-class way, there is a middle-class exploitation. If the other is a capitalist exploitation, I might say this is a communist exploitation in a sense and we were mentioning this fact with great humour to our friends at the spot.

When we give help to the small growers, we must understand that the acquisitive spirit should not develop in them, so that it may be controlled or checked. Why I am coming to this argument to-day is that in my humble opinion, these estates, these big plantations owned by vested interests as well as small holdings should be taken over by the State and nationalised, and must be retained as the industry of the State. The rubber industry has earned millions of sterling in my State itself. It has not yet satisfied the capitalists in the State; it has not created satisfaction to the huge Estates owners. Still they are demanding protection, they are demanding subsidy from the Government with a view to exploit the blood of the poor people. What is the condition of labour in these plantations of big growers and small growers? We visited many of the labour quarters in the plantation. I will never forget the tragic picture I saw there. These huge Estates, earning dollars in millions, could not even find a single decent quarter, at least with one room and a kitchen, for a single employee.

Shri Kottukappally: The hon. Member must have gone to the wrong place.

Shri Velayudhan: I am telling especially about the Travancore-Cochin industry. We have gone to most of the rubber plantations there and

in fact, even in the best run factories, we found nothing much; no doubt we found a better housing provided in a factory run in South Travancore area, but even that did not meet the minimum standard. I think it was run by Mr. Kumaraswamy.

Shri A. M. Thomas: It was a very large estate and at the same time very efficient.

Shri V. P. Nayar: It was only 1200 acres.

2 P.M.

Shri Velayudhan: Comparatively, it is small.

The housing conditions of labour of the industry everywhere are simply appalling. What is the attitude of the management towards labour. That is what I am most concerned about. I can only describe it as uncivilised. I am sure the House is aware of the fact that the worst exploited section of the labour in India is the one engaged in the plantation industry. Why are they not given even a living wage? Why are they not properly housed? Why are they not given proper medical facilities? Why should their children be neglected in the forests, where millions of them die every year from malaria and various other diseases? Why should they not be given schooling facilities? These are things that should be considered very earnestly by Government. I am glad the Select Committee has in clause 9 made a provision for securing better working conditions and improvement of amenities and incentives for workers. I hope that in future at least Government will pay greater attention to the interests of labour.

Next, I come to the question of the pool fund. The pool fund is now intended for the small growers only. They can now develop their estates. One feature which we noticed in our visits to the plantations was that the bigger plantations have got surplus funds to develop their estates. They

also command easy credit. The small holders do not have funds to develop their estates. The Select Committee has therefore made a provision that the pool fund should be utilised for the benefit of the small holders.

In my State a new Bill of land reform has been introduced recently. Several of the witnesses who appeared before us said that the rubber industry will be affected if the 25 acre ceiling is fixed. The land Bill introduced in the State Assembly is a very revolutionary reform which has not been attempted in any country in Asia and is being sought to be passed by the Travancore-Cochin Ministry. I am not speaking on behalf of the Socialists when I praise this revolutionary measure. The situation in the State has compelled them to do so and I am very happy about it. Some people may not be happy about it. Both the capitalists and the communists are not very happy about it, because both of them had expected the bread of power in the State.

Shri Kottukappally: Are we discussing about the land reform Bill or the Rubber Bill?

Shri Velayudhan: The hon. Member himself raised this matter before the Members of the Committee at Kottayam. Several of the witnesses who appeared before the Committee stated that 25 acre ceiling will affect the industry. That is why I have brought in that issue.

I would at last like to deal with the responsibility of the Government with regard to the future action based on the Bill. After getting the Bill passed through the House, the first and foremost problem to which the hon. the Minister should direct his attention is the improvement in the conditions of labour. Government as I said yesterday is the trustee of the people. It is, therefore, its duty to protect the exploited section of society from the acquisitive interest of the capitalists. I myself come from the labour class. I know the appalling conditions in which labour live. The

[Shri Velayudhan]

condition of Estate labour is most miserable and Government should henceforth to do everything in their power to improve their lot.

Mr. Deputy-Speaker: How long will the hon. Minister take?

Shri T. T. Krishnamachari: About ten minutes.

Mr. Deputy-Speaker: I am trying to distribute the time. The hon. Minister wants ten minutes. It is now five minutes past two and 15 minutes more are left for Shri Kottukappally, and Shri Bogawat.

Shri Kottukappally: Sir, I wish to disclose in accordance with parliamentary practice that I am interested in the matter of the Rubber (Production and Marketing) Amendment Bill. I happen to be a rubber grower myself. I am returned to Parliament from an area where more than in any other place in India rubber is widely grown. I must be failing in my duty to my constituents if I do not make it known that the present amending Bill is viewed with some concern by all sections of the rubber industry, growers large and small, manufacturers, merchants and labour.

In the 1947 Act the growers' representatives to the Rubber Board were chosen by the Growers' Associations. The Manufacturers' representatives were chosen, two of them, by their own Associations. In the 1947 Act the Chairman of the Board was elected by the members of the Board from among themselves: so also was the Vice-Chairman. By the changes sought to be brought about by the new Bill, these members will be nominated by the Central Government or the State Governments and the Chairman appointed by the Central Government.

In the evidence submitted before the Select Committee, the representatives of growers, manufacturers and labourers all pleaded that their representatives should be left to be chosen by them. They want the con-

stitution of the Rubber Board something like that of municipal councils or corporations. In my State, Travancore-Cochin, governments change like the waxing and the waning of the moon. That is one of the reasons why we plead that the management and development of the rubber planting industry should be left as far as possible to the different sections of the industry itself.

On the West Coast no one would question the propriety of the United Planters' Association of Southern India, and the Association of Planters of Travancore-Cochin and the Rubber Growers' Association of India representing the interests they claim to serve. In fact, there has never been a divergence of interests between the big growers and the small growers.

Rubber growers are a set of persecuted people. The hon. Minister just now asked why the rubber industry is not being expanded and extended. The answer is simple. Well, the rubber growers were not getting a remunerative price for their crop. That is one answer. If only the rubber produced is given a price which is at par with the rise in prices of other commodities, without any outside help from Government. I am not ruling out that possibility, the rubber area will expand, production will increase and the raw rubber produced will be self-sufficient, so far as the requirements of the manufacturers in India are concerned.

Ever since 1934 when control on rubber was first introduced and the Indian Rubber Control Act, 1934 was passed the rubber growers were being persecuted. Raw rubber is produced by 14,000 poor or middle class people who own anything from one-fourth of an acre. As has been said by my friends here, they account for 40 per cent of the acreage. The balance of the acreage is owned by Indian and European joint stock companies and a few large owners, the two categories put together numbering, to be

exact, 14,463 units. The grievance of the small as well as large holders was that the rubber control was being manoeuvred to benefit the Government during the war years and then chiefly the four or five European managed manufacturing concerns. The second world war might have been a little less cheaply waged and won on account of lower price paid for raw rubber. But it deprived the rubber growers in Travancore-Cochin and in the Malabar District of a square deal and a fair price. If we compare the prices of foodgrains like rice, wheat, maize, etc. and of commercial crops like coconut, pepper, ginger, etc. and of metals like gold, silver and iron, with that of raw rubber during the war and post-war period, it would be found that the price of raw rubber alone was kept more or less stationary, while the prices of other commodities and goods had gone up over five to ten times and in certain cases fantastically more. During the war the rubber producer had to sell his crop around one rupee per lb. while at this time the black market price of rubber in Calcutta was in the region of Rs. 12 per lb. A couple of years back the price of rubber went as high as Rs. 3 per lb. in the world market, but the Indian rubber producer was deprived of his produce at 12 to 14 annas per lb. I am aware that various shrewd, subtle and hair-splitting arguments are being adduced for depriving the rubber grower of the fruits of his labour. But the outstanding fact remains that the only primary producer who could not benefit by the war and the post-war boom was the rubber grower. So far as the Indian joint stock rubber companies are also concerned, they could not also benefit by the inflation or the boom. Most of them were paying little or no dividends when rubber manufacturers were amassing profits. It is only since 1952 that the precarious condition of the rubber planting industry has been stabilised.

I am thankful to the hon. Minister for Commerce and Industry for the interests he is taking in its welfare.

I am also grateful to him that whenever a particular rubber grower found it impossible to sell his crop he was considerate enough as to interfere and set things right. I recollect that even as a private Member he had been one of the most active supporters of the rubber growers.

According to the rubber growers, even now they are not securing worthwhile prices. The large rubber plantations are from thirty to fifty years old and require replanting. The small holdings happen to be ill-tapped or slaughter-tapped. Raw rubber, as the Minister for Commerce and Industry has expressed time and again, is a strategic material. Rubber is as precious as thorium or uranium in times of wars. Wars can be lost from a lack of this material. The United States during the war years produced synthetic rubber as they had no suitable area to grow natural rubber. Fortunately for the Republic of India, we possess large areas where we can grow rubber. The only feasible way to promote production of raw rubber is to see that a better price is paid for it. It would be seen that in the years prices have been the best, the area opened up was the largest. For example in 1943 and 1944 around 12,000 acres were opened up; in 1945 and 1946 only around 6,000 acres. The total acreage under rubber in our country is 1½ lakhs, to be exact 167,816 and the total crop is around 20,000 tons. India's output of natural rubber is only a little over 1 per cent of the world's total production. By replanting with high yielding clones the production could be easily doubled within a period of six to eight years without taking up any more land. But with the price which is fixed at Rs. 138 per 100 lbs. since October, 1952, the rubber producer gets little margin to meet rehabilitation expenses and provide better conditions for labour. The production by the small holders is only 28 per cent of the total, although they own 40 per cent of the acreage. The sixty per cent of the acreage in larger holdings give an yield of more than 72 per cent.

[Shri Kottukappally]

The maximum yield per acre is around 1,000 lbs. as was mentioned by A. V. Thomas, and the minimum 200 lbs. The average yield is 272 lbs. The rubber estates employ in all 70,000 men and women as labour force. To extend cultivation or bring about rehabilitation the growers have to be subsidized, especially the small growers. Delhi is far away from Travancore-Cochin. The small growers are not well organised. The rubber growers' voice has not so far been heard in the councils of the Republic. They just work from the rising of the sun to the setting thereof and vote Congress and by the evenings everyday turn their moist, wet eyes to Heaven.

The hon. Minister said.....

Mr. Deputy-Speaker: It appears the hon. Member has not finished even fifty per cent of his speech; there are a number of pages.

Shri Kottukappally: I will finish in two minutes.

The hon. Minister of Commerce and Industry said in the Select Committee:

"Government has been spending a lot of money on various development schemes. It is not so difficult to find money. We need about 25,000 tons of rubber annually, and progressively our needs will go up in geometrical proportion. We have to plan in such a way that we will be self-sufficient in about ten years. Development is imperative. Rubber is strategic material".

That is what the hon. Minister said. Moreover there is a new development in the use of rubber, that is the foam rubber by which cushions and mattresses are being manufactured. And this new development will make the requirement for raw rubber, I think, three times or four times in the next ten to twenty years. I suggest that a Rubber Plantation Development Corporation be set up by the Central Government

and the Madras and Travancore-Cochin States to grant loans to rubber growers to replant all the old, non-yielding areas. A Research Station should also be immediately set up.

I have also to commend to the hon. Minister the idea which we had put before him about the establishment of a rubber manufacturing factory in the South, in Travancore-Cochin, where actually the raw rubber is produced. He gave us all encouragement, and I wish to inform him that the idea is materialising.

I have no doubt that realising as he does, the vital role that rubber planting industry plays in the economy and in the strategic position of the country, the Ministry will do everything possible for the promotion and development of this industry.

I had tabled an amendment. In view of the speech made by the hon. Minister of Commerce and Industry I wish to say that I do not move that amendment.

Shri Bogawat: In the interests of the country the rubber industry must flourish. There is large scope for its development, and if it is properly planned the output or the production of the industry can be doubled in a short time.

I oppose the suggestion made by my hon. friend Mr. Gurupadaswamy. If he had read all the evidence, the examination and the searching cross-examination of all the persons interested in the industry, he would not have made the suggestion and asked for the appointment of some Committee. But unfortunately he appears to have not read the whole evidence and the points that were gone into thoroughly by the Select Committee and the Minister. Not only that. The Committee had an opportunity to visit the area and learn all the difficulties and problems of this industry. The Members of the Committee approached labour, small holders, vested interests and also all the big estates. I can say before the House that there

is no doubt that there has been exploitation of labour. In some estates, proper facilities are not given to labour and the conditions there are not proper. The arrogant reply is that there is no sufficient budget. We saw that the huts were not even properly thatched and there was no sufficient accommodation. There were no sufficient arrangements for the education of the children in some of the estates; not in all. I must say. We found that in the case of some estates, the market is several miles away, and they were required to go there. In spite of requests by labourers, no canteen was allowed and no society was allowed to be formed. I request the hon. Minister to go through all these points suggested by the Committee and force these vested interests to give all the amenities to the labourers.

Unless more research work is done and the Development Commission develops this industry, the small holdings cannot be properly improved. More attention should be paid to the smaller holdings. They are in need of assistance in various ways. There are old trees and it is necessary that these trees should be cut down because the yield of these old trees is not much. It is also necessary that the plantation should be by the budding process. We can see that the trees planted by the budding process yielded more than those planted by seeds. The seed may be got from Malaya or any other place. As regards other facilities to the small producer, the Committee has put in a new clause for the purchase of the produce. There should not be any difficulty in selling the rubber by the small holders. This clause is very material.

