

Par. 821152

830



Tuesday,  
2nd August, 1955

# PARLIAMENTARY DEBATES

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## HOUSE OF THE PEOPLE

### OFFICIAL REPORT

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PARLIAMENT SECRETARIAT  
NEW DELHI

*Price Six Annas (Inland)*  
*Price Two Shillings (Foreign)*

3223

3224

**LOK SABHA**

Tuesday, 2nd August, 1955

*The Lok Sabha met at Eleven of the Clock*

[ Mr. SPEAKER in the Chair ]

**ORAL ANSWERS TO QUESTIONS**

**बन्दरों का निर्यात**

\*३१५. श्री एम० एल० द्विवेदी :  
क्या बाणिज्य और उद्योग मंत्री यह बताने  
की कृपा करेंगे कि :

(क) १९५० से १९५५ में अब तक  
कितने बन्दरों का निर्यात विदेशों के लिये  
किया गया है ;

(ख) उपरोक्त समय में किस देश को  
सब से अधिक बन्दरों का निर्यात किया गया,  
और उस देश ने इन का कुल कितना मूल्य  
दिया तथा प्रति बन्दर क्या मूल्य दिया ;

(ग) क्या यह सच है कि पिछले वर्षों  
की अपेक्षा इस वर्ष बन्दरों की मांग अधिक  
है ; और

(घ) यदि हां, तो इस वर्ष निर्यात का  
क्या कार्यक्रम है ?

**बाणिज्य मंत्री (श्री करमरकर) :**

(क) तथा (ख). यह जानकारी प्रदान  
करने वाला एक विवरण समा पटल पर  
उपस्थित किया गया है। [बैकिये परिशिष्ट  
३, अनुबन्ध सं० १७]

(ग) जी, हां।

(घ) बन्दरों की निर्यात सम्बन्धी एक  
नीति निर्धारित करने का प्रश्न विचाराधीन  
॥६६ L.S.D.—१॥

है। इस बीच आयातक देशों की सरकारों  
द्वारा प्रार्थना किये जाने पर निम्न शर्तों पर  
बन्दरों के निर्यात की अनुमति दी जा रही  
है :—

(१) बन्दरों का केवल चिकित्सा  
अनुसंधान तथा टीकों के उत्पा-  
दन के लिये ही प्रयोग किया  
जायेगा।

(२) बन्दरों को केवल हवाई जहाज  
से ही ले जाया जायेगा तथा  
ले जाने वाले मार्ग में उन  
के साथ मानवीय व्यवहार  
किये जाने की गारंटी देगा।

(३) निर्यात से पूर्व सुयोग्य पशु-  
चिकित्सक द्वारा बन्दरों का  
परीक्षण कराया जायेगा।

श्री एम० एल० द्विवेदी : मैं यह जानना  
चाहता हूँ कि अभी तक जो निर्यात हुआ  
है क्या उस के बारे में सरकार को यह  
मालूम हुआ है कि बन्दरों के साथ अमानु-  
षिक व्यवहार हुआ है, और यदि हां, तो  
जिन देशों के द्वारा यह व्यवहार किया गया  
है उन के प्रति सरकार ने क्या रुख अपनाया  
है ?

श्री करमरकर : गये बरस यह बात  
हमारे सामने आई थी कि कुछ बन्दर ठीक  
प्रबन्ध न होने के कारण रास्ते में मर गये।  
इस के बाद हम ने बन्दरों के निर्यात को  
रोका था। हम को संशोधक संस्था वगैरा  
ने बतलाया है कि वह बन्दरों को साइंटिफिक  
रिसर्च के लिये चाहते हैं। यदि माननीय  
सदस्य कोई सूचना हम को देना चाहें तो  
हम उस को मानने को तैयार हैं।



**श्री एम० एल० द्विवेदी :** मंत्री महोदय ने यह बतलाया कि इन बन्दरों का प्रयोग वैज्ञानिक अनुसंधान तथा चिकित्सा सम्बन्धी कार्यों के लिये होता है। मैं जानना चाहता हूँ कि क्या सरकार ने इस बात का पता लगाया है कि वह इस काम के लिये ही इस्तेमाल किये जाते हैं और कामों के लिये नहीं।

**श्री करमरकर :** हम समझते हैं कि मंगाने वाले इन का उपयोग रिसर्च लेबोरेटरीज में ही करते होंगे। हम ने हर एक बन्दर के बारे में तो तलाश नहीं किया कि उस का क्या इस्तेमाल किया जाता है।

**सेठ अचल सिंह :** क्या मंत्री महोदय को मालूम है कि प्रिवेशन आफ क्रुएल्टी टू एनीमल्स सोसाइटी की तरफ से इस का सख्त विरोध किया गया है क्योंकि ये बन्दर बड़ी बेरहमी से मारे जाते हैं ?

**श्री करमरकर :** सवाल का उत्तराद्वय समझ में नहीं आया।

**Some hon. Members rose.**

#### TECHNICOLOUR FILM PLANT

\*316. **Shri A. K. Gopalan :** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether there is any proposal to set up a Technicolour Film plant in India; and

(b) if so, the details of the scheme and when the plant will be set up?

**The Minister of Information and Broadcasting (Dr. Keskar) :** (a) and (b). A proposal from a private concern for the setting up of a Technicolour plant in collaboration with the foreign firm Technicolour Limited was considered and was not sanctioned, having regard to the terms of participation between the Indian parties and foreign firms. A further representation for the re-consideration of this decision is under examination.

**Shri A. K. Gopalan :** May I know the details of the agreement or the terms with the foreign firm ?

**Dr. Keskar :** I have not got the detailed discussions of the proposals made. And this Ministry does not give such a sanction. Really speaking, it is the Commerce and Industry Ministry which gives sanction for these things. I think it was the percentage of capital between the two firms which was the bone of contention.

**Shri V. P. Nayar :** May I know whether Government have any idea of the annual requirements of raw films, technicolour and otherwise, in India; and may I also know whether it is not a fact that all this is imported?

**Mr. Speaker :** The question is beyond the scope of this. This refers to the plant.

**Shri Chattopadhyaya :** May I know whether the company that was represented here was represented by one Mr. Harrison who came here very recently, and is it that firm that got into negotiations with this Government?

**Dr. Keskar :** I do not know the name but the person who came here was a representative of Technicolour Limited.

#### Small Scale Industries

\*317. **Shri D. C. Sharma :** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have given any aid or subsidy for establishing and developing small scale industries in the areas to be served by hydro-electric power in the Punjab;

(b) if so, whether any report regarding the progress made has been called for; and

(c) whether a copy thereof will be laid on the Table of the House ?

**The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari) :** (a) to (c). A statement is laid on the Table of the House. [See Appendix III, annexure No. 18]

**Shri D. C. Sharma :** May I know where the centre for the marketing of cottage and small-scale industries, or which a revised scheme has been approved, is going to be started ?

**Shri T. T. Krishnamachari :** Precise information is not available. I will let the hon. Member have that information.

**Shri D. C. Sharma :** May I know on what basis the loans for the small-scale and cottage industries sanctioned by the Government of India are going to be distributed ?

**Shri T. T. Krishnamachari :** The basis is according to the needs certified by the State Government and administered by them.

**Shri D. C. Sharma :** Is it not a fact that the district of Hoshiarpur, where the Bhakra-Nangal project is situated, is having none of these centres; and, if so, may I know why this discrimination has been made against the district of Hoshiarpur?

**Shri T. T. Krishnamachari :** The regional distribution of these facilities is a matter which is in the discretion of the State Government. I am afraid the question should be addressed to them.

**Shri T. N. Singh :** May I know whether all the power to be generated at Bhakra-Nangal is already earmarked—almost all of it—for the heavy water and fertilizer projects; if so, what is the surplus left over for these purposes?

**Shri T. T. Krishnamachari :** I do not think there has been a mortgage as such of the power as yet.

### रेशम उद्योग

\*३१६. **श्री नवल प्रभाकर :** क्या उत्पादन मंत्री सभा पटल पर एक विवरण रखने की कृपा करेंगे जिस में निम्नलिखित बातें दिखाई गई हों :

(क) १९५४-५५ में रेशम उद्योग के विकास तथा गवेषणा के लिये केन्द्रीय रेशम बोर्ड द्वारा किन किन राज्यों को अनुदान दिये गये थे ; और

(ख) प्रत्येक राज्य को कितनी घन राशि का अनुदान दिया गया था ?

**उत्पादन उपमंत्री (श्री सतीश चन्द्र) :**  
(क) और (ख). एक सूची सभा पटल पर रख दी गई है [बेसिये परिशिष्ट ३, अनुबन्ध संख्या १६].

**श्री नवल प्रभाकर :** जो राशियां अनुदान में दी गई हैं वे किस आधार पर दी गई हैं ?

**श्री सतीश चन्द्र :** स्टेट गवर्नमेंट्स से जो स्कीमें आती हैं उन पर सिल्क बोर्ड

गौर करता है। जो सिल्क के व्यवसाय की उन्नति के लिये उपयुक्त समझी जाती है उन के लिये ग्रांट और एड दी जाती है।

**श्री नवल प्रभाकर :** विवरण में दिया हुआ है कि १३ राज्यों को अनुदान दिये गये हैं। इन के अतिरिक्त क्या किसी और राज्य ने इस तरह की राशि की मांग की थी ?

**श्री सतीश चन्द्र :** इन १३ राज्यों को अनुदान सन् १९५३-५४ में दिये गये थे। इस वर्ष कुछ और राज्यों से भी योजनाएँ आई हैं और उन पर गौर हो रहा है। कुछ मंजूर हो गई हैं। कुछ पर अभी विचार किया जा रहा है।

**Dr. Rama Rao :** Out of over Rs. 18 lakhs sanctioned by the Silk Board to the State Governments during 1954-55, may I know what amount has been utilised so far?

**श्री सतीश चन्द्र :** इनमें से कुछ योजनाएँ

**Mr. Speaker :** He may reply in English.

**Shri Satish Chandra :** Some of these schemes have already been taken in hand by various State Governments. Some have not yet been started, but arrangements are being made to put them into operation as soon as possible.

**Shri Thimmaiah :** In spite of the large amounts of grants given to the States for the development of the silk industry may I know why we are still importing raw silk from outside?

**Shri Satish Chandra :** The quantity of silk yarn available in the country is not sufficient to meet the entire requirements; but a close watch is kept, and imports are restricted if the local production is sufficient to meet the needs.

**Shri Thimmaiah :** How much are we importing

### Indian Businessmen in Japan

\*320. **Shri Gidwani :** Will the Minister of Commerce and Industry be pleased to state :

(a) whether it is a fact that Government have received a representation detailing the difficulties of the Indian businessmen in Japan;

(b) whether it is a fact that they have represented that they have not been paid compensation for property destroyed during the last war; and

(c) if so, the action taken by Government on their representation?

**The Minister of Commerce (Shri Karmarkar):** (a) and (b). Yes, Sir. A representation has been received from the All-India Sindwork Merchants' Association, Bombay, requesting Government for expediting payment of compensation against Indian properties which suffered loss or damage due to the last war.

(c) A settlement of the claims is still being pursued with the Government of Japan.

**Shri Gidwani:** What is the total amount of the claims of the property lost by them during the last war?

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

**Shri Gidwani:** What are the causes for the delay in expediting the payment of compensation or in settling the issue?

**Shri Karmarkar:** The cause is that the matter is not yet settled. We are taking it up with the Japanese Government. There are matters to be considered, and therefore it is delayed.

**Shri Kamath:** With reference to part (b) of the question, was this property of Indians in Japan destroyed during the war when Netaji Subhas Chandra Bose was an honourable ally of Japan, or was it destroyed afterwards when the American forces occupied Japan after atom-bombing Hiroshima and Nagasaki?

**Shri Karmarkar:** The question is a very composite one but I can broadly say that the property was damaged during the war.

**Shri M. M. Gandhi:** May I ask question No. 321 on Shri Dabhi's behalf?

**Mr. Speaker:** The hon. Member knows by now the practice. If he has got written authority, he shall do so at the end; not now.

#### Cadet Corps

\*322. **Dr. Ram Subhag Singh:** Will the Minister of Irrigation and Power be pleased to state how the work done by cadets of the N.C.C. and A.C.C. on the Kosi embankment compares with the work done there by other voluntary labour?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** A statement giving the requisite information is laid on the Table of the House. [See Appendix III, annexure No. 20]

**Dr. Ram Subhag Singh:** The question is: how the work done by the cadets of the N.C.C. and A.C.C. on the Kosi embankment compares with the work done by other voluntary labour. But it does not appear from the statement how many NCC and ACC cadets were employed and how many *Shramdanis* were employed and what expenditure was incurred on them.

**Shri Hathi:** The statement gives the quantity of work done by the ACCs and other people who took part in the *Shramdan*. If the hon. Member wants to know the quality of the work, the quality was quite of the required standard. So far as the exact expenditure is concerned, it is not possible to say it exactly at present but the project has not incurred any expenditure on them.

**Shri Keshavalengar:** In view of the fact that some of these nation building activities are creating enthusiasm in the minds of young cadets, why were the cadets from other parts not invited to do his task?

**Shri Hathi:** The main difficulty was time. The time at our disposal was very short. They had to organise the camps. Even now, 26,000 cadets took part in this and that is quite a large number.

**Shri Bhagwat Jha Azad:** May I know whether the camp on the Kosi embankment was part of their usual annual feature or whether any extra amount was spent?

**Shri Hathi:** That was being managed by the Ministry of Defence.

#### Sikh Pilgrims to Pakistan

\*323. **Shri S. C. Samanta:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Pakistan Government rejected the request of the Shiromoni Gurudwara Prabandhak Committee for a *jatha* of Sikh Pilgrims to visit the Gurudwara of Dehra Sahib in Lahore in May, 1955 on the occasion of the martyrdom day of Guru Arjun Dev;

(b) if so the reasons for non-compliance;

(c) whether the Committee had sent any alternative proposal; and

(d) if so, what it is and why this was not accepted?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) to (d). Yes, Sir. On a request from the Shiromoni Prabandhak Committee, the Indian High

Commissioner in Karachi requested the Government of Pakistan for permission for the visit of a party of 500 pilgrims to Gurudwara Dehra Sahib and other historical Sikh Gurudwaras at Lahore from the 23rd to the 25th May, 1955. The Government of Pakistan did not accept this request but stated that they would agree to the visit of the pilgrim party to Gurudwara Dehra Sahib and the Samadhi of Maharaja Ranjit Singh, provided that the visit took place after the Id, that is, after the 26th May, 1955. As the martyrdom anniversary of Shri Guru Arjun Dev fall on the 25th May, 1955, the Government of Pakistan were once again requested to allow a small party of 20 pilgrims for starting the Akhand Path on the 23rd May and to give visas to other pilgrims for visiting the Gurudwara on the 25th May. The Government of Pakistan replied that due to the Id, it was not possible for them to grant this request also.

**Shri S. C. Samanta:** May I know the reaction of the Government to this rejection of the pilgrimage?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The reaction was quite normal.

**Shri S. C. Samanta:** May I know whether the request of any party from Pakistan has been disallowed in this way?

**Shri Jawaharlal Nehru:** The reason given by the Pakistan Government was that it conflicted with the Id festival. It was a reason which had some justification in it. It is not a refusal to allow them to go but on that particular day—whether it was a proper justification or not, that is another matter—due to Id they said: 'Let them come after the Id'. And I do not think that the Government of India can raise any great objection when they put forward that justification. Normally, people go there and people come here.

सरदार ए० एस० सहगल: क्या मैं जान सकता हूँ कि यदि दो त्यौहार सिक्खों तथा मुसलमानों के भ्रंस्तर एक ही दिन पड़ें, ऐसी हालत में सिक्खों का जत्था गुरुद्वारे में नहीं जा सकता, इस को दूर करने के लिये भारत सरकार क्या कोई कदम उठायेगी।

श्री जवाहरलाल नेहरू: जी नहीं। यह सवाल तो जो भारतीय सरकार या मुकामी सरकार देखेगी कि भगड़े फसाद का भ्रंदेशा तो नहीं है, अगर भगड़े फसाद का भ्रंदेशा है तो जो मुनासिब कार्यवाही समझेगी करेगी।

### Jute Goods

\*324. **Shri Ibrahim:** Will the Minister of Commerce and Industry be pleased to state:

(a) the extent of demand for Indian jute goods in foreign countries; and

(b) the efforts being made to improve the quality of Indian jute goods with a view to increasing its export?

**The Minister of Commerce (Shri Karmarkar):** (a) The demand for Indian jute goods in foreign countries varies from year to year. It depends on a variety of factors such as, the size of crops in the main grain producing countries, movement of foodgrains in the world, the extent of bulk handling practised in consuming countries, availability of other rival packing materials such as paper, plastics, etc. and also competition from the jute industry in foreign countries. Subject to these, the demand for Indian jute goods fluctuates from 7 to 9 lakh tons per annum.

(b) The quality of Indian jute goods has been generally accepted as satisfactory. Nevertheless, continuous research on the subject is being carried on in the laboratories of the Indian Jute Mills Association.

**Shri Ibrahim:** May I know whether the Government has taken any measure to enable the manufacturers of jute goods in India to withstand the competition in the world market which is likely to be affected after the devaluation of the Pakistani rupee?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** Government are taking necessary steps.

**Shrimati Kamalendu Mati Shah:** Is it true that the quality of jute is better in other countries than in ours?

**Shri T. T. Krishnamachari:** Pakistan jute is certainly supposed to be better in quality than the average type of Indian jute but we are trying to improve our quality all the time.

**Shri Chattopadhyaya:** Is it a fact that several complaints had been received with regard to the export of shoddy goods by Indian exporters and, if so, what steps have Government taken in order to stop this?

**Shri Karmarkar:** We are not aware of any such complaints; if and when they come we shall deal with them adequately.

**Shrimati Renu Chakravarty:** From the answer to part (b) of this question, we have not understood exactly what Government has done to improve the quality

of the jute goods. It has appeared in the papers today that the export duties on jute goods have been taken off; in view of that are we to understand that one of the greatest difficulties in the way of jute goods finding a market is the price or rather the quality?

**Shri T. T. Krishnamachari:** This issue is rather complex and inter-twined. At the moment we thought rather that the price might be an inhibiting factor unless we took away the relative disadvantage that the Indian jute goods would have as against the Pakistan jute goods as well as jute goods manufactured in other countries with Pakistan jute.

### Decontrol of Coal

\*325. **Shri P. C. Bose:** Will the Minister of Production be pleased to refer to the reply given to starred question No. 1480 on the 29th September, 1954 and state whether any decision has since been taken in regard to decontrolling the price of coal?

**The Minister of Production (Shri K. C. Reddy):** The proposal which was originally made by a representative of an important non-official organisation has been subsequently withdrawn by his own organisation. Government have agreed with their conclusion that the control on coal should be continued.

**Shri P. C. Bose:** May I know if the railways would be in a position to maintain adequate supply of empty wagons if the control is removed?

**Mr. Speaker:** This question does not seem to arise; it would arise if the control is not continued.

### Indian Film Festival

\*326. **Shri P. Ramaswamy:** Will the Minister of Information and Broadcasting be pleased to state :

(a) whether it is a fact that an Indian Film Festival was held in London on the 21st June, 1955; and

(b) if so, the main features of this Festival?

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

(b) The Festival was organised by an organisation called the Asian Film Society. Beyond lending some documentaries of the Films Division to the Society at their own request Government has no information regarding the Festival.

**Shri P. Ramaswamy:** May I know the total expenditure and income derived by exhibiting Indian films in England?

**Dr. Keskar:** This is a private society and it is very difficult for me to say regarding the Indian films which might have been exported for this purpose.

**Shri P. Ramaswamy:** May I know what kind of films were selected for the exhibition and what was the basis for such selection?

**Dr. Keskar:** As I said, the Government has no information, as this is a private body which has organised this festival.

**Shri mati Renu Chakravartty:** May I know if in this competition festival or own films found place in any of the categories in which the exhibition took place?

**Dr. Keskar:** We have even no idea of the extent of this festival; how many days it was held and so on.

**Mr. Speaker:** No, no. I think the hon. Member wanted to know whether the Indian films found any place of honour in any of the categories in which the exhibition was held?

**Dr. Keskar:** I have no specific information but I think it was an Asian film festival and so Indian films formed a very large part of the show. We sent about six documentaries and a number of Indian feature films. I think newspaper reports say that one or two Indian films were given awards also.

**Shri H. N. Mukerjee:** May I know if before the festival any effort was made to get a representative selection of Indian films depicting the different aspects of Indian life and also to purvey to foreign countries the significance of those specialities of Indian society which are depicted in the best of our films?

**Dr. Keskar:** We generally try to do that at any film festival which wants India as a country to participate. But, as I said, this is a private society which has organised this festival and they wanted only some films from us which we supplied. It is not possible for us—at least uptill now there is no law—to regulate the export of films for all sorts of festivals by laying down a procedure to that effect so that only selected films will go.

### बृहद् बांध सभन्वी अन्तर्राष्ट्रीय सम्मेलन

\*३२७. श्री रघुनाथ सिंह : क्या सिबाई और बिद्युत मंत्री यह बताने की कृपा करेंगे कि बृहद् बांध सभन्वी जो अन्तर्राष्ट्रीय

सम्मेलन पेरिस में मई, १९५५ में हुआ था उस में भारत के बारे में किन किन विषयों पर चर्चा हुई थी ?

**सिंचाई और विद्युत उपमंत्री (श्री हाथी) :** सम्मेलन में भारतवर्ष से संबंधित किसी खास विषय पर वाद विवाद नहीं हुआ, बांध निर्माण सम्बन्धी प्रावधिक (टेक्निकल) प्रश्नों पर विवाद हुआ। यह प्रश्न सामान्य अभिरुचि (ग्राम दिलचस्पी) के थे।

**श्री रघुनाथ सिंह :** अगर भारत के सम्बन्ध में वाद विवाद नहीं हुआ तो वहां जाने से क्या फायदा हुआ ?

**श्री हाथी :** भारत के बारे में कुछ वाद विवाद नहीं हुआ, लेकिन जिन प्रश्नों पर वाद विवाद हुआ वह अगत्य के प्रश्न थे, जैसे परमिएबुल स्वायल, पोली मिट्टी से बनाये जाने वाले बांध के नक्शे व निर्माण विधि तथा उन के उपचार और उपाय के प्रश्नों पर भी वाद विवाद हुआ था।

#### Land Cultivation

\*328. **Shri Bibhuti Mishra :** Will the Minister of Planning be pleased to state whether Government have formulated any scheme prohibiting the use of land for unsocial purposes such as tobacco cultivation ?

**The Deputy Minister of Planning (Shri S. N. Mishra) :** No, Sir.

**Shri Bansal :** May I know if the Government have come to a decision that chewing tobacco or smoking tobacco is an anti-social activity ?

**Shri S. N. Mishra :** No, Sir. This suggestion...

**श्री बिभूति मिश्र :** क्या सरकार को पता है कि तम्बाकू से समाज का कोई फायदा नहीं होता फिर भी तम्बाकू के लिये सर्वोत्तम जमीन ली जाती है ? तो क्या सरकार इस बात को सोचती है कि इस जमीन पर दूसरी चीजें पैदा की जायें ?

**श्री एस० एन० मिश्र :** सरकार के सामने भूमि के उपयोग की पूरी तस्वीर होती है जिस में तम्बाकू की खेती का भी स्थान होता है।

**श्री बिभूति मिश्र :** तम्बाकू की खेती से समाज का कौन सा फायदा होता है, मैं यह जानना चाहता हूँ।

**Mr. Speaker :** Order, order. No further arguments.

#### Nangal Power Supply

\*329. **Shri Nanadas :** Will the Minister of Irrigation and Power be pleased to state :

(a) whether it is a fact that there has been frequent break-down in Nangal Power supply since it was made available to Delhi in April this year ;

(b) if so, the reasons therefor ;

(c) whether it is fact that due to these break-downs, power supply to Delhi will have to be cut down appreciably ; and

(d) if so, the remedial measures Government propose to take in this regard ?

**The Deputy Minister of Irrigation and Power (Shri Hathi) :** (a) No Sir. There were some interruptions during the first month, but since 14th May, 1955 there has been none.

(b) Does not arise.

(c) No, Sir.

(d) Does not arise.

**Shri Nanadas :** May I know the extent of short supply of power due to these interruptions, and may I also know the extent of inconvenience caused to the household consumers as well as industrial concerns ?

**Shri Hathi :** As I mentioned, there were not interruptions of very long durations. Some 9 interruptions were there only for a maximum time of 3 to 5 minutes. That was only in the first month and after 14th May, 1955 there were no interruptions.

**Shri Nanadas :** May I know whether it is a fact that without the control key at the delivery end of the Punjab line it would be impossible to minimise these break-downs ?

**Shri Hathi :** As I have said, these break-downs were there because of initial difficulties in the operation of the Ganguwal Power House. They have been removed. After 14th May, 1955 till today there has not been any interruption.

### Houses in Rajinder Nagar

\*330. **Dr. Rama Rao :** Will the Minister of Works, Housing and Supply be pleased to state :

(a) whether it is a fact that Government propose to demolish the existing houses in old Rajinder Nagar to build new houses there ; and

(b) if so, the details of such a proposal ?

**The Minister of Commerce (Shri Karmarkar) :** (a) Yes Sir, a proposal to this effect is under consideration, but final decision has not so far been taken.

(b) The details have yet to be worked out.

**Dr. Rama Rao :** May I know whether it is a fact that several hundreds of refugees have purchased houses on instalment basis and have spent substantial amounts on their improvement, and if so, what compensation do Government propose to give them ?

**Shri Karmarkar :** The whole question, as I said, is under consideration. It is fact, I think, that a couple of hundreds or so of the refugees have owned their own houses.

**Dr. Rama Rao :** May I know whether the Government will guarantee alternate accommodation for these people who are going to be displaced from these tenements ?

**Shri Karmarkar :** As a human problem, certainly alternative arrangements will have to be made. But, the whole question, as my friend will appreciate is under consideration.

**Dr. Rama Rao :** May I know how many tenements are involved in this scheme ?

**Shri Karmarkar :** The houses are in all about 36 bungalow plots and some land given to educational institutions about which there is no trouble. The alternative accommodation that will have to be found is in respect of about 2352 families who will have to be shifted from two-roomed and single-roomed tenements. That gives the size of the problem.

**Shri N. L. Joshi :** May I know why the Government is demolishing these houses ?

**Shri Karmarkar :** The idea is to have sort of slum clearance. The difficulties are there and the human approach is also there as it will dislocate the people, at one time. So, the whole question is being considered.

### Foreign Experts

\*331. **Shri K. P. Sinha :** Will the Minister of Irrigation and Power be pleased to state :

(a) the number of foreign experts on Dams still in the service of the Union Government ; and

(b) the total emoluments etc., paid to them per month ?

**The Deputy Minister of Irrigation and Power (Shri Hathi) :** (a) None.

(b) Does not arise.

### Atomic Energy

\*332. **Shri Bhagwat Jha Azad :** Will the Prime Minister be pleased to state,

(a) whether the possibilities of utilising atomic energy derived from 'nuclear fission' for deepening river beds and training river for flood control have been examined ; and

(b) if so, with what result ?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) :** (a) and (b). No.

**Shri Bhagwat Jha Azad :** Do Government propose to make such experiments in the near future ?

**Shri Jawaharlal Nehru :** No, Sir.

**Shri Bhagwat Jha Azad :** Has Government got any information that such experiments are being conducted in other countries and if so, has the Government of India asked for technical assistance in this matter ?

**Shri Jawahar Lal Nehru :** No, Sir.

**Shrimati Renu Chakravartty :** In view of the fact that there is a great amount of attention being paid to the use of atomic energy for peaceful purposes, may I know in what directions the utilisation of atomic energy and research in our country is going to be made in the future ? Is there any plan about that ?

**Shri Jawaharlal Nehru :** Before we utilise it we have to produce it and at the present moment in every country attention is being directed towards producing atomic energy for such use. The only



countries, so far as I know, that have used atomic energy in a small way are the United States of America, the Soviet Union and the United Kingdom. Now, they have got big schemes of utilisation of atomic energy, that is to say, they are producing power, and power, when produced, can be used for any purpose you like. For whatever purpose, power can be utilised, that particular power will be used for it. The problem is, therefore, to produce that power.

### आजाद हिन्द फौज की आस्तियां

\*३३४. श्री भक्त वर्मान : क्या प्रधान मंत्री २६ मार्च, १९५५ को दिये गये तारांकित प्रश्न संख्या १५६२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि क्या सम्पत्ति-प्रभिरक्षक, सिंगापुर के पास आजाद हिन्द फौज और भारतीय स्वतंत्रता संघ की जो आस्तियां जमा थीं, वह तब से वापस मिल गई हैं ?

वैदेशिक कार्य मंत्री के सभा-सचिव (श्री साबत अली खां) : अभी नहीं ।

श्री भक्त वर्मान : क्या मैं जान सकता हूं कि इस में इतनी देरी होने का क्या कारण है और कब तक इस की भाषा की जा सकती है ?

