

Friday,  
26th November, 1954

# LOK SABHA DEBATES

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EIGHTH SESSION, 1954

LOK SABHA SECRETARIAT  
NEW DELHI

# LOK SABHA DEBATES

## (Part I—Questions and Answers)

Date: 02.12.2014

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### LOK SABHA

Friday, 26th November, 1954

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### MICA

\*398. **Sardar Hukam Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the report of the Sub-Committee constituted for examining the proposal for setting up an export organisation for mica, has been received and considered by Government; and

(b) if so, the decision taken on its recommendation?

**The Minister of Commerce (Shri Karmarkar):** (a) and (b). The Mica Advisory Committee, at its meeting on 22nd August, 1953 set up a sub-committee to examine the proposal. The Sub-Committee recommended the formation of an organisation called "The Mica Marketing and Export Corporation Ltd.". The scheme envisaged that all the mica produced in India should be exported only through this Corporation. The Mica Advisory Committee at its meeting held on 21st February, 1954, did not agree with the views of the Sub-Committee and no definite recommendation was, therefore, made to Government.

The Government, however, are considering the formation of an Export Promotion Council for mica.

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**Shri Ramachandra Reddi:** May I know whether any steps have been taken to see that the undisposed of mica stocks are disposed of both here and in London?

**Shri Karmarkar:** My hon. friend will appreciate that only a general attempt could be made. This Export Promotion Council we are hoping will be a good step in that direction.

**Pandit D. N. Tiwary:** May I know how many mica mines went off production in Bihar during the last one year?

**Shri Karmarkar:** I should like to have notice of that question.

**Shri Nageshwar Prasad Sinha:** May we know something about the proposed Export Promotion Council to which the hon. Minister just now referred? What will it be like? Will it be controlled by Government, or will it be composed of mica experts?

**Shri Karmarkar:** It will be on the lines already chalked out in the case, say of the Textile Promotion Council. It will include the principal interests concerned and the exporters of mica and Government will be there to assist them.

#### MANUFACTURE OF DYES

\*400. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to refer to item (ii) of Para 39 at page 160 of the Progress Report of the Five Year Plan for 1953-54 and state:

(a) whether the manufacture of dyes is to be undertaken by the firms referred to in the Report individually



or in collaboration with foreign concerns; and

(b) if it is to be undertaken in collaboration whether Government will place on the Table of the House a copy of the agreements on the Foreign-Indian Partnerships?

**The Deputy Minister of Commerce and Industry (Shri Kanungo):** (a) Messrs. Indian Dyestuff Industries Ltd., propose to manufacture dyestuffs on their own. Messrs. Amritlal and Co. Ltd., and the I.C.I./Atul Combine propose to manufacture in collaboration with foreign firms.

(b) It will not be fair to the firms concerned to divulge the details of their agreements.

**Shri V. P. Nayar:** Could I at least know what is the likely proportion of foreign capital in this undertaking of collaboration?

**Shri Kanungo:** In one case it is 10 per cent. only.

**Shri V. P. Nayar:** 10 per cent. of the capital?

**Shri Kanungo:** Yes.

**Shri V. P. Nayar:** Could I know whether any profit has been fixed on the foreign capital to be invested here?

**Shri Kanungo:** No.

**Shri V. P. Nayar:** Could I also know whether any target of production and specification of the goods to be produced has been given to the firm?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** Specification of the goods that are likely to be produced is contained in the application that they make for a licence. Beyond that we can say nothing more, because these firms have not gone into production.

**Shri V. P. Nayar:** Am I to take it that all articles which the firms would produce will be accepted like that, or that Government have necessary powers to give orders for specific requirements according to the requirements of national economy?

**Shri T. T. Krishnamachari:** The latter part of the presumption of the hon. Member is correct.

**Shri S. C. Samanta:** May I know whether Government have knowledge of the dyes that are being used by the adibasies and which are very permanent?

**Shri T. T. Krishnamachari:** I take the information from the hon. Member.

#### BURMA LAND NATIONALISATION (AMENDMENT) ACT

\*401. **Shri Krishnacharya Joshi:** Will the Prime Minister be pleased to refer to the reply to starred question No. 680 asked on the 8th September, 1954 and state:

(a) how far the Burma Land Nationalisation (Amendment) Act has affected the Indian landholders there;

(b) whether any representation was made by the Government of India to safeguard the interests of the Indians there; and

(c) if so, the outcome of the representation?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) The Indian landholders assessed the market value of their lands at about Rs. 70 crores. Under the Burma Land Nationalisation (Amendment) Act, 1954, they expect to receive about rupees one crore.

(b) and (c). As the rate of compensation payable under the Burma Land Nationalisation Act was considered inadequate, the Government of India, in December, 1953, sent a delegation to Burma to discuss this question with the Burmese authorities. The Government of Burma, however, did not see their way to increase the rate of compensation.

**Shri Krishnacharya Joshi:** May I know the total acreage of land held by Indians and the total acreage that has been nationalised so far?

**Shri Anil K. Chanda:** As far as our information goes, the land in Indian

hands is about 2 million acres. The Burmese Government have recently published a report about their nationalisation scheme and it seems that out of 49 districts of the country the Act has been put into operation and 1,25,600 acres have been nationalised.

**Shri Krishnacharya Joshi:** What is the scale of compensation payable to Indians?

**Shri Anil K. Chanda:** It is a sliding scale, beginning from 12 times the land revenue for the first 100 acres to twice the land revenue for the eleventh hundred acres and thereafter equal to the annual land revenue for each additional acreage.

**Shri Achuthan:** Apart from Indians, may I know the landholders of which other foreign countries have been affected by this nationalisation?

**Shri Anil K. Chanda:** It is a general law and there is no discrimination against Indian landholders as such.

#### PORTUGUESE POSSESSIONS IN INDIA

\*402. **Pandit D. N. Tiwary:** Will the Prime Minister be pleased to state:

(a) whether any protest has been lodged with the Portuguese authorities against the assault on Indian visitors while staying in Portuguese territories in India;

(b) if so, the reply, if any, received so far; and

(c) what other measures Government propose to take in the matter?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Yes.

(b) The Portuguese have generally denied these charges.

(c) Government have taken no special steps in this particular matter as this is part of the wider problem, but are pursuing the other steps they have taken with a view to a settlement of the Goa problem.

**Pandit D. N. Tiwary:** May I know whether Government have any idea as to how many visitors were assaulted and ill-treated?

**Shri Anil K. Chanda:** A number of Indians have been put into prison in Goa, but I am not sure how many of them were visitors.

**Pandit D. N. Tiwary:** How many of them were assaulted?

**Shri Anil K. Chanda:** There are several cases brought to our notice, but I do not have the exact number.

**Pandit D. N. Tiwary:** May I know whether Government are aware that the Portuguese Government are stopping the coming of Goans to Indian territories?

**Shri Anil K. Chanda:** As a matter of fact, we do not allow them to come to our territory without a permit given by our Consulate there.

संत गोविन्द दास: माननीय मंत्री जी ने अभी यह कहा कि इस सम्बन्ध में भारतीय सरकार ने पोर्तुगीज सरकार को इस लिए नहीं लिखा है कि वे इस प्रश्न को व्यापक दृष्टि से देखना चाहते हैं। मैं यह जानना चाहता हूँ कि जहाँ तक गोआ और पुर्तगाल के दूसरे स्थानों का सम्बन्ध है वहाँ तक अब स्थिति क्या है? क्या कोई समझौते की आशा है कि वे स्थान भारत को समझौते से दे दिये जाएंगे जिस तरह से पांडीचेरी और दूसरे फ्रांसीसी स्थानों का हुआ?

**Shri Anil K. Chanda:** Hon. Members of this House are aware of the views of Government in this matter. The Prime Minister has spoken several times in this House on this. But I am afraid it till now there has been no change so far as the Portuguese attitude is concerned.

#### COAL

\*404. **Shri Nageshwar Prasad Sinha:** Will the Minister of Production be pleased to refer to the reply to starred question No. 831 asked on the 13th September, 1954 and state:

(a) whether the Committee appointed recently by Government to investigate into the causes of the fall in coal

export has since completed its work; and

(b) if so, what are its main recommendations?

**The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey):** (a) No.

(b) Does not arise.

**Shri Amjad Ali:** May I know how far the shortage of wagons was responsible for the fall in exports of coal?

**Shri R. G. Dubey:** I do not think that affects export of coal to any appreciable extent.

#### RESIDENTIAL FLATS FOR M. Ps.

**\*406. Shri Dabhi:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether a sufficient number of residential flats and bungalows are available now for Members of Parliament;

(b) if not, whether Government propose to construct, in the near future, more flats for them; and

(c) if the answer to part (b) above be in the affirmative, the number of the flats and the sites where they are proposed to be constructed?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Yes, Sir.

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

**Shri Dabhi:** May I know whether there are any M.Ps' bungalows or flats which are allotted to non-M.Ps., and if so, the reasons therefor?

**Sardar Swaran Singh:** So far as the bungalows are concerned, none of the bungalows earmarked for the M.Ps. have been allotted to non-M.Ps. It is the other way round: some of the bungalows which were in the general pool have been allotted to certain M.Ps. So far as the flats are concerned, when there is no sufficient demand, then some of them are temporarily allotted to non-M.Ps.

**Shri Dabhi:** May I know the names of the non-M.Ps. to whom these flats are allotted, and the reasons therefor?

**Mr. Speaker:** Does he want the names?

**Shri Dabhi:** Yes; the names and the designation of the persons to whom these flats have been allotted.

**Mr. Speaker:** It may be a long list perhaps. Any other question?

**संजय गोविन्द वास:** अभी माननीय मंत्री ने कहा कि अब यथेष्ट फ्लैट्स बन गए हैं तो फिर ऐसी हालत में एक एक बंगले में एक से अधिक सदस्यों को क्यों रक्खा जा रहा है यदि काफी फ्लैट्स तैयार हो गए हैं?

**सरदार स्वर्ण सिंह:** उन एम० पी० साहबान में बहुत से ऐसे हैं जिनकी ऐसी मरजी है।

**Shri Ramachandra Reddi:** May I know whether some of the flats allotted for Members have not been occupied by themselves?

**Sardar Swaran Singh:** I am not the best judge for it. If any of the Members has got any such information, I shall be glad to know such information.

#### HINDUSTAN MACHINE TOOLS LTD.

**\*407. Ch. Raghubir Singh:** Will the Minister of Production be pleased to state:

(a) whether it is a fact that the production of tools has started in the Hindustan Machine Tools, Limited, Jalahalli;

(b) if so, what kinds of tools are being manufactured in this factory; and

(c) what is the cost of the establishment of this factory?

**The Minister of Production (Shri K. C. Reddy):** (a) and (b). Taken production of component parts of  $8\frac{1}{2}$ " centre high speed lathe and assembly

of the same of kind of lathes from imported component parts have commenced from October, 1954.

(c) The expenditure so far incurred is Rs. 2.47 crores and the total anticipated expenditure for the first phase of the Project, i.e. upto the end of the financial year 1955-56 is Rs. 4 crores including working capital.

**Ch. Raghubir Singh:** May I know the total strength of the employees in this factory?

**Shri K. C. Reddy:** I cannot give the total strength exactly; but I think the complement of people who are working there now is about 200 or 300. I have not got the exact figures now.

**Shri V. P. Nayar:** May I know the annual expenses on the establishment charges on salaries and other allowances to the staff and could I also know what proportion of that expense goes to the foreign technicians employed?

**Shri K. C. Reddy:** I would like to have notice to answer that question.

**Pandit D. N. Tiwary:** May I know how the price of tools produced from this factory compare to that of foreign tools which are cheaper?

**Shri K. C. Reddy:** It is a very difficult question to answer—at the point of time when we produce the particular tools in our own factory, it is difficult to say what the cost of the imported product will be at that point of time. It is too general a question to be answered specifically.

**Pandit D. N. Tiwary:** What does it cost to the consumer? May I know whether it costs more to the consumer?

**Shri K. C. Reddy:** Cost does not come in, because the actual production has not yet started.

**Shri B. Das:** Is it a fact that this factory is at present concentrating only on the manufacture of one type of lathe and nothing else?

**Shri K. C. Reddy:** That is true.

**Shri Ramachandra Reddi:** May I know whether the foreign experts are on contract basis and for how long the contract will continue?

**Shri K. C. Reddy:** They are employed on contract basis for varying periods of time. The period differs from person to person.

**Shri T. S. A. Chettiar:** I understood the Minister to say that certain parts of the machine tools are manufactured there. How do they compare with the available imported parts?

**Shri K. C. Reddy:** In quality or in price?

**Shri T. S. A. Chettiar:** In price.

**Shri K. C. Reddy:** Generally it may be said that the price of the parts being manufactured will be about the same as the cost of the imported ones or perhaps slightly less.

#### INDIAN NATIONALS IN BURMA

\*408. **Shri Bishwa Nath Roy:** Will the Prime Minister be pleased to state whether Government have taken any steps to ensure that as a result of the restrictions imposed in Burma under the Exchange Control Regulations, the Indian Nationals will not be deprived of their own savings in the long run?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** Burma, like other countries, has Exchange Control Regulations, to protect their financial and economic interests. These are general in application and are not discriminatory against India. The Government of India have no information of any fresh or unduly restrictive regulations.

**Shri Bishwa Nath Roy:** May I know whether the Government have any information about the amount of savings of Indian nationals in Burma?

**Shri Anil K. Chanda:** We have not got the figures.

**Shri Bishwa Nath Roy:** May I know whether the Government propose to take any steps for knowing the amount?

**Shri Anil K. Chanda:** It is very difficult to find out the amount of Indian money in Burma.

**Shri Bishwa Nath Roy:** May I know whether the Government propose to take any steps to safeguard the amount of these Indian nationals in the savings banks there?

**Shri Anil K. Chanda:** The savings bank amounts are safe. When an Indian national resident in Burma leaves, he is allowed to bring home with him his earnings or the capital that he has saved there.

—  
**Re: Starred Question No. 409**

**Shri Sanganna:** He has authorised me to put that question.

**Mr. Speaker:** That will come afterwards—in its time.

#### NATIONAL EXTENSION SERVICE

\*410. **Shri K. C. Sodhia:** Will the Minister of Planning be pleased to state:

(a) the total amount allotted for National Extension Service to Madhya Pradesh during 1953-54;

(b) the amount actually spent by the State during the same period;

(c) whether any paucity of trained personnel was complained of; and

(d) if so, of what categories?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) The allotment of funds for the programme is for a three year period. The phasing of expenditure for each year is made by the State Governments. The provision made in the State Budget for 1953-54 is not available.

(b) Rs. 5.07 lakhs.

(c) and (d). The State Government reported shortage of qualified personnel under the following categories:

1. Woman Social Education  
Organiser.
2. Lady Health Visitor.

3. Midwife.

4. Gram Sevak.

**Shri K. C. Sodhia:** May I know how many schemes have been started up to now?

**Shri S. N. Mishra:** The position in different categories would be different, and so, I do not know how I am to reply to this question unless I go into the details.

**Shri K. C. Sodhia:** May I know what loss occurred to the Government since this was started?

**Shri S. N. Mishra:** There is no question of loss being incurred, but it is possible that some work which should have been undertaken earlier might have been held up to some extent.

**Shrimati Sushama Sen:** May I know, if under the National Extension Scheme, there have been any sums allotted to South Bhagalpur in Bihar?

**Shri S. N. Mishra:** This relates to Madhya Pradesh.

**Mr. Speaker:** The question relates to Madhya Pradesh.

**Shrimati Tarkeshwari Sinha:** May I know whether the Planning Commission have statistics on the value of the voluntary labour in terms of money and whether they are kept by the Planning Commission as supplied by the various State Governments?

**Shri S. N. Mishra:** Yes, that account is always kept.

**Shrimati Tarkeshwari Sinha:** Can I have an idea of the amount saved, in money, from voluntary labour?

**Shri S. N. Mishra:** That question is an omnibus question covering all the National Extension Service Blocks and the Community Project areas, but the contribution made by the people has been very significant.

## WORLD BANK LOAN

\*414. **Shri Bahadur Singh:** Will the Minister of Production be pleased to state:

(a) whether the Government of India have approached the World Bank for a loan for Rourkela Steel Plant; and

(b) if so, what is the Bank's reaction in this regard?

**The Minister of Production (Shri K. C. Reddy):** (a) No application has been made but informal discussions took place between the World Bank officials and Government of India representatives.

(b) Discussions indicated that there might be difficulty in securing a loan and therefore the matter was not pursued.

**Shri Bahadur Singh:** When the Government intends to raise loan for this Plant, will it be only from Government sources or will the public be invited to contribute any portion of the funds required?

**Shri K. C. Reddy:** Money, when required, will be found from Government sources. At present, there is no idea of inviting the public to subscribe to the capital of this company.

**Shrimati Tarkeshwari Sinha:** May I know whether the Government is aware of the reports appearing in the Press that the World Bank is not prepared to give loan because this steel plant is going to be a state enterprise?

**Shri K. C. Reddy:** Yes; I have seen the report. Generally speaking, it seems to be the policy of the World Bank not to entertain loan applications in connection with state-owned and state-managed industrial enterprises.

**Sardar A. S. Salgal:** May I know whether any other company in England or in Russia is willing to help the Government in putting up a steel plant?

**Shri K. C. Reddy:** I submit that that is a different question altogether.

## VISIT OF AMERICAN GINNING EXPERT

\*416. **Shrimati Tarkeshwari Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Mr. R. D. Campbell, an American Ginning Expert visited India recently;

(b) if so, what are his main recommendations; and

(c) which of his recommendations are proposed to be implemented by Government?

**The Deputy Minister of Commerce and Industry (Shri Kanungo):** (a) Government are so informed.

(b) None.

(c) Does not arise.

**Shrimati Tarkeshwari Sinha:** May I know whether Government are aware of the Press reports that appeared in several papers that he has made several recommendations to the Government and that the Government are proposing to implement them on the advice of the Central Cotton Advisory Committee?

**Shri Kanungo:** None of the recommendations have been made to the Government. Mr. Campbell has made certain suggestions in the Press. The American Embassy informed the Government of India that one Mr. Campbell would be visiting and proper facilities may be provided. He did not contact the Officer of the Government who was detailed for that purpose.

**Mr. Speaker:** Nothing seems to have been done so far as the Government is concerned.

**Shrimati Tarkeshwari Sinha:** I want to ask another question. May I know whether the Government would consider the desirability of establishing precleaning machines because of the complaints that kapas is not cleaned properly?

**Shri Kanungo:** Notice.

### RADIO MONTH

**\*417. Shri Sanganna:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the special features of the Radio month celebrated throughout India;

(b) the amount spent on the celebrations; and

(c) how many new licences were issued during the month?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) The special features of the 'Radio Month' were as follows:

(1) Extension of transmission hours.

(2) Broadcast of special programmes from all All India Radio Stations, including the Sangeet Sammelan.

(3) Various types of competitions in music, debates, radio plays, etc. with a view to discover new talent.

(4) Intensive publicity through press, film and radio with the main object of creating greater radio consciousness.

(5) Radio Exhibitions at various important centres.

(6) Donation of radio sets for use in Community areas and Colonies.

(7) Special concessions to purchasers of new sets during the month.

(b) and (c). The information is being collected and will be placed on the Table of the Sabha in due course.

**Shri Sanganna:** May I know the number of prizes awarded to the competitors and the subjects in which they were awarded?

**Dr. Keskar:** A very large number of awards were given and quite a number of competitions were held.

**Shri Sanganna:** May I know the subjects in which prizes were awarded?

**Dr. Keskar:** It is very difficult to say. For example, a large number of

subjects were debated and the subjects were entirely different in every station.

### MANDI SALT MINES

**\*418. Shri Hem Raj:** Will the Minister of Production be pleased to state:

(a) the stage at which the core drilling operations have reached in the Mandi Salt mines;

(b) by what time these operations will be completed;

(c) whether there is any proposal to set up a plant for the preparation and purification of salt from the brine water from Maigal, Drang and Guma;

(d) if so, by what time it is likely to materialise; and

(e) the estimated cost of the whole scheme?

**The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey):** (a) The core drilling operations have been practically completed. Only two more holes remain to be drilled.

(b) The operations are likely to be completed by March, 1955.

(c) Natural brine is available only at Maigal. Salt is already being manufactured from this by solar evaporation. The development scheme of Mandi mines envisages the working of Drang mine by wet mining process. Development of Maigal and Guma mines will be taken up after the Drang mines start functioning.

(d) The main scheme of development will be taken up after the results of core drilling at the two sites to be drilled during this winter are available. The scheme is expected to be completed in three or four years' time. Arrangements are being made for carrying out certain developmental works even now which will facilitate the main wet mining scheme.

(e) The scheme for the development of Drang and Maigal mines is estimated to cost rupees one crore. The cost



of the scheme for developing the Guma mines has not yet been worked out.

**Shri Hem Raj:** In view of the demand for Mandi rock salt, will the Government expedite this work?

**Shri R. G. Dubey:** Certainly. That is why in the month of May this year, we invited an Austrian expert to visit the spot and we are in a position to say on the results discovered from the bore wells of 1953 December that there are sufficient data to prove that salt reserves will last for 10 years. To be on the safe side, Government are advised to have two bore wells to the east and south of the site. That is being taken up.

**Shri Radhelal Vyas:** May I know whether it is a fact that a spring of brine water is there in Mandi and that the water is being wasted and is not being used for want of iron pipes? What is the quantity that is likely to be manufactured out of this spring water?

**Shri R. G. Dubey:** It is very difficult to assess the quantity. I am in a position to say that arrangements are made to provide the pipes to utilise the brine water in the spring.

**Shri Kamal Singh:** May I know whether any salt prospecting is going on there?

**Shri R. G. Dubey:** There are two aspects. One is wet mining process which we can undertake when this winter season is over, and boring is completed. Next year other development will be taken up.

### महात्मा गांधी की समाधि

\* ४२९. श्री नवल प्रभाकर: क्या निर्माण, आवास तथा सम्भरण मंत्री यह बताने की कृपा करेंगे कि :

(क) महात्मा गांधी की समाधि पर निर्माण कार्य कब आरम्भ होगा, और

(ख) इसके निर्माण के लिए कितने इन्जीनियरों तथा वास्तु शास्त्रियों (आर्किटेक्टों) की आवश्यकता होगी ?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Not until a design for the Samadhi is approved by the Government.

(b) It is not possible to indicate this at this stage.

श्री नवल प्रभाकर: क्या मैं जान सकता हूँ कि जो मॉडल एम्ब हो गया है उसी के अनुसार बनाया जाए तो इस पर कितना खर्च होगा ?

सरदार स्वर्ण सिंह: अभी मॉडल एम्ब नहीं हुआ है।

सैठ गीर्बन्ध वास: समाधि का जो मॉडल अभी तक स्वीकृत नहीं हुआ है उस में किन किन लोगों से राय ली जा रही है और इस के कब तक निश्चित होने की सम्भावना है ?

सरदार स्वर्ण सिंह: इसके विषय में एक नई कमेटी बनाई गई है जिस में श्री डी० पी० राय-चाँधरी, श्री जैन यार जंग, श्री रवि शंकर एन० राय, श्री सुरेन्द्र नाथ कर, श्री जी० एच० कुम्भाङ्गल, ललित कला अकॅडमी के एक प्रतिनिधि और मिनिस्ट्री के दो नुमाइन्द हैं।

सैठ गीर्बन्ध वास: क्या इस कमेटी में वार्धा की संस्थाओं के किन्हीं प्रतिनिधियों को रक्खा गया है, और यदि नहीं तो इसका क्या कारण है ?

सरदार स्वर्ण सिंह: अगर कोई खास नाम माननीय मंत्री को सूझे तो वह बता दें, उस से भी राय ले ली जाएगी।

पीडित ठाकुर वास भार्गव: क्या मैं जान सकता हूँ कि गवर्नमेंट की राय में कब तक यह मॉडल पास हो जाएगा क्योंकि चार वर्ष तो हो गए ?

सरदार स्वर्ण सिंह: मॉडल ही पास होना ज्यादा मुश्किल है, पास हो जाने के बाद बनने में ज्यादा दिक्कत नहीं होगी।

पीडित ठाकुर वास भार्गव: इसमें क्या दिक्कतें हैं ?



## PORTUGUESE POSSESSIONS IN INDIA

\*424. **Shri Gidwani:** Will the Prime Minister be pleased to state:

(a) whether Government have examined and considered the situation arising out of the Portuguese concentrations and ship movements of military nature resulting in violation of our national and international rights;

(b) if so, with what results; and

(c) the measures taken against such violations?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). The Government are aware that the Portuguese authorities have considerably strengthened the military garrison in the Portuguese possessions in India. The question of whether these reinforcements and ship movements violate any of our rights is under examination.

(c) The Government of India will take appropriate steps in defence of India's interests.

**Shri Gidwani:** Are Government aware that passenger ships *Timur* and *Serpapinto* have brought large consignments of arms and a large number of technicians and other equipment?

**Shri Anil K. Chanda:** I have indicated in my answer that we are aware that there has been recently a considerable addition to their armaments and equipments and military personnel in the Portuguese possessions in India.

**Shri Jethalal Joshi:** May I know if the Government of India have any trade relations with the Portuguese Government and also agreements about Railway, ports and Posts, Telegraphs and telephone facilities for Goa, Diu and Daman and whether Government would apply the sanction of non-co-operation so far as these agreements are concerned?

**Shri Anil K. Chanda:** Obviously we have trade and other relations with the Portuguese possessions in India, but whether we would take up a policy of non-co-operation is another matter.

## BHAKRA NANGAL PROJECT

\*425. **Sardar Hukam Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether a proposal was mooted in 1952 to establish a Statutory Authority for the planning and future administration of the Bhakra-Nangal Project; and

(b) if so, whether it is proposed to constitute such an authority now for this Project?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Yes, Sir.

(b) The matter is under the consideration of Government.

**Sardar Hukam Singh:** May I know whether the present Bhakra Control Board has been able to deal effectively and efficiently with all questions about the administration of the Bhakra Nangal Dam?

**Shri Hathi:** The Bhakra Control Board has all the necessary powers.

**Sardar Hukam Singh:** May I know whether, with all those powers, that Control Board has been able to deal effectively and efficiently with all the matters that arose?

**Shri Hathi:** The Bhakra Control Board has been able to handle the questions satisfactorily.

**Sardar Hukam Singh:** May I know whether Government are aware of the fact that large amounts of money have been squandered away and wasted so far as this dam is concerned?

**Shri Hathi:** I do not think the Government have these facts in their possession, but there were certain cases of misappropriation, of course.

**Shri L. N. Mishra:** May I know whether Government have tried to assess whether a statutory corporation or a Control Board has proved to work better in the case of the execution of river valley projects?

**Shri Hathi:** Actually that question is under the consideration of the Government.

**Shri B. K. Das:** May I know whether this question is also being considered with regard to the Hirakud Dam because there is a Control Board there?

**Shri Hathl:** The question of Hirakud stands on a different footing from Bhakra-Nangal. In Hirakud there is only one State. In Bhakra there are more than one State.

#### EXPANSION PROGRAMME

\*426. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to refer to Para. 28 at page 156 of the Progress Report on the Five Year Plan for 1953-54 and state:

(a) whether Government have enquired into the reasons for the failure of the Fertilisers and Chemicals (Travancore) Limited and the Aluminium Corporation of India to submit detailed proposals of the projected doubling of their manufactures; and

(b) if so, with what result?

**The Deputy Minister of Commerce and Industry (Shri Kanungo):** (a) Both, the Fertilisers and Chemicals (Travancore) Limited, and the Aluminium Corporation of India have submitted their proposals for doubling their capacity.

(b) Does not arise.

**Shri V. P. Nayar:** I do not understand how this becomes an answer, because I have put my question specifically referring to a particular paragraph in the Progress Report of the Five Year Plan which says that proposals have not been received. I would like to know whether, if the proposals have been received, those proposals were received after the publication of this book.

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** The position really is as stated by my hon. colleague. We have had proposals from these two plants, and in one case a certain expansion is already taking place and a further expansion is being contemplated, and the people have been told that—particularly in the

case of aluminium they want to expand—the licence will be forthcoming, but there are certain difficulties intrinsic in the position which have to be solved which only they can solve. In regard to the case of fertilisers, we had a Committee to go into this matter and the Committee has indicated certain lines of progress. The Government propose to ask them to go ahead with those proposals. Maybe the question of finance may stand in the way, and how far Government can help in this matter, is a matter which is being considered.

**Shri V. P. Nayar:** That is not the point. It is very clearly stated in the Progress Report that up to the end of 1953-54 applications have been received and licences issued under the Industries (Development and Regulation) Act of 1951 in respect of nearly all the major industries. Two important exceptions are mentioned. One is the Travancore Fertilisers and Chemicals and the other is the Aluminium Corporation of India Limited, and it is stated that they have not sent up their proposals, or that their proposals have not been received by the Government. I want to know whether that position as stated in the Progress Report is correct.

**Shri T. T. Krishnamachari:** I can only tell the hon. Member the position as I understand it. I cannot tell him in relation to something else. The position really is that today we have proposals, and proposals in regard to one firm have been partly accepted, and that particular firm has been asked to submit further proposals, and they have been told that a licence would be given. In regard to the fertilisers, I said the matter is under consideration.

**Shri V. P. Nayar:** I do not want an answer on something else. I have specifically put my question with reference to the statement contained in a particular paragraph of the Progress Report. If that is wrong, the answer may be given that the information contained in it is wrong.

**Mr. Speaker:** It does not necessarily follow. Both may be given.

**Shri V. P. Navar:** He was saying something else

**Mr. Speaker:** He must satisfy himself with the answer.

**Shri V. P. Nayar:** It cannot be, Sir, unless the answer is.....

**Mr. Speaker:** Order, order. He may table another question.

#### GOODWILL MISSIONS

**\*427. Shri Krishnacharya Joshi:** Will the Prime Minister be pleased to state:

(a) the number of Goodwill Missions sent by Government to foreign countries during 1954; and

(b) the names of the countries, visited by them?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Three official and ten Non-official Goodwill Missions, besides a hockey and a football team.

(b) Afghanistan, Argentina, Belgium, Bolivia, Brazil, British Guiana, British West Indies, Burma, Canada, Ceylon, Chile, Colombia, Czechoslovakia, Denmark, England, France, Indonesia, Italy, Jamaica, Mexico, Netherlands, Pakistan, Poland, Peru, Saudi Arabia, Sweden, Turkey, U.S.A. and U.S.S.R.

**Shri Krishnacharya Joshi:** May I know the total amount spent by Government on these goodwill missions during 1954?

**Shri Anil K. Chanda:** Generally speaking, we have had to bear only the transportation costs and other incidental charges. The other facilities are generally offered by the countries where these missions go to. For the delegation which was led by the hon. Deputy Minister for Health, Mrs. Chandrasekharan, Government sanctioned Rs. 1,75,000 for the delegation, but I have not got the figures for all

other delegations. But, if a separate question is tabled, we shall supply the information.

**Shri Krishnacharya Joshi:** May I know the purpose of sending the goodwill missions to foreign countries?

**Shri Anil K. Chanda:** To create good-will between our country and their country.

**Shri Ramachandra Reddi:** May I know whether reports of goodwill have been received from all these missions?

**Shri Anil K. Chanda:** Oh, yes.

#### TEXTILE ENQUIRY COMMITTEE

**\*428. Shri Sanganna:** Will the Minister of Commerce and Industry be pleased to state:

(a) the recommendations of the Textile Enquiry Committee that have been accepted;

(b) the steps taken to implement the same; and

(c) the views of Government on the recommendations?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (c). The Report is under consideration.

**Shri Sanganna:** May I know for how long the consideration of this report will take place?

**Shri T. T. Krishnamachari:** I suggest very respectfully that the hon. Member reads the report, and I might mention incidentally that it has been arranged that copies should be supplied to hon. Members of this House. He will find how the recommendations bristle with all kinds of difficulties. The time taken will have to be adjusted, or rather, will have to be in relation to the amount of problems that the report seeks to solve.

## SURVEY OF UNEMPLOYMENT

\*429. **Shri Dabhi:** Will the Minister of Planning be pleased to refer to the reply to starred question No. 485 asked on the 3rd September, 1954 and state:

(a) whether the report of the sample Survey of Unemployment conducted in twenty-three towns has since been published; and

(b) if so, what is the position regarding unemployment in these towns?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) No. The Indian Statistical Institute is engaged in analysing the material and it is expected that a report will be ready by the end of December, 1954.

(b) Results are awaited.

**Shri Dabhi:** May I know whether the report has been submitted to Government?

**Shri S. N. Mishra:** No, Sir. The results are awaited as the materials are being analysed.

**Pandit D. N. Tiwary:** May I know whether the report will contain the various categories of people unemployed or will only give the total number of people unemployed?

**Shri S. N. Mishra:** This was an exploratory study for developing adequate methods and proper concepts for a full-scale investigation later. This was not designed to provide estimates as it would be realised that the size of the samples taken is much too small for the purpose.

**Shri T. S. A. Chettiar:** May I know whether this survey relates only to educated unemployed or also uneducated unemployed?

**Shri S. N. Mishra:** This survey was conducted in 23 towns having a population of more than 50,000. It was not confined to educated unemployed alone.

## FOREIGN EXPERTS IN HINDUSTAN MACHINE TOOLS, LTD.

\*430. **Ch. Raghubir Singh:** Will the Minister of Production be pleased to state:

(a) whether it is a fact that Government require a substantial number of foreign experts for the working of the factory as well as for the training of the Indian personnel in the Hindustan Machine Tools Ltd., Jalahalli;

(b) if so, how many; and

(c) what would be the expenditure on these experts per year?

**The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey):** (a) and (b). Having regard to the high precision tools which are proposed to be manufactured at the factory, it has been decided to employ about 85 foreign technicians in the initial stages of the project. In addition to engaging in production activities, they will also train Indian personnel. With the advance of the training scheme, Indians will replace the foreign technicians whose number will progressively diminish.

(c) About Rs. 18 lakhs.

**Ch. Raghubir Singh:** May I know by what time Indian experts will be able to replace the foreigners?

**Shri R. G. Dubey:** It is expected that in the course of ten years' time, we shall be able to replace them to the extent of 85 per cent.

**Shri Keshavalengar:** How many of these experts are now employed in this factory?

**Shri R. G. Dubey:** Eighty-five is the approximate number I have stated.

**Shri S. C. Samanta:** May I know whether the experts, that were working in the Machine Tool Factory, that has been abolished due to the establishment of this Factory, have been absorbed?

**Shri R. G. Dubey:** I may point out that this question was discussed in 1950 at Bangalore, and there was a

sort of understanding between the private sector and the Government Machine Tool Factory that we shall plan our production in such a way as not to dislocate production in the private sector, or cause any unemployment.

**Shri V. P. Nayar:** May I know whether it is not a fact that most of these experts working in this Factory are below thirty years of age, and may I also know whether it is not a fact that most of these experts have been sent by the Company, and that Government have not made any other reference about them before accepting them as experts?

**The Minister of Production (Shri K. C. Reddy):** I have seen some of these experts, and they appear to be young; but I cannot say whether they are above thirty years or below that; I cannot definitely speak about their respective ages. But so far as the persons that have been selected are concerned, no doubt, the Oerlikons Factory made their recommendations; their qualifications have also been looked into, and in consultation with our experts, the persons have been chosen.

**Shri V. P. Nayar:** May I know what the experience of Government has been during these years about the expert qualifications and other matters in respect of all these people working in this Factory?

**Shri K. C. Reddy:** Some of them have been good. A few of them have not been found quite up to the mark. In fact, we had to send away one or two we may be sending away some more of them. But generally speaking, we may say we are satisfied with their work.

**Shri V. P. Nayar:** How many have been sent away?

**Mr. Speaker:** One or two have been sent away.

#### RECOVERY OF LOAN

**\*431. Shri Bishwa Nath Roy:** Will the Minister of Irrigation and Power

be pleased to refer to para. 10 of the statement laid on the Table in reply to starred question No. 638 for the 8th September 1954 and state whether any further steps have been taken by the D.V.C. to recover the amount paid in excess to Messrs. Hind Construction Ltd. and Messrs. Patel Engineering, Ltd.?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** The Damodar Valley Corporation are conducting negotiations with the contractors and the outcome is awaited.

**Shri Bishwa Nath Roy:** May I know whether any contract was given to these companies even after the fact of excess payment was known to Government?