The House can see that the Committee has made several suggestions and also given more representation to labour and other interests, such as small holders. Representation given to the Government has been reduced. Not only has more representation been given to labour and small holders, but it has also been suggested that these persons should be nominated

from panels of representatives of their organisations.

As regards the Chairman, if there is an elected Chairman, a big gun, it is possible that he would take advantage of the situation. So, we were against an elected Chairman. The Committee felt that there should be a nominated Chairman who should be a whole-time worker. An elected Chairman cannot be a whole-time worker. We have had experience of that formerly. There were no meetings for several years and months. In order to avoid this, in order that there should not be any undue advantage taken by a big gun, in order that there may be efficient working, in order that the Chairman may be a whole-time worker, it is quite necessary that the Chairman should be appointed by the Government. There is an elected Vice-President. We have raised the number of Members from 20 to 25 and given full representation to all.

The produce can be increased to a large extent. In some cases it is from 1000 to 1500 pounds per acre; in some other cases, the yield is very low; only 200 pounds. This disparity must disappear. There must be development in each and every tree. If the industry is developed, in a very short time, production would be doubled and the consumers will get rubber at a very cheap price. If this industry is developed, it will not only be strategic material; but rubber is nowadays used for other purposes also. This has been mentioned by several Members and I need not repeat all that. The Committee has thoroughly gone into all the points by taking evidence of all the interested persons in the industry: small growers, labour, vested interests and so on. Not only that. The Speaker was kind enough to allow the Members of the Committee to visit the area. We had the fullest opportunity to see things for ourselves and the whole picture is before our mind's eye. We were in touch with almost all the persons interested in the industry. We had the best opportunity to learn all the problems of the industry. After learning all the

[Shri Bogawat]

problems and difficulties, the Committee has made several suggestions. I do not want to make a long speech. I wholeheartedly support this Bill and I request the House to accept it *in toto*.

Shri T. T. Krishnamachari: My task has been made easy by practically all the Members who spoke supporting the motion, I am particularly grateful to the last speaker who, not belonging to the area, has certainly no personal interest in the matter, except the national interests. His support is very valuable. I am also grateful to the support that has been given by all the Members who come from the rubber producing area. I must mention that my hon. friend Shri V. P. Nayar who is usually a harsh critic, had this time toned down his criticism considerably and instead of being critical, he has made several constructive suggestions, all of which I have made note of. Shri A. V. Thomas, with his great experience of rubber, has made a valuable contribution which, I think, would have to be scanned and studied not merely by the Government, but by the Board that is to come into being. Similarly, the House certainly owes a debt of gratitude to my hon. friend Shri A. M. Thomas, who so skilfully piloted the work of the Select Committee, for the many constructive suggestions that he has made.

The point is this. There is absolutely no difference of opinion amongst us in regard to the main objectives. The trouble really is to find some method by which we can achieve these things. Take the small grower. He is in an unenviable position. As Shri A. V. Thomas put it, the average production is 272 pounds per acre whereas certain estates produce more than 1000 pounds per acre. The divergence is so big. What happens is, any increase in the price goes to the benefit of the bigger estates. One of the persons that appeared before the Select Committee admitted that his firm controlled 12 per cent of the total acreage. I had made a calculation that

the increase in price that we gave benefitted some of these bigger estates to the extent of Rs. 65 lakhs.

Shri V. P. Nayar: You can take it back.

Shri T. T. Krishnamachari: The question is how to devise the method to take it back consistent with our Constitution. The other thing also is: suppose we buy up the production of rubber as we do in the case of coffee, unfortunately rubber is an article which perishes very rapidly and if the Board is to buy and stock it, well, it will drop down one grade after another and it would come to the "X" grade which nobody will touch. So, that difficulty in regarding to buying and stocking was there. I am very glad that my hon. friend Mr. A. M. Thomas did refer to the attempt that I made early last year to purchase rubber so as to help to ease the situation. And I had asked my colleague the Finance Minister to give me Rs. 15 lakhs for that purpose, but in spite of that ultimately it was found that it was some big person who had stocks would have got the advantage of it. We really kept back from purchasing a quantity of about 1,000 and odd tons in the hands of one big firm. But, this kind of thing does happen. So, we had to devise some means of getting at the small man, getting him to pool his stocks.

Mr. Deputy-Speaker: What about the co-operative society?

Shri T. T. Krishnamachari: There is again this difficulty. Rubber is a commodity which has to be processed. It cannot be cured and kept as in the case of coffee or tea. The smoking process is rather a difficult one, and the facilities that we can give for co-operative societies by providing them with the necessary amount of help would also be difficult. I do not say it cannot be done, but still it presents difficulties which I think cannot be solved by some offer of promise on my part or by some suggestions in the House. I think with a certain amount of goodwill which I think

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Members of this House and the Government do possess towards the small man, we have to make an effort, a really serious and earnest effort, to see that the small man gets a little more. In fact, as Mr. A. M. Thomas had pointed out, I am aware of the fact that while our rubber producers have been suffering, particularly the small man, the tyre companies have been making enormous profits. That is why I referred the whole matter to the Tariff Commission and we have not had the report of the Tariff Commission yet. It will take some time for it to come. Probably it might come by the end of the year.

If, as Mr. A. M. Thomas suggested, the production is tied up to the manufacturer in that locality, as we have done in the case of sugar—the sugarcane is purchased by a factory which is in that vicinity; we can try some formula like the S.I.S.M.A. formula of making the manufacturer pass on a portion of the profit to the producer, but unfortunately even that is not possible. We cannot tie up the producer on to the manufacturer the same way as we can do in the case of sugar. The problems are baffling, but ultimately I think human ingenuity is not bankrupt of ideas to get a difficult situation. And that shall be the guiding motive of Government in this matter, and I hope that the Board that will come into being in future will be fully alive to this objective that the House and the Government have in promoting a Bill of this nature.

It would be futile for me to summarise all that has been said by the hon. Members. Of course, the point made not. If a same holding is a good holding by Mr. Nayar was that the small holding not. If a small holding is a good holding is not uneconomic. Perhaps it is ing and the trees there are good and the yield is greater, the small holding is not uneconomic, though one of the persons who gave evidence said the small holdings are no use. That is from the point of view of the man with the big holding, but I do not think I ever said that the small holdings are uneconomic, but it happens that the bulk of the small holdings

are run in a manner that makes them uneconomic.

Shri V. P. Nayar: That is my point also.

Shri T. T. Krishnamachari: That is true. The price also has certain limitations. If I can possibly give a little more price, I do not want much goading, I can tell the hon. Member. Even if it is a question of my having to give the price arbitrarily without making a reference to a Committee, I am prepared to do it, but I have got to think of the consequences also—the increase in the price of the ultimate product and how it can be related. That is why I am waiting for the Tariff Commission enquiry in regard to tyre prices. There are also some producers of rubber goods who might be affected. But I can assure the House that I am even prepared to be autocratic in this matter if it is possible for me to do so, without injuring the ultimate industry on which the producers depend, I am quite prepared to make a departure and give a higher price. But again, the point really is that unless, I can devise a method by which the small man, the small producer can get a little more, there is no point in raising the price on the basis of one anna more or two annas more. It will happen that instead of Rs. 65 lakhs, they will make a profit of Rs. 85 lakhs.

Shri V. P. Nayar: You can have a slab system.

Shri T. T. Krishnamachari: That is the trouble. I have got to think of it.

The point was mentioned that there should be an industry in the rubber producing centre. If somebody will start it, Government is prepared to give all assistance, and it is not a question of their saying that it should not be there. If it is there well and good, We can certainly give all assistance to it. But I am happy to hear from Mr. Kottukappally that some move is being made in that direction and is likely to take fruit before long.

[Shri T. T. Krishnamachari]

A point was mentioned by Mr. Veludhan and also Mr. Bogawat regarding labour conditions. The Select Committee has put in a specific provision that to a very large extent we should be guided by the Plantation Labour Act, and I suppose in regard to our general outlook as to how to deal with these estate problems, the Plantation Enquiry Committee would be able to give us some line. As I have said at the time I introduced this Bill.

I do not want to stop work merely awaiting that report. We have got to get a move on. But very possibly that report will more or less blaze the trail for us for future action.

I have nothing more to say except once again to thank hon. Members for the suggestions which they have made and I do hope to be able to put these suggestions in some form and convey it to the new Board if this Bill is passed finally into an Act and a new Board is brought into being.

Mr. Deputy-Speaker: I will first put the amendment of Mr. Gurupadaswamy to the House and then the motion itself.

The question is:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Rubber (Production and Marketing) Act, 1947, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 5

Mr. Deputy-Speaker: Now, clause-by-clause consideration.

Shri Tushar Chatterjee (Serampore): Amendment No. 15.

Mr. Deputy-Speaker: Of course, as was already pointed out by the hon. Speaker yesterday, I am not allowing amendment No. 2 by Shri T. T. Krishnamachari.

Shri T. T. Krishnamachari: I am not moving it.

Mr. Deputy-Speaker: And the consequential amendments to that amendment.

Shri V. P. Nayar: I want to clear a position there in respect of the amendment which is not allowed. Is it not competent for the Auditor-General, even under the present provisions, to audit the accounts when the accounts are in the Consolidated Fund of India?

Shri T. T. Krishnamachari: If you would permit me to answer the hon. Member's question, a suggestion came from the Auditor-General's office that there should be a provision of this nature in every enactment, and as I have said, I propose to take some action thereon, so that we might get one Bill covering practically all the other enactments. But in a matter like this I must only be advised by the concerned person. I cannot exercise my own judgment in this matter.

Shri V. P. Nayar: But the real difficulty is that as the constitutional provisions stand today, I do not think that a separate provision is necessary to direct the Auditor-General to conduct the audit, because the Auditor-General, by virtue of the Constitution, has the necessary right to audit all the accounts provided they fall within the ambit of the Consolidated Fund, and the collections made on behalf of the Government have necessarily to be accommodated within the Consolidated Fund, so that I do not think that a special provision is called for. That is my view.

Shri T. T. Krishnamachari: May be.

Mr. Deputy-Speaker: We do not know. I understand the Auditor-General to say that by executive orders

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or otherwise he has no authority, and therefore an amendment is required. But it is before the hon. Members and the Auditor-General.

Shri V. P. Nayar: We think the amendment is not necessary.

Mr. Deputy-Speaker: I shall put clauses 2 to 5 to the vote of the House. There are no amendments to these clauses.

The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 6.—(Amendment of section 4, Act XXIV of 1947)

Shri Tushar Chatterjea: I wish to move my amendment No. 15.

Shri A. M. Thomas: Let the Government amendments also be moved.

Shri Tushar Chatterjea: I want to speak.

Mr. Deputy-Speaker: Let me take up the Government amendments first and then I will come to the hon. Member's amendment.

Shri T. T. Krishnamachari: I beg to move:

(1) In page 2, lines 18 and 19, for "to be nominated by the Government of Madras" substitute "to represent the State of Madras".

(2) In page 2, lines 22 and 23, for "to be nominated by the Government of Travancore-Cochin" substitute "to represent the State of Travancore-Cochin".

(3) In page 2, after line 32, insert:

"(3A). The persons to represent the States of Madras and Travancore-Cochin shall be elected or nominated as may be prescribed."

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Mr. Deputy-Speaker: This is the same as in the Coffee Market Expansion Act....

Shri T. T. Krishnamachari: Yes, Sir.

Mr. Deputy-Speaker:...where in deference to wishes that there ought not to be nomination exclusively and there ought to be some election also, provision has been made.

The question is:

In page 2, lines 18 and 19, for "to be nominated by the Government of Madras" substitute "to represent the State of Madras".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2, lines 22 and 23, for "to be nominated by the Government of Travancore-Cochin" substitute "to represent the State of Travancore-Cochin".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2, after line 32, insert:

"(3A). The persons to represent the States of Madras and Travancore-Cochin shall be elected or nominated as may be prescribed."

The motion was adopted.

Shri Tushar Chatterjea: I beg to move:

In page 2,

(i) for lines 15 to 28 substitute:

"(a) one member to be nominated by the Government of Madras;

(b) one member to be sent by such organisation of the rubber producing interests as the Government of Madras think to be representative of those interests;

[Shri Tushar Chatterjea]

(c) one member representing the small growers to be nominated by the Government of Madras;

(d) two members to be nominated by the Government of Travancore-Cochin;

(e) three members to be sent by such organisation or organisations of the rubber producing interests as the Government of Travancore-Cochin think to be representative of those interests;

(f) three members representing the small growers to be nominated by the Government of Travancore-Cochin;

(g) four members to be nominated by the Central Government;

(h) two members representing the manufacturers sent by such organisation or organisations as the Central Government think to be representative of those interests;

(i) six members representing labour sent by the different Central Trade Union Organisations of the country that are recognised by the Central Government, the proportion of representation being fixed by the Central Government according to the proportion of the membership of these Central Trade Union Organisations;"

(ii) line 29, for "(e)" substitute "(j)"; and

(iii) line 32, for "(f)" substitute "(k)".

In moving my amendment relating to the reconstitution of the Board...

Mr. Deputy-Speaker: How much of it is barred now?

Shri Tushar Chatterjea: In a nutshell, my suggestion is this, that this method of nomination should, to a large extent, be replaced by the method of election by organisations as

exist, and only in the case of small growers who do not have any organisation of their own should the method of nomination be resorted to. I have suggested also an increase of the number of representatives of small growers and labour. Also in my amendment, I have not made any provision for a nominated Chairman.