श्री साबत अली खां : देरी होने का कारण यह है कि मलाया और सिंगापुर की तरफ से देरी होती है, हम तो अपनी कोशिश जारी रखते हैं ।

श्री भक्त वर्मान : क्या गवर्नमेंट की जानकारी में यह बात भी है कि जापान के आत्म समर्पण के बाद जब नेता जी सुभाष चन्द्र बोस रंगून से चले थे तब यह कहा जाता है कि उन के पास बहुत बड़ी सम्पत्ति थी क्या इस के बारे में पता लगाने का प्रयत्न किया गया है और क्या उस में कुछ सफलता मिली है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : जी हां, काफ़ी कोशिश की गई और वह कोशिश बहुत कामयाब भी हुई । कुछ थोड़ा सा रुपया

मिला था । आज से ६ वर्ष पहले सन् १९४९ में मैं सिंगापुर गया था । वहां भी दफ़्तार किया था और थोड़ी संख्या में वहां भी मिला था । आखिर में बमुश्किल तमाम वह हमारे कब्जे में भी आया था । कोई लाख, डेढ़ लाख रुपया मुझे मिला था । उस का हमने वहां पर एक ट्रस्ट बनाया और उस से हिन्दुस्तानी स्टूडेंट्स को कुछ स्कालरशिप्स दिये जाते हैं । और जो कुछ होगा उस का खास पता नहीं चला । और पता नहीं कि अब चलेगा या नहीं ।

**Shri Kamath:** Is it a fact that a large quantity of gold, jewellery and precious gems were handed over to one Mr. Ramamurthi in Tokyo by S. A. Aiyar after the reportedly fatal air-crash and if so, whether the gold, jewellery and precious gems and perhaps cash also have been made over to the Government of India by Mr. Ramamurthi ?

**Shri Jawaharlal Nehru :** I do not know about the large quantity, but something was handed over to us and that was presumably the lot to which the hon. Member refers. It is not of any great intrinsic value. They were a few gold ornaments and a few odd things rather burnt and twisted up and we have kept them as a matter of sentiment and history, to be kept perhaps in a museum. If hon. Members have any other suggestion to make, we will consider it.

डा० सुरेश चन्द्र : मैं जानना चाहता हूं कि यह जो एसेट्स वगैरह वापस आयेंगे, क्या इन का इस्तेमाल जो आई० एन० ए० के लोग हैं उन के बास्ते किया जायेगा ?

श्री जवाहरलाल नेहरू : यह एसेट्स वगैरह कुछ वापस नहीं आयेंगे क्योंकि उन को वापस लाने में पहले से ही बहुत ज्यादा दिक्कतें हैं और इस के साथ ही साथ यह थोड़ी ही सी रकम है, बहुत बड़ी रकम भी नहीं है । इसलिये इन दिक्कतों को दूर करने के लिये हम ने तय किया है कि यह रुपया वहीं रहे और वहां पर जो हिन्दुस्तानी और खास कर जिन का सम्बन्ध आई० एन० ए० से था उन के बच्चों को उन की पढ़ाई लिखाई के लिये स्कालरशिप्स के रूप में यह रुपया दे दिया जाये ।



### Stores Purchases

\*335. **Shri Jethalal Joshi** : Will the Minister of Works, Housing and Supply be pleased to state :

(a) the total amount of stores purchased by the Government of India through the purchase organisations in the Ministry in 1954-55;

(b) how much of it was indigenous and how much foreign ; and

(c) whether any policy of price preference in respect of Indian products is followed by Government?

**The Minister of Commerce (Shri Karmarkar)** : (a) Rs. 162 crores, approximately.

(b) Indigenous Rs. 47 crores.

Imported Rs. 115 crores.

(c) Yes, Sir :

**Shri Jethalal Joshi** : May I know the total value of articles of cottage and small-scale industries which the Government have purchased in pursuance of the policy of price preference, during the year 1954-55?

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

**Shri Jethalal Joshi** : May I know whether there is co-ordination between the Disposals Department and the Supply Department, and if so, in what way?

**Shri Karmarkar** : Definitely there is co-ordination between the Supply and the Disposals Departments. These things are disposed of when they are not required, and those things which are required are ordered by Government.

**Shri Eswara Reddi** : May I know the total amount including the purchases for the railways and defence, and if so, will the Minister be pleased to state those figures?

**Shri Karmarkar** : I have not got the Ministry-wise figures, but if the hon. Member is interested in the broad break-up of those figures, I can mention some items of indigenous stores. They are : steel trough sleepers, fish bolts and nuts, crossings, spillway radial gates, centrifugally cast iron spun pipes, tents, cotton textiles, vehicles and Indian plywood.

### Central Silk Board

\*337. **Chaudhuri Muhammed Shaffee** : Will the Minister of Production be pleased to state :

(a) whether any meeting of the Central Silk Board has been held in Jammu and Kashmir State in May, 1955;

(b) if so, the subjects discussed by the Board in the meeting ; and

(c) the nature of the report submitted by the Board to Government?

**The Minister of Production (Shri K. C. Reddy)** : (a) Yes, Sir. The meeting was held at Srinagar on 27th and 29th May 1955.

(b) In addition to matters relating to establishment and organisation of the Silk Board, proposals for popularising the use of pure silk fabrics and for the technical development of indigenous sericulture industry were discussed.

(c) The Board has recommended that :

(i) a few persons should be deputed to Japan on study tour ;

(ii) two Japanese Technicians specialised in subject like egg production etc. should be secured, preferably under the Colombo Plan ;

(iii) the imports of spun silk yarn should be canalised through the Central Silk Board ;

(iv) the question of cost structure of Cocoons should be referred to the Tariff Commission ; and

(v) schemes costing Rs. 12,17,495-8-0 received from various State Govts. should be approved.

**Shri M. S. Gurupadaswamy** : May I know whether it is a fact that recently the price of cocoons has fallen considerably and what steps have the Central Silk Board taken to arrest this fall in prices?

**Shri K. C. Reddy** : It is true that the price of cocoons has fallen recently to a certain extent. The Central Silk Board is giving its attention to this aspect of the problem.

**Shri M. S. Gurupadaswamy** : May I know whether the import of spun silk from foreign countries, especially from China will not affect the local production?

**Shri K. C. Reddy** : It all depends upon the circumstances under which imports take place. This is a subject which has to be dispassionately watched constantly. Feasible and practical steps will have to be taken from time to time in this regard.

**Shri M. S. Gurupadaswamy** : Is it not a fact that the silk that has been imported from China is not being cleared because there is no demand for it and that as a result of this import, there has been a scaling down of the price of raw silk also in the market?

**Shri K. C. Reddy :** I do not know if the hon. Member is correct in his statement. So far as I remember, the Board was not against such an import. It was within the knowledge of the Board I believe that the import took place.

#### Groundnut Oil

**\*338. Shri M. S. Gurupadaswamy :** Will the Minister of Commerce and Industry be pleased to state the total production of groundnut oil in the country during the period from July 1954 to March 1955?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) :** Information is not available.

**Shri M. S. Gurupadaswamy :** This relates to a period between July 1954 and March 1955. May I take it that the Government have not collected any information so far?

**Shri T. T. Krishnamachari :** Yes, Sir. Information is being collected by the Food and Agriculture Ministry, but they are very largely only estimates, because, the oil that is crushed, is crushed at various places, and we cannot get any statistics particularly from the village *ghanis*.

**Shri M. S. Gurupadaswamy :** May I know at least what is the total value of the export of groundnut oil to foreign countries?

**Shri T. T. Krishnamachari :** I am afraid I have got to total it up. I have got a break-up here from July to April month-wise but I have not totalled it up. I can give the figures later to the hon. Member.

#### Standard Acre

**\*340. Sardar Iqbal Singh :** Will the Minister of Rehabilitation be pleased to refer to the reply given to Starred Question No. 1245 on the 21st March, 1955 and state whether Government have since come to a definite decision regarding the fixation of the value of Standard Acre of agricultural land?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsale) :** Yes.

**Sardar Iqbal Singh :** May I know the value that the Government have fixed for a standard acre of agricultural land?

**Shri J. K. Bhonsale :** Rs. 450 for the first fifty standard acres and thereafter, Rs. 350 per acre.

**Sardar Iqbal Singh :** May I know whether the Government is aware of the fact that the Bakshi Tek Chand Committee has recommended Rs. 800 for the standard acre?

**Shri J. K. Bhonsale :** There are various factors that are taken into consideration such as the landlord's share, the other expenses which come to about 33 1/3 per cent, the actual cost of the food-grains and the various laws which have been enacted by the various States. These factors considered the value of the standard acre works out to Rs. 450/- per acre.

**Sardar Iqbal Singh :** Will the Government of India consider other means of giving compensation for the losses that will occur to the agriculturists through the fixation of a lesser value for the lands?

**Shri J. K. Bhonsale :** If the hon. Member tables a separate question, I shall answer it.

#### Indo-Pakistan Steering Committees

**\*342. Shri D. C. Sharma :** Will the Prime Minister be pleased to state :

(a) how many meetings of the two Steering Committees appointed by the Governments of India and Pakistan have been held so far; and

(b) the decisions arrived at?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) :** (a) and (b). There have been three meetings of the Indo-Pakistan Steering Committees so far. During these meetings, the Committees classified the lists of outstanding issues prepared by the two Governments and formulated the procedure for discussion at various levels for their settlement. In their last meeting, the Committees also took up a few of the items, which, according to this classification, were to be discussed by the Ministry of External Affairs, Government of India, and the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, or by the two Steering Committees. Agreement was reached on many of these items.

The minutes of the meetings of the Steering Committees are placed on the Table of the House (Placed in Library. See No. S-231/55).

**Shri D. C. Sharma :** From the minutes I find that four categories for discussion had been arrived at. In the "C" category there are again four sub-divisions. May I know when the conference at the Prime Ministers' level will take place and what will be the subject for discussion in that conference?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) :** No date has been fixed and no agenda is therefore drawn up.

**Shri D. C. Sharma :** May I know what is being done so far as the question of the Indian defence personnel detained in East Bengal is concerned ?

**Shri Jawaharlal Nehru :** I should like to have notice to answer that question. Presumably that is one of the items on the agenda.

**Shri D. C. Sharma :** May I know what kind of questions are going to be discussed at the 'D' category level, i.e., at the diplomatic level, and who will be the persons engaged in the discussions at that level ?

**Shri Jawaharlal Nehru :** The High Commissioner in Karachi would deal with the Pakistan Government, and the High Commissioner here deals with our Ministry. That is the normal diplomatic method of dealing with the question.

### Training Institutions

**\*344. Shri Gidwani :** Will the Minister of Production be pleased to state :

(a) whether it is a fact that the All India Khadi and Village Industries Board have decided to open a number of training institutions to train the requisite personnel for the organisation of development of its Khadi and Village Industries ;

(b) how many such institutions have been started till the 30th June, 1955 ;

(c) the number of trainees that are being trained for the purpose ;

(d) the period of training; and

(e) the salary to be paid to them after training ?

**The Deputy Minister of Production (Shri Satish Chandra) :** (a) Yes, Sir.

(b) to (e). A statement is laid on the Table of the House. [See Appendix III, Annexure No. 21]

**Shri Gidwani :** May I know what would be the extent of the training scheme during 1955-56 ?

**Shri Satish Chandra :** I require notice to answer this question.

**Shri Gidwani :** Is there any private agency for recruiting these trainees ?

**Shri Satish Chandra :** The Khadi Board members know the places from which these trainees can be recruited. They generally recruit the new trainees from areas in which constructive activity has been carried on in the past.

**Shri T. N. Singh :** Is it a fact that the Khadi Board is also running development blocks where village people are being trained already besides these training centres ?

**Shri Satish Chandra :** If the hon. Member sees the statement I have placed on the Table of the House, he will find that besides these centres, there are other places where such training is being imparted.

**Shrimati Renu Chakravarty :** May I know whether these persons who have been trained would be available in other centres also wherever they ask for them or will they be available for only the centres to be run by the Khadi Industries Board ?

**Shri Satish Chandra :** I said in reply to another question the other day that a research centre where instructors will be trained is being put up. The instructors will spread themselves in different parts of the country to carry on the work.

### Bhilai Steel Plant

**\*345. Dr. Ram Subhag Singh :** Will the Minister of Iron and Steel be pleased to state :

(a) whether the design of the steel plant proposed to be set up at Bhilai has been prepared ;

(b) whether the preliminary work has been undertaken for its erection ; and

(c) the number of Soviet Technicians and Experts who have so far arrived in India for that purpose ?

**The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari) :** (a) The final design is expected to be ready along with the project report which is expected to be in our hands by December 1955.

(b) Yes, Sir.

(c) The number of Soviet Technicians and Experts has varied from 6 to 12.

**Dr. Ram Subhag Singh :** May I know whether the land required for setting up this plant and constructing the township has been acquired and if so, what is going to be the cost of constructing the township ?

**Shri T. T. Krishnamachari:** The area required has been notified. I think the Madhya Pradesh Government have notified about 120 sq. miles. In regard to acquisition, I am told the proceedings will commence very soon. So far as the plans for the township are concerned, they are under way and it will take some time for us to finalise our plans.

**Dr. Ram Subhag Singh:** Having regard to the fact that some persons are going to be dislodged from their houses at Bhilai and in neighbouring villages and also in other areas where some plants are going to be set up, may I know whether the Government will prepare a plan for giving work to the persons who will be dislodged because of the setting up of these plants?

**Shri T. T. Krishnamachari:** The rehabilitation of the displaced persons will be given high priority in our scheme.

**Shri Bansal:** May I know if the Government of India and the Russian technicians have considered the advisability of preparing the designs in such a way that the construction of the plant is taken in hand successively, so that at least one or two blast furnaces can be commissioned earlier than the entire plant?

**Shri T. T. Krishnamachari:** Certainly I will bear in mind the advice given by the hon. Member.

**Shri K. G. Deshmukh:** Is it a fact that there is scarcity of water in this area and if so, what arrangement have the Government made to supply adequate water to this plant?

**Shri T. T. Krishnamachari:** Scarcity of water is always met by rainfall; I am told the average rainfall here is about 55 inches and I expect that it would provide us enough water even if there is drought for more than two years.

**मिलान नगर में नमूनों का मेला**

\*३४६. **श्री रघुनाथ सिंह :** क्या वाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत ने १९५५ में हुए मिलान के नमूनों के मेले, १९५५ में भाग लिया था ; और

(ख) यदि हां, तो उस में कहां तक सफलता प्राप्त हुई ?

**वाणिज्य मंत्री (श्री करमरकर) :**  
(क) जी, हां ।

(ख) इस मेले में जिन देशों ने सरकारी तौर पर भाग लिया था, उन में से भारत को सर्वाधिक सफल प्रदर्शकों में समझा गया था । इस से मालूम होता है कि हमारा काम ठीक हुआ ।

**श्री रघुनाथ सिंह :** इस मेले में भारतवर्ष का कितना रुपया खर्च हुआ ?

**श्री करमरकर :** हम ने जितना मंजूर किया था, उस से कुछ कम ही खर्च हुआ — हम ने २,६०,००० रुपये मंजूर किये थे और उस में से १५,००० बच गये ।

#### Motor Service Stations

\*347. **Shri Nanadas:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government propose to introduce a system of inspection of Motor Service Stations all over the country;

(b) if so, the details of the scheme; and

(c) the reasons for introducing the same?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) to (c). Government have asked Motor manufacturers to arrange for the maintenance of Service Stations all over the country and to let Government have details of the coverage effected. It is possible that the Development officers concerned might occasionally inspect a Service Station if complaints are received from the public about the inadequacy of service facilities. The action taken was dictated by considerations of public interest.

**Shri Nanadas:** May I know the number of service stations to be maintained and their capacity to meet the present demands?

**Shri T. T. Krishnamachari:** I think the question is rather a trifle previous. We have just made an attempt to get these people maintain service stations.

**Shri Nanadas:** In view of the fact that the motor manufacturers have promised their full co-operation with the Government, may I know in what form and to what extent they are going to co-operate with the Government in maintaining these service stations?

Shri T. T. Krishnamachari: Promise has been made; we are expecting fulfilment. If the fulfilment is not forthcoming, then we will know what the trouble is.

### विस्थापितों के लिये मकान

\*३४८. श्री भागवत झा आजाद : क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने दिल्ली में विस्थापितों को मकान देने के लिये कोई नई योजना बनाई है ;

(ख) यदि हां, तो इस योजना के अन्तर्गत विस्थापितों को कितने मूल्य के मकान दिये जायेंगे ; और

(ग) इन मकानों की लागत उन से कितने समय में वसूल की जायेगी ?

पुनर्वास उपमंत्री (श्री जे० के० भोंसले) :  
(क) जी, नहीं ।

(ख) तथा (ग), प्रश्न नहीं उठता ।

श्री भागवत झा आजाद : पुरानी योजना के अन्तर्गत अब तक सरकार कितने विस्थापित परिवारों के लिये मकानों का प्रबन्ध कर चुकी है और कितने विस्थापित परिवार ऐसे हैं जो अब तक बिना मकान के हैं ?

श्री जे० के० भोंसले : करीबन ३७,८८३ मकान बनाये जा चुके हैं और हम समझते हैं कि ४,००० और लोगों को मकान देने की जरूरत है ।

श्री भागवत झा आजाद : क्या सरकार इस प्रश्न को शीघ्रातिशीघ्र हल करने के लिये विश्व स्वास्थ्य संस्था के साथ मिल कर कोई ऐसी योजना बना रही है जिस से उस को इस काम के लिये आर्थिक सहायता मिल सके ?

श्री जे० के० भोंसले : हम इस सवाल को पहली योजना से ही हल करना चाहते हैं । हमारे ख्याल में दूसरी योजना से कोई सहायता लेने की जरूरत नहीं होगी ।

श्री भागवत झा आजाद : क्या सरकार यह बता सकती है कि जो योजनाएँ अब तक बन चुकी हैं उन के आधार पर वह कब तक सब विस्थापितों के लिये मकानों का प्रबन्ध कर सकेगी ?

श्री जे० के० भोंसले : करीबन एक या डेढ़ साल के अन्दर ।

Shrimati Sushama Sen: May I know if there is considerable delay in the displaced persons getting money for their houses and if it be a fact, can it be expedited because there is considerable inconvenience caused to displaced persons?

Shri J. K. Bhonsale: I do not think there is any delay. In payment of funds for such purposes. If there are any specific instances, and the hon. Member brings them to our notice, we shall certainly look into them.

लाला अर्चित राम : क्या सरकार के ध्यान में ऐसे परिवार भी हैं जो अब तक अपने रिश्तेदारों के साथ रहते रहे हैं और जिन को अब तक मकान नहीं मिला ? क्या सरकार उन को भी मकान देने के बारे में ख्याल कर रही है ?

श्री जे० के० भोंसले : उस का भी सरकार ख्याल कर रही है और सेकिड फाइव इन्धर प्लान में उन का भी इन्तजाम हो जायेगा ।

Shri Kamath: What part will the Hindustan Housing Factory play in the realisation of the objective of providing houses to the displaced persons and if so, has it already started supplying houses ?

Shri J. K. Bhonsale: I have no idea about this particular question.

### Small Scale Industries Corporation

\*349. Shri S. C. Samanta: Will the Minister of Commerce and Industry pleased to state:

(a) the names of the small industries which the Small Industries Corporation is going to organise, to meet the orders from the Central as well as the State Governments;

(b) the steps proposed to be taken by the Corporation to assist the small units in the manufacture of components and other articles required by large-scale industries; and

(c) whether any survey has been made in the matter?

**The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):** (a) The Small Scale Industries Corporation is organising in the first place the leather footwear, the hosiery and hardware industries for this purpose.

(b) The Corporation would be giving these units technical assistance and also financial assistance when required.

(c) A survey is now being conducted.

**Shri S. C. Samanta:** May I know what is the capital of this Corporation and whether the Government have any intention to increase the amount?

**Shri T. T. Krishnamachari:** The authorised capital is Rs. 10 lakhs. As the hon. Member knows, the capital in the case of a corporation in which the Government are interested, happens to be a notional figure. Government would find all the money, that is necessary should the purpose for which the corporation has been established, warrant it.

**Shri S. C. Samanta:** May I know what other steps Government are taking in regard to the components and other parts mentioned in part (b) and in which industries?

**Shri T. T. Krishnamachari:** I have indicated what we are doing in the preliminary stages. The matter is now being surveyed. Before we proceed further, we will have to get some more information.

**Shri N. B. Chowdhury:** May I know what is the method adopted for the survey mentioned by the hon. Minister and whether the survey will include only the articles mentioned by the hon. Minister or all other small industries also?

**Shri T. T. Krishnamachari:** The survey must include the articles mentioned by me and such other industries as we contemplate taking an interest in. The methods of survey are the usual methods, by sending out people to get information.

**Shri T. N. Singh:** May I know whether this corporation will be a full-fledged company registered under the Companies Act or is it going to be run by the Government just administratively?

**Shri T. T. Krishnamachari:** It is a full-fledged company registered under the Companies Act, and it has a Board outside the place where it is supposed to function. It is a purely Government corporation and it will have to be run on more or less Government lines with such latitude as a corporation would permit.

**Shri T. N. Singh:** What would be the share capital that this company will float: authorised capital, subscribed capital, etc?

**Shri T. T. Krishnamachari:** I have told my hon. friend Shri S. C. Samanta that the authorised capital is Rs. 10 lakhs. The amount of the authorised capital is just a notional figure. Government are prepared to find all the money necessary for the purpose for which this corporation has been established.

### Salt

**\*351. Chaudhuri Muhammed Shafiee** Will the Minister of Production be pleased to refer to the reply given to Short Notice Question No. 14 on the 5th May, 1955 and state:

(a) the date from which the cess on the manufacture of salt in areas which are ten acres or less in size is not to be collected;

(b) whether licence will not be required for such small-scale producers; and

(c) the measures by which a check is exercised on the quality of such salt?

**The Minister of Production (Shri K. C. Reddy):** (a) Unlicensed salt manufacturers working in areas of 10 acres and less were exempted from the payment of the cess with effect from the 23rd April, 1948. Licensed manufacturers who were working in areas of 10 acres and less, including such manufacturers who are organised as members of Co-operative Societies, even if the total area under salt production with each of such Societies exceeded ten acres, were exempted from the payment of the cess with effect from 15th May, 1955.

(b) No.

(c) No check is exercised at present on the quality of such salt but the question as to how such check can be exercised is receiving the consideration of Government.

**Chaudhuri Muhammed Shafiee:** May I know the loss suffered by the Government?

**Shri K. C. Reddy:** No question of loss suffered by the Government. By this exemption, Government will be getting about Rs. 10 lakhs less by way of salt cess.

**Shri Ramachandra Reddi:** May I know whether the splitting of holdings so as to bring them within the exemptible limit has already commenced and how far the present reform affects the bigger manufacturers?

**Shri K. C. Reddi:** I would require notice to answer this question.

**Shri Nanadas:** May I know whether there is any demand from salt manufacturers having more than 10 acres for exemption from cess and if so, what is the attitude of the Government?

**Shri K. C. Reddi:** Naturally, there is a demand on the part of all salt manufacturers for exemption from the payment of cess. So far as the decision taken is concerned, I have already indicated that. As regards the demand from other manufacturers, the matter is under the consideration of the Government.

#### State Trading Corporation

**\*352. Shri M. S. Gurupadaswamy:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 2370 on the 19th April, 1955 and state:

(a) whether any decision to establish a State Trading Corporation has been taken;

(b) if so, what will be its main functions and

(c) by what time it is expected to be established?

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

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

**Shri M. S. Gurupadaswamy:** May I know whether the Government are at least convinced of the utility and necessity of such a corporation?

**Shri T. T. Krishnamachari:** Conviction does not carry us very far. We may be convinced; but that does not mean that we will be doing anything about it. Government are considering the matter. Conviction does not enter into the question at all.

**Shri M. S. Gurupadaswamy:** May I know whether the Ministry is aware of the recommendation of the Taxation Inquiry Commission? It has recommended a State Trading corporation. May I know whether the Government has approved of the recommendation of the Taxation Inquiry Commission?

**Shri T. T. Krishnamachari:** With regard to the recommendation of the Taxation Inquiry Commission, the question may be addressed to the Finance Minister.

**Shri N. B. Chowdhury:** May I know whether the Government contemplate any sort of State trading during the Second Five Year Plan without the establishment of a State Trading Corporation?

**Shri T. T. Krishnamachari:** We might contemplate that contingency. The Second Five Year Plan has not yet been finalised.

#### Patel Lectures

**\*354. Shri Jethalal Joshi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that the A.I.R. proposes to start a series of lectures called the "Patel Lectures" and;

(b) if so, when this scheme will come into operation?

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

(b) The series will be inaugurated on 14th August, 1955 with a lecture by Shri C. Rajagopalachari at the Convocation Hall, University of Bombay.

**Shri Jethalal Joshi:** May I know the names of the learned persons who have been approached by the A.I.R. to contribute their learning and knowledge for these lectures?

**Dr. Keskar:** No plan can be made so far in advance for a series of lectures which will be delivered every year. This first lecture is only an inauguration. It is proposed every year to invite some eminent persons, scientists or literateurs or others to deliver a series of lectures. The names of persons suitable will be considered in due time.

**Shri Jethalal Joshi:** May I know the language in which these will be delivered, and whether regional languages will get benefit?

**Dr. Keskar:** There is no special language restriction. Normally speaking, English and Hindi might be the main languages. There is no bar to the lectures being delivered in any other regional language.

**Shri S. C. Samanta:** May I know whether, if people from outside volunteer to come and deliver lectures on this subject, will they be allowed?

**Dr. Keskar:** This is not meant for applicants. The persons will be prominent persons whom we consider suitable for delivering the lectures.



## WRITTEN ANSWERS TO QUESTIONS

## A.I.R.

\*321. **Shri Dabhi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) which of the recommendations contained in the Estimates Committee's Twelfth Report relating to All India Radio, have been accepted by Government; and

(b) when they are likely to be implemented?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). The recommendations contained in the Estimates Committee (Twelfth Report) are quite considerable in number and are under active consideration. Government's views will be communicated to the Estimates Committee as soon as possible.

## Subsidised Industrial Housing Scheme

\*333. **Shri Gadilingana Gowd:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the amount sanctioned to the Andhra State so far under the Subsidised Industrial Housing Scheme;

(b) whether it is a fact that the grants are being given to the concerns which have constructed buildings long before this Scheme was formulated; and

(c) if so, the basis for such grants?

**The Minister of Commerce (Shri Karmarkar):** (a) Rs. 5,70,462.

(b) No, Sir.

(c) Does not arise.

## Quarters for Municipal Workers

\*336. **Shri T. B. Vittal Rao:** Will the Minister of Works, Housing and Supply be pleased to state whether it is a fact that a sum of Rs. 15 lakhs was advanced to the Uttar Pradesh Government in 1954 for the construction of quarters for municipal workers in Kanpur?

**The Minister of Commerce (Shri Karmarkar):** No Sir. A sum of Rs. 15 lakhs is earmarked for the U.P. Government for allotment to all the local bodies in the State (and not Kanpur alone) for housing their low-paid employees, during the period ending the 31st March, 1956. Out of this a sum of Rs. 3 lakhs was advanced to the State Government in the year 1954-55.

The U. P. Government have earmarked Rs. 5 lakhs for Development Board, Kanpur, out of which they propose to release Rs. one lakh to the Board shortly.

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## हिन्दुस्तान शिपयार्ड लिमिटेड

\*३३६. **श्री को० सी० सोबिया :** क्या उत्पादन मंत्री यह बताने की कृपा करेंगे कि हिन्दुस्तान शिपयार्ड द्वारा निश्चित समय पर जहाज न दे सकने के कारण जहाज मालिकों को जो कठिनाइयां उठानी पड़ीं उन्हें दूर करने के लिये सरकार ने क्या कार्यवाही की ?

**उत्पादन उपमंत्री (श्री सतीश चन्द्र) :** शिपयार्ड की उत्पादन क्षमता में जोकि पहले २ जल पोत प्रति वर्ष बी मार्च, १९५२ से जबकि सरकार ने इसे अपने हाथ में लिया ५० प्रतिशत की वृद्धि हो गई है। इस बड़ी हुई क्षमता का प्रयोग साधारण जल पोतों से अधिक आधुनिक तथा जटिल डीजल (Diesel) इंजिन के उत्पादन में किया गया है। उत्पादन क्षमता को और अधिक बढ़ावा देने के लिये प्रतिरिक्त प्रौद्योगिक सेविवर्ग (personnel) की भर्ती के लिये कदम उठाये जा रहे हैं। एक नई प्रनिर्मित समुद्र कुक्षि (prefabricated) बर्थ (Berth) और जैटी (Jetty) पर प्रतिरिक्त क्रेन, हुलशॉप (Hullshop) में प्रतिरिक्त मशीनरी और क्रेनों, इत्यादि के निर्माण कार्य को हाथ में ले लिया गया है। ऐसी भाशा है कि उपरोक्त निर्माण कार्यों में से कुछ १९५६ के धारम्भ में ही पूर्ण हो जायेंगे। इस निर्माण-कार्य की पूर्ति जिसे कि एक वर्ष से अधिक समय लगेगा, के पश्चात् ही अत्यधिक उत्पादन की भाशा की जा सकती है। इस भाषाय का एक समझौता जहाजी कम्पनियों से किया गया है कि वह शिपयार्ड को दिये गये आर्डर को वापस न लें और इस के लिये उन्हें कोई भी अग्रिम शोधन (अदायगी) करने की आवश्यकता नहीं जब तक कि उन के पोतों का निर्माण नहीं हो जाता और उन्हें दे नहीं दिये जाते। ४८ लाख रुपये की अग्रिम प्राप्ति जोकि एक कम्पनी से ली गई है वापस कर दी जायगी।



### Mahanadi Project

\*341. **Shri Sanganna:** Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 1995 on the 6th April, 1955 regarding the apportionment of expenditure incurred on the Mahanadi Project and state:

(a) whether any decision has since been taken in the matter; and

(b) if so, the nature thereof?

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

(b) Does not arise.

### Vamsadhara Project

\*353. **Shri Sanganna:** Will the Minister of Planning be pleased to refer to the reply given to Starred Question No. 1056 on the 16th March, 1955 and state:

(a) whether any final decision has since been taken about the Vamsadhara Project of Andhra State; and

(b) if so, the nature thereof?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Not yet, Sir.

(b) Does not arise.

### Slum Clearance (Madras)

\*355. { **Shri Nanadas:**  
**Shri Gopala Rao:**

Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the Madras Government have submitted any scheme for improving slums in the City; and

(b) if so, the financial assistance proposed to be given to the State Government?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes, sir.

