

Wednesday, November 30, 1955

# LOK SABHA DEBATES

**(Part I—Questions and Answers)**

**VOLUME VII, 1955**

*(21st November to 23rd December, 1955)*



**ELEVENTH SESSION, 1955**

*(Vol. VII contains Nos. 1 to 26)*

**LOK SABHA SECRETARIAT  
NEW DELHI**

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LOK-SABHA

Wednesday, 30th November, 1955

*The Lok Sabha met at Eleven of the Clock*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Goa

\*170. **Shri Bahadur Singh** : Will the Prime Minister be pleased to state:

(a) the number of Indians arrested by Indian police who attempted to enter Goa to offer Satyagraha during the last two months; and

(b) whether armed police cordons are still preventing the entry of Indians into Goa?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda)** : (a) 170.

(b) Armed policemen are posted to check smuggling across the India-Goa border. Their services are utilised for preventing unauthorised entry of Indians into Goa.

**Shri Bahadur Singh** : May I know whether the persons arrested were let free or were proceeded against; and if they were proceeded against, may I know what action was taken against them?

**Shri Anil K. Chanda** : No. They were not proceeded against. Since 13th September there were two such cases. One was on the 2nd October at Lakarot near Banda when 51 people tried to cross the Goa border. They were taken to Sawantwadi where they were released. And on 2nd October 119 Indians tried to cross into Daman. They were stopped from going there. 35 Communists who were in the party immediately left the spot. But 85 Praja Socialists squatted there for nearly thirty hours.

**Shri Kamath** : Is it a fact that soon after the reversal of Government's policy in September, our police on the border

beat up, kicked and assaulted our satyagrahis who were attempting to cross the border, just as Dr. Salazar's Portuguese police used to treat them inside Goa and then forcibly and even cruelly herded them into police vans and black Marias and, if so, were such things done under orders from the top, and have such brutalities since been ordered to be stopped?

**Shri Anil K. Chanda** : It is not correct. Strict instructions have been given to the police that they should try to persuade and dissuade the persons from going into Goa and if they fail to do so, only then they should be removed from those areas.

**Dr. Lanka Sundaram** : May I know the steps proposed to be taken by Government in regard to those satyagrahis who have entered Goa earlier and who have been sentenced to long terms of imprisonment, including one Member of Parliament, Shri T.K. Chaudhuri?

**Shri Anil K. Chanda** : I am afraid we are not in a position to do anything with regard to that.

**Shri Ramchandra Reddi** : May I know whether Government have ascertained details about the persons who have been arrested and prosecuted and, if so, to what terms of imprisonment they have been sentenced?

**Shri Anil K. Chanda** : If a separate question is put I can give a detailed answer.

**Shri B.S. Murthy** : May I know whether the news item that appeared yesterday or the day before has been brought to the notice of the Government that an Indian national has died in the jails of Goa and, if so, have any particulars been gathered about him, and whether any information is with the Government as to how many prisoners who Indian nationals are in jails and how many of them are sick?

**Shri Anil K. Chanda** : I take it he is asking about the number of Indian prisoners in Goa jails. I just said that if a separate question is put I can give detailed information. But for the information of the House I may say that Father Carrano, Director of the Dom Bosco Institute there, is looking after the interests of the Indian prisoners in the Goa jails.

**Shri Shree Narain Das :** Which are the political parties which still persist in conducting the so-called satyagraha there ?

**Shri Kamath :** Those who love cedom.

**Shri Anil K. Chanda :** On 2nd of October these two batches tried to enter into Portuguese territory. One was organised by the Goa Vimochan Samiti of Poon and the other by a joint organisation of the Communists and Praja Socialist Party. ]

**Shri Kamath :** They want to free Goa.

### भारत-इराक व्यापार करार

\*२७१. श्री श्रीनारायण दास : क्या बाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत तथा इराक के बीच वर्तमान व्यापार करार जो ३१ दिसम्बर, १९५५ को समाप्त होने वाला है क्या उसके नवीनीकरण अथवा कुछ परिवर्तनों के साथ पुनर्विचार के बारे में कोई कार्यवाही की गई है ;

(ख) क्या इस सम्बन्ध में दोनों देशों में कोई पत्र-व्यवहार हुआ है ; और

(ग) यदि हां, तो उसकी वर्तमान स्थिति क्या है ?

बाणिज्य मंत्री (श्री करमरकर) :

(क) से (ग). जी, हां । बगदाद स्पिन हमारा दूतावास इराक सरकार से पत्र-व्यवहार कर रहा है । अभी तक कोई अन्तिम निर्णय नहीं हो पाया है ।

श्री श्रीनारायण दास : क्या माननीय मंत्री कुछ अन्दाजा देंगे कि पिछले दो वर्षों में इस व्यापारिक करार से दोनों देशों के बीच व्यापार की प्रगति में किस हद तक वृद्धि हुई है ?

श्री करमरकर : हम नहीं कह सकते कि हमारे करार से व्यापार बढ़ा है या नहीं । हम दूसरे देशों के साथ व्यापारिक करार इसीलिए करते हैं कि हमारा व्यापार बढ़े ।

लेकिन हम यह नहीं कह सकते कि वास्तव में यह करार हुआ है तब से व्यापार बढ़ गया है ।

श्री श्रीनारायण दास : क्या यह सही है कि बगदाद करार के बाद से दोनों देशों के सम्बन्धों की, विशेष कर व्यापारिक सम्बन्धों की गति कुछ धीमी हो गयी है ?

श्री करमरकर : ऐसा तो नहीं कह सकते । धीमी भी नहीं है और तेजी भी नहीं हुई है ।

**Shri Kasliwal :** May I know whether during the period of the existence of this trade agreement India had a favourable or an adverse balance of trade with Iraq ?

**Shri Karmarkar :** Our total trade with Iraq increased during 1953-54 but decreased during 1954-55. And the figures for the first six months of 1955-56 do not indicate a rising trend.

### Socio economic Survey

\*273. **Shri Barman :** Will the Minister of Planning be pleased to state :

(a) whether any Interim Report on the Socio-economic Survey of the City of Calcutta has been submitted by Prof. J. P. Niyogi;

(b) whether it is proposed to publish the report; and

(c) what are the salient features of the survey ?

**The Deputy Minister of Planning (Shri S.N. Mishra) :** (a) A report covering a part of the investigation for the Socio-economic survey has been submitted.

(b) The question of publishing this Report at this stage is under correspondence with the University.

(c) The Socio-economic survey of the City of Calcutta will cover important aspects of life in the city, such as housing, education, consumption, social mobility etc., with special reference to (i) Rural-urban migration and (ii) employment opportunities associated with rapid urbanisation. The report referred to in the reply to part (a) of the Question above relates to employment in the organised sector in the City of Calcutta.

**Shri Barman :** May I know whether the interim report deals with the impact on the socio-economic life of Calcutta ?

to the large influx of refugees from East Pakistan? If so, what are its findings in this respect?

**Shri S. N. Mishra :** This is not the final report. It is only an *ad interim* report. It deals with fluctuations in the volume of employment in the organised sector.

**Shri Barman :** When is the final report expected?

**Shri S. N. Mishra :** I cannot indicate the time. As I said, the Director is Prof. J. P. Niyogi. I think he will take some time more.

**Thakur Jugal Kishore Sinha :** May I know what industries are included in the organised sector?

**Shri S. N. Mishra :** The Industries in the organised sector include the financial institutions also, and the industries which naturally cluster round these financial institutions. The employment opportunities in the public sector are also included, but small-scale business units have been excluded.

### Village Industries

\*274. **Dr. Satyawadi :** Will the Minister of Production be pleased to lay on the Table of the House a statement containing the details of the "Intensive Area Scheme" to improve village industries?

**The Minister of Production (Shri K. C. Reddy) :** A statement is laid on the Table of the Lok Sabha. [See Appendix II, Annexure No. 23].

**डा० सत्यवादी :** क्या मैं जान सकता हूँ कि इस स्कीम के मुताबिक हर स्टेट में कितने सेंटर खोले जा चुके हैं और पंजाब में कितने सेंटर खुले हैं?

**Shri K. C. Reddy :** In Punjab one centre has been started at Brara in Ambala district.

**Shri M. L. Dwivedi :** May I know whether any investigation has been made into the suitability of a place for selection of the local industries and whether the Industries and Commerce Ministry is in favour of it?

**Shri K. C. Reddy :** The Board sanctions the centres at its discretion. When sanctioning centre it goes into some of the aspects to which reference has been made in the statement that I have placed on the Table of the House. The criteria kept in view are the availability of constructive village level workers, the areas where

some constructive work has been done and some ground prepared and the willing co-operation and enthusiasm on the part of villagers to work out the schemes. I may add for the information of the hon. Member that this scheme was sanctioned when Khadi and Village Industries Board was under the control of the Ministry of Industry and Commerce.

**डा० सत्यवादी :** क्या मैं जान सकता हूँ कि जो सेंटर प्राप्त हो चुका है, यह स्टेट्स गवर्नमेंट के इन्तजाम में चल रहा है या सीधे आपके सेंट्रल गवर्नमेंट के इन्तजाम में चल रहा है?

**Shri K. C. Reddy :** These centres are under the control of the Khadi and Village Industries Board which is functioning under the Ministry of Production.

**ठाकुर युगल किशोर सिंह :** क्या मैं जान सकता हूँ कि बिहार में पायलेट स्कीम की कितने क्षेत्रों में जांच की गई थी?

**Shri K. C. Reddy :** According to the statement I have, four centres have been sanctioned in Bihar at Sokhodeora, Tiril, Hansa and Ranipatra.

**ठाकुर युगल किशोर सिंह :** मेरा सवाल यह नहीं था . . . . .

**Mr. Speaker :** Order, order.

### Steel

\*275. **Shri T. B. Vittal Rao :** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 621 on the 10th August, 1955 and state :

(a) whether the Tariff Commission have since concluded their enquiry and submitted their report regarding the retention prices for steel to be paid to Tata Iron and Steel Company and Indian Iron and Steel Company; and

(b) if so, the action taken by Government thereon?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) :** (a) No, Sir.

(b) Does not arise.

**Shri T. B. Vittal Rao :** May I know when the reference was made to the Tariff Commission?

**Shri T. T. Krishnamachari :** The reference was made on the 16th May.

**Shri T. B. Vittal Rao :** The retail prices of steel have been increased by treating the Colliery Block as an intergr-



part of the steel plant and this would have its repercussion on the coal industry. In view of that, do Government propose to expedite this enquiry ?

**Shri T. T. Krishnamachari** : I do not see how this enquiry has any effect on the prices as they are prevailing now. The retail prices fixed have no bearing on the retention prices at all, because of the very large margin between the retention prices and the retail prices. Even assuming that the Tariff Commission recommends an increase and assuming that the Government accept that increase, the retail prices will not be affected.

### Rural Electrification

\*276. **Shri S. C. Samanta** : Will the Minister of Irrigation and Power be pleased to state :

(a) whether any master plan for rural electrification has been formulated by Government;

(b) if so, the details thereof;

(c) the extent to which the scheme will be completed during the First Five Year Plan and how much money has been allotted for it;

(d) whether the State Governments will bear a share of expenditure or the Central Government will advance the whole amount as loan; and

(e) the rural electrification schemes taken up by different State Governments either by themselves or with the help of the Central Government up to now ?

**The Deputy Minister of Irrigation and Power (Shri Hathi)** : (a) to (c). A statement is laid on the Table of the House. [See Appendix II, Annexure 24].

**Shri S. C. Samanta** : In the statement it is said that during the first plan period, the Central Government have sanctioned loans for small town and rural electrification schemes in the various States for a total sum of Rs. 20.67 crores. May I know whether during the Second Five Year Plan period, allotment for rural and small town electrification will be made separately or an overall grant will be made ?

**Shri Hathi** : The various State Governments have in their plans made claims for various amounts for rural electrification. The total figure of all such claims comes to about Rs. 50 crores.

**Shri S. C. Samanta** : According to the rural electrification programme in West Bengal, I find that there is no place for Tamluk; may I know whether it has been sanctioned ?

**Shri Hathi** : That is for the consideration of the State Government. They propose various schemes for which loan is to be granted.

**Shri S. C. Samanta** : May I know whether the West Bengal Government have applied for the sanction of this scheme and if so what decision has been taken on that ?

**Shri Hathi** : I remember to have received a communication from the West Bengal Government. That was in connection perhaps with the acquisition of that power station.

**Shri L. N. Mishra** : May I know whether the earnings from the various electricity undertakings in the States are being utilised for rural electrification ? If so, may I have the figures for the various States under this head ?

**Shri Hathi** : As far as the electricity boards are concerned, all the earnings should be ploughed back to that industry. That is the idea. We have not got yet the figures of the profits from the various State Governments.

**Shri Joachim Alva** : Has Government taken a correct appraisal of the role of Jog waterfalls in Bombay and is Government aware that nearby towns which are hardly ten miles away from the Jog waterfalls are going abegging for electricity ?

**Shri Hathi** : That comes within the purview of the Bombay State Government.

**Shri Krishnacharya Joshi** : Question 284 also may be taken along with this.

**Shri Heda** : I have no objection.

**Mr. Speaker** : The two Questions may be taken together.

### SALT

\*278. **Shri Krishnacharya Joshi** : Will the Minister of Production be pleased to state whether the Regional Boards set up in the Salt producing areas have made their recommendations to the Central Board regarding the utilization of the proceeds of the Salt Cess ?

**The Minister of Production (Shri K. C. Reddy)** : Not yet.

The first meeting of a Regional Board—that for Saurashtra and Kutch—took place on 17th November and others are programmed to take place in the coming two months.

### Salt Cess

\*284. **Shri Heda** : Will the Minister of Production be pleased to state:

(a) the total Salt cess collected so far;

(b) the expenditure incurred on the research stations out of this cess fund; and

(c) how the balance of the amount has been spent?

**The Minister of Production (Shri K. C. Reddy)** : (a) The total collection since 1947 upto the end of September 1955 was Rs. 692.74 lakhs.

(b) No separate figures of expenditure on Research Stations is available.

(c) The cess collections are credited to General Revenues, and all expenditure on the Salt Organisation, maintenance and development of salt works, model farms, test laboratories, etc. is met out of the General Revenues.

**Shri Krishnacharya Joshi** : May I know how the proceeds of the salt cess are being utilised at present?

**Shri K. C. Reddy** : The proceeds from the salt cess are utilised to meet the expenditure of the Salt organisation and the development of the salt, industry, broadly speaking.

**Shri Krishnacharya Joshi** : May I know if there is any proposal to levy a tax on salt?

**Shri K. C. Reddy** : No, Sir.

**Shri S. C. Samanta** : May I know why other Regional Boards are not meeting?

**Shri K. C. Reddy** : These Boards were constituted in October this year and they have been meeting one after the other.

**Shri Heda** : To what extent has the amount collected from salt cess been spent and if the amount has not been spent, may I know whether it lapses or whether it is used for the next year?

**Shri K. C. Reddy** : The present procedure is that the proceeds of the salt cess are credited to the general revenues and the expenditure also is met from general revenues. No separate fund for salt cess collected has been decided upon. We are discussing this with the Finance Ministry.

### River Valley Projects

\*279. **Shri L. N. Mishra** : Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Union Government receive regular returns from the various river valley projects of the country giving lists of equipments and machinery surplus to their requirements; and

(b) if so, whether equipments and machinery thus spared are given to others who require them?

**The Deputy Minister of Irrigation and Power (Shri Hathi)** : (a) and (b) The Central Water and Power Commission who had been entrusted with the responsibilities of Coordinating work in this regard, was experiencing considerable difficulties in obtaining lists of surplus equipment from the various project authorities. The matter was brought to the notice of the coordination Board of Ministers at the Board's meeting held in October last and then taken up with the States at Ministers' level. We have received their assurance for a quick supply of information. In the meantime returns have been received from some of the major projects and the surplus equipment detailed therein have been offered to other projects. Arrangements have been made to circulate to projects needing equipment or of surplus lists as and when they are received.

**Shri L. N. Mishra** : May I know whether the Government has got a list of machineries and equipment which are surplus in the various projects and the machinery required in other projects?

**Shri Hathi** : We have now the lists from major projects and some other projects also giving the surplus machinery with them and also the list of machinery required by other projects.

**Shri L. N. Mishra** : May I know whether some of the projects have taken objection to the utilisation of the surplus machinery on the ground of transfer costs?

**Shri Hathi** : They have not actually taken objection about the cost; but sometimes they object on the ground that the machinery is rather old and they would like to go in for new machinery. But wherever the question of cost would arise, the Central Government would decide it.

**Shri L. N. Mishra** : May I know whether the surplus machinery in Durgapur barrage is expected to be utilised somewhere else?

**Shri Hathi** : About 7 pieces of machinery—I have got the list with me—have been selected for the Kosi Project from the D.V.C.

**Shri V. P. Nayar :** We have found that in various projects various items of machinery which have been used there and which have no use in such projects, any more are lying idle, while for want of such machinery in other projects works are being held up. May I know whether any list of priorities in respect of such machineries has been drawn up on an all-India basis and whether any central agency will be set up to distribute such machinery according to some well defined priorities?

**Shri Hathi :** Actually, that is the idea in taking up this question. In some projects, some machinery may be lying unused or idle. Other projects may be requiring them. Therefore, a special Directorate in the Central Water Power Commission has been entrusted with the job of collecting information from those projects where there is surplus machinery and getting information from the other projects where they are required. They will arrange for the transfer of the machinery.

### Steel Plant

\*282. **Shri Jhulan Sinha :** Will the Minister of Iron and Steel be pleased to refer to the reply given to Starred Question No. 1963 on the 6th April, 1955 and state:

(a) whether it is a fact that Japan has renewed its offer to set up a steel plant in India; and

(b) if so, Government's reaction to the offer?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) :** (a) No, Sir.

(b) Does not arise.

**Pandit D. N. Tiwary :** May I know whether it is a fact that the hon. Minister for Commerce and Industry, when he visited Patna last, declared at a public meeting that the fourth steel plant will be located in Bihar and that too at Bokaro for which it is being developed now?

**Shri T. T. Krishnamachari :** There is a question about it later. I think this supplementary might come on that question.

**Shri Joachim Alva :** On a former occasion, I had an opportunity of asking the hon. Minister whether he will inform the house as to which of the offers that have been made by the foreign States to us are accepted and whether they are really the best in the matter of technical aid that they would offer us, in the matter of monetary payments to be made in instalments and in the matter of the quick time by which the plant will be erected.

**Mr. Speaker :** Order, order : I think he is putting too wide a question.

### अखबारों कागज का कारखाना

\*283. **श्री भक्त बर्षान :** क्या वाणिज्य और उद्योग मंत्री २ अप्रैल, १९५५ को दिये गये तारांकित प्रश्न संख्या १८२२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर प्रदेश सरकार ने हाल ही में द्वितीय पंचवर्षीय योजना में सम्मिलित किये जाने के लिये राज्य में अखबारों कागज का एक कारखाना खोलने का प्रस्ताव किया है; और

(ख) यदि हां, तो उसका व्योरा क्या है ।

**वाणिज्य और उद्योग तथा लोहा और इस्पात मंत्री (श्री टी० टी० कृष्णामाचारी) :**

(क) तथा (ख). दूसरी पंचवर्षीय योजना के लिये राज्य सरकार ने जो संशोधित प्रस्ताव भेजे हैं, उनमें उसने इस प्रकार की किसी योजना को सम्मिलित नहीं किया है ।

**श्री भक्त बर्षान :** क्या मंत्री महोदय को याद है कि कुछ दिनों पहले इसी सदन में नियोजन मंत्रीजी ने एक प्रश्न का उत्तर देते हुये बतलाया था कि उत्तर प्रदेश की सरकार ने जो अपनी दूसरी पंचवर्षीय योजना रखी है उस में अखबार के कागज के कारखाने का भी जिक्र किया है । क्या मैं जान सकता हूँ कि इन दोनों मंत्रियों के जवाबों में क्यों अन्तर है ?

**वाणिज्य मंत्री (श्री कर्माकर) :** पहले तो जिक्र हुआ था, लेकिन बाद में प्लैनिंग कमिशन और उत्तर प्रदेश की सरकार के दम्यान इस बारे में बातचीत हुई और उन्होंने तय कर लिया है कि अभी फैक्ट्री खोलने के लिये रा मैटीरियल्स बगैरह के बारे में और इन्वेस्टिगेशन की जरूरत

है। इसलिये उन्होंने सेकेन्ड फाइव इमर प्लान में से इस स्कीम को विषट्ठा कर लिया है।

**श्री भक्त बर्षन :** क्या इस का यह अर्थ है कि दूसरी पंच वर्षीय योजना में उत्तर प्रदेश में भल्लबारी कागज के कारखाने के खुलने की अब कोई सम्भावना नहीं है, और क्या उत्तर प्रदेश की सरकार ने इसको अपनी ओर से वापस लिया है या केन्द्रीय सरकार ने जोर डाला कि इस को वापस लिया जाय ?

**श्री करमरकर :** मेरे दोस्त का सवाल भी बहुत साफ है और मेरा जवाब भी साफ है। वह उस को पढ़ सकते हैं और अपने सवाल का जवाब उन्हें मिल जायेगा।

**अध्यक्ष महोदय :** इस प्रश्न में एक ही बात है कि इसे उत्तर प्रदेश की सरकार ने स्वयम् वापस लिया या सेन्ट्रल गवर्नमट के दबाव से वापस लिया।

**श्री करमरकर :** इस में दबाव का कोई सवाल नहीं होता है। इस पर सोच विचार हुआ और उन्होंने विषट्ठा किया। और सोच विचार करने के बाद अग्रर प्लानिंग कमिशन ऐसी हो जायेगा तो एक्सेप्ट हो जायेगा।

**Shri C. D. Pande:** May I know if the Government of India will move *suo motu* in the direction of establishing a news-print factory in view of the fact that the Himalayan region of Uttar Pradesh has got an abundant supply of soft timber?

**Shri T. T. Krishnamachari:** I do not know if this question impinges on the answers given by my colleague, because I do not know what the question was and what the answer was. Anyway, Government have no such intention.

#### Coal Gas

\*285. **Pandit D. N. Tiwary:** Will the Minister of Production be pleased to state:

(a) whether the advice given by the two German Experts Dr. H. H. Koppers and Mr. Tatzik for gasifying non-coking coal by a new process has since been examined and tested; and

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

**The Minister of Production (Shri K. C. Reddy):** (a) and (b). The Koppers-Totzek Process for the gasification of pulverised coal has been recommended by Messrs. Heinrich Koppers of Germany in their Project Report for the Production of liquid fuel from coal. This report is at present being examined by an Experts Committee set up by Government to consider the report.

**Pandit D. N. Tiwary:** May I know what benefits are to be derived from this process?

**Shri K. C. Reddy:** I cannot answer that definitely now as I have indicated that the whole report is being examined by an expert committee. Till we have the opinion of the expert committee, we cannot say anything definite about it.

**Shri T. B. Vittal Rao:** The hon. Minister has said that they have submitted a project report. There were three companies from which we have to get project reports regarding the manufacture of synthetic oil. May I know whether all the three firms have submitted project reports?

**Shri K. C. Reddy:** Apart from the firm referred to in the question, Messrs. Kurgi of Germany have since submitted a project report. The project report from Messrs. Kellogg of the U.S.A. is expected shortly.

**Shri T. B. Vittal Rao:** When is the examination by the expert committee likely to conclude?

**Shri K. C. Reddy:** I cannot say when it is likely to conclude. They are having a meeting on the 5th and 6th of December. After the Kellogg's report is also received, they have to go into that also. It is hoped that the examination of the reports will be completed very early.

**Pandit D. N. Tiwary:** May I know whether the hon. Minister could give us any idea about the quantity of metallurgical coal that can be saved through this process?

**Shri K. C. Reddy:** I should like to have notice.

#### Mitsui Bussan Kaisha Ltd

\*286. **Shri M. S. Gurupadaswamy:** Will the Minister of Commerce and Industry be pleased to state the total value of the claim made by the Madras Government as compensation for damages for breach of contract against Mitsui Bussan Kaisha Ltd. Madras, a pre-war Japanese firm?

**The Minister of Commerce (Shri Karmarkar):** Rs. 34,311. 6

**Shri M. S. Gurupadaswamy:** May I know what action the Government of India have taken to realise this amount either from the company or from the Government of Japan?

**Shri Karmarkar:** It was decided that the loss to the Government of Madras should be made good to them out of the vested assets of the Japanese firm. Orders have been issued accordingly.

**Shri M. S. Gurupadaswamy:** What would be the amount of the assets of this firm?

**Shri Karmarkar:** I should like to have notice as to what the exact amount would be.

**Shri M. S. Gurupadaswamy:** May I know whether the Government of Madras has asked the Government of India to take steps to move the Government of Japan in this matter and the people concerned with this company to make good the whole amount?

**Shri Karmarkar:** I am not aware of any such thing.

### Tyre Factory

\*287. **Shri Chandak:** Will the Minister of Commerce and Industry be pleased to refer to the replies given to supplementaries to Starred Question No. 2373 on the 29th September, 1955 and state:

(a) whether it is a fact that Government have received a proposal for the setting up of a tyre factory; and

(b) if so, whether Government propose to grant any special facilities (financial or otherwise) to this concern as per recommendation of the Tariff Commission?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) Yes, Sir.

(b) It is premature to say anything more about it since the proposal is still under consideration.

**Shri Chandak:** Is it a fact that an application for a new tyre factory is pending for over a year and that is because the Government are insisting in having the factory in the south?

**Shri T. T. Krishnamachari:** I do not know about that. There is certainly a demand from Travancore-Cochin for a factory in that area. But, so far as the particular application is concerned, if that is the application which the hon. Member has in mind, that was an application which was received in May.

**Shri Chandak:** Is it a fact that a foreign combine has agreed to set up a factory in the south?

**Shri T. T. Krishnamachari:** No foreign combine has yet been approached to set up a factory in the south.

**Shri A. M. Thomas:** May I enquire which concern has made the proposal and what exactly is the nature of the proposal?

**Shri T. T. Krishnamachari:** At the present moment, we may or may not accept the proposal. At present, I would like to have permission of the Chair not to divulge the names.

**Shri V. P. Nayar:** May I know whether, in view of the alarming details of concentration of monopoly in certain foreign firms in the matter of production of rubber articles, as detailed in the Tariff Commission's report recently laid before the House, it is in the contemplation of the Government to start a Government-owned factory for the manufacture of articles from rubber at a place which is best suited for that?

**Shri T. T. Krishnamachari:** If my hon. friend wants me to accept what he states as the cause and effect. I am afraid I do not feel the same way.

### कम्बोडिया को टेक्निकल सहायता

\*२८८. श्री विभूति मिश्र : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) टेक्निकल विशेषज्ञों का प्रस्थापित दल कम्बोडिया कब भेजा जायगा; और

(ख) उस दल को कौनसा विशेष कार्य सौंपा गया है ?

**वैदेशिक कार्य उपमंत्री (श्री अनिल के० बन्दा) :** (क) उम्मीद है कि यह दल जल्दी ही कम्बोडिया के लिये रवाना हो जायगा ।

(ख) ये विशेषज्ञ कम्बोडिया जायेंगे और इस बात को ध्यान में रखते हुए कि भारत सरकार कम्बोडिया को किस तरीके से टेक्नीकल मदद दे सकती है वहां के हालात का निरीक्षण (सर्वे) करेंगे ।

श्री बिभूति मिश्र : इस दल में किन कि विशेष चीजों के जानने वाले विशेषज्ञों को कम्बोडिया भेजा जाएगा ?

**Shri Anil K. Chanda:** Seven experts:—one a medical expert, one on trade and commerce, one on agriculture, one on animal husbandry, two on cottage industries and handicrafts and one on community projects.

श्री बिभूति मिश्र : यह जो विशेषज्ञ वहां जायेंगे, कितने दिनों तक इनको वहां पर रखने का सरकार ने इतिजाम किया है ?

**Shri Anil K. Chanda:** I do not think they will require more than two or three weeks to make the investigations on the spot.

**Shri Kasliwal:** May I know whether any formal agreement has been signed between India and Cambodia for this purpose?

**Shri Anil K. Chanda:** No. There has been no formal agreement as yet, but there has been a request from the Government of Cambodia that we may give them the benefit of technical aid etc.

### राष्ट्रीय औद्योगिक विकास निगम

\*२८६. श्री के० सी० सोबिया : क्या वाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राष्ट्रीय औद्योगिक विकास निगम ने कुछ नये उद्योगों को सहायता देने के लिये एक योजना तैयार की है ;

(ख) यदि हां, तो वे उद्योग कौन-कौन से हैं ; और

(ग) किन शर्तों पर निगम ने इन उद्योगों को सहायता देने का निर्णय किया है ?

वाणिज्य और उद्योग तथा लोहा और इस्पात मंत्री (श्री टी० टी० कृष्णामाचारी):

(क) तथा (ख). राष्ट्रीय औद्योगिक विकास निगम ने निम्न उद्योगों का विकास आरम्भ करने का निश्चय किया है :—

(१) इस्पात की फाउन्ड्रियां, गढ़ाई और इस्पात के ढांचे तैयार करने के कारखाने ।

(२) छपाई की मशीन ।

(३) एयर कम्प्रेसर तथा तत्सम्बन्धी उपकरण ।

(४) तापसह ईटें ।

(५) लकड़ी की लुग्दी ।

(६) कालिख ।

(७) रंग बनाने के काम आने वाले मध्यवर्ती पदार्थ ।

(८) पायराइट से गंधक बनाना ।

(ग) आवश्यक योजना रिपोर्ट जब तैयार हो जायेंगी, तब राष्ट्रीय औद्योगिक विकास निगम उनको क्रियान्वित करने के तरीकों पर विचार करेगा ।

श्री के० सी० सोबिया : इनके लिये प्राइवेट इंडस्ट्री को इन्वाइट किया जायेगा या सरकार खुद इनके बारे में इतिजाम करेगी ?

**Shri T. T. Krishnamachari:** It is very premature. If the industry is of such a nature that it is better for the Government to undertake it themselves, the Government would undertake it.

\* श्री के० सी० सोबिया : इनके बारे में क्या कोई डिटेल्ड स्कीम बनाई गई है कि कितना कितना खर्चा किस किस काम में होगा ?

**Shri T. T. Krishnamachari:** The schemes are in the stage of formulation. Enquiries have not even started in many cases.

### Community Projects Administration

\*२९०. **Shrimati Maydeo:** Will the Minister of Planning be pleased to state:

(a) whether the Community Projects Administration has drawn up a programme of training for Block Level Extension Officers in Cottage and Small Scale Industries.

(b) what is the number of candidates that will be taken up for training this year and during each subsequent year; and

(c) where will they be trained?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) The Ministry of Commerce and Industry has drawn up the Programme in consultation with Community Projects Administration.

(b) Sixty-four trainees will complete their training in the current year. It is proposed to train two hundred persons in each of the subsequent years.

(c) The candidates are being trained at the four Regional Institutes set up at Bombay, Faridabad (temporarily functioning at New Delhi), Calcutta and Madras.