Now, I will just say a few words in support of my amendment. On this question of nomination generally, and of a nominated Chairman, much has been said yesterday in connection with the Coffee Board and today in connection with the Rubber Board. From the government side, or rather from the side who support the Bill generally, this argument has been advanced that in order to rid the present Board of the grip of the big interests, it is necessary to have more and more powers in the hands of the Government, and mainly to protect the interests of the small growers this sort of reconstitution is necessary. It is said that Government are not taking powers in their hands for their own sake, but for the sake of the small growers so that the Board will be able to function in a better way, in the interests of the small growers and of labour. This argument is a very good thing to hear, but if we analyse the composition of the reconstituted Board and the existing Board, we do not see any logic in the Government argument. If we analyse the composition of the existing Board, there are altogether 13 members representing big interests, 3 members representing labour interests and 8 nominated members. That is the composition of the existing Board. In the Board that is going to be formed according to this Bill, there will be 6 members representing big interests, 7 members representing the small growers and labour and 7 members representing Government; there will be 3 M.P.s. also. Now, if the question is to make the Board really function in the interests of the small grower and rid the Board of the control of the big interests, then the new

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set-up is already there. The balance of power will be held not by the big interests but by the small growers and labour representatives. So why unnecessarily introduce this sort of a bureaucratic way of constituting the Board. When there are larger number of members representing small growers and labour and when the big interests will be in a minority, why unnecessarily bring in this nomination question and do away with the earlier provision of representation? Why do you unnecessarily thrust upon the Board a nominated Chairman? I could have understood the point had it been the position that unless Government nominated a Chairman, unless Government kept with them the power to nominate the different members, the Board would be run by the big interests alone. But that will not be the position of the Board according to this Bill. Instead of introducing this sort of bureaucratic method, I would rather suggest that in order to be more sure about the position of the small growers and labour, you better increase the number of representatives of the small growers and labour. Therefore, I have suggested that in the case of the small growers of Travancore-Cochin, they should have one more representative so that their representation will be at par with the big growers' representation. For labour, I have suggested two more representatives so that labour interests are properly protected. Labour interests have to be protected with particular care mainly because, as we have already heard from Mr. Velayudhan and from some others also, labour in our plantations is exploited to the extreme. They do not enjoy any housing facilities. They get only Rs. 1-9-0 as daily wage, they do not enjoy any welfare measures or any right of organisation. This is the condition of the labour. In the Bill provision has been made that one of the functions of the Board will be to look after the labour conditions and to give proper protection to labour. That cannot be done unless you allow more representatives of labour on the Board. I have also suggested that in

getting representatives of labour, all the central trade unions should be asked to send their representatives. I have a particular object in suggesting so, for there are central trade union organisations which are recognised by Government, and which are generally consulted on all policy matters by the Labour Ministry. So, these organisations function with some responsibility, and with some authority. It is but proper that Government while setting up this Rubber Board invite representatives of all these central labour organisations. I particularly mention all these central labour organisations, because there are instances where Government have left out this or that central labour organisation, and have only taken representatives of one or two. I can mention the instance of the Tripartite Committee for the cement industry, and the Tripartite Committee for the coal transport affairs, in which representatives from the All India Trade Union Congress have not been taken. Therefore, I have specially mentioned that point in this amendment. That is all that I have to say in regard to my amendment.

Mr. Deputy-Speaker: Amendment moved:

In page 2,

(i) for lines 15 to 28 substitute:

"(a) one member to be nominated by the Government of Madras;

(b) one member to be sent by such organisation of the rubber producing interests as the Government of Madras think to be representative of those interests;

(c) one member representing the small growers to be nominated by the Government of Madras;

(d) two members to be nominated by the Government of Travancore-Cochin;

(e) three members to be sent by such organisation or organisations of the rubber producing interests as the Government of Travancore-

[Mr. Deputy-Speaker]

Cochin think to be representatives of those interests;

(f) three members representing the small growers to be nominated by the Government of Travancore-Cochin;

(g) four members to be nominated by the Central Government;

(h) two members representing the manufacturers sent by such organisation or organisations as the Central Government think to be representative of those interests;

(i) six members representing labour sent by the different Central Trade Union Organisations of the country that are recognised by the Central Government the proportion of representation being fixed by the Central Government according to the proportion of the membership of these Central Trade Union Organisations;"

(ii) line 29, for "(e)" substitute "(j)"; and

(iii) line 32, for "(f)" substitute "(k)".

Shri A. M. Thomas: One or two points have been made by Shri Tushar Chatterjea with regard to the representation of small holders. According to the definition that we are now adopting, persons holding 50 acres and below are considered to be small holders. You will find that out of 1,73,643 acres, the small holdings will be represented only to the extent of 57,606 acres. According to the clause as it stands, out of seven growers' representatives, we give a representation of three for the small holders. 57,606 acres out of 1,73,643 acres, get a representation of three out of seven. So, I do not think there is any necessity to make any modification in this regard.

With regard to the representation of labour, which my hon. friend has

referred to, I would submit—of course it is not strictly within the ambit of this Bill to provide for the benefits of labour, but even then—having regard to the conditions of labour in this plantation industry, we have increased the strength of their representation from three to four. I think that will be sufficient to satisfy friends, including myself, who have pleaded for more representation for labour.

The other fact which has been pointed out is the appointment of a full-time Chairman. With regard to the representation of the various interests, I have my own views, and I have given expression to them in this House. But with regard to the appointment of the Chairman, I should think that if a full-time Chairman is found necessary, the other corollary more or less logically follows, namely, that he must be an appointed Chairman, and that too by the Central Government.

In the course of the evidence, I specifically put the following question to one of the persons who advocated for an elected Chairman:

"Having regard to the ambitious plan that we have, especially according to the amending Bill, would it not be desirable to have a full-time Chairman? My opinion is that as far as our Rubber Development Commissioner is concerned, he has very little time to look to the research side or to the development side. He has to look to the administrative side more than to the other sides for which he has been appointed. Will it not be better to have a full-time Chairman?"

The answer was—and this was given by a person who perhaps fared more than anybody else who came to give evidence on this matter—

"My view is that the Rubber Production Commissioner's services are not available for the purpose for which he has been appointed,

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since in all circumstances his valuable time is taken away by administrative work. Administrative work can be carried on by a Secretary in the Secretariat with any non-official Chairman. It is not a matter which will affect the day to day administration."

So, in a way, he has conceded the assumption that has been there in the question.

But with regard to the representation of the various interests, there is a psychological aspect which has to be respected more than any democratic principle that is involved. I hold very strong views on that, and the hon. Minister has in a way conceded that principle by saying that a definite quota of representation will be by election.

I oppose the amendment.

Shri V. P. Nayar: Since this amendment also stands in my name, I would like to say one or two sentences.

Mr. Deputy-Speaker: We have only three minutes left to three o'clock.

Shri V. P. Nayar: Therefore, we will not speak at length on the other amendments.

Mr. Deputy-Speaker: There is no question of any length now.

Shri V. P. Nayar: Shri A. M. Thomas was saying that our proposal was that the number of representatives for the small holders will not be proportionate to the acreage which they hold. Now, our idea was not to give representation on the basis of acreage, but that the representation should be more in conformity with the number of interests involved. You will find that according to the Tariff Commission's figures, small holders having below 100 acres number about 73,500, while those having above 100 acres will be only a few hundreds, and in any case, less than a thousand. So, there is no harm in increasing the number of the quota for small holders. It is not because they hold only 30 per cent. of the entire

acreage under rubber cultivation, that we want more representation, but it is because of the thousands of interests involved. And among the small holders also, all the small holders do not have the same interest. You cannot say that a man who has half an acre has the same interest as a man who has 50 acres. That is the point.

Shri T. T. Krishnamachari: The whole scheme of representation has been carefully worked out by the Select Committee, and I think my hon. friend Shri A. M. Thomas has answered all the points raised. I am afraid we cannot accept the amendment.

Mr. Deputy-Speaker: The question is:

In page 2,

(i) for lines 15 to 28 substitute:

"(a) one member to be nominated by the Government of Madras;

(b) one member to be sent by such organisation of the rubber producing interests as the Government of Madras think to be representative of those interests

(c) one member representing the small growers to be nominated by the Government of Madras;

(d) two members to be nominated by the Government of Travancore-Cochin;

(e) three members to be sent by such organisation or organisations of the rubber producing interests as the Government of Travancore-Cochin think to be representative of those interests;

(f) three members representing the small growers to be nominated by the Government of Travancore-Cochin;

(g) four members to be nominated by the Central Government;

(h) two members representing the manufacturers sent by such organisation or organisations as the Central Government think to be representative of those interests;

[Mr. Deputy-Speaker]

(i) six members representing labour sent by the different Central Trade Union Organisations of the country that are recognised by the Central Government, the proportion of representation being fixed by the Central Government according to the proportion of the membership of these Central Trade Union Organisations;"

(ii) line 29, for "(e)" substitute "(j)"; and

(iii) line 32, for "(f)" substitute "(k)".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 to 9, were added to the Bill.

Clause 10.—(Insertion of new sections after section 8 in Act XXIV of 1947)

Shri Tushar Chatterjea: I beg to move:

In page 4, for lines 6 to 8, substitute:

"Provided that in case of emergency suitable action may be taken by the Central Government even without such consultation, which matter, however, shall be placed before the Board for its opinion at the earliest opportunity."

My amendment suggests some change about the proviso in connection with the consultation with the Board. The proviso as it stands is very peculiar. In the main clause, it is provided that the Board shall be consulted by the Central Government. But the proviso as it stands suggests that even if Government do not consult the Board, any action taken by Government cannot be called invalid. In one part, consultation with the Board has

been provided for, while in the other part, the right of the Board to be consulted has been taken away. This is clearly a very peculiar attitude on the part of Government. I do not know why the Board has not even the right to be consulted. If the Board is not to be consulted, then why at all do Government set up this Board? Why at all should this Board function in that case?

Therefore, in my amendment, I have suggested that only in case of an emergency, suitable action should be taken by the Central Government even without consulting the Board, and that such matter should be placed before the Board for its opinion at the earliest opportunity. I think my amendment is a very reasonable one, and should be accepted by Government.

Shri T. T. Krishnamachari: This follows the usual pattern in legislative enactments to save justiciability, if some occasion arises in which Government have to act. The question of emergency would mean that the emergency will have to be proved. Since Government are responsible to the House, if we take any action which is of a serious nature, we shall have to explain to the House why we have not consulted the Board. I do not think any Government could take that risk. 'Ordinarily' means that you have to put in this proviso.

I do not think that we can accept this amendment.

Mr. Deputy-Speaker: The question is:

In page 4, for lines 6 to 8, substitute:

"Provided that in case of emergency suitable action may be taken by the Central Government even without such consultation, which matter, however, shall be placed before the Board for its opinion at the earliest opportunity."

The motion was negatived.

Mr. Deputy-Speaker: We have reached three o'clock now. I shall put the other clauses to the vote of the House.

The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Shri T. T. Krishnamachari: I have an amendment to clause 18.

Mr. Deputy-Speaker: Guillotine will not apply to the Government amendment. I will now put clauses 11 to 17 to the House.

The question is:

"That clauses 11 to 17 stand part of the Bill."

The motion was adopted.

Clauses 11 to 17 were added to the Bill.

Clause 18. (Amendment of section 25, Act XXIV of 1947)

Amendment made: In pages 5 and 6, for lines 44 and 45 and lines 1 to 8 respectively, substitute:

"(i) principles regulating the nomination of members of the Board by the Central Government under clause (d) of sub-section (3) of section 4, and the election or nomination of the members referred to in clauses (b) and (c) thereof:

Provided that before making any nomination in the exercise of its powers the Central Government shall call for panels of names from the respective associations recognised by it of the interests referred to in clause (d)."

—[**Shri T. T. Krishnamachari.**]

Mr. Deputy-Speaker: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 to 22 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL—Contd.

Clauses 2 to 15

Mr. Deputy-Speaker: The House will now take up clause by clause consideration of clauses 2 to 15 of the Code of Criminal Procedure (Amendment) Bill, 1954. As the House is aware, three hours have been allotted for the disposal of this group. A Key to the amendments relating to these clauses has already been circulated to Members. The Key will be found useful by Members in moving their amendments at the appropriate time and also for following the disposal of amendments in the House.

As regards the procedure for moving of amendments, the procedure which was adopted with respect to the Special Marriage Bill during the last Session will be followed in the case of this Bill. When a clause or group of clauses is taken up for consideration, Members will please hand in within 15 minutes to the Officer at the Table slips intimating the numbers of the amendments in their name which they wish to move. When sending intimation to the Table, Members may kindly specify in the slip the number

[Mr. Deputy-Speaker]

of the clause to which an amendment relates and use a separate slip for each clause.

Thereafter, the Chair will announce the numbers of the amendments with respect to each clause proposed to be moved by Members. These amendments will be taken as moved.

Now, clauses 2 to 15 are before the House. Hon. Members may start speaking and some hon. Members may prepare the list; or all of them may be engaged in preparing the list.

Shri Dabhi (Kaira North): Sir.....

Mr. Deputy-Speaker: The whole group is under consideration with all the amendments. They will be put to vote separately.

Shri U. M. Trivedi (Chittor): Will all the amendments be put to vote together?

Pandit Thakur Das Bhargava (Gurgaon): Will they not be taken up clause by clause?