(b) The nature and extent of Central assistance that could reasonably be given to State Governments for their slum clearance operations, is still under consideration.

### U. N. Representatives in Delhi

\*356. **Shri Gidwani:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that United Nations representatives in Delhi have been operating a wireless transmitter;

(b) if so, whether any permission or licence has been obtained by them for this purpose; and

(c) if not, the action proposed to be taken in the matter?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) Yes.

(b) No.

(c) The matter has already been taken up with the Secretary General, United Nations, New York.

### Former French Settlements in India

148. **Shri A. K. Gopalan:** Will the Prime Minister be pleased to state:

(a) the educational facilities now existing in the former French settlements in India; and

(b) whether Government propose to continue these facilities after the *de jure* transfer of power?

**The Prime Minister and the Minister of External Affairs (Shri Jawaharlal Nehru):** (a) In addition to 104 Primary and 5 Secondary schools in Pondicherry, which are run by the State Government, there is a Medical School, a Law College and a School of Arts and Crafts at Pondicherry. Besides, there are 91 private schools, 85 of which receive grants-in-aid from the State Government.

Education is given free upto the Primary School stage and free midday meals are provided to 4035 children in Primary Schools. Scholarships are granted by Government every year to 162 students for local study and to 20 students for studies abroad.

(b) Though no final decision has yet been taken in the matter, it is not likely that these facilities will be curtailed.

### Road Rollers

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

(a) the names of the units engaged in the construction of road rollers;

(b) the total quantity and value of road rollers produced during the years 1952, 1953 and 1954; and

(c) the estimated annual requirements of road rollers?

**The Minister of Commerce and Industry and Iron and Steel (Shri Krishnamachari):** (a) There is no firm

at present engaged in the manufacture of road rollers. Recently, however, a licence has been granted under the Industries (Development & Regulation) Act, to M/s. Jessop & Co. Ltd., Calcutta, for the manufacture of diesel road rollers.

(b)

Year	Quantity Produced	Value
1952	67	Rs. 25,12,000
1953	62	Rs. 23,24,500
1954	1	Rs. 37,500

(c) About 120 to 200 road rollers.

#### A.I.R. Station at Simla

**150. Dr. Satyawadi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the total cost of the opening of the A.I.R. Station at Simla and the estimated monthly expenditure for running this Station under different heads;

(b) the total expenditure incurred on the inaugural ceremony of this Station;

(c) the names of artistes or groups of artistes who took part at the inaugural ceremony; and

(d) the number of permanent staff employed to run the Station?

**The Minister of Information and Broadcasting (Dr. Kesar):** (a) Actual figures of capital expenditure incurred on the opening of Simla Station are not yet completely available. However, a total capital expenditure of Rs. 2.11 lakhs has been sanctioned for the project.

The Station came on the air only on the 16th June, 1955 and it is yet too early to give an exact estimate of monthly expenditure on running the Station. Changes and adjustments will be taking place in the first year. However, on the basis of the provision made in the Budget for the working of the Station for 9½ months of the current financial year, the average monthly expenditure works out to Rs. 26,300 as per details shown below:—

Pay of Officers	Rs. 1,500
Pay of Establishments	Rs. 9,000
Allowances, Honoraria etc.	Rs. 4,100
Allowances to Artists	Rs. 5,300
Other Charges	Rs. 6,300
Royalties	Rs. 100
	<hr/> Rs. 26,300

(b) Complete figures of expenditure incurred on the inauguration ceremony of the Station are not yet available. The expenditure so far incurred amounts to Rs. 2,193/11/-.

(c) The names of artists or groups of artists who took part at the inaugural ceremony are as follows:—

1. Smt. Sushila Devi & Party (11 members)
2. Sri Shaunikai & Party (4 members)
3. Sri Bala Ram
4. Smt. Kanti Devi & Party
5. Kumari Indu Mehta
6. Sri Mohi Ram & party (14 members)
7. Sri Meta Ram & party (6 members)
8. Kum. Krishna Devi & party (3 members)
9. Sri Vijaya Kumar Pt.
10. Sri Narain Dutt & party (4 members)
11. Smt. Shakuntala Rani & party.
12. Sri Puran Chand & party (2 members)
13. Sri V. G. Jog.

(d) The regular staff employed to date is as follows:—

Assistant Station Director	1
Assistant Station Engineer	1
Assistant Engineer	1
Programme Assistant	2
Technical Assistant	4
Transmission Assistant	1
Accountant	1
Head Clerk	1
Stenographer	1
Programme Secretary	1
Clerk Grade I	1
Clerk Grade II	4
Store-keeper	1
Mechanics	3
Class IV Staff	13

#### Road Construction in N.E.S. Blocks

**151. Shri Karni Singhji:** Will the Minister of Planning be pleased to state:

(a) the total mileage of roads constructed in Rajasthan so far in the Community Project areas and National Extension service Blocks giving the length completed year-wise; and

(b) the names of the localities where these roads have been constructed?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) and (b). A statement giving the information is laid on the Table of the House. [See Appendix III, annexure No. 22].

#### Industrial Development in Rajasthan

**152. Shri Karani Singhji:** Will the Minister of Planning be pleased to state:

(a) the amount of financial aid asked for by the Government of Rajasthan for the industrial development of the State under the First Five Year Plan;

(b) the names of the industries which were helped and their locations; and

(c) the amounts given by the Central Government by way of grants and loans, separately?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) to (c). The information is not readily available and is being collected.

#### Share of Rajasthan in Bhakra Projects

**153. Shri Kartal Singhji:** Will the Minister of Irrigation and Power be pleased to state:

(a) the estimated share of Rajasthan in the revised cost of the Bhakra Nangal Project;

(b) the amount already spent by Rajasthan against its share;

(c) whether the amount spent by Rajasthan includes any contribution or loan etc., by the Central Government and if so, how much; and

(d) the time by which the Bikaner Division will receive perennial supplies?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Rs. 30,34,94,000 according to the 1953 estimates.

(b) Rs. 260.19 lakhs upto the end of May, 1955.

(c) Yes. Rs. 215.20 lakhs.

(d) by 1959.

#### Illicit Immigrants

**154. Shri D. C. Sharma:** Will the Prime Minister be pleased to state the total number of persons who were deported from Ceylon to India during the period from the 1st March, 1955 to the 31st July, 1955 under the Illicit Immigration Act?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** According to the figures available the total number of persons deported from Ceylon to India from the 1st March, 1955 to the 23rd July, 1955 is 662.

#### Indian Immigration Labour in Ceylon

**155. Shri D. C. Sharma:** Will the Prime Minister be pleased to lay a statement on the Table of the House showing:

(a) the total number of Indian Immigration Labour employed by various Industries in Ceylon during the year 1954; and

(b) the general conditions of their service?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) According to the Census figures of 1953, the total labour population of Indian origin in Ceylon was 8,40,458. Of these 441,002 were actually employed in the following industries during the year 1954:—

1. Tea	391,634
2. Rubber	44,809
3. Coconuts	2,041
4. Other Products	2,518

No separate information is available regarding Indian immigrant labour employed in harbours, mills, factories and other industrial undertakings.

The number of unemployed young and aged dependants of the labourers was 337,268.

(b) The conditions of their service are reported to be generally satisfactory.

#### High School Building in Kalkaji

**156. Shri Raghavaiah:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that the newly built High School building in Kalkaji is lying vacant and unused for the last so many months; and

(b) if so, the reasons therefor?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle):** (a) No. The construction of the school building in question was completed by 20-5-55. It was placed at the disposal of Delhi State Government on 4-7-1955.

(b) Does not arise.

#### विस्थापितों को बसाना

**१५७. श्री नवल प्रभाकर:** क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि:

(क) दिल्ली राज्य में अब तक कितने विस्थापितों को बसाया गया है; और

(ख) अभी कितने और विस्थापित व्यक्तियों को बसाया जाना है?

**पुनर्वास उपमंत्री (श्री जे० के० भोंसले):**

(क) तथा (ख) अपेक्षित जानकारी एकत्रित की जा रही है और उपलब्ध होने पर सभा कक्ष पर रखी जायगी।

**Sindri Fertilizers Factory**

158. **Shri Ibrahim :** Will the Minister of **Production** be pleased to state the quantity of artificial fertilizers produced in the Sindri Factory during January to June 1955 ?

**The Minister of Production (Shri K. C. Reddy) :** 1,54,121 tons of ammonium sulphate.

**Textile Mills**

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

(a) the total number of working textile mills in Bihar at present ;

(b) the capital invested in these textile mills with special reference to foreign capital ; and

(c) the number of officers and workers working in these mills during December, 1954 ?

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

(b) Total paid-up capital in this mill at the end of 1953 was Rs. 3.40 lacs. No foreign capital has been invested in the mill.

(c) *No. of officers and workers:*

Managerial	4
Supervisory	6

Workers on list as on December 1954 750

**Maintenance Allowance to Displaced Persons**

160. **Shri Ibrahim :** Will the Minister of **Rehabilitation** be pleased to state :

(a) the number of displaced persons who are receiving maintenance allowance at present ;

(b) the amount of annual maintenance allowance disbursed from the time of the acceptance of the Scheme up-to-date ; and

(c) the number of persons whose allowance have been discontinued ?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) :** (a) 315.

(b) About 132 lakh rupees approximately upto June, 1955.

(c) 16953.

**Radio Sets**

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

(a) the number of radio sets manufactured in India during the years 1953-54 and 1954-55.

(b) the average production cost and sale price of Indian made radios ; and

(c) the number of places where new radio manufacturing factories have been established during the years 1953-54 and 1954-55 ?

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

1953-54	56,912 Sets.
1954-55	57,077 Sets.

(b) Exact information is not available. However, the average production cost of a standard 5 valve 3 band radio set is estimated at Rs. 150/- to Rs. 250/- depending on the type of cabinet used and other technical features, and the corresponding selling price at Rs. 250 to 350/-.

(c) One near Calcutta.

**Collieries**

162. **Shri P. C. Bose :** Will the Minister of **Production** be pleased to state the number of collieries producing Lower Grade Coal and the number of employees working therein ?

**The Minister of Production (Shri K. C. Reddy) :** It is presumed that the Member is referring to collieries producing Grades II and III coal in the Bengal<sup>1</sup> Bihar fields. There are about 300 such collieries and the number of workers employed therein is estimated at about 60,000.

**Tea**

163. **Shri V. P. Nayar :** Will the Minister of **Commerce and Industry** be pleased to state the total realisations from the sale of Indian tea to foreign countries and in the internal markets, separately, during 1954 as compared to the years 1952 and 1953 ?

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

	1952	1953	1954
	(In thousands rupees)		
Exports	809,104	1,030,988	1,312,856
Internal consumption	269,564	177,583	422,844

(The figures for internal consumption are only rough estimates).

### World Economy

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

(a) whether it is a fact that no reference is made in the chapter on World Economy in the Journal of Industry and Trade on the economics of U. S. S. R. Peoples Republic of China and the Eastern European Democracies ; and

(b) whether the information pertaining to other countries is collected from literature available in India or by contracts with the Trade Agencies of the countries in India ?

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

(b) The Chapter is built up on information gathered from leading Financial and Economic journals, periodical reports by the Indian Government Trade Representatives abroad, and material received from the Trade Representatives of foreign Governments in India.

### Cottage Industries

165. { **Shri Hem Raj** :  
**Shri D. C. Sharma** :

Will the Minister of Production be pleased to state :

(a) whether the Punjab, Pepsu and Himachal Pradesh Governments have submitted any schemes for the development of the following cottage industries in rural areas during 1955-56 ;

- (i) Development of khadi,
- (ii) Hand pounding of rice,
- (iii) Gur and Khandsari,
- (iv) Bee keeping,
- (v) Hand made paper,
- (vi) Village Leather Industry,
- (vii) Soap making with non-edible oils,
- (viii) Cottage Match Industry,
- (ix) Village Oil Industry,
- (x) Palm Gur Industry,
- (xi) Handloom Industry, and
- (xii) Handicrafts ; and

(b) the amounts given to them as loans or subsidies ?

**The Minister of Production (Shri K. C. Reddy)** : (a) Schemes regarding the following cottage industries have been received from the State Governments of Punjab and Pepsu for the 1955-56 :—

### PUNJAB

#### Village industries :

- (i) Handpounding of rice.
- (ii) Oil expelling.
- (iii) Bee keeping.
- (iv) Leather.
- (v) Gur & Khandsari ; and
- (vi) Soap making with non-edible oils.

#### Handicrafts :

Schemes for setting up of

(i) a wood seasoning plant, (ii) a calendering plant and (iii) a design centre ;

(iv) Subsidising of Jacquered Looms ; and (v) the establishment of a Pottery artware centre.

### PEPSU

#### Village industries :

- (i) Hand made paper
- (ii) Oil expelling.
- (iii) Bee keeping.
- (iv) Leather.
- (v) Gur & Khandsari ; and
- (vi) Soap-making with non-edible oils.

No scheme from the Himachal Pradesh Government has so far been received.

Information as to whether schemes regarding handloom industry have been received or not is not available. It will be laid on the Table of the House in due course.

(b) The schemes are under examination.

### Indian Films

166. **Shri Kamath** : Will the Minister of Information and Broadcasting be pleased to state the number of Indian films together with their titles whose exhibition was banned or which were cut by the Censor in foreign countries during the period from the 1st April, 1952 to the 31st March, 1955 for each country separately ?

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

**Ministry of Iron and Steel**

**167. Shri Krishnacharya Joshi:**  
Will the Minister of Iron and Steel be  
pleased to state :

(a) whether as a result of the creation  
of his ministry more staff has been ap-  
pointed ; and

(b) if so, the extra expenditure to be  
incurred thereon?

**The Minister of Commerce and  
Industry and Iron and Steel (Shri  
T. T. Krishnamachari)** (a) One Section  
Officer and 2 clerks.

(b) Rs. 550/- approximately per  
month so far.

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## LOK SABHA DEBATES

### (Part II—Proceedings other than Questions and Answers)

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#### LOK SABHA

Tuesday, 2nd August, 1955

The Lok Sabha met at Eleven of the  
Clock

[MR. SPEAKER in the Chair]

#### QUESTIONS AND ANSWERS

(See Part I)

12 NOON

#### MOTIONS FOR ADJOURNMENT

##### INHUMAN TORTURE BY PORTUGUESE POLICE

Mr. Speaker: I have received notice of what is called an adjournment motion over the question of inhuman torture inflicted on one Shri S. N. Nandedkar by the Portuguese police.

The question of Goa has been given special priority and all parties are agreed that it is an important question. We recently had a long statement by the Prime Minister and also a debate. I cannot see how adjournment motions on individual acts of the Portuguese Government can be brought in this House and that too after the debate and a long statement. So long as the struggle with the Portuguese continues, such unfortunate incidents are bound to happen from day to day, from time to time, and I do not see how this House can discuss these acts which are the responsibility of the Portuguese Government. So, I do not think I can allow an adjournment motion of that type.

If there is some specific instance in which there is inhuman torture or something done to an Indian citizen, the best course is to put oneself into

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communication with the Prime Minister who is also the Foreign Minister, and he will be glad to give all information possible. I personally do not see how this adjournment motion can come in.

At the most, if it is the desire that some publicity may be given, the means of publicity are outside this House. I do not like the idea of allowing this House to be used as a means of publicity for the outside world. If notice is given to the Prime Minister for calling attention, he will make a statement and that itself will get the particular incident the publicity of true facts.

I am told that a telegram has been received by one of those who have given this motion, which gives a harrowing tale of oppression. With all my sympathies, I do not think I can allow this motion for adjournment or even allow those atrocities to be described in this House and allow the House to be made use of as a means of publicity without verification of the facts. I do not think it is proper to rely on a mere telegram. It may be true, or it may not be true, but it is better that in all such matters which affect our international relations, first an enquiry is properly made, facts are ascertained, and then the matter is given publicity in the House. This House has a dignity to maintain and it cannot go on merely relying on press reports or hearsay or telegrams. Let us be more keen about ascertaining facts as they are.

I shall be glad to consider the admission of a motion under the rule providing for calling attention, and I am sure, looking to the importance of this matter, the hon. Prime Minister

[Mr. Speaker]

will also do his best to give information not only on one motion, but from time to time as occasions may arise.

ALLEGED USE OF FORCE BY POLICE ON  
DEMONSTRATORS IN PRECINCTS OF  
PARLIAMENT HOUSE

Mr. Speaker: I have received notice of another adjournment motion which is in Hindi, reading:

"दि० १ अगस्त १९५५ को दोपहर के १२ बजे संसद् भवन की सीमा में अहिंसक सत्याग्रहियों पर आरक्षकों द्वारा किये गये अत्याचार"

Will Shri Deshpande describe what the *atyachar* was? What does he mean by *atyachar*?

Shri V. G. Deshpande (Guna): *Atyachar* means police lathi-charging and manhandling peaceful and non-violent satyagrahis at 12 noon yesterday within the premises of the Parliament. (Interruption). Yes, we have got so many photographs.

Mr. Speaker: In any case, though I am inclined to the view that this adjournment motion will not be admissible, I should like to have from the hon. Home Minister some statement of facts, so that people may not be under the impression that there was *atyachar*.

The Minister of Home Affairs (Pandit G. B. Pant): I am really sorry that Shri Deshpande should have considered it advisable to give notice of such an adjournment motion. I think the boot is entirely on the other leg. Every word that he said, according to my information, is incorrect. There was no manhandling, there was no lathi charge by the police. On the other hand, there was manhandling by the demonstrators and they charged the police with their flagstaffs, so that if there was *atyachar* in any way, it was done by the rowdy elements who were either mixed up with the demonstrators or of whom the entire lot consisted.

But, there is a somewhat serious aspect to this problem. The bravery

of these men—and perhaps, there was also a woman among them—lies in bringing women with them; and that not being sufficient, they also seek the assistance of that innocent and harmless animal, the cow. It has been used also in the past for protection by *atyacharis*. But, I am informed that there were fifty of them. They wanted to defy the law and in spite of the entreaty of the policemen they would not be satisfied till they were arrested. Still, the policemen did not lose their patience and they exercised the utmost indulgence in the face of a very undignified and unseemly scene that was deliberately staged in the premises of the Parliament.

I think it raises a question of contempt of the House, and some time or other I would request the Speaker to consider this aspect of the matter, whether people should violate lawfully promulgated orders meant to ensure the smooth and peaceful working of the sovereign authority in this land in this manner, and whether such behaviour on their part does not really amount to contempt of Parliament. That question will have to be considered at some stage or other.

I have nothing more to say. The cases will probably go to court. Some of the policemen have been hurt. I am sorry that guileless people are made dupes by scheming individuals who are interested neither in the cow, nor in her protection, but in creating trouble and chaos. I hope they will behave better in future.

Shri V. G. Deshpande rose—

Mr. Speaker: Order, order.

Shri V. G. Deshpande: I am not speaking on the merits.

I have given in the adjournment motion the charges against the police and the version which was given by the police is presented to the House by the Home Minister. I am humbly requesting the Speaker, since the Home Minister has made a point that it is a matter which concerns Parliament,



Constellation in South  
China Sea

that a proper enquiry should be conducted by the Speaker himself, because when people were being beaten, accidentally I went to that place and asked the police...

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

**Shri V. G. Deshpande:** And I have seen, I was an eye-witness and I must inform the Speaker that I requested the police to take them to the hospital.

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

**Shri V. G. Deshpande:** When people were being man-handled...

**Mr. Speaker:** Order, order. The hon. Member is not in order in trying to reply to what the hon. Home Minister has said in fact, he himself has invited the statement by giving notice of an adjournment motion.

If he has any grievance of that kind, he may see me in the chamber, and inform me of the grievances that he has...

**Shri Vallatharas (Pudukkottai):** May I make one submission? Of course, I do respect the hon. Home Minister's statement as regards the veracity of facts. But one glaring factor is there which cannot escape anybody's eye this morning. One of the morning newspapers has given an exact photograph of the occurrence in which one of the persons in the crowd, a bearded man, perhaps a *sanyasi* or somebody else, has his one hand seized by the hands of one policeman, and one of his legs is seized by the hands of another policeman, and his entire body is being dragged along on the ground. The photograph itself is evidence of the consequences...

**Mr. Speaker:** We need not go into that description here. We shall proceed to the next item now.

CRASH OF AIR INDIA INTERNATIONAL  
CONSTELLATION IN  
SOUTH CHINA SEA

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** On the 14th of April, the

hon. Minister of Communications gave this House an account, based on the reports then available, of the unfortunate crash of the Air India International Constellation, the 'Kashmir Princess', in the South China Sea on the 11th April, while on a charter flight from Hong-Kong to Djakarta carrying Chinese and Vietnamese officials and journalists to the Bandung Conference.

Subsequent developments have been largely reported in the press, and I need not recapitulate them here in detail. As the accident took place off Great Natuna Islands in the territorial waters of Indonesia, an Investigation Committee was appointed by the Indonesian Government in accordance with the provisions of the International Civil Aviation Organisation Convention to investigate the causes of the accident. The committee consisted of officials of the Indonesian Ministry of Communications and the accredited representatives of the Government of India and the United Kingdom. The Government of India were represented on the committee by Shri K. M. Raha, Deputy Director-General of Civil Aviation.

The committee has completed its investigation. The full report has not yet been published, but a summary was released by the Indonesian Government on 27th May, for simultaneous publication in India, Indonesia, the United Kingdom and Hong-Kong. Members must have read the summary in newspapers. I am, however, placing a copy of it on the Table of the House.

The Indonesian Investigation Committee has found beyond any doubt that the accident was caused by an explosion of a timed infernal machine planted in the starboard wheel-well of the aircraft. Incidentally, this confirms the suspicion of the survivors among the crew of the ill-fated Constellation, that the accident was the result of sabotage by a time-bomb. Who planted the infernal machine in the aircraft and where it was planted were outside the scope of the Investi-

[Shri Jawaharlal Nehru]

gation Committee of Enquiry. However, the fact that Hong-Kong was the last airport touched by the aircraft and that the time-bomb could be placed in the aircraft only within a limited period preceding the explosion leads to the conclusion that it could be placed in the aircraft only at Hong-Kong. The Hong-Kong authorities have been holding a separate enquiry to determine the culprits responsible for the crime. The Chinese Government have collected some definite information about the conspiracy and they have placed this at the disposal of the Hong-Kong Government. Several persons have been arrested, but the enquiry has not yet been concluded.

The report of the Investigation Committee shows that the crew of the 'Kashmir Princess' carried out their duties calmly and efficiently during the tense moments before the disaster. The President in recognition of the exemplary courage and self-sacrifice displayed by the crew of the Constellation—in particular, Captain Jatar, and the air hostess Miss Berry—has posthumously awarded Ashoka Chakra Class I to Captain Jatar, and Ashoka Chakra Class II to the air hostess. Captain Dekshit, the co-pilot, has been awarded Ashoka Chakra Class II and the other members of the crew have been awarded Ashoka Chakra Class III.

I take the opportunity to pay a tribute to the heroism displayed by the deceased members of the crew as well as the survivors in the face of imminent peril. Air India International has paid generous compensation to the heirs of the deceased and to the three surviving members of the crew.

The Government of India are thankful to the Government of Indonesia for the careful and thorough enquiry carried out by the Committee appointed by them and for the ready co-operation extended by them in all matters concerning this unfortunate disaster.

We are also grateful to the Indonesian Navy and the British Navy for the successful salvage operations which have resulted in the recovery of most of the wreckage.

We hope that the Hong-Kong enquiry will soon come to a successful conclusion and result in the apprehension and punishment of those who are responsible for this dastardly crime.

#### FLOODS IN UTTAR PRADESH

The Minister of Planning and Irrigation and Power (Shri Nanda): I beg to lay on the Table a copy of the Statement regarding floods in Uttar Pradesh. [See Appendix III, annexure No. 23].

And may I, with your permission, add a few words, giving a brief account of the situation on the basis of the latest reports and my personal survey?

On receiving reports regarding serious floods in the eastern districts of Uttar Pradesh, I immediately carried out a personal inspection of the affected areas by air, and discussed the situation with the Chief Minister and the Minister of Irrigation, Uttar Pradesh.

In the previous years, floods were caused generally by the Rapti and the Ghagra, which are the 'problem' rivers of Uttar Pradesh. The worst floods this year have, however, been caused not by the Rapti or the Ghagra, but by two other small rivers, the Tons and the Gomti, which, over a very long period, had given no signs of their destructive capacity. According to the Uttar Pradesh Government, the rise of the water in these rivers has no parallel in recent times. At Azamgarh on the Tons, and Jaunpur on the Gomti, the highest flood level recorded as far back as 1871, i.e. 84 years ago, was exceeded this year.

Although floods are a recurring feature in Uttar Pradesh, the experience this year is of a wholly unusual character. The Tons and the Gomti are

small rivers which take their rise in the plains of Uttar Pradesh. The catchment area of these rivers was subjected to exceptionally heavy rainfall ranging from 18" to 24" in the course of four days during the week ending July 23rd. This is three to four times the normal rainfall for the entire month of July. At Marya near Jaunpur, as much as 14.8" of rain fell on one day. It was impossible for these rivers to drain off, as bigger rivers would have done, the enormous quantity of water which was precipitated during this short period. The waters, therefore, overflowed the banks and inundated vast areas. Essentially, this is the consequence of lack of quick and adequate drainage.

Amongst the towns affected by the floods in these rivers are Akbarpur and Azamgarh. In Azamgarh, a protection bund built many years ago gave way. A big bridge between Azamgarh and Ghazipur has been reported to have collapsed on the 30th of July, and this breach in the road caused temporary flooding in the lower areas. In the Gomti Valley, the towns of Sultanpur and Jaunpur have suffered badly. Due to heavy and incessant rainfall there was widespread water-logging in Allahabad and Rae Bareilly districts. Extensive areas were inundated in Basti and Gorakhpur districts. A spill of the Gandak into the Rapti in the Nepal area caused a breach in the old Maloni bund, six miles downstream of Gorakhpur on 30th July, resulting in the inundation of a few villages and low-lying outskirts of Gorakhpur town.

A precise assessment of the damage caused by the floods is not possible at this stage, but it is clear that crops over large areas have suffered considerable damage and lakhs of people have been rendered homeless.

Though complete immunity from risks arising out of excessive local rainfall concentrated in a short space of time may not be easily available, we can reduce these risks and the consequent damage to the minimum by concerted action to improve the drainage of the area. The most important

step in this direction is to remove obstructions which hamper the free flow of water. Existing towns may be protected by ring bunds. Siting of villages on raised ground and proper planning of towns on the basis of thorough contour surveys has become imperative surveys and investigations have to be carried out to enable these measures to be undertaken. Instructions have been issued to ensure that this work is carried out expeditiously.

I was greatly impressed by the sense of urgency and earnestness displayed by the U.P. Government in evacuating the people affected by floods and in giving them relief. Their officers and staff have been given full authority and the means to provide aid and succour wherever required.

Vigorous steps have been taken by the U.P. Government to make up the leeway in the matter of collection of hydrological data. Reconnaissance surveys and ground surveys including levelling for Rapti and Ghagra basins are proceeding apace. The Ghagra has been surveyed for a third of its length already, whilst spot levelling has been done in an area of nearly 2,400 sq. miles in 8 districts of eastern U.P. For determining the alignments of bunds, levelling has been done over a distance of 450 miles. Aerial photography has been completed in respect of an area of 4,400 sq. miles and photo-mosaics are ready for nearly a third of the area. About 40 new gauge and discharge sites have been established, in addition to 30 existing stations in eastern U.P. Arrangements are in hand for establishing 44 new rain gauge stations in the area. Investigations are under way for locating a suitable storage site on the Rapti.

Schemes costing about Rs. 4.5 crores have been approved so far by the U.P. State Flood Control Board. During 1954-55, the construction of 21 works estimated to cost nearly Rs. 3 crores was undertaken. These works, on which satisfactory progress has been made, relate to the construction of marginal embankments, raising of the level of village sites in the flood affected areas and construction of protective

[Shri Nanda]

works like revetments, spurs, etc. The Chitauni bund on the Gandak constructed in the last working season has prevented inundation over an area of nearly 1.5 lakh acres notwithstanding the fact that the Gandak has already experienced this year a flood of 5.6 lakh cusecs. The raising of the level of the village sites has given effective protection to nearly 600 villages.

"I may add that I intend to make a further statement on the flood situation in Bihar, Bengal and Assam in the course of the next few days.

#### DELHI JOINT WATER AND SEWAGE BOARD (AMENDMENT) BILL

The Deputy Minister of Health (Shrimati Chandrasekhar): I beg to move:

"That the Bill further to amend the Delhi Joint Water and Sewage Board Act, 1926, for certain purposes, be taken into consideration".

Under the Delhi Joint Water and Sewage Board Act, 1926, the Delhi Joint Water and Sewage Board supplies filtered water in bulk to various local bodies in Delhi and receives payment from all of them of the actual cost of supply with the exception of the Delhi Municipal Committee, to which special treatment has been given in accordance with the provisions of sub-section (1) of section 12 of the Act.

[MR. DEPUTY-SPEAKER in the Chair.]

The Delhi Municipal Committee has to make payment for a minimum of 1460 million gallons of water or for the actual supplies at the final rate of issue or at the rate of 3 annas per thousand gallons, whichever is less. Under the proviso to sub-section (1) of section 12 of the Delhi Joint Water and Sewage Board Act, the Central Government were made responsible for payment of the excess of the final issue rate, if it is higher than 3 annas per thousand gallons. Up to 1948-49 the final issue rate did not exceed 3 annas

per thousand gallons, but since then the rate has risen, and because of this increase in rate, the Central Government have been paying very large sums of money on this account from year to year. The rise in the rate is due to increased cost of materials and payment of higher rates of pay for the establishment based on the recommendations of the Central Pay Commission. It is considered that there is no justification for the Government undertaking an indefinite and recurring liability of this kind in the case of the Delhi Municipal Committee alone, especially when other local bodies in Delhi pay their full dues to the Delhi Joint Water and Sewage Boards. The present Bill seeks to relieve the Government of India of this liability by deleting the proviso to sub-section (1) of section 12 of the Act.