**Shrimati Maydeo:** What are the small-scale or cottage industries that are visualised? Were there any specific small-scale industries found suitable and successful during the last two years in the community project areas?

**Shri S. N. Mishra:** The purpose of the training is that these trainees will acquire general knowledge regarding the multi-purpose aspects of the development of village and small-scale industries. They will also acquire information regarding activities of the various agencies and organisations and also regarding Acts and regulations in force. So far as specific industries are concerned, they would be taken up in different areas according to the potentialities or industries obtaining in those areas.

**Shrimati Maydeo:** Is it a fact that water meters were made in one of the community projects as a small-scale industry on a co-operative basis and the turnover within one year was worth Rs. 1 lakh?

**Shri S. N. Mishra:** I would require notice for that.

**Shri H. G. Valsan:** Are there any qualifications fixed for the candidates for training?

**Shri S. N. Mishra:** I do not think any rigid qualifications have been fixed, but these officers are being appointed by the State Governments.

**Shri B. K. Das:** Under the existing programme in our development blocks and the N. E. S. blocks, agriculture is the main item of work. May I know whether it is the idea that after the training has been imparted to village-level workers,

the major item of work in some blocks will be cottage industries, and whether the budget will be adjusted accordingly?

**Shri S. N. Mishra:** The exact import of the question is not very intelligible.

**Shrimati Ila Palchoudhury:** May I know if any women are trained under the scheme?

**Shri S. N. Mishra:** They are not excepted.

## Jute

**\*291. Shri Bishwa Nath Roy:** Will the Minister of Commerce and Industry be pleased to state whether Government have under consideration any proposal for meeting the situation arising out of the competition with Indian jute goods by Pakistan after devaluation of the rupee in that country?

**The Minister of Commerce (Shri Karmarkar):** The Government of India have already abolished the export duty on jute goods. They have also decided to encourage the modernisation of Indian jute mills equipment. The Indian jute industry at present seems to be holding its own in foreign markets.

**Shri Bishwa Nath Roy:** May I know whether the devaluation of the rupee in Pakistan has adversely affected the export of Indian jute goods?

**Shri Karmarkar:** It has not up till now, that is what I said.

**Shri Bishwa Nath Roy:** May I know if it is a fact that after the devaluation of the Pakistan Rupee, price rate of Indian jute goods has gone down?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** Yes, Sir. The prices of Indian jute goods have gone down not merely to the extent of the export duties that we levied, but a little more.

**Shri Bishwa Nath Roy:** May I know whether the attention of the Government has been drawn to the fact that within the last two months the price of the jute has gone down considerably?

\*The qualifications for persons selected for training were later given as follows by the Deputy Minister of Planning *vide* Part II Debates, dated 30-11-55:—

- (i) A Diploma or Degree in Mechanical or Electrical Engineering
- (ii) B. Sc. (Chemical Engineering) or degree in Applied Physics and
- (iv) Age not more than 25 years and lastly Aptitude to stay in village.



**Shri T. T. Krishnamachari:** The question of the prices of jute has got a bearing on the prices of jute goods. At the present moment, the prices of sacking which is an important element in the items manufactured by the jute industry is well on the upgrade, and I think one equalises the other.

**Shri Bishwa Nath Roy:** May I know whether any attempt has been made by the Government to get any new markets for the export of Indian jute goods?

**Shri T. T. Krishnamachari:** Attempts are being made constantly by the I.J.M.A. They have got an organisation in America, and if there are possibilities of new markets, they are all being tried.

### **Tapioca Starch Factory**

\*292. **Shri A. M. Thomas:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal to start a Tapioca Starch Factory in Travancore-Cochin.

(b) if so, the nature and the scope of the venture;

(c) whether the proposal is being opposed by the Maize Starch Sector; and;

(d) if so, whether Government have taken any decision in the matter?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) Yes, Sir. The Government are aware that there were two proposals.

(b) One proposal is for setting up a Tapioca Starch Factory with foreign collaboration while the other proposal sought Government participation in its capital structure.

(c) and (d). The Starch industry is not a scheduled industry. The Central Government came into the picture as one of the proposals involved investment of foreign capital and the other one invited Government participation in the capital. The first one was supported by the State Government and permission was accorded for foreign capital participation under certain conditions. Protests were received from the Maize Starch Sector of the industry against the establishment of this unit after the permission was given.

**Shri A. M. Thomas:** What will be the investment in this factory? What will be its capacity? What will be the quantity of raw tapioca that will be consumed by this factory?

**Shri T. T. Krishnamachari:** The terms of foreign participation appear to be in the region of 15,000 shares of Rs. 10 each out of a total of 45,000 shares of the same face value, and a royalty of one dollar per ton for the tapioca starch produced for ten years. The proposed undertaking will have a daily installed capacity of 50 tons in terms of tapioca and will be operated for 120 days in the year to begin with. The effective capacity of the factory will therefore be about 6,000 tons a year should it operate all through the year.

**Shri A. M. Thomas:** What is the latest estimate of the requirement of India, and what portion of it is met by indigenous production?

**Shri T. T. Krishnamachari:** So far as the question of maize starch is concerned, I would require notice. But so far as the second part of the question is concerned, I may say that the production in this factory is not expected to go into consumption in India.

**Shri V. P. Nayari:** The hon. Minister said that 15,000 shares of the value of Rs. 10 each have been allowed for the foreign firm which is trying to collaborate with the Indian firm. May I know the basis on which such foreign collaboration has been allowed in the case of an industry like making starch out of tapioca where the ordinary man always thinks there is nothing like a technical know-how to warrant a foreign investor?

**Shri T. T. Krishnamachari:** The manufacture of the particular type of end-product in view will not exactly fit in with the latter part of the question, if that was the question put by the hon. Member. Foreign collaboration has been allowed because in the view of the State Government it is an industry which will help the tapioca-growing people; secondly, there is enough safeguard so far as the Indian industry is concerned, because in fact the bulk of its production will go in for the export market.

### **Unemployment**

\*293. **Dr. Ram Subhag Singh :** Will the Minister of Planning be pleased to state:

(a) the position of educated unemployment in the country at present;

(b) whether it has increased during the period of the implementation of the First Five-Year Plan; and

(c) if so, what steps Government propose to take to prevent the increase in the educated unemployment in the country?



**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) According to Employment Exchange statistics the number of employment seekers belonging to the educated category continue to exhibit an upward trend.

(b) Yes, Sir.

(c) Plans designed to relieve unemployment among the educated will be considered for inclusion in the Second Five-Year Plan.

**Dr. Ram Subhag Singh:** To what extent has the progress of the First Five-Year Plan induced or encouraged the educated youths to take up rural avocations? Could the hon. Minister give us any statistics in that regard?

**Shri S. N. Mishra:** The exact contribution made by the First Five-Year Plan towards the solution of this problem is still under assessment, and that will be undertaken by the study group.

**Dr. Ram Subhag Singh:** The scope of the First Five-Year Plan was expanded some time in the early part of last year by providing Rs. 175 crores for giving employment to educated youths. May I know whether the provision of that sum has to any extent contributed in giving employment to the educated youths, and if so, to what extent?

**Shri S. N. Mishra:** So far, we have information only about the number of persons that were absorbed in one-teacher schools. About the other avenue of employment created, we cannot give any estimate.

**Dr. Ram Subhag Singh:** Arising out of the answer just given, may I know whether any reliance can be placed on the capacity of Government to work out the Karve Committee's report so as to give employment to about 4½ million persons in cottage industries and handicrafts?

**Shri S. N. Mishra:** The Karve Committee was appointed by the Planning Commission; and reliance can always be placed on Government for proper and sensible things.

**The Minister of Planning and Irrigation and Power (Shri Nanda):** May I add that it is because it was felt that the First Five-Year Plan had not created an adequate volume of employment in the shape of new opportunities that arrangements are being made for that purpose; and the proposals of the Karve Committee are a part of those arrangements for new employment opportunities in the country.

**Dr. Lanka Sundaram:** Out of this sum of Rs. 175 crores additionally allotted last year to deal with unemployment, have Government set apart a specific

portion to deal with educated unemployment? If so, may I know whether that portion of the money that was allotted separately has been spent, and if it has been spent, what are the results achieved so far? I am asking with reference to educated unemployment only.

**Shri Nanda:** So far as specific opportunities for solving the problem of educated unemployment are concerned my hon. colleague has already answered that there was recruitment of more teachers in rural areas. That was what was realised upon, and that has been achieved almost to the full extent.

**Pandit D. N. Tiwary:** May I know whether the Planning Commission have considered the Karve Committee's report? May I also know whether the proposals of the Karve Committee are being opposed by the Commerce and Industry Minister and statements in public have been made to that effect?

**Shri S. N. Mishra:** So far as the consideration by the Planning Commission is concerned we are still at it, but about the controversy to which the hon. Member has referred, we do not have any information.

#### Export of Elephants

**\*294. Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of elephants exported to foreign countries during the years 1953, 1954 and 1955 so far; and

(b) the income which accrued to India on account of their export?

**The Minister of Commerce (Shri Karmarkar):** (a) and (b). A statement is placed on the Table of the House. [See Appendix II, Annexure No. 25].

**Sardar Iqbal Singh:** May I know the number of elephants that were given as free gifts and the number that were sold to the other countries up till now?

**Shri Karmarkar:** I have given the figures already. Perhaps my hon. friend wants to know how many were actually sold. I have no figures with me in respect of that. But I read in the papers that a small number were presented by our Government to some other Governments.

**Shri Feroze Gandhi:** Were any white elephants also there?

**Sardar Iqbal Singh:** Are Governments aware of the fact that the number of elephants required by the other countries for their zoological gardens is so large

that we cannot supply them, and that is why Siam is trying to compete with India in the matter of export of elephants?

**Shri Karmarkar:** The quantum of export in regard to elephants has been fixed presumably by the Food Ministry. With regard to the very important supplementary question just now put, I shall make enquiries, and if there is anything worthwhile, I shall keep the House informed of the position.

**Shri Kamath:** From the statement laid on the Table I find that 13 more elephants were exported in 1954 as compared with the number exported in 1953, but they fetched far less. May I know why our elephants have depreciated in value, and whether this can be ascribed in any measure to the increasing import of white elephants from abroad?

**Shri Karmarkar:** About white elephants, my hon. friend is a better authority. As regards prices, they vary with the age, the type of animal, (whether useless or useful), and so on. So, the prices vary for each animal.

**Mr. Speaker:** Next question.

**Shri Kamath:** The hon. Minister is undoubtedly a better authority on white elephants...

#### Export of Cotton Goods

\*295. **Shri Amjad Ali:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have decided to extend freelicencing of all the permissible varieties of cotton price-goods and cotton manufactures including cotton waste blankets for shipment upto the end of June 1956; and

(b) if so, whether it includes both mill and powerloom manufactures?

**Mr. The Minister of Commerce (Shri Karmarkar):** (a) and (b). Yes, Sir.

**Shri Amjad Ali:** In view of the answer 'Yes', may I know what effect it has on the prices of these products in their internal consumption in India?

**Shri Karmarkar:** There has been no appreciable effect of these exports on the internal prices.

**Shri Amjad Ali:** Has the balance of trade improved on account of these exports?

**Shri Karmarkar:** For instance, in 1954 the total foreign exchange that we earned on account of export of cotton products was Rs. 58 crores as against Rs. 45 crores in 1953. To that extent, naturally the balance of trade has improved.

**Shri M. S. Gurupadwamy:** Is it a fact that the total cloth available at present is adequate only for five weeks as per the statement that has been made by the official sources, and if so, may I know whether if more export of cloth is allowed hereafter, it will not cause inconvenience to the consuming public?

**Shri Karmarkar:** We are happy about the buoyancy in the textiles market, because it shows that there is more consumer demand. In case there is a likelihood of any shortage, surely we shall take note of that. Our duty naturally is to our consumers.

#### India's Foreign Trade

\*297. **Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to state:

(a) the overall position of India's foreign trade during the months from July to November, 1955; and

(b) whether any steps have been taken to make up the deficiencies that have been found after the study of trends in different sectors?

**The Minister of Commerce (Shri Karmarkar):** (a) and (b). Statistics of trade are available only for the period ending October, 1955. These figures reveal that the total trade increased from Rs. 400 crores during July-October, 1954 to Rs. 405 crores during the corresponding period this year. The balance of trade which was adverse to us by Rs. 18 crores during July-October, 1954 was favourable to the extent of Rs. 7 crores in July-October, 1955. The balance of payments position, continues to be favourable. The improvement in the terms of trade has also been maintained. Government continue their efforts to promote exports and to regulate imports to meet the needs of the country's growing economy and to diversify the country's foreign trade.

**Shri D. C. Sharma:** May I know in what commodities the trade has been the highest, and has shown any tendency towards upgrading?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** There has been a general improvement in prices, and in some of the major commodities like tea and jute, this improvement has had a part to play in the figures that were given out from time to time. Altogether, I think there has been an improvement of about 18 per cent.

**Shri D. C. Sharma:** May I know how our balance of trade with UK, and USSR has stood?

**Shri T. T. Krishnamachari:** As a matter of fact, this requires my going into details. I am afraid the hon. Member will have to put down a question.

**Shri D. C. Sharma:** May I know if the new budget proposals of Mr. Butler in the House of Commons recently have in any way affected our balance of trade?

**Shri T. T. Krishnamachari:** I do not think that so far as our trade with the UK—our export to the UK—is concerned, the 'credit squeeze' of the Chancellor of the Exchequer of UK is likely to affect us very much. One of the principal commodities that we export to UK happens to be tea, and the demand is not quite so elastic as to respond to a 'credit squeeze'.

**Shri Kasliwal:** While addressing the Export Advisory Council recently, the hon. Minister had said that he proposed to have an export plan to be included in the next Five-Year Plan. May I know what steps has taken towards that?

**Shri T. T. Krishnamachari:** I have made a statement day before yesterday; I cannot bring out a chart today. It has got to go through a period of incubation.

#### Steel Plant

**\*298. Shri Nageshwar Prasad Sinha:** Will the Minister of Iron and Steel be pleased to state:

(a) whether Government propose to set up a fourth steel plant in India; and

(b) if so, where?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) and (b). Government are not at the moment considering any plans to set up a fourth steel plant. But it has been decided to take steps to develop the site near Bokaro in Bihar with a view to establish a fourth steel plant when such a scheme eventuates.

**Shri Nageshwar Prasad Sinha:** May I enquire whether Government have in mind any period within which this development work at Bokaro has to be undertaken?

**Shri T. T. Krishnamachari:** No. I have fixed no targets yet.

**Shri Nageshwar Prasad Sinha:** Is it a fact that the Bihar Government has proceeded ahead and acquired about 30 or 34 square miles of land for the location of this fourth steel plant?

**Shri T. T. Krishnamachari:** I have no precise information. But if Bihar Government had done so, that would be a part of the scheme of development of that area.

**Shri Bhagwat Jha Azad:** May I know if some countries have offered to erect steel plants in India—the fourth or fifth? If so, which are the countries?

**Shri T. T. Krishnamachari:** These reports that appear in the newspapers from time to time are largely a matter of wishful thinking. I had no precise offer from any country.

**Shri Bhagwat Jha Azad:** May I know if the difficulties which were prevailing at Bokaro at the time of selecting the site have been overcome, and also what efforts are being made to develop the site for the fourth steel plant?

**Shri T. T. Krishnamachari:** Attempts at developing the site happen to be included amongst others attempts to overcome the difficulties which were found to exist when we were deciding on a site for the third steel plant, and when we develop this site, these difficulties such as the lack of road transport, lack of rail transport, bridge over the river, will all be overcome.

#### Salt

**\*299. Shri Kamath:** Will the Minister of Production be pleased to refer to reply given to Starred Question No. 2397 on the 29th September, 1955 and state:

(a) whether consideration of the representation made by the All India Salt Refiners' Association in connection with the proposed import of rock salt from Pakistan has since been concluded; and

(b) if so, with what result?

**The Minister of Production (Shri K. C. Reddy):** (a) and (b). Consideration has not been concluded. The points raised by the All India Salt Refiners' Association will, however, be borne in mind while arranging the distribution of rock salt to be imported from Pakistan.

**Shri Kamath:** Is it a fact that this salt refining industry is manned almost exclusively by displaced persons from Pakistan on explicit encouragement by the Government and on the distinct understanding that no foreign salt would be imported in future, so as to protect their interests?

**Shri K. C. Reddy:** It is true that the refining industry is mainly being carried on by displaced persons. But I do not think that any undertaking of the kind referred to by the hon. Member was given by the Government.

**Shri Kamath:** In view of the fact that we have been exporting salt to Japan and Indonesia in the last two years, why was it considered necessary to import salt into India?

**Shri K. C. Reddy:** A trade agreement with Pakistan was finalised sometime ago in the interest of promoting trade between the two countries. We wanted to export certain commodities to Pakistan and they wanted to export some quantity of rock salt to our country. So it was a case of give and take.

**Shri Kamath :** In the process of helping Pakistan do Government not realise the fact that refugees from Pakistan would be badly hit?

**Shri K. C. Reddy:** I do not think the refugees will be very badly hit. In fact, in our proposals for the distribution on of the rock salt to various States, the interests of the salt refining industry will also be kept in view and distribution will be so made as not to affect adversely the salt refining industry.

### Engineering College for Orissa

\*300. **Shri Sanganna:** Will the Minister of Planning be pleased to refer to the reply given to Starred Question No. 1448 on the 5th September, 1955 in respect of the Engineering College in Orissa and state:

(a) whether any conclusion has been arrived at in the matter; and

(b) if so, with what result?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) Yes, Sir.

(b) The Scheme has been provisionally included in the State's Second Five-Year Plan.

**Shri Sanganna:** May I know whether at present any quota of reservation has been made for engineering students from Orissa in engineering institutes in other States? If so, to what extent?

**Shri S. N. Mishra:** I understand that so far as the existing arrangement is concerned, there are such provisions, but it is exactly to make up this shortage that this engineering college is sought to be established.

**Shri Sanganna:** How many Part 'A' States have got engineering colleges so far in India?

**Shri S. N. Mishra:** I require notice.

**Shri Ramachandra Reddi:** What allotment has been made towards this engineering college in Orissa from Central funds?

**Shri S. N. Mishra:** That would be considered by the University Grants Commission.

### Structural

\*301. **Shri Gidwani:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have decided to reimpose control on structural steel products;

(b) if so the items on which control will be imposed; and

(c) the reasons therefor?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) Presumably the hon. Member is referring to heavy structurals. If so, control was reimposed on 15-11-1955.

(b) A copy of the notification issued is placed on the Table of the House [See Appendix II, Annexure No. 26].

(c) In view of the sharp increase in demand for these products and the limited availability, Government considered it necessary to reimpose control.

**Shri Gidwani:** May I know what is the production of structural steel in India and what is the probable need during the next two years?

**Shri T. T. Krishnamachari:** The maximum production capacity with the existing producers is roughly in the region of about 24,000 tons per month. I cannot say precisely what the estimated demand will be. So far we carry an outstanding of 176,000 tons in respect of the demand that we have, and much of it has to be supplied from imports.

**Shri Gidwani:** May I know whether China and Russia have offered to supply steel? If so, what is the quantity so far accepted, and do the prices compare favourably with the existing prices?

**Shri T. T. Krishnamachari:** There is no question of an offer to supply steel. India now needs steel and we are trying to tap every available market. And I might assure the hon. Member that nobody will be willing to sell steel at below the world market price, nor are we likely to buy at a price above the world market price.

### WRITTEN ANSWERS TO QUESTIONS

#### Bangalore Broadcasting Station

\*372. **Shri N. Rachiah:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government have decided to broadcast regional

news in Kannada from the All India Radio, Bangalore; and

(b) if so, the date from which such news will be broadcast?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). The question of broadcasting regional news in Kannada from AIR's Bangalore Station which was opened on 2nd November 1955 is under consideration.

### Monkeys

**\*277. Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1377 on the 2nd September, 1955 and state:

(a) whether full data has since been collected regarding cruelties perpetrated on monkeys exported to foreign countries; and

(b) if so, whether a copy thereof will be laid on the Table of the House?

**The Minister of Commerce (Shri Karmarkar):** (a) No, Sir.

(b) Does not arise.

### Technical Help to Sudan

**\*280. Shri N. M. Lingam:** Will the Prime Minister be pleased to state the number of judicial, educational and other technical personnel sent to Sudan (with State-wise break up)?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** The Government of Sudan have appointed 55 persons from India to fill certain posts in their departments of Finance, Justice, Education, Agriculture, Irrigation, Public Works, Communication etc.

A statement showing the names of persons together with their designations and other particulars is placed on the Table of the House. [See Appendix II, Annexure No. 27].

### Rice Export

**\*281. Shri R. N. Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quota fixed for the export of rice during the current year;

(b) the quantity of rice exported till the 30th September, 1955; and

(c) the countries to which it has been mainly exported?

**The Minister of Commerce (Shri Karmarkar):** (a) A quota of two lakhs tons was released for export in July 1954. Exports are still being made against this quota.

(b) 82,232 tons between January and September 1955.

(c) Saudi Arabia, Mauritius, Ceylon, Aden, Kuwait, U.K., Federation of Malaya, Cambodia and Fiji.

### Cloth Prices

**\*296. Shri N. B. Chowdhury:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that certain Calcutta cloth merchants deliberately delayed the lifting of cloth from the Shalimar Goods Shed just before the Puja Festival and thus managed to keep prices at a higher level; and

(b) if so, what steps Government propose to take to meet such situation to safeguard the interests of the consumers?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) and (b). Government have seen a report in the Press that there was an accumulation of cloth bales at the Shalimar Goods Shed about the time of the Puja Festival. But they have no information as to the precise cause or causes for this accumulation. It is understood that the West Bengal Government took certain steps which resulted in the clearance of the accumulated stocks.

### International Commissions in Viet Nam

**\*303. { Shri Shree Narayan Das;  
Chaudhuri Muhammed  
Shafiee:**

Will the Prime Minister be pleased to state:

(a) the nature of work and responsibility that India has still to discharge as Chairman of the International Commissions for Supervision and Control in Viet Nam, Laos and Cambodia;

(b) the total expenditure so far incurred by India on this account; and

(c) for how long India will continue to be represented on these Commissions?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) According to the Geneva Agreement, pending all Viet Nam elections and the unification of the country, the International Commission has to continue its supervision

over the demarcation line and the demilitarized zone, control the import of war material from outside, and also to handle the remaining work relating to prisoners of war and civilian internees. In Viet Nam and Laos, the work of the Commission will not, in the normal course, be over until after the political settlement. In Cambodia elections have already taken place, and the Commission has started reducing its personnel in consultation with the other two Commissions.

(b) The total expenditure incurred by India up to 31st August, 1955 amounts to Rs. 31,13,980. There will be a reduction in this amount after recoveries from the Common Pool of expenditure which is met by the Geneva Powers.

(c) In view of the uncertainties in regard to the implementation of the Geneva Agreements in Viet Nam and Laos it is not possible to state how long they may have to continue in Indo-China.

#### **Gandak Valley Project**

\*304. { **Shri Jhulan Sinha:**  
**Shri Bishwanath Roy:**

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that during his visit to Bihar in October, 1955 he made a statement regarding the inclusion of the Gandak Valley Irrigation and Power Project in the Second Five-Year Plan; and

(b) if so, when the work is likely to commence?

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

(b) The matter is still under consideration.

#### **Koyna Hydro-Electric Project**

\*305. **Shri L. N. Mishra:** Will the Minister of Irrigation and Power be pleased to state whether any loan from the World Bank is being negotiated for the execution of the Koyna Hydro-Electric Development Project?

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

#### **Export Promotion Council**

\*306. **Pandit D. N. Tiwary:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal to establish an Export Promotion Council for the sports goods industry; and

(b) whether there are any Training Centres in any of the States for the training of people in this industry?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes, Sir; Government would be willing to help in the establishment of an Export Promotion Council for the sports goods industry if sufficient co-operation is forthcoming from the trade industry.

(b) It is understood that training centres and tuition classes for workers in the industry are in existence in some of the States.

#### **Immovable Evacuee Property**

\*307. { **Shri M.S. Gurupadaswamy:**  
**Shri Jethalal Joshi:**  
**Shri Gidwani:**

Will the Minister of Rehabilitation be pleased to state:

(a) the progress, if any, made so far to arrive at settlement with the Pakistan Government regarding vast evacuee immovable property left there by Hindu and Sikh displaced persons; and

(b) whether there is any proposal for an early meeting of Ministers of both the countries to discuss and settle this long outstanding question?

**The Minister of Rehabilitation (Shri Mehr Chand Khanna):** (a) It has not so far been possible to arrive at a Settlement with the Government of Pakistan on the evacuee immovable property issue.

(b) The matter is under correspondence with the Government of Pakistan.

#### **Khadi Hundis**

\*308. { **Shri Bibhuti Mishra:**  
**Shri Bhagwat Jha Azad:**  
**Shri D.C. Sharma:**

Will the Minister of Production be pleased to state:

(a) the total sale of Khadi Hundis during the Gandhi Jayanti this year in various States through post offices; and

(b) whether the All India Khadi and Village Industries Board has given any commission to the post offices?

**The Minister of Production (Shri K. C. Reddy):** (a) Sale of Khadi Hundis which started on the 8th September 1955, will remain open upto 31-3-56. The figures of total sale of Khadi hundis would become available sometime after April 1956.



(b) No commission has been paid nor is proposed to be paid to post offices on account of sale of khadi hundis. However additional expenditure, if any, incurred by post offices on staff and organisation will be re-imbursed.

### Water Supply in Delhi

**\*309. Shrimati Maydeo:** Will the Minister of Irrigation and Power be pleased to state:

(a) when the Inter-Departmental Committee to consider the question of water supply in Delhi was set up;

(b) how many times it has met so far; and

(c) its main recommendations?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) The *ad hoc* Committee was set up in January 1955.

(b) The Committee met only once in February 1955.

(c) (i) Arrangements with the Punjab Government to supply ware for the Wazirabad Pumping Station, Delhi, through the Munak Escape as a temporary measure during acute shortage in summer months till a permanent scheme could be put into effect.

(2) The Superintending Engineer, Western Jamuna Canal, would work out the two alternative schemes for permanent augmentation *viz*:

(i) Canalisation of Munak Escape, and

(ii) Improvements to the Delhi tail distributory and Canalisation of Burari Escape,

and should thereafter submit his recommendations to the Committee.

The Superintending Engineer should also make arrangements for taking discharges at (i) the Munak (ii) upstream of the river where the Munak meets the Jamuna River and (iii) two miles upstream of Wazirabad Pumping Station.

### Indian Industries Fair

**\*310. { Shri A. M. Thomas:  
Shri B. D. Shastri:**

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 641 on the 10th August, 1955 and state the estimated expenditure to be incurred on the Indian Industries Fair now being held in New Delhi?

**The Minister of Commerce (Shri Karmarkar):** Apart from the expenditure incurred by different Ministries in organising their respective stalls, the gross expenditure incurred by the Government of India on the construction of the octagonal pavillion, the installation of electric sub-stations and the renovation of old buildings etc. is estimated to be Rs. 16,30,500.

### Textile Industry

**\*312. Shri Shree Narayan Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have undertaken a survey of the country's textile industry for the purpose of determining how much of the mill machinery and equipment will have to be renovated to raise cloth output and export in the next five year period;

(b) if so, the progress so far made in that direction; and

(c) if the survey has been completed the results thereof?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) A survey of the machinery in Textile mills is now being conducted but not for all the purposes enumerated in the question.

(b) 77 mills have been surveyed.

(c) The survey has not been completed.

### Maharaja Kishangarh Mills Limited

**149. Shri H. N. Mukerjee:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the attention of Government has been drawn to the protracted lock-out and continued mismanagement of the Maharaja Kishangarh Mills Limited, Kishangarh; and

(b) if so, whether any action under the Industries (Development and Regulation) Act, 1951 is contemplated in the matter?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) Yes, Sir.

(b) Government had investigated the position of these mills on two occasions in the past. In view of the condition of the machinery and state of the financial condition of the Mills, Government are of the view that action under the provisions of the industries act will not enable the mills to be restarted.

## Goa

150. **Shri Kamath :** Will the Prime Minister be pleased to refer to the reply given to Unstarred Question No. 1300 on the 29th September, 1955 and state:

(a) whether any action has been taken against the Bombay merchants exporting goods to Goa via Aden; and

(b) If so, the nature and effect of the action taken so far?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). The Government of Bombay and the appropriate departments of the Government of India have been instructed to keep a watch over exports from Bombay of Indian goods to Goa via Aden. Suitable action will be taken against those who are found to be indulging in this trade.

## Tawa Hydel Project

151. **Shri Kamath :** Will the Minister of Planning be pleased to refer to the reply given to Unstarred Question No. 1135 on the 26th September, 1955 and state:

(a) whether consideration of the matter of inclusion of the Tawa Hydel-Project in the Second Five-Year Plan has been concluded; and

(b) if so with what result?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) and (b). The Tawa multi-purpose Project has been provisionally accepted for inclusion in the Second Plan.

## Displaced Persons Tenements

152. { **Sardar Hukam Singh;**  
**Shri Bahadur Singh;**

Will the Minister of Rehabilitation be pleased to state:

(a) the number of displaced persons tenements or evacuee houses in Delhi which have collapsed during October on account of heavy rains; and

(b) the value of the property destroyed?

**The Minister of Rehabilitation (Shri Mehr Chand Khanna):** (a) 208 evacuee houses.

(b) About Rs. one lakh.

## अन्नक का निर्यात

१५३. श्री अमर सिंह डामर : क्या बाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि १९५३-५४ और १९५४-५५ में विदेशों को अन्नक के निर्यात करने के सम्बन्ध में सरकार ने किस नीति का अनुसरण किया ?

बाणिज्य और उद्योग तथा लोहा और इस्पात मंत्री (श्री टी० टी० कृष्णामाचारी) : अन्नक के निर्यात पर नियन्त्रण नहीं है और इस लिए उसके निर्यात पर किसी प्रकार का प्रतिबन्ध नहीं है ।

## Sandal Wood

154. **Shri N. Rachiah :** Will the Minister of Commerce and Industry be pleased to state:

(a) The total quantity of Sandal wood exported from Mysore State during 1954 and 1955;

(b) the total amount realised therefrom; and

(c) the names of the countries to which Sandal wood was exported?

**The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari):** (a) to (c). Statistics of exports of sandal wood are not recorded separately for different States. The information required is therefore not available. The total exports of sandalwood from India were as follows:—

1954—1009 tons valued at Rs. 33 lakhs  
1955—724 tons valued at Rs. 25 lakhs  
(January—September).

The principal countries to which exports were made were:—

U.S.A.  
U.K.  
Pakistan  
Hongkong  
Sudan  
Burma  
Aden

**Hindustan Machine Tools, Ltd.,**  
**Bangalore**

155. **Dr. Satyawadi :** Will the Minister of Production be pleased to state the number of employees category-wise, employed in the Hindustan Machine



Tools Factory, Bangalore and the number of Scheduled Castes and Scheduled Tribes amongst them?