Mr. Deputy-Speaker: I would like the House to appreciate what they have already done, with respect to which only further procedure should be adopted. Now, the House has accepted an order and the regulation of time distribution for the several groups. These clauses 2 to 15 have been put into one group and three hours have been allotted to them. It is difficult for the Chair to allot time to one or two of these clauses for the reason that one hon. Member may be interested in one clause and he may go on speaking with respect to that clause. What about other clauses? Is it possible, within these three hours, to refer to all the clauses 2 to 15—about 14 clauses? We have not divided these three hours into so much for this clause and so much for that clause. If I allow such a discussion, it may so happen that we may not reach some of the clauses; we may lay emphasis on the unimportant ones and allow the important ones to be guillotined. Many of the clauses and many of the

most important amendments may not be touched at all. For this reason, I suggest that hon. Members who speak may speak on all the clauses 2 to 15 and all the amendments laying emphasis on such portions as are necessary. When I put them to the vote of the House, I will put them separately.

All these clauses together ought not to take more than three hours. If this is not agreed to, then what I will do is to take one clause for discussion, say clause 2 and have the discussion for the three hours and allow the rest of the clauses to be guillotined.

Shri Gadgil (Poona Central): I quite appreciate the difficulty you have pointed out. It may be that the major portion of the time may be spent on one clause and the rest may remain undiscussed. May I know whether, when a Member gets up, he will be given only one opportunity to speak on the whole group of clauses and amendments? In other words, he need not confine himself to any particular amendment or any particular clause but the discussion is upon all the amendments to the clauses in the group.

Mr. Deputy-Speaker: Yes, that is my point. Mr. Dabhi may refer to all these clauses and the amendments tabled with reference to them and say what he has to say.

Shri Dabhi: Sir, I refer to amendment No. 15 which reads:

In page 2, line 10,

for "one year" substitute "six months".

We know that the law, as it stands, says that any offence punishable with imprisonment of more than six months has to be tried as a warrant case.

Mr. Deputy-Speaker: We have started at five minutes past three. We are not sitting till six o'clock. Therefore, one more hour will be left for this group tomorrow.

Shri Dabhi: Clause 2 of this Bill changes the definition of a warrant case because the effect of the amendment in clause 2 is that an offence which would be punishable with imprisonment of not more than one year will now be triable as a summons case. I want that the original definition of a warrant case should remain as it is. That is my amendment.

You will see that the Bill, as it has emerged from the Joint Select Committee, keeps the right of the accused including the right of cross-examination intact, in private complaints. I will take some examples of sections 323 and 417 of the Indian Penal Code.

Mr. Deputy-Speaker: I am sure the hon. Member was here during the discussion on the general consideration. All that I am saying is, to the extent I was able to hear when I was in the Chair, this matter was sufficiently discussed and the argument that is now being placed before the House was already placed during the general discussion. I suggest that hon. Members need not state to the House all those reasons which have already been set out on the one side or the other. Any new thing which has not already been placed before the House may be placed now.

Pandit Thakur Das Bhargava: May I suggest one thing? We have taken up this clause and my friend is arguing about summons cases and warrant cases. As regards the procedure in summons cases and warrant cases, we will have other sections. Without discussing those clauses, to discuss here what should be a summons case and what should be a warrant case is not justifiable. I would respectfully ask you to kindly postpone the consideration of this clause till we have discussed the procedure relating to warrant cases and summons cases. Unless we come to any conclusion about the procedure to be observed in warrant cases and summons cases, what is the use of defining a summons case and a warrant case?

Mr. Deputy-Speaker: This is a definition section.

Shri S. S. More (Sholapur): Summons cases have now been changed from six months to one year. If we oppose this change, our discussion on this section would be rather meaningless and futile.

Shri Raghavachari (Penukonda): There has been a revision proposed in the procedure applicable to warrant cases.

Mr. Deputy-Speaker: I am able to follow. There are certain things defined in section 4 of the Criminal Procedure Code. There are matters which pertain in detail to the procedure relating to warrant cases and summons cases in the later chapters. **Pandit Thakur Dasji** said that when we substantially modify them, then ultimately the definition also will be modified. At this stage it may be convenient to refer to them. Either I allow discussion and do not put clause 2 to the vote of the House and I defer consideration, or we decide on clause 2, or once for all when we come to the later sections, we might refer to the definitions also and if we agree, we can put the definitions and the concerned sections to vote.

The Minister of Home Affairs and States (Dr. Katju): Section 4 of the Criminal Procedure Code deals with these matters, that is, warrant cases and summons cases. I suggest that you might put clause 2, as open to discussion minus that bit relating to definition, and when we come to warrant and summons cases, then we might discuss and change the definitions at that time.

Shri Raghavachari: The amendment is only to sub-clause (w) of section 4 and the only matter is that this may be considered along with the discussion on the procedure proposed in warrant cases.

Shri S. S. More: My hon. friend is not positively correct, because section 4 is open for the purpose of the amending Bill and we have also

[Shri S. S. More]
tabled certain other amendments to other clauses; for instance....

Mr. Deputy-Speaker: I shall consider whether it is relevant. As the hon. Speaker said already, regarding amendments arising out of the matters which have been touched under the Bill, ancillary or consequential, certainly those amendments will be allowed. If, though not technically, nothing in substance, which has been referred to in the Bill, is affected by any of those amendments, then those amendments will not be allowed to be moved. I will consider every one of them. Now discussion may go, but I would not put to the vote of the House those matters which relate to warrant and summons cases. I will defer the decision of the House till after they discuss the other sections related to this matter.

Shri Dabhi: I was saying that in the Bill as it has emerged from the Select Committee, the rights of the accused, including the right of cross-examination for more than once, have been kept intact in the case of private complaints. If the definition of 'warrant case' is changed now, then it will happen that in certain private complaints also the rights of the accused will be taken away and then these cases will be tried as summons cases instead of warrant cases. Therefore, I am giving one or two instances. A private complaint can be lodged against offences under sections 323 and 417. If these offences are to be tried in a summons case, then all the rights of the accused with regard to cross-examination would be lost. It may be argued that section 323 is with regard to an offence of simple hurt, but you must remember that in such cases of simple hurt, the man may say or complain that he was hurt by a blunt substance. In those cases such charges are very easy to make, and where they are very difficult to rebut such charges, the man may say that he was hurt by somebody, that he was given a beating, and another witness would say that he was seeing

that, and that he was an eye witness to the beating of that person. In such criminal cases, it is very difficult to rebut such charges and, therefore, it is absolutely necessary that the accused must be given the right of further cross-examination after all the prosecution witnesses have been examined. This is very important. In the same way, in regard to section 417 of the Criminal Procedure Code dealing with cheating, such allegations are very easy to make, and it is very difficult to rebut them unless the accused is given the rights which he enjoys at present.

[**PANDIT THAKUR DAS BHARGAVA in the Chair**]

With regard to two of the sections which are cognizable, I would now take up section 342—wrongful confinement—and section 448—House Trespass of the Indian Penal Code. You will see that the offences under these two sections are also very serious, and if these offences are to be tried as mere summons cases, then the accused would not get, as the Bill stands at present, even the benefit of all the documents which are to be given under section 173 of the Criminal Procedure Code as proposed to be amended by this Bill. Under these circumstances, it is, in my opinion, absolutely necessary that the original definition of 'warrant case' should not be changed and should be kept as it is. I think this is not a very serious matter, and you will see that we have already provided in the Bill that there will be no delay and even in warrant cases the Bill, as it stands, does not give the right of a second examination. We have also provided that when once the case has begun, all the witnesses would be examined day after day and so there is not the slightest excuse for saying that there will be delay if we do not change the definition of 'warrant case'.

Under these circumstances, I think Government will accept this amendment of mine.

Shri Tek Chand (Ambala—Simla):

There are two amendments standing in my name—No. 173 to clause 3 and No. 178 to clause 4—both of which you will find in List 7. Clause 3 purports to amend section 9 of the Code of Criminal Procedure and the relevant changes that the Court of Session is enabled.

Confining myself for the present to my first amendment, it substitutes in sub-section (2) of section 9 of the Code of Criminal Procedure in so far as it enables the Court of Session for the sake of general convenience of the parties and the witnesses to hold its sitting at any other place within the territorial limits of the sessions division. So far this is unobjectionable. It may even be very desirable that where it may be very necessary, in certain cases, the Sessions Judge should be able to view the spot and hear the witnesses there. But the words "with the consent of the prosecution and the accused" to my mind are open to serious objection. The trial of the case rests with the Sessions Judge. The parties are partisans. They are apt to pull unduly in one direction. The dignity of the Court will be undermined to a very considerable extent if the Sessions Judge is placed in a predicament that for purposes of dispensing justice, he considers not only that it is desirable, but even imperative, that he should hold his Court at a particular place other than his headquarters. But he cannot do so, unless the Sessions Judge becomes the petitioner and the accused and the Public Prosecutor become the Court. The Sessions Judge will now virtually say: "It is my responsibility that I should go to the spot in order to be sure of the facts, in order to appreciate the evidence, but I cannot do so unless you two grant me permission. Therefore, as a dispenser of justice, I am reduced to the position of a petitioner and you are elevated to the status of judges. Pray, hear my prayer and petition, enable me to dispense justice: will two of you kindly grant me per-

mission to hold my court elsewhere?" If the two of you do not grant me that permission, if any one of you is unwilling, then I am a helpless dispenser of justice and in the dispensation of justice I may commit a mistake".

I submit you are entrusting your Sessions Judge—he is not an ordinary Magistrate, he is not a Magistrate, of the third class—with plenary powers, even to deprive a man of his life, or of his liberty for the rest of his days. But in this clause you do not trust him sufficiently, that he cannot have any discretion. You will not trust his own judgment and you will not let him proceed. He is not going there for the sake of his health; he would much rather be in his headquarters and dispense justice and do several other cases besides. If he is going there in a sessions case, he is going there in order to sift the truth, in order to arrive at a correct conclusion. But an obstacle is being placed in his way. Even if he wants to arrive at a correct conclusion, even if he feels that he cannot otherwise arrive at a correct conclusion, he cannot do so, unless he makes a verbal petition and a prayer to both the parties and unless both the parties concur in granting him that prayer. Therefore, it is not for considerations of convenience, it is not for considerations of difficulties of one party or another. I maintain that this clause where the Sessions Judge is reduced to the status of a petitioner undermines the very dignity of the Court. Why cannot he be the judge? Why cannot he be free to exercise his discretion? You can trust him, you can rely on the soundness of his decision, on his capacity to weigh evidence, on his ability to hold a person innocent or guilty. But in the matter of selecting the venue for purposes of hearing, maybe a part of the hearing, of one particular issue, maybe for recording the evidence of a person, maybe that a crime has to be enacted, you say he cannot do so, without the consent of the parties. Therefore, I suggest

[Shri Tek Chand]

that my amendment should be examined in this light and the words "with the consent of the prosecution and the accused" deserve to be deleted.

My second amendment is No. 178 to section 14 which relates to special Magistrates, commonly styled as "Honorary Magistrates". With the deepest respect for those of my hon. colleagues who do not see eye to eye with me, I maintain that past experience has amply shown that the system of Honorary Magistrates is not conducive to dispensation of justice and there are more than one reason for it. I do not mean to say that an Honorary Magistrate is more corrupt or a stipendiary Magistrate is less corrupt. I do not maintain that in all cases an Honorary Magistrate is necessarily inefficient and a stipendiary Magistrate is fundamentally efficient. What I intend is that when a person without receipt of any salary says "From 10 to 4 I dedicate six hours for dispensing justice and I will charge nothing," I begin to doubt his credentials. Is the man so public spirited that he is doing all this to serve the public, or is it not that the very office of an Honorary Magistrate carries with it a certain social status to which this particular gentleman is an aspirant, that it is certain places of respectability that is being given to him and as an Honorary Magistrate he wields certain influence. I think it is an argument which it will be difficult for my colleagues on the opposite to rebut. Please remember that one of the serious defects of this institution is that the Honorary Magistrate belongs to the locality. He is not a Magistrate whom you can transfer after six months, a year or two or three years. One of the necessary conditions, by implication, is that if I am not to get a penny from the State, if I give my services gratis, well, I am not going to be transferred to another district. Here is a man who belongs to the locality, who is not going to be transferred and who has local contacts: he

is bound to be influenced by local prejudices. Even though he may not be influenced, none the less, the impression in the minds of the people will be that he is likely to be influenced. Therefore, I submit that this system of Honorary Magistrates should be abolished.

In the alternative, if the suggestion I have made is not acceptable to the House, then I suggest that this clause deserves to be ameliorated in one or two aspects.

In the matter of the appointment my suggestion is that it should be after obtaining the approval of the High Court. The High Court is entitled to know whether the man you are going to appoint as an Honorary Magistrate has got any qualification for the purpose of dispensing justice. Does he know some rudiments of law, something about the law of evidence, some elementary knowledge of the Code of Criminal Procedure, or is he completely innocent of law? More often than not it has been noticed that they have an ignorance of even the elements of law, mostly the Indian Penal Code, the Code of Criminal Procedure and the Evidence Act—the three R's of law. More often than not these otherwise very estimable gentlemen are absolute ignoramuses so far as the rudiments of law are concerned. Therefore, if at all the appointment is going to be made it should be with the approval of the High Court.

I find one noticeable omission here. Although holders of judicial posts have been, very rightly, considered to be eligible for the post of Honorary Magistrates, there is one important omission. And that is that such persons who have had to their credit at least five years' practice as Advocates of a High Court, if they are willing to dedicate their services to the cause of dispensation of justice and are otherwise deemed desirable and competent, they should be included in the list of such persons who ought to be

raised to the status of an Honorary Magistrate if they are otherwise desirable. Because their experience at the Bar, their knowledge of law and of men will come in good stead. It may very well be stated that the residuary clause says "or any other person". I suggest that your magistracy, whether honorary magistracy or stipendiary magistracy, should be recruited from persons with knowledge of law and such reputable respectable lawyers as have had at least five years of experience should be included among those persons from whom the choice will be made.