**Shri Hathi:** I do not think new contract has been given.

#### MUNICIPAL TAX

**\*432. Shri Tushar Chatterjea:** Will the Prime Minister be pleased to refer to the reply to starred question No. 1318 asked on the 24th September, 1954 and state:

(a) whether any agreement has been arrived at between the Government of India and the Government of U.S.A. in regard to municipal tax on the buildings owned by Government in New York; and

(b) if so, the nature of the agreement?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). No. The matter is still under discussion.

**Shri Tushar Chatterjea:** May I know what is the estimated amount of municipal tax assessed for the American property in our country, and also the amount assessed for our property in America?

**Shri Anil K. Chanda:** I do not know the value of the properties concerned.

## FERTILISER FACTORIES

\*434. **Sardar Hukam Singh:** Will the Minister of Production be pleased to refer to the reply to starred question No. 332 asked on the 31st August, 1954 and state:

(a) whether any decision has since been taken for the establishment of more fertiliser factories in the country; and

(b) if so, where the new units will be located?

**The Minister of Production (Shri K. C. Reddy):** (a) Yes.

(b) The location of the new units will be decided on receipt of the recommendations of the Fertilizer Production Committee which has been constituted to consider and make recommendations on the various questions involved in the creation of fresh capacity. A copy of the Ministry of Production Resolution No. Fy.I-17(1)/54, dated the 29th October, 1954, published in a Gazette of India Extraordinary on the same day is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 53.]

**Sardar Hukam Singh:** May I know whether the proposal is to manufacture more ammonium sulphate, or some other compound of fertiliser is contemplated?

**Shri K. C. Reddy:** The intention is to increase the capacity for the production of nitrogenous fertilisers. They include ammonium sulphate undoubtedly, but also what is known as double salt and nitro-chalk.

**Shri Karni Singhji:** As far as the location of the new factory is concerned, may I sincerely hope that Rajasthan's case will be considered favourably?

**Shri K. C. Reddy:** All deserving cases will be given the utmost consideration.

**Shri Thimmaiah:** May I know whether any representation has been made to the hon. Minister, that the proposed factories should be erected in the southern part of the country?

**Shri K. C. Reddy:** Representations have been made that the proposed factory should be located not only in the southern part of the country, but also in the northern, eastern and western parts of the country.

**Mr. Speaker:** There should be no suggestions for action, in the form of putting questions, saying that this place should be selected or that place should be selected.

**Pandit Munishwar Datt Upadhyay:** How many such factories are proposed to be established, and at what cost?

**Shri K. C. Reddy:** I cannot say that now. It is just for that purpose, and for some other purposes, that this Committee has been constituted. They will look into all aspects and suggest how many factories have to be located, what their capacity should be, and so on and so forth.

**Shri Jaipal Singh:** What are the special reasons that prevent Government from locating the fertiliser factories near sites where the raw materials are available?

**Shri K. C. Reddy:** That is a very general question, which I cannot answer now.

## RECTIFIED SPIRIT

\*435. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that due to the monopoly of the manufacture of rectified spirit having been assumed by the Government of Bombay several manufacturers of pharmaceuticals are handicapped; and

(b) if so, whether Government propose to take any steps to help the pharmaceutical industry in Bombay in getting their requirements of rectified spirit at cheaper rates?

**The Minister of Commerce (Shri Karmarkar):** (a) and (b). Some representations have been received by the Pharmaceutical Enquiry Committee. They are being examined in consultation with the Bombay State Government.

**Shri V. P. Nayar:** Is it a fact that the supply of rectified spirit manufactured by the Government of Bombay is made at considerably higher rates than those made by other manufacturers in other States?

**Shri Karmarkar:** I should like to have notice about it.

**Shri V. P. Nayar:** May I know whether other manufacturers in Bombay, who had been manufacturing rectified spirit have been repeatedly complaining that even for their own uses, rectified spirit has to be bought at much higher prices than those at which they could have made it available to themselves in their own factories?

**Shri Karmarkar:** I am not aware of such complaints.

**Mr. Speaker:** Shri Sanganna wanted to put some questions. What are they?

**Shri Sanganna:** Question Nos. 409 and 433.

#### ROSION IN HIRAKUD DAM AREA

**\*409. Shri Sanganna (on behalf of Shri Sarangadhar Das):** Will the Minister of Irrigation and Power be pleased to refer to the reply to starred question No. 1643 asked on the 7th April, 1954 and state:

(a) the steps, if any, taken by Government to stop erosion in the catchment area of the Hirakud Dam; and

(b) whether afforestation work has been started in the catchment area?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) and (b). A statement explaining the present position is laid on the Table of the House. [See Appendix II, annexure No. 54.]

#### MAHANADI PROJECT

**\*433. Shri Sanganna (on behalf of Shri Sarangadhar Das):** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the expenditure incurred in constructing the Mahanadi Bridge has been apportioned to the various departments;

(b) whether the Comptroller and Auditor-General of India was consulted in this matter; and

(c) whether the recommendation of the Public Accounts Committee in their Eleventh Report "that no part of this expenditure should be debited to the Hirakud Dam Project either by way of its share of the construction cost or of interest on the capital outlay thereon" has been accepted by Government?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) No, Sir.

(b) The Comptroller and Auditor-General will be consulted before the allocation of expenditure between the Ministries concerned is finalized.

(c) The matter is still under examination by Government.

**Shri Sanganna:** May I know the views of the Government of Orissa on this matter?

**Shri Hathi:** The question is to be decided between the different Ministries of the Centre.

#### TYPEWRITERS

**\*411. Shri Tulsidas:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to starred question No. 1340 asked on the 24th September, 1954 and state:

(a) whether the Schemes furnished by various firms for the manufacture of typewriters have since been examined; and

(b) if so, the number of firms which have satisfied the conditions laid down by Government and which of them have been given the permission for the manufacture of typewriters?



**The Deputy Minister of Commerce and Industry (Shri Kanungo):** (a) the schemes are still under examination.

(b) Does not arise.

**Shri Tulsidas:** May I know the total amount of foreign capital seeking investment in this country?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** The schemes are under examination. Details of this nature are not available.

**Shrimati Tarkeshwari Sinha:** May I know whether any of these firms is going to take up the manufacture of Hindi typewriters?

**Shri T. T. Krishnamachari:** They have got to make a beginning first. You have to sit down before you lie down. And if they make typewriters, they might make Hindi typewriters also, for these are not very difficult things.

## WRITTEN ANSWERS TO QUESTIONS

### REPORT OF INDIAN DELEGATION TO E.C.A.F.E.

**\*399. Shri S. N. Das:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government have studied the report of the Indian Delegation to the E.C.A.F.E. Conference on Water Resources Development held in Tokyo together with the decisions taken and the recommendations made by the conference itself; and

(b) if so, what are the important decisions which Government have accepted for implementation?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) and (b). The final report of the Conference is still awaited from the E.C.A.F.E. Secretariat. In the meantime the draft report is being examined. No decisions have been taken so far.

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### RESIDENTIAL BUILDINGS FOR CLERKS

**\*403. Shri D. C. Sharma:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the number of residential buildings constructed at Delhi so far during 1954 for the lower and upper division clerks working in the Central Secretariat; and

(b) the cost incurred thereon?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) residential buildings have been constructed exclusively for the lower and upper division clerks working in the Central Secretariat. However, 128 flats have so far been completed during 1954, for Central Government employees in New Delhi drawing less than Rs. 150 per month.

(b) Rs. 8,39,000, approximately.

### EXCAVATIONS OF MOVEABLE EVACUEE PROPERTIES

**\*405. Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether the excavations of the buried moveable evacuee properties left by displaced persons have been completed at any place in India and Pakistan;

(b) if so, the names of the places where such excavations have been completed; and

(c) whether the properties excavated have been found in order?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle):** (a) to (c). The operations for the recovery of buried treasures have been started only recently and six such operations have so far been completed. In four operations, two each in Delhi and Lahore, ornaments, coins and currency notes etc. were found. Nothing was recovered in the remaining two operations carried out at Quetta (Baluchistan) and Shikarpur (Sind).

For obvious reasons, the applicants are not required to disclose the names



of places where excavations are to take place till the operations are to commence. Unless and until the entire work of excavation is finished it is not possible to say whether the work in any particular locality has been completed.

#### SODA ASH PLANT

\*413. **Shri S. V. Ramaswamy:** Will the Minister of Commerce and Industry be pleased to refer to the reply to a supplementary on starred question No. 169 given on the 26th August, 1954 and state:

(a) whether the proposal to set up more Soda-ash factories has been finalised; and

(b) if so, where they will be located?

**The Deputy Minister of Commerce and Industry (Shri Kanungo):** (a) Yes, Sir.

(b) Two factories are proposed to be set up, one at Porbandar (Saurashtra) and the other at Tuticorin (South India). A third factory may also be set up in Bihar.

#### MANGANESE ORE

\*415. **Shri T. K. Chaudhuri:** Will the Minister of Commerce and Industry be pleased to refer to the reply to starred question No. 1000 asked on the 16th September, 1954 and state the extent to which the export of manganese ore has gone up since the abolition of export duty thereon, as compared to that of the corresponding period last year?

**The Minister of Commerce (Shri Karmarkar):** Export of manganese ore has increased after the removal of export duty on 18th August 1954 from 68,000 tons to 115,000 tons in September. A comparative statement showing export of manganese ore during July-August and September, 1954, and for the corresponding period of last year is laid on the Table of the House. [See Appendix II, annexure No. 55.]

#### PENICILLIN FACTORY

\*420. **Shri R. N. Singh:** Will the Minister of Production be pleased to state:

(a) the progress of work done in the construction of the Penicillin factory;

(b) whether it is a fact that the progress of work is much behind the schedule;

(c) if so, the reasons therefor; and

(d) the steps taken or proposed to be taken to check any further delay?

**The Minister of Production (Shri K. C. Reddy):** (a) A statement showing the progress of work in the construction of Penicillin Factory is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 56.]

The essential buildings for production are complete and work of erecting plant and machinery is expected to be completed before the end of the next month.

(b) and (c). It had been tentatively agreed that the target date for the production to start was December 1 last year. But this date had to be revised because of delay in construction and the supply of plant and machinery. This includes delay in procurement of essential materials for construction such as steel and in the finalization of specifications in respect of buildings and plant and machinery.

(d) The Government have at all times taken the necessary steps to facilitate and expedite the supply of essential materials and to speed up the planning and construction work. As I have stated already, the work of the construction of the buildings and the erection of the plant and machinery for penicillin production is now almost complete.

#### TRACTORS

\*422. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is any factory in India for the manufacture of tractors; and

(b) if not, whether there is any proposal for starting any in the near future?

**The Deputy Minister of Commerce and Industry (Shri Kanungo):** (a) and (b). A statement is laid on the Table of the House. [See Appendix II, annexure No. 57.]

#### PRODUCTION IN SINDRI FACTORY

\*423. **Th. Jugal Kishore Sinha:** Will the Minister of Production be pleased to state the reason for the increase in the production of Fertilisers in Sindri Factory with special reference to lower output at the earlier stages?

**The Minister of Production (Shri K. C. Reddy):** A statement is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 58.]

#### स्ती बस्वों के कारखाने

\* ४२६. श्री एस० एन० दास: क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या स्ती बस्वों के कारखानों के मालिकों की ओर से सरकार से अनुरोध किया गया है कि वह वैसे कारखानों की हालतों की जांच के लिए आयोग नियुक्त करे जो कि पिछले कुछ वर्षों से हानि में चल रहे हैं;

(ख) यदि हां, तो इस सम्बन्ध में सरकार की क्या प्रतिक्रिया है; और

(ग) क्या इस दिशा में सरकार ने कोई कदम उठाए हैं?

**The Deputy Minister of Commerce and Industry (Shri Kanungo):** (a) No, Sir.

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

#### INDIAN ECONOMIC DELEGATION

\*437. **Shri M. S. Gurupadaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the purpose for which the Indian Economic Delegation visited Poland some time back;

(b) whether the Delegation has returned;

(c) whether any report has been submitted to Government; and

(d) if so, what are the main points in the report?

**The Minister of Commerce (Shri Karmarkar):** (a) to (d). The hon. Member is presumably referring to the Industrial and Agricultural Delegation which was recently sent to the U.S.S.R. and Poland. The Delegation was sent by the Government of India at the invitation of the Governments of the two countries in order to study the developments in the different sectors of Soviet and Polish industry and agriculture.

Some of the members of the Delegation have not yet returned to India. The Delegation's report is awaited.

#### MOTOR VEHICLES

358. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the latest selling prices of the following vehicles:—(i) Hindustan 14, (ii) Studebaker car, (iii) Studebaker truck, (iv) Fiat 1100, (v) Dodge/De Soto/Plymouth cars, (vi) Dodge/De Soto or Fargo truck, (vii) 'Standard 8', (viii) Standard Vanguard, (ix) Leyland 5 Ton Diesel truck, and (x) Willys jeep; and

(b) the amount calculated in price of each of the above as (i) labour charges, (ii) imported raw material, (iii) overhead charges on establishment, (iv) interest on investment, (v) profit, and (vi) Managing Agents' commission?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) A statement giving the information is attached. [See Appendix II, annexure No. 59.]

(b) Government do not have the information.

## SHIFTING OF GOVERNMENT OFFICES

359. **Shri Hem Raj:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to starred question No. 683 on the 8th September, 1954 and state:

(a) whether a final decision has since been taken to shift some of the Central Secretariat Offices out of Delhi;

(b) if so, the names of the offices; and

(c) the places where they are to be shifted?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) No, Sir, not yet.

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

## ALUMINIUM FACTORIES

360. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Aluminium factories working in the country at present and their installed capacity;

(b) the names of the articles which they are producing at present and when the installed capacity is to be attained;

(c) whether Government propose to instal any other Aluminium Factory;

(d) if so, where and when it is likely to be set up;

(e) what is the annual consumption of aluminium in the country and what is the average percentage of increase each year; and

(f) whether it is a fact that the protection granted to this industry is partially responsible for its very slow growth?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) Two units capable of producing annually 7,000 tons of aluminium and 11,000 tons of rolling sheets, circles and strips.

(b) Virgin aluminium ingots; aluminium sheets; circles and strips of commercial quality and aluminium alloy sheets. The firms have already attained their respective targets of production.

(c) No, Sir. Development of the aluminium industry is left to the private sector.

(d) Does not arise.

(e) The present annual consumption of aluminium in the country is estimated at 16,000 tons per annum. With the programme of expansion envisaged by the manufacturers of A.C.S.R. cables and all aluminium conductors, it is expected that the requirements of aluminium would increase by another two to three thousand tons by 1955-56. As the level of production has to be determined with reference to the demands from the consuming engineering industries from time to time, it is not possible to state the exact average percentage of increase every year.

(f) No, Sir. On the contrary, the indigenous industry has been able to survive and complete its first phase of expansion programme only because of the protection.

## EVACUEE PROPERTY RESTORATION

361. { **Pandit Munishwar Datt Upadhyay:**  
**Shri Gidwani:**

Will the Minister of Rehabilitation be pleased to state:

(a) the number of applications for restoration of evacuee properties that have been received so far under Section 16 of the Administration of Evacuee Property Act; and

(b) what action is being taken on these applications and how far they are likely to reduce the compensation pool?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle):** (a) As stated in reply to part (a) of Starred Question No. 1499 by Shri P. L. Barupal on 29th September 1954, the information is being collected and

will be placed on the Table of the Sabha.

(b) Unless all the applications are disposed of, it will not be possible to say to what extent compensation pool would be affected by the restoration of properties under section 16 of the Administration of Evacuee Property Act.

#### CHROME ORE

**362. Shri M. S. Gurupadaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of applications received for the export of chrome ore after the revised policy on export;

(b) the number of licences so far given for such export;

(c) the average price of the ore in the country;

(d) the price prevailing in the international markets; and

(e) the present stock position in the country?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) and (b). No application has been received nor any licence issued for export of chrome ore after the announcement of the revised policy of free licensing of chrome ore from 27th September, 1954.

(c) and (d). According to information available, the internal price varies from Rs. 75 to Rs. 90 per ton, f.o.r. loading station, according to grades. The external price for corresponding grades was about Rs. 130 to Rs. 140 per ton f.o.b. American Ports.

(e) Mined stocks were about 1,05,000 tons in the beginning of September, 1954, and the known deposits are now placed at 2 million tons. There are some unknown deposits which have not yet been surveyed.

#### DOCUMENTARY FILMS AND NEWSREELS

**363. Shri B. D. Shastri:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number and details of documentary films and newsreels produced during 1954-55;

(b) the languages in which these have been produced; and

(c) the total amount spent on the production of these documentary films?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). A statement is laid on the Table of the House. [See Appendix II, annexure No. 60.]

(c) Direct and indirect expenses are incurred on the production of documentaries by the Films Division. In the absence of regular cost accounting it would be difficult to state with any precision what the total expenses of any documentary are.

#### MUSIC CONFERENCE

**364. Shri D. C. Sharma:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether a Music Conference was convened by the All India Radio during 1953-54; and

(b) if so, what were its main functions?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) No Music Conference was convened by All India Radio during 1953-54.

(b) Does not arise.

#### PRIME MINISTER'S NATIONAL RELIEF FUND

**365. Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state the amounts given to the different States during the current financial year from the Prime Minister's National Relief Fund (i) as Flood Relief, and (ii) as Drought Relief?

**The Prime Minister and Minister of External Affairs and Defence (Shri**

**Jawaharlal Nehru):** A statement is attached. [See Appendix II, annexure No. 61.]

#### ARREST OF INDIAN NATIONALS

366. { **Pandit D. N. Tiwary:**  
**Shri S. N. Das:**

Will the **Prime Minister** be pleased to state:

(a) the number of non-Goan Indian Nationals arrested by Portuguese Government so far since the 15th August, 1954 for participating in Satyagraha Movement, or on suspicion; and

(b) whether the non-Goan prisoners are treated differently in the Portuguese Jails?

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** (a) and (b). About 39 Indian nationals have been arrested on suspicion or for offering Satyagraha. According to information available to Government both Goan and non-Goan prisoners are subjected to harsh treatment by the Portuguese jail authorities.

#### PORTUGUESE OFFICIALS

367. **Pandit D. N. Tiwary:** Will the **Prime Minister** be pleased to state:

(a) the number of times the Portuguese officials violated the Indian regulations since the 15th August 1954; and

(b) the steps taken against such officials?

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** (a) It is difficult to give the exact number of violations of Indian regulations but four specific cases involving frontier violations and infringement of Passport and Permit Regulations have come to the notice of Government during this period.

(b) Whenever those who have violated Indian Regulations are apprehended, they are prosecuted under the law.

In other cases protests have been lodged with the Portuguese Legation.

#### AUTOMOBILE EXPERTS TO RUSSIA

368. **Pandit D. N. Tiwary:** Will the **Minister of Commerce and Industry** be pleased to state:

(a) whether any expert has been sent to U.S.S.R. to study the manufacture of Soviet Cars which would be suitable for the rural needs of India; and

(b) whether any negotiation is going on between India and U.S.S.R. to set up an automobile manufacturing concern in India?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) and (b). No, Sir.

#### RATIONALISATION IN JUTE MILLS

369. **Shri B. K. Das:** Will the **Minister of Commerce and Industry** be pleased to state:

(a) the names of the jute mills which have decided upon a scheme of rationalisation;

(b) what will be their total annual investment on the scheme during the next five years; and

(c) what will be the total annual displacement of labour consequent on their giving effect to the rationalisation scheme during the above mentioned period?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (c). According to information furnished by the Indian Jute Mills Association, 30 mills have decided to go in for rationalisation by the installation of modern machinery. The whole scheme is being examined with reference to its possible repercussions on other sectors of economy.

#### TRAINING IN PENICILLIN TECHNOLOGY

370. **Ch. Baghubar Singh:** Will the **Minister of Production** be pleased to state:

(a) whether it is a fact that twelve officers were sent abroad for training in Penicillin Technology;

(b) if so, the names of the countries to which they were sent; and

(c) the total expenditure incurred on each of them?

**The Minister of Production (Shri K. C. Reddy):** (a) Twelve officers recruited by the U.P.S.C. were sent

abroad for training in Penicillin Technology on United Nations Fellowships. This was in addition to three officers who had been sent for training in Penicillin Technology at an earlier stage.

(b) and (c). The details are as follows:—

Name and Designation of Officer	Countries to which sent	Expenditure incurred by Government of India
		Rs.
1. Dr. H. E. Eduljee, Chemical Engineer.	Sweden, Denmark, Germany and Switzerland.	43,223
2. Shri B. V. Raman, Services Engineer.	Sweden, Denmark & Switzerland.	32,836
3. Dr. K. Ganapathi, Director (Laboratories).	Switzerland & Belgium . .	2,633
4. Dr. G. Sankaran, Officer-in-Charge, Penicillin Bottling Plant, Bombay.	Switzerland & Belgium . .	6,950
5. Dr. M. J. Thirumalachar, Chief Mycologist.	Switzerland & Italy. . .	12,000
6. Dr. D. Ghosh, Chief Biochemist.	Do. . .	12,000
7. Dr. K. S. Gopalkrishnan, Junior Mycologist.	Do. . .	7,440
8. Dr. G. Bala Subramanyam, Junior Chemist.	Switzerland and Belgium . .	1,170
9. Dr. N. Narasimhachari, Junior Chemist.	Switzerland and Belgium . .	1,083
10. Dr. R. P. Kaushal, Chief Organic Chemist.	Italy . . . . .	12,000
11. Dr. P. D. Kulkarni, Junior Bacteriologist.	Italy . . . . .	6,720
12. S. Kunjithapadam, Junior Chemist.	Belgium . . . . .	1,260
13. Shri S. R. Sen, Junior Biochemical Engineer.	Belgium . . . . .	1,170
14. Shri C. N. Chari, Biochemical Engineer*	Belgium . . . . .	3,300
15. *Shri R. S. Kachwaha, Production Superintendent.	Belgium . . . . .	3,300
	TOTAL . .	1,47,085

\*This officer is still abroad.

NOTE :—The Officers at Sl. Nos. 3 to 15 were sent on W.H.O./U.N.T.A.A. Fellowships and the expenditure shown against them consists mainly of their pay and allowances.

### संयुक्त राष्ट्र संगठन

२३२. सेंट गॉर्बिनस वास : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) भूतपूर्व जर्मन उपनिवेश जो दक्षिण पश्चिम अफ्रीका में थे उनके सुशासन एवं वार्षिक शासन विवरण के सम्बन्ध में भारत की ओर से संयुक्त राष्ट्र संघ में क्या संकल्प प्रस्तुत किए गए और

(ख) उनका क्या परिणाम हुआ ?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) and (b). South West Africa is a former German Colony, administered by South Africa as a Mandated territory under the Mandate System of the League of Nations. After the League of Nations ceased to function, the Mandate System was replaced by the International Trusteeship System under the U.N. and the old Mandates were converted into Trusteeship Agreements by the administering Powers. Under the Trusteeship Agreement, the administering Powers are to submit Annual Reports and petitions to the United Nations. The United Nations is also to exercise supervision over the territories under Trusteeship.

South Africa has so far refused to place the territory of South West Africa under the Trusteeship System of the United Nations. They argue that the Mandate in respect of South West Africa has lapsed and that they are under no obligation to enter into a Trusteeship Agreement with the United Nations or to submit Reports and petitions to the United Nations. Since 1946, every session of the United Nations General Assembly has passed a Resolution asking South Africa to place the territory of South West Africa under trusteeship and to submit reports and petitions to the United Nations. But South Africa has so far ignored these Resolutions. The Union Government has also ignored the opinion expressed by the International Court of Justice

in 1950 that South Africa acting alone has not the competence to modify the international status of the territory of South West Africa and that they continue to have the obligation to submit Annual Reports and petitions to the United Nations. On the contrary, the South African Government had enacted certain legislative measures which have the effect of virtually incorporating South West Africa into the territory of South Africa.

Last year the U.N. General Assembly appointed a Committee on South West Africa but South Africa did not co-operate with the work of the Committee. The present session of the U.N. General Assembly has, on the 11th October, 1954, adopted a Resolution dealing with the procedure for the examination of Reports and petitions relating to the territory of South West Africa. India was one of the supporters of the above Resolution. It is not expected that South Africa will comply with the procedure laid down in the U.N. Resolution or co-operate with the work of the Committee on South West Africa. The South African representative in the United Nations has declared that his Government does not recognise the authority of the United Nations with regard to South Africa's administration of the territory of South West Africa.

On 23rd November, 1954, the U.N. General Assembly has adopted another resolution asking the advice of the International Court of Justice on the scope of the authority it could exercise in taking decisions on matters arising out of reports and petitions from South West Africa. India was among the 25 countries which voted for this Resolution.

### कूटीर उद्योग

२३२. सेंट गॉर्बिनस वास : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि सन १९५४ में अब तक विभिन्न राज्यों को निम्नलिखित कूटीर उद्योगों को प्रोत्साहन देने के



लिए कितनी कितनी वित्तीय सहायता दी गई :

(१) गुड़, शक्कर, चीनी, खाद, और

(२) तिनकों तथा खजूर के पत्तों से बनी चटाइयां, आसन, सन्दूक, टोपियां और मनीबैग ?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** A statement is attached. [See Appendix II, annexure No. 62.]

#### SINDRI FACTORY

**373. Shri Sarangadhar Das:** Will the Minister of Production be pleased to state:

(a) The total production of ammonium sulphate and other nitrogenous fertilisers in the Sindri factory, yearwise, from the first year of production;

(b) the annual quota allotted to each State, yearwise;

(c) the quantity taken by each State during the same period;

(d) whether the payment by the State Governments in this connection has been regular;

(e) if not, the reasons for the delay;

(f) the cost of production of fertilizers at present; and

(g) the selling price that has been fixed F.O.R. Sindri?

**The Minister of Production (Shri K. C. Reddy):** (a) The only fertilizer now produced in the Sindri Factory is ammonium sulphate, of which the year-wise production since commencement is as follows:—

Year	Tons
1951	7,445
1952	1,72,502
1953	2,65,687
1954	2,25,576

(upto end of October, 1954)

(b) and (c). A statement giving the information is placed on the Table of the House. [See Appendix II, annexure No. 63.]

(d) Yes. The Food and Agriculture Ministry pays Sindri factory and recovers from the State Government through book adjustment.

(e) Does not arise.

(f) The fertiliser produced at Sindri is sold at Rs. 275 per ton to the Food and Agriculture Ministry's fertiliser pool. The exact production cost has to be treated as a confidential matter. The selling price, however, is determined after periodical review of the cost of Production.

(g) A statement is placed on the Table of the House. [See Appendix II, annexure No. 64.]

#### VANASPATI

**374. Shri Jhulan Sinha:** Will the Minister of Commerce and Industry be pleased to state the quantity and value of Vanaspati exported during 1953-54 and the countries to which it was exported?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** A statement containing the information required is attached. [See Appendix II, annexure No. 65.]

#### RADIO STATION MYSORE

**375. Shri Thimmamah:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government have selected a site near Hosakote (Mysore) for installing a Radio Station there; and

(b) if so, the reasons for selecting that particular site?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) Yes, Sir.

(b) It was considered to be a suitable site as it lies on the Trunk Road to Madras, and the sub-station from which power will be obtained for the transmitter is situated nearby. This site also satisfies the restrictions of the Civil Aviation authorities as regards the installation of a 400 ft.



aerial mast and the soil is also of a nature as satisfies the requirements of a high tension transmitter.

#### LICENSING COMMITTEE

**376. Shri K. C. Sodhia:** Will the Minister of Commerce and Industry be pleased to state:

(a) the principles on which the Licensing Committee for new industries rejects applications on the ground of unsuitability of the terms of collaboration with Foreign Interests;

(b) the specific number of applications rejected on this ground during 1953-54 and the names of the industries to which they related; and

(c) the names of the foreign firms involved in the matter?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) The Licensing Committee examines applications for foreign participation in industry in the light of the general principles outlined in para. 10 of the Government of India Resolution on Industrial Policy dated the 6th April, 1948, and elucidated by the Prime Minister in his statement dated the 6th April, 1949, and by the Minister of Commerce and Industry in his speech in the House of the People on the 4th April, 1953. [See Appendix II, annexure No. 66.]

(b) None.

(c) Does not arise.

#### TATA IRON AND STEEL COMPANY LTD.

**377. Shri K. C. Sodhia:** Will the Minister of Production be pleased to state the total number of collieries owned and operated by the Tata Iron and Steel Company Ltd., and the total quantity of coal raised therein during 1953-54?

**The Minister of Production (Shri K. C. Reddy):** The total number of collieries owned and operated by the Tata Iron and Steel Company Limited at present is six; the raisings from these collieries during 1953-54 were approximately 1.11 million tons.

#### IMPORTED STORES

**378. Shri K. C. Sodhia:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the total value of purchases made during 1953-54 of imported stores by the Director-General of Supplies and Disposals;

(b) how much of this was made through Indian agents of foreign manufacturers and how much directly;

(c) the number of cases in which goods were received not up to specifications;

(d) the total value of such goods; and

(e) what was the action taken in each case?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Rs. 27.76 crores.

(b) All these purchases were made by the Directorate General of Supplies and Disposals through agents of foreign manufacturers in India.

(c) Nil.

(d) Nil.

(e) Does not arise.

#### RESEARCH DIVISION OF A. I. R.

**379. Shri S. C. Samanta:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of persons who are at present working under the Research Division of the All India Radio; and

(b) the nature of development researches carried out by this Division during the last three years?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) The total strength of staff of all categories in the Research Division of All India Radio is 83.

(b) The subjects of research carried out in this Division during the last three years are as under:

1. Ionospheric Studies.

2. Forecasting of Ionospheric Conditions.

3. Measurement and analysis of field strength of Indian and foreign stations.

4. Technical Monitoring and Watch of Indian and foreign stations.

5. Investigation of Soil Conductivity.

6. Development of Ionospheric Absorption Recorder.

7. Investigation during solar eclipses of February 25, 1952 and June 30, 1954.

8. Self-gyro interaction.

9. Studies in shortwave signal fading.

10. Studies on the angle of arrival of down-coming waves from different broadcast stations.

11. Measurement of atmospheric noise level.

12. Investigation of scattering of radio waves on high power pulsed transmissions.

13. Measurement of Acoustics of AIR studios.

14. Development of Automatic reverberation time recorder.

15. Study of characteristic of Acoustic materials.

16. Development of Electronic equaliser.

17. Pulse technique for determining transient response of studies and audiotape.

18. Calibration and Standardisation of studio equipment.

19. Development of Mediumwave Fields strength measuring instrument.

20. Development of Thermo-electric Generator.

21. Building a prototype of Community Receiver.

22. Building a prototype of Low cost Domestic Receiver.

23. Development of Ionospheric Recorder.

24. Development of Limiting Amplifier.

25. Development of Electronic switch for Diversity Equipment.

The following is the list of the variety of equipment developed, designed and constructed during the last three years.

1. Automatic Ionospheric Recorder.

2. Manual Pulse Transmitter and Height Marker.

3. Limiter Amplifier.

4. Electronic Equalizer.

5. Electronic Diversity Switch.

6. Light Pattern Meter.

7. Automatic Reverberation Time Recorder.

8. Community Receiver.

9. Low Cost Receiver.

10. Voda.

11. Soil Conductivity Measuring Set.

12. Field strength Meter.

13. Time Signal Pipe Generator.

14. Fading Recorder.

15. Diode Noise Generator.

16. Thermo-electric Generator.

#### HANDLOOM AND VILLAGE INDUSTRIES

**380. Shri T. K. Chaudhuri:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of grants and loans sanctioned for the development of handloom and village industries, state-wise, during the period July-October, 1954;

(b) whether these grants and loans were made on the recommendation of the All India Handloom or the All India Khadi and Village Industries Board or on the direct application from the State Governments;

(c) whether there have been any direct grant by the Central Government to the individual organisations apart from loans and grants to State Governments; and

(d) if so, the names of the organisations and the amounts of such grants given?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) Two statements (I and II) are

attached. [See Appendix II, annexure No. 67.]

(b) Grants and loans for the Handloom Industry mentioned in Statement I have been sanctioned by Government on the recommendation of the All-India Handloom Board. For Village Industries, the amounts have been disbursed direct by the All India Khadi and Village Industries Board to various institutions in States, out of the funds placed at the disposal of the Board by the Central Government; except in one case where a grant of Rs. 7,454 was sanctioned by the Central Government in favour of a non-official organization and the amount disbursed through the State Government concerned.

(c) None for the period under reference.

(d) Does not arise.

#### PHOTO-OFFSET PRINTING PRESSES

**381. Shri Radha Raman:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether some photo-offset printing presses under the Indo-U.S. Technical Co-operation Agreement have arrived in India for printing "Farm" literature only;

(b) if so, how many of these presses have arrived;

(c) where they are expected to be installed;

(d) in what way they differ from the conventional offset presses;

(e) whether some Indians are being trained to operate the new machines; and

(f) the script in which they are expected to print?

**The Minister of Works Housing and Supply (Sardar Swaran Singh):** (a) and (b). Yes. Under an agreement with the Technical Co-operation Mission (India), 20 units of offset photo-process duplicating machines and ancillary equipment have been obtained.

(c) Seventeen machines have been offered to different States, one loaned on replacement basis to the Nepal Government and two have been reserved for the Indian Council of Agriculture Research. [See Appendix II, annexure No. 68.]

(d) Unlike the conventional process, these machines print from paper-masters on which direct typing, writing or illustrations can be made. These machines also give direct photographic contact on pre-sensitised plates.

(e) Yes; forty-four selected operators from the different States have already been trained at the Training Centre set up by the Indian Council of Agriculture Research for this purpose at Nilokheri.

(f) All scripts. These machines can also print photographs, cartoons, maps and other drawings.

#### MESSRS. INDIAN RARE EARTHS LTD.

**382. Shri Sarangadhar Das:** Will the Prime Minister be pleased to state:

(a) the progress in the construction of the Thorium and Uranium Plant made by Messrs. Indian Rare Earths Limited at Trombay, Bombay;

(b) the number of officers and workmen engaged in the construction;

(c) the number of officers and workmen who will be required to run the factory; and

(d) the number of residential quarters under construction for the officers and the men?

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** (a) The construction of the plant is in full swing. All buildings except the main process buildings are complete. The process buildings will be completed within the next two months. Most of the equipment required has arrived. The workshop has been completed and is in operation. Assuming that the present rate of progress will be maintained, it is expected that the plant

will be in production during May, 1955.

- (b) (i) Officers . . . . . 4  
 (ii) Other supervisory personnel (Foremen, Asstt. Foremen, etc.) . . . . . 5  
 (iii) Workmen . . . . . 60

(c) Same as (b) above, with the possible increase of one officer, 4/5 Supervisory personnel and 25 workers.

(d) Nil. This matter will be taken up when the factory has been completed.

#### FORWARD CONTRACTS IN COTTON

**383. Shri Radhelal Vyas:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of applications received by the Forward Markets Commission this year for permission in forward contracts in cotton;

(b) the names of the States from which these applications have been received; and

(c) the names of the States where permission for forward contracts in cotton has been granted?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) Thirty.

(b) Saurashtra, Rajasthan, East Punjab, Pepsu, Madhya Bharat, Madhya Pradesh, Hyderabad, Bombay, Delhi and Ajmer.

(c) Forward Contracts in cotton through the ring of East India Cotton Association, Bombay, are allowed.

#### GYANTSE TRAGEDY

**384. Shri S. N. Das:** Will the Prime Minister be pleased to state:

(a) whether any detailed report with regard to Gyantse tragedy has been submitted by the head of the rescue party who was sent to Tibet;

(b) if so, the important aspects thereof;

(c) the nature and extent of rescue work done by this party; and

(d) whether there is anything in the report which demands the attention of Government?

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** (a) to (d). According to the report of the head of the rescue party the flood waves came as a wall 20 ft. high and were so sudden that the sentry who first noticed them found himself overpowered before he could raise an alarm. Any help from the survivors was prevented by the darkness which then prevailed.

The party rescued some arms and Rs. 1,74,183-9-6 of Gyantse Sub-treasury. It also distributed rations, medicines and cash among the flood victims. In all Rs. 13,000 were placed at the disposal of the rescue party for rendering relief to our personnel in Gyantse Trade Agency. Gifts of food-stuffs and cloth worth Rs. 50,000 have been handed over to the local authorities for distribution among the Tibetan flood-victims.

It has been decided that in future our buildings should be constructed on higher ground to avoid such mishaps.