The Act also requires amendment for another purpose. Sewage effluent is supplied to a number of private individuals for cultivation purposes at certain rates by the Board. In recent years, a number of these persons have defaulted payment to the Board. In order to facilitate recovery of charges due to the Board from such defaulters, they should be made recoverable as arrears of land revenue.

So the proposed legislation envisages the following amendments to the Delhi Joint Water and Sewage Board Act, 1926: (1) the liability of the Central Government under the proviso to sub-section (1) of section 12 is extinguished, and (2) charges due to the board from persons other than local bodies may be recovered as arrears of land revenue.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Delhi Joint Water and Sewage Board Act, 1926, for certain purposes, be taken into consideration".

Shrimati Sucheta Kripalani (New Delhi): This Bill has a very limited object, as has just been stated by the hon. Deputy Minister of Health. It

seeks to relieve the Central Government of the liability of paying part of the dues of the Delhi Municipal Committee to the Delhi Joint Water and Sewage Board, in respect of water supplied by the latter to the former. This liability arises out of an agreement made in 1926. Now, the Government want to achieve this object by deleting the provisos from sections 12, 13 and 14 of the Delhi Joint Water and Sewage Board Act of 1926.

The Government argument is this, that there is no justification to undertake a recurring liability for an indefinite period; secondly, there is no reason for showing preference to the Delhi Municipal Committee over other local bodies who pay their full dues to the Board. If you take the proposition boldly in this manner it would appear that there is some justification in the stand taken by the Government. But when you study the history of the relationship between the Delhi State and the Delhi Municipality, a different complexion is put on the whole question. What are the facts? The Delhi Municipal Committee established water works in 1889 and these works worked efficiently till 1924 when they were taken over by Government. Now, why did the Government take them over? Government wanted to take them over because, since Delhi became the capital, it expanded very rapidly, new suburbs came into existence. These suburbs, like New Delhi, Delhi Cantonment, had to be serviced. Therefore, the Government wanted to extend the water works and proposed that a Joint Water and Sewage Board should be established. The Delhi Municipal Committee were unwilling to accept this proposal because they feared that this would lead to a rise in the cost of production. However, after protracted negotiations for three years, the Chief Commissioner gave a guarantee to the Delhi Municipal Committee and on the basis of the guarantee an agreement was made. This guarantee was incorporated in the Act of 1926. I need not read the guarantee because the Deputy Minister has just now mentioned the terms

of the guarantee. The understanding between Delhi Municipality and the Government was that if the rate came to over three annas per 1000 gallons then the difference would be paid by the Central Government to the Water and Sewage Board. So, it appears that there is a clear legal obligation on the part of the Central Government to pay this amount to the Water and Sewage Board.

Apart from legal considerations, let us study the question on merits. The apprehension of the Delhi Municipality that the cost of production will increase has been justified. It is rather surprising that the cost of production has increased because when water is pumped in a larger volume the cost of production should be on an economic scale, that is it should go down. Instead of the cost of production going down, it has increased continuously. The figures submitted by the Delhi Municipality go to show that the cost of production in 1938 was 1.95 annas it went down a little the next year in the second and third year it came up to 2.03 annas. From 1942-43 it goes on steadily increasing. Then the next leap in the rise comes in 1948-49 when it rises to 3.48 annas. It is very interesting to note that at this time, that is in 1948-49, the Central Government started thinking about getting relieved of this liability. In 1951 the Government brought forward a Bill for amending this Act. But the Delhi Municipality made very strong representations, as a result of which this Bill was withdrawn.

The second argument of the Government is this, why should any preferential treatment be meted out to the Delhi Municipality when other local bodies are paying their full share? True. The difference is that the water-works were initially set-up by the Delhi Municipality and not by other local bodies. So, the Delhi Municipality is on a different footing altogether. This argument would have been justified if the treatment meted out by the Government to the other

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local bodies had been the same. Unfortunately, there is a difference between the treatment meted out to these local bodies and the D.M.C. For instance, greater concessions are being granted by the Central Government to the other local bodies. In 1950, Rs. 20 lakhs were made available to the Road Fund. Out of these 20 lakhs only 1.5 lakhs was spent for the roads in Old Delhi and the rest for the roads in New Delhi. The New Delhi Municipality has been given a licence for electricity distribution, as a result of which the New Delhi Municipality has an income of Rs. 25 lakhs a year. Old Delhi has been asking for this licence and it has been persistently refused.

Then, so far as educational grants are concerned, New Delhi schools get a grant of 75 per cent. for aided schools and 50 per cent. for Municipal whereas Old Delhi gets only 28 per cent. from the Government for the schools they run. In a similar way, even the Notified Areas are treated in a better way than Old Delhi Municipality. Even with regard to *nazul* lands the Notified Areas get the income from *nazul* lands within their areas; whereas in the old Delhi area, the *nazul* lands were taken over by the Government in 1924 and they were promised compensation. They were given compensation only for five years and after that it has been stopped in spite of representations by the D.M.C. Therefore, there has been a difference between the treatment meted out to Old Delhi Municipality and to the other local bodies.

I can give many more details like that but I do not wish to refer to them because other hon. Members are going to speak. But, let us take an overall picture of Delhi city and see how the Delhi Municipality is functioning. Delhi city has had a very large influx of population in recent years; most of these people are poor and destitute. Most of them have no place to live. They have no houses where they can have water and other sanitary arrangements. They go to the streets and

pavements for these facilities. They do not pay for the water they use as they use water from the public hydrants. As a result a very large number of people use free water and the Municipality is unable to charge them.

Then, there are one lakh houses in Delhi; out of these one lakh houses only 40,000 have water connection. Let us take the question of water meter. The Old Delhi Municipality has been trying to fix water meters in all these houses. They could not do so because of war time and financial difficulties and various other reasons. So, out of these 40,000 houses only 25,000 have got water meters. That goes to show that a very large number of houses are not charged for the water used in them.

Secondly, much of the filtered water is being misused. People living on the streets and pavements take all their requirements of water, for drinking, for washing and bathing and everything free because they have no houses. I will take you to localities in the city where you can see the appalling state in which people live. They use filtered water for all purposes, for drinking and washing and even for cattle. If there are sufficient houses and if proper arrangements are made for water, then the Municipality can take payment for the use of the filtered water which is now being misused. Then there are so many dairies all over the city. The proposal is there to shift these dairies outside Delhi. But till they are shifted they use filtered water from the hydrants for the cattle. The condition of Delhi city is now too good, the roads, the lanes the drainage—all need to be improved. Much greater facilities need to be provided for the educational and health requirements of the city. Therefore the responsibility of the D.M.C. is tremendous. The Municipality have to find resources for meeting all their financial needs. As far as the income of the Municipality is concerned, they have tamed the people beyond their



ability to pay. The representation of the D.M.C. reveals that the income of the Municipality was Rs. 42.41 lakhs in 1943-44 and has risen today to Rs. 175 lakhs. But even then there is shortage of funds and the Municipality would like to levy new taxes. They have been asking for permission to include new items of taxation, mentioned in the first and second lists of the Schedule but permission has not been given.

Then comes another question, a larger question; what about the Delhi Administration? There is tremendous confusion. In Delhi there are so many administrative bodies with conflicting interests and overlapping functions. We have got the Delhi State, a C Class State with very limited powers. We have the Delhi Municipality; we have the New Delhi Municipality and the other local bodies. Then there is the Improvement Trust, an autonomous body and dealing with land. There is the Electricity and Power Board, another autonomous body. A lot of trouble has been going on in the Electricity and Power Board. Members of the Board are appointed for a short term of two years hence they have no sustained interest in the work. Continuous trouble between the workers and management goes on. There is no rational functioning of that body. Only a few months ago, I took some complaints to Shri Gulzari Lal Nanda because that board is under him. Then, there is the Water and Sewage Board. Thus there are too many authorities functioning in different ways, pulling at each other and what is the result? People do not get efficient service while the taxes weigh heavily on them. They have to meet the expenses of the different bodies. There is a wilderness or a forest of institutions with conflicting authorities and conflicting spheres of work. We want rationalisation in the Delhi Administration. This question is being asked by all Delhi citizens. We think of rationalisation in the textile mills as a result of which we had a two month strike to the detriment of labour

but when we need rationalization and the betterment of the citizens, that cannot be done. I therefore, think it is very wrong to bring forward Bills in this piecemeal fashion. We have to think of the overall picture for Delhi. What different organisations should be maintained, what should be their sphere of work and what taxes should be levied from the people, should be decided once for all.

For a long time discussion has been going on about giving Delhi Municipality the status of a Corporation. If the Delhi Municipality is going to be raised to the status of a Corporation, then what is the hurry about this amending Bill? Let the Corporation come into existence; let us see what is the final picture of the whole administration. Then these changes can come about. I feel that the Central Government has a firm obligation to pay this money to the Delhi Joint Water and Sewage Board. It is wrong on the part of the Government to get out of their legal obligation by bringing about this amendment.

Secondly, it should wait till the Corporation has come into being and then decide what it should do. The burden on the Delhi Municipality is already very heavy. We should rather help the Delhi Municipality to function as a first class municipality. I am ashamed of Delhi town and it has not got garden houses as in New Delhi! Even in New Delhi, things are becoming bad. The other day I went to Vinaynagar. I saw the backyard of the market, which was in a filthy State. If you want to make Delhi a beautiful town, you have to help the Delhi Municipality to function properly and give first class service to its citizens. So, instead of putting more financial burden on the Delhi Municipality, the Central Government should help it. My fear is that if this measure is passed, if this extra financial burden is placed on the Delhi Municipality for all I know, they may cut down some of the hydrants—there are about 150 hydrants which serve the poorer people. If some of

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the hydrants are cut down, it will add to the acute distress of the people. As it is, there is water scarcity in the poor areas and the trouble would increase if some hydrants are cut down. Therefore, I consider this Bill as very inopportune. It can very well wait till the Corporation comes into being.

Shrimati Renu Chakravartty (Basirhat): The Delhi Joint Water and Sewage Board (Amendment) Bill seems to be a very innocuous one, but it raises certain principles which I want this House to consider, not only from the point of view of the Delhi Municipality but of the responsibility which the State has towards helping to improve the standard of health of the citizens of big cities. Actually, I remember during the discussion on the Health budget this year, there was concentrated attack on the question of how to tackle the problem of drinking water. The question of water is of fundamental importance though it may sound very simple, and Rajkumariji at that time agreed that this was going to be one of the basic things which her Ministry and the Government in general were going to tackle. If this is so and the water supply is going to be one of main concerns of the Government, I think that this Bill is completely in contradiction to that intention, and it really shows how Government makes all sorts of promises and then, in practice, negatives them. I come from a very big city and I know there is great difficulty about water supply. It is not only a question of drinking water problem in the villages but also in big cities. In my city, for example, it is a scandalous state of affairs so far as this problem is concerned, and in Delhi too. I know—although in New Delhi, the place where we live, we have plenty of water—there is quite a good deal of difficulty in getting drinking water. In the case of this Bill I am not going to raise the question as to the adequacy or inadequacy of water. What I want

the House to consider is how far Government must carry out its responsibility in helping the municipalities and local self-governing organisations, in being able to give a good supply of water at the cheapest possible rates to its citizens. The question whether the Delhi Municipal Committee can raise further taxation or not has already been raised by my friend, Shrimati Sucheta Kripalani. As far as we are concerned, I think that taxation, especially on an essential commodity—and of course, water is one of the principal ones—is something that we should not even think about, because, as has already been shown, taxation really takes away immediately from the purchasing power of the people. The whole purpose of our planning or the crux of our planning has been to increase the purchasing power of the people, cut down on non-essentials, cut down wastefulness, but on essential goods not to tax further. In the case of the Delhi Municipal Committee, they have already shown by telling facts and figures how the high incidence of taxation has come into existence, and they have also shown how even the water rates, metered and unmetered, have been raised again and again. The metered rates went up from five annas per million gallons in 1944, to eight annas in 1946. There is no difference between the water rates paid by New Delhi and those paid by Old Delhi, and yet we know there is a great difference between the two. The unmetered water rate was Rs. 2 in 1943, it rose to Rs. 3 in 1946, and they have calculated the figures to show that the incidence of taxation per capita in 1953-54 was Rs. 11-10-8, as compared to Rs. 5-2-3, in 1943-44. These are very telling figures and we have to consider whether we should advise them to further increase their rates. Generally, we find that in the neighbouring States where there are municipalities, on capital cost half the sum is given as grant and the other half is taken as loan. If that were to be done in this case, even today, from the



figures that have been given by the Delhi Municipal Committee, we can see that the rates would have been below three annas per million gallons, above which the Central Government have to pay subsidy. For instance, in 1953-54, the total expenditure was Rs. 35,20,000. The entire amount for capital works has been taken on loan at the present moment at a high rate of interest, which is Rs. 6 per Rs. 100 and that comes to Rs. 12,58,000. If we calculate the half as grant and the other half as loan, then that amount would have been reduced to about Rs. 7,00,000, and on the basis of water supply of 16,785 million gallons, the final issue rate would have been less than three annas. I think the hon. Deputy Minister, when she proposed this Bill to the House, has given certain wrong conceptions, namely, that the rates have been increasing because we have had to pay the workers at a higher rate, etc., etc. That may be one of the items, but we could still have given the workers a higher rate of wages without going beyond annas three per million gallons if the capital loan had been divided as half grant and half loan, which would have immediately lowered the expenditure on repayment both of interest and principal. Further, we should give Delhi Municipality the same facilities as are given to similar institutions in the neighbouring States. There all capital costs are given as half grant and half loan. If we had given half the amount as grant, then three annas per million gallons would have been the rate for water supply and the Central Government would not have had to incur such a large amount of expenditure as paying excess. Therefore, I do feel that this is a very important consideration that Government have to take into account. In the Local Self-Government Conference which was held recently in Simla, there was a resolution on this subject and it stated that this is what should be done on capital cost. If this is the idea of the Conference over which Rajkumariji presided, I think it is

only right that before you come before the House, you must give proper thought and attention to the resolutions which have been passed by the collective wisdom of the representatives of local self-government in the entire country. It is absolutely wrong on our part at this moment to try to pass this Bill because there will be further taxation on the water supply by the Delhi Municipality, and naturally there will be some resentment and suffering experienced by the people when there is a tax on such an essential commodity as water.

The other reason for increase in expenditure that they have shown is that New Delhi has been expanding further and further. Now, the actual water works is situated to the north of Delhi and in order to give these new extensions in New Delhi, new reservoirs have to be constructed and new mains have to be put in, and as a result, the capital cost has gone up. Each time this capital cost has been obtained through a loan and on that loan there has been a high rate of interest and so the total expenditure goes up. In 1938-39, the rate was 1.59 annas per million gallons, and the figure for 1954-55 was 3.29 annas which is a big jump, taking for granted that we have had a very big increase of population. I feel that it is no use bringing up arguments and saying that other bodies are able to pay and so why should not the Delhi Municipal Committee also pay. The answer had already been given by Shrimati Sucheta Kripalani. She had shown how the other bodies did not own the water works. They also got some preferential treatment with regard to schools, educational institutions, electricity licensing board, etc. The Delhi Municipal Committee on the other hand comes forward and says: you have taken away many sources such as *Nazul* lands from which we formerly used to get some income and we do not have them now. Therefore, the tussle goes on and in between it is the people who suffer. But I do not agree with them that they must be given the right to tax further. I do

[Shrimati Renu Chakravarty]

agree to their having a share in the entertainment tax but they want to tax further in other directions. I think that it is not right. My reaction is that on essential commodities like water, people should not be taxed further.

The last point which I should like to make is this. It is very necessary to have some sort of a decision as to what kind of administration you are going to set up for Delhi and New Delhi. This conflict goes on constantly. One does not know what to do. There are so many municipalities, boards, etc., and the administrative expenditure is going up and up. Until this is done, on the one hand we shall be trying to curtail expenditure by saying: why should the Government incur this extra expenditure on water according to the terms of the agreement in 1926. But on the other hand we shall be duplicating our expenditure by not rationalising the various boards and units that have been set up by Delhi and New Delhi. I think that is the most important question which has to be decided once and for all by the Government.

Lastly, Sir, you will be surprised to know that after we have all spoken so vehemently there are no amendments. Why are there no amendments? There can be no amendments for the simple reason that the most important clause is clause 9. That clause has not been amended. There is no possibility of our putting in any amendment. If clause 9 had been there, we would have amended it that there should be a loan of Rs. 2.5 lakhs and 2.5 lakhs grant. If that had been there, all the calculations would have been different from the three annas rate on which the Central Government has to incur expenditure. We should, therefore, reject this Bill and ask the Government to bring forward a Bill which will be much more in keeping with the spirit of the times. We must help the local self-government bodies to be able to give all the

amenities of life without any new taxation measures. They should be helped to give health and education facilities and other social and civic amenities which at the moment they are not always able to do. With these words, I oppose this Bill.

श्री राधा रमण (दिल्ली नगर) : यह बिल जो आज सदन के सामने है, उसके विषय में मेरे से पूर्व दो संसद् की सदस्यों ने अपने विचार सदन के सामने रखे हैं। यह हमारी बदीकस्मती है कि इस ठोर्ट से बिल में जो बातें रखी गई हैं, उनके विषय में हमारे द्वारा विचार विरोध सामने रक्खा जाय। मगर जिन हालात में यह बिल सामने आ रहा है और जो दिक्कतें पुरानी दिल्ली में रहने वाले लोगों को हैं, या जो दिल्ली म्युनिसिपल कमिटी के अधीन जनता रहती है, उनको भोगनी पड़ती है उनको सामने रखते हुये हमें विवश होकर कुछ बातें इस बिल के खिलाफ कहने की विम्वत होती हैं। हम यह चाहते हैं कि हमारी सरकार जो जनता की सरकार है और जनता के दुखों को हमेशा दूर करने का प्रयत्न करती है, उन बातों पर गौर करे और उन पर गौर करने के बाद इस बिल में चाहे संशोधन किया जाय और चाहे इसे वापिस लिया जाय और चाहे इसे ठहराया जाय।

मेरे समझता हूँ कि संसद् के सभी सदस्यों को इस बात का पूरा परिचय है कि पुरानी दिल्ली की इस समय क्या हालत है और उसको जब हम सामने रखते हैं तो हमें यह सोचना पड़ता है कि कोई भी ऐसा कार्य जो विधेयक के रूप में हो, चाहे अन्य किसी रूप में, जो सदन के सामने आता है कि जिससे जनता की परेशानी बढ़े, तो उम्हका विरोध करना हमारे लिए अनिवार्य होना चाहिये।

हम दखते हैं कि इस विधेयक के अनुसार सरकार यह चाहती है कि जो एग्जीमेंट उसने दहली म्युनिसिपल कमिटी से बहुत वर्ष पहले किया था और उस एग्जीमेंट के मुताबिक जो पानी की दर दिल्ली म्युनिसिपल कमिटी को देनी पड़ती थी, वह भविष्य में न रहे बल्कि जो रकम

स्वर्च के अनुसार आती हो उसी के मुताबिक पानी का रेट कमेटी को देना पड़े। हमारा कहना यह है कि दिल्ली म्युनिसिपल कमेटी एक ऐसी संस्था है कि जिस संस्था को सरकार से पर्याप्त सहायता नहीं मिलती है और उसके साधन अब्बा आमदनी सीमित हैं और साधनों पर प्रतिबंध लगा हुआ है। उन प्रतिबंधों के कारण जो म्युनिसिपल कमेटी की आमदनी होनी चाहिए थी, वह नहीं होती है। आज आप देखते हैं कि सारे भारतवर्ष में जो बड़े बड़े शहर हैं, वहां की म्युनिसिपैलिटियों की आमदनी के साधन बिजली का वितरण, पानी का वितरण, जमीनों की बिक्री होते हैं, यह तीनों जरिये यहां पर केंद्रीय सरकार के हाथ में हैं और उन से जितनी भी आमदनी किसी एक म्युनिसिपैलिटि को हो सकती है, उससे दिल्ली की म्युनिसिपैलिटि वींचते हैं। बार बार यह प्रश्न दिल्ली की सरकार के सामने और भारत सरकार के सामने लाया गया लेकिन इस प्रश्न पर एक ही उत्तर कमेटी को मिलता रहा है कि यह साधन केंद्रीय सरकार अपने ही हाथ में रखेंगी। नतीजा उसका यह है कि उनकी शक्ति बहुत सीमित है और इस कारण दिल्ली में रहने वाली लगभग ६ लाख जनता की ठीक सेवा नहीं हो पाती और तकलीफें बढ़ती जाती हैं। यहां सैकड़ों ऐसी जगहें हैं कि जहां पर इंसान हँसान से भी बुरी तरह रहते हैं। उनके पास न कोई पानी पहुंचता है और न बिजली और न उनके पास कोई अच्छे स्वच्छ मकान हैं कि जिन मकानों के अन्दर रह कर वह अपनी जिन्दगी को एक इंसानी जिन्दगी की तौर पर बसर कर सकें। आज चारों तरफ से मैं यह देखता हूँ कि इस बात पर बहुत दुःख प्रकट होता है परन्तु हालत वैसी ही बनी है।

इस विधेयक के द्वारा केंद्रीय सरकार और दिल्ली म्युनिसिपल कमेटी के बीच में जो समझौता हुआ उसे समाप्त किया जा रहा है। यह समझौता काफी सोच विचार के पश्चात् हुआ और उक्त बातों को दृष्टि में रखते हुए हुआ जहां अन्य कमेटीयों से स्वर्च के अनुसार पानी की दर ली जाती है वहां दिल्ली म्युनिसिपल कमेटी से तीन

आना प्रति हजार गैलन से अधिक नहीं लिया जाता। इस विधेयक के द्वारा स्वर्च के अनुसार समझौते विपरीत दिल्ली म्युनिसिपैलिटि से वार्षिक मांगा जायगा। मैं यह समझता हूँ यह बिलकुल अनुचित है। सन् १९२५ में जो समझौता हुआ था उस को आज ठुकराया जा रहा है, केंद्रीय सरकार को दिल्ली के हालात को देखते हुए दिल्ली म्युनिसिपैलिटि को सहायता देनी चाहिये परन्तु विधेयक के द्वारा जो सहायता उस समय दी गई थी, उस को भी आज वापिस लिया जा रहा है।

I P.M.

ऐसा करने का नतीजा सामुहिक यह होगा कि दिल्ली की जनता को, जिस को वैसे ही पानी की कमी का अनुभव है, और भी ज्यादा कष्ट उठाना पड़ेगा क्योंकि म्युनिसिपल कमेटी पानी की दर बढ़ाने पर बाध्य होगी और यह एक ऐसी सख्ती होगी, ऐसी तकलीफ होगी जिस को दिल्ली की आम जनता बर्दाश्त कर सकेगी, इस में मुझे शक है। मैं यह समझता हूँ कि कोई भी सरकार यदि इस प्रकार के समझौते करती है और जिन विचारों के आधीन वह समझौते होते हैं, जब तक वह विचार कायम रहते हैं, तब तक उस को उन समझौतों को निभाना चाहिये। आज तक आप के सामने जो आंकड़े रखे गये हैं उन से यह पता चलता है कि पिछले ५, ६ वर्षों में, जब से निलों में कुछ इजाफा हुआ, पानी जो निलों म्युनिसिपल कमेटी पहले देती रही है और जो आज तमाम स्वर्च को ले कर पड़ता है, उस में बहुत थोड़ा सा फर्क पड़ता है और सारी रकम जो कि इस मद में हमारी केंद्रीय सरकार को दिल्ली म्युनिसिपल कमेटी पर स्वर्च करनी पड़ेगी वह २, २ लाख के बीच में आती है। हो सकता है कि यह रकम आगे कुछ थोड़ी ज्यादा हो जाय, लेकिन यह इतनी थोड़ी रकम है कि इस बात का ध्यान करते हुए कि ६, १० लाख जनता इस से लाभ उठाती है केंद्रीय सरकार को ऐसा विधेयक लाकर हमें इसे मंजूर करने के लिये बाध्य नहीं करना चाहिये।

हम यह भी जानते हैं कि दिल्ली के भविष्य के सम्बन्ध में अनेक प्रकार की चर्चा चल रही

[श्री राधा रमण]

हैं। वह कहना कीटन है कि इसका भविष्य क्या रहता है। दिल्ली में कारपोरेशन हो यह भी चर्चा चल रही है और इसका फँसला जल्दी ही होने वाला है फिर सरकार इस विधेयक को इतनी जल्दी में क्यों पास कराना चाहती है। मैं समझता हूँ कि अगर मैं अपनी स्वास्थ्य मंत्राणी जी या उपमंत्राणी जी से यह दल्वास्त करूँ तो बिलकुल बाजब होगा कि इस विधेयक को यहां ला कर वह इतनी जल्दी इस को हम से पास कराने की कोशिश न करें।

सारे दिल्ली शहर के अन्दर कुछ इलाके ऐसे हैं जहां दूसरी और तीसरी मंजिल तक पानी नहीं पहुँच पाता और पानी का हाहाकार खास तौर से गमीं में रहता है। ऐसे मौकों पर और इन हालात में जब कि हम देखते हैं कि शहर के लोगों को इतनी तकलीफें हैं और हम पूरी तौर पर उन को पानी नहीं पहुँचा सकते हैं, यह दानिशमंदी होगी कि हम इस विधेयक को पास करने पर इसरार न करें और दिल्ली वालों की तकलीफों को न बढ़ायें।

अन्त में मेरी स्वास्थ्य मंत्राणी जी से फिर यह प्रार्थना है कि वह आज इस विधेयक को इस सदन में पास न करें, बल्कि इस को और ज्यादा गौर के साथ और ज्यादा अच्छी तरीके पर ठहर कर लायें। जल्दी करने से जनता की तकलीफें बढ़ जायेंगी और आम लोगों में असंतोष होगा।

श्री जबल प्रभाकर (बाह्य दिल्ली—रहित—अनुसूचित जातियाँ) : यह जो विधेयक हमारे सम्मुख है, देखने में तो ठीक है और इस में केवल यही है कि जो २ आ० की एक दर मुकर्र की गई थी, यदि वह २ आ० तक रहेगी तो म्यूनिसिपल कमिटी उसे बढ़ाकर करेगी, और यदि २ आ० से ऊपर उस की कीमत जायेगी तो वह भारत सरकार देगी। यह मसला हमारे सामने है।

मैं इस सदन को बताना चाहता हूँ कि दिल्ली म्यूनिसिपल कमिटी का जो चयन है उस में नई दिल्ली की तरह की अवस्था नहीं है। उस में सब तरह के आदमी रहते हैं। पर दिल्ली

म्यूनिसिपल कमिटी के चयन में अधिकांश गरीब लोग रहते हैं। कुछ ऐसी बातियाँ हैं जो गरीब मजदूरों की हैं। इन गरीबों और मजदूरों में यह समझ नहीं है कि वह अपने यहां नल लगवा सकें और नल लगवा कर उस से पानी ले सकें। इस लिये उन तमाम स्थानों पर दिल्ली म्यूनिसिपल कमिटी ने नल लगाये हुए हैं जिन का व्यवहार वह गरीब लोग करते हैं। इस विधेयक को पास करने का परिणाम यह होगा कि दिल्ली म्यूनिसिपल कमिटी के ऊपर कुछ लाख रुपयों का बोझ आ जायेगा और वह पानी की सप्लाई में कटौती करने के साधन ढूँढेगी। और ऐसे साधनों को ढूँढने के लिये जिन लोगों ने नल के कनेक्शन लिये हुए हैं, उन को तो वह काट नहीं सकेगी, हो सकता है कि कुछ रेंट बढ़ा दें, लेकिन जो लोग पैसा नहीं दे सकते हैं और जो फ्री पानी ले रहे हैं, जो निःशुल्क पानी प्राप्त करते हैं, उन के प्रयोग के नलों को कम कर दिया जायेगा। इस के कारण यह होगा कि लोगों में असन्तोष की भावना जागेगी, और उन में एजिटेशन होगा, वह प्रदर्शन वगैरह करेंगे और दूसरों में भी असन्तोष की भावना बढ़ेगी। चन्द लाख रुपयों के लिये इतना बड़ा असन्तोष हमारी सरकार उत्पन्न करे, यह कोई सूफ वाली बात हमें दृष्टिगत नहीं होती है। अतः मैं माननीया मंत्राणी जी से यह प्रार्थना करूँ कि या तो वह इस विधेयक को वापस ले लें या उस पर पुनः विचार करें और इस को एक अच्छे ढंग में इस सभा के अन्दर पेश करने की कृपा करें। दिल्ली म्यूनिसिपल कमिटी के कुछ सीमित साधन हैं और उन सीमित साधनों से ही वह पैसा इकट्ठा कर सकती है। इन साधनों में से एक तो टर्मिनल टैंक्स हैं जिस के जरिये से जो चीजें बाहर से आती हैं उन पर साधारण सी चुंगी लगती है और उस से पैसा इकट्ठा किया जाता है। इस के अलावा हाउस टैंक्स जो हैं वह आज अपनी पूरी सीमा तक पहुँच चुका है और इस टैंक्स को अब और ज्यादा बढ़ाया नहीं जा सकता है। इसी तरह से और जितने भी टैंक्स हैं वे पहले से ही इतने ज्यादा बढ़ चुके हैं कि न तो उन में और

ब्यादा बढ़ोवरी की गुंजाइश ही हैं और न बनता ही इन को बरदाश्त करने के काबिल हैं। अतः अगर यह सोचा जाए कि टंकसेज को कुछ और बढ़ा कर दिल्ली म्यूनििसिपल कमिटी अपना काम चला लेगी तो मेरे विचार में यह असम्भव सी बात है। हां कुछ दूसरे टंकस लगाने के लिए दिल्ली म्यूनििसिपल कमिटी ने कुछ सुझाव भारत सरकार की स्वीकृति के लिये भेजे थे लेकिन भारत सरकार ने उस की इन तजवीजों को ठुकरा दिया है और कहा है कि उन के लिये यह सम्भव नहीं है कि वे एंसे टंकस लगाने की स्वीकृति दें। अतः मैं माननीय मंत्रीजी जी से प्रार्थना करता हूँ कि वह उन गरीब लोगों का अवश्य ख्याल रखें जो कि दिल्ली म्यूनििसिपल कमिटी के क्षेत्र में रहते हैं और उन की भलाई को ध्यान में रखते हुए इस बिल को पास न करवायें। यह बात तो आप निश्चित सी हो समझिये कि जैसे ही यह बिल पास हो जाएगा तो सब से पहले दिल्ली म्यूनििसिपल कमिटी को निगाह उन नलों में से कुछ को बन्द कर देने की तरफ जायेगी जहाँ से कि आज तक गरीब लोगों को मुफ्त पानी मिलता था। इस लिये मैं मंत्रीजी से प्रार्थना करूंगा कि वह या तो इस विधेयक को बिल्कुल ही वापस ले लें और यदि उन के लिये इस विधेयक को वापस लेना सम्भव न हो तो मेरी प्रार्थना है कि इस के ऊपर पुनः विचार कर के फिर इस को इस सदन में लाया जाय।

**Shri S. C. Samanta (Tamluk):** First of all, let us see the conditions when this Delhi Joint Water and Sewage Board Act was passed. At that time, there was so much difficulty of water supply and drainage. The Central Government had also some instruments by which water supply was being made. The Delhi Municipal Committee had some, but for want of co-ordination, water supply as well as sewage system were not at all satisfactory. So, an Act, which is now going to be amended, was passed. At the time when this Board was formed, the Board had to take all the properties belonging both to the Central Government and the Delhi Municipal

Committee on the condition that the price of the property will be paid in 50 years in half-yearly instalments, to the Central Government and the Delhi Municipal Committee, the interest being six per cent. per annum. That period of fifty years has not elapsed. In the Act there was a provision that this Board should calculate the cost and the cost will be recovered from the Delhi Municipal Committee and other constituents that receive the benefits. But in the case of the Delhi Municipal Committee, the Government came forward, because they found it will be impossible for the Delhi Municipal Committee to pay the charges that will have to be incurred by the Committee. So, the Central Government came forward and said that an amount calculated at three annas per thousand gallons or any amount that is greater than this amount and which is payable by the Delhi Municipal Committee to the Board, will be borne by the Central Government. Since 1926, the Central Government is paying the amount whenever there is a deficit on the part of the Delhi Municipal Committee.