**The Minister of Production (Shri K. C. Reddy) :** A statement giving the information is placed on the Table of the Lok Sabha [See Appendix II, Annexure No. 28].

### Scheduled Caste Employees

**156. Dr. Satyawadi :** Will the Minister of Rehabilitation be pleased to state:

(a) the number of the Scheduled Castes amongst the Settlement Commissioners, Assistant Settlement Commissioners, Settlement Officers and Assistant Settlement Officers working under the Chief Settlement Commissioner and how they compare with others; and

(b) whether it is a fact that applications have been invited for some additional posts of Assistant Settlement Commissioners; and

(c) if so, the number of posts to be filled up; and

(d) the number of Scheduled Caste candidates who have applied for these posts?

**The Minister of Rehabilitation (Shri Mehr Chand Khanna) :** (a) The number of Scheduled Caste persons working in these posts is :

(i) Settlement Commissioners.	Nil
(ii) Assistant Settlement Commissioners . . . . .	1
(iii) Settlement Officers . . . . .	Nil
(iv) Assistant Settlement Officers . . . . .	14

The number of other is :

(i) Settlement Commissioners . . . . .	2
(ii) Assistant Settlement Commissioners . . . . .	14
(iii) Settlement Officers . . . . .	55
(iv) Assistant Settlement Officers . . . . .	122

(b) The Ministry of Home Affairs have been requested to suggest suitable serving Officers for these posts.

(c) Five.

(d) Does not arise.

### Daman

**157. Shri Heda :** Will the Prime Minister be pleased to state whether there is any ban on the Indian residents in Daman entering Indian territory?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda) :** Owing to various developments in regard to the Portuguese possessions in India, the land routes to these possessions were closed for passage in both directions. In view of smuggling on a large scale, this also became necessary. Indian nationals can, however, always come out of the Portuguese possessions if they so choose.

### Automobile Industry

**158. Shri N. M. Lingam :** Will the Minister of Commerce and Industry be pleased to state:

(a) the programme for the development of the automobile industry in the Second Five-Year Plan;

(b) the number of ancillary industries now functioning and those proposed to be started for the manufacture of component parts; and

(c) the component parts at present manufactured in India and those imported?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) :** (a) It is expected that by the end of the Second Five-Year Plan period, the majority of the parts and components of motor vehicles whose manufacturing programmes have been approved by Government would be produced in the country excepting body panels, which account for only 10 per cent to 15 per cent of the value of the vehicles.

(b) There are at present sixteen firms manufacturing automobile ancillary items in an organised way. Eleven more schemes have been sanctioned and are expected to go into production in near future.

(c) A statement is attached. [See Appendix II, Annexure No. 29].

### Sindri Fertilizer and Chemicals Ltd.

**159. Shri Jhulan Sinha :** Will the Minister of Production be pleased to state the percentage of staff (skilled and unskilled) recruited locally in the Sindri Fertilizer Factory?

**The Minister of Production (Shri K. C. Reddy) :** The percentage of staff recruited who belong to Sindri and neighbouring thanas is 7 per cent skilled and 55 per cent unskilled.

### Tea

**160. Shri K. P. Sinha :** Will the Minister of Commerce and Industry be pleased to state the total quantity of tea produced in South India upto the 31st July, 1955 and how this figure compares with the corresponding period of the last year?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) :** The total quantity of tea produced in South India from January to July 1955 was 75.8 million lbs. During the corresponding period in 1954, production was 78.7 million lbs. There has been a slight increase in production during the period January-September 1955 as against the corresponding period in 1954.

### Indians in Goa

**161. Shri B.K. Das :** Will the Prime Minister be pleased to state :

(a) the number of Indians who travelled from Goa to India this year upto the closure of the Consulate at Goa; and

(b) what is the position now with respect to Indians who intend to come to India?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda) :** (a) After the introduction of travel restrictions between Goa and India in September, 1954, all Goan and Indian residents had to be in possession of a permit for entry into India. As these permits did not indicate nationality it is not possible to give the number of Indians who travelled from Goa to India.

(b) Indian nationals in Goa are freely permitted to come to India.

### Industrial Production

**162. Shri Ibrahim :** Will the Minister of Commerce and Industry be pleased to state:

(a) the percentage of increase in Industrial production in India during 1952, 1953 and 1954 as compared to 1946; and

(b) the important factors responsible for the increased industrial production?

**The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari) :** (a) A statement is attached [See Appendix II. annexure No. 30].

(b) The improvement in industrial production has been brought about mainly because of increasing demand for various items, particularly consumer goods, establishment of more financing institutions and the special concessions allowed by Government to new industrial undertakings in the matter of income-tax and super-tax.

### Paper

**163. Shri S. K. Razmi :** Will the Minister of Commerce and Industry be pleased to state:

(a) the total production and consumption of paper in the country during the year 1955-56 till the 30th September, 1955; and

(b) the quantity and the value of paper imported during the same period?

**The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari) :** (a) Production of paper and paper-boards (excluding newsprint) during April to September 1955 was 91,172 tons. Precise information in regard to consumption during this period is not available.

### Import during April-September 1955

(b) Paper all sorts excluding newsprint, paper manufactures and old news papers	Quantity	Value in Rs.
	23,946 tons	3,12,50,000

### Border Incidents

**164. Shri D. C. Sharma :** Will the Prime Minister be pleased to state:

(a) the number of clashes between the Indian Police and the Pakistani Police that have taken place since the 1st January, 1955;

(b) the number of casualties on both the sides; and

(c) the causes of these clashes?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda) :** (a) two clashes took place between the border police forces of India and Pakistan on the Indo-Pakistan border during the period from the 1st January, 1955 to the 15th November, 1955.

(b) No casualties were reported on either side.

(c) The clashes occurred as a result of attempts on the part of the Pakistan Border Police to occupy areas of Indian territory.

### Pass-Ports

**165. Sardar Iqbal Singh :** Will the Prime Minister be pleased to state:

(a) the number of cases of forged pass-ports detected during the year 1954 and 1955;

(b) the names of the countries for which these pass-ports were issued;

(c) the number of persons arrested and convicted in these cases; and

(d) the steps taken by Government to check it?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) to (c) The information is being collected and it will be laid on the Table of the House as soon as available.

(d) It will not be in the public interest to give this information.

### Indians in Algeria and Tunisia

166. { **Sardar Iqbal Singh:**  
**Shri D.C. Sharma:**

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

(a) the number of Indians at present residing in Algeria and Tunisia;

(b) whether any of them have suffered in riots and other disturbances in those countries; and

(c) if so, whether any steps have been taken to safeguard their lives and properties?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) There are about 3000 Indians in North Africa, Gibraltar and the Canary islands. No figures are separately available in respect of Algeria and Tunisia.

(b) So far no reports of Indians having suffered in riots and other disturbances in those countries have been received.

(c) No such necessity has thus far arisen.

### Indian Films

167. { **Sardar Iqbal Singh:**  
**Shri D. C. Sharma:**

Will the **Minister of Information and Broadcasting** be pleased to state:

(a) the number of Indian films together with their titles whose exhibition has been banned in foreign countries during the period from the 1st April to the 31st October, 1955; and

(b) the names of those countries?

**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.

### Ghani Oil

168. { **Thakur Jugal Kishore Sinha:**  
**Babu Ramnarayan Singh:**  
**Shri Asthana:**

Will the **Minister of Production** be pleased to state the details of the facilities that are given for the manufacture of Ghani Oil to the Oilmen's Co-operative Societies?

**The Minister of Production (Shri K.C. Reddy):** The following financial assistance is being given by Government to Oilmen's co-operative Societies and other registered institutions for the development of the ghani oil industry:

(i) Grants and loans for the installation of improved Ghanis;

(ii) Production subsidy @Rs. 2/8/- per maund of oil crushed by the ghanis registered by the Khadi Board and sold through certified sale agencies;

(iii) Loan for purchasing and stocking oilseeds; and;

(iv) Subsidies for meeting losses suffered by cooperative wholesale stores of telis due to fluctuation in prices of oilseeds purchased and stocked for supply to telis at market rates.

Apart from the above direct financial assistance to the telis, provision is made for organising model demonstration centres and training centres, where workers are trained in improved methods of crushing oilseeds, manufacture of ghanis, etc.

### Goa

169. **Shri Kamath:** Will the **Prime Minister** be pleased to state:

(a) the number, together with their names, of Indian *Satyagrahis* convicted or detained in Goa, Diu and Daman up-to-date, by the Portuguese authorities;

(b) the number of Indian *Satyagrahis* who were arrested or otherwise prevented from entering the Portuguese Colonies in October, 1955 and thereafter;

(c) whether all Indian *Satyagrahis* who entered Goa, Diu and Daman in 1955 have been accounted for; and

(a) if not, how many are still missing?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) A statement is laid on the Table of the House [See Appendix II, annexure No. 31].

(b) 170;

(c) and (d) Yes, except Shri Seshnath Wadakar who entered at Terekhol on the 15th August. He was reported missing but is believed to have been shot. It has not been possible to confirm this.

### A.I.R. Sangeet Sammelan

170. **Dr. Satyawadi:** Will the **Minister of Information and Broadcasting** be pleased to state the total amount spent on different items in connection with the All India Radio Sangeet Sammelan which was recently held?

**The Minister of Information and Broadcasting (Dr. Keskar):** It would not be feasible to calculate the precise figures of the expenditure on the All India Radio Sangeet Sammelan, as it forms an integral part of the entire programme expenditure of all stations which relayed the Sammelan.

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LOK SABHA DEBATES Dated 12-12-2014

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Wednesday, 30th November, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

MOTION FOR ADJOURNMENT

SITUATION IN RATACHERA IN AGARTALA

**Mr. Speaker:** I shall now take up the adjournment motion of which notice has been given. It is a notice from Shri Dasaratha Deb and Shri Biren Dutt. I believe either one or both of them are present. The subject is the serious situation obtaining in Ratachera in Agartala (Tripura) where on the 21st November, 1955, the police are reported to have burnt houses, molested women folk and mercilessly beat the people, as a result of which panic prevails in six villages from where the people have fled for their lives unable to stand repression.

I should like to know from the hon. Member—not the exact source in the form of personal information or otherwise—what is the basis of the facts he has alleged or is it merely based on newspaper reports or something else.

**Shri Dasaratha Deb (Tripura East):** It was published in the Calcutta Daily Swadhinta and I have got two telegrams from an electoral college member from that area and another from

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some responsible members of the villages, Mohan Chandra and Bakul Singh. We think that this matter is very important because Tripura has been under Central administration and we want to discuss it because it involves the civil liberties of the people of that area.

**Mr. Speaker:** Has he any more facts besides what he has stated?

**Shri Dasaratha Deb:** So far from what I have got from the newspaper..

**Mr. Speaker:** These are facts mentioned in the adjournment motion.

**Shri Biren Dutt (Tripura) West:** I can refer to names of persons molested.

**Mr. Speaker:** I should like to have a statement of facts from the Government.

**The Deputy Minister of Home Affairs (Shri Datar):** We have already called for information and I can make a statement as soon as it is received. Possibly, it will be received tomorrow and if you fix it for day after tomorrow it will be more convenient.

**Mr. Speaker:** Let us have the facts; I shall fix it for day after tomorrow.

CORRECTION OF ANSWER TO  
STARRED QUESTION

**The Deputy Minister of Planning (Shri S. N. Mishra):** With regard to a supplementary question arising out of Starred Question No. 290 regarding the qualifications fixed for the trainees, I would like to say that they are:—

- (i) A diploma or degree in mechanical or electrical engineering

[Shri S. N. Mishra]

- (ii) B. Sc. in Chemical Engineering or
- (iii) A Degree in applied physics and
- (iv) age not more than 25 years and lastly, aptitude to stay in villages.

#### PAPERS LAID ON THE TABLE

##### DRAFT NOTIFICATIONS RE NOMENCLATURE AND DENOMINATIONS OF DECIMAL COINS

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):** Sir, I beg to lay on the Table a copy each of two draft Notifications of the Ministry of Finance regarding the nomenclature and denominations of the decimal coins, in pursuance of an undertaking given on the 29th July, 1955 during the discussion on the Indian Coinage (Amendment) Bill, 1955. [See Appendix II, annexure No. 32].

**Shri Kamath (Hoshangabad):** As this is an important matter copies of both these draft Notifications may be circulated to Members of the House.

**Mr. Speaker:** That will be done. I believe they are going to be discussed in this House and so that will be done.

#### REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

##### EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

**Pandit Thakur Das Bhargava (Gurgaon):** Sir, I beg to move that the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Representation of the People Act, 1950 and to make certain consequential amendments in the Government of Part C States Act, 1951, be extended up to 6th December, 1955.

**Mr. Speaker:** Motion moved:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of Part C States Act, 1951, be extended up to 6th December, 1955."

**Shri T. B. Vittal Rao (Khammam):** Sir, may we have the reasons for this extension?

**Mr. Speaker:** The Chairman of the Committee may give reasons. The hon. Member wants to know why extension of time is asked for.

**Pandit Thakur Das Bhargava:** As a matter of fact the Committee has done its very best to finish its work. As the House will remember, the House passed a resolution allowing hon. Members to put in their new suggestions also; so, the work has not been completed in spite of the fact that we have been doing our best. Therefore, extension of time is asked for. It is known to the House that on account of lack of time, Government is not bringing this Bill this session and an extension of about a week will help us to finalise our work.

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of Part C States Act, 1951, be extended up to 6th December, 1955."

*The motion was adopted.*

**REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL****EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE**

**Pandit Thakur Das Bhargava** (Gurgaon): Sir, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Representation of the People Act, 1951, and to make certain consequential amendments in the Government of Part C States Act, 1951, be extended up to 15th February, 1956."

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Representation of the People Act 1951, and to make certain consequential amendments in the Government of Part C States Act, 1951, be extended up to 15th February, 1956."

*The motion was adopted.*

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**  
**FORTIETH REPORT**

**Shri M. A. Ayyangar** (Tirupati): Sir, I beg to present the Fortieth Report of the Committee on Private Members' Bills and Resolutions.

**BUSINESS ADVISORY COMMITTEE**

**TWENTY-EIGHTH REPORT**

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to move:

"That this House agrees with the Twenty-eighth Report of the Business Advisory Committee presented to the House on the 28th November, 1955."

**Mr. Speaker:** The House will recall that the Report of the Business Advisory Committee requires formal amendment in view of the unanimous opinion of the House expressed on the 28th November, 1955.

I will therefore put the amended motion to the vote of the House.

The question is:

"That this House agrees with the Twenty-eighth Report of the Business Advisory Committee presented to the House on the 28th November, 1955 with the modification—

(a) that instead of three hours, only two hours shall be allotted for reference of the Bill to the Select Committee, and

(b) that instead of one hour, two hours shall be allotted to the consideration and passing of the Bill as reported by the Select Committee."

*The motion was adopted.*

**CONSTITUTION (SEVENTH AMENDMENT) BILL**

**Mr. Speaker:** We shall now take up the motion that the Bill further to amend the Constitution of India be referred to a Select Committee.

**Dr. Lanka Sundaram** (Visakhapatnam): Sir, I want to raise a point of order with reference to this Bill, before we take it up, for your ruling.

You will notice that on the 21st of this month the Constitution Fifth Amendment and Sixth Amendment Bills were introduced in this House. According to the order of the day agreed to by the House no time was allotted for these two Bills in the current session, and also in the motion which has just been agreed to there is no provision at all for the disposal of these two Bills. In other words, the present Bill called the Seventh Amendment Bill will have to be passed in this session in advance of this

[Dr. Lanka Sundaram]

House taking over the disposal of the Constitution Fifth and Sixth Amendment Bills. To say the least, it is a very extraordinary state of affairs and if there is no intention on the part of the Government to place the Constitution Fifth and Sixth Amendment Bills on the statute-book, there is no need to rush the present Bill. This is my submission.

**Shri S. S. More (Sholapur):** What is the point of order?

**Dr. Lanka Sundaram:** I thought Mr. More would assist me.

The second submission is in regard to the manner in which this Bill has been brought on the Order Paper. The Bill was introduced day before yesterday and the Members of this hon. House got the papers only yesterday morning, and there was no possible opportunity given to them for submitting, for instance, a motion for circulation. I would have very seriously attempted to do it because I am vitally connected with the Bill. You, Sir, are responsible for building up the procedure in this House, and I for one seriously consider that this is an abridgement of the rights of the Members, and I want a ruling on this point of order in regard to these two aspects.

**Mr. Speaker:** I do not know whether the hon. Member was present in the House when this question was discussed on Monday, the 28th instant.

**Dr. Lanka Sundaram:** I have fully studied the proceedings carefully.

**Mr. Speaker:** Then, it must be obvious to him as to what the circumstances were in which the Government are introducing this Bill or rather introduced this Bill and how the whole procedure was settled by the House itself. It is agreed on all hands that this Bill has to be passed as early as possible in view of certain business coming up before the House in due course of time—not necessarily during this Session but during the next year. It is related to the question of

holding elections in 1957. The Business Advisory Committee was unanimous on the point that the Bill was of an important nature and to repeat what I said on the 28th instant as the Constitution (Fifth Amendment) Bill contained a number of articles and would take a long time, it was desirable to put through a one-clause Bill so that the passing of that Bill might be expedited.

As regards the question of Members' rights of moving amendments for circulation and all that, it is purely a theoretical point. The House had considered those aspects. If the hon. Member wishes to move an amendment for circulation, I am prepared to satisfy him by waiving notice and he may move his motion even now; I have no objection to that. There is no idea of depriving any Member of the right of moving motions. It was specifically with a view to preserve the right of Members for moving motions that the House agreed that the report of the Select Committee should be presented tomorrow, the 1st December, and the Bill may be taken up for consideration and passing day after tomorrow. That gives them a time lag for moving such amendments as they like to move to this one-clause Bill. That is the position.

**Dr. Lanka Sundaram:** How can we pass the Constitution (Seventh Amendment) Bill before we pass the Fifth and Sixth Amendment Bills?

**Mr. Speaker:** Let us not be too technical about it. Too much technicality need not be there. If somebody reads the report of the House after fifty years, he might perhaps be inclined to think that we were childish about these things. A Bill is introduced in the House in an order and is given a number. The seventh number does not mean necessarily that it should be passed only after the fifth; it can be passed before the fifth is passed. We have a number of cases in which Bills are introduced and they are not taken up for a long time, but it is for the purpose of denoting spe-

## (Seventh Amendment Bill)

cifically the particular Bill which will be introduced that the number is given.

**Shri N. C. Chatterjee** (Hooghly): After consideration, you can finally call it the Constitution (Fifth Amendment) Bill.

**Mr. Speaker:** That may be done, but I do not see the reason why that should be done at all. My mind is clear on the point; of course, there is scope for difference of opinion and hon. Members may argue for being more exact about it. But is it presumed that the Bills are passed by the House in the order in which they are introduced? Is that the presumption? Now that the point is raised, I myself want to be clear as to what is the point of consistency that this should be called the Fifth Amendment Bill and that should be called the Sixth Amendment Bill. I really do not see the point at all. I was saying that Bills are introduced and the numbers are given according to the time of introduction of the Bills. It is not that the Bills are passed in the order in which they are introduced. One may introduce a Bill today and it may not be taken up for some time. What is the objection?

**The Minister of Commerce and Industry and Iron and Steel** (Shri T. T. Krishnamachari): The usual procedure is that the requirements of semantics and aesthetics are attended to in the Third Reading of the Bill. I am sure my hon. colleague, the Mover, at the Third Reading of this Bill will suggest that the nomenclature of the Act shall be the Constitution (Fifth Amendment) Act. I have no doubt he will do it at the proper time.

**The Minister of Defence Organisation** (Shri Tyagi): The seventh cannot be the fifth child!

**Mr. Speaker:** I have no objection to that course being taken.

**The Minister of Parliamentary Affairs** (Shri Satya Narayan Sinha): If the Bill is taken up now, voting on it will take place between 1 and 2-30 p.m. Therefore, I would request

you to specify the time when the voting will take place. According to the schedule at present, it will take place at about 2-15 p.m. or something like that.

**Mr. Speaker:** In view of this difficulty, we might take the Abolition of Whipping Bill first.

**Shri Thanu Pillai** (Tirunelveli): This Bill envisages the curtailment of the time that the State Legislatures may take to give their opinion on such amendments to the Constitution. Now they are enjoying the privilege of taking their own liberty of time to pass their opinion. As it affects the present enjoyment of the privilege by the Legislatures, is it not necessary to take the opinion of the Legislatures and take their concurrence for passing this amendment? This is my point of order.

**Mr. Speaker:** It is not a point of order, but he can make a point of argument in respect of the Bill. If he wants to oppose the Bill, he may do so. Let us now proceed with the Abolition of Whipping Bill.

## ABOLITION OF WHIPPING BILL

**Mr. Speaker:** We are taking the Abolition of Whipping Bill first.

**Shri N. Sreekantan Nair** (Quilon cum Mavelikkara): What about the Constitution (Seventh Amendment) Bill?

**Mr. Speaker:** As the hon. Minister of Parliamentary Affairs pointed out, if we take that Bill now, there will be difficulty about the voting time. We want to have the voting after 2-30 p.m. and, therefore, we shall first take some other Bill—Abolition of Whipping Bill first. After finishing it, we will immediately take the Constitution (Seventh Amendment) Bill. There is about 51 minutes' time in balance.

**Pandit D. N. Tiwary** (Saran South): I was on my legs the other day.

**Mr. Speaker:** I am sorry I did not know that. Let him then continue his speech.

**पंडित डी० एन० तिवारी :** उस दिन जब कि इस बिल पर विचार किया जा रहा था, मेरे दो मित्रों ने इसके समर्थन में एक अपराधी व्यक्ति के जीवा का व्याख्या की और एक सिद्धान्त प्रतिपादित किया कि कोई भी कसूर, कोई भी फ़ाइम (अपराध) मन से नहीं किया जाता बल्कि मानसिक रोग के कारण किया जाता है। मैं मानता हूँ कि बहुत से अपराध मन के न रहते हुए भी मानसिक दोष से या जिस को हम बीमारी के लक्षण कहते हैं उस से होते हैं और बहुत से अपराध लाचारी की वजह से किये जाते हैं। जैसे कोई बहुत दिनों का भूखा है और उस को खाना नहीं मिला है और वह चोरी कर लेता है, तो ऐसे अपराधों को हम लाचारी के अपराध कहते हैं। ऐसे मामलों में कोड़े की सजा देना अन्याय होगा।

लेकिन बहुत से ऐसे अपराध हैं जो जान बूझ कर किये जाते हैं। अपराधों में बहुत से ऐसे हीनस फ़ाइम्स हैं, जिन का उल्लेख मैं बाद में करूंगा, जिन की तरफ से दृष्टि हटाई नहीं जा सकती। जैसे रेप का केस होता है। बहुत से सफेद पोश लोग जेंटिल मैन के रूप में सड़कों पर घूमते हैं।

**श्री यू० एम० त्रिवेदी (चित्तौड़) :** कैसे जेंटिलमैन ?

**पंडित डी० एन० तिवारी :** जैसे आप हैं।

इस तरह के लोग औरतों से या लड़कियों से छेड़ छाड़ करते हैं। बहुत बार आप ने अलबारों में देखा होगा कि लड़कियों का बाहर निरापद घूमना मुश्किल हो जाता है। अगर ऐसे अपराधियों को दो चार महीने की जेल की सजा हो जाती है तो वे बड़े आनन्द से उसे भुगत कर फिर बाहर आ कर उसी अपराध को करने की कोशिश करते हैं। ऐसे अपराधों के लिये कोड़े की

सजा को उठा देना मैं मुनासिब नहीं समझता। मैं समझता हूँ कि खास कर रेप केसेज (बलात्कार) के लिये और इस प्रकार के लोगों के लिये जिन का मस्तिष्क इतना खराब हो गया है कि वे औरतों के साथ छेड़ छाड़ करते हैं, कोड़े की सजा कानून में जरूर होनी चाहिये। यहां पर मैं ऐसी जूलियट्स की बात नहीं कहता हूँ जिन को आघे दर्जन रोमियोज चाहियें।

मेरा यही कहना है कि जिन लोगों का मैं ने ऊपर जिक्र किया है उन के लिये कोड़े की सजा जरूर होनी चाहिये।

दूसरा अपराध है ब्लैक मार्केटिंग (चोर बाजारी) का। आप को याद होगा कि सन् १९४६ में जब ब्लैक मार्केटिंग बड़े जोरों पर था तो हमारे प्रधान मंत्री जी ने कहा था कि ब्लैक मार्केटियर्स (चोर बाजार वालों को) को नियरेस्ट (समीप के) पोल से लटका कर फांसी दे देनी चाहिये। उन को कोई क्वार्टर (प्रश्रय) नहीं मिलना चाहिये।

**श्री कामत (होशंगाबाद)** उस वक्त वह प्राइम मिनिस्टर नहीं थे।

**पंडित डी० एन० तिवारी :** इस बारे में हम पीछे बात कर लेंगे।

तो मैं कह रहा था कि ऐसे लोग जो अनसोशियल ऐक्टिविटीज करते हैं और जोकि हजारों लाखों लोगों की जिन्दगी को तबाह करने के कारण बन जाते हैं, ये लोग मानसिक अस्वस्थता के कारण इन अपराधों को नहीं करते बल्कि जान बूझ कर करते हैं। मैं समझता हूँ कि ऐसे लोगों के लिये कोड़े की सजा लाजिमी होनी चाहिये।

आप ने देखा होगा कि कंट्रोल के जमाने में बहुत से बड़े बड़े लोग जो समाज में प्रतिष्ठित बने घूमते थे, लाखों लोगों की तबाही और बरबादी के कारण बन जाते थे। मैं कहूंगा कि ऐसे लोगों के लिये केवल जेल की सजा उचित नहीं है।



तो मैं ने इस सजा के लिये आप को दो तरह के केसेज बताये, एक तो रेप केसेज और दूसरे ब्लैकमार्केटिंग करने वाले। तीसरा एक और वर्ग इसी श्रेणी में है। ये वे लोग होते हैं जोकि अपने देश के खिलाफ विश्वासघात करते हैं और देश के दुश्मनों से मिल जाते हैं। ऐसे लोगों को भी कोई राहब नहीं मिलनी चाहिये। खास कर लड़ाई के जमाने में हम लोगों ने देखा है कि फिफथ कालमिस्ट दुश्मनों से मिल कर देश को गुलाम बनाने में सहायता करते हैं। ऐसे लोगों को भी पब्लिक फ्लागिंग हो तो उचित है।

यह कहना कि कोड़े की सजा बहुत कम अवसरों पर इस्तेमाल हुई है, इस बात का प्रमाण नहीं हो सकता कि इस की आवश्यकता नहीं है। हमारे माननीय मंत्री जो यह विधेयक लायें हैं कि कोड़े की सजा उठा दी जाये, उस के लिये मैं यह कहना चाहता हूँ कि वे इस पर पुनर्विचार करें और यदि इस समय इस बिल में यह संशोधन करना सम्भव न हो तो भविष्य में ऐसा बिल लावें जिस में इन तीनों प्रकार के अपराधों के लिये कोड़े की सजा जायज समझी जाय और दूसरे अपराधों के लिये उस को उठा दिया जाय या बर्जित कर दिया जाय। मेरे पास इस समय आंकड़े नहीं हैं कि सारे हिन्दुस्तान में कितने अपराधों के लिये इस कोड़े की सजा का प्रयोग किया गया। लेकिन यह आंकड़ों का प्रश्न नहीं है। प्रश्न केवल यह है कि जो कानून हम आज बनाने जा रहे हैं उस में हम ऐसी धारयें जोड़ें या नहीं। मेरी राय यह है कि इन तीन प्रकार के अपराधों के लिये कोड़े की सजा होनी चाहिये और दूसरे अपराधों के लिये बर्जित होनी चाहिये।

श्रीमती शिवराजवती नेहरू (जिला सेशन-मध्य) : मैं बड़े हर्ष के साथ इस बिल का स्वागत करती हूँ। मेरी समझ में तो इ बिल . . . . .

Mr. Deputy-Speaker: I thought women were exempted from whipping.

An Hon. Member: She is pleading for men.

Shrimati Shivravati Nehru: Women are not whipped.

Mr. Deputy-Speaker: She may go on. I just wanted to clear this only if there was an impression that women also were liable to be whipped. I wanted to remove that impression. The hon. Member may kindly go on.

श्रीमती शिवराजवती नेहरू : मैं इस बिल का बड़े हर्ष के साथ स्वागत करती हूँ। वास्तव में इस बिल को आज से पांच वर्ष पहले ही आ जाना चाहिये था। इस बिल के लक्ष्य में लिखा है कि आज संसार की सभी सम्य जातियों ने कोड़े की सजा को बन्द कर दिया है। सजा देने का यह रूप वास्तव में असम्यता का प्रमाण है। आज हमारी सम्यता का मुख्य लक्ष्य यह है कि हम व्यक्ति के व्यक्तित्व का सम्मान करें। हम को अपराधी को सजा देने में, चाहे वह कैसा भी क्यों न हो, समाज को एक स्तर से नीचे नहीं ले जाना चाहिये। हम को तो अपराधियों में आत्म सम्मान की चेतना को जाग्रत करना चाहिये, उन में आत्म सम्मान के भाव का उत्पन्न करना चाहिये। अगर हम उन के साथ पाशविकता का व्यवहार करेंगे, अगर हम उन के साथ जानवरों का सा व्यवहार करेंगे, तो उन का आत्म सम्मान का सदा के लिये उन के दिल से लोप हो जायगा। समाज उन को सजा अवश्य दे परन्तु व सजा ऐसी होनी चाहिये कि जो मानव जाति के एक सदस्य के योग्य हो। वह सजा पेशाचिक नहीं होनी चाहिये। अर्घ्यश महोदय, सजा तीन लक्ष्यों से दी जाती है। एक तो सुधार करने का लक्ष्य है। दूसरे हम अपराधी को और दूसरे लोगों को सबक देने के लिये भी सजा देते हैं। उस सजा का लक्ष्य यह होता है कि उस अपराधी को सबक हो जाय ताकि आनन्दा (भागें) वैसा अपराध न करे, और

[श्रीमती शिवराजवती नेहरू]

दूसरे लोग भी उस से सबक हासिल करें। तीसरे समाज बदला लेने के लिये भी अपराधी को सजा देता है, पर इस का जो सुधारक मध्य है, वही लक्ष्य आज सब से अधिक महत्वपूर्ण, उत्तम, ठीक और सब से ज्यादा अच्छा माना जाता है। यदि हम बेंत लगाने को इस कसीटी पर रख कर देखें तो हम को नुरस्त ही इस प्रकार का दंड देने की प्रथा का एक मूलहीन रूप और उस को बुराई हमें बिलकुल अच्छी तरह मालूम हो जायगी, क्योंकि कोई भी अपराधी जिस को कि बेंत लगाये जाते हैं, वह बेंत खाने के बाद सुधार के समीप जरा भी नहीं पहुंचता, उससे वह कोड़े खाने के बाद और भी कट्टर और कठोर प्रकार का एक एंटी सोशल (समाज विरोधी) व्यक्ति बन जाता है।

हम ने आज पशुओं का मारना बन्द कर दिया है और जो लोग पशुओं को मारते हैं उन के लिये हम ने एक सोसाइटी "प्रीवेंशन आफ क्रुएलिटी टु एनिमल्स" बनाई है और जिस के कि द्वारा जो कोई पशुओं को बहुत मारता पीटता है, उस को उस अपराध के लिये सजा भी दी जाती है . . . . .