#### MIGRATION FROM EAST BENGAL

**385. Shri Biren Dutt:** Will the Minister of Rehabilitation be pleased to state:

(a) whether any fresh influx of displaced persons from East Bengal is reported in the State of Tripura; and

(b) if so, the assistance given to rehabilitate these displaced persons?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle):** (a) There has been a small increase in the number of migrants from East Bengal to Tripura after the Governor's rule.

(b) They are given such rehabilitation benefits as are usually extended to displaced persons from East Bengal entering Tripura.

## FOREIGN LIQUOR

386. **Shri Ramachandra Reddi:** Will the Minister of Commerce and Industry be pleased to state the value of foreign liquor imported into Delhi State during 1951-52, 1952-53 and 1953-54?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** The information required is not available.

## GRANT TO MADHYA PRADESH

387. **Shri N. A. Borkar:** Will the Minister of Commerce and Industry be pleased to state the amount given by the Centre to the Madhya Pradesh Government for development of cottage industries, year-wise, from 1950-51 to date?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** A statement is attached. [See Appendix II, annexure No. 69.]

## FOREIGN FILM PRODUCERS

389. **Sardar Iqbal Singh:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the names of foreign producers and companies who have been granted facilities for making films in India since July, 1952;

(b) the details of such requests, if any, now under the consideration of Government; and

(c) whether the Soviet Union has made a request for facilities to produce films in India with Indian collaboration?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). Information is being collected and will be laid on the Table of the House.

(c) There is a tentative proposal about making a film by such collaboration concerning the lives of some Russian and Chinese travellers who had come to India in medieval and earlier times.

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LOK SABHA

Friday, 26th November, 1954

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-48 A.M.

HINDU MARRIAGE AND DIVORCE BILL

The Minister of Commerce (Shri Karmarkar): On behalf of the Minister of Law and Minority Affairs, I beg to lay on the Table a copy of the Report of the Joint Committee in respect of the Bill to amend and codify the law relating to marriage and divorce among Hindus, pending in the Rajya Sabha.

ELECTION TO COMMITTEE

ESTIMATES COMMITTEE

Shri Pataskar (Jalgaon): I beg to move:

"That the Members of this House do proceed to elect in the manner required by sub-rule (4) of rule 239 of the Rules of Procedure and Conduct of Business in the Lok Sabha, one Member from amongst their number to serve on the Committee on Estimates for the unexpired portion of the year 1954-55 vice Shri Nityanand Kanungo resigned."

Mr. Speaker: The question is:

"That the Members of this House do proceed to elect in the manner required by sub-rule (4) of Rule 239 of the Rules of Procedure and Conduct of Business in the Lok Sabha, one Member from amongst their number to serve on

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the Committee on Estimates for the unexpired portion of the year 1954-55 vice Shri Nityanand Kanungo resigned."

The motion was adopted.

Mr. Speaker: I have to inform Members that the following dates have been fixed for receiving nominations and withdrawal of candidatures and for holding election, if necessary, in connection with the Estimates Committee, namely:

Date for nomination	Date for withdrawal	Date for election
29-11-1954	30-11-1954	2-12-1954

The nomination to the Committee and the withdrawal of candidature will be received in the Parliamentary Notice Office upto 4 P.M. on the dates mentioned for the purpose.

The election, which will be conducted by means of the single transferable vote, will be held in Committee Room No. 62, First Floor, Parliament House between the hours 11 A.M. to 1-30 P.M.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—Contd.

Mr. Speaker: The House will now take up consideration of clause 20 to 24 of the Code of Criminal Procedure (Amendment) Bill, 1954. As Members are aware, five hours have been allotted for this group. Members will hand in at the Table within 15 minutes slips indicating the numbers of amendments to these clauses in their name which they wish to move.

The discussion on these clauses will go on up to 2-30 P.M. when the Private Members' Business will be taken up by the House.

The discussion will be on all these clauses together.

**Shri Amjad Ali** (Goalpara-Garo Hills): Before we start, I may be permitted to refer to one thing. When we came to the discussion of amendments to clause 2, we were told that as they related to the difference between warrant cases and summons cases, the discussion would be postponed for a future date and for a full-dress debate. But, yesterday, when we came to clause 17, the clause which relates to section 117 of the principal Code, it was put to the vote. It was also pointed out that this clause would also have to be postponed for discussion at a later stage. I asked the hon. Minister and put a question to him for clarification. I said:

"May I seek a little clarification? I want an answer why in clause 17, the original section 117 is made a summons case and not a warrant case".

**Dr. Katju replied:**

"I am coming to that. I think, so far as the warrant cases and summons cases were concerned the discussion was postponed."

The Chairman said:

"So far as the question of procedure was concerned, it was postponed. It will come up subsequently."

But then, later on, I find that clause 17 has formed part of the Bill. I want your guidance whether this question can be reopened in view of the assurance given that the summons case procedure and the warrant case procedure would be discussed later on, and clause 2 has been withheld for discussion at a later stage. Will clause 17 also be taken along with those?

**Mr. Speaker:** I think, I shall have to look into the proceedings before I can come to any conclusion.

**Shri Amjad Ali:** The proceedings are here.

**Mr. Speaker:** They may be here but I am not fully conversant with them.

**Pandit Thakur Das Bhargava** (Gurgaon): I may tell the House that the

position seems to be correct. It was by mistake that clause 17 was put to the vote of the House. I gave an assurance that it would be considered when the procedure for warrant cases and summons cases was considered. But, when the amendments were put to vote, clause 17 was also put by mistake.

**Shri Amjad Ali:** If it was a mistake, can it be corrected and reopened?

**Mr. Speaker:** Let me see the proceedings and come to a decision.

**Shri Sadhan Gupta** (Calcutta—South-East): As with other clauses, this particular group of clauses also is to be viewed from the point of the convenience of defence which should be available to every accused person. Apart from clause 20, which deals with proceedings relating to property, other clauses deal with this question. Particularly, as far as clause 22 is concerned, this amendment has raised the greatest amount of controversy in this House. Clause 22 seeks to amend section 162 of the Criminal Procedure Code. Section 162, as it stands at present, prohibits the use of statements recorded by the police for any purpose other than the contradiction of the prosecution witnesses. Now, that is not a right which we always had. It came to us after a long time in 1923. It is only then that we got this right and I think it is not a mere coincidence that just a little before that the non-co-operation movement was on and the country was fermenting with discontent. It is a very salutary provision, I submit, because our police being what they are, our investigating machinery being what it is, it is absolutely essential that the accused should have protection against being imperilled by indiscriminate use of statements made or supposed to have been made before a police officer. I deliberately say, 'statements made or supposed to have been made'. Courts have remarked again and again, that a statement recorded by a police officer is never to be relied upon.

## 12 Noon

It is said, in England when the police officer says that the accused made a certain confession to him, it is implicitly accepted because the police there is of a different order. I am not one of those who believe in national characters, who would say that the English national character is infinitely better or in any manner better than Indian national character. I do not really accept any theory of national character at all. But, it is a fact that the executive machine becomes more and more tyrannical, more and more corrupt as it finds it difficult to control the discontent of the people. In England, the executive has a greater hold on the people, the Government in England has a greater support of the people and therefore they can afford to be just to the people. But, here, where the country is seething with discontent where no problems have been solved, naturally the people are restive and therefore the machinery that is set up to keep them in check, to keep them in control, to keep, as it is said in very euphemistic terms, law and order, that machinery is bound to be corrupt and is corrupt. It had been corrupt in British days and now it is no less corrupt. In fact, it is more corrupt than in British days. The reason is the same. In the British days the discontent of the people did not reach to such great heights because the problems of the people had not assumed that amount of complexity as it has assumed today in the Congress States. Therefore, if we had the necessity for protection from the police in those days, if in those days the police were corrupt, if the police were unscrupulous in British days, the police are still more corrupt today and they are still more unscrupulous today and we have to have still more protection against these statements.

Pandit Thakur Das Bhargava stated yesterday that here the police celebrate section 109 weeks that is to say, a week in which they have to get in the maximum cases under sec-

tion 109. That is not an accident; that is not the only disease either, it is only the symptom of the disease. The police in our country is absolutely callous to the rights of the people, absolutely callous about civil liberties and, therefore, they do not shrink from anything which will enable them to get a conviction. We have seen in many cases how it happened that the police have set about fabricating evidence, that the police have set about extorting statements from witnesses by terror and by all sorts of inducements and other means. In this very city, as pointed out by me the other day, a Sessions Judge made very caustic remarks about the way in which witnesses were procured by them. When the case concerns the people and the executive, then the zeal of the police to fabricate evidence knows no bounds. Therefore, it is in this light that we have to look at this clause—clause 22—by which section 162 is sought to be amended. In the Bill as it was originally introduced, it was provided that police statements could be used for all purposes, the proviso was taken away the result was that the police statements could be used for all purposes, for contradiction as well as corroboration. The hon. Home Minister then stated that there is no difficulty because in any case, when nothing is brought out in cross-examination regarding a contradiction of the witnesses by the police statement, the Judge takes it for granted that it is corroborated so that you do not lose anything by having the witness's statement corroborated. That kind of an argument did not cut any ice and that was absolutely absurd. It obviously assumed that every Court was so dishonest that in spite of the bar to using a statement made before the police for the purpose of corroboration the Court would nevertheless use it for some such purpose because it had not been contradicted. No one took that view and, therefore, there was a general feeling against a provision which would enable police statements to be used for corroboration. Therefore, the corroboration

[Shri Sadhan Gupta]

part has been done away with, but it has been done away with not from the idea of increasing the civil liberties of the accused, giving him a right of defence, but just to placate the very reasonable opposition which has naturally arisen from the people against curtailing the right of the accused. What the hon. Home Minister now says is: Why should the accused be chary of the prosecution witnesses being contradicted by the prosecution itself? If the accused has a right of contradiction, he says, it is fair that the prosecution should have the same right. If a prosecution witness is telling a lie, why should not the prosecution contradict it by his own statement? The answer is not too difficult to give because there is the greater chance that the statement is not his own; the statement has been fabricated by the police or extorted by the police in order to support the prosecution case. Under these circumstances.....

[Mr. DEPUTY-SPEAKER in the Chair]

**Mr. Deputy-Speaker:** Has not this matter been discussed at length? Every hon. Member referred to this matter in the general discussion. I would only appeal to hon. Members to come forward with any new points that have not been stated so far. This point was discussed threadbare already.

**The Minister of Home Affairs and States (Dr. Katju):** This was absolutely dead!

**Mr. Deputy-Speaker:** Either the one side was converted or not converted and so unless hon. Members can find any new points, ...

**Shri Nambiar (Mayuram):** This is our last chance.

**Mr. Deputy-Speaker:** The last chance is the voting, but this is only repeating the same matter at every stage.

**Shri Sadhan Gupta:** The argument is: What do you lose by it? Obviously, what the accused loses is the evidence of the prosecution witness. If the prosecution witness gives a favourable evidence, it has to be considered by the Court. The Court cannot say that he cannot say a contradictory statement to the police and so 'I am not going to accept his statement'. But in the amendment proposed, what is said is this. If he can declare the witness as hostile—and you know what is the effect of hostile witnesses—his evidence will not be accepted by the Court, his evidence will not be accepted for the prosecution—it is true—but it may not be accepted for the accused. Now, the Home Minister says since he is an untruthful witness, why should the accused have the advantage of his testimony? The point is that he is not an untruthful witness; the police is the untruthful machinery and the police has recorded untruths against him. The Home Minister then retorts: Why should the prosecution not take advantage of the untruths recorded to contradict it? The reason is that the police is the agent of the prosecution and there is no doubt about it. The police has recorded the untruth in order to support the prosecution, and if the prosecution now wants to turn round and say "I will take advantage of that", that is a very unfair thing and we cannot be a party to it. I think most of the Members of the House, of course, apart from the whips issued to them, will not be a party to it. Mr. Pataskar at one stage appealed to us to be above party politics in this matter. I fling back that appeal to his party and challenge them to give a free vote on it and see what happens to the fate of this amendment. That is as far as section 162 is concerned and we have given notice of an amendment for omitting the words "with the permission of the Court, by the prosecution".

As regards clause 23, as Pandit Thakur Das Bhargava pointed out, there is no provision for giving the

accused the documents within a reasonable time before the trial begins—it is said that the police officer has to furnish him with the various statements recorded—but it has not been stated how long before the trial the police officer should furnish him. If it is furnished just at the time of the trial, what is the use of it? It is absolutely useless, and therefore we have proposed an amendment that the statement must be furnished at least fifteen days before the trial begins.

**Mr. Deputy-Speaker:** If it is applied for on the fourteenth day?

**Shri Sadhan Gupta:** There is no question of applying. It is the obligation of the police officer to furnish it to the accused, without any application.

**Shri Raghavachari (Penukonda):** That is how it is proposed now.

**Shri Sadhan Gupta:** Therefore it must be furnished fifteen days before, the trial begins.

There is another provision, which is a legacy of British days, that statements which are supposed to be irrelevant, which are supposed to be not in the interests of justice and not in the public interest to disclose, need not be disclosed. The only difference is that in the British days it was a Magistrate who was empowered to exclude it; today it is the police officer who is empowered to exclude it. A wonderful government I must say who, in spite of the well known fact that the police are always obstructive of the rights of the defence and offer every kind of obstruction to a proper conduct of defence, have entrusted the police with the power of excluding statements! The only safeguard is that the police officer will report it to the Magistrate and then of course, at the time of the commencement of the trial, if the Magistrate finds that the exclusion has not been justified he may order the remaining portion of the statement to be given. We are definitely of the opinion that this power of exclusion is not justified. If there is any state-

ment against the accused, it must be given to him. And the accused should be made the judge as to whether it is relevant for the defence or not.

We know so many questions arise in course as to the admissibility of evidence on the ground that it is relevant or it is irrelevant; so many complicated cases are decided on this point; and in many cases where the trial court decides one way the appellate court decides the other way.

Therefore, is it safe or is it reasonable to provide that the question of relevancy should be judged behind the back of the accused by a Magistrate and, even more, by a police officer? Relevancy can be decided only after ascertaining what kind of defence the accused will put up. It often happens that the question of relevancy assumes a very new aspect in the light of the defence that the accused offers. As such, how can you make the police officer the judge of relevancy?

Therefore, we have given an amendment in which that particular provision is to be omitted. Of course, that is our point of view. But if it is not accepted, we have given an alternative amendment which provides that if anything has to be excluded, if any portion of the statement has to be excluded, the police officer must not exclude it by himself, on his own judgment, but he must previously obtain the permission of a Magistrate before excluding such part from the copy of the statement. I think if the hon. Home Minister has any pretence to justice, any pretence to judicial fairness, he should accept at least this amendment.

**Mr. Deputy-Speaker:** Why all these remarks, "fairness," this and that? Both sides claim to be very fair. Those observations may not be necessary except when a principle is involved. After all there is a proviso here. The hon. Member wants that before rejecting there should be consultation of the Magistrate. The proviso is that after rejecting, the Magistrate is consulted. It is of course a small point. The hon. Member's point and

[Mr. Deputy-Speaker]

amendment may be accepted or rejected. But it does not involve such a serious principle that the Home Minister's sense of justice need be invoked.

**Shri Sadhan Gupta:** Sir, it is not a very small point. Just imagine what could happen. There is no time limit prescribed when the police statement has to be given, and particularly in the matter, I may say, of the appeal against the exclusion. The time limit is when the trial starts, when the first hearing takes place. In these circumstances it may be that the police officer, in order to harass the accused, in order to make it impossible for him to conduct his defence, will exclude all sorts of relevant statements, and then those statements will be coming to him only on the day of the trial. Is it fair? Does it offer reasonable opportunity to the accused for his defence?

Therefore what I have suggested is, if he must exclude he will obtain the previous permission of the Magistrate and then exclude it.

After that, of course, there is my amendment that he must furnish it within fifteen days.

If these two amendments are accepted the position will be that the statement after exclusion of all irrelevant portions, will come to the accused at least fifteen days before the trial begins, and he will have ample time to prepare his defence. I think on all sides of the House opinions have been expressed admitting the fairness, admitting the desirability of such a provision which would enable the accused to obtain the statement within a reasonable time before the trial commences. And also I think—though this aspect has not been touched—the same reasoning that supports the earlier view will also support my view that the exclusion, if at all, should be done by the Magistrate before the statement is furnished, and within a reasonable time before the trial is commenced.

That is all I have to say on these points, and I would once again urge upon the Home Minister to accept these very reasonable amendments.

**Shri Dabhi (Kaira North):** By my amendment I want to delete the words "and with the permission of the Court, by the prosecution" from the proposed section 162. You will see that the main argument given by those who want to insert these words in section 162 is that while the accused has the right to cross-examine a prosecution witness, why should not the prosecution also be allowed to cross-examine its own witness under certain circumstances?

This argument is misleading. In the first place the difference between the two cases is that under the Evidence Act the very definition of cross-examination is that it is examination of the witness by the adverse party. So the comparison between the two is not proper. To say that because the accused has been given the right to cross-examine the prosecution witness, therefore the prosecution also should be allowed to cross-examine its own witness is not a valid argument.

We know of course in certain cases a prosecution witness might turn round at the time of giving evidence before the court. There are two conceivable reasons why a prosecution witness would go back upon the statements he made to the police. In the first place, one conceivable reason is that the police might not have properly and accurately recorded the statements of the witness. And from several concrete instances we know that the police do not properly or faithfully record the statements. Sometimes they record certain statements on slips and then enter them in the diary according as it suits them. Now, if really that statement of the witness is not correct, why should that witness not be allowed to disown that statement?

We know that there are several cases in which the police take statements of witnesses by using pressure or by bringing undue influence. If that be the case, if such statements have been induced by pressure or undue influence, it is fair that that witness should be given an opportunity to say that those statements were taken from him by some undue influence or by pressure being brought upon him. In such cases he must be allowed to say what the truth is. If he was compelled to say some untruth before the Police it is fair that he should be given an opportunity to say what the real truth is. In this connection I would like to read a few lines from the judgment of Chief Justice Beaumont of the Bombay High Court in *Emperor vs. Sultansha Sidisha* (A.I.R. 1940, Bombay, 385.) There Chief Justice Beaumont stated as follows:

"If the statement made under section 164 was false, no doubt such a false statement ought not to have been made, but one knows that in the initial stage of proceedings it is possible that influence may be brought to bear on a witness, and if a witness does make a false statement under section 164, it is surely very much to his credit that he retracts that false statement at the trial, and does not by giving false evidence at the trial secure a wrong conviction."

What the learned Chief Justice says is that if he has really said something under undue influence, he must be allowed to tell the truth before the Court.

Then, Sir, I can conceive of another occasion when the witness would prevaricate. Sometimes it does happen that if a witness is a close relative, or friend of the accused he turns round afterwards and says before the Court that he knows nothing about the incident. In such cases where the police know that the witness is a close friend or near relative of the accused, they take the witness to

the Magistrate and get his statements recorded under Section 164. They do so, so that the witness may not turn round on a later occasion. So, section 164 of the Criminal Procedure Code is even now being used by the police and there is nothing to prevent them from resorting to it. The hon. Minister says that he wants justice to be done. But if these words are retained in the section, sometimes it would not help the ends of justice.

I will take one concrete instance. Suppose a prosecution witness in his statement before the Magistrate says that he saw A, B, C and D committing a crime, say, murder, of a particular person. When he appears before the Court he names only three persons, A, B and C. What will happen if the prosecution were to contradict this statement by confronting him with the police statement? It would mean that the witness himself is contradicted, declared hostile and the whole evidence will be discarded, on the ground that the witness is a discreditable witness and that his evidence should not be accepted. I do not want that should be the case. The one person who has not been named by the witness before the Court should not be convicted; that is, the evidence itself should be what is given in the Court.

Of course, we are all anxious to see that no innocent person suffers; but at the same time we do not want that a guilty person should escape. By allowing the prosecution to declare a witness hostile, the evidence of that witness even with regard to those three persons who may have really committed the offence would be lost.

Last, we know that this is the one point on which there is practically unanimity of opinions. Of the opinions that have been received, I do not know of a single one which says that this section 162 should be dropped. Many of the Sessions Judges who have vast experience of these cases



[Shri Dabhi]

have suggested that this section should be retained as it is. They would not have had the slightest idea that after retaining this section, the new words would be inserted. If only we go through the opinions received, we will find that practically everybody wants that section 162 should remain as it is. Under these circumstances I think Government would see to it that these words which they seek to insert in section 162 are dropped.

**Shri Amjad Ali:** Before I make my remarks on Section 162, I would like to read to the House the opinion expressed by some learned jurists which appear on page 109 of the Summary of Opinions Group D, circulated to us.

I am referring to the opinions quoted from Judges by no less a person than Shri N. C. Chatterjee, an erstwhile Judge of the Calcutta High Court, and now a colleague of ours.

**Mr. Deputy-Speaker:** Was the opinion given as a colleague or as a Judge?

**Shri S. S. More (Sholapur):** Opinion given as a Member of this House.

**Mr. Deputy-Speaker:** What is the good of quoting such opinions? Hon. Members are here in flesh and blood.

**Shri S. S. More:** He is quoting it as the opinion of an "ex-Judge and/or colleague." He has qualified it.

**Shri Amjad Ali:** Shri N. C. Chatterjee, Member of Parliament, Barrister-at-law, and a former Judge of the Calcutta High Court, has given his valuable opinion from his experience. He has said:

"This section (section 162) is very important, as the Legislature wanted to protect the accused both against the overzealous police

officers and untruthful witnesses. This section really affords protection to persons from being pinned down to statements recorded by the police during the investigation stage."

He has also said:

"As has been pointed out by different High Courts, the reason for restriction imposed by section 162 is that such statements are recorded by police officers in the most haphazard manner. As has been pointed out by learned Judges, Officers conducting an investigation not unnaturally record what seems in their opinion material to the case at that stage and omit many matters equally material and which may be of supreme importance as the case develops, and they are not experts of what is or what is not evidence."

**Mr. Deputy-Speaker:** I would like to consider—I would like to consult the hon. Speaker also and consult the practice hitherto on this matter—how far it will be useful or how far it will be desirable to quote the opinions of Members of Parliament on a matter which is before the House, and the opinions which have been sent to the House. Every Member of Parliament may give a written opinion, and whether he takes the opportunity of speaking in the House or not, another hon. Member might go on reading that opinion. That is the difficulty that is passing in my mind. The opinion of an hon. Member, whether as a Judge or not, is entitled to weight, but what is passing in my mind is this, and I am telling the hon. Members in advance. If, on any issue here, any subject that is referred to or is circulated for public opinion, we quote all the opinions of all hon. Members here—one hon. Member reading the opinion of another hon. Member,—there may be no end. It is open to the hon. Member to set up here and say his points and then

Subject himself to some questions, explanations, and soon. I am not talking of the hon. Member, Shri N. C. Chatterjee. If he wants to speak or intervene at any stage, he will certainly be called upon to speak. But there may be other hon. Members who may not get a chance and they may put into the hands of some other hon. Member his views, and that other hon. Member may go on reading it, opinion after opinion. So, I cannot pick and choose and say whether one hon. Member's opinion is not good and another hon. Member's opinion alone is good.

**Shri N. C. Chatterjee (Hoogly):** On this point, I was quoting from Justice Collister and Justice Braund of the Allahabad High Court. I was quoting word for word from their judgment in the Allahabad High Court. So, my learned friend is quoting not Shri N. C. Chatterjee but Justices Braund and Collister.

**Mr. Deputy-Speaker:** I would like hon. Members to consider this matter, and tell me or tell the Speaker about their views. What is passing in my mind in this. Whenever any matter is sent up from this House for eliciting public opinion, or is sent to the other House which consists of say, 250 Members, can they, the Members of that House go on quoting what has been said here by the 500 Members of this House? Or, likewise, when a measure is initiated in the other House and when it is sent here, can all the Members go on quoting what has been said there by those Members? It will result in quoting the opinions of Members once again. So any statement made by a Judge or a like person may be usefully quoted, and not necessarily the opinion of a Member who, as a Member of this House has got an opportunity to speak. So far as the Evidence Act is concerned, hon. Members know that a party cannot use his admission for himself, though against himself, it can be used. Of course, whatever an hon. Member quotes from what has been said by another hon. Member, it can be contradicted or supported. I would

like to take time to consider this matter.

**Pandit Thakur Das Bhargava:** This section 162 gives power to the prosecution as well as defence.

**Shri S. S. More:** Do you mean to say that our statement shall be used only for the purpose of contradiction and not for corroboration?

**Mr. Deputy-Speaker:** The hon. Member will read the extract from the Judges' opinion which was referred to by Mr. Chatterjee. The House will accept those extracts.

**Shri S. S. More:** Mr. Chatterjee has already on the last occasion quoted those extracts.

**Shri Amjad Ali:** I have not named the Judges from which Shri N. C. Chatterjee has quoted. I was going to name them when the Chair intervened and made observations. It was Justice Braund and Justice Collister of the Allahabad High Court on A.I.R. 1940, All. 291.

**Dr. Katju:** There are so many Judges of the High Courts and they differ among themselves so violently.

**Shri N. C. Chatterjee:** On this point, no High Court has differed from the judgment of Justice Braund and Justice Collister.

**Shri Amjad Ali:** I shall quote another judgment. "In *Pakala Narayana Swami v Emperor*, the Judicial Committee held that statements made to a police officer by an accused person under section 162 Cr. P.C. are not admissible in evidence."

**Mr. Deputy-Speaker:** What do they say? He need not read it in full. Do they say that the document ought not to be used in favour of the prosecution?

**Shri Amjad Ali:** "Are not admissible in evidence even when the person making them was not an accused at the time of making the statements but was so at the time the statements were tendered in evidence. As Lord Atkin observed in that case, the intention of the Legislature...."

**Mr. Deputy-Speaker:** That is the interpretation of the law. But the hon. Minister wants to change the law. There is a world of difference between the two. It is not a general principle of jurisprudence. Under the law, as it stands, it can be used only in re-examination, and only to a limited extent, in so far as any accusation has been made in cross-examination, and as a kind of elucidation. Otherwise, under the existing section, it cannot be used. The hon. Member has evidently wanted to get out of the difficulty pointed out by the Privy Council and wants to make a provision in the Statute. He wants to modify the Act itself.

**Shri Amjad Ali:** "The intention of the Legislature in framing that section was to encourage the free disclosure of information or to protect the person making the statement from a supposed unreliability of police statement."

**Mr. Deputy-Speaker:** In spite of the section they wanted to use it on general principles, that that kind of evidence ought to be permissible in favour of the prosecution. The hon. Judges of the Privy Council said that it ought not to be used and it is a wholesome provision. That is why the statute has not made any provision now. The Home Minister wants to get the provision made in the statute. But how is it used? I am afraid the hon. Member must rely upon general principles for this purpose.

**Shri N. C. Chatterjee:** Lord Atkin was pointing out the principle, the ratio, the eternal verities, the unreliability of police recording. That is what the hon. Member was pointing out. That point still persists.

**Shri Amjad Ali:** The intention of this section was to safeguard the interests of defence against the over-zealousness and unreliability of police officers' statements.

More convictions and more promotion are always in their minds. The statements are recorded by the police

officers in the most haphazard manner and mostly to suit their purpose. They are not legal experts also. Under the existing section 162, the accused is given the valuable right of contradicting the prosecution witnesses with this statement. It has worked for more than half a century. Even in the days of the British, who were more for suppressing individual liberty, it worked well. It is unfortunate that Dr. Katju, who has worked for individual liberty throughout his whole life, has sought to take away this liberty of the citizens with a stroke of the pen?

**Shri S. S. More:** Is it a misstatement?

**Shri Frank Anthony** (Nominated Anglo-Indian): Whose opinion is this?

**Shri Amjad Ali:** The Party behind him has fought for individual liberty so long. Has he thrown to the winds the question of individual liberty?

**Dr. Katju:** What is he reading?

**Mr. Deputy-Speaker:** He is referring to some notes.

**Dr. Katju:** I thought he was reading some judgment.

**Shri N. C. Chatterjee:** No judgment has yet given you that certificate.

**Shri Nambiar:** That is yet to come.

**Shri Amjad Ali:** By this amendment, section 145 of the Indian Evidence Act is sought to be amended for criminal trials. If the prosecution is given the same right to contradict the prosecution witnesses with the help of the police diary the unscrupulousness of the police is always at an advantage. The mischief from which the defence was so long saved is sought to be perpetrated by this. The advantage so long enjoyed by the defence is taken away from him. That shows the light-hearted manner in which the liberty of the individual is going to be curtailed.

**Mr. Deputy-Speaker:** May I announce the amendment before I call

upon Shri Frank Anthony to speak? Does he want amendment No. 425 also to be included?

**Shri Frank Anthony:** Yes, Sir.

**Mr. Deputy-Speaker:** The following are the numbers of the amendments indicated by the Members to be moved.

Amendments Nos. 465, 369, 53, 287, 466, 262, 370, 5, 100, 263, 371, 425, 468, 372, 310, 264, 373, 375, 101, 376, 102, 426 same as 377, 103, 427 same as 379, 428, 57 and 380 subject to their being admissible.

**Shri R. D. Misra** (Bulandshahr Distt.): Amendment No. 53 also.

**Mr. Deputy-Speaker:** I have read as the third amendment. I find some of these amendments are proposing new clauses; clauses 20A, 21A, 22A, 23A and 24A. The objection to these, as was already referred to by the hon. Speaker at an earlier stage, is that these sections are not touched by the Amending Bill, nor do they flow from any clause of the Amending Bill nor are they ancillary or auxiliary to them. I would hear the hon. Members on this point as to how it will be useful.

**Pandit Thakur Das Bhargava:** I have given an amendment in List No. ....

**Mr. Deputy-Speaker:** To cut short the time, I would suggest this course. That is my present view. Clauses 20A, 21A, 22A, 23A and 24A are liable to the same objection as pointed out, that they refer to sections which are not the subject-matter of the Bill. Further, I consider at this stage that they do not flow out from or are consequential to the amendments that have been proposed. Nor are they ancillary or auxiliary. This is only a provisional opinion. I shall give an opportunity to the Members who want to see that these amendments are accepted by the House or placed before the House. They will not only speak about their own amendments, but on the other amendments, and on the clauses including

the new clauses which they have tabled. I do not want to give two opportunities to them to discuss this point. Each in his turn, if he wants to stand by his amendment, may stand up and he will have an opportunity to discuss all the clauses together.

### Clause 20

**Shri Bogawat** (Ahmednagar South): I beg to move:

In page 5, after line 37, add:

"(1B) Notwithstanding anything contained in sections 145, 146 and 147, if the parties to the dispute before the Court or Magistrate come to a compromise and present it in writing, the compromise shall be recorded and the Court or Magistrate shall drop the proceedings."

### New Clause 21A

**Pandit Thakur Das Bhargava:** I beg to move:

In page 5, after line 43, insert:

"21A. Amendment of Section 161, Act V of 1898—In section 161 of the principal Act—

(a) in sub-section (1), for the words 'may examine orally any person' the words 'shall examine all persons so far as practicable' shall be substituted; and

(b) for subsection (3) the following sub-section shall be substituted, namely:—

'(3) The police-officer shall reduce into writing the statements of the persons whom he examines preferably in the language of the person examined. The statements of such persons as are supposed to be acquainted with the fact and circumstances relating to the actual commission of the offence shall be taken down in full in their presence and in their

[Pandit Thakur Das Bhargava]

own languages. These statements shall be recorded in the diaries referred to in section 172."

**Shri R. D. Misra:** I beg to move:

(1) In page 5, after line 42, insert:

"21A. Amendment of section 161, Act V of 1898.—In sub-section (2) of section 161 of the principal Act, after the words 'bound to answer all questions' the word 'truly' shall be inserted."

(2) In page 5, after line 43, insert:

"21A. Amendment of section 161, Act V of 1898.—In sub-section (3) of section 161 of the principal Act,—

(i) for the word 'may' the word 'shall' shall be substituted;

(ii) the words 'if he does so' shall be omitted; and

(iii) the following shall be added at the end, namely:—

"and shall give a copy of the statement recorded by him to the person who made the statement and take signatures of such person that he has received such copy."

## Clause 22

**Shri R. D. Misra:** I beg to move:

In page 6, line 6, after "under investigation" insert:

"nor such person making the statement shall be examined for the prosecution at any trial or inquiry unless a copy of his statement recorded by the police-officer was given to him and a receipt of it was obtained by such police-officer".

**Shri Mulchand Dube** (Farrukhabad Distt.—North): I beg to move:

In page 6, line 10, omit "if duly proved",

**Shri Sadhan Gupta:** I beg to move:

In page 6, line 10, after "may" insert "only".

**Shri Dabhi:** I beg to move:

In page 6, lines 11 and 12, omit "and with the permission of the Court, by the prosecution".

**Pandit Thakur Das Bhargava:** I beg to move:

In page 6, lines 11 and 12, omit "and with the permission of the Court, by the prosecution".

**Shri Mulchand Dube:** I beg to move:

In page 6, lines 11 and 12, omit "and with the permission of the Court, by the prosecution".

**Shri Sinhasan Singh** (Gorakhpur Distt.—South): I beg to move:

In page 6, lines 11 and 12, omit "and with the permission of the Court, by the prosecution".

**Shri Amjad Ali:** I beg to move:

In page 6, lines 11 and 12, omit "and with the permission of the Court, by the prosecution".

**Shri Bogawat:** I beg to move:

In page 6, line 11, omit "with the permission of the court".

## New Clause 22-A

**Pandit Thakur Das Bhargava:** I beg to move:

In page 6, after line 22, insert:

"22A. Amendment of section 172, Act V of 1898.—In section 172 of the principal Act—

(a) after sub-section (1) the following new sub-sections shall be inserted namely:—

'(1A) The diary shall be a bound book containing consecutive printed pages with arrangement for automatic copies on two sheets, each page being signed by the Inspector-General of Police of the State in which entries in accordance with the provisions of sub-section (1) shall be made. In the second part of the diary to be known as "statement diary" statements will be recorded in accordance with the provisions of section 161.

(1B) At the close of the investigation each day the police-officer shall submit a copy of the diary to the Superintendent of police who shall maintain a register showing when the diary reached his office and when it was alleged to have been sent,' and

(b) in sub-section (2)—

(i) before the words "any Criminal Court" occurring at the beginning the following shall be added, namely:—

"The statement diary and the counter-part copies and the copy of the register mentioned in sub-sections (1A) and (1B) shall be available to the accused for such use as is allowed by law at the trial."

(ii) before the word "Neither" the words "Except as hereinafter provided" shall be inserted."

## Clause 23

**Shri Nageshwar Prasad Sinha** (Hazaribagh East): I beg to move:

In page 6, line 24, after "the principal Act" insert:

"(a) in sub-section (1), after the words 'without unnecessary delay' the words 'that is, within fifteen days from receipt of information under section 154 or an order from the Magistrate under sub-section (3) of section 155 of the Act, or, at the latest, within thirty days if there are rare and extraordinary circumstances' shall be inserted; and (b)"

**Shri Mulchand Dube:** I beg to move:

In page 6, line 24, before "for sub-section (4)" insert:

"(a) for clause (b) of sub-section (1), the following shall be substituted, namely:—

'(b) send a copy of the report referred to in clause (a) to the person, if any, by whom the information relating to the commission of the offence is laid,' and (b)"

**Shri Sadhan Gupta:** I beg to move:

In page 6, line 27, for "shall" substitute "shall at least fifteen days".

**Pandit Thakur Das Bhargava:** I beg to move:

(1) In page 6, line 27, after "shall" insert:

"as soon as possible and in Session cases not less than fifteen days and in other cases not less than ten days."

(2) In page 6, line 27, after "before" insert "ten days and in no case less than a week".

**Shri U. S. Dube** (Basti Distt.—North): I beg to move:

In page 6, line 32, after including insert:

"the remarks of inspection note, if any, made at the time of the local inspection of the place of occurrence and."

**Pandit Thakur Das Bhargava**: I beg to move:

In page 6, line 34, after "section 161" insert:

"or recorded in any part of the police diary or otherwise".

**Shri Sadhan Gupta**: I beg to move:

In page 6, omit lines 37 to 51.

**Shri Simhasan Singh**: I beg to move:

In page 6, omit lines 37 to 51.

**Pandit Thakur Das Bhargava**: I beg to move:

In page 6, omit lines 37 to 45.

**Shri Amjad Ali**: I beg to move:

In page 6, lines 39 to 41, omit—"is not relevant to the subject matter of the inquiry or trial or that its disclosure to the accused is not essential in the interest of justice and"

**Shri H. G. Vaishnav** (Ambad): I beg to move:

In page 6, lines 39 to 41, omit—"is not relevant to the subject matter of the inquiry or trial or that its disclosure to the accused is not essential in the interest of justice and"

**Shri Sadhan Gupta**: I beg to move:

In page 6, (i) line 40, for "or that its disclosure to"; and

(ii) for lines 41 to 51, substitute:

"he may, after obtaining the previous permission of a Magistrate, exclude such part from the copy of the statement furnished to the accused."