Now, at a time when there is so much of expansion of Delhi city as well as New Delhi city for the purposes of rehabilitating the displaced persons, when thousands of houses are being constructed and water connections are being given, if the Central Government recedes and backs away from helping the Board in the work which is so important at present, it will not be proper. The Central Government has helped the refugees in all possible ways and they have to some extent been rehabilitated in New Delhi and Delhi and the remaining refugees are also to be rehabilitated. When houses are being built for them, there should be water connections. So, how can, at this moment, the Delhi Municipal Committee bear all the expenses that will be incurred by this Board for water supply and sewage purposes? Is it possible for the Delhi Municipal Com-

[Shri S. C. Samanta]

mittee to bear all these burdens at present? So, let Government think over it and at least wait up to the time when the refugees are completely rehabilitated.

**Shri B. S. Murthy (Eluru):** So, they will have to wait till the rains come!

**Shri S. C. Samanta:** As and when the city is expanding day by day,—and we hope that the cost of living of the inhabitants will increase—then the Government may come forward to shake off the responsibilities that they have been discharging since 1926. I think it will be better for the Government to give good thought over this question or else the Delhi Municipal Committee will be forced to extract the money to be paid to the Board through taxation. It has no other alternative. That taxation will have to be borne by the poor public in general. At this moment, when the Central Government is spending so much for rural water supply and urban water supply, why, in Delhi State alone, the grant that was given for water supply should be discontinued? It is not the opportune moment to do so. Therefore, the Government should think over the matter and do the needful.

**Shrimati Chandrasekhar:** All the hon. Members are in favour of the continuance of the existing statutory provision and for the liability on the Central Government. This is quite understandable because no local body would willingly undertake to make payments which were hitherto made by the Central Government.

**Mr. Deputy-Speaker:** What is the average amount of contribution per annum?

**The Minister of Revenue and Civil Expenditure (Shri M. C. Shah):** It comes to about Rs. 2½ lakhs on an average, the amounts being Rs. 1,90,000, Rs. 1,88,000 and Rs. 2,71,000 in recent years.

**Mr. Deputy-Speaker:** Is it a very big sum for the Central Government?

**Shri M. C. Shah:** May I just explain in a few minutes?

**Mr. Deputy-Speaker:** Does the hon. Deputy Minister of Health agree?

**Shrimati Chandrasekhar:** Yes.

**Shri M. C. Shah:** The issue is very simple. The question is whether this water supply constitutes a service to be taxed or not. If the water supply constitutes a service to be taxed, then, all local authorities all over the country, as I know, always get what they spend on the water supply. They may not make any profit. As a matter of fact, the Delhi Joint Water and Sewage Board does not make any profit. They supply water; they have to incur expenditure and therefore that must be paid. In the Delhi Municipality there are about one lakh houses all of which get water-supply, but only 31,000 houses have got water connections, out of which only 18,000 have metre connections. Nearly 69,000 houses have been drawing water from public hydrants and they do not pay anything for this. If you go to all other big cities, you will find that whenever water is taken by the inhabitants from public hydrants, they have to pay something as a general water rate. The houses with no water connections cannot go without water: they get water supply from the public hydrants. Therefore, there must be some tax levied from all those people who have not got water connections and who use the public taps. They have to pay a general water rate. It may be a very small sum, but they have to pay it.

With regard to the expansion of water supply schemes in the city, naturally the State Government and the Central Government will give grants or loans. That is for expansion schemes and that cannot be mixed up with the question at issue. The point at issue is about the supply of water to the inhabitants of the city and not expansion of water supply schemes. Of course the State Government and



the Central Government will have to make provisions for the expansion of water supply schemes, but here is a question whether that service should not be paid for. As I said earlier, there should not be any profit out of this water supply; but the actual cost must be paid by those who get the water. I think there is a confusion of thought here. Government do not propose to levy more than what is actually to be paid to the Water and Sewage Board. The question is, why should the Government all the time indefinitely be paying the cost of the water supply. There is no legal obligation, because we have already consulted the Law Ministry. The matter was considered so many times since 1951 and the Government came to the conclusion that....

**Shri C. K. Nair (Outer Delhi):** There is a legal obligation; it is stipulated in the Act.

**Shri M. C. Shah:** The Law Ministry has been consulted and we have been advised that there is no legal obligation.

**Shri C. K. Nair:** The legal obligation is there.

**Shri M. C. Shah:** If there is a legal obligation, then the Delhi Municipality will have a right to go to a court of law and get the amount from the Central Government. This matter is being discussed for the last four or five years since 1951, and the Government have come to the conclusion, after consulting the Law Ministry, that there is no legal obligation; there is no justification whatsoever to continue this grant to the Delhi Municipality to cover the expenditure incurred in supplying water. I think it is the duty of the Delhi Municipal Committee to find ways and means to collect this extra sum that it will have to pay to the Water and Sewage Board.

**Shri C. K. Nair:** There is a clear stipulation in the Act that the excess amount of 3 annas per thousand gallons will be met by the Government of India. Therefore, to say that there

is no obligation is not acceptable. Of course you can say we want to bid good-bye to this obligation. Don't say that there is no legal obligation.

**Shri M. C. Shah:** I am clear on this point; we have consulted the Law Ministry and they have advised that there is no legal obligation. The Government agreed to pay this additional sum in 1926 under certain circumstances. Now, the circumstances have completely changed. At that time the Government never thought that there would be any additional sum to be paid; but because of a certain rise in the cost of materials, as was explained by the hon. Deputy Minister, this additional sum had to be paid; also there was an increase in the payment of the wages fixed by the Central Pay Commission to the personnel. Because of all these there was a rise in the amount to be paid. There is no justification whatsoever at present to continue to pay a grant that was necessary at the time of passing the Act—in 1926. Therefore, I say that there is no legal obligation and the obligation under the 1926 Act is to be done away with by this amendment. This is the reason for bringing this amending Bill before the House.

**Shri C. K. Nair rose—**

**Mr. Deputy-Speaker:** Order, order. Evidently there is some confusion here. What the hon. Minister means is that there is no contractual obligation; there is no *quid pro quo*. But under this Act the Central Government has undertaken voluntarily the liability to contribute. If this Act is scrapped, they will not be liable to pay at all. But so long as the Act stands there, they are bound to pay. If the Central Government has signed a *quid pro quo*, it will have no right to scrap this Act; even if they scrap this Act, the Delhi Municipal Committee will have the right to go to a court of law. One is for a consideration and the other is a voluntary payment. The hon. Minister feels that there is no longer any judi-



[Mr. Deputy-Speaker:]

lication for this voluntary subsidy to be continued after so many years, from 1925; but it is a matter for the House to consider. All that the hon. Minister wants to say is that there is no legal obligation. But so long as the statute is there, he is bound to pay. Therefore, he is trying to scrap the statute. But under certain circumstances even this cannot be done if the Municipal Committee has rendered something to the Government in consideration of which the Government has undertaken to pay this. That will be a different matter altogether, in which case the Government cannot get over that liability by merely coming to this House and saying that it will not pay; possibly the matter may have to be decided in a court of law.

**Shri B. S. Murthi:** Apart from this legal obligation, what about moral obligation?

**Shri M. C. Shah:** There is no moral obligation.

**An Hon. Member:** What about social obligation?

**Shri M. C. Shah:** The Government agreed to pay this amount to the Delhi Municipal Committee under certain circumstances existing then. Now we say that the circumstances have changed, and we feel that it is the duty of the Delhi Municipal Committee to pay this. That is why we have brought this amending Bill before the House. As I was saying, there are one lakh houses out of which only 31,000 houses pay taxes. The other 69,000 houses do not pay any tax whatsoever.

श्री नवल प्रभाकर : जिन घरों का आप जिक्र कर रहे हैं, वे तो अन-एथराइज्ड कंस्ट्रक्शन हैं। अगर आप उन पर टैक्स लगाना चाहते हैं, तो लगा लीजिए।

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

**Shri M. C. Shah:** I have got nearly 25 years' experience of local bodies; what they do in other places is that

they levy a water rate from the inhabitants who use the public hydrants. So, I do not say that they should pay as much tax as those living in houses with water connections pay. But there should be some sort of a general water rate being levied all over the country. The Delhi Municipal Committee should collect this from those who take the water, though it may be a very small sum. But of course there is no question of not supplying water. For expanding the water supply schemes naturally the Municipality can come to the State Government and the Central Government for subsidies, grants, or loans. They can get grants, 50 per cent. loans and so on. All these things are there for the Delhi Municipal Committee, but for the servicing at least the entire expenditure should be met by the Municipal Committee. That is the only simple reason for which this amending Bill has been brought forward.

**Sardar A. S. Saigal (Bilaspur):** I want to ask one question.

**Shrimati Renu Chakravartty rose**

**Mr. Deputy-Speaker:** All of them can simultaneously ask questions; I have no objection. Let the hon. Deputy Minister also speak. Then, I shall allow questions.

**Shrimati Chandrasekhar:** Shrimati Renu Chakravartty mentioned that the concern of the Health Ministry is to look after the water supply of the people. She must be aware of the national water supply and sanitation schemes according to which loans were given to the urban areas to the extent of Rs. 12.86 lakhs and also Rs. 6 lakhs to the rural areas....

**Shri M. C. Shah:** Crores.

**Shrimati Chandrasekhar:**....I am sorry, crores, in the shape of subsidy to the rural areas.

**Shri S. S. More:** May I rise on a point of order? Can a person sitting in the Official Gallery make a correction or a suggestion?

**Shri M. C. Shah:** I made the correction.

**Shrimati Chandrasekhar:** It was just a slip of the tongue.

**Shri S. S. More:** I heard it.

**Mr. Deputy-Speaker:** Normally no person who is sitting in the Gallery should loudly instruct. Any other hon. Member may go there, the Whip can go there. They are there to give instructions. In this case, possibly he thought that we won't hear. Hereafter such open or loud statements ought not to be made.

**Shrimati Chandrasekhar:** Besides, the cost of water supply in Delhi has not increased very much. It has risen only from 1 anna 9 pies to 3-29 annas whereas if we look at other municipalities, the rates have ranged from 4½ annas to one rupee.

There was another point raised about the differential or partial treatment meted out to the Delhi Municipality whereas other local bodies are given preferential treatment about educational grant, etc. These are matters which are not relevant at this stage. If all these things are brought to the notice of the Ministry, when they are taken up again, they will be considered carefully. I do not think the Government have ever refused any loan to the Delhi Municipal Committee for metering the houses. Besides, the house tax is very low in Delhi. About 10 per cent. for water tax will not be too much.

**Mr. Deputy-Speaker:** Have the Government given any instructions to the Municipality to impose water tax?

**Shrimati Chandrasekhar:** Yes; they have been given.

In conclusion I can say that this financial stringency of the Delhi Municipal Committee can be met by levying a general tax or particular tax on meters and they can make a revenue and meet the deficiency without

depending upon the Central Government for continuing the liability.

**Shrimati Renu Chakravartty:** What we are really concerned is that the water rate should not be increased.

**Mr. Deputy-Speaker:** The hon. Member may kindly put a question.

**Shrimati Renu Chakravartty:** I just spoke one sentence so that the question may be clear. Unless the capital cost which is there already is reduced by making half loan and half grant, how can the water rates be reduced, and kept below 3 annas per 1000 gallons? That is the point. In future you may adopt this policy that we shall give half loan and half grant. Even then, that would mean that the loan amount would be added to the capital cost at a higher rate of interests. We must be assured by the Ministry that some sort of an amendment will also come to this effect.

**Shrimati Sucheta Kripalani:** That was the agreement.

**Shri M. C. Shah:** So far as Delhi is concerned, there is a special arrangement. Everywhere, the local bodies make arrangements for their water supply. They enter into a contract with some other agency. In Delhi, there is the Joint Water and Sewage Board. The only question is this. If the Joint Water Supply and Sewage Board makes any profit over the final issuing rate, there is a point in what the hon. Lady Member has said. What I mean about expansion is suppose they want to lay water pipes, or want to have more reservoirs or something of that sort in order to make water supply easier to all the residents, for these capital works, they can get a grant and a loan. So far as the supply from the Jumna is concerned, that is being managed by the Joint Water Supply and Sewage Board which is a separate body altogether. As I have already explained, if anybody can show that there is a heavier cost in running the Water Supply and Sewage Board, that cost can be reduced and then naturally the price of 3 annas can

[Shri M. C. Shah]

be reduced. You have to look into the accounts of the Joint Water Supply and Sewage Board, which supplies water to so many local authorities.

सरकार १० लाख सहस्र : डिप्टी मिनिस्टर साहब ने अभी जवाब दते हुए बताया कि दिल्ली म्यूनिसिपैलिटी में जो लोग रहते हैं उनमें से बहुत बड़ी तादाद ऐसे लोगों की हैं जिनके मकानों में पाइप नहीं लगे हैं। कुछ थोड़े से लोगों ने अपने यहां पाइप लगाये हुए हैं और वह लोग मीटर के जरिये से रेंट अदा करते हैं। मैं यह जानना चाहता हूं कि जिन लोगों ने अपने यहां पाइप नहीं लगाये हुए हैं और जो जनरल पाइप से पानी लेते हैं उनमें कितनी तादाद उन रिफ्यूजियों की हैं जो दिल्ली में आकर बसे हैं।

Shri M. C. Shah: As a matter of fact, there are 1 lakh houses. Out of them, 31,000 houses have water connection, and 69,000 houses have no water connection. I have no grievance about that. Even out of these 31,000 houses, about 18,000 have meter connection; others have not got it. What I urged before the House was that these 69,000 houses get water supply from the water received from the Joint Water Supply and Sewage Board. But they may not pay any rates. There are special water rates when there is water connection in the house or there is a meter connection and the charges are paid per thousand gallons. There is also a general water rate, which is at a very low level, to be paid by those who take water from the hydrants and other places. After all, water is supplied by the Delhi Municipality, after obtaining it in lump from the Joint Water Supply and Sewage Board. Those who take water from their water connections in their houses, have to pay a higher rate; if they take by meter, they pay a higher rate. Those who take from public hydrants shall have to pay something. It would have to be found out by the Delhi Municipal Committee as to what the rate will be in new Delhi. It may be Re. 1 or Rs. 2/- per house,

according to the means and according to the expenses incurred by the Delhi Municipal Committee. They may not make any profit from that. I say no profits should be made from water supply. At least, they must meet the cost that the Delhi Municipality has to pay to the Joint Water Supply and Sewage Board. That is my plea.

Shri Radha Raman: I wish to make a submission. The hon. Minister has been pointing out that there are nearly 37,000 houses which have meter connection out of one lakh houses.

Shri M. C. Shah: I said 31,000 houses have water connection.

Shri Radha Raman: I know that in many houses they want to have water connection. In many cases, the difficulty is obvious. They are *katras* or big places where thousands of people are living. There is a tug-of-war between the landlords and the tenants. You may have also noticed in the newspapers recently that we have been crying about these slums to be cleared. In such slums you will find only the public hydrant is being used though the people there want to have connections, but the present laws of the municipality are a hindrance and they are not able to take individual water connections.

And then again, many of these houses of which he is talking are in a very poor and dilapidated condition and no individual connections are possible. Regarding the meters, during the war the meters were not available, but now all speed is being shown in order to get more meters installed. But, unless the mains are laid there and the other formalities are gone through, it is not possible to have them. So, I only request you, Sir, that in view of the views we have expressed, we will except that the Health Ministry will not press for the Bill to be passed.

Shri B. S. Murthy: I want a clarification.

**Mr. Deputy-Speaker:** No, I will not allow any speeches now.

**Shri B. S. Murthy:** No speech, only a question.

**Mr. Deputy-Speaker:** What is the question?

**Shri B. S. Murthy:** The question is this. I want to know whether the Government have consulted the Delhi Municipality before bringing this Bill here, and if the Bill is passed here and the regular monetary help is denied to the Municipality, will there be a regular supply of water, or will there be a breakdown.

**Shrimati Chandrasekhar:** There will be no breakdown. The Delhi State Government and also the Delhi Municipal Committee have been consulted in this matter and only after consultation we have brought this Bill.

Another thing. I did not answer a point. Shrimati Renu Chakravartty said that the Local Self-Government Ministers' conference at Simla passed a resolution or recommended that they should be given not only loans, but grants for water works. But the actual recommendation of the conference was that cities with a population above 25,000 should be given only loans as against the present practice of grants being given only to small cities.

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

"That the Bill further to amend the Delhi Joint Water and Sewage Board Act, 1926, for certain purposes, be taken into consideration."

*The motion was adopted.*

*Clauses 2 to 6 were added to the Bill.*

*Enacting Formula and Clause 1*

*Amendments made: (i) Page 1, line*

1.  
*for "Fifth Year" substitute "Sixth Year".*

(ii) Page 1, line 4,  
for "1954" substitute "1955".  
[Shrimati Chandrasekhar]

*Clause 1, as amended, the Enacting Formula, as amended and the Title were added to the Bill.*

**Shrimati Chandrasekhar:** I beg to move:

"That the Bill, as amended, be passed".

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

"That the Bill, as amended, be passed".

Those in favour will say "Aye".

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Those against will say "No".

**Some Hon. Members:** No.

**Mr. Deputy-Speaker:** The "Ayes" have it.

**Shrimati Renu Chakravartty:** The "Noes" have it. We demand a Division.

**Mr. Deputy-Speaker:** Division I am not going to allow.

**Shrimati Renu Chakravartty:** You cannot allow it now, you can allow it later.

**Shri C. K. Nair:** I wanted to speak, but before that you put it to vote.

**Mr. Deputy-Speaker:** I am sorry, it is finished. It is only a question of standing on formalities, that it ought not be put to the vote of the House now, but we should wait till 2-30 to do so. The matter will be merely put to vote.

**Sardar A. S. Saigal:** Voting will take place after 2-30 and you have done it at 1-45.

**Mr. Deputy-Speaker:** Therefore, I have put it off.

**Shrimati Sucheta Kripalani:** It was done so quickly that people did not understand that the third reading was over.

**Mr. Deputy-Speaker:** There is nothing. Enough has been said in the other readings. Hon. Members will only repeat themselves.

# CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

**The Minister in the Ministry of Law (Shri Pataskar):** I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely, Shri Upendranath Barman, Shri Debeswar Sarmah, Shri Chimanlal Chakubhai Shah, Shri U. R. Bogawat, Shri T. R. Neswi, Shri C. D. Gautam, Shri Hana, Shri mantrao Ganeshrao Vaishnav, Shri Radhelal Vyas, Chaudhri Hyder Husein, Dr. Kailas Nath Katju, Shri Shobha Ram, Shri Kailash Pati Sinha, Shri Tek Chand, Shri K. Periaswami Gounder, Shri Paidi Lakshmayya, Shri Digambar Singh, Shri George Thomas Kottu-kapally, Shri Lokenath Mishra, Shri Ganesh Lal Chaudhary, Shri Ram Sahai Tiwari, Shri N. Rachiah, Dr. A. Krishnaswami, Shri Bhawani Singh, Shri Sadhan Chandra Gupta, Shri S. V. L. Narasimham, Shri K. M. Vallatharas, Shri K. S. Raghavachari, Shri Bijoy Chandra Das, Shri N. R. Muriyawmy and the Mover, and 15 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 15th November, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

This is a Bill to amend the Code of Civil Procedure, that is, a Bill to amend the law relating to the procedure of the courts of civil judicature in our country. There are in all 18 clauses in the Bill and they cover about 24 changes proposed in the Code.

Section 133 of the Code authorises a State Government by notification in the Gazette to exempt from personal appearance in court any person whose rank in the opinion of such Government entitled him to the privilege of exemption. The Rajasthan High Court has recently held that this provision is *ultra vires* on the ground that it offends against article 14 of the Constitution. The amendment proposed in clause 14 of the Bill seeks to amend the section so as to make it constitutionally valid. So, this is a necessary change.

Article 133 of the Constitution gives power to the Supreme Court to hear appeals from any judgment, decree or final order of a High Court if the High Court has certified as laid down in that section. Section 109 of the Civil Procedure Code while providing for such appeals only refers to appeals from decrees, or final orders, but not to judgments. So, there is some sort of a difference in the wording used. It is therefore sought to clarify the position by the addition of clause 12 which is intended to bring section 109 of the Code in line with article 133 of the Constitution. This is also more or less a formal change.

Section 39 of the Civil Procedure Code relates to transfer of decrees of

one court for execution to another court. Courts in former Indian States were foreign courts before the commencement of the Constitution on 26th January, 1950, and the decrees passed by those courts could not be transferred as a rule for execution to courts in the then British India, nor could the decrees passed by courts in the then British India could as a rule be transferred for execution to the courts in former Indian States. I am aware that in the case of certain States, there were some sort of agreements, and therefore, the decrees could be transferred. But that was not as a matter of rule. After the commencement of the Constitution and the merger of those States, this distinction is gone, and all the courts in India are now Indian courts. In the conditions as they prevailed before 26th January 1950, if a person, say in a court in the State of Hyderabad, filed a suit against a person in, say, the State of Bombay, the person in the State of Bombay might choose not to appear in the court in the Hyderabad State, for any decree passed against him in his absence was not capable of being transferred to any court in Bombay State for execution. The person who obtained such a decree against him would have been required to file a suit on a foreign judgment in the State of Bombay and obtain a decree and then ask for execution of the same. That would have given the person in the State of Bombay an opportunity to put forth his defence. Similar would have been the case with a person who obtained an *ex-parte* decree in a court in the State of Bombay against a person in the State of Hyderabad. It is inequitable under the circumstances that as a result of the merger of the States and the coming into force of our Constitution such *ex-parte* decrees should be allowed to be executed before 26th January, 1950. It is for this purpose that clause 5 seeks to add another sub-section to section 39 of the present Code of Civil Procedure.

I now turn to clauses 2 and 3. Clause 2 wants to limit the rate of interest

which a court can award to six per cent. per annum, and clause 3 takes away the power of courts to award interest on costs. Usually, the courts do not allow interest on costs, but occasionally we may find cases where such interest is awarded by certain courts. I think the present provision which we are now seeking to put in is consistent with our present ideas of social justice and the changed economic conditions. And from those points of view, these two clauses are proposed to be put in.

Section 35A of the Code was introduced in the present Code by Act IX of 1922, to enable the court to award compensatory costs in respect of false or vexatious claims or defences, but only in cases where the objection had been taken at the earliest opportunity. As lawyer Members will be aware, this section 35A was not there in the Act of 1908, but it was subsequently put in for this definite purpose, with this added proviso that the objection had to be taken at the earliest opportunity. Experience has shown that to achieve the object underlying this provision, namely, to prevent false and vexatious litigation, the powers of court in these matters should be so enlarged as to enable the court to award such costs, whether objection had been raised by the party at the earliest opportunity or not, and also in cases where the court regards it just to do so. Under the amendment that is now proposed, in any case where the objection had either not been raised or been raised at a later stage, if the court finds that it is just and proper that such compensatory costs should be awarded, then the court will have the power to do so. That is the object of this change. It has also been found necessary that such a provision should apply not only to suits but also to execution proceedings. Clause 4 of the Bill seeks to do this.

Sections 68 to 72 provide that under certain circumstances, execution of decrees by sale of immovable property may be transferred to the collector, and there are connected provisions in



[Shri Pataskar,

the Third Schedule of the Code also. This might have served some useful purpose in the case of decrees by moneylenders against ignorant and needy agricultural debtors in the past in spite of the fact that such transfers to collectors led to inordinate delays in the execution of decrees. But this was not a solution to the problem of agricultural indebtedness. The problem is already being solved in a positive manner, and on a definite basis by different States; and social and economic conditions have so changed that it is no longer necessary to continue these provisions even for this limited purpose. The collectors were not so overworked with other duties before, as they are now, and therefore they can hardly find time now to attend to this work. As a matter of fact, as many of our lawyer friends will admit, probably it was with a certain objective that this provision was inserted in the Civil Procedure Code at one time. But experience has shown that in many cases, the collectors have not been able to devote even in the past as much attention to this matter as it really deserved. After all, when a man obtains a decree, then naturally he expects that by executing that decree in course of time he will be able to realise something out of the decree which he had taken pains to obtain. But there was, as I said, at that time the other problem also. It was thought that the collectors were probably better informed about the prices of lands etc. but experience has shown that this work was more or less left in the office to be attended to not by the collector himself but by somebody who was much inferior to him, and I do not know how much attention could be paid by such a person. Therefore, there have been complaints on a very large scale that probably for years together, the execution proceedings have been kept pending without their being attended to in a proper manner.

It is, therefore, desirable that this work of execution should be restored

to the courts themselves. I feel confident that the courts will carry out this work which is primarily theirs, promptly, justly and with the consciousness of their added responsibilities as judges in the new set-up of things. It is, therefore, proposed by clauses 8 and 15 of the Bill that sections 68, 69, 70, 71 and 72 of the Code and the Third Schedule should be omitted.

Section 92 relates to public charities. It is now proposed to amend it by clause 10, so as to make it clear that in the same proceedings, the court can direct restoration of the trust property to the new trustee from the former trustee who has been ordered to be removed. What used to happen formerly, under the existing provisions was that supposing a trustee had been removed for incompetence etc. and another trustee had been appointed in his place, then the new trustee had again to start proceedings to have possession of the property. So, provision is now being made that in the same proceeding the court can not only remove one trustee and appoint another trustee, but also order that the possession of the trust property may be handed over to the new trustee from the former trustee.

Mr. Deputy-Speaker: Will the order be executable?

Shri Pataskar: He can himself order. So, there will be no multiplicity of proceedings. Formerly, the new trustee was required to go to court again, and may be, he was required to file a suit and that might get protracted; in the meantime, we do not know what would happen to the trust property. Thus, there was all manner of complications. To avoid all that, it is now thought better to make this provision which will avoid all unnecessary and fresh litigation.

Another important section of the Civil Procedure Code is section 47 of the Code. This section is intended to prevent multiplicity of proceedings and consequent delay in settlement of disputes, for as lawyer Members are



aware, there have been many cases where the same matters are raised in execution proceedings, which probably had been raised earlier, and there arose the question as to whether those matters which were raised in the execution proceedings had to be tried by the executive court or there had to be separate proceedings. It has, however, been found that there have been widely different interpretations by the different High Courts regarding the question whether a purchaser at a sale in execution is a party to the suit, and if so, under what circumstances. Whenever a decree is obtained, and the property is put to auction in execution proceedings at the proper time, and it is purchased, it may be that the purchaser is the decree-holder himself, or it may be that the purchaser is a stranger. And naturally, it gave rise to a great deal of difference of opinion in courts as to whether the purchaser could be regarded as a party to the same proceedings. All these doubts are proposed to be set at rest by the amendment to this section proposed in clause 6 of the Bill.

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It is also made further clear that the principle of *res judicata* provided in case of suits under section 11 will apply to execution proceedings also.

**Mr. Deputy-Speaker:** Should it not apply to the other also?

**Shri Pataskar:** I am just going to make it a little more clear by saying that even now, I am aware that though this principle is confined only to cases under section 11, courts have tried to extend it to execution proceedings. But it is thought much better that we should also make a provision that the same provisions as are there regarding *res judicata* in section 11 shall apply to execution proceedings also. I think that will stop any further discussion in the matter. It is much better that we lay it down because courts may take a different view.

