

Thursday, December 8, 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

Thursday, 8th December, 1955

The Lok Sabha met at Eleven of the clock

[MR SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Press Telegrams

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

(a) whether rates for press telegrams from India to other countries vary from country to country;

(b) if so, the principle which governs the rates of the telegrams; and

(c) the names of the countries, if any, with which agreements have been entered into for reduced rates?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, with the exception of the Commonwealth countries.

(b) The rates for telegrams are fixed by mutual agreement.

(c) China, Indonesia and Thailand.

Sardar Hukam Singh: May I know whether there is any international schedule of rates for press telegrams and whether particular agreements have been reached at the same rate or each individual agreement has to lay down different conditions so far as the rates are concerned?

Shri Raj Bahadur: There are international conventions about fixed by the International Tele-communications Union. According to article 75 of the regulations of the I.T.U. there is a limit fixed for European and non-European telegrams. The European rate is 50 per cent less than the rate for the ordinary private telegrams, and for non-European countries it is 66 2/3 per cent less. To that extent we may say there is a convention.

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Sardar Hukam Singh: So far as Commonwealth countries are concerned, may I know whether we have a different agreement with them or whether they are governed by different methods?

Shri Raj Bahadur: Yes, Sir, we have a different one, because under article 79 the member countries have the option to modify the conditions, and taking advantage of that, the Commonwealth countries have reduced their press rates to one penny per word.

Shri Kamath: In the matter of these cable rates, is the Government, rather the Deputy Minister, aware that during the course of the Debate here on the Press Commission's report the Minister of Information and Broadcasting promised the House that the matter of discrimination against Asian news agencies such as KYODO of Japan and Antara of Indonesia, as compared with *Reuters* and *Agence France Presse* would be looked into, and the Government would take steps to redress these anomalies? Have Government taken steps already in this direction or not?

Shri Raj Bahadur: That question has to be addressed to the Ministry of Information and Broadcasting. But I may say that the member countries of the respective news agencies, namely, *Reuters*, *Agence France Presse*, have helped these particular agencies, taking advantage of article 79. As against that we have been trying for a reduction of the rates for press telegrams to Japan also. But we have not so far succeeded there.

P. & T. Complaints Organisation

*632. **Shri Shree Narayan das:** Will the Minister of Communications be pleased to state:

(a) whether the working of the Complaints Organisation of the Posts & Telegraphs Department has been reviewed;

(b) if so, when and with what results; and

(c) whether this is going to be a permanent part of the department?

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

(b) In November, 1953, with satisfactory results.

(c) Steps are being taken to put the organisation on a permanent basis.

Shri Shree Narayan Das: May I know whether, since the establishment of this organisation, there has been any increase or decrease in the strength of the staff?

Shri Raj Bahadur: I do not think there has been any appreciable increase or decrease in the strength. The staff has continued as it is, more or less. There has, however, been some intergration of the staff for the purposes of co-ordination.

Shri Shree Narayan Das: May I know whether any estimate has been made of the annual expenditure that will be involved by the setting up of this organisation, if it is made permanent?

Shri Raj Bahadur: That is a budgeted organisation. I cannot give those figures without notice. But I can say that whatever we are spending on this organisation has more than justified itself.

Shri Shree Narayan Das: May I know what are the indications by which the hon. Minister has said that the results have been satisfactory?

Shri Raj Bahadur: very intricate fraud cases have been unearthed. Sometimes, very difficult cases which require a high level of intelligence and resourcefulness have been successfully enquired into, and the diminishing number of complaints from year to year will prove the utility of this organisation.

तीसरे दर्जे में सोने के लिये रेल के डिब्बे

*६३४. डा० सत्यबाबी: क्या रेलवे मंत्री २६ जुलाई, १९५५ को दिये गये तारांकित प्रश्न संख्या २३६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या जून १९५५ के बाद से कुछ और गाड़ियों में तीसरे दर्जे में सोने के लिये रेल के डिब्बे लगाये गये हैं ;

(ख) यदि हां, तो ऐसी किन-किन गाड़ियों में बे लगाये गये हैं ; और

(ग) क्या इस सम्बन्ध में चालू वर्ष के लिये कोई विशेष कार्यक्रम बनाया गया है, और यदि हां, तो कितनी गाड़ियों में ऐसा प्रबन्ध किया जायेगा ?

रेलवे तथा परिवहन मंत्री के सभा सचिव (श्री शाहनवाज खां) : (क) जी, नहीं ।

(ख) सवाल नहीं उठता ।

(ग) अभी नहीं ।

डा० सत्यबाबी : क्या आप ऐसा कोई वक्त का भन्दावाज बतला सकते हैं जब कि तमाम लम्बे सफर वाली गाड़ियों में तीसरे दर्जे के मुसाफिरों के लिये सोने के इस किस्म के डिब्बे लगाये जायेंगे ?

श्री शाहनवाज खां : इसका जवाब देना इस वक्त तो जरा मुश्किल है क्योंकि जैसा कि भानुदेबल मेम्बर जानते हैं, स्लीपिंग एकोमोडेशन जो हमने दिया है यह तो एक तजर्बे के तौर पर शुरू किया गया है । इसका क्या नतीजा निकलता है और इससे लोगों को कितनी सहूलियत मिलती है । यह तमाम मसला जैरे गौर है । और यह भी मैं बता देना चाहता हूं कि पेश्वर इसके कि हम लोगों के लिये सोने का इन्तिजाम करें हमको उनके भाराम से बैठने का बन्दोबस्त करना है ।

Shri T. S. A. Chettiar: May I know whether the Railways have any programme to introduce gradually in all lines these sleeping berths for third class?

Shri Shah Nawaz Khan: It is yet to early to say, because it is in an experimental stage.

Shri Bhagwat Jha Azad: The other day while replying to a supplementary of mine the hon. Parliamentary Secretary said that the demand for sleeping berth is very considerable and there are only four broad gauge trains and two metre gauge ones where it has been made available

When the demand is so high for sleeping berth, what are the reasons that it is not introduced in other trains?

Shri Shah Nawaz Khan: The only reason is that the demand for sitting accommodation is even greater.

Shri A. M. Thomas: May I know whether in the proposed air-conditioned third class coaches, sleeping accommodation is contemplated to be provided? May I also know what will be the difference in the fare between the third class and the contemplated air-conditioned third class?

The Deputy Minister of Railways and Transport (Shri Alagesan): By about October next year we propose to run fully air-conditioned vestibule trains. It will not be right to call them *janata* trains, because it will be the present air-conditioned accommodation and sitting air-conditioned accommodation. The fare that will be charged for that has not yet been firmly fixed. It is under consideration.

Delhi-Kabul Air Service

*635. **Shri T. B. Vittal Rao:** Will the Minister of Communications be pleased to refer to the reply given to starred question No. 1099 on the 17th March, 1955 and state whether Government propose to extend the period of exemption?

The Deputy Minister of Communications (Shri Raj Bahadur): There is no such proposal at present.

Shri T. B. Vittal Rao: May I know whether enough navigators have been trained for international flights, especially this flight between Delhi and Kabul?

Shri Raj Bahadur: We hope that enough number of navigators will be available by the end of the period granted under the exemption; that is our hope.

Shri T. B. Vittal Rao: Is it a fact that the training that is imparted at the Civil Aviation Training Centre at Allahabad is only for Class II certificate Navigator?

Shri Raj Bahadur: The Indian Airlines Corporation themselves also take steps to have required training given to the pilot. The Training Centre at Allahabad supplements their efforts.

Shri T. B. Vittal Rao: May I know whether according to the ICAO standards we should have Class I Navigators, and not those with Class II certificates, for international flights?

Shri Raj Bahadur: As will be obvious to the Member who seems to have studied the question, this particular rule was based upon an International Convention for Air Navigation held in Paris in 1949. But that was not taken up as a compulsory article by the International Civil Aviation Organisation when it was set up, and it was because of this reason that the exemption could be granted.

Railway Development Programme

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

(a) whether it is a fact that the Development Programme for Railways for the Second Five Year Plan estimated to cost Rs. 1500 crores has been accepted by the Planning Commission; and

(b) if so, the targets proposed to be achieved under this programme?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir. The plan is still under scrutiny of the Planning Commission.

(b) Does not arise.

Shri Dabhi: May I know whether there is any truth in the newspaper report this morning that the allocation to the Railways for the Second Five Year Plan is likely to be of the order of only Rs. 900 crores as against the demand of the Railway Ministry of about Rs. 1,400 to 1,500 crores?

Shri Alagesan: I saw the press report mentioned by the hon. Member in this morning's papers, and I also heard something to that effect informally. If these reports are true, I can only say they are gravely disturbing. I can still hope that the right type of thinking will prevail on the subject and the size of the Railway plan will not be reduced.

Shri Dabhi: Is it a fact that the Ministry has proposed to spend Rs. 200 crores on the construction of 3,000 miles of new lines while the Planning Commission is likely to allocate only Rs. 50 crores for the purpose?

Mr. Speaker: These are all problematical questions. Let the Planning Commission consider the question.

Shri B. S. Murthy: May I know whether the Deputy Minister is in a position to tell us the request made by the Railway Ministry to the Planning Commission as to their wants in the Second Five Year Plan?

Shri Alagesan: We have framed a plan and placed it before the Planning Commission for its consideration. They

have to take into Consideration the entire resources of the country that will be available in the next Five Year Plan period and then allot. The size of the Railway plan was roughly Rs. 1,480 crores.

Shri M. L. Dwivedi: During the last budget session it was stated that in the development programmes of the railways emphasis should be laid on the backward areas where surplus food production is going on. On the other hand, railway stations are being constructed where they already exist. I want to know whether in the next Five Year Plan this point of view will be kept in view.

Shri Alagesan: Certainly, all relevant things will be taken into consideration in deciding upon the construction of new lines. If the hon. Member has in mind the construction of new lines in backward areas where there is a lot of agricultural production, certainly this point which the hon. Member has urged will be taken into consideration.

Family Planning

***639. Shri Krishnacharya Joshi:** Will the Minister of Health be pleased to state:

(a) whether the result of Pilot Studies in the use of rhythm method of family planning conducted by the Units in Delhi and Mysore have been assessed; and

(b) if so, the details thereof?

The Minister of Health (Rajkumari Amrit Kaur): (a) The assessment work is expected to be completed by March, 1956.

(b) Does not arise.

Shri Krishnacharya Joshi: May I know in how many cases the rhythm method was tried and with what success?

Rajkumari Amrit Kaur: 2,201 persons, who consulted at these centres were advised—945 in Delhi and 1,256 at Ramnagar. As far as the success of this is concerned, where the method was followed carefully there was success, where it was not followed naturally there was not.

Shri Krishnacharya Joshi: Is it a fact that in spite of the family planning centre all over the country, birth rate is increasing?

Rajkumari Amrit Kaur: Family planning centres are few and far between and in any case there is no question of their making any dent on the population straightaway.

Shri M. S. Gurupadaswamy: May I know whether it is not a fact that the women in India are not at all taking to this method and not practising it, and since it has been a failure will the Government abandon this scheme and stop further expenditure?

Rajkumari Amrit Kaur: On the contrary, this method is an accepted method from centuries by Indians. The women accept it totally. If I may be allowed to say so, it is the men that do not.

Nationalisation of Airlines

***640. Shri Jhulan Sinha:** Will the Minister of Communications be pleased to state the correct position with regard to the procedure adopted in assessment of compensation in connection with the nationalisation of Airlines?

The Deputy Minister of Communications (Shri Raj Bahadur): I lay on the Table of the Lok Sabha a statement giving the required information. [See Appendix IV, annexure No. 8].

Shri Jhulan Sinha: May I know if the attention of the Government has been drawn to allegations of discrimination in allotment of compensation practised by the Government, and if so, what steps Government propose to or have taken to counteract this allegation?

The Minister of Communications (Shri Jagjivan Ram): I will refer the hon. Member to the provisions of the Air Corporations Act itself where the principle on which the compensation is to be paid has been laid down, and that principle was uniform for all the existing companies. That has been uniformly applied to all and therefore there is no discrimination at all.

समाचारों के लिए डाक की दरें

***६४१: श्री भक्त वर्मान :** क्या संचार बंत्री यह बताने की कृपा करेंगे कि :

(क) क्या समाचार पत्रों को डाक की रियायती दरें देने के कारण डाक व तार विभाग को हानि उठानी पड़ती है; और

(ख) यदि हां, तो वित्तीय वर्ष १९५४-५५ में लगभग कितनी हानि हुई ?

संचार उपबंत्री (श्री राज बहादुर) :
(क) जी, हां ।

(ख) अनुमानित हानि लगभग १.१५ करोड़ है ।

श्री भक्त बक्षस : क्या मैं जान सकता हूँ कि समाचारपत्रों को जो सुविधा दी जाती है, उसमें सभी श्रेणी के समाचारपत्र सम्मिलित हैं, और क्या कौंसर्वट और भविष्यवाणियों के समाचारपत्र भी इसमें शामिल हैं ?

श्री राज बहादुर : जो रजिस्टर्ड हो जाते हैं उन सभी समाचारपत्रों को यह सुविधा उपलब्ध है किन्तु रजिस्टर्ड होने के लिये यह आवश्यक है कि वे इंडियन पोस्ट आफिस ऐक्ट की चारा ६ के अन्तर्गत "न्यूजपेपर" की परिभाषा में आते हों

Shri T.S.A. Chettiar: May I know the answer to part (b)?

Shri Raj Bahadur: Rs. 1.18 crores.

Shri A.M. Thomas: May I know whether the committee constituted to enquire into the rates for sending book parcels will also enquire into this question?

Shri Raj Bahadur: I do not think, Sir. The scope is different.

श्री भक्त बक्षस : पिछले दिनों इस सम्बन्ध में प्रेस आयोग ने जो सिफारिशें की थीं, क्या उन सिफारिशों के प्रकाश में इन रेटों में कोई संशोधन करने का विचार किया जा रहा है, या इस सम्बन्ध में कोई कार्यवाही की जा रही है ?

श्री राज बहादुर : इस बात का प्रयास किया जा रहा है कि जितनी हानि इन रेट्स के कारण डाक-विभाग को हो, उसमें किसी तरह से प्रेस की दी जाने वाली आवश्यक सुविधाओं को ध्यान में रखते हुये कमी की जा सके। यह विदित होगा कि यह रेट्स प्रेस के, बहुत घर्षा हुआ तब निर्धारित किये गये थे और तब से बराबर यह दरें चली आ रही हैं, बावजूद इस बात के कि पत्रों की दरें बहुत यानी तिगुनी चौगुनी बढ़ गयी हैं, लेकिन डाक का व्यय (postage) ज्यों का त्यों चला आ रहा है ।

अमरीकी किसानों की भारत-यात्रा

*६४३. श्री विभूति मिश्र : क्या साध और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि अमरीकी किसानों का तीसरा दल भारत की यात्रा कर रहा है;

(ख) यदि हां, तो उन्होंने किन-किन स्थानों की यात्रा की; और

(ग) जहां तक भारतीय कृषि का सम्बन्ध है उन्हें कौन-कौन सी वस्तुयें पसन्द आईं; और

(घ) उनकी भारत यात्रा का उद्देश्य क्या है ?

कृषि मंत्री (डा० पी० एस० देसाय) :

(क) जी, हां ।

(ख) वे मद्रास, बम्बई, उत्तर प्रदेश, मध्य प्रदेश, मध्य भारत, पंजाब, हैदराबाद और हिमाचल प्रदेश के विविध केन्द्रों में गये । हर एक किसान २ व ३ राज्यों में गया ।

(ग) वे सब से अधिक प्रभावित इस से हुये कि भारतीय किसान को बहुत मेहनत से काम करना पड़ता है, उनमें अपने जीवन-सुचार के लिये जागृति पैदा हो गई है और उनमें अधिक मेहनतदारी तथा प्रेम-भाव है, जो देहाती जनता ने उन्हें दिखाया ।

(घ) भारतीय गांवों की फार्म-फैमली लाइफ को समझना तथा दोनों देशों के किसानों के बीच मित्रता तथा परस्पर सद्भाव बढ़ाना ।

श्री विभूति मिश्र : ' क्या इन लोगों को छोटे पैमाने पर जो गांव के खेतिहर लोग काम करते हैं और जिनकी खेती में कम खर्च पड़ता है और बड़े पैमाने की खेती करने वालों से ज्यादा फायदा होता है, ऐसे खेतों को दिखाया गया है, या नहीं ?

डा० पी० एस० बेशमुख : यह खास कर ऐसे किसानों के यहां रहते हैं जहां कि उनका भ्रष्टा इन्तजाम हो सकता है, मगर गांव के और किसानों से वे सम्बन्ध रखते हैं और उनको जानकारी दिलाई जाती है ?

* श्री बिभूति मिश्र : श्री मंत्री जी ने यह बतलाया कि जहां उनके रहने का भ्रष्टा इन्तजाम हो सकता है वहां वे रहते हैं, तो मैं जानना चाहता हूं कि भारत के वह गरीब किसान जो झीपड़ियों में रहते हैं उन तक क्या यह पहुंच नहीं पाये ?

डा० पी० एस० बेशमुख : जी हां, पहुंच तो पाये हैं, लेकिन मेहमानों की वह ज्यादा नहीं कर पाते, क्योंकि उनके पास ज्यादा पैसा नहीं है ।

श्री डी० सी० शर्मा : क्या माननीय मंत्री यह बतलायेंगे कि यह हमारे भ्रमरीकन भाई हमारी ज़बान नहीं समझते और पंजाबी भाई उनकी ज़बान नहीं समझते, तो उनकी जो आपस में बातचीत होती है, उसका क्या जरिया है ?

साथ और कृषि मंत्री (श्री ए० पी० जैन) : पंजाबी लोग इतने कम पढ़े-लिखे नहीं हैं ।

Cancer

*644. Shri D. C. Sharma: Will the Minister of Health be pleased to state:

(a) whether Government have prepared any scheme for curbing cancer in the country under the Second Five Year Plan ; and

(b) if so, the details of the scheme and its estimated cost?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). A statement containing the requisite information is laid on the Table of the Lok Sabha [See Appendix IV, annexure No. 9].

Shri D. C. Sharma : May I know if the places where these cancer research centres are to be established have been decided ?

Rajkumari Amrit Kaur: Yes, Sir. Calcutta, where a very good centre already exists; Madras, where also a centre exists; Hyderabad where a centre exists; and it is proposed also to have one at Patna where the nucleus of a good centre exists. Of course, Bombay is already there.

Shri D. C. Sharma: It has been said that grants would be given to T.B., cancer, leprosy and other institutions. May I know what the expression "other institutions" means?

Rajkumari Amrit Kaur: There are governmental institutions, there are voluntary institutions, and all these are taken into consideration when they apply for grants.

Mr. Speaker: What he perhaps means is the type of institutions in respect of which grants will be given.

There is T.B., leprosy.

Rajkumari Amrit Kaur: It is for T.B., cancer and leprosy and also other service.

Shri D. C. Sharma: It has been stated that the Tata Memorial Hospital will be taken over. May I know whether it will given to Government free of any cost, or whether Government will have to pay any sum for acquiring this hospital?

Rajkumari Amrit Kaur: No sum is to be paid for the acquisition of the hospital. In fact, all the money that has been set aside for it is being made over to Government, and both the Tata trust and the Bombay Government will continue to give to the hospital what they are giving today.

कृषि-औजार

*६४५. श्री भागवत झा आजाब : क्या साहब और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि विभिन्न राज्य सरकारों ने केन्द्रीय सरकार से किसानों को सस्ते दामों पर कृषि-औजार देने के लिये अनुरोध किया है; और

(ख) यदि हां, तो सरकार ने इस दिशा में क्या कार्यवाही की है ?

कृषि मंत्री (डा० पी० एस० बेशमुख) : (क) जी, नहीं ।

(ख) प्रश्न उत्पन्न नहीं होता।

श्री भागवत झा आजाद : क्या मैं जान सकता हूँ कि क्या सरकार, ऐसे किसानों को जो गरीब हैं और चाहते हैं कि अपनी खेती की उपज बढ़ाने के लिये उन्हें नये औजार मिलें, ऐसी सुविधा देने का प्रबन्ध कर रही है ?

डा० पी० एस० देशमुख : जो औजार २०० रु० से ज्यादा की कीमत के हैं उनके लिये हम ने प्रान्तीय सरकारों का ध्यान दिलाया है कि वो मोर फूड स्कीम के अन्दर हम कुछ लोन दे सकते हैं।

श्री भागवत झा आजाद : क्या विभिन्न राज्य सरकारों ने आप के पास ऐसी मांग भेजी है जिस के अन्तर्गत वह चाहते हैं कि केन्द्रीय सरकार की ओर से ऐसे औजारों के लिये कुछ न कुछ सप्लाय मिले ?

डा० पी० एस० देशमुख : यह सवाल उठा था और इस पर काफी चर्चा भी हुई जिस में मिनिस्ट्री आफ फाइनेंस, प्लानिंग कमिशन और आई० सी० ए० आर० के प्रतिनिधि शामिल थे। लेकिन यहीं तय पाया गया कि ज्यादातर औजार इतनी कम कीमत के हैं कि उनके लिये सप्लाय देना मुनासिब नहीं होगा।

Sardar Iqbal Singh: May I know whether Government are aware of the fact that some firms have taken the quota of iron for the manufacture of implements but they have utilised it for some other purposes, and that is the reason why low-price implements are not available in the market?

Dr. P. S. Deshmukh : We have no information on this point. It might probably be a fact.

Shri B. S. Murthy: May I know whether any loans have been given to the State Governments for the express purpose of providing cheaper agricultural implements to the agriculturists?

Dr. P. S. Deshmukh: As I have stated, our loans are limited to the purchase of implements costing Rs. 200 and more each; and if the State Governments want loan for this, we can give it under the Grow More Food Scheme.

श्री भागवत झा आजाद : क्या मैं मैं जान सकता हूँ कि आप न किन किन औजारों को इस श्रेणी में रक्खा है जिस में कि आप प्रान्तीय सरकारों को सप्लाय देंगे ?

डा० पी० एस० देशमुख : ज्यादातर बड़े औजार हो सकते हैं जैसे ट्रैक्टर वगैरह।

Dead Letter Offices

*647. Shri Ibrahim: Will the Minister of Communications be pleased to state the number of dead letter offices in the country?

The Deputy Minister of Communications (Shri Raj Bahadur): 8. (Eight).

Shri Ibrahim: May I know the annual expenditure on these dead letter offices?

Shri Raj Bahadur: I would not be able to give that off hand. That is contained in the budget estimates.

Shri Ibrahim: We find that some letters are delivered to the addressees after a considerably long time. May I know who is responsible for the delay in between?

Shri Raj Bahadur: The wonder should be that a letter is delivered from the dead letter office, because a letter goes to the dead letter office only when it becomes impossible for the local post office to deliver it either because of the impossibility of finding out the addressee or deciphering the address or finding out the sender.

भारतीय नेशनल काँग्रेस का सेशन (अमृतसर)

*६४८. श्री रघुनाथ सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि जनवरी, १९५६ में भारतीय नेशनल काँग्रेस के अमृतसर सेशन के अवसर पर स्पेशल गाड़ियां चलाने के प्रस्ताव पर क्या सरकार विचार कर रही है ?

रेलवे तथा परिवहन मंत्री के सभा सचिव (श्री साहूनाबाबू झा) : मुसाफिरों की होने वाली भीड़ के लिए अहाँ कहीं हो सकेगा चक्रवर्त के मताधिक स्पेशल गाड़ियां चलायी जायेंगी।

श्री रघुनाथ सिंह : क्या आप ने इस का एस्टिमेट लगाया है कि इस में कितने घादमियों के भान लेने की आशा है ?

श्री साहनबाब खाँ : यह तो काँबल कमेटियों से पूछा गया है ।

Mr. Speaker : Next Question.

श्री रघुनाथ सिंह : क्या इसके लिये कोई सीजन टिकट चलाये जायेंगे ?

Mr. Speaker : Order, order.

Anti-Corruption Departments in Railways

*649. **Shri S. C. Samanta:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 2200 on the 27th September, 1955 and state:

(a) whether any Fraud Departments have been set up in different zones under the Chief Commercial Superintendent:

(b) if so, in how many zones, and

(c) whether in recruiting staff for the departments persons who detected or helped to detect forged monthly tickets or other fraudulent acts, have been taken into consideration?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). No. But on the Eastern Railway, an organisation exists for detecting fraud in the use of tickets.

(c) On the Eastern Railway Ticket Checking Staff having requisite knowledge and experience are selected by a Selection Board.

Shri S. C. Samanta: May I know whether Government contemplate to start an anti-fraud department instead of the anti-corruption department?

Shri Alagesan: The anti-corruption department, which is proposed to be expanded and improved upon will cover this work.

Shri S. C. Samanta: May I know what changes, if any, will be made in this anti-fraud department?

Shri Alagesan: As I said, it exists at present only in one railway. The other railways have got only an *ad hoc* arrangement; the existing anti-corruption departments are looking after this work.

Shri S. C. Samanta: What was the suggestion of the Railway Corruption Enquiry Committee on this matter, and may I know whether Government have done anything in that respect?

Shri Alagesan: We are having that under consideration.

Shri Raghavaiash: The hon. Minister has mentioned that the anti-fraud department exists in one railway. May I know in which railway it exists?

Shri Alagesan: Evidently, the hon. Member has not heard my main answer. It is there in the Eastern Railway.

New Railway Lines in Orissa

*651. **Shri R. N. S. Deo:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Government intend starting construction of some railway lines in Orissa from December this year to provide employment to persons affected by drought and floods; and

(b) if so, (i) the names of the railway lines, (ii) the length proposed to be constructed this season, and (iii) the dates of commencement of construction?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan): (a) and (b). The commencement of the construction of certain works essential for the Steel Plant projects is under consideration. Of these Noamundi-Banspani line, a portion of which lies in Orissa, has been sanctioned. Incidentally, when these works are taken in hand opportunity for large scale employment will be available to people residing in nearby areas.

Shri R. N. S. Deo: May I know whether any such proposal for undertaking new constructions was received from the Government of Orissa last year after the drought conditions, and also this year after the drought and unprecedented floods?

Shri Shah Nawaz Khan: The railways do not undertake constructions of new railway lines merely to provide employment or to cope with the after-effects of drought or floods. These lines are laid on account of operational necessities. The lines which are proposed to be constructed in Orissa are in connection with the steel plant at Rourkela.

Shri R. N. S. Deo: My question was whether any such proposals have been received from the Government of Orissa?

Shri Shah Nawaz Khan: No.

Air India International

*653. **Shri M. S. Gurupadaswamy:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that Air India International carries free magazines and periodicals from this country to foreign countries;

(b) if so, the names of such magazines and periodicals;

(c) whether it is also a fact that this privilege which was previously given to *Current*, a weekly of Bombay has now been withdrawn; and

(d) if so, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The Air India International does not provide free transportation for any magazines or periodicals from this country to foreign countries, but it carries certain number of magazines and periodicals on the aircraft for the use of passengers and its overseas offices. Some of these magazines are supplied to the Air India International free of charge as complimentary copies.

(b) A statement containing the names of magazines and periodicals received by Air India International free of charge as complimentary copies is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 10].

(c) Complimentary copies of "*Current*" were previously accepted by the Air India International, but were stopped with effect from 31st August, 1955.

(d) Only such magazines and periodicals are carried on the aircraft as are likely to be of interest to the passengers, a large number of whom are foreigners.

Shri M. S. Gurupadaswamy: May I know whether it is a fact that only such magazines are to be carried in the Air India International, as give praise or support to the policies of Government or flatter the policies of Government? If so, may I know whether any fixed code or rules have been made in this respect?

Shri Raj Bahadur: The hon. Member is entirely mistaken in his idea of the principles on which selection of these periodicals is made. Of course, due care is taken to ensure that the journals selected and placed for the use of the passengers, who consist largely of foreigners are such that they not only bring credit and respect to the country or the nation as a whole but also to journalism itself.

Shri M. S. Gurupadaswamy: May I draw the attention of the hon. Minister to a letter which I have received from the Chairman of the Air India International, Mr. Patel—I have got the letter with me here, and I am prepared to lay it on the Table of the House with your permission—in which he says that *Current* is a magazine which criticises the policies of Government and that is why it has not been allowed to be circulated among the

passengers? So, is it the policy of Government to discourage those magazines which criticise the policies of Government?

Shri Raj Bahadur: Mere criticism was not the ground, but criticism and the language in which it was couched and the hyperbolic terms, the gross exaggerations and baseless insinuations for reflection made there.

'Own Your Own' Telephone Scheme

***654. Shri Gidwani:** Will the Minister of Communications be pleased to state:

(a) whether there is any proposal to abolish the 'Own Your Own' Telephone Scheme; and

(b) the basis on which telephone facilities will be made available?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) It is being gradually abolished.

(b) Priority of date of applications is the main criterion.

Shri Gidwani: May I know whether in cities where there is a demand for telephone connections, further efforts are being made to increase the number?

Shri Raj Bahadur: Efforts are being made, and as the hon. Member knows, this scheme was introduced at a time when the demand for telephones was rising and there was great paucity of telephones. At that time we had to give telephones on a selective basis. The number of such stations or exchanges at one time rose to 22. Now it is only 8. We hope that in the next two years this number will also be reduced.

Shri Gidwani: Did not the present system bring money and help to increase the production?

Shri Raj Bahadur: It did bring money to the Government which was utilised for expansion. It also enabled the subscriber himself to get the advantage of the scheme in so far as he did not have to pay the annual rent. It was a sort of instalment which was deducted from the amount.

Shri Bansal: May I know what were the considerations which weighed with Government in abolishing this scheme of OYT?

Shri Raj Bahadur: As soon as we get a sufficient number of telephone connections to be given from any telephone exchange to meet the requirements of the people of the area served by that exchange, we abolish the system. It is no pleasure for us to continue it.

Shri Bogawat: Will the Government enquire about the difficulties in getting telephones in Bombay? There are underhand dealings in telephones. Unless large amounts are paid, telephones are not given. If the amounts are paid, telephones are immediately given. Several applications are lying for.....

Mr. Speaker: Order, order. I think he raises a different question altogether.

The Minister of Communications (Shri Jagjivan Ram): I am afraid I have to reply to this question.

Mr. Speaker: He may give a reply. But he was complaining about black-marketing in telephones. This question is a different one.

Shri Gidwani: I wanted to put a question. Did not the present system prevent blackmarketing and corruption?

Shri Jagjivan Ram: Telephones are provided or allotted on the advice of the Telephone Advisory Committee. It is not done only by the officers, but the Advisory Committee on which public men, Members of Parliament, Members of the local legislature, business interests and in Bombay even the refugee interests are represented. So all these telephones are allotted only on the advice of the Telephone Advisory Committee.....

Shri Gidwani: I will correct it.

Mr. Speaker: Order, order. Let him finish. That is not the way of conducting the proceedings.

Shri Jagjivan Ram: Only in very exceptional cases, Government has retained the power to provide telephones, where urgent necessity is felt under some exceptional category. Those few telephones are sanctioned either by the Director General of Posts and Telegraphs or by the Government itself. So there is no scope for any corruption or black-marketing, when the Telephone Advisory Committee is allotting the telephones.

Shri Bogawat: I want to put another question.

Transport of Jute

*655. **Shri L. N. Mishra:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that supply of wagons for transport of raw jute from North Bihar to Calcutta has been inadequate this year;

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

(c) whether any efforts are being made to improve the present position;

(d) if so, to what extent; and

(e) whether it is a fact that the scarcity of wagons has adversely affected price of Jute in North Bihar?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) and (b). Due to particularly adverse river conditions from July to November this year at Maniharighat, Bhagalpur and Mokamhghat via which routes jute chiefly moves from North Bihar to Calcutta, coupled with the congestion in Cossipore Road Jute Sheds as well as contiguous stations on the Calcutta Port Commissioner's Railways caused by slow removal of jute bales by the merchants, the despatches unavoidably suffered a set-back. The movement to Calcutta area from all stations on the North Eastern Railway, however, during the period 1st August to 10th November '55 was comparatively more than that during the corresponding period of last year because of alternative routes being available from stations other than those in North Bihar.

(c) and (d). All feasible steps were taken to overcome the difficulties incidental to the vagaries of the Ganga river and the normal movement of traffic via these three routes has since been restored.

(e) The Railway Administration are not aware of this.

Shri L. N. Mishra: May I know the number of wagons allotted this year, and how does it compare with the numbers in the last two years?

Shri Shahnawaz Khan: The daily quota of wagons fixed for factories from Bihar is 147 MG per day.

Shri L. N. Mishra: How does it compare with the last year's figure?

Shri Shahnawaz Khan: I am sorry I do not have those figures.

Shri L. N. Mishra: Are Government aware that a large number of wagons do go everyday carrying materials for the Kosi project in the jute growing area and return empty? If so, have Government considered the possibility of utilising these empty wagons on their return journey for transporting jute?

The Deputy Minister of Railways and Transport (Shri Alagesan): We are not aware of that. This will certainly be taken into consideration.

Shri L. N. Mishra: May I know how the wagons are allotted to the different States so far as jute is concerned?

Shri Shah Nawaz Khan: They were allotted according to the requirements of factories.

Shri L. N. Mishra: Factories or growers?

Shri Shah Nawaz Khan: According to the requirements of factories.

Shri B. K. Das: What was the maximum accumulation of jute at these points during that time of difficult transport mentioned by the hon. Minister?

Shri Shah Nawaz Khan: I do not have the exact figures.

Central Rice Godowns (Orissa)

*656. **Shri Sanganna:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 1329 on the 30th September, 1955 and state the present position in regard to the construction programme of Central Rice Godowns in Orissa?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): The present position in regard to the construction of godowns in Orissa is as follows:—

(a) Plans and estimates of expenditure for construction of godowns at Khurda Road and Khariar Road with a capacity of 18 thousand tons at each place have been finalised and possession of sites taken for starting the work; and

(b) final plans and estimates of expenditure for construction of godowns at Koraput, Chandbali and Berhampore with a capacity of 20 thousand tons at each centre are expected to be ready shortly.

Shri Sanganna: May I know whether these godowns are constructed by the Government of India themselves or in collaboration with the Government of Orissa?

Shri M. V. Krishnappa: Directly through the CPWD we construct our godowns.

Shri Sanganna: May I know whether this construction is under the scheme to stabilise the price of foodgrains when there is a tendency for it to fall?

Shri M. V. Krishnappa: It is under the scheme for the construction of godown space for the national reserve. Ultimately it helps to stabilise prices.

Shri Sanganna: In view of the fact that large paddy yielding areas have been damaged in the recent floods in Orissa, may I know what steps have been taken by Government to make this scheme successful?

Shri M. V. Krishnappa: This scheme has nothing to do with floods or drought. So far as this programme is concerned, neither floods nor drought can affect it. We intend to build 1,30,000 tons of godown space in Orissa. We have started the work and we intend to finish it within a year or two.

Shri Thimmaiah: May I know the total number of godowns under the Food Ministry, and how many of them are constructed at the cost of Government and how many buildings are rented ones?

Mr. Speaker: I am afraid it is too wide a question.

Shri B. S. Murthy: In view of the fact that rice is easily destroyed after a few months in the godown whereas paddy is not, may I know whether Government have taken into consideration the need for providing godowns more for paddy than for rice?

Shri M. V. Krishnappa: This point has been taken into consideration when we started the programme. We are trying to build, as far as possible, godowns for paddy as well as rice.

Electric Coaches

*657. **Dr. Ram Subhag Singh:** Will the Minister of Railways be pleased to state:

(a) whether there is any proposal to get electric coaches manufactured at the Hindustan Aircraft Factory at Bangalore; and

(b). if so, at what stage is it?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan): (a) and (b). H.A.L. is at present considering this question.

Shri T. B. Vittal Rao: May I know whether the installed capacity of HAL has been fully utilised; if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): It is fully utilised. They are manufacturing at the rate of 15 coaches at present per month.

Shri T. B. Vittal Rao: From what date are they manufacturing 15 coaches per month, because the figure given for the whole year does not work out to 15 coaches per month.

Shri Shah Nawaz Khan: At the rate of 15 coaches per month, it comes to 180 coaches per year. During the year 1954-55, they manufactured 163 coaches, and up

till October this year, they manufactured 38. We hope they will be able to complete their full quota this year.

Shri S. V. Ramaswamy: When the Integral Coach Factory, Perambur, goes under way what is the future of the HAL?

Mr. Speaker: He refers to the Perambur Factory which is not, perhaps, included in the question here.

Shri Shah Nawaz Khan: We require all the coaches that are manufactured in Perambur as well as Bangalore.

T. B. among Displaced Persons

*658. **Shri Mohana Rao:** Will the Minister of Health be pleased to state?

(a) whether it is a fact that tuberculosis is prevalent among the displaced persons in West Bengal, Tripura and Bihar;

(b) if so, the reasons therefor and what is their number in each State; and

(c) the steps taken to arrest the spread of this disease among the displaced persons in the above States?

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

(b) Reasons for the incidence of T.B. among displaced persons are the same as hold good for other people.

The number of displaced persons known to be suffering from T.B. is:—

20 in Bihar, 60 in Tripura and 3,000 in West Bengal.

(c) The steps taken are treatment of the T.B. patients, including free institutional treatment of indigent patients and B.C.G. Vaccination of the vulnerable population.

Shri Mohana Rao: May I know the number of patients admitted in sanatoria and the number in the waiting list from each State?

Rajkumari Amrit Kaur: I could not give the number on the waiting list, but I have given the numbers of those already in hospitals. I cannot do more.

Shri Mohana Rao: May I know the number of sanatoria opened, the number of doctors appointed and the total number of beds?

Rajkumari Amrit Kaur: All these questions really should be asked of the State Governments. I can only say what money we have given and what help we have given. We have given help to the tune of Rs. 2,41,500 to West Bengal, Bihar and Tripura. In addition, we have

given help to the Deshbandhu Memorial Society, Darjeeling, to the S.P. Dey Sanatorium at Kurseong and to the Deshbandhu Chest Clinic in Darjeeling to the tune of Rs. 44,000.

Shrimati Renu Chakravartty: May I know if it is a fact that the only proposals or schemes that have been sanctioned are those which relate to the expansion of existing hospital beds but that the real need is for the opening of new T.B. hospitals and, if so, has any money been sanctioned by the Central Government for the opening of new hospitals either as a lump sum grant or as a recurring grant?

Rajkumari Amrit Kaur: No, Sir. The actual expansion of the hospitals is the duty of the State Government. The Central Government, as far as the protection of health and T.B. is concerned, give help for T.B. Clinics in various States as well as BCG inoculation from the point of view of protection. In these ways help is also given to displaced persons.

Delhi Improvement Trust

*659 **Shrimati Kamalendu Mati Shah:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that private house owners are charged land and house taxes by the Delhi Improvement Trust;

(b) if so, what are the rates charged per square yard;

(c) who fixes these rates; and

(d) whether it is a fact that the Delhi Improvement Trust levies charges even if water, light, and sanitation connections are not given by them to the owners?

The Minister of Health (Rajkumari Amrit Kaur): (a) No land and house taxes are charged by the Delhi Improvement Trust from private house owners.

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

श्रीमती कमलेंद्रुमती शाह : क्या यह सत्य है कि दिल्ली इम्प्रूवमेंट ट्रस्ट पानी, बिजली तथा सफाई का प्रबन्ध करने से पहले ही घरों के मालिकों से हाउस-टैक्स मांगता है और वह १० प्रतिशत टैक्स लेता है, जब कि अन्य स्थानों में ३ प्रतिशत से अधिक नहीं लिया जाता है? क्या सरकार इस पर विचार करेगी?

राजकुमारी अमृत कौर : ऐसा कभी नहीं होता है। जैसा कि मैं अभी बताया है, दिल्ली इम्प्रूवमेंट ट्रस्ट लैंड और हाउस-टैक्स नहीं लेता है, लेकिन अगर कोई व्यक्ति जमीन का प्लॉट खरीदता है, तो उससे इम्प्रूवमेंट के लिये रुपया जरूर लिया जाता है, मगर वह टैक्स नहीं है।

Tea Garden Workers

*661. Shri Biren Dutt: Will the Minister of Labour be pleased to state:

(a) the minimum wage given to Tea-garden Labourers in Tripura;

(b) whether any revision in the wage scale has been made by the State Government; and

(c) whether it has involved any increase in the wages of various categories of labourers in Tripura Tea-gardens?

The Minister of Labour (Shri Khandubhai Desai): (a) Rs. 1/4 for men, Rs. 1/2 for women and Rs. -/10/- for children.

(b) Yes; the revised wages are in force from September, 1955.

(c) Yes.

Shri Biren Dutt : May I know whether the representatives of labour and wage tribunals were consulted?

Shri Khandubhai Desai : These wages were decided not by the tribunals but by the Wage Board.

Shri Biren Dutt : May I know whether the demands of the Union were higher than these or not?

Shri Khandubhai Desai : Here it is not a question of demand. Under the Minimum Wages Act, the Tripura Government appointed a revision wage Board which decided these wages.

Mr. Speaker : Whether the representatives of labour asked for more wages; that is what he meant.

Shri Khandubhai Desai : I would like to have notice for this.

Shri Biren Dutt : May I know whether this minimum wage is lower than the wage anywhere in India?

Shri Khandubhai Desai : I would require notice for that.

Shri Jhunjhunwala : May I know the percentage of increase in 1955, the difference between 1950 and 1955 in percentage?

Shri Khandubhai Desai : The original wages decided in 1952 were, for male 0/10/3, for female 0/7/3 and for children 0/4/6. They were raised in 1952 to 1/2/-, 1/- and 0/9/-. When the last revision took place, they have got an increase of 0/2/- per male, for female 0/2/- and children 0/1/- and in all other divisions and sub-divisions except *sadr* divisions, 4 annas, 4 annas and 2 annas.

Scrap Iron

*663. Shri S.V. Ramaswamy : Will the Minister of Railways be pleased to state:

(a) the quantity of scrap iron and steel available on the Indian Railways in 1954-55; and

(b) the procedure adopted for selling this scrap?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 1,11,979 tons as on 31-3-55.

(b) A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 11].

Shri S. V. Ramaswamy : Can we know to what year it relates?

Shri Alagesan : As on 31-3-1955.

Shri S.V. Ramaswamy : Are these properly advertised in the papers and who holds these auctions and where?

Shri Alagesan : The statement contains the information. Some are disposed of directly by the railways and others are disposed of as directed by the Iron and Steel Controller to various foundries and re-rollers.

Shri S. V. Ramaswamy : How long after the declaration of these scraps are these sold? What is the time lag?

Shri Alagesan : As soon as the scraps are collected, a survey committee goes into the usefulness of this scrap whether any part of them can be used on the railways. After they pass, it is either disposed of through the Iron and Steel Controller or by the railways direct by public auction. I am unable to give the exact time that lapses.

Shri S. V. Ramaswamy : Could we know the value of the scrap?

Shri Alagesan : I have got some figures collected. The value of scrap sold in 1954-55 comes to Rs. 2.28 crores.

रेलवे तथा परिवहन मंत्री के सभासदिय (श्री जह्नुजुनवाला) : सवाल नम्बर ६६४ और ६६१ एक ही कित्त के हैं और इनका

जवाब इकट्ठा दिया जा सकता है। अगर इजाजत हो तो मैं इन दोनों सवालों का जवाब एक साथ दे दूँ।

अध्यक्ष महोदय : श्री श्रीनारायण दास, आपको तो इसमें कोई आपत्ति नहीं है ?

श्री श्रीनारायण दास : जी, नहीं।

Mr. Speaker : The questions may be replied to together.

समस्तीपुर-दरभंगा रेल लिंक

*६६४. **श्री अनिरुद्ध सिंह :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार पूर्वोत्तर रेलवे पर समस्तीपुर और दरभंगा के बीच दोहरी लाइन बनाने का विचार रखती है; और

(ख) यदि हां, तो किस तारीख से काम आरम्भ किया जायेगा और उस पर अनुमानतः कितना व्यय होगा ?