**Mr. Deputy-Speaker:** If it is a mad elephant it is shot. There is no question of cruelty there.

श्रीमती शिवराजवती नेहरू : परन्तु, जैसा कि उन्होंने ने कहा कि पब्लिक विहिपिंग (खुले आम कशाघात) एक इंसान पर करें तो यह कितनी नीचता का काम होगा और यह बिलकुल मनुष्यता और इंसानियत से बरी होगा। यही बात छोटे बालक और बालिकाओं के लिये भी लागू होती है। यह देखने में आया है कि बाल को यदि सजा दे कर हम उन्हें सुधारना चाहें तो वह सुधरते नहीं हैं, बल्कि मार खाने से वह और भी ज्यादा हठी, जिद्दी, निडर और बेहया हो जाते हैं और इस का एक सच्चा उदाहरण मैं आप को दे सकती हूँ। हमारी एक मित्र बहन

थी। उन के एक बच्चा था। उस को यह आदत थी कि वह अपनी माता के केश बाक्स में से १, २ पैसे निकाल लिया करता था और उस को इस कारण काफी मार पड़ती थी, परन्तु उस की वह बुरी आदत छुड़ाने के लिये उस को प्यार से कभी नहीं समझाया गया। वह छोटा बच्चा यह नहीं समझता था कि माता के १, २ पैसे ले लेने में क्या दोष है। जब बच्चा ८, ९ वर्ष का हुआ तब बजाय १, २ पैसे के उस ने मां के केश बाक्स में से २ आने, ४ आने, और ८ आने निकालने शुरू किये। माता ने उस को इस बुरी तरह मारा कि वह बच्चा सहम गया और सहम कर वह बुरी तरह सिसक सिसक कर रोया, परन्तु उस का नतीजा उलटा हुआ और वह और भी ढीठ हो गया और एक दिन अबसर पा कर उस ने अपनी माता के केश बाक्स में से ५ रुपये का नोट निकाल लिया और उस की पतंगें, डोर और चर्खी आदि खरीद लाया। जब माता को इस बात का पता लगा तो माता ने बुला कर उस लड़के को बुरी तरह पीटा और उस के सिर पर खूब जोर जोर से मुक्के लगाये, परन्तु वह बच्चा अब तक इतना ढीठ हो चला था कि न तो वह रोया और न वहां से हटा बल्कि चुपचाप खड़ा मार खाता रहा और जब पिट चुका तो उस ने एक ठंडी सांस ले कर अपने सिर पर दोनों हाथ रख कर यह कहा कि "मुक्क पड़ो जस ब्रज समानो"। उस की मां प्रतिदिन रामायण का पाठ करती थी उस में एक चौपाई थी "मुक्क पड़ो जस ब्रज समानो" उस बालक ने उसी को दोहरा दिया और माता को भी ऐसा सुन कर मुस्कराहट आ गई। कहने का मतलब यह है कि इस प्रकार मारने से कोई नहीं सुधरता।

किसी देश और समाज की सभ्यता का माप इस बात से जाना जाता है कि इस देश के जो कैदी हैं, बंदी हैं और अपराधी हैं, उनके साथ किस तरह का व्यवहार किया

जाता है इस कसौटी पर भी हम अपने देश को एक अत्यन्त सम्य देश प्रमाणित करें यह हमारी इच्छा है और यह सन्तोष का विषय है कि हमारे देश में स्वतन्त्रता आने के पश्चात् सरकार का ध्यान अपने बंदीगृहों को सुधारने की ओर गया है और जेलों को सुधारगृह बनाने की चेष्टा में वह लगी है। राज्य सरकारें भी इस विषय में ग्राफिल नहीं हैं और कुछ ने अपने वहाँ इस दिशा में कुछ कदम उठाये भी हैं और अपने वहाँ के बंदीगृह में काफी सुधार किये हैं। विशेषकर उत्तर प्रदेश की सरकार तो इस दिशा में बहुत आगे बढ़ गयी है और वह स्वागत योग्य कार्य है। मैं आशा और विश्वास करती हूँ कि सरकार यह जो विधेयक हाउस के सामने ला रही है, वह हमारे देश में एक आवश्यक सुधार का कार्य पूरा करेगा और इस नाते इस बिल को पास होना अति आवश्यक है और मैं उसके साथ अपनी पूरी सहमति प्रकट करती हूँ।

**Shrimati Ila Palchoudhury (Nabad-wip):** This Bill, now that it has at last come, is particularly to be welcomed because now one of the horrible laws that was in our books since 1909 is going to be put out of our statute-book. It is a good thing that in free India we have thought of doing away with it. An Act like this should not have remained in our statute-book for so long, it should have been abolished long ago.

When we think of whipping itself, if you look at our jails you will realise the horrible aspect of it and what it does for the prisoners. Some of my friends here the other day referred to our political prisoners and what happened to them in jails. Those who have been to jails will know the rows of whips and battens that are kept. The whipping which the political prisoners had to bear in the jails did not have such a bad effect on them as whipping does for the ordinary criminal prisoners. The

political prisoner was sponsoring a cause and he suffered this whipping as his martyrdom for the cause he took up. The whole country was behind him and his own zeal to a certain extent protected him. But, when this whipping is done to criminals, look at the warping effect that it has on their minds and, particularly, when you think of what happens to the minds of their families you will realise the far reaching effect to this punishment. When the doors of the prison close on that poor delinquent, particularly a juvenile delinquent, if he has any people of his own—his mother, sister or father—think what their feelings would be. They do not know what is going to happen to that boy, how he will be perhaps whipped to inch of his life. I am, therefore, very glad that this law is going to be abolished.

Even in the Mahabharatha we find that Parthasarathi Lord Shri Krishna has said, when Bhishm was going to kick Duryadhan after he had vanquished him in battle. You have a right to kill him, but to kick him, 'No' he is a king and you cannot degrade him." Our Constitution lays down that the dignity and self respect of every citizen of India must be maintained. That is why our Constitution, I think, has taken a stride over most other Constitutions in the world. Because a man commits a crime he does not necessarily lose his citizenship. He is yet a citizen of India and the idea of punishment must be to reclaim him and not to warp his mind. It will also be seen that in many cases a more humane treatment has yielded better results. Our Indian representative in Geneva has put it from a wholly new angle. He explained there about our open prisons that were established in 1952 and said that in 2½ years 18,000 convicts were tackled there and only 7 escaped. The results were very much better because no whipping was done there. Therefore, it will be realised that this sort of treatment is what we need and I hope more and more doctors and such artists will be called upon to give sentences—

[Shrimati Ila Pal Choudhury]

and not, only lawyers and judges. They are the ones who can really go into the minds of the criminals, correct them and give such treatment as is needed. That is the one and only object of law in any free country that I would like to recognise.

I was really surprised at my hon. lady friend opposite—the lady Member—who said the other day: “spare the rod and spoil the child.” What comparison can there be between that and what whipping is in the prisons? “Spare the rod and spoil the child” is to a child who has got the whole atmosphere of a loving home and a slap here or a slap there for anything he may do is quite different from whipping in prisons.

**Mr. Deputy-Speaker:** Does the hon. lady Member still approve of “spare the rod and spoil the child”?

**Shrimati Ila Pal Choudhury:** No; I do not. Modern psychologists say that even that should not be done and when mothers and fathers do it, they are really at fault and even that, if possible, should be avoided. But that has got no comparison with what happens in prisons. It is a cold, calculated thing that is done and I think it is horrible.

**Some hon. Members rose—**

**Mr. Deputy-Speaker:** Several hon. Members are waiting to see the hon. Member finish her speech. I am not hustling her; the other hon. Members want to speak.

**Shrimati Ila Pal Choudhury:** I will finish soon. I only want to point out that when the people connected with the Technical Assistance Programme from the U.N.O. came to India and went round the jails in India, one of them was pleased to remark that in spite of the poverty, there seems to be an absence of a permanent element of derelict and degenerate individuals. He found that the convicts and the prisoners in our Indian Jails are on the whole good human material. So, let us take all care to

develop this human material and reclaim them. This Bill is a very small step towards it, and many other bad things in the prisons will, I hope, be removed. I also hope that not only whipping will be abolished but also, with it, the excesses of the police force may also be checked so that they do not perpetuate anything that goes against the spirit of this Bill.

One of the greatest jurists of Italy, Beltani Scalio has said *studiare il Delinquente ecco il Bescogno*. That can be summed up in one sentence thus: “Study the individual before punishing”. That is, he wanted to know the human outlook. That is what should always be done. Study the environments. Do away with the conditions that lead to crime and thus you can do away with crimes, and your prisons will be better and the conditions in prisons will not continue to be as they are even now in a free India.

I welcome this Bill with all my heart. It is a very small step towards the way that we have to go, but it is a step in the right direction.

**Shri Frank Anthony:** (Nominated-Anglo-Indians): Even at the risk of seeming or appearing to be ungallant, .....

**Mr. Deputy-Speaker:** There is no gallantry involved in this; women are exempt from whipping.

**Shri Frank Anthony:** Apparently there is a consensus of feeling among the lady Members that this is a very welcome provision. I feel and I hope the House will feel with me that this is not a matter which should be overlaid by confused thinking. There are no political considerations which should enter into a measure of this kind. I do not think for one moment that the Whipping Act of 1909 was inspired even remotely by any political consideration. I feel that along with the rest of our criminal jurisprudence in this country the matter must be looked at objectively and must be looked at from the point of view of principle.

What is this Bill seeking to do? It seeks to efface whipping completely from the gamut of punishments. This is a serious matter. I feel, as a lawyer and as a person who knows something about criminal jurisprudence, that this is a radical step and it is a step which must be conditioned by careful thinking. I am not prepared to accept the *ipse dixit* and *ex cathedra* statements made by the Executive of the Government in the Statement of the Objects and Reasons. We are told very tersely that whipping is barbarous. This is a question of opinion. Is whipping barbarous? Whipping by itself, if in an unqualified way imposed indiscriminately, may be barbarous, but that is not the kind of whipping that is contemplated by the Whipping Act or the provisions of the Criminal Procedure Code. I do not think that the lady Members who have supported this measure have studied the provisions either of the Act or the qualifications under the Criminal Procedure Code. There are the most careful guarantees which hedge round this imposition of the sentence of whipping. To begin with, only a first class magistrate can impose a sentence of whipping. Then, a person who is over 45 years of age cannot be sentenced to whipping; it cannot be imposed upon him. Furthermore, there is some kind of restrictions on the number of stripes which can be imposed. All these different kinds of qualifications are there.

I am not prepared to accept that whipping has been abolished by all civilised countries. What is the purpose of whipping? Both in the existing Act here and in the most highly civilised countries, whipping is reserved, by the exercise of careful judicial discretion only, for offences which exhibit a certain aggravated feature of special cruelty or of special depravity. Whipping is not doled out by magistrates indiscriminately. I must have done thousands of criminal cases, but perhaps only in a handful has whipping ever been imposed as a sentence. It is imposed after judi-

cial discretion and that discretion is judicially exercised. As I said, it is only reserved for offences which exhibit features of special depravity.

What I am opposed to is this piecemeal, haphazard amendment of our Criminal Procedure Code and our other criminal codes. I say it is piecemeal and it is haphazard. There is a Law Commission. Why not remit this to the Law Commission? After all, there is a section of opinion—and it is a strong section of opinion in this country—which feels that death sentence is barbarous, but does that justify the abolition of that punishment? I personally feel that death by hanging is a barbarous form of punishment. But will that make the Government come forward with a measure of this kind to abolish punishment of death by hanging? So, there are certain long-established principles which underlie and inspire criminal justice, and the paramount aspect of criminal justice is an aspect with which we should not be confused. After all, this socialist pattern is not going to produce a nation of angels. The paramount aspect of criminal jurisprudence and criminal justice is to deter a wrong-doer, to hold him out as an example and a warning to his fellow-beings. If you are going to remit whipping, why not remit rigorous imprisonment also and why not it be looked after by women warders? This is only a question of degrees. That is what I feel and I think it is a question of principle. I do not concede that whipping is barbarous. It is not. It would be barbarous if whipping is imposed indiscriminately. But it is not. It is meant for cases where robbery is committed, violence or dacoity, rape under most aggravated circumstances, etc. Are these not the sort of people that should be whipped? I do want to make one more addition in the list where whipping is imposed. I would include black-marketeers in foodgrains in this list. Mustafa Kemal Ata Turk stamped out black-marketing in foodgrains because he introduced whipping. I say we should do it in this country. I feel that this is

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a result of the misconceived conception of this confused idea of ahimsa in this country. We feel that whipping is a contravention of the principle of ahimsa. Then why do you want to hang people?

**Shri U. M. Trivedi:** Gandhiji was also not against it.

**Shri Frank Anthony:** I really feel that this is not a precipitate measure but an ill-conceived measure. There is rigorous imprisonment. Why not remove it?

**Shri B. D. Pande** (Almora Distt. North East): From what school have you learnt these things?

**Shri Frank Anthony:** Well, I could not hear it. I feel that this is an ill-conceived conception, and I would ask the Deputy Minister of Home Affairs to withdraw the Bill, because I do not agree with this. Again, it is merely an *ex cathedra* sort of *ipse dixit* that it is particularly degrading for juveniles? A juvenile is not more than 14 or 15 years. Is it degrading to give him this punishment? I was educated in one of the best schools in this country. It was a time-honoured practice to flog a boy for certain offences. It is much better to flog a boy because I believe that flogging is a reformatory kind of punishment for juveniles. It is definitely a reformatory one. Take the case which I dealt with the other day. I appeared on behalf of a boy who was not a juvenile. He was convicted, for the reason that he, in a spirit of bravado perhaps, stood in front of a school-girl with a knife. He was technically guilty, of course, of attempting a wrong, and he was sentenced to undergo three years in jail. He was studying in the matriculation. I went to the court and said, 'here is a boy who was, as somebody might say, having libido and so committed a wrong. But why should Government make a hardened criminal of him? What about the Borstal institutions in this country? They have become institutions for manufacturing

hardened criminals, because our Borstal institutions are not properly run in this country. Is it not better to give the young fellow 15 cuts instead of putting him in the Borstal institution for three years where he will be in the company of hardened criminals?

**Shri Joachim Alva (Kanara):** What about the numerous political prisoners who were whipped under the British Raj in the jails?

**Shri Frank Anthony:** I regret to say that this is the kind of thinking which is perverting the whole approach. What has whipping of political prisoners got to do with a measure of this kind? All our friends in the Opposition Party are not going to be whipped. Because you are afraid that this will be misused for political purposes, you want it to be completely removed from the Criminal Procedure Code. I say it is wrong because if you remove it, the young juveniles and the young men who are just more than juveniles will have to be sent to the jail. The courts will have no other alternative when a young man is convicted. As it is, the courts can whip the young man and remit the jail sentence, which I think is a far better thing to do. I am, therefore, pleading very earnestly that the matter will have to be very carefully considered. I say there is no urgency about this matter; the skies are not going to fall and the administration is not going to collapse if this Bill is not passed. I am seriously asking the Deputy Home Minister either to withdraw this Bill or keep it in suspension and refer the matter to the Law Commission.

**Shri M. L. Agrawal** (Pilibhit Distt. cum Bareilly Distt.—East): I congratulate the hon. Home Minister for bringing this Bill before the House. This Bill seeks to remove the last vestige of barbarity from our penal laws excepting of course the capital punishment. With the passage of this Bill, corporal punishment would no more disfigure our statute book. In

the year 1955 there is no room for "An Eye for an Eye and a Tooth for a Tooth".

I will tell you the origin of whipping in this country. During the British rule, when there was not sufficient accommodation in the Indian prisons, this whipping was introduced so that there may be less congestion in the jails. In the proceedings of the Government of India, Home Department (Judicial), dated 11th January, 1882, the following observations are to be found;

"The policy of largely resorting, during times of Agricultural distress, to whipping as a punishment for petty thefts and other offences of a similar nature may no doubt be defended by the argument that it would be impossible at such times to provide accommodations for all offenders in the jail . . ."

That was the background in the minds of the rulers when whipping was introduced. Even during the British regime, whipping had had a chequered history. Several times it was abolished and then put on the statute book. It was in existence during the regime of the East India Company. In 1834 it was abolished by Lord William Bentick. The Prison Discipline Committee of course opined that it was necessary for maintaining discipline. But the Law Commission's draft of the Criminal Procedure Code did not contain this whipping punishment. The Law Commission gave the following reasons in their draft for not introducing this sort of punishment, and I hope those who are opposed to the passing of this Bill will ponder over them:

"We have not thought it desirable to place flogging in the list of punishments. Being satisfied that the punishment of flogging can be proper only in a few cases and not being satisfied that it is necessary in any way, we are unwilling to advise the Government to retrace its steps and to estab-

lish throughout the British territories a practice which by a policy unquestionably human and by no means proved to have been injudicious has been recently abolished throughout a large part of these territories."

The select committee, however, which considered the Law Commission Draft Bill recommended the inclusion of the punishment of whipping, but it may be said to its credit that the administration did not agree to the inclusion of this form of punishment. The matter was referred to local officers and local bodies and they again recommended that in view of the then existing conditions in the country, it must be included; and, therefore, it was included. The hon. Member who has spoken before me has argued that whipping should not be abolished and he has laid emphasis on the deterring aspect of the punishment. In U.K. a Departmental Committee was appointed in 1937 which considered this question of whipping. That Committee recorded as follows:

"There was no flogging in Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Holland, Hungary, Italy, Portugal and Switzerland. In Switzerland it has been banned by the Federal Constitution. In Italy the administration under the Ministry of Justice about 20 years ago emphatically rejected corporal punishment as "incompatible with the standards of the civilised man of our times." Whipping was resorted to a limited extent in Finland and in Sweden for prison discipline only. In U.S.A. whipping was against Federal laws having been prohibited by section 325 of the Criminal Code. As regards position in the states, there was no flogging in 34 states. In great majority of other states flogging was resorted to only for prison discipline...."

This committee also examined the position in the British Commonwealth countries. It was found that there

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was no flogging of juveniles in Australia, Queensland, Tasmania, Canada and New Zealand while there was no flogging of adults in Australia, Tasmania and Newfoundland; there was no flogging even for prison offences in Tasmania, Victoria, Newfoundland and New Zealand.

In U.K. by an Act of 1948 whipping was abolished and I hope that since 1937 whipping must have been abolished in many other countries. So much has been said in this House about the deterring effect of this punishment. The U.K. Departmental Committee reported as follows:

"After examining all the available evidence, we have been unable to find any body of facts or figures showing that the introduction of a power of flogging has produced decrease in the number of the offences for which it may be imposed, or that offences for which flogging may be ordered have tended to increase when little use was made of the power to order flogging or to decrease when the power was exercised more frequently."

1 P.M.

They arrived at this result after studying the statistics of all the countries. The Committee also made the following observation:

"Corporal punishment is apt to produce feelings of resentment and bitterness which may make the offender more anti-social and more rather than less likely to commit other offences. It is essentially an unconstructive penalty. At the best it can exercise no positive reformatory influence, at the worse it may produce reactions which may make the individual who receives it less willing or less able than he was before to lead an honest and useful life in the community. We should not be prepared to recommend the retention of corporal punishment solely on the basis of its

deterrent effect on the individual punished."

This was the opinion of the Committee. I need not go into the question of how barbarously this punishment was imposed on those persons on whom this sentence was inflicted, because the time at my disposal is short. I would only quote some authorities.

**Mr. Deputy-Speaker:** Why quote authorities for what we see.

**Shri M. L. Agrawal:** Mr. Leo Page member of the Juvenile Courts Panel and author of 'Crime and Community' says:

"Corporal punishment appears to me to be unlikely method of approach to a child's mentality to do permanent good. Such statistics as I have seen, seem to be uniformly unfavourable."

The Encyclopaedia of Social Sciences has said....

**Mr. Deputy-Speaker:** The only point is whether we will whip our children. Let us apply the rule "आत्मोपदेयम्"

If we want to protect our children, why not protect others? That is one point in favour of the Bill. The other point is that in special cases persons should be punished. Why quote all these authorities? I shall call upon Shri N. C. Chatterjee to speak and then I shall call the hon. Minister. The time at our disposal is short.

**Shri U. M. Trivedi:** This is a very important Bill. The time must be extended. If no whipping is allowed in this House, probably, this Whipping Act will not be passed.

**Mr. Deputy-Speaker:** The whipping is so gentle that nobody feels it.

**Shri Kamath:** Time must be extended.

**Shri M. L. Agrawal:** I shall finish in two minutes, Sir.

The Encyclopaedia says:

"The main argument against corporal punishment has been its



pain and brutality. There is no doubt that severe corporal punishment brutalises not only the victim but the person who executes the punishment and the spectators, awakening sadistic tendencies and demoralising the finer susceptibilities. It is largely due to a recognition of this fact that public floggings have been abolished. The gradual abandonment of corporal punishment in the schools and the home has been the result of the advancement of psychological knowledge."

**Mr. Deputy-Speaker:** The hon. Member has sufficiently impressed on the House that this Bill ought to be accepted. I think one more Member can speak.

**Shri S. S. More (Sholapur):** We want to hear Shri M. L. Agrawal.

**Shri M. L. Agrawal:** A British medical journal says:

"A judicial birching, whatever may be the injury to the mind of a growing human being, might well confirm the offender in his potentially criminal ways. The aim should be not to punish the delinquent, but to discover what social familial and personal factors are responsible for his anti-social tendencies and to institute treatment to correct them. To tie him hand and feet to a tripod and flog him with a brine-soaked birch seems the best way to make a boy of 8 years look upon society as his natural enemy."

One of the most powerful and most convincing arguments against any form of corporal punishment is that a sentence which a judge or magistrate may consider merely adequate or even lenient can easily be transformed by those responsible for its practical application into a brutal attack or a barbarous species of torture reminiscent of the days of the Spanish inquisition. I would not take more time of the House. I would only say in conclusion that the lone voice of the hon. Lady Member from Trivandrum would almost be the only voice

of opposition and would be drowned in the chorus of disapproval of this form of punishment.

**Kumari Annie Mascarene (Trivandrum):** No.

**Shri M. L. Agrawal:** I support the motion of the hon. Minister for the passage of this Bill.

**Shri N. C. Chatterjee (Hooghly):** It hardly lies in the mouth of this Government to introduce this Bill when they have a Minister of whipping. There is whipping inside the House. There is always whipping outside too. What I am pointing out is this. We should not be carried away by sloppy sentimentalism in considering a Bill of this kind. I remember, when the British Parliament discussed a measure like this, Lord Goddard, who is one of the greatest criminal Judges—he was a very big advocate and had unique experience of criminal jurisprudence—went down as the Lord Chief Justice to the House of Lords and said, it is a dangerous thing you are doing; it is an ill-conceived measure. You have to be particularly careful before abolishing it. You do not improve the morale of the country, you do not improve the offender. In the case of offences committed by people in the critical stage of adolescence, you are compelling the magistrates from tomorrow to send them to jail. That would do them no good. To give six cuts with the cat-o'-nine-tails, as they call it in England, is far better than rigorous imprisonment or hard labour for 2 years. At the end of that, they will come out as hardened criminals. That would be no reformation, nor something deterrent. That would be frustrating the very object of criminal jurisprudence.

I wonder why this Government appointed the Law Commission and then they are proceeding with this Bill in this precipitate manner. We have appointed the Attorney-General as the Chairman of the Law Commission. There are very distinguished ex-Judges of High Courts, distinguished lawyers from different parts of India. Two or three Advocates-General are there. They are all very eminent men.

[Shri N. C. Chatterjee]

When the Home Minister Dr. Katju was sponsoring the Criminal Procedure Code Amendment Bill we pointed out that you should prescribe proper mode of punishment. I had the privilege of having recent acquaintance with the Delhi jail. I will tell you what is most barbarous in this city jail. They have solitary confinement there. I saw a man who was actually kept in solitary confinement for 5 months or more. Day after day he was kept in a cell. Only for half an hour or one hour, he was taken out of his cell. He was a prisoner condemned to transportation or something like that. Is that not more barbarous than whipping? Are we abolishing hanging? Are we abolishing capital sentence? These are the things which ought to be considered from a psychological point of view, from the point of view of reformation of society, from the point of view of its potential effect. You know what is happening in this country; neurosis, all kinds of hysteria. People are ready to put their kirpans or knives into people simply because one is shouting for one kind of State and another for another kind of State. Whipping is the proper punishment to put a stop to this kind of neurosis and hysteria. Unless you do that, it will never stop.

What I am pointing out is this. There was a very big criminal lawyer in my part of the country. Possibly you know him; Shri C. C. Biswas, the Minister of law knew him; Shri J. M. Sen Gupta, President of the Bengal Congress, Mayor of Calcutta, a very distinguished lawyer of many years' standing, and one of the leading men in the Calcutta High Court. We had a very important debate on this subject. Shri Sen Gupta came down and said with all emphasis, I want whipping to be kept for a certain type of offences. Now, Lady Members are talking as if magistrates in India are ordering whipping in all sorts of cases. Under the Whipping Act, it is only kept for certain types of offences. Section 4 of the Whipping Act of 1909

says that where a person abets or commits or attempts to commit rape as defined in section 375 of the I.P.C., he may be punished with whipping. Sen Gupta pointed out that there were certain kinds of crimes especially prevalent in certain eastern districts of undivided Bengal, like molestation of women, dastardly crimes were being committed, and he said whipping should be kept. He said: "Do not be carried away by sentimentalism and these foolish notions of sympathy and ultimately abolish whipping in all cases."

Our section 4 says that in case of rape, in case of offences under section 377, in case of dacoities with certain amount of violence, this can be resorted to. My friend Shri Anthony has pointed out that under section 32 of the Criminal Procedure Code it can be only inflicted by certain types of magistrates of experience, first class magistrates and so on. Therefore, it is ridiculous to say that political offenders may be whipped etc.

**Shri U. M. Trivedi:** They can be lathi-charged, that is whipping.

**Shri N. C. Chatterjee:** As a matter of fact, you know, Sir, the first bomb was thrown in Bengal—what was then undivided Bengal—in Muzaffarpur because the Chief Presidency Magistrate, Mr. Kingsford, had ordered whipping of a boy because he had shouted *Vande Mataram*. For that he was whipped. Are you suggesting anything like that can be or will be done in the Republic of India? Do not bring in these questions of analogy. There will be no foolish magistrates in independent India who can ever resort to this. And that would be perfectly legal. What I am saying is: modify the Whipping Act if necessary. They have kept it in America, in other States, and they are seriously considering that it should not be abolished.

What Pandit Pant has said in his Statement of Objects and Reasons is: "Where it has been retained, it is reserved for extremely heinous offences attended with revolting cruelty". Is it not perfectly proper to reserve whipping for extremely heinous offences like rape or molestation of women with a certain amount of violence or unnatural offences, and offences attended with revolting cruelty?

I am, therefore, saying that it will not be proper to proceed with this kind of ill-conceived, hasty legislation. These things should be sent down to the Law Commission. The hon. Minister said all these things would be considered. He said he was going to amend the Criminal Procedure Code, not to repeal it, but there are many other matters. We pointed out many matters which ought to be taken into account, the psychological effect of punishment, the method of punishment, whether capital sentence should be abolished or not, how far in a progressive commonwealth like ours when you have got a very enlightened constitution should you have this kind of solitary imprisonment, and all these things. The Minister said in this House that these things would be considered hereafter, and that is why the Law Commission has been appointed. Then, why do you proceed with this kind of Bill? Send it to them. Let them consult the Judges, magistrates, the bar associations and the country and also give their considered verdict on this matter.

As a matter of fact, with regard to the rules for whipping, the Government passed a resolution in which they observed—I am talking of the British Government:

"The extent to which the punishment of whipping is inflicted in the several provinces is a matter which should, even during ordinary times when the circumstances of the country are normal, be carefully watched by local Governments."

415 L.S.D.

And then they are pointing out:

"There are certain kinds of crimes which are committed and which can be only dealt with by this kind of punishment."

I am therefore suggesting...

**Mr. Deputy-Speaker:** Is it still there in the United Kingdom?

**Shri N. C. Chatterjee:** In the United Kingdom they have abolished it.

**Mr. Deputy-Speaker:** Does this report relate to the United Kingdom?

I was reading from the rules made by the Governor-General-in-Council in this country. They pointed out certain safeguards which ought to be introduced, which ought to be observed, and I am saying these safeguards have not been violated. Can any Member or the hon. Deputy Minister give us instances where magistrates abused this power, where they have inflicted whipping indiscriminately.

**The Minister of Defence Organisation (Shri Tyagi):** Quite a number of political prisoners were whipped in jail.

**Shri N. C. Chatterjee:** We are in independent India. Shri Tyagi knows that as Defence Minister he has still got flogging in his own army. Has he abolished whipping? Let him say that. As a matter of fact, you cannot run an army without a certain amount of whipping or flogging. You would never have got Winston Churchill if Harrow had not resorted to flogging. You would never have got a Wellington if Eton had not resorted to flogging.

**Dr. Krishnaswami (Kancheepuram):** Was Pandit Nehru flogged or not?

**Shri N. C. Chatterjee:** He was in Harrow and Cambridge. The greatest men in England say that it has done good for them, to get a mild dose of the birch. Therefore I am saying that you have got a first-class, competent,

[Shri N. C. Chatterjee]

properly constituted Law Commission, which has got to amend the Criminal Procedure Code and the Indian Penal Code and to look at the entire problem. Do not have piecemeal legislation of this kind, but allow them to give their considered verdict on it, and then bring a properly conceived and a properly considered scheme before us and then we shall discuss it.

**Shri U. M. Trivedi:** May I request you for five minutes. Some personal remarks were made against me by Pandit D. N. Tiwary and I owe a personal explanation.

**Pandit D. N. Tiwary:** I made no personal remarks against him.

**Shri U. M. Trivedi:** He said flogging is meant for gentlemen like me.

**Pandit D. N. Tiwary:** He is misquoting me.

**Mr. Deputy-Speaker:** Order, order. Both of them are Trivedis or Tiwaris. As between them, it is difficult to judge. Both of them are learned persons. When an hon. Member interrupts, another hon. Member mildly tells him he needs whipping. The hon. Minister.

**Shri Datar:** I was not prepared for opposition from hon. friends like Shri Anthony and Shri Chatterjee. I was also unprepared for the opposition from an hon. Lady Member. Except these three or four hon. Members, on the whole this Bill has been received by the House very well and has been welcomed as a measure of the new change in the set up of India, for which I am grateful.