**Shri R. D. Misra**: I beg to move:

In page 6, after line 51, add:

"(6) In cases where the previous sanction of the Central Government, State Government or any other authority is necessary for taking cognizance of an offence by the court, the police officer shall not forward his report to the court without obtaining the required sanction in writing of the authority concerned."

#### New Clause 24-A

**Shri Bogawat**: I beg to move:

In page 7, after line 4, insert:

"24A. Omission of section 197A in Act V of 1898.—Section 197A of the principal Act shall be omitted."

**Shri Frank Anthony**: I have not yet abandoned hope in the hon. Home Minister. As I listened to him with great attention, he has made it clear that his approach was not militant nor rigid, that he is having an open mind on the subject and that he would be open to conviction.

As I have listened to this debate, I find that there is a consensus of opinion, not only from this side, but also from the Congress Benches, that has registered an emphatic and unqualified protest to this proposed amendment to section 162. My amendment seeks to restore section 162 to its original position. When the Home Minister was arguing the

brief of the Government and that of the majority of the Select Committee, he seemed to approach the matter, particularly this section, in this way. He said, why should we not hold the balance evenly between the defence and the prosecution in this matter? After all, the investigating officer records the case diary. It is admitted that the statement of a particular witness does not represent the *ipsissima verba* of that particular person. It is not his statement; it is not read over to him and he is not required to sign it. Why, then, in these circumstances, should the prosecution not be given the same right as has been accorded to the defence? My respectful submission is that this is a misconception. In this matter, the defence and the prosecution do not stand on the same or on an equal basis. The investigating officer and the prosecution witnesses represent a sort of a common pattern. It is natural that when the investigating officer and his prosecution witnesses are here, the lee is in supporting the prosecution pattern. Normally, there is no conflict of interest between the investigating officer and his prosecution witnesses. That is precisely why section 162 was, I believe, originally put in. If we now let in the new amendment, the whole purpose and the original intention of section 162 is not only going to be completely stultified, not only will the original benefit which was categorically intended for the accused be effacted, but on the other hand, it will be converting a benefit into a distinct liability for the defence. That is precisely what is going to happen. Quite frankly I am unconvinced by the arguments of the Home Minister. The prosecution never has the scales weighed against it in respect of the case diary. The approach of a Court is always conditioned by an appreciation of this fact that it is not a verbatim statement. We know the Courts refuse to consider minor discrepancies as between the statement in the case diary and the statement on oath. Many High Courts have refused even

to consider omissions as representing a contradiction unless it is an omission of a very vital character. So, to this plea of the Home Minister that when this is not a verbatim record why should the prosecution witness, who has not seen it, who has not heard it, be placed in a position of disadvantage, I say he is not placed in a position of disadvantage. As I have said, the Court's approach is not that he is confronted with every word or every syllable or every combination of syllables in the case diary. The court rejects that kind of contradiction. But the principle underlying this provision and which will now be completely, as I say, not only stultified but perverted, is this. It was intended categorically as a benefit for the accused person. What was the intention? The intention was that section 162 should operate as some kind of brake on the capacity for fabrication, and we know that this capacity varies from State to State and from investigating officer to investigating officer. It is intended to operate as a brake on the capacity for fabrication of an investigating officer. He always knew that section 162 gave him notice of this fact, that if he deliberately fabricated his case diary, unless he was able then to enlist also the intention of the prosecution witness to commit perjury, that record in the case diary would probably indict him and probably vitiate the whole prosecution case. That is the whole purpose. It was meant as a brake on this capacity of an investigating officer, since he is preparing, to fabricate statement, to put into the mouths of witnesses what he would like to hear them or see them say. That is what it was intended for.

Now, what is going to be done. A witness comes. He is an absolutely truthful witness. The Sub-Inspector had perhaps hoped that he would come into line with this particular part of the fabricated pattern. The witness does not want to. That is precisely the whole principle be-



[Shri Frank Anthony]

hind it, that an investigating officer would not be placed in this position, that not only would he be able to fabricate the case diary but he would be able to pin down his own witness. That is precisely what the Home Minister's amendment is going to do. It is going to give the Sub-Inspector two powers. First and foremost, he alone has the discretion to write up the case diary in any manner he pleases. But now, what is he going to be able to do? He is going to pin down a truthful witness to his false fabricated case diary statement. That is where the utter perversion comes in.

Sir, at present what happens. A respectful witness comes to the Court. He refuses to lend himself to any police pressure. He comes there and he says: "Well, I did not see the accused". The prosecution's case is that the accused did a particular act. This witness says: "No, I was there. He might have done something which was comparatively minor in character, but he did not do this." That evidence was there. It was unassailed evidence. The accused, on the basis of that prosecution witness's evidence would certainly have been acquitted, but now what is sought to be done? We are preventing the accused from getting the benefit of the evidence of a truthful witness. That is precisely what is going to be done. The Sub-Inspector is going to be able to confront a truthful witness with this false prosecution pattern. The accused is going to be deprived of the evidence on oath of that truthful witness. That is the whole effect.

Here are two parts of the prosecution pattern, the investigating officer and the prosecution witness, viz., the combination. I was given the distinct benefit of being able in spite of the combination to elicit contradiction. Now, what are we going to do? Apart from that question of contradiction, a witness may not say that he did not see but he may

mitigate the heinousness of my offence. Now, the Home Minister is going to say: "You are not going to get the benefit of this evidence on oath. That person is going to be contradicted by the fabricated case diary". I am pleading with the Minister that this was never the intention of section 162. It was a right given distinctly to an accused person, providing him a certain benefit. It enabled the accused to probe the prosecution. In spite of the fact that both these people collaborated in producing a certain pattern, the eliciting of a material contradiction would benefit the accused. Now, the Home Minister's amendment is not an innocuous one. It is not an amendment that seeks to establish some kind of equitable balance between the prosecution and the accused. It is going to give the prosecution an advantage which was never intended. It will stultify section 162, and I would say this that if the Home Minister wants this, rather than give this tremendous advantage to the prosecution, I say, why not delete the whole of section 162? Because, if you do not want to give the accused this benefit, then I do not want to give the prosecution this much of greater benefit that this proposed amendment will put into their hands.

**Shri S. S. More:** I very strongly oppose this clause 22 which effects certain changes and modifications in the original section 162 as it stood according to the Code of 1898 and according to the subsequent amendments thereof.

This clause involves a very great principle. According to the normal procedure and rules of evidence, a statement made by a witness can either be used for collaboration or be used for contradiction.

**An Hon. Member:** Why not?

**Shri S. S. More:** That is the normal rule of law. But in this case, a departure is being made from this normal procedure or normal provision of law. And what is the departure? That statement of a witness shall not be used against the accused, shall not be used for the purpose of corroboration of the witness and shall only be permitted to be used for contradicting the witness if he appears to have deviated from the statement made by him in the witness box.

Now, this particular provision has a very interesting history. If we go to the Code of 1882 we find that this section 162 ran thus:

"No statement other than a dying declaration made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced to writing, be signed by the person making it or be used...."  
—this is very relevant—

"...as evidence against the accused".

This was the provision under the Code of 1882. Then, this section was scrapped and another of 1898 was placed in its place. This section of 1898 gives certain rights to the accused. This provision of 1882 was wiped out and what did the accused get? He got this. He might request the Magistrate to look into that statement and the Magistrate may allow some part if he is convinced that there is a genuine contradiction; he might allow a copy of that part.

1 P.M.

Against that provision of 1898, in the old Legislative Assembly—I do not know whether you were a Member in 1923—a doughty battle was raised, and Sir Hari Singh Gour, Shri Seshagiri Iyer and others were ranged on the side of the accused. The learned Home Minister, who has unfortunately changed the role from a defender of the accused to the prosecutor, is now twitting us and ridiculing us and laying at our door

the charge that we are all champions of the accused.

**An Hon. Member:** Days are changed.

**Shri S. S. More:** Days are changed and views are also changed, when convenient. My submission is that we are being twitted and ridiculed that we are the friends and defenders of the accused. We are not criminal in our tendency. But all the same, I need not assure you that we are not criminals. We were criminals, we were breakers of law when we were with the Congress, but since we left the Congress, we have become most peaceful.

**Shri Bogawat:** Discovery.

**An Hon. Member:** True in your case.

**Shri S. S. More:** If my hon. friend, and particularly, those who belong to the Treasury Benches care to read the proceedings of the old Legislative Assembly, they will find they are a mine of information, they are a rich mine of benevolent principles of criminal justice and civil justice; and those big principles, or noble principles, were voiced by those who stood by the Congress, by those who swore by the Congress, and by those who were trying to break the shackles of the bureaucratic notions of administration of criminal law, that were practised on the unfortunate people of this country, who were fighting for their liberation. Now, I have cared to read these proceedings, and when I read these proceedings, I was elevated to a high pedestal. But unfortunately when we read the speeches made now by my hon. friend the Home Minister and his other colleagues, we are taken to the hell of depression, to the lowermost region of frustration and disappointment. How we have changed completely, because power has come to us! How those noble principles have become useless, even as the memories of our great patriots who have suffered for us! In 1923, Sir, Hari Singh Gour and others—I need not

[Shri S. S. More]

mention their names—were fighting to get one right to the accused. What was that right? They were saying, "it is not enough that the Magistrate should look into the statement recorded", because they were complaining that the Magistrates had not been trustworthy. One Mr. Pyare Lal criticised the Honorary Magistrates, and using Hindi expression, he said, they *Anaari* Magistrates (ignorant Magistrates), and that they were tools of the prosecution; and it was quite possible that if we asked them to look into the statements, they might be favourably disposed towards the prosecution.

**Mr. Deputy-Speaker:** I think under this amending Bill, he must have some judicial qualifications or such qualifications as are prescribed.

**Shri S. S. More:** I am not criticising that part. I am only referring to that part of their argument which was in support of that particular claim namely that a copy of all the statements should be given to the accused.

In 1923, when Sir Hari Singh Gour and others agitated for that, one Mr. Tockinson—not talking son, but Tockinson—an English gentleman was in charge of this Bill. I have read his speech, and I find he was more considerate to the Opposition than the hon. Minister sitting in his place at present. He was trying to meet their point. He said, Dr. Gour wants this, I am prepared to go so far, but I cannot go further. Look at his speech; read his speech. He was in a very considerate mood, because all along he believed that he was a foreigner here, doing something against the fundamental notions of democratic conception prevailing in his country, and that he was acting in an autocratic manner. But I believe 'autocracy' comes to us more naturally than it came to the Britisher. He said, I am prepared to say that if the Magistrate is convinced that there is some material in the police statement, which can be used

by the accused for his own benefit, he might permit a copy of that being given to him. That is what was said by him. But he never challenged the proposition that these statements should only be used for the purpose of contradiction, and not for corroboration.

Then, I shall refer you to the Report of the Select Committee on the amending Bill of 1923, which was headed by Sir Tej Bahadur Sapru. Referring to clause 33 of that Bill, which covered an amendment to section 162, this is what the Select Committee said:

"We discussed the provisions of the proposed new section 162 at length and considered in detail the opinions received in connection with it. We recognise the force of some of the criticisms directed against the section, but we do not think that power should be given to contradict by means of police diaries a prosecution witness who has turned hostile, and still less should power be given in respect of a defence witness. We have, therefore, left the clause unaltered."

Here, one point is perfectly relevant. According to the amendment suggested by the Select Committee of this House if a witness turns hostile, then with the permission of the Magistrate, he will be permitted to be cross-examined by the prosecution. The Select Committee had said that in that case the statement made might be used for the purpose of contradicting that witness, i.e. the prosecution witness who has turned hostile, and therefore, the statement recorded by the police can be used for contradicting him. That is a new innovation that has been suggested by the Select Committee. We have got a direct reply to this particular suggestion in what I have just quoted. Even before the Sapru Select Committee, it was demanded by some of the witnesses, who usually pleaded for the prosecution, and who usually

stood by Government. They did say that when a prosecution witness turned hostile, he should be permitted to be confronted with this particular statement recorded by the police. But the Select Committee said, no, we cannot accept it; and so, it was rejected. So, in 1923, Sapru and others in the Select Committee were unanimous on this point. And who were the Members of the Select Committee? The Members were Tej Bahadur Sapru, W. H. Vincent, M. B. Dadabhoy, S. Raza Ali, J. Chaudhuri, C. S. Subramanyam, H. Moncrieff Smith, B. C. Mitter and Zulfiqar Ali Khan. All these persons—at least most of them—look like henchmen of the British imperialists, but they turned down this proposal. But unfortunately, in the year 1954, something like 30 years or 31 years after the Sapru team rejected this proposal, it is going to be accepted, and that by a Government which belongs to a party which consistently stood by those principles which were recommended by the Sapru Committee, and which were not even acceptable in toto to the members of the Congress, though those proposals were so progressive as compared with the present recommendation that has been made.

Now, if a witness turns hostile, what are the reasons? Actually, it is not the witness who turns hostile, but it is the prosecution, that has tutored him to say one thing. After saying that, the conscience of the witness starts pricking him, and then he starts speaking something true. In such a case, why should a statement of his be permitted to be used? Not only that; I have read to you the relevant provision of section 162 in the Code of Criminal Procedure, 1882, under which no such statement could be used as evidence against the accused. Now, seeking permission to use it in re-examination of a witness, to whom a part of the statement has been shown for the purpose of contradiction, amounts to using this statement by way of evidence for the purpose of prosecution.

It might very well be argued, well, we are not using it against the accused, we are using it against the witness. But that it is not correct, because whatever a witness says, and whatever goes on record as coming from his mouth is eventually used for the purpose of holding the man guilty or....

**Mr. Deputy-Speaker:** The hon. Member says it will be indirectly evidence.

**Some Hon. Members:** It will be corroboration.

**Shri S. S. More:** I will read with your permission, Sir, a very remarkable statement which has come to be ridiculed now. Rao Bahadur T. Rangachari—you know him perfectly well....

**Mr. Deputy-Speaker:** He was also a Deputy-Speaker.

**Shri S. S. More:** I won't say anything by way of comparison between Rao Bahadur Rangachari and the present Deputy-Speaker....

**Mr. Deputy-Speaker:** I admit that the present incumbent is far inferior to him.

**Pandit Thakur Das Bhargava:** No comparison between him and our Deputy-Speaker.

**Shri S. S. More:** Fortunately, I know you, Sir, and unfortunately I did not know him. So, I am not qualified to make a comparison. But, I accept what you say.

Sir, Rao Bahadur Rangachari was speaking on this particular clause and what did he say?

"The courts do not exist merely to secure conviction. The courts exist to promote justice."

**Shri N. C. Chatterjee:** Where is Dr. Katju?

**Shri S. S. More:** I am sorry really; Dr. Katju is not here.

**An Hon. Member:** His representative is here.

**Shri S. S. More:** When we say something about acquittals, they say, you are out for acquittals. I accept, for the sake of argument, that the courts are supposed to be independent courts; they hold very nice, delicate and sensitive scales and weigh the evidence and if the prosecution case is found wanting, the Judges come to an independent judgment and say the accused has not committed any offence or 'we give him the benefit of the doubt'. The hon. Minister has a grouse and complaint against such a system of acquittal. But the real trouble is not with the Procedure Code. The real trouble is not with the judicial apparatus which is there to weigh the evidence, but the real trouble is with the prosecution who carry on the investigation. That is the real trouble. The foot is in some difficulty; there is some little ulcer on the foot and the medicine is being applied to the forehead. That is the sort of proctor who is in charge of the Home Ministry, (*Interruptions*). My submission is, that is not correct. He ought to be very frank, he ought to be fearless; he must stand by the great principles of the Congress. If Congress has come into power, I hope, that the Congress principles have come into power and not only Congress personalities have come into power.

**An Hon. Member:** It is not Dr. Katju alone but it is the Select Committee.

**Pandit K. C. Sharma** (Meerut Distt.—South): Here there is nothing like Congress Justice and R.S.S. justice.

**Shri S. S. More:** Some hon. Members here are becoming very uneasy. Naturally, Sir, the prick of their conscience is stronger than the prick of my tongue. It is the prick of their conscience that makes them tremble in their shoes when I quote the old principles of the Congress, the principles by which the Congress stood, which were fascinating the imagination of the young people of this country and attracting many of them

to take part in the struggle and sacrifice their lives as well. I am one of the humble sufferers and I have every right to quote Congress principles.

**Shri V. G. Deshpande** (Guna): And, who was disillusioned.

**Shri S. S. More:** But what about this criminal justice? My submission is that the innovation that is being proposed is derogatory to the fundamental principles of criminal law and criminal justice as it prevails in western and other civilised countries. This particular amendment of the Joint Select Committee should not be accepted.

With your permission, I will make a few observations about the police and their statements. Under section 172 of the Criminal Procedure Code they keep a diary. Then, under section 161, they are commissioned to record the statement of a witness separately, and away from the diary. Why so? Because, the process of fabrication should be facilitated. That was the object of the Britisher. I would rather say, if I have to cut short my remarks and be reasonable and not exploit your indulgence, I would say, let a book be given to every police officer, every investigating police officer by a Sessions Judge, numbered and signed. Let every statement, for whatever it is worth, be recorded by the police officer in that particular book. I am quite prepared to accept it in a very frank manner that the witnesses may change.

**Pandit Thakur Das Bhargava:** It is exactly the amendment that I have proposed (*Interruption*).

**Shri S. S. More:** It is the judiciary that will be sitting in judgment over the creditability, weight or importance that has to be attached to these statements and let all these books come from the armoury of the Sessions Judge, from the record of the Sessions Judges duly signed and numbered, so that they will be convinced that when

a statement of a particular witness is recorded in this book and if there is any change in its version, then they can say that the change or deviation was due to a subsequent change of mind. These precautions ought to be observed.

I would further request the Congress Party Members to do away with the secrecy of the diary. This was the argument which was advanced by Tockinson. What did he say. We are all for criminal detection. If we expose everything, if we expose our own informers and the men who carry information to us, the quality of criminal investigation will suffer. These are his words. 'You will be crippling the process of criminal investigation, the process of detection of crime'.

My submission is, I have quoted the words of....

**An Hon. Member:** Rangachari.

**Shri S. S. More:** I am not so well up in pronouncing other names. I may do some damage to that.

**Mr. Deputy-Speaker:** I am sure the hon. Member must make at least one exception.

**Shri S. S. More:** Unfortunately, Sir, this country is so vast and the names are so strange that a man from one province cannot pronounce the name of another from another province without some damage to that. I will really be out of breath if I tried to pronounce your name in full. I am so short of breath.

So, my submission is that the courts are the temples of justice. Courts are not the feeding agency for jails. Courts are there to do justice. Let any man, even the worst of criminals come before the court, the court will not be prejudiced by his past; it will look to his glorious future, if he has any, and then dispense justice. I shall not be doing any harm if I quote from an incident in Christ's life. He said let those who want to pelt stones at an erring woman pelt them if they are convinced that they are innocent, that

they have not committed any crime. Whenever Dr. Katju makes a speech he makes it from the Treasury Benches. He says, 'if I have committed this offence, if I have committed that offence, then such and such a thing can be done'. He speaks all this because he is backed up by the Government, he is backed up by the Treasury Benches and does not run any risk of prosecution. But surely he has committed the gravest crime against the fundamental principles of criminal justice. If he is to be prosecuted, he will be prosecuted at the bar of public opinion but I need not say anything about it.

**Shri Nambiar:** Clause 25 is coming.

**Shri S. S. More:** I think I have voiced my strongest opposition to clause 20. The accused, the weaker party, when he comes to the court comes possibly without any friends and sits in a lonely manner in the prisoner's dock and the prosecution is there arrayed in a formidable manner....

**Mr. Deputy-Speaker:** Whatever may be the experience of the hon. Member, I have always felt personally that the Criminal Procedure Code is intended for the accused and not for the prosecution.

**Shri S. S. More:** I entirely agree with you, Sir. I am very happy that you agree with me in this.

**Mr. Deputy-Speaker:** But certainly the accused can escape with the intelligence of the lawyer.

**Shri S. S. More:** It may not be correct to say that the accused escapes when acquitted, because the moment he goes out, the moment gets acquitted, and in particular where the accused has drawn the wrath of the police or the displeasure of the police on his head, he is hunted like a wild animal and some other opportunity is got hold of to send him immediately to prison.

I would like next to come to clause 23. After voicing my severe condemnation of clause 20, I would say that

[Shri S. S. More]

this clause 23 is something which we can appreciate and we can wholeheartedly support. All these relevant documents which were screened from him before, are being supplied to him and they are now trying to place him in a position sufficiently to enable him to do justice to himself and to give proper instructions to the lawyers. I, therefore, accord my support to the clause. It might be lacking in some of the good things, but I cannot expect to have all the good things at one stretch. I must have some patience. Like the responsible government from the Britishers, all these good things will be coming to us by instalments—progressive realisation of our ideas.

**Pandit Thakur Das Bhargava:** As if everything in the British period was exalted and everything now is bad.

**Shri S. S. More:** My friend, Dr. Katju, was just muttering and I heard him say some such words as "whatever was good in olden times have become bad now".

**Shri N. O. Chatterjee:** It was Shri Bhargava who said that, not Dr. Katju.

**Shri S. S. More:** I am extremely sorry if my tongue has committed that slip. I should not accuse the Home Minister with such good things. I will say it is my friend Mr. Bhargava who said that all these good old things for which we have stood have become scrappy since we attained independence. I accept the verdict from a very experienced Congressman.

**Pandit Thakur Das Bhargava:** On the contrary, I accused him of exalting everything in the British period and condemning everything now.

**Shri S. S. More:** Then, I am withdrawing whatever good things I have said about him.

With these words, I again very stoutly—as stoutly as I can—condemn the provision in clause 20. Unfortunately the accused, who will be here,

is already held to be guilty. This is just like the procedure, when a man is going to be hanged, of trying him to see whether he is guilty or not. That procedure should not prevail in the twentieth century, and particularly when the Congress is in power.

**Pandit Munishwar Datt Upadhyay** (Pratapgarh Dist.—East): I was very glad to see this proviso to clause 21 dealing with section 160. Section 160 has been amended to read now—

"Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides."

Really there used to be certain excuses for these police officers to enable them to examine certain women and there used to be very indecent things. This provision is a very good one and I welcome it.

After welcoming this provision, I am very sorry that the other amendments that have been suggested here are, more or less, all of them such that I cannot support. The most important of these amendments is the amendment to section 162. I know a number of hon. Members have already spoken and all of them have very stoutly opposed that provision. I do not think that there is any new thing that I shall be submitting. Still, I feel it very keenly that this amendment that has been introduced in section 162 of the Criminal Procedure Code, is highly objectionable and it is detrimental to the interests of the defence. As I was submitting the other day, there is a deliberate attempt to withdraw the facilities that were intended to be offered to the accused in his defence. I think this is one of the most significant examples of that. As we find from the provision, the statements that are recorded by the police of persons who are likely to know something about the subject matter of the case, are not recorded at that time.

and if they are recorded at all they are recorded by the police officer after he comes back to his place, because he sees that the statement of a particular person, if recorded in a particular manner, would suit the prosecution case and he makes the record of the statement in that manner. It does not at all have any connection to what that particular person said or what he really knew about the subject matter of the case. If the position is that the statement recorded by the police officer during his investigation is such that it is neither the statement of that particular person nor a statement of facts which that particular person could ever know, it is really the statements of facts by the police officer, to suit the prosecution case in the manner in which he wants to prosecute it. We find a provision in section 161 that such statements are not necessarily to be part of the diaries. These statements are noted on small slips and separate papers and then the prosecution witness, that is the witness of the police or the investigating officer, comes into the witness box and when he finds that that person does not suit—because that person has made certain statements in the cross-examination or examination-in-chief which damages the prosecution case—he comes forward with a particular statement attributing something to that witness and tries to contradict the witness with that statement, of which the witness has no knowledge at all, or which he never made. That will be very much prejudicial to the interests of the accused if the prosecution is allowed to use such means to damage the defence. As I was reading section 162, the provision that was made originally in the Bill has been taken off and now there has been a little improvement, no doubt. To try to cancel the whole section altogether is very much prejudicial to the interests of the defence, but then the manner in which this provision has been brought in the report by the Select Committee, that is, by the introduc-

tion of one sentence only, takes away a good and valuable advantage that the defence might have had up till now from the wording of section 162. As I find that a number of hon. Members have already opposed this provision, I shall not very much dilate upon this point, but I submit that under the Criminal Procedure Code, before a particular party is allowed to cross-examine its own witness, it is necessary that that witness must be declared hostile by the Magistrate or any other Court. It is only in that case that the prosecution or the defence could cross-examine the witness and could confront the witness with a particular document or a statement or his previous statement for the purpose of contradicting that point. It appears to be a general rule now according to this provision that whenever a particular witness is not helpful to the prosecution, the prosecution comes forward with a slip of paper with something written over it and confronts that witness with that statement and says "This is the statement that the witness made previously before he came to the Court". My submission therefore is that this should not be allowed. Otherwise it would be highly prejudicial to the interests of the defence.

Then there are one or two provisions that have been made under clause 23. It has been left to the police now, with regard to the statements mentioned in his diary, to decide whether a particular part of the statement is relevant to the subject matter of the case or not. You, Sir, are an experience lawyer and you are aware that in a court of law the parties, very competent and very eminent lawyers argue on the point of relevancy, and it is after long, long evidence that it is possible for the Magistrate to come to a particular conclusion whether a particular statement is relevant or not relevant. The question of relevancy is so complicated. But here now the police officer has been given that power, and he can exclude certain portion of the record if he finds that it is not rele-



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vant to the subject matter of the case. It is stated here: "Notwithstanding anything contained in sub-section (4), if the police officer is of opinion that any part of any statement recorded under sub-section (3) of section 161 is not relevant to the subject-matter of the inquiry or trial"—and the other portion is—"or that its disclosure to the accused is not essential in the interests of justice etc". So this is an independent provision by itself. If a particular police officer who is conducting the prosecution or the investigating officer finds that a particular statement is not relevant to the subject-matter of the case, he can withhold that statement from the accused.

Of course there is a provision that afterwards it shall be produced before a Magistrate and he will finally decide whether the judgment of the police officer is correct or not in the matter. But the Magistrate comes only later on. When once it has been withheld, Magistrates also sometimes do not go very deep into the matter, and if a certain reasoning is given they will say "yes, it has been rightly excluded". Even if it is allowed that that statement should be furnished to the accused, the accused will get that copy only a few minutes—maybe a minute or two—before the statement of the witness starts. And then the defence cannot be prepared with the statement. The defence has not studied the whole case in the light of the statement that is there and which was withheld from him. So it is not possible for the defence to carry on the defence efficiently if the accused gets the statement just at the spur of the moment when the statement of the witness starts.

I would submit that this provision is, again, a provision which takes away a good deal from the advantages that the accused has in his defence according to the existing law.

The other portion also damages the accused. Under clause 23 it has been said that the papers that are to be

furnished to the accused are "the first information report recorded under section 154 and of all other documents"—so the documents are to be provided; and then—"or relevant extracts thereof". There are certain documents and it is for the police officer to see what particular extracts are relevant to the case. So as regards the relevancy of particular statements or as to the particular material that he has to supply to the accused under section 173, now it would be for the police officer to decide what particular extract he should supply and what he should not. There is a big diary containing long statements and out of that the particular portion has to be supplied to him which refers to the particular case. And it is provided here that it is for the police officer to decide what extract is relevant and what is not. So the question of relevancy is, again, left to the police officer. It might be the prosecuting inspector, the investigating officer who might decide. This is highly unjustified. As I submitted in the beginning, it is not very easy for the police officer to decide. The matter of relevancy and irrelevancy is a very complicated question. Again, the prosecution is always interested in supplying material which is worthless for the accused. The police officer might think that he should give certain portions saying that they were relevant and withhold certain other portions, which were very relevant, so that the accused might not get the advantage which he could otherwise get if the correct and the most relevant portions were supplied to him, for his defence.

So this provision also. I submit, is a provision which takes away a good deal from the advantage that the accused used to get in his defence from the provisions under the existing sections.

As the intention of this amendment is that we should help the accused in his defence, I think the amendments that we are now bringing in are likely

to take away the advantages that the accused has even at present under the existing law and they will not at all be helpful to him.

With these remarks I would submit that with the exception of the amendment of section 160, the other amendments proposed are against the interests of the accused and should be dropped.

**The Deputy Minister of Home Affairs (Shri Datar):** There has been considerable misunderstanding so far as the new amendment suggested by the Joint Select Committee is concerned. Before I deal with this aspect of misunderstanding with a view to removing it, I should like to point out to this House that whenever there was a previous statement by a witness, under the provisions of the Indian Evidence Act it could be used either for the purpose of corroboration by the party who called the witness, or for the purpose of contradiction by the other party, or, again, for the purpose of contradiction by the same party, provided he invoked the provisions of section 154 of the Indian Evidence Act. And that provision of section 154 reads thus:

"The Court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party."

In such a case, before such a permission is granted, the Court has to satisfy itself that the contention of the other party that his witness was hostile is proved. It is only then, when the Court comes to the conclusion that *prima facie* the particular witness was hostile to the party calling him, that the party will be entitled to the right of cross-examination. My hon. friend who just now spoke...

**Pandit Thakur Das Bhargava:** The hon. Minister will kindly forgive me for the interruption. This might have been the practice before. But I want to know from him, where is it that

down that the Court must declare a witness to be hostile before it gives its permission. Discretion does not mean that in every case the Court should say "this man is unreliable".

**Shri Datar:** May I point out to my hon. friend who is far senior to most of us, that this has been the practice which has been followed by the various High Courts?

**Pandit Thakur Das Bhargava:** This practice has been turned down by the recent rulings.

**Pandit K. C. Sharma:** There is no such word as "hostile" in any of the enactments.

**Shri Datar:** But the substance of the expression "hostile" is there so far as the orders to be passed by the Court are concerned. And no Court will allow the party which has called a witness to cross-examine him because the party desires it. It will be against commonsense to believe that our own witness will be allowed to be cross-examined by us only because we so desire.

**An Hon. Member:** Commonsense is ruled out by the provisions.

**Shri Datar:** Commonsense is not ruled out under any circumstances, I would like to point out to my hon. friend.

Now, these are the ordinary or normal course, so far as the previous statement of a witness is concerned. Some hon. Members are under the belief that some special right was given by section 162 to the accused. No such right has been granted at all. What was done was that the same matter has been more or less reaffirmed. The right is given already under section 145 of the Indian Evidence Act. The Indian Evidence Act, section 145, gives the right to a cross-examining party to contradict him by bringing to his attention, provided the object is to contradict, the particular passage in his previous statement. So, that right of an accused was already there—was inherent in the Indian Evidence

[Shri Datar]

Act. When the question arose as to whether any use should be made by the parties, either the prosecution or the accused, it was considered that the prosecution should not have a right under section 157 of getting the previous statement of a witness corroborated. All that section 162 did was not to confer any special right on the accused, but merely to reaffirm his ordinary right that was already given to him under section 145 of the Evidence Act, to take away from the prosecution the right of corroboration and also the right of cross-examining him whenever there were occasions under which according to him the witness has wrongly gone away from the previous statement. So, this is the real position which we have to understand.

Now, I am not prepared to accept the general statement which has been made in very unrestrained terms by a number of hon. Members that all statements taken by the police are entirely wrong. In fact, I am confirmed in this particular case by what has been stated in *Supplement D* at page 109. Lord Atkin says:

"The intention of the Legislature in framing that section, namely, 162, was to encourage free disclosures of information and/or to protect the person making that statement from a supposed unreliability of the police statement."

The House will kindly note these two expressions which have been used by no less a person than Lord Atkin of the Privy Council. The first object was that all such statements should be as free as possible; the second object was that the person should be protected from a supposed unreliability of the police statements. Even Their Lordships of the Privy Council did not say as some of the hon. Members have now stated that all the statements taken by the police are entirely false.

**An Hon. Member:** Who said that?

**Shri Datar:** That was the statement just now made by the hon. Member Shri Anthony. He proceeded on the assumption that those statements were wrong and that the statement made before the Court or a Magistrate was always correct or true. We should not have any such assumptions at all. It might be that in certain cases statements taken under sections 161 and 162 might be wrong, false even. But we cannot have any such general presumptions, or even assumptions. So, what was there under Section 162 was merely to take away the right of corroboration.

According to the original Bill that Government had placed before the House, section 162 was sought to be deleted, with the object that the normal provision under the Indian Evidence Act should be retained or should be restored as they were. But it was objected to: it was stated that so far as corroboration is concerned, the Government or the prosecution should have no right of corroboration at all. That is the reason why the Joint Select Committee considered this question. They had two issues before them. One was whether the prosecution should have the right of corroboration. Now that right they stated should be taken away from the prosecution, namely the right given to parties under section 157 of the Indian Evidence Act. Then the question that remained was whether the right of contradiction under certain circumstances, not normally—mind the words—but under certain special circumstances, should be allowed to them at all. In this connection the House will understand that there has been no parity of treatment so far as the accused and the prosecution are concerned. The prosecution have their own rights; the accused also have their own rights, but they are not on the same footing.

**Shri S. S. Mene:** Which is on a better footing?

**Shri Datar:** Under section 145 it is always open to the cross-examining counsel for the defence to put any questions, so far as the earlier statement was concerned. It was open to him to contradict and therefore that provision was already there. That right is not in these absolute terms open to the prosecution at all. The prosecution has in all cases to invoke section 154 before they would be entitled to have the right of cross-examination. Now this is the right which has been conceded by the Joint Select Committee for certain reasons.

The House will also understand the implications of such a step that a prosecution in an exceptional case would try to invoke. Ordinarily when the prosecution place their witnesses before the Court, naturally they believe that those witnesses would normally stick to what they have stated in their statements before the police. Only one side has been presented before the House that that statement is initially wrong, that that statement is not taken properly, or that that statement is even a fabrication. That is the extent of the condemnation of this statement by one party. In all humility I would like to point out to this House to consider the question, as a matter of fact, from a realistic approach. After a statement of the witness for the prosecution has been recorded by the police does or does not—I am purposely making that statement—the defence approach such witness to the extent that such witness is tampered with? That is what we have to take into account. It is not that all statements before a court are true; it is not that all the statements before the police are absolutely false.

**Shri B. N. Misra** (Bilaspur-Durg-Raipur): Do the police not tamper with the defence witnesses?

**Shri Datar:** I have already pointed out the first aspect of the case. I have never stated that all that the police say is sacrosanct. The first

side was fully explained by some hon. Members. I am putting the other side also. The other side is that in certain cases, I am not prepared to give the percentage, in certain cases at least the accused do approach such witnesses and they tamper with the evidence. In such cases—I am not prepared to say all—the question that arises is whether in the interests of justice, not for the purpose of securing conviction, it could be done. My hon. friend, Shri More, grew poetic at the conclusion of his speech and said that the Courts ought to be temples of justice. I do agree that they ought to be temples of justice and I also agree that all such temples should not be desecrated at all.

**The Minister of Defence Organisation (Shri Tyagi):** They are *poojaries*—the lawyers.

**Shri S. S. More:** I am willing to go as a *poojari*.

**Shri Datar:** In such a case, what ought to be the attitude of the Judge? The expression that he quoted was the one used with regard to the attitude that a Government pleader or a public prosecutor has to adopt towards leading evidence. The Public Prosecutor was there not for the purpose of securing conviction but for the purpose of seeing to the ends of justice. Now, the ends of justice might, in a large number of cases, consist in doing justice also to the complainant. That is a point which we have to take into account. It is not that all complaints are false; it is not that all accusations are necessarily manipulated. Therefore, in a temple of justice, you ought to have a free and impartial justice to all the parties concerned. Therefore, you have to understand that the prosecution represents the Government. The public interests are represented by the Prosecutor. It is your Government. Therefore, in such cases, and if, for example, the prosecution feels that in a particular case, a particular witness has been tampered with to the extent that he goes on contradicting,

[Shri S. S. More]

or receding from the statement which he has made before the police, then should or should he not have, in the interests of ascertaining of truth, the right to point out to the Court that he had stated something which was entirely different from what he has now given as the real version before the Court? It is only in the interests of justice that the prosecution should have a right to contradict him. But, as I have pointed out, when such a right is invoked, when the prosecution applies to the Court under section 154, then you have to understand that the prosecution takes certain risks also, of practically getting that witness almost completely discredited. In such a case, when it is found that a particular witness has retracted from some previous statements or gone back by the previous statements and if the prosecution desire to cross-examine him, then the prosecution must have counted the cost before the Court of law takes into account the application for his being treated as a hostile witness. Therefore, I would point out that whenever there are minor statements, the prosecution will not have such a right at all, but when the prosecution feels that his earlier statement was absolutely true, that subsequently he has been approached and that he is deliberately going back upon his previous statements, then, in the interests of truth, the prosecution comes in, the Government Public Prosecutor is there, and he can be trusted to deal with this, not for the purpose of securing conviction but for the purpose of carrying out the ends of justice. Ultimately, in all such cases, it is the Court that has to grant permission; so far as the accused is concerned, he does not require any permission at all; his right is eternal. So far as the prosecution is concerned, inasmuch as there is a desire to cross-examine his witness, then, straightaway, the Public Prosecutor has no right to cross-examine, unless the previous stage has been gone through, namely, the application has been filed under section 154, and then

that application is granted. What my hon. friend said in the course of his argument has pained me. I would point out that the Magistrates do take all these things into account in a judicial manner.