रेलवे तथा परिवहन मंत्री के सभा सचिव (श्री शाहनवाज खां) : (क) समस्तीपुर और दरभंगा रेलवे लाइन पर दोहरी पटरी बिछाने या उसकी जगह मुजफ्फरपुर और दरभंगा के बीच सीधी लाइन निकालने के सुझाव पर अभी तक कोई फैसला नहीं किया गया है।

(ख) सवाल नहीं उठता।

मुजफ्फरपुर-दरभंगा लाइन

*६८१. **श्री श्रीनारायण दास :** क्या रेलवे मंत्री २४ सितम्बर, १९५५ को दिये गये धतारांकित प्रश्न संख्या ५८६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर रेलवे की समस्तीपुर-मरकटियागंज शाखा पर मुजफ्फरपुर और

दरभंगा को सीधे जोड़ने वाली रेलवे लाइन बनाने के लिये कोई सर्वेक्षण किया गया है; और

(ख) यदि हां, तो सर्वेक्षण कब तक पूरा हो जायेगा ?

रेलवे तथा परिवहन मंत्री के सभा सचिव (श्री शाहनवाज खां) : (क) जी, नहीं। धाशा है कि सर्वे को मंजूरी जल्द दी जायेगी।

(ख) लगभग अगस्त, १९५७ तक।

श्री अनिरुद्ध सिंह : क्या सरकार को मालूम है कि दरभंगा और समस्तीपुर के बीच कोई भी मुसाफिर गाड़ी इस समय ठीक समय से नहीं चलती है। इसलिये जब तक दोहरी लाइन का बन्दोबस्त नहीं होता तब तक विवरण पत्रिका में दिये गये समय पर मुसाफिर गाड़ियों को चलाने के लिये सरकार क्या उपाय सोच रही है ?

श्री शाहनवाज खां : यह सवाल तो इस हाउस में कई बार उठ चुका है। जहाँ कभी कभी रेलवे की गलती की वजह से भी गाड़ियाँ लेट चलती हैं, वहाँ इसके लिये और भी काफी केसेज हैं। समस्तीपुर के लोग जबरदस्ती जंजीर खींच देते हैं और गाड़ी को चलने नहीं देते इस वजह से भी देर हो जाती है।

Shri L. N. Mishra : Although provision has been made for this work in the current year's budget, may I know the special reason why this has been held up ?

Shri Shah Nawaz Khan : The preliminary engineering survey was sanctioned in June this year and the final report is expected by the end of this month.

Shri Shree Narayan Das : May I know whether any survey was made for providing this railway link between Samastipur and Darbhanga and if so, when ?

Shri Shah Nawaz Khan : Some survey was made in 1907 and that is a bit out of date.

Shri Shree Narayan Das : The Parliamentary Secretary stated that the pulling of chains between Samastipur and Darbhanga is very numerous. May I know whether any statistics are available as to the number of such pullings?

Shri Shah Nawaz Khan : I would not say that the pulling of chains on the section Samastipur-Darbhanga is particularly bad; in fact, it is bad all over Bihar.

Shri Bhagwat Jha Azad : It has become a fashion for the Parliamentary Secretary to reply in this manner.....

Mr. Speaker : Order, order.

Shri Bhagwat Jha Azad : He should not cast an aspersion on the whole of Bihar like this.....

C.T.O.

*666. **Shri Kamath :** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 389 on the 3rd August, 1955 and state;

(a) whether any proposal to further reduce tractorization rates is under consideration of Government;

(b) if so, the details thereof;

(c) whether reduction already announced will have retrospective effect;

(d) whether Government propose to reduce the rates of interest charged on tractor taccavi; and

(e) if so, to what extent?

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

(b) The details have not yet been settled.

(c) No.

(d) and (e). Tractor taccavi presumably means outstanding instalments of reclamation charges payable by the cultivators. The interest on such charges is a matter between the cultivators and the State Governments and the Government of India have no information on this point.

Shri Kamath : Arising out of the answer to part (c) of the question, may I know why this reduction has not been made with retrospective effect?

Dr. P. S. Deshmukh : No question has arisen about retrospective effect. The matter is under consideration between the State Governments and ourselves. We had originally made certain suggestions by which the difference between the payment made by the cultivators and

the charges incurred was to be divided fifty-fifty between the State Government and the Government of India, but certain State Governments are not prepared to accept this proposal. Hence some other formula is being tried to be evolved.

The Minister of Food and Agriculture (Shri A. P. Jain) : With your permission may I add a word? We are considering a reduction of rates for the future. There is no proposal to reduce the rates which were formerly contracted.

Shri Kamath : Are these rates, interest and instalments for the tractor taccavi fixed by the Central Government on their own, all these three, or are they fixed by the Central Government in consultation with the State Government, each one of these, or which by the Central Government and which in consultation?

Dr. P. S. Deshmukh : When the Central Tractor Organisation was started, the Government had fixed certain rates and the fixation of the rates does rest with the Central Government, of course after consultation with the State Government. We cannot merely do it on our own. But so far as the instalments and interest are concerned, it is between the cultivators and the State Government, although sometimes, since we are interested in the recovery the State Government consults us whether so many instalments should be given or not.

Shri Kamath : Is it a fact that the rate of interest charged by the C.T.O. on these tractorization charges is far higher than the rate of interest charged by the State Government on their own tractors?

Dr. P. S. Deshmukh : My reply will show that we do not charge any interest. It is because the recovery is to be made from the State Government, and the question of interest is really the concern of the State Government. We do not charge any interest.

Accumulation of Mails

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

(a) whether as a result of heavy rains and floods there was any accumulation of uncharged second class mails in North India during October 1955; and

(b) the places where and the duration for which deliveries remained suspended?

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

(b) 1 to 16 days at different places.

Sardar Hukam Singh : Are there any places which remained cut off so far as communication was concerned, even in respect of first class mails?

Shri Raj Bahadur : Amritsar was one of them and there are other towns in Punjab and the Western Districts of U.P.

Sardar Hukam Singh : May I know whether the second class mails remained suspended throughout the period when there was no railway service or were alternative methods adopted for carrying them by air or by motor lorries or other means?

Shri Raj Bahadur : The period during which they remained suspended differed from place to place and district to district, and these services were resumed as and when the road connections or rail links were restored.

Sardar Hukam Singh : What was the longest period during which any particular place remained cut off so far as these mails were concerned?

Shri Raj Bahadur : Sixteen days. I have got a complete list of places and the days for which the mails for each of these places remained suspended, but it will take a long time to read.

सद्यु सिंचाई योजनायें

*६६६. श्री श्री नारायण दास : क्या साक्ष और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) सद्यु सिंचाई योजना के क्षेत्र में विभिन्न राज्यों में अब तक हुये कार्यों को प्राकृत और उसमें इसके विस्तार की सम्भावना की जांच करने के लिये केन्द्रीय सरकार ने जो समिति नियुक्त की थी क्या उसने अपना काम पूरा कर लिया है; और

(ख) यदि नहीं, तो काम किस अवस्था में है ?

कृषि मंत्री (डा० पी० एल० बेशमुख) :

(क) अभी नहीं ।

(ख) समिति के विधान के अनुसार हर एक राज्य सरकार का एक प्रतिनिधि इसका मेम्बर है । अब तक केवल २३

राज्य सरकारों ने अपने प्रतिनिधि नामांकित किये हैं और बाकी राज्यों के प्रतिनिधियों के नामों का इन्तजार हो रहा है ।

हर एक राज्य की सिंचाई सम्बन्धी भीतरी शक्ति की परीक्षा करने के लिये, टेक्निकल और दूसरी तफ्तीस एक प्रस्तावली के रूप में मांगी गई है । राज्य सरकारों से जवाब देने पर समिति अपना काम करेगी ।

श्री श्री नारायण दास : क्या मैं जान सकता हूँ कि इस समिति का काम कब तक खत्म होने की आशा की जाती है ?

डा० पी० एल० बेशमुख : यह कहना इस वक्त मुश्किल है क्योंकि अभी तो रिप्रेजेंटेटिव भी मुकर्रर नहीं हुए हैं ।

श्री श्री नारायण दास : क्या सरकार का यह इरादा नहीं है कि जो दूसरी पंच-वर्षीय योजना बनने वाली है उससे पहले ही यह समिति अपना कार्य पूरा कर ले ?

डा० पी० एल० बेशमुख : अब तक तो शायद हो जाय ।

Shri Bogawat : May I know whether there is a great demand for minor irrigation projects in scarcity areas and people are prepared to give half the cost by *shramdan*, and if so, whether provision for this will be made in the Second Five Year Plan?

Dr. P. S. Deshmukh : This does not very much arise out of this question, but I can tell the hon. Member that we have every sympathy for minor irrigation works in scarcity areas and the Government's attention is pointedly drawn to it and they are trying to do their best.

Mr. Speaker : The question is whether Government have made any arrangements for making use of *shramdan*?

Dr. P. S. Deshmukh : Yes; that is essentially done by the State Government.

WRITTEN ANSWERS TO QUESTIONS

उज्जैन-इंदौर रेल लिंक

*६३३. श्री अमर सिंह डामर : क्या रेलवे मंत्री ७ दिसम्बर, १९५४ को दिये गये तारांकित प्रश्न संख्या ८२७ के उत्तर के सम्बन्ध में यह बताने का कृपा करेंगे कि :

(क) मध्य भारत में उस प्रस्तावित रेलवे लाइन के बनाने के कार्य में अभी तक कितनी प्रगति हुई है जो उज्जैन को देवास हो कर इन्दौर से मिलायेगी ; और

(ख) इस रेलवे लाइन के बन कर तैयार हो जाने की कब तक आशा है ?

रेलवे तथा परिवहन मंत्री के सहा-सचिव (श्री शाहनवाज खां) : (क) रेलवे लाइन बनाने के लिये जितनी जमीन की जरूरत है उसका ज्यादातर हिस्सा ले लिया गया है और निर्माण के अलग-अलग काम के लिये टेंडर मांगे गये हैं।

(ख) लगभग १९५७ के अन्त तक।

All India Medical and Health Service

*636. Shri N. Rachiah : Will the Minister of Health be pleased to state :

(a) whether Government are contemplating to constitute a Central Health Service; and

(b) if so, at what stage does the matter stand ?

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

(b) The scheme has been finalised and will be promulgated shortly.

Tourism

*638. Ch. Raghbir Singh : Will the Minister of Transport be pleased to state :

(a) whether it is a fact that the Government propose to re-constitute the Regional Advisory Committee for the tourists; and

(b) if so, when and what is the main consideration behind the re-organisation ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). Proposals for the reconstitution

of the Regional Advisory Committees so as to make them more representative in character are under consideration and no final decisions have been reached as yet.

Tourist Centres

*642. Pandit D. N. Tiwary : Will the Minister of Transport be pleased to state :

(a) whether any proposal has been received from the Government of Bihar to develop any other places of tourist importance in addition to Rajgir; and

(b) if so, names of the places suggested ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan) : (a) Yes.

(b) Bodh Gaya, Nalanda, Vaishali, Pawapuri, Ranchi, Jamshedpur, Topchanchi Lake, D.V.C. Area etc.

Raja-Ki-Mandi Railway Station

*646. Shri S. K. Razmi : Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 48 on the 16th November, 1954 and state :

(a) the progress of work made so far in the shifting of the Raja-Ki-Mandi Railway Station on the Central Railway;

(b) the amount of money spent so far; and

(c) by what time the work is expected to be completed ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan) : (a) Passenger platforms including concreting have been provided. Motor, tonga and rickshaw stands have been provided in the circulating area. Platform Shelters and foot overbridges have been completed upto 90 per cent. The foundation work with regard to the main station building is in progress.

(b) Rs. 4.04 lakhs approximately have so far been spent on the various works.

(c) By April, 1957.

Coastal Shipping

*650. Shri Nambiar : Will the Minister of Transport be pleased to refer to the reply given to Starred Question No. 1080 on the 24th August, 1955 and state :

(a) whether it is a fact that Government have permitted the Indian shipping lines to increase their freight rates on cargo movements along the Indian coasts;

(b) if so, to what extent; and

(c) the reasons for permitting this freight increase?

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

(b) By 5% over the existing rates.

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 12].

Calcutta Telephone Directory

***652. Shri Sadhan Gupta :** Will the Minister of Communications be pleased to state:

(a) whether a new scheme of arrangement has been adopted for the Calcutta telephone directory; and

(b) if so, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) With the April, 1955 issue of the Calcutta Telephone Directory, single column entries have been replaced by double column entries and group headings have been introduced. The list of group headings is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 13]. The size of the Directory has been changed from 10·5/8"X6" to 9·5/8"X7 1/2".

(b) Double column entries have been introduced due to the increased number of telephones in the Calcutta Telephone system. This is in accord with the practice in all large systems in India and in foreign countries.

Steel Industry

***660. Shri Sinhasan Singh :** Will the Minister of Labour be pleased to refer to the reply given to Unstarred Question No. 885 on the 13th September, 1955 by the Minister of Commerce and Industry and state:

(a) whether there has been any corresponding increase in labour wages in the steel industry; and

(b) if so, the annual wage increment during 1950 to 1955 (year-wise)?

The Minister of Labour (Shri Khandubhai Desai) : (a) and (b). The information is being collected and will be laid on the Table of the Lok Sabha when available.

Industrial Disputes

***662. Shri N. Sreekantan Nair :** Will the Minister of Labour be pleased to state:

(a) the number of complaints of non-implementation of Awards in industrial

concerns under the jurisdiction of the Union Government received during the years 1954-55 and so far in 1955; and

(b) the number of complaints in which the State Governments are involved as employers?

The Minister of Labour (Shri Khandubhai Desai) : (a) and (b). Information is being collected and will be placed on the Table of the House in due course.

राष्ट्रीय राज्य मार्ग संख्या ८

***६६५. श्री भीष्मा भाई :** क्या परिवहन मंत्री २७ सितम्बर, १९५५ को दिये गये तारांकित प्रश्न संख्या २२२४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राष्ट्रीय राज्य मार्ग संख्या ८ पर सोन नदी के ऊपर कागदार के पास पुल बनाने के काम में विलम्ब हुआ है ; और

(ख) यदि हां, तो उसके कारण क्या है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) हां, कुछ हद तक यह ठीक है ।

(ख) सिमेन्ट के मिलने में कुछ कठिनाइयाँ थीं ।

Mahananda Bridge

***667. Shri M. Islamuddin :** Will the Minister of Transport be pleased to refer to the reply given to Starred Question No. 2435 on the 30th September, 1955 and state:

(a) whether the plans and estimates based on the design suggested by the Transport Ministry for the bridge across the river Mahananda at Dingraghat (Purnea) have been received from the Bihar Government for sanction;

(b) if so, the details thereof; and

(c) whether the work has since been sanctioned ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) No, Sir.

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

Safety in Mines

***670. Shri T. B. Vittal Rao:** Will the Minister of Labour be pleased to refer to the reply given to Starred Question No. 410 on the 3rd August, 1955 and state:

(a) whether the Chief Inspector of Mines in India has since submitted his annual report for the year 1954;

(b) if so, whether he has made any specific recommendations for the safety of workers in the mines;

(c) the steps taken by Government to implement them; and

(d) when the report is likely to be published?

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

(b) The report is factual and does not contain specific recommendations from the Chief Inspector of Mines.

(c) Does not arise.

(d) As soon as possible.

Labour Conditions

***671. Shri N. Rachiah:** Will the Minister of Labour be pleased to state:

(a) the extent of expenditure proposed to be incurred by Government for the improvement of conditions of labour in the country under the Second Five Year Plan; and

(b) the main features of the Plan on which the amount is to be spent?

The Minister of Labour (Shri Khandubhai Desai): (a) It is not possible to indicate the extent as the Plan has not yet been finalized.

(b) Expenditure is likely to be incurred on schemes, such as, housing, recreation centres, extension of social security schemes, workers' education, training and other welfare measures.

Dining Cars on Railways

***672. Shri Dabhi:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1379 on the 2nd September, 1955 and state:

(a) whether the existing Dining Cars on the Western Railways have since been

replaced by new cars of special design and re-equipped; and

(b) if so, the special features of new Dining Cars?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) No. The present Dining Cars on the Western Railway are either too old for conversion or they do not suitably lend themselves to conversion.

(b) A statement is enclosed. [See Appendix IV, annexure No. 14].

Regional Hotel Associations

***673. Ch. Raghubir Singh:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that Government have encouraged the formation of Regional Hotel Associations in India;

(b) if so, the facilities being given by Government to these hotels for encouraging tourism;

(c) whether it is also a fact that a Hotel Training School is being established in India; and

(d) if so, when and at what place?

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

(b) The facilities provided by the Government to hoteliers include the grant of reasonable quotas of imports of cutlery, crockery, kitchen utensils etc.

(c) and (d). A scheme for the establishment of Hotel Training School in India is under preparation. Details regarding location, time of starting, etc., are still to be settled.

Health Problems in States

***674. Shri Krishnacharya Joshi:** Will the Minister of Health be pleased to State:

(a) the extent to which the equipment was supplied, expert technical assistance rendered and advice given by the Central Government to the various States during 1955 in solving their health problems; and

(b) the number of States which received such assistance?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 15].

Colouring Agents in Food and Drink

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

(a) whether the use of colouring agents in food and drink has been fully examined as to its effect on public health; and

(b) if so, with what results?

The Minister of Health (Rajkumari Amrit Kaur): (a) The question is under examination by a Sub-Committee appointed in July, 1955 by the Central Committee for food standards.

(b) The report of the Sub-Committee has not yet been received.

ऊपरी पुल (फुट ओवर ब्रिज)

*६७६. **पंडित डी० एन० तिवारी :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि द्वितीय विश्व युद्ध आरम्भ होने के पहले पुराने बी० एन० डब्ल्यू० रेलवे ने गोरखपुर और कटिहार के बीच बहुत से स्टेशनों पर ऊपरी पुल बनाने का निश्चय किया था ;

(ख) क्या यह भी सच है कि प्रस्तावित ऊपरी पुलों के डिजायन और एस्टीमेट तैयार हो गये थे तथा बहुत से स्टेशनों पर नींव भी रखी जा चुकी थी परन्तु युद्ध छिड़ जाने के कारण काम रोक दिया गया था ; और

(ग) यदि हां, तो क्या निर्माण काम को फिर से आरम्भ करने का विचार है ?

रेलवे तथा परिवहन मंत्री के सभा-सचिव (श्री शाहनवाज खां) : (क) जी, हां ।

(ख) जी, हां । लाइन की मिट्टी वाली सतह से एक फुट नीचे तक छः ऊपरी पैदल-पुलों की नींव डाल दी गयी थी ।

(ग) अभी नहीं ।

U. S. Technical Aid

*677. **Shri Bibhuti Mishra:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that a wind-mill of the lower velocity type was installed

at the village of Jatheri in Punjab in October, 1954 (about 20 miles out of Delhi) by the United States Technical Co-operation Mission to act as a model water supply scheme; and

(b) if so, the results thereof?

The Minister of Health (Rajkumari Amrit Kaur): (a) Such a wind-mill has been installed by a private firm at the suggestion of the United States Technical Co-operation Mission.

(b) It is understood that the installation is on trial and that the results have not been assessed so far.

Indo-Japanese Air Agreement

*678. **Shri D. C. Sharma:** Will the Minister of Communications be pleased to state:

(a) whether the Indo-Japanese Air Agreement has been signed by the two Governments; and

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

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The Agreement was signed on the 26th November, 1955 at New Delhi. Copies of the Agreement have been placed in the Library of the Parliament.

New Delhi Municipal Committee

*679. **Dr. Ram Subhag Singh:** Will the Minister of Health be pleased to state:

(a) whether the Government of India have sanctioned any grant during 1955-56 to New Delhi Municipal Committee to open Family Planning Centres to cope with the Capital's increase in population;

(b) if so, the amount thereof; and

(c) the plans of the New Delhi Municipal Committee to cope with this problem?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). A grant-in-aid of Rs. 35,000 has been sanctioned to the New Delhi Municipal Committee for opening Family Planning Centres in Delhi.

(c) A Statement containing the information is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 16].

Vegetable Oils

*680. { **Sardar Hukam Singh:**
Shri Bahadur Singh:
Shri Kamath:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 2434 asked on the 30th September, 1955 and state :

(a) whether any suitable colour has finally been evolved for vanaspati; and

(b) if so, what is that ingredient?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No. Besides the Central Food Technological Research Institute, Mysore, researches on finding out a suitable dye for colouring vanaspati are also being carried on at the National Chemical Laboratory, Poona and the Central Drugs Research Institute, Lucknow, but without any success so far.

(b) Does not arise.

The Mines Act

*682. **Shri T. B. Vittal Rao:** Will the Minister of Labour be pleased to refer to the reply given to Starred Question No. 2262 on the 27th September, 1955 and state:

(a) whether Government have since taken any decision in regard to the appointment of a High Level Commission to enquire into the safety of workers in the coal mines;

(b) if so, the nature of the decision arrived at; and

(c) the steps proposed to be taken to implement it?

The Minister of Labour (Shri Khandubhai Desai): (a) The question of formation of a Tripartite Committee is still under consideration. A decision will be taken after the comments of the State Governments, Mining Boards etc. on the draft regulations on coal and non-coal mines, which have already been circulated to them, are received.

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

Paper Manufacture

*683. **Shri N. Rachiah:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a Conference was convened in October, 1955 to consider as to how the Forest wealth of the country could be exploited for the manufacture of paper;

(b) if so, whether Government propose to sponsor any pilot schemes for this purpose; and

(c) the probable places where the industry will be started?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes, Sir.

(b) No, Sir.

(c) Assam, Madras, Andhra, Bombay and Coorg.

Railway Catering

*684. **Shri Dabhi:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1390 on the 2nd September, 1955 and state :

(a) whether the standard menu recommended by the Alagesan Committee has now been evolved on the basis of regional tastes and requirements with a view to satisfying the passengers in all parts of the country;

(b) if the answer to part (a) above be in the negative, the reasons for the delay; and

(c) when it will be evolved?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan): (a) to (c). The matter is still under consideration, the time taken being due to consideration of the matter by the various zonal railways in consultation with their Railway Users' Advisory Committees. Final decisions are expected to be taken shortly.

Fruit Preservation Industry

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

(a) whether the question of supplying liquid sugar (sugar in syrup form before being crystallised) to the fruit preservation industries in this country with a view to reducing the cost of canning of fruits and such other facilities, has been brought to the notice of Government; and

(b) if so, the action proposed to be taken in this regard?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). The question of supply of liquid sugar to the fruit preservation industry has not been brought to the notice of Governments. A proposal to grant rebate on sugar used by the Fruit Preservation Industry for production of fruit products for export is however under consideration of Government.

Capital-Labour Partnership in Industries

*686. **Shri Bibhuti Mishra:** Will the Minister of Labour be pleased to refer to the reply given to Starred Question No. 539 on the 8th August, 1955 and state:

(a) whether a scheme regarding capital-labour partnership in the running of industries has since been drawn up; and

(b) if so, the main features of the scheme?

The Minister of Labour (Shri Khandubhai Desai): (a) and (b). No; the whole question is still under consideration.

Air Accidents

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

Will the Minister of Communications be pleased to state:

(a) the total number of air accidents in India during the period from 1st of September, to the end of November, 1955;

(b) the total number of lives lost in these accidents; and

(c) the causes of these accidents?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Six (including 2 accidents to gliders).

(b) Nil.

(c) The accidents are under investigation.

Bombay-Calcutta Mail

363. **Shri Kamath:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Bombay-Calcutta mail (Up and Down) via Allahabad does not stop at Sohagpur (Hoshangabad District, Madhya Pradesh);

(b) if so, the reasons therefor;

(c) whether Government is aware that Sohagpur is the Headquarters of a tahsil and consequently public utility and convenience demand the stoppage of the mail train at Sohagpur;

(d) whether representations have been received by Government from time to time to that effect; and

(e) if so, whether Government is considering the matter.

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

(b) and (c). The long distance traffic offering at Sohagpur does not justify the provision of halts of Nos. 5/6 Bombay-Calcutta Mail trains, which are mainly intended to cater for long distance traffic.

(d) Yes.

(e) The circumstances have already been taken into account.

Telegraph Advisory Committee (Rajasthan)

364. **Shri Bheekha Bhai:** Will the Minister of Communications be pleased to lay on the Table of the House a statement containing recommendations by the Post and Telegraph Advisory Committee, Rajasthan and Ajmer zone?

The Deputy Minister of Communications (Shri Raj Bahadur): A statement is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 17].

Telephones at Railway Stations

365. **Shri Kamath:** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1314 on the 30th September, 1955 regarding provision of telephones at certain Railway Stations and state what further action has been taken in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): The matter is still under consideration by the local authorities.

मलेरिया

३६६. **श्री श्री नारायण दास :**
क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी:

(क) मलेरिया के उपचार के लिये किन विदेशी पेटेन्ट औषधियों को आयात करने की सरकार ने अनुमति दी है ;

(ख) आयात करने की अनुमति देने से पहले ऐसी पेटेन्ट औषधियों के गुण की परीक्षा किन संस्थाओं में की जाती है ; और

(ग) ऐसी कितनी पेटेन्ट औषधियों की अब तक परीक्षा की गई है ।

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) :

- (क) (1) Mepacrine
(2) Resochin
(3) Aralen
(4) Avlocor
(5) Nivaquine
(6) Camoquin
(7) Pamaquin
(8) Paludrine
(9) Daraprim

(ख) Malaria Institute of India,

दिल्ली और School of Tropical Medicine,
कलकत्ता ।

(ग) प्रश्न भाग (क) के जवाब में
बताई गई दवाईयों की जांच की गयी थी ।

Lokur Committee

367. **Shri Shree Narayan Das:** Will the Minister of Transport be pleased to state whether the Lokur Committee appointed to go into the various complaints against the Joint Steamer Companies has submitted its report?

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

Milk

368. **Shri V. P. Nayar:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether in view of the lowest intake (consumption) of milk and milk products in Travancore-Cochin State as compared to the other States, what, if any, are the proposals under the Second Five Year Plan to raise the *per capita* consumption at least to the present Indian average in the Travancore-Cochin State; and

(b) what special help the Government of India propose to render in this matter?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The following schemes are being considered for inclusion in the Second Five Year Plan:—

- (i) Artificial Insemination Centres with Key Villages.
- (ii) Expansion of existing dairy farm and establishment of dry stock farm.

(iii) Development of high range area for cattle breeding and milk production.

(iv) Establishment of a Co-operative Milk Supply Union for Trivandrum.

The State's revised schemes in accordance with the discussions with the Planning Commission are awaited.

(b) The State will be eligible for such financial assistance as may be given to other States for similar schemes.

कपास

३६९ बी अमर सिंह डामर : क्या
साध और कृषि मंत्री यह बताने की कृपा
करेंगे कि :

(क) वर्ष १९५५ में कपास के उत्पादन
को बढ़ाने के लिये सरकार और केन्द्रीय कपास
समिति ने क्या कार्यवाही की है ;

(ख) किन राज्यों में कपास के अधिक
उत्पादन की आशा है; और

(ग) किन राज्यों में बढ़िया किस्म का
कपास उत्पन्न होता है ?

साध और कृषि मंत्री (श्री अजित
प्रसाद जैन) : (क) केन्द्रीय सरकार ने
सन् १९५५ में कपास उगाने वाले विविध
राज्यों में कपास बढ़ाने वाली योजनाएँ जारी
रखीं । इन्हीं राज्यों में इंडियन सेन्ट्रल
काटन कमिटी ने भी कपास बीज के उत्पादन
के बढ़ाने तथा बांटने सम्बन्धी कुछ योजनाएँ
जारी रखीं ।

(ख) पंजाब और पेप्सू को शायद
छोड़ कर, जहाँ हाल की बाढ़ों ने फसल
को काफी नुकसान पहुंचाया है, बाकी सभी
कपास पैदा करने वाले राज्यों में कपास के
अधिक उत्पादन होने की आशा है ।

(ग) बम्बई, मद्रास, पंजाब, पेप्सु
मध्य प्रदेश, हैदराबाद, आन्ध्र, उत्तर प्रदेश,
और मैसूर ।

Railway Unions

370. Chaudhuri Muhammed Shafie :
Will the Minister of Railways be pleased
to state :

(a) the number of the Railway employees, Class I, II, III and IV, who are members of the Recognised Unions, Class-wise and Zone-wise;

(b) the number of those who are not members of these Unions; and

(c) the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Class I and Class II Officers on Indian Government Railways are eligible to become members of Associations of gazetted railway officers only, while Class III and IV railway employees are eligible to become members of unions or associations of non-gazetted staff.

A statement is attached giving—(i) the approximate number of Class I and Class II officers on Indian Railways who are members of recognised Associations of Gazetted Railway Officers which are functioning are present on each of the Indian Govt. Railways, class-wise and zone-wise and (ii) giving the number of Class III and IV staff who are members of recognised unions or associations of Railway servant on each of the Indian Govt. Railways [See Appendix IV annexure No. 18].

(b) There are approximately 1,361 Class I and Class II officers on Indian Railways who are not members of the recognised associations of Gazetted Officers on Indian Railways and 5,45,133 Class III and Class IV Railway employees who are not members of recognised unions of non-gazetted staff.

(c) Government have no information.

Confirmation of Staff on Northern Railway

371. Chaudhuri Muhammed Shafie :
Will the Minister of Railways be pleased
to state :

(a) whether it is a fact that the confirmation of staff on the Northern Railway, especially Delhi Division, is being delayed;

(b) if so, the reasons therefor;

(c) whether any of the Class III and IV employees have been confirmed since the 1st January, 1955; and

(d) if so, their number?

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

(b) Does not arise.

(c) Yes.

(d) 12,392.

Railway Accidents

372. Chaudhuri Muhammed Shafie : Will the Minister of Railways be pleased to state :

(a) the number of persons including Railway employees, killed in Railway accidents in India zone-wise, since the 1st January, 1955;

(b) the amount paid as compensation to them;

(c) the number of cases in which compensation has not been paid;

(d) the reasons therefor; and

(e) the number of cases pending for payment of compensation?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (e). The information is being collected and will be placed on the Table of the house as soon as it becomes available.

Amlabad Colliery

373. { Shri T. B. Vittal Rao :
 { Shri P. C. Bose :

Will the Minister of Labour be pleased to refer to the reply given to Starred Question No. 70 on the 26th July, 1955 and state :

(a) whether the Court of Inquiry appointed to investigate into the causes of the explosion that took place at Amlabad Colliery on the 5th February, 1955, has since submitted its report;

(b) if so, findings of the court;

(c) the action taken to implement the recommendations; and

(d) if the reply to part (c) above be in the negative, the reasons for the delay?

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

(b) The Court has held the management responsible for the accident. It has also made a number of recommendations.

(c) and (d). Action to proceed against the Management under the provisions of the Indians Mines Act, 1952 is under

examination. Most of the other recommendations have been included in the draft revised code of Coal Mines Regulations which has been circulated to the State Governments and Mining Boards etc. for comments. A statement showing the action taken on each recommendation contained in the report will be placed on the Table of the Lok Sabha in due course.

Vizagapatam Port

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

(a) the total expenditure so far incurred during the First Five Year Plan on the expansion and improvement of Vizagapatam port; and

(b) the main items of expenditure?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Rs. 81,88,000/-.

(b) These are:—

- (i) Construction of quay wall berth No. IV.
- (ii) Reinforced concrete wharf for coal.
- (iii) R. C. C. jetties for oil trade.
- (iv) Additional facilities for manganese and iron ore trade.
- (v) Port works connected with the establishment of oil refinery.
- (vi) Staff quarters.
- (vii) Pilot launch.
- (viii) Three electric cranes.

डाक सेवाएँ

३७५. **श्री भक्त बर्मान :** क्या संचार मंत्री ३० अगस्त, १९५५ को दिये गये तारांकित प्रश्न संख्या १२१६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) वर्ष १९५५-५६ के बजट ऐस्टीमेट में नये डाकघरों, तारघरों और सार्वजनिक टेलीफोनो को खोलने के लिये जिस धन राशि की व्यवस्था की गई है उस में से प्रत्येक सक्षिप्त के लिये धन राशि निर्धारित करने के सम्बन्ध में क्या सब संगत जानकारी एकत्र कर ली गई है; और

(ख) यदि हां, तो क्या जानकारी सभा की टेबल पर रखी जायगी ?

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

(ख) जी हां । इस सम्बन्ध में एक विवरण लोक सभा पटल पर रखा जाता है । [देखिये परिशिष्ट ४, अनुबन्ध संख्या १६] ।

Express Delivery Letters

376. **Pandit D. N. Tiwari:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that Express Delivery letters from Patna and other places in Bihar are delivered in New Delhi later than the ordinary letters; and

(b) if so, the reasons thereof?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Under the Rules of the posts and Telegraphs Department, Telegraph Offices do not maintain any register or statistics regarding the office of origin of Express Delivery letters. It cannot therefore be stated whether Express Delivery letters from Patna or from any other particular stations were delivered later than the ordinary dak by the Central Telegraph Office, New Delhi. Specific cases of delay in the delivery of express letters, when reported, are duly investigated.

(b) Does not arise in view of above.

Unemployment

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

(a) the total number of unemployed persons at the end of November, 1955 and

(b) the number of educated persons amongst them?

The Minister of Labour (Shri Khandubhai Desai): (a) and (b). (i) Figures relating to the end of November, 1955 are not yet available. The number of persons registered with the Employment Exchanges for employment assistance as at end of September and October, 1955 was 6,93,775 and 6,95,239 respectively.

(ii) Statistics in regard to educated persons are collected at quarterly intervals and the latest available information which relates to the end of September, 1955 shows that 2,30,142 educated persons were regis-

tered with the Employment Exchanges for employment assistance as on 30-9-55. The total number of unemployed persons in the country is not known.

Family Planning

378. **Shri Bibhuti Mishra:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government have asked surgeons and specialists to examine cases of sterilization and their effects on the body; and

(b) if so, whether sterilization as a method of family planning produces ill effects on men and women?

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

(b) Does not arise.

Death Rate

379. **Shri D. C. Sharma:** Will the Minister of Health be pleased to state:

(a) the present death rate in India;

(b) whether the percentage of death rate has been decreasing;

(c) if so, the rate of decrease during the last two decades; and

(d) the comparative percentage of decrease in different States?

The Minister of Health (Rajkumari Amrit Kaur): (a) The death rate recorded in all the part A States and Ajmer, Coorg and Delhi of the Part C States during the year 1952 was 13.6 per thousand of population. Information for the period after 1952 is not available.

(b) The death rate in India has been steadily decreasing;

(c) The total decrease in death rate in India during the decades 1931-1940 and 1941-1950 was 15 and 32 percent respectively.

A statement showing the registered death rate in the various registration areas in the country during the year 1930 to 1952 is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 20].

(d) A statement showing the registered death rates in different States as far as information is available is also placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 20].

Central Tractor Organisation

380. **Shri D. C. Sharma:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total acreage of land reclaimed by the Central Tractor Organisation in Punjab upto the 30th November, 1955;

(b) the total area brought under cultivation; and

(c) the number of families settled there upto the 30th October, 1955?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 13,521 acres.

(b) and (c). The information is being collected and will be placed on the Table of the Lok Sabha when it is ready.

देवरिया में टेलीफोन एक्सचेंज का भवन

३८१. **श्री रामजी वर्मा:** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) देवरिया (उत्तर प्रदेश) में जिस विस्तृत भूमि क्षेत्र में टेलीफोन एक्सचेंज का भवन बनाया गया है क्या वह क्षेत्र डाकघर का सरकारी भवन बनाने के लिये भी प्राप्त किया गया था ;

(ख) वह भूमि क्षेत्र कब लिया गया था और वहां पर डाकघर का भवन बनाने के कार्य में क्यों विलम्ब हो रहा है; और

(ग) देवरिया में जिस भवन में ग्राज्जल डाकघर है उसका कितना किराया दिया जाता है ?

संचार उपमंत्री (श्री राज बहादुर) :

(क) जी हां, भविष्य में विभागीय आवश्यकताओं को पूरा करने के लिये, पर्याप्त भूमि प्राप्त की गयी थी।

(ख) यह भूमि टेलीफोन केन्द्र (exchange) के निर्माण के लिये १९४९ में प्राप्त की गयी थी। इस टेलीफोन केन्द्र का निर्माण पूरा हो चुका है। १९५३ में किराये पर लिये गये डाकघर में स्थान की कमी अनुभव की गयी। इसके साथ किराये में भी वृद्धि हो जाने के कारण यह सुझाव

रक्खा गया कि उक्त प्रयोजन के लिये एक विभागीय भवन का निर्माण किया जाय। उस समय से प्रारम्भिक कार्य, जैसे कि नक्शों और प्राक्कलनों (Plans and estimates) का बताना आदि पूरा हो चुका है, तथा अगस्त, १९५५ में इस कार्य की मंजूरी भी दे दी गयी है।

(ग) सितम्बर, १९५३ तक किराये की मासिक दर ५२ रुपये ८ आने थी और उसके बाद यह दर १६० रुपये प्रति मास हो गई है।

Textile Workers

382. **Shri D. C. Sharma:** Will the Minister of Labour be pleased to state the number of workers employed in Textile Factories during 1953-54 to 1955-56 so far?

The Minister of Labour (Shri Khandubhai Desai): According to the returns received under the Factories Act, 1948, from the Part 'A' States and the Part 'C' States of Ajmer, Coorg, Delhi and Andaman and Nicobar Islands, the average daily employment in the textile industry for the calendar year 1953 was 1,022,366. Employment figures for subsequent years are not yet available.

Training of Craftsmen

383. **Shri R. N. S. Deo:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that Development Schemes for training of Craftsmen have been prepared to meet the demand for skilled workers in the Second Five Year Plan;

(b) if so, the main features of the scheme;

(c) whether seats in the training institutes will be allocated to all the States;

(d) if so, (i) the State-wise figures of proposed allocation of seats and (ii) the basis of such allocation; and

(e) whether any new training institutes are proposed to be started and if so, the number and their location in different States?

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

(b) 1. Increasing the existing training facilities for craftsmen in training institutions.

2. Provision of necessary equipment and buildings.

3. Expanding the facilities of the training of Craft Instructors.

4. Arranging regular apprenticeship training in factories.

5. Arranging evening classes for improving the skill of industrial workers.

6. Training of Principals and Inspecting Officers of Training Centres.

7. Hobby Training for persons of school going age.

(c) Yes.

(d) Final allocation has not yet been decided. This will be done in consultation with State Governments bearing in mind the population of the State, the training facilities at present available, the future development plans of the States.

(e) Yes; the number of training centres to be opened and their location will be decided in consultation with the State Governments concerned.

Recovery of Duties From U. K.

384. **Shri Gidwani:** Will the Minister of Transport be pleased to state:

(a) whether the recovery of the cost (Rs. 73,912) of two barges from the Commander-in-Chief, East Indies Naval Headquarters, Ceylon is outstanding; and

(b) if so, what steps are being taken to recover the amount?

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

(b) The question of the recovery of the cost of two barges was the subject of prolonged correspondence between the Accountant General, Bombay, the British Naval Cashier, Bombay and the Capt. Superintendent, Royal Naval Yard, Trincomalee. As this produced no results, Government have taken up the matter with the U.K. Government through the High Commissioner in London. An interim reply has been received to the effect that the Admiralty is considering the matter.

Grand Trunk Express

385. **Shri Veer swamy:** Will the Minister of Railways be pleased to state:

(a) the number of times the Grand Trunk Express arrived late in Delhi and in Madras in the last six months ended 31st October, 1955; and

(b) what efforts are being made to avoid late arrivals of

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) During the period 1st May to 31st October, 1955, out of a total of 184 occasions, No. 15 Down Grand Trunk Express arrived late at Delhi on 165 occasions and No. 16 Up Grand Trunk Express arrived late at Madras on 134 occasions.

(b) The punctual running of these trains, covering a long distance mostly with single line, continues to receive the constant attention of the Railway Administrations. The Railways are being asked to take special steps to improve the performance of these trains.

संक्रामक बीमारियाँ

३८६. श्री बी० डी० शास्त्री : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि १९५० से १९५४ तक प्रति वर्ष अनुमानतः कितने व्यक्ति संक्रामक रोगों का शिकार हुए ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): १९५० से १९५३ तक Part A के सभी राज्यों और अजमेर, कुर्ग व दिल्ली के Part C राज्यों में दर्ज मुख्य संक्रामक रोगों जैसे हैजा, चेचक, प्लेग, घ्रांव व दस्त और फेफड़ों के तपेदिक द्वारा हुई मौतों के बारे में एक विवरण सभा की मेज पर रख दिया गया है। [बेल्जिये परिशिष्ट ४, अनुबन्ध संख्या २१] इस सम्बन्ध में १९५४ की सूचना और दूसरे संक्रामक रोगों के बारे में पक्की जानकारी सरकार के पास नहीं है।

Air Agreement with U.S.S.R.

387. { Shri D. C. Sharma:
Dr. Ram Subhag Singh:

Will the Minister of Communications be pleased to state:

(a) whether any agreement on Commercial cooperation between the Civil Aviation Administration under the Council of Ministers of the U.S.S.R. and Air India International has been entered upon; and

(b) if so, its nature?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). I place on the Table of the Lok Sabha a statement giving the requisite information. [See Appendix IV, annexure No. 22]

Air-Conditioned Coaches

388. Shri S. K. Razmi: Will the Minister of Railways be pleased to state:

(a) the number of new air-conditioned coaches brought into use during the years 1954-55 and 1955-56 (upto October, 1955);

(b) the total cost involved in it;

(c) the earnings from the air-conditioned class during the same period; and

(d) whether the earnings show any increase as compared to the figures of the period before the abolition of the former first class?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 1954-55 21 coaches.
1955-56 (Up to October, 1955) 32 coaches.

(b) The estimated cost of coaches is Rs. 1,51,24,000 approximately.

(c) During the period 1st April to 31st October, 1955, Rs. 35 lakhs as against 28 lakhs for the corresponding period of the previous year.

(d) Yes, as will be seen from the reply to part (c) above.

Losses Due to Pilferage on Railways

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

(a) the total loss in rupees sustained by the Railways in the years 1953-54 and 1954-55 on account of pilferage of:—

(i) coal, and

(ii) other goods; and

(b) the steps taken to check this?

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

(i) Rs. 8,82,531 in 1953-54 and Rs. 8,61,570 in 1954-55.

Note :—Figures of the North Eastern, Western, Southern and Eastern Railways are not included as separate statistics are not maintained by them for losses sustained on account of pilferage of coal.

(ii) Rs. 1,15,23,873, in 1953-54 and Rs. 19,22,483 in 1954-55.

- (b) (i) Re-organisation and strengthening of the Railway Security Forces on Railways.
- (ii) Increased vigilance by Railway Security Force personnel at stations and yards.
- (iii) Escorting of trains by Railway Security Force, Railway Protection Police and Government Railway Police staff and also patrol and raids by such staff at plague spots.
- (iv) Holding of co-ordination meetings between officials of the Police and Railway Security Force as also Railway Officials for exchange of information regarding crime and criminals.
- (v) Construction of boundary walls etc. at vulnerable station yards and sheds.
- (vi) Adequate lighting arrangements in sheds, sidings, yards etc.
- (vii) Extensive use of Ellis-Patent locks on B. G. wagons and double rivetting, wherever practicable, on M.G. wagons containing valuable commodities.

Telephone Exchanges In Bombay

390. **Shri Gidwani:** Will the Minister of Communications be pleased to state:

- (a) the total capacity of telephone exchanges in Bombay, and
- (b) the unsatisfied demand of telephones in that city?

The Deputy Minister of Communications (Shri Raj Bahadur):

- (a) 37,350, lines.
- (b) No waiting list of prospective subscribers is maintained but the unsatisfied demand is expected to be of the order of 35,000.