This is all that I wish to submit.

Shri Pataskar (Jalgaon): I have given notice of three amendments. The first is the same as by my friend Mr. Dabhi.

Mr. Chairman: What are the numbers of the amendments?

Shri Pataskar: Nos. 16, 17 and 18. They relate to clauses 3, 4 and 6 respectively.

With respect to the amendment of my friend Shri Dabhi—I think he has already explained it—the present definition of a warrant case, which means a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months, to my mind is all right. And I do not see why the period of six months has been increased to one year. It may be said that this was done in order that a larger number of cases which are now tried, or are in future likely to be tried, as warrant cases may be tried as summons cases. But now that we are going to make the procedure itself so simple, there is hardly any reason why the criteria of the period of punishment, which have been there since the inception of this Criminal Procedure Code, should now be changed and we should try to rope in, for some purposes, trials as summons cases which are now being tried and which previous to this were tried as warrant cases. I can understand the necessity for

simplifying the procedure but can hardly understand why we should do this. I will not take more time on that.

Clause 3 provides that for sub-section (2) of section 9 of the principal Act, the following sub-section shall be substituted etc. I would not very much like to press the amendment that I have tabled, but I will briefly try to explain why I have given it. But in the next place I very strongly oppose the amendment suggested by my learned friend Shri Tek Chand. Under this clause the Sessions Judges are going to be given powers to try cases, not in the headquarters, but in places which they might select with the approval of the prosecution and the accused. And I think this is a very wholesome thing. If at all the amendment proposed by my friend Shri Tek Chand is accepted, I think it will lead to denial of justice to many poor persons, for this reason, that the trial may be held in places where, if the accused happens to be a poor person, he may not be able to get any legal help or arrange for defence and put to so many other difficulties. I can understand, in many cases it may be necessary in the interests of justice that the trial should take place, not at the headquarters where the Sessions Court is located, but in some place which may be nearer the scene of offence where the witnesses may be available or where the inspection of the site may be more easy for all concerned, including the prosecutor and the court. But taking all these facts into consideration, it is necessary that such a departure, from the point of view of the place, should be done only with the consent of the accused and the prosecution. Because it is probable that in the case of an unfortunate, poor, illiterate accused they may choose some place where he may not be able to get proper help or get his evidence. Therefore I think the present clause as it stands is the proper one and I do not think that we should accept the amendment of Shri Tek

[Shri Pataskar]

Chand. I strongly oppose that amendment. Of course he says he suggests the same in the interests of the dignity of the court. I think the dignity of the court is there and it is not going to be lost merely because the accused is to be asked for shifting the place from the headquarters to another place. I fail to understand how the dignity of the court, merely because they have to consult the accused, will be lost. On the contrary in many cases the accused himself would suggest that the trial may be held in the particular place. But the very fundamental basis of our criminal jurisprudence is that if such a departure is to be made it should be made with the consent of the accused. Therefore, I think the present clause as it stands is the proper one. I would have liked to say that such a trial, if at all it is to be held anywhere...

Shri U. M. Trivedi: May I enquire of my hon. friend whether leaving it in the hands of the prosecution and the accused will not make it impossible for the court?

Shri Pataskar: It may be that in many cases, either the prosecution will refuse or the accused will refuse. I am not so much worried about what the prosecution decides. But, so far as the accused is concerned, I can envisage a case in which unfortunately there is an illiterate accused, and for various other reasons, it is just possible that the trial may be shifted to a place where he may not be able to defend himself properly. It is not so much for the prosecution or for anybody else or for the convenience of the Judge; it must be primarily and basically to ensure confidence in the judicial administration on the part of the accused that this departure must be made. From that point of view, it is right that it should happen when the accused wants it. I have no reason to suppose that in normal cases, where it is convenient from the point of view of getting witnesses or inspection or for

any other reason to the prosecution or the Judge, it will not be convenient to the accused. In a criminal trial, where the accused is facing some serious charge in a Sessions Court, it ought never to happen that the place of trial is shifted without his consent.

Mr. Chairman: So far as inspection is concerned, I think there are other provisions allowing inspection to be made by the Sessions Judge.

Shri Pataskar: There are even now other provisions.

Dr. Katju: Even a High Court Judge can go and inspect.

Shri Pataskar: I am aware that provisions for inspection are there.

Shri Amjad Ali (Goalpara-Garo Hills): After trial; under section 539.

Shri Pataskar: Without entering into all that, the very conception of criminal jurisprudence that we have is that nine guilty persons may escape, but one innocent person should not be punished.

Shri U. M. Trivedi: But, Shri Telkikar does not agree.

Shri Pataskar: That is the point about the whole of criminal jurisprudence. It is a different matter if you want to lay down a different thing.

I think this clause as it has emerged from the Select Committee is a very salutary one and should be adhered to.

With regard to clause 4 which seeks to amend section 14 (1), I have great difference of opinion with those who have tried to improve this section which makes provision for the appointment of Honorary Magistrates. In that respect, I entirely agree with the remarks made by my hon. friend Shri Tek Chand. Apart from that, there are certain matters, in which voluntary help has to be taken with great caution, and this is one of such cases. The only argument that I have

heard so far in favour of this proposition is that if the services of retired Judges, Magistrates, Engineers, and other eminent people were available, why should this not be done. It is a question which requires some consideration.

Shri Tek Chand: Nobody is available.

Shri Pataskar: My own experience is, when a man has put in full service and has retired, there are very few people who, only from the point of view of doing social service, are likely to come forward to offer their services and work as Magistrates.

Shri Lokenath Mishra (Puri): For what else then?

Shri Pataskar: I need not go into that. You are speaking hypothetically. We can very well imagine that there are certain aspects in which this voluntary free service should as far as possible be avoided. In the former times, as I said in my speech at the consideration stage, Honorary Magistrates were appointed from some political considerations. That may not be so now.

An Hon. Member: Why not?

Shri Pataskar: On the basis of precedent, what has been found to be wrong should not be allowed to continue. I was a Member of the Bombay Assembly after the attainment of Independence. There also, the same question was considered in very great detail. Efforts were made in the beginning to appoint as Honorary Magistrates only persons who have had some experience of judicial work. After a good deal of trial, that Government, at any rate, found—I do not know what the conditions in other States are; I think they must be the same elsewhere also—that it did not work well. Therefore, they had to give up the whole thing. We have got in our State now what we call Honorary Magistrates who are only authorised to take affidavits, etc. Judicial powers as such are not given to private individuals. Some persons asked,

why not appoint some persons with experience as a lawyer. Though I have myself been a lawyer, I say that that is the last thing which should be done. After all, a lawyer is a person, if at all he has got any experience of work, who has made a living out of his profession. Why should you place this temptation in his way that because he has experience of courts, as a lawyer, he should be appointed an Honorary Magistrate? I do not say that they will not be honest. Taking human nature as it is, why should we place this temptation in their way and make them approach somebody and get themselves appointed as Honorary Magistrates.

Shri S. S. More: No temptation to become Members of Parliament.

Shri Pataskar: I would suggest that this institution of Honorary Magistrates, for the limited purpose of taking affidavits and other things that are obtaining in Bombay, may be continued. As I said, suppose a retired Judge is there, normally, he would not like to work as a Magistrate.

An Hon. Member: Why not?

Shri Pataskar: Even in former days. I have known of Benches of Magistrates where one of them who had some judicial experience was made the chief, and two or three others were appointed as his colleagues. These Benches are still functioning. My experience, at least, of their working in the early stages of my career before some of these Courts, is most unhappy. I do not know what the experience of other people is. I think, that, in the matter of administration of justice, it should be the duty of the State to spend for it. Justice must be administered through people who are independent, who have no temptations in their way, whom they can control. What control can you exercise over a retired person who has been appointed as an Honorary Magistrate? He may do anything. He cannot be controlled.

Dr. Katju: What sort of control is my hon. friend referring to?

Shri S. S. More: To hit with a bludgeon.

Shri Gadgil: Quality control?

Shri Pataskar: Suppose such a Magistrate goes wrong and the High Court finds that his work is not satisfactory. He does not stand to lose anything. In the case of a paid Magistrate, he has to do his work honestly and efficiently. Otherwise, he would not get a promotion. He may be demoted; there are so many other things. This is what I mean by control.

Dr. Katju: I am really surprised. I have all along been told that justice should be free and fair and that a Judge should have no expectation from any one. My hon. friend is referring to all sorts of expectations.

Shri Pataskar: I agree that justice should be free. Free to whom? To the accused. Not to the Government. Justice should be free to the accused. He should be given all facilities. I was a Member of the Legal Aid Committee and I still stand for that view. If an accused person is not able to defend himself and requires help, Government should give him all help so that he may have free justice. I do not think anybody has advocated that the administration of justice should become free from the point of view of Government expenditure. I would not go into all the details. I find that the institution of Honorary Magistrates, from its past history, is such that we at any rate are chary to continue it and I do not know what good effects it has. Why should we continue to have an institution which is overdue to be abolished altogether? On the contrary, free justice should be made available to the accused. Government should make it free. Government should provide free advice to the poor litigants. But, the cost of administration of justice must be borne by the Government. It cannot be thrown on the people as an honorary task. Otherwise, I think, since there are so many applicants for these jobs, probably the Government will not be able to decide whom to

appoint or not. Therefore, so far as I am concerned, I am firmly convinced that the sooner this system of honorary Magistrates goes away the better. In one State which I claim is very advanced we had tried all these experiments which are now proposed to be tried. They had to do away with this system. Under the law it is not compulsory, but they had to do away with it because their experience was so. I know that in Poona—my friend Mr. Gadgil knows—lawyers were appointed as Honorary Magistrates, retired people were appointed. Neither the work could be done well, nor...

Shri S. S. More: Some of them did well!

Shri Lokenath Mishra: Because they did well, they were stopped!

Shri S. S. More: That was the Government's mistake.

Shri Pataskar: Whatever it is, without trying to go into those cases, I would appeal to Government to put in a little more imagination, and they can surely find out that it is undesirable that justice should be made more cheap, in the sense of its being cheap for the Government.

Shri U. M. Trivedi: Mr. More said they did well for themselves.

Shri Pataskar: That is for Mr. More to say.

Shri S. S. More: I do not require any commentator.

Shri Pataskar: Then there is the other amendment.

Clause 6 reads:

"Notwithstanding anything contained in section 28 or 29, the State Government may, in consultation with the High Court, invest any District Magistrate, Presidency Magistrate..."

In this instance, the power to appoint special Magistrates in the original Code was confined only to a

few States which were not regarded as being as advanced as some of the other States in India. Now, we are going to make this applicable to all. It may be that circumstances might require that some people have to be given these special powers. I do not know why it should be extended to First Class Magistrates themselves. But, apart from that, what I mainly object to is that it says it shall be done in consultation with the High Court. It must be done with their approval. Otherwise, why is the High Court there? The High Court is an institution which has been recognised by the Constitution and they are the highest judicial authorities in the land, and they are the persons who are to judge the character and the capacity of the person concerned. It is not merely for Government to decide, because as we know, leaving aside the present times, in future Governments may change. Governments for the time being are naturally actuated by various considerations. Therefore, whether a particular person has to be invested with all the special powers must be left to the highest tribunal to be decided, because it is upon it that the task of administering justice has been thrown by the Constitution and by us. Therefore, I believe mere consultation is not enough. What might well happen is that technically the Government might write to the High Court: "We want to invest such and such a man with these powers" and it might be said that the High Court was consulted, and we would not know even if the High Court had said that that man should not be appointed. Such a man may come to be appointed if the present wording is retained. Probably it was not done deliberately, probably it is a slip of the language or something of that kind, but I am bringing it to the notice of the Government that this thing should not be there, and it should be with the approval of the High Court.

Then, it is likely to create another complication if the wording stands as

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it is. For instance, now in some States as in the State of Bombay, there is almost complete separation of judicial executive functions, and the judicial Magistrates are, all of them, under the control of the High Court. Their transfers, their promotion, their work are all being judged, and everything is now being done by the High Court. Now, supposing this question is there, then Government might appoint some Magistrate, or invest him with these powers, whose work can only be judged under these conditions by the High Court itself. That such a person should be given these powers merely on consulting the High Court is not proper.

Therefore, I believe, from every point of view it may be, either as I have said, with the approval of the High Court, or it may be with their concurrence or whatever may be the wording. I do not quarrel with words, but what must be done is that it should not be merely a consultation, because consultation may mean anything and will produce no useful results.

These are some of the few suggestions which I have made, and I hope that even at this late stage the Government will try to abolish this institution of Honorary Magistrates.

After all, what is the amount that is likely to be saved? We should create confidence in the public that we are administering justice irrespective of the regard for cost. I think this should be done. Therefore, I will press for the deletion of section 14 of the Criminal Procedure Code.

Shri Bogawat (Ahmednagar—South): May I speak? I have given an amendment on the clause.

Mr. Chairman: Many amendments have been given by many Members.

The following are the Nos. of the amendments which the Members desire to move to this group of clauses:

Clause 2—339, 340, 167, 35, 15, 36, 168, 341.

[Mr. Chairman]

Clause 2A—169, 170.

Clause 3—171, 172, 274, 97, 16, 38,
173, 345, 346.

Clause 3A—174, 175, 176, 177.

Clause 4—17, 178, 343, 349.

Clause 4A—40.

Clause 6—182, 18, 184, 280, 185.

Clause 7—43, 186, 45.

Clause 8—46, 187, 188, 189, 98, 190,
191.

Clause 9—48, 192.