The question that has been raised by my hon. friends is whether this is a salutary measure and whether it ought to be retained on the statute-book. I may point out to the hon. Members that it is a barbarous provision about which there is no doubt at all, and when there are provisions of such a nature, it is not necessary for the Government to wait for the report of the Law Commission be-

cause the matter is so clear. I would point out to this hon. House that so far as England and U.S.A. are concerned, they have already abolished it. The United Kingdom has completely abolished whipping in 1948. So far as U.S.A. is concerned, except in a small, tiny State, in all the other 47 States whipping has been completely abolished.

**Shri Tyagi:** But not in their legislatures.

**Shri Kamath:** But what about our new friends, Russia and China?

**Shri Datar:** So far as Russia is concerned, I may point out to my hon. friend that I have got here the opinion of a great Russian authority known as Dostoevsky. He regarded whipping as a thorough misunderstanding of the nature of the criminal to believe that the (interruption).... I have heard you silently. Please do not interrupt.

**Shri N. C. Chatterjee:** I am going to remind the hon. Minister that the unpronounceable name that he has tried to pronounce belongs to a period before Lenin and before Stalin and before Bulganinn.

**Mr. Deputy-Speaker:** Let the hon. Minister be allowed to reply.

**Shri Datar:** He regarded it as a thorough misunderstanding of the nature of the criminal to believe that the fear of instance physical pain would prevent an outbreak of his malice or passion.

Then, I would quote to the hon. Member the opinion of Dr. Barnes in as early as 1838:

"I never knew a convict benefited by flogging. A beaten man becomes a more desperate character."

We have got also here the opinions of great Indian authorities on mental sciences. The tendency to crime has to be considered as a disease, and if it is to be considered as a disease, it has got to be cured. So, if we follow this particular principle, flog-

ging has to be abolished not only in the case of adults but also in the case of young delinquents as well.

**Shri Nand Lal Sharma** (Sikar): Capital punishment also should go away.

**Shri Datar:** I am here pointing out the authority of a great specialist in mental and nervous diseases. He states:

"Whipping only converts the juvenile delinquent into a hardened criminal, and has no preventive reformatory or rehabilitative value. In sensitive children, it develops intense hostility towards society and towards themselves."

Now, the next question that falls to be considered is whether it is at all necessary, so far as the heinous crimes are concerned. When introducing the Bill I had pointed out to this House that there were only a few cases where whipping was resorted to. Under these circumstances, the question is whether whipping ought to be retained at all. And Government have come to the conclusion, in consultation with the State Governments, that whipping is not necessary at all. For on the one hand it will not have a deterrent effect so far as the commission of crime is concerned, and on the other hand, the man would be coarsened, he would be dehumanized, and he would be rendered into a very bad and hardened character. That is the reason why I believe that hon. Members ought to have welcomed this Bill instead of seeing something in it which is of an objectionable character.

There is no confused thinking behind this Bill at all. There is no softness behind this either. But there is the feeling that prevails in modern society that even in extreme cases, if whipping is resorted to, the remedy would be worse than the disease. That is the reason why Government have come to the conclusion that flogging has to be completely abolished, and it would not be open

to any magistrate to inflict the punishment of flogging, the moment the present Bill becomes law.

Two questions were raised in regard to this Bill. One was whether we are abolishing by this Bill the whipping Acts that have been passed by the various State Legislatures. I have answered this question already. So far as this Bill is concerned, it aims only at the abolition of the Whipping Act of 1909 which was a Central piece of legislation; it also seeks to remove whipping from the Code of Criminal Procedure. This is all that Parliament can do, because prisons as also this subject are State matters. We are requesting the State Government to come forward alike, and to abolish the various measures that they have so far as whipping is concerned.

Then, I would point out to hon. Members that if this Bill is passed, nothing will happen. The hon. lady Member pointed out the other day that there has been an increase in crime. I wish she had studied what the present position was. Only a few days ago, a book has been published, known as *Crime in India* in the year 1954.

**Shri Shree Narayan Das** (Darbhanga Central): A copy of that book should be circulated to the Members.

**Shri Datar:** A copy of it is there in the Library of Parliament. So far as the figures that have been given there are concerned, I would point out to this House that while in 1949, the number of cognizable offences was 6,54,019 in 1954, it was less by about one lakh, i.e. about 5,56,000, and this was about 45,000 less than that in 1953. Thus, it would be found that there has been no increase in crimes at all. On the other hand, there has been a downward trend in the commission of crimes, as the recent figures would show. Consequently, I would point out to this House that there would be no difficulty at all if this Bill is passed and whipping is completely abolished.

**Shri Gidwani (Thana):** What about whipping in the jails?

**Shri Datar:** So far as whipping in jails is concerned, I have made the position clear already. Prisons are a State subject, and therefore this question has to be taken up by the various State Governments. I am confident that whipping even in jails is not at all salutary; it has got just the opposite effect. I would request my hon. friends to go and see what is happening in the jails. I myself was in jail for nearly three years, and I know that a number of persons have become hardened criminals after they had this whipping. It was a matter of great shame that during the agitation for freedom, a number of Indians received flogging. It was to me a matter of grief to learn that some hon. Members of Parliament had also received whipping before.

**Shri Tyagi:** In Parliament, every day Shri Satya Narayan Sinha whips us.

**Shri Datar:** Apart from that, the question is whether for ordinary criminals whipping is necessary and it will have a deterrent effect. Government's opinion after full consideration and with full experience is that whipping will not have any such effect at all.

So, apart from other considerations, the short question is whether such a barbarous provision should be maintained even now on the statute-book or whether it should disappear immediately without waiting for the Law Commission's report or for any other thing to happen.

So, I am very glad that this House has on the whole—subject to certain exceptions—welcomed this Bill quite well; and I am confident that the Whipping Act of 1909 will be a matter of the past.

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

“That the Bill to provide for the abolition of whipping as a

punishment by repealing the Whipping Act, 1909, and further amending the Code of Criminal Procedure, 1898, as passed by Rajya Sabha, be taken into consideration.”

*The motion was adopted.*

**Mr. Deputy-Speaker:** As there are no amendments tabled, I shall put all the clauses to vote now.

**Shri Kamath:** I want to speak on clause 3.

**Mr. Deputy-Speaker:** The time is up already. I am going to apply guillotine now, for we have already exceeded the time allotted for this by about 15 minutes.

The question is:

“That clause 1 to 4, the Enacting Formula and the Title stand part of the Bill.”

*The motion was adopted.*

Clauses 1 to 4, the Enacting Formula and the Title were added to the Bill.

**Shri Datar:** I beg to move:

“That the Bill be passed.”

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

“That the Bill be passed.”

*The motion was adopted.*

#### CONSTITUTION (SEVENTH AMENDMENT) BILL

**Mr. Deputy-Speaker:** The House will now take up the Constitution (Seventh Amendment) Bill. The voting will take place at 3-30 P.M.

**The Minister of Law and Minority Affairs (Shri Biswas):** I beg to move:

“That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 21 Members namely, Dr. Kailas Nath Katju, Shri Kotha

Raghuramaiah, Shri Debeswar Sarmah, Shri Nageshwar Parsad Sinha, Shri Narendra P. Nathwani, Shri Hari Vinayak Pataskar, Shri Shriman Narayan, Shri S. V. Ramaswamy, Shri Birakisor Ray, Shri Diwan Chand Sharma, Pandit Munishwar Dutt Upadhyay, Dr. Susilranjan Chatterjee, Shri K. T. Achuthan, Swami Ramnanda Tirtha, Shri Shivram Rango Rane, Shri Asoka Mehta, Shri Hirendra Nath Mukerjee, Shri N. C. Chatterjee, Shri Frank Anthony, Dr. Lanka Sundaram and the Mover, with instructions to report by the 1st December 1955."

This is a very short Bill. Copies of it have already been circulated to hon. Members. As I pointed out the other day, this Bill should not spring any surprise on hon. Members. for the subject-matter of this Bill formed part of the Constitution (Fifth Amendment) Bill which was introduced by me in this House along with the Constitution (Sixth Amendment) Bill, on the opening day of this session.

If you compare the provision of this Bill with the relevant clause in the Constitution (Fifth Amendment) Bill, you will find that the two are exactly in the same terms. All that is suggested is that when a Bill is prepared for the purpose as set out in article 3 of the Constitution, it will no longer be necessary to wait for its introduction till the views of the State legislatures concerned are obtained. If you compare the existing provision of article 3 with the proviso which it is proposed to substitute for it, you will find that whereas the former provision was that the Bill could not be introduced before the views of the legislatures of the States concerned both with respect to the proposal to introduce the Bill and with respect to the provision thereof had been ascertained by the President. In lieu of that, it is now suggested that no such Bill shall be introduced unless where the proposal contained in the Bill affects the area, boundaries or name

of any of the States specified in part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State or expressing its views thereon within such period as may be specified in the reference.

The whole object is this that it will not be possible for any State to take up a non-cooperative attitude and thereby impede implementation of the Bill for the formation of new States or for alteration of boundaries etc. As a matter of fact, the President will specify the period within which the State Legislatures will be expected to submit their views and we may take it that the President will fix a reasonable period within which such views may be expressed. It is only for the purpose of guarding against a possible contingency in case any particular State may adopt delaying tactics that we are making this change, so that the introduction of the Bill will not be impeded by reason of such attitude on the part of even one State. Not that we anticipate such a contingency, but it is just as well that we should guard against the possibility of any such thing happening. As you know, the Report of the States Reorganisation Commission will be coming up before this House for consideration and Government will then have to come to a decision on the recommendations contained in it. The matter will have to be referred to the State legislatures for their opinion. Sufficient time will be given to the State legislatures to express their views. Put to guard against any possible contingencies we are taking this step so that the progress of the Bill may not be unduly thwarted by reason of any attitude of non-cooperation on the part of any of the States concerned.

I need not say anything more. It is a simple measure and I hope there will be no difficulty. In fact the hon. Speaker had made a suggestion that this might be taken up and disposed of at one sitting and there was no need for reference to a Select

[Shri Biswas]

Committee. But then some hon. Members were of opinion that because this was a Bill concerning amendment of the Constitution, however, minor the amendment might be it was just as well to follow the convention that there should be reference to a Select Committee. The whole matter might be discussed in the Select Committee and all points of view expressed therein. All the same two hours have been allotted for discussion on the floor of the House today. So it is suggested that the Select Committee which I have named will meet this afternoon, because it will have to present its Report to this House tomorrow. So at any time which will suit hon. Members—say, quarter past four this afternoon—the Select Committee may meet. I do not expect that the meeting will be a very long one. It can be disposed of very soon. I will not say anything more at this stage.

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

“That the Bill further to amend the constitution of India be referred to a Select Committee consisting of 21 members namely: Dr. Kailas Nath Katju, Shri Kotha Raghuramaiah, Shri Debeswar Sarmah, Shri Nageswar Prasad Sinha, Shri Narendra P. Nathwani, Shri Hari Vinayak Pataskar, Shri Shriman Narayan, Shri S. V. Ramaswamy, Shri Birakisor Ray, Shri Diwan Chand Sharma, Pandit Munishwar Dutt Upadhyay, Dr. Susilranjan Chatterjee, Shri K. T. Achuthan, Swami Ramananda Tirtha, Shri Shivram Rango Rane, Shri Asoka Mehta, Shri Hirendra Nath Mukerjee, Shri N. C. Chatterjee, Shri Frank Anthony, Dr. Lanka Sundram, and the Mover, with instruction to report by the 1st December, 1955.

I would like to know how long the hon. Minister will take for reply.

**Shri Biswas:** That will depend upon the points raised on the floor of the House. In my opinion, it is a

simple measure and I need not take more than ten minutes at the most. But if hon. Members expatiate on this Bill, I may require a little more time.

**Mr. Deputy-Speaker:** By way of abundant caution, I will provide 15 minutes, including that for voting. I will call upon the hon. Minister at quarter past three. How many hon. Members want to take part in the debate? So that I may divide up the time. Of course, this does not prevent any other hon. Member rising later, nor does it prevent me from not calling him.

**Shri D. C. Sharma (Hosiarpur):** Your last statement is very dangerous.

**Mr. Deputy-Speaker:** All those hon. Members who are interested in it have already stood up. We have 105 minutes.

**Shri Kamath (Hoshangabad):** Ten minutes each.

**Mr. Deputy-Speaker:** Five to ten minutes.

**Shri Kamath:** At your discretion.

**Mr. Deputy-Speaker:** Five to ten minutes as may be convenient or desirable.

**Shri Tyagi:** Before you proceed, May I seek one clarification? I have been interested in Constitution-making and since some change is sought to be made, I would like to have a clarification.

**Shri Kamath:** You are a Minister.

**Shri Tyagi:** Am I not a Member? I am not making a speech.

**Mr. Deputy-Speaker:** The hon. Member is raising a constitutional point.

**Shri Tyagi:** I just want a clarification as regards the difference between the wordings of the article as it exists and the one now proposed. The original wording is: “with respect to the proposal to introduce the



Bill and with respect to the provisions thereof have been ascertained by the President". At the time the Constitution was being made, the idea was that two points were to be referred to....

**Shri Kamath:** Making a speech?

**Shri Tyagi:** One is with respect to the provisions thereof; the second is the proposal to introduce the Bill. Even these words stand changed. Here it is said: "for expressing its views thereon". So I would like it to be clarified as to what is the difference between the two, what it actually means by this change. (*Interruptions*)

**Shri Kamath:** You are a part of the Government.

**Mr. Deputy-Speaker:** The hon. Minister will reply once for all to all the points raised on this side as well as on that side. I think for the benefit of the House he might have stated—though the clause seems to be practically on all fours with the existing clause—what is exactly the difference, how it is sought to be made out and what is the purpose of this difference:

**Shri Biswas:** I did not say it was on all fours with the existing clause: I said it is on all fours with the clause which was included in the Constitution (Fifth Amendment) Bill introduced on the 21st November.

**Mr. Deputy-Speaker:** Has that been taken into consideration?

**Shri S. S. More:** No.

**Mr. Deputy-Speaker:** That Bill has not yet been taken into consideration

**Shri Biswas:** I know.

**Mr. Deputy-Speaker:** Therefore, this clause comes for the first time before this House for consideration. Is it not, then, necessary for the hon. Minister to say what exactly is the difference, in what particular respect he wants to alter the existing article and for what purpose? In fact, I was

expecting that he would do so, but he has not done so. All the same, I will allow discussion. In the end, he will do so. In all these matters, it is not as if the House can be taken to know all the implications which the sponsor has in his mind.

**Shri Biswas:** I thought I had explained why this change was being made.

**Pandit Thakur Das Bhargava (Gurgaon):** The hon. Law Minister has been pleased to tell us that the main purpose of this Bill is that the States may not be allowed to have a non-co-operative spirit and may not be able to delay the bringing in of the final Bill in this House.

It appears that when the Constitution was framed, the idea was that no changes in the boundaries or the names etc. should be made unless the Legislatures were consulted. Here, it is not necessary that the States should express their opinions or that their views should be ascertained before any such Bill is brought. According to the Bill before us, if a State does not choose to express its opinion, the recommendation of the President could be made even without the ascertainment of the wish of the Legislature. It is, therefore, that a time limit is practically being set to the expression of these views. It appears now that the idea is that so far as non-co-operating States are concerned, they may not be able to be an obstacle so far as the introduction of the Bill and further passing is concerned. I do not think any such contingency is likely to arise in the present circumstances or in any circumstances that I can visualise. All the same, there are two parties to this, the President—or, I should say, the Central Government—and the State Legislatures: I should think that there is no harm in passing this Bill. Yet, when there is an obligation on the States to express their views, there must be an obligation on the Central Government also to see that those views are allowed to be expres-

[Pandit Thakur Das Bhargava] \*

sed. I can also visualise a set of circumstances—which I do not think is likely to happen—in which the States may have some complaints that they have not been afforded full opportunity to express their views. It may happen that the Central Government may introduce a Bill at such a time when the State Legislatures may not be able to express their views in time for some obstacles may arise. I would, therefore, like the Select Committee should be pleased to consider that instead of 'a period' they should say 'within reasonable period'. After all, we must guard against both things. We must see that the Legislatures must be able to express their views—because according to the Constitution and according to ordinary principles, it is necessary that the States should be allowed to express their views; and, at the same time it may happen that during the time specified the States may not be able to express their views, without taking any sort of non-co-operating attitude. They may be anxious that their views should be expressed but, all the same, time passes on and they may have to write to the Central Government or the President for extension of time. So, the second point that I want to urge is that you must provide here two things; one; that this period should be a reasonable period and, secondly, that if, in certain contingencies it is necessary to extend the period, then it may be extended so that the entire purpose behind the original Constitution may not be defeated. We all want—and I think every Member would support my idea—that it is absolutely necessary that the States should be given full opportunity for the expression of their views and the Central Legislature should see that these views are expressed and no complaint should be brought that it has not been able to express its views. With these two suggestions which I have indicated, I support the principle of the Bill because I am anxious that when the Government and the whole country wants to be made, no particular

State or Legislature may be able to stand in the way and defeat the purpose behind such a provision.

A question has been raised by Shri Tyagi. He wanted to know whether there is any change or difference between the provisions which are now sought to be made and the provisions which already exist. So far as I can see, before a Bill is allowed to be introduced the views of the States will have to be ascertained or opportunities shall have to be given to them to express their views. If you compare both the provisions, I find that in the previous article, the words 'areas etc.' are not there.

**Mr. Deputy-Speaker:** 'Name' is there.

**Pandit Thakur Das Bhargava:** 'Boundaries' and 'names' are there but not area. If the boundaries are changed, naturally, the area is changed.

**Shri S. S. More:** You see you increase the area.

**Pandit Thakur Das Bhargava:** We are considering the proviso.

**Shri S. S. More:** Proviso along with the original article.

**Pandit Thakur Das Bhargava:** The original is there.

**Shri Tyagi:** Both 'area' and 'boundary' are not necessary.

**Pandit Thakur Das Bhargava:** I am only pointing out that so far as the first 7 or 8 lines are concerned, there is no change; they only want to substitute this proviso. So far as the proviso is concerned, the 'area' is not there but with the diminution or increase or an alteration in the boundaries, 'area' comes in automatically.

**Shri U. M. Trivedi (Chittor):** Sometimes the area may remain equal.

**Mr. Deputy-Speaker:** Area is referred to in the earlier portion of the article. The original proviso did not include the word and it is sought to be made good here.

**Pandit Thakur Das Bhargava:** What I was submitting is that even as my hon. friend submitted, when there is a change of boundary there is change in area.

**Shri U. M. Trivedi:** Area means total or *kshetraphal*.

**Pandit Thakur Das Bhargava:** Whatever it may mean, this is not such a drastic change that you should think that we should not accept it.

I support the principles of the Bill and I think the House will be well advised to agree to the motion for reference to the Select Committee.

**Shri N. Sreekantan Nair** (Quilon *cum* Mavelikkara): Sir, I thank you for giving me this opportunity. I wish to point out one or two facts about this Bill which have already been pointed out by my hon. friend Pandit Bhargava. There is the question of reasonable time. But, when once a reasonable time-limit is given, it is not necessary to allow the State Government to apply for more time. The main defect of this Bill is that there is no provision for making the time-limit "reasonable." When it is reasonable, the second amendment or suggestion of Pandit Bhargava falls to the ground. Once we give them a reasonable time, it is not for the States to ask this House or the President to change it. That will impede the progress of legislation.

The basic approach to the whole question adopted by the constitution-making body was that the considered opinion of the Legislature may be ascertained. The procedure followed in the various States is not the same. Some say that there need be no voting and that the full text of the discussions should be sent. What is intended is also, to some extent, left undefined. If a particular State says, the reorganisation should not be

effected, then Parliament has got over-riding powers to go beyond that and pass the legislation. That the Government want to have a fair idea of the consensus of opinion there, might be the reason why this Article has been put in the Constitution. I would like to know, why a specific statement is not there that if the State Legislature does not send its views in time, Parliament will carry on with the Bill as if it had expressed its opinion. That provision should be added, definitely, towards the end of the proviso so that the meaning may be complete. These two important amendments have to be brought in.

The amendment that the Bill will be carried on or proceeded with as if the State Legislature has expressed its opinion is a very necessary factor because in the case of several articles like the articles dealing with the fundamental rights, there is no provision in the Constitution to enforce those rights. Here also we have laid down some provision which cannot be enforced. Here the article says that the opinion of the Legislature must be sent. Suppose it is not sent. Why should we leave it for inference that if it is not sent, this House will proceed with it? There must be a definite statement; otherwise, it will not only lead to complications but may also give rise to the Supreme Court and other courts cutting in and all sorts of delay occurring, especially at a time when the States Reorganisation Committee Report, a very important matter, is taken up.

**Dr. Krishnaswami** (Kancheepuram): This is an important amendment even though it involves the alteration of a single article only. I am surprised that the Government have not yet thought it fit to take the House fully into confidence on this issue. I have attempted to understand this Bill and I have got certain doubts which I wish to express and which, I hope, the Select Committee will take into account.

[Dr. Krishnaswami]

The Constitution-makers, as you will realise, anticipated that the States affected would take all possible steps to transmit their views within a reasonable time to Parliament. We are having today the same administration both at the Centre and in the States. Nevertheless the Government have come to the conclusion that since States' reorganisation may cut across party lines, Legislatures may not respond and the legislation in the Centre may be held up, it may be necessary to introduce a Bill to specify a limited period within which the views of the Legislatures may be available. While I hold the view that no Legislature of any State should delay, and thus in effect exercise a veto power, which would go quite against the spirit and tenor of article 3, I must at the same time point out to this House that we would be really abdicating our responsibility if we do not take care to avoid the other extreme, namely, of stifling the expression of views by a Legislature. Discussions on such a vital matter must not be stifled. Changes in territory are important, especially as they bring in their wake many awkward problems of administration and adjustment. But the article as worded can be worked so as to disregard the views of the people of the States expressed in their Legislatures. The president on the advice of the Cabinet may fix any time limit, whether adequate or not. This gives rise to apprehensions that any arbitrary period may be chosen and the views of the Legislatures may not be available to Parliament because of failure to transmit them due to the inadequacy of the time limit. We have after all to realise that article 3 specifies that views on the provisions of Bill are required to be ascertained. Views on a Bill require detailed consideration and the Bill will have to be given due publicity in the State and opinions will have to be invited, and then only discussed in the State Legislatures. While Government may suggest that it would definitely think of a reason-

able period being fixed, there is nothing in the Bill to indicate what that reasonable period should be. I, therefore, suggest to the Select Committee that we should fix a minimum period in the article itself, and the amendment which I have chosen to word runs in the following terms, which I place before the Select Committee. Instead of saying "for expressing its views thereon, within such period as may be specified in the reference" I have chosen to alter it and say "within a period of not less than two months to be specified in the reference". I have chosen to omit the word "reasonable" as I feel that if the word "reasonable" is included, there is a chance of these disputes being carried to the courts of law and courts coming in and interpreting whether a particular period is reasonable or not. But if we fix a minimum period of, say, not less than two months, we would not only have given sufficient time to the various State Legislatures to give due publicity to the Bill but we would also have given the State Legislatures time to invite public opinion and also to discuss these provisions thoroughly. After all, when we say that we want views on Bills, we also expect that the State Legislatures, apart from allowing their members to speak on the various provisions of the Bill, may even submit alternative provisions for the consideration of Parliament. It is a different matter altogether whether Parliament will accept those views or not, but certainly Parliament will have to take account of those views because Parliament is given the Supreme power to alter, to diminish or increase the size of any State, and it is better that we have the views of the people as expressed through the Legislatures made available to Parliament.

**Shri S. S. More:** This measure seems to be rather simple but in its implications I feel there will be so many serious things. We are now contending that our Constitution is that of a federal structure. But in

a federal constitution, when the federating units come forward for the purpose of surrendering some of their powers and creating the Central Government, the consent of the federating States is supposed to be necessary for the purpose of the Central Government altering their boundaries or limits of areas as visualised in article 3. In America, in Australia and in many other countries where the States were first existing and then they came together for certain federal purposes, the consent of the units is necessary and is a condition precedent before any alteration is effected.

**Mr. Deputy-Speaker:** It is not in the Constitution.

**Shri S. S. More:** In one of our provisos that principle has been accepted. I am referring to article 370, and for its application to the State of Jammu and Kashmir, there is a proviso on these lines: Provided further that no Bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the boundary of that State shall be introduced in Parliament without the consent of the Legislature of that State.

This is perfectly natural. When the Central Government or the so called federal government came into existence, Kashmir Government was not part and parcel of India; it acceded subsequently and we made a gesture that in the case of a State which has acceded to the Union subsequently, the consent of the State should be a condition precedent, and that is the right which has to be conceded to all federating units all over where a genuine federal constitution has been evolved. This so-called simple Bill inevitably will demonstrate to the whole world that it is the Union Government which really matters and the State Governments are not the federating units, so to say, but are the creatures of the Central Government, and therefore the sovereign Parlia-

ment may do anything regarding the boundaries, regarding the areas or regarding some other matters which are referred to in article 3, irrespective of their wishes. According to this original article, the views had to be ascertained. I understand by the word "views" the views expressed by the State Legislature, because it is occasionally contended by many persons that it is not the views of the State Legislature which are really to be ascertained but the views as expressed by the different members of the Legislature are to be ascertained before the Bill is introduced. I do not subscribe to that view and I say that the collective views as determined by a certain majority prevailing in that Legislature has to be ascertained before the introduction is made. According to the original article, views have to be ascertained regarding the fact of introduction and the provisions of the Bill. What happens if we accept this Bill? I quite see the necessity of forging ahead with some expedition as far as re-drawing of the map is concerned, but let us stop for a while and find out what will be the implications. You are already aware of the fact and the House is also painfully aware of the fact that due to the Report of the States Reorganisation Committee, powerful feelings and even violent feelings have been aroused in the country and even in a State different sections hold different views and have strong views. It is right to say that these differing views are not identical with the party divisions. Some persons from the same party, holds a particular view while another section from the same party holds a certain different view. I am pointing out some of my apprehensions. Suppose this Bill is passed. Then in a State A—I am not indicating the category of the State but a symbolical State—let us suppose that the Cabinet is of one view and the Members are of another view. A meeting of the legislature can be convened only by the Cabinet. If the Cabinet feel that they are likely to be defeated not only by a total majority in the House

[Shri S. S. More]

but even by a majority of their own followers, they will find out the best course to suppress and keep their own differences properly submerged under some ostensible appearance of unanimity; they will not convene a meeting of the legislature at all to express its views. Then the prescribed period will elapse and the President will be perfectly justified in making a recommendation to the House. It is just like a period of limitation for suit. A suit on a promissory note must be filed within three years; if it is not filed the next moment it gets time-barred. That will be the unhappy position to which many of the States will be reduced because there are sharp differences of opinion among persons who happen to be in power; on this particular occasion they are seriously divided.

2 P.M.

This Bill will become an instrument in the hands of certain persons to flout the united will of their States, because the State legislatures are supposed to represent the people and their interest. Thus people will be denied the opportunity to express their desire regarding their future. You know how cattle are sold. We sell cattle and they are not concerned whether they are in A's house or B's. In that way people of the particular State which is likely to be affected will be transplanted from one area to another without giving them any opportunity to express their views. The whole political, social and economic life is likely to be disturbed. Parliament may pass a legislation but it will also have to reap the dividends of people's dissatisfaction and the crops of such settlement imposed from the Centre.

**Shri N. Sreekantan Nair:** Their representatives are here.

**Shri S. S. More:** My friend says: we are representatives here. I do not know on what theory that he says that. But technically it may be expected. But it is too tall a claim

to say that Shri Sreekantan Nair represents the united will of Travancore-Cochin because there are so many parties having variety of views. In that case the particular majority of Members coming from that particular State will have to be consulted. If you have to put this claim that we are proceeding in a democratic and representative manner, then you will have to consult somebody. Who are the people whom you are going to consult? Unfortunately in our Constitution there is no referendum, in our Constitution there is only this expedient under article 3 which operated as a sort of a barrier before the President making any recommendation because the views of the State had to be ascertained — the views as expressed by a majority have to be ascertained not only with regard to the introduction but even with regard to the provision. This last barrier—it was also a weak barrier—is being removed.

I shudder to think about the consequences that may follow. I come from a State which is sufficiently agitated; I need not comment on it.

**Mr. Deputy-Speaker:** What is the remedy?

**Shri S. S. More:** My submission to this House will be this. We will have to pause for a while and deliberate to find a remedy. No one can play the role of a quack and come out with a remedy the moment some remedy is asked for. I feel that it is an essential matter.

**Mr. Deputy-Speaker:** The Constitution must give an opportunity, as in the case of local boards, to Members to have an extra-ordinary session convened notwithstanding the fact that the executive does not convene it. The Constitution itself has to be amended.

**Shri S. S. More:** I am not disclosing anything; in some of the States even the executive is sharply divided.

The Chief Minister may be on one side and the other colleagues may be on the other side. What is going to happen under such circumstances? The Cabinet has to decide on a date though the Governor may summon the House. He acts on the recommendation of the Government. When the Government's house is divided against itself, who is going to take the initiative? In such circumstances many of the States will not be in a position to comply with this provision. It is very unfortunate and regrettable but all the same a grave fact of which we must take notice. Instead of the State Governments discharging their responsibility to the people and making these recommendations, they will be shoving on this responsibility to the Central Government. They will be going about saying to their own people that they never wanted things to be done in a particular manner but it is the Central Government and the Parliament which have imposed this. And that way we ourselves are coming into discredit. Subject to these remarks, I want to make one or two suggestions for the consideration of the Committee.

It may be referred to the legislature of the State for expressing its views thereon within such period as may be specified in the reference. If the period has to be specified in the reference, the President will be incapable of extending that period if there are proper considerations and proper reasons. Instead of that if we say "within such period as may be specified by the President" then the President may get automatically the power of extending the period if there are just grounds, or impelling grounds for the purpose of extending the period. My submission is that in this matter we should not be in a hurry to stick to any particular schedule. Some Members are keen; at least Government are keen on holding elections according to a particular schedule. I could accept that. But at the same time law and order requirements must also be taken into consideration and if it is necessary in

the interest of having peace and tranquillity all over the country and an amicable settlement regarding the changes in the boundaries, I would rather request the Government—it may look selfish, but I speak collectively for all the Members elected to this House—that it would be desirable to change our schedule. Heavens do not fall if we continue in office for some time but heavens will surely fall if people start resorting to arson; if people start resorting to kirpans and other deadly things.

We are entering an era of prosperity and building up the country for enriching the life of the people. It is we who have aroused these sentiments. Now, we are reaping the crops. My submission therefore is that if necessary the Central Government and the Parliament can wait for sometime and the Prime Minister who commands a great popularity and is a controlling and sobering influence all over the country, can go about in order to bring about the necessary compromise and adjustments by peaceful methods. Shri Tyagi says he is interested in Constitution building but I find him interested in building cannons and other things. It is no use hanging on Shri Tyagi for the purpose of defence. (*Interruptions.*) With these remarks, I support this Bill with all the remarks of caution, and sobriety.

**Shri Kamath:** I am glad my friend, Shri Tyagi who now adorns the Treasury Benches harks back to the old days of the Constituent Assembly. He almost made a walk-over to this side of the House. He missed this by a few paces, and on this issue I find that he is more with us than with the Treasury Benches.