Paddy Crops in Manipur

391. **Shri Amjad Ali:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that 120 villages in the Tamenglong sub-division of Manipur have been invaded by rats and the entire paddy crop has been destroyed in 74 of them; and

(b) whether the rat menace has been continuing for the last 3 years?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Some damage to crops was caused by rats in certain villages. It is, however, not correct that the entire paddy crop had been destroyed.

(b) Some damage by rats has been an annual feature in the area.

Railway Claims

392. **Shri Sinhasan Singh:** Will the Minister of Railways be pleased to refer to the reply given to part (c) of Starred Question No. 812 on the 17th August, 1955 regarding the Watch and Ward Department of the N.E. Railway and state the amounts of claims paid in those years?

The Deputy Minister of Railways and Transport (Shri Alagesan): A statement showing the requisite information is attached. [See Appendix IV annexure No. 23].

केन्द्रीय रेलवे के नये रेलवे स्टेशन

३९३ श्री के० सी० सोबिया : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५५-५६ में केन्द्रीय रेलवे में कितने नये स्टेशन तथा हॉल्ट स्टेशन बनाये गये हैं ;

(ख) उनमें से कितने स्टेशनों पर माल चढ़ाने और उतारने का काम शुरू कर दिया गया है ;

(ग) कितने स्टेशनों पर यात्रियों के चढ़ने और उतरने की सुविधा की तो व्यवस्था की गई है किन्तु माल के चढ़ाने और उतारने की कोई सुविधा नहीं है; और

(घ) क्या हॉल्टों को स्टेशन बनाने के लिये कोई कार्यक्रम बनाया गया है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेसन) : (क) प्लेग स्टेशन — ३

हॉल्ट — कोई नहीं ।

(ख) कोई नहीं ।

(ग) ३ ।

(घ) जी हां, गिरवर और पिम्पलगांव के २ हाल्ट स्टेशनों को जल्द फ्लैग स्टेशन बनाया जायेगा। साथ ही नीचे दिये गये कार्यक्रम के अनुसार १० हाल्ट स्टेशन फ्लैग स्टेशन बनाये जायेंगे।

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७. धनोड़ी	
८. विरुल	
९. लेहागांव	
१०. सोमथान	

अमोनिया सल्फेट

३९४. श्री के० सी० सोधिया : क्या खाद्य और कृषि मंत्री सभा के टेबल पर एक विवरण रखने की कृपा करेंगे कि जिसमें निम्नलिखित बातें दिखाई गई हों :

(क) इस वर्ष में अभी तक विदेशों से कुल कितना अमोनिया सल्फेट आयात किया गया है और कितना आयात किया जायेगा; और

(ख) चालू वर्ष में "सिन्दरी फर्टीलाइजर्स" में अनुमानतः कितना अमोनिया सल्फेट उत्पन्न किया जायेगा ?

खाद्य और कृषि मंत्री (श्री इ० पी० जैन) : (क) तथा (ख). एक विवरण नत्थी कर दिया गया है [रेखिये परिशिष्ट ४ अनुबन्ध संख्या २४]।

Railway Claims

395. **Shri Bheekha Bhai:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1353 on the 2nd September, 1955 and state:

(a) the amount of claims still pending disposal; and

(b) the reasons for such huge compensation being paid every year?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Claimants in many cases do not specify the amounts claimed in their initial letter so that Railways do not maintain statistics of the amounts claimed as distinct from the amounts paid.

(b) (i) Increase in the volume of traffic carried;

(ii) Increase in the prices of commodities;

(iii) Improper packing, labelling and marking of consignments; and

(iv) Pilferages and thefts in transit.

However, the amount paid on account of compensation claims has steadily declined in recent years.

Road Development in Rajasthan

396. **Shri Bheekha Bhai:** Will the Minister of Transport be pleased to state the total amount of loan and subsidy sanctioned for the development of roads to Rajasthan year-wise since 1949?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) At statement giving the requisite information is attached. [See Appendix IV, annexure No. 25].

Import of Sugar

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

(a) the total quantity of sugar imported in India during 1955 so far;

(b) the balance with Government at present;

(c) the total profit made by Government so far during the period 1953 to 1955 and the total amount invested in the stock lying with the Government;

(d) how does the Government propose to utilise the profits made on these transactions; and

(e) what is the Government's policy for disposing of the balance stocks?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 3.79 lakh tons upto 31st October, 1955.

(b) 1.15 lakh tons as on the 1st November, 1955.

(c) A total profit of Rs. 7.81 crores is anticipated on the entire quantity of sugar

purchased for import from 1953 to 1955. The cost of the sugar in stock with Government on the 1st November, 1955 works out Rs. 8.89 crores.

(d) The profits will mainly merge in the general revenues.

(e) It is proposed to continue the existing policy of sale of sugar ex-docks or ex-godowns at prices fixed by Government.

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LOK SABHA

Thursday, 8th December, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

BUSINESS ADVISORY

COMMITTEE

THIRTIETH REPORT

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

"That this House agrees with the Thirtieth Report of the Business Advisory Committee presented to the House on the 7th December, 1955."

Mr. Speaker: The question is:

"That this House agrees with the Thirtieth Report of the Business Advisory Committee presented to the House on the 7th December, 1955."

The motion was adopted.

CONSTITUTION (EIGHTH AMENDMENT) BILL

The Minister of Law and Minority Affairs (Shri Biswas): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

447 L.S.D.

1750

Dr. Krishnaswami (Kancheepuram): Sir, I rise on a point of order.

Mr. Speaker: Let me put the motion before the House. The motion is for leave to be granted to introduce a Bill.

Dr. Krishnaswami: I want to raise a point of order.

Mr. Speaker: The Bill is not yet before the House; it has to be introduced.

Shri U. M. Trivedi (Chittor): But, we want to raise our objection before the introduction.

Shri N. C. Chatterjee (Hooghly): Sir, the Bill has been circulated and we know what is the provision contained in it. It is really substantially identical....

Mr. Speaker: The hon. Member is perfectly at liberty to point that out. The Chair will consider that. The Chair will consider fully whatever the Members have to say on the different points. But, there is also a technical point that unless the Bill is before us how can I hear any points of order on that Bill. Introduction of a Bill is merely a formal business. Introduction does not mean acceptance of the Bill by the House.

Shri N. C. Chatterjee: I am sorry, Sir; if you kindly look at rule 321 it says:

"A motion must not raise a question substantially identical with one on which the House has given a decision in the same session."

What I am point out is.....

Mr. Speaker: Order, order. I quite agree. But, what is that motion? He

[Mr. Speaker]

wants leave to introduce a Bill to amend the Constitution of India. My question is: what is the amendment that he is seeking? The hon. Members know and the Chair knows.....

Shri Kamath (Hoshangabad): It is a motion for leave, Sir.

Mr. Speaker: A motion for leave to introduce a Bill is made.

Shri H. N. Mukerjee (Calcutta North-East): May I submit, Sir, that for some reason which I cannot exactly fathom the text of the Bill which is going to be introduced has already been circulated to Members—perhaps in order to intimate the contents of this fresh Bill. Usually, after the introduction is over we get copies of the Bill but on this occasion we have already got a copy of the Bill.

That is why these objections are being raised.

Mr. Speaker: Members getting individually a copy of the Bill in advance of a proposal being placed before the House is a different thing altogether. I am not denying that the Members have knowledge about the Bill. I said even the Chair has knowledge of what the hon. Minister is going to introduce. But, if we are going to follow the procedure there must be some proposition before the House and it is therefore that I said that let the Bill be introduced. I shall hear everything and then decide the point of order. After introduction of the Bill the House is in possession of what the hon. Minister is trying to introduce formally and if I come to the conclusion that the point of order raised by Members should be upheld I shall do so and the Bill will disappear. If I do not do it then the Bill will continue.

Shri N. C. Chatterjee: With great respect to you, Sir, we do not want to challenge your ruling in any way. What I am pointing out is that the hon. Law Minister moved a motion which is in contravention of rule 321 of the Rules of Procedure and Con-

duct of Business in the House of the People which says:

"A motion must not raise a question substantially identical with one on which the House has given a decision in the same session."

What I am saying is that the hon. Minister is moving a motion for the purpose of getting leave of the House to introduce a Bill and I should like to say that, that Bill is substantially identical with a Bill on which the legislative judgment of this House has already been passed. Therefore, I submit that the motion cannot be moved and this motion itself is out of order.

Shri U. M. Trivedi: May I submit, Sir...

The Minister of Defence Organisation (Shri Tyagi): Sir, I want to make a submission.

Mr. Speaker: Let me hear one by one. Yes, Shri Trivedi.

Shri U. M. Trivedi: Sir, under rule 90 it is provided:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

It means: "as soon as leave is sought to introduce a Bill". Then there is a proviso:

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon."

That also is, before leave to introduce the Bill can be given. Therefore, my submission in this case is that by the provisions of our procedural law this is outside the compet-

ency of the House this session or outside the jurisdiction of the present session of Parliament to have a discussion on this Bill. Under the circumstances, Sir, if the Bill is introduced then there would be merely a point of order but this discussion which we are now going to have is a discussion on the opposition to the introduction of the Bill itself.

Mr. Speaker: I see the point? He may raise the point about the Bill being outside the legislative competency of the House—mark the words. As I have understood it, the point that is sought to be raised is—it is not that the Bill is outside the competence of this House—a procedural one that the Bill cannot be introduced in this Session. That is entirely a different point. It is not opposing the motion on the ground of the Bill being outside the legislative competence of the House. I hope the distinction is clear.

Shri U. M. Trivedi: That distinction is clear. What I was submitting is this. There are two stages in this. If the opposition can be made on certain other grounds that is at this stage when leave is sought for introduction of the Bill. In that case you are authorised to follow the path laid down in rule 90 in the first part. The question of the proviso only comes in when this further question is mooted that it is not within the legislative competence of this House to proceed with the Bill. That will be a different discussion. What I want to suggest is that this is the proper stage to raise this opposition. What will be the ground of opposition is a different thing.

Mr. Speaker: If the hon. Member wants to raise a point of order for opposing giving leave to introduce the Bill—and not the Bill to be more exact—he can do so. I have no objection to that. What I was suggesting was that it is better, to my mind, if the Bill is before the House. Then one can decide. At present a decision is sought merely from the title of the Bill. I believe there are other Bills also to amend the Constitution.

One has to be clear as to what specifically the amendment sought is. I am trying to be very clear on the procedural part of it as to when and at what time the objection could be raised. It is not that I am against the objection. I am prepared to hear every thing.

Shri N. C. Chatterjee: The only point on which I felt difficulty was this. If we do not urge this point at this stage it may be said that it would be too late at a later stage because under rule 321 it is laid down that if a matter is, if I may call it *res judicata*, barred by the principle of prior adjudication of this House then it is finished and it cannot be raised at all on the floor of this House. If you read rule 149(1) along with rule 321, it will be clear:

“Where any of the following motions under these rules in regard to a Bill is rejected by the House, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the House for the session:”

— One of the motions is mentioned in sub-rule (ii) which says:

“that the Bill be referred to a Select Committee;”

That means, when the Bill fails to get the requisite majority prescribed by the rules, in the legislative judgment of this House it has been rejected, and therefore the Bill is removed from the Register of Bills. It must be removed.

My point is that having regard to the clear decision of the House, the rejection by virtue of the operational rule 149 is, I submit, perfectly *intra vires* and is in conformity with the Constitution. Rule 321 indicates that this is the proper stage when we should take the point. It is for you to decide.

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): If the hon Member

[Shri T. T. Krishnamachari]

wishes to oppose the Bill because he has some knowledge of the contents of the Bill, he is perfectly entitled to do so, and the first part of rule 90 will operate. The Chair will ask the Member who opposes, to make a statement and there will be a statement by the mover of the Bill, and then the House will have to take a decision. No discussion is allowed. If, on the other hand, the Bill is barred because of the rules quoted by my hon. friend opposite—rules 321 and 149—then the question is, there is time to raise the objection or the point of order. The objection or the point of order is to be raised at the consideration stage, saying that the Bill should not be taken up for consideration and that it should be rejected. Then the intricacies and the legalities connected with it cannot be expounded, because we all know and the hon. Members opposite and those here know something about it; that might be a debatable point. But, at the present moment, if I may humbly submit, the Chair is bound by the first part of rule 90. If any hon. Member objects, he can make a short statement indicating the objection and the hon. mover will have to make a statement, and the matter will have to be decided by the House. The point of order at this stage will not arise, because rule 90 is very clear on the point.

Mr. Speaker: I think I am inclined to agree with what the hon. Minister has said about the procedural part of it. I can also assure the hon. Members on the Opposition side who are keen to raise the point, that they will be perfectly at liberty to raise it at the consideration stage. It is not that because they did not raise it at the earliest opportunity, that they will be barred. But the real difficulty which I have been feeling is, what is it that we are going to consider as barred, unless the thing is before the House. As the hon. Minister has said, we know, and as I said, even the Chair knows what it is, but our individual and personal knowledge is

something different from the knowledge of the House when the measure is formally introduced in the House. Lawyers know very well the rule that the judges own knowledge of certain things cannot be taken into account unless that matter is formally before the judge and is proved. That is my difficulty. I think, instead of taking up further time over this point, we may take it up some other time and keep it open. I was suggesting this remedy—that let the formal introduction take place and the point may be argued immediately if hon. Members want. I have no objection to that.

Shri Raghavachari (Penukonda):

The whole point is this. Supposing this motion for introduction is carried: then only, the House has knowledge of the Bill and the subsequent objections against acceptance must come. If once the motion for introduction is passed by the House, then there is no more objection to it. Only at the next stage the matter again comes before the House for consideration. That would mean, if we should raise the objection then, the objections which we intend to raise for the very introduction of the Bill could not come there. That stage comes only when the matter is before the House and after acceptance. You are suggesting that though it is introduced now, you will still keep it open and the objections against introduction will be considered afterwards, and then you will relate it back and say that the introduction is cancelled. That means, the House will have to do something which has already been done. Then, at a later stage, after consideration, if you agree with the objections, you are proposing that you will allow the objections to be raised and you will reconsider that has already been done, that is, the motion that is already passed. Therefore, my submission is, there is something like a right—objecting to a motion for leave to introduce the Bill. It is not that such a right is not available and that there should be no discussion. Unless the House gets cogni-

zance of this, how can an objection to the introduction of the motion itself be taken? Therefore my submission is, the point has to be considered now, and then you may give your considered ruling.

श्री झलनारायण शास्त्री (जिला ब्राह्मगढ़ पूर्व व जिला बलिया पश्चिम) : मैं भी कुछ कहना चाहता हूँ। वकीलों की बातें तो आप के सामने आ गईं, मैं लेमेन्स प्वाइंट आफ व्यू (साधारण व्यक्ति का दृष्टिकोण) रखना चाहता हूँ। जो बात आप कह रहे हैं अगर वह मान ली जाये तो इस का मतलब यह होगा कि जब किसी बिल के इन्ट्रोडक्शन (पुरःस्थापन) के लिये लीव (अनुमति) मांगी जाती है तो वह इसको फैंक्टो ग्रान्ट (स्वतः ही मंजूर) हो ही जानी चाहिये। यह जो स्टेज (स्थिति) आती है किसी बिल के इन्ट्रोडक्शन के लिये लीव मांगने की उस स्टेज पर अगर हाउस इस मूड में नहीं है कि उस बिल को इन्ट्रोड्यूस (पुरःस्थापित) करने की आज्ञा दे तो इस हाउस को यह अधिकार होना ही चाहिये और यदि यह कहा जाये कि इस बिल के इन्ट्रोडक्शन के लिये लीव मांगने का प्रश्न उठता ही नहीं तो मैं समझता हूँ कि इस फैंक्ट (तथ्य) को फेस (सामना) करना चाहिये। माननीय सदस्यों को भी अपने विचार रखने का अवसर देना चाहिये कि वह क्यों इन्ट्रोडक्शन का विरोध करते हैं और माननीय मंत्री को भी अपना प्वाइंट आफ व्यू (विचार) रखने देना चाहिये कि वह जिन ग्राउंड्स (आधार) पर चाहते हैं कि उनको इस बिल को इन्ट्रोड्यूस करने की लीव ग्रान्ट की जाये। जो कुछ माननीय मंत्री कहें और जो कुछ मेम्बर चाहते हों उस सब पर बहस कर लेने के बाद जो उचित बात हो, अर्थात् अगर हाउस चाहता है कि लीव ग्रान्ट हो तो लीव ग्रान्ट होनी चाहिये और उस के बाद बिल इन्ट्रोड्यूस होना चाहिये। ऐसा नहीं होना चाहिये कि जब तक बिल हमारे सामने बाजान्ता इन्ट्रोड्यूस हो कर आ न जाये तब तक रुक

किस चीज को मना करेंगे। लीव मांगी जा रही है इन्ट्रोडक्शन के लिये और हाउस उस को ग्रान्ट नहीं करना चाहता है तो क्या इस के माने हैं कि जब किसी बिल को इन्ट्रोड्यूस करने की आज्ञा मांगी जाये तो वह आज्ञा हाउस को दे ही देना चाहिये और तभी बिल सामने आ सकेगा। मैं इस को समझ नहीं सका।

The Minister of Legal Affairs (Shri Pataskar): May I explain the position? Under rule 90, "if a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, may, without further debate, put the question". That is part (1). The proviso says:

"where the motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon".

But certainly it is not claimed that the Bill is outside the legislative competence of the House. What is claimed is probably something different.

Shri N. C. Chatterjee: May I point out one thing? I am not arguing the point that the Bill is inherently *ultra vires* of the Constitution. That is not my point. But I am pointing out that under the rules, there is a definite embargo put upon the reconsideration in the same session of the same matter which has been subject to the legislative judgment of Parliament. What I am pointing out is this: it is based on rule 321 and also on the precedents from other Parliaments which more or less have got similar or identical provisions. What I am pointing out is, supposing we allow this motion to go through, would it still be open to us to urge the point at the consideration stage?

Shri T. T. Krishnamachari: The words used by the hon. Member—"reconsideration" of the matter—actually gives the point away. It is only at the consideration stage that you can urge that the matter should not be considered.

Shri Gadgil (Poona Central): Since Rule 90 provides that the House can oppose a motion, it presumably means that the House must know what it has to oppose. If a statement about the objects is required under your direction from the hon. Member, then the House is in possession of the substance of the Bill. As soon as that is the property of the House, other sections are relevant and if these objections are to be raised at a later stage, it is much better that they are raised now and discussed.

Mr. Speaker: I do not think I will take up time over this point. It is really of a very minor significance as compared to the other point. Personally, I want to know and hear fully on points of merits, namely, as to whether this Bill is barred under Rule 321 or under any other Rule of Procedure. That is the principal point. I have been thinking that that point can be taken up even after introduction. The present question is that the leave of the House is asked for to introduce a Bill. The Bill comes in; it is not that the House is committed to the principle of the Bill. It is not that because the Minister has brought the Bill, therefore it is within the legal competence of this House or the mere fact of leave being granted to introduce the Bill bars any hon. Member to raise the other point, namely, that the Bill cannot be taken in this session. The two are entirely distinct points to my mind. But instead of spending any more time, as we are practically running against time so far as this session is concerned, I am prepared to hear at this stage. That would be, to my mind, somewhat incongruous, as the Bill is not before the House. That is my difficulty. That is why I have

been suggesting let leave be granted; let the Bill be before the House and the point may be urged. I am prepared to hear the objections here and now.

Shri Kamath: I want a clarification. Will it be done only at the consideration stage then?

Mr. Speaker: I can hear the objections immediately, at any time. I don't think I must wait till the consideration period, because hon. Members must have an opportunity of expressing themselves fully, and the Chair also should have an opportunity of studying what the Members say and coming to a considered conclusion.

Sardar Hukam Singh (Kapurthala-Bhatinda): The House should not consider anything unless there is a motion in that respect. When leave is granted, the Bill is introduced. Then, if you want to consider anything in respect of that Bill, there must be some motion which should come either from some other hon. Member or from the Treasury Benches. Otherwise, I find it difficult to understand how we can take it up.

Mr. Speaker: The hon. Member will see that so far as the procedure is concerned, the question is on the grant of leave, whatever the Bill may be. Introduction does not require a vote of this House. The hon. Minister or the hon. Member has only to get up and say "I introduce the Bill" and the Bill is before the House. This point can be raised, even if there is any difficulty of procedure which the hon. Member has in mind, by unanimous agreement of all concerned I shall hear the points immediately. I have no objection to that.

Sardar Hukam Singh: It would be a different thing for the House to give its unanimous agreement; but certainly there would be that technical difficulty so far as our rules at present are concerned, because no subject can be considered and no

discussion can take place unless there is some motion before the House.

Mr. Speaker: The Bill is before the House and I think the rules are intended for the purposes of facilitating transaction of Business of the House. We may consider the question of changing the rules, if necessary, rather than throttling the business before the House. I am taking that view.

Shri H. N. Mukerjee: We are asked to give leave to the hon. Minister to introduce the Bill. I am not concerned with the merits of the matter; but, rightly or wrongly, a question has been raised about the introducability of this Bill under Rule 321, because it is said that it is substantially identical with the Bill which ought to have been taken off the register of Bills. The question has been raised; we are asked to say "Aye" or "No" to the question whether we should give leave to introduce the Bill. If the rules allow, you may tell us that you are postponing your decision on this issue, but we cannot be asked to give leave to the hon. Minister to introduce the Bill, unless you tell us that he is within his rights for asking leave of the House to introduce the Bill. That is the difficulty which disturbs us. I am not concerned with the merits, but I want you to give a ruling on this point.

Shri Kamath: In Rule 321, the word "motion" is used. After the Bill is introduced, what will be the motion on which we can raise the point of order?

Mr. Speaker: If hon. Members are agreeable, they might argue on a subsequent day when the hon. Minister makes a motion. Or, the hon. Minister may make a motion immediately that the Bill be taken into consideration. Let there be argument over that point as early as possible.

Dr. Krishnaswami: Our objection is to the introduction.

Mr. Speaker: I need not argue this point any further or take more time. The statement is very clear that it is

opposed on the ground that this Bill cannot be introduced in this session. That is the long and short of it. Why it cannot be introduced is another question. I should like to hear the hon. Minister and then put the motion.

Shri Biswas: I take it that under your ruling I am called upon to make a brief statement under the first part of Rule 90; it will then be open to my friend or friends who oppose this motion to state their reasons briefly and the question will then be put by you to the House. Copies of this Bill had been circulated; that is correct. It will appear from the Bill which has been circulated that this is not identical with the other Bill nor does raise questions identical with any which had been raised by the other Bill the consideration motion of which the Deputy Speaker was pleased to declare as "not carried", not that the Bill was "rejected". If you allow me to refer to the provisions of the Bill which is now being introduced, you will see a marked departure from the previous Bill. As a matter of fact, it adds two important provisions, namely that a Bill for the formation of new States or altering the boundaries of States, etc., shall be introduced in either House only after the President has recommended it and secondly, after the President has made a reference to the legislatures of the States concerned for expressing their views, but the Bill does not stop there. Besides stating that the views must be expressed within such period as may be specified in the reference, we have added a few more words of great importance: "or within such further period as the President may allow and the period so specified or allowed has expired." These words were not there before. Under the provisions of the other Bill, it was open to the Government to introduce the Bill even without waiting for the views of the State legislatures, though it is very improbable that the Government should have adopted such a course. Now, it is clearly stated, not

[Shri Biswas]

only must the Government wait till the views are expressed within the time allowed but the President may also extend the time for the expression of views and where the time has been extended, Government must wait till the extended period has expired. These are two important provisos and I submit for your consideration and for the consideration of the House that these two additions represent a vital difference from the old Bill. Therefore, it does not raise an identical question as contemplated in rule 321.

Mr. Speaker: Now, it appears that the debate is taking a turn of discussing this question on merits.

Dr. Krishnaswami: Not on merits.

Mr. Speaker: On merits means merits of the question as to whether the Bill is barred. It is something different from what I was saying. But, instead of taking time, I may say without committing myself or the Chair that the procedure is a proper one, when we are racing against time, let that point be heard at present in the course of opposition to the motion for leave. I shall reserve my decision on that point. But, if I reserve the decision, the question of leave is necessarily to be postponed because the ground urged will be, opposition to the leave motion. I consider, especially because of shortness of time, that both the leave motion and the subsequent motions in respect of the Bill should be discussed on the same day, so that, if I come to the conclusion, after hearing, that the objection is not valid, the House may proceed to grant leave, immediately introduction takes place and, immediately consideration stage and the further stages are gone through. I think that would be the most equitable course.

Some Hon. Members: Yes.

Mr. Speaker: I hear, therefore, these objections on the understanding that all the further processes will take place on the same day provided I do not agree with the opposition view.

Shri Kamath: Time alone will show.

Dr. Krishnaswami: Under Rule 321, it is laid down that a motion must not raise a question substantially identical with one on which the House has given a decision in the same session. A Bill on this very same subject was introduced and leave was granted. The question is whether the House having given a decision on the motion for leave to introduce a Bill, substantially the same as the present one, this motion is barred under Rule 321. Is this Bill substantially identical with the previous Bill? I submit that it is. The only material change that has been made in this Bill is the addition of the words: "or within such further period as the President may allow and the period so specified or allowed has expired". The addition of these words makes no difference at all to the substance of the Bill. What is now sought to be inserted is implicit in the provisions of the Bill. Even in the original Bill, the Seventh Amendment Bill, the power to specify the period by the President carried with it the power to vary it, to extend it and to alter the date. This is so under section 21 of the General Clauses Act which I shall read to the House. Section 21 reads as follows:

"Where, by any Central Act or Regulation, a power to issue notifications, orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions if any, to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued."

Under this very section 21 it was held that the power to fix a date for election must be taken to include the power to postpone any date so fixed. The leading cases on this point are A.I.R. 1927, 70 Calcutta, 704 (Bhuban Mohan Basak V. Chairman, Dacca Municipality) and A.I.R. 1937 Calcutta 718 (Subodh Chandra V. Gnanendra Nath). From our point of

view, the General Clauses Act has been made under article 367 (1) to apply to the interpretation of the Constitution. I should like to read the relevant article.

[MR. DEPUTY-SPEAKER in the Chair]

Article 367 (1) reads as follows:

"Unless the context otherwise requires, the General Clauses Act, 1897, shall, subject to any adaptations and modifications that may be made therein under article 372, apply for the interpretation of this Constitution as it applies for the interpretation of an Act of the Legislature of the Dominion of India."

Therefore, I submit that this is within the scope even of the original Bill. I say that it was implicit for the President to extend the period if he so chose.

Now, I pass on to the other words. The words "the period so specified or allowed has expired" are totally redundant, especially as the proviso in the original Bill makes it clear that no Bill can be introduced without obtaining the views of the legislatures concerned expressed within the period specified. The Seventh Amendment Bill itself contains all these things materially. What has been done by the Government is to unsuccessfully dress up the same old Bill and present it in tattered rags to this legislature saying that it is an entirely different thing. It is not a different thing. It is substantially the same thing. Therefore, since it is substantially the same as the previous one, no motion can be made during the current session for leave to introduce this Bill.

I am not going into the merits of this Bill, because, at this stage, it is not necessary for me to go into that. But, I am interested in defending the democratic procedure of this House which it is absolutely important that we should defend. Rightly or wrongly that Bill did not have the requisite majority and therefore it was not carried. The attempt which was

Bill

made by the Law Minister to distinguish between a Constitutional Amendment and an ordinary motion does not hold water. I think he suggested that Rule 169 which applies to a Constitutional Amendment Bill reads completely different from what applies to ordinary Bills. Rule 169 reads as follows:

"if the motion in respect of such Bill is that—

(i) it be taken into consideration, or

(ii) it be referred to a Select Committee of the House, or

(iii) it be referred to a Joint Committee of both the Houses with the Concurrence of the Council, or

(iv) it be circulated for the purpose of eliciting opinion thereon, or

then the motion shall be deemed to have been carried if it is passed by a majority....."

[MR. SPEAKER in the Chair]

In contrast it was said in Rule 149 the word 'rejected' is used. I do not think there is any material difference in not using the word 'rejected' in Rule 169 is *in pari materia* with the language of rule 149 and shows and requires that at the various stages of the Bill before it is finally passed, the special majority provision operates. The only difference is that while in rule 149 the expression "rejected" is used, in rule 169 the expression "deemed to have been carried" is used. If the intention is that where it is not carried under rule 169, a procedure different from rule 149 should apply, it should have been clearly stated that a motion not being carried is different from a motion rejected, and therefore the same consequences which arise under rule 149 will not arise under rule 169. But there is no saving clause or reservation under rule 169. In the absence of an express reservation to that effect, it would be illogical and anomalous to hold that a motion not carried is a motion not rejected. Therefore, the procedure under rule 149 applies to rule 169.

[Dr. Krishnaswami]

Besides, if the Government had felt this was the correct interpretation, they need not have tried to make a very great distinction between this Bill and the previous Bill and show that this is substantially different from what was previously introduced.

I therefore submit that this motion is totally out of order and that the Bill cannot be taken up during the current session of Parliament.

Shri Kamath: I will very briefly submit at the very outset that the difference between the Seventh and the Eighth Bills is not a different between seven and eight, but only the difference between seventh and सातवां. That is the only difference.

The only difference, the House will note, is the addition of the last bit to the second clause: "or within such further period as the President may allow and the period so specified or allowed has expired." The first part of this change, if change it can be called, in the wording has been dealt with by my hon. friend Dr. Krishnaswami. The second part, the Minister may contend, is really a substantial difference.

On this point—you were not in the Chair at that time—there was a rather heated argument in the House on the 30th November when the Bill was first sought to be referred to Select Committee, and arguments and counter-arguments were heard by the Deputy-Speaker. He himself gave his valuable opinion and guidance to the House, and after that the Minister of law gave his view of the matter. From the official record I shall read out the relevant portion of that debate:

"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,.....

—this is the Reporters' copy, it may be incorrect—

".....and introduce the Bill with the other hand here 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? Until that time, no Bill will be introduced. Is that the object of the Bill?"

That was a very pertinent and profound question put by the Deputy-Speaker to the Minister, and here is the reply. The Minister disposed of the matter completely once and for all.

"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 been put in as clearly as the English language can make it. That is all that I have to say."

So, after having heard this, I do not think any reasonable Member, and of course certainly not you, can hold that this Eighth Bill is different in any way from the Seventh, that these two are not identical at all, not substantially identical. I believe the word

"substantially" has been deliberately introduced in the rule, because identical might mean one thing while "substantially identical" might mean a slightly different thing.

The Minister himself has told the House so clearly that that is the object of the Bill. He has said that the object has been put in the Statement of Objects and Reasons as clearly as the English language can make it. The Minister said:

"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."

And what does the Eighth Bill say? "within such further period as the President may allow". About that, Dr. Krishnaswami has said that the authority that gives time can as well extend the time. That is a minor thing. The second part is: "and the period so specified or allowed has expired". And the Minister's authoritative view is that it is as clear as the English language can make it—and the Bill is in English. The Deputy-Speaker said after that, that he was very reasonable and very sweet, and after that the motion was put to the House.

I do not think on this point there can be any two opinions that the Eighth Bill is substantially identical with the Seventh.

I would only anticipate one other charge that might be levelled against us, that our contention today is in the nature of a dilatory process. I submit in all humility that it is not so. You will be pleased to note that if we had wanted to adopt dilatory tactics with regard to this matter, which is vital for the expeditious disposal of the S.R.C. Report, if we on this side of the House wanted today it, we could have opposed the Bill on the last occasion. Barring, I suppose, two here, all of us voted for the reference motion.

Shri U. M. Trivedi: The two were not on this side.

Shri Kamath: On any side; it does not matter. Only two against out of 248; 256 voted for it. The charge cannot therefore be levelled by any reasonable person. (*Interruption*).

Mr. Speaker: The hon. Member may address only the Chair.

Shri Kamath: I am addressing him through you.

I would therefore, submit that the motion fell through that day not because the Opposition wanted to obstruct or delay the proceedings, but because some hon. Members, colleagues of mine here, though present in Delhi and present perhaps in the premises of the House, as the later proceedings showed, did not care to take part in the proceedings of the debate. That is why the motion fell through. I am all for expedition in this matter, but I am equally concerned, if not more, with the rights and privileges of the House and a proper Parliamentary democratic procedure to be adopted in this House in accordance with the Rules of Procedure and Conduct of Business that the House has adopted. And I am all against creating a dangerous precedent for the future, a very bad precedent for the future. I would, therefore, submit that this Bill being substantially identical with the Constitution (Seventh Amendment) Bill has no legs to stand upon and cannot be introduced in this House. If it is not the difference between 'seven' and 'saat', it is at the most the difference between Tweedledum and Tweedledee as the English phrase goes. In either case, it is substantially identical, and the motion for introduction falls through and must be rejected by the House.

Shri N. C. Chatterjee: The issue on which your judgment is invited is whether the Constitution (Eighth Amendment) Bill is substantially identical with the Constitution (Seventh

[Shri N. C. Chatterjee]

Amendment) Bill on which Parliament has delivered its judgment. If I may read to you from one of the well-known treatises on statute law by Craies (4th edition)....

Shri C. K. Nair (Outer Delhi): On a point of order. Are these points of order only a monopoly of the lawyers, or are people of commonsense, and laymen also allowed to express their views?

Mr. Speaker: It is the monopoly of none. Lawyers and non-lawyers can argue. But lawyers can spin better perhaps than non-lawyers. Of course, it is expected that everyone will have some proportions and also commonsense.

Shri Kamath: I am not a lawyer.

Mr. Speaker: I may state one thing. I saw a number of Members getting up for advancing arguments. I think it is necessary that the same argument should be repeated substantially, though the wording may be different. I have heard two of the eminent Members of the Opposition. I am hearing Shri N. C. Chatterjee now. I shall hear one or two on this side, and then I shall hear the hon. Law Minister; and there, the matter will end.

Shri U. M. Trivedi: I wanted to make one submission....

Mr. Speaker: He can make it later on.

Shri U. M. Trivedi: The point is this. With reference to what....

Mr. Speaker: Not now.

Shri N. C. Chatterjee: I wanted to invite the attention of the House to some observations of a well-known writer on statute law, Mr. Craies, who is recognised as the authority. He is saying at page 74 of *A Treatise on Statute Law* (the latest edition):

"As Abbott, C. J., said in *For V. Bishop of Chester* (a), it is a 'well-known principle of law that

the provisions of an Act of Parliament shall not be evaded by shift or contrivance'."

I am submitting that the same principle should be operative in the case of a rule of procedure which is enacted by the Speaker or by the House. Further Mr. Craies says:

"...as Lord Coleridge said in *Wright V. Davies* (b), if a contract is 'framed so as entirely to defeat the object of an Act of Parliament', such a contract, 'though not within its express prohibition', might very well be held to be impliedly forbidden by it. We accordingly find that a Court of law will not tolerate such an evasion of an Act of Parliament as amounts to a positive 'fraud upon the Act'...."

What I am submitting to you with great respect is that what the hon. Law Minister is going to do, is to commit a positive fraud upon the Rules of Procedure of this House.

"...such an evasion being, Lord Eldon described it in *For V. Bishop of Chester* (c), 'a fraud on the law or an insult to an Act of Parliament'".

What the hon. Minister is doing is really not intentional, but really it is a fraud upon the statute. It is an insult to the person who has framed the rules.

"The expression 'a fraud upon an Act' is used with reference to a transaction 'which' as Lord Coleridge said in *Ramsden V. Lupton* (d), 'no Court would give effect to, because it had no legal foundation from the beginning...."

Now, let us test it. What was the Constitution (Seventh Amendment) Bill?

[MR. DEPUTY-SPEAKER in the Chair]

You may remember the language of section 11 of the Civil Procedure Code. What principle are we invoking there? What is the principle behind this rule? The principle is as old as was enacted in the 17th century, and since

them enforced by all parliaments and by all courts of law. That is, you have got to get the adjudication of a forum, may be a tribunal or may be the Parliament. Once that adjudication is made, that is final. If you are defeated, you are defeated, and you cannot trouble the Parliament as the forum again and say that you will bring it up in the same session. I am reading now from May's *Parliamentary Practice* (14th edition). At page 554, this is what we find:

"When a Bill has been brought into the House and rejected, another Bill of the same argument and matter may not be renewed and begun again in the same House in the same session where the former Bill was begun".

Kindly see the language, namely 'the same argument and the same matter'. Is there any possible doubt that this Bill is of the same argument and the same matter?

Now, what is the language of our rule? Our rule says that if it is substantially identical, then it must be rejected. Now, what is the meaning of the expression 'substantially identical'? You may remember our well-known definition of *res judicata* in section 11 of the Civil Procedure Code. If a matter concerns directly and substantially an issue which has already been adjudicated upon, then there is a positive bar upon every court to consider that matter again. 'Directly and substantially an issue' does not mean 'absolutely identical', for then it can be got round by simply drafting a plaint and saying, there is a little change here or there. You have to look to the substance of it.

I have been looking into the dictionaries, and I find that 'substantially identical' means—I am quoting from the *Oxford Dictionary*—

"essentially agreeing in material construction or properties or equalities or meaning."

So, the meaning of the expression 'substantially identical' is that in es-

sence, it is the same thing or material.....

Mr. Deputy-Speaker: What is 'essence'? After all, in the English dictionary, where one expression is sought to be explained by other expressions, we must stop at some fundamental expression. I cannot go on asking what is the meaning of each expression. If you say 'substantially' we generally understand it.

Shri N. C. Chatterjee: The very fact that the word 'substantially' is used shows....

Mr. Deputy-Speaker: Not 'identical', but 'substantial'. A word or two words need not be there. That is what possibly the hon. Member says. I do not know yet.

Shri N. C. Chatterjee: What I am pointing out is this. The word 'substantially' is there in very well-known statutes, for instance, in section 11 of the Civil Procedure Code, which deals with *res judicata*. And we know that it will be a mere fraud on section 11, if you say that you have changed the sequence or the reliefs have been altered, and therefore you must have another adjudication from a court of law.

Now, the question is this. In material particulars, is it to the same thing? Or it is materially the same thing with regard to qualities or meanings? Let us now look at the Constitution (Seventh Amendment) Bill and the Constitution (Eighth Amendment) Bill. The operative provision in the Constitution (Seventh Amendment) Bill read as follows:

"Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President, and 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 for expressing its views within such period as may be specified in the reference."

[Shri N. C. Chatterjee]

Look at the quality. Look at the substance of the matter. Substantially what does it may? It says three things. Firstly, a Bill which comes within the scope of article 3 of the Constitution shall not be introduced unless three conditions are satisfied, namely (i) President's recommendation, (ii) reference to a State in case of alteration of name, boundary or area, and (iii) fixation or prescribing of some time for the expression of views. What I am pointing out is that essentially that is the provision. Now, look at the Constitution (Eighth Amendment) Bill. It is exactly the same. The President's recommendation is essential. Then, there is reference to a State in case of alteration of name, boundary or area. Formerly, it was 'names', but here it is only 'name', but I take it that the hon. Law Minister will not say that it is different on that score. Thirdly, the fixation of a time-limit is also there. So, I would like to point out that in the Constitution (Eighth Amendment) Bill, they have simply added the following words at the end.

"or within such further period as the President may allow and the period so specified or allowed expired".

1 P.M.

You may remember—you were in the Chair—that Shri Kamath just now read out that portion of the very clear enunciation of the meaning and object and intent of his amendment by the hon. Law Minister. He said, it is there. It means that. You said in your very reasonable and very sweet way, it is there; we need not discuss it. After such a sweet and reasonable interpretation put upon this clause, I submit that this is simply making it bitter and unreasonable, just putting in these words. But the words are already there. As you know, Dr. Krishna-swami read out to section 21 of the General Clauses Act, and the General Clauses Act is applicable for interpretation of the Constitution. Under

Section 21, he has given two quotations. I need not multiply authorities. It is perfectly clear that if you give power to anybody to issue a notification fixing time, he has got the power to extend the time. That is nothing new. Therefore, this power is already there. Therefore, by trying to put in these words, you are not adding anything; substantially, you are repeating that thing. Therefore, I submit it is not only substantially identical, but it is identical. According to the interpretation by the Law Minister, on his own handiwork, he has made it perfectly clear.

Mr. Deputy-Speaker: According to rule 321, a motion must not raise a question substantially identical with one on which the House has given a decision in the same session. Here, it cannot be said that there is any rejection. We have not reached that stage. What is the previous decision on account of which this is barred? Now, we are on the introduction stage.

Shri N. C. Chatterjee: The Seventh Amendment Bill has received the legislative judgment of this House and has been rejected.

Mr. Deputy-Speaker: The hon. Member will kindly see that the motion must not raise a question. Here the motion is for leave to introduce the Bill. Then it must relate to a question substantially identical with one on which the House has come to decision in the same session.

Shri N. C. Chatterjee: Taking that the Seventh and the Eighth Amendment Bills are identical or substantially identical, now, in this very session, a motion was moved by the hon. Law Minister, that leave be given to him to introduce it, and that was passed. Therefore, you cannot have the same Bill again. You cannot stand up and say, I again move for leave to introduce a Bill which is substantially identical. Therefore, rule 321 bars that. We are taking exception to his moving it.

Mr. Deputy-Speaker: Decision does not apply to an adverse decision.

Shri N. C. Chatterjee: Even if that is granted, he cannot stand up, or another Minister cannot stand up, and say: 'I do not like that Bill. I will just move the Ninth Amendment Bill'. Or another Member of this House cannot say: 'I will move the Eleventh Amendment Bill'. What I am saying is that he has got that power. Secondly—I am saying it not merely on technicality—if you look at rule 149, you find that we have carefully prescribed the procedure with regard to a situation which has happened.

"Where any of the following motions under these rule in regard to a Bill is rejected by the House, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the House for the session".

Mr. Deputy-Speaker: When a Bill is rejected. This is a new Bill.

Shri N. C. Chatterjee: What I am pointing out is....

Mr. Deputy-Speaker: Apart from the question of rejection—that is a different matter for consideration—rule 149 only refers to a motion for Select Committee. Assuming the motion is rejected, then it shall be taken away from the Register and no other motion—whether for Select Committee or for anything else—shall be made with respect to that Bill because it is no longer in the Register of Bills. But this is a new Bill.

Shri N. C. Chatterjee: That means that that Bill is dead.

Mr. Deputy-Speaker: That Bill is dead. This Bill is alive.

Shri N. C. Chatterjee: What I am pointing out is that you cannot procreate another Bill during the same session. The combined effect of rules 149 and 321 is this: that he cannot resurrect the same Bill which has been killed by the legislative judgment of this House in the same session.

Babu Ramnarayan Singh (Hazari-bagh West): Hear, hear.

Shri Pataskar: Let him proceed. I will reply to it.

Mr. Deputy-Speaker: 'Hear, hear' is a non-lawyer argument.

Shri N. C. Chatterjee: I read Craies for the purpose of showing to you that it is only question of really trying to evade the real purport, the real object, the real intent of the rules by contrivances, by shifts, by some kind of device to frustrate the object. What is the object? The plain, clear object is this.

Mr. Deputy-Speaker: Why should not this rule have said that not only will it be removed from the Register but no further motion shall be made to it either with respect to the Bill or any other Bill on the same, substantial subject?

Shri N. C. Chatterjee: Rule 321 is there. Unless you get leave to introduce, you cannot go on....

Mr. Deputy-Speaker: The main objection of the hon. Member seems to be under rule 321.

Shri N. C. Chatterjee: Yes, I am submitting for the consideration of the hon. Speaker—he is not here; you are the Speaker for the time being—

Mr. Deputy-Speaker: For the time being.

Shri N. C. Chatterjee: It is substantially identical.

Mr. Deputy-Speaker: It applies to the Speaker also.