Clause 11—283, 416.

Clause 13—193.

Clause 13A—284.

Clause 2

Shri R. D. Misra (Bulandshahr
Distt.): I beg to move:

In page 2, for clause 2, substitute:

"2. Amendment of section 4,
Act V of 1898.—In section 4 of
the principal Act, clauses (v)
and (w) of sub-section (1) shall
be omitted."

Pandit Thakur Das Bhargava: I beg
to move:

In page 2, for clause 2, substitute:

"2. Amendment of section 4,
Act V of 1898.—In section 4 of
the principal Act, in clause (w)
of sub-section (1), for the words
'six months' the words 'three
months' shall be substituted."

Shri S. S. More: I beg to move:

In page 2, line 7, after "principal
Act" insert "in clause (r) of sub-
section (1), the words brackets and
figure 'and' (2) any other person
appointed with the permission of the
Court to act in such proceeding' shall
be omitted and".

Shri M. L. Agrawal (Pilibhit Distt.
cum Bareilly Distt.—East): I beg to
move:

In page 2, line 9, omit "imprison-
ment for life or"

Shri Dabhi: I beg to move:

In page 2, line 10, for "one year"
substitute "six months".

Shri C. R. Chowdary (Narasaraopet): I beg to move:

In page 2, line 10, for "one year"
substitute "six months".

Shri A. K. Gopalan (Cannanore): I
beg to move:

In page 2, line 10, for "one year"
substitute "three months".

Shri Sadhan Gupta (Calcutta—
South—East): I beg to move:

In page 2, line 10, for "one year"
substitute "three months".

New Clause 2A

Shri S. S. More: I beg to move:

(1) In page 2, after line 10, insert:

"2A. Substitution of new
section for section 6 in Act V of
1898.—For section 6 of the principal
Act, the following section
shall be substituted, namely:

'6. The Criminal Courts in
India shall be of the following
categories, namely:—

I. The High Courts

II. Courts of Sessions.

III. Courts of District Magistrates

IV. Magistrates of the Senior
Division

V. Magistrates of the Junior
Division."

(2) In page 2, after line 10, insert:

"Omission of sub-heading C of
Chapter II of Act V of 1898.—
Sub-heading C of Chapter II of
the principal Act shall be omit-
ted."

Clause 3

Shri S. S. More: I beg to move:

(1) In page 2, line 11, before the words "For sub-section" insert:

"(a) In section 9 of the principal Act, for the words "State Government" wherever they occur the words 'High Court' shall be substituted; and (b)."

(2) In page 2, line 14, for "State Government" substitute "High Court".

Shri R. D. Misra: I beg to move:

In page 2, lines 16 to 22, for "if in any particular case, the Court of Session is of opinion that it will tend to the general convenience of the parties and witnesses to hold its sitting at any other place in the sessions division, it may, with the consent of the prosecution and the accused, sit at that place for the disposal of the case or the examination of any witness or witnesses therein," substitute "until such order is made, the Court of Session shall hold its sittings as heretofore."

Pandit Thakur Das Bhargava: I beg to move:

In page 2, line 18, after "witnesses" insert:

"or for any other reason".

Shri Pataskar: I beg to move:

In page 2, line 19, for "place" substitute "Taluka or Tehsil".

Shri M. L. Agrawal: I beg to move:

In page 2, lines 19 and 20, omit "with the consent of the prosecution and the accused".

Shri Tek Chand: I beg to move:

In page 2, lines 19 and 20, omit "with the consent of the prosecution and the accused".

Shri Sadhan Gupta: I beg to move:

In page 2, lines 19 and 20, for "with the consent of the prosecution and the accused" substitute "with the consent of the accused".

Shri U. S. Dube (Basti Distt.—North): I beg to move:

In page 2, line 22, add at the end:

"But until such order is made, the Court of Sessions shall hold its sittings as heretofore."

New Clause 3A

Shri S. S. More: I beg to move:

(1) In page 2, after line 22, insert:

3A. Amendment of section 10, Act V of 1898.—In section 10 of the principal Act, for the words 'State Government' wherever they occur the words 'High Court' shall be substituted."

(2) In page 2, after line 22, insert:

"3A. Amendment of section 11, Act V of 1898.—In section 11 of the principal Act, for the words 'State Governments' the words 'High Court' shall be substituted".

(3) In page 2, after line 22, insert:

"3A. Amendment of section 12, Act V of 1898.—In section 12 of the principal Act, for the words 'State Government' wherever they occur the words 'High Court' shall be substituted."

(4) In page 2, after line 22, insert:

"3A. Amendment of section 13, Act V of 1898.—In section 13 of the principal Act, for the words 'State Government' wherever they occur the words 'High Court' shall be substituted".

[Shri S. S. More]

Clause 4

Shri Pataskar: I beg to move:

In page 2, for clause 4 substitute:

"4. Omission of section 14, Act V of 1898.—Section 14 of the principal Act shall be omitted."

Shri Tek Chand: I beg to move:

In page 2, for clause 4 substitute:

"4. Amendment of section 14, Act V of 1898.—For sub-section (1) of section 14 of the principal Act, the following sub-section shall be substituted:—

'(1) The State Government, after obtaining the approval of the High Court, may confer upon any person, who holds or has held any judicial post under the Union or a State, or has for at least five years been an advocate of a High Court specified in the First Schedule of the Constitution of India, all or any of the powers conferred or conferable by or under this Code on a Magistrate of the first, second or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally or in any local area outside the presidency—towns."

Shri Amjad Ali: I beg to move:

In page 2, line 24, after the words "principal Act", insert:

"(a) after the words 'State Government' the words 'after consulting the High Court' shall be inserted; and (b)."

Shri Sadhan Gupta: I beg to move:

In page 2, lines 26 and 27, for "in consultation with the High Court" substitute "in accordance with the opinion of the High Court".

New Clause 4A

Shri R. D. Misra: I beg to move:

In page 2, after line 28, insert:

"4A. Omission of sections 18, 19, 20 and 21, Act V of 1898.—Sections 18, 19, 20 and 21 of the principal Act shall be omitted."

Clause 6

Shri A. K. Gopalan: I beg to move:

In page 2, for clause 6, substitute:

"6. Omission of section 30 in Act V of 1898.—Section 30 of the principal Act shall be omitted."

Shri Pataskar: I beg to move:

In page 2, lines 37 and 38, for "in consultation with" substitute: "with the approval of".

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

In page 2,

(i) lines 39 to 41. omit:

"who has, for not less than ten years exercised as a Magistrate powers not inferior to those of a Magistrate of the first class"; and

(ii) after line 44, add:

"Provided that no District Magistrate, Presidency Magistrate or Magistrate of the first class shall be invested with such powers unless he has, for not less than ten years, exercised as a Magistrate powers not inferior to those of a Magistrate of the first class."

Shri Amjad Ali: I beg to move:

In page 2,

(i) lines 39 to 41, omit:

"who has, for not less than ten years exercised as a Magistrate powers not inferior to those of a Magistrate of the first class"; and

(ii) after line 44, add:

"Provided that no District Magistrate, Presidency Magistrate or Magistrate of the first class shall be invested with such powers unless he has, for not less than ten years, exercised as a Magistrate powers not inferior to those of a Magistrate of the first class."

Shri A. K. Gopalan: I beg to move:

In age 2, line 44, for "seven years" substitute "five years".

Clause 7

Shri M. L. Agrawal: I beg to move:

In page 2, line 48, omit "of imprisonment for life or".

Shri A. K. Gopalan: I beg to move:

In page 2, lines 48 and 49, for "of imprisonment for life or of imprisonment for a term exceeding ten years" substitute "imprisonment for term exceeding seven years".

Shri M. L. Agrawal: I beg to move:

In page 2,

(i) line 46, after "principal Act", insert "(a)"; and

(ii) after line 49, add:

"(b) to sub-section (3) the following proviso shall be added, namely:

'Provided that no Assistant Sessions Judge who has not worked as an Assistant Sessions Judge for four years shall pass a sentence of imprisonment exceeding seven years.'

Clause 8

Shri R. D. Misra: I beg to move:

In page 3, for lines 3 to 8, substitute:-

"(i) in clause (a) for the words 'two years' the words 'three years' and for the words 'one thousand' the words 'two thousand' shall be substituted;

(ii) in clause (b) for the words 'six months' the words 'one year' and for the words 'one hundred' the words 'five hundred' shall be substituted;

(iii) in clause (c) for the words 'one month' the words 'three months' and for the word 'fifty' the words 'one hundred' shall be substituted."

Shri M. L. Agrawal: I beg to move:

In page 3, for lines 3 to 6, substitute:

"(i) in clause (a),—

(a) the words 'including such solitary confinement as is authorised by law' shall be omitted;

(b) after the words 'one thousand' the words 'and five hundred' shall be inserted; and

(c) the word 'Whipping' shall be omitted;

(ii) in clause (b),—

(a) the words 'including such solitary confinement as is authorised by law' shall be omitted; and

(b) for the words 'two hundred' the words 'four hundred' shall be substituted."

Shri A. K. Gopalan: I beg to move:

(1) In page 3, line 4, for "two thousand" substitute "one thousand two hundred".

(2) In page 3, line 4, add at the end:

"and the word 'Whipping' shall be omitted."

Pandit Thakur Das Bhargava: I beg to move:

In page 3, line 6, for "five hundred" substitute "four hundred".

Shri A. K. Gopalan: I beg to move:

(1) In page 3, line 6, for "five hundred" substitute "two hundred and fifty".

(2) In page 3, lines 7 and 8, for "one hundred" substitute "seventy-five".

Clause 9

Shri M. L. Agrawal: I beg to move:

In page 3, for clause 9 substitute:

"9. Amendment of section 34, Act V of 1898.—In section 34 of the principal Act, the words 'or of transportation for a term exceeding seven years' shall be omitted."

Shri A. K. Gopalan: I beg to move:

In page 3, for clause 9 substitute:

"9. Amendment of section 34, Act V of 1898.—In section 34 of the principal Act, for the words 'seven years' the words 'three years' shall be substituted."

Clause 11

Shri R. D. Misra: I beg to move:

In page 3, for clause 11, substitute:

"11. Amendment of section 45, Act V of 1898.—In sub-section (1) of section 45 of the principal Act, clause (e) shall be omitted."

The Deputy Minister of Home Affairs (Shri Datar): I beg to move:

In page 3, line 18, after "panchayat" occurring for the first time insert "other than a judicial panchayat".

Clause 13

Shri A. K. Gopalan: I beg to move:

In page 3, for clause 13, substitute:

"13. Amendment of section 47, Act V of 1898.—In section 47 of the principal Act, for the words 'the person residing in, or being in charge of' the words 'the person residing and being in charge of' shall be substituted."

New Clause 13A

Shri R. D. Misra: I beg to move:

In page 3, after line 25, insert:

"13A. Amendment of section 55, Act V of 1898.—In sub-section (1) of section 55 of the principal Act, clause (b) shall be omitted."

Mr. Chairman: All these amendments are before the House.

In regard to these new clauses, for instance, clause 2A etc., my view is that these cannot be allowed to be moved. I may just state here that I have gone through all the new clauses. My view is that they cannot be allowed to be moved. So I would ask the hon. Members concerned to argue if they have got anything to say regarding them.

4 P.M.

श्री आर० डी० मिश्र : मंस जर्मेन्टमें प्रेसीडेंसी मजिस्ट्रेट की कोर्ट को रिफर करता हूँ ।

सभापति महोदय : आप किस क्लॉज के बारे में फरमा रहे हैं ?

श्री आर० डी० मिश्र : ४ ए* एमेंडमेंट नम्बर ४० ।

Mr. Chairman: This relates to Presidency Magistrate's court. How does come in?

Shri R. D. Misra: Clause 81 of the Bill relates to section 406 of the principal Act and seeks to omit the first proviso thereof. Under that section appeals from the court of the Presidency Magistrate lie to the High Court.

Mr. Chairman: Is the hon. Member referring to clause 81 of the Bill as reported by the Joint Committee?

Shri R. D. Misra: Yes. It is at page 23.

Mr. Chairman: It reads like this:

"In section 406 of the principal Act, the first proviso shall be omitted."

Shri R. D. Misra: If you read section 406, you will find that it refers to Presidency Magistrates. In that section, it is laid down that appeals from the court of the Presidency Magistrate lies to the High Court. Then there is a proviso attached to it, proviso No. 1, which is also related to Presidency Magistrates. Now that proviso is being omitted by this amendment. Because there is connection with the court of the Presidency Magistrate, so those sections are also relevant. So we may decide here whether we are going to have such kinds of court in our country whose orders will be appealed against to the High Court. These sections are inter-connected.

Mr. Chairman: I understand from the hon. Member that since there is a reference in section 406 of the Criminal Procedure Code to the orders of Presidency Magistrates and that proviso is going to be omitted therefore the abolition of the court of the Presidency Magistrate is justified.

Shri R. D. Misra: Yes.

Mr. Chairman: This is too much. The only point that the hon. Speaker stated in the House was that if a particular amendment was much inter-connected with the amendments sought to be made by the Bill, then only it could be allowed. The mere fact that appeals from a particular

court goes to another court or the right of appeal is abolished, does not mean that the court should be abolished.

Shri R. D. Misra: This is your decision. I have nothing to say on that point. If it is your decision that it is not inter-connected, I would bow to your ruling.

Mr. Chairman: I do not deny that the words 'Presidency Magistrate' are used in both places. But the point at issue is whether this modification of section 406 is so connected with the amendment that an amendment of this nature, viz. the very court should be abolished, should be accepted by the House. In my humble opinion, this is not relevant.