The history of this particular provision is rather curious. The Constituent Assembly had before it a draft provision, and those colleagues who were Members of that body will recall that certain changes were made in the draft which encroached upon the State rights and powers. The Chairman of the Drafting Committee,

[Shri Kamath]

Dr. Ambedkar referred to these changes made in the draft provision and remarked as follows:

"The conditions were that there must be, before the initiation of any action, representation made to the President by a majority of the representatives of the territory in the Legislature of the State, or a resolution in that behalf passed by the Legislature of any State whose boundaries or name will be affected by the proposal contained in the Bill."

That was changed and for that was substituted mere 'consultation' with regard to part A States and 'consent' with regard to part B States. In respect of the States falling under part I of the Schedule mere consultation only was required and in regard to those States falling in part II consent was necessary. Now, when we come to this Bill which is before the House we find further erosion of powers conferred upon the States in India. My Party which stands for decentralisation of political and economic power, though it welcomes or supports the main principle or object of the Bill I am afraid, cannot, support the provisions of this Bill in toto because this Bill seeks to curtail, and curtail very drastically, the powers conferred upon the State legislatures to deliberate upon a very important measure such as the change of boundaries which may be effected by the Report of the States Reorganisation Commission. Even though there is no mention of the Report of the States Reorganisation Commission in this Bill, that is the immediate provocation for this Bill.

Now, Mr. Tyagi raised that point, the difference between the original article and the provision in the amending Bill. Two things were there in the original article. Before a Bill was introduced in the Parliament the views of the States with respect to the proposal to introduce the Bill,

whether the Bill should be introduced or not, were required to be obtained first. Then came the views with respect to the provisions of the Bill. Here, in clause 2 of the Bill before the House we find only an opportunity given to every State for expressing its views within such period as may be prescribed. There is no other power or right given to the State legislature to express its opinion with respect to the proposal to introduce a Bill, whether a Bill should be introduced or not. That has been curtailed—not merely curtailed, but taken away. There is no mention of that part of the article in this Bill at all. Sir, will you kindly have a look at the article of the Constitution? In article 3 it is said that the views of the States are to be ascertained in respect of the proposal to introduce the Bill. That is mentioned first, but that finds no place in this Bill at all.

**Mr. Deputy-Speaker:** Is it not open to them to say: "No, you should not introduce the Bill?" Is it not included in the "expression of views"?

**Shri Kamath:** But, what exactly do these "views" mean? It is a very vague term. Will it mean a resolution passed by the House or the entire proceedings of the legislature?

**Mr. Deputy-Speaker:** Even in the original article the term used is "views".

**Shri Kamath:** I know that is true. But, there are two things mentioned in the original article. The views of the States are required to be taken in regard to the proposal to introduce the Bill and then the provisions thereof.

**Mr. Deputy-Speaker:** Of course, one includes the other. The Bill as a whole means both the introduction, or the proposal to introduce and the several provisions contained therein. They can say "No" and express their views saying that the Bill is unnecessary.



**Shri Kamath:** That is merely a ruling. I want to know whether the Government accepts that or not. It is for the Minister to say so and then only we can be satisfied.

**Mr. Deputy-Speaker:** What I say is merely that the term "views" is there on both the original article as well as the present amending Bill.

**Shri Kamath:** I agree that the term "views" is there but I want further clarification as to what the "views" will mean. Let us have it from the Minister—from the horse's mouth. (*Interruption.*) It is only a phrase, Sir; it does not cast any reflection on the Minister. The horse, of course, is a noble animal in God's creation.

I would, therefore, like to know what exactly the term "views" will mean; whether it will mean a resolution of the House or the entire proceedings of the House, besides what I have already asked. A time limit of two months from the date of the reference of the Bill to the State was suggested. I wonder whether this will be adequate. I would suggest three months from the date of receipt of the Bill in the State by the State Government. The State Governments, many of them, are chary of summoning State assemblies or rather advising the Governor to summon the Assemblies. Therefore every State Assembly must be given adequate time and the advice—of course, we cannot have it by a piece of legislation—must go from Delhi to all State Governments that they must summon the Assemblies within a particular period. I do not know whether it would be binding on the State Governments, but, otherwise, the State Governments, some of them at any rate, may summon the Assemblies a week or two before the expiry of the period without giving adequate time for the members of the Assembly to express their views on the Bill.

Then I would like to refer to another aspect of the matter. In the United States of America no State

boundaries can be altered without the consent of the State concerned. In Switzerland, in Swiss Democracy, the boundaries of no canton can be altered without the consent of the canton concerned. Here, we do not want to insist upon consent because it might occasion or cause delays, avoidable delays; but, certainly, when we are trying to curtail or seeking to curtail the powers of State legislatures we must see to it and this House must see to it, that there is not too much centralisation of power in the Central Government or in the Central Parliament, and what is legitimately a matter in the State List and about which they have got every power to deliberate and submit their views, that power or that right should not be abrogated or curtailed in any manner whatsoever.

I would, therefore, suggest that; first, the Minister should clarify whether this provision includes both aspects of the matter—the proposal to introduce the Bill in Parliament and the views of the legislature with regard to the provisions thereon. There was a Bill in the last Parliament according to the terms of which certain areas of Assam State were ceded to, I believe, Sikkim, and the boundaries of Assam State were thereby altered. The procedure followed in that case by the Government and Parliament was substantially different from the procedure that may be followed if this Bill is adopted. There was a discussion in the Assam Assembly and a resolution was passed by the Assembly. Then the Bill came up here, so far as I recollect, and then the Parliament passed that Bill. Here there is no explicit provision for the legislature concerned to pass a resolution of that kind about both aspects of the matter. They have got to merely express their views on the provisions, and the Central Government will only obtain the views of the State Governments or the State Legislatures within the period specified in the reference. Further what I say is there must be an opportunity given not only to the

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various State Legislatures, but also to the people of the States concerned. All the States concerned must be given adequate time to formulate their views and the party organisations, public institutions, etc., must be given adequate time to formulate their views and forward them to the State legislatures. If these changes are made by the Select Committee, I think they will have done a good job of this measure. Otherwise, I am afraid we will lay ourselves open to the charge of encroaching upon the States' powers and of erosion of the States' rights and powers and robbing them of the legitimate powers conferred upon them by the Constitution. The Constitution, as I already said, originally envisaged a different mode and a different procedure. But they were watered down by the Constituent Assembly and this Bill seeks to dilute and water them down further still. I for one would not wish that there should be any departure from the provisions of the original article, and if there be any departure because of the urgency of the S.R.C. Report, I would earnestly request this House to see that no State legislature will have any ground for complaint that its powers or rights under the Constitution have been curtailed in any manner whatsoever.

**Shri Kasliwal (Kota-Jhalawar):**

As far as I have been able to analyse this Bill, four changes are proposed to be made to the original article. The first is, a new word "area" is proposed to be inserted. Really, it is not a new word because it has already been used in the actual article, as such, where it has been said: "increase the area of any State." and "diminish the area of any State". So, so far as this particular insertion of the word "area" is concerned, I support it.

The second change which is proposed to be laid down is that if a Bill is to be introduced, as Shri Kamath has put it, the proposal to introduce a Bill need not be referred to the State legislatures. It is quite

true that in the original article, these were the words: "with respect to the proposal to introduce the Bill". I do respectfully submit that whenever a State legislature is called upon to express its views on the proposal to introduce a Bill, it is natural that some sort of a Bill containing certain provisions will be before the State legislature. I do not visualise the position that there may be a Bill without any provision, on which the State legislature should express an opinion, but if you can introduce any Bill, the State legislature will go into the provisions of the Bill, and then alone express its views. So, really, there are two things: as if the proposal to introduce a Bill is something different from expressing the views on the provisions of the Bill, but it is not so. I submit that this new clause—expressing its views on the provisions of the Bill—is quite enough. It covers the point with regard to the proposal to introduce a Bill.

Then, the third point is, in the place of the words "ascertain the views", the words "expressing its views" have been inserted. I do not know what is the purpose of substituting "expressing" for "ascertain". I have consulted the dictionary and I find there is very little change in the meaning of the word "ascertain" from that of the word "express". If it is the object of the hon. Minister just to polish the language of the original article, that is a different matter. But I would like to know why the Minister proposes to substitute the words "expressing its views" in the place of "ascertain".

The fourth point is in regard to the period to which reference has already been made. The words are: "within such period as may be specified in the reference". As my learned friend Pandit Thakur Das Bhargava said, when you say that the period is to be specified, that means that a reasonable time must be given to the States to express their views. Shri More

said that at least two months may be given and some other hon. Member said that more time must be given. I do not know whether it is quite proper to fix a time limit. You may leave the article as it is, and a reasonable time may be given to the State legislatures for expressing their views. With these words, I support the amendment.

**Shri C. D. Pande** (Naini Tal Distt. cum Almora Distt.—South-West cum Bareilly Distt.—North): I am somewhat constrained to make certain observations which I am afraid will not be very helpful to the Minister concerned, in this respect. My field of observation is limited to this extent, namely, frequent amendments of the Constitution are not desirable. That we have got amendments Nos. 5, 6 and 7 within a period of two months shows that Government found it necessary to make many changes in the Constitution without mature thought. Even last time—six months back—when an amendment was brought forward to amend the Constitution, I told the party that frequent amendments is not a healthy practice.

**An Hon. Member:** Which party?

**Shri C. D. Pande:** The Congress Party of course. I told them that it is not a healthy convention to have a hurried and unceremonious amendment of the Constitution. After all, what is the necessity of this hurry? I do not want to go into the merits of the provisions contained in the Bill. The Bill is quite innocent and useful and it may be necessary to have that legislation, but can we not wait for a few months. Have we found any difficulty now, or so far? Has any State in India been recalcitrant or has not replied to our requests. Have they refused anything? Within six weeks or so, you can get replies from the States, if not within three or four weeks. If there was any possibility of any recalcitrant State which, out of spite for our legislation, and delayed its reply, then you may say that a provision of this kind in the Constitution is called for. If there is a certain States which does

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not oblige us by sending its replies in time, you may proceed with the next step. Nothing of the kind has happened now, and therefore, I think it is very undesirable to resort to the amendment of the Constitution. On every possible occasion, when the Government finds a slight difficulty, an amendment of the Constitution comes in. I belong to the Congress Party and there is a vast majority behind the Government, but that vast majority—I must say to the Minister concerned—should not be made a hand-maid of the Government to change the Constitution now and then and so frequently. In my opinion, all these three Bills to the Constitution containing the amendments can wait for two or three months, and we can, in the meanwhile, amalgamate them and make them into one Bill, and if there is a possibility of including some more amendments that may be thought of, they may be included in such an amalgamated Bill. Otherwise, we will become the laughing-stock of the world. The world will say, "look here, within just four years of the Constitution, they have made not less than seven amendments". In the U.S.A., which also attaches the great sanctity to the Constitution, they have found it necessary to amend the Constitution only 19 times within the course of 175 years, whereas within four years we have proposed seven amendments. I think, the Government can therefore wait for two months and amalgamate all the amendments. In future, I submit, they should not rush to the Parliament to amend the Constitution so hastily. Otherwise, we will be accused of reducing the Constitution to a farce. In 1952, 1953, 1954 and 1955, we found a lacuna every time. It reveals a very serious state of affairs. We should guard against this treatment to the Constitution.

**Shri U. M. Trivedi:** We are very anxious in making an amendment which is perhaps not liked by those who are in the State legislatures. It is true that ours is not entirely a federal form of Government. Our aim

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is entirely a unitary form of Government. But we still play upon this word of federation, and try to hold out to the public at large that ours is a federal form of Government. Article 3 gives a lie to that proclamation of ours. What fun is there in saying that the legislatures' views may be expressed when there is absolutely nothing to bind us to the views that can be expressed? Not even the unanimous views of a legislature of a State will prevent the diminution, the addition, alteration or the change in name of the State, taking place. I for one, would, therefore, say and suggest that if we really want the value of democracy and want to value the views of certain sections of the people of our country, at least let us go to this extent, namely, in this amendment which we are now suggesting, let an amendment be made that "no such change shall be made as has been disapproved unanimously by the legislature of the State concerned." If, without any party affiliation, everyone in the whole of the legislature, says, "we do not want a change" then that change shall not be made by the Parliament. What is happening in Madhya Bharat today? People in Madhya Bharat are entirely unhappy over the question of linking themselves to Madhya Pradesh. They do not want to go into Madhya Pradesh, because those of us who had the misfortune of being inhabitants of the old native States which merged unceremoniously into the Bombay State suffered very heavily on account of those people who felt that they were some sort of bosses coming over us. Whether they were party men, Government men, police officers or revenue officers, they always came with a superiority complex and they thought that the people living in the States were a sort of sub-human beings who are not equal to their status. Everyone in Madhya Bharat will receive the same treatment as the people in Mount Abu were treated by the Bombay State and as the people of Santranpur, Lunavada, Devgad,

Baria were treated by the people of the Bombay State. These experiences are glaring in the eyes of the poor people of Madhya Bharat and they do not want to be tagged on under any circumstances to Madhya Pradesh. Therefore, just to satisfy the whims of certain people, it is not fair to say that the legislature of Madhya Bharat should not be allowed to express its view in unequivocal language. I do not know who has put that interpretation before the various States that they can merely express their opinions. It is not the view of the legislators that is required. What is required is the view of the legislature and the view of the legislature means the collective view of the legislature. I say that there should be a clear embargo that if the disapproval is by the whole of the legislature, by all the Members of the legislature, then it should not be forced down their throats that they must go and join another State.

**Shri A. M. Thomas (Ernakulam):** What will happen if there is disapproval by one Member?

**Shri U. M. Trivedi:** I am talking of unanimous disapproval. I do not say that there should be disapproval by one man alone. For instance, in this House even if one Member objects to the withdrawal of an amendment, it is put to the vote of the House. I do not want to go to that extent. My point is, if there is unanimous disapproval for the change, will it be fair to force it down their throats? What I am saying is that under these circumstances, it should not be forced down their throats.

There is another thing. Under articles 239 and 240 of the Constitution, the so-called Part C States are there. Why are they being allowed to discuss the S.R.C. Report or the question of States reorganisation under article 3 of the Constitution, Part C States come nowhere in the picture, but still we are seeing that discussions are going on in the Delhi

State Legislature, in the Bhopal legislature, in the Ajmer legislature and so on. All these are our creations. As far as the other States are concerned, we do not value the legislatures which are accepted as legislatures having certain powers. We do not want to value them and we say that they may merely express their views. On the contrary, we allow it in the case of the Part C States which are not to be accepted and which are there simply to satisfy the whims of certain people. The Nawab of Bhopal said, "I must have it for five years" and we said, "all right". The Ajmer people said, "we have got a different culture" etc. and we allowed it. I say that this inconsistency must not be there; it should be taken out.

As I have already stated, if the legislature of a State unanimously disapproves of any change in the boundary or increasing or diminishing of its area or the alteration of its name, then such changes shall not be introduced. I agree with the view which has been expressed by Dr. Krishnaswamy and by Mr. Kamath also. I go a step further and say, "do not put the time limit at three months only". Once a reference is made, let it be said that not later than six months from the date of reference, the legislature must decide. We do not merely want the views of the legislators, the Congress Party, the Socialist Party, the Communist Party or the Hindu Maha Sabha. These should not be enough. It must be the view of the whole of the legislature. I therefore submit that the phrase "within such period as may be specified in the reference" is merely fettering the ordinary liberty of a legislature. When we say period, it may be one week. Therefore, it should be a reasonable period because proceedings in the legislatures cannot be rushed through. We know the difficulties of this legislature. Today the Whipping Bill was being discussed; most of us were taken by surprise and we had forgotten at what stage it was. We had not the copies

of the Bills. We were taken by surprise because we were not prepared for it.

**Mr. Deputy-Speaker:** Were hon. Members not supplied with copies of the Bill?

**Shri U. M. Trivedi:** This must have been done long ago. At any rate, I don't have a copy of the Bill with me.

**Mr. Deputy-Speaker:** If he had gone into the lobby, he would have got it. Perhaps the hon. member did not want it.

**Shri U. M. Trivedi:** I am only mentioning it as an illustration. Constitution amendment is not an ordinary change of law. This is a question of abolishing a particular State and taking away the powers of a legislature which will be affecting the social life of the people living in that State. Under these circumstances, it is very essential that a particular time-limit must be fixed. That time-limit, certainly from our own point of view, must not be such as to allow the legislatures to go on thinking and thinking. I do not agree to that also; but at the same time I submit that sufficient time must be given for the legislature of that State to deliberate upon it. I am submitting that these two amendments may kindly be considered by the Joint Committee, namely, that the period to be specified by the President must be not less than six months from the date of reference. I am also suggesting a further amendment, namely, that no change shall be introduced which has been disapproved unanimously by the legislature of a State.

**Shri Jaipal Singh:** (Ranchi West-Reserved—Sch. Tribes): I feel that I must make use of the opportunity you have given me, so very kindly, to express the views of the jungle with regard to what is very vital not only for the jungle tracts but also for the whole country.

You, Sir, like me, were a signatory to the Constitution. You and I were not normal people when we made the

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Constitution. The sanctity that is being attached by several quarters in the ruling party as well as the hopeful rulers of this country, the argument that the Constitution is so sacrosanct that for such and such a period it must not be touched or tampered with is wholly untenable. May I stress that the constitution-makers, because of the very difficult task they were entrusted with, were not normal people. There are many things in the Constitution that we, today, would not have countenanced. That is a fact. The name of democracy is invoked. I feel that the very people who invoke the name of democracy have not the least idea of democracy. When it suits them, they invoke democratic principles. I am not one who in any way belittles the opinions of the various legislatures. But, I think that, we in this country particularly, if we really believe in building a welfare State, have to build it from the bottom, and, the most important foundation is the village. Legislatively it is the State legislature concerned that has to be more articulate in expressing its views. I do admit that we in the Parliament here are prone to think we have become a bit more representative. That is what we think, but that is not true. Arithmetically, it may be true. But, it is in the inverse ratio, because the people who are more representative than us in regard to the boundaries of the States, the names and the like are the people who are lower than us. From that point of view, I do think that while I welcome this, I have to say that I am not prepared to confer the authority to the ruling party to decide what is the reasonable period. Today there is one party; tomorrow there may be another party. Now, 'reasonableness' will depend upon the party that is in the *gaddi*. That, to my mind, is a power that we should not confer in a hurry.

Only the last time we met, I took the hon. Minister for Parliamentary Affairs to task for misrepresenting

what happened in the Advisory Committee when it last met. He had stated that the Advisory Committee had practically agreed that this Bill would come in directly and would be passed and it would go through. That was not a fact. I am going to take him to task again when in about an hour's time we meet. It is very important that an amendment of the Constitution, however urgent and necessary it may be, must go through certain hurdles. Constitution is not something that we can change overnight whether we on this side like it or whether it is sponsored from the other side. The difference between a democracy and a totalitarian regime is that, in a democracy, you have certain hurdles to get over. Whether the thing is good or not, the hurdles are there and they must be there. That is the only safeguard that the individual citizen has. In a totalitarian scheme, there is no such thing as delay. Things can just be rushed through. Here is something which, in my opinion, should be rushed through. But, even then, as a democrat,—anybody in the jungle is a democrat and he is the only true democrat in this country—I am bound to look at this with a great deal of apprehension. That is why I oppose this undetermined period of reference. As the hon. Member who preceded me said, it may be one day. It is one day in which you are rushing this. Much as I approve of it, I do think, if we really mean democracy, we must put a brake against ourselves, against our own strength, against our own weaknesses. I do think that the people who raise the argument that the Constitution is sacrosanct and so it should be left alone, have ample wisdom behind them, and logic also. It said that the Government had no business to appoint the States Reorganisation Commission. But, things have happened. As I said, right at the beginning, we were not normal people. I am very doubtful whether we are now normal. In my view, much as I want myself a Jharkhand State, — I want it, I will continue to

struggle for it and I shall get it at the end — the fact is, I do not desire that it should be there unless the whole country wants it.

[PANDIT THAKUR DAS BHARGAVA  
in the Chair]

An argument was advanced from this side that if in any particular State legislature there was complete unanimity, the rest of the country had no right to have a contrary opinion. If that is the opinion this country accepts, it will be a very sad day for this country. There are my fellow Adivasis sitting on mountains of high grade iron ore, sitting on mountains of gold. If one man can say, I have been here for 6000 years, who is the hon. Member who preceded me to remove him? The country is one. We have to move as a whole. Although there may be instances where it will hurt me, there is one thing which is more important. We must all hold that the country as a whole has to move. The country is one. In seeking any amendment of the Constitution, however unimportant or important, I urge that we must bear in mind that we have to carry the rest of the country with us. That is democracy. I fully accept, I have repeated this on the floor of the House with vehemence before, that democracy is no democracy unless you are prepared to accept a situation in which the view of the minority shall be heard. That is exactly where most of the quasi-democrats or bogus democrats who speak from this side or that side go wrong. That is the tragedy on the other side. Humbly, may I give a warning to the other side. They talk of their majority and say, people have sent us. They sent you, how many years ago? May I repeat again, did the country send you to divide the country? When did you have sanction to partition the country or to accept a partition of the country? You did it on your own. Let us be honest with ourselves. Similarly, in a thing like this, I feel strongly,—as you know I am a Jharkhandi and for thousands of years I shall remain so—let us not invoke

lightly the name of democracy. Let us not do a thing just because we have numbers behind us or just because we are sovereign. I do plead that we shed some of those sanctimonious ideas about our power. I think it is high time we remember the people who have sent us here. Let us be a little more up-to-date as to what the people think. That is very important. While I support this, I do feel that it is a most dangerous thing not to specify a specific period, which may be something like a constitutional guarantee as to the time limit envisaged in this Amendment Bill.

**Shri Dhulekar (Jhansi Dist.—South):** I would point out to the House and also to the Law Minister that the Bill as it has been introduced today is not an improvement on the language that is in the Constitution. If there were not the doubt that the legislatures of this country will not send their replies within the specified time, I would submit that the language of the Constitution is very clear and all the objects of this Bill can be served by the present article 3 of the Constitution.

Let us take the word "ascertain". If I have to ascertain the opinion of any person, I write to him saying that I want his opinion on a particular point. It is commonsense for me to write: "Please send your reply within a week or ten days". So, it is obvious commonsense that the President when he ascertains the views of the legislatures would ask them to send their replies within three, four or five months, whatever it be. In the Bill also you have not specified the time, but have only said "within such period as may be specified in the reference". That is to say, you have yourself seen the advisability of clothing the President with the power of exercising his discretion to name the period in the reference that is to be sent to the legislatures. The Constitution itself says: "... to introduce the Bill and with respect to the provisions thereof have been ascertained by the President." The ascertainment by the President of the

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views of the legislatures carries with it the power of specifying the time, and I would therefore submit that this Bill is not an improvement on the language that is already there in the Constitution.

Secondly, in the Bill now we say that the Bill will be referred by the President to the legislatures of the States. The language in the Constitution is that the views of the legislatures of the States are to be ascertained with respect to the proposals to introduce the Bill and with respect to the provisions thereof. It clearly means that the Bill as framed by the Central Government is not to be sent to the legislatures, but the proposals are to be sent. So, my point of view is this, that under the Constitution as it is, the President will have wider power. I submit "the views of the legislatures on the proposals" is a wider term than the Bill that is to be introduced. What will happen if a Bill is framed by the Central Government and sent? In every legislature there will be about 150 or 200 amendments, and the amendments will be passed by a majority. So, the views are not ascertained by the President, but certain amendments to the Bill will be received by the President. What will be the shape of those amendments? The Bill will come in a very different form from every State, and by that the Members of Parliament here will not know the real views of the legislatures. As a Member of the Constituent Assembly I say that we had collectively thought that the views should be ascertained with regard to the proposals, and not with regard to the Bill. When you send a Bill to any person, you circumscribe his views. Under the Constitution, views will not be, may not be in the form of amendments to the Bill, but may be in the form of a memorandum running to 80 or 100 pages. The whole memorandum may be placed before the House. Every Member will have a right in the legislature to speak upon it and give his opinions, and then the whole legis-

lature may approve that that memorandum may be sent to the President with the views or with the dissenting notes of the members of those legislatures. If they are placed before us, we can certainly know the views of the legislatures,—mark the words. "the views of the legislatures"—and we can make our own amendments when the new Bill comes before us. Therefore, I submit that this Bill is not an improvement upon the language of the Constitution that prevails today. Your object can be served by the present Constitution. The time-limit can be given by the President and also the views can be ascertained.

Thirdly, you cannot brush away the rights of the Part C States when they are there, their Ministers are there and the legislative assemblies are working. When you are bringing an amendment, why should you not include the Part C States also and take their opinion on it. You cannot say Bhopal or Ajmer cannot say anything. Are they not States with legislative assemblies. You have repeated that mistake again. You are ascertaining the views only from Part A and B States. Why not C?

**Shri U. M. Trivedi:** Why not D?

**Shri Dhulekar:** There is no D.

**An Hon. Member:** There is D.

**Shri Dhulekar:** You can also say that Manipur and other small States may also send a memorandum. You cannot exclude certain sections of the people of India from expressing their views on it.

The present Constitution is very right, and under the present Constitution you can do everything that you desire to do by bringing this Bill.

**Pandit K. C. Sharma** (Meerut Distt.—South): This Bill is very simple and very innocent. It makes no substantial changes whatsoever. Anyhow, a fundamental question has been raised as to the desirability of changing the Constitution so rapidly. On this question, there are two divergent views. One is that the Consti-



tution is a supreme law, and that provides a model for the community to develop, and all institutions, social organisations, and patterns of administration, legislative or judicial, must conform to that model. The argument based on this view is this, namely that rapidity and easiness in changing the Constitution might result in the tyranny of the majority; and it is asked; 'What is there to safeguard the rights of the minority, if the majority takes it into its head to do the other way?' Another view is that in the modern dynamism of social and economic objectives, the pattern of life changes rapidly, and that the legislative, judicial and administrative set-ups also need change consequently; this is very necessary in order that the economic and social welfare of the people may be safeguarded, and life may grow despite the fact that the letter of the law or the supreme law, viz. the Constitution says, 'no, to it. No letter of the law, whether constitutional or otherwise, should be allowed to stand in the way of the development of the people.'

3 P.M.

It is the latter view that our people have taken. In the constitutional provision as it stands, there are three things involved, namely the introduction of the Bill, the necessary recommendation of the President, and the necessary reference to the State Legislatures for eliciting their views. In the proposed amendment also, those three things have been provided for. The only addition now made is 'within such period as may be specified in the reference'.

A point has been made that the time-limit should be specified in the Bill. My respectful submission is that when no time is specified, it always means reasonable time, and the President and the Legislature cannot fail to do their duty in a reasonable way and behave as the spirit of the law direct them to do. So, there need be no fear on this account.

I would again say that this Bill is most innocent and simple, and en-

tails no complications whatsoever. So, I support this Bill.

A point has also been made out as to why certain sections of people must be tagged on to another State, despite their unwillingness to agree to such a proposal. My respectful submission with regard to that is that the territorial arrangement are not the fundamental rights of a citizen, and therefore he cannot claim to be with this State or that State. It is for the administration and the Parliament to see that the people grow in their own natural way. There is also the question of administrative convenience, financial soundness and so on. So, it is for the Parliament to look to the welfare of the people and to see that no wrong is done to any set of people or any class of people. But no citizen can stand up and say. I want this kind of territorial adjustment or I do not want this kind of adjustment. It is not given to him to do so as a matter of fundamental right.

With these words, I support the Bill.

श्री बी० जी० देशपांडे (गुना) : इस संविधान का संशोधन करते समय मेरी समझ में यह बात नहीं आई है कि इतनी जल्दी से यह संशोधन क्यों किया जा रहा है। मेरे माननीय मित्र श्री पांडे जी की स्पष्ट वक्तृता के लिये मैं उनको बधाई देता हूँ, क्योंकि बात यह है कि जिस प्रकार की सिफारिशें इस राज्य पुनर्गठन आयोग ने की हैं उसके कारण आठवां संशोधन भी आपको करना पड़ेगा। क्योंकि इस संशोधन में आपने पार्ट ए और पार्ट बी स्टेट्स का उल्लेख किया है। इसके पश्चात् आप पार्ट ए और पार्ट बी स्टेट्स (भाग क और भाग ख राज्य) को समाप्त करने वाले हैं। नया बिल जब आवेगा तो उसमें पार्ट ए और पार्ट बी स्टेट्स नहीं रहेगी और फिर उसमें यह संशोधन करना पड़ेगा। यह जो संविधान का संशोधन किया जा रहा है यह शाश्वत काल के लिये किया जा

[श्री वी० जी देशपांडे]

रहा है और इस लिये यह विधेयक स्वीकृत होने के पश्चात् आपको आठवां संशोधन लाना पड़ेगा।

मुझे एक बात समझ में नहीं आती। कांग्रेस का राज्य केन्द्र में है और कांग्रेस का ही राज्य प्रान्तों में है। मैं यह मानने के लिये तैयार नहीं हूँ कि कोई विधान सभा निश्चित समय के अन्दर अपना मत प्रदर्शित नहीं करेगी। इसके लिये यह संशोधन हो रहा है ऐसा मानने में शायद कुछ गलत-फहमी हो। मेरे मित्र मोरे साहब ने जैसा कहा है, हो सकता है कि इसका फायदा लेकर यदि कोई विधान सभा यह चाहे कि उसका मत व्यक्त न हो तो वह ऐसा करने के लिये इसका उपयोग करे। आपने इसमें शब्द "एक्सप्रेसन आफ व्यू" (विचार की अभिव्यक्ति) रखे हैं और इनमें आप परिवर्तन नहीं कर रहे हैं। आप देख रहे हैं कि आजकल विभिन्न विधान सभाओं में राज्य-पुनर्गठन आयोग के प्रतिवेदन पर चर्चा हो रही है। मेरे पास आज मध्यभारत से खबर आयी है कि वहाँ की विधान सभा में मंत्रिमंडल ने यह प्रस्ताव रखा है "देट दी रिपोर्ट बी टेकिन इंटू कंसीडरेशन" (प्रतिवेदन पर विचार आरम्भ किया जाय) और जब उस पर कई सदस्यों ने अपने अपने संशोधन भेजे कि ग्वालियर को राजधानी बनाया जाय या मध्य भारत को मध्यप्रदेश में न मिलाया जाय तो स्पीकर (अध्यक्ष) ने यह निर्णय दिया कि सल्टेटेटिव मोशन (मूल प्रस्ताव) न होने के कारण आप इसमें कोई संशोधन नहीं दे सकते। मैं नहीं जानता कि प्रक्रिया या प्रोसीज्योर की दृष्टि से वह यह रूलिंग (निर्णय) दे सकते हैं या नहीं। पर कांग्रेस दल के मन में यह भय था कि शायद वह लेजिस्लेचर यह मत व्यक्त करे कि मध्य भारत का मध्य प्रदेश में नहीं मिलाना चाहिये और शायद कांग्रेस के मेम्बरों (सदस्यों) की परिस्थिति आगे चुनावों

में खराब हो जाय, इसलिये यह कोशिश की जा रही है कि वहाँ से कोई प्रस्ताव न भेजा जाय। इसलिये मैं चाहता हूँ कि इस बिल में इस प्रकार की शब्द रचना की जाय कि यदि कोई मंत्रिमंडल या दल "एक्सप्रेसन आफ व्यूज" को रोकना चाहे तो ऐसा न किया जा सके। केन्द्रीय सरकार को निश्चित रूप से विधान सभाओं का मत जानना चाहिये। मैं समझता हूँ कि उनको प्रस्ताव के रूप में अपना मत व्यक्त करने का अवसर देना चाहिये और दूसरी बात यह है कि यदि कोई मंत्रिमंडल जान बूझ कर केन्द्र के कानों तक उनका मत न जाने देने की कोशिश करे तो केन्द्र को इस प्रकार की सत्ता अपने हाथ में लेना चाहिये कि केन्द्र के आदेशानुसार वहाँ का राज्यपाल या राज्य प्रमुख एक निश्चित काल के लिये वहाँ की विधान सभा को आमंत्रित करे।

दूसरी बात यह है कि आज जो टाइम टेबिल (समय सारिणी) है उसके अनुसार बजट (आय-व्यय) का अधिवेशन अब आने वाला है। और काम की अधिकता के कारण लोग यह भी कह सकते हैं कि दो तीन दिन में इसका फैसला हो जाय। आपको देखना पड़ेगा कि लोगों को अपना मत व्यक्त करने के लिये पूरी सुविधा मिलनी चाहिये। उनका मत चाहे कुछ भी हो, लेकिन गणतन्त्र का यह मूलभूत सिद्धान्त है कि चाहे हम उनका मत मानें या न मानें हमको उनका मत जानना चाहिये। इसलिये मेरा कहना है कि इस समय इस बिल की आवश्यकता नहीं है। आपको इसमें जो आपने निश्चित अवधि की बात रखी है उसको निकाल देना चाहिये। आज कोई ऐसी परिस्थिति नहीं है कि लोग अपना मत व्यक्त नहीं करेंगे। आज आवश्यकता यह है कि आप यह बता दें कि निश्चित रूप में उनका मत प्रस्ताव के रूप में प्रदर्शित होना चाहिये। इस प्रकार का संशोधन आपको करना चाहिये। इतना ही मुझे निवेदन करना है।

## Bill

Shri C. R. Narasimhan (Krishnagiri): The proposed amendment of the Constitution looks very inoffensive, and is worded more or less like an one-clause Bill. But though it appears to be inoffensive and innocuous, I feel that it is very far-reaching in character. One has only to go through the Report of the *States Reorganisation Commission* in this connection. One of the paragraphs in that report, while discussing the structure of the Indian States, makes it clear that the Constitution is federal in structure and the States are necessary parts; yet actually it is possible for the Centre to dispense with the States or to alter the character and the number of the States by simply reducing or increasing the number of the States or by merging one area with another.