Shri N. C. Chatterjee: In order to find out whether you are really circumventing the statute or the rules, you have got to understand and appreciate the object of the statute. The intent of the rule-making authority was that it is *res judicate* for the particular session and it shall be precluded from being placed before the House again for the purpose of receiving the adjudication of the House. That being a clear embargo, a fetter, that cannot be evaded by this kind of contrivance of just putting in something which is already there, which was implicit. I read to you that portion of the judgment in a celebrated case. I ought to tell you that in the Darbangha case, the Zamindari Abolition Act was struck down as

[Shri N. C. Chatterjee]

illegal by the Patna High Court. It came before the Supreme Court and the Supreme Court struck down two sections of Bihar Land Reforms Act because it was a fraud on the statute. The Court held that it was really a contrivance to which the Bihar legislature resorted. What they did was this: they could not take away compensation. They simply said: 'We will assume that the zamindar was under the obligation to provide irrigation and certain other amenities'. Therefore, for that imaginary irrigation, they deducted something from the compensation payable. The Supreme Court said, 'No; this kind of fraud, this kind of device, this kind of shift, this kind of contrivance cannot be tolerated'. They quoted this particular passage from Craies' *Statute Law* and said even if a thing tended remotely to defeat the object of statute, though not within the express prohibition, still it may well be held to be impliedly forbidden by it and the court will not tolerate such an evasion. I am submitting that Parliament should in no way be inferior to a court of law and should not tolerate any such evasion or device.

Several Hon. Members rose—

Mr. Deputy-Speaker: I will call upon a non-lawyer.

Shri C. K. Nair: I am not going to make a long speech like a lawyer. I would like to appeal to commonsense—of course, if there is any place in the law books for commonsense. Otherwise, there are many big jurists sitting here. There will be no value for their arguments.

The point is this. Now, I am afraid that this august assembly is being to a reduced to a debating society by these arguments.

Several Hon. Members: No, no.

Mr. Deputy-Speaker: Order, order.

An Hon. Member: Withdraw it.

Mr. Deputy-Speaker: He does not want to do it; he does not want it to

be turned into a debating society. There is no good making aspersions. I wanted to know what exactly was the attitude of a non-lawyer Member to this. He has also to vote; otherwise, I would not have called upon him to speak. Essentially, this is a matter of interpretation of the rules of law. If a particular person is a chemist and is here as a Member of the House and something relating to chemistry comes up for discussion, even though other people may say, 'No, no, it is not chemistry; it is food', even though it may be poison, we cannot say it. Therefore, it is a question of law. All the legal talents are here. We have got the Law Ministers, both of them here. Why should not the Commerce Minister take this up instead of it being taken up by the Law Minister? Therefore, it is a question of law. There is no good making aspersions like that, that we are turning the House into a debating society. If he has anything to contribute regarding this argument so as to enable the hon. Speaker to come to a conclusion, he may say so. Other remarks are out of place.

Shri C. K. Nair: It has been said 2,000 years ago that the letter of the law killeth. That is what is happening here today, in this House. We all know how the amending Bill was lost. It was a sheer chance not more than 2 voting against and every one of us knows in his conscience that that was only a chance and for that we are raising a hue and cry. After 2,000 years even we have not evolved that much spirit even to understand the spirit of the law and the spirit of the word. But, we are being killed here by words, words and words. When quotations from law books have been exhausted, even dictionaries are being quoted. How long can we stand this sort of interpretation of law wasting the time of the nation. I wonder.

Several Hon. Members: No, no.

Shri C. K. Nair: We are here in the interest of the nation to discuss

Bill

problems about our country but we are wasting time in hair-splitting arguments. That is what I deplore and I sit aghast here hearing such arguments. It may be put an end to.

Shri U. M. Trivedi: Sir, I am raising a point of order.

Mr. Deputy-Speaker: I may give him a chance after the hon. Minister answers. It is not going to conclude the debate. The hon. Minister might intervene if he wants to do so and if, according to him, he can set at rest this argument.

Shri U. M. Trivedi: I will have a different argument, if you will kindly.....

Mr. Deputy-Speaker: I will allow him afterwards.

Shri Bhagwat Jha Azad (Purnea cum Santal Parganas): The Speaker has said that he has heard two Members from the Opposition and after hearing a third Member he will call a Member from this side.

Mr. Deputy-Speaker: After hearing the hon. Minister, if any hon. Member wants to be heard, I will call him.

Shri Pataskar: The matter has been unnecessarily made or has probably become a little complicated. What happened was that there was a Bill to amend article 3 of the Constitution, called the Constitution (Seventh Amendment) Bill. That was introduced in the House on the 28th of November, 1955. Then, subsequently, a motion was made that the Bill be referred to a Select Committee. At that stage, that motion required a particular kind of majority in order that it may be carried. And, the motion did not get that majority. But it has to be noted that even on that occasion, I think, 246 voted for and 2 voted against.

According to the rules which you have framed, under rule 169 the motion in respect of such a Bill—in this case, it was that the Bill be referred to a Select Committee of the House—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, Sir, then declared that the motion was not carried.

Under rule 149, when such a motion is rejected, by the House, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the House for the session. Under Rule 149, as a matter of fact, when such a motion is rejected—I do not know whether it can be called rejected—the only consequence is that the Bill shall be removed from the Register of Bills pending in the House for the session.

Firstly, my submission is that the motion to refer to a Select Committee cannot be said to have been rejected at all. What happened was you declared that it was not carried. And, in order to import the idea of a fraud on the Rules you have to add something to what was declared. According to these rules there is clearly a distinction. What happened was that the motion was not carried. Can we say with any amount of propriety that in the case of a motion which was not carried for want of a few votes that it was really rejected? (Interruption). I would like to say in this particular case, at any rate, 'not carried' cannot both factually as well as according to the terminology of the Rules of Procedure be said to have been rejected at all.

Shri Kamath: Has it been accepted then?

Shri Pataskar: But some of my friends, confusing 'not carried' with 'rejected' have advanced these arguments. According to me, in the first place, the Bill never became liable to be removed from the Register. However, what happened is a different matter. What is the question today? There is a Bill for which leave to introduce is being asked. This Bill also, no doubt, deals with article 3 of the Constitution. The main question to be argued patiently and calmly is whether that Bill is really identical or substantially identical with the

[Shri Pataskar]

former Bill. What is the former Bill? Whatever was said by whomsoever in the course of the discussion of that Bill is hardly of much significance.

Shri V. G. Deshpande (Guna): Accha.

Shri Pataskar: What was the Bill has to be examined. Clearly it is like this:

"Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and 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 for expressing its views thereon within such period as may be specified in the reference."

The only thing required was the reference by the President to the Legislature of that State for expressing its views thereon within such time as may be specified in the reference.

Mr. Deputy-Speaker: The hon. Minister referred to rules 149 and 169. The word in rule 149 is 'rejected'.

Shri Pataskar: My submission is it is not rejected at all.

Mr. Deputy-Speaker: In rule 169 the word 'rejected' is not used. We will assume that under rule 169, that motion, instead of being a motion for reference to Select Committee is a motion that the Bill be passed. We will assume that it is not passed. Still does it continue on the Register?

Shri Pataskar: I will deal with it when I come to 321.

There is another rule on which the argument is based that the motion cannot be made. In the first place we are trying to introduce a Bill here and it has to be ascertained whether it is substantially identical or different or whether it is some fraudulent attempt on the part of anybody to try to bring the Bill before the House.

My learned friend, Shri Chatterjee, no doubt referred to eminent judges who did comment in certain cases that it was a fraud on the statute or a fraud on the Constitution and what not. But what are we doing here? So far as the Seventh Amendment Bill is concerned, it only laid down that "The Bill should be referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference". It was only to be referred by the President to the Legislature for expressing its views during a particular period, and I think very rightly some hon. Members really were perturbed with the provision so that somebody may say: "The State did not give its view in time and so the Bill was introduced here". That was a legitimate doubt and fear expressed by those who are the guardians of the authority of this House as well as the guardians of the interest of legislative work in the country. Whatever it is, certainly it was not free from doubt and I do not know whether it could not have been challenged. It would have been quite open to anybody to do so, but nobody might have done it. All the same it was a legitimate fear of some Members of the House that the Bill, as it was worded, was capable of such possibility. It is not a mere cover. In the present Bill the position has been made perfectly clear, namely, that no Bill in Parliament shall be introduced till after the expiry of that time.

My friend, Dr. Krishnaswami, argued with respect to the other provision where we specifically say that in certain cases it may be that a State Legislature is asked to express its opinion within one month and it may not be possible for various reasons for it to do so and there might be a justifiable reason for the time to be extended so that it may express its opinion. Under those circumstances, naturally, in view of the nature of the discussions in this House it was thought desirable that we should make a further provision that the

President should have the authority in proper cases to extend the time.

[Mr. SPEAKER in the Chair]

That again has been added to the provisions of this Bill. I would, therefore, say with due respect to those hon. Members who vehemently argued that there was no difference between the Constitution (Seventh Amendment) Bill and the Constitution (Eighth Amendment) Bill, that, whatever might be said by any hon. Member of the House, the provision as it was was certainly not as clear as it ought to be (Interruption).

Mr. Speaker:.. Let us hear the hon. Minister first.

Shri Pataskar: I have made it clear that so far as that section was concerned, it was perfectly clear and it was open to the Government to introduce a Bill in the House even before the time, which was given to the Legislature, expired. It is, therefore, a fundamental thing of great importance, and in deference to the wishes expressed during the course of the debate on the last Bill that this provision is made now.

Similarly with respect to the question of the extension of time, my hon. friend, Dr. Krishnaswami, argued that there is a General Clauses Act and probably under the General Clauses Act it would have been open for some lawyer to argue that if, as I said, in a particular case the Legislature wanted some time, and that the time should be extended, then there was a power for the President to extend it. This I have carefully read and I think it is needless for me to go into the rulings which he has pointed out. But clause 21 for the present purposes is quite clear. It says:

"Whereby any Central Act or Regulation a power to issue notifications, orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions if any, to add to, amend, vary or rescind any notifications,

orders, rules or bye-laws so issued."

I would submit that this generally is too broad and too vague a power. Whatever might have been the decision in a particular case with respect to that power, whether it was inherent or otherwise in respect of some date which was fixed, there is no question of fixing a date here; it is a question of providing a period during which that act has to be done and it was open to anybody to argue it in spite of the ruling in that case and in spite of the provisions contained in section 21 of the General Clauses Act. In this Constitution Amendment Bill we say that within such a period as may be specified, it must be complied with. At any rate it would have been doubtful whether the President had or had not the power to extend the period in proper cases.

Therefore, on account of these two important points of view it was thought desirable not to leave the matter open for discussion or for any court and they have been brought out clearly in this Bill. I would submit that this Bill, therefore, is neither identical nor in any case substantially identical with the former Bill. I would not like to use too strong a language, but it is out of place to describe what the Government has been trying to do with a view to meet the wishes of the House, as a fraud on the Constitution or as an attempt to cheat the statute. It is something which I think a reasonable man will not easily appreciate. That is the only thing that I can say about it.

I have already made my submission about rule 149. I would now turn to rule 321. Rule 321 lays down:

"A motion must not raise a question substantially identical with one on which the House has given a decision in the same session."

[Shri Pataskar]

What had happened in this case is that the motion to refer the Bill to a Select Committee, a different Bill, was not carried. Can we say that by the introduction of this Bill we are raising a question which is substantially identical with the one on which the House has given a decision? The House gave a decision at any rate only to the extent that the motion to refer the Bill to the Select Committee was not carried. That was the only decision of the House. What followed was that on account of certain other provisions, as a result of that motion not being carried, the Bill has been taken out from the list of pending Bills. Now can you put something in rule 321 which was intended entirely for a different contingency? Supposing there was a motion that the Bill be passed, and an identical Bill was again tried to be introduced, it would be open to anybody to say that the matter had been decided once in this House and at any rate, during the same session we need not agitate the same matter again. That, Sir, is the underlying object of this rule, and so far as I find the rule is clear enough in its expression. Therefore, to my mind, rule 321 is not at all applicable for this purpose. Apart from all these things, what we are trying to do is to introduce a Bill of a substantially different nature. I would like to draw your attention to an event of similar nature which happened in 1950, in respect of some other Bill.

An Hon. Member: What is that Bill?

Shri Pataskar: In 1950, Shri M. A. Ayyangar had already introduced a Bill the title of which was 'Hindu Mutt's Bill'. In regard to the same subject matter and with the same title, Shri Jhunjhunwala—I do not know whether he is here today—on the 12th of December 1950 introduced another Bill but with a small addition in respect of the powers and duties of the head of the Mutt and of his agent regarding the manage-

ment, etc. Here, in this case, it is much more different than what was there. As I explained earlier we are going to make two fundamental changes so far as this Bill is concerned. I will just read out what the decision given by you then was:

"I may inform the House that although the title of this Bill is the same...." (here even the title is not the same; that was Constitution (Seventh Amendment) Bill and this is Constitution (Eighth Amendment) Bill..) and for the most part the subject matter also is the same as that of the other Bill introduced earlier by Shri M. A. Ayyangar, there is one small addition in this Bill and this is in respect of the powers and duties of the head of the Mutt and of his agent regarding the management of the endowment fund of the Mutt which shall be deemed to be the same as the powers and duties of a trustee under the Indian Trusts Act. This is a new provision which makes this Bill distinguishable from the other Bill."

The question that leave be granted to introduce that Bill was put and the motion was then adopted.

Therefore, in this case, I would submit that this Bill is entirely different from the one which—I do not say—was rejected but which could not get through on account of certain difficulties which I have already explained. Therefore, in view of this precedent as well as facts, which I have already mentioned, rule 321 is entirely inapplicable. The present motion is for leave to introduce a Bill; there are some modifications. Rule 321 says that the motion must not raise a substantially identical subject. Rule 321 says:

"A motion must not raise a question substantially identical with one on which the House has given a decision in the same session."

What was the decision given by the House? Supposing there was the same or similar motion on which the House has already decided, the same motion cannot be made. If the hon. Law Minister were to make a motion that this Bill be referred to a Select Committee, I do not know what objections will be raised. So far as the present motion is concerned, I would submit that no decision was given with respect to the merits of this Bill. No decision that such a Bill cannot be introduced was given and so that rule is inapplicable. Even rule 149, as I said, does not help my friends.

Strong language has been used; some people say that it is a fraud on the Constitution and what not. What is being done? Let us dispassionately consider; let us find it out. They say that they are as anxious as anybody to see that a measure of this kind is there; that proper safeguards are there in the Statute Book. I would therefore submit that this motion is perfectly in order both on the grounds of the precedent and also on a strict and proper consideration of the various rules contained in the Rules of Procedure.

Shri U. M. Trivedi: As already pointed out, I will not traverse the ground which has already been covered on the question of this motion being substantially identical. A good deal has been said about it and I endorse every word that has been said about it. I come to the second portion of rule 90—the proviso.

It has been said very casually by you that the question of legislative competency does not arise and my very learned friend, Shri Chatterjee, has also said that he is not raising the question whether this is *ultra vires* the Constitution.

My contention is this. This Bill is certainly out of the legislative competence of this House. Legislative competency flows from the powers given under the Constitution; it also flows from the powers described in the

various schedules attached to our Constitution. Under article 118, it has been provided that a particular procedure has to be followed. If that particular procedure is not followed, the effect will only be—though you cannot challenge the validity of the proceedings—that you can challenge the validity of the law that is being made. If this procedure is not followed, then my submission is this that the question of competency of this House does arise.

There are two types of competencies. We have got in our Civil Procedure Code different types of competencies. There are cases where the question of pecuniary jurisdiction arises, where the question of territorial jurisdiction arises, where the question of special jurisdiction arises. In this particular instance, the point that arises is like this. By virtue of the rules of procedure that are there in existence under article 118, it is provided that a Bill of this nature cannot be brought before this House in this session. This Bill which is being brought is entirely identical with the Bill which was then presented under the name of the Constitution (Seventh Amendment) Bill.

Mr. Speaker: Let me be clear about one point. Is he referring to any provision in the Constitution or is he referring to the rules?

Shri U. M. Trivedi: I am referring to the Constitution governed by the rules.

Shri Kamath: The rules cannot govern the Constitution.

Mr. Speaker: Order, order. Let us be clear about this so that we may not take more time in repeating the same thing. His argument seems to be this: under article 118 or whatever article that may be, the House has the authority to make certain rules for its own conduct of business. It is under one of these rules that the present Bill is opposed. It is not that the Constitution itself provides like this that when the House has decided substantially on one point, that point cannot be raised in the

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same session. That is not the provision in the Constitution itself. Am I clear on that point?

Shri U. M. Trivedi: Yes, Sir. It is there in the Constitution....

Mr. Speaker: I have understood his argument. Let him proceed.

Shri U. M. Trivedi: The Constitution provides for the rules and the rules are there. These rules put an embargo. By virtue of these rules, an embargo is put upon the introduction of this Bill during this session. It is just as in the Civil Procedure Code, all civil rights can be determined by the civil Courts, yet there are certain provisions, however, made under the Revenue Act—or any other Act called a Special Act—whereby points arising out of that cannot be decided by these courts. Therefore, the competency of the court to decide that point also arises there.

Similarly, my submission here is this. The legislative competency of this Parliament is the widest; yet there are limitations put upon it by the Constitution. The Constitution provides that there must be a procedure and that procedure lays down certain things. Therefore, my submission is that under this procedure we cannot bring this Bill before this House during this session. If we cannot bring it before the House in this session, then the legislative competency is challenged by virtue of a further provision in article 122.

Article 122 says:

"The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure."

It does not say that the validity of the law cannot be challenged on account of this. Therefore the *ultra vires* nature of the law will still re-

main and I say, Sir, that by virtue of the provisions laid down in rule 149, rule 169 and rule 171 read with rule 321, as this Bill which is now being discussed is an identical Bill and as an identical Bill cannot be introduced in this session, the question of legislative competency of this House does arise and this Bill should be thrown out.

Mr. Speaker: I only want to put one question and I do not want any further arguments from the hon. Member. I believe he will concede that this House is competent to make rules for its own procedure.....

Shri U. M. Trivedi: Yes.

Mr. Speaker:and, whatever may be said in respect of the rule under which this argument is being advanced, it is perfectly competent for this House to change the rule.

Shri U. M. Trivedi: That is true, Sir.

Mr. Speaker: I just want to go to the root of the question as to how far the question of *ultra vires* comes in. Then I believe one of the rules also says that the House may suspend any rule any time. That power also is there with the House. If these two are conceded then of course I do not want to express any opinion. I shall hear further arguments but hon. Members will bear these fundamental things in mind and then shorten their speeches. The point is very short. It is only a question of interpretation of the rule,—that is one—interpretation of the two Bills and then coming to a conclusion as to whether the two Bills are substantially identical.

Shri N. C. Chatterjee: That is the issue, Sir.

Mr. Speaker: So, the arguments may be limited only to that question and time may be saved. Before I call upon other hon. Members I

should like to hear Shri M. S. Gurupadaswamy, a Member of the Opposition, and then I shall call others who want to represent their points of view.

Shri M. S. Gurupadaswamy (Mysore): I only want to remind you, Sir, about certain things that happened in 1952. One Member from this side tried to introduce a Bill for the abolition of privy purses of princes. An exception was taken to that and many Members belonging to the Majority Party.....

Dr. Ram Subhag Singh (Shahabad South): Those Members who have spoken.

Shri M. S. Gurupadaswamy: objected to the very introduction of that Bill. Only after the intervention of the Prime Minister the Bill was introduced. Now you were pleased to say in your remarks that voting is not necessary for the introduction of a Bill. So, if precedent were to guide us, voting is absolutely necessary for the introduction of a Bill.

Mr. Speaker: It is for leave to introduce a Bill. He will make that distinction and bear that in mind.

Shri M. S. Gurupadaswamy: Secondly, there was another Private Member's Bill—a Bill by me—to amend the Constitution in respect of the appointment of Governors. At that time the Bill was referred to the Committee on Private Members' Bills and Resolutions, and the Committee said in its report that the Constitution is such a sacred and important document that a Private Member should not frivolously bring a Bill amending the Constitution and so the introduction should not be allowed on that account. Though I insisted on that occasion that the right of a Member for introducing a Bill should not be taken away by the House it was not done and I was not able to introduce the Bill.

Sir, what is the meaning of introduction? Once a Bill is introduced it

has to be taken into consideration. There is no other alternative for the House. The right of introduction means the right to demand for consideration. It is inevitable, it has to be followed up either now or afterwards. So, I feel that introduction is very important. Sir, you were pleased to take the view that introduction is a formal affair. But, I humbly submit that introduction leads to so many consequences and after the introduction stage the next stage is only the consideration stage. There is no other stage in between the introduction and consideration stages.

Last time what happened was this. The hon. Minister had two alternatives before him. He could have straightway said: "I am moving the Bill for consideration." That was a right royal road provided in the rules. In the alternative he could have made a motion for referring the Bill to a Select Committee. He chose the second alternative. May I submit that reference to a Select Committee is a part and parcel of the consideration stage. It cannot be treated as separate from the consideration stage. When a motion for referring the Bill to a Select Committee is not carried then it means the Bill is not at all supported by the House and for all practical purposes we may take it that the Bill was rejected.

Another point is whether the new Bill that has been brought is really a new Bill or it is the same old Bill with some changes. My hon. Friend Shri Kamath read out to you the remarks made by the hon. Minister and it was pointed that the Bill which is being brought forward now is exactly the same Bill. It is not even substantially the same but it is completely identical. Maybe, there is difference in words, or the language might have been changed here and there, but it is essentially the same which conveys the same meaning. So, I would submit that the legislative competence of this House is infringed in the sense that in the

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present session we cannot debate upon it. To that extent the legislative competence of the House is abridged. Therefore, I would beg of you, Sir, being the supreme custodian of the rights and privileges of his House that this Bill should not be allowed be introduced.

Pandit Thakur Das Bhargava (Gurgaon): In regard to this Bill, various questions have been raised. I do not know whether strong language has been used or mild language has been used. What I know is, the moot question in this Bill is whether it is a substantially identical Bill or not. This is the main question. When we go into the history of this matter, we could know what has taken place. I may read out some extracts from the proceedings of 30th November, 1955, when this subject came up. At page 2181 of that day's proceedings Shri Jaipal Singh asks:

"May I just seek a clarification? I did not want in anyway to interrupt the hon. Minister. But I am a bit confused by his legal logic".

At that time, Shri Biswas replied that as a matter of fact, the Government "need not wait" for the opinions of the States to arrive. According to the plain words of the clause in the Bill, the Government was in a position to say, that they were perfectly justified in bringing a Bill without waiting for the opinions of the States. That was the point that the Minister was making. On the same occasion, he said something further about it. I happened to be in the Chair then and I put this remark:

"The position of the hon. Minister is quite plain. The Government need not wait for the expression of the view and they are entitled to bring in a Bill as soon

as the reference has been made".

Shri Biswas replied:

"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; but, that is what they have done with reference to the SRC Report. What does that show? That shows the anxiety of the 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 that 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".

This was the stand of the hon. Minister.

When I came down from the Chair, I felt that this was not right—that the Government should bring in a Bill in which they are enabled to say that, as a matter of fact, they need not wait for the opinion of the legislatures, because, as you may also be pleased to remember, in article 3 of the Constitution, it was absolutely necessary for the President to see that the opinions of States legislatures were ascertained by him before such Bill was brought in. Unless the opinions are ascertained, he was not in a position to allow any Bill to be brought. So, the real point was, whether the Government were bringing in a Bill by virtue of which the Central Government could see that the legislatures may or may not express an opinion. Only a

reference could have been made and they need not have waited. This was the point, and Shri Biswas made out that so far as the apparent tenor of the Bill was concerned, it was quite clear that the Government need not wait—not that they are not anxious to obtain the opinions. That was his stand.

It was also argued in connection with this Bill that it may be that the Government feels that the legislatures may be cheated out of their right to express their opinions. This was quite possible under the Bill. He will be a bold man who would say that, after reading clause 2 of the old Bill, this was not possible. It is perfectly possible that when a reference has been made to the legislatures, the legislatures could not express their opinions and Government could proceed without waiting for the opinions. My submission is, we should find out whether this is a substantially identical Bill. We have to look to two things and nothing else,—the present Bill and the old Bill. All other arguments that have been made are absolutely extraneous. This is the rule to find out the scope of the Bill. You need not go to the arguments of Shri Chatterjee or to the statements of the hon. Minister himself. His sweetness and reasonableness as interpreted by the Deputy-speaker are absolutely out of the question. We must see to the Bills and the Bills alone.

Shri N. C. Chatterjee: Am I to understand that the hon. Member does not agree with the interpretation which is put upon the Bill by the hon. Law Minister?

Pandit Thakur Das Bhargava: The question put to me is absolutely irrelevant. I may agree or I may not agree. This is not the point. I am only pointing out that the Speaker has to see these two Bills, only, and nothing else, to find out whether the Bills are substantially identical or not. When I came down

from the Chair, I made a statement here from my seat. I said:

"This is a very important matter which I wish to bring before you. When a motion for reference to the Select Committee is there, we have 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 was the submission that I made. Actually, I would not have voted for the reference to the Select Committee if I knew that this Bill was capable of being interpreted that way, though there is no doubt, legally speaking, that this clause in the Bill is capable of being interpreted in that way, namely, that the Central Government need not wait.

An Hon. Member: Why have you voted then?

Pandit Thakur Das Bhargava: An hon. Member asks, "Why have you voted"? That is beside the mark. I might have been led away by, the sweetness and reasonableness of the hon. Minister. I might have been led away by what the Deputy-Speaker said.

Sardar Hukam Singh: Where is the guarantee that you are not being led away now?

Pandit Thakur Das Bhargava: The guarantee is the intellect of the hon. Member himself. If he believes that what I am saying is reasonable, he may be led away by that thought, and if he believes that what I am saying is wrong, he may not be led away by it. Whether he is led away or not by a particular thing depends upon the honesty and the integrity of the hon. Member.

[Pandit Thakur Das Bhargava]

My humble submission is that all those arguments about the number of votes—246 Ayes and 2 Noes—are absolutely irrelevant. Shri N. C. Chatterjee said such introduction was a fraud on the Constitution. Quite true, and I say that it is a fraud on the 380 million countrymen of ours who want to see this Bill through as expressing their vote for the measure. At the same time, I could see the point of the Opposition. I certainly welcome their criticism when they urged the point regarding the Constitution. But what I am submitting is that there are two great points of difference between the old Bill and the new Bill. When I spoke on the Bill the other day, I submitted that you must make this period a reasonable one. Unless you make it reasonable, the opinions of legislatures may not come in time. The Centre should not be put in a position to 'cheat' the legislature. I submitted further that within a certain period, the opinions should be submitted or received. Supposing a legislature is not able to meet on account of certain reasons, say snow in the mountains, in which case Members from Kangra cannot go out, and supposing there are hundreds of such reasons,—it is quite likely that there will be very many reasons—then the State legislatures may not be able to meet. I submitted on the last occasion that you must extend the period so that it may not be in your power to say that the State legislatures did not give their opinions. They must be afforded sufficient time for sending their opinions.

Some reference was made to the General Clauses Act. I am not affected by such references. Where a time-limit is provided for a particular thing, it must be done within that particular period, and it is not right to obtain any extension. It may be that the President might extend the period or the Central Government may extend the period, but is it the right of the legislatures

to ask for or get the period extended? That is the crux of the question. The Government should stand on its own rights and say, "We are not extending the period".

Suppose we throw out this Bill, because, as a matter of fact, it would not provide an opportunity for the legislatures to express their opinions after the time has expired. Suppose on this basis we reject the Bill and a new Bill is brought in saying that the legislatures afforded an opportunity but yet, during that period, they did not express their views, then, what is the position? The Government could stand on their own rights and say that as a matter of fact, "We do not want to extend the period". Supposing, on this basis, the Bill was thrown out by the House, what would happen? If a new Bill comes, would it be the same or will it be different? My submission is, it would be an absolutely different Bill. It could not be the same Bill at all, with the two provisions added to it, which do not give the power to the Government to behave as they could—not that they would behave like this—but they could behave like this. They should see that as soon as a reference was made, they could bring in a Bill according to the old Bill. It is not within the power of the Government, now, during the period fixed, to bring in the Bill. Even supposing my amendments are accepted, would it not be an amending Bill? An amending Bill is not substantially the same Bill as the previous one. My humble submission—quite apart from what transpired thus far in connection with the original Bill—according to the general rule of interpretation is that the scope of the Bill is to be determined by the words used in those clauses. All other extraneous things need not be considered. For this interpretation of statutes the rule is when language is clear debates proceedings are irrelevant. If you are pleased to consider

all the extraneous things, I would submit that the appeals made by my friends, particularly Shri Nair, appear to be very reasonable. As a matter of fact, when you are going to give your interpretation and allow or disallow this motion, you should see that the will of the 246 Members out of the 248 Members who voted on that day must be carried. So far as the question of interpretation is concerned, it is doubtful in a matter of this kind and the benefit of the doubt should be given to those who expressed themselves unequivocally on that occasion. But I do not want to rely on the question of doubt. With your permission, Sir, I shall refer to section 91 of the Indian Evidence Act, which says that, when there is something documentary before us, only the words can be interpreted and nothing else; the wishes of the Members, criticism etc. are all out of question. If you really see these two Bills, my humble submission is that they are substantially different, because the Government do not have the same powers now and the powers of the legislatures are enlarged. I would submit that in regard to this matter, we should only go by these two Bills. If you consider the two Bills, you will find that under the new Bill, the specified or extended period must expire and the Government would be bound not to bring the Bill before the period expired. Under the old Bill, the Government would not be bound to wait. Therefore, the position is quite different.

2 P.M.

Then, I am sorry I do not agree with my hon. friend, Shri Pataskar that no decision has been given on the merits of the Bill. A decision was given about the question of leave on the first occasion. On the first occasion leave was asked for and we allowed leave to be given. So, we gave a decision. It is not that the decision must be adverse etc. The Bill may be referred to a Select Com-

mittee or not; that is an entirely different matter. But the real simple question is whether the Bills are substantially identical, and if the decision on this question is in favour of those have argued like this, the other question does not arise, namely, that the decision has not been given. I would, therefore, submit with all the force at my command, that only the two Bills must be seen as the language is clear and plain and according to me, they are substantially different.

Mr. Speaker: I would like to ascertain from the hon. Member just to see whether I have understood him correctly. In his opinion, the provision in the new Bill which says that the period specified or extended must expire before a Bill is introduced in this Parliament, is a substantial change, because under the old Bill, the Government was not bound to wait, for that period to expire. His contention is that that particular point distinguishes this Bill materially from the first Bill.

Pandit Thakur Das Bhargava: Yes.

Shri Altekar (North Satara): It is contended that the introduction of this Bill would be a fraud on the Constitution. So far as the amendment of the Constitution is concerned, the important article is article 368 which says:

"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..... etc."

So, the two-thirds majority is required for the passing of the Bill. When we are framing rules for carrying out purposes of the Constitution, the rules will have to be in

[Shri Altekari]

conformity with the wording and spirit of the Constitution. In the case of a Bill for amending the Constitution, two-thirds majority of the Members present and voting and a majority of the total strength of the House will be necessary for the purpose of passing the Bill. But what Rule 169 says is:

' "If the motion in respect of such Bill is that—

- (i) it be taken into consideration, or
- (ii) it be referred to a Select Committee of the House, or
- (iii) it be referred to a Joint Committee....
- (iv) it be circulated for the purpose of eliciting opinion thereon, or
- (v) it be passed,

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."

I would like to submit that this particular rule goes over and above what is stated in article 368 of the Constitution. According to article 368, only for passing the Bill, two-thirds majority is necessary; but under Rule 169, for all the four or five purposes stated therein, two-thirds majority is necessary. That is over and above what is required by article 368. The question now is about introduction of the Bill. For this purpose, I beg to submit that it will not be in any way going away from the spirit and even the letter of the Constitution, if you suspend Rule 321, as provided in Rule 402. I submit that in following such a procedure, we will be doing absolutely nothing against the Constitution, because according to article 368, two-

thirds majority is required only for the passing of the Bill. What is provided in Rule 169 is over and above what is provided in article 368. Therefore, for the purpose of introducing the Bill, under Rule 402, you may suspend Rule 321 and thereby we will be doing absolutely nothing against the wording or the spirit of the Constitution. I am putting this point before the House for its consideration and also for your consideration.

Shri Radhelal Vyas (Ujjain): I just want to explain further what my hon. friend has just now stated. According to article 368 of the Constitution,

"...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, it shall be presented to the President for his assent....etc"

That means, a Bill may be passed by even a majority. But, if it is passed only by a majority and not by two-thirds majority, then it will not be presented to the President for assent. This article does not say that a motion will not be carried if there is only a majority. This article provides that a motion can be carried by a nominal majority; if it has been carried by a majority of two-thirds of the members present and voting, then you will send it to the President for his assent. Otherwise, you will withhold it. Looking to this motion also, it was not defeated. Therefore, I submit that these rules should be interpreted in conformity with the provisions of that article.

Shri Dhulekar (Jhansi Dist.—South) rose—

Mr. Speaker: The hon. Member should be very short in his speech.

Shri Dhulekar: I will take only two minutes.

Mr. Speaker: The hon. Member should stick to it.

Shri Dhulekar: My submission is that this is an entirely new Bill. When the former Bill was introduced, I submitted that it was not an improvement upon the language which was contained in the Constitution itself. In that Bill which was defeated, it was said that a new Bill can be introduced here and it can also be passed without waiting for the opinions of the legislatures. I submit that the words in the Constitution are very important. The words are, 'unless the views have been ascertained by the President'. Now, this Bill which has been introduced today is a clarification of the Constitution and also the spirit of the Constitution that the President should ascertain the views of the legislatures, and explanatory words have been given here by saying that the President should specify some time and if the views are not ascertained, the President has powers to extend that time. Therefore, I submit that this Bill is certainly an improvement upon the former Bill and that it is in consonance with the spirit of the Constitution. The former Bill was against the spirit of the Constitution. Therefore I would say that this is an entirely new Bill. It provides that the views should be ascertained before any Bill is taken for consideration in this House. I submit that the arguments made by the opposite party are far away from the discussion in the House and that the arguments which have been put forward are fallacious and superficial.

Shri H. N. Mukerjee: I shall be very brief. I cannot, even if I try, resurrect my vanished entity as a lawyer. I would not have spoken unless my hon. friend Pandit Thakur Das Bhargava, whose opinions I value highly, had spoken in the way that he has done. I was not at all impressed by the argument of my hon. friend the hon. Minister for Legal Affairs and I was rather intrigued when he tried to find a distinction

between 'not carried' and 'rejected'. My feeling is that if there was such a distinction, then, surely, for the connotation of the expression 'not carried' the rules would have made some provision.

Now, I turn to what my hon. friend Pandit Thakur Das Bhargava has said. In regard to that, I wish to say that it is not necessary for us in Parliament to take a purely technical and legalistic attitude in regard to this matter. I know that in the interpretation...

Mr. Speaker: That argument may cut both ways. The hon. Member is pleading that I should look to the substance of the transaction.

Shri H. N. Mukerjee: I am not going into the substance. My hon. friend Pandit Thakur Das Bhargava pointed out that there is definite difference in point of substance between the Bill as it was introduced last time, and on which the reference to the Select Committee was voted upon, and the Bill as sought to be introduced at present. He said that if we examined the literary text of either of these Bills, we shall find a substantial difference. I wish to put before you this poser. Last time, when the consideration motion was being discussed, some of us actually put this question in a very straightforward fashion, including Pandit Thakur Das Bhargava, regarding the significance of the Bill, purpose of the Bill and regarding the terms of reference to the Select Committee. I had even gone to the extent of saying that "my name has been proposed for Membership of the Select Committee, but I can only act on my understanding of the Bill and my understanding of the Bill is different from what the Law Minister is saying." At that point of time, the Minister for Parliamentary Affairs as well as the Law Minister, both came forward to give a definite assurance that there was no difference between the attitude that I was taking up and Pandit Thakur Das Bhargava had taken up, of the Bill and their own. Therefore, in interpreting the sense

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of the original Bill, we have to proceed not exactly according to what Maxwell told us, but in accordance with our own idea of what should be done.

In regard to difference in substance between the two Bills, I feel that there is no difference in substance between the two. I feel, at the same time, that there may be very valid reasons for the Government to come forward and ask this House to expedite the passage of legislation of this sort. I say that, in that case,—I do not want to hinder the Government—I suggest that the Government be more honest about it. Let somebody on behalf of the Government propose that the rules be suspended for the time being. We can then proceed smoothly and expeditiously to a consideration of the motion which he has sought to make. From the discussions so far, what has emerged is that there is no substantial difference between the Seventh Amendment and the Eighth Amendment proposed. Therefore, the Eighth Amendment as it is, cannot be permitted to be introduced in this House except on the supposition that there is a motion for suspension of the rules and that motion is carried by the House.

Mr. Speaker: Shri Raghavachari. I think I have sufficiently allowed this discussion. I shall call upon only one person more, Shri A. M. Thomas, who has been trying to catch my eye for a long time, and then close.

Shri Raghavachari: In this matter, though I am a lawyer and a lawyer can spin, I submit I want to take a very fair view of the whole thing. What I feel is this. The first and foremost question is whether the present Bill is identical with the one that has already been disposed of.

Mr. Speaker: That is the only question.

Shri Raghavachari: On that matter, before I submit my opinion, I would

add for your consideration two other phrases contained in the Rules, namely 'Substantially the same' and 'spirit of the Rules'. These are the two things that should be taken into consideration. My hon. friends quoted some portions of the speech of the Law Minister last time when the Bill was introduced in the House. I would respectfully submit that in the earlier part of his speech, he had definitely stated about the scope of the Bill and that was certainly different from the scope of the present Bill. I for one, would humbly submit that the question whether that Bill and this Bill are indentially the same, does not depend upon the interpretation that the Law Minister puts on it, but on the interpretation that you can put on it or any reasonable man can put on it from the language that is contained in the Bill. In fact, on that very day, I perfectly agreed with the Law Minister's earlier interpretation that the language as couched in that Bill was simply that there were two conditions necessary: (i) that the President must have recommended and (ii) that the matter should have been referred to the legislatures for expressing opinion. The Law Minister was perfectly right, from the language used then, that the two conditions were the recommendation of the President and the reference to the legislatures. He was absolutely correct when he said that one need not wait for any opinion to be received because the word 'ascertain' in the original article of the Constitution was changed to 'time for expression'. That was his first interpretation and I perfectly agree with him. That is the only sensible and reasonable interpretation that can be put on the language of that Bill as it stood. Now, they have really added what was intended even under the old Bill as per the Statement of Objects and Reasons. There was a provision that a certain time-limit should be fixed so that they might express their opinion. But, the language in which it was clothed did not require waiting till the opi-

nions came. Now, they have added in this Bill two new factors, that the original time fixed by the President may be extended and also that till that time expires, originally stated or the extended period, there can be no introduction. To that extent, there has been really a change.

As I submitted, if we look only these two factors, it can be said that this is not identical with the previous Bill. As I submitted in the beginning the question is whether it is substantially the same or whether in spirit we are offending by going too much into a legalistic way in interpreting the language.

In addition to the substance and the spirit of the Constitution and the rules, I am also interested in submitting for your very careful consideration that if we should allow a thing like this to happen by spinning or hairsplitting or any kind of interpretation, that it is not identical, the result will be that almost every day, even after a thing is decided by this House, the next morning the thing can be brought in again by adding a comma or a phrase. We are anxious to lay down correct procedure and a democratic way of looking at it. You will also appreciate that the whole House was in favour of the Bill going through. Nobody wanted to oppose it barring one or two individuals. Therefore, it is not with the intention of obstructing the progress of the Bill that arguments are made on this or that side. If any man says that the other people are arguing with a particular motive, I humbly protest that that is not so. We are only stating that the correct procedure will have to be laid down by you. Under your distinguished Speakership we have always submitted and expected a careful consideration of the points of view before precedents are created. Therefore, my submission is that though it is possible, as I myself did, to interpret that the present Bill is something different from the previous one, except from the point of view of substance and spirit, the precedent that will be created might lead to

dangerous consequences. That is one thing.

Another thing I wish to submit is this. A friend of mine was interpreting that the language of the article in the Constitution uses the word "passing", and therefore it contemplates only the last stage and not all the stages. I respectfully wish to submit for his consideration and yours too, that this interpretation is not new. We are perfectly aware of this interpretation and you have already given very careful thought also to that. The real point for the gentleman who advanced that argument to consider is: what is the meaning of the word "passing". The word "passing" does not mean the final stage, but it has got a number of stages—the introduction stage, the clause by clause stage and then the third reading, and then it becomes 'passed'. What is exactly the meaning of the word "passed"? It is not the last stage. It is every stage that is involved in it. Therefore, if you put such legalistic interpretations, it leads to confusion. Further, my submission is so long as the rules framed by this House, so long as the rules contained in the Rules of Procedure do prescribe that every stage must be with a particular majority, it is not open to any individual now to interpret and say: mine is the correct interpretation, therefore give the go-by to the rules.

Therefore, as we are at present, if you should accept that scope of the present Bill though not identical but substantially the same, then it will be for you to say whether you would permit the introduction or not.

But there is another point they have been submitting, and that is, if there has been a request for your suspending certain rules as an extraordinary measure, surely nobody can say it is against the rules or the procedure or the Constitution except that it has to be considered whether in a matter of this grave consequence, of an amendment to the Constitution, the Government should request you for suspending the rules and whether you should exercise your rights to suspend the

[Shri Raghavachari]

rules. That is a matter for your consideration.

Therefore, I wish to conclude by saying that I am prepared to say that this Bill is not identical but when you take the substance of it and the spirit of it it would be the same, and in the interests of proper precedents and procedure that we should lay down for future guidance and for avoiding frequent inconveniences and awkwardness these matters may be kindly considered by you very carefully.

Pandit K. C. Sharma (Meerut Distt.—South): I want to make a submission.

Mr. Speaker: I find that the same arguments in other words are being repeated. The point is short, and we have taken nearly two hours. I do not think it is proper on our part to have further arguments.

Shri K. C. Sodha (Sagar): One minute.

Mr. Speaker: Everybody says one minute and he carries on for ten minutes. That has been my experience. I do not propose to allow any further argument. Only, as I said, Shri Thomas will say whatever he has to say.

Shri A. M. Thomas (Ernakulam): I do not think there is any necessity for suspending any of the rules of our procedure, but that suggestion put forward by my friend Shri Mukerjee is a complete answer to the point that has been raised by Shri Trivedi as well as Shri Gurupadaswamy. That question was raised by you also from the Chair. There is absolutely no substance in the contention that it is not within our legislative competence to pass this during this session. The Bill is within the legislative competence of this House. We are entitled to amend the Constitution if a Bill for that purpose comes in. Legislative competence arises only in cases such as when a Bill legislating for matters in the State List is brought before this House. Such a contingency has not arisen, and I do not think the ques-

tion of legislative competence at all arises.

With regard to the other matter, I should think that the Bill is substantially different from the Seventh (Amendment) Bill. The various points arising out of that question have been already referred to and I completely agree with the arguments which have been put forward by my friend on the left, Pandit Thakur Das Bhargava.

My friend Dr. Krishnaswami stated that under the General Clauses Act the President was entitled to give an extension of time. I humbly beg to differ from him. I think, if you read the clause of the Seventh (Amendment) Bill, you will find there is no scope for any such argument. I say the President has no power to extend any time, because you will find from the clause of the Seventh (Amendment) Bill that it reads: "the Bill has been referred by the President to the Legislature of the State for expressing its views thereon within such period as may be specified in the reference." So that, there are two conditions prescribed. One is that there must be a reference, and the other condition is that the time must be fixed in the reference itself. So that, my submission is that the President has, after making the reference, no power to extend the time. That extended time will not be the time fixed in the reference at all.

My friend was also quoting article 367. Article 367 itself says:

"Unless the context otherwise requires, the General Clauses Act, 1897, shall apply..."

So, according to the context of this Bill, my submission to you is that the President has absolutely no power to make any extension of the time, and if any extension of the time is made, it would be beyond his power to do so.