**Shri S. S. More (Sholapur):** It will stop the old discussion, but it will start a new one.

**Mr. Deputy-Speaker:** It may be necessary to say, former proceeding or an earlier stage of the same proceeding. It may not be construed to be a former proceeding. At one stage, that particular point is raised and decided.

**Shri Pataskar:** That is true.

**Mr. Deputy-Speaker:** This may be considered by the Select Committee.

**Shri Pataskar:** The underlying idea is that we want to extend the Provision of *res judicata* also to other proceedings.

Then clause 11 will reduce the number of second appeals to the High Court. The limit was Rs. 500; we propose to raise it to Rs. 1,000. The effect of clause 13 will be to reduce the number of cases in which the High Court can exercise their powers of revision. This is a small matter and I would not take the time of the House further on it.

Section 144 of the Code enables the court to order restitution in case of decrees. Clause 15 will enable the court to order restitution even in the case of orders, because that is as much necessary as in the case of decrees.

Avoiding service of summons or notice is a usual method adopted for delaying civil proceedings. Clause 16 provides that service of notice or summons by post should be effected in lieu of or in addition to service by bailiff under certain circumstances. Probably the Joint Committee will also take this into consideration whether, in view of the development of the post office, it will not be possible to still improve upon the present position.

A good deal of time is spent in proving documents. Now, whatever the parties may or may not do in this matter under Order XII, Rule 2 of the Code, the court has been given power to call upon parties to admit or not to admit documents produced in the case and to record such admissions. Under Order XII, Rule 2 of the Code, if one party gives notice to the other either

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to admit or not to admit a document, certain consequences follow. For instance, if it is not admitted, it has to be proved, and if the party succeeds, then the costs are thrown on to the other side. But it is found that in many cases actually in the courts, parties do not choose to give such notice. Therefore, it is proposed that the court should be given power to call upon the parties to admit or not to admit documents produced in the case and to record such admissions. We are trying to give this power to the court, irrespective of what the parties may or may not do.

Another important change is the one made to encourage parties to keep their witnesses present in court at a trial. Even now, I am aware that parties can keep their witnesses present. But as we all know, usually a question is asked as to whether you have not kept the witness present, and a suggestion is made to the court that this witness may not be believed because he has been brought to the court not as a result of a summons issued through the court, but by the party himself. Now, if we make a definite provision, I think it will not be open to anyone to suggest that simply because a witness has been kept present by a party, any adverse inference should be drawn against him on that account. That is the purpose of this provision.

Very often judgments are delivered long after the hearing has been completed and arguments heard. It is true that delays are due not merely to defects in procedure...

Mr. Deputy-Speaker: Judge ought not to forget what has happened.

Shri Pataskar: Without going into details, I would say that it is a highly unsatisfactory state of things, that a judge should have heard a case, the arguments and so on, and then after sleeping over it for some months, when he might have forgotten the whole thing, deliver the judgment. But even now, it is not possible to make a hard and fast rule as to when it should be

completed. But we want to give an indication as to what we expect the Judges to do, that they should not take a long time...

Mr. Deputy-Speaker: If the judgment is not passed within a fortnight, the case may stand automatically transferred to another Judge, and the Judge asked for an explanation. I think that will straighten matters. (Interruption).

Shri Pataskar: That is one of the important matters, and I hope even the discussion in this House may serve as a warning to Judges that they should not delay any such thing.

These and such other provisions are made to facilitate the early disposal of cases and proceedings—I have only dealt with the important provisions where changes are proposed to be made. It will thus be seen that the Bill is one intended to carry out urgent amendments to the Code of Civil Procedure.

There has been considerable dissatisfaction in the public mind about the increasing dilatoriness, expense and complications in the administration of civil justice. There are complaints of delays in the trial and decision of cases in the original courts, in decision of appeals, second appeals and revision applications, and in execution proceedings of final decrees and orders. It is true that delays are due not merely to defects in procedure but also to other causes. We are all aware that with the same, existing procedure, there are Judges who can really decide the cases quite early enough. What we require along with it is the proper functioning of the judiciary, their earnestness to avoid delay, their efficiency in grasping the complicated problems arising before them and lastly, their correct approach and anxiety to decide the matters without undue delay, but with due regard also to the ends of justice in arriving at as correct a decision as is humanly possible. As we know, justice delayed is, in many cases, as good as justice denied, but

it is equally true that mere speed will also, in many cases, end in defeating the very cause of justice itself. The problem, therefore, of the administration of civil justice is a very delicate and complicated problem, but in its proper solution lies the well-being and contentment of the common man. Administration of civil justice must inspire in the common man a feeling and a sense of confidence, that in his dealings between man and man and in the preservation of his civil rights, he will get justice without undue delay and expense. In fact, justice must be easily available, must be cheap, must be real and must also be speedy.

The main objection to this will be: why are you bringing in a measure like this at this stage? I know there is a case for overhauling the entire system of civil judicial administration, but this is a matter which involves detailed consideration of various problems of far-reaching consequences. It can only be undertaken after a very careful investigation and after a very thorough comparison with many other systems, if we want to change the system itself. Such a change must naturally be left to be inquired into by the proposed Law Commission. It is likely that such a change, even if decided upon or recommended by the Commission, will take a long time to be implemented.

However, leaving aside this larger question, there is no reason why we should not try to improve the present procedure of administration of civil justice in matters like those governed by this Bill. This matter is being considered from time to time during the last many years. Various committees had been set up by the Centre and the States from time to time to consider this problem. There was the Civil Justice Committee appointed by the Government of India in 1924 under the chairmanship of Justice Rankin. That committee submitted its report in 1925. The Government of Uttar Pradesh set up a Judicial Reforms Committee in April, 1950, under the chairmanship of Justice Wanchoo. That

committee submitted its report in 1951. The Government of West Bengal had also set up a similar committee. A memorandum dealing with the administration of civil as well as criminal justice was circulated some time in 1953 to the State Governments. Probably hon. Members are aware that it was at the time when the proposals regarding the amendment to the Criminal Procedure Code was also circulated to the State Governments.

**Mr. Deputy-Speaker:** Which is the most important clause here which cuts directly at the delay?

**Shri A. M. Thomas (Ernakulam):** Not a single clause, Sir.

**Mr. Deputy-Speaker:** That appears to be the main object as stated in the Statement of Objects and Reasons. I would like to state that whatever question I am putting here is on behalf of all the Members here. I must also understand what is going on. Whenever an important matter comes up, immediately people rush up to the High Court or the Supreme Court with an application for writ and once the writ is secured there is a suspension of everything in the world. What is all this that is going on endlessly?

**Shri Pataskar:** We are aware that this matter of issuing writs and causing delay is a matter which really disturbs Government also. But the question is that that cannot be prevented merely by an amendment of the Civil Procedure Code because, after all, the writs are issued as well as several stay orders, under certain provisions which are incorporated in the Constitution itself. Therefore, as I said, I am aware that if we want to overhaul the system—the necessity for which I for one think there is—that problem will have to be solved not by a Bill of this nature.

**Shri S. S. More:** What is the urgency of this Bill because all the matters that are sought to be amended.....

**Shri Pataskar:** I am just trying to show why I have brought a Bill of this kind at this stage, when I myself have

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admitted that this is not as far-reaching as many of us would like.

**Mr. Deputy-Speaker:** I want to know from the hon. Minister why this has been introduced in view of the objections that were raised by the hon. Members during the debate on the Criminal Procedure Code (Amendment) Bill. I want to know why this Bill has been introduced in view of the impending appointment of the Law Commission. Will not the Commission go into procedure; is it?

**Shri Pataskar:** I will try to make myself clear at this stage before I proceed to the other part of my argument. At the time when we were considering the Code of Criminal Procedure, it was very strongly urged—and probably with some justification—why this sort of thing should be there when we are going to appoint a Law Commission. So far as the Civil Procedure Code is concerned, I will shortly be able to show facts as to why, from time to time, the Civil Procedure Code had to be amended on such small matters because of so many changes. But, before I come to that, I will show that supposing a Law Commission is appointed—that Commission will not be concerned only with matters of procedure, civil or criminal but with several other matters also—I cannot say anything now—but as experience has shown in other countries, it will take a considerable time before it makes its report. After that report is received, there will be some further time to find out what action should be taken by Government with respect to those matters. It may be that the whole system of civil administration has to be overhauled and a change made which may take further time. The principal object of this Bill is that supposing during that time the present Civil Procedure Code, which has been there in existence from at least 1908 in its present form—really it has been in existence from 1859—there are some changes to be effected in the way which I have pointed out—though it may not give the entire relief which is required or which the public cla-

mour for—it will at any rate lead to the results which we would like to be achieved. I would like to urge before Members of this House that there is no reason why we should hold up everything because ultimately we are thinking of doing something which would take some time. That is my only justification for bringing forward this Bill. From that point of view I have been saying that there was a Civil Justice Committee appointed as far back as the year 1924. That report is there. Then there was another Committee—because every State was also anxious—appointed by the U.P. Government, and a third appointed by the West Bengal Government. Everybody is anxious but what happens is that because something larger and bigger is not being done everything is kept like that. After all the whole system may have to be changed—we do not know what will happen—but, for the present, whatever we could effect so that we might give some relief in the matter of dilatoriness or expense or cutting short of the proceedings, that should be done. There are three objects primarily. There are two provisions for the purpose of bringing the Act into line with the Constitution. Then, with respect to execution proceedings there has been considerable agitation that circumstances have changed and this transfer to the collector need not be there. There is another provision which I have not referred to with regard to summary trial of suits on negotiable instruments etc. It is only in the High Courts, I think, of Bombay and some other places that they have this summary power of trying suits. They have got the procedure in the original side of the Bombay High Court that on suits on negotiable instruments unless the defendant gives security he is not allowed to let in defence. That is the summary procedure prescribed. An attempt is made now to empower certain judges with this power of hearing suits summarily. How far this should go and how far it should not go, all this will be examined. These are changes more

or less without touching the entire form of civil judicial administration. We find that for the last so many years the matter has been simply kept pending. It is thought necessary that some of these changes which may not be far-reaching but which will give some relief may be undertaken.

We have fully considered the reports submitted by these committees as also the opinions of the State Governments and other institutions on the memorandum which was circulated to them and on the basis of those the present Bill has been drafted. I have already explained some of the important provisions of this Bill and the object with which these provisions are being put before this House for its consideration and approval. It would not be out of place here to give a brief history of the present Civil Procedure Code which is proposed to be amended to judge properly the necessity of such measures from time to time. I am only going to deal with the question why a Bill of this kind is necessary.

The first Code of Civil Procedure enacted in our country was the Code of 1859, being Act VIII of that year, and that applied only to what were known as Mufussil Courts then and did not apply to.....

**Shri S. S. More:** All lawyers are supposed to know this.

**Shri Pataskar:** I am talking to those also who are not lawyers. Otherwise I would have simply moved the Bill and sat down. Unfortunately, as my hon. friend knows, there is a good deal of prejudice against lawyers also. I will try to dispel as much as I can. I was going to say at the end that this is not meant for lawyers.

**Mr. Deputy-Speaker:** Sometimes if it is very lengthy it adds to the prejudice.

**Shri Pataskar:** I will try to clear it up.

**Pandit Thakur Das Bhargava (Gurgaon):** Ten hours have to be spent on this Bill.

**Shri Pataskar:** I am not going to take very long but for the explanation.

I will briefly refer to the history of the Civil Procedure Code, how many times it has been amended and why it had been necessary—for the ordinary layman. I think it is better to know that.

The first Code was the Code of 1859, being Act VIII of that year, and that applied, as I already mentioned, only to what were known as Mufussil Courts then and did not apply to the then existing Supreme Courts and the Courts of Sudder Diwani Adalat in the Presidency Towns of Bombay, Madras and Calcutta. These Courts were subsequently abolished by the High Courts Act of 1861 and the powers of those Courts were vested in the Chartered High Courts. The Letters Patent of 1862 establishing these High Courts extended to them the procedure of the Code of 1859. The Charters of 1865 empowered the High Courts to make Rules and Orders regulating proceedings in civil cases, but required them to be guided as far as possible by the provisions of the Code of 1859. That is why there is still this distinction between mufussil courts and some of the High Courts—original side. I will just now point out to those friends who are not lawyers as to how many times it had become necessary to amend the Code of Civil Procedure right up from 1859 to now. This Code was amended by some ten amending Acts between the years 1859 and 1872 and was ultimately replaced by the Code of 1877. This Code was again superseded by the Code of 1882 after being amended twice in the years 1878 and 1879. This again was amended some fifteen times between the years 1882 and 1895. Ultimately, after an exhaustive inquiry, the present Code of Civil Procedure was passed in 1908, replacing the former Code of 1882. The object of giving this history is to show as to how difficult it is that because the Procedure Code of 1908 changed entirely the basis of the Acts between 1859 and 1882, it also took so many years even then. For minor changes the Government have always been coming to this House in order

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that they may be so amended as circumstances required from time to time. The present Code of 1908 has been amended since then some thirty times or more and that too as often as it was found necessary to do so, but the main form and features have been maintained. Naturally, these are only amendments, not in the form itself or in the scope of the Code of Civil Procedure, but from time to time certain minor changes are required, as for instance, section 35A. After 1908, it was found that unnecessarily vexatious claims had been filed, and in the year 1952, we found that there should be further strengthening up of this section, and therefore we come before the House now, whether the parties apply for it or not, in order that frivolous defences, frivolous complaints should be prevented, there should be changes in the provisions of section 35A.

This brief history will show how in the matter of mere procedure changes have to be effected often to suit the varying conditions from time to time. Whenever there is a difficulty and it is found that by a suitable amendment the public cause will be better served, there has always been a tendency to come before the House to get it changed. It would not, therefore, be in public interest to wait for the complete overhauling of the system itself and amendments are necessary to make even the present procedure more suitable. My object, therefore, in coming before the House is to make the Code of Civil Procedure, as it stands, more suitable and the object is not an entire overhauling.

There is a general feeling amongst certain sections of the public in this country that "procedure is a fetish". Here, of course, my friend, Shri More will agree with me that the common man thinks that the lawyer is talking of procedure, which is something fetish. Whether this feeling is justified or not, it is difficult to say. It is true that procedure must not be allowed to override or obstruct legal rights,

but after all, procedure is in a sense the machinery of law and must be properly applied and so maintained that it can effectively, speedily and usefully carry out the purposes of law. That is really the object of procedure or the importance of the law of procedure. It is from this point of view that the present Bill has been brought before the House.

Some amendments have become necessary in order to bring some of the provisions of the Code in line with the provisions of the Constitution; some have become necessary in order to delete some rather obsolete provisions, which serve no useful purpose, and the rest are intended to avoid delays, to prevent frivolous litigations and to avoid multiplicity of proceedings, as in the case of trustees.

The proposed provisions, though not far-reaching,—I do not claim they are far-reaching—have become necessary and will serve useful purpose. They are simple and more or less not controversial.

Civil Procedure Code is in its nature a terse and dry matter and my excuse for taking some time of the House at this stage was to explain to those of us who are not lawyers the necessity for and the implications of the proposed changes.

With these words, I commend my motion for the acceptance of the House.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely, Shri Upendranath Barman, Shri Debeswar Sarmah, Shri Chimanlal Chakubhai Shah, Shri U. R. Bogawat, Shri T. R. Neswi, Shri C. D. Gautam, Shri Hanamant-rao Ganeshrao Vaishnav, Shri



Radhelal Vyas, Chaudhri Hyder Husein, Dr. Kailas Nath Katju, Shri Shobha Ram, Shri Kailash Pati Sinha, Shri Tek Chand, Shri K. Periaswami Gounder, Shri Paidi Lakshmayya, Shri Digambar Singh, Shri George Thomas Kottukapally, Shri Lokenath Mishra, Shri Ganeshi Lal Chaudhary, Shri Ram Sahai Tiwari, Shri N. Rachiah, Dr. A. Krishnaswami, Shri Bhawani Singh, Shri Sadhan Chandra Gupta, Shri S. V. L. Narasimham, Shri K. M. Vallatharas, Shri K. S. Raghavachari, Shri Bijoy Chandra Das, Shri N. R. Muniswamy and the Mover, and 15 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 15th November, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

Some amendments have been tabled to this motion. Shri Bogawat is absent. Shri Agrawal may move his amendment.

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt. East): I beg to move:

That in the motion after "and 15 Members from Rajya Sabha" add:

"with instructions to suggest and recommend amendments to any other sections of the said Code not covered by the Bill, if in the opi-

nion of the said Committee such amendments are necessary".

Shri S. V. Ramaswamy (Salem): May I know from the hon. Minister as to the scope of the proposed Law Commission? Are they going to go into substantive law alone or also into procedural law? The answer to this will help us to clarify the position and that would also circumscribe the debate.

Shri Pataskar: So far as the Law Commission is concerned, yesterday my colleague Shri Biswas stated that he will soon make an announcement about that. I think it is much better if we leave the matter there.

Shri M. L. Agrawal: My object in moving the amendment is much the same as that of the hon. Minister—to remove some defects of the Code which can be removed easily without waiting for the report of any expert committee or the Law Commission.

Previous experience has shown that the recommendations of the Rankin Committee, the Wanchoo Committee and others have been pending before the Parliament and the country for such a long time and no action has been taken on them. Therefore, I agree with the view of the hon. Minister that a thorough overhaul of the Code of Civil Procedure is a difficult task and it cannot be undertaken easily. But there is no reason why we cannot improve the present Civil Procedure Code in respect of particular provisions which we can easily do without waiting for the report of the Law Commission, which is likely to take a long time. We all know that Parliamentary legislation is a rather lengthy and complicated process—firstly to have the report of the Commission, then to have a Bill which must be long enough, and then to pilot it through both Houses of Parliament would take a very long time. Therefore, I welcome the present Bill which has been brought by the hon. Minister. Some of the provisions are of a far reaching character while others are of a trivial nature. Even as they are, in my opinion, they are an improvement on the



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present position. The object of my amendment is this. Why should we confine ourselves to the provisions of the Bill which the hon. Minister has placed before the House? There are other provisions which can also be suitably amended if we give some thought and attention. The hon. Minister has been able to bring forward only some provisions which he thinks can obviously be amended for the benefit of the public, but there are other provisions also which can also be incorporated. To enable the Joint Committee to make further amendments which would be equally beneficial, I have brought forward this amendment. This clothes the Joint Committee with the power to consider the whole Civil Procedure Code and cull out such provisions as can be easily included in its fold. For instance, in this connection, I would place before the House the provisions regarding the arrest and detention of a judgment-debtor for payment of a decree of money. Now the present Code certainly gives that power, namely, that judgment-debtors—men, not women—who have money to give can be arrested and detained in execution of the decree. It is true that the Act of 1938 has, to a large extent, circumscribed the powers of the decree-holder to have a judgment-debtor of a money decree to be arrested and detained. All the same the provisions remain there. There are various other provisions to which I would like to refer.

**Mr. Deputy-Speaker:** A decree-holder has only to file an affidavit that the judgment-debtor is likely to run away and in almost every case he is likely to be arrested, notwithstanding the wholesome provision that has been made.

**Shri M. L. Agrawal:** Then again according to the present notion of society and social justice, to which the hon. Minister just now referred, it is repugnant and obnoxious that a man should be arrested and detained for non-compliance with a money decree. This is such an obvious demand which can be easily incorporated in the Civil

Procedure Code. We should provide that no man would be after the passing of this amending Bill be arrested or detained for non-compliance with a money decree. Apart from the propriety or otherwise of arresting and detaining a judgment-debtor for payment of a money decree, there is also a constitutional difficulty. I would in this connection refer to Section 56 of the Code by which women are exempted from being arrested and detained in execution of money decrees. Now, article 15 of the Constitution has abolished all discrimination between sexes. Moreover, according to article 14, all people of the Union must have equal rights, equal protection of the law. If that is so, why should section 56 of the Civil Procedure Code prohibiting the arrest and detention of women in money decrees, discriminate in favour of women? It is high time we did away with this anomaly.

I am only pointing out a few of the anomalies. There may be many more like this and it is for the Joint Committee to go into them. For example, the proviso to section 51 and rules 11, 21, 30, 37 and 40 of order 21 will have to be amended to bring about this effect. Then there is Order 38 which contains a provision about arrest before judgment or attachment before judgment.

**Mr. Deputy-Speaker:** If arrest in execution of a decree is done away with there would be no arrest before judgment.

**Shri M. L. Agrawal:** Then again there is Order 21. Rule 2. According to sub-rule (1) it is the statutory duty laid on the decree holder that he must certify payment or adjustment in decree. But the decree holder seldom does so, with the result that no payment or adjustment not certified in court is recognised by the court. But what is the penalty? Although the duty is there on the decree holder to get that certificate, he does not do it. I, therefore, submit that the provision must be so amended as to impose some

penalty on the decree holder that in case he does not certify, he must suffer some penalty.

There are many similar provisions. There is Order 21, Rule 86. If an auction purchaser at the time of auction wanted to take property he had to deposit 25 per cent. of the sale money and the remainder he had to deposit within 15 days. If he did not do so, he forfeited the 25 per cent. deposited by him. Obviously, this rule was very stringent, because if he failed to deposit, the whole amount had to be forfeited to Government. By a later amendment this provision was modified and it has been laid down that the court may forfeit the deposit. But some courts have interpreted this rule to mean that the court can either forfeit the whole amount after defraying the expenses, or not at all. This is very hard. I think by a suitable amendment the power of the court should be made such that either it forfeits the whole amount or a part only.

Now, in Order 21, Rule 72, it is laid down that a decree-holder if he wants to purchase must have previous permission of the court.

**Mr. Deputy-Speaker:** The hon. Member will kindly resume his seat. I am sure all hon. Members are sharing the same difficulties. But the point is this. The hon. Member has not so far touched upon a single clause of the Bill.

**Shri Raghavachari (Penukonda):** He is supporting his amendment.

**Mr. Deputy-Speaker:** I have given him sufficient opportunity to do that.

On a previous occasion, when the Preventive Detention Bill was under discussion, Sardar Hukam Singh tabled an amendment that some sections of the parent Act were very important having regard to the liberty of the subject, and therefore some directions should be given to the Select Committee to look into not only the clauses of the Bill but also the ancillary sections of the parent Act. As a special case that was then allowed.

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Nobody challenges the right of this House to do anything it likes. But the Civil Procedure Code contains so many orders and there are a number of points on which there can be difference of opinion.

**Shri S. S. More:** May I in this connection bring to your notice that when we were discussing the Code of Criminal Procedure a similar amendment moved by Shri Sinhasan Singh was accepted by the House, and the Bill was referred to the Select Committee with instructions to reopen the other clauses also.

**Mr. Deputy-Speaker:** Was it done?

**Pandit Thakur Das Bhargava:** In fact the House ordered the Select Committee to go into those matters and to an extent it went into those matters.

**Shri S. S. More:** I was on the Select Committee. When the matter was taken up by the Select Committee, Dr. Katju, who was then in charge of Home Affairs, said that the changes suggested were important and unless we consulted the State Governments it would be too risky on our part to accept them. He promised he would refer them to the States, invite their comments and then see his way to embody them in a later amending measure.

**Mr. Deputy-Speaker:** When we are sending some instructions to the Joint Committee, we should be specific about the sections which they should consider. It is not proper that we should give a *carte blanche* that the whole of the Civil Procedure Code may be reopened. I can certainly understand an amendment that one or two of the sections of the parent Act may be considered. To say: "All right, let this go to the Select Committee so that the whole legislation may be gone into" shows that we are trying to convert an amending Bill into a consolidating, revising Bill. That is my difficulty. Any hon. Member may place himself in my position, and argue the matter or give instructions. That is

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the difficulty. I have no objection. After all it is in the hands of the House. I have not ruled the amendment out of order; it is quite in order.

Shri S. S. More: May I ask you one question, Sir? Do you really desire that when we want some improvement in the other sections not covered by the amending Bill, we should particularise them in our amendments? What is the way?

Mr. Deputy-Speaker: I would have liked to mention some of the important matters. In the amendment itself, you can say, for instance, 1, 2, 3, 4 or 5 sections may be considered. Otherwise, the whole Act may be considered endlessly. We will focus on a few points. It is open to all the 500 hon. Members to be present; under the rules hon. Members are open to give such suggestions.

Shri Pataskar: I would like to make one appeal: as far as possible, I would request hon. Members to be more practical in our approach to the solution of this matter.

Mr. Deputy-Speaker: I have found it in practice at a time when the British Government brought a Bill—I forgot the name. They brought such a Bill saying that there is no human species; they are to be treated as chattel so far as attachment in the execution of a decree amount was concerned. That is how it was put before us. When I suggested some difficulty, the then Law Minister said: 'Hon. Member who comes from that side seemed to be a red bodled Tory..... I know how it is carried out; each District Munsif calls it in a particular manner. Now, therefore, hon. Members may refer to a few very important points and they may go to the Select Committee of course with such powers to the Select Committee to take any other matter of importance.

Shri M. L. Agrawal: I quite appreciate the difficulty that you have put

before this House. Certainly the Select Committee could not go through every matter in this Bill. The amendment which I had originally sent had a limited aim. It wanted that the suggestions made by Members of Parliament may be considered by the Select Committee. I have been able to put forward some five or six suggestions during this short time. If other hon. Members also make their suggestions as you very appropriately said, those points will be considered by the Committee. I would not go into the details of the suggestions that I have made.

I will put one more suggestion and that is about the provision contained in Order 41, Rule 27—that is with regard to the powers of the appellate court to admit additional evidence. At present the discretion of the appellate court is circumscribed. At present additional evidence can be led only when it has been refused in the lower court and secondly if the court requires it for the ends of justice or for some other cause for delivering judgment. The court should, in my opinion, have full power to allow additional evidence in cases where it had been refused by the lower court and it has been discovered at a later stage and the court considers it necessary or important or for some other reason for meeting the ends of justice; if he considers it expedient and in the interest of justice, then evidence should be taken. It may be decisive and affect the decision of the case. So, full discretion should be vested with the court. The words in the rule are "or for a sufficient cause". The court can take additional evidence not only when it considers it necessary for delivering judgment but for other causes also. But there are cases in which these words have been interpreted not to give such a wide power to the court. Therefore, I would submit that the appellate courts' powers must be full and they must have full authority to take additional evidence when in their opinion the case justified it.

These are some of the other points to which I would like the Select Committee to give its attention and consider whether they should be amended or not. Otherwise, I support generally the provisions of the Bill which has been put before us by the hon. Minister for being referred to the Select Committee. In this Bill clauses 4, 6, 8, 9, 10, 14 and 16 are very necessary and therefore, I would commend to the House that when the Bill is being referred to the Select Committee, they should have the authority and direction from this House that they may consider such other matters as I had referred to in my speech and as may be referred to by other hon. Members of either this House or the other House.

Mr. Deputy-Speaker: Amendment moved:

That in the motion after "and 15 Members from Rajya Sabha" add:

"with instructions to suggest and recommend amendments to any other sections of the said Code not covered by the Bill, if in the opinion of the said Committee such amendments are necessary".

Some Hon. Members rose—

Mr. Deputy-Speaker: I hope the hon. Members are aware of the rule that hon. Members whose names are here and are willing to spend a lot of time and exert on behalf of the Parliament and the Select Committee would wait until they have an opportunity in the Select Committee. They ought not to rise now if their names also are on the Select Committee. The others will have an opportunity to speak.

#### DELHI JOINT WATER AND SEWAGE BOARD (AMENDMENT) BILL

Mr. Deputy-Speaker: Now, the other Bill has been kept waiting. I shall take up that Bill and dispose of it and come back to this. I must put it to the House formally.

The question is:

"That the Bill, as amended, be passed".

Those in favour will say 'Aye'.

Several Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will say 'No.'

Some Hon. Members: No.

Mr. Deputy-Speaker: The 'Ayes' have it.

Some Hon. Members: No, Sir. The 'Noes' have it.

Mr. Deputy-Speaker: Those against the motion will kindly stand up in their seats.

There are thirteen.

Now, those who are in favour will kindly stand up in their seats.

I find a large number and therefore by an overwhelming majority the motion is adopted.

Shrimati Renu Chakravartty: It is a slight majority.

Shrimati Sucheta Kripalani: It is a marginal majority.

Mr. Deputy-Speaker: Twenty is less than 21.

The motion was adopted.

#### CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—contd.

Mr. Deputy-Speaker: Now, we will take up the Code of Civil Procedure (Amendment) Bill. Having regard to the length of time it is not necessary for me to impose any restriction at this stage, but, anyhow, hon. Members will have, I think, an idea of the time that they can take. 20 minutes I think will be all right except in exceptional cases which is always an exception.

Shri A. M. Thomas: Sir, I welcome this Bill so far as it goes, but the impression formed by me after going through the various provisions of the Bill and the impression left with me after reading the Statement of Objects

[Shri A. M. Thomas]

and Reasons is that "a mountain has brought forth a mouse."

Shri S. S. More: Not even a mouse.

Shri A. M. Thomas: Many of the provisions of this Bill are either adopted by way of practice by the various courts in India or by modification of the Code of Civil Procedure as passed by the Centre by virtue of the rule making powers vested in the High Courts according to part X of the Code....

Shri Kamath (Hoshangabad): Sir, the Minister in the Ministry of Law is not present.

The Deputy Minister of Health (Shrimati Chandrasekhar): Sir, he has asked me to take down notes on his behalf.

Shri Kamath: I think at least one Minister representing the Ministry of Law should be present here.

Mr. Deputy-Speaker: He has just gone out. There are two Ministers present.

Shri Chattopadhyaya (Vijayavada): It may be bad for the "Health" of the "Law."

Shri A. M. Thomas: Sir, one can very well appreciate the difficulty that has been pointed out by the hon. the Law Minister that a thorough overhauling of the Civil Procedure Code at this juncture, especially in view of the appointment of the Law Commission, may not be quite desirable. But, in his Statement of Objects and Reasons he has made a very tall claim and has said:

"While a thorough overhaul of the Code of Civil Procedure is a difficult task which should be entrusted to an expert committee, some amendments of the Code appear to be desirable from the point of view of reducing the delay and expense."