**Shri S. S. More:** They are supposed to do.

**Shri Datar:** They actually do it in almost a large number of cases. Therefore, I would submit to this House that the power of the Court is there, and as a condition precedent. It is only in very exceptional cases that this power would be invoked, because, as I have already pointed out—and I shall repeat it—whenever such an application is filed by the prosecution, the prosecution has to take the risk of all his evidence being almost completely discredited.

**Shri S. S. More:** That is a wrong statement of law.

**Shri Datar:** He has to take the chance: that is what I said. It might be, as pointed out by some Members, that in the light of recent rulings, a witness might say one thing which may be found to be true and a witness might say certain things which may be found to be wrong, but you will find in all such cases we deal with the admissibility of evidence. The question is whether he should have a right of cross-examination in a proper way or not. We are only at this stage, the stage of admissibility of evidence, and after all the evidence is before the Court, the Court will consider the question and then the Court will find out whether he is reliable at all, whether he is reliable so far as the previous statement is concerned, or whether he is reliable so far as the subsequent statement is concerned, and secondly, whether he is reliable in some respects and whether he is unreliable in other respects. I would point out to the House, in all humility, that ultimately—though some High Courts might,

have stated like this—the appreciation of the evidence has to be taken as a whole. So far as the credibility of a witness is concerned, you cannot have such compartment of falsity so far as a certain portion is concerned and of truth so far as other portions are concerned. Therefore, it is only for such exceptional cases, where the prosecution feels that the earlier version is true and what has been obtained in cross-examination by the defence or what has been stated by him even in the examination-in-chief by going back upon the previous statement is not true—that, for the purpose of placing before the Court the real circumstances, that the prosecution or the Public Prosecutor will have to resort to an exceptional measure under which he is to count the cost before such an application is filed. It is only for such cases that we are seeking this right. We are not thereby stating that all that has been done previously is correct, but circumstances might arise where the witness might be approached by the other party for various reasons. It is not only the ground of relationship, or friendship, but there might be other considerations more substantial, more solid, then even the considerations of relationship or friendship. It is only under such circumstances that, as an exceptional measure, such a right is to be allowed, not the right of corroboration at all. Therefore, so far as section 162 is concerned, all that the Joint Select Committee has done is that they have given to us only the right of cross-examination in an exceptional circumstance after the attitude of the witness is considered by the Court as hostile to us. Therefore, the prosecution is not put on the same footing. The defence has all the rights which remain unimpaired. Only in exceptional cases can such a right be invoked and be at all used by the prosecution.

2 P.M.

I would next refer very briefly to section 173. So far as this section is

concerned, there is a very positive advantage which has been acknowledged by my learned friend, Shri More, namely, that all the copies of the statements as also all the other documents which the police collected or prepared in the course of the evidence are to be given to the accused. I am very happy that he has acknowledged that this is a very progressive measure so far as this particular procedure is concerned. But you will also understand the implications of this act which has been called over-generous by certain quarters. In certain quarters it is stated that it is absolutely over-generous and that we ought not to have gone to the extent of giving copies of these documents long before the prosecution commences. In such cases, in the course of the evidence, either oral statements are taken or there are some documents where, as it has been stated, certain portions may not be relevant, certain portions may not be necessary or in respect of certain portions, breach of privilege also will have to be called for. Under the Indian Evidence Act, it is open to the Government and to other persons also to claim privilege. In such circumstances you have to consider what the particular investigating officer has to do. Is it the intention of this House that all the copies of all documents and statements should be absolutely promiscuously given to the accused, regardless of the considerations that arise before the investigating officer? Therefore, there ought to be some screening. But, it should be entirely of a provisional character. You will kindly understand that in the course of investigation, he thinks that certain statements are not relevant. He thinks that they are not necessary in the interests of justice or that they ought to be excluded from the evidence, not only from investigation but also from the court. In such cases, he is allowed what you call a provisional discretion for the time being. You will find that the moment the case starts, as it has been stated there, clearly, at the com-

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commencement of the enquiry or trial, before anything further happens, he will point out to the court that certain extracts, etc., have not been given, and then, the court will consider the matter in a judicial way and the court will pass final orders either upholding what the investigating officer has done or giving copies so far as such excluded portions are concerned. So, you will see that the discretion that has been allowed to the investigating officer is only of a temporary or a passing or a provisional character and that is absolutely essential. Otherwise, the danger will be that certain State secrets might be inadvertently or unguardedly given out which would be highly detrimental to the interests of the State. It is for such reasons that this passing discretion has been allowed to him and the moment the matter comes to the Court, at the commencement, before anything happens, this question will be considered judicially by the Magistrate.

**Pandit Thakur Das Bhargava:** In the presence of the accused?

**Shri Datar:** Yes. It will be considered in the presence of the accused.

**Pandit Thakur Das Bhargava:** And he will be heard?

**Shri Datar:** The accused will be heard.

**Shri S. S. More:** How can the accused make his own submission without knowing the particular part, whether it is relevant or not?

**Shri Datar:** This question itself involves something which it will not be possible for him to see and ultimately, in such cases, as the Evidence Act points out, we have to trust the judicial discretion of the Court. The Court might in exceptional cases be shown what the particular portion excluded is.

**Shri S. S. More:** The Magistrate might look into that portion excluded from the accused on the ground that it was irrelevant as stipulated by the police. You know, Sir, that the question of relevancy is a very tricky and intricate one. The prosecution will say that they have rightly excluded it, because they feel that it is irrelevant. The accused, on the other side, will be absolutely ignorant of that particular portion and the contents of that portion. How can he make an effective argument to convince the Magistrate to use his discretion in his favour. One side knows all the facts; the other side is absolutely ignorant. My hon. friend says that the Magistrate will give a hearing to the ignorant accused.

**Shri Datar:** My hon. friend has not understood the real position at all. There are three grounds on which a portion of a statement can be excluded. One is relevancy; another is justice of the case.

**Shri S. S. More:** I am talking about relevancy.

**Shri Datar:** So far as relevancy is concerned, when there is no other danger or reason involved, that statement will naturally be shown to the Magistrate and might in conceivable cases, with the permission of the court, shown to the defence also. So far as other cases are concerned, so far as confidential or secret documents are concerned ...

**Pandit Thakur Das Bhargava:** The hon. Minister said that it might conceivably be shown to the accused.

**Shri Datar:** Only about relevancy.

**Pandit Thakur Das Bhargava:** I am submitting, so far as statements are concerned, if they are to be excluded, at the commencement of the enquiry, I understand that this means that in the presence of the accused, this question will be decided in a judicial way, that the accused shall see what is being excluded and then he shall raise his objections. If the accused is not shown these portions, how can he ob-

ject and how can it be judicially decided?

**Shri S. S. More:** How can he argue?

**Shri Datar:** He can have the right to have such excluded documents to the extent that it would be considered necessary by the court. Beyond that, it would not be.

So far as the last clause is concerned, as my hon. friend Shri S. S. More has accepted, in respect of secret documents or where the contents should not be disclosed in the interests of the nation, they cannot be shown. So far as other cases are concerned, here exclusion is either on the ground of relevancy or justice of the case, naturally, I presume that the Magistrate will show it to the accused, he will be heard and final orders would be passed. You will, therefore, see that the discretion that has been given is only of a temporary character subject to be corrected at the commencement of the hearing.

**Mr. Deputy-Speaker:** Shri Raghavachari. I shall then call other hon. Members.

**Shri Mulchand Dube:** I am trying to catch the ear of the Chair as it has been almost impossible for me to catch the eye.

**Mr. Deputy-Speaker:** I will call the hon. Member next.

**Shri S. S. More:** The hon. Member says that he has been trying to catch the ear of the Chair. That is absolutely inappropriate.

**Shri Raghavachari:** Of the clauses under consideration, clause 21 is one for which some credit must be given for the amendment proposed. It is a healthy amendment. Dispute or controversy relates only with regard to sections 162 and 173—clauses 22 and 23. I have been listening to the entire discussion on this Bill from the earlier stages and I have always found. I regret to say, there is a feeling on this side, that the Government which is sponsoring the Bill, has taken it as a business to oppose any amendment or

criticism which the Opposition or anybody offers against these proposed new provisions. That is an incorrect attitude. I am anxious to say that those of us who place certain difficulties and observations we have gathered in our experience, do not do so out of a mere prejudice against the police or anybody. It is done as a result of a strong, continuous, inborn conviction in our minds. We have seen the procedure. We have seen how the police and section 162 are working, in our experience not of one or two years—I have my experience of 34 years. Unfortunately, the Members in charge of this Bill, possibly look at these things from the heavenly point of view of a High Court or Supreme Court. We are concerned with how the provisions work from the bottom. You know, Sir, in your experience that section 162 is the concern of the investigating officer. Who is the investigating officer in that hierarchy? Ultimately, in 90 per cent. of the cases, it is the Head Constable of a police station. In fact a report comes to him, the Sub-Inspector is somewhere, another Inspector is somewhere else or he will note down that he is on duty elsewhere and will send the Head Constable. He goes and prepares something. Later on, the officer or other officers come; but what the earliest person gathers is the foundation generally. Therefore, I am anxious to submit that the criticisms that we make are not born out of a prejudice against the Government. It is born out of a conviction that we have formed that it is dangerous to agree to the amendment proposed in this Bill. I am now coming to the question of the prosecution being allowed to use any part of it for cross-examination. I am concerned more with that portion. No part of this section 162 comes under the kind of documents contemplated under section 145 of the Evidence Act. Section 145 of the Evidence Act says:

“...cross-examined at to previous statements made by him in writing...”



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... any piece of document which he has voluntarily written previously in his own writing.

"...or reduced into writing..."

The depositions that he has made is taken down by some authority with proper safeguard that what he has said is correctly written down. He reads it, or it is read out, he corrects it and has a chance to do all that. That is the kind of previous statement that is referred to in section 145. That forms the basis for cross-examination.

**Shri Raghbir Sahai (Etah Distt.—North East cum Budaun Distt.—East):** Does it exclude the statement taken down by the police?

**Shri Raghavachari:** It does. I shall tell you. See the next sentence. Therefore, if you wish to expand the words "reduced into writing" to cover statements under section 162, it would not be possible. And if you have seen the trend of decisions and the procedure that we follow in a Court, you will know that we invariably call the police investigating officer who took down the statement to go into the box and then state on oath that such and such a statement was made before him. As it is already in writing, all this elaborate procedure would be unnecessary. In fact, the law permits cross-examination based upon portions of this section 162 statement because the language used in this connection is "if proved".

**Pandit Thakur Das Bhargava:** "If duly proved."

**Shri Raghavachari:** "If duly proved". It means that the thing in writing is not the basis. The thing must be proved again and then only it can be used to contradict. Therefore, the entire foundation for the cross-examination based on portions of this statement was that there must be clear proof that such a statement was made. We have seen investigating officers going into the box and

saying: "I perfectly remember, so-and-so made the statement". I was shocked many a time in a Court to hear an investigating officer saying 'his. If he is asked: "you have not recorded it there?", he says "I did not think it worthwhile".

**Mr. Deputy-Speaker:** Can such a statement be used, such an oral statement not recorded under section 162?

**Shri Raghavachari:** Oh, yes.

**Mr. Deputy-Speaker:** But it does not apply to this.

**Pandit Thakur Das Bhargava:** An oral statement, if not recorded, cannot be contradicted.

**Shri Raghavachari:** What I have been urging is that the contents of section 162 statement is not the basis for cross-examination by itself. It is the statement orally made by the witness to the investigating officer, which the latter records under section 162, which record he uses to refresh his memory; and if he proves thus that a statement was made before him orally, that statement can be used for the purposes of contradiction.

**Mr. Deputy-Speaker:** It must find a place in the statement.

**Shri Raghavachari:** It need not necessarily find a place in the statement. I am saying this to show that the basis for cross-examination is a statement which is orally made by the witness earlier, not because it is recorded. There are many statements, which can be used to contradict, of course, if duly proved that it was made before the officer. There is no doubt about that matter. That is only a matter of academical discussion. I am not very much worried about it.

But the point is that the procedure now provided is that an opportunity is given to the prosecution to use a portion of this for cross-examination of this amendment have fairly con-nate that though the people in charge of their own witnesses. It is unfortunately a greater part of the old

section 162 to get again into this Act, they try to...

**Mr. Deputy-Speaker:** Whatever it might be, clause 22 refers only to statements which have been recorded. It reads:

"No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it;"

**Shri Raghavachari:** You see, Sir, there the words are "if reduced into writing".

**Mr. Deputy-Speaker:**

"...signed by the person making it..."

We are not worried about signing.

"nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose...in respect of any offence under investigation..."

**Shri Raghavachari:** You will note the words "or otherwise".

**Mr. Deputy-Speaker:** That means not necessarily in a police diary, but some other writing.

**Pandit Thakur Das Bhargava:** Or, it may not be contained in the statement under section 161(3), but it may exist in another part of the diary.

**Mr. Deputy-Speaker:** It must be on some paper or record.

**Shri Raghavachari:** I would submit I am perfectly clear in my mind that the basis of the statement used for cross-examination is the oral statement that was made to the investigating officer, and that statement must be duly proved, and generally, even if it is recorded in the police diary, he refreshes his memory and then says that the witness made such a statement to him. Otherwise, there is 507 L.S.D.

no point in calling the investigating officer.

**Mr. Deputy-Speaker:** There is no doubt that the statement as recorded must be proved to have been made, but any other statement which is not recorded is not relevant for the purpose of section 162.

**Pandit Thakur Das Bhargava:** In some cases it becomes relevant if an omission is proved, as important omissions have been held to amount to contradicting.

**Mr. Deputy-Speaker:** To show that the statement is not to be relied upon.

**Pandit Thakur Das Bhargava:** Of course, it is for that purpose.

**Mr. Deputy-Speaker:** And not as a substantive portion for purposes of cross-examination. Very well.

**Shri Raghavachari:** Pandit Thakur Das Bhargava is right that the omission is used to contradict a witness. It is in such circumstances that the investigating officer says: "He made that statement to me".

I was submitting that this new provision contains the words:

"...and with the permission of the Court, by the prosecution, to contradict such a witness in the manner provided by section 145 of the Indian Evidence Act."

If you see section 145 of the Evidence Act, it does not permit this kind of thing being done. I am only trying to submit this phrase "with the permission of the Court, by the prosecution" is somehow thrust in. For, if you actually read the whole thing, it says:

"...statement if duly proved, may be used by the accused.....to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872 (I of 1872), and when any part of such statement is so used by the accused, any part thereof may

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also be used in the re-examination.."

That is how it goes, and that is the language of the old section 162. The words "and with the permission of the Court, by the prosecution" have now been added there. Now, let us see what are the circumstances under which the prosecution can cross-examine its own witness. Section 145 does not refer to that. Section 145 of the Indian Evidence Act simply says:

"A witness may be cross-examined as to previous statements made by him.."

And cross-examination under section 137 of the Evidence Act has been defined thus:

"The examination of a witness by the adverse party shall be called his cross-examination."

And therefore, by cross-examination is meant examination by the adverse party, and the adverse party would be the defence under section 145 which says:

"A witness may be cross-examined as to previous statements made by him in writing or reduced into writing.."

And really the section that should be applicable when the prosecution is to cross-examine would be 154 and not 145. Section 154 says:

"The Court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party."

Therefore, the question of hostility and putting questions by way of cross-examination will not come under section 145. It must come under section 154, and then the procedure similar to section 145 may possibly be adopted. But when you say here "with the permission of the Court, by the prosecution"...

**Mr. Deputy-Speaker:** Instead of section 145, the hon. Member suggests it should be 154.

**Shri Raghavachari:** You cannot take away section 145 because it applies to the accused; but in the case of prosecution section 154 of the Evidence Act is to be mentioned.

**Mr. Deputy-Speaker:** Section 145 must apply to the accused, and 154 to the prosecution?

**Shri Raghavachari:** Yes. Otherwise, it will lead to some confusion.

**Pandit Thakur Das Bhargava:** Section 145 applies to both.

**Shri Raghavachari:** The phrase is somehow put in there.

**Mr. Deputy-Speaker:** Under section 145 or 154 as the case may be.

**Pandit Thakur Das Bhargava:** Section 154 applies to both. It is a mode of contradiction. It applies to both the prosecution and the accused.

**Shri Raghavachari:** It is a more.

**Mr. Deputy-Speaker:** It is section 145 or section 154 as the case may be. That means, it may apply to both.

**Shri Raghavachari:** Later on, as proposed, you will see that when any part of such statement is used in cross-examination by the accused, then something can come by way of re-examination. It is not possible when any part of it is used by the prosecution.

**Pandit Thakur Das Bhargava:** It is already there under section 162.

**Shri Raghavachari:** Supposing the prosecution cross-examines, and puts some portions of it, what happens?

**Mr. Deputy-Speaker:** Then, does he become a witness of the accused, for purposes of re-examination?

**Shri Raghavachari:** He does not become. There is no chance for him—the accused—to put any other portion.

**Mr. Deputy-Speaker:** Therefore, it is not provided for.

**Shri Baghavachari:** The point simply is that the Evidence Act makes the statements under section 162, or the statements or records of the police somewhat less acceptable than other statements recorded under other circumstances. I do not wish to read the whole thing; but we know that even confessions or statements made in the presence of the police, or under their influence, have been excluded very often. So, the fundamental point of the Evidence Act in regard to cross-examination and procedure is all based upon the fact that police investigation is a thing which cannot always be accepted at its face value. But what we find here is that the hon. Minister in charge has always taken the police record as tantamount to nothing but truth. You will see that that is the fundamental basis on which this amendment is based; because we want to make a change in the whole procedure, the thing has to be started with the credibility of the police, and it is something which stands on a higher pedestal—that is how the whole thing has started. I have had very intimate contact with the prosecution staff and others for nearly six years, and I have seen their diaries and everything else. The point is that at the stage of investigation, the police officer often is a person who is assisted only by those interested in the prosecution, and therefore, his judgment is not always a correct judgment. That is why fundamentally his statement is not accepted as quite correct. I would urge that the new right which the prosecution wants to have, namely, to use this to contradict their own witness, is a thing which ultimately resolves itself into a serious inconvenience and full of risk to the accused.

As regards clause 23, other hon. Members have already urged their grounds. But I would only argue on one particular point. In the old section 162, the right to exclude portions of the statements given to the accused

was given to the Court, but now the Court is equated with the police officer or the investigating officer. I should think that our experience does not permit this right being given entirely to the investigating officer. The discretion might as well have been left to the Court rather than to the investigating officer. Another point I wish to urge is that even when the Court excluded any portion, under the old section 162, it had to make a record to that effect. But now you will see that the matter is entirely in the discretion of the police officer. No doubt, they have provided:

"Provided that at the commencement of the inquiry or trial, the Magistrate shall, after perusing the part so excluded and considering the report of the police officer, pass such orders as he thinks fit and if he so directs, a copy of the part so excluded or such portion thereof, as he thinks proper, shall be furnished to the accused."

In answer to a question put by my hon. friend Pandit Thakur Das Bhargava, the hon. Deputy Minister of Home Affairs stated that certainly the accused would be heard. But there is nothing to that effect in this proviso; the proviso only says that the Court, after looking into the report of the police officer, and the excluded portion, will pass such orders as it thinks fit. It does not say that the Court should hear the accused or anybody else. So, I have given an amendment to the effect that the power of deciding its non-relevancy or its being not essential in the interests of justice must certainly be taken away from the judgment of the investigating officer. The proviso to clause 22 must be altered in the light of the criticisms that have been made, and the thing must be made clear with reference to section 154 of the Evidence Act also.

**Shri Mulchand Dube:** Sir,...

**Mr. Deputy-Speaker:** The hon. Member has caught my eye all right. He may go on.

**Shri Mulchand Dube:** First of all, I would deal with the changes that have been made in section 173. I welcome the changes that have been made, and I am of the opinion that they are calculated to give very great facilities to the accused.

As the law stands at present, the documents and statements that are provided to the accused were available to the accused in rare cases and at considerable expense. So, on one point at least, corruption is to a very great extent reduced, if not eliminated.

As regards the objection that the police officers have been given some power in respect of withholding whole or portions of the statements, I would only say that the powers do not rest finally with the police officers, but they are left to be decided by the Court as to whether any particular document was relevant or not. In case the police officer withholds a document or statement as being irrelevant, the Judge will be entitled and enabled to show it to the accused, so that his contention may be heard on the point of relevancy, and the question is finally decided by the Judge. In regard to cases where a privilege is claimed, on the ground of its being a state secret, or on some other ground, the ordinary rule that prevails at present is that the Judge or the Magistrate examines the documents and then decides on the question of privilege. Therefore, I submit that the objection that has been raised in regard to the powers given to the police does not hold good. On the other hand, section 173, as it has been amended, gives very great facilities to the accused, and should be a welcome provision.

Now, I come to the changes that are sought to be made in section 162. I have tabled an amendment to the effect that the words 'if duly proved' be omitted from line 10 on page 6 of

the Bill. My submission in regard to this is that the procedure that prevails at present is that the diaries are sent to the Magistrates or the Judge concerned, and on the application of the accused, the Judge or the Magistrate supplies copies of the statements of the witnesses recorded in the diary to an accused for cross-examination. That copy is not an authenticated copy. There is no note in that, that the officer in charge of the copy has compared it with the original and found it to be correct. No note being here, these words were necessary in that provision. But now, they are not necessary. The present procedure is that the accused person should prove that the statement had actually been recorded. Now, the procedure is entirely changed. The prosecution supplies the copies and should vouch for their authenticity and correctness. It is, in fact, a document produced by one party and it is open to the other party to make such use of it as it may think fit. Therefore, the words 'if duly proved' which were necessary in the existing state of the law, are no longer necessary. It is an ordinary rule of procedure that the documents filed by one party may be used by the other without formal proof. Therefore, in the existing procedure it was necessary that the document should be proved. The copies here will be supplied by the prosecution, that is, a party to the case and, therefore, the words seem to be superfluous.

The next point that I wish to place before the House is about the right of contradiction that has been given to the prosecution in regard to the statement recorded in the diary. I will not take up the time of the House in recapitulating the various arguments that have been advanced against it. I want the House only to consider what sanctity or value they propose to give to the statement recorded by the investigating officer during the investigation of the case. The question therefore turns upon this whether these statements are to be treated

as sacrosanct or not. I submit that there is no ground for treating them as sacrosanct because the statements are not recorded by the investigating officer in the words of the witness and they are not read over to him and he is not required to sign them. In fact, the police officer or the investigating officer is merely required to record a substance of the statement of the witness. This he does according to his own impression of the statement. It has been said, times without number, by Judges and by hon. Members who have spoken before me also that the statements are not always correctly recorded. And, they are not recorded also in the manner in which they should be recorded. There are grave irregularities in the recording of such statements.

**Mr. Deputy-Speaker:** The hon. Member may stop at this stage. It is 2-30 and he may continue his speech next day when this matter comes up.

The House will now take up Private Members' Business.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS.

##### THIRTEENTH REPORT

**Shri Altekar (North Satara):** I beg to move:

"That this House agrees with the Thirteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th September, 1954."

Now, that report is in connection with a Bill to amend the Constitution proposed to be introduced by my friend Shri Sodhia. That is in connection with article 45 of the Constitution which says that within ten years of the commencement of the Constitution, there should be compulsory education brought about in this country in the case of all children until they complete the age of 14.

Now, my hon. friend wants to add to that—

"and the initial steps in this direction should be taken by the Central Government within five years from the commencement of the Constitution."

The Committee considered his views as also the views of the representative of the Ministry of Education, who placed all the facts and circumstances before us.

The first point for consideration in this respect is that the matter in connection with which he wants to amend the Constitution is regarding education, which is a State subject. And, my hon. friend wants that the initial step should be taken by the Central Government. That means, the Union Government should take in its hands a subject which belongs to the States. That is not desirable, and it is not proper and constitutional.

Another point is that it is in connection with a chapter which is in the nature of Directive Principles. The principles are laid down there and they are not to be enforced irrespective of the circumstances and conditions that obtain. We have to take into consideration the financial condition. When the facts were placed before the Committee by the representative of the Education Ministry, it was brought to our notice that in order to enforce this particular compulsory education it would require an expenditure of Rs. 400 crores every year for 16 years. It is not a thing which is possible under the circumstances. We are laying down plans for five years. We have said that more important subjects like agriculture, irrigation, communications and others deserve priority. Education also is given consideration, of course, but according to the moneys at our disposal. Therefore, taking all these facts into consideration it is not possible to spread free and compulsory education in the country within that period. Of course, the States and the Central

[Shri Altekar]

Government are doing their best. The Central Government is giving aid to the States; it has till now given aid to the extent of Rs. 45 crores and it is urged that elementary schools should be changed into basic schools. That is being done and education is being spread to a larger extent. But the change that is suggested by my learned friend in the Constitution is not desirable because it is in connection with a directive principle which is already there. If he wants to bring this fact pointily to the notice of the Central Government, he may move a resolution to that effect. A change in the Constitution, as suggested by him, is not, of course, desirable. When, practically four years are over and there is only a very short time for the end of the period of five years, to make a change to the effect that within the first five years steps should be taken and that too by the Central Government is not proper. I would like to suggest that the recommendation that is made by the Committee that this amendment should not be allowed to be introduced should be accepted by the House, because though the point that he wants to impress upon the House is an important one, taking into consideration all the facts stated by me, I think, a resolution in this House would be better and not a change in the Constitution itself, which is a sacred document.

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

"That this House agrees with the Thirteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th September, 1954."

श्री कै० सी० साँधवा (सागर) : मैं इस रिपोर्ट का प्रीतिवाद करता हूँ और इस सभा से नम्रतापूर्वक आशा करता हूँ कि मेरे बिल को इसी कमेटी के सामने फिर से पेश किया

जाने की अनुमति दी। उपाध्यक्ष महोदय, आप उस कमेटी के चैयरमैन थे जिसने यह रिपोर्ट दी है। आप इस समय चैयर में हैं। इसलिए मैं आपसे यह पूछना चाहता हूँ कि अगर मैं इस रिपोर्ट के खिलाफ कुछ बातें कहूँ तो आपको बुरा तो नहीं लगेगा। सबसे पहली बात जो आपकी कमेटी ने मानी है वह गलत है। आपकी कमेटी ने इस बात को महसूस किया है कि एज्यूकेशन स्टेट का कंसर्न है। मेरा कहना यह है कि आप कांस्टीट्यूशन के आर्टिकल २६ को देखिये। उसमें ऐसा लिखा हुआ है :

In this Part, unless the context otherwise requires "the State" has the same meaning as in Part III.

कांस्टीट्यूशन के आर्टिकल नम्बर १२ में यह दिया हुआ है :

In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the State and all local or other authorities within the territory of India or under the control of the Government of India.

अब आप यह कहें कि इस विषय में सिर्फ स्टेट गवर्नमेंट की जिम्मेदारी है तो यह आर्टिकल १२ के मुताबिक आपका कहना बिल्कुल गलत है। आर्टिकल १२ में सेंट्रल गवर्नमेंट, पार्लियामेंट, स्टेट लीजिस्लेचर्स, स्टेट गवर्नमेंट्स और सारी लोकल बाडीज जो इस देश की हैं उनके ऊपर यह आयद है कि वह कांस्टीट्यूशन के मंजूर होने के दस साल के भीतर इस क्रिस्म की अनिवार्य शिक्षा की योजना देश में ला दें। इस सबब से मेरा यह नम्र निवेदन है कि इस देश में प्रजातन्त्रात्मक पद्धति को सफलतापूर्वक ऊपर उठाने में और उन्नत को सफल बनाने में इस एज्यूकेशन का सबसे बड़ा महत्त्व है।

पिछले पांच साल में हमारी एन्क्वैशन मिनिस्ट्री ने संगीत, आर्ट और कला आदि में अपना समय खो दिया और साढ़े चार वर्ष खत्म भी हो गये और अब तक कुछ भी नहीं किया जा सका, मुझे तो लज्जा आती है कि हमारी ओर से कुछ भी प्रयत्न नहीं किया गया। इस विषय की ओर, जो इतना महत्वपूर्ण और अहम है, इस सरकार ने उचित ध्यान नहीं दिया और मैं चेतावनी देना चाहता हूँ कि अगर सरकार ने इसके प्रति अपने कर्तव्य को पूरी तरह नहीं निभाया तो वह ब्रिटिश शासकों से भी ज्यादा खराब अपने को साबित करेंगे। ब्रिटिश लोगों ने अपने ढँढ़ सौ वर्ष के शासन में इस दश की जनता को अज्ञान के अंधकार में अपने सुभीते के वास्ते और अपने स्वार्थ-साधन के वास्ते नक्सा। मैं सरकार से—जो जनता की सरकार है—पूछना चाहता हूँ कि आज वह दश की जनता को अंधकार और अज्ञान में रख करके कौन-सा अपना स्वार्थ साधना चाहती है। पहली गलती तो इस कमेटी ने यह की है कि यह मान लिया है कि इस विषय में राज्य की सरकारों का उत्तरदायित्व है जो कि कांस्टीट्यूशन की धारा नम्बर १२ के बिलकुल खिलाफ है और इसीलिये इसी बिना पर इस रिपोर्ट को रद्दी की टोकरी में फेंक देना चाहिये।

दूसरी बात इस कमेटी ने चार सौ करोड़ रुपये की कही है कि सन् ४८ में, आपका कांस्टीट्यूशन सन् ५० में आया, उसके दो साल पंथर सालाना खर्चा होगा, ऐसा हमारे गवर्नमेंट के एक्सपर्ट लोग जो हैं उन्होंने एक रिपोर्ट दी थी और उस रिपोर्ट के बल पर उन्होंने इस मिनिस्ट्री की नाक में नकेल डाल कर इसकी सारी कार्यवाही को रोक दिया। मैं आपसे कहता हूँ कि आखिर ये एक्सपर्ट्स किस वास्ते हैं। अगर एक्सपर्ट लोग चार सौ करोड़ रुपये सालाना का खर्चा बतलाते हैं और जब हमारे पास इतनी पूंजी नहीं है तो हम क्यों न उन एक्सपर्ट्स से कहें कि वह ऐसी स्कीम तैयार करें जिसमें सौ करोड़ में काम हो जाय। आप देखते हैं कि मुझे गरीब आदमी

अपना बजट कम बनाता है अनिश्चित एक अमीर आदमी के लौकिक काम तो वह भी चलाता ही है, गरीब आदमी अपनी लिमिट के अन्दर रह कर काम करता है, आपको भी अपने हिसाब से बजट तैयार करना चाहिये, चार सौ करोड़ रुपये का बजट बना कर और उसको पेश करके इस जरूरी काम को वर्षों के लिये टाल दिया जाता है तो यह कहाँ तक उचित है इसीलिये मैं आपसे कहता हूँ कि अनिवार्य शिक्षा का विषय बड़ा महत्वपूर्ण है और इस मसले को आपको ध्यान से देखना चाहिये। यह इस सभा का काम है कि वह कांस्टीट्यूशन में अमेंडमेंट को मंजूर करे। इस सभा के प्रत्येक सदस्य को यह अधिकार है कि वह चाहे तो उसे सब का सब मंजूर करे या न करे, या उसमें संशोधन करे। पन्द्रह आदिमियों की यह कमेटी जिसमें पांच आदिमियों का कोरम हो और पांच अद्विमियों में से दो आदमी एक तरफ और दो आदमी दूसरी तरफ और कमेटी के चेयरमैन जो हमारे उपाध्यक्ष महोदय हैं वह अपनी रूनिंग्स से सारी कमेटी के जजमेंट को जिधर चाहें ले जायें और फिर इस हाउस का जजमेंट माना जाय और कह दें कि यह बिल इस हाउस में नहीं पेश किया जाना चाहिये। यह कार्य इस हाउस की जिम्मेदारी और इस सभा के गैर सरकारी मेम्बरों के अधिकारों पर कुठाराघात है। इसीलिये मैं कहूँगा कि इस विषय के ऊपर आप खूब अच्छी तरह से विचार करें और मेरी रिपोर्ट को फिर से इस कमेटी के सामने ले जाने को मंजूर करें।

कोई बात नहीं अगर हमने साढ़े चार वर्ष खो दिये, साढ़े पांच साल अभी बाकी हैं। इस असें में बहुत कुछ काम हो सकता है। यह भी कोई जरूरी बात नहीं है कि हम चार सौ करोड़ रुपये के बगैर इस काम को नहीं चला सकते, यह हमें अपने विषय से निकाल देना चाहिये। अगर ग्रुम और



[श्री क० सी० सोंधिया]

हमारे एक्सपर्ट्स लोग जत दिमाग से काम लें तो उससे कम खर्च में इस देश में अनिवार्यतालीम को कायम कर सकते हैं और इस काम को अंजाम दे सकते हैं। इस लिये मेरा कहना है कि अगर यह सभा इस देश में जो जनतंत्री शासन-यद्वात प्रचलित की गयी है उसको सफल ढंगना चाहती है तो उन्हें इस रिपोर्ट को रद्दी की टोकरी में फेंक कर मंत्री बिल को फिर से कमिटी के विचार के लिये ले जाने की इजाजत देना चाहिये। मान्यवर मैं जानता हूँ कि आपका इस सभा के ऊपर बहुत कुछ असर है, आप हम लोगों में से किसी की भी बोलती फॉरेन बंद कर सकते हैं और मुझे डर है कि उस कुर्सी पर बैठ कर मेरी जो राय और सुझाव हैं वह शायद गिर जाय।

रक्षा संगठन मंत्री (श्री त्वाणी) : उनकी हमदर्दी आपके साथ है।

श्री क० सी० सोंधिया : मैं आपसे कहूंगा कि मेरी बात बिलकुल वाजिब है और अगर आज उसको ठुकरा दिया गया तो आगे चल कर आपको इसके वास्ते पछताना पड़ेगा और इस देश की जनता के सामने इस गवर्नमेंट को और आपको जवाबदेह होना पड़ेगा। आपने उन सिद्धान्तों की दाद दी है जो आपने पिछली कमिटी की रिपोर्ट में बतलाये थे, उसमें आपने कहा कि सरकार को तो हक है कॉन्स्टीट्यूशन में अमेंडमेंट करने का लेकिन प्राइवेट मेंबरों को ऐसा करने का हक नहीं है। मैं आपको उस रिपोर्ट को बिलकुल रद्दी करके हक देता हूँ। मैंने आप से इस बार में कहा और चिट्ठी भी लिखी। मैंने उस खत में उचित प्रीसिपल्स आपने बतलाये थे उन सब की धिज्जिया उड़ायी थी, लेकिन आपने टनका जवाब नहीं दिया।

मैं चाहता हूँ कि सभा इस मामले पर विचार करे और इस विषय को फिर कमिटी

को वापस भेजे, इसमें पार्टी का सवाल नहीं है, मैं समझता हूँ कि पार्टी गवर्नमेंट की वजह से हमारी रीढ़ की हड्डी टूट गयी है और हम हर मामले में सरकार के पीछे आंस बंद करके दौड़ते हैं और हमारा सरकार की हर बात में हां में हां मिलाने की आदत हो गयी है। मेरा निवेदन है कि अनिवार्य शिक्षा का विषय ऐसा है जिसमें आप उस आदत को छोड़ कर गम्भीरतापूर्वक विचार करेंगे। बस मुझे सिर्फ यही कहना है।

Shri S. S. More (Sholapur) : I have nothing to say particularly about this particular measure, but some of the observations, which were made by the hon. Member in moving his motion for the acceptance of the House, can very well be challenged. If we look at the original conception of Parliamentary government, the Parliament was supposed to have the control over Government, the party in power, and the Cabinet was controlled by Parliament. But as we are advancing, we find that it is the Cabinet which is controlling Parliament and a sort of dictatorship of the Cabinet is being developed, not only in India, but all over the countries where Parliamentary democracy is supposed to be operative.