The other point that has been raised is with regard to the fact that it was

not incumbent on the part of the Government to wait for the introduction of the Bill. The Hon. Mover of the Bill himself made it abundantly clear when the Bill was moved that the Government was not bound to wait for bringing the Bill, and any assurance or any other comment by any other Member or by any other Minister I do not think will help us in putting an interpretation against the clear words of the section. We have to go to the clear wording of the section, and according to it the Government was not bound to wait till they got the views of the legislatures and it was open to them to bring forward the Bill at any time as it pleased them.

Mr. Speaker: I have heard, I believe, almost all kinds of views on this important question, and I must take time. I cannot immediately come out with what I have to say. I shall carefully go through the proceedings, refer to the authorities quoted and then give my ruling on this question.

Shri Kamath: Is the Minister not saying anything?

Mr. Speaker: I do not think he has to reply. One of the Ministers has already replied. It is no use taking up the time of the House. I have been saying that we are racing against time, and we have taken 2½ hours over this when we are so much short of time that even in respect of Bills we are not allotting more time.

Shri Kamath: He seems eager to speak.

Mr. Speaker: No explanations are needed. The point, to my mind, is very simple. It ought not to have taken so much time at all. However, as it is an important point, I thought I must be patient and give a hearing to all friends who wanted to say something. So, as I said, I shall be able to give my ruling on Monday, the 12th. In case I come to the conclusion that this is not a substantially identical Bill, and therefore should be permitted, then as I have already made it clear to the House, all further stages

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of the Bill, including the introduction, the consideration stage, the clause by clause reading, and the third reading stage, will be put through immediately that day, because on the 14th we are taking up the Report of the States Reorganisation Commission for discussion, and I do not want that any time should be taken up from that discussion. After all, it is a technical point. The substantial point is the discussion on the Report of the States Reorganisation Commission.

Shri Kamath: On a point of clarification. If the ruling goes in favour of the introduction of the Bill in the House, will other pending business be interrupted for the sake of this Bill?

Mr. Speaker: I cannot say that. If there is any pending business, it may go on, and then the rest will come. Or this Bill may be taken up first and intervened, and then the other business may go on.

Dr. Lanka Sundaram (Visakhapatnam): May I just ask you a question? Has any formal request been made to you by Government for the suspension of the rule so far?

Mr. Speaker: It is for Government to consider. At least I do not know what mind they have in this matter. But it is open to them to make the request any time.

Dr. Lanka Sundaram: May I have your indulgence before you give your ruling? Has any request been made to you so far, that is, up to the moment?

Mr. Speaker: Not so far. But there are three or four days between now and the 12th. I do not know how they will make up their mind and how they will act; Government know best.

DELHI (CONTROL OF BUILDING OPERATIONS) BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Rajkumari Amrit Kaur on the 7th

[Mr. Speaker]

December 1955, namely:

"That the Bill to provide for the control of building operations in Delhi, be taken into consideration."

The time allowed for general discussion was 3 hours. One hour and 27 minutes have already been availed of, and there is now a balance of one hour and 33 minutes. I would request hon. Members to be short and to the point, because the time available is short, and I find that there are a large number of Members who would like to speak on this.

[SHRI BARMAN in the Chair]

Shrimati Renu Chakravartty (Barrister): After having heard the speech of the hon. Health Minister while moving the motion for consideration of this Bill, we have had an idea of how the Government's mind is working. And naturally, I think this House welcomes the assurance that she has given namely that the refugee buildings which have come up in the past, and which fall within the terms of the assurances given in this House will not be touched.

I feel that this Bill is more comprehensive and I hope it will deal with building and the planning of Delhi beyond controlling buildings that what have already come up, I hope it will really try to plan something, in a very positive manner, and not merely in a negative manner, and plan as to how the future Delhi will look, and how it will provide for its health. What has been needed by Delhi for a very long time is a positive building administration or body which has been demanded from time to time. There has been so much duplication so far that there has been no planning. As a matter of fact, the hon. Minister herself has admitted that one of the biggest jobs of the Delhi Improvement Trust was the building of a master plan, which unfortunately has not come into being

up to date. It has been long delayed.

The affairs of planning of Delhi became so bad that in 1951, the Birla Committee was set up. That Committee has made a comprehensive report, in which there are many recommendations which are very good. I do not agree personally to some of them, but generally I would say that on the question of land policy and slum clearance, that Committee has made certain very good recommendations.

They have also made certain very good recommendations with regard to the very nature of the planning of buildings body which might come into existence.

Things did not improve even after that. Even today we do not know what is the attitude of Government regarding the recommendations of the Birla Committee. Actually, matters simmered up to such an extent that in September, 1954, there was a big debate in the Delhi Vidhan Sabha on the question of slum clearance. The question of the buildings and health of Delhi came up on that occasion, and Shri Brahm Prakash said that very soon a centralised authority or a high-powered body would be set up which would be responsible for this. One full year has passed since then.

In the meantime, we have had the Government Premises (Eviction) Amendment Bill, which was referred to a Select Committee. In that Select Committee again the entire matter was gone into. And yet we find that up to date we know nothing further as to the coming into existence of a centralised body which will be responsible for the building and planning of Delhi.

Then came this ordinance in October this year, when we were promised again that a similar authority to deal with planning and development of the urban area of Delhi will come into existence, which will replace the existing multiple authorities operating

in the field. As to when that authority will come into being, I am very doubtful.

Now, this Bill has been brought forward. As far as the hon. Minister's speech goes, it seems to be just of a negative nature something that is going to prevent haphazard growth of buildings whether they are of Government or of private individuals. After I went home yesterday, I again went through the provisions of the Bill, for I know that Rajkumari Amrit Kaur, and I think, all the Members of this House are anxious to see that we really have a Bill which will help in proper planning of Delhi. But I would like to state here that after having gone through the clauses, I do not find this Bill to be quite so simple as the hon. Minister tried to make out.

It is one thing for Rajkumari to have the feeling that she has given an assurance that this Bill will not be used for demolishing certain structures about which every body is anxious; but it is quite another when we come to the clauses, for everything will be interpreted according to the spirit of the law and the clauses that we formulate in the Bill. So, it is necessary for us to go into the very contents of this Bill.

Firstly, I shall take up the question of the authority that is proposed to be set up, namely the Delhi Development Provisional Authority. In this connection I would like to quote from what the Birla Committee have stated in regard to this matter. They have stated that there has been a multiplicity of Ministries and authorities who have been responsible for this, and there has been no single planning and controlling authority. In regard to the setting up of that authority, they make this very important observation, namely that the primary aim of city planning is social, that is, the convenience and utility of the largest number. And they add:

"Public opinion should be well represented on the authority through a non-official majority."

This is exactly what the proposed body is not going to be. The majority, or I should say, all the Members will be officials. Of course, I welcome Rajkumari Amrit Kaur's statement that she desires to have certain representatives of the Parliament or the Vidhan Sabha associated with the work of this authority. And I hope the House would welcome that assurance of hers. But I think it is also necessary to recognise that without the bringing in of more non-official support, we shall not be able to cut through the suspicions and the difficulties that have always lain in the way of the proper planning and development of Delhi. Therefore, my suggestion for the inclusion of some representatives of Parliament and the Delhi Vidhan Sabha should be accepted as far as possible, and this Delhi Development Provisional Authority should have as many representatives as possible of public opinion included in it.

Therefore, I feel also that the Chairman should be either elected by the body itself or it should be left to the Commissioner to select the person who, according to him, will be able to carry out the job which he will be called upon to do in the best manner.

Now, I come to another important part of the Bill—the part dealing with declaration of controlled area. This is very important. Clause 4 declares certain areas controlled areas because the Authority wants proper planning. Now, on paper it looks very good. But actually what have been the difficulties in the past? Actually, the Birla Committee has reported on it, and at many other places also we had seen....

Pandit Thakur Das Bhargava (Gurgaon): What is the date of that report?

Shrimati Renu Chakravarty: 1951. I suppose it was submitted just a few months before we came to Parliament. On para 3 of the report, they have given examples of the long time that has elapsed from the date of notifica-

[Shrimati Renu Chakravartty]

tion to the date of actual taking up of these schemes for slum clearance and development. They even state that large areas have actually been frozen, and have not been built up. I need not waste the time of the House by quoting the actual way this has happened. Sometimes it has taken years: actually lands had been acquired and yet development has not started.

Now, the reasons why we object to this are: First, whilst a certain area becomes frozen, certain lands are notified of acquirement, actually when they are acquired, it is some 10 or 15 years after. During that period, prices have gone up. Poor people who actually used to live in undeveloped areas or even undeveloped areas in the outskirts of Delhi, have had taken away from them large plots of land. But when compensation has been given, according to the Compensation Act, they have been paid money according to the 1938 or 1939 rates in 1950/1951/1952. With the result, that they have really been put to go great inconvenience and to great loss. Poor people have suffered. I would not plead for the rich; if any portion of a rich man's land was taken over, if it was for a public purpose, and if it was actually used for the good of the community, certainly you could use article 31. We have amended that article. I would have nothing to say against it. But I have before me many many cases of villages round about here, where building societies, which have been set up by rich people, and the Delhi Improvement Trust—that is, private as well as public bodies—have been having these frozen areas; at the same time, they have not been allocating land for development. When they sell, they sell to make huge profits. That is why I feel that even in the case of the controlled areas, if those areas are not developed within a particular date, those areas should not be declared controlled areas and should not be frozen up.

Now, I come to what, I think, is the most important part of the Bill—clause

5. I shall take up each clause and show that this Bill is not only negative, that is it not only has the power of the negating building certain haphazard buildings, but that it has certain positive powers. In those positive powers, we want to see a specific policy being indicated whereby we try and avoid the mistakes of the past, so that we really put forward a proper slum clearance or proper town development plan which will be suitable and help forward the Second Plan where, the hon. Minister of Works, Housing and Supply says, we are bringing forward a big plan for development on housing. He says that the Second Five Year Plan is expected to spend about 120 crores of rupees, three times the provision made in the First Plan, for building up of towns and for housing—both industrial as well as low-income group housing. So I feel you have to take the positive aspect of the Bill and see to it that a proper policy is also implemented thereby.

For instance, let me take clause 5(a). Under this, the Authority will have to give directions as to the division of any site into plots for the erection of buildings and the manner in which such plots may be allotted to intending purchasers or lessees.

Mr. Chairman: The hon. Member's time is up.

Shrimati Renu Chakravartty: I realise that many Members want to speak. But unless I am able to give the entire idea, it will be very difficult.

Mr. Chairman: What can be done? Members from Delhi are more interested and they want to speak. Then the hon. Minister also must have time to reply.

Shrimati Renu Chakravartty: We had allotted six hours for this Bill.

Mr. Chairman: That is there. But so far as the general consideration stage is concerned, only one hour and

33 minutes are left. We commenced at about 2-30 P.M.

Shrimati Renu Chakravartty: May I know what is the total time allotted for general consideration?

Shri Gidwani (Thana): One hour was spent yesterday?

Mr. Chairman: The Speaker has already announced it. The time allotted for general discussion is three hours. Out of that, one hour and 27 minutes have already been taken. The balance is one hour and 33 minutes for the general consideration stage.

Pandit Thakur Das Bhargava: Yesterday, when this Bill was moved for consideration, the Deputy-Speaker was pleased to say that he would allow half an hour to a speaker. Under that impression, I did not rise before. In order to develop his points, a Member should have at least half an hour.

Sardar Hukam Singh (Kapurthala-Bhatinda): Probably that decision was altered. When he left, he left me direction, before I took the Chair, that every Member should be allowed 15 to 20 minutes. That was the subsequent position.

Pandit Thakur Das Bhargava: That was between the Deputy-Speaker and the Chairman. So far as the House is concerned, this was the understanding.

Mr. Chairman: We must assess the real position. We started at 2-30 P.M. We have got now one hour and 33 minutes. We have to allocate that time between some hon. Members and the hon. Minister.

Sardar Hukam Singh: I would request that this time schedule allotted for general discussion and clause by clause consideration might be revised by the House. Let there be at least 4 hours for general discussion, and then we can go through the other two stages in the next two hours. If the overall time schedule is adhered to, perhaps nobody will have any objection.

Mr. Chairman: That is right. There is no difficulty, if the overall time

schedule is adhered to. I find from the record that the hon. Deputy-Speaker had said that hon. Members will have 15 to 20 minutes.

Pandit Thakur Das Bhargava: Kindly read the previous decision.

Mr. Chairman: We are not so much concerned with that. The whole point is that the time schedule must be kept up. If hon. Members think that they can take one hour from the time allotted for clause by clause consideration, we shall have 2½ hours, out of which 20 minutes are already over. The balance I shall utilise as Members like. I shall give not more than 20 minutes. If more time is taken, fewer Members will be accommodated.

Shri Raghavachari (Penukonda): Let us have four hours for general discussion, 1½ hours for clause by clause consideration and half an hour for the third reading.

Mr. Chairman: It comes to this that for clause-by-clause consideration the House shall get 1½ hours and for the third reading, half an hour.

The Minister of Health (Rajkumari Amrit Kaur): Does that give me any time to reply?

Mr. Chairman: I wanted to ask the hon. Minister how much time she was likely to take, for reply to this discussion.

Rajkumari Amrit Kaur: I think about 20 minutes.

The Minister of Commerce (Shri Karmarkar): May I take it that the next Bill is not likely to come up today?

Mr. Chairman: Probably not; but I cannot give an assurance.

Shrimati Renu Chakravartty: As I was saying, this Authority will have the power to direct the division of any site into plots for the erection of buildings and the manner in which such plots may be allotted to intending purchasers or lessees. Here again I feel that there should be some sort of specification as to who should be sold the land. Actually, in the past speculators have been able to take

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hold of land and that they have utilised it only for their own particular purposes. They have used it for profit-making; they have used it in many other ways. There have been very strong strictures made about it even in the report of the Birla Committee where they have said that a great many plots passed, in the first instance, into the hands of persons who are not genuinely interested in building and no restriction was placed at any time on the number of plots which one could buy and no step was taken to encourage the buyers of these plots to build houses.

Our main intention is the building of houses. We feel that we should see that the plots are given to people who are really interested in building and not to speculators. So, a provision which says that actually it should be given to those who want to build houses should also be introduced.

Then, there is the question of the development of townships and colonies. I can give you much material on that but there is no time. I feel that when we are giving powers and directions to an authority, we should see that the directions must be specific, that land must be given on a no profit no loss basis so that these townships and colonies are developed for housing the poor and the low income groups and do not become areas from which people can profit.

There is again the question of restrictions, the conditions subject to which such development may be undertaken. I think they are welcome to have some restrictions about the size etc. That again will come up in slum clearance in which we are all interested. There again we want one definite or specific clause introduced that wherever slum clearance is introduced, there must be alternative accommodation given and that alternative accommodation must be in keeping with the economic livelihood of the displaced so that they are not pushed away 10 or 12 miles and the centre of the city developed as a

centre for the rich and the poor sent to live outside the ken of the people of Delhi. Therefore, I mention these two important things that there should be alternative accommodation and in the clearing of slums we should go in for a planning, planning not for planning's sake but planning for the people and specially planning for the slum dwellers. This question of slum clearance and alternative accommodation must become one of the biggest items of the Second Five Year Plan building schemes, and we should be very clear about development that it should include alternative accommodation and that the tenements which are built must be within the capacity of these people to pay. If you build big houses, the people who are paying Rs. 2 and Re. 1/- for a room will be asked to pay Rs. 10 and Rs. 15 which they cannot just pay. Therefore subsidised tenements for workers and for slum dwellers must be introduced if we really want to have proper slum clearance and really good housing for the poor.

There is the question also of amenities. The authority will have the power to lay down the provision for the amenities of an area. But the fear is that when amenities are introduced, the question of betterment levies and betterment taxes are immediately raised. In the Ajmera Gate area to which we were taken in Delhi we were told that this area is going to be bettered. Very good. But, you see, immediately you are asked to pay a betterment tax which many of the poor people are not able to pay. These aspects have to be taken into consideration. That is why I feel that this Bill is not a negative Bill. This Bill is giving certain powers to the Authority which are necessary but those powers must be circumscribed by certain directions of policy which this House must dictate. What is the view about slum clearance, what is the view we shall take for the low income groups? All these I feel is very important.

Lastly there is the question of appeal when permissions are not given. There must be a right of appeal. In

the Bill there is no appeal after an appeal to the authority. Therefore, the Authority is the final one. I feel that it should not be so. There must be the courts to hear appeals.

With these words in this reading of the Bill, I want the House to consider it and to accept the amendments which we shall propose later.

Sardar Hukam Singh: So far as I am concerned, I feel that the scope of this Bill is a restricted one. We have discussed on the floor of this House the general housing policy of the Government; we have also discussed the activities of the Delhi Improvement Trust. Certainly, there is great room for criticism and we can make out a good case that the Government has not proceeded on lines on which it ought to have done. Of late, when the objective sought to be attained is a socialistic pattern of society, the methods that are being adopted and the ways that are being followed, I certainly feel, would not lead us to that goal. But, is it the general policy of the Government that we are to discuss here or is it the Improvement Trust whose activities and whose authorities we are criticising here.

So far, we are agreed, as I can judge from the speeches that were delivered yesterday and even today, that we all want that there should be a single authority which can control and guide the building operations in Delhi. My friend from Delhi, Shri Radha Raman, Shri Mohanlal Saksena and Shri Nandlal Sharma also said that there should be a single authority. There is a uniform demand for that. It has also been made out that at present there are many authorities such as the Town Planning Committee, the Delhi Development Committee, the Municipal Committee and the Improvement Trust. At least, there are four and all have those powers to sanction plans, to lay out schemes, to allow buildings to develop, and to lay down rules for amenities and other things that are to be provided

for. A complaint was made yesterday that there are sometimes very conflicting views of these different committees. The case of Lodi Colony is also very much in point. One committee allowed a certain plan but the other voiced exception to that. Further, there cannot be any two opinions about this that we must have a single authority in whom are vested all these powers to guide and regulate how these buildings should develop.

As my friend just now has argued, the question of slum clearance must be taken in hand very soon and effort should be made to remove the slums. We are all agreed and also support what she has said. But so far as that aim is concerned about having a single authority, we are all agreed and so does the Bill because it clearly lays down that our objective is to form a single authority to have all those powers. Then, where does the difference come? Complaints have been made that it ought to have come into existence by now and that it has taken a very long time and why should it be delayed even now for a year. The Bill says, so far as the Statement of Objects and Reasons is concerned, that it would be a complicated affair and would take us some time and that the Ordinance had to be passed to regulate those building operations. Therefore, the first objective of this Bill is to replace that Ordinance so that, for the time being, till that legislation is taken up and passed, we may have a single authority, which is our common objective and goal. I agree that it ought to be brought into existence very soon and it has been delayed. But, there is one amendment as well that the period should be shortened and Shri Mohanlal Saksena laid very great stress on that point. I would also appeal that it should be passed sooner. I agree with that. But the question is that there are Bills which are pending for the last three sessions, I say, such as the Motor Vehicles Act. It has taken two years; it was on the agenda; it is being put again and

[Sardar Hukam Singh]

again on the agenda but it is never brought in here and even now it has been pushed out of the list. So, my fears are that even if any legislation is brought, perhaps, it may not be possible for us to pass it. Therefore, there would be no harm in establishing this Authority and giving it a life of one year.

Then, the other points are, what powers should be vested in it and how that should be constituted. So far as these are concerned, there can be difference of opinion. I also appeal to the hon. Minister that she should take into consideration the inclusion of some other interests as well and, perhaps, selfishly, I would also ask that Members of Parliament should be associated with it.

Shri Kamath (Hoshangabad): There is no selfishness about it; it is public interest. Each of us represents seven lakhs of people.

Sardar Hukam Singh: Members of Parliament should also be associated with this authority. They can also contribute something in certain spheres. (*Interruption*). We are elected people, and as my friend reminds me, about seven lakhs of people are represented by each one of us. Therefore, it should be considered whether that Authority can be enlarged to include other persons and, most of all, some Members of Parliament.

3 P.M.

Regarding the powers that should be given to this Authority, it has been argued just now by my sister that the Birla Committee has clearly laid down that large areas have been frozen and have not been developed. This is correct. I also join my sister in making that complaint. But my difficulty is that perhaps that authority may not be to blame for that; it is the Land Acquisition Act that is responsible for that. A notice is issued under section 4 perhaps, and certain years allowed to elapse and then a second notice is issued, several years afterwards under section 9 and the

property is acquired. The rate that is given or the price that is awarded is what prevailed at the time of the issue of notice under section 4. So there is a grievous complaint in this respect by all of us, but it is the Land Acquisition Act that requires to be amended. Perhaps it would be recollected that I brought forward a non-official Bill here for that purpose because that causes great damage and loss to the people and they lose their property many years after. A notice is issued under section 4 and then authorities sleep over it; after several years it is found that the property is taken away and then the price that is awarded is what prevailed when the first notice was issued. So, the public suffers and there is a great discontent about that. I would appeal to the hon. Minister to bring it to the notice of the Government that the whole set-up is to be changed, that it requires a radical change and that the Land Acquisition Act should be amended suitably. It is not the Improvement Trust, it is not the Delhi Municipal Committee that would assess the prices that are to be given or the compensation that is to be awarded. They only refer the question to the Land Acquisition Officer concerned and he is the authority that would assess the compensation that is to be given. Therefore, even if we ask the hon. Minister here to do something, perhaps it may not be possible unless that Act is changed. I would request the hon. Minister to look to that side and see that Government takes into consideration the urgent necessity of amending that Act.

There were many suggestions made yesterday and a reference was made to the Chairman of the Improvement Trust. Shri Mohanlal Saksena gave us very useful suggestions and said that it should not be the policy of the Government that the land should be sold to the highest bidder when our objective is a socialistic pattern of society. Is it not then our duty to provide every man with some land to build on? That should be our aim,

but that is not being done. I join my friend in saying that that is a very useful suggestion which ought to be carried out. I admit, however, that it is outside the sphere of this Bill and it could not be done by this body which is being created. It would not be the function of this body to take that into consideration or to change the housing policy of the Government; that would be for the Cabinet and the Government to do and we now bring it to the notice of the Government that they should pay urgent consideration to this fact also.

It was also said that this Authority should have standard plans with it and it should be able to supply to every man, who desires to build, every kind of plan which might suit him—and there might be different classes of those plans. It appeals to me also that the Authority should have these. I have learnt that the Improvement Trust has got those plans ready and it does supply to persons who wish to have a look at them. Whether they have it or not, it would be for them to know. If they have, it is welcome. If they have not, at least this Authority, which is going to be entrusted with the task of controlling these building operations, must have such types of plans with it. Although I have had no chance of building a house here, certain friends have told me that they have to pay 2 or 3 per cent. of the total cost of construction that is expected to be incurred simply for getting a plan. That is certainly a very big sum and it is wasted. People are not fond of it. Everyone is not anxious to have a peculiar house of his own pattern. So the people go to those architects and planners who have certain patterns and styles ready with them to sell. So, if this Authority is to have them prepared and make them available to every intending builder of a house, certainly it would be a very useful service to society and it would be doing its duty.

Then it was also made out that the Chairman of the Improvement Trust had gone to foreign countries. Shri

Mohanlal Saksena told us yesterday that he had studied his report and nothing had been done so far as that report was concerned. We were unaware of the recommendations he had made. Shri Mohanlal Saksena claimed the privilege of going through that report and I could not follow whether he had said that there were useful suggestions or not. But since then I have tried to get that report and I was able to get a copy of it. I have also gone through it. Really I agree with the complaints which Shri Saksena made. The Chairman also had made certain recommendations, that certain methods should be adopted, that it should not be the aim of the Government to auction the houses to the highest bidder. The first recommendation made is that the social housing should be the aim of national policy; we all agree. If that is the recommendation, I fail to understand why the Government should not implement it. It should be done as early as possible. If that involves the enactment of some legislation, it should be done as quickly as possible. The other recommendations also that I see before me are certainly worth considering and the Government should consider them. I do not know whether Government have taken care to see if these can be implemented soon or not. That, I admit, requires a radical change in our policy, but that has to be adopted quickly and no time should be wasted. The suggestions that are made should be taken up to fit in with the ultimate aim that we have got for bringing about a socialistic pattern of society.

Pandit Thakur Das Bhargava: What about the Rs. 10,000 fine?

Sardar Hukam Singh: There are provisions here which are very strict and hard. It is provided that the magistrate is going to be vested with powers so that all rules, regulations, etc., that are there in our normal law will be overlooked. The magistrates are going to be vested with powers which perhaps have never been enjoyed by them. That looks to be queer to me. When I read that, my conscience certainly revolted. There might

[Sardar Hukam Singh]

be special authorities created, but why do you disturb the common law that we have got and disturb the powers that the magistrates have? There may be some cases perhaps where it might be desirable to give a stern punishment. But first of all, if somebody has not acted as was required of him in building his house, and if he has made a little departure when making an erection, that should not entitle a magistrate to impose on him a punishment of Rs. 10,000 as fine. If he persists, then the fine is Rs. 1,000 a day. That does not rather look that we are going towards the socialistic pattern of society or that we are proceeding to bring up every individual to that standard of equality. Perhaps it would be too hard.

Shri C. K. Nair (Outer Delhi): I rise to support this Bill belated though it is. I congratulate Rajkumariji for fulfilling the promise which she has given to us a few months ago. But with regard to the Bill itself, there are so many apprehensions that must be expressed; although the time at our disposal is very short I would like to bring to the notice of this House some of the salient features.

First of all, the title is "Delhi (Control of Building Operations) Bill". In my opinion there are enough of controlling bodies in Delhi—more bodies than necessary. No doubt there is one difference. These controls are now being exercised by the different bodies such as the Improvement Trust, New Delhi Municipal Committee, the Delhi Transport Authority, the Joint Water and Sewage Board authority, the Land Development Authority and so on. There are so many authorities which possess powers which are contradictory and conflicting. That has been the disease of Delhi. We have been suffering from this disease for the last so many years. We need not talk about that now.

Now at least after the achievement of Independence, we expect a better deal for Delhi. Unfortunately that

has not come yet. Eight years have passed; nothing has been done so far. One Five Year Plan is over; nothing has been done for the improvement of Delhi and its living conditions. There are slums; there are *katras* about 800 in number inhabited by more than a lakh of people without any amenity for human existence. For instance they have not got water pipes, no electric lights, no latrines, no arrangement for sanitation. These are the appalling conditions that obtain today in the city of Delhi which is one of the biggest capitals of the world.

If the purpose of this Bill is to bring up this city to a very high standard and make it one of the modern cities of the world, I think we need a very powerful and a very effective instrument. This instrument is being contemplated and this Bill seeks to bring in a single authority. But I feel instead of calling this "Delhi (Control of Building Operations) Bill" it would have been much better if the title had been "Delhi (Master Plan) Bill". As a matter of fact what is required today is to have a master plan. Let us know where we are. When that plan is ready we go stage by stage and we can fill in the colours when we like. But there is not even a master plan after eight years of independence existence. That is our complaint. What can we expect this body to do? It has got a very short life of two years. Perhaps nothing is going to come out of it. What is envisaged is an official authority. How can officials have imagination to develop a city? Of course they can carry out orders. We must have very efficient officials no doubt but they cannot simply take the initiative. For instance, the British Government used to say: we cannot do so many things; we cannot touch the question of caste system in India; we cannot touch the question of religion; we cannot even touch the slum in the cities because the people may kick up a row; we have not got the representative character in the administration. They were quite correct. But still they did so many things for their own

benefits. But we cannot plead that inability now. Why should we continue that old official system which is outmoded? Not only after Independence but after the Avadi Resolution for a socialistic pattern of society, how can we think of a body to be not only dominated by the officials but also to be presided over by an official? And that too for Delhi? It looks so ridiculous on the very face of it. I can understand it so far as the New Delhi is concerned. Let it be entirely in the hands of officials as it is now. But how can areas other than New Delhi tolerate such official ridden committees, controls, rules, suggestions and schemes? I am at a loss to understand this.

The first thing that has to be done is to conceive of a popular authority. A single authority is very essential because conflicting authorities have brought about these appalling conditions of Delhi city. You all know that so many promises have been made on the floor of this House by hon. Ministers including the Prime Minister that they would see that such and such thing did not happen. But they could not simply do it because the authority to do or not to do is vested in these small statutory bodies. If the Prime Minister says that such and such area should not be cleared, it goes against the law and the statutory authority has got a right to assert and say that that area must be cleared. That means that there is a great confusion—almost anarchy—due to such powers being vested in these authorities. Therefore, we can do very little by way of improvement. When we think of a single authority it must be entirely different from the executive atmosphere because we cannot think in terms of the old Improvement Trust. That has been condemned even by a capitalist like Birla. In his report, he has condemned the Delhi Improvement Trust and he has made some very useful suggestions which are never carried out.

The Chairman of that Trust was sent to Europe to study things. He is

about to retire perhaps. There is no meaning in sending an elderly man like him to foreign countries. Anyhow, he was sent and fortunately he has submitted some report also. But nothing is known about the recommendations and their implementation. It all points to one thing only, namely, the capital of India has been neglected—almost criminally neglected. We know the conditions under which the people in the slums and *katras* are living.

When the great dignitaries of other nations come, we take them round along the beautiful roads. That is good and sensible but if they were to see the real conditions, they will be shocked. Therefore, we should hurry up to improve things. But, how can we hurry up? That is the question. I have told in one of the Select Committees which was discussion the Government Premises (Eviction) Bill that we must take it up on a war footing. If we went to improve the conditions of Delhi we cannot do it with an official-ridden authority at all. So far as the powers of control are concerned there is enough already and I do not think this Bill is necessary. There is no anarchy in a matter of buildings at all today in Delhi. Of course, there is some, I know, instigated by the officials of the Improvement Trust and not otherwise. Only if there is a little vigilance no building, no brick can be put up at a place without proper sanction. But, they are very vigilant to see where they can exploit the situation and encourage corruption. I wonder how we are going to control that department with this official-ridden committee. I say it is impossible. Let us therefore think afresh.

Pandit Thakur Das Bhargava: It must be entirely scrapped.

Shri C. K. Nair: I say, the Improvement Trust must go. It already stands condemned from all sides. Again, I do not at all blame the officials. They are all due to the defects of the law and they cannot simply do anything. What they can do is to just

[Shri C. K. Nair]

close their eyes to the horrible corruption that is going on in the department. Therefore, what we have to do is a bit of new thinking.

I am afraid my time is coming to a close but still I would like to put forward a few suggestions. First of all the authority has to concentrate upon a Master Plan; everything else next. Controls are already there. For God's sake let honest officers be put to prosecute the existing controls—of course, we are going to get more controls by this Bill also. Therefore, so far as controls are concerned there is no difficulty. The real difficulty is to make a Master Plan. For a Master Plan they say that the experts will take 5 years to prepare. These are all old ideas. We must transgress those old fossils and try to bring a modern outlook into the problem that is facing us. Let us have a Master Plan even if it takes one year; we won't mind that. I think when an aerial survey is made this can be done even in six months. Let the imagination of non-officials be put in the Committee.

Secondly, the authority should have 2, 3 or even 4 types of building plans or even groups of plans for people of different income groups. The authority must get ready with them and whoever applies for it should be given sanction immediately with the necessary changes that are needed.

The third thing is that there must be a good amount of control over the house building companies that are working in Delhi today. Their standards are very low. Members like Shri Naval Prabhakar have expressed yesterday that these companies are deceiving or duping the people by camouflaging their reality with the great propaganda they make, posters, pictures and things like that. People are caught in their net due to this propaganda. After buying a plot they never care to improve the areas. Even if they improve it is not at all up to the standard. Therefore, their activities have to be controlled.

Then comes the real thing and that is my last proposal. The remedy that I am going to suggest does not lie with the Government. It is impossible for them to do it. Of course, they can control building operations but they cannot undertake building construction. They should give up the very idea of constructing new buildings. It should be left entirely to the co-operatives. That is the spirit of the new age.

An Hon. Member: Private sector.

Shri C. K. Nair: As I have already mentioned the house building companies are in the private sector. They should be controlled properly. They may be encouraged, I do not mind that but let not the standards fall. The real practical thing is that quick results can be achieved through the co-operatives. Let big plots be made available after proper development to be handed over to the co-operatives, of course on the condition that buildings should be put up within such and such a year. With proper development and proper control on the companies that can be done. That is the only way to improve the city of Delhi. If you think in terms of the old authority and organisations like the Improvement Trust we will not be able to break the ice that is very hard in Delhi today.

With these words I support the Bill with the hope that this is going to be one of the steps out of the so many other steps that we are going to take for the improvement of this city.

वंदित ठाकुर दास भागवत : यह जो बिल हमारे सामने आया है, मेरी समझ में नहीं आता है कि मैं इसकी लाईट करूं या सारे को ही अपोज (विरोध) करूं। इसमें एक बात मिलबर लाइनिंग (भ्रष्टाचार) की है जिसके कि ऊपर मैं चाहता हूँ कि मैं इसको सपोर्ट (समर्थन) करूं, बाकी सारे का सारा इस बिल में सिवाय अंधेरखाते के और कोई चीज नहीं है। जिन मैनबर साहबान ने मेरे से पहले इस बह हिस्सा लिया है उन सब ने फरमाया

हमारी मिनिस्टर साहिबा ने भी फरमाया है कि अब तजवीज यह है कि एक सेंट्रल एथारिटी (केन्द्रीय-प्राधिकारी) मुकर्रर की जाये, मैं इस तजवीज की बड़े जोर से नाईद करता हूँ और यही एक सिलवर लाइनिंग (भव्य आशा) है जो इस बिल के अन्दर है ।

इस में पहले जब कि ऐश्वर्यसेज (आश्वामन) हाउस में दिये गये, देहली इविकशन बिल (देहली निष्कासन विधेयक) के वक्त, उस वक्त हजारों मकान और गवर्नमेंट के अन्दाज के मुताबिक ५२२६ मकानात रेफ्यूजीज (शरणार्थियों) के गिरा दिये गये । उस वक्त उनको यह तकलीफ होती थी कि हम कहां जाकर रोयें और कहां जाकर शिकायत करें । रात के ११ बजे पुलिस के म्कुवेइस (दल) आये और आकर मकान गिराने शुरू कर दिये, लोगों को इसके लिये कोई नोटिस देने की जरूरत नहीं है और लोगों को पकड़ कर बाहर ले जा कर सात मील पर जंगल में छोड़ दिया और वहां किसी के वास्ते छोलदारी थी तो किसी के वास्ते नहीं थी । बहुत मेहरबानी की जो उनको ३० रुपये दे दिये गये । जनाबवाला, ऐसी सूरतों में बड़ी दिक्कत थी कि अपनी फरियाद लेकर कहां जायें । रिहैबिलिटेशन मिनिस्ट्री (पुनर्वास मंत्रालय) के पास जाते तो कहा जाता है कि दिल्ली स्टेट के पास जाओ और वहां जाने पर उनको कह दिया जाता कि यह राजकुमारी साहिबा के महकमे का मामला है, कहने का मतलब यह कि हमारे मुसीबतजदा लोग इधर से उधर भटकते फिरते थे और उनको यह नहीं पता लग पाता था कि कौन है जो इतनी बर्बादी लाया है और किस अथारिटी (प्राधिकारी) के पास उनको जाना चाहिये । शुरू है कि आज इस बिल के जरिये एक सेंट्रल एथारिटी बनती है जिसके पास लोग जा कर शिकायत कर सकेंगे । मुझे तो सिर्फ इतनी सिलवर लाइनिंग इस तमाम

बिल में नजर आती है, बाकी मैं इस बिल में कुछ नहीं देखता ।

जनाबवाला अगर आप पिछले आठ सालों की हिस्ट्री (इतिहास) देखें तो आप दंग रह जायेंगे । मुझे तो उसकी याद दिलाने शर्म आती है । मैंने इसी हाउस में एक मौके पर बतलाया था कि हरपूल बस्ती के मकानों की क्या हालत है और उन में इंसान किस तरह जिन्दगी बिता रहें हैं और कहा था कि अगर दुनिया में कहीं "हेल" है तो वह हरपूल-बस्ती में है वहां पर जाकर उस बस्ती का नकशा देखें तो आप पायेंगे कि वहां पर कितना "कंजेशन" (घनी आबादी) है । हरपूल बस्ती के एक छोटे से मकान में इतना "कंजेशन" (घनी आबादी) है कि एक एक कमरे में नहीं बल्कि एक एक कमरे के हिस्से में कई कई कुनबे रहते हैं एक ही में बाप भी मां भी लड़का और उसकी बोंबो भी और लड़की और दामाद भी और कैसे मुमकिन है कि इतने "कंजेशन" में कोई भी इंसान अपनी तन्दुस्ती को कायम रख सके शर्म या हया को कायम रख सके । मोरेलिटी को कायम रख सके या कुछ भी कर सके । यह हालत थी और थी ही नहीं आज भी वह हालत दिल्ली में ज्यों की त्यों बरकरार है और जिसको देख कर कलेजा मुंह को आता है और ऐसी हैबतनाक है जिसे कोई शरप बर्दाश्त नहीं कर सकता लेकिन पिछले ८ वर्ष से हम इस किस्से को यहां पर देखते आये हैं और एक इंस्टीट्यूशन (संस्था) जिसका कि नाम 'इम्प्रूवमेंट ट्रस्ट' (सुधार न्यास) है वह इस दिल्ली का "कर्स" (शाप) है । दिल्ली के अन्दर आज जितनी खराबी होती है जितनी तबाही होती है, उसकी ज्यादातर जिम्मेदारी इस इम्प्रूवमेंट ट्रस्ट पर है । मैं इस मौके पर उस करप्शन (अप्टाचार) की तरफ तबज्जह नहीं दिलाता चाहता जो इसके अन्दर "रैस्मैट" (फैली हुई) है और जिसका कि जिक्र कई

[पंडित ठाकुर दास भार्गव]

दिल्ली वाले मेम्बर साहबान ने किया है। मैं अर्ज करना चाहता हूँ कि जो हालत इस इम्प्रूवमेंट ट्रस्ट के अन्दर रेफ्यूजीज (शरणार्थियों) की है वह नागुफ्तादेह (अकथनीय) है। जिस वक्त हाउस में कमेटी मुक्ररर की गई, उस वक्त और हर मीके पर और हर मरहले पर इम्प्रूवमेंट ट्रस्ट वालों ने यह चाहा कि रेफ्यूजीज को ऐश्वोरेंसेज (आशवासन) न दिये जायें, उनके साथ बायदे न किये जायें क्योंकि इम्प्रूवमेंट ट्रस्ट उस सोशलिस्टिक पैटर्न (समाजवादी व्यवस्था) के सख्त मुखालिफ है और इम्प्रूवमेंट ट्रस्ट "ग्रैव" (काल) से भी ज्यादा "ग्रीडी" (लोलुप) है और वे लोग चाहते हैं कि लोगों से उनके मकान छीन लें, उनकी दीवार छीन लें और उनके पास कुछ न रहने दें और इम्प्रूवमेंट ट्रस्ट वाले चाहते हैं कि यहां के रेफ्यूजीज के मकानात जबर्दस्ती गिरा दिये जाय और उस सिलसिले में हमको जो ऐश्वोरेंसेज मिले उन से सख्त नाला है और कई सौ मकान इम्प्रूवमेंट ट्रस्ट ने गिरा दिये थे। कल हमारी राजकुमारी साहबा ने जिक्र किया इम्प्रूवमेंट ट्रस्ट ने कोई मकान नहीं गिराया। मैं आनरेबल मिनिस्टर को कंट्राडिक्ट (खंडन) नहीं करना चाहता हूँ लेकिन अदब से अर्ज करना चाहता हूँ कि अगर आप १५ मेम्बर्स की कमेटी आफ ऐश्वोरेंसेज (आशवासन समिति) जिस को हमारे स्पीकर साहब ने मुक्ररर किया है, की रिपोर्ट को पढ़ तो आपको पता चलेगा कि इम्प्रूवमेंट ट्रस्ट ने दिल्ली में क्या क्या किया है। लेकिन सारी ट्रेजडी (दुखद बात) यह है कि हमारी राजकुमारी साहबा को बाक्यों का और हमारी तकलीफों का इल्म नहीं है, वह कैसे हमको उनसे से नजात दिला सकते हैं। मैं उनकी खिदमत में अर्ज करना चाहता हूँ कि ऐश्वोरेंसेज में

कहा गया था कि जो मकान लिये जायेंगे उन सबका मुआवजा दिया जायेगा। मैं राजकुमारी साहबा से पूछना चाहता हूँ कि क्या एक शल्स को भी मुआवजा दिया गया? कहा गया था कि जो भी जमीन मकान के नीचे होगी उसके बदले में उसके मालिक को दूसरी जगह पर जो नो प्राफिट नो लास बेसिस (बिना लाभहानि के आधार) पर जमीन दी जायेगी। अब कहा जाता है कि १३५०४ मकानों में से ११६ को रेगुलराइज (नियमित) किया गया है। मैं पूछता हूँ कि इतने आदमियों को भी क्या आपने नो प्राफिट नो लासबेसिस पर जमीन दी है? उन ऐश्वोरेंसेज को प्रोसली इंग्नोर (संबंधा उपेक्षा) किया गया है और जो कुछ मैं कह रहा हूँ उस का सबत यह है कि जिन आदमियों को जमीन दी गई उन से ३० ६० पर याड (प्रति गज) के हिमाब में उनकी कीमत वसूल की गई। मैं ने शिकायत की तो खुद गवर्नमेंट (सरकार) ने कहा कि इतनी ही कीमत न होनी चाहिये और अब इस सबाल पर गौर किया जा रहा है। चूंकि मेरे पास वक्त नहीं है इसलिये मैं ज्यादा डिटेल्स (विस्तार) में नहीं जना चाहता। अगर मुझे पांच सात घंटे दिये जायें तो मैं इस इम्प्रूवमेंट ट्रस्ट को करतूतों को आप के सामने रखता कि उन्होंने कितने मजालिम गरीब आदमियों पर दायें हैं।

इसके बाद मैं बतलाना चाहता हूँ कि रेफ्यूजीज के जो मकानात थे ऐश्वोरेंसेज कमेटी के सामने वादा किया गया था कि उनको कायम रखा जायेगा। चीफ कमिश्नर साहब तशरीफ लाये और हुकम दिया कि मकानात कायम रहेंगे, उन के आक्टिकेट (वास्तु शास्त्री) ने हुकम दिया कि वह मकान कायम रहेंगे लेकिन एक तरकीब

से टाउन कमेटी के पास कागजात भेज दिये गये ताकि वह रिपोर्ट कर दे कि उन मकानों को कायम नहीं रखा जा सकता। ग्रस-लियत यह है कि जो मकान रिफ्यूजी का होता है उस के नीचे जो जमीन है उससे इम्प्रूवमेन्ट ट्रस्ट नीलाम करके ग्रामदनी करना चाहता है। इम्प्रूवमेन्ट ट्रस्ट वालों के दिमाग में यह नहीं आता कि इनसानियत का तकाजा है कि वह लोगों को मकान मुहैया करे और लोग अपने मकानों में रहें। नहीं मालूम कि उन के दिमाग में क्या समझा हुआ है। शायद वह विलायत की सैर कर के आते हैं और हमारे मिनिस्टर साहबान को भी विलायत की हवा लग गई है जिस की वजह से उन के दिमाग में तरह तरह की बातें आया करती हैं। जहां पर रिफ्यूजीज के मकान थे उन मकानों को इस हाउस में दिये गये ऐश्वोरेन्सेज के बखिलाफ जमीन के बराबर कर दिया गया। ऐश्वोरेन्स कमेटी ने जब सारी चीजों को देख कर कहा कि चूँकि दिये हुये ऐश्वोरेन्सेज को तोड़ा गया है इसलिये रिफ्यूजीज को बड़ी तकलीफ हुई है और सिफारिश की कि अंडेवाला में और पटेल नगर में उन रिफ्यूजीज को जगह दे दो जिन के मकान तोड़े गये हैं। पूरी जमीन नहीं दे सकते तो आधी जमीन दे दो, उन की हैसियत के मुताबिक उन से मुआवजा ले लो या नो प्राफिट नो लास बेसिस पर ही दे दो। लेकिन आज तक वह जमीन पड़ी हुई है, एक मकान की भी जमीन किसी रिफ्यूजी को नहीं दी गई। यह आप का मोशलिस्ट पैंटन है जिस के ऊपर इतना जोर दिया जाता है। मैं कहां तक जनाब के रूबरू शिकायतें करूं। अगर मैं ए टु जेड (विस्तार में) उन को बतलाऊं तो दफ्तर

के दफ्तर भर जायेंगे, लेकिन मेरे पास वक्त नहीं है।

एक साल हुआ देहली एक्विशन बिल (दिल्ली निष्कासन विधेयक) के मुताल्लिक एक कमेटी बनी थी, मैं उस का चेअरमैन था। हम ने लोगों की गवाहियां ले कर अफसरान से कहा कि आप मेहरबानी कर के हम को एक कन्ग्रिगेशनल प्लान (विस्तृत योजना) दें। उन जगहों के बारे में जहां पर गरीब आदमी स्लम्स (गंदी बस्तियों) में रहते हैं और जिन के लिये आप कहते हैं कि आप और कहीं ले जायेंगे, जो पेशेवर हैं उन को ऐसी जगहों पर जमीन दी जायेंगी जहां पर कि वह अपनी रोजी कमा सकें, और इस के लिये हम बिल पास करेंगे। हम ने कहा कि आप ने जो ऐश्वोरेन्सेज हाउस में दिये हैं अगर आप उन को पूरा करेंगे तो हम आप को इस के लिये पावर्स (अधिकार) देंगे। लेकिन मुझे अफसोस है कि हम ने सन् १९५१ में जो पावर्स गवर्नमेन्ट को दीं उनको ग्रेसली एन्व्यूज (बुरी तरह गाली देना) किया गया। यह मेरी नहीं कमेटी आप ऐश्वोरेन्सेज की राय है जिन्होंने कि गवाहियां ले कर इस का फैसला किया है। हमारे गैडगिल साहब ने उस वक्त कहा था कि जो सरकारी अफसर हैं वह अपनी पूरी कर्पैसिटी (अधिकार) से और लेटर और स्पिरिट (शब्द और भाव के अनुसार) में अपने फरायज को अंजाम देंगे और किये गये वादों को पूरा करेंगे। मैं कई दफा हाउस में कह चुका हूं कि गैडगिल साहब जैसा हमदर्द मनुष्य मिलना मुश्किल है, लेकिन उन की सारी प्रामिजेंज (वचनों) को खत्म कर दिया गया। कल जब राजकुमारी साहबा फरमा रहीं थीं कि हम किसी मकान को गिरायेंगे

[पंडित ठाकुर दास भागवत]

नहीं तो मैंने जान बूझ कर कहा था कि हम मिनिस्टर्स की प्रामिजेज (बचनों) को और ऐंश्योरेन्सेज (आश्वासनों) को ग्रैन आफ साल्ट (नमक के टुकड़े) के साथ लेते हैं क्योंकि एक नहीं कितने ही ऐंश्योरेन्सेज मिनिस्टर्स ने दिये हैं लेकिन सब के सब अगर उन्होंने नहीं तो उन के अफसरान ने तोड़ डाले। हमारे सामने ऐंश्योरेन्सेज की इतनी बंधुरमती (अपमान) की गई है कि हम मिनिस्टर्स के ऐंश्योरेन्सेज को अब उतनी अहमियत नहीं देते जितनी कि पहले देते थे। कल राजकुमारी साहबा ने फरमाया कि मकान नहीं गिराये जायेंगे, मैं उन की बात का यकीन करने को तैयार हूँ कि उन के हुक्म से मकान नहीं गिराये जायेंगे, लेकिन यह मैं नहीं मान सकता कि मकान गिराये ही नहीं जायेंगे। इन ऐंश्योरेन्सेज मैं ज्यादा मजबूती नहीं होती है।

चुनाचे मैं जनाब की तबज्जह उन ऐमेन्डमेन्ट्स (संशोधनों) की तरफ दिलाता हूँ जो मैंने मुव (प्रस्तुत) किये हैं। जैसा कि राजकुमारी साहबा फरमाती हैं कि वह हमें ऐंश्योरेन्से देती हैं, मैं चाहता हूँ कि वह उन को इस ऐंक्ट में ही लिख दें ताकि उन के पीछे कानून की ताकत हो जायें। उस के बाद मैं उन को मान लूंगा। मैंने पिछले आठ दस वर्षों में देखा है कि सारे ही महकमों के मिनिस्टर्स सेक्रेटरीज (सचिवों) के इशारों पर चलते हैं। जहां तक इस बिल का सवाल है, यह छोटा सा बिल जो सवा वर्ष के लिये रखा गया है यह भी हम को खत्म कर सकता है। मैं आप से अदब से पूछना चाहता हूँ कि जैसा कि श्री सी० के० नायर ने पूछा कि इस देश में यूटिलिटी (उपयोग) को देखा जाये या आरकीटेक्चरल टेंस्ट को देखा जाये। यहां पर मकानों की कमी है, आप ने सवा वर्ष तक मकानों का बनना बन्द कर दिया है यह

कह कर कि हैपेजर्ड वे (अनियमित ढंग से) ये मकान बनाये जा रहे हैं। जब यह हालत है तो दो ही तरीके आप के पास हैं। या तो आप बने हुये मकानों को बने रहने दें या उन को गिरा दें। मुझे उम्मीद है कि आप उन मकानों को गिरायेगे, इस के इलावा आप के पास कोई चारा नहीं है।

मैं आप की तबज्जह इस बिल की दफा ५ (एल) की तरफ दिखाना चाहता हूँ जहाँ जिस में लिखा है :—

"any other matter which is necessary for the proper planning of any controlled area and for preventing buildings being erected haphazardly in such area."