Like that, the nature and the number of the units can easily be changed by Parliament without much reference to the States concerned. As it is, there is this kind of danger to the States. The Centre is indispensable under the Constitution, but the States are not. Therefore, I say that though this proposed change is very innocuous authorising the President to give a time-limit, it actually empowers the President to issue a sort of ultimatum to a State to give its answer within a certain time. This is really changing the complexion of the Constitution. Therefore, I would not like the Members to imagine that this is a very innocuous change. We should remember that we are practically changing, even though indirectly, the nature of the Constitution itself. The Constitution now provides that the States should be consulted in certain matters before a change in the Constitution is effected. Here, by changing this and getting for the President, the power to issue a sort of ultimatum to the States in regard to the number of States and the complexion of the States—either by regrouping or merging or abolishing them, the Centre has got the power to alter the complexion of the Constitution also. Therefore, I would

like the Members to fully realise the implications of the change, and not simply take it as a very innocuous thing. I have nothing more to say.

Some Hon. Members rose—

Mr. Chairman: If the hon. Minister will take 15 minutes, I will call upon him now. But if he will take less, I will call upon one more hon. Member to speak.

Shri Biswas: I have heard with great interest the comments which have been expressed by various Members of this House on what I still maintain is an innocent Bill. I am glad the majority of my hon. friends support the principle of the Bill. But they have their doubts on certain points on which they want clarification. I can quite understand that. Of course, I do not think I should be justified in attempting a full clarification now because of the limited time at my disposal. But to all these points, Government have a sufficient and satisfactory answer and when we meet in Select Committee, I am sure all these points will be thrashed out and our viewpoint will be placed before hon. Members.

But I must just refer to some of these observations within the time my disposal. In the first place, I should explain that there is absolutely no change between the provision in the Bill and the proviso in article 3 of the Constitution so far as ascertaining the views of the State legislatures is concerned. If you refer to article 3, you find that the first substantive provision of that article is for the formation of new States and alteration of areas, boundaries or names of existing States. Then this is followed by a proviso, and what does that proviso deal with? It deals with the stage at which the Bill for the purpose of carrying out these proposals may be introduced. The proviso says that no such Bill may be introduced unless it receives the recommendation of the President. That is condition number one. The second condition is—unless a reference has been made to the State legislatures for their views

[Shri Biswas]

and their views ascertained. In other words, you have got to wait before you can introduce the Bill till all the State legislatures concerned have sent their views. Now, so far as giving expression to their views is concerned, there is no change. Under the new proviso we are now introducing, the States are required to express their views. But because in the existing article, you find the word 'ascertained', you should have to wait till you get their views. That is being changed. It is only the views which are of importance. Government want these views to be before them before they take final action. That is the material thing. What are the views of the legislatures? So far as that is concerned, there is absolutely no change. That is the main thing, for which this proviso has been enacted.

**Shri Gidwani (Thana):** Even after the amendment, you will have to wait.

**Shri Biswas:** According to the amendment, we are now making, we need not wait till all the views are ascertained. You may introduce the Bill after making the reference. Therefore, there is no necessity, there is no reason, for making any provision saying that opinions are wanted not merely with respect to the provisions of the Bill but also with respect to the proposal to introduce the Bill. The Bill may already have been introduced after reference is made to the State legislatures. There is accordingly no point in providing for expression of opinions on the question of introduction of the Bill.

**Mr. Chairman:** The argument is that the Bill can be introduced before the legislatures have expressed their opinion?

**Shri Biswas:** Yes.

**Shri Dhulekar:** It cannot be introduced.

**Shri Biswas:** The whole object of the change is this. I have explained that the Bill may be introduced on the recommendations of the Presi-

dent, but you need not wait till the views of the State legislatures concerned had been obtained. You can introduce the Bill after a reference has been made to the State legislatures.

**The Minister of Communications (Shri Jagjivan Ram):** And a certain period has elapsed.

**Shri Biswas:** Then the question arises, if you are not to wait till all the views had been ascertained, is there any device for providing a reasonable period of time within which the States may express their views? That is a very important and vital question. As a matter of fact, it may reasonably be asked: why is it that we have not specified any period—one month, two months, three months, or a period not exceeding or not less than one month, two months or three months or so? It is up to the Select Committee to adopt some other phraseology. But the point is this. The time-limit will be adjusted by the President according to circumstances. Suppose you are making a very minor change. It does not require three months for that purpose. The time-limit will be such as will give a reasonable opportunity to the States to express their views.

**Shri S. S. More:** Will there be different treatment?

**Shri Biswas:** Then I come to the suggestion which has been made that in that case, there should be express provision which will enable the President to extend the time, if necessary. I can quite appreciate that. A safeguard like that can be there, and that is a point which the Select Committee will certainly carefully consider. But what I was going to point out was that the Government's idea is that a reasonable period must be allowed to the States to express their views. It is not that they are going to be hustled or will be hustled. Nothing of the kind. I might disabuse hon. Members of that impression, if they have it.

**Shri Dhulekar:** Your point is that the posting of the letter or reference is sufficient.

**Shri V. G. Deshpande:** Certificate of posting.

**Shri Biswas:** That is perfectly so. That is the whole object of this proviso, that as soon as the President has given a recommendation and the Bill has been referred to the State legislatures for expression of their views, it will be open to Government to introduce the Bill.

**Shri Kamath:** It is quite different..

**Mr. Chairman:** Order, order.

**Shri Biswas:** In my opening remarks, I made it quite clear that it is only as a safeguard against any possible contingency which may hold up the passing of a Bill for forming a new State because of the intransigence of any particular State. I made that perfectly clear. I referred to the SRC Report only by way of illustration, because that is of immediate consequence. That is all. Otherwise, there is no change. The only change is that we are taking the right to introduce the Bill without waiting for the receipt of the opinion from the State legislatures.

**Pandit K. C. Sharma:** But there should be reasonable time given.

**Shri Jaipal Singh:** May I just seek a clarification? I did not want in any way to interrupt the hon. Minister. But I am a bit confused by his legal logic. May I first ask something further? Is there anything to prevent the Central Government from ascertaining the view of any State Legislatures or any other person before it materialises in the form of legislation?

Secondly, I want to understand the meaning; when the President's assent is there, they would introduce the Bill and not wait for the views of the legislatures.

**Shri Biswas:** They need not wait; I do not say, will not wait.

**Shri Jaipal Singh:** It may be put in cold storage at a later stage.

**Mr. Chairman:** The position of the hon. Minister is quite plain. The Government need not wait for the expression of the views of the legislatures and they are entitled to bring in a Bill as soon as the expression has been made after the reference for expression of views has been sent.

**Shri Biswas:** I will answer the first point raised by my hon. friend. Government are under no statutory obligation to have obtained the views of the various State Governments; still, that is what they have done with reference to the SRC Report. What does that show? That shows the anxiety of Government to consult all possible interests. They summoned a conference of the Chief Ministers of the States. They want to know the opinion of the States. As a matter of fact, we have actually seen the State Legislatures considering the SRC Report and expressing their opinions. What does this show? Government wants these opinions. So far as the question of the formal reference is concerned, we are doing the necessary things. But, we need not wait till all the opinions have been obtained from all the States.

It has been suggested following the precedent of federal constitutions that no change ought to be made unless the States or State concerned agrees to the changes proposed. That is not our Constitution. This is not a federal constitution. Then you can say that unless the States give their consent no change could be made; that is not the provision in our Constitution.

**Shri S. S. More:** Is not our Constitution a federal constitution?

**Shri Biswas:** It is not said that all the States must agree. All that the existing provision requires is that the views should be ascertained. Government is not bound to accept their views nor is it bound to reject the proposal simply because one particular State has refused its assent.

[Shri Biswas]

Look at this from another point of view. According to our set-up, supposing one State withholds the expression of its views, will that one State be allowed to hold up something to which all the other States may have agreed? Is that right? We are now redrawing the whole map of India.

**Shri Dhulekar:** Sir, on a point of order. The hon. Minister has interpreted this amendment as if to say that only the posting of the reference to the different States is quite sufficient and it is not necessary for the President or this Parliament to wait till the views have been ascertained and that they can come forward in the Parliament with the Bill and proceed with it and pass it without receiving those replies.

**Mr. Chairman:** It is not a point of order. There are two interpretations. As a matter of fact, there are two views. One view has been expressed by the hon. Law Minister. The other view seems to be that the reference should be made and the time given there should be utilised by the State Legislatures for the expression of their opinions and before the expiry of that time the Bill cannot be introduced. The matter is going to the Select Committee and may be thrashed out there. Those who think that their view is correct may see that that view is implemented by necessary changes in the Bill. But, it is now no use discussing these two interpretations.

**Shri H. N. Mukerjee** (Calcutta North-East): My difficulty is that the hon. Minister seems to contradict the official Statement of Objects and Reasons which gives us an indication of the interpretation which should be put.

**Mr. Chairman:** Order, order.

**Shri Biswas:** Hon. Members who are already on the Select Committee need not interrupt me in this way.

**Mr. Chairman:** I quite see the point of the hon. Member. But, I have already remarked that this is not the occasion when the two interpretations ought to be discussed in the House. After all, in the Select Committee, this matter can be gone into. Those hon. Members who feel that this does not carry out the real purpose may attempt to change it there.

**Shri H. N. Mukerjee:** I think I am one of those whose names have been mentioned for the Select Committee. It is my duty to know exactly the terms on which we are to work on this Select Committee. From a reading of the Bill and the Statement of Objects and Reasons as well as from following the debate, my idea is that this Bill only wants to set a time-limit to be given to the States by the President in order to ascertain the wishes of the Legislatures concerned. Now, the Minister comes forward to say that the process of ascertaining can be concluded by a notification to the States.....

[MR. DEPUTY-SPEAKER in the Chair]

**Mr. Deputy-Speaker:** I just ascertained what exactly the point was that Shri Mukerjee was raising. It is the opinion of the Law Minister. The Bill is going to the Select Committee. If the Members of the Select Committee take the view that the language is all right—whatever may be the interpretation of the Law Minister—the language may be allowed to stand. If, on the other hand, the opinion of the Members of the Committee, the majority of them, is that this interpretation is not correct and they want a different set of expressions to be used, they will do so. We are not bound absolutely by the opinion regarding the language that is used in the Bill.

**Shri H. N. Mukerjee:** I confess I am very befuddled but I just seek enlightenment from you. When a Bill goes to the Select Committee the House accepts the principle of it. As

far as the principle of this Bill is concerned, I presume we all accepted it on certain understanding and that understanding appears to be contravened by what the hon. Law Minister has said. Sir, I understood from a reading of the Bill as well as the discussion on the floor of the House and in other places that the object is to have a time-limit fixed regarding the ascertainment of the wishes of the Legislatures and the President was to set the time-limit. Therefore, we all expected the ascertainment of the wishes of the Legislature to be made before the expiry of the time-limit. Otherwise, there is no point in the time-limit at all.

Now, the Minister comes forward to say that it is incumbent on the Government only to send notices to the different States and that is tantamount to ascertainment of the wishes of the Legislatures. It seems to be a fantastic distortion of the meaning, of words. On that basis, for us to work on the Select Committee becomes a very precarious proposition. That is why I want your ruling.

**Shri Biswas:** Sir, my time is over.

**Pandit Thakur Das Bhargava:** This is a very important matter which I wish to bring before you. When a motion for reference to the Select Committee was made, we had understood from what we have seen in the Statement of Objects and Reasons and the debate here that all the States will be afforded an opportunity to express their views. What the hon. Minister seeks to lay down is that the Bill will be introduced before they are allowed to express their opinions. In that case I would not vote for reference to the Select Committee. This is the position. When we enacted article 3 in the Constituent Assembly, we were of the view that the views of all the Legislatures were to be ascertained and that it was the duty of the President to do so and that the President would not have been justified in allowing the introduction of any Bill or making any recommendations whatsoever unless those views are ascertained. Now,

we are quite anxious that the views of the Legislatures must be expressed before any such Bill is allowed to be introduced. This goes to the root of the matter. If the view of the hon. Law Minister is that as a matter of fact the Bill can be introduced without any Legislature being given an opportunity to express its views, it means that the Central Government can do what it likes without knowing the views of the Legislatures. I understand our votes are dependent on this fact. If the Legislatures are given the opportunity to express their views, then we will support the Bill. We want that the time may be fixed. But at the same time, fixing the time has no meaning if the Bill is going to be introduced and recommendations made and the Bill proceeded with without the views of the Legislatures being known. Then I think every Member of the House should vote against the Bill.

**Shri Biswas:** I have explained what the ordinary words of an article mean. This is the ordinary meaning and that is all that I have to state.

**Shri Satya Narayan Sinha:** So far as I have been able to follow, there has been absolutely no difference between what my friends opposite say and what the Law Minister says. The Law Minister also agrees that all that we want to see is that no State should adopt some dilatory tactics and block the passage of the Bill. That is our only object.

**Mr. Deputy-Speaker:** I have heard both sides. I want a clarification from the hon. Law Minister. With the full knowledge of what he proposes under this Bill, let it go to the Select Committee. All that he said is that the intention of the Government is to ask the States to express an opinion with one hand through the President, and introduce the Bill with the other hand before the opinions are received. Or will the Bill be introduced only after the opinions of the States are received so that the Bill might be shaped in accordance with the opinions of the States?

[Mr. Deputy-Speaker]

Until that time, no Bill will be introduced. Is that the object of the Bill?

**Shri Biswas:** Unless the time given by the President in the reference expires, nothing will be done. That is in the Bill itself and I have repeated it several times.

**Mr. Deputy-Speaker:** The hon. Law Minister is so reasonable and so sweet now, and there is no misunderstanding now. Has the hon. Law Minister to say anything more?

**Shri Biswas:** If my hon. friend only refers to the Statement of Objects and Reasons, he will find that this matter has put in as clearly as the English language can make it. That is all that I have to say.

**Shri Jaipal Singh:** The entire House is grateful to you for having got the latest view of the hon. Law Minister. In that case, may I humbly suggest that whatever he had said before be expunged from the records?

**Mr. Deputy-Speaker:** Whatever he had said before is to be understood according to what he has said now.

**Shri N. C. Chatterjee:** The last clause of the bill is operative and so

also the last view of the Law Minister is operative!

**Mr. Deputy-Speaker:** Hon. Members are dealing with the Constitution amendment now.

The question is:

"That the Bill further to amend the Constitution of India be referred to a Select Committee consisting of 21 Members, namely, Dr. Kailas Nath Katju, Shri Kotha Raghuramaiah, Shri Debeswar Sarmah, Shri Nageshwar Prasad Sinha, Shri Narendra P. Nathwani, Shri Hari Vinayak Pataskar, Shri Shriman Narayan, Shri S. V. Ramaswamy, Shri Birakisor Ray, Shri Diwan Chand Sharma, Pandit Munishwar Dutt Upadhyay, Dr. Susilranjan Chatterjee, Shri K. T. Achuthan, Swami Ramananda Tirtha, Shri Shivram Rango Rane, Shri Asoka Mehta, Shri Hirendra Nath Mukerjee, Shri N. C. Chatterjee, Shri Frank Anthony, Dr. Lanka Sundaram and the Mover, with instructions to report by the 1st December 1955."

*The Lok Sabha Divided: Ayes, 246; Noes, 2*

#### Division No. 2]

#### AYES

[3-35 P.M.]

Abudulbbhai, Mulla  
Abdus Sattar, Shri  
Achal Singh, Setu  
Achint Ram, Lala  
Achuthan, Shri  
Agrawal, Shri H. L.  
Agrawal, Shri M. L.  
Akarpuri, Sardar  
Alagesan, Shri  
Ali, Shri  
Asthana, Shri  
Azad, Shri Bhagwat Jha  
Bachchan Singh, Shri  
Badan Singh, Ch.  
Balasubramaniam, Shri  
Balmiki, Shri  
Banerji, Shri  
Bansal, Shri  
Barman, Shri  
Barupal, Shri P. L.  
Basant, Shri  
Bhagat, Shri B. R.  
Bhakti Dharman, Shri  
Bhargava, Pandit M. B.  
Bhargava, Pandit Thakur Das  
Bhatkar, Shri  
Bhatt, Shri C.  
Bhawani, Shri  
Bheeka Bhai, Shri  
Birbal Singh, Shri  
Biren Dutt, Shri  
Brajeshwar Prasad, Shri  
Brommo-Choudhury, Shri  
Chaliba, Shri Bimalprasad

Chanda, Shri Anil K.  
Chandak, Shri  
Charak, Th. Lakshman Singh  
Chatterjee, Shri Tushar  
Chatterjee, Dr. Susilranjan  
Chatterjee, Shri N. C.  
Chatterjee, Shri  
Chavda, Shri  
Chettiar, Shri Nigappa  
Chettiar, Shri T. S. A.  
Damur, Shri Amar Singh  
Dandapani, Shri Netur P.  
Das, Shri B.  
Das, Shri B. C.  
Das, Shri K. K.  
Das, Shri N. T.  
Das, Shri Ram Dhani  
Das, Shri Sarangadhar  
Das, Shri Shree Narayan  
Davarath, Shri Deb, Shri  
Datar, Shri  
Deb, Shri S. C.  
Deozi, Shri  
Desai, Shri K. N.  
Desai, Shri Khachubhai  
Deshmukh, Shri C. D.  
Deshmukh, Shri K. G.  
Deshpande, Shri G. H.  
Dholakia, Shri  
Dhulekar, Shri  
Dhuvaya, Shri  
Digambar Singh, Shri  
Dube, Shri Mulchand

Dube, Shri U. S.  
Dwivedi, Shri D. P.  
Dwivedi, Shri M. L.  
Eicharan, Shri I.  
Ebenzer, Dr.  
Gandhi, Shri B. B.  
Gandhi, Shri S. M.  
Gandhi, Shri S. M.  
Gandhi, Shri  
Gandhi, Shri K. P.  
Gandhi, Shri K. S.  
Gandhi, Shri S. S.  
Gandhi, Shri A. C.  
Gandhi, Shri Badshah  
Gandhi, Shri R. K.  
Gurupadaswamy, Shri M. S.  
Hansda, Shri Beniamin  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Rai, Shri  
Ibrahim, Shri  
Iqbal Singh, Sardar  
Iyyanar, Shri C. R.  
Jaggiwan Ram, Shri  
Jain, Shri A. P.  
Jaipal Singh, Shri  
Jaiswar, Shri  
Jatavir, Dr.  
Jena, Shri Niranjan  
Jethan, Shri  
Joshi, Shri Jethalal  
Joshi, Shri Krishnacharya  
Joshi, Shri Liladhar  
Joshi, Shri M. D.



## AYES—contd.

Joshi, Shrimati Subhadra  
Jwala Prashad, Shri  
Kajrolkar, Shri  
Kamath, Shri  
Kasliwal, Shri  
Khedkar, Shri G. B.  
Kirolikar, Shri  
Krishna Chandra, Shri  
Krishnamachari, Shri T. T.  
Kureel, Shri B. N.  
Lakshmayya, Shri  
Lallanji, Shri  
Laskar, Shri  
Madiah Gowda, Shri  
Majithia, Sardar  
Malliah, Shri U. S.  
Malvia, Shri B. N.  
Malviya, Pandit C. N.  
Malviya, Shri Motilal  
Masuriya Din, Shri  
Mathew, Shri  
Matthen, Shri  
Maydeo, Shrimati  
Mehta, Shri Asoka  
Mehta, Shri B. G.  
Mehta, Shri Balwant Sinha  
Mehta, Shri J. R.  
Menon, Shri Damodara  
Mishra, Shri Bibbuti  
Mishra, Shri L. N.  
Mishra, Shri S. N.  
Misra, Shri R. D.  
Misra, Shri S. P.  
Mohiuddin, Shri  
Morarka, Shri  
More, Shri K. L.  
More, Shri S. S.  
Muhammed Shafee, Chaudhuri  
Mukerjee, Shri H. N.  
Mukne, Shri Y. M.  
Munswamy, Shri N. R.  
Muthukrishnan, Shri  
Nair, Shri C. K.  
Nair, Shri N. Sreekantan  
Narasimhan, Shri  
Natarajan, Shri  
Nerwadkar, Shri  
Nathwani, Shri N. P.

Nehru, Shrimati Shivravati  
Nehru, Shrimati Uma  
Neswi, Shri  
Palchoudhury, Shrimati Ila  
Pande, Shri B. D.  
Pande, Shri C. D.  
Parikh, Shri S. G.  
Patel, Shri Rajeshwar  
Patel, Shrimati Maniben  
Patnaik, Shri U. C.  
Pillai, Shri Thanu  
Prabhakar, Shri Naval  
Radha Raman, Shri  
Raghavachari, Shri  
Raghubir Sahai, Shri  
Raghubir Singh, Ch.  
Raghunath Singh, Shri  
Raghuramiah, Shri  
Ramanand Shastri, Swami  
Rameshaiah, Shri  
Ram Dass, Shri  
Ram Saran, Shri  
Ram Subbag Singh, Dr.  
Randaman Singh, Shri  
Rane, Shri  
Rao, Shri P. Subba  
Rao, Shri T. B. Vittal  
Ray, Shri B. K.  
Reddi, Shri Ramachandra  
Rishang Keishing, Shri  
Roy, Shri Bishwa Nath  
Rup Narain, Shri  
Sahu, Shri Rameshwar  
Saigal, Sardar A. S.  
Saksena, Shri Mohanlal  
Saksena, Shri S. L.  
Samanta, Shri S. C.  
Sanganna, Shri  
Sankarapandian, Shri  
Sen, Shri P. G.  
Sen, Shrimati Sushama  
Sewal, Shri A. R.  
Shah, Shri C. C.  
Shah, Shri Raichandbhai  
Shahnawaz Khan, Shri  
Sharma, Pandit Balkrishna  
Sharma, Pandit K. C.  
Sharma, Shri D. C.

Sharma, Shri K. R.  
Sharma, Shri R. C.  
Shastri, Shri R. R.  
Siddanajappa, Shri  
Singh, Shri D. N.  
Singh, Shri H. P.  
Singh, Shri L. Jogeswar  
Singh, Shri T. N.  
Singhal, Shri S. C.  
Sinha, Dr. S. N.  
Sinha, Shri Anirudha  
Sinha, Shri Jhulan  
Sinha, Shri K. P.  
Sinha, Shri Nageshwar Prasad  
Sinha, Shri Satva Narayan  
Sinha, Shri Thakur Jugai Kishore  
Siva, Dr. Gangadhar  
Snatak, Shri  
Sodhia, Shri K. C.  
Subrahmanyam, Shri T.  
Suresh Chandra, Dr.  
Suriya Prasad, Shri  
Swaminadhan, Shrimati Amma  
Tandon, Shri  
Telikar, Shri  
Tewari, Sardar R. B. S.  
Thimmaiah, Shri  
Thomas, Shri A. M.  
Tiwar, Shri V. N.  
Tiwar, Pandit B. L.  
Tiwar, Shri R. S.  
Tiwary, Pandit D. N.  
Tripathi, Shri V. D.  
Trivedi, Shri U. M.  
Tvag, Shri  
Upadhyay, Pandit Munishwar Dutt  
Upadhyay, Shri Shiva Dayal  
Upadhyaya, Shri Shiva Datt  
Vaishnav, Shri H. G.  
Vaishya, Shri M. B.  
Verma, Shri B. B.  
Verma, Shri B. R.  
Verma, Shri Ramji  
Vidyalankar, Shri A. N.  
Vishwanath Prasad, Shri  
Vyas, Shri R. J. Lal  
Waghmare, Shri

## NOES

Deshpande, Shri V. G.

4 P.M.

**Shri Tyagi:** I rise on a point of order. As far as I understand the Constitution, this voting was not a voting on a Division and there are certain Members who have been stopped from voting. The general custom is that whenever there is a Division the doors of the gates are closed in the lobby and, therefore, the Members are not permitted to come in. This is a rule which is applicable when there is some contested motion on which a Division is called for. Here nobody has challenged the decision and asked for a Division. It was only a normal voting.

**Shri V. G. Deshpande:** Yes, I said 'No'.

**Shri Tyagi:** Let me have my word. It was a normal voting. Instead of saying "Ayes" and "Noes" we were required to count the heads and for that purpose signatures were taken. In that case those Members who were

Mascarene, Kumari Annie

outside the lobby must have the privilege to come in. Why should they be locked out? Perhaps it is unconstitutional to lock out Members unless there is a Division.

**Som: Hon. Members:** It is too late.

**Shri N. Sreekantan Nair:** Sir, on a point of information. I want to know whether anybody has voted against it.

**Mr. Deputy-Speaker:** Order, order. The tellers are still counting. In the meanwhile no point of order can be raised. But, apart from any question of legal objection, are there really any Members who have been shut out?

**Shri Tyagi:** I was informed that several Members have been locked out.

**Shri S. S. More:** Sir, I rise on a point of order.

**Mr. Deputy-Speaker:** Order, order. I am coming to the hon. Member. Until I sit down there cannot be a point of order. What is the meaning of raising a point of order against my rising up and talking. This is wonderful. I am coming to him. Why he is in a hurry? I have never disallowed a point of order. I always welcome them. Only I wanted to know whether any of the Members who must have voted and who have not voted are here. I want to know whether any such Members are here who have not gone to one or the other lobby. I only wanted to know that.

**Shri Tyagi:** I have not noticed any other irregularity except that constitutional point which I wish to raise in this matter. When voting is being taken on a motion which seeks to amend the Constitution it is not a question of Division. The signatures are taken just to ascertain the exact number of Members present and voting because there is a requirement that it must be passed by a majority of the membership of the House. Unless there is an actual Division there is no reason why the doors should be closed. Members who are outside can also come in and vote. I can understand this being disallowed when there is a regular Division, when votes are taken on a contested Bill. Then it can be said that if the Members do not come within a certain time they will lose their votes. In this case the right of voting should not be denied to any Member if he is within the precincts of this building. I would, therefore, suggest that a re-voting should be done so that the Members who are outside may also get a chance to cast their votes.

**Shri S. S. More:** My submission is, when a Division is in progress, it has not been completed and the tellers are still counting, the House is supposed to be not in Session and therefore during this period no submission can be validly considered by the Chair. That is my point.

**Shri Tyagi:** I fully agree.

**Mr. Deputy-Speaker:** This is an important matter for consideration. A point has been raised that some Members who must have come here have not been able to come within the 3 minutes for which time the bell was rung. Normally the time that is allowed for hon. Members to come in is only 3 minutes and the bell was rung for that much time. So, there is no irregularity in the procedure so far adopted.

But, in matters of this kind, where it is a serious Division on a point as to whether a Bill ought to be passed or not to be passed and if there is any serious objection to the principle of the Bill and on that ground the Members have divided, then there is no question of any hesitation and the procedure as laid down has to be followed. But, in this case there seems to be a general desire to send the Bill to a Select Committee and the acceptance of the principle of the Bill with certain modifications and clarifications. That is what is intended and inasmuch as this is an amendment of the Constitution a special provision is laid down that so many Members must be present in the House. Therefore, the question is: whether I should immediately declare or, in view of the fact that there has not been any opposition to the Bill as such though one hon. Member said 'No' which is not by way of a challenge saying "Come along; let me see whether there is any strength in you." I can allow, in a matter of this kind, a recount and thus give opportunities to Members who are outside. This is an important measure. We are not absolutely going by the rules. We only look to what is the essential principle of the Bill. Therefore, what is the harm if a second Division Bell is rung and hon. Members can go and get the other Members. I am only trying to put this suggestion to the House and now let me hear their views.

**Shri Raghavachari (Penukonda):** I wish to submit—now that you have put your suggestion to the House—that the procedure you are now pro-

## Bill

posing simply comes to this. I will take the very argument that you just advanced. You said that there was no serious opposition in the House and therefore why not we allow a recounting. Supposing 100 of us attend here, even if all of us agree that there should be no opposition and that we should not divide, these 100 Members do not make the majority that is required by the Constitution. Can you go on counting and recounting till the number is made up. Here, you will see that the procedure is fixed; you also said that the procedure has been regularly followed up till now. If the number is less than the majority required then you must take the result rather than say: "After all, it will only delay matters" and we will have a recount. I am also anxious that it should not be delayed. We have all voted for it. But, nevertheless, on a question of procedure in respect of an important matter like this, where the Constitution has provided a requirement of a particular majority, if you do not have that required majority you must announce 'we lost the motion' rather than quibble with the thing and say: "I will allow a recounting". So, I think it is not in the interests of proper administration of the procedure of this House that a recounting should be done.