We are here elected by our constituencies and we have also as much the good of the country at heart and we are also trying in our own way to improve the legislation in the country, to improve the economic condition and deal with the different social evils which require treatment and cure. You have fortunately been a Member of the Legislative Assembly when the Britishers were here and you will bear me out when I say that most of the beneficent legislation that came on the statute-book of the country was due to the efforts of private Members—eminent Members who belonged to the Opposition Parties. Take for instance the Sharda Act; then the position of the married women had been materially improved

by a Bill brought forward by Shri G. V. Deshmukh and there are others. I need not go in detail, but I cannot understand the particular psychology which has been developed by this particular Government which wants to have all credit for social legislation to itself. Take for instance, a Bill which was moved by the hon. Member, Mrs. Uma Nehru.

**Mr. Deputy-Speaker:** All that I am suggesting is there is a time fixed under the Rules for the consideration stage. This is only an introduction. In such matters as this, one of the Rules says that before being brought up to the House, the opinion of the Committee may be placed before the House. We will assume that Shri Sodhia wants to introduce the Bill. We have got the Report of the Committee. Now, it is open to hon. Members to accept or not to accept that the Bill should be introduced. That is the stage. Nobody is prevented. Therefore from a single point let us not go into the general question.

After all there is an advisory Committee. There is a suggestion that the advice of the Committee may be accepted in regard to Shri Sodhia's Bill to amend article 45 of the Constitution. The article in the Constitution says that within a period of ten years compulsory education must be introduced up to the age of fourteen; Mr. Sodhia wanted that immediately, within the time it ought to be done, some such thing. That matter was gone into by the Committee. I do not want to place my views before the House. I was the Chairman of the Committee. All that we thought in the Committee regarding this Bill, we have placed it before the House. It is open to the House to accept or not to accept the advice of the Committee.

There is this special procedure for introducing a particular kind of Bill. Nobody prevents the jurisdiction of the House. The House can ignore the Committee's Report and address itself to the question as to whether this Bill should be allowed to be intro-

duced or not. All the other matters which Mr. More wants to raise now regarding the situation of the Government and so on, are not relevant for this purpose.

Time is running short. I have already spent away much time on this. I have only ten minutes. There is the other motion also. Even if I should allow discussion for half an hour we have already spent much time, and if any other hon. Members want to speak I will allow only two or three minutes. This is not a matter relevant here.

**Shri S. S. More:** I wish to make a submission to you in your capacity as the Deputy-Speaker and not in your capacity as the Chairman of the Committee.

श्री आर० डी० मिश्र (जिला कुलन्दसहर):

On a point of order.

मंगर कहना यह है कि कान्स्टिट्यूशन के मुताबिक हम को दस वर्ष के अन्दर लाजिमी तालीम को पूरा करना है। इसी के लिये उन का यह बिल है। लेकिन जब तक हम न कान्स्टिट्यूशन की कसम खा रक्खी है तब तक कमेटी का इस तरह की रिपोर्ट देना कि हम इस दस बरस की हद के बाहर जायें क्या ठीक है ?

**Mr. Deputy-Speaker:** ठीक है। Under the Rules there is a provision that such matters which affect the Constitution may be vetted or looked into by a Committee of the House. It is only an enabling provision. The Committee of the House looks into it, and it is open to the House to accept or reject the advice tendered by the Committee. The Committee has no exclusive jurisdiction. The House may ignore its advice, consider the question on its own merits and allow the Bill to be introduced or not to be introduced. That is the only point. I cannot allow arguments endlessly.

**Shri S. S. More:** I am only trying to persuade the House to reject the Committee's report. If I do not succeed, I might convey to the Mem-

[Shri S. S. More]

bers of the Committee, who are also Members of the House, our inclinations and our feelings.

**Mr. Deputy-Speaker:** Not in general terms. Let him address himself to this point.

**Shri S. S. More:** I submit that this Private Members' Bills Committee should not be used as an instrument to contract the rights and privileges...

**Mr. Deputy-Speaker:** All that is not right here. Whether in this particular instance it has been done is the only point, and not general arguments, conservative etc.

**Shri S. S. More:** I am unfortunately in a very miserable position. You are there as the Deputy-Speaker but at the same time...

**Mr. Deputy-Speaker:** We will assume that instead of myself Pandit Thakur Das Bhargava was the Chairman of the Committee.

**Shri S. S. More:** Then I shall have greater freedom to address the Chair.

**Mr. Deputy-Speaker:** I can assure hon. Members there is nothing personal in this. I have to do many things. For instance, suppose I am the Chairman of a Select Committee. Is it open to me to say because I was the Chairman of the Select Committee that you ought not to oppose the Report of the Select Committee or move an amendment to the clauses? I have nothing to do with this, except in my official capacity. I am absolutely impersonal. It is immaterial to me whether Shri Sodhia's Bill is accepted or rejected. Hon. Members need not make any personal aspersions, because there is nothing for me to gain or lose.

**Shri M. L. Dwivedi** (Hamirpur Dist.): The main question before the House is whether the Committee's Report can prevent the House from considering a matter which has been enjoined by the Constitution

**Mr. Deputy-Speaker:** Nobody prevents the House.

**Shri M. L. Dwivedi:** The purport of the Report of the Committee is that the Bill should not be taken for introduction.

**Mr. Deputy-Speaker:** The hon. Member has not followed me fully. This is the introduction stage. We will assume that this is put in the Order Paper for introduction. Day before yesterday even in the introduction stage of a Bill a section of the House wanted to vote it out and the House went into it and divided on that matter also.

Now the point is at the introduction stage, when a Bill is placed with the statement of objects and reasons before the House, one Member wants to raise his objection. He may state the point against the Bill, and straightway the House can go for voting.

So far as this matter is concerned, half an hour is allowed under the Rules. The Report of the Committee is there. It has gone into that matter. What all hon. Members can look into, they have looked into. Hon. Members can reject the Report of the Committee. This is another form of the introduction stage. If the House adopts the Report, the House is rejecting the introduction.

**Shri Raghavachari** (Penukonda): In this case it is the Motion, and the question of the introduction or objection to introduction of the Bill does not arise now.

**Mr. Deputy-Speaker:** If this Motion is adopted, the hon. Member will not be allowed to introduce it. Therefore this is as good as introduction.

We are going by the Rules—unless hon. Members want to raise the point that we shall not go by the Rules. We will assume that the Report of the Committee is not here. Then it will be placed on the Order Paper. At that stage it is open to any hon. Member to oppose it. And the hon. Member in charge of the Bill who

wants its introduction can state his position in brief. And it is open to any other Member to say equally that it should not be introduced, and the matter has to be put to vote.

Instead of that, having regard to the importance of the matter, the Committee sits leisurely, gives an opportunity to the Mover or the Member in charge of the Bill to come and place his case. The Members of the Committee look into this matter and bring a report. This does not take away the rights of the House. As I said, this is, in substance, a motion for introduction of the Bill, though the Motion is for accepting the Report. Because, if the Motion is accepted the Bill is rejected; if it is rejected the Bill is accepted.

**Shri Raghavachari:** It only means a group of Bills, to which the Report refers, is recommended to be opposed from being introduced.

**Mr. Deputy-Speaker:** Therefore, if each hon. Member who wants to introduce a Bill gets up and another hon. Member opposes it, is it not open to say that this should be opposed? It is the same thing, nothing more.

**Pandit Thakur Das Bhargava (Gurgaon):** The House has accepted the constitution of the Committee, and the Committee is authorised to make a report. The House may say whether it accepts or rejects the report.

**Mr. Deputy-Speaker:** I am only trying to accept the reasoning of it. It is not as if the rule has not been accepted by the House and that it is opposed to all fairplay; nothing of the kind. It only helps the House to come to a conclusion. The right of the Member to introduce a Bill is not taken away. This may be taken as the occasion for him to introduce.

**Shri S. S. More:** With all my regard to you...

**Mr. Deputy-Speaker:** I am not going to go into the rule itself. It is open to him to say whether this should be

accepted or rejected—not the Rules. I go by the Rules.

**Shri S. S. More:** There is no necessity for all these interruptions.

**Mr. Deputy-Speaker:** It is not a question of interruption.

**Shri S. S. More:** You will kindly permit me to have my say.

**Mr. Deputy-Speaker:** I have allowed the hon. Member to say enough. He is going into the general question whether the Government should have a right to stifle and so on.

**Shri S. S. More:** I will only make a submission to you both as the Deputy-Speaker and as the Chairman of the Committee that our rights, the rights of private Members, to introduce certain amendments to the Constitution should be very carefully and vigilantly dealt with.

**Mr. Deputy-Speaker:** How? We will assume without this rule it is brought up. There is no use vaguely arguing and taking the time of the House.

**Shri S. S. More:** I am speaking less.

**Mr. Deputy-Speaker:** We will assume the rule has not been framed. It will be open to any Member to say "I want to introduce this Bill" whether it relates to an amendment of the Constitution or otherwise. If any other Member opposes it, it will be immediately put to the vote of the House.

Instead of that, because this is a serious matter affecting the Constitution, it is referred to a Committee. Even then, if an objection is raised, the hon. Member must take other modes of procedure and not now object to this.

I have no objection. The House may throw it out. But this is all the scope of this discussion at present.

3 P.M.

It is now three o'clock and I will put the motion to the vote of the House.

[Mr. Deputy-Speaker]

The question is:

"That this House agrees with the Thirteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th September, 1954."

Those who are for the motion will say 'Aye'.

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those who are against the motion will say 'No'.

Some Hon. Members: The 'Ayes' have it; the motion is carried.

Shri S. S. More: The 'Noes' have it.

Shri K. C. Sodhia: I demand a vote of the House.

Shri S. S. More: We demand a division; two Members are enough to call for a division.

Mr. Deputy-Speaker: Hon. Members will rise in their seats.

Shri S. S. More: The bell will have to be rung.

Mr. Deputy-Speaker: I am not bound to accept it. The hon. Member will show me the rule. I have read the rules.

Shri S. S. More: Can we not make our submission? I accept your knowledge of rules. But in my own ignorance I may be permitted to make my submission. That is my fundamental right, unless you challenge it.

Mr. Deputy-Speaker: It is open to the Chair to judge from the voices and if it is not clear as to how many are on one side or the other, he can call upon Members to rise in their seats. Therefore, I would ask hon. Members to rise in their seats.

Shri S. S. More: Actually through the lobbies to record the vote in writing is one thing, rising in the seat is another. But ringing of the bell is an essential preliminary.

Mr. Deputy-Speaker: Once I ring the bell, I must ask hon. Members to go one side or the other. I do not intend ringing the bell and inviting others who are not interested.

Dr. Lanka Sundaram (Visakhapatnam): What is suggested is that a reasonable opportunity may be given to all Members of the House to record their vote.

Mr. Deputy-Speaker: It is not necessary in this case.

Those who are against the motion will rise in their seats—there are ten.

Those who are in favour of the motion will rise in their seats. There is a large number.

The motion is carried by an overwhelming majority.

*The motion was adopted.*

#### FIFTEENTH REPORT

Shri Altekar: I beg to move:

"That this House agrees with the Fifteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th November, 1954."

This Report is in connection with the allotment of time in respect of Bills that are to come here for discussion this evening and also categorisation of certain Bills. So far as the allocation of time is concerned, I would like to say that the Prohibition of Manufacture and Sale of Vanaspati Bill by Shri Jhulan Sinha has been given two and a half hours. The measure has already taken one hour and thirteen minutes and the remaining time is one hour and seventeen minutes. The Indian Arms (Amendment) Bill by Shri Patnaik has been allotted one hour; the Public Financed Industries Control Board Bill by Shri M. L. Dwivedi two hours and a half; the Indian Medical Council (Amendment) Bill by Sardar Saigal two hours; the Payment of Wages (Amendment) Bill by Dr. Khare one

hour and a half; the Prevention of Bigamous Marriages Bill by Shri Pataskar one hour and a half and the Indian Trade Unions (Amendment) Bill by Shri Nambiar two hours and a half.

Having taken into consideration the nature, importance and urgency of the Bills, the Committee has classified them into A and B categories as follows:

Category A: The Women's and Children's Institutions Licensing Bill, by Shrimati Jayashri and Shrimati Maniben Patel.

\* **Pandit Thakur Das Bhargava:** The House has got the Report.

**Shri Altekar:** The categorisation will be found in Appendices II and III to the Report. The categorisation has been done after taking into consideration the arguments advanced by hon. Members who are the sponsors of the Bill, as also the representatives of the various Ministries, and the nature, the importance and the urgency of the Bills.

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

"That this House agrees with the Fifteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th November, 1954."

**Pandit Thakur Das Bhargava:** Sir, I have to bring to the notice of the House that the allocation of time made for the various Bills in the Appendix I to the report is very inadequate. For instance the Prohibition of Manufacture and Sale of Vanaspati Bill has been allotted two hours and a half. The Indian Arms Act, which is applicable to the whole of India has been allotted one hour; the Public Financed Industries Control Board Bill has been given two hours and a half. This allocation, I beg to submit, is totally inadequate. How can a Bill applicable to the whole of India be disposed of

in one hour or two hours. Look at any of the Government Bills. We know what time is taken over them.

So far as the Prohibition of Manufacture of Vanaspati Bill is concerned I took several hours even in the old Assembly to have my say.

**Shri S. S. More:** You forget that Assembly now.

**Pandit Thakur Das Bhargava:** For several days we discussed this Bill then; yet it was not finished.

**Mr. Deputy-Speaker:** Hon. Members will remember one or two things. For a long time a number of Bills given notice of by hon. Members had not even the chance of being introduced. The Rules one or two years ago were that only after the Bills which have come up in the ballot for consideration had been disposed of the other Bills were allowed to be introduced. Objection was raised and representations made that such Bills had absolutely no chance of seeing the light of day. It was therefore suggested that such Bills must be allowed to be introduced, so that the public may have an opportunity to send their views. Therefore, we have made a rule giving top priority to introduction. So, before the consideration of Bills are taken up, Bills are introduced. Number two, there are a number of Bills which have to be taken into consideration. The Vanaspati Bill has been before the House for over twenty-five years now in some shape or form.

**Seth Govind Das** (Mandla—Jabalpur South): Unless it is passed it will always remain before the House.

**Mr. Deputy-Speaker:** Therefore, let it not be stified today.

The Indian Arms Bill was sent for eliciting public opinion. Hon. Members would have received the printed opinions on this Bill. Now it is to be referred to the Select Committee. The principle of the Bill having been accepted, and opinion elicited, now it has to be focussed. Government has

[Mr. Deputy-Speaker]

not opposed the Bill. Every Bill affects the whole of India.

The sponsor of the Bill, Mr. Patnaik, himself was present at the Committee. A suggestion was made that half an hour was enough. I agreed to one hour, because we know that once a matter is raised on the floor of the House, hon. Members would naturally like to speak on it. So one hour was allotted.

For the Public Financed Industries Control Board Bill Mr. Dwivedi wanted two and a half hours.

**Shri M. L. Dwivedi:** I wanted more time.

**Mr. Deputy-Speaker:** Mr. Dwivedi wanted that his Bill should be given priority, as it was very important according to him. I have been put in the unfortunate position of dividing the time among the different Bills. Therefore, it is an attempt to divide the time. Time must be equitably distributed among all sections. There might be an error of judgment but there cannot be an error of the mind in the matter of trying to favour one person or the other.

**Pandit Thakur Das Bhargava:** I have not raised any question of partiality.

**Mr. Deputy-Speaker:** If the time of the House is to be extended to this Bill, I have the least objection. Let it be decided—instead of two hours, make it five hours.

**Shri Gidwani (Thana):** I was also a member of the Committee. We were of the opinion that in order that justice could be done to all these Bills, more time should be devoted to the non-official Bills and Resolutions. This two and a half hours is not sufficient. I feel it is merely a waste of public money in printing these Bills which will never see the light of day. So, if the Members are really anxious

that their Bills should be moved and something should be achieved in that direction, more time should be given to the non-official Bills.

**Pandit Thakur Das Bhargava:** I had not finished my say. Before I finished, you were pleased to intervene and make your remarks. I should like to have more say in this respect. For instance, there is a Bill in the name of Shri Patakar—The Prevention of Bigamous Marriage Bill. The time for it is 1½ hours. My humble submission is that so far as certain sections of the Indian public are concerned, they are in favour of this bigamous marriage, and therefore, 1½ hours is absolutely insufficient. Similarly, in regard to this Vanaspati Bill, the time is not sufficient. I am one of those who introduced their Bills two or three years ago. Those Bills have not seen the light of day. May I humbly ask, how many non-official Bills have been passed by Parliament? How long ago it was when a non-official Bill was last passed by this House? The difficulty is, if a matter is not allowed to be properly considered in this House and if only such a short time is allowed, where is the time for considering all the Bills and how will the Members come to a decision? I would beg of you to see that at least some Bills are passed. Supposing you allow the introduction of a hundred Bills—this is the fate of almost all the Bills now—they do not get time at all for passing. What would happen, then?

**Mr. Deputy-Speaker:** Then, the hon. Member wanted at least introduction to be completed. It has been done.

**Pandit Thakur Das Bhargava:** You have changed the rule and the introduction takes place. So far as the introduction is concerned, nobody opposes it. But so far as the consideration stage is concerned, good time should be allotted for every Bill, for instance, this Prohibition of Manufacture and Sale of Vanaspati Bill.

**Mr. Deputy-Speaker:** Then, one Bill alone will come up in one session. What I would suggest is, there is a procedure that should be adopted in these matters. If hon. Members who want to take up discussion of the Bills here had only said that time should be fixed, say, five hours for Bill No. 1, three hours for Bill No. 2, and so on—if there is an official amendment to that effect—I shall put it to the vote of the House. On what are we to proceed? Some Members—X, Y, Z—are appointed to the Committee and they discuss the thing and allot the time and wait for the opportunity. There may be other Members who do not agree with them. They may think that a particular Bill is more important than the other. So, a mode is suggested. What is it that prevented any hon. Member—apart from asking and saying here that you ought not to do so—from making suggestions before-hand? I ask the hon. Members to take them back. Let the Committee once again look into this matter. Will there be unanimity? Therefore, the procedure that is devised is, whenever an hon. Member feels that a particular Bill is more important and so feels that the time for it is not sufficient, it is open to him to say that it should be five hours instead of one and a half hours. There is no motion like that before the House. I am finding it very hard to get along with this work. With all respect to all hon. Members, I will strictly follow the rule. No amendment has been tabled and therefore, except some small discussion of this kind, I am not going to allow any further discussion. I shall put it to the vote of the House. If there is a large body of opinion that it should be reconsidered, I have no objection. I will invite all Members to sit along with the Members of the Committee and give their advice and suggestions. I am helpless in this matter.

**श्री गीबिन्स कास :** मेरा इस सम्बन्ध में यह निवेदन है कि किसी विशेष विधेयक के लिये यह कहना कि इसमें इतने घंटों का तीन

घंटों का या पांच घंटों का समय दिया जाय, इससे उस बीमारी का इलाज होने वाला नहीं है। मेरा तो यह निवेदन है कि जितना समय गैर सरकारी सदस्यों को दिया जाता है वह समय ही कम है और इस पर विचार किया जाना चाहिये कि जितना समय हम लोगों को हर शुक्रवार को मिलता है वह बहुत कम है और उससे ज्यादा समय हमें दिया जाय। इस बीमारी का यह इलाज नहीं है कि अमुक विधेयक के लिये इतना समय अधिक है या अमुक के लिये कम है उसको और समय दिया जाय, मैं चाहूंगा कि सब मिला कर हम का अधिक समय दिया जाय और मैं श्री गिडवानी के सुझाव से सहमत हूँ कि इस चीज पर विचार किया जाना चाहिये।

**Mr. Deputy-Speaker:** There is a suggestion that the non-official time should be increased. But hon. Members forget that the first hour of every day is a non-official hour. It is not the Government hour. It is the non-official hour. In addition, we have got two and a half hours in a week for non-official work. In addition, any hon. Member can move that a half-hour, or one hour for a discussion or one and a half hours for a discussion may be allotted at the end of the day. If thus four hours in a week ought to be allowed for non-official work, Government can close its shop and go. Therefore, all that I am suggesting is, ultimately, it is not in my hands. If the House wants, by way of a motion or resolution, that two and a half days in a week must be allotted for this non-official work, what is my difficulty? So, let us come back to the present position. The committee has got at present under the rules one day two and a half hours—for non-official work. Within that period, a hundred Bills have to be allotted time and so the time is divided. So, if non-official time is to be extended give a direction today, and let us have the vote of the House on that matter.

**Shri Bogawat (Ahmednagar South):** Government should not close its shop



[Shri Bogawat]

What is the use of our coming to Parliament when so many Members who want to put in their Bills and Resolutions do not get the time or the opportunity? It is not the shop of the Government. Government has no concern with this shop. It is the people's shop. I request the Chair to see that all the hon. Member do get a chance. Otherwise, it is a waste of time and energy of putting in so many Bills and Resolutions.

**Mr. Deputy-Speaker:** Hon. Member has misunderstood what I said. The Government does not stand by one leader. All these hon. Members, including the hon. Member who has just spoken, constitute the Government. They sponsor Bills, on behalf of the Government, for the whole country. Therefore, if each Member belonging to the Government party says I am different from the Government, and therefore give me time, it is for them to form this Government or get out of this Government.

**Dr. Lanka Sundaram:** The essence of a private Member's Bill is, either the Government is unable or unwilling to bring before the House a piece of legislation, and the Member who sponsors the Bill wants to persuade the House to accept the principle of the Bill. My friend, Pandit Thakur Das Bhargava's position is that the time allotted is not sufficient for competently handling the Bill unless it be that it is there to be disposed of—be negated, I mean. But that should not be the position of this House.

**Mr. Deputy-Speaker:** What is the remedy?

**Dr. Lanka Sundaram:** You may alter the time-table given by the Committee. It is not binding on us.

**Mr. Deputy-Speaker:** Move an amendment.

**Dr. Lanka Sundaram:** An amendment could be moved in five minutes.

**Mr. Deputy-Speaker:** On the whole, the fact is that a number of hon. Members do not feel satisfied with the allotment of time. I will ask the hon. Members to bring this up for consideration some day next week. In the meanwhile hon. Members can table amendments to the time that has been allotted. It will stand over. Hon. Members may take time and suggest what time should be allotted.

#### WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL

**Shrimati Maydeo (Poona South):** I beg to move for leave to introduce a Bill to regulate and licence institutions caring for women and children.

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

"That leave be granted to introduce a Bill to regulate and licence institutions caring for women and children."

*The motion was adopted.*

**Shrimati Maydeo:** I introduce the Bill.

#### SUPPRESSION OF IMMORAL TRAFFIC AND BROTHELS BILL

**Shrimati Maydeo (Poona South):** I beg to move for leave to introduce a Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels.

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

"That leave be granted to introduce a Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels."

*The motion was adopted.*

**Shrimati Maydeo:** I introduce the Bill.

# INDIAN PENAL CODE (AMENDMENT) BILL

(Insertion of new Section 53A)

**Shri K. C. Sodhia (Sagar):** I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860."

*The motion was adopted.*

**Shri K. C. Sodhia:** I introduce the Bill.

## PROHIBITION OF MANUFACTURE AND SALE OF VANASPATI BILL— Contd.

**Mr. Deputy-Speaker:** The House will now resume further discussion of the Prohibition of Manufacture and Sale of Vanaspati Bill, the motion for consideration of which was moved by Shri Jhulan Sinha on the 17th September, 1954.

The mover and Kumari Annie Mascarene have already spoken and concluded their speeches. Pandit Thakur Das Bhargava had not concluded his speech, when the House adjourned for the day.

Pandit Thakur Das Bhargava may now continue his speech.

**Pandit D. N. Tiwary (Saran South):** I want to make one suggestion. We have got very little time. The Bill has not got unlimited time. Pandit Thakur Das Bhargava has already taken 45 minutes. There should be a time limit for every speech. Moreover, this is not the first time that he is speaking on this subject. In the beginning of his speech, he has said:

"मैं खुद कम से कम तीन चार घंटे वनस्पति का सवाल पर बोलता रहा हूँ।"

He has got the capacity and power to speak for days. But, there should be a time limit. We are left out.

**Some Hon. Members:** Let us develop that habit.

**Mr. Deputy-Speaker:** It is not necessary to say that.

**Pandit Thakur Das Bhargava (Gurgaon):** It is no point of order at all. It is a reflection on me.

**Mr. Deputy-Speaker:** There is no rule. When the resolution was moved, the House was not willing to accept it. It has been put off. Under the rules as they stand, even God cannot prevent the hon. Member from continuing. Only if a motion for closure is moved, it is open to the Speaker to consider whether to accept it or not. If one Member goes on speaking, I do not think there is any rule which can prevent him from speaking. It is left to him and to the House.

**Shri B. S. Murthy (Eluru):** Cannot the Member himself stop?

**Mr. Deputy-Speaker:** The Member may go out. None can prevent him.

**Pandit D. N. Tiwary:** I have only made a suggestion, Sir.

**Mr. Deputy-Speaker:** There is no good in making a suggestion. I leave it to the House. I have called upon the hon. Member. Each hon. Member has his points. He thinks that the Bill is important. I cannot prevent him from stating his case.

**Shri Algu Rai Shastri (Azamgarh Distt.—East cum Ballia Distt.—West):** The Bill is very important.

**Shri V. P. Nayar (Chirayinkil):** Those who take vanaspati will stop in 15 minutes. He can speak for five hours because he does not perhaps take vanaspati and takes ghee instead!

**पंडित ठाकुर दास भार्गव :** जनाब डिप्टी स्पीकर साहब, जो अल्फाज आप ने अभी फरमाये हैं कि कोई शख्स किसी मंम्बर को बोलने से नहीं रोक सकता और शायद गवर्नमेंट रोक सकती हैं, मुझे अफसोस है कि मैं इन अल्फाज की ताईद नहीं कर सकता। क्लॉजर जो होता है, वह डिबेट का

‘‘त ठाकुर दास भार्गव]

तो होता है लेकिन अगर कोई आनरबल मेम्बर बोल रहा हो तो वह भी बीच में नहीं हो सकता है। लेकिन ताहम मैं अपने दोस्त की बड़ी इज्जत करता हूँ। पर जो मेरे दोस्त और मेहरबान मुझे इस किस्म की हिदायत दे रहे हैं, मैं नहीं जानता कि वह कहां तक मुझे क्रिटिसाइज कर रहे हैं। मैं उन का मश्कूर हूँ लेकिन मैं इतना कहना चाहता हूँ कि मैं उन साहबान की बड़ी इज्जत करता हूँ और मैं कभी ऐसा एंटीट्यूड नहीं लूंगा जिस में कि उन को शिकायत करने का मौका मिले। हमारे बहुत से मेम्बर ताजा ताजा आये हैं और वह दिन वह लोग भूल गये जब यहां पर पुराने मेम्बर बोलते थे और चन्द घंटे तो वह लोग मामूली से मामूली बिल पर बोलते थे। अगर यह क्रिभिनल प्रोसीजर कोड पुराने जमाने में आया होता तो इस पर एक महीने से कम किसी हालत में न लगता। लेकिन मैं यह एंटीट्यूड खुद पसन्द नहीं करता। हमें यहां आ कर काम करना है। इस लिये मैं उतना ही बक्त लेना चाहता हूँ जितना कि जरूरी हो। मैं यह बतलाना चाहता हूँ कि मैं जरूरत से ज्यादा बक्त हाउस का नहीं लूंगा।

[SHRIMATI KHONGMEN in the Chair]

आज शायद मैं पहले नान आफिशल मेम्बर हूँ जिस की यह खुशकिस्मती है कि वह नये फूड एंड एगिकल्चर मिनिस्टर को मुबारकबाद पेश करे। आज मैं इस मौके से पहला फायदा यह उठाना चाहता हूँ कि उन को तह दिल से मुबारकबाद दूँ। मुझे उम्मीद है कि जैसे उन्होंने पहले बड़ी हिम्मत के साथ और मेहनत के साथ अपना रिहैबिलिटेशन का काम किया इस हद तक कि जहाँ असल का सवाल आया वह भी परवाह नहीं की कि वह मिनिस्टर भी रहेंगे या नहीं इसी तरह वह अब करेंगे। मैं उन की इस स्पिरिट को बहुत ज्यादा एप्रिशिएट करता हूँ और मैं उम्मीद करता हूँ कि हमारे नये आनरबल मिनिस्टर साहब हमें इस बात

का भुलवा देंगे कि श्री किदवई हमारे फूड एंड एगिकल्चर मिनिस्टर थे। मुझे उम्मीद है कि हमारे जितने भ्रातृ और जितने मामले हैं उन को वह उसी हमदर्दी के साथ और उसी तरीके के साथ हल करेंगे जो कि उन की आदत में दाखिल है और जैसे उन्होंने रिहैबिलिटेशन के मामले में और भ्रातृओं को हल किया। चुनाव में आज उन को मुबारकबाद देता हूँ।

आज मुझे किदवई साहब की वह शक्ल याद आती है जो मैं हमेशा दंसा करता था और जो कि मुझे आज इस हाउस में नहीं दिखाई देती। मैं आज जनाब के सामने और हाउस के सामने दो वाकियात किदवई साहब के मुताल्लिक अर्ज करना चाहता हूँ। इस में मुझे दो तीन मिनट लगेंगे, और मैं उम्मीद करता हूँ कि हाउस मुझे माफ करेगा, साथ ही वह यह देखेगा कि किदवई साहब के इस दुनिया से तशरीफ ले जाने से देश का कितना बड़ा नुकसान हुआ है।

जिस वक्त मैं आखिरी दफा इस बिल के ऊपर बहस कर रहा था तो मैं ने उन से बहुत मुविंग अल्फाज में इल्तजा की कि जैसे आप ने फूड के सवाल को हल किया उसी तरह से आप इस सवाल को भी हल कीजिये। सारी तकरीर सुनने के बाद किदवई साहब खुद मेरे पास तशरीफ लाये और मुझे से कहने लगे कि मैं इस वनस्पति को रंगवा दूंगा। मैं ने उन से अर्ज किया कि यह वादा तो हमारे आनरबल प्राइम मिनिस्टर साहब ने भी किया हुआ है और मैं ने हाउस के जरिये दुनिया भर में एनाउन्स किया हुआ है कि श्री मुंशी का, श्री बिरुमल राव का और सार मोहकम का वादा है इस के बारे में, लेकिन वह वादा आज तक पूरा नहीं हो सका। इस पर किदवई साहब दोबारा कहने लगे कि नहीं मैं इसे रंगवा दूंगा। मैं ने कहा कि आज आप इस तरीके से कह रहे हैं, मैं आप पर यकीन रखता हूँ। और मुझे

सचमुच पूरा यकीन था कि यह वनस्पति अब रंगा जायेगा। लेकिन हमारी बदकिस्मती को देखिये, आज उन के मरने पर हम क्या महसूस करते हैं ? मुझ को डर है कि जिस हिम्मत के साथ और जिस लगन के साथ उन के सारे काम होते थे उसी हिम्मत और लगन के साथ आइन्दा काम होंगे या नहीं और पता नहीं कि इस बिल का क्या हशर होगा। मैं उम्मीद करूँगा कि हमारे मिनिस्टर साहब जिन को वह बिल वरिसे में मिला है वह किद्वई साहब की वसीयत पर पूरा अमल करेंगे और जो यकीन उन्होंने दिलाया था उसे पूरा करेंगे।

मैं दूसरा एक और छोटा सा वाकिया बयान करना चाहता हूँ। किद्वई साहब तो इस दुनिया से तसरीफ ले गये, लेकिन मैं यह वाकिया इसलिए बयान करना चाहता हूँ कि मेरे दिल में उनके बरताव का जो असर हुआ है उसको कहे बगैरे मैं रह नहीं सकता। पटने में गो सेवक समाज की तरफ से एक कानफ्रेंस हुई थी जिसका मैं प्रेसीडेंट था। उसका इनागुरेशन हमने किद्वई साहब से करवाया था। उस कानफ्रेंस में काऊ स्लाटर की रोक का सवाल आया था। उस कानफ्रेंस में किद्वई साहब ने हमसे वायदा किया था कि वह इस रोक को पूरा करने के लिए एक मिनिस्टर की कानफ्रेंस बुलायेंगे और इस मामले को तैयार करेंगे। उन्होंने चुनावें एक मिनिस्टर की कानफ्रेंस बुलाई, पर जिन्होंने इस कानफ्रेंस के लिए कहा था उन्हीं को इसमें नहीं बुलाया गया। इस कानफ्रेंस में हमारे प्राइम मिनिस्टर साहब भी तसरीफ ले गये थे और उन्होंने वहाँ पर जो ख्यालात जाहिर किये वे मुझ को पसन्द नहीं थे। वे ख्यालात दफा ४८ कांस्टीट्यूशन के किसी कदर खिलाफ थे। मैं किद्वई साहब की खिदमत में गया और मैं ने उनसे कहा कि आप फुड एंड एग्रीकल्चर मिनिस्टर हैं। आप बतलाइये कि आप

अपनी पटना की स्पीच को जिस में आपने गोवध रोकने का वायदा किया था अब भी मानते हैं या नहीं। मैं ने उनसे कहा कि प्राइम मिनिस्टर साहब के रिमाक्स आपकी पालिसी के खिलाफ हैं। क्या आप उनसे अपने आपको पाबन्द नहीं समझते। मैं ने कहा कि प्राइम मिनिस्टर साहब को मैं भी अपना उतना ही लीडर समझता हूँ कि जितना कि और कोई, लेकिन पब्लिक पालिसी के मामलों में हमारा इखिलाफ हो सकता है।

डा० लंका सुन्दरम् (विशासपटनम्): यही तो हिन्दुस्तान की मुसीबत है।

बीडत ठाकुर दास भार्गव : तो मैं ने किद्वई साहब से पूछा कि क्या आपकी भी यही पालिसी है। मैं ने उनसे कहा कि मैं इस को साफ कर लेना चाहता हूँ। उन्होंने कहा कि मेरी पालिसी वही है और जो मैं ने पटना में कहा था उससे मैं एक हरफ भी पीछे हटने को तैयार नहीं हूँ। इस पर मैं ने अर्ज किया अगर ऐसी सूरत है तो जो इखिलाफ आपकी पालिसी में और प्राइम मिनिस्टर साहब की पालिसी में है आप इसका इजहार करें। इस पर उन्होंने फरमाया कि तुम सवाल करो और मैं उसके जवाब में वही बयान दूँगा जो कि मेरे दिल में है और जिस का मैं ने पटने में इजहार किया। उन्होंने कहा कि मैं यह मानता हूँ कि जो जिस मुहकमे का मिनिस्टर हो उसमें उसकी पालिसी चलनी चाहिए। चुनावें मैं ने फुड मिनिस्टर साहब के लिए सवालात शोर्ट नोटिस के भेजे लेकिन सेशन का आखीर था इस वजह से वह सवालात मंजूर न हो सके। थोड़े दिनों बाद सेंट गोविंद दास का बिल हाउस के सामने आया और उसके सिलसिले में मैं ने उनसे हाउस में पूछा कि आपका क्या रिएक्शन है। तो उन्होंने कहा कि मैं वही बात कहता हूँ जो कि मैं ने पटना में कही थी और उन्होंने वही अपनी पालिसी बतलायी। मैं अदब से अर्ज करूँगा कि ऐसा बाउसल, हिम्मत वाला और

[पंडित ठाकुर दास भार्गव]