डाइरेक्शनस में यह लिखा हुआ है। लेकिन यह तो एन्ड है। पढ़नी चीज जो कही है वह क्या है :

"any other matter which is necessary for the proper planning of any controlled area".

They can certainly order demolition of any building under this clause.

इस के सिवा जनाब मूलाहजा फरमायें।
दफा १७ में है

"The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law."

सारे पिछले लाज ही खत्म कर दिये, ऐंश्योरेन्सेज का तो कहना ही क्या है। मैं जानता हूँ कि हमारे बहुत से लोग, खुसूसन इम्प्रूवमेन्ट ट्रस्ट, इन ऐंश्योरेन्सेज को तोड़ कर फेंक देना चाहते हैं। मैं इसका मौका उन को नहीं देना चाहता। मैं राजकुमारी साहबा से अर्ज करूंगा कि अगर वह उन रिपयूजीज को बचाना चाहती है तो जो ऐमेन्डमेन्ट्स मैं ने दिये हैं कि

ऐश्योरेन्सेज को कायम रक्खा जाय। उन को कबूल कर लें। पिछली दफा जब बिल पेश हुआ जिस को शायद श्री बरगोहैन साहब ने पेश किया था, तो उन्होंने उन को कायम रक्खा था। मैं चाहता हूँ कि अब भी वह ऐश्योरेन्सेज कायम रहें, लेकिन मैं जानता हूँ कि ऐश्योरेन्सेज को तोड़ते हुये न इम्प्रूवमेन्ट ट्रस्ट को धर्म आती है न हया। न उन को रिलक्टेन्स (अनिच्छा) होता है न रिपेन्टेन्स (पश्चाताप)। जो ऐश्योरेन्स नहीं दिये जाते वह न दिये जायें, लेकिन जो दिये जाते हैं उन को इस तरह से नाड़ना और उन की बेहुरमती करना जायज नहीं है।

सरदार हुक्म सिंह ने दस हजार रुपये जुर्माने का हवाला दिया। मैं पूछता हूँ कि उस जुर्मा के बास्ते जो इस बिल में रक्खा गया है हिन्दुस्तान में कहीं भी दस हजार रुपये का जुर्माना है? फिर इतने बड़े जुर्माने की सजा किम के देने के लिये है? मैं कहता हूँ कि बिल की दफा ३ देखिये। उस में कौन से लोग होंगे?

Shri U. M. Trivedi (Chittor): Capitalist State.

पंडित ठाकुर दास भागंब : मैं पूछना चाहता हूँ कि म्यूनिसिपल ऐक्ट जितने हैं वह कैसे हैं? पंजाब का म्यूनिसिपल ऐक्ट दिल्ली में लागू रहा है। उस में यानी ऐक्ट ३१ आफ ११ (act III of 1911) के नीचे दिया हुआ कोई हुक्म अगर wanton, capricious and appressive है तो कोर्ट उन को हटा सकता है। लेकिन अब हमारे मिनिस्टर साहब ने उस को भी हटा दिया। इस बिल को नातिकर कर दिया, म्यूनिसिपल ला के बदले नातिकर कर दिया। इस के सेक्रेटरी कौन होंगे? इस के सेक्रेटरी होंगे प्रेजिडेंट ग्राफ दि कस्टर्ड इम्प्रूवमेन्ट ट्रस्ट (अप्रमानजनक सुधार व्यास के प्रधान)। उन की मेन्टीलिटी है और

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हमेशा ये रही है कि इम्प्रूवमेन्ट ट्रस्ट के मातहत जिनने भी गरीब आदमी हैं उन को मूसीबत में छोड़ दे। कहते हैं कि हम स्लम्स को हटा रहे हैं। वहां के रहने वाले गरीबों को जगह दी जाती है उस जगह से आठ दस मील दूर और फिर कहा जाता है कि हम स्लम्स (गंदी बस्तियां) हटा रहे हैं। आप स्लम्स को हटा रहे हैं लेकिन उन पर बसने वाले गरीबों को रिफ्यूजीज (घरणार्थी) बना रहे हैं। मैंने कहा कि प्लैन (नक्शा) लाओ, उस को मेम्बर साहबान देखेंगे और अगर प्लैन अच्छी होगी तो हम हकूक देंगे। लेकिन आठ बरस से दिल्ली में प्लैन नहीं तैयार हो सका। प्लैन के नाम से मुझे एक बाक्या याद आ गया। जब हाउसिंग के अन्दर ऐश्योरेन्सेज दिये गये तो हमने दिल्ली स्टेट को हुक्म दिलवाया कि सारे ऐश्योरेन्सेज को पूरा करें। उन्होंने वादा किया, इस इम्प्रूवमेन्ट ट्रस्ट ने वादा किया और लोगों से कहा कि तुम नक्शे लाओ मकानों के। एक एक शख्स ने ४०, ४० रुपये खर्च कर के अपने प्लैनस दिये। हजारों प्लान इम्प्रूवमेन्ट ट्रस्ट को दिये गये और कहा गया कि हमारे प्लान पास करो लेकिन आप यह मुन कर हैरान होंगे कि आज तक पता नहीं कि उनका क्या बना है और कहाँ यह पड़े हुये हैं, शायद कहीं किसी लम्बर रूप या डस्ट बिन में पड़े हुये हैं या कहीं रद्दी की टोकरी में पड़े हुये हैं जो इश्योरेन्स (आश्वासन) दिये गये थे उन पर अमल नहीं किया गया। इसके बजाय जो कुछ हुआ है उसमें बहुत ज्यादा सक्ती की गई है। डेमेजिज (अति) वसूल करने के लिये एक एक मुहल्ले में सौ सौ आदमियों को जेल में भेजा गया है। इम कद्र जुल्म इन गरीबों आदमियों के ऊपर हुये हैं कि इन को व्यान करने से मेरा क्लेजा मूंह की तरफ आता है और जब मैं उस चीज की तरफ देखता हूँ तो मुझे इतनी तकलीफ होती है कि जिस को मैं व्यान नहीं कर सकता।

[पंडित ठाकुर दास भार्गव]

इसके बाद जहाँ तक इस आधोरिटी के कम्पोजीशन प्राधिकार (व्यवस्था) का ताल्लुक है इस बिल के अन्दर ऐसी प्रावीजन (उपबंध) की गई है कि इसको कोई भी कबूल नहीं कर सकता। मैं पूछता हूँ कि क्या वजह है कि हाउस (सभा) हर कोई मੈम्बर जब यह कह रहा है कि आफिशल एलिमेंट (सरकारी तत्व) को आप हटा दो और इसके अन्दर आप नान-आफिशल एलिमेंट (गैरसरकारी तत्व) को आने दो, तो आप इसको क्यों कबूल नहीं करते हैं। अगर मेरा बस चले तो मैं इम्प्रूवमेन्ट ट्रस्ट को इसके पास फटकने न दूँ। मैं चाहता हूँ कि यह अधोरिटी ऐसे कांस्टीट्यूट (निर्माण) की जानी चाहिये कि इसके अन्दर नान-आफिशल एलिमेंट जरूर प्रिडा-मिनेंट (बहुसंख्यक) करे। इसकी वजह यह है कि हम देखते हैं कि पिछले आठ सालों में कोई खास काम दिल्ली की इम्प्रूवमेन्ट का नहीं हुआ। जो भी मकानात बने हैं वह बड़े बड़े आदमियों के लिये बने हैं और गरीबों के लिये कुछ नहीं किया गया है। यह लोग दुखी हैं लेकिन इन की तरफ कोई ध्यान दिया नहीं जा रहा है। जहाँ तक इस बाड़ी को कांस्टीट्यूट करने का सवाल है मैं नायर साहब से अप्री करता हूँ कि यह इमेजिनेशन (कल्पना प्रधान) वाली बाड़ी (निकाय) होनी चाहिये, जो लोगों को प्लाट्स दे, जमीन को ठीक करके ठीक कीमत पर दे, नो-आफिट नो-लास बेसिस (बिना हानि-लाभ के आधार पर) पर दे। मैं देखता हूँ कि एक भी मकान किसी रिफ्यूजी को इस बेसिस पर नहीं दिया है और मैं समझता हूँ कि आगे भी नहीं दिया जायेगा। आज नाम तो लिया जाना है सोशलिस्टिक पैटर्न आफ सोसाइटी (समाज की समाजवादी व्यवस्था) का लेकिन जो काम होता है वह इसके बिल्कुल मुखतलिफ। जब तक दिल्ली के अन्दर ज्यादा मकान

नहीं बनाये जाते, जब तक लोगों को प्लाट्स नहीं दिये जाते, जब तक सस्ती दरों पर उनको मसाला मकान बनाने के लिये नहीं दिया जाता, जब तक आप उनकी डिफि-कल्टीज (कठिनाइयों) को महसूस नहीं करते तब तक मैं समझता हूँ आप अपने मकसद में कामयाब नहीं हो सकते। आपने सवा साल की बात कही है, मैं कहता हूँ कि आप १० बरस दे दीजिये, आप कामयाब नहीं हो सकते। आप उसी दिन कामयाब होंगे जिस दिन आप इसमें नान आफिशल एलिमेंट (गैर सरकारी तत्व) को प्रिडोमिनेंट (बहुसंख्यक) होने देंगे और इसको एक बाड़ी आफ इमेजिनेटर्ज (कल्पना प्रधान निकाय) बनायेंगे। आप चाहते हैं कि दिल्ली को एक बहुत खूबसूरत शहर बनायें, यहाँ से कंजेशन (जन संकुलता) को दूर करें। लेकिन उसके लिये आप लोगों को चाहते हैं कि एक या सवा बरस तक वह बैठे रहे और फिर उनको फायदा होगा। वे लोग आपकी इस आर्किटेक्चरल ब्यूटी (वास्तुकला सौंदर्य) को देखें, आपके इस एस्थेटिक टेस्ट (सौंदर्य अभिरुचि) को देखें या अपनी जरूरत को देखें। मैं चाहता हूँ कि जो लोग कंजेशन में रह रहे हैं, कैमे भी मकानान में रहे हैं, वे बे आरामी से रह रहे हैं, लेकिन मकानों में रह तो रहे हैं। यहाँ पर आर्कि-टेक्चरल ब्यूटी या एस्थेटिक टेस्ट की बात नहीं है, सवाल तो उनके लिये मकान मुहैया करना है, उनको प्लाट्स देना है और हर तरह से उनकी मदद करना है। यह सवाल तभी हल हो सकता है जब राइट टाइप (ठीक ढंग) से इस बाड़ी को कांस्टीट्यूट (निर्मित) किया जायेगा। आप से मैं अर्ज करना चाहता हूँ कि जो अभी राज-कुमारी जी ने कहा कि कुछ मैम्बर पार्लियामेंट (संसद सदस्य) के ही और कुछ विधान सभा के हों यह कैसे हो सकता है और वह कहती है कि या तो दो मैम्बर यहाँ के ले लो या दो विधान सभा के ले लो, इससे

काम नहीं चलेगा और बात नहीं बनेगी। मैं यह नहीं कहता कि आप चीफ कमिशनर (मुख्य आयुक्त) को न रखें, उनको आप रखिये, मैं उनकी मुखलिफत नहीं करता। आज जो चीफ कमिशनर हैं वह निहायत हमदर्दी से मामलात को देखते हैं और रिफ्यूजीज की तकलीफ को समझने की कोशिश करते हैं और उनको दूर करने की भी कोशिश करते हैं। लेकिन जो इम्प्रूवमेंट ट्रस्ट है वह जो कुछ भी चीफ कमिशनर साहब करते हैं उसको तोड़ने की कोशिश करता है। लेकिन जो अपसरों को आप रख रहे हैं इस से काम नहीं चलेगा। आज तक वह कुछ नहीं कर पाये हैं और आगे भी नहीं कर पायेंगे। आपको चाहिये कि आप ज्यादा तर मेम्बर पब्लिक (जनता) के रखें, पालियामेंट के कुछ मेम्बर इसमें लें और साथ ही विधान सभा के कुछ मेम्बर भी लें। इस बाड़ी का जो कम्पोजिशन (रचना) है वह ठीक होनी चाहिये। आप इसमें इम्प्रूवमेंट ट्रस्ट का कोई अपसर न लें और जो आप उस के चेयरमैन (प्रधान) को सैक्रेटरी (सचिव) की हैसियत से ले रहे हैं, उसको तो आप हर्जिज न लें। इन अपसरों के दिमाग जिस हद तक बनने थे वह बन चुके हैं और वह आज तक कुछ नहीं कर पाये हैं। मैं किसी की परस्नेलिटी (व्यक्तित्व) के बारे में कुछ नहीं कहता लेकिन मैं यह अर्ज जरूर करना चाहता हूँ कि अगर आप चाहते हैं कि आगे से कुछ हो तो आपको जो सजेशन (सुझाव) इस हाउस में दिये गये हैं उनका खयाल रखना होगा और इस बाड़ी का कम्पोजिशन (रचना) ऐसा करना होगा जिस से कि लोगों का इस पर कानफिडेंस (विश्वास) हो और उनको इतमिना हो सके।

इसके बाद अगर आप क्लोज ३ को देखें तो आपको मालूम होगा कि जो कुछ भी कर दिया जायेगा और जो दूसरा बिल आयेगा उससे पहले जो कुछ भी किया जा चुकेगा

वह पक्का हो जायेगा। मैं अर्ज करना चाहता हूँ कि इतनी पावर नहीं होनी चाहिये बल्कि जो हमेशा हर एक कानून में दर्ज होता है कि अगर कोई आर्डर म्यूनिसिपल कमेटी (नगरपालिका समिति) का या इस बाड़ी का आप्रेशिव हो, कैंप्रिसस (व्यर्थ), वालटन हो गैर-कानूनी हो उस पर अमल नहीं होना चाहिए। मैं उस बिल के लफज देखता हूँ कि इसमें इतनी कमियाँ हैं, यह इतना इम्परफेक्ट (अपूर्ण) है, यह इतना मिसचीवस है कि मैं बयान नहीं कर सकता और यही वजह है कि मुझे इस बिल के बारे में तकरीबन २५ एम्बेडमेंट्स (संशोधन) का नोटिस (सूचना) देनी पड़ी है। बिल को तो मैं सपोर्ट (समर्थन) करता हूँ और मैं चाहता हूँ कि एक आयोरीटी (प्राधिकारी) हो लेकिन जो इसकी प्रोपिजिज (उपबन्ध) हैं और जो दूसरी चीजें हैं वह बहुत ही नातसल्लीबख्श हैं।

श्रीमती सुभद्रा जोशी (करनाल) :

बहुत असें से इस बात का जिक्र होता था कि एक डिबेलेपमेंट आयोरीटी (विकास प्राधिकारी) हो और हमारे दिलों में कुछ ऐसी सवाल हो गया था कि कोई भी तकलीफ हो हम यह समझने लग गये थे कि इस आयोरीटी के आने के बाद वह हल हो जायेगी। अगर घरों की कमी की बात है तो हम समझते थे कि इसके आने के बाद वह दूर हो जायेगी, अगर स्लम क्लीयरेंस (गंदी बस्तियां दूर करने) की बात है तो हम समझते थे कि वह इसके आने के बाद दूर हो जायेगी, अगर म्यूनिसिपल कमेटी (नगरपालिका समिति) और दूसरी म्यूनिसिपल कमेटी का आपस में कोओरिडिनेशन (समन्वय) नहीं है तो हम समझते थे कि यह हो जायेगा अगर अनप्रथोराइज्ड (अनियमित) मकान बनने की बात है तो वह खत्म हो जायेगा। इस तरह से बहुत बड़ी बड़ी उम्मीद हम को

[श्रीमती सुभद्रा जोशी]

इस अधोरिटी से थी। आज इस बिल को देखकर मुझे बहुत मायूसी हुई है क्योंकि जो दिल्ली में घरों की कमी का किस्सा है यह एक ऐसा दर्दनाक किस्सा है कि अगर उसको हकूमत न करती तो बहुत अच्छा होता। यह तो ऐसा है जैसे किसी फफोले को छू देना। दिल्ली के अन्दर मकानों की जो कमी रही है वह इतनी ज्यादा रही है कि, सभापति महोदय, आपको यह सुनकर ताजुब होगा कि १९४२ से लेकर १९४७ तक मैं और मेरे बड़े भाई अलग अलग रहे क्योंकि हमारे पास इतना बड़ा एक मकान नहीं था जिसमें कि हम दोनों इकट्ठे रह सकते।

इसके बाद अलग अलग अधोरिटीज से हमारा ताल्लुक पड़ता है। इम्प्रूवमेन्ट ट्रस्ट है, यह एक अधोरिटी है, फिर म्युनिसिपल कमिटी है और इसी तरह से दूसरी चीज है और मुझे तो ऐसा मालूम पड़ा कि किसी के पास कोई पावर (अधिकार) नहीं है और यही वजह है कि हर एक यह कहता है कि हम मुनासिब तौर पर काम नहीं कर सकते हैं। एक मिनिस्टरी (मंत्रालय) भी है जो इसके साथ डील करती है और वह है हाउसिंग मिनिस्टरी (आवास मंत्रालय)। जहां तक किराये का ताल्लुक है रेंट कंट्रोल ऐक्ट (किराया नियंत्रण अधिनियम) के मातहत, हाउसिंग मिनिस्टरी उसके साथ डील करती है। हम तो, सभापति महोदय, यह समझते थे कि कोई ऐसी अधोरिटी आयेंगी जो इन सब प्रब्लेम्ज (समस्याओं) के साथ डील करेंगी। सिर्फ जगह खाली करवाना और बिल्डिज (मकानों) को कंट्रोल कर लेना यह दिल्ली का प्रब्लेम नहीं है। ऐसा देखने में आया है कि जब कोई जगह इम्प्रूवमेंट ट्रस्ट ने खाली करवाई तो सवाल आया कि उन लोगों को जगह कहाँ दी जायें तो उनके पास पैसा नहीं था, कोई प्राविजन नहीं था और मैं मानती हूँ कि उनकी अच्छी

निमत होने के बावजूद उनके पास कोई इंतजाम नहीं कि वह इन चीजों को देख सकते। जब मकान दिये गये, तो लोगों से पांच रुपये के बजाय पच्चीस रुपये किराया लिया गया। दो साल तक वे लोग वहां रहे और फिर किराया बारह रुपये किया गया। उन्होंने कहा कि हमारे पास फाइनेंसिज (पूंजी) का इंतजाम नहीं है, पैसा नहीं है।

मैं यह कहना चाहती हूँ कि इस प्रकार की नेगेटिव एप्रोच (नकारात्मक दृष्टि) से यह काम नहीं हो सकता है। जरूरत इस बात की थी कि दिल्ली में एक ऐसी अधोरिटी (प्राधिकारी) कायम की जाती, जो मकानों की कमी, अन-अथाराइज्ड कस्ट्रक्शंस (अनियमित भवन निर्माण) और ट्रांसपोर्ट (परिवहन) वगैरह सब मसलों पर गौर करती और उन्हें हल करने के लिये कदम उठाती। आज हालत यह है कि जिस जगह स्लम्ज क्लीयर (मंदी बस्ती) दूर की जाती है और मकान खाली कराये जाते हैं, वहां के लोगों को छः सात मील से नजदीक मकान नहीं मिल सकता है। जो लोग इन स्लम्ज में पिछले सौ साल से रह रहे हैं जिन्होंने कौड़े की तरह इन गन्दी नालियों में ज़िन्दगी बिताई है, उन स्लम्ज को क्लीयर करने का सवाल आने पर उन लोगों के लिये वहां कोई जगह नहीं है। उन को दिल्ली से सात आठ मील दूर फेंक दिया जाता है और इस तरह उन को पंद्रह, बीस, पच्चीस रुपये बस पर खर्च करने पड़ते हैं। जरूरत इस बात की थी—जैसा कि कुछ माननीय सदस्यों ने ग्रैंडमैट्स (संशोधन) के द्वारा सुझाव दिया है—कि यहां पर एक अधोरिटी बनाई जाती, जिस का स्ट्रक्चर (रचना) नान-आफिशियल (गैर सरकारी) होता। मुझे यह नहीं कहना है कि हमारे आफिसर्स में काबिलियत या नेकनीयती नहीं है, लेकिन मुझे यह जरूर कहना है कि वे कुछ कर नहीं

सकते हैं। इम्प्रूवमेंट ट्रस्ट से मेरा बड़ा ताल्लुक रहता है और जो काम मैं वहां ले कर जाती हूं, वे सब हो जाते हैं, लेकिन इस के बावजूद हम को पता ही नहीं लगता कि हुकूमत पटवारी करता है, इम्प्रूवमेंट ट्रस्ट (सुधारन्यास) का चेयरमैन (सभापति) करता है या सेंट्रल गवर्नमेंट (केन्द्रीय सरकार) का सेक्रेटरी (सचिव) या मिनिस्टर (मंत्री) करता है। इस को लोकेट (तलाश) करना बड़ा मुश्किल है। आफिसर्ज (पदाधिकारी) अपने नैक्स्ट आफिसर (समीपस्थ पदाधिकारी) के खिलाफ कुछ नहीं कर सकते हैं उनके लिए ऐसा करना बहुत मुश्किल होता है। अक्सर ऐसा होता है कि जब हम छोटी छोटी बातों से डील (निगम) करते हैं, तो आफिसर हम से कहते हैं कि यह बात गलत है, लेकिन आप इस को मिनिस्ट्री (मंत्रालय) से टेक-अप (सम्पर्क) कर लीजिये या नैक्स्ट आफिसर से कह दीजिये। अपने से ऊपर के आफिसर से कोई बात मनवाना उन के लिये बहुत मुश्किल होता है। मैं जानती हूं कि हमारे बहुत से आफिसर्ज पढ़े-लिखे और काबिल हैं—हमारे बहुत से आफिसर्ज कई मिनिस्ट्रज से ज्यादा काबिल और पढ़े-लिखे हैं। त्यागी जी और आविदअली साहब कहते हैं कि वे बहुत कम पढ़े-लिखे हैं। लेकिन फ्रॉक यह कह कि पब्लिक का—जनता का अपने नुमायंदों पर भरोसा रहता है। पालिसी (नीति) के मामले पर हम उन से बहस कर सकते हैं, झगड़ा कर सकते हैं और गरीब आदमी को उन के दरवाजे पर ले जाते हैं। जो लोग अज्ञानता और गरीबी में फंसे हुये हैं, वे किस आफिसर का दरवाजा खटखटा सकते हैं? दिल्ली कांग्रेस कमेटी के लोग आफिसर्ज के दरवाजे पर चपरासी की तरह खड़े रहते थे, लेकिन हम को कोई नहीं पृच्छता था। यह तो डेमोक्रैसी (प्रजातन्त्र) का सिद्धान्त है कि जिस व्यक्ति ने पालिसी के फैसले करने हैं, वह पब्लिक का नुमायंदा हो, नान-आफिशियल (गैर सरकारी)

हो और अगर किसी दूसरे नान-आफिशियल को नहीं लेना है, तो सेंटर (केन्द्र) या दिल्ली का मिनिस्टर (मंत्री) हो। वह उस पोजीशन (स्थिति) में हो कि वह ऊपर के आफिसर्ज और गवर्नमेंट के खिलाफ फैसला कर सके और अगर जरूरत पड़े तो पोलिटिकल पार्टीज (राजनैतिक दलों) को एपरोच (पहुँच) कर सके।

सभापति महोदय, मैं यह चाहती हूँ कि अथारिटी (प्राधिकारी) के पास बहुत पावरज (अधिकार) हों। जहां तक आर्डिनेंस (अध्यादेश) का ताल्लुक है, वह ठीक था, उस के जरिये आप किसी चीज को चार या छः महीने के लिये रोक लीजिये, लेकिन जिस वक्त आप कोई कानून बना रहे हैं, उस वक्त कोई ऐसी अथारिटी बनाने का कोई लाभ नहीं है, जिसकी कोई पावरज नहीं है और जो सिर्फ रोकने के लिये है। क्या मकानों के बारे में सिर्फ यही समस्या है कि अन-अथाराइज्ड स्ट्रक्चर बनते हैं? आखिर उन को कौन बनाता है? मैंने देखा है कि कई लोग इस प्रकार अन-अथाराइज्ड मकान बना कर फायदा उठाते हैं और बड़े बड़े मकान बना लेते हैं। आज आप दिल्ली की गलियों में गरीब आदमियों की अनगिनत झोंपड़ियां देखेंगे, जो कि लगातार बनती जा रही हैं। उन लोगों के लिये रहने की कोई जगह नहीं है। छः महीने पहले दिल्ली ह्यूमन ने सेंट्रल गवर्नमेंट के पास एक आर्डिनेन्स भेजा जिसका मकसद यह था कि जिन किरायादारों को मकानों से निकाला जा रहा है, उन के एविकशन्ज (निष्कासन) रोक दिये जायें। आज दिल्ली में पचास हजार से ज्यादा आदमी कानून के खिलाफ बैठे हुये हैं, जिन को मासिक मकान किसी भी समय निकाल सकते हैं। उन की रक्षा के लिये रेंट कंट्रोल एक्ट में एक छोटी सी अमेंडमेंट (संशोधन) की जरूरत है। दो तीन दिन हुये, मैंने एक सवाल के जवाब में सुना कि गवर्नमेंट इस प्रकार कोई कानून पास नहीं करना चाहती है या कोई आर्डिनेन्स नहीं लाना चाहती है। उन में

[श्रीमती सुभदा जोशी]

से कई लोग कोर्ट के आर्डर (आदेशों) के खिलाफ़ मकानों में बैठे हुये हैं। उन के पास कोई और जगह नहीं है। वे स्क्वैटिंग (अनाधिकृत स्थान पर रहना) कर नहीं सकते हैं और मकान मिलते नहीं हैं। हम लोगों को उन आदमियों को कहना पड़ता है, जिन को उठाने के लिये कोर्ट (न्यायालय) के आर्डर (आदेश) हो चुके हैं, कि अगर तुम जेल में जाने के लिये तैयार हो, तो बैठे रहो, हम तुम्हारे लिये कुछ नहीं कर सकते हैं। आज दिल्ली में कोई भी डिपार्टमेंट ऐसा नहीं है जो कहे कि इन लोगों का प्राबलम्ब (समस्याओं) को हल करना हमारा काम है।

आज उन लोगों को मालिक-मकान निकाल सकते हैं। इम्प्रूवमेंट ट्रस्ट (सुधार-न्यास) अपनी जगह खाली करा सकता है। वे कहीं कोई स्ट्रक्चर (भवन) बना नहीं सकते हैं और वे कहीं जा भी नहीं सकते हैं। आप इन बातों का तो कोई इलाज न करें और ब्राकी चीजें कंट्रोल (नियंत्रित) कर दें, यह बात हमारी समझ में नहीं आती है। जरूरत इस बात की है कि हमारे सामने एक कम्प्रिहेंसिव प्लान (विस्तृत योजना) आये। आप ने देखा होगा कि आज से कई साल पहले—१९५१ में—बिडला कमेटी ने कहा था कि यहां पर बेशुमार मकानों की जरूरत है—अगर मिडल क्लास (उच्च मध्य वर्ग) के लिये ६० हजार, मिडिल क्लास (मध्य वर्ग) के लिये भी ६० हजार, लोअर मिडल क्लास (निम्न-मध्य वर्ग) के लिये १२० हजार, पूअर क्लास (दरिद्र वर्ग) के लिये १८० हजार और पूअर्रेस्ट क्लास (अत्यन्त दरिद्र वर्ग) के लिये भी १८० हजार मकान बनाने चाहियें। दिल्ली स्टेट गवर्नमेंट (दिल्ली राज्य सरकार) ने कहा है कि नैक्स्ट फ़ाइव इअर प्लान (आगामी पंचवर्षीय योजना) में ६० हजार मकान बनाने चाहिये। वे

मकान किन के लिये चाहियें? मेरा कहना यह है कि जब तक आप इन लोगों के रहने का इन्तजाम नहीं करते, तब तक इस प्रकार के कंट्रोल से बचाये लाभ के हानि ही होगी। मैं चाहती हूँ कि मंत्री महोदया हमारी अमेंडमेंट्स (संशोधन) पर गौर करें और एक ऐसा कम्प्रिहेंसिव बिल (विस्तृत विधेयक) लायें, जिस में इन तमाम बातों को डील किया जाये। आज स्लम को क्लीयर (गंदी बस्ती दूर) करने के बारे में हमारे सामने कोई पालिसी नहीं है। स्लम को क्लीयर करने का मतलब तो यह है कि जो लोग उन गंदी जगहों में रहते हैं, उनकी हालत सुधारी जाये और उनके लिये अच्छी रहने की जगह का इन्तजाम किया जाये। लेकिन इस बिल का तो यह मकसद नज़र आता है कि उन लोगों को अपनी आंखों से ओझल कर दिया जाये, कहीं छिपा दिया जाये, ताकि वह नज़र न आयें।

अजमेरी गेट का बहुत जिक्र हुआ है। वहां के लोग कैसे बैठे हुये हैं? मैं यहां की कांग्रेस की प्रेजिडेंट (प्रधान) हूँ, लेकिन मैं ने एक पब्लिक मीटिंग (जनता की बैठक) करके उन लोगों से कहा कि यहां से कोई भी नहीं उठेगा, हम सब जेल में जायेंगे। जब हकूमत, मिनिस्ट्री (मंत्रालय) और आफ़िसर्स (पदाधिकारी) की तवज्जह उस प्राबलम की तरफ़ दिलाई गई, तो सब ने माना कि उन लोगों को उठाना नहीं चाहिये। लेकिन अगर वे इस तरह से एक दिन हुक्म मानने से इन्कार न कर देते, तो वे कहाँ जाते? अगर हाउस (सभा) के मेम्बर (सदस्य) जा कर उन लोगों को देखें, तो वे तज्जुब करेंगे।

4 P.M.

यह निहायत जरूरी है कि इस बारे में हमारे पास एक कम्प्रिहेंसिव स्कीम (विस्तृत

योजना) हो। मैं यह कहना चाहती हूँ कि स्लम-क्लीयरेंस का मतलब यह हरगिज नहीं है कि वह जगह इम्परूब कर के दूसरों को दे दि जाये। उस का मतलब तो यह है कि जो लोग वहाँ बैठे हैं, उन्हीं के लिये उसी कास्ट (मूल्य) पर—उसी कीमत पर—मकान बनाये जायें। अगर एक—मंजिला मकान नहीं तो छः-मंजिला मकान बनाये जायें, लेकिन उन लोगों को शहर में ही रहने दिया जाये। अगर किसी के पास फंडज (निधि) या ज़मीन नहीं है, तो उस को शहर के बाहर जाना पड़ता है। मेरी शिकायत यह है कि कांस्टीच्यूशन (संविधान) के अमेंडमेंट का दिल्ली के लिये फ़ायदा उठान का कोई नक्शा हमारे सामने नहीं है। शहर के बीच में जो जमीन है उनका एक्वायर (अर्जन) करके स्लम क्लियरेंस किया जा सकता है और वहाँ के रहने वालों को दस दस मील बाहर भोजन की जरूरत नहीं है। तो मैं यह अर्ज करना चाहती हूँ कि एक कम्प्रीहेंसिव स्कीम बनायी जाये, उसमें हमारी पालिसी (नीति) हो, उसमें हमारे नान-आफिशियल्स (गैर सरकारी) हों, उसका नान-आफिशियल चेयरमैन (गैर-सरकारी सभापति) हो, और उसमें हमारे पास, हमारे डिस्पोजल पर रुपया पैसा हो। उस आथॉरिटी (प्राधिकारी) को सिर्फ निकालने का ही और कंट्रोल करने का ही अस्तित्व न हो बल्कि उसको मकान बनाने की भी आथॉरिटी हो। जो इस तरह के स्ट्रक्चर (भवन) बन रहे हैं, कहा जाता है उनको लोग लालच के कारण बना लेते हैं। हमारे यहां कायदा है कि जो नई बिल्डिंग बनायी जायेगी उस पर रेंट कंट्रोल (किराया नियंत्रण) नहीं होगा। इसका नतीजा यह हो रहा है कि लोग अपने पुराने किरायेदारों को निकाल कर मकान में थोड़ी सी तबदीली करवा लेते हैं और कहते हैं कि यह नई बिल्डिंग (भवन) है। इन सब बातों के देखकर हम लोग चाहते हैं कि कोई कम्प्रीहेंसिव स्कीम आवे और

इस तरह से पीसमील कानून (टुकड़ों में विधि) न पेश किये जायें। ये जो टुकड़े टुकड़े करके बिल पेश किये जाते हैं इनका नतीजा यह होता है कि उनमें सारी चीज नहीं होती। पहला बिल आता है उसमें कहा जाता है कि इसमें यह पावर (अधिकार) नहीं है। दूसरा आता है उसमें भी कहा जाता है कि यह पावर नहीं है। हो सकता है कि कोई तीसरा बिल भी आ जाये और उसमें भी कुछ पावर न हो। हम जानना चाहते हैं कि जो असली प्राबलम्स (समस्याएँ) हैं उनको हल करने के लिये कौन सा बिल आने वाला है। इसलिये मेरी दख्खास्त है कि आपने जो आइनेन्स (अध्यादेश) पास किया है उसको तो रखिये लेकिन इसी बीच में एक कम्प्रीहेंसिव स्कीम लाइये जिससे कि दिल्ली के प्राबलम हल हो सके। हम समझते थे कि इस बिल से हमारे जो बेसिक प्राबलम्स (मूल समस्याएँ) हैं वह हल हो जायेंगे, लेकिन इसमें ऐसी कोई चीज नजर नहीं आती। इसमें तो सिर्फ एक रोक देने की पावर है। इसमें यह भी दिया गया है कि प्लान किया जाये, लेकिन यह नहीं दिया गया कि अगर कोई कोलोनाइजर (बस्ती बसाने वाला) ठीक काम नहीं करेगा तो उसको कोई ठीक करेगा या नहीं और अगर कोई ठीक नहीं करेगा तो क्या जो लोग वहाँ बैठे हैं उनको वहाँ मकान बनाने की इजाजत मिलेगी या नहीं। ये तमाम चीजें इस बिल में होनी चाहिये।

एश्योरेसेज (आश्वासनों) के लिये मुझको यह कहना है कि एश्योरेसेज ठीक हैं और उनकी कीमत है। लेकिन जो बिल लाया गया है, यह जरूरी है कि उसमें वे चीजें हों जिन के बारे में कि एश्योरेसेज दिये गये हैं। एक चीज को बार बार कहना और उसके लिए बार बार एश्योरेसेज देने के क्या मानी हैं? एश्योरेसेज तो उस बात के लिये दिया जाना चाहिये जो कि

[श्रीमती सुभद्रा जोशी]

पालिसी मीटर (नीति का विषय) हो और वक्त की कमी की वजह से बिल में न लाया जा सका हो, या कोई बात अवानक पैदा हो जाये और बिल में न लायी जा सके, उसके लिये एम्प्लोरेंस दिया जा सकता है। लेकिन जो चीज बार बार सामने आती है उसको तो कानून में लाना ही चाहिये। इस कानून में हमारी पालिसी होनी चाहिये, इसमें पैसे का इन्तिजाम होना चाहिये। इसमें मकानों के किराये का इन्तिजाम होना चाहिये, इस बात का इन्तिजाम होना चाहिये कि जिन लोगों को हटाया जाये उनको कितनी दूर ले जाया जाये, उनके लिये ट्रांसपोर्ट (परिवहन) का इन्तिजाम होना चाहिये। इसमें यह होना चाहिये कि कितने लोगों को उन जगहों पर बसाया जायेगा जिनको स्लम क्लियरेंस करते वक्त हटाया गया है। तो ये तमाम चीजें इस बिल में पहले से होनी चाहिये थीं। हम इस तरह का बुडन स्ट्रक्चर (लकड़ी के भवन) नहीं चाहते।

सभापति महोदय, आप से मैं एक मामला बयान करना चाहती हूँ कि जिसको सुनकर आप हैरान होंगे। मुझे तो इतने साल यहां आये हो गये, पर मैं किसी मुहकमे के बारे में नहीं बोलती और कभी कुछ नहीं कहती। लेकिन आप सुन कर हैरान होंगे कि यह इस तरह का दांचा है जो कि कुछ अच्छा काम नहीं कर सकता। हमारे यहां इम्प्रूवमेंट ट्रस्ट की जमीन पर कुछ मजदूर रहते थे। उनसे ठेकेदार उस जमीन का १५ रुपया महीना किराया लेता था। वह मामला आठ साल तक चला और उसके बाद यह फैसला हुआ कि उस जमीन का किराया पांच आना महीना होगा। यह सिर्फ छोटा सा मवाल था। एक ठेकेदार इम्प्रूवमेंट ट्रस्ट को तीन आना महीना देकर उन लोगों से उसी जमीन का १५ रुपया महीना किराया लेता था।

मवाल सिर्फ यह था कि वे मजदूर ट्रस्ट के सीधे किरायेदार बना दिये जायें। तो मेरे कहने का मतलब यह है कि इस स्ट्रक्चर में ऐसे छोटे छोटे मामलों को हल करने में इतना इतना समय लग जाता है। हम आशा करते थे कि कोई ऐसी आथारिटी (प्राधिकारी) होगी जिससे हमारी सब तकलीफें दूर हो जायेंगी लेकिन उसके वजाये यह बिल लाया गया है। स्वराज्य मिलने से पहले हम सोचते थे कि जब हम आजाद होंगे तो हमारे सारे कष्ट दूर हो जायेंगे। स्वराज्य के पहले अगर पढ़ाई नहीं होती थी तो हम ग्रंथों की शिकायत करते थे, अगर बीमारी होती थी तो ग्रंथों की शिकायत करते थे, अगर गरीबी थी तो उसके लिये ग्रंथों की शिकायत करते थे, और सोचते थे कि आजाद होने पर हमारी सब तकलीफें दूर हो जायेंगी। इसी तरह से हम सोचते थे कि जब यह आथारिटी बनेगी तो हमारे सारे प्राबलम हल हो जायेंगे। पर, मैं समझती हूँ कि इस तरह की आथारिटी में जो कि बनायी जा रही है यह मामले हल नहीं होंगे, बल्कि जो इसको कंट्रोल के अस्तित्वोत्पन्न दिये जा रहे हैं इनसे तो उन मामलों का हल और भी दूर हो जायेगा। मैं आडिनेन्स के खिलाफ नहीं हूँ, लेकिन उसके बाद यह नहीं होना चाहिये कि इस तरह का बिल लाया जाये, बल्कि ऐसा बिल लाना चाहिये जिसमें इन सब चीजों का हल करने का इन्तिजाम हो और हम दिल्ली वालों को उम्मीद दिला सकें और उनसे कह सकें कि अब दिल्ली का भाग्य खुलने वाला है। पर इस बिल से तो मुझे सख्त मायूसी हुई है और मुझे इस बिल को देख कर अफसोस होता है।

Shrimati Ila Palchoudhury (Nabad-wip): It is a very laudable effort that this Bill has been brought because we all feel that an actual comprehensive committee is needed. Everyone knows that in all towns, speaking for Delhi or Calcutta, what the municipa-

lities, corporations, improvement trusts etc., are up to. They have never really been the godfathers or the fairy godmothers of any town. So, when we see that a Bill like this is being brought to create a central authority which will control all these bodies, it is a very good thing. But I am surprised to see that this central authority seems to consist of the cream of all these institutions. There is the Ministry of Health, of course. That is welcome. There is the Delhi State Government. That is also I suppose quite all right. But there is the Delhi Municipal Committee's President; then there is the Chairman of the Improvement Trust—all these societies have not had a very good name for themselves. Everybody knows of the harassment that the public has had through many of these societies. I, for instance, know myself that in Calcutta the corruption and bribery that goes on in many of these societies is really reprehensible. Yet this committee contains no lawyer who can look into these malpractices. Unless you have some lawyer who is able to detect these things, how can a body like this work?