Shri R. D. Misra: All right. Then there is another amendment, No. 284, regarding a new clause, 13A.

Mr. Chairman: The reference is to amendment of section 55.

Shri R. D. Misra: Under section 55 of the Act, power is given to a Sub-Inspector of Police to arrest a man who has no ostensible means of subsistence but who commits no offence. The persons arrested under section 109 are to be tried according to a certain procedure and that procedure is laid down in section 117 which is there in the Bill in clause 17. These three sections are inter-connected. Because we are amending the procedure of trial of persons who are arrested under section 109 and tried, the question of arrest has also to be determined here.

Mr. Chairman: Since section 55 refers to the powers of the Sub-Inspector in regard to arrest and there is no proposal on behalf of the Government in this Bill to amend section 55 at all, I would like to know from the hon. Member how he proposes to make an amendment.

Shri R. D. Misra: My point is that if a person is arrested by the police under section 55, then he is to be tried under section 109 before the court

[Shri R. D. Misra]

according to the procedure which is going to be amended now by clause 17, which relates to section 117 and that such person's right is being curtailed. Can't we discuss that portion, that these persons are not to be arrested and tried?

Mr. Chairman: Am I to understand that since this procedure in regard to enquiry of cases coming under section 109 is going to be changed, therefore, the powers of the Sub-Inspector in regard to arrest of a person will also be affected? Is that the proposition?

Shri R. D. Misra: You know better whether they are inter-connected or not.

Mr. Chairman: I should say the connection is too remote. I do not see any connection between the powers of the Sub-Inspector to arrest and the change of procedure in the matter of inquiry of the case of a person who has been arrested under section 109. I am sorry, therefore, that I cannot allow it.

Shri Amjad Ali: There is my amendment No. 280 to clause 6.

Shri N. C. Chatterjee: I had an amendment.

Mr. Chairman: Let me dispose of Mr. Amjad Ali's point. His amendment is No. 280.

Shri N. C. Chatterjee: My amendment No. is 184. I think my hon. friend's amendment practically follows my amendment. Can I say a few words now?

Mr. Chairman: Other people are also standing.

Shri N. C. Chatterjee: I will only take five minutes, or only two minutes.

Mr. Chairman: There are others who may not take even five minutes and they have been standing for a long time.

Shri Raghavachari: All the amendments that have been moved relate to a number of subjects. I would first refer to clause 2 itself. It has practically been agreed that that clause, and particularly the amendment of definition of warrant cases, will be taken up later. I do not wish to say much about it except that in trying to extend the scope of summons cases, the fact that the old warrant procedure is still retained for cases initiated by private complainants will have to be carefully considered.

The next clause in this group of clauses is clause 3. I am at one with the desire of Government that provision should be made for the Sessions Courts to hold inquiries or trials in the local places. The whole experience has been that when a witness is taken away from his surroundings, and is asked to give evidence somewhere outside, he may not speak the truth. In fact, this is a fact that requires to be considered carefully, in the matter of the dispensation of justice. We find that the witness is suffering from certain difficulties, because the trial takes place in some other atmosphere away from the locality, I feel that if a witness is to speak falsehood in his own surroundings, he will hesitate; and he will not do it as he now does while in outside surroundings. Therefore, the desire to take the Court to the particular place where the offence occurred and the witnesses live, has much to be said in its favour. But the real difficulty is, as my other hon. friends have just pointed out, the consent of the accused and the prosecution is required; and therefore, virtually it might mean that these two people will never consent, and therefore, the purpose of this amendment will be defeated. I could understand that, rather than the argument that the dignity of the Court is very much affected by its having to ask the wishes of the prosecution and the defence.

Shri Tek Chand: Not the wishes, but permission.

Shri S. S. More: Not permission, but consent.

Shri Raghavachari: The point is that I for one feel that this requirement of the consent of these two people is put down for certain reasons which were elaborated by my hon. friend Shri Pataskar. There are reasons why this cannot be enforced upon the parties, and the trial compelled to take place in any particular locality. Therefore, the desire to take the Court or the administration of justice near the locality is a principle which I feel is worthy of appreciation. But whether, in actual practice, these things will lead to the inconveniences imagined or to the benefits that are contemplated, is a matter that should be judged by experience. This clause does so; there is no compulsion. It provides that it is open to the Court to only a permissive provision saying that such a thing is possible and can be done. Therefore, I welcome that portion of the measure.

I now come to the system of Honorary Magistrates. I should think there is bound to be difference of opinion on this point. It all depends upon the mental aptitude of each individual, and his experience. If a man is very suspicious of human nature, then everything appears to be very black. If a man has confidence in human nature, it would look to him that this is a matter which is worth trying. For instance, in connection with this question of Honorary Magistrates, and Stipendiary Magistrates, we have not to forget the fact that it is not the pay that makes a man honest. It is his character that keeps him honest. It is the fear that he has of punishment sometimes that makes him not to be dishonest openly. But a dishonest man will try to be dishonest without running the risk of being caught. Therefore, this question of the Honorary Magistracy or the personnel that must be engaged to assist the judicial administration depends more upon the individual.

So far, these Honorary Magistrates were being chosen not on considerations of their qualifications at all but on other considerations mostly. What is now provided here is that they must have some judicial qualifications; other qualifications also are there, of course, as will be found provided in the Bill. I would agree with other hon. Members who said that their appointment must be with the approval of the High Court rather than in consultation with the High Court. The amendment proposed is that only the qualifications required of a person who should fill that post should be determined in consultation with or with the approval of the High Court, and not the appointment itself; the question of the appointment of the individual is left to the State. If that also could be provided for with the approval of the High Court, I for one would welcome the provision without any kind of reserve.

If you say that this power of selection must be given to the High Court, in practice, a difficulty might come. For, what is the machinery that the High Court or the District Magistrate or the local Magistrate has to recommend or report about the character, standing, stature and the integrity of a particular individual? Therefore, in the old system, they invariably gave this to the State, and through the Collector or somebody else, this thing was being done. But now when democracy has come to stay, and we want the society to participate in the institutions and assist the administration, I for one should think that these Honorary Magistrates or these kinds of agencies must be brought into existence more and more rather than be shunned as something which is not to be touched. In fact, we expect that people must not forget that when we are trying to amend a Procedure Code it is meant to be there for a number of years, and not for a particular Government or a particular party only. When democracy has come into existence, we expect that in every State, when the State exercises their power in this matter of selection, the popular representative, who is there,

[Shri Raghavachari]

namely the Law Minister, will take proper advice, when a selection has to be made from a panel of names. I, therefore, feel that the institution of Magistrates other than Stipendiary Magistrates is a thing which has to be developed, though years of previous experience make every man suspect that the system may not work properly. With that past experience, I think, when that experiment is now tried, certainly better people, more qualified, more efficient and men of greater integrity must be chosen. Then only can this system work satisfactorily. It is not a thing that should be rejected as something which should not be considered at all. In India we find that if any dispute arises, instinctively men appeal to the passer-by or somebody in the street and ask him to decide the matter. The urge in the country is not to go to a court or to a man who has got a knowledge of the law of evidence. You want all these technicalities of the Evidence Act etc. to be applied and therefore you say his personal knowledge will prejudice and he will be a corrupt fellow and he will have improper motives. In spite of our previous experience, there is no reason for us not to make this experiment. After all, it is not a thing which is going to replace our magistracy. Therefore, I think, that in so far as they have provided that the qualifications must be determined in consultation, and I would urge with the approval, of the High Court, and even in the matter of selection, the State Governments must be more cautious, then there is nothing to reject it. That is what I feel about it.

As regards investing more powers on all magistrates, my own feeling is that the language as it is in clause 6 about the requirement of ten years experience, is not happy. The language used is:

"invert any District Magistrate, Presidency Magistrate, or Magistrate of the first class who has, for not less than ten years."

exercised this power. Mr. Chatterjee has given an amendment and Mr. Amjad Ali has also given an amendment. The difficulty is this. As the language now stands, it looks to me that the words 'who has for not less than ten years' qualifies only the first class Magistrate and not the District Magistrate or the Presidency Magistrate. In fact, if a State Government wants to invest anybody with this power, without this ten years experience, then all that they have to do is to make him a Presidency Magistrate of a District Magistrate and then invest him with these powers. Therefore the requirement that he should have exercised the powers of the first class Magistrate for not less than ten years satisfactorily will not be there if you keep the language as it is. That is why our friends have given notice of these amendments. If the idea is that any Magistrate who is to be invested with these powers must have exercised the powers of a first class Magistrate for not less than ten years, then the language of this clause requires amendment.

Then, clause 7 is also for extending the powers of some Judges, from seven to ten years.

Then, there is clause 8. They want to increase certain powers. Every one of these clauses is for increasing the powers of the Magistrates, Special Magistrates etc. Even the powers of the ordinary Magistrates of the first class, second class and third class for imposing fine is being enhanced. The argument advanced is that money has lost its value at present. I say that punishment should not be changed because of a change in the values of things. Tomorrow it might increase; and then, are you going to amend the Criminal Procedure Code because things have become costlier? Basing the fines on the present valuation of things is not rather a good principle. You are increasing these fines—practically doubling them. There will be much inconvenience and difficulty experienced. I for one think that if

these powers are enhanced it will be rather risky if the separation of the judiciary and the executive is not completely effected. Then these things can be expected to be exercised moderately and with caution.

The other thing that I find here is that they want the panchayat members also to be held responsible, as persons who have to give some information under clause 11. Even under the old law it is practically a dead letter. I have not seen anybody having been proceeded against for not doing these things except when the police investigating officer has some grudge against a particular individual and will take into his head to report. He sends a report and then that individual is suspended or punished, if a Government servant. That is how things are going on. I find that thousands of panchayats are now being brought into existence in this country and it may be that many people will be exposed to this risk.

I welcome the omission sought to be made in clause 15 because such lists are not now being given under the pretext that the request has not been made. So, this amendment is good to that extent.

I would, in the end, without taking much of the time of the House, submit that the warrant cases being confined to punishment for over a year cannot be easily accepted because there is one other point in that connection. The amendments proposed have practically made all trials summons trials. I do not know whether there is any difference between a warrant case and a summons case. The distinction has all disappeared now.

Shri S. S. More: Only cases under clause 25 will be warrant cases.

Shri Raghavachari: All the material for the charge in the Sessions court is something which a police officer has collected. Even a sessions trial becomes a summons trial; warrant trials become summons trials; and the summons trials are already summons trials. There is absolutely nothing

which really indicates any difference between a summons case and a warrant case as proposed. In the case of private complaints they have provided that the old procedure continues.

Shri Gadgil: It seems that most of the amendments are to clauses 2, 3, 4 and 6, out of these 15 clauses. So far as the definition of a summons case is concerned, I think, it is on the right lines. After all, there are just 344 offences enumerated in the Indian Penal Code out of which, 76, according to the present definition, come under summons cases. New Definitions will add only 26. I think, it should be acceptable to Mr. Dabhi and this is not a matter on which one should spend the time of the House. Nor do I think any great principle is involved in this.

So far as clause 3 is concerned, the amendment moved by Mr. Tek Chand is really surprising. When the original clause was there, they said all sorts of things will happen to the prejudice of the accused if the place of the trial were to be changed. Therefore, the Select Committee was quite right in insisting that there should be the consent of the accused for the change of place. When consent of the accused is necessary, it becomes all the more necessary that the prosecution should also agree. Apart from the present provision, the Sessions Court can visit places for the purpose of local inspection and that power is already there. One has to see where truth is more likely to be spoken, whether in the grave atmosphere of the Sessions Court hall with all the paraphernalia of the police here and there or whether in the presence of that mighty *demos* in the village, where the grave dignity is already there, where the whole group of those persons who have seen or heard about the crime directly or indirectly is present. One has to see and judge where truth is more likely to be spoken. If, after taking into consideration all these facts, the general convenience of the parties and the consent both of the prosecution and the accused, the Court comes to the

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conclusion that the trial should be held at a certain place, either partly for the purpose of recording the evidence or otherwise, I think that discretion should be allowed. I think it is a progressive step. (*Interruption*). Unless you make a salutary provision about it, I think the objections that were raised during the general discussion when the reference to the Select Committee was being made in the House, will become valid. I was saying about the institution of Honorary Magistrates...

Shri Amjad Ali: To illustrate, let us take for example a deaf and dumb witness in a Sessions Court. He may be the only eye witness, and without reference to the particular place of trial, the case may not be proved. Deaf and dumb witnesses are examined under section 118 of the Evidence Act, but if without reference to the particular place, trial is no good, would he insist in that case also on the consent of the accused and the prosecution?

Shri Gadgil: The population of deaf and dumb people in this country is less than .01 per cent.

Shri S. S. More: You are an authority on that!

Shri Gadgil: Really we are legislating for normal state of affairs and not for exceptional cases. Although what my hon. member says is remotely relevant, it is not important. Therefore, I refer to the discussion on the institution of Honorary Magistrates. We are accustomed to swear by democracy, and the very idea of democracy is that people should be associated with the Government at the stage of formulating of the policy, its execution and, if it is possible, in the discharge of judicial functions also. In other countries, for instance in America, the judges are elected. I am not for that system, but if we can secure the dispensation of justice by local people who obviously know and can take a proper and balanced view of the

crime, then it is desirable. For instance, take the Bombay State which includes three regions—the Gujarati speaking region, the Marathi speaking region and the Kannada speaking region. A man coming from the northern part of Gujarat is to go to the southernmost part of the Bombay State, let us suppose. What kind of approach he can have for the particular trial that he is asked to conduct; but if it is entrusted to a local man, he will have a more balanced view; he will not under-rate or over-estimate it, and there will be a sort of confidence created in the people that here are persons who are doing not only public service but who are doing it in a popular way. I submit that simply because that certain Honorary Magistrates acted badly, it should not be generalised or be stated that the entire system is bad. We have—at least myself and Mr. More—have plenty of experience of appearing before Honorary Magistrates, and I agree with him when he said that some of them were very good. The whole trouble is that the choice is not made in a perfect way. Undoubtedly some political consideration is attached to it. If it is a question of removing this evil, we can consider the method or machinery of appointment...