In all humility I beg to submit that the two objects, namely, to reduce the delay and also to minimise the ex-

pense, cannot be carried out by the provisions contained in this Bill except to a very insignificant extent. For example, I should like to say that the abolition of the clause relating to delegation of powers for execution of decrees to the Collector is a welcome move. There are some other small features of this Bill, which are desirable, namely, the enabling provision to have service by post; then, at any stage an admission of a document can be called for from a party and there is the other innocuous provision that a party will be entitled to produce his own witness even without issuing a formal summons from the court.

[SHRI BARMAN in the Chair]

Shri Kamath: Sir, there is no quorum in the House.

Shri S. S. More: Let us reduce the number for quorum.

Shri Kamath: You will have to amend the Constitution for that.

Shri S. S. More: That is by amending the Constitution.

Shri Kamath: There is no Minister and there is no quorum.

Pandit K. C. Sharma (Meerut Dist.-South): There are two Ministers.

Mr. Chairman: I am ringing the bell.

Now, there is quorum. The hon. Member may continue.

Shri A. M. Thomas: Sir, I deliberately said that in bringing out this Bill what has been done was only the mountain bringing forth a mouse because Dr. Katju who was in charge of the Home portfolio prepared a long note on the reform of judicial administration in India. He circulated it among the various State Governments, the various judges of the Supreme Court as well as High Courts and Advocate-Generals. He invited opinions from them on that detailed note. But, although the hon. the Law Minister has stated that when this Bill was prepared this memorandum and the notes received from the various State Governments and the judges of the

Supreme Court as well as the High Courts were also looked into, I fail to see that except with regard to one or two minor points, none of the points that have been raised by Dr. Katju have been incorporated in this Bill. None of the improvements that have been suggested by the various Chief Ministers or the various judges of the Supreme Court as well as the High Courts have been incorporated in this Bill.

I was stating that the twin objects with which this Bill has been brought forward cannot be served by the various provisions of this Bill. I admit that we must use a great deal of care as well as circumspection in the matter of amendment of a Code like the Civil Procedure Code. Even Dr. Katju, as will be seen from the note that he has circulated, who is fed up with the dilatoriness and the cumbersomeness of the procedure of the various courts....

An Hon. Member: "Slumbersomeness".

Shri A. M. Thomas: He has even admitted in his note:

"Largely proceedings in a civil suit are governed by the Civil Procedure Code. That Code has stood the test of time in its broader aspects. It is simplicity itself."

Shri Pataskar: For the information of the House I may say that the memorandum which I said was circulated, was the memorandum of the hon. Minister Dr. Katju himself.

Shri A. M. Thomas: With regard to this observation of Dr. Katju there has been even unanimity as will be seen from the various notes that he has received in reply to the memorandum that he circulated. So, I am prepared to concede that the approach that we have to make when we consider the Civil Procedure Code is that there is nothing basically wrong with the system as laid down by this Code. In spite of the powers given under this Civil Procedure Code, under Part X to which I have already referred, empowering the various High

Courts to frame rules according to their discretion after previous publication, you will find that in the various orders which are as many as fifty, and the sections thrown open for modification, the basic frame has not been touched materially. That will also indicate that we have to approach this Bill with this point of view, namely, that there is nothing basically wrong with the Civil Procedure Code as it obtains today.

I am tempted, Sir, to read the observations of Chief Justice Chagla of the Bombay High Court which are contained in the opinions which have been printed and circulated among the Members at the time we discussed the Criminal Procedure Code Amending Bill. He has stated:

3 P.M.

"Objectionable and obnoxious as the British rule was in India, administration of justice was one of its most satisfactory aspects. It would be a mistake to think that this legacy of British rule is alien to the soil of the country. The present civil and criminal courts have existed in the country for well-nigh three quarters of a century; a trained, able and extremely well equipped Bar flourishes not only in State capitals and District headquarters but practically in every Taluka town. The uncodified personal law of Hindus and Muslims and the codified law have been enriched by a long line of judicial decisions given by eminent English and Indian Judges. The people themselves highly litigious by nature and temperament have become quite familiar with the procedure in the Courts and the principles underlying British jurisprudence. Any reforms that we should envisage must be within the existing frame works. It would be a mistake to my mind to uproot the tree whose roots have gone deep down and spread into the soil and try to plant in its place a young sapling whose strength and whose power of endurance we have no means of knowing".



[Shri A. M. Thomas]

These expressions portray the basic approach that we have to adopt when we consider an Act like the Civil Procedure Code. I may also submit that in these matters—matters regarding the amendments of the procedure codes and other similar statutes—the judges and the lawyers will be loath to make any substantial changes. Giving some allowance for that temperamental difference in the case of judges as well as lawyers, I may also submit that the difficulties that we were really experiencing in the matter of this delay and expense were difficulties caused because of the non-enforcement of the various provisions of the Civil Procedure Code. For example, we have got provisions relating to interrogatories, discoveries and affidavits. In the various courts, we have never made proper use of the provisions and if we had really made proper use of them it would have simplified the matters and also curtailed a lot of unnecessary evidence.

I will also say that the feeling expressed in some of the notes with regard to the difficulties of judicial administration in our country that they have been due to the lack of really competent men in the subordinate courts as well as the lack of adequate number to manage the volume of work is justified. As has been pointed out, the most important factor in the administration of justice is the judge himself.

With these preliminary observations, I would like to come to some of the provisions of this Bill. I submitted that the claim made by the Law Minister is a little exaggerated and the various provisions that he had referred to do not, after all, very much affect the question of delay and expense. I would point out to the hon. Minister that in the detailed note that has been submitted by Dr. Katju, specific reference has been made to the delay and cumbersomeness at the execution stage. He has pointed out that the real difficulty does not lay in securing a decree but that it begins after the decree has been passed. This

statement of the then Home Minister has been supported by the various notes that he has received. I do not understand why the hon. Law Minister has not cared to touch the execution chapter at all.

Shri Pataskar: Clauses for transferring cases to the Collectors have been mentioned.

Shri A. M. Thomas: That practice is not existing with regard to so many courts and it is practically a dead provision. I am sorry the hon. Minister was not present then—in fact, that was the first point that I mentioned in justification of the claim that has been made in the Statement of Objects and Reasons that some such provisions are meant to minimise delays and also reduce expense.

Provisions such as the issue of notice and compliance with other formalities at the various stages of execution ought to have been examined by the Law Ministry and proper amendments ought to have been incorporated in this Bill. With regard to these matters I should think that the Law Ministry should not take shelter under the plea that we should not attempt an overhaul of the entire Civil Procedure Code in view of the fact that a Law Commission is going to be appointed and that therefore we must not touch those provisions. Even to a pointed question that was put to the Law Minister, he was not in a position to say what exactly would be referred to the Law Commission and whether a revision of the procedure codes will be within the competence of the Law Commission.

Shri Pataskar: That will naturally come within their competence. Why they should be excluded, I do not know. There is no reason why they should be excluded.

Shri A. M. Thomas: The Law Minister was not bold enough to assert so, when that question was put to him. It is left to Shri Biswas.



**Shri Pataskar:** I cannot understand this. Before an announcement is made, I cannot say what it will contain, but I do not see any reason why it should be excluded from the scope of the Law Commission's recommendations.

**Shri S. S. More:** He does not see any reason, today!

**Shri A. M. Thomas:** Apart from the question of execution proceedings, there have been several small changes which could have been effected on the lines suggested by Dr. Katju. The provision to produce certified copies of judgments and decrees along with the memo of appeal is now mandatory. I concede that when a litigant may require an urgent stay of proceedings or something like that, or when the court is required to go into the judgment, in order that he may form his opinion at the admission stage, it may be necessary to produce certified copies of the judgments and decrees. But with regard to the case when, as a matter of course, notice has to be issued and the records have to be called for, I cannot understand why the provision with regard to the production of certified copies of judgments and decrees has to be insisted upon. This is only just one of the many points which could have been taken note of by the Law Ministry and proper provisions incorporated in this Bill.

With regard to the question of *res judicata*, specifically dealt with in this Bill, I may say that the principle of constructive *res judicata*, as adopted by the various courts, is made applicable to execution proceedings also. But what is now sought to be done is to put it on a statutory basis. I would point out to the hon. Law Minister that certain anomalies have been pointed out with regard to the administration of the principle of *res judicata* in the note that has been circulated by the then Home Minister. Pointed attention was drawn by the various State Governments as well as by the various judges to that provision. I do not know why some pro-

visions were not incorporated in this Bill by amending section 11 which relates to *res judicata*. If they had been incorporated, those anomalies could have been got rid of. It should have been examined whether we should provide for appeals with regard to the various orders that now exist in the Civil Procedure Code, whether there is any scope for reducing the number of orders from which appeals can be preferred and also whether certain appeals and revisions from interlocutory orders should be entirely barred. These sections ought to have been examined and some provisions incorporated.

You will also find that with regard to the exact scope of the revisional jurisdiction of the High Court, the decisions are not unanimous. Some provision could have been incorporated in this Bill which would have just shown the scope of the revisional jurisdiction in the light of the various judgments of the High Courts.

The note refers to questions with regard to the appointment of guardians for minors and other things; how delay can be minimised by resorting to some provisions, etc. These simple questions could have been examined and more suitable provisions introduced in this Bill.

The hon. Deputy-Speaker has said that my friend Mr. Agrawal's amendment is of a very wide nature and it may not be possible to go through the Code consisting of 158 sections and 50 orders and various rules; but with this authority vested in the Select Committee, I think we need not at this stage restrict the working of the Select Committee that it can only go through such and such sections and such and such orders.

**Mr. Chairman:** I think it is the other way round; instead of restricting the scope, I think we are widening the scope of the Select Committee. So far as I understood, what the hon. Deputy-Speaker has said is that if any hon. Member has got any concrete suggestion into which the Select Committee may be asked to go

[Mr. Chairman]

he may give that suggestion, instead of giving a blank cheque to the Select Committee to revise the whole Civil Procedure Code. I think he was very justified in making that remark. I want to repeat that if any hon. Member has got any specific suggestion relating to any specific section or order as it exists in the Civil Procedure Code, he can kindly give his constructive suggestion and the Select Committee will be quite competent with the permission of this House to go into it.

**Shri S. S. More:** The question is whether we should table amendments pointing out the different aspects upon which we want to make constructive suggestions or whether the amendment will be in a general form giving ample scope for every man to make any suggestion. I think that if the Deputy-Speaker's suggestion is accepted, it would be very inconvenient to the Members, because reasonable suggestions which may come on the spur of the moment will be ruled out. That is the difficulty.

**Shri Chattopadhyaya:** I would like to point out once again that there is no quorum; it is very very strange; how can the discussion be carried on like this?

**Shri Kamath:** There is no quorum.

**Mr. Chairman:** I am ringing the bell.

**Shri Pataskar:** This is a terse subject.

**Shri S. S. More:** Does the hon. Law Minister say that because this is a terse subject, there is no necessity for quorum?

**Shri Pataskar:** It is for the Chair to find out whether there is quorum or not; it is none of my business.

**Shri S. S. More:** The counting may be done by the Finance Ministry. Or, the office of the Deputy Whip has been declared to be free from dis-

qualification; at least he should do this job.

**Shri Raghavachari:** The Deputy-Speaker has already mentioned that it is the duty of the Government which wants the Bill to be passed to maintain quorum.

**Mr. Chairman:** There is quorum now.

**Shri A. M. Thomas:** I was just going to make a suggestion on the lines of the suggestion just now put forward by Mr. More, namely, that the Select Committee should have wide powers to interfere with any sections, orders or rules which it may deem fit.

I will now proceed to some of the clauses of the Bill. The first thing that is sought to be affected by this Bill is the question of interest. Under the present Code, the courts are empowered to award such interest as they deem reasonable and that power vested in the courts has been taken away now with regard to the interest from the date of decree. The question of interest from the date of suit to the date of decree has not at all been touched by the amending provision. I would also suggest that the quantum of interest which we now prescribe with regard to the amount from the date of decree may also be made applicable in the case of the interest for the amount from the date of suit to the date of decree. A notable departure which has been made by this Bill in the matter of interest is the interest which is now being awarded on the costs decreed. I do not understand why the Government thinks that it is not necessary to award any interest on this amount. It is a matter of common knowledge that the amount that is actually decreed as costs in any proceedings would usually be less than the amount actually incurred by the party, and I do not understand why that party after winning the case should be penalised by this provision saying that he would not be allowed any interest on the costs that have actually been decreed.

Shri M. S. Gurupadaswamy (My  
sore): Socialistic pattern of society!

Shri A. M. Thomas: I do not think on that basis it would be fair. If it is to be on any such consideration, it may be provided that interest cannot be awarded in any case. Why should this invidious distinction be made in the matter of costs which will be usually less than the amount which has been actually incurred? If it is to be on the socialistic pattern pointed out by my friend Mr. Gurupadaswamy, then some provision on the basis of the rule of *damdupat* under the Hindu Law may be put in; that is to say, in no case the quantum of interest that would be allowed shall be more than the principal amount or shall be more than 50 per cent of the principal amount. In my State, in Travancore area, before integration, there was some such provision to the effect, that in any suit, the quantum of interest that would be decreed will not be more than 50 per cent of the principal amount. If some such provision is incorporated, we can understand and it may give relief to the parties to some extent. Should this provision that we adopt with regard to interest, not be made applicable to mortgage suits also? That has to be examined.

With regard to the power to give compensatory costs, that power has also now been extended to execution proceedings. They are specifically brought in. I would like to know why appeals have been excluded from this provision. Should there not be something which will stand in the way of the parties coming forward to courts with frivolous appeals and some such proceedings?

Then, we come to the executability of *ex parte* decrees which have been passed before 26th January, 1950. That is a welcome provision. In fact, there are some decisions, a single judge decision of the Bombay High Court, I think, which recognise the right of executing decrees which have

been passed even before 26th January, 1950.

When the principle of *res judicata* has been made applicable to execution proceedings, I do not understand why some of the qualifications which have been laid down in section 11 have been omitted in this case. A notable exception appears to be Explanation IV to section 11 which says:

"Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit."

If, at the stage of execution proceedings, the parties did not raise any claim or ground of defence which they ought to have raised, that should also come within the ambit of the section, when we apply the principles contained in section 11 to execution proceedings.

With regard to the other provisions, my main objection is to the provision that has been made with regard to restricting the scope of second appeals to the High Court, namely clause 11. As the Code at present stands a second appeal to the High Court will not lie if the valuation of the suit is less than Rs. 500.

Shri S. S. More: That was the limit of the small cause suits.

Shri A. M. Thomas: I understand that. I submit that the enhancement of this amount of Rs. 500 to Rs. 1000 is not at all desirable. When we make such a provision, we should also have some idea of the standard of living of our people as well as the average wealth of a citizen of this country. We, as a matter of fact, know that Rs. 500 for an ordinary man in India is a substantial amount. If he does not get an opportunity of agitating his claims with regard to this matter in the High Court, that would be really denial of justice. In this connection, I would like to quote the observations made by hon. Judges of the Supreme Court themselves.

[Shri A. M. Thomas]

They are against any restriction of the present scope of second appeals to the High Court. In certain States, a provision has been made modifying the provisions contained in the Code that if the District Court comes to a different conclusion, from the decision of the trial judge, a second appeal will automatically lie to the High Court. With regard to questions of facts, the decision of the District Court won't be final. There are very eminent personalities who advocate the incorporation of such a provision in the Code itself. On the question of the entertainment of appeals to the High Court, on page 327 of this publication, the present Chief Justice of our Supreme Court has said:

"My considered opinion is that there is really no justification for abolishing second appeals as they exist in the present Civil Procedure Code."

Justice Mahajan was also of the same opinion as will be seen from his observations:

"In my opinion, the scheme of the Civil Procedure Code so far as appeals and revisions are concerned does not require any alteration."

Then, he says:

"My view that the present system of appeal provided by the Code of Civil Procedure should not be interfered with is based not only on my experience as a lawyer and as a judge, but occasionally even as a litigant. This is a very valuable right given by the Code to the litigant and the approach of a litigant to the High Court gives him the satisfaction that he is getting justice from the highest court of the land. There is more confidence of the citizens of India in the High Courts than they have in the subordinate judiciary and the limited opportunity given to them by the Code to

approach the High Court should not be denied to them."

I am emphatically of the opinion that there should not be any further restriction of the scope of appeals as at present exists in the Civil Procedure Code.

With these observations, I support the Bill with regard to most of its provisions and I am definitely of the opinion that as far as the Bill goes, it is definitely an improvement and it has to be welcomed.

Shri C. R. Chowdary (Narasaraopet): The Statement of Objects and Reasons clearly states that the objective in bringing about this Bill is to eradicate dilatoriness, reduce expenses and remove complications in the matter of procedure and also administration of civil justice. The only point that arises for consideration in anybody's mind is whether the amendments suggested in the Bill, in fact contribute to obtain any of these objectives stated in the Statement of Objects and Reasons. To my mind, a casual perusal of the notes provided in this Bill shows that none of the clauses will provide us with the means to achieve the objective set forth in the Statement of Objects and Reasons. Rightly the Deputy-Speaker desired to know the clause or clauses which go to achieve this objective. The hon. Minister of law was about to answer. But, two hon. Members intervened and said, for instance, substituted service. Substituted service relates to only one clause. Another Member, if I am correct, I think it is Shri K. C. Sharma, pointed out the omission of a section in the Civil Procedure Code in the matter of execution of decrees by Collectors. But those sections, if I remember rightly, are dead letters as they are not in practice at all.

Then, as to clause 16, that is substituted service, it has been in practice for the last two or three years especially, as far as my knowledge goes, in the States of Madras and Andhra. Though it is in practice, though there

is some element of saving in point of time, in practice it admits of fraud. How is this fraud being played? The plaintiff goes to the court, gets in the first instance notice of summons. Then if they are returned as unserved, a substitute service is ordered by sending notice of the suit as well as other matters by registered post. It is quite possible, as everybody knows, and in practice it is very easy for the plaintiff to get endorsed through the postal authorities that the registered notice had been refused. Then, the result would be a decree against the defendant, not to his knowledge, but behind his back. So, though there is some element of saving in time, there is much scope for fraud. As such, the amendment that has been substituted by the hon. Minister by way of substitute service in this clause causes much more harm to the litigant public than benefit. Therefore, even from the point of view that substituted service is the only element that has been introduced with the purpose of saving time and also cost, the service that it does to the litigant public is not worth mention. Then, what is there left in the Bill to achieve the object stated in the Statement of Objects and Reasons? There is nothing. As such, it is an incorrect statement of fact and highly misleading not only this House, but also the public. Therefore, at least now at this stage let the scope of the Select Committee be widened with powers to tackle all the provisions in the Civil Procedure Code so as to achieve the objectives stated in the Bill. In the absence of such a provision enabling the Committee to deal with various provisions of this Civil Procedure Code, it will be allowing an already incorrect statement in the Bill to continue intact in the Bill. Therefore, it is highly necessary to send this Bill to the Select Committee with proper instructions and power to deal with the Bill to achieve the objectives enunciated in the Statement of Objects and Reasons. Therefore, the Bill may be considered by the Select Committee with this object in mind and it may return the

Bill not as stated by the Minister within the time, but some time later even. It matters very little if the Committee reports back with some delay because there is no assurance from the Minister that early steps will be taken to overhaul the Civil Procedure as such and bring forward a Bill before the House at an early date which is necessary for the simple reason that it is admitted by the Minister himself in the Statement of Objects and Reasons of this Bill that there is dissatisfaction in the matter of civil administration and its procedure for various reasons. When the dissatisfaction of the public is a recognised fact, it is highly necessary for the Minister to bring forward an amending Bill of the civil procedure so as to suit the national genius of our country. Therefore, my submission is: let there be an amending Bill at an early date before this House. In the absence of that, it is necessary for instructions to be given to the Committee to touch every possible section in the Civil Procedure Code so as to achieve this object.

Then, I will come to the clauses in detail. As a matter of fact, all the amendments suggested are not of much importance. They are of minor nature and they will not basically change the character of the civil procedure. The civil procedure, as I understand it, has got its own history, and the hon. Minister has traced the history of the civil procedure by saying that more than 35 times amendments were effected and that this is one such amendment.

Shri Pataskar: After 1908.

Shri C. R. Chowdary: After 1908. This is also one such amendment. As a matter of fact, this procedure has been prescribed by a foreign power with a certain object, that is to exploit the country in their own interests. And now it is high time that this procedure that has been laid down with a certain object by a foreign power is repealed. Therefore, the only history that I can visualise -

[Shri C. R. Chowdary]

of the Civil Procedure Code is procedure by which one can exploit the country to the interest of the ruling class.

There are certain really good features which set at rest the conflicting decisions that are obtaining in the field, under section 47. That is set at rest by the amendment suggested in clause 6 of the Bill. But there is some vagueness in the matter. As the Deputy-Speaker has observed already, the principle of *res judicata* is made applicable in a case where a matter has been decided in a former proceeding. But, if the matter has been decided earlier in the same proceeding and subsequently the same matter is being agitated by the parties, it is not clear whether in that case the principle of *res judicata* so far as that matter is concerned can be made applicable.

Shri Pataskar: Can it be called *res judicata*? In the same proceeding do you call it *res judicata*?

Shri C. R. Chowdary: Supposing at one stage a matter has been contested by the parties and a finding has been given. At a later stage, suppose the matter is again sought to be raised by the same parties, can it be permitted to say that the principle of *res judicata* comes into operation or they are barred from reopening the matter? That is how I understand the thing. I hope the Select Committee will consider this aspect.

Then, I will come to clause 14. The amendment is sought to be made as a result of a decision of the Rajasthan High Court declaring that section 133 of the Civil Procedure Code is *ultra vires* of the Constitution. In bringing about this amendment, a list has been given comprising the President of India, the Vice-President of India, the Speaker of the House of the People, the Ministers of the Union, the Governors, the Rajpramukhs, Lt.-Governors, Chief Commissioners of States etc. I want to know from the Minister something about the persons to whom

section 87B applies. This section 87B gives the ex-rulers the status of foreign rulers. These people having lost their status, having lost everything that can be called rulership, now want to have the privilege not to attend the courts. I want to know why these people must be given this special privilege of not attending the court. Why should they have a special status? Is it because they were once the rulers of India? If that be the case, I know a friend of mine who is a descendant of the King of Oudh but who gets about Re. 0-1-6 as allowance. He may as well claim the privilege of not attending the court. The only thing that has been enjoined to them is that if they claim the privilege, they have to pay the cost of the commission. At times, the party may pay the expenses of the commission; in that case, he need not worry about anything, and he can have that privilege and say that he belongs to the privileged class. But I do not know on what basis he can be called a person belonging to the privileged class, and what led the ruling party to talk in terms of creating a privileged class contrary to the fundamental rights—spirit and letter of article 14 of our Constitution. No explanation has been given by the hon. Minister as to why this particular amendment has been put in. I hope the Joint Committee will consider this matter and recommend the deletion of this clause from the Bill itself.

Another clause which is important in my view is clause 7, seeking to amend section 60. That section deals with attachment and protection given under specified circumstances to specified persons. The original Code gives protection to certain categories of people, but it fails to give protection to certain other classes of people. The servants either of the Centre or of the States or of the local authorities have got their salaries protected to a certain extent. And that is based upon certain principles. The idea in giving that protection to these public servants was, in order that they and their dependants could main-



tain themselves. and they might discharge the duties to the public, enjoined on them by virtue of their office. But there are other servants also who are doing service to the nation, and who are equally important. For instance, there are servants of some public institutions, such as the high schools, the medical schools, hospitals and other such institutions which are recognised by law as public institutions. No protection is afforded to those servants at all. The proposed amendment also does not give them any protection, but confines itself only to the public servants either of the Central Government or of a State Government or of a local authority. I would, therefore, suggest to the Joint Committee to consider the question of extending this protection to those servants also who are serving public institutions, such as educational institutions, charitable institutions, or medical institutions etc. run by the private people.

**Shri S. S. More:** It is to some extent protected under sub-clause (h).

**Shri C. R. Chowdary:** It is not clearly stated. It is a debatable and moot point.

**Shri S. S. More:** Salary to the extent of Rs. 100 is protected.

**Shri C. R. Chowdary:** If protection is not extended to those servants, then it tantamounts to discrimination in my opinion. I would, therefore, suggest to the Joint Committee that they should extend the scope of the protection to these public servants also and make suitable provisions in that behalf.

Although this Bill attempts to minimise delays in the matter of disposal of cases, although it attempts to reduce the expenses, although it attempts to eradicate dilatoriness, and although it attempts to remove the dissatisfaction among the litigant public, yet I feel that it fails to achieve the main object. And since it fails to achieve the object in view in its present form, it is very necessary that the scope of the Joint Com-

mittee should be extended. For instance, the Joint Committee should be given permission to touch provisions relating to execution matters also, where awful delay is being caused at present.

I find that there is no provision in this Bill which touches order XXI. According to me, order XXI is the main obstacle in the way of early realisation of the decretal amount or in the matter of early execution of decrees. The complicated procedure prescribed in this behalf at present is being left untouched. I would request the Joint Committee to consider this order in its entirety and to simplify the procedure, thereby enabling us to achieve the objective of minimising delays.

Now, I come to clause 16 (6). It reads:

"In Order XXV, for rule 1, the following rule shall be substituted, namely:—

'1. (1) At any stage of a suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff, for reasons to be recorded, to give within the time fixed by it security for the payment of all costs incurred and likely to be incurred by any defendant:

Provided that such an order shall be made in all cases in which it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of India and that such plaintiff does not possess or that no one of such plaintiffs possesses any sufficient immovable property within India other than the property in suit.' "

If the whole clause is taken together with the proviso, I do not find the necessity for the words 'for reasons to be recorded'. The main provision in this sub-clause (1) enunciates the principle, and gives discretion to the court to ask the plaintiff to furnish costs that are expected to be spent by the defendant in defending



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the cause. But what we find here is that when such a discretionary order is issued, the judge is called upon to record his reasons for making such an order. Once there is a situation in which the court is asked to pass such an order, then where is the necessity for recording the reasons for making an order to that effect? If the proviso controls the main provision, then there is no reason why the judge should be called upon to record his reasons. But if, however, the proviso is not controlling the main provision, then this principle can be made applicable to any case, or this may be invoked in any case, where the defendant feels that the plaintiff's claim is not sustainable or that he has no property, and that in case of dismissal of the suit, the defendant cannot realise the amount that he has spent; in such a case, the defendant may invoke this provision and demand some security to be deposited in the court. But if the judge can only make an order in the circumstances enumerated in the proviso, then there is no reason why he should be called upon to record his reasons for passing such an order.

I, therefore, submit that this is a Bill which has been brought forward without any aim or objective. At best, this can only be called a Bill containing amendments made to the Civil Procedure Code, which, it has been felt desirable, should be effected in the Code.

Beyond that, nothing can be said in favour of this Bill. Therefore, the Committee may be asked to consider how best civil procedure can be simplified, speedy justice can be given at minimum cost and how best we can repose confidence as to the quality of administration in the matter of civil justice.

Pandit K. C. Sharma: The Bill, as it is placed before the House, is very innocent, deals with minor provisions and has not much of significance so far as the administration of civil justice is concerned. I appreciate the

anxiety of the hon. Minister about the dilatoriness, expense and complication of civil procedure and the administration of civil justice. But the changes sought to be brought about do not meet the requirements of the case.

The Civil Procedure Code, as it is, is quite a good law and if a Judge means business, within the four corners of this great book, this white book, he can do natural and acceptable justice to the people. The fault does not lie so much with the law as with the personnel. It is a sad case that we lack good Judges at the present time; not that they lack the good motive to do their duties, but they lack the requisite equipment. This is a painful observation I have to make. I have been going through the judgments of various High Courts. I know so many cases, and I know, to my regret, that justice has not been done. Not that the Judge did not like to do justice, but the Judge was incapable of doing justice not because he lacked intelligence, but because he lacked training, he lacked sympathy with the people, he was not of the people at all. He was too much intellectualised and too much divorced from the life of the citizen. That is a sad case. It requires change in the recruitment procedure, it requires good training, it requires sending the man at the earlier stage of his career to live among the people to understand them, to know them man to man. This is my painful experience after going through the various judgments. I have seen people being shot, but yet the culprit being honourably acquitted, not because there was no evidence, but because there was no proper appreciation of the evidence. The Judge, too much intellectualised and divorced from the life of the common man, could not understand the wrong done to the poor man. He is brought up in a different atmosphere, a different environment and lacked the necessary sympathy.....

An Hon. Member: Sympathy with whom?

**Pandit K. C. Sharma:** Sympathy with the underdog, sympathy with man on the field, in the factory, in the street. Because the man is brought up somewhere in the city of Delhi or Calcutta and adorns the chair without knowing what the poor man means.

The changes so far being sought to be brought about are on the ground that justice should be easily available, that it should be cheap and speedy. I would have very much liked the hon. Minister to wait for the Law Commission. It should go into the entire system of judicial administration. The changes to be brought about do not go far enough, but so far as they go, I have no quarrel with them. They can be placed in three categories. There are some changes which are sought to be brought about in the interest of justice as such; there are others which are necessary for procedural improvements, giving greater opportunities for adjudication; and there are others which are meant to expedite the processes in the administration of justice. So far as these go, they do good to the people, create greater confidence among the people and secure easier and speedier justice. I appreciate the anxiety of the hon. Minister and I am grateful to him for the attempt. But I again repeat that the fundamental question is of overhauling the entire system of administration of justice. I do not agree with Shri A. M. Thomas, that the civil procedure, as it is, should not be changed at all. It may be good, it may be a model—there is no doubt. I am not one of those who feel that because we have recently become independent, we should be independent of every notion, of every good thing which is already doing good or which is already holding its own. There are certain fundamental things which have stood the test of time; they should be accepted. Accepting this principle, there are many things which in different lands, in different conditions, under different environments do not so well work as they have worked under other conditions. Now, what

those conditions are would be considered when the Law Commission will sit and go into every detail. This is not to be done when this small Bill is discussed. The Law Commission should find out how justice can be done free and cheap, with speed and ease; it should also see that it should be in accord with the accepted code of morals and notion of natural justice, as people accept it.