ऐसा काम करने वाला मिनिस्टर बहुत कम किसी भी मुल्क की गवर्नमेंट में होगा। जिस वक्त मुझे उनकी मौत की खबर मिली तो मैं आपसे अर्ज करना चाहता हूँ कि मुझे इतना दुःख हुआ जितना कि किसी नज़दीक से नज़दीक के रिश्तेदार के मर जाने से न होता क्योंकि उनसे सारा मुल्क को हमदर्दी थी। मैं जितनी मर्चा उनके दरबार में गया कभी खाली नहीं आया, और न और कोई खाली आता था। कोई ऐसी दरखास्त नहीं थी कि जो उन्होंने मंजूर न की हो। वह सब के साथ ऐसा ही करते थे। मैं आज यह अर्ज करना चाहता हूँ कि उनके बार्ड में मेरी दिल में जो कुछ है उसको मेरे अल्फाब जदा नहीं कर सकते। अब उनकी जगह श्री अजित प्रसाद जैन को मिली है और मैं उम्मीद करता हूँ कि जिस तरह से श्री अजित प्रसाद जी उनकी जिन्दगी में किदवई साहब के फोलोअर रहे उसी तरह से उनके बाद भी उनकी पालिसी को चलायेंगे और उसी हिम्मत, इस्तक़ाल और जवांमर्दी से काम करेंगे जैसा कि वे अभीतक करते रहे हैं। मैं उम्मीद करता हूँ कि वे भी उसी तरह से काम करते रहेंगे जिस तरह से कि किदवई साहब करते थे।

श्री असगराज शास्त्री : और यह जैन भी हैं।

पंडित ठाकुरदास भार्गव : जो कुछ मैं ने पिछली दफा इस बिल पर कहा है, मैं उसको दुहराना नहीं चाहता। मैं ज्यादा बक्त नहीं लूंगा। पिछली दफा मैं ने हाउस में यह बईजोर से अर्ज किया था कि बनस्पति एक ऐसी चीज है जो कि हमारी अक्ल दर्ब की न्यूट्रिशन की चीज में मिलाया जाता है। किदवई साहब भी उसी इलाके से आते थे और वह जानते थे कि जमींदार के बास्ते छाड़ किछनी जरूरी चीज है। जो मैं ने पहले कहा था उसको मैं नहीं दुहराना चाहता। मैं यह अर्ज करूंगा कि

जो कुछ मैं ने पहले कहा है उसको आनर-बिल मिनिस्टर साहब पढ़ लें। मैं समझता हूँ कि मिनिस्टर साहब बख़्शी जानते हैं कि काछ और घी क्या चीज है और वह मेरी खुश-किस्मती है कि यह इस बात को महसूस भी करते हैं। यह सवाल सिर्फ मैनेजमेन्टर्स का नहीं है। यह हमारे नेशनल फूड का सवाल है। यह हमारे कांस्टीट्यूशन की दफा ४३ और ४८ में डाइरेक्टिव प्रिंसिपल के तौर पर दिया हुआ है और इन आर्टिकलब से सब आदमी और मिनिस्टर्स और म्युनिसिपैलिटीज हैंड एंड फुट बंधे हुए हैं। इसीलिए मैं अर्ज करता हूँ कि इसको छोट नुक़्तनजर से न देखा जाय बल्कि उसी नुक़्तनजर से देखा जाय जिससे कि मैं इसको देखता हूँ। यह हमारे मुल्क के लिए एक जिन्दगी और मौत का सवाल है। मैं चाहता हूँ मिनिस्टर साहब इस मसले को इसी नुक़्तनिगाह से देखें जैसे कि मैं देखता हूँ। मैं पहले अर्ज कर चुका हूँ कि यह बनस्पति हमारी कौटिल इंडस्ट्री को किस तरह से नुक़सान पहुँचाता है और हमारी घानी इंडस्ट्री को जो कि एक कार्टब इंडस्ट्री है उसको किस तरह से नुक़सान पहुँचाता है। जो मैं पहले अर्ज कर चुका हूँ उसको मैं फिर दुहराना नहीं चाहता। मैं चाहता हूँ कि हमारी घी इंडस्ट्री को और हमारी घानी इंडस्ट्री को नुक़सान न पहुँचे।

दूसरी बात जो मैं अर्ज करना चाहता हूँ वह यह है कि इसको रंग दिया जाय। प्राइम मिनिस्टर साहब ने इसके लिए एक कमेटी बनायी थी और मुझे वायदा किया था कि इसको रंगबा देंगे। मैं ने इस वायद को हाउस में भी दुहराया था और मैं ने सारी बबिलक को और सारे साइटीस्ट्स को अपील की थी कि वे इसके लिए कोई माकल रंग निकालें। यह जो ११ नेशनल लेबोरटरीज हैं इन पर हमारे मुल्क के हर शरूस को फल है। लेकिन मुझे अपेक्षा के साथ कहना पड़ता है कि हमारे साइटीस्ट हमको ऐसा

रंग नहीं बतला सकें जिससे हम बनास्पती को रंग सकते। गवर्नमेंट की पोलिसी इस मामले में बाजबूत है। वह इसको रंगना चाहती है। कांग्रेस ने इसको पास किया है। महात्मा जी और बिनाबा जी इसके हक में हैं। प्राइम मिनिस्टर इसके हक में हैं। मुझे ताज्जुब होता है कि बाबूद इसके कोई रंग नहीं मिल रहा है। इसके बारे में मैं आपसे चन्द बातें अर्ज करना चाहता हूँ।

बहुत बरस हुए, पंजाब गवर्नमेंट ने एक रंग तजवीज करके भेजा जिसका नाम था आरैंज एस० एस०। उसके बाद एक और रंग सुडान एम० पी० बम्बई गवर्नमेंट ने और पंजाब गवर्नमेंट ने भेजा। साइटीस्ट्स ने उसके बारे में तहकीकात की। उन्होंने कहा कि इसमें मिमरल रंग नहीं मिलाया जा सकता, कोई कोलर का रंग हो या बैजोटीबल रंग हो। सन् १९४० में जैरामदास दाँसतसभ साहब ने वह बताया कि रबन जोत एंसा रंग है जो हमको पसन्द है। लेकिन उन्होंने कहा कि वह ६००० टन चौधथे और यह हिन्दुस्तान में नहीं होता, काश्मीर से मंगाना पड़ेगा। उस वक्त श्री स्वर्गीय दोस्त चौधरी मुस्तार सिंह साहब वहाँ पर थे। उन्होंने कहा कि आपको काश्मीर से मंगाने की जरूरत नहीं है, भरठ जिले में ६ हजार टन रबन जोत मिल जायेगी। लेकिन वह रंग साइटीस्ट्स को पसन्द नहीं आया। वह रंग इसलिए बसन्द नहीं किया गया कि रंगने की एक शर्त यह थी कि रंग दलने में अच्छा हो। हमारे दल के एक बड़े साइटीस्ट श्री सतीशचन्द्र गुप्ता हैं। उन्होंने साथ के बारे में तो बहुत बड़ी वाचस्प मिलसी हैं। उन्होंने बनस्पति को रंगने के लिए कुछ रंग तजवीज किये। एक रंग ओकसाइड ऑफ आयरन था। मैं ने कहा था कि अगर आप इसको खुरनुमा बनाना चाहते हैं तो किसी दूसरे रंग से भी रंग लीजिये तबिक वह दलने में कसा न रहे। मैं यह नहीं चाहता कि वह खीज दलने में खुरनुमा न हो। जो इसको खाना चाहते

हैं वे खायें। मैं तो सिर्फ यही चाहता हूँ कि उसको रंग दिया जाय। मैं चाहता हूँ कि उसको खुरनुमा बना दिया जाय लेकिन अगर उसको गर्म किया जाय और एक रंग हट जाय तो दूसरा रंग बना रहेगा। मैं ने कहा था कि अगर इसको उनके रंग से रंग दिया जायगा और किसी दूसरे रंग से भी रंग दिया जायगा तो नतीजा यह होगा कि अगर दूसरा रंग गर्म करने पर हट भी जायगा तो पहला रंग नहीं हटगा, क्योंकि वह तो पक्का रंग है।

जो दूसरा रंग है वह फास्ट कलर नहीं है, और मुमकिन है कि वह हट जाय लेकिन आज तक इसकी तरफ तवज्जह नहीं हुई। श्री एस० एस० भटनागर ने हमें उस कमेटी में यकीन दिलाया कि साल के भीतर हम बनस्पति में मिलाने के लिये ऐसा रंग निकाल देंगे जो फास्ट होगा लेकिन वह रंग आज तक न निकला, उस कमेटी को हुए तीन चार वर्ष हो गये। मैं एक मिनट के शब्द मानने को तैयार नहीं हूँ कि अगर आनरबल प्राइम मिनिस्टर इसकी तरफ तवज्जह दें और इस बात की पूरी कोशिश करें कि कोई रंग ऐसा निकलता जाय जो बनस्पति में मिलाया जा सके तो वह न निकले। मुझे मालूम है कि ५० पी० गवर्नमेंट ने एक बड़ा इनाम बोला हुआ है कि कोई ऐसा रंग निकाले, कितने ही रंग उस कमेटी के सामने पेश किये गये लेकिन कोई रंग अभी तक पास नहीं हुआ, ताहम हमें नाउम्मीद नहीं होना चाहिये और मुझे पक्का यकीन है कि ऐसे रंग मौजूद हैं जिनके अन्दर कोई चुकसान नहीं है और साइटीस्ट्स ने बंजा इज्जत की हुई है। एक प्रकार का रंग अमेरिका की नेशनल काँसिल आफ न्यूट्रीशन और ग्रंट डिप्ट वी न्यूट्रीशन काँसिल ने पास कर दिया है और वह वहाँ पर सब खाने पीने की चीजों में इस्तेमाल होता है, हिन्दुस्तान में भी इस्तेमाल होता है लेकिन उस रंग को बनस्पति में मिलाने के जिम्मे हमारे साइटीस्ट्स इस बिना पर रजामंद नहीं

[पीडित ठाकुर दास भार्गव]

होते कि उसमें कैंसर प्रोड्यूसिंग टैंडेंसी हैं और कैंसर होजाने का खतरा है। अब मैं चूंकि साइटीस्ट नहीं हूँ, इसीलिये दावे के साथ तो मैं इस बार् में कोई बात कह नहीं सकता लेकिन इतना जरूर कहूंगा कि गूट ब्रिटन और अमरीका ये दो मुल्क हरिंगब इस चीज को पास नहीं कर सकते थे अगर उसके खाने से नुकसान होता या कैंसर होने का अंदाजा होता।

मैंने बहुत से सुझाव दिये हैं जिन पर सरकार को गौर करना चाहिये। ऐसे कितने ही रंग हैं जो वनस्पति में मिलाये जा सकते हैं। मेरे हाथ में एक किताब है जिसका नाम कलराइजेशन आफ वनस्पति और वह किताब गवर्नमेंट के पास भी जरूर होगी। घी एडल्ट्रेशन कमेटी ने एक रंग की सिफारिश की और कहा कि कैरोटीन नामक रंग वनस्पति में मिलाया जा सकता है और ठीक से तो मैं नहीं कह सकता कि कैरोटीन के अन्दर १० विटैमिन हैं, या ४० विटैमिन हैं, तो उसके मिलाने से वनस्पति को वह विटैमिन भी मिल जायगा। गवर्नमेंट ने उस विटैमिन को तो वनस्पति में डाल दिया लेकिन यह मंजूर नहीं किया कि कैरोटीन रंग का वनस्पति में इस्तेमाल किया जाय। यह कहा गया कि ज्यादा हीट करने से उसका रंग हट जाता है और अगर वह वनस्पति में इस्तेमाल किया गया तो लोग उसको हटाने में लग जायेंगे। मैं इसको मानने को तैयार नहीं हूँ। यह आनरबल प्राइम मिनिस्टर, श्री मुंशी और श्री धिरुमल राव के वायर्ड की इज्जत का सवाल है और किदवर्डी साहब की बसीयत को आनर करने का सवाल है। श्री किदवर्डी कोई ऐसे छोट मोटे आदमी नहीं थे कि उनकी बसीयत को नजरअंदाज किया जायें वरं मुझे उम्मीद है कि सरकार उसको जरूर पूरा करेगी और इसका कौन्ट हमारे नये आनरबल मिनिस्टर को मिलेगा। मैं आज दुबारा उन बड़े बड़े

अशास्त्र और साइटीस्ट्स की राय हाउस में नहीं रखना चाहता जिनका खयाल है कि वनस्पति मुंजर हैं, मैं इससे भी इंकार नहीं करता कि कुछ लोग ऐसे भी हैं और कुछ रायें ऐसी भी हैं कि वनस्पति मुंजर नहीं हैं लेकिन जो आम एतराजात उन के हैं जो वनस्पति के हक में हैं वे ये हैं जो मेरे नोट में दर्ज हैं :-

(i) Groundnut oil lasts longer, and does not become rancid, if it is hydrogenated.

(ii) The country does not possess enough ghee, and therefore, the groundnut oil serves a deeply felt need.

(iii) Vanaspati is easily transportable.

(iv) The present investment on vanaspati is about Rs. 25 crores, and 50,000 persons will get out of employment, if its manufacture is stopped.

(v) The middle-class people have taken to it, and their izzath will be gone, if they are forced to use groundnut oil.

(vi) It is claimed that in the process of manufacture of vanaspati, more oil is extracted from groundnut than in case it is extracted by the ordinary kolhu.

(vii) The scientists say that its use is not deleterious to health, as compared with the uses of raw or refined groundnut oil.

सारा मसाला मेम्बर साहबान के सामने हैं और वह खुद फँसला कर सकते हैं कि वनस्पति नुकसानदर्ह है या नहीं है। इस माँके पर मुझे कोई लम्बा-चौड़ा जिक्र नहीं करना है और न मैं वनस्पति के हक में जो लोग हैं उनकी तरदीद करना चाहता हूँ, खुद मेम्बर साहबान तरदीद कर लेंगे। मैं इसके लिये हाउस का और ज्यादा वक्त लेना नहीं चाहता। मैं इस बार् में मेम्बर साहबान की खिदमत में एडल्ट्रेशन कमेटी की रिपोर्ट के बार् में जो नोट आफ डिस्टैंट मैं ने

लिखा था और जो आफिशियल हाक्व्यूमेंट का हिस्सा हैं, उसको पेश करता हूँ और मेम्बर साहबान उसका मुलाहिजा फरमायें। मैंने मेम्बर साहबान की खिदमत में उस नोट को भेज दिया है। मैं बहुत अदब के साथ आनरबल मिनिस्टर की खिदमत में अपने उस नोट को पेश करता हूँ। उसमें मैंने सार फायद और नुकायस जो मेरी नाकिस अकल में आये, वह मैंने उस नोट में दर्ज कर दिये हैं और मैं हर एक मेम्बर साहब की खिदमत में अर्ज करूंगा कि मेहरबानी करके जो कुछ उसमें मैंने अर्ज किया है उस पर गौर फरमायें।

आखिर मैं मैं ज्यादा न कहते हुए इतना अर्ज करना चाहता हूँ कि जहां तक कि देश के बड़े बुजुर्गों की रायों का सवाल है, यह दो किताबें मेरे हाथ में हैं, अगर आनरबल मेम्बर साहबान चाहेंगे तो मैं उनकी कापी हर एक मेम्बर के पास भेज दूंगा। बनस्पति के सम्बन्ध में गांधी जी, विनाबा भावे और डाक्टर राजेन्द्र प्रसाद ने अपने खयालात जाहिर किये हुए हैं। मेरे पास इतना वक्त नहीं है कि मैं एक एक करके उनको यहां पर सुनाऊँ। मैं पुराने हाउस में पिछले मौके पर सन् १९४९ में उनको पढ़ कर सुना भी चुका हूँ और जो मेम्बरान उस मौके पर मौजूद नहीं थे उनसे मैं अदब से अर्ज करूंगा कि उनका यह फर्ज है कि वह उन स्पीचेज को पढ़ें और फिर राय कायम करके उसके अनुसार आचरण करें। इतना मैं कह सकता हूँ कि ६६ परसेंट इस देश के, कम-से-कम अपर इण्डिया के इस बिल के हक में हैं ६ लाख आदिमियों की दस्तखत इस बार मैं इस हाउस में मैं पेश कर चुका हूँ जो हाउस में मौजूद हैं जिसमें सैकड़ों डाक्टरों की राय भी मौजूद है और करीब सेंट परसेंट सिवाय बनस्पति के मैनफैक्चरर्स को छोड़ कर बच पर मुत्ताफिक है कि यह चीज बंद हो जानी चाहिये लेकिन अगर यह बंद न की जा सके तो कम से कम बनस्पति को रंग तो अवश्य ही दिया जाय, इससे कम से कम एडल्ट्रेशन

तो बंद हो जायगा। बनस्पति के कलराइजेशन में जो दर और रुकावट हो रही है उसके वास्ते हमारे कुछ एक साइंटिस्ट्स जिम्मेदार हैं जो कि कलर नहीं पेश करते और देश को गुमराह करना चाहते हैं वह कह कर कि इससे देशवासियों की सेहत को नुकसान नहीं पहुंचेगा। कुछ को छोड़ कर सब ने एक ही राय दी है कि वह नुकसानदेह चीज है और यह सेहत के वास्ते मुजिब है। अगर आपके नबदीक कांस्टीट्यूशन एक संक्रेड चीज है, अगर हाउस उसमें यकीन करता है, गवर्नमेंट यकीन करती है तो गवर्नमेंट को ४३ और ४५ दफा की पाबन्दी करनी होगी वरना आप अपना यह दावा छोड़ दें कि हम डेमांड्रीक गवर्नमेंट हैं। इसके अलावा किदबई साहब की बसीयत को भी आपको पूरा करना है। उन्होंने पटने में यह यकीन दिलाया था कि इस सवाल को हल किया जायगा। इसलिये मैं अदब से अर्ज करूंगा कि अगर आपके दिल में कांस्टीट्यूशन की कोई बकजत बाकी है, देश की भलाई को कोई खयाल है और गरीब आदिमियों की आवाज की ब मुकाबले अमीर और पूंजीपतियों के आपके नबदीक कोई कद्र और बकजत है, इस देश के करोड़ों किसानों की भलाई आपके दिल में है तो उसका एक ही रास्ता है और वह यह है कि हिम्मत करके आप बनस्पति का मैनफैक्चर बंद करिये लेकिन अगर वह संभव न हो तो कम-से-कम अपने वायद को पूरा करने के वास्ते बनस्पति को कलर तो जरूर ही कर दीजिये।

पंडित डी० एन० तिबारी : मैं एक मिनट के वास्ते द्वाा चाहूंगा कि मैं विषय से हट कर पंडित ठाकुर दास भार्गव की कुछ बातों का जवाब दूं। पंडित जी ने अपना भाषण शुरू करते हुए कहा कि मैं बहुत अधिक समय नहीं लेना चाहता हूँ और जरूरत से ज्यादा नहीं लूंगा। आप जानते हैं कि जब प्राइवेट मेम्बर्स बिल जाता है तो अधिक से अधिक ड्राई या तीन घंटों का समय होता है। अब तीन घंटों के समय में



[पंजित डी० एन० तिबारी]

से पंजित जी ने एक घंटा ले लिया, मूवर महाशय ने आध घंटा लिया और इस तरह आप विलियम कि बाकी हाउस के मंत्रियों के लिये कितना कम समय रह गया, आप समझ सकती हैं कि हमारा जैसे बॉक-बॉक्स की क्या हालत होती होगी। इसीलिये मैं सीनिबर मंत्र की सिद्धमत में अवब से जब कहूंगा कि बॉक बॉक्स को जो नेगलेक्ट किया जाता है और उनके बोलने के लिये समय ही नहीं बचता उसके लिये आप आगे वाले बिम्बेदार हैं और हम बॉक बॉक्स आप लोगों के इस रबॉब के बिस्कुल लिलाफ हैं, इसको आप तोट कर लीजिये। आप लोग बिबबनेस एंडबाइजरी कमेटी में जाते हैं और वहां बिल पर बहस के लिये समय कम निर्धारित करते हैं और कुल समय आप लोग ही अपने लिये ले लेते हैं और हम लोगों को अपनी बात कहने का मौका नहीं मिल पाता, माफ करूँगे मुझे कि मैंने यह सब कहा, लेकिन यह बाकिचा है।

अब मैं बिल पर आना चाहता हूँ। मैंने बहुत गौर से मूवर महाशय की स्पीच को पढ़ा और सुना भी था। पंजित ठाकुर दास भार्गव की सपोर्ट को भी मैंने बहुत गौर से सुना है। मैंने मूवर साहब की स्पीच को फिर से पढ़ा है और मैंने उसमें तीन प्वाइंट्स पाये हैं जिनकी बिना पर वह चाहते हैं कि बनस्पति का मॉनुफैक्चर बंद होना चाहिये और वह प्वाइंट्स ये हैं। जैसे उन्होंने कहा कि "It is as bad or as good as oil" दूसरी बात उन्होंने यह बतलायी कि "It is liable to be easily adulterated." और तीसरा प्वाइंट उनका यह था कि "We have to pay more for the oil products."

सारांश स्पीच का इन्हीं तीन बातों में निहित है।

मैं जदव के साथ कहना चाहता हूँ कि यदि वह साइंटिफिक विरलेषण कर दूँ तो

बड़ी अच्छी बात होती। पंजित ठाकुर दास भार्गव या मूवर महाशय जो भाषण कर रहे हैं वह सैन्टिमेंट्स पर होते हैं कि लोगों की वह राय है, लोग यह कहते हैं फलाने ने इस में यह कहा, फलाने ने इस में यह कहा। सीधी बात तो यह थी कि सेबोरेटरी में इस की एनालिसिस हो जाती। पंजित ठाकुर दास भार्गव ने १० सितम्बर को बोलते हुए कहा था कि प्राइम मिनिस्टर ने कहा है कि जब मुझे यह विरलेषण हो जायेगा कि इस में हार्मफुल प्रापर्टीज हैं तो मैं उस को बंद करवा दूंगा। प्राइम मिनिस्टर का यह वादा स्टैंड करता है। इस के लिये इस बिल और इतने भाषणों की जरूरत नहीं थी। केवल पंजित ठाकुर दास भार्गव और मूवर महाशय को यह साबित कर देना था कि यह हेल्थ के लिये इन्वैरियस है और यह तुरन्त खत्म हो जाता।

श्री कृष्ण सिन्हा (सारन उत्तर) : साबित हैं।

पंजित डी० एन० तिबारी : साबित नहीं हैं। साबित है यह सिर्फ लोगों की ओपीनियन से। मैं चाहता हूँ कि साइंटिफिक बैसेस पर सेबोरेटरी में जांच कर के यह साबित होता।

श्री कृष्ण सिन्हा (मंडला-जबलपुर-दीपा) : बिस्लेषण के लिये कहा जाता है।

पंजित डी० एन० तिबारी : मैं बताता हूँ, आप बतारहे नहीं।

मैं जानना हूँ कि इस देश में जो लोग हैं वह अधिकतर गरीब हैं उन को घी मुजफ्फर नहीं है। १ या २ प्रतिशत लोगों से अधिक लोगों को घी मुजफ्फर नहीं है। जगह जगह बनस्पति न होया तो अब गरीब लोगों की जाति बिबादरी या ब्याघों में इज्जत नहीं रह सकती थी। अब कहेगी कि इज्जत क्या चीज है। आप दुनिया में धन पैदा करते हैं, पैसा पैदा करते हैं, कसम इस लिये नहीं कि अच्छा लायें, बल्कि इस लिये भी कि आप की प्रीति हो।

आप दलेंगे कि कोई अच्छा से अच्छा कपड़ा पहनता है, वह खराब कपड़े से भी अपना काम चला सकता था। आप दलेंगे कि कोई अपने दरवाजे पर चार मोटर रखता है, चाँद रखता है, हाथी रखता है। क्यों ? केवल दिखावा के लिये। वैसे ही जो गरीब लोग हैं और जिन को धी नहीं मिलता उन के लिये दिखावा की चीज होती है कि मैं ने धी ला लिया, पूरी और कच्ची ला लिया।

श्री अलगु राव शास्त्री : स्वास्थ्य को बच कर ?

प्रीडत डी० एन० तिवारी : मैं स्वास्थ्य की बात बतलाता हूँ। अगर आज बनस्पति न होता तो क्या होता ? रुपये का एक छटाक धी मिलता, आज एक रुपये का तीन छटाक धी मिल रहा है।

श्री अलगु राव शास्त्री : बनस्पति की वजह से क्या हो रहा है ?

प्रीडत डी० एन० तिवारी : मैं अब के साथ कहूंगा कि बनस्पति एक एंटीशनल चीज है तब तो धी मंहगा हो गया और जरा इस को हटा दीजिये तो दीखिये क्या होता है। यह तो सप्लाई एंड डिमाण्ड का प्रश्न है, आप खुद ही सोच सकते हैं। (Interruptions). I don't yield. You will have your time when you reply.

मैं आप से बताना चाहता हूँ कि इस दश में आप बीड़ी सिगरेट पीते हैं, यह तो नुकसानदाहक है। आप गांजा पीते हैं, आप शराब पीते हैं उस को आप जारी किये हुए हैं। यह भी तो नुकसानदाहक है, आप इस को बन्द नहीं करते। बनस्पति से अधिक नुकसानदाहक चीजों को आप ने जारी रखा है। बनस्पति के बारे में मैं आप को गवर्नमेंट की रिपोर्ट बतलाता हूँ। एक ब्रह्मचारी दीखिये कि बीड़ीपान प्रोडक्ट किससे सख्त में खराब होता है। साथ ही निम्नलिखित प्वाइंट पर वह नुकसानदाहक नहीं होगा इस की भी रिपोर्ट इस सीमित। गवर्नमेंट

की लेंबोर्टरीज में जो विश्लेषण हुआ है अगर उस को भी आप देख लें तो मानेंगे कि केवल सरसों के तेल को छोड़ कर जितने तेल हैं वह हानिकारक हैं क्योंकि उन . . . . .

श्री अलगु राव शास्त्री : तिल का तेल तो अच्छा होता है।

प्रीडत डी० एन० तिवारी : मेरे पास जो रिपोर्ट है तेल की प्रापर्टी के बारे में और जो दूसरे अनुसंधान हुए हैं . . . . .

श्री अलगु राव शास्त्री : तिल का तेल नुकसानदाहक है यह जिस ने कहा है उस लेंबोर्टरी को बन्द करो।

प्रीडत डी० एन० तिवारी : सरसों के तेल के बारे में यह लिखा है :

"Mustard oil has normally a low acid value; it is seldom above 4 per cent and its keeping quality is also good."

लेकिन और तेलों के बारे में उन्होंने कहा है कि चूँकि उन में ४ परसेन्ट से एसीडिटी ज्यादा निकलती है इस लिये वह हानिकारक होते हैं। हमारे यहाँ सरसों का तेल बहुत इस्तेमाल होता है, ५० पी०, बंगाल और बिहार में। लेकिन उस को तरकारी पकाने तक सीमित रखते हैं। उस की पूरी नहीं बनाते और न रोटी में लगाते हैं। अगर उस को रोटी के साथ पुरिया बना कर रख दिया जाय तो हम समझते हैं कि हमारी बेइज्जती हो गई। अब आप बतलाइये कि उस हालत में कि जिस आदमी को धी मिलता नहीं है,—मैं जानता हूँ कि गांवों में भी आप चाहें जितना पैसा दें दीजिये, आप को धी नहीं मिलता है,—वह बंचारा क्या करे ? इस लिये मैं कहूंगा कि जब तक वह साबित न हो जाय कि बनस्पति नुकसानदाहक है और किस प्वाइंट के बाद नुकसानदाहक है, जब तक उस प्वाइंट तक न पहुँचे तब तक उस को बन्द न किया जाय। मैंने जो आप को स्पष्ट किया है उन में आप उस के

[पंडित डी० एन० तिवारी]

बैठ करने पर जोर नहीं दूँगे, आप चाहते हैं कि उस में रंग मिला दिया जाय। मैं इस को मानता हूँ कि घी में एंडल्टरेशन नहीं होना चाहिये। आप के पास पैसा है, आप दो छटाक का घी खा सकते हैं, उस में आप को एंडल्टरेशन नहीं मिलना चाहिये। लेकिन हमारी तो मिलावट करने की आदत हो गई है। हम को इस को रोकना चाहिये। इस हाउस में यह बहस की जाती है, और कुछ माननीय सदस्यों ने कहा कि यहां चीजें ठीक नहीं मिलती हैं। लेकिन मैं तो कहता हूँ कि यहां पर बिष में भी मिलावट होती है, केवल घी में मिलावट होना कोई बड़ी बात नहीं है। हां, इस को हमें रोकना जरूर है, मिलावट नहीं होने देना है। लेकिन जो चीज है उस को आप देखें। आज हालत क्या है? आज आप होटलों में जाते हैं, रेलवेज की डाइनिंग कार्स में हम खाना खाते हैं, सब जगह लिखा होता है 'यूज वनस्पति ऑनली'। अन्नपूर्णा के जितने भंडार हैं उन में भी लिखा होता है "वनस्पति यूज" हम लोग जा कर खाते हैं। हमारे रेलवे मिनिस्टर हैं वह इस को कराते चले जाते हैं सब होटलों में। डाइनिंग कार्स में भी यही इस्तेमाल होता है, उस के अन्दर नहीं हम देखते कि यह हमारी तन्दुरुस्ती के लिये नुकसानदेह है।

श्री अलगू राव शास्त्री : खाली ही तो व्यवहार में लाते हैं, मिलाते तो नहीं?

पंडित डी० एन० तिवारी : आप सादी रोटी खा सकते थे, लेकिन नहीं यहां सिर्फ दिखलाने का सवाल होता है, इज्जत का सवाल होता है। आप यह चाहते हैं कि लोग न समझें कि आप पूरी कच्ची नहीं खा रहे हैं।

श्री अलगू राव शास्त्री : ऐसा कभी नहीं होता।

Mr. Chairman: Order, order; let there be no interruption.

Pandit D. N. Tiwary: These people won't allow me to proceed. Panditji has taken 45 minutes.

Mr. Chairman: The hon. Member also need not yield.

Pandit D. N. Tiwary: I am not yielding. I am strictly relying

तो मैं आप से कह रहा था कि कोई छिपी चीज नहीं है। आप कहते हैं कि रुकावट हो जाय, मिलावट न हो। हम लोग जानते हैं कि जितनी मिठाई की दुकानें हैं, जितने होटल्स हैं सब में वनस्पति चलता है, घी नहीं चलता है। आप जा कर देखिये होटलों में। हम लोग जान बूझ कर खा रहे हैं, कोई धोखे में नहीं खा रहे हैं। यह मैं मानता हूँ कि घी में मिलावट नहीं होनी चाहिये। उस में रंग मिलना चाहिये और गवर्नमेंट को प्रयत्न करना चाहिये कि जल्दी से जल्दी इस में रंग मिलाया जाय जिस में कि दूसरी चीजों में उस की मिलावट न हो सके।

मूवर महोदय ने कहा कि एक और कारण है वनस्पति को बन्द करने का कि वनस्पति में भी मिलावट होती है। मुझे सुन कर हंसी आई। वनस्पति खुद खराब चीज है तो उस में मिलावट क्या होगी? और क्या आप समझते हैं कि पहले घी में मिलावट नहीं होती थी? बिल्कुल गलत बात है यह कहना कि नहीं होती थी। हम लोग लड़कपन में सुनते थे कि घी में मिलावट होती है। उस में चरबी मिलाई जाती है। इस लिये आज जो मिलावट होती है, जब तक आप देश में ज्यादा घी पैदा करने का प्रयत्न नहीं करेंगे, तब तक अगर उस में वनस्पति की मिलावट नहीं होगी तो दूसरी चीजों की मिलावट होगी।

अगर चर्बी मिली हो तो और भी खराब है। पहले सुअर की चर्बी घी में मिलायी जाती थी। उसमें कोई बू नहीं रहती और वह आसानी से घी में मिल जाती है। इस वनस्पति से वह और ज्यादा खराब होगी। हमारे यहां

एक पेंड महुये का होता है। उसके फलों का तेल घी में मिला दिया जाता है। तो आप मिलावट को रोकने का प्रयत्न कीजिये। गवर्नमेंट पर जोर डालिये कि ज्यादा स्टाफ रखा जाय और मिलावट करने वालों को सख्त सजा दी जाय। लेकिन आप इस चीज को बन्द न करें जिसको ६० प्रतिशत लोग इस्तेमाल करते हैं और उनको उससे सैटिस्फ़ेशन होता है, इसीलिए नहीं कि वे इसको घी से अच्छा समझते हैं। वह जानते हैं कि बनस्पति घी से नीचे दर्जे की चीज है। लेकिन लोग इस को इसलिए इस्तेमाल करते हैं कि घी उपलब्ध नहीं है। तो मैं अर्ज करूंगा कि ऐसी चीज पर जोर न दीजिये जो हो न सकती हो और अगर आप इसको बन्द कर देंगे तो पीछे इसके लिए हमको और आप को लोग दोष देंगे। मैं दर्हात में रहता हूं। मैं ने देखा है कि शादी विवाह के अवसर पर लोग जानकर डालड़ा मंगाले हैं। यह वे इसलिए करते हैं कि वे घी नहीं खरीद सकते। और आप भी बारात में जायें तो आपको भी वही खाना दिया जायगा। यह बात और है कि आप उसको न खायें। तो जबतक हम अपने लोगों की फूड हेंडल्स नहीं बदलते, उनकी मेंटीलटी नहीं बदलते, और जब तक हम उनको शुद्ध घी नहीं दे सकते तब तक इसको बन्द करने से क्या फायदा होगा। सबाल मिलावट को रोकने का है। आजकल सिनेमा में वनस्पति का बड़ा एडवर्टाइजमेंट किया जाता है और उसको बहुत फायदेमन्द बतलाया जाता है। ऐसी बात तो नहीं है। वह उतना अच्छा नहीं होता। लेकिन हमको तो इस सबाल को, प्रिक्टिकैबिलिटी के ख्याल से देखना है। मैं चाहता हूं कि इस का साइटीफ़िक एनेलिसिस किया जाय और इस के बारे में सही बात जनता को बतलायी जाय।

मुझे दो एक बातें और कहनी हैं। मैं ठाकुर दास जी जितना वक्त नहीं लूंगा। एक बार यहाँ पर इसको रंगने की बात आयी थी। पर कहा गया था कि वह रंग बाहर से मंगाना पड़ेगा। साइटीस्ट्स

ने उसके बारे में यह कहा कि कुछ दिन बाद वह रंग हट जाता है। तो मैं यह कहूंगा कि इस रंग को इस्तेमाल किया जाय और यह आर्डर कर दिया जाय कि जितने दिन में वह रंग हट जाता है उससे पहले ही वह माल बाजारों में बिक जाय। और जो न बिक सके उसे फिर से रंग दिया जाय जिससे जो मैन आवेजेंट है कि एडल्टरेशन न हो वह पूरा हो जाय। मैं समझता हूं कि गवर्नमेंट इस तरफ ध्यान देंगी कि एडल्टरेशन को रोका जाय और जबतक गवर्नमेंट पूरा घी न दे सके तबतक वनस्पति को बन्द न किया जाय।

**Shri Bogawat (Ahmednagar South):** I must thank you for giving me an opportunity to speak on this subject. This Bill is in the interest of the whole country. We know that nowadays real ghee is very hardly available and the only reason is that vanaspati oil or ghee is always added to real ghee. If you go to the towns or even the villages, you will find that the persons dealing in ghee always do this business of adulteration and get more money. There is adulteration throughout the country, I must say, and that is the reason why people do not get any real ghee—I do not say that they do not at all get, but there are very few people who give or sell real ghee—and in 90 per cent of the cases, the sellers adulterate real ghee with vanaspati ghee. This dishonesty is prevalent throughout the country. In order to avoid this and in order that the people of our country may get real ghee, it is quite necessary that some action or steps must be taken. There is a suggestion since long, and I am very glad to say that Pandit Thakurdasji is pressing his point since long, but in spite of attempts by several Members, it has not yet been arranged to colour vanaspati ghee. The industrialists are the persons who are after this vanaspati ghee and they do not want that this ghee should be coloured; otherwise, there should not be so much sale of this as it is prevalent now. There is

[Shri Bogawat]

a charge against the industrialists that it is the attempt of these people not to allow any such attempt to give a colour to vanaspati ghee. Otherwise this could have been done. Are there no scientists in our country who can do this? That is a lame excuse and I am very sorry to say that, although it was promised from time to time that vanaspati ghee would be coloured, it is not yet done. There are so many inventions by scientists and there are inventions of even atomic theories and today we have read in the papers something about the discoveries in Barrage of clouds. Can there be no colouring of vanaspati ghee? There is some mischief going on and the persons dealing in this industry must be playing that mischief. I would request the Government and the Food Ministry to be very alert in bringing about the colouring of this ghee. You find that wherever you go, to a hotel, a station stall or a confectioner's shop, you never get any article except with the adulteration of vanaspati ghee, because it is very easy for them to do so and they get more profit. Since they get more money, they do not prepare the articles out of real ghee. It is very difficult for the common people or the middle class people to get real ghee, because real ghee cannot be differentiated from this adulterated ghee, that is, vanaspati ghee added to real ghee. It is a curse that the people in our country are not able to get pure ghee, and it is incumbent on the part of Government to see that the demand of the people of our country is satisfied. Unless it is done, I do not think there will be justice.