Shri S. S. More: Would you accept appointment by High Courts?

Shri Gadgil: That is not the present point. The whole question should be discussed separately—whether the appointment should be by the executive of the day or whether there should be some screening agency between actual appointments and proposals made—but the point I am making and which I think is very much appreciated by the House is that it is wrong to condemn the entire system of Honorary Magistrates, and, therefore, I am of the view that in a democratic country like ours, we should have more Honorary Magistrates, and if justice is made cheaper, it reflects in the burden of taxation the country will have to pay.

Another point that was made about the investing of certain Magistrates with special powers. In the good old days there was a distinction of regulated provinces and non-regulated provinces. Now, that distinction is gone and all the constituent States are today on par so far as these powers are concerned. That is the very reason why one should reconsider the whole thing, and in the interest of speediness of justice, it is for us to consider whether what was found to be very useful in the good old days would not be useful in the present circumstances. I think that is the idea behind this particular clause—clause 6. It has been suggested that it should be done with the approval of the High Court. I agree that the High Court is the institution in which people have ample faith. All that is good, but how many functions should be loaded on the High Court Judges? Is it seriously suggested that even this particular matter should go to the High Court? Should even the appointment of Honorary Magistrates be made with the approval of the High Court? What is proposed in clause 4 is that the qualifications should be laid down in consultation with the High Court, and when that is done, when the general policy is laid down, its implementation must necessarily rest with the executive of the day. So far as the investment of special powers is concerned, I think this way. After all, who is to judge whether a particular region has developed very recently extraordinary criminal tendencies? The statistics of crimes and the relevant data are collected by the executive, and it is in a better position to say that in this particular region a particular Magistrate—not by name but by his office—should be invested with additional powers. That *prima facie* judgment of the executive ought to prevail, but a safeguard has been introduced as a result of opposite viewpoints that were pressed while the matter was under general discussion here and also in the Select Committee. Therefore, the formula “in consultation with the High Court” is the right formula. If you say that in

every case it should receive the approval, then if the High Court Judges are careless, they will merely see the list and okay it, but that is not the object. If the High Court Judges are trustful of the executive of the day and if they find that the reports made about the particular area being a little more criminal in the recent time, they will naturally agree with it. I can say with some authority that the recommendations of the High Court in such matters are normally accepted by the executive of the day.

Shri S. S. More: Where is the guarantee?

Shri Gadgil: It is only very rarely and in circumstances where there is full justification for the executive that they very respectfully differ from the recommendations of the High Court. In the circumstances, I think what is stated in clause 6 is correct. I understand there is an amendment by Mr. Chatterjee just for the exclusion of ‘District Magistrate’. All I can say is that it is worth consideration.

Shri Bogawat: I have given my amendment to clause 3 to the effect that the consent of both the prosecution and the accused should not be there. My reason is this, namely, that the object of the clause is that there should be proper justice. If the Court holds an enquiry at a place wherein the witnesses are available and the place is convenient to all witnesses of the prosecution and the accused, it is but natural—and society also tells us—that when the evidence is taken at the spot, it is very difficult for witnesses to tell lies and they cannot be induced because all the people are close by and they are listening to the evidence of the witness before the Court. With this point of view, it is very necessary that the trial should be at a place near about the place where the offence took place. Moreover, the place where the offence took place can be seen very well and it is our experience that much more impression can be created on account of seeing the site. If this clause “with

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the consent of the prosecution and the accused" is put there, naturally the prosecution may give the consent, but it is very difficult for the accused to give the consent because the accused does not want the whole evidence and may try to avoid it, and we have the experience that it is the side of the accused which tries to induce the evidence of the prosecution and see that true evidence is not coming forth. In order to avoid this it is quite necessary that the consent of the accused may not be taken. Some hon. Members have suggested that in order to see that no injustice is done to the accused, his consent should be taken. By changing the place can there be any injustice to the accused? On the contrary the accused can bring in more evidence if his case is good.

Shri S. S. More: What about his advocate?

Shri Bogawat: We need not be bothered very much about the advocates. The advocates would go there to help the accused. It is not very difficult for an advocate to go to a place which is only about 20, 30, or 40 miles away from the district headquarters. So my hon. friend should not worry very much on that score.

Shri Altekar (North Satara): Can the advocate of the choice of the accused go there?

Shri Bogawat: Does the hon. Member mean to suggest that an advocate would charge less at the headquarters than at the place where he has to go? Normally an advocate charges more at the headquarters. So, I do not think the accused would have to incur more charges on that score. In fact, in deserving cases many young and energetic advocates would be coming forward to help the accused and they are not likely to charge as much as older people who may have a wide practice. My opinion is that invariably it is the older advocates who charge more, who want to screw

out money from the accused, and do not want to undertake cases unless they are paid heavily. That is the idea of the old advocates. Even now they have not given up the practice of screwing out money from the accused and do not want to help our countrymen. Mr. More should have this idea that if the place of trial is changed from the district headquarters to the place of the offence, advocates should charge less, and be helpful to the accused.

I now come to the much-debated question of the system of Honorary Magistrates. My personal experience is that Honorary Magistrates with legal experience have been very much helpful and have compromised hundreds of cases, and the parties to the dispute have been put to little expenses. That at any rate has been my experience. I do not know whether my hon. friend Shri More's experience has been different. But I would like to emphasise the fact that persons appointed as Honorary Magistrates must have some knowledge of law and I do not see any reason why more and more of the retired persons, persons experienced in law should not come forward and volunteer their services. This will be a boon to the parties. Paid Magistrates are generally not in favour of compromises, because they do not know the people of the locality. The Honorary Magistrates being persons of the locality know the parties better, they know the offences better.

Shri S. S. More: Does the hon. Member mean to say that Honorary Magistrates know all offences?

Shri Bogawat: Not all offences.

I, therefore, consider that the system or institution of Honorary Magistrates is very essential for dispensation of cheap justice: provided persons with knowledge of law are chosen for the job.

I now come to clause 6. Much is made of the words "in consultation

with the High Court". We can understand Magistrates who have much experience and who have put in several years' service being entrusted with powers. But if inexperienced Magistrates are to be invested with more powers, so that there may be speedy justice, it is but natural that the executive should consult the High Court. We should not neglect our High Courts. In this connection I may tell the House that in my State,—Bombay, there is complete separation of judiciary and the executive. You know what is the effect. In certain cases, where a Superintendent of Police, or District Magistrate has given his consent to withdraw a case in the public interest, the Magistrates have refused sanction. This is the result of the separation of the judiciary from the executive. In such cases it is but natural that the High Courts should be consulted. It is not necessary that there must be approval of the High Court and the executive is not bound by it. If the Magistrate is quite competent, or has put in several years, it is natural for the Government to appoint such Magistrates to try such offences.

Mr. Chairman: This refers only to making of rules about qualifications.

Shri Bogawat: Shri Raghavachari said something about money having no value. But if there is a heavy fine people are still afraid. If it is only a fine of Rs. 5, or Rs. 10, they say *de do, das rupaye hai*. This is the attitude of the accused, in some cases, not in all the cases. If they are fined Rs. 500 then they are afraid. So, we should not think that money has no value. What is mentioned in clause 8 is quite correct that up to a limit power should be given to Second and Third Class Magistrates, beyond that it should go to First Class Magistrates. What is suggested by the Select Committee is quite correct.

Shri N. C. Chatterjee: I have strongly criticised the Report of the Joint Select Committee.

Shri Datar: Government are going to accept the hon. Member's amendment No. 184.

Shri S. S. More: Is it an attempt to bribe?

Dr. Katju: I take it that the hon. Member, Mr. Chatterjee, wants that the District Magistrates also should have ten years' experience.

Shri Amjad Ali: And also the Presidency Magistrates.

Mr. Chairman: But does not the present wording convey that meaning?

Shri N. C. Chatterjee: The language is very unhappy, with all respect to the draftsmen.

Dr. Katju: It will be put beyond doubt.

Shri S. S. More: It should come like a proviso.

Dr. Katju: I shall see to it that it is done.

Shri N. C. Chatterjee: I have criticised some of the recommendations in the Report of the Select Committee strongly. I do agree with Mr. Gadgil that what the Select Committee has done in regard to clause 3 is a distinct improvement. First of all, it is quite clear that it would be very difficult for an accused to obtain competent legal assistance if the trial takes place at a place 25 or 30 miles away from the headquarters. My friend who was the last speaker has great experience of Honorary Magistrates and some Sessions Judges and he has great faith in legal adolescence. But will any accused have any faith in any lawyer of standing or with any experience who will accept practically nominal fees to go to a place twenty-five miles away from the headquarters? It is a shocking statement. We wish it were possible. But looking at realities, having regard to our experience, it is impossible to expect that any lawyer of any position or with any sense of responsibility will

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be available to the accused for putting up a proper defence at any place, say, thirty or forty miles away from the seat of the district headquarters.

Shri S. S. More: He can secure more work for his juniors.

Shri N. C. Chatterjee: Of course it will be a good thing, having regard to the unemployment in the profession, that some junior members will get some work. But we should not look at it from that point of view. I think the Joint Committee has rightly pointed out that it will not be fair to the accused to make a change of the venue and it would be desirable that the consent of both the accused and the prosecution should be taken for that. I cannot understand what is the objection in asking for the consent of the prosecution and the accused. I think it will be absolutely unfair to the defence to say you can transfer a case to another place without the consent of the accused. That would be most unfair. And I am surprised to find serious arguments being advanced that that will help the defence and not deter the defence in putting up a proper defence at the trial.

It is also clear that there is no question of any insult or affront to the dignity of the Court of Session. I understand a point has been made by my hon. friend Shri Tek Chand that it will be derogatory to the dignity of the Court of Session. Look at the section as drafted by the Joint Committee. The Joint Committee is saying that it would be better if the change in the venue of trial is left to the discretion of the Sessions Judge, depending on the convenience of parties and witnesses. Therefore they are not taking away the discretion of the Judge. It is his decision which will be final. There is nothing objectionable in what they have suggested and you should accept that amendment.

Shri Tek Chand: This is most surprising. How is the Sessions Judge's decision going to be final when he has to obtain the consent of both the parties?

Shri N. C. Chatterjee: That consent is not final, is not binding, is not mandatory on the court. Even after the consent is given by the parties, the Sessions Judge shall have the discretion still to say whether in the interests of justice he would send it to another place or not. If it had been put down that he must as a matter of course follow in every case the consent of the parties, it would have been a different thing; you can say in that case that it is an affront or a wanton derogation of the dignity of the court. But that is not the point.

As regards Honorary Magistrates my friend Shri Bogawat said that his experience has been very favourable. But our experience in Bengal has been different. Really it will be the machinery for executive nepotism of the worst possible type. When an Honorary Magistrate dies, his son would solemnly put in an application "my father having died, the family is starving, kindly give me the honorary magistrateship".

Dr. Katju: When was it? Forty years ago.

Shri N. C. Chatterjee: I want that non-official agencies should be fully utilised in administering justice. In a country like England you know that a good many of the Justices of the Peace are Honorary Magistrates and they are doing first class judicial work. About three-fourths of judicial work on the criminal side in England and other countries is done by Honorary Magistrates. We have retired Judges. An ex-Chief Justice of the Calcutta High Court was acting as a Justice of the Peace in some areas. I know that Justice Edgley, one of the seniormost Judges of the Calcutta High Court, was acting as a Justice of the Peace. These people should come forward. We should lay

down certain criteria, we should remove them from executive influence, we should prescribe certain standards, certain qualifications, and give chances to people. And let the hon. the Home Minister stand up and say 'we will not make it any more a matter of nepotism or the District Magistrate's jobbery'. Shri Gadgil admitted that political influences are brought to bear upon such appointments. That should be eliminated. Our object is to have speedy justice, and social justice. It is desirable, and it is the duty of all citizens in the new set-up to come forward and help the State in securing speedy justice and also cheap administration of justice and in eliminating law's delays which are a perfect disgrace, in many parts of India. And we should appeal to all self-respecting citizens that in the new set-up they should come forward—provided there is no question of executive influence, provided they are made to function under High Courts and under honourable conditions—that they should come forward and render service to the State as other countries' lawyers, *ex-Judges*, *ex-Magistrates* are rendering to their States.

Shri Gadgil: They prefer to be Members of Parliament!

Shri N. C. Chatterjee: That is a humble service we are rendering. But

I take it that if you ask anybody to act as a Presidency Magistrate or some kind of Magistrate with first class powers he will come forward and do it. I do not think public spirit is lacking so much in India. But do not call them Honorary Magistrates; do not put them under District Magistrates; and do not make them engines of local nepotism or jobbery.

TEA (SECOND AMENDMENT) BILL

The Minister of Commerce (Shri Karmarkar): Sir, on behalf of Shri T. T. Krishnamachari, I beg to move for leave to introduce a Bill further to amend the Tea Act, 1953.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Tea Act, 1953."

The motion was adopted.

Shri Karmarkar: I introduce* the Bill.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 25th November, 1954.

*Introduced with the recommendation of the President.

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