**Shri Jaipal Singh:** Mr. Deputy-Speaker, I am glad that what you have said has carried me back to what I said earlier. You are fully aware that people say one thing and vote another way. What people have said on the floor of the House cannot be proved by the ballot system. You are taking it for granted that because people have said certain things either for or against this Constitution, therefore, they, logically, would vote according to what they have said.

Sir, you and I, I think, are just as old parliamentarians as anybody else here. Our experience has been that people say one thing, generally speaking, and vote differently. That is a

fact, Sir. Now, the question is an important one. I will give a secret to you and to this House. I have supported this Bill but I am not prepared to agree with you about a recount. Just because you have let out the figures people have been going about saying that there are 6 votes short, 7 votes short and so on. I could have made it 10 short by going to the other side.

I put it to you, Sir; after all, a voting is a voting and it is not proper for the Minister of Defence Organisation to say that there was not proper voting. Because he had plugged both his ears he could not have heard the bell ringing outside.

It is not a question whether this is an important Bill or an unimportant Bill. There is a certain definite procedure and it is the hon. Minister for Parliamentary Affairs who has lagged behind in his duty to tell everybody to turn up here from his side. If they have not turned up, just because the figures are available here, you cannot change the procedure. हार गये तो

पाईट आफ आर्डर उठता है। अगर जीत जाते तो पाईट आफ आर्डर न उठता। मेरे कहने का मतलब यह है कि आपको एक बयान से चलना चाहिए। रास्ता एक होना चाहिये चाहे आप संविधान में संशोधन करते हों या एक कानून को एवालिश करते हों। आप दोमुखी\* न बनिये। नियम सब के लिए बराबर होना चाहिये हम को एक ही राह चलना चाहिये। चाहे आप उधर हों या इधर हों। जब आप ने . . . . .

**Pandit K. C. Sharma:** The word used is a very bad term.

**Shri N. Sreekantan Nair:** Sir, can any hon. Member speak in two languages during one speech?

**Shri M. L. Dwivedi** (Hamirpur Dist.): Sir, the word is very bad.

**Mr. Deputy-Speaker:** Order, order. Let there be no heat generated. In

\*This word was substituted as directed by the Speaker.

[Mr. Deputy-Speaker]

this matter let us discuss calmly. I have not yet learned those expressions in Hindi and therefore, I am not yet able to decide as to whether that particular expression is wrong or right. In these matters I leave it to the hon. Members themselves, consistent with the dignity of the House, to use expressions which will not detract from the seriousness or decorum of the House. If Shri Jaipal Singh feels that there is an expression which has slipped out of his mouth and which is bad he will do well to withdraw it. I am not competent to judge whether it is right or wrong.

Shri Tyagi raised this point. I just gave to the House the pros and cons and allowed Shri Jaipal Singh and one other Member to speak. If hon. Members have anything new to say, they may say it, and I shall hear them closely.

Shri T. S. A. Chettiar (Trippur): If you want to hear new things, I have something new to say.

Mr. Deputy-Speaker: I have no objection.

Shri T. S. A. Chettiar: It is undoubtedly an important matter. We are not going into the merits of the decision on this Bill. We are very proud about the precedents to be set up in this House. In my parliamentary experience of the last 20 years, I have not had a single instance in which it has been said that a decision once taken shall be taken again. I think if we have committed a mistake—I say that with all responsibility and sometimes we commit mistakes—we should learn to bear the responsibility for that mistake. I do not know how the voting stands, but I do not know whether the voting should be an element in a decision on a matter like this. To my mind, without knowing what the voting is I should think that once voting having taken place, it should stand. We want to set up precedents here. After all, we are a new democracy. We want to set up precedents in this House and I would

beg of you, to consider what will go as good precedents in this House, without going into the merits of the case. I would beg of you not to do something which tomorrow it may be said, was not a good precedent. I leave it to you to come to a conclusion, which will be held valid by all legislatures everywhere.

Shri N. C. Chatterjee: May I point out that under article 368, we are amending the Constitution. You know that in Part XX the procedure of amending the Constitution is prescribed.

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting..." etc.

Therefore, on the motion you put it to vote, the Members present in the House are entitled to participate in the voting and if the requisite majority is there, then the motion for reference is deemed to be carried. That has been made clear under our rules also.

If you will kindly look at rule 169 of our Rules, you will find that "if the motion in respect of such Bill is that it be referred to a Select Committee of the House, then the motion shall be deemed to have been carried if it is passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting".

You know the Rules Committee had a discussion as to whether this goes beyond what is required. They reaffirmed it, and the unanimous decision is that this is in conformity with article 368. Therefore, I submit that when it is put to the vote, thereafter you cannot say that some people who are not present in the House at

that stage should be allowed to participate in the voting. That will be against the Constitution itself. I quite agree with Shri Chettiar that we should not create undesirable precedents. My point is more fundamental. I submit that no precedent can be created in violation of the clear mandate of the Constitution.

**Shri S. S. More:** Shri Chatterjee did not refer....

**Mr. Deputy-Speaker:** Has the hon. Member anything new to speak?

**Mr. S. S. More:** With your permission, I submit something new because you said you would order a recount.

**Mr. Deputy-Speaker:** I never said that.

**Shri S. S. More:** I shall bring to your notice rule 170. There is no discretion left to the Chair. The word is "shall". The result has to be declared either this way or that way.

**Shri Tyagi:** I submit that there are certain rules pertaining to division. In these rules also, there is no mention of the doors being closed.

**Shri S. S. More:** Division means division.

**Shri Tyagi:** The doors of the lobbies are closed only by convention. It is not according to rules that doors shall be closed. It is an old convention of this House that when the division bell is rung and a vote is taken, then those doors of the lobbies are closed so that outsiders may not come in. Here, in the rules as such, there is no such provision. My only submission is that when Members are free to go into the lobby and vote, it is not that those Members who are here in the House will only vote, but also those who are sitting in the lobbies can come and vote, because they are not outside the House. Even when the doors are closed those Members who are not in the chamber itself and who are sitting outside can also participate always in the case of a division. Here, it was not exactly a case of a division, but

it was a case of taking votes. So, there was no time-limit fixed that only such Members as come within such and such time will vote. My submission is that till the last Member had signed, the doors ought to have remained open for Members to come. So, I submit—you may have no recounting and I do not know—that such Members as have been deprived of their right to vote in this Constitution (Amendment) Bill should be permitted to vote. My claim is not for any second count. I want to know why the right should be denied. It was not exactly a division and there was no rule which would ban them from voting either in favour or against.

**Shri N. C. Chatterjee:** The hon. Minister has forgotten what the Speaker has said. The Speaker definitely said that voting shall take place at about this time. That is why we changed the sequence of the order paper and we took up the other Bill. Members were told that that was being done so that the voting would take place at this hour.

**Shri Dhulekar:** We are against recounting. It should not be done. We should lay down principles, we should follow conventions that our sons and grandsons will follow. We should not entertain anything which will become a very bad precedent. If we adopt a bad procedure, from tomorrow Members may or may not come. It is a question of passing an amendment to the Constitution. We are against any recounting of votes and the result should be taken as it has come out.

**Shri Tyagi:** I am not advocating that there should be any recounting. I only say that those Members who were not allowed to vote should now be allowed to come in and vote (*Interruption*).

**Shri Mohanlal Saksena** (Lucknow Distt. cum Bara Banki Distt.): Sir, I only want to submit that Shri Tyagi should have raised that point before the actual counting took place. He should have pointed out that some Members were not being allowed to vote before the actual counting of votes was done. Had he raised this

[Shri Mohanlal Saksena]

point before the counting, that would have been all right. Now, at this stage I am afraid it is too late.

**Shri M. L. Dwivedi:** The division bell rang only for two minutes whereas it should have rung for three minutes.

**Shri Tandon** (Allahabad Distt.-West): May I have a word, Sir?

**Mr. Deputy-Speaker:** Yes.

**Shri Tandon:** I have had something to do with the interpretation of Constitutions. I have listened to the argument advanced by the Government benches.

**An Hon. Member:** No.

**Shri Tandon:** I am glad that one of them is shaking his head in the negative. I thought that Tyagiji was voicing the feeling of the Government benches.

**Some Hon. Members:** No; not all the Members.

**Shri Tandon:** I am glad he is not. Probably he is a corporation sole in himself. I submit that though a thing like this may cause some inconvenience to the Government yet we have to take the result with good grace.

A Constitution, like truth, is sometimes very inconvenient. We may have the temptation to resort to an unconstitutional way or to an untruth in order that the matter may be cut short. But that does permanent injury to the Constitution.

**Shri S. S. More:** And democracy:

**Shri Tandon:** I submit that whatever verdict has been already given by the House should be accepted and that there can be no recounting because that verdict is inconvenient for the present. We have to put up with it. The Heavens will not fall. Let us accept it. I submit that that would be the proper thing to do.

**Mr. Deputy-Speaker:** I have heard sufficiently on this point. A point was raised....

श्री आर० आर० शास्त्री : (जिला कानपुर, मध्य) : टंडन जी ने बहुत जरूरी बात कही है। अच्छा होता यदि उसको हिन्दी में भी कह दिया जाता।

**Mr. Deputy-Speaker:** Order, Order. Hon. Members are expected to speak in both the languages here and if one does not understand it, we cannot help it.

I have heard this point of order raised by Shri Tyagi. It was raised after the division was ordered, after the bells were rung, after the three minutes were over and after the Hon. Members had gone to one lobby or the other. The objection that was raised was that when deciding or taking votes on an amendment to the Constitution, a different procedure ought to have been adopted. Secondly, even under the normal process of taking division, it has been the ancient practice to give opportunity to Members who are not inside the House to come in for a period of two minutes and thereafter close the doors and take the votes of only such Members as are present inside the House. That has been the ancient practice. Shri Tyagi says that practice is not borne out by any rule and, therefore, Members ought to have been allowed to come in. A chit was handed over to me just now and I find that one of the Deputy Whips and as many as 15 Members are waiting outside....

**Shri S. S. More:** In the Central Hall.

**Mr. Deputy-Speaker:**....and, in the circumstances, they must be allowed an opportunity to come in and vote for this measure. In fact he went to the length of saying that it is not proper to close the door at all. Now that has been the practice. I do not want to justify and say one way or the other. But it will be endless if the doors are kept open and we will have to wait and wait or some man may go on obstructing, taking time inside the lobby until another Member can be sent for and brought inside the House. These are the difficulties and dangers.

Therefore, I do not see why I should not adopt the ancient and time honoured rule of closing the door after giving notice for two minutes. If I am following it, I am only following an ancient practice and precedent. Under these circumstances, my attention has been drawn to article 368, where it is said that a Bill which seeks to amend the Constitution or relates to the amendment of the Constitution must be passed by a majority of the full House and two thirds of the Members present and voting... present means those present after two minutes after the bells are rung and doors are closed after an opportunity has been given for voting. The objection has been raised too late. I only wanted to ascertain the views of the House because some time ago with respect to very important Bills we have adjourned the Bills to enable Members from various parts of the country to come in when they wanted to have their own views expressed not to canvass the opinion of a very thin House. That is before the stage of taking up the Bill for discussion or even while the Bill is under consideration, a motion for adjournment may be moved. But I am afraid Shri Tyagi has come too late with his suggestion, I must inform the Members that I have not yet looked into what the tellers' story is about the result, one way or the other. It is not as if this point was raised after the result was known. Others may or may not know, but so far as I am concerned, I am yet to look into it for the first time hereafter. Now I will announce the result of the division. The result of the division is as follows: Ayes—246; Noes—2.

As to what is to be declared so far as this motion is concerned, I will reserve consideration till tomorrow?

**Shri Kamath:** How can that be done?

**Mr. Deputy-Speaker:** I have to do so. I have to look into the provisions about "51 per cent of the members" and "two-thirds of the members present". On two thirds of the members present, we have here 246 plus 2,

that is 248. As to "51 per cent of the members" I have to find out what exactly it is. I am not going to invite others to come here and vote hereafter. The result is 246 for and 2 against. What is the total number of Members?

**An Hon. Member:** 499. . . .

**Shri Tyagi:** Absolute majority of the House means the strength of the House for the time being. Suppose some bye-elections are going on and there are some vacancies in the House. So the total strength of the House today is the total Constitutional strength minus those constituencies which have not been able to return their members.

**Shri S. S. More:** No, no.

**Shri Tyagi:** It is also there somewhere in the Constitution that if the House has not been completed, the House will not be barred from transacting its business. Whether the House is complete or not, the House shall transact its business as if it were complete in spite of some bye-elections going on. I therefore submit that when you announce the result, you will kindly take the total absolute strength of the House to be the strength of the House as is today, that is, elected Members and not those constituencies which have not returned their Members.

**Shri S. S. More:** May I make a submission? I am referring to rule 170, where it is stated that it should be the majority of the total membership of the House and not of the total members present. According to the Constitution, the Members' strength is 499. Then, regarding your point, the Speaker shall, while announcing the result, say whether the motion is carried or not. So, while announcing, you will have to make a declaration whether it is carried or not.

**Shri T. T. Krishnamachari:** The matter, I think, is now for the Chair to make a declaration. It is perfectly within the competence of the Chair to make the declaration when it chooses to do so I do not feel that, whatever you may say, you can alter the facts. At the same time since you have

[Shri T. T. Krishnamachari] chosen to say that you are considering the matter, I think courtesy requires of the House to abide by what the Chair has said and take the declaration as and when the Chair is prepared to give it.

**Shri S. S. More:** Is it not under the rules.

**Shri T. T. Krishnamachari:** It is not as a member of the Government that I am suggesting this. It is again for the same reason for which some of the Members felt that we should not break a convention. Let us not break the convention of abiding by the ruling of the Chair. The Chair has said it will consider the matter further and give a ruling. Allow the Chair to give the ruling. I for one moment have no hesitation in believing that it can only be in one way, but let the Chair decide at its own will and pleasure and convenience.

**Pandit K. C. Sharma:** My point is that under the Constitution, a majority of the Members of the House is necessary when a Bill amending the Constitution has to be passed, not when there is a motion for Select Committee. The Bill to be passed will come in the final shape, then the question of the majority of the Members will arise. Till then in the intermediate stages the majority of the House does not arise. A bare majority of the Members present is sufficient.

**Shri N. C. Chatterjee:** My hon. friend is forgetting rule 169 which makes it perfectly clear that the motion in respect of such a Bill, that is a Bill for amendment of the Constitution, be referred to a Select Committee of the House, shall be deemed to have been carried only if it is passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

**Pandit K. C. Sharma:** A rule cannot supersede or add to the words of the Constitution.

**Shri N. C. Chatterjee:** I am pointing out that the Speaker explained it

very clearly. We had a discussion with the Speaker. He said according to him passing means passing at every stage, every relevant stage of the whole procedure of amendment.

**Mr. Deputy-Speaker:** Order, order. We will dispose of this. This is the final stage. After announcing the result of voting as 246 Ayes and 2 Noes, this point was in my mind because it was raised yesterday in the Rules Committee. The question was whether this division or the majority should be applied only for the final stage of passing a Bill or it ought to be applied to every stage as is referred to in rule 169, and therefore I thought this may stand over. But there is also the suggestion of Shri T. T. Krishnamachari that once I said to the House that it would stand over, it is not right that I ought not to be allowed the discretion to allow it to stand over. But Shri More drew my attention to sub-rule (2) of rule 170, and pointed out that the Speaker shall, while announcing the result, say that the motion is carried by a majority etc. But I do not want to create a hiatus and delay between announcing the result of the voting and announcing the result of the motion as a whole. True, I thought this matter could be considered, this matter could stand over, but Shri Chatterjee has drawn our attention to rule 169 where it is provided that if it be referred to a Select Committee of the House, then the motion shall be deemed to have been carried if it is passed by a majority of the total membership of the House. Therefore, so long as the rules stand—I am not prepared to declare them to be *ultra vires*, I am bound to follow them—I have declared the result of the voting, and I shall now declare the result of this motion. The motion is not carried in accordance with rule 169 of the Rules of Procedure and Conduct of Business of the Lok Sabha and in accordance with the Constitution.

*The motion was not carried in accordance with Rule 169 of the Rules of Procedure.*



**Shri U. M. Trivedi:** Long live democracy!

**Shri Kamath:** Resign, resign.

# MANIPUR (COURTS) BILL

**The Deputy Minister of Home Affairs (Shri Datar):** I beg to move:

"That the Bill to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur, be taken into consideration."

**Mr. Deputy-Speaker:** Let there be no talk across the benches. Hon. Members may recover from the excitement.

**Shri Datar:** If possible, recover outside. The object of this Bill is to introduce a uniform system of courts in the State of Manipur.

As you are aware, the State of Manipur consists of plain areas and hilly areas also. Till now, Manipur State was governed by two laws. One was The Manipur State Courts Act of 1947, as amended by The Manipur State Courts Amending Order of 1950. This mainly applied to the plain areas. So far as the hilly areas in Manipur State were concerned, they were governed by the Manipur State (Hill Places) Regulation Act of 1950. It was considered that the present position was anomalous and certain discrepancies were found, as a result of which the administration of justice in the State of Manipur was not and could not be carried on in a satisfactory manner. That is the reason why the present Bill has been introduced for the purpose of having throughout the State of Manipur a uniform administration. This uniform administration has to be secured by the establishment of a hierarchy of courts. We have got a Judicial Commissioner's court at the head. In addition to the Judicial Commissioner's court it is also felt that on account of the large increase in work in the Judicial Commissioner's court, there ought to be an additional Judicial Commissioner as well.

**Mr. Deputy-Speaker:** What is the recommendation of the States Reor-

ganisation Commission in regard to Manipur?

**Shri Datar:** So far as the States Reorganisation Commission is concerned, they have stated that it should continue as a territory administered centrally by the Government of India.

**Mr. Deputy-Speaker:** Not merged with one or the other?

**Shri Datar:** No, not merged at least for the time being. Therefore, you will find that we have to carry on the administration on the model more or less of the Part C States like Vindhya Pradesh or Bhopal and the present Act has been modelled on the system that is prevailing in these two Part C States. Therefore, what has now been proposed is a hierarchy of courts. At the top we shall have the Judicial Commissioner with an Additional Judicial Commissioner if necessary. Then, we shall have the District Judge's court below it and then the court of a Subordinate Judge, and last the court of a Munsiff. These are the various courts that are to be established for the purpose of administration of justice. You will also find one more point. Recently, the Code of Criminal Procedure has been introduced. Under that Code, a number of criminal courts will also have to be duly established, not under the old Manipur State Courts Act, but under the Criminal Procedure Code. You are aware that we have got a sessions court and we have got various magistrates courts, magistrates of the first class, second class and third class. All these will have to be duly introduced so far as administration of criminal justice is concerned. So far as administration of civil justice is concerned, that would be governed by the present Manipur Courts Act. It will thus be found that so far as the judicial side of the work is concerned, that is entirely the concern of the judicial courts, namely, the Judicial Commissioner and also the District judge and a number of other judges. So far as the executive or administrative side is concerned, Manipur is a Part C

[Shri Datar]

State and the head of the administration is naturally the Chief Commissioner. On the administrative side, the Chief Commissioner comes into the picture. In all these cases it will be found that the appointments will be made either by the President or by the Judicial Commissioner or by the Chief Commissioner as the case may be. The scheme is that appointments have to be made by the one consulting the other. I may point out to the House that the Judicial Commissioner or the Additional Judicial Commissioner has to be appointed by the President, because under the Constitution, the ultimate responsibility for the governance of this State lies on the President. Therefore, the highest Judicial authority would always be appointed or continued to be appointed by the President. The District Judge will be appointed by the Chief Commissioner in consultation with the Judicial Commissioner. These expressions have occurred at different stages in the provisions of this Bill. The Subordinate Judges and Munsiffs will be appointed by the Chief Commissioner on the nomination of the Judicial Commissioner. As you will find, a phraseology has been used according to which the highest importance is given to the Judicial Commissioner though the appointing authority might, in this case, be the Chief Commissioner because, as I stated, the Chief Commissioner is the head of the whole administration in the Manipur State.

Then, there are other provisions regarding territorial and pecuniary limits of the various courts. These provisions deal with the powers of the Judicial Commissioner, not only as regards his own court but also so far as the Subordinate courts are concerned, namely the District Court, the Subordinate Court and the Munsiffs court. They would be as in the rest of India, under the direct superintendence of the Judicial Commissioner, absolutely untouched. Only the exercise where this power has been left over. There are a number of provisions cutive or the administrative work has been left to the Chief Commissioner.

There is one more point which has to be understood. In the judicial administration through these courts, there are certain special requirements especially in regard to the hill areas. In the hill areas of Manipur, there is difficulty of communication. If we are merely to appoint a few courts here and there, in the rains, it would be extremely difficult for the people of this State to have recourse to courts. That is why provision has been made according to which certain officers stationed in the hill areas will be invested with judicial powers either of a Subordinate Judge or a Munsiff. This has been rendered necessary on account of the difficulty of communication and to the extent that they are appointed as judicial officers, they would naturally be under the judicial control of the Judicial Commissioner. Therefore, it will be found that the difficulty or hardship of coming down to the courts at a distance has been minimised.

So far as the hill peoples are concerned, they are accustomed to justice under a very simple procedure. If the ordinary provisions of the Code of Civil Procedure are to be followed, it might raise certain difficulties in their way. For example, under the Code of Civil Procedure, whenever a suit or plaint has been filed a written statement has to be filed. The expression itself shows, the objections have to be put down in the form of a written statement. Then, there are certain motions to be made in the course of the hearing of a suit where generally applications in writing are filed. It has been provided that all these technical rules should be done away with and it would be open to a court in such areas to have oral statements made before them in answer to the claim made in the suit or other application made for the purpose of getting certain reliefs, and, as under the Code of Civil Procedure when summary powers are given to courts of small causes or under the Criminal Procedure Code in the case of summary cases, the whole procedure relating to the recording of evidence need not be followed as strictly and technically as laid down in

the Codes of Civil Procedure and Code of Criminal Procedure. A simple procedure has been evolved according to which it would be open to the judge to consider what particular point he should record. He would find that in all these cases, the important points made out in the course of the evidence will have to be recorded because all these proceedings are ultimately subject to appeal to the higher court. Without affecting the course of justice, a simple procedure has been attempted. As I pointed out, the Code of Criminal Procedure has already been introduced and the Code of Civil Procedure will also be introduced subject to the fact that there are certain amendments or departures from the Code of Civil Procedure which have been noted in the Manipur Courts Bill now under consideration of this House.

The old Manipur Courts Act would be completely abrogated on the passing of this Bill. As I stated earlier, there is another Act or Regulation which deals with the organisation of village authorities, that is the Manipur State Hill Peoples Regulation of 1950. The Government reconsidered to what extent this Manipur State Hill Peoples Regulation is quite satisfactory and whether certain changes have to be made therein. So far as the present hierarchy of courts is concerned, it will be found that Part V of the Manipur Courts Act deals with this. When that whole Act has been abolished, the result would be, there would be one system of courts so far as administration of civil justice is concerned. That would cover all the hill areas and also the plains areas. I may point out that the Government would come forward with another Bill dealing with the points that have been considered in the Manipur State Hill Peoples Regulation. But so far as the courts are concerned, the repeal of the Manipur State Courts Act is a sufficient guarantee that the Manipur (Courts) Bill, after it is passed, will govern the whole State, because it has been clearly stated in one of the clauses here that it will extend to the whole of the State of Manipur.

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So, you will find that so far as the present provisions are concerned, they are satisfactory. They are meant for the purpose of promoting civil justice. And wherever necessary, special provisions have been made in the interest of the hill people, because of the distance that often separates them from the courts in general or from the plains area in particular. It is for these purposes that Government consider that there ought to be a uniform law. This Bill is based, as I have pointed out already, on the model of the Vindhya Pradesh and Bhopal Acts.

I am therefore confident that this House will agree to accept the provisions of this Bill.

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

"That the Bill to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur, be taken into consideration."

**Shri L. Jageswar Singh** (Inner Manipur): I rise to support this Bill. I welcome this Bill. In fact, this Bill is long overdue. I hope this Bill will be accepted by this House.

In this connection, the House will be interested to know what were the conditions that were obtaining in Manipur both in the hills as well as in the plains, during the British days. During those days, the plains people were separated from the hills people, and the latter were not allowed to have the administration of justice in their own areas, whereas the plains people were given the advantage of having it in their own areas. But this was due to the fact that the Britishers were ruling over us. I would like to point out that the distinctions between the hills and the plains continue even after Independence; in some form or other.

The hills people have their own customs. They have their own primitive customary laws. According to the provisions of the present Bill, certain simplifications of the rules and procedures have been made in respect of the hill areas. There is no need

[Shri L. Jageswar Singh]  
for any written petition to be filed. Only an oral statement need be made before the courts, and the parties would be allowed to come and give evidence also orally. This is good so far as the hill areas are concerned, because the percentage of literacy in the hill areas is very small. The hills people have their own age-old customs and their own local and primitive laws; which should also be taken into account in this connection. Further, the hills people are not so much educationally advanced as the plains people. So it is not possible to enforce a uniform code of law for both the hills and the plains, in so far as it relates to the filing of petitions and giving of evidences etc.

Coming to the question of appointment of judges etc., I feel that for the moment the provision made in this Bill is quite good. Under this Bill, the appointing authority is the Chief Commissioner. In consultation with the Judicial Commissioner, he has the power to appoint all the judges, the district judges, the munsiffs, and the subordinate judges. But I want to mention one particular point in this connection, and I would like to draw the special attention of the hon. Minister to that point. Whenever appointments are to be made, the persons from the local Bar, and the local law graduates should be given the first preference; this is very necessary, for the administration of justice in Manipur is not an easy one. If the judges are not conversant with the Manipuri language, they will not be in a position to record the statements or the evidence given by the parties.

The procedure that was adopted during the British regime in connection with the appointment of officers for the hill and plains areas was that only people conversant with the Manipuri language were allowed to become officers there. Whenever British officers or white men were sent from outside to serve in this area, they had to be conversant with the Manipuri language. If they were not conversant, then they were allowed a certain

limited time for learning that language. Unless they learnt Manipuri they were not qualified to serve in Manipur. This was the precedent that was established during the British days. Apart from the question of learning Manipuri, those officers or judges who were posted in the hill areas had to learn, the Tangkhul and Kuki languages as well, which are the languages spoken by the tribes and sub-tribes in those areas.

So, I would suggest that the principal criterion in regard to appointments should be that the person to be appointed should be conversant with the Manipuri language. For, whenever a party comes and files a statement or gives evidence, he will not do so in English or Hindi, but only in Manipuri. So, if the presiding officer in the court is not conversant with the language of the parties, it will be difficult for him to follow anything, and it will be difficult for him to take down the evidence or the oral statements made by the parties correctly.

I would like to tell the hon. Minister that there are good law graduates available in Manipur in the local Bar association, and therefore I would suggest that in the matter of appointments, the first preference should be given to deserving and competent Manipuris. If competent and deserving Manipuris are not available, and an outsider is going to be appointed as the Judicial Commissioner or the Assistant Judicial Commissioner, then the principal criterion should be that they should learn Manipuri at least within six months or one year from their appointment, in order that they would be able to follow the proceedings of the court. This is the special pleading that I would like to make in regard to this matter, and I would request the hon. Minister to make a special note of this.

The appointment of officers for the hill areas is not an easy one. During the British rules, the officers appointed for the hill areas were such as were conversant with the local customs, and the primitive laws prevailing in those areas.

If such persons were appointed, then the administration in the hilly areas would be smoothly carried on. But if persons not conversant with the local languages are appointed, they find themselves in great difficulty in carrying on the administration. So during the British regime, officers appointed in these areas were made to learn Manipuri. Similarly, whenever anybody is appointed to these areas, he should be conversant with the local language or he should learn the language.

Another point I want to stress in this connection is this. The Bill, as prepared, is quite welcome. The provisions regarding elimination of complexities and, secondly, simplification of procedure, for the benefit of the tribal areas are very welcome. The tribal people are not educationally

advanced. The percentage of literacy in those areas is very small. If these provisions are implemented, the administration of justice in the tribal area will be made easy. The tribal people, though not educated, can go to the court and explain orally their statement or petition before the court, and the court, in its turn, could record the statements in the local language.

**Mr. Deputy-Speaker:** Is the hon. Member concluding now?

**Shri L. Jageswar Singh:** Let me continue tomorrow.

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

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 1st December 1955.*

[Wednesday, 30th November, 1955]

	COLUMNS		COLUMNS
<b>MOTION FOR ADJOURNMENT</b>		<b>REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS PRESENTED.</b>	
The Speaker postponed his decision on the admissibility of an adjournment motion given notice of by Shri Dasaratha Deb and Shri Biren Dutt regarding the situation created by the alleged police excesses in Ratachera in Agartala (Tripura).	783-84	Fortieth Report was presented.	787
<b>CORRECTION OF ANSWER TO STARRED QUESTION</b>	784-85	<b>REPORT OF BUSINESS ADVISORY COMMITTEE ADOPTED</b>	787-88
The Deputy Minister of Planning made a statement correcting the reply given to a supplementary on Starred Question No. 290 given earlier during the Question Hour.		Twenty-eighth Report of the Business Advisory Committee was adopted with the modifications :—	
<b>PAPERS LAID ON THE TABLE</b>	785	(i) That (i) that instead of three hours only two hours shall be allotted for reference of the Constitution Seventh Amendment Bill to the Select Committee, and	
A copy each of the two draft Notifications of the Ministry of Finance regarding the nomenclature and denominations of the decimal coins, in pursuance of an undertaking given on the 29th July, 1955 during the discussion on the Indian Coinage (Amendment) Bill, 1955.		(ii) that instead of one hour, two hours shall be allotted to the consideration and passing of the Bill as reported by the Select Committee.	
<b>EXTENSION OF TIME FOR PRESENTATION OF REPORTS OF SELECT COMMITTEES ON BILLS.</b>	785-87	<b>BILL PASSED</b>	792-822
Time for presentation of the Reports of the Select Committees on the Representation of the People (Amendment) Bill and Representation of the People (Second Amendment) Bill was extended upto the 6th December, 1955 and the 15th February, 1956, respectively.		Abolition of Whipping Bill, as passed by Rajya Sabha.	
		<b>MOTION TO REFER BILL TO SELECT COMMITTEE, NOT CARRIED</b>	788-92
		Motion to refer the Constitution (Seventh Amendment) Bill to a Select Committee was moved by Shri Biswas and discussed. The Lok Sabha divided on the motion Ayes 246; Noes 2. The motion was declared as not carried in accordance with Rule 169 of the Rules of Procedure and article 368 of the Constitution.	822-91
		<b>CONSIDERATION OF BILL</b>	891-900
		Manipur (Courts) Bill was considered. Discussion on the motion to consider was not concluded.	