There is another charge that vanaspati ghee is prepared from groundnuts and no more export of groundnuts is there for this reason, namely, that the industrialists should get cheap groundnuts and be able to make more profits. That is also the charge of several persons dealing in groundnuts. This is also a very important point, and there must be some check on the preparation of vanaspati ghee. Unless that is checked or there is some control, the price as well as the production of vanaspati oil would do

much harm to the people of the country. The previous speaker said that it is not injurious to the health of the people, but it is not a fact. It is quite clear and certain that the health of the people is injured on account of use of the vanaspati oil or ghee. Real ghee is very much helpful for health purposes; vanaspati oil or ghee is not so much helpful but on the other hand is injurious—of course, there is difference of opinion on this among doctors and scientists. I am not a scientist, but I can say that it is not as helpful as real ghee. It is quite necessary that vanaspati ghee or oil should be coloured and that is the demand. In order to avoid adulteration, in order that people should get real ghee, in order that it should not be injurious to the health of the people and in order that these industrialists who prepare this vanaspati oil should not get undue advantage and profiteer, it is very necessary that much attention should be given to this problem. I request the hon. the Food Minister who is very energetic and who is an expert, to give his keen attention to this problem and solve this very important question before our country.

श्री गोविन्द दास : यह कहा जायगा कि यह विषय बार बार हमारे सामने आता है। इसमें कोई सन्देह नहीं कि कोई तीस वर्ष से मैं स्वयं देख रहा हूँ कि वहाँ या राज्य सभा में किसी न किसी रूप में यह पेश होता रहा है। जहाँ तक मुझे बाद है सन् १९२६ में पहले पब्लिक कॉन्सिल आफ स्टैंडर्ड्स, उस वक़्त वह कॉन्सिल आफ स्टैंडर्ड्स कहलाती थी, कॉन्सिल आफ स्टैंडर्ड्स नहीं, श्री राम सरन दास ने इस विषय को उठाया था। मैं उस समय उस सदन का एक सदस्य था। और उस समय वनस्पति के कारखाने भी शायद भारतवर्ष में इन्हें गिने ही थे? उसके बाद न जाई कि कितनी बार यह विषय उठाया गया। कुछ मंत्रों जनता की रुखी होती है कि बाहेर कि कितनी ही पुतली क्यों न हो जाई, वे सब ही नहीं देखी हैं।

इस विषय का गोवध से बहुत बड़ा सम्बन्ध है। सब लोग इस बात को जानते हैं कि मैं उन व्यक्तियों में से हूँ जो यह मानते हैं कि इस दंश की आत्मा को तब तक संतोष नहीं हो सकता जब तक कि गाध के रूख की एक वृक्ष भी इस पुष्पमयी भूमि पर गिरती है। इस विषय में पीछत जवाहरलाल जी का चाहे कुछ भी मत हो, चाहे वह कुछ भी कहें, बैसे हम सब उनके सच्चे अनुयायी हैं लेकिन गोवध का विषय ऐसा है कि जिसमें पीछत जी कुछ भी कहें या कोई भी कुछ कहें, हम इस मामले में झुकने को तैयार नहीं हैं और गोवध बंद किया जाय इस मांग पर दृढ़ बने रहेंगे। मैं इस बात को भी जानता हूँ कि यदि इस दंश का इस सम्बन्ध में जनमत लिया जाय तो दंश के ६६ प्रतिशत व्यक्ति इस पक्ष के निकलेंगे कि इस दंश में गोवध बंद हो और वनस्पति को कोई रंग दिया जाय अन्यथा उसका जमाना बंद किया जाय। यदि हमें इस दंश में प्रजातंत्र को चलाना है तो हमें जनता की उचित भावनाओं का आदर करना चाहिये।

**रक्षा संगठन मंत्री (श्री त्यागी):** इन दोनों सवालों का एक दूसरे से क्या सम्बन्ध है ?

**श्री त्यागी :** जी हाँ, दोनों सवालों का एक दूसरे से बड़ा सम्बन्ध है। स्वयं त्यागी साहब इधर हाउस में बैठ कर इस के हक में थे। अपनी बात को सिद्ध करने के लिये मैं बार के बार ऐसे साहित्य के पेश कर सकता हूँ जिनसे सिद्ध हो जायगा कि गोवध के प्रश्न से वनस्पति का घनिष्ठ सम्बन्ध है और इन दोनों को अलग अलग नहीं रक्खा जा सकता।

तो मैं आपसे कह रहा था कि कुछ ऐसे विषय हैं कि जो विषय चाहे कितने ही पुराने क्यों न हो जाय, वे सदा नये

रहेंगे और उनमें ये विषय भी हैं और इनका एक दूसरे से अन्योन्य सम्बन्ध है, क्योंकि गोवध का बंद होना और उसी के साथ वनस्पति को रंग दिया जाना और यदि यह संभव न हो तो उसका जमाना जाना बंद होना चाहिये।

अभी पीछत ठाकुर दास भार्गव ने नये कृषि मंत्री जी को बधाई दी। मैं भी उस बधाई में उनका साथी होना चाहता हूँ। मैं भी उनको हृदय से बधाई देता हूँ। वे एक ऐसे मंत्री के स्थान पर आये हैं कि जो अपनी कार्य पटुता के लिये सारे दंश में प्रसिद्ध थे, भले ही उनका किसी से अन्य विषयों में मतभेद रहा हो। यह लोग जानते हैं कि किदवर् साहब से जब टंडन जी हमारी कांग्रेस के सभापति थे, उस वक्त हमारा बड़ा मतभेद रहा था, लेकिन तो भी श्री किदवर् उन लोगों में से एक थे जिनको मैं बहुत ज्यादा इज्जत की निगाह से देखता हूँ और मेरा तो यह विश्वास है कि यदि वे और जीवित रहते तो इस दंश में कल या परसों गोवध भी बंद हो जाता और वनस्पति के लिये भी कोई न कोई रास्ता निकल आता। अब नये मंत्री जो उनके स्थान पर आये हैं, श्री जैन को मैं बधाई देता हूँ और मैं विश्वास करता हूँ कि वे इस विषय में और आगे बढ़ेंगे क्योंकि वह अपना नाम खाली अजीतप्रसाद नहीं लिखते बल्कि अपने नाम के साथ "जैन" भी लिखते हैं जहां तक जैनियों की अहिंसा का सवाल है वह केवल इस दंश में ही नहीं, सारे संसार में विल्यात है।

अब प्रश्न यह है कि इस वनस्पति का हमें क्या करना है। सबसे पहले तो मैं यह कहना चाहता हूँ कि यदि कुछ लोग यह समझते हैं कि वनस्पति हमारी तंदुरुस्ती को नुकसान नहीं पहुंचाता तो ऐसे लोग भी हैं, और बहुत आधिक तादाद में हैं, और वैज्ञानिकों में भी हैं, जो यह मानते हैं कि नहीं, इससे हमारी तंदुरुस्ती को तानि पहुंचती है। कई सज्जन यह कहा करते हैं

[संठ गोविन्द दास]

कि हमारे यहां वनस्पति इतने वर्षों से खया जाता है, हमारे यहां तो इससे कोई हानि नहीं पहुंची। जिनको वनस्पति से कोई हानि नहीं पहुंची उनमें से अधिकांश ऐसे हैं जो कि मांसाहारी हैं, जो लोग मांस खाते हैं और मांस के साथ यदि वनस्पति भी खाते हैं तो उनको उतना नुकसान नहीं पहुंचता। फिर कुछ चीजें ऐसी होती हैं जिनसे तत्काल नुकसान नहीं पहुंचता और धीरे-धीरे हानि पहुंचती हैं। वनस्पति ऐसी चीजों में से एक है जिनसे चाहे तत्काल हानि न पहुंचे मगर धीरे-धीरे हानि पहुंचती है। एक बहुत बड़े नेता ने मुझ से कहा, उनका नाम लेने की आवश्यकता नहीं है, कि कुछ देश ऐसे हैं कि जहां पर दूध का अथवा छाछ का उपयोग नहीं किया जाता लेकिन वहां के लोग भी तंदुरुस्त रहते हैं। उन्होंने मुझ से कहा जापान ऐसा देश है, चीन ऐसा देश है। सत्य बात है, इसमें कोई संदेह नहीं। जापान और चीन में भी हो आया है और मैंने देखा है कि वहां दूध और छाछ नहीं पी जाती। लेकिन आप जानते हैं कि इसी के साथ वह क्या क्या खाते हैं। कोई ऐसी चीज बाकी नहीं है दुनिया में जो वह न खाते हों। मछल, वह खाते हैं, सांप वह खाते हैं और चूहा वह खाते हैं। लेकिन हमारा भारतवर्ष एक ऐसा देश है कि जो निरामिष भोजन करने वालों का देश है। मैं वैज्ञानिक तो नहीं हूं लेकिन मेरा यह निवेदन है कि चूंकि वह मांसाहारी हैं और उनसे कोई चीज बची नहीं है इसलिये उनको पी और दूध वगैरह की जरूरत नहीं पड़ती। अर्थात् एक हमारा देश ऐसा है जिसमें निरामिष भोजन करने वालों की जितनी बड़ी संख्या है उतनी बड़ी संख्या शायद दुनिया के किसी देश में नहीं है। मैं जब इस देश में ऐसा प्रचार होते देखता हूं कि लोग यहां पर मछलियां खाएँ, अंडे वगैरह खाएँ तो मेरे हृदय पर एक बहुत बड़ा आघात लगता है। शताब्दियों के प्रयोग के

बाद और नाना प्रकार के दर्शन पर विचार करने के बाद हमने इस देश में निरामिष भोजन का सिद्धान्त अपनाया, निरामिष भोजन को हमने सबसे उत्तम और श्रेष्ठ माना, देश में खाद्य पदार्थों में कमी आने के कारण दूध घी की कमी हो जाने के कारण आज इस देश में हम यह प्रचार करें कि यहां पर लोगों को मछलियां खानी चाहियें, लोगों को अंडों का सेवन करना चाहिये, कम से कम मेरे हृदय को ऐसा सुन कर बड़ी भारी ठंड पड़ती है, इस निरामिष भोजी देश में मैं आपसे निवेदन करना चाहता हूं कि यह वनस्पति सबसे अधिक हानिकारक चीज है। पर यदि हम इस विषय को छोड़ भी दें, थोड़ी दूर के लिये हम यह मान भी जाय कि यह वनस्पति हानिकारक नहीं है जैसा कि कुछ वैज्ञानिकों की राय है, वद्यपि जैसा मैंने अभी आपसे निवेदन किया कि वैज्ञानिकों में भी आपसे मैं इस विषय को लेकर बड़ा मतभेद है, तो भी कम से कम कोई यह तो स्वीकार नहीं कर सकता कि दो रुपये की चीज चार रुपये सेर के हिसाब से बिके। किसी को यदि वनस्पति खाना है तो वह यह जान कर खायें कि वह वनस्पति खा रहा है। इसलिये मेरा यह निवेदन है और जो हमारे इस विषय में सब से बड़े विशेषज्ञ हैं पंडित ठाकुर दास भार्गव हैं, वह भी इस बात को कह चुके हैं कि यदि वनस्पति में कोई रंग डाला जा सकता हो तो डाल दिया जाय।

पर यदि रंग उसे नहीं दिया जा सकता तो फिर हमारा निवेदन यह हो जाता है कि उस का जमाना ही बन्द कर दिया जाय। यदि आप उस का जमाना बंद कर दें और उस को यदि आप तेल के रूप में बेचें तो जैसा अभी हमारे एक साथी ने कहा कि लोग अपनी इज्जत के लिये इस तरह की चीजों का उपयोग करना चाहते हैं, वह बिना जमाये हुए वनस्पति तेल का उपयोग कर सकते हैं। इस में उन को कोई कठिनाई नहीं पड़ेगी।

जिन कारखानों में यह वनस्पति तैयार होता है उन कारखानों की मशीनरी को अगर आप देखें तो आप को मालूम होगा कि कुल मशीनरी का केवल पांच फीसदी हिस्सा ऐसा है जो कि इस तेल के जमाये जाने का काम करता है ६५ फीसदी मशीनरी में उन के यहां केवल इस का तरल रूप बनता है। इस तरह से उन कारखानों को कोई बड़ी भारी हानि पहुंचे ऐसी बात भी नहीं है। अगर कोई वनस्पति खाना चाहेगा तो वह उस को तरल रूप में प्राप्त रहेगा। साथ ही उन को वह उसी कीमत में मिलेगा जिस कीमत में कि वनस्पति को मिलना चाहिये। हमारी आपत्ति तो यह है कि दो रुपये सेर की चीज चार रुपये सेर में बेची जाय, यह तो अनुचित है। वनस्पति जितनी आसानी के साथ घी में मिलाया जा सकता है उतनी आसानी के साथ अन्य चीजें नहीं मिल सकतीं।

जो वैज्ञानिक हाइड्रोजन बम और एटम बम जैसी चीजें बना सकते हैं वे ऐसा रंग नहीं निकाल सकते यह मेरी समझ में नहीं आता। मेरा यह निवेदन है कि यदि आज तक रंग नहीं निकला और नहीं निकाला जा रहा है, तो इस का कारण केवल एक है कि हमारी सरकार इस सम्बन्ध में बहुत दृढ़ चिन्त नहीं है। यदि पीड़ित जो की, यदि हमारे कृषि मंत्री जी की इच्छा, यह होती कि नहीं हमें तो इस प्रकार का रंग वनस्पति में देना ही है तो मेरा यह विश्वास है कि तीन दिन के अन्दर रंग निकल आता, इस के लिये वर्षों की आवश्यकता नहीं थी। आप इस विषय को किसी भी दृष्टि से विचार कर के देखें, आप को यह स्वीकार करना ही होगा कि कम से कम वनस्पति लोण घी के रूप में खरीदें यह किसी भी दृष्टि से उचित नहीं है। हम ने तो यह भी कह दिया था कि यदि सरकार इस रंग की खोज नहीं कर सकती है तो निम्नलिखित के कारखाने हैं

उन को ही इस बात की नोटिस दी जाय, विनांवा जी ने भी यह कहा था, कि आप लोग तीन महीने के अन्दर या छः महीने के अन्दर ऐसा रंग निकालें जिस को आप वनस्पति में मिला सकें। यदि आप तीन महीने या छः महीने के अन्दर इस प्रकार का रंग नहीं निकाल सकेंगे तो हम आप के द्वारा वनस्पति का जमाया जाना बन्द कर देंगे। मेरा यह विश्वास है कि अगर सरकार इस रंग को नहीं निकाल सकती है, सरकार के वैज्ञानिक नहीं निकाल सकते हैं, यद्यपि यह बात मेरी समझ में नहीं आती कि क्यों नहीं निकाल सकते, मैंने तो निवेदन किया कि यदि सरकार चाहती है और इस सम्बन्ध में कुछ दिलचस्पी लेती है तो रंग निकाल सकती है लेकिन अगर वह नहीं ही निकाल सकती है तो वनस्पति वालों को इस बात का स्पष्ट नोटिस दे दिया जाना चाहिये कि वे तीन महीने के अन्दर या छः महीने के अन्दर इस प्रकार का रंग निकालें जिस से वे वनस्पति को रंगें और अगर वे इस प्रकार का रंग नहीं निकाल सकते हैं तो इतने समय के अन्दर उस का जमाया जाना बन्द कर दिया जावेगा। यदि इस प्रकार का प्रयत्न हुआ तो मेरा विश्वास है कि कारखाने वाले इस प्रकार का रंग निकाल लेंगे क्योंकि उन को सब से अधिक भय होगा इस का जमाया जाना बन्द करने का। मैं फिर कहना चाहता हूं कि यदि हम को इस दश में प्रजातंत्र चलाना है, तो प्रजातंत्र में हम को प्रजा की जो इच्छा है उस का ध्यान अवश्य रखना होगा। गोबध के सम्बन्ध में मैं जानता हूं कि प्रजा की क्या इच्छा है, वनस्पति के सम्बन्ध में मैं जानता हूं कि प्रजा की क्या इच्छा है। हमारा कांग्रेस का जो संगठन है, जिस के हम सब से बड़े भक्त हैं और आज भी हम यह मानते हैं कि इस से बड़ा कोई संगठन, केवल इस दश में नहीं, लेकिन गौर सरकारी दृष्टि से, शायद दुनिया के किसी दश में नहीं, ऐसे संगठन में भी, हमारे अखिल



[संठे गोविन्द दास]

भारतीय कांग्रेस कमेटी के अध्यक्षत्व में, इस प्रकार का प्रस्ताव स्वीकृत हो चुका था कि वनस्पति का जमाया जाना बन्द किया जाय। यदि हम इस को प्रजातंत्र की दृष्टि से देखें, प्रजातंत्र की राय की दृष्टि से देखें, कांग्रेस संस्था की दृष्टि से देखें तो कांग्रेस की ही जो सरकार है उस के लिये लाजिमी हो जाता है कि प्रजा की इच्छा के अनुसार और कम से कम इस मिलावट के पाप को रोकें, मैं इसे पाप कहता हूँ क्योंकि कोई भी देख सकता है कि दो रूपों से की चीज चार रूपों से में बिकती है, और इस मिलावट के कारण बिकती है, सरकार भी इस पाप की भागी होती है। हम आवश्यक समझते हैं कि अब इस विषय में कोई न कोई कदम उद्घाटन उठाया जाय।

अन्त में मैं आप से यह भी कह देना चाहता हूँ कि इस सम्बन्ध में जब तक कुछ नहीं होगा तब तक यह विषय सदा उठता रहेगा, जनता में इस विषय में सदा आन्दोलन होता रहेगा, जो कोई अच्छी बात नहीं है। इस लिये जिन सज्जन ने इस विधेयक को रक्खा है उन का मैं हृदय से समर्थन करता हूँ।

श्री बी० डी० शास्त्री (साहडोल सिटि): मैं इस विधेयक का हृदय से स्वागत करता हूँ। वस्तुतः देखा जाय तो इस किस्म के कई विधेयक संसद के सामने रखे गये और उन पर काफी वादविवाद हुआ। किन्तु खेद का विषय तो यह है कि आज तक उन का निर्णय नहीं हो सका। जब पिछले समय यह फूड एंडल्टरेशन बिल आया था तो सब से जोरदार शब्दों में यह बात कही गई थी, सभी सदस्यों ने कहा था, कि सब से बड़ा अपमिश्रण जो होता है वह अपमिश्रण है शुद्ध घी में वीजर्टीबल का। मैं समझता हूँ कि और एंडल्टरेशन के साथ साथ इस पर ज्यादा जोर दिया गया कि सब से हानिकारक जो चीज है वह यह है कि अगर लोग शुद्ध घी का उपयोग

करना चाहते हैं तो हमें शुद्ध घी मिलता नहीं है। अभी एक महाशय ने विवाद के सिलसिले में यह बताया कि घी की कमी है और इज्जत का प्रश्न है इस लिये यह आवश्यक है कि इस घी को जारी रक्खा जाय। आज का विवाद इस घी को रोकने का, इस को अस्तित्व में रखने या न रखने का प्रश्न नहीं रखता। आज का विवाद तो इस बात पर जोर देता है कि इस घी में रंग का मिलाना आवश्यक है और यदि इस घी का रंग दिया जाय तो इस में शक नहीं कि जो लोग शुद्ध घी चाहते हैं उन को शुद्ध घी मिल सकेगा। सरकार का भी कुछ बॉक हल्का हो जायेगा कि आज जो अपमिश्रण सारे देश में हो रहे हैं, उन अपमिश्रणों में से जो सब से बड़ा अपमिश्रण है उस से कुछ बचत हो जायेगी और लोगों को शुद्ध घी मिल सकेगा।

मैं समझता हूँ कि हमारा स्वास्थ्य शुद्ध घी पर निर्भर करता है, हम कितना भी प्रयत्न करें, कितने भी देशों में जा कर घूमें, हम को शुद्ध घी नहीं मिलता क्योंकि देशों में यह मिलावट का रोग फैल गया है और लोग पड़ोस के बाजार से वनस्पति को ले जाते हैं और शुद्ध घी में मिला कर गांवों में बेचते हैं, शहरों में बेचते हैं और सारी चीजें उसी से बनती हैं। जिन जगहों पर लिखा होता है कि यहां वनस्पति घी का सामान बिकता है, वहां तो वनस्पति है ही, लेकिन जिन जगहों पर लिखा होता है कि यहां शुद्ध घी का सामान मिलता है, मैं दावे के साथ कहूंगा कि वहां पर भी शुद्ध घी का सामान नहीं मिलता। हालांकि कहीं पर उन लोगों ने लिख रक्खा है कि वीजर्टीबल सिद्ध करने वाले को पांच सौ रुपये मिलेंगे कहीं लिख देते हैं कि एक हजार मिलेंगे। लेकिन पता नहीं कि साबित करने वाले कैसे हैं और सरकार की मशीनरी कैसे है जो साबित नहीं कर सकती कि वह देशी घी का सामान नहीं है।

मैं तो इन शब्दों को जोर देकर कहूंगा कि वह अपमिश्रण सारी दुकानों में होता है। इस

का मतलब यह है कि दूध के अन्दर गूद वस्तु मिलना एक मुश्किल सी चीज हो गयी है।

कुछ लोगों का कहना है कि ज्यादातर लोग चाहते हैं कि वनस्पति घी बाजार में बिके। कहा जाता है कि लोग इसे इसलिए गृहण करते हैं कि उनके पास अच्छा घी सरीदाने को पैसा नहीं है। यह निर्वाचित सदस्यों की संसद है, और यहाँ पर जब जब यह प्रश्न आया, जब जब अपीमिश्रण का विधेयक आया, तो एक दो को छोड़कर बाकी सभी सदस्यों ने जोरदार शब्दों में कहा है कि चाहे कुछ भी हो इस घी को कतई बन्द कर दिया जाय। कम से कम इसका अपीमिश्रण तो बन्द हो ही जाय। यह बात बहुत सम्भव है कि इसको रंगने के लिए किसी रंग का आविष्कार हो जाय। मैं समझता हूँ कि सरकार चाहे और रंग न मिले यह गलत चीज है। आज विज्ञान का युग है। आज अणुबम का आविष्कार हो रहा है, दुनिया में रोज नई नई चीजें बन रही हैं। तो क्या आबकल घी को रंगने के लिए रंग नहीं बन सकता? मिठाइयों को रंगा जाता है लेकिन बैजीटीबल घी के लिए रंग नहीं है। इसके न मिलने का असली कारण यह है कि दूध के अधिकारी वर्ग के मौस्तक में परिवर्तन नहीं हुआ है। अभी उनकी मनापूर्ति नहीं बदली है। अगर वह चाहने लगे तो एक घंटे में ऐसा रंग मिल सकता है। इस वक्त भी ऐसे लोग हैं जो इस तरह का रंग रखे हुए हैं। मैं कहूँगा कि एक भीतरी मशीनरी भी काम कर रही है जो कि रंग बनाने वाले वैज्ञानिकों पर जोर डाल रही है और यही कारण है कि रंग नहीं बन पा रहा है। अगर सरकार इस बात को स्वीकार करे कि घी का रंग बन जाय तो जैसा कि मैं ने पहले कहा एक घंटे में रंग बन जायगा, दूरी नहीं लगेगी। अगर सरकार चाहे तो निश्चय है कि वह रंग मिल जायगा। मैं आशा करूँगा कि जब सारे लोग चाहते हैं और प्रश्न यह है कि एडल्टरेशन न हो और शुद्ध घी मिले तो यह

बहुत जरूरी है कि सरकार रंग का आविष्कार करे और डाला घी में रंग का प्रयोग हो।

**Shri Dabhi (Kaira North):** I rise to support the motion moved by my hon. friend Shri Jhulan Sinha that the Bill to provide for the prohibition of manufacture and sale of vanaspati be taken into consideration.

My hon. friend Pandit D. N. Tiwary said, first prove that vanaspati is injurious by any scientific method. I would like to remind him that a few years ago, experiments were carried on in the Government Research Institute at Izatnagar. These experiments showed that in the third generation, the rats which were fed on vanaspati became blind.

**Shri Tek Chand (Ambala—Simla):** How many men have become blind?

**Shri Dabhi:** I would reply to every point raised. The point is this. At that time, the Government was perturbed and the whole country was perturbed. We know that experimentation in food was going on with rats. If this food is injurious to rats, it would be equally injurious to human beings. During that time, I had brought forward a Bill for prohibiting the manufacture and sale of vanaspati, in the Bombay Legislative Assembly. Dr. Gilder who was in charge of the Health Department, while replying to this point about experiments, said that it was found that though the rats had really become blind, it was not due to vanaspati being mixed with food, but that it was due to the fact that the rice was an inferior Bengal variety. In Bengal, there are also poor people who may be fed on inferior variety of rice. All of them are not blind. However, that was the argument. My point is this. Those people were also scientists. Were they wrong? There were some scientists who had come to the conclusion, after experiments that vanaspati was injurious to a certain extent. They said three generations. Vanaspati may not be injurious immediately; but it may be injurious in the long run. As was pointed out by Seth Govind Das, there are certain things which may

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not be injurious immediately, but which may take effect after a long time. It may not be injurious now because those who take vanaspati may take other food which is rich.

As I said, Government were perturbed and again experiments were conducted in other laboratories under the auspices of the Ministry of Food and Agriculture, on the comparative nutritional value of edible oils, hydrogenated oils and ghee. What was the conclusion arrived at? The conclusion was that hydrogenation does not improve the nutritional value of oil, that compared to the other oil groups, the hydrogenated oil did not produce any deleterious effect or distressing symptoms peculiar to the animals receiving it, that this is the case of vanaspati of melting point 37 degrees centigrade and that this may not be applicable to vanaspati of a higher melting point. Even taking for granted that these experiments were quite all right, what do they say? They say negatively that vanaspati is not deleterious as compared to other oils. The experiments have shown that vanaspati is not at all superior to any ordinary oil and that too when it is of the melting point 37 degrees. If it is of more than 37 degrees melting point, perhaps, it may be injurious also. From these experiments, it is quite clear that though it may not be injurious, it is not at all superior even to ordinary oil. Vanaspati is generally manufactured from groundnut oil. It is not superior to sesamum oil or other oils. After all, you can say that it is not injurious. The question arises, even if it is not injurious, it is not superior and why, then, people have to pay for it a higher price, and why should its manufacture be allowed, making the people pay a higher price for it. There cannot be any doubt,—everybody has admitted it—that vanaspati is the greatest adulterant of ghee, and that as a result of this adulteration which is going on on a large scale, it is not possible to get any good ghee whatsoever. Every one knows to what extent adulteration is going on and Government themselves have

admitted it. In answer to my Starred Question No. 74 asked on 6th November 1952 in this very House, viz., “whether it is a fact that adulteration of ghee with vanaspati is going on to a large extent in the country,” hon. Dr. P. S. Deshmukh replied stating: “Yes, Sir, it is a fact”.

Then, an article appeared in the July 1950 issue of the *Journal of Scientific and Industrial Research* embodying the analysis of prevailing samples of ghee in Bangalore and Mysore which showed that only 9 per cent was ghee. 33 per cent had no trace of ghee, 33 per cent had only a trace of ghee and 25 per cent contained very little ghee.

A meeting of the representatives of the Go Seva Sangh and Vanaspati Manufacturers' Association was held under the chairmanship of Shri Jairamdas Daulatram, the then Minister of Food and Agriculture of the Central Government, on the 14th September, 1948. The report of the proceedings of this meeting is incorporated in the pamphlet entitled “Hydrogenation of edible oils should stop”. At page 18 of this pamphlet—these are very important words—it is stated:

“In this meeting the representatives of the Go Seva Sangh produced samples of refined oil and Vanaspati. A sample was shown in which a few drops of genuine ghee were put in the refined oil. It passed off for ghee. The sample of vanaspati had the colour and odour of ghee. The manufacturers' representatives were asked whether it was they who put the odour. They admitted that it was they who did it and explained that they did everything so that vanaspati may resemble ghee.”

That is the state of affairs at present.

There is one important point with regard to nutritive value. It is now established beyond doubt that adulteration of vanaspati with ghee

is going on on a very large scale. Now, with regard to this effect of adulteration, I am reading from the *Health Bulletin* No. 23 published by the Government of India in 1951. This is what is stated in this *Health Bulletin*.

"Animal fats such as butter or ghee contain vitamin A, but when they are adulterated with vanaspati, the vitamin content of such samples will get diminished."

So, it means that even the original vitamins that were contained in the ordinary ghee, when vanaspati is adulterated with it, will also disappear to a very large extent. So, two things are established beyond doubt, that vanaspati may be injurious if it is not of a particular degree melting point, and it is not superior to ordinary oil. Now, the question is why should then people be mulcted?

My friend Mr. Tiwari who is not here was stating: "Why should people have to pay for ghee? They get vanaspati at a cheaper price than ghee, and therefore they buy it." I shall reply to that, but then one thing is certain from the Government report that at present the annual production of vanaspati is about 2 lakh tons. You will see it is equal to 44,80,00,000 lbs. Let us suppose that out of this only 30 crores lbs. of vanaspati is sold unadulterated. If we calculate that at least four annas per lb. is charged more for vanaspati than ordinary ghee, it comes to Rs. 7,50,00,000. Then, adulteration is going on on a large scale, but I have calculated that only 14,80,00,000 lbs. are used for adulteration with ghee, and when it is adulterated with ghee, it means that the people who buy this adulterated stuff have to pay the price of ghee because it is sold as ghee. Now, for every lb. these *vanaspatiwallas* or the traders get at least Rs. 1-4-0 per lb. and if we calculate in this way, it comes to Rs. 18,50,00,000. So, we are mulcted on the one hand by being charged a higher price for a stuff which is not superior to ordinary oil and on the other by adulterating this stuff with ghee for which people are mulcted to the extent of Rs. 26 crores

every year. From this point of view, it is a huge drain on the ordinary people. We say that our people are very poor, but then this is the case, and that too without getting any nutritive value. This is one of the reasons.

Apart from that, there may be certain difficulties and it may not be possible to stop this. But I am of opinion that unless this vanaspati is prohibited altogether, adulteration will never end.

**Shri Algu Rai Shastri:** You are right.

**Shri Dabhi:** It is said that by sending it to the laboratory, adulteration can be found out. But this adulteration has now spread throughout India, even in small villages, and how is it possible to send it to a laboratory from a village?

The Ghee Adulteration Committee which was appointed has definitely stated that even if you add some oil, adulteration could not be stopped and that could never under the circumstances be detected. Therefore, adding of sesamum oil is no solution.

I do not know where is the necessity for solidification of this vanaspati. It is argued that vanaspati as ordinary oil may be impure, it gets rancid. I do not want to go into that, but taking it for granted that it is a fact, then what is the remedy? Let the manufacturer purify that oil. Let him remove all the impurities and sell it to the people, so that people may not have to pay the same price on the one hand, and on the other hand it cannot be adulterated with ghee.

Then, it is argued that oil has to be hydrogenated because people do not like it in its liquid form, and therefore it should be in a solid form. In the cold season ghee becomes solidified, but nobody takes it in a solid form. We use it in the liquid form for spreading it on *chappati* or serving on rice. Again when we use it for frying *puris* and cooking vegetables, it gets into liquid form. Where is there the necessity of doing *dravide*

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*pranayam* here? In *dravida pranayam*, instead of catching hold of the nose directly, they put the hand round the neck and then catch hold of the nose. This suggestion is also just like that. They say, it should be solidified first; then, it should be liquified; where is the sense in doing that? I do not understand this. If Government feel that they should not stop the manufacture of Vanaspati, then they must provide purified ghee, without any impurities in it. If they want that it should be there, let the manufacturers be asked to purify oils. But where is the necessity of solidifying a thing, which is going to be taken only in a liquid form? (*Interruptions*) My hon. friend Pandit Thakur Das Bhargava has stated that this vanaspati is also being adulterated. But the ordinary people do not know that. They go by what appears in the newspapers, namely that vanaspati is the only thing in the world, which is pure and unadulterated.

My hon. friend Pandit D. N. Tiwary asked, how is that possible, how is it that vanaspati can be adulterated? I shall only read a few lines from the *Harijan* dated 19th August 1950, from an article entitled 'Vanaspati also adulterated'. This article reproduces what the *Hindusthan Standard* wrote in connection with a particular case on this matter. A particular manufacturer was convicted for adulterating vanaspati with some inferior stuff, and the Calcutta Magistrate sentenced him to some imprisonment or fine. The *Hindusthan Standard* of Calcutta, in its issue of July 27, 1950, has referred to this conviction, and this is what it wrote:

"It appears that the adulteration in the particular form that figured in the Calcutta case was done in the factory itself, according to a design, in the formulation of which some scientists' brain must have made its proper contribution."

So, the capitalists use the scientists' brains for the purpose of adulterating vanaspati. Why are they doing like this?

Everybody has stated, and even Government have stated, that it should be coloured. Before I reply to the points raised in this regard, I would like to state one fact in this connection. When I was a member of the Bombay Legislative Assembly, in 1949, I myself had brought forward a Bill for the prohibition of the manufacture of vanaspati, and since everybody was in favour, it was on the point of being unanimously passed. But it so happened—there, the whole procedure is different—that at the first reading stage, while replying to the debate, the hon. Minister in charge rose and gave a definite assurance to me and to the whole Assembly that within six months, Government would take steps to see that vanaspati was coloured. But what happened? The Bombay Government were prepared to see that vanaspati was coloured, but then a letter came from the Central Government, from the then Food Minister, asking them not to proceed hastily in that matter. This is what happened. I know that this letter was sent from the Central Government to the Bombay Government, because I belonged to the party which was in power at that time.

Sardar A. S. Saigal (Bilaspur): What was the reason?

Shri Dabhi: Whatever may be the reason, this is what happened.

Sardar A. S. Saigal: The reasons cannot be disclosed.

Shri Dabhi: My hon. friend Pandit Thakur Das Bhargava has referred to colouring of vanaspati, and the opinion of Dr. Satish Chandra Das Gupta. We know Dr. Satish Chandra Das Gupta is a great scientist, and a *sarvodaya* worker in Bengal. He had also suggested coloration by the use of the red oxide of iron, which gives a faint rosy tinge, such as is given to ice-creams. Even the colour suggested was excellent, being the colour of ice-creams. But I do not know why this suggestion was not accepted.

Shri Tyagi: It will become red, which is a political colour.

**Shri Algu Rai Shastri:** Let the capitalists suggest some colour, and it will be accepted.

**Shri Dabhi:** Taking it for granted that Government are not in a position to find any suitable colour, I do not understand why Government should take upon themselves .....

**Shri Nambiar (Mayuram):** Red is the best colour.

**Shri Dabhi:** ..... the burden of finding a suitable colour at all. This vanaspati is being manufactured for the benefit of the *vanaspatiwallahs*, who mulct the people every year to the tune of nearly Rs. 26 crores, as I have already said.

**Pandit Thakur Das Bhargava:** They spent Rs. 7 lakhs or so only for propaganda after my Bill was introduced.

**Shri Dabhi:** Let a suitable colour be found for the coloration of vanaspati, or let the factories be stopped from manufacturing vanaspati. Let a suitable time be given to the factories, say, six months or twelve months, within which they should find out a suitable colour; otherwise, stop the manufacture of vanaspati altogether. Let them use the scientists' brain, which they use now for adulterating vanaspati, for finding a suitable colour. If that is done, there is an end of the matter. I would suggest that Govern-

ment should not take upon themselves the responsibility of finding a suitable colour.

**Shri Algu Rai Shastri:** Mend it or end it.

**Shri Dabhi:** This question should be left to the *vanaspatiwallahs* themselves to solve.

There is one other point to which my hon. friend Pandit D. N. Tiwary made a reference. He said that the poor people were using vanaspati during marriage feasts etc. for the sake of *izzat*, as ghee was dear and they could not afford to buy it. It is really foolish on their part to do so. If they are under-fed, and they do not have the means to purchase ghee, why should they pay a higher price and get vanaspati for use, instead of buying oil? Why should they be so foolish?

**Mr. Chairman:** May I know from the hon. Member how much more time he will require?

**Shri Dabhi:** I would require about ten or fifteen minutes more.

**Mr. Chairman:** Then, the hon. Member may continue his speech on the next occasion.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday the 29th November, 1954.*

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TO  
LOK SABHA DEBATES—PART II**

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