As I said before, the Law Commission should look into it; I emphasise with all the force at my command that it should look into the question of recruitment to the judiciary, its training, its equipment; which will bring about a sense of understanding and certain dignity, also a good knowledge of constitutional rights and obligations. Sir, this is a very important point. Sometime ago, I said that all over the world the cadre of services has changed and greater emphasis has been laid on training. For instance, in most of the States, not very much importance attached to seniority in the matter of promotion. Perhaps India is the only country where too much emphasis is laid upon seniority.

**Mr. Chairman:** That is too much beside the point.

**Pandit K. C. Sharma:** I am dealing with it for a minute. In other countries, merit, the will to work, equipment, special talents—these are the questions which are considered when a man is promoted from a lower cadre to a senior cadre. Here in India, unfortunately, a man drudges on and as years pass, he is raised from one chair to another higher chair, then a still higher chair, though the equipment is lacking. Therefore, he does not do the job well. These are the problems. I do not want to go at this stage into the details of this Bill because two of my hon. friends have already done so and I have nothing else to add.

4 P.M.

**Shri S. S. More:** Sir, I want to raise on this occasion some important points for the consideration of the

Treasury Benches. Now, the Minister in charge was pleased to go into the past history of this Civil Procedure Code. Since he has referred to the past history I should like to make a point or two.

Now, the first Code of Civil Procedure, a full-fledged Code, came on the statute-book in 1859. And, within a period of 18 years, that is by 1877, the first Code was scrapped and replaced by another. But that did not last very long. Within a period of 5 years, that is in 1882, the second Code was also displaced and another Code took its place. Then, from 1882 to 1908, that is a period of about 26 years, the whole Civil Procedure Code was made to undergo a substantial change.

**Th. Jugai Kishore Sinha (Muzaffarpur—North-West):** There is no quorum.

**Mr. Chairman:** The hon. Member may go on.

**Shri S. S. More:** How can I?

**Mr. Chairman:** I find nobody from the Government side here. Shri Rane, is here. In this way, how can the House go on? This is the third time.

**Shri S. S. More:** May I make a formal motion that in view of the repeated absence of quorum the House do now adjourn?

**Shri D. C. Sharma (Hoshiarpur):** Shrimati Chandrasekhar is also here.

**Mr. Chairman:** It is for the Government party to see that there is quorum.

**Shri Pataskar:** Of course, it is too late in the day now. But I shall take steps to see that it is not repeated.

**Shri B. S. Murthy (Eluru):** The Minister of Parliamentary Affairs is here.

**Th. Jugai Kishore Sinha:** This is for the third time.

**Mr. Chairman:** Is there quorum now?

**Shri S. S. More:** Most of them have left. The bell must have ceased ringing and if in spite of that fact we are not in a position to secure quorum, I think, it is much better that we close our books and go home. I cannot say close our shops.

**Shri Altekar (North Satara):** I would suggest that at least the members of the select committee should be here to hear the views of the hon. Members who are making suggestions here. I hope they will be present.

**Mr. Chairman:** Is there any select committee going on now?

**Shri S. S. More:** I do not follow what the hon. Member was muttering.

**Shri B. S. Murthy:** I think the bell is not sufficiently loud enough to bring people. It is not making sufficient sound to attract them here.

**Mr. Chairman:** There is quorum now; the proceedings will go on. But I should say for the last time that if there be again any want of quorum, I shall adjourn the House. The Government must take care of it.

**Shri S. S. More:** I was trying to make out a point that right from 1859 to 1908, there were 3 Procedure Codes and I would, therefore, submit that since 1908.....

**Shri Pataskar:** May I, Sir, appeal through you. I do not think I belong merely to government. I would appeal to hon. Members to whichever party they may belong that, it may be, as I said in the beginning a terse subject, this Bill has its own importance and whenever a Bill is brought forward, it should be our duty—rather the duty of all the Members—as far as possible to be present in the House. It is not merely the duty of the Government. I would at least request the Opposition—unless there is a desire to non-co-operate and I think there is no such desire on their part—to take as

much interest in this terse subject, as it is, all the same, doing our duty. I would appeal to everyone, whether he belongs to this side or that, to help the process of legislation by his presence.

**Shri S. S. More:** My argument is that it is time for us to start drafting a new Civil Procedure Code, which will replace the Code of 1908.

There is one more point which I want to make out for the acceptance of the House that the Civil Procedure Code which was framed by the Britisher was for the purpose of perpetuating his rule and the Britisher who framed all these Codes was given to a capitalistic sort of economy. Therefore he devised a procedure which was designed to safeguard the rights of private property owners and private business interests. The social conception, the conception of social welfare, the conception of giving something to the underdog, the conception of removing the economic inequalities in the country was not in his mind and therefore the Procedure Code was framed in a wooden manner, advantageous to those persons who had a long purse. Sir, I have been practising on the civil side for practically the last 30 years and I find that the Civil Procedure Code....

**Shri M. S. Gurupadaswamy:** He may be given pension.

**Shri S. S. More:**...is only useful to those who can take up the matter from one court to another so that the other party who is weaker can be exhausted. The Civil Procedure Code gives the privilege to the vested interests of fighting a battle of drift. Therefore, I would say that since we are talking about socialistic patterns—now I am discouraged by the Minister of Parliamentary Affairs.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** I am helping him.

**Shri S. S. More:** He is helping me with his back to me and talking to somebody else. My submission is that that social conception ought to

be there. If we are very serious about socialistic pattern, if we are very serious about implementing the provisions of the Constitution, social, political and economic, then that idea must pervade through all our legislations. It may be argued on behalf of Government when they are going to appoint a Law Commission and that Commission will go into the question, how far it will be appropriate for me to make certain comments about the composition of the Law Commission. But since it is still in the stage of consideration, I would like to make one or two suggestions. It has been the practice both in Great Britain and even in India to appoint some retired members from the judiciary on the Law Commission, or some eminent lawyers. I feel that the members of the judiciary and of the legal profession, by virtue of their own calling are more addicted to the habit of looking towards the past cases, past precedents, and anything which has become adjudicated upon is the only star that will guide them. If we have to look to the future, then I would say that the Law Commission should be predominantly composed of social workers who have a definite eye towards the future, who can take into their ken the changing social circumstances that we are going to unleash for the purpose of reaching the ideal of socialistic pattern. Therefore, I am coming to the conclusion that the duty of dispensing justice should be more for the social workers than for some persons who might have acquired some academic distinctions—that should not be the criterion. Viewed in that aspect, I would say that instead of bringing in this measure, Government would have been acting wisely if they had postponed consideration of this particular measure and come out with a full-fledged Procedure Code, both for the criminal justice and the civil justice, in which this new conception of the coming society would have found itself completely revealed. That is one of my submission, but

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unfortunately this Government is in the habit of giving us legislation doses in dribbles, with the result that at no time we get the complete picture of the social system or the complete picture of what is really in the mind of the Government about changing the social conditions obtaining so long.

One more point. Going through the provisions, I feel they are half-hearted. My friends sitting on that side are animated with good motives to some extent, but they are hesitant and they will not go the whole length that the occasion requires. Take for instance clause 2—section 34 of the Code of Civil Procedure—in which the words “not exceeding six per cent” occur. Under the old section 34, when the decree is granted for the principal amount and the stipulated rate of interest, at the time of awarding the decree the court was permitted to grant future interest at a rate which it might deem reasonable. What the Law Minister has done is that that full discretion given to the court is limited by saying “not exceeding six per cent”. But that is not enough. If the stipulated rate is something usurious, I think the court ought to take that fact also into consideration, because it is my experience that many judges who come from the family of money-lenders, many judges who belong to the class of property holders, take the side of the plaintiff who happens to be a money-lender, a mortgagee or a creditor and become victims to the sentiments or interests of their own class. They say. “The man has agreed to pay a certain rate of interest although it may be usurious and I propose to grant it and I will grant only the future interest at a reasonable rate.” That should not be permitted. My friend Shri Thomas referred to the law of *damdapat*. My view is that no person should be allowed to recover interest from the unfortunate debtor more than half the amount of the principal; some-

thing like a ceiling of that sort ought to be there. We are talking about placing a ceiling on the landed property. The Taxation Enquiry Commission has also recommended a ceiling on the personal income of a man. I would also recommend a ceiling on the interest which a man could get or exact or squeeze out from the unfortunate debtor.

Mr. Chairman: Can this Procedure Code do that?

Shri S. S. More: Yes, Sir. Here we are already amending section 34.

Shri Pataskar: May I just draw the attention of the hon. Member to the fact that section 34 refers to the interest to be awarded after the filing of the suit?

Shri S. S. More: I am commenting on this section and I am pointing out that as far as it goes, it is good. Even section 34 does refer to the interest on that principal at the time of awarding decree. The future interest is on the aggregate amount decreed, that is, the original principal plus the amount of interest as per original agreement. That makes the aggregate amount of the decree, and on that aggregate amount the future rate of interest is now stipulated by Government to be six per cent and not more than that. I am perfectly competent to say that even the original rate of interest must be strictly controlled and there ought to be certain limitations on it.

Shri Pataskar: Will not the Usurious Loans Act cover that?

Shri S. S. More: I am making my suggestions and they may accept them for what they are worth and effect amendments either in this measure or in subsequent measures.

Then, in clause 4, section 35A is being sought to be amended. If a man has started some frivolous proceedings by way of a suit, then the compensatory clause can be allowed. Government has gone a step further

and included execution proceedings. As Shri Thomas has already stated, why should we exclude appeal? I find that a married man, even when the first suit is decreed to be frivolous and vexatious, can take the matter to the appeal stage, not only to the first appeal, but to a second appeal if one is permissible, and the other man who is not well placed financially is thoroughly exhausted and put out of his breath. I may say here that Government must have included appeals and should not have excluded them.

I have got something to say about clause 5. In this context I have got to refer to section 13 of the Civil Procedure Code. When the States were there, they were treated as foreign courts and the judgment of a foreign court was treated to be conclusive for certain purposes and competent for being executed if certain conditions were satisfied. If certain conditions were not satisfied, then the man had to file another suit. Now it is stated that in regard to all suits which were decreed *ex parte* or in which the defendant was not amenable to the jurisdiction of the court, after the twenty-sixth day of January 1950, the parties will have no remedy. I speak subject to correction. What remedies do we give to these persons? Now the States have disappeared and the whole country has become one. Some ugly reminiscence of the past is being put up by this particular clause. A lady might have acquired some maintenance decree in some foreign courts; that maintenance decree is there. The husband may not have submitted to the jurisdiction of that court and that decree will now be infructuous and will have no value. I believe the time limitations might have gone and so many other technicalities might come in her way and she would have no relief.

I am not speaking for the decree holders and money lenders but there will be a good many cases and there may be many unfortunate persons who will be the real sufferers.

Then, I go to the clause 6. Instead of amending section 47 of the Civil Procedure Code, I would request the hon. Law Minister to see whether he could not amend the original section 81 of the Civil Procedure Code. Why should we have the principle of *res judicata* embodied in a statute at two different places. The previous speaker has pointed out that the conditions applicable under section 11 are not identical to the conditions which are submitted in this amendment. The result will be that some of the past controversies may come to rest but they will come to rest after giving place to some new controversy. I would rather say: please amend section 11. Instead of 'suit' you say 'execution proceedings' or whatever it is deemed necessary so that all conditions will be one and the same and will not be capable of misinterpretation by saying or comparing this with that or the other. They should know that the legislature had done this deliberately.

These are the complications which I perceive. Regarding section 60, some concession is made to the decree-holders, I have nothing to say about the decree for maintenance.

I would then go to clause 11. I feel that suits tried by small cause judges are non-appealable now if the suit amount is Rs. 500. This amount is being raised to Rs. 1,000. Having some experience of the mentality of the small cause court judges, I can say that when they realise that they can decree and decide something and there will be no appeal even on law points, important points of law, they decide things in an arbitrary manner. On many occasions, it is not the money value of the suit that is material but the points involved in a particular suit may be of great importance and such points ought to go to the higher tribunals in the country if they are sufficiently important



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and if the party is interested in agitating that point. So, merely raising the money value from Rs. 500 to Rs. 1,000 should not be there. You can introduce a sort of procedure that if certified by the small cause judge or if certified by the District Judge that there is some law point worth agitating in the higher tribunals, then even such suits and appeals should be permitted. It is something like what has been provided in our Constitution.

Then I go to clause 14. Certain exemptions have been provided for; certain persons had been exempted from attendance in courts. The Speaker of the House of the People is included but I find the Deputy-Speaker is not included.

**An Hon. Member:** Why not include Chairman also?

**Shri S. S. More:** Of course. The Deputy-Speaker is a permanent officer. The Chairman, unfortunately, is not a permanent officer though my sympathy for the Chairman who had always been so kind to me may lead me to suggest that they should also be made permanent features.

My submission is that the dignity and importance of the Deputy-Speaker of the Parliament is not something less than the Speakers of the local legislatures. If the Speakers of the State legislatures and the Chairmen of State Councils are there—I speak irrespective of personalities—the office of the Deputy-Speaker is something if not higher, at least on a par with the Speakers of the State legislatures and he should also be included.

Then I should like to make one further suggestion about the Members of Parliament. Their presence is absolutely essential because you saw that their absence had created difficulties about quorum and so many other things. So, their presence must be secured and therefore when the House is in session, supposing some court wants to examine any

hon. Member of this House then during the period of the session no summons or any other process from the court should be operative against him or effective against him. If he is to be examined, during the period of a session, we have got a Central Hall where he can be examined on commission with cup of coffee or a tray of coffee or tea and in a more comfortable manner. That is my suggestion.

**An Hon. Member:** Parliament goes on for one year.

**Shri S. S. More:** I would like to see the distinction between the body of the court and the rules abolished. The Statement of Objects and Reasons says that we are out to reduce the expenditure. What do we find? Civil litigation has been a major source of income to the State Governments with the result that instead of taking steps to reduce the expenditure to the parties concerned, they are going on increasing *ad valorem* fees. I will quote you an instance from my own State. Formerly to present a *vakalat nama* eight annas worth stamps were required. Then there was a 25 per cent increase which made it ten annas. But now Rs. 2 are required for the purpose of filling a *vakalat nama* in the lowest courts and the most ordinary courts....

**Shri Altekar:** Even in the case of *dharkast* petitions proceedings.

**Shri S. S. More:** Formerly there was a distinction that if that *vakalat nama* was to be filed in the High Court, before the Judicial Commissioner or the Revenue Commissioner the fee was normal and at certain other levels, it was less. But now it is not so and the provincial Governments are going on increasing court fees and as long as they are going on increasing this for the purpose of their revenues all talk of our saying in the Statement of Objects and Reasons that we are designing and legislating for the pur-

pose of reducing expenditure is something which is not real.

**Mr. Chairman:** That comes under the Stamp Act.

**Shri S. S. More:** I know the constitutional limitations but it is the Central Government which has made a declaration in the Constitution that "We, the people of India..." are committed to do these things and the party in power has such an objective. I would not have been so eloquent if that declaration has not been passed. But my submission is that this social objective—the objection of reduction of inequality—must pervade not only every action of the Central Government but also the actions of the provincial Government which fortunately or unfortunately belong to the same party in power. It is for them to devise and develop a sort of uniform procedure which shall take us to the social objective which we talk about so much.

My submission will be that this measure limited in extent has no particular purpose to be discussed before this House because the many amendments which are sought to be made are already matters of deep-rooted practice and the courts have already been operating on these lines. It is no use wasting our precious time and our precious money and if I may say so for the hon. Members who chose to remain absent from this House. They wanted to protest that this measure should not be taken up in this House and unnecessarily the money of the country and the time of this House should not be wasted for provisions which are already being given effect to by the judiciary.

**Shri M. S. Gurupadaswamy:** We must be very grateful to the Minister and the Law Ministry particularly for their dogged consistency in bringing only piece-meal, faulty and limping measures of this kind. We expected that the Civil Procedure Code would be completely reformed and we thought after the amendments to the Company Law and the Criminal Procedure Code

that the Civil Procedure Code also would be drastically and completely amended. Unfortunately, contrary to our expectations, the Law Minister today said that there is a Law Commission to be appointed and it is premature to think of completely changing this Code at present. If that plea is advanced it should be advanced against all measures that are brought before us. We will be shortly having before us the Company Law which has been completely changed. All the 600 and odd clauses of that Bill have been considered by the Select Committee. Shri Pataskar had the honour of being the Chairman of that Committee and he has done very good job as the Chairman of that Committee. Likewise, the Criminal Procedure Code was changed considerably in the last winter Session. When such instances are there, I am amazed why Shri Pataskar has said that we have to wait. If we have to wait for amending the Civil Procedure fully because there is the Law Commission, then why should we not cry a halt to all legal reforms or amendments to the various measures? Why can't we cry halt to the business of this House and adjourn? Why not we meet only once in every year for Budget discussion and wait till the Law Commission finishes its work?

Apart from this I want to say that even the purpose for which this measure has been brought cannot be realised. According to the Objects and Reasons, there are the two purposes for which this piece of legislation has been brought before this House and many Members have already said that these objects, namely, dilatoriness and the high expense involved in civil proceedings cannot be reduced by merely passing this measure.

The most important cause for the dilatoriness in civil proceedings is that there has been too much accumulation of work nowadays in the civil courts. Take the District Courts, Subordinate Courts or the

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Munsiff's Courts, or any court for that matter, and you will find that at present there has been a continuous increase in litigations whereas there are only a very few judges to decide those cases. Secondly, the recruitment of judges is most unsatisfactory. That point was made out by my friend Pandit K. C. Sharma and I know from experience that in many States where munsiffs are recruited, they are appointed on political grounds and not on the grounds of merit. Recently, in Mysore State there was a big controversy about the appointment of munsiffs. The controversy was purely fought on political plane. The Ministry wanted to appoint about 30 munsiffs but the High Court said, "though we need many munsiffs we do not want the stuff that is selected".

**Mr. Chairman:** Was there no Public Service Commission there?

**Shri M. S. Gurupadaswamy:** The appointment of munsiffs is done through an examination conducted by the Public Service Commission. The Public Service Commission sent a list of their own selections but those who were selected by the Commission were not accepted by the executive.

**Shri C. D. Pande** (Naini Tal Distt. cum Almora Distt.—South-West cum Bareilly Disstt.—North): This might have been a very rare case.

**Shri Kamath:** This is not unusual. Now-a-days it is not unusual.

**Shri M. S. Gurupadaswamy:** It is something extraordinary. The executive wanted their own men to be appointed. What happened was, there was a complete divergence of opinion between the High Court and the executive. At this time the old Chief Justice retired and the new Chief Justice came to the place. Now the Government of Mysore has been able to make the High Court accept their list and their men have now been appointed. I am only quoting this

instance to show how recruitment to the judiciary is being done.

**Shri B. S. Murthy:** What happened to the recommendations made by the Public Service Commission of the State?

**Shri M. S. Gurupadaswamy:** The recommendations of the Public Service Commission were completely flouted.

**Shri Raghunath Singh** (Banaras Distt.—Central): It is not so.

**Shri R. D. Misra** (Bulandshahr Distt.): That is only his guess-work.

**Shri M. S. Gurupadaswamy:** There is no use denying it because this is a fact and you can just verify the matter from the Government of Mysore.

**Shri Raghunath Singh:** Can you quote any example?

**Shri M. S. Gurupadaswamy:** I have already mentioned that. I am quoting this instance just to show how the recruitment to judiciary is done now a-days and how there has been unnecessary interference by the executive. The whole thing is completely pervaded by political and other influences.

**Shri R. D. Misra:** May I know whether this relates.....

**Shri Pataskar:** Sir, I may say that my poor Bill has nothing to do with the judiciary.

**Mr. Chairman:** I had already observed in the case of Pandit K. C. Sharma that these things are too remote from the present purpose.

**Shri A. M. Thomas:** Not only that. There is no representative of the Mysore Government to defend.

**Mr. Chairman:** I have already observed that matters of State Government administration are too remotely connected with the Bill and need not be brought in here.

**Shri M. S. Gurupadaswamy:** This is a fact. I have only brought.....

**Mr. Chairman:** I have already said that these things are too remotely connected with the Bill and I hope he would not mention anything about State Governments. Let us go to the Bill itself.

**Shri M. S. Gurupadaswamy:** My simple point was that there has been too much delay in disposing of the cases because of the recruitment policy of the Government. I wanted to show that there has been too much of accumulation of work which resulted in delays. These are the two points that I wanted to submit.

About the provisions of the Bill I may say that only a few provisions have been touched and the rest of them have been left out on the ground that it may not be possible at present to take them all together. About the amendments that have been suggested I may say that certain amendments are harmless and they may be quite welcome. For example there is no dispute, I think in any quarter, about the fixation of the rate of interest and also about allowing compensatory allowance on false and vexatious claims or defence. Among the amendments suggested, there is one thing which is highly objectionable to my mind, namely, the curtailment of the jurisdiction of the High Courts in respect of revision. It was observed by certain Members that it may not be right on our part to narrow down the revisional jurisdiction of the High Courts. Before the Government brought forward this amendment, they should have considered the matter thoroughly. There are many miscellaneous matters during the course of civil proceedings and there may be a necessity for appeal. I want to know whether before suggesting this amendment, the Government collected any statistics in regard to the disposal of these miscellaneous matters in appeal and how many miscellaneous appeals have been dismissed for frivolous reasons and how many have been allowed. I want to know whether the Gov-

ernment has taken pains to collect information in this regard. If they have collected any statistics, I want to be benefited by that. In case they have no statistics, in case they have not collected any data about this, then, on what ground have they said that appeals on miscellaneous matters should not be made to the High Court? In many miscellaneous matters, very important questions are usually involved and a decision by the high court may help the civil proceedings. So, I think greater thought should have been weighted with the Government before they suggested this amendment.

About exempting certain persons from appearing before the court, I may say that the Members of Parliament, as Shri S. S. More, said, deserve consideration. I think they are as important as the Speaker or the Deputy-Speaker or a Minister or Governor. I think they do much more work than the Ministers. The Ministers have got such a huge staff whereas the Members have to do their work themselves. I think the work of an M.P. is much more difficult than the work of a Member on the Treasury Benches. So, I feel that Members of Parliament should be included under this category and you will be doing a great disservice to the Members of Parliament if you do not include them in this list.

About the rest, I do not want to say much except one thing about clause 3. It was true that before the Constitution came into force, that is, before the 26th January, 1950, there was a distinction between the courts of the former rulers' States or native States as they were commonly called, and the courts of British India, and the decrees passed by one court belonging to one area were not to be executed in the other territory or area. That was so because of history, because of certain circumstances, because of the then practice and all that. Now, there is a new Constitution. All the courts are the courts of India

[Shri M. S. Gurupadaswami]

Why not we say that all the old decrees passed *ex parte* prior to the 26th January, 1950, may be executable in any court of law in India? What is the difficulty in the way? I want to know from the Minister what was the reason for this limited amendment?

**Shri Pataskar:** What do you say about a decree passed *ex parte* in a neighbouring country and to whose jurisdiction the person had not submitted?

**Pandit K. C. Sharma:** He does not believe in property nor does he believe in the law of preference.

**Shri M. S. Gurupadaswamy:** I am only referring to the case where a man lives in Madras and the decree is obtained in Mysore. I want to know why a decree in such a case cannot be executable.

**Shri Pataskar:** Because he has never submitted himself to the jurisdiction of the court concerned.

**Shri M. S. Gurupadaswamy:** My contention is this: we have got a new Constitution, and all the courts are the courts of India. Why then should we not apply the same thing to the old cases, the old decrees passed *ex parte* prior to the 26th January, 1950?

**Shri Pataskar:** Probably I was not making myself clear when I spoke. Supposing there was a suit against A filed in a court which was a foreign court. A thought that it would be infructuous because it was a foreign court. So he may not have submitted himself to that court. Now, because of certain intervening circumstances, to make that decree executable in another court will not be equitable. That is our view: that is one view at any rate.

**Shri M. S. Gurupadaswamy:** Anyway the point is important. I feel that it may be considered.

Now, before I conclude. I would again reiterate that the Members of the House, on my side, would have

felt happy if the Law Minister had brought a very comprehensive measure. Unfortunately, this piece of legislation is half-hearted. It will never satisfy anybody in this country, I think the Law Minister wants to delude the country or to keep the people in a sort of delusion, by making a pretence of reform.

**Shri Pataskar:** That is not our idea.

**Shri M. S. Gurupadaswamy:** You believe that you are making a great legal reform.

**Shri Pataskar:** I did not even say that.

**Shri M. S. Gurupadaswamy:** You may not say so, but you think so. That is working in your mind. Anyway, this piece of legislation should not have been brought before this House.

**Shri S. V. Ramaswamy:** I welcome this Bill because it is perfectly innocuous. There is nothing in this Bill except perhaps clause 2 which deals with interest which can possibly give rise to any debate. I am putting to the Law Minister this question: supposing he accepted a motion for circulation of this Bill for eliciting public opinion, and this Bill was placed in every Bar room and before every judge, what would they think? They might think: "Is this all that the Law Ministry of the Government of India is capable of finding flaws in this Civil Procedure Code?" I, therefore, pose a dilemma before the Law Minister if this is all that he can produce why have this at all? If on the other hand the Law Ministry is capable of finding out more points and bringing out a more comprehensive measure, why has this not been done? I do not know what the Law Minister is going to say to this dilemma.

There are about 150 sections and about 50 orders containing so many rules. Almost from the first page to the last page reforms can be suggested to the Code. It cannot be said that the points dealt with in this Bill are the salient points; but one thing I can say safely and it is this:

This Bill is better than the amending Bill of the Criminal Procedure Code, because this Bill does not do any damage as the other Bill has done. The symmetry, the balance and the structure of the Criminal Procedure Code have been damaged by the amending Act; this does not do that. It is in this sense that this Bill is better than the Criminal Procedure (Amendment) Bill.

It has been pointed out that the object of this Bill is to avoid expense and delay. I was looking into the report about the question of delays. As reported by the Wanchoo Committee one Judge has taken pains to give 30 reasons why there are delays. They are not exhaustible by any means. I think anyone can add to this number. There are 30 reasons given for delay on the original side and about 12 reasons for delay on the execution side. I am not going to read the entire list, but I will read some of them: service documents not filed and marked exhibits at the proper time; service not done properly in time by the process-servers who are ill-paid and frequently make false reports; pleadings are generally very loose, vague and prolific; too many adjournments mainly on counsel's request and non-attendance of witnesses; late filing of written statements; documents filed late and not properly denied or scrutinised on the date of issues and so on and so forth. There are endless reasons at every step to delay the proceedings. Certain things are being done partly due to the necessities of circumstances, partly to help the litigants and partly also because the lawyer may not be prepared and he may like to have adjournment. These are some of the things which contribute to the delay and I am asking the Law Minister to tell the House which of these points are sought to be met by this amending Bill which has been brought before the House.

As regards the cost, I do not think that any of these clauses touches that point anywhere. Recently in Madras, the court fee has been raised; formerly

we used to pay rupee one for filing a vakalatnama, but now I think the fee is rupees three.

**Shri Pataskar:** Can we legislate for preventing the rise in court fees?

**Shri S. V. Ramaswamy:** Of course I quite agree that it is a State subject. The point is that the tall claim has been made in the Statement of Objects and Reasons.....

**Shri Pataskar:** There is no tall claim made.

**Shri S. V. Ramaswamy:** The claim is made in the Statement of Objects and Reasons that it is sought to reduce the costs—I ask, where, by which section? Do you touch that point anywhere? If you cut down the cost in one place, there are many other places where the expenses can be mounted up. My humble submission is that the Bill has not tackled the problem on the whole. I do not know why on the eve of the appointment of the Law Commission a Bill of this sort is brought before the House.

**Shri A. M. Thomas:** What is the provision that is objectionable in this?

**Shri S. V. Ramaswamy:** I say it is perfectly innocuous. It is not at all necessary; a more comprehensive Bill could have been brought which would serve some useful purpose. I cannot take any exception to any of the clauses, except perhaps clause 3; as my friend has also said, I take exception to the denial of interest on costs. I do not know why the Law Minister has brought forward that amendment. Suppose there is a sub-court suit which drags on for a number of years. The party has paid some money into the court by way of court fees. Does it or does it not carry interest? Possibly he has borrowed the money by paying interest elsewhere. He might have borrowed the money at 12 per cent interest, whereas the maximum interest that the court can pay is only 6 per cent; even that the Law Minister is now trying to stop.



Shri Pataskar: Do you want that interest should be paid?

Shri S. V. Ramaswamy: Yes, for reasons of justice and fairplay, because the man has invested his money in the court. The law insists that the court fee must be paid; does that money carry interest or not? The money is actually in the hands of the Government. Provincial Governments like the Government of Madras depend upon the income from the law courts for the administration of justice and for general revenues. In that sense, the money that is paid by the litigant is utilised by the State in order to cover its general expenditure to run the Government. Why should the Government get this benefit out of the court fees? Why should not the party, who perhaps has borrowed the money and paid the court fee, get the interest on the cost that he wins?

These are some of the points that arise out of this. Coming to the clauses of the Bill, clause 3 deals with interest and I hope that the Law Minister will be pleased not to press his amendment at all with regard to Section 35A—Clause 4 of the Bill—I say it may very well be admitted. There is no objection to it.

Mr. Chairman: How much more time does the hon. Member require?

Shri S. V. Ramaswamy: About ten minutes more.

5 P.M.

Mr. Chairman: The hon. Member will resume his speech tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 3rd August, 1955.