In Calcutta, I can give the example of a case in which the person has not been able to get a plan sanctioned at all for over a year, because refuses to pay a bribe, and hence the sanction has been held up. As my hon. friend Shri Gandhi said the other day there are some types of criminals who are "sporting criminals" who leave something behind them with which to catch them, but the people who take bribes and indulge in corruption are like thin air. They leave nothing behind. You cannot catch them. They also have very clever lawyers to defend them.

There is a news item in today's paper that a corruption case has failed. Now, a corruption case fails because the lawyer has been able to get the man out of it. But, may be he was not guilty. I do not know.

Pandit Thakur Das Bhargava: The case may be false.

Shrimati Ila Palchoudhury: It may be false, but still I mean we know what lawyers can do.

Sardar Hukam Singh: If the guilty escapes, hang the lawyer.

Shrimati Ila Palchoudhury: Lawyers can do anything. It is without prejudice, because where would we be without lawyers!

In connection with slum clearance. I would like to mention three or four points. One is that assurances given to the refugees in the discussion of the Delhi Premises Eviction (Amendment) Bill of 1950 should be fully fulfilled. Secondly, the occupants of any building that is demolished should be given alternative accommodation. That is a thing that we must consider with all earnestness, because when you drive people out of premises, you must give them some place to stay. I have seen these evictions happen in towns myself, and the horrible plight of people when they are just told that they have to get out because it has been acquired by Government, and it is going to be improved. But improved for whom?—not for the poor people who were living there in utter misery. They are going to be thrown into still greater misery.

Thirdly, the developed areas that are improved into townships and colonies, the land there should be sold at reasonable rates. Also, when slums are cleared, first the buildings should be made to accommodate the people who had been cleared and the tenements should be made available for the people who were occupying the area, so that the real basis of slum clearance is served, because then you use the buildings for those for whom you cleared the place. We want not only gardens and developed premises round a town, but we want the people really to benefit.

Another point I want to bring to the notice of the hon. Minister is this. In clause 5 it is said that the Authority has the power to issue a notification in respect of "the architectural features of the elevation or fontage of any building to be erected on any site". But funnily enough there is no

[Shrimati Ila Palchoudhury]

architect in that body, who is going to look to the architectural features. Secondly, as a woman, I hope, the hon. Minister will consider the question of extending the period of notice under clause 8. We find in clause 8 that the notice given for entry into any premises is not less than twenty-four hours. Even twenty-four hours' notice may mean a great deal of hardship. There may be an ill person, or there may be a new-born baby in the house. Therefore, I would submit that this clause should be modified so that the minimum period of twenty-four hours is considerably extended.

In this connection, I would like to bring to the notice of the House the position in Sweden, where they have a mixed economy like ours, and where a certain amount of private enterprise is allowed, and Government enterprise also works along with it. Private enterprise is not bad, but surely there should be some control over the landlords who build houses for rent; the rent control should be enforced rigidly, because rent is a racket in India; and only the low income groups and the middle class families know what an amount of time they have to spend sometimes in getting a house, and what amounts are extracted from them.

May I cite the instance of Sweden, which may also be possible in India, if only the hon. Minister would approve of it? In Sweden, a certain amount of Government subsidy is paid to each family when it is housed. A family with three children gets a reduction of 30 per cent., a family with four children gets a reduction of 40 per cent., a family with five children gets a reduction of 50 per cent., and a family of six, seven and eight children gets a reduction of 60 per cent., 70 per cent and so on. Till the Hon. Minister's family planning scheme goes into full swing, I think Government could subsidise the families in India on those lines, when they build the tenements and allot them to these

people, for families of six, seven and eight children do exist in India.

[SARDAR HUKAM SINGH in the Chair]

Therefore, some such subsidies should be given when they are accommodated.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareli Distt.—East): The hon. Member to your right has got ten children.

Shrimati Ila Palchoudhury: Then, he should get cent per cent reduction.

I welcome this Bill as it is the first step towards cleaning up our slums in cities. At the same time, I earnestly hope that Delhi, the capital of India will be beautified, will be made better and will be made more healthy, but not at the expense of some of the poorer people for Delhi and India, belong to them also!

Shri Raghavachari: I am not a resident of Delhi....

An Hon. Member: Yet, you are in sympathy with us.

Shri Raghavachari....except for the last few years. I find that this Bill is nothing peculiar to Delhi. It is simply a municipal legislation, with which most of us in the south are familiar, for we have in our parts the Town Planning Act which extends to all municipalities, and which contains many of the provisions which are to be found in this Bill. We have seen the Town Planning Act and the municipal administration with all these powers in action.

What we find is that invariably a number of subordinates come in, people who can deal with plans, permits, permissions, constructions and so on. When there are half a dozen departments like this, invariably it happens that every stage is a block, and the papers do not move up. In view of this kind of experience, we have provided in our Acts that if the licence that is asked for is not given within a particular time-limit, then the li-

cence is supposed to have been granted, and the man can go on with the construction. But in this Bill there is no such provision at all. I, therefore, feel that it will take an unduly long time to go through the different stages, and the powers sought to be taken under this Bill will simply block all progress. That is what is bound to happen. I would not like to repeat what my other hon. friends have stated, about such matters as palms and greasing and so on. All these things are bound to occur in matters of this kind.

There is one thing that this Bill aims at accomplishing and that is this. We have been seeing almost everywhere, in Delhi all kinds of housing colonies rising up. In the buses, in the platforms and in the newspapers, we are seeing advertisements almost every day, such as 'selling on attractive terms' and things like that. Surely to that extent, there is need for a controlling body, and that is quite welcome.

But the point is that you would make Delhi a beautiful place; by trying to prevent further nuisance, possibly you can achieve something. But is there any power in this Bill under which you can undo the dirt, the nuisance, the slums which are to be found at present? I have not found any such power at all in this Bill. Of course, if that were there, then surely the volume of opposition would have been much more. Nevertheless, I am concerned here with the provisions of this Bill; I have examined them carefully, but I do not find anywhere any right to pull down or demolish any slum or any irregular structures. These things are an eye-sore; these are the plague spots in Delhi, and therefore, they ought not to be allowed to exist or continue. But I find that there is no power given to do away with them. If there was provision for that power here, then the same general difficulties that we have been hearing would have been pointed out, and the volume of opposition also would have been greater, as I already observed.

I was surprised to find one particular provision in clause 19. Sub-clause (1) of that clause reads:

"The Authority, with the previous approval of the Central Government, may, by notification in the Official Gazette, make regulations to carry out the purposes of this Act."

So, for all the purposes of this Act, the Authority has been given the power to make the rules. But a further proviso has been added that:

"...the Central Government may make the first regulations under this section."

So far, it is all right, for one is expected to hope that the Central Government would make decent or sensible rules. But we find that this precaution is nullified completely by the latter portion of the proviso namely:

"...and any regulation so made may be altered or rescinded by the Authority in exercise of the powers conferred by this section."

If the Authority can alter the rules, then why should the Central Government take upon themselves the botheration of making the first rules at all? I am really unable to understand why this further proviso has been put in namely that the Authority can alter or rescind the rules made by the Central Government. Surely, if they feel called upon to make any change, then they must do with the permission of Government. Otherwise, what will happen is that whatever you may do today will be nullified by them tomorrow.

The Minister of Legal Affairs (Shri Pataskar): Which clause does the hon. Member refer to?

Shri Raghavachari: I am referring to clause 19. The complaint that is being made by our friends who have very personal and intimate knowledge of the affairs in Delhi is that all these departments are now joined and put into one Authority. Each Member has his own catalogue of

[Shri Raghavachari]

complaints about each one of them. But we find that all of them have been combined here. We have read in our books:

एकैकमप्यनर्थाच्च कम् यत्र चतुष्टयं

If each by itself is enough to bring about *anartha* or damage and delusion, you can understand what the consequences will be if all the four join together. Each one of the authorities has a series of complaints against it. Now, all of them are going to be combined into one.

Mr. Chairman: Would they not neutralise each other?

Shri N. Sreekantan Nair (Quilon *cum* Mavelikkara): Provided they are conflicting.

Shri Raghavachari: When good and bad come together, there is some hope of neutralisation. But when bad persons join together, things become worse generally. Of course, I am not saying that things would happen in that way, but my fear is that when people with intimate knowledge complain against each one of these departments, things may become worse if they are joined together.

That is why I specifically referred to clause 19 under which you are giving power to the Authority to set at nought all the rules that you make. Today you may make some rules; tomorrow morning, the Authority rescinds them. The third day, the Government have no power. That is one thing which strikes me as I read this Bill. Some friends referred to many of the assurances given—what it would do. But this Bill as you yourself submitted when you had an opportunity to speak, is a restricted affair. No doubt, the exploitation by certain interests which are making plenty of money by selling away in this colony and that colony will to a certain extent be controlled. That is something. But there are very many other things. I would make one suggestion. The whole of Delhi—there is no provision here to that effect—the whole of Greater Delhi must be

notified and there must be certain plans drawn up, detailing which road will go which way and so on. There must be a picture. If a road abuts a particular place, the owners of that place may be called upon, under the rules, to submit their proposals. Then you will approve those proposals. In fact, in town planning committees and municipalities, we do that. Any private land, even agricultural land—in the vicinity are brought in. There will be a bigger plan, saying this road will continue in this way and so on. Otherwise, what happens is this. When we went to Kashmere Gate, we found slums. Such a state of affairs will arise here also.

I also saw in this Bill certain inappropriate use of words in clause 5—site, land, plots and so on. Any number of buildings may be built. They are only concerned with the artistic appearance from outside. How it looks inside, what he builds inside—on that there is absolutely nothing said here. A man may build rooms of 4' by 3'.

Pandit Thakur Das Bhargava: This shall not apply to any internal construction.

Shri Raghavachari: Exactly. That is what I have been stressing. The man might build rooms of 4' by 3' size. Poor people, who have no accommodation, go in and stay there. We know under the Municipality laws, only one residential house is allowed to be built; that is at the time of obtaining permission. After that, every room is made into a residential house. Have you got any power to prevent it? No. You have no control on anything he does inside the building by way of construction. In this way all kinds of small rooms, partitions and slums can be found in each building. No provision to control it is to be found here. Human nature being what it is, when there is no accommodation, when there is no place, it is overcome in this way. The best thing would be to see that a large extent of land is acquired, plots are laid out and they are sold

cheaply. There should be improved communications. Merely passing laws like this will only prevent the progress of house-building activity in Delhi. I am sure many of those people who are now adventurously building will be stopped by the provisions of this Bill, and no more progress will be made, and crowding and overcrowding will continue and people will be in a worse position than they are today. Therefore, the real solution to the problem lies in the Government acquiring the land, making more provision for colonies available cheaply. You must have an overall plan for the whole of Delhi and then you can try some beautification of these towns, rather than simply feeling satisfied that you have some legislation.

Last year we passed the Food Adulteration Act. Are there any prosecutions? Has adulteration stopped? It is going on as merrily as before. The Municipalities and the States have the power. But nothing has happened. We can say, 'Well, we have passed the Food Adulteration Act and India has got this and that'. But adulteration goes on. Similarly, this law will be passed and congestion will still go on, accumulation and crowding and slums will go on. I wish, therefore, that the Government give more attention to an overall picture and then make a plan and make provision for plots for poor people. Otherwise, the present state of affairs will continue.

Mr. Chairman: Sardar Iqbal Singh. I would request the hon. Member to shorten his speech as much as may be possible, because I am informed that the hon. Minister would like to have an hour.

सरदार इकबाल सिंह (फाजिल्का सिरसा) : सब से पहले मैं यह समझता हूँ कि यह अधारिटी (प्राधिकारी) बनाना तो बहुत ठीक है, लेकिन जिस ढंग से यह बनाई जा रही है उस के बारे में मैं कहना चाहता हूँ कि अगर हम उस को अपने पुराने तबूब के मुताबिक

देखें तो हर एक आदमी के दिल में एक निराशा सी आयेगी। इस अधारिटी के बनने के बाद भी दिल्ली के मकानों का और दिल्ली के लोगों का मसला हल नहीं हो सकता। जिस तरह से इम्प्रूवमेन्ट ट्रस्ट (मुधारन्यास) ने दिल्ली में, खास तौर से रिफ्यूजी कालोनीज (शरणार्थी बस्तियों) और उनमें रहने वालों के साथ, ज्यादाती की है, जिस तरह से रिफ्यूजीज के साथ चाहे सरकार कहिये, चाहे सेन्ट्रल पी० डेप्यु० डी० (केन्द्रीय लोक निर्माण विभाग) कहिये, चाहे दिल्ली म्यूनिसिपल कमिटी (नगरपालिका समिति) कहिये, चाहे इम्प्रूवमेन्ट ट्रस्ट कहिये, इन्होंने बर्ताव किया है, उन के मकान गिराये हैं जिन को उन्होंने बड़ी मेहनत से बनाया था, उस की एक लम्बी कहानी है जिस को कि हमारे बज्रुंग ठाकुर दास जी भागवत ने बताया है। उन की बात को सुनने के बाद हम को यह आशा नहीं होती कि जिस ढंग की अधारिटी बनने जा रही है उस से कोई हमारा मसला हल हो सकेगा। पिछले आठ सालों में मकानों के गिराने में भले ही तरक्की हुई हो, बनाने में कोई खास तरक्की नहीं हुई है। यह कहना कि मकान बनाने में तरक्की हुई है हमारी समझ में नहीं आता है। आज अजमेरी गेट एक्स्टेंशन तो बन सकता है, लेकिन गरीब आदमियों के लिये और छोटे आदमियों के लिये, जिन की आमदनी ५० या १०० रु० महीने के दरम्यान थी, या इससे कम थी, कितने मकान बनाये गये? क्या उन के लिये कोई मकान दिये जा सके? मैं समझता हूँ कि भले ही पहले कुछ कामयाबी हुई हो, लेकिन जो अधारिटी आप बनाने जा रहे हैं उस का कान्स्ट्रक्शन (निर्माण) इस किस्म का है जिस में जनता को कोई आवाज नहीं है। अगर हम में आप पब्लिक के नुमाइन्दे लेते तो भी मैं मान सकता था कि कुछ न कुछ तो वह आपको सुनायेगे कि हमारे साथ यह ज्यादातियां हो रही हैं। लेकिन आप ने इस अधारिटी के बनाने में भी सरकारी अफसरों को, दिल्ली म्यूनिसिपल कमिटी के प्रेजिडेंट, या दिल्ली सरकार के दो नुमाइन्दों को ही लिया है।

[सरदार इकबाल सिंह]

लेकिन मैं आप से पूछना चाहता हूँ कि जो रिफ्यूजी कालोनीज (शरणार्थी बस्तियाँ) हैं, जिन के लिये पालियामेंट में श्रीर पालियामेंट के बाहर भी आवाज उठाई जाती है कि उन को लोकल अथारिटीज (स्थानीय प्राधिकार) मिलनी चाहिये, खास तौर से दिल्ली की कालोनीज के लिये, उन के लिये आप क्या कर रहे हैं ? जिन के मकान आप बना रहे हैं हो सकता है उन कालोनीज के कुछ नुमाइन्दे आप के साथ शामिल हो जायें, लेकिन जिन के मकान आप गिरा रहे हैं, दूसरों के लिये मकान बनाने के वास्ते आप जिन गरीबों के मकानों को ढा रहे हैं, उन की आवाज बुलन्द करने वाला आप की अथारिटी में कौन होगा ? मैं समझता हूँ कि जब तक हम रिफ्यूजी कालोनीज का कोई आदमी या कोई नुमाइन्दा नहीं लेंगे तब तक आप असली मंजिल पर पहुँच सकेंगे इस में शक है।

इस के साथ ही मैं एक बात और कहना चाहता हूँ। दिल्ली में काफी मकान बनाये गये। उस के बाद कुछ आदमियों ने चाहा कि स्लम्स क्लियरेंस (गंदी बस्ती दूर) हो, और अब तक इसके बारे में कोशिश हो रही है। लेकिन स्लम्स क्लियरेंस के लिये जब तक कोई मास्टर प्लैन (बड़ी योजना) नहीं बनती चाहे सरकार बनाये चाहे इम्प्रूवमेंट ट्रस्ट बनाये, जिस को कि एक कंफ्रिहेन्सिव प्लैन (विस्तृत योजना) कहा जा सके, जिस के मुताबिक यह कहा जा सके कि इस के मुताबिक दिल्ली १५, २० या ३० साल तक बढ़ सकती है, तब तक हमारा काम नहीं चल सकता है। आज जो अथारिटी (प्राधिकारी) बने हैं वह इन्डेपेंडेन्ट (स्वतन्त्र) हों, किसी के भी मातहत नहीं हो, जिस के रास्ते में कोई रुकावट न पड़े हो। अगर उस को सरकार भी बनाये तो उस में ऐसे आदमियों को रखें जो कि यह कह सकें कि हम को इस तरह 'पर डेवलपमेंट (विकास) करना है। आप चाहें उस को पालियामेंट के अन्दर बनायें या उस के बाहर

जा कर बनायें, लेकिन उस के बनने के बाद ही हमारा काम चल सकता है और कोई मास्टर प्लैन बन सकता है। लेकिन इस बिल में जो अथारिटी है वह मास्टर प्लैन नहीं बना सकती। इस लिये मैं यह तो समझता हूँ कि अथारिटी (प्राधिकारी) होनी चाहिये, लेकिन अगर आप ऐसी अथारिटी बनाते हैं जिस के लिये आप खुद समझते हैं कि वह एफेक्टिव (प्रभावी) तरीके से काम नहीं कर सकेगी, तो आप का मकसद हल नहीं हो सकता।

इस के बाद मैं यह अर्ज करना चाहता हूँ कि जो रिफ्यूजी कालोनीज (शरणार्थी बस्तियाँ) बनी हैं उन पर जो डिवेलपमेंट (विकास) के खर्च की बात है उसका कोई हिसाब ही नहीं है। आपने ५,०००, १०,०००, १३,०००, १५,००० वगैरह के मकान बनाये और जो डिवेलपमेंट (विकास) का खर्चा है उसके बारे में मैं चाहता हूँ कि जब यह अथारिटी बने वे लोग आपस में बैठकर अपने साथियों से यह तय करें कि क्या कुछ लेना है और आगे से भी प्लान को उसी के मुताबिक एकसीक्यूट (कार्यान्वित) करें।

मैं एक बात और कहना चाहता हूँ और वह यह है कि आप ने जर्मनी की बात कही है। मैं मानता हूँ कि एक आदमी जिस ने लाखों रुपये खर्च किये हैं और मकान बनाये हैं उस पर अगर आप १०,००० जर्माना करते हैं तो कोई हर्ज की बात नहीं है। लेकिन एक आदमी जिसने २,००० रुपये लगाकर मकान बनाया हो उस पर अगर आप १०,००० जर्माना कर दे तो वह कैसे उस जर्माने को अदा कर सकेगा। वह आदमी तो बरबाद हो जायेगा और मुझे पता नहीं कि वह इतना भारी जर्माना किस तरह अदा कर सकेगा। इस वास्ते जर्माना करते वक्त आपको चाहिये कि आप उसके घर की तरफ भी देख लें।

जो नई कालोनीज बनीं और उनमें जिन लोगों ने मकान खरीदे उनमें आज तक जिन

एमेनिटीज (सुविधाओं) को मुहैया करने का वायदा किया गया था, मुहैया नहीं की गई है। उनमें लाइट का इंतजाम नहीं है और दूसरी चीजें नहीं हैं। अगर एक तरफ इम्प्रूवमेंट ट्रस्ट का स्कैंडल (गोलमाल) है तो दूसरी तरफ एक और भी स्कैंडल है जो प्राइवेट (गैर सरकारी) तरीके से कालोनीज बनने के कारण सामने आया है। यह नये नये नगर जिन के बारे में अखबारों में इश्तहारात छपते हैं यह मेरे खयाल में दूसरा स्कैंडल है। मैं समझता हूँ कि तब तक कोई कालोनीज नहीं बननी चाहिये जब तक कि वह स्टैंडर्ड के मुताबिक न हों और जितनी भी एमेनिटीज (सुविधाएँ) हैं वह उनमें मुहैया न कर दी जायें। जो खरीदने वाले हैं वह तो अखबारों में जो कुछ भी छपता है उसकी बिना पर इन कालोनीज में जगह खरीद लेते हैं लेकिन उसके बाद जब वह मकान बना लेते हैं तो सारी उन्न उनको पछताना पड़ता है। उन कालोनीज में कोई रहता नहीं है और जब वे लोग अपने मकान या अपनी जमीन बेचना चाहते हैं तो वे बेच नहीं सकते हैं। पैसे तो उनसे ले लिये जाते हैं लेकिन कोई एमेनिटीज मुहैया नहीं की जाती है। इस वास्ते अगर आप ज़ुमाना रखते हैं तो बड़े बड़े आदमियों के लिए जो कि लाखों रुपया खर्च कर के कालोनीज बनाते हैं उनके के लिये ज्यादा से ज्यादा रखिये लेकिन जो छोटे आदमी हैं उनके लिए इतना ही रखिये जो कि वाजिब हो और जो वे लोग आद कर सकें। यह ज़ुमाना उतना ही होना चाहिए जिससे कि दिल्ली में मकानों की कमी को दूर करने के लिये जो मकान बन रहे हैं उनके बनने में कोई हिंडरेंस (अड़चन) न पड़े।

जहां तक इस अधारिटी को बनाने का ताल्लुक है मैं चाहता हूँ कि इसको इस ढंग से बनाया जाये जिससे कि लोगों को उस पर कांफिडेंस (विश्वास) हो और दिल्ली में ज्यादा मकान भी बन सकें।

Mr. Chairman: Shri Dhulekar is the only hon. Member who now wants to speak.

Shri Dhulekar (Jhansi Distt.—South): I will take 3 minutes.

Shri D. C. Sharma (Hoshiarpur): Shrimati Uma Nehru wants to speak, Sir.

Mr. Chairman: I have been looking towards this side and wanted to see if the hon. lady Member has a desire but she did not stand. I looked towards her thrice. How can the Chair know whether the hon. Member in spite of her having sent a chit wants to speak or not. I know the name is here. How can the Chair know that the desire is still there or she has given up that idea?

Shrimati Uma Nehru (Sitapur Distt.—cum-Kheri Distt.—West): Excuse me, if the desire had not been there, I would not have written to you.

Mr. Chairman: Mr Dhulekar will take three minutes, he says.

Shri Dhulekar: I have with great attention heard the observations of the hon. Members. I would submit that this Bill is certainly a fit Bill to be sent to a Select Committee, though not for a long time, for an hour at least so that the Select Committee can sit and improve upon the Bill.

Mr. Chairman: The hon. Member must remember now there is no such motion.

Shri Dhulekar: So, I am placing this suggestion in order that I may press a further suggestion which will meet the wishes of the Members who have already made observations. I would submit that all the hon. Members have pointed to the composition of the Authority and have almost unanimously objected that all the members of this body are officials. I would suggest to the hon. Minister that it is not too late and she can move an amendment that 4 non-official members or representatives may be added to the Authority or that they may be nominated by the Central Government taking into consideration the observations made by the hon. Members who have objected to this Authority.

[Shri Dhulekar]

Some Members have said that there are no lawyers; others have said that there are no citizens and still others have said that there are no architects. I would add that there is no doctor in this

An Hon. Member: An Ayurvedic doctor.

Shri Dhulekar: There is no question of ayurvedic or any other. The Health Ministry is represented and I believe it is with regard not to the health aspect but to the financial aspect of the development that is going to be made in Delhi. Therefore, I would say that if 4 members are added to this Authority representing the views of the hon. Members who have submitted suggestions for the enlargement of this body, I would submit the object of taking it to a select Committee would be served.

Mr. Chairman: I hope the hon. lady Member would also be able to finish in five minutes.

श्रीमती उमा नेहरू : कल से इस वक्त तक इस हाउस में बराबर व्याख्यान हो रहे हैं और मैंने उनको बड़े गौर से सुना है। यहां भाषण जोशीले भी हुए हैं, कानून से भरे हुए भी हुए हैं और इनमें तरह तरह की बातें कही गई हैं। इन सब तकरीरों के सुनने के बाद मैंने यह सोचा कि आखिर हम म्यूनिसिपल कमिटी (नगरपालिका समिति) का जिक्र कर रहे हैं, इम्प्रूवमेंट ट्रस्ट (सुधार न्यास) की बात कर रहे हैं और जो दूसरे महकमे हैं उनकी चर्चा कर रहे हैं तो क्या कारण है कि यह जो सारी चीज है यह क्यों नहीं ठीक तरीके से चल रही है। इसको सोचने के बाद मेरे सामने एक बात आई और वह यह कि यह सब चीजें इस बीस्ते हो रही हैं क्योंकि हमारे सामने कोई सोशललिस्टिक पैटर्न आफ प्लान (योजना का समाजवादी स्वरूप) नहीं है। अगर हम न कोई ऐसा प्लान (योजना) तैयार किया होता

जो कि सोशललिस्टिक पैटर्न (समाजवादी पद्धति) पर आधारित होता, यानी केवल नाम मात्र के लिए नहीं बल्कि असलियत में वह सोशललिस्टिक होता और प्लान बनाने के बाद अगर हमने अपने पालियामेंट के मੈम्बरों (संसद सदस्यों) को भी कॉन्फिडेंस (विश्वास) में ले लिया होता तो मैं समझती हूँ एक निहायत सुन्दर और खूबसूरत प्लान हमारा होता। इस के साथ ही साथ मैं समझती हूँ कि जितना खूबसूरत यह प्लान होता उतनी ही यहां दिल्ली की इमारतें भी खूबसूरत होतीं और उनी तरह से इन इमारतों को प्लान किया जाता। मुझे यह कहना है कि हमारी मिनिस्टर साहिबा को काफी तजुर्बा है और वह चीन भी जा आई हैं, रूस भी हो आई हैं और विलायत में भी काफी घूमी हैं। लेकिन मैं यह कहना चाहती हूँ कि जिस वक्त कांग्रेस की सरकार ने हुकूमत सम्भाली उस वक्त उसने एलान किया कि सोशललिस्टिक पैटर्न आफ सोसाइटी (समाज की समाजवादी व्यवस्था) कैसा होना चाहिए। इस में तीन चिजें होती हैं जों जिन्दगी को जरूरियात को पूरी करती हैं और वह तीन चीजें हैं हाउसिंग (आवास), फूड (खाद्यान्न) और क्लोदिंग (बस्त्र)। अगर सरकार इन तीन चीजों को पूरा नहीं कर सकती है तो फिर जो गड़बड़ें हम देख रहे हैं कि इम्प्रूवमेंट ट्रस्ट यह कर रहा है, म्यूनिसिपैलिटी (नगरपालिका) यह कर रही है यह होती रहती हैं। यह चीजें जब सामने आती हैं तो कहना पड़ता है कि काम ठीक तरह से नहीं हो रहा है और तरह तरह की तोहमतें लगाई जाती हैं। अगर काम ठीक नहीं हो रहा था तो हमारा यह फर्ज था कि हम उनको बन्द कर देते। लेकिन हम अभी तक तो बैठे रहे और आज आखरी वक्त पर जब यह बिल हमारे सामने आया है हम नारों नरफ में लुन रहे हैं कि जितने भी महकमे हैं यह निक्ममे हो रहे हैं और इन्हीं में ठीक तरह से काम नहीं किया है, यह ठीक नहीं है। मैं चाहती

हैं कि जब मिनिस्टर साहिबा जवाब दें तो मुझे यह बतायें कि इम्प्रूवमेंट ट्रस्ट जो है इसके माने क्या है। आखिर इम्प्रूवमेंट ट्रस्ट का काम क्या है? क्या उसका काम जमीनों बेच कर सरकार के लिये ज्यादा से ज्यादा रुपया लाना ही है या और भी कुछ काम है?

पंडित ठाकुर दास भार्गव : मकान गिराने का काम है।

श्रीमती उमा नेहरू : मिनिस्टर साहिबा हम को यह बात अच्छी तरह समझायें। मेरे भाइयों ने यहां पर इम्प्रूवमेंट ट्रस्ट के बारे में जो बातें कही हैं, अगर वास्तव में वे बातें हुई हैं, तो वे बहुत दुखदाई और तकलीफदेह हैं। मेरी समझ में नहीं आता है कि जब इतनी तकलीफदेह बातें हुई और जनता को इतना नुकसान पहुंचा तो मिनिस्टर साहिबा ने क्यों नहीं इम्प्रूवमेंट ट्रस्ट को बन्द कर दिया? याद रहे कि इम्प्रूवमेंट ट्रस्ट म्यूनिसिपल कमिटी और दूसरी इस प्रकार की संस्थाएँ मासिस के सामने बहुत ही छोटी छोटी चीजें हैं। मासिस का सवाल ले कर ही हम लोग यहां पर आये हुये हैं और उसको हमें पूर्ण करना है। मिनिस्टर साहिबा भी हम में से ही हैं यानी वह भी कांग्रेस की नुमायंदा हैं, इस लिये मुझे पूरा विश्वास है कि वह इस तरफ पूरा ध्यान देंगी। कल ही किसी ने कहा था कि यह बिल पंद्रह मिनट में ही ख-म हो जायगा, लेकिन इस बिल को देख कर हम महसूस करते हैं कि इसके लिये पंद्रह मिनट कम समय है—इस के लिये ज्यादा समय मिलना चाहिये।

इस सम्बन्ध में मेरे दो तीन मुझाव हैं। मुझे पूरा विश्वास है कि चेयरमैन कोई नान-आफिशियल (गैर सरकारी) ही होगा। आफिशियल चेयरमैन (सरकारी सम्पत्ति) नहीं होना चाहिये। मैं मिनिस्टर साहिबा से कहूंगी कि मेहरबानी कर-

के वह इस के मुतालिक एक प्लान (योजना) बना कर जल्दी से जल्दी—जून तक—हमारे सामने ले आयें, क्योंकि इस में और देर करना नुकसानदेह है। मैं यह भी कहना चाहती हूँ कि ज्यादा अच्छा होता कि जो भी कानून, रूलज (नियम) कायदे मिनिस्टर साहिबा बनाना चाहती हैं, वे इस पार्लियामेंट के सामने आते। मुझे अपनी मिनिस्टर साहिबा पर पूरा विश्वास है कि वह सोशलिस्टिक पैटर्न आफ सोसाइटी (समाज की समाजवादी व्यवस्था) का आदर्श सामने रख कर गरीबों को हर तरह की सहायित मुहैया करने की कोशिश करेंगी। यहां के लोगों के जीवन का इतिहास बहुत बुरा है—वह कहानी बहुत बड़ी व तकलीफदेह है। जब भी मैं दिल्ली की बड़ी बड़ी कोठियों और कम्पाउंडज को देखती हूँ तो मेरा दिल दहल उठता है। शुरू शुरू में मैं ने गरीब रिफ्यूजियों को चीपड़े लिपटी झोपड़ियों में रहते देखा था। उस वक्त मैं सोचती थी कि हम बहुत पापी और गुनाहगर हैं, जो इन कोठियों में रहते हैं।

इस बिल का मैं समर्थन करती हूँ और मुझे पूरा यकीन है कि मिनिस्टर साहिबा खुलासे से इस वाद-विवाद का जवाब देंगी और समझावेंगी कि किस तरह यह काम होगा।

Rajkumari Amrit Kaur : I do not know whether I can finish my speech within ten minutes...

Mr. Chairman : The hon. Minister can have as much time as she likes.

Rajkumari Amrit Kaur : I have listened as I always do with the greatest respect to all the speeches that have been delivered on the floor of this House in regard to this innocuous measure. Many of the speakers perhaps were not present when I introduced the Bill and all that I can say is that, judging from the speeches which have been made, they are, to a large extent, irrelevant to the issue. This ordinance was

[Rajkumari Amrit Kaur]

asked for by me because I was getting more and more unhappy, more and more alarmed at the way building was going on in Delhi, with no proper authority to control it, instead of beautifying Delhi, as Members have said, I had no authority whatsoever to stop any building anywhere, with the result that Delhi was becoming a city of slums. I went in despair to the Prime Minister after having explored every avenue by which to do something about this and I asked if I might have an ordinance issued whereby haphazard construction, which was going on without any reference to any planning in Delhi, might be stopped. The matter was referred to a Sub-Committee of the Cabinet, that met day after day, and then the matter went to the Cabinet and after that, it has come before this House. The ordinance was issued, and this Bill has been brought before the House.

Most of the hon. Members that have spoken as they often like to do and as they have done on more than one occasion on the floor of this House against the Improvement Trust.

Before I proceed any further, I would therefore just like to say one or two words about the Improvement Trust. The Improvement Trust has been called greedy. I would like the House to know that the Improvement Trust, when Delhi was absolutely invaded—if I may use that word—by an influx of refugees, made over free of charge, 2,000 acres of land, which was its property, which it had acquired and by the sale of which it was to have acquired further money for the clearance of slums. Thereby it actually cut its hands for further improvement. But I said at that time that the Improvement Trust must come to the rescue of the refugees of Delhi and this land must be surrendered without any charge to them. This land was therefore given over. Now I am told

that the Improvement Trust is responsible for no lights where the refugee colonies have been built, no drainage and no sewage. It is none of the Improvement Trust building. The land was made over. At that time I pleaded that the Improvement Trust might be allowed to develop and later put up two-roomed, three-roomed, four-roomed and five-roomed buildings for the refugees which I would have liked to be given to the refugees on a lend lease system and then they could have owned the property. My voice was a lone voice and it was not heard. The Rehabilitation Ministry said "We will do everything". They did it and concentrated only on shelter. Water, drainage, sewage, etc., were left out—and so, that is not the fault of the Improvement Trust. I wish to defend the Improvement Trust. I have said that no Trust, no committee, no organisation that is manned by human personnel can ever be perfect. And I do not say that the Improvement Trust is perfect or that it may not sometimes have made inadvertent mistakes, but I do claim for the Improvement Trust that it has never broken any assurances that have been given on the floor of this House.

Pandit Thakur Das Bhargava: Question.

Rajkumari Amrit Kaur: Pandit Thakur Das Bhargava invariably says so; he was Chairman of a Committee and he never bothered to listen to what the Improvement Trust had to say.

Pandit Thakur Das Bhargava: It is entirely wrong and unfounded.

Rajkumari Amrit Kaur: I will not have any interference now. The Improvement Trust does not claim undue damages. Assurances were given that damages up to 31st August 1949 should be written off. The Improvement Trust wrote off all claims for damages upto 31-12-1949—four months more.

An Hon. Member: What happened afterwards?

Rajkumari Amrit Kaur: I am not concerned with what happens afterwards. I am only saying that it has never broken the assurances; it has never evicted anybody from anywhere without giving alternative accommodation. As far as possible, it has tried to get the rules by which it is governed altered in favour of the refugees. Rents that it had to charge because of the expenses on the buildings have been reduced. Never have we not given alternative accommodation; never have we demolished buildings, as I said. There were allegations of corruption. In one or two instances—I believe I am right in saying that there were two such cases—the officials concerned were actually sacked. On the Improvement Trust, there are two members from the Delhi Municipal Committee who are elected representatives and there is also a non-official member and so it is not a body which is wholly unrepresentative of non-officials.

Shri Feroze Gandhi: It has done very good work.

Rajkumari Amrit Kaur: Thank you. (Interruptions.)

Mr. Chairman: Let the hon. Minister proceed.

Rajkumari Amrit Kaur: I do not know whether that remark is meant in sarcasm or whether it is real.

Shri Feroze Gandhi: Absolutely real.

Rajkumari Amrit Kaur: With all its limitations, as I said, it has given 2,000 acres of land free to the refugees. (Interruptions.)

Mr. Chairman: The hon. Minister has said that she is not giving in.

Rajkumari Amrit Kaur: I am not giving place to anybody now.

Pandit Thakur Das Bhargava: Does it mean that she can make any sort

of a remark? There have been assertions that nobody had been evicted.

Mr. Chairman: Let the hon. Minister proceed. Should she not have an opportunity?

Pandit Thakur Das Bhargava: It is not only denying. It is giving a very good certificate to a body which is very corrupt.

Mr. Chairman: She is denying certain allegations that have been made on the floor of this House. (Interruptions.)

An Hon. Member: Other Members are not allowed.

Mr. Chairman: This dispute and counter-allegations cannot go on indefinitely. These assertions have been made and now the Minister is having a chance to reply to them. We cannot take this up and settle what the truth is and what not. It will be for the hon. Members to draw inferences. But we cannot have a duel here and settle these things finally. Let us hear what she has to say.

Rajkumari Amrit Kaur: As I have said, I will only give one or two instances. Take the instance of 2,000 acres of land that have been given to the refugees. I was told—I have been told so often—that notices for demolition were issued by the Improvement Trust. There is nothing of the kind. Notices were issued by the Deputy Commissioner because demolition was necessary for laying a new road as part of a Government scheme and alternative accommodation was given. Evictions in other places have been done by the Trust in pursuance of its schemes but every time alternative accommodation has been given. The Delhi-Ajmeri Gate scheme is a slum clearance scheme. No one has been evicted without providing alternative accommodation given to them within the city—Karol Bagh, Subzi Mandi area, etc.

[Rajkumari Amrit Kaur]

The total number of houses that have been built by the Trust has been given as 416. In the other places of unauthorised construction, the refugees have been accommodated in the Improvement Trust's layout. I have already spoken about the damages that they have written off. I do not wish to go more into this but I do wish to take this opportunity because time and again this body is slanged for no rhyme or reason. You yourself, Mr. Chairman, said that the Land Acquisition Act was a hindrance in the way of the Improvement Trust. I shall certainly look into that question and see whether something cannot be done.

Having said this much about the Improvement Trust, I wish to come back once again to my plea that most of what has been said is literally not relevant to the issue of this Bill. This Bill is an interim measure to enable the Government to stop any further damage to Delhi city. It was I, with my love for Delhi and the refugees that have come to Delhi, with my desire to have Delhi as a model city, to clear away slum areas and not to allow health conditions to deteriorate, who appointed the Birla Committee to make recommendations as to the way in which the Improvement Trust, with its hands literally cramped because of what it had to do, could improve. The Birla Committee made excellent recommendations. Every recommendation of the Birla Committee that I could act on in my executive capacity. I acted on within three months of the receipt of that report. For the remainder, no one regrets more than I that the one development authority necessary for Delhi has not come into being. By that time the Delhi State had come into being and I had to bring the recommendations of the Improvement Trust before all the Ministries of the Government of India which were concerned with it and also to the notice of the State Government. In spite of repeated reminders, I did not get replies from the State Government.

That has been the main cause for the delay.

Having got the replies and having got the concurrence of everybody from whom I wanted it. I brought the matter up before the Cabinet. It has been before the House also. The appointment of the Delhi Development body—one instead of several that exist today—has been accepted by the Cabinet. As I have said, the Bill is now in the process of being framed in the Law Ministry. But until it is framed I have no power to stop the deterioration that is going on and therefore I had the ordinance issued in consultation with the Prime Minister and the Cabinet, and all I want is that this interim Authority shall stop further deterioration. As I said yesterday, this interim Authority is not concerned with what has been constructed or even with what is already under construction or whether it is authorised or unauthorised or whether it is Government or non-official. So the question of its doing anything adverse to anybody does not really arise. It is only a preventive measure that is being taken. I say to you, those who love Delhi and want Delhi to remain as a city worth while, to allow us to plan for Delhi and welcome this measure with open hearts.

I have already asked for three town planners to come and draw up as quickly as possible—I hope within a very short time—a skeleton plan for Delhi so that we may proceed according to their plan. I do not think that it has been understood by the Members that this one development Authority will also come very quickly.

I have only asked for this interim authority to function till the end of next year—that is just one year from now. It has been suggested by some that I should shorten that time. I cannot possibly do it because I cannot bring in the Bill for the appointment

of the real authority so soon. I hope to bring in the Bill during the Summer Session so that there will be no need for this interim Authority to exist beyond 31st December next year.

One hon. Member said that there would not be any possibility because the time of the House was always so limited and that I should ask for an extension upto the end of 1958. If I have to have an extension I will certainly come up to the House again and explain my inability to bring forward that Bill but I do want very much to bring this Bill as quickly as possible and I do not want to feel that I can wait longer than necessary.

I submit again that the apprehensions that have been expressed by many hon. Members are not really justified. I want a quick and efficient handling of any situation that may arise in what is purely a preventive measure and therefore I would like to set up the committee which I have suggested. But since hon. Members would like me to associate more non-officials I myself will accept that two representatives to be elected from amongst the Members of the Lok Sabha and one by the Rajya Sabha should join this Committee, in addition to the two representatives from the Delhi State who are already there. That will give you, in addition to the President of the Delhi municipality, six non-official members on the Committee which I consider is a reasonable number. I do not want this Committee to become unwieldy.

5 P.M.

Now, one amendment is that two representatives be elected from amongst themselves by members of the Delhi Vidhan Sabha. In the original Bill there are two members to be representatives of the Delhi State. I wrote to the Chief Minister of the Delhi State and he nominated Shri Brahm Prakash and Shri Subhadra Joshi on that Committee.

Shri Feroze Gandhi: It is Shrimati Subhadra Joshi.

Rajkumari Amrit Kaur: I mean Shrimati Subhadra Joshi—"Shri" applies equally to women.

But, if it is the desire of the House that the members representing Delhi should be elected from amongst themselves by the members of the Delhi Vidhan Sabha I do not mind it. But, I wish to make it quite clear that, that will not mean 4 members; it will mean either 2 members from the Vidhan Sabha or 2 members representing the Delhi State.

Shri Feroze Gandhi: The Vidhan Sabha will be going in any case.

Rajkumari Amrit Kaur: Well, then if you will agree we will leave the original Bill as it is and have 2 representatives of the Delhi State; but we will include two representatives to be elected from amongst themselves by the Members of Lok Sabha and one Member from the Rajya Sabha. As I have said I want the single planning and development authority to come in as quickly as possible. A Bill is being prepared and I hope to bring it before the House very soon.

There are other apprehensions that have been expressed that orders on applications for buildings take such a long time. I will see to it that every step will be taken to ensure that orders on applications for buildings are issued with the least possible delay.

I do not accept the suggestion for a non-official to be the Chairman of the Committee. It must be the Chief Commissioner. It is only an interim Bill and we have to act speedily and effectively.

Shri C. K. Nair: What is the constructive work this authority is to undertake?

Rajkumari Amrit Kaur: You have got the Bill before you. There is not much constructive work which the authority has to do. This interim authority is only to stop further deterioration in Delhi.

Shri C. K. Nair: So, it has to do only controlling.

Mr. Chairman: The hon. Minister may continue and address the Chair.

Rajkumari Amrit Kaur: I am sorry, Sir, these interruptions divert my attention.

It is not our intention to prevent building activity or even demolish buildings because in demolishing buildings the authority will only, quite naturally, act with great circumspection.

There was as reference to Delhi notified areas where no development has taken place. As I have already explained there have been limitations which the Improvement Trust has not been able to cope with.

Now, the normal powers—this point I want to bring before the honourable House—of the municipalities remain and built-in areas within the municipal limits have not been declared as controlled areas. Therefore, built-in areas within municipal limits will not be under the purview of this authority but will be regulated by the various local bodies under the normal building bye-laws so that the fears expressed by one hon. Member, that even repairs and alterations to buildings within municipal limits will be hampered, just do not arise.

I am aware of the plea made by one hon. Member that many of the displaced persons' colonies do not possess the normal amenities. This is one of the many results of haphazard construction and therefore it is that I am bringing this measure in and as far as possible we will try to provide amenities.

Much has been said about slum clearance. That again is another question not relevant to this measure. I may assure the House that I shall take a keen interest myself not only in this interim authority but also in the matter of seeing what can be done to rid Delhi of its terrible slum areas.

Another Member raised a question of removal of tanneries. This question will certainly be taken up after the Master Plan has been prepared by the organisation which I have set up already.

With regard to Yamuna waters this comes under the purview of the Delhi Joint Water and Sewage Board, but necessary action is being taken.

Shri C. K. Nair: May I know by what time the Master Plan is going to be ready?

Rajkumari Amrit Kaur: The skeleton plan, I hope, will be ready within six months or even less. I am pushing it as far as I possibly can.

Now, much has been made of assurances. I am given to understand that the Minister of Works, Housing and Supply will probably lay a statement before the Sabha about this. I do not propose to anticipate his statement but I may say that matters in regard to assurances also have been grossly exaggerated. Anyhow, the House will have an opportunity of seeing this statement and seeing whether any blame can be thrown upon anyone. I shall leave it at that.

I have been asked also not to give powers to the magistrates as I have given in the Bill. Well, now a Magistrate of the First Class has powers under the Code of Criminal Procedure to impose fines not exceeding Rs. 1,000. But, in order that a First Class Magistrate can impose the enhanced punishment I have made the provision that he may be able to do so. Very recently I did the same in the matter of the Prevention of Food Adulteration Act. I very humbly submit that these fines will really only effect the rich people. Poor people are not going to build against the law because now everything is controlled. It is not the poor, it is the rich people who might offend and I say that unless you have proper deterrent punishments the mischief will go on.

One or two other points have been made. One point was made by Shrimati Subhadra Joshi who spoke and has left the House—that is why I say one has to judge the interest in the Bill by the people who speak and then leave the House. The Ordinance mentioned by her was quite a different one, again not relevant at all to this Bill. It was sent to the Home Ministry and it had nothing to do with the Health Ministry at all.

In regard to the rules, any change made by the authority in the regulations can only be made with the approval of the Central Government and under sub-clause (3) of clause 19 the regulations have to be placed before the Houses of Parliament. The Parliament is a supreme body so that if any changes have ever to be made in the rules the Parliament will be perfectly able to do it.

One hon. Member made a reference to the proviso under clause 8 saying that 24 hours time is to be given before a building is entered into. This is not going to cause any hardship. No one is going to be evicted and for demolition actually 2 months' notice has to be given.

Therefore I submit that most of the—in fact all the—amendments that have been sent are really not relevant to the measure before the House and I am sorry that, apart from adding two representatives to be elected from amongst themselves by the Members of Lok Sabha and one from Rajya Sabha.....

Mr. Chairman: The hon. Minister can say about the amendments when the particular clauses are taken up.

Rajkumari Amrit Kaur:.....I am unable to accept any of the amendments. I need not repeat what I said yesterday that this is a purely interim measure and is something that is extremely necessary if Delhi is not to become a city of slums and I plead that the House do accept it.

Shri C. K. Nair: May I seek one clarification? We are told that there is a master plan under preparation.

Are there any non-official elements associated with that body which has been appointed for that purpose?

Rajkumari Amrit Kaur: Non-officials do not understand anything about town-planning. They cannot be associated with it. But any plan that will come now will come before this Committee on which there are plenty of non-official members. They can study it and make any suggestions. But the actual Planning for a town or an urban area must be done by town-planners.

Shri C. K. Nair rose—

Mr. Chairman: No further questions. I shall put the motion to the vote.

The question is:

"That the Bill to provide for the control of building operations in Delhi, be taken into consideration".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(The Delhi Development Provisional Authority)

Shri Radha Raman (Delhi City):

I beg to move:

Page 2—

for lines 13 and 14 substitute:

"(a) a Chairman to be nominated by the Central Government who shall be a non-official;"

Pandit Thakur Das Bhargava: I beg to move:

(1) Page 2—

omit lines 25 and 26.

(2) Page 2—

after line 26 add:

"(g) two representatives to be elected from amongst themselves by members of Parliament;

(h) two representatives to be elected from amongst themselves by members of the Delhi Vidhan Sabha."

Shri D. C. Sharma: I beg to move:

Page 2—

after line 26, add:

“(g) two representatives to be elected from amongst themselves by members of Parliament;

(h) two representatives to be elected from amongst themselves by members of Delhi Vidhan Sabha.”

Shri Mohanlal Saksena (Lucknow Distt-cum-Bara Banki Distt): I beg to move:

Page 2—

after line 26, add:

“(g) all the Members of Parliament from Delhi State, ex-officio.”

Pandit Thakur Das Bhargava: I beg to move:

Page 2—

for line 32 and 33, substitute:

“(5) The Secretary of the authority shall be appointed by the Chief Commissioner on such terms and conditions as he thinks fit and”

Mr. Chairman: Amendments moved:

(1) Page 2—

for lines 13 and 14 substitute:

(a) a Chairman to be nominated by the Central Government who shall be a non-official;”

(2) Page 2—

omit lines 25 and 26,

(3) Page 2—

after line 26, add:

“(g) two representatives to be elected from amongst themselves by members of Parliament;

(h) two representatives to be elected from amongst themselves by members of the Delhi Vidhan Sabha.”

(4) Page 2—

after line 26, add:

“(g) two representatives to be elected from amongst themselves by members of Parliament;

(h) two representatives to be elected from amongst themselves by members of Delhi Vidhan Sabha.”

(5) Page 2—

after line 26, add:

“(g) all the Members of Parliament from Delhi State, ex-officio.”

(6) Page 2—

for line 32 and 33, substitute:

“(5) The Secretary of the authority shall be appointed by the Chief Commissioner on such terms and conditions as he thinks fit and”.

Shri Dhulekar: The hon. Minister has also to move some amendments, as she just now said.

Rajkumari Amrit Kaur: I am accepting the proposal that two representatives be elected from amongst themselves by Members of the Lok Sabha and one from the Rajya Sabha.

Mr. Chairman: That would be a new amendment. It might be drafted suitably and then handed over to me so that I might put it to the House.

Pandit Thakur Das Bhargava: Will you grant us time to move amendments to that amendment? We have no notice of that. I would like to move an amendment to that amendment.

Mr. Chairman: Pandit Bhargava has expressed his desire to move an amendment to the proposed amendment by the hon. Minister. If that comes.....

Pandit Thakur Das Bhargava: I must see that amendment before I put in my amendment to that amendment.

Mr. Chairman: Would the House like me to hold over the discussion of this clause and postpone the discussion for tomorrow, or shall we continue the discussion and then afterwards decide? In the latter case, I am afraid we might have to go over the ground once again tomorrow.

Sardar Iqbal Singh: It would be better to postpone it.

Shri Pataskar: There will be no difficulty. Pandit Thakur Das Bhargava's amendment says:

"two representatives to be elected from amongst themselves by members of Parliament".

What is wanted is, two representatives should be elected.

Mr. Chairman: The hon. Minister can give an amendment then.

Shri Pataskar: I can give one.

Pandit Thakur Das Bhargava: I think a new amendment was proposed, to which I should like to move an amendment.

Mr. Chairman: Let us proceed now.

Pandit Thakur Das Bhargava: Then, am I to understand that the new amendment is not going to be moved?

Mr. Chairman: Let it come and then we shall see about any amendment to that amendment. Now, I call upon Shri D. C. Sharma. We have had sufficient discussion, and therefore, I would request hon. Members to confine themselves to points they want to make and be as short and sweet as possible.

Shri D. C. Sharma: I wish to speak on clause 3, sub-clause (2) to which I have given amendment No. 15. I think this amendment is in a way the same as the amendment proposed by Pandit Thakur Das Bhargava and Shrimati Renu Chakravarty. But I have fundamental objection to the constitution of this Authority as such. When I look at the composition of the Authority, I think we are not living in the year 1955 but in some period even before the Montague-Chelmsford reforms came into being. This Authority is heavily weighted—I should say overweighted—in favour of officials.

Mr. Chairman: If the hon. Member feels that by his amendment the weight is being lightened, the hon. Minister has accepted most of it.

Shri D. C. Sharma: No, Sir. The hon. Minister, I think, is only going to have two representatives from amongst the Members of the Lok Sabha and one from the Rajya Sabha. I do not see any reason why the Delhi Vidhan Sabha should be blacked out. Of course, Delhi Vidhan Sabha may cease to exist after some time, and it is quite possible.

Mr. Chairman: The hon. Minister has made it clear that she has no objection to follow that suggestion but then, in that case, she may not be able to get representation for this House, I think.

Shri D. C. Sharma: This is a very strange way of meeting our wishes. She will take two members from the Delhi Vidhan Sabha provided no Members from this House are coming forward! I cannot be a party to that kind of arrangement.

Mr. Chairman: Perhaps the hon. Member has not followed the exact position. The hon. Minister has said that she is prepared to concede two members to Delhi State—whether they be members of the Delhi Vidhan Sabha or others. If it is insisted that they must be members of the Delhi Vidhan Sabha she has no objection, but then she would not be able to accept or maintain the old provision that there must be two representatives from the Delhi State. There can be two representatives of the Delhi State. Whether they should necessarily be members of the Delhi Vidhan Sabha or not is the only point that has to be decided.

Shri Pataskar: This is the form in which the hon. Minister is prepared to accept the amendment, if hon. Members agree.

Page 2—

after line 28, insert:

"(g) three Members of Parliament, two to be elected by the Members of the Lok Sabha from among themselves and one to be elected by the Members of the Rajya Sabha from among themselves".

Shri C. K. Nair: Please read sub-clause 2(c) of clause 3.

Shri Mohanlal Saksena: What is the objection of the Minister to accept my amendment:

"all the Members of Parliament from Delhi State, ex-officio".

Mr. Chairman: The only thing that was said was, the members representing Delhi should be two and not four.

Shri Mohanlal Saksena: Why?

Mr. Chairman: That is the reaction of the Government. Reasons can be advanced that it could be four. It is for the House to decide whether there should be two or four members to represent Delhi.

Shri C. K. Nair: In sub-clause (c) of clause 3(2), it is said:

"two representatives of the Delhi State Government to be nominated by that Government".

Instead, if the hon. Minister says: "two representatives of the Delhi Vidhan Sabha to be nominated from amongst themselves", it would be better.

Mr. Chairman: That would be decided by the House, if the hon. Minister puts up such a proposal.

Pandit Thakur Das Bhargava: If an hon. Member gives an amendment and if an amendment to that amendment is moved, then some time is fixed for it also. The time is the same for the Government as well as other hon. Members. The hon. Minister is now allowed to make an amendment to my amendment. May I know what is wrong about the new amendment proposed by Shri Nair...

Mr. Chairman: We are discussing these very amendments. Let us see how the House reacts.

Shri D. C. Sharma: I have objection to the composition of the Delhi Development Provisional Authority and I have given my amendment in order to revise the entire structure of this body. We have just passed the University Grants Commission Bill

by which we have given the power of the purse to that body. There we have provided that the number of non-officials should be greater than the number of officials. I think 5 members will be non-official and 4 will be official. But here all the big guns are to be found: The Chief Commissioner of the Delhi State, the President of the New Delhi Municipal Committee who, I think, is a nominated person, the President of the Delhi Municipal Committee who is an elected person and the Chairman of the Delhi Improvement Trust. I say, this is one of the most reactionary bodies that the Government of India can think of. I am sorry that in this democratic House, we are going to be a party to an Authority like this. I say that this should be entirely overhauled. The Chairman should be a non-official.

Mr. Chairman: The hon. Member must bear in mind that this is not the general discussion; he should confine himself to the amendment.

Shri D. C. Sharma: I do not see any reason why there should not be two Members from the Delhi State. I would also say that the dwellers in the slum areas are going to be affected most and I would support my friend, Mr. Naval Prabhakar that there should be a Harijan representative on this Authority. Unless we do that, their interests cannot be safeguarded.

Mr. Chairman: Which is that amendment which says that one Harijan should be nominated?

Shri D. C. Sharma: Since you are going to elect some persons from the Lok Sabha; one of them may be a Harijan Member.

Mr. Chairman: That is a subsequent affair. I repeat that the hon. Member should confine himself to the amendments that we have got before us.

Shri D. C. Sharma: I say that this Authority should be democratised. I am saying this because when the hon. Minister is going to bring forward a

new amendment, it should cover the basic points that have been urged on the floor of the House. The basic points are that the Chairman should be a non-official; there should be a representative of the dwellers in the slum areas.....

Mr. Chairman: Again, the hon. Member is going outside the scope of the amendments before us. The hon. Minister has indicated that according to the amendment she is going to bring forward, there will be three Members of Parliament—two from the Lok Sabha and one from the Rajya Sabha. The hon. Member may keep this in mind and proceed.

Shri D. C. Sharma: I say that this body should be democratised to the fullest possible extent.

Rajkumari Amrit Kaur: We are discussing an amendment that I shall put before the House; I say that the rest is irrelevant.

Shri Mohanlal Saksena: I have moved an amendment suggesting that the Members of Parliament from Delhi State should be *ex-officio* Members of this Authority. My reason is that we are going to apply this Act to the whole of Delhi State. If two Members from Lok Sabha and one Member from Rajya Sabha are elected, my fears are that they will be representing only particular constituencies and not the whole of the State. If you have all the Members from Delhi State as *ex-officio* members of this Authority, then every sector, every corner of Delhi will have a voice in it. If you look at the constitution of this Authority, there is the Chief Commissioner of the Delhi State, the Chairman of the Improvement Trust, the representatives of the Finance Ministry, Housing Ministry and the Health Ministry. All these are officials and they will be changing. You want men who will move among the people and who will work with the people, because it is the people who know where the shoe pinches and not officials. A suggestion was made by my friend,

Shri Naval Prabhakar, that there should be reservation for a Harijan member. I do not want that. If you accept my amendment, everybody will be represented. You have not pay them any T.A. or D.A. They look after their constituencies and they will be in a better position to know the difficulties than the five persons I have mentioned. The representative of the Health Ministry may be Mr. Raja today and somebody else tomorrow. What I want is that we must have representatives from Delhi and Delhi alone. As far as the Chief Commissioner is concerned, I want that he should disappear from the administration of the Delhi State. I want a Minister for Delhi Affairs in the Central Government and no Chief Commissioner. I will talk about it later on. What I want is that so far as this Authority is concerned, if you have a non-official Chairman, there will be no harm. I would not like that there should be a majority of those persons who have no stake in Delhi and who are not going to be in Delhi all the time and who are merely birds of passage.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The money comes from the whole of India; not from Delhi State alone. (Interruptions).

Mr. Chairman: We will not be able to proceed with the discussion if the debate assumes such a shape. I would request hon. Members to have some patience and to exercise some restraint. Let the hon. Member finish his speech; others also will have their chance. This applies to the Parliamentary Secretary also.

Shri Mohan Lal Saksena: There is another difficulty. Supposing among the two representatives from the Delhi State, Shri Radha Raman is elected, he will be representing only one sector of Delhi and not the whole of it. So, I have suggested that all the Members of Parliament from the Delhi State should be there as *ex-officio* members, because they would better represent the wishes of the

[Shri Mohan Lal Saxena]

Parliament in training rules and also understand the difficulties of the people. With these words, I commend my amendment for the acceptance of the House.

Mr. Chairman: I wish again to bring to the notice of hon. Members that we have placed an overall limit within which we have to finish. Therefore, they will please bear this in mind and it would be better if they put forward their points and shorten their speeches.

Pandit Thakur Das Bhargava: I have moved amendments 1, 13 and 17. I understand there is an amendment to my amendment.

Rajkumari Amrit Kaur: It is not an amendment to your amendment. It is an independent amendment.

Pandit Thakur Das Bhargava: You were pleased to say that an amendment to an amendment is being allowed.

Mr. Chairman: I simply suggested that. Pandit Thakur Das Bhargava is taking objection to a new amendment and he says that he would have to move an amendment to that amendment. In that case, I will have to hold over this clause. That is why I wanted if the Government were prepared to move an amendment to Pandit Thakur Das Bhargava's amendment and perhaps that might facilitate matters. If the Government wishes to move an independent amendment, I will have to give time to the Members who feel that they want to move an amendment to that amendment. Then, the clause will have to be held over and kept in abeyance.

Sardar Iqbal Singh: It will be better to hold over this clause for tomorrow.

Some Hon. Members: No.

Shri Mohanlal Saxena: May I suggest a way out? If the hon. Minister is pleased to accept my amendment, there will be no difficulty.

Pandit Thakur Das Bhargava: I am very sorry that we are driven to a contingency when we may have to adjourn consideration of this clause to tomorrow. I was anxious that the matter should not be postponed. I feel there is difficulty.

Mr. Chairman: The hon. Member will have to suggest a solution.

Pandit Thakur Das Bhargava: If an amendment to an amendment is not allowed and if a new amendment is brought forward, the Members of the House have got a right to move an amendment to that amendment. At the same time, when it is not allowed to the Members to move an amendment on the day the clauses are taken up, it is unreasonable to suppose that the Government have got the right to come with an amendment at any time.

Shri Pataskar: The point is, the hon. Minister has made it clear that she is prepared to accept two representatives of the Lok Sabha....

Pandit Thakur Das Bhargava: I am not giving way to anybody.

Mr. Chairman: The hon. Minister should wait. Pandit Thakur Das Bhargava is not giving way. He wants to have his say.

Pandit Thakur Das Bhargava: If the hon. Minister takes this attitude that she is not ready to hear anybody and that she is not giving way, hon. Members are also entitled to do the same thing.

I submit, I have moved amendment No. 1. I find that amendment No. 15 moved by Shri D. C. Sharma is also the same. The idea behind this amendment is quite different from the one which the hon. Minister has. So far as the composition of this body is concerned, Members from all sides of the House have said that they wanted to have a non-official majority. It is therefore necessary that we should have two Members from Parliament, two Members from the Delhi Vidhan Sabha, both of them being elected.

We have just heard the Minister that some Minister from the Delhi State has been nominated, and another nominated from the Lok Sabha. I do not know how the Delhi Vidhan Sabha is represented. I am anxious that the Vidhan Sabha may not be deprived of the right to have their Members on that body, if necessary.

Rajkumari Amrit Kaur rose—

Pandit Thakur Das Bhargava: I am not giving way. I do not want to hear the hon. Minister.

Mr. Chairman: He feels that he has not been given an opportunity to interrupt and put a question. Therefore, we shall have to listen to him.

Pandit Thakur Das Bhargava: Subsequently, we shall hear the Minister. These are my amendments. You will have to listen to me also 25 times.

Mr. Chairman: I would hear 50 times.

Pandit Thakur Das Bhargava: It is very kind of you. What is good for me is good for the hon. Minister and all Members of the House. I do not want the Minister to be able to say that she is not giving way when interjected.

Mr. Chairman: He has said that. Why should he have any grouse?

Pandit Thakur Das Bhargava: I want to take up the same attitude as she keeps towards the Members.

Mr. Chairman: Let us proceed with the discussion.

Pandit Thakur Das Bhargava: I was submitting that the original idea was, so far as clause 3 is concerned, we wanted to have a body in which non-official Members dominated and their views are heard: For the last 8 or 9 years, we had nothing but a body which was dominated by officials and Ministers and other people. They were in charge of this business and they have mismanaged the whole thing. They have bungled. They have done nothing for the country.

We find that we are driven to the conclusion that none but a body with a non-official majority will be able to do this work. Otherwise, the desired work will not be done. The Members should be elected. I do not want any nomination from anybody. I do not want that anybody should be nominated from this House. I do not want an official-ridden body. You have been pleased to say that even to a non-official amendment, an official amendment is allowable. I would beg of you to consider all the amendments that have been just now proposed.

One amendment was that the Chairman must be a non-official. I am not of that view. I want the Chief Commissioner to be the Chairman. I want effective work. His authority must be there and he may be able to do the work. At the same time, I feel, that if the Chief Commissioner is not there, this Authority may not work well. All the same, if the amendment is to be allowed, I may be allowed to just double the Membership from this House and double the Membership from the Vidhan Sabha. You will be pleased to see that in amendments 13 and 17 I have proposed that the president of the Improvement Trust may not be even a Member there. That is my proposition in amendment No. 13. So far as the Secretaryship is concerned. I am dead opposed to that. That is amendment No. 17. I have given the reasons. I do not want to say anything which may displease Rajkumari Amrit Kaur. It is not my habit to displease anybody. At the same time, I cannot allow this statement to go uncontradicted that the Improvement Trust has not broken any of the assurances. I am very sorry that the Minister should say so. There was a Parliamentary Committee Assurances and there is the report of the Committee. Fifteen Members of this House who went into this question have held that every assurance was broken. The Improvement Trust is the greatest criminal in this respect. If the hon. Minister is pleased

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[Pandit Thakur Das Bhargava] to contradict me, I would respectfully ask her to appoint a Committee so that they may go into the question again. She referred to the Birla Committee. Now, a new Authority is going to be there. I do not want such a corrupt body as the Improvement Trust to be allowed to continue. Therefore, I submit that any person who had to do anything whether as Chairman or as anybody else with the Improvement Trust to be on this body. I want new blood, new imagination, and a new outlook to be brought to bear upon in this matter. Therefore, the officials who have bungled should not be allowed to persist there. Similarly if he becomes Secretary, I do not know whether this body will work at all. I do not want any Improvement Trust man to be the Secretary. I am not against any person. I have nothing to say against anybody personally. You know, Sir, for the last 15 years the land has been there for which notification has been issued and it has not been acquired. How the Improvement has bungled and how it has been making money at the cost of the poor people we know. My criticism that it is a greedy body is taken exception to. If a Committee were appointed, I would prove to the satisfaction of everybody about this matter. As a matter of fact, this body must go. I therefore submit that the hon. Minister may be pleased to accept all the three amendments. At the same time, I would go further and beg of you to allow me to move an amendment, if you are going to allow the Government amendment to double the membership of these bodies that is Parliament. The proposal is that two Members from Lok Sabha and one Member from the Rajya Sabha may be taken. We proposed four. I wanted the deletion of the President of the Improvement Trust so that it may become a non-official body group only of non-official members coming on it. Now, the proposal is 3, two from here and 1 from the Rajya Sabha. Then, Members from the Vidhan Sabha may not be taken. It

means, instead of 4, there will be 3. I would rather like 4 Members from this Parliament and four from the Vidhan Sabha. I may be allowed to move this amendment.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ-मध्य) : मैं यह कहना चाहती हूँ कि अगर हर एक काम नान-आफिशियल (गैर सरकारी लोग) ही अच्छा करते हैं, तो फिर आफिशियल (सरकारी कर्मचारियों) को क्यों रखा जाता है? अगर उनको हटा दिया जाय, तो सरकार को बहुत बचत हो जायेगी। मेरा ख्याल है कि हमारे आफिसर्स (पदाधिकारी) बहुत अच्छे और उम्दा वर्कर्स (कर्मचारी) हैं। इम्प्रूवमेंट ट्रस्ट (सुधारन्यास) का जो हाल यहाँ पर बयान किया गया है, तमाम दुनिया में ऐसी संस्थाओं का यही हाल है और सब में बुराईयाँ पाई जाती हैं। इम्प्रूवमेंट ट्रस्ट (सुधारन्यास) के चेयरमैन (सभापति) रिटायर्ड आफिसर्स (सेवा-निवृत्त) एक लम्बे अर्से तक काम किये हुये और एडमिनिस्ट्रेशन (प्रशासन) को बहुत अच्छी तरह समझे हुये होते हैं। लेकिन न जाने क्या बात है कि अगर अच्छे से अच्छा और निहायत ईमानदार आदमी भी इम्प्रूवमेंट ट्रस्ट के चेयरमैन हो जायें, तो उस बेचारे की बदनामी हो जाती है। तो इसके अन्दर उन लोगों का कुसूर नहीं है जो आफिशियल चेयरमैन (सरकार की ओर से सभापति) होते हैं। अगर आप समझते हैं कि आफिशियल चेयरमैन ज्यादा खराब होता है, और आप नान आफिशियल चेयरमैन (गैर सरकारी सभापति) रखें तो उसमें भी उतनी ही शिकायत पैदा हो जायेगी। यह तो कुछ इन संस्थाओं का कुसूर है। इन संस्थाओं में जो मेम्बर (सदस्य) रहते हैं उनके कहने पर चेयरमैन चलता है। इम्प्रूवमेंट ट्रस्ट में भी मेम्बर (सदस्य) रहते हैं। वे नान आफिशियल होने चाहिए। वे नामिनेटेड (नाम निर्देशित) नहीं होने चाहिए। वैसे तो इस सारे काम की जिम्मेदारी उस मिनिस्टर पर होती है जिसके

ग्रन्डर (अधीन) इम्प्रूवमेंट ट्रस्ट (सुधार न्यास) या म्युनिसिपैलिटीज (नगरपालिकाएं) काम करती हैं। वे किसी खराब अफसर को देखें तो उसको हटा सकते हैं। आप चाहें तो इम्प्रूवमेंट ट्रस्टों और म्युनिसिपैलिटीज को हटा दें लेकिन देश में जो ये संस्थाएँ काम कर रही हैं उसको करने के लिए आपको कोई न कोई दूसरी संस्था रखनी पड़गी। और जो नई संस्थाएँ रखी जायेंगी उनमें भी यही सब तकलीफें पैदा हो जायेंगी।

कहा जाता है कि दिल्ली विधान सभा के सारे मेम्बरों को इसमें रख लिया जायें। मेरा कहना है कि जो आफिशियल्स आप रखते हैं आप उनको पे (वेतन देना) करते हैं और यह उनका फर्ज है कि वे देश को सुधारें और इम्प्रूव (सुधार) करें। जिस लगन से वे लोग काम करते हैं उस लगन से वे लोग काम नहीं कर सकते जो कि वेतन नहीं पाते आफिशियल नहीं हैं। कहावत है कि "दू मैनी कुक्स स्पाइल दी पाई"। आप सारे आदमियों को इस में रख दीजिये, तो नतीजा यह होगा कि जो चीज बनने वाली है वह भी खराब हो जायेगी। हमारे देश का तो यह हाल है कि दो आदमी भी मिल कर काम नहीं कर सकते एक आदमी की राय अगर पूरब होगी तो दूसरे की पच्छिम होगी। इसलिए मैं कहती हूँ कि ज्यादा आदमी नहीं रखने चाहिए। अगर आप इस काम को ज्यादा आदमियों के हाथ में देंगे तो जो काम ६ महीने में पूरा हो सकता है वह दस बरस में भी पूरा नहीं हो सकेगा।

Mr. Chairman: Shri Radha Raman.

Shri S. C. Samanta (Tamluk): According to the convention of the House, if the Minister is willing to accept an amendment, the Chair may permit an amendment to be moved. May I ask your permission.....

Mr. Chairman: I have called another Member. Let him finish. Then, let us see.

श्री राधा रमण : मैं ने सदन के सामने संशोधन रखे हैं.....

Mr. Chairman: I would remind him that we have very little time, and therefore he should try to be brief.

Shri Radha Raman: I will be very brief.

मैं ने इस सदन के सामने दो संशोधन रखे हैं, एक तो है नम्बर १२ और दूसरा है नम्बर १४ इस सम्बन्ध में कुछ बहुत ज्यादा बहस करने की जरूरत नहीं है एक बार नहीं हजारों बार यह मामला सदन के सामने आ चुका है। और इस सदन के मेम्बरान ने हमेशा इस बारे में अपनी यह राय जारी की है कि जितने भी काम जल्दगी उसनों के मातहत होते हैं उनमें ज्यादातर पब्लिक के नुमाइन्दे रहते हैं।

Mr. Chairman: I must bring one fact to the notice of the hon. Member, that amendment No. 14 has not been moved.

Shri Radha Raman: I moved No. 12 and No. 14, both.

Mr. Chairman: Fourteen has not been moved. There is a clear indication on my paper. I called out one by one.

Shri Radha Raman: All right. I will speak on No. 12.

When I stood up I thought I was moving both No. 12 and No. 14.

Mr. Chairman: I have also a note. I called out one by one.

श्री राधा रमण : तो मैं यह प्रार्थना कर रहा था कि यह ब्याल एक बार नहीं पचासों बार सदन के सामने आ चुका है और उसी तौर पर मैं समझता हूँ कि इस सदन का कोई भी मेम्बर (सदस्य) ऐसा नहीं होगा जो इस बात को महसूस न करता होगा कि इस किस्म की संस्थाएँ बनती हैं उनमें नान आफिशियल चेयरमैन का होना बहुत जरूरी है। और मैं ने यही एक चीज इस संशोधन के माफत रखी है। मैं इस बात पर इसरार नहीं करता कि वह चेयरमैन इलेक्टेड (निर्वाचित सभापति) हो

[श्री राधा रमण]

बा जिसको सेंट्रल गवर्नमेंट न चाहे वह हो। मैं तो इस संशोधन में सेंट्रल गवर्नमेंट (केन्द्रीय सरकार) को यह भ्रष्टियार दिया है कि सेंट्रल गवर्नमेंट जिस को चाहे चुन ले मगर वह एक पबलिक मैन (जनता का व्यक्ति) होना चाहिए जिसके दिमाग में और दिल में पबलिक के लिए काम करने की बहुत ज्यादा गुंजाइश हो और जो पबलिक से ताल्लुक भी रखता हो। यह उसी तौर पर ऐसी चीज है जिसे हम एक बार नहीं हजारों बार मंजूर कर चुके हैं। मेरी समझ में नहीं आता कि माननीया मंत्रिणी महोदया इस संशोधन पर, जो कि हार्मलेस (हानि रहित) है और जो बहुत रेडीली (शीघ्रता से) एक्सेप्टेबल (स्वीकार्य) होना चाहिए, ऐतराज कर रही हैं। मैं तो समझता हूँ कि अगर सरकार चाहती है कि दिल्ली में यह जो अपारिटी (प्राधिकारी) कायम की जा रही है, इस पर लोगों का विश्वास हो और यह जनता के सहयोग से कुछ काम कर सके और उस नतीजे को हासिल कर सके जो कि आपके सामने रखे गये हैं, तो यह निहायत जरूरी है, और इसके बगैर काम नहीं चल सकता, कि इस अपारिटी का जो बेयरमैन बनाया जाये वह नान आफिशियल हो।

श्री श्री नारायण दास (दरभंगा मध्य) : यह बेयरमैन वैतनिक होगा या अवैतनिक ?

श्री राधा रमण : वैतनिक।

श्रीमती शिवराजपति नरहृ : वैतनिक होगा तब तो फिर वही बात हो गयी।

Mr. Chairman: Order, order. Let there be no direct fight.

Dr. Suresh Chandra (Aurangabad): I entirely disagree with the hon. Lady Member who has vigorously tried to defend the officials. I feel that it is really casting a reflection on the non-officials and also on others who render selfless service to such organisations. I myself have been associated with many of these organisations since my childhood and I

can say definitely that the non-officials have done a very good job and much better than the officials have done, without any payment or anything, and there has never been any reflection of any kind cast on their honesty. There might have been some cases which might have come to the notice of the lady hon. Member which she should keep to herself.

I feel very strongly that the Chairman, as has been pointed out by previous hon. Members, should be a non-official, must be a non-official. We know that glaring instances of corruption, the glaring instances of bungling have been cited in this House by our hon. friend Pandit Thakur Das Bhargava which have not been refuted by the hon. Minister, and I think it is high time we should not continue to have such kind to things here in spite of such glaring instances which have been cited. Therefore, I feel that the Chairman must be a non-official. At the same time, I would also suggest that over and above the four members of Parliament—three from the Lok Sabha and one from the Rajya Sabha—there must be two members of the Delhi Vidhan Sabha. It would be very unjust on the part of this House if we do not have two members of the Delhi Vidhan Sabha, though it is true that the Vidhan Sabha may cease to exist after some time. (Interruption.)

Mr. Chairman: Let us proceed. I would request hon. Members to exercise patience. The hon. Member may continue addressing the Chair without looking to the interruptions.

Dr. Suresh Chandra: The interruption is so great...

Mr. Chairman: I will see to it that the hon. Member may continue his speech.

Dr. Suresh Chandra: I would suggest that the two representatives of the Delhi Vidhan Sabha should also be there because they are also elected representatives of this State and if

they are not represented in such an important body which is going to look after the interests of Delhi, it would be very unfair. Therefore, I would again request the hon. Member to accept all these amendments which have been so strongly voiced by Members of this House.

Mr. Chairman: I think we have had enough of discussion.

श्रीमती शिबराजवती नेहरू : अध्यक्ष महोदय मैं अब इनका जवाब देना चाहती हूँ क्यों की इन्होंने मुझ पर ऐतराज किया है।

Mr. Chairman: Order, order. No, no. Every statement is not to be replied to, and the lady Member cannot claim the privilege that she must reply. Shri Samanta wanted to say something.

Shri S. C. Samanta: There is a convention in the House that at any time if the Minister is willing to accept an amendment, then the Chair will be kind enough to allow it to be moved. With your permission, I want to move an amendment to Amendment No. 1.

Mr. Chairman: Then, the concurrence or the approval of the Minister must have been conveyed to me beforehand. If at the last moment these are to be moved, certainly the House would find it difficult to tackle them.

Shri S. C. Samanta: The Minister is willing to accept.

Mr. Chairman: At least I should have been taken into confidence as to what is the amendment.

Shri S. C. Samanta: My amendment is:

Page 2—

after line 26, add:

“(g) two representatives to be elected from amongst themselves by the Members of Lok Sabha;

(h) one representative to be elected from amongst themselves

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by the Members of Rajya Sabha.”

Shri Shree Narayan Das: What is the difference in this amendment?

An Hon. Member: They are elected.

Mr. Chairman: Already, an amendment has been passed on to me by the hon Minister. I am allowing that. I am also allowing the amendment of Pandit Thakur Das Bhargava in the modified form. I think he wants to raise the number from two to four.

Pandit Thakur Das Bhargava: Yes.

Rajkumari Amrit Kaur: I beg to move:

Page 2—

after line 26, add:

“(g) three members of Parliament, two to be elected by the members of the Lok Sabha from among themselves and one to be elected by the members of the Rajya Sabha from among themselves.”

Mr. Chairman: Amendment moved:

Page 2—

after line 26, add:

“(g) three members of Parliament, two to be elected by the members of the Lok Sabha from among themselves and one to be elected by the members of the Rajya Sabha from among themselves.”

Rajkumari Amrit Kaur: Many things have been said. But even the most virulent opponent of this Bill, Pandit Thakur Das Bhargava has said that he is willing to have the Chief Commissioner of Delhi as the chairman of this Authority. I have pleaded again and again before this House that this is only an interim measure intended to ensure quick and efficient working. Anything that this interim body takes up will be best served, if I have the Chief Commissioner as the chairman. I have accepted, in addition to the two representatives of the Delhi State Government to be nominated by that Government (already

[Rajkumari Amrit Kaur]

provided for in the Bill) and the president of the Delhi Municipal Committee also, who is an elected non-official, three more members, two from the Lok Sabha and one from the Rajya Sabha. That will bring six non-officials on this Authority.

I plead for the membership of the chairman of the Improvement Trust because the activities of the Trust and the Authority have to be co-ordinated; it is the Trust that develops the land, and it is the Authority that will ensure that there is proper planning. After all, the Improvement Trust is not being supplanted by this Authority. The Improvement Trust will continue to function. If the chairman of the Improvement Trust is not there, there will be no co-ordination. Therefore, it is necessary that he should be there.

This is the limit to which I am willing to go.

Mr. Chairman: I shall now put the amendments to vote. First, there is amendment No. 12 by Shri Radha Raman. Does the hon. Member want to press it?

Shri Radha Raman: Yes.

Mr. Chairman: The question:

Page 2—

for lines 13 and 14 substitute:

“(a) a Chairman to be nominated by the Central Government who shall be a non-official;”.

The motion was negatived.

Mr. Chairman: The question is:

Page 2—

omit lines 25 and 26.

The motion was negatived

Shri Mohan Lal Saksena: I want amendment No. 16 to be put to vote.

Mr. Chairman: The question is:

Page 2—

after line 26, add:

“(g) all the Members of Parliament from Delhi State, ex-officio;”.

Those in favour will say ‘Aye’.

Some Hon. Members: Yes.

Mr. Chairman: Those against will say ‘No’.

Several Hon. Members: No.

Mr. Chairman: The ‘Noes’ have it....

Some Hon. Members: The ‘Ayes’ have it.

Mr. Chairman: Do hon. Members want division?

Shri Mohan Lal Saksena: Yes. Let the bell be rung.

Mr. Chairman: If the hon. Member insists that the bell be rung because he will get more support, I have no objection. But perhaps the condition now might be more favourable to him.

The bell is being run.....

Rajkumari Amrit Kaur: I would like to submit to you that Delhi is the capital city of India. It is not the property as it is supposed to be of.....

Mr. Chairman: Now it is voting time. So, we cannot go into the merits of the matter.

[MR. DEPUTY-SPEAKER in the Chair]

Mr. Deputy-Speaker: I shall now put the question again.

Shri Kamath: I suppose it includes also New Delhi.

Mr. Deputy-Speaker: Delhi State includes Delhi, New Delhi and everything.

The question is:

Page 2—

after line 26, add:

“(g) all the Members of Parliament from Delhi State, ex-officio;”.

The motion was negatived.

Mr. Deputy-Speaker: I shall now put the other amendments, namely amendments Nos. 1, 15, and 17 to vote.

Pandit Thakur Das Bhargava: Amendment No. 1 is a distinct one. So, it may be put separately.

Mr. Deputy-Speaker: The question is:

Page 2—

after line 26 add:

“(g) two representatives to be elected from amongst themselves by Members of Parliament;

(h) two representatives to be elected from amongst themselves by Members of the Delhi Vidhan Sabha”.

Sardar Hukam Singh: I would like to bring to your notice that when I was in the Chair, Government wanted to accept a part of this amendment. I also advised like that. That might be treated as a fresh amendment to Pandit Thakur Das Bhargava's amendment. That has to be put before it so that it is made clear.

Pandit Thakur Das Bhargava also wanted to move an amendment to inat, that instead of two it should be four and instead of one it should be two. If the Government amendment is put first and if that is accepted, perhaps the others would be barred.

Mr. Deputy-Speaker: Very well.

Pandit Thakur Das Bhargava: If my amendment is put first and accepted, the Government amendment will be barred.

Shri S. C. Samanta: In order to avoid any anomaly, may I suggest....

Mr. Deputy-Speaker: I can avoid the anomaly. It is open to the Chair to put whichever amendment it likes to the vote of the House. I, therefore, choose the Government amendment first.

Pandit Thakur Das Bhargava: May I humbly submit that that rule

applies when the amendments are on the same subject? Here they are distinct, one is absolutely different from the other. As my amendment has come first it should be put to vote first.

Mr. Deputy-Speaker:

“Three Members of Parliament, two to be elected by the Members of the Lok Sabha from among themselves and one to be elected by the Members of the Rajya Sabha from among themselves”.

For Delhi Vidhan Sabha, Rajya Sabha is mentioned here. That is the amendment by the Government.

Pandit Thakur Das Bhargava: They are not on the same subject.

Mr. Deputy-Speaker: The hon. Member knows the rules. If I am wrong, certainly I will be corrected. I can put whichever amendment I like first. If they are different amendments and one does not bar the other, I will consider the matter.

Pandit Thakur Das Bhargava: The hon. Chairman has stated that it is an independent amendment moved by Government. You will be pleased to see that in that one member is from the Rajya Sabha. That is quite different from the Vidhan Sabha. Therefore, both are quite different.

Mr. Deputy-Speaker: One excludes the other. I will put the Government amendment first.

Shri C. K. Nair: But the Minister has given an assurance that she will have no objection to there being two members from the Delhi Vidhan Sabha.

Rajkumari Amrit Kaur: No. It is true that during the course of my speech, I said that if instead of the two members that are already there—representatives of the Delhi State Government to be nominated by the Government—this House wants to have two Members from the Vidhan Sabha. I would not stand in their way. But some of the Members said that the Vidhan Sabha of Delhi is going to disappear.....

Shri C. K. Nair: But not before the Authority..... ..

Mr. Deputy-Speaker: Order, order. There must be rule and decorum observed in the House.

Rajkumari Amrit Kaur: Therefore, I feel that the two representatives of the Delhi State Government to be nominated by that Government can remain, and two representatives to be elected from amongst themselves by Members of the Lok Sabha and one representative to be elected from amongst themselves by Members of the Rajya Sabha may be added.

Sardar Iqbal Singh: My submission is that it is already past 6 O'clock. We can devote our attention to this tomorrow.

Mr. Deputy-Speaker: I will now put the Government amendment to the vote of the House. I will put the other amendment, of Pandit Thakur Das Bhargava, later.

The question is:

Page 2—

after line 26, add:

"(j) three members of Parliament, two to be elected by the members of the Lok Sabha from among themselves and one to be elected by the members of the Rajya Sabha from among themselves".

The motion was adopted

Mr. Deputy-Speaker: Now, the first part of Pandit Thakur Das Bhargava's amendment, No. 1, is barred because we have already accepted the Government amendment. I will put the other portion to the vote of the House.

The question is:

Page 2—

after line 26, add:

"(h) two-representatives to be elected from amongst themselves by members of the Delhi Vidhan Sabha".

The motion was negated.

Mr. Deputy-Speaker: I will now put the other two amendments to the vote of the House.

The question is:

Page 2—

after line 26, add:

"(g) two representatives to be elected from amongst themselves by members of Parliament;

(h) two representatives to be elected from amongst themselves by members of Delhi Vidhan Sabha."

The motion was negated.

Mr. Deputy-Speaker: The question is:

Page 2—

for line 32 and 33, substitute:

"(5) The Secretary of the authority shall be appointed by the Chief Commissioner on such terms and conditions as he thinks fit and".

The motion was negated.

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill".

The motion was adopted

Clause 3, as amended, was added to the Bill.

Mr. Deputy-Speaker: Now, we shall take up clause 4.

An Hon. Member: It is already past 6 O'clock.

Mr. Deputy-Speaker: Is it the desire of hon. Members that the House should adjourn now?

Several Hon. Members: Yes.

Mr. Deputy-Speaker: All right.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 9th December, 1955.

DAILY DIGEST

[Thursday, 8th December, 1955]

	Columns		Columns
REPORT OF BUSINESS ADVISORY COMMITTEE ADOPTED	1749	Rules of Procedure was discussed and the Speaker postponed his decision thereon.	4—93
Thirtieth Report was adopted		CONSIDERATION OF BILL	1814—1916
MOTION TO INTRODUCE BILL	1749—1814	Delhi (Control of Building Operations) Bill was further considered. Motion to consider was adopted. Clause-by-clause consideration was taken up. Clause 2 was adopted, clause 3 was adopted as amended. Clause-by-clause consideration was not concluded.